

TRAFFICKING OF HUMAN BEINGS IN THE TIMES OF GLOBALISATION SPECIAL OVERVIEW FOR KOSOVO

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Preface

Human trafficking is one of the gravest forms of human abuse and it is properly considered as the modern slavery of our time. This form of human abuse represents a flourishing business and it is one of the crimes that is spreading rapidly all around the world and has now reached the dimensions of drug and weapon trafficking.

When talking about human trafficking, we know that it is about profits of 36.1 billions of dollars¹, according to some assessments conducted by UNODC (United Nations Office against Drugs and Crimes) the benefits deriving from human trafficking are around 7-13 billion dollars per year², therefore, despite the discrepancy in figures regarding benefits of billions of dollars from human trafficking these figures show the extent of profitability from this illegal activity.

Human trafficking phenomenon in the times of globalisation in itself envisages recidivism, professionalism, abuse of technical achievements, secrets and rather well organized activities, international elements, rather high financial means as well as corruption of police and justice. For this purpose smugglers incorporate and utilize groups, associations and organizations that were previously established or new associations whose official activity is dealing with different transactions that are not formally prohibited. Often, these groups, associations and organizations are legally represented and registered, presenting an activity that they allegedly do, but in fact, their activity is dealing with criminal matters³.

According to what was said above, it is obvious that human trafficking is a global problem and it is present in all contemporary countries of the world, regardless of economic development, political and social systems or religion of these countries.

Human trafficking does spare neither man nor women or children. Because of physical development, men are usually utilized for forced work, whereas women for sexual abuse and prostitution; and since people are sensitive towards children, they are utilized for begging, and as far as trafficking of organs is concerned men and women as well as children may be used. Women trafficking with the aim of sexual abuse and prostitution are by far the gravest violation of human dignity and human rights.

Smugglers have been using and continue to use economic situation in undeveloped or in developing countries to bring or send victims in developed countries or in post conflict countries, as is the case with Kosovo. Germany is the country that is the most involved in tourism for undignified

purposes. Every year around 200.000 to 400.000 Germans travel to the countries of Far East, mainly Thailand and Philippines for such purposes.

Today, there is no reliable and full data in the world in regard to extent of the problem of human trafficking, but the assessments conducted by some international organisations and national agencies may be a good indicator. According to United Nations it is estimated that 700.000 children and women every year become a victim of human trafficking. According to American State Department this figure has been estimated to be 900.000, out of whom 20.000 persons were utilized in USA territory. According to International Work Organisation in 2005 it is considered that 2.45 million people at all times are being utilized for work. UNICEF estimates that each year 1.2 million children become victims of trafficking⁴.

The problem of human trafficking is mainly treated as an isolated phenomenon, separated from close connection to structural problems such as poverty, increasing difference between rich and poor, unemployment, social exclusion and discrimination of origin as well as different forms of women and child abuse⁵, however, in the times of globalization, it is obvious that human trafficking phenomenon is connected to many other forms of crime such as drug and weapon trafficking, prostitution etc.

Since this form of crime in globalization has included not only poor countries or the developing ones but also rich countries, I consider that it is important to deal with this phenomenon in the times we live because it has impact in order and security of different countries in the world, since its fight and prevention also depends on donations and assistance from EU and USA as well as from Euro-Atlantic integration because in the majority of cases human trafficking is part of organized crime.

In the times of globalization, international cooperation in relation to prevention and fighting of human trafficking would be irreplaceable with whichever domestic measure of any country to successfully prevent and fight this form of crime with international elements, as one of the most complex crimes and in most cases part of organized crime.

There is not any country in the world which is immune to this phenomenon; therefore the approach towards this issue should be global and based upon international cooperation and exchange of best experiences for prevention and fighting of this phenomenon, especially among Western Balkans countries because, during 90ies, these countries were included in horrible conflicts and wars and after these events these countries were militarized with many police and army forces from around the world, which presented an

1 <http://www.advance.hr/r/human-trafficking-trgovina-ljudima-kako-ne-postati-zrtva.html>, accessed on date.2.12.2011, p.1

2

http://www.cies.it/aeneas/attachments/055_Educational%20Dossier_AL.pdf accessed on date.25.08.2012 f.10

3 Halili, Ragip, 2002 "Kriminalistika" Prishtinë, pg. 137

4 Andjelkovic, Marija idr., 2011, Trgovina Ljudima u Republici Srbiji, Izveštaj za period 2000-2010, Astra – Akcija Protiv Trgovine Ljudima, f.48
5 Nikolić-Ristanović, Vesna, Strukturalna viktimizacija i trgovina ljudima u Srbiji: strategije prevladavanja i rizici kriminalizacije, Časopis o viktimizaciji, ljudskim pravima i rodu – TEMIDA, Br. 4, godina 11. Decembar 2008, f.6

additional reason to lure with a better life not only human trafficking smugglers but also victims of trafficking.

The human trafficking problem can be seen also in relations between legal regulation which continuously undergoes different changes on one side and different media, governmental and non-governmental organizations, national and international ones as well as the very assessment of public opinion on another side; therefore the raising of this issue on academic – research/scientific level would contribute to decrease of dilemma and problems during the implementation in practice of legal regulation, because today we have a connection between contemporary crime and globalization on one side and the victimization by this criminalization on another side.

Human trafficking is a particular form of crime which, in majority of cases, is part of organized crime, has been the focus of different countries in the last decade, dealing with problems also in the aspect of victims protection, including also initial identification and referral of victims, their reflection and recovery, intervention in case of crisis of victims of trafficking, review of admittance and needs of victims as well as rehabilitation of victims of trafficking and all these problems have to do with protection of victims, before initiating a criminal proceeding, during criminal proceeding and after the completion of criminal proceeding.

1. Human trafficking in Kosovo

1.1 Presentation of human trafficking in Kosovo as criminal offense – historic review

Historically, human trafficking as particular criminal offense not only in Kosovo but also in other countries of the world does not have a long history because this phenomenon has been treated in separated forms depending on forms of abuse of victims, such as: abuse for prostitution or other forms of sexual abuse, forced labour or services, slavery or practices similar to slavery, enslaving or removal of body organs.

At this point, only some international documents shall be mentioned, which are relevant as far as human trafficking is concerned: Convention on prevention of human trafficking and abuse for prostitution of other of 1949, Convention on elimination of all types of discrimination of women of 1979, Overall suggestions of the Committee for elimination of discrimination towards women Nr.19 of 1992, Ministerial declaration of the Hague on European orientation and efficient measures for combating of women trafficking for the purpose of sexual abuse, Protocol on prevention, elimination and punishment of human trafficking, especially women and children of 2000, Amendment of UN Convention against transnational organized crime, Guidelines of Council of Europe 1325 on trafficking and forced prostitution in CE countries, Guidelines of Committee of Ministers Nr. R of 2000 on operations (actions) against human trafficking for the purpose of sexual abuse and the Proposal in the frame of European Union Commission for combat against human trafficking of 2001⁶. Additional

conventions on elimination of slavery, trafficking of goods and prostitutions as well as similar practices of slavery of 1956, Convention on elimination of forced labour of 1957, Decision Frame of EU Council on human trafficking of 2002, UN Convention against transnational organized crime and additional protocol for prevention, combat and punishment of human trafficking, especially women and children of (Palermo Protocol), CE Convention against human trafficking of t 2005.

By November 2008, 63% of the 155 countries and territories in which the global report on human trafficking was made by UNODC, legislation for solutions containing the main forms of human trafficking, the rest 16% enacted containing only a few elements of the definition provided by the UN Protocol (December 2000, entered into force on 25 December 2003) on trafficking in human beings. In 2003, only a third of the states involved in the global report have had laws against trafficking in human beings. By the end of 2008, four-fifths of these countries have had these laws, which means that the number of countries that have issued these laws more than doubled in the period from 2003 to 2008, by doing so in the adoption of the Protocol. (This protocol in February 2009 has been signed by 124 states). In addition, 54% of these countries have created special units to combat trafficking of human beings, while more than half of them have developed action plans on this topic⁷.

Regarding Kosovo, until 2001, trafficking of human beings was not provided at all as a criminal offense. Several factors contributed to submission of trafficking such as: lack of legislation, a very great diversity of the laws that applied in Kosovo immediately after the 1999 war, including former laws of the former Federal Republic of Yugoslavia, the former Socialist Autonomous Province of Kosovo and a part of laws of the Republic of Serbia, but all these legal norms did not foresee any provision regarding trafficking of human beings, although from 1999 to 2001 Kosovo had enough human beings traffickers and victims who were trafficked by these traffickers and an increasingly large number of users of sexual services from these victims.

With the advent of many international military and police forces as well as a great civilian personnel in Kosovo, a great chance was given to traffickers of human beings, who used lack of control of the borders of Kosovo, not functioning police and judicial system, political and economic instability, not functioning of the customs and the permanent need of military personnel, police and civilian males to sexually exploit trafficked women coming from countries of the former socialist bloc.

In 2001, UNMIK administration that was installed in Kosovo in 1999, based on Security Council Resolution Nr.1244, issued Regulation No. 2001/4 on the Prohibition of Trafficking of Persons in Kosovo (in Kosovo, Regulations of UNMIK have the force of law) which foresaw for the first time in Kosovo human trafficking as a criminal offense as well as other provisions that deal with victims of trafficking and premises used for the trafficking of these victims and

⁶ Zrenjanicki edukativni centar, <http://www.zreduc.rs/index.php/trgovinaljudima/meunarodna-dokumenta> qasja me dt.2.09.2012

⁷ Borba protiv trgovine ljudima, prirucnik za poslanike, publikim i UNODC, IPU dhe UN.GIFT, Nr.16/2009 f.11 dhe 12, www.ungiftserbia.org, qasja 12.09.2011

also foresaw the National Coordinator for fighting trafficking of human beings⁸.

In addition, Kosovo had no legal provisions protecting trafficking victims or witnesses that may be present in cases of trafficking of human beings, so UNMIK Administration in 2000 issued the Regulation on the protection of injured parties and witnesses in criminal proceedings as well as an Administrative Order for the implementation of this Regulation as well as a cooperative witness Regulation, aimed at combating crime in general and people trafficking in particular.

1.2 Types of offenses of trafficking of human beings according to laws in Kosovo

In the short history (2001-2012) of the existence of trafficking of human beings in Kosovo, there have been changes in legal – criminal terms as well as in terms of the treatment of victims and the approach of prosecution institutions and judicial institutions towards the phenomenon of trafficking of human beings.

After the war in Kosovo, as stated above, in 2001, UNMIK promulgated UNMIK Regulation No. 2001/4 that had the power of law which provided three offenses considered as trafficking in human beings and those are: human trafficking, concealment of identity documents and the use or provision of sexual services in a state of sexual exploitation⁹.

Given the diversity of legal infrastructure in Kosovo after the end of war in 1999, Kosovo needed to have a Criminal Code, which would include offenses that were foreseen in different legal acts, either in the laws of the former Socialist Republic of Yugoslavia, the former Socialist Autonomous Province of Kosovo, the Republic of Serbia or in UNMIK regulations itself, so with the help of international experts Kosovo Criminal Code was prepared which entered into force on 6th of April 2004.

Criminal Code of Kosovo of 6th of April 2004, in addition to trafficking of human beings that was envisaged in Article 139, foresaw some offenses under UNMIK Regulation 2001/4 as human trafficking and: in the offense - the establishment of slavery, slavery-like conditions and forced labor - Article 137 and offenses - concealing identity documents of the victims of slavery or human trafficking - Section 140, so as you can see this code provided criminal offense of special use or providing sexual services in a state of sexual exploitation, but no offense was included within the offense of trafficking in Article 139, paragraph 5, and provided another offense as separate, that of concealing the identity documents of the victims of slavery or trafficking in persons, which act was not provided for by Regulation No 2001/4.

1.3 Innovations in the new Criminal Code of Kosovo (2012)

In the period of over nine years of applying the provisions of Criminal Code of 6th of April 2004 from the enforcement of

this code are noticed advantages and disadvantages, and this has influenced not only the direct implementers of this code but also others that are keeping up the implementation of this code to see the necessity of amending the code, so that the new criminal code of Kosovo would be clearer, more easily applicable, contain those offenses that were not part of Criminal Code of 2004 because Kosovo had not yet declared independence and was not recognized as a state and that law was seen as necessary for some predictable phenomenon of new criminal offenses in order to sanction preferably all incriminating actions.

New Criminal Code of Kosovo has brought quite a novelty in terms of trafficking of human beings by providing not only clear description of the elements of the offense of trafficking of persons as well as new criminal offenses but also an addition to existing Criminal Code of 2004.

Just like the new Criminal Code of 2012, except for offenses that were provided by the Criminal Code of 2004, such as human trafficking, slavery, slavery-like conditions and forced labour, harbouring identification documents of victim of slavery or human trafficking, new criminal offenses are also provided which enter the field of trafficking of human beings, such as: sexual services of a victim of trafficking and illegal transplantation and organ trafficking.

If considering the above mentioned offenses structure, one can draw a conclusion that the new Criminal Code of Kosovo of 2012 has brought some significant innovations, which are seen as necessary because of the manner of exploitation of trafficking victims especially those used for the use of sexual services and prostitution, but also because of the weight not only the legal but also political one of use for the purpose of removal of organs.

2. Elements of the offense of trafficking in persons under the law in Kosovo

2.1 Understanding

For the first time in legal infrastructure in Kosovo the definition of trafficking of human beings was made by UNMIK Regulation 2001/4 in Section 1, according to which "trafficking of human beings" shall mean the recruitment, transportation, transfer, harbouring, or receipt of persons by means of threat or use of force or by other forms of coercion, abduction, fraud, deception, abuse of authority 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.

Also according to the aforementioned Regulation "exploitation" includes but is not limited to the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or compulsory services, slavery or practices similar to slavery, servitude or the removal of organs.

The consent of a victim of trafficking to the intended exploitation, according to Regulation 2001/4 is not relevant whenever any of the means (threat or use of force or the other forms of coercion, abduction, fraud, deception, abuse of authority or of a position of vulnerability or the giving or receiving of payments or benefits) are used to a victim of trafficking.

⁸ Rregullorja e UNMIK-ut Nr.2001/4 e datës 12.01.2001 mbi ndalimin e trafikimit me njerëz ne Kosovë,

⁹ Rregullorja e UNMIK-ut mbi ndalimin e trafikimit me njerëz ne Kosovë, Nr.2001/4 e datës 12.01.2001, nenet 2,3 dhe 4,

The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation, as well as Regulation 2001/4 is considered "trafficking of humans" even if this does not involve any of the means (threat or use of force or the other forms of coercion, abduction, fraud, deception, abuse of authority or of a position of vulnerability or of giving or receiving of payments or benefits)

As you can see the definition of trafficking described in section 1 of UNMIK Regulation No. 2001/4 is taken in its entirety by the United Nations Protocol to prevent, combat and punish trafficking in persons, especially women and children, in addition to the United Nations Convention against Transnational Organized Crime (2000) ("Palermo Protocol")¹⁰ this international document is also taken as a whole to define the "use" of cases of trafficking of human beings.

Kosovo Criminal Code of 2004 has taken the definition of "trafficking of humans", "exploitation" and "consent of the victim" from the Council of Europe Convention on combating trafficking of human beings of 2005, according to which "Trafficking human beings" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by use or threat of force or other forms of coercion, abduction, fraud, deception, abuse of power or vulnerability, giving or receiving of payments or benefits to obtain consent of a person having control over another person for the purpose of exploitation, while "Exploitation", at a minimum, includes the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or forced services, slavery or practices of slavery, service or removal of human organs, while "The consent of a victim" of "trafficking of human beings" for the use of planning, allegedly trafficking meaning it does not matter in any case when they are used in the above ways of understanding of trafficking of human beings. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking of human beings" even if does not include above means of understanding human trafficking¹¹. Criminal Code of Kosovo of 2012 also took this definition.

Criminal Code of Kosovo of 2004 and the Council of Europe Convention on combating trafficking of human beings of 2005 as well as the Palermo Protocol, in the description of the meaning of human trafficking and exploitation of trafficking victims does not specifically mention begging or the exploitation of criminal activities or the use of narcotics or other similar means, but these forms of trafficking of humans are referred to in the Directive of the European Parliament and Council, according to which "exploitation for begging," which involves the use of a trafficked dependent person for purposes of begging, consistent with the definition of trafficking of human beings, only when all the elements of forced labour or services occur, while the term "exploitation for criminal activities" should be understood as

exploitation of a person to steal, among other things, pockets, shops, drug trafficking and other similar activities which are subject to penalties and imply financial benefits. The definition also covers trafficking of human beings by "illegal adoption or forced marriage", as long as the latter fulfil the basic elements of human trafficking. Also according to the directive, severe forms of trafficking of human beings are: "torture, forced use of drugs, rape or other forms of psychological, physical or sexual violence that has caused considerable damage to the victim", which should reflect in a more severe sentence¹².

Although the Directive of European Parliament and Council is not binding on the states that are not members of the European Parliament and Council, in Kosovo this Directive is analysed in the framework of the Interagency Group which is chaired by the National Coordinator for trafficking of human beings that is supported by EC and provided guidelines for all institutions to take into account the implementation of this Directive in practice, to incorporate the provisions of the Directive in all related laws, in order to prevent and combat all forms of trafficking in human beings.

2.2 Elements of the crime of trafficking

From the aforementioned description of the crime of trafficking of human beings and if you look at the analysis of the elements of this offense that are made by the Organization for Security and Cooperation in Europe in Kosovo, it is shown that these elements can be divided into three groups¹³:

The first group or otherwise known as the group of elements of "action" includes: recruitment, transportation, transfer, harbouring or receipt of persons.

The second group, or otherwise known as the group of elements of "means" includes: 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 by giving or receiving of payments or benefits to achieve the consent of a person having control over another person; The third group or otherwise known as the group of "mental" elements includes: the purpose of exploitation, which is defined as: - 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.

3. Differences between human trafficking and smuggling of migrants

Criminal Code provides for some offenses in judicial practice in Kosovo that have often been considered as trafficking of humans.

Kosovo Criminal Code describes migrant smuggling as: any action in order to obtain direct or indirect financial benefit or other benefit from the illegal entry of a person in the Republic of Kosovo, who is not a citizen of Republic of

10 Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against transnational Organized Crime, 2000, article 3 paragraph 1

11 Konventa e Këshillit të Evropës, mbi luftën kundër trafikimit me njerëz e datës 16.05.2005, neni 4.

12 Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims and replacing Council Framework Decision 2002/629/JHA

13 OSCE—Organizata për Siguri dhe Bashkëpunim në Evropë, 2007, Analiza ligjore e rasteve të trafikimit me njerëz në Kosovë, f.6

Kosovo or a person, citizen of the Republic of Kosovo or foreign nationals, in the country in which such person is not a permanent resident or citizen of that state¹⁴.

From this description it is clear that there is no confusion or uncertainty in the difference of the offense of trafficking of humans from the criminal offense of smuggling of migrants, because these two offenses clearly distinguish the purpose of their offender, because the smuggling of migrants, the exploiter does not aim 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, as is the aim of offender of trafficking of human beings .

Also these offenses also differ with regard to the country of their performance, because while trafficking of human beings can be done also within the territory of a state, the smuggling of migrants can be performed only if it is made by illegal crossing of the state border.

4. Forms of exploitation of trafficking in persons in Kosovo

As noted above, trafficking of human beings can be done in many forms, including the exploitation for 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 as well as the concealing of the identity documents of the victims of slavery or human trafficking.

Taking into account the forms of exploitation of trafficking victims in Kosovo since the presentation of trafficking of human beings as a separate criminal offense, it turns out that in Kosovo prevails significant exploitation of victims for the purposes of sexual services and prostitution.

This form of exploitation of trafficking victims appeared immediately after the war in Kosovo in 1999 and was due to very unstable political and security situation, but also due to the lack of comprehensive system of justice.

In the contemporary world diverse sexual identities are present, such as: heterosexuality, homosexuality, bisexuality, and transgender, so the presence of these types of sexual identity indicates the presence of different sexual exploitation¹⁵

In this case will be presented only one case of trafficking for sexual exploitation where the victim was a Kosovo Albanian woman identified as Drita who is a mother and at the age of 19 became a victim of trafficking through prostitution. Her nightmare lasted four years, until she escaped while she was pregnant in 2004. Drita, whose last name is not given because she is a victim, says she can easily remembered the abuse suffered while she was in confinement. Among other things, she says: "I was cut with a knife, beaten and tortured, I was never given enough food, I was given electric shocks. They did everything to me. I've experienced it all."¹⁶

Aforementioned case demonstrates how vulnerable trafficked women are. According to a study, 65% of women in the world who were victims of sex trafficking have suffered serious physical injury: 24% internal head and bone injury, 12% different fractures and 68% of them met the criteria for clinical treatment due to stress disorder, while ten times more are at risk of HIV disease¹⁷.

Although in Kosovo forms of trafficking of human beings for the purpose of removal of organs is not in a same scale as the form of trafficking of human beings for purposes of sexual exploitation or prostitution, however, two cases were presented and investigations as well as judicial proceedings are still going on, for which there is still no final judicial decision so as to conclude that in Kosovo there is trafficking in human beings for the purpose of removal of organs.

One of these cases has to do with transplantation of organs - kidneys at a private medical clinic called "Medicus"¹⁸ where donors and kidney recipients were from different countries of the world; this case is in the phase of the trial in the District Court in Pristina, while the other case is under investigation and has to do with the case filed by Senator Dick Marty regarding organ trafficking in Kosovo during the war of 1999, and for this case, as mentioned above, in September 2011, a special task force was formed, consisting only of internationals and led by John Clint Williamson, which so far has not come up with any concrete results in terms of the investigation of this case. In regard to the work of this task force, its spokesman, Juri Lass, issued a press release in September 2012, stating "Special Investigation Task Force is currently at the phase of provision and analysis of information from a number of certain institutions, and at the same time is continuing its investigations. Contacts with people who have information about the issue have been intensified"¹⁹

While the first case concerning private clinic "Medicus" is the clearest case because this clinic had no license for organ transplantation but only for urologic medical treatments not including surgical interventions, conclusion of the case filed by Senator Dick Marty has a much greater importance for Kosovo, because even though this case was just a criminal case, the implication of international political institutions, the conclusion of this case is also of great political importance for Kosovo, because it represents a heavy burden for the image of Kosovo and for the right war of Kosovo Liberation Army.

However, the forms of organ trafficking in Kosovo for the purpose of removal of organs may not be qualified as a phenomenon, but as a form that deserves attention of prosecution bodies to take action in order to prevent and combat this form of trafficking of human beings.

Although in Kosovo there were few cases prosecuting for child begging, U.S. State Department in its Report of Human Trafficking (TIP) 2010 states that "Kosovo is a country of origin, transit and destination country of women

14 Kodi Penal i Kosoves i datës 28.12.2012, neni 170 paragrafi 1 dhe 7.1

15 Po aty f.18

16

http://setimes.com/cocoon/setimes/xhtml/sq/features/setimes/audio_story/2012/04/19/audio_story-04, qasja me dt.13.10.2012

17 <http://www.ncadv.org/files/HumanTrafficking.pdf> , qasja me dt.13.10.2012

18 Rasti "Medicus" Prokuroria Speciale e Republikës së Kosovës

19 <http://time.ikub.al/Lajme/815be81e9d/Kosove-EULEX-i-intensifikon-hetimet-per-akuzat-e-Dick-Martit> , qasja me dt.25.09.2012

and children who are the subject of human trafficking, specifically for forced prostitution and children begging²⁰. This report should serve as a motivation for all prosecution bodies in Kosovo to deal more seriously with this problem, bearing in mind that in the streets of Kosovo there are enough child beggars.

A big part of these children come from Roma, Ashkali and Egyptian communities in Kosovo, but there are also exploited children for forced begging coming from Albania. These children are likely to be exposed to the risk of exploitation by organized crime circles for sexual purposes and forced labour²¹.

The Law on Public Order and Safety in Kosovo established begging in public places as a criminal offense for which is foreseen a fine of 30 to 500 euros²², but this offense is carried out only if the perpetrator in a public place requires charity intrusively, so it is a subject of assessment of the court to ascertain whether there was an intrusion of begging in a public place or not.

These situations are not rare in Kosovo, where unemployment has affected about 45 percent of the population. The phenomenon of begging in the street is a consequence of dramatic poverty in Kosovo and of the lack of appropriate service delivery by Kosovo institutions.²³

Approximately 2.5 million people in the world do forced labour (including sexual exploitation) as a result of human trafficking and that:

Over 1.4 million - 56% - in Asia and the Pacific

Over 250000-10% in Latin America and the Caribbean

Over 230,000 - 9.2% - in the Middle East and North Africa

Over 130,000 - 5.2% - in sub-Saharan countries

Over 270.000 to 10.8% in industrialized countries

Over 200000-8% - Transition countries²⁴

These figures show that both Kosovo and other Western Balkan countries should make more approach towards forced labour to prevent and combat this form of trafficking. Although Kosovo still does not have any criminal case of trafficking of human beings for forced labour, this does not mean that in reality this form of trafficking does not exist; on the contrary, Kosovo has many private sector employees that do not have work contracts or job protection and these cases need to be followed by criminal prosecution bodies in order to verify the presence of the elements of the offense of trafficking of human beings.

5. Structure of victims of trafficking in Kosovo

Given the structure of private businesses, international staff, either military civil or police that was present in Kosovo since 1999, the structure of trafficked victims has changed continuously.

Initially, in the years 1999 -2001 in Kosovo there were victims coming from countries of the former socialist bloc, mainly from Ukraine, Moldova, Russia, Romania, and over time the structure of trafficked victims began to undergo changes, since among the victims there was an increase of number of local trafficked victims and those from Albania and Macedonia.

Initially, in Kosovo after June 1999 there was no proper evidence, neither by the police or the prosecutor nor by the court because UNMIK authorities had no good organization, the administration was comprised of members of many countries from all over the world and they came with different experiences, different legal and criminal systems.

After the consolidation of Kosovo Police, prosecution and courts in Kosovo, the issue of statistics started to be fixed, but still one can not find accurate statistics on the Kosovo Judicial Council regarding the exact number of persons convicted of trafficking of human beings and the penalties for each of these people.

Here you will be given few statistics from Kosovo police that better represent the situation of human trafficking, due to regular evidence.

20 <http://www.state.gov/documents/organization/143187.pdf>. (e qasur me10 gusht 2011), fq. 20.

21 http://www.s3.amazonaws.com/rcpp/assets/attachments/1242_Observati on_Report_Exploitation_of_Albanian_Children_in_Street_Situation_in_Kosova_Alb_version_original.pdf, projekti "MARIO" dhjetor 2010, qasja me dt.7.10.2012

22 Ligji Nr. 03/L-142 i datës 17 shtator 2009, për rendin dhe qetësinë publike i Kosovës, neni 10.

23 <http://www.albinfo.ch/ch-ballkani/terre-des-hommes-shpres%C3%ABp%C3%ABr f%C3%ABmij%C3%ABt-kosovar%C3%AB-77803>, qasja me dt.7.10.2012

24 International Labour Organization, Forced Labour, Statistics Factsheet (2007) Publikuar ne http://www.unglobalcompact.org/docs/issues_doc/labour/Forced_labour/HUMAN_TRAFFICKING_-_THE_FACTS_-_final.pdf, f.1

| Identified trafficked victims according to origins Period 2001 – 2012 | | | | | | | | | | | | |
|--|---------|-----------|----------|----------|-----------|-----------|---------|---------|------------|--------|-------|-------|
| Year | Kosovar | Moldavian | Albanian | Romanian | Ukrainian | Bulgarian | Serbian | Russian | Macedonian | Polish | Other | Total |
| 2001 | 5 | 94 | 3 | 46 | 18 | 4 | / | 2 | / | / | / | 172 |
| 2002 | 3 | 32 | 9 | 19 | 20 | 6 | / | / | / | / | / | 89 |
| 2003 | 15 | 13 | 4 | 5 | 5 | 3 | 4 | / | / | / | 1 | 50 |
| 2004 | 11 | 17 | 13 | 4 | / | 2 | / | / | / | / | 1 | 48 |
| 2005 | 24 | 6 | 6 | / | / | 6 | 2 | / | / | / | 5 | 49 |
| 2006 | 20 | 30 | 6 | / | 3 | 2 | / | 2 | / | / | 3 | 66 |
| 2007 | 18 | 3 | 9 | / | / | / | 1 | / | 1 | / | 1 | 33 |
| 2008 | 25 | 4 | 3 | / | / | 1 | 2 | / | / | / | 1 | 36 |
| 2009 | 16 | 8 | 3 | / | / | 1 | 1 | / | / | / | / | 29 |
| 2010 | 28 | 1 | 7 | / | / | / | 2 | / | / | 1 | / | 39 |
| 2011 | 35 | / | 1 | / | / | / | 2 | / | / | / | / | 39 |
| ½ 2012 | 26 | 2 | 1 | / | / | / | / | / | / | / | 1 | 30 |
| Total | 226 | 210 | 65 | 74 | 46 | 25 | 15 | 4 | 1 | 1 | 13 | 680 |

| Assisted victims in the period 2001 – 2007 | | | | | | | |
|--|------|------|------|------|------|------|------|
| Years | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
| Assisted | 172 | 89 | 34 | 49 | 38 | 27 | 28 |

| Trafficking victims by age group 2001 – 2012 | | | | | | | | | |
|--|-------|-------|-------|-------|-------|-------|-------|---------|-------|
| Age group | 14-17 | 18-22 | 23-25 | 28-30 | 31-35 | 36-40 | 41-50 | Over 50 | Total |
| Number of victims | 73 | 167 | 200 | 111 | 68 | 50 | 9 | 2 | 680 |

| Arrests - Period 2001 – 2012 | | | | | | | | | | | | | |
|------------------------------|------|------|------|------|------|------|------|------|------|------|------|------|-------|
| Years | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | Total |
| Arrested | 25 | 22 | 11 | 56 | 33 | 36 | 46 | 68 | 34 | 76 | 91 | 74 | 572 |

These statistics of these years show that not only has the structure of trafficked victims changed but also the one of arrested traffickers which means that the cooperation of traffickers in trafficking overcomes state borders of Kosovo and thus the cooperation of prosecution bodies of Western Balkans countries is more than necessary in order to prevent and combat human trafficking.

During 2012, the District Courts received a total of 31 new cases for criminal offenses related to "Trafficking in Persons" Article 139, and solved a total of 22 cases, of which:

The decision of guilt was given to 17 cases, and 41 persons were sentenced.

8 people sentenced from 2 to 5 years in prison

1 person was sentenced with 2 years' imprisonment,

1 person was sentenced with 1 year and 6 months imprisonment,

23 persons were sentenced with 1 year imprisonment, and
8 persons were sentenced with 6 months imprisonment. Acquittal decision was given to 5 cases, and 9 persons were released.

In the end of 2012, 35 cases remained unsolved.

6. Cooperation between Kosovo and other countries

Taking into account the developments in the 90ies, the cooperation of Western Balkans countries faced challenges and achieved success, but in recent years this cooperation has experienced significant growth, thanks to Eu and USA who, through frequent meetings and trainings, made possible the cooperation among representatives of these states.

Further will be shown only a table that speaks about the cooperation of Kosovo with some other countries in relation to human trafficking.

| | 2009 | 2010 | 2011 | 2012 |
|-------------|------|------|------|------|
| Albania | 2 | 3 | 4 | 1 |
| Macedonia | 1 | 1 | 3 | 1 |
| Serbia | 2 | 4 | 3 | 1 |
| Monte Negro | | 1 | 2 | 1 |
| Croatia | | | | 1 |
| Belgium | | | 3 | 3 |
| Switzerland | | | 2 | 1 |
| Netherlands | | 1 | 1 | |
| Ukraine | | | 1 | |
| Poland | | | 1 | |
| Germany | 1 | 1 | 1 | |
| Moldova | | 1 | 1 | 2 |
| Slovakia | | | | 1 |
| Italy | | | 1 | 1 |
| Sweden | | | 1 | 1 |
| Total | 6 | 12 | 23 | 14 |

7. Conclusion

Trafficking in persons in the time of globalization represents one of the biggest challenges in fighting crime in general, while Kosovo being part of this globalization and at a time of verification of the fulfillment of many conditions for membership in the European Union and the Euro – Atlantic structures, there are more obligations to take all actions to prevent and successfully combat trafficking in human beings

Kosovo has established a good legal infrastructure related to the prevention and combating of trafficking and has established the authorities to prevent and combat this phenomenon, but these bodies are obligated to comply with this legal infrastructure as best as possible, including the strategy and action plan to prevent and combat trafficking in persons.

Kosovo need for a better cooperation with all other countries and above all with the Western Balkan countries, because the Western Balkan criminal networks are more connected and have a better cooperation, because of their past in a country, such as Yugoslavia and in some cases for an easier linguistic communication.

As effective as cooperation can be, the more effective it will be the prevention and combating of trafficking in human beings and reducing the consequences at the time of globalization