

Evaluation of Human Trafficking and its Causes in Kosovo

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Abstract

The occurrence of human trafficking is a very harmful and disturbing crime for Kosovo and the countries of the region, which are encountering this criminal issue that seriously attacks human rights. Human trafficking is often associated with organized criminal groups that operate outside the state borders of Kosovo, making the fight against this occurrence much more challenging for the mechanisms that combat this type of crime. This research paper aims to provide a comprehensive analysis of human trafficking in Kosovo, evaluating the contributing factors and assessing the effectiveness of existing legal frameworks. It also offers actionable recommendations for enhancing collaboration among key stakeholders. The method used in this research is a literature review, systematically analyzing academic literature, reports, and relevant documents on human trafficking. The findings indicate that human trafficking severely deteriorates the socio-economic conditions in Kosovo and reinforces organized crime networks. Therefore, close cooperation at both regional and international levels is essential for effectively addressing this criminality, which remains a pressing concern in Kosovo and beyond.

Keywords: Trafficking, victims, exploitation, prostitution, combat, prevention.

Introduction

Human trafficking is one of the most serious violations of human rights and poses a significant challenge to social security and well-being globally. This criminal occurrence involves the exploitation of individuals, especially women and children, for various purposes, including prostitution, forced labor, participation in organized crime, involvement in wars, and forced marriage (Calderoni, 2010).

Kosovo, as a new state with a strategic geographical position and a developing economy, faces many challenges related to human trafficking. These challenges include a two-decade transition, internal political problems, fragile justice institutions, corruption, poverty, unemployment, and insufficient personnel and legal capacities to effectively prevent and combat human trafficking.

Human trafficking is a criminal offense punishable by up to 15 years of imprisonment under the laws of Kosovo (Gashi, 2011). Trafficking affects individuals, families, and communities. Victims of trafficking can be people of different ages, genders, ethnicities, and nationalities. Human trafficking involves the recruitment, transportation, transfer, harboring, or acceptance of persons using the threat or use of force or other forms of coercion, kidnapping, fraud, abuse of power, or exploitation of a sensitive position. It can also occur through the giving

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or receiving of payments or benefits to obtain the consent of a person who has control over another person for exploitation (Kupatadze, 2012).

Exploitation includes, but is not limited to, the exploitation of prostitution of others, pornography or other forms of sexual exploitation, begging, forced labor, slavery or acts like slavery, captivity, or the removal of organs or cells (Albanese, 2000). Human trafficking is often confused with human smuggling, which involves illegal border crossings. The crime of human trafficking requires no movement; survivors can be recruited and trafficked in their towns and even in their own homes (Marx et al., 2017).

Traffickers primarily target individuals who are in vulnerable situations, such as those in financial need, runaways, individuals without parental care, or those from neglectful or dysfunctional families. Victims may also come from backgrounds involving domestic violence, mental health problems, substance abuse, or teenage issues. Numerous factors can influence a trafficker's decision to target a victim. Many victims are trafficked by romantic partners, including spouses, as well as by family members, including parents, siblings, or guardians.

The initial consent to sexual services or forced labor that is conveyed through acts of force, fraud, or coercion (or if the victim is a minor in a sex trafficking situation) is not relevant to the crime, nor is whether they were paid. Traffickers typically exploit poverty, unemployment, broken families, lack of access to resources, and political, social, and economic instability. Additionally, migration, refugee status, and language barriers can make individuals more susceptible to traffickers for forced labor or sex.

This research paper aims to provide a comprehensive analysis of human trafficking in Kosovo. It evaluates the influencing factors and effectiveness of legal frameworks while offering actionable recommendations for improved collaboration among key stakeholders.

Literature Review

A general definition of the meaning of human trafficking at the international level has been missing for a long time. However, this changed with the issuance of the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, commonly known as the "Palermo Protocol." This protocol has defined an international formulation for human trafficking, according to which trafficking in persons means the recruitment, transportation, transfer, harboring, or receiving of persons using the threat or use of force or other forms of coercion, kidnapping, fraud, abuse of power, or a position of vulnerability. It can also involve giving or receiving payments or benefits to obtain the consent of a person having control over another person for exploitation (United Nations, 2000).

Exploitation includes, at a minimum, the exploitation of others for prostitution or other forms of sexual exploitation, forced labor or service, slavery, or practices similar to slavery, and the removal of organs (United Nations, 2000). This definition

recognizes all forms of trafficking and does not limit trafficking to sexual services only. It also focuses on the conditions of forced labor, choice, enslaving practices, and slavery, which are defined in international legislation. According to such a definition, trafficking does not only focus on girls and women but also on men and boys as victims of trafficking (Muço, 2013).

Additionally, it is not required that the trafficked victim necessarily cross international borders, since persons can be trafficked by crossing from one area to another within the same country. Such a definition has been accepted by many countries, including Kosovo. However, there are other important definitions. According to the EUROPOL Convention, trafficking in human beings means the subjection of a person to the real and illegal power of others, using violence, threats, abuse of authority, or conspiracy for exploitation, including prostitution, other forms of sexual exploitation, and attacks on minors or trafficking in abandoned children (Tota, 2018).

Additionally, it is crucial to highlight a particularly dangerous method of trafficking involving babies, where they are "stolen," falsely declared dead, and then sold to interested "owners" (Bošković, 2003). Therefore, human trafficking means placing a person under the illegal and de facto control of others using violence, threats, abuse of authority, or deceit to facilitate prostitution, forms of sexual exploitation, and the rape of minors, or the trafficking of abandoned children (Latifi et al., 2019).

Objectives of the study

The objectives of this research paper are as follows:

- To critically analyze the factors influencing human trafficking in Kosovo, focusing on economic, legal, social, and political conditions, as well as criminogenic factors such as the ongoing transition and systemic issues within the justice system.
- To evaluate the effectiveness of Kosovo's legal and institutional framework in addressing human trafficking, assessing current policies and strategies implemented by state institutions.
- To provide concrete recommendations for enhancing collaboration among state institutions, international entities, and NGOs to improve prevention measures and protection for trafficking victims in Kosovo.

Methodology

This research employs a literature review approach, conducting a thorough analysis of existing academic literature, reports, and relevant documents on human trafficking. This secondary research method allows for the identification and synthesis of key theories, concepts, and findings that illuminate the factors contributing to human trafficking in Kosovo. By integrating diverse sources, this

methodology provides a robust theoretical framework for understanding the issue and informs the analysis of current conditions and policy effectiveness.

Dimensions and trends of trafficking in human beings in Kosovo

Trafficking in human beings causes direct and multiple damages to the quality of life in any society where it occurs, regardless of whether the country of this society is the country of origin, transit, or destination (Gerxhaliu, 2003). This trafficking, especially of women and children, is a serious and systematic violation of many human rights guaranteed by international conventions and the laws of national states; it primarily violates the freedom and security of the person and their right to live free (Abadinsky, 2013).

Trafficking in human beings, particularly that of women, ranks among the three most profitable businesses, after drug and arms trafficking (Shegani, n.d.). Since the end of the war in Kosovo (1999), this country has faced an increase in the number of cases of human trafficking, both inside and outside the country. This growth was influenced by the international presence stationed in Kosovo according to the UN Resolution, which affected the volume and dynamics of the spread of this criminal occurrence in disturbing proportions within Kosovar society. Such a situation prompted the international administration in Kosovo to issue a list of premises to ban their attendance by UNMIK and KFOR staff. One such list (as of the end of 2004) included 200 bars, nightclubs, restaurants, and other establishments suspected of employing victims of human trafficking (UNMIK, 2003).

Such victims are primarily trafficked for sexual exploitation, including prostitution, and forced labor. In Kosovo in the early 2000s, most identified victims of human trafficking came from the Republic of Moldova, Romania, Russia, Ukraine, and Albania. Since 2008, however, the number of foreign victims has decreased drastically. Concurrently, internal trafficking (i.e., trafficking within Kosovo) has increased and is now recognized as the main type of trafficking.

According to official statistics, the number of identified victims was 39 in 2011, 54 in 2012, 52 in 2013, and 42 in 2014. Most of the identified victims were from Kosovo. In the period from 2011 to 2014, a total of 42 foreign victims of human trafficking were counted (23 from the Republic of Moldova, 13 from Albania, five from Serbia, and one from Romania). Most of the victims identified in this period were women and girls trafficked for sexual exploitation. The number of men trafficked for labor exploitation was one in 2011, four in 2012, two in 2013, and three in 2014. Children accounted for 44% of identified trafficking victims in 2013-2014.

According to the Report of the U.S. Department of State on Human Trafficking for 2022, Kosovo remains a source, transit, and destination country for human trafficking (U.S. Department of State, 2022), especially from Albania, Serbia, Montenegro, and North Macedonia toward European countries. The open borders or not-so-controlled interstate border areas between the states, as well as the unsatisfactory cooperation between these states, have enabled trafficking through these states of the region (Europol, 2018). Therefore, it follows that the problem of

human trafficking remains a significant challenge for Kosovo and the countries in the region.

The official statistical notes of Kosovo (for the period 2018-2024) show that this type of crime in Kosovo has had an increasing trend in recent years. According to the 2022 Annual Report of the American Embassy in Kosovo regarding "Trafficking in Human Beings in Kosovo," there were 63 cases of trafficking, marking an increase compared to previous years, as the number of cases in 2021 was 54. Meanwhile, about 70% of the victims were women and girls, mostly aged 18-30.

Whereas, in the Balkan region, according to the "Report on Trafficking in Human Beings in the Western Balkans" (Europol, 2023), the number of human trafficking cases in the region was around 600-700 every year, including Kosovo, Albania, Serbia, North Macedonia, and Montenegro. Additionally, according to the report "Trafficking in Human Beings in Europe" from the International Organization for Migration (IOM), the countries of the Balkans have often served as transit points for victims traveling to other countries in Europe, especially through routes from Turkey and Syria.

From all the dimensions and trends related to the trafficking of human beings, it is evident that every form of trafficking has serious consequences, not only for the victims but also for society. Therefore, the fight against human trafficking in Kosovo and beyond necessarily requires awareness, education, and international cooperation with local and international institutions in the field of preventing and combating human trafficking. For this reason, the competent institutions of Kosovo have issued the National Strategy Against Human Trafficking (2022-2026). This strategic document defines the policies and measures that must be implemented to combat human trafficking in Kosovo. It recommends concrete actions and measures aimed at addressing the identified challenges and improving the situation in the prevention and effective fight against trafficking (Kosovo Government, 2022).

In this context, actions are planned to improve the national mechanism for addressing human trafficking. These include implementing coordinated efforts to prevent trafficking and raise awareness of its consequences. Additionally, they involve strengthening the system from victim identification to long-term reintegration, enhancing the efficiency of criminal prosecution of perpetrators, and bolstering regional and international cooperation.

All these actions have been recommended as a result of the assessment of the current situation in the country and the regional and global context regarding trafficking. This includes the results of comprehensive analyses of strategic documents and other empirical studies conducted over the past years. Consequently, addressing the recommended actions is expected to have a positive impact on the gaps identified in the system, while simultaneously enabling the advancement and strengthening of the prevention and combating of human trafficking (Kosovo Government, 2022).

Causes of Human Trafficking in Kosovo

The main criminogenic factors that influence human trafficking are poverty, unemployment, economic crises, armed conflicts or war, fragile security and justice systems, and the presence of corruption and organized crime, among others.

Poverty and unemployment are factors that contribute to human trafficking in Kosovo and beyond. People from families with difficult economic situations often fall prey to the deceptions of traffickers, who promise them work and a better life outside of Kosovo. Thus, these victims, in search of a better life, become targets of this crime. In addition, Kosovo is characterized by a fragile economy and a high level of unemployment, with labor market indicators among the weakest in the region and Europe. According to data from the Statistics Agency of Kosovo (SAK), unemployment in Kosovo is calculated at 11.8%. Participation in the active labor force is only 38.5%, compared to 61.5% of the working-age population who are economically inactive.

Accordingly, of the total 1,195,426 people who are of working age, only 461,894 are active in the labor force, which includes 403,813 employed and 58,081 unemployed individuals. The remaining 733,532 people are economically inactive. According to World Bank reports, employment growth in Kosovo is limited by an insufficient human capital base and a workforce that is uneducated and inadequately skilled (European Commission, 2020).

Lack of quality education and unemployment are also significant causes of human trafficking. In the rural regions of Kosovo and other Balkan countries, a considerable degree of illiteracy persists, along with limited employment opportunities. These factors encourage migration and recruitment by criminal networks (European Commission, 2019). The dissatisfaction of Kosovar citizens with the quality of education and the poor services in the Kosovar health sector have also impacted this issue. According to the European Commission's Progress Report for Kosovo for 2023, the education system remains one of the most underdeveloped in the region. The quality of education is low, which is reflected in the latest PISA test results from the Organisation for Economic Co-operation and Development (OECD). In these results, Kosovo ranks among the last countries, placing 78th out of 80 participating countries (OECD, 2022).

Additionally, the indicators of the labor market in Kosovo are among the weakest in the region and in Europe. According to data from the Statistics Agency of Kosovo, unemployment in Kosovo is calculated at 11.8%, and participation in the active labor force is only 38.5%, compared to 61.5% of the population who are of working age but are economically inactive.

Accordingly, out of a total of 1,195,426 people of working age, only 461,894 are active in the labor force (403,813 employed and 58,081 unemployed), while 733,532 are economically inactive. According to World Bank reports, employment growth in Kosovo is limited by an insufficient human capital base and an uneducated, inadequately skilled workforce (European Commission, 2020). Chronic unemployment in many countries, including Kosovo, and especially among

women, has influenced the spread of recruitment for exploitation and prostitution (Gruda, 2013).

War and migration: The armed conflict in Kosovo during 1999 and the ongoing crises in the region have created suitable conditions for human trafficking. The Kosovar refugee crisis (1999) is well-known, as the Serbian government forcibly expelled nearly 1 million Albanian residents to Albania, North Macedonia, Montenegro, and other places. Additionally, legal migration has increased individuals' vulnerability to exploitation by criminal networks that benefit from the unstable political and economic situations in Kosovo (International Organization for Migration, 2017). The history of Kosovar emigration is long, complex, and continues to pose challenges for the country. The main destinations for Kosovo's citizens over the years have been Germany, Switzerland, and Austria. Currently, around 542,000 people with migration backgrounds from Kosovo reside in Germany.

Corruption and fragile institutions of justice: Kosovo is not immune to the corruption present in some institutions of the justice system and public state institutions. Such corruption favors human trafficking. Weak justice institutions and a lack of cooperation between different authorities allow traffickers to operate unhindered (Transparency International, 2022). This is evidenced by findings that have influenced and continue to influence the inefficiency of the judicial and prosecutorial system, including:

- Protracted judicial procedures that result from corruption, leading to the prescription of specific criminal cases.
- Lenient punitive policies.
- Illegal influence on the judiciary (Transparency International Kosovo, 2020).

As in previous years, the first half of 2015 marked a lack of satisfactory treatment of corruption cases in general. Of the 717 cases pending resolution and carried over from previous years, only 128 cases related to corruption were resolved, representing just 18%. Furthermore, the Specialist Prosecutor's Office managed to resolve only five cases related to corruption out of 53 pending cases.

Organized crime networks: International organized crime networks are widespread in the region, including Kosovo. These networks often exploit weak legal infrastructure and corruption to facilitate human trafficking. They are responsible for creating international trafficking routes and recruiting and transporting victims in and out of the region (Europol, 2020). In Kosovo, human trafficking is developed and supervised daily by organized criminal groups. Evidence of this is seen in the fact that, during the period from 2001 to 2014, out of 798 victims of trafficking in Kosovo, 489 were non-Kosovo citizens.

All these factors create a conducive environment for human traffickers, who, when victims arrive at their destination, take their identification documents and mistreat them both physically and sexually.

Results and Discussion

The results of this research paper have shown that human trafficking in Kosovo remains a serious and challenging problem for all state and justice mechanisms. The analysis of the cases indicates that the victims of trafficking are mainly women, as well as children, who are exposed to various forms of sexual exploitation, forced labor, trafficking for forced marriage, trafficking for participation in organized crime, trafficking for participation in war, and trafficking for begging, among others.

The results also show that the legal framework in Kosovo has improved significantly in recent years, with the adoption of new laws and the strengthening of policies for the protection of victims and the prosecution of human traffickers. However, the implementation of these laws remains limited due to a lack of resources, the limited capacity of institutions, and the presence of corruption in some institutions within the justice system.

Furthermore, poverty, lack of opportunities for quality education and employment, as well as institutional weaknesses in the field of justice related to law enforcement, contribute to increasing individuals' vulnerability to trafficking. The protection of victims continues to be a major challenge, as many of them face difficulties in accessing psycho-social support and reintegration into society.

The discussion of the results highlights the importance of a more coordinated approach between state institutions, non-governmental organizations, and international partners to prevent and combat human trafficking more effectively. Public awareness is also essential, as many victims are unaware of their rights or lack confidence in justice institutions.

Overall, the research paper finds that significant progress has been made in the fight against human trafficking in Kosovo, but there are still gaps that require further reforms, particularly in strengthening prevention mechanisms, improving law enforcement, and providing comprehensive support to victims. Efforts to combat this issue must include an integrated strategy that addresses root causes and improves local and international institutional coordination.

Conclusion

One of the most dangerous criminal occurrences in contemporary society is the trafficking of human beings. This crime has reached alarming proportions globally, seriously attacking fundamental human rights and freedoms, as well as essential social values. Kosovo, as a new state (2008), has taken steps to strengthen anti-trafficking policies, including improving the protection of victims and the prosecution of traffickers. Despite these efforts, human trafficking remains a significant challenge for the state institutions of Kosovo. There is an ongoing need to address structural problems, requiring more coordinated, efficient, and advanced efforts. Both national and international collaboration is essential to prevent and combat this crime through Kosovar state and justice institutions.

Recommendations

The necessary interventions include taking preventive measures to address the main factors that cause human trafficking. Through these efforts and tougher repressive measures, it is possible to reduce the impact of this occurrence and better protect the rights and freedoms of the victims in Kosovo. Thus, it is essential to implement the following recommended measures:

- **Strengthening inter-institutional cooperation:** Standardize data collection and create a database that breaks down statistics on trafficking and criminal prosecution and punishment for cases related to trafficking; provide training for hotline operators to handle trafficking cases.
- **Training and education of social services officials:** Allocate sufficient resources for Social Welfare Centers to fully fulfill their responsibilities according to the legislation in force.
- **Increasing public awareness regarding human trafficking:** Community education and awareness can be achieved through various mass media broadcasts such as television, radio, and social networks, as well as through the organization of free seminars and training, and close cooperation with Kosovo's public authorities.
- **Improving the implementation of existing legislation:** Investigate, prosecute, and punish traffickers and officials involved in human trafficking; impose prison sentences on traffickers as determined by the Criminal Code of the Republic of Kosovo; implement the National Strategy and Action Plan against Trafficking 2022-2026.
- **Economic and social interventions:** Improve efforts to identify and help children who are used for forced begging and other victims of trafficking.
- **Strengthening the rule of law:** Continue to provide advanced training for prosecutors, judges, and special police units that deal with the investigation and prosecution of traffickers; increase the efficiency of the prosecutorial system regarding the filing of indictments against traffickers; reduce the number of unresolved court cases, especially trafficking cases.
- **Increasing international cooperation:** Foster closer cooperation with the security and justice mechanisms of regional and international states, especially EUROPOL and INTERPOL.
- **Improving policies for the protection of victims:** Strengthen confidentiality measures for victims of trafficking and increase the support of government institutions for comprehensive professional training and reintegration services for victims.

From all this, it follows that closer cooperation between state institutions, international organizations, and civil society is required, as only through this collaboration can human trafficking be more effectively prevented and the protection of victims in Kosovo be ensured.

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