

# Armed Conflict and Trafficking in Women

Desk Study

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## Abbreviations

DPKO	United Nations Department of Peacekeeping Operations
DRC	Democratic Republic of Congo
ICC	International Criminal Court
IOM	International Organization for Migration
NGO	Nongovernmental Organization
MONUC	United Nations Organization Mission in the Democratic Republic of Congo
PSO	Peace Support Operation
UNAMSIL	United Nations Mission in Sierra Leone
UNHCR	United Nations High Commissioner for Refugees
UNICRI	United Nations Interregional Crime and Justice Research Institute
UNMiBH	United Nations Mission in Bosnia-Herzegovina
UNMIK	United Nations Interim Administration Mission in Kosovo
UNMISET	United Nations Mission to Support East Timor
UNSC	United Nations Security Council

## Foreword

Trafficking in human beings is flourishing. The global business involving “human goods” has now reached dimensions comparable to those of the illicit trades in drugs and weapons. In terms of numbers, the major victims of human trafficking are women and children who are forced into exploitative labour or prostitution.

There are two main reasons why this business is thriving: first, the harsh living conditions, mostly characterised by poverty, unemployment and a lack of perspectives, in the countries of origin. And, secondly, the demand that exists in the rich countries of the West. It is in their shadow economies that the victims are exploited: as cheap labour in the restaurant trade or the sex industry, through forced marriage and illegal adoption or for the removal of organs. Human rights standards are trampled under foot in the process. The trafficked themselves know far too little about their rights or about the appropriate channels to take to assert them.

The German Federal Ministry for Economic Cooperation and Development (BMZ) has therefore commissioned the Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH, German technical cooperation, to implement a sector project to combat trafficking in women, using funds from the German federal government’s Action Program 2015 for poverty reduction.

By means of networking, improving knowledge management and taking better account of the socio-cultural background, the sector project is to help combat the trafficking of women and to improve the counselling offered to its victims.

The objective of this study is to examine prevalent forms of trafficking in women during armed conflicts and in post-conflict situations. It is based on the analysis of reports of international governmental and non-governmental organizations, as well as newspaper articles and academic publications. In addition, experts and representatives of different NGOs and international organizations were interviewed.

This study uses the definition of trafficking in women provided by the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (hereafter Trafficking Protocol), attached to the UN Convention against Transnational Organised Crime (2000). The study examines war and post-conflict zones as areas of origin, transit and destination. Examples of different regions are used, such as Afghanistan, Iraq, Sierra Leone, Colombia, South Korea and Bosnia and Herzegovina. Special emphasis is given to the linkage between trafficking and the presence of international peace support operations.

Further information on the subject of trafficking in women and the work of the sector project can be accessed at [www.gtz.de/traffickinginwomen](http://www.gtz.de/traffickinginwomen). If you have any queries or suggestions, please contact us at [antitrafficking@gtz.de](mailto:antitrafficking@gtz.de).

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## **1. Executive Summary**

### **Study objective**

This study has been conducted for the Sector Project „Combating Trafficking of Women“ of the German Development Agency GTZ. Its objective is to examine prevalent forms of trafficking in women during armed conflicts and in post-conflict situations. It also makes recommendations for further activities in general and for the GTZ Sector Project in particular.

### **Research method and data availability**

The study is based on the analysis of reports by international governmental and non-governmental organizations, newspaper articles and academic publications. In addition, a few experts and representatives of several NGOs and international organizations were approached by email and or/telephone. Well researched or systematic data on trafficking in relation to armed conflict is rare. While the acquisition of data for trafficking is difficult in general, this is even more the case for trafficking during conflicts or immediately thereafter.

### **Gender and armed conflict**

In order to analyze the connection between trafficking and conflict, the study distinguishes between acute armed conflicts and post-conflict situations although their boundaries are often fluid.

Trafficking of women during and after armed conflict is a gender-based human rights violation and criminal activity. Important contributing factors are the economic vulnerability of women, the existence of war and post-war economies built on criminal activities, and the lack of an accountable justice system which leads to impunity of the perpetrators of gender-based violence. For understanding the links between trafficking in women and armed conflict a gendered analysis of conflict and post-conflict rebuilding is useful.

### **Trafficking during times of conflict**

The concrete forms of trafficking in women during conflict may vary according to the conflict region, the specific economic and political context and the military and civil actors involved.

What is common, is the extreme vulnerability of women and children living in war territories to being trafficked, in particular when the general level of violence against women is high. Forcibly displaced women and children are particularly in danger to being trafficked.

During times of armed conflict women and girls are often abducted and enslaved by government or rebel forces. They are held as military sexual slaves, to perform forced labour, or as forced combatants. Abducted women face huge social, health and economic problems after their escape or release from the camps. However, national and international post-conflict recovery, reconciliation and reconstruction programmes have failed to pay attention to the particular situation of abducted and enslaved women during war.

During armed conflicts cross border trafficking of women is prevalent, yet data on this phenomenon is very limited. War-torn countries may in particular be areas of origin and transit for trafficking. Impunity, lawlessness, dysfunctional state institutions and border controls as well as the generally high level of violence during wars are highly conducive factors to the trafficking of women and girls through and from war zones. War lords who profit from war-related economic trafficking activities, e.g. in small arms and drugs, may expand to trafficking in women. Destruction of livelihood basis, communities and families put women at risk for being trafficked. Women and girls who are forced to leave their homes and become internally displaced or refugees are in particular vulnerable to being trafficked.

### **The post-war moment: trafficking of women in post-conflict situations**

Post-war regions and societies can be areas of origin, destination and transit of trafficking in women. After the (formal) end of fighting, post-war regions often display a high level of political instability, criminal activities and violence with law enforcement institutions still dysfunctional, offering criminal networks ideal trafficking conditions. Former militia, ex-combatants or war lords may turn to trafficking in human beings to replace revenue losses caused by the cessation of the war.

Women who had already been victims of abduction, rape and violence during the war are at a particularly high risk to become victims to post-war trafficking, because they often are socially isolated and economically extremely vulnerable.



With the presence of foreign or international military and civilian forces, post-conflict zones often become areas of destination for trafficking in women. Foreign troop presence usually brings a demand for sexual services and domestic labour. Once the market is created by foreigners, locals, such as demilitarized ex-combatants and militias loitering around often also become clients.

Members of international peace support operations (PSO) may “unknowingly” and knowingly be clients of trafficked women, or even be actively involved in the trafficking. While this violates international laws and missions’ codes of conduct, PSO members involved in such criminal acts are usually repatriated without any charges brought against them. In addition, peace support missions may also be unmotivated and inadequately prepared to combat local trafficking markets.

National, international and bilateral peace negotiation processes and post-conflict reconstruction programmes have largely ignored gender concerns. Thus, they do nothing or too little dismantle gender based violence and discrimination core structures fuelling trafficking of women in post-conflict societies. Recently there have been some international efforts pointing in the right direction. Yet, an international policy regarding the standards, obligations, strategies and instruments of peace support missions to combat trafficking is still lacking.

### **Conclusion and general recommendations**

Trafficking of women during and after wars is based on similar factors and conditions that characterize trafficking in general. However, armed conflicts cause an amplification of these factors and conditions. They also lead to specific forms of war-related trafficking.

Currently, debates on war-related trafficking in women take place in several different policy contexts: human rights violations of women; gender, war and peace; security and post-conflict reconstruction; development policies; combating transnational crime. In order for war related anti-trafficking measures to be sensible and effective, there is a need to integrate perspectives and experiences in all these areas while fundamentally being guided by a women’s human rights perspective.

To prevent and combat trafficking during wartime, international legal instruments and their enforcement need to be strengthened. Awareness of humanitarian aid and refugee organizations operating in war zones on trafficking needs to be increased. Guidelines and trainings need to be developed on how to recognize, prevent and respond to trafficking. For trafficked and enslaved women during conflicts, post-conflict rehabilitation programmes need to be developed and implemented in close co-operation with local women's organizations.

More research about human trafficking systems, operations and women's trafficking experiences during and after wars is needed. Based on the research, a set of indicators could be developed detailing the conditions and factors leading to post-conflict trafficking. This could be used as a tool for post-conflict rebuilding programmes to identify trafficking risks and to develop anti-trafficking activities. In order to prevent military related trafficking in post-conflict regions, national and international laws and their application should be strengthened, code of conducts enforced and trainings conducted.

In the international security policy making community, awareness about the issue of war-related trafficking in human beings needs to be increased. There is need to develop international standards and guidelines on anti-trafficking measures in post-conflict reconstruction programmes. Preventive anti-trafficking measures should base on a women's human rights approach and the inclusion of local as well as international actors. They should build on evaluating existing experiences with anti-trafficking and victim assistance programmes in conflict and post-conflict regions, for instance in former Yugoslavia.

### **Recommendations for Sector Project activities**

Research, evaluation and field project identification

Identification of a country where trafficking and enslavement during war happened and conducting research on the rehabilitation needs of trafficked and enslaved women during war with the aim of designing and implementing an assistance programme. Possible countries could be East Timor or Sierra Leone where women's movements play an important role in national reconstruction. Another country could be Liberia, where post-conflict rebuilding efforts are currently beginning and such assistance programmes may be needed. Apart from victims' assistance programmes, a truth and reconciliation programme or women's court addressing war-related trafficking and enslavement of women could be also be possible programme activities.

In order to gain knowledge about how local women's organizations experience with national and international post-conflict anti-trafficking efforts and about what activities these organizations would deem to be useful, a case study targeting women's organizations in post-conflict countries could be conducted. Bosnia and Kosovo/a would be suitable cases as many anti trafficking programmes have been run there. One particular focus of the study could lie on the women's organizations experiences with trafficking and PSOs. The goals would be to identify learning experiences, assess the needs of women's organizations regarding conflict-related anti-trafficking programmes and the criteria for monitoring their outcome as well as to identify areas of further activity. A variation of the case study could be to include selected anti-trafficking experts from international and national institutions and various trafficking related policy fields.

Networking, awareness raising and policy development

The Sector Project could build a national network and pool of experts linking experts from the following fields: women's human rights, gender and war/post-conflict, mainstream post-conflict rebuilding, trafficking, poverty alleviation programmes and combating transnational crime. Workshops could be conducted with the aims a) to identify strategies on how to raise awareness about trafficking in German post-conflict rebuilding and development/humanitarian aid organizations and their programmes, and b) to develop tools, guidelines and activities to integrate the issue of combating trafficking in German governmental as well as non-governmental conflict-related development programmes.

Such activities and networking could also be expanded to the regional European as well as international levels. Thus, the pool of experts could become international, identifying governmental and non-governmental organizations and experts working at war-related anti-trafficking efforts and linking up with them. The aim could be to evaluate experiences with international conflict related anti-trafficking efforts and to foster activities in post-conflict rebuilding programmes, such as the development of regional and international policy guidelines or anti-trafficking programme monitoring criteria.

For in-house use and based on the research, networking and workshops the Sector Project could develop a framework for identifying trafficking risks in post-conflict areas and guidelines on how to deal with them within GTZ programmes. In-house co-operation with the GTZ conflict rebuilding programmes should be fostered. This includes facilitation of

exchanges in experiences; sensitizing them to the issue of trafficking in post-conflict rebuilding; making available and discussing the results of research and policy development.

#### Training and capacity building

In order to support the prevention, recognition and combating of trafficking in conflict areas, German military and civil actors should receive specific anti-trafficking trainings before being sent to conflict zones. The topic also ought to be included into the preparatory measures for the various governmental and non-governmental civil actors involved in conflict resolution and peace building activities in conflict areas, for instance in the context of the civil peace service (Ziviler Friedensdienst) or the activities of the center for international peace missions (Zentrum für internationale Friedenseinsätze). In these institutions, the capacity to address the issue trafficking in women in relation to conflict needs to be increased and measures need to be developed to integrate the topic into the ongoing activities and trainings.

The Sector Project could contribute to such capacity building and training measures by building a pool of anti-trafficking trainers and experts, drawing from women's organizations, legal experts, military and police experts, development agencies and conflict resolution experts. This pool could be made available for training measures to the German governmental and non-governmental institutions and organizations involved in international civil and military peace support and conflict resolution activities. The Sector Project could facilitate the exchange between these institutions on how to effectively integrate the topic into the organizational mandates. It could further facilitate the development of anti-trafficking training curricula tailored for the various civil and military tasks and actors in international peace support and conflict resolution activities.

## 2. Study objective

This study has been conducted for the Sector Project „Combating Trafficking of Women“ of the German Development Agency GTZ. Its objective is to examine prevalent forms of trafficking in women during armed conflicts and in post-conflict situations. It also makes recommendations for further activities in general and for the GTZ Sector Project in particular.

The understanding of trafficking in women draws on the definition given in the “UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime”, which entered into force September 30, 2003.

The study focuses primarily on women and not on girls. However, adolescent girls are included where their situation is similar to that of women although they may suffer from different and aggravated consequences of the trafficking.

## 3. Research method and data availability

The study is based on the analysis of reports by international governmental and non-governmental organizations, newspaper articles and academic publications. In addition, a few experts and representatives of several NGOs and international organizations were approached by email and or/telephone.<sup>1</sup>

Well researched or systematic data on trafficking in relation to armed conflict is rare. While the acquisition of data for trafficking is difficult in general, this is even more the case for trafficking during conflicts or immediately thereafter. Most information relies on the experiences and statements of local NGOs, international human rights organizations which send fact finding missions to conflict or post-conflict areas and journalistic reports.

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<sup>1</sup> The author wishes to deeply thank the following people for their support and assistance: Marion Boeker, Head of the Federal Association Against Traffic in Women and Violence Against Women in the Migration Process (KOK) Potsdam; Antonia Kirkland, Program Coordinator, Equality Now, Washington; Barbara Limanowska, Consultant on Trafficking, UNICEF/UNOHCHR/ODIHR Project, Sarajevo; Fanny M. Polanía, Programme Coordinator Trafficking in Persons at IOM Colombia, Bogota; Madeleine Rees, Head of Mission, UN Office of the High Commissioner in Bosnia and Herzegovina, Sarajevo; Gabriele Reiter and Jyothi Kanics, ODIHR Anti-Trafficking Unit, OSCE Office for Democratic Institutions and Human Rights, Warsaw; Elenor Richter-Lyonette, Coalition on Women’s Advocacy, Geneva.

In terms of the existing material it is interesting to note that the topic trafficking in women during and after conflict is located in different yet intersecting thematic contexts. One strand are reports on the analysis of trafficking in general, which include post-conflict countries. While not focusing on armed conflict, these studies consider it to be one contributing factor to trafficking. Another strand are studies dealing with gender-based human rights violations, in particular sexual violence, during and after wars. A third topic area are the recently emerging studies on war, peace and security from a gender perspective, some of which touch on trafficking.

Because of the data situation and also because the study does not claim to have captured all existing material, the findings and the examples cited should not be taken to conclusively represent the complex reality. Also, where specific examples are given for particular countries or regions, this does not imply that the described phenomenon is restricted to this region or country. All in all, the findings and examples given are just a small part of the larger picture on trafficking during and after armed conflict.

#### **4. Gender and armed conflict**

In order to analyze the connection between trafficking and conflict, the study distinguishes between acute armed conflicts and post-conflict situations although their boundaries are often fluid. Acute armed conflicts are ongoing military fighting between different conflict factions within one country, across borders or internationally. Post-conflict situations are understood as situations where acute military fighting has been terminated either by a military victory or some sort of peace agreement. Such situations are often unstable and may involve spontaneous eruptions of violence, lead to a “cold war” situation, low intensity conflicts or a new war.

Trafficking of women during and after armed conflict is a gender-based human rights violation and criminal activity. Important contributing factors are the economic vulnerability of women, the existence of war and post-war economies built on criminal activities, and lack of an accountable justice system which leads to impunity of the perpetrators of gender-based violence. For understanding the links between trafficking in women and armed conflict a gendered analysis of conflict and post-conflict rebuilding is useful. The following summarizes some central themes.

## **Wars rely on and reinforce hierarchical notions of masculinity and femininity<sup>2</sup>**

Militarism and warfare produce exaggerated notions of masculinity, in particular the image of the strong, fearless, powerful soldier with the mission to conquer foreign territories. Femininity on the other hand is associated with weakness and fear. Thus, enemies are constructed as feminine, that is incapable, weak and fearful. These ideologies are often internalized by soldiers and they offer an identity for male soldiers. Sexual dominance over or even exploitation of women structurally belongs to the creation of such a masculine soldierly identity.<sup>3</sup>

## **Women and men are targeted differently as victims during conflict<sup>4</sup>**

Majority of today's wars are intrastate, involving governmental and non governmental military and paramilitary forces and militias. Civilians are increasingly purposefully targeted by all forces. While men are either killed or forcibly recruited to become soldiers, women generally become victims of various forms of sexual violence, which is often deliberately employed as a war strategy. In addition, armed conflicts exacerbate gender hierarchies. Today's wars are increasingly protracted if not initiated by actors who thrive on and create war economies, relying on extralegal and violent activities, such as trafficking and slavery. This creates high levels of poverty, destruction and displacement, from which in particular women suffer.

## **Gender-specific challenges in post-conflict rebuilding**

In post-conflict situations, violence against women continues or even increases, often in different forms. This is enabled by a high level of insecurity, the absence of law enforcement agencies and impunity for gendered war and post-war crimes. Women and children often constitute the majority of war survivors. Wars increase the number of women and children headed households. As sole family carers, women are faced with the challenge to rebuild their lives, where their economic livelihood bases and social structures have been destroyed.

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<sup>2</sup> See for example Eifler, Christine/ Seifert, Ruth (eds.) (1999): *Soziale Konstruktionen – Militär und Geschlechterverhältnis*, Münster: Westfälisches Dampfboot.

<sup>3</sup> The integration of women into armies does not necessarily change militarized masculinity and femininity constructions as the US example shows; see e.g. Enloe, Cynthia (2000): *Maneuvers. The International Politics of Militarizing Women's Lives*, Berkley, Los Angeles, London: University of California Press.

<sup>4</sup> UNIFEM (2002): *Women, War and Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peace-building*, by Elisabeth Rehn/Ellen Johnson Sirleaf; International Alert (2002): *Gender Mainstreaming in Peace Support Operations: Moving Beyond Rhetoric to Practice*, London, pp. 19-22.

While women play an important part in the rebuilding of a nation, they are at the same time often excluded from decision-making at the local, national and international levels about the economic, social, legal and political rebuilding processes.

## 5. Trafficking during times of conflict

„Trafficking and sexual slavery are inextricably linked to conflict“.<sup>5</sup>

The concrete forms of trafficking in women during conflict may vary according to the conflict region, the specific economic and political context and the military and civil actors involved. What is common, is the extreme vulnerability of women and children living in war territories to being trafficked, in particular when the general level of violence against women is high. Forcibly displaced women and children are particularly in danger to being trafficked. The following addresses the main trafficking forms within and from conflict territories.

### 5.1 Military abduction and enslavement in conflict territories

During times of armed conflict, women and girls are often abducted by government or rebel forces. Sometimes women and girls are held for a short time, sometimes they are exchanged for new women after some time or held for a long time. They may be captured for different purposes, yet sexual violence is almost always part of their exploitation.

#### Sexual Enslavement

The majority of abducted women either by government military forces, paramilitaries or rebel militias are held for sexually servitude and enforced military prostitution.<sup>6</sup> The most commonly known case of systematically organized military sexual slavery during wartime is the abduction of about 200.000 mainly Korean and Philippine women by the Japanese army during World War II. Officially organized by the military leadership, these women were held in “comfort stations” frequented by Japanese soldiers.<sup>7</sup>

Abduction for sexual enslavement by military forces is documented for many past and current conflicts, such as for Angola<sup>8</sup>, the war in Former Yugoslavia<sup>9</sup>, in Sierra Leone,

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<sup>5</sup> UNIFEM (2002), p. 12.

<sup>6</sup> On military prostitution see also below section 5.2.1

<sup>7</sup> See for example: Yoshiaki, Yoshimi (2000): *Comfort Women: Sexual Slavery in the Japanese Military During World War II*, New York: Columbia University Press.

<sup>8</sup> United Nations (2002): *Peace, Women and Security*, New York: United Nations, p. 22.



Liberia, the Democratic Republic of Congo (DRC)<sup>10</sup>, etc. In Chechnya, Russian military forces abduct women and take them to military camps, where they sexually abuse and torture them for different periods of time. Amnesty International documented a case where a Chechnyan woman was only released after 10 machine guns were “paid” for her.<sup>11</sup> In Burma the army has for the last 35 years systematically abducted women, subjecting them to rape and other abuses. This is directly related to the military’s war against certain minorities in the country.<sup>12</sup> In Colombia women and children are being abducted by armed forces and detained in conditions of sexual slavery and made to perform domestic tasks. This has been encouraged and organized by some high-ranking members of the military.<sup>13</sup>

In many cases, abducted women are “married” to soldiers or militia men. During the Indonesian occupation of East Timor, Indonesian army officials and militias abducted women, sent them to camps in West Timor, where they got “married” to Indonesian soldiers (see box).

“In East Timor, Kirsty Gusmao, the wife of East Timor President Xanana Gusmao, told us the story of Juliana dos Santos, who had been kidnapped by an Indonesian army officer when she was about 14 years old. She was taken to a camp in West Timor controlled by the militia groups and the Indonesian Army. Eventually she married an Indonesian in the camp and bore a child. Kirsty Gusmao campaigned vigorously to have dos Santos and her child returned to her home and her family and, in the process, the girl became a symbol in East Timor for the terrible price women had paid for the country’s independence. Gusmao’s efforts ultimately failed. Arrangements were made for dos Santos to be turned over to the East Timorese but on the appointed day she arrived surrounded by a group of armed men and said that she did not want to go home.”<sup>14</sup>

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<sup>9</sup> Stiglmeier, Alexandra (1993): *Vergewaltigung in Bosnien-Herzegowina.*, in: Stiglmeier, Alexandra (Hrsg.): *Massengewalt - Krieg gegen die Frauen.* Freiburg i. Br., pp. 109-216.

<sup>10</sup> United Nations (2002), p. 17.

<sup>11</sup> Amnesty International (2002): *Russian Federation: Failure to protect or punish: human rights violations and impunity in Chechnya. Memorandum by Amnesty International to the Parliamentary Assembly of the Council of Europe on the conflict in Chechnya*, AI INDEX: EUR 46/004/2002, 21 January.

<sup>12</sup> CATW Factbook, *Burma: Facts on Trafficking and Prostitution*, at: [www.catw.org](http://www.catw.org)

<sup>13</sup> Coomaraswamy, Radhika, Special Rapporteur on Violence Against Women (2002): *Report on the Integration of the Human Rights of Women and the Gender Perspective, Violence Against Women, Mission to Colombia (1-7 November 2001)*, UN Commission on Human Rights, E/CN.4/2002/83/Add.3, 11 March 2002.

<sup>14</sup> UNIFEM (2002), p. 12.

## **Forced Pregnancy**

In several conflicts, rape and forced pregnancy of abducted women were used as a tool for ethnic cleansing. This was the case in Bosnia and Herzegovina and Rwanda and has occurred in Bangladesh, Liberia and Uganda as well.<sup>15</sup>

## **Forced Labour**

The exploitation of women's labour is an important factor in sustaining war economies. Apart from being sexual slaves, abducted women and girls in camps are often forced to work for their abductors. They must do domestic work, collect firewood or cultivate crops. They are also used to perform war-related work such as demining contaminated areas. In the current conflict in the DRC, for example, abducted women and adolescent girls are forced to live in the forests with the rebels. Besides the domestic work, they are forced to help raiding rebels carry heavy ammunition, loot, supplies and messages between work gangs or among fighters.<sup>16</sup>

Sometimes women are abducted by rebels and then sent to live in labour camps around mines or drug growing plantations, which are central pillars of war economies and sources for wealth accumulation by war lords. In mines and on plantations women and children are commandeered as slave workers, porters or guards. They may also be brought as prostitutes or domestic labour for the local men who control and benefit from the mines or plantations, as is the case in the DRC.<sup>17</sup>

Women living in conflict zones are also at high risk of being exploited as day labourers by the military forces in control of the area. In Colombia women (and men) peasants are forced by guerrillas or the paramilitary forces to work on drug crops.<sup>18</sup>

## **Forced Recruitment of Combatants**

In many civil wars, warlords and militias recruit their soldiers by force in order to keep the war and thus the war economies going. For example, in the conflicts in Sudan, Uganda, Sierra

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<sup>15</sup> Ibid., p. 16.

<sup>16</sup> Human Rights Watch (2002): *The War within the War, Sexual Violence Against Women And Girls in Eastern Congo*, New York/Washington/London/Brussels: Human Rights Watch, pp. 61-62.

<sup>17</sup> International Alert (2002), p. 19

Leone, DRC, forced recruitment is the crucial for the supply of soldiers.<sup>19</sup> Increasingly, the recruited are male children, but women and girls are also forcibly recruited. In many cases, forcible recruited female combatants are “married” to male soldiers. In Africa, male soldiers may have several abducted “wives”, also called “bush wives”, civilian as well as combatants.

## **Consequences**

The consequences of abduction and enslavement of women during conflicts are manifold. Because of the violence, exploitation and harsh living conditions, abducted women and girls suffer from extremely poor health including physical injury, diseases and malnutrition. Many women are infected with HIV/Aids. Needless to say, the women and girls suffer from deep psychological traumas because of the ordeals they have to endure. Often, women and girls are impregnated, with many girls at a young age.<sup>20</sup>

Abducted women face huge social and economic problems after their escape or release from the camps. Often, the original family may be dead, the home demolished and the women have no place to return to and no economic resources to live on. Where there still is some sort of home community, the victims' trauma is often compounded by social stigma, rejection and resistance to address their problems.<sup>21</sup> This is exacerbated when women have born children as a result of the sexual violence they had to endure. Consequently, the majority of women does not speak about their experiences, which may aggravate their trauma. Because of their social and economic situation, survivors of abduction and enslavement risk becoming prostitutes. In some countries reporting of the violence to law enforcement authorities, medical practitioners or non-governmental organizations may even be provoke death threats to women or actual killings.<sup>22</sup> Where violence is reported, there has been an overwhelming lack of accountability and prosecution of the perpetrators by the national or even international criminal justice system.

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<sup>18</sup> *Analysis on the relation between trafficking in humans and drugs in Colombia* by Fanny M. Polanía, Programme Coordinator Trafficking in Persons at IOM Colombia, sent by email October 3, 2003.

<sup>19</sup> Human Rights Watch (2002): *The War within the War*, Human Rights Watch (2003): „*We'll kill you if you cry*“ *Sexual Violence in the Sierra Leone Conflict*, Vol. 15, No 1 (A). See also the homepages of Human Rights Watch [www.hrw.org](http://www.hrw.org) and amnesty international. [www.amnesty.org](http://www.amnesty.org).

<sup>20</sup> UNIFEM (2002), pp. 31-46; Human Rights Watch (2002): *The War Within the War*, pp. 64-74.

<sup>21</sup> Human Rights Watch (2002): *The War Within the War*, pp. 75-76.

<sup>22</sup> Human Rights Watch (2003): *Climate of Fear: Sexual Violence and Abduction of Women and Girls in Baghdad*. Iraq. Vol. 15, no.7 (E), July.

Post-conflict programmes that address the economic, social and health needs of survivors of sexual violence during war do generally not abound. However, even the few programmes that exist have failed to pay attention to the particular situation of abducted and enslaved women during war. Only recently have the UN and a few organizations begun to recognize the need to implement programmes to meet the needs of these women.<sup>23</sup> IOM in Colombia, for instance, in co-operation with a local NGO has started a programme to support victims of sexual slavery by the guerrilla and paramilitaries.<sup>24</sup>

### **Example Sierra Leone**

In their reports on gender-based violence in Sierra Leone, the UN Special Rapporteur on Violence against women<sup>25</sup>, Human Rights Watch<sup>26</sup>, Amnesty International<sup>27</sup> and Physicians for Human Rights<sup>28</sup> documented the enslavement of abducted women during the war from 1991 to 2001.<sup>29</sup> It is estimated that during this war, thousands of women and girls were abducted after they had become subject to sexual violence. The report by Physicians for Human Rights found out that about one third of the women reporting sexual violence during the war had been abducted and 15 % subject to sexual slavery. The vast majority of these cases was perpetrated by rebel forces. Women and girls were taken to rebel camps and forced to become sex slaves of assigned rebel “husbands” and to perform slave labour, such as cooking, washing, farm work, carrying ammunition and looted items. Often rebels chose very young women or girls because they assumed them to be virgins, healthy and resilient. Many women and girls were kept with the rebel forces for many years and they gave birth to

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<sup>23</sup> According to a statement by the head of the UN Department for Peacekeeping Operations, Under-Secretary General Jean-Marie Guehenno, the department has recently begun to address the problems of these women in its programmes, see *More women needed to join, sensitize UN missions, Security Council told*, posted at women’s rights list [women-rights@hrea.org](mailto:women-rights@hrea.org); on October 29, 2003. The International Centre for Human Rights and Democratic Development ran a research project on girls: *Girls in Militaries, Paramilitaries and Armed Opposition Groups*: [www.ichrdd.ca/english/prog/women/women.html](http://www.ichrdd.ca/english/prog/women/women.html)

<sup>24</sup> Email communication by Fanny M. Polanía of November 4, 2003, see also [www.oim.org.co](http://www.oim.org.co).

<sup>25</sup> Coomaraswamy, Radhika, Special Rapporteur on Violence Against Women (2002): *Report on the Integration of the Human Rights of Women and the Gender Perspective, Violence Against Women, Mission to Sierra Leone (21-29 August 2001)*, UN Commission on Human Rights, E/CN.4/2002/83/Add.2, 11 February 2002.

<sup>26</sup> Human Rights Watch (2003): *„We’ll kill you if you cry“*.

<sup>27</sup> Amnesty International (2002): *Sierra Leone. Rape and Other Forms of Violence Against Girls and Women*, AI Index AFR 51/35/00.

<sup>28</sup> Physicians for Human Rights (2002): *War-Related Sexual Violence in Sierra Leone. A Population-Based Assessment* with the support of UNAMSIL, Boston/Washington DC; at: [http://www.phrusa.org/research/sierra\\_leone/report.html](http://www.phrusa.org/research/sierra_leone/report.html)

<sup>29</sup> The following is based on these reports.

children fathered by the rebels. The majority of the abducted women were very young, often under 18 years old.

Some women and girls were forced to become combatants for the rebels. Forced women combatants were repeatedly raped by the rebels. Before they were sent to fight some women and girls were given drugs.<sup>30</sup> The rebels carved with razor blades the name of their faction onto the chest of the abducted women and girls. If these marked women or girls were caught by pro-government forces or other rebels they would often be killed. Yet, depending on the situation some women tried to flee with the first opportunity.

After the end of the conflict, an unknown number of women and girls still remain with their rebel “husbands”. The return to their villages may be difficult because the women may be still under control of their rebel “husbands”; they may have lost their original family, houses, fields; they have no economic perspectives; they are ashamed to go back and fear blame, in particular, if they have children from the rebel man. Those who did leave the rebels were never registered in the national Disarmament, Demobilization and Reintegration Program. There are indications that many women who leave their rebel “husbands” become sex workers.<sup>31</sup> Support programmes for survivors of conflict related violence in general are very limited in Sierra Leone. There is no specific counseling or any support for the victims of abduction and sexual slavery.

Special Programmes that address the economic, social, health and legal needs of abducted and enslaved women during war need to be designed and implemented. In addition, policy guidelines on the integration of survivors of military abduction and enslavement and their needs into reconstruction programmes ought to be drawn up. Finally, policies, strategies and in particular political commitments by relevant international and national peace-building institutions are needed in order to strengthen the national and international prosecution of gender specific war crimes in general and abduction and enslavement in particular as war crimes.

<sup>30</sup> See testimony by one girl in the Coomaraswamy report p. 8.

<sup>31</sup> UNIFEM (2002), p. 14.

## **5.2 Cross-border trafficking of women and girls**

During armed conflict, cross border trafficking of women is prevalent, yet data on this phenomenon is very limited. War-torn countries may in particular be areas of origin and transit for trafficking. Impunity, lawlessness, dysfunctional state institutions and border controls as well as the generally high level of violence during wars are highly conducive factors to the trafficking of women and girls through and from war zones. War lords who profit from war-related economic trafficking activities, e.g. in small arms and drugs, may expand their activities to trafficking women. Destruction of livelihood basis, communities and families put women at risk for being trafficked. Women and girls who are forced to leave their homes and become internally displaced or refugees are in particular vulnerable to being trafficked.

### **5.2.1 War zones as areas of transit**

The absence of law enforcement agencies or border patrols may facilitate easy transport of human beings for traffickers through war zones, depending on the region's geography. When wanting to use a certain area as transit route, traffickers most likely depend on the co-operation of the military authorities or war lords in control. Therefore, when transit trafficking occurs in conflict regions, military actors can be assumed to be part of the organized network.

### **5.2.2 War zones as sources**

The abduction and "sale" of women and girls can become an important income source during wars, in particular for war lords, rebels and guerrillas. In Sierra Leone, for example, rebels also "sold" abducted women abroad.<sup>32</sup> During the long war in Afghanistan, the Mujaheddin "sold" Afghan women and girls to criminal networks in neighbouring Pakistan. In 1991, kidnapped women at the Pakistan-Afghanistan border were "sold" in the marketplace for R600 per kilogram in 1991.<sup>33</sup>

The countries of destination may either be neighbouring states, countries in the region or in different continents, for example Europe or the United States. In their countries of destination, trafficked women and girls may become workers in illegal factories and gem mines, or enslaved domestic workers. The majority of women and girls are forced into

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<sup>32</sup> See the reports.

<sup>33</sup> Amnesty International: *Women in Afghanistan: A human rights catastrophe*, AI International Secretariat 27 May 1998, taken from CATW Factbook on Afghanistan.

prostitution.<sup>34</sup> Often traffickers in humans is intertwined with the trafficking in drugs, gems or weapons, organized by the same criminal networks and using the same routes. There are indications that the criminal trade in arms and drugs as essential components of war economies is increasingly expanded by the “trade” in human beings. Depending on the war situation, trafficking in humans may be more lucrative and/or safer than the trafficking in drugs or arms.

While it can be assumed that oppositional or rebel forces and war lords are the primary traffickers, governmental military or paramilitary actors may also be involved in abduction and trafficking of women abroad. There are indications by international reports, for example by amnesty international, that Russian military officials might be involved in the trafficking of Chechnyan women abroad.<sup>35</sup>

### **Vulnerability of women due to war related poverty and destruction**

The destruction of communities and economic means of subsistence during war forces women to find alternative income in order to secure family survival. In need of economic perspectives women may decide to migrate abroad, leaving their children behind with other family members. In this situation, women are highly vulnerable to being trafficked. When not directly abducted, women may be deceived and/or forced into prostitution and other enslavement.

### **The vulnerability of internally displaced women and refugees<sup>36</sup>**

Women and children constitute the majority of internally displaced people and refugees resulting from armed conflict. They are vulnerable to gender-based violence in general and to trafficking in particular. They may become victims of hostage-taking and enslavement for all the purposes listed above.

Refugee camps may be a source for trafficking of women. In particular in protracted refugee situations with long established camps, criminal networks may be able to establish

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<sup>34</sup> UNIFEM 2002, pp. 12-13.

<sup>35</sup> See *Rape and Trafficking of Women by Russian forces*; ColorQ Human Rights Corner, [www.colorq.org/HumanRights/article](http://www.colorq.org/HumanRights/article), without date.

<sup>36</sup> For the following see United Nations (2002), pp. 25-29, also United Nations Division for the Advancement of Women (UNDAW), *Trafficking in Women and Girls, Report of the Expert Group Meeting, Glen Clove, New York, USA, 18-22 November 2002*, p 6; at: [www.un.org/womenwatch/daw](http://www.un.org/womenwatch/daw)

themselves, possibly involving corrupt officials of camp administrations. Trafficking from refugee camps is likely to be related to the existence of gender-based violence in the camps and male-dominated leadership structures that expose women to exploitative situations, for instances by forcing them to “exchange” sexual favours for aid supplies.<sup>37</sup>

A report by Human Rights Watch on the situation of Bhutanese women refugees in UNHCR refugee camps in Nepal mentions that the UNHCR reported 35 refugee women and girls missing from the camp between November 2002 and July 2003. HRW suspects that many of these women and girls may be trafficking victims.<sup>38</sup>

### **Example Colombia**

Colombia is one of the leading countries of origin for trafficked women for sexual exploitation in Latin America.<sup>39</sup> The number of women who are trafficked out of Colombia each year is estimated as between 35,000 and 50,000.<sup>40</sup> Trafficking of women from Colombia is linked by many directly to the ongoing conflict in the country.<sup>41</sup> The war is characterized by a high degree of violence against the civilian population perpetrated by the governmental paramilitary forces as well as the guerrillas, including sexual violence against women. Women and girls are trafficked into sexual slavery by military and paramilitary actors. The violence has caused many people in the countryside to flee the war affected areas, leading to about 2 million internal refugees. In addition, and possibly as a result of the conflict, Colombia has recently experienced a severe economic recession. This led to a sharp rise of migrants and refugees abroad and to a high vulnerability of women and children to be trafficked. Colombian women are trafficked for prostitution through both regional networks -to Venezuela, Ecuador and Panama, and international networks - to Spain, Britain, Germany, Belgium, and the USA.<sup>42</sup> Recently, there have been reports that thousands of Colombian women end up being trafficked into Japan’s flourishing sex industry, where there is no law

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<sup>37</sup> For an account of the exploitation of women refugees in camps by humanitarian aid workers in West Africa see UNHCR/Save the Children –UK (2002): *Sexual Violence and Sexual Exploitation: The Experience of Refugee Children in Liberia, Guinea, and Sierra Leone*, Geneva/London: UNHCR/SC-UK.

<sup>38</sup> Human Rights Watch (2003): *Bhutan/Nepal: Trapped by Inequality: Bhutanese Refugee Women in Nepal*. New York: September, p. 45.

<sup>39</sup> See for example: Bibes, Patricia: *The Status of Human Trafficking in Latin America*, Transnational Crime and Corruption Center, without date; at: [WWW.american.edu/tracc/research.htm](http://WWW.american.edu/tracc/research.htm)

<sup>40</sup> See UNIFEM 2002, p. 13.

<sup>41</sup> For example by Fanny M. Polanía in a personal email communication of October 2, 2003 and in *Sex slavery racket growing concern in Latin America*, The Christian Science Monitor, January 11, 2001;

<sup>42</sup> Bibes; Coomaraswamy, *Mission to Colombia*, 2002



banning human trafficking. Apparently, the trafficking is facilitated by the Japanese Yakuza in collaboration with Colombian criminal organizations.<sup>43</sup>

As the central pillar of the Colombian war economy, the drug industry offers men and women work as drug couriers in national, regional, and international drug trafficking.<sup>44</sup> According to the Colombian NGO Fundación Esperanza, there are signs for a link between drug trafficking and human trafficking: “There is a coincidence between the drug-trafficking map and trafficking in women, which covers Antioquia, the coffee-growing region and Valle. As these are the regions where the three best-known drug cartels operate (...) it is possible that women who have been used as “mules” by drug traffickers may have ended up becoming victims of trafficking in women abroad. We haven’t had any reports in this respect, but we do not rule out that this may be happening.”<sup>45</sup>

In co-operation with local NGOs, IOM Colombia runs several support programmes in different provinces to assist returned women who had been trafficked within Colombia as well as to neighbouring countries, for instance to Venezuela, Ecuador and Panama. IOM also collaborates with public prosecutors and runs anti-trafficking training programmes.<sup>46</sup>

There is need to further systematically research and document the extent, the conditions, the actors and the actual process of trafficking in women from war zones. For instance, it would be useful if fact finding missions on gender-based human rights violations during war placed a stronger emphasis on trafficking. In addition, there is need to think about how international humanitarian aid organizations working in conflict territories and adjacent countries can be sensitized to the issue and how they may be enabled to respond to it. It might be useful to develop strategies for increasing the awareness about trafficking in refugee camps, for its prevention and combating.

<sup>43</sup> *Sex slavery racket growing concern in Latin America*, 2001.

<sup>44</sup> These people are commonly known as “mules” – they carry the drugs either inside their bodies or adhered to them.

<sup>45</sup> Quote from: *Analysis on the relation between trafficking in humans and drugs in Colombia* by Fanny M. Polanía, sent by email October 3, 2003.

<sup>46</sup> Email communication by Fanny M. Polanía of November 4, 2003, see also [www.oim.org.co](http://www.oim.org.co).

## 6. The post-war moment<sup>47</sup>: trafficking of women in post-conflict situations

Post-war regions and societies can be areas of origin, destination and transit. In particular immediately after the (formal) end of fighting, post-war regions often display a high level of political instability, criminal activities and violence with law enforcement institutions still dysfunctional. This may offer criminal networks and traffickers, who are quick to adapt to new political and military circumstances ideal trafficking conditions. Former militia, ex-combatants, or war lords may turn to trafficking in human beings as a way to replace revenue losses caused by the cessation of the war. Also, income losses in weapon trafficking created by demilitarization and small arms return programmes may be filled by trafficking in women and children. In addition, former war lords and traffickers having become rich during the war may try to exert political and economic influence in the political and economic rebuilding processes of a country or region. This may in turn lay the foundations for corrupt networks engaging in post-war national, regional and international trafficking.

While post-war countries may also be transit areas, the following concentrates on areas of origin and destination.

### 6.1 Post-conflict zones as areas of origin

#### High vulnerability of women in post-war situations

Regions immediately after a cease fire or brokered peace agreement are particularly apt to becoming sources for trafficking. Firstly, in immediate post-conflict situations, there is often a high level of violence perpetrated specifically against women. With official fighting largely ended, sexual violence against women often continues or even increases. After the peace agreement in Liberia in August 2003, for example, rape and violence against women was widespread.<sup>48</sup> The violence may even be perpetrated by the same actors that did so during the war. In addition to sexual violence e.g. by looting ex-combatants, domestic violence also often sharply increase with the homecoming of fighters and soldiers. They often use violence in order to regain control and authority within the family after their absence.<sup>49</sup> Gender-specific violence and the lack of law and enforcement institutions that in addition do not

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<sup>47</sup> This title is inspired by the book: Cockburn, Cynthia/Zarkov, Dubravka (eds.) (2002): *The Post-war Moment. Militaries, Masculinities and International Peacekeeping*, Lawrence&Wishart: London.

<sup>48</sup> *Rape still wide spread in Liberia*, by Anne Chaon, AFP, August 28, 2003; posted on relief web: [www.reliefweb.int](http://www.reliefweb.int).

<sup>49</sup> Sørensen, Brigitte (1997): *Rebuilding after war and conflict: A gender perspective*, in: Women's International League for Peace and Freedom, *Human Rights Violations against Women During War and Conflict*, Geneva, pp.26-33.

prioritize the protection of women from violence or the prosecution of the perpetrators create a gender-related insecurity that is conducive to trafficking women.

Secondly, similar to the situation during the war, the high degrees of social disintegration, destruction of livelihood and lack of economic opportunities after a war put women and children at risk for trafficking. Girls risk to being sold off or given into forced marriages by their families.<sup>50</sup> Displaced women, women refugees, women trying to return to their homes and women who are released or flee from war camps are particularly vulnerable to being trafficked.

Because of their social isolation and economic situation, survivors of abduction, rape and violence during the war are also highly likely to become victims to post-war trafficking.

### **Absence of women's human rights concerns from post-conflict reconstruction programmes**

While it has become acknowledged that gender-based violence is a central element of warfare and that women take on core responsibilities in rebuilding war-torn societies, post-conflict rebuilding programmes do not or inadequately address women's rights and interests.<sup>51</sup> Women have generally been excluded from peace-negotiations, post-conflict decision making, policy development and implementation processes. Protection of human rights, reduction of violence and criminal activities and the implementation of a functioning law and order enforcement system are central pillars to post-conflict rebuilding - yet, their women-specific dimensions have been left unconsidered. Where they have been begun to be recognized, for example in the reconstruction programme for Afghanistan, they remain marginal: less than one percent of Afghanistan's and also Kosovo/a's reconstruction budgets are allocated to gender or women's issues<sup>52</sup>

Thus, so far nothing or too little has been done to challenge and gender based violence and discrimination and to dismantle the core structures for trafficking of women in post-conflict regions.

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<sup>50</sup> United Nations (2002), p. 23.

<sup>51</sup> International Alert (2002), pp 20-22.

## Examples Afghanistan and Iraq

In post-war Afghanistan women and girls are routinely abducted and sexually abused by soldiers from different military factions, the police and former fighters. Reports of trafficking of women within the country include abductions for forced marriage, and sexual and domestic servitude. In addition, the reports indicate trafficking of abducted women and children abroad for sexual slavery and forced labour.<sup>53</sup> Abductions, violence and threats are also used to intimidate female political activists. This effectively „serves to limit the participation of women in civil society and the public sphere. Sexual violence curtails their rights to education, to work, to privacy, and to health care. Many women and girls are essentially prisoners in their own homes.“<sup>54</sup> For Afghanistan, the Women’s Commission for Refugee Women and Children concludes: „there is a severe lack of documentation and monitoring of the situation which prohibits the ability of actors to identify networks and take action.“<sup>55</sup>

In Iraq, insecurity and violence against women is on the rise since the invasion of the international coalition under the leadership of the US forces. Human Rights Watch establishes an increase in reports of abducted women and girls who are sold abroad, for instance to countries in the Gulf region.<sup>56</sup> Abduction of women and girls is taking place in broad daylight – something that did not happen before the war. In July 2003 Hanny Megally, Middle East Director of HRW said: “Clearly, gangs are going around the capital, looking for girls that may be abducted and even sold. There is trafficking taking place. And again, with lack of law and order, it’s coming much more to the fore.”<sup>57</sup> In August 2003, the Organization

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<sup>52</sup> According to Felicity Hill, UNIFEM Peace and Security Advisor; see *UNIFEM Begins a New Programme on Women, Peace and Security*; pacnews February 10, 2003; posted at: [www.hellopacific.com/news/](http://www.hellopacific.com/news/);

<sup>53</sup> Human Rights Watch (2003): *“Killing You is a Very Easy Thing For Us”: Human Rights Abuses in Southeast Afghanistan*; Vol. 15, No. 05 (C) at: [hrw.org/reports/2003/afghanistan0703/](http://hrw.org/reports/2003/afghanistan0703/), July; Amnesty International (2003): *Afghanistan: No-one listens to us and no-one treats us as human beings. Justice denied to women.* [www.web.amnesty.org/library/print/ENGASA110232003](http://www.web.amnesty.org/library/print/ENGASA110232003); UNICEF estimates that about 80 children have been abducted from Northern Afghanistan since the beginning of 2003. The Human Rights Commission of Afghanistan sees this number to be more than 300. According to the reports, the children are abducted to Saudi Arabia, where they are exploited. See also, *Child Smugglers Leave Hundreds of Afghan Families Traumatized*, by Sardar Ahmad, AFP, October 21, 2003, posted on Protection Project list on October 22, 2003.

<sup>54</sup> Human Rights Watch (2003): *“Killing You is a Very Easy Thing For Us“*, section „Effects on Women and Girls“ without page number.

<sup>55</sup> Women’s Commission for Refugee Women and Children, *Afghanistan: Statement/Questions for the UN Security Council Mission to Afghanistan 2003*, posted on Protection Project list on October 27, 2003.

<sup>56</sup> Human Rights Watch (2003): *Climate of Fear*.

<sup>57</sup> *Rape and Trafficking of Women prevalent in post-war Iraq.*, U. N. Wire, July 17, 2003. [www.unwire.org](http://www.unwire.org)

of Women's Freedom in Iraq stated that more than 400 Iraqi women were kidnapped and some of them sold abroad.<sup>58</sup> Around that time, documents were found in Kirkuk that give evidence to the abduction of 18 Iraqi girls to bars and nightclubs in Egypt.<sup>59</sup> Both organizations accuse the US forces of not reacting to the upsurge in these crimes, turning the streets in Baghdad into a "no-woman zone". Despite the demands of women's organizations, investigations into the cases are effectively not taking place, neither by the US forces, nor by the Iraqi police force who are understaffed and give priority to other cases.<sup>60</sup>

There is need to develop a set of indicators for the identification of factors and conditions that lead to post-conflict trafficking. This can serve as an "early warning" tool for post-conflict reconstruction programmes to identify risks for post-conflict trafficking to occur. Post-conflict rebuilding programmes should develop guidelines or policies to prevent and to combat post-conflict trafficking.

## 6.2 Post-conflict zones as areas of destination

Post-conflict zones become areas of destination for trafficking in women most distinctively with the presence of foreign or international military and civilian forces. International troops generally come to post-conflict zones either as military occupants, allies or as part of international peace support operations. Foreign troop presence may range anywhere from several months to several decades. They usually bring with them a demand for sexual services and domestic labour.

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<sup>58</sup> *Over 400 Iraqi women kidnapped, raped in post-war chaos*, Jordan Times, August 25, The Arab Regional Resource Center on Violence against Women. Aman News Center: [www.amanjordan.org](http://www.amanjordan.org)

<sup>59</sup> Mlodoch, Karin: *Lange Schatten der Vergangenheit*, ai-journal, amnesty international, Heft 10, Oktober 2003, pp. 12-13.

<sup>60</sup> Human Rights Watch: *Climate of Fear*, July 2003, p. 3. Interesting to note in this context is an article that appeared in several US-American newspapers indicating new forms of post-war sexual enslavement among Shiite women, (for example in: Knight Ridder Newspapers: *Iraqi Widows willing to sell bodies in temporary marriages*, by Hannah Allam, August 29, 2003) According to this source, Shiite war widows who lost their husbands and livelihood increasingly enter into temporary marriage contracts with men who in turn provide money, food and clothes for the children. In doing so, they resurrect and adapt an old Shiite widow practices called muta'a that was banned under the regime of Saddam Hussein. The article writes: „(Shiite) Clerics who support muta'a say the practice offers sexual and financial freedom for widows. Iraqi women's advocates, however, speak out against what they call the economic enslavement of women prevented by custom from working outside the home. The practice occurs in such secrecy and with such social stigma that no one can give a firm figure on the number of muta'a contracts that have been signed since the war ended last spring, though estimates stretch into the low thousands“.

### 6.2.1 Military Prostitution and trafficking

Military prostitution is an old phenomenon. Access to sexual services provided by prostitutes has always been constructed to be essential for the military performance of almost all armies.<sup>61</sup> Even today, it is argued that the presence of prostitutes prevents male soldiers from harassing the female population in host countries. At the pressure of the women's movement, military prostitution has increasingly become criticized.

The arrival of foreign troops may create or drastically enlarges and changes local sex markets. Foreign soldiers bring with them money and time to spend and the desire to invest both in "relaxation" activities, in particular in bars and on sex with prostitutes. Once the market is created by foreigners, locals, such as demilitarized ex-combatants and militias loitering around often also become clients, albeit at different rates.<sup>62</sup>

Given the economically weak situation of women in most post-conflict countries or regions and the often legally precarious situation around prostitution women are highly vulnerable to being trafficked into military prostitution. Women who work as domestic helpers may also be vulnerable to being sexually exploited. Traffickers and local authorities in post-conflict regions may quickly act to organize the emerging lucrative market and benefit from it.

There are no estimates available about the number of trafficked women and girls who work in military prostitution globally. Yet, NGO reports on trafficking in connection with military prostitution have been increasingly emerging. In Asia NGO networks report on cases of trafficked women and girls in South Korea (see example) and the Philippines.<sup>63</sup> In January 2003 CATW-Asia reported 50 trafficked women in Cotabato City who were "used" by US American soldiers. The women "were kept in beer houses around the Awang airport in Cotabato City and the practice is tolerated by military commanders".<sup>64</sup>

In bilateral settings, intergovernmental agreements between the sending and the host nation regulate prostitution around foreign military camps. This may either entail direct rules on the

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<sup>61</sup> See Enloe 2000, Chapter 2.

<sup>62</sup> See for instance Human Rights Watch (2002): *Hopes Betrayed: Trafficking of Women and Girls to Post-Conflict Bosnia and Herzegovina for Forced Prostitution*, Vol. 14. No. 9 (D) – November.

<sup>63</sup> The Philippines are not technically a post-conflict country. The presence of the US American army is rather motivated by strategic military and political interests in the region.

<sup>64</sup> *Philippines: GMA inks tough Anti-Trafficking Law*, Philippine Daily Inquirer, Tuesday May 27 2003, by John Ney and Michael Cucio, posted on stop-traffic list, October 13, 2003.

establishment of red light districts, as was the case between the US American government and various Asian governments from the 1950s to the 1980s.<sup>65</sup> Or governments may informally agree not to interfere in each others business, that is not to enforce local or international law on the prohibition of prostitution and/or trafficking, thus creating an enabling environment for traffickers to operate in. And even where such laws are enforced, experience so far shows that not the traffickers but the women are prosecuted.<sup>66</sup>

It can be assumed that with the general increase in trafficking, the rise in armed conflicts and in foreign interventions in them is likely to result in a growth of trafficking into military prostitution. Thus, prior to the US American intervention in Iraq, several US-American politicians warned that with the intervention in Iraq a market for the trafficking of women and children might be created there.<sup>67</sup>

### **Example South Korea**

“We are here to protect democracy. We are not here to practice it”<sup>68</sup>

Since the Korean war (1950-1953) which resulted in the separation of the peninsula, US American military has been deployed to South Korea. Today there are 41 camps with about 37.000 military personnel. From the beginning of the deployment, there were bilateral formal and informal agreements about the organization of “entertainment” areas around the bases.<sup>69</sup>

While Korean women made up the majority of military sex workers until the 1980s, foreign women, particularly Russian and Filipinas, have been brought into the country since the 1990s, because they are “cheaper” and because South Korean women found other jobs in the booming Korean economy. In 2001, 8.500 mostly Russian and Filipina women entered the country on “entertainment” visas, majority of them working around the bases.<sup>70</sup> A large number of the women are trafficked – a fact that is allegedly widely known in the Korea-

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<sup>65</sup> See Enloe (2000), pp. 49-107.

<sup>66</sup> For instance in South Korea (see example) or the Philippines, see: *Philippines: GMA inks tough Anti-Trafficking Law*, 2003.

<sup>67</sup> *Greens warn Military Action Leads to Trafficking of Women for Prostitution*, The Green Party of the United States media release posted on gpga-news list, March 19, 2003.

<sup>68</sup> Quote of a male American soldier in Korea, in: *Base Instincts. Filipina and Russian women being sold into sexual slavery in the seedy bars and nightclubs that serve U.S. military bases in South Korea*, by Donald Macintyre, Time Asia Magazine, August 12, 2002.

<sup>69</sup> Enloe (2000), pp. 89-99. The account is based on the book by Katharine Moon: *Sex among allies. Military Prostitution in U.S. –Korea Relations*, New York: Columbia University Press 1997.

based U.S. military. There have been reports of soldiers that bought trafficked women into freedom and later married them.<sup>71</sup>

Under the US military rules “all houses of prostitution” are formally off-limit to the soldiers and a “zero-tolerance” policy is officially in place, yet not enforced. To the contrary, US military police ensures the safety of soldiers in brothels and bars No U.S. American serviceman has so far been held accountable for trafficking related crimes.<sup>72</sup>

Local organizations are advocating for stronger interstate regulations that would make both governments responsible for combating trafficking around US American bases and demand accountability of the US American military for their role in trafficking. Taking up the Korean case, the international women’s rights NGO Equality Now issued an international call for action in June 2003, urging the U.S. government to enforce a zero-tolerance policy regarding prostitution around all US American military camps worldwide.<sup>73</sup>

Reacting to public pressure, the US American Department of Defense took measures in Korea: a) placing 26 establishments suspected to be involved in human trafficking off-limit to US soldiers; b) educating military personnel on human trafficking; c) establishing a hot line for soldiers to report suspicious activities d) improvement of on-base recreational facilities; e) improved co-operation with South Korean authorities on law enforcement.<sup>74</sup> However, neither investigations into the involvement of soldiers into trafficking nor the enforcement of the “zero-tolerance” policy were officially announced. Also, human rights protection of the trafficking victims was not addressed.

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<sup>70</sup> Lee, June J.H. (2002): *A Review of Data on trafficking in the Republic of Korea*, IOM Migration Research Series No 9, IOM.

<sup>71</sup> *Military Times stories on sex trafficking*, archived on stop-traffic list, Wednesday August 14, 2002.

<sup>72</sup> Ibid.

<sup>73</sup> Equality Now, Women’s Action 23.1, June 2003. *United States: The role of Military Forces in the Growth of the Commercial Sex Industry*, see: [www.equalitynow.org](http://www.equalitynow.org)

<sup>74</sup> Department of Defense, Office of the Inspector General, Case number H03L88433128, *Assessment of DoD Efforts to Combat Trafficking in Persons. Phase I – United States Forces Korea*, prepared by Program Integrity Directorate, Office of Deputy Inspector General for Investigations, July 10, 2003. The report states that the DoD will also assess efforts to combat trafficking as it affects the US military in Bosnia and Kosovo/a at a later point.



Further documentation and monitoring of trafficking of women and girls around foreign military camps is necessary. Awareness and publicity on the issue need to be enhanced. Women's NGOs dealing with the issues and running anti-trafficking programmes around military camps ought to be supported. While public pressure on the military institutions to take political and legal anti-trafficking-related action needs to be increased, strategies need to be developed on how to create co-operative ties between women's NGOs and the military in post-conflict regions to prevent and combat trafficking. Finally, comprehensive programmes need to be designed and implemented to assist and support trafficked women around military camps.

### 6.2.2 Trafficking and Peace Support Operations

"Peacekeepers' participation in prostitution and sexual slavery demands action at the highest levels. Such violations undermine the mandate of the PSO to protect, stabilize and rebuild the foundation for reformed justice and accountability on which to base sustainable peace."<sup>75</sup>

The relationship between members of peace support operations (PSO)<sup>76</sup> and trafficking can be characterized by two factors. Firstly, by creating a demand for sexual services peace support missions fuel national, regional and/or international trafficking. Also, mission members may be involved in trafficking-related activities. Secondly, peace support operations, in particular peacekeeping missions, are often primary if not the only sources of law enforcement in the host country. Thus, peacekeeping missions are important authorities for combating trafficking.<sup>77</sup>

The arrival of peace support missions often goes hand in hand with an upsurge of the sex industry around mission camps.<sup>78</sup> The deployment of peacekeeping forces to Sierra Leone, Kosovo/a, Eritrea or Bosnia, for example, created huge local sex markets.<sup>79</sup> As a result,

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<sup>76</sup> The term peace support operation extends to all missions undertaken by the UN and/or regional organizations. They encompass observer missions such as the UN Observer mission to South Africa; peacekeeping operations, which usually entail military as well as civilian components; nation-building missions, e.g. the missions to East Timor or Afghanistan; and peace enforcement operations under Chapter VII of the UN Charter. The following section will draw on examples of all these but focus on peacekeeping.

<sup>77</sup> UNICRI/TraCCC (2002): *Trafficking, Slavery and Peacekeeping; The Need for a Comprehensive Training Program. A Conference Report*, Turin, Italy, May 9-10, p. 13.

<sup>78</sup> The presence of women in PSOs does not seem to have an impact on whether or not men frequent prostitutes and are in engaged in sexual exploitation.

<sup>79</sup> UNIFEM (2002), pp. 54-56.

countries with PSOs quickly turn into areas of destination for the trafficking of women as dancers, prostitutes, masseuses or all of it. In Kosovo/a the arrival of peacekeepers changed it from being a transit route for traffickers into an area of destination.<sup>80</sup>

PSO members may “unknowingly”<sup>81</sup> and knowingly be clients of trafficked women or even actively involved in the trafficking. There are various reports, particularly from Bosnia and Kosovo/a, where clients knew that the women they consorted with were trafficked.<sup>82</sup> In addition, there have been incidences where PSO members have purchased women for their own use.<sup>83</sup> On the other hand there have also been instances, for example in Bosnia, where peacekeeping members “purchased” trafficked women as a means to rescue and set them free<sup>84</sup>. While good in intention, this is a highly problematic way to deal with the trafficking issue.

### **Problem: Impunity and lack of accountability of PSO members**

“It is absolutely essential that all UN forces are held to the same standards of international human rights law as are nation states.”<sup>85</sup>

Peace missions are technically subject to international law. Trafficking in persons is a violation of international human rights law and international criminal law. In addition to the international conventions addressing trafficking, the International Criminal Court classifies trafficking, “enslavement”, “sexual slavery” and “enforced prostitution” as crimes against humanity.<sup>86</sup> Mission members commit to codes of conduct which are *inter alia* based on international law.

Despite these standards, in reality there is an unwillingness to recognize trafficking as a criminal activity and impunity for trafficking crimes in PSOs.<sup>87</sup> PSO members are generally under diplomatic immunity and in the event that he/she commits a crime, the contributing

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<sup>80</sup> International Alert (2002), p. 42.

<sup>81</sup> There can be doubts in how far this always is a matter of not knowing or rather of not wanting to know.

<sup>82</sup> UNICRI/TraCCC (2002), pp. 13-14, Human Rights Watch: *Hopes Betrayed*, 2002.

<sup>83</sup> International Alert (2002), p. 43.

<sup>84</sup> Email communication by Barbara Limanowska, Trafficking Expert, from 9 October 2003.

<sup>85</sup> UN Special Rapporteur on Violence Against Women in: *UN Peacekeepers fuelling the trafficking in women*, AFP, April 3, 2003. Posted at: <http://www.tip.net.au/>

<sup>86</sup> Mattar, Muhamed Y: *The International Criminal Court (ICC) Becomes a Reality: When Will the Court Prosecute the First Trafficking in Persons Case?*, The Protection Project, July 9, 2002. At: [www.protectionproject.org/commentary/icc.htm](http://www.protectionproject.org/commentary/icc.htm)

<sup>87</sup> UNICRI/TraCCC (2002), p.16

states have exclusive jurisdiction.<sup>88</sup> Also, due to the pressure of the United States in the Security Council, the applicability of the ICC statute for peacekeeping member states which are not states party to the ICC is waived in current missions, as was recently decided for the mission to Liberia.<sup>89</sup>

Codes of conducts and zero-tolerance policies are effectively not enforced. Regulations about off-limit bars may be circumvented without sanctioning either by bringing prostitutes on base or by frequenting alternative places offered by a quickly adapting market. The UN has conducted several investigations against mission members charged with engagement in trafficking, but they are not transparent to outsiders and do not result in any punishment beyond repatriation. Most importantly, once at home, mission members do not face criminal or military charges brought against them. Clearly, “ the punishment does not meet the crime and, in turn, it does not give deterrent to other people who may be tempted to get involved in trafficking”.<sup>90</sup> One exception to this and not directly related to trafficking is the conviction of an Irish peacekeeper convicted to jail sentence in January 2003 for having made pornographic videos of local women in Eritrea.<sup>91</sup>

### **Problem: Weak anti- trafficking programmes in PSOs**

Part of many PSOs' mandates is to ensure the implementation of international law. This may encompass monitoring and prosecution of crimes and/or the responsibility for the reconstruction of a working legal justice system. Yet, no international PSO so far has explicitly contained the aim of combating trafficking in its mission mandate. Nor has the combating of trafficking been a priority in PSOs. There have also been instances where UN missions ignored trafficking issues despite their being asked for assistance by local women's organizations.<sup>92</sup> Members of the UN Mission of Support in East Timor (UNMISSET) have recently been alleged to ignore pleas for intervention by Thai women trafficked into brothels and even been accused of participating in the organization of prostitution there – charges rejected by mission's officials.<sup>93</sup>

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<sup>88</sup> International Alert (2002), pp. 44-45.

<sup>89</sup> *UN authorizes peacekeepers for Liberia*, ABC newsonline, August 2, 2003. At: [www.abc.net.au/news/newsitems/s915781.htm](http://www.abc.net.au/news/newsitems/s915781.htm)

<sup>90</sup> *Ibid.*, p. 17.

<sup>91</sup> *Peacekeeper jailed for porn films*, 2003.

<sup>92</sup> International Alert (2002), pp. 43-44

<sup>93</sup> *Peacekeeping's Unsavory Side*, by Barbara Crossette, The Atlantic Online, June 10, 2003; *UNMISSET rejects charges it failed to probe trafficking*, UN Wire, Thursday, July 3, 2003.

According to a report by the UN Interregional Crime and Justice Research Institute UNICRI, even in those missions that identified trafficking to be an issue, notably in Kosovo/a and Bosnia, the political will to commit to anti-trafficking efforts initially was lacking.<sup>94</sup> Only under pressure from gender officers and women's organizations did the issue receive attention and increased commitment by the missions' leadership. In addition, organizational and operational capacities with respect to enforcing anti-trafficking laws in particular in international police forces, are still limited. One reason is the poor understanding among the staff about the difference between prostitution and trafficking in persons and of how to proactively combat it. The programmes of those missions that have pursued anti-trafficking policies, for instance in Kosovo/a and Bosnia, have produced mixed results. Largely consisting of brothel and bar raids, they have not been able to prevent trafficking but contributed to pushing it underground (see example).

Where PSOs are responsible for rebuilding law enforcement and justice systems, specific expert knowledge on how to effectively create local anti-trafficking laws and enforcement structures, is often lacking. In Kosovo/a and Bosnia, there are also still weaknesses in the training of local police force and members of the judiciary, for instance with respect to the need of changing attitudes towards trafficking and with respect to investigative skills.<sup>95</sup> This lack may compound on the weaknesses and/or corruption in local anti-trafficking policies, laws and adjudication mechanisms.

Finally, experience from those PSOs that did employ anti-trafficking efforts, shows that often local stakeholders and women's organizations are not sufficiently included into the development of anti-trafficking initiatives and enforcement. Yet, it is these organizations that have the most experience with trafficked women, are granted high legitimacy and respect by the victims, and most importantly, are experts on the needs and experiences of the women.

### **Measures to strengthen anti- trafficking in PSOs**

Measures to strengthen the combating of trafficking in and by peace support missions are in the initial stages of development. Under the heading of crime control, UNICRI together with

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<sup>94</sup> The following is based on the report of UNICRI/TraCCC (2002), pp. 16-23, focussing on experiences in Southeastern Europe.

<sup>95</sup> See with respect to police forces transcript of Kathryn Bolkovac's Intervention for OSCE Human Dimension and Implementation Meeting; Anti –Trafficking Day –17 September 2002; OSCE/ODIHR Human Dimension Implementation Meeting 9-19 September 2002, available at OSCE/ODIHR.

the Transnational Crime and Corruption Centre is currently developing a training and education project. Initially addressing the situation in the Balkans aims to become a fully implemented training program for all PSOs.

UNICRI/TraCCC: Trafficking in Persons and Peacekeeping Operations: A comprehensive Awareness and Training Programme (programme proposal)

- creation of a repository with information and data on training activities, trafficking and peacekeeping, accessible to the international community.
- delivery of training by distance learning education;
- training courses in pre-mission and peacekeeping operations, targeting all civilian and military groups and levels;
- training-awareness conference for policy makers and supervisory officers;
- international expert meetings to mark progress and outline implementation plans.

Apart from this, a number of gender related initiatives have been taken by the Department of Peacekeeping Operations (DPKO) that offer important entry points for anti-trafficking measures. They base on efforts to integrate gender in PSOs which have followed the UN Security Council resolution 1325 on women, peace and security.<sup>96</sup> For instance, DPKO established a gender unit which is responsible for activities to integrate gender into all aspects of peacekeeping operations. Several missions have been assigned a gender advisor or gender focal points, for example UNMISSET in East Timor. In addition, some missions' mandates for the first time include specific attention to gender concerns, e.g. that of the UN Mission in the Democratic Republic of Congo (MONUC).<sup>97</sup>

As a result of the gender mainstreaming efforts, specific codes of conduct for mission members regarding the prohibition of sexual abuse and/or exploitation by civilian and military mission members have been set up. MONUC's code, for instance, prohibits "any exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or expletive behaviour" and the presence of personnel in bars,

<sup>96</sup> UNSC resolution 1325 (S/RES/1325) was passed on October 31, 2000. It is the first resolution ever that specifically addresses the impact of war on women, and women's contributions to conflict resolution and sustainable peace. Among other things, the resolution calls for an integration of women at all levels of decision-making on peace and security issues; for a gender perspective in peacekeeping operations; to end impunity of gender-based war crimes; to take into account the needs of women in post conflict settings; and for inclusion of women into peacebuilding activities.

<sup>97</sup> Office of Gender Affairs at: [www.monuc.org/gender](http://www.monuc.org/gender)

nightclubs or other places where services of prostitutes are available. For the case of violation, the code enumerates potential disciplinary measures and the potential waiving of immunity.<sup>98</sup> In addition, in 2004, each UN peacekeeping mission will appoint an officer to receive complaints of misconduct by peacekeeping personnel.<sup>99</sup>

Another measure to keep peacekeeping personnel from engaging in abusing local women is currently practised in Afghanistan: members of the ISAF protection troops are not allowed to leave their bases during leisure time.<sup>100</sup>

Finally, several national and international institutions have developed training modules on gender and peace support operations that assist civilian and military personnel in upholding international women's human rights standards. They have been tested in various missions, for example in Eritrea and Bosnia. So far these trainings do not specifically address trafficking. Yet, they offer entry points for integrating the emerging anti-trafficking training efforts mentioned above. One problem with trainings in general, however, is that responsibility for them lies with the contributing member states.<sup>101</sup>

Apart from these initiatives, an international policy regarding the standards, obligations, strategies and instruments of peace support missions to combat trafficking is still lacking. This results firstly in incoherent approaches to dealing with the issue, if they exist at all. Secondly, it makes a potential transferal of learning experiences between missions difficult.

### **Example Bosnia-Herzegovina**

With the arrival of about 50.000 mainly male international peacekeeping personnel in 1995, the small already existing local sex industry in Bosnia boomed. To satisfy the demand, women were trafficked from Moldavia, Romania and the Ukraine into Bosnia. In 2002, UNMiBH officials suspected 227 of the clubs and bars in Bosnia to be involved in trafficking.

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<sup>98</sup> MONUC Code of Conduct at: [www.monuc.org/gender](http://www.monuc.org/gender)

<sup>99</sup> *More women needed to join, sensitize UN missions, Security Council told*, posted at women's rights list [women-rights@hrea.org](mailto:women-rights@hrea.org); on October 29, 2003.

<sup>100</sup> *Wenn der Einzelne im Mittelpunkt steht. „Human Security – Women's Security?“ Eine Tagung in Berlin diskutiert alte und neue Sicherheitsstrategien*, die tageszeitung, 28.10.2003, p. 11. Whether or not this keeps them from bringing women on base is unknown.

<sup>101</sup> On Experiences with gender trainings in peacekeeping missions see: Mazurana, Dyan (2002): *International peacekeeping operations: to neglect gender is to risk peacekeeping failure*, in: Cockburn/Zarkov, pp. 41-50; and International Alert (2002), pp 50-54.

Local Bosnian NGOs estimated the number to be as high as 900 with about 2.000 women and girls trapped in brothels and bars to have been trafficked to Bosnia.<sup>102</sup>

While at the beginning the number was deemed to be as high as 90%, today it is estimated that the international community, mainly SFOR soldiers, constitutes between 30 % and 50 % of the customers of the foreign women, but accounts for 70%- 80% of the revenue accruing to the men who manage them.<sup>103</sup>

Members of the International Police Task Force (IPTF), mandated to supervise local police have been involved as customers or as purchasers of trafficked women and their passports. Likewise, US -SFOR personnel has been engaged in purchasing women and girls.<sup>104</sup> Mission leaderships reacted by repatriating those caught but as of 2002 none of them faced criminal investigation or prosecution at home. In addition, no effective policy or legal consequences were drawn from these cases.

Efforts by the international community to combat local trafficking markets started in 1998. By then the market and the traffickers had already established themselves. According to Madeleine Rees, much of the trafficking could have been prevented if there had been a gendered analysis and understanding of the war and post-war situation in Bosnia and policies deduced from that for the peacekeeping mission. Preventive measures such as education and training of peacekeepers and strictly enforced codes of conducts could have been taken from the start.<sup>105</sup>

Between 1999 and 2001 UNMiBH ran a programme to combat trafficking - STOP (stop trafficking of persons) - in co-operation with IOM. It largely consisted of raiding of bars and brothels. Such bar raids have not proven to be very effective in stopping the trafficking. Often bar owners are tipped off in advance. Closure of bars has resulted in the moving of trafficking underground, into hotels, motels and private apartments.<sup>106</sup> Recently, there has been a case, where a woman was held in a private apartment, serving exclusively internationals.<sup>107</sup> Also, victim referral mechanisms as a result of bar raids have had limited success, with only a low

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<sup>102</sup> See UNICEF;UNOHCHR;OSCE/ODIHR (2002): *Trafficking in Human Beings in Southeastern Europe*, 2002, p. 64; Human Rights Watch (2002), *Hopes Betrayed*, p. 4.

<sup>103</sup> UNICRI/TraCCC (2002), p. 13-14; also Rees, Madeleine (2002): *International Intervention in Bosnia Herzegovina: The Cost of Ignoring Gender*, in: Cockburn/Zarkov, pp. 51-67, p. 63.

<sup>104</sup> Human Rights Watch (2002): *Hopes Betrayed*, pp. 5-6.

<sup>105</sup> Rees (2002), p. 65.

<sup>106</sup> UNICEF;UNOHCHR;OSCE/ODIHR (2002), p. 65.

number of women cleared as trafficked and high number of women being charged for prostitution.<sup>108</sup>

Thus concludes Human Rights Watch: “Despite some progress, UNMiBH, UN member states, and the Bosnian government have failed to combat trafficking effectively and to end impunity for this modern-day slave trade.”<sup>109</sup> Current implementation of the National Plan of Action<sup>110</sup> and a new co-ordinated anti-trafficking programme of the European Police Mission<sup>111</sup>, which replaced UNMiBH in January 2003, give some reasons for hope. Yet the experience with trafficking in Bosnia and the role of the international community in it may serve as a good learning examples for anti-trafficking measures in other PSOs.

As a core gender, human rights and criminal issue that occurs during and after conflict, trafficking should be integrated into all gender mainstreaming initiatives on war, peace and security. Anti-trafficking measures, in particular prevention, protection of victims and prosecution of offenders, should become an important element in all PSO activities, for example the mandates, policies, trainings, institution policies, and strategies. Beside general anti-trafficking awareness and training, trainings must be tailored to the different functions of the different civilian and military components of PSOs. For instance, police officers need special training in investigative methods; law reform experts need special legal training; etc. Drawing on previous PSO experiences with combating trafficking, guidelines for a co-ordinated and comprehensive integration of anti-trafficking measures into PSO activities should be developed.

In addition, all national and international legal and policy standards should be reviewed with the goal of making civilian and military personnel accountable to international legal standards and to enforce such standards.

<sup>107</sup> Personal communication by Madeleine Rees, November 4, 2003.

<sup>108</sup> UNICEF; UNOHCHR; OSCE/ODIHR (2002), p. 66.

<sup>109</sup> Human Rights Watch (2002): *Hopes Betrayed*, p.6.

<sup>110</sup> See UNICEF, UNOHCHR; OSCE/ODIHR (2002), pp. 68-69.

<sup>111</sup> Personal communication by Madeleine Rees, November 4, 2003.



## **7. Conclusion**

Trafficking of women during and after wars is based on similar factors and conditions that characterize trafficking in general. However, armed conflicts cause an amplification of these factors and conditions. They also lead to specific forms of war-related trafficking.

Trafficking in women is based on gender-based discrimination and violence which are exacerbated during and after wars, often as part of deliberate military policies. Conflict and post-conflict situations may develop particular war related demand structures for women's sexual, economic and military exploitation. Thus, trafficking in women (and children) may become an important element for war economies and for the economic profit of war actors. Sexual and labour exploitation and abuse may be part of military politics. Impunity of gender related war crimes during and after wars due to the war chaos and to the low prioritization of women's human rights protection are trafficking enabling conditions. At the same time, economic, social and political destruction, the loss of livelihood sources and the personal experience of war traumata lead to a high vulnerability of women to being exploited and trafficked during and after wars. Measures to combat war-related trafficking of women need to take into account all of these different factors and conditions and the different actors involved.

Currently, debates on war-related trafficking in women take place in several different policy contexts: human rights violations of women; gender, war and peace; security and post-conflict reconstruction; development policies; combating transnational crime. In order for war related anti-trafficking measures to be sensible and effective, there is a need to integrate the perspectives and experiences in all these areas while fundamentally being guided by a women's human rights perspective.

### **7.1 Measures to prevent and combat trafficking during wartime**

Prevention or combating trafficking during wartime is rather difficult if not impossible. Essentially, the goal is to prevent war from breaking out in the first place. Thus, strengthening international and regional early warning mechanisms and peaceful conflict resolution instruments – theoretically often called for but in reality underprioritized – including a gender perspective and attention to trafficking, would be the best strategy.

In addition, international war-related law and its implementation with particular regard to gender-based crimes and trafficking should be strengthened to enhance prevention and prosecution of trafficking. This would entail:

- a) including trafficking as a war crime under ICC statute (currently, it is recognized as a crime against humanity only);
- b) strengthening the prosecution of gender based war crimes and trafficking by international or regional war crime tribunals.

Awareness of humanitarian aid and refugee organizations operating in war zones on trafficking needs to be increased. Thus, based on adequate research guidelines and trainings need to be developed on how to recognize, prevent and respond to trafficking, in particular with respect to refugees and displaced persons.

## **7.2 Measures to prevent and combat trafficking in post-war situations**

Activities to prevent and combat post-conflict trafficking need to be linked to a gendered analysis of the war and to gender integration into national and international post-conflict reconstruction and peace support programmes. Most urgently, binding international policy guidelines on anti-trafficking measures in national and international post-conflict reconstruction and peace support programmes are needed. They could serve as framework, from which context related specific measures could be designed and implemented.

### **Research**

More research about human trafficking systems, operations and women's trafficking experiences during and after wars is needed. Based on the research, a set of indicators could be developed detailing the conditions and factors leading to post-conflict trafficking. This could be used as a tool for post-conflict rebuilding programmes to identify trafficking risks and to develop anti-trafficking activities.

### **Prevention, training and awareness raising**

In the international security policy making community, awareness about the issue of post-conflict trafficking in human beings needs to be increased. For instance, the issue should be

brought on the agenda of the UN Security Council with the aim to devise strategies for prevention and combating.<sup>112</sup>

In addition, international institutions involved in post-conflict rebuilding should be alerted to human trafficking in post-conflict regions. Preventive anti-trafficking measures based on a women's human rights approach and the inclusion of local as well as international actors should be integrated into all post-conflict rebuilding programmes. Guidelines for the development of such measures should be developed. Anti-trafficking training should be implemented in all international organizations dealing with post-conflict rebuilding activities. In addition, specific programmes and guidelines need to be developed on how to enhance institutional capacities for dealing with trafficking in accordance with an organization's specific mandate and tasks.

In order to prevent military related trafficking in post-conflict regions, national and international laws and their application should be strengthened. All civil and military actors in international PSOs should receive mandatory anti-trafficking training and be held accountable to international law. International pressure on international and national institutions to waive immunity for PSO personnel involved in criminal activities should be increased.

### **Rehabilitation and anti-trafficking programmes**

For trafficked and enslaved women during conflicts, post-conflict rehabilitation programmes need to be developed and implemented. They should be run in co-operation with local institutions and women's organizations and they should address the women's personal, social, economic, legal and political needs and interests. Also, rehabilitation of trafficked women during war need to become part of national and international post-conflict rebuilding programmes and strategies.

In addition, national and international legal prosecution of trafficking and enslavement during wars needs to be increased after the wars. This is also an important contribution to victim rehabilitation and to making the crimes and their impact on women and societies visible.

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<sup>112</sup> This is recommended by the German anti-trafficking NGOs agisra/KOK/Solwodi: Aide Memoir on Trafficking In Persons, Especially In Women From Central and East Europe, West Africa and Other Regions to the 59<sup>th</sup> Session of the UN Commission on Human Rights 17<sup>th</sup> March to 25<sup>th</sup> April 2003;

Where such prosecution is absent alternative strategies to rehabilitate the victims socially and personally should be supported.

Existing experiences with anti-trafficking and victim assistance programmes in conflict and post-conflict regions need to be analyzed and taken as important learning experiences informing the programme design and implementation in other post-conflict regions. A systematic evaluation of the efforts and experiences with combating trafficking by international and national institutions in post-conflict countries or regions would thus be useful. Particularly useful could be to evaluate experiences in Bosnia and Kosovo/a because of the high prevalence of trafficking, the involvement of the international community and the many anti-trafficking efforts run by various institutions. This could be done by bringing experts and practitioners together, drawing from the various trafficking related policy areas, such as women's human rights protection, victim assistance, crime prevention, legal justice, health, poverty reduction. Based on the results, policy guidelines for integrating anti-trafficking measures in post-conflict reconstruction programmes and a framework for the monitoring of these measures could be drawn up.

## **8. Recommendations for Sector Project activities**

### **8.1 Research, evaluation and field project identification**

Identification of a country where trafficking and enslavement during war happened and conducting research on the rehabilitation needs of trafficked and enslaved women during war with the aim of designing and implementing an assistance programme. Possible countries could be East Timor or Sierra Leone where women's movements play an important role in national reconstruction. Another country could be Liberia, where post-conflict rebuilding efforts are currently beginning and such assistance programmes may be needed. Apart from victims' assistance programmes, a truth and reconciliation programme or women's court addressing war-related trafficking and enslavement of women could be also be possible programme activities.

In order to gain knowledge about how local women's organizations experience with national and international post-conflict anti-trafficking efforts and about what activities these organizations would deem to be useful, a case study targeting women's organizations in post-conflict countries could be conducted. Bosnia and Kosovo/a would be suitable cases as many anti trafficking programmes have been run there. One particular focus of the study could lie on the women's organizations experiences with trafficking and PSOs. The goals would be to identify learning experiences, assess the needs of women's organizations regarding conflict-related anti-trafficking programmes and the criteria for monitoring their outcome as well as to identify areas of further activity. A variation of the case study could be to include selected anti-trafficking experts from international and national institutions and various trafficking related policy fields.

## **8.2 Networking, awareness raising and policy development**

The Sector Project could build a national network and pool of experts linking experts from the following fields: women's human rights, gender and war/post-conflict, mainstream post-conflict rebuilding, trafficking, poverty alleviation programmes and combating transnational crime. Workshops could be conducted with the aims a) to identify strategies on how to raise awareness about trafficking in German post-conflict rebuilding and development/humanitarian aid organizations and their programmes, and b) to develop tools, guidelines and activities to integrate the issue of combating trafficking in German governmental as well as non-governmental conflict-related development programmes.

Such activities and networking could also be expanded to the regional European as well as international levels. Thus, the pool of experts could become international, identifying governmental and non-governmental organizations and experts working at war-related anti-trafficking efforts and linking up with them. The aim could be to evaluate experiences with international conflict related anti-trafficking efforts and to foster activities in post-conflict rebuilding programmes, such as the development of regional and international policy guidelines or anti-trafficking programme monitoring criteria.

For in-house use and based on the research, networking and workshops the Sector Project could develop a framework for identifying trafficking risks in post-conflict areas and guidelines on how to deal with them within GTZ programmes. In-house co-operation with the GTZ conflict rebuilding programmes should be fostered. This includes facilitation of

exchanges in experiences; sensitizing them to the issue of trafficking in post-conflict rebuilding; making available and discussing the results of research and policy development.

### **8.3 Training and capacity building**

In order to support the prevention, recognition and combating of trafficking in conflict areas, German military and civil actors should receive specific anti-trafficking trainings before being sent to conflict zones. Thus, the issue of trafficking in women should become an integrated component of the various preparatory trainings for German soldiers and police forces participating in out-of-area operations and international peace support missions. In the same vein, the topic also ought to be included into the preparatory measures for other governmental and non-governmental civil actors involved in conflict resolution and peace building activities in conflict areas, for instance in the context of the civil peace service (Ziviler Friedensdienst) or the activities of the center for international peace missions (Zentrum für internationale Friedenseinsätze). In these institutions, the capacity to address the issue trafficking in women in relation to conflict needs to be increased and measures need to be developed to integrate the topic into the ongoing activities and trainings.

The Sector Project could contribute to such capacity building and training measures by building a pool of anti-trafficking trainers and experts, drawing from women's organizations, legal experts, military and police experts, development agencies and conflict resolution experts. This pool could be made available for training measures to all German governmental and non-governmental institutions and organizations involved in international civil and military peace support and conflict resolution activities, such as the German military, police, development agencies, etc. The Sector Project could facilitate the networking and co-operation between these institutions with regard to the topic of combating trafficking in women. Drawing on the pool of experts, the programme could facilitate the exchange between the institutions on how to effectively integrate the topic into the organizational mandates. It could further facilitate the development of anti-trafficking training curricula tailored for the various civil and military tasks and actors in international peace support and conflict resolution activities.

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