Trafficking in Human Beings in Transition and Post-Conflict Countries

Alja Klopcic

Transition and post-conflict societies with their negative side-products (e.g. organised crime, trafficking in human beings and corruption), which stem from the recent political and economic changes in the South Eastern European region are of particular concern to the international community - due to their cross-border effects. In the following essay, the author concentrates on trafficking in human beings as a regional and global problem and as a serious threat to the human security of women and children living in the poor areas of South Eastern Europe.

I. Human trafficking as a security threat in transition and post-conflict societies

The fall of the Berlin Wall in the early 1990s opened the gate to the movement of people from ex-socialist countries to the wealthy Western European countries. The transition period in most of the ex-socialist countries has been marked by sharp economic recession, hyperinflation and growth in foreign debt, raising unemployment, social upheavals and even armed conflicts[1]. These factors have weakened the individual nation-states, and contributed to the large numbers of refugees and economic migrants seeking to enter Western Europe from economically weak countries (Romania, Bulgaria, Albania, Eastern Germany and the former USSR republics) or conflict-affected regions (the former Yugoslav republics).

Another outcome of difficult socio-economic conditions was the increase of illegal activities that subsequently undermined the security of the most vulnerable groups of the society - women and children. Trafficking in human beings presents a security threat mainly to those communities that are character-

[1] Philips, Ferfila, "Socioeconomic Development in Slovenia: 1990–2000", in Drago Zajc (ed), *Slovenska Država ob Deseti Obletnici*, FDV, Ljubljana, 2001, pp. 177 - 201, at p. 179.

ized by persistent poverty and high unemployment. The underlying question in this context is how to implement the human security concept at the local level for potential victims of human trafficking, in view of the fact that trafficking is a growing transnational business, generating high profits for traffickers?

A. Push factors

The majority of victims of trafficking are of the average age of 14 up to 32 years and they originate mainly from rural or poor urban areas. Violence or sexual abuse in families and lack of job opportunities in their communities are among the main push factors. An additional problem presents a low educational background: most victims have merely completed primary school or have a bit of high school education. Namely, difficult family conditions and a traditional attitude towards gender roles prevent them from continuing their educational process. And as a result they are directly pushed into the hands of the trafficking agents. Upon arrival to the "promised" destination, victims are very often left without their identification documents and are placed under the control of traffickers. If the victims resist cooperating with the traffickers, they are most likely threatened to be handed over to the authorities of the country they reside in illegally. Without personal documents, financial resources and insufficient knowledge of language they have no other choice but to cooperate[2].

Trafficking in human beings can be traced, in part, to the declining possibilities for regular migration coinciding with the emergence of a market for irregular migration services. However, in order to better understand this phenomenon, it is important to distinguish human trafficking from illegal immigrant smuggling (although both activities resemble each other). Illegal immigrant smuggling occurs on a voluntary basis and ends with the arrival of immigrants in their destination country, whereas human trafficking occurs on a mostly involuntary basis both within and between countries. According to Art. 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organised Crime: "*trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve consent of a person having control over another person for the purpose of exploitation...*" [3].

---

[2] Regional Clearing Point, First Annual Report on Victims of Trafficking in South Eastern Europe, Vienna, 2003, at pp. 22 – 25
<http://www.osce.org/attf/index.php3?sc=RCP> All websites occurring in this essay were last checked on 1 February 2004.

[3] The Protocol was adopted by resolution A/RES/55/25 of 15 November 2000 at the fifty-fifth session of the General Assembly of the United Nations. Entry into force: 25 December 2003. See article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

The reasons why potential victims consent in the first place are false promises of marriage, advertisements for a decent work abroad (e.g. baby sitting, housekeeping, etc.), and sometimes the victims even marry a person who subsequently abuses and traffics them. On the basis of interviews conducted by Human Rights Watch in Bosnia and Herzegovina the following statements demonstrate various tactics used by trafficking agents. For example, in one of the interviews, a 22 year old woman from Ukraine told investigators about her experience: "*I have been in Bosnia for three months* [since December 1998]. *I came to work here in a bar. I knew nothing when they took me to Serbia - I was sold there four times to different men. They* [= the traffickers] *brought me to a bar and told me that I had to work as a prostitute.*" Another Romanian woman was helped to cross the border by a Romanian woman who lived with a man of Serbian nationality. She explained: "*She* [= the Romanian woman] *told me that I could work as a housecleaner for 200 Deutschmarks...each month...* [She and her husband] *held me in a locked room for six days...*"[4]. A third woman trafficked to Prijedor told the investigators that she "*worked in Maskarada 3.5 months* [in 2000]" and than "*in Crazy Horse for a month for free, because Milka* [the owner] *bought*" her. "*She bought my clothes and provided me with food. I have* [had] *265 clients in 4.5 months*. [A bodyguard] *…beat me when I didn't want to work the first month ...*"[5].

As demonstrated above, the majority of women and children are very often helped to cross the borders by people whom they trust and are subsequently traded to traffickers. As the female trafficking agents are easily trusted, the potential victims should be warned about the trap they can fall into, especially if they live with potential traffickers in the same local communities.

B. Balkan routes

In the early 1990s, it was very difficult to control irregular migration and human trafficking, due to "*porous borders and the collapse of legal and political systems in the wake of the recent civil wars and* [difficult] *economic* [and political] *transition.*"[6] Today, each SEE country assumes a combination of roles as an origin, transit or destination country for trafficked persons - mainly women, children and to some extent also men – towards Western European countries. According to the First Annual Report on Victims of Trafficking in SEE, published by the Counter Trafficking Regional Clearing Point, countries like Alba-

<http://www.unodc.org/unodc/en/crime_cicp_convention.html>.

[4] Human Rights Watch, "Hopes Betrayed: Trafficking of Women and Girls to Post-Conflict Bosnia and Herzegovina for Forced Prostitution", vol. 14, no. 9 (D), November 2002, New York, pp. 17-22, at p. 18
<http://www.hrw.org/reports/2002/bosnia/>.

[5] Human Rights Watch, "Hopes Betrayed", at p. 20.

[6] International Organisation for Migration (IOM), Victims of Trafficking in the Balkans, IOM, Geneva, 1999, at p. 33.

nia, Bulgaria, Moldova and Romania can be mainly defined as the countries of origin, while countries like Bosnia and Herzegovina, Former Yugoslav Republic of Macedonia (FYR Macedonia), Serbia and Montenegro including Kosovo are regarded as transit and destination points for the victims of trafficking[7].

The main routes towards economically and socially well-off countries of Western Europe are the following: firstly, via Bosnia and Herzegovina, Croatia and partially Slovenia to Italy or Austria; secondly, from Moldova, Romania, Serbia and Montenegro to Albania, and across the Adriatic Sea into Italy; thirdly, from Romania, Bulgaria and Albania (through FYR Macedonia) to Greece[8]. In addition to this transnational dimension of human trafficking, internal trafficking from rural to urban areas is not decreasing and is even more difficult to be traced[9]. In some cases corrupt local officials even protect traffickers and thus ensure an unimpeded flow of women and children trafficked within the country.

II. Trafficking in human beings as a human rights issue

The human security approach addresses concrete human rights threats, e.g. various forms of organised crime, where fundamental human rights are violated. Criminal activities, for instance coercive sexual exploitation, debt bondage, labour exploitation, child pornography, begging, etc. constitute a serious violation of the victim's human rights and dignity as enshrined in international public law.

The victims of trafficking should be identified as victims of crime, not as criminals themselves, as they are often perceived by those authorities not aware of the circumstances that push the naive victims into the hands of trafficking agents. Yet, the problem that appears when prosecuting the traffickers is that victims usually consent at the initial stage of their recruitment and are later on forced to work as prostitutes in various "nightclubs". By this token, it is very difficult to distinguish the prostitutes from victims of trafficking. Such circumstances are in favour of the traffickers and the authorities very often treat the victims as criminals by putting them in detention centres or by deporting them to their home countries as illegal immigrants[10].

[7] Regional Clearing Point, First Annual Report on Victims of Trafficking in South Eastern Europe, Vienna, 2003, pp. 35 – 36
<http://www.osce.org/attf/index.php3?sc=RCP>.
[8] IOM, Victims of Trafficking in the Balkans, at pp. 35 – 36.
[9] Regional Clearing Point, First Annual Report on Victims of Trafficking in South Eastern Europe, at p. 18.
[10] Such perception and ill-treatment of trafficking victims is also a common practise in Western European countries.

A proactive approach to counter human trafficking aimed at addressing the root causes of trafficking is therefore indispensable. It is a generally recognised fact that persistent poverty, unemployment, family violence, easily attract trafficking agents to recruit victims and export them to countries with well-organised trafficking networks. Human trafficking can be efficiently tackled only through designing additional educational and job opportunities for women in their countries of origin, and above all by implementing the relevant documents that have been adopted at the international level. From this perspective, the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Woman and Children supplementing the UN Convention against Transnational Organized Crime[11] can certainly serve as such a mechanism.

III. Human trafficking and the human security approach

An important question that still needs to be answered by the international community when combating human trafficking, is how to effectively implement the human security concept in politically and economically weakened areas?

Human trafficking is nowadays perceived as a grave human rights abuse and a serious transnational crime requiring an integrated, coordinated and proactive human security approach. This phenomenon is hardly likely to be effectively suppressed, in spite of the numerous ongoing activities undertaken by the governments (adoption of the national action plans for combating human trafficking, appointment of the national coordinators, gradual improvement and implementation the anti-trafficking legislation and victim protection programmes), by the non-governmental organisations (awareness raising campaigns, shelters for victims, psychosocial assistance, etc.), and by the international inter-governmental organisations e.g. Council of Europe, International Organization for Migration (IOM), UN, EU, NATO, etc. In a holistic manner, one should focus more on the root causes of trafficking by aggressive awareness raising campaigns and by implementing additional educational and employment programmes in the poorest local communities.

The various methods of recruitment and not merely the root causes remain strong obstacles to successfully fight trafficking. For instance, in some countries the victims consent due to false promises for well-paid jobs, in other countries, they are mainly sold by their own families or even abducted by the trafficking agents. However, due to the large number of factors involved (weak border control, bad governance, weak law enforcement bodies, etc.) the measures undertaken at the local and national level can simply not suffice to solve the problem, especially not in those transition countries where corruption presents a

[11] The UN Convention against Transnational Organized Crime was adopted by resolution A/RES/55/25 of 15 November 2000 at the fifty-fifth session of the General Assembly of the United Nations; entry into force on 29 September 2003.

further obstacle to combating human trafficking. In addition to the incapability of individual countries to respond to the problem pro-actively, the trafficking networks "*with groups responding to particular situations*, [and] *constantly changing routes and tactics*"[12] are extremely difficult to trace.

Most of the South Eastern European countries are indeed in the process of upgrading their border control and of reviewing their current legislation to include the human trafficking in their criminal code. The signature of the Palermo Anti-Trafficking Declaration on the initiative of the Stability Pact for South Eastern Europe in 2000 as well as the follow-up Statements on Commitments (Zagreb 2002, Tirana 2003, Sofia 2003)[13] can be interpreted as a manifestation of the political willingness of these countries to join their endeavours in countering this phenomenon at the international level.

Yet, when combating human security threats, one cannot separate the two well-known human security approaches: freedom from fear and freedom from want. This is linked to the fact that human trafficking is a criminal activity caused mainly by difficult economic conditions and above all by social problems in the communities where the victims reside. Multidisciplinary and effectively coordinated anti-trafficking policies have played and will play an important role in the future perspective (both in the short-term and in the long-term). Therefore, countering human trafficking can be successful only by designing and implementing proactive measures from both human security approaches, which cannot be pursued in isolation.

[12] Skeldon, "Trafficking: A Perspective from Asia", in International Migration, vol. 38 (3), no. 1, 2000, pp. 7 - 30, at p. 15.
[13] Stability Pact for South Eastern Europe, Task Force on Human Trafficking, 2004 <http://www.stabilitypact.org/trafficking/default.asp>.