HUMAN TRAFFICKING IN THE WESTERN BALKANS:

IS THERE A NEED FOR A REGIONAL RESPONSE?

MASTER'S THESIS

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HUMAN TRAFFICKING IN THE WESTERN BALKANS: IS THERE A NEED FOR REGIONAL RESPONSE

ABSTRACT

Trafficking in human beings is one of the most persistent forms of crime, as well as one of the most strongly damaging to the entirety of human rights. It, by nature, often involves the crossing of borders and, as such, immediately becomes at least a bilateral problem. The Western Balkans region has recognized the existence of human trafficking mostly from the late 1990s onwards as a direct result of the conflicts, wars and insurgencies in the six countries. In addition, trafficking in the region has been connected to loosely organized criminal groups which work across the borders within and outside the region. While the countries are recognized to have made significant progress in the fight against the trafficking of human beings, much remains to be done in order to achieve the complete eradication of the phenomenon. This paper raises and seeks to answer the question of whether a regional response is the appropriate way to successfully fight the crime.

TRAFIKIMI I QENIEVE NJERËZORE: A QËNDRON NEVOJA PËR NJË PËRGJIGJJE RAJONALE?

ABSTRAKT

Trafikimi i qenieve njerëzore është një nga format më të qëndrueshme të krimeve, si dhe një nga format më të dëmshme ndaj tërësisë së të drejtave të njeriut. Ai, nga natyra, shpesh përfshin kalimin e kufijve dhe, si i tillë, menjëherë bëhet të paktën një problem dypalësh. Rajoni i Ballkanit Perëndimor e ka njohur ekzistencën e trafikimit të qenieve njerëzore kryesisht nga fundi i viteve 1990 e tutje si rezultat i drejtpërdrejtë i konflikteve, luftërave dhe kryengritjeve në të gjashtë vendet. Përveç kësaj, trafikimi në rajon ka qenë i lidhur me grupe kriminale të organizuara lirshëm, të cilët punojnë përtej kufijve brenda dhe jashtë rajonit. Ndërsa pranohet se vendet kanë bërë përparim të konsiderueshëm në luftën kundër trafikimit të qenieve njerëzore, mbetet shumë për të bërë për të arritur çrrënjosjen e plotë të fenomenit. Kjo punë kërkimore ngre dhe kërkon t'i përgjigjet pyetjes nëse një përgjigje rajonale është mënyra e duhur për të luftuar me sukses krimin.

ACKNOWLEDGEMENTS

DECLARATION

I hereby declare that this Master's Thesis, titled "Human Trafficking in the Western Balkans: Is there a need for a Regional Response?", is based on my original work except quotations and citations which have been duly acknowledged. I also declare that this thesis has not been previously or concurrently submitted for the award of any degree, at Epoka University, any other university or institution.

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Anda Kruetani

Date: 09/09/2022

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CHAPTERS

1. INTRODUCTION

Trafficking in human beings has been a phenomenon that has accompanied humankind for almost as long as it has existed, in one form or another. Despite that, it entered the international security agenda as a separate concept only in the late 1990s through the United Nations member states. In the Western Balkans, it only became known after reaching unmeasurable heights during the conflicts and wars that happened in the region during the 1990s and early 2000s. Currently, this particular form of trafficking is much more controlled in the region when compared to other forms of it (e.g. drugs) and yet it is still recognized as one of the threats that should be combated by the governments, mostly due to its high impact on human safety, despite its low numbers.

In addition, knowing that human trafficking in the region in most cases includes the crossing of borders and the six countries located in the Western Balkans are usually all three of origin, transit and destination country, the question for the importance of targeting this crime in a regional manner rises. Thus, recognizing the imperative that an all-inclusive way of fighting trafficking in human beings, not only for the country or the region, but for the international community as well, this research will seek to answer the question: do the six Western Balkan countries have the appropriate capacities and will to regionally combat trafficking in human beings in the region?

The paper is structured in 5 parts: its introduction; theoretical framework on human trafficking, how it has been combated thus far and regional initiatives; the status quo in the Western Balkans regarding human trafficking, accompanied by a detailed study of each Western Balkan country on human trafficking; the current developments in the region regarding cooperation; and a chapter dedicated to a complete analysis of the results and brief conclusions reaffirming the findings.

In the first section, human trafficking is defined, in accordance with international standards, initiatives to combat human trafficking at the regional and international level are stated,

including criticism upon them and achievements. In addition, international trends and factors that play into it, arguments for and against a regional targeting of human trafficking, as well as the characteristics that a certain problem has to fulfill in order to become the target of regional cooperation to be solved are stated. The second section meanwhile states a brief history of the criminal phenomenon in the region, exacerbating structural and cultural factors, current characteristics, new trends, international assistance and push for regional initiatives. The final part of the analysis includes a detailed description of each of the six countries' forms of human trafficking, structural and cultural exacerbating factors, institutional and legal frameworks and suggestions for improvement granted to each by international monitoring mechanisms.

Finally, an analysis of all the information gathered has been conducted through which each countries' characteristics (factors, frameworks and deficiencies) have been compared to one another and then juxtaposed with the theoretical framework for regional cooperation in order to determine whether there can be a will between the six countries for them to jointly target human trafficking together. The noted deficiencies in their frameworks have also allowed for an analysis into whether this cooperation is actually institutionally possible in the time being.

This study further contributes in the field of regional cooperation in the Western Balkans with regard to trafficking in human beings and, by extension, organized crime in the region. While human trafficking does not currently pose the biggest problem in the region when compared to other forms of trafficking, the high degree of human suffering that it imposes and its transnational, cross-border nature, make it a necessary target of the six countries. In addition, it poses a significant point of research due to the lack of academic focus on regional cooperation in the particular field.

Recognizing its limitations, this study calls for further research in the field, especially with regard to the approximation of legal frameworks between the six Western Balkan countries, as well as with regard to the European Union's *acquis communautaire*.

2. METHODOLOGY

The methodology pursued to answer the research question pertaining to this study was qualitative through the analysis of second-hand data, utilizing the cross-examination method. The necessary information was accessed through data archives of reports filed by international organizations and entities and websites containing policy and legal frameworks of the six countries involved in the study. Finally, the study was completed with the delivering of background information on the phenomenon of trafficking in human beings gathered through a deliberate revision of articles, studies in the field and data from international organizations, reputable in the field of international security. The search string utilized in order to obtain articles and studies from the two search engines (Google Scholar and Jstor) was: human trafficking, trafficking in human beings, region, Western Balkans, combating, 1990-2022.

Taking into account that a significant research in the area of regional cooperation against trafficking in human beings has yet to be undertaken in the Western Balkans, this paper was based on a cross examination of theories of regional cooperation, characteristics of the criminal phenomenon and significant data on the particular region. Thus, the second-hand data gathered by the countries and organizations was cross examined in order to provide an answer to the research question.

In order to provide the highest accuracy level available to the answer of this research question, the wide range of resources and interview subjects that are covered by the actors that served as sources to this research were taken into consideration, which when compared to the resources (human, material, time, etc.) are quasi immeasurable. Recognizing that in order for the study to portray a full picture of the phenomenon, data from all relevant actors (institutions, organizations, victims, perpetrators, etc.) would have to be gathered, the researcher opted to use the already existing sets of well-researched data in order to provide a comprehensive answer at the very end of the analysis. In addition, in full respect of ethics in research, all of

the sets of data utilized have been followed by the proper references to their original researchers or data gatherers.

All the methodological details above on this study can be used as a guideline to inspire further more in-depth research in the area of trafficking in human beings in a regional setting, which given more time and financial resources can be conducted starting with first-hand data gathering process, using this first one-of-its-kind research as a foundation for further studies.

3. THEORETICAL FRAMEWORK

a. Human Trafficking and Regional Cooperation Initiatives as a Solution

Many definitions of human trafficking or trafficking in persons have been provided by international organizations, suchlike: the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2003) - which is also known as the United Nations Trafficking in Persons Protocol, United Nations Convention Against Organized Crime (2002), the Council of Europe's Convention on Action Against Trafficking in Human Beings (2005) – which also defines victims and responsibilities of states; UN Convention on the Rights of the Child (1989) – which, as the name suggests, works in cases of child victims to human trafficking; the United Nations Convention on the Protection of the Rights of all Migrant Workers and their Families (1990) – which works from the migration perspective of trafficking in human beings, etc.

According to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2003), human trafficking (trafficking in persons) is defined as

> "The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation". (Article 3/a)

In addition, the same article defines exploitation as:

> "Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services,

slavery or practices similar to slavery, servitude or the removal of organs,…
The recruitment, transportation, transfer, harboring or receipt of a child for the
purpose of exploitation shall be considered "trafficking in persons" even if it
does not involve any of the means set forth in subparagraph (a) of this
article…"

Therefore, trafficking in human beings has three basic components: the act (recruitment, transportation, transfer, harboring or receipt of persons); the means (threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability or giving payments or benefits to a person in control of the victim) and the purpose (e.g. exploitation in prostitution, sexual exploitation, forced labor, slavery or similar practices and forced removal of human organs)(Ne, F.Y. , 2018).

In accordance to NTS Insight, it was the adoption of the UNCTOC and subsequent Trafficking Protocol in 2000 that thrust trafficking in persons into the "global agenda of high politics" in the 20th century (Gramegna, 2008). According to Gramegna, human trafficking has been increasingly put into political agendas of government, regional institutions, intergovernmental and non-governmental organizations. The reasons cited for it becoming a global agenda is that evidence came out of women being trafficked from Eastern European and Asian countries and being forced into prostitution in Western Europe. Unfortunately, until the late 2010s, action against trafficking in persons has not always been comprehensive, coherent or coordinated among actors. As a result, due to the global nature of the problem proportional to the inappropriate way of targeting it, policies have "seldom responded to the real need to eliminate this type of crime" (UNODC, Toolkit to Combat Trafficking in Persons).

After the adoption of the Protocol, the General Assembly adopted the United Nations Global Plan of Action to Combat Trafficking in Persons, which includes "the 4 Ps" of action: prevention of trafficking in persons; protection and assistance to the victims of trafficking in persons; prosecution of crimes of trafficking in persons; partnerships strengthening against trafficking in persons. Additionally, the plan requested for the UN Office on Drugs and Crime to strengthen their capacity in collecting information and reporting on patterns and flows of trafficking in national, regional and international levels and sharing best practices and lessons learned among each.

Meanwhile, the most important contribution of the UNCTOC and Trafficking Protocol (2000) was recognizing human trafficking as a transnational crime and thus putting it into the international crime agenda. On the other hand, United Nations has failed to provide a common method of targeting human trafficking for all its signatories, opting to let the countries decide.

Due to the lack of proper regional and international cooperation in the field of preventing the trafficking of human beings, the community of researchers and specialists accepts that data that precisely determine the scope and extent of human trafficking in the world is currently unachievable. Different regions display unequal levels of reporting, thus harming possibilities in gaining a cumulative number, e.g. "data in Africa are fewer and weaker" than those that can be obtained in the case of Europe and North America. This particular element showcases how regional approaches to targeting trafficking in human beings, without taking into consideration international approximation, could, in fact, be harmful rather than a successful contribution. In addition to that, different regions have marginally different ways of reporting this crime and are focused in different aspects of human trafficking, with the overwhelming majority focusing on the sexual exploitation of women, making other forms of trafficking go severely underreported[4]. Many experts agree that this lack of data is one of the largest challenges to targeting trafficking and in spite of some databases that have emerged (UNESCO, IOM, EUROPOL, U.S. Department of State; UNODC), data remains "sparse, fragmented, non-systematic and not statistically comparable because of a low level of unification". Most of the data is victim-oriented and refers to the sexual exploitation of women, while data on children and especially men trafficked or forced into labor is few and far in between (Babatunde, 2014).

It was the Asian countries that in fact responded to the Protocol by establishing a number of regional frameworks to combat human trafficking, e.g. ASEAN Convention against Trafficking in Persons Especially Women and Children (ACTIP), Greater Mekong Region (GMS) through Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT). The difference between ACTIP's and UNTOC's provisions is that the former of the two is actually legally binding to the ASEAN member states, enforcing Asian countries that are not signatories to the UN to adopt anti-trafficking legislation consistent to the international law. COMMIT, on the other hand, supports the GMS states in the formulation and strengthening of National Plans of Action and, most importantly, forming bilateral partnerships in order to reduce vulnerability to

human trafficking, strengthen victim identification mechanisms, create a migration policy that combats human trafficking, etc. (Gramegna, 2008). One of the most important contributions of COMMIT is therefore the creation of multiple bilateral partnerships (Cambodia with multiple others, Vietnam and Thailand's MoU on Bilateral Cooperation for Eliminating Trafficking in Persons, Myanmar and Thailand's MoU on preventive measures against human trafficking (preventing poverty through trainings, improving social services, etc.), etc. all in the early 2000s(Ne, 2018), recognizing that some of the underlying factors that exacerbate the vulnerability of people to trafficking are "poverty, unemployment, lack of socioeconomic opportunities, gender-based violence, discrimination, marginalization" and a number of social practices, such as: "female illiteracy, barring basic education, child marriage, parental/spousal neglects, abandonment" (Chamie, 2015). Additionally, in replenishment to the Mekong Sub-regional Project to Combat Trafficking in Children and Women, the United Kingdom financially supports developments in the region that combat the root causes of trafficking, e.g. poverty and social exclusion. On the other hand, the UK does not follow the same pathway when it comes to migration laws exacerbating the possibilities for illegal migration to occur (Farbey, 2007).

The first step towards regional cooperation on fighting human trafficking that the East Asian countries took was building trust among the participatory member states in ASEAN, seeing that their past relationships would contribute to a cooperation agreement, without any due cooperation being implemented, due to past conflicts tainting communications. Starting from 1997, ASEAN Declaration on Transnational Crime represented the very first joint statement of cooperation in the fight against trafficking. The declaration also set up institutional frameworks via the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) which was set to gather ministers of interior affairs once every two years to coordinate regional actions in fighting transnational crime. It has adapted several Work Programmes since its initiation, which include specific action against human trafficking, focusing on information, legal coordination, law enforcement, training, institutional capacity building and extra-regional cooperation. The member states are required to provide reports on the implementation of all covered aspects to the ASEAN Secretariat in order to be able to monitor developments. ASEAN has also established the ASEAN Directors-General of Immigration Departments and Heads of Consular Divisions of the Ministries of Foreign Affairs, which are the highest institutional bodies dealing

with trafficking in human beings. Overall, regional responses to human trafficking in Asia have focused on normative statements and establishment of soft cooperation mechanisms, developing sharing of security information and expertise and capacity building for relevant actors (Emmers, 2006).

Trafficking in human beings relies on a number of other root causes, aside from poverty, that built solid foundations for it to breed, such as: insecurity, crisis, ignorance, illiteracy, collapse of the protective environment, decline in cultural and traditional values(Babatunde, 2014), unemployment, weak or corrupt state structures, demand for illicit labor, lack of brides, thriving industry of sex work (Vlachova, 2015) and, more recently, movements due to climate change has entered the agenda (Trajano, 2018). It is important to note here that different regions display vulnerability to different factors, pursuant to their culture, e.g. in Africa there is a trend of debt inheritance which commonly forces children and young adults into forced labor, whereas selling children is a more popular format of human trafficking in rich countries, such as South Asian and African children being sold in the United Arab Emirates to perform. Whereas, migrant trafficking is most common in origin countries which are facing an economic crisis or ones that have weak and corrupted state structures, or areas of conflict, which force migratory flows unto more affluent regions and countries (Vlachova, 2005).

Numerous sources claim that people that flee from their origin countries due to different typologies of crisis are progressively more vulnerable to becoming a victim of trafficking (Liv, 2019). Even though the movement of persons is as old as time and the movement of goods has become increasingly easier, migration has not, in all types, followed in pursuit, which has led to illegal migration proceeding in its path. Due to their illegal status, migrants are many times forced to work in illegal labor. Enforcing immigration policies has effectively demonstrated that it leads to more illegal migration, rather than stopping migratory flows. In the same front, it leads to more trafficking among this vulnerable population. Trafficking would have much lesser subjects to fall prey to under a "well-managed migration policy", on the other hand if the informal labor market thrives, so do smugglers and traffickers. A quoted reason for this problem is the unequal numbers between demand for workers in host countries and supplies of migrants wishing to get employed abroad, which leads to a pool of migrants vulnerable to trafficking after being smuggled (Chamie, 2015). Unfortunately, very little research has been

conducted on the demand side of the phenomenon of trafficking in human beings and how EU migratory policies, the demand for cheap and unprotected labor and non-unified agency responses influence trafficking of human beings from the South European countries to the European Union countries (Parasca, 2018).

It is highly necessary thereby to make the distinction between human smuggling and trafficking in human beings. First and foremost, migrant smuggling involves helping a person cross borders illegally and is wholly done with the consent of the individual being smuggled. Nonetheless, this does not make the procedure less dangerous for the migrants being smuggled. On the other hand, a trafficked victim has either never consented to the procedure or has initially consented and been forced to undergo procedures after withdrawing their initial consent. In addition, any minor is considered to be trafficked given that they have no legal capabilities of expressing consent. Secondly, migrant smuggling usually ends with the migrant reaching their destination country, while trafficking continues with their exploitation. Thirdly, smuggling is sure to include the crossing of borders, whereas trafficking can be conducted within a nation state. Finally, smugglers profit from helping migrants cross borders and are duly compensated for their illegal service, whereas traffickers profit from the exploitation of their victims. Nonetheless, it remains difficult to make the distinction between the two, considering that the granting of consent is a loaded concept that cannot be strictly determined in court proceedings, especially when putting into equation the difficult circumstances that cause (or, otherwise, force) migrants to go through with being smuggled to another country (Chamie, 2015) (Farbey, 2007). It becomes increasingly difficult to distinguish between the two when taking into account cases where the migrant has consented to being transported, but finds themselves being forced to work with little to no wage in order to compensate for their smuggling (Gramegna, 2008).

Migrants are especially vulnerable to trafficking considering that these victims are not particularly familiar with the language of the host country, their customs, laws and practices and are highly dependent on their smugglers-turned-traffickers, which also makes them very vulnerable to psychological and physical harm, drug abuse and violence, commonly used to control the victims. In addition, victims forced to work in various ways to provide the money for the service of smuggling will notoriously earn very small amounts of money during their

labor, which renders it unable for them to be able to pay their debt for a long period of time (Vlachova, 2005).

Seeing this, one of the proposed ways of targeting trafficking in persons is the promotion of regular and managed migration and the presence of formal and informal organizations of workers, thus the creation of a mechanism that guarantees labor and human rights to all workers. On the other hand, current policies usually target the traffickers by seeking to capture and punish them, which is portrayed as not entirely correct by this paper, considering that the profile of traffickers is much more difficult to be created especially compared to that of trafficking victims. In addition, the traffickers are usually involved with other crimes as well (e.g. drug trafficking) and compose well-organized criminal groups, which act in different countries at the same time and have technical capacities comparable to that of national law enforcement agencies. Finally, policies need to tackle the root cause of trafficking (e.g. poverty, inequality, lack of information), rather than the direct criminal phenomenon itself. Seeing all these elements, the need for having an inclusive policy to fully target trafficking in persons clearly emerges. Klopcic (2004) also mentions that human trafficking can only be successfully targeted only through designing educational and job opportunities for (women) victims of trafficking in their origin countries, and "above all" through the proper implementation of nationally-adopted international provisions. In addition, they claim that ways of tackling trafficking in human beings should be holistic and focus on the root issues that feed into making people easily exploitable, especially by raising capacities and opportunities for citizens that live in poorer communities and that does not only pertain to individual circumstances, but also ones that pertain to politics, macroeconomics, legal frameworks, security settings, etc.

Due to the nature of the crime, it must be taken into consideration, as well, that illegal immigration is not the sole source of trafficking and thus targeting it should take in account all the other factors that feed into it. As aforementioned, the way that some Asian countries have decided to target trafficking in human beings is through combating one of its root causes: poverty. Regardless, a theory requires a holistic, human rights-based, approach as the only possible genuine solution to the crime. In full support of the previous proposal, Farbey (2007) suggests that a human rights-centric approach is heavily necessary to all EU policies that target trafficking in human beings.

Albeit, to the contrary, when the European Union was faced with the migration crisis starting from 2013, even though the entity had the proper legal frameworks and policies in place to be able to share the burden among the member states in a proportional way which would make them able to front the migratory wave in a way that would be expected to achieve better safeguards for basic human rights, which all of the migrants should have been entitled to (despite their legal or illegal status), the provisions failed in practice. In fact, some countries, mainly South European ones, were forced to face the wave individually due to border controls from other member countries, with minor distinctions (e.g. Germany) which opted to follow the EU policies of burden sharing. On the other hand, countries such as Italy and Greece suffered immensely due to the high number of migrants allocated to the countries and were at times the front picture of the European Union choosing to protect its own security before universal human rights, which it had been seen as the promoter of up until the tainting of that moment. It was during this crisis that several gaps were noted in EU's common migratory policy which led to the following recommendations being collected, that would positively serve other regional initiatives in the future as well: information exchange to be improved; external border check to be strengthened while safeguarding human rights; data protection measures need to be revised; prevent the over-fixation of the entity with security and subsequent neglect towards the universal respect of human rights, which will undoubtedly harm its position as a soft power in the long run.

Pursuant to all the above, Farbey also notes that while long-term economic policies are immensely important, "specific, detailed and immediate legal provisions" and the effective implementation of national laws are not to be neglected and to be used as a supplement to transnational policies. In addition, the UK government supports a multilateral approach to human trafficking conducted by the agencies in charge of targeting the crime (included, but not limited to, UKHTC, SOCA, the Child Exploitation and Online Protection Center, Trafficking Working Group, etc.)

Even after UN's Protocol (2003) came into power, the participant signatory states had different policies in place for targeting trafficking in persons, e.g. criminalizing prostitution or other sex services, combating irregular migrations and illegal employment, assisting trafficked persons, etc. "Their real long-term value has not yet been clearly demonstrated…" It is important to

understand that while sex trafficking of women and children is one of the most important forms of the crime, other types additionally exist and, therefore, it is important not to neglect them while over-focusing capabilities on the former two and that this hyper-focus on one aspect is only going to lead to diversification of the market.

Gramegna (2008) identifies a list of needs for countries to fulfill in order to be able to successfully target human trafficking, among which are: building a National Coordination Mechanism which will put all relevant actors together with the aim to coordinate them towards achieving the same set aims, in addition, to creating specific and clear legal frameworks for the responsible institutions, so that their duties and roles do not overlap or contradict; creation of a National Referral Mechanism, with the intent to construct a cooperative framework for all relevant state actors to refer trafficked persons to the appropriate institutions for their assistance, protection, empowerment and integration; creation of an independent from government structure responsible for gathering and analyzing information e.g. National Rapporteur on Trafficking in Human Beings, in order to bring together data and information, as well as, identify gaps in the implementation of anti-trafficking policies and propose actions to overcome set difficulties. These institutional changes are targeted toward ensuring a holistic and integrated approach to trafficking, taking into consideration that a serious challenge to targeting the phenomenon of trafficking in human beings is the reporting of the crime and agencies commonly recognize that a very small fraction of the actual number of victims and criminals is reported to authorities and it heavily depends on the reporting coverage by region and available information (Chamie, 2015). The need for cooperation between key stakeholders in the fight against trafficking in human beings is also repeatedly recognized by the Council of Europe (Co-operation and partnerships in the fight against trafficking discussed among local anti-trafficking actors, 2021).

In addition, the paper proposes that countries also need: to develop indicators that are able to evaluate present policies and legislation, actions taken thus far, their outcome and impact towards individual cases and the larger picture. The development of indicators would also help in the long run to improve and standardize policies and strategies among different countries, as well as shared information. The aforementioned coordination mechanisms would then be in place to implement and enforce legislation, as well as coordinate and monitor policies on

trafficking in human beings, to ensure the maximization of the results that the indicators will be able to measure. Gramegna (2008) adds that countries also need technical capacities in terms of establishment of institutions to provide expertise, equipment and resources to perform their tasks, as well as the existence of multidisciplinary teams to carry out a multitude of tasks. An important step in targeting human trafficking: recognizing it as a cross-border crime is the possibility of sharing information, as the availability of gathering and exchanging information among all the relevant partners through a unified approach, increases awareness and opportunities to help. Currently, as noted earlier on, information gathering usually lacks systemization and coherence, with some countries focusing on collecting information on assisted victims, others on foreign sex workers, others on trafficking conviction or illegal immigration and most NGOs are focused towards gathering information for their assistance programs but are not encouraged to enter this data in collective databases.

Some international organizations, suchlike the OSCE, UNICEF and UNHCR have made efforts to collect annual information. Furthermore, UNODC has created a database containing trafficking trends and routes, info on victims and traffickers for national actors to use and ILO has already created indicators on targeting forced labor. In fact, since UNODC (Global Report, 2018) has started collecting data on the international level, the average number of detected and reported victims of human trafficking has increased, especially noted in two regions: the Americas and Asia. Still, it remains unclear whether this increase has happened due to the reporting countries having increased their capacities in mapping the crime or due to an increase in trafficking in human beings. Meanwhile, EUROPOL has created a database on child abuse and trafficking, as well as a standard system for identification and protection of trafficked persons with governmental and non-governmental actors participating alike. Subsequent to the data gathering, EUROPOL also provides assistance, in terms of protection and treatment of victims of trafficking in legal and criminal proceedings through collaborating with various EU institutions, as well as, providing law enforcement in a cross-border level through creation of specialized police units that have the necessary expertise and capacity to deal with trafficking (Babatunde, 2014).

Last but not least, Gramegna proposes some legislative framework changes in line with the needs that countries have in order to ensure a successful targeting of trafficking in human

beings, which are as follows: residence permit for 6 months with right to renewal for victims, especially for those that are making statements against traffickers; provision of assistance by victim shelters in coordination with the National Referral Mechanism; provision of witness protection programs for victims that are expected to make statements on traffickers. The paper also manages to identify a good practice in one of the European Union member countries, which is the legislative framework on trafficking in human beings in Belgium, which crosses off all required elements, starting by defining trafficking in human beings, making it a criminal offense, instating accessory penalties, including provision of assistance and protection to victims of trafficking and establishing responsible structures and resources for the fulfillment of these actions.

In addition to all the technical, institutional and legislative changes proposed by Gramegna (2018), it is necessary to note that countries with a younger and less stable democracy, have to work towards ensuring the stability of their government and state institutions, to be able to eradicate the factorial opportunities that are used by criminals to be able to conduct trafficking in human beings. According to Vlachova (2005), special training and education to personnel about trafficking, cross-national cooperation of border guards, transparent visa and immigration policies, cooperation of security institutions with civil society that target trafficking in human beings, implementation of codes of conduct for military and civilian personnel deployed in peacekeeping missions, creating special local units devoted to fighting the phenomenon and highly-important investments in high-tech equipment for police and border guards, are the key towards achieving all the former. But no form of success is possible without the commitment of parliaments and governments, therefore raising their awareness to the phenomenon is immensely important.

In the case of Turkey, Lindstrom (2005) mentions that victims rescued from trafficking in the Black Sea route support the need for a regional response to human trafficking. Due to the fact that the majority of them are migrants, their determination to still migrant despite circumstances, as well as them still identifying themselves as "labor migrants" rather than as "victims of human trafficking" pose a challenge. This paper again poses economic development in the origin countries through providing economic and social benefits for both origin and destination countries combined with countering human rights abuses and

transnational organized crime, as the ideal long-term solutions, but for as long that is difficult, migration will not be able to be stopped, seeing that migrants choose it as the quickest and easiest route to obtain a better life. In these circumstances, migration flows must be better managed and transnational organized crime counteracted via protecting migrants and safeguarding their, as well as the origin countries', interests. Turkey has opted to do this through reaching out to potential victims of human trafficking and offering them help and it has results with immense success.

Emmers (2006) also states that regional cooperation on fighting transnational crime can come with certain complications, suchlike: its political sensitiveness due to the problems that may be cause in bilateral relationships among the countries involved, seen as trafficking may impact them differently; national governments' preference to act unilaterally when it comes to security aspects of their own countries due to it touching core elements of the country's sovereignty, such as legislation, jurisdiction, security information, etc.; conversion of UN strategies to actual action plans that can be implemented regionally alike; institutional deficits that limit structural capacities of responding.

b. The Collective Conflict Management Model

Overall, it is important to note the reason why human trafficking is recognized to fall under the definition of a "conflict" by this study. According to most international security literature, conflicts are recognized as direct clashes of interest between different parties and trafficking, at first appearance, does not fall under this definition. On the other hand, according to newly and still emerging conflict management literature and theories, latent conflicts are conflicts that are brewing under the surface, not yet visible to the majority, whilst still having the possibility of emerging in the near or distant future and causing the same amounts of damage to human life and statehood as any other apparent conflict.

Collective Conflict Management Model (Diehl & Lepgold, 2003) is defined as a pattern of group action, usually but not necessarily sanctioned by a global or regional body, in

anticipation of or in response to the outbreak of intra- or interstate conflict. It includes systematic efforts to prevent, suppress or reverse breaches of peace when states are not acting in accordance with traditional means of international security cooperation and usually takes one of the three forms: multilateral diplomacy, peacekeeping and multilateral enforcement. In this particular case and in order to combat trafficking in human beings, the typology that would have to be undertaken by the region would be multilateral enforcement of law upon the perpetrators, while also striving to build the appropriate mechanism to prevent the crime from happening in the future.

According to the Collective Conflict Management Model, a conflict has to fulfill four major characteristics in order to become a matter of regional concern for the parties. These characteristics are: having ongoing negative externalities; the states having compatible strategies and political incentives; existence of formal and informal institutions that the states believe to be legitimate and effective in the solving of these regional issues; and the existence of extra regional actors that affect choices at the regional level. In addition, a critical element to the success of regional conflict management is the existence of actors with the necessary capabilities to undertake such initiatives. These actors may be regional hegemons, *ad hoc* regional coalitions, regional intergovernmental organizations or other states affected by the spillover phenomenon. This study argues and studies the latter two in detail. The capabilities of the actors to be able to tackle the conflict are also a very important element in the study, otherwise regional management would obtain no future prospects.

This theory recognizes the importance of regional cooperation compared to international cooperation: local states are more directly impacted by the conflict making it easier for them to be involved and to find the importance in cooperation, more suitable policies to the region will be prepared, as well as being more flexible when compared to instances such as the United Nations Security Council. On the other hand, it also recognizes weaknesses in the process such as: over-eagerness of the countries to be included, compromises made to state sovereignty of fear thereof, as well as few resources being available.

The first two broad factors which push countries towards a regional management of the conflict are externalities and the existence of institutions. Firstly, externalities are costs or benefits that do not accrue only to the actors that produce them, but that spillover onto

bystanders as an unintended by-product of other activity. The countries also need to recognize the importance of dealing with these externalities emerging from the conflict, as well as believe that the costs of not engaging regionally outweigh the benefits. The phenomenon of externalities usually emerges when individuals flee from country to country (migration) and when borders are used to cross through while or to commit a crime. In this case, the collective conflict management model is more effective (and more capable) when regional actors are not fully at odds with one another and, to the contrary, have a well-set belief system and are able to support one another when needed. In addition, the actors have to believe that the benefits gathered from collective conflict management are to be obtained by all of them appropriately and that they will not bear the costs while others enjoy the benefits.

Secondly, regional actors can more easily find cooperation where there is a sense of trust among one another, especially on the institutional front, be them formal or informal. For collective conflict management to work, institutions have to be reliable and prompt to act. If countries believe that the institutional processes are legitimate and thus their outcomes are legitimate, they are more likely to accept outcomes and collaboration, whereas if they believe that the process is illegitimate, they are far more likely to oppose it. In order to share a system of belief among the actors, it is necessary that they share the same values in the manner of institutional processes, good communicative action and other similarities in the framework. It is also important that the grounds of regional cooperation and communication, again whether formal or informal, are already established and thus serve as facilitators to further cooperation initiatives.

To add to the building literature on this theory, state actors are also expected to be more likely to target a collective problem when their national strategies are aligned with one another, which further on build towards the former two key factors: the achievement of as many benefits per member as possible, with it being especially important if they correlate to the national strategies and the creation of similar institutional framework, which follow the similar policy and legal frameworks, that are expected to aid in the development of common regional approaches are already in existence.

Finally, the collective conflict management model recognizes outside influence from other countries, in terms of their interference and importance and depending on the

interdependencies they create with countries in the region or the region as a whole. The third-party countries may in cases have the same goals as those shared within the region and thus strive to interfere through pushing for more cooperation, facilitating operation in the region through their resources, etc. On the other hand, outside interferences are also expected to be non-existent if the conflict does not in some way grant them negative externalities or, in another scenario, present and push for another opposing agenda if it better suits their national interests.

4. HUMAN TRAFFICKING IN THE WESTERN BALKANS

The relatively recent system transition that happened in the Western Balkan countries from communism to democracy in the 1990s, the Wars in Yugoslavia that broke the state into five out of six current countries that make up the region and the subsequent weak state structures that were formed served to make it a "favorable environment for non-traditional security issues", suchlike "uncontrolled migration and coerced displacement, trafficking of small arms and light weapons (SALW), human-trafficking, corruption, terrorism, and the proliferation of organized crime" (Agir, 2014) due to the structural changes which created extreme economic recession, hyperinflation, foreign debt increases, unemployment, all accompanied by sporadic or well-built armed conflict (Klopcic, 2004).

Trafficking in human beings in the Western Balkans is exacerbated by the underlying presence of a number of factors, suchlike: permeable borders, political and military instability, economic dislocation, and preserving corruption (Lindstrom, 2004), which create breeding grounds for organized criminal groups to be born and operate. One of the most important features that strengthens provisions for criminal undertakings is exactly the prevalence of corruption in the region, which is attested to have crimes (e.g. trafficking in drugs, human beings and weapons) connected to it, be it as a cause or consequence of these illegal activities, considering that organized criminal groups support corruptive behavior, just as corruption in state institutions provides ground for them to function, thus creating a vicious circle.

Due to the states' inability to control its whole territory (and especially borders), as well as the collapse of state and legal framework, it was notoriously difficult to control both illegal migration and trafficking in human beings in the 1990s and 2000s in the region (Klopcic, 2004). To add, due to the very nature of this criminal phenomenon, it is extremely difficult to contain it within the borders of one country (Agir, 2014), even when countries are functional in terms of statehood.

The Western Balkan routes of trafficking are still entirely similar to the routes that were once used during the 1990s and early 2000s, when the Wars in Yugoslavia forced people to be smuggled abroad and into the Western European countries. It was exactly during this time as well that trafficking in human beings emerged as a phenomenon in this region, with the region especially being recognized as a nexus within Southern Europe for trafficking into the EU (Friman, 2008). In addition, methods that are currently in use were also firstly introduced during the same period (Picarelli, 2002). Origin countries of victims of trafficking are usually located in Eastern Europe (e.g. Ukraine or Moldova) and are moved through the Western Balkan countries, sometimes onto Central European countries (e.g. Slovenia and Hungary), to then be finally relocated in Western Europe. Routes inside the Western Balkans change frequently due to police preventions from the port of Vlora to Italy, the port of Durrës, port towns in Montenegro or even through green passages in Greece and North Macedonia (Lindstrom, 2004). The most common pathways to follow are: Bosnia and Herzegovina-Croatia-EU countries through Slovenia to Italy or Austria; from Moldova, Romania, Serbia and Montenegro to Albania and through the Albanian Adriatic coastline to the European Union, mainly through accessing Italy; from Romania, Bulgaria and Albania to Greece, sometimes through utilizing North Macedonia as a transit country (Klopcic, 2004).

Still it remains very difficult to complete a full assessment of the situation presented in the Western Balkans and each of the countries that make it up due to the reasons cited in the previous section. Difficulties in estimating a concrete figure regarding trafficked human beings come from its easy-to-confuse features with those of being voluntarily smuggled abroad, in addition to the hidden nature of the crime, rapidly changing tendencies that adapt to investigating techniques, new forms of exploitation, the need for institutions to raise their capacities to target the crime and the lack of systematic collection of data in all institutions that can be faced with potential victims of trafficking (OSCE, 2021).

Victims of trafficking are now less likely to be physically forced into exploitation and more commonly lied to and manipulated by traffickers through a various of means, suchlike: debt bondage, which is very common with smuggled migrants; romance, through which mainly young women are drawn to foreign countries by men and then taken by exploiters; false job advertisements which proceed with "breaking" victims upon arrival through torture,

degradation, forceful consumption of narcotics and alcoholic beverages; being sold by family members, which is more common in cases of severe economic and living conditions and during which traffickers lie to the family members on the actuality of the job that the victims is going to conduct. Finally, violence and forceful withholding are used as follow-up procedures, after manipulation has brought the victims to the traffickers, in order to make sure that the victims are going to be successfully exploited to the financial benefit of the trafficker (OSCE Albania, 2021). Regardless, this practice seems not to be the overall picture in the Albanian trafficking scene, with most traffickers opting to still use violence to force trafficked women into submission. A few have abandoned their dominant position for a "mediator" role between the victim and ultimate exploiter (Europol, 2011).

Victims of human trafficking which originate from Albania are usually trafficked abroad, especially in Kosovo, Greece, Italy, Belgium, Germany, Switzerland, North Macedonia, Norway, the Netherlands, and the United Kingdom. It is especially likely for Albanian migrants who move abroad for economic reasons to become prey to traffickers and be exploited in forced labor and criminality, especially in the United Kingdom. In addition, traffickers also exploit women and children in sexual trafficking and forced labour especially during the summer season. It is very common for the victims to fall for false promises made by the traffickers and in the case of children, it most often focuses on begging and selling small items and it is common for them to be of Egyptian or Romani descent. Albania is a transit country in human trafficking too, most often for migrants originating from the Middle Eastern, Central Asian and African countries. The most vulnerable subgroup of these migrants are obviously unaccompanied minors. Finally, Albania also serves as a destination country for victims of human trafficking, especially for people originating from European countries, The Gambia, and Philippines, who are sexually exploited or forced into labor (U.S. Department of State Report, 2022).

The International Organization for Migration (IOM) (The Implementation of Assisted Voluntary Returns including Reintegration Measures, 2019) provides a very successful assisted voluntary return program, which is defined as:

> "The provision of the administrative, logistical, financial and reintegration
> support to rejected asylum seekers, victims of trafficking (VoT) in human

beings, stranded migrants, qualified nationals and other migrants unable or unwilling to remain in the host country who volunteer to return to their countries of origin. Assisted voluntary return is a narrower term of voluntary return."

This program aims at an "orderly and humane return and reintegration of migrants who are unable or unwilling to remain in host or transit countries and wish to return voluntarily to their countries of origin", but its long-term success has been called into question due to the high rates of re-trafficking found among victims that have been successfully repatriated (Lindstrom, 2004). The IOM itself accepts the narrative that further work needs to be conducted by the organization in having a full understanding of the challenges faced by the migrants, who may or may not have been victims to human trafficking, when they return to their origin countries. Among the factors that most often contribute to the difficulty of this process are the traumatic experiences that the (trafficked) migrants may have experienced that led them to initially leave, or alternatively be forced to leave, their origin countries, as well as the traumas experienced in their host countries that forced them into returning to their initial origin countries (Comparative Research on the Assisted Voluntary Return and Reintegration of Migrants, 2015).

The European Union has been significantly pushing towards a better regional cooperation between the Western Balkan countries through the provisions of its Stabilization and Association Agreements, which are signed with all six countries that compose the region (Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Kosovo and Serbia) under the framework of Stabilization and Association Process and funded through IPA, through which the countries are expected to raise their capacitor into successfully accessing into the European Union (Stabilization and Association Agreement). In this regard, the European Union has set milestones and principles which the countries are supposed to fulfill before achieving member status in the EU, one of which is regional cooperation, foreseen also in the field of battling trafficking in human beings through "General Principles", Article 4, which says:

> "Albania commits itself to continue and foster cooperation and good neighborly relations with the other countries of the region including an appropriate level of

mutual concessions concerning the movement of persons, goods, capital and services as well as the development of projects of common interest, notably those related to combating organized crime, corruption, money laundering, **illegal migration and trafficking, including in particular in human beings** and illicit drugs. This commitment constitutes a key factor in the development of the relations and cooperation between the Parties and thus contributes to regional stability." (Stabilization and Association Agreement)

Additionally, several other principles are set via articles on regional cooperation regarding control of illegal migration and trafficking in human beings, by being based upon the existing cooperation among European Union member states. According to Klopcic (2004), human trafficking is perceived as "a grave human rights abuse and a serious transnational crime requiring an integrated, coordinated and proactive human security approach".

According to Perry and McEwing (2013), the key social determinants that facilitate human trafficking are poverty, female gender, lack of policy and enforcement, age, migration, displacement and conflict, ethnicity, culture, ignorance of trafficking methods and caste status. On the other hand, some factors that actually protect against trafficking in human beings are formal education, citizenship, maternal education, higher caste status and birth order.

A brief explanation per each element is granted by the authors, in which, most importantly noted are: the impact of gender is mostly due to the low value of women and girls in given societies, thus due to cultural impact in certain regions; illiteracy and low levels of education are common among victims of human trafficking; in line with education, poor understanding of trafficking risks creates grounds for trafficking; youth plays a role in trafficking for sexual purposes in that younger women are less likely to carry venereal diseases and in the majority of cases post-pubescent girls are preferred by traffickers; societal marginalization and lack of human rights (especially as a minority); family disfunction which is commonly targeted and exploited by traffickers; domestic violence which causes an innate need "to be rescued" in mostly women and children; lower social status (caste), etc.

It is apparent that negative structural factors; suchlike political instability, lack of enforcement, conflict, lack of policy, border instability; will exacerbate opportunities for human trafficking,

as well as push people towards migration or, alternatively, illegal migrations, which makes individuals even more likely to become victims of human trafficking. Perry and McEwing (2013) also note migration as a social factor that gives way to human trafficking and, in this regard, some societal factors that lead towards illegal migration are: demand for cheap/irregular labor, which is strengthened by low cultural regard for women and girls.

In the case of the **Western Balkans**, many of the above-mentioned social factors are present and the major quoted reason for their existence are the set of structural weaknesses (economic underdevelopment, war and conflict, weak labor market, income inequality, weak welfare regimes, etc.) (Sotiropoulos, 2014) that facilitates them. These factors were further exacerbated by the Covid-19 pandemic, which contributed to economic insecurity, unemployment and restrictions of movement, thus making (at least) children even more vulnerable to falling victims to traffickers of human beings (Council of Europe, Child trafficking still on the rise in the Western Balkans, said participants of a regional conference)

i. Albania

According to reports, the most common form of trafficking for victims that move though or originate from Albania is that of sex trafficking among women. Whereas for men, forced labor and enforced criminal acts remain the most common form of trafficking. Albania is still considered an origin, moving and destination country for victims of human trafficking from the OSCE. In addition, OSCE claims that around 50% of the possible victims of human trafficking are children and minors (OSCE, 2021). According to INSTAT (2020), the number of trafficking victims has been fluctuating between 3 and 3.7 victims per every 100,000 for the past 5 years (2015-2020).

According to the 2021 Report by the Office to Monitor and Combat Trafficking in Persons which is an agency of the US Department of State closely monitoring trafficking in human beings around the world, Albania, despite making significant efforts to eliminate trafficking, does not yet meet the minimum standards to do so. Covid-19 had a significant impact on all governmental efforts to battle trafficking, yet Albania prosecuted more defendant, increased funds to the victims shelter mainly through seized criminal assets and standard procedures to

strengthen child protection and work with child victims of human trafficking were developed by Development Center for Criminal Justice for Minors (DCCJ). On the other hand, there are no clear numerical estimations of whether trafficking in human beings as a phenomenon experienced an increase or decrease during the peak of the pandemic, but numbers of calls to civil society organizations that aid victims of trafficking increased (Djordjevic, 2020).

Kosovo is an especially new destination country for trafficked victims, where women are mainly forced into labor in night clubs, in addition to being sexually exploited, but overall trafficking in human beings has seen a decrease compared to the 1990s and 2000s. Unfortunately, it is necessary to mention again that all figures and data on trafficking in human beings is not stable, due to the inability of "real-time reporting" on the crime (Rama, 2021). It is likely that organized forms of recruiting women from Albania and forcing them into trafficking are present in the country, but no official data is found on the case. To add, it is also possible that the decrease in noted numbers of trafficked victims is solely that: a decrease in identified cases, with traffickers having become better at concealing their tracks (Parasca, 2008).

Albanian traffickers, which most often traffic women for the purpose of sexual exploitation and men and children in order to force them into labour, display a "network crime" criminality model, which is a system of illegal opportune relationships, rather than a duly constructed crime group. Again, unlike typical organized crime groups, Balkan trafficking networks do not operate under a carefully regulated hierarchy, but are built around ethnic and friendship ties and they exercise a multitude of criminal behaviors, e.g. but not limited to: "passport fraud, access device fraud, and identify theft, healthcare fraud, real estate fraud, insurance fraud, money laundering, drug trafficking, human smuggling, prostitution, and extortion". The same Western Balkans route is used for all types of trafficking regardless of the subject of the crime (Rama, 2021).

The Republic of Albania is currently pursuing the National Action Plan on the Fight against Trafficking in Persons (2021-2023) as part of the National Strategy against Organized Crime and Serious Crimes and the National Strategy on Migration (2019-2022). With the intent to target trafficking of human beings, Albania has created the National Referral Mechanism that aims to ensure respect of human rights of trafficked persons and provide an effective way of

referring victims to the appropriate services required. The Mechanism can also offer its support in the improvement of policies and practices that deal with trafficking victims; creating national action plans and placing referral standards to evaluate whether set aims have been achieved. Currently, the mechanism is composed of representatives from the Ministry of Internal Affairs, Ministry of Europe and Foreign Affairs, Ministry of Education and Youth, Ministry of Health and Social Protection; Prosecutor's Office; IOM; World Vision Tirana; NGO Arsis; NGO Different and Equal; National Reception Center for Victims of Trafficking; Psycho-Social Center "Vatra"; NGO "Another Vision"; all of which are actors in the field of preventing and combating human trafficking, collaborating with one another with the intent to facilitate the identification of victims and possible victims to the trafficking of human beings and developing common national standards of work.

Albania has successfully amended and/or adopted in the context of the judicial reform process, in line with requirements made by the European Union and recommendations made by the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA). In this regard, according to GRETA's findings (Third Evaluation Report, 2020), rights and position of victims have been strengthened in the Criminal Procedure Code and special rights have been recognized for victims of human trafficking, added to the option for closed-door hearings. Standard Operating Procedures for the National Referral Mechanism have been revised by the Council of Ministers to ensure a more proper identification and referral of victims of trafficking.

Institutional anti-trafficking structures include the National Anti-Trafficking Coordinator, which works under the Ministry of Interior and is supported by the Office of the National Anti-Trafficking Coordinator. In addition to this coordinating mechanism, the State Committee for the Fight against Trafficking in Human Beings operates since 2014 as a policy-making coordinator among the relevant ministries: chaired by the Ministry of Interior, with the participation of State Intelligence Service, Deputy Ministers from the Ministries of Internal Affairs, Foreign Affairs, Finance, European Integration, Justice, Social Welfare and Youth, Education and Sports, Health, Defense, Urban Development and Tourism, and Energy and Industry. In addition: security advisors, high representatives of the State Police, the directors of the Serious Crimes Prosecution Office, Serious Crimes Court, State Social Service, Work

and Social Services agencies and representatives from national and international non-governmental organizations are invited to attend meetings (Ministry of Interior Affairs Decision, 2014) The duties of these two mechanisms are: strategic planning, policy-making and coordination of structures working in the field of anti-trafficking.

Albania's twelve regions are coordinated through 12 Regional Anti-Trafficking Committees, which meet regularly and were involved at the highest consulting level for the drafting of the new Strategy and Action Plan on the Fight against Human Trafficking 2021-2023, which also directly mentions and targets through its aims the involvement of organized crime in facilitating human trafficking in the country. In addition to fighting organized crime, it also aims to protect citizens, institutions and economy as well as strives to prevent trafficking in human beings. In this regard, Albania has made considerable steps forward in creating institutions that will directly target organized crime through the establishment of the Special Anti-Corruption and Organized Crime Structure (SPAK), composed of a Special Prosecution Office (SPO) and the National Bureau of Investigations (NBI). The National Antitrafficking Coordinator monitors the implementation of the Strategy thoroughly. Albania has also created a Victim Advisory Board which is built upon three victims of human trafficking that advise on the design of awareness raising campaigns, police interviews and court proceedings. This group meets periodically and makes recommendations on a voluntary basis. Additionally, at the law enforcement level, a Memorandum of Understanding has been signed and, as a result, a Task Force has been formed, composed of the National Coordinator for the Fight against Trafficking in Persons, the General Prosecutor's Office and the State Police, with the intent to analyze and move forward with closed and unsolved cases of trafficking in human beings.

Albania has thus far become better at ensuring the non-punishment principle for victims and should continue in this pathway. In the rare cases that victims are prosecuted wrongly for crimes committed under the imposition of the traffickers, these cases should be reported in order to see training needs and identify quotas of frequency.

Among GRETA's recommendations for Albania are: the creation of a National Rapporteur mechanism to take over the monitoring duties of the National Antitrafficking Coordinator, which should only work at executive level; strengthening and raising capacities of law enforcement agents and relevant professionals to inform victims and presumed victims of their

rights and services accessible to them, as well as the manner of accession; offering specialized legal aid to victims of human trafficking; strengthen effective access of victims to labor market, vocational trainings and education; facilitate the creation of a compensation scheme for victims; following the creation of the Task Force need to take additional measures to ensure that cases investigated and prosecuted effectively with proportionate sanctions and measures imposed as a result; provide adequate protection to victims and witnesses of human trafficking within and across borders; research on new trends and train professionals for preventing child trafficking; better identification and assistance offered to victims of human trafficking; continue to reinforce coordinating structures and train specialized prosecutors and judges of matters of human trafficking, as well as all other relevant professions (e.g. law enforcement officials, lawyers, labour inspectors, social workers, child welfare staff, health-care staff, diplomatic and consular staff).

GRETA also noted that with regard to facilitating and implementing international cooperation, despite its recommendations no legislative changes have been made to amend legislation to enable the setting up of joint investigation teams. Other than that, Albania cooperates international within the settings of Eurojust, SELEC, INTERFORCE, INTERPOL, MARRI and the South-East Europe Police Co-operation Convention through sharing information and identifying victims. Operations, mutual legal assistance, bilateral agreements and readmission agreements with the intent of combating trafficking in human beings have been undertaken with several European countries (e.g. Italy, Spain, Greece, Kosovo, Montenegro, North Macedonia, etc.).

The European Union's Albania Report 2021 notes that awareness raising campaigns among victims or potential victims are lacking in the country and the current set hotline is nonfunctional. In addition, while it recognizes the legislative developments it recognizes that the changes made to the Criminal Procedural Code should be implemented and the National Strategy 2021-2022 should be adequately funded and implemented.

ii. Serbia

According to the U.S. Department of State 2021 Report, the most common forms of trafficking in human beings which impact Serbia are: the exploitation of Serbian women in sex trafficking in other European and neighboring countries; men are also primarily exploited via forced labor in EU countries, Eastern European countries (e.g. Russia), as well as the United Arab Emirates. Instances of trafficking within the country are also apparent, mainly with children of the Roma community, who are exploited via forced begging, petty crime and sex trafficking. Foreign victims of human trafficking have also been identified within the borders of the country, mainly individuals who were using Serbia as a transit country and that have been abandoned there by their smugglers.

Adding to the State Report, ATINA (Citizens Association for Combating Trafficking in Human Beings and All Forms of Gender-Based Violence) (What is the extent of human trafficking in Serbia?, ATINA) , a non-governmental organization based in Serbia, reports that Serbia is used as all three: origin, transit and destination country for victims of human trafficking. These victims can be women, children or men and are mainly trafficked in sexual exploitation, forced labor, forceful commitment of crimes, forced begging and forced marriage. According to their insights, the majority of the victims trafficked within Serbia, are Serbian nationals.

A major difference from this current period was noted in Serbia in the 1980s when due to the country's better economic conditions in comparison to the rest of its neighborhood, Serbia held its position as a destination country for trafficking victims. This trend continued well during the wars in Yugoslavia. Whereas, post-conflict and onwards, Serbia displayed an increase in its status as an origin country for victims of trafficking in human beings.

ASTRA, another non-governmental organization located in Serbia, reports (Trafficking in Serbia, ASTRA) that the major contributing factors that push victims into becoming prey to traffickers are: degrading social and economic circumstances, escalating domestic violence, which increase trends of migration and since opportunities for legal migrations are scarce, individuals often fall for false job advertisements that ultimately lead them to their trafficking destinations. In Serbia, a trend of age decreasing in trafficked children has been noted, which

is directly related to their increased vulnerability due to tender age, as well as an increase in the share of mentally-challenged victims.

Serbia does not yet meet the minimum standards set by the U.S. Department of State in order to eliminate the threat of human trafficking, despite the government displaying its increase in efforts to do so. The government still lacks "proactive" identification efforts, particularly through properly screening migrant flows and sex work; the Center for Protection of Trafficking Victims still lacks resources and staff necessary to adequately assess victims and coordinate care placement and the government, the Urgent Reception Center was indefinitely closed by the government due to pandemic-related issues and its inability to obtain a license and governmental direct assistance and referral mechanism to NGOs was stopped from March to May 2020, leaving NGOs to provide to victims with no governmental funds. In addition, more victims were wrongly penalized by authorities, associated with a lack of both confidentiality and legal representation/aid. On the other hand, it identified more victims, convicted more traffickers and organized virtual awareness campaigns during Covid-19. In addition to its post-trafficking victim facilitating institutions, Serbia also employs a Steering Committee and National Anti-trafficking Coordinator, which serve as a coordinating point for all institutions involved in the fight against human trafficking.

While currently lacking the finalized report and subsequent recommendations coming from GRETA, this analysis is only going to focus on the recommendations made by the U.S. Department of State through its 2021 Report towards Serbia, which include: investigating, prosecuting, and convicting traffickers; increasing efforts to proactively identify victims, especially those from marginalized communities (sex workers, unaccompanied children, migrants, refugees and asylum seekers); allocating sufficient resources to enable the work of the Center for the Protection of Trafficking Victims and NGOs; implement justice measures with a victim-centric approach (e.g. protection of victim confidentiality, legal representation, prevention of re-traumatization and intimidation); training of investigators, prosecutors and judges; prevent penalization of victims through written guidelines for workers; updating the national referral mechanism by formalizing cooperation with NGOs; improve training for government personnel on victim assistance and referral; better integration of marginalized communities (e.g. Roma) into victim protection programmes.

According to the European Union's Serbia Report 2021, the Constitutional Court ruled that "the state had violated its obligation to protect victims of trafficking (through registration, assistance and proper preventive action/s) as well as its duty to conduct a proper investigation, ensuring respect of the right to a fair trial, by extensively referring to international and human rights standards". While the country is implementing the Strategy for the Prevention and Suppression of Trafficking in Human Beings 2017-2022, the creation and adoption of an Action Plan for 2021-2022 has been neglected.

Article 388 of the criminal code of Serbia has criminalized sex trafficking and labor trafficking and prescribed penalties ranging from two to 12 years' imprisonment for offenses involving an adult victim and three to 12 years' imprisonment for those involving a child victim. These provisioned sentences are comparable to those of grave crimes in Serbia, suchlike rape.

iii. North Macedonia

The Department of State also reports that North Macedonia serves as a origin, transit and destination country for victims of trafficking in human beings. Women, both foreign and nationals, are exploited within the country in forced sexual labor and labor in night clubs, restaurants and bars. The foreigners exploited in the country are mainly of Eastern European and Balkan origin. In addition, migrants transiting through North Macedonia and North Macedonian national are trafficked in Southern, Central and Western Europe countries for forced labor and sexual exploitation. Finally, children of Roma descent are put through forced beginning and sex trafficking within forced marriages.

According to Dimovski (2013), North Macedonia is especially susceptible to trafficking in human beings as a transit country due to its geographical position in proportion to the other Balkan countries. In addition, its status as a post-conflict country creates conditions for traffickers to find and exploit their victims. In this regard, political, economic and other structural weaknesses serve as grounds for illegal migration and organized crime to emerge and coordinate.

Following the well set trend, North Macedonia, according to the U.S. Department of State Report 2021, fails to meet the minimum criteria in order to eliminate trafficking in human beings, despite the government contributing towards achieving that, via convicting more criminals and identifying more victims pursuant to its National Strategy 2021-2025. Due to the Covid-19 pandemic, the North Macedonian government also opted to direct more funding towards its response efforts, which diverted it from victim protection, shelters and mobile identification units. As a subsequent result, both the Police and Organized Crime and Corruption Prosecution Office (OCCPO) lacked the appropriate financial and human resources to operate to their full capacities.

Seeing that the current GRETA Evaluation Report on North Macedonia is also yet to be published, some of the recommendations that have been granted to the entity by the U.S. Department of State are: investigating, prosecuting, and convicting traffickers, including complicit officials, and impose adequate penalties; allocating sufficient resources to victim protection; increasing proactive identification efforts for victims; allocating sufficient resources to police and prosecutors for proactive investigations; implementing written guidance to prevent penalization of victims for crimes they were forced to commit; providing trainings for judges, prosecutors, and law enforcement; training first responders on standard operating procedures and improving compensating mechanism.

The National Unit for Combating Migrant Smuggling and Human Trafficking has been established since 2018 under the lead of the Ministry of Interior and serves to coordinate the work of all the relevant parties in their fight against trafficking in human beings, as well as monitor the application of the National Strategy for Combating Trafficking in Human Beings and Illegal Migration (2021-2025), chaired by its respective Coordinator (Ministry of Interior, Resolution A/RES/73/146*).* In parallel occupation, the National Unit, through mobile teams, offers aid to victims and potential victims. According to the EU North Macedonia Report 2021, this decentralization has yet to have proven its merits. During its work, it was noted that aid was refused by illegal migrants, UN Women claims that the reasons behind this might be: mistrust in the police and state bodies, communication difficulties, cultural differences, and "perhaps most importantly, the desire to get to the final destination country as soon as possible", where they will ultimately require protection. In complete distinction from the rest

of the region, North Macedonia has actually created and appointed the position of the National Rapporteur on Combating Trafficking in Human Beings.

North Macedonia criminalized sex and labor trafficking via Articles 418(a) and (d) of the criminal code and prescribes a minimum penalty of four years' imprisonment, which is sufficiently stringent and comparable to other grave crimes, such as rape, in the country.

iv. Kosovo

Following the same trends with the other countries of the region, Kosovo serves as a origin, transit and destination country for victims of trafficking in human beings. Sex trafficking among women is prevalent and both foreigners and Kosovo natives are exploited in private apartments, nightclubs and massage parlors. In addition, traffickers exploit Kosovo migrants in sex trafficking and forced labor in European countries. Children, especially those coming from marginalized groups (Roma, Ashkali and Egyptian), are utilized in forced begging and sex trafficking alike. An important feature present in Kosovo is that marginalized communities (e.g. LGBTQI+ persons, migrants, asylum seekers, and refugees) experience a higher risk towards becoming victims of traffickers.

According to Kosovo 2.0 (Zeqiri, 2022), during the conflict in Yugoslavia (1990s) an increasing trend of women and girls being trafficked into Kosovo was noted with its recognition as a major country of destination to trafficking victims being conducted in 2000. Similar to now, these victims originated from Eastern European countries, predominantly Moldova and Ukraine, and were forced into prostitution in bars, restaurants and clubs. The increasing stability of the country since its independence proclamation in 2008 has been noted as a point of change in the nature of trafficking, with traffickers finding easy targets in Kosovo nationals seeking to go abroad and, thus completing Kosovo's status diversion from a country of destination to country of origin. Since 2008, 90% of victims identified by the Center for Protection of Victims and Prevention of Trafficking in Human Beings were citizens of

Kosovo. Currently, the majority of victims forced into sex labor within the borders of Kosovo are Kosovars and a small margin of foreign citizens remains. With regard to trafficking among children, marginalized communities are the main target due to their harsher socio-economic conditions (Halili, 2018).

Kosovo does not meet the minimum standard set by the U.S. Department of State for the elimination of trafficking either, according to the institution's 2021 Report. During the lockdown there have been fewer convictions of traffickers and insufficient imposed sentences, as well as first respondents were inadequately prepared to handle and identify victims. On the other hand, government funds for shelters, run by NGOs and the state alike, increased. Differently from North Macedonia, the National Agency Against Trafficking in Persons did not hold regular meetings and the new Anti-Trafficking Strategy 2021-2024 was not adopted.

According to the same report, considering that the Council of Europe's GRETA has also yet to submit its new Evaluation Report on the country, the U.S Department of State advises that Kosovo should prioritize these recommendations: investigating, prosecuting, and convicting traffickers; developing written guidance to identify and assist children that are forced into begging; adopting, and implementing the 2020-2024 Anti-trafficking National Strategy and Action Plan; train and designate judges, prosecutors, and law enforcement in different regions of the country; reduce the judiciary's backlog; better work with local authorities; increase access of victims to vocational trainings and reintegration services; standardize data collection via the creation of a database; provide hotline operations for victims.

While legislation is considered to be largely aligned with that of the European Union on the latter's Kosovo Report 2021, Kosovo lacks the adoption and implementation of a specific strategy and action plan on preventing and combating human trafficking since the past one, which covered the period 2015-2019, expired. Kosovo has had a National Anti-Trafficking Coordinator since 2008, who also simultaneously covers the job of the National Rapporteur. The Coordinator chairs the National Authority against the Trafficking of Human Beings, which coordinates relevant actors and oversees referral mechanisms.

In late May 2022, the President of the Republic of Kosovo, Mrs. Vjosa Osmani, claimed that the country had already drafted the Strategy and, additionally, called for Kosovo's accession

in international security cooperation mechanisms, suchlike Interpol and the Council of Europe, proclaiming that "saying 'no' to Kosovo's accession translates into saying 'no' to fighting trafficking of human beings in the region" (Zeqiri, 2022).

In Kosovo, Article 165 of the criminal code criminalized sex trafficking and labor trafficking and prescribed punishments of five to 12 years' imprisonment and a fine for offenses involving adult victims and five to 15 years' imprisonment and a fine for offenses involving child victims. In Kosovo, as well, these punishments are comparable to the sentences given in cases of rape. In November 2018, the government has revised the criminal code and made two major changes: the classification of all forced prostitution offenses as trafficking and increasing the minimum punishment for child trafficking from three years to five years' imprisonment.

v. Montenegro

Following the same line as the other Western Balkan countries, Montenegro serves as an origin, transit and destination country for victims of human trafficking, as reported by the U.S Department of State and GRETA in their 2021 Reports. In addition, traffickers are usually well-organized or even part of organized criminal groups. Women are mainly victims of sex trafficking and are usually Montenegrin or from other Balkan countries and, slightly less likely, to be from Eastern European countries. They are equally exploited in bars, nightclubs and other similar businesses. Marginalized children are more likely to be vulnerable to trafficking in human beings and are put into forced begging, servitude or forcefully married. Finally, migrants from other countries are exploited in Montenegro, mostly during the summer season of tourism.

According to the U.S. Department of State 2021 Report, Montenegro also remains unable to meet the minimum standard set for elimination of trafficking in human beings. Governmental efforts towards achieving this aim have been recognized in the form of: the indicting of more traffickers, identification of a larger number of victims, adoption of standard operating procedures and addition of a NGO psychologist in the Team for Formal Identification of Trafficking Victims, increase of resources allocated to anti-trafficking shelter and

establishment of a monitoring body. On the other hand, there were fewer investigations conducted and breaches of victim confidentiality were noted within the center, due to the staff lacking experience and knowledge. New Standard Operating Procedures have been developed in Montenegro with the involvement of experts from IOM, Serbia and North Macedonia.

Montenegro has a National Antitrafficking Coordinator, which heads the Department for the Fight against Trafficking in Human Beings (previously, Office for the Fight against Trafficking in Human Beings) located back in the Ministry of Interior Affairs since 2019. The country renewed its anti-trafficking strategy in 2018 with the assistance of the OSCE; the new strategy covering the period 2019-2024 sets four strategic aims: prevention, identification and assistance of victims, criminal justice response, and coordination/cooperation (Ministry of Interior, Strategy for Combating Trafficking in Human Beings 2019-2024). A Coordination Body headed by the Department for the Fight against THB of the Ministry of Internal Affairs monitors the implementation of the strategy and another coordinating mechanism, the Operational Team for Combating Trafficking in Human Beings, joins the Supreme State Prosecutor and the Director of the Police Directorate in strengthening the investigation and prosecution of trafficking in human being cases.

A team for the identification of victims of human trafficking has been built and it is composed by a doctor (employed by the Ministry of Internal Affairs and chairing the team), a police officer from the specialized department, a social worker and a representative of the Department for the Fight against trafficking in human beings. A psychologist was intended to join the group, but there were no applications submitted during the open calls.

According to GRETA's Third Evaluation Report (2021) on the country, Montenegro should work towards: creating an independent National Rapporteur mechanism; strengthening the systematic provision of information on their rights and services accessible to them; ensuring the availability of interpreters; ensuring the provision of free legal aid via the appointment of specialized lawyers; ensuring that victims are provided with appropriate psychological assistance; creating work, vocational training and education opportunities for victims of trafficking; guarantee effective access of victims to compensation schemes; ensuring the proper investigation of offenses, regardless of whether a complaint has been submitted, as well as secure prosecution and convictions, through specialized judges and prosecutors, especially

on child early and forced marriage; ensure non-punishment provision, especially for child victims through providing training to officials; prevent victim intimidation during and after court proceedings; promotion of specialization of relevant staff in trafficking in human beings (e.g. judges, prosecutors, law enforcement officials, forensic experts, labour inspectors, social workers, child welfare staff, healthcare staff, and diplomatic and consular staff); adequately fund the Operation Team to ensure the continuation of proper and successful work; battle unemployment, undocumented and illegal work, pursuant to undocumented and illegal migration, as well as continue the implementation of informative campaigns with individuals at-risk in order to make successful progress in the mediation of factors that make people more vulnerable to becoming victims of trafficking in human beings.

Montenegro has a specialized department in the police, the Department for International Police Cooperation, which is responsible for international communications related to police investigations with INTERPOL, EUROPOL, SELEC and other channels, apart from having signed a cooperation agreement with Eurojust. No common operations have been undertaken thus far by Montenegro, but mutual legal assistance was sent to Germany and bilateral agreements or protocols have been signed with three of the other Western Balkan countries, namely North Macedonia, Albania and Kosovo. Montenegro also partakes in a number of regional partnerships on anti-trafficking (e.g. National Anti-Trafficking Coordinators from South Eastern Europe, MARRI, etc.)

According to the European Union Montenegro Report 2021, "training and awareness-raising campaigns on protection from domestic violence, violence against children and juvenile forced marriages" as well as campaigns for the promotion of SOS hotlines were carried out in the country. Montenegro has a well-set system working on the fight against human trafficking, which is composed of the Team in charge of identification, referral and initial assistance to victims; the Judicial Training Center which provides specialized trainings for judges and prosecutors; and, since 2003, the National Coordinator's Office for Combating Trafficking, which work in the framework of the Ministry of Interior Affairs.

Article 444 of the Montenegrin criminal code has criminalized labor trafficking and sex trafficking and grants penalties from 1 to 10 years of imprisonment, which are again comparable to the penalties granted for the grave crime of rape.

vi. Bosnia and Herzegovina

Bosnia and Herzegovina, concluding the circle of the six Western Balkan countries, also serves as an origin, transit and destination country for victims of trafficking in human beings. Women are most often sexually exploited in private residences and motels, while children, mostly of Romani descent are put through forced begging, sex trafficking and forced into marriages for domestic servitude. Foreign women are often transported through Bosnia to reach European Union countries where they are ultimately trafficked and additionally many smuggled migrants which are stranded in the country are vulnerable to trafficking by Bosnian nationals in the country or to be transported in other European countries (U.S. Department of State Report, 2021).

Bosnia and Herzegovina is the only one of the six Western Balkan countries to be very recently upgraded to Tier 2 status by the U.S. Department of State in its 2021 Report, thus becoming in part with the other five countries in not meeting all of the requirements to prove it against the phenomenon of trafficking in human beings. The country has made significant progress to achieve this status, namely in: strengthening its anti-trafficking task force, creating a task force of prosecutors and investigators to achieve coordination, increasing state funds for NGOs, creating a new database for standardizing data, establishing 18 regional monitoring teams to coordinate anti-trafficking measures, etc. On the other hand, several other elements were neglected: sentences were continued to be issued below minimum sentences, investigations were conducted under lesser offenses, law enforcement agencies lacked the proper capacities, resources and technicalities to be able to successfully conduct their work; Roma exploited children were returned to their parents despite their involvement in their exploitation; and victims were often penalized for crimes committed while being forced by their traffickers.

Due to the Bosnia's chaotic political system, there are a multitude of institutions, both coordinating and executive, at different levels of the country, e.g. SIPA has an operations team, which operates across 4 regional offices; Tuzla Canton has a specialized trafficking unit and trafficking liaison officer in all police units; RS, BD and other cantons have organized crime units following anti-trafficking operations. It is largely reported that law enforcement lacks the appropriate capacities to be able to successfully investigate trafficking in human

beings and often investigates them under lesser crimes (e.g. enticement to prostitution, child negligence, enticement to child prostitution, etc.) Despite the existence of standard operating procedures, first respondents are reportedly untrained to implement them properly.

The Ministry of Security is the highest body governing the fight against trafficking in human beings and through the State Coordinator for Combating Trafficking in Human Beings and Illegal Migration, the implementation of the strategy is monitored. In addition, Coordinators of Entities, Cantons, and Brčko District of Bosnia and Herzegovina, monitor local developments pursuant to the strategy (Council of Ministers, Strategy to Suppress Trafficking in Human Beings in Bosnia and Herzegovina 2020-2023). Whereas, national authorities are coordinated through the State Group, one Subgroup for Prevention of Trafficking in Children and three thematic working groups, which work on the key segments of the strategy: prevention, protection and prosecution. The State Group meets on a monthly basis, whereas the subgroups on a bi-monthly basis, they also carry out meeting with liaison officers from all police structures, with the intent to share information and point out possible problems with the legislation which are faced during its practical implementation (Ministry of Security, Coordinating Structures).

Considering that responses by the Bosnian authorities to GRETA were submitted in September 2020 and the Evaluation Report by the authority is expected to be published further into 2022, this analysis will only draw from the information presented by the U.S. Department of State Report, whose most notable recommendations are: better investigation, prosecution and conviction of traffickers with adequate penalties; implementation of non-punishment principle for victims forced to commit crimes; training on victim identification for first-respondents, particularly for vulnerable groups; screening procedures for migrant flows; specialized trainings for judges and prosecutors; improving cooperation and coordination among state and sub-state actors; standardizing victim assistance throughout the country, etc. The Bosnian government cooperates bilaterally with many European and Asian countries, suchlike France, Austria, Sweden, Turkey and Azerbaijan, only in the past year.

According to the European Union Bosnia and Herzegovina Report 2021, Bosnia is still at an early stage of preparation. While the Strategy to Counter Trafficking in Human Beings has been adopted for the period 2020-2023, the law that accompanies it is not harmonized across

the country, which results in shortcomings from the implementing institutions. These loopholes are then exploited by organized crime groups. The country additionally still lacks referral mechanisms for trafficking victims, which is highly necessary in order to strengthen cooperation, especially at regional-level, with the aim to detect and identify victims and perpetrators.

In the case of Bosnia and Herzegovina, Article 186 of the state-level criminal code criminalized sex trafficking and labor trafficking only in cases where the victim was exploited in a country in which he or she did not reside or have citizenship; it prescribed penalties of one to 10 years' imprisonment. Articles 210a and 210b of the Federation's criminal code criminalized sex and labor trafficking and prescribed a minimum penalty of five years' imprisonment. Article 145 of RS's criminal code criminalized sex and labor trafficking and prescribed a minimum penalty of three years' imprisonment. RS amended Article 146 to increase the minimum sentence of child trafficking from five to 20 years.

5. CURRENT DEVELOPMENTS IN THE REGION

The first regional step towards a regional targeting of human trafficking was the signing of signing 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 in Zagreb in 2002, in Tirana in 2003 and, finally in Sofia 2003. The declaration has served to create a useful basis of a framework for combating trafficking in human beings in the region. In this regard, all six of the countries have similar or identical definitions of the crime in their particular laws and strategies, despite Kosovo not being an official signatory of the Protocol.

All of the countries, with the notable exception of Kosovo, also have signed another important international treaty – the Council of Europe's Convention on Action against Trafficking in Human Beings. On the other hand, while the ratification of the treaty includes the introduction of witness protection programmes, it has been noted that all countries have not paid enough attention to this particular aspect.

The Southeast European Law Enforcement Center (SELEC), a descendent of the Southeast European Cooperative Initiative, which has been initiated by the European Union, United States and OSCE, and has been based in Romania, includes all of the countries of the Western Balkans as members, while Kosovo has been granted the status of an observer. The initiative has conducted some collaborative operations in the region (the whole of Balkans and Turkey) through which networks of human traffickers have been targeted. During one of its operations, titled Mirage, 600 traffickers were identified, roughly 200 were charged, 319 were put under investigation and almost 500 victims of trafficking in human beings were freed. Government officials and NGOs widely agree that this operation noted that significant progress was being made (Network of Anti-trafficking Coordinators of South-East Europe & International Centre for Migration Policy Development).

According to Anastasijevic (2008), cooperation in combating trafficking in human beings has worked better than most in the Western Balkans due to these major reasons: the political will shared between the countries, European Union and other international organizations; the good coordination at local, national, and international level; Western countries have continuously supported and funded the initiatives due to their will to keep the problem at bay and away from their own doors.

On the other hand, the European Union seems to recognize another pattern of cooperation between the countries, which is either through EU initiatives (as recognized above) or through bilateral agreements, which seem to prevail over a more harmonious regional cooperation logic. In this regard, it can be foreseen that these bilateral cooperation agreements and closer relations may, in the long run, harm the region's and EU's intentions for entirely common policies and approximation of frameworks and practices (Network of Anti-trafficking Coordinators of South-East Europe & International Centre for Migration Policy Development).

In this regard, the EU proposes "more coordinated and structured approach is needed to enhance synergies, maximize the effectiveness of existing tools and address new challenges, to prevent smuggling and ensure the effective enforcement of investigations, prosecutions and convictions, a more coordinated and structured approach must be taken" in its Action Plan against Migrants Smuggling, which according to the entity, directly feeds into trafficking in human beings. Therefore, the current cooperation mechanisms should be used by the countries to further lead unto an entirely regional operational partnership, which can be incorporated into larger structures, like EUROPOL and INTERPOL for a higher level of operations.

6. RESULTS

Is there a need for a regional policy to target trafficking in human beings in the Western Balkans and are the countries ready to achieve that level of cooperation?

According to the Collective Conflict Management Model, a conflict, or, alternatively, problem has to fulfill four characteristics in order to become a matter of regional concern:

a. Having ongoing externalities, which in the case of trafficking of human beings, would be sets of costs that impact the whole region, regardless of where the crime is initiated;

b. Having compatible frameworks, which include strategies and laws, as well as compatible political will in order to pursue the same course of action;

c. Having formal and informal institutions that are believed to be legitimate and effective by the states;

d. The intervention of extra-regional actors that push for cooperation in the region.

a. Externalities

Trafficking in human beings has overall showcased the same characteristics in the region when it comes to the forms of trafficking, the status of the countries and the factors that exacerbate it. Namely, all of the countries show higher degrees of trafficking among women and children, rather than men, and the same typology of trafficking among these groups: women are mostly trafficked into sex work and different services (suchlike bars, parlors, etc.); trafficked children, who predominantly belong to marginalized ethnic groups, are more likely to be forced to beg; and, finally men and boys are trafficked into forced labor.

In addition, all six of the Western Balkan countries fulfill the role of origin, transit and destination countries, thus citizens of the Western Balkan countries are trafficked in the region or, more likely, in the Western European countries; citizens of other countries, who are more likely to come from the Middle East and North Africa, are taken through the Western Balkan routes into Western Europe; and, in some cases, citizens from Eastern European and Far Asian countries are trafficked in the Western Balkans.

Finally, the same set of exacerbating factors are found to have initiated the crime in the region from the late 1990s-early 2000s due to the conflicts, wars and instability in the region. The same routes that were developed at the time to be used by traffickers are continuously being used now, leading to a transnational and cross-border typology of the crime. Additionally, the inclusion of organized criminal groups in the conduction of the trafficking of human beings has further increased the likelihood of the crime being conducted in more than one state at the same time, in full coordination among the different members of the criminal groups. Currently, the lack of appropriate border control and the utilization of unchecked green and blue borders, economic weakness, corruption, poverty, gender-based discrimination, improper policy enforcement and culture and named among the exacerbating factors that lead people into becoming victims of human trafficking or facilitate traffickers into carrying out the crime within the countries, as well as above.

In the last years, a shift in the forms utilized by traffickers to obtain victims have emerged, through "tricking" and manipulating them into migrating abroad and becoming prey to traffickers in the receiving country who, in turn, violate them into submission. The only country for which this shift among traffickers has yet to be reported remains Albania, in which traffickers are still recognized for utilizing violence and fear to subdue victims into trafficking, but seeing that information remains scarce in this area, conclusions have yet to emerge.

b. Compatibility of political and legal frameworks, as well as the existence of political will

Five of the countries in the region (Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Serbia) are currently implementing their own National Strategies on the fight against trafficking (in human beings). The only exception among them remains Kosovo, which has yet to adopt and implement a new strategy since the expiration of the former one in 2019, although the United States Department of State Report 2021 has, in continuation of its previous reports, recommended that the country adopt and implement the 2020-2024 Anti-trafficking strategy as soon as possible. On the other hand, Serbia has also yet to create its Action Plan in support of its Strategy.

On the positive side, all six of the Western Balkan countries have similar or identical definitions of the crime in their according legislations, as a result of the ratification of the Palermo Protocol, even in Kosovo, which due to its special status, is not an official signatory of the UN Protocols. Thereof, all six of the countries recognize the same set of characteristics making up the crime (the act, means and purpose) along with all the pertaining elements to them, which additionally is transcribed into similar punishment of the crime. Additionally, according to the Department of State reports, the crime is similarly penalized in each of the six countries and granted penalties to perpetrators are comparable to those granted to other grave crimes, such as rape.

Finally, tiny steps towards regional cooperation in the fight against human trafficking and organized crime have been made in the region. Firstly, all six countries have signed Stabilization and Association Agreements with the European Union, which also reinforce the necessity of successfully targeting forms of trafficking and organized crime, in addition to initiating and increasing cooperation between the countries as future members of the entity, for which collaboration is a core element.

Even though the majority of collaboration initiatives lack the appropriate structure and coordination to be able to conduct regional operations without the direct initiative of third parties, like Western European countries and the European Union itself, showcase that the countries, at some level, recognize the need for regional cooperation. The increasing number

of these undertakings (suchlike, MARRI, SELEC, Council of Europe, to name but a few) reinforces the recognition of the necessity of cooperation by the countries, while also marking a telling point for the common political will to do so.

c. Institutions that are believed to be legitimate and effective by the countries

In clear result of the similar legal and policy frameworks, the institutional frameworks of the Western Balkan countries with regard to combating trafficking in human beings are entirely similar, as well. All of the countries have entrusted the pursuit of the policy at all accounts to their variant of their ministry of internal affairs. In addition, specific bodies within the Ministry have been raised in accordance to the provisions of their national strategies, suchlike National Coordinator (Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Kosovo, Serbia), State Committees (Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Kosovo, Serbia). Albania and North Macedonia through their different versions of State Committees/National Units oversee local units in their operations, while Bosnia and Herzegovina, due to its distinct and fragmented political system employs many more levels of coordination.

Notably, most of the countries lack the appointment of a National Rapporteur, which would serve to oversee the work of all other mechanisms and, as the title suggests, reports on yearly findings to the highest authority of the country. In Albania and Kosovo, this role is currently covered by the Coordinator, in Serbia by the Ombudsman, yet such a feature goes against the provisions suggested by international partners, seeing that executive and monitoring duties shall not, in principle, be covered by the same administrative function. Distinctively from the rest, North Macedonia remains the only country to have already created a separate role of the National Rapporteur. Montenegro also has a monitoring mechanism, but according to GRETA, a formal National Rapporteur with full monitoring duties should be appointed.

All of the Western Balkan countries provide aid to identified victims of human trafficking and 5 of the countries, with the exception of Bosnia and Herzegovina, have also created centers focused towards providing help and aid directed towards identified and rescued victims of trafficking. Albeit, during the last years due to the pandemic, the Republic of Serbia cut funds

allocated to the center, making non-governmental organizations bear the brunt of taking care of this particular population. It is necessary to note that all throughout the region, organizations are extremely active in protecting and aiding victims in their post-traumatic stage, as well as in their further reintegration in the society.

d. Extra-regional partners

Throughout the document, it is easily identifiable that Western partner countries of the Western Balkans are supportive towards a better cooperation of the six countries in their fight against trafficking in human beings. In this regard, the European Union has been the most vocal, due to being highly impacted by a non-proper coverage, targeting and fighting of the phenomenon by this region. The entity, through various evaluations of the situation, has been promoting a more profound regional cooperation to exchange the current either bilateral-focused or international initiatives. The European Union's involvement in the region has not remained at the recommendations level, but it has been promoted through its inclusion of the countries in Frontex, Europol, Eurojust and other significant operating bodies in the field of preventing and combating crime.

Aside from the European Union highly intense support to the region, two other actors have continuously shown their support to the advancement of the countries: the United States of America has been a promoter of improvements in the regions, as well as a better cooperation in the region through their recommendations presented via the Department of State's yearly submitted report. Additional support has been provided by the Council of Europe through its operations and GRETA recommendations has been in support of an approximation of frameworks between the countries.

e. Final results

In pursuit of this analysis, while recognizing that there are stable grounds to be able to require regional collaboration in the fight against human trafficking, the question now calls for an evaluation of the capabilities that the Western Balkan countries actually have in order to be able to successfully cooperate.

As it has been noted through various reports on the situation, especially pertaining to the institutional frameworks of the countries, there still remains a lot of room for improvement in all of them. Starting from the most important, only North Macedonia currently has a National Rapporteur on the Trafficking of Human Beings, whereas the other countries are either advised to separate the role properly or lack it entirely. When it comes to regional cooperation, the lack of such an important mechanism, which is supposed to monitor and forward information on the work of all the other coordinated mechanisms in the fight, makes the collaboration between countries even more difficult. In addition, it has been noted thoroughly that all other institutions in the region should intend to raise their own capacities to target the crime and the lack of systematic collection of data in all institutions, the second of which comes as a direct concern of the Rapporteur.

Moreover, despite the verbal support for a better regional cooperation in the Western Balkans, the negligence of officially involving Kosovo as a full-rights partner country in the United Nations, Council of Europe and Interpol has been debilitating to the region's integration, as noted by the President of the Republic of Kosovo in the recent Balkan Freedom Forum, held in late May 2022. The reluctance to include one country in international cooperation mechanisms undoubtedly brings forth a higher likelihood of cooperation between the other five countries leaving the remaining one behind and, thus, not successfully contributing towards the creation of a fully regional cooperation initiative and mechanism.

Finally, the example of the failure of the European Union during the migration crisis, starting in 2013 as a result of the political and civic instability, as well as wars in the Middle Eastern and North African regions, raises direct question marks on the feasibility of carrying out suchlike policies, which include sharing sensitive information and burdens alike, in between countries of far lesser capacities, when compared to the EU member states. In this regard, it is

to be expected that due to improper information gathering, the likelihood of limited to no trust shared among the region and institutional, political and legal frameworks that are still fragile, that even though the four characteristics for collective conflict management model are fulfilled to different degrees, that the countries will be unable to fulfill the provisions required to make a full regional cooperation model.

7. CONCLUSIONS

"Human Trafficking in the Western Balkans: Is there a Need for Regional Response?" focuses on the importance of targeting trafficking of human beings in an appropriate and successful way, given the immersive costs it causes on human rights, dignity and life. It is important to recognize that its own transnational characteristics as a crime, push for cross-border cooperation in order to fight the crime. On the other hand, a regional response to the crime could be costly, not needed or unachievable for the countries due to various framework constraints.

In order to entirely tackle the answer to this question, the current data on trafficking of human beings in the region was analyzed utilizing the collective conflict management model and its four main characteristics: existence of externalities, compatibility of frameworks, existence of institutions that are believed to be legitimate and effective and extra-regional partners that support and help towards the building of suchlike initiatives.

In this regard, the six countries were found to share negative externalities due to the similar characteristics of the phenomenon in all six of them, political will to cooperate at various levels, mostly compatible legal and policy frameworks due to their approximation with European Union models, similar institutional frameworks and extra-regional support in the form of the EU, Council of Europe, UN and the United States of America.

Conversely, there are still drawbacks to the regional cooperation answer to the problem. Firstly, their institutional frameworks are incomplete, as of the reports of the Council of Europe's GRETA and the European Union, lacking suchlike necessary institutions as the National Rapporteur. In addition, the non-inclusion of Kosovo in many regional and international initiatives further harms the prospect of a better and close regional cooperation.

Finally, in the light of a possible cooperation, the question of its effectiveness remains unanswerable but grave, when considering the failure of the European Union in containing the large-scale migration crisis via the pursuit of burden and information sharing policies, even with its much more favorable capacities.

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