



FACULTY OF LAW
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POST DIPLOMATIC-MASTER STUDIES

THEME:

**SMUGGLING OF MIGRANTS IN KOSOVO 2006-2012,
ITS CAUSES AND PREVENTION**

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CONTENT

Introduction.....	
CHAPTER I	
1.1 The meaning and definition of the phenomenon of smuggling of migrants.....	
1.2 The definition of smuggling of migrants	
1.3 The differences and similarities between smuggling of migrants and trafficking of human beings	
CHAPTER II	
2. Criminal legal regulation of migrant smuggling.....	
2.1 Smuggling of migrants and Kosovo’s legislation.....	
2.2 Regulation of smuggling of migrants in the countries of the region	
2.2.1 Smuggling of migrants in Macedonia.....	
2.2.2 Smuggling of migrants in Albania.....	
2.2.3 Smuggling of migrants in Montenegro	
2.2.4 Smuggling of migrants in Serbia	
2.3 Smuggling of migrants by international acts	
CHAPTER III	
3. Etiology and phenomenology of migrant smuggling in Kosovo 2006-2012.....	
3.1 The causes of the smuggling of migrants	
3.2 Volume and dynamics of migrant smuggling in Kosovo 2006-2012	
2.1 Phenomenology characteristics of the perpetrators of migrant smuggling.....	
2.2 Organization of the perpetrators of migrant smuggling.....	
2.3 Gender of perpetrators of migrant smuggling.....	
2.4 Nationality of the perpetrators of migrant smuggling.....	
2.5 Characteristics of victims of migrantsmuggling in Kosovo from 2006 to 2012.....	

CHAPTER IV.....

3. Measures and actions to combat the smuggling of migrants

3.1 Role of the Police in combating the smuggling of migrants.....

3.2 The role of the prosecution in combating the smuggling of migrants

3.3 The role of the courts in combating the smuggling of migrants

3.4 The role of media in combating the smuggling of migrants

CONCLUSION

RECOMMENDATIONS.....

REFERENCES.....

INTRODUCTION

Smuggling of migrants in the last decades has become widespread and is presenting a special form and serious organized crime. Actuality about smuggling of migrants and the negative consequences that migrant smuggling brings has made this a very important matter (in itself) hence its scientific treatment within a state should be given more attention. There are three main issues in this paper: the legal solutions that are intended for this type of crime, the volume of this offense through the years, the forms of its presentation and effective measures to combat this phenomenon. In this paper specifically legal solutions and the situation of countries in the region are elaborated in order to make a comparison of them and then take their experiences and best practices to a more efficient access of the phenomenon of migrants smuggling.

The main purpose of this paper is to investigate the current situation in normative and practical context in Kosovo. To explore the causes that affect the appearance of smuggling of migrants and increase the volume of smuggling of migrants; to pay attention to the organization of criminal networks and the ways of committing the criminal offense of migrant smuggling. After analyzing the data and laws of the neighboring countries and international documents, make recommendations and to propose measures for a more efficient fight against this phenomenon.

During the study and analysis of the material and study of the existing situation and especially the spread of this phenomenon in Kosovo, I tried to involve in this work:

- The meaning of the notion of migrants' smuggling;
- The distinction between smuggling of migrants and trafficking of human beings;
- Current legislation in Kosovo for smuggling of migrants;
- Smuggling of migrants in countries of the region;
- Causes affecting the presentation of migrant smuggling;
- The role of the state authorities and the media in combating the smuggling of migrants;
- Prevention measures of the migrant smuggling by proposing modalities for more effective combating of this phenomenon and minimizing migration needs.

The other reason that pushed me to study this subject is its great relevance in Kosovo and the other reason is that this issue in Kosovo has not been examined and explored. This paper is challenging paper and I believe that the country and international organizations should do more in addressing this topic.

During the treatment of this topic I used standard methods for the implementation of a scientific paper such as the method of analysis, comparative method, individual case study method, statistical methods, methods of observation etc.

Another element important element is to emphasize the role of cooperation and coordination of activities of state bodies (police, prosecutors and courts) and civil society if they want to fight against smuggling of migrants but also in many other forms of organized crime to be more

successful. Given that our country can be presented as a source country, as a transit country and the country of destination, the issue of migrants and their treatment should be given a particular importance, especially when they are foreign nationals and when their journey is over in Kosovo. This will affect the state to provide legal and procedural mechanisms that this issue to be treated seriously and find modalities to encourage them not to migrate illegally and to not get convinced by smugglers of migrants.

CONCLUSION

Smuggling of migrants in the Republic of Kosovo for the period 2006-2012 as a form of organized crime has been an almost continual appearance. Its appearance firstly deals by introducing the smugglers within migrant smuggling, where the territory of Kosovo is used as a transit area for migrants from other countries, mainly from Afro-Asian countries. In Kosovo's legislation smuggling of migrants is treated with a special significance. The smugglers of migrants in the Republic of Kosovo is very present and very difficult discoverable. Smugglers of migrants due to the specifics of this offense have cooperation with other countries in the region. This fact means that this type of crime is transnational.

The number of this type of criminal offenses in the Republic of Kosovo is very large, detection and punishment of smugglers of migrants is very difficult. And this difficulty contributes to the recalcitrance of smuggled persons who are willing to cooperate only when they encounter obstacles and difficulties during their transport and when they realize they are deceived by their smugglers. Then they are ready to provide all information that they possess hoping to save what they have paid for smugglers.

General number of smugglers dominates smugglers that are citizen of the Republic of Kosovo, but among them there are also citizens of other countries. This speaks to the fact that migrant smugglers in their criminal organization work closely with smugglers from other countries. Here it comes to smugglers of neighboring countries, the countries which are part of the travel itinerary of migrants, but also the countries from which the persons smuggled.

Freedom of movement for all citizens of Kosovo is being abused by the smugglers of migrants, they put citizens of Kosovo places in which it is possible to go through with identity cards (Serbia or Albania) and then they require other additional payments allegedly due the unplanned difficulties.

In the recent years migrant smuggling is more common, during 2013 migration and migrant smuggling offenses were increased.

The engagement of state structures in the prevention of migration and smuggling of migrants has not been satisfactory.

RECOMMENDATIONS

In order to fight effectively against the smuggling of migrants and increase the efficiency in combating irregular and illegal migration and smuggling of migrants should take a series of measures and activities by legislation of Kosovo by all competent state authorities, civil society and media.

The police need to increase the capacity in the sector of intelligence, so the information and resources circulate in time and are placed at the right address. Within the directorate against organized crime in Kosovo's Police, creation and professionalization should be done which would deal exclusively with the issue of migrants' smuggling. Increasing of human capacity and those of the technical level should be done particularly to the Border Police as unit which directly wrestles with the phenomenon of smuggling and illegal migration. Training should be particularly done for the identification of forgeries of travel documents and other documents. Controls should also be added to the travel agencies especially to operators dealing with transportation of passengers in international relations, to fictitious firms that provide employment to third countries.

The government of the country should focus much more on economic development that will be followed by the opening of new jobs. Employment of people, which means creating a better basis for living, would reduce requests for illegal migration. It will then also reflect the smuggling of migrants; the course will reflect the number of cases of smuggling of migrants.

They must be accompanied by more attention to the hotel and service facilities to exercise their activity in the vicinity of the border crossing; usually they serve as meeting points of migrants and their smugglers. The state prosecution should add capacity to combat migrant smuggling. Within the sector against organized crime the creation of a separate sector should be done, a sector that will be trained especially to combat smugglers. Cases relating to smuggling of migrants should be given priority.

Courts also deal with cases of migrant smuggling to devote a greater importance, due to the nature and risk of these offenses. Particular points of the courts is punitive policy, this policy should be followed consistently and based on analyzes performed to see whether the penalties imposed are sufficient to influence potential perpetrators of migrant smuggling.

Ministry of Interior Affairs should organize different campaigns for sensitization of the public on the threat of illegal migration and the notice of the population for the legal consequences to the perpetrators of migrant smuggling. Should make efforts on a more successful implementation of developed strategies dealing with illegal migration.

Civil society through non-governmental organizations should criticize and organize scientific roundtables on developments relating to the smuggling of migrants. Also, through real media

information will affect the competent authorities to undertake the necessary steps to run emphasis on combating the smuggling of migrants.