

METHODOLOGY FOR IDENTIFYING HUMAN TRAFFICKING VICTIMS

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Abstract

Human trafficking, also known as modern-day slavery, is a serious crime and a violation of fundamental human rights and dignity.

Although many cases of human trafficking involve an international element, where the victim is taken from one country and sent to another country and exploited there, trafficking also occurs within the territory of the same country and is known as “internal trafficking”. Seen from this perspective, this paper will address the universal characteristics that relate to the methodology that traffickers use to lure victims, as well as the identifying signs that appear on the victims, signs that are observed by the competent authorities dealing with this phenomenon. When working on this topic, the analysis method, statistical method, descriptive, comparative, and observational methods, etc., will be used.

In conclusion, some concrete conclusions and recommendations will be given that should be considered in the fight against this type of crime.

Keywords: Human trafficking, tempting factors, identifying marks, fraud.

1. The notion and basic characteristics of trafficking in human beings

Human Trafficking (HT), also known as modern-day slavery, is a serious crime, perhaps because, among other things, we are dealing with the violation of fundamental rights and human dignity.

A more general definition that encompasses more elements of this negative phenomenon is the 2001 Palermo Protocol, according to which trafficking in human beings means: a modern form of slavery and constitutes a serious violation of human rights. The 2001 Palermo Protocol defines trafficking in human beings as: “The recruitment, transportation, transfer, harbouring or receipt of persons, using the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or 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 exploitation (Halili & Mirtezani, 2023, p.78). Exploitation includes, at a minimum, the exploitation of others for prostitution or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, and the removal of organs (United Nations Protocol, 2000).

The international element of the crime of trafficking is qualifying. Although many cases of human trafficking include an international element, where the victim is taken from one country and taken to another country and exploited there, trafficking also occurs within the territory of the same country and is known as “internal trafficking”. Therefore, it is not necessary to prove the crossing of a border for the crime to be qualified as trafficking. A victim can be trafficked between Tetovo and Skopje, for example, or even from one area of Skopje to another (Halili, 2023, pp.428-429).

If we analyze the Palermo Protocol that deals with trafficking in human beings, we understand that trafficking in human beings does not only mean trafficking in women in terms of forced prostitution and sexual exploitation, but also forced labor or services, exploitation for prostitution, domestic work, deprivation of liberty by force and practices related to them, removal of vital organs, forced criminality, e.g. robbery of persons, shoplifting, distribution of narcotics, etc., whose victims may also be male.

This shows that human trafficking is not only focused on the female gender, but also the male gender can be victims, and that victims are exploited in many ways, or in other words, involved in other illegal activities, thus resulting in cases of human trafficking that are not investigated or registered as such. This phenomenon has deeply affected different societies in different countries, be they as countries of origin, transit, or destination. Despite this, there is something common in society, and that is the issue of prejudice.

It often happens that among people, we encounter those who are prejudiced and treat victims of trafficking, especially women, as willing prostitutes. But this prejudice is wrong, perhaps practice has shown that in most cases the victimized persons have been the object of slavery, coercion, and the use of the most inhumane methods, up to mutilation or murder if they have not been subject to orders from criminals of this nature. Then the analysis of various cases of this nature results in the fact that precisely these victimized persons have fallen victim to various causes and factors, which we will discuss below.

Human trafficking is different from facilitating the illegal crossing of a border, otherwise known as migrant smuggling. The difference between the two lies in the legal aspect and their purpose. In general, individuals who pay a smuggler to enter a country illegally do so willingly, while victims of human trafficking are often deceived or coerced into exploitation. Entering a country, whether legal or illegal, is not a necessary element of human trafficking (Harvey et al., 2021, p.12).

At the European level, the European Commission reports that trafficking for sexual exploitation remains the most widespread form of trafficking in the European Union (Harvey et al., 2021). The Western Balkan countries, due to their locational specifics, especially Albania, Kosovo, Serbia and North Macedonia, are internationally recognized as transit countries.

However, statistics show that there is a constant number of victims in different periods, which implies that these countries are also considered as final destinations or countries for victims of trafficking.

According to local statistics from relevant institutions, and informal data, human trafficking for sexual exploitation remains dominant in the Western Balkan countries, but there is also data on other forms of exploitation, such as the exploitation of children for begging and petty theft, used as domestic "slaves", for adoption and organ transplantation (Halili, 2023, p.431).

According to the latest reliable and available data from UNODC, the number of victims of trafficking globally in 2018 was around 50,000. However, human trafficking is unfortunately underreported, and the number of victims is likely to be much higher (OSCE, 2021).

2. Identification of victims of trafficking

The means of initial identification of whether a person is a victim of trafficking are indicators and interviews.

Indicators of human trafficking can be linked to different stages of trafficking and are grouped as follows (Harvey et al., 2021, pp. 39-44):

a) Indicators related to recommendations

- Fraud, which involves stories or rumors about jobs that are false or unlikely to be true, such as offering good pay for unskilled work or jobs that do not require qualifications;
- When traveling abroad and the administration of fees is done by an "agent";

- Missing persons reports regarding females involved in relationships that are not approved by parents, e.g., possible “romantic boy” scenario;
- Persons who have left the village, city, district, etc., suddenly or very quickly with an inadequate explanation e.g. parents explaining the absence of a child.
- b) Advertising-related indicators**
 - Advertising or promoting organized or assisted migration to countries that require high qualification criteria or otherwise challenging circumstances;
 - No-cost/low-cost or no-cost travel arrangements upfront, especially in the case of international travel;
 - Jobs that target a specific or very narrow profile of people where gender and age are specified, e.g. women aged 18 - 22;
 - Employment opportunities promoted in locations or industries where trafficking is frequently encountered, e.g. hotels, bars, nightclubs.
- c) Indicators related to the place of use**
 - Nightclubs, bars, hotels with foreign women present as dancers, waitresses or hostesses;
 - Activity in legal and illegal sex industry environments;
 - Reported suspicious behavior or approach towards children near schools or orphanages;
 - Persons who offer employment to migrants in places where migrants gather;
 - Persons who offer employment to homeless persons in places where homeless persons gather and find shelter;
- d) Transport- related indicators**
 - Persons who check passengers in a vehicle e.g., speak on their behalf or hold their identity or travel documents;
 - One or more children living in the company of adult/adults who are not family members;
 - An adult in charge or in control of a group of children;
 - Passengers who cannot sufficiently explain their journey or destination
- e) Indicators related to communication**
 - Absence or interrupted telephone contact with a family member or friend who has recently traveled and left;
 - Emails and letters are not answered or are returned as "undeliverable";
 - Communication from a known destination country indicating limited freedom of movement.
- f) Indicators related to financial assets**
 - Parents of children who are absent from school and display wealth or an improved lifestyle beyond their apparent means;
 - Information that family members have been the subject of attempts by criminals or others to recover a debt obligation;
 - Money received from abroad as remittances;
 - Remittances received by the sender may not be as agreed or arrive with irregular frequency;
 - Proof of last-minute purchases or tickets paid for in cash.
- g) General indicators**
 - The vehicle is changed near or after crossing the border;
 - The body language of the person(s);
 - The appearance of the person(s);
 - Visible or clear accommodation conditions;
 - Visible or potential restricted freedom of movement;
 - Visible or potential limited freedom of communication;
 - Doesn't speak the 'local' language;

- People are embarrassed when dealing with authorities;
- Unwillingness to answer questions;
- Does not possess identification or travel documents;
- Multiple identification/travel documents held or stored in one location; Location shows links to human trafficking;
- The environments show links to human trafficking;
- A person who speaks on behalf of others or controls the conversation;
- The person(s) does not know where they are;
- The person(s) is (are) unable to answer basic questions regarding location or employment;
- Visible/obvious injuries that have not been treated properly;
- Lack of access to healthcare;
- Limited or absent social access;
- Interaction of the person with others in the presence of witnesses

h) Indicators in cases of children

- Children present in prohibited or inappropriate situations. e.g., grass, factories, quarries, busy roads;
- Children engaged in public activities related to human trafficking, e.g., begging;
- Children detained by law enforcement in connection with crime, e.g., selling drugs, transporting drugs, burglarizing homes, picking pockets;
- Children isolated from others;
- Appearance e.g., ethnicity, age, gender, clothing;
- Visible health or well-being;
- Body language;
- School-age children who do not attend school;
- Unexplained images, photographs of children present at the location;
- Group of children supervised by a single adult;
- Group of children traveling with adults who are strangers;
- Presence of items associated with children in prohibited or inappropriate settings e.g., brothel, hazardous work environment, isolated location

i) Indicators related to sexual exploitation

- Illegal activity in the sex industry, e.g., brothels, escort services, advertisements for these, listings of sexual services in hotel rooms;
- Increased visits by male visitors to non-commercial premises or addresses;
- Client concerns regarding sex workers, e.g., lack of desire to provide sexual services, stress, under the heavy influence of alcohol and narcotics;
- Sex workers wear tattoos that indicate ownership by traffickers;
- Sex workers under the heavy influence of alcohol or narcotics;
- Movement of women between known locations where sexual services are offered;
- Women who are always accompanied when they leave the premises;
- Women under the control of a group of men;
- Body language and submissive behavior in the presence of specific men;
- Appearance and clothing related to the provision of sexual services;
- Knowledge of the local language related only to sexual services;
- Distrust of authority;
- Women who work as sex workers fit the profile of trafficked women

If the person's behavior and appearance contain elements that are included in the list of indicators, then the person is taken to an initial interview.

The interview should be conducted when the victim feels ready and agrees to conduct it, but no later than the end of the adaptation and decision-making period.

The interview should not begin if the victim (OSCE, 2010):

- Shows signs of anxiety, irritability, or aggression;
- Needs medical assistance and protection;
- Seeks legal advice;
- You don't understand the person conducting the interview;
- Requests the conversation to be postponed or declines the conversation; and
- If the person is a minor and the presence of the parent/guardian or representative of the Social Work Center has not yet been ensured during the interview.

If necessary, the conversation is conducted with the help of an interpreter, and if it concerns a minor or a person who lacks work skills – it is conducted in the presence of a parent or guardian. By collecting information and a series of indicators, it is determined that a certain person is a victim of human trafficking.

If the status of a victim of trafficking is determined, there is a period of reflection and recovery, during which the victim stays in a center for victims of trafficking or a reception center for foreigners, depending on the legal regulations of the specific country. The responsible persons are obliged to keep a file on the victims and to preserve all relevant documents, as well as to ensure their protection, in accordance with the Law on Classified Information. Persons involved in working with victims are required to possess a security certificate with a strictly confidential classification (Halili, 2023, p.440).

3. Factors influencing the occurrence of human trafficking and its consequences

Human trafficking is the result of several factors. The most important in this regard are the facts that the people who fall victim are often characterized by a difficult socio-economic situation, lack of prospects for the future, inadequate education, lack of information, violence and abuse in the family, tempting scams offered to them, etc. But not only that, some of the products of globalization, such as transportation, multiple means of communication, the Internet, and developed marketing and advertising networks, also directly promote human trafficking (Shasivari, 2007).

Trafficking poses a threat to national, regional and international security due to the criminal activity that this phenomenon involves. Research around the world highlights that traffickers are often involved in corruption, drug trafficking, migrant smuggling, money laundering and other forms of organized crime, and these profits from human trafficking flow into formal economies and as such affect the economic and political destabilization of a country (Halili & Mirtezani, 2023, pp.79-80). However, the greatest consequences are felt by the victim and his or her relatives or loved ones, perhaps in terms of violation of dignity, honor, reputation, inability to resocialize, trauma and other health problems that can lead to the death of the victim. The peculiarity of this type of crime is that it is often carried out in an organized manner. This means that the perpetrators of criminal acts related to human trafficking are almost always members of organized crime groups, which results in a system of human trafficking within organized crime. So, it is a structural group of three or more persons that exists for a certain period of time and acts in accordance with the purpose of committing one or more serious criminal offenses or violations, in order to obtain, directly or indirectly, financial or other material benefit (United Nations, 2000).

4. Conclusions and recommendations

- Trafficking in human beings (THB) is a serious crime against fundamental human rights and dignity.
- Human trafficking is unfortunately underreported and the number of victims is likely much higher;
- The indicative factors and forms of manifestation of this criminal phenomenon are different;
- The fight against this criminal phenomenon is difficult, and among other things, it requires the engagement of more institutions from different fields, including non-governmental associations;
- Officials working to identify victims of trafficking should also pay attention to the victim's appearance, especially injuries and marks on their bodies that may be the result of physical violence. However, this should not always be taken as a basis, because the elements of the use of physical force, threats and other forms of coercion occur in the phase of exploitation of the victim, in which in most cases the victim has limited freedom of movement, is followed, identification documents are taken if he possesses them, in short, he is considered a slave, and is forced to do what is required of him. This means that in the initial period of cases of trafficking in human beings, of whatever type they are, it is not necessary to have the element of the use of physical force or any other threat. So in many cases the victim is deceived and cooperates voluntarily, and for this reason, competent officials working to identify victims, or potentially victims of human beings, must be careful in their conclusions.
- Given the fact that human trafficking crimes are often committed in an organized manner and have effects in more than one country, the need for international cooperation in the fight against this crime and the formation of special institutions that address this phenomenon inevitably arises.

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