



The Judicial Institutions Response to Human Trafficking: A Case Study From Southeast Europe

Scientific review paper

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Abstract

Trafficking in human beings is a phenomenon of global proportions, which on the one hand violates basic human rights and on the other hand represents a modern form of slavery. This phenomenon is influenced by various factors that are directly related to the level of development of the state, such as the economic situation, poverty, difficult housing conditions, low level of education, socio-cultural factors, etc. Trafficking in human beings in Kosovo concerning the number of inhabitants is considered to be high, despite the measures taken by the justice institutions. In this paper, the main focus is based on the analysis of the contribution of justice institutions concerning the criminal offense of trafficking in human beings in Kosovo and the comparability of cases of trafficking during the years 2017-2022. Furthermore, the conclusions of this research emphasize the necessary measures and policies that should be undertaken by the institutions of justice for the prevention and combating of this negative phenomenon at the country level. It also includes the importance of international legal cooperation, public awareness, and protection of victims through institutional channels. Only through inter-institutional cooperation and the raising of social awareness success can be achieved in the combat against this phenomenon, namely to protect basic human rights and freedoms.

Keywords: *International legal cooperation, justice institutions, Trafficking in Human Beings*

In post-war Kosovo, the criminal offense of Trafficking in human beings is continuously increasing in the number of cases. Trafficking in human beings, apart from being one of the most serious crimes, is also considered a contemporary form of slavery, which results in the violation of basic human rights and freedoms that are protected by the highest legal acts, whether local or even international. Historically, the countries most affected by this negative phenomenon are the transitional countries that face

a higher degree of economic, political, educational, social, etc. problems. However, trafficking in human beings is not absent even in developed countries, but the approach and form of its occurrence are different. The treatment and study of the criminal offense of trafficking in human beings, due to its complex nature, requires a specific commitment both for state institutions and for researchers in this field (Abdyli, 2016). To fundamentally understand the definition of the criminal offense of trafficking in

human beings, we must examine and analyze its legal aspect, in general, and the elements of this criminal offense in particular. The elements of the criminal offense of trafficking in human beings include recruitment, transportation, transfer, harboring or receipt of persons, by threat and the use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or the abuse of a position of vulnerability and giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for exploitation (Law on preventing and combating trafficking in human beings and protecting victims of trafficking, 2013, Article 3). The entire course of the criminal offense of trafficking in human beings goes through three main stages: recruitment of the victim, transportation, and transfer, and the third stage, the destination of the victim, through which it is intended to achieve the goal of the perpetrator (Gashi, 2023). According to the data, criminal groups in Kosovo or through it illegally from other countries or to other countries transport women usually with the purpose of exploitation for prostitution (Gashi, 2014). Unfortunately, the number of victims keeps increasing, which made this "*criminal business*" even more profitable, both regionally and globally (Halili, 2007). On the other hand, the state institutions, namely the institutions of justice, must work in the direction of discovery and analysis of the causes, factors, and circumstances that influence criminal behavior in society (Halili, 2011).

In the legislation of the Republic of Kosovo, the criminal offense of trafficking in human beings for the first time is foreseen in the UNMIK Regulation (No. 2001/4) on the Prohibition of trafficking in human beings in Kosovo. Later, the criminal offense of trafficking in human beings was also foreseen in the Provisional Criminal Code of Kosovo (UNMIK/RREG/2003/25) 2004, the Criminal Code of Kosovo (NO. 04/L-082) 2013, and recently in the Criminal Code of Kosovo (NO. 06/L-074) 2019 which is in force. In Article 166, paragraph 6.1., of this Code, the term "trafficking in human beings" means the recruitment, transportation, transfer, harboring, or receipt of persons, by threat or the use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or the abuse of a position of

vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for exploitation (Criminal Code of Kosovo, 2020, Article 166, 6.1). Despite the changes that the legislation in question has undergone over the years, the definition of the phrase "Trafficking in human beings" in terms of meaning and content remains the same.

To prevent and combat trafficking in human beings, the relevant institutions of the Republic of Kosovo have approved the Law on the Prevention and Combating of Trafficking in Human beings and the Protection of Victims of Trafficking. In this law, the entire process of this phenomenon is determined, starting from the qualification of the criminal offense of trafficking in human beings, investigation, and criminal prosecution to the assistance and protection of victims of trafficking in human beings (Law on preventing and combating trafficking in human beings and protecting victims of trafficking, 2013). Likewise, there is also the National Strategy against Trafficking in Human Beings 2022-2026, which, through strategic objectives, aims to strengthen the state mechanisms that will influence either the investigation, criminal prosecution, and punishment, but also the identification of victims, providing their necessary protection and international cooperation (Ministry of Internal Affairs, 2022).

In terms of legislation, the state of Kosovo over the years has made significant progress in terms of legal regulation, but now the question arises as to how much the relevant institutions have achieved to implement these legal norms in practice. Thus, through this scientific paper, we will more closely reflect the real state of justice institutions towards the perpetrators of this negative phenomenon in the country.

This research employed diverse research methodologies to gain a nuanced understanding of the practices and policies employed by justice institutions in Kosovo for the prevention and combatting of human trafficking. From the perspective of Dzegovic and Bajrami (2023), who advocate for a qualitative research approach in comprehending complex phenomena, the choice of this method is deemed most suitable for a thorough exploration

of the intricacies inherent in the studied phenomenon. Methodological rigor is crucial in ensuring the coherence of the theoretical framework and methodology, thereby guaranteeing the quality of the derived results and constructed data (Dzogovic & Bajrami, 2023, p. 161).

Within this framework, the research encompasses an examination of legal provisions and strategies employed by justice institutions in addressing human trafficking, a comparison of the incidence of human trafficking cases between 2017 and 2022, and an evaluation of the collaborative dynamics among the Police, Prosecutor, and Court. Additionally, an analysis of factors influencing the limited resolution of cases is conducted. The primary objective of this study is to enhance comprehension of the role played by justice institutions in investigating and prosecuting human traffickers. At the same time, the research seeks to heighten societal awareness regarding the perils of trafficking associated.

In conclusion, the study presents pertinent findings to advocate for increased collaboration among judicial institutions. Emphasis is particularly placed on fostering enhanced cooperation with international entities, civil society, and private institutions to improve the identification processes for both perpetrators and victims. It is imperative to underscore the significance of judicial institutions extending collaborative efforts beyond international entities to encompass partnerships with civil society and private organizations. Such proactive engagement is posited to facilitate more efficient and effective identification of both perpetrators and victims of criminal activities, ultimately contributing to the cultivation of a society characterized by heightened safety and justice for all.

Discussion

Justice institutions concerning the punitive policy against perpetrators of the criminal offense of trafficking in human beings in Kosovo

Post-war Kosovo, as a country in transition, despite the efforts, continues to be the object of criticism concerning the justice system, respectively, with the punitive policies. One of the most important forms of

reducing the number of cases of trafficking in human beings is the punitive policy that is used against the perpetrators of this criminal offense. If the punitive policy together with its forms of implementation in practice are efficient and show success, then we can talk about prevention and combat against criminality in society. In Kosovo, there are several institutions that according to the law, cooperate for the prevention and combat against the trafficking of human beings, such as the Ministry of Internal Affairs, Kosovo Police, Kosovo Judicial Council, Kosovo Prosecutorial Council, Ministry of Justice, Ministry of Education, Science Technology and Innovations, Ministry of Local Government Administration, Ministry of Culture, Youth and Sports, Ministry of Labour and Social Welfare, Ministry of Health, Ministry of Foreign Affairs, Ministry of Finance, Agency for Gender Equality, State Prosecutor, Courts, Office for Protection and Assistance to Victims and Municipalities. In addition, there is significant inter-institutional coordination between the police, the prosecution, and the courts, as the three main state links in the implementation of the law, are necessary. Only in this way, Kosovo can talk about an efficient punitive policy, namely the rule of law. On the contrary, the failure of any link from these three makes it impossible to successfully implement the punitive policy in general and that towards the perpetrators of trafficking in human beings in particular. Taking into consideration the role and importance of repressive measures concerning the criminal offense of trafficking in human beings below will be given data on the number of cases initiated by the police, prosecution office, and Kosovo courts for the criminal offense of trafficking in human beings in Kosovo during the period 2017-2022.

Volume and dynamics of cases initiated by the Kosovo Police for the criminal offense of trafficking in human beings in Kosovo 2017–2022

The Kosovo Police, the Directorate for the Investigation of Trafficking in Human Beings, with the investigative work and operative plan, manages to identify the various criminal groups, manage cases, and discover and management of victims

of trafficking human beings, victims who are referred to the police directly or also from other institutions. To prevent and combat organized crime in general and trafficking in human beings in particular, the Kosovo Police is also based on the Strategic Development Plan 2016-2020, which has taken into consideration the best practices of the police of developed countries, including all bilateral and international agreements that are in the interest of the state (Kosovo Police, 2016).

It is worth noting that the Kosovo Police during the years 2020-2021 has organized campaigns aimed at raising social awareness against trafficking in human beings. Thus, in 2020, despite the restrictive measures against the spread of the pandemic "COVID-19 virus, the Kosovo Police organized an awareness campaign with the motto *"Don't be silent, stop trafficking in human beings"*. Likewise, the Police have implemented the operational plan

"Autumn 2020" in the entire territory of the Republic of Kosovo. During the operation, 17 premises and 133 people were controlled. Municipal inspectors have closed 3 premises and issued fines and warnings for lack of work documentation (Kosovo Police, 2021). Meanwhile, in 2021, the Kosovo Police held several meetings to raise awareness with educational and health institutions. As a result, the Police implemented the Operational Plan *"Identification of children in street situations as possible victims of trafficking"*, which resulted in the identification of 18 child beggars and the identification of 23 adult beggars (Kosovo Police, 2022). Likewise, throughout the year 2022, the Kosovo Police took care to extend its activity by organizing preventive activities and awareness lectures for school students throughout the country to raise their awareness and awareness about negative phenomena in society (Kosovo Police, 2023).

Table 1.

Data on the number of cases for criminal offenses of the nature of Trafficking in Human Beings by the Kosovo Police during the years 2017-2022

| Criminal offenses of nature trafficking in human beings | POLICE OF THE REPUBLIC OF KOSOVO | | | | | | Total |
|---|----------------------------------|------|------|------|------|------|-------|
| | NUMBER OF CASES | | | | | | |
| | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | |
| Trafficking in human beings | 40 | 19 | 25 | 20 | 27 | 20 | 151 |
| Enabling prostitution | 27 | 42 | 36 | 11 | 40 | 26 | 182 |
| Dealing in prostitution | 36 | 41 | 35 | 17 | 33 | 49 | 211 |
| Exploitation for slavery | 0 | 0 | 1 | 0 | 0 | 0 | 1 |
| Removal of organs | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Others... | 130 | 138 | 34 | 14 | 31 | 44 | 391 |
| TOTAL | 233 | 240 | 131 | 62 | 131 | 139 | |

As can be seen from Table 1, according to the official data of the Kosovo Police, the criminal offense of trafficking in human beings and other related criminal offenses are quite widespread in the territory of the Republic of Kosovo. Only during the years 2017-2022, the Kosovo Police registered 151 cases for the criminal offense of trafficking in human beings, initiated 182 cases for the offense of Facilitation of Prostitution, for engagement in prostitution in a total of 211 cases, for exploitation in slavery with only 1 case and other offenses but related to the nature of trafficking in human beings are 391 cases. In total, the

Kosovo Police during the years 2017-2022 for the criminal offense of trafficking in human beings and other criminal offenses related to trafficking in human beings have registered 936 cases (Kosovo Police, 2020a, 2020b, 2023). Based on these data, it is observed that the criminal offense of trafficking in human beings during the years 2017-2022 has had a slight increase and decrease in cases. However, if we compare these figures with previous periods, during 2015, 165 cases were initiated for investigation, 6 criminal groups of trafficking in human beings were eliminated; arrested 178 suspected persons were, of which: 48

persons were suspected of the criminal offense of trafficking in human beings; 37 suspected of facilitating or forcing prostitution; 11 suspects for the criminal offense of sexual services of a trafficking victim; 12 suspects for other crimes related to trafficking in human beings, as well as 70 suspects for prostitution-minor offenses. It demonstrates that trafficking in human beings is decreasing, but if we compare it with the number of inhabitants of the Republic of Kosovo, it remains high (Kosovo Police, 2016).

Volume and dynamics of indictments filed in the state prosecution office for the criminal offense of trafficking in human beings in Kosovo during 2017-2021

To increase the efficiency concerning the prevention and combating of criminality in general and of trafficking in human beings in particular, the State Prosecutor is constantly taking measures in the direction of capacity building both in terms of material, and professional and in increasing the number of prosecutors (Prosecutorial Council of Kosovo, 2017).

In addition to its mission to be independent, impartial, professional, and effective in the investigation, prosecution, and adequate treatment of crime victims, the State Prosecution Office has continuously prepared Strategic Plans for the prosecutorial system. According to the Prosecutorial Council of Kosovo during the year 2016-2018, it approved the Strategic Plan, this plan is aimed at improving and strengthening the prosecutorial system as a whole, advancing relations with the public as well as developing technology (Prosecutorial Council of Kosovo, 2016).

Meanwhile, for the years 2019-2021, they have drawn up the Strategic Plan for the Prosecutorial System, which contains four main strategic pillars. These pillars are based on the continuation and strengthening of the prosecutorial system, the commitment to increase the institutional and professional capacities, and the investigation and prosecution of

the perpetrators of criminal offenses with special emphasis on the perpetrators of organized crime (Prosecutorial Council of Kosovo, 201). The next Strategic Plan for the Prosecutorial System 2022-2024 defines the three-year strategic objectives by structuring them into six main strategic pillars. These pillars have concentrated their main focus on *“professionalism and independence in the prosecutorial system, efficiency, and effectiveness in the prosecution of crime, profiling of prosecutors and handling criminal cases with priority, management, and administration in the prosecutorial system, integrity, accountability, and ethics as well as pillar six included Transparency in the prosecutorial system”*. Each of these pillars also has an action plan (Prosecutorial Council of Kosovo, 2022)

In cases of the criminal offense of trafficking in human beings, when the state prosecutor receives the criminal report from the police, he/she can act by dismissing the criminal report, ordering measures for mandatory psychiatric treatment, transfer the criminal proceeding to another state, join proceeding, terminate the investigation, file indictment for issuing a punitive order, file a direct indictment and indictment after conducting investigations (Prosecutorial Council of Kosovo, 2017) Referring to a concrete case, after a criminal report by the Kosovo Police has been submitted, the District Public Prosecution Office in Gjilan (PPH nr. 119/2007) considered that there is a reasonable suspicion against the accused S.J. and I.B., of having committed the criminal offense of trafficking in human beings. Based on this, it was decided to initiate an investigation to gather sufficient evidence necessary to decide whether to file or not the indictment (District Public Prosecution Office in Gjilan, PPH. nr. 119/2007).

Below, the data collected through the research describe the way the prosecutors in Kosovo have responded to the criminal reports against persons who are suspected of having committed the criminal offense of trafficking in human beings during the period 2017-2021

Table 2.

The method of resolving criminal reports against persons for the criminal offense of Trafficking in Human Beings 2017–2021

| Annual Report of the State Prosecution Office for the criminal offense of trafficking in human beings 2017-2021 | | PERSONS - WHOSE CASES HAVE BEEN RESOLVED ACCORDING TO THE METHOD OF RESOLUTION | | | | | | | | | |
|--|---------------------|--|---|------------------------------------|---|---------------------------------|---|------------------------------------|------------------------------------|-------------------------------------|--|
| | | Total persons | The criminal report has been dismissed / the report has been closed | Measures for Psychiatric Treatment | Transfer of criminal proceedings to another state | The investigation is terminated | Indictment for issuing the punitive order | A direct indictment has been filed | Indictment after the investigation | Another way (procedure. is joined) | Has been sent to the jurisdiction (Removed from the number of pending cases) |
| 1 | Special Prosecution | | | | | | | | | | |
| 2 | BP in Pristina | 101 | 8 | - | - | 24 | - | 1 | 68 | - | 5 |
| 3 | BP in Prizren | 31 | 4 | - | - | 13 | - | 1 | 13 | - | 5 |
| 4 | BP in Pejë | 37 | 4 | - | - | 13 | - | - | 20 | - | 4 |
| 5 | BP in Gjilan | 27 | - | - | - | 4 | - | 2 | 21 | - | - |
| 6 | BP in Mitrovicë | 74 | 2 | - | - | 10 | - | - | 62 | - | 6 |
| 7 | BP in Ferizaj | 47 | 1 | - | - | 1 | - | - | 45 | - | - |
| 8 | BP in Gjakovë | 11 | - | 1 | - | 4 | - | - | 6 | - | - |
| | IN TOTAL | 328 | 19 | 1 | - | 69 | - | 4 | 235 | - | 20 |

Based on the table mentioned above, during the years 2017-2021 we see that out of a total of 328 persons who are suspected of having been involved in the commission of the criminal offense of trafficking in human beings, the most frequent way of resolving criminal reports by the State Prosecution Office was the filing of the indictment after investigating with a total of 235 indictments (State Prosecution Office, 2022, 2023).

In addition to the way of solving the criminal reports by the prosecutors, it is important to know the actions that these prosecutors took during the procedure for solving these criminal reports. Only during the period 2017-2021, the following actions were taken: 63 - Orders for detention, 2 - Requests for additional information, 3 - Orders for covert measures, 216 - Rulings for the initiation of the investigation, 105 - Requests for detention on remand, 42 - Requests approved by the Court, 11 -

Rulings on the expansion of investigation, 5 - Suspensions of the procedure, 3- Re-initiations of the procedure after the suspension of the investigations. Whereas, as far as the appeals against the decisions of the Court are concerned, concerning rejection of the request there have been no rejections of the request during these five years, just as there have been no rejections of the decisions of the Court of Appeal concerning appeals (State Prosecution Office, 2020, 2023).

In the State Prosecution Office, cases for the criminal offense of trafficking in human beings have not been missing even throughout the year 2022, according to which they received 48 new cases with a total of 71 people. Of them, against 5 persons criminal reports have been dismissed, for 23 other persons the investigation has been terminated, for 48 persons an indictment has been filed after the investigative procedure, while for 1 person a direct indictment has

been filed (State Prosecution Office, 2020, 2023). According to official statistics, in 2022 there was a slight increase in the number of cases and persons suspected of the criminal offense of trafficking in human beings, whereas there was a 10% decrease in the number of persons who were indicted after the investigative procedure compared to the period 2017–2021.

In general, the State Prosecution Office in 2022 had 96 active cases with 147 persons involved, of which 48 cases with 76 persons were inherited from previous years. Thus, during the year 2022, it managed to solve a total of 54 cases with 77 persons, while the number of pending cases remained at 42 cases with a total of 70 persons (State Prosecution Office, 2020, 2023).

Based on this research, it is obvious that the State Prosecutor at the country level has made an effort to lower the number of reviewed cases; however, the number of pending cases remains high for a country like Kosovo. In such a situation, the State Prosecutor must take measures to strengthen the institutional mechanisms, which will then be able to influence the increase in efficiency in the combat against trafficking in human beings.

The volume and dynamics of criminal cases convicted for the criminal offense of trafficking human beings in the courts of Kosovo during the years 2017-2021

Seen from a historical point of view, in different periods, including the primitive society, the slave-owning period, and the feudal period, the application of strict measures, namely the imposition of harsh punishments, is considered the main mechanism aimed at combating and preventing crime and which has directly affected the volume of criminal offenses. On the other hand, the tortures and physical and mental ill-treatment suffered by the perpetrators of the crimes were not meant to raise awareness not only of the perpetrators but also of the society as a whole, for the fact that they too must control their actions in the future as otherwise, they are not exempted from such punishments (Halili, 2009). However, with the development and advancement of society and the state order, in general, the system of punishments and

the execution of legal sanctions in practice took a different direction, which changed the volume and dynamics of crimes in general (Abdyli, 2019). So, the most important part of the punitive policy is the application of punishments and other legal sanctions against the perpetrators of criminal offenses, which can otherwise be called the policy of courts (Gashi, 2003). This policy of courts can either increase the volume and dynamics of criminal cases or decrease their number; it all depends on the justice system of a country.

To protect society from criminality, namely from the criminal offenses of trafficking in human beings, the state bodies take measures against the perpetrators of the crime by imposing punishments. Imposing punishments means the opposition to illegal actions by the perpetrators of various criminal actions on the one hand, and on the other hand, it means combating crime and protecting society from negative phenomena. In this context, it is extremely important that the relevant institutions are not influenced by external factors, but that the measure of punishment is proportional to the damage caused. Otherwise, the goal of preventing and combating crime in a society will hardly be achieved (Salihu et al., 2014). Based on the principle of legality, Kosovo's legislation, like most international legislation, considers that each punishment must be determined in advance by law. Whereas the imposition and measurement of punishment should be aimed at preventing and combating that a person does not commit criminal offenses. In addition to punishment, justice institutions must at the same time think about reintegration and re-socialization in society. Therefore, in addition to punishment measures, punishment includes educational-social measures. In practice, the same is done with the perpetrators of the criminal offenses of trafficking in human beings, as one of the most important forms of organized crime in Kosovo.

Taking into consideration the importance of the punishments and their amount concerning the prevention and combat against trafficking in human beings, below we will present the data on the punishments for the criminal offense of trafficking in human beings for the five years from 2017 to 2021, respectively.

Table 3.

The volume and dynamics of adults convicted of the criminal offense of Trafficking in Human Beings according to the type of punishment in the courts of Kosovo 2017-2021

| ARTICLE | Description of the type of offence | Method of solution according to cases | | | | | | | | | | Total cases solved | Cases within the jurisdiction of the court |
|---------|------------------------------------|---------------------------------------|----------------------------|----------------------|--------------------|-------------------|----------------------------|---|-------------------------------|-------------------------------|----|--------------------|--|
| | | Total active cases | With Judgment | | | | | From the cases solved by Judgment, record the cases according to the types of punishments | | | | | |
| | | | Punishment of imprisonment | Punishment of a fine | Suspended sentence | Other punishments | With judgment of acquittal | With rejection judgment | Expired statute of limitation | Was solved in a different way | | | |
| 171 | Trafficking in | 597 | 26 | 9 | 8 | 0 | 12 | 8 | 0 | 0 | 15 | 79 | 1 |
| 139 | Human Beings | | | | | | | | | | | | |

According to the data in Table No. 3. during the years 2017-2021, a total of 79 cases were resolved in the basic courts of Kosovo, of which 26 were sentenced to punishment of imprisonment, 9 punishments of a fine, and 8 were suspended sentences. While 10 cases have been acquitted, the other 6 cases have been resolved with rejection judgment. During these 5 years, the courts of Kosovo had a total of 378 pending cases from the previous years, while during these 5 years, they received 54 new cases. Therefore, in total, during the years 2017-2021, there were 597 active cases of trafficking in human beings, of which 79 were resolved and another 518 are in the process of being resolved. The small number of treatment and resolving cases of trafficking in human beings by the courts is indirectly harming the work and dedication of other institutions that aim to prevent and combat this negative phenomenon (Judicial Council, 2020).

The inefficiency of Kosovo's courts is not only shown by these five years (2017-2021) but was also identified during an earlier study in which ten years (2005-2014) were researched for the volume and dynamics of the criminal offense of trafficking in human beings 2005-2014. According to this research, in the entire territory of the basic and appellate courts in the Republic of Kosovo, 134 adults have been convicted, of which 33 have been

sentenced with punishment of imprisonment of 1-2 years with a total of 33 persons or 24.6%, followed by punishment of 2-5 years with 32 persons or 23.8%. Whereas, for the criminal offense of co-perpetration in trafficking in human beings, the most common punishment was 6-12 months, with a total of 102 persons convicted, or 22.8% (Abdyli, 2019). Thus, the small number of cases reviewed over the years shows that the Kosovo judicial system should prioritize work towards building new capacities and accountability at work.

The judicial system in Kosovo since 2014 has made a more obvious contribution to the drafting of strategic plans, such as The Strategic Plan for the Judiciary (2014-2019, 2020-2022), the Communication Strategy of the Judicial Council of Kosovo 2022-2024, the Action Plan for Crisis Management, the Strategic Plan for Improving Access to Justice 2022-2025, efficiency and prioritization of cases within the judicial system, the Strategic Plan for the Efficient Resolution of Corruption and Organized Crime Cases 2022-2024, the Strategic Plan for Improving Access to Justice 2022-2025, etc. (Judicial Council of Kosovo, 2023). However, if we compare the resolution of the cases of the two research periods 2005-2014 and the period 2017-2021, despite these strategies, we do not see any progress in the resolution of cases by the courts. In these circumstances, it is obvious that the

judicial system of Kosovo needs additional mechanisms that will help in the practical implementation of these strategies. Also, the judicial system should develop policies to address the cases that are of higher priority, especially when talking about the nature of the criminal offenses of trafficking in human beings. Another important fact in the context of preventing and combating trafficking in human beings is punitive measures which must be proportional to the damage caused by the perpetrator.

In general, the institutions of justice in Kosovo, and in particular the judicial system, are faced with numerous challenges and weaknesses which are also evidenced in the Strategic Plan for the Efficient Resolution of Corruption and organized crime cases 2022-2024 and the Action Plan in which the criminal offense of trafficking in human beings as a form of organized crime is also included (Judicial Council of Kosovo, 2021). According to this strategy, the main aim is to improve the quality of case resolution, and timely treatment, cope with the statutory limitation, and the confiscation of property resulting from the commission of the criminal offense of trafficking in human beings (Judicial Council of Kosovo, 2021). In this context, the judicial system in cooperation with other local and international organizations should work towards the implementation of these strategies and action plans to bring justice by pronouncing meritorious punishments for the perpetrators and support and assistance for the victims.

Justice institutions and international legal cooperation

Historically, in the international aspect, various efforts have been made to deepen international legal cooperation to combat and prevent trafficking in human beings, respectively its forms. In the context of international legal cooperation at the world level, over the years, various agreements and conventions have been signed between states to pave the way for combating and preventing this negative phenomenon. Among the first international agreements that were negotiated for the prohibition of the trafficking of human beings was that of Paris, in 1904, known as "White Slave Traffic". Then it continued with the "International Convention for the

Suppression of the White Slave Traffic" in 1910, "International Convention for the Suppression of the Traffic in Women and Children" in 1921, "International Convention for the Suppression of the Traffic in Women of Full Age" in 1933, etc. At the beginning of the 21st century, another very important convention was introduced, which aims to precisely define the notion of trafficking in human beings, and which has also been integrated into the legislation of Kosovo. This convention, known as "The United Nations Convention against Transnational Organized Crime", includes a total of four protocols, two of which are related to the field of Trafficking in human beings: "The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women, and Children", and "The Protocol against the Smuggling of Migrants by Land, Sea and Air".

In post-war Kosovo, international legal cooperation concerning the institutions of Kosovo in general and those of justice in particular has been a necessity of the time, because now the criminal offense of trafficking in human beings is not only committed within the borders of the Republic of Kosovo but also beyond it. In this aspect, to combat and prevent this negative phenomenon in society, the justice system in Kosovo has often needed help and legal cooperation from other international institutions, either for the identification of the perpetrator, the criminal group, or even the victims. When talking about the criminal offenses of trafficking in human beings, usually international legal cooperation is directed in criminal cases by requesting - offering assistance to another international state, to assist in criminal proceedings.

If the legal cooperation between the states is mutual and efficient, then it helps to speed up the investigation of the cases and bring the perpetrators of the crime to justice. In this regard, Kosovo has signed bilateral and multilateral agreements with several international countries to deepen legal cooperation. Until this period, Kosovo had bilateral agreements with nine countries: Turkey, Macedonia, Belgium, Switzerland, Croatia, Albania, Hungary, Italy, and Germany (Ministry of Justice, 2023). In 2011, for the first time in Kosovo, the Law on international legal cooperation in criminal matters was approved, which was repealed in

2013 to make way for the new law, which in 2022 underwent some changes - additions to it (Law on International Legal Cooperation in Criminal Matters, 2011, 2013, 2022). According to this law, the main goal is to regulate the conditions and all procedural stages between the Republic of Kosovo and other states for the provision of international legal assistance, unless otherwise regulated by international agreement" (Law on International Legal Cooperation in criminal matters, Article 1)

Concluding considerations

Trafficking in human beings as one of the most serious criminal offenses in the contemporary world has in one form or another affected the territory of the Republic of Kosovo. Trafficking in human beings by nature is often considered "moderate slavery", which every year is increasing in the number of cases, respectively in the number of victims. In such a situation, the institutions of Kosovo have made progress in the material aspect by drafting strategies, laws, and codes that aim to combat and prevent this negative phenomenon. However, despite this regulation, there are still a large number of unsolved cases of trafficking in human beings in Kosovo. The institutions of justice, namely the police, the prosecution, and the courts, whose aim is the rule of law, must do more throughout the process until the case is resolved completely. Otherwise, with the current number of unsolved cases of trafficking in human beings, it cannot be said that enough is being done by the justice institutions. Based on official data, the Kosovo Police appears to be one of the institutions that have undertaken the most measures in the field of preventing and combating trafficking in human beings with a total of 151 cases during the period 2017-2022. Meanwhile, in the prosecutorial system, a positive movement is observed in the direction of examining cases, while the situation in the judicial system remains worrying with a total of 79 cases solved out of 597 in total during the period 2017-2021. Failure to resolve cases in time means that year after year, many criminal cases of trafficking in human beings are inherited. In such a situation, the judicial system must increase the professional capacities within it to increase the efficiency for the resolution

of cases. Another challenge of the judicial system is the advancement of information and communication technology, which makes the courts even more transparent during the decision-making and accountability processes, including statistical reports on the volume and dynamics of adults and minors convicted of the criminal offense of trafficking in human beings according to the type of punishment and their duration. On the other hand, the judicial system should also contribute to the increase of trust concerning the victims of trafficking in human beings by timely handling cases and pronouncing the deserved punishment for the perpetrators. Further, the justice institutions in Kosovo make their contribution in the field of combating and preventing trafficking in human beings is a prerequisite to focusing on two additional types of cooperation: internal cooperation in the triangle between the police, prosecutor, and court, and international legal cooperation that would affect both the guarantee of the rule of law and the protection of human rights.

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