

SOME PHENOMENOLOGICAL CHARACTERISTICS OF THE HUMAN TRAFFICKING IN ALBANIA DURING THE PERIOD FROM 2003 TO 2014

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Abstract

The criminal phenomenology is part of a particular branch of Criminology, which studies the forms of criminality, its structure, the criminality's change structure, and criminality's dynamics. It studies the way the criminal acts are presented and also the social and individual characteristics of their authors. Along with this definition, this branch of criminology consists in studying the form of criminal acts presentation; it describes the outward forms of certain criminal acts and their extent, their time distribution as well as their tendencies, size and volume. Some juridical and criminological systems separate the authors according to this criterion in even more categories, as for example: minors, major minors, young adults and mature adults. However, several criminological researches complete the criminology classification according to age groups. Thus, there can be often found some classifications, according to which the 20-25 years of age category is the most represented, then there come the 25-30 and 30-35 years of age groups, where a gradual decrease in criminality can be detected. By the end of this classification there is the over-35-years-of-age group, whose characteristic is a progressive decrease in criminality, there are also the over 50 and over 60 groups of age, which are characterized by a significant decrease in criminality. Related to criminality's division according to the author's gender, criminality is a typical masculine reaction.

In this paper, considering the human being trafficking phenomenology dimension, the contents from the area of criminal phenomenology, of the volume, dynamics and statistics of criminality and the most important data related to criminality will be included with the proper elaboration.

Keywords: Volume, dynamics, criminality, trafficking, prostitution

Introduction

The target of this paper is the trafficking in human beings seen on statistical and victimological viewpoints. Human trafficking is influenced by the socio-economic conditions of a country. The aim of this paper is to present the situation by focusing on some key moments like the volume and stages of human trafficking, the main types of exploitation as well as the basic characteristics that make up the profile of a victim of trafficking in Albania for the period of time from 2003 to 2014. The used methods, on which the conclusions of the paper are based, are mainly with statistical nature and comparative study of individual cases based on final court decisions.

The volume and dynamics of human trafficking

It turns out that human trafficking is not included in the group of the criminal offenses continuously increasing and most proceed judicially by the courts of Albania. According to the Statistical Yearbook of the Ministry of Justice in 2005, in Albania there are proceed judicially 35 crimes of human trafficking (referring to articles 110/a, 114/b, 128/b of the Criminal Code) and this is the largest number of cases proceed by a final court decision. In the table below, we have the appearance of criminal offenses for this offenses group:

Year	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
No. of criminal cases proceed	35	15	21	10	17	7	5	13	2	2

Table No. 1

When compared the total volume of cases processed by the courts for serious crimes over the years, there can be noticed that the crimes of trafficking in human beings are reduced substantially, and furthermore, they represent the only group of crimes which has decreased. In addition, there is shown that the offense with the highest frequency among the group of trafficking offenses is the trafficking of women for prostitution, provided by Article 114/b of the Criminal Code (from 121 crimes of human trafficking proceed, 84 of them are crimes of trafficking of women). While fewer crimes in number, for the period of the survey, are those of trafficking of persons, as provided by Article 110/a of the Criminal Code, with respectively 11 criminal cases proceed judicially.

Regarding the trafficking of women, it appears that trafficking of women is performed in aggravating circumstances, with large numbers of victims and severe forms of cooperation. Such cases proceed judicially are numerously. The Court of Serious Crimes in a criminal decision argues: *"...From all the evidence, it is clear that the defendant R.E. cooperated ...with the defendant F.S. Their actions are fully consistent and compatible with each other.... Under these conditions....this defendant has committed the offense of 'trafficking in women' in collaboration."*

In another decision, the Court of Serious Crimes highlights: *"...The defendant has benefited from the familiar relationship with the victim S.K. to realize her "recruitment" with the purpose of trafficking for prostitution. The victim S.K. has abandoned the family and her minor child after the defendant has promised to marry her."*

Below, there are presented analytically, the cases sent for trial to the Court of Serious Crimes for several years, based on statistical data issued by the court itself.

For the offenses provided by Articles 110/a, 114/b, 128/b of the Criminal Code, in 2008 - 14 cases with 25 defendants were sent for trial, while in 2009 these numbers have decreased. Thus 7 cases with 10 defendants were sent for trial.

Statistics for 2010 stated that for offenses of trafficking in women for prostitution - 10 criminal cases were registered, while 31 criminal cases of trafficking in narcotic drugs were registered.

Also, in 2011 the largest number of cases comprised those of narcotics trafficking by 47%, while the trafficking of human beings was 12.4%.

For the year 2012 the largest number of cases comprised those of narcotics trafficking, was registered with 61.5% of the total number of cases, while human trafficking descends sharply to 3% of the total number of cases. Based on the above indicators for this year, it appears that the crime of trafficking occupies small percentage compared to the group of offenses under the subject matter jurisdiction of the Court for Serious Crimes.

In 2013 the offense of trafficking in human beings occupies negligible percentage, while the largest number of cases, which has been growing are constituted by drug trafficking with 69% of the total number of cases.

In 2014 these figures tend to further decrease.

Below, there are presented in tabular form the total number of cases sent for trial to the Court of Serious Crimes, and in particular the number of cases and authors of these offenses.

Year	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Judicial cases	140	141	123	124	145	136	111	118	130	171

Table No. 2

The criminal offense	Traffickers	Cases
Article 110/a. Trafficking of persons	11	11
Article 114/b. Trafficking of women	84	149
Article 128/b. Trafficking of minors	26	38
Total	121	198

Table no. 3

Criminal characteristics of human trafficking

Stages of trafficking.

Human trafficking is a process which undergoes three cumulated moments or phases:

1. The first element is the **recruitment**, which consists in finding people available to be used for providing great benefits from them. This availability can be achieved by taking violently or through a complete or partial fraud of victims.

2. The second element is the **transportation** that follows recruiting, which represents the movement of the victim to the lucrative market. This movement is not based on the will of the victim. Relocation of a person can be within or through the border crossing. Relocation means the movement from one market to another, or to switch from one user to another through the exercise of the powers of ownership.

3. The third element is the **displacement** at the destination and **use** of the victim. This element is fulfilled through a variety of binding mechanisms, from using or threatening, to the exploitation of the economically weak position of the victim and its isolation.

Sexual exploitation

Trafficking for sexual exploitation is the most common form of human trafficking. This includes mostly women, but also the minor children. Active rotation of women forced to prostitution, aims not only to maximize the revenue but also to avoid the possibility of being punished. The use of private areas for paid sex activities is a new trend which makes the detection difficult.

Exploitation of labor

Exploitation of labor at national level and EU countries is not a new phenomenon. However, because it is a hidden crime and it has never been considered a priority for law enforcement authorities, in general it has remained undiscovered. Exploitation of labor is associated with black market labor that exists in some EU countries. Illegal migrants are particularly vulnerable to exploitation because of their illegal status.

Typical examples of industries and areas where victims of exploitation of labor trafficking can be found are:

- The agricultural sector;
- The construction industry;
- Hotel services, restaurant and cafeteria;
- Production Sector;
- Household Services.

Cases of trafficking for labor exploitation are difficult to identify, even exploited workers themselves have difficulties to identify themselves as victims. They prefer to work in difficult conditions just to avoid to be returned to their countries.

Exploitation of children

Minors' trafficking is the group's second most prevalent of offenses after trafficking of women. These activities generate colossal revenues and very often the victims' parents or other family members cooperate in child trafficking, dictated by their economic situation.

For the groups of organized crime, the transportation of children across controlled borders is achieved without any problem. In many cases, victims travel freely with passports and not associated by adults. Many children cannot be identified due to similarities in their passports, and furthermore within the Schengen borders, it is even more impossible to identify these children. Despite the small number of trials for children trafficking, its characteristic is that the majority of the victims trafficked for begging and forced labor belong to minority groups "Gypsy" and "Roma". 90% of the children (gypsies) are trafficked to Greece, while 10% of them are Roma or white Albanians. Most of them come from cities like Elbasan, Korca, Berat and Tirana where there is a large number of gypsies and Roma. "Help for Children" estimates that 80% of children are recruited by traffickers, while 20% of them are sent by their own families.

Some characteristics of traffickers and victims of trafficking

Traffickers

Some of these characteristics are sex, age, country of origin, education and relationship with the victim. The number of defendants trialed by the Court of Serious Crimes of Albania for the period from 2003 to 2014 is about 3200 individuals and their age turns out to be 25 to 30 years old. Another characteristic is the involvement of a small number of women in committing this type of crime, and the increased educational level of the traffickers.

In the book *"Trafficking. The case of Albania"*, the authors I.Gedeshi and L.Sokoli have expressed that: *"It turns out that trafficking of women and children is an international issue. But in Albania, it is perceived as more troublesome concerning in the prefectures of Elbasan, Vlora and Shkodra. While fewer trafficking issues seem to have cities of Kukes and especially Gjirokastra."*

The analysis of courts' decision shows that in very few cases, the traffickers used to have family relations with the victim. There have been some cases when even relatives have supported the trafficking for economic necessity. Also referred to the educational level, the observation of court decisions shows that the majority of traffickers are with an elementary or secondary education. The violence constitutes another characteristic in committing this type of crime. (Vendimi nr. 588, Tiranë, Qershor 2003)

Victims of trafficking

Age

The data files for the victims of trafficking shows that their age is 15-35 years old. The largest number (41%) belong to the ages from 20 to 25 years old, about 19% of them belong to the ages from 15 to 20 years old and the same percentage belong to the age interval from 30 to 35 years old. The biggest number of trafficked victims consists in women and girls, with an average age about 21 years old. But, despite these data, studies and interviews obtained indicate that in Albanian "prostitution sector" are involved mainly minor girls aged 13-14 years old.

Another specific data, which has been delivered from the court decisions, referring to the victims of trafficking for prostitution, is that nearly 30% of them practice this “job” by their free will, while the overwhelming majority of 70% are victims of illegal trafficking for prostitution.

A study of CAAHT of 2008, where are included “ The Four Shelters of Coalition”, shows that 17 % of the victims are under 18 and most of them (68 %), belongs to the age group of 18-30 years old. Another similar finding results from the shelters’ data "The Shelter" and "Different & Equal". 18% of victims involved in the study are under 18 years old (The Shelter, 2006) and also according to the data from "Different & Equal" (2006) about 20% of the victims in the study are under this age.

Education level

The average education level of victims turns out to be eight to nine years of school. Meanwhile, 11% of the victims have not completed college. A small number of victims (7.4 %) stated that that they have completed the primary school. According to CAAHT, 51% of all victims have completed primary education and they left school at age of 14.

Conclusion

After observing at various statistics related to human trafficking, this study has reached to these conclusions:

1. As for the volume and dynamics, human trafficking (Articles 110/a, 114/b, 128/b of the Criminal Code of Albania) is actually among those offenses which have not recognized increase, instead, referred to the statistics used in this paper, human trafficking has been significantly reduced to negligible numbers.
2. Compared with criminal offenses in the area of trafficking, human trafficking is second only to drug trafficking.
3. Among the group of offenses of trafficking in human beings, trafficking in women for prostitution is the most widespread, followed by trafficking of minors and trafficking in persons.
4. The most common forms of trafficking are trafficking for sexual exploitation as the most widespread and profitable “business”, exploitation of labor and the exploitation of children for begging or other services.
5. As for the characteristics of traffickers, they are 25-35 years old, males, and with low education level.
6. Referring to the characteristics of the victims, they are 13-35 years old, mostly females, with low education level and vulnerable to be trafficked due to economic, social and family factors.

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