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THE ROLE OF SECURITY SECTOR AGAINST HUMAN TRAFFICKING IN THE REPUBLIC OF MACEDONIA

Abstract:

This paper aims to research human anti-trafficking concept which takes into account three components: the prosecution of traffickers, the protection of trafficked persons, and the prevention of trafficking. Quality security sector responses must unite the actions of coercive actors with those of other government agencies, non-governmental organizations, legislative bodies, private businesses, and the media. Security sector reforms oriented counter-trafficking efforts are required, not just in countries that appear from violent conflict, but also in more secure settings. Effective, competent, and legitimate responses against human traffickers require broadening traditional security concepts and practices previously focused on state security and the military. Cooperation among national actors and their foreign complements is essential because of the transnational nature of contemporary security problems. Paper underline the main points and trends in human trafficking in R. Macedonia in order to gain better understanding of this phenomenon that represents one of the security problems for this region. By analyzing the opportunities and problems of counter-trafficking, and presenting recommendations to policy-makers and experts, paper presents further effective, efficient, and justifiable counter-trafficking efforts. Successful counter-trafficking entails political will and cooperation at all levels, at points of origin, transit and destination.

Keywords:

human trafficking, security sector, counter-trafficking, security concepts, reforms.

Introduction

Trafficking in human beings, particularly in women and children, is a global issue which is also reflected in the Republic of Macedonia. It appears in different shapes and has as its objective the exploitation of its victim for the greatest financial profit possible.

Under contemporary circumstances the jeopardising of the essential functions of social living by this particularly serious and dangerous criminality is on a very high level and there is no country which does not suffer huge and irreparable damage as a result of the expansion of some of its emerging forms. The non-existence of borders among the member countries of the European Union, the sophisticated means of communication, the explicit mobility and flexibility, the linking between the legal and the illegal activities, the finding of new methods of action, as well as the transnational character of organised crime are factors which enable the criminal structures, particularly from the higher levels, which deal in trafficking in human beings to be inaccessible to the prosecutory bodies.

The phenomenon of trafficking in human beings is considered to be the modern age slavery. Trafficking in human beings is affecting every country in the world and it is characterized with hidden nature of main activities that occur internationally. Because of that, this crime usually involves organized crime groups that operate in countries of origin, transit and destination.

The fragmentation of Yugoslavia intensified the impact of processes of globalization and regionalization. Unbridled ethnic conflict on a scale not witnessed in Europe since 1945, several episodes of external intervention (often involving the overwhelming use of force), and the unabated use of violence by criminal elements provided waves of challenges to civil society in the region. Even as the more explicit challenges to law and order—genocidal activities and open civil war—were quelled through external intervention, transnational crime surged. “Transnational crime networks have a long history of presence in the Balkans, and include cigarette, heroin, and arms trafficking that predate the collapse of Yugoslavia. Nonetheless, the Yugoslav wars and their aftermath intensified the scale of transnational crime and the levels at which criminal networks preyed on the population” (Friman & Reich, 2007).

This introduction first highlights the contribution of the security sector to counter-trafficking. It then examines the scope and nature of trafficking and discusses different perspectives on the problem.

Recent trends on human trafficking in Macedonia

Historically located at the major crossroads of the Balkans, Macedonia has been fertile ground for human trafficking in the past.

The transitional processes that appeared in the country as in other former socialist countries in Central, Eastern and South-eastern Europe, caused an enormous movement of the population in search for work and better life, which resulted with the creation of favourable conditions for the development of trafficking in persons. During that period, the country was characterized with political instability, also accompanied by armed conflict in 2001, refugee crisis, increased presence of the international community and foreign peace keeping missions and forces. All

these factors contributed to Macedonia becoming a transit and destination country for the victims of trafficking in persons. The slow and painful transition, which Macedonia had with all its characteristics, such as: corruption, rise of organized crime, high level of unemployment and poverty and the migration of highly educated individuals, were the main reasons for the creation of fruitful grounds for trafficking in persons.

According to IOM (2005) statistics, during the 2000-2004 period there were 778 registered foreign victims of trafficking in persons, out of which 743 were women. The vast majority of them (681) was trafficked for the purpose of sexual exploitation and was between 18-25 years of age. During the 2000-2004 periods, 26 female Macedonian citizens were assisted as victims of trafficking in persons.

As of 2004, the number of foreign female victims of trafficking in persons rapidly decreases (2003-135; 2004-15). The expansion of the European Union and the accession of Bulgaria and Romania to the EU and the introduction of the non-visa (visa liberalization) regime influenced and changed the routes of movement of the victims of trafficking in persons, who, instead to Macedonia, started heading towards destinations in Western Europe.

The breakdown of law and security regimes in war-torn countries or countries in transition creates a breeding ground for trafficking in human beings. For instance, in South Eastern Europe, a wide range of criminal organizations has been reported, ranging from cell-like structures to loose networks involved in variety of transnational criminal activity, including human trafficking. The cohesion of these groups can be based on former political and economic liaisons, on ethnicity or kinship, and—with the use of corruption, violence, and exploitation of public services—on the steady links that have been built up between legal and illegal enterprises (Chatterjee, 2005).

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, Albania and Macedonia to Greece.

The changing geographical nature of trafficking facilitates the speed and flexibility of its organizers' ability to shift the 'trade' to areas of stronger demand in a short time, building up new transit routes from countries of supply, cunningly using the existing infrastructure of local travel and job agencies, and discovering a whole network of new middlemen and dubious entrepreneurs interested in the influx of illicit labour. Local criminal groups controlled by transnational networks rushed to build up local chains of brothels targeting peacekeepers as clients, as happened in Kosovo, where a chain of brothels had already been opened before the arrival of the first peacekeepers to the region (Piccarelli, 2002).

At the regional level in South Eastern Europe, the traffic in human beings—as is true of most other forms of organized crime—“represents a very serious and growing threat, not only for the countries in the region, but also for the rest of Europe,” since “the Balkans have become the gateway to Europe for organized criminals.” (Blunket, 2002).

The emergence of internal trafficking in persons in Macedonia

During the time period from 2005 until 2013, there is an apparent tendency of internal trafficking in persons occurring in Macedonia, as compared to the transnational and trafficking of juveniles, as well as a change in the modus operandi of the traffickers. The traffickers in persons, faced with the new situation in the region, turned towards the local market and the internal trafficking in persons, using the deficiencies in the national strategies and the legislation that covers trafficking in persons, which, at that period, were primarily focused towards the suppression of the transnational trafficking in persons. This refers to the so-called internal trafficking in persons, where Macedonian female citizens, mostly juvenile, are trafficked from one end of Macedonia to another, mainly in Western Macedonia.

The internal trafficking in persons was invisible for a longer period. The basic reason was the absence of identification of these persons by the competent authorities. Namely, the police, in the downpour of female foreign citizens was overly focused on the obvious indicators for identifying the victims of trafficking in persons, such as: confiscated travel documents, illegal residence, visible traces of physical violence, restricted freedom of movement and unfamiliarity with the Macedonian language. These indicators are not typical for Macedonian or domestic victims and for the internal trafficking.

Trafficking in persons is not a static and immobile phenomenon and it is constantly changing under the influence of various factors. After being only a transit and destination country, Macedonia has now become a country of origin for victims of trafficking in persons.

In the territory, biggest problem is trafficking of girls, especially minors, for sexual abuse. Macedonia is, like its neighbors, mostly a transit country, because of the specific geographic location. But is also country of origin and destination. So, young girls are transported through or to the country for abuse.

Human trafficking is an issue of critical importance in South Eastern Europe not only because it infringes upon and challenges the protection of human rights, but also because it has the potential to undermine the process of democratization, discredit the rule of law, weaken efforts to reform and build institutions, promote corruption, and even to threaten the stabilization process in the region.

The role of counter trafficking security sector

The term "human trafficking" represents all migrations of people (without their consent) in a particular country with the purpose of exploitation and abuse in the country where (without their consent - forced) have migrated (Article 418-a of the Criminal law of the Republic of Macedonia).

Human trafficking is a multidimensional problem that is high on the agenda of the Government of Macedonia. With the support of European programs of the European institutions (CARDS, Council of Europe, SECI Center, the Stability Pact, the OSCE, ODIHR and UN), the last ten years, the Republic of Macedonia pays particular attention to the fight against this type of crime. Today, in Republic of Macedonia operates a center for acceptance of human trafficking victims, introducing standard operating procedures for handling for all relevant institutions and the non-governmental organizations responsible for the reintegration of victims, fully implement the re-socialization of the victims. Also, in order to comply with

European regulation, Macedonia several times changed the Criminal law for offenses related to human trafficking. Apart from the fact that human trafficking is defined as a crime, with recent amendments to the Criminal Law are provided huge penalties for offenders, particularly perpetrators of offenses related to trafficking of minors (minimum prison sentence of eight years) (Joveski, 2012).

Unlike smuggling of people, which is basically related to illegal border crossings, trafficking refers to the violation of fundamental human rights through human exploitation within organized crime. Today, this phenomenon is less concerned with issues related to illegal crossings in to and out of a country, and are more concerned with issues related to the protection of victims of trafficking (Popovski & Naumovska, 2008) and their rights, and by taking stringent legal measures to punish participants in the trade.

By focusing on the role of the security sector, this paper offers ways of making progress against a pressing contemporary problem that undermines the security of states, societies, and individuals.

There is no common definition of the security sector. A narrow definition includes core security actors such as the police and military, but does not include, for example, NGOs and the media (OECD 2007: 22). The narrowest definition would not even include the judiciary, but focus instead on “power ministries” such as the Ministry of Interior and Defence, and their respective agencies.

When looking at counter-trafficking, the security sector should be defined broadly (Hänggi 2003:3-23). For the purpose of this paper, it encompasses: core security actors (such as the armed forces, regular police, border police and immigration services), judicial personnel (especially prosecutors and judges), security management and oversight bodies that hold security agencies accountable, and non-statutory security forces (such as private military companies).

Moreover, a definition of the counter-trafficking security sector must take into account the essential role of state-run social service and protection agencies, as well as NGOs. Including these “non-coercive” actors in the definition of the security sector is not intended to “securitise” counter-trafficking efforts. Securitisation tends to give rise to inappropriate coercive practices that lack democratic oversight and a proper balance of prosecution with protection and prevention.

The Government of Macedonia improved its law enforcement response to human trafficking in 2012, more than doubling the number of convictions compared to the previous reporting period and prosecuting two public officials for alleged complicity in trafficking offenses. The government prohibits sex and labor trafficking through Articles 418(a) and (d) of its criminal code, which prescribe a minimum penalty of four years’ imprisonment. This is sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. In 2012, the government investigated nine new trafficking suspects, including a police officer and a prison supervisor alleged to be complicit in human trafficking. During the year, the government convicted 20 trafficking offenders, a significant increase from nine in 2011. Ten defendants received sentences from six to ten years’ imprisonment, three received three years’ imprisonment for trafficking children for labor exploitation, and one was sentenced to nine

months' imprisonment. Six defendants, including the complicit police officer, received suspended prison sentences. A court of appeals upheld convictions against seven traffickers who were sentenced in 2011. Seven defendants, including the prison supervisor, were acquitted. The Macedonian academy for judges and prosecutors trained organized crime prosecutors on human trafficking and law enforcement officials participated in a regional anti-trafficking training. During the reporting period, the government trained police and labor inspectors to identify victims of trafficking (TiPR-Macedonia 2013).

Now, Macedonia joins Croatia and Slovenia as the only countries in the region with Tier One status¹, according to the cited US State Department report on the achievements of countries in this area in 2013. According to the report, countries are put in three categories: Tier One, Two and Three, with Tier One being for countries that have fulfilled all conditions. Macedonia received Tier One status for the first time in 2008, and has maintained it ever since, by breaking up human trafficking chains and prosecuting perpetrators - particularly along the porous western and north-western borders - as well as by providing shelters and services for the victims.

Macedonia today is one of the leading countries in the Balkans in terms of the legal structure and the measures taken to combat human trafficking in general. Significant improvements have been made to the criminal legislation, covering this crime. These raised the battle for combating the crime to a higher level and contributed to the country begin qualified as a country that fulfills the minimum standards to combat trafficking, which is a step ahead of other countries in the region.

However, Macedonia remains a source, transit and destination country for children and women victims of sexual exploitation. Most of the victims here come from Roma population. Foreign victims in Macedonia originate from Albania, Bulgaria, Serbia, Bosnia, Ukraine, and Kosovo. Macedonian citizens are subjected to trafficking in Greece, Belgium, and other countries in Europe (TiPR, 2013). Macedonia is one of the few countries in the region, which was able to put into practice improved legislation. Amendments to the criminal Code of 2002 (Gazette of RM, 2002), from 2004 (Gazette of RM, 2004), from 2008 (Gazette of RM, 2008), as well as 2009 (Gazette of RM, 2009), in Macedonia have helped to combat trafficking in minors and human beings and stiffened penalties. What was once a weak tool for combating this crime, is now transformed into a detailed, comprehensive base which can be used to seriously combat human trafficking (Ivanova, 2013).

In analyzing the laws in the Balkans against human trafficking one can see that Macedonia because of the strict punishments for offenders, and the separate article in combating trafficking with minors has enacted better laws than the other Balkan countries. However, all countries in the region have made changes in the overall attitude in the

¹ In the US Department of State reports, countries are evaluated in accordance with the TIER classification for their efforts in dealing with trafficking in persons. The TIER 1 group means that the country meets the minimum prescribed standards for elimination of trafficking in persons. TIER 2 includes the countries that are being placed on the watch list and TIER 3 includes the countries that completely fail to meet the minimum required standards, but are working in that respect or the countries that do not meet the standards at all.

fight against trafficking in persons, in order to comply with international regulations, especially the Palermo Protocol of 2000.

Our focus on the security sector disregards crucial aspects of counter-trafficking. Even if all actors discussed in this paper (ranging from the police to NGOs and IOs) properly engaged in counter-trafficking (which is not the case yet), trafficking would continue. Progress against trafficking hinges on the presence and amenability of conditions as diverse as poverty, gender-based discrimination, a lack of legal migration and employment opportunities, the Internet as a facilitator of migration and commercial sexual services, the demand for cheap, unregulated labour, advances in transport technology, violence against women as a tactic of war, and many other phenomena.

Security actors can mitigate some of the causes and consequences of trafficking, but not all of them. For example, institutions looking after victims of trafficking have little leverage over discrimination, poverty, and other conditions that push people to migrate under risky circumstances. Security sector responses are therefore only one element in a larger puzzle. But they are an important one.

Anti-trafficking mechanism in Macedonia

Republic of Macedonia has launched the National Strategy and National Action Plan 2013 – 2016 to combat human trafficking and illegal migration and is third one. Strategy and Action Plan represents comprehensive policy to combat trafficking with coordinated action of all relevant institutions and organizations. Key innovative features of the National Strategy and Action Plan are to provide strong preventive measures to act on the causes or origins of human trafficking and work with vulnerable groups in order to prevent this occurrence. According to this document institutions will work on raising awareness among the general population, especially among youth, economic empowerment of vulnerable groups to facilitate access to the labor market and organizing campaigns to reduce the demand for using the services of victims of trafficking. According the consist of this document Republic of Macedonia will fulfill all national and international required obligations, and what is more important will change the life of victims of this crime (Etemi 2013).

Overall, trafficking in human beings is still a low-risk crime compared to other types of organized crime, which can be considered a concurrent driving factor of trafficking in human beings.

What can be done to improve our criminal justice response to this scourge?

Anti-trafficking action in the field of prosecution should derive from the recognition of the massive scale of the crime, the international nature of criminal networks and the increasing trend towards reinvestment of proceeds of crime and money laundering. More sophisticated investigation techniques should be used on a regular basis, in order to detect and disrupt the completely transnational criminal networks rather than arresting only individual criminals, typically the final exploiters, or the smaller fish (Giammarinaro 2010).

Since trafficking in human beings is a profit driven crime, it is imperative to find, freeze and forfeit the proceeds of crime. This requires the use of financial investigation on a routine basis as well as on a large scale. This is a difficult challenge. As opposed to what happens in cases

related to drug trafficking, so far this investigative tool is underutilized and almost unknown in trafficking cases. The use of financial investigation is particularly important to trace the proceeds of crime in the country in which usually such proceeds are reinvested and laundered, often in countries of origin. This requires decisive improvements in law enforcement and judicial co-operation, especially between the country in which exploitation takes place, and the country of origin where profits are reinvested. Criminal assets should be confiscated and used to secure the protection of victims' rights, and in particular to make their right to obtain compensation a reality (Giammarinaro 2010).

Evidently, over the past few years, Macedonia has made significant progress in terms of its legislation plan concerning the fight against trafficking, but there is need to do much more in practical side. Number of cases of trafficking is symbolic if we compare with assessments for numbers of victims of trafficking. Also, numbers of people accused adult perpetrators for trafficking in Macedonia are not consent with the real number of people involved in this type of organized crime (Etemi 2013).

To ensure cooperation among the various counter-trafficking stakeholders on a national level, as well as democratically accountable state responses to trafficking, Security Sector Governance (SSG) needs to be enhanced.

Conclusions

Human trafficking is a growing transnational criminal phenomenon and formidable challenge to national and international security. Although it is not a new phenomenon, it has spread to new regions of the world and become a large part of the illicit global economy.

The findings from war-torn or unstable regions show that, by undermining legal labour markets and impeding governments in economic and political transition or post-conflict reconstruction, human trafficking contributes to the maintenance of an unstable and fragile political environment. A dramatic decline in the standard of living and an increase in insecurity, overall fluidity, instability, and war victimization have led to continued human trafficking over the last decade.

Just by critically addressing and eliminating structural violence we can address the crucial problem in human trafficking in the Republic of Macedonia and other post-conflict societies.

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