



## Etiological Aspects of Human Trafficking in Kosovo

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**Abstract:** Human trafficking is considered one of the most serious criminal offences, which is presented as a contemporary form of slavery and which implies the most brutal violation of basic human rights, which are guaranteed by international and law and national law. The phenomenon of human trafficking is present in many countries in transition (such as Kosovo), namely in those countries which were affected by internal political, economic, social, educational, etc. changes, and in such situations the perpetrators of this offense are in a very favorable position to victimize society. Therefore, this paper will focus on external criminogenic factors that influence the growth of this negative phenomenon, including the difficult economic situation, poverty and unemployment, poor housing, migration of people, domestic violence, the impact of mass media in society, lack of border control and insufficient effectiveness of institutions to deal with law enforcement. The paper is based on literature review, statistical data and interviews by treating the subject theoretically, legislatively and practically. To successfully fight against human trafficking, relevant authorities should more closely approach the etiological treatment of this negative phenomenon.

**Keywords:** human trafficking; criminal offense; victim; offender; criminogenic factors

### 1. Introduction

Human trafficking is a sensitive criminal phenomenon which requires a cautious approach in both aspects, psychologically as well as socially, given that basic human rights, dignity and integrity are violated. Human trafficking has now become a global phenomenon, and also not accidentally few social science authors call it “cancer of society”. In the past, the phenomenon of human trafficking was known with the definition “slavery”, which makes us realize that the root of this problem is as old as the earliest civilizations. (Abdyli, 2016, p. 147) However, over time, nowadays even

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forms of human trafficking have taken new dimensions, such as: prostitution, forced labor, begging, organ transplantation and trafficking, smuggling of migrants etc.

Worldwide, each year around 2.5 million victims of trafficking are at risk of being recruited and used in different ways, mostly women and children whose fundamental human rights values are violated including their respect, dignity and integrity. It is worth mentioning the data from *Illinois Department of Children and Families Services (DCFS)* which affirm that “from July 1, 2011 to June 30, 2015, there were 563 (0.0008%) investigated allegations of human trafficking compared with a total of 697,062 investigated allegations for all other types of maltreatment. These 563 allegations represented 419 children who were predominantly female (90%), African American (53%), residing in a large urban county (56%), and 14–1/2-years-old, on average. Just under two thirds (61%) had a previous investigated allegation of maltreatment in their case record, and just over one quarter (28%) had at least one entry into out-of-home care prior to, during, and/or after an allegation of human trafficking”. (Havlicek et al., 2016, p. 127)

According to the United Nations and the Council of Europe, after trafficking in drugs and weapons, human trafficking is the third one as far as its form and spread are concerned, including an amount of not less than 32 billion Euros annual turnover (France Diplomatie, 2007). Therefore, human trafficking is a complex problem for the society in both national and international levels, and in addition it is being considered a serious issue for the global economy too. (Konrad et al., 2017, p. 733) Thus human trafficking is a criminal offense of a high risk and consequences for both, person and society in general. Given this, treatment of etiological factors is very important and necessary on the road towards prevention and combating human trafficking.

## **2. Review of Several Criminogenic Factors of Human Trafficking Phenomenon**

In addition to phenomenology, which is considered the major part of criminology, etiology is also a very important branch of science which aims to recognize and treat the factors and causes that stimulate the appearance of criminality in society. The word *etiology* itself means science over the core, the essence, the roots and the causes of this phenomenon. Also, etiology studies the *objective factors - exogenous and subjective - endogenous*, which directly affect the presentation of crime in a society. (Milutinovic, 1990, pp. 295-296)

Therefore, criminal etiology “studies the causal connections between circumstances of various factors and criminality as well as researches causes and circumstances that relate to all criminal behaviors and other negative phenomena”; while criminogenic factors are considered to be: causes, source and origin of crime. According to many researchers, there are different opinions and definitions regarding criminogenic factors. The known author Enrico Feri classifies criminogenic factors into three groups: “anthropological factors, physical or cosmic factors and social factors”, while according to Jean Pinatel, criminogenic factors are divided into “objective, subjective factors and indications”. (Gassin, 1996, pp. 4-7, 9-12)

Criminogenic factors are generally considered all situations which help in filing crime. While most frequent criminogenic factors of human trafficking phenomenon are: the difficult economic situation, poverty and unemployment, poor housing, migration of people, domestic violence, the impact of mass media on society, lack of border control and insufficient effectiveness of institutions dealing with law enforcement. This does not imply that these are the only criminogenic factors of human trafficking phenomenon, however they are considered among the most common factors that attack this phenomenon. Given that criminogenic factors are divided into external and internal, below we will talk only about external criminogenic factors or objective factors, which are considered as key factors in the appearance of crime in general and human trafficking in particular.

### **2.1. Serious Economic Situation**

Socio-economic factors are one of the external criminogenic factors extremely important in the spread of the phenomenon of human trafficking. Therefore, difficult economic situation, as one of these criminogenic factors, in most cases indicates the activation and advancement of crime in general. In this context, in modern world new developments emerge every day, in many aspects, mainly the achievements in technology have a direct impact on the regulation of social welfare of a part of society, but at the same time we have millions of people who suffer from hunger, different deadly disease etc., who face with difficult economic situation. Therefore, non-equilibration of levels is one of the most relevant indicators of criminal actions.

Difficult economic situation in Kosovo firstly comes as a result of high-level corruption and secondly from no foreign investments in the country, which makes this situation a “ticking time bomb” every day more and more, which can explode at any moment (Geinitz, 2015). The difficult economic situation except that affects the spread of crime in general, it particularly affects the spread of the phenomenon of

human trafficking. Many times the perpetrators are driven by the difficult economic situation which imposes them to commit criminal acts with the purpose of acquiring, as well as in the majority of cases of trafficking victims result to be a consequence of the difficult economic situation and inability to survive. In after-the-war Kosovo, with severe economic hardship, which still continues to be in a poor economic situation, criminals have “open doors” for victimization of a large number of girls, women and innocent children by promising them a better life.

## **2.2. Poverty and Unemployment**

Poverty and unemployment are two exogenous factors that come as a result of difficult economic situation, namely a country’s lack of economic. Poverty and unemployment in addition to disclosing stalling and prolongation of economic development in Kosovo, but they are also contributing to the growth and spread of criminal phenomena.

The big influence that poverty and unemployment have on criminality is best illustrated by a Greek philosopher’s saying, Aristotle: “poverty is the mother of crime and welfare is the mother of immorality”. Even in the modern world there are opinions that the increase of criminality in the country is a result of poverty and unemployment. (Halili, 2011, p. 247). According to the report “Business Insider” which included 197 countries all over the World, with the aim of compiling the Index of poverty in 2013, unfortunately Kosovo is ranked the ninth one, with the index of poverty 50.6% and the level of unemployment around 45.3% (Portal, CH-Balkan, 2013).

Therefore, poverty and unemployment in the country are two main indicators of the difficult economic situation, which is increasingly hindering the development of society. According to the Kosovo Agency of Statistics in 2015, about 30 percent of the population live in poverty, while 10 percent of the population live in extreme poverty. Also, the unemployment rate in the country is 32.9 percent. Within the statistics in question, we note that in 2015 only 117 046 jobseekers with different qualifications were registered (Kosovo Agency of Statistics, 2016). So are the data of the World Bank, according to which about 200 thousand citizens live in extreme poverty with only 1 euro and 20 cents per day (Worldbank, 2014).

**Table 1. Registered jobseekers by level of qualifications in the year 2015**

Level of education	Jobseekers 2015	
	Number	%
Uneducated	<b>68.570</b>	<b>58.6</b>
Primary school	<b>19.035</b>	<b>16.3</b>
High school	<b>23.408</b>	<b>20.0</b>
Graduate school	<b>471</b>	<b>0.4</b>
Universities	<b>5.315</b>	<b>4.5</b>
Master	<b>247</b>	<b>0.2</b>
PhD	<b>0</b>	<b>0.0</b>
<b>Total</b>	<b>117.046</b>	<b>100</b>

According to the above table, only in 2015, about 117 046 jobseekers who have different levels of education were registered. The largest number of jobseekers in Kosovo this year belong to the uneducated level, with a total of 68 570 persons or 58.6%, followed by those who have only high school, with 23 408 persons or 20%. The third category of jobseekers belong to those people who have completed only primary school, with 19 035 or 16.3%. A number of 471 persons or 0.4% is jobseekers with graduate school education, while jobseekers with high level of education, i.e. university degree, are 5,315 persons or 4.5% and with master degree 247 persons or 0.2% and there is no jobseeker with PhD (Kosovo Agency of Statistics, 2016).

A small country like Kosovo, with such a high poverty and unemployment, in most cases it is the main cause for committing various crimes, especially for committing the most prevalent forms of human trafficking, such as prostitution, smuggling with people, begging etc. In relation to poverty and unemployment, prostitution and migration are considered one of the most popular phenomena in the country.

### **2.3. Poor Housing Conditions**

Poor housing conditions, like severe economic hardship, poverty and unemployment, are the external factors that directly affect growth of crime cases in general and human trafficking in particular. In the first decade after the war in Kosovo, one of the main challenges was the issue of housing, given that during the war a significant number of houses were burnt. The worst affected areas were rural areas which in order to find shelter left their homes and moved to urban areas. On the other hand, houses in cities were not either excluded from burning. However, the

massive movement from villages to the city has significantly hampered the issue of housing in Kosovo.

Housing problems often affect the minors and youth who leave the family in order to provide a better life, thus becoming part of various criminal groups (Halili, 2002, p. 241). In addition to becoming part of criminal groups, difficult housing conditions, especially the issue of finding a solution for housing, presents a significant impact on the process of migration. In this context, imposed by the inability to live a normal life, many people, especially younger generations, are forced to become part of human trafficking, as one of the most profitable criminal offenses both in Kosovo and in the world. Unfortunately, the cases when victims of human trafficking in Kosovo come as a result of the difficult economic situation and the desire to have a better social welfare are not rare.

#### **2.4. Human Migration**

Human migration is another objective factor that has taken global proportions in the last decades. Human migration means the change of location by people from one place to another for different reasons. Many analysts in this field say that factors that influence migration are “*impellent*” and “*attractive*”. Regardless of whether it is national or international migration, these factors aim at ensuring a better social, educational, political, etc. future (Kosovo Agency of Statistics, 2014). Kosovo is historically known for international migration, the difficult economic - political situation during '90s, which drove a large number of people to migrate to different countries of the world, however our country's peak migration reached in 1998 – 99, during the war, however most of these people came back to Kosovo. According to official statistics, by the end of 2014 the number of immigrants from Kosovo and of Kosovo is 820,000 inhabitants (Ministry of Internal Affairs of Kosovo, 2015).

According to many international scholars, the problem of migrants and their placement in the developed countries is the basis for a rise in crime. Immigrants often are not welcome in developed countries, by discouraging the realization of their dreams and goals, in which case they experience psychological and spiritual trauma. These traumas result in criminal behaviors (Halili, 2011, pp. 244-246). In addition to relocation, immigrants also face with many other difficulties, such as knowledge of the relevant country's language, culture, religion, etc. All these affect his adjustment and in case of non-cooperation with institutions and society then the result will be negative for both sides.

Same as migration's, human trafficking's primary goal is financial profit, therefore it is not accidental that a number of them, to realize this purpose, choose the road of crime, which end up in prostitution, drug, guns smuggling, contract killing etc. Human trafficking through its most frequent forms attacks immigrants lured by the benefits that allegedly they can enjoy. Therefore, it is vital that immigrants, to maintain their identity and integrity, must first choose the social network, work and everything else around them.

### **2.5. Domestic Violence**

The family is the basic cell of society which accompanies the human from the moment of birth until death. At the same time, it protects, supports, guides and sacrifices for its members. The family is comprised of two or more persons who enter into marriage, who are related by blood or adoption. These persons live together all their lives or in different periods of time, building culture, perspective, common economy for each other.

Family is defined by a number of international acts supporting it without compromise. In the Universal Declaration of Human Rights, the family is defined as "the natural and fundamental group unit of society and is entitled to protection by society and the State". (Article 16, paragraph 3) Therefore, the family, as a social community is a very important factor when it comes to development and establishment of identities of a human. Thus, the family environment is a determinant element in relation to children's growth and further education. In this context, families that have healthy relationships and have a "common language", it is unlikely that their child will not be constructive and productive; while when we speak about destroyed families, with ongoing problems and lack of parental control over children, deviant criminal behaviors of their children are apparent. Therefore, a healthy family is extremely important in terms of both material and spiritual aspects (Schwind, 2004, pp. 414-418).

Families with ongoing problems and conflicts results in its dissolution, separation of the couple, mutual disrespect and so on. In such a situation, both parents as well as children tend to deviate and be unstable at work, school and society. Family instability is an impellent factor towards various criminal activities in general and their end up in alcohol, drugs, prostitution and other immoral behavior in particular. Families in question often see their solutions to problems through violence against their members, especially against women and children.

Unfortunately, due to domestic violence many young girls and often children are subject to forced marriages, and later end up as victims of forced sex and labor. (Warria, 2017, p. 274).

Besides the traditional plain of family's establishment and regulation, Kosovo also has the Law on Family in place, which regulates in detail family relations. According to Article 3, paragraph 1, the regulation of family relations is based on several principles and the initial principle of "equality between men and women, mutual respect and assistance between them and family members." (Article 3, paragraph 1) Thus, any kind of discrimination between the couple is prohibited and gender equality is ensured, which is also guaranteed and protected by the international acts. (Gashi et al, 2012, p. 25)

Also, domestic violence is prohibited and protected by law in Kosovo, which in Article 1 of the Law on Protection against Domestic Violence determines that "this law aims to prevent domestic violence, in all its forms, through appropriate legal measures, of the family members, that are victims of the domestic violence, by paying special attention to the children, elders and disabled persons and also aims, treatment for perpetrators of domestic violence and mitigation of consequences." (Article 1) Domestic violence has now spread throughout the world, involving all social classes from different education, age, religion, community and economic situation backgrounds.

According to the data from the Kosovo Agency of Statistics and UNDP (2013-2014) over 42% of women in Kosovo have been affected by one or more forms of domestic violence. In comparison with other regional countries and other countries of the world, women and girls in Kosovo are considered more tolerant of physical abuse by not reporting the latter to relevant institutions. (Portal, Albainfo.ch, 2015) Failure to report domestic violence comes as a result of living in a patriarchal family and agreeing on being guided by the wishes of a person. Nevertheless, Kosovo Police Service is ready and open 24 hours a day to reporting any form of domestic violence.

As witnesses of domestic violence and the inability to survive as single mothers, many women fall on traffickers who promise them work and better economic conditions for the purpose of prostitution. Thinking of providing for themselves and becoming independent, they actually become slaves of their customers' wishes. Another category of personality deviance is children and minors who are tired of family conflicts and lack of parents' attention and therefore end up on



alcohol, drugs and other criminal actions. Therefore, every country needs a healthy society, and no healthy society can exist without a healthy family.

## **2.6. The Impact of Mass Media on Society**

In general, the influence of mass media on society plays a very important role, especially when it comes to criminality. The mass media can be considered all the print, electronic, television, radio, and other media. Today, with the development of technology and the quick spread of news, the mass media have a direct impact on society, on the one hand, and creating impressions on various issues both locally and abroad, on the other. In Kosovo as well as in other countries of the world, a fierce war between the state, namely political parties of position and opposition, and various interest groups on extension of their control and influence – on making news is recognized. Therefore, Kosovo and its society more than ever need independent media that would be fair indicators on the current situation of the country, including the real reflection of economic, educational, health, criminal etc. situation in general and freedom of expression and opinion in particular. Thus, freedom of opinion and expression, and especially “freedom from fear”, are first tendencies of fair and unbiased information of society. In addition, freedom of opinion and expression is guaranteed with national acts as well as international ones.

The impact of the mass media in relation to human trafficking in a society is extremely important, especially when it comes to campaigns aiming at raising awareness of society on how to prevent and combat all forms of human trafficking. In Kosovo, these campaigns are organized by state institutions and various non-governmental organizations which through the mass media convey their message to the care of any form of human trafficking. Besides campaigns that are usually done at certain periods of time, we constantly encounter, in both print media as well as electronic media, stories of girls who have been victims of trafficking. Therefore, the mass media are one of the main factors in the path towards building awareness of the level of criminality in the country, thus creating a special space for human trafficking, as one of the most common occurrences in Kosovo after the war.

Lately, the impact of mass media, namely bursting technology development, had a positive effect on preventing and combating crime, (including investigation, criminal offence and protection of victims), however often this technology development is impeding privacy in general and protection of personal data in particular. (Gerry et al., 2016, p. 205)

## 2.7. Lack of Border Control

One of the other reasons that contribute to the increased number of human trafficking cases is the lack of border control. Therefore, lack of adequate border control consists in increase of the opportunity to commit various criminal offenses, in particular offenses of trafficking, either with humans, drugs, weapons, smuggling of migrants etc. who while committing the crime will for sure cross a border point. Also insufficient border control by the relevant authorities is a brilliant opportunity for criminals or criminal groups to accomplish their “mission”. In Kosovo we recognize border control, air and rail controls.

Given the importance of border control, the country’s legislation has adopted the Law on Border Control and Surveillance, which in Article 2 states that “Border control includes border control and surveillance, analysis of threats and risks to national security and that could affect the security of the border and is carried out in order to:

- a) prevent and detect the criminal offences and minor offences and to detect and apprehend their perpetrators;
- b) prevent and detect the illegal migration and human trafficking;
- c) protect life, health of people, personal safety, property, environment and nature; and
- d) prevent and detect other risks to public order, legal order, national security and international relations.” (Article 2)

“Border control of the Republic of Kosovo is the competence of the Ministry of Internal Affairs, whereas duties dealing with border control are performed by the border police within the Police Service of the Republic of Kosovo.” (Article 5) Thus, the police is tasked to manage, control and surveil border point in Kosovo, to respect the rights of each person entering or exiting the territory of Kosovo, to control and verify travel documents, to control and ensure safety in the international airport, to prevent terrorist acts and also when required by the state to temporarily close borders. (Web, Kosovo Border Police) The purpose of border surveillance is “Border surveillance is performed in order to prevent illegal state border crossing, preventing cross-border crime and taking actions against persons who have illegally crossed the border” (Article 35).

Unfortunately, when crossing the border, human trafficking may be performed by a natural person and a legal one. Therefore, it is extremely important that police

officers are trained on identifying the suspects that aim to trafficking one or more persons. This is because when it comes to human trafficking aiming at other countries in the world, they must go through border control and in case the crossing is prohibited on time, the fate of the victim will change and the perpetrator will receive the punishment they deserve.

Therefore, lack of border control has affected and is still affecting in increased human trafficking cases all over the world, making possible trafficking after trafficking. (Laurie et al., 2015, pp. 91-92)

### **2.8. Insufficient Effectiveness of the Institutions Dealing with Law Enforcement**

One of the reasons connected directly to increased criminality in a country is insufficient effectiveness of institutions dealing with law enforcement. Inadequacy of institutions that are obliged to implement the law make on the one hand the crime to climb and also loose the trust of society to address their issues to these institutions, on the other.

To strengthen the rule of law, Kosovo must first work towards the impartiality of the judiciary and at the same time “dismantle” the latter from the politics, because their impact is considered a major concern by its citizens. Kosovo institutions dealing with the regulation and advancement of the justice system (courts and prosecutions) are not doing enough to create a new architecture of this system which will aim at increasing effectiveness, accountability and impartiality. (Strategy Paper for Kosovo, 2013) Despite the insufficient effectiveness on the rule of law, national institutions, besides legal infrastructure, have continuously developed and are still developing strategies and action plans on the rule of law in general and the prevention and combating all forms of crime, in particular. (National Strategy of the Republic of Kosovo on Crime Prevention 2013-2017, p. 6)

All institutions dealing with the rule of law must have the vision to provide security for citizens by imposing the deserved punishment for the perpetrator. Especially when it comes to organized crime, namely criminal offense of human trafficking, the relevant institutions must be very vigilant in the law enforcement, just because of its nature and sensitivity. Given the benefits from committing the criminal offense of human trafficking, serious condition of the victims and the increased number of cases are only some of the sufficient reasons in order that judges should be efficient and careful in relation to the law and the determination of sentencing. Any non-implementation of the law by relevant institutions is a second opportunity for the

perpetrator. Therefore, the relevant institutions should be more cautious in defining objectives and preparing the skills to avoid possible negligence to law enforcement.

### **Conclusions**

Criminogenic factors in general assist in the occurrence of crime, whereas the most frequent criminogenic factors of human trafficking phenomenon are: the difficult economic situation, poverty and unemployment, poor housing, human migration, domestic violence, the impact of mass media in society, lack of border control and insufficient effectiveness of the institutions dealing with law enforcement. These factors are not the only criminogenic factors that affect the occurrence of human trafficking phenomenon, however they are the most frequent external factors. Socio-economic factors are one of the external criminogenic factors extremely important in the spread of the phenomenon of human trafficking. Therefore, difficult economic situation, as one of the criminogenic factors, in most cases indicates the activation and advancement of crime in general and human trafficking in particular. Other factors affecting the increase in the number of human trafficking cases are poverty and unemployment, which usually on the one side unveil stalling and prolongation of a country's economic development, and on the other hand contribute to the growth and spread of criminal phenomena in general. Another factor is also difficult housing conditions, which in the after-the-war Kosovo was one of the main challenges, given that during the war a considerable number of houses were burnt. The most affected areas were rural areas, which in order to provide shelter they left their homes and moved to urban areas. On the other hand, houses in cities were not either excluded from burning. However, the massive movement from villages to the city has significantly hampered the issue of housing in Kosovo. Migration is another criminogenic factor that affects the increased number of human trafficking cases. Many people thinking that migration definitely brings material benefits end up in prostitution, smuggling of drugs, weapons, contract killing etc. Therefore, it is vital for migrants that during the migration to foreign countries they should preserve their identity; thus firstly they must choose the social network, work and everything else around them. The family is also one of the factors related to human trafficking, and especially when it comes to families with ongoing problems and conflicts that result in dissolution, separation of the couple, mutual disrespect and so on. In such a situation, both adults as well as children are likely to deviate and take the path of crime in general and human trafficking in particular. In light of these criminogenic

factors that affect the spread of the criminal offense of human trafficking is also the influence of the mass media in the society. The mass media has two sides of the medal, on the one hand, the media through TV programs and various reports can reflect negatively on society and on the other, hand exactly these programs and reports can positively impact on the increased awareness of society on a particular issue. Therefore, in many cases the impact of mass media on society plays an extremely important role, not excluding also the cases when it fairly presents the crime. Lack of border control is another factor contributing to the increased number of human trafficking cases. Inadequate border control by the competent authorities is a brilliant opportunity for the trafficker to accomplish the “mission”. And, the last but not least factor we addressed and analyzed in this paper is insufficient effectiveness of the institutions dealing with law enforcement. Inadequacy of the institutions that are tasked to implement the law makes the crime “climb” in one hand and also losing trust of society in addressing their issues to these institutions on the other

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