

VOICELESS VICTIMS: SEX SLAVERY AND TRAFFICKING OF AFRICAN WOMEN IN WESTERN EUROPE

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Within a group of eighty-seven prostitutes recently rescued from a ring in an Italian town is Joyce Eghosa, a twenty-year old Nigerian.¹ Joyce came to Italy two years ago believing that she would work as a fashion designer.² Upon her arrival, she discovered the ugly truth; she, like so many other African women in Western Europe, would be forced into prostitution as part of an organized ring.³ Countless more African women remain in this modern form of slavery, victims of the growing and lucrative trade of trafficking humans worldwide.⁴

I. INTRODUCTION—MAKING A WOMAN A VICTIM, THE PRESENT AND GROWING PROBLEM

There are certain consistent patterns by which most African prostitutes are introduced to prostitution in Western Europe.⁵ The first scenario involves African women brought from their home countries for the purpose of exploiting them through prostitution (usually without their prior knowledge).⁶ Sponsors with ties on both the African and European continents lure African women and girls to Europe, promising them a chance to study at a university or take advantage of job opportunities.⁷ These women are often promised jobs as maids or *au pairs* or given loans (with or without their knowledge) to finance their passage and are then forced to repay the loans through prostitution when they arrive.⁸ The perpetrators of these prostitution rings often take

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¹ See *Nigerian Authorities Worry Over Prostitution Rings*, AFR. NEWS SERV., June 5, 2000, (visited Feb. 3, 2002) <http://allafrica.com/stories/2000do0S0293.htm> [hereinafter *Nigerian Authorities*].

² See *id.*

³ See *id.*

⁴ See *id.*

⁵ See *International People Trafficking*, 106th Cong. (2000) (statement of Regan E. Ralph, Executive Director of Women's Rights Division of Human Rights Watch), available at 2000 WL 11068345.

⁶ See *id.*

⁷ See *id.*

⁸ See Paddy Agnew, *Trying Shame: Italian Authorities Have a Controversial New Weapon in the War Against Prostitution*, IRISH TIMES, Sept. 26, 2000, at 11, available at 2000 WL

passports and official identification papers from the women, leaving them unable to receive help from the proper authorities for fear of being deported as illegals.⁹ The second scenario involves African women who immigrate to Western Europe on their own volition but, for one reason or another, have found themselves in forced prostitution.¹⁰

In his testimony to the U.S. Congress, Regan Ralph, Executive Director of the Women's Rights Division of Human Rights Watch, explained that trafficking of women is a worldwide problem.¹¹ He explained that traffickers use various devices such as "deception, fraud, intimidation, isolation, threat and use of physical force" and "debt bondage" to keep women as slaves in the sex industry.¹² Traffickers then arrange for the women lured or kidnapped from their own countries to travel abroad by assembling the necessary passports and travel documents.¹³ Traffickers also communicate with the brothel owners or pimps abroad to find interested buyers for the women.¹⁴ Finally, the trafficker hires an escort to smuggle the women into the destination country.¹⁵

The problem of forced prostitution of African women in Western Europe has exploded within recent years.¹⁶ The problem now looms so large that the Italian ambassador to Nigeria estimates that likely sixty percent of all prostitutes in Italy are Nigerian.¹⁷

Although there have been international agreements and domestic policies aimed at curbing the problem of trafficking African women for sex slavery, all prior responses have had little or no effect on the problem. To treat a problem that includes powerful organized crime rings in various countries, an effective

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⁹ See *International People Trafficking*, *supra* note 5. See also Ljubomir Milasin, *Illegal Immigrants are easy prey for Pimps*, AGENCE FRANCE-PRESSE, July 28, 2000, available at 2000 WL 24680621 (stating "young prostitutes" without host country issued residence permits "are an easy prey for violent pimps, who will often even threaten their families and stop the women from seeking help from authorities."). *Id.*

¹⁰ See Milasin, *supra* note 9.

¹¹ See *id.*

¹² *Id.* Debt bondage is one method traffickers or pimps use to force women to become and remain prostitutes. Women smuggled into foreign countries are told that they have incurred a large debt to the trafficker and must earn money as a prostitute to pay back the debt. Women refusing to pay the debt are threatened with physical harm, harm to their families, or with being turned over to the police as illegal migrants and prostitutes. *Id.*

¹³ See *id.*

¹⁴ See *id.*

¹⁵ See *id.*

¹⁶ See *Nigerian Authorities*, *supra* note 1.

¹⁷ See *id.*

solution will need to address the factors which contribute to women trafficking and provide sustained enforcement of the victims' human rights. A holistic solution is necessary. Only an international commitment to support anti-trafficking measures within African nations, coupled with a consistent common policy among European nations that encourages recognition of migrants by state authorities and that provides protection for victims from prosecution and/or deportation, can treat such a complex problem that covers such a large geographic area.

II. HISTORICAL BACKGROUND: THE PATTERN OF MIGRATION TO EUROPE AND ITS CONSEQUENCES

Large groups of immigrants first began to arrive in Western Europe in the early 1990s.¹⁸ The first groups of immigrants were mainly Eastern Europeans, but Somalis, Liberians and natives of Sierra Leone soon followed.¹⁹ The European Union has not yet made provisions responding to this relatively new immigration. Thus, each independent nation has this responsibility itself.²⁰ European nations have since scrambled to make laws to control and track the immigrant populations, but these laws have been largely ineffective in locating and keeping up with immigrants within European borders.²¹ Under this regime, sex slavery of immigrant women, particularly African women, has not just taken root, but grown and developed. The United Nations Development Programme (UNDP) now estimates that more than 500,000 women and girls are trafficked into Western Europe each year from developing and transition countries for sexual exploitation.²²

Many European nations have a residency permit system that allows immigrants to remain in the country legally and, in effect, be recognized by the government and law enforcement authorities.²³ To immigrate to France, for example, the immigrant must apply for a resident card or for a temporary sojourn card after obtaining a long-term visa at a French consulate of her

¹⁸ See Roel Janssen, *The Hague: The Refugee Dilemma*, DOW JONES NEWS SERV., Feb. 1, 1999, available at 1999 WL 13947883.

¹⁹ See *id.*

²⁰ See *id.*

²¹ See *id.*

²² See *Businesswoman on Charges of Trafficking Girls to Holland*, S. AFR. PRESS ASS'N WORLD REP., July 31, 1999, available at 1999 WL 21595061 [hereinafter *Businesswoman on Charges*].

²³ See 2 INTERNATIONAL IMMIGRATION AND NATIONALITY LAW ITA-III-4, NET-I-5, FRA-III-1 (Dennis Cambell ed., 1993).

foreign domicile.²⁴ The resident card is essential to recognition of the immigrant by the French government as it entitles the immigrant to permanent residency and allows the immigrant to work legally.²⁵

The French resident card is difficult to obtain, however. One must prove that she has lived in France uninterrupted for three years, a qualification that no new immigrants can meet.²⁶ In addition, the amount of time between applying for the permit and qualifying to receive the permit, a period of three years or more, is quite significant. Not only does the illegal job market have ample time to absorb women waiting for their permits, but also the resident permit laws provide no institutional method of detecting women brought into France for the purpose of prostitution.

Italian immigration law requires migrants to obtain a residence permit or *permesso di soggiorno* in order to remain in the country legally for a specific period of time.²⁷ To obtain a residence permit the immigrant must produce a passport or equivalent travel document and have an entry visa.²⁸ Entry visas require documents proving a reason for the immigrant's entry into Italy. These documents are reviewed and must be approved before Italy will issue a residence permit.²⁹ A woman brought to Italy for prostitution may not have legitimate documents of this kind.

To obtain the necessary residence permit, the immigrant to Italy must apply in person at the local police station for a permit within eight days of arrival.³⁰ The very thorough application for the permit includes such information as the applicant's full name, address and place of birth together with data relating to relatives accompanying the applicant who are younger than seventeen years of age and the applicant's nationality and place of origin. Additionally, the applicant must state the date of entry, the state border crossed, the reason for stay in Italy, the anticipated duration of the stay in Italy, the address of the applicant in Italy, the date the visa was issued, and the type of visa granted.³¹ In addition, the immigrant must prove that she has a way to sustain herself financially during her stay in Italy.³²

²⁴ See Ordonnance No. 45-2658 of Nov. 2, 1945, Art. 10, 12, 15, J.O. See also Cambell, *supra* note 23, at FRA-IV-1.

²⁵ See Cambell, *supra* note 23, at FRA-IV-1.

²⁶ See *id.*

²⁷ See Gazz. Uff., Law 39/1990, passed Feb. 28, 1990 [hereinafter Martelli Law].

²⁸ See *id.* at art. 3.1.

²⁹ See *id.* See also Cambell, *supra* note 23, at ITA-III-4.

³⁰ See Martelli Law, *supra* note 27.

³¹ See *id.*

³² See *id.*

If the immigrant completes the necessary paperwork and is approved to receive a permit, the permit will be issued in approximately eight days.³³ The permit not only functions as identification of the immigrants, but also helps to track movement of migrants within Italy; while in Italy, immigrants must submit the application at the police headquarters where the immigrant is domiciled.³⁴ Each permit has a number that corresponds to the police database.³⁵ A residence permit is valid up to two years.³⁶ Once obtained, the permit can be renewed as long as the immigrant can show that she has a certain level of income at her disposal.³⁷

Immigrants seeking asylum in Italy face even greater financial difficulties in obtaining permanent residency status.³⁸ The asylum seeker is required to apply for permanent resident status at the local police station.³⁹ A temporary residence permit is then issued upon the condition that the asylum seeker does not work, permanently or temporarily.⁴⁰ This "no work" requirement remains in effect until the asylum is granted.⁴¹ The asylum seeker receives monetary aid from the Italian government for forty-five days in the meantime.⁴² The granting of asylum, however, typically takes much longer than forty-five days.⁴³ This time period during which the asylum seeker is not allowed to obtain legal employment may drive some immigrants to seek illegal employment such as prostitution.

The Netherlands, compared to Italy and France, has a relatively open, albeit complex, system of immigration and asylum laws.⁴⁴ Immigrants who wish to remain in the Netherlands for three months or more must apply for a residence permit at the local police station.⁴⁵ The Dutch system of temporary residence permits can lead to an immigrant obtaining a permanent permit.⁴⁶ Although a visa for legal entry is technically required for an asylum application, the

³³ See Cambell, *supra* note 23, at ITA-III-4.

³⁴ See *id.*

³⁵ See Martelli Law, *supra* note 27. See also Cambell, *supra* note 23, at ITA-III-5.

³⁶ See Martelli Law, *supra* note 27. See also Cambell, *supra* note 23, at ITA-III-5-6.

³⁷ See Martelli Law, *supra* note 27. See also Cambell, *supra* note 23, at ITA-III-5-6.

³⁸ See Martelli Law, *supra* note 27. See also Cambell, *supra* note 23, at ITA-IV-2.

³⁹ See Martelli Law, *supra* note 27. See also Cambell, *supra* note 23, at ITA-IV-2.

⁴⁰ See Martelli Law, *supra* note 27. See also Cambell, *supra* note 23, at ITA-IV-2.

⁴¹ See Martelli Law, *supra* note 27. See also Cambell, *supra* note 23, at ITA-IV-2.

⁴² See Martelli Law, *supra* note 27. See also Cambell, *supra* note 23, at ITA-IV-2.

⁴³ See Cambell, *supra* note 23, at ITA-IV-2.

⁴⁴ See Cambell, *supra* note 23, at NET-IV-1.

⁴⁵ See Vreemdeligenwet, Dutch Aliens Act of 1965, arts. 8-14.

⁴⁶ See *id.*

Dutch government has not required strict compliance with this formality provided that all the criteria are met when the application is made.⁴⁷

These laws have led to a flood of immigration resulting in one immigrant for every 440 citizens of the Netherlands⁴⁸ and an inability of the Dutch government to account properly for illegal immigrants. At least one scholar argues, however, that the Netherlands has not seen a flood of immigration any greater than that of Italy or Germany.⁴⁹ His explanation is that other nations simply do not count the illegal, but only the actual resident population of foreigners in their country.⁵⁰ The Netherlands, on the other hand, offers asylum seekers welfare benefits including a stipend and access to health care,⁵¹ which is an incentive for all immigrants to follow the necessary procedures to be recognized by the government.

Additionally, applicants for asylum are assisted by the Dutch government throughout the application and judicial process of obtaining asylum.⁵² Furthermore, even if rejected for asylum, many of the migrants nevertheless choose to remain in the Netherlands.⁵³ In the case of the Netherlands, it is the relative leniency of the immigration laws that likely contributes to the problem of forced prostitution of African migrants. Under the Dutch regime, it is entirely possible that immigrants live and work within their borders without the government knowing who they are, where they live and what work they do.⁵⁴

Immigrant women who eventually enter prostitution rings often begin their journey to a clandestine existence by not being able to obtain a residency permit.⁵⁵ In Italy, the practical qualifications for obtaining a permit are quite

⁴⁷ See Cambell, *supra* note 23, at NET-IV-3.

⁴⁸ In comparison, Italy now contains one immigrant for every 30,000 Italian citizens. See Janssen, *supra* note 18.

⁴⁹ See *id.*

⁵⁰ See *id.*

⁵¹ See *id.*

⁵² See *id.*

⁵³ See *id.*

⁵⁴ See *id.* The Netherlands remains one of a handful of nations that has passed laws directly responding to the trafficking problem. See *id.* A recent Dutch law, for example, gives temporary resident status to females introduced into the Netherlands by trafficking, so that they may sue the perpetrators in court. See *id.* This law is meant to work in conjunction with laws adopted by the European Community discussed later in the note. Regardless of the efficacy of its laws, the Netherlands has at least made more serious efforts to curb trafficking of women for prostitution than most nations in Europe. See Lauri Hauber, Note, *The Trafficking of Women For Prostitution: A Growing Problem Within the European Union*. 21 B.C. INT'L & COMP. L. REV. 183, 189 (1998).

⁵⁵ See *Thousands of Immigrants in Rome Demonstrate for Residency Permits*, ASSOCIATED

high; the immigrant must be invited by a would-be employer or be sponsored by someone willing to pay for a year's worth of housing costs.⁵⁶ Even with the strict requirements, thousands of immigrants who meet the qualifications must wait up to two years to obtain residency permits.⁵⁷ A recent campaign in which Italy sought to legalize immigrants by temporarily lowering strict requirements failed, because more than 250,000 qualified immigrants applied for only 38,000 permits made available by the government.⁵⁸

Efforts to increase the availability of residency papers to immigrants is countered, however, by right-wing opposition.⁵⁹ Right-wing parties not only oppose lifting existing restrictions on obtaining the permits, but also oppose making enough permits available to all who want them in hopes that these measures will curb immigration.⁶⁰ Nativist groups, such as the Northern League, have recommended scaling back legal immigration.⁶¹

In France, members of the recently elected French government campaigned for the legalization of illegal immigrants.⁶² Once in office, government leaders, including French Minister of the Interior Jean-Pierre Chevènement, quickly realized how unmanageable that goal was.⁶³ Approximately four million foreigners, reside in France, four times the number of foreigners in Italy.⁶⁴ Allowing residency permits for all these foreigners would place a much greater burden on the French government than it likely had anticipated. Without permits, immigrants can fall through the cracks of the government and live undetected and unprotected for any amount of time. France's immigrants, called "*sans papiers*" or "those without papers," are unable to receive residency permits to abide legally within French borders. They led a protest of thousands in 1999 against the government's inability to provide immigrants with this paperwork.⁶⁵

PRESS NEWSWIREs, June 18, 2000.

⁵⁶ See Martelli Law, *supra* note 27.

⁵⁷ See *id.*

⁵⁸ *Italy Legalizes 250,000 Immigrants*, AGENCE FRANCE-PRESSE, Feb. 9, 1999, available at 1999 WL 2543302.

⁵⁹ See Yaroslav Trofimov, *Anti-Immigrant Bill Touches Off a Furious Debate in Italy*, WALL ST. J., Mar. 31, 2000, at A13.

⁶⁰ See *id.*

⁶¹ See *id.*

⁶² See *EU Struggles with New Rules for Refugees*, TURKISH DAILY NEWS, Feb. 12, 1999, available at 1999 WL 5565435.

⁶³ See *id.*

⁶⁴ See *id.*

⁶⁵ See *Illegal Immigrants March in Paris*, ASSOCIATED PRESS ONLINE, Dec. 4, 1999, available at 1999 WL 28146276.

Clearly, despite the relatively simple construction of the immigration and asylum laws in France, Italy, and the Netherlands, the necessary residency permits often remain out of reach for African immigrants. Women who seek to avoid or escape forced prostitution can hardly turn to the nations' immigration laws for protection. Thus, there have been a number of approaches taken internationally to curb the problem of exploitation of African women in Europe. The countries of origin of some African prostitutes have made efforts to find solutions of their own.⁶⁶ Many African nations themselves have begun to use their own resources to attack the problem of African sex slavery in Europe.⁶⁷ For example, in 1999, a Malawi businesswoman was tried for operating a prostitution ring which funneled Malawi women to the Netherlands.⁶⁸

III. LEGAL ANALYSIS—WHY THE PREVIOUS RESPONSES TO THE PROBLEM WERE INADEQUATE

International institutions and organizations have attempted to respond to the problem of forced prostitution.⁶⁹ In 1996, the European Conference on Trafficking Women met in Vienna and discussed policy measures in four key areas: "Migration Policy, Judicial Cooperation, Law Enforcement and Police Cooperation, and Social Policy and Protection."⁷⁰ In addition, the U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)⁷¹ requires signatories to "suppress all forms of traffic [of] women and exploitation of prostitution of women."⁷² The convention provides a mandate for the supervision of provisions regarding the trafficking of women. Unfortunately, U.N. committees who have been entrusted to implement this mandate have been unable to do so.⁷³ Past approaches to this problem have failed to assess the efficacy of changing the laws of the host country.

⁶⁶ See *Businesswoman on Charges*, *supra* note 22.

⁶⁷ See *id.*

⁶⁸ See *id.*

⁶⁹ See Hauber, *supra* note 54, at 190-91.

⁷⁰ *Id.* at 190.

⁷¹ Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 13.

⁷² Hauber, *supra* note 54, at 193.

⁷³ See *id.*

One of the earliest responses to various forms of human rights violations was the European Convention of Human Rights adopted in 1950.⁷⁴ It is legally binding on signatory states and provides an avenue for individuals to bring a claim against a state for human rights violations.⁷⁵ The strength of this convention as a tool for combating forced prostitution and sex slavery is weakened by the absence of language that speaks specifically to sex slavery as a violation of human rights.⁷⁶ This omission, coupled with the obvious limitation that plaintiffs must bring a cause of action against a state instead of against the actual perpetrator, prevents the convention from being a particularly useful tool in vindicating the rights of prostitutes in Europe.⁷⁷

An older international agreement which more appropriately addresses the problems of trafficking for the purposes of prostitution is the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others approved by the U.N. General Assembly in 1949.⁷⁸ It obligates states to take measures to punish those involved in the trafficking of women. Article I requires punishment of any person who "procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person [or] exploits the prostitution of another person, even with the consent of that person."⁷⁹ Article II requires punishment of "owners, managers, or persons involved in the financing of a brothel as well as individuals who rent a facility for the purpose of prostitution."⁸⁰ Additionally, the Convention "obliges states to enact social measures to prevent prostitution and to help with the rehabilitation and social reintegration of its victims."⁸¹

The Exploitation Convention, however, does not create a means by which a woman can "bring a claim against her trafficker or pimp."⁸² Additionally, "only a signatory nation can bring a complaint against another signatory."⁸³ As a result, the convention is often not available to women who live in non-

⁷⁴ Convention for the Protection of Human Rights and Fundamental Freedoms, *opened for signature* Nov. 4, 1950, E.T.S. No. 5 (Council of Europe).

⁷⁵ See Hauber, *supra* note 54, at 187.

⁷⁶ See *id.*

⁷⁷ See *id.* Hauber does explain that as a matter of litigating strategy, however, it is possible to overcome the limitation against suing the perpetrators by instead suing the state for failing to implement legal protections of the victim's rights as they exist under the convention. See *id.*

⁷⁸ Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, Mar. 21, 1950, 96 U.N.T.S. 271 [hereinafter Exploitation Convention].

⁷⁹ *Id.* at art. 1; Hauber, *supra* note 54, at 191.

⁸⁰ Exploitation Convention, *supra* note 78, art. 2; Hauber, *supra* note 54, at 191-92.

⁸¹ Hauber, *supra* note 54, at 192.

⁸² *Id.*

⁸³ *Id.*

signatory countries. Finally, a woman is likewise helpless to force a signatory nation to pursue her claim.⁸⁴ The autonomy of the nation-state takes precedence over the protection of victims of trafficking.

As a result of this lack of enforcement mechanisms, the Exploitation Convention has not been effective as a vehicle for protecting the rights of trafficking victims. Still, it is generally considered important because of its clear terms, which address the issue of trafficking and prostitution specifically.⁸⁵ It provides a good example of the necessary elements of a holistic solution to this problem. The convention aims not only to prosecute offenders, but also to reduce the number of offenses by assisting victims and encouraging nations to cooperate with one another.⁸⁶

The International Covenant on Civil and Political Rights (ICCPR) is yet another relatively weak source for the protection of women from trafficking in Europe.⁸⁷ It clearly states that "parties have an obligation to protect people against being trafficked for prostitution."⁸⁸ This covenant goes a step further than previous multilateral conventions by establishing a Human Rights Committee for the monitoring of states' actions under the ICCPR.⁸⁹ The committee reviews the reports presented to it by states under article 40.⁹⁰ From 1977 to 1995, however, the reports had not referred to prostitution within the nations' borders and, as a consequence, the committee rarely had occasion to respond to prostitution trafficking problems per se.⁹¹

The ICCPR also provides a way for individuals to petition the committee for violation of their rights, although this mechanism has not yet been used to investigate trafficking in women.⁹² The committee, in responding to an individual's complaint, would ask the governments violating the covenant to

⁸⁴ *See id.*

⁸⁵ *See id.*

⁸⁶ *See id.* Another explanation for the inefficacy of the convention could be a provision that poses a (likely unintended) threat of deportation or expulsion to women who are not legal residents. This provision effectively discourages victims from exercising their rights under the convention and impedes states' ability to prosecute perpetrators. *See* Stephanie Farior, *The International Law on Trafficking in Women and Children For Prostitution: Making it Live Up to Its Potential*, 10 HARV. HUM. RTS. J. 213, 219 (1997).

⁸⁷ International Covenant on Civil and Political Rights, G.A. Res. 2200A, U.N. GAOR, 21st Sess., Supp. No. 16, at 52, U.N. Doc. A/6316 (1966) [hereinafter ICCPR].

⁸⁸ *See* Farior, *supra* note 86, at 225.

⁸⁹ *See* ICCPR, *supra* note 87, at art. 28.

⁹⁰ *Id.* at art. 40.

⁹¹ *See* Farior, *supra* note 86, at 226.

⁹² This option is available only to individuals who complain against a state which has ratified the First Optional Protocol of the Covenant. *See* ICCPR, *supra* note 87, at 227.

disclose the procedures the state had set up to redress the problem.⁹³ If a measure similar to the covenant is to have any efficacy at all, it must include provisions whereby all forms of forced prostitution and trafficking are exposed, domestically and abroad. In addition, a method by which the committee could suggest procedures to states who have received complaints from individuals would likely be helpful. Suggested procedures would serve as international guidelines by which all nations could measure their commitment to the elimination of the sex slave trade.

Finally, one of the most recent and most widely cited international agreements that potentially serves as ammunition against trafficking in women for prostitution internationally is the CEDAW⁹⁴ adopted by the U.N. General Assembly in 1979.⁹⁵ Article 6 of the convention mandates that states "take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."⁹⁶ Although the CEDAW convention does not make clear what comprises appropriate measures, a loose framework of expected behavior is set out in another article.⁹⁷ In addition, article 5 calls on the states to

modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and custom, and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.⁹⁸

While these are lofty and somewhat idealistic goals, this provision likely calls for states to do more than they have been willing or able to do. Many states refuse to recognize a trafficking problem at all. Expecting those states to act to change their social and cultural patterns may be asking too much. It is unclear how or if it is even possible for states themselves to change the cultural patterns that have become ingrained in the social fabric of a people. What victims of trafficking need is an enforcement mechanism by which nations will be held responsible for protecting the women who reside within

⁹³ See Fariior, *supra* note 86, at 227.

⁹⁴ Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 13 [hereinafter CEDAW].

⁹⁵ See Fariior, *supra* note 86, at 227.

⁹⁶ See CEDAW, *supra* note 94, at art. 6.

⁹⁷ See *id.*

⁹⁸ *Id.* art. 5.

their borders. It is simply not enough for nations to endeavor to change social patterns over a period of years or even decades.

Many multinational treaties and other agreements have been made directly in response to the problem of trafficking of women. These agreements have not been effective in preventing growth in the trafficking industry in Europe. While many of the international agreements affirm the goal of protecting women from powerful predatory forces, they have failed to give victims the power to hold their perpetrators directly responsible. In addition, the agreements reflect a general reluctance on the part of nations to be forced to provide a certain standard of safety for residents who may not even be citizens. The agreements to date have at least one of three problems. Either, the agreements are not practical, are not accessible to the very women they seek to protect, or do not address the issue with enough clarity to serve as any real obstruction to those who wish to exploit these women.

Agreements that are narrow in focus are impractical for the countless women who find themselves in a variety of circumstances and jurisdictions not covered in the agreement. Other agreements that give nations rather than victims the power to enforce the mandates create enforcement mechanisms that are out of a victim's reach. Finally, agreements that lack a clear statement of the issue of eliminating trafficking of women fail to mandate signatory nations to grant real relief for victims.

A possible criticism of European nations' response (or lack thereof) to trafficking of women into sex slavery is that the measures fail to address underlying problems that contribute to the growth of this clandestine industry. Individual nations' immigration and residency laws, discussed earlier, make it difficult for foreign women to obtain legal status and thus their problems often go undetected by authorities.⁹⁹

As a policy, most European countries have increasingly chosen to criminalize prostitution.¹⁰⁰ Many scholars, however, argue that this choice has worked to drive prostitution underground, making it easier for traffickers and pimps to prey on women.¹⁰¹ Criminalizing prostitution has an even more deleterious effect on foreign women who, knowing they could be deported for such activity, are reluctant to prosecute those who exploit them or seek protection from legal authorities.¹⁰²

⁹⁹ See *supra* notes 23-54 and accompanying text.

¹⁰⁰ See Carol H. Hauge, *Prostitution of Women and International Human Rights Law: Transforming Exploitation Into Equality*, 8 N.Y. INT'L L. REV. 23, 42-43 (1995).

¹⁰¹ See *id.* at 44.

¹⁰² See *id.*

Most nations criminalize prostitution in efforts to reduce the undesirable social effects of prostitution such as female promiscuity, as well as the spread of sexually transmitted diseases.¹⁰³ Carol Hauge argues that criminalizing prostitution violates both the letter and spirit of the CEDAW, however.¹⁰⁴ Although Article 2(g) of the convention requires states to “undertake to repeal all national penal provisions which constitute discrimination against women,” criminal sanctions against prostitution disproportionately penalize women.¹⁰⁵ It has been argued that the criminal sanctions should be focused instead on the customers or facilitators of prostitution including traffickers and pimps.¹⁰⁶ Criminal statutes, as the vast majority now stand, not only fail to curtail growing prostitution, they also increase the likelihood of exploitation of prostitutes.¹⁰⁷

Taking steps to legalize prostitution to some degree is another possible method European nations are considering to fight the growing problem of forced prostitution.¹⁰⁸ Italy, for example, is contemplating repealing the 1958 law which mandated closure of brothels.¹⁰⁹ Proposed legislation would allow prostitutes to conduct business in private homes.¹¹⁰ Likewise, the Netherlands, which has traditionally had more permissive laws regarding prostitution, relaxed its laws further last year by repealing a 1912 statute outlawing brothels.¹¹¹

Critics of this approach argue that moving prostitution from the street to the closed quarters of private homes will not only fail to free prostitutes from the grip of their captors, but will also give legal sanction to more clandestine activities by prostitution rings.¹¹² Maura Cossutta, a member of the Italian parliament, argues that the proponents of this legislation simply “want to make

¹⁰³ See *id.*

¹⁰⁴ See *id.* at 41.

¹⁰⁵ Hauge, *supra* note 100, at 41.

¹⁰⁶ See *id.* at 37.

¹⁰⁷ See generally *id.* at 44 (A 1959 prostitution study explained that “experience has shown that the extent of the exploitation of the prostitution of others is much greater in countries which do not provide in their legislation repressive measures against he exploiters” The study did not recommend the criminalization of prostitution itself).

¹⁰⁸ See Jeff Israely, *In Italy, A New Solution for Oldest Profession Plan for Prostitutes Would Reopen Brothels to Make Sex Trade Safer*, BOSTON GLOBE, Aug. 13, 2000, at 2, available at 2000 WL 3338303.

¹⁰⁹ See *id.*

¹¹⁰ See *id.*

¹¹¹ See *id.* See also Ministry of Foreign Affairs, *Dutch Policy on Prostitution Questions and Answers* (visited Feb. 25, 2002) http://www.minbuza.nl/OriginalDocuments/c_3543.pdf. Published by Royal Netherlands Embassy.

¹¹² See Israely, *supra* note 108, at 3.

prostitution invisible because it makes [the lawmakers] feel uncomfortable.”¹¹³ Cossutta believes that the government should focus instead on disengaging the syndicates that run prostitution rings.¹¹⁴

Allowing some form of legal, government regulated prostitution may not eliminate the problem of sex slavery altogether, but it is likely to shed light on the sex industry in general. Since sex slavery and especially the vast syndicates thrive on the hidden, clandestine nature of prostitution, making the sex industry more public will at the very least create a more discernible distinction between willing sex workers and those who prostitute against their will. Relative to a woman registered with the government and working in a brothel, an unregulated prostitute on the streets of a European city may more clearly be identified as a victim.

Hand in hand with the Netherlands' plan of continuing legal prostitution is a new law that outlaws non-EU prostitutes who are without resident parents.¹¹⁵ The law aims at reducing economic competition and increasing price stabilization of sex services for Dutch prostitutes.¹¹⁶ African and other non-EU prostitutes, who have for the most part been more willing to perform for less money, have been blamed for the lower prices prostitutes can demand in the Netherlands.¹¹⁷ Targeting non-EU prostitutes will clearly force a disproportionate number of African women into illegal operation, making them more susceptible to abuse and control. The Foundation against Women Trafficking's Tineke Bekker believes that under the Dutch law, “foreign women will be forced to work illegally in worse conditions with little access to health care and support groups.”¹¹⁸

¹¹³ *Id.*

¹¹⁴ *See id.*

¹¹⁵ See Justin L'anson Sparks, *Dutch to Bar Non-European Prostitutes*, SUNDAY TELEGRAPH OF THE U.K., Dec. 26, 1999, available at 1999 WL 29792092. See also Ministry of Foreign Affairs, *Dutch Policy on Prostitution on Questions and Answers* (visited Feb. 25, 2002) http://www.minbuza.nl/OriginalDocuments/c_3543.pdf.

¹¹⁶ See Justin L'anson Sparks, *Dutch to Bar Non-European Prostitutes*, SUNDAY TELEGRAPH OF THE U.K., Dec. 26, 1999, available at 1999 WL 29792092. See also Ministry of Foreign Affairs, *Dutch Policy on Prostitution on Questions and Answers* (visited Feb. 25, 2002) http://www.minbuza.nl/OriginalDocuments/c_3543.pdf.

¹¹⁷ See Justin L'anson Sparks, *Dutch to Bar Non-European Prostitutes*, SUNDAY TELEGRAPH OF THE U.K., Dec. 26, 1999, available at 1999 WL 29792092. See also Ministry of Foreign Affairs, *Dutch Policy on Prostitution on Questions and Answers* (visited Feb. 25, 2002) http://www.minbuza.nl/OriginalDocuments/c_3543.pdf.

¹¹⁸ Justin L'anson Sparks, *Dutch to Bar Non-European Prostitutes*, SUNDAY TELEGRAPH OF THE U.K., Dec. 26, 1999, available at 1999 WL 29792092. See also Ministry of Foreign Affairs, *Dutch Policy on Prostitution on Questions and Answers* (visited Feb. 25, 2002) http://www.minbuza.nl/OriginalDocuments/c_3543.pdf.

In France, prostitution is legal, but there are no brothels regulated or allowed by the state.¹¹⁹ France tolerates solicitation of prostitution in certain “red light” districts, but solicitation remains a crime in most areas.¹²⁰ It seems France, however, has taken the initiative, at least in theory, to join forces with other nations to discover and dismantle transnational prostitution rings.

The Veneto region of Italy (which includes such cities as Venice and Padua) has decided to fight proliferation of prostitution by a special method of punishing the customers. The government recently charged a man with “favoring prostitution” and impounded his car.¹²¹ While this punishment is intended to frighten customers away from soliciting prostitutes, it is not without controversy.¹²² One of the first men to receive this punishment, identified as Antonio P. of Treviso, committed suicide after suffering the embarrassment of having his car impounded in accordance with the law.¹²³ While turning the focus toward punishing the customer instead of the prostitute is likely a welcome change in the opinion of those who criticize criminalizing prostitution, this punishment may not go far enough to protect women who are engaging in prostitution against their will. An Italian state official commented that instead of simply impounding the cars, police should “follow prostitutes home” to reveal those in charge of the prostitute ring.¹²⁴

Italian network television has also tried to respond to the problem of sex slavery by increasing public awareness.¹²⁵ In May 2000, the major Italian networks showed a Nigerian prostitute kneeling at St. Peter’s Square after receiving a blessing from the Pope.¹²⁶ The woman, identified as 26-year-old Anna, had contracted AIDS as a result of being forced into prostitution.¹²⁷ In response to the growing awareness of forced prostitution, the government created hotlines for women to call for help in seeking healthcare and assistance in escaping from their captors.¹²⁸

¹¹⁹ See *Dutch Make Oldest Profession Just A Job: Prostitutes, Clients and the Law Across Europe*, GUARDIAN WORLD REP., Oct. 30, 1999, available at 1999 WL 25742262. See also Law No. 98-657 of July 29, 1998, J.O., July 31, 1998, 11679.

¹²⁰ See *Dutch Make Oldest Profession Just A Job: Prostitutes, Clients and the Law Across Europe*, GUARDIAN WORLD REP., Oct. 30, 1999, available at 1999 WL 25742262. See also Law No. 98-657 of July 29, 1998, J.O., July 31, 1998, 11679.

¹²¹ See Agnew, *supra* note 8, at 11.

¹²² See *id.*

¹²³ See *id.*

¹²⁴ *Id.*

¹²⁵ See Israely, *supra* note 108.

¹²⁶ See *id.*

¹²⁷ See *id.*

¹²⁸ See *id.* From July to September 2000, approximately 7,000 women placed calls to the

Another way in which individual nations have exacerbated the problem of trafficking for prostitution is the vast discrepancies among each nation's asylum and immigration laws. Harmonization of the asylum laws among the European nations will help to prevent illegal immigration and "to prevent economic exploitation of illegal immigrants."¹²⁹ Under the current system, prostitutes involved in trafficking rings can be moved easily from country to country to evade detection from the law enforcement of differing European nations.

IV. POSSIBLE SOLUTIONS

There are at least two mechanisms necessary for preventing the proliferation of sex slavery among African women in Europe. The first involves enacting a series of protective measures that will treat the women as victims, not criminals, and will allow them to seek the aid of government officials.¹³⁰ The second involves the authorities pursuing the networks of those who perpetuate sex slavery, including traffickers and pimps on an international scale.¹³¹ In addition, there are several other methods that may be effective in preventing sex slavery in Europe and arresting perpetrators.

One type of victim protection, decriminalization of prostitution, is perhaps the most controversial.¹³² When prostitution itself is illegal, women who are sex slaves are inadvertently involved in illegal activity. Understandably, few women are willing to risk deportation or prosecution by making themselves and their plight known to the proper authorities. Regan Ralph, Executive Director for the Women's Rights Division of Human Rights Watch, explained that criminalizing prostitution makes victims of sex slavery even more vulnerable to abuse and discourages them from seeking the protection of the police.¹³³ Decriminalizing prostitution would be a very liberal and unlikely step for most nations, especially for Italy because of its largely Roman Catholic population. The Netherlands, an exception, has allowed legal and conspicuous solicitation of prostitution in regulated red-light districts.¹³⁴

hotline and more than seventy women were assisted in leaving prostitution. *See id.*

¹²⁹ Kay Hailbronner & Jorg Polakiewicz, *Non-EC Nationals in the European Community: The Need for a Coordinated Approach*, 3 DUKE J. COMP. & INT'L L. 49, 85 (1992).

¹³⁰ *See International People Trafficking, supra* note 5.

¹³¹ *See id.*

¹³² *See id.*

¹³³ *See id.*

¹³⁴ *See* Israely, *supra* note 108. *See also* Ministry of Foreign Affairs, *Dutch Policy on Prostitution Questions and Answers* (visited Feb. 25, 2002) <http://minbuza.nl/OriginalDocuments/>

Livia Turco, Social Affairs Minister of Italy, proposed a form of legalized prostitution to allow prostitutes to form cooperatives and perform services in government regulated brothels.¹³⁵ The proposed legislation would empower prostitutes to be in charge of their own businesses, thus certainly loosening the control of pimps and others who force some women into prostitution.¹³⁶ In addition, the added government regulation would likely make these sex slaves more visible to authorities. Legislation such as this would disproportionately affect the lives of immigrant women since they comprise nearly two-thirds of the 25,000 prostitutes in Italy.¹³⁷

Another type of protection for victims that might negatively impact the proliferation of sex slavery is the creation and enforcement of access for immigrant women to jobs in Europe. With access to employment, immigrant women who came to Europe of their free will would be able to support themselves and may not be as susceptible to pimps who often take advantage of the lack of opportunity and education of many immigrant women.¹³⁸ The Netherlands, likewise, provides temporary residence permits to victims of trafficking.¹³⁹ An alleged victim need only show suspicion of trafficking to be eligible for a stay of deportation while choosing to pursue charges against her traffickers or captors.¹⁴⁰ The Dutch law also provides victims with shelter, legal counsel, medical care and psychological counseling while she aids in prosecuting her offenders.¹⁴¹

Citizenship or work permit requirements for certain jobs are a major obstacle for African women seeking an alternative to prostitution. In France, many jobs in the public sector such as teaching in the public schools and secretarial jobs in government offices are only available to French citizens.¹⁴² Nations with this kind of protectionist scheme in their labor regulations must recognize that disqualifying a small but growing population of their inhabit-

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¹³⁵ See Israely, *supra* note 108.

¹³⁶ See *id.*

¹³⁷ See *id.*

¹³⁸ See *id.*

¹³⁹ See Andrea Marie Bertone, *Sexual Trafficking in Women: International Political Economy and the Politics of Sex*, FEMINIST ISSUES, Jan. 1, 2000, at 14, available at 2000 WL 23519685. See also Vreemdelingenwet, Dutch Aliens Act of 1965, *supra* note 45, art. 15.

¹⁴⁰ See Ministry of Foreign Affairs, *Dutch Policy on Prostitution Questions and Answers* (visited Feb. 25, 2002) http://minbuza.nl/OriginalDocuments/c_3543.pdf.

¹⁴¹ See *id.*

¹⁴² See Judy Scales-Trent, *African Women in France: Immigration, Family, and Work*, 24 BROOK. J. INT'L L. 705, 730-31 (1999).

ants creates an underclass more likely to engage in illegal and dangerous occupations.

Creating access to jobs for immigrant women means not only providing them with legal permission to work, but also protecting them from discrimination that runs deep in many European countries. French law makes it a crime to "refuse to hire, to punish, or to fire a person or to subordinate a job offer to a discriminatory condition, because of that person's origin, or the fact that he belongs to, or doesn't belong to a particular ethnic group, country, race or religion."¹⁴³ The law is rarely enforced if at all, however.¹⁴⁴ Anti-discrimination laws would be beneficial to African women who seek to support themselves without resorting to or becoming a victim of forced prostitution. A nation must be committed to enforcing these laws, however, if they are to have any meaning at all.

Another way in which the victims of sex slavery can be protected is by providing them with immunity from prostitution and immigration laws and/or witness protection for informing authorities about their captors. Immunity will likely not only cause more women to come forward and free themselves from sex slavery, but it will also aid the authorities in detecting the individuals involved in the trafficking syndicates. Giving women the opportunity to come forward without fear of legal punishment is essential. As Andrea Bertone explains, for an undocumented immigrant, "fear of being found can be the worst kind of prison."¹⁴⁵

Switzerland offers programs to provide health and medical assistance to women victims of sex slavery.¹⁴⁶ Additionally, Switzerland provides job training and protection from retaliation by the victims' former captors.¹⁴⁷ This plan to develop and protect the women may encourage those who are able to step forward and seek help from authorities.

The victims of sex slavery have sacrificed more than they believed they would have to in order to be in Europe. Many women came for the original purpose of work or study. Giving them the opportunity to fulfill their original desire is a way for nations to affirm a commitment to the rehabilitation of these women. Anything less would simply be passing the responsibility of severe physical and psychological damage of these women to their home

¹⁴³ *Id.* at 730. Law No. 90-615 of July 13, 1990, J.O., July 14, 1990.

¹⁴⁴ See Trent, *supra* note 142. The author explains that employers who discriminate "escape liability simply by denying any racist motivations." *Id.*

¹⁴⁵ Bertone, *supra* note 139.

¹⁴⁶ See *30,000 Women Victims of Trafficking in Europe*, AGENCE FRANCE-PRESSE, Jan. 20, 2000, available at 2000 WL 2716702.

¹⁴⁷ See *id.*

countries which are least able and least likely to assist them. In addition, simple deportation of the women only places them in a position to be recycled through the trafficking system once again. Of course, safe repatriation for those who wish to return to the home country should also be available.

Another possible method of stopping sex slavery in Europe is for law enforcement and legislatures to pursue the crime syndicates responsible for trafficking women.¹⁴⁸ Trafficking in immigrants is a billion dollar business rivaling the drug trade.¹⁴⁹ Because traffickers are paid so well for their services, (estimates of between \$250 and \$25,000 per shipment), trafficking humans has become big business.¹⁵⁰ Moreover, because penalties for trafficking in humans are so slight compared to those for drug trafficking while the work is just as lucrative, many criminals prefer to smuggle humans because the risk is smaller.¹⁵¹

Professional trafficking syndicates are organized, well-funded, and sophisticated networks of people spread along large geographic areas.¹⁵² The syndicates have access to technology, which allows them to create false documentation for the imported women.¹⁵³ Without dismantling these powerful crime networks, an effort to curb forced prostitution of immigrants in Europe will likely be futile. Surprisingly, the domestic law enforcement agencies of various European countries know very little about the trafficking syndicates.¹⁵⁴ Even more frustrating is that these syndicates span across national borders and the women are typically smuggled from, through, and to several nations by the syndicates, making international intelligence cooperation essential to combat the syndicates effectively.¹⁵⁵

Patchwork regulation in Europe by the various nations likely makes it more difficult to discover and apprehend the members of the trafficking syndicates. Traffickers and trafficking syndicates take advantage of the lack of cooperation among law enforcement in different nations in Europe.¹⁵⁶ Although a Europol has been established whereby EU nations have access to the police

¹⁴⁸ See Marlowe Hood, *Trafficking in Humans: Big Business in Europe Light Penalties and Huge Profits Spell a Boon for Organized Crime*, INT'L HERALD TRIB., Jan 3, 1995, available at 1995 WL 7541426.

¹⁴⁹ See *id.*

¹⁵⁰ See *id.*

¹⁵¹ See *id.*

¹⁵² See *id.*

¹⁵³ See *id.*

¹⁵⁴ See *id.*

¹⁵⁵ See *id.*

¹⁵⁶ See *id.*

files of other EU states, Europol and the international police force, Interpol, have found it quite difficult to curb trafficking.¹⁵⁷ It is clear that infiltrating the professional trafficking syndicates will require further international cooperation of law enforcement in Europe.

Having differing laws targeting traffickers across Europe likely contributes to the proliferation of trafficking in humans. Italy, for example, has a law that states that "a group of three or more persons who for profit bring illegal aliens into Italian territory is liable for imprisonment for up to six years."¹⁵⁸ Other nations in Europe have varying definitions and criminal sanctions for trafficking in humans. Because of this, prosecuting or even arresting a member of a trafficking syndicate requires the member to be found in a country where trafficking has been made illegal.¹⁵⁹ European nations have little ability to standardize their laws against trafficking to allow for greater cooperation among the various nations of Europe to infiltrate the trafficking syndicates.¹⁶⁰

Finally, efforts on the part of the individual birth countries of the victims to control or prevent the exportation of their nationals to Europe for sex slavery should be supported by European nations and the international community. Many African nations and one province of Nigeria have passed laws with stiff penalties for those involved in the sex trade abroad.¹⁶¹ These nations have too often seen the harsh effects of their daughters being sent to Europe. One woman, Queen Omoruyi, who left Nigeria to voluntarily practice prostitution in Europe, amassed a great fortune and returned to her hometown a rich woman.¹⁶² Since her return, however, she has been plagued by a "strange ailment" thought to be AIDS, which she likely contracted in Europe while working as a prostitute.¹⁶³

Both voluntary and involuntary prostitution involving nationals of Nigeria prompted that nation in particular to protect its reputation by passing

¹⁵⁷ See Brian Kenety, *Rights-Women: Trafficking of Women on the Increase*, INTER PRESS, Mar. 1, 2000, available at 2000 WL 4090060.

¹⁵⁸ Gazz. Vff., Decree-Law, no. 286-180898 passed July 25, 1998. Bertone, *supra* note 139, at 13.

¹⁵⁹ See *id.*

¹⁶⁰ See *id.* The author suggests that immigration crime is an international, not national event, and international harmonization of laws in Europe is being recognized as increasingly more necessary. See *id.*

¹⁶¹ See Maureen Chigbo, *Igbinedion Versus Prostitutes*, AFR. NEWS SERV., Oct. 9, 2000, available at 2000 WL 27440495. The law referred to was enacted by the governor of the Edo State, Nigeria. See *id.*

¹⁶² See *id.*

¹⁶³ *Id.*

legislation against exporting women for prostitution.¹⁶⁴ While the Nigerian law makes practicing prostitution abroad illegal, it also makes trafficking or sponsoring women to be trafficked to Europe for prostitution illegal.¹⁶⁵ Specifically, the law “forbids any person from sponsoring a girl or woman by giving her any financial, physical or material assistance to enable her travel out of Nigeria for the purpose of becoming a prostitute or to carry out any immoral act.”¹⁶⁶ As of May 2000, thirteen people had been arrested as traffickers under the law.¹⁶⁷ Penalties include a prison sentence of up to ten years or a fine of 500,000 Nigerian dollars.¹⁶⁸

African nations that legislate against trafficking of their nationals abroad for prostitution often criminalize the actions of the women and the men.¹⁶⁹ To be equitable and reflect the true problem of sex slavery, the African nations must begin to recognize a difference between voluntary involvement in the sex industry and forced involvement. In other words, if individual nations choose to treat prostitution as a crime the nations should draw a distinction between the forced prostitution victim who should be immune from prosecution and the willing prostitute who should be subject to the law.¹⁷⁰

Legislation enacted by the home nations of African prostitutes in Europe has the potential to be much more effective than European legislation. First, in conjunction with European legislation, the trafficker is placed in a much more perilous position whereby he could be subject to prosecution in several different states. Second, African law enforcement has access to the initial contact in the trafficking syndicates because women are lured, tricked, or kidnapped from their home state. By attacking the domestic (African) link to the trafficking syndicates, the flow of women from Africa has the potential to be greatly reduced. Finally, laws on the books, even if they are not enforced properly, may by their very existence alert women to the dangers that exist at home and abroad.

¹⁶⁴ *See id.*

¹⁶⁵ *See id.*

¹⁶⁶ *Id.*

¹⁶⁷ *See id.*

¹⁶⁸ *See id.*

¹⁶⁹ *See id.*

¹⁷⁰ *See id.* As the law is currently written in Nigeria, a woman need only “knowingly offer herself for the purpose of prostitution or carry out any immoral act to be guilty of the act.” *Id.*

V. CONCLUSION

The holding of African women in forced prostitution is a large and growing problem throughout Europe. Over the past decade, Western Europe has been flooded with legal and illegal immigration from non-European countries. Although domestic laws of varying Western European nations reflect efforts to provide orderly immigration policies, for the most part they have been ineffective at recognizing and tracking immigrants. Immigration and asylum laws of most European nations create a complex and unwieldy system of residency permits. As a result many immigrants go unaccounted for by the government.

In addition, labor laws have prevented non-European Union migrants or non-citizens from obtaining certain jobs. Few nations have taken the initiative to pass laws which prevent job discrimination against African or other immigrants. On the contrary, most Western European nations have protectionist labor laws which prevent even legal immigrants from obtaining legitimate employment. The laws perpetuate the clandestine existence of many migrants, especially African women, and help protect the underground sex slavery industry. Legalizing migrants, providing an alternative to the sex industry, and finding a way to somehow make them more visible to authorities is necessary to help curb the vulnerability of victims of sex slavery.

Trafficking of women thrives in an environment where women are vulnerable and not recognized by the authorities. Individual immigration laws in Western Europe have exacerbated the problem of trafficking of women. More accessible laws and fewer restrictions on obtaining residency permits will allow immigrants, especially women, to be counted by the government and obtain assistance from the police and other authorities, if necessary.

Many European nations have responded to an increase in prostitution within their borders by passing new laws sanctioning prostitution or by enforcing old ones. This trend has increased the problem of forced prostitution. African women forced by their pimps to perform fear both deportation and prosecution.

Criminalization of prostitution has only made the clandestine sex slave industry stronger, while the women involved feel more hopeless than ever. Recognizing this relationship, some scholars and politicians have supported the legalization of prostitution. This proposition is not popular and likely will not gain continental adherence. Other scholars argue that the real culprits of the proliferation of prostitution in Europe are the powerful members of criminal trafficking syndicates who are responsible for luring, kidnapping, or tricking women into leaving Africa for Europe, holding the women against

their will and selling them to pimps and brothel owners who force them to prostitute to earn money.

Targeting syndicates as the basis of the international trafficking problem can be achieved through the creation of real and substantial penalties for luring and trapping women into the industry, for enslaving and selling the women to pimps, and for forcing women to sell sex. Making trafficking an international crime with stiff penalties may discourage some participation in the industry.

International cooperation is necessary if nations want to reduce the growing industry of forced prostitution. These transactions in women occur worldwide despite boundaries and borders. It is not uncommon for well-connected syndicates to have members functioning in many different nations. Agencies like Europol and Interpol need to be given more support by member states to facilitate cooperation among states and sharing of information about the location and activities of the syndicates. In addition, European nations need to enter into some form of agreement or create a uniform criminal code to prevent syndicate members from finding refuge in a nation with less stringent laws. A patchwork system of legal sanctions against trafficking that varies widely from one state to another will only increase Europe's problem.

Finally, the efforts of African states to protect their nationals overseas from sex slavery and voluntary prostitution should be supported by European nations. Legislation by African states is an essential part of the international effort necessary to effectively attack the international scope of sex slavery of African women.

Only a holistic approach to a complex international problem can offer the desired results. Because many nations are affected by this international epidemic, the solution will require sustained efforts from a variety of sources worldwide.

