

## Illegal Migrations Along the Balkan Routes

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### ABSTRACT

Human trafficking is a crime strictly connected to globalization: combating it is becoming a priority in the International Community agenda .

As to the Balkan scenario and taking into consideration the author's fieldwork experience in Bosnia and Herzegovina, this paper describes the anthropological methods employed to analyze this human rights violation in Eastern Europe and tries to suggest some solutions.

It demonstrates how important crime perception is in arise awareness among the civil society and how a qualitative approach is essential in prevention activities, investigations and victim rehabilitation programs.

**Keywords:** *illegal migrations, Balkans, human trafficking, smuggling, organized crime.*

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### *1. Human trafficking and smuggling of migrants: definition, aspects and an international overview*

In the globalized world, values of personal dignity, human rights warranties and democracy seem fundamental priorities in every informal or formal code, in national and international law; but the last United Nations report tells us that around 2.4 million of people are presently enslaved.

It is important to notice that the statistics in the field of illicit crimes are usually not reliable and not comparable<sup>1</sup>. In particular, in the case of human trafficking, it is almost impossible to collect proper data: the only available ones are provided by those NGOs carrying on activities for the protection and rehabilitation of the victims.

Article 3, paragraph (a) of the *Protocol to Prevent, Suppress and Punish Trafficking in Persons* defines this crime against humanity as

the recruitment, transportation, transfer, harboring or receipt of persons, by means of the 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 of the 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 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.

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<sup>1</sup> Pangerc, *op.cit.*, 2012.

We need to distinguish it from smuggling of migrants, defined by article 3 of the Migrant Smuggling Protocol - supplementing the United Nations Convention against Transnational Organized Crime - as:

procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.

These new forms of exploitation and slavery are hidden in the obscure spaces of the market economy: migrants and criminal organizations find a sort of common agreement, even though this relationship is clearly asymmetric in favor of the exploiters, who have capitals, information, logistic support, knowledge of the territory and well-established social networks<sup>2</sup>. The formers are attracted by new economic opportunities or need to escape from their countries of origin; the latter have a granted free use of human resources – in many cases, they receive a payment to manage and exploit the migrants.

The huge disparity between powerful and disadvantaged countries has pushed millions of people to leave their homeland for other parts of the world where to develop a new life project. Mass communication tools have contributed to this movements, because they have spread the knowledge about living and working conditions of people everywhere; if seen from the East, the Western part of the world seems to be significantly more favorable, progressing, and attracting by migrants, even though this is a mystification or, as we say in anthropology, an *imagined ethnography* which does not reflect the real living conditions in a particular context.

In the last 20 years, human trafficking has become the third largest and the fastest growing industry in the world, accumulating 32 billions of dollars a year. After drugs and weapons crimes, it is the most profitable illegal market, and it is more detrimental than the others<sup>3</sup>. The success of this kind of illicit trade is due to the lack of any standard, such as health or deduction to be met, and thus, profits have no limits. If a migrant approximately costs about 2000 dollars, the trafficker, the employer, or the pimp, can triplicate this money in a few days of work of the slave. The main reason of this market profitability, its rapid growth, and its worldwide spread, is that people who traffic illegal drugs and weapons can sell their commodities only once, while human beings can be sold time after time. Wide networks of transnational criminal organizations – often coalitions created ad hoc for a specific purpose<sup>4</sup> – manage this business: their functional cooperation is flexible and hard to detect, also because of the widespread corruption of institutions which are *de facto* directly or indirectly involved in the illicit activities<sup>5</sup>.

As the French criminologist Alain Bauer says, it is a question of *crime perception*: human trafficking and smuggling of migrants are considered simple forms of business, a

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<sup>2</sup> Pangerc, *op.cit.*, 2012.

<sup>3</sup> UNODC, *op.cit.*, 2011.

<sup>4</sup> Boissevain, *op.cit.*, 1974.

<sup>5</sup> Spiezia, Frezza and Pace, *op.cit.*, 2002.

very peculiar business but not a crime *tout court*. This explains why all the counter-trafficking activities carried on by International Organizations, NGOs, Ministries of Interiors and decentralized cooperation initiatives as well, are not sufficient to combat this social evil. A very important tool to have a global overview of the criminal phenomenon is the Trafficking in Persons annual Report, published by the United States Department of State<sup>6</sup>. It includes more than 180 countries divided into three Tiers, plus a sub-group in Tier 2 called Tier 2 Watch List. Tier 1 consists of countries whose governments fully comply with the minimum standards of the Trafficking Victims Protection Act (TVPA)<sup>7</sup>. The second Tier incorporates Countries whose governments do not fully comply with the TVPA's minimum standards yet, but that are making significant efforts to reach them. Tier 2 Watch List includes countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards and: the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or the determination that a c is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the c to take additional future steps over the following year. The last Tier, the third, encompasses countries whose governments do not fully comply with the Act's minimum standards and are not making significant efforts to reach them (TIP Report, 2012). The TIP Report encourages global awareness and aims at empowering every State to analyze its own situation concerning human trade.

## *2. Illegal migrations and the Balkan scenario: an anthropological approach*

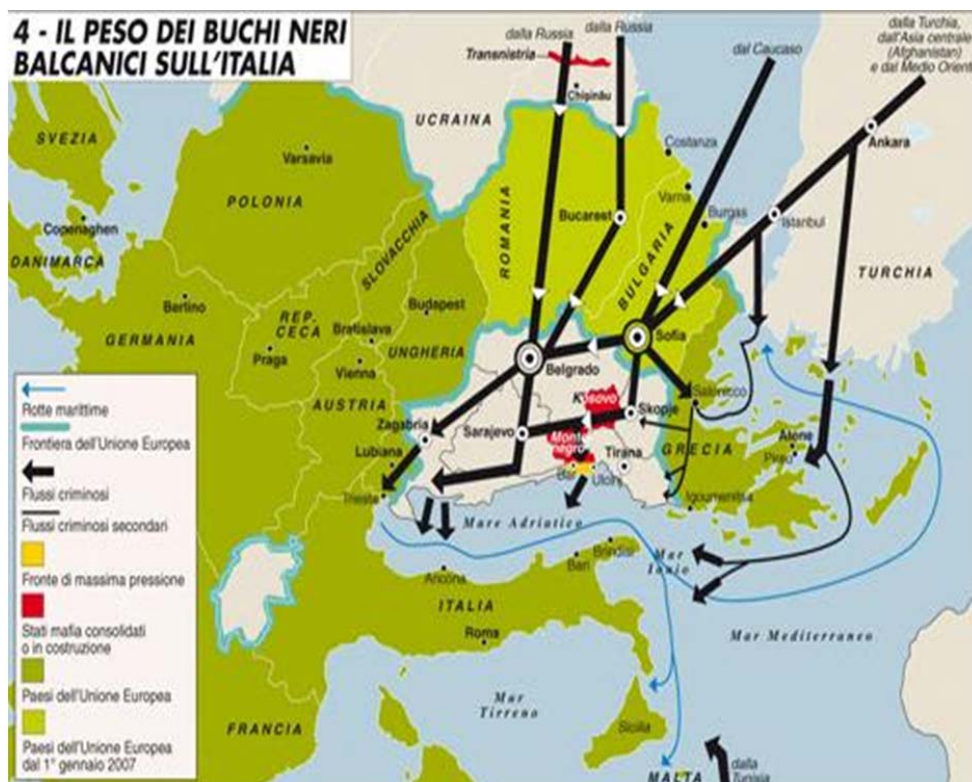
From the TIP Report classification, the anthropologists who operate on the field can demonstrate that statistics do not reflect the real situation which the local social actors know very well. Let's focus on some case-studies I have investigated in 5 years, by following the migrants' fluxes passing through the Balkans, directed to Italy. The investigations were carried on through anthropological method: fieldwork research, active participant observation, creation of reliable informants' networks<sup>8</sup>.

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<sup>6</sup> TIP Report, *op.cit.*, 2011.

<sup>7</sup> The Trafficking Victims Protection Act (TVPA) of 2000 is the first comprehensive U. S. federal law to address trafficking in persons, by taking into consideration two aspects of the criminal phenomenon: sex trafficking and labor trafficking. The law provides a three-pronged approach that includes prevention, protection, and prosecution. The TVPA was reauthorized through the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2003, 2005, and 2008.

<sup>8</sup> Pangerc, *op. cit.*, 2012.



Source: *Limes: Rivista Italiana di Geopolitica*, 4/07. The map shows the intersection of the different illicit trades from the Balkans to Italy.

#### Case 1: Bosnia and Herzegovina

After the 1992-1995 war, Bosnia and Herzegovina was essentially assessed as a country of transit and destination for victims from East Europe, mainly Romania, Moldova and Ukraine. Through significant actions of counter-trafficking and the creation of the Office of the State Coordinator for Combating Trafficking in Human Beings and Illegal Migration, a systematic reduction of the number of trafficked victims was registered, but OSCE Report 2007 revealed that this reduction could be also explained because the victims were no more brought in and out of the borders, but internally trafficked<sup>9</sup>. Through the victims' identification, the Report underlined that, for the first time, the number of citizens of BiH exceeded the number of foreign trafficked people. The most concerning fact is that 44% of total identified victims were minors, all from Bosnia and Herzegovina, especially from Roma communities which are present in the country.

<sup>9</sup> OSCE Report, *op.cit.*, 2007.

The elements which determine and contribute to trafficking in human beings in Bosnia and Herzegovina are: domestic violence, gender inequality, gender based violence, child abuse, poverty, very poor economic and social position of minorities, especially Roma, and the high number of displaced persons and refugees. An additional factor which makes hard to stop the crime is the still insufficient civil society's awareness about trafficking in human beings phenomenon, its causes, consequences, and ways to prevent and eliminate it.

Moreover, the difficulties faced by the central government are connected to the institutional weakness caused by the division of BiH into two Entities, Federation of Bosnia and Herzegovina and Republika Srpska, which continue to prosecute criminals through separate strategies<sup>10</sup>.

So, in the next future it will be necessary to intensify investigations, to solve the ambiguities and conflicts in jurisdiction, to assure victims' protection and to encourage raising awareness campaigns.

#### *Case 2: Albania*

Albania is a source country for men, women, and children trafficked for the purposes of sexual exploitation and forced labour, including forced begging. Albanian victims are trafficked primarily to Greece, but also to Italy, Macedonia, Kosovo, Spain, France, the UK, and other Western European Countries, as well as within its borders. Available data indicate that more than half the victims of trafficking are under the age of 18, here included the so-called *argati* or minors in leasing<sup>11</sup>.

This peculiar form of minors' slavery is, in some cases, legitimated by those communities which still refer to the *Kanun*<sup>12</sup>, to regulate their society. In the "Book Three: Marriage", Chapter 6 "The Family (Father, Mother, Children)", article XXXIII, paragraph 59, we can read the rights of the father over his sons:

The father has the right:

[...] b) To beat, bind, imprison, or even to kill his son and daughter without being liable before the law, which considers this to be the same as suicide: "Who kills himself does not incur blood";

c) To place his son in paid service as many times as he likes because "While the father is alive, his son is considered to be a peasant";

[...] e) To sell and to buy, to give and to take [...].<sup>13</sup>

Of course, this phenomenon is linked only to some rural and poor communities and among Roma groups. In fact, the term *argat* "slave" is used linked to the term *gazda* which means "owner", in a lot of nomadic dialects of the Balkans<sup>14</sup>.

<sup>10</sup> OSCE Report, *op.cit.*, 2007.

<sup>11</sup> Pangerc, *op.cit.*, 2012.

<sup>12</sup> *The code of Leke Dukagjini, op.cit.*, 1989.

<sup>13</sup> *The code of Leke Dukagjini, op.cit.*, 1989, p.44.

So, the government of Albania does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so, also in collaboration with European institutions and BKTF, *United for Child Care and Protection*, a coalition of NGOs in charge of victims' assistance, protection and rehabilitation.

The concerns of the International Community regard especially the participation or the facilitation of public officials in human trafficking activities: this situation is quite regularly confirmed also in the other Balkan States. The stability in the Balkans is under threat because of illegal transactions, migrations, labours and criminal organizations. As we saw, an alarming phenomenon has taken place in the last years all over the Balkans, also in Turkey: these countries have become the best way for transit of human beings across Western Europe; moreover, some of them created an internal market of human trade.

#### *Case 3: Turkey*

In particular, Turkey - because of its peculiar geopolitical position and configuration - plays a pivotal role in migrants' fluxes directed to Europe and has become one of the major country of destination of trafficking, in smaller part a transit for women and children trafficked for forced labour and mainly for sexual exploitation from the former USSR and Eastern Europe. The main motivation of this growth, especially concerning sex trafficking, is related to the 90's, when this phenomenon has become extremely huge with the disintegration of the Soviet Union.

This demise of the socialist States has produced the effect of exploitation: many people from poor areas have been smuggled to rich, industrialized, and western countries, and have been abused and manipulated for high and luring profits. There are three main land routes used by traffickers to transit in Turkey: the first is by Iran, Iraq or Syria, arriving to Turkey, to leave towards Bulgaria, Romania, Hungary and reaching the other Western European Countries; the second way to reach Turkey is across Greece, Macedonia, Albania, thus, crossing the Adriatic Sea, reaching Italy and the other European countries; the other principal route to reach Western Europe is through the Croatian border, still easy to be trespassed<sup>15</sup> - as all the borders between Balkans and Italy.

The main air route to reach Western Europe is especially used by people coming from Africa, who mainly use the Atatürk airport of Istanbul. The principal route is: Dakar, Tunis, Istanbul. Once they reach Istanbul, they halt for a few days and they later lead towards Sarajevo. Istanbul-Sarajevo is *de facto* one of the most important routes for human trafficking and smuggling. Other important hubs in Turkey are the port of Odessa and Istanbul, where illegal migrants are shipped and transported<sup>16</sup>.

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<sup>14</sup> Pangerc, *op.cit.*, 2012.

<sup>15</sup> Narli, *op.cit.*, 2006.

<sup>16</sup> Europol Reports, 2009.

### 3. Conclusions: best practices in social and judicial cooperation and operational suggestions

Facilitation of illegal immigration and trafficking in human beings are two distinct crime fields requiring specific responses and responsibilities but they present some overlapping areas concerning the management of the human fluxes and the so-called *push and pull* factors which develop and widen migration movements. Moreover, in the majority of cases, incomplete information may lead to the classification of trafficked as smuggled and *vice versa*. Anyway, all the signed International Protocols, the adoption of new definitions of slavery in the various penal codes, the measures activated by Task Forces of legal and social experts (i.e. GRETA, Groups of Experts on Action against Trafficking in Human Beings), the collaboration with agencies like IOM (International Organization for Migrations) and the research activities of institutes as SELEC (Southeast European Law Enforcement Center, based in Bucharest) demonstrate that the International Community is hardly working in order to combat illegal migrations and their connections with organized crime.

Organized crime, as we said, assumes a transnational dimension to manage illicit trades: Europol Reports underline the solid cooperation between ethnic Albanian criminal groups and Romanian ones in the field of the trade in women especially for purposes of sexual exploitation. Other counter-trafficking operations of the recent past, such as “Oriente 1” carried on by the Italian Anti-Mafia Prosecutor Nicola Maria Pace, remarked alliances between Chinese mafia and Croatian criminal groups (Pangerc, 2012). So, if the crime is transnational, the institutional answer has to be transnational as well: this means a strong coordination between civilian, judicial, military, institutional organs at a national, and international levels. Case-studies showed also the strong problem of the corruption of officials, politicians and international operators in the Balkan area<sup>17</sup>.

Another aspect to take strongly into consideration is the role played by civil society and NGOs: IOM, in its *Handbook on Direct Assistance for Victims of Trafficking*, published in 2007, summarizes and systematizes its 18 years of experience, recognizing each victim as unique and requiring different assistance. The training of officials, legal experts, shelters’ staff and military members on counter-trafficking themes is essential in order to ensure the personal safety and the collaboration of the victims as witnesses during the trials against the criminals.

So, IOM adopts a comprehensive approach, which leads to build a program where legal, institutional and social operators are mutually involved in the victims’ assistance and also in the provision of sanctions and penalties for perpetrators. In order to reach also the “possible” victims, media’s involvement is fundamental to bring a strong message and sensitize the civil society to the theme. The support actions to give help and assistance to the victims cannot be implemented only by authorities, but by every social actor involved or informed of the above-mentioned criminal phenomena. NGOs, as representatives of the civil society, have to deal with many aspects of the issue in this field,

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<sup>17</sup> Human Rights Watch Reports.

such as in the prevention domain, with the rising of sensibility and consciousness among citizens and victims, through awareness programs and campaigns. Other NGOs duties are the support to the government for the implementation of the new legislation in the Balkan scenario, through the monitoring and rescuing of victims, the provision of several means to display and implement new policies and procedures, and the creation of new systems in the struggle against human trade.

Playing this significant role, NGOs need to be economically sustained by the national governments - also through the recourse to international funds - for the creation of infrastructures, such as shelters and centers providing health and social services, and for the communication campaigns. In this sense it is also substantial the creation of networks among NGOs, in order to increase their potential and also to refrain different organizations from concentrating on the same aspects and to avoid the risk of a reproduction of their projects with a consequent waste of funds. The projects must be directed also to keep a detailed database of the victims' cases and to create monitoring agencies for the victims; to help the development of skills among the most vulnerable communities to promote alternative ways of subsistence (*Harvard Model United Nations*, Boston, 2007); to create new job opportunities to prevent people from falling into criminal activities and networks (*Global Program on Trafficking in Persons and Smuggling of Migrants*); to create new shelters or relief centers with counseling, legal and psychological support services; to start rehabilitation programs in order to reintegrate the victim in the society; finally, to protect the victims in order to foster them in the exercise of their rights to denounce and testify against the traffickers and offenders.

Slavery as an institution that degraded man to a thing has never died out. In some periods of history it has flourished: many civilizations have climbed to power and glory on the backs of slaves. In other times slaves have dwindled in number and economic importance. But never has slavery disappeared<sup>18</sup>.  
(Milton Meltzer, 1993).

According to me; dividing the paper into sections would make it more comprehensive. In addition; sometimes you use the terms human trafficking and organized crime interchangeably; or at least that's the perception I have; therefore I suggest starting with a clear definition of both terms. Are they the same? Do they differ? If yes, in which aspects.

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<sup>18</sup> Meltzer, *op.cit.*, 1993.



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