

EXPLOITATION OF VICTIMS OF TRAFFICKING IN HUMAN BEINGS IN THE CONTEXT OF ARMED CONFLICTS

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Abstract: The areas where armed conflicts take place and have been perpetrated by state or non-state actors involved in conflicts represent a suitable place for emergence of phenomenon of human trafficking. The exploitation of victims of trafficking in human beings in the context of armed conflicts can take various forms, so that for the purposes of our research, this category of victims will be classified into two groups: victims of armed activities and victims of non-armed activities. Hence, the first group includes victims that take direct participation in armed combat activities or other activities during combat operations such as minefield cleaning, transport and medical services, etc. The second group includes victims of sexual exploitation in the conflict area and their forms, forced labour in different sectors and trafficking in organs.

Key words: trafficking in human beings, conflict, victims, exploitation

INTRODUCTION

Trafficking in human beings is a complex global problem that is present in both regular or peacetime conditions, and even more in the extraordinary conditions, and thus in conflict and post-conflict periods. The reason we can find in the fact that factors contributing to the emergence and expansions of this form of human rights violations are numerous and diverse. In addition, those factors are very present in the conditions that occur as a direct consequence of a different crisis situations, including those that are manifested in armed conflicts. The United Nations General Assembly recognized trafficking in human beings as a direct consequence of crisis situations in the Resolution 63/156 which calls upon “gov-

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ernments, the international community and all other organizations and entities that deal with conflict and post-conflict, disaster and other emergency situations to address the heightened vulnerability of women and girls to trafficking and exploitation, and associated gender-based violence” (General Assembly, Sixty-third Session, 2009, paragraph 4).

Armed conflicts, as a type of crisis situations, are related with several and specific risk factors linked with trafficking in human beings, primarily due to the fact that these conditions feature the erosion of the rule of law and the breakdown of institutions, including changes in economic system. Crisis-affected populations tend to increase their reliance on negative coping mechanisms and adopt risky survival strategies, so they become vulnerable to the various forms of criminal activity. They are forced to find and accept the available ways of leaving the conflict zone, accepting also those who expose them to an increased risk of victimization through those forms of criminal activity related to their smuggling, and under such conditions, they are additionally exposed to trafficking in human beings. At the same time, criminal networks are adapting to the new situation, by targeting new victims in new places, such as refugee and internally displaced persons, especially those who are located in camps where there is insufficient level of protection and safety (IOM, 2015:3).

Victims of trafficking in human beings in the context of armed conflicts may be exposed to various forms of exploitation related to armed and non-armed activities. Each of these forms of exploitation has a specific characteristic related to the conditions of armed conflict or post-conflict situations in which the trafficking process takes place. There is a particularly high risk of victim’s exploitation in countries that do not recognize human trafficking as a criminal act in their national legislation, so do not have adequate legal and other mechanisms for implementation of preventive and repressive measures in countering this type of crime.

DEFINITION OF TRAFFICKING IN HUMAN BEINGS IN THE CONTEXT OF ARMED CONFLICTS

Conflict areas, whether a country or a region, are characterized by instability, insecurity, economic devastation, impaired/suspended rule of law and weakened state institutions. Due to the existence and functioning of numerous negative social factors - state collapse, erosion of rights and non-respect of laws, forced eviction, humanitarian crisis, social fragmentation and socioeconomic stress, the vulnerability of all categories of people has increased. People have been facing different challenges - armed acts, violence, brutality, abuse and exploitation, numerous criminal activities, and trafficking in human beings. The changed nature of modern armed conflicts that involve various actors and means, an increasing number of non-state actors, resulted in the emergence of new forms of conflict, such as hybrid warfare. The fact that victims of trafficking in human beings are

especially vulnerable during and immediately after an armed conflict have put the focus on trafficking in human beings in the context of armed conflicts.

This special vulnerability of victims is confirmed by two resolutions of the UN Security Council on human trafficking in the context of armed conflicts. By the Resolution 2331 of 2016 the UN Security Council “condemns in the strongest terms all instances of trafficking in persons in areas affected by armed conflicts, and stresses that trafficking in persons undermines the rule of law and contributes to other forms of transnational organized crime, which can exacerbate conflict and foster insecurity and instability and undermine development” (Security Council, Resolution 2331, 2016). This resolution specifically draws attention to the fact that human trafficking in armed conflicts and post-conflict period may be for the purpose of various forms of exploitation, including sexual exploitation, forced labour, slavery and practices similar to slavery and trafficking in human organs.

The Security Council reiterates its condemnation of the crime of trafficking in human beings by adopting the Resolution 2388 of 2017, which strongly expresses concern about the vulnerability of children in relation to exploitation and abuse, the recruitment and use of children in the armed forces; reaffirms its condemnation in the strongest terms of all instances of trafficking in persons, especially women and children, who make up the majority of all victims of trafficking in persons in areas affected by armed conflicts (Security Council, Resolution 2388, 2017).

The above resolutions indicate the importance of preventing trafficking and punishing perpetrators and emphasizing the fact that victims of trafficking in human beings are additionally vulnerable when their exploitation occurs in the context of armed conflicts. Trafficking in human beings, as a form of criminal activity, makes the process of establishing peace and the rule of law very difficult. The suspension of national legislation during the duration of armed conflicts and the lack of legal mechanisms obstruct the prevention and punishment of trafficking in human beings, thereby reducing the possibility for victims to realize their rights.

Classification of victims of trafficking in human beings

The exploitation of victims of trafficking in human beings can be realized through various forms: sexual and labour exploitation, reselling people, illegal adoption of children, forced marriage, trafficking in human organs, forced participation in armed conflicts and criminal activities. Accordingly, it is possible to classify victims of human trafficking based on several criteria: the degree of social danger, the geographical level of realization, the bio physiological characteristics of the victim, the relationship of the victim to his position and the type of exploitation (Mijalkovic, 2009:84). “In conflict areas, trafficking in persons for sexual slavery, recruitment of children into armed groups, forced labour and abduction of women and girls for forced marriages are the most commonly reported forms of trafficking” (UNODC, Global Report on Trafficking in Persons, 2018:6). Therefore, when analysing the phenomenon of trafficking in human beings that

occurs during the armed conflict, we can notice that new classification is not introduced, but attention is drawn to the increased vulnerability of victims and its specific manifestations. Some forms of exploitation, identified by exploration of exploitative practices in conflict situations, have emerged as specific to the context of the conflict, including, but not limited to the following:

1. Sexual exploitation of women and girls by members of armed and terrorist groups;
2. Use of trafficked children as soldiers;
3. Removal of organs to treat wounded fighters or finance war, and
4. Enslavement as a tactic of terrorism, including its use to suppress ethnic minorities (UNDOC, *Countering Trafficking in Person in Conflict Situation*, 2018: VII - VIII).

Considering the existing classifications of victims of trafficking in human beings, the fact that this phenomenon in the context of armed conflicts has been very pronounced, that victims in such circumstances are especially vulnerable, represents reasons and basis for creating a new classification of victims of trafficking in the context of armed conflicts. It is expected that its introduction into the conceptual and categorical apparatus of criminalistics and security sciences and practices will contribute to a better understanding of this complex phenomenon and easier distinction of related concepts and phenomena. By highlighting the emerging forms of trafficking in persons that are characteristic to the context of armed conflicts, attention has been drawn to the social danger of this phenomenon, but also to encourage new research in the context of justified criticism.

In the context of armed conflicts and based on the criteria of the type of activity to which the victims of human trafficking were executed, it is possible to distinguish two basic groups: victims of trafficking in human beings in armed activities and victims of trafficking in human beings in non-armed activities. Within these main categories, and with reference to the type of exploitation that victims of trafficking are exposed to, it is possible to further classify them. Between victims of trafficking in human beings in armed activities we distinguish those who took direct or indirect participation in combat activities. Victims of trafficking in human beings in non-armed conflict can be victims of sexual exploitation, forced labour, trafficking in human organs and body parts or reselling people (Chart 1).

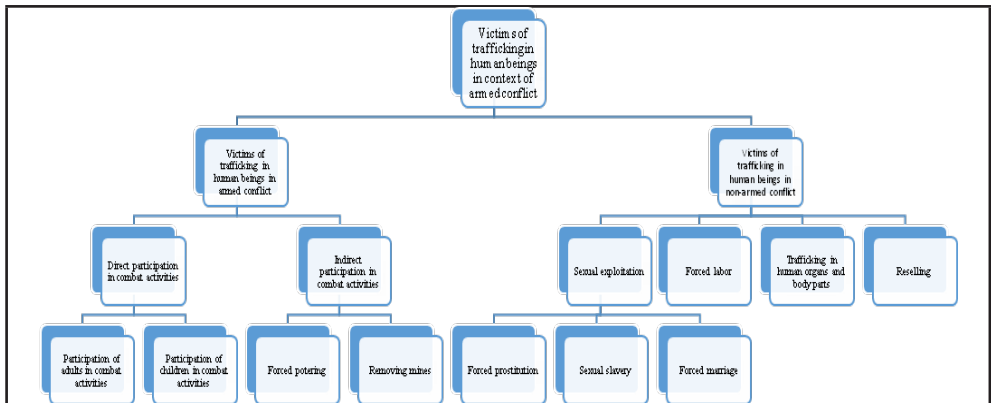


Chart 1: Classification of victims of trafficking in human beings in the context of armed conflicts

Spatial and temporal determination of trafficking in human beings in the context of armed conflicts

Armed conflicts cause negative consequences that manifest in the territory of the state in which the conflict is taking place, and very often beyond its borders, most often on the territory of neighbouring countries and regions, along migration routes of refugee population, but also on the global level. People forced to flee their homes leave families, friends and support networks behind. This social isolation makes them extremely vulnerable and easy targets for traffickers. The urgency of conflict-related displacement compels people to gather in locations with limited protection, safety and economic opportunities, such as informal settlements, camps for internally displaced persons and refugee camps (UNODC, Global Report on Trafficking in Persons, 2018: 16). By changing the place of life, forcibly displaced persons seek shelter, both within the boundaries of their state, as well as in the territory of the neighbouring state and beyond. In this way, the spatial determination of trafficking in human beings in the context of armed conflicts is possible through the separation of factors, actors, activities and consequences in the countries of origin, transit and final destination.

The time frame of occurrence of trafficking in human beings in the context of armed conflict includes conflict and post-conflict periods. The conflict period implies the duration of the armed conflict itself, whether it is an internal or international conflict. It is generally clear when the conflict starts, but the moment it ends is not, since peace agreements do not always mean the end of all hostile activities. However, with regard to trafficking in human beings in the context of armed conflicts, the moment of ending the conflict is essential for the legal classification of the act, but it is not crucial when it comes to the research of the

phenomenon itself, since the phenomenon of trafficking in human beings is also expressed in the post-conflict period.

In the report of the Special Rapporteur on trafficking in persons, especially women and children of the UN General Assembly it is stated that “post-conflict situations are typically characterized by absent or dysfunctional justice and law enforcement institutions, and consequently by: a climate of impunity that fosters violent criminal networks; high levels of poverty and lack of basic resources; significant inequality; large populations of highly vulnerable individuals (displaced persons, returnees, widows, unaccompanied children); fractured communities and lack of trust; and militarized societies tolerant of extreme levels of violence. These features render men, women and children in post-conflict societies especially vulnerable to trafficking” (A/71/303, 2016:13). Peyroux identified four groups of factors that promote the existence of trafficking in human beings in the post-conflict period: organized crime (warlords are shifting the market for arms trafficking to trade in narcotics, cigarettes and humans beings); the appearance of vulnerable population groups (unaccompanied women and orphaned children); the dissolution of the traditional value system and the lack of economic opportunities as a result of the country’s impoverishment (Peyroux, 2016:38).

VICTIMS OF TRAFFICKING IN HUMAN BEINGS IN ARMED ACTIVITIES

Victims of trafficking in human beings can be exploited through involuntary involvement in armed activities. Any exploitation of victims of trafficking involves a number of risks to the victim; however, this kind of exploitation brings with it a number of additional risks. Above all, these victims are at constant risk of losing their lives in conditions of war activities in which they are compelled to participate. Also, in many instances, victims of trafficking released from the captivity of armed and terrorist groups are not identified and supported as victims of trafficking and terrorism, but rather classified as “combatants” and treated as threats or intelligence assets, potentially detained and denied access to protection and assistance, or stigmatized for their involvement with terrorist groups if they are returned to their communities. Ultimately, with this approach and additional victimization and stigmatization by their community, they have been denied access to protection and help they need (UNDOC, Countering Trafficking in Person in Conflict Situation, 2018:17). Depending on the specific (predominant) activities on whose performance the victims are forced, it is possible to distinguish participation in armed activities through combat (direct) or non-combat (indirect) activities.

Direct participation of victims of trafficking in human beings in combat activities

Direct participation in armed activities implies the participation of victims of trafficking in human beings in the combat activities of one of the actors in the conflict. In order to protect their fighters from the increased risk of losing the life in acts that are particularly dangerous or to replace those who died in the previous stages of the fight, they force adult victims, and often children, to take part in armed and terrorist activities in the conflict zone. The variety of forms of trafficking in human beings, the modality of recruiting victims and ensuring their obedience, on the one hand, and the nature and context of armed conflicts, on the other hand, can lead to difficult identification and clear distinction between the situation and the position of specific victims. There won't be any dilemma of changing the situation of the victim if the victim is exploited through forced labour and then forced to participate in fighting. Similar situation is in the case of the use of force or threat of force during the recruitment of adults in armed and terrorist groups. The problem may arise in cases where more subtle means, such as ideological, were used during the recruitment, and the victims are previously marginalized, discriminated persons, persons who do not have economic opportunities, etc. The fact of the abuse of power, on the one hand, and the difficult position of individuals and groups of people, on the other hand, are the real basis for easier manipulation, recruitment and exploitation of victims of trafficking in human beings. The greatest possible paradox is reflected in the fact that victims, because of fear for their own life or the lives of the people close to them, take part in those combat activities that carry the greatest possible risk of death.

Numerous and prolonged conflicts have produced a new and particularly dangerous form of exploitation of children in the form of their coercion to participate in combat activities. The number of children involved in armed conflicts in recent years is on a rapid increase. According to the UN reports, from 2005 to 2016 the participation of 49 640 children was confirmed, and only in 2016 there were 7734 confirmed cases of participation of children in armed conflicts (The war on children, 2018:22). According to the Special Representative of the UN Secretary General for Children and Armed Conflict, "recruitment and use of children in armed conflicts is almost always a trafficking in human beings" (A/HRC/37/47, 2018: 6). The proliferation of light weapons has made children effective soldiers. Schauer and Elbert summarized the motivational factors for recruiting and abduction of children: in poor countries, children and adolescents represent the largest share in the population, making them available for recruitment and abduction. The limited ability of children to assess feelings and risks, make them fearless and without firmly built moral barriers. They are cheaper than adult soldiers because they require less resources. They attract less attention, making them suitable for various tasks, such as placing mines and committing suicide attacks. They are subject to control and indoctrination, so they do not question the authorities and the decisions they need to implement (Schauer and Elbert, 2010: 316-317).

After intensive training, children become armed and sent to battle ranks. Even there are units made exclusively of children, as a 12-year-old boy from Liberia, who commanded an eight-child unit (4 girls and 5 boys), testified for the Human Rights Watch that they secured checkpoints and participated in direct combat actions (HRW Report-How to fight, How to Kill, 2004:20). Children are trained to install explosive devices, and in Colombia the cases have been reported that children placed foot-breakers mines (HRW Report-You'll learn not to cry, 2003:67). They were also used as spies to collect information about the opposing side of the conflict (Beber, Blaattman, 2013:88). The phenomenon that is more frequent is the use of girls and boys in suicide attacks, primarily in Islamic countries. Children who commit suicide attacks have previously been recruited, abducted or exploited in other forms of trafficking in human beings (Olivier, 2018:117). Also, children in armed conflicts are used as a "human shield" (McKnight, 2010:113).

Indirect participation of victims of trafficking in human beings in combat activities

Indirect participation in armed activities includes compulsion of the victim to activities that represent the support to the main armed activities. These are activities that are implemented in parallel with armed actions and which also carry a high level of danger. Victims are forced to carry heavy equipment and weapons (forced pottering), often through inaccessible terrains such as jungles and mountains, and they are not allowed to put off equipment in order to rest, despite physical pain and suffering. They are also forced to be human landmine sweep by walking in front of the military in the areas suspected of having mines or forced to remove mines after their detection (Cook, et al., 2015: 8-9). Engagement may also include the provision of medical assistance in conflict zones. Victims of trafficking in human beings can be forced to carry out various criminal activities, such as transport of opium or conducting of abduction, as recorded during the conflict in Iraq (Heartland Alliance for Human Needs & Human Rights Report, 2007:17).

VICTIMS OF TRAFFICKING IN HUMAN BEINGS IN NON-ARMED ACTIVITIES

Another form of exploitation of people in the context of armed conflict is their participation in non-armed activities. That considers different forms of exploitation that are usually happening in time of peace, but they have certain specificities when they have occurred in the context of war. This group includes: sexual exploitation, forced labour and trafficking in human organs and body parts.

Sexual exploitation

In the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, sexual exploitation is defined as “the exploitation of the prostitution of others or other forms of sexual exploitation” (UN General Assembly, 2000: article 3 (a)). According to the UN Secretary-General’s Bulletin, sexual exploitation is defined as any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another (The UN Secretary-General’s Bulletin, 2003: section 1). It is a form of exploitation that is related to gender-based violence that is widespread during armed conflicts.

Forced prostitution is one of the most common forms of sexual exploitation in the context of armed conflict. During conflict, women and girls are particularly vulnerable categories that are physically and economically forced or left with little choice but to become sex workers or to exchange sex for food, shelter, safe passage or other existential needs (UNIFEM, 2002:11). This phenomenon is known as “survival sex” and does not, by itself, represent trafficking in human beings, but it can be of an exploitative nature because of the vulnerability of those who practice it. In addition to cases in which women decide to become sex workers, in the conditions of armed conflict there is also a practice in which women and girls are surrendered or sold by family members. Such cases were recorded in Syria, where men sent their wives to Lebanon, with a promise of decent work, but women were forced to work in bars or forced into prostitution or where poor Syrian families in order to marry their daughters decided to use a go-between, who then sold the girl or forced her into prostitution (Peyroux, 2015: 22). Forced prostitution is also featured in refugee camps where members of the armed forces, police and camp authorities use the sexual services of refugees and asylum seekers in exchange for providing assistance with documents and safe transit. During the armed conflict there were cases in which the victims were videotaped during the act of rape, after which these video tapes were sold as pornographic material or used for the purpose of war propaganda (Žarkov, 1997: 75-80).

Trafficking in human beings is also related to countries in post-conflict period, especially in situations where serious human rights violations and exploitation, such as slavery, forced labour, forced pregnancy, forced pregnancy terminations and systematic rape campaigns, have been perpetrated during conflict (UN Department of Peacekeeping Operations, 2004:4). Members of armed and peacekeeping missions in post-conflict areas are often perceived by traffickers as a potential source of sexual demands. One of the reasons that contribute to their participation in sexual exploitations of victims of human trafficking is the fact that they are immune from prosecution for crimes they may commit while deployed.

For the purpose of preventing sexual exploitation and abuse in humanitarian crises, the Inter-Agency Standing Committee (IASC) established a special Task

Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises. The core central recommendations of the IASC imply that any sexual exploitation and abuse is prohibited, especially sexual activity with children (persons under the age of 18), regardless of the age of majority or age of consent locally; exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited (Inter-Agency Standing Committee, 2002:4). The United Nations also responds to this problem by establishing the special Department for Peacekeeping Operations (DPKO) which should play an important role in combating trafficking in people in post-conflict areas, and as one of the objectives it emphasized the establishment of mechanisms for preventing, monitoring, reporting complaints, investigative procedures, disciplinary processes and punishment for all members of the UN peacekeeping missions who participate in activities that support human trafficking (The Freedom Fund, 2016:17).

Sexual slavery includes almost all forms of forced prostitution, but also other forms of exploitation related to human trafficking. The practice of sexual slavery in the context of armed conflict is accepted as a war or terrorist strategy, and in some cases is supported by religious ideology of actors in conflict (Holz, 2017: 14). It should be noted that victims are not always captured for the purpose of sexual exploitation, but in case of female victims, sexual violence is almost always a part of their exploitation. One of the current examples of sexual slavery in the context of armed conflicts is the abduction and capture of about 3200 women and girls of the ethno-confessional community of Yazidis by the fighters of the Islamic State of Iraq and Syria (ISIS) (UN Human Rights Council, thirty-second session, 2016). Captured women and girls, some of them aged 12, were threatened as sex slaves (*sabayas*) and sold in slave markets, as well as in online auctions where potential buyers had insight in their pictures and “specifications” such as: age, virginity or marital status, how many times has been bought before and also, their current location and starting price from which bidding would start (International Federation for Human Rights, 2018:25).

In slavery, victims were constantly raped and beaten, without the possibility of access to medical assistance, which is why victims often suffered from contagious, sexually transmitted diseases. Some of them were forced to give birth or in some cases, they were victims of forced pregnancy termination. *Sabayas* were often forced into marriage with members of the armed forces, where they were exploited in their households. After a certain period of time, most of them were sold or given as a gift to other soldiers. Also, it should be noted that men who are in captivity can be victims of different forms of sexual exploitation such as rape, genital mutilation and enforced sterilization, and sometimes can be forced to perform this brutal acts on each other, sometimes among family members (Lewis, 2009: 10-13). One of the cases of sexual slavery in which boys were victims is recorded during the armed conflict in Afghanistan where local commanders of the armed forces sexually exploited “dancing boys”, which was related with cultural practice known as “*bacha bazi*” (UN Security Council, 2015:4). Boys aged 11 or 12 were

picked off the street or sold by family members and taken into the ownership of a wealthy trafficker who trained them to be able to sing and dance in order to entertain men who wish to pay to see them. Besides that, boys were exploited through pornography and prostitution (Erdogdu et al, 2016:4). Based on the above, it can be concluded that sexual slavery is one of the most complex forms of exploitation of the victims, as it includes many other forms of exploitation that can last for a longer period of time, which is why this practice is related with a large number of suicide cases among victims.

Forced marriage is defined as the exploitation of the victim through the imposed role of the spouse, because the marriage is concluded by the consent of only one party in the marital community (Mijalković, Žarković, 2012: 167). In the conflict, there is diminished capacity for the victim to leave the perpetrator-captor husband, which could include the reasons such as: forced capture, child-bearing, strict restriction of movement, physical restraint or markings that identify the victim as belonging to a particular group or captor, strong feelings of culpability on the part of the victim if she was forced to commit atrocities, and the fear of inability to reintegrate due to stigma and abuse by community members because of her past association with the fighting force (Mazurana & Carlson, 2006:11).

Victims are often kidnapped during the combat operations in their communities, which sometimes includes the executions of their family members, after which they are forced to marry with the direct perpetrators of such executions. Girls and unmarried women are more desirable for forced marriages, but the victims can also be women who already have children. In these cases, children are used by imposed husband as a means of intimidating and controlling the victim. Sometimes, parents or other relatives of the victims agree with alleged marriage, in good faith that in this way they will be protected from violence, after which they are sold or forced to prostitution by armed groups. Forced marriage in the context of armed conflict should be considered as a form of sex slavery, because victims are captured and detained under conditions of extreme cruelty, with the deliberate intention of raping them and perpetrating other acts of sexual violence upon them; they are forced to child-bearing, work in households, travel with the perpetrator-captor husband and support his activities, including combat operations (Bunting, 2012:172). This form of exploitation is characteristic for traditional societies in which it is considered that forced marriage guarantees a higher and more far reaching degree of control over women than rape or sexual slavery, especially during the conflict and post-conflict period.

Forced labour

Victims of trafficking in human beings may be forced to conduct various activities that are not directly correlated with armed conflicts. Armed and terrorist groups force victims to various jobs, including construction work, cleaning, mining, trenches, agriculture and household services (UNODOC, Countering

Trafficking in Person in Conflict Situation: 2018:15). The range of these forced activities is wide, and we can divide it into forced labour in industry, agriculture and households. The forced labour includes victims who are forced to work in mines to finance the operations of armed groups. This form of trafficking in human beings is conditioned by the availability of rich natural resources that can be separated without advanced technology, and it is documented in various conflict zones in sub-Saharan Africa (UNODC, Global Report on Trafficking in Persons, 2018: 13). Victims may be forced to do housework in households, that is, to be chefs, drivers, repairman, etc. (Heartland Alliance for Human Needs & Human Rights Report, 2007:23).

Trafficking in human organs and body parts

According to the Palermo Protocol, removal of organs is a form of exploitation of victims of human trafficking. Organ trafficking can be defined as recruitment, transport, transfer, harbouring or receipt of living or deceased persons or their organs by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving to, or the receiving by, a third party of payments or benefits to achieve the transfer of control over the potential donor, for the purpose of exploitation by the removal of organs for transplantation (The Declaration of Istanbul on Organ Trafficking and Transplant Tourism, 2008).

This definition of organ trafficking includes primarily the cases in which removal of organs is related to their exploitation for transplantation, but in the context of armed conflicts, there are many other motives of such practice such as: animosity, revenge, desire for destruction and showing supremacy, religious beliefs, taking body parts of the enemy as war trophies and others. Victims of this kind of trafficking can be killed or alive enemy soldiers, in some cases also the domestic soldiers who were killed during combat operations, as well as the civilian population in conflict areas. This practice can be validated with religious beliefs, as in case with ISIS who through fatwas, religious expert pronouncement realized from religious authorities, regulate combatants' behaviour during conflict. These fatwas informed ISIS combatants that harvesting organs from the bodies of the enemy-infidel or removing organs from living apostates, even if this might cause their death, was permissible, because there is a religious obligation of all combatants to save a Muslim soul from sickness and death by transferring them the healthy organs; in some fatwas, there is a permission to eat their flesh (Scheper-Hughes, 2017:168-169). In some conflict areas there was organized transportation of combatant's bodies to the medical institute where their eyes, skin, bones, solid organs and other body parts had been removed during autopsy, without consent of their family members (Scheper-Hughes & Boström, 2013:246). There was a doubt that some of the soldiers were injured, but alive, and that they were deliberately hunted by enemy soldiers in order to cut their organs. Armed con-

flicts are also related to the large number of refugees and internally displaced persons, so traffickers can exploit their vulnerability by offering them to sell their organs or by threatening them into donating their organs. There was reported that some refugees were undergone an operation in hospitals and that their kidneys were removed during the operation, without their knowledge or that some of them, after the treatment in hospital, were found dead with their organs missing (Peyroux, 2015:20). Trafficked organs and body parts can be used for the purpose of medical treatment of injured soldiers or civilians in the conflict areas or they can be sold across the border, on a black market to other interested persons who have a need for transplantation. Also, the pharmaceutical and medical industries could be potential buyers of body parts such as skin, scalps, fingernails, tendons, heart, valves, skulls, and bones, which then find their way into research, drug manufacturing, and replacement surgery (Territo & Matteson, 2012:6).

CONCLUSION

There are many reasons which support the view that human trafficking should also be considered a direct consequence of crisis situations, especially armed conflicts. During armed conflicts and in the post-conflict periods, the vulnerability of the population is increased because of the economic deprivation and erosion of the legal system, limited access to social services and forced displacement of the civilian. In addition to these conditions, trafficking in human beings becomes more complex, both in terms of victims and forms of exploitation that can occur in armed conflict. The transnational and multidimensional nature of trafficking in human beings in the context of armed conflicts is also reflected in the dissemination of the consequences and effects of trafficking outside of conflict areas, due to the fact that the migrant population can be exploited outside the country of origin.

Regarding the form of exploitation, the problem becomes even more complex, because of the fact that in the context of armed conflicts, certain forms of exploitation become more present, while others take on specific characteristics. In regular, peacetime conditions, there is a clear distinction between the various forms of exploitation, which is not the case during the armed conflicts in which they very often can be diffused. It is difficult to classify them in strict categories, bearing in mind that victims are almost always exploited multiple times. A particular problem occurs in sexual exploitation, because of the fact that sexual slavery in armed conflicts is accepted as a war strategy, and that it contains almost all other forms of sexual exploitation, including prostitution and forced marriage. Besides that, it is difficult to make a clear distinction between forced labour and the victim's forced participation in armed conflicts, especially when it comes to indirect participation, which includes a various activities that are not directly related to combat operations. Also, victims who are forced to participate directly in armed conflicts are often forced to execute criminal activities, which is a special form of exploitation in regular conditions. On the other hand, reselling can be

considered a special form of exploitation in cases when the victims were immediately sold to another person, so traffickers had material or other kind of benefit. In the context of armed conflict, reselling is a component of almost every form of exploitation, since the victims are initially exploited and after a certain period of time, resold or given to another person who will exploit them further.

In international criminal law, trafficking in human beings in the context of armed conflict is overly prosecuted as a crime against humanity,² genocide or war crimes,³ so there is a dilemma whether all cases of victim's exploitation during the armed conflict can fulfil the specific conditions contained as elements of these international crimes. It further imposes the question of whether in this way the possibilities for prosecution of human trafficking as an international crime are limited.

Based on the above, the classification of the forms of exploitation presented in this paper must be considered as conditional, because it is based on the criteria whether victims were exploited through participation in armed or non-armed activities, so there is a need for further research of each of the mentioned forms of exploitation in the context of armed conflict, for the purpose of their complete explanation and systematization.

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