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Trafficking in Human Beings in Europe

-Counter Measures and Their Limits-

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Acknowledgments

There is a certain common believing in the democratic countries that people have evolved, that they have understood the value of each human being, that there is not such thing like the superiority of one man above the other, that the life of the one is as much worthy as the life of the other, that even though there is discrimination, we have recognized it, overcome it and abolished it. We have evaluated that much that we even care for the other living species trying to protect their rights, as well. That the oligarchy exists only in countries that are still far from being democracy, that there is no more the “privileged class” and “the third estate” is the phenomenon from the past that we are using now only as a school example. Quid slavery? This is also just a dark spot of the human evolution, buried behind with the moment of “illumination” when the International Slavery Convention in 1926 by the League of Nations has been signed.¹

BUT let’s see the world from the other ones’ point of view in a bit of caricatured way. From the point of view of the bus driver that each Wednesday takes his children with him to work because he can not pay a babysitter. Then from the perspective of the cleaner, that each day gets up at 5 o’clock trying to range the excrement from the well privileged dogs. Back in her country she used to be a teacher, but the war has destroyed everything to her.

So “Do we give them credits for that?”

¹"Slavery," *Microsoft® Encarta® 97 Encyclopedia*. © 1993-1996 Microsoft Corporation. All rights reserved.- This convention provided for the suppression and prohibition of the slave trade and complete abolition of slavery in all forms.

They are both paying the taxes obediently, and just on the other end of their town there is Madame X that is sitting in her comfortable chair in the “Hotel de ville” and deciding whether we will have blue or red decoration this Christmas.

And in the fancy bar just on the coast, if Madame X wants to get in tonight, of course she will be able to, but if the street cleaner wishes to do so I doubt that the bouncer will let him in. But this is not discrimination.

And it is not discrimination as well when certain authorities are choosing who amongst the relatives of the cleaner, mentioned above, will get the visa to visit her and who not on the basis of their bank account. This is just a measure of precautions.

And then let's add to this picture, true as fictive, one prostitute, just next to that fancy bar, that the Madame X will look at her probably with the prejudgment, thinking, maybe, “putain etrangere” (like the comment that was given to one of my colleagues on the markets in Nice). But maybe this girl is standing there because she was forced to, and maybe she can prove that there are slaves even in the modern democracies, and for them, this world has not evolved but has just been deformed.

I have chosen to look from the point of view of this girl and try to understand her, rather than to judge her or ignore her. As far as the bus driver and the cleaner are concerned, I hope someone else will do it, I just want to give them a “credit”.

This is dedicated to all the victims of our societies, especially, the victims of trafficking.

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Acronyms and abbreviations:

BND	Bundesnachrichtendienst, German intelligence agency;
CARDS	Community Assistance for Reconstruction, Development and Stabilisation;
FATHB	Fight Against Trafficking in Human Beings;
ILO	International Labour Organisation;
IOM	International Organization on Migration;
KFOR	Kosovo Force
KLA	Kosovo Liberation Army;
NATO	North Atlantic Treaty Organization;
NGO	Non Governmental Organisation;
OSCE	Organization for Security and Co-operation in Europe
PHARE	Poland and Hungary: Assistance for Restructuring their Economies;
SEE	Southern Eastern Europe;
STD	Sexually Transmitted Diseases ;
THB	Trafficking in Human Beings;
UN	United Nations;
UNCHR	United Nations Commission on Human Rights;
UNICEF	United Nations Children's Fund;
UNMIK	United Nations Mission in Kosovo
USAID	United States Agency on International Development;
VoT	Victims of Trafficking;

Preface “True story”

(attention: *grammar errors are kept in order to preserve the original version*)

I consider myself a lucky girl in present day Moldova. At the age of eighteen I have a child and a well-off husband, but one day he is murdered. I get back to poverty again. I find a childhood fiend of mine, Katia, and through her I make acquaintance with a young man, a society man, who seems to understand us quite well: two beautiful girls like you, what are you still doing here? Europe is waiting for you with open arms! You have no money? Don't worry. Both of us leave with Ivan provided with false passports; on arrival in Hungary our attendant changes. In few days we arrive in Hungary, where we realize what it is all about, but it is late. We think we have reached the bottom of maltreatments, blows and violence, but we are wrong, because Albania is waiting us. We are sold, by means of a king of draw, as it was about to form dancing couples, to two Albanians, our last owners. We find ourselves in a shed with many other girls and we are secured by armed guards. We have a period of preparations ahead if we want to do prostitution in Italy! One month goes by and I thank God I am still alive. It is night and I leave with my “dance partner”, I leave without my friend Katia. I arrive in Italy with my new fellow sufferer, Eva. We arrive in Turin, in THEIR house: it is the first night and we are asked to get prepared, almost nudes, with awful make-up, we are thrown on the street where we are waiting for clients. They want a lot of money and we are working really hard. On the first days I'm constantly vomiting. Eva tells me how I should pass through: by thinking of other things, by forgetting I have a body. Besides they are disgusted with my dirtiness, they don't enjoy it anymore, it is better like this. After a month the recompense comes: the phone call at home. No tears or accuses, otherwise beating. After a month

we are sold to another Albanian and are transferred to Milan to an apartment with other girls. And thus all starts again. The street, clients, aggressions, cold, fear, illnesses, strange requests, humiliation. HE is different, he is accompanying us every night to the underground and comes on street to observe with his friends, while we are working and is never content when counts the earnings. There is a particular client: any night he brings us strange food in paper plates. He is not embarrassed of this specific care, he is laughing. After, all happens in one week. At a station I decide to talk with policeman. I tell him I need help and have no time. He knows well how many minutes it takes to arrive to final destination, he follows me and in such a way we talk in a train. I'm not able to tell him everything. The next evening he meets with two colleagues. We draw a plan and they ask me if I feel to do it. Of course I do! One of next mornings I'm with HIM. I take the money out my pocket; as soon as I give it to him, four persons arrest him because of it. He's furious, they can hardly restrain him, but he is also terrified. I feel myself like flying some meters above the ground. I feel so good. I feel myself strong. I say him all rude words I know in Albanian. I want to cry but I'm not able to. All of us have reported except one. We are waiting eagerly for the trial, but we are sure we will succeed. When I enter the court-room I'm at a loss for moment, but I take myself in hand. While we are testifying he tries to yawn to make us understand that we are boring. He succeeds quite well to simulate. Finally we succeed to send him to prison, a place which I think is too easy for him. We hug with one another. I thank all who helped me and gave me a hope. Now it's all over. I'm home with my son. I have a life, even if I know that nobody can give me back my previous life. I gave up thinking that anyhow I have to repay some fault. I gave up feeling guilty for being once young, naive, full of dreams and ready to believe to any promise. And it is much.¹

¹“life stories”- ANTHNET networking against trafficking - june 2007 available at

Introduction

Aim and objectives

The aim of this work is very modest. Such subject as Human Trafficking is a very complex issue that demands a more serious approach than the one given by a student. The work will partly try to estimate the effectiveness and the sufficiency of the FATHB and afterwards to point out, again to a certain degree, the pathologies of the already existing measures and finally to make a very small contribution to the counter trafficking efforts by proposing possible directions of acting in this field.

The first objective is analyzing the reasons of the phenomenon and towards that to understand its complexity. Understanding the reasons and the problem itself is a first step in defining the FATHB, followed by the second objective, which is to analyze its actions as well as the problems that are determining the limits of these actions.

Overview

In the first part of this work the definition of the problem will be given as well as all the other elements and factors that are closely connected with it will be defined. All the other phenomena that are linked but not the same as THB, will also be defined.

A historical background of the problem in Europe will follow.

The second part will be divided in three main chapters and forth additional.

1. countries of the origin of the victims of THB. In this part the reasons of the origin will be introduced. The first stage of the THB will also be elaborated in this part, that is to say the recruitment of the victim.
2. countries of transport, where the profile of this countries will be explained. In this part the accent will be on the second stage of the THB, the transport of the victims.
3. countries of the destination, where they will be count down, as well defined, and the emphasis will be on the reasons for the demand of the services of the victims of THB. The third stage of the THB, the exploitation of the victims, is explained in this part, as well.
4. the internal trafficking of human beings, where the accent will be on the example of Kosovo.

The third part will be devoted to the fight against THB which will be divided in three chapters each concerning different stage of the actions:

1. prevention
2. detection and prosecution of the traffickers
3. protecting and assisting people who have already been trafficked.

The actions taken will be described and the obstacles in rapport with them will be pointed out.

The last part is the conclusion where the auteur is giving her opinion on the effectiveness of the FATHB. Also she is proposing the other possible measures that can be taken in order to strengthen the already existing ones. The conclusion will be a product of what has been done in this work and from the research done for this work. This might or not be adequate with the outcome of the whole FATHB done ever.

Methodology

With the method of comparison the effectiveness of the actions, if measurable, are commented.

Empirical data available are compared in order to measure the effectiveness of the counter trafficking measures up to now.

The life experience of the VoT, the counter actors, other officials and private citizens that were directly or indirectly involved with the process of trafficking or with the counter trafficking measures, are taken in consideration whenever the author has found it suitable for the aim of this work.

One statement of the witness of THB is included, which in its full version is incorporated in annex 1. This was stated for the purpose of this work while the experience included in annexes 2 and 3 are borrowed from the already existing literature on THB.

Remarks

The subject of THB is very serious one, and the circumstances in which this work is done are not allowing an approach that will deal with it in its entire complexity. The problem of the legislation even though not totally ignored will not be more widely explained due to its specificity and the fact that this is a task of the jurists. The prosecution, with its central position in the anti trafficking governance system, is not also the central subject of this work as this opens many other areas of researches; still the author will, in a part, approach it from another isolated perspective. The prevention, in contrary, will be more elaborated, as by many counter trafficking actors have highlighted that it is the most important part of the combat.

The upper mentioned structure is kept as much as possible, but this will not be done on the account of the trustworthiness of this document. The different aspects of the problem in reality can not be always precisely separated one from another but they are always linked, sharing certain elements. In this context is the fact that the countries of origin, transport and destination in practice are not precisely divided, but there are general trends between different countries. In this work the auteur will follow these general trends. Also tackling each of the European countries is not possible due to the time restrictions of this work as well as the availability of information. The most symptomatic ones and those on which the information is available, will be subject of this work.

The same is concerning the different measures of the FATHB as they are also strongly linked between themselves or there are certain actions that are tackling each of the stages of THB. For instance the “border control” even it is countdown as a measure within the prosecution, the author is approaching it within the measures of prevention..

I. Definitions and Terminology

Trafficking in Human Beings

"Trafficking in human beings" shall mean 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 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.¹

This definition was given firstly with the **UN Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women**

and Children 2000, and the same was adopted by the Council of Europe and European Community law.

The problem of THB has been often mixed up with the problem of **smuggling of illegal migrants and the prostitution.**

But these are considerably different problems even though in certain cases of THB there are elements of the other two.

Smuggling of migrants

UN Palermo Protocol against the smuggling of migrants by land, sea and air 2000, is defining this problem as following:

“Smuggling of migrants” shall mean 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.

Once the act of smuggling is finished the migrants are free from their smugglers, because in most of the cases the service has been paid in advance. This is not the case with the trafficking, where the migrants after crossing the border are exploited by their traffickers. In many cases the

¹ Article 3 of the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, supplementing the United Nations Convention Against Transnational Organized Crime (please see the full text at http://www.unodc.org/unodc/en/crime_cicp_convention.html)

roads of the traffickers and those of the smugglers are identical, which is one of the reasons why sometimes they have been linked. Georgiana Vaz Cabral in her book on THB is pointing out that the definition of the both should be clear in order to be understood that smuggling is “disturbing of the public order” and the THB is “crime against a person”.¹

The other factor that contributes strongly to the distinction of these two problems is the fact that the THB can be realized without having any element of smuggling, this especially is the case in the internal trafficking (see chapter III.4), which is THB completely realized within the borders of one country. Furthermore, the victim of THB is not necessarily always with illegal status in the country of destination for example when the trafficking is circulating between the two countries where there is a bilateral agreement of free movement of their citizens.

Prostitution

*Prostitution, the performance of sexual acts solely for the purpose of material gain. Persons prostitute themselves when they grant sexual favours to others in exchange for money, gifts, or other payment and doing so, use their bodies as commodities. In legal terms, the word prostitute refers only to those who engage overtly in such sexual-economic transactions, usually for a specified sum of money.*²

In the THB the prostitution can be just one way of exploitation of the victim, and from the definition we see that there are other ways of doing it: “other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.

¹ « Le traite des êtres humains » -Georgiana Vaz Cabral, *La Decouverte*, Paris 2006 p.17

²“Prostitution,” *Microsoft® Encarta® 97 Encyclopedia*. © 1993-1996 Microsoft Corporation. All rights reserved.

For example Europol recognises the following forms of organised criminal exploitation:-

- Sexual exploitation
- Child pornography
- Illicit trade in abandoned children
- Illicit labour
- Illicit trade in human organs and tissue;

But the most of its activities in connection with combating trafficking in human beings are in relation to sexual exploitation.¹ Therefore this work will be focused as well on this form of exploitation.

In the prostitution the person is “voluntarily granting sexual favours” in exchange of material gain, and in the case of trafficking the victim is “forced” to prostitution by her traffickers and in most of the cases does not gain anything in return or very little. (see chapter III.3)

This confusion with the both mentioned problems different from the trafficking, is actually pointing out a serious illusion. In both, smuggling and prostitution, the actors are discredited by the public or criminalized by the law as they are the ones that are acting oppositely of the public order or moral values, but in the case of the THB the persons involved are victims and they are subjects of someone else’s criminal acting.

The fact that these acts are confused is contributing to the one of the biggest problem in the FATHB, that of disgracing the victims, and the undeserved treatment that they get by the authorities and the wider public because of that. (This will be further on in this work more precisely explained.)

¹ “*trafficking human beings in the european union: a europol perspective* » EUROPOL May 2007

But if one takes a look on the following definition:

“**Slavery**, social institution defined by law and custom as the most absolute involuntary form of human servitude. The definitive characteristics of slaves are as follows: their labour or services are obtained through force; their physical beings are regarded as the property of another person, their owner; and they are entirely subject to their owner's will. Since earliest times slaves have been legally defined as things; therefore, they could, among other possibilities, be bought, sold, traded, given as a gift, or pledged for a debt by their owner, usually without any recourse to personal or legal objection or restraint. “¹

It is much evident that the THB is a form of slavery rather than form of illegal migration or prostitution, but still in many occasions when this issue is a subject of decision making process it tends to be a subtitle of the last two.

Each case of THB has the same or almost the same elements of slavery but not each of them, as mentioned, has elements of smuggling of illegal migrants or of prostitution. But one will hardly imagine that in democratic states will be decided that a part of the budget is meant to be spent on the fight against SLAVERY.

¹"Slavery," *Microsoft® Encarta® 97 Encyclopedia*. © 1993-1996 Microsoft Corporation. All rights reserved.

II. Historical Background

The problem of trafficking in human beings by many experts has been categorized as a new one but this at no means depends on how it is perceived. If one perceives it as a form of slavery, which has also been done by other experts, then it is evident that its origin goes backwards in the early history of humanity and its continuation in the modern times is indicating that the slavery is one of the ever going maladies of the humanity. Its abolishment has contributed to its rapid decreasing, but also to new kinds of slavery, adapted to the modern communities and their laws, that sometimes are difficult to be recognised as such.

If one keeps in mind this, we can say that the THB as a modern slavery has been remarked by the wider public for the first time in the seventies with the first wave of Asiatic women and the massive sex tourism in Thailand.¹, then the second wave of South American women and girls, the third wave of African women from Ghana and Nigeria, and in the nineties the wave of girls from Eastern Europe.² However, the existence of the problem was evident even before that, but as the states could not know how to define it and treat it, was forgotten in the past together with the failure of “Protocol signed at Lake Success, New York, on 4 May 1949, amending the International Agreement for the Suppression of the White Slave Traffic, signed at Paris on 18 May 1904, and the International Convention for the Suppression of the White Slave Traffic, signed at Paris on 4 May 1910”³.

¹ “In the years 1950 and 1960 there were effected important American investments because of the strategically reason. These investments implied transfer of money and men that served in the American military bases. That is how Pattaya became the first centre of sex tourism in the world”- *Prostitution : Un “marché” comme un autre ? - par Florence Degavre*, Revue Démocratie, 1999

² “ *Prostitution, le désire mystifié*” – Max Chaleil, l’Aventure, Paris, 2002, p.44

³ “*Treaty Series- Treaties and international agreements registered or filed and recorded with the Secretariat of the United Nations*” UN 1949, available at http://untreaty.un.org/unts/1_60000/1/32/00001586.pdf

But the THB in the sense that has been given to it in our days is perceived that has been born with the breaking down of the East-West block structure since this was an important moment in the history. In West European countries the emergent of the problem is also very often explained as a consequence of this historical moment since the Eastern European countries opened their borders and this provoked a significant number of women and girls to be trafficked from there. “But it has taken on an added dimension in this era of globalisation with certain of its disruptive effects, like weak economies and few job opportunities - especially for women - in many countries of transition and given low or no risk of prosecution, enormous profit potential for the traffickers and last but not least improved international transportation infrastructures.”¹

The “Schengen wall” and the others strict policies on movement of men and women contributed to the figures of THB as well by making the legal migration almost impossible. The aspiration for simple travelling for the certain categories of citizens has become not realistic as well. This served well to the criminal groups that have taken advantage of it by offering their ways of moving across the borders where the final destination it turns often to be different from the one wished on the first place.

Even though the biggest wave in THB in Europe was going one from the poorest eastern countries to the richer countries in the Western Europe, in the Balkans there were emerging different trends, that could not have always been explained with the sentence “from poor to rich countries” but rather with the reasons like the conflicts, the high activity of the organized criminal groups in the certain regions, the gender discrimination and other specific reasons that were also leading to the internal THB (see page 31).

¹ “THB- The ugly face of Europe” Dr. Helga Konrad, Stability Pact for SEE , September 2002, p.5

“The public awareness for this problem in the western Europe has been raised with the reveal of the affair Dutroux¹ and the publishing of the book “ *Elle sont si gentilles, monsieur*” in the early 90ties when the politicians have started to take more seriously in consideration this problem.

The life of the victims has inspired many journalist, writers and film workers ² some of them looking for sensational topics the others with the additional wish to contribute to the fight against this evil. In 2002 the life of Danguole Rasalaiate a 16 year old Russian girl who was trafficked in Sweden and forced to prostitution there, where after one year she committed suicide, was reproduced in the film **Lilya 4-ever** which was used for the IOM campaign against THB. The author of this film Lukas Moodysson stated: ““Lilya” is a statement about human dignity, a quality that is constantly being eroded and corrupted in the world today by forces like political systems and a materialistic culture that allows anything and everything to be bought or sold.”³

On the political level, the presence of the problem was obvious, there was also a clear awareness that it can be only treated on international level, but still, “the effort of international community has not given any results till the year 2000, when the **UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children** was adopted in Palermo, Italy (the “Palermo Protocol”) that have supplemented the **UN Convention Against Transnational Organised Crime.**”⁴

This Protocol, by defining trafficking as a human rights violation, has contributed to a wider recognition of the nature of this form as contemporary slavery. The international commitment to combat trafficking

¹ This affair have taking place in Belgium in 1995 and 1996, and the main protagonist was Marc Dutroux who amongst the rest was accused for raping and murder of children and adolescents. This affair has revealed the inefficiency of the Belgian justice system and its police. For more see “*dossier pédophilie – Le scandale de l’affaire Dutroux*” - Flamamrion, 2001

² « Le traite des êtres humains » -Georgina Vaz Cabral, *La Decouverte*, Paris 2006 p.7

³ Interview for *indiewire* internet magazine, last seen 08.04.2008 at

http://www.indiewire.com/people/people_030423moody.html

⁴ “ *advance training for fight against organized crime*” Edition: Organised Crime – project of TEMPUS and KARDS programme , Skopje, 2002, p.150 by prof. dr. Oliver Bacanovik

in human beings, as well as the regional one, when speaking of European Union has been confirmed in the Millennium Declaration. It is upon this protocol that the state, the international, regional and national bodies and organisation have started more seriously to develop their counter trafficking measures and strategies.¹

The estimations on how many victims have been trafficked are varying since the illegal character of the problem does not allow a real quantitative analyzing.

“ILO estimates that there are 12.3 million of people that are victims of forced work, and more than 2.4 million of them have been trafficked.”² “At the regional level, the European Commission (EC) reported in March 2001 that an “estimated 120,000 women and children are being trafficked into Western Europe each year.”³

All this figures should serve just as indicators as there are just estimation and can not revealed the real situation as this as mentioned is not possible.

The fact that this problem has been valuated as a growing one⁴ in the last 15 years is due to its profitable nature, the involvement of the low level or no risk for the traffickers which on other hand is due to other much complicate factors such as unstable institutions, omni present criminal groups, corrupted officials, as conflict situations and other pathologies of the countries of transitions.

Is also estimate to be “the third biggest criminal business worldwide, after drug trafficking and trafficking of weapons as one of the most lucrative criminal enterprises, which has its own long established criminal industry

¹ “*trafficking in Human Beings – a guidance note*”- UNDP, Europe and the CIS, Bratislava Regional Centre, *UNDP*, September 2004, p. 5 and 6

² « *Le traite des êtres humains* » -Georgina Vaz Cabral, *La Decouverte*, Paris 2006 p.7

³ “*Developing better indicators of human trafficking*” Frank Laczko and Marco Gramegna IOM, Geneva, 2003 by the Brown Journal of World Affairs p.179

⁴ In the most of the studies available on THB, it has been defined as growing activity, but this can not be said for sure as starting from the 2000 there were many counter THB measures taken. This problem will be commented further on in this work.

connected with related activities such as money laundering, drug trafficking, document forgery, smuggling etc.”¹One of the biggest advantages of the THB for the traffickers is seems to be the living nature of the trading “goods”. “The women can be sold several times repeatedly, not like the weapons and drogues that can be sold just ones. Even more, when the woman is traded, one can trade with weapons and drogues as well, because the woman can take them across the border.”²

The profit that the organized crime work is gaining with the THB activities has been estimate to be “more than 60 billion euros, worldwide.”³The other sources according to the latest estimation done by ILO “the global profits of trafficking human beings are around \$31.6 billion annually.”⁴It is not possible to have exact data on the profitability of this activity and any indicators given as much as they can lead us to the real situation they can also lead us in wrong direction far from the truth. But the fact that the profit is very high stays evident, and what make this crime even more serious, is the many cases when this profit “is in function of additional financing of the entire organized crime in the countries and regions where these activities are taking place.”⁵

As a form of organized crime THB is one of the major security challenges but this is not its only dimension. The goods of trafficking are human beings and as such it represents the most humiliating form of the violence of the basic human rights. THB is not a challenge just for the counter – trafficking actors but for the humanity itself.

¹ “*Trafficking in Human Beings in Southeastern Europe*,” UNICEF, UNHCHR, OSCE/ODIHR, 2002, p.XIII available at electronic library of I.E.H.E.I.

² “*advance training for fight against organized crime*” Edition: Organised Crime – project of TEMPUS and KARDS programme , Skopje, 2002, p.152 by prof. dr. Oliver Bacanovik

³ “*National Referral Mechanisms - joining efforts to protect the rights of trafficked persons, a practical handbook* – OSCE/ODIHR, Warsaw 2004, p.86

⁴ “*An Introduction to Human Trafficking: Vulnerability, Impact and Action*”-UN.GIFT, UN office on drugs and crime, Vienna-UN, New York 2008, p.96

⁵ This was ascertained by Juliano Amato and Toni Blaire, taken from “*advance training for fight against organized crime*” Edition: Organised Crime – project of TEMPUS and KARDS programme , Skopje, 2002, p.150 by prof. dr. Oliver Bacanovik

III. The Process of Human Trafficking in Europe

III. 1. Countries of Origin

The countries from where most of the victims are originating are known as countries of origin.

Europol is recognizing the following countries of origin from where the victims are mostly trafficked within EU:

- Moldova, Ukraine, Bulgaria, Romania, Russian Federation, Nigeria, Albania;¹

But there are also the emerging countries of origin and those are the following:

- Germany, Lithuania, Poland

What is common for each of the countries of origin, according to EUROPOL is the presence of the so called "push" factors: high unemployment, labour market not open to women and gender discrimination, lack of opportunity to improve quality of life, sexual or ethnic discrimination, poverty, escaping persecution, violence or abuse, escaping human rights violations, collapse of social infrastructure, other environmental conditions including conflict and war perception of increased opportunities available in the EU"²

All these push factors are the same as those that we are using for explaining the motifs of immigration, which on the other hand sometimes can turn to

¹ "Trafficking Of Women And Children For Sexual Exploitation In The EU: The Involvement Of Western Balkans Organised Crime 2006"-Crimes against person unit, EUROPOL, p.4

² "trafficking human beings in the European union: a Europol perspective » EUROPOL May 2007 p. 3 available at http://www.europol.europa.eu/publications/Serious_Crime_Overviews/THB_FactSheet2007.pdf

be “successful story” where the immigrant has not been necessarily trafficked.

That is to say that the quoted factors are not direct factors for the THB, in order that they can lead to THB they should be linked with the certain circumstances and one of these is: the presence of the criminal groups or individuals that are recruiting the potential victims and by that setting the process of trafficking. In some countries this organized criminal groups have prevailed all the state institutions, that there is no credible body that can prevent the potential victims. This is the case with the “high corrupted “states”¹” as such as Kosovo where actually the government is “ruled by activities of mafia gangs, in which ranks senior local and international politicians, who have no interest in a rule-of-law state, are involved. The goal of this network, according to BND report, is to turn Kosovo into a suitable political terrain for their criminal activities.”²

The “sexual or ethnic discrimination” categorized as a push factor, means that this unhappy circumstance make women leave their countries, which expose them on risk to be trafficked. But this factor has another dimension as well, that directly strengthens the effectiveness and the “cause” of the organized crime group. In the society dominated by men, the women are seen as living objects and as such they can be sold and bought. In the circumstances when the gender discrimination, on the benefit of the male, is seen as the natural state of the human society, the crime group can act with the support of the society itself as it happens in Kosovo and Albania as the more adequate example, where “cases are reported, of families selling their underage daughters to traffickers for prostitution”³

¹ This reference stands for the new defined status of Kosovo.

² “Berliner Zeitung”, BND- analyze archive 07.08.2006 available at <http://www.berlinonline.de/berliner-zeitung/archiv/.bin/dump.fcgi/2006/0807/politik/0037/index.html>

³ “*Trafficking in women and children in Europe*” Martti Lehti, HEUNI Paper No. 18, 2003, p.25 available at <http://www.heuni.fi>

This is also happening within the villages inhabited by the Albanian ethnic group in Macedonia, where recently a father have soled his 9 years daughter to a bar owner for about 100 euros, where she had to entertained the gests. The case was reported only by the school teacher of the girl, as she was missing from the classes, even though the bar was quite frequented and situated in the centre of the village.¹

In Kosovo in the year 2003 and 2004 most of the assisted VoT² had an existing relationship with the recruiter – 83, 5 % in 2003 and 84, 5 % in 2004. Most Kosovar VoT were recruited by friend and noteworthy percentage by the family member.³

This indicates that the cases in Albania, Kosovo and West Macedonia (mainly populated by the members of the Albanian ethnic community should be categorized separately when defining the counter trafficking efforts as here the recruiters are coming from the women's immediate and intimate environment.

The kidnapping, as a form of recruitment also popular between the Albanian gangs,⁴ for one more time is witnessing that the push factors given as reason of immigration are explaining just one possible aspect of the reasons of trafficking but they are not giving explanation for each case of trafficking. These factors are loosing their sense in the recruitment with means of kidnapping, when we can imagine that the VoT has not considered leaving the country of permanent residence at all.

¹ Dnevnik ,05. 04. 2008 last seen on 07.05.2008 at <http://www.dnevnik.com.mk/?itemID=3FC2B7004E1BD0479F8C97019CE3CB8D&arc=1>

² The term "assisted" in this work is standing for the VoT that took part in programmes for assisting the former VoT, organized by the NGO under the umbrella of the IOM or IOM itself

³ « *Second annual report on Victims on Trafficking in South-Eastern Europe 2005* » - Rebecca Surtees, Regional Cleaning Point, IOM, 2005, Switzerland , Kosovo p. 278

⁴ « *L'économie des Organisations Criminelles Transnationales - Blanchiment, lutte et déséquilibre* »s , GORGUES Vincent, FONDATION POUR LA RECHERCHE STRATEGIQUE, Paris, 2002, p. 30

The recruitment process in other countries is prevailed by other ways. If we take the example of Republic of Moldova as one of the major origin country the recruiters in 2003 and 2004 were mostly defined as “strangers”, which it might be employment agency, advertisement offering work abroad as dancer, hotel staff, waitresses, child – minders or housekeepers. In the same years in Romania and in Bulgaria, the “strangers” as recruiter were mentioned in about 20 percent of the cases, whereby a new ways of recruitment seems to become more common. In Romania this will be the appearance of so called “lover boy”, where the man starts relationship with the girl in order to traffic her further on. In Bulgaria the trafficking trough someone known to them (close or distant) is the recruiter in the most of the cases. Some of the other methods of recruitment worth to be mentioned, used in Romania, Moldova and Bulgaria, were kidnapping, recruitment in the destination countries once the VoT have migrated, the offer of working as a cultural dancer of traditional dances which can appear undoubtedly legal, the “legal agent” with whom seemingly legal working contract was signed,¹ which defers from the cliché of the “fellow countrymen that address the girl directly in location such as bar and discotheques.”²

The recruitment by means of “false offers and promises” can be done orally, through journal, but more and more commonly via the Internet as the rapid information technologies have opened many new opportunities for the traffickers. The two methods primarily to recruit VoT are:

1. Spurious job advertisements, marriage and date agencies and etc.
2. Chat rooms.

In the research that was done by Council of Europe, there have been found about 128 000 “suspect” (there is no evidence that they are certainly linked

¹ « *Second annual report on Victims on Trafficking in South-Eastern Europe 2005*» - Rebecca Surtees, Regional Cleaning Point, IOM, 2005, Switzerland , Moldova p. 351, Bulgaria p. 177, Romania p.448

² “*Human Trafficking in Germany*”p.4

with THB) internet sites that are advertising marriage, escorts, modelling, dating, etc.¹

The question is who are the target group of the traffickers? If we turn back one more time to the push factors of trafficking, and if we add the pull factors (as defined further in chapter III. 3 of this work), the logical response is that the potential VoT are those willing to immigrate, or particularly those who are willing to do so illegally.

The Europol will say: “Poverty and the hope or expectations of a more prosperous future are the vulnerabilities that are exploited by the traffickers when they set out to recruit or lure their victims. It is therefore clear that there are many potential sources of victims around the world.”² But as we have seen from the means of recruitment, this can not always be the case.

The nationality of the VoT is that of the countries of origin, but within them there are certain ethnic groups that are believed to be more vulnerable than the others, such as the Albanian girls in Macedonia as we have seen from the recent example.

The trend when the percentage of the Roma girls and women as VoT, comparing to their actual percentage in different society is quite high as it is the case with the Montenegrin VoT where 80% are Roma and with the Macedonian VoT,³ is appointing that in some countries the belonging to one ethnic group which is marked with the specific culture as well as specific economic and social characteristics, are also contributing to the possibility to be recruited. But even though the vulnerability of the Roma

¹ “ *Misuse of the Internet for the recruitment of victims* ” - Athanassia P. Sykiotou, Directorate General of Human Rights and Legal Affairs, Council of Europe 2007 p. 8, 31, 32

² “ *trafficking human beings in the European union: a Europol perspective* » EUROPOL May 2007 p.1 available at

http://www.europol.europa.eu/publications/Serious_Crime_Overviews/THB_FactSheet2007.pdf

³ « *Second annual report on Victims on Trafficking in South-Eastern Europe 2005* » - Rebecca Surtees, Regional Cleaning Point, IOM, 2005, Switzerland , Montenegro p. 417 ; Macedonia p. 319

people can be taken as common, still this seems not to be the case with the assisted Romanian VoT in 2003 and 2004 when there was just one Roma victim assisted each year. But on the other hand, there is an open question on whether the number and the ethnicity of the *assisted* VoT are compatible to the real situation on the field.¹

Even though the stage of recruitment is meant to take place in the country of origin this is far of being a rule, as mentioned this can happen, ones the VoT have came in the country of destination, either legally or not, but these can also happen while the potential VoT are in the stage of transit, in certain transit country when one has aimed immigration or simple travelling.

III. 2. Countries of Transit

The country trough which large numbers of victims are trafficked or repatriated are categorized as countries of transit.²

“Interpol reports that ‘the most mentioned countries of transit are’:

- Hungary
- Poland
- Romania
- Austria
- Germany
- Serbia & Montenegro”³

¹ « *Second annual report on Victims on Trafficking in South-Eastern Europe 2005* » - Rebecca Surtees, Regional Cleaning Point, IOM, 2005, Switzerland , Romania p. 440

² “*NATIONAL REFERRAL MECHANISMS Joining Efforts to Protect the Rights of Trafficked Persons*

A Practical Handbook » - OSCE/ODIHR 2004, Warsaw p.36

³ “*Trafficking Of Women And Children For Sexual Exploitation In The EU: The Involvement Of Western Balkans Organised Crime 2006*”-Crimes against person unit, EUROPOL, p.16

It will be far wrong to say that those countries can be only classified as transit as most of them are also destination (Germany, Austria, Poland, and Hungary) and Romania is one of the biggest origin countries. Further, there is no country in Europe that is not affected by THB, and in this list we can add as well Bosnia, Czech Republic, Greece, Macedonia, Slovenia, Italy and others.¹

To the conclusion that many country of destination can be as well of transit, is contributing the fact that the VoT are very often displaced from one country to another, as one of the methods that the traffickers are using, to prevent them to adapt to the environment and to possibly find the way out.² In this stage the victims are transferred from the country of origin to their destination where they will be exploited, but what happens often is that in this period the victims are tortured in very inhuman manner in order to make them realize that they are owned by their traffickers, and in this way ones they will reach the destination, they will give up from opposing and will do their duties of “prostitutes” obediently.³

While transported they are sold from one criminals to the others and each of them is trying to take advantage of them. “The Moldavian girls are needed one month to arrive in Albania, the passers are forcing them to prostitute themselves on the rout as they also want to earn from the opportunity to own them. One girl can be resold few times before reaching the destination, depending on the passer or the criminal network”⁴

The point of entering the country of transit or destination is the stage when the THB is confronted with the smuggling of immigrants, as the methods of crossing the borders are the same for both but also the same Criminal

¹ For more info see heuni report “*Trafficking in women and children in Europe*” Martti Lehti, HEUNI Paper No. 18, 2003, p.25 available at <http://www.heuni.fi>, p.10

² « *Le traite des êtres humains* » -Georgina Vaz Cabral, *La Decouverte*, Paris 2006 p. 97

³ “*advance training for fight against organized crime*” Edition: Organised Crime – project of TEMPUS and KARDS programme , Skopje, 2002, p.162 by prof. dr. Oliver Bacanovik

⁴ « *femmes dans les griffes des aigles* » Hermine Bokhorst, op.cit., p.37, quoted in « *Le traite des êtres humains* » -Georgina Vaz Cabral, *La Decouverte*, Paris 2006 p.63

groups could organize the trafficking and smuggling both. This certainly is not adequate conclusion for the internal trafficking (see chapter III. 4.)

There are two typical methods of entering the country of transit or destination:

1. legally – by all regular means of transportation, by presenting the passports and visas;
2. illegally – through illegal passages along the green frontier ¹

“Traffickers prefer to transfer the victims by passenger motor vehicles, legally, using their own or counterfeit documents, but it is not infrequent that victims travel alone or accompanied by the traffickers, by taxis or other means of transportation (buses, airplanes, trains, etc.), and in some cases even on foot”²

When the country is highly corrupted it is much easier to transit the borders “legally”, so one can assume that these will be a favourite method between the criminal groups acting in those states estimated by Transparency international as highly corrupted.

The other circumstances from which traffickers are taking advantage whenever the countries of South Eastern Europe is targeted as transit or destination one, is the non existence of strict visa regimes or no visa regimes at all which facilitates the crossing of the borders in legal way. In these circumstances the responsibilities of the border police and the custom authorities are much more challenging comparing with those in the Schengen regime where the border workers are sharing their responsibilities with the embassy officials.

The Western Balkans, where the collapsing of the Albanian state in 1997, the undefined status of Kosovo and the ethnic conflicts in the Macedonia

¹ These information are taken from the Macedonian experience, as Macedonia does not have sea frontiers the other possible trafficking via the blue frontier are not mentioned

² “*Practicum On The Combat Against Trafficking In Human Beings And Illegal Migration*” – IOM Skopje, p.17

have refrained the guarding of the borders, have become “Eldorado” for the Albanian traffickers who can in these conditions run their business with law risks. The border between Macedonia and Kosovo for instance is not even marked yet.

The experience of the Schengen States, in this sense, must be different regarding the transit stage. In certain of the cases the crossing of the border is legal as the victims are possessing tourist or professional visa for three months, but once over passing the indicated duration their status is changing in illegal. The way of obtaining their visas can also be a subject of illegality, mostly with the help of corrupted civil servants or by making false ones.¹ Europol is mentioning some additional ways such as “the look a like method” (when the immigrant is using someone else’s passport to which it takes after) and the involvement of legal business structures which by false invitations are helping the illegal act.²

“The illegal routs through land and sea borders via EU for THB are not specific but they are confronted with those of smuggling of illegal migrants.”³

Europol is listing the following routs of smuggling of illegal immigrants:

- “The North African and West African Atlantic Coast, travelling through Africa and targeting primarily Italy, Malta and Spain.
- The Eastern Mediterranean route targets primarily Greece, making use of Turkey and the Middle Eastern countries as transit countries.
- The Balkan route uses the countries in the Western Balkans as transit countries, targeting the neighbouring EU states of Greece, Italy, Slovenia, Austria, Bulgaria, Romania and Hungary as entry points into the EU.

¹ « *Le traite des êtres humains* » -Georgina Vaz Cabral, *La Decouverte*, Paris 2006 p. 63

² “*Facilitated Illegal Immigration Into The European Union*”- EUROPOL, 2008, p.4 and 5 available at

http://www.europol.europa.eu/publications/Serious_Crime_Overviews/Facilitated_illegal_immigration_2008.pdf

³ « *Le traite des êtres humains* » -Georgina Vaz Cabral, *La Decouverte*, Paris 2006 p. 64

- The Central and Eastern European route uses the former Soviet Union states of Russia, Ukraine, Moldova and Belarus as transit areas to enter the EU via

Poland, the Czech and Slovak republics as well as Hungary, Bulgaria and Romania.

- The Baltic route for the purpose of facilitated illegal immigration via the Baltic countries towards Scandinavia. Recently there has been limited use of this one.”¹

Is interesting to see how the routes are changing regarding the measure taken of strengthening the border control and widening the Schengen regime. What in 2003² was estimated to be the most exploited route for illegal crossing, the Baltic one, now is the one through the Balkans, especially through the new EU member states Romania and Bulgaria. Since 2004 the Baltic States have entered in the EU followed by their entrance in 2008 in the Schengen zone and thus strengthening the protection of their external borders, they have become less “attractive” for the smugglers.

III. 3. Countries of Destination

The countries of destination are those where the exploitation of the VoT, is taking place and where the so called pull factors are present:

“· improved standard and quality of life

· better higher education prospects

· no discrimination or abuse

· enforcement of minimum standards and individual rights

· better employment opportunities

· demand for cheap labour

¹ “*Facilitated Illegal Immigration Into The European Union*”- EUROPOL, 2008, p. 2 available at http://www.europol.europa.eu/publications/Serious_Crime_Overviews/Facilitated_illegal_immigration_2008.pdf

² Crime assessment. THB in EU, La Haye, oct. 2001 ; Rapport sur la criminalité organisée dans l’UE, dossier n° 2530-132, La Haye, 2003 quoted in « *Le traite des êtres humains* » -Georgina Vaz Cabral, *La Découverte*, Paris 2006 p. 65

- demand by men looking for commercial sex
- higher salaries and better working conditions
- demand for workers within the sex industry and higher earnings

These countries within EU are: Germany, Austria, France, United Kingdom, The Netherlands, Belgium, Spain, and Italy. ¹

One again is worth to mention, most of these factors are also given for explaining the attractiveness of these countries for migration, but in the particular case of THB the importance is given also to the sex demands in the markets of the destination countries. Regarding some other experts, the “decadence of the occidental societies”² is also a pull factor for THB in the Western Europe.

In the situation with the SEE where the destination countries are Macedonia, Kosovo and Albania, the other factors are having the attraction power, from which still the most important are the demand of the sex, as a condition sine qua non. This condition should be recognized to be of major importance whatever the country of destination is because the economic situation in one country is not direct and necessary factor by itself for THB, as the cases of Macedonia, Albania and Kosovo which as countries in development, but still destination for trafficking, are showing it.³

The demand in Kosovo, during the conflict, was determined above all with the presence of the international organisations and peace keeping missions; this was also influencing on the demand in Macedonia⁴, due to the small geographical distance with Kosovo.

¹ “*trafficking human beings in the European union: a Europol perspective* » EUROPOL May 2007 p.3 available at

http://www.europol.europa.eu/publications/Serious_Crime_Overviews/THB_FactSheet2007.pdf

² “*Prostitution, le désire mystifié*” – Max Chaleil, L’Aventure, Paris, 2002, p.43

³ One should not exclude the factor of willingness of immigrating as a contributor to many cases of cross border THB, nevertheless in this work the author tries to approach to this problem from the other additional aspect that so far have been less considered.

⁴ Their are information that the « hospitality establishments » where the THB was taking place Western Macedonia, were mostly visited by the representatives of KFOR and other international missions and organisation. See “*advance training for fight against organized crime*” Edition:

The question which is imposing is whether there are some other consumers in this region different from those mentioned above. As described in annex 1 the sex services were used also from the former members of UCK (Albanian acronym for KLA Albanian Liberation Army).

If we take in consideration that the profit of this crime is high, and that this is as well a push factor for THB, it is evident that the sex services are available to those that can pay for them.

This very simple conclusion is giving a hint on the possible clients in Macedonia, Kosovo and Albania where the average monthly wages are accordingly around 250 euros in Macedonia (35 % unemployment)¹, in Kosovo, 150euros with unemployment rate of 39,7%²,and in Albania the average wages 160euros and unemployment 16%³. In these countries the ones that can afford to be clients, are not many, but if there are incomes from illegal activities the other conclusion is imposing, that the clients can also be different criminals or those in some kind of relation with the criminals.

The existence of different “Hospitality buildings” in western Macedonia where the police is not able to approach⁴ and investigate or is not trying to as the case in Kosovo (see annex 1) and where there are information that the THB is taking place is testifying that in these regions the services of VoT are as well “luxury” for the certain hermetic criminal groups.

In the earlier mentioned case, on page 17 of this work, when the father sold his daughter to the bar owner in village with ethnic Albanians in Macedonia, the local people from the village stated “ *there are different*

Organised Crime – project of TEMPUS and KARDS programme , Skopje, 2002, p.158 by prof. dr. Oliver Bacanovik

¹ RM state statistical office 02.2008– available at www.stat.gov.mk/english/glavna_eng.asp last seen may 2008

² “Kosovo in figures 2005» Provisional Institutions of Self Government, 2006 available at <http://www.euinkosovo.org/upload/Kosovo%20in%20figures%202005%20-%20General%20statistics.pdf> last seen may 2008

³ “Summary Of Key Macroeconomic Indicators In South East Europe May 2006”-OCDE available at www.oecd.org/dataoecd/50/16/36758426.ppt last seen may 2008

⁴ “ *advance training for fight against organized crime*” Edition: Organised Crime – project of TEMPUS and KARDS programme , Skopje, 2002, p.158 by prof. dr. Oliver Bacanovik

people coming to the bar, most of them criminals or suspicious persons from the other villages,... during the plain day there are provocatively dressed girls coming and leaving...sometimes there are problems in the bar, the last year someone have thrown a bomb in front of it, but it was an other owner than...a while after that the bar was set on fire, however, soon after it was renovated...”¹

In the European Union the sex services much more available as sometimes the prizes can be really low, especially since opening of the market for the girls of Eastern Europe. For the Albanian prostitutes the prices can be lower than 20 euros for intercourse as we will see in the example that follows. In such circumstances, if we not take in the consideration the psychological profile of the client, we can not talk about the “privilege” category of citizens that can afford the sex services.

The exploitation, primary is sexual, and it is for the aim of the prostitution or for the aims of pornography and sex services on line (thus it can be telephonic², or even more often in our days, established via the Web)³, or services of the striptease dancing. In many cases of THB the exploitation in this context can be combination of two or the three kinds mentioned. ⁴ In this work the subject will be put on the exploitation in form of prostitution as the problem of trafficking is often tended to be confronted with prostitution but also because is the most frequent form of sexual exploitation as already mentioned.

¹ Dnevnik ,05. 04. 2008 last seen on 07.05.2008 at <http://www.dnevnik.com.mk/?itemID=3FC2B7004E1BD0479F8C97019CE3CB8D&arc=1>

² For more see« *Le traite des êtres humains* » -Georgina Vaz Cabral, *La Decouverte*, Paris 2006 p. 116

³ For more see“ *Misuse of the Internet for the recruitment of victims*” - Athanassia P. Sykiotou, Directorate General of Human Rights and Legal Affairs, Council of Europe 2007 p. 7

⁴In IOM criminal assesment was reported that the victims kept in the private houses was in addition obliged to perform life sex shows on internet, other two Romanian sisters was forced to work as a strip tiers dancers in a house in the forest « *Second annual report on Victims on Trafficking in South-Eastern Europe 2005*» - Rebecca Surtees, Regional Cleaning Point, IOM, 2005, Switzerland , B&H p. 130

In the case of the THB, comparing to the prostitution, the pimp is owner of the girls. The relation between them is those of master and slave. The VoT have been bought as an object and that is how they will be treated, in the eyes of their masters there are not human beings at all, they are just “whores and flash from which they can earn money”¹. They are constantly violated sexually, physically and mentally. They are forced to “maximal sexual exploitation sometimes up to 20 hours per day that does not have just profit aims but also its aim is to destroy the VoT mentally. She can not have time to be on her own and try partly to cope with the situation or possibly to start planning some sort of action for her rescuing. The traffickers are trying to convince her that what is happening to her is nobody’s fault but hers because she owns money as she has been bought, and therefore she should work and pay back her debt.”² But she can never do this because she is almost not paid at all. “The pimps always find excuse not to pay to the VoT, for example if the client asks the VoT to do something and they refuse, he will complain afterwards to the pimp. This will be excuse to the pimp not to pay to the VoT”³

The other examples are showing that the VoT are symbolically paid but always because this is seen to be of the benefit of the “business”, as the VoT will get more attached to the owner by being grateful and dissuade them from seeking assistance. But even if the VoT is paid for her work, they can not escape as they do not have any freedom of movement, they are isolated and controlled and in many cases they do not even have access to the system of medical care.⁴

¹ “sex slaves” – documentary FRONTLINE Boston 2006, interview with VoT,

² During the act of selling to the victims is order to get nicely dressed and to put make up, and when the buyer is coming he is looking them and choosing them, and then they should get their close of for him to see what kind of bodies do they have and whether they have certain anomalies. - Information from Macedonian Ministry of Internal Affairs, op. cit. p.7 quoted in “*advance training for fight against organized crime*” Edition: Organised Crime – project of TEMPUS and KARDS programme , Skopje, 2002, p.162 by prof. dr. Oliver Bacanovik

³ sex slaves” – documentary FRONTLINE Boston 2006, interview with VoT,

⁴ «*Second annual report on Victims on Trafficking in South-Eastern Europe 2005*» - Rebecca Surtees, Regional Cleaning Point, IOM, 2005, Switzerland , Albania p.73

It will be right to say that the experiences of each of the VoT is a case for itself, where the degrees and the ways of violations are different and depending on many different factors: the personal profile of the victim itself, some are more stubborn than the others¹, some are coping with the situation much easily and due to this they are less subject of violence. One factor can also be the country of destination, for example the girls trafficked in the Balkans, have complained to be much subject to the violence than those trafficked in EU countries.² One other factor, that might count the most, is certainly the criminal networks to which the traffickers are belonging.

There are different criminal groups that are running the exploitation in European Union, some of them are: the Russian much present in the Northern Europe and most isolated Greece Ireland, Lithuanian, Romanian, Bulgarian and Albanian.

The Albanian group is most interesting for this work, as it has expanded really rapidly the last 10 years.³ It was estimated that the Albanian criminal network has around 30 000 women in prostitution in Italy and around 10 000 in Germany⁴. They are also running largely the prostitution market in Norway, where they are also in the control of the local heroin trade, and they are also largely present in Switzerland and United Kingdom.⁵

The other characteristic of the Albanian criminal groups are their brutality and inhumanity, which is very often described as the worst than the practices of all the others.

¹ sex slaves” – documentary FRONTLINE Boston 2006, interview with VoT

² « *Second annual report on Victims on Trafficking in South-Eastern Europe 2005* » - Rebecca Surtees, Regional Cleaning Point, IOM, 2005, Switzerland, Bulgaria p. 182

³ Organised Crime – project of TEMPUS and KARDS programme, Skopje, 2002, p.126 by prof. dr. Tome Batkovski

⁴ « *L'économie des Organisations Criminelles Transnationales - Blanchiment, lutte et déséquilibre* » s, GORGUES Vincent, FONDATION POUR LA RECHERCHE STRATEGIQUE, Paris, 2002, p. 30

⁵ “*Trafficking in women and children in Europe*” Martti Lehti, HEUNI Paper No. 18, 2003, p.25 available at <http://www.heuni.fi>, p.14

They are in charged of “making up the girls mind” and “educating” those that are refusing to prostitute themselves. In their brothels, named as “real concentration camps”¹ the victims are raped repeatedly, beaten, starved, and killed when escaped.²

The way how they are treated invoke compassions to other prostitutes even thought they are seen of being competition in the sex market:

*“the Albanian girls and the girls the East are breaking the prices... They are doing everything, anal and oral sex, without preservative, for not even 20 euros! We the Belgian girls, we end up being racist... But when I see what do they take...sometimes I wish to help them...I am paying them the meal sometimes, as a sandwich is already to much for those macs. Some of them look like children...Some times the Albanians are pimping the Belgian girls, but they are as much as violent as with the girls from their country of origin...”*³

This girls and women are obliged to listen to their master since they do not have any other choice left. They can not escape as the lives of their families will be put in danger. The traffickers, having wide criminal networks, know about their families and they are threatening them with their lives. Some of the victims are just afraid to escape since they can not cope with the eventual stigma ones coming back home after such a humiliating experience. The only thing that is left to them is to commit suicide⁴ or to accept their role of the victim.

As they have been constantly dehumanized, “not allowed to decide when or if she eats, when or if she can rest, and repeatedly, her body is injured and invaded [...] It can not be emphasized enough that in the context of

¹ Ch . Amiard Chef of Central Office of combat of the THB quoted in « *L'économie des Organisations Criminelles Transnationales - Blanchiment, lutte et déséquilibre* »s , GORGUES Vincent, FONDATION POUR LA RECHERCHE STRATEGIQUE, Paris, 2002, p. 30

² “ *Prostitution, le désire mystifié*” – Max Chaleil, l'Aventure, Paris, 2002, p.51

³ « *Le traite des êtres humains* » -Georgina Vaz Cabral, *La Decouverte*, Paris 2006 p. 106

⁴ *advance training for fight against organized crime*” Edition: Organised Crime – project of TEMPUS and KARDS programme , Skopje, 2002, p.163 by prof. dr. Oliver Bacanovik

trafficking, by definition, the victim's point of view is not taken into account at all. This constant violence and emotional pressure places the VoT in a situation where they learn to accept anything. All of their means and abilities to respond to or face danger are annihilated¹ or what in the medical terms is known as "learned helplessness"²

Some others VoT go on the other side of the extreme by becoming accomplices in the crime and recruiting other new victims³. In this way the crime has even succeed beyond its proper goals creating even stronger crime structure and opening the new challenges for the counter - THB actors.

III. 4. Internal Trafficking

The trafficking within the borders of one country is known as internal trafficking. In this case we can not talk of country of origin, transit and destination as all the stages of trafficking, the recruitment, the transport and the exploitation are taking place in one country.

In these circumstances there is no any sense of linking the THB with illegal migration. Or even more, the so called push and pull factors of trafficking

¹ "Psychosocial support to groups of Victims of Human Trafficking in Transit Situation" - General Considerations on the Psychological Aspects of the Trafficking Phenomenon - Diana Tudarache, IOM Geneva, 2004 p.21

² "Dr. Martin Seligman studied the effects of constant coercive actions on animals. The subjects normally started to lose weight, to be agitated and depressed, and when they were allowed to escape, their responses ranged from complete inability to move to avoidance behaviour"; see "Psychosocial support to groups of Victims of Human Trafficking in Transit Situation" - General Considerations on the Psychological Aspects of the Trafficking Phenomenon - Diana Tudarache, IOM Geneva, 2004 p.21

³ "There continues to be an increase in the use of female traffickers/pimps, usually of the same nationality as the victims and often ex-victims themselves, who control the victims and guarantee their cooperation. in some instances she is the one who recruited the victims in their home country. she might be controlling the victims in a subtler manner however her influence is just as great, she knows their hometowns and addresses and can present realistic threats to locate them and their families if they escape. the victims fear her but also develop a sense of loyalty" - "The Changing Patterns And Trends Of Trafficking In Persons Within, To And Through The Balkan Region" IOM counter-trafficking service, may 2004, p. 6

mentioned the first on page 15 and the second on page 24 are not explaining this phenomenon at all.

This problem is more seriously studied as recently as the year 2005 but was detected as early as 2002, and was primarily linked with the countries of the Western Balkans.

In fact, the problem was evaluated as increasing one in Bosnia and Herzegovina where the percentage of the national victims in the assisted victims in 2002 was mere 2,9 but in 2004 reached 36, 7% of the assisted victims.

The case of Kosovo is even more serious as is considered to be the only place in the region with such a high number of internal trafficked persons. Only the number of the identified and assisted victims from 2000(when the increased of their number was detected) to 2004 was 568 but most of them have known many others internal victims that are not identified at all as such.¹

The other countries in the region where the internal trafficking is evident are Albania and Moldova. Where sometimes is due to prepare the victims for the trafficking abroad², but in most of the Albanian internal cases the domestic market is an aim by itself.³

On the other side of the scope we have also countries which are primarily countries of destination where the problem of internal trafficking has been revealed, such as UK, where the last 4 years they where in total 47 cases reported.⁴

Still, the case of Kosovo stays to be the most serious one and therefore the accent is on it.

¹ « *Second annual report on Victims on Trafficking in South-Eastern Europe 2005* » - Rebecca Surtees, Regional Cleaning Point, IOM, 2005, Switzerland , B & H p. 138 Kosovo p. 270

² « *The Changing Patterns And Trends Of Trafficking In Persons Within, To And Through The Balkan Region* » IOM counter-trafficking service, may 2004, p. 5

³ « *Le traite des êtres humains* » -Georgina Vaz Cabral, *La Decouverte*, Paris 2006 p. 80

⁴ « *A summary report mapping the scale of internal trafficking in the UK based on a survey of Barnardo's anti-sexual exploitation and missing services* » Andrea Marie (Barnardo's Research & Development) Paula Skidmore (London Metropolitan University) 2007

There are certain factors why the internal trafficking is as present as it is in Kosovo. The most quoted ones are “the lingering post conflict situation, rural poverty, the gender disparities and the existing criminal networks”¹.

I will certainly add the high demand as result of the presence of the international organisation and peacekeeping missions as mentioned, and the high corruption that allows no rule of law and no protection to the most vulnerable ones.

Especially in these societies which are marked with gender discrimination² and poverty the woman is target of many inhuman acts by the male population. What can one say in the many cases when “Albanian fathers are selling their daughters”, if the girls are not protected by their parents, at the first place, it is least possible that they could be from the wider surrounding. Furthermore in small countries as Kosovo, the crimes are difficult to pass unnoticed, if they are not subjects of investigation, it means that there is some kind of “approval” for the crimes committed (as one can get this impression by reading the statement in annex 1.) . In this function the corruption fits perfectly well by allowing the crime to be a more natural state of the society than the law order itself.

What can make even more attractive the internal trafficking for the criminal groups is the fact that the risks are lower since the stage of crossing the border is avoided but also the transport costs, which makes the crime not just less risky but less expensive as well.

¹ « *Second annual report on Victims on Trafficking in South-Eastern Europe 2005* » - Rebecca Surtees, Regional Cleaning Point, IOM, 2005, Switzerland , Kosovo p. 270

² « Women from certain parts of the ethnic Albanian and Romani communities did not have equal opportunities for employment and education due to traditional or religious restrictions on their schooling and participation in society. In some ethnic Albanian communities, women were disenfranchised by the practice of men voting on behalf of female family members » - “*Country Reports on Human Rights Practices in Macedonia*” Released by the Bureau of Democracy, Human Rights, and Labor March 11, 2008, Helsinki Committee of Human Rights and Freedoms in Republic of Macedonia, last seen 10.05.2008 at <http://www.mhc.org.mk/default-en.asp?ItemID=D269C890ADF91F4D8B26B40C32163802&arc=1>

In the case of B&H, one of the explanations argued for the increasing of the internal THB is the “difficulties faced when transporting the foreign women across the border”¹.

The conclusion that is imposing here is that fighting illegal migration does necessarily mean fighting the Trafficking in Human Beings.

IV. The Fight against Human Trafficking in Europe

IV. 1. The International Legal Framework Regarding THB

The most important international legal framework² on which the fight against Human Trafficking is legally based, on global level is the **UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime**³ signed 2000 in Palermo, Italy and on European level is the **Council of Europe Convention on Action against Trafficking in Human Beings** signed in Warsaw, 16. May 2005 and entered in force the 1st of February 2008.

The European Community law tackling the problem of human trafficking is based primarily on the following legal instruments:

¹ « *Second annual report on Victims on Trafficking in South-Eastern Europe 2005* » - Rebecca Surtees, Regional Cleaning Point, IOM, 2005, Switzerland , B & H p. 138

² For more extended list on legal texts see the home page of the Council of Europe Action against THB http://www.coe.int/t/dg2/trafficking/campaign/Docs/OrOrg/EUdocs_en.asp

³ *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, supplementing the United Nations Convention Against Transnational Organized Crime (please see the full text at http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20trafficking.pdf)

- 1. TITLE VI of the Treaty on European Union: Provisions on Police and Judicial Cooperation in Criminal Matters plus Title VII on Closer Cooperation**
- 2. Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings**
- 3. Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings;**
- 4. Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence;**
- 5. Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities¹**

All these texts are giving a legal basis for wide scope of counter human trafficking measures which can be divided as following:

- prevention
- detection and prosecution of the traffickers
- protecting and assisting people who have already been trafficked.

On the forthcoming pages the major part of the concrete measures will be explained and their effectiveness will be commented. The legal framework as given will not be subject of this work.

¹ “Comparative Analysis of International Instruments and Macedonian Legislation on Counter – Trafficking and Illegal Migration” - IOM

IV. 2. Prevention from THB in Europe

The main measures taken to prevent THB and taken in consideration with the new **Council of Europe Convention on Action against Trafficking in Human Beings** are:

1. Awareness raising for persons vulnerable to trafficking;
2. Fighting the root causes of trafficking, such as the poverty, gender discrimination, limited opportunities, conflict situations, refugee status and other circumstances that are confronting with the “push factors”.
3. Discouraging the demand for services from trafficked persons;
4. migration policies in countries of destination
5. prostitution policies in country of destination

The main actors in the combat against THB are the governments, the NGOs, the International Organisations such as International Organisation on Migration, United Nations office on drugs and crimes but also other UN agencies like UNCHR, UNICEF, Organisation on Security and Cooperation in Europe, USAID, the European Institutions, the Council of Europe, NATO and many others that act under the umbrella of herein mentioned or independently, but also the private sector.

IV. 2. 1. Awareness rising for persons vulnerable to THB

These measures are primarily taking places in the countries of origin and they are effectuated mostly in forms of informational campaigns that should make the potential victim aware of the “omnipresence” of the danger to be

trafficked when they will dare to seek for the employment opportunities abroad (personal impression of the author)¹.

The question that is imposing whenever a campaign starts is “who will be the target group?” For this aim the research are necessary in order to target the most vulnerable ones.

For what was mentioned above on the amalgamation of illegal immigration and trafficking, the target groups are those willing to immigrate, especially those willing to do it by any means available. From the Europol perspectives was concluded that “there are many potential sources of victims around the world”, because of the perceived possibilities abroad (see page 19).

In this context is interesting the MTV EXIT² programme, within which, during the music festival organized in Serbia and Montenegro and Croatia was distribute awareness material, including a leaflet in which one can read alarming messages such as “If you want to see a potential trafficking victim, look in the mirror: it could be you or somebody you know” and “Trafficking is happening all around you, everywhere in Europe, probably in the city where you live.”³

The campaigns done in Macedonia were in a way aggressive, promoted through all the media channels which were generally basing on the idea that if one except job abroad the trafficking is her/his destiny.⁴ The NGO La

¹ See for exsample the new video from UN office of drug and crime available at <http://www.cyqo.com/news/videos/5774/Stop-women-trafficking-!-Non-au-traffic-de-femmes-!.html>

² The MTV EXIT (End Exploitation and Trafficking) campaign is a multimedia initiative produced by the MTV Europe Foundation to raise awareness and increase prevention of human trafficking. The MTV Europe Foundation is a registered UK charity launched by MTV Networks Europe in 2003 to use the power and influence of MTV's brand and broadcasting network to educate young people about the social issues affecting their lives.

³ “*Human Trafficking, Information Campaigns, and Strategies of Migration Control*” - American Behavioral Scientist 2007; Céline Nieuwenhuys and Antoine Pécoud p. available at: <http://abs.sagepub.com/cgi/content/abstract/50/12/1674>

⁴ One of the TV video shown on Macedonian TV channels was about girl that after seeing an announce for working abroad, she except the offer. Ones she arrived abroad she fined herself caught in some kind of cell. In the newspapers there were announces on working abroad with the referenes of the other pages where the reader can get better informed. After turning the referred

Strada distributed the leaflet to each Macedonian girl applying for visa with aim to work abroad, in order to inform them on the possible danger.¹ Macedonia on the other hand is not representative country of origin, the case of trafficking are isolated, from 2000 till 2004 there were 26 assisted Macedonian VoT and 25 of them were trafficked internally in the West part of Macedonia.²

If I take the example of Macedonia the conclusion can be different:

1. the campaigns have succeeded their aims, that is why trafficking of Macedonian victim abroad has not be reported at all, except of one case in Germany (figures till 2005);
2. There was no need of such a strong campaign as this is not problem in Macedonia. If we take the common profile of the NGOs in Macedonia they are financed by their donors from project to project, and therefore they are often choosing the projects depending on funds available. The funds available usually are with predetermined aims, for example if in certain years there are foreign funds available on fight against human trafficking, the NGOs will choose to work on these issues in order to survive. In developing countries the NGO sector was seen also as the source of employment.³
3. The other conclusion might be that maybe these campaigns have their “right to life”, maybe there are Macedonian VoT abroad, but there is no information on it.

What is for sure is that the effectiveness of these campaigns is difficult to be measured and on the other hand they are most easy to be implemented in

page in stead of information there is a message for human trafficking and advice: Get informed (the author is writing from her former experience of spectator and reader, the sources not available)

¹ The programme of the NGO La Strada Macedonia – Otvorena porta, available on <http://www.lastrada.org.mk/programa.htm>

² « *Second annual report on Victims on Trafficking in South-Eastern Europe 2005*» - Rebecca Surtees, Regional Cleaning Point, IOM, 2005, Switzerland, Macedonia p. 321

³ These conclusions are result of the author’s experience in the NGO sector in Macedonia during year 2004 and 2005

the practice. For issuing a leaflet it needs, for example, just an idea for the design and the message, afterwards is the printing company that should print the necessary number of leaflets and in the final stage is the distribution, which in the case when the youngsters are the target group, can be done with the simple presence in the concert hall. In case when the donor is a high respective international organisation or government having all the permissions is not posing any problem and is the formal part of the project.¹

Using the private sector as printing companies and medias as partners, in these campaigns, could also open a lot of opportunities for speculative actions as well as profit base motifs.²

The here given conclusions are rather NGO centric, and they are quite categorical, so my final attitude will be that in practice there is a presence of all these factor mentioned and the medias' power of influence should not be ignored either.

The UN officials have estimated that the “predominant focus has been given on the development of both large and small public awareness campaigns directed towards potential victims of trafficking”. These programmes were estimated to be unsuccessful because “they fail to provide potential victims with an alternative course of action. If the emphasis of prevention programmes is placed exclusively on increasing the awareness of potential victims, prevention is limited. By failing to provide alternatives, such interventions place the onus for prevention of exploitation on the individual him- or herself. Potential victims remain equally

¹ The author writes from its proper professional experience.

² It happens often that the companies cooperating with the organisations are in more of just professional relation, and therefore they can introduce fictive prizes that will be presented in the donors' report. The difference between the real and the fictive price can be divided between the organization and company. The similar confident relation can be developed between the organization and its donor. It is even common that the organization or the donor will prefer organizing the kind of activities that will be in favour of their friend “companies” or “organisations” rather than activities that are really needed for combating a certain problem. The NGO sector is not very different from the private sector in this context as they are both profit driven.

- resource not revealed

vulnerable before and after viewing posters, films and television advertisements.”¹

To the donors’ organisation and governments (mainly from the developed countries of destination) that are funding this campaigns are also subject of many critics.

In 2006 a film was made to be shown on the national television in Congo, on the bad leaving conditions of the Congo immigrants in Belgium, called *Vanda na Mboka* (literally, “sit down in your country”), financed by the Belgium government, with the aim to discourage the Congolese to immigrate in Belgium. This has open as well another approach on analysing the anti trafficking campaigns in the countries of origin. As the authors of the article “*Human Trafficking, Information Campaigns, and Strategies of Migration Control*”² are arguing that the aim of these campaigns are not to prevent the problem of THB but to discourage the immigration from the countries of origin. Having in consideration how all these campaigns are made by promoting the message “that working abroad is dangerous”, and on the other hand, the critics that this campaigns are predominating as prevention, these conclusions seems to have logical arguments behind.

The often posed question in this work, and in a certain part of the literature on human trafficking, on the temptation to explain the problem of THB as a consequence of the illegal migration, perfectly fits in the given conclusion. In this direction is worth to stress that THB was often used as reason for strengthening the fight against illegal immigration as better explained in the following pages.

¹ “*An Introduction to Human Trafficking: Vulnerability, Impact and Action*” –UN office on drugs and crime, UN New York 2008 p. 8 available at www.ungift.org/pdf/vf_background_paper.pdf

² “*Human Trafficking, Information Campaigns, and Strategies of Migration Control*” - American Behavioral Scientist 2007; Céline Nieuwenhuys and Antoine Pécoud p. available at: <http://abs.sagepub.com/cgi/content/abstract/50/12/1674>

Still, the counter actions should be neither implemented nor analysed independently one from other, but rather they should be taken as integrity of the combat against THB.

IV. 2. 2. Combating the root causes of trafficking, development policies in the countries of origin.

In this category belong the different development policies that are implying improvement of the social and economic conditions in the countries of origin which can target either wider problems, such as organized crime, poverty, gender discrimination, migration, instability, unemployment or they can be particularly intended for the most vulnerable groups to trafficking .

The EU had developed the CARDS program that is reserved for Southern Eastern European countries (Albania, Bosnia and Herzegovina, Croatia, at the time still Federal Republic of Yugoslavia, Macedonia) and its aim is:

- “reconstruction;
- stabilisation of the region;
- aid for the return of refugees and displaced persons;
- support for democracy, the rule of law, human and minority rights, civil society, independent media and the fight against organised crime;
- the development of a sustainable market-oriented economy;
- poverty reduction, gender equality, education and training, and environmental rehabilitation;
- regional, transnational, international and interregional cooperation between the recipient countries and the Union and other countries of the region”

The total budget devoted to this programme was 4.65 billion Euros in the period 2000 – 2006.¹ Just to be able to understand the significance of these figures the total budget of EU just for the year 2006 was 121 billions.²

The other programme with the similar aim is PHARE, (The Programme of Community aid to the countries of Central and Eastern Europe). “The revamped Phare programme, with a budget of over EUR 10 billion for the period 2000-2006 (about 1.5 billion per year), has two main priorities, namely institutional and capacity-building and investment financing. Although the Phare programme was originally reserved for the countries of Central and Eastern Europe, it is set to be extended to the applicant countries of the Western Balkans.”³

While these development programmes are having a general approach on the improvement of the economic, social and political environment. There are other development policies with smaller capacities, which are directed precisely to the potential victims. These programmes need to be based on the researches in order to detect the most vulnerable ones that are more in need of help. The successful research will grant, consequently, more effective approach.

Once the target group is defined, it can be subject of the several different programmes:

1. “Promoting income-generating activities in areas from which people are trafficked, including microcredit, job creation and career advice.”
2. “Formal and non-formal education, including teaching life skills to young people.”

¹ CARDS programme, internet source available at <http://europa.eu/scadplus/leg/en/lvb/r18002.htm>

² EU budget internet source available

at http://ec.europa.eu/budget/library/publications/budget_in_fig/dep_eu_budg_2006_en.pdf

³ PHARE programme, internet source available at <http://europa.eu/scadplus/leg/en/lvb/e50004.htm>

While the awareness raising campaign were the most often taken measure of preventing THB, there was shortage of the development policies in the countries of origin.¹

It is sure that the roots causes of THB are much wider problems which can not be solved in the short-terms but nevertheless this should not be an excuse for not taking the compatible measures and locating the funds available on measures that can be more easily implemented but less effective.

The other factors and root cause of THB as the gender discrimination and violence against women that are also can not be solved solely by the introduction of the employment quotes that are in favour of the female populations.

But instead of identifying the problem as question of mentality and waiting to be “hill with the time” the measures more adequate should be taken, enforced with the proper legislative.

The practice is showing that even when employed with the representative percentage, the women could be harassed on the working place.

There was one very shameful incident in the Macedonian parliament where during the session a member of one of the Albanian political parties physically attacked a female member of the Albanian adversary party.² When this happens in honourable public places such as the General Assembly it is symbolizing that there is neither willingness to fight the problem, nor perception of the harassment on women as a problem at all.

¹ “*An Introduction to Human Trafficking: Vulnerability, Impact and Action*” –UN office on drugs and crime, UN New York 2008 p. 8 available at www.ungift.org/pdf/vf_background_paper.pdf
² 29.09.2007, even though that Teuta Arifi (the victim) was looking for the medical treatment, there were some of those present that were neglecting that she was attacked. “Forum” – n°105, 28.09.2007 available at :
<http://www.forum.com.mk/DesktopDefault.aspx?tabindex=0&tabid=172&ArticleID=4814&EditionID=155&Page=1>

The call for action was given: “Root causes of trafficking, such as violence against women, social exclusion, discrimination, poverty and unemployment, need to be included in anti-trafficking programs,”¹

The right strategies and measures to threaten these problems are already given and well defined² what is missing, is a real engagement and benevolence to implement them.

IV. 2. 3. Migration and border policies in the countries of destination

Once the problem of the post communist sex slaves has been identified, the first reflex of the states of destination was restricting the migration policies and strengthening the control of the external border.

The problem of human trafficking was seen as a consequence of the illegal migration; therefore the preventive measures against illegal migration were directed against the problem of THB as well, believing that fighting against the first will inevitably prevent the last.

On the other hand the legal immigration, within the countries of destination, was becoming more and more difficult to accomplish, contradicting with the demand for cheap labour, especially for the domestic work.

This strict migration policy has been seen as a reason for the illegal migration, “it is widely recognised that demand for mobility in conjunction with the introduction of ever more restrictive immigration policies and tighter border controls by affluent, migrant-receiving countries has led to the emergence of a growing market for clandestine migration services,

¹ Matthias Kalusch, Head of the Anti-Trafficking Unit of the OSCE Presence in Albania. Quoted in the article “*Inadequate Prevention Hinders Fight Against Human Trafficking*” –UNICEF, Tirana 2005, available at www.unicef.org/albania/PROSCE-UNICEFtrafPREngApr05.doc

² For more on defined measures see:

<http://www.universalhumanrightsindex.org/hrsearch/search.do?lang=en&accessType=body&bodyType=body&orderBy=country&bodyTypeBody=body>

including smuggling across borders, faking travel documents, and arranging marriages.”¹

The illegal migration as such was identified to be one of the main reasons for THB.

Having now other means, those willing to immigrate have put their destiny in the hands of the smugglers. Many between them have never reach the desired destination and have become victims of trafficking.

And to make this vicious circle complete, as the respond on the problem of THB the countries of destination have implemented more effective prevention measures against illegal migration, stronger border control and even stricter visa and legal migration policies .

Whether these measures can be estimated as successful?

“2005 I have decided to leave for 6 mounts as an au pair in France.

Trying to be as precocious as possible I went to the French cultural centre in Skopje for advice.. They gave me the contacts of one French former professor in the university that found a host family and was responsible for the visa procedure. I have asked some acquaintance from the French embassy in Skopje whether they know him, they said that they did and that in their “circle” he has a good reputation.

So precocious as I could be I have asked him whether I need transit visa for Slovenia and he was sure that I did not as the other au pairs had already had transit through without. But once I was on the Slovenian border I could not get in because of my type of visa (type D if it was type C which is for

¹ Jyoti Sanghera, "Unpacking the trafficking discourse," in *Trafficking and Prostitution Reconsidered*, eds. Kamala Kempadoo, Jyoti Sanghera and Bandana Pattanaik (London: Paradigm, 2005); Ratna Kapur, *Erotic Justice: Law and the new politics of postcolonialism* (London: Glasshouse, 2005); Eleonor Kofman et al. *Gender and International Migration in Europe* (London: Routledge, 2000); ILO, "Getting at the roots: Stopping exploitation of migrant workers by organized crime," International Labour Office. Paper presented to International Symposium on the *UN Convention Against Transnational Organized Crime: Requirements for Effective Implementation*. Turin, 22-23 February 2005 quoted in **Guest Editorial:** "Trafficking, Modern Slavery and the Human Security Agenda" Julia O'Connell Davidson, p.9 Human Security Journal

staying up to 3 months I would not need transit viza¹), my nationality² and the fact that I was travelling by bus, I needed transit visa. It was Friday night, I had 50 euros in my pocket (since I was going as an au pair I did not really need more) and no mobile telephone. I was really afraid of not knowing what I would do so I was practically begging the border police officer at least to let me use their telephone to call for help. He did not allow me and he said that he would only talk with my lawyer and that I should, above all, leave the Slovenian territory. Even on my own and in panic, as I was neither responsibility of the bus driver, I stayed precocious or maybe I just had luck, and I have found the LEGAL way to be on save place and luckily I was not trafficked . As I was already an NGO activist the problem of THB was well known to me and especially the role of the border police as one of the most important factor in the FATHB. If my experience was the way how the border police are dealing with the problem then they have failed to succeed their aim.”³

Even one is taking all the responsibilities and the measures of precaution he/her can be a victim of the confusing migration policies. What used to be the fault of the “naïve Slav women”⁴ actually now can be seen from other perspective.

The strict and sometimes complex visas policies are not effective way in dealing with the THB because in stead of fighting the problem they can create the potential victims. The following example is testifying that actually is the “strong” border control that leads to THB.

“Madame C. is born in a village in Bulgaria. Due to economical difficulties her husband desides to leave and work in Portugal in order to be able to

¹ Normally the girls from Macedonia were leaving just for the summer not for 6 mounths as i was planning and in this case they did not needed tranzit visas.

² As i have understood afterwards this rule was just for Macedonia and B&H due to some bilateral agreements, however this is unofficial information.

³ The author is speaking from its own personal experience

⁴ Specter, 1998 quoted in “(Un)Popular Strangers and Crises (Un)Bounded: Discourses of Sex-trafficking, the European Political Community and the Panicked State of the Modern State” JACQUELINE BERMAN *European Journal of International Relations* 2003; 9; 37 p.40

construct a house. He is regularly sending money to his wife and his child. Finally the couple decides that Madam C should also leave in Portugal. She takes a bus to the Austrian border where she should get out from the bus because she does not have the amount of finance necessary to get in the EU. She spends three nights on the Austrian border without food and water, she is trying to explain her situation to the border police officers but no one listens to her. She does not know what to do, as it is her first time abroad. On the border she meets a woman that tells her that her cousin can help her to arrive in Portugal. As madam C does not have any money she promises her that she will pay her as soon as she gets in Portugal. The woman is over and over repeating that nothing bad will happen to her. Madam C trusts her. After a while the cousin arrives with the amount necessaries for her to cross the border.¹

Once she arrives in Vienna she is taken in a sort of main bus station and from there in an apartment. Here the cousin in laugh asks her: “Did you really believe that I will take you in Portugal? You are imagining of being a princess. You are sold!”

She asks her to let her go, but she is raped and bitten. From that night she is sold and resold over and over again and sexually exploited till the moment when her husband locates her with the help of Interpol...

...She gets the assistance from NGO...Her husband is quite worried because her wife does not want to go out anymore, she spends the days behind one window, she is afraid of the outside world...²

There are few points in this testifying that are quite alarming:

First, the woman was having the visa needed to cross the border but she did not have the information on the additional requirements.

¹ Even the person has the regular travel documents sometimes the border police can ask him/her to show how much money they are carrying with them, as this is one of the condition to enter in the EU.

² « *Le traite des êtres humains* » -Georgina Vaz Cabral, *La Decouverte*, Paris 2006 p. 40

Second, the border police officers did not show any human solidarity by leaving her three days without water and food.

Third, while she was not able to cross the border by having decent intention, the “cousin” with the criminal profile did not have any problem to cross even though with intention to traffic her.

All these remarks are witnessing that the culpabilities should be not subscribed just on the side of those that look for opportunities abroad.

In addition “between 1993 and 2006, the organization *UNITED for Intercultural Action* documented more than 6700 deaths of refugees and migrants in Europe attributable "to border militarization, asylum laws, detention policies, deportations and carrier sanctions," and UNITED’s figures are undoubtedly underestimates”¹

European Union with its policies indirectly contributes to the process of illegal immigration as there is on one side the “increasing demand for cheap unskilled labour in building and manufacturing jobs, as well as for domestic and sexual services”² and severe migration policies on the other side.

The more flexible migration policies can prevent the THB more effectively then creating legal walls for those coming from the third countries. “Extending migration and employment opportunities to people who risk being trafficked would not only help these people, but also rejuvenate an aging Western Europe”³.

¹ 20 UNITED, "United for Intercultural Action: European network against nationalism, racism and fascism, and in support of migrants and refugees" (2007), www.unitedagainstracism.org quoted and commented in “*Trafficking, Modern Slavery and the Human Security Agenda*” Julia O’Connell Davidson, p.9 Human Security Journal

² Action against trafficking in human beings: prevention, protection and prosecution Proceedings of the regional seminar, Rome, Italy, 19 _ 20 October 2006 Prevention of trafficking in Human Beings: Ms Gulnara Shahinian, Member of the State Commission on the Status of Women and the Counter Trafficking Commission, Armenia, p.17 available at

http://www.coe.int/t/DG2/TRAFFICKING/campaign/Source/eg-thb-sem3-2006_Proceedings.pdf
³ “*Pathologies of Security Governance: Efforts Against Human Trafficking in Europe*” - Cornelius Friesendorf - *Security Dialogue* 2007; 38; 379 p. 398

On the other hand the presence of the foreigners within the EU countries in the era of globalisation, has provoked “‘a nationalist reaction’ marked by ‘anti-immigrant tirades and the scapegoating of foreigners for everything from rising crime to rotten schools’ and a ‘popular backlash against a Europe of open borders . . . and against generous immigration policies ’”¹.

One explanation for putting together such contradictory policies as: severe migration policies, fighting THB by fighting the illegal migration and strengthening border control might be the result of lack of political courage to initiate more welcoming migration policies in rather unwelcoming environment.

By amalgamation of illegal migration and THB the states can play double games, by engaging seriously in fighting illegal migration, which is widely accepted objective within their nations, while in the same time they can justify their unwelcoming policies with the argument that these measures are actually protecting the potential victims of THB or preventing the immigrants to be trafficked at first place.

In the same time their task in the Combat against THB has been fulfilled, since they “did act”.

IV. 2. 3. Prostitution policies and discouraging the demand in the countries of destination

When the problem of human trafficking was identified the debates on the prostitution policies took other dimensions which were in away confounding the prostitutes with the victims of trafficking.

In UK, for example, before the problem of THB had gained on popularity, the prostitution discourses were more concentrating on the prostitutes as

¹ Cohen, 2000b; Erlanger, 2002 quoted in “(Un)Popular Strangers and Crises (Un)Bounded: Discourses of Sex-trafficking, the European Political Community and the Panicked State of the Modern State” JACQUELINE BERMAN *European Journal of International Relations* 2003; 9; 37 p.57

something that does not fit the moral values of the society therefore she should be controlled and contained. This has changed after introducing the problem of THB when the prostitute has been perceived as a victim of sexual exploitation and therefore she should be protected and relocated.¹ On the other hand the victims of trafficking were perceived more as “prostitutes” than what they really were, sex slaves, thus they were stigmatized and subject of disgrace.

The jurists have many times signalized that the THB is a criminal act that is different from the procuration² that is another criminal act.

However, beside the distinction, it is believed that prostitution policies can influence the THB but which prostitution policy is the best is not known, yet. However there are certain indicators that are saying that the legalisation of prostitution is not necessary going to resolve the problem of trafficking.³ More precisely, concerning this issue, there are two major debates⁴ going on. The first is arguing that the legalization of the prostitution will stop it from going underground and therefore the illegal practising of sexual exploitation will be avoided. Supporters of these discourses are above all the “voluntary” prostitutes that do have right when saying that they feel more protected in these circumstances.

On the other side we have those that think that legalizing the prostitution “might not break the link between organized crime and the sex industry, but rather strengthen it, encourage the growth of the sex industry, and increase trafficking”.⁵

¹ *Discourses Surrounding Prostitution Policies in the UK* Johanna Kantola and Judith Squires European Journal of Women's Studies 2004; 11; 77 p.81 available at: <http://ejw.sagepub.com/cgi/content/abstract/11/1/77>

² « *Le traite des êtres humains* » -Georgina Vaz Cabral, *La Decouverte*, Paris 2006 p. 218

³ *Pathologies of Security Governance: Efforts Against Human Trafficking in Europe* “- Cornelius Friesendorf - *Security Dialogue* 2007; 38; 379 p. 396

⁴ More information on the debat “does legial prostitution lead to human trafficking and slavery?” available on: <http://www.prostitutionprocon.org/questions/trafficking.htm>

⁵ Bindel & Kelly, 2003: 13–15; Hughes, 2000: 646–648 quoted in *Pathologies of Security Governance: Efforts Against Human Trafficking in Europe* “- Cornelius Friesendorf - *Security Dialogue* 2007; 38; 379 p. 397

The example of Nederland is maybe the most quoted one in the literature for legalized prostitution where in 2000 a new “law that lifted the ban on brothels”¹ was adopted. But the Nederland still stays to be the one of the main countries of destination where the number of assisted VoT is growing each year (which might also mean that is the FATHB that has been improved).

While in 1992 there were 70 registered cases of VoT, in 2000 this number was 341, in 2006 it has increased up to 576 and 2007 it has reached 716.² The new local Amsterdam government however has become less tolerated concerning prostitution and lately several brothels have been closed due to the fight against the criminalities and trafficking in women. However, this politic was however subject of many critics notably by his political opponents and those, which are involved in the tourist services in Amsterdam.³ For pulling any conclusion on the Dutch cases worth mentioning is the fact that the brothels should not employ, by law, persons with not regulated status in Nederland and drug addicts.

The example of Germany where also prostitution is legalized has shown that this failed to prevent human trafficking because most of the sex worker are foreigners without legal residency and work permits and as such can not be eligible to register.⁴ But this argument is also appropriate for the abolition on prostitution, because this politics can also “implies just on the residential prostitutes and the foreigner with the regulated status”⁵ in the

¹ “*Policy approach on human trafficking and prostitution in the Netherlands*” dr. Monika Smit, Bureau of the Dutch National Rapporteur on Trafficking in Human Beings, at the NEWR workshop on trafficking in women, Amsterdam April 25 2003 p.2

available at: <http://www.newr.bham.ac.uk/pdfs/Trafficking/Netherlands2.pdf>

² more information on trafficking in Nederland on www.mensenhandel.nl

³ “*Red lights go out as Amsterdam mayor cleans up his city*” By Isabel Conway in Amsterdam, The Independence *Saturday, 22 September 2007* last seen 16. 05. 2008

<http://www.independent.co.uk/news/europe/red-lights-go-out-as-amsterdam-mayor-cleans-up-his-city-403113.html>

⁴ *Pathologies of Security Governance: Efforts Against Human Trafficking in Europe* “- Cornelius Friesendorf - *Security Dialogue* 2007; 38; 379 p. 396

⁵ *Le traite des êtres humains* » -Georgina Vaz Cabral, *La Decouverte*, Paris 2006 p. 218

destination country. The law Merlin¹ in Italy that prohibits procurement in any form, the brothels and selling of the sexual services in public places has been criticized of not being able “to respond to the changes in the prostitution”² related with the THB.

On the other side of the scope is the example of Sweden where the selling of the sexual services is not forbidden but the demand for these services is. According to the Swedish government this strategy had lead to reducing of the trafficking.³

*"I believe that we will never succeed in combating trafficking in women if we do not simultaneously work to abolish prostitution and the sexual exploitation of women and children. Particularly in light of the fact that many women in prostitution in countries that have legalised prostitution are originally victims of trafficking in women."*⁴

The estimation on the number of the VoT in Sweden is around 400-600 per year which is amongst the lowest in Europe.⁵ But as already said the figures on victims in trafficking can never be indicators of the real situation on the field, and therefore they can only be speculative. This circumstance can also lead to politicizing of these figures as no government will criticize its proper politics.

But what is more interesting in the Swedish policy, is the criminalization of the demand for sexual services.

“Discouraging the « consumers » is also among the main measures to prevent trafficking in human beings” that are highlighted in the article 6 in the new Council of Europe Convention against THB.

¹ See <http://www.senat.fr/lc/lc79/lc796.html>

² <http://victimsoftrafficking.esclavagemoderne.org/FR/italie.html>

³ e-mail to the author from Madeleine Elgemyr, Swedish Ministry of Industry, Employment and Communications, 7 March 2006; Bindel & Kelly, 2003: 25, 29 quoted in *Pathologies of Security Governance: Efforts Against Human Trafficking in Europe* “- Cornelius Friesendorf - *Security Dialogue* 2007; 38; 379 p. 396

⁴ Margareta Winberg, Former Deputy Prime Minister of Sweden, said at the Seminar on the Effects of Legalisation of Prostitution Activities in Stockholm on Nov. 5-6, 2002 quotation available on: <http://www.prostitutionprocon.org/questions/trafficking.htm>

⁵ Article “Sweden battles Human trafficking” - Kajsa Claude 26. 10. 2007 available at http://www.sweden.se/templates/cs/Article_____17927.aspx

This as the convention says can be done with the following measures:

- “a. research on best practices, methods and strategies;
- b. raising awareness of the responsibility and important role of media and civil society in identifying the demand as one of the root causes of trafficking in human beings;
- c. target information campaigns involving, as appropriate, inter alia, public authorities and policy makers;
- d. preventive measures, including educational programmes for boys and girls during their schooling, which stress the unacceptable nature of discrimination based on sex, and its disastrous consequences, the importance of gender equality and the dignity and integrity of every human being.”¹

The Convention is initiating the possible criminalization of the demand for services from VoT, which on the other hand is quite delicate issue for the states. The many arguments that are against the possible criminalization of the demand are pointing out that this in practice can not succeed or it can have more negative than positive implications.

While the Swedish example of criminalizing the demand for sexual services is not followed by the other countries (apart from Norway which prepares the similar legislative²) more commonly the states are criminalizing the demand for the service of the victims who have been trafficked.

The prosecutors are pointing out that this can cause problem during the procedure:

1. “The possibility to be incriminated might create a conflict of interests for the users when they are asked to be witness in a trial. [...] The risk to be incriminated can make individual reluctant to cooperate, and particularly to stand as a witness;

¹Council of Europe Convention on Action against Trafficking in Human Beings and its Explanatory Report (Warsaw, 16.V.2005) available at http://www.coe.int/t/dg2/trafficking/campaign/Docs/Convntn/CETS197_en.asp#P161_10351

² Article “Sweden battles Human trafficking” - Kajsa Claude 26. 10. 2007 available at http://www.sweden.se/templates/cs/Article____17927.aspx

2. Such incrimination always requires proof that the user of sexual services was aware that the person who performed the sexual services was a victim of trafficking which; this is very difficult to determine and even more difficult to prove.”¹

The counter THB actors are also highlighting very often the importance of the clients in releasing of the VoT. In many cases the call for help is directed to them, as it was done in the Czech republic with the campaign “*Don’t be afraid to say it for her!*” where the target group was the customer as considered to be “for the victim of human trafficking the only connecting link to the outside world and the only person who can primarily help her,” as Kristina Klepková said, from the non-profit group IOM. Yet, up to the end of this campaign, no crime has been detected.² If criminalized, the chances that the clients will respond, to those campaigns, are even less possible.

However the demand as already mentioned is *cine qua non* for the THB, and not enough actions for its decreasing will mean not serious FATHB.

Concerning this issue, great number of discussions, decisions and researches has been made till this point, but up to now, there is “insufficient educational, social or cultural measures to discourage demand”³.

IV. 2. Prosecution in the FATHB in Europe

Since THB is a crime that in the most of the cases is committed by translational organized crime group, the prosecution of the traffickers is a major aspect in the FATHB and the major actors are the governments and

¹ “*Towards the handbook for the public prosecutors in prosecution of human trafficking crime*” – Association of public prosecutors in the republic of Macedonia – IOM, Mission in Skopje, p.29 , 30

² “*Human trafficking campaign ends*” article By Kimberly Ashton Staff Writer, *The Prague Post* January 23rd, 2008 issue <http://www.praguepost.com/articles/2008/01/23/human-trafficking-campaign-ends.php>

³ “*An Introduction to Human Trafficking: Vulnerability, Impact and Action*” –UN office on drugs and crime, UN New York 2008 p. 63 available at www.ungift.org/pdf/vf_background_paper.pdf

international governmental organisations whereas Europol and Interpol. On national level the prosecution is under the authority of the Ministries of Interior, the public prosecution, the Ministries of Justice and Customs administrations.

The measures included in the prosecution are:

- Arrest of traffickers
- “Zero-tolerance policies
- Asset seizure and forfeiture
- Capacity-building
- Creation of databases
- Witness protection programs
- Border controls
- Anti-corruption efforts »¹

The experts are saying that even there were few raids and trafficker arrested we can not really say that there is a real enforcement of the legislation because even though there is a successful investigation the prosecution stays low.

Nonetheless, the prosecution European Union countries, was estimated to have its “momentum” recently and to be “one of the most advanced governance approaches”² to trafficking in human beings.

However, one of the main impediments in the prosecution, especially in the countries in transition, is the corruption.³ That is why this part of the work is dedicated in its biggest part to this problematic. The example of Kosovo in this context stays to be the biggest challenge not just for the Kosovar government but for the international Community as well.

¹ *Pathologies of Security Governance: Efforts Against Human Trafficking in Europe* “- Cornelius Friesendorf - *Security Dialogue* 2007; 38; 379 p. 387

² *Pathologies of Security Governance: Efforts Against Human Trafficking in Europe* “- Cornelius Friesendorf - *Security Dialogue* 2007; 38; 379 p. 387

³ “*Trafficking, Modern Slavery and the Human Security Agenda*” Julia O’Connell Davidson, p.9 *Human Security Journal* 48

As already mentioned, Kosovar government is criticized to be the government of “double personalities”, politicians with the other hidden “profession” that of criminals. The international presence in Kosovo should intervene to the governance and help Kosovo to move towards to democracy and contribute to the fight against corruption and crime in general. But how can these international officials help fighting the crime if they are in the same time consumers of the incriminated services as those of the victims of human trafficking. According to Amnesty International “UN and Nato troops in the region are using the trafficked women and girls for sex and some have been involved in trafficking itself [...] Unmik's own figures show that by the end of 2003, 10 of their police officers had been dismissed or repatriated in connection with allegations related to trafficking.¹”

The victims of human trafficking in Kosovo in many cases do not have anyone on whom they can count for help and trust, as is the case with the Moldovian girl mentioned in annex 1, where the witness says:

“M. (age 24-25, Moldavian national), was trying to get back to Moldavia and using my help contacted different international organisations, but with no success. Finally, she was sued by Kosovo Police service and following the judicial decision, was expelled from Kosovo as an illegal worker. I was translating her case in the court of law, and personally I believe that due to the STD she had contracted, she became unusable for the “owner” and the “owner” just got rid of her, otherwise I could not explain the behaviour of Kosovo Police Service, to pinpoint that person among others. The complete situation implied a connection between some officers from the Kosovo Police and the “owners” of the girls; similar connections were established between other criminal groups and the police officers, even high-ranking ones.”

¹ « Kosovo UN troops 'fuel sex trade' » - BBC, 6 May, 2004, last seen 19 may 2008 at : <http://news.bbc.co.uk/2/hi/europe/3686173.stm>

The UNMIK officials are saying that the situation is getting better. “The custom administration of UNMIK is a mature institution when it comes to potential abuses” was the answer of Joachim Ruecker the chef of UNMIK to the question to comment on the fact that there were 3 customs officers that have been suspended because of corruption from one was international servant, chef in the office of law enforcement.¹ Soon after this statement, the media reported that the Ruecker’s office was under investigation of the UN Office of Internal Oversight, due to the suspect of participating in corruptive activities. UN denied this, despite the UN regulation that one should not speak on what this office is working on.²

And while the UN officials are saying that the Macedonian – Kosovo border “is not submitted to criminalities”³ and for the year 2007 the value of the seizure of the trafficked goods on this border by the custom administration of UNMIK was more than 300 000 Euros, the Macedonia administration is giving the following information on the trafficked good on the same border the same year:

quantity	Type of goods	measure
2 449	medicaments	pieces
486 705	narcotic drug	kilograms
38 300	cigarettes	pieces
3 034	meat	kilograms
12 393	parfums and l’eau de toilette	pieces
11 290	eye make up	pieces
81 252	textile products	pieces
10 502	stocks	pairs
8 151	shoes	pairs
1 188	books	pieces

¹ « Custom administration in UNMIK is a mature organisation » interview with Joachim Ruecker the chef of UNMIK with Dimitar B. Guzelov Forum, n° 110 2.11.2007

² « Who is stealing in Kosovo the locals or the foreigners?! - article by Dimitar B. Guzelov Forum, Skopje n°111 09.11.2007

³ Adriatic Stavileci, spokesperson for the Custom administration in UNMIK for the interview in « Who is stealing in Kosovo the locals or the foreigners?! - by Dimitar B. Guzelov Forum, Skopje n°111 09.11.2007

This information is implying only on the trafficked goods that were only captured during the border control, the information on the goods captured during the internal control of the custom administration is not included. Still the numbers given by UNMIK and those given by Macedonian custom administration are very different. The value of captured goods on the Macedonian side is much higher.¹

Even though there are no adequate records on the cases of Human Trafficking, this indicates how effective UNMIK institutions are when it comes to counter crime actions.

Nevertheless, in the process of THB these international troops and organisation have a contradictory role, beside of their honourable mission to bring peace and democracy in the region, they are contributing to the evil by consuming the services of the VoT.

NATO has treated this problem with the “zero tolerance policies” for consuming the services of trafficked persons within its “Policy on Combating Trafficking in Human Beings”², September 2004. Here the problem is the same as in chapter IV.2.3 of this work as it is not always visible for the consumer that the “prostitute” is a VoT.

USA and Norway, they do have “zero tolerance policies” even for the consumption of services of the “traditional prostitutes” but this can not be case for the other countries which within their sovereign territory have legalized prostitution.³

The Nato guidelines says: “NATO Staff . . . shall not engage directly or indirectly in trafficking in human beings, including for the purpose of sexual facilitation, nor facilitate it. In this regard, they shall not patronize

¹ « Who is stealing in Kosovo the locals or the foreigners?! - article by Dimitar B. Guzelov Forum, n°111 09.11.2007

² NATO Policy On Combating Trafficking In Human Beings, Document available on <http://www.nato.int/docu/comm/2004/06-istanbul/docu-traffic.htm> last seen 20 may 2008

³ “*Peacekeepers and Prostitutes: How Deployed Forces Fuel the Demand for Trafficked Women and New Hope for Stopping It*” Keith J. Allred *Armed Forces & Society* 2006; 33; 5 p. 15 <http://afs.sagepub.com/cgi/content/abstract/33/1/5>

any establishment or premises . . . which . . . could reasonably be expected to promote or facilitate trafficking in human beings.”¹

The question is what happens once the members of these missions are aware that the services that they are using are provided by VoT, or even more, if they took part in the process of trafficking.

In this case, the personnel will be disciplined by their own nation, but the states are obliged to develop reporting mechanism and retain records on each individual case.² This certainly gives hope that the behaviour of the NATO peacekeeping mission will be improved in the crises region. Still the challenge stays to be its implementation in the field, and whether this will finally influence the conduct of the forces which up to now was shameful and decadent (see annex 1).

If the trafficking in human beings it might be just additional activity of the Kosovo criminal groups within the territory of Kosovo, after the presence of the international peace keeping troops and international organisations since this are the main consumers of this services the question is: “What will happen once this missions will leave?”

Any attempt to give an answer to this question will be hypothetic, but if we take in consideration that the criminal groups are profit oriented, “their business strategies are not that different from the ways in which companies like Coca – Cola and Pepsi market their products”³, is expected they want to survive and keep their “market share” or, if achievable, they will try to

¹ North Atlantic Treaty Organization, NATO Document ON(2005)0040, April 2005, “Guidelines for

NATO Staff on Preventing the Promotion and Facilitation of Trafficking in Human Beings,” Annex 1., quoted in “*Peacekeepers and Prostitutes: How Deployed Forces Fuel the Demand for Trafficked Women and New Hope for Stopping It*” Keith J. Allred *Armed Forces & Society* 2006; 33; 5 p. 16 <http://afs.sagepub.com/cgi/content/abstract/33/1/5>

² “*Peacekeepers and Prostitutes: How Deployed Forces Fuel the Demand for Trafficked Women and New Hope for Stopping It*” Keith J. Allred *Armed Forces & Society* 2006; 33; 5 p. 16

³ “*Strategy in the Contemporary World - An Introduction to Strategic Studies Second Edition*” – Strategy for a New World: Combating Terrorism and Transnational Organized Crime, Phil Williams, Oxford university press 2006, p. 195

enlarge it. In this direction there is possibility that they will do anything in order to make their business lucrative and ongoing.

Whether it will be spreading it outside Kosovo, which on the other hand is already happening with the Albanian criminals network around Europe, making Kosovo “save haven” for the consumer of sex services or if is not possible to continue with the THB they might increase the turn over of their other illegal business.

What is even more discouraging is the fact that as conflict environment is rather fertile ground for the crime groups; the possibility that they will provoke or maintain conflicts and crises in the region in order to be able to continue with their profitable work is not distant from the reality. Even though this conclusion might be exaggerated, the influence of these groups in the Western Balkans’ conflicts should not be underestimated.

The example of Macedonia where in several occasions the Macedonian police have captured a considerable amount of illegal weapons in the Western part of Macedonia¹ is contributing to the fact that the arm conflicts are not entirely finished in this region.

What worries the most, is as stressed, the presence of the members of these groups in the government institution which is indicating the seriousness of the problem. It is not about that “each state has its own mafia” but in the Kosovo context one might say that “is the mafia that has its own state”².

Till the moment that the corruptive bodies in Kosovo and in the region are not inhibited as much as possible or at least that is not them that are running the institutions we can not pass on the other measures such as capacity

¹ For more see operation « Mountain storm» <http://www.vmacedonianews.com/search?updated-min=2007-01-01T00%3A00%3A00-05%3A00&updated-max=2008-01-01T00%3A00%3A00-05%3A00&max-results=50>

Last seen 20 may 2008

² Popular saying in the academic circle in Macedonia in Macedonian context, see for example “organized crime” – prof. dr. Kambovski p.18; or article “each state has its own mafia but in Macedonia is the mafia that has its own state” by Igor Manasievski last seen 20.08.2008 www.a1.com.mk/vesti/default.asp?VestID=40408 - 21k

building, arrests of traffickers, witness protection programs and asset seizure and forfeiture, that can not be functional without reliable institutions.

IV. 3. Protection of Victims of Trafficking

Once the victims of trafficking are released from their traffickers they should be under the special program of assistance and protection that includes: “sheltering and counselling; medical and psychological support and reintegration of the trafficked persons”¹

The sheltering and counselling almost in each European country is given by the NGOs that can be funded by the government or by international organisation from which the most immanent is IOM. In the South Eastern Europe the IOM missions are providing assistance in the return of the foreign nationals and reintegration programs in Country of origin. In these countries the protection programs are mainly funded by foreign donors which are different from the case in European Union where often the government are developing their own entire or partly funding programs for NGOs that are giving assistance to VoT.²

The type of assistance depend on whether the countries are of origin, transit or destination. In this context the countries of transit provide temporary transit centres and assistance in return of the VoT, whereas the countries of origin provide reintegration programs.

¹ *Pathologies of Security Governance: Efforts Against Human Trafficking in Europe* “- Cornelius Friesendorf - *Security Dialogue* 2007; 38; 379 p. 387

² For more on the funding system in EU see : Action Plan on Trafficking in Human Beings, Council Of the European Union, General Secretariat
to : Multidisciplinary Group on Organised Crime (MDG), Brussels 2007

In order that the victims of trafficking get the assistance and the protection programs primary they need to be identified as such, whether within the police raids or with the help of the hotlines that are usually established by the NGOs, embassies, medical staff, social workers, international organisation, private citizens, families of the victim or the victim themselves.

Already in this stage, there are impediments and the victims can be hardly identified as such in the countries of destination where “they are often treated as irregular migrant workers, which usually provides for the immediate deportation”. Even if they are identified they might not accept to be put under the programs of assistance and protection because it “is conditional on repatriation or testifying against traffickers in prosecution cases”.¹

However, these problems have been detected, and many countries have made an effort to change their legislation in a way that the VoT will get certain reflection period which can be from 3 weeks as in Cyprus up to undefined period depending on the circumstances as in Ireland². In this reflection period they should decide whether they will cooperate with the police officers and witnessing against their traffickers. In this period the VoT should get the following services regarding the Action Plan on Trafficking in Human Beings of Council of Europe:

“Housing, emergency medical treatment, healthcare on the same conditions as legal residents, psychological assistance, counselling and information, translation and interpreting service, legal aid, free legal representation in criminal, and other relevant procedures, education for children, language training, vocational training, job opportunities and assisted return or repatriation”

¹ “People for Sale? Three different approaches to Human Trafficking” Laura Kokko, Human Security Journal p.47, spring 2008

² Action Plan on Trafficking in Human Beings, Council Of the European Union, General Secretariat
to : Multidisciplinary Group on Organised Crime (MDG), Brussels 2007

The reports from the states that did answer (18 states from 27 asked) to this action plan on the implementation of these services are quite positive, where the only service, not available in some of the EU countries, is the regular health care. Victims have access just to the emergency health services¹.

Even though some victims “have been raped up to 30 times per day and beaten up”, they will not get any health services if there is no emergency need. This was reported in the BBC article “Trafficked women in London 'not getting enough help'” together with the interview with Anna Johansson, the support manager at the London-based Poppy Project (the only fully serviced safe house for trafficked women in England and Wales). In this article she is saying that is “*frequent that women face charges for having used false documents or false passports whilst in their trafficked situation. So they not only face being detained and removed, they are actually facing lengthy sentences as a result of what in effect has been a trafficking experience.*” However the government officials are dining this and are saying that the situation is improving.²

Regarding to the answers of the UK delegation in the mentioned Action Plan, the VoT soon after their rescue get 4 weeks unconditional help.³

The new Council of Europe Convention against trafficking in human beings that is trying to answer to all law loopholes that were harmful for the VoT, is exceedingly important step forward in improving the legislative

¹ Action Plan on Trafficking in Human Beings, Council Of the European Union, General Secretariat

to : Multidisciplinary Group on Organised Crime (MDG), Brussels 2007

² “*Trafficked women in London 'not getting enough help'*” by Irene Madongo, BBC 21.05.2008 last seen 21. 05. 2008 at:

http://www.bbc.co.uk/london/content/articles/2008/05/12/human_trafficking_feature.shtml

³ Action Plan on Trafficking in Human Beings, Council Of the European Union, General Secretariat

to : Multidisciplinary Group on Organised Crime (MDG), Brussels 2007 p.80

framework for the protection measures for the victims of trafficking. The Convention is saying that:

“Victims of trafficking must be recognised as such, in order to avoid police and public authorities treating them as illegal migrants or criminals.

- Victims of trafficking will be granted physical and psychological assistance and support for their reintegration into society. Medical treatment, counselling and information as well as appropriate accommodation are all among the measures provided. Victims will also receive compensation.
- Victims are entitled to a minimum of 30 days to recover and escape from the influence of the traffickers and to take a decision regarding their possible cooperation with the authorities. A renewable residence permit may be granted if their personal situation so requires or if they need to stay in order to cooperate in a criminal investigation.”¹

The issues as a residence permit are especially challenging for the countries of destination with strict visa and immigration policies. In the contrary most of the countries that have ratified this convention are not characterized by this kind of policies or they are not even the countries of destination. The Convention has been ratified by “Albania, Armenia, Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, France, Georgia, Latvia, Malta, Moldova, Norway, Portugal, Romania and Slovakia”².

While the biggest destination countries such as Germany, Netherlands, Switzerland, Italy, UK, Spain, Belgium, Luxemburg, Greece, Sweden and Finland have not ratified it yet.

¹ see Council of Europe Action against Trafficking in Human Beings
http://www.coe.int/t/dg2/trafficking/campaign/Docs/Convntn/IntroConv_en.asp

² see Council of Europe Action against Trafficking in Human Beings
http://www.coe.int/t/dg2/trafficking/campaign/Docs/Convntn/IntroConv_en.asp

On the other hand the period of 30 days might not be sufficient for reflection period, having in mind that some of the victims were often subject of physical and mental violence.

During the first encounter of the assistants with the VoT, they are usually in a state of physical exhaustion, confusion, disorientation and fearfulness, having difficulties to remember the trafficking experience. If traumatized they are trying to avoid everything that can have links with their trafficking experience. They are also keen on acting brutally by deliberately self-harming by using razor cuts, cigarettes burns, hitting or bruising self, ingesting various sedatives or chemicals, in order to deal with the emotional stress or stop the painful memories.¹

Whether a person which is in this state should be put in any kind of additional pressure is a more than a legal question. Giving the shelter to the VoT in expecting their cooperation in return is a hypocritical approach. The meaning of the shelter is to give unconditional protection for those that have suffered exploitation and slavery, and not to be the modest award for their contribution in the prosecution against trafficking.

While the EU countries have been only engaged effectively in the prosecution of the traffickers, the protection of the VoT has been neglected and is developing just recently.²

But the victim approach should be the only approach in the protection programme, because the victims are more than just collateral damage in the counter trafficking process. The societies of the both, origin and destination countries, have equally led them to the trafficking process thus they should seen them both as their victims, rather than foreign ones, which should above all, leave as soon as possible if they do not want to cooperate.

¹ “*Psychosocial support to groups of Victims of Human Trafficking in Transit Situation*” - General Considerations on the Psychological Aspects of the Trafficking Phenomenon - Diana Tudarache, IOM Geneva, 2004 p.24

² *Pathologies of Security Governance: Efforts Against Human Trafficking in Europe* “- Cornelius Friesendorf - *Security Dialogue* 2007; 38; 379 p. 387

The cooperation and testifying against their traffickers will only follow if the victims feel safe and benevolent to do that. For this to happen, the system of protection must adapt to the needs of the victims, rather than to be adapted on the national interests and limited budget quotes for these programs.

It was already remarked that if the works of NGOs, that are providing this assistance, depend on temporary “annual and not granted funds”¹ is creating rather insecure platform for giving the necessary help to the victims.

One other barrier to successful FATHB is the temptation to perceive the victims as guilty of what had happened to them which is fairly present as in countries of destination in the countries of origin as well, and not just among the wider public but amongst the authorized officials as well². It is very common that they are perceived as “whores” (see annex 2) and “prostitutes that are not the business of the police”³ rather than a victim in a need of help. This is big hurdle for effective assistance and integration programs.

The stigma, in attachment with the prostitution that they are facing, is additionally punishing them after the trafficking experience. Some of them, not being able to handle it, are committing suicides or they might be re-trafficked in the slavery once again.

Even if this does not happen that are other difficulties of great importance that they need to cope with.

Once returned to their countries of origin they are back in the environment that have contributed to their trafficking experience, whether it is poverty,

¹ *Le traite des êtres humains* » -Georgina Vaz Cabral, *La Decouverte*, Paris 2006 p. 229

² « *Compilation of essays in trafficking in Human Beings* » - *Vulnerable social groups and their protection as victims of THB and as witness in the criminal procedure.* – Zorica Milkovska p. 68, IOM Skopje

³ « *Sex slaves* » - documentary, Frontline Boston 2006

family violence, gender discrimination, corrupted system, unemployment or demoralized societies.

Regarding this, the reintegration programs are including social, psychological assistance and vocational trainings that should prepare the victims for modest life.

The experience has shown that a “significant number of victims who receive vocational training, reported to return home to circumstances that do not allow them to obtain a job using the training they have received”.¹

But even if they are able to find proper job, this will not have any impact on the environment and the roots causes for trafficking. These programs give only short term solutions for individual cases, while the concept of the society remains the same looking for its next victim.

This is not to say that these programs are less important, but to stress that long term strategies and multi-dimensional solutions are needed in order to combat the problem, if not entirely, at least more effectively.

¹ *“An Introduction to Human Trafficking: Vulnerability, Impact and Action”* –UN office on drugs and crime, UN New York 2008 p. 63 available at www.ungift.org/pdf/vf_background_paper.pdf

CONCLUSION

Since the problem of trafficking was detected, there has been a vast number of works, discussions, seminars, debates, conferences, that have resulted with adequate legislature and strategies which should have created the base for the necessary counter actions.

On the governmental and international level, the problem of THB was permanently treated as a consequence of the illegal immigration which has resulted in greater investment in the illegal immigration counter measures.

While many experts are pointing out that the temptation to frame the illegal migration as a simple problem of illegal immigration is a “horrible scenario”¹, on the European Union’s level this is the only existent approach.

This confusion results with fighting the problem with the same measures as illegal immigration, hence, contributing to the objective of European Union to combat illegal immigration.

But if the problem is perceived as it is, consequence of the many factors mentioned in this work, and the challenges are much bigger and not always coinciding with the interests and policies of the EU destination countries.

One of the biggest challenges is the revision of the migratory policies and stronger development policies in the countries of origin.

This will mean less “donors driven” actions and more victim oriented policies. What has been invested up to now in the anti trafficking campaigns and strict migratory policies, should be focused in much elaborated projects that will contribute to the well – being of the most vulnerable ones.

¹ KOKKO Laura “People For Sale? Three Different Approaches To Human Trafficking”, Human Security Journal,, spring 2008, p.52

Giving opportunities to the young people coming from non-EU countries is an honourable task from which the both, destination and origin countries will benefit. The programs such as Erasmus or similar internship programs, if extended in the countries of origin in EU, can open new possibilities for those willing to gain international experience and knowledge, thus extending the international elite which, by now, has been only accessible to the EU citizens. These youngsters can become in future decent partners of the European Union, and they can contribute to the democratisation of their countries, thus creating better future for entire Europe.

The border control, above all, exists to constraint the crime activities and not to supply the criminal cause with potential victims, by rejecting any responsibilities for those third states citizens, lost in the strict and often changing visa regimes.

It is the ordinary people who are victims of these severe policies, while the criminals are almost always finding their way through.

Fighting the crime should not have any geographical and administrative limits. The crime groups are benefiting from those limits and therefore are always ahead from the counter crime actors. While the counter trafficking networks are pulled behind because of the bureaucratic restrictions, the criminal networks are much flexible and therefore more effective.

The challenges for the countries in tradition are on other level, as they are implying to different and wider problems.

I will put the accent on the corruption, as I believe that if this malady is not properly healed, all the other measures can be just slightly effective. Regardless the countless trainings for the counter trafficking actors, better capacity building, enforcement of infrastructure, the organized crime groups will continue to operate if the institutions are corrupted and under their influence. Fighting the corruption in the countries affected, should be

one of the priorities of the international community. What is in great need of this is an international intervention, dedicated morally and professionally to this combat.

Fighting organized crime and promoting Human Rights and Freedoms is not just the professional vocation but moral as well.

The Balkan, while marked with the national and state conflicts, creates perfect fruitful crime environment. While cooperation on any level, between these countries is almost impossible, due to the existing conflicts, the Balkan crime groups are not submitted at all to these conflicts, and therefore are establishing strong networks that are highly effective comparing those on intergovernmental level.¹

The network, working on the level of law enforcement, is also problem for the EU, as the case of the Europol is witnessing, as this agency has just consultative and coordination role. While there are well established European criminal groups, there is no yet European police with executive role.

The legal instruments and the international conventions against THB adopted, are showing that there is an international cooperation on governmental level. What is missing is its further “deepening” by creating a super national investigation body and establishing more profound cooperation between the national law enforcement bodies, that will be able to face the challenges of the new world, as the crime in the era of globalisation is no longer the interior “matter” of one state.

¹ Palokaj Augustin, “regional cooperation in Balkan way” – VAC office in Brussels, Dnevnik, 26.05.2008

The strong network is also needed between all the counter actors involved, governments, NGOs, social and medical workers, law enforcements and so forth.

These networks should be strengthened on the national level or internationally. Since the problem of THB is a complex problem, a multidisciplinary approach is also, needed regarding the FATHB.

The victims of trafficking should have assistance extended as much as possible, as their lives were the price paid for the wrong state policies up to now and therefore they should be recompensed for that.

It is from their stories that we are learning where our societies and institutions do not function as they should. They are the ones that have been directly involved in the crime and irreplaceable witnesses against the traffickers. Thus, ignoring the VoT, we simply ignore the crime itself.

The practice up to now, as a great deal of literature devoted on THB, have pointed out where improvement and changes in the counter human trafficking approach are needed.

Now it needs more political willingness, and political courage that will lead to changes from the self-centred policies to the policies from which can benefit both sides of the Schengen wall.

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ANNEX 1

Eye-witnessing Kosovo's Trafficking

I've started working as KFOR linguist at 11 September 1999, and was attached to different KFOR units operating in the area of Kosovska Kamenica (Kosovo, province of Serbia under UN interim government, secessionist quasi-state recognized by US and some of EU member states). At 20 May 2007 I quit that position.

In several occasions I have eye-witnessed the cases of human trafficking, as well as the cases of other sexual exploitation, such as classical prostitution and mobbing.

I would like to divide the cases of human trafficking in Kosovo into two separate areas. First area is a "domestic" trafficking, when the victims were coming from different parts of Kosovo itself, but also, having in mind that the border between Kosovo and Albania is practically nonexistent, some of the victims were from the region of Northern Albania. "International" trafficking is the one when the victim has to cross at least one international border before settling down in the specific area of operation. Also, I would say that in a lot of occasions "domestic" trafficking can be upgraded to the level of "international", by passing the victim using different illegal channels to other countries and other "owner". Usually those transfers are following the economic logic: if some area is saturated with girls, the "owners" moving them or selling them to other areas, where a demand for such services exists.

The Case of L. Xh. And A. Xh.

In December 1999, Military Police team I was assigned with received a message of the kidnapping of two girls, L. Xh. and A. Xh. (16 and 14 years old respectively, ethnic Albanians) missing from the establishment where they were working. I am using the term "establishment" because one cannot describe that location as a "restaurant", which was the official term. The team investigated the alleged kidnapping case, and the investigation revealed no results. Both girls went missing. Three days later they appeared again in the establishment, and the team went to speak to them about their whereabouts in that period of time. That investigation revealed that the girls, being born to extremely poor parents living in the underdeveloped rural area, both sisters were sent to work with the knowledge of their parents what kind of work is that. In the restaurant, they were connected with "a friend of the family" who took them to the town of Gnjilane, sexually abused them and returned them to the establishment. Since then and until the time of the closing of the establishment the girls were entertaining the guests for a regular price of 30 DEM (15 Euro) per intercourse. The establishment was black-listed by KFOR Command. Couple of years later the establishment was closed because of the ties between the owner and UCK (Albanian acronym for KLA, Kosovo Liberation Army) operating in the area: the owner was one of the UCK financial supporters, and his relatives were on high positions in the local government structures. As far as I am aware of, the girls never returned to their

village, and when I saw them in 2007, they were trying to marry some (or, better to say, any) rich person in the town of Kosovska Kamenica, in the meantime rendering escort services to male customers.

The Case of the Three Girls in the Restaurant

Again, the term “restaurant” does not describes the reality of the establishment. I visited that establishment, located in the village of Dobrcane in September 2006 while performing a route reconnaissance for the Serbian buses passing through the village. The village was extremely dangerous for Serbs to move through it, only to mention the fact that 12 Serbs were kidnapped there in 1999 and 4 of them were found dead, unfortunately there is no other way bypassing that village. Also, the establishment mentioned was on KFOR black list as a possible hub for illegal operations. The two girls who were working there (early twenties, ethnic Albanians, names unknown) came from another part of Kosovo, the town of Pec, and the third one came from Northern Albania. The Pec girls explained to me that they were promiscuous with the KFOR soldiers stationed in their town, and being despised and finger-pointed by the friends and the family, which effectively ostracized them from their society, they linked up with a “man who knows how those things are going” and were offered to work in this establishment while waiting the promised transfer to Italy through Albania. Their duties included table waiting, keeping company to the customers in the establishment, and rendering sexual services to the customers willing to pay for it. Their price for the latter was typical 20 Euro per intercourse, but overnight stay was also a possibility to be discussed, for the price between 90 and 120 Euros, depending from the girl in question and the number of male customers. Except from the regular pay from the waiting, they were accepting tips and they had 15% from the sexual services rendered to the customers.

The Case of Four “Russian” Girls

Actually, there were not Russians, but one of them was from Moldavia, and the other three were from Ukraine. They stayed in my area of operations for more than a year and I had a chance to talk to them on a regular basis. Their stories are very similar: being promised a nice work in the Western country (any of them), they would end up in some establishment in Kosovo. All of them were brought to Kosovo by the same person, Muhamed (last name unknown) from Gnjilane, but most likely that person was just the last one in a longer row of traffickers. After the arrival in Kosovo, their passports were taken away from them and they been told that they will have to work to repay their debts to the “owner”. They were working as “waitresses” in four different establishments, three of them being restaurants and one of them being a combination between a cafe and a gas station. All of the establishments had back rooms (or upper floor rooms, in the case of the gas station) where the customers had their privacy with the girls.

M. (age 24-25, Moldavian national), was trying to get back to Moldavia and using my help contacted different international organisations, but with no success. Finally, she was sued by Kosovo Police service and following the judicial decision, was expelled from Kosovo as an illegal worker. I was translating her case in the court of law, and personally I believe that due to the STD she had contracted, she became unusable for the “owner” and the “owner” just got rid of

her, otherwise I could not explain the behaviour of Kosovo Police Service, to pinpoint that person among others. The complete situation implied a connection between some officers from the Kosovo Police and the “owners” of the girls; similar connections were established between other criminal groups and the police officers, even high-ranking ones.

L. (age 30-32, Ukrainian national) was running an establishment by herself, controlled by the relatives of the “owner” because the “owner” was in jail at that time. Her establishment was frequented by KFOR and UNMIK personnel, as well as former UCK members, using her services. After almost two years of staying in the establishment, in 2004 she finally managed to buy her way her freedom and head back to Ukraine.

I. (age 29-30, Ukrainian national) stayed at the establishment located in the most rural part of the area, sharing her bed with the “owner” and the customers. At some period of time she just disappeared, most likely being sold to another “owner” or transferred to some other area.

A. (age 28-30, Ukrainian national) was working at the gas station establishment in the village of Koretin for some period of time, and then also disappeared; I would assume that her faith is similar with the one of *I.*

Free-lancing Prostitutes

I am aware of several cases, never registered with any UN or KFOR entity or agency, in which local girls were rendering their sexual services for different type of payment, not necessary in monetary units.

Most significant of those cases might be the case of two sisters, Albanians from the village of Jelaca, rendering their services for food, clothing and other necessities. I do believe that extreme poverty was the main factor to turn these girls to prostitution.

On the other side of spectrum is the case of *L.* (early twenties, Albanian) who came from comparably rich family, her father being an imam (Muslim priest) in the relatively large area of Karacevo, but who was free-lancing prostitute with the price range between a bottle of perfume and 120\$ per night, regardless of the numbers of male customers. The number of male customers was between 3 and 12, depending on the occasion. For instance, if it was some kind of party (Christmas, New year’s Eve, birthday, etc), the number of customers would be lower than just being an object of sexual relief for the personnel (up to 12 males) operating at a check-point. She started to operate from 1999, and in 2004 she introduced her younger sister to the same profession, being still active in that field in 2007.

Mobbing

It was a common knowledge that female police officers from Kosovo Police Service were rendering sexual services for different UNMIK Police personnel in exchange for promotions, job security or various benefits. There is a large number of names involved in those transactions, so I think it is pointless to separate just one case, because different variables were involved in every such case.

Very similar was the situation with different INGO’s as well as with OSCE, or different UN agencies employing both international and local staff: *D.* (mid-thirties, from Serbian proper, mother of one) was rendering sexual services to her

UN employers in order to keep her job. Losing her job and being unemployed back in her home town would mean very difficult times for her and her family. The base for mobbing as I see it is the lack of legal protection for the local staff, which is easily replaceable as well as lack of normal human ethics among different UN and EU international staff in Kosovo.

Pavel Popov,

February, 2008,

Skopje

ANNEX 2

The social worker Ann

I was sitting at my work and knew this was a heavy burdened, day for one of the young women I had contact with. This day she came back from the trial of the men who had trafficked her. I left the investigation and started to read. In the hearing this “Young woman” tells in detail how they fooled her to believe she was to work as a waitress in Sweden. Instead she was treated as an animal, brought to Sweden and sold as a sex slave. Buyers were Swedish men in all ages. “The Young Woman” came at last to a safe shelter, and her dream was eventually to have a family of her own. The same afternoon I rented the DVD “Lilja Forever” on my way home. Social workers had been encouraged to see the movie based on a real event. “Lilja” lives together with her mother in Russian speaking Latvia. Her mother abandons her and runs away with a man to America, never to return. “Lilja” has to stay on her own in a flat without heating. After a while she meets a nice man who offers her to go to Sweden and work. When she arrives she realise she been fooled. She is kept locked up and used as a prostitute. The buyers are Swedish men of all ages. Lilja manages to run away and take her own life. In the same day I had the story of two women used as sex slaves; “Lilja” from the movie and “The Young Woman” from my work. I felt upset and saw the similarities between those two women. The same evening I took a walk in the city and was deep into my own thoughts. In front of me were two boys and a girl in the age 16-17. Suddenly I heard their discussion. “Have you seen Lilja Forever?” “Yes, that Lilja, what a whore she was”, answered one of the boys who had a red cap. I remember thinking of “Lilja”, “the Young Woman” and the guy with the red cap. What can we actually do? Lilja was dead. “The young woman” had been abused and that will continue to affect her life. We will give all our resources we can to help her. I know nothing about the boy in the red cap. But I know we should use more energy and resources to influence and enlighten the young generation about attitudes and point of views.¹

¹ ANTHNET networking against trafficking “life stories”- - june 2007 available at <<http://83.103.85.186/Gettrattano/WFMainTrans.aspx>>;

ANNEX 3

“Jana, 18, is from a country in Eastern Europe known to be a major source for trafficked women. She has just completed secondary school and works in a confectionery factory. Her older sister, Lydia, was trafficked two years ago. After being arrested in a brothel raid, Lydia agreed to testify against her traffickers and was given temporary residence for the duration of the trial. Although her testimony contributed to the prosecution’s obtaining a conviction and a sentence, Lydia was told she needed to go home. Rather than face the shame and stigma of returning as a criminal and a prostitute, she hanged herself. Now her four-year old daughter lives at home with Lydia’s mother, who also works in a confectionery factory, and Jana. The father is a migrant labourer and is often away from home for long periods of time.

Extensive conversations with the family revealed feelings of deep shame about what had happened to Lydia. Her pictures had been removed from the house and her name was not mentioned. Jana admitted that, while being afraid of what could happen to her, she still wanted to work overseas because there was nothing for her at home, other than to stay in the confectionery factory and “marry a worthless alcoholic like my sister did”. A small foundation offered to pay for Jana’s university education over four years, including a subsidy to make up for lost wages as well as all books and fees. Although definitely bright enough, Jana declined the offer, saying that she did not know anyone who had gone to the university and she didn’t think it was her place. She asked, instead, to be sent to a vocational programme to study hairdressing, following the example of many of her friends.

Jana is a potential victim of trafficking. She is vulnerable because she faces limited employment opportunities in a country with a volatile economy and a limited job market. She is also vulnerable because she feels no support to pursue a university education, because of the expectations of her community that overseas jobs are the only option and because she can see little opportunity for either personal or professional fulfilment at home.”¹

¹ “*An Introduction to Human Trafficking: Vulnerability, Impact and Action*” –UN office on drugs and crime, UN New York 2008 p. 63 available at www.ungift.org/pdf/vf_background_paper.pdf p. 70