

Testimony on Trafficking of Women and Girls to Bosnia and Herzegovina for Forced Prostitution

**Testimony of
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Subcommittee on International Operations and Human Rights
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Madame Chairperson and Members of the Subcommittee,

Thank you for inviting Human Rights Watch to provide testimony on trafficking of women and girls to Bosnia and Herzegovina for forced prostitution. My name is Martina Vandenberg and I serve as the Europe Researcher for the Women's Rights Division of Human Rights Watch. It is an honor to testify before you today. My colleagues and I at Human Rights Watch thank you for the attention that you have focused on these important human rights violations.

Human Rights Watch has documented and monitored trafficking for almost a decade, publishing reports on trafficking of women and girls from Burma to Thailand, Nepal to India, Bangladesh to Pakistan, Thailand to Japan, and from Eastern Europe into Greece.

Trafficking flourishes throughout the world, aided by corruption, complicity, and neglect by states. Seeking better lives and opportunities, trafficking victims migrate only to find themselves trapped in debt bondage, forced labor, and slavery-like conditions. The United Nations has estimated that as many as 700,000 people are trafficked into forced labor and forced prostitution around the world each year. The United Nations Mission in Bosnia and Herzegovina has estimated that between 750 and 1,000 trafficked women and girls remain trapped in brothels scattered around the country. Non-governmental organizations, such as Lara, an anti-trafficking group in Bijeljina, Bosnia and Herzegovina, place the figure at 2,000 or more. Stripped of their passports, sold as chattel, and forced to work for little or no pay, these women, many of whom anticipated lucrative job opportunities in Italy and other western European countries, instead face danger and human rights abuses.

In researching trafficking, Human Rights Watch has relied since December 2000 on the definition of trafficking enunciated in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (Trafficking Protocol). In Article 3(a), the Protocol defines trafficking in persons as:

the recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of abuse of power or of position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

The Trafficking Protocol encourages states to provide human rights protections for victims of trafficking, including temporary residence, legal assistance, appropriate shelter, psychological and medical care. The protocol, like the U.S. Trafficking Victims Protection Act, covers all forms of trafficking, not just trafficking into the sex industry. To date, 104 countries have signed the protocol and six have ratified. The government of Bosnia signed the Trafficking Protocol and has committed to ratifying it.

I'd like to begin this afternoon by briefly summarizing our findings in Bosnia and Herzegovina. I will then turn to the question of the international community's links with trafficking and close with recommendations for alleviating these abuses.

Trafficking of Women and Girls to Bosnia and Herzegovina for Forced Prostitution

Human Rights Watch began researching the trafficking of women and girls into Bosnia and Herzegovina in 1999, interviewing victims of trafficking, U.N. Mission in Bosnia and Herzegovina officials, members of the International Police Task Force (international unarmed police monitors serving with the U.N. mission under Annex 11 of the Dayton Agreement), and local officials. The investigations uncovered extensive trafficking into the country, with traffickers luring women from their homes in Moldova, Romania, Ukraine, Russia, Belarus, and Bulgaria with promises of high wages and good jobs. Traffickers quickly broke those promises, selling the women to bar and nightclub owners for prices ranging from 500 Deutschmarks (US\$231)¹ to 5,000 Deutschmarks (US\$2,314). In many cases, these transactions took place in Belgrade, the capital of the neighboring Federal Republic of Yugoslavia; from there traffickers or owners transported the women and girls to Bosnia and Herzegovina.

¹ Throughout the report, the exchange rate for Deutschmarks to the U.S. dollar used is 2.16, the rate as of October 21, 2001.

The women's prices became their debts. Owners and employers promised the women and girls that they would receive 50 percent of their earnings after clearing their debt; this rarely happened in practice. Instead, owners often sold women to new "employers," saddling them with new debts and ending their hopes of sending money to parents and children at home.

In one illustrative case, a twenty-two year old Ukrainian woman interviewed during a brothel raid told Human Rights Watch, "I have been in Bosnia for three months [since December 1998]. I came to work here in a bar. I knew nothing when they took me to Serbia – I was sold there four times to different men."²

While some of the women agreed to migrate and work in the sex industry, none of them anticipated that they would be sold, forced to work without payment, and abused. Human Rights Watch obtained the verbatim transcript of one woman trafficked into Prijedor, Republika Srpska of Bosnia and Herzegovina in 2000. She told International Police Task Force investigators:

The girls were obliged to dance, drink a lot and go into their rooms with anyone. All girls were working three months for free. We were eating once per day and sleeping 5-6 hours per day. If we would not do what they [the owners and guards] wanted us to do, the security guards would beat us.³

Some bar owners allowed women to keep their tips. But in many cases, the owners simply levied fines that sucked even those small earnings away from the women. Through fines, forced purchases of lingerie and food, or outright theft, the women found that they effectively earned no money. One woman, D.D., trafficked to Bosnia from Ukraine in 1998 told Human Rights Watch, "I did not earn anything. I earned money at the [first bar that I worked in], but [the owner] fined me for any small infraction and took 300 Deutschmarks (US\$138) that I had saved away from me."⁴

In 1999, the International Organization for Migration (IOM), an intergovernmental organization, initiated a program to provide shelter and voluntary repatriation to trafficking victims trapped in Bosnia. The women accepted into the IOM voluntary repatriation program receive shelter in Bosnia, assistance with procuring travel documents, plane tickets, escorts at transit airports, overnight shelter upon arrival at their country of origin, and train or bus tickets home.

Involvement of Local Police

Trafficking of persons cannot flourish without the cooperation of state officials and law enforcement authorities. In Bosnia, involvement of local police ranged

² Human Rights Watch interview, B.B., Orasje, March 22, 1999.

³ Official IPTF interview transcript, Prijedor #3, November 22, 2000.

⁴ Human Rights Watch interview, D.D., Orasje, March 22, 1999.

from visiting brothels as “gratis” clients to facilitating the trafficking of women in the country. This complicity and corruption on the part of local police officers facilitated and exacerbated these human rights abuses. Victims spoke of police officers who visited the brothels to partake of free sexual services in exchange for assistance in procuring false documents and tipping off owners to upcoming raids. Some police officers moonlighted as waiters in the brothels. Still others engaged in trafficking directly.

For the most part, the police engaged in these activities with complete impunity. As of April 2002, according to a letter from the United Nations Headquarters in New York to Human Rights Watch, only six local police officers faced de-authorization (removal) as a result of UNMIBH investigations. In one case a police officer received a prison sentence of one year and three months for trafficking women from Belgrade into Banja Luka. Unfortunately, the paucity of successful criminal investigations and disciplinary proceedings against local police underscored the record of failure in this area.

The International Community and Trafficking

In July 2001, the United Nations created the Special Trafficking Operations Program (STOP) to fight trafficking more aggressively. Since July 2001, the mixed International Police Task Force and local police teams have conducted over 270 raids and interviewed over 800 women. Those women and girls identified as trafficking victims are referred to the International Organization for Migration for assistance. IOM assisted 14 women in 1999, 199 in 2000, and over 200 in 2001 with shelter, medical care, and voluntary repatriation to their countries of origin. Local non-governmental organizations, such as Lara in Bijeljina, have provided shelter and assistance to victims with funding from international sources.

While these interventions by the international community have served a positive role in combating trafficking, other activities have only exacerbated this human rights abuse. I believe that others testifying today will give more information on specific allegations concerning the international community and trafficking, but I would like to give an overview of Human Rights Watch’s own conclusions.

Our researchers scoured internal investigative International Police Task Force (IPTF) reports, conducted interviews with IPTF monitors, and reviewed verbatim transcripts of testimony given to IPTF by trafficking victims. These sources all pointed to one conclusion **C** that IPTF monitors visited the brothels or arranged to have trafficked women delivered to their residences in violation of their code of conduct. Most striking, however, was the evidence that at least three IPTF monitors purchased women and their passports from traffickers and brothel owners.

Human Rights Watch takes no position on prostitution. However, IPTF officers, who through their work and training knew or should have known that the brothels contained trafficked women, violated the United Nations “zero tolerance” policy by even visiting the brothels. More importantly, according to NGOs in the field working with victims, the presence of IPTF monitors in the clubs as clients discouraged women from seeking safe haven in IPTF stations.

In at least one case, an IPTF officer who purchased a woman maintained that he had done so in order to “rescue” her. But, like his colleagues, he should have known that this is not the proper procedure for a police officer to free someone from captivity. The “rescues” thwart efforts to enforce the law and remain factually questionable. From the perspective of the victim, she may have traded one owner for another.

In November 2000, International Police Task Force monitors conducted raids of three nightclubs – Crazy Horse I, Crazy Horse II, and Masquerade C in Prijedor. The raids, which freed 34 women trafficked into these three brothels in that city, resulted in the repatriation of six IPTF officers – two Americans, two Spaniards, and two British nationals. The official reason given for the disciplinary measures was “exceeding the mandate” of the IPTF – a reflection of accusations that the monitors had conducted the raids themselves, rather than supervising the actions of local police officers as required under the IPTF mandate. However, one United Nations official in the Bosnia Mission with extensive knowledge of the case and who interviewed the women told Human Rights Watch, “SFOR [the NATO Stabilization Force] and IPTF brought the girls to Sarajevo, and then the girls pointed out that the guys driving them had been their clients.”⁵ In all, according to verbatim statements obtained by Human Rights Watch, five of the trafficking victims asserted that IPTF monitors had numbered among their clients.

The fact that officers who had used the sexual services at the nightclubs transported the women to Sarajevo created an opportunity for witness tampering. The internal report on the investigation, examined in full by Human Rights Watch, quoted one of the trafficked women as saying, “[The IPTF officer from Spain] told me that this was the last chance for me to go back to my country and to tell all the truth but not too much or anything about our relations.”⁶

Allegations of purchase of trafficked women have also been raised in relation to U.S. military contractors providing support services to the U.S. contingent of the Stabilization Force (SFOR). In 1999, the direct employer of these contractors, DynCorp, repatriated a group of contractors after allegations emerged that the men had purchased women from the brothels.⁷ And again in 2000, two DynCorp

⁵ Human Rights Watch interview, UNMIBH official [name withheld], Sarajevo, April 9, 2001.

⁶ Internal IPTF Report on Prijedor case, examined by Human Rights Watch investigators, Sarajevo, April 9, 2001.

⁷ Telephone Deposition of Joseph Becker, Ben Johnston v. DynCorp, Inc., District Court of Tarrant County, Texas, February 21, 2001 on file with Human Rights Watch.

contractors returned home after the U.S. Army Criminal Investigation Division learned of allegations of the purchase of women and weapons from local brothel owners.⁸

A Record of Impunity

Although immense attention has focused on the international community's involvement in trafficking in Bosnia, it is important to note that the majority of those involved are civilians, local crime figures, and local governmental officials. Nevertheless, IPTF officers and SFOR contractors share one major characteristic: impunity. United Nations Bosnia Mission officials admitted that repatriation served as the only punishment for involvement in trafficking-related misconduct. They could not point to any cases where the U.N. secretary-general had waived immunity, nor could they point to any prosecutions in home countries. In February, the United Nations reported that twelve international police officers in Bosnia were expelled or voluntarily left the country after facing allegations of involvement in trafficking. The U.N. Office of Internal Oversight Services (OIOS) has investigated and cleared the IPTF of wrongdoing, issuing a statement in February this year that there was "no evidence of widespread or systematic involvement" in trafficking by the U.N. police force.

The U.N. statement was attacking a straw man; no one had claimed that IPTF involvement was broad-based. The concern not addressed was that IPTF monitors who violate the law enjoy complete impunity: they cannot be prosecuted in Bosnia and Herzegovina under the terms of the 1996 Dayton Agreement nor are they likely to face liability under the criminal laws of their home country. For American IPTF monitors implicated in trafficking, because of a gap in U.S. jurisdiction, U.S. courts lack jurisdiction to prosecute them when they return to the United States. Civilian contractors to the U.S. military could similarly evade prosecution in Bosnia and Herzegovina. However, the passage of the Military Extraterritorial Jurisdiction Act (MEJA) in November 2000 remedied the jurisdictional gap, permitting prosecutions to be brought in the U.S. for criminal acts committed abroad by civilian contractors to the U.S. military.

But multiple FOIA requests to the U.S. government have not unearthed even one prosecution for crimes relating to trafficking committed by Americans while serving abroad. The de facto blanket immunity enjoyed by IPTF officers and civilian contractors also troubled local officials struggling to establish the rule of law in post-conflict Bosnia and Herzegovina. Local police, prosecutors, and judges told Human Rights Watch that they lacked jurisdiction to investigate or prosecute any of these cases.

⁸ United States Army Criminal Investigation Command, "Agents Investigation Report." ROI Number 0075-00-CID597-49891.

In light of these concerns, Human Rights Watch makes the following recommendations to the U.S. Government:

- Explore legislative changes to allow for the prosecution of U.S. citizens serving as international police monitors in U.N. missions. Such legislation should be tailored to end the jurisdictional gap that currently allows such persons to avoid prosecution for trafficking-related crimes committed abroad.
- Investigate thoroughly all allegations of SFOR contractors and U.S. IPTF officers involved in trafficking, the purchase of women or girls and their passports, or witness tampering.
- Investigate thoroughly allegations of physical or sexual abuse of women or girls by SFOR contractors in Bosnia and Herzegovina.
- Ensure that the records of all investigations are delivered to the Department of Justice and the Department of State. Ensure that federal prosecutors receive all records necessary to bring charges against U.S. contractors found to have engaged in trafficking or other illegal activities related to trafficking in persons.
- Prosecute U.S. citizens implicated in participation in trafficking to the fullest extent of the law.
- Allocate funds authorized in the Trafficking Victims Protection Act for use in Bosnia and Herzegovina for anti-trafficking training programs for police and prosecutors, financial support for non-governmental organizations fighting trafficking, and for the establishment of witness protection programs.
- Condemn the Bosnian government's failure to take effective measures to end impunity for trafficking by continuing to classify the country as a tier three nation in the Trafficking in Persons report, required under the Trafficking Victims Protection Act.
- Pressure the United Nations to respond with more transparency on disciplinary proceedings on international personnel accused of involvement in trafficking and trafficking-related crimes.

Thank you.

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