

HUMAN TRAFFICKING FOR LABOUR EXPLOITATION AND THE ROLE OF WORK INSPECTION

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Abstract *Control of serious crimes such as trafficking in human beings, in addition to other purposes and for the purpose of labor exploitation, falls within the priority interests and goals of the modern state. Trafficking in human beings is forbidden, and it is necessary to control the actions of opposing, preventing the creation, the response to the problem and the elimination of consequences. Thus, the suppression of trafficking in human beings includes prevention, elimination of harmful consequences and sanctioning and control of carriers of threats, i.e. suppression of trafficking in human beings and improvement of the position of victims, i.e. protection, assistance and support to victims.*

Key words: *human trafficking, labor exploitation, indicators, labor inspection*

Introduction

One of the informal definitions in the identification of the victim of trafficking in human beings is: Better to err in identification by notifying someone who is not a victim to be a victim and helping him, but by preoccupation, referring to indicators, not identifying a person as a victim and failing and thereby depriving her not only rights that belong to it, but also the possibility to finally leave the vicious circle, i.e. from the trafficking chain!

Trafficking in human beings goes through three phases: 1. the recruitment of victims for the purpose of their exploitation or resale for the same purpose; 2. transport of victims in an organized trafficking chain and 3. the acceptance and exploitation of victims of trafficking in human beings after the victims arrive at the destination and become aware of the fact that they live in slavery, isolation, work in the sex industry or as workers in various activities. Victim exploitation involves ways in which victims are used to achieve the ultimate goal of trafficking in human beings, earning a profit for a trader. The victims face various forms of violence and torture, in order to fully control the victim and ensure her obedience. As long as they are on their way or when they arrive at destination, traders take away their documents with the explanation that they will be kept or that they need it to settle a work permit, etc. Thus, the victim loses his legal identity. Victims are most often detained, under constant surveillance, isolated in a group or individually. There are threats to violence against them or they are directed to members of the victim's family or to close people. In the absence of knowledge of the regulations, language and fear of institutions, the victim does not seek help.

There are several forms of trafficking in human beings, including trafficking in human beings for the purpose of labor exploitation. Recognize, identify, and express doubts about potential

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victims of trafficking in human beings for the purpose of labor exploitation or other forms of trafficking in human beings can be displayed with the relevant indicators of ILO indicators. Forced labor is a phenomenon much wider than the concept of trafficking in human beings. Forced labor involves any work done under threat or punishment. It is any work or service that is claimed by one person under the threat of any punishment and for which that person has not voluntarily applied. In relation to trafficking in human beings, forced labor conveys one of the forms of exploitation of victims - labor exploitation.

The international legal framework and the framework of anti-trafficking networks

UN instruments to address the global European and global human trafficking problem are conventions and protocols. The UN Protocol on Trafficking in Human Beings (the Palermo Protocol) or the Protocol for the Prevention, Suppression and Punishment of Trafficking in Persons, in particular Women and Children, in Article 3, paragraph 3, defines human trafficking: "Trafficking in human beings means recruitment, transportation, transfer, hiding and receiving persons through threats by force or by the use of force or other forms of coercion, kidnapping, fraud, deception, abuse of power or difficult position or giving or receiving money or benefits in order to obtain the consent of a person who has control over another person for the purpose of exploitation. Exploitation involves as a minimum the exploitation of prostitution of other persons or other forms of sexual exploitation, forced labor or service, slavery or a relationship similar to slavery, servitude or removal of organs. [1]

The ILO Convention defines forced labor as any work or service required by a person with the threat of a sentence or under compulsion and for which that person did not apply voluntarily. [2]

The Council of Europe Convention on the Fight against Trafficking in Human Beings in Article 4 details the term "labor exploitation", which is synonymous with the term "trafficking in human beings for the purpose of forced labor.

The Council of Europe Recommendation on Business and Peacekeeping Rights, adopted in March 2016 by the Committee of Ministers of the Council of Europe, should also be mentioned.

On the initiative of the Human Rights Defense Center (KEPAD) in June 2005, the ARIADNE Network Against Trafficking in Human Beings in South Eastern and Eastern Europe, based in Athens, Greece, was established. Members of the Network's founders are made up of 17 HBOs from 12 countries of the region of Southeastern and Eastern Europe (Albania, BiH, Bulgaria, Croatia, FYROM, Greece, Moldova, Montenegro, Romania, Serbia, Turkey and Ukraine). The KEPAD is set for the Network coordinator. The main goal of the Network is close cooperation between the countries of origin, transit and destination of victims in order to achieve the activities of combating trafficking in human beings, assistance to victims and prevention of trafficking in human beings. This publication is the product of the first joint project of the network, and the national report was created on the basis of basic research conducted by partner HBO in cooperation with state institutions, international organizations and other non-governmental organizations dealing with the problem of trafficking in human beings in the Member States of the Network. [3]

Legal and institutional framework in Serbia, prevention and awareness raising

The legal framework for regression and anti-trafficking prevention in Serbia consists of: the Constitution of the Republic of Serbia, the Law on the ratification of the Council of Europe

Convention on the fight against human trafficking in 2009, the Criminal Code, the Law on Social Protection, the Law on Health Protection, the Law on the Prohibition of Discrimination ... The Republic of Serbia has developed a Strategy for Combating Trafficking in Human Beings in accordance with the guidelines for the national plans of the Stability Pact action and in accordance with the Program for Development and Implementation of a Comprehensive National Response to Human Trafficking and Best Practice in the Region prepared by the International Center for the Development of Migration Policy (ICMPD). Trafficking in human beings is prohibited by Article 388 of the Criminal Code, which provides for a prison sentence of two to ten years.

The legal framework in the field of employment and labor market are: Law on Employment and Insurance in the Case of Unemployment, Law on Labor, Law on Safety and Health at Work, Law on Conditions for Referral of Temporary Work to Foreign Workers, Law on Inspection Control.

The Government of the RS is August 4, 2017. adopted the second strategic document in order to address the human trafficking problem, called the Strategy for the Prevention and Suppression of Trafficking in Persons, Especially Women and Children, and the Protection of Victims for the period 2017-2022. [4] The Strategy follows the Action Plan 2017.-2018. which includes some relevant actions in the field of human trafficking for the purpose of labor exploitation.

The institutional framework includes: The Coordination Body, which includes the Council for the Fight against Trafficking in Human Beings, the National Coordinator, the Implementation Team; MUP RS; Center for the Protection of Trafficking Victims under the auspices of the Ministry of Labor, Employment, Veterans' Affairs and Social Affairs; Labor Inspectorate - Inspection of Labor; National Employment Service; Employment agencies; Centers for Social Welfare; Market Inspection; Civil society organizations - non-governmental organizations.

The Committee on Human Rights, in its General Note no. 28. Points 12 and 39 recommends that Member States take national and international measures to protect women and children from violating their rights. [6]

The most important awareness-raising campaign conducted in recent years is "Open your eyes" between 2002 and 2003. It is one of the first bottles in Serbia launched and implemented by HBO ASTRA. Its main objectives were: pointing to the problem of trafficking in women, raising the awareness of state institutions and the general public about the problem of trafficking in women, establishing cooperation between HBO and state institutions. Between 2004 and 2005, in co-operation with the UN Office, there was a campaign "There is an Outcome" followed by a 2005 campaign "Save Children From Trafficking in Human Beings, 2006" Terrapin Children - Our Reality ".

Labor inspection

The implementation of the Council of Europe Convention on the fight against trafficking in human beings is assessed by the Group of Experts on the Fight against Trafficking in Human Beings (GRETA), which makes reports with recommendations on how to improve compliance with the requirements of the Convention. Thus, in 2013, GRETA published the Third General Activity Report, in which it noted that the absence of effective cooperation and labor inspection measures and executive authorities could lead to a profitable benefit of work arising from trafficking in human beings, and should approach the merging, information exchange and awareness raising citizens and workers about their rights.

The powers and duties of the labor inspectors were regulated during 2014-2015 in relation to the GRETA 5 proposal and the strengthening of the fight against trafficking in human beings for the purpose of labor exploitation by the participation of the Inspectorate for the work and directing activities towards the education of labor inspectors, with special emphasis on training on the topic of discovery and the prevention of child labor and combating trafficking in children. In accordance with the principles of the said Confederation, the Inspectorate for Labor devotes special attention to surveys in high-risk sectors: construction and industry, in sectors where jobs can be carried out that can be related to human trafficking: catering, construction, seasonal jobs, agriculture, tourism, as well as dealing with issues related to categories of particularly vulnerable groups of employees - a question related to women's workforce, working engagement of children and minors, the work of persons with disabilities and work engagement of foreigners. During the performance of inspections in the field of labor relations and occupational safety at work, persons on the job "in black", which is in the border areas, and especially during the control of late night hours in the control of catering facilities and hiring of foreign nationals, led to the suspicion that potential victims of human trafficking. Pursuant to the Law on Inspection Supervision of 2015, the scope of the labor inspectorate's competence has been extended to control, in addition to registered entities, unregistered entities engaged in "black-out" activities, and whose engagement may also be related to trafficking in human beings for the purpose of labor exploitation. During control of unregistered entities in the period from 30.07.2015 to 31.10.2017. Labor Inspection was discovered by 1,852. unregistered subjects in which 1,417 persons were found at work "in black". By the end of 2017, labor inspectors did not identify cases of trafficking in human beings for the purpose of labor exploitation. That is, it can be said that the persons caught are potential victims of human trafficking for the purpose of labor exploitation. These allegations do not mean that there are no such cases in Serbia. During some of the surveillance of the bureaus, labor inspectors investigated the suspicion of possible labor exploitation of women who were not citizens of Serbia. These doubts were not confirmed. During the supervision of employers engaged in road transport, labor inspectors encountered carriers that carried out illegal and non-scheduled transportation and transported migrants, and there was a certain suspicion of possible trafficking in human beings for the purpose of labor exploitation.

The competence and scope of work of the Labor Inspection Labor Inspectorate is also reflected in the work and business of the Agency dealing with the employment and renting of labor, and checking whether the same is registered in the APR RS and whether it has a license-license for mediation in employment, are engaged in foreign affairs.

Labor exploitation, as a form of trafficking in human beings, is not what happens to people from third world countries. This is best illustrated by an example of construction workers from BiH who shaken to work in Azerbaijan in 2009 and a month without money and passports asked for a way to return from Azerbaijan.

Indicators of trafficking for the purpose of labor exploitation

The identification of the presumptive victim implies an unequivocal finding that in the concrete case it is a victim of trafficking in human beings. Primary or preliminary identification is possible on the basis of indicators indicating victims of trafficking for the purpose of labor exploitation. The list of indicators was made by members of the Dutch police. The lists indicators of trafficking for the purpose of labor exploitation: the obligation of overtime work under any conditions; work on the order of another person (use of force); work at sites that are constantly changing; the person is spending the night on working meat; the person does not know the address on which he works; a person does not speak the languages spoken in the country in which he is and comes

from countries that are known as countries of origin of trafficking; a person must return a large incremental travel card debt before exercising control over his own earnings or the freedom to cease to engage in prostitution or terminate another business; the person did not know in advance what business to deal with or was deceived in terms of working conditions; a person cannot stop working or return home at will; the number of employees in the facility (eg tourist / catering) exceeds the necessary, or standard work capacity. [5]

Conclusion

Trafficking is one of the most serious forms of human rights violations. Victims have no freedom of movement or freedom of choice, they have no control over their lives. This phenomenon is known as "modern slavery" because victims are held in conditions similar to slavery and treated as property of people who bought them. Trafficking is a form of organized crime, but also a business that triggers supply and demand in the market. The goods that are offered are the people through which traders make huge profits. The International Labor Organization (ILO) estimates that there are a total of 2.4 million victims of trafficking in human beings. This criminal activity is increasing and is in third place, after the sale of drugs and illegal arms trade. Trafficking in human beings is said to be a low risk and highly profitable criminal activity, because it is not easy to detect, and one victim can be resold several times.

Trafficking in human beings in Serbia is a serious and complex problem. Given that there is no single system of monitoring and analysis, we are faced with a growing number of different data on this issue, from various sources: authorities, NGOs and international organizations. Serbia is primarily a country of transit, but also a country of origin and a temporary destination for human trafficking victims, depending on whether this criminal act for victims has women, men or children. Trafficking in women is usually associated with illegal markets, including the black labor market. It can be said that illegal migration, transfer, blackmail and prostitution are closely linked. The results of the research show that work on black is one of the most current problems of our society. The process of increasing the number of workers working on the black began in the early 1990s as a result of socio-economic transition and sanctions, and since that time, this work has increased with the decline of the economy and industry. Experience shows that anyone can become a victim of trafficking, regardless of age, nationality, citizenship, education. The results of the survey show that Serbia is the country of transit of victims of trafficking in women, but also the country of origin of a temporary or permanent destination. Research suggests that the most common form of recruiting women victims of trafficking is related to work, the nature of work, the conditions under which it is done and the profits.

Particular attention should be paid to the training of labor inspectors, with important workshops on labor exploitation. Training with adequate participation of relevant state bodies, institutions and non-governmental organizations is necessary. It would be useful to draw up instructions and recommendations with advice and conduct of labor inspectors on the topic of combating and preventing trafficking in human beings for the purpose of labor exploitation. All of these should enable the capacity of labor inspectors to identify potential victims of trafficking in human beings, to record them and to inform the competent authorities and services in an appropriate manner and in a timely manner to provide the necessary assistance, possible identification of the victim, the care of the victim and adequate sanctioning of the perpetrator. The labor inspector should also be familiar with the possibilities and manner of handling in cases when his personal safety is endangered and when the security of the victim he identified has been endangered.

The emphasis on fighting and preventing trafficking in human beings should be based on the capacity and ability to detect human trafficking cases for the purpose of labor exploitation, identification and work to eliminate the risk of exploitation of foreign and Serbian citizens abroad due to limited employment opportunities in Serbia, prevention of trafficking in human beings, responsible corporate practices and raising awareness of Serbian citizens as one of the more serious diseases of society and civilization.

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