

The process of discovering and prosecuting trafficking with minors

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Abstract: Nowadays, in this modern society there are a lot of negative social appearances, including a lot of varieties of criminal which are becoming not just a national problem, but also a global and an international problem. Migration, both legal and illegal, affects all the countries in the world. The illegal includes smuggling and human trafficking. Human trafficking is an unlawful activity which disrupts the international regulations and the national legislation and threatens the vital values of a community. However, every form of trafficking with children does not have the same level of danger and risks, or danger to the security of the state and its residents. This global problem has become so serious that about 700.000-4.000.000 women and children per year, are sold, and due to this that countries are implementing new laws and regulations related to human trafficking. But, often the people in the countries that have implemented such laws, are not sufficiently familiar with human trafficking, so they consider that human trafficking affects only the sexual exploitation prostitution described as, “the oldest profession” through the centuries. Never the less, this phenomenon covers a wider area, i.e. from being sexually exploited, the victims can also being labor exploited, abused by hiring at dangerous activities, criminal activities or armed conflicts etc. The child trafficking is not a new issue, it has always existed. What is new is that the organized crime takes an enormous swing with its sophisticated methods of action. The rate of child trafficking is lower than the one with adult's, but that does not mean it should be ignored. On the contrary, it should be taken a bigger swing of the preventive level in order to eliminate the conditions and the cause of that criminal behavior and the level of repression, with which the very repression itself of a single crime of trafficking in minors can stimulate distraction of a potential offender of a new crime.

Keywords: human trafficking, child trafficking, child-victims of human trafficking, types of child trafficking, conventions, identification.

1 Introduction

The Republic of Macedonia until recently was a transit country for trafficking in human beings, but today, besides being the starting point, it is also identified as the ultimate point a destination that is a sign of destructive metastasis that is constantly spreading. There are many factors of their appearance depending on the

type of crime. When we talk about the general trafficking in human beings, we are talking about a number of factors that have contributed to its occurrence whether it is the poverty factor, the economic situation in one family, unemployment, warfare, political instability, and so on. But when we are talking about trafficking in minors, which today takes a big swing at the international plan, in addition to the above factors, parental negligence also has a major share neglect, domestic violence, low level of education of parents and children. Children from poor families are the most vulnerable category that can easily be manipulated in order to introduce into the dark waters of human trafficking. Because of poverty and insufficient economic inflows, parents cannot afford the luxury, and sometimes even the most basic needs of their children. Because they cannot ripe to judge and understand the seriousness of the situation, they become the easy target of human traffickers pledging their luxury life, mobile phones, laptops, and others works like a bait. But of course it will not receive it for free, later it pays with your body and labor as the object of abuse. When the victim becomes aware of this seduction and deception, it is already very late. They are susceptible to harassment and threats after the lives of their loved ones, and the purpose of this is embossing fear so as not to Here we are talking about adolescents, but when we talk about children of a young age, here are the main triggers of this work are the parents themselves who sell their children for a return to luxury and a better life. Parents go to the extreme that they sell their children for marriage, adoption, trafficking in human organs and so on. So we can let's say that the consent of minors for exploitation of any kind is irrelevant, even in the event that no means of coercion, coercion, fraud, kidnapping or actions taken while the child is in a vulnerable state or is under the control of another person.

2 Planning operations and their implementation

2.1 Units involved in trafficking investigation

First of all, we should mention what the units are and what teams are needed to efficiently plan the operations and implement them. First of all, it is necessary to have an appropriate Monitoring Team. The task of this team is to collect information about the premises and persons in them and determine the right time to start the action. While the Special Units of the Anti-Trafficking Task Force are providing the location and object itself, both from its interior and from its exterior. It is also necessary to search the premises and vehicles, confiscate the objects of the crime, check the guests, the suspects, the victims and conduct conversations with them. This is done by the Criminal Police. All traces and objects that originate from the crime must be photo and video documented after they have been previously marked and then raised as evidence. It is the task of the

Criminalistics Technique Unit. In addition, they have the responsibility to check ID cards, vehicle documents, etc. The next unit to be involved is a team of police dogs who secure the site from the outside and search inside.² It is of particular importance to provide a team of women inspectors who will perform physical checks in juveniles when dealing with a vulnerable category of victims (children or women). It is also necessary to have a Medical team if there are some unforeseen events and incidents, and they are also important for providing support to the victims. Inter-institutional cooperation and coordination with other police departments are very important. Interchange of information is required.

2.2 Preparation of an Action Plan for the operation to be implemented

The Action Plan is prepared in writing and it involves the preparation and planning of the overall action for the relevant case. It is used for the needs of the team that will operate according to that Action Plan. The plan should be handed over to the team leaders. It should be clear and precise, which will be of great benefit as a guide for further action, and through it can measure the progress itself in the realization of the set tasks and goals.

The content of the Action Plan is as follows:

History of the case being investigated

Determining the expected goals

Description of the premises

A Composition of the teams, their leaders, tasks for the team and for the leaders listed on the list

A table on how to communicate with team members

A Detailed chronology of the actions on the field

What will be the transport of vehicles from the police station to the targeted one location, and indicate where the position of the vehicles will be

It should also be noted who and how will ensure the perimeter of the operation

Who and how will ensure the interior of the premises

Identify the persons who will carry out the identification of the persons in the room and the persons who will carry out the search of premises and searches of the vehicles.

² Fabien Barthez, Peter Euguer, "Investigation of cases of trafficking in human beings", Crimea Police Program, Project: Trafficking in human beings, Skopje, December, 2004, p.15

The manner of treatment of detainees should also be determined

How will the witnesses be identified

How should the victims be handled, but IOM and the relevant NGO should be informed beforehand.

When transporting to the police station, the victims of the suspects and witnesses should be separated.

How should the evidence be handled (identifying and checking mobile phones, computers, e-mail addresses, videos or photographs, etc.)

The plan should include a list and documents that are subject to seizure, such as money, possession documents and bank account balance, reports, timetables, letters, mail, money transfer receipts, employment contracts, accounts, ID cards, registers, etc.

Destination of all arrested persons (victims, suspects, witnesses)

A list of the composition of the response teams for further follow-up operations, for example if there are additional searches, conversations, researchers)

Finally, the total number of engaged people from each department and the equipment to be used is stated.

2.3 Implementation of the action plan

The above points in the Action Plan are applied by the field operations units. The units should also be given recommendations on how to act on the ground. The observation team shall be placed at the location before the operation commences. The units are transported by truck, but they are not a convoy because they will be easily visible, and of course the units should not be perceived and the whole action "to fail in the water". Appropriate weapons and ammunition should also be used. MOI inspectors should wear police jackets or have police labels on their sleeves, while victims, witnesses and suspects should be detained in different premises and be banned from any conversations and phone calls. All guests, employees, witnesses, victims, suspects, neighbors in the facility should be checked and identified, and if needed, an interpreter is used. Certain measures are applied for catching the perpetrator or for certain traces and objects arising from the crime. These measures are the search of homes and people, as well as the seizure of objects. During the search, hidden objects, traces or objects, means used for the commission of illegal acts, forged documents are required. A search of apartments and other premises is carried out, in the case of the perpetrator, his relatives or third parties, the search of means of transport from outside and from inside which are connected with a criminal act. Also, passengers and baggage are searched separately. Also, based on the Action Plan, open spaces can be searched, such as yards, etc., as well as a search of persons in case there are indications that traces

and objects of the crime are found in the perpetrator or another person.³ Prior to the search of the site, a request should be submitted to an investigative judge (today's judge in a pre-trial procedure) and to issue a search warrant. During the search, all rooms or floors should be searched and performed in the presence of the suspect. The overall action should be photo and video documented. The houses of suspects and victims and the verification of vehicles, as well as the phones they use, should not be ignored. It refers to a report on the phone number and subscriber, messages, recorded messages, list of numbers that are required, answered calls, and missed calls. Also checks are done on the computers and the computer system, the money is taken away and they are handed over with a report about them, the documentation referring to bank accounts, cash flow, letters, trips, salaries, telephone bills, flash drives, memory cards, photos, any kind of material related to sexual activity (condoms, gel, etc.). The Team of Criminal Technique have to photograph the suspects, witnesses and victims of the event, the premises (inside and outside), the evidence and the confiscated documents and objects, fingerprinting. Consequently, documentation should be prepared with information that is entered in the database.

2.4 Raid of house or suspect person

This measure as an investigative action consists of a forced search of one person who from a legal point of view is regulated, and this is done when it is considered that with the very act of the search will catch the perpetrator or the actor find traces or objects that are important for the criminal procedure.⁴ If a search warrant is required to perform a search or when there are conditions for searching without a warrant, search for movable objects of the person caught in the premises is performed.⁵ In order to state the need for a search in the Action Plan, it is necessary to see if there is a probability that the search itself will achieve the desired goal, and above mentioned that it is finding the perpetrator, traces or objects of the crime. The search is performed based on the previously obtained written order of the court and against it is not allowed an appeal. The search of a person is a measure that consists in the forced search of one person, who in itself covers review. The search is legally regulated which consists of a search of clothing, footwear or personal luggage of a certain person, and of course the likelihood is perceived for finding traces and objects of the crime. The search is performed in indoors and, if necessary, completely unblocked. It should be kept the rule that a woman's search may be searched can only be performed by a female person, and also witnesses can be only female faces. During the search, whether it

³ Prof. Ph.D. Metodija Angelovski, "Criminalistic Method", p.77

⁴ Law on Criminal Procedure ", Art.198, Art. 1

⁵ Nikola Matovski, Gordana Lazetic-Bujaroska, Gordan Kalajdziev, "Criminal Procedure Law", Skopje, 2009, p.274

is on home or person, two adults should attend as witnesses. Also, the search of a person is carried out by two officials, one of whom observes keeping and the behavior of the person in order to prevent a possible assault or escape, the another person searches the person.⁶

3 Identifying minors as victims

The identification of victims is very important and aims at helping to determine whether the child and in general all the victims are or are not potential victims of this crime. Identification is very important because children abused may have to need urgent interventions due to physical, sexual and psychological health problems. Identification is a process through which a range of indicators are obtained information (through interviewing, material evidence, etc.), on which basis it is carried out assessment whether a person is a victim of trafficking. The indicators should be obtained through the indicators information related to the recruitment, transport, the means used for the person being abused and exploited, working conditions, living conditions, violence, fraud, addiction, etc.

In cases when it comes to underage victims of trafficking in human beings, in accordance with the Palermo Protocol, the presence of funds are not necessary to identify a case of trafficking in minors. Therefore, if the method of identification is known, the victim can easily be recognized and take appropriate measures to help them get rid of it exploitative situation in which they are located and not be a further subject of survival and injustice. Further care should be taken not to come to their further exposure to risks.⁷

When identifying juveniles it is necessary to keep in mind that:

Human trafficking is a process of events that begin by recruiting or coercion and end with an attempt to exploit or exploit the person.

Minors may be subject to domestic or domestic trafficking or international or cross-border trafficking.

Various standards for adults and juveniles apply.

There is a difference between trafficking and smuggling that we explained at the outset.

⁶ Nikola Matovski, Gordana Lazetic-Bujaroska, Gordan Kalajdziev, "Criminal Procedure Law", Skopje, 2009, p.276- 277

⁷ IOM Anti-Trafficking Training Modules - Identification and Interviewing Techniques Victims of Trafficking in Human Beings ", p.17

Attention should be paid to the presumption of age. This means that when the juvenile's age is not known for sure, and there is a reason on the basis of which the victim is considered a minor, the presumption is that the victim is a child. As long as the determination of his age continues, the victim will be considered a child.

Juveniles can be identified by different individuals. Persons belonging to the law enforcement agencies, immigration agencies, police, social services agencies, NGOs, international organizations, citizens, so they can be identified by other victims of trafficking. Also, the possibility of identification through SOS telephone lines should not be omitted.

3.1 Types of identification

There are two types of identification: **proactive** and **reactive** identification. In proactive identification, specialized individuals or organizations with special training offer assistance to victims of trafficking, and measures are also being taken from their side to find potential victims of this crime. About the same realize and achieve the desired goal, you need to have detailed information about the field of trafficking in human beings. It is very important to get in touch with the potential victim, and the necessary information would be provided referring to their rights and delivering contacts to the organizations that offer it its assistance in such cases. For the efficient operation of the border police, necessary is to develop plans for proactive identification of trafficking in human beings, whereby if this evil is recognized in time, it can come to contact with people who themselves are not aware that they have been exploited or are potential victims of trafficking.

That is why this method is very important for early detection of such cases and in a timely manner identifying potential victims as well as prosecuting perpetrators yet at the very beginning.⁸

Indicators for the identification of victims of trafficking in human beings can be subdivided into:

Direct indicators, which refer to the three elements of the definition of trafficking in human beings, but with the exception of children as victims where they do not have to exist indicators pointing to the presence of funds.

Indirect indicators, do not point to the existence of the three elements of a definition of trafficking in persons, contain certain, incomplete and combined information that is insufficient to identify victims of trafficking people. These

⁸ Tijana Fomina, International Center "La Strada" - Moldova and Maria Vogazi, Center for the Protection of Human Rights - Greece, Ariadne Network, "Regional Guidelines for the Identification of Victims of Trafficking in Human Beings" - Rulebook (Manual) for Southeast and Eastern Europe, 2012, p.26-27

indirect indicators identify potential victims, where they should have equal treatment with victims of trafficking.

3.2 Identification phases

First phase: Indications referring to trafficking in minors and taking further measures. This phase, as an initial phase starts at the arrival of the BCP the potential victim and their carriers or potential traffickers. Firstly, at this stage, external circumstances are considered, and then questions of potential victims/perpetrators are raised.⁹ Earlier we mentioned the division of indicators of direct and indirect. Direct indicators are divided into general and specific.

Below we will list the general indicators that need to be evaluated the initial phase:

Gender - Determine the gender of the potential victim. This is especially important when determining whether it is a sexual exploitation of young girls and boys which brings a lot of profits.

Age - When talking about trafficking in minors, it is necessary to be careful evaluate the age of the minor despite being visually harder to do make. Usually trafficking in human beings for sexual and labor exploitation is aimed at younger people, and therefore traffickers and their aides recruit younger people who are capable of heavy physical work in the context of sexual exploitation, according to traffickers, younger persons are more profitable than the elderly. The same and for the sale of organs, the younger donor is more profitable than the adult.¹⁰

Citizenship - Here we should emphasize that poor countries are giving bigger clues on trafficking in minors and in general with people of all kinds age. Therefore, a potential victim should come from a well-considered perspective such places, to confirm or reject the risk or potential risk.

Travel Documentation - The victims' documents are most often confiscated by criminals and it is part of the trader's control mechanisms. The victim does not own the documents in themselves, but they keep the carrier and the trafficker to hand them over to border control. However, there are also cases where forgery or stealing passports for the same purpose. It is necessary to check the seals of the document itself and from other international border crossings and their dates, as well as to see if they are visiting the Republic of Macedonia for the first time.

⁹ International Organization for Migration - IOM, "Practicum for Combating Trafficking in Human Beings" illegal migration ", p.18

¹⁰ "Modules for IOM Training Against Trafficking in Human Beings - Identification Techniques", p.21

Vehicle and traffic documentation - Usually the vehicles that transport the victims are with proper documentation and correct, but there are also cases where the vehicles were stolen, and the documentation falsified. Therefore, attention should be paid to the documentation. At the same time, certain characteristic features of the vehicle can be perceived, where it can be determined that it is acquired by theft. For example, if windows are changed, or non-original side windows are installed, damaged front door locks, no original keys, or the use of multiple keys instead of one, lack of lock on the boot, lack or built-in non-genuine fuel tank cap, etc., indicates that it has been stolen.¹¹

The number of persons in the vehicle - Most often the carrier / potential trader transports 1-2 people and this knowledge should always be overlooked.

When talking about children as victims of human trafficking, the general indicators for identification is the following:¹²

The minor has no contact with his parents or guardians

The juvenile does not own personal documents or possesses counterfeits

The minor travels alone, without the accompaniment of the parent or guardian

Adults with whom the child lives with them dispose of his documents and consent from parents

The juvenile lied about his age or does not know how old he is

The juvenile does not go to school, does not know how to write or read

The minor is neglected, neglected and inadequately dressed

No healthcare

They try to escape from officials in any way

They look frightened, tired, shy, exhausted, confused and showing signs both physical and psychological abuse

They have bruises on various parts of the body

They have no friends

They do not have time to play

They have no freedom to move

¹¹ International Organization for Migration - IOM, "Practicum for Combating Trafficking in Human Beings" illegal migration ", p.19-20

¹² "Indicators for identification of victims of trafficking in human beings", Ministry of Labor and Social Affairs politics, Skopje, 2014, p.4

They have major behavioral changes that are not appropriate for their age

Shipping to the country of destination was paid by other persons, which should be further provided repay them through work

They do not have cash or have very high sums

There is an awareness that a person is bought or sold.

3.3 Second phase

Initially, a brief interview with the person who is a member/potential member of a criminal network of human trafficking (trafficker / potential trafficker).

In this second phase, it is necessary to establish a pre-scheduled conversation with the trafficker / potential trafficker and the occupants of the vehicle. Firstly, it is necessary to find out what the purpose of their journey is. Also besides the knowledge for the purpose, one should perceive the relationship between the carrier / potential trader and passengers logically, that is, to see if they are in a cousin, friendly, love affair, business people and the like. In the meantime, the travel document of the carrier / potential trader should be reviewed and the emphasis on whether there is more frequent travel to a country, and if there is such a trip, it should be asked the purpose and motives of these frequent trips. If they are transiting, they need to get knowledge of the contacts they have in the country which go, that is, phone numbers, addresses, activities that they perform, how much it is known the country where they go, etc. All passengers in the vehicle, including the carrier/potential trafficker, should be asked about the value of the money they own. The same because potential victims do not own or own a small monetary value. External visible physical injuries to a person and body are also significant indications that they are victims / potential victims of trafficking. If they have them, they need to get knowledge, that is to ask where, when and how they got it injuries. While interviewing, attention should be paid to observe their own reactions, that is, the body language and their behavior. Usually set questions to correspond to the carrier/potential trader, and this causes the signs of nervousness of the victim / potential victim who is a passenger in the vehicle.

In such cases, you should seek out and talk to your companion. In addition, there are other signs which should be observed when interviewing a carrier / potential trafficker which are: friction and sweating of the palms, trembling of the voice, drying of the mouth and often sneezing, severe knocking of the neck artery, unusually strong squeezing or knocking with your fingertips on the steering wheel, changing stations, tapes, or compact discs on the radio in the vehicle, changing the

theme of the conversation, turning the view on the side which avoids the eyesight.¹³

If there are more of these above indications, the passport control must notify the shift manager, and the further activity should be separating the carrier/potential trafficker from passengers/potential victims, and the vehicle should be rearranged to the side and subjected to a search in the presence of the carrier/potential trader, and further and adequately secured. All items and documents indicating the existence of trafficking in human beings are confiscated and a Confirmation of temporarily confiscated objects is issued. While the fellow passengers are called in the official room for the continuation of the interview.

3.4 Third phase

An interview with a member of the person/potential member of a criminal network for trafficking in human beings and an interview with the victim/potential victim of trafficking in human beings.

At this phase, every person should be in a separate room when taking an interview for later to make a comparison of the answers to the questions, yes there are contradictions or illogical statements. When interviewing, it should be kept one rule, and that is that an interview with a potential victim should be done by hand an official of the same sex, and an interpreter if necessary. We told you about the initial short interview with the trafficker/potential trader people, however, if there are grounds for suspicion, after the inspection and search of the vehicle, luggage, etc., is continued with the further interview. Ask questions from the type of personal information, name, surname, nickname, date and place of birth, address, telephone, profession, the purpose of travel, etc. It must also provide documentation and to explain what kind of relationship it is with travelers. When it comes to a situation where a juvenile must be interviewed, like potential or already a victim of human trafficking, attention should be paid to the way of accessing and asking questions, ie to be adapted to his age. Not all children reveal what happened to them in the same way. Some they talk about what happened, but some inadvertently reveal through their own behavior. They may also not tell the whole story immediately, sometimes even can to hide a long time about what happened to him. One should not neglect the fact that the juvenile ever denies that there was abuse or what he said withdraws even in situations where the statement he has previously given is substantiated by evidence.

Will it be willing to disclose abuse depends on age, culture and circumstances.¹⁴ Generally, it is generally accepted that older minors should be an interview in a

¹³ International Organization for Migration - IOM, "Practicum for Combating Trafficking in Human Beings" illegal migration ", p.21

separate room without the presence of another member, and at interviewing minor juveniles should be attended by an adult member in the which the child has the confidence to support him in these difficult moments. The person for whom there are grounds for suspicion that he is a perpetrator of the offense must not be present interviewing. The room in which the interview will be conducted must be quiet, yes no there is nothing that would distract him (radio, television) or be interrupted by the conversation of people entering and leaving the room. The child can also choose in which room to conduct the interview, and it should be convenient, and have toilet and water, as well as paper and accessories for writing and drawing (some children know to express themselves through writing and drawing). For the juvenile to feel is surely possible to have her favorite toy. In preparing the interview with minors, the official should lead to some general directions. These general directions are as follows: Once you get the suspicion that there is abuse should be the interview as soon as possible. At interviewing a child should have a sense of security and protection and support.

Also, persons interviewed by juveniles must be specialized in that area, in the field of conversation with minors. The interview should not last very long, in order not too tire the juvenile. But of course, before it is implemented interview, you need to make a plan for that interview process. Here in mind, you need to the status of the juvenile's family, the juridical characteristics of the juvenile. The most important thing is to leave the child first to express himself and explain in his own words the event or the situation in which it was found, and then only to ask questions. Of course, you should also keep an eye on the questions, how they will be set up. At the same time, the juvenile should be prepared to give a statement in court and provide his support during the criminal procedure and trial.¹⁵

Conclusion

Trafficking in minors is a term used to define the situation where children are forced or deceived by the situation to be exploited. Based on the overall research systematized in this paper, we will summarize the key issues related to contemporary trends in preventing trafficking in minors, pointing to practical, practical recommendations for improving the preventive methods currently used by competent institutions, such as and implementing new measures that would prove successful in the coming period. The goal of this ore is, above all, to see the level of development of the individual awareness among the citizens of the Republic of Macedonia with regard to the risk of juvenile victimization. At the same time, to see the level of engagement of educational institutions, NGOs, mass media and state institutions in raising the awareness of society. At the national

¹⁴ Barbara Michels, "Let's talk", Developing effective communication with child victims of abuse and trafficking in human beings - Practical Guide to Social Workers, Police Officers and other professionals, September 2004, p. 20-21.

¹⁵ "From Human Trafficking to Security" - Training for the employees of the Ministry of Interior, Training Materials 9B

level, the cooperation with international organizations is increasing and bringing positive results. During the investigations, the Republic of Macedonia regularly cooperates with Interpol, Europol and Secki-Center. It is also one of the purposes of this paper to identify the key risk factors for trafficking in minors, determining whether effective and effective preventive measures are taken by the competent institutions to undertake, and to determine the degree of national and international institutional cooperation.

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