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SICUREZZA UMANA NEGLI SPAZI NAVIGABILI: SFIDE COMUNI E NUOVE TENDENZE

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HUMAN SECURITY IN NAVIGABLE SPACES: COMMON CHALLENGES AND NEW TRENDS

A cura di / Edited by

GIORGIA BEVILACQUA

Protecting HUman SEcurity with non-state-actors in the MARitime and CYber SPAce – HUMARCYSPASE

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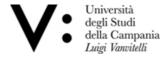
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HUMAN TRAFFICKING: ONLINE RECRUITMENT - A SERIOUS RISK TO MIGRANTS' CYBER SECURITY IN REPUBLIC NORTH MACEDONIA

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1. Introduction

Electronic and fast communication have significantly facilitated life in recent years, but also left a strong mark on the way of coexistence with others. Today, when human contact is reduced and minimized, when communication with others and the maintenance of social life is done through phones, tablets and computers, when we work, educate and live with the help of the Internet and electronic devices, is inevitable for crime to change its direction too. To direct its manifestation in the same place where people of today live - in cyberspace. Wide application are the most essential need of information and communication technology and use of social networks exists in a special way among people affected by natural disasters or armed conflicts. Crisis situations in which social networks would have a huge impact are increasing. In 2015, we witnessed a state of emergency caused by the large influx and transit of about 1 million refugees and migrants in our country.[1]

Trafficking in human beings and smuggling of migrants have emerged as one of the most serious crimes committed against migrants using Balkan route and transiting through the Republic of North Macedonia. The fluidity of the borders of these two types of crimes, imposed the need for their detailed criminological analysis.[2] So, this constant monitoring of these criminalities and their study, gave us the knowledge of "modern" way of getting that first, initial touch with possible/potential victims of these acts – online / cyber recruitment. Online interactions and encounters appear to facilitate several aspects of human trafficking such as - targeting of potential victims, access to personal data, arrangement of logistics and transportation, recruitment through social media, chat forums and other websites, advertisement of victims, their exploitation and

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[1] D. Nikolovska, *The use of social network in the migration cycle*, University "St. Cyril and Methodius",
Faculty of Law "Iustinianus Primus" – Skopje Refugee Law Clinic, <https://refugeelaw.mk/mk/2020/08/13/%D0%BA%D0%BE%D1%80%D0%B8%D1%81%D1%82%D0%B5%D1%9A%D0%B5-%D0%BD%D0%B0-%D1%81%D0%BE%D1%86%D0%B8%D1%98%D0%B0%D0%BB%D0%BD%D0%B8%D1%82%D0%B5-%D0%BC%D1%80%D0%B5%D0%B6%D0%B8-%D0%B2%D0%BE-%D1%86%D0%B8%D0%BA/ >
[2] See: P. Campana & F. Varese, "Exploitation in Human Trafficking and Smuggling", *European Journal on Criminal Policy and Research*, 2016, pp. 89-105.

surveillance.[3] Therefore, two main methods are used by traffickers to recruit victims via the Internet - spurious advertisements for employment, marriage, dating agencies, etc. or chatrooms.[4]

Each of the three cumulative elements of the trafficking definition can be committed in a 'cyber' way: the recruitment, the transportation, and the offering of the victims and even the actual exploitation.[5] In trafficking, but also in smuggling migrants, perpetrators use all kind of means to recruit victims from traditional to more modern ones. When trafficking is committed with the use of Internet it is called "cyber trafficking". Cybercrime is easily committed, it is cheaper, it is anonymous, it is fast and leaves only digital traces, the criminal does not have to leave their home place, and it can be hard to locate.[6] The perpetrators aggressively adopt the new ways of communication, and take advantage of each new technology and application to trace victims, transmit illegal materials, and avoid detection by law enforcement.[7] More and more forms of trafficking appear every day and more of them are using cyberspace as means of recruitment or for the advertisement of trafficking "services and products".[8]

Looking at the migrant crisis, and the closure of the Balkan route and the recent pandemic, cyber recruitment has become a particularly widely used way of contacting migrants. International Organization for Migration (IOM) alarmed about the treat that human trafficking would adapt to the COVID – 19 pandemics, and that the usage of internet tools for recruitment will increase.[9] United Nation Office on drug and crime (UNODC) also reacted in this way,[10] and so does the Europol and its European Migrant Smuggling Center.[11] The use of Internet-based applications has eased the process of identifying and contacting victims, the logistics of transferring money, and the coordination between dif-

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[3]   *Migrant smuggling networks. Joint Europol-INTERPOL report*, May 2016, <https://www.europol.europa.eu/publications-documents/europol-interpol-report-migrant-smuggling-networks>.

[4] *Trafficking in human beings: Internet recruitment, Misuse of the Internet for the recruitment of victims of trafficking in human beings*, Directorate General of Human Rights and Legal Affairs, Council of Europe, 2007.

[5]   *Völkerrechtsblog, International Law & International Legal Though,* < https://voelkerrechtsblog.org/de/on-cyber-trafficking-and-the-protection-of-its-victims/> (03/21)

[6] *Trafficking in human beings*, cit. *supra* note 4.

[7]   S. Sarkar, *How traffickers exploit the COVID – 19 pandemic*, research proposal, 2020, <https://www.researchgate.net/publication/340428231_How_traffickers_exploit_the_COVID-19_pandemic>

[8]A. P. Sykiotou, *Cyber trafficking: recruiting victims of human trafficking through the net*, in C.D. Spinellis, Nikolaos Theodorakis, Emmanouil Billis and George Papadimitrakopoulos (eds.), *Europe in Crisis: Crime, Criminal Justice and the Way Forward. Essays in Honour of Nestor Kourakis*, Ant. N. Sakkoulas Publishers L.P., Athens, 2017, p. 1547-1587.

[9] *International Organization for Migration* <https://rosanjose.iom.int/SITE/en/blog/when-human-trafficking-adapts-pandemic> (04/21).

[10] UNDOC warned that "traffickers innovate and take advantage of new technologies to work in flexible ways, including extending their operations across borders".

[11] They aware that "this crisis will have a lasting impact on our societies and economies".

ferent groups. Moreover, the anonymity and use of many online services simplifies a transnational crime such as trafficking in persons.[12] The perpetrators use various means of communication, various applications and are generally anonymous, which makes it difficult to detect the crime, but on the other hand crossing the border from smuggling into human trafficking is particularly easy. And if the bait set by the perpetrators in normal conditions by luring people is usually the promises for better work, better life, easy earnings, socializing, etc., it is set here long before the perpetrator reaches for the victims, and that is - transit across borders and reaching the final destination.

2. Victimization of Irregular Migration in the Republic of North Macedonia - An Opportunity for Human Traffickers

Migrants and refugees traveling or being smuggled through North Macedonia are vulnerable to trafficking, particularly women and unaccompanied minors.[13] The UNODC Global Report on Trafficking in Persons for 2016, notes that many trafficking cases "start with people eager to migrate but with no other option than to rely on someone who they believe will facilitate their irregular migration into a better life". In particular, the Global Report notes that the lack of regular migration and family reunification channels leaves no other option for people fleeing conflict and persecution but to make "dangerous migration decisions", often exposing them to the risk of being trafficked and exploited on route or in destination countries. In practice the boundaries between smuggling and trafficking are often blurred, mostly because they are influenced by the same political and socioeconomic factors. This conflation is described as problematic and is said that can jeopardize the proper identification and assistance of victims of trafficking, as government authorities may focus on the identification of smuggling offences at the expense of the identification and protection of victims of trafficking.[14] Traffickers also frequently bribe police officers and labor inspectors, and police have been investigated and convicted for complicity in human trafficking,[15] and in smuggling of migrants too. Because of the lack of collaboration of migrants, many of cases that are probably cases of trafficking in person, go under of the indictment smuggling of migrants. There is no incrimination in the Criminal

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[12] UNODC – United Nations Office on Drugs and Crime, *Global report on trafficking in persons*, 2018.

[13] *2020 Trafficking in Persons Report - Macedonia*, United States Department of State, 2020, <https://www.state.gov/reports/2020-trafficking-in-persons-report/north-macedonia/> (02/21)

[14] *Trafficking along migration routes to Europe, bringing the gap between migration, asylum and anti-trafficking*, International Centre for Migration Policy Development, EU, 2018, p. 20.

[15] *2019 Trafficking in Persons Report - Macedonia*, United States Department of State, 2019, <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/north-macedonia/> (02/21)

Code trafficking victims for unlawful acts committed as a direct result of being subjected to trafficking; however, the government may have deported, detained, or restricted freedom of movement of some trafficking victims due to inadequate identification efforts[16], which has a push effect for the migrants who urge to reach their destination country. So, the lack of statistic does not necessarily mean the lack of cases.

2.1. Risky time periods in Republic of North Macedonia for migrants' victimization

From the beginning of the migrant crisis until today, significant time periods that were particularly conducive to further victimization of migrants are:

1. Selective policy in the admission of migrants originating from a particular country[17]

2. Further restriction of the mentioned selective policy[18]

3. The closure of the Balkan route[19]

4. Closing borders as part of measures to prevent the spread of the COVID 19 pandemic.[20]

Although migration is often voluntary, it still increases the vulnerability of individuals and leads to abuse of rights, exploitation, violence etc. Increased migration flows also pointed to the lack of protection of migrants in our country, both those who passed and those who found themselves stuck in it. The

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[16] *2018 Trafficking in Persons Report - Macedonia*, United States Department of State, 2018, <https://www.refworld.org/docid/5b3e0ae7a.html> (02/21).

[17] During November 2015, Slovenia launched a discriminatory selection for the reception of refugees based on their country of origin. This practice as a chain reaction was reflected at all border crossings on the Balkan route. As a consequence, only refugees from Syria, Afghanistan and Iraq were allowed through the Republic of Macedonia, and refugees with documents from other countries were not allowed

[18] At the beginning of 2016, the border was closed for people coming from Afghanistan.

[19] In early March 2016, a change in EU policies also imposed the closure of borders along the Balkan route. The closure of the border along the Balkan route meant that great outrage number of women with children and unaccompanied children are stuck in states along the route. On the day of closing the borders, on the territory of Macedonia in the reception-transit centers and in their immediate vicinity there were a total of 1,024 refugees. Almost all of them were at high risk of becoming victims of migrant smuggling, and many of them had multiple risk factors to become victims of human trafficking.

[20] In March 2020, the President of the Republic of North Macedonia declared a state of emergency to combat the outbreak of COVID-19. At the same time government tightened measures to combat the coronavirus with a decision to completely close all borders, including the airport in Skopje. A decision of the Government closed all border crossings in the country for foreign nationals, as well as the Skopje airport. Exceptions to the decision were trucks in transit, representatives of the diplomatic corps and other persons for whom the Ministry of Interior will give approval. Airport services were able to be used only for state, military, cargo, humanitarian needs, as well as for empty flights. In this period, from January until September 24.153 persons are prevented from entering in Macedonia illegally, from whom only 6568 until the closer of the borders, and 2700 victims of smuggling were prevented by the police. Most of the refugees/migrants at this point entered the country with the help of smugglers and paid approximately 600 euros to transit through the country.

chances of reaching the desired destination on a regular basis decrease with the course of events, so the only option they inevitably resort to is illegal transit and migration. Those who do not have enough funds to pay for the smugglers' travel are often forced to look for work in the country in which they are stuck (such as in our country – mostly through online adds), which opens the possibility for their labor exploitation by seasonal employers, or they are forced to work for their smugglers - in the country of destination or to guide other migrants or to recruit people for them.[21]

3. Cyberspace and Human Trafficking – From Recruitment to Exploitation

3.1. Initial contact (fishing)

Having in mind what was mentioned before, we arise another question – how can smugglers abuse cyberspace and make online recruitment among migrants to become human trafficking cases?

A UNHCR research done for Afghanistan migrants[22] shows that basic tool for existence in the migration journey are smartphones. In 2015, the International Rescue Committee, because of the regular inspection of the item's migrants carry in their travel bags concluded that the possession and use of mobile phones has been reported in almost all travel bags.[23]

They buy new one before their journey starts so they can contact to the families back home with help of the applications. They also create new Facebook accounts to communicate with Afghans in Europe. But somewhere along this journey this initial will that migrants have can drop out or can be blurred with some acts done towards them[24] or forced to be done by them.[25] So, in this point, smuggling can turn into human trafficking, even if migrants are not fully aware of it.

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[21] S. Cvejiki and S. Kitanov, *Regional mapping of migrant smuggling on Western Balkan*, IOM International organization for migration, 2017.

[22] *From a refugee perspective. Discourse of Arabic speaking and Afghan refugees and migrants on social media from March to December 2016*, UNHCR – The UN Refugee Agency, 2016, p. 23 <https://www.unhcr.org/publications/brochures/5909af4d4/from-a-refugee-perspective.html.> (03/21)

[23] B. Frouws, M. Phillips, Hassan, A., & M. Twigt, "Getting to Europe the WhatsApp way: The use of ICT in contemporary mixed migration flows to Europe", *Regional Mixed Migration Secretariat Briefing Paper*, 2016.

[24] During dangerous segments of the journey, from origin country to destination country, people would be forced to climb into crammed, suffocating spaces in vehicles, onto overcrowded pick-up trucks driving at neck-breaking speed or be made to walk across dangerous slippery mountain paths in the dark without proper shoes. There are stories of people left behind to die if they are injured or too exhausted to move on. What can be found on social media is evidence that smugglers force their clients on overcrowded boats at gunpoint.

[25] *From a refugee perspective. Discourse of Arabic speaking and Afghan refugees and migrants on social media from March to December 2016*, UNHCR – The UN Refugee Agency, 2016, p.23 <https://www.unhcr.org/publications/brochures/5909af4d4/from-a-refugee-perspective.html.> (03/21)

Journey, in general, starts in the country of the origin of the migrants. Smugglers are highly informed on visa requirements and procedures for asylum requests, and this expertise allows them to exploit weaknesses and gaps in international and national regulations.[26] Abovementioned UNHCR survey from 2016, shows that over a hundred financial agents (sarafs), that keep the deposited smuggling fees as intermediaries between smuggler and client, and manage financial transfers, are present on Facebook. And over 100 "asylum and immigration consultants" offer so-called "advice on asylum claims" and provide fake "proofs" of persecution. Most of these advertisements are on Arabic because "customer's" usual way to travel is to book an all-inclusive trip (from the country of origin to the promised country of destination). There are other offers as well. In their promotion strategy, smuggling networks are not only selling a trip, but the European dream (like the "American Dream"). Stolen documents like passports are also advertised, but when it comes to this document frauds, smugglers are much more cautions on online communication than in communication about providing a trip. Here they do not talk about the transactions on social networks, but rather request to be contacted on private channels. When clients post enquire on Facebook these messages are swiftly removed, presumably to cover the tracks. When Balkans route was closed, and Macedonia barred refugee entries from Greece, local criminals in Turkey offered to move names up on the waiting lists of certain EU embassies, where asylum-seekers were registered for interviews. One smuggler even reassured potential clients on Facebook that they should keep coming, as the former Yugoslav Republic of Macedonia's (name used internationally at the time) border would "reopen soon".[27]

Trust is crucial within illicit markets, especially when smugglers offer different services.[28] As far as the migrants as concerned, choosing a reliable smuggler means a great difference between a safe or risky trip. The use of the Internet and social networks in the recruitment stage does not exclude offline strategy. The use of social networks and mobile applications is crucial not only in recruitment phase but during transportation too. Smugglers can remain in contact with migrants and provide information on possible accommodation and venues to recharge their mobile phones. The payment is usually settled in the destination country, through intermediaries, who are trusted and well-known within local communities.[29]

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[26] A. Antonopoulos, G. Baratto, A. Di Nicola, P. Diba, E. Martini, G. Papanicolaou, & T., Terenghi., *Technology in Human Smuggling and Trafficking. Case Studies from Italy and the United Kingdom*, Springer, 2020, p.23.

[27] *From a refugee perspective. Discourse of Arabic speaking and Afghan refugees and migrants on social media from March to December 2016*, UNHCR – The UN Refugee Agency, 2016, pp.27 - 28

[28] K, Von Lampe & P. Johansen, *Organized crime and trust: On the conceptualization and empirical relevance of trust in the contexts of criminal networks*, Global Crime, 2004, pp. 159–184.

[29] A. Antonopoulos et al., *Technology in Human Smuggling and Trafficking*, cit. *supra* note 26, p. 27.

Some researchers[30] divide the perpetrators involved in this kind of human trafficking in three main categories:

1. First, they talk about the *solo entrepreneurs*[31]
2. *small-medium / family-based criminal groups*[32] and
3. *large organized and loose criminal networks*.[33]

Because Facebook and Instagram are the most used social networks, traffickers often use personal information of the target group, available on the Internet and social networks, to create online profiles - tailored to the characteristics of potential victims so that victims can be attracted easier.[34]

Risk factors for being trafficked are plenty. There are migration-related policies, that prohibiting migrant workers to change their employers. This can be crucial in creating situations of vulnerability to exploitation, including through human trafficking, forced labor and slavery.[35] Smuggled migrants are vulnerable to violence, abuse, and exploitation. They have unequal power relationship with smugglers, an inability or unwillingness to seek protection from the state and the lack of options about exit strategies.[36] They are at a high risk of victimization through other crimes, including extortion, kidnapping, sexual and gender-based violence, deprivation of food and water, and even homicide.[37] In 2020 and the pandemic, the problem of victimizing migrants into human trafficking schemes has intensified. Countries around the world closed their borders, preventively, and that made perpetrators to find new ways to abuse irregular mi-

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[30] F. Terenghi, A. Di Nicola et al. (eds.), *Market structure and social organization of trafficking in human beings in the EU. Financing of organized crime. Human trafficking in focus*, Center for the Study of Democracy, Sofia, 2018, pp. 29–53.

[31] With low profile, that manage the trafficking operations from recruitment to exploitation on short distances, for example only between two European countries. This kind of traffickers groom their potential victims by establishing a relationship, or they may be husbands or partners of the victims.

[32] These are organized small/ medium large-scale trafficking operations, mostly among two/three European countries, and are based on ethnic, familial, kinship bonds (e.g., Albanians and Romanians).

[33] These networks control the entire trafficking chain – from the initial contact and active recruitment (also providing documents if needed), as well as transportation and corruptive practices, exploitation (e.g., Chinese, Nigerians). They are structured into flexible, horizontal, and decentralized networks made of a large number of affiliates, divided into sub-units and run trafficking operations on a global scale, members that are not linked by ethnic, familial and kinship ties, and perform specific roles and duties.

[34] D. Boyd, H. Casteel, M. Thakor & R. Johnson, *Human trafficking and technology: A framework for understanding the role of technology in the commercial sexual exploitation of children in the U.S.*, Microsoft Research Connections, Cambridge, 2011.

[35] *Issue Brief #5, Smuggling of migrants, trafficking in persons and contemporary forms of slavery, including appropriate identification, protection and assistance to migrants and trafficking victims,* United Nations, <https://refugeesmigrants.un.org/sites/default/files/ts5_issue_brief.pdf > (03/21)

[36] *OHCHR, Situations of migrants in transit* (A/HRC/31/35), para 55-58. In 2015, reports estimated that for every 1,000 passengers aboard smugglers' boats on the Andaman Sea and the Bay of Bengal, 11 or 12 died from starvation, dehydration, disease and abuse. See: UNHCR Tracks, Abandoned at Sea, Stories of refugees and aid workers, 2015. Also see: IOM, Missing Migrants Project, 2017.

[37] See: *Abandoned at Sea, Stories of refugees and aid workers*, UNHCR Tracks, 2015. Also see: *Missing Migrants Project*, IOM, 2017.

grants that wish to get to some of the EU countries. The ones that financially are struggling are often victimized in labor or further sexual exploitation[38].

3.2. The organized transport

Republic of North Macedonia is mainly transit country for organized chains of human trafficking and for migrants/refugees who want to reach to European Union countries. So, they want to pass the country as fast as possible so they could continue their journey. Before closure of the borders during 2014, until June 2015, Republic of North Macedonia did not allow migrants and refugees to use public transport and forced them to walk throughout the country to reach the Republic of Serbia. During the organized railway transport policy, in the second half of 2015 and the beginning of 2016, public company "Makedonski Zeleznici AD Transport" (Macedonian Railways) in a short period of time made a correction of the ticket price for the refugees who transited through the country twice.[39] And the closure of the Balkan route in 2016 did not stop the trend. Migrants continued to use the route, illegally, and to use organized criminal group's services more often. In 2020 there was increased number of cases of smuggling migrants, a lot of which were involved in serious car accidents while transporting trough Coridor 10,[40] so that tells us that pandemic did not stop the trend on offer and demand of the smuggling migrant services.[41]

Social media is increasingly popular among refugees as a source of information in preparing for where to migrate, contact with smugglers, government information from the state of defense as a destination, and evaluation of shared refugee and migrant experiences of others in a similar situation. Through social networks, refugees have easy access to the facts they need and thus create a plan for which route, ie which route they would choose and the degree of danger on the road. they gather information in advance where they could connect to free Wi-Fi, where they would find shelter, food and where they could receive or exchange money and the like. When it comes to knowing how to organize a trip, the journey of irregular migrants is most often planned and organized, that it involves a network of smugglers and irregular migrants. Organized crime groups in recent years have also recruited

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[38]　*European Migrant Smuggling Centre 4ᵗʰ Annual Report*, Europol, 2020, <https://www.europol.europa.eu/publications-documents/emsc-4th-annual-activity-report-%E2%80%93-2020> (04/21).

[39] The price of each individual ticket for these users was 25 euros, ie 3.5 times higher than the regular ticket price which is around 7 euros. All this events higher the risk for finding alternatives for transiting the country.

[40] *FIELD REPORT 2020, April - May – June,* Macedonian Young Lawyers Association, 2019, p.3 < Field Report Apr-May-June 2020 Daniel (myla.org.mk)> (04/21).

[41]　*Nova Makedonija* <https://www.novamakedonija.com.mk/makedonija/hronika/%D0%BF%D1%80%D0%BE%D0%BD%D0%B0%D1%98%D0%B4%D0%B5%D0%BD%D0%B8-44-%D0%BC%D0%B8%D0%B3%D1%80%D0%B0%D0%BD%D1%82%D0%B8-%D1%81%D0%BE%D0%BA%D1%80%D0%B8%D0%B5%D0%BD%D0%B8-%D0%B2%D0%BE-%D0%BA%D1%83%D1%9C%D0%B0/> (02/21).

juveniles to transport migrants - they do not have driver's licenses and can not be convicted.[42] It is cheapest via Macedonia and Bulgaria. Smugglers always give several options to their customers.[43] We must be aware that the organization of the trip is mostly planned, so it is known who provides logistics, who transits, who the whole trip, who accepts migrants in the next country, etc. So, it is logical that this communication must take several days with constant communication between smugglers and migrants. Good part of the communication between them is happening by using the internet cafes in every city,[44] because it does not leave a digital trace, so the user can not be located via GPS. When communicating with migrants, if they use a telephone, that telephone number is no longer available after the call, they use it only once. For Balkans in general, smugglers are not needed for the entire trip. They usually contact migrants in Turkey, trough Facebook. When selecting smugglers, refugees and migrants also trust the judgment of fellow countrymen who have already travelled. They are aware that smugglers are lying about the dangers but have no other choice and try to choose "the least bad ones".[45]

Smuggling offers can also be found on the internet. They are using Facebook to put out legal or illegal offers.[46]

The accent is put on smuggling migrants for one reason only – thin line between the crimes and not proper recognition on human trafficking by authorities in practice. Testimonies of migrants says that it is impossible to find smugglers who are not traffickers.[47] Also, some cases in practice, in Macedonia were not properly resolved mainly because of the ping - pong procedure at the time.[48] Or, very

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[42] G. Lefkov, *Searching for Illegal Routes: Human trafficking Carries Millions For Smugglers*, Center for Investigative Journalism SCOOP, 2017, <https://scoop.mk/%D0%BF%D0%BE-%D1%82%D1%80%D0%B0%D0%B3%D0%B8%D1%82%D0%B5-%D0%BD%D0%B0-%> (03/21).

[43] Transport by truck from Thessaloniki to Kumanovo Lojane costs around 1,300 euros, but the price can go up and down depending on the intermediaries. It's a little more expensive with a car. The most expensive option for refugees is to procure false documents through smuggling channels, most often Bulgarian, and to leave the airport in Thessaloniki for the requested European destinations. For the two-hour flight from Thessaloniki to Munich, migrants pay up to 7,000 euros, Ibid.

[44] *Migrants in local communities in Serbia*, Athens - Association of Citizens for Combating Trafficking in Human Beings and All Forms of Violence against Women, Belgrade, 2014, <http://www.atina.org.rs/sites/default/files/Migranti%20i%20migrantkinje%20u%20lokalnim%20zajednicama%20u%20Srbiji.finalno.pdf> (02/21).

[45] *From a refugee perspective. Discourse of Arabic speaking and Afghan refugees and migrants on social media from March to December 2016*, UNHCR – The UN Refugee Agency, 2016, p.43

[46] Ibid. p.17.

[47] "All smugglers are also human traffickers. I heard, you pay the smuggler and he later exploit and abuses you." "If someone doesn't have the money, make an agreement with the smuggler, they choose one Somali woman who becomes his property so that the man can continue his journey from Turkey, Greece or Macedonia." *Atina* <http://www.atina.org.rs/sites/default/files/Migranti%20i%20migrantkinje%20u%20lokalnim%20zajednicama%20u%20Srbiji.finalno.pdf> (04/21).

[48] *Republica online* <https://republika.mk/vesti/crna-hronika/nema-ni-krivichna-za-zgrizuvachot-na-81-migranti-vo-vaksince-mvr-i-ojo-si-prefrlaat-odgovornost/> (04/21).

often, the charges ended up with an easier qualification for the perpetrators be-
cause of the lack of collaboration by the migrants themselves. Our Criminal
Code[49] provides severer punishment for the perpetrators of migrant smuggling,
if they were treated in an inhumane way, were tortured, or held in conditions
that were endangering their health. So, while the migrants were staying in the
country, information that was spread about the same crime for example, was
that there is no such treatment,[50] so that later, when migrants arrived in the EU,
they admit that they were held hostage, extorted money, and treated inhumane-
ly[51]. But the question that arises is – is there a severe treatment in those cases,
combined with torture, forced labor etc., or was that the main intention of the
smugglers at the first place, so that trafficking with persons was their initial in-
tention?

4. The Job Offers - A Common Bait and a Path to Further Labor Exploi-
tation

As mentioned above, migrants often start their journey with a pre-arranged
plan for future employment and accommodation. Most often, they trust some
kind of "agencies" that offer the whole packages. However, refugees often do
not have the desired time to plan their journey in advance. Nor do all migrants
have it. Therefore, every place through which they transit in order to reach their
desired destination is an opportunity to get in touch with potential
"intermediaries" who can provide them with documents, work and
accommodation in the country of destination. As labor exploitation is the
second most common form of human trafficking exploitation (immediately after
sexual exploitation)[52] and having in mind that human trafficking works on the
principle of supply and demand (push – pull effect), we would call the migrant
crisis particularly favorable for the perpetrators, because the demand is very
high. Identified cases of labor trafficking across Europe suggest that victims
may be recruited through advertisements for nannies, waitresses or jobs in
cleaning, construction, transportation, and agriculture.[53] Some authors however
distinguish trafficking for forced labour, trafficking for labour exploitation and
labour trafficking.[54]

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[49] Article 418-b(3), Criminal Code, Republic of North Macedonia.

[50] *Akademik* <https://akademik.mk/mvr-nitu-eden-od-migrantite-vo-vaksintse-ne-posochil-deka-e-
zhrtva-na-prisilba-zakana-ili-utsena-3/, (04/21).

[51] *Channel 4 News* <http://www.channel4.com/news/tracking-down-macedonias-migrant-kidnap-
gang> (04/21).

[52] *Situation Report: Trafficking in Human Beings in the EU,* Europol, Hauge, 2016,
<https://www.europol.europa.eu/publications-documents/trafficking-in-human-beings-in-eu (03/21).

[53] A. Volodko, E. Cockbain & B,Kleinberg, *"Spotting the signs" of trafficking recruitment online:
exploring the characteristics of advertisements targeted at migrant job-seekers. Trends in Organized
Crime,* Springer, 2019.

[54] N. Ollus, A. Jokinen, & M. Joutsen, *Exploitation of Migrant Workers in Finland, Sweden, Esto-*

We assume that labor exploitation is most prevalent among traffickers targeting migrant victims, for two main reasons:

- job offers along with accommodation are the most sought after by migrants, so they could easily be tempted and

- the group of migrants and refugees may be heterogenic, but is mostly composed of adult males[55], so it is easier for traffickers to detect victims from this wide group that would benefit the most if they exploited them several times. By physiognomy, men are more resilient to pain, more persistent in their quest to reach their destination, and often have other people dependent on their arrival at the desired destination, which makes them ideal victims for traffickers.

Forced Labor Convention[56] defines forced or compulsory labor as: "all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily." According to the International Labor Organization there are specific indicators that point to forced labor like.[57] United Nations office on drug and crime[58] says that people who have been trafficked for the purpose of labor exploitation are typically made to work in sectors such as: agriculture, construction, entertainment, service industry and manufacturing. People who have been trafficked for labor exploitation may: live in groups in the same place where they work and leave those premises infrequently, if at all, live in degraded, unsuitable places, such as in agricultural or industrial buildings, not be dressed adequately for the work they do, be given only leftovers to eat, have no access to their earnings, have no labor contract, work excessively long hours, depend on their employer for a number of services, including work, transportation and accommodation.

Macedonian NGO La Strada aware about this kind of fake job offers that could be found online in Macedonia, and explains how to recognize one. They

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nia and Lithuania: Uncovering the Links Between Recruitment, Irregular Employment Practices and Labour Trafficking, European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI), Helsinki, 2013, p.13 - They said that forced labour does not necessarily entail trafficking. Forced labour may exist without trafficking, but many jurisdictions require that for the crime of labour trafficking to be fulfilled, there must be exploitation that amounts to forced labour (or equivalent exploitation). Trafficking for forced labour hence exists where trafficking in human beings and forced labour overlap. Overall, both crimes can be seen to take place in the context of exploitation of (mainly migrant) labour.

[55] The most common irregular migrants transiting through the territory of Macedonia in the period 2016-2019 are adult males - *Human trafficking and smuggling migrants in North Macedonia - report*, Macedonian Young Lawyers Association, 2019, p.40

[56] Forced Labour Convention (No. 29), International Labour Organization, 1930, <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029 > (03/21)

[57] *Operational indicators of trafficking in human beings. Results from a Delphi survey implemented by the ILO and the European Commission.* International Labour Organization, Geneva, 2009, <http://www.ilo.org/sapfl/Informationresources/Factsheetsandbrochures/lang- - en/docName--WCMS_105884/index.htm> (03/21).

[58] Human Trafficking Indicators, untitled (unodc.org).

suggest, before applying for a certain job, that we need some time to research the agency or the company that offers the job - to visit the website, to search how professional they are. They emphasis that serious bidders usually have their own domain and do not send emails and bids from public domains such as Gmail, Outlook, Hotmail, Yahoo, etc. Bidders who have their headquarters usually also have a landline phone, not just a mobile phone. La Strada suggests if a foreign phone numbers is given, first to check the number or email address on Google or another browser. During our little research on web mentioned under, we found a lot of advertisements that use same phone number for selling products and offering jobs abroad.

The websites 419scam.org or scamnbers.info, can be used to check if any of the listed phone numbers have been used for fraud before. After searching for the phone number, the name of the person that is communicated with should be researched profoundly. Authors of fake companies are trying to make everything look convincing, but some details can be revealed. Their advertisements often contain pictures that can be find on the Internet, for their Skype profile, or to submit them through a website or Facebook. La Strada strongly recommends avoiding job advertisements abroad that are urgently looking for workers. If the offer does not require special education, experience or knowledge of the language and offers a very high salary, be careful because it may be fraud or an attempt at abuse or exploitation.

Having in mind this (post) indicators, we set some of the potential indicators that could point to possible trafficking for labor exportation, or just labor exploitation in their advertisement phase. Online advertisements that could be created by perpetrators, probably include several constants that are attempting for migrants at first place like: country of destination, accommodations included, help in arranging documents, previous experience not required, also knowledge of the language of the country of destination is not required, transportation to the desired destination included, transportation to workplace too, indefinite duration of work engagement, etc.[59] With this in mind, we searched through Macedonian internet sites, Facebook profiles and Instagram profiles for sites that offer employment. Although the ads are mostly in Macedonian language, the site itself offers English translation, so are reachable. Offers for work abroad (EU countries in mind) that are posted on the pages of companies for which contacts can be found in the yellow pages, are usually legitimate and registered[60]. However, there are also some adds on other websites that are quite symptomatic and look darker.[61] Several ads that date from March and April 2021, say: "Possibility to work in Germany for more workers (m / h) in warehouse (packaging). Hourly rate 10.50 Euros, gross. It works in 3 shifts. The hourly rate for the 3rd

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[59] N. Ollus et al., cit. *supra* note 54, p.17.

[60] *Yellow pages* <https://zk.mk/vrabotuvanje-vo-stranstvo-agencii-za-posreduvanje> (04/21).

[61] For example – *Pazar 3* <https://www.pazar3.mk/oglasi/rabota-biznis/rabota/rabota-vo-stranstvo> (04/21).

shift is 50% higher. Accommodation provided, 150 Euros per month. Provided transportation to work and back to accommodation, 150 Euros per month. Transport to Germany, provided. All you need to apply is a passport photo." and refer to additional communication on WhatsApp or Viber. Another add titled as "work abroad" says that all the parameters are irrelevant – documents, gender, language skills, education, skills… and refers also for further e-mail or phone communication.[62] There is one add that asks for translator for Iranian language, for refugee camp. This add is not advertised officially, the site is suspicious by itself, but also is very attempting for migrants/refugees who are stuck in the country or in need for money. Without any specifications, it refers to further phone communication.[63] There are plenty adds like these that could be attempting for everyone, but especially for migrants that urge to get to the countries in EU even in the condition of global pandemic. Because of the pandemic, borders were closed, smuggling migrant cases went higher than in previous year, and in the period of October, November, and December it was noticed increased number of refugees/migrants coming or returning from Serbia.[64] Over the past few months, (2021), the flow of migrants along the Balkan route has intensified with thousands of refugees from Central Asia and the Middle East taking that route to reach Western Europe.[65] So, the number of migrants that are searching for a way out of Macedonia went up in the past months.

Supported by the EU and Council of Europe Horizontal Facility Programme and implemented by the NGO Open Gate, member of the international anti-trafficking network La Strada, started a campaign "Opportunity or exploitation" that explains the perils of human trafficking for labour exploitation to young and unemployed persons. The awareness aims to prevent trafficking of human beings through warning the public and vulnerable groups about the existence of fake offers / recruitment through fraud or deception with the aim of exploitation. Focus of the campaign is to recognize fake offers when searching for a job within the country and abroad. This action is part of the joint European Union/Council of Europe program "Horizontal Facility for the Western Balkans and Turkey 2019 – 2022".[66]

We must emphasize that these indicators (provision of accommodation, transport to work, transfer to destination country and help with settling in..) are not necessarily indicative of criminal activity or exploitative conditions. Ac-

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[62] *Reklama 5* <https://reklama5.com.mk/AdDetails?ad=2668591> (04/21).

[63] *Pazar 3* <https://www.pazar3.mk/oglas/rabota-biznis/rabota/drugo/se-nudi-rabota/kumanovo/kumanovo-opstina/se-bara-preveduvac-za-iranski-farsi-jazik/2455151> (04/21).

[64] *FIELD REPORT 2020, October-November-December*, Macedonian Young Lawyers Association, 2019, pg.4 available at <Q4 Field Report October - November - December (myla.org.mk)> (04/21).

[65] *Migrants: Hungarian police at Serbia-Macedonia border, February*, 2021 <Migrants: Hungarian police at Serbia-Macedonia border - General news - ANSAMed.it> (04/21).

[66] *Council of Europe* <https://www.coe.int/en/web/skopje/-/-opportunity-or-exploitation-a-new-public-awareness-campaign-on-human-trafficking-for-labour-exploitation-in-north-macedonia> (04/21).

cording to UNDOC and ILO they could indicate trafficking but could also be present in legitimate work relations. Such services might be provided by employers in jobs that recruit migrant workers, who sometimes do not speak the language of the destination country or might require assistance navigating a new system. In fact, certain sectors in Western Europe are now dependent on relatively cheap migrant labor, so it seems reasonable that employers (including employment agencies) seeking migrant labor would also be willing to provide additional support.[67] However, that deception is said to be more common than outright coercion as a means of recruiting people – online included - into situations of labor trafficking,[68] and low payments (under the minimum) and other indicators point to the certain further labor exploitation.[69]

5. Instead of a Conclusion

Technology is increasingly important for organized criminals, and the new forms of organized crime managed to use it in their favor. And yet, legislator reacts slowly to technological change, with the result that the use of some technologies for criminal purposes, is not incriminated. It can be difficult and resource-intensive to identify victims of trafficking, smuggled migrants with protection need), and other potential victims of abuse and exploitation. However, victims of abuse and exploitation avoid seeking protection and assistance because they fear deportation on account of their irregular status. Similarly, the services available are still too often dependent on factors such as age, sex, nationality, migration status, type of exploitation, location of exploitation and who identified the victim.[70]

Cyber trafficking is firstly covered by the respective international anti-trafficking instruments, - Palermo Protocol from 2000[71], and the three Protocols against Trafficking in Persons, Smuggling of Migrants, and Illicit Manufacturing of and Trafficking in Firearms.[72] Then UN Convention against Transnational Organized Crime, the 2005 Council of Europe's Convention on Action

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[67] N. Ollus et al., cit. *supra* note 54, p. 25.

[68] E. Cockbain, & K, Bowers, *Using Data Science Techniques Better to Understand Human Trafficking,* The United Nations 4th International Conference on Governance, Crime and Justice Statistics, Lima, June 2018.

[69] <https://lastrada.org.mk/labor-exploitation/?lang=en> (04/21).

[70] *Issue Brief #5, Smuggling of migrants, trafficking in persons and contemporary forms of slavery, including appropriate identification, protection and assistance to migrants and trafficking victims,* United Nations, < https://refugeesmigrants.un.org/sites/default/files/ts5_issue_brief.pdf > (04/21).

[71] Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, Adopted and opened for signature, ratification and accession by General Assembly, resolution 55/25 of 15 November 2000.

[72] A. Guterres, *Greater cooperation urged worldwide as criminals seek to profit from COVID-19,* 2020, <https://news.un.org/en/story/2020/10/1075182>.

against Trafficking in Human Beings,[73] Convention on Cybercrime.[74] European Court of Human Rights has also recognized vast positive obligations of States towards victims of human trafficking under Article 4 of the European Convention of Human Rights.[75] So, we could see that when it comes to trafficking in human beings, from the point of recruitment, until the destination – it is not only one country's problem. The Internet Referral Unit of Europol[76] monitors online content and referring pages linked to migrant smuggling criminal networks. Republic of Macedonia, in 2016, has developed specific "Indicators for Initial/Preliminary Identification of Presumed and Potential Victims of Trafficking in Human Beings in the Context of Mixed Migration Flows".[77]

As countries have closed their borders due to the pandemic, some victims are unable to return home. Others face delays in legal proceedings, as well as a reduction in the support and protection they rely on. Some are also in danger of further abuse or neglect by their captors.[78] Traffickers may become more active and prey on people who are even more vulnerable than before because they have lost their source of income due to measures to control the virus.[79] All movement restrictions have made migrants more vulnerable to exploitation and trafficking. Organized crime groups are selling substandard and falsified medical products, targeting individuals, health facilities and public agencies through internet scams. Falsified COVID vaccines will soon be a lethal reality and governments need to be prepared to counter this threat.

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[73] Full list (coe.int).

[74] Convention on cybercrime, Concil of Europe, 2001.

[75] L.E. v Greece, J. and others v. Austria, Chowdury and others v. Greece….

[76] *Europol* <https://www.europol.europa.eu/about-europol/eu-internet-referal-unit-eu-iru> (04/21).

[77] *Council of Europe* <https://rm.coe.int/16806ed5a5> (04/21).

[78] *United Nations* <https://news.un.org/en/story/2020/05/1063342> (04/21).

[79] Mr. Chatzis, Chief of the agency's Human Trafficking Section.