

TRAFFICKING IN HUMAN BEINGS		Social Science Keywords: trafficking in human beings, victims, international legislation on victims' rights, Universal Declaration of Human Rights, CEDAE.
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Abstract

Trafficking in human beings, also known as slavery in modern times, is a serious crime as well as a violation of fundamental human rights and dignity. The purpose of trafficking is to exploit vulnerable persons for the sole purpose of profit. Every state is affected in some form or form of trafficking in human beings. The term "modern form of slavery" can also be found in the literature and practice of some countries; a term used to raise awareness of what trafficking may look like to people who are uninformed. There are still many myths about trafficking one of them is that trafficking only happens internationally and that the international element of the trafficking offense is qualifying. In fact, although many cases of trafficking in human beings involve an international element, where the victim is taken from one state to another and exploited there, trafficking also occurs within the territory of the same state and is known as "internal trafficking". Trafficking in human beings is a serious crime and above all a violation of dignity and fundamental human rights. Considering it as such, the awareness as well as the attention of the state and the whole society towards the prevention and uncompromising fight against trafficking in human beings has recently increased; hitting on the phenomenon, identifying cases, investigating, prosecuting and bringing to justice all perpetrators of the crime of trafficking in human beings. The UN Protocol to Prevent, Eliminate and Punish Trafficking in Persons, Especially Women and Children, 2000, known as the Palermo Protocol, Article 3 states that: Trafficking in human beings means the recruitment, transportation, transfer, accommodation or support of persons, through threats or by use of force or various forms of coercion, kidnapping, lying, abuse of power or powerlessness, giving or receiving money or benefits, with the intent to gain the consent of any person who has control to any other person, for the needs of exploitation. A number of international documents and conventions constitute the legal basis for the drafting of adequate legislation against trafficking in human beings and the protection of human rights, such as: the Universal Declaration of Human Rights, the European Convention for the Protection of Human Rights and of Fundamental Freedoms and its Protocols, Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination against Women (CEDAE), UN Convention on the Rights of the Child.

INTRODUCTION

The time in which we live is characterized by great social transformations, which have been conditioned by the scientific-technical revolution, which has changed both the radical way and the material production base. The circles of the civil society have become too narrow to be able to bear the pressure of changes. In the era of great revolutionary transformations, the old problems arrive by the new ones and together they form complex provocations with the protective functions of the organized society. In all environments, even the most developed ones, or those facing difficulties in getting out of backwardness, the issue of combating human trafficking becomes very important. Crime as a phenomenon with negative social overtones, as a harmful phenomenon in society as well as a dangerous phenomenon for the successful functioning of the legal, economic, social system and other systems, find a favorable basis for expansion and development in the countries where in political, economic, social and legal crisis or in transition.

Such a criminal policy is a special strategy in the fight against crime, because the criminogenic factors which condition its appearance in various fields, while the way of overcoming them and avoiding them requires a specific approach depending on these relationships. Globally, we are witnessing a massive increase in media coverage of crime, especially trafficking, human trafficking, illegal migration, and of course asylum seekers. In particular, HUMAN TRAFFICKING is a crime phenomenon that is constantly becoming a concern not only as a crime phenomenon that is important for law enforcement agencies around the world, but also because of other social, economic, cultural and even consequences. even policies that may cause them in the country of origin, transition and destination. It is particularly pronounced in areas after conflicts or in the low degree of social behaviors. Criminal network or organized crime is involved in trafficking in human beings especially TRAFFICKING IN WOMEN AND CHILDREN, for a high benefit where the victims are nothing more than goods for sale and ill-treatment.

Not only governments, but also the societies that run them, face terrible problems with organized crime and trafficked persons. Illegal relocation is not only a part of it, but trafficking for the purpose of slavery or prostitution is also inclusive. The social systems of the destination countries face and challenge the problems of assisting and supporting victims to return to their countries of origin, as well as identifying, investigating and prosecuting traffickers and perpetrators. The involvement of Organized Crime in this highly lucrative illegal trade in human lives makes it even more difficult for police authorities around the world to prevent, control and investigate trafficking in human beings - women and children. Trafficking in children and children is a crime that is often international in nature, crossing borders and jurisdictions. However, human trafficking can still occur in a state, within state borders.

The Fight for Human Rights

Every democratic constitution aims to protect and guarantee the fundamental rights of its citizens¹. The fight for human rights begins with the efforts to recognize his basic (most basic) rights, which include: The right to life and liberty, which were important especially in the period of the slave-owning system and feudal. Bourgeois revolutions add to these basic rights some other rights which belong to the so-called natural rights, such as:

- the right to equality;
- the right to security; and
- the right to resist oppression.

¹ Bashkim Dr. Selmani „Human Rights Law, (authorized lectures), p. 209, First Private University "FON" - Skopje 2008

Until recently, human rights were treated as a matter of the internal competence of states. Therefore, no state, nor the international community, had the right to raise the issue of human rights violations in a state without the risk that this should be interpreted as interference in the internal affairs of that state. Exceptions are the capitulation regime and humanitarian investments. However, the international community, especially after the creation of the United Nations League, has paid more and more attention to the well-being of the individual (human), as one of the most important conditions for maintaining peace, security, stability and democracy. However, in many parts of the world, human rights and fundamental freedoms are brutally violated, ethnic, racial or religious minorities are oppressed, discrimination and apartheid are practiced, and even acts of genocide prove that the progress that has been made, the struggle for the full realization of human rights in life has not yet been achieved everywhere.

Rights and freedoms are a basic criterion and measure for the position and role of man and citizen in society, on the one hand and the democratization of the regime (system), on the other. They are an instrument for limiting power and preventing arbitration and its misuse.

Why are we talking about fundamental freedoms? "Because they come from human nature itself, while not from the will of state power." "People are born equal and free." said Russo, while also affirming the U.S. Declaration of Independence from 1776.

Rights are an act of a certain degree of development of civilization, the fruit of a new meaning of the world and life. The theoretical dimension of rights and freedoms is closely related to the theory of natural law, to the phenomenon of the constitution as a written document, and to the construction of a single international regulation.²

During the drafting of this paper on the rights which tend to be violated during trafficking in human beings are:

- The right to liberty and security of the person,
- The right not to be held in slavery,
- The right to be treated with humanity and respect,
- The right of movement and freedom to choose the place of residence,
- The right to a fair trial and effective remedies, freedom from slavery-like practices, prohibition of forced labor, freedom of expression and the right of access to information and protection of personal data.
- The right not to be tortured and the right to life, the right to health and the right to education

² *The Protection Project, 2002 Human Rights Report.*

Definition and notion of "Trafficking"

Trafficking in human beings is a serious crime and above all a violation of dignity and fundamental human rights. Considering it as such, the awareness as well as the attention of the state and the whole society towards the prevention and uncompromising fight against trafficking in human beings has recently increased; cracking down on the phenomenon, identifying cases, investigating, prosecuting and bringing to justice all perpetrators of the crime of trafficking in human beings.

The term trafficking is gaining ground in society. Victims of trafficking can be within or from state to state. There are such victims even under the age of 18.

Trafficking in human beings, especially women and children, is a general problem which is also reflected in the Republic of Macedonia. It is presented in different forms and aims, through various forms of exploitation, to exploit the victim for a greater profit. This means forcing or deceiving people into prostitution, begging or ordinary work. Trafficking in women and children is so common that it ranks third in crime after drugs and arms trafficking. Chronic unemployment in many parts of the world, especially among women, has led to the spread of the phenomenon of their recruitment for the purpose of exploitation for prostitution. In order to prevent this phenomenon, the states have entered into many agreements. Thus, on May 18, 1904 in Paris was signed the first Agreement on Combating Trafficking in White Captives, which obliges states to combat trafficking in women; set up surveillance at train stations and entry ports to gather relevant information and return it to countries where women and girls are recruited or suspected of being used for prostitution³. On May 4, 1910, a new convention on the prohibition of trade in white slaves was concluded, by which states are obliged to take all necessary measures to punish all those persons who, in order to satisfy their lusts others, have contracted, sent or cheated any woman or girl of underage age, even if she has given her consent. "Trafficking in human beings is a really big business in general, including child trafficking. This is why human traffickers spare no effort and risk to organize forged documents and travel for trafficked beings. Trafficking of human beings brings the same profits as that of drugs, and for that it is one of the biggest businesses."⁴

Trafficking in children, as well as that of women and girls for sexual exploitation, is a contemporary form of slavery and constitutes a serious violation of human rights.

The 2001 Palermo Protocol defines trafficking in human beings as: Recruitment, transportation, transfer, shelter or reception of persons, through the threat or use of force, or other forms of coercion, kidnapping, deception, fraud, of abuse of power, or of a position of vulnerability, or of giving or receiving payments or benefits to obtain the consent of one person, having control over another person, for purposes of exploitation. Exploitation includes, to a

³ Zejnulla Dr. Gruda ., Public International Law, Book II, p.74.Pristina, 1994.

⁴ Says *Claire Potaux*.

minimum, the exploitation of others for prostitution or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, yoke or removal of organs.

This phenomenon has deeply affected the Albanian society, as a country of origin, transit and destination. To achieve the reduction and eradication of these phenomena requires a coordination of efforts and joint will of many state, social, local and international structures.

One such institution is the school, which can make an irreplaceable contribution in equipping the younger generation with the right information on trafficking, exploitation and enslavement of children, girls and women, transmitting to this generation universal values over life, decision making, building the future, human rights, etc.

As stated above, Article 3 of the UN Trafficking Protocol defines Trafficking as follows: The recruitment, transportation, transfer, accommodation or reception of persons, by threat or use of force, or other forms coercion, kidnapping, deception, fraud, abuse of power, or a position of vulnerability, or giving or receiving payments or benefits to gain the consent of one person, having control over another person, for purposes exploitation. Exploitation includes, to a minimum, the exploitation of others for prostitution or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, yoke or removal of organs.

The progressive, modern definition given in the Trafficking Protocol has many positive aspects that reflect the reality of modern-day trafficking:

- a) This definition recognizes all forms of trafficking and does not limit trafficking to sexual services only. It focuses on the conditions of forced labor, the electorate, the practices of slavery and servitude, which are defined in international law.
- b) It does not focus only on girls and women exclusively, but distinguishes those women, men, girls, and boys can all be victims.
- c) Does not require the victim to cross any established international border, taking into account that persons are also trafficked from one area to another, within the same country.
- d) The Protocol seeks to punish certain forms of distortion of the victim's free will, for example, through the use of force, deception or abuse of power, thus respecting the ability of adults to make their own decisions about their lives, especially in relation to labor and immigration choices.

A trafficker is a person, or group of persons, who intends to commit, cooperate or consent to any of the acts described in trafficking.

A trafficked person is a person who is recruited, transported, sold, purchased, transferred, hosted or housed, as described in the definition of trafficking, including a child, whether or not the child has accepted or not.⁵

Trafficking in human beings is envisaged as an act of high social risk. The establishment of the Serious Crimes Court, competent for the trial of criminal offenses related to trafficking in human beings, has made it more effective in combating this phenomenon with high social risk. Also, there has been an increasing commitment of all state structures, civil society and other actors of society in the fight against trafficking in human beings, through preventive and protective measures, both of a legal nature and of the administrative, social, economic type, etc.⁶

Familiarity with European Union standards and legislation in this area is an important aspect, because the Stabilization and Association Agreement with the European Union has been ratified and is in force.⁷ This Agreement provides for ensuring that existing legislation is aligned with that of the European Community.

The Agreement also stipulates the obligation to cooperate in the criminal field, in order to prevent and combat trafficking in human beings. (Article 85)

The movement of victims of crime in Europe and North America reflected from a moral point of view the need to recognize the harm caused to victims of trafficking in human beings by the perpetrator of the crime and from a functional point of view this movement expressed the need to increase victim participation in criminal proceedings.

In order to increase the participation of victims in criminal proceedings is needed not only legal recognition of the rights of victims of trafficking in human beings but also the guarantee in practice of these rights.

International law attaches particular importance to these rights and requires States Parties to guarantee them through comprehensive measures and policies.

But what are some of the key rights of victims of human trafficking in international law? The right to information, the right to legal aid, the right to protection, and the right to compensation are some of these rights. Documents of special importance although constituting the soft right date from 1980.

⁵ (Global Alliance Against Trafficking in Women; GAATW); Human Rights Standards for the Treatment of Trafficked Persons.

⁶ "Report on the implementation of the Albanian national strategy for combating trafficking in human beings, January - December 2006"; OSCE-ODHIR report (Barcelona 2007).

⁷ For the preparation of chapter I we consulted with the presentations of Mrs. Allison Jernow, Independent Expert on Trafficking and Criminal Justice, in trainings with judges, prosecutors, judicial police officers organized by CLCI in cooperation with the School of Magistrates during 2008-2009, with the support of the OSCE / ODIHR.

In 1985, the Committee of Ministers of the Council of Europe adopted the Recommendation (85) 11 "On the Position of the Victim in the Framework of Criminal Law and Procedure".

Criminal justice has a "key function", it must meet the needs and protect the interests of the victim. This function is directly related to increasing victims' trust in the criminal justice system and encouraging their participation as witnesses in this system.

Informing the victims by the police about the possibilities of receiving assistance, practical and legal advice, compensation from the perpetrator of the criminal offense, state compensation and providing security for them; informing victims about the final decision related to the prosecution; informing victims of the date and place of court proceedings; victims' opportunities for compensation and informing them of the outcome of the case; informing victims about the order to compensate the perpetrator of the criminal offense as part of the criminal sanction; assistance provided to victims in obtaining compensation; are other issues of particular importance to which this recommendation emphasizes.

CRIMINAL NETWORKS DEALING WITH RECRUITMENT AND TRANSPORTATION OF VICTIMS (WOMEN AND CHILDREN)

Criminal groups recruit and transport victims from one state to another (place of origin of transit) and sell them in local brothels, as well as in prostitution circles of a third state (state of final destination). In this regard, the Republic of Macedonia is most often presented as a transit country but also as a final destination country. Organized criminal circles are mainly from Ukraine, Moldova, Russia, Belarus, Bulgaria, Romania, Albania, Serbia and Montenegro and other countries where the victims of this type of crime most often come from.

Victim - It is very important to keep in mind the fact that there is no exact profile of the person-victim of trafficking in women and children. However, there are some characteristics that can be most often observed in the victim:

- The victims are most often women and girls, but also men or boys.
- The victims are most often between the ages of 18 and 30. However, the number of younger girls is constantly increasing.
- Victims are most often recruited from small rural settings or moderately large cities in poor regions.
- The victims are most often unemployed and poor people.
- The victims are most often persons with low educational standards and rarely sometimes speak a foreign language. But this is not the rule, because well-educated victims may be encountered, some may even have completed college.

➤ The main question for officers working at border crossings is the rapid and accurate identification of the person-victim of trafficking. Complementary factor of critical importance is the need to distinguish between trafficking in women and children and trafficking in migrants.⁸

The Statement of Basic Principles of Justice for Victims of Crime and Abuse of Power provides a catalog outlining the basic principles for victims of crime regarding the right to justice and fair treatment, reinstatement, compensation and assistance. This Declaration was adopted by consensus in the General Assembly in 1985, and thus reflects the collective will of the international community to strike a balance between the fundamental rights of suspects, perpetrators and the rights and interests of victims. It is based on the philosophy that victims should be accurately identified and treated with respect for their dignity.

The statement defines the victim as follows: Persons who, individually or collectively, have suffered harm, including mental or physical harm, emotional suffering, economic loss, or a serious violation of their basic rights, through actions or omissions that are contrary to the laws in force in the Member States, including those prohibiting criminal abuse of power.

This definition also includes trafficked persons who often suffer all of the consequences mentioned above. A person may be considered a victim under this statement, regardless of whether the perpetrator has been identified, apprehended, prosecuted, or convicted.

Where appropriate, the term "victim" also includes direct family members or dependents of the victim, as well as "persons who have suffered harm in intervening to assist victims in despair, or to prevent victimization", such as the Organization; social worker, etc. The constituent clauses should be applicable to all persons, without distinction of any kind, such as race, color, sex, language, nationality, birth or family status, ethnic or social origin.

The stages a victim goes through - for many people, the term 'victim' means being powerless and builds an identity on the fact that the victim is a victim. At the same time, seen in the context of human rights, the term 'victim' is significant, as it relates to an experienced violence and a responsibility to put the right of the injured person in place. The term 'trafficked person' is used here, too, because he also recognizes as a central problem the experience of the trafficked person and the need to put that person's right in place. Both terms define persons who qualify as victims of trafficking in accordance with Article 3 of the UN Trafficking Protocol and/or in accordance with national law.

⁸DraganTumanovski, Trafficking in Human Beings, Judicial Review, 2002, no.4, page.40.

The person called the victim goes through these stages:

The recruitment phase is the phase in which people most often try to recruit their victims by offering fake employment, assistance to those people who want to leave their homeland for economic reasons, but do not have the appropriate visas, etc. These services are most often advertised in electronic and print media.

Transit is the moment of the human trafficking process which is very difficult to define by trafficking in migrants. At this stage, the victim or potential migrant is not yet aware of his/her situation, ie still believes in what has been promised to him/her. The migrant or potential victim of human trafficking continues to co-operate with criminals because he/she is convinced that what he/she was told during the recruitment is true and that he/she will reach the desired destination. Some of them have already paid for the services, in order to reach their final destination. This further motivates victims and migrants to cooperate with the potential carrier/trafficker and to ensure that the police do not reveal details about them.

Final destination stage - This is the stage of the human trafficking process in which sexual exploitation and other types are carried out. This is the stage at which authorized officials can more easily access information that can provide clues about the possible existence of human trafficking. At this stage, traders advertise their merchandise in order to materialize their criminal actions, and this is what makes them more vulnerable and deconstructs them. Clients (when it comes to sexual exploitation) also come to the victims, use their services, and thus they become a useful source of information for authorized officials. All information is useful to specialized anti-trafficking services - it must be constantly collected, checked and forwarded to the services.

The Republic of Macedonia is most often defined as a transit country and final destination country for victims of trafficking. It should be borne in mind that in the Republic of Macedonia there is a possibility for potential victims of internal trafficking in human beings, most often due to sexual exploitation, although exploitation for work is not excluded. In this case, action should be taken to prevent these activities.

History of the International Community

The history of the international community is replete with a large number of initiatives and activities that have been undertaken with the aim of eradicating trafficking in human beings, as one of the most serious human rights violations. A large number of documents, prepared and approved by the OSCE, the United Nations, the Council of Europe, seek to address the need for a precise definition of the notion of trafficking in human beings. However, most of them are only related to trafficking in women and/or only to violent prostitution. The source definition, from which the national one is derived, derives from the UN Protocol on the Prevention, Elimination and Punishment of Trafficking in Human Beings, especially Women and Children, 2000, known

as the Palermo Protocol, Article 3: Trafficking in Human Beings, means the recruitment, transportation, transfer, accommodation or support of persons, through threats or the use of force or various forms of coercion, kidnapping, lying, abuse of power or powerlessness, giving or receiving money or benefits for the purpose of to obtain the consent of any person who has control over another person, for the needs of exploitation.

A number of international documents and conventions constitute the legal basis for the drafting of adequate legislation against trafficking in human beings and the protection of human rights.

1. Universal Declaration of Human Rights
2. "European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols"
3. Framework of the Council of Europe Convention for the Protection of National Minorities.
4. Convention on the Elimination of All Forms of Racial Discrimination.
5. Convention on the Elimination of All Forms of Discrimination against Women (CEDAE).
6. UN Convention on the Rights of the Child,
7. EC Convention on the Exercise of Children's Rights,
8. Council of Europe Convention on Action against Trafficking in Human Beings
9. Optional Protocol to the Convention on the Rights of the Child, Trafficking, Prostitution and Child Pornography (2002)
10. International Covenant on Civil and Political Rights and its Protocols
11. International Covenant on Economic, Social and Cultural Rights
12. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
13. UN Protocol to Prevent, Suppress and Punish Trafficking in Human Beings,
14. UN Convention against Transnational Organized Crime
15. Recommending principles and directives on human rights and trafficking in human beings,
16. ILO Convention on the Prohibition and Immediate Action for the Elimination of Severe Forms of Child Labor.
17. Convention against the Abduction of Children
18. Security Council Resolution 1325, "Women, Peace and Security".
19. OSCE Action Plan to Combat Trafficking in Human Beings
20. Directive of the Parliament and of the Council of Europe on preventing and combating trafficking in human beings and their protection.

The rights of victims of trafficking in human beings in international law

Trafficking in human beings is envisaged as an act of high social risk. The establishment of the Serious Crimes Court, competent for the trial of criminal offenses related to trafficking in human beings, has made it more effective in combating this phenomenon with high social risk. Also, there has been an increasing commitment of all state structures, civil society and other actors of society in the fight against trafficking in human beings, through preventive and protective measures, both of a legal nature and of the administrative, social, economic type, etc.⁹

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⁹ "Report on the implementation of the Albanian national strategy for combating trafficking in human beings, January - December 2006"; OSCE-ODHIR report (Barcelona 2007).

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Another important recommendation regarding the rights of victims of trafficking in human beings is Recommendation No. (2006) 8, "On assistance to victims of crime".

The Framework Decision of the EU Council for the Representation of Victims in Criminal Proceedings, in its article 9 provides for the obligation of states that:

- ensure that victims make a decision within a reasonable timeframe for compensation from the respondent as well as take the necessary measures to encourage the respondent party to provide appropriate compensation to the victims.

In 1985 the United Nations Declaration on the Basic Principles of Justice for Victims of Crime and Abuse of Power was adopted. Although they are non-binding instruments, many of the recommendations have already been turned into binding instruments.

The United Nations Declaration on the Basic Principles of Justice for Victims of Crime and Abuse of Power defines the victim as an injured person, including physical or mental harm, emotional suffering, economic loss or substantial violation of fundamental rights, through actions or omissions that are contrary to domestic criminal law.

The injured person may be considered a victim regardless of whether the perpetrator has been identified, apprehended, prosecuted or convicted. Some of the basic principles of this Declaration are access to justice and fair treatment; Return (by the accused party); Compensation (from the state), when it is not entirely possible to be compensated by the perpetrator and encouraging the creation of national funds; Assistance to victims.

International law is particularly committed to preventing and protecting against trafficking in human beings, expressing its will in the fight against this phenomenon also through the ratification of several conventions¹¹, which occupy a place of special in the hierarchy of legal acts.

Recognition and direct implementation of the conventions is a challenge for professionals involved in anti-trafficking activity, especially in terms of ensuring that victims of trafficking in human beings have access to their rights.

Adoption of laws and normative acts according to the standards included in the acts of international affairs at the level of the United Nations, the Council of Europe and the European Union, has been the priority of the legislature and the executive and has provided a solid basis for respecting the fundamental rights and freedoms of the individual.

Obligations and recommendations arising from international acts have constituted a source of encouragement for the evolution of domestic legislation, in line with the standards of prevention and crackdown on trafficking in human beings.¹² The latest developments in our criminal legislation have been carried out in line with these binding and non-binding international acts.

An inherent obligation, arising from international instruments, ratified by the state, consists in improving the status of the victim and providing assistance to victims of trafficking in human beings, emphasizing that the phenomenon of trafficking in human beings can be prevented and effectively combated, only when the victim is at the center of the measures taken.

¹¹ International Convention for the Suppression of the Traffic in Women and Children, concluded in Geneva in 1921 and its amending protocol.

- Convention on the Suppression of the Traffic in Adult Women, concluded in Geneva in 1933 and its amending protocol.

- Convention on the Suppression of the Traffic in Persons and on the Exploitation of the Prostitution of Others and its Final Protocol in 1950.

- United Nations Convention against Transnational Organized Crime, ratified by law no. 8920, dated 11.07.2002.

- Protocol "Against the trafficking of migrants by land, air and sea" which supplements the United Nations Convention against Transnational Organized Crime, ratified by law no. 8920, dated 11.07.2002.

- Protocol "On the prevention, deterrence and punishment of trafficking in persons, especially women and children", supplementing the United Nations Convention against Transnational Organized Crime, ratified by law no. 8920, dated 11.07.2002.

- Convention on the Elimination of All Forms of Discrimination against Women, CEDAW, 1979, ratified by law no. 7767, dated 09.11.1993.

- European Convention "On Compensation to Victims of Violent Crimes", ratified by law no. 9265, dated 29.07.2004.

¹² The CEDAW Committee, with its January 2003 recommendations, recommends the introduction of measures aimed at improving the economic situation of women to eliminate their vulnerability to traffickers, education initiatives for vulnerable groups, including adolescent girls, and social support, rehabilitation measures and reintegration for women and girls who have been victims of trafficking.

These obligations include not only taking legislative and/or administrative measures to provide victims with information about court and administrative proceedings, but also assistance, facilitation and admission, return of a trafficked person without unreasonable delay, and ensuring the physical safety of trafficking victims, as well as the inclusion in the legal system of those measures that offer victims of trafficking the opportunity to be compensated for the damage caused to them.

CONCLUSION

During this scientific research, some conclusions have been concluded, which will help as much as possible this problem and other deviant phenomenon that contemporary society is facing.

In support of this study that we elaborated above, we will continuously mention only some of these key features such as:

- ✓ Prevention, identification, assistance provided, support, protection as well as return and reintegration of victims,

- ✓ Adequate criminal prosecution, international cooperation, education of institutionalized capacities, coordination, establishment of a unified information system, as well as information-propaganda influence on public opinion are an integral part of the prohibition of trafficking in women and children, i.e., human trafficking.

- ✓ The general national nomenclature involved in the fight against trafficking in human beings expresses the desire (will) for such progressive benefits to be institutionalized as well as rewarded.

- ✓ To stop trafficking in women and children, much more funds will have to be allocated and cooperation between higher education and scientific-research institutions will be needed, at the national level and beyond, but above all at the level of regional.

It is my great pleasure to see that this paper will contribute to the most successful fight against trafficking in human beings and illegal migration, as one of the main problems that has gripped contemporary society and the family.

REFERENCES

- Bashkim Dr. Selmani "Human Rights Law", (authorized lectures), p. 209, First Private University "FON" - Skopje 2008
- Zejnulla Dr. Gruda. Public International Law. Book II, p.74. Prishtina, 1994.
- Dragan Tumanovski, Trafficking in Human Beings, Judicial Review, 2002, no.4, *The Protection Project, 2002 Human Rights Report.*
- International Convention for the Suppression of the Traffic in Women and Children, concluded in Geneva in 1921 and its amending protocol.

Convention on the Suppression of the Traffic in Adult Women, concluded in Geneva in 1933 and its amending protocol.

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Convention on the Elimination of All Forms of Discrimination against Women, CEDAW, 1979, ratified by law no. 7767, dated 09.11.1993.

European Convention "On Compensation to Victims of Violent Crimes", ratified by law no. 9265, dated 29.07.2004.

The CEDAW Committee, with its January 2003 recommendations, recommends the introduction of measures aimed at improving the economic situation of women to eliminate their vulnerability to traffickers, education initiatives for vulnerable groups, including adolescent girls, and social support, rehabilitation measures and reintegration for women and girls who have been victims of trafficking.

Says *Claire Potaux* (Global Alliance Against Trafficking in Women; GAATW); Human Rights Standards for the Treatment of Trafficked Persons.

Report on the implementation of the Albanian national strategy for combating trafficking in human beings, January - December 2006"; OSCE-ODHIR report (Barcelona 2007).

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