

THE PROBLEM OF FAMILY VIOLENCE AND HUMAN TRAFFICKING WITH A SPECIAL ASPECT ON KOSOVO

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Summary

The paper analyzes domestic violence and human trafficking, with special reference to the Republic of Kosovo. The aim of the work is to analyze the circumstances that favor the aforementioned criminal acts, the behavior of victims in the matter of reporting violence, and the way in which society treats the aforementioned criminal acts. The dogmatic method, through the prism of the legislation of the Republic of Kosovo, describes the work of the institutions and the manner in which the procedure for reporting the aforementioned criminal offenses is carried out. Preventive measures, treatment of suspects for domestic violence, protection measures for victims of domestic violence and rehabilitation of victims of human trafficking were presented. Along with statistical indicators of various forms of domestic violence, the paper describes the most common forms of domestic violence and the methods of recruiting victims of human trafficking.

Keywords: *domestic violence, human trafficking, victims, rehabilitation*



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1 INTRODUCTION

By human trafficking we mean the use of force or threats, deception, fraud, kidnapping, abuse of power or a difficult position or relationship of dependence, giving or receiving monetary compensation or other benefits in order to obtain the consent of a person who has control over another person, or to in some other way recruits, transports, translates, hides or receives a person or exchanges or transfers control over a person for the purpose of exploiting his labor through forced labor or servitude, establishing slavery or a similar relationship, or for the purpose of exploiting him for prostitution or other forms of sexual exploitation including pornography or for entering into an illegal or forced marriage, or for taking parts of her body, or for using her in armed conflicts, or for committing an illegal act [1].

Human trafficking is a growing problem in the field of international organized crime, through which women, children and men are subjected to various forms of abuse, exploitation and suppression of their fundamental human rights, and as such represents a kind of contemporary form of slavery [2]. It is a form of crime which is difficult to fight and which is on the rise, according to the data of the US Secretary of State, with which it is estimated that the profit reaches about 150 billion US dollars [3].

Human trafficking in nature can be classified into three forms of trafficking:

- illegal transportation of refugees and immigrants, which includes all those persons who travel illegally from one country to another, for the right to protection and asylum, for economic needs, employment opportunities, family reunification, health problems, etc.;
- trafficking in women, which includes all girls and women who are recruited for exploitation and prostitution, where

unlike the transportation of illegal immigrants, which ends with their arrival at the desired destination, their exploitation can continue for years;

- child trafficking, which affects children so that they are sold for the purpose of exploitation for begging, pickpocketing, sexual abuse, organ transplantation, etc. Some of these children, especially girls, are later sold to traffickers for exploitation in prostitution.

There are various factors of human trafficking that directly affect it and can generally be classified into three categories:

- economic (destroyed economy, high unemployment, etc.);
- social (arranged marriages, divorces, domestic violence, lack of perspective for the future, unemployment, etc.);
- political factors (lack of political stability, civil unrest, political connection with organized crime, etc.) [4].

The most common form of recruiting victims, especially women, in order to be abused by human traffickers is the promise of attractive job offers for well-paid jobs. Not infrequently, these are frauds based on various offers of contracting marriages and a comfortable life abroad, ensuring attractive working conditions and a generally comfortable life abroad, and frauds through intermediaries and paid women, which often end in kidnappings and rapes, as well as threats to the life of her families. Unfortunately, the forms of buying women by their family members, i.e. compromises with gifts, money and the creation of other material obligations, are not foreign either. Members of criminal groups, persons close to the victim and persons who abuse their official position to agitate for human trafficking can be identified as perpetrators of the aforementioned criminal acts and assist in the aforementioned. Members of organized criminal groups are most often involved in illegal activities such as trade and

smuggling of persons, profiting from the sexual exploitation of women and girls, who are victims of human trafficking, using various forms of catering establishments or environments that are owned by them. By persons close to the victim, we understand the so-called protectors, such as persons in a different family relationship with the victims, acquaintances, neighbours, friends, lovers, fiancées or women, who were previously victims of human trafficking, and began to cooperate with the criminal milieu, as intermediaries in the country where there are. Often the perpetrators of criminal acts of child abuse are family members or other members of their relatives. In order to benefit from human trafficking, various people from the business world, police officers, and people from the world of politics appear as perpetrators of criminal acts. When committing the crime of human trafficking, victims are exposed to various forms of violence, physical and psychological. sexual and economic violence, and then have different physical reactions. The most common manifestations are sweating, pallor, tachycardia, hypertension, headache, fever, disconnection, anxiety, stress, muscle tension, changes in sleep or diet, weakened immune system, excessive consumption of alcohol, narcotics, and excessive nutrition, increased level of adrenaline, and hyper arousal, manifested by seizures or flight. Psychological reactions include fear, cognitive disorientation and confusion, irritability, lack of calmness, worry or thinking, intrusive thoughts about the trauma, nightmares and memories of events, an attempt to avoid everything related to the trauma, a tendency to self-isolate, difficulties with trust, feelings betrayals, panic and loss of control, reduced interest in daily activities, loss of sense of order and justice, and fear of the future. In the affective sphere, thinking, behavioural and somatic disorders are manifested as mood changes, whereby people are sad and hopeless, lack of interest and joy, no motivation for life, anxiety, self-blame and

low self-esteem, negative and suicidal thoughts, withdrawal from social life, a visible reduction in the desire to engage in work, neglecting tasks, psychomotor disorders and retardation.

2 HUMAN TRAFFICKING AND DOMESTIC VIOLENCE

Until the beginning of the nineties of the last Starting from the fundamental rights provided for by the Universal Declaration of Human Rights and the European Convention on Human Rights, as well as the principles of the Constitution of Kosovo, the right to recognition of gender dignity, i.e. the equality and inalienability of the rights of all family members, is guaranteed. Women and men of mature age have the right to marry and form a family, without restriction as to race, nationality or religion. Also, as they have equal rights in case of marriage, they have the same rights during marriage and in case of divorce. Marriage must be entered into only with the completely free consent of the persons to be married, and the family is the natural and fundamental core of society and has the right to protection from society and the state [5].

Despite the declared guarantees, domestic violence is widespread. Violence against women is a sensitive and painful topic that has manifested itself throughout history, and statistics show that violence against women is widespread throughout the world, and most pronounced in countries in transition, such as Kosovo. Knowing the circumstances that once prevailed, victims of domestic violence did not have the courage to report any case of violence, knowing in advance that the conflict would not be resolved, because there was no special treatment for dealing with this issue. The growth of violence against women expanded at the beginning of this century and was influenced by numerous factors, primarily economic and social. Women's

rights are violated due to the prevailing opinion that a man is the head of the family, and that his opinion is decisive and final. The rights of women in such an environment are often violated, and they are victimized, they are considered worthless in society, which often makes them desperate, because they think that there is no person who will understand and protect them. In such a situation, they do not want to take any steps, but they want someone else to do them for them. Social circumstances and public opinion have led abused women to think that it is appropriate that they are victims of domestic violence because they are unable to meet the expectations of their spouses. They often accept violence in the hope that their spouse will one day change and restore family harmony. Despite this, more and more people condemn domestic violence, which encourages women to seek protection from abusers, and indicates that their rights have been violated, and thus their existence is threatened. Reporting domestic violence is more common among educated and employed women, while women in the suburbs and rural areas rarely decide to report domestic violence. Their attitude is that it is a sacrifice for the good of the children and the preservation of the family, without thinking about the violent environment in which the children grow and are brought up, and that this will have consequences in the development of their personality and attitude towards violence. Statistical data indicate that in cases of domestic violence, women are most often the victims, who in addition to facing violence deal with shame and leaving home, and are forced, alone or with children, to take shelter in a safer place. Women are victims in 95 % of cases of domestic violence. According to Kosovo statistics, women are victims in over 98 % of reported cases of domestic violence, where the causes of violent behaviour lie in a high rate of unemployment (62.4 % of cases) and alcoholism (43 %), and it is considered that domestic violence in such cases is normal and acceptable. One of the forms of

domestic violence is human trafficking, which results in sexual abuse, which also includes minors. According to the police reports, the occurrence of sexually abused women in Kosovo is evident, and they often become victims of groups of human traffickers. Most of them were identified in private houses and night clubs. Prostitution is still the main form of exploitation of victims of human trafficking, while other forms, such as sexual exploitation, slavery, begging, removal of organs or eggs, according to official records, are less numerous. In 80 % of cases, forms of abuse of women are exploitation for prostitution, 13 % services or forced labor, 6 % exploitation for begging, while the remaining 1 % is for pornography and other forms of exploitation. For the purpose of consent, in order to bring people into contact with traffickers, victims are promised tempting jobs, marriage offers, different forms of cohabitation, etc. In this case, job offers lead the way, with a representation of 53 %, followed by marriage promises and offers of life in 28 % of cases. in extramarital unions, 18 % of frauds are promises of a better life, and 1 % are contacts via social networks. The desire to ensure the standard of living that a person deserves and the comfort of family members, makes the targeted persons become victims of human trafficking [6].

Raising awareness about violence should dispel such myths, especially among people with a low level of education, and unemployed people and women. The pathology of such behaviour is identified in a difficult economic and social situation, jealousy, war trauma, gender inequality, alcoholism and other addictions, coexistence in large families, etc. The response of institutions, especially the police, to the growing problem of domestic violence has changed significantly over the last decade. In the past, the reaction to cases of domestic violence was that these cases were considered "private matters" and that the role of the competent police officer was

to calm the situation and then leave the head of the family to solve the case on their own. Today, without exception, reports of domestic violence are treated as reports of a criminal offense, and the perpetrator is arrested upon arrival at the scene. At the same time, the action is focused on two goals, prevention and assistance to victims. For the purpose of preventing and suppressing domestic violence, close cooperation with domestic and international governmental and non-governmental institutions and organizations is ensured, in order to design meetings, seminars and joint projects in partnership and through constant contact with the aim of sensitizing and raising public awareness of domestic violence. Suspects of domestic violence are prosecuted for each report, and along with their deprivation of liberty, the collection of facts and evidence related to the criminal offense is carried out in parallel, in order to bring it before the competent court. Victims are informed about services for legal, psychological, social assistance and other services of state institutions and the network of non-governmental organizations. For this purpose, there are defined three protective orders, Protective Order, Emergency Order, issued by the Municipal Court and Temporary Emergency Order, issued by the Kosovo Police, in cases outside the opening hours of the Municipal Court, on weekends, etc. [7].

In addition to the above, there is noticeable progress in the prevention and fight against human trafficking. All authorities, including local self-government units and non-governmental organizations, are part of the prevention, fight and protection of victims of human trafficking, based on the relevant legislation [8].

The authorities identify victims of human trafficking when there is reasonable suspicion that a certain person is a victim of human trafficking. Furthermore, the necessary measures are taken, such as education and training, in order to act

preventively to suppress the occurrence in the beginning. For this purpose, public bodies in cooperation with relevant organizations and civil society undertake appropriate actions, including the Internet, information and awareness campaigns, scientific-educational programs, with the aim of sensitizing opinions on human trafficking and reducing the risk that different people, especially children and other vulnerable categories, become victims of human trafficking. Regular training of civil servants who may be present in contact with victims or potential victims of human trafficking is favored, including police officers, border guards, immigration officers, public prosecutors, lawyers, members of the judiciary and court officials, labor inspectors, social workers, health and consular staff, but also other groups of public servants, who are likely to during their work encounter victims of human trafficking. The participants of the training are trained in victim identification, referral and dignified treatment of victims of human trafficking, in order to discourage the occurrence of human trafficking through their future work and increase the effectiveness of the prevention and fight against human trafficking, as well as identify and act in accordance with each observation of a possible criminal offense with the Criminal Code of the Republic of Kosovo. In addition to all of the above, it is important to emphasize the importance of rehabilitation of victims of human trafficking, which is carried out with the aim of their return to normal life, including the provision of medical care, psychological, legal and material assistance [9].

In order to reintegrate victims of human trafficking into social life, after rehabilitation, their social inclusion in the community is carried out by providing appropriate access to educational services, professional training, with the possibility of permanent and safe housing and support for gaining financial independence, most often

through the provision of various self-employment opportunities

CONCLUSION

The work presented the position of women threatened by domestic violence and human trafficking in society, through institutional support and society in general. Special emphasis is placed on the need to prevent the occurrence of domestic violence and human trafficking, emphasizing the clear significance of women's contribution in social, political, economic, cultural life and their role in the family, especially in raising children. The unstable economic and political situation, especially through the high level of unemployment and the consequent low standard of living, favors social deviance, which is especially manifested in the increase of violence in the family, with a special emphasis on women, and human trafficking. Although the statistically stated rate of violence against women is below the average of certain European countries, the situation is worrying, because there is a suspicion that a large number of cases of violence against women are not reported. The cause of this is the insufficient information and education of women, where due to their lack of education, the woman's dependence on the man is created, where he is the bearer of the family's economic security, thus the family and the community put him in a privileged position. The situation can be changed through a coordinated approach to the institutions of criminal prosecution and giving special treatment to the mentioned problem. Building society's awareness of violence against women as a pressing problem, and the serious engagement of competent state bodies and institutions will contribute to reduced manifestations and consequences of violence against women. Overall social engagement with the aim of promoting the cessation of violence against women, through forums, seminars, education and other preventive measures, is

necessary in order to suppress the phenomenon more efficiently.

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