

The Bar Raid as »Outcome Space« of Anti-Trafficking Initiatives in the Balkans

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The hegemonic story goes like this: Across Europe, organized crime figures operate vast and profitable networks to transport young women from the economically destitute nations of Central and Eastern Europe to their more economically secure neighbors in Western Europe. Such women are then placed in conditions of servitude, working as prostitutes to pay off the debts they are told they owe to those who have taken them across borders and who have arranged their employment. It is the modern day form of slavery.

The hegemonic story could be contested in many ways. For just one example, Limanowska's research suggests that women are often »trafficked« by people they know, or by small-time criminals without clear connections to »organized crime«. Nor do women who are transported (or who transport themselves) solely or in part for work as prostitutes always end up in clear-cut situations of servitude. The types and degrees of agency on the part of »trafficking victims« are multiple and often change within the trajectory of a single woman's passage from one country or situation into another.

Editors of this volume invited us to consider the »transposition of ›facts‹ ... how practices, concepts, and ideas are negotiated as they travel through or between domains of life, including different media, cultures, and disciplines.«¹ In response, this paper takes as its subject the concept of »trafficking in human beings«, specifically, trafficking of women and girls for the purpose of profiting from their sexual labor. The paper argues that the concept of trafficking is still very much an emergent one, whose definitions and interpretations are far from settled. It describes a range of anti-trafficking initiatives in Southeastern Europe, focusing particularly on examples from Bosnia-Herzegovina (BiH), to illustrate the ways different institutional actors understand trafficking and how those understandings shape the actions taken against trafficking. That is, the paper seeks to find out what happens when persons (as agents) and bodies (as objects of desire) are facts that come into question because they move across space. How does the idea of »trafficking« itself seek to stabilize the movement of women and the meanings of that movement by giving it the epistemological status of »fact«? And what particular forms of administration or punishment are used to assign particular meanings to the facts so produced? How do par-

ticular institutional arrangements create interfaces where some people can struggle over these definitions while others' contributions to the debate are limited?

Currently, the practice of raiding bars where prostitution occurs is the predominant event through which the meaning of »trafficking« is constructed in Bosnia-Herzegovina. This practice tends to produce a dichotomous construction of women found in these bars as either fully victimized »sex slaves« or fully agentic (but criminal) migrant laborers. The »outcome space« of the bar raid is contested by human rights workers who argue that current criminal justice responses fail in many respects to either properly understand the problem or to assist trafficking victims effectively. However, because criminal justice systems immediately construe recognition of women's agency as evidence of criminality, more complicated understandings of the alchemy of global inequalities (at a minimum both national and sexual) and particular configurations of suffering and autonomy are usually precluded. Human rights workers and police officers end up advocating categories of victim and criminal in which neither fully believe. The bar raid, then, is an interface where police, human rights workers, shelter providers, and migrants themselves contest the meanings of migration and sex work.

Recent history of a term

The phenomenon of forced human labor and the economic infrastructures that enable a variety of actors (buyers, sellers, transporters, recruiters, overseers, etc.) to profit from it have existed for centuries. The transatlantic slave trade from Africa to North America may be the earliest and best-documented example known well to current readers.² Late 19th-century accounts of »white slavery« represent the first widely-publicized representations of organized efforts to profit from the sale of girls and young women into sexual labor. Legal efforts to criminalize the practice also have long histories.³

Like international law itself, however, efforts to define and criminalize the practice on a transnational level are relatively young. Current international definitions of the problem of »trafficking« usually take as their starting point the United Nations Convention on Transnational Organized Crime, adopted by the UN General Assembly in November 2000. The Convention has two supplementary documents, called »protocols«, which elaborate definitions for two subtypes of organized crime – one concerns trafficking in human beings, another the smuggling of migrants.⁴ (Taken together, the Convention and its protocols will hereinafter be referred to as the Palermo Convention.) The »Proto-

col to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children« articulates what is currently the most authoritative international definition of trafficking:

»Trafficking in persons« shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of 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 the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs ...⁵

This is also the prevailing legal definition in Southeastern Europe, in part because the countries of the region, in addition to signing the Palermo Convention, together signed an Anti-Trafficking Declaration of South East Europe in Palermo, Italy on December 13, 2000. The »Palermo Declaration«, as it is now known, commits the countries of Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Federal Republic of Yugoslavia (FRY), Kosovo, the former Yugoslav Republic of Macedonia, Moldova, Montenegro, Romania, Slovenia, and Turkey to address »the phenomenon of trafficking in human beings by implementing effective programmes of prevention, victim assistance and protection, legislative reform, law enforcement and prosecution of traffickers«.⁶

A history of the political forces and events leading up to the adoption of the Palermo Convention and the signing of the Palermo Declaration is beyond the scope of this paper. However, there are several points about the definition of trafficking as it is articulated in the Palermo Convention that are relevant for our discussion. First, while the Convention directly targets prostitution, it does so only as »exploitation of the prostitution of others or other forms of sexual exploitation«. That is, the protocol significantly takes no stand on the legality of prostitution itself, leaving open the possibility that respective states may either criminalize or legalize the sale or purchase of sex. The language of the protocol effectively maintains an implied space for prostitution that is not exploitative. Although this space has not been frequently traversed, theoretically it could allow the narrative of criminality (with its implicit undertones of immorality) to be questioned.⁷

This position allowed a balancing of interests between those who see trafficking for sexual exploitation and prostitution as symptoms of the same systemic problem of debased female sexuality, on the one hand, and, on the other, those who believe that prostitution can, under the right conditions, be a freely and legitimately chosen form of labor.

Second, the Palermo definition describes trafficking as the exploitation of any forced labor or services, not only as the exploitation of prostitution. This implies that the criminality of the act lies not in the forcing of an individual to

perform morally unaccepted acts, but rather in the economic profiting from *any* kind of »exploitative« labor.

The Palermo Convention definition of trafficking retains some further ambiguity in the nature of criminalized acts. It does not clearly define who, among the many actors involved in creating a situation in which a woman works in sexual servitude, constitutes the »trafficker«, making it very difficult to develop specifically targeted prosecutions. Acts that *are* criminalized are: »recruitment, transportation, transfer, harbouring or receipt«, all of which seem to target the *travel* of trafficked persons for the purpose of exploitation, rather than the end form of exploitation itself. As will be discussed in more detail below, the language of this protocol has been used to argue that the owners of nightclubs where trafficked women work, even if those owners are keeping women captive and retaining the profits of their coerced labor, are not, strictly speaking, traffickers and cannot be prosecuted as such.

Third, as Barbara Limanowska has pointed out,

The Trafficking and Smuggling Protocols make a distinction between trafficked persons and smuggled migrants, defining migrant smuggling as »the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State party of which the person is not a national or a permanent resident«. In principle, *the smuggling of persons constitutes an illegal border crossing and is therefore a violation against the state. In contrast, trafficking in human beings is a violation of the rights of the individual*, so that the victims of the crime are the trafficked persons themselves.⁸

Thus one can find the term »victim« used throughout the anti-trafficking protocol, while it does not appear in the protocol against smuggling. This distinction evinces the different directions from which the problem of trafficking has been approached, and it has complex ramifications for the identification of the legal status of women found working as prostitutes in a country not legally their own.⁹ As will be explored in more detail below, an adult woman who is identified as a victim of trafficking – that is, who is incorporated into facts about trafficking as a disempowered, non-agentic object – as opposed to a migrant who has been smuggled (a »fact« pattern with connotations of complicity on the part of the migrant) theoretically has a wider range of options for assistance open to her.¹⁰ In practice, however, this has not always proven to be the case.

The Palermo Convention has, in many respects, articulated more clearly than ever before an international consensus on the nature of the crime and, to a certain extent, the state responsibilities for the prevention of trafficking and the provision of assistance to its victims.¹¹ This international legal consensus, however, actually has something more of a supra-national existence. To a significant degree, it sets the terms of debate in gatherings of transnational actors. Outside of such gatherings, in the day-to-day operations of national and local level actors, definitions of trafficking remain murky and contradictory. Com-

peting understandings of the term and of the real-world movements it purports to describe clash repeatedly.

Yet, a wide range of events potentially definable in terms of trafficking continue to occur »on the ground«, as human rights activists and others are fond of saying. This »on the ground« reality is widely perceived to create urgent needs for responsive action. As a result, very often actions are taken even though ambiguities in available legal frameworks have not been resolved and even when there are clear conflicts between competing interests. Resolving these ambiguities and conflicts takes place, then, in two distinct sets of interfaces: first, interagency working groups or task forces, and second, bar raids, at the moment when definitions are translated into actions.

Interagency task force as interface: the Stability Pact Task Force and the BiH Working Group

Shortly before the official signing of the Palermo documents, in September 2000, a special task force was formed on the Southeastern Europe regional level. This was the Stability Pact Task Force on Trafficking in Human Beings (hereinafter SPTF). It was formed as a sub-group of a much larger regional plan, known simply as the Stability Pact for South Eastern Europe, to deal with humanitarian crises in this region. The Stability Pact was established in 1999 and is headquartered in Brussels. It describes itself as neither »a new international organization, nor [a body with] any independent financial resources [or] implementing structures«. Rather, it is »a political declaration of commitment and a framework agreement on international cooperation to develop a shared strategy among all partners for stability and growth in South Eastern Europe«. ¹²

In practice, this has entailed a fairly complex structure of »working tables«, or gatherings at which »representatives of the South Eastern European countries are, for the first time, on an equal footing with those of international organisations and financial institutions in advising on the future of their region«. In other words, the Stability Pact has created innumerable consultative meetings at which donor »partners« (including European Union member representatives and representatives from the major financial agencies such as the World Bank) sit down with country recipients to negotiate development plans in the three main areas of economy, democratization and human rights, and »security« (military defense and criminal justice issues). ¹³

The Stability Pact bills itself as »the first serious attempt by the international community to replace the previous, reactive crisis intervention policy in South

Eastern Europe with a comprehensive, long-term conflict prevention strategy«. It holds out to the economically and politically unstable countries of Southeastern Europe the promise of »Euro-Atlantic integration«. ¹⁴ As events have unfolded since 1999, a country's record of demonstrated action against trafficking in human beings has become a significant indicator of cooperation with the long-term goals of the Stability Pact and of commitment to a path toward European models of nationhood. Although it is principally the countries of Western Europe that are the destination sites and sources of demand for trafficked women and girls, it is the source and transit countries of Southeastern Europe whose potential »European-ness« is threatened by the female bodies that travel – or are trafficked – through it. For governments of Southeastern Europe, including the government of Bosnia-Herzegovina (BiH), »trafficking« represents a troublesome symbol of corruption, lawlessness and lack of civilization. Eliminating or reducing signs of its presence is thus a goal of no small import.

For BiH in particular, Stability Pact incentives and pressures are matched (if not exceeded) by those coming from the US government. Though US funding to BiH is decreasing, it still represents a significant portion of donor aid supporting the country's economy. And, the US State Department has begun issuing to countries worldwide »ratings« that purport to measure a government's demonstrated accomplishments on the anti-trafficking front. In 2002, BiH received the lowest possible rating. ¹⁵

The Stability Pact as a whole describes itself as bringing together donors (of expertise and other aid) with recipient country representatives. Representatives of the governments of the SEE region, donors, international agencies, and international and national NGOs working on the issue of human trafficking are all members of the Task Force and meet twice a year. The more regularly active unit of the Task Force, however, is an experts' coordination team, which operates as a committee of international agency representatives who provide to the region's governments such products as »guidelines«, »action plans«, and »recommended countermeasures« against trafficking. ¹⁶ No local or governmental representatives participate directly in the work of that coordination group.

Most governments of the region, in addition to signing the Palermo Declaration, have drafted »National Plans of Action« to respond to trafficking in their respective countries. The aim of the SPTF is to coordinate these plans on a regional level, since trafficking is widely understood to represent a fact that exceeds the control of any one nation, and in fact that thrives on the inequalities and inconsistent legal and border control regimes of neighboring nations.

The BiH Anti-Trafficking Working Group

The SPTF has a national-level counterpart in BiH, the National Task Force on Trafficking. This government-led group was developed as part of a BiH National Plan of Action for coordinating anti-trafficking efforts among local, governmental, and international agencies working in BiH. That National Plan of Action (NPA) was drafted in a process of consultation between international agencies and various government ministry officials, and a »State Commission for the Implementation of the NPA Against Trafficking of Human Beings« or NPA Implementation Commission was formed.¹⁷ During 2002, the international agencies established their own informal anti-trafficking working group (hereinafter, Working Group) to coordinate international communication with and assistance to the BiH governmental actors involved in the fight against trafficking. Throughout 2002, the Working Group attempted to support government initiatives while engaging in operations parallel to government-led groups. Working Group members communicated, on the one hand, with the organizations active in the Stability Pact Task Force Coordination Group and, on the other hand, with NGOs and governmental anti-trafficking staff in BiH.

According to some accounts, the first stage of the Working Group's activities could most correctly be described as exercising pressure on a slow and recalcitrant government to respond to the need for anti-trafficking initiatives and for support for victims. Other accounts emphasize the good-faith efforts of officials who were struggling within unwieldy governmental structures in an economically strapped post-war nation to address the trafficking of human beings among innumerable other pressing concerns. The latter tend to identify the Working Group as primarily a source of support for the government. In any case, for reasons far too complex to trace here, by the end of 2002 the NPA Implementation Commission had ceased to function and the Working Group of international organizations constituted the sole forum for the coordination of anti-trafficking efforts in BiH.¹⁸

During 2002, the stated goals of the Working Group included coordinating the actions of the »international community«, or IC, with those of local NGOs in anti-trafficking work, to support the BiH government's efforts and to encourage regional anti-trafficking cooperation. In 2002, the Working Group was composed of representatives from the following international agencies:

- UN Office of the High Commissioner for Human Rights
- UNICEF
- OSCE
- International Human Rights Law Group
- International Organization for Migration

- The UN Mission in BiH's International Police Task Force
- The US State Department via US Embassy staff

Given the Working Group's structural position, it might conceivably have served a translating function between the international legal abstractions produced by the IC and the on-the-ground situations confronted at the local level. However, the degree to which such translation occurred was constrained by the fact that neither local governmental or non-governmental agencies were represented as permanent members of the Working Group. According to Madeleine Rees, Head of the UN Office of the High Commissioner for Human Rights in BiH (OHCHR), this is principally because the Working Group's task was precisely to coordinate international aid and initiatives on trafficking. There had been a history of international groups either duplicating one another's initiatives or working at cross-purposes in their interactions with the BiH government, and the Working Group was seen as a solution to this problem.¹⁹ Human rights group representatives in particular, sensitive to the multiple power differentials between international and local organizations, were concerned not to burden local groups with the task of managing contentious disputes between international actors.²⁰ However, and in spite of many parties' stated desires to work in a coordinated fashion, international and governmental anti-trafficking work tended to take place in separate quarters.

Rosga's field observations suggest that, in effect if not intent, the Working Group has tended to spend most of its time transferring »facts« among groups on a single scale rather than translating facts up- or down-scale.²¹ At the same time, in their conversations with one another, Working Group members often spoke of (and for) »local« concerns. Some individual members of the Working Group were in active communication with local law enforcement officials and/or NGOs, and they attempted both to represent competing local interests to one another and to communicate important international »facts« (such as the availability of funding for particular kinds of projects) to their local contacts. In practice, according to Rosga, members competed with one another for the privileged position of being more in tune with »locals« – more sensitive to »realities« (constraints, wishes, motivations, etc.) »on the ground«.²² Nonetheless, as an interface, the Working Group inevitably privileged communications in certain directions (between and among internationals, not inconsequentially in the English language,²³ and across the usually intractable divide between law enforcement and human rights perspectives), while effectively marginalizing other participants – most notably, local law enforcement officials and NGOs.²⁴

During 2002 the Working Group met approximately once per month to discuss their respective agencies' anti-trafficking activities and to coordinate communications with the BiH government. They also worked to address problems

arising from their sometimes differing definitions of the problem of trafficking itself, which could be roughly divided into three categories: migration, law enforcement, and human rights.²⁵ By framing »trafficking« through one of these concepts rather than another, the members of the Working Group constituted trafficking as a different kind of problem and »trafficked women« as different sorts of subjects. This allowed – or perhaps required – members to propose divergent legal and administrative means to address the issue.

Migration

The migration approach to the problem of trafficking was primarily articulated by various representatives of the BiH office of the International Organization for Migration (IOM). The IOM began as a joint initiative of Belgium and the US in 1951 as the Intergovernmental Committee for European Migration (ICEM), an organization formed to manage the flow of refugees, displaced persons, and other migrants from Europe to countries abroad. Over the decades, its work grew to encompass the resettlement of refugees and economically vulnerable migrants all over the world.²⁶ The organization identifies itself as »the leading international organization working with migrants and governments to provide humane responses to migrations challenges«. ²⁷

In BiH, IOM's initial field mission did not include the provision of assistance to trafficking victims. The category »victim«, from the migration standpoint, connotes a subject who, unlike other migrants, is by definition no longer seeking economic gain to better her situation, to support family members, or to achieve independence from home-based ties. For IOM, the situation of the »victim« is similar to the situation of the »stranded migrant« who has failed in the effort to achieve his or her goals and is now in need of help to survive. From the IOM perspective in BiH, the only legal solution to this migrant's dilemma is to return to his or her home country. The status of the »victim of trafficking« is equivalent to that of the »victimized migrant« – a person desperate enough to give up the »migration dream« to return home.

As such victims were identified and it became clear that there were no effective sources of shelter and assistance for them, the IOM mission in BiH began running a shelter for trafficking victims in the late 1990s. The number of victims served by these shelters has grown exponentially. In all of 1999, eleven victims were assisted. By 2002, the organization had opened additional shelters and was assisting approximately 50 victims of trafficking each month.²⁸ Its two primary shelters are now in Sarajevo. One is a »high risk« shelter whose address is kept confidential, for victims who have been picked up in Sarajevo itself and/or who have agreed to testify against those involved in trafficking

them to BiH. Another is a lower-security shelter, and the remaining shelters are temporary »safe houses« around the country for victims who escape or who are rescued from their conditions of servitude.²⁹ According to an IOM representative who routinely attended Working Group meetings in Sarajevo, BiH,

The girls who are brought to a safe house are kept there to recover, get some sleep, some food, and begin to trust that they will not be harmed. The spaces are designed to be homey, not institutional-feeling. After they've rested, they're fed, clothed, and we give them educational pamphlets [in their own language] about things like sexually transmitted diseases, abortion, contraception, etcetera. Then they are offered a confidential medical exam. They're also examined psychologically and offered counselling.³⁰

IOM's principal goal is to repatriate the victims to their countries of origin. In fact, access to the shelters and safe houses is made contingent upon a victim's willingness to return to her home country.³¹ This is consistent with IOM's institutional commitments in »managing migration« to return migrants to their home countries wherever possible. IOM's counter-trafficking programs have grown out of pre-existing programs for assisting »stranded migrants« – economic migrants whose illegal status and/or inability to support themselves in a new country places them in need of humanitarian assistance. Thus, while IOM staff clearly recognize the unique status of trafficking victims as particularly vulnerable and exploited, their model for assisting these victims is premised upon an understanding of the problem of trafficking as principally one of unregulated economic migration.

Law enforcement

The law enforcement approach to trafficking was represented in the Working Group primarily by members of a »Special Trafficking Operations Programme« (STOP) team made up of officers from the United Nations International Police Task Force (IPTF). The IPTF was a police-monitoring mission of the UN in BiH lasting from the end of the war in 1995 until December 2002. It was staffed by police officers from contributing UN member countries around the world. Its role was to ensure that BiH police agencies did not employ alleged war criminals and that all police received training in human rights and worked in a manner consistent with standards of »democratic policing«.

In July of 2001, a special team of IPTF officers was formed within the mission's ranks to deal with trafficking; this was the UN »Special Trafficking Operations Programme« (STOP) team mentioned above. It was formed for two reasons. First, there were widespread reports that local BiH police were doing nothing to stop the trafficking of women and girls into sexual exploitation in BiH nightclubs, and indeed that police both fraternized at the clubs and ac-

tively participated in the criminal syndicates organizing the practice. Responding to this problem fell within the mission of the IPTF because it represented a failure of local police to respect and protect human rights. Second, there were a few widely publicized instances of IPTF officers themselves visiting the trafficked women for sexual services, and whistleblowers within IPTF claimed to have evidence that some officers had even purchased women and girls.³²

Following the formation of the IPTF STOP team, similar teams of local police were created. On both international and local levels, the STOP teams represented the outcome of two goals: to create a cadre of specialized officers who might be more effective at giving assurance to trafficking victims and to manifest some separation between police who rescue victims and those who may be sympathetic to or involved with traffickers and/or who visit nightclubs where trafficked victims work.

The perceived need for this kind of separation is suggestive of conflicts besetting the law enforcement approach to trafficking. A governing idiom of police work anywhere is the »factual« distinction between criminals and innocent members of the public who must be protected from them. From a law enforcement perspective, alleged sites of trafficking represent a challenge to this idiom in that victims of trafficking appear identical to women working illegally (but more or less voluntarily) as prostitutes and/or to illegal migrants. This challenges the definition of migrant sex workers as »slaves« and raises questions about the status of travelling women who have exercised any degree of agency in their migration.

Given that the law enforcement *raison d'être* is to apprehend criminals for punishment, thereby ensuring the safety of the innocent victims of crime, there has always been an inherent tension in the policing of prostitution, a so-called »victimless crime«. In situations in which women are voluntarily selling sex, the identification of the crime's »victims« is at best unclear. Many argue as well that the economic conditions leading (almost exclusively) women into sex work make them more »victim« than »criminal«. Thus even in situations in which »trafficking« is not involved, the status of adult female sex workers is contested. It might seem that when the possibility of trafficking is introduced, the balance is obviously shifted toward identifying women as victims. However, the mandate for police to apprehend criminals in contexts in which a) prostitution is illegal and b) there are multiple pressures to control national borders against illegal migration produces a tendency for police to treat anti-trafficking as synonymous with anti-prostitution and/or anti-migration police work.

The situation in BiH has been further complicated by dual levels of policing. Technically speaking, the IPTF had no direct law enforcement role to play in BiH, save that of identifying local police human rights abusers. It is the local police who were supposed to be responsible for the identification and rescue of

trafficking victims.³³ However, as noted above, the IPTF STOP team was formed precisely because local police were seen to have failed in adequately performing this duty. Hence, the IPTF was intimately involved in and in fact initiated much of the anti-trafficking police work carried out in BiH.³⁴

The form that anti-trafficking police work took, however, made the status of sex workers more complicated, not less. The IPTF decided to focus nearly exclusively on raiding bars and nightclubs. Once an allegation emerged that trafficking victims were being held in a particular site, police would conduct a surprise raid of the premises. All women found working within would be interviewed, first by local police and then by IPTF officers. Although the local police were theoretically responsible for distinguishing between trafficking victims and prostitutes in their interviews, the IPTF follow-up interviews were instituted on the assumption that victims would be more likely to confide in international officers than in local police and to trust the IPTF to protect them.

This was only assumed true of the IPTF STOP team. Evidence from the civil suit of an IPTF whistleblower who was fired after she alleged IPTF involvement in trafficking indicates that many IPTF officers did not in fact distinguish between trafficking victims and prostitutes.³⁵ The very formation of the STOP team indicates an institutional recognition of a law enforcement tendency to conflate the two categories and thereby blur the boundaries between women as active agents and passive subjects, the innocent and the criminal. The team was formed because regular IPTF officers were not perceived to be capable of adequately ensuring that local police would identify and rescue trafficking victims.

This tendency to conflate prostitutes and trafficking victims – or more accurately, to fail to discern the possibility that they may be one and the same – derives in part from the widespread criminalization of prostitution and in part from the fact that it is not uncommon in many parts of the world for police officers, who are, internationally, still predominantly male, to use the services of prostitutes or to tolerate those men who do.³⁶ Thus, the long-standing relationship between police, pimps, and prostitutes in many countries is one of tension between punishment and fraternization or acceptance. Where police do not arrest sex workers, it may be because they have an economic, social, or sexual investment in allowing the practice to continue.³⁷

The interview designed to identify trafficking victims was co-created by IPTF officers and the staff of IOM.³⁸ It involved several questions related to the woman's circumstances of travel and conditions of work, as well as questions to determine whether or not a potential trafficking victim was willing to return to her home country. If she was not, the IPTF was effectively precluded from assisting her, because IOM shelters only accepted victims willing to be repatriated. And, aside from IOM shelters, there were seldom any other places for her to go, save returning to the bar or nightclub. If she refused IOM assistance,

even if she matched the profile of a trafficking victim, the woman was considered to be an illegal migrant and a prostitute and treated as such (fined, detained, and/or deported to the border of BiH). Given research indicating that many trafficking victims were vulnerable to traffickers in their home countries precisely because of untenable living situations there, the option to return home is one many women preferred not to take.³⁹

Within the common law enforcement dichotomy between criminals and innocent victims, a victim of trafficking who does not wish to return home – that is, to undo her movement across space and to thereby clarify her status – is a contradiction in terms. Her unwillingness may suggest to police her complicity with the bar owner or others involved in the prostitution establishment. Alternatively, it may suggest that the woman entered this situation voluntarily: either she was an »economic migrant« knowingly entering prostitution to escape extreme poverty at home, or she had additional motives for (again, knowingly) embarking upon the trafficking route to BiH.

Given that the »ideal type« of trafficking victim is one who has been kidnapped by traffickers or successfully deceived into thinking she will be working in a job unrelated to prostitution, any suggestion that a woman suspected her fate may well imply partial culpability from the point of view of law enforcement officers. Similarly, for a woman to choose continued servitude over the uncertainties involved in accepting police assistance and/or over the prospect of returning home is a choice that, for police, indicates her situation is not involuntary. A woman who declines a proffered escape route or who denies being trafficked when evidence suggests otherwise at the very least loses some credibility by not conforming to type. By failing to embrace her would-be rescuers, the resistant trafficking victim risks contamination-by-association with voluntary prostitution, thereby *herself* blurring the lines between involuntary servitude and active economic strategy, innocence and criminality, and woman-as-object and woman-as-agent.⁴⁰

Human rights

Representatives from international human rights organizations, not surprisingly, entered the Working Group »interface« with very different assumptions both about their fellow Working Group members and about the putative victims of trafficking. Human rights violations are, by most general definitions, perpetrated by states against their own citizens.⁴¹ As employees of states, police officers have historically been situated in positions antagonistic to human rights workers more often than they have been allies. In many countries, they have been the principal perpetrators of human rights abuses.

On the other hand, the IPTF officers who attended Working Group meetings were officially representing the UN, as were many of the human rights workers who represented distinct UN agencies. This shared affiliation with an institution founded on the basis of human rights certainly had some mitigating effects on what might otherwise have been a clear structural antagonism between human rights and law enforcement agendas. Generally, the position of human-rights-abusing police-officer was filled by the non-represented BiH police force. IPTF STOP team officers in particular were consistent in their alternating dismissal and denigration of local law enforcement institutions, which the IPTF accused of tolerating trafficking when they weren't actively involved in and profiting from it.⁴²

Nonetheless, the shared international interest in opposition to trafficking represented by the Working Group was repeatedly complicated by contradictory goals and assumptions about how best to counter the crime. For human rights workers in BiH, the problem of trafficking was first and foremost the result of a complex intersection of gender inequality and global economic injustices. Young women and girls caught up in such systemic inequality – forced to find ways of supporting themselves and their families in the context of pervasive underemployment of women, undervaluation of women's labor, and struggling transitional economies in which virtually all citizens are living in greater or lesser degrees of poverty – are, from the point of view of human rights organizations, always already victimized. For some human rights workers, this was so regardless of the degree of agency a particular woman had exercised. For others, trafficking victims were seen as women/girls who, far from complicitly or voluntarily *travelling*, had been forcibly or duplicitously removed from their normal daily lives to a foreign location and in the process had been transformed from human subjects into objectified commodities.

This standpoint led the human rights representatives in the Working Group to define »victimhood« and the questions of passivity and agency that it connotes somewhat differently than the police or the IOM did. For these human rights workers, the victim of trafficking was no less victimized if she possessed some degree of knowledge about the conditions of work awaiting her in BiH; if she evinced a degree of complicity with her captors, this was only to be expected of a traumatized human conditioned to be dependent upon her abusers. If a trafficking victim denied having been trafficked and refused IPTF assistance, this did not, according to human rights groups, indicate much of anything about whether or not she had in fact been trafficked.

From the human rights perspective, distrust of police, whether local or international, was perfectly logical and signified nothing regarding the individual woman's status as a potential victim. A victim's reluctance to return home, to be repatriated by IOM, was similarly understandable from this perspective.

Trapped within overlapping contexts of trauma and injustice, faced with a host of unacceptable »choices«, a trafficking victim might well prefer to take her chances with a captor promising eventual freedom and economic security over a return to a hopeless economic situation in which she might also face shame and condemnation for having »allowed herself« to become involved in prostitution. Human rights groups argued that neither the process of victim identification nor the police/IOM decisions about whether and how to assist victims were well designed or based on sufficiently clear legal principles.

It would be wrong to suggest that either IOM or IPTF STOP team officers were unaware of how difficult it was to define women as particular kinds of people or as embodying particular kinds of facts in such a complicated political and economic situation. On the contrary, all members of the Working Group exhibited at least some degree of appreciation of these complexities. Our argument is that the different institutional positions represented in the group and their related assumptions and perspectives, rather than being explicitly articulated, tended to play themselves out in repetitive conflicts over whether and how to carry out one anti-trafficking initiative: the bar raid.

Outcome space: the raid

DOBOJ: RAID ON NIGHTCLUB

On 04.11.02 at 23.30 hrs, LP [local police] STOP Team and Support Unit, monitored by IPTF Stop team raided the »Villa« nightclub. At the premises 02 Russian and 01 FRY [Former Republic of Yugoslavia] females were found. The 02 Russian citizens had false stamps in their passports. Criminal charges were submitted against them. None of the females requested IPTF assistance.⁴³

This report is one among many regular notices circulated by the IPTF to members of the Working Group. At its most basic factual level, it is a report of a bar raid in the central Bosnian town of Doboje by a joint team of local and international police officers. The report indicates that three foreign national women (two from Russia and one from the Federal Republic of Yugoslavia) were identified at the bar, and it seems to say that the two Russian women were arrested for being in possession of false documents. It further documents that none of the women asked for help from the IPTF officers at the scene.

All Working Group recipients of this report were expected to know that the bar was raided because the police suspected that the women found there were working as prostitutes. Their status as non-citizens of BiH was understood by all recipients to suggest the possibility that they had been forcefully »trafficked« into BiH in order to be exploited by the bar owner (and/or related others) as prostitutes.

The information that no women requested assistance from the international police could be interpreted in at least two ways.

- Although the international police came to rescue women who might have been forced into prostitution, the women were in fact working voluntarily as prostitutes and desired no rescue.
- These women were victims of trafficking who, for any one or more of the reasons explored below, failed to request assistance because they did not believe they would be better off in the hands of international police than in the hands of bar owners/traffickers.

Both interpretations were at least theoretically plausible to all members of the Working Group. However, as indicated above, the first interpretation was most likely to be expressed by law enforcement representatives, and the second one was generally articulated by human rights representatives. IOM staff tended not to take a position either way in Working Group meetings.

At virtually every Working Group meeting attended by the authors, there were discussions of bar raids like the one described above. Most often, these discussions took the form of a communicative impasse between IPTF and human rights group representatives in which a human rights group spokesperson would challenge the IPTF representative to explain why the STOP team had not taken the women directly to an IOM shelter. In turn, the IPTF officer would reply either that the women were too afraid to accept assistance (usually because of fear induced by local police) or that they simply »didn't want« assistance. Furthermore, according to IPTF STOP team officers, they were not allowed to take women »against their will« to a shelter.

Human rights group members objected that in fact the police *were* allowed to remove victims to shelter premises for a short stay (3 or fewer days). According to this scenario, foreign national women found in bars were too traumatized and too afraid of the police in general to be able to speak truthfully to police officers in the context of a raid, but they would be better able to do so – and to assist with any subsequent prosecutorial efforts against traffickers – after having received shelter and counseling for a few days. In making this argument, the human rights workers asserted that women who were »trafficking victims« should not be expected to trust that they would not be further victimized by the police until some degree of agency had been restored to them in the shelter.

For roughly the second half of 2002, the specifics of this dispute surrounded a document of »instructions« written up by BiH government officials (with the assistance of human rights groups) that allowed police to take women to a shelter even if the women did not identify themselves as trafficked or consent to repatriation. Human rights representatives argued that these instructions were in keeping with the Palermo Protocols and other instruments of international

human rights law. IPTF officers contended that because the instructions did not take the form of a law passed by the BiH parliament, they had no legal standing and could not govern the behavior of police.⁴⁴

Thus, the recurring dispute centered on a) proper police procedure and, by extension, governing legal authority; and b) the degree to which the words of a woman (in particular a foreign national) found in a bar raid should govern police treatment of her. The »facts« about a (non-BiH) woman found in a bar raid were thus differently assumed by law enforcement and human rights officials. For police, such a woman might just as easily be a voluntary prostitute or a trafficking victim. While human rights workers acknowledged this possibility, their presumption was that such a woman had been trafficked. For police, trafficking victims were by definition in need of their rescue – such that women who declined rescue were less likely to have been trafficked and were correspondingly guilty of criminal acts. For human rights workers, it was axiomatic that trafficking victims would be as suspicious of police as they were of traffickers themselves. They also argued that the police could not expect victims to come forward if all support was tied to repatriation by IOM.

It is notable that human rights workers seldom challenged the IPTF in Working Group meetings about why IPTF officers had filed criminal charges against women found in bar raids who declined police assistance. One reason for this may have been a kind of collective avoidance of repeating the circular argument in which police asserted the primacy of the need to distinguish victims from criminals and human rights representatives altogether ignored the possibility that the women might be guilty of crimes in favor of a call for their removal to a shelter.

Another reason may be that avoiding this discussion of criminal charges allowed all Working Group members to elide fundamental philosophical differences that would have interfered with their ability to work together effectively. Human rights group members tended to treat as irrelevant the fact that BiH law penalizes prostitution. Similarly, human rights workers expressed little interest in the enforcement of laws governing migration. Since the Palermo definition effectively provided for assistance to trafficking victims without requiring challenges to entire national legal systems, challenging the IPTF about enforcement of criminal statutes against either illegal migration or prostitution would only have forced to the surface fundamental conflicts that none of the parties present was in a position to address.⁴⁵

What human rights representatives *did* argue, however, was that bar raids as a counter-trafficking measure were ineffective not only in rescuing and protecting victims, but also in serving law enforcement ends. By repeatedly raiding bars and nightclubs, they argued, police were encouraging traffickers to take the business of prostitution underground where it could not be so easily

located and raided. Indeed, Limanowska's research suggests that traffickers and those they supply have significantly increased their use of cell phones to coordinate prostitution exchanges in hotels and private residences rather than in any one centralized location. They also argued that offering assistance only to those women who are willing and able to return home is insufficient and that the IOM, with its mandate to focus on issues of migration, should not be the only available assistance provider.

Human rights workers and IOM representatives achieved rare accord, however, on the question of how to encourage victims to cooperate with police and prosecutors by testifying against traffickers and bar owners. Both agreed that providing shelter and care to victims (including an explanation of the victims' existing options) for at least a day or more before allowing them to be questioned by police greatly increased the likelihood of victim cooperation.

Conclusion

In sum, the »fact« of trafficking – its causes and its typical victims – is actively contested within the interface sites of interagency task forces. This chapter has provided a snapshot of one such task force in BiH during the calendar year 2002. As in the work of scientists described in the introduction to this volume, »multiple, potentially contradictory, and simultaneously valid understandings of ›the facts‹ are *contained* – in the sense of both location and constraint – in the »outcome space« of the bar raid.

As events continue to unfold, the debates described here will surely evolve in form and/or participants. Indeed, in December 2002, the Stability Pact Task Force held its third regional forum for the Ministers of the Interior from participating Southeastern European countries. One of the forum's accomplishments was a collective statement by Interior Ministers from a dozen Southeastern European countries committing their respective nations to a process of legalization for human trafficking victims. The statement explicitly recognized the weaknesses inherent in current law enforcement-driven counter-trafficking measures and called on Stability Pact countries to change their laws such that victims would be granted legal migrant status – that is, stabilizing their »factuality« by giving them an official status – in order to encourage them to cooperate with investigators.⁴⁶ It remains to be seen whether and how this statement of commitment will be translated into legislative change on a country level and what understandings of women's agency will be enabled and precluded by these changing legal frameworks.

Notes

- 1 Caroline Baillie, Elizabeth Dunn, and Yi Zheng (2003), »Beginning Our Travels ...«, in: Caroline Baillie, Elizabeth Dunn and Yi Zheng (eds.), *Travelling Facts. The Social Construction, Distribution, and Accumulation of Knowledge*, Frankfurt a.M.: Campus.
- 2 For a consideration of trafficking in persons as a modern-day manifestation of the Atlantic slave trade, see Howard Winant, »Babylon System: The Continuity of Slavery«, unpublished paper presented at the »Unfair Gains« Conference, University of California, Los Angeles, February 1, 2002.
- 3 Eileen Scully, »Pre-Cold War Traffic in Sexual Labor and Its Foes: Some Contemporary Lessons«, in: David Kyle and Rey Koslowski (eds.), *Global Human Smuggling*, Baltimore/London: Johns Hopkins University Press, 2001, pp. 74–106.
- 4 »Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children« and »Protocol against the Smuggling of Migrants by Land, Sea and Air«. For the text of the Convention see: www.uncjin.org/Documents/Conventions.
- 5 UN A/55/383, November 2, 2000: »Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children«, Article 3a.
- 6 »Anti-Trafficking Declaration of SEE«, <http://www.stabilitypact.org/antitraffickingtaskforce>, accessed December 15, 2002. The discussion in this article is limited to issues relating to the trafficking of adult women (18 years and older). The definition of trafficking for children and youth under 18 years of age differs in important respects from the definitions discussed here, and youth and children have special legal status and are thus entitled to different forms of protection by authorities. For an analysis of the special protections afforded underage victims of trafficking in BiH, see: UNICEF, »Guidelines for Protection of the Rights of Children Victims [of] Trafficking in Southeastern Europe«, May 2003. Unpublished document, on file with authors.
- 7 Anne Gallagher, »Human Rights and the New UN Protocols on Trafficking and Migrant Smuggling: A Preliminary Analysis«, in: *Human Rights Quarterly*, 23 (2001), pp. 975–1004.
- 8 Barbara Limanowska, »Trafficking in Human Beings in Southeastern Europe«, published by UNICEF, June 2002, <http://www.unhchr.ch/women/trafficking.pdf>, p. 9, emphasis added (hereinafter, Limanowska 2002).
- 9 It would also seem to be challenging to determine when an individual who has transported another across a national border has done so »in order to obtain ... a financial or other material benefit« and is hence a smuggler of migrants, and when that individual has done this transporting »for the purpose of exploitation« and is therefore a trafficker. Thus far it hasn't mattered a great deal, since there have been few actual prosecutions of smugglers or traffickers in SEE. One potential benefit of the separate protocols might be to permit local prosecution of individuals who procure legal documents for their victims without actually smuggling them across borders.
- 10 »The Trafficking Protocol determines that trafficked persons are to be granted protection additional to that accorded to smuggled migrants. »Unfortunately, there is little guidance in either instrument regarding how the identification process is to be undertaken and by whom. This is especially important because identifying an individual as a trafficked person carries different responsibilities for a State party than is the case if that person is identified as a smuggled migrant.« (Limanowska 2002, p. 4; quoting Note by the Secretary-General, »Smuggling and Trafficking in Persons and the Protection of Their Human Rights«, E/CN.4/Sub.2/2001/26, July 5, 2001, p. 3)

- 11 However, many view the language regarding the protection of trafficking victims as insufficiently explicit to create a solid legal basis for a »human rights-based« system of assistance. The first international document to more comprehensively describe the rights of trafficking victims from a human rights perspective is the report issued by the UN High Commissioner for Human Rights to the Economic and Social Council, »Recommended Principles and Guidelines on Human Rights and Human Trafficking«, May 20, 2002 (E/2002/68/Add. 1).
- 12 »About the Stability Pact«, <http://www.stabilitypact.org>, accessed November 3, 2002.
- 13 Ibid.
- 14 Ibid.
- 15 According to the US State Department's 2002 »Trafficking in Persons Report«, »The national government of Bosnia and the entity governments of the Federation and the Republika of Srpska are not fully complying with minimum standards for the elimination of trafficking and are not making significant efforts. Despite political, social, and economic troubles, Bosnian authorities have established a national action plan, are cooperating with international organizations and NGOs, and taking preliminary steps toward combating the problem. Meanwhile, the international organizations and NGOs present in Bosnia lead most of the anti-trafficking efforts.« (<http://www.state.gov/g/tip/rls/tiprpt/2002>, accessed June 20, 2002)
- 16 Member representatives of the Task Force Expert Coordination Team come from the following international and intergovernmental agencies (Stability Pact for South Eastern Europe, Task Force on Trafficking in Human Beings, »Task Force Expert Coordination Team Members« [as of March 19, 2003], internal document): Council of Europe (CoE); European Commission; International Catholic Migration Commission (ICMC); International Centre for Migration Policy Development (ICMPD); International Labor Organisation (ILO); International Migration Policy (IMP); International Organisation for Migration (IOM); Office for Democratic Institutions and Human Rights (ODIHR); Organisation for Security and Cooperation in Europe (OSCE); Save the Children, UK; Southeast European Co-operative Initiative (SECI); United Nations Office for Drug Control and Crime Prevention/Centre for International Crime Prevention (UNDCCP/UNCIP); United Nations Office of High Commissioner for Human Rights (UNOHCHR); United Nations Children's Fund (UNICEF); United Nations Development Fund for Women (UNIFEM); United Nations High Commissioner for Refugees (UNHCR).
- 17 The organizational history of anti-trafficking efforts in BiH is complex and, like many histories, subject to different accountings. For the sake of brevity, these histories have been somewhat condensed here. According to an internal document shared with the authors, anti-trafficking efforts by local NGO and international groups began as early as 1999, when a small group (known as the Gender Coordination Group) that had been working together on gender-related issues in BiH formed a sub-group on trafficking to deal with the needs of women victims of trafficking who had come to the attention of the International Police Task Force. Shortly thereafter, in response to developments surrounding the Palermo Convention in December 2000 and to directives from the Stability Pact for Southeastern Europe, the BiH government nominated an individual to serve as a trafficking »focal point« – someone who would coordinate anti-trafficking efforts and begin developing a National Action Plan (NPA) to combat trafficking in BiH. A National Task Force on Trafficking was then formed and it drafted such an action plan which was adopted by the BiH government in December, 2001, and its implementation was subsequently undertaken by the NPA Implementation Commission (consisting of seven representatives from the various levels of BiH government ministries). (Yulia Krieger, UNICEF Programme Officer, personal communication with authors, June 16, 2003.)

- 18 Ibid.
- 19 Personal interview by Rosga with Madeleine Rees, Director BiH Office of High Commissioner for Human Rights, Sarajevo, BiH, December 10, 2002.
- 20 It should also be noted that approximately 25–35 percent of the international organization representatives were English-speaking Bosnian staff members.
- 21 Rosga spent 2002 conducting ethnographic fieldwork in BiH. She attended all Working Group meetings from May–November as a participant-observer.
- 22 Human rights organizations, given their historically situated roles as defenders of the less powerful, might be expected to privilege local perspectives. What was most notable to Rosga was the fact that the privileging of »local« perspectives seemed to have acquired a semi-hegemonic status. While often highly critical of BiH governmental actions, international law enforcement representatives, too, invoked their access to local perspectives as authoritative justification for particular positions.
- 23 When Rosga asked her about local linguistic terms for »trafficking«, one »local« (e.g. Bosnian) employee of an international human rights organization seemed surprised to realize that she thinks of »trafficking« almost exclusively in English. There is a Bosnian term used for »trafficking«: *trgovina*, but this woman thought of the term as inadequate because its other connotations include »store« or »shop«, and »market economy«. In articulating this observation, the woman did not fail to register the irony of her realization that in fact *trgovina* might actually be a better term for trafficking in the Balkans, because its emergence as a problem was co-incident with, and facilitated by, BiH's post-war transition from a socialist to a market-based economy.
- 24 Locals of course had their own forms of »interface«, in agency, regional, or intergroup combinations, and sometimes internationals were invited to such gatherings. Just as often, however, internationals were specifically asked not to participate because of the seemingly inevitable tendency for »international« (e.g. English-speaking, non-Balkan) terms and perspectives to shape the agendas of »local« meetings.
- 25 These were by no means the only perspectives represented in Working Group meetings, nor does this categorization exhaust the different approaches brought to anti-trafficking work worldwide. However, from the first round of analysis of data from the meetings in 2002 that were attended by one or both of the authors, these were the principal approaches articulated.
- 26 The ICEM became the Intergovernmental Committee for Migration (ICM) in 1980 and then the IOM in 1989 (http://www.iom.int/en/who/main_history.shtml, accessed January 20, 2003).
- 27 Ibid.
- 28 Rosga, personal interview with Amela Efendic, IOM BiH, Sarajevo, November 6, 2002.
- 29 Ibid.
- 30 Ibid.
- 31 Although some victims independently find their way to an IOM shelter, most are delivered there by the police following a raid on a bar or nightclub where the victim is working as a prostitute (discussed further below).
- 32 See: Robert Capps, »Outside the Law«, Salon.com, June 26–27, 2002 (<http://archive.salon.com/news/feature/2002/06/26/bosnia/> and <http://archive.salon.com/news/feature/2002/06/27/military/>). See also: Julia Stuart, »Dark Side of Peacekeeping«, in: *The Independent* (London), July 10, 2003.
- 33 Police work in BiH is taking place in a rapidly changing context. The UN's IPTF Mission ended in December 2002 and was replaced by a European Union Police Mission (EUPM) with a substantially different mandate. At the time of this writing, it is unclear precisely what role the EUPM will take in anti-trafficking law enforcement.

- 34 One of the criticisms BiH government officials and some international organizations leveled at the IPTF STOP team was that it was »operating outside [its] mandate« as a monitoring mission and effectively engaging in direct law enforcement work. The STOP team disputed this claim, but since its representatives to Working Group meetings were always international rather than local police, it was difficult to substantiate either side’s claims. It is beyond the scope of this article to adequately discuss either the UN IPTF mandate in BiH or the STOP team’s compliance with that mandate. However, both authors observed that IPTF STOP team members’ contributions to Working Group meetings often suggested that they saw their role as more than simply monitoring local police. Furthermore, when accompanying the STOP team on a bar raid in the summer of 2002, both authors observed the STOP team leader actively interrogating the bar’s owner.
- 35 Capps, op. cit. note 32.
- 36 We are not arguing that male police officers are more likely than any other men to use the services of prostitutes. No such evidence exists, and in any case it is risky to make transnational generalizations about police officers or even »police culture«. However, Rosga’s interviews with international police trainers provide anecdotal accounts of widespread police use of prostitutes, particularly when they are outside their home countries. Furthermore, abundant evidence exists to document the correlation between military bases, particularly from the US, and brothels or other sites of prostitution (see, for example, Alexandra Suh, »Military Prostitution in Asia and the United States«, in: Joy James [ed.], *States of Confinement: Policing, Detention, and Prisons*, New York: St. Martin’s Press, 2000, pp. 144–158). And it could be argued that the IPTF, with its mandate complementing the NATO military force in BiH, either similarly produces a demand for prostitution or simply partakes of its availability. See also Stuart, op. cit. note 32.
- 37 Other dynamics are clearly at work, including the political prioritization of prostitution as a criminal problem in any given jurisdiction.
- 38 Efendic interview, note 28 above.
- 39 Reports indicate that women and girls become vulnerable to traffickers for a variety of complex reasons, most often including either mental, physical, and/or sexual abuse at home, or extreme poverty and high levels of unemployment, or both (Limanowska 2002, pp. 21–26).
- 40 Another reason for the failure of police to »recognize« some women as trafficking victims may simply have been the lack of available services. Police were required to obtain a woman’s signature on the IOM form before assisting them. Therefore only those women who signed the form and agreed to be repatriated were treated as victims and referred to the shelter.
- 41 See Alice M. Miller and Meghan Faux (»Reconceiving Responses to Private Violence and State Accountability: Using an International Human Rights Framework in the United States«, in: *Georgetown Journal of Gender and the Law*, Inaugural Issue [Summer 1999], pp. 67–94) for a discussion of the ways states have interpreted their international human rights obligations largely as *negative* obligations (to refrain from torture, for instance). Miller and Faux argue for interpreting international human rights instruments as entailing *positive* obligations as well (such as »providing adequate police protection for crimes« committed by non-state actors in »private« settings).
- 42 Interestingly, the human rights group representatives tended to be, at least rhetorically, more supportive of BiH government and law enforcement officials. This was consistent with their efforts (observed by Rosga) to position themselves as those who most actively privileged »local« perspectives over »international« ones in debates concerning government development and reform in BiH.

- 43 From a series of United Nations International Police Task Force Special Trafficking Operations Programme raid reports. Anonymous personal communication to Rosga, November 7, 2002.
- 44 »Protocol on Understanding with NGO for Applying Temporary Instructions on Treatment of Trafficked Persons, Annexes 2 and 3«, Ministry for Human Rights and Refugees, Protocol No. 01-6341/02. Sarajevo, Bosnia-Herzegovina. September 6, 2002.
- 45 Legal reform was another part of the Working Group's long-term efforts, an element of its work discussed with the Ministries of Justice and prosecutors' offices rather than with police agencies.
- 46 »Southeastern European States Move Focus to Victims«, in: *Turkish Daily News*, December 13, 2002.