



**HUMAN TRAFFICKING,
HUMAN SECURITY,
AND THE BALKANS**

edited by **H. RICHARD FRIMAN** and **SIMON REICH**

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COMBATING TRAFFICKING

International Efforts and Their Ramifications

JULIE MERTUS and ANDREA BERTONE

Over the last five to eight years, a large and growing number of state, quasi-state, and non-state actors have been actively involved in combating trafficking in the Western Balkans.¹ Many of these actors respond to human trafficking as if it were a social and criminal phenomenon that can be isolated for moral condemnation and addressed separately from other problems. Such efforts are destined to fail because the connection between trafficking and poverty, unemployment, discrimination, violence in the family, and the demand in countries of destination is undeniable. The more effective responses to trafficking are those that address these structural problems head-on, and those that look to the future by strengthening the nascent human rights-based system for counter-trafficking, with a focus on prevention, protection, and prosecution.

Our goal is to provide a constructive critique of international efforts that will take into account the larger implications of their actions. The particular configuration of the international efforts to fight trafficking—how the efforts began, who has been involved, what issues have consti-

tuted the political agenda—all have definite social, political, economic, and legal implications for actors and issues: for the people who have been trafficked as well as those who traffic them; for human rights in general and for women's human rights in particular; and, finally, for civil society and the process of democratization in fragile countries. Improving the track record of international anti-trafficking programs will require both structural changes in the manner in which the problem is conceptualized and operational changes in the manner in which programs are implemented.

Trafficking and the Western Balkans

The dramatic rise in trafficking of persons in the Western Balkans during the mid-1990s was prompted by two major factors: the collapse of the Soviet Union and the subsequent economic and social turmoil that spread into the region, as well as the presence of thousands of international peacekeepers and other international workers in conflict areas. War-torn areas are acutely at risk of becoming sources or destinations for trafficking in persons. The disintegration of legal and political systems in the Balkans, combined with the region's porous borders, lack of visa requirements, high rates of corruption, and a surge of foreign capital fueled trafficking.²

All of the countries in the region have been implicated in the trafficking of women and girls into the sex industry. According to the 2006 U.S. *Trafficking in Persons (TIP) Report*, Albania is a source country; Bosnia and Herzegovina is a source, transit, and destination country; Croatia is a source, transit, and destination country; Former Yugoslav Republic of Macedonia is a source and transit country; Serbia and Montenegro is a source, transit, and destination country; and the UN Administered Province of Kosovo is a source area.³ Yet Kosovo illustrates the limits of such categorizations. By late 1999, over forty thousand NATO-led Kosovo Force (KFOR) and UN personnel troops had arrived. Soon afterwards, United Nations Development Fund for Women (UNIFEM) reported a significant rise in organized prostitution in four locations near significant concentrations of United Nations Mission in Kosovo (UNMIK) and

KFOR troops. By January 2001, UNMIK and KFOR listed seventy-five restaurants, bars, and clubs as off-limits to their personnel as it was believed that trafficked women were being forced to work in these locations. By January 2004, the list had grown to over two hundred premises. While the arrival of an international community catalyzed the growth of the sex industry, the clientele has become increasingly local. Both the International Organization for Migration (IOM) and the Center for Protection of Women and Children estimated in 2004 that 80 percent of men who patronize these premises are native residents.⁴

The vast majority of victims of trafficking in the Western Balkans are women and girls who have been coerced into prostitution or forced marriage by recruiters, pimps, boyfriends, or relatives. Many women know that they may very well become prostitutes, but are willing to take a risk given the very poor economic and/or family conditions they are currently experiencing. The profile of most trafficked women in the region indicates that, in addition to being poor or unemployed, the vast majority are between eighteen and twenty-four years in age, are unmarried, and live with their families at the time of their recruitment. These women are lured or coerced into prostitution via promises of a high-paying job or of marriage to a Western European or national abroad; by comparison, only a small minority are kidnapped.⁵ Between December 2000 and December 2003, IOM interviewed 105 trafficked women in Kosovo. Of those, 22 percent had been physically or psychologically abused within their family, 15 percent reported having experienced either physical or sexual abuse, and 7 percent testified to having been physically or psychologically abused by a spouse.⁶ In 2002, Human Rights Watch (HRW) surveyed 36 trafficked women in Bosnia and Herzegovina and all but one of them admitted to having voluntarily migrated for employment, desperate to escape appalling socioeconomic conditions. Over half of the trafficked women in Bosnia and Herzegovina who were interviewed by HRW were recruited by someone they knew, being promised jobs as waitresses, dancers, and housekeepers.⁷ In Kosovo, IOM found that over 80 percent of the women interviewed had been recruited by a friend or relative, while 22

percent professed to have been "at least partially aware that they might work in some sector of the sex industry" in addition to being legitimately employed. Trafficked women commonly reported that their documents, including passports, were confiscated in transit and many indicated having been subjected to a "breaking process" that often included violent threats and abuse. Even before they arrived at their destinations, these women were deprived of their liberty and forced to endure cruel or inhumane treatment. For example, 40 percent of trafficked women entering shelters bore signs of physical abuse.⁸ In Bosnia and Herzegovina, all the trafficked women interviewed by HRW reported not being given enough to eat, while one-third of them maintained that they were "psychologically tortured" by their "owners," including, but not limited to, intimidation, threats, lies and deception, emotional manipulation, and blackmail. All those interviewed reported losing their earnings through travel debts, fines, forced purchases, and outright theft.⁹ Trafficked women in Kosovo reported similar difficulties as well as confinement to "unhygienic, overcrowded, and stressful conditions."¹⁰

The data on how many women are trafficked into and within the Western Balkans are extremely unreliable. Most information is derived from women who have been rescued or who have sought help from international and national organizations. Therefore, it is impossible to extrapolate from that population a reliable estimate of the total number of women who are in a situation of exploitation from which they cannot escape. Furthermore, government data collection generally does not distinguish between women who are irregular migrants, smuggled, or trafficked, resulting in an undercounting of the latter. Some Balkan government agencies also are reluctant to publicize or share data on trafficked women as they consider that data "classified" or simply too "poor" to publish.¹¹ Finally, it is sometimes the case that police and other authorities are in connivance with trafficking and organized crime rings, and their best interests are served when data on trafficked persons are not collected or publicized.¹²

International Responses

International organizations, governments, and nongovernmental organizations have compiled extensive reports on trafficking in the Western Balkans and the broader area of South Eastern Europe.¹³ These reports reveal international responses to trafficking as falling into two major categories—law enforcement and human rights approaches.

The law enforcement approach to combating human trafficking refers to activities relating to writing and implementing anti-trafficking measures, capturing and prosecuting traffickers, and the training of police and other defenders of the law such as lawyers and judges. Whereas these activities are obviously necessary to combat trafficking, many have argued that the state and international organizations undertake these activities to the detriment of the human rights of trafficked persons. The law enforcement approach is viewed as encompassing “repressive” strategies that focus on the suppression of negative phenomena related to trafficking, including illegal migration, labor migration, illegal and forced labor, prostitution, child labor, and organized crime. These strategies implemented by law enforcement agencies are designed to stop illegal or undesirable activities and to punish those who are found guilty of trafficking and related crimes.¹⁴

A human rights approach refers to activities that emphasize prevention of trafficking, protection of trafficked persons after they have been removed or escaped from the trafficking situation, and psychosocial rehabilitative services. Strategies within a human rights framework are “empowering” to victims of trafficking through their focus on enabling people to protect themselves by addressing the root causes of the crime. Such strategies might include measures to overcome poverty, procedures to address discrimination, and mass education and public-awareness programs to publicize the risks and dangers involved in trafficking.¹⁵

In the past, the majority of programs implemented by international organizations and funded by foreign donors have focused on narrow approaches to combating trafficking, including training police or carrying out an information campaign on the dangers of trafficking. For funding

purposes, law enforcement and human rights approaches have been segmented into limited length projects. Many of the current criticisms of international organizations are that anti-trafficking programs are rarely coordinated among the multiple governmental, nongovernmental, international, and local actors in a country. Ideally, rights-based strategies should be subsumed under prevention of trafficking, prosecution of traffickers, and protection of trafficked persons.¹⁶ Illustrating an integration of approaches, the European Union, in its Strategy on Trafficking, suggests two interrelated solutions: strengthening law enforcement capabilities (a “repressive” strategy) and improving economic conditions (an “empowering” strategy). In essence, the EU has applied its accession guidelines toward the issue of trafficking.¹⁷

While empowering strategies have been adopted by many values-based NGOs, some governments, and some intergovernmental organizations, Western Balkan countries and their international counterparts have tended to follow another route. The law enforcement approach has been their dominant method in combating human trafficking, as reflected in the countries’ National Action Plans. These plans address the interests of the state—prevention of migration and prevention of organized crime—as opposed to protecting the interests of victims of human rights violations.¹⁸ As Barbara Limanowska reports: “The strategies used were, in the first place, of a legislative and prosecutorial nature, while long-term prevention and protection of the rights of the victims were seen as second, or distant, priorities.”¹⁹

The Organization for Security and Cooperation in Europe (OSCE) has also taken a law enforcement approach to combating trafficking. With a focus on creating legal remedies and strengthening the capacity of local police, the OSCE has worked with governments to write and implement anti-trafficking laws and has supported the training of judges and lawyers. Moreover, the OSCE has primarily undertaken the responsibility to encourage the development and implementation of National Action Plans of the Balkan countries, although recently it has also concentrated a great deal on the prevention of trafficking and the protection of trafficked persons.