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IRREGULAR MIGRATION FLOWS AND HUMAN TRAFFICKING IN THE WESTERN BALKAN COUNTRIES: CHALLENGES OF THE CONVERGENCE OF COUNTER-TRAFFICKING RESPONSE

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Abstract

Irregular migration on the Western Balkan route has marked an unprecedented number during the last five years. Evidence indicates that both, non-European nationals and Western Balkan citizens have been involved in this complex migratory flow being exposed to various risks of human trafficking. But Western Balkan countries are source, transit and destination countries of human trafficking while their states are not well organized to implement a comprehensive and well-coordinated regional response to combat it. This paper aims at examining challenges faced by the Western Balkan countries to converge anti-trafficking response while facing increased irregular migratory waves. Using secondary data it illustrates various disparities and differences among them concluding that a well-coordinated, multi-faceted and integrated regional response is needed to combat this humanitarian problem.

Key words: irregular migration; Western Balkan route; human trafficking; weak state; counter-trafficking response

INTRODUCTION

Migration is significantly increased in XXI century becoming more complex and including diverse categories of migrants. According to estimations, there are more than 247 million international migrants (Thompson 2015). Since 2011, the strategic geographical location of the Western Balkan countries became increasingly attractive serving as an important pull factor of irregular movement of citizens from Syria, Afghanistan, Pakistan, Somalia, Algeria, Morocco and Tunisia to the European Union (Cvejić and Babović 2014; Zitnanova 2014). This trend peaked in 2015 (FRONTEX 2015; IOM 2015) where a total of 34,775 cases were detected by the European Union Member States bordering the Western Balkans during the second quarter of 2015. This figure represents a 24 percent increase with the level of irregular migration recorded during the same period of 2014 (FRONTEX 2015).

Illegal border crossing on the Western Balkan route has been complex and mixed with irregular migration of the nationals of the Western Balkan countries (FRONTEX 2015; IOM 2015). Triggered by economic underdevelopment of their area, high unemployment rate,

political instability and visa liberalization system applied to them for a short stay to the European Union Member States, irregular migratory trends of the Western Balkan nationals escalated (Zitnanova 2014). But irregular migration flows observed raised a number of challenges to the Western Balkan countries taking into consideration their complex processes of independent state formation during post-Yugoslavia period and difficult path from isolated socialist system to open market economy (Cvejić and Babović 2014).

It is argued that illegal migration is closely linked with human trafficking and this grave human rights abuse will continue to grow as long as illegal migration pressure remains high (Mahmoud and Trebesch 2010; Thompson 2015). Currently, the Western Balkan countries are the source, transit and destination countries for human trafficking (USA Department of State 2015). Even though human being trafficking is defined as a criminal act in their respective criminal codes (EU 2015), they fail to comprehensively and sustainably combat it due to various factors mainly related to weak state, corruption and lack of a regional approach.

This paper aims at examining challenges faced by the Western Balkan countries to converge their anti-trafficking response while facing increased irregular migratory waves. It uses secondary data to describe the scale and nature of irregular migrations flows on the Western Balkan route during the last years analyzing a range of shortcomings they face to comprehensively combat human trafficking. It is organized in five parts. Following introduction presented in the first part, a brief overview of the socio-economic and political context of the Western Balkan region is provided in the second part including its internal dynamics and ongoing developmental disparities. The third part outlines the nature and scale of irregular migration on the Western Balkan route highlighting its characteristics and vulnerabilities where irregular migrants are highly exposed. An analysis of challenges faced to converge counter-trafficking response in this region with a special emphasis on weak state, corruption and lack of effective regional cooperation is presented in the fourth part. Finally, conclusions are drawn on the fifth part.

BRIEF SOCIO - ECONOMIC AND POLITICAL CONTEXT OF THE WESTERN BALKAN COUNTRIES

In this paper, the Western Balkan countries consist of six states respectively, Albania, Bosnia and Herzegovina, Macedonia, Kosovo, Montenegro and Serbia. They cover a total area of 207,831 square kilometer and are populated by 18,687,196 inhabitants (CIA 2015). In general, this region is very diverse representing a mosaic of cultures, religions and ethnicities which have gradually shaped its characteristics over years (Zitnanova 2014). Since the beginning of 1990s, its development has been impacted by three events and processes: a) the collapse of socialist system and centralized economy; b) the disintegration of Yugoslavia and various conflicts during the process of new independent states formation; c) the process of the European Union enlargement (Boano et al 2003).

Transition of these countries to capitalism has been very slow because of their imbalances and inequalities in development (Jeleva 2012; Zitnanona 2014). Underdevelopment of small, sensitive, highly interconnected and interdependent economies depends on aid, loans and remittances making them unable to withstand competitive pressures of the European Union market (CEES and EFB 2014). Uncompleted structural transformation

processes that started almost two decades ago have been featured by high levels of state intervention and low levels of institutional complementarity with the European Union markets (CEES and EFB 2014; IMF 2015). Underdevelopment of private sector deepened during global economic crisis where economies of these countries were exposed to other external shocks respectively, reduced capital inflow from abroad and reduction of export demand (CEES and EFB 2014). Higher long-term unemployment rate especially among women and young people increased indicating failure of the economic growth to reduce it and 'trickle down' to the neediest groups (Black et al 2007). Mass waves of labor migration were triggered in the region (Zitnanova 2014), while informal economy flourished becoming a severe threat for fragile economies of the region. Exports consist on low-value added products while economic growth is mainly driven by external demand for them (Jeleva 2012). Key socio-economic indicators of the Western Balkan countries are presented in Table 1.

Table 1: Key socio-economic indicators of the Western Balkan countries (CIA, 2015)

Countries	Total population (in 2014)	GDP (PPP) in 2014 (in billion USD)	GDP per capita (PPP) (2014) in USD	Unemployment rate (in 2014)	GINI index	Population below poverty line
Albania	3,029,278	31.59	11,400	18 %	26.9	14.3 %
Bosnia and Herzegovina	3,867,055	38.29	9,900	43.9 %	36.2	17.2 %
Macedonia	2,096,015	27.72	13,400	28 %	43.6	30.4 %
Kosovo	1,870,981	16.92	NA	30.9 %	30	30 %
Montenegro	647,073	9.428	15,100	18.5 %	26.2	8.6 %
Serbia	7,176,794	95.84	13,400	19.7 %	38.7	9.2 %

Political instability and social tensions accompanied post-war recovery of the region. Newly established independent states faced multiple challenges caused by complete break-down of the old political, social and administrative structures (Zitnanova 2014). The process of reconciliation that started after violent conflicts of the 1990s is far from complete (CEES and EFB 2014; Jeleva 2012). Internal political polarization is consolidated in the hands of uncompromising political elites and ethno-nationalist parties (CEES and EFB 2014; van Ham 2014). Weak state structures and lack of the rule of law caused region's re-feudalization (Riley 2013). Its path to the European Union membership is challenged by multiple and chronic ills (CEES and EFB 2014).

OVERVIEW OF THE SCALE AND NATURE OF IRREGULAR MIGRATION ON THE WESTERN BALKAN ROUTE

The migratory profile of the Western Balkan countries is very diverse because their migration dynamics significantly changed over the past few years transforming this region in an important migration hub (Cvejić and Babović 2014). Initially region's migration was characterized by outflows of the Western Balkan nationals while nowadays extensive migratory movements indicate that it serves as both, transitory and destination region (Zitnanova 2014). Irregular migration significantly increased during the period 2010-2014 (FRONTEX 2015). Irregular migration is defined as migration that does not follow rules and procedures established to regulate the international movement of people in origin, transit and

destination countries (IOM 2011). Its main characteristics are illegal border crossing and illegal stay in the country (Cvejić and Babović 2014). Reports indicate that the Western Balkan route has been extensively used by migrants from Africa and conflicting zones of Asia who transit through Greece, Macedonia and Albania, and continue through this route to reach the European Union (FRONTEX 2015; Lembovska 2013; USA Department of State 2015). The majority of them are single males aged 18-35 years (Zitnanova 2014). Data indicate that during the second quarter of 2015, illegal border crossing of Afghans and Syrians on the Western Balkan route represented 40 percent and 30 percent of the detected irregular migrants. Compared to the same period of 2014, the total number of illegal Syrian migrants increased 20 fold, followed by illegal Afghan migrants 17 times higher and illegal migrants from South African countries by 6 fold (FRONTEX 2015). Figure 1 shows the trend of this movement in this region.

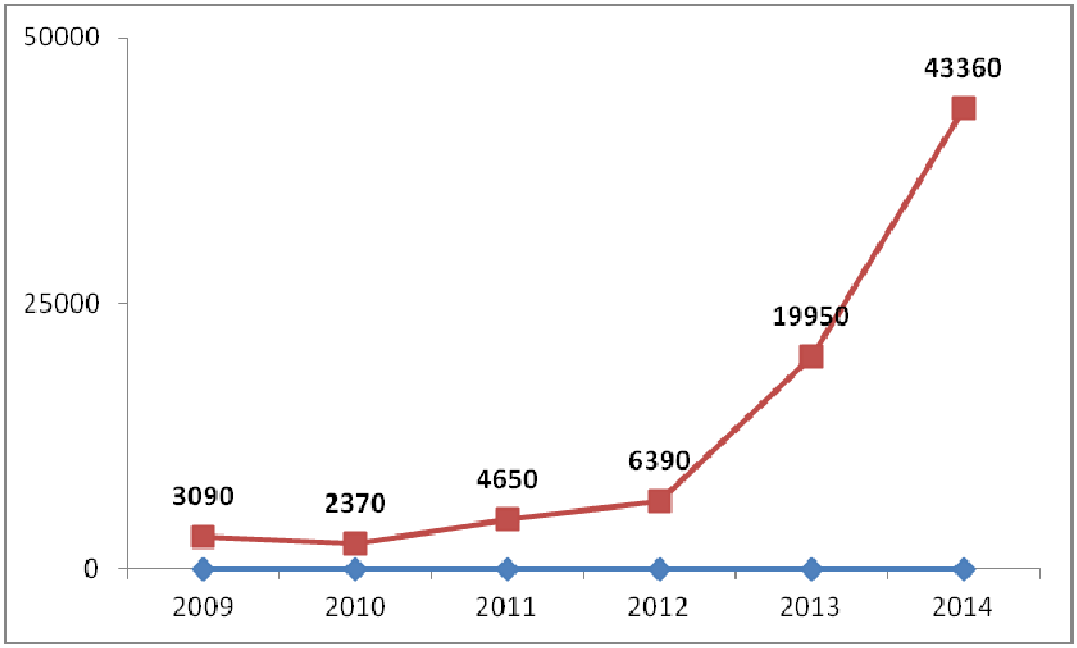

Figure 1: Illegal border crossing on the Western Balkan route: 2009-2014 (FRONTEX, 2015)

But irregular migration exposes migrants to a range of vulnerabilities mainly related to abuse, exploitation and discrimination. They are in danger of being involved in human trafficking which is a serious violation of human rights (IOM 2015; UN 2013). Evidence indicates that irregular migrants on the Western Balkan route are facing high risks from traffickers and criminal networks (MHUB 2015). They become subject to severe violence and coercion, while their life in shadow in destination countries makes them prone to abuse by traffickers (Mahmoud and Trebesch 2010). Exploitation of victims of human trafficking shows not only the vulnerability of those who choose or are forced to irregular migration but also the risks that they are willing to undertake in order to leave their country and go to another (Thompson 2015). It has to be mentioned that in crisis-effected situations, irregular migrants are usually ignored and rarely prioritized. Currently, the Western Balkan region has

low capacities to support them because it suffers from weak social service support system, while traditional support structures have been broken down increasing migrants' vulnerabilities and making them an easy target for traffickers (Thompson 2015).

CHALLENGES OF THE CONVERGENCE OF TRAFFICKING RESPONSE IN THE WESTERN BALKAN REGION

Human trafficking is a humanitarian problem which is becoming the most horrifying business (Mahmoud and Trebesch 2010). Research indicates that there is a close link between illegal migration and human trafficking (Lembovska 2013; Mahmoud and Trebesch 2010). Human trafficking is viewed as an inevitable side effect of migration in the age of globalization. Its incidence increases as migration escalates (Lembovska 2013; Mahmoud and Trebesch 2010). Determinants of human trafficking can be found in both, demand and supply side. On the *demand side*, large-scale of migration may increase the opportunities of the traffickers to easily recruit potential victims making this market very attractive. Taking advantage of the local shadow migrant industry, areas of mass migration provide a continuous supply of potential victims (Mahmoud and Trebesch 2010). On the *supply side*, population of economically poor, deprived and conflicting areas might see migration as the sole strategy to start better life and increase economic opportunities. This has implications for their migration process because they might be prone to illegal border crossing or give their consent to exploitative working conditions (Mahmoud and Trebesch 2010).

Human trafficking in the Western Balkan countries

Article 3 of the paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons defines human trafficking 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" (UN 2000, 2).

Despite difficulties faced to collect exact data about human trafficking in the Western Balkan countries (Pangerc 2013; UN 2013), consecutive Trafficking in Persons reports show that they are source, transit and destination countries of human trafficking (USA Department of State 2015). The scale of this phenomenon is higher than that reported by their concerned government authorities (Zitnanova 2014). Inadequate mechanisms of victims' identification have limited them to sexual exploitation only increasing their bias (EU 2015). Table 2 shows the total number of victims of human trafficking identified in the Western Balkan countries during the period 2009-2013.

Table 2: Victims of human trafficking identified in the Western Balkan countries during the period 2009-2013 (EU, 2015)

Countries	**Years**				
	2009	**2010**	**2011**	**2012**	**2013**
Albania	94	97	84	92	NA
Bosnia and Herzegovina	69	25	35	39	NA
Macedonia	5	5	8	4	1
Kosovo	29	39	39	54	52
Montenegro	3	-	1	2	1
Serbia	85	76	74	63	45

The phenomenon of human trafficking in the Western Balkan countries falls under two categories respectively, sexual trafficking of women and irregular migration headed for the European Union countries (Ağir 2014). Except Macedonia, the governments of other Western Balkan countries do not fully comply with the minimum standards for the elimination of human trafficking despite efforts made. For almost one decade, they have been ranked in Tier 2 (USA Department of State 2015). Table 3 shows Tier ranking of the Western Balkan countries during the period 2007-2015.

Table 3: Tier ranking of the Western Balkan countries, 2007-2015 (USA Department of State 2014, 2015)

Countries	Year								
	2007	2008	2009	2010	2011	2012	2013	2014	2015
Albania	2	Watch list 2	2	2	2	2	Watch list 2	2	2
Bosnia and Herzegovina	2	2	2	1	1	2	2	Watch list 2	2
Macedonia	2	1	1	2	1	1	1	1	1
Kosovo	NA	NA	2	2	2	2	2	2	2
Montenegro	2	Watch list 2	Watch list 2	2	2	2	2	2	2
Serbia	2	2	2	2	2	2	2	2	2

At international level, the Western Balkan countries (except Kosovo) have ratified the 2000 United Nations Convention against Transnational Organized Crime and the 2005 Council of Europe Convention on Action against Trafficking in Human Beings (Zitnanova 2014). At national level, human trafficking is defined as a criminal act in the criminal codes of the respective countries under study (EU 2015). Moreover, comprehensive anti-trafficking legal frameworks have been adopted along with action plans to combat human trafficking. Institutional structures and referring mechanisms have been established to enhance prevention, protect victims and prosecute traffickers (Zitnanova 2014). However, the picture of the victims of human trafficking in the region is limited due to lack of cooperation between the country of origin and the country of destination (EU 2015).

But increased irregular migratory movements on the Western Balkan route found countries of this region unprepared to address needs of big groups of migrants who arrive in their territories especially from irregular migration. Even though the elements of irregular

migration are explicitly defined by these countries in a similar way, strategic documents developed by them lack information about specific measures, while strategies implemented are neither monitored nor evaluated (Cvejić and Babović 2014). In general, there are no legal arrangements in place to support and protect migrants as well as deliver victim-centered and human rights-based services to them. Therefore, they are exposed to various difficulties to access adequate treatment and attention in respective countries (Zitnanova 2014). Lack of opportunities for a decent life in this region is limited to irregular migrants who might be willing to stay (Cvejić and Babović 2014).

Weak state

A weak state is defined as the state that is unable to enforce rules or unwilling to implement consistent policies (Ağir 2014). Key structural problems that characterize the phenomenon of the weak state are inadequate institutional performance and legitimacy deficits (Ağir 2014). Irregular migration and human trafficking can be successfully combated in the Western Balkan countries if they work together to ensure an effective regional police cooperation. But they are currently challenged by a) human and administrative under capacity; b) superficial cooperation; c) lack of police cooperation projects between non-EU and EU member states (Lembovska 2013). Even though the region shows a tangible achievement on its path towards European Union accession, the Fragile State Index indicates that weak states of the region pose a challenge not only for their countries but also for their neighbors (FFP 2015). Table 4 shows ranking of the Western Balkan states based on their levels of stability and pressure among 178 worldwide nations in 2015.

Table 4: Fragile State Index of the Western Balkan countries, 2015 (FFP, 2015)

	Score	Ranking (among 178 nations)	Ranking interpretation
Albania	61.9	125	low warning
Bosnia and Herzegovina	77.4	79	warning
Macedonia	64.5	118	low warning
Kosovo	NA	NA	NA
Montenegro	54.2	132	stable
Serbia	73.8	92	warning

The presence of the weak states in the Western Balkan region has created favorable environment for blooming of irregular migration, human trafficking, corruption and region's insecurity (Ağir 2014). Institutional structures and mechanisms established at national level to implement legal and policy frameworks are not always translated into practice. Shortcomings are observed in practical coordination and insufficient application of standard operating procedures for identification of victims and their protection (Zitnanova 2014).

Corruption

Corruption is a serious threat for the Western Balkan countries that inspire EU integration. It undermines state legitimacy and hampers region's prosperity (van Ham 2014). Corruption is deeply rooted in political elites and state institutions of the region (Ağir 2014) contributing to challenging institutional setting making unable to implement effective anti-corruption policies (UNODC 2011). Being systematic and well-organized, it is an area of vulnerability of the region that negatively impacts adoption of anti-corruption measures in line with the EU standards and establishment of a healthy market economy guided by consolidated institutions (Ağir 2014).

Commitment of the governments of the Western Balkan countries to adopt comprehensive anti-corruption international legal instruments into their national policies did not always yield positive results. They ratified the 2004 United Nations Convention against Corruption (UNCAC) in order to implement review mechanisms through a peer review process by encouraging a nationally driven participatory approach towards anti-corruption reform. In addition, they also ratified the 1999 Council of Europe Civil Law and Criminal Law Conventions on Corruption which led to the establishment of anti-corruption programs and action plans throughout the region (UNODC 2011).

But, the Western Balkan nationals rank corruption as the third biggest problem (UNODC 2011), while the 2015 Corruption Perceptions Index calculated for 168 countries worldwide shows that this phenomenon has increasingly hijacked state institutions of this region marking an worrying trend (Transparency International 2015). It is high in Kosovo, Albania and Bosnia and Herzegovina. Table 5 shows Corruption Perceptions Index in the Western Balkan countries in 2015.

Table 5: Corruption Perceptions Index in the Western Balkan countries, 2015 (Transparency International 2015)

	Score	Ranking (among 168 nations)
Albania	36	88
Bosnia and Herzegovina	38	76
Macedonia	42	66
Kosovo	33	103
Montenegro	44	61
Serbia	40	71

Furthermore, corruption of the police officers has been very problematic for law enforcement to combat human trafficking. For instance, in Albania, official complicity in trafficking issues remains high. Police corruption in Kosovo and Bosnia and Herzegovina has created an environment that has facilitated trafficking crimes, while in Serbia bribery has influenced on trafficking cases (USA Department of State 2015).

Regional cooperation

Complex nature of irregular migration combined with high levels of human trafficking call for a well harmonized and synchronized regional approach to be addressed. Adoption of Southeast Europe 2020 Strategy for regional management of migration is a good start to enrich institutional support of these countries (Cvejić and Babović 2014). Support provided by IOM and UNHCR to develop a comprehensive regional approach on Refugee Protection and International Migration in the Western Balkans seeks to strengthen the capacities of these states to address migratory movements from outside the region by fostering national and regional dialogue as well as practical cooperation on issues of common concern (Zitnanova 2014).

However, national response and regional cooperation are not fully enhanced leading to lack of coordination and effective horizontal implementation of mechanisms (IOM 2015). Shortcomings in proper implementation of the current legislation combined with gaps in institutional structures and underdeveloped capacities of services have hampered creation of a protective environment challenging effectiveness of anti-trafficking initiatives undertaken (Zitnanova 2014). Complex nature of irregular migration might exacerbate disparities in capacities of the Western Balkan states to respond to it. Lack of harmonized and coordinated regional responses might shift irregular migratory pressures to other neighboring countries (Zitnanova 2014). Therefore, strengthening of the sustainable cooperation among regional partners is crucial to combat human trafficking and reduce the vulnerabilities of migrants (Thompson 2015).

CONCLUSION

Located at the cross road between Europe and Asia, the Western Balkan region is transformed in an area of significant increase of mass irregular migration to reach the European Union. Complexity of this area which tries with unresolved issues of the past, inequalities and imbalances in economic development, weak social service support system, incomplete process of state building and consolidation has increased vulnerabilities of irregular migrants exposing them to high risks of human trafficking. Various nationally-oriented and locally driven anti-trafficking efforts have been tailored but they did not produce positive results because they were not well-coordinated and harmonized with other counter-trafficking initiatives at regional level. This regional problem requires a regional approach to be tackled. There is no “one size fits all” approach. Therefore, new regional initiatives supported by international community should be strengthened and adopted to national policies and action plans. Besides this, a multi-faceted, integrated, sustainable and synchronized regional anti-trafficking response is highly required to protect victims of trafficking and monitor the quality of standards and procedures implemented to these rights holders.

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