

Human trafficking and criminality of minors in Kosovo

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Abstract:

Major and rapid changes in economical, social, political development in many countries are affecting some reflection of some negative phenomena, these phenomena which are concerning all societies including our society.

Based on more statistics on how many people live in poverty and unemployed, it is not surprising that many different negative phenomena happen, but it is worth mentioning that there are those people who have gone on top with their fortune, but exploitation and investment of their assets they use negative occurrences only to increase the material benefits, and to spread even more these phenomena.

In this aspect it comes to human trafficking and juvenile delinquency: Human trafficking is a modern form of slavery and a severe violation of human rights.

In this paper, based on literature dealt with general knowledge on human trafficking, their types, modes of occurrence, and the risk that these phenomena brings.

Seeing this worrisome situation and the possibility of its spreading further, it is important, interesting and a duty of every society to actively and comprehensively to oppose and fight this negative phenomenon, being engaged in making educational measures that aims preventing, dissemination and development of these phenomena.

Human trafficking is a global phenomenon and considered as "slavery of modern times".

Human trafficking, especially of women and girls is not limited to the services of sex (with forced prostitution), but also includes other forms of exploitation of man, rape and other social problems as forced labor, enslaving practices of removing organs, transplants, drug use, street begging, theft etc.

Key words: human trafficking, criminality of minors, Kosovo

1. Overview of human trafficking and juvenile crime in Kosovo

Trafficked persons are subject of:

Sexual exploitation (in the streets, bars or different hotel environments, public houses, various massage salons, association on the phone, various escort agencies);

Forced labor (agriculture, fishing, construction, mining, various shops, kitchens);

- Household services;
- Begging on the streets or home to home
- Illegal activities (arms sale, transportation and sale of drugs, etc.)
- Compulsory (forced) military service
- Removing of organs

Many trafficking victims confirmed that the trafficking experience has been severely damaged and changed them completely.

Trafficking in human beings is due to a number of factors:

Among the most important are factors that persons who fall victim to traffickers, often suffer from poverty and lack of prospects for the future, the lack of economic opportunities in the country of origin, lack of education and information, violence and abuse in the family etc. The above mentioned causes have led most of Kosovo victims of trafficking seeking

jobs and a better future in the larger cities of Kosovo and deceived by believing false promises, for good jobs, engagement or marriage.

Victims of human trafficking are subject to deprivation of liberty, rape, physical, psychological violence, and sometimes even murder.

They receive threats to themselves and their families faced with health problems (physical and psychological) and other risks to the welfare, being forced to use drugs and practice unsafe sex.

After falling into the hands of traffickers, victims are faced with:

- Fraud
- Violence
- Limitation of free movement
- Violence (rape)
- Physical and mental abuse
- Torture
- Sexually transmitted infections (STIs) and HIV / AIDS

Traffickers beat, sexually abuse, torture them, and victims sometimes even die as a result of mistreatment, or killed by traffickers if not obedient.

Murder committed against those who refuse to implement their orders.

Goals of abuse are that girls feel devastated, destroyed, hate themselves to obey them. Work towards a violent environment, life under permanent fear of arrest, return to their place, threats to them and their families, beatings and killings by criminal groups, cause severe psychological damage. Many trafficking victims assisted by IOM have confirmed that the trafficking experience has changed them completely. After such experiences they need care and continued psychiatric or psychological treatment.

While girls and women traffickers despite trying to present themselves as "skilled" and "professional" are wanted by the police, they risk imprisonment, considered "incapable", unable for any other work and "deal with women "as" moral "issue until they send out in the street the girl with which they are engaged or married, etc.

2. Trafficking

As stated in Article 31 of the UN Protocol to Prevent, Suppress and Punish Trafficking of human beings, especially Women and Children, defines trafficking as follows:

“The recruitment, transportation, transmission, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction of fraud, of deception, of the abuse of power or of a position of vulnerability, or giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, 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, servitude or the removal of organs“

This modern progressive definition given in the trafficking protocol has many positive aspects that reflect the reality of trafficking in modern times:

- a). This definition recognizes all forms of trafficking and trafficking not only restricts sexual services. It focuses on the conditions of forced labor, servitude, slavery and slavery practices, which are defined in international law;
- b). Not only focuses on girls and women exclusively, but notes that women, men, girls and boys can all be victims;
- c). It does not require the victim to pass an internationally recognized border, taking into account also that persons are trafficked from one area to another within the same country;

d). The protocol requires some form of distortion of the free will of the victim, for example: by use of force, conduct or abuse of power, thus respecting the ability of adults to take its own decisions about life and immigration.

2.1. Three key elements that constitute human trafficking are:

The process, tools and goal

Process	Tools	Goal
Recruitment Or Transportation Or Transfer Or Accommodation Or Reception	Threat Or Liability Or Kidnapping Or Lie Or Abuse of power	Prostitution Or Pornography Or Violence/ Exploitation Or Forced labor/ with unreasonable wages or without salary Or Slavery / Similar practices to slavery

“Victims are recruited, transported and exploited through intimidation, coercion, deception only for a purpose: personal benefits from their use in different forms”.

Smuggler is: A person or a community of persons who intend to commit, cooperate or give consent for any of the acts described in trafficking. (Global alliance against trafficking of women - Standards of human rights for the treatment of trafficked persons, January 1999). The trafficked person is: A person who is recruited, transported, sold, purchased, transferred, received or harbored as described in the definition of trafficking, including a child, whether the child has consented or not. (Global Alliance Against Trafficking in Women. Standards of human rights for the treatment of trafficked persons, January 1999).

The victim - Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power outlines a catalog of basic principles for the victims of crime, compensation and assistance.

This declaration was adopted by consensus in the General Assembly in 1985, and thus reflects the collective will of the international community to restore the balance between the fundamental rights of suspects, offenders and the rights and interests of victims. It is based on the philosophy that victim should be distinguished accurately and treated with respect for their dignity.

The Declaration defines victims as follows:

“Persons who, individually or collectively, have suffered penalties, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of the applicable laws of the states or member States, including those laws proscribing criminal abuse power”.

The provisions contained shall be applicable to all persons, without distinction of any kind, such as race, color, sex, language, nationality, birth or family status, ethnic or social origin.

2.2. Exploitation/violence:

Exploitation shall include, but not limited to, 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. Also it includes all acts that are added and are complicit in trafficking, including corruption, as well as voluntary prostitution only if returned in trafficking through fraud, coercion or abuse.

2.3. Slavery

Slavery Act, Article 1 defines slavery as *"the status or condition of a person over who exercise all or any of the components dealing with the right of ownership."*

Slavery practices include slavery through bonded debt, forced labor for another, slave marriages and child labor.

The difference between prostitution and trafficking:

Giving body voluntarily and sexual services for a certain material compensation is a significant feature in defining the difference between these two phenomena.

In trafficking of human beings, such a possibility does not exist for traded women and girls i.e. for victims. This is a whole system, consisting of the threat or use of physical and psychological violence, fraud, mental and physical destruction, sometimes debt bonds and murder cases. Nobody has the right to prejudice and treat trafficking victims as willing prostitutes. The low estimate for trafficking victims thought that they go willingly to the public houses or sidewalks, they receive money are misconceptions and narrow minded.

3. Facts and Statistics

Deceived by sly promises or images for a better life, it does not mean going to work as a willing prostitute. A child can not be called in any way willingly prostitute. A kidnapped girl can not ever be a willing prostitute; An orphan, who does not have care from local mechanisms, which remains without support and exploited by traffickers, there can never be a willing prostitute. The money earned from trafficked persons, in particular the sexual exploitation of women and girls, are taken by their tutors. The child's consent can not be considered as never filed voluntary activities related to the use of his / her.

Kosovo, as well as other European and the world countries is deeply affected by the phenomena of human trafficking, especially trafficking of women and girls for sexual abuse. Many girls and women from different countries of Eastern Europe, mainly from Moldova, Romania, Albania, Ukraine, Russia, Serbia, were trafficked into Kosovo immediately after the conflict in 1999. Initially it was thought that this problem affects only girls and women originating outside Kosovo, but since 2000 the number of girls and women with Kosovar origin trafficked is constantly growing. One factor that worries Kosovar girls trafficked for sexual abuse is their young age 12-17 years, which have fallen prey to traffickers believing them for better life are trafficked inside and outside of Kosovo. International Organization for Migration (IOM) mission in Kosovo during the period January 2000 - December 2005 has helped 484 girls and women, among which 58 have Kosovar origin.

In general, victims of trafficking originating outside Kosovo are women, most of them young age. About 70% are aged 18-24 years, lured by job offers abroad, but there are also cases of divorced women who agree to go abroad, just to keep their children.

Victims of Kosovo origin (89.65%) were trafficked for sexual exploitation, but there are a number of reported cases of trafficking for forced labor exploitation (6.9%) and begging / theft (3.45%)

4. The purpose of the use of Kosovo victims

The purpose of use	Sexual	Begging/ theft	Labor exploitation	Total
Total number of assisted cases	52	2	4	58

4.1. The breakdown by age group of Kosovo cases assisted

Age group	12-15	16-18	Children	19-22	23+	Total number of cases
Total number of assisted cases	9	26	35	13	10	58

The most worrisome fact is that 58 Kosovar victims, 35 of them or (64.34%) are children, persons under the age of 18. Girls and women trafficked from Kosovo are usually rural areas (64.34%), but a number of cases comes from urban areas, too (39.66%). Of all the cases assisted by IOM (44 835) are shown to be lured by marriage offers (15:52%) are cheated through arrangements false travel abroad, even more shocking is the fact that (27.59%) were kidnapped.

4.2. Social category of assisted cases

	Rural	Urban	Total
Total counting of assisted cases	35	23	58

More than half (39 or 67.24%) of trafficked women and girls who are assisted by IOM, are trafficked within Kosovo; displaced from one village or city to another. But there are cases that have been trafficked abroad. The largest number of them is RJ Macedonia; Italy and Albania.

4.3. Countries of destination for victims of trafficking in Kosovo

Countries of destination	Number of cases assisted
RJ e Macedonia	8
Italy	4
Albania	3
Great Britain	1
Switzerland	1
Germany	1
Belgium	1
Total number	19

Regarding their level to assist, either rural or urban areas, the majority of trafficking victims Kosovo (68.52%), assisted by IOM have completed primary school. Only (8.7%) have completed some high school class and is just a case that for a time continued to higher education.

4.4. The level of education of Kosovo victims of trafficking

Level of education	Without education	Primary school from I grade – V grade	Primary school from V-grade to VIII-grade	Secondary school from IX-grade to XII- grade	High school	Total number
Total number of assisted cases	5	12	37	3	1	58

If we consider family circumstances it is clear that the victims of trafficking come from the most vulnerable groups of society. Their families often do not function and in the meantime the victim has suffered sexual violence as a result of economic poverty, low education or traditional values. Such circumstances are factors that affect the growth of violation a person being trafficked.

The difference between human smuggling and their trafficking

The term smuggling means the direct use of mediation services, which has to do with organization and crossing of international borders, avoiding border control police and customs. Article 3 of the Protocol against the smuggling of migrants by land, sea and air.

UN Convention Against Organised Crime defines smuggling as;

Mediation to illegally enter a person in a state in which the person is not a citizen or permanent resident, in order to gain a financial or

other material benefit. Smuggling is distinguished from trafficking in that smuggling of foreigners includes the provision of a service, although illegal, for people who consciously buy the service in order to enter a foreign country.

Human trafficking can occur without passing any international border.

Smuggling of people almost always represents a set of actions associated with the crime of trafficking in human beings and can easily be converted into trafficking.

The basic elements to assess the existence of prevention (*dolus directus* - direct intention), or the product of prevention, it results in the end (*dolus eventualis* - appropriate intention) for the final goal, the use, in this case, sexual abuse or other forms of abuse.

5. Process stages of trafficking

- Trafficking in humans occurs in different ways, but generally passes through three stages:
- Recruitment
- Transplant
- Exploitation

Victims are recruited, transplanted only one purpose; for personal gain by using them in different ways. People who are trafficked do not require the services of smugglers, traffickers can approach them.

5.1. Entry into the process in the country of origin

In all cases, serious abuses of human rights, which force people into the hands of traffickers, clearly show that victims need special support and protection.

In the case of trafficking, the most frequent violations of human rights are those dealing with:

- All human beings are born free (Article 1 of the Universal Declaration of Human Rights, 1948);
- Everyone enjoys the rights and freedoms expressed in this statement. (Article 2 UDHR);
- Everyone has the right to life, liberty and security of person. (Article 3 UDHR);
- No one shall be held in slavery or to use;
- Slavery and the slave trade shall be prohibited in all their forms. (UDHR Article 4);
- No one shall be subjected to torture. (UDHR Article 5)

5.2. Traveling

Victims of trafficking and smuggling may suffer from abuses of human rights during their journey, which may or may not be across international borders.

Immigrants often are not informed or misled about how they will be transported.

In extreme cases, transport can reach up to slavery when traffickers exercise power and pressure on the victim.

5.3. Arriving at the place of destination

Girls and women, upon arrival in the country of destination, find themselves living in slavery, mainly as a prostitute, but also as factory worker, home services, as well as in forced marriages. Employers in most cases illegally, close down these women and girls, confiscate their passports or identity cards, forcing them to work long hours and in not human conditions, such as shared flats, sleeping in a chair, insufficient food, very bad conditions of hygiene, unsafe sex. They often beat and rape them, keep the money until paying the 'debt', of their recruitment. They constantly abuse them physically, psychologically and sexually to leave victims without alternative.

6. National legislation on anti-human trafficking

Trafficking of the human beings is against the law in Kosovo. Provisional Criminal Code of Kosovo defines human trafficking as the UN protocol. According to the Provisional Criminal Code of Kosovo crime is to be involved in trafficking human beings or using the services of victims of trafficking. Provisional Criminal Code of Kosovo also contains several articles that criminalize the act of exploitation and human trafficking. Mention Article. 139, 201 and 202. According to article 139: human trafficking- Anyone who participates in human trafficking will be punished by imprisonment from 2 to 12 years.

If the offense in paragraph 1 is committed against a person under the age of 18 the perpetrator will be punished by imprisonment from 3 to 15 years.

Anyone who uses or provides sexual services of a person that is aware that such person is a victim of trafficking and is a child will be punished with imprisonment from 2 to 10 years. According to article 201: Enabling Prostitution:

Whoever knowingly recruits organizes or assists another person or property shall issue another person for purposes of prostitution are punishable by a fine of up to 3 years imprisonment.

According to article 202: Anyone who exploits or involves a child in pornography or in the production of pornography or directly shows the child shall be punished with imprisonment from 1 to 5 years.

6.1. Trafficking in Kosovo

1.5.1. Profile of the victim trafficked and exploited as much as deepened, the more comes out that social and psychological process of victimization begins earlier than the process of trafficking. Profiled victim comes early on, as that can also be identified and addressed current needs of the victims, but also trafficking.

This profile is characterized as:

- Low self-esteem evaluation,
- Feeling of anxiety,
- Feelings of guilt,
- Feelings of abandonment and fear of abandonment in relationships with others,
- Lack of trust in oneself and others,
- Dependency relationship,
- Uncertainty and lack of trust in others of human values,
- Feelings of rejection and being foreign to the environment around,
- Feeling fear of prejudice or bias,
- Incapacity to control yourself or the environment,
- Without the ability to take advantage of the opportunities that are given,
- Negative perspective,
- Inability to develop new behaviors,
- Confusion about relationships,
- Difficulty in obtaining execution of opinions,
- Feeling without power to change themselves

Conformism

Most girls and women that are trafficked come from the lowest social, economic stratum or social groups left in misery. Economic situation, isolation, neglect and abuse of sex, gender bias based on results in low education, or complete lack of schooling for these girls. The resultant is that they as young girls become mothers, living and moving in environments with high exposure to the risk of violence and abuse.

6.2.Children trafficking

A worrying factor is the number of children who are trafficked for sexual exploitation in the European Union. Various studies show that most children come from families that are destroyed

as a result of unemployment, insufficient income and social insecurity.

Requests for unprotected sex are fueling the market for young girls, because they are considered less vulnerable to the spread of sexually transmitted diseases or HIV-AIDS. But a large number of children used by criminals as drug carriers or as thieves, based on what the authorities caught a child he / she will be excluded easier from criminal proceedings.

Article 35 of the Convention on the Rights of the Child provides that: States shall take all necessary measures at the national, bilateral and multilateral plan, to prevent the abduction, sale, or trafficking of children for any purpose or in any form. As well as Kosovo institutions charged with specific tasks in relation to children, tasks arising from the implementation of the Constitutional Framework for Provisional Self-Government in Kosovo.

“Every child has the right to be protected from violence, abuse, exploitation, and use for work, especially under the minimum age for child labor, which can damage the health, moral or risk his life or normal development”.

State Parties undertake to protect children from all forms of sexual exploitation and sexual abuse.

Great contribution can also give school which keeps them considerable time; its role is the implementation of this Convention to prevent phenomena of child trafficking.

6.3. Some legal aspects of criminal offenses of trafficking human beings in Kosovo

Meaning of constituent elements for criminal acts of human trafficking.

The criminal laws of Kosovo, considers trafficking humans as a serious criminal offense. For this offense, are predicted relatively heavy sentences, which are listed in the group of offenses against international law. Based on election

laws in force, to human trafficking means illegal actions by which recruited, transported, transferred, flee, or accept the person designated for the purpose of prostitution or other forms of sexual exploitation, performing service work required, slavery or practices similar to slavery, putting such person in servitude or the removal of his organs.

From this definition it can be concluded that the offenses of trafficking in people consist of three basic elements (constitutive).

- 1) **Action element** – This element has to do with actions that enable the realization of the aim of the recruitment, transportation, transfer, receipt or housing person – victim¹.
- 2) **Implementation element** – This element will only apply in cases where a victim of trafficking is an adult².

Regarding to Article 139 of the Criminal Code of Kosovo requires that the perpetrator has changed action dealing with the recruitment, transportation, transfer, harboring and receipt of persons in relation to the victim, the use of means of threat

¹ These elements are not defined from the Criminal Code of Kosovo. But its considered that recruitment should be understood, among others, the employment of the person (does not require that the recruiter has the intention to pay that person).

The recruitment can happen abroad, but also in his hometown. Transportation means the physical movement of a person from one place to another. This does not necessarily mean crossing borders. (A person can be also trafficked within the country). Transformation means control over the award of a person to another person, who then receives a victim of trafficking. While cash payments may be evidence that trafficking occurred, it does not contain the elements necessary for the existence of a criminal offense. Admission is taking control of the trafficked victim. Housing means providing a room or other space for the person but without accepting it in the capacity of the victim. Otherwise, there will be the risk of receiving existence.

² If the victim is a child it is not necessary estimated to be using any of the means specified in Article 139 of the CCK. Element of action and purpose of use are sufficient for the existing offense of trafficking when the victim is a child.

or use of force or other forms of coercion, abduction, fraud, deception or abuse of power or a position of vulnerability³:

Thus only transfer, receipt, harboring, recruitment or transportation does not have itself the offense of trafficking with human being.

3) **Mental element** – This is a condition of a subjective nature.

It manifests itself in the use of deliberate victim, which consists of its use for the purposes of prostitution, other sexual services, forced labor, slavery, servitude or removal of organs.

Offenders of human trafficking and their criminal responsibility

The perpetrator of the crime is considered a person who has committed the crime⁴. According to the Criminal Code of Kosovo perpetrator of human trafficking can be any person who has attained the age of criminal responsibility and is responsible. Except the person who directly undertakes criminal acts, perpetrator of these criminal acts is also considered the person who personally organizes groups to change the criminal acts which represent committing of these offenses. Also official persons if they take part in any of these criminal acts specified as offenses of human trafficking, including all possible variants of their performance.

A person is criminally responsible at the time when the offense was responsible (i.e. there has been such a feature, psychological qualities that make it possible to understand the

³ There is abuse of authority or of a vulnerable position, when it, such as that leaves no real acceptable choice to a person or except to expose the abuse involved.

See: European Council, The Framework decision, Nr.2002=629=JHA, for the war against the human trafficking, 19 July, 2002.

⁴ Ismet Salihu, Criminal Law, general part, Prishtinë, 2006 page.129

importance of the work and to control their behavior) and guilty (i.e. when the offense has to have attitude or report which makes it possible to be charged offense, or when he considers the act as his)⁵. It is considered committing of the offense of trafficking, a person who knows that a person is a victim of trafficking, and despite this, he uses him/her for sexual purposes. A person with only a performance of a particular criminal act can be prosecuted and punished according to law. Kosovo Penal Code threatens with imprisonment of 2-12 years, human trafficking persons.

Tougher penalties are provided *"when the offense of trafficking is committed against a person under the age of 18, when a certain person organizing a group of people (organizer) with the aim of committing human trafficking and where the offense is committed by official persons on duty"*⁶.

It is considered that despite these severe forms of this crime should be envisaged as a severe form of trafficking and the case when performed in a manner which endangers the lives and safety of trafficked persons. It is not rare that trafficking is done by such means or in such circumstances (winter time, night, impassable mountains by truck - refrigerator, boat, etc.), which seriously endangered the life and in general, the security of victims of this offense⁷.

Victims of criminal acts of human trafficking and their consequences that these acts cause them

Victims of criminal acts of trafficking in Kosovo are persons belonging to both sexes and different ages. Most of the victims are women. They are mainly trafficked for the purpose of prostitution. Among the victims there are children of other population categories. Most of the casualties resulting from the

⁵ Jbit, page.262

⁶ Jbid page.97

⁷ Jbid page.97

ranks of the young population and most of them poor economical condition etc⁸.

Offenses of trafficking cause numerous consequences. These consequences can be of a social and psychological factors etc. The social consequences are numerous and especially hit victims of these crimes, their families and social community as a whole. Social consequences which hit the victims dealing with the loss of perspective, the possibility of infection with various diseases and incurable (ex, AIDS, etc.). Social consequences which affects victims' families, mainly dealing with the manifestation of ignorance and isolation of such families from social circle where they live, loss of labor etc. Such consequences in one way or another, encourages the appearance of other negative phenomena in society (alcoholism, drug addiction, etc.), and certain forms of crime, especially those who qualify as organized crime (ex. money laundering/rinse). Also, *"this type of criminal acts causes economic instability and the rise of corruption in the public sector"*⁹ etc.

The offenses of trafficking in human beings, in addition to social consequences, victims and their families have been hit in the mental perspective, too. So many victims as a result of the use of physical violence, rape, beatings, torture, isolation, deceit, etc., are faced with psychological disorders, depression, and difficulty to adapt to life, and so on¹⁰.

⁸ At the victims is found the existence of feeling fear and shock, longing and withdrawal, passivity, shame, loss of dignity, confidence in others up to the thought of committing suicide. See: Project for Return and Reintegration, report for the situation, February 20 - June 2005, IOM. office in Kosovo, p.14

⁹ Safete Gërzhaliu, Trafficking and female prostitution, Prishtinë, 2003, p.181-182

¹⁰ IOM report, p.14

7. Some phenomenological aspects of human trafficking offenses in Kosovo

Details on the level and territorial extension

In Kosovo, the issue of human trafficking since the post-war period (1999) onwards is quite actual. In 2005 in Kosovo courts have reached 56 course selections, while only for nine months of 2007 reached 51 cases selection of offenses of human trafficking¹¹.

During the period January 2004 - September 2007 reached 183 cases or an average of 61 cases annually. 68 of them were selected while remaining 115 cases. Selected from 55 cases resulted in announcement of the verdict sentencing where 76 persons were convicted.

These persons have been convicted by an average of 2 years and 5 months in prison¹². While the perpetrators missing data in tabular statements to courts and police for years prior to 2004, data on the victims of these crimes still exist, they show that during the period 2001 - September, 2007, identified 359 victims of trafficking.

Only in 2001 they were identified 172 victims, and in later years this number is decreased this number¹³. These data should be taken with caution, because this type of crime, for many reasons is always present a number of perpetrators and victims who remain undisclosed or untreated¹⁴.

¹¹ Overview of criminal offenses of trafficking in persons from 2004 until the end of nine months of 2007, the Ministry of Justice, Pristina, November 2007, p.1.

¹² Jbid, p.1.

¹³ During 2002 were indetified 89 victims,in 2003 were indetified 34 victims,in 2004 were indetified 49 victims,in 2005 were indetified 38 victims,in 2006 were indetified 51 victims andfor nine months of 2007 were indetified 26 victims. Source: Reports for victims of trafficking in human beings KPS for 2001-September 2007

¹⁴ And during the post-war data and notes twich show the evidences in the pursuit criminal investigation, trials and identification of victims of trafficking. For this more widely. See: Legal Analysis of Cases of Trafficking in Persons in Kosovo, Department of Human Rights, Decentralization and

This type of crimes committed during the post-war period has been spread in all regions of Kosovo.

According to the data used, observing the number of perpetrators and victims, Prishtina region leads about 25% (the perpetrator), respectively 27 (victims), then comes Gjilan region with 17% (perpetrator) and respectively 15% (victims) , Prizren region with 16% (perpetrators), and respectively 18% (victims) and Peja region with 14% (perpetrators), 15% (victims) here are marked regions where this type of offenses have been transformed on top performance.

7.1. Some personal characteristics of offenders and victims

Criminal offenses in general, and therefore criminal acts of trafficking, in particular, considered that will be explained right and in general only when alongside other aspects are covered with basic personal characteristics of the perpetrators and victims of these crimes.

7.2. Age of perpetrators and victims

Age is important characteristic of criminal phenomenon that has special weight in explaining criminal behavior¹⁵. According to empirical criminological research, martyrs, victims belong to different ages.

Regarding the perpetrators of trafficking in Kosovo, the largest number of cases are adults.

“According to the perfect results that offenses of trafficking (41.34%) cases were committed by persons aged 25-35 years.

The data show that the victims of these criminal acts, during the research were people of different ages, but that dominates the ages of 16 to 22 years. This manifests the participation age

Community OSCE office in Kosovo, Prishtina, 2007, fq.11-19. In favor of this goes the report: IOM on human trafficking in Southeast Europe, according to which until December 2007 in Kosovo marked 568 victims of trafficking. For this, more broadly, see: One Word Southeast Europe, December 10, 2007, p.1.

¹⁵ Ragip Halili, criminology, Prishtinë, 2000, p.120.

(69.82%). i.e. data shows that among the victims there are children over the age of 12 -14 years. Their participation (15:21), but even those over the age of 23 who demonstrate participation of (19.56%)”¹⁶.

Young people in the absence of sufficient maturity of their psychic, has made more easily to be deceived and become a victim of trafficking.

7.3. Offenders and victims gender

As well as gender, similar age represents important characteristic criminal phenomenon that has particular relevance to the treatment of criminal behavior¹⁷.

The data used as evidence that the perpetrators of criminal acts of trafficking are mainly men. Thus, according to the data on offenders (89.05%) of the cases are male, while victims over (87%) are female¹⁸.

7.4. The educational level of the perpetrator and the victim

Low level of education is the key factor that affects the growth of crime in general, and thus the offenses of trafficking according to the data used, the perpetrators and especially the victims of these offenses, to the greatest extent were people with lower levels of education

"thus (47.23%) of the perpetrators have had only completed secondary school while the rest had finished only primary school or had finished certain courses (foreign languages, computer, etc.) Among the victims dominate those who have just finished some classes of primary or elementary school as a whole (24.32%), high school had finished (20.50%), while the

¹⁶ See: Statistics of Ministry of Justice, KPS and IOM, for the years 2001-September, 2007.

¹⁷ Krahaso: Azem Hajdari, *Krimet e Luftës kundër popullësisë civile në Kosovë gjatë periudhës shkurt, 1998, Prishtinë, 2002, fq.155.*

¹⁸ See: Court reports, KPS and IOM for the years 2001-2007.

courses were completed (36.04%) of victims . Participation of victims was higher education (2.93)”¹⁹.

7.5. Social affiliation of the perpetrator and the victim

Victims of criminal acts of trafficking in persons belong to different economic condition of society. According to the data (68.32%) of the perpetrators derived from strata of the population with poor economic condition. Victims also come in (79%) cases from families of poor or very poor economic situation.²⁰.

Among the perpetrators, but rarely among the victims there were also those who had average or high standard of living²¹.

7.6. The nationality of the perpetrators and victims

The nationality of the perpetrator and the victim is the element of criminal phenomenon that takes particular place on the training of certain criminal offenses.

Perpetrators and victims belong to different nationalities²².

According to some data used perpetrator (66.72%) were Albanian, (12.20%) Serbs, while others were other nationalities and among the victims dominate those from Moldova with (48%), from Kosovo (31%), Albania by (9%), from Romania (6%), the Ukraine (3%) and other countries (3%)²³.

¹⁹ Jbid

²⁰ As noted above, 40.77% of the victims who were paid employees with less than 50 dollars a month. The absolute majority of them, however, were not employed and when this add the indication of that most of them came from Moldova, where according to the World Bank more than 80% of the population of the country lives on less than 1 US dollar per day, proved what was the social situation of trafficked victims. See: IOM-report,...p.5.

²¹ 10. 15% of victims and perpetrators are estimated to have a middle and high standard of living. Jbit, p.10.

²² Compare: Azem Hajdari, War crimes,.....p.160.

²³ IOM report, p 3.

8. Conclusions

In presenting of these crimes have affected numerous and special factors overall.

Among these factors considered to influence decisive economic and socio-political circumstances, lack of complete legal base, and non-implementation of existing legislation, the opening of borders and the problems regarding the management of the state body activities and so on. According to this reading results in the end proves that Kosovo continues to provide fertile ground that, for some years ahead, has the attribute of the country of origin-about 70% of Kosovo's population is aged up to 25 years the majority of the population who lives with the dream of migration because it is without perspective, etc.), transition (geographical appropriate, malfunctioning proper justice system) and the destination (there are many foreign nationals working in international administration and security forces, which, for many reasons, continues to be tempting scenario for victims).

Finally, I believe that to achieve an efficient fight against this type of crime, it is necessary a continuous commitment of all entities that are authorized to fight criminality, equipping these institutions with modern technical cooperation, professional team work of these bodies at all levels etc.

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