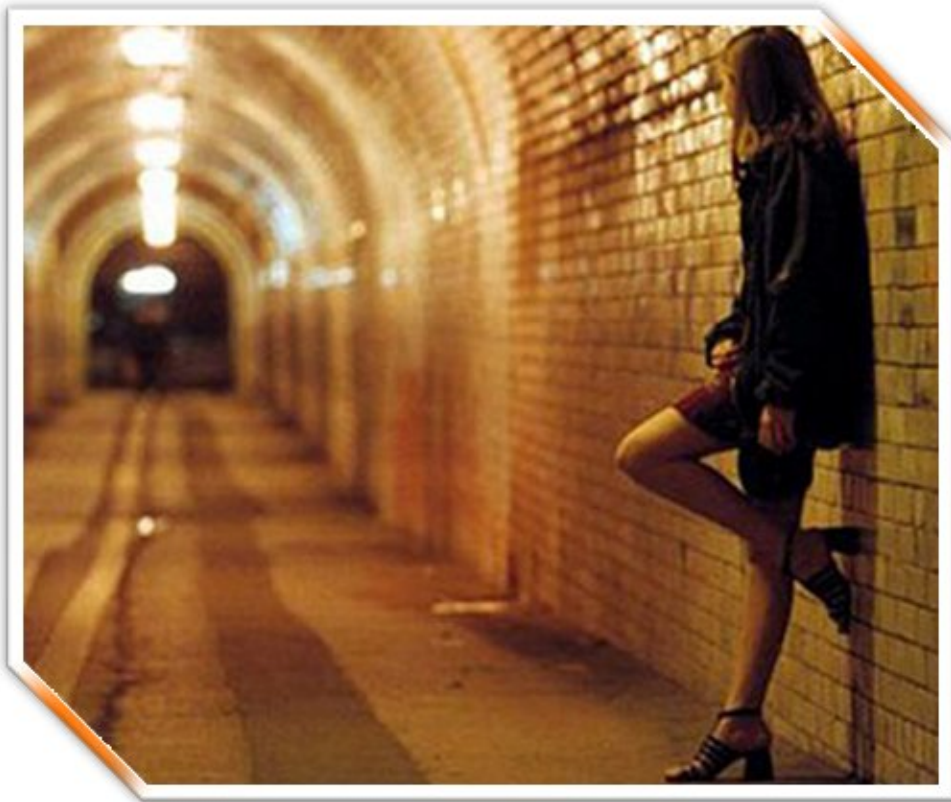


Police capacities to combat human trafficking



1. Introduction

Organized crime asks for organized response. Therefore, when it comes to human trafficking there are no doubts that despite the important roles many actors may have in combating this specific type of crime, the police sector acts as the most important one.

This statement is based on several grounds:

- Police is in charge of keeping the security at the borders;
- It issues travel documents (passports, Identification cards etc.);
- Police has the legitimate power to use force when necessary;
- It cooperates closely with other security institutions i.e. the Intelligence Agency in collecting and analyzing information;
- In most of the cases human trafficking victim's first contact is the police officer.

Recognizing the police sector as a vital element in combating human trafficking gives us the basis for investigating the current challenges Macedonian police is facing. This brief will closely examine the problematic areas of the work of the Police in the fight against human trafficking. In addition, it will also put forward a set of recommendations that can improve the overall performance in regards to combating human trafficking.

2. Background of the problem

During the past several years, Macedonian police has received many compliments due to its successful operations throughout the country. These operations have resulted in the creation of positive trends, which when compared to the figures of 2001 and 2002 have led to significant decrease in the number of officially registered human trafficking victims. There still are, however, several key areas that are identified as problematic and not sufficiently addressed.

This brief will put its focus on the following 4 areas:

A) Corruption

The issue of corruption is not a new phenomenon and it has labeled different segments of our society. When speaking about corruption in the police sector, especially when it comes to human trafficking, corruption can be identified as number one reason for the failure of many police operations. It is arguable what the reasons for corruption are, whether it is the need for greater wealth, the close family relations with the traffickers or mistrust in the police as an institution.

"Local police officers are not immune to corruption. Often they "cooperate" with the traffickers, therefore undermining the police action"¹

From a statistical point of view in 2008 the Department for Internal Control at the Ministry of Interior "filed 87 criminal offenses entries against 75 police officers for a total number of 70 criminal offences out of which 61 officers have shown elements of corruptive behavior"².

Accordingly, human trafficking victims are not empowered to cooperate with Police officials mainly because traffickers use their corruptive links with the police to threaten the victims. Most frequently victims are threaten that it will be of no one's benefit if they reveal the traffickers, since criminals/traffickers cooperate closely with the police thus the law cannot reach them.

B) Lack of cooperation between the Department for Combating Human Trafficking and Smuggling Migrants and the Sectors for Internal Affairs throughout the country

In the fight against human trafficking, the Ministry of Interior (MOI) has established a special department under the Department for Organized Crime that is solely responsible for the process of fighting human trafficking and smuggling migrants. Institutionally, this division has a satisfying level of competence, in terms of human and equipment resources. However, when it comes to the cooperation with the local offices under the Ministry of Internal affairs (Sectors for Internal Affairs) there is a clear discrepancy. "There have been cases where the local MOI (Ministry of Interior) offices decide to take action without

¹ Interview with an official in an international organization's office in Skopje (December 2009).

² D. Stojanovski. Monitoriranje na Liderstvo; Institut za Ekonomski strategii I megjunarodni odnosi Ohrid (p. 41 – 50), Accessed December 2009 (<http://oi.org.mk/upload/Leadership-Monitoring-September2008-October2009%20.pdf>)

previous communication and coordination with the Central Department responsible for human trafficking within the Ministry.”³

These actions can lead to a corruptive behavior among the higher hierarchy in the local MOI offices, and cause a serious disregard for the professional standards of working. Coordinated actions are characterized not only by the visibility of police officers on the ground but moreover with a presence of the representatives from the Centers for Social Affairs and specialized non-governmental organizations that deal with the issue of human trafficking.

- C) Need for improvement of the capacities of the local Mol Offices and political pressure

Without any doubts, the officers dealing with human trafficking have to undergo specialized trainings for working with this specific subject. In this way the police structures can act accordingly within the new legal frameworks and settings. This has an even greater importance when it is addressed to the Sectors for Internal Affairs throughout the country. “Unfortunately, there has been evidence of the wrong identification of victims of human trafficking, as well as dealing with cases under different or outdated articles of the Criminal Code.”⁴

The Police, unfortunately, has not been spared from the phenomenon of politicization⁵. This has brought about unskilled police officers that without any doubts reflected on lowering the trust in the police among local people and the NGO sector. “Even today, it is still very important to get a green light from the political party hierarchy in order for a police action to be undertaken”⁶ The most recent structural changes in the Ministry of Interior date back in 2007 and 2006 where dozens of high level Police officers were downgraded to lower positions.

³ Interview with an official in an international organization's office in Skopje (December 2009).

⁴ Ibid.

⁵ Politicization's aspect consists in the massive politically based employment in the PA, thus completely undermining the principle of rationalized and merit-based employment. Agim Selami (Rightsizing of the Public Administration in Macedonia, Analytica).

⁶ Interview with a former Police General at the Mol, Skopje (December 2009).

D) Human rights violations

International organizations and NGOs are closely monitoring the work of the Ministry of Interior in respect of the rights of the victims, especially when implementing the Standard and Operating Procedures. Main concerns are addressed towards the State shelter, which takes care of the foreign victims of human trafficking. The living conditions of this shelter are not satisfying and are not in full alignment with the international standards.

When we speak of human rights violation in regards to the victims of human trafficking, the most evident example was the Police action named “Ulicna Prostitucija (Street Prostitution)” undertaken on 21.11.2008. This operation resulted in the detention of 25 sexual workers.⁷ Among the violations noted by several NGOs, the most evident were:

- Involvement of the media during the police action, therefore threatening the identity of the sexual workers;
- The sexual workers were forced to get tested for sexually transmitted diseases;
- Not all of the sexual workers were given the reason why they have been arrested.

3. Recommendations

During the past several years, Macedonian police has continued to mark successes in the field of combating human trafficking. There are several areas that note serious progress such as the border security and the introduction of new biometric identification documents. The introduction of the new Law on Internal Affairs and the new career based system should enable less political influence among the police sector. In addition to this, international cooperation has maintained the momentum last year as well, with the opening of the new 24/7 Europol Operative Centre located at the MoI, thus fostering the cooperation links with Europol.

Despite the positive trends there are still some ongoing challenges that deserve greater attention:

⁷Golema policiska racija vo Skopje – Uapseni 25 prostitutki fateni na delo; Dnevnik (Accessed 24 December 2009) <http://www.dnevnik.com.mk/default-mk.asp?itemID=D378AB2B04AF5F44AE7E34E5F59F5292&arc=1>

- The introduction of the visa free travel to the Schengen countries from December 2009 confirmed the progress that was made in strengthening border security combined with the new and more secure travel documents. Though the integrated border police is in place, there is still a lack of finances for the reconstruction and building of new police stations and extension of TETRA (Terrestrial Trunked Radio) communication system, which provides more sophisticated communication network among police services. Further strengthening of the border crossings will undoubtedly decrease the possibilities for human trafficking.
Advanced measures should be put in place when minors are entering the country without the companionship of a parent or guardian.
- The Ministry of Interior should invest more into strengthening its capacities with specialized trainings and programs for dealing with human trafficking, especially on the aspect of better coordination between the local MoI Offices and the Central Department responsible for Human Trafficking and Smuggling of Migrants.
- Full implementation of the provisions of the new Law on Internal Affairs, which came into force in July 2009, should ensure career and merit based system of promotions within the Ministry, therefore lowering the leverage for politicization among the police and create a more resistant police sector to political influences.
- The role of the Internal Control Mechanism within the MoI should be more transparent and proactive in sanctioning police officers. Cooperation between the parliamentary bodies overseeing the work of the police sector should be strengthened and intensified.
- Macedonian authorities should continue with the excellent international cooperation through the channels of Europol, SECI Centre etc. Macedonia may initiate regional initiatives in the format of conferences or joint public campaigns for raising public awareness and enhancing regional cooperation for combating human trafficking.

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"Police capacities to combat human trafficking"

Andreja Bogdanovski, Research Fellow of the Program
abogdanovski@analyticamk.org

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Analytica

Web: www.analyticamk.org

Email: info@analyticamk.org

Dame Gruev No: 7-8/3
1000 Skopje, Macedonia
Phone: 00 389 (0)2 3121 948
Fax: 00 389 (0)2 3121 948