

**ANALYSIS OF CROSS-BORDER
COOPERATION IN THE FIGHT
AGAINST HUMAN TRAFFICKING
AND
GENDER-BASED VIOLENCE**
-
RECOMMENDATIONS

Author: Saša Ilić

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ANALYSIS OF CROSS-BORDER COOPERATION IN THE FIGHT AGAINST HUMAN TRAFFICKING AND GENDER- BASED VIOLENCE WITH THE RECOMMENDATIONS



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Autor: Saša Ilić

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Introduction

In order to improve the systemic response of society to the problem of human trafficking, this document refers to four municipalities that gravitate to the so-called migration routes and that geographically rely on each other. Those four municipalities are Bujanovac, Presevo, Partes and Ranilug. In these municipalities, activities as part of the "cross-border cooperation" project against human trafficking and human smuggling were organized.

In addition, prevention and gender-based violence early warning, as well as the protection of victims, are incorporated in the project activities and therefore this document deals with the problem of gender-based violence as well as with legal mechanisms and problems in suppression of domestic violence.

The intention of this document is to explain, recommend and in some way ensure the understanding of the importance of respect and protection of human rights, continuous comprehensive response of society through an improved system of prevention, assistance and protection of victims, timely identification of cases in practice and monitoring of effective prosecution of perpetrators. Also, it should recommend tools for the suppression of human trafficking through functional connection and institutional capacity building of all actors in the government and civil sector in accordance with the dynamics of new challenges, risks and threats.

In order to understand better the problem of criminal acts such as human trafficking and human smuggling, the document will describe migration, migrant routes, the geopolitical position of the Western Balkans, as well as the importance of the above-mentioned municipalities as a transit zone. The document will also explain the consequences for the victims of human smuggling, human trafficking and sexual exploitation, hiding of the perpetrators of crimes due to non-cooperation of the regional and border police in Eastern Kosovo and Southern Serbia.

The specific goals of this policy are to explain and compare the legal systems in Kosovo and Serbia, compare international conventions with national legal systems, and recommend to local authorities the possibilities of applying positive practices.

Since there is a "vacuum" in the cooperation between the ministries of internal affairs of Serbia and Kosovo and between other institutions and authorities at both central and local level, of great importance for public is that this policy explains the importance and function of the newly created "network" that consists of members of different professions, education and nationalities. This network will act territorially in the territory of these four municipalities aiming to ensure indirect cooperation.

Methodology

The methodology used in preparation of this document is based on data obtained from preliminary research consisted of numerous interviews with citizens and consultations with local officials, institutions, local and regional police. Data and results from workshops held with representatives of CSOs, media, centres and institutions for social work, local and regional police officers, coordinators of safe houses and experts in migration, human trafficking and human smuggling as well as gender-based violence were also used.

Before writing this document, there were individual constructive meetings with representatives of associations, directors of institutions dealing with human trafficking, protection and care of victims, as well as with the mayors of the above-mentioned municipalities and their associates. Their statements, as well as an analysis of the current situation, will be an integral part of this document.

A significant piece of the data were collected in the work itself with a group of people who have never been informed or who have never been in their work thoroughly acquainted about the emergence of the migrant crisis or gender-based violence, as well as on victim protection and prevention systems in their community. These data were used to analyse the level of information of citizens in this region. Also, how ready the community is to react to this social phenomenon; whether the communities have trust in local institutions; what are the victim protection systems, whether the community is sociologically wise ready to distinguish between lucrative proceeds originated from criminal acts and whether the community traditionally cultivates stereotypes about discrimination against women and children. In addition, by joining the members of the network using the multi-ethnic approach, it was possible to analyse the differences and similarities in the communities themselves (Albanian, Roma and Serbian) that gravitate to this area of Southern Serbia and Eastern Kosovo.

During the educational part, experts and trainers have not only worked with about 40 individuals through the classic methods of seminars and workshops, but have also evaluated the degree of knowledge of the problem thus enabling the participants to present examples, develop mutual communication in multiple languages, to socialize and have direct conversations with competent institutions and police station officers. In this way, the potential of the participants, the level of cross-border cooperation, the will and desire for cooperation at the local level, the level of expertise of centres for social work staff and other institutions that will also be part of this document, as well as their representation in the community were analysed.

The secondary data were collected from the official websites of relevant state and local institutions, statements of officials and relevant entities in the media, as well as from databases of published statistical official data available to the public via electronic media and published analyses of professional civil organizations.

Description of issue

Migration

Cause, consequences, geopolitical developments, Mediterranean and Balkan route

The European migrant crisis or the European refugee crisis as the term officially began to be used since 2010 when due to geopolitical circumstances such as wars and severe economic crises, a large number of people from Asia and Africa, but a significant number from Southeast Europe, more specifically from Albania, moved mainly illegally to the countries of Western Europe. The crisis escalated with the civil war in Syria and due to the bad political and economic situation in North and Central Africa. We must know that, according to Article 14 of the UN Convention, migrants who leave their country due to war or imminent threat of war are considered war refugees and have the right to request asylum, and the signatory states of this Convention are obliged to provide it.

At the very beginning of the crisis, illegal migrants mostly used the sea route to Greece and Italy; however, with the creation of new crises in Asia (Afghanistan), the movement of migrants took the land route through Turkey to Bulgaria and Greece and further to the Western Balkans. Although in part, this Balkan route is still used by migrants (war refugees), the greater number of so-called labour migrants who due to difficult living conditions in their home countries migrate to the EU. This migration takes place massively in groups and in an organized manner, where when they reach the countries of the Western Balkans, they illegally try to break through the Serbian-Hungarian-Croatian border. We need to know that these economic migrants do not have the right to seek asylum and can therefore be deported. Residence in transit countries, as the description itself says, is temporary, and considering that the migrants' intention is to go to the EU, those migrants use these transit countries for grouping and waiting for favourable opportunities and circumstances for illegal crossings directly, but more often through intermediaries, i.e. smugglers. At the very beginning, the smugglers were local residents, however, in recent times, smuggling has been developed to such an extent that the organizers are migrants themselves who have been in these territories for a long time and who are familiar with the boundary lines and border protection measures or with unprotected border areas; or poorly protected ones.

The political establishment of the European Union showed solidarity with migrants fleeing from war-torn areas, but after some time, a part of the European Union, i.e. its public, started a campaign of harsh criticism of the general policy of openness towards migrants, in some countries even causing the physical closure of borders, such as the example of Hungary's border with Serbia. Instead of quick and efficient action and assistance to transit countries in order to manage and deter economic migration, to protect border areas and to register migrants more efficiently, an atmosphere of non-solidarity and zones of insecurity for the movement of the local population started to appear. In addition, there was a shift from the welcome atmosphere to extreme opposite where the citizens of some European countries protested against the policy of openness towards migrants. (Example of large anti-immigrant protests in Greece in 2020). By the way, the Greek islands that are located near the sea border

with Turkey are the sea route to the EU countries, and at one point those islands accepted a larger number of migrants than the number of the local population. In summary, that means that there is a large disproportionality in the reception and care of migrants from there in the EU countries. There is also a problem of increasing dissatisfaction of the host countries population and additional motivation that some EU countries going towards becoming only a transit zone, which further creates the possibility not only for human smuggling but also for human trafficking.

An important country on the way to the Balkan route is Turkey, which has accepted over a million people, however, the politics of relations towards migrants in Turkey also depends on the political relationship between Turkey and the European Union. Therefore, if that relationship is disturbed, as is the case with Turkish President Erdogan (Tayyip Erdogan) who announced in 2020 that he will let about a million migrants to the European borders, it will create additional pressure on the European Union and especially on transit countries. For example, 2015 was the peak of the migrant crisis, and at that time, more than a million people passed through the Western Balkans (North Macedonia, Kosovo, Serbia, and Bosnia and Herzegovina) to the EU.

With the beginning of the war in Ukraine, there was another wave of refugees and according to the latest data published by the UNHCR in January 2023, estimates show that almost 8 million people (7,977,980) left Ukraine. However, unlike economic migrants, this migration comes from a European country affected by war. It also differs in terms of age and gender structure, where most of them are women and children and their status is refugee one with the characteristics of temporary residence and the possibility of realizing citizens' rights of the first recipient country, namely: the right to education, employment and movement outside the refugee centres, purchase of real estate, etc.

The Reception Centre in Vranje is close to the city itself and currently accommodates 83 people, 21 of whom are under 18 years of age. Adults are women. Their status is according to all international standards "Temporary Protection". In a conversation with representatives of the Commissariat for Refugees, children are allowed to attend school, while adults can access the labour market and have complete freedom of movement. Because the Reception Centre is located in an area where human smuggling takes place, one project activity was specifically related to the visit of this Centre in order to assess the possible risk of refugees becoming victims of human smuggling and human trafficking. The members of the "network" suggested that because of the fact that there are women and children in the Centre and that it is located on a migrant route, i.e. where smuggling groups "lurk", the risk of human trafficking must not be excluded.

Migration situation in Eastern Kosovo and Southern Serbia

The focus of this document is the region of the Western Balkans (Northern Macedonia, Serbia and Kosovo) which geographically occupies a favourable position for only temporary stationing of migrants, and the fact that an insignificant number request asylum supports this

fact. Although there are currently 15 reception centres in Serbia and 3 in Kosovo, taking into account the large accommodation capacities and excellent accommodation conditions with adequate health care, a very small number of migrants stay in them. For example, the Reception Centre in Preševo has a capacity to accommodate 1,000 people, which at the time of writing this document accommodated about 800 migrants from Afghanistan, but they stay only 72 hours, which tells us that the migrants are moving further towards the border with Hungary. The situation is similar in the Asylum Centres in Vranidol and Lipljan, although with smaller capacities, migrants do not stay there for a long time. This Western Balkan route is the most dominant because of the easier and safer transit by land, and migrants primarily from Syria, Afghanistan, Pakistan, Iran and Iraq most often use it. The route branches in several directions across the entire border of North Macedonia with Serbia and Kosovo, but the most active crossings are the ones on the territory of the municipality of Presevo. Although there are huge efforts to protect the border from illegal crossings with the involvement of police border agencies after Austria, Serbia and Hungary signed tripartite agreement on border protection; it cannot be hermetically closed. According to the statement of the head of the Border Police, Mileta Jandric, on the border with Hungary, after armed confrontation between groups of migrants themselves, around 1,000 people who come mainly from Afghanistan and Morocco were arrested. It should be noted that the Commissariats for Refugees and Migration do not have the mandate to detain forcibly migrants in reception centres. In fact, according to the statement of the Director of the Asylum Protection Centre in Serbia, it is all about the division of interest zones or territories between criminal groups, smugglers who are only carrying out the tasks as conspirators. An additional problem is that the Hungarian authorities are "pushing back" migrants in violation of the agreement on the readmission, and according to his estimate, there are around 2,500 people waiting to cross the border with Hungary. These people are easy prey for smugglers, mostly fellow citizen of asylum seekers, who again take money from them for border crossing attempts. Cash is rarely carried, and transactions are paid rarely in cash. The transaction is carried out through so-called "hawaladars" and mostly through Western Union Bank. Summarized by the analysis of his statement, it is about organized crime that is multi-national, and such assertions substantiates arrest of smugglers of different nationalities. However, because of these incidents, states and society must not create an anti-migrant atmosphere having in mind the fact that those people had to leave their countries due to war or a difficult financial situation and often on the verge of starvation. The Reception Centre in Vranje is close to the city itself and currently accommodates 83 people, 21 of whom are under 18 years of age. Adults are women. Their status is according to all international standards "Temporary Protection". In a conversation with representatives of the Commissariat for Refugees, children are allowed to attend school, while adults can access the labour market and have complete freedom of movement. Because the Reception Centre is located in an area where human smuggling takes place, there is a risk that refugees will become victims of human smuggling and human trafficking.

Problems and consequences of the termination of cooperation in the prevention of human trafficking and human smuggling

The situation of monitoring and registering migrants in this area is further complicated by weak or non-existent mutual cooperation between the cross-border police, the police stations in Presevo, Ranilug, Partes and Bujanovac, as well as with the regional police directorates in Vranje and Gnjilane. In a conversation with the deputy regional commander of the Police Directorate in Gnjilane, we learned that the cooperation ended in 2021 and with it as well the exchange of information. The lack of cooperation provides fertile ground for organizing human smuggling and human trafficking. Criminal groups from this business can move from one legal system to another where they will not be prosecuted due to the failure to recognize warrants, criminal offenses and ultimately due to the failure to exchange information on the movement of migrants, people suspected of human smuggling or human trafficking. This is supported by data from December 2022, where nine members of a criminal group from Vranje, Presevo and Surdulica were arrested on the charge of having facilitated the illegal crossing and transportation of 90 irregular migrants in a period of two months. In addition, according to the Police from North Macedonia, in October 2022, five members of a criminal group from the territory of Kosovo were arrested under the same charge. Unfortunately, these are not isolated examples, but frequent ones with the tendency showing in increase of criminal groups.

- Disruption of the exchange of data on the movement of migrants between police directorates opens the door for smugglers to organize smuggling through unofficial crossings, and through their own information network they can access data on unsecured parts of the borders.
- Therefore by the same principle human trafficking can also take place unhindered.
- Mutual non-recognition of legal systems gives the perpetrators of criminal offenses the opportunity to flee from the system where they committed the crime to another system where they will not be prosecuted.
- Victims of trafficking, in this case, may lose all opportunities for contact and communication with their home country, especially when it comes to sexual exploitation, due to the destruction of personal documents, language barriers for potential communication with institutions, lack of knowledge of the terrain and cities where they are placed.
- According to information received from managers of safe houses in Serbian areas, mutual cooperation does not exist or is very weak with other safe houses or shelters, as well as cooperation with institutions, the police, the prosecutor's office and centres for social work. The situation is the same with the exchange of data on victims in regional police directorates. So, a victim who is released or is registered on his/her own can stay longer in an environment where the same language is not spoken, is not informed about the process and procedures, and remains without contact with his/her family or home country, sometimes for a long period of time. Additionally, due to non-cooperation, the victim spends critical moments without adequate medical assistance, psychological support and legal protection.
- Incidents warn, especially when firearms are used, that this problem must be solved systematically, where the Police must be accessible and must communicate more with citizens, institutions and the media.

**In Annex I of this document you can find a map of the routes of the Western Balkans.*

** Annex II of this document contains legal frameworks.*

Gender-based violence

Cause, consequences, legal mechanisms, prevention

Because the society in both Kosovo and Serbia does not deal with this issue enough in the sense of referring the general public to the essence for a better understanding, it is necessary to explain what this term represents. Therefore, "domestic violence represents the use of physical and psychological force against family members, endangering and injuring the domain of safety and trust and the exercise of control and power over family members, regardless of whether it is prescribed as a criminal offense in domestic legislation and whether the perpetrator of violence is reported to law enforcement authorities or not.

What is meant by physical violence?

Not only attempted murder and murder, but also: twisting the arm, burning body parts, kicking, threatening with a weapon, pushing, punching, scratching, biting, locking in space, hitting with various objects, physical coercion into sexual intercourse.

A form of psychological violence and abuse?

It is any behaviour characterized by humiliation and ultimately persecution and the forms are threats, home isolation or restriction of movement, threats to take away custody of children, verbal aggression, and destruction of private and joint property, psychological torture and coercion into sexual relations.

The aforementioned coercion into sexual relations also has its own forms

It is any forced sexual intercourse by physical threat of force, humiliation, coercion into unwanted sexual intercourse, or coercion into sexual intercourse with other persons. Also, the obligation to striptease, sadistic sexual intercourse, forcing a partner to have sexual intercourse after physical abuse, setting the condition for keeping marital relationship, coercion into extramarital sexual intercourse.

Economic violence includes:

Deprivation of financial resources, denial of food and basic needs, control of health care. This form of violence relates to the control of the partner through the household and financial income or the prohibition for decision making in spending money, denying the right of ownership of joint property, damage or destruction of property, theft of property, etc.

Isolation as a form of violence

Any illegal confinement or restriction of freedom of movement is considered to be isolation and an illegal act. In theory and practice, there are situations of isolation, exclusion of a family member from society (interaction with the outside world), and restriction of freedom of use of rooms within the living space, denial and destruction of personal documents. There are also cases where a family member or family subjects their disabled family member to isolation.

* Annex III of this document contains national legal frameworks and International Conventions

Causes

The common factors of domestic violence are equal and universal, namely the desire for dominance, the violent nature over the weaker. As for these four municipalities, with certainty and the testimonies of many victims who found shelter in safe houses, the most common causes are jealousy, money or property, control of finances, adultery. Physical violence as form of the violence is the most prevalent because psychological violence is more difficult to define and recognize on the part of the victim, but according to experts from institutes and safe houses, physical violence is certainly preceded by psychological abuse. Partes and Bujanovac are typical ethnically mixed municipalities, however, the number of mixed marriages is very small, and thus we cannot talk about violence due to ethnic belonging. However, another factor that is less characteristic for Ranilug and Partes is **the economic situation** of the population with a large number of families that depend on social assistance. Therefore, this factor dominates in Bujanovac and produces discord in the family where we have frequent cases of children forced to leave school, children under the age of 18 forced to marry, and children also forced to work or beg. In these two municipalities, another **external social factor dominates**, namely the influence of customary law and culture. The factor of culture and unwritten customary law dominates both in Bujanovac and Presevo, as well as in Ranilug and Partes, in the sense that victims **are reluctant to report their problems** to the police or workers of the centre for the social work. The reason for this is firstly, distrust that the community they belong to will understand what a victim is, that they will find support and not condemnation. Usually, the victim of violence does not have the support of his/her relatives or even his/her parents. The unwritten rule is that a bad marriage is more acceptable to society than a divorce. Certainly, the common law practice here is inheritance not equally divided within the family where in most cases women are the ones damaged, and the woman, as a victim in this case, does not enjoy property rights and has no possibility to arbitrarily leave the marriage. This fact only discourages the victim of violence from reporting the violence. Often, the result of not reporting or the victim's decision to suffer only leads to a worsening of the situation, and the consequences are often physical beatings. Unfortunately, we are witnessing the consequences of the murders. Another aspect of customary law is that when we talk about coercion into sexual relations, only that kind of violence is not reported because of shame and again because of the misunderstanding of the community. In Ranilug and Partes, customary law has another dimension, which is that "everything must stay in the family". For this reason, the family and community is more closed. There are also other causes, namely: alcohol consumption, division of property among family members, jealousy and gambling. Here too, it is common practise that immovable property inherit mainly men and that a woman does not have to be economically independent, cannot be politically active, that she has a lower level of decision-making. Here I will highlight another phenomenon of older family members being excluded from social life, who are often isolated and a number of them feel rejected. It is worth noting that in all four

municipalities, there is no gerontology centre and there is no community trust that they should be placed in regional centres, because there is no communication between communities at that institutional level with those institutions. Therefore, members of the Serbian community do not decide to request accommodation in the centres in Kosovo, and there are cases with the Albanian community in Presevo and Bujanovac, but in smaller numbers. Among the older population in Ranilug and Partes, there is a feeling of mistrust due to ethnicity belonging and language barriers. This feeling also prevails when it comes to non-reporting of domestic violence by victims.

Consequences

There is an increased number of reported cases of violence. The victim of violence reports the case to the police when she is beaten and then the victim returns to the perpetrator of the crime who easily manipulates and blackmails the victim. A victim of domestic violence does not find the understanding of the community and is often isolated by both family and society, especially when she returns home after reporting. That family is no longer able to function and there are no cases where the perpetrator is not a repeat offender. Institutional support is weak or non-existent, so it further complicates the family situation and only makes the victim suffer longer. This contributes to a situation where victim is unlikely to report the violence again.

Problems in the prevention and protection of victims of gender-based violence

- Thus far, lack of sufficient interest, capacities and professional staff in the regional centres for social work to dedicate themselves to solving problems at the local level.
- Thus far, lack of sufficient interest on the part of local self-governments to devote to families and solving social problems.
- There are no or very weak activities that directly educate vulnerable groups on human rights.
- Due to the lack of institutional cooperation between these four municipalities, we have little trust of citizens in institutional protection, even though population migrations occur in both directions of these two regions (Gnjilane and Vranje).
- Cooperation between the police does not exist at all levels, from border, regional to local. The consequence of that is that the offender or the perpetrator of the crime can easily take refuge in another legal system where there is no prosecution because the systems do not recognize each other.
- The fixed opinions from unwritten common law are slow to change and produce problems that are difficult to resolve. There is insufficient number of centres for vulnerable groups of people.
- The educational system is passive and does not recognize categories or does insufficient work on educating schoolchildren and the population on human rights, in our case, on human trafficking and human smuggling, and especially not on gender-

based violence, violence against the weak, the sick, developmentally disabled persons and peer violence.

Common problems characteristic for Bujanovac, Preševo, Ranilug and Parteš

- Unfortunately, media in these areas that inform the public in such a way that the society becomes familiar with the mechanisms of prevention and protection of victims of violence are rare. Most media publish information as a sensation when the victim has already suffered violence and even less is published about victims of human trafficking. This topic seems to be stigmatized because this information for the media, when the basic facts are covered up, ceases to be a sensation. There is no interest in investigative journalism. Namely, the media in these four municipalities are insufficiently empowered and economically independent to expose the network of smugglers, human traffickers or deal with the victims.
- The majority of citizens in rural areas and especially citizens from these four municipalities are not aware of human trafficking or forms of gender-based violence, about recognizing and ways of notifying competent authorities for the sake of prevention.
- Citizens are also afraid to report to police not only suspicions, but also when they are eyewitnesses of criminal acts due to possible complications with the perpetrator's family and the revenge of the perpetrator. They also believe that they will not receive adequate protection, but also for the reason that they do not want to be part of court proceedings.
- The public is not sufficiently informed about legal regulations regarding the protection of victims, about protection systems and institutions that provide protection.
- Security authorities are not interactive with citizens regarding these issues.
- Centres for social work do not have enough capacity to cover the work of the entire municipality.
- The educational system does not sufficiently deal with this problem and does not address these topics and issues.
- Citizens have not sufficiently developed the awareness that certain norms of customary law are not in the spirit of modern democratic principles and are not in accordance with the applicable law.
- Local self- governments are unable to take care of economically weakened families. There are no long-term strategies regarding the improvement of the material situation of the poorest.
- Individual civil organizations are not sufficiently developed to independently develop programs for empowering vulnerable groups in their community.

Recommendations

1. To strengthen the cooperation of local self-governments at the level of cooperation of its centres for social work through the network of civil organizations when this is impossible through a direct line.
2. To connect the newly established network at the level of civil organizations with specialized institutions that deal with the protection and care of victims in order to improve prevention and protection.
3. To encourage online communication between police directorates and border police in order to prevent human smuggling and human trafficking.
4. To strengthen the non-governmental sector to work directly with the population in order to overcome the norms of customary law.
5. To strengthen safe houses both economically and personnel-wise.
6. To provide additional training assistance to social work workers, employees in safe houses, police who deal with migration, human trafficking and gender-based violence.
7. To establish in Partes a Centre for the development of local services that provides social protection based on the principle of operation of the same one in Vranje.
8. To strengthen the media through the training of journalists in research and monitoring of migration routes and to encourage investigative journalism.
9. The network should monitor the process of attitude towards and treatment of victims by the police, prosecutor's office, social work workers, safe houses and ways of media reporting.
10. The civil society network should help local self-governments to establish teams to combat human trafficking and gender-based violence, where the network would help in creating local action plans.

*The civil society network under the informal name "Help me" was created after four seminars and training by licensed trainers in the field of human trafficking and gender-based violence and is the result of the "cross-border cooperation in the fight against human trafficking" project.

The network consists of Albanians, Serbs and Roma from Bujanovac, Presevo, Ranilug and Partes with different educational background and professional occupations.

The goal of networking is to overcome the vacuum that arose due to political developments in the cooperation between the ministries of interior affairs of Serbia and Kosovo, by way of intermediary exchange of information.

The mandate of this network is to collect and process data from citizens and forward it to the border, local and regional police in Vranje and Gnjilane.

An important component is the establishment of mutual communication and cooperation between institutions, safe houses, and centres for social work, media, civil sector and other actors related to this issue from Bujanovac, Presevo, Ranilug and Partes.

The purpose of the network is to have a preventive effect and to work on early warning of institutions and security authorities. Also, to impose greater responsibility on society through its influence and participate actively in the fight against human trafficking and human smuggling as well as in the prevention and protection of victims.

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