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In-depth studies on sex trafficking in women:
The case of justice response, jurisprudence and
human rights in Southeastern Europe

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“A skillful groomer, a skillful abuser, gets into the child's DNA and becomes a part of the child, and the child can't cast him off regardless of the age.”

~ Forensic psychologist, Dr. Michael Welner

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Abstract

Sex trafficking has from six hundred thousand to four million victims each year (McCabe and Manian, 2010: 41-43). Because of different legal barriers, sex trafficking is closely associated with organized crime; crime victims often do not search for support from legal systems, law enforcement authorities, or other officials (ibid.) This thesis was to understand *how law affects the ability of prevent trafficking*, and also to *understand the key reasons why women have been subjected to trafficking*. Additionally, the thesis aimed to answer the following research questions: How do crime victims argue over the legal action in their individual legal cases? To what extent, and if so, how have the lives of the victims affected by the legal rules and juridical decision during the trial and if there are a connection of human trafficking and domestic violence, and if so, which are the difference and similarities existed in the interpretation of human trafficking versus domestic violence in those legal cases?

From the sociology of law perspective, it has been particularly important to discuss both the content of court decisions and their consequences; how the legal process proceeds, the effects this has on victims, and what is being done to identify barriers and create opportunities to prevent trafficking. This was particularly clear by the use of the intersectional debate made on human trafficking and domestic violence phenomena of Amy Barasch and Barbara C. Kryszko (2011). This comprehensive study describes in detail the nearest elements of both phenomena and by adapting two different circles, illustrate all those similarities and differences of human trafficking towards domestic violence phenomenon in front of the law and its use. Domestic violence phenomenon is explained as a direct consequence of human trafficking in this study. I have been referring to the crime victim's eventful life story, tried to link the knowledge interest that have responded directly to the question of how these events may be possible. Assimilation interest has a central role and is inspired by Håkan Hydén's

(2002) way to explain and emphasize jurisprudence when he says that knowledge is possible only if we can ask new questions as to put together a new understanding in a new way.

This thesis found that the law affects the ability of preventing trafficking by missing vital signs in which judges in a courtroom can determine whether the litigant is the victim or the perpetrator. According to crime victims' own stories, they were barely recognized as trafficking victims. The rare identification of judges or other court personnel passes even those who may be simultaneous crime victims of domestic violence (Godman and Leidholdt et. al, 2011). This study are attempting to throw the light of how individuals stories founded in this empirical research of two phenomena are extremely intellectually stimulating in relation to law and societies that in own way raises many common puzzling questions of law and society in order.

Key words: human trafficking, domestic violence, juridical practice, jurisprudence, sociology of law, European perspective on law, in-depth studies, crime victim's testimonies

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With given the opportunity of writing this work I explored new territory covered in between those sheets, from its very inception it become clear to me that this endeavor would have to start from the voices of the victims.

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This M.A. is especially dedicated to my mother, Slavica, for challenge me in many ways on the daily basis and for always encourage me to become the person I always wanted to.

Ana Froki
Göteborg, March 29, 2013

Abbreviations

CEDAW – Convention on the Elimination of All Forms of Discrimination against Women
CPT – European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CRC – Convention on the Rights of the Child
CAT- Committee Against Torture
ECHR – European Convention on Human Rights
EU – European Union
EUROPOL – European Law Enforcement Organisation
GRETA – Group of Experts on Action Against Trafficking in Human Beings
HSE – Health Service Executive
ICC – International Criminal Court
ICCPR – International Convention on Civil and Political Rights
ICESCR – International Convention on Economic, Social and Cultural Rights
IGO – Intergovernmental organisation
ILO – International Labour Organisation
INTERPOL – International Criminal Police Organisation
IOM – International Organisation for Migration
MIGS – Mediterranean Institute of Gender Studies
NATO – North Atlantic Treaty Organisation
NGO – Nongovernmental organisation
OCRETH – Central Office for the Suppression of Trafficking in Human Beings
OHCHR – Office of the United Nations High Commissioner for Human Rights
OSCE – Organisation for Security and Cooperation in Europe
UDI – Directorate of Immigration
UN – United Nations
UNHCR – United Nations High Commissioner for Refugees
UNODC – United Nations Office on Drugs and Crime
UN. GIFT – United Nations Global Initiative to Fight Human Trafficking

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“*Trafficking Power and Control Wheel*” and “*The Power and Control Wheel on domestic violence*” produced by the Wisconsin Coalition Against Domestic Violence, Domestic Abuse Intervention Programs, “Wheel Gallery, ”<http://www.theduluthmodel.org/wheelgallery.php>, last viewed Jun, 4/2013

Prologue

This is a part of the interview from 1 Oktober 2012, Belgrade, of shocking horrific story of crime victim, called Vikki in this study. The women that have survived trafficking by accident of developed medical issues. She describes every single detail of the room the girls were taken to take naked pictures, where the camera was, how they was forced to play in sexual activities on tape etc. She recalls every detail, all names and faces.

“(pause, deep breath) my story began long ago when I was just a little girl in the beginning of my pathetic life. (pause, again). Perhaps if I tell you my whole story, someone else won’t get hurt? Perhaps if I can tell you my story in full light no one else would ever be explored. Perhaps you would understand my “forced” way into the world of bullies, and sexual violence over and over and over again...(cry, pause, tears). I was forced into a world of darkness from my early age on. I know the man who did this to me was taking advantages of me; I know that now, today. He is criminal, they all are (pause, deep breath, tears)”.

“Once I got to the jail I remember I was told that, the older male, was a trafficker, that he was selling the girls, and me. But I often wonder how this violence just expanded... Maybe if everything just stopped there, maybe I could survive, and moved on, but after the hotel there was no turning back for me, I experienced life full of violence after that... (tears, pause) when you think that “violence reached a limit” think again! There was even longer followed story, a “next chapter”, a tale of even longer suffering, no morality, violence, violence, violence”...

“/.../ I was bound by the bound; I was an object for no pleasure for life. I thought no one deserves the joy in life. I pictured myself as shameless being, unspoken, stupid, /.../sometimes I just wanted to distance from myself. I could do that with drugs and lots of alcohol! Even after that I lived a life full of violence long ago, I often feel even today that I can not see pleasure in love, I do not deserved that... Even today I can experience my pain as it was yesterday, the first time I performed erotic of violence, a seduction without meaning, an evil that cannot stop follow me... But I fight, and I still fight with myself! /.../

1. Introduction

This chapter will provide the reader with an explanation of the scope and context of this study, as well as the main reason I chose to do this study. Crime victim's individual stories, with specific contextual problems, have led me to identify specific domestic violence and sex trafficking phenomena as the core of objects of this study. This chapter will also represent the purpose, goals, and research questions of the study, and give the reader a short overview of the methods and techniques used during this study, as well as those omitted. Finally, this study will give an overview of the further structure and content of the following chapters.

1.1 SCOPE OF THE PROBLEM

The following represented testimonies are survival stories of three female victims of sex trafficking. Those stories highlight the whole range of human rights violations. According to Bailey (Marin et.al. 2006: 96), crime victims have been subjects of various serious violations such as: unwanted pregnancies, loss of reproductive capability due to rape, loss of material assets, orphaning, loss of ties to their communities and families, posttraumatic stress disorder (PTSD), widowing, and ostracism and isolation for having been victims of sexual abuse. Vikki, Mikka and Sonja are three crime victims that have illustrated similar patterns of treatment in court or with contact of civil lawsuits or other officials during the time of their exploitation.

Several years ago, crime victim Vikki stood in front of the courtroom as the family court judge said with anger in her voice, "You were on the run from police and foster care, more than 18 times convicted for pornography and prostitution! Don't you see that only bad choices run over your entire life? Don't you want to change that? Don't you see that the whole juridical system tries to help you get on the right path?" However, what the judge couldn't see was the pain and helplessness of Vikki's behavior and even the fact that the attorney who was there to represent Vikki was hired by her pimp who was also responsible for her enslavement. With an overwhelming feeling of helplessness, Vikki convinced the court that she was in love with the pimp and that's how she disclosed what happened to her.

A woman from a small town in Kosovo, Mikka, came to Germany in the company of Nicolaus, her husband. One late evening, she lost consciousness because her husband suddenly and unexpectedly hit her repeatedly in her head. He beat breasts with his fists causing her nearly to suffocate. Fortunately, Mikka got medical help from the ambulance staff

as someone outside of the apartment, a passer-by, called the police for help. As a result of several severe injuries, Mikka got questioned by the police and it appeared that Mikka turned out to be just like any other victim of domestic violence. Heavily drunk, Nicolaus would even tell other people, inclusive of the police officer, when they came to rescue her from domestic violence that, “before she met me she was a prostitute.” Police would check this information out and Mika was too afraid to tell anyone about her story as she was threatened to be killed or taken away from the police. Mikka testified, “I screamed and beg for him to stop, nobody would ever hear me, or nobody wanted to interfere. Everyone in the building behaved as nothing was going on. I felt very angry and disappointed. As I never been abroad before, I didn’t know where to turn to, whom to talk to.”

A young woman, Sonja, met the criminal judge in the case that was against Sonja. The judge couldn’t hide the contempt of her behavior. The judge said, “I couldn’t be less sympathetic about your behavior and the choice you have made!” He continued, “That’s just not excusable! You were leaving your child with your family for walking on the streets and hitting the road!?” The judge didn’t even pay attention to the man across the table, the child's father, Mr. Molnar, who was strikingly threatening towards Sonja in the courtroom. What the judge never learned was that Sonja was a victim of horrific sexual assault and sexual exploitation and that the child's father was the brutal pimp called “Zero”. Sonja pleaded guilty and walked out the courtroom, right back into the hands of her pimp.

Those crime victims’ testimonies describe the occasions that take place each and every day, month, and year. As you read further into this work, you will explore the words of the people who have experienced horrific crimes. When victims of trafficking appear in court, they are barely recognized as victims of sexual exploitation or domestic violence. They appear in the courtroom in front of system staff or judges and come in contact with healthcare workers, police, or other forms of system personnel, but they are rarely recognized as the crime victims they are.

1.2. PURPOSE AND RESEARCH QUESTIONS

This thesis aimed to elucidate and understand *how law¹ affects the ability to prevent trafficking*, by highlighting the central conversations about the rule of law, judicial decisions, legislative guidelines, European perspective of laws, and legal framework, and also by highlighting how victims have experienced those central actors in the judicial and legal systems. This thesis is also aimed at *elucidating the key reasons women have been subjected*

¹ This thesis only treat and discuss European perspective of law, *see chapter 3* for more detail information.

to trafficking, with references to events from the lives of female crime victims. I do this partly by following the impacts of juridical practices, and partly by discussing women's lives and how they have been affected by the legal system. In addition, all theoretical findings presented in this study have also been used to highlight the significance of the legal framework in a theoretical examination, to better understand sex trafficking phenomena.

From the sociology of law perspective, it has been particularly important to discuss both the content of court decisions and their consequences; how the legal process proceeds, the effects this has on victims, and what is being done to identify barriers and create opportunities to prevent trafficking. This was particularly clear by the use of the intersectional debate made on human trafficking and domestic violence phenomena of Amy Barasch and Barbara C. Kryszko (2011). This comprehensive study describes in detail the nearest elements of both phenomena and by adapting two different circles, illustrate all those similarities and differences of human trafficking towards domestic violence phenomenon in front of the law and its use. Domestic violence phenomenon is explained as a direct consequence of human trafficking in this study. Furthermore, it has partly penetrated the victim's life and partly has been a central point for illustrating those similarities and differences prior to interpretation of the law, the application of legal action and the consequence of those different events presented in legal cases for each and every crime victim presented in this study.

I have been referring to the crime victim's eventful life story, tried to link the knowledge interest that have responded directly to the question of how these events may be possible. Zimmerman et al (2003:2) says:

“There are a number of common factors that make women vulnerable to trafficking and exploitation. Factors influencing trafficked women's decision to migrate included poverty, single parenthood, a history of interpersonal violence, and coming from a disrupted household. /.../ Women who are trafficked often blame themselves for having failed to recognize the deceptive or violent recruitment tactics used by traffickers, or for not having escaped the exploitative situation in which they are placed. These feelings of guilt may later contribute to women's low self-esteem, and make them wary of trusting others.²”

Assimilation interest has a central role and is inspired by Håkan Hydén's (2002) way to explain and emphasize jurisprudence when he says that knowledge is possible only if we can ask new questions as to put together a new understanding in a new way. This study will not set any new assumptions regarding the law, legal system and its role. However, the study

²Zimmerman C. et.al.(2003) in rapport published at:
http://ec.europa.eu/justice_home/daphnetoolkit/files/projects/2002_082/01_summary_recommendations_2002_082.d
See for full rapport: <http://www.lshtm.ac.uk/php/ghd/docs/traffickingfinal.pdf>

itself, if nothing else, can be treated as a socio-legal study. This study also has a basis in the reconstruction of various events held for the desire to analyze, take apart, and create new direct understanding of both phenomena.

To answer my overall purpose, I have in my analysis related the following questions:

How crime victim argue over the legal action³ in their individual legal cases⁴? To what extent, and if so, how have the lives of the victims affected by the legal rules and juridical decision during the trial and if there are a connection of human trafficking and domestic violence, and if so, which are the difference and similarities existed in the interpretation of human trafficking versus domestic violence in those legal cases?

1.3 RESEARCH METHODOLOGY – AN SHORT OVERVIEW

This thesis presents the results of the project investigation that was carried out between August 2012 and Jun 2013 by the Association Of Citizens To Combat Trafficking In Human Beings And All Form Of Gender-Based Violence (NGO- ATINA), based in Serbia, in collaboration with the Women's Shelter in Serbia. The first phase of the project was aimed to feature the work of the NGO, strengthening and mobilizing contacts in the field by bringing all sources and relevant information together from all possible different networks and actors. The second phase of the project was necessary in order to investigate two phenomena at a micro level, involving as many actors as possible; setting in motion a process of searching for as many crime victims as possible and gathering all possible local and regional constitutions that have contributed in building local, regional and international networks.

During the first phase of the project, sources of all types of information were determined. Around Southeastern Europe, multiple individuals and organization were contacted who could supply information. The Association Of Citizens To Combat Trafficking In Human Beings And All Form Of Gender-Based Violence (NGO- ATINA) in Serbia were actively addressing the issue, and were interested in giving me the opportunity to take action on this research problem. In order to coordinate the research, networking took place as 20 weeks of internship in respective non-governmental organizations. At the same time, Women's Shelter in Serbia was identified. In this first phase of the project, it is very important to clarify that the

³ *Legal action* means that lawful pursuit for justice, typically leading to proceeding within the jurisdiction's court system. In this study I have examine traffickers versus crime victims of sex trafficking, which include two different entity, one accusing another for a unlawful action. Legal action consist the action taken into account of the defended side as protection of persons rights from violation (see more Gessner and Nelken,2007:195-196,115,259).

⁴ *Legal Case* in this study describes the "case" of the court actions; by collecting the evidence through testimonies of crime victims in order to prove the right of crime victims party's version of the controversy at a trial in court (see more about legal cases in Håkan Hydéns "*Rättssociologi som rättsvetenskap*" (2006:111 - 113).

analytical framework was in the process of internship as many discussions and consultations with different staff members and experts to NGO workers would take place from local to an international perspective. This was necessary in order to provide the knowledge of the field and explore the scope of the study. In the end, the area of the fundamental problem of identification was addressed from almost every crime victim I met. The lack of clear understanding of connection in between domestic violence and human trafficking phenomena was also raised in discussions. This consultative work and process resulted in the formulation of the investigation filed. The working experience of the author of this report, also the current developer of this particular debate, wanted to contribute also with an extensive input of the various problems that human trafficking phenomena brings. This made it possible to address deceptive and coercive practices defined as domestic violence as well as exploitative and coercive working and living conditions defined as sex trafficking in women, forced labour and prostitution both in the public and private domain.

In the second phase, the questionnaires (annex 1) from the Spousal Assault Risk Assessment (SARA) were used in interviews with crime victims. The risk-analyzing tool, SARA, provided me with unique questionnaires, and I was able to concentrate on trafficking and domestic violence phenomena through the crime victims' testimonies. This made it possible to concentrate on specific issues the crime victims described, such as marriage, domestic labour, prostitution, etc. During this stage of data-gathering, on different occasions, I attended various national and international meetings in Europe with my research objective to expand my knowledge of these specific issues.

The third phase consisted of processing and analyzing all material gathered, along with interview information and case law documents. In addition to that, I selected all other secondary data, including written reports from international agencies and institutions as well as shelters run by international and local NPOs and NGOs, in addition to various documents and information from literature research. During this particular phase, the time frame was organized to limit all findings, discussion, and drafts for this report.

Before I could start any process of selecting informants, I ensured that both collection of victimization history and interviews were carried out in accordance with all ethical standards.

1.4. LIMITATIONS

This research does not deal with the problem of trafficking in children. "Human trafficking" here is taken exclusively in reference to sex trafficking of adult women. The research will also

provide the inner view of ways in which human trafficking happens. It also provides the examples of how women are victimized by bearing the brunt because of their family or community ties when they are harassed, sexually assaulted, detained, executed, imprisoned, tortured and raped for fighting with human trafficking on their own. How can juridical instruments help provide better practices in the court once the women get there?

The important fact to note is that this research has not by any mean tried to underline critique to undermine any condemnation of the horrors that these processes entail but rather seeks to explore the possibility of new development of new insight of legal argument and new understanding of human subjectivity and human rights. This research comprises an objective of advancing human dignity and freedom, not undermining the fight against human trafficking.

1.5 STRUCTURE OF THIS STUDY

The thesis consists of nine chapters in total. **In first chapter** presents scope of the study, problem area that has been studied, as well as and objective, short organization of research as well as omission and outline. **Chapter two** describes the central literature review and international discourse definitions on crime victims. **Chapter three** describes development and background of the law, legal frame and jurisprudence. **Chapter four** describes central stakeholder and whole methodological approach. **Chapter five** discusses some of the central theoretical premisses for this study. In **chapter six** presents empirical case studies. In **chapter seven** is followed by an extensive analysis of case studies. And in **chapter eight** draws final conclusions through discussions. **Chapter nine** concludes all references selected in two divisions.

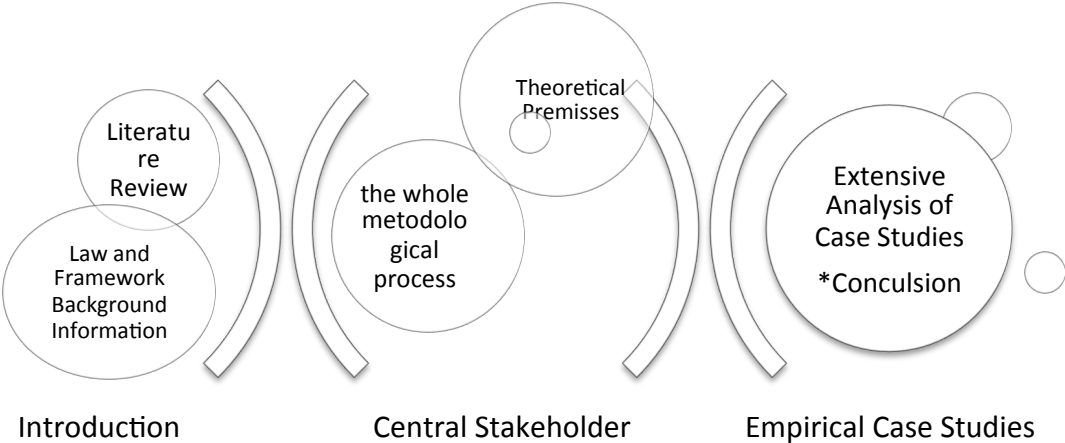


Figure1.Research Disposition

2. Review of Literature

The study of both domestic violence and human trafficking are an area of interest, research, and intense debate. This chapter addresses the main research questions of the thesis from a theoretical expert knowledge as well as international legalizations point. Afterwards, it elucidates the understanding of how law affects the ability to prevent trafficking. To achieve this, it examines the links between domestic violence and human trafficking phenomena, in various trafficking cases brought by intersectional debate by Amy Barasch and Barbara C. Kryszko as well as Taina Bien-Aimé and Leah Rutman (2011). Through the same legislation and definitions, prosecutors work to regulate appropriate services for crime victims and to hold perpetrators accountable for their crimes. By analyzing the discourse of international donors and debates between experts, the chapter tries to clarify the role of law and legal actions as well as the tools provided by the experts on sex trafficking. By using the concept of the "wheels", this chapter will explain the inner mechanisms of both phenomena through an ongoing intersectional debate at the international level.

2.1 THE PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN

There are different types of definitions to understand and conceptualize "crime victims". Victimologists have recognized that crime victims are the products of social construction and that the products sometimes can be assumed or understood in relation to one social phenomena or another (Walklate, 2006). Sullivan (2003: 69) states specifically that sex is socially constructed and that the prostitution as such, whether is consistent or not is *always* a problem of human rights violation. In a strive to unpack the language of who are crime victims and what is recognized as victimhood, I looked closely to the United Nations (UN) definition of crime victims. The document involves the constructed meaning of possibility where it specifically obligates European state parties to support and defend the rights of victims of trafficking (Sullivan, 2003:70). It states, "Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention Against Transnational Organized Crime." It goes on to say:

1. "Victims" means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.

Norwegian criminologist, Nils Christie (1986:18-19), described and identified crime victims for almost a quarter of a century by writing five different attributes as central key points when it comes to crime victims. Christie (1986:18-19) wrote specific that:

- 1) victims who are weak, sick, young or very old are particularly well suited to become ideal victims;
- 2) if the victim is carrying out a respectable project /.../;
- 3) if the victim is in a place that she/he could not possibly be blamed for being there /.../;
- 4) when the offender is big and bad;
- 5) when the offender is unknown and has no personal connection or relationship with victim.

Christie's above described attributes are well suited and familiar with the above-mentioned jurisdictional definitions about who are crime victims. Moreover, the attributes and understanding of who are the crime victims can vary by perceptions and social and cultural differences that occur in each and every country. When it comes to understanding and discussing the meaning of sex trafficking, for instance, there will be a lot of different understandings depending on discursive practice and social construction of communities or voluntary agencies that have worked with human trafficking for sexual exploitation or especially have experience working with the phenomena (Morgan, 2002). By the same means, there will be a different types of understanding, what, for example, consent or coercion is, can also vary. O'Connell-Davidson (1999-114) described the differences that occur in understanding of dominant discourses that are the direct product of what have been prioritized and valued for social harmony in each and every community. O'Connell-Davidson (1999-114) have specifically described the importance of understanding the construction of meaning through dominant discourses as central for relating to social reality. The legal definition of trafficking through Article 3 of the Palermo Protocol (Huda, 2006) states specifically that:

For the purposes of this Protocol:

- (a) "Trafficking in person" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of 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 /.../
- (b) The content of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used . . .

According to Palermo Protocol, as it has been shown above, there is the definition that conceptualizes human trafficking for sexual exploitation in three different ways: first is recognized as the action committed by trafficker for sexual exploitation, second is considered the various means used to fix that action, and third is the purpose which the action is committed. According to Sullivan (2003:68) Palermo Protocol is central in conceptualizing the definition on sex trafficking phenomena, as in this thesis was to understand how the law, from European perspective, affects the ability of prevent trafficking for sexual exploitation. Further Palermo Protocol recognizes nine steps alternatives that occur and identify sex trafficking, such as:

1. Abuse and positions of vulnerability
2. Abuse of power
3. Abuse of control, such as giving and receiving payments or having control over another person.
4. Threat of force
5. Use of Force
6. Other forms of Coercion
7. Abduction
8. Fraud
9. Deception

If one crime victim has been subjected to "abuse of power" or "abuse of control" that means that there will be no need to prove that person has been subjected to all other means in the list. According to the Palermo Protocol, a crime victim's own story can provide information on any given alternative means through their victimology case. Under the Palermo Protocol's definition, references to both "abuse of power" and "abuse of position of vulnerability" are central in conceptualizing and articulating human trafficking phenomena. In the case of sex trafficking, victimology ensures that there is a categorical distinction between whether or not threats, force, deception, abuse of power, or other types of abuse were involved. The Palermo Protocol states that, even if there is no indication that the victim was threatened, forced, coerced, abducted, defrauded, or deceived, the perpetrator can be charged with human trafficking for sexual exploitation if there is an indication that any one element of the crime was committed for sexual exploitation.

The Palermo Protocol, in Article 3 (b), further discusses whether is consent relevant or not. According to Article 3 (b), a crime victim's consent is legally irrelevant, meaning that even if a crime victim has given consent to sexual exploitation or other forms of sexual exploitation, such consent will not be considered. In other words, according to Article 3 (b), if crime

victims for sex trafficking have given consents to engage in prostitution and is no less a crime victim of trafficking than the one who does not give consent: consent is *irrelevant*.

2.2 THE LINK BETWEEN CRIME VICTIMS OF DOMESTIC VIOLENCE AND SEX TRAFFICKING

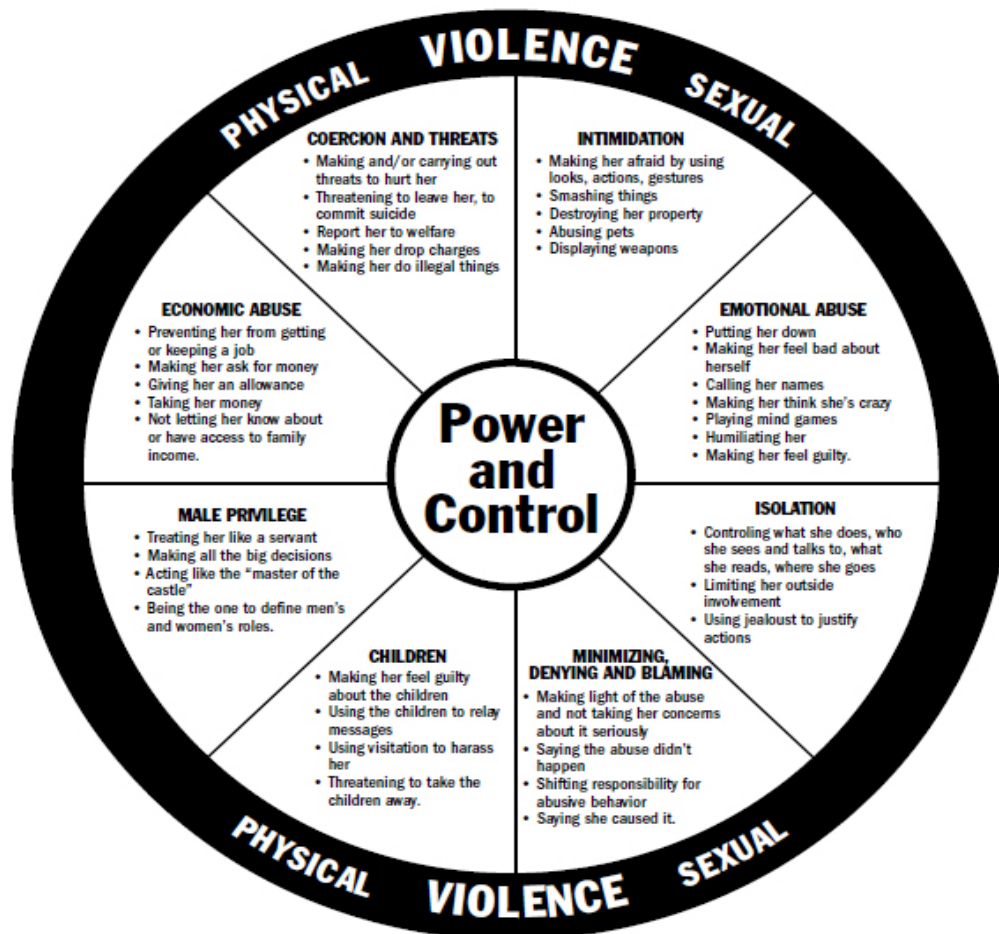
According to Amy Barasch and Barbara C. Kryszko as well as Taina Bien-Aimé and Leah Rutman (2011: 63, 91), domestic violence and sex trafficking have been addressed as gender-based violence by international conventions, such as International Agreement for the Suppression of the “White Slave Traffic” (1904), International Convention for the Suppression of the White Slave Traffic (1910), International Convention for the Suppression of the Traffic in Women and Children (1921), International Convention for the Suppression of the Traffic in Women of Full Age (1933), and Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1950) (Godman and Leidholdt et. al, 2011:91). Like domestic violence victims, crime victims from human trafficking for the purpose of sexual exploitation are experiencing both physical, sexual, psychological violence and severe trauma, and they are in fact in need of similar services of getting help and escaping for building a new life.

According to Amy Barasch and Barbara C. Kryszko (2011:83), victims of domestic violence phenomena and sex trafficking crimes experience the same type of violence, and it is not a "new type of abuse" when the batterer and the trafficker are the same person (Godman and Leidholdt et al., 2011:83). Due to all the common elements of domestic violence cases and trafficking for the purpose of sexual exploitation, we can see almost complete overlap of the services that are provided for both types of phenomena. Moreover, professionals and advocates who work daily with both fields can benefit from the facts that can be provided by the holistic approach, by serving crime victims in the process of exterminating both human trafficking as well as domestic violence phenomena (<http://www.cdc.gov/ViolencePrevention/pdf/IPV-FactSheet.pdf>).

Both domestic abuse and sex trafficking specifically include physical and sexual violence, the effective tactics of domination that go far beyond any other torture methods. Abusive partners, as well as perpetrators, have shown that they possess extensive and comprehensive power and control over crime victims. These specific topics have long been discussed by both human trafficking experts and domestic violence experts, and both types of experts, as well as advocates worldwide, have come to one and the same conclusion, that perpetrators and abusers frequently use the same tactics in battering as well as sex trafficking. Those concluded and identified strategies are described in the so-called “Power and Control Wheel”

and the “Trafficking Power and Control Wheel”. When it comes to battering, the wheel reveals that the eight most commonly identified elements are: control over their partners: male privilege; coercion and threats; intimidation; emotional abuse; isolation; minimizing, denying, and blaming; using children; and economic abuse.

Meanwhile, the sex trafficking wheel reveals eight categories, including: male privilege; minimizing, denying, and blaming; economic abuse; intimidation; isolation; using children; coercion and threats; and emotional abuse (<http://www.theduluthmodel.org/wheelgallery.php>).



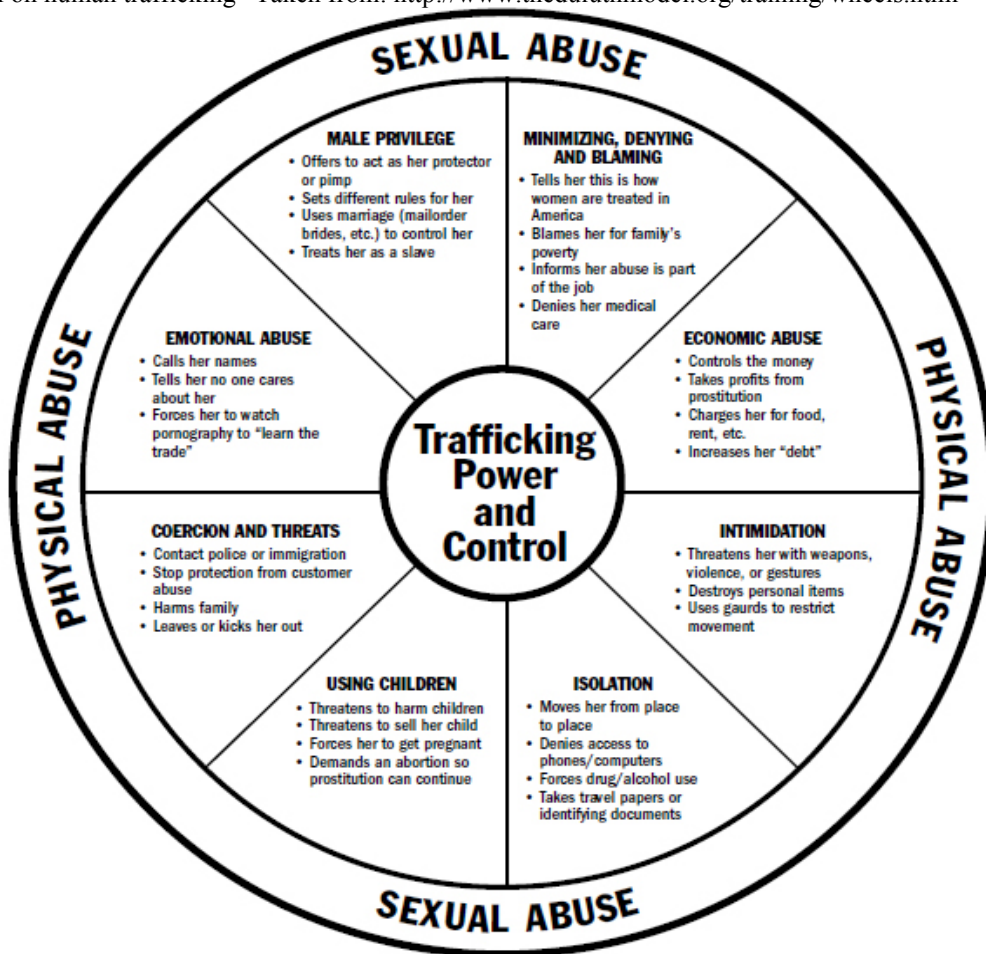
“Wheel on domestic violence” Taken from: <http://www.theduluthmodel.org/training/wheels.html>.

The tactics in both phenomena have been adapted to include all eight categories, but experts have revealed that the uses of power and control tactics in sex trafficking phenomena are often more extreme. The profile of a batterer or trafficker indicates that perpetrators are similar. The trafficker uses the abuse to break down his victim’s identity and to rebuild the crime victim’s status so she can identify with any demand from the trafficker, as well as those of the countless men who will buy the crime victim for sex. While batterers isolate their victims from contact with family and friends, traffickers often move victims from one place or

location to another, making sure the victims are surrounded by an unfamiliar environment and no one can get in touch with them. As selling sex on streets as prostitutes is treated as a criminal act, traffickers often use fear to “capitalize state of mind” of the victims by threatening them with jail or deportation and blocking victim of keeping finding any help or assistance. The most common element in sex trafficking cases is that cultural perceptions and attitudes tend to marginalize prostitutes in different societies. Therefore, the women who fall into this prostitution circle often can never find a way out of exploitation, which traffickers know and use to their advantage (Jody Raphael and Deborah L. Shapiro, 2002; Rachel Durchslag and Samir Goswami, 2008).

According to Amy Barasch and Barbara C. Kryszko (2011:86 -87), because the “prostituted women are routinely viewed and treated as criminals, traffickers can capitalize on victims’ fears of arrest or deportation to keep them from finding any assistance. Cultural hostility toward prostituted and trafficked women reinforces their marginalization in society, rendering them even more vulnerable to exploitation, and in the fact traffickers knows and use to their advantage” (Godman and Leidholdt et al., 2011:86 - 87).

“Wheel on human trafficking” Taken from: <http://www.theduluthmodel.org/training/wheels.html>



2.3. CONCLUSION

The review of literature reveals the limitation of understanding both phenomena, and it clearly illustrates the importance of research into trafficking and domestic violence phenomena, as they are now well-understood processes into which crime victims fall and struggle to escape. The review also highlighted the significance of continuing work to define attributes, such as, “Who are victims?” or “What does ‘trafficking in persons’ mean?” The characteristics of both crime victims and the process of sexual exploitation are described in detail by the Palermo Protocols. Furthermore, the intersectional debate has revealed significant similarities between the two phenomena. Experts in the field, such as Amy Barasch and Barbara C. Kryzsko (2011:83), address the issue of a “new type of abuse” frequently, and they seem to agree that trafficking and domestic violence can almost completely overlap. Studies of the tactics used by traffickers or abusive partners have shown that they maintain common elements and strategies. The literature review has also shown that the strategies illustrated by the “Power and Control Wheel” and the “Trafficking Power and Control Wheel” are important tools for finding the logic behind the international development of both phenomena. An in-depth analysis of the events in the life of a crime victim can reveal those inner mechanisms and may shed light the ways in which women have been subjected to trafficking.

3. Legal Responses and Framework of Law

This thesis was to understand *how law affects the ability of prevent trafficking*, and also to *understand the key reasons why women have been subjected to trafficking*. In order to find out to what extent, and in what way the lives of the victims have been affected by the legal rules and juridical decisions during the trial, it was necessary to review the treaties and resolutions on both domestic violence and human trafficking phenomena, as they are both violations of human rights. This chapter will concentrate on the four main legal responses and the framework of law, including domestic violence law, sexual assault law, human trafficking law, and human rights law.

3.1 DOMESTIC VIOLENCE LAW

On the international level law on domestic violence is fully recognized as a violation of human rights act. United Nation (UN) has over the past two decades come up with numbers of declarations on violence against women. Domestic violence and sexual assault are violation three sections: 1) violation of basic freedom of right to live and security of person, 2) violation of the right to equality and 3) right of the prohibition against torture⁵. According to United Nation charter, Article 3 of Universal Declaration of Human Rights (UDHR) it states that everybody has the right to life, liberty and security of the person⁶. International Covenant on Civil and Political Rights (1966) says that every person have right of protection when it comes to right to live (Article 6), as well as right to liberty and security of person (Article 9), and even the right of protecting others⁷. The law advocates that every human has the right to equal protection under the law (ICCPR, *supra* note 4, Art 14) and the right of having physical and mental health of highest standards (ICESCR, *supra* note 5, Art 12) in implication of domestic violence cases. The law of domestic violence says also that every European Union (EU) member state should take part of these instruments and have an obligation of implicit of law and protect the women from domestic violence as part of their obligation.

In the recommendation 19 of Committee against Torture No.2. 18, UN Doc. it says specifically that family violence is the most insidious violation against women. The violence

⁵ <http://www.un.org/en/documents/udhr/index.shtml>

⁶ UDHR, *supra* note 1, Art 3

⁷ For further information see the whole document of: International Covenant on Civil and Political Rights, UN Doc. A/6316 1966), entered into force Mar.23, 1976; and International Covenant on Economic, Social and Cultural Rights, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, *entered into force* Jan. 3, 1976

exists in various ways in all societies. Women that are subjected of family violence of all kinds are found by all ages. Many family violence relationships include both sexual assaults, mental and physical violence, which are perpetuated by traditional attitudes. Due the lack of socio-economic support many women are forced to stay in rough violent relationships. Most common form of violence comes from the abrogation of both men and their family responsibilities, and coercion. Intimidation, coercion, threats and other forms of violence are impacting women's health and their ability to participate in family life and public life on an equality basis⁸. General Recommendation 19, supra note 11 at par.7, is specified to defend not only violence against women as human rights issue but also the violation of the rights not to be subject of torture or cruel, inhuman or degrading treatment or punishment⁹.

Recent years the Committee Against Torture have created own monitoring body known as the Convention Against Torture (CAT). The CAT convention has been ratified in 151 states, and have also strictly prohibit torture of any kind. Torture is defined as any act where women is in pain or suffering from whether physical or mental, or intentionally inflicted for the purpose of obtaining information, punishment, intimidation or coercion or any reason based on discrimination¹⁰. Every European Union (EU) member state have responsibility against torture, the Committee says in specific that: “ *if state parties failure to prevent and protect victim's from gender - based violence, such as rape, domestic violence, female genital mutilation, and trafficking*¹¹” as a violation of CAT¹². The Committee and the Special Rapporteur on Torture have in particular raised the torture in the form of domestic violence even for the country as Bosnia and Herzegovina, Kosovo, Moldova, Serbia, Croatia, Turkey etc (ibid).

European Union (EU) has recent years focused especially on crime victim's situation. Many examples of those increased interest can be seen by different programs in order to study crime victim's positions. One of those program is called Grotius program from 1999 in which European Union have followed different Member States and their work with crime victims and as well as legal practitioners of the legal and juridical system¹³. But there was a different type of programs who have studied crime victim's situations and compared member's states legalizations in order to give better support for victims of domestic

⁸ Committee against Torture No.2. 18, UN Doc. CAT/C/GC 2, 2008

⁹ UDHR Article 4, ICCPR article 7 and CEDAW Recommendation 19

¹⁰ See for more: Convection against Torture and other Cruel, inhuman or degrading treatment or punishment, Act 1 G.A. res 39/46, annex 39, UN GAOR Supp (No 51) at 197 UN Doc A/39/51 (1984)

¹¹ Committee against Torture No.2. par. 18, UN Doc. CAT/C/GC 2, (2008)

¹² The Committee and the Special Rapporteur on Torture

¹³ See for more about Grotious Program at:

http://europa.eu/legislation_summaries/justice_freedom_security/judicial_cooperation_in_criminal_matters/114014_en.htm

violence, rape and other sexual assaults (Bacik, Maunsell and Grogan, 1998). In 1999, Wergens also presented in the project by the Swedish Crime Victim Compensation and Support Authority, in co-operation with the Ministry of Justice, the outcomes of crime victim's situations and the support of an individual who have been subjected to the crime in any country within European Union. In 1999 European Commission (EU's executive body) released the rapport about Crime Victims in the European Union – Reflections on Standards and Action (KOM[99] 349 final) to the European Parliament.

3. 2 SEXUAL ASSAULT LAW

Legislative advances of sexual assault are vary and depend on cultural believes and attitudes toward what is sexual assault in specific country, ethnicity and state. According to United Nations' Special Rapporteur, (2009:3) Section III, Par.18 where it says that: *“/.../ rape/sexual assault; sexual harassment; violence within institutions; trafficking and forced prostitution; violence against women migrant workers; and pornography”*¹⁴. In general sexual assault and rape are underreported crimes. United Nation's Special Rapporteur (2009: 13) especially reduces statement made by experts in a last two decades on significantly changing linkage when it comes to sex trafficking from primer prostitution to relating phenomena with domestic violence by the main element of sexual assault. Sexual assault have also recently been liked with serves forced and/or bonded labour, including within the sex trade, forced marriage and other forms od sexual exploitation¹⁵.

Crime victims of sexual assault and rape usually choose not to rapport the crime for numbers of different reasons. Most common reasons are felling ashamed, do not want their family to know about assault, feel threatened, nobody would believe them, fear of getting cut by the police, prosecutors or judges in desire to hide the past (because of severe drug or alcohol abuse), or victims simply fear of facing the attacker once again (Bryden, 2000; Bryden and Lengnick, 1997). Once again sexual assault comes in different type of crimes sometimes victims of domestic violence are also victims of sexual assault and therefore they have problems of reporting crime as victims tries to maintain the relationship with their rapist. Most likely the underreported crime is based on the fact that rapist face low conviction and there is an indication of problems with the law of sexual assault (Kilpatrick, 2000). Prosecutors and judges on the other hand have difficulties of proving those cases once they

¹⁴United Nations's Special Rapporteur, (2009:3) Section III, Par.18:

<http://www.ohchr.org/Documents/Issues/Women/15YearReviewofVAWMandate.pdf>

¹⁵ United Nations Special Rapporteur (2009:13) read more at:

<http://www.ohchr.org/Documents/Issues/Women/15YearReviewofVAWMandate.pdf>

get into the court. Rape cases are often filled with lack of the evidence beside the victim's own statement. Prosecutors usually take in account the society's attitude toward rape victims, as those reflects in jury. For example numbers of cases indicates that the conviction is more likely in stranger rape than non-stranger rape situations. The doctrine of inter-spousal immunity is on the other hand based as legal prevention of husband from being held accountable for raping his wife (Goldscheid, 2005; Bryden and Lengnick, 1997).

Challenges that European law of sexual assault faces are many. In European States there are significant problems of underreported- and low conviction crime rate. In the definition of sexual assault are taking in account the different kinds of rape as oral or anal rape or the rape of acquaintance. Once again the European laws crackle of the crime victim behavior not an issue, rather than definition of consent in which perpetrator express sexual contact with crime victim in which the sexual assault is defined by¹⁶. Furthermore the European law's aim is to protect the victim from victimization of justice system and combating cultural norms that can blame victim for the sexual assault. The aim of European law is also to combat the difficulties faced in cases where evidence concerns of preventing the conviction. European laws practice to prevent the defense from putting the victim's sexual history on trial. The lack of judicial application in trials when it comes to sexual assault law is something that many European States (EU) have to work hard with¹⁷. Even making preparation of the "bullet-proof" criminal cases against suspects in trial have shown that content of sexual harassment itself requires much more proof than any other civil cases. That is why the meaning of sexual harassment needs to be redressed by the criminal law¹⁸.

3. 3 HUMAN TRAFFICKING LAW

The human trafficking law obligates all European Union (EU) member states to protect the rights of human trafficking victims with the right instruments. The International Covenant on Civil and Political Rights guarantees the women right to life, the right of security and the right of being free from torture and cruel, inhuman or degrading treatment¹⁹. The International Covenant regulates so that trafficked women can get effective remedy as their fundamental human rights have been violated. The International Covenant on Economic, Social and Cultural Rights guarantees further to victims of sex trafficking the right of adequate standard

¹⁶ United Nations Economic and Social Council, Rapport of the Special Rapporteur on Violence Against Women, Its Causes and Consequences, 1997

¹⁷ Further reading recommended, http://www.un.org/womenwatch/daw/egm/vaw_legislation_2008/vaw_legislation_2008.htm

¹⁸ See more at:

<http://www.endvawnow.org/en/articles/530-overview-and-workplace-sexual-harassment-as-acrime.html>; http://www.stopvaw.org/criminal_law2; <http://daccessddsny.un.org/doc/UNDOC/GEN/G03/101/00/PDF/G0310100.pdf?OpenElement> [http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/a9c6321593428acfc1256cef0038513e/\\$FILE/G0311304.pdf](http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/a9c6321593428acfc1256cef0038513e/$FILE/G0311304.pdf)

¹⁹ The International Covenant on Civil and Political Rights

of living, by means of food, clothing and housing, as well as the right of having physical and mental health, right to education and favorable work conditions²⁰.

The International Labour Organization with Forced Labour Convention (C29) and the Abolition of Forced Labour Convention (C105) are relating obligation of suppress all forms of forced or compulsory labor. The definition of Forced Labour Convention says that: *“all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”*²¹. While the Abolition of Forced Labour Convention defines forced labor as a means of racial, social, national or religious discrimination, but does not mention the possibility of sexual discrimination²². The United Nations Supplementary Convention of the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (1956)²³ defines slavery as a person’s condition where any or all the power attaching to the right of ownership is exercised. Slavery Conventions Article 1 and 3 obligates also all practices of promising or giving women into marriage on payment with no given right to refuse and the act or attempt of conveying slaves from one country to another. In particular Article 1 of the Slavery Convention²⁴ refers to abolish practice of debt bondage, where the debtor’s services are not reasonably applied to the liquidation of his or her debts.

According to the document of The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, see Paragraph 4, all EU member states are obligated give support and shelter to crime victims²⁵. Crime victims are entitled to access proper support from justice system, assistance, medical and other types of help. International human trafficking law principles are based from The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power²⁶ declaration that especially obligate all EU Members State in paragraph 14 and 15 to give crime victim all the proper and necessary assistance through governmental, non-

²⁰The International Covenant on Economic, Social and Cultural Rights

²¹ The International Labour Organization with Forced Labour Convention (C29):

http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:C029

²² Abolition of Forced Labour Convention (C105)

²³ The United Nations Supplementary Convention of the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (1956)

²⁴ Article 1 and Article 3 of the Slavery Convention

²⁵ The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, see Paragraph 4: http://www.unodc.org/pdf/compendium/compendium_2006_part_03_02.pdf.

²⁶ The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Par. 14 and 15:

<http://www.un.org/documents/ga/res/40/a40r034.htm> and

http://www.unodc.org/pdf/compendium/compendium_2006_part_03_02.pdf

governmental, and voluntary instrumentation. Also crime victims should be informed properly on availability of social service and health assistance²⁷.

According to Christie Nils (1982) crime victim of criminal act such as human trafficking for sexual purposes are complex. In fact Christie (1982) sees this particular criminal act as an attack on state as well as citizen whom have lost themselves personally as well as expressed attack on social norms, laws, juridical system, law enforcement and the relation in between of all of them.

3. 4 HUMAN RIGHTS LAW

In 18th century starts first revolution in America and France that will signify the beginning of new implementation of laws where human rights law will be ensured and guaranteed by each and every state to every citizen for protecting their individual rights and liberties as well as protection from arbitrary (Davidson 1993: 2). According to Recommended Principles and Guidelines on Human Rights and Human Trafficking²⁸ it says in particularly that the issue of human rights violation is comprehended from both cause and consequence perspective. It says further that it means that all human rights are placed in center of any measures in order to prevent, protect and end trafficking²⁹. Traditional human rights law have shifted granting from traditionally affording individuals rights through their own home states and their own domestic legal system to granting every single individual the protection and assistance from an international level (Hudson, 2007: 215). According to additional Special Rapporteur on Trafficking in Person, Especially Women and Children under the Rome Statue of The International Criminal Court³⁰ human trafficking are considered as a criminal act as a violation against humanity or a war crime under some circumstances.

Latest research has shown that once recruited women are often charged for a certain amount of money for travel expenses, employment documentations, transportation, living expenses and so on. Once women arrive in the destination country they are held against their will and usually debt bondage while they are attempting to pay the debts. Research through the years have shown that in many cases trafficked women are held for sexual servitude locked, into rooms or apartments or brothels, also unable to leave or contact anyone. Resistance from

²⁷ The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Par. 14 and 15:
<http://www.un.org/documents/ga/res/40/a40r034.htm> and
http://www.unodc.org/pdf/compendium/compendium_2006_part_03_02.pdf

²⁸ Recommended Principles and Guidelines on Human Rights and Human Trafficking revealed by High Commissioner for Human Rights to the Economic and Social Council (E/2002/68/Add.1) 20 May 2002

²⁹ http://www.antislavery.org/includes/documents/cm_docs/2009/h/hum_traff_hum_rights_redef_vic_protec_final_full.pdf

³⁰ Special Rapporteur on Trafficking in Person, Especially Women and Children under the Rome Statue of The International Criminal Court

women for being a prostitute results in starvation, assault, rape or worse torture. Research has also revealed cases of traffickers killing women in purpose to control other victims through terror.

Human trafficking expertise's has revealed numbers of human rights violations that occur in the context of human trafficking for sexual exploitation. As it has been identified above from the latest research perspective that civil and political rights are also violated in meaning of the right for personal liberty and autonomy and bodily integrity, as well as the right of freedom and movement and expression, the right to be free from torture and other cruel or inhuman treatment as well as the right of not been discriminated and free from forced labor and sexual exploitation³¹. Human trafficking for sexual exploitation violates also women's social, cultural and economic rights, as well as health, free access to education and information, and rights in favorable working conditions and reasonable working hours (ibid).

Women's human rights are violated in both cases of trafficking for sexual exploitation and in domestic violence cases. However in Special Rapporteur on Trafficking in Persons³² from 2005 report, Ms. Sigma Huda describes that there are significant problems in treating human trafficking dilemma through "law and order" problem. Mainly the crime victim suffers from re-victimization", while they are also treated, criminalized and even prosecuted as undocumented workers, irregular migrants rather than victims of a horrific crime³³.

3.5 CONCLUSION

Some of the intervening international legalization, such as the United Nations charter, Article 3 of Universal Declaration of Human Rights (UDHR), have fully recognized that it is a violation of human rights if a person doesn't have security, liberty, freedom, and the right to live. European law on domestic violence includes a number of different declarations that prohibit torture and violations of the right to equality. Family violence includes both sexual assault as well as mental and physical violence. Legislative advances of sexual assault vary and depend on cultural beliefs and attitudes toward what sexual assault is within a specific country, ethnicity, and state. Due the lack of socio-economic support, many women are forced to stay in rough, violent relationships. The European Union (EU) has, in recent years, focused on changing the situation of crime victims by implementing different programs. Human

³¹ Trafficking in Human Beings: Implications for the OSCE, ODIHR Background paper, 1999/3. and Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

³² Commission Hears from Special Rapporteurs on Violence Against Women, Trafficking in Person, UN Adviser on Gender Issues, 2005, April 6

³³ Undocumented Migrants Have Rights: An Overview of the International Human Rights Framework, March 2007

trafficking for sexual purpose, on the other hand, includes violations of many different kinds, including sexual assault, physical and mental violation, right to life, right of security, and being free from torture and cruel, inhuman, and degrading treatment. In order to fill the gap between domestic violence, sexual assault, and human trafficking law, I selected human rights law to discuss these violations of human rights. Human rights law, from European law perspective, is intended to prevent and end trafficking, but also to give assistance in ending domestic violence. Both domestic violence and human trafficking phenomena are seen as cruel, rough criminal acts by many legalizations, law frameworks, treaties, recommendations, special rapporteurs, commissions, and declarations.

4. Methodology, Approaches and Research Techniques

This chapter will outline the methodology, approaches, and research techniques adopted during the time of writing this thesis. It will give a comprehensive overview, from theoretical to practical frameworks during conceptualization, reconstruction and analysis of the outcomes of fieldwork, documents, and case studies of particular individuals who have been crime victims. This chapter will also provide an overview of the methodological challenges faced during the whole process (literature review, methodological techniques, fieldwork, data gathering, analysis of interviews). In particular, I will give an overall review of the research organization and implementation of all stages. Finally, this chapter addresses two qualitative research techniques: case studies and in-depth interviews.

4.1 RESEARCH APPROACH

This thesis was to understand *how law affects the ability of prevent trafficking*, and also to *understand the key reasons why women have been subjected to trafficking*, by adopting an exploratory qualitative approach. For this reason, I did a twenty-week-long internship in Serbia, in a Non-Governmental Organization called the Association Of Citizens To Combat Trafficking In Human Beings And All Form Of Gender-Based Violence (NGO-ATINA) and also worked within a women's shelter in Serbia. Special attention will be devoted to the technical details related to in-depth studies, as they were constructed as semi-structured interviews through the risk-analysis tool SARA questionnaire. I will also explain the reasons for selecting case studies and method of better understanding fieldwork, law enforcement, analysis of files, etc.

To answer my research questions, I have done three in-depth studies, two thorough interviews, and one analysis of law enforcement files. Altogether, 12 short interviews were performed during the time of September to December of 2012 in Belgrade, Serbia. In this section, I will describe the collection of material for my methodological starting point and also describe various methods used to clarify those workable research approaches that I used. I will also discuss further limitations of the methods applied to crime victims and even my own role as a researcher.

4.2 CASE STUDY AS A RESEARCH METHOD

This thesis was to understand *how law affects the ability of prevent trafficking*, and also to *understand the key reasons why women have been subjected to trafficking*. In order to fulfill

this twofold thesis purpose, I have chosen to conduct a qualitative case study, as this method provides researchers with an opportunity to *collect* empirical data and also to *reflect* on the complexity and diversity of real life. Due to the researcher's proximity to *reality* as well as the researcher's *thorough learning and understanding* of such complex phenomena as human trafficking, I find it appropriate to carry out case studies in terms of coming near and reflecting on the complexity of real life (Flyvbjerg 2006:236). In addition, all theoretical findings presented in this study have also been used as inputs to highlight the significance of legal frameworks and theoretical examination to better understand sex trafficking phenomena.

However, this thesis is also organized to define key references, such as law framework, legal practice, and UN international legalities and law, in order to provide better navigation for the assistance of crime victims. Inspired by sociology of law theorists such as Hakan Hyden, in this thesis, I will try to answer the questions that emphasize the potential of empirical material as a resource for developing new ideas and questions through existing legal framework. The questions are: "Is it possible to reduce the domestic violence phenomenon or human trafficking phenomenon, and how do they manifest in these cases?"

Human trafficking and domestic violence are very complex phenomena. I began my journey of picturing the files through 20 weeks of internship work in Serbia in a non-governmental organization called Association of Citizens to Combat Trafficking in Human Beings and All Forms of Gender-Based Violence (NGO- ATINA) and my work in a women's shelter in Serbia. In particular, this thesis illustrates how empirical material can be used to give a reflection of how legal practice works and what the potential is to challenge and refine new ideas. According to Yin (2003), there are four main factors that have to come into consideration while designing case studies. These are: 1) when/if the study needs to focus on questions like "why" and "how"; 2) when/if the behavior cannot be manipulated for those involved in the study; 3) when/if the study needs to cover up the contextual conditions in it because they are relevant to the phenomena under study; and 4) when/if the boundaries are not clear between the phenomenon and the context (Baxter and Jack 2008:545). Denscombe (2008:38) has argued that the "qualitative case study approach works best when the researcher wants to investigate an issue in-depth and provide an explanation that can cope with the complexity and subtlety of real-life situations." Thus, he approaches this matter according to a qualitative case study where it is relevant to use more than one research method to gain knowledge. Such is the actual case in this study as well (ibid). However, even Flyvbjerg (2006:238) in his inspiring statement clarifies also my predefined way of choosing case study as a method by saying:

I tell the story in its diversity/.../from the many-sided, complex, and some times conflicting stories that the actors in the case have told me. Second, I avoid linking the case with the theories of any academic specialization. In stead, I relate the case to broader philosophical positions that cut across specializations. In this way, I try to leave scope for different backgrounds to make different interpretations and draw diverse conclusions of what the case is a case of. The goal is not to make the case study be all things to all people. The goal is to allow the study to be different things to different people. I try to achieve this by describing the case with so many facets – like life it self – that different readers may be attracted, or repelled by different things in the case (Flyvbjerg 2006:238).

As this study deals with important issues and tackles the truth about crime victims and real-life events, I find it pertinent and adequate to use the case study as a research method. Specifically, I find it necessary to apply the case study as a method as I deal with the facts from both written law enforcement files and two interview accounts. This strategy allows for the observation of different circumstances in analytical generalization. Researching in this way is helpful for my thesis as I try to understand how the law affects our ability to prevent trafficking (for more, see Flyvbjerg, 2004, 2006; George & Bennett, 2005; Yin, 2003). In particular, I carefully selected three cases of sex trafficking. Through these case studies, I hope to illustrate individual stories that are often buried beneath a multitude of statistics. Case studies clearly demonstrate three different and individual crime victims' stories, which show different and similar dimensions of the sex trafficking problem. The victims were used for extreme sexual exploitation; therefore, their names, the towns, and other personal information, such as treatment facilities and programs, have been changed or totally excluded to protect their privacy.

4.3 COLLECTING DATA THROUGH THE FIELDWORK

This thesis presents the results of the field work that was carried out between August 2012 and June 2013 by the Association Of Citizens To Combat Trafficking In Human Beings And All Forms Of Gender-Based Violence (NGO-ATINA), based in Serbia, and in collaboration with the Women's Shelter in Serbia. My initial thought, at beginning of this study, was to go to "the source" and to monitor both of the phenomena myself before I could arrange some informants to participate in this study.

During autumn of 2011 and spring of 2012, around Southeastern Europe, multiple individuals and organization that could supply information were contacted, both through email and phone calls. The author of this text presented herself always as a Master's student from Lund

University wishing to explore the phenomena, take part in fieldwork, and interview crime victims. In the end, in Serbia, the Association of Citizens to Combat Trafficking in Human Beings and All Forms of Gender-Based Violence (NGO- ATINA) was actively addressing the issue and was willing to give me the opportunity and initiative to take action for this research problem. In order to coordinate the research, networking took place during 20 weeks of internship during the autumn of 2012 in the respective non-governmental organization. At the same time, a women’s shelter in Serbia was identified.

Non-governmental organization ATINA deals with all ethical aspects regarding trafficking and domestic violence as they work hard to lift up crime victims through everyday work and give them support to live a non-violent life during and after the program. As this type of research proved to be difficult to discuss with crime victims, NGO-ATINA did not provide me with any access to explore issues further with any crime victims at their organization. Instead, I got to work closely with crime victims on a daily basis at NGO-ATINA, but I came in contact with the initial crime victims represented in this study through the women’s shelter.

During the fieldwork, I managed to do short interviews at different women’s shelters between September 2012 and December 2012. I met, in total, twelve women who have been victims of sex trafficking and domestic violence and who were at the Shelter and progressing through its programs at different levels. Based on twelve different stories, I identified three common types of trafficking for sexual exploitation: as a result of forced labour, prostitution, or marriage (see below *Table 1.1*).

Case Type	Case Review
Human trafficking for sexual exploitation and Domestic Servitude in Family	4
Forced Labor and Prostitution through Marriage	3
Domestic and International Sex Trafficking	5
TOTAL	12

1.1 TABLE of Case Type’s (*own model*)

In the process of selecting empirical data, I looked closely at specific occasions that took place in each and every case study. All cases contain different descriptions of the crime victim’s vulnerability, the way they were introduced to trafficking, and their methods of escape. I have, through written categories, followed each and every one of those cases to

maintain the same type of chronology. Moreover, those cases were identified to include one important significant element, which is that crime victims have not appeared in official human trafficking statistics. In fact, those three cases were contextually recognized as horrific, based on criminal status, and they were closed with these statuses (*see table 1.2 below*). This particular sample of case studies is not necessarily an exhaustive review of all cases that exist when it comes to domestic violence and sex trafficking.

Case Studies	European Country	Decision Verdict date	Type of Exploitation	Sector in which exploitation takes place	Law Application
Case of Vikki	Moldavia/Belgium	2004-11-11	-Exploitation of the prostitution of other forms of sexual exploitation -Human trafficking for sexual exploitation or practices similar to slavery	-Commercial sexual Exploitation -Forced-Labour and services -Transnational Crime	-Common Law -Trafficking in Persons Protocol- Article: 3,5,6,7,8 Civil Law, Criminal Law
Mikka's Case	Kosovo- Serbia/ Germany	2005-02-15	-Exploitation of the prostitution of other forms of sexual exploitation -Forced Labour or services - Human trafficking for sexual exploitation -Servitude -Forced Marriage	-Domestic Servitude -Forced-Labour -Commercial sexual exploitation	European Convention on Human Rights and Fundamental Freedom: Article 3 and 4; and 13 and 14 Civil Law, Criminal Law
Operation "Sonja"	Trafficking from Bulgaria in Europe. Affected Europe states - transnational and destination country-: Spain, Croatia, Slovenia, Austria, Schweiz, and the Italy	2012-09-10	-Exploitation of the prostitution of other forms of sexual exploitation -Forced Labour or services -Human trafficking for sexual exploitation -Servitude	-Forced labour or services -Transnational Crime	Civil Law; International Criminal Law; Trafficking in human beings for the purpose of exploitation: Article 273(f)(2)Criminal Code

TABLE 1.2 *Victimology Case Study Review – Own Model*

This relatively long period of time resulted in a need to concentrated on only a few informants. The women's shelter field coordinator delegated the initiative to pay a visit to two informants who have turned their lives around completely and have continued to stay in that situation. The women's shelter contacted both women, and they agreed with great enthusiasm to come and talk about their lives, knowledge, experience, and the problems they have faced to successfully eliminate the past. The participant of the third case study was previously selected from a law enforcement file because this particular case answered all of the categorical questions posed to the other two informants during the interview. My selection of informants was completely random; the only thing I asked for was the crime victims' full

story. All three of my informants had been crime victims for a long period of time. The time before, during, and after victimization was of special interest for the purpose of this study as I tried to understand how human trafficking is possible and also to what extent, and if so how, sex trafficking emerge.

4.4 IN-DEPTH STUDIES

The final stage of this research was to perform in-depth interviews. Through different methods such as fieldwork and case studies, I could spend a long time in one place and get a deeper understanding of the crime victims, aspects of their lives, struggles to win the trust of authorities, etc. In the end, I carried out two in-depth interviews with victims of human trafficking. The fundamental aim of these interviews was to get additional information about crime victims whole life histories and, in particular, their lives as victims of sex trafficking.

All interviews started with a short description of the study, as well as what is supposed to happen during the interview. I would explain which particular topics are the focus of the study and how we are going to affect those, as well as what instruments were included. I also asked for consent for the interview to be recorded on tape. I collected all my recorded material on my smartphone and all other documents on my computer; unfortunately, during a robbery, I lost both of these belongings. All interviews were recorded and later transcribed and translated from Moldavian and Serbo-Croatian into English. Communication is an asset of skill, and through language, whether written or spoken, we can make discrete pieces that matter without forcing a participant, through strong, cooperative language. The procedure for key informants while interviewing was, therefore, fostered in an atmosphere of empathy, cooperative language, and many rehearsing's as part of involvement in interviews (Skelton and Hobbs 1999: 578). Also, making this thesis proposal through written and spoken testimony is a gained skill that can seem banal or even trivial (Skelton 2005). During the interview process, I was careful to provide my informants with the ability to make their own decisions and allowed them to feel that they were being listened to. Also, to be able to match with the written file, I was forced to take command of a variety of language skills to make the material appropriate and underpinned by same understanding of the context in the encounter, which was very difficult to do the first time. During every interview, I also gave my informants the opportunity to ask any questions, and all informants attested that the interview was voluntary and that consent was given to contact the attending staff at the women's shelter.

The interviews for both crime victims were based on a uniform document called a Risk Analysing Tool: “Spousal Assault Risk Assessment (SARA),” a questionnaire with opened-ended questions (See Appendix A). It was composed of a list with different categories that were to be brought up in conversation, as well as instructions on how to touch on the most central issues. All three of the victimology cases were presented in the same spirit by meeting the same numbers of facts, such as who victims are, background information, vulnerability, which perpetrators were involved in each and every case, their story, demographic characteristics, the place of residence, how they were harmed, etc.

Vikki is presented in the first case study; she is an adult female. This victimization history was selected because of the fact that the informant was homeless and an addict, and she was recruited into prostitution at a young age. She was in a treatment facility, and because of this, she has managed to completely change her lifestyle. The interview with this informant took place on October 1, 2012.

The second case study is of Mikka, a middle-aged adult woman. This traumatized victim described her case as being forced into marriage, pimped and sold, beaten on a regular basis, raped, imprisoned, forced into prostitution, branded on visible places, etc. Mikka is no longer associated with that lifestyle. She is now employed and in a serious relationship. The interview with this informant took place on October 10, 2012.

Sonja is a participant of the third case study. She was selected because she was a very young female in custody of the Justice Center. This case study was previously selected from a recently completed investigation; because of this, her particular case answered all the categorical questions posed to the other two informants during their interviews. Her victimization history was taken from her file by law enforcement. Her story consists of aggravated assault and being forced into prostitution, locked in cages, chained to beds, starved, burned with cigarettes (including burns on her neck and back), gang raped until she felt broken, and forced to perform sex on-demand. The analysis of the data began on October 22, 2012 and concluded on November 25, 2012.

4.5 LIMITATIONS AND METHODOLOGICAL PROBLEMS

The choice of this research design was extremely challenging in every way. I must point out that, because I didn’t deal with psychometric tests and the questions from SARA were not used for statistical generalization, I jumped into the world of the crime victims' own experience, reasons, and assessment (Holmberg et al. 1999: 160). The collection system for

this study is not unambiguously experimental, similar to surveys, or historical in nature. Case studies in this thesis are used along with field-work, participant observations, and spontaneous communications, as well as interviews and analysis of law enforcement files. The focus of this qualitative study is on the profound insights created by the interpretation of the human situation that crime victims were in. The foci of case studies are on process rather than outcomes, context rather than specific variables, and discovery rather than evidence (Merriam, 2006:9).

It seemed impossible to find reliable statistics on the extent of sex trafficking and domestic violence among women as well as marriage, prostitution, or though forced labour. Similarly, it was impossible to determine the number of those who pressed charges for these types of crimes or ascertain the potential data on related court cases or convictions.

My biggest concern during the time I monitored the field was my inability to conduct interviews with all of the women who were in shelters. Several factors elucidate this issue. Firstly, there was a significant lack of systematic support for my research. The research also investigates the issues that differ widely due to the lack of a precise, consistent, and unambiguous events. Secondly, the crime victims' stories describe and contain illegal, clandestine, or criminal accounts that were more or less hidden from the public eye at the time. Thirdly, the issues related to the stories were varied as organizations did not allow me to conduct interviews. This is because in their culture, domestic violence and marriage are private issues, and topics such as prostitution, forced labour, and trafficking are usually neglected in public discourse. Lastly, the existing information about trafficking and domestic violence has never before been brought together in research. The two interviewed informants do not exist in any register. The women's shelter provided me with two informants with whom they had worked closely over the past few years and whom they knew would like to share their stories. The issue of trafficking and domestic violence has not received any public attention until recently. The women's shelter in Serbia had all of the contact information for the participants of the program. Under the first phase of the internship, I realized how difficult it is to work directly with women in this situation. Moreover, it is much more difficult to identify and gain factual information about a woman's situation when she is a victim of abuse for a long period of time. Large parts of my internship, until the last phase of my project, were spent in discussions with NGOs because they would not provide me with relevant findings and information sources. Documentations on women were not available to me; as a result, I had to proceed with only very limited information. Some of the women's shelters were often

“closed,” so it was not possible to collect any information within the scope of this report. This should be definitely seen as a major deficit.

The results of the study are three stories. However, it must be kept in mind that they reflect factual situations in the strictest sense, showing exactly how trafficking occurs, who are victims, and a major problem of identification.

Finally, due to limitations described above, I certainly maintained to gather important and valuable information for this report. Also, due to limitations in time, it has not been possible to work further to include more participants in the study. On the other hand, I did gather an extensive file of relevant interviews and case law to do a thorough analysis of legal instruments for domestic violence, marriage, prostitution, sex trafficking, forced labour, and women’s rights and their value.

4.6 CONCLUSION

This chapter demonstrates research approaches, techniques of the fieldwork and research methodology during the time of study. Based on qualitative case study and in-depth interviews, this thesis was to understand *how law affects the ability of prevent trafficking*, and also to *understand the key reasons why women have been subjected to trafficking*. In this chapter, I also try to justify the logic of adopting a case study as a strategy, in order to carry out in-depth interviews of people victimized as sex slaves. Furthermore, it explains the importance of using case studies by identifying the inner mechanisms of understanding the links between domestic violence versus the human trafficking phenomena. Finally, I describe the whole process of selecting data through the fieldwork on a micro-level so as to involve as many actors as possible and set in motion a process of exploring a crime victim's own experience of sex trafficking and domestic violence through marriage, forced labour, and prostitution (Table 2 below offers a brief systematic summary of the process during the writing of this thesis).

TABLE 2. *Own Model*

Detailed summary of methodological conceptualization and participants for this study, 2012–2013					
Exploratory Qualitative	Qualitative Method		Qualitative (case study)		
Study	Instruments	Data generation techniques	Study	Instruments /Data generation techniques	Sample / participants
Overall design: participatory action research – data in this publication based on quantitative exploratory methods	<ul style="list-style-type: none"> •Fieldwork 20 weeks of Internship • Association Of Citizens To Combat Trafficking In Human Beings And All Form Of Gender-Based Violence (NGO-ATINA) and Women’s Shelter in Serbia 	<ul style="list-style-type: none"> • Informal individual interviews with various groups and individuals/experts 	<ul style="list-style-type: none"> • Selecting three life histories • interviewing (semi-structured individual interviews) • Case-law review and analysis 	<ul style="list-style-type: none"> • Questionnaires (annex 1) from Risk Analyzing Tool: Spousal Assault Risk Assesment (SARA) were used in interviews with crime victims. 	Association Of Citizens To Combat Trafficking In Human Beings And All Form Of Gender-Based Violence (NGO-ATINA) and Women’s Shelter in Serbia
Featuring the work of NGO by strengthening and mobilizing contacts in the field; Bringing together information and all the networks together.	<ul style="list-style-type: none"> •Monitoring • Participary Observations • Field notes 	<ul style="list-style-type: none"> • Simple and participatory observations • Field notes • Meeting with sample: 12 vulnerable and resilient crime victims 	<ul style="list-style-type: none"> •Spontaneous individual and collective actions /other responses • Indirect feedback, societal reactions. 	<ul style="list-style-type: none"> • In-depth one-on one interviews (based on SARA) 	<ul style="list-style-type: none"> • 3 adult female in different age with different mother-tongue • Observation

5. Theoretical Premises

In this chapter I will describe the central theoretical premises from a sociology of law perspective on law, the legal system, justice responses, and jurisprudence as an instrument of society in order to further analyze the crime victims' positions. The position of a crime victim is influenced by a structure consisting of several parts that individually and together influence every part of the society. This thesis was to understand *how law affects the ability of prevent trafficking*, and also to *understand the key reasons why women have been subjected to trafficking*. The central research questions of this study address how crime victims argue about legal actions in their cases and how they have been affected by the legal rules and judicial decisions during the trials. To answer questions that address law and society, I looked over the consequences and functions that law has on certain individuals. Finally, by taking a sociology approach to studying law, I could understand people's behavior and how the relationship between people and authorities is regulated.

5.1 SOCIOLOGY OF LAW PERSPECTIVE ON LAW AND SOCIETY

Sociology of law can be described as the study of how law and society relate to each other. The professor of Sociology of law Håkan Hydén (2002: 15-30) describes the meaning of jurisprudence and criminal justice system and how scientific studies of law can clarify the responses in which the society have in terms of power and the creation of standards between state and citizen. Theories and methods of jurisprudence can be used to gain knowledge and contain the effects and functions that the law provides. Legal dogmatists and the Sociology of Law are two key specializations in jurisprudence. Legal dogmatic is an analysis and law method used to determine how those different sources of law should be interpreted and applied. Sources of law include constitutional texts, its legislative history and precedent. The legal dogmatic method can also be used to investigate the legal decision that should be taken (Hydén, 2002:247-253).

Hydén (2002:109 -116) writes that studies with proper scientific starting points are often based on a true legal sociological position on the role of law in society. Different societal perspective affects the legal sociology and theories focus on how the law is assumed to affect society and vice versa. Legal knowledge is also used as an instrument to influence people's behavior (Hyden, 2002:57-61). Sociology of law studies focuses on how relationships between people and authorities are governed by different regulatory approaches (Hydén,

2002:141-148). That's why legal sociologists need to have knowledge about the practical work of legislation and actual content of the legislation in the community.

In this study I have looked moreover those consequences and functions that law can have on certain individuals for this context. This also means that legal sociologists not only must know the law and understand the content but also understand law's purposes of the social practice and vice versa. However, this master thesis is based on the significant matter of intellectual necessity pointed in European Law and different Protocols that brings effective meaning of juridical legal rules and meaning in social praxis. The certain issue of human trafficking and domestic violence of women require shifting terrain in contrast with European sociology of law distinguished through comparative approach and legal dogmatic as the author of this text sees the emergence of those academic problems all addressed in one single common issue – the role of crime victims (Gessner and Nelken, 2007: 2).

The task is interesting because of the fact that all penetrating flows of communication from crime victims to transformation of legal process of imposition, imitation of resistance that lead directly to socio-legal change. According to Gessner and Nelken (2007:4) legal practice and ideas of reproducing themselves in a space of "intercultural legality" are increasingly shaped by matter of awareness and of the ways the one phenomena occurs and the other possible ways of doing it rather than taking in account any existing society and norms as a models to be taking in account or relatively statistics about phenomena. Self –conscious paradigm can move "norm" leading policy to run ahead of ideas and practices of the group or individuals that are producing "living law" within each and every society in Europe (Gessner and Nelken, 2007: 4-5). Certainly this study is concern to know about the existence of differences between the use and meaning of law within personal stories of human trafficking. Concerning the role of judges, lawyers, the use of courts as well as meaning of underlying legal and social concepts as differences of "legal culture" and where those differences lack in potential practices and policy implementations (Nelken, 2006a).

When it comes to sociology of law, criminal justice responses and jurisprudence studies both are woven into the right of law and object that has been studied and therefore there is a difference in interest of gaining knowledge. Sociology of law and European law perspective in this study are seeking to fulfill the gap of knowledge arising in human trafficking cases. The main difference is that sociology of law maintains in particular knowledge of modes used to describe knowledge about the right to legal aspects of how knowledge of law works (Hydén, 2002: 275). This raises a number of different starting points. The legal aspect of European law exists as a legal dogmatic method in which teams of interest have been mapped

as: law on sexual assault, domestic violence, human trafficking, human rights and criminal law. While the right sociological aspect aimed against an act or behavior in this work is victimizations own history and process. In this search of what lies behind a range of actions and behavior, the right only one of several possible biasing factors (Mathiesen, 2005: 16). One legal sociological aspect is therefore about law in society and how these are reflected in the examples given in sporadic human trafficking cases.

5.2 THE LEGAL CONSTRUCTION OF WHAT?

Sociology of law theories are deeply connected with social practice and ideas of social settings through different realities, social orders and different traditions. Legal dogmatic and sociology of law are intertwined and appreciated in every day's life. By understanding different cultures, countries local custom, understanding their gestures, personal life, unwritten rules and so on can sometimes be a matter of life and death. Social construction contributes to creating certain social order. By applying sociology of law approach we can reflect on reality and explain new embedded ideas of legalization, incorporated in practice and changed a wide range of professionals activates involving for example criminal justice responses, jurisprudence, police work, social service work etc. Any idea that is of self-approving character of social practice need to be constructed compared in a way and reflected (Gressner and Nelken, 2007: 142). By applying social constructivism approach it is possible to look critically and monitor two phenomena, legalization and get knowledge of objective reality without constructing visions of reality (Hacking, 1999). Crime victims own experience and their social interaction in certain context have significant matter for this study. Then the only thing we know for certain about reality, according to social constructivism, is how people create and understand their reality. To be able to understand and sharply distinguished empirical material of practices we need to reflect on relationship between to phenomena and social order and social practice prevailing in Europe. By constructing a homology between two phenomena that are structurally similar we can apply actual hypothesis and reveal social practice sooner than social theory within. Munch says that theories are not applied in social practice they are rather represented in social practice "theory and practice share a particular culture and therefore some common meaning" (Gressner and Nelken, 2007: 142). The legal order of society can be capture best by certain core elements of domestic violence observing in intimate sex trafficking phenomena from legal perspective influenced by comparative sociology of law.

This study are attempting to throw reflections of how individuals stories founded in this empirical research of two phenomena are extremely intellectually stimulating in relation to *law* and *societies* that in own way raises many common puzzling questions of law and society in order. As for example: how is law enforcement centrally in aspects of law in different societies? How can we use individual stories of human violation as example to create official interests of topics as domestic violence and intimate sex trafficking? What does this tell us about the way of procedures conditions and boundaries of law are and what does it tells us about shaping better understanding of boundaries and policies? Social constructivism has also primary function when it comes to empirical understanding and study of social dimensions, respective object that has been studied in relation between the law and morality (Deflem, 2008:115). Obviously comparative sociology of law goes along with social constructivism and legal dogmatic perspectives as a part of the same movement when it comes to theory and practice of law that are intimately involved with power and differential access to justice (Deflem, 2008:181-182). Social constructivism studies based applications that are basically maintained by the legal rule of one individual story and examined in terms of utility and efficiency as a model to reach that certain goal (Deflem, 2008: 140). Underlying meaning of this study is grounded in intimate partner sex trafficking observing phenomena through domestic violence cases by crime victim's own testimonies that judges pass by every day. Social constructivism is however also important perspective here to describe categories such as: juridical procedures, "trouble cases", scandals, law as social control and regulation, law as aspect of social and cultural order, law as a product and producer of social change (Nelken, 1997: 93-104 and Coombe, 2000).

5.3 CONCLUSION

In this study, theoretical premises elucidate an understanding of both society and law and how they relate to each other. This thesis was to understand *how law affects the ability of prevent trafficking*, and also to *understand the key reasons why women have been subjected to trafficking*. Theories and methods of jurisprudence can be used to gain knowledge and contain the effects and functions that the law provides. Different societal perspective affects the legal sociology and theories focus on how the law is assumed to affect society and vice versa. Legal knowledge is also used as an instrument to influence people's behavior (Hyden, 2002:57-61).

The sociological study of law focuses on how relationships between people and authorities are governed by various regulatory approaches (Hydén, 2002:141-148). In this study, I have which approaches affect the judicial system, as well as how women have been affected by the

legal system. That is why a theoretical approach from both the sociology of law and the social-constructive perspectives provide an understanding of law, the content of the law's purposes, social and juridical practice, and vice versa. Legal dogma and the sociology of law are intertwined and appreciated in everyday life. Applying the social constructivist approach allows us to monitor and examine critically two phenomena: legalization and obtaining knowledge of objective reality without constructing false visions of reality (Hacking, 1999).

6. A Brief Factual Background of Crime Victims

This chapter will present featured events in the lives of women as crime victims. By following a brief factual background of the victims -- here named Vikki, Mikka, and Sonja -- this study will try to *understand the key reasons why women have been subjected to trafficking and how these events are made possible*. Because the said victims were used for an extreme form of sexual exploitation, their names, specific places, and other data have been totally excluded or changed in order to protect their privacy.

6.1 CASE OF VIKKI

Vikki was born and raised in small town in Moldavia and lives with both of her siblings and highly unstable and abusive parents. Vikki was 11 years old when she first suffered abuse at the hands of a neighbor who became her friend at first. At the age of 13, Vikki became a foster care child, as her mother passed away from sickness, and her father did not want her presence in the house anymore. Between the ages of 15 and 16, Vikki changed foster homes many times. While in a foster home, she developed a relationship through a Moldavian talk/date service with a man. That is how she got involved with her first 40-year-old pimp who sold her for money. When found by the police, Vikki faced charges against her in court, and she was sent away again to another foster home across the country. While there, Vikki developed another relationship with an older male, and she became pregnant. The situation got complicated for Vikki. As she waited for a decision to come about her next placement, she ran away with her boyfriend. While on the run, Vikki became a victim of rough abuse; she lost her child and was dropped off at a homeless shelter. After a while at the shelter, she returned to her community. At this stage of life, Vikki was homeless, with no support, on the run from the police and social care services, and a heavy drug and alcohol addict. On the streets, Vikki got a new “boss” who sent her away to work in Belgium. While working in Belgium, Vikki developed a serious illness. Her boss drops her off on a street, thinking Vikki can no longer work. Once found, hospitalized, and treated, Vikki was transported to Moldova. She has turned around her life and been sober and clean for some years.

6.2 CASE OF MIKKA

Mikka, born in Kosovo in early 1986, was raised by a single mother and never knew her father. The mother was a hard worker, but she neglected her children. At age 16, Mikka got to know a man named Lazarius, with whom she was in a relationship for several years. Lazarius, a heroin addict, abused Mikka and took all her earned money. Lazarius and Mikka married;

they first lived in Greece before moving to Rome. Mikka was 18 years old when Lazarius moved to Holland. The day after Lazarius left, Mikka moved in with his friend, Nicolaus, who was crippled in a traffic accident. Mikka and Nicolaus develop a non-sexual relationship. At Nicolaus' house, Mikka met his younger cousin, Ekrem. Mikka lived with Nicolaus for several months; he and his cousin would sell her to make money for trips to Germany, where Nicolaus would spend all the money on gambling. Nicolaus and Mikka eventually married and changed their last name because of the prohibition of entry into the EU. Once deported from Holland, Lazarius hunted for both Mikka and Nicolaus due to their "betrayal," and they subsequently ran away to Germany. While in Germany, Mikka was forced to steal and was physically and mentally abused. Afterwards, Mikka escaped Nicolaus and his cousin and ran away to Bosnia. In the meantime, her mother and sister moved after the Kosovo War in Serbia, so her stay in Bosnia was very short. Lazarius and his friends hunted for her mother and her sister in Serbia by banging on the doors of buildings and then calling the police. That is how their "cooperation" with police started. Later, after Mikka returned to Serbia, she lived hidden in an apartment and developed a relationship with a new boyfriend. Mikka is living a family life today. She credits operative women's shelters for saving her life and helping her to change her lifestyle.

6.3 CASE OF SONJA

Sonja was the firstborn child among three other siblings in the Vidin Region, Bulgaria. Sonja had a terrible childhood as she witnessed her mother getting abused from an early age on -- her father was an abusive and violent alcoholic. However, at the age of 17, Sonja met a man in his middle 30s, and she fell in love with him. They subsequently began a relationship. His name was Mr. Molnar, a handsome and seemingly good man who was originally from Hungary. When Sonja's father found out about her relationship, she ended up homeless, and she had to stay with Mr. Molnar. They lived for some time at a local motel, and Sonja learned Molnar's nickname was "Zero." While at the motel, Sonja received new clothes and attention from Zero and was introduced to alcohol and marijuana. When Zero got shot, he took Sonja and two other females to Rome, Italy. In Italy, Sonja was roughly raped and sold but then was arrested and sold again. In her 20s, Sonja was introduced to heroin, cocaine, and other drugs. Zero became roughly violent with her as well. Sonja frequently moved from one place to another. She worked in Croatia, Slovenia, Austria, Switzerland, France, Spain, and many other countries in Europe. Sonja recalled having many different bosses, but Zero always found a way to bring her back. Once Sonja tried to quit prostitution herself. She pleaded with every client to not have sex with her, but then she would get raped, so she stopped begging.

Sonja had her first child with Mr. Molnar, but as she was unable to take care of the newborn, the child was removed from her. In the end of 2012 Sonja found her way into the women's shelter.

7 Crime victim's testimonies exploring intersection between trafficking and battering

Chapter 6 highlighted crime victims' individual stories and the events that led to extreme sexual abuse and trafficking. The aim of this chapter is twofold. First, it will bring together underlying causes of *how law affected the ability to prevent trafficking* and it will light the debate on the link between human trafficking and domestic violence. Second, it will provide a summary of in-depth analysis of interviews, including outcomes of analyzed case study of the third victim. Thereafter, it will address *why women have been subjected to trafficking* through the component of the law on the overall situation in each case.

7.1 TRAFFICKERS OR BATTERERS?

The simplest way of finding the distinction between trafficking in women for sexual exploitation and domestic violence is in the way they seem to overlap or completely overlap. The paths of intimate partner abusers and traffickers appear to be the same in sex trafficking. In fact, intimate partner violence is an extreme form when it comes to sex trafficking because of the fact that the trafficker, the pimp, and the batterer are one and the same person (Godman and Leidholdt et. al, 2011). In the coming chapters, three prototypes of this kind of sex trafficking will be presented.

Mika was in high school when she connected with the concerned Lazarius, who was much older than her, married, from Greece, and a heroin addict. On their first date, he was very careful and romantic, and he would always make her on first place. During the first year, she did not know that he was using drugs, and later on, she wanted to help him stop. He was pathologically jealous and persecuted. He would follow her wherever she went, and each slightest suspicion led to heavy beating. Once he almost beat her to death at a cemetery, and when he did not have any more strength to beat her, he pulled a cross from a fresh grave and beat her with that. He always suspected that she was a whore and that she would cheat on him. As a result, Lazarius forced her to work any jobs available and give him all of her earned money. If she ever tried to hide some money, he would rummage through all of her possessions and beat her severely if he found anything. Mika lived in this type of an abusive relationship for years. Sadly, she was never able to speak out about all of the abuse she suffered and let others know how seriously she was exploited. At the same time, Lazarius did not allow Mika to use drugs, and she denies ever having used them. In addition, this young

woman aborted the three children whom she had with Lazarius. Later, when Lazarius went to Holland, she met a friend of his named Nicolaus, who had been crippled after a traffic accident. However, since Lazarius was quickly deported from Holland back to Serbia, Nicolaus and Mika had to remain hidden from him. At Nicolaus' house, she met his young cousin, who was fresh out of prison. Horribly, this man forced her into prostitution so that he could raise enough money for a trip to Germany. Mika was desperate after learning that she had to prostitute herself, but she apparently had no choice. At one point, Nicolaus said that Mika would “have to work for him until she earned enough money for his operation and so he could get back on his feet again.”

Sonja was 17-years old when she met Mr. Molnar at the shop that he owns. Mr. Molnar is a perspective, good-looking man in his middle 30s, and he is from Hungary. They started to date, and after an incident at Sonja's home that led to her becoming homeless, Mr. Molnar was there to comfort her. The boyfriend was supportive beyond measure, placing her needs above his own. They stayed at a hotel. Sonja experienced a new world of excitement and luxury that she had never experienced before. Because she came from a small society in Bulgaria with very conservative beliefs, the understanding and the attention that she got the day she became homeless was a gift beyond measure. Deeply in love, after Mr. Molnar came from a hospital visit after he was treated for an injury, Sonja agreed to follow him out of Bulgaria to Italy, only to encounter a very different Mr. Molnar once she stepped out of state. Once Sonja was out of Bulgaria, she found out that Mr. Molnar was a brutal pimp called by the name Zero. When they arrived in Italy, Zero commanded two other females to monitor and control Sonja. He confiscated her passport and demanded that she work for money to support him at 200 Euros per day. Sonja was threatened. When she refused to sell herself for money, she was tortured physically and raped. After that incident, Sonja would look at one point in the wall, trembling, with severe headache. Her arm was almost black from the wrong stitches in the vein. Sonja regretted her choice of leaving her home because of Zero; she wanted to return home. But Unfortunately, Zero controlled her every step; she had to do the things he wanted. Zero simultaneously was Sonja's abusive intimate partner and also the boss of a family-based, sex-trafficking ring that gathered young women from poor countries in Central Europe. Sonja was not his only victim, nor would she be his last.

Sonja and Mikka have similar backgrounds. Zero and Nicolaus are like other traffickers -- careful, initially very devoted, and knowing how to capture victims. Pimps and traffickers the world over have learned that vulnerable young women and girls can be lured into prostitution by initially showing romantic interest in them and caring about their situation (Godman and

Leidholdt et. al, 2011). The strategies of highly developed manipulation control and techniques are especially effective with young women and girls who are in poverty or lack of support. Young women or girls who usually survive an abusive relationship at home or in the community have the highest potential to become victims of sexual abuse, trafficking, or domestic violence, as it was in Sonja's case. Usually, a trafficker knows where to "hand-pick" girls as they get to know those girls' traumatized life-history before they become potential victims (Godman and Leidholdt et. al, 2011). Intimate partners' violent relationships have the same pattern of treatment towards their victims, usually mixed with rewards or punishments, verbal abuse, sexual abuse, and beatings followed by "gifts" and manifestation of love (ibid). Victims of sexual exploitation in this study have also shown that their sense of exclusion from society remains once they get in the circle of trafficking. The victims have been forced to change their identities, making marks on their mental condition by giving them a new name, new identification, and forcing them to be afraid of sharing their stories with others by telling them that they have broken the law and would never be able to find protection.

In this study, changes in personal identification took place by re-marking victims' bodies with tattoos, branding them, or giving them a "new" name. Once the trafficker gains a potential victim's trust and appears to be the man with whom she is in love, the trafficker will start to isolate the victim from others through psychological and physical coercion. According to Godman and Leidholdt et. al (2011), a trafficker usually tries to ensure a victim's "new" identity is permanent, stripping away the victim's sense of self and refashioning the person. Trafficking victims evince trauma consistent with the dehumanizing treatment they endured through brutal torture. All victims in the study have demonstrated they suffer from "traumatic bonding," also known as Stockholm syndrome, with their traffickers. The bonding can keep victims attached to traffickers for a long time before victims realize they have been subjected to psychological enslavement.

7.2 CAUSES OF VULNERABILITY AND ABUSE

According to Häll (1997), the risks of exposure to violence and threats are highly unlikely for married couples than for singles, for men than for women, and for old than for the young groups. Moreover, Helgesson (1995) identified the group that is the most vulnerable in the general population. He means that the groups more exposed to violence are the ones that usually stand out from the rest of society such as marginalized groups. In the category of marginalized groups belong homeless people, imprisoned individuals, heavy drug addicts or alcohol abusers, and the other form of convicted criminals (Flyghed & Stenberg, 1993;

Löfvenberg & Melin, 1999 and Lenke, 1973; Nilsson & Tham, 1999). According to SCB (1995) and Häll (1997), the potentially vulnerable groups for exploitation can be youth who participate in local nightlife, single mothers, or children who are often exposed to violence by their fathers as known perpetrators.

All the cases in this study indicate that a history of violent relationships is the cause of young women and girls being vulnerable to traffickers. According to Godman and Leidholdt et. al, (2011), many human trafficking experts have covered up this knowledge by talking about push and pull forces when it comes to sex trafficking. The main thing that traffickers look over is the conditions of being able to lure or propel a human's vulnerability by forcing them into prostitution or labour. Domestic violence is an entry point of intimate partner sex trafficking once victims have shown traffickers that they live in risk. With that comes the entry of many other types of abuse as victims fall under the control of traffickers while they try to escape some other life conditions (Godman and Leidholdt et. al., 2011). Conversely, girls who have been entangled in a violent relationship with an intimate partner, followed by drugs and alcohol or sexual abuse, try to find a way to escape the sex or labour trafficking (ibid). These study cases point out that poverty and a lack of economic security, family bonding, care, and support increases the chance for girls to become victims of intimate partners. The following stories demonstrate the pattern of intolerable conditions that these crime victims fail to recognize when the person who offers them refuge and protection is the abuser himself. These three stories are about girls who sought refuge from a family crisis but became victims of intimate sex trafficking. Vikki was the victim of intimate partner sex trafficking as well as Sonja and Mika, who illustrate the same patterns.

Vikki comes from a small place in Moldavia. Her childhood was extremely chaotic. Both parents were very unstable and abusive. Vikki learned very early on that she had to take care of her home and her siblings. She was 11 years old when she was sexually abused by a neighbor who became her friend at first. The reported abuse to the police resulted in an empty search as he disappeared with all his possessions from his house. Vikki was a 13-year-old child when her mother died and her father sent her away to foster care. While at different foster homes, she developed to communicate with men through calling Chisinau's talk/date line, Moldavian talk/date services. After a while on talk/date lines, she learned to communicate with an older male who gave her comfort, and she learned to trust him. He became one who always called, and he listened to her. One time, he suggested that Vikki run away from her foster home with his friends and that they would take good care of her. That

night changed her life as she went right into the hands of an older pimp in his 40s with two other females.

Vikki said, *"Once I got cut by the older pimp he forced me to sleep with him. He said that he was my 'God' and that he can do anything to me. I was scared; I knew no one would ever look after me. I said no anyways. Many times I refused to have sex with him or anyone else at the hotel, but he would rape me anyways. He was so rude and violent. He would slap me so hard during our sexual acts, and he would do this every time. In the hotel, they would have 'parties,' and many men would come to them. I couldn't count because I was constantly high on drugs and alcohol, but they would all rape me. We would also dance on the table. Elena was another girl at the hotel. She was nice to me. She was a Moldavian girl, and she would rescue me from Alyona, but one day she just disappeared. Alyona was a Ukrainian girl, and she was really 'bossy.'"* After three months in the hotel, Vikki was discovered by the police because her videos and pictures were found online by Internet investigators. She was subsequently taken to jail and was charged for prostitution. Meanwhile, the Social Service Department sent her to a group home in another part of the state.

This time, Vikki was replaced in the group home where she also was "volunteered." At the job, she met an older man, and because of lax supervision, she would come and go anytime during her volunteer hours with the man. After a while, Vikki got pregnant. At the group home, she waited for the crucial court decision about her placement. In her statement, Vikki was clear that she did not want to move from place to place anymore. She wanted to return to her grandmother and no one else. However, at the same time, Vikki had found out that it would be highly unlikely that she could ever be able to return home. Highly pressured, she felt she had no choice but to run away with the baby's father somewhere.

Vikki describes her boyfriend as insane. They began the relationship running for several months. He was rough and violent with her. He would beat her in the face until her mouth was filled with blood, swear at her, and call her names. The terror was so horrible during her pregnancy. He would beat her until she bled and then apologized for it. Death threats would come every day, as he was afraid that she would leave him. One day, she got boxed in the head and almost to death. Her bleeding was bad, and she had a miscarriage, but he never took her to the doctor. After hours of her bleeding, she was dropped off at some homeless shelter. Once again, after getting better, she left the shelter and returned to her community. After being on the street, she met a crew of three women and one man. The man became Vikki's new "boss," and one day she asked to go to Belgium to earn more money. In Belgium, Vikki

was provided with different drugs and alcohol. She was exploited for online prostitution services together with three other females.

While working in Belgium, she discovered she needed immediate hospital care. Vikki was dropped off at a local hospital in Belgium where she was identified, and a new investigation and work with police started. After the medical treatment in Belgium, she was immediately placed in a secure shelter and transported back to Moldova. Today Vikki has turned her life around, and she wants to share her story.

Sonja was the first born of three sisters to a mother and a father in Vidin Region, Bulgaria. Her father was abusive and a violent alcoholic. Sonja had a terribly hard childhood because of her father. As long as she could remember, he would always treat with her brutal physical attacks. Sonja witnessed a lot of hard abuse towards her mother during her early childhood. Her mother lived and experienced daily torture from her father, even while she was pregnant. Sonja witnessed her mother getting raped and sexually abused on a daily basis. This made a huge impact on Sonja while growing up as she did not have many friends, and she did not have time for anything else but school.

Sonja was 17 and in high school when she met Mr. Molnar. The guy was in his middle 30s, good-looking, long, and very perspective for his future, and he owned a shop. He was from Hungary. When Sonja's controlling, abusive, highly explosive, and violent father found out about her relationship with Mr. Molnar, she ended up homeless for several weeks.

Mr. Molnar, her boyfriend, was there to comfort her, and they lived for a few weeks at a local motel in Sofia. One night, they went to a night club, and she realized that Mr. Molnar was a "very important person" in the city. Later, she found out that he was a brutal pimp called "Zero." While at the motel, Sonja got new clothes from Zero and was introduced to alcohol, marijuana, and attention. One night, some women at the motel came to Sonja and told her that Zero had been shot and that she needed to go to the hospital.

When Zero got out of the hospital, he took Sonja along with two other females, and they left Sofia for Rome, Italy. Once they arrived in Italy, Zero said that she would need to make money to support him, precisely 200 Euros each day. Sonja started on the corner of Borgo Vittorio Street in Rome. Her first client was an older woman, who purchased sex for herself and her husband for 50 Euros. Sonja took the offer, and they arrived at the woman's home. Once Sonja got there, she experienced many brutal rapes, over and over again from both of them for five days in a row. Sonja's clothes were totally torn apart, and she was naked for a week, put in a corner, and told that from that day on she belonged to the couple and would

work for them along with three other girls. However, one day the older woman sold Sonja to a client, and he turned out to be a police agent. Sonja then was arrested and charged for prostitution, but she actually felt very safe in jail. Unfortunately, the next thing she knew was that she was out of jail when Mr. Molnar came to pick her up. Sonja again felt helpless and frightened once she was released from the prison cell. After she got back together with Zero again, she refused to work on the streets for some time.

Sonja was 20 years old when Zero introduced her to heroin, cocaine, and many other drugs. She was unable to work while drugged, but she would use drugs as her medication to not feel anything because she felt unsafe and afraid all the time. Zero became rough and violent with her, as well. He would lock her in a cage or chain her to a bed, starving. He would burn her with cigarettes or burn her with hot metal on her neck and back. He would beat her almost to death and sell her right after.

They moved from Roma in Italy to the province of Vercelli, where she was expected to produce 400 Euros per day. She says they also worked in Rijeka in Croatia, Trieste in Slovenia, Wien in Austria, Bergamo in Switzerland, Monaco in France, Andorra in Spain, and many other cities and states. Sonja recalls her moving to some other “boss,” but Zero found her and paid to get her right back. The return to Zero was rough and violent, and she almost died from violent physical abuse of her head. Sonja said, “I remember this one time I met this police officer who asked me 'With whom are you?' and I would explain, and he picked up the phone and called Zero, and he said to him, 'Here she is, and she wants to report you.'”

Sonja didn't want to prostitute herself anymore; she refused. Sometimes she would even cry to clients, beg them not to have sex with her and tell them she did not want to do that. Sonja said sometimes she was given money and could leave, but other times they would roughly rape her as clients thought it was part of her game.

Sonja had her first child with Mr. Molnar. At this stage, Sonja's case was open at law enforcement and being prosecuted. She couldn't take care of the newborn, so the child was taken away. Sonja became so addicted to drugs, that she would do anything for them. Sonja expressed in her statement that during this time, she was raped dozens of times by many different civil servants in those different states. Sometimes she tried to quit on her own, as she couldn't have sex with all these men. Sonja found her way to a women's shelter. Because of her complex life situation, she is in the custody of the justice system.

Mikka was born in 1986 in a small town in Kosovo (part of f.d.Yugoslavia). She grew up in Kosovo and lost her father at 10; she lived with her mother and sister. Her mother worked

very hard so they would be able to live, but the children were neglected. She recalls having a very bad relationship with her sister. At the age of 16, she met a Greek guy named Lazarius. Lazarius was the man that she stood up because of several years of an abusive relationship and because he took all the money she earned by working. Lazarius was born in '68, was an intravenous drug addict, and was married. After she finished high school, she worked as a waiter and at several other places.

Mikka was never able to get out of her abusive relationship as there are no domestic violence shelters in her hometown. Once, Mikka entrusted herself to a woman and told her about her abuse, and it all resulted in the police confronting her with a notorious way of sending this battered woman back to her abusive partner. One police officer did mention to her that she could find the help she was seeking in Belgrade at a women's shelter. He said, "All the whores get free meals at the women's shelters, and they can talk about their problems. It's like a vacation!" However, Mikka went back to her abusive partner nonetheless. Lazarius went abroad in 2010, so the very next day she moved in with Lazarius' friend, Nicolaus, who was in a wheelchair. They developed a relationship but without sexual contact, and Mikka lived with him for several months.

As shown in detail above, even Mikka was pulled into trafficking through an intimate partner who worked for an international trafficking chain. Her escape from one abusive intimate partner resulted in violence and sexual exploitation from another.

Nicolaus pimped her for money so that they could take a trip to Germany, but he would often spend the money on gambling. In the meantime, they got married and changed their last names to circumvent a prohibition against entry into the EU. In Germany, Nicolaus forced her to steal, threatened to have her arrested by the police, and warned her that she would get hurt. She was forced to steal and was physically abused as Nicolaus was in intense control of her life.

7.3 POWER AND CONTROL

The ultimate hallmark of intimate partner violence and sex trafficking is that the perpetrator is running with his own developed and, unfortunately, deliberate strategies to dominate the use of the power and control of crime victims (Godman and Leidholdt et. al, 2011). The United Nations (UN) Trafficking Protocol offers a universal definition of human trafficking as it says "abuse and control of power or of a position of vulnerability." This definition concerns the fact that the individual has been brought into sexual exploitation or forced labour. Those

tactics and strategies using power and control are well known and seen in all cases of domestic violence and sex trafficking.

The human trafficking tactics that have been demonstrated in this study have also shown that the dynamic of control and power over the victims is more concentrated on psychological abuse. When the powerful tool of psychological abuse takes over the victim, the trafficker usually releases his violence and uses psychological power less.

Anti-trafficking experts have taken this power and control into account as they developed an overview of domestic violence and sex trafficking. This wheel has also shown those specific forms of abuse used by traffickers that overlap cases of domestic violence (Godman and Leidholdt et. al., 2011).

7.4 EMOTIONAL ABUSE

Intimate partner violence and sex trafficking, as demonstrated in the cases of Vikki, Mika, and Sonja, the trafficker or pimp makes first contact with the victim to show care of a different kind, listen, and perform devotion and love so that the victim can fully trust him. Tactics of mixing with emotional abuse start with small steps at the beginning so that they can escalate later over time. First of all, the trafficker expects the crime victim to blend in with her new identity (Godman and Leidholdt et. al, 2011). In the cases in this study, it has been demonstrated that it is always the trafficker who has control over how the victim will become a salable commodity. However, Vikki's trafficker convinced her that he was the only one in the world who cared for her, so she needed to call him "daddy." Vikki was called "Marselle," and he convinced her that proof of her love would be doing pornographic videos and having her pictures taken for some online escort service ads. Sonja got her moniker "Samantha" from Zero, and he bought her skinny, tight dresses, high heels, and makeup that she should be wearing all the time. He frequently insisted that Sonja walk out on the streets as proof of her love for him. Mika, on the other hand, was marketed by her trafficker as a "fresh new girl from Russia," and she was convinced to work for her pimp to work off the debt she had and make money for a trip to Germany. Mika lived in the conviction that he was trying to help her, too.

7.5 ISOLATION

Batterers' victims live in deeply controlled environments and are totally isolated, and so do victims of intimate sex trafficking where the main charge of intensified isolation has traffickers. Mika, Sonja, and Vikki were monitored every day, and if the trafficker was not

“around,” then they gave their “top women” who were working for them the responsibility of controlling the crime victims. All three women were unable to get in touch with their acquaintances, friends, or family members. Those three women were constantly on the move, so they were unable to develop relationships with anyone. Sonja’s trafficker used those tactics to make her a prisoner of his activities. All those three women experienced intensified isolation as their traffickers took their passports, pressed them with an “undocumented immigrant” status to have them stay in their isolation, and threatened that they knew a police officer and how if they hand over them they would be experienced much more odd destiny. In Sonja’s case, she experienced strong aggression from her trafficker, Zero, after she got in contact with a police officer one time. As they maintain isolation of their victims, sex exploiters control their forced work too.

7.6 SEXUAL ABUSE

Sexual abuse is most common in intimate partner violence where the perpetrator uses sexual abuse to control and have power over the victims, and so it is in sex trafficking by an intimate partner. In order to psychologically break down their victims, trafficker abuse begins with sexually assaulting victims themselves or letting someone else rape them many times until their psyche is totally broken. (Godman and Leidholdt et. al, 2011). Sexual assault is well known, even in an intimate partner relationship as a means of holding the victim in an acute condition of trauma, which happens in sex trafficking as well. Even though traffickers want to be secure on that, the condition of sexual assault is the possibility of making money by exploiting the girls and young women. Sexual assault assures traffickers that victims won’t be able to escape from them (Godman and Leidholdt et. al, 2011).

All three women in this study have shown that violence and sexual assault have been experienced as rape rather than an act of prostitution. Vulnerability starts at a young age. Some victims, at an early age, experience the trauma of rape or being raped multiple times a day, so the victims' minds adopt the psychological defense of dissociation, even project themselves mentally out of their bodies, and often become standing spectators of their own sexual violation. The coping mechanism often known as dissociation can help crime victims through the time of imprisonment, but once crime victims face the life outside the trafficked environment, they are unable to have normal and healthy sexual experiences. It usually takes a long time to manage to get to that level of having a healthy and nonviolent sexual relationship (Godman and Leidholdt et. al, 2011).

7.7 USING FAMILY MEMBERS

Power and control are the most significant tools batterers use over their victims, and the same is true in intimate-partner sex trafficking. Traffickers use their family frequently to control victims and take power away from their humanity (Godman and Leidholdt et. al, 2011). In this study, all three women, at certain points in their lives, experienced that their children have been the main reason why they had to put up with traffickers. Moreover, traffickers have threatened victims at certain points to take away their children if they ever filed for custody. That is the number-one reason why most battered women stay in domestic violence relationships. Typologically, traffickers are very good at exploiting the love crime victims have for their families in order to threaten to harm them, and it has been demonstrated in the case of Mika where her trafficker hunted and threatened to kill her mother and her sister. Moreover, Mika's case showed how she had to put up with her trafficker who was a member of her community. Traffickers usually are part of the communities where their crime victims live; not only do they have access to their lifestyles, but they can also harm their family members easily (Godman and Leidholdt et al., 2011). Certain cases have also demonstrated the fate of crime victims once they contact trustworthy law enforcement; they are not able to protect their family members as they all would be risking getting hurt.

As this study wants to show, crime victims of trafficking are often girls living in chaotic environments, and their lives start in abuse, addiction, or domestic violence. Those girls and young women may never get the chance to explore a different life outside those abusive frames. The crime victims in this study were all dutiful daughters who came from small social communities and experienced domestic violation at an early age. Once traffickers get to know these young women, they explore their chances and circumstances by, in Vikki's case, for example, introducing them into prostitution and pornography or having the victims carry deep feelings of exclusion, stigmatization, shame, and self-hate. Those types of neglect and highly active vulnerability only help traffickers exploit them easily into the world of prostitution, drugs, or alcohol abuse. Just like in batterers' cases, intimate partner traffickers operate with the constant humiliation of crime victims by changing the path of a different kind of humiliation towards them (Godman and Leidholdt et. al, 2011). The threats are varying depending on the case. Sometimes, pornographic materials taken of the crime victims are used; the traffickers threaten to show them to close family members or send them to law enforcement agencies.

7.8 PHYSICAL ABUSE

Physical abuse is a part of intimate partner abuse and sex trafficking. Crime victims usually experience very different types of physical violence, everything from being thrown against furniture to being slapped, hit, punched, kicked, or choked or having their hair pulled (Godman and Leidholdt et al., 2011). Traffickers, as well as intimate partner abusers, can engage in various forms of physical abuse, including rough torture (ibid). Tyranny was witnessed by all three crime victims in this study; their traffickers or abusers frequently beat them with wire coat hangers, chased them with butcher knives, broke their bones or hit their faces, boxed them to death, pulled out their fingernails, left them to bleed, wounded them with different types of objects during rape, cut them on different parts of their bodies, and so on. Sonja's trafficker was also known as "Zero" or "gorilla pimp" because he specialized in extreme physical torture.

However, some sex traffickers always count on having "the best product," which means that they do not get too involved with torture, so they pride themselves as they think further of selling their merchandise to many customers. Other forms of physical abuse are many and varied, but they are not recognized as such, and these include making victims drug or alcohol addicts and putting them in a physical state of exhaustion by forcing them to "work" all day and all night (Godman and Leidholdt et al., 2011).

7.9 ECONOMIC ABUSE

Experts in domestic violence and sex trafficking have shown in wheels that the way crime victims are treated are the same (Godman and Leidholdt et al., 2011). Crime victims in this study have experienced both the times when they were forced to work and the times when they were forbidden to do so, confiscating their wages or some eventual earnings. In cases of domestic violence, the main instrument of power and control is also economic abuse; it is a powerful tool for perpetrators, and so is the central element of assault in intimate partner sex trafficking (Godman and Leidholdt et. al, 2011). In sex trafficking, economic abuse goes over into the tool of gaining the money from crime victims (ibid). In this study, the three human trafficking victims observed that their traffickers suffer from psychological satisfaction as they use economic assault to maintain total power and control over the victims. In domestic violence cases, victims have to give all their money or almost all the money they earned to the perpetrators, and in intimate-partner sex trafficking, traffickers find a way to press the charges of "expenses" or "responsibility of" victims as "you have to work for me as I gave you everything," "I made you," or "I own you and I can confiscate every penny you have."

Cashing in money from crime victims happens through forced labor or prostitution in intimate partner sex trafficking, and money is often confiscated from crime victims for expenses, transportation, lodging, or some other type of suddenly “escalating” debt (Godman and Leidholdt et al., 2011). In the three cases that have been presented in this study, Vikki, Mikka, and Sonja were even charged by their traffickers for the “fees of hiring a lawyer” who would represent them in court after they got arrested for prostitution (lawyers hired by traffickers and pimps represent their actual interests in the court).

7.10 COERCION AND THREATS

As the above text has shown, the strategies of coercion and threats are many and various. Typologically, coercion in sex trafficking is a way of making crime victims employees against their will (Godman and Leidholdt et al., 2011). This study has shown that coercion in sex trafficking has many and various ways as to where and how coercion can take place. For example, the cases in this study have shown that all the crime victims experienced coercion against their free motion. Once traffickers get to the crime victims, their identities are totally wiped away. The traffickers take away their identification, security cards, and driver's licenses, making it impossible for the victims to move around freely with transportation. Once crime victims become immigrants, their travel documents are taken away as they have to work their inflated debt off.

In the same way batterers do, traffickers also threaten to turn the victims in to the police or other system authorities for detention. Threats are also rough with upcoming: “I know where you are going” “I have many people working in order authorities! You will never be able to escape me” etc. When it comes to threats, no one is immune from them, not domestic violence victims or sex trafficking victims. Sex trafficking victims are most frequently remained of power and control those traffickers have as they would be threatened to death for telling someone that they are exploited. Though this study, crime victims of sex trafficking have demonstrated threats and the fear of getting involved in illegal activity as traffickers would point out that they have been engaged in illegal activity and therefore are at high risk of becoming prosecuted or arrested. As traffickers “help” their “personal estate” to get of the jail once they get arrested from that moment crime victims become free from jail traffickers type of threats intensifies on crime victim’s dependence of their trafficking exploiters.

7.11 INTIMIDATION

Exhaustion causes big problems in the lives of both batterers' victims and victims of sex trafficking; when it comes to behavior, they show hypervigilance and anxiety. The total dominance traffickers have over their victims leads the victims to have a variety of obsessive behavior patterns; the victims also produce long-term difficulties in social interaction and relationships (Godman and Leidholdt et al., 2011). Traffickers' strategies of total dominance over one person are extreme in the first period, as demonstrated in this study. The psychological and physical abuse of crime victims are achieved through control, anger, and aggression. Once traffickers win their dominance, they usually do not have to resort to force, show irritation, or use violence; usually, traffickers only need to show a gesture of disapproval, and it will often suffice. Intimidation is a trafficker's useful tool in maintaining the strategies of force. In domestic violence cases, traffickers can use intimidation against some family member, or as it is in sex trafficking on other women or girl and this type of intimidation have a great effect on victims (Godman and Leidholdt et al., 2011). In Vikki's case, her pimp in Belgium would beat, on different occasions, other girls in Vikki's presence as she would watch it helplessly. From time to time, Mika would experience a terrifying beating in public to punish and terrorize her freedom. Power over a victim is even shown in Sonja's case where her pimp would have extreme forms of punishment with the purpose of frightening her, such as being locked in cages, chained to beds, starved, burned with cigarettes, or burned with hot metal on her neck and back; he would beat her almost to death and sell her right after. Some of the crime victims in this study felt helpless, witnessing the terrifying beating of the other women and girls and not being able to help those crime victims express feelings of complicity in those crimes.

7.12 TRAFFICKERS LEGITIMACY OF FAMILY VALUES

In domestic violence cases, perpetrators replicate in sex trafficking the use of power and control to build up the hierarchical structure and dynamics of an abusive family (Godman and Leidholdt et al., 2011). Traffickers are observed by human trafficking experts even by wheel where like in domestic violence cases are exemplified as "male privilege" by mean they are head of the household or "master of the castle" (ibid). Traffickers use strict conduct household roles as there are positions to take as: who is in charge and who is subordinate in their roles. Those roles are reinforced by traffickers, and victims are supposed to call their pimps "daddy" and their fellow victims "sisters-in-law." Particularly, Mika was forced to refer to her pimp's cousin as "an older brother," and she would never be able to discover to anyone that she was

instructed to play “Russian girl”. Cementing control and destroying any sense of “romantic seduction” are discovered and demonstrated by all the crime victims in this study. Traffickers define what men’s and women’s roles are in the household. Moreover, traffickers constantly use verbal and violent abuse to justify the patriarchy, as his duty to discipline and make decisions and even marry their victims to have completed control over. When Mika was forced into prostitution in Germany, no one ever considered sex trafficking and thought her husband was a pimp. When Mr. Molnar got arrested for sex trafficking, he could not believe that he would face the charge of trafficking as he was the father of Sonja’s child.

Just like batterers who attend to see the desire from a woman of longing to form their own family, traffickers seduce the women into trafficking by illusionary scenarios to maintain crime victims' desire to fulfill their own dreams or simply belong to one “family” (Godman and Leidholdt et al., 2011). Victims of sex trafficking are usually lured into prostitution by exhortation to “sacrifice themselves” for the good of their own “family.” This study has also shown that, sometimes, traffickers establish those family units as heads of families. In Vikki’s case, she had to prostitute herself as she needed to fulfill the “rules” and support her “daddy” and her “sisters-in-law.” The case of Sonja shows her desperation to have a father figure of her own, and she ended up having a child with a brutal pimp, Zero, and still maintaining to keep up with prostitution as Zero would urge her to have the hope of having the family together. In Mika’s case, she was told to work and earn money so they can get to travel, and the promise of her exploitation being temporary turned out to be a nightmare. The threats of building a found for trip ended up with the sexual exploitation of Mika in the long-term, as she would build up a foundation for buying a new home or car. All those crime victims expressed still suffering from deep severe trauma from years of coercing and abuse, as well as the shame of talking about the children they have and not being there for them because of fear and abuse. Those three crime victims all came to the point where they realized that they were being used brutally and cynically exploited of trafficker’s legitimate concept on “family values.”

7.13 CONCLUSIONAL DISCUSSION AND SERVICES FOR VICTIMS

This chapter has examined the outcomes of the rationale of crime victims' lives, how the law affects the ability to prevent trafficking through legal rules and juridical decisions during and after the trials, and how legal action has impacted their individual cases. This section has also brought together contemporary manifestations of human trafficking for sexual exploitation and how crime victims have been affected by legal practices. The chapter has demonstrated significant outreach on questions such as the following: What is the actual connection

between human trafficking and domestic violence? What differences and similarities exist in the interpretation of human trafficking versus domestic violence in those legal cases? The chapter has also illustrated which primary resistance strategies women have used to get away from men's violence (both in abused situations and in front of the court). What arguments, as opposed to strategies, have men used to escape or defend themselves?

Intersection and understanding of domestic violence and intimate-partner sex trafficking are not only useful to juridical staff but also for understanding different paths and the nature of their effects and ordeal. Mostly, this type of understanding of those two phenomena is valuable even in giving proper assistance to crime victims (Godman and Leidholdt et al., 2011). In court, crime victims are always asked what type of service they need and obtain the type of assistance they need and where that is available. All three crime victims of this study have insured that once they got in the court, they were increasingly asked if they needed some help and were referred to those who could provide them with that. Crime victims of both domestic violence and intimate-partner sex trafficking are in need of the same type of help to get back on track of independence with constant counseling from a psychologist, health care, a safe place to live, legal representation in family law, criminal law, immigration law, or even public-benefit cases, and economic assistance. Services who provide help for domestic violence victims are constantly pointing out that there are needs of having "uniquely equipped personal" for providing evidence-based therapy of both types of crime victims. Those who provide victims with social and legal services are saying that there are high needs of a holistic approach to counteract one population as there are numbers of victims of both types of phenomena.

This does not mean that those who help domestic violence victims precisely know how to give help to trafficking crime victims. This study has shown that every sex trafficking case has its own special circumstances and challenges. Crime victims who have been subjected to prostitution especially need personnel with training and sensation of knowledge so crime victims do not have to face staff with "victim-blaming" attitudes or staff who cannot counteract a trafficking victim's high level of traumatic symptoms. Without proper education and training in this area, many clients at domestic violence centers can be "missed" or may also give preponderance on human trafficking victims who have been prostituted. Before any decision the court or judicial and administrative mechanism makes, there should be established contact with organizations that have specific experience and knowledge in treating and investigating crime victims. There are necessities of to making possible that crime victims get informed on their right to get accessible help. Maybe this way, we can reduce the

outcomes of the errors that arise in processing and mapping when it comes to crime victims ending up in court.

8 Conclusion

Chapters 6 and 7 examined the in-depth qualitative outcomes of the interviews. This chapter starts with an overall discussion on human trafficking and domestic violence phenomena and will end with a conclusion of the main findings of this study. In order to understand the in-depth complexities of the human trafficking phenomenon, the cases of three women were presented. Their cases illustrate the ways of trafficking and the time during and the period after trafficking. Though these cases, as well as from the other short interviews made in Serbia during the research, it was possible to learn about the obstacles women faced in their everyday lives over the years. The three cases show the complementary ways in which human trafficking occurs. They are not intended to be the basis of any generalization; the sole purpose of using case studies was to illustrate the probable processes of getting in, the period during, and how women get out of human trafficking. The case studies have also illustrated similar characteristics faced and experienced by all three crime victims.

8.1 OVERALL DISCUSSION

Sex trafficking has from six hundred thousand to four million victims each year (McCabe and Manian, 2010: 41-43). Because of different legal barriers, sex trafficking is closely associated with organized crime; crime victims often do not search for support from legal systems, law enforcement authorities, or other officials (*ibid.*)

This thesis used three testimonies to highlight the issue of identification by criminal justice response, as crime victims are often barely recognized in more frequent way by the court, judges, or other system personal as the victims of horrific crime as they are. The enormous problems of sex trafficking have been identified in this study from domestic violence cases where the perpetrator and batterer were one the same person. Human trafficking phenomena have overall been explained by sociology of law perspective in a comparative way, where two phenomena have been looked at consequently by core of the elements of law. This study shows through an extensive analysis details about the difficulties of this socially complex phenomenon and in how it is closely related to other various or remotely related phenomena. A more detailed overview is there to contribute better understanding but also to improve existing work strategies to develop a better level of efficiency when it comes to both human trafficking and domestic violence phenomena. According to Article 28 of the UN Convention, every state has to contribute by analyzing, consulting, and improving the scientific and academic communities, as well as institution work against human trafficking. By drawing attention to the existing conditions in the Republic of Serbia, the need for better institutional

engagement in working against human trafficking and domestic violence could be recognized. There is even a need to provide better assistance for victims and also update and collect data measurements in every area. There are no certain established mechanisms for the monitoring of either trafficking or domestic violence. To monitor concrete cases from the moment they are pressed the criminal charge up until passing by courts. According to United Nations Manual for the Development of A System of Criminal Justice Statistics, it is necessary to establish certain unique identifiers for the whole jurisprudence system in Serbia and other system authorities. For this research making good analysis and providing comments of the significant matter in order to improve understanding have many regulations and law and framework being used.

By supporting the investigation team and support team through the time of internship, I could definitely contribute with better assessment of understanding and those effects that exist in direct social praxis. By analyzing existing regulation and reviling crime victim's, this study shows certain needs for better protection, support of crime victims. Mostly crime victims have shown that they do not get the support they need. Usually, they are forced to meet perpetrators in hallways and spend hours of waiting for the trial process. The main cause of underreported crimes such as domestic violence and intimate sex trafficking relays in responsibility of authorities, as they need to work more effectively to solve those problems. Offering crime victims the treatment that they need, for example, and making them main participants in investigations would actively change the passive status of crime victims. In the end, crime victims should be separated from perpetrators especially during the trial process and investigations.

After engaging in a discussion with the first crime victim, Vikki (i.e as she already experienced being a victim once before), it became clear that actions for the prevention and suppression of this crime need better work from various system authorities. Also, another crime victim in this study, Mikka, pointed out in the interview the need for better control over border crossing and traffic control or control when it comes to facilities, but not least better collection awareness and better reacting responses of the public nation. The third crime victim of this study, Sonja, clearly showed a lack of knowledge and her fear in not communicating sooner with authorities. Unfortunately, after monitoring and doing participant observation at shelters, I could conduct the common behavior of crime victims of domestic violence as well. Precisely as it shows from sex trafficking cases, domestic violence victims also suffer from extern fear of not being taken seriously. Lack of involving in communication with the police and other system authorities is something that even in cases of domestic violence crime

victims does not take chances of cooperating with criminal processing and prosecution of their batterers. Quite commonly, even after being victimized for many years, crime victims of both phenomena show the hope of moving towards better lives, sometimes even together with traffickers of batterer. Discovery of lack of identification of victims in this study shows that police authorities and law enforcement members are sometimes from local level self-engaged in organized crime (Lindgren and Ristanovic, 2011:54). The observed situation of crime victims shows that even in case of domestic violence, batterer uses effectively local contacts and authorities by corrupting those and making them effectively engaged in his/hers criminal activities. The United Nations Protocol defines: “”victims" as persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power”³⁴.

By making simple attention to one person’s latent characteristics it can be determined whether the person is victimized or not. The identification can be observed in the following way:

1. If you know someone who is showing *pull back* behavior. Talk to the person. It can be a sign that a woman or a child for that matter is living in an isolated environment or knows only a few people; it is definitely a warning sign.
2. If you see that women have an *extreme shifting mood*. Mostly, women who are showing an enduring extreme shifting mood can mean that the person is in trouble in some way.
3. If there is a *high consumption of alcohol or drugs*. Abuse of any kind often means that people do not know how to deal with certain personal or other issues, and that the person is trying to medicate themselves.
4. If you know someone who has *family history of abuse of alcoholism or drug abuse*. People who are living in environment where there is predisposition of getting near to drug or alcohol in particular means that they can be vulnerable to traffickers or batterers.
5. If you see that a *person is taking unusual risks*. If you can recognize that an individual does not regard for his own safety or showing any remorse for own wellbeing by saying, “I do not care what happens to me”, it is a sign that a person needs serious help.

In addition to the above mentioned top five warning signs, the identification of crime victim relies on paying attention to particular circumstances from low to extensive level. Those

³⁴ Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention Against Transnational Organized Crime

remarks of limitation of fear, threat, isolation of freedom/or/any trade of violence exists are visible and extensive. Mistrust of involving in communication, acting tired and depressed, actively avoiding conversation at all level with no eye contact, and showing extreme reservation and fear because of the third person's presence, provided with poor outfit, not possessing any personal identification and residential address or work address, are concluded as extensive remarks that can reveal a crime victim.

On the other hand, identification of batterer or trafficker starts with looking if the person is:

1. *Betrayer*, the person who wants you as their “best friend”, who will show love, care and support in your face every time, and will use your vulnerability to harm or expose you in different ways.
2. *Abuser*, the person who will be jealous of you, have constant controlling behavior, have unrealistic expectations, blame others for their problems or feelings, and hypersensitive.
3. *Defrauder*, the person who will make you believe that they are someone they are not in order to gain an advantage.
4. “*Dual personality*”, will take everything from you both mentally and physically, as well as show shifting moods from very kind to massive explosive/angry.
5. *Exploiters*, the person that wants to find a way to exploit you in any way, sometimes even showing you “the care” or giving the advice of making possible better living etc.
6. and they are *Inconsiderate* about anything.

In addition to those above six warning signs, if one person is on constant move from one location to another, speaks fluent several languages, have very good local contacts and connections, brags about outsmarting and corruption, shows off their power by making statements of how much money they possess or how they can easily corrupt any police or law enforcement, those can be main characteristics that batterer or traffickers can be recognized from.

Finally, making efforts to unpack two phenomena and find where an intersection occurs through tremendous criminal occasions and activities revealed three crime victims' stories in this study. By using the tactics that batterer contra traffickers apply on their victims, they are running highest criminal activities with maximal gain and very low possible risk of ever getting caught. Among those effective controlling tactics, there are certain strategies that can be taken in order to prevent those criminal intentions. By conducting a principal rule for

identification of crime victims, we are opening a window of getting proper treatment for human trafficking or domestic violence victims.

8.2 MAIN FINDINGS AND CONCLUSION

This section will present the final and main conceptual, methodological and empirical conclusions of this thesis. As stated in the introductory chapter, the purpose of this thesis was to understand *how law affects the ability of prevent trafficking*, and also to *understand the key reasons why women have been subjected to trafficking*. Additionally, the thesis aimed to answer the following research questions: How do crime victims argue over the legal action in their individual legal cases? To what extent, and if so, how have the lives of the victims affected by the legal rules and juridical decision during the trial and if there are a connection of human trafficking and domestic violence, and if so, which are the difference and similarities existed in the interpretation of human trafficking versus domestic violence in those legal cases? Which primary resistance strategies have women been using to get away from men's violence (both in abusive situations and in front of the court)? What arguments versus strategies have men been using to escape or defend themselves?

In order to be able to address these questions, the thesis articulated a sociology of law framework based on concepts of «law» and «society». This theoretical framework allowed for a better understanding of human trafficking phenomena thought the core of elements of the law and how those are identifiable by social and juridical practice. More importantly, it achieves the robust by an analytical way of looking into the nature, causes and possible way of overcoming intimate partner sex trafficking, but also not the least, domestic violence phenomena. By focusing from the beginning on the way, Håkan Hydén (2002) explains and emphasizes jurisprudence, as this thesis tries to accomplish the new way of identifying how is knowledge possible, which is only possible through asking new questions and by putting together a new understanding in a new way. This thesis illustrates the diverse opportunities and constraints that reconstruction of various events held for the desire to analyze, take apart, and create new direct understanding of both phenomena. It also identifies the role of the law and juridical practice by unpacking the language of sex trafficking and victimhood. United Nations (UN) defines crime victims by “Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention Against Transnational Organized Crime,” where it says that a crime victim is an individual that has suffered harm, mental and physical abuse, emotional abuse, economic loss and no fundamental rights of his or her life. Norwegian criminologist Christie Nils (1986) also claims

that crime victims are specifically weak, vulnerable persons that can't refuse the offenders as they are usually unknown, big and bad. The attributes concerning who are victims and who are traffickers are highly unlikely determined by attributes and the understanding of perceptions of the social and cultural environment. Those attributes are clearly socially constructive, and that's why it's important for one to understand the construction of the meaning of the dominant discourses in order to relate them to social reality and laws praxis. The concept of "abuse of power" and "abuse of vulnerability" are particularly important in this thesis as they relate to other categorical conceptualization of human trafficking phenomena, such as threats, force, deception, coerced, abducted, defrauded, deceived, exploitation, family values, abuse of every kind. Equally, domestic violence victims also experience both physical, sexual, psychological violence and severe trauma, and they are, in fact, in need of similar services of getting help and escaping to build a new life. The intersectional debate on domestic violence and human trafficking phenomena have been raised by different international conventions, agreements, and law framework (Godman and Leidholdt et. al, 2011:91) (see Chapter 2). In this thesis, the concept of family violence and intimate sex partner trafficking have been highlighted even though "domestic violence law", "sexual assault law", "human trafficking law" and "human rights law." Central conversations on the rule of the law, juridical decisions, legislative guidelines, law and legal framework were an asset during the research as they strengthened the knowledge and capacities of understanding of the phenomena (see Chapter 3). Following the sociology of law approach on law and society and how the behavior of individuals can be followed, I proposed research strategy based on case study methods applied by in-depth interview (e.g. Yin, 2003, and Flyvbjerg, 2006, see Chapter 4). This analysis however, was inspired by the approach of Flyvbjerg (2006) and his notion on a case study as a method (see Chapter 6 and 7). This thesis has a tendency on reasoning of an innovative approach, understanding about real phenomena from an action-oriented perspective, in order to get in-depth interviews and face real stories. This thesis also explored the limits of getting close to the root of the problems. Fieldwork in this study are fulfilled with techniques of working by Women's Shelter and Non-Governmental Organization ATINA, which included short interviews and exploring the filed, direct observations, and in-depth interview (see Appendix 1). Their techniques were especially explored during the in-depth interviews with an understanding of women and their eventful life conditions, as well as impact of the law and judicial practice (see Chapter 4 as well as 6 and 7). In-depth, semi-structured, interviews were held with two informants, as well as one case law file were analyzed addressing the same impact of problems and social and legal exclusions. In order to address the main proposition of this study, the thesis has been

revised, reconstructed, and assembled a number of times. Additionally, this study generated a realistic profile of sex trafficking accessed cases, from those who participated during September until December of 2012, and compared with existing law framework and literature review (see Chapters 2,3,6 and 7).

This thesis found that the law affects the ability of preventing trafficking by missing vital signs in which judges in a courtroom can determine whether the litigant is the victim or the perpetrator. According to crime victims' own stories, they were barely recognized as trafficking victims. The rare identification of judges or other court personnel passes even those who may be simultaneous crime victims of domestic violence (Godman and Leidholdt et. al, 2011). This definitely explains the importance of listening to the crime victims and, during the investigation, paying attention to the details and engaging into cases. Not at least every court staff member, including police officers and investigators, as well as other members of system staff requires special knowledge in identification (see Chapters 6 and 7).

The in-depth interviews with two participants, including one reviewed analysis of a case-law file, helped to clarify the issue why trafficking occurs and what is the actual connection with sex trafficking and domestic violence phenomena, and most importantly, *the key reasons of why women have been subjected to trafficking*. The first issue became evident once all of three stories were revealed through an extensive analysis. By following the issues of vulnerability and other core elements of the law that were defined by the interviewees and their stories, I could see that lack of socio-economic status was not significant on why trafficking occurs. In fact, during the fieldwork, I could see that the socio-economic status in the Republic of Serbia as a country has improved over recent years. So, the perception of the low socio-economic status could not be referred as a main factor in those cases. Why trafficking occurs is a complex issue that is woven in-depth to understand the background of each and every trafficking victim. By revealing three stories, I could determine that different factors affected each and every crime victim at the time they were "recruited": Lack of education, family dysfunction, vulnerability and the growth of delinquency -- all of the three cases are linked in a permanent way through helplessness, destructive behavior, and lack of opportunities in a sense. The issue of how trafficking is linked to domestic violence phenomena emerged through each and every case study of a crime victim as they clearly portray the engagement with a single intimate partner, as well as experience a mixture of punishment and reward, beating and verbal slurs, torture and gifts, brutal and dehumanizing treatments etc. (see Chapters 6 and 7). Finally, those cases clearly suggest the importance of

following each and every element, as domestic violence may be the entry or the exit of trafficking.

8.3 FURTHER RESEARCH

Based on the theoretical, methodological and empirical finding, this topic needs further research in this area. By doing this material, the thesis illustrate clear importance of undertaking in-depth studies to obtain more reliable observations, addressing the same modus operandi linkage of both intimate partner sex trafficking and domestic violence phenomena. In this sense, future research could go beyond narrow exercises and do more external evaluation compared to this research proposal.

Finally similar in-depth studies should be undertaken in the other countries in Central Europe such as Bulgaria, Rumania, Czech Republic, Croatia, Bosnia, Slovakia, Moldavia, Hungary, Greece, Macedonia, Kosovo and Serbia, as a way of complementing and comparing concepts of how everyday life experiences of exclusion/inclusion and gender issues affects vulnerability of women in both sex trafficking, as well as domestic violence phenomena. This could have important impact in policy implications, as further work on the field would have similar characteristics to those made in the Republic of Serbia.

9. References

- Andersen Nils Åke (2003) *Discursive Analytical Strategies – Understanding Foucault, Koselleck, Laclau, Luhmann*. British Library Policy Press.
- Askola Heli, (2007), *Legal Responses to trafficking in women for sexual exploitation in the European Union*. Vol.14 in the series of Modern Studies in European Law
- Addendum 1 to 2003 *Report of the Special Rapporteur on Violence against Women*, E/CN.4/2003/75/Add.1 (Feb. 2003)(PDF and Word, 397 pages;
- American Bar Association, *CEDAW Assessment Tool Report for the Russian Federation*, 2006
- Bacik, I., Maunsell, C. & Gogan, S. (1998). *The Legal Process and Victims of Rape. A comparative analysis of the laws and legal procedures relating to rape, and their impact upon victims of rape, in the fifteen member states of the European Union*. The Dublin Rape Crisis Centre, Dublin.
- Bexter P., Jack S., (2008), *Qualitative Case Study Methodology: Study Design and Implementation for Novice Researchers*, in *The Qualitative Report*, Vol. 13, No. 4, pp. 544-559, December 2008.
- Christensen Ewing Erika (2012) *Sex Trafficking Victims and Offenders in the United States: A descriptive Study*. Master of Social Work. Presented to the faculty of the Division of Social Work. California State University, Sacramento
- Christie N (1986) *The ideal victim*. In: Fattah E (ed) *From Crime Policy to Victim Policy*. Basingstoke: Macmillan, 17 – 30. The MacMillan Press, London
- Christie, N. (1982). *Limits to pain*. Martin Robertson, Oxford.
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1950).
- Coombe R.J., *Contingent Articulations: a Critical Studies of Law*, in Sarat A and Kearns T. (eds) (2000) *Law in the Domains of Culture*, University of Michigan Press Ann Arbor.
- David P. Bryden and Sonja Lengnick, (1997) *Criminal Law: Rape in the Criminal Justice System*, 87 J. Crim L. & Criminology 1194.
- David P. Bryden, (2000) *Redefining Rape*, 3 Buff. Crim. Rev. 317
- Davidson, Scott. (1993) *Human Rights*. Buckingham: Open University Press,
- Dean Kilpatrick (2000) *Rape and Sexual Assault*, National Violence Against Women Prevention Research Center
- Dean, M. (1999) *Governmentality: Power and Rule in Modern Society*. London: Sage.

- Deflem Mathieu (2008) *Sociology of Law, Vision of a Scholarly Tradition* Cambridge University Press
- Denscombe, M., (2007), *The Good Research Guide: for small-scale social research projects*, 3rd ed. Maidenhead: Open University Press
- Europeiska kommissionen. (1999). *Brottsoff er i Europeiska unionen. Reflexioner over normer och atgarder*. Meddelande till Europaparlamentet, radet och Ekonomiska och sociala kommittén. KOM(99) 349 slutlig. Europeiska kommissionen, Bryssel.
- Fairclough, N. (1989) *Language and Power*. New York: Longman.
- Fairclough, N. (1992) *Discourse and Social Change*. Cambridge: Polity Press.
- Fairclough, N. (2003) *Analyzing Discourse: Textual Analysis for Social Research*. London: Routledge.
- Feeley M., 'Comparative Criminal Law: Comparison for what purpose?' in Nelken David (ed.) *Comparing Legal Cultures* (Aldershot Dartmouth 1997: 93 -104)
- Finnis John (2011) *Philosophy of Law: Collected Essays Volume IV*, Published to Oxford Scholarship Online: September 2011
- Flyvbjerg, B. (2004) 'Five Misunderstandings about Case-Study Research' in Seale, C., Gobo, G., Jaber, G. and Silverman, D. *Qualitative Research Practice*, Sage, London, 420-434.
- (2006) 'Five Misunderstandings about Case-Study Research', *Qualitative Inquiry*, 12 (2):219–245. Accessible from: <http://qix.sagepub.com/cgi/content/abstract/12/2/219>
- Flyghed, J. & Stenberg, S-Å. (1993). *Vräkt i laga ordning*. Konsument verket, Stockholm
- Foucault, M. (1977) *Discipline and Punish: The Birth of the Prison*. Harmondsworth: Penguin.
- Foucault, M. (1980) Michel Foucault: *Power/Knowledge – Selected Interviews and Other Writings 1972/1977*. Brighton: Harvester Wheatsheaf.
- Foucault, M. (1990) *The History of Sexuality, Vol. 1: An Introduction*. Harmondsworth: Penguin.
- George, A. L., and Bennett, A. (2005) *Case Studies and Theory Development in the Social Sciences*, BCSIA Studies, International Security, MIT Press, Cambridge.
- General Recommendation 19, supra note 11 at par.7, "Recommended Principles and Guidelines on Human Rights and Human Trafficking" by High Commissioner for Human Rights to the Economic and Social Council (E/2002/68/Add.1) 20 May 2002
- Gessner Volkman and Nelken David (2007) "European Ways of Law, towards a European sociology of law", Hart Publishing, Oxford, ISBN: 978-1-84113-777-3

- Godman Jill Laurie and Leidholdt A. Dorchen Leidholdt et.al (2011) *Lawyer's Manual on Human Trafficking Pursuing Justice for Victim's*, Edited by Jill Laurie Godman and Dorchen A. Leidholdt
- Häll, L. (1997). *Offer för vålds- och egendomsbrott. I Välfärd och ojämlikhet i 20-års perspektiv 1975-1995*. SCB-rapport 91 (s. 303-325). Statistiska centralbyrån, Stockholm
- Helgesson, N. (1995). *Brottslingar som offer för brott*. Kriminologiska institutionen, Stockholms universitet.
- Holmberg, L., Baum, M. and Adami, H.O. (1999) *On the scientific inference from clinical trials*, *Journal of Evaluation in Clinical Practice*, 5(2): 157–62.
- Huda S (2006) *Integration of the Human Rights of Women and a Gender Perspective: Report of the Special Rapporteur on the Human Rights Aspects of The Victims of Trafficking in Persons, Especially Women and Children*, E/CN.4/2006/62, available at: http://www.bettercarenetwork.org/docs/CHR62_SR_Trafficking_Report.pdf
- Hudson, Barbara. (2007) *The rights of strangers: Policies, theories, philosophies in Human Trafficking*, Maggy Lee (ed). Devon: Willlan Publishing
- Hydén H. *Normvetenskap*. Lund: Sociologiska institutionen. Lunds Universitet.
- Hydén H. (2002) *Rättssociologi som rättsvetenskap*, Lund: Studentlitteratur
- ICCPR, supra note 4, Art 14
- ICESCR, supra note 5, Art 12
- International Agreement for the Suppression of the White Slave Traffic (1904),
- International Convention for the Suppression of the Traffic in Women and Children (1921),
- International Convention for the Suppression of the Traffic in Women of Full Age (1933),
- International Convention for the Suppression of the White Slave Traffic (1910),
- International Helsinki Federation for Human Rights, *Women 2000: An Investigation into the Status of Women's Rights in Central and South-Eastern Europe and the Newly Independent States* 338 (2000).
- Jody Raphael and Deborah L. Shapiro, *Sisters Speak Out: The Lives and Needs of Prostituted Women in Chicago*, Center for Impact Research, at 19 (Aug. 2002).
- Julie Goldscheid, (2005) *The Civil Rights Remedy of the 1994 Violence Against Women Act: Struck Down but not Ruled Out*, 39 *Fam. L.Q.* 157
- Kaarlo Touri (2002) *Critical Legal Positivism*, British Library Cataloguing in Publication Data, UK Books Group Ltd.
- Lenke, L. (1973). *Den dolda våldsbrottsligheten i Stockholm – en sjuk hus survey*. *Nordisk Tidskrift for Kriminalvidenskab*, pp. 136-145.

- Löfvenberg, S. & Melin, P. (1999). *Hemlösas utsatthet för brott. En pilotstudie på 25 hemlösa personer i Stockholm*. Kriminologiska institutionen, Stockholms universitet
- Lindgren Magnus and Ristanovic-Nikolic Vesna (2011) *Crime Victims – International and Serbian Perspective*. Publisher: Organization for Security and Cooperation in Europe, Mission to Serbia, Law Enforcement Department. (OSCE – Polis rapport).
- Mathiesen. T. (2005) *Rätten I samhället. En introduction till rättssociologin*. Lund: Studentlitteratur.
- Marin Rubio Ruth, Godblatt Beth, Bailey Paz y Claudia, Guillerot Jolie, Rombouts Heidi, King Jamesina, Wandita Galuh, Campbell –Nelson Karen, Pereira Leong Manuela (2006) *What Happened to The Women? Gender and Reputations for Human Rights Violations*. International Center for Transitional Justice. Advancing Transnational Justice Service. Social Science Research Council, New York. pp. 346.
- Merriam B Sharan (2006) *Fallstudien som forskningsmetod*, Översättning: Björn Nilsson, Lund: Studentlitteratur.
- Morgan M (2002) *Language, Discourses and Power in African American Culture*. Cambridge: Cambridge University Press.
- Munch Richard, American and European Forms of Social Theory Reflecting Social Practice in Gressner Volkman and Nelken David (ed.) of *European Ways of Law – Towards a European Sociology of Law*, Hart Publishing, 2007. 141 – 171.
- McCabe A.Kimberly and Manian Sabita (2010) *Sex Trafficking – a global perspective*. Rowman and Littlefield Publishers, INC. Lexington Books. pp.188.
- Nelken David (2006a) *Beyond Compare? Criticising the American Ways of Law*, *Law and Social Inquiry*, 28.3: 181:2013.
- Nelken David, The Meaning of Success in Transnational Legal Transfers in (2001) 19 *Windsor Yearbook of Access to Justice* at 349–366; ‘Comparing Legal Cultures’ in A. Sarat (ed.) *The Blackwell Companion to Law and Society* (Oxford Blackwell, 2003).
- Nilsson, A. & Tham, H. (1999). *Fångars levnadsförhållanden. Resultat från en levnadsnivåundersökning*. Kriminologiska institutionen, Stockholms universitet
- O’Connell - Davidson J. (1999) *Prostitution, Power and Freedom*. Ann Arbor: University of Michigan Press.
- Robin Phillips, *Violence in the Workplace: Sexual Harassment in Women and International Human Rights Law*, Vol. 1, Eds. Kelly D. Askin & Dorean M. Koenig, 257 (1999).
- Rose, N. (1990) *Governing the Soul: The Shaping of the Private Self*. London: Routledge.
- Rachel Durchslag and Samir Goswami, *Deconstructing The Demand for Prostitution: Preliminary Insights From Interviews With Chicago Men Who Purchase Sex*, Chicago Alliance Against Sexual Exploitation (May 2008), available at <http://www.caase.org/pdf/resources-research/1.pdf>

- Sullivan Barbara (2003) *Trafficking in Women – Feminism and New International Law* University of Queensland, Australia, available at: <http://www.tandfonline.com/loi/rfjp20#.UufkvnnnOCQ>
- SCB. (1995). *Offert för vålds- och egendomsbrott 1978-1993. Levnadsförhållanden*. Rapport 88. Statistiska centralbyrån, Stockholm.
- Skelton, J.R. (2005) *Everything you were afraid to ask about communication skills*, British Journal of General Practice, 55(510): 40–6.
- Skelton, J.R. and Hobbs, F.D.R. (1999) *Descriptive study of cooperative language in primary care consultations by male and female doctors*, British Medical Journal, 318: 576–9.
- Taylor, S.J. and Bogdan, R. (1984) *Introduction to Qualitative Research*. New York: John Wiley.
- The Advocates for Human Rights & Georgetown Law Center, *Employment Discrimination and Sexual Harassment in Poland 41-50* (July 2002)(PDF, 63 pages);
- Travers Max (2001) *Qualitative Research Through Case Studies*, SAGE Publication Ltd.
- UN General Assembly, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*, 15 November 2000
- United Nations Economic and Social Council, Report of the Special Rapporteur on Violence Against Women, Its Causes and Consequences, Ms. Radhika Soomaraswamy, 53rd Sess, UN Doc.E/CN.4/1997/47 (12 February 1997)
- Universal Declaration of Human Rights, supra note 1, Art 3.
- Walklate S (2006) *Imagining The Victim of Crime*. Maidenhead: Open University Press.
- Zimmerman C et al. (2008) *The health of trafficked women: A survey of women entering post trafficking services in Europe*. American Journal of Public Health 98(1): 55 - 59.
- Wergens, A. (1999). *Crime Victims in the European Union*. The Crime Victim Compensation and Support Authority, Umea.
- Yako Ivana Elizabeth (2009) *Theories, Practices and Promises: Human Trafficking Laws and Policies in Destination States of the Council of Europe*, LLM dissertation, Dublin City University
- Yin, R.K. (2003) *Case Study Research: Design and Methods*, Applied Social Research Methods Series, Vol. 5, 3rd edition, Sage Publications, London
- Zakhari, B. (2005). *Legal cases prosecuted under the Victims of Trafficking and Violence Protection Act of 2000*. In S. Stoecker & L. Shelley (Eds.), *Human traffic and transnational crime: Eurasian and American perspectives* (pp. 125-149). Lanham, MD: Rowman & Littlefield

9.1 Electronic Rapport and Resources:

Antonio Augusto Cancado Trindade, *Universal Declaration of Human Rights*, Audiovisual Library of International Law, available at: <http://untreaty.un.org/cod/avl/ha/udhr/udhr.html>, *last viewed* March 07, 2013.

Centers for Disease Control, *Understanding Intimate Partner Violence*, Available at: <http://www.cdc.gov/ViolencePrevention/pdf/IPV-FactSheet.pdf>, *last viewed* Jun 10, 2013.

Commission Hears from Special Rapporteurs on Violence Against Women, Trafficking in Person, UN Adviser on Gender Issues (2005), Available at: <http://www.unhchr.ch/hurricane/hurricane.nsf/view01/121FB6D9BB718ED8C1256FDB004F80D7>, *last viewed* April 02, 2013.

Committee against Torture No.2. 18, UN Doc. CAT/C/GC 2, (2008), Available at <http://www2.ohchr.org/english/bodies/cat/comments.htm>, *last viewed* March 10, 2013.

Committee against Torture Office of the United Nations High Commissioner for Human Rights, Available at: <http://www2.ohchr.org/english/bodies/cat/members.htm>, *last viewed* April 05 10, 2013.

Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Act 1 G.A. res 39/46, annex 39, UN GAOR Supp. (No 51) at 197 United Nations Document; A/39/51 (1984), Available at: <http://www2.ohchr.org/english/law/cat.htm>, *last viewed* May 05 10, 2013.

Convention against Torture and Other Forms of Cruel, Inhuman or Degrading, Treatment or Punishment (CAT); Available at: <http://www2.ohchr.org/english/law/cat.htm>, *last viewed* March 23, 2013.

Convention on the Elimination of Discrimination Against Women (CEDAW); Available at: <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>, *last viewed* March 25, 2013.

Convention on the Rights of the Child (CRC); Available at: <http://www2.ohchr.org/english/law/crc.htm>, *last viewed* March 26, 2013.

Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Available at: http://www.unhchr.ch/html/menu3/b/h_comp49.htm, *last viewed* March 26, 2013.

Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Available at: <http://www.un.org/documents/ga/res/40/a40r034.htm>, *last viewed* March 03, 2013.

European Union, Grotius program (1999), Available at: http://europa.eu/legislation_summaries/justice_freedom_security/judicial_cooperation_in_criminal_matters/114014_en.htm, *latest viewed*, April 22, 2013

<http://untreaty.un.org/cod/avl/ha/udhr/udhr.html>, *last viewed* May 22, 2013.

<http://www.un.org/en/documents/udhr/index.shtml>, *last viewed* May 11, 2013.

http://www.un.org/womenwatch/daw/egm/vaw_legislation_2008/vaw_legislation_2008.htm
last viewed May 03, 2013.

International Convention on Civil and Political Rights, G.A. res 2200 (XXI), 21 United Nations. GAOR Supp. (No. 16) at 52, UN Doc. A/6316 (1966), 999 U.N.T.S. 171, Available at <http://www2.ohchr.org/english/law/ccpr.htm>, *last viewed* March 05, 2013.

International Covenant on Economic, Social and Cultural Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, United Nations Document: A/6316 (1966), 993 U.N.T.S. 3, Available at: <http://www2.ohchr.org/english/law/cescr.htm>, *last viewed* March 03, 2013.

International, Regional and National Developments in the Area of Violence Against Women 1994-2003, Available at: [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/E.CN.4.2003.75.Add.1.En?OpenDocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/E.CN.4.2003.75.Add.1.En?OpenDocument), *last viewed* May 03, 2013.

Protocol to prevent, suppress and punish trafficking in persons, especially Women and Children, Supp. the United Nations Convention Against Transnational Organized Crime, Available at: http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf, *last viewed* May 07, 2013.

Recommended Principles and Guidelines on Human Rights and Human Trafficking. Available at: [http://www.unhchr.ch/huridocda/huridoca.nsf/AllSymbols/CAF3DEB2B05D4F35C1256BF30051A003/\\$File/N0240168.pdf?OpenElement](http://www.unhchr.ch/huridocda/huridoca.nsf/AllSymbols/CAF3DEB2B05D4F35C1256BF30051A003/$File/N0240168.pdf?OpenElement), *last viewed* March 22, 2013.

Rome Statute of the International Criminal Court, Available at: <http://cyberschoolbus.un.org/treaties/criminal.asp>, *last viewed* March 15, 2013.

SANS Institute InfoSec Reading Room (2010) *A Qualitative Risk Analysis and Management Tool – CRAMM*; Available at: http://www.sans.org/reading_room/whitepapers/auditing/qualitative-risk-analysis-management-tool-cramm_83, *latest viewed*, Jun 22, 2013

The Abolition of Forced Labour Convention, Available at:http://www.ilo.org/dyn/normlex/en/f?p=1000:55:0::NO::P55_TYPE,P55_LANG,P55_DOCUMENT,P55_NODE:CON,en,C105,%2FDocument, *last viewed* February 03, 2013.

The International Labour Organization with Forced Labour Convention, Available at: http://www.ilocarib.org.tt/projects/cariblex/conventions_21.shtml, *last viewed* March 01, 2013.

The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Rapport; Available at: http://www.unodc.org/pdf/compendium/compendium_2006_part_03_02.pdf, *latest view* May 07, 2013

The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, available at: <http://www.un.org/documents/ga/res/40/a40r034.htm>, *last viewed* March 05, 2013.

Trafficking in Human Beings: Implications for the OSCE, ODIHR, 1999/3, Available at: <http://www.osce.org/odihr/documents/background/trafficking/#p21>, *last viewed* March 28, 2013.

Undocumented Migrants Have Rights: An Overview of the International Human Rights Framework, March 2007, Available at: <http://www.scribd.com/doc/66280679/Undocumented-Migrants-Have-Rights-An-Overview-of-the-International-Human-Rights-Framework>, *last viewed* April 03, 2013.

United Nations Entity Gender Equality and the Empowerment of the Women, Available at: <http://www.endvawnow.org/en/articles/530-overview-and-workplace-sexual-harassment-as-a-crime.html+ForceRecrawl%3A+0>, *last viewed* April 04, 2013.

United Nations Protocol to prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Available at: http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf, *last viewed* March 21, 2013.

Universal Declaration of Human Rights (UDHR), Available at: <http://www.un.org/en/documents/udhr/>, *last viewed* March 12, 2013.

Wisconsin Coalition Against Domestic Violence Domestic Abuse Intervention Programs, *Trafficking Power and Control Wheel and The Power and Control Wheel on domestic violence*, Wheel Gallery, <http://www.theduluthmodel.org/wheelgallery.php>, *last viewed* Jun, 4, 2013

Zimmerman C. Yun, K., Shvab, I., Watts, C., Trappolin, L., Treppete, M., Bimbi, F., Adams, B., Jiraporn, S., Beci, L., Albrecht, M., Bindel, J., and Regan, L. (2003). " The health risks and consequences of trafficking in women and adolescents findings from a european study", <http://www.lshtm.ac.uk/php/ghd/docs/traffickingfinal.pdf>

SARA

SPOSUAL ASSAULT RISK ASSESSMENT ³⁵

Offender: _____

Assessor: _____

Signature: _____

Date: _____

RATING PROCEDURE

The SARA is checklist to assist Case Management in determining risk for violence that might occur in the context of spousal assault. It is important that assessors do not add the individual ratings to determine the level of risk. That is, an offender may have only a few items rated “2” and still be a high risk for violence. General coding instructions are presented below; see the SARA manual for specific instructions about the coding of individual items.

CRIMINAL HISTORY	<u>Absent</u>	<u>Possible Partial</u>	<u>Present</u>
1.Past assault of family members (Does not include past or present intimate partners)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.Past assault of strangers or acquaintances	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.Past violation of conditional release or community supervision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 PSYCHOSOCIAL ADJUSTMENT			
4.Recent relationships problems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.Recent employment problem	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

³⁵ NOTE: The tool is proprietary of the British Columbia Institute on Family Violence. Source: Kropp, P.R., Hart, S.D., Webster, C.D., and Eaves, D. (1995). Manual for the Spousal Assault Risk Assessment Guide (2nd edition). British Columbia: The British Columbia Institute on Family Violence.

	<u>Absent</u>	<u>Possible Partial</u>	<u>Present</u>
6. Victim of and/or witness to family violence as a child or adolescent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Recent substance abuse/dependence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Recent suicidal or homicidal ideation/intent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Recent psychotic and/or maniac symptoms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Suspect – mental health report needed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Confirmed – coded from existing mental health report	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Personality disorder with anger, impulsivity, or behavioral instability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Suspect – mental health report needed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Confirmed – coded from existing mental health report	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 SPOSUAL ASSAULT HISTORY			
11. Past physical assault	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Past sexual assault/sexual jealousy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Past use of weapons and/or credible threats of death	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Recent escalation in frequency or severity of assault	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Past violation of “no contact” orders	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Extreme minimization or denial of spousal assault history	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Attitudes that support or condone spousal assault	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<u>Absent</u>	<u>Possible Partial</u>	<u>Present</u>
CURRENT/MOST RECENT OFFENCES			
Complete this section if any current offences involve spousal assault or if the offender committed a spousal assault in his last year in the community.			
18. Severe and/or sexual assault	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Use of weapons and/or credible threats of death	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Violation of “no contact” order	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 OTHER CONSIDERATIONS			
Specify any risk factors not rated elsewhere			
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 RISK FOR SPOSUAL ASSAULT			
	Low	Moderate	High
Risk of violence toward partner or ex-partner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Risk of violence toward other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Includes violence against targets other than A partner or ex-partner (e.g. child, new spouse of ex-partner, parents-in-law) that might occur in the context of spousal assault	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Specify possible target(s): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ANNEX

Request to NGO and Shelter

Gothenburg, 15 April 2012

Re: Request/Introduction on Crime Victims, contemporary manifestation of Sex Trafficking and Domestic Violence Phenomena in: A Comparative Sociology of Law Study of Justice Responses and Jurisprudence

To L. NGO and J. Shelter,

Hereby I am sending you this introduction on theme: crime victim's contemporary manifestation of sex trafficking and domestic violence phenomena with the request to read and answer on if I can take part of your work through the internship.

Background to the Report

This introduction/request content part of the ongoing investigation I am carrying out in the framework to support work against human trafficking phenomena. The support of carrying out this research project is based by Lund's University in Sweden. Outcome of this investigation report will resulted in master thesis in work against "human trafficking and domestic violence phenomena". The report will on global level conduct charter of analysis and discussions of law, legal system, support for crime victims, services, international legislative, local-regional-and international instruments, following governmental and non-governmental efforts to address the issue at community level, as well as further investigation in-depth interview and case studies.

The master rappsports project: Double Objective

This thesis aimed to elucidate and understand *how law affects the ability of prevent trafficking*, by highlighting the contents central conversations about the rule of law, judicial decision, legislative guidelines, law and legal framework and also by highlighting how victims have experienced those central actors in judicial and legal system for that matter. This thesis aimed also elucidates with the references of featured events of the lives of women as a crime victims *understanding the key reasons of why have women been subjected to trafficking*. Something I do partly by following which impact have juridical practice on, and partly by discussing women's lives and how they have been affected by the legal system. In addition, all theoretical findings presented in this study have also been used as an input to highlight the significance of legal framework and theoretical examination to understand better sex trafficking phenomena.

To answer my overall purpose, I have in my analysis related to the following questions:

- I. How crime victim argue over the legal action³⁶ in their individual legal cases³⁷? To what extent, and if so how, have the lives of the victims affected by the legal rules and juridical decision during the trial?
- II. To what extent, and if so how, emerges contemporary manifestations of sex trafficking? On which way have crime victims been affected by the legal practice?
- III. What's the actual connection of the human trafficking and domestic violence? Which differences and similarities existed in the interpretation of human trafficking versus domestic violence in those legal cases?
- IV. Which primary resistance strategies have women been used to get away men's violence (both in abused situations and in front of the court)? What arguments versus strategies have men been used to escape or defend themselves?

Choices and deliberate omissions

This research does not deal with the problem of trafficking in children. "Human trafficking" here is taken exclusively in reference to sex trafficking of adult women.

The research will also provide the inner view of ways in which human trafficking happens. It also provide the examples of how women are victimized by bearing the burt because of their family or community ties when they are harassed, sexually assaulted, detained, executed, imprisoned, tortured and raped for fighting with human trafficking on their own. And also how can juridical instruments help of providing better practices in the court once the women get there.

³⁶ *Legal action* means that lawful pursuit for justice, typically leading to proceeding within the jurisdiction's court system. In this study I have examine traffickers versus crime victims of sex trafficking, which include two different entity, one accusing another for a unlawful action. Legal action consist the action taken into account of the defended side as protection of persons rights from violation (see more Gessner and Nelken,2007:195-196,115,259).

³⁷ *Legal Case* in this study describes the "case" of the court actions; by collecting the evidence through testimonies of crime victims in order to prove the right of crime victims party's version of the controversy at a trial in court (see more about legal cases in Håkan Hydéns "Rättsociologi som rättsvetenskap" (2006:111 - 113).

The important fact is to note that this research have not by any mean tried to underline critique to undermine any condemnation of the horrors that these processes entail but rather seeks to explore the possibility of new development of new insight of legal argument and new understanding of human subjectivity and human rights. This research comprises an objective of advancing human dignity and freedom, not undermining the fight against human trafficking.

I am aware that am asking from you considerable effort to put in order to deliberate answers into this request. I want also to thank you in advance for your time and all the effort you can put in order for this rapport to came alive. I am looking forward to receive your answers.

With Kind Regards,

Ana Froki

Sociology of Law- Master Project Report, Lund's University - The Sweden