

Trafficking in Human Beings in South Eastern Europe

2003 Update on Situation and Responses
to Trafficking in Human Beings in

Albania

Bosnia and Herzegovina

Bulgaria

Croatia

The Former Yugoslav Republic of Macedonia

Moldova

Serbia and Montenegro,
including the UN Administered Province of Kosovo

Romania



Trafficking in Human Beings in South Eastern Europe

TRAFFICKING IN HUMAN BEINGS IN SOUTH EASTERN EUROPE

2003 Update on Situation and Responses to Trafficking in Human Beings in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Serbia and Montenegro including the UN Administered Province of Kosovo, the former Yugoslav Republic of Macedonia, Moldova and Romania.

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- Organisation for Security and Cooperation in Europe/Office for the Democratic Institutions and Human Rights.

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The report provides an overview of the current situation and responses to trafficking in human beings in South Eastern Europe for the year 2002 and up to April 2003. The author is aware, however, that it may not fully document all the activities and responses currently taking place across the region.

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Abbreviations and Acronyms

ABA CEELI	American Bar Association Central and Eastern Europe Law Initiative
BiH	Bosnia and Herzegovina
CEDAW	Convention for the Elimination of all forms of Discrimination against Women
CIDA	Canadian International Development Agency
CoE	Council of Europe
CRC	Convention on the Rights of the Child
EU/EC	European Union/European Commission
FRY	Federal Republic of Yugoslavia
FYR Macedonia	Former Yugoslav Republic of Macedonia
HIV/AIDS	Human Immune Virus/Acquired Immunodeficiency Syndrome
ICCO	Inter-church Organisation for Development Co-operation
ICITAP	International Criminal Investigative Training Assistance Programme
ICMC	International Catholic Migration Commission
ICMPD	International Centre for Migration Policy Development
IHRLG	International Human Rights Law Group
ILO	International Labour Organisation
ILO-IPEC	ILO International Programme on the Elimination of Child Labour
IMP	International Migration Policy Programme
IOM	International Organisation for Migration
IREX	International Research and Exchanges Board
ISS	International Social Services
MOU	Memorandum of Understanding
NGO	Non Governmental Organisation
NPA	National Plan of Action
ODIHR	OSCE Office for Democratic Institutions and Human Rights (see below)
OPDAT	Office of the Overseas Prosecutorial Development Assistance and Training
OSCE	Organisation for Security and Co-operation in Europe
OSCE/CPC	OSCE Crime Prevention Centre
OSCE/ODIHR	OSCE Office for Democratic Institutions and Human Rights
SCF	Save the Children Fund
SDC	Swiss Agency for Development and Co-operation
SECI	South Eastern European Co-operative Initiative
SEE	South Eastern Europe
SIDA	Swedish International Development Agency
SP	Stability Pact
SPOC	Stability Pact Initiative against Organised Crime
SPTF	Stability Pact Trafficking Task Force
STI	Sexually transmitted infections
UMCOR	United Methodist Committee for Relief

Trafficking in Human Beings in South Eastern Europe

UNAIDS	United Nations Joint Programme on HIV/AIDS
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNOHCHR	United Nations Office of the High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNICRI	United Nations Interregional Crime and Justice Research Institute
UNIFEM	United Nations Development Fund for Women
UNODC/CICP	United Nations Office on Drugs and Crime/Centre for International Crime Prevention
USAID	United States Agency for International Development

Table of Contents

Acknowledgments	III
List of Abbreviations and Acronyms	V
Table of contents	VII
List of tables	X
Foreword.....	XI
Executive summary	XIII

Introduction

1. Purpose and structure of the report1
2. Policy approaches to anti-trafficking responses2
3. Changes and new trafficking trends in the region4

Regional initiatives.....

1. Governments9
2. International Organisations14
3. Non-governmental Organisations (NGOs)25
4. Regional case study: Operation Mirage -
Failure of Regional Law Enforcement Action29
5. Chart: Results of Operation Mirage (September 2002)32

Albania

1. Migration, prostitution and trafficking33
2. Current responses35
 - 2.1. National Plan of Action35
 - 2.2. Anti-trafficking legislation37
 - 2.3. Victim assistance39
 - 2.4. Trafficking in children.....44
 - 2.5. Prosecution47
3. Summary48
4. Albania case study: child trafficking and migration50

Bulgaria

1. Migration, prostitution and trafficking53
2. Current responses55
 - 2.1. National Plan of Action55
 - 2.2. Anti-trafficking legislation57
 - 2.3. Victim assistance59
 - 2.4. Trafficking in children.....64
 - 2.5. Prosecution65
3. Summary65
4. Bulgaria case study: assistance to children67

Republic of Moldova.....

1. Migration, prostitution and trafficking71
2. Current responses75
 - 2.1. National Plan of Action75
 - 2.2. Anti-trafficking legislation77
 - 2.3. Victim assistance80
 - 2.4. Trafficking in children.....84
 - 2.5. Prosecution86
3. Summary87

Trafficking in Human Beings in South Eastern Europe

Table of Contents

4. Moldova case study: reintegration programmes	89
Romania	91
1. Migration, prostitution and trafficking	91
2. Current responses	93
2.1. National Plan of Action	93
2.2. Anti-trafficking legislation	93
2.3. Victim assistance	95
2.4. Trafficking in children	98
2.5. Prosecution	99
3. Summary	99
4. Romania case study: victim-centred assistance	101
Bosnia and Herzegovina	105
1. Migration, prostitution and trafficking	106
2. Current responses	108
2.1. National Plan of Action	108
2.2. Anti-trafficking legislation	110
2.3. Victim assistance	111
2.4. Trafficking in children	116
2.5. Prosecution	117
3. Summary	119
4. Bosnia and Herzegovina case study: temporary instructions for the treatment of victims of trafficking	121
Croatia	123
1. Migration, prostitution and trafficking	123
2. Current responses	124
2.1. National Plan of Action	124
2.2. Anti-trafficking legislation	126
2.3. Victim assistance	128
2.4. Trafficking in children	131
2.5. Prosecution	131
3. Summary	132
4. Croatia case study: separated children in Europe programme	133
Serbia and Montenegro	135
Republic of Serbia (excluding Kosovo)	136
1. Migration, prostitution and trafficking	136
2. Current responses	137
2.1. National Plan of Action	137
2.2. Anti-trafficking legislation	138
2.3. Victim assistance	140
2.4. Trafficking in children	141
2.5. Prosecution	142
3. Summary	142
4. Serbia case study: national referral mechanism	144
Republic of Montenegro	147
1. Migration, prostitution and trafficking	147
2. Current responses	148
2.1. National Plan of Action	148
2.2. Anti-trafficking legislation	149
2.3. Victim assistance	150
2.4. Trafficking in children	153
2.5. Prosecution	153
3. Summary	154

4. Montenegro case study: "the Moldovan case" and lack of victim/witness protection155

The UN Administered Province of Kosovo161

1. Migration, prostitution and trafficking161
 2. Current responses163
 2.1. Kosovo Plan of Action.....163
 2.2. Anti-trafficking legislation165
 2.3. Victim assistance.....166
 2.4. Trafficking in children170
 2.5. Prosecution.....171
 5. Summary173
 6. Kosovo case study: unconditional victim assistance175

The Former Yugoslav Republic of Macedonia177

1. Migration, prostitution and trafficking177
 2. Current responses178
 2.1. National Plan of Action178
 2.2. Anti-trafficking legislation180
 2.3. Victim assistance.....181
 2.4. Trafficking in children184
 2.5. Prosecution.....184
 3. Summary185
 4. FYR Macedonia case study: Government shelter for victims of trafficking187

Impact of anti-trafficking action in SEE: lack of effectiveness of law enforcement and migration approaches189

1. Current criteria for the assessment of anti-trafficking responses189
 2. Identification of victims by law enforcement: victim or criminal?192
 3. Victims' access to assistance: the only option is to return home196
 4. Inadequate victim/witness protection results in the lack of prosecutions198

Summary and recommendations201

1. Coordination of anti-trafficking action within the framework of the NPA.....201
 2. Legal reform and prosecution207
 3. Victim assistance209
 4. Trafficking in children215
 5. Awareness raising and prevention216
 6. Training.....218

List of Tables

TABLE 1: SUMMARY OF REGIONAL INITIATIVES	221
TABLE 2: LIST OF PROJECTS AND ACTIVITIES IN ALBANIA ..	231
TABLE 3: LIST OF PROJECTS AND ACTIVITIES IN BULGARIA	237
TABLE 4: LIST OF PROJECTS AND ACTIVITIES IN THE REPUBLIC OF MOLDOVA	243
TABLE 5: LIST OF PROJECTS AND ACTIVITIES IN ROMANIA	253
TABLE 6: LIST OF PROJECTS AND ACTIVITIES IN BOSNIA AND HERZEGOVINA.....	259
TABLE 7: LIST OF PROJECTS AND ACTIVITIES IN CROATIA ..	268
TABLE 8: LIST OF PROJECTS AND ACTIVITIES IN THE REPUBLIC OF SERBIA (excluding Kosovo)	273
TABLE 9: LIST OF PROJECTS AND ACTIVITIES IN THE REPUBLIC OF MONTENEGRO	280
TABLE 10: LIST OF PROJECTS AND ACTIVITIES IN KOSOVO ..	285
TABLE 11: LIST OF PROJECTS AND ACTIVITIES IN FYR MACEDONIA.....	291

Foreword

Trafficking in human beings is no longer a new issue in South Eastern Europe. It has been more than three years since the U.N. Palermo Protocol was passed and it will come into force in December 2003. Ministers of the governments of the region that signed the Palermo Stability Pact Declaration have committed their countries to implementing effective programmes of prevention, victim assistance and protection, legislative reform, law enforcement and prosecution of traffickers. Since that time, generous donors have poured tens of millions of dollars into all of the countries/entities of the region to address this issue. A number of conferences and meetings throughout the region are being held on this topic every year and high-level delegations reaffirm that fighting trafficking in human beings remains a top priority. It is time to take stock of where we are, if we are making progress on meaningful indicators and if we are heading in the right direction. This report is a contribution to shedding light on these issues.

There has been significant progress in many important ways. Countries have now established a foundation of institutional mechanisms: national government co-ordinators have been appointed in each country; multi-disciplinary national working groups have been established; and national plans of action have been adopted. A regional framework was agreed to harmonise the approaches by focusing on regional co-operation. In addition, significant progress is being made in law reform in order to criminalise trafficking in human beings and its related crimes. Important issues such as trafficking in children and victim/witness protection have been receiving additional attention recently. Co-operation in areas such as law enforcement is improving.

But, as this fine report underlines, there remain serious fundamental gaps in regional and national responses. Effective implementation in many areas is lagging behind. Long-term assistance for trafficking victims is not available. Referral mechanisms to ensure that the victims of trafficking discovered by law enforcement agencies are transferred appropriately to service providers generally do not exist. Crime bosses of trafficking networks continue to operate with impunity in many countries. Corruption and/or complicity by authorities contribute to the effectiveness of traffickers. Investment in developing sustainable local and national non-governmental and governmental involvement and accountability has to be improved.

The fight against trafficking in human beings must go forward on many fronts because the character of human trafficking is that it is a complex problem. A comprehensive and integrated approach to human trafficking recognises that it has to do with human rights and their violation, with migration – legal and illegal – with trans-national, organised crime, money laundering and exploitation, with public health issues, etc. And it has to do with the economic and social situation in many countries of origin, with gender based violence and discrimination and last, but not least, with demand.

If the contents of this thorough report are read with the seriousness of purpose that this issue demands and deserves, it will help move all relevant actors in the right direction toward concrete, effective and sustainable implementation.

This report shows that we can be proud of the accomplishments that have

Trafficking in Human Beings in South Eastern Europe

Foreword

been made in a relatively short time. But we should be impatient as well – as a consequence of the seriousness of this crime and the violations of human rights that it engenders. We must always be mindful that in the time it takes to read this foreword, many people around the world – especially women and girls – are at this moment being targeted and trapped by human traffickers into a violent, sometimes deadly, experience. The reality is that there is no time to rest on our laurels, we must constantly move forward if we wish to stop or at least diminish trafficking in human beings.

I would like to express my deep appreciation to UNICEF and my special thanks to Ms. Barbara Limanowska, the tireless author of this report, for their most valuable contribution to the understanding of trafficking in human beings in South Eastern Europe. I am also grateful to those who have provided financial and technical support – especially OSCE / Office for Democratic Institutions and Human Rights and the United Nations Office of the High Commissioner on Human Rights – for bringing this excellent report to completion. This valuable contribution to the work of the Stability Pact Task Force on Trafficking in Human Beings in South Eastern Europe offers profound insights into the complex problem of trafficking in human beings.

Helga Konrad

Chair of the Stability Pact Task Force on Trafficking in Human Beings



Executive Summary

This report assesses the situation and existing responses to trafficking in human beings in the countries of South Eastern Europe (SEE): Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the UN administered province of Kosovo, the Former Yugoslav Republic of Macedonia, Moldova, Romania and Serbia and Montenegro. The report focuses on the status of implementation of the National Plans of Action, legislative reform, victim assistance, trafficking in children and prosecution, and it serves to update the earlier review of the situation and responses to trafficking in SEE presented jointly by UNICEF, UNOHCHR and OSCE/ODIHR in June 2002.^I The data for this report were collected between November 2002 and April 2003, and are presented as the results of concrete actions that have been taken by the participating agencies, governmental, non-governmental and international.

The general situation of trafficking in human beings in SEE is similar to the one outlined in the 2002 report: 90 percent of foreign women working in prostitution are alleged victims of trafficking; 10 –15 percent of these women are girls under the age of 18; and younger children, both boys and girls, are being trafficked for forced labour.

Some new trends have, however, become apparent. The estimated numbers of trafficked women being identified and assisted have significantly dropped, from the estimated 35 percent of all trafficked women in 2002. Traffickers have modified their *modus operandi* as the SEE Governments start to enforce anti-trafficking legislation, so that trafficking has become less visible. There has been an increase in trafficking within the region, with Balkan countries becoming countries of destination, origin and transit.

Governments have started to play a leading role in the fight against trafficking resulting in enormous improvements in government structures and anti-trafficking legislation throughout the region. National Co-ordinators have been appointed to oversee the implementation of National Plans of Action against trafficking, and anti-trafficking actions have become much better co-ordinated at all levels, between agencies, bi-laterally and regionally. The majority of new legislation throughout the region complies with the definition in the Palermo Trafficking Protocol. The issues of trafficking in children and internal trafficking are being addressed, in line with the priorities of the Stability Pact Task Force on Trafficking in Human Beings for 2003: trafficking in children; because not enough evidence can be amassed against them. Usually the only evidence available is the testimonies of the victims of trafficking, but these can rarely be used effectively because there is a lack of proper protection for witnesses throughout the region. The European Union Police Mission in Bosnia and Herzegovina is shifting the emphasis of anti-trafficking law enforcement towards the traffickers and away from the victims, leading the way towards evidence-based policing in the region. Trafficked women often only testify because they believe their illegal status means they are obliged to do so. Victims need to be properly informed about their rights, including legal support and protection, as well as being given sufficient time to make an informed decision.

The human rights perspective needs to be further emphasised in anti-

^I Barbara Limanowska, *Trafficking in Human Beings in South Eastern Europe. Current situation and responses to trafficking in human beings in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Federal Republic of Yugoslavia, the Former Yugoslav Republic of Macedonia, Moldova and Romania*. UNICEF, UNOHCHR, OSCE/ODIHR. Belgrade 2002. The report can be found at www.seerights.org

Trafficking in Human Beings in South Eastern Europe

Executive Summary

trafficking actions generally. The police still tend to treat women picked up in bars or at border crossings as criminals rather than victims. The assisting agencies need to pay particular attention to standard operating procedures, to the human rights perspective of their activities, and to developing strategies to hand over their programmes to local agencies. One of the main objectives of the Stability Pact anti-trafficking programme is to encourage and support the countries of SEE to assume control of their own and the regional initiatives to combat trafficking in human beings.

Progress is being made across SEE towards combating trafficking in human beings, although the countries of the region are each placing emphasis on different aspects of the trafficking problem. The aim must be to bring together these strands of progress to create a holistic, consistent and human rights-based approach to combating trafficking across the region.

TRAFFICKING IN HUMAN BEINGS IN SOUTH EASTERN EUROPE.

Current situation and responses to trafficking in human beings in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Former Yugoslav Republic of Macedonia, Moldova, Romania, Serbia and Montenegro, including the UN administered province of Kosovo.

Introduction and Overview

1. Purpose and structure of the report

The purpose of this report is to provide an overview of the situation and responses to trafficking in human beings in South Eastern Europe (SEE), and to update the information and analysis contained in the joint UNICEF, OSCE-ODIHR and UNOHCHR report, published in June 2002.¹ The countries included in this report are Albania, Bosnia and Herzegovina (BiH), Bulgaria, Croatia, the former Yugoslav Republic of Macedonia (FYR Macedonia), Moldova, Romania, Serbia and Montenegro, including and the UN Administered Province of Kosovo. The assessment is based on information collected during the period between November 2002 and April/May 2003² directly from the institutions working on the ground on the issue of trafficking: governmental agencies, international organisations, and non-governmental organisations (NGOs).

The report gives an overview of the regional situation and for each country presents an assessment of the situation and the existing responses to trafficking with a focus on the status of the implementation of the National Plans of Action, legislative reform, victim assistance, trafficking in children and prosecution. The report does not aim to analyse all the anti-trafficking initiatives in the region, but rather to emphasise the concrete steps undertaken by the participating agencies. Although the same international standards and instruments apply in all the countries in relation to legal reform and protection of victims of trafficking, the strategies, actions and, consequently, the results often differ from country to country. While in one country the main focus may be on the protection of the child victims of trafficking, in another the focus may be on new reintegration strategies, and in yet another country on the interdependence and relationship between the protection of victims and the prosecution of traffickers. Case studies in each chapter are presented to highlight good practices and implementation challenges on the ground.

1 Barbara Limanowska, *Trafficking in Human Beings in South Eastern Europe. Current situation and responses to trafficking in human beings in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Federal Republic of Yugoslavia, the Former Yugoslav Republic of Macedonia, Moldova and Romania*. UNICEF, UNOHCHR, OSCE/ODIHR. Belgrade 2002. Report can be found at www.seerights.org

2 Information obtained after May 2003 is reflected only in the footnotes.

Detailed information on the ongoing projects and activities of governments, international organisations and NGOs in the region and by country, including lists of projects and contacts form the second part of the report. Updated information on ongoing projects and contacts can be found on the SEE RIGHTS web site: www.seerights.org.³

2. Policy approaches to anti-trafficking responses

While all the institutions working on the issue of trafficking base their actions on the same international law, and in theory use the same definition of trafficking, in practice their approach differs depending on the broader context of their work and the mandate of the organisation/institution. These differences can be divided into three categories: migration, law enforcement, and human rights. Approaching the issue of trafficking from one of these perspectives often results in different legal and administrative tools being used to solve the problems and in different actions being undertaken by the participating actors.

The **migration approach** to the problem of trafficking is primarily used by the International Organisation for Migration (IOM). IOM's counter-trafficking programmes have grown out of pre-existing programmes for assisting "stranded migrants" – economic migrants whose illegal status and/or inability to support themselves in a new country placed them in need of humanitarian assistance. From the IOM perspective the status of the "victim of trafficking" is similar to that of the "victimised migrant" – a person desperate enough to give up the "migration dream" to return home. As victims of trafficking began to be identified in the late 1990s, the IOM missions in the Balkan countries developed special voluntary return assistance programmes for them based on humanitarian grounds, including special temporary shelters. While IOM staff clearly recognise the unique status of trafficking victims as particularly vulnerable and exploited, their model for assisting these victims is premised upon an understanding of the problem of trafficking as principally one of unregulated economic migration.

The **law enforcement approach** to trafficking is represented by the Ministries of the Interior of particular governments, police, border police and regional initiatives/organisations to combat organised crime, including the South Eastern European Co-operative Initiative (SECI). Trafficking in human beings is seen as a crime very similar to trafficking in arms and drugs, often committed by the same international organised crime groups. While the main goal of the law enforcement agencies is to prevent/combat crime and protect innocent victims, in the case of trafficking in human beings there is a visible tension and lack of understanding of the human rights violations involved and an inability to identify the victims of the crime. On the one hand, the police treat prostitution as breaking public order⁴ and therefore accord prostitutes special attention. Thus, victims of trafficking appear, from a law enforcement perspective, similar/identical to women working illegally, but acting more or less willingly, as prostitutes.

On the other hand, the pressure on the police to combat illegal migration and to prove the efficacy of the anti-migration measures results in them treating all women without legal documents as illegal migrants. As a result,

3 There exist other useful sources of information about different aspects of the anti-trafficking action in SEE, including the Council of Europe on anti-trafficking legislation and legal reform, IOM on victim assistance and return programmes, ILO on labour exploitation and child trafficking. The IOM/ICMC Regional Clearing Point collects and analyses data on trafficking victims and the programmes designed to assist and protect victims in the region. The OSCE and UNICEF country offices have updated overviews of anti-trafficking actions and child trafficking in each country.

4 In Bulgaria, FYR Macedonia and Moldova engaging in prostitution is not illegal, whereas it is illegal in the other SEE countries. However, the police attitude towards and treatment of prostitutes in these three countries is not dissimilar to that in the SEE countries where soliciting is illegal.

they tend to use an “everybody or nobody” strategy when identifying victims. In an everyday situation, women and children are treated as criminals (illegal migrants or prostitutes), but during the special anti-trafficking actions the police, when clearly instructed or trained, treat all women as victims of trafficking. This approach also means that young women, nationals of certain countries, experience problems while crossing borders or are refused entry and raises questions about the negative consequences of anti-trafficking measures and the status of travelling and migrating women.

The police may also have problems recognising traffickers when they are not members of organised crime groups but rather pimps or former victims of trafficking. The mandate for the police to apprehend criminals in contexts in which prostitution is illegal and to control national borders against illegal migration, produces a tendency for the police to treat trafficking as synonymous with anti-prostitution and/or anti-migration police work.

The human rights approach, which underlines the need and obligations of states to protect the human rights of trafficked persons should, in theory, underpin all anti-trafficking approaches since the “human rights framework” is derived from the human rights standards and principles contained in international treaties, covenants and protocols. In other words, states are obliged to adopt the human rights approach under international law. Significantly, both the UN Secretary General and the UN High Commissioner for Human Rights have identified trafficking in human beings as one of the grossest violations and challenges of human rights.⁵

The *UNOHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking*⁶ establish the primacy of human rights, stating that:

1. “The human rights of trafficked persons shall be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims;
2. States have a responsibility under international law to act with due diligence to prevent trafficking, to investigate and prosecute traffickers and to assist and protect trafficked persons;
3. Anti-trafficking measures shall not adversely affect the human rights and dignity of persons, in particular the rights of those who have been trafficked, and of migrants, internally displaced persons, refugees and asylum-seekers.”⁷

The human rights approach to anti-trafficking action has been adopted by intergovernmental, international and local human rights organisations, as well as by some governmental structures. The role of the international organisations is to support governments in fulfilling their human rights obligations. According to the Stability Pact Trafficking Task Force: “Overall responsibility [to combat trafficking] lies with individual states, which must ensure that they comply with their international obligations under human

5 See: *Trafficking in women and girls*. Report of the UN Secretary-General, A/55/General Assembly/22 August 2000, see site: <http://www.un.org/womenwatch/daw/followup/trafficking.html>
Also: the Secretary-General’s statement to the High Level Conference in Palermo, Italy, to mark the opening for signature of the UN Convention against Trans-national Crime, 12 December 2000, see site: <http://www.odccp.org/palermo.convmain.html>
Also: *Traffic in women and girls*. Report of the Secretary-General, E/CN.4/2003/74. See site: <http://www.unhchr.ch/Huridocda/Huridoca.nsf>

6 *Recommended Principles and Guidelines on Human Rights and Human Trafficking*. Addendum to the Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council, see site: [p://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/E.2002.68.Add.1.En?Opendocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/E.2002.68.Add.1.En?Opendocument)

7 *Ibid*, p. 2.

rights norms to respect and protect the rights of individuals through legal, administrative and other facility”⁸.

The tools that the international organisations are using are those of introducing human rights norms through active participation in the governmental and inter-agency bodies established to combat trafficking, as well as through monitoring of existing anti-trafficking initiatives.

Lack of information about and involvement in the actions “on the ground” – identifying and assisting trafficked persons - makes the influence of the international organisations problematic. Standards for the treatment of victims of trafficking and for the work of assisting agencies (for example the UNOHCHR Guidelines and Recommendations on Human Rights and Trafficking and UNICEF Guidelines for the Protection of the Rights of Children Victims of Trafficking in SEE) have been developed and international organisations advocate their use, but do not have direct influence on the implementation of the human rights norms since this is the responsibility of government.

The impact of these three approaches law enforcement, migration and human rights on the anti-trafficking responses and actions in SEE, as well as their practical consequences for the functioning and results of anti-trafficking structures and initiatives, are the main focus of this year’s report.

3. Changes and new trafficking trends in the region

The general situation of trafficking in human beings in SEE is similar to the one outlined in 2002 report:

- The majority of foreign women working in the sex industry in the Balkan countries are victims of trafficking, according to the definition contained in the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* (Palermo Trafficking Protocol), which supplements the *UN Convention on Trans-national Organised Crime*;⁹
- An estimated 10-15 percent of those trafficked are adolescent girls under 18 trafficked for prostitution;
- Younger children under 13, both girls and boys, are trafficked for forced labour, particularly from Albania to Greece and Italy, but also from Moldova and Romania to Western Europe and Russia.

While the general situation has not changed when compared to last year,

⁸ *Multi-year Anti-trafficking Action Plan for South Eastern Europe*. Stability Pact for South Eastern Europe Task Force on Trafficking in Human Beings. Vienna, 16 March 2001, p.11. See site: <http://www.stabilitypact.org/trafficking/atap-2001.doc>

⁹ *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*, which supplements the *UN Convention on Trans-national Organised Crime* adopted by the UN General Assembly in November 2000. “Trafficking in persons” is defined in article 3 of the Protocol as follows:

a. “Trafficking in persons” shall mean the “recruitment, transportation, transfer, harbouring or receipt of persons, by means of 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 or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

b. The consent of the victim of trafficking in persons to the intended exploitation set forth in the subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

Where children are specifically concerned, the article goes on to provide:

c. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;

d. “Child” shall mean any person less than 18 years of age.

there are, however, new or previously unnoticed trends in the region. Briefly, these include:

Decreases in the number of victims of trafficking identified and assisted

In the second part of 2002 and the beginning of 2003, the number of identified and assisted victims of trafficking was lower than during the same period a year before. In the 2002 report, an estimated 35 percent of all trafficked women and girls were identified and assisted to return to their country of origin.¹⁰ According to the information collected during preparation of this report, this estimate has dropped significantly. For example, only 14 percent of women interviewed during Operation Mirage, in September 2002, were identified as victims of trafficking, the majority of whom were girls under 18.¹¹ According to the police, NGOs and IOM, this decrease has been primarily caused by women refusing the assistance offered by the police during bar raids or refusing assistance from IOM to return home voluntarily. This raises questions about the efficacy of existing modes of identification and referral mechanisms for victim assistance, which mainly depend on police bar raids for identification and IOM programmes of voluntary return to the country of origin for victim assistance.

Increased trafficking within the SEE region

The number of reports about trafficking between the countries of the region has increased, indicating that the Balkan states are becoming not only countries of destination and transit but also countries of origin. Distinctions between countries of origin, transit and destination within SEE are blurring. Women from Kosovo, for example, are found in Montenegro, while Serbian women have been identified as victims of trafficking in BiH.

Migration and trafficking

At the same time, there are reported changes in global migration trends:

- Escalation in the pace of migration;
- Growing number of female migrants;
- Growing number of unaccompanied children;
- Rising costs for mediation in migration;
- Demand for cheap, unprotected labour in the countries of destination; and,
- Abusive conditions for migrant labour in the countries of destination;

These trends suggest that the demand for cheap labour combined with the readiness of people to migrate and the increasing difficulties in organising legal migration and legal employment in the countries of destination, may lead to an escalation in trafficking.

Migration patterns are quite similar in the different SEE countries, including the organised networks of migrants and the type of persons facilitating migration. According to local sources, in all countries there are well-known, well-developed and safe, if not legal, migration channels and opportunities. Women, however, are often excluded from these migration networks. It is more difficult for them to find reliable information and the necessary connections to migrate safely, let alone legally. On the contrary, they often

¹⁰ Barbara Limanowska, *Trafficking in Human beings in South Eastern Europe. Current situation and responses to trafficking in human beings in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Federal Republic of Yugoslavia, the Former Yugoslav Republic of Macedonia, Moldova and Romania*. UNICEF, UNOHCHR, OSCE/ODIHR. Belgrade 2002, p. 142.

¹¹ See Regional Case Study (Regional Initiatives chapter) for a detailed description of Operation Mirage.

rely on information passed on by word of mouth, which can lead to trafficking. The leading factor is not only a special demand for sex services but also the fact that women, as well as children, are the most vulnerable and an easy target for those who want to make money out of illegal migration processes. In the countries of destination, prostitution creates multiple threats for women who have been trafficked to work in the sex industry as they are not only illegal migrants caught in a web of obligations, but also stigmatised persons committing illegal acts and connected with organised crime networks.

Trafficking and children

There is still no reliable information on trafficking in children within or from SEE. Reports confirm that there are two groups of children trafficked: girls under 18 trafficked for sexual exploitation and younger children under 13, both girls and boys, trafficked for forced labour, mostly begging and street selling.

According to some organisations, traffickers seem to have become more interested in trafficking in children and a growing number of girls under 18 are being trafficked for sexual exploitation. However, there is no data to confirm this assertion and an apparent increase in attention to child trafficking could be due to an increased awareness of child trafficking issues in general in the region, rather than actual changes in the patterns of trafficking. In addition, there seems to be confusion on what exactly constitutes child trafficking. Diverse situations of child exploitation and children 'at risk', including child labour, child prostitution, and unaccompanied or separated children, are labelled as trafficking in children. No analysis has been made of the differing situations and needs of these children and, consequently, the responses may be neither appropriate nor effective.

There is also new information about countries of origin and destination. Children are trafficked not only from Albania but also from Moldova and Romania for begging and prostitution. They are trafficked to Italy and Greece, but also to Russia, the former Soviet Republics, Poland, the Czech Republic and the European Union. Reportedly, the majority of trafficked children are coming from the poorest, disadvantaged and, often, dysfunctional families. Many of them are perceived to be from the Roma community.

There is still insufficient recognition of the issue of the rights of children victims of trafficking and no recognition at all of the problems faced by the children of trafficked women.

Internal prostitution and trafficking

There is more information, especially from Moldova, Romania and Bulgaria, that women and girls are often initially trafficked internally for sexual exploitation. There is information from many countries about the functioning of the internal prostitution market, which leads to the conclusion that the chain of trafficking in sex workers very often starts with the local market. Pimps who "own" women locally and control the internal prostitution market often sell them or move them from place to place. After some time, these women are sold abroad. However, access to information about women working in the sex industry is very limited, especially in the countries where prostitution is illegal. The real scope of the problem can only be guessed at. With a few exceptions, there are also no organisations or institutions that can provide sex workers with information about the potential dangers of being trafficked and offer solutions to their problems.

Lines between prostitution and trafficking are more blurred

There is also a lack of understanding of the problem on the part of the police. According to NGOs, the police have already started to see foreign women as potential victims of trafficking, but have problems applying the same standards to the local prostitution market. The police are reported to quite often take advantage of their position to co-operate with pimps and to make profits from the local prostitution market. They are, therefore, reluctant to address the issues of violence against prostitutes and internal trafficking.

There is also, on the one hand, a lack of understanding by the law enforcement agencies of the interdependence between combating violence against women, including violence against sex workers, and combating trafficking in women for sexual exploitation. Consequently, trafficking in women is not stopped at an internal level before the women are trafficked abroad.

On the other hand, there are examples in the region of the police using the excuse of combating trafficking to conduct massive bar raids without collecting beforehand the necessary evidence to prosecute the traffickers. The usual result of such raids is harassment of the women working or forced to work in the sex industry and their deportation, while the bar owners, pimps and traffickers go free.

Trafficking routes

The victims of trafficking are more often travelling with valid documents and they are moved more frequently by air directly into Western Europe. This change is due to the less strict visa regimes for the citizens of some SEE countries¹² combined with the stricter border control and anti-trafficking measures introduced within the SEE region in recent years.

There is also information that the patterns of trafficking in Albania are changing, since the smuggling of migrants and trafficking of women by speedboats from Vlora to Italy was stopped by persistent police action. The place most notorious for trafficking in Albania is no longer active. However, local sources are sceptical about the permanent effect of these actions and are pointing to the other border crossings and other routes used by traffickers, such as the port of Durres and overland routes into Greece and FYR Macedonia.

Traffickers

'Traffickers' are not a homogenous group and several types can be identified:

- Members of organised, often international, criminal groups. Involved in various types of criminal activity, they organise trafficking in the same way as the smuggling of goods and gain profits from the sexual exploitation of trafficked women in the bars/brothels owned by them or their acquaintances.
- Pimps/small crooks and/or local persons from the places where the victims were recruited. This group also includes women who were trafficked themselves, but have started to co-operate with the criminals and work for them as middlepersons.
- Businessmen, policemen and politicians who co-operate with organise crime and gain profits from trafficking. They themselves often own bars or help to run them.

¹² Bulgarian citizens (since 2001) and Romanian citizens (since January 2002) are now able to obtain Shengen visas, which allow them to travel without any restrictions in the majority of EU countries. This regulation also has implications for the many Moldovan citizens with Romanian passports.

Trafficking in Human Beings in South Eastern Europe

Introduction and Overview

While the police combating trafficking concentrate on high profile cases and focus on combating organised crime, i.e. international criminal groups, not much attention is paid to the role of intermediaries and local organisers. This situation has implications primarily for the process of social integration of the victims after return and their willingness to testify against traffickers. Women who are sent back home are often less afraid of the criminals from other countries than of the local people who contributed to their trafficking and who know them and their stories, have access to them and their families, can blackmail them and are obviously not afraid of being arrested or convicted.

The discussion, which began in 2002, about the need for witness protection programmes and laws in the region, as well as for intelligence-based investigations continues. The lack of prosecution of traffickers and the lack of protection for victims of trafficking has become one of the priorities of anti-trafficking work.

Regional Initiatives¹³

Although trafficking is not a new problem in the South Eastern Europe (SEE) region, the development of comprehensive policies, regional initiatives and responses has been relatively recent. Before the year 2000, some NGOs and international organisations were responding to the situation on the ground, but there was no institutional or co-ordinated approach to the problem. Since the adoption of the *UN Convention against Trans-national Organised Crime* and its protocols, and the establishment of the Stability Pact for South Eastern Europe Task Force on Trafficking in Human Beings (SPTF) in September 2000, an institutional framework for anti-trafficking action has been created and in, 2002, a significant number of regional initiatives were undertaken which influenced policy development and responses to trafficking in human beings in the countries of SEE.

1. Governments

1.1. International conventions

All 11 SEE countries have ratified the *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*. State parties to CEDAW are obliged to "take all appropriate measures, including legislation, to suppress all forms of traffic in women".¹⁴ The *Convention on the Rights of the Child (CRC)*, ratified by all the Stability Pact countries, requires state parties to combat trafficking in children.¹⁵ The recently adopted optional protocol to CRC requires state parties to combat the sale of children.¹⁶ The *International Labour Organisation (ILO) Convention No. 182 on the Worst Forms of Child Labour* requires the elimination of "all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced and compulsory labour, including forced and compulsory recruitment of children for use in armed conflict".¹⁷

All the countries of SEE - Albania, Bosnia and Herzegovina (BiH), Bulgaria, Croatia, Serbia and Montenegro (formerly the Federal Republic of Yugoslavia), the Former Yugoslav Republic of Macedonia (FYR Macedonia), Greece, Hungary, the Republic of Moldova, Romania and Slovenia - and Turkey and Ukraine signed the *UN Convention against Trans-national Organised Crime* (the Palermo Convention) and its two additional protocols (the *Palermo Trafficking Protocol* and the *Palermo Smuggling Protocol*)¹⁸ on 13 December 2000. On the margins of the signing ceremony of the Palermo Convention, the governments of SEE met in the first Ministerial meeting of SPTF and signed the *Palermo Protocol* according to which all governments consented to elaborate a National Plan to prevent, suppress and punish

13 For a more comprehensive summary and contacts, see Table 1: Summary of regional initiatives, in Annex 1 to this report.

14 CEDAW, UN GA Res 34/180, 18 December 1979 (Art. 6). The optional protocol to CEDAW has been ratified by Croatia and signed by BiH, Bulgaria, FYR Macedonia and Romania.

15 CRC, UN GA Res 44/25, 20 November 1989 (Art. 34 and 35).

16 *2000 Optional Protocol to the CRC on the sale of children, child prostitution, and child pornography*, UN GA Res 54/263, 25 May 2000 (not yet in force)

17 *ILO Convention No. 182* (Art.3a), ratified by Bulgaria, Croatia and Romania. *ILO Convention No. 29* concerning forced labour (Art 1 and 4) ratified by all Stability Pact countries. *ILO Convention No. 105* concerning the abolition of forced labour (Art. 1 and 2) ratified by all Stability Pact countries except FYR Macedonia and Serbia and Montenegro.

18 See: <http://www.uncjin.org/Documents/Conventions/conventions.html>. The *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons* and the *UN Protocol against the Smuggling of Migrants by Land, Air and Sea* were presented in Palermo. A third protocol against the illicit manufacture of and trafficking in firearms was only opened for signature in June 2001.

trafficking in persons. They also committed themselves to appoint National Co-ordinators and to elaborate National Plans of Action to combat trafficking in human beings.¹⁹

Albania, BiH, Serbia and Montenegro and Romania ratified the Convention and its protocols, while Croatia, FYR Macedonia and Moldova signed them. The early signature of the Palermo Convention and its Protocols by all the countries of the region shows their commitment to combat trafficking in human beings. However, it is difficult to estimate the effectiveness of the new measures or the way in which they will be implemented, as the process of creating regional and national structures has only just started.

1.2. SEE regional agreements

Within the framework of the Stability Pact Working Table III initiatives, the governments of the SEE countries have signed a number of co-operation agreements. In May 1999, Albania, BiH, Bulgaria, Greece, Hungary, FYR Macedonia, Moldova, Romania and Turkey signed an *Agreement of Co-operation to Prevent and Combat Trans-border Crime* (the South Eastern European Co-operative Initiative [SECI] Agreement).²⁰ Croatia signed the document on 13 November 1999 and Slovenia on 29 August 2000. The SECI Agreement entered into force in February 2000.

Once a year, SPTF convenes a Regional Ministerial Forum inviting the SEE Government Ministers with primary responsibility for combating trafficking to participate. Each Forum has resulted in the agreement of the SEE countries to a critical element of regional co-operation to advance the fight against trafficking. In December 2000, at the first SPTF Regional Ministerial Meeting in Palermo, all SEE countries signed the *Palermo Anti-Trafficking Declaration of South Eastern Europe*.²¹ By signing the Anti-Trafficking Declaration Ministers committed their countries to implement effective programmes for prevention, victim assistance and protection, law enforcement, legislative reform and prosecution of traffickers. They also acknowledged the need for programmes to raise awareness, for training, and for co-operation and co-ordination among border officials, police, judges, prosecutors and consular personnel. They agreed to meet once a year to exchange information on trafficking in human beings and the progress made in combating it.

At the second SPTF Ministerial Meeting in Zagreb on 27 November 2001, the SEE Ministers of the Interior agreed to develop a *Regional Information Exchange Mechanism*, similar in methodology to that of Europol for the EU Member States, by using the channels of the SECI Regional Centre in Bucharest and in co-ordination with Interpol.

At the third Ministerial meeting in Tirana on 11 December 2002, Government Ministers and representatives signed the Statement of Commitment on the *Legalisation of the Status of Trafficked Persons*, thereby agreeing to grant temporary residence to trafficking victims, which is essential for the recovery of trafficking victims and for prosecuting traffickers.

1.3. Stability Pact for South Eastern Europe Task Force on Trafficking in Human Beings (SPTF)

The SPTF was set up to encourage and strengthen co-operation among the countries of SEE in order to streamline and accelerate existing efforts to

¹⁹ See: http://www.osce.org/odihr/attf/attf_pd.pdf

²⁰ See: <http://www.unece.org/seci/crime/agreemnt.htm>

²¹ See: <http://www.legislationline.org/intstandard.php?StandardID=63>

combat human trafficking in the region. Working under the auspices of the Organisation for Security and Co-operation in Europe (OSCE), the SPTF is dedicated to promoting collaboration and integration of anti-trafficking activities in SEE to improve their long-term effectiveness and to avoid a duplication of effort. Its activities are based on the priorities and needs of the countries of the region, with an objective to support the achievement of regional ownership of these efforts. For SPTF this means encouraging and supporting the establishment of institutionally sustainable structures and mechanisms where responsible actors on the ground in each country of the region, such as governments and civil society, take clear, local and, as envisaged, regional ownership, responsibility and accountability for the implementation of anti-trafficking measures. SPTF ensures that the regional dimension of all the many facets of the trafficking issue are fully considered and included in the international community's anti-trafficking activities in SEE. The SPTF strategy is to advance the shared interests of both donor and recipient countries to achieve maximum results with the funding made available to implement anti-trafficking initiatives.²²

SPTF has, within a very short time, raised the awareness of the complexity and acuteness of the problem, bringing human trafficking to the top of the political agenda in the countries of the region and beyond. It has developed a comprehensive regional strategy that prioritises the following areas for action: prevention, raising awareness, victim assistance and protection, return and reintegration of victims, legislative reform, law enforcement co-operation, as well as training, exchange of information and capacity building.

The SPTF Expert Co-ordination Team, in close co-operation with those on the ground, is developing the regional anti-trafficking strategy for SEE. Each organisation within the SPTF Team provides input and expertise reflecting their fields of experience and their philosophy and best practices. The Team members are: OSCE/CPC, OSCE/ODIHR, CoE, UNOHCHR, IOM, ICMPD, IMP, ILO, UNICEF, ICMC, SCF, SECI, SPOC, UNODC/CICP, EC, UNIFEM, and UNHCR.²³ In this way, the SPTF can provide governments with a comprehensive picture of the interrelated and complex challenges of human trafficking and to offer guidance and best practices in anti-trafficking management.

Consistent with its mission as an instrument of co-ordination, the SPTF pursued and achieved the adoption of the *Multi-year Anti-Trafficking Action Plan for South Eastern Europe*.²⁴ This plan was derived from SPTF fact-finding missions in the countries of the region, which identified capacities, needs and gaps. It constitutes a comprehensive framework for all the relevant actions and addresses the main areas of concern, including awareness, training and capacity building, law enforcement co-operation, victim protection, return and reintegration, legislative reform and prevention.

In addition, SPTF provided the SEE countries with guidelines for developing their *National Plans of Action (NPA)*²⁵ in which they identify their respective priorities in the fight against human trafficking and their need for international support. The NPA development and implementation process, envisioned as transparent, democratic and based on human rights principles, had consequences not only directly for anti-trafficking work but also, indirectly, as a model of functioning for democratic states based on co-operation between different institutions and the broader participation of civil society in social and political life.

²² See site: <http://www.stabilitypact.org/trafficking/default.asp>

²³ See Abbreviations and Acronyms.

²⁴ For the document please see site: <http://www.osce.org/attf/index.php3?sc=Introduction>

²⁵ To see the guidelines for the NPA, and NPAs prepared by SEE countries please visit the site: <http://www.osce.org/attf/index.php3?sc=Introduction>

Trafficking in Human Beings in South Eastern Europe

Regional Initiatives

Following the recommendations of the SPTF, all countries in SEE have established mechanisms for implementing these plans. Each country has:

- Identified a *national/governmental co-ordinator*, who co-ordinates anti-trafficking measures within the Government and is the contact person for all actors involved in the fight against human trafficking in that country; and,
- Set up *multi-disciplinary national working groups* comprising the main relevant actors from the Ministries, international organisations, NGOs and intergovernmental organisations.

Within the broad range of anti-trafficking activities, the SPTF has identified priorities for 2003, including two areas of special emphasis – child trafficking and victim/witness protection:

1. **Prevention of child trafficking** – Based on preparatory work by UNICEF, SCF, ILO/IPEC and the grassroots experience of Terre des Hommes, SPTF focuses on the prevention of child trafficking, including educational programmes in schools. This issue was the focus of discussion (along with victim/witness protection) at the 5th SPTF meeting in Portoroz, Slovenia in March 2003.
2. **Victim/Witness Protection** – Protection is one of the main pre-conditions for victim recovery as well as for possible testimony against the traffickers. The Task Force aims to tailor different approaches towards witness protection to the specific needs of trafficking victims who agree to testify.
3. **Temporary residence** – SPTF continues to promote the initiative to legalise the status of trafficked persons and instate temporary residence in the law and practices of all SEE countries. Victims of trafficking need to be granted legal status so that they can stay in the country of destination until they have testified against the traffickers. This amounts to granting them at least temporary residence status instead of immediate deportation.
4. **Root causes of trafficking** – SPTF plans to elaborate further strategies and policy elements to address the root causes of human trafficking, in particular the feminisation of poverty and other social and economic causes.
5. **Demand side** – SPTF, in co-operation with the countries of destination, plans to compile 'best practices' and promote activities to address effectively the demand side of trafficking ('zero tolerance') as one part of a comprehensive approach to combating human trafficking.

1.4. Regional Clearing Point

SPTF initiated a Counter-Trafficking Regional Clearing Point in June 2002 in order to promote comprehensive, appropriate and well co-ordinated victim assistance and protection programmes throughout SEE. Located in Belgrade, the Regional Clearing Point is managed by IOM with the assistance of the International Catholic Migration Commission (ICMC). It collects and analyses data on trafficking victims, as well as the programmes designed to assist and protect victims in the region.²⁶

In addition to updating information on assistance figures, projects and trends related to trafficking in women for the purpose of sexual

²⁶ The first report was published in September 2003 and can be found at following site: <http://www.osce.org/attf/index.php3?sc=RCP>

exploitation, the Regional Clearing Point is also developing an information-gathering methodology for the collection of data pertaining to trafficking in children and young people under 18 for the purposes of sexual exploitation, forced labour and begging.

The next step will be to use the collected information to assess the state of victim protection and assistance in the region, to underline best practices and to provide recommendations to the Regional Clearing Point Board and SPTF. During the course of its future activity, the Regional Clearing Point will formulate minimum standards, beginning with the standards for shelters and return projects.

1.5. Stability Pact Working Table III – Security Sector Reform Inventory Project

Since December 2001, York University's Centre for International and Security Studies has been developing, on behalf of the Stability Pact's Working Table III, an inventory of security sector reform initiatives in which the international community is involved in SEE. Based on this data, as well as on input from regional sources, the Centre for International and Security Studies is developing country-specific gap analyses in an effort to identify elements of the security sector reform agenda where additional international assistance or attention is warranted.²⁷

1.6. South Eastern European Co-operative Initiative (SECI)

SECI, the regional centre for combating organised crime was established as a result of the Agreement of Co-operation to Prevent and Combat Trans-border Crime, an agreement on co-operation between law enforcement agencies signed by SEE countries.

The SECI Illegal Human Beings Trafficking Task Force was established in May 2000 on the initiative of the Romanian Government and comprises the Regional Task Force and the Regional Co-ordinator.

The regional structure is supported by the local structures, which are presently being created. National Task Forces in all SECI countries are headed by National Co-ordinators (although not yet appointed in some of the countries). The SECI Task Force operates through liaison officers from all participating countries working out of the SECI Centre in Bucharest. They are in permanent contact with the national authorities through their designated National Focal Points, persons who communicate directly with the National Co-ordinators and the National Trafficking in Human Beings Squads.²⁸

After this Task Force had been operating for two years, the SECI Centre management encouraged the idea of a regional operation at the beginning of 2002. This regional operation was co-ordinated from Romania and had the following goals:

- To identify foreign trafficked women in all SEE countries through the co-ordinated activity of law enforcement agencies, international organisations, institutions and NGOs and to take efficient measures to insure repatriation to their countries of origin;
- To identify criminal groups and members of the groups that are involved in trafficking in women;
- To initiate joint investigations against criminal groups that are involved in trafficking in close co-operation with law enforcement agencies of all the countries;

²⁷ The project website, which includes access to the database, is at: <http://ssr.yciss.yorku.ca/>.

²⁸ South Eastern European Co-operative Initiative, SECI information materials, Bucharest, 2001.

- To recognise people who have been smuggled into foreign countries and to identify the criminal groups and members of the groups that are involved in smuggling people, through the co-ordinated activity of law enforcement agencies, international organisations, institutions, and NGOs; and,
- To initiate common investigations against criminals and develop a closer co-operation among the law enforcement agencies of the SECI countries and observers.

Operation Mirage was the SECI Centre's first attempt to conduct a regional operation for countering trafficking in human beings and illegal migration.²⁹

2. International Organisations

There are a number of international organisations working on the issue of trafficking in the region. The following organisations are particularly active.

2.1. Organisation for Security and Co-operation in Europe (OSCE)

The OSCE approach to security is comprehensive and co-operative. Comprehensive in dealing with a wide range of security-related issues including arms control, preventive diplomacy, confidence - and security-building measures, human rights, democratisation, election monitoring and economic and environmental security and co-operative in the sense that all OSCE participating states have equal status and decisions are based on consensus.

OSCE's anti-trafficking efforts in the past several years have resulted in an increased awareness among OSCE participating states and a strengthening of commitments in this field. OSCE participating states have recognised their primary responsibility to prevent and to combat trafficking, as well as to assist its victims, and have taken steps to address these issues.

OSCE's first major commitment in the anti-trafficking field was adopted in Vienna in 2000 as *Ministerial Council Decision No. 1* and was built upon by *Permanent Council Decision 426*, *Ministerial Council Decision No. 6* (adopted in Bucharest in 2001) and the *Ministerial Council Declaration on Trafficking in Human Beings*, adopted in Porto in 2002.³⁰

Building on these existing commitments, the OSCE has elaborated a detailed plan—*OSCE Action Plan to Combat Trafficking in Human Beings*³¹ through its Informal Working Group on Gender Equality and Anti-Trafficking in Human Beings. This Action Plan not only recommends specific action for OSCE participating states in the fields of prevention, protection and prosecution, it also tasks relevant OSCE bodies and missions to build on existing commitments by providing technical assistance to participating states as well as targeting internal organisational issues, such as the implementation of the Code of Conduct³² and appropriate training of personnel.

OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR or ODIHR)

ODIHR is at the forefront of international efforts to prevent trafficking in

²⁹ See Regional case study on page 29

³⁰ Full texts of all documents are available on-line at: <http://www.osce.org/docs/>

³¹ See: <http://www.osce.org/docs/english/pc/2003/decisions/pced557.pdf> adopted by the OSCE Permanent Council in July 2003

³² Code of Conduct for OSCE Mission Members is available on-line at: <http://www.osce.org/secretariat/gender/documents/code-conduct.pdf>

human beings and to ensure a co-ordinated response that puts the rights of the victims first. ODIHR develops and implements anti-trafficking programmes that focus on raising awareness, legislative review and reform, as well as on building NGO capacity to provide counselling and direct assistance to the victims. By assisting in the creation of national referral mechanisms, ODIHR seeks to establish a co-operative framework through which state obligations to protect the rights of trafficked persons and to organise support are co-ordinated with services carried out by civil society.

ODIHR's anti-trafficking activities cover a wide range of thematic issues but have a particular focus on prevention and human rights protection. Within the framework of the SPTF, ODIHR, together with CoE and UNODC, co-ordinates the area of the Legislative Review and Reform and supports these efforts through the exchange of expertise and complementary political lobbying. To this end, the *ODIHR Reference Guide for Anti-Trafficking Legislative Review and Reform*, is a valuable tool for raising awareness about the complexity of the trafficking issue and the need for relevant legislative changes.³³

In order to respond to human rights violations and break the cycle of abuse, a mechanism must be developed through which state actors can fulfil their obligations to protect and promote the human rights of trafficked persons in co-ordination and strategic partnership with civil society and other actors dealing with trafficked victims. In order to facilitate this process the ODIHR is developing a *Handbook on Guidelines and Principles to Design and Implement National Referral Mechanisms*.

The ODIHR Anti-Trafficking Unit has increasingly taken on a "clearing house" function by facilitating consultation, networking and information exchange, principally in their work with OSCE field missions.

OSCE field missions

The OSCE has built a broad network of anti-trafficking focal points (field operatives) in order to assist OSCE participating states to fulfil their commitments to prevent and combat trafficking in human beings.³⁴ OSCE field missions play a vital role in carrying out anti-trafficking work in their host countries, including monitoring and project implementation. Through the ODIHR Anti-Trafficking Project Fund, OSCE missions are encouraged and supported to design and implement anti-trafficking projects with local partners.

2.2. Council of Europe (CoE)

As a pan-European organisation, the Council of Europe includes, among its 45 member states, countries of origin, transit and destination of victims of trafficking. Combating trafficking in human beings is of considerable importance for the CoE and a key issue on its agenda for the safeguarding of human rights. Any measure to fight against trafficking should not adversely affect human rights or the dignity of human beings, in particular the rights of the victims of trafficking.

The CoE has drawn up several international legal texts dealing specifically with trafficking in human beings for the purpose of sexual exploitation:

- *Recommendation No. R (2000) 11* on action against trafficking in human beings for the purpose of sexual exploitation, on 19 May 2000;

³³ See site: <http://www.osce.org/odihr/>

³⁴ See: http://www.osce.org/field_activities/

Regional Initiatives

- *Recommendation No. R (2001) 16* on the protection of children against sexual exploitation;
- *Recommendation (2002) 1545* of the Parliamentary Assembly of the Council of Europe on a campaign against trafficking in human beings.³⁵

Other legal instruments elaborated by the CoE are also relevant in this field, particularly those aimed at protecting human rights, children's rights, social rights, victims and personal data as well as those targeting corruption, organised crime, money laundering, cyber-crime, including treaties on international co-operation in criminal matters.³⁶

The CoE has also set up a group of specialists to look at the impact of the use of new technologies on the trafficking of human beings for the purpose of sexual exploitation. The report prepared by this group was published in 2003. Furthermore, since 2002 a group of specialists has been addressing the issue of the protection of children against sexual exploitation.³⁷

Finally, as part of their contribution to the Stability Pact initiatives, the CoE implemented a pilot project in Romania and Moldova - "Criminal law reform on trafficking in human beings in South Eastern Europe" (also known as the 'Lara Project') This project aimed to contribute to the effective criminalisation of trafficking in human beings at the regional level and to ensure the protection of the human rights of trafficked persons. Following the success of the pilot project activities, the project was extended to all SEE countries in order to support regional criminal law reform to combat and prevent trafficking in human beings. The CoE launched this Lara project in July 2002.³⁸

However, the CoE considers that it is no longer sufficient to rely only on recommendations and specific actions. They think it is time to draft an international binding instrument - a European Convention on action against trafficking in human beings. The European public perception of the phenomenon of trafficking and the measures which need to be adopted to combat it efficiently has evolved, thus rendering necessary the elaboration of a legally binding instrument geared towards the protection of victims' rights and the respect of human rights and aiming at a proper balance between human rights and prosecution.

2.3. International Organisation for Migration (IOM)

"IOM is committed to the principle that humane and orderly migration benefits migrants and society, and acts to assist in meeting the operational challenges of migration, advance understanding of migration issues, encourage social and economic development through migration, and to work towards effective respect of the human dignity and well-being of migrants".³⁹ Under the heading of trafficking in migrants, IOM is particularly concerned about those migrants who are, or have been, deceived or coerced into situations of economic exploitation, which unfold through forced labour, forced servitude, coercion, debt bondage, or other violations of their fundamental human rights. Furthermore, IOM is concerned about trafficking because it poses a migration management problem for the governments of countries of origin as well as those of transit and destination.⁴⁰

³⁵ See site: http://www.coe.int/T/E/human_rights/trafficking/1_Overview/Introduction.asp#TopOfPage

³⁶ See site: http://www.coe.int/T/E/human_rights/

³⁷ For full report please visit:

http://www.coe.int/T/E/human_rights/Trafficking/3_Documents/Reports/default.asp#TopOfPage

³⁸ For more information on this project, see the Council of Europe website at:

<http://www.coe.int/economiccrime>.

³⁹ Resolution No. 923 (LXXI) of 27 November 1995

⁴⁰ For more see site: http://www.iom.int/en/who/main_policies_trafficking.shtml

IOM has been active in counter trafficking activities since the beginning of the 1990s. IOM employs a multi-pronged approach to prevent trafficking as well as to assist and protect its victims through co-operative partnerships in the countries of origin, transit and destination.

Prevention

In the field of prevention, IOM conducts information campaigns in the countries of origin to inform potential victims of the dangers of trafficking and irregular migration. IOM awareness-raising activities target schools, urban and rural community groups and families. The methodology, tailored to each target group, includes the utilisation of a variety of communication activities and several media outlets. Mass media ensures that the information reaches large audiences quickly while direct grassroots contacts provide the informal setting required for more in-depth and frank discussions.

Assistance and Protection

To assist and protect the victims of trafficking, IOM works with NGOs, other international organisations and government agencies to provide legal and medical counselling and other welfare services. Safe shelters and accommodation are arranged for the victims and voluntary return and reintegration assistance is offered to them. All IOM voluntary return assistance for victims of trafficking is linked with a reintegration component in the country of origin of the victim. The IOM reintegration assistance package is designed to assure the victims dignified reintegration into society. Beneficiaries must, therefore, give their informed consent before receiving support.

New IOM projects on prevention and assistance to the victims

Since May 2001, IOM has been implementing a SIDA funded⁴¹ regional project providing victims of trafficking with the option of a safe and dignified return to their home countries, as well as psychological counselling and awareness sessions at the shelter and legal information. By January 2003, the project covered Albania, BiH, Croatia, FYR Macedonia, Moldova, Serbia and Montenegro including Kosovo, Romania and Ukraine. The project has also implemented activities focused on the prevention side of trafficking, by providing institutional support to local governmental and non-governmental actors as well as to international organisations for developing an efficient and co-ordinated referral system able to protect and assist the victims of trafficking.⁴²

Within the framework of the SPTF, IOM is the lead agency for Return and Re-integration Assistance.

2.4. United Nations Office of the High Commissioner for Human Rights (UNOHCHR)

The mission of UNOHCHR is to protect and promote all human rights for all people. UNOHCHR is guided in its work by the *Charter of the United Nations*, the *Universal Declaration of Human Rights* and subsequent human rights instruments, and the *1993 Vienna Declaration and Programme of Action*. The promotion of universal ratification and implementation of human rights treaties is at the forefront of UNOHCHR activities. UNOHCHR bases its activities on the principle that human rights are universal, indivisible, interdependent and interrelated.

⁴¹ Swedish International Development Agency

⁴² For evaluation of the IOM project see: *IOM Regional Counter-Trafficking Program in the Western Balkans*, SIDA Report, July 2003.

Trafficking in Human Beings in South Eastern Europe

Regional Initiatives

UNOHCHR's Trafficking Programme was set up in 1999. The project has four basic objectives:

1. To ensure and enhance the capacity of the High Commissioner to provide policy guidance and leadership on the issue of trafficking;
2. To strengthen the capacity of UNOHCHR and the United Nations human rights system to deal with the human rights dimension of trafficking;
3. To ensure the integration of a human rights perspective into the anti-trafficking work of other UN agencies and programmes and to raise awareness and knowledge of trafficking as a human rights issue throughout the UN system; and,
4. To encourage governments and external organisations (inter-governmental organisations, international non-governmental organisations, national non-governmental organisations, and national human rights institutions) to consider the issue of trafficking in their policies and activities.

Until recently, UNOHCHR's Trafficking Programme was focused on facilitating the setting of standards via the formulation of human rights tools and instruments. This has been achieved as clear human rights principles and guidelines for victim assistance and protection have been established. In July 2002, the High Commissioner for Human Rights issued the ***Recommended Principles and Guidelines on Human Rights and Human Trafficking***.⁴³ The *Principles and Guidelines* have been developed in order to provide practical, rights-based policy guidance on the prevention of trafficking and the protection of victims of trafficking. Their purpose is to promote and facilitate the integration of a human rights perspective into national, regional and international anti-trafficking laws, policies and interventions.

The next phase of the Programme will focus on **prevention** while at the same time reinforcing victim assistance and protection. A two-pronged strategic approach will be followed:

- 1. Prevention of trafficking:** this implies clear linkages with all those development issues including rule of law, irregular migration, forced labour and gender discrimination, which cause vulnerability to several harms;
- 2. Protection to victims of trafficking:** this implies strengthening legal and policy initiatives as well as programmes which will provide assistance to and protect the victims of trafficking by penalising traffickers and developing recovery programmes for victims, shelters, skills training and reintegration schemes.

The two-pronged strategic approach will be realised by focusing on UNOHCHR's substantive human rights agenda in the following key arenas:

1. Strengthening UN human rights-related action at the country level under the UN Development Group/Executive Committee on Humanitarian Affairs' Plan of Action by building the capacity of country teams and embedding the prevention of trafficking firmly within the context of development issues;
2. Taking forward the mandated activities and agenda of the various human rights mechanisms and better integrating the issue of trafficking into the work of the Treaty Bodies, Special Procedures, Working Groups and the Commission on Human Rights; and,
3. Strengthening partnerships and collaborations, both organisationally

⁴³ Guidelines can be found at:
[http://www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/E.2002.68.Add.1.En?Opendocument](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/E.2002.68.Add.1.En?Opendocument)

(inter-agency) and thematically (cross-discipline themes, such as trafficking and gender, minorities, etc.).

2.5. United Nations Children's Fund (UNICEF)

UNICEF works in all developing countries regardless of political, economic or social systems in order to further the rights of children and women to survival, development, protection and participation according to the frameworks contained in the *Convention on the Rights of Child* (CRC)⁴⁴ and the *Convention on the Elimination of all forms of Discrimination Against Women* (CEDAW).⁴⁵ Globally, UNICEF's experience in addressing trafficking and commercial sexual exploitation of children in Asia and West Africa focuses on raising public awareness, child rights advocacy and improving the situation of children at risk.

Within the SPTF and in co-operation with Save the Children, UNICEF is the lead agency for awareness raising. They have also been advocating for a broader approach to combating trafficking in women and children through addressing the underlying causes - by focusing on special protection measures for children, gender-based violence and the development of life skills for young people to protect themselves from exploitation, including the risks of HIV/AIDS/STI and trafficking.

In collaboration with ILO and Save the Children, UNICEF has ensured that the issues of child trafficking and child protection are put on the agenda of the SPTF. UNICEF prepared a situation analysis and, jointly with Save the Children and ILO, developed policy priorities and recommendations on child trafficking and child protection in SEE.⁴⁶

In response to a request from SPTF, and in collaboration with governments and NGOs in SEE countries, UNICEF has developed ***Guidelines on the Protection of the rights of Children Victims of Trafficking in South Eastern Europe***,⁴⁷ which is a first step in the move from theory and standards to practice with respect to the protection of and assistance for children victims of trafficking from the initial identification up until the final integration and recovery of the child. These *Guidelines* have been developed on the basis of the relevant international and regional instruments⁴⁸ that SEE countries have signed and ratified, and in compliance with which they are obligated to revise/interpret domestic law. The *Guidelines* provide a straightforward account of the policies and practices required to implement and protect the rights of child victims of trafficking. They aim to provide guidance to governments and state agencies, international organisations and NGOs in developing special protection measures for child victims of trafficking.

In co-operation with Columbia University (New York), UNICEF undertook a mapping out and assessment of existing awareness raising and prevention projects in Albania, Moldova and Romania in order to evaluate the effectiveness and the gaps of the existing approaches.⁴⁹ The report

⁴⁴ Can be found at www.unicef.org/crc/convention.html

⁴⁵ Can be found at www.un.org/womenwatch/daw/cedaw/

⁴⁶ Can be found at www.seerights.org

⁴⁷ *UNICEF Guidelines for the Protection of the Rights of Children Victims of Trafficking in South Eastern Europe*. June 2003. *Guidelines* can be found at www.seerights.org

⁴⁸ Including the *Convention on the Rights of the Child* (CRC), the CRC Optional Protocol on the sale of children, child prostitution and child pornography, the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, supplementing the *UN Convention on Transnational Organised Crime (Palermo Trafficking Protocol)* and the *ILO 182 Convention on the Worst Forms of Child Labour*.

⁴⁹ UNICEF in connection with the Columbia University School of International and Public Affairs (May 2003), *Not for Sale: Child Trafficking Prevention in South Eastern Europe, Pilot Research in Albania, Moldova, Romania*.

presents research results, which analysed children's current awareness levels, compared children's perceptions of the dangers of trafficking or working abroad and analysed their responses to existing anti-trafficking initiatives.

SEE RIGHTS (South East European Regional Initiative against Human Trafficking) Project

In 2001/2002, within the framework of the SPTF, UNICEF, UNOHCHR and OSCE/ODIHR supported the preparation of a joint report, *Trafficking in Human Beings in South Eastern Europe*, which presented the situation of and responses to trafficking in human beings in Albania, BiH, Bulgaria, Croatia, FRY (now Serbia and Montenegro), FYR Macedonia, the UN Administered Province of Kosovo, FYR Macedonia, Moldova and Romania.⁵⁰

The report identified obstacles to the adequate protection and support of victims and includes a set of recommendations for improving the current response by state authorities, NGOs and international organisations in the area of human rights standards, special protection measures for children and national referral mechanisms. UNICEF, UNOHCHR and OSCE/ODIHR continued their co-operation in 2003 by monitoring the implementation of the NPAs to combat trafficking in the region and by developing regional policy guidelines focusing on the recommendations of the earlier report.

The main goal of the SEE RIGHTS project is to promote a change of policy in combating trafficking in human beings in SEE from a law enforcement to a human rights/child rights approach. The project seeks to:

- Support the development and adoption of National Referral Mechanisms based on the *UNOHCHR Principles and Guidelines on Human Rights*;
- Advocate for comprehensive and inclusive programmes based on the human rights approach to trafficking focusing on victim (including child) protection as a comprehensive strategy to combat trafficking and ensure the prosecution of traffickers;
- Support the development of special protection mechanisms for child victims of trafficking; and,
- Develop strategies to link prevention activities to referral mechanisms.

As part of the project, a website database *Trafficking in Human Beings in South Eastern Europe* was established. This database includes a regularly up-dated inventory of anti-trafficking projects and activities, as well as the names and contacts of relevant state authorities, international organisations and NGOs in SEE countries.⁵¹

2.6. United Nations Population Fund (UNFPA)

UNFPA uses a global mandate derived from the Programme of Action of the International Conference on Population and Development held in Cairo in 1994 to protect the reproductive health and promote the reproductive rights of all women and men. UNFPA is committed to protect and promote women's human rights, with special attention to the eradication of all forms of violence against women and girls. Gender-based violence is a human rights violation strongly linked to reproductive health because it is most often manifested in the struggle to control women's reproductive choices.

⁵⁰ Barbara Limanowska, *Trafficking in Human Beings in South Eastern Europe. Current situation and responses to trafficking in human beings in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Federal Republic of Yugoslavia, the Former Yugoslav Republic of Macedonia, Moldova and Romania*. UNICEF, UNOHCHR, OSCE/ODIHR. Belgrade 2002. Report can be found at www.seerights.org

⁵¹ www.seerights.org

In the SEE region, UNFPA, in collaboration with UN agencies and non-governmental organisations, has developed a number of initiatives to address the reproductive health needs of victims of trafficking. In BiH for instance, UNFPA has supported targeted interventions focusing on the provision of reproductive health services to trafficked girls and women residing in IOM supported shelters as part of a larger regional IOM counter-trafficking programme. UNFPA has also supported targeted interventions in Kosovo where it is the only organisation to support a programme that is training doctors in private practice to provide basic reproductive health services to sex workers.

UNFPA is currently developing a regional strategy for Europe and Central Asia, building on lessons learned from previous experiences and responding to emerging issues in the field of population and reproductive health. Addressing trafficking concerns will be an element in the regional strategy, especially in the context of human rights, reproductive health service provision and HIV/AIDS prevention.

2.7. The United Nations High Commissioner for Refugees (UNHCR)

UNHCR is mandated to lead and co-ordinate international action to protect refugees and respond to refugee issues worldwide. Its primary purpose is to safeguard the rights and well-being of refugees. It strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another State, with the option to return home voluntarily, integrate locally or to resettle in a third country. While not necessarily a leading actor in the field of anti-trafficking activities, UNHCR is concerned about the negative impact of trafficking on persons and, as such, a number of related anti-trafficking activities have been incorporated into the work undertaken by UNHCR in the exercise of its mandate.

In 2000, UNHCR launched the Global Consultations on International Protection, the outcome of which is the *Agenda for Protection*. It comprises six goals and accompanying actions, of which goal 2, in particular, 'Protecting refugees within broader migration movements', touches upon trafficking issues. It tasks UNHCR, for example, to strengthen international efforts to combat smuggling and trafficking, explore the convening of an experts meeting focusing on the protection needs of trafficked children and to co-operate more closely with IOM and others such as UNOHCHR, ILO and NGOs to develop a model information campaign.⁵²

UNHCR notes with concern the documented evidence regarding the increase in trafficking and is concerned at the fact that asylum-seekers and refugees among the larger population of migrants often resort to the services of smugglers and traffickers. This can have particularly harsh consequences, including physical harm and even death. Additionally, UNHCR is concerned that measures to combat human smuggling and trafficking may hinder asylum-seekers and refugees from reaching safety and benefiting from international protection. UNHCR fully acknowledges the fact that trafficking can amount to debt bondage and enslavement as is clearly articulated by the *Palermo Protocol* relating to trafficking. Conscious of the particular implications for asylum-seekers and refugees, UNHCR co-operates with both governments and international organisations on regional and national initiatives and assists governments in the drafting of relevant legislation. UNHCR is also involved in the provision of related training activities for the judiciary and law enforcement agencies including

⁵² For more information please visit: <http://www.unhcr.ch>

border officials. Furthermore, UNHCR actively participates in the Geneva-based inter-governmental organisation - the Contact Group on Human Trafficking and Migrant Smuggling.

The 'Separated Children in Europe Programme' (SCE) is a joint initiative of the Alliance of Save the Children organisations and UNHCR. The Programme aims to realise the rights and best interests of separated children (children under 18 years of age) who have come to or across Europe. One of SCE's achievements was the 'statement of good practice', which provides a well-structured and comprehensive set of principles (including trafficking-related) giving a common standard for work with separated children across all countries.⁵³

2.8. United Nations Development Fund for Women (UNIFEM)

UNIFEM provides financial and technical assistance to innovative programmes and strategies that promote women's human rights, political participation and economic security. Within the UN system, UNIFEM promotes gender equality and links women's issues and concerns to national, regional and global agendas by fostering collaboration and providing technical expertise on gender mainstreaming and women's empowerment strategies.

UNIFEM supports innovative activities benefiting women in Europe and the CIS countries that focus on three primary areas: Governance – promoting women's leadership at all levels and in processes of post-conflict peace building; Economic Rights – supporting women's economic rights in the context of privatisation, globalisation and regional integration processes; and Human Rights – ending all forms of violence against women and promoting human security.

Through its global Trust Fund to Eliminate Violence Against Women, UNIFEM supports projects addressing all forms of violence against women, including trafficking. Ongoing projects are currently funded in BiH, Romania and Turkey. UNIFEM is currently developing a sub-regional programme designed to empower and protect women's rights in South Eastern Europe, building especially on UNIFEM's work in Kosovo. UNIFEM has been discussing with UNOHCHR opportunities for strengthening collaboration around work to advance and protect women's rights, including the issue of trafficking.

2.9. United Nations Development Programme (UNDP)

UNDP is the UN's global development network, advocating for change and connecting countries to knowledge, experience and resources to help people build a better life. On the ground in 166 countries, UNDP uses its global network to help the UN system and its partners to raise awareness and track progress, while it connects countries to the knowledge and resources needed to achieve these goals.

With a view to enhance regional co-operation in fighting trafficking of human beings, UNDP Romania started implementation of a project to create a multi-lingual law enforcement 'best practice' manual for the SEE region. The objective of this project is to provide a SEE regional specialist investigator's manual that develops the capacity and investigative skills of those who have day-to-day responsibility for combating the trafficking crime and to enhance the co-operation of specialised investigators in the region.

⁵³ See site: <http://www.separated-children-europe-programme.org>

The Manual, based on the provisions of the *Universal Declaration of Human Rights* and of the *European convention on Human Rights* and focusing on the safety and welfare of the victims, has three core sections: a regional legislative and procedural compendium that sets out the relevant laws, mutual legal assistance provisions and operational procedural requirements; a 'best practice' section that provides specialist guidance on victim treatment, intelligence gathering, international judicial co-operation, joint pro-active operations and specialist pro-active investigative techniques; and a regional, international contact directory of specialist investigative units, prosecutors and non-governmental support organisations.

There is a clear synergy between UNDP and the ICMPD project described below because they are designed to develop the capacity of the law enforcement response to the crime of trafficking. In support of the above, co-ordinated and joint follow up measures by ICMPD and UNDP, within the framework of the SPTF are envisaged.

2.10. United Nations Interregional Crime and Justice Research Institute (UNICRI)

UNICRI is working on strengthening the UN action on the prevention and control of both juvenile delinquency and adult criminality. This institute is developing a regional programme that aims to reduce the dimension and impact of organised crime on trafficking in children and young women and to focus on trafficking flows from Ukraine, Moldova and Romania predominantly via Hungary to Austria, Germany and Switzerland. The proposal outlines three phases (target-oriented in-depth analysis, training on organised crime impact and legal framework, fostering inter-institutional cross-border co-operation) supporting more effective responses and the enhancement of an anti-trafficking coalition of main actors along the entire trafficking route, in order to reduce more efficiently the serious impact and dimension of organised crime involvement in human trafficking. The project should start by the end of 2003.

2.11. United Nations Office on Drugs and Crime (UNODC)

UNODC is a global leader in the fight against illicit drugs and international crime. In 1999 UNODC launched the Global Programme against Trafficking in Human Beings (GPAT), which assists Member States in their efforts to combat trafficking in human beings. Its general objective is to bring to the foreground the involvement of organized criminal groups in human trafficking and to promote the development of effective criminal justice-related responses. The *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, of the *United Nations Convention against Transnational Organized Crime*, serves as the framework and orientation for the Programme.

UNODC/GPAT is currently developing a project in Moldova to improve criminal justice responses to trafficking in human beings, particularly as it relates to the involvement of organized criminal groups, through strengthened national policies and practices. As part of GPAT, UNODC supported regional training activities for criminal justice practitioners, including training for Moldovan prosecutors and judges.

2.12. International Labour Organisation (ILO)

ILO is a UN specialised agency that seeks the promotion of social justice and internationally recognised human and labour rights.

Throughout its standards-related work, ILO has dealt with the issue of

human trafficking in relation to forced labour, the abuse of migrant workers, discrimination at work (particularly when certain sections of society, such as women or indigenous peoples, are affected), and as one of the worst forms of child labour. ILO addresses trafficking in human beings through its *Forced Labour Conventions (Nos. 29 and 105)*⁵⁴ and the *Worst Forms of Child Labour Convention (No.182)*.⁵⁵ ILO emphasises that, in the European context, trafficking in persons, especially women and children, exists not only in the sex industry but also in other sectors, such as unskilled labour, begging and soliciting.

ILO is currently developing a sub-regional programme to combat trafficking in children and young people for labour and sexual exploitation in the Balkans and Ukraine. The first phase of this programme seeks to identify a strategy for concerted action against trafficking through situation analysis and appraisal of existing responses in the region. This includes further development of ILO's Rapid Assessment methodology on the worst forms of child labour, training for national partners, operational reviews, workshops and analysis. On the basis of the lessons drawn from the first phase, a comprehensive action programme will be developed focusing on prevention and reintegration that would be started in the autumn of 2003.

ILO participates in the SPTF and is a member of the Task Force Co-ordination Group.

2.13. International Centre for Migration Policy Development (ICMPD)

ICMPD is an inter-governmental organisation created in 1993 on the initiative of Switzerland and Austria and is based in Vienna. The purpose of the organisation is to promote comprehensive and sustainable migration policies and to function as a service exchange mechanism for governments and organisations, primarily on European migration issues.

Within the SPTF, ICMPD is the lead agency for training and exchange and is developing a comprehensive regional training and capacity building programme on trafficking addressing SEE governments and relevant actors (including governmental representatives, law enforcement, the judiciary and NGOs). The aims of this programme, which is implemented in collaboration with the SECI Centre and IOM, are to foster a structured and enduring process of training and exchange among the SEE countries, to develop best practices for the region and to further regional co-operation among all the actors and countries concerned. An initial senior expert meeting gathering governmental co-ordinators and law enforcement officials, representatives of the judiciary and NGOs of the 13 SEE participating countries was held in Bucharest in September 2002. Participants agreed on national and regional priority needs in the field of capacity building and training and identified the next steps towards implementing their National Anti-Trafficking Action Plans (NPAs).

Within this framework, the sub-programme "*Development of an Anti-Trafficking Training Module for Police*", implemented in collaboration with the Austrian Ministry of the Interior, was launched in November 2002. Along the same lines, a programme with expert input from the Council of Europe and the UN Office on Drugs and Crime (UNODC) for the development of anti-trafficking training modules for prosecutors and judges has been prepared.

⁵⁴ Text of the convention can be found on:
<http://www.ilo.org/public/english/standards/norm/whatare/fundam/>

⁵⁵ Text of the convention can be found on:
<http://www.ilo.org/public/english/standards/ipecc/ratification/convention/text.htm>

Furthermore, a specific limited-access website for capacity building in training and co-operation to counter human trafficking was launched in April 2003.⁵⁶ The website serves as a clearing house and information resource for training and co-operation activities among the participants of the Comprehensive Training and Capacity Building Programme but also other relevant actors in the field.

ICMPD undertakes general monitoring and backstopping of all sub-modules on capacity building, training and co-operation in participating countries/territories, including support for national level implementation where needed.

2.14. Europol

Europol is the European Union law enforcement organisation that handles criminal intelligence. Its aim is to improve the effectiveness and co-operation between the competent authorities of the member states in preventing and combating serious international organised crime. The mission of Europol is to make a significant contribution to the EU's law enforcement action against organised crime, with an emphasis on targeting criminal organisations.

Europol supports EU member states by:

- **Facilitating the exchange of data** (personal and non-personal), in accordance with national law, between the liaison officers seconded to Europol by the 15 member-states, five of the candidate countries (Estonia, Poland, Czech Republic, Hungary and Slovenia) and Norway as representatives of their different national law enforcement agencies;
- **Providing operational analysis** in support of the member states' operations and strategic reports and crime analysis on the basis of information and intelligence supplied by the member states generated by Europol or gathered from other sources;
- **Providing expertise and technical support** for investigations and ongoing operations carried out by law enforcement agencies of the member states under the supervision and legal responsibility of the member states concerned.

Europol's definition on trafficking in human beings:

*"Trafficking in Human Beings (THB) means subjection of a person to the real and illegal sway of other persons by using violence or menaces or by abuse of authority or intrigue, especially with the view to the exploitation of prostitution, forms of sexual exploitation and assault of minors or trade in abandoned children
These forms of exploitation also include the production, sale or distribution of child pornography material".⁵⁷*

3. Non-governmental Organisations (NGOs)

3.1. La Strada Foundation

The most active NGO in the area of trafficking prevention, assistance to the victims and re-integration is the La Strada Foundation.⁵⁸ La Strada operates as a network of independent organisations in the countries of Central and Eastern Europe (Poland, Czech Republic, Ukraine, Bulgaria, Belarus, BiH, FYR Macedonia and Moldova). La Strada co-operates with governmental institutions and international organisations and uses a network of local NGOs to support its work.

⁵⁶ <http://www.anti-trafficking.net>

⁵⁷ From an e-mail received from Europol on 22 May 2003.

⁵⁸ See: http://www.soros.org/women/html/info_trafficking.htm

Regional Initiatives

The La Strada Programme seeks to make the issue of trafficking in women visible and to influence the authorities and public opinion to address the topic from a human rights perspective. The programme also seeks to refer victims to support networks and to educate women and girls against the potential dangers of trafficking. The needs and rights of the women concerned form the starting point of all activities.

The La Strada programme functions under an on-going tripartite campaign structure in order to cover all aspects of trafficking most effectively. The Press & Lobby Campaign seeks to raise public awareness and present to national authorities the issue of trafficking as a serious violation of human rights. The Prevention & Education Campaign addresses the potential victims of trafficking in order to educate on the dangers of trafficking. In addition, a telephone hotline offers advice and reliable information to women considering migration to Western Europe. The Social Assistance Campaign targets trafficked persons. Through leaflets and the hotline, it offers direct assistance and counselling, but it can also refer trafficked women to a network of professionals who provide legal, emotional, medical and practical help. La Strada may also provide support to women who wish to file charges against their traffickers.

3.2. International Catholic Migration Committee (ICMC)

ICMC provides emergency assistance and promotes durable solutions for refugees, internally displaced persons, returnees and migrants, focusing on the most vulnerable within these populations. ICMC advocates for the protection of the rights and dignity of trafficked persons in international, regional and national forums such as the IOM General Council, the UN Commission on Human Rights and ILO.

In the Balkans, ICMC supports the development of local capacity to provide assistance, protection and durable solutions for trafficked human beings.

From 1999 to 2002, ICMC collaborated with IOM to provide protection and assistance to trafficked women in Albania. The ICMC Centre for Refugee and Migration Studies in Albania has served an important advisory role in the creation of the ATACT (All Together Against Child Trafficking) network, a coalition of international organisations and NGOs working to prevent child trafficking in Albania, by contributing legal expertise and general advice. One of the Centre's continuing areas of concern is the issue of trafficking in women and children from the Albanian Roma and Egyptian communities - the most socially and economically vulnerable communities in Albania (and throughout the region).

ICMC plays an important role in counter-trafficking activities in Croatia. ICMC and Zenska Soba have co-ordinated with La Strada in the Czech Republic to host a series of trainings for the counter-trafficking prevention network, PETRA, on designing, implementing and monitoring local awareness, information and prevention campaigns, SOS line maintenance and guidance on working with the media.

ICMC serves on the Expert Coordination Team of the SPTF. ICMC is the team co-ordinator for the Victim Protection Programmes. On behalf of the SPTF, ICMC and IOM have co-operated to establish a Regional Clearing Point for national networks on victim protection and assistance, based in Belgrade.

ICMC currently implements counter-trafficking programmes in Indonesia and Lebanon as well as South Eastern Europe.⁵⁹

⁵⁹ For further information, visit the ICMC website at www.icmc.net

3.3. Trans-national AIDS/STD Prevention among Migrant Prostitutes in Europe (TAMPEP)

TAMPEP is a project that seeks to increase empowerment and self-esteem among migrant sex workers. It educates social and medical establishments to better respond to migrant sex workers' health needs. TAMPEP is a reference point for migrant sex workers as it observes the variations and dynamics of migration in the countries served by the project. It investigates the social, legal and working conditions of migrant sex workers through regular fieldwork in the various environments for prostitution. TAMPEP began in 1993 working in four European countries the Netherlands, Italy, Germany and Austria. It is a model of intervention reaching more than 20 different nationalities of women and transgender people from Central and Eastern Europe, Southeast Asia, Africa and Latin America.

In 2000, TAMPEP started to extend its network to include countries from Eastern Europe as well as the member states of the European Union. In 2001, it started to build a network of organisations in Eastern Europe, including Romania and Bulgaria, to provide migrant sex workers/trafficked women with culturally appropriate HIV/STI education, resources and materials. It has developed information materials in 10 different languages.⁶⁰

3.4. Save the Children Alliance

In 2001, Save the Children identified child trafficking as one of its regional priorities for SEE and in March 2001 published the report, *"Child Trafficking in Albania"*.

In May 2002, Save the Children began an 18-month Regional Child Trafficking Response Programme, which is implementing six pilot anti-trafficking interventions targeting high risk and trafficked children, through Save the Children national offices and local implementing partners in Albania, Croatia, Kosovo, Montenegro, Serbia and Romania. The pilot projects range in scope from raising the awareness of high-risk groups to providing direct counselling and reintegration support for victims of trafficking.

In October 2002, Save the Children launched a one-year 'Child-trafficking in Central and South Eastern Europe and Baltic Countries' project, co-ordinated by Save the Children Romania. They are preparing a research report on child trafficking in collaboration with partners in Albania, BiH, Bulgaria, Croatia, Estonia, Lithuania, Macedonia, Moldova, Romania, Serbia and Slovenia. Jointly with UNICEF, Save the Children has conducted a *Research Project on Child Trafficking and Worst Forms of Child Labour in Bosnia and Herzegovina*. The results of both research projects are expected by late 2003.

Save the Children Romania is also conducting a Rapid Assessment on Child Trafficking in Romania – in partnership with ILO/IPEC and the Institute for Quality of Life Research - and is preparing a national report on Trafficking of Children for Commercial Sexual Exploitation, in partnership with an international NGO End Child Pornography and Trafficking.

In April 2003, Save the Children launched the European Network Against Child Trafficking project (co-ordinated by Save the Children Italy and involving Greece, Romania, Bulgaria, Spain, Denmark and UK), which will facilitate the exchange of information, research, documentation and technical support for a child trafficking response. Within the framework of the SPTF, Save the Children focuses on research and raising awareness of child trafficking and, with ICMC and others, supporting increased NGO

⁶⁰ For more information, visit the site: <http://www.tampep.com/>

involvement in SPTF activities.

3.5. International Research and Exchanges Board (IREX)

In September 2001, IREX, a US based NGO, started the Regional Empowerment Initiative for Women programme with US Department of Labour funding. The programme promotes the empowerment of women from selected countries of the former Soviet Union and SEE, specifically the Russian Federation, Bulgaria, Romania, Moldova, Lithuania and FRY, with the aim of preventing trafficking *before* women leave their countries. IREX works with local organisations in these countries to implement a comprehensive anti-trafficking programme with four primary areas of focus: 1) provision of basic job skills training and placement support; 2) empowering at-risk women through training, and legal and psychological support; 3) raising awareness about potential trafficking schemes through targeted public outreach campaigns; and 4) small business training and grants to support women entrepreneurs in the creation of sustainable enterprises.

3.6. Local non-governmental organisations (NGOs)

At the local level, it has been primarily women's organisations that have concerned themselves with trafficking. Some of them work generally in the areas of violence against women and women's rights others operate shelters for victims of violence. Human rights organisations and organisations for migrants' rights still consider trafficking to be more an issue of gender violence than a human rights abuse and generally leave it to the women's groups.

There is little networking between NGOs at the regional level, especially between the countries of origin and destination. Until now all networking initiatives were undertaken by local groups seeking contact with similar organisations or a partner organisation in other countries, with little support from their governments and the involvement of only few international organisations, such as OSCE/ODIHR. Closer co-operation and exchange of ideas were possible only for the NGOs connected with La Strada or TAMPEP. However, even these networks were organised more for practical reasons—providing direct support to trafficked persons and organising prevention and awareness raising activities – than for creating a coalition of NGOs with a comprehensive regional programme and approach.

The first SEE regional conference of local NGOs took place in Belgrade in November 2002 with the support of OSCE. Over 30 local NGOs that work on trafficking in human beings from all over SEE participated in the conference and agreed on the establishment of an informal regional local NGO network, Anti-Trafficking Network (@NET). UNICEF, OSCE, and experts of the SEE RIGHTS project were invited by the NGOs to attend the conference to ensure co-ordination with the SPTF and international organisations. NGOs identified three priorities for regional co-operation: exchange of information; provision of services to victims of trafficking; and policy advocacy and lobbying.

The involvement of local communities and local NGOs in anti-trafficking work is crucial for sustainability of anti-trafficking activities. Local organisations are in the best position to advocate for the human rights of the victims and provide them with the necessary support. They are also able to develop new programmes and new approaches and to respond to the changes in situation and patterns of trafficking. NGOs will also be the only valid partners for governments after the international community leaves the region.

4. Regional case study: Operation Mirage - regional law enforcement action

In September 2002, the SECI Centre organised a regional anti-trafficking and anti-smuggling action called "Operation Mirage"⁶¹. The operation involved law enforcement, NGOs and IOM from the SECI member countries: Albania, BiH, Bulgaria, FYR Macedonia, Greece, Hungary, Moldova, Romania and Turkey. Ukraine, Serbia and Montenegro and the UN Mission in Kosovo also took part in the operation as partners. The main goals of Operation Mirage were:

- to identify victims of trafficking and to ensure their repatriation;
- to identify smuggled people;
- to identify criminal groups that are involved in the trafficking and/or smuggling of people; and,
- to mount a joint investigation against them.

The operation started with police raids all over the region on places such as bars, motels, hotels, discothèques, night-clubs, parking lots, border points and other places known to the police for trafficking, smuggling and other related illegal activities. IOM, and in some countries local NGOs, were notified and prepared to take care of any victims who might be identified during the operation.

The results of Operation Mirage raise several questions relating on the one hand to the number of victims of trafficking in the region and on the other to the effectiveness of the law enforcement approach in the form used during Operation Mirage.

Results of Operation Mirage:

- **20,558 places checked;**
- **13,000 women and children interviewed;**
- **1,738 persons re-interviewed (persons whose identity and legality of the stay in the country were checked, suspected victims);**
- **237 trafficked women and children identified (14% of suspected victims)**
- **63 victims of trafficking assisted by IOM and NGOs (4% of suspected victims);**
- **174 women subjected to preventive measures (forbidden to enter or leave the country);**
- **293 traffickers identified.**

From the documents issued by SECI, as well as conversations with SECI officials, it seems that they confirmed and enhanced the estimates made of the numbers of victims in the region. IOM estimates from 2001, quoted by SECI in their documents, state that about 170,000 people are trafficked annually in the Balkans⁶². As the operation was undertaken in all the countries at the same time and was supposed to target the most notorious spots for trafficking, the number of assisted victims - only 63 - is rather surprising.

What is also surprising is the percentage of victims among the women and girls identified out of all suspected victims questioned. During 2001, an estimated 35 percent of all suspected victims

of trafficking approached by the police (migrant sex workers found by the police in bars and suspected to be victims of trafficking) were identified as such and assisted in the countries of destination, with an estimated 7

61 All the information and numbers are taken from *Operation Mirage, A SECI effort to combat trans-border trafficking of human beings and illegal migration*. Evaluation report, SECI, Bucharest, distributed in January 2003.

62 Ibid.

Trafficking in Human Beings in South Eastern Europe

Regional case study

percent receiving long-term reintegration assistance⁶³. During Operation Mirage, only 237 victims were identified as such (14 % of 1,738 women re-interviewed by the police who were suspected to be victims of trafficking), and only 63 victims were assisted (which represents 4 % of re-interviewed suspected victims of trafficking, all of whom were adolescent girls under 18).

The report prepared by SECI after the operation is rather general and fails to answer a number of questions:

- Information about the victims and perpetrators is not differentiated according to the sex, age and country of origin;
- There are no clear distinctions between information on smuggling and on trafficking;
- There is no information about the number of legal cases mounted against the perpetrators and the legal grounds for those cases; and,
- There is no concrete information about the nature of the "administrative measures" taken against the women and the grounds for them.

There are several possible explanations for the huge discrepancy between the number of suspected victims and actual victims assisted in the region and the results of Operation Mirage:

- Number of victims has decreased drastically in the last year;
- Traffickers have changed their *modus operandi* so that the police raids organised during Operation Mirage targeted the wrong places;
- Operation Mirage was not designed to identify and assist victims of trafficking;
- Operation Mirage was designed to identify and assist victims of trafficking but failed to do so, and did not produce the expected results;
- Although organised properly at the regional level, Operation Mirage was not implemented properly at the local level; and,
- The traditional approach to law enforcement as proposed by Operation Mirage and implemented by the local police is no longer effective.

To some extent, all of the above explanations bear some truth. As it will be shown in selected examples from countries of the region throughout the report, the trends in trafficking are changing. There has been a drop in the (registered) numbers of women and girls assisted after being trafficked to and through the Balkans. Current police anti-trafficking actions are also proving to be ineffective for the identification of victims of trafficking.

Concerns about the results of Operation Mirage were also shared with representatives of the SECI Centre at the evaluation meeting of Operation Mirage organised by the Centre at the beginning of 2003. The recommendations put forward at this evaluation meeting by the representatives of OSCE/ODIHR and UNICEF were based on *UNOHCHR Recommended Principles and Guidelines on Human Right and Human Trafficking*:

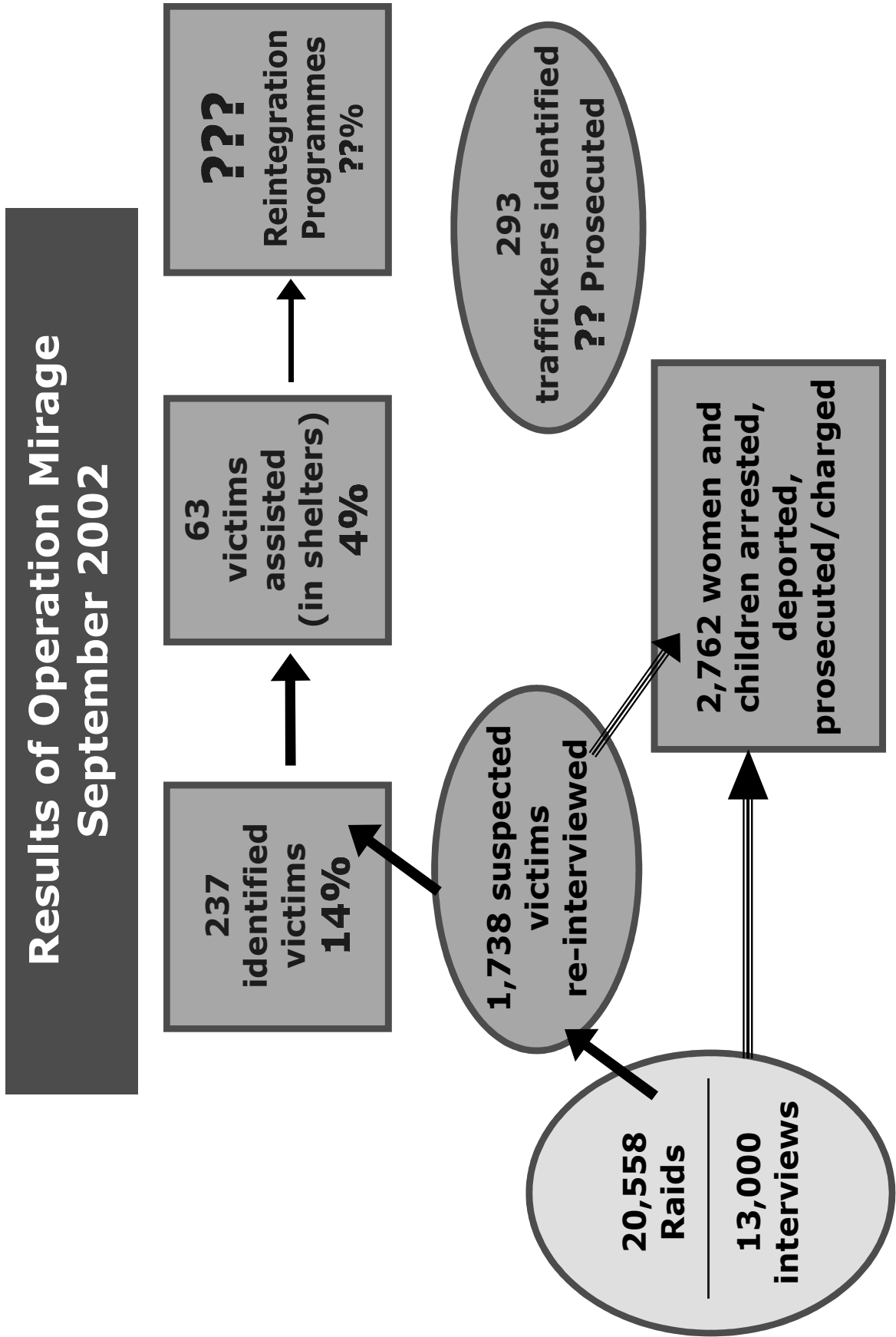
- Focus solely on tackling trafficking in human beings separately from other forms of crime;
- Elaborate instructions for the treatment of victims and Memoranda of Understanding between state authorities and service providers in all SECI member states;

⁶³ Barbara Limanowska, *Trafficking in Human beings in South Eastern Europe. Current situation and responses to trafficking in human beings in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Federal Republic of Yugoslavia, the Former Yugoslav Republic of Macedonia, Moldova and Romania*. UNICEF, UNOHCHR, OSCE/ODIHR. Belgrade, 2002. Report can be found at www.seerights.org

- Exchange and co-operate with all relevant partners in the national referral mechanism;
- Develop clear instructions and guidelines for identifying victims;
- Ensure the identification and special treatment of children on the basis of the *UNICEF Guidelines for the Protection of the Rights of Children Victims of trafficking in SEE*;
- Ensure adequate treatment of victims and "potential" victims; *and,*
- Segregate data.

Trafficking in Human Beings in South Eastern Europe

Results of
Operation
Mirage



Albania

Albania has a population of 3.3 million and is located in the western part of the Balkan peninsula. It borders Montenegro to the north, Kosovo in the north-east, the former Yugoslav Republic of Macedonia in the east and Greece to the south. It has access to the Adriatic and Ionian Seas to the west. Albania is less than 100 km (60 miles) from Italy across the Strait of Otranto.⁶⁴

In 1990, Albania ended 44 years of communist rule and established itself as a multiparty democracy. The transition has proven difficult, as corrupt governments have tried to deal with high unemployment, a collapse in infrastructure, widespread crime and disruptive political opponents.

There are three major ethnic groups in Albania: 95 percent of the population are Albanian; three percent are Greek; and two percent are of other ethnicities (Macedonian, Serb, Vlach and Roma).⁶⁵ Fifty-eight percent of the population of 3.3 million live in rural areas and 42 percent in urban areas (in 1979 the percentages were 66.5 percent and 38.5 percent, respectively).⁶⁶ Ninety percent of the population live below subsistence level,⁶⁷ with 30 percent of the urban population and 15 percent of rural population considered extremely poor.

The location of Albania, between the poor countries of SEE and the rich West, made it a very attractive place for all kinds of illegal trans-border activities, including the smuggling and trafficking of human beings. In a report on human trafficking prepared by the US Department of State in 2001, Albania was placed in Tier 3, among the countries that were not making any effort to combat trafficking.⁶⁸ A year later, the 2002 report placed Albania in tier 2.⁶⁹ This "upgrade" reflected changes in the attitude of the Albanian Government after the elections in 2001 and the remarkable progress made in combating trafficking.

1. Migration, Prostitution and Trafficking

In the 1990s, after the overthrow of communism in Albania, migration became one of the main ways to escape poverty and lack of prospects, especially in the rural areas of the country. Migration from less to more developed areas and from villages to towns, which offered better employment prospects, became widespread. As a result, the capital Tirana has tripled in size in the last ten years. Although the new suburbs lack all the facilities associated with modern towns and often look like slums, they still attract new migrants who arrive in the city looking for jobs and new opportunities.

From the beginning of the 1990s, there was also a very strong drive for Albanians to migrate abroad most often to the countries of Western Europe. During the first years of this migration, it was mainly young men who went

⁶⁴ Albania at: <http://albanian.com/albcom/main/countries/albania/index.html>.HTM Accessed 10 May 2003

⁶⁵ CIA, *The World Fact Book*. <http://www.cia.gov/cia/publications/factbook/geos/al.html>. Accessed 10 May 2003. Estimates from 1989.

⁶⁶ Interview with Morena Gjecovik, Repatriation and Reintegration of Albanian Minors and the ISS programme in Albania. ISS Office in Albania, November 2002.

⁶⁷ Interview with Vera Lesko and Entela Avdulaj, Vlora 05 February 2003. *Girls and Trafficking: Research into Trafficking in Human Beings for the year 2002*. Vatra, 2002.

⁶⁸ U.S. Department of State, *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report* (2001), Part V. See: www1.umn.edu/humanrts/usdocs/traffickingreport-2001.html

⁶⁹ <http://www.state.gov/g/tip/rls/tiprpt/2002/>.

Trafficking in Human Beings in South Eastern Europe

Albania

abroad in order to support their families left behind in Albania. The "migration scenario" then changed as migration abroad became popular among women and youth. Additional "pull" factors were the relatively easy and cheap ways to reach the West, especially by speedboat to Italy, through the networks of migrants and organised crime groups in the EU countries that could offer support and the hope of comparatively enormous profits, to which migrants could never aspire in any other way.

According to the UN study, "almost a third of young adults have spent some time employed in another country since 1991 indicating a much higher than average rate of 'out-migration'. Of those who migrated, only eight percent did so with a partner, yet 41 percent migrated with their children, suggesting that families in Albania continue to be disrupted by the process of migration".⁷⁰

Although migration abroad was generally accepted in Albania and regarded as safe and rather easy, it was also associated with negative phenomena, as in other countries. It allegedly contributed to the destruction of family ties and changes in community life and encouraged acceptance of illegal activities and corruption. Moreover, instead of reaching their destinations and achieving their goals, the weakest and the least protected migrants - women who wanted to migrate on their own and unaccompanied children, as well as the poorest and the most desperate men - were used and exploited in the process of migration and some then became victims of trafficking.

According to the police, their actions in the year 2001-2002 resulted in the complete halt of illegal migration from Albania and the transit of migrants through Albania.⁷¹ In particular, the police claim to have severed the routes from the ports of Durres and Vlora across the Adriatic Sea to Italy. However, according to local NGOs, trafficking and transit through Albania is still going on, although on a smaller scale. The most commonly used routes are no longer the sea crossings to Italy but mountain routes through Pogradec and Oher to Macedonia, through Korce and Kapshtice or through Gjirokaster and Kakavije to Greece and via Shkodra to Montenegro. Using mountain border crossings is more difficult and risky, and it costs more in terms of money and time. As a result, another new strategy used by smugglers and traffickers is to provide migrants with legal documents, albeit often forged or obtained illegally, especially Schengen visas bought in Albania. The migrants can then be transported either via Korce to Greece or by air from Rinas airport to any destination country within the EU. These kinds of arrangements are expensive and time consuming. While NGOs are right when stating that trafficking has not stopped completely, it has to be acknowledged that when judging by the rapid decrease in the number of registered cases of foreign trafficked women, the recent actions of the Albanian government has had a huge impact on the numbers of trafficking victims transited through Albania in the last year.

Another reason for the decrease in illegal migration is that many of the people who migrated have legalised their status abroad and do not have to use illegal channels to move to and from Albania. The same is also true of the profits from illegal activities, including trafficking in persons. According to local sources, many former traffickers have turned to other, more profitable businesses, including trafficking in drugs, or are trying to launder their illegal profits by establishing legitimate business in Albania such as building hotels and restaurants, buying property or making other investments and becoming respectable businessmen.

⁷⁰ "Reproductive and Family Health Related Issues in Albania", Joint initiative of United Nations agencies in Albania, 2000.

⁷¹ Interview with Blendi Clossi, Minister of State, National Anti-Trafficking Co-ordinator and with Dolor Tozaj, Adviser to the Minister of State to the Prime Minister, Tirana, 05 February 2003.

The existence of prostitution in Albania has only been recognised in the last few years. There is now a growing local prostitution market. The scope of the problem is unknown as information is based on speculation rather than research and first hand information.

The number of victims of trafficking from Albania is unknown. In 2001, official sources indicated that 100,000 Albanian women and girls were trafficked to Western European and other Balkan countries over the previous ten years.⁷² However, a year later another official document stated that about 6,000 Albanian women and girls had been trafficked abroad for sexual exploitation.⁷³

The situation regarding combating illegal migration and trafficking from Albania changed dramatically in the year 2002. Prior to 2001 the government refused to take any steps to combat trafficking, but their attitude changed in 2001 and a number of serious initiatives were undertaken. The number of women trafficked out of Albania in the year 2002 is estimated to be very low, with the result that the number of victims who returned to Albania in the year 2002 dropped by 40 percent. According to the police the number is "zero", as they claim to have shut down completely all the main trafficking routes.

According to the Vatra shelter, there are several reasons for women to be trafficked. More than one third of the women staying in the shelter in 2002 were recruited willingly into prostitution abroad (102 out of 276). They knew the purpose of their trip abroad and were prepared to work for their pimps.⁷⁴ Eighty-four women were lured through false marriages,⁷⁵ through job deceptions, 18 by false engagement and ten were sold by their families.

"False marriage" is the term used in Albania for the situation in which the marriage was seen as authentic by the woman and her family, but not by the man who saw the contract only as the opportunity to exploit his wife. Usually traffickers who exploit women control larger numbers of women and are part of organised crime groups. "Husbands" usually live off the earnings of their wives only (they can have more than one "wife" or girlfriend in some cases, but it still remains a "family run business"). Among the victims from other countries, this kind of exploitation by a boyfriend/pimp is also common, although it is not called a "marriage". While the pattern is the same, the argument of "marriage" is used much more often as an excuse to let a girl leave home with a strange man in Albania than in other countries. According to local NGOs, this form of trafficking is decreasing as a result of information and awareness raising campaigns.

2. Current Responses

2.1. National Plan of Action

In June 2001 an inter-ministerial working group was set up to draft the *National Plan of Action* (NPA).⁷⁵ The working group comprised representatives from the Ministries of Public Order, Foreign Affairs, Justice, Labour and Social Affairs, Culture, Youth and Sport, Education and Science,

⁷² National Strategy to Combat Trafficking in Human Beings (draft), Council of Ministers, Tirana, Nov 2001. p. 12.

⁷³ Report of Anti-Trafficking Unit, Ministry of Public Order, quoted by Vera Lesko in: *Girls and Trafficking: Research into Trafficking in Human Beings for the year 2002*, Vatra, 2002, p. 4.

⁷⁴ Vera Lesko argues that women who know the routine of trafficking are aware that after several years of work their pimps will allow them to work on their own and earn money to secure their future. Women also know that once they have started to work as prostitutes there is no other option open to them, due to the stigma and the negative reactions from their families and communities. See: Vera Lesko, *ibid.* pp. 21-22.

⁷⁵ For full text of the *National Plan of Action* please visit the following web:
http://www.osce.org/attf/pdf/nap_al.pdf

Trafficking in Human Beings in South Eastern Europe

Albania

and national intelligence services. They were assisted by international organisations (OSCE, CoE, US Embassy, IOM) and by NGOs. A few weeks later, a National Co-ordinator was appointed. In December 2001, the government adopted the *National Strategy Against Trafficking in Human Beings (decree No. 674)*, which incorporates the NPA. The Strategy also includes analyses of the issue of trafficking of Albanian legislation, a regional overview, as well as a description of how the NPA will be implemented and monitored.

It was envisaged that the NPA would be implemented over three years, 2001-2004, and in three phases:

1. 2001- June 2002:

- Research into the trafficking situation in Albania, followed by the creation of the institutional framework to combat trafficking;
- Preparation of the programme for the protection of victims - "On the protection of women and children from trafficking";
- Preparation of an awareness-raising programme to raise people's awareness of trafficking in human beings, the danger of trafficking and its consequences;
- Special training for police and prosecutors;
- Creation of a special anti-trafficking police force; and,
- Establishment of an international anti-trafficking centre in Vlora.

2. July 2002 – June 2003:

- Research and collection of data on trafficking;
- Drafting a law on the protection of witnesses and additions and amendments to the Penal Procedure Code to protect family members or caretakers of victims of trafficking;
- Signing agreements of re-admission with neighbouring countries and the countries of origin of the victims;
- Preparation of school programmes on the dangers of trafficking and the promotion of zero tolerance of violence against women and girls, as well as information for youth on prevention of STI and HIV/AIDS;
- Prevention programme: "Involvement in the economy of young girls and their employment";
- Creation of reception and rehabilitation centres for the victims of trafficking; and,
- Programmes to support co-operation between police, international organisations and NGOs, training programmes for policy makers.

3. July 2003 – September 2004:

- Prevention of trafficking: programmes for the economic empowerment of women, and programmes to prevent violence in the family.

The NPA established clear, short and long-term goals and priorities for different areas of concern and different institutions. In the first phase, the plan focussed on activities that would have a direct impact on suppressing trafficking from and through Albania, whereas the long term plans are much more focused on prevention and addressing the root causes of trafficking. There is also a clear link made between the economic and social position of women in society and in the family, and trafficking.

The NPA is implemented by all the agencies given responsibility for particular activities and is co-ordinated by the Minister of State to the Prime Minister, the National Co-ordinator for Trafficking, who reports to the State Committee and to the Prime Minister. The NPA is estimated to have a budget of US\$15 million. US\$6 million will come from the state budget,

while foreign donors are expected to provide US\$9 million. The creation of the special police Anti-Trafficking Task Force accounts for 43 percent of the total budget, revealing the priority accorded to law enforcement.

Some of the activities laid out in the NPA have been already implemented. By the end of 2001, the new Department of Trafficking had been established within the Ministry of Public Order. Anti-Trafficking Units were established in each of the 12 Directorates of Police to work on trafficking cases. Each Anti-Trafficking Unit has five sub-divisions: trafficking in human beings for forced labour; trafficking in women for sexual exploitation;⁷⁶ trafficking in children; trafficking in arms; and, trafficking in stolen cars. Each unit has between eight and 12 police officers working in it.

At the same time, the Albanian Government is taking measures to combat illegal migration by strengthening land and sea border controls and airport control by collecting information about people leaving and entering the country, by creating units to combat organised crimes and by signing bilateral agreements with neighbouring countries on border control and co-operation.

In March 2003, the Minister of State to the Prime Minister in co-operation with US Department of Justice's state agency against organised crime, the International Criminal Investigative Training Assistance Programme (ICITAP), established a special task force to combat organised crime. This task force includes specialists from the State Police, the Judicial Police, the Prosecutor's Office and the State Intelligence Service.

While the initiatives in the area of law enforcement are being implemented in a concrete fashion, the long-term initiatives to prevent trafficking and to protect the victims are described only in very general terms. The period until June 2002 is described as the preparation phase for programmes in these areas, which need further development and the allocation of additional funds.

The Albanian Government has multilateral agreements with Germany, Italy and Greece for the development and management of an International Anti-Trafficking Centre in Vlora. The programme for the Centre will be prepared in co-operation with ICITAP and US Embassy in Tirana.

2.2. Anti-trafficking legislation

In August 2002, the Albanian government ratified the UN Convention against Trans-national Crime together with the Palermo Protocols on trafficking of human beings and smuggling.

The Albanian legislation on trafficking in human beings was changed in January 2001 with the adoption of Law No. 8733. This law states that, "trafficking in human beings, trafficking in females for prostitution, trafficking in children for the purpose of material profit or any other profit is punished by five to 20 years of imprisonment or by life imprisonment".⁷⁷ On the basis of this law, amendments were made to several articles of the Criminal Code, so that human trafficking is punishable with 5 to 15 years imprisonment.⁷⁸ Trafficking in women for sexual exploitation is punishable with 7 to 15 years

⁷⁶ The distinction is made between trafficking in human beings and trafficking in women in line with the anti-trafficking legislation, which deals with trafficking in human beings and trafficking in women for sexual exploitation in two different articles.

⁷⁷ *Country Report on Trafficking in Human Beings: Albania*. Presented by the Minister of State to the Prime Minister at the SPTF Meeting in Portoroz, Slovenia, 28-29 March 2003.

⁷⁸ Article 110a of the Criminal Code amended by Law no. 8733 of 24 January 2001, for more information please see <http://www.legislationline.org>

Trafficking in Human Beings in South Eastern Europe

Albania

imprisonment,⁷⁹ and trafficking in children is punishable with 10 to 20 years imprisonment.⁸⁰ The law complies with the Palermo Trafficking Protocol. It also stipulates that victims of trafficking will not be prosecuted for the crimes committed while trafficked and in relation to their condition as victims (such as illegal border crossing or prostitution).

According to NGOs, the new anti-trafficking legislation, although a step in a right direction, does not yet offer a final solution to the issue of trafficking. Firstly, judges and prosecutors do not understand the new articles in the Criminal Code and do not know how to use them. The law contains no definition of trafficking, so it is often confused with smuggling or illegal border crossing. Secondly, the legislation does not include provision for confiscating assets derived from trafficking. NGOs have pointed out the effectiveness of the Italian legislation against organised crime, which allows the assets and property of traffickers to be confiscated.

NGOs are also concerned about the absence of a witness protection law and the lack of legal assistance and representation for witnesses in trafficking cases. Victims are not aware of the existing law, of the consequences of testifying against traffickers or that they have the right to start civil proceedings against traffickers to claim damages and compensation.⁸¹

The Ministry of Justice is working on the Witness Protection Law and on further amendments to the Criminal Procedures Code.⁸²

In June 2003, a Memorandum of Understanding was signed for the creation of the Witness Protection Task Force "to facilitate the international community's interim temporary assistance to the Albanian Government in the protection of witnesses who have provided evidence against traffickers in human beings".⁸³ The Witness Protection Task Force comprises the Minister of State to the Prime Minister, the Minister of Public Order, the Minister of Justice and the General Prosecutor, as well as the following international organisations: OSCE, CoE, ICITAP, IOM, the Office following for Overseas Prosecutorial Development Assistance and Training (OPDAT), the Police Assistance Mission for the European Commission in Albania (PAMECA) and the Save the Children Fund.

A new Family Code has recently been passed,⁸⁴ although proper legislation on violence against women is still pending. There are also gaps in the law relating to children under the age of 18, which impact on the assistance available to the child victims of trafficking, as well as a lack of a proper foster care family law and a lack of any system of juvenile justice. There is also no bilateral agreement between Greece and Albania to allow the repatriation of unaccompanied Albanian children and adolescents from Greece to Albania,⁸⁵ although such an agreement exists between Albania and Italy. The Albanian Government has signed a bi-lateral agreement with

⁷⁹ Article 114b of the Criminal Code amended by Law no. 8733 of 24 January 2001, for more information please see <http://www.legislationline.org>

⁸⁰ Article 128b of the Criminal Code amended by Law no. 8733 of 24 January 2001, for more information please see <http://www.legislationline.org>

⁸¹ Interview with Vjollca Mecaj, Executive Director of the Women's Advocacy Centre, Tirana, 06 February 2003.

⁸² In July 2003, the Codification Office of the Ministry of Justice presented the first draft law on Witness Protection. The law should be sent to the Council of Ministers by October 2003, in order that the government has adequate time to adopt the necessary sub-statutory acts to make the law operational.

⁸³ *Country Report on Trafficking in Human Beings: Albania*. Presented by the Minister of State to the Prime Minister at the SPTF Meeting in Portoroz, Slovenia, 28-29 March 2003, p.6.

⁸⁴ The Albanian Parliament has approved a new *Family Code*, which was published in the Official Gazette on 20 June 2003. The *Family Code* is expected to enter into force by December 2003.

⁸⁵ The Readmission Agreement between Greece and Albania makes no reference to children. See: "The Trafficking of Albanian Children in Greece". Report by Terre des Hommes, Tirana, January 2003. p.28.

the Italian Government to combat trafficking and the Albanian and Italian police have set up joint sea patrols.

Re-admission agreements have been negotiated between Albania and Germany, Luxemburg, the Netherlands, Croatia, United Kingdom, FYR Macedonia and Moldova, which cover all kinds of irregular migrants.

According to the NPA, the Witness Protection Law should be drafted before June 2003. The NPA does not include any other steps to reform the legislation relevant to trafficking.

2.3. Victim Assistance

Despite the change in government policy and the well-developed NPA, support for the victims of trafficking in Albania is still delivered by international organisations and NGOs with a very limited (although growing) support from the government.⁸⁶

According to IOM, approximately 500 Albanian women and girls returned home after being trafficked in 2002. Between 200 and 300 of them were referred by the police to the assisting agencies⁸⁷ provided with assistance and then accommodated in the shelters. The rest of them were released by the police and went straight home. According to local NGOs, those women and girls who are sent directly home are often later re-trafficked. Allegedly, the numbers of women and girls sent directly home in previous years were even higher, although the figures are difficult to verify because there were no statistics on returning Albanian victims of trafficking before 2001 and women and girls were rarely sent back by assistance programmes from other countries, more often they were just deported as illegal migrants and treated as such upon arrival.

The majority of women and girls in Albania who were identified as victims of trafficking were those deported from other countries, particularly from Italy. This fact highlights the changing attitude of the police towards returning women and girls; until recently such women and girls were judged to be deported prostitutes, now all are suspected of being victims of trafficking.

The numbers of Albanian trafficked women and girls assisted in shelters, however, were much lower in 2002 - down by 40 percent in comparison with 2001. According to the Vatra shelter staff, this reduction is due to the successful closing of speedboat routes and co-operation between the Albanian and Italian police.

According to the police, the number of cases of foreign trafficked women found in Albania started to decrease a couple of years ago. There were 87 cases in 2000, 59 in 2001, 12 in 2002, and all were identified in the first three months of the year.

However, IOM is aware of 32 foreign women who were assisted in Albania on their way back home between January and September 2002. Ten of them were assisted first by Vatra and then were sent for further assistance to the ICMC shelter, which is supported by IOM. Sixteen of these women were from Romania, nine from Moldova, four from Kosovo, and one each from Poland, Montenegro and Russia. ICMC has reported that they directly

⁸⁶ The Ministries of Labour and Social Affairs and Public Order are involved in the management and guarding of the National Reception Centre (operational since July 2003), supported by IOM. This Reception Centre shelters foreign victims of trafficking and irregular migrants and will expand to shelter Albanian victims of trafficking from 2004.

⁸⁷ According to the police this number is higher - 362 women referred to assisting agencies.

Albania

assisted about 35 foreign women in 2002, including eight girls under 18. In previous years, the numbers were much higher - approximately ten cases a month. Although there is a discrepancy in the total number of foreign victims of trafficking assisted in 2002, there is a consensus that the number of foreign trafficked women in Albania has dropped overall.

The drop in numbers of foreign women and girls assisted in Albania might suggest that the transit channels are closed. There are, however, some signs that Albania might become a destination country or, at least, a country of prolonged transit. Local NGOs are noticing more foreign women working in hotels, motels and bars, especially in the big cities and coastal resorts. This information supports the statements about the involvement of organised crime in the hotel and entertainment business in Albania.

2.3.1. Identification of Albanian victims of trafficking

Women are usually identified as potential victims of trafficking by the police:

- after being deported back to Albania
- after being stopped at collecting points on their way to leave Albania illegally.

In 2002, Italy started to send large numbers of illegal Albanian migrants back to Albania - approximately 3,700 people were sent back in 2002.⁸⁸ According to the police, there were 460 women among the migrants sent back from Italy in 2002, 20 percent of whom were under 18 and 370 of whom were without any documents. Out of 460 women and girls, 362 agreed to take part in the reintegration programmes and 90 of them agreed to testify against the traffickers. One hundred women were sent directly back to their homes.

Article 18 of the Italian Migration Law makes it possible for foreign victims of trafficking in Italy to ask for assistance, especially if they co-operate in the prosecution of traffickers. However, according to information from the women who were deported from Italy, the Italian police do not observe this law and send all Albanian women without valid documents back, regardless of their victim status. Women and girls arrested by the police are usually kept in detention centres for up to 30 days and then deported in big groups with other migrants. OSCE reports the deportation of not only victims of trafficking but, also, of pregnant women and, as mentioned before, girls under 18. While the only plausible explanation for the deportation of victims of trafficking is that the Italian police are unaware of their status, it is impossible to verify this assumption. The Italian police do not send any information regarding deported people to Albania.

In the cases of women and girls trafficked for sexual exploitation, with a few exceptions, there is no evidence of women and children being assisted by NGOs in West European countries or of any co-operation between NGOs in Albania and EU countries.

However, some children have been returned to Albania via NGOs channels and contacts exist between the organisations that work with unaccompanied children and adolescents and have programmes for returning them to their home countries.

Over the last few years, the Albanian government has signed agreements with IOM, OSCE and UNHCR to inform them about all cases of potential

⁸⁸ Before 2002 deportations and expulsions of Albanian migrants from Italy were less common. Adolescent boys under 18 are not deported from Italy, as they are allowed to stay if they are following vocational training courses available to unaccompanied adolescents.

trafficking registered with the police. Similar agreements were also signed in 2001 between some local NGOs and the Police Directorates in different Albanian towns. These agreements oblige the police to inform NGOs about all cases of suspected trafficking. The agreements are supposed to give NGOs access to all women deported from Italy and other countries back to Albania and to all women who were trying to leave Albania. In Vlora, for example, the agreement stipulates that the local police should bring to the Vatra shelter all women sent back on ferries by the Italian police and police from other EU countries, as well as all women found at collecting points waiting to depart by speedboat for Italy. The Vatra shelter has the same agreement with the Police Directorates in other towns.

This is the first example in the region of police co-operating with NGOs to allow them to proceed with the identification of victims. However, the result is that all women who are sent to a shelter are called and treated as victims of trafficking, regardless of their real status. This assumption is replicated in official statistics where the number of women and girls returned to Albania is equal to the number of victims of trafficking. This situation is, therefore, a reverse of the previous situation when all women were assumed to be and were treated as illegal migrants and prostitutes. Although it appears from the information given by the shelter staff that all the women they assisted were, in one way or another, cheated, abused and exploited and, therefore, according to the Palermo Trafficking Protocol definition were victims of trafficking, it is impossible to confirm their status, as there are no clear standards and criteria used for identification. Therefore, the Vatra shelter in Vlora should be seen and treated, for the clarity of the definition, as a transit place for women coming back after being deported or stopped when trying to migrate ("potential" victims of trafficking) rather than as a shelter for the victims of trafficking. The more general and less voluntary admission status of the shelter is also confirmed by the fact that only those women who do not have proper documentation are brought by the police to the shelter and are accommodated there for one to three days. Those with valid passports are allowed to leave the shelter and usually leave directly. The rest are kept in the shelter until their identity is checked and/or identification documents are produced by their family.

Secondly, as the police are still not referring all potentially trafficked women to the NGOs, the question about the methods and criteria of identification used by the police remains. The NGOs and IOM agree that there are inconsistencies in the numbers of women referred to them from the different Police Directorates, which reflects more the willingness of the police to co-operate with NGOs and use the referral system than the actual numbers of women involved. The Vatra Shelter identified the police directorates in Berat, Durrës and Gjirokaster as refusing to co-operate. The police in those towns claim that women do not want to go to the shelter, but prefer to stay at the police station while their identity is verified, after which they are sent directly back home.

One of the main activities of IOM in Albania is to provide regular training for police and border police, in order to raise awareness, to teach them how to approach and handle irregular migrants and victims of trafficking, and to inform them about the pre-screening mechanism and the possibilities for assistance and referral.

Another project currently under development, funded by OSCE/ODIHR and implemented by OSCE in Albania, is called "Victims Assistance Team". Phase one of the project provides legal counselling to all Albanian women returned from European countries, as well as information on the options open to them

Albania

on their return to Albania. The aim is to build an operational referral system and strengthen co-operation between partners. All returned women referred by the police authorities are supposed to receive legal information at the earliest possible moment after arrival, providing for a better identification of the victims of trafficking. The project is being implemented in close collaboration with the Anti-Trafficking Police Units all over Albania, as well as with international organisations and NGOs working in the field.

The very positive side of the referral system established in Albania is the fact that all suspected and potential victims of trafficking, as well as all women and girls who need assistance, can receive help. However, both for clarity's sake and to make sure that the system functions within the existing legal framework, which defines trafficking unequivocally, there is need for clear standards and procedures for the assisting agencies and for the development of a clearly defined identification and referral system.

2.3.2. Assistance for trafficked women

There are at present two shelters for Albanian victims of trafficking - one in Tirana, run by IOM, and another in Vlora, managed by a local NGO, Vatra.

The Vatra shelter

In 2002, the Vatra Shelter assisted 371 women, including 13 foreigners. The Italian police had deported 174 of them by ferry, the Albanian police delivered 115, presumably deported from other countries, and 82 were found by the police at "collecting points"⁸⁹ and referred to the shelter. The women and girls usually stay at the shelter only for a couple of days, long enough for them to be identified and for their families to be informed of their whereabouts. Standard procedure at the shelter is to contact the woman's family and ask them to come to the shelter and take their relative home. The rationale behind this procedure is the fear that the women might be picked up by traffickers, if left to go off on their own. While girls under 18 are obliged to go back to their families, whereas adult women, in theory, have the option to refuse. However, women are not allowed to leave the shelter without proper documents, so they have to wait for their families to arrange and bring the papers. In only 10 percent of cases did the women not leave with their families.

The practice of handing adult women over to their families is still questionable, even if it is understood as a protective measure against re-trafficking. First of all, it is unclear on what grounds the women are kept in the shelter for the period of one to three days. Although staying in a friendly and safe environment with well trained and understanding staff is definitely much better than being detained at a police station, the legal grounds for such a procedure are unclear, unless the women are staying on a voluntary basis. However, in this shelter women are not free to leave when they want, which is clearly a violation of their rights.

Those women and girls who cannot go back home or are testifying in cases against traffickers may stay at the shelter longer. 36 women stayed in the shelter for up to three months. 18 women from the shelter were sent to the IOM shelter in Tirana for further assistance. 12 foreign women were sent to the ICMC shelter for further assistance.

One to two months after the women have left a shelter, the shelter staff conduct a follow-up visit to each family to assess the current situation of

⁸⁹ Locations used by traffickers/smugglers in Albania to assemble groups of migrants before illegal border crossing.

the women. In 2002 150 family visits were conducted. In 90 cases the women were still at home. In 60 cases, however, the women were not at home and, according to Vatra staff, these women had been re-trafficked.

While at the shelter, the women and girls have access to psychological counselling, medical assistance and social assistance. The director of the Vatra shelter stated that the identification of the victims is not a problem for the social workers working in the shelter, as after a couple of days all the women are sharing stories of abuse and exploitation and can be identified as victims of trafficking on the basis of the revealed facts. A bigger problem according to the director is to find arguments to convince the women and girls to give up prostitution and break the circle of exploitation.⁹⁰

IOM Reintegration Centre

IOM started their programme for Albanian women in December 2001. In February 2002, they opened their Reintegration Centre for Albanian victims of trafficking with a capacity of 28 places and 24-hour security provided by a private company. In May 2002, the Ministry of the Interior agreed to provide protection for the shelter and necessary assistance. In 2002, the shelter assisted 85 victims of trafficking, including 30 girls under 18. IOM does not insist that women go back to their homes. 30 women went back to their families, while others decided to stay longer in the shelter or look for other alternatives. 10 women started to rent apartments in Tirana, with IOM's support, and 5 girls under 18 are in foster care.

The shelter operates on a voluntary basis - women are free to go when they choose. Services provided by the shelter include medical, psychological and social services, vocational training and job placement. Women can choose any training that is available in Tirana. While many of them follow some kind of training, including making clothes or shoes, cooking, baby sitting, computer and languages training, hairdressing, dairy processing, office assistance, job interview skills training, not many are able to support themselves afterwards. For the period May 2002 – May 2003, of the 62 women who were offered training and/or jobs, 42 received training and 51 were given one or more job opportunities. Thirty-one of those 62 were given both at least one training session and one job opportunity. Some of the women could not be offered training or employment until certain concerns such as security, had been fully addressed. After a long period of assistance, some women reach the point where they are capable of finding employment themselves. Finding a job is not difficult as there are enough jobs available for low skilled people, but usually the salaries are not high enough for the women to survive on their own. Only 4 or 5 women from the whole group found and kept a job.⁹¹

While detained at the police commissariats or at the Reintegration Centre, victims of trafficking are informed about the law by social workers. Those who are willing to testify are then provided with legal assistance by the NGOs that IOM works with, or by lawyers hired by IOM, depending on availability.

Ten women assisted by IOM testified against traffickers and were provided with legal assistance. Until November 2002, women who did not testify against traffickers could only obtain legal information from social workers. A local NGO, the Women's Advocacy Centre, prepared a programme in 2001 to provide legal assistance to the victims of trafficking, but refused to offer their services free to the Albanian victims of trafficking referred to them by IOM due to a lack of capacity. In 2002, IOM signed co-operation

⁹⁰ Interview with Vera Lesko and Entela Avdulaj, NGO Vatra, Vlora, 05 February 2003.

⁹¹ Interview with Hera Shanaj from IOM office in Tirana, 04 February 2003.

Albania

agreements for the provision of legal assistance to the victims of trafficking participating in the IOM programme with the Legal Clinic for Minors and the Citizen Advocacy Office. A Woman's Advocacy Centre criminal law specialist was also hired by IOM on a case-by-case basis, to offer legal advice to victims of trafficking, while the Legal Clinic for Minors assisted the girls under 18 who were testifying.

In November 2002, the OSCE started their Victims Assistance Team programme to provide professional legal advice to victims of trafficking. During the last two months of 2002, OSCE was only twice requested by IOM to give information and advice to women.

To provide victims with better conditions upon return to Albania, IOM is renovating rooms and bathrooms in six police stations in the towns which are entry points to Albania or places known for trafficking – Kukus, Shkodra, Elbasan, Tirana, Vlora and Gjirokaster. Women returning to Albania will use these rooms, as they will have to stay from couple of hours up to 3-4 days (if they testify) at the police station. At present the lack of any such facilities means that women are arriving at the shelter deprived of sleep and rest and without having had access to washing facilities.

International Catholic Migration Commission (ICMC)

Until September 2002, the ICMC shelter was co-operating with IOM in assisting third country nationals in Albania. During the first nine months of 2002, ICMC assisted 28 women. After September 2002, IOM took over the running of the shelter⁹² and had 7 more referrals from other institutions. The shelter accepted only those victims who were voluntarily willing to return home. Social assistance was provided by the social workers at the shelter to all victims of trafficking awaiting repatriation. Specialised psychiatric and medical assistance were available through other agencies providing the relevant services in Albania. Women and girls could stay in the shelter for as long as it took IOM to prepare their travel documentation. If necessary, they could stay in the country for up to three months for stabilisation.⁹³

2.4. Trafficking in children

Thirty percent of the victims of trafficking who are returning to Albania are children. Children are coming back via official police channels (deported to the border, or sent back by ferry), and via NGO channels (co-operation among NGOs in countries of destination and origin, with support of governmental social institutions). According to a Terre des Hommes report, the Greek authorities are systematically deporting Albanian children over 12 years of age from Greece to Albania, contrary to the existing human rights standards.⁹⁴

Returned children are placed either in the shelters for trafficked women, if they are adolescent girls who were trafficked for sexual exploitation, or in special institutions for children, before being sent back to their families. The NPA provides for the creation of the specialised structures for reintegrating

⁹² According to ICMC: "The direct assistance program has now been handed over to local governmental and NGO actors, as part of the program strategy to localise these services. ICMC continues to co-operate with the NGOs, inter-governmental and governmental agencies that address issues of trafficking in human beings in Albania". Information from Sarah Stevens, 17 August 2003.

⁹³ IOM operated this shelter from January to July 2003. From July 2003 it is operated in collaboration with the Ministries of Labour and Social Affairs and Public Order. The shelter has been moved to a Government owned location and is currently managed by staff from the Ministry of Labour and Social Affairs and guarded by staff from the Ministry of Public Order. IOM monitors, provides technical assistance (through experienced social workers), training on the job and also general training in shelter management, finance, legal framework, psychosocial assistance, etc.

⁹⁴ *The Trafficking of Albanian Children in Greece*. Report by Terre des Hommes, Tirana, January 2003. p.28.

children but, currently, assistance and reintegration is offered only by NGOs. NGOs working with children are advocating an alternative system of protection and reintegration with open services, adoptive/foster families and specialised programmes. The NGOs are also pointing out that while many efforts have been made by the Albanian government to combat trafficking as organised crime, including a greater collaboration with NGOs for victim protection, the efforts in the field of social assistance are still not sufficient.

2.4.1. Assistance for girls under 18 trafficked for sexual exploitation

Girls under 18 are placed in the Vatra shelter in Vlora or in the IOM Reintegration Centre in Tirana. At neither institution is there any special programme or special assistance for children.

There were approximately 30 children and adolescents under 18 sent to the IOM Reintegration Centre in 2002. IOM assists girls only following a written hand-over agreement from the police who have referred them is received. IOM is obliged to inform the girls' families that the girls want to stay with IOM and to receive the families' written approval. In the majority of cases, IOM does not have this permission as the families do not respond to IOM's letters - only two families have ever replied - or the families are involved in the trafficking of their own children. In the situation when a girl refuses to go back home, the family refuses to take her back, or when there is information that the family is abusing her, she can stay at the shelter without parental approval. Apart from the services to which all women have access, girls can also be placed in schools or with agreement of their families, in foster families. In 2002 IOM placed 5 girls in foster family care. A local NGO - the Legal Clinic for Minors - has an agreement with IOM to provide legal assistance to children under 18. According to Albanian legislation, during a police interview, a child should be accompanied by a family member, an attorney, or a psychologist or social worker from the institution which is acting as guardian to the child. In the year 2002, the Legal Clinic for Minors provided legal assistance twice.

The Vatra shelter assisted 78 adolescent girls under 18 in 2002, all of whom were referred to them by the police. The shelter informs the families about their children and requests them to come to the shelter with the documents to prove the child's and family member's identity and to take girls back home. Twenty children agreed to testify against traffickers. This decision was made with the approval of their families.

2.4.2. Assistance for children trafficked for begging and other forms of forced labour

Terre des Hommes

Since 2002, Terre des Hommes (TdH), in collaboration with the UNICEF office in Albania, has been developing an integrated approach - Trans-national Action against Child Trafficking (the TACT project) - which addresses child trafficking by supporting prevention, protection, repatriation and reintegration programmes and by supporting anti-trafficking advocacy. In 2002, 12,000 children, family members and teachers were reached with anti-trafficking sensitisation materials and targeted special events in "targeted quarters". Partnerships were established with NGOs in Greece for collaboration on street investigation of trafficked children and repatriation to Albania. In 2003, TdH will significantly extend the geographical coverage of this project to cover most of the southern part of Albania and will develop partnerships with NGOs in Italy.

Albania

International Social Service (ISS)

ISS helps with the return of children and adolescents under the age of 18 from Italy to Albania. In 2002, ISS assisted 57 such children and adolescents, almost all of them boys, and representing 94 percent of all assisted children. According to ISS, the children they assist are not victims of trafficking. They are usually unaccompanied adolescent boys aged 14-18 who are migrating for economic reasons. ISS also argues that the legal frameworks in the receiving countries that give young people the opportunity to benefit from social services and protection from deportation, at least until they are 18 (and often permanently), influence the decision of children and their families to migrate, increasing the numbers of migrants under the age of 18.⁹⁵

Once the Albanian ISS has been contacted by the Italian ISS office and informed about a case, the standard procedure is to start by locating the child's family. Family reunification is the ultimate goal of the whole procedure as it is judged to be in the best interest of the child. The programme of repatriation is conducted in several phases:

1. Research and monitoring of the family situation to assess if the child could/should be placed back in the family (structure of the family, economic situation, social situation, history of the child in the family);
2. Repatriation process;
3. Family reunification; and,
4. Process of social reintegration.

Social workers accompany children and their families during the process of reunification. Reintegration is supported by educational and vocational projects with the aim of supporting the children's professional development and increasing their chances of finding employment in their home country. But as mentioned above, return is quite often not seen as the desired outcome either by the child or by the child's family. Return is perceived as a failure rather than a happy ending when the decision to migrate was undertaken for economic reasons.⁹⁶

Help for Children

A local NGO Help for Children, in working in co-operation with TdH is working on the reintegration of children, boys and girls most of whom are under the age 13, coming back from Greece. According to their assessments, 80 percent of their beneficiaries have been trafficked. The programme of reintegration for children trafficked to Greece includes:

- Assessment of the situation in Greece, in co-operation with Greek organisations;
- Monitoring of informal repatriation by NGOs;
- Reintegration of children into schools, including special classes, special education, support in adaptation, vocational training; and,
- Development of a legal model for the protection of trafficked children and lobbying for children's rights.

All Together Against Child Trafficking (BKTF)

In 2002, all organisations working on the issue of child trafficking, together with the representatives of the government and international organisations formed an Albanian inter-NGO coalition against trafficking in human beings called – All Together Against Child Trafficking (BKTF). The coalition will be part of the National Council to be established in 2003.

⁹⁵ "Repatriation and Reintegration of Albanian minors & the ISS Programme in Albania", report prepared by Morena Gjecovik, November 2002.

⁹⁶ *Ibid.*

The main objectives of BKTF, as defined by its members, are to:

- Provide a rapid and efficient action against child trafficking, achieved through co-ordinated action among members of BKTF and national and local authorities;
- Reinforce exchange of information;
- Promote, strengthen and support the actions of the members of BKTF against child trafficking;
- Implement common or separate action plans and projects within the framework of BKTF; and,
- Develop the relationship between the State agencies and BKTF thereby enabling BKTF to achieve its goals, objectives and actions.

In line with the five-year NPA against trafficking in human beings, UNICEF is currently supporting the creation of a co-ordination structure for BKTF that should ensure the harmonisation and synchronisation of activities against child trafficking in relation to the four main components of the NPA: prevention, protection, assisted voluntary return and reintegration.

The co-ordination structure should allow BKTF to monitor the activities of its NGO members, to gather comprehensive and updated information from the field and to co-ordinate with the relevant state agencies, as well as with international and intergovernmental organisations in Albania and in the transit and destination countries of Greece and Italy.

2.5. Prosecution

Following the adoption of the new anti-trafficking law in Albania in January 2001, new Anti-Trafficking Units within the police were established to work on human trafficking cases. As a result, traffickers began to be prosecuted more effectively. In 2002, 80 criminal groups were identified and 465 cases against traffickers were opened, in comparison to the 238 cases in the previous year. 700 people were arrested and 36 were sentenced for trafficking related crimes. Many more prosecutions are reportedly still under way.⁹⁷

In August 2002, "Operation Labour" started which focused on stopping illegal migration, trafficking and smuggling from the ports of Vlora and Durrës to Italy. The operation aimed to take control of the speedboats, fuel stations and houses harbouring illegal migrants and the victims of trafficking. "Operation Labour" was undertaken in co-operation with the Italian police, which at the same time started activities against traffickers in Italy. At least 42 boats were destroyed and several criminal networks, including four in Italy, were dismantled. Since August 2002, the Albanian police have consider the coast free of speedboats transporting illegal migrants.

In 2002, according to the police, 90 women gave police information about traffickers, which led to charges being raised against 497 traffickers.⁹⁸ Among the women and girls who were staying in the Vatra shelter, 36 agreed to testify, including 20 girls under 18 years of age.⁹⁹ There are several reasons why the number of women who agreed to testify was not higher and has recently started to fall again:

1. Very slow judicial processes. According to the law, evidence should be

⁹⁷ Interview with Colonel Avni Jashellari, Head of the Anti-trafficking Department at the Ministry of the Interior, Tirana, 04 February 2003.

⁹⁸ *Ibid.*

⁹⁹ Vera Lesko, *Girls and Trafficking: Research into Trafficking in Human Beings for the year 2002*. Vatra, 2002. p.32.

Albania

- collected in ten days, but in reality this process is taking much longer - up to 3 months. Some women and girls are unwilling to wait so long and decide not to testify at all;
2. Lack of witness protection legislation and lack of any special protection for the witnesses in trafficking cases. Women and girls are afraid to testify because of the possible repercussions. Some women and girls or their families are paid off by the traffickers in exchange for changing their testimonies and in 11 cases testimonies were changed during the court proceedings;
 3. Unsatisfactory results of the legal procedures. In many cases the results of the procedures were not satisfactory from the point of view of the victims - the traffickers were not punished or were punished inadequately, so that the victims started to think less positively about being involved in legal cases;
 4. Lack of legal assistance and lack of understanding of the consequences of being a witness. There are still no lawyers in the shelters who are able to explain to the victims of trafficking the consequences of their decision to testify. There is already, however, more knowledge among the women and girls and the staff of the shelter about the negative consequences of being a witness and about the results of cases in which victims have testified. These stories have made other victims more cautious and careful and less willing to participate in the legal proceedings.
 5. Better victim/witness protection in Italy. It is also well known that women and girls who want to testify are much better protected and taken care of in Italy than in Albania. The Albanian police have to have witnesses on their territory in order to prosecute traffickers, but the victims would much prefer to co-operate with Italian police and to give their testimonies there, in exchange for protection and a permit to stay in Italy.
 6. Corruption among law enforcement and judiciary. 14 policemen were arrested on charges of corruption in 2002.

While the police did not register any cases of violence against witnesses or abuse of witnesses, they acknowledge that in some cases the victims of trafficking were changing their testimonies in court after pressure from traffickers. Two victims who testified were threatened and, as a result, they were both relocated to a West European country. There is need for the same procedure of re-location in another ten cases that remain under investigation.

At present, the government can only offer limited security to witnesses. Up until the trial, they can be accommodated either in a selected police station or in the shelters for victims of trafficking run by IOM or the NGO Vatra. As a result of the publicity given to the prosecution of traffickers by the media, the identity of the witnesses, their photographs, as well as the location of the shelters may be revealed, which further compromises witnesses' security and makes their protection more difficult.

Not all of the 36 cases that were prosecuted as a result of the testimonies of women staying in the Vatra shelter ended up in convictions. 6 cases were dismissed due to incorrect procedures. In the remaining 30 cases, the traffickers were sentenced from 5 to 8 years in prison including, in one case 15 years. 10 of the traffickers sentenced went to jail, the other 20 are on the wanted list.¹⁰⁰

3. Summary

Available data suggest that both the trafficking of foreign women through

Albania and the trafficking of Albanian children are decreasing. Both the service providers and the police are assisting fewer foreign women than a year ago. However, there is little data on the trafficking of Albanian women abroad and no information or research on trafficking within Albania.

The Albanian National Plan of Action (NPA) appears to be very comprehensive and well designed and envisages the participation of NGOs in its implementation. However, judging from the budget and the timetable for implementation, the focus is very strongly on the law enforcement component with limited attention being paid to the prevention of trafficking. The NPA is being implemented in three phases and much will depend on the implementation of the current phase for the years 2003-2004. The results will show if enough attention has been paid to developing effective programmes to address the root causes of trafficking the economic and social inequality of women and violence against women.

A clearer distinction should be made between combating trafficking and combating illegal migration. Not all actions against irregular migration are bringing positive results in the fight against trafficking. Some efforts can even lead to the further victimisation of trafficked persons. There is also a lack of clarity in the interpretation and use of the definition of trafficking. According to the definition, only "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of 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 or receiving of payments or benefits to achieve the consent of a person having control over another person, **for the purpose of exploitation**",¹⁰¹ should be called trafficking. In reality, even if the intended exploitation cannot be proven, women approached by the police or border police are presumed to having been trafficked.

So far, there are no clear criteria for identifying the victims of trafficking. At this time all returning/deported young women are presumed to be victims of trafficking and are referred to specialised NGOs and/or to IOM for further identification and, if necessary, assistance. While this is a very welcomed approach, also recommended for other countries, a clear distinction should be made between presumed victims and actual victims of trafficking for the purposes of further assistance.

The following criteria appear to be commonly used by the police for the purpose of identifying potential victims of trafficking:

- lack of proper documents;
- illegal stay in EU country;
- being stopped at collecting points;
- being expelled from EU countries;
- being a young female.

While there are already police anti-trafficking units throughout the country and attempts have been made to increase the number of female officers in these units, there is still a need for increased awareness among law enforcement personnel to ensure a better understanding of the issue of trafficking and to distinguish it from prostitution and illegal migration. There is also a need for training and better equipment.

One positive development in Albania is the new practice of transferring women from police stations to the shelters and releasing them into NGO care, although some police officers are still unwilling to co-operate with

¹⁰¹ UN A/55/383, 2 November 2000: "Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children", Article 3a.

Albania

NGOs. While this is positive change NGOs still do not have or do not use clear identification criteria and seem to give shelter to all women without valid documents regardless of their real status (illegal migrant or trafficked person). These women are then released into the care of their families without any proper legal justification for this procedure. Alternatives to sending women, including girls under 18, straight back home are urgently needed, as are reintegration programmes for returning women.

IOM has a very well designed and comprehensive programme of assistance for Albanian victims of trafficking. However, women in IOM custody still do not receive adequate legal assistance and are not fully aware of their rights - for example the right to seek compensation. There have been no evaluations or assessments of the results of IOM's reintegration programmes and it is unclear how many women who participated in the programmes were subsequently able to support themselves and start a new life. It is also not clear how many women were re-trafficked after having taken part in a reintegration programme. The procedures for accepting women into the programme are not clearly described and there are no Standard Operation Procedures for running the IOM shelter, nor any special programmes for children.

Programmes to combat the trafficking of children that have been developed by the NGOs are very well designed and implemented. Terre des Hommes has created a model of intervention that can be duplicated and used by other NGOs also working on this issue. Another example of good practice is co-operation within the national coalition All Together against Child Trafficking in the area of combating child trafficking, which can be seen as a model of co-operation between governmental and non-governmental actors.

While on the one hand there is proof of a fall in the number of trafficked children in Albania,¹⁰² there is also more information available about unaccompanied children and no clear distinction between the numbers of unaccompanied children and trafficked children. Both groups are often merged into one, making it even more difficult to estimate the numbers of child victims of trafficking.

Only a little progress has been made so far in the prosecution of traffickers. Prosecutions have been ineffective because of the very slow judicial proceedings, alleged corruption of the police and judiciary, and a lack of training and understanding of trafficking among the judiciary.

4. Albanian case study: child trafficking and migration

Trafficking of children for sexual exploitation

From 1999 until the second half of 2002, an estimated 70 percent of the Albanian victims of trafficking for sexual exploitation were adolescent girls under the age of 18,¹⁰³ although currently this figure has dropped to around 30 percent. 30 percent of trafficked victims who stayed at the IOM shelter in 2002 were under 18 years of age. Only 20 percent of the women sent back from Italy were under 18. According to NGO Vatra, this apparent drop in the numbers of underage girls being trafficked for sexual exploitation does not reflect any real change in trafficking patterns but rather reflects the fact that girls under 18 are not being released by traffickers and deported from Italy. NGOs also suggest that some Albanian policemen sell girls under 18 who return to Albania back to the traffickers

¹⁰² Terre des Hommes Report "The Trafficking of Albanian Children in Greece", January 2003

¹⁰³ Vera Lesko, *Ibid.* p. 7.

and, as a result, these girls simply do not reach the shelters.

Trafficking of children for begging and other forms of forced labour

The number of younger children under 13 trafficked for begging to Greece also fell in 2002. These estimates are based, in the first instance on the number of foreign street children visible on the streets of Greece. In the 1990s there were thousands of street children reported in Italy and Greece, but now the number is much lower and, according to the Greek police, 90 percent of the 300 children arrested for begging each year at the streets of Athens are Albanian.¹⁰⁴ Another new phenomenon is the fact that in 2002 almost 95 percent of children trafficked from Albania came from the minority ethnic groups (Egyptian and Roma) the poorest and the most disadvantaged communities while before children were coming from various ethnic groups and backgrounds.

According to TdH, smaller numbers of trafficked children do not necessarily mean less profit for traffickers but rather a change in their modus operandi, for which there are a few explanations. On the one hand, the police in Greece started to pay more attention to children working and begging on the streets and, on the other, the general public in Greece were informed about begging gangs and the conditions under which children were kept, resulting in much lower profits from begging. Young children are still trafficked from Albania to Greece, Italy and other countries but in lower numbers and have become less visible on the streets. The main purpose of trafficking is no longer begging but, rather, illegal activities such as street work, small-scale organised criminal activities including selling drugs, stealing and selling small items. Witnesses known to TdH claim that there is a clear link between illegal activities and sexual exploitation, which can include paedophilia and child pornography.¹⁰⁵ There is also evidence that infants are being sold, for unknown purposes, possibly illegal adoptions.¹⁰⁶

TdH mentions a variety of purposes for which children are trafficked: exploitation through work, including slavery and forced labour; sexual exploitation, including prostitution and pornography; and illegal activities, including begging, theft, drug trafficking, commercially motivated adoption schemes, trafficking in organs. TdH cites three criteria for identifying child trafficking: the child's place of residence is moved; coercion, including the use of deception, threats or force; and a profit making motive for the benefit of a third person. According to the *Palermo Trafficking Protocol* definition, in the case of children, coercion is not necessary to identify trafficking, if the other two conditions are met.

Another reason for the decreasing numbers of trafficked children is that local communities in Albania now have a greater knowledge and understanding of the issue. Until recently, the majority of parents and children believed in the great opportunities offered by the traffickers to migrants and this belief was supported by the money that was usually sent back to the families. Families became much more careful about accepting offers of arranged work abroad for their children once they had information about the exploitation of children and the conditions in which they were kept abroad. The high proportion of trafficked children from ethnic minorities might indicate that this information has not yet reached them. A factor mentioned above is the increased activity of the Greek police in this area including better border crossing checks and arrests of begging children. There have also been improvements in the Albanian police operation with better

¹⁰⁴ *Trafficking of Albanian Children in Greece*. Report of Terre des Hommes, Tirana, January 2003. p 9.

¹⁰⁵ According to the Terre des Hommes Report there are at least 1500 Albanian prostitutes under 18 in Greece. Ibid. p.12.

¹⁰⁶ Interview with Vincent Tournecueillert, Terre des Hommes, Elbasan, 05 February 2003.

Albania

border checks, more awareness and less corruption.¹⁰⁷

While there has been information on the exploitation of Albanian children in other countries for years, there is little information about the further fate of these children as the majority of them have not returned to Albania.¹⁰⁸ Some of these children have stayed in Greece and other countries with their families. Other children have passed through Greek or Italian orphanages.¹⁰⁹ There is also some information about children being murdered or killed in accidents.¹¹⁰

Migration of children and trafficking

Another issue that has to be raised is the problem of unaccompanied children and the voluntary migration of children as opposed to trafficking. It seems that quite often the issues of migration and trafficking are confused or used interchangeably. NGOs that are assisting children to return to their home countries point out that it is difficult to make a clear distinction between the two issues, especially in cases involving older boys. The definition of trafficking allows all children transported or moved to other locations for the purpose of exploitation to be identified as victims of trafficking. However, the children themselves often do not perceive themselves as victims and state their desire to migrate.

In many cases, children do not want to return home and do not accept the assistance offered. When placed in orphanages or foster homes in the country of destination, they often try to escape and go back to the traffickers. After returning to their home country and their families, they will also try to leave on their own or are trafficked again. The pattern is similar to that of women trafficked for sexual exploitation – regardless of abuse, control, confiscation of money and very bad living and working conditions, these children often prefer to accept their situation, rather than to accept assistance to return home.

While it is difficult to speculate about all possible reasons for this situation, some were mentioned repeatedly in the course of this research:

- Inadequate level of assistance/services offered;
- Lack of trust towards, and understanding of, the assistance system;
- Belief that the act of return means defeat, often accompanied by social stigma;
- Lack of chances to survive upon return;
- Conscious choice to proceed with activities which often give very limited but real chances of survival, which would not be the case if they returned home;
- Responsibility towards family who are dependent on the income produced through exploitation; and,
- Physical and emotional dependence on their traffickers.

¹⁰⁷ *Ibid.*

¹⁰⁸ *Ibid.*

¹⁰⁹ For information about the Italian and Greek policy towards Albanian children in orphanages see: *The Trafficking of Albanian Children in Greece*. Report by Terre des Hommes, Tirana, January 2003.

¹¹⁰ *Ibid.* p. 13.

Bulgaria

Bulgaria borders Greece, FYR Macedonia, Romania, Serbia and Montenegro and Turkey and has a population of 7.5 million. Bulgaria experienced a period of political stability after 1997 when Ivan Kostov became prime minister. Kostov was defeated in elections in June 2001 by Bulgaria's former King, Simeon II, who has sought to press ahead with the market reforms required to meet EU economic targets.¹¹¹ The European Commission strongly supports Bulgaria in its objective of becoming a member of the EU in 2007. The accession strategy for Bulgaria includes a substantial increase in pre-accession aid.¹¹² Bulgaria will become a member of NATO in 2004.

1. Migration, Prostitution and Trafficking

Due to its location, Bulgaria is a country of transit, destination and origin for trafficking in persons. Women and girls from the Republic of Moldova, Romania, Ukraine and other countries of the former Soviet Union are trying to reach Western Europe via the neighbouring Balkan countries. Some of them stay in Bulgaria for a certain period of time before they are trafficked on. In the past couple of years, there has been an overall decrease in the number of Bulgarian women trafficked abroad, although they are still reportedly trafficked to Greece, Germany, the Netherlands, Belgium, Spain, Austria, Poland, France, Turkey, Italy and Cyprus and less frequently than in previous years to FYR Macedonia, Kosovo and the Czech Republic.

The NGO Animus/La Strada researched its client database and found that in Bulgaria, most victims of trafficking are women between 18 and 25 years of age. However, girls of 14 and women over 45 can also fall prey to traffickers. In general, they are single or single mothers, often with a problematic family background (domestic and sexual violence, poverty, alcoholism, absent father). Despite a decrease in the level of unemployment in general, opportunities for women to find satisfactory jobs commensurate with their education and abilities are still lacking. A comparatively new trend is that Bulgaria is no longer only a country of origin but also a country of transit and destination as well.

However, according to Animus/La Strada, Bulgaria is still predominantly a country of origin.¹¹³ Bulgarian women are usually sold to Western Europe through Central Europe (Poland and the Czech Republic). This trade is mostly carried out, according to La Strada, in north-east Bulgaria (near the towns of Dobritch and Varna), in the south of the country near to the town of Plovdiv and in south-west Bulgaria, around the towns of Petrich and Sandansky near to the border.

The Bulgarian police, including the Anti-Trafficking Task Force within the police, are informed about the deportations/expulsions of Bulgarian citizens from various EU countries. In 2002, 18 aeroplanes of illegal migrants were returned to Bulgaria from Western Europe. The police do not regard women

¹¹¹ See site: http://news.bbc.co.uk/1/hi/world/europe/country_profiles/1059735.stm

¹¹² Enlargement Strategy and 2002 report on the progress of the candidate countries. Web page of the European Union: <http://europa.eu.int/scadplus/leg/en/lvb/e50010.htm> (accessed 28 April 2003).

¹¹³ According to La Strada, the Dutch Foundation against Trafficking (STV/La Strada-Holland) reported that they had 54 clients who were survivors of trafficking from Bulgaria in 2002, with Nigerian women the second largest group (c. 20 clients). "Amicale du'Nid" in Toulouse, France reports having 142 clients: 55 French citizens; 56 from East European countries, including 38 from Bulgaria; and 18 from African countries.

who are deported back to Bulgaria as victims of trafficking and those who engage in prostitution are well known to them. The information about women working in the sex industry is stored in a special database, which has a category for "notorious prostitutes". For example, on the aeroplane from the Netherlands landing in Sofia at the end of 2002, there were 90 passengers, among them 27 sex workers. Only three of them were not registered and known to the police, but neither were they recognised as victims of trafficking.

IOM operates programmes for stranded Bulgarian migrants and humanitarian cases from countries of origin such as Belgium, Norway, Switzerland, Holland, Ireland, Austria and France. Only a small number of migrants fall into this category, amounting to 130 persons in 2002. IOM also repatriated 16 unaccompanied children in 2002, who have been reintegrated in their families and Bulgarian society with assistance from IOM and the relevant Bulgarian authorities.

Bulgarian women, the majority of them from the Roma and Turkish minorities and mostly from the poorer areas bordering on Greece and Romania - although some are from towns on the Black Sea coast - are also becoming victims of internal trafficking. They are trafficked from their home towns or villages to be prostitutes in the larger Bulgarian towns and cities. Women from the north eastern part of Bulgaria are taken to the south-west from where they can be taken to Greece and Albania and back.

According to the Anti-Trafficking Task Force within the Ministry of the Interior, 2,500 – 3,000 Bulgarian women are known by the police to be working as prostitutes in Bulgaria and abroad. According to the same sources, there are no more than 100 Bulgarian prostitutes in France and no more than 2,000 in the whole of the European Union. The numbers quoted by a foreign journalist of 12,000 – 15,000 Bulgarian prostitutes in France alone are, according to the police, "completely unreliable".¹¹⁴ According to the Health and Development Foundation, there are at least 2,000 women working in prostitution in Bulgaria, while the National Police Directorate of the Ministry of the Interior judges the number of Bulgarian prostitutes in the country and abroad to be between 3,000 and 5,000.

The prostitution market is not as hidden in Bulgaria as in other countries of the region as prostitution is not a crime, but the law penalises procurers and pimps. According to the Health and Development Foundation, the prostitution market in Bulgaria, especially in Sofia, is divided into several sectors. The lowest group comprises women working the streets and highways. They are completely dependent on their pimps and earn the lowest wages. Many of them are from the minority groups (70 % are Roma or Turk), some of them have been sold by their parents, some are underage and with very low level of education. These women are also often sold from pimp to pimp and trafficked within the country and abroad. An estimated 60-70 percent of women working on streets have already worked abroad.¹¹⁵

The second group of sex workers are those working from bars and motels, and the third group work in hotels. They are also not able to work on their own, but are not as dependent on the pimps as the street prostitutes. They usually pay "protection money" (about 50 % of earned money) to the bar owners/pimps in exchange for protection from the police and harassment from other pimps. The top group is the women who work for escort services. This kind of activity can be even legalised if a woman decides to

¹¹⁴ Interview with Plamen Petrov, the Head of the Anti-Trafficking Task Force of the Ministry of the Interior, Sofia, 25 January 2003.

¹¹⁵ Interview with Elena Kabakchieva from Health and Development Foundation. Sofia, 26 January 2003

buy an official license as a "companion". As the license is very expensive, 4,000 leva per year (approximately € 2,000), there have until now been only four registered escort services in Bulgaria, while the number of illegal services, judging just from the number of newspaper advertisements, is much higher. There are not many foreign women working on the streets in Bulgaria; women from Russia and Ukraine usually work in bars and motels.

As in other countries, women working in the sex industry form a high-risk group for trafficking and many of them become victims of trafficking.

2. Current Responses

2.1. National Plan of Action

The development of the first National Plan of Action (NPA) was initiated and facilitated by Animus/La Strada with the aim of uniting and co-ordinating the efforts of all institutions into national strategy against trafficking. The draft NPA was prepared by Animus/La Strada and was based on ideas arising from two inter-institutional round tables organised in 2000. Specialists and representatives of all institutions engaged in trafficking took part in the round tables - the National Police Force, the National Service for Combating Organised Crime, the Border Police and the other structures of the Ministry of the Interior, the Ministries of Foreign Affairs, Labour and Social Policy, Health, Education, Justice, the National Healthcare Fund, and representatives of municipal and county administration, as well as NGOs. The draft NPA was prepared in 2001 and presented to the Stability Pact Task Force on Trafficking in Human Beings (SPTF) by the Bulgarian Government the same year.

Since 1999, the Bulgarian government has focused its anti-trafficking initiatives on legal reform and law enforcement, led by the Ministry of Justice and the Ministry of the Interior. In June 2001, the Ministry of Justice approved the creation of a formal inter-ministerial legislative working group to draft a comprehensive law to address human trafficking. The working group drafted a comprehensive anti-trafficking bill to give legal guidelines for the obligations of the National Commission to Combat Trafficking and its local units. The legislation would apply to all the Ministries and state agencies that are members of the Commission. It was, therefore, assumed from the beginning that the Bulgarian action plan/strategy against trafficking would become part of the legal system and have a higher, more obligatory character than a plan of action.

The Council of the Ministers approved the draft presented by the working group, which included the strategy and the concrete obligations for every Ministry. The draft was put up for adoption in the Council of Ministers legislative programme for 2002. The Government adopted the draft law in the summer of 2002 and sent it to the Parliament for ratification.¹¹⁶ The Parliament also approved the changes to the Penal Code which criminalised trafficking.

Once both legal changes were approved by the Parliament, a legal system was created which set up the legal framework for combating trafficking and clarified the legal obligations of different Ministries, agencies and units of the court system. The fact that the anti-trafficking strategy is incorporated into a legal act gives it more power and allows the National Commission to maintain a higher level of supervision and co-ordination. It also creates the

¹¹⁶ On 7 May 2003 the National Assembly adopted a Law on Combating Illegal Trafficking in Human Beings (promulgated in the State Gazette ? 46 of 20 May 2003), which has been in force since 23 May 2003, except for the texts regulating the establishment of the National Commission and the local commissions, the shelters for temporary housing and the centres for support and assistance of trafficked persons, which will be in force as from 01 January 2004.

Trafficking in Human Beings in South Eastern Europe

Bulgaria

legal mechanism whereby the National Commission develops a concrete action plan every year that the Government shall adopt and fund.

The *Combating Trafficking in Human Beings Act* stipulates the establishment by the Council of Ministers of a National Commission to fight Illegal Trafficking in Human Beings and local commissions to co-ordinate and oversee the actions of the state institutions dealing with trafficking. The National Commission should be chaired by a deputy Prime Minister selected by the Council of Ministers. Members of the Commission shall include representatives of all relevant Ministries at the level of Deputy Minister, as well as deputies of the Chair of the Supreme Court of Cassation, of the Prosecutor General and of the Director of the National Investigative Service, as well as representatives of Bulgarian NGOs and international organisations working in the area of preventing and combating human trafficking.

The National Commission is responsible for:

1. Co-ordinating the co-operation between the relevant agencies and organisations combating and preventing trafficking;
2. Administering the implementation of the state policy and determining the strategy for combating human trafficking;
3. Drafting an annual national programme for the prevention of trafficking and victims' support that is subject to approval by the Council of Ministers;
4. Carrying out research, analysis and data collection regarding human trafficking;
5. Assisting in international co-operation for the prevention and combating of trafficking;
6. Carrying out information and awareness-raising campaigns for potential victims of illegal trafficking;
7. Developing training curricula for officials responsible for the prevention and combat of trafficking; and,
8. Managing and supervising the activities of the local commissions, and the centres for support and assistance to trafficked persons.

The National Commission should also establish local commissions in certain Municipalities. The local commissions should:

1. Ensure co-operation between the relevant agencies and organisations in the region;
2. Implement the national programme for prevention of trafficking;
3. Provide assistance for research, analysis and data collection;
4. Participate in international co-operation on prevention;
5. Carry out informational, awareness raising and educational campaigns; and,
6. Implement training for the officials responsible for combating human trafficking in the region.

The law provides for the protection and assistance to victims of trafficking in full compliance with their human rights, as well as promotes "...co-operation between governmental and municipal authorities as well as between them and NGOs for fighting the illegal trafficking in human beings and developing the national policy in this area".¹¹⁷ Therefore, the Law on Combating Trafficking in Human Beings also puts responsibility on the government to develop a national strategy, which will result from the co-operation of governmental institutions and NGOs.

The Ministry of the Interior has established a Task Force to Combat Human Trafficking in Persons for Sexual Exploitation. This Task Force was formally

¹¹⁷ *Law on Combating the Illegal Trafficking in Human Beings*, Bulgarian Ministry of Justice, adopted in May 2003.

established on 18 June 2001 by an intra-Ministerial Memorandum of Understanding (MOU) to address human trafficking for sexual exploitation within the South Eastern European Co-operative Initiative (SECI) framework.

2.2. Anti-trafficking legislation

In 1999, the Bulgarian Government began its actions against trafficking by focusing on two areas: law enforcement, where the Ministry of the Interior initiated several actions, and legal reform, led by the Ministry of Justice with the assistance of the international organisations. These actions were prompted by the requirements to adjust the local law to EU standards and by signing up to the UN Convention Against Trans-national Organised Crime and its two protocols.

The Ministry of Justice prepared a new section IX *Trafficking in persons* for the Criminal Code (Article 159a – 159c). The definition of trafficking used in this section, in Article 159a, is based on the *Palermo Trafficking Protocol*. The draft law was sent to Parliament in Spring 2001 and went through the first reading before the change of government later in that year. It was accepted by the Parliament in September 2002 and it has been in force since 1 October 2002. According to the new law, the penalty for the common act of trafficking is 1 to 8 years imprisonment and a fine of up to 8,000 leva (about US\$ 4,760). Trafficking committed by special means (of a person under the age of 18, by using force or misleading, by kidnapping or unlawfully depriving of liberty, by taking advantage of state of dependency, through misuse of authority, by promising, giving or receiving benefits), is more heavily penalised, 2 to 10 years imprisonment and a fine of up to 10,000 leva (about US\$ 5,950). For trafficking across the border, the penalty is from 3 to 10 years imprisonment and a fine of up to 15,000 leva (US\$ 8,900). When the act of trafficking is carried out in connection with organised crime or constitutes dangerous recidivism the punishment should be between 5 and 15 years imprisonment and a fine of up to 20,000 leva (about US\$ 11,900), with the court having the right to confiscate the perpetrators assets or part thereof.

According to Article 156 (1) of the Criminal Code, the penalty for kidnapping for the purpose of debauchery is up to 10 years imprisonment and a fine of up to 1,000 leva (US\$ 600). The new decree, Article 156 (2), establishes three additional, heavier charges for which the penalties will be imprisonment for between 3 and 12 years (when victims are under 18 and when the purpose of abduction is that the victim will commit debauchery outside the country).

Another issue closely related to the prosecution of traffickers is protection of the victims of trafficking, especially in their role as witnesses. The decree for witness protection was adopted in 1997. Article 97(a) of Criminal Procedures Code guarantee that witness identity will be protected in cases where their lives, and the lives of their relatives, and their health and property are endangered. As the result of this decree, victims are not obliged to sign the interrogation reports in police stations, to take part in confrontations, or be put in contact with any persons involved in the crime.

The protection of trafficked persons when they act as witnesses and collaborate with the preliminary proceeding authorities, has been stipulated in Article 97a of the Legal and Procedural Code. Witnesses are protected either upon their request or with their consent, if there are enough reasons to presume that as a result of providing evidence, a real threat with respect to their life, health and property and/or that of his/her relatives has arisen or may arise. Witness protection is secured by concealing his/her identity

Trafficking in Human Beings in South Eastern Europe

Bulgaria

and by providing security measures for him/her.¹¹⁸ However, according to the police, these measures cannot be implemented because there is no law to back up these articles in the Criminal Procedures Code. For this reason, an inter-institutional working group under the leadership of the Ministry of Justice was founded to draw up a draft law on witness protection.

Prostitution itself is not illegal. The Criminal Code describes charges that can be brought against persons who procure, organise and distribute paid sex services of women or children.

The new anti-trafficking law, the *Bulgarian Law on Combating the Illegal Trafficking in Human Beings*, has been in force since May 2003. It includes several provisions, which may be highly relevant for combating trafficking.

- It foresees setting up shelters for temporary housing for victims of trafficking, which are supposed to be organised by municipalities or NGOs licensed to provide social assistance;
- The victims of trafficking should be granted full support by government agencies and shelters in accordance with the law;
- Bulgarian diplomatic posts abroad should provide assistance and co-operation to Bulgarian victims of trafficking;
- Victims should be treated with confidentiality, their identity protected by the law;
- The State Agency for Child Protection (SACP) should be informed about all cases of trafficking in children;
- Children should be accommodated in separate premises, granted education and the possibility of seeking their family or having guardianship established; and,
- Victims/witnesses should be granted a status of special protection including:
 - Permit for long-term stay in the country
 - Prolonged stay in the shelters
 - Granting special protection under the provisions of the Criminal Procedure Code

The Bulgarian Law on Combating the Illegal Trafficking in Human Beings is the most comprehensive legislation proposed in the region to date. It answers all the questions and addresses the problems that agencies dealing with the issue of trafficking are facing. It makes clear the obligations that the state and assisting agencies have towards the victims in the process of assistance, which should be focused on protecting their rights. It also clearly stipulates the special rights and special protection to which child victims of trafficking are entitled.

However, it has to be pointed out that this law makes a clear distinction between the rights of the victims of trafficking who are willing to co-operate with law enforcement agencies and those who do not want or are not able to do so. The Tirana Declaration, also signed by Bulgaria in December 2002, provides all victims of trafficking with the same right to a recuperation period of three months, but the law stipulates that a foreign national can only be granted the status of special protection, an extended residence permit and the prolonged (longer than 10 days) stay in the shelters if they are willing to co-operate in detecting the traffickers. There is also no provision in the law for granting victims of trafficking legal assistance and legal representation. According to the law, victims should only receive information about the administrative and legal procedures. The new Bulgarian anti-trafficking law also encompasses the issue of child

trafficking. It legislates for a longer period of investigation, which grants the child the right to stay longer in the shelter and to be protected for longer for separate accommodation from other victims, contact with the SACP and treatment according to the new Child Protection Act.

While the amendments to the Criminal Code are already approved, there are still some questions about the implementation of the law and the procedures that should be used for the prosecution of trafficking cases. The Criminal Procedures Code does not stipulate that the cases prosecuted under the new Article 159 are the type of cases that should go to the National Investigative Service (i.e. be prosecuted by the specialised prosecutors at state level). At present, these cases are sent to the Prosecutors Office or the Regional Investigative Office where there are no investigators who have the experience and knowledge to work on trafficking cases.

2.3. Victim Assistance

2.3.1. Identification

According to the police, 117 trafficking victims were identified in Bulgaria in 2002. 30 percent of them were Bulgarian nationals, victims of international trafficking, who had been sent back to Bulgaria; the rest were victims of internal trafficking who had been assisted. 72 were girls under 18 - that is 61 percent of all victims identified.¹¹⁹

Internally trafficked Bulgarian women and girls are identified as victims of trafficking either by the police or by NGOs when the women/girls contact their hotline. In the majority of cases, Bulgarian women trafficked abroad are identified as being trafficked by the police in the country of destination.¹²⁰ Women who return with support of La Strada are referred to Animus/La Strada by NGOs working with the victims of trafficking in countries of destination in Central and Western Europe or had contacted La Strada directly via the hotline.

In 2001, IOM signed a MOU with SECI and an agreement with the Bulgarian Government. IOM is recognised as the principal referral agency that assists Bulgarian victims of trafficking to return, as well as for foreign nationals returning to their countries of origin from Bulgaria. IOM supports only those trafficked persons who agree to take part in their return programme. All people complete the interview forms and answer questions referring to their circumstances before and during trafficking. Between January 2000 and July 2003, IOM supported about 300 women victims of trafficking. In 2001, a total of 92 were assisted, of which 53 Bulgarians and 39 were foreign country nationals.

In 2002, IOM assisted a total of 124 victims of trafficking, 3 of them foreign country nationals. The remainder were Bulgarian nationals. 31 of them were referred to IOM either by IOM offices or by foreign NGOs returning Bulgarians from Albania, Italy, Kosovo, Macedonia, Germany, France, Belgium and Spain. The Police Anti-Trafficking Unit referred another 67 to IOM after Operation Mirage – of whom only one was a foreign national from Romania. The balance were referred by police during the course of year.¹²¹ As a result of participation in Operation Mirage, the IOM statistics for

¹¹⁹ Interview with Plamen Petrov, the Head of the Anti-Trafficking Task Force of the Ministry of the Interior, Sofia, 25 January 2003.

¹²⁰ According to IOM statistics, 27 % of the victims are returned to Bulgaria by IOM Missions, 65 % by law enforcement agencies, 7 % by foreign NGOs.

¹²¹ Interview with Plamen Petrov, the Head of the Anti-Trafficking Task Force of the Ministry of the Interior, Sofia, 25 January 2003.

Trafficking in Human Beings in South Eastern Europe

Bulgaria

Bulgaria for the year 2002 include more women and girls who were internally trafficked or under 18 than in other countries. 2 foreign country nationals who were victims of trafficking were accommodated in the IOM shelter in Sofia prior to being assisted to return home (to Georgia and Romania). IOM also assisted 12 victims of internal trafficking separate from Operation Mirage. All 12 victims had been trafficked abroad prior to the internal trafficking and referral to IOM.

In the first 7 months of 2003, a total of 47 victims of trafficking were assisted to return from Albania, Macedonia, Kosovo, Italy, Germany, France, Belgium, The Netherlands, Poland, Spain and Lebanon. 3 of them were foreign nationals and 7 of them were under 18.

La Strada/Animus returned 34 women in 2002 as a result of co-operation with NGOs working in the countries to which women had been trafficked¹²² or through the hotline contact, in cases of internal trafficking (3 women).

The police are aware of all the victims of trafficking coming back to Bulgaria who have been in contact with IOM or Bulgarian consulates. They do not, however, have information about the women assisted by La Strada, as La Strada refuses to pass on information about returning women without the women's consent.

2.3.2. Assistance

Until the government system of assistance for the victims of trafficking is established and becomes operational, the support for the victims of trafficking will continue to be provided only by local NGOs and the IOM.

According to a representative of the National Organisation of Police Women, the main problems that the women who are returned to Bulgaria are facing are issues of protection and service provision. While the Police Special Task Force is interested in combating organised crime and is willing to provide special protection to some victims/witnesses, many returning women are threatened by the traffickers in their communities and are left without any support. The small criminals operating in their towns or villages who might be very dangerous to women and their families or who can force women back into prostitution, are not of interest to the police dealing with organised crime.¹²³

IOM

IOM started its programme of assisted return to and from Bulgaria in 1999. It includes safe transportation assistance, pre-departure and arrival assistance, documents procurement, escort in transit, safe accommodation, financial support and a reintegration programme.

Until the end of 2001, IOM did not have its own shelter but provided safe accommodation for people in transit, returned Bulgarians in need of special protection, or referred victims of trafficking to the shelters run by local NGOs. In 2002, IOM opened its own fully operational shelter with capacity for 20 people. Currently, almost all women and girls victims of trafficking referred to IOM Sofia accept accommodation in the IOM shelter until initial medical and psychological screening has been conducted and a reintegration programme devised. The shelter has 24-hour security paid by IOM. There are medical services and social services, as well as social

¹²² Germany, 13; France, 8; The Netherlands, 3; Belgium, 2; Austria, 2; Italy, 1; Central European countries, 5.

¹²³ Interview with Radostina Yordanova from National Organisation of Police Women in Bulgaria, Sofia, 26 January 2003.

workers who can accompany women and girls to visit doctors and psychologists. The stay in the shelter is voluntary and is not subject to any conditionality. However, women and girls are not allowed to leave the shelter on their own as they are either witnesses in need of special protection during the initial period of investigation and trial or seeking personal security and confidentiality for recuperation. The shelter organises social, cultural, recreational activities to which women and girls are escorted.

While officially there is no direct connection between the provision of services and the willingness of the women to testify, in reality almost all women in the IOM programme are interviewed by the police and give testimonies. The police assess if the testimony carries enough weight to open a case against the traffickers. If the traffickers are to be prosecuted, and/or if it is assessed that the women are in need of long-term protection, they are offered special protection and accommodated in the IOM shelter outside Sofia, which is used especially for that purpose. In cases of victims who do not require special protection, IOM co-operates with the Nadia Centre, an NGO that runs a shelter for the victims of domestic violence.

Victims of trafficking who participate in the IOM programme are also entitled to a reintegration grant. IOM also offers some reintegration activities to women who are interested, such as job orientation and vocational training. To date, 25 women have been through the vocational training course.

IOM maintains contact for up to one year with 20 percent of their clients, although contact usually terminates when service provision stops. IOM has no information about the number of their clients who found jobs and were able to start a new life after returning to Bulgaria.

IOM is also involved in capacity building for the local councils, which is supposed to help them in the establishment of a Local Commission to combat trafficking and to develop the regional anti-trafficking plans of actions, as stipulated in the new anti-trafficking law.

Nadia Centre

The Nadia Centre is a psychosocial centre to help women who have suffered various forms of violence (physical, sexual, emotional). The multidisciplinary team consisting of medical doctors, lawyers, psychologists, social workers and volunteers helps and supports women victims of violence by providing them first with psychological aid, medical and social consultancy and legal advice. The work is based on an individual case management approach. An individual plan for the healing process and a long-term strategy for reintegration are prepared for every single case. If necessary, women are referred for examination, therapy, social support or consultation to other medical and social services. The shelter has capacity for 16 people. Boys over 16 years of age are not admitted. The standard period of stay "to cover the crisis period" is six weeks. If necessary, women can stay longer. One victim of trafficking stayed in the shelter for six months.

In all cases of trafficking, the shelter co-operates with the other institutions involved, including IOM, the National Service for Combating Trafficking in Human Beings and the National Border Police. In 2002, the Nadia Centre sheltered 60 persons, including 16 victims of trafficking referred by IOM and three cases referred by the Border Police. The police brought 14 victims of trafficking to the shelter after Operation Mirage, 6 of whom were under 18. There is no special treatment or services for children victims of

Trafficking in Human Beings in South Eastern Europe

Bulgaria

trafficking. However, in the case of children and adolescents under 18, the shelter is obliged to make contact and to co-operate closely with the SACP and the Special Department for Child Protection within the Municipal Social Protection Services.

The Nadia Centre also has a hotline on violence, sex abuse, street violence, rape and trafficking. The line is open Monday to Friday from 9am to 5pm.

Bulgarian Red Cross

IOM also co-operates with the Bulgarian Red Cross, which has six shelters for vulnerable and homeless children or juvenile delinquents so that they can accommodate children and adolescents under 18. According to IOM, they always need the permission of the parents to take care of children and adolescents - a mandatory written Declaration of Consent signed by the child's parents. Such arrangements are always co-ordinated with the respective institutions responsible for childcare and protection such as SACP and The Central Committee for Combating Child Delinquency. When the family situation is difficult, children and adolescents under 18 have to be accommodated in special shelters for juvenile delinquents.

"Animus Association" Foundation/La Strada Programme-Bulgaria

In 2002, La Strada was approached by 281 persons in relation to trafficking, either through the hotline or by direct contact. 78 were women and girls at risk, 51 relatives of victims, 105 victims and survivors of trafficking, 47 other people who are involved with the problem. The Animus/La Strada hotline for the victims of domestic and sexual violence and trafficking, open 24 hours per day, received 176 phone calls related to trafficking in 2002.

La Strada assisted approximately 30 women to return safely to Bulgaria in 2002. 36 women, including those internally trafficked stayed in the La Strada crisis unit and took part in social programmes. 14 women took part in counselling and therapeutic programmes and 19 received support via telephone consultations.

In cases of international trafficking, La Strada is notified by their NGO partners from abroad of the time of arrival and the mode of transportation that the woman is using. The woman is met by the one of the La Strada staff and transported to safe accommodation where she can stay for the time necessary to obtain new identity documents, if required. La Strada psychologists work with the woman during the first few days to assess together her situation and to look for the best solutions. Part of this work is to design a "Safety Plan", a clear assessment of potential dangers and problems and a list of measures and actions that should be taken to avoid them. La Strada also helps women to contact other services in order to avoid re-traumatising and victimising of the women by police, municipal, social and medical services.

For women who return with the help of an NGO, one significant advantage is that they are not registered with the police or other authorities and are therefore, not stigmatised for working as prostitutes. In almost all cases, women do not want to contact the police because they do not want to be registered and are afraid of repercussions from the traffickers. In few cases when women were willing to share information with the police, La Strada contacted a police officer who talked to the woman, collected the information and passed it on to the Anti-Trafficking Task Force. Even so, the Anti-Trafficking Task Force has accused La Strada of obstructing the

prosecution and withholding information.¹²⁴ The conflict between the different interests and approaches one focused on effective prosecution (including collecting information, storing information about victims, using information from the victims as evidence and pressuring women to testify), and the other on the protection of the rights of the victim and preventing any harm from the process of assisting the police is visible.

Usually, women who return with La Strada's assistance want to go back home. In cases where this is possible, they return home and only come to visit La Strada for further support, therapy and other available services. When they cannot return home, they stay in the crisis unit until they are able to find another safe place. In a couple of cases when women were in need of a shelter for a longer time, La Strada approached the Nadia Centre to see if the women could be accommodated in their shelter, but this was never possible due to a lack of space.¹²⁵

In 2001, 16 percent of La Strada's clients were girls under 18, but this number has decreased since the enforcement of the Child Protection Law. In all cases, the Child Protection Agency, the Child Protection Units and/or the Court were officially referring these girls to Animus/La Strada and/or giving La Strada permission to work with them. La Strada's helpline is also a point of contact for trafficked girls under 18.

In May 2002, La Strada started a pilot project in the co-operation with International Research and Exchanges Board (IREX)¹²⁶ called "The Alternative Centre". The project established an "initiative and empowering" programme at Animus' Rehabilitation Centre, which focuses on work with high-risk groups and on the reintegration of victims of trafficking through professional development. The project targets young women who are unemployed and aims to empower women and prevent trafficking through professional development. The programme aims to provide young women with the skills necessary to look for a job or to start a small business. Further developments will be the creation of a network of institutions that might be helpful to women – NGOs, training providers, social services and private companies. Women will receive training, individual consultations, and, in some cases, small grants to start their own businesses (up to US\$ 2,000). The programmes will be presented to the Ministry of Labour as examples of good practice and hopefully will be duplicated in the future.

An important factor in the Animus Association/La Strada programmes is that they focus on the quality of the services rather than on quantity as a general strategy and policy. For this reason, the organisation is mainly focusing professionally on services for clients - women and adolescent survivors of violence, including trafficking - as well as on development of its training centre. There are 10 professional psychotherapists, psychologists and clinical social workers working in the organisation under the regular supervision of Bulgarian and foreign professionals.

The following programmes are being developed to increase the effectiveness of services and are available for all female survivors of trafficking, women and girls:

- 24-hour Help-line to support women victims of violence (identifying the problem, exploring alternatives, offering information or specialised help, prevention of trafficking in women by offering information and

¹²⁴ Interview with Milena Stateva and Nadezda Stojceva from Animus/La Strada, Sofia, 23 January 2003.

¹²⁵ *Ibid.*

¹²⁶ See chapter on Regional initiatives.

Bulgaria

- raising awareness about the risks of being involved in forced prostitution, support and information to relatives of women and girls at risk or in trafficking situation);
- 24-hour Crisis Unit (crisis accommodation for several days, identifying the abuse and assessing the danger together with the victim, crisis intervention, supporting the victim and helping her to regain control over her own life, planning for security if the victim is in danger, counselling the victim's family);
 - Social Programme for rehabilitation (meeting women who have just returned to Bulgaria and working out plans for their immediate needs, arranging a shelter if necessary, assistance to obtain new identity documents, assistance to return to her place of living if so wished, research and assistance to find a job, assistance in contacting other services that aim to avoid re-traumatising and victimising women, such as the police, and municipal, social and medical services, etc.);
 - Urgent Humanitarian Aid Programme (providing medical care and medicines, food, basic items such as clothes, toilet articles, etc., children's or baby's articles if necessary);
 - Counselling Programme for psychological support and coping with PTSD¹²⁷ (assessing PTSD, long-term psychotherapy to overcome the consequences of the trauma, and specialised long-term psychotherapy adolescent survivors and witnesses of violence); and,
 - Initiative and Empowerment Programme for Women who have survived or are at risk of trafficking (assistance to find a job, training in assertiveness, training in job skills, individual counselling, training of trainers).

2.4. Trafficking in children

In 2001, the state institutions, governmental authorities and assisting agencies did not consider that child trafficking was a problem in Bulgaria. La Strada pointed out in 2002 that while some years ago at least 50 percent of trafficked women returning to Bulgaria were under 18, in recent years this percentage has dropped (approximately 16 % of La Strada's clients from January 2001 until the end of 2002 were trafficked children).¹²⁸ Among the victims supported by IOM in the year 2002, 47 percent were girls under 18. This is largely a result of the referrals to IOM during Operation Mirage when 57 out of a total of 67 victims of trafficking referred to IOM by the police were girls under 18. If the Operation Mirage referrals are excluded, however, the percentage of children varied between 8 and 15 percent on average over the period 2000-2003. According to police records, more than 60 percent of the victims of trafficking identified were girls under 18 (72 out of 117).

According to the Health and Development Foundation, there are not many girls under 18 engaged in prostitution on the streets of Sofia. However, when the Police Special Task Force conducted raids of the local prostitution market as part of Operation Mirage, 57 of the 67 women and girls interviewed were under the age of 18. Almost all of them were of Bulgarian origin and were stopped in Bulgaria and treated as victims of internal trafficking. Allegedly, there are even more adolescent girls still attending school who are starting to work as prostitutes and could easily become victims of trafficking, as well as girls sold to pimps by their parents.

All the available data refer to victims of trafficking for sexual exploitation.

¹²⁷ Post traumatic stress disorder.

¹²⁸ La Strada points to the role of the Child Protection Units and the fact that the reduction in the numbers of girls under 18 who have been assisted might reflect the increasing role of the CPUs in the assistance procedures, rather than fewer underage victims *per se*.

There is no information about the number of children trafficked for other purposes, although the co-operation between some of the EU countries and Bulgaria to return unaccompanied children and adolescents under 18 might reveal more data on the trafficking of children.

Excluding the Operation Mirage referrals, 6 girls under 18 were assisted by the IOM in 2002 – 2 were voluntary returns from Germany and France and 4 were internally trafficked, amounting to 10.5 percent of all assisted victims of trafficking. In the first 7 months of 2003, IOM assisted 7 adolescent girls under 18 through voluntary returns and reintegration programmes for victims of trafficking for sexual exploitation. 2 of them returned from Belgium to Bulgaria, 4 were internally trafficked, and 1 Romanian national returned from Bulgaria to Romania.

2.5. Prosecution

There were 26 criminal procedures initiated against traffickers before the new anti-trafficking law was in place. The traffickers were accused under the Criminal Code Articles 155 and 156 on procuring/organising prostitution. The number of convictions is unknown.

In 2002, the police carried out about 20 operations against trafficking around the country. In the course of these operations they identified 117 victims of trafficking, of whom 72 were girls under 18. During Operation Mirage, 65 traffickers were identified, but the number of prosecutions pending or ongoing is unknown.

There are also 3 cases pending against traffickers accused under the new anti-trafficking Article 159 (b) of the Criminal Code. Criminals against whom the charges are being brought were in custody for 3 months to prevent them from contacting victims/witnesses and from trying to intimidate them and force changes in their testimonies. The police in cooperation with IOM, are trying to protect witnesses by keeping them in protected, rented apartments. The police are aware that victims/witnesses need more protection than that which is available at this moment and that their testimonies depend on their feelings of safety and security.

There has been a witness protection law in Bulgaria since 1997, but it is not really implemented. To date there have been no convictions for procuring and/or trafficking in Bulgaria. One pimp was convicted for beating up a client and was put on probation.¹²⁹

3. Summary

Judging from the number of Bulgarian women and girls assisted in the Balkan countries and the number of trafficked women and children from Bulgaria who receive assistance after returning to their country, the trafficking of women and girls from Bulgaria is decreasing. However, NGOs from Poland and Western Europe cannot confirm that the numbers from Bulgaria among trafficked women and children with whom they have contact is decreasing. Further there are new patterns emerging in Bulgaria: trafficking to Bulgaria and internal trafficking within the country, especially in children. It has to be stated however, that there is still no reliable information about the scope of trafficking within the country and of trafficking in children.

The new anti-trafficking law in Bulgaria is the best example in the region of comprehensive anti-trafficking legislation that also covers the issues of

¹²⁹ Interview with Elena Kabakchieva from the Health and Development Foundation. Sofia, 26 January 2003.

Trafficking in Human Beings in South Eastern Europe

Bulgaria

prevention and victims assistance and is based, to a certain extent, on human rights principles. This law also provides for the development of short-term plans/national strategy and a comprehensive system of support for victims/witnesses.

For this law to be effectively applied, certain actions must take place:

- Development of the structures specified in the Law at central and regional levels;
- Development of regulations for its application at all levels;
- Training of specialists to work at the grass-root level in accordance with the requirements of the law;
- Training for the implementing agencies;
- Monitoring of the application of the law;
- Development of new working plans as the situation changes; and,
- Establishment of special procedures for prosecuting traffickers (handing cases on to the specialised prosecutor) and amending the Criminal Procedures Code.

The most important achievement of the new law is the acknowledgment that trafficking in persons and the state's obligations towards them do not end with victims return to Bulgaria and that there is need to create a comprehensive system of social help and support to which the victims of trafficking are entitled. While the new law is a big step forward and should be very helpful when implemented, to date the involvement of government agencies in the protection/assistance activities has been minimal.

Identification of trafficking victims is carried out by:

- IOM (women referred by IOM programmes in countries of destination);
- Police (women expelled from EU countries– usually not recognised as trafficked);
- La Strada (referrals from NGOs in EU countries);
- La Strada hotline (internally trafficked women, women trafficked to Bulgaria); and,
- Nadia Centre hotline for victims of violence.

There are, however, no standards for identification of victims and no co-operation between the agencies involved in the process of identification. Nadia Centre/IOM and La Strada provide services for the victims of trafficking. There is a visible tension within the existing system of support run, on the one hand, by IOM in co-operation with the Ministry of the Interior (based on a MOU) and implemented by the Nadia Centre and, on the other hand, by La Strada, which co-operates directly with NGOs in the countries of destination.

From the perspective of law enforcement agencies, the priorities are:

- Combating the crime of trafficking in human beings;
- Effective prosecution;
- Collecting evidence from witnesses; and,
- Collecting and storing information about all victims.

From the perspective of the human rights NGOs, the priorities are:

- Acting in the best interest of the victim;
- Effective protection of the victims and assuring their safety;
- Confidentiality of data and received information;

- No action without the informed consent of the client;
- Protecting clients from further victimisation by the authorities;
- Informing clients about the dangers of testifying; and,
- Establishing long-term psychological support.

The MOU between IOM and the Ministry of the Interior provides clear rules and obligations of the state and the IOM towards each other, but not towards the victims of trafficking. La Strada has a very clear policy and standards of work based on human rights principals and places the interest of the supported individual above the interests of other agencies. Although the above listed principles are not mutually exclusive and should be implemented jointly, the situation in Bulgaria shows that it is not always easy so to do.

Some of the human rights concerns of La Strada seem to be extremely valid. Witness protection measures are not implemented in Bulgaria and victims of trafficking who co-operate with the police are not sufficiently protected. While the informal initiatives of the police to protect trafficked women and girls are very positive, they cannot replace structural mechanisms that should be put in place. The special protection of witnesses stipulated in the new law is another very positive development. However, from the perspective of human rights protection, this provision should be expanded to all victims regardless of their will or ability to testify against traffickers.

There is no information on the impact of the support programmes provided by Nadia Centre/IOM and La Strada. Neither is there any information about concrete results or the number of women who were able to support themselves and become independent as a result of IOM's reintegration programmes.

While the Special Police Task Force on trafficking is to be praised for effective, well organised work and for dedication, they have to struggle with ill defined criteria for identifying victims (especially internally trafficked) and the unclear interpretation of the definition of trafficking. The grounds for making distinctions between trafficked women, prostitutes, under-age prostitutes, unaccompanied children and trafficked children are extremely hazy. For example:

- Using trafficking to work on other issues (actions to suppress prostitution, for example);
- Limiting trafficking only to trafficking for sexual exploitation (overlooking other groups of possible victims, including children trafficked for forced labour); and,
- Mixing trafficking in children with migration of unaccompanied children and adolescents.

Finally, there is also a danger that the treatment and assistance to victims will not be adequate if they are mixed with other groups and that victims will be further victimised/criminalised (by including them in the database of prostitutes, for example).

4. Bulgaria case study: assistance to children

Increased awareness of child trafficking

As mentioned above, there was no information and no awareness about trafficking in children in Bulgaria until last year. The situation has recently begun to change as almost all institutions have become aware of the problem. The statistics show that almost all victims of internal trafficking for sexual exploitation are girls under 18 and that there are also many unaccompanied children and adolescents who are being sent back (or

Bulgaria

waiting to be sent back) to Bulgaria from Western European countries. There are several reasons for this change:

- A new agency - the State Agency for Child Protection (SACP) - was established for child protection and is responsible for the promotion and implementation of the new law on child protection. The Child Protection Act was introduced in 2000 and SACP started to operate in 2001;
- A National Plan of Action Against Sexual Exploitation of Children was introduced and is run by SACP;
- In 2002, the government gave the Ministry of the Interior the responsibility for the protection of child victims of trafficking. According to the Anti-Trafficking Task Force, 143 children who were victims of trafficking were placed in the facilities for juvenile delinquents, where they stayed from 3 days to 3 months;¹³⁰
- One of the results of this new interest on the part of the Ministry of the Interior was also the special focus, during the Bulgarian part of Operation Mirage, on the internal trafficking of girls under 18 for prostitution;
- A co-operation with France was set up aimed to assist Bulgarian girls under 18 to return to Bulgaria;
- The Ministry of Foreign Affairs received requests from Italy, Austria and Belgium to trace the families of unaccompanied children and adolescents of Bulgarian origin staying in those countries. The procedure included checking if the children could be returned to their families and, if not, creating of a proper environment (organising a place to stay, appointing a legal guardian, assuring proper care and assistance in compliance with human rights standards and the best interest of the child) for the children in Bulgaria;
- There have already been 16 cases of unaccompanied children and adolescents being sent back to Bulgaria from Austria and Belgium, supervised by the SACP in co-operation with IOM.

The push for the interest in the problem of child trafficking is triggered by and related to two problems: the problem of underage prostitution in Bulgaria and the problem of migration of unaccompanied children and adolescents under 18 abroad.

Child prostitution

During the Bulgarian part of Operation Mirage, the police checked 2,079 establishments and interviewed 1,076 sex workers, including 20 foreigners (from Ukraine, Russia and Romania). 67 women and girls were recognised as victims of trafficking because, according to the police, they were found to have been suffering from abuse.

The police took all 67 women and girls to the shelter. All 10 women who were over 18 declared that they were not victims of trafficking and left the shelter immediately. 29 of the girls under 18 stayed for medical examinations, their families were notified and, after 2-3 days they were escorted back home. Once home, the local police department and the local child protection authorities were notified. The remaining 28 girls were placed in the Red Cross shelters for vulnerable children and juvenile delinquents or schools with dormitories¹³¹ and 14 girls who were in need of medical and psychological help were placed at the Nadia Centre shelter for up to 3 months.

¹³⁰ Interview with Plamen Petrov, Head of the Anti-Trafficking Task Force of the Ministry of the Interior, Sofia, 25 January 2003. The total number of children victims of trafficking in 2002 varies according to the different sources. While the Anti-Trafficking Task Force quoted a total of 143 child victims of trafficking, according to other police sources (the National Police Directorate), only 72 child victims of trafficking were identified in 2002.

¹³¹ "School with dormitory" is a term used by the authorities to describe the correction institutions or shelters for juvenile delinquents.

There are several questions raised by Operation Mirage and also by the treatment of child victims of trafficking in Bulgaria in general:

- What are the legal grounds for the present action and the future direction these actions are going to take?
- What are the criteria used to decide if a girl under 18 is a prostitute, i.e. a juvenile exhibiting "delinquent/antisocial" behaviour, or a victim of trafficking?
- Who is making this decision and on what grounds?
- Why does the system of protection not work consistently? In some cases, underage prostitutes are treated as criminals and sent to correction institutions (according to the Ministry of the Interior, 143 trafficked children were sent to the institutions for juvenile delinquents in 2002). In others, they are treated as victims of trafficking, sent to the shelter and offered assistance (as in the case 57 girls identified during Operation Mirage).
- Why are two different sets of legal provisions applied to the same group of people?

Some of these questions might be answered when the child protection law is in place. While the SACP, which was not involved in Operation Mirage and is not aware of the police actions against underage prostitutes, is trying to introduce a new system of child protection based on the Child Protection Act, underage prostitutes are still treated according to the old legislation as juvenile delinquent exhibiting anti-social behaviour. There is an Inter-Ministerial Commission created within the Council of Ministers which addresses the prevention and combating of anti-social behaviour in children and which deals with juvenile crime.¹³² This commission is supported by approximately 300 local commissions. In all regions, there are shelters/schools/correction centres for children and adolescents under 18 who committed crimes. Young criminals and children with "anti-social behaviour" (including prostitutes under 18) are sent to these institutions by the courts based on the Anti-Social Behaviour Act. The two parallel structures and approaches, one based on the Child Protection Act and the other based on the Anti-Social Behaviour Act, contribute to the confusion.

Although the government gave the responsibility for caring for child victims of violence, including victims of trafficking, to the Ministry of the Interior, there is no system of shelters/safe places where these children can be placed. As a result, they are placed in the same institutions as juvenile delinquents. Similarly, children who have been trafficked for sexual exploitation are dealt with by the department for juvenile delinquents. Girls, whom the police consider as prostitutes, are charged with anti-social behaviour and sent to the same institutions.

The Anti-Trafficking Task Force recognises the need to have a clearer strategy for distinguishing victims of trafficking from young delinquents. They also point out the need for separate shelters for children who are victims of trafficking, since at present there is no other place for them than the correction institutions. The new anti-trafficking law makes a provision for such shelters.

Unaccompanied children

As a result of the pressure on Bulgaria from the EU countries to deal with the issue of the unaccompanied Bulgarian children staying in their

¹³² Act to Combat Anti-Social Behaviour of Minors. Children who behave in a socially unacceptable manner, according to the law, should be placed in special institutions. Sanctions are imposed legally; permission of the parents is not necessary.

Bulgaria

countries, the Bulgarian authorities have started to organise legal procedures for their return. In 2002, 16 children returned to Bulgaria with assistance from IOM.

Clearly there is a need to work with children at risk, to provide them with proper assistance and to create shelters. The SACP, in co-operation with the Ministry of Labour and Social Policy, has recently started a new programme to deal with the unaccompanied children from Bulgaria. The programme is aimed at children returning from other countries and domiciled underage prostitutes. According to the SACP, all of these children should be treated as victims of trafficking and should be placed in special crisis centres, with the agreement of their parents, to avoid placing them with young juvenile offenders. As past experience shows, young people sent back to Bulgaria from abroad, placed in correction institutions and then sent back to their families, very soon left the country again. The police would have only limited access to the crisis centres, which would also provide special educational and reintegration programmes.

The Ministry of the Interior has started a special project to upgrade and refurbish the shelter for children in Sofia that is the first referral point for all Bulgarian children under 14 returned from abroad through various official channels. This is the institution officially recognised by Bulgarian Law and authorised to receive and accommodate children upon their return to the country. The project anticipates the establishment of new premises and facilities specifically for returning unaccompanied children and victims of trafficking within the existing shelter, which will prevent underage victims of trafficking and violence having to mix with juvenile criminals or juvenile delinquents. Effectively, this will constitute the first government support centre in the region specifically for child victims of trafficking in need of security and protection. The project is being implemented in co-operation with IOM.¹³³

In 2002, SACP received 50 requests from the Ministry of Foreign Affairs to help identify the parents or close relatives of children being returned to Bulgaria or to decide on other steps for reintegration and then to assist the children in returning. Information from the Ministry of Foreign Affairs did not indicate if the children were victims of trafficking or not and SACP on its own is not capable of making such an assessment. IOM has also asked for SACP's help to identify the parents of 3 children. If the parents do not agree to accept the child back, the court may restrict their parental rights. If the parents are not found, there are administrative procedures for appointing a legal guardian.

At the moment, the system of assistance for child victims of trafficking in Bulgaria is neither clear nor consistent. There are two sets of provisions that allow the same person to be treated as either a juvenile delinquent or as a victim of trafficking, depending on vague and inexplicit rules. There is also no clear distinction made between unaccompanied minors returning to Bulgaria and child victims of trafficking. Hopefully, further development and implementation of the new child protection system will help to solve these inconsistencies.

The Republic of Moldova

The Republic of Moldova borders Romania and Ukraine and has a population of 4.3 million. Two-thirds of Moldovans are of Romanian descent, the languages are virtually identical and the two countries share a common cultural heritage. During the transition period in the 1990s, living standards in Moldova deteriorated. Unemployment rose as the result of the delayed payment of salaries, pensions and social benefits, the liberalisation of prices and inefficient use of labour, so that 60 percent of the population were living below the absolute poverty line. The Communists returned to power in elections in February 2001, promising cheaper food and better wages and pensions, but with GDP per capita at US\$ 400 per year, Moldova remains one of the very poorest countries in Europe. The poorest people are families with children, pensioners and rural inhabitants. The unemployment rate is estimated at 25 percent, although it is much higher in rural areas.¹³⁴

Since the beginning of the transition period, there has been a reduction in the participation of women in governmental bodies and in economic life. 68 percent of the unemployed are women, despite having the same level of training as men. In paid employment, women are only paid 70-80 percent of the salary a man would receive for the same job. The only exception is in small private businesses where women have become increasingly active.¹³⁵ The economic decline has also caused a growth in family violence, sexual violence, alcohol abuse and prostitution. Family relations have been particularly affected and a large percentage of women is continuously subjected to violence.¹³⁶

1. Migration, Prostitution and Trafficking

Moldova has emerged as a major country of origin for trafficking in women and children because of its geographical location and current economic situation, as well as the poor social situation, weak rule of law and rampant corruption. It is also a transit country for trafficking from Ukraine and other countries of the former Soviet Union.

It is estimated that 600,000 to 1 million Moldovans, out of a total population of 4.3 million, live abroad. In recent years, remittances from migrant labourers have become a very substantial part of the country's income. Migrants send home approximately US\$ 120 million each year, which is the equivalent of half of the national budget.¹³⁷ For the rural population, migration is perceived as the only survival strategy and in some villages more than half of the population has migrated. Official polls show that 80 percent of the population would like to migrate. Almost 90 percent of young people aged 18-29 would like to leave Moldova for at least a little while and over 37 percent would leave forever if they had the

134 Common Country Assessment, UN in Moldova, December 2000, p. 34 – 35.

135 Ibid.

136 Ibid, p. 68.

137 "Kosovo's Sex Trade", Sebastian Junger, Vanity Fair, July 2002.

Trafficking in Human Beings in South Eastern Europe

The Republic
of Moldova

opportunity. Only 9 percent of young people wish to stay in Moldova.¹³⁸

In the region of Gugauzja, populated by the Turkish minority with autonomous status, 70 percent of women have already migrated from some villages. The majority of them go to Turkey, but also to Italy, Spain and Portugal.

Prostitution is treated as an administrative offence in Moldova, punishable with a fine or with 20 days of administrative detention. Pimping is illegal and punished with a fine to the amount of 200 – 800 times the minimum wage or by imprisonment for a period of 2 to 5 years. Under aggravated circumstances, the penalty is 4 to 7 years imprisonment under Article 220 of the Criminal Code.

According to IOM, there were at least 300 brothels in Chisinau in 2002, compared to an estimated 250 in 2001, mostly disguised as saunas and bathhouses. Prostitution is also widespread in hotels and in the areas near train and bus stations. The majority of prostitutes are women who have come to Chisinau from rural areas seeking employment or training. As they work for pimps, are dependant on them and are moved from place to place, abused and deprived of the earnings, they often find themselves in the situation of being internally trafficked. There is also information about the prostitution of children and of students on the weekends. The government have no programmes to prevent the sexual exploitation of children under the age of 18, nor are any NGOs working on this issue.¹³⁹

As domestic violence is common in Moldova, women who suffer at home at the hands of their parents or husbands do not perceive the violence and abuse suffered when trafficked as unacceptable. According to IOM, more than 80 percent of Moldovan victims of trafficking had been subjected to domestic violence before trafficking.

Traffickers recruit women and girls through different strategies: direct contact when women and girls or their families are approached by traffickers; advertisements placed in the press offering jobs abroad; tourist agencies offer full migration services from arranging passports and Schengen visas¹⁴⁰ to transportation and work contracts; job agencies; marriage agencies; and, Internet services.

As in previous years, the majority of women and girls are first crossing the border into Romania, arriving illegally in groups primarily to the city of Timisoara, where they find out if they have been trafficked or not. Trafficked women and girls are then sold to new owners and transported to Macedonia, Kosovo, Turkey, Italy, Cyprus and Greece.¹⁴¹

There is also a well-known route to Turkey through the Ukraine (Odessa) and Bulgaria. While there is information about women going to Turkey, there are very few known cases of women coming back from Turkey to Moldova and receiving assistance. According to NGOs, women have better work conditions in Turkey and are allowed to keep a larger proportion of their earnings. These reasons, according to NGOs, are sufficient to make women want to stay in Turkey and not seek any assistance. Another reason might be the very limited assistance offered in Turkey and the system of deportation of Moldovan women from Turkey to Odessa. Women who are

¹³⁸ Interview with Giovanna Barberis, the UNICEF Assistant representative, Chisinau, 24 July 2001.

¹³⁹ Interview with Ana Palancean from La Strada Moldova, Chisinau, 16 January 2003.

¹⁴⁰ Visa for all the European Union countries that signed the 1996 Shengen Agreement (Austria, Benelux, Italy, France, Germany, Italy, Portugal and Spain).

¹⁴¹ Information from Save the Children Moldova. SCF Moldova co-operates with a local NGO in Timisoara, which has contact with women coming from Moldova and with the border police in Romania. To date, 16 cases of trafficking have been referred to SCF.

deported are shipped to Odessa and have to make their own way back to Moldova. They are often approached by traffickers and re-trafficked before they are able to make their way back to Moldova and contact an assisting agency.

A new phenomenon is trafficking by air, which was not used on a large scale before 2002.¹⁴² This way is, of course, much more expensive. Women are required to have legal documents, including Schengen visas, as they are usually trafficked directly to Western Europe. This method is, however, safer for traffickers. Some can now afford to invest money in the recruitment of new women and they try to legitimise at least some elements of their business. Providing women with legal documents and burdening them from the start with a huge debt is a way to make trafficking safer for traffickers and more profitable. It also ensures financial dependency.

There are also new trafficking channels opening up, especially to Russia, for old people, children, orphans and handicapped persons, trafficked for begging and sexual exploitation.¹⁴³ There are more cases and information about trafficking to Israel, Saudi Arabia and the United Arab Emirates, as well as some anecdotal information about trafficking of men to work in agriculture and construction in CIS countries. However, men see this situation as a risk of illegal migration. They neither seek assistance nor recognise themselves as victims of trafficking. It is, therefore, difficult to collect first hand information about this particular phenomenon.¹⁴⁴

Similarly, information about trafficking in organs is not supported by first hand evidence. There is some anecdotal information and a few media articles about organs being sold in Turkey. In 2002, the Anti-Trafficking Unit in the Ministry of Internal Affairs detected a few cases of trafficking in organs and initiated a criminal case. Allegedly, Moldovans who agreed to sell their kidneys were undergoing tests in Moldova and then surgery in Turkish clinics. Victims revealed information about the surgery after returning to Moldova when they realised that they had been cheated and had not received the expected payment. However, victims were not willing to officially press charges as they were applying for social security on the grounds of disability.¹⁴⁵

According to the Centre for the Prevention of Trafficking of Women (CPTW), trafficking from Moldova is not decreasing as there are still young people who want to migrate and are ready to accept the risks. However, the phenomenon has become less visible. Traffickers are aware of the changing situation and potential victims are more aware as a result of information in the media and listening to advice from hotlines about safe migration. Responding to these changes agencies offering jobs abroad have started to show their certificates and sign contracts with their clients.

According to La Strada and their foreign NGO partners (especially from South Eastern Europe), the number of identified and assisted victims of trafficking from Moldova to the Balkan countries decreased in 2003 compared to previous years as has the number of victims of other nationalities. On one hand, this may indicate a possible reduction in the phenomenon. On the other, La Strada is inclined to believe that new destination countries are replacing those in the Balkan region, as trafficking

¹⁴² According to La Strada, air transportation was formerly used for such destinations as Israel, Saudi Arabia, United Arab Emirates and others (those countries that are now the latest trend in terms of destination countries/regions). La Strada has assisted nearly 20 cases from those countries and all of the women stated that they had traveled by air.

¹⁴³ Interview with Ana Palancean from La Strada Moldova, Chisinau, 16 January 2003.

¹⁴⁴ *Ibid.*

¹⁴⁵ Interview with Ion Bejan, Head of the Anti-trafficking Unit, Chisinau, 16 January 2003.

Trafficking in Human Beings in South Eastern Europe

The Republic
of Moldova

to and transit through the Balkans has become more difficult due to the new anti-trafficking measures.

There is a general change in the patterns of trafficking that should be noted. Traffickers invest more in safe travel (both by air and with legal documents) and better conditions of work. The turn-over of women is smaller. This means slower but, possibly, better-organised business. New women and girls are coming from Moldova while those who have worked for a longer time and are older are sent back home.

Another change is a noticeable increased involvement of women, often themselves victims of trafficking, in the process of recruitment of new victims. They are enticed by the large sums of money and are dependant on or are blackmailed by traffickers. This phenomenon is important for three reasons. First, they are much more convincing than male traffickers and can often recruit new women and girls more easily. Second, they are often treated as victims (which they often are or were in the past) and not criminals not only by the helping agencies but also by the police. Although there have been several cases where victims have been charged for associated crimes - i.e. false documents and illegal crossing of borders - the police in the region tend to concentrate on "organised crime" and to follow the international networks. As a result, they are not interested in female traffickers and tend to ignore their role. Third, this new development confirms the opinions about the changes in the patterns of trafficking. The business is becoming more sophisticated and traffickers use a "go between" so that they do not have to recruit women themselves any longer. There is even a "career path" established for the trafficked women that shows that exploitation and violence can be only a passing phase in their lives. Differences in the positions of women within trafficking networks cause a lack of trust among them and make them more dependent on the traffickers.

There is also information that fewer trafficked women are coming back to Moldova. The number of the victims returning to Moldova started to decrease in the second half of 2002. The IOM database in Chisinau includes 364 cases from 2001, 292 from 2002 and 89 up to May 2003. Approximately 160 women and girls have taken part in the IOM reintegration programme. At the beginning of 2002, there were at least 30 women coming to the shelter each month, but a year later, the numbers were much lower - 5 to 10 cases per month. There are not many women returning from Western Europe via IOM or NGOs channels.

During 2002, the numbers of trafficked women returning from Kosovo and Macedonia decreased by 50 percent in comparison with 2001.¹⁴⁶ Those who did return had usually been recruited before 2002. There were also fewer reported cases of extreme exploitation and abuse. While in the past the most serious cases of violence and abuse were reported from Kosovo and Macedonia, it seems that the situation there is getting a little bit better as the women report that they are paid more and treated better than before in these 2 places. In 2001, 70 percent of women were reporting that they were forced to have sex without condoms. Now the majority of victims reports that they are allowed to use condoms, they are paid some money for their services, and they have medical examinations provided by the bar/brothel owners, and better living conditions.¹⁴⁷

Although there are fewer women taking part in the reintegration programmes and fewer women returning to Moldova, IOM also agrees that trafficking is not decreasing. The decrease in numbers reflects the change

¹⁴⁶ Interview with the staff of the IOM shelter, 16 January 2003.

¹⁴⁷ *Ibid.*

in the modus operandi of the traffickers who are starting to use valid passports and visas - often Romanian passports and visas arranged in Bucharest. IOM is also convinced that there are more women going from Moldova to Israel and from there to the Arab countries and Afghanistan.

There is no information about the number of women deported back to Moldova. The deportation procedure requires that upon return the deported persons are detained and interrogated by the police. However there is no information about the number of deported women and the border police do not always inform the Anti-Trafficking Unit about cases of potential trafficking among deported women. If informed, the Anti-Trafficking Unit interviews women and collects information about traffickers, but does not inform IOM, claiming that the police have no authority to assign the status of victim to returning illegal migrants. At the same time, the police acknowledge that some women have a lot of information about traffickers and that their testimonies could be very useful.

2. Current responses

2.1. National Plan of Action

In November 2001, the National Committee to Combat Trafficking in Human Beings (the National Committee) was created at the level of Deputy Ministers, with the Deputy Prime Minister in the chair. The Committee comprises heads of leading Ministries and departments (Prime-ministerial level). Representatives of international organisations and selected NGOs have "partner-observer" status at the meetings of the National Committee. In November 2001, the National Committee adopted the National Plan of Action to Combat Trafficking in Human Beings (NPA),¹⁴⁸ which proposes actions to be initiated by various Ministries and governmental institutions in co-operation with international organisations and NGOs in the areas of:

- Research and assessment;
- Raising awareness;
- Prevention/addressing social and economic causes of trafficking;
- Victim assistance;
- Return and reintegration of the victims;
- Law reform;
- Law enforcement; and,
- International co-operation and co-ordination.

The NPA reflects quite well the provisions included in the Regional Plan of Action model proposed by the Stability Pact Task Force on Trafficking in Human Beings (SPTF), but although quite comprehensive it is nevertheless more of a general framework for future activities than a detailed plan of action. It does not propose any timelines for the implementation of particular tasks and does not direct responsibility for implementation to particular institutions. Instead, all Ministries are repeatedly mentioned and all institutions more or less share the same programme. There is also no budget attached and no funds allocated for the implementation of the proposed activities.

In the areas of raising awareness, prevention (addressing social and economic causes of trafficking), victim assistance and return, and reintegration of the victims, the NPA lists many activities to be initiated and implemented by the governmental agencies. However, more than a year after the government approved the NPA, most activities are still being

¹⁴⁸ "Monitorul oficial" no. 136-138/1274 from 15 November 2001.

Trafficking in Human Beings in South Eastern Europe

The Republic of Moldova

conducted by NGOs and international organisations with only a very limited input from certain Ministries.¹⁴⁹

Like all Government Anti-Trafficking Co-ordinators, the chair of the National Committee is a member of the SPTF. However, the structure of the National Committee and the working groups established for particular issues are poorly defined, as are the competencies of the National Anti-trafficking Co-ordinator, rendering it difficult to evaluate his work. There are also problems with the functioning of the National Committee, which has met only three times after it was convened in April and November 2002, and in April 2003. On the initiative of the international organisations, NGOs and some of the governmental institutions, three working groups were established to work jointly on different aspects of the problem of trafficking in human beings:

1. Legislation and Law Enforcement (Ministry of Internal Affairs - Chair and Ministry of Justice Deputy - chair);
2. Prevention and Awareness Raising (Ministry of Internal Affairs - Chair and Ministry of Education Deputy - chair);
3. Social Assistance and Rehabilitation of the Victims of Trafficking (Ministry of Labour and Social Protection - Chair and Ministry of Health Deputy - chair).

However, as there are still no terms of reference for the working groups and no work plan developed for their activities, they are not particularly active. Only the group working on the assistance had met more than once before the end of 2002.

Following the SPTF meeting in March 2003, advocacy efforts were made to establish a fourth Working Group on Child Trafficking. However, to date this has still to be formally established following an official request signed by UNICEF and the OSCE.

A few government Ministries have attempted to organise and implement anti-trafficking activities. The Ministry of Education, in co-operation with La Strada, started to develop programmes on trafficking for schools and special programmes to target marginalised youth outside the formal education system.

The issue of assistance to the victims is taken seriously by the Ministry of Labour, which started several initiatives in the last few years in co-operation with IOM, other international organisations and NGOs. The Ministry of Labour has also signed a contract with IOM to provide the victims of trafficking who returned to Moldova with employment opportunities. Women were to attend job skills training and then become employed. IOM was to subsidise the first six months of the salary and the company was to take over the salary payment after that time. Of the hundred women who attended the training, 50 percent completed it, but only a few have found jobs.

The Ministry of Labour has agreed to a special professional capacity building programme to be delivered by La Strada, this year for regional/local staff (social workers and employment centre's staff) in types of training, operational mechanism building, etc.

¹⁴⁹ A database of current anti-trafficking projects is available at the OSCE Mission to Moldova. The Mission provides assistance with fostering co-operation and co-ordination among state authorities, civil society and international organisations. Since January 2003 the OSCE Mission, in co-operation with other international organisations and NGOs, has hosted meetings of the Anti-Trafficking Technical Co-ordination Group with the aim of mapping current programmes, identifying gaps and areas for intervention and advocacy.

The Department of Migration was established at the end of 2001 to promote and implement legal means of migration. In October 2002, the Department initiated the development of a 'Concept on Migration Policy' and the new *Law on Migration* was adopted by the Parliament in December 2002. In addition, the Department of Migration has been informing the population about the possibilities of legal employment abroad, the risks of being trafficked and the consequences of illegal migration.

In December 2000, a special Anti-Trafficking Unit (ATU) was established within the Ministry of Internal Affairs (as part of the so-called "Moral Police").¹⁵⁰ In June 2001, the Ministry changed the structure of the ATU, integrating it into the Department on Combating Organised Crime and Corruption. The new ATU is based in Chisinau and comprises over 50 officers (focal points) from all over Moldova.

The ATU is taking part in a joint programme with the Border Police to exchange information about cases of trafficking and deportation, but the programme does not work properly due to a lack of co-operation and alleged corruption within the Border Police. Police work has improved since the ATU was created, but as yet there has been no improvement in the system of prosecution. There is a lack of judicial experience, and no knowledge about the implementation of the anti-trafficking legislation.

The Ministry of the Interior participated in the SPTF/ICMPD Programme for the development of an Anti-Trafficking Awareness Training Module for the police. Within this framework, OSCE/ODIHR in co-operation with the OSCE Mission to Moldova, funded La Strada for the organisation of the pilot seminars. The Ministry of Internal Affairs is currently considering the inclusion of this anti-trafficking training module in the regular curriculum of the police academy.

In the Prosecutors Office, a special Deputy was nominated to be responsible for the issue of trafficking in human beings. The Ministry of Internal Affairs, together with the Information Department of the Ministry of Justice, are responsible for the creation and upkeep of a database of the victims of trafficking.

2.2. Anti-trafficking legislation

On 30 July 2001, the Moldovan Parliament passed a law on additions to the Criminal Code and Criminal Code of Practice and introduced Article 113 (2) *Illegal trafficking in Human Beings*.¹⁵¹ The law was drafted by the section of the Criminal Police responsible for combating trafficking in human beings at the Ministry of Internal Affairs, in co-operation with the Justice Service of the Ministry of Internal Affairs and the Police Academy and in consultation with the Ministry of Justice, the General Prosecution Office, the Ministry of Labour, the Ministry of Security and the Ministry of Economy. The Article covers all aspects of the term 'trafficking': the sale of human beings (with or without their consent); forced labour or keeping a person under conditions of slavery; sexual exploitation; pornographic industry; etc. According to this new law, trafficking should be punished with imprisonment from 3 to 7 years, in some cases with confiscation of property. The sentence rises from 5 to 15 years with confiscation of property when trafficking is carried out for the purposes of sexual exploitation, slavery, armed conflict and pornography, or by a group of people. When committed repeatedly against two or more people using violence, for human organs or by a criminal organisation, it will be punished

¹⁵⁰ "Moral Police" is a translation from Moldovan.

¹⁵¹ *Law on the Completion of the Criminal Code and the Criminal Procedure Code of the Republic of Moldova*, Nr 450-XV, "Monitorul Oficial" of Republic of Moldova, 17 August 2001.

Trafficking in Human Beings in South Eastern Europe

The Republic of Moldova

with a jail sentence between 15 and 25 years and confiscation of property.

Due to the fact that the new law does not fully comply with the Palermo Trafficking Protocol, OSCE has issued a series of recommendations and submitted them to the Legal Committee of the Parliament asking for a re-drafting of the legislation. When the new Criminal Code was proposed in April 2002, it included a new Article 165 on trafficking in the form suggested by OSCE and in compliance with the Palermo Trafficking Protocol. The new Criminal Code had not yet been promulgated when the Moldovan Constitution was revised at the end of the 2002. The new Constitution stipulated some changes in the criminal system in Moldova, which also required changes in the Criminal Code. In June 2003, the new Criminal and Criminal Procedure Codes, which establish human trafficking as a distinct criminal offence in Moldova, entered into force. The Codes make the offence of trafficking punishable by 7 to 15 years' imprisonment. Under aggravating circumstances, the penalty is 10 to 20 years (e.g. if perpetrated against two or more persons), 15 to 25 years, or it can be life detention (if perpetrated by an organised criminal group).

Experts from OSCE/ODIHR, IOM and ABA-CEELI¹⁵² provided technical assistance in drafting the Codes through the OSCE/ODIHR anti-trafficking legislation review project and with funding from the US Government. An in-depth analysis will be required to establish the Codes' compliance with the UN Palermo Anti-Trafficking Protocol and international human rights standards. However, one shortcoming already apparent is that the Codes contain no provisions regarding the irrelevance of the consent of the victim to the intended exploitation where coercive and deceptive means as set out in the Palermo Trafficking Protocol have been used.

In the new Criminal Code, victims of trafficking, adults and children, are not subject to criminal liability for offences committed as a direct consequence of their having been trafficked. However, the exemption from criminal liability for offences committed is provided only upon co-operation of the victims, both adults and children, with the law enforcement agencies in the relevant case. Although neither the Palermo Trafficking Protocol nor the UN Convention on Trans-national Organised Crime contains any obligation on states to refrain from criminalising victims of trafficking, it is a generally accepted standard that trafficked persons should not be prosecuted for any offences connected to the condition of being a victim of trafficking. They should be treated as victims first and foremost.

The new Code does not criminalise prostitution, which is treated as an administrative offence (Article 171/1 of the Administrative Code). The new Criminal Code of Moldova includes also several other provisions pertaining to the prosecution and prevention of trafficking, such as pimping, coercion to prostitution, illegal confinement, illegal transportation of children abroad, kidnapping, slavery and slavery like conditions, forced labour, illegal border crossing and rape.

In her commentary on the Anti-Trafficking Law in Moldova, the Council of Europe's expert has pointed to the lack of a clause of non-punishment for offences connected to the condition of being a victim of trafficking. According to this expert, the clause should cover the crimes of prostitution, illegal border crossing and crimes that are instrumental to the violation of domestic legislation on expatriation, entry and/or stay, like the use of forged documents, destruction or alteration of documents and staying in

the territory of a state after expiry of regular enter papers.¹⁵³

In 2002, the new law on birth certificates was introduced, which provides for the issue of ID/passports to children under 18, impossible under the previous law.

The government is also in the process of undertaking the following actions:

- Elaboration of a Draft Law on Children in Difficult Situations;
- Elaboration of the Social Allowances for Families with Children Law;
- New migration policy and legislation;
- Training for the police from the Anti-Trafficking Unit;
- Contacts with the SECI Centre;
- Proposal of co-operation between the Moldovan and Romanian governments on preparing trafficking administrative regulations, initiated by the Romanian government; and,
- The governmental Centre for Drafting of Legislation is currently working on a draft law on amendments and additions to domestic anti-trafficking legislative provisions in view of the ratification of the Palermo Convention.

Law No. 1458 on the *State Protection of the Victims, of Witnesses and Other Persons who Provide Assistance in the Criminal Proceedings* from 1998 (amended in 2001), stipulates police protection for the victims/witnesses in trafficking cases. The Law provides for the protection of victims and witnesses who take part in the discovery, prevention, combat, investigation, prosecution and solution of a criminal case. The law provides for protection of the families of the victims/witnesses and can be applicable to victims of trafficking who act as witnesses. However, in practice, due to financial and legal constraints, this law is not implemented in Moldova and in only a very few cases have witnesses in trafficking cases enjoyed limited physical protection.

The new Criminal Procedural Code introduces provisions concerning the position of victims and witnesses in the legal proceedings, among which are free legal representation and the use of special means of hearing and protecting witnesses. International experts from the OSCE anti-trafficking programme will analyse and review the national legislation of Moldova in the light of international/regional standards in the field of victim-witness protection.

At the present, Moldova has no special law pertaining to the assistance, rehabilitation and reintegration of the victims of trafficking.

In July 2003, criminal legislation in the Trans-dniestrian region was also amended to establish trafficking in human beings as a distinct criminal offence, which is punishable with 7 to 15 years' imprisonment. Under certain aggravated circumstances the penalty is 15 to 25 years, life detention or the death penalty.

The World Organisation Against Torture (OMTC) states in its report from September 2002¹⁵⁴ that trafficking is one of the forms of violence perpetrated against women and girls in Moldova and that the State should adopt specific legislation for the purpose of preventing and punishing domestic violence. OMTC also points out that there is no separate system of juvenile justice in Moldova and that many adolescents end up serving

153 Maria Grazia Giammarinaro, *Opinion and Commentary on the Legal Provisions on Trafficking in Human Beings applicable in Moldova*. Council of Europe, LARA (2002) 33E, March 2003, p.6.

154 Joanna Bourke-Martignoni, *Violence Against Girls in Moldova*. Report prepared by the World Organisation against Torture (OMTC) for the 31st session of the Committee on the Rights of the Child. Geneva, September 2002.

sentences in adult detention facilities where they are particularly vulnerable to violence and ill treatment.¹⁵⁵

2.3. Victim Assistance

2.3.1. Identification

Interpol Moldova has referred a few cases of victims of trafficking to IOM and La Strada. The victims found in Western Europe or in the Balkans were placed in the shelters there and then returned to Moldova. In some cases they were detained and deported back to Moldova as illegal migrants. Interpol informed both the ATU and IOM so the women could count on the possibility of assistance.

There is no information at all about Moldovan women and girls deported from Turkey, as they are deported to Ukraine (Odessa) and try to reach Moldova on their own (if they are not re-trafficked in the process). According to the Ukraine Border Police at Port of Odessa, nearly 75 percent of women deported from Turkey to Ukraine are Moldovan. According to La Strada estimates based on interviews with deported women in Odessa, around 30 percent of these women are suspected victims of trafficking. IOM and La Strada are now trying to establish a mechanism of identification and assistance for victims deported from Turkey through the port of Odessa.

Only some women are coming to the attention of the agencies offering assistance. There are serious difficulties identifying victims, especially those deported back to Moldova by the police and met in Moldova by the local border police. IOM has signed a Memorandum of Understanding with the Ministry of Internal Affairs to ensure that the women coming back with the IOM programme are not interrogated by the border police and can leave for the shelter immediately. Other women, however, who have been deported or are returning with NGO support, are treated as illegal migrants (if not in possession of valid documents) and can be detained and interrogated.

In general, only those who are repatriated by IOM or NGOs are known to the agencies that can offer them assistance. The border police and the ATU do not inform the assisting agencies about the deportations and possible cases of trafficking. According to the ATU, women who are deported back to Moldova are not victims of trafficking. Even when women give information about the circumstances of trafficking and about traffickers when interviewed, the police are still releasing them without offering assistance or informing them about the existing programmes. The police argue that women would not want to be recognised as being trafficked, that they just want to go home and forget about the bad experiences.¹⁵⁶

There was a proposal from OSCE to have a psychologist or social worker accompany the police during the interviewing of deported women, with the aim of identifying potential victims of trafficking and of informing them about existing assistance and reintegration programmes.

Moldovan women and girls who have been trafficked abroad are returning in several ways:

- they were sent back by IOM;
- they were sent back by Interpol;
- they were deported to Moldova by the police in the country of

¹⁵⁵ *Ibid*, p.13.

¹⁵⁶ Interview with Ion Bejan, Head of the Anti-trafficking Unit, Chisinau, 16 January 2003.

- destination;
- they were deported by the police in a neighbouring country of destination as far as the border;
- they were sent back by NGOs in the countries of destination;
- they have obtained information from the hotline; and/or
- they were sent back while on transit in Romania.

La Strada is implementing three programmes in Moldova - on prevention, education and social assistance to the victims. As part of the social assistance programme, La Strada set up an anti-trafficking hotline at the beginning of March 2002. The hotline has a toll free number and can be accessed from all parts of Moldova 24 hours a day. La Strada has an agreement with the state institutions providing information on migration to inform their clients about the hotline. They have separate agreements with the Ministry of Internal Affairs to co-operate in the recovery, rescue and repatriation of victims of trafficking.

La Strada usually obtains information about trafficked women from their families (in 70 % of cases) or from local police, local NGOs or other sources (30 %). La Strada passes on information to the IOM office, the Ministry of Internal Affairs and NGOs working in countries of destination. In 90 percent of cases, women and girls are rescued in a couple of days (occasionally weeks) after the intervention. The first case in Turkey took approximately three weeks to settle as new contacts and new procedures had to be established. La Strada still has no contacts in Greece, Saudi Arabia, the United Arab Emirates or Cyprus as there are neither La Strada chapters nor other co-operating NGOs or IOM offices in these countries. La Strada is trying to establish contact with one of the Greek NGOs working on the issue of torture and with the Police Department in the United Arab Emirates.

La Strada is also working closely with the Moldovan diplomatic missions and foreign NGOs to improve victim identification by offering information and assistance to potential victims of trafficking. These institutions are in a position to identify suspected victims (e.g. women in temporary detention centres, etc.) and some diplomatic missions have started to disseminate information about available services.

2.3.2. Assistance

IOM

In September 2001, IOM established a reception and rehabilitation centre for returning victims of trafficking in co-operation with the local health authorities. The centre provides numerous services under one roof: gynaecological and STD examinations, STD treatment, HIV/AIDS testing, psychological diagnosis, social and psychological counselling, group therapy, psychiatric support, general practitioner interventions, optional vocational orientation, lodging and meals throughout the entire period of stay and legal assistance. Women from rural areas can benefit immediately from the services or can return on a voluntary basis at a later, pre-arranged, date.

IOM also provides women who are part of their assistance programme with a reinstallation grant totalling US\$ 150 - US\$ 50 upon arrival - US\$ 50 after the first month and US\$ 50 after the second month. IOM assisted approximately 350 victims of trafficking by the end of 2002, the majority of whom were from Macedonia, Kosovo, BiH, Albania and Italy. For approximately 200 of the victims, assistance included return assistance, transportation from the airport and a one-night stay at the shelter. All women and girls were informed about the existing assistance and reintegration

Trafficking in Human Beings in South Eastern Europe

The Republic of Moldova

programmes and, as a result, about 160 of them took part in some of the programmes. The programmes include lodging and meals, social and psychological counselling, psychiatric, gynaecological and general medical examinations and treatment. The average stay in the shelter is 12-15 days. Women with small children go directly home, but they are placed on the list of beneficiaries for humanitarian aid. The centre can accommodate up to 16 women at a time. Women can also take part in the vocational training subsidised by IOM (secretarial, manicure, hairstyling, tailoring and computer training). The average duration of the training courses is from six months to one year. As mentioned above, there was also a programme of apprenticeships set up in the co-operation with the Ministry of Labour, but of the 100 women who took part in the programme, only a few found jobs afterwards.¹⁵⁷

The shelter staff warn victims of trafficking about the risks connected with testifying against traffickers, because witness protection is almost non-existent and women may face situations that could endanger their lives and those of their family. Any information given to IOM is confidential and only shared with the police with the informed consent of the victim. At the same time, IOM is supporting training and capacity building for the ATU, and preparing an anti-trafficking database. This will be used to back up the work of all the law enforcement agencies and to establish an adequate system for prosecuting traffickers.

There have already been some cases of positive HIV/AIDS tests among returning victims of trafficking. While the tests are available in Moldova on request and women in the IOM programme can get tested, there is no treatment available for HIV positive persons. In one such case, persons working for IOM, OSCE and La Strada started a private collection of money to provide the HIV positive woman and her child with a place to stay and funds to cover her basic needs. While such an action can be very useful and effective, it cannot be seen as a general model for intervention in cases of HIV positive returnees.

Centre for Prevention of Trafficking in Women

The Centre for Prevention of Trafficking in Women (CPTW) is an initiative launched by a local NGO, "Association of Women Lawyers", in February 2001. The Centre provides legal assistance for victims of trafficking. The project assists women to obtain new identification documents, in legal matters (e.g. custody, ownership rights, divorces, etc.), and provides counselling in civil cases. In 2002, CPTW also assisted 2 women who decided to testify in penal cases against traffickers. Currently, the team of CPTW lawyers is representing 8 trafficking victims in criminal proceedings.¹⁵⁸

The CPTW runs a counselling line on trafficking issues and conducts training for journalists and law enforcement agencies. According to the CPTW, law enforcement agencies have improved their institutional capacity and are better prepared to deal with the issue of trafficking. However, there is still no judicial practice or functioning model for prosecuting traffickers, so further training is necessary for both the police and the judiciary.

Save the Children

The Save the Children programme is implemented in co-operation with Papa Giovanni XXIII and other Italian NGOs working with the victims of trafficking in Italy. Save the Children are running prevention programmes in rural areas of Moldova and a direct assistance programme for the victims of

¹⁵⁷ Interview with the staff of the IOM shelter, 16 January 2003.

¹⁵⁸ Interview with Jana Costachi, Director of the Centre for Prevention of Trafficking in Women, Chisinau, 16 January 2003

trafficking returning to Moldova via NGOs channels. Their reintegration programme started in May 2002 and assisted 26 victims of trafficking in the rest of that year, 14 of whom were referred by NGOs in the destination countries (Russia and Italy) and 10 of whom contacted Save the Children after coming back to Moldova.¹⁵⁹

Save the Children has staff of 11 people, most of whom specialise in social assistance. Their work is based on the organisational structure that they created in Moldova in 1994 to support street children. According to Save the Children, the assistance programme is tailored individually according to the needs of the women and girls. In the majority of cases, it includes social assistance and support and, in some cases, also psychological counselling. The cases of the child victims of trafficking are registered with the Department of Child Protection of the Ministry of Labour because Save the Children informs the Department that they have taken legal responsibility for the children they are assisting.¹⁶⁰

Although Save the Children produces statistics about the circumstances and conditions of their clients while being trafficked, the information about their assistance and reintegration programmes is sketchy and difficult to verify. Save the Children does not co-operate with any other agencies, nor does it exchange information or present any reports or evaluation of its work.

OSCE

The OSCE Mission to Moldova strengthened its work in the field of anti-trafficking throughout 2002 with the addition of a full time Mission member dedicated to anti-trafficking and with the establishment of an anti-trafficking unit with three local staff. OSCE activities include monitoring, co-ordination, advocacy, capacity and institution building, as well as project development and are based upon the commitments that the OSCE participating states have undertaken in the field of combating trafficking in human beings.

In 2003 the Mission launched a two year anti-trafficking programme in co-operation with the National Committee to Combat Trafficking in Human Beings. The programme is based on a human rights approach and aims to strengthen national capacities and infrastructures for the appropriate treatment of victims of trafficking. The OSCE programme comprises two main components: to contribute to the development of national referral mechanisms for identification, assistance and protection of trafficked persons and to develop specific victim/witness protection measures. The main activities of the programme are an analysis of the Moldovan legislative framework, an in-depth assessment of needs, technical assistance in reviewing the legislation and in setting up standard operating procedures for the protection and assistance of trafficked persons, and support for designing referral mechanisms, training, and the development and publication of teaching materials.¹⁶¹

La Strada

In co-operation with OSCE, La Strada is implementing a project of quick impact actions aimed at delivering assistance to trafficked persons and to their children. The assistance package ranges from emergency support (humanitarian aid, counselling etc.) to scholarships for vocational training and university studies.

La Strada serves mostly as a contact point to facilitate access to

¹⁵⁹ Interview with Mariana Ianachevici, Director of Save the Children, Chisinau, 16 January 2003.

¹⁶⁰ *Ibid.*

¹⁶¹ Interview with Liliana Sorrentino, Officer for Anti-Trafficking Issues, OSCE Office Chisinau, 15 January 2003.

information, assistance and protection for both victims and their families. By providing 24 hours access to assistance through the hotline, such requests are being analysed and intervention plans elaborated. The referral mechanism involves national and international NGOs, and state structures as well as international organisations.

La Strada is also providing direct humanitarian and material support to victims of trafficking and their families: social custody and monitoring specialised legal support in emergency cases and medical, humanitarian, educational aid for victims families, especially children and other (over 150 beneficiaries).

La Strada has also been engaged in special training for police students and specialised police officers, as well as in developing a training module as part of the Police Training Centre programme and the official curriculum of the Academy of Police. More training is still needed however, especially for active specialised police officers from local areas as well as for representatives of Border Guards. La Strada is also training governmental and NGO social workers, with the aim of enhancing victim identification so that the referral system and the access to assistance are strengthened.¹⁶²

2.4. Trafficking in children

The issue of trafficking in children first emerged in Moldova in 2002. Although there has been increased awareness about trafficking in children and the impact of trafficking on various groups of children, especially the children of trafficked women, there has as yet been little movement towards addressing these problems.

Trafficking in children was first reported by Save the Children in 2000 and by IOM in 2001. However, trafficking in children as a separate problem has only been recognised recently. Precise data on the trafficking of children is very limited; the only reliable source of information is through IOM's victim repatriation programme. 43 children who were identified as victims of trafficking were repatriated by IOM in the period between January 2001 and May 2003.¹⁶³ In 2002, IOM supported 15 girls under the age of 18 through their reintegration programme, the equivalent of 10 percent of trafficked persons returned to Moldova. Save the Children assisted in the return of 4 girls who were under 18. About another 10 percent of victims assisted by IOM were under 18 when trafficked but were over 18 when they were repatriated.

Trafficking affects not only victims but also their families and, especially, their children. According to UNICEF, there are several groups of vulnerable children who are affected by trafficking:

- Child victims of trafficking
- Children in danger of being trafficked (especially from children's institutions)
- Children of trafficked women who came back with their mothers to Moldova
- Children of trafficked women left behind in Moldova, raised by their families or in institutions.

According to IOM, there were 20 trafficked women who returned in the period between January 2001 and May 2003 who were either pregnant or had children with them. Moreover, 70 percent of the victims assisted by

¹⁶² Interview with Ana Palancean, Director of La Strada Moldova, Chisinau, 16 January 2003.

¹⁶³ Combating trafficking in children in Moldova, IOM CTU Chisinau, 2003.

IOM had children prior to being trafficked. This amounts to more than 100 children aged 2 to 10 whose mothers were victims of trafficking and were repatriated to Moldova through the IOM programme.¹⁶⁴

The Temporary Centre for Minors in Moscow (organised by the Ministry of Internal Affairs) estimates that at least 50 percent of the children begging on the streets of Moscow are from Moldova. According to Save the Children Moldova, the children are kidnapped or taken under false pretences from their parents by members of the Roma networks and then trafficked to Russia (Moscow, St. Petersburg), Ukraine and other countries. According to the police ATU, the majority of children leaving Moldova do so with their mothers. Police have information about children from Moldova used for begging in Russia, Belarus, Ukraine and Poland. The groups of beggars – children, old people and the handicapped, as well as young girls – are allegedly organised by members of Roma communities. There is also information about children being trafficked to work on farms in Ukraine (Odessa).

The Italian Consortium for Solidarity has conducted research into the family situation of Moldovan children and adolescents under 18 living in Italy. In the majority of cases, there was a debt bondage involved as parents agreed to pay US\$ 1,000-1,500 to send their children abroad in the hope that they could build a better future there. The option of migration seems especially attractive to the families of boys who have finished the obligatory primary education but who can neither continue in education nor find a job.

Young people from the Moldovan countryside often only see their future lying outside their local communities as there are few educational opportunities and no work for young people in most rural areas. There are often not even any teachers, as they have also migrated. As the wave of migration reached women, many children are left behind by their parents, and are raised by their grandparents or sent to institutions. Some children are raised by people who are not their parents or legal guardians. Some others become homeless as the result of adult migration. The decision of children to migrate is often influenced by their perception that perpetuating the pattern of migration is the only option available to them.

A UNICEF report on the prevention of trafficking in children also mentions the issue of mothers leaving their children behind when they go abroad to work. In one adult focus group, every adult participant knew of a family in this situation.¹⁶⁵ 80 percent of children in institutions are not orphans but are deprived of parental care (in many cases their parents have migrated from Moldova). They are not protected by the law and can easily become victims of trafficking. Forced to leave the institutions at the age of 16, lacking any job skills or a safety net of family relations or social support, these children are at high risk of being trafficked. At least 10 percent of trafficked women grew up in institutions and were trafficked following their release.¹⁶⁶

Before June 2000, a child could be taken through the border by anyone who could present a signed agreement from the parents. Now a child has to be registered in the accompanying person's passport. However, with widespread corruption and easy access to new or false documents, this new requirement does not present a serious obstacle to traffickers.

UNICEF and other international organisations initiated a Working Group on

¹⁶⁴ *Ibid.*

¹⁶⁵ *Not for Sale: Child Trafficking Prevention in South Eastern Europe, Pilot Research in Albania, Moldova, Romania* UNICEF in connection with the Columbia University School of International and Public Affairs, New York, May 2003.

¹⁶⁶ Interview with Ana Palancean, Director of La Strada Moldova, Chisinau, 16 January 2003

Child Trafficking in August 2002. The group consists of international organisations and NGOs. The activities include mapping out the existing initiatives to combat child trafficking in Moldova, focusing on the most vulnerable groups (children in institutions, children returning, and children of trafficked women), preparing anti-trafficking curricula for schools and institutions for children, providing services for children who are coming back to Moldova, and protecting victims and offering them legal assistance.

Research conducted by UNICEF Moldova on awareness of the dangers of trafficking among children shows that almost all children had at least some information about this phenomenon. In one of the focus groups, "all children appeared to be aware of the danger of replying to newspaper ads for jobs, but they did not seem to know what steps should be taken to determine if a job is real. Some girls suggested calling the hotline, but in two groups, the girls did not trust the hotline itself, thinking that it, too, may be run by traffickers. In only one group, which was conducted in a school of orphans, did the girls have a wide knowledge about tactics and specific ways to protect themselves, such as calling the hotline or checking to make sure the job agency is registered. The girls in this group had already undergone a training sponsored by La Strada and the teachers in the school were using the La Strada anti-trafficking lesson plans."¹⁶⁷ La Strada workers reported that quite often the young people they wanted to reach with information are replying that they have heard "more than enough" about trafficking, yet less about "how to recognise a danger and apply self-protection measures".

2.5. Prosecution

According to the ATU, there were 42 trafficking trials underway in Moldova as of the end of 2002.¹⁶⁸ In 2 cases, traffickers were sentenced, one to 15 years in prison, the second to 10 years. There were also 49 prosecutions started in 2002 under Article 105 (2) of the Criminal Code (the pandering law), which is used in the cases of internal trafficking. 30 of those cases are still pending. Two cases were prosecuted under Article 187 (corruption) against persons who agreed to forge the documents of a group of people leaving for the Western Europe. In total, 463 prosecutions have been brought relating to trafficking, many of them against representatives of tourist and job agencies. Collected evidence included false passports and visas. 38 people were arrested and detained, for a total of 783 days between them.¹⁶⁹

The lack of any clear anti-trafficking law has impacted on the prosecution of traffickers. Due to changes in the Constitution, the whole of the Criminal and Criminal Procedures Codes has been revised. New anti-trafficking legislation should be presented to Parliament soon.

The prosecution of traffickers is often impossible due to lack of evidence. Even in the cases in which the women agree to testify, they often change their testimonies in court. According to the police, witnesses are paid off by the traffickers or intimidated by them.

Victims of trafficking returning to Moldova on the IOM programme are informed by the shelter staff that giving testimonies to the police might place them in danger. Due to the lack of safe places for the victims/witnesses, the lack of proper protection by the police and the non implementation of the witness protection law, the shelter is not able to provide the necessary

¹⁶⁷ *Ibid.*, p.48 - 49.

¹⁶⁸ Interview with Ion Bejan, Head of the Anti-trafficking Unit, Chisinau, 16 January 2003.

¹⁶⁹ *Ibid.*

protection for the women who want to testify. The lack of successful prosecution is another discouraging factor. Even when women take risks to provide police with evidence, their testimonies are usually not used and the traffickers are not prosecuted. Shelter staff are aware that some women are willing to testify and have important information that could lead to the prosecution of traffickers, but knowing about the lack of the proper security measures and ineffectiveness of the judicial system, they do not advise women to come forward and contact the police. Until the end of 2002, only 2 women among the shelter clients wanted to collaborate with the police. These women were placed in a separate facility and had legal assistance provided by the local NGO Centre for Prevention of Trafficking in Women.

The police are also using the testimonies of women who have been deported. However, as mentioned above, the women are not considered to be victims of trafficking once they have been deported, so they do not receive any protection and are not offered any assistance.

3. Summary

The new phenomenon described by assisting agencies is trafficking from Moldova by air to the countries of the EU and the Middle East. There is still not enough information about trafficking to Turkey and about women and girls returning from Turkey, who do not usually receive any assistance.

There is new understanding and knowledge on the issue of trafficking in children and the fact that not only child victims are affected by trafficking but also the children of victims and children from high risk groups. The channels for trafficking in children for begging are expanding children trafficked for begging are found not only in Western Europe and Poland but also in Russia and other CIS countries.

In general, trafficking seems to be slower but better organised. Assisting agencies report that trafficked women are telling them about better conditions of work and less abuse in the process of trafficking to the Balkan countries. The role of female traffickers is often underestimated.

There is still insufficient commitment by the Moldovan government to address the issue of trafficking in a serious and comprehensive way. Although great progress has been made in some areas, including the organisation of a special anti-trafficking police task force and the involvement of the Ministry of Labour in prevention and reintegration programmes, in other areas, especially in relation to the implementation of the National Plan of Action and the work of the National Co-ordinator, there is still need for improvement.

No governmental programmes are anticipated in the area of trafficking prevention, especially for addressing the root causes of trafficking: poverty reduction programmes aimed at the high risk groups; employment projects for high risk groups; programmes aimed at information about migration and legal migration opportunities for high risk groups; and activities aiming at reducing violence against women and discrimination against women.

There is no data or information about internal trafficking and the local prostitution market. There are also no programmes or activities aimed at prostitutes to provide information about health risks and trafficking. There is no legislation in place to prevent and punish domestic violence and no system of juvenile justice.

The anti-trafficking articles in the Criminal Code have just been accepted by

Trafficking in Human Beings in South Eastern Europe

The Republic of Moldova

Parliament and now have to be implemented. Prosecution of traffickers has been very difficult due to the lack of legislation, lack of judicial experience with trafficking cases and the absence of a witness protection programmes. There is still no clear information if the clause of non-punishment for offences related to trafficking will be included in the new anti-trafficking regulation.

The majority of returning women who may be victims of trafficking are deported from the countries of destination and treated in Moldova as returning illegal migrants. There are no working identification procedures used by the law enforcement agencies in the area of trafficking. Only women and girls returned by the IOM programmes, NGOs and Interpol are identified as victims; those expelled from other countries are not. The police are using the testimonies of returning women against traffickers, but still do not consider them to be trafficked. There should be training for the police and border police, which would make it possible to identify suspected victims returning to Moldova after being expelled from other countries. The programme discussed by OSCE to support the police in the process of identification should be implemented as soon as possible.

A positive development is the fact that there are shelters and support programmes for those identified as returning trafficked women and children. Women are offered assistance and are informed by the assisting NGOs about the possible dangers of testifying. NGOs are also concerned about the fact that there is no confidentiality of information and that data can be shared by the police/Ministry of Internal Affairs with others.

The assistance programme developed in Moldova is in many respects the best in the region. The programme is clearly based on human rights principles the protection of the rights and the best interest of the victims. While La Strada has reached very good results running prevention programmes (including a hotline which also contributes to the identification and rescue of victims), IOM is running a shelter with a very well designed, comprehensive programme and very professional personnel. Women in the shelter also have access to well-developed and easily accessible legal advice provided by local NGOs and re/integration programmes proposed by NGOs. However, there is a need for a programme and support for HIV positive victims.

The co-operation and networking, started by UNICEF and strongly supported by OSCE, between local and international NGOs and the international organisations is exceptional and has brought very good results. There is no monopolisation of the issue by just one agency. The local agencies are participating in programmes as equal partners and many NGOs are involved offering different approaches and expertise and addressing different needs and groups of victims. The human rights perspective and focus on the protection of the rights of victims is present in all initiatives.

Moldova also has the most developed re/integration programmes aimed at long term support for returned victims. Those programmes should be further expanded and also used as the model in other countries.

There is, however, need for more involvement of governmental agencies and the creation of a National Plan of Action, which could become sustainable and replace, in the future, the *ad hoc* actions of the international organisations.

4. Moldova case study: reintegration programmes

10 percent of women who are returning to Moldova after being trafficked have been brought up in institutions and, therefore, have limited social skills and no family connections. Almost all returning trafficked women lack professional skills or training. The majority are from rural areas. They have little education and few survival skills, are very young, traumatised and not able to make any decisions. Almost all of them have mental and psychological problems; 10 percent are mentally retarded.¹⁷⁰

According to NGOs, the majority of women who are returning to Moldova with the IOM programme are "manipulated" into making this decision. In the countries of destination, they are faced with a very limited choice between agreeing to be repatriated by IOM or to be deported by the police. Even though they choose the easier way to return and therefore join the IOM programme, they still feel that the decision was forced upon them, especially as they will be going back to exactly the same situation from which they had tried to escape, with no prospect of being able to change it.

Prior to 2002, women who returned could only count on very limited social and financial support. In 2002, however, several programmes were developed in Moldova, to try to address the issue of integrating the victims of trafficking back into society in a more comprehensive way.

Italian Consortium for Solidarity

The Italian Consortium of Solidarity (ICS) is an Italian NGO working in the Balkans, providing assistance to war-affected populations. ICS has been paying increasing attention to vulnerable groups, such as children, women and the elderly. ICS has been present in Moldova since July 2000 when they initiated a programme of income generating activities for Moldovan refugees. At the end of 2001, ICS started a programme in partnership with IOM to provide vocational training for trafficked persons and to offer them grants in kind to start up micro-enterprises. The next project of the same kind was initiated in July 2002 with the aim of reintegrating victims of trafficking by providing them with opportunities to start micro-businesses and small economic activities. ICS selected 25 persons from the 250 women taking part in the IOM return programme. 20 women finished the training and prepared business plans for their future activities. ICS provided those women with grants in kind (up to US\$ 800) to start their own enterprises. Proposed activities included sewing, laundry services, processing seeds, farming activities, sweets production.

Similar income generating programmes for the potential victims of trafficking are being implemented jointly by the Swiss Agency for Co-operation Development, local authorities and local NGOs in the rural areas of Moldova. The programmes aim to support income generating activities and capacity building of NGOs.

IREX

In September 2001, International Research and Exchange Board (IREX), a US based NGO, started the Regional Empowerment Initiative for Women programme, with USAID funding. The programme aims to promote the empowerment of women. The Moldovan programme started in May 2002 and is aimed at girls and women between 15-29 potential victims of trafficking and

¹⁷⁰ Interview with the IOM shelter staff, Chisinau, 16 January 2003.

includes small grants for unemployed women who want to open their own businesses, vocational training for women and girls, and grants for women's NGOs working on the issue of empowerment of women. Within the programme IREX offers 1) training in women's empowerment – two days; 2) professional orientation training – one day; 3) business training - three days. Another part of the project is an award of small grants to support women entrepreneurs in the creation of sustainable enterprises and support for the loans offered by the Ministry of Labour for starting businesses.

Results of the reintegration programmes

The income-generating programme of ICS organised for the victims of trafficking appeared only to be suitable for less than 10 percent of the women. Only 25 women were chosen to take part in the programme and after further selection only 20 projects were accepted.¹⁷¹

Similarly, IOM's apprenticeship programme with the Ministry of Labour was not entirely successful. There were not enough job offers for women to choose from and there was a problem with confidentiality – the women did not want to take part in a programme, which was clearly designed for "former prostitutes".¹⁷²

The IREX programme, although designed to reach a large group of women, is not offering sufficient training and financial support to bring long lasting results and allow participants to become independent entrepreneurs.¹⁷³

Regardless of the low attendance and low success rate of these programmes, they prove that a more proactive approach to the reintegration of victims of trafficking is possible and can bring positive results. However, they also show that it is impossible to integrate women and girls with neither education nor skills unless programmes are created that better meet their needs. Reintegration programmes, while possible and necessary, are not suitable for traumatised women or for women and girls with psychological problems.

More options are needed for women to choose from, more time is needed to explore these options and a better referral system is needed at national and local level. There is a need for a network of co-operating NGOs to whom cases may be referred and co-operation with the Ministry of Labour to make possible the registration of women for job counselling.

There is also a group of women who, after the psychological and physical trauma of trafficking will need long term psychological or psychiatric support and would not be able for a long time to attend training or find a job. Reintegration for children should mean family reintegration not institutionalisation. However, there are no mechanisms in Moldova to prevent institutionalisation at this point. There are day care centres for children, but no professionals who can work in them and set up programmes suitable for trafficked children.

¹⁷¹ Interview with Cristiano Barale, Co-ordinator of Italian Consortium of Solidarity, Chisinau, 17 January 2003.

¹⁷² Interview with Liuba Revenko, Co-ordinator of Anti-Trafficking Programme, IOM Chisinau, 16 January 2003.

¹⁷³ *Ibid.*

Romania

Romania borders Moldova, Ukraine, Bulgaria, Serbia and Montenegro and Hungary and has a population of 22.3 million. The country emerged in 2000 from a three-year recession thanks to the strong demand in the European Union (EU) export markets. Despite the global slowdown in 2001-02, strong domestic activity in construction, agriculture, and consumables have kept growth above 4 percent, accompanied by gains in deficit reduction and the curbing of inflation. However, recent macro-economic gains have done little to address Romania's widespread poverty.

Currently, the Social Democratic Party forms a minority government, which governs with the support of the opposition Democratic Union of Hungarians in Romania. Romania was invited to join NATO in 2002 and is among the countries that are aiming to join the EU in 2007.¹⁷⁴

According to the US Department of State Report on Trafficking in Persons in 2002, Romania made serious efforts in the previous year to combat trafficking and was, therefore, placed among the countries in Tier 2. Tier 2 comprises those countries whose governments do not fully comply with the minimum standards set up by the US Department of State to combat trafficking, but are making significant efforts to do so.¹⁷⁵

1. Migration, Prostitution and Trafficking

Since January 2002, Romanian citizens have been able to obtain Schengen visas, which allow them to travel without any restrictions to the majority of EU countries.¹⁷⁶ In 2004, visas regimes will be introduced for Moldovan and Ukrainian citizens visiting Romania. These new developments brought a change in the migration patterns from Romania. The change in visa regime has made possible more direct contact, especially by air, with Western Europe and contributed to the fact that more people have started to travel to the EU with valid documents. As a result, there is reportedly less trafficking from Romania (but not migration) to the EU. There is also less trafficking to the Balkan states as fewer women decide to take the uncertain and obviously illegal routes through the Balkan countries, especially when reaching the West directly has become less problematic, although still expensive.¹⁷⁷ Moldovan citizens, who are entitled to Romanian nationality, apply for Romanian passports so that they can travel freely and have access to the Schengen zone. This has had an impact on the travel and migration statistics for Romania and Moldova, as it is hard to establish how many persons with Romanian documents are in reality Moldovan citizens though the procedure for them to obtain Romanian nationality became more difficult in 2002.

The normalisation of contacts with the EU makes it easier for the people who want to travel or to migrate to do so without using the services of intermediaries and, therefore, to reduce the danger of being trafficked. Easier access to passports and visas also reduces the need for forged documents or illegal border crossing.

¹⁷⁴ See site: http://news.bbc.co.uk/1/hi/world/europe/country_profiles/1057466.stm

¹⁷⁵ U.S. Department of State, *Victims of Trafficking and Violence Protection Act of 2000; Trafficking in Persons Report* (2002), Part III. See: <http://www.state.gov/g/tip/rls/tiprpt/2003/21262.htm#tiers>

¹⁷⁶ A Schengen visa entitles the holder to travel to all the European Union countries that signed the 1996 Schengen Agreement (Austria, Benelux, France, Germany, Italy, Portugal and Spain).

¹⁷⁷ Interview with Eduard Petrescu from UNAIDS, Bucharest, 23 January 2003.

Romania

Direct contact with the EU countries, which has an impact on the scope for trafficking, also creates new trends. For example, there is less information in newspapers about the trafficking of Romanian women to the Balkans, but more information about Romanian trafficking groups operating in Spain and trafficked Romanian women working in prostitution there. At the beginning of 2003, there was a series of press articles about the dismantling of trafficking rings run mainly by Romanian citizens in Spain. 39 people were detained in Spain, of whom 32 were Romanian.¹⁷⁸ At the end of 2002, 400 women were deported from Spain by charter flight, together with people stopped for begging and illegal Roma migrants. Despite evidence that women were being trafficked from Romania to Spain and information about Romanian women seeking help from the Spanish police, the Romanian police treated all deported women as illegal migrants when they returned. There is no evidence of how many of the deported were children under the age of 18 or how many of them were unrecognised victims of trafficking.

There is information that men are being trafficking from Romania for forced labour. In 2002, over 30 people were arrested in Romania for trafficking in men. Licensed labour agencies, which continued to provide services after their licenses had expired, were involved in the trafficking. However, no victims of trafficking were identified because the men cheated by the agencies did not request any assistance.¹⁷⁹

There is also more information and attention paid to internal trafficking in Romania. The attention is triggered by the growing visibility of prostitution in Romania, especially in Bucharest, and information about the conditions of sex work. Sex services are widely advertised and there are many places (mainly hotels and particular streets and areas of towns) well known for prostitution. The media is reacting to the fact that prostitution has become very visible and describes the conditions for sex workers. Prostitutes work in very poor conditions and there are many examples of them being mistreated by their pimps - they are exploited, their income is confiscated and they are abused. Women can be moved by their pimps from place to place or sold from pimp to pimp. These women eventually become the victims of international trafficking.¹⁸⁰ A discussion was started by some NGOs a couple of years ago and has now been taken over by politicians about the possibility of legalising prostitution as a way to decriminalise female sex workers and make them less dependent on the organised crime which runs the prostitution market.

While there is much anecdotal information about internal trafficking, there are no agencies or organisations that are really interested in this issue. The issue is not included in the reports of the police or IOM. Local NGOs cite corruption in the police as the main reason why the issue of internal trafficking is not dealt with. The pimps responsible for internal trafficking are often police informants or have informal contacts and dealings with the police. The Anti-Trafficking Squad works only on the issue of international trafficking. Internal trafficking is supposed to be covered by the Legal Directorate at the Ministry of the Interior. IOM gives support to Romanian victims of trafficking, women and girls, who come back to Romania from abroad, but there are no shelters or programmes for internally trafficked women and children.

According to the police, there is evidence of a growing involvement of the

¹⁷⁸ Lavanguardia LVD - 29/03/2003 - 09.13 hours.
<http://www.lavanguardia.es/web/20030329/51138141965.html>.

¹⁷⁹ Interview with Adina Cruceru, General Directorate for Combating Organised Crime and Drugs at the Ministry of the Interior, Bucharest, 22 January 2003.

¹⁸⁰ Compare: http://www.iwpr.net/index.pl?archive/bcr3/bcr3_200301_ir_eng.txt

Roma community in human trafficking, as the number of Roma pimps increased by 14 percent in 2002.¹⁸¹

2. Current responses

2.1. National Plan of Action

In spring 2001, Romania established a National Task Force on Trafficking to co-ordinate the efforts made by the Romanian Government to prevent and combat trafficking. The Chief of the General Directorate for Combating Organised crime was appointed as the National Co-ordinator. In addition, an inter-ministerial Committee was established on the initiative of the Ministry of Foreign Affairs in co-operation with the ministries of the Interior, Justice, Education and Research, Labour and Social Solidarity and the Prosecutor's Office, as well as international and local non-governmental organisations.

The Committee drafted the National Plan of Action (NPA), which is compatible with the regional Plan of Action of the Stability Pact Task Force on Trafficking (SPTF). The government approved the NPA in November 2001 according to Government Decision No. 1216/2001. The NPA is focused primarily on law enforcement and legal reform and includes the activities and co-operation of all relevant governmental and non-governmental institutions in each field of action including research, prevention, raising awareness, assistance, legal reform and law enforcement. Although similar to the model proposed by SPTF, the NPA stays on a very general level by proposing many activities to be implemented by different agencies without assigning concrete tasks or creating time frames for them. Therefore, the NPA should be seen as a general framework for future activities rather than as a comprehensive plan of work.

An Inter-Agency Working Group on trafficking in human beings was established to develop concrete steps and policies and further develop the NPA, as well as to act as a supporting body for the National Task Force and as one of the agencies implementing the NPA. The main role of the Working Group is to improve legislation, law enforcement procedures and victim assistance. The Working Group is made up of representatives of government, international organisations and donors, including IOM, CoE, UNHCR, UNDP, SECI and USAID. The FBI and the US Embassy also provide support for the group.

2.2. Anti-trafficking legislation

The most important result of the Working Group's activities has been the new anti-trafficking legislation, Law No. 678/2001, which was passed in November 2001 (the same Governmental Decision No. 1216/2001 that approved the National Plan of Action). This Law on the Prevention and Combat of Trafficking in Human Beings defines a new crime of trafficking in human beings, which complies with international legal standards, in particular with the Palermo Trafficking Protocol. The Law identifies specific tasks for different agencies in the field of prevention, provides for specific tools of investigation and prosecution such as undercover agent operations, electronic surveillance and phone tapping and the forfeiture of money and assets. It also establishes a national mechanism for victim assistance and special funds for county councils to finance centres for victims of human trafficking. The programme is called the National Programme to Prevent Trafficking in Human Beings and has been created within the framework of the NPA.

¹⁸¹ General Director Mihai Stoica, Organised Criminality in Romania, Comparative Study on the Evolution of the Phenomenon during the last three years. Bucharest, 2002, p.7.

Trafficking in Human Beings in South Eastern Europe

Romania

According to Law No. 678, victims of trafficking are entitled to physical, psychological and social support. Victims are also entitled to stay and be protected in shelters organised and run by the County Councils. In the shelters, trafficked persons should receive information about the legal benefits to which they are entitled. The Law does not include reintegration programmes, except for short-term vocational training for the victims of trafficking that should be organised in the counties where the shelters are established.

In the area of prevention, the Law stipulates activities in the field of education and dissemination of information, including information about migration. There are also provisions concerning the labour market, including support for companies hiring persons from high-risk groups and victims of trafficking who have graduated from the vocational training courses.

Although Law No. 678 is very comprehensive regulation, it is still missing the regulatory procedures that would operate the whole system of assistance and prevention it proposes.¹⁸² There are also no special provisions for children stipulated in the law and no information about the responsibility of relevant governmental agencies for the assistance and protection of children.¹⁸³

The National Task Force on Trafficking is the governmental body responsible for co-ordinating anti-trafficking activities. It comprises representatives of all relevant Ministries and is headed by the National Co-ordinator, but it does not work properly yet because of a lack of the necessary regulatory procedures. The Task Force meets only on an ad hoc basis, and meetings are not attended by competent representatives of the Ministries who could follow up on the agreements that would ensure the implementation of the NPA.

The new Law provides criminal provisions for prosecuting the crime of trafficking in human beings. The definition of trafficking is in compliance with the Palermo Trafficking Protocol and the penal provisions meet the legal standards established in the Protocol. The Law also stipulates higher punishment when the crime is committed against a juvenile (15-18 years old), regardless of the consent of the victim and allows for confiscation of the assets from the crime. Victims also have the right to compensation, stipulated in the general provision that allows the introduction of a civil action in criminal proceedings.

The Criminal Procedures Code provides for specific tools of investigation and prosecution such as undercover agent operations, electronic surveillance and phone tapping and forfeiture of money and assets.

The Government has also taken new measures to organise national law enforcement structures to combat trafficking. The National Focal Point on trafficking is a counterpart for the Regional Focal Point established at the SECI Centre. The Ministry of the Interior's Trafficking in Human Beings Squad is a part of the Anti-Organised Crime Division that has approximately 40 representatives in 15 counties.

As a result of EU accession requirements, constant efforts are being made by law enforcement bodies to tighten border control by increasing patrols and introducing visa requirements for the countries considered potential sources of illegal migrants.

The new anti-trafficking law allows for the prosecution of traffickers and

¹⁸² The regulatory enforcement procedures were adopted by Government Decision no. 299/2003 (13 March 2003).

¹⁸³ The National Authority for Child Protection and Adoption and the Country Directorates for Child Protection.

protects victims of trafficking for being prosecuted for prostitution.¹⁸⁴ However, the new legislation on immigration, especially the *Emergency Ordinance No. 112* adopted in February 2002, does not protect the victims of trafficking from being prosecuted for illegal border crossing. According to *Emergency Ordinance No. 112*, entering or leaving of a foreign state by crossing its borders illegally by a Romanian citizen is considered a criminal offence. In cases of trafficking, when a Romanian victim of trafficking has illegally crossed the borders of a country of transit or of destination, she/he will be prosecuted in Romania for this crime once voluntarily or involuntarily returned or repatriated.¹⁸⁵

Women and girls who return with the IOM programme are not prosecuted but are advised, at least by the IOM assistance staff, to co-operate with the police and provide, to the extent possible, any information on traffickers that could help the police. The victims have the right to refuse to be interviewed by the Anti-Trafficking Squad (ATS) in Bucharest, in which event the ATS refers the case to the local police once the victim returns home. IOM uses this fact to explain to women and girls why they should co-operate with the ATS. However, even victims of trafficking who give information to the police while in IOM care might be approached again later by the local police demanding information about the circumstances of the "illegal migration" in accordance with the law.¹⁸⁶

Law No. 123/2001 on the Foreigner Regime together with *Emergency Ordinance No. 112* also has implications for the foreign victims of trafficking in Romania. Since illegal crossing of a border in Romania is a crime, a foreign victim of trafficking will be prosecuted there for being an illegal alien, regardless of her/his victim status. This is a serious obstacle to a successful prosecution in Romania because it prevents foreign victims from seeking help, addressing assisting agencies and excludes any co-operation between the victim and the police or the prosecutor.¹⁸⁷

2.3. Victim assistance

Law No. 678/2001 establishes a national mechanism for victims' assistance and special funds for county councils to finance centres for victims of human trafficking. The Ministry of Public Administration is responsible for the implementation of the victim assistance programme. According to the plan, there should be 9 shelters for the victim of trafficking in different parts of the country administered by the state. The structures should be established by the local administration, which is responsible for the organisation of the shelters, hiring the service providers and providing a budget for the Ministry of Public Administration. The services are decentralised while the funds should come from the centralised budget.

According to the NPA, prevention programmes (educational programmes and media campaigns) should be developed in all counties via special offices. However, development of the programmes depends on local capacity and at the present time the main activities are taking place in the areas where victims are coming from – the eastern and the southern parts of Romania. Programmes are being developed with NGO support. The Gender Focal Point at the Ministry of Labour was supposed to help to

¹⁸⁴ Since prostitution as such is a crime in Romanian law, Article 20 stipulates that a person who has committed the crime of prostitution shall not be liable for that crime if, before the beginning of the criminal investigation into the crime of trafficking, this person reports to the competent authorities and after the beginning of the investigation facilitates the arrest of the offenders.

¹⁸⁵ Maria Grazia Giammarinaro, Note from the CoE meeting in Strasbourg (18-20 February 2002), issued by the Stability Pact Task Force on Trafficking in Human Beings, issued 25 February 2002.

¹⁸⁶ Interview with Adina Cruceru, General Directorate for Combating Organised Crime and Drugs at the Ministry of the Interior, Bucharest, 22 January 2003.

¹⁸⁷ Maria Grazia Giammarinaro, *Ibid.* p. 51.

Romania

establish a trafficking hotline sponsored by UNDP. An additional US\$ 10,000 were needed for the establishment of a free of charge phone number. Due to lack of funds the Ministry of Labour refused to participate in the project and the hotline was not established.

The NPA stipulates that the Ministry of Labour is responsible for the reintegration of victims. However, at this point the only working reintegration programmes are those established by NGOs and IOM.

2.3.1 Identification

In general, women and girls deported back to Romania are interviewed by the police at the airport and sometimes brought to the Organised Crime Office for further interrogation. All of them are treated as illegal migrants as they were caught without valid documents abroad and deported back to the country. They are not informed about the possibilities of support and integration programmes for victims of trafficking. Only women and girls who were recognised as trafficked in the country of destination and who asked for help there are recognised as victims of trafficking upon return and referred to IOM. In 2002, the police claimed to have referred 82 women to IOM.

In 2002, IOM and NGOs co-operating with IOM assisted 219 women who had returned voluntarily to Romania. The NGO Reaching Out assisted 12 trafficked women. 82 of the women supported by IOM were referred to them by the police,¹⁸⁸ the rest by the IOM shelters in the destination countries.¹⁸⁹ Among the beneficiaries of the IOM programme were 72 women who had returned from FYR Macedonia, 52 from BiH, 22 from Serbia, 21 from Kosovo, 20 from Italy, 16 from Albania and 2 each from Bulgaria, Germany and France. 23 percent of the women were under 18.¹⁹⁰ Out of the 219 who were assisted, 157 spent one night in the temporary accommodation before going back to their home town. Afterwards, they were referred to the partner NGOs operating nearby. 33 victims stayed at the shelter (including 7 children), some for as long as 6 months.

2.3.2 Assistance

As the governmental system of support to the victims of trafficking does not yet work, there are currently two ways in which Romanian victims of trafficking can receive assistance upon arrival home. One is through the IOM programme, the other through NGOs.

IOM

The first group are women and girls who were assisted in IOM shelters in the destination countries and were returned home with IOM's support. These women and girls are met by IOM at the airport. As they are arriving on a consular passport without proper documentation, the border police interview them at the airport to establish their identity and the circumstances of their journey. The women and girls are transferred by IOM staff members from the airport to the safe house where they can stay as long as necessary (although, in principle, the accommodation is meant for one night's temporary accommodation). As voluntary returns are organised legally, the Ministry of the Interior is informed about the returning women and girls and has all the relevant data.

According to Emergency Ordinance No. 112, women and girls returned by

¹⁸⁸ Interview with Adina Cruceru from the Ministry of the Interior, General Directorate for Combating Organised Crime and Drugs, Bucharest, 22 January 2003.

¹⁸⁹ According to IOM (letter from 3 September 2003) however, police referred only three women to them, all Moldovan citizens, who were assisted by IOM on return to their country of origin.

¹⁹⁰ Interview with Cristina Gheorghe, Daniel Kozak and Cristian Ionescu, IOM Bucharest, 21 January 2003.

IOM are perceived to be illegal migrants who have committed a crime against the state. They are therefore advised by IOM to talk to the police. Those who agree to talk to the police (80 % of victims, according to IOM) are taken by the police from the IOM safe place to be interviewed at the police station. In Bucharest, the interview is conducted by the Anti-Trafficking Squad, which has experience in dealing with victims of trafficking, in the presence of one IOM staff member who is there for support. IOM explains to the returned women and girls that the police have the right to start an investigation into their cases in relation to the illegal border crossing and to question them. They also explain that it is advisable to talk to the specially trained people in Bucharest rather than to be approached by the local police back home.

Another group of women and girls are those who are deported from other countries as victims of trafficking (82 cases in 2002). In these circumstances, the Romanian police notify IOM about the arrival of woman and after the first interview by the police at the airport, the woman is taken by IOM to temporary accommodation for one night.¹⁹¹

Information about victims of trafficking is sent to the assisting NGOs. These NGOs help the women and girls to prepare a Reintegration Plan, which is financially supported by IOM. In 2002, IOM spent approximately US\$ 400-500 per case, plus the reintegration allowance paid to the victim in 3 monthly instalments of US\$ 50 each. NGOs offer the women and girls vocational training, medical assistance, family counselling, school re-enrolments, assistance in job hunting, psychological support and therapy. IOM monitors the results of the programme through the reports sent by the NGOs. According to IOM, 55 percent of victims of trafficking took part in educational/vocational training and job search programmes. There is no information about the number of women and girls who stayed at the same location after the IOM support was finished and no information about the number of women who were able to find jobs after the training and courses offered.

There were 33 victims of trafficking who were provided with long-term assistance in the shelter in 2002. 22 of these women were working by the end of the assistance period in Bucharest or in their area of residence; one has a pension for disabled people and one has returned to her family because of mental disability. All women had been provided with information and they had participated in group counselling on topics related to job hunting.

IOM assisted 16 girls under 18 between November 2001 and October 2002. At the present, there are no special provisions or special treatment for children returned by IOM. From the overnight accommodation, girls were referred to the Save the Children shelter in Bucharest or sent back home.

7 children were sheltered in the IOM accommodation for a longer time. The procedure of establishing official guardianship when there is no contact with the parents has not so far been used. All the procedures are based on the agreement of the parents to allow the manager of the shelter to take responsibility for the child in her/his custody.

Salvati Copii (Save the Children)

The NGO Salvati Copii in Bucharest has been co-operating with IOM since May 2002. NGO assists victims of trafficking, including girls under 18, from the area around Bucharest. In 2002, Salvati Copii assisted 25 victims of trafficking, including 10 adolescent girls under 18. They offer:

¹⁹¹ Interview with Adina Cruceru from the Ministry of the Interior, General Directorate for Combating Organised Crime and Drugs, Bucharest, 22 January 2003. According to IOM, this situation only occurred three times. In general the police do not refer to IOM women who have been deported to Romania.

Trafficking in Human Beings in South Eastern Europe

Romania

- Long term psychological counselling (women and girls come to the office for a meeting with a psychologist);
- Social assistance (reintegration allowance paid by IOM and financial support from Salvati Copii);
- Accommodation for women and girls who cannot return home in a social apartment for 6 persons (the apartment is owned by another NGO and is supposed to change owner soon);
- Assistance in organising medical tests;
- Legal counselling (by a law school graduate);
- Legal assistance in court (from the lawyer accompanying the witness);
- Procurement of necessary documents; and,
- Vocational courses for waitresses and chefs, and in English language and computers (15 women took the hairdressing course).

As a result of the reintegration programme, 6 women found and kept jobs and 4 women received job offers that they refused. 2 women married upon their return.

All girls under 18 years of age were sent back home. According to the NGO, the psychological therapy provided is different for children and in 2 cases, where families had difficulties accepting the fact that their daughters had been working as prostitutes, family therapy was also arranged.

Reaching Out

The Reaching Out Shelter for victims of trafficking in Pitesti is the only independent shelter run by an NGO and not co-operating with the IOM programme. The women supported by Reaching Out cannot count on the financial support for reintegration for which women supported by other NGOs co-operating with IOM qualify. The main reason is that the manager of the Reaching Out shelter takes a different approach to the principles of assistance to IOM. According to Reaching Out, IOM is more focused on the quick fix and on assisting large numbers of victims, regardless of the results of the assistance. Reaching Out looks for the best long-term solutions to the victims' problems and takes into consideration the need to protect the women's rights and to empower them. Since 1998, 74 women have stayed in the shelter, the majority of whom now work; others have scholarships to study (one at university) or to finish high school. Women from Moldova, who can also stay in the shelter, do receive assistance for a longer time if they find a job in Romania. Out of 74 women assisted by Reaching Out, only 5 have returned to sex work.

In 2002, 12 women stayed in the shelter and 8 are still there. The biggest problem the shelter faces is finding jobs for women.

2.4. Trafficking in children

The issue of a support system for trafficked children was raised in Romania in 2002. For many years there has been information from EU countries about young unaccompanied children from Romania, often perceived to be from the Roma minority. The majority of them work (or worked before being placed in detention/orphanages) on the streets begging, selling goods and flowers and washing car windows. Some are/were involved in small crimes and arrested by the police. Organised networks that exploit young children and handicapped children are reportedly operating in Western Europe.¹⁹² The

¹⁹² According to the Romanian police, "Roma families created traffic networks on the territory of some western countries (France, Spain, Switzerland, Italy), exploiting people (children, disabled people, minor delinquents), and intensification of their activity is expected to happen in the next period." General Director Mihai Stoica, Organised Criminality in Romania, Comparative Study on the Evolution of the Phenomenon during the last three years. Bucharest, 2002, p. 7.

authorities do not usually recognise these children as victims of trafficking but, rather, as unaccompanied children. However, according to the Palermo Trafficking Protocol, all children transferred or transported for the purpose of exploitation should be recognised as victims of trafficking as the issue of consent in case of underage or children is irrelevant, and entitled to special protection.¹⁹³ These children cannot be returned due to the lack of information about the conditions to which they might return or about any proper care in their home country. There are difficulties locating parents and establishing if the children will receive proper care upon return and a lack of established procedures for appointing legal guardians if necessary.

Currently, there is no special programme in Romania that focuses on the problems of trafficked children. Girls under 18 returning under the IOM programme are treated as adults. However, as a result of collaboration between the Austrian Embassy in Bucharest and the Child Protection Authorities in the Romanian government, a special shelter will be established in Bucharest for unaccompanied children returning to Romania.

Although there are plans to support child victims of trafficking and offer them special protection, the National Agency for Child Protection and Adoption is not yet fulfilling its obligations. The Agency is only supporting psychological counselling for these children and is involved in follow up on reintegration in only a few cases. However, the social assistance network for child support works well at the Municipal level and this model could be duplicated for the support of children victims of trafficking.

The National Refugees Office of the Ministry of the Interior has links with local authorities to establish guardianship for unaccompanied children, but up to now this procedure has not been used in trafficking cases.

2.5. Prosecution

The new anti-trafficking legislation according to the Palermo Trafficking Protocol definition allows prosecution of traffickers. Until now, there have been 250 cases initiated according to the new legislation but as the law is still missing regulatory procedures, the outcome of the cases is unknown.¹⁹⁴

Although the new law stipulates that the witness should be provided with physical protection upon request, this has not happened as yet. Women need protection not only during the legal process but also afterwards. In many cases, their families also need protection. There are no reports of threats from traffickers, but it often happens that women who are testifying in trafficking cases change their testimonies in court because they are afraid of the traffickers or because they have been paid by the traffickers to drop incriminating testimony. The new law on witness protection from December 2002 (682/2002) provides better protection for the witnesses.¹⁹⁵ Since January 2003, the National Office for Witness Protection has been open to support implementation of the new legislation.

3. Summary

The normalisation of contacts with the EU makes it easier for the people from Romania who wish to travel or to migrate to do so without using the services

¹⁹³ The definition used in this report is contained in the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*, which supplements the *UN Convention on Trans-national Organised Crime* adopted by the UN General Assembly in November 2000. For the text of the Convention and the Protocols see: www.uncjin.org/Documents/Conventions. See also *UNICEF Guidelines for protection of the rights of children victims of trafficking in SEE*: www.seerights.org (key documents)

¹⁹⁴ Interview with Cristina Stefanescu, Institute for Crime Prevention, Bucharest, 22 January 2003.

¹⁹⁵ The law has been adopted in December 2002.

Trafficking in Human Beings in South Eastern Europe

Romania

of intermediaries, thereby reducing the danger of being trafficked. Easier access to passports and visas also reduces the need for forged documents or illegal border crossings. The high costs of travel and the need for intermediation in arranging illegal employment are the main reasons that migrants/potential victims of trafficking are still falling prey to traffickers.

The NPA is focused primarily on law enforcement and legal reform and also includes the activities and co-operation of all relevant governmental and non-governmental institutions. The NPA stays on the very general level of proposing many activities to be implemented by many agencies, without assigning concrete tasks or creating time frames for them. The NPA needs to be revised and made more concrete, in accordance with the new anti-trafficking legislation. The National Task Force on Trafficking, which does not yet work properly due to the lack of regulatory procedures, should be made operational and responsible for the rewriting and implementation of the NPA.

Law No. 678/2001 identifies specific tasks for different agencies in the field of prevention and provides for specific tools of investigation and prosecution. It also establishes a national mechanism for victim assistance and special funds for County Councils to finance centres for victims of human trafficking. According to this Law, victims of trafficking are entitled to physical, psychological and social support. Victims are also entitled to stay and be protected in shelters organised and run by the County Councils. In the shelters, trafficked persons should receive information about the legal benefits to which they are entitled.

Although Law No. 678/2001 is an example of very comprehensive regulation, it is still missing the regulatory procedures to operate the whole system of assistance and prevention it proposes. The Law does not include reintegration programmes except for short-term vocational training for the victims of trafficking and there are no special provisions for children. The Law provides criminal provisions for prosecuting the crime of trafficking and protecting victims of trafficking from being prosecuted for prostitution, but it does not protect them from being prosecuted for illegal border crossing. It also has implications for the foreign victims of trafficking in Romania who might be accused of illegal border crossing. The issue of the legal status of the returning victims of trafficking should be clarified.

There are no identification procedures in place for the victims of trafficking. In general, women and girls deported back to Romania are not recognised as victims of trafficking. Only women and girls who are recognised as trafficked in the countries of destination and ask for help there are recognised as trafficked upon return and referred to IOM. Even then, they are obliged to co-operate with the police. Internally trafficked women and children are not recognised as such. There should be an inclusive identification and referral procedures established for all women (not only those returning with the IOM programme), children and internally trafficked persons.

While victims of trafficking are obliged to talk to the police and give their testimonies, there is no witness protection system in place, no clear data protection procedures (it has happened that personal information concerning victims was shared with the media or other agencies/organisations without the victims knowledge and consent) and no legal support for the victims. The governmental system of assistance for the victims of trafficking does not yet work and women are supported either by the IOM programme or by local NGOs. However, the reintegration programme supported by IOM does not work well. Women and girls are referred to NGOs for further assistance without checking if the NGOs have the capacity to deal with the

referred cases. There is no system of monitoring reintegration programmes and no evaluation of their effectiveness.

There is a need for structural support for NGOs willing to work within the NPA, support for the hotline on trafficking, and for both reintegration and long-term prevention programmes addressing the root causes of trafficking.

There are no return procedures nor system of support for returning unaccompanied children/alleged victims of trafficking. There is also no special reintegration programme for children. Children are sent back home without any clear assessment of their needs or their best interests. The National Agency for Child Protection is not fulfilling its obligations. The social assistance network for child support should also be used to support underage victims of trafficking.

4. Romania Case Study: victim-centred assistance

The NGO Reaching Out was established in 1999 to provide direct assistance in rehabilitation and re/integration to women and children victims of trafficking and sexual exploitation, as well as young women leaving the orphanage system.

One of the fundamental rules for the shelter activities is that priority is given to protecting the rights of the victims and that their well being is considered above the interests of all other persons, organisations and governmental agencies. Reaching Out aims to empower women and girls, and to restore or maintain their ability to build an independent life by conferring respect, dignity and acceptance on each individual victim. Women and girls can stay in the shelter as long as it is necessary for them to start an independent life. They have access to services that are tailored according to their individual needs, developmental stage and the different environments from which they come.

Reaching Out has developed a programme of psychological support for trafficked women and girls. The experience of the organisation is that victims of trafficking have severe psychological problems and need a lot of support after being rescued.

"Any survivor of trafficking raises new questions about the limitations of our capacity to help them. They may have built up unconscious barriers subduing their feelings in order to survive the painful events. It is easier not to have any feelings than to get hurt again."¹⁹⁶ The women and girls most commonly experience emotions of fear, guilt, shame, anger, betrayal, helplessness, lack of trust and disorientation.

"If a girl has been returned to Romania, and she is not referred to an effective programme, in a safe environment, she will go back to the same abusive and/or poor family with no job and having to deal with all these emotions. Environment dictates behaviour. (...) The stress and the shock they have lived through are so overwhelming that the key to solving their problem is not the counselling alone, but a more complex approach. Victims have to be provided primarily with a safe environment where the psychological trauma can be addressed, where medical assistance is provided along with hope for the future. Otherwise the risk of being re-trafficked is great."¹⁹⁷

In addition to providing psychological support, Reaching Out is trying to equip the women in their programme with basic life skills. Young women do not have experience with and do not know how to deal with everyday

¹⁹⁶ Iana Matei, Standards for establishing shelters for victims of trafficking, Reaching Out Organisation, February 2002. p.5-6.

Trafficking in Human Beings in South Eastern Europe

Romania

problems – shopping, cooking, cleaning the house, saving money, etc. They have to be taught responsibility and perspective thinking, together with a belief in their own capacity to deal with all the problems.

Materials prepared by Reaching Out include sets of rules for counsellors/social workers to follow. The rules pertain to the relations between the shelter staff and the victims and the obligations towards the victims. Ground-rules for counselling include:

1. Non-judgemental, showing trust and validating their stories;
2. Confidentiality, necessary to establish the trust needed in therapy;¹⁹⁸
3. Provision of protection (security in the shelter and confidentiality of the address);
4. Understanding of the women's situation, trying to see things from their perspective;
5. Building realistic plans, restoring hope and believe in the future (counsellors must be aware that post-traumatic shock can appear even a year after the return, and that women in trauma are not able to make plans); and,
6. Being able to deal with difficult behaviour.

House rules for the shelter staff include:

1. Respecting the victim and giving priority to her rights/needs in all circumstances;
2. Addressing conflicts between the staff and the women in an open way during weekly meetings;
3. Entering girls bedrooms only with their permission, respecting their privacy;
4. Being available at any time for counselling;
5. Participating in training for the staff on a monthly basis to prevent stagnation of the programme; and
6. Enjoying time with the girls.

Generally, the counsellors/social workers are responsible for the well being of the women. There is clear understanding that until the women are able to start a normal life, they need support and should be able to stay in the shelter and count on assistance. In some cases, women stayed in the shelter for almost 2 years.

The Reaching Out shelter was initially set up in an average apartment in an apartment block. The concept was that the women would not be isolated and feel that they were part of the local community. Reaching Out did not want to provide an institutional setting. Problems came from the neighbours who found out about the nature of the programme and displayed negative attitudes towards the women. Soon, the shelter will move to a house where the women would also be able to work. At this point, there are 2 apartments and 6 full-time social workers working in 3 shifts. Someone from the staff is present to assist the women 24 hours a day. 4 part-time social workers cover the weekends. All social workers are female because they work 8-hour shifts alone with the girls.

¹⁹⁷ *Ibid.*

¹⁹⁸ "The counsellor must NEVER take anything the girl says out of the therapeutic setting. If important information about trafficking for the police is heard, ask the girl if she is okay with going to the police. She MUST be asked this question only AFTER the counsellor explains the consequences of going to the police. These consequences may include more questions, more ridicule, not being believed, being discounted, a need to confront the recruiter, transporter and/or pimps. Remind her that at all times someone from the shelter will be with her and will make sure her rights are represented. If she is a minor, she will go to the police with an attorney representing her and present at all times. Additionally, if she is a minor and does not want to contact her family, DO NOT contact the family". *Ibid.* p.6.

Young women leave the programme when they have jobs and some savings in the bank to start a new life. Before leaving the programme, each woman has to present a budget for the next three months. In this budget, she prioritises her needs according to the amount of money she will have. Upon leaving the programme, she receives a kit with winter clothing. Each woman is encouraged to keep in touch with the programme and to ask for help if necessary. If a woman does not have enough money for food, she is encouraged to eat at the shelter and have the staff help her re-budget.

In the majority of cases, women stay in touch with the shelter and it is possible for the shelter staff to follow their whereabouts and support them, when necessary.

Although the rules of the programme seem to be very simple - family-like atmosphere, care and respect, teaching women basic life skills, helping to start an independent life, - Reaching Out is the only shelter in the region with this type of programme, one which prioritises women's needs and rights above other goals and clearly states the responsibility of the organisation towards its beneficiaries.

Bosnia and Herzegovina

As a sovereign territory, Bosnia and Herzegovina (BiH) is in a unique position. Under the 1995 Dayton Peace Agreement, the international community has leverage and influence unlike in any other country in the region, apart from the UN Administered Province of Kosovo, including executive powers invested in the High Representative to impose or veto laws.¹⁹⁹ BiH comprises two entities, Republika Srpska (RS) and the Federation of Bosnia and Herzegovina (FBiH), and the autonomous District of Brcko. The FBiH is further divided into ten districts called Cantons.

BiH is not only coming out of a devastating war, but the country is also struggling with a whole range of immense challenges: setting up functional state institutions and government bodies for the newly formed state, imbuing principles of democracy and the rule of law into governance, changing from a socialist to a market economy, coping with the overall economic crisis in the region, facing widespread organised crime, restructuring the social welfare system, and moving from humanitarian aid to sustainable development. These challenges have to be tackled in the context of highly decentralised and fragmented political and administrative structures designed for the Dayton Agreement as the lowest common denominator to end the war while preserving BiH as one state, rather than for effective governance. Both entities of BiH have their own governments and civil structures. Governance is thus shared by 13 political units, each possessing constitutional and legislative authority and managed by 181 Ministries all this for an estimated 3.8 million people.

BiH ranked next to FYR Macedonia as the poorest republic in the Socialist Federal Republic of Yugoslavia. Although agriculture is almost all in private hands, farms are currently small and inefficient and BiH is traditionally a net importer of food. Industry is inefficient and unemployment is growing. "GDP remains far below the 1990 level. Moreover, official data do not capture the large share of activity that occurs on the black market. The

199 The Dayton Peace Agreement, signed in December 1995, established BiH as a state comprising two entities, RS and FBiH. There are a large number of international actors present in BiH and these represent government, international agencies and NGOs. The following have a mandate under the Dayton Peace Agreement:

OHR: the Office of the High Representative, who is appointed by the UN Security Council to oversee the implementation of the civilian aspects of the Dayton Peace Agreement. OHR has the authority to co-ordinate all intergovernmental organisations in BiH and is the principal mediator between the international community and the national authorities. OHR has the authority to intervene and pass decisions that are binding by law in the event that national parties are unable to resolve difficulties. See site: <http://www.ohr.int/>

SFOR: Stabilisation Force of the Partnership for Peace. This is the international military authority in BiH, under the direct NATO control, with approximately 12,000 troops at the end of 2002. See site: <http://www.nato.int/sfor/index.htm>

UNMIBH: The United Nations Mission in BiH was mandated under the Dayton Peace Agreement to "provide a safe and secure environment for all persons by ensuring that civilian law enforcement agencies operate in accordance with internationally recognised standards and with respect for internationally recognised human rights and fundamental freedoms." See site: <http://www.unmibh.org/>

IPTF: the International Police Task Force comprised international civilian police officers from member states of the UN, and was responsible for the restructuring and training of law enforcement agencies in BiH. UNMIBH/IPTF completed its mandate in December 2002. See site: <http://www.unmibh.org/unmibh/iptf/index.asp>

EUPM: in line with the Dayton objectives, the European Union Police Mission, has taken over some of the functions of IPTF in monitoring, mentoring and inspecting local police. Some 500 police officers from the fifteen EU Member States and eighteen other countries make up the mission. See site: <http://ue.eu.int/eupm/homePage/index.asp>

Trafficking in Human Beings in South Eastern Europe

Bosnia and Herzegovina

marka - the national currency introduced in 1998 - is now pegged to the Euro, and the Central Bank of BiH has dramatically increased its reserve holdings. Implementation of privatisation, however, has been slow, and local entities only reluctantly support national-level institutions.”²⁰⁰

Following elections in October 2002, it took several months for the new government to be established due to conflict within the ruling coalition. Ministerial personnel were completely changed which had a detrimental effect on the continuity of the work of governmental bodies, including those working on the issue of trafficking. In February 2003, the Office of the High Representative (OHR) unexpectedly issued a new law, “On the Council of Ministers of Bosnia and Herzegovina”, increasing the number of ministries at state level from 6 to 8. Other steps in the same direction have been to transfer control of the State Border Service (SBS) to the newly created Ministry of Security, to give more competencies to the Ministry of Civil Affairs, including the responsibility for health and social welfare issues and to establish the State Court and the State Prosecutor’s Office.

Changing the competences of the Ministries was supposed to increase the fiscal and political power of the State, but the process is proving more difficult than expected. Six months later, the Government was still in the process of preparing a rulebook on the functioning of the new Ministerial structures. While the responsibility for coordinating anti-trafficking initiatives was moved from the Ministry of Human Rights and Refugees to the Ministry of Security, due to lack of staff and capacity, the State Commission on Trafficking has been in a limbo. However, the Government reacted quickly in response to the US State Department ranking BiH in Tier 3 by appointing a National Co-ordinator and identifying priority actions to be taken by the end of 2003.²⁰¹

1. Migration, Prostitution and Trafficking

According to the SBS and the Ministry of Human Rights and Refugees, there were 50,000 cases of illegal border crossing registered in BiH in 2000. The number decreased by 50 percent in 2001 and was down to 10,000 a year later in 2002. Although in the late 1990s illegal migrants were predominantly of Turkish, Iranian, Iraqi or Chinese origin, in 2002 the majority of migrants were from Serbia and Montenegro (ethnic Albanians), Romania, Moldova and Ukraine. It is unclear what proportion of the illegal migrants were women.²⁰² Illegal border crossing at the airport has been reduced by 90 percent due to much stricter controls. However, land border crossings are still not properly controlled and BiH remains a transit country for the smuggling of migrants to Slovenia and Croatia and from there to the EU countries.

During 1998, the first reports of trafficking in BiH emerged. These reports were from NGOs and from the International Police Task Force (IPTF) who were beginning to come across isolated cases. The women trafficked in the 1990s were predominantly from the Republic of Moldova and Romania, with others from Ukraine, Belarus, Russia, the former Federal Republic of Yugoslavia (FRY), Kazakhstan and Hungary. According to the Ministry of the

²⁰⁰ The World Factbook 2002. <http://www.cia.gov/cia/publications/factbook/geos/bk.html>. Accessed 5 June 2003.

²⁰¹ BiH was listed among the Tier 3 countries in the *US Department of State Report on Trafficking* for the year 2002 (See site: <http://www.state.gov/g/tip/rls/tiprpt/2002>). To avoid the economic sanctions imposed on countries listed in Tier 3, the BiH government was given until October 2003 to undertake actions against trafficking.

²⁰² Boris Ivanovic, Some aspects of illegal migration and human trafficking in the RS and BiH and possible recommendations. Republika Srpska Ministry of the Interior, Banja Luka, 14 May 2003. p. 2.

Interior of RS, trafficking increased until the second half of 2001 when the numbers of trafficked women and illegal migrants started to decrease.

According to the police and NGOs, the same patterns and forms of recruitment used elsewhere in the region are reported by women trafficked in BiH. They are typically lured into prostitution through promises of work as barmaids, dancers or housekeepers. The main route into BiH is through Serbia and into the RS. Border control is still weak and corruption at the local level makes migration easier. Many women are smuggled in, while others have their documentation taken from them once they arrive in BiH. Other women have documents with visas for temporary work and residence; however, some of them are forged or not valid. The majority of those without legal documents receive deportation orders but these are not enforced because of a lack of deportation procedures. As a result, the women remain in the bars.

According to local NGOs, in some locations in BiH up to 40 percent of clients are internationals, mainly soldiers from SFOR. The European Union Police Mission (EUPM)²⁰³ estimates this number to be lower - approximately 30 percent. However, international clients pay different rates and spend more money in bars than local men. This situation has already started to change as the total number of SFOR soldiers stationed in BiH began to decrease from a peak of 76,000 in 1996 (Implementation Force) to 12,000 in 2003. Furthermore, international organisations are pulling out of BiH or reducing their staff, so that the international market for prostitution is shrinking rapidly. Nevertheless, according to local NGOs, the sexual exploitation market and trafficking are not decreasing because local men are taking the place of international clients. The inefficient legal system, the involvement of the police and government officials in trafficking, the flourishing black economy and the lack of any tax policy all create conditions for the easy spending of illegally earned money and, therefore, also for sexual exploitation.²⁰⁴

According to the Ministry of the Interior of the RS, in the first half of 2003 there were 8 nightclubs in the RS with 23 women working there all of whom were legally employed. This is a decrease from 2002 when there were 63 registered bars with 265 foreign women working in them and, in 2001, when there were approximately 70 nightclubs with 470 women.

While there are no estimates of the number of bars across the country, police and NGOs report the existence of bars and nightclubs where foreign and local women and girls work. For example, NGOs estimate that there are still several dozen bars in the Tuzla area with 10 to 25 women working in each bar. The price of sex services in a bar is from US\$ 25 upwards. NGOs also estimate that the majority of sex workers in bars and nightclubs are foreign, although the number of local women is increasing. In the RS, trafficking in local women has been reported, as local women and girls are sold and moved from place to place. Local street prostitution also exists in Tuzla and is cheaper – US\$ 10-25 and in the border area the services of local sex workers are available for as little as US\$ 2.5. Even young boys are reported to sell sex.²⁰⁵

As in other countries, an increase has been noticed in the number of former victims of trafficking who are now involved in the recruitment and control of new women and girls in BiH. There is also a group of women who have

²⁰³ EUPM took over some of the IPTF functions in January 2003, after the UNMIBH Mission close in December 2002.

²⁰⁴ Interview with Mara Radovanovic from NGO Lara in Bjeljina, 13 June 2003.

²⁰⁵ Interview with Emir Nurkic from International Forum of Solidarity, Sarajevo, 11 June 2003.

been staying in BiH for 1-2 years, many of them on deportation orders, who repeatedly refuse any assistance and claim that they are staying and working in bars voluntarily.²⁰⁶

Similar to the other countries in the region, there has been a visible change in the patterns of trafficking in BiH:

1. With the exception of the town of Tuzla, there are fewer bars and fewer women working in them. This could be attributed either to a real decrease in trafficking in BiH or to a change of the modus operandi of traffickers who may be exploiting fewer foreign women trafficked into BiH and using local women instead; the bars known to the police have closed but new one have opened; women are working from motels, hotels and private apartments.
2. Fewer women are being assisted, which can be attributed to the decrease in identified victims of trafficking as a result of changes in the sex industry. As trafficking in persons in its illegal, highly criminalised and violent form became more risky, the traffickers started to use other methods to avoid arrest and to legitimise their activities, including treating the trafficked women better. Nothing, however, is known about women and children kept in places not known to or reachable by the police and NGOs.
3. Better payment and better treatment of women by traffickers, pimps and bar owners. According to some sources, women have started to earn more - in some places, up to US\$ 100 a week. They may no longer be abused, their freedom is not restricted and they are free to leave whenever they want. These women claim that they are working voluntarily and are not trafficked.²⁰⁷ According to other sources, the improvement in conditions is just a better cover-up for the trafficking business. A few women in places known to the police may indeed be better paid, but the rest are still underpaid and mistreated. Moreover, even those women who are paid have to spend almost all their salaries in the bars where they work because they are required to pay for their accommodation and to eat in the bars.²⁰⁸
4. More local BiH women as well as women from Serbia work in bars and in the sex industry. This may be because the business has become more legitimate and women work officially in bars as waitresses and barmaids. Another reason might be the growing poverty among BiH women and therefore the growing number of BiH women who accept the conditions offered by the local bar owners/pimps and agree to work in the sex industry.
5. There is also more information about internal trafficking and the growing number of young women and men (often under 18) forced to work as prostitutes.

2. Current Responses

2.1. National Plan of Action

In December 2000, BiH signed the *UN Convention Against Trans-national Organised Crime* and its two Protocols, as well as the *Anti-Trafficking Declaration of South Eastern Europe*. In February 2002, the *UN Convention Against Trans-national Organised Crime* and the two protocols were ratified. Under the leadership of the Ministry of European Integration, a National Working Group on Trafficking was established in November 2000

²⁰⁶ Interview with Mara Radovanovic from Lara in Bjelina, 13 June 2003

²⁰⁷ Interview with Zoltan Pap from EUPM, Sarajevo, 12 June 2003

²⁰⁸ Interview with Mara Radovanovic from NGO Lara in Bjelina, 13 June 2003

to identify priorities and co-ordinate activities among government, international organisations and NGOs.

Under the joint leadership of the Ministry of Human Rights and Refugees and the Ministry of European Integration, the working group developed a National Plan of Action (NPA) to combat trafficking that was adopted by the Council of Ministers in December 2001. The NPA focuses on following areas:

- Establishment of a committee responsible for the implementation of the NPA;
- Border control and law enforcement;
- Support for the victims of trafficking, including building of safe and secure shelters, which will provide medical, legal and psychological support, language and interpretation services and information materials;
- Legal reform, legal harmonisation between the entities and Brcko District;
- Awareness raising and education; and,
- Co-operation between all organisations involved in implementing the NPA and the need for specialised training for the SBS, police, prosecutor judges, state officials and others.

The NPA provides a general assessment of the situation regarding combating trafficking in human beings in BiH and directions for its improvement, rather than a comprehensive Plan of Action, a fact that is recognised by the government. The first action undertaken by the government, the Decision of the Council of Ministers in March 2002, was to establish a State Commission to oversee implementation of the NPA. The Commission is responsible for the further development of the NPA, preparing concrete projects for the each part of the Plan, preparing budgets and securing funding, and developing a timetable for implementation.

In the area of law enforcement the Council of Ministers also authorised the formation of a Strike Force - special units within the police force to combat trafficking in human beings. The Strike force comprises representatives of the Prosecutor's Office, the Entity and Brcko taxation offices, the Ministries of the Interior and Brcko and State Border Services and is supported by the US Government. A Memorandum of Understanding was signed by the Strike Force with the governments of the Entities and of Brcko District to ensure implementation of the NPA.

However, until mid 2003, the Commission had not developed any part of the NPA, implemented any aspect nor made any concrete plans for further development. All activities aimed at preventing trafficking, raising awareness, protecting and assisting the victims were being implemented by local NGOs and international organisations, mainly IOM. The government cited lack of support from the international organisations and lack of financial resources to explain the lack of progress in implementing the NPA.²⁰⁹ Other obstacles were the reform of the Council of Ministers, which caused confusion about the competencies of particular Ministries, confusion about the status and competencies of the Commission itself and the role and competencies of the National Co-ordinator after the elections in 2002.²¹⁰

²⁰⁹ BiH was listed among the Tier 3 countries in the *US Department of State Report on Trafficking for the year 2002* (See site: <http://www.state.gov/g/tip/rls/tiprpt/2002>). To avoid economic sanctions the BiH government was given until October 2003 to undertake actions against trafficking.

²¹⁰ The Co-ordinator was originally nominated by the Ministry of Human Rights and Refugees, but the nomination was not confirmed after the elections in October 2002. The new National Co-ordinator was appointed in July 2003.

As a result of the decision to establish a Strike Force, the Ministries of the Interior in both entities and UNMIBH co-operated to establish a Joint Entity Task Force on Illegal Immigration and Organised Crime in 2002. The purpose of the Task Force was mutual exchange of intelligence and security information on illegal migration and organised crime in BiH. The Strike Force was supposed to address the issue of trafficking. However, from the start there was lack of co-ordination between the State Commission and the Strike Force. As a result, the functions that should have been carried out at the state level in the area of law enforcement were performed by the IPTF without sufficient co-operation with the state bodies and local police forces.²¹¹

2.2. Anti-trafficking legislation

Until recently, BiH law did not include any explicit anti-trafficking provisions. In October 2001, a new Criminal Code entered into force in the RS, which specifically identifies the crime of "trafficking in persons for the purpose of prostitution" for which the penalty is 6 months to 12 years' imprisonment. This article will, however, become irrelevant when the criminal codes are harmonised at state level. In March 2003, for example, the BiH Criminal Code, the *Criminal Procedures Code* and the new *Law on Witness Protection* were imposed by OHR.²¹² Criminal legislation in the Entities and Brcko District are currently being harmonised with these state laws.

Article 186 of the new Criminal Code, which refers to trafficking, does not comply with the Palermo Trafficking Protocol. It attempts to redefine trafficking using alternative wording but without giving a clear definition, and does not address the issue of the victim's consent to the intended exploitation as does the Palermo Trafficking Protocol. The new Criminal Code imposes a penalty of 1 to 10 years imprisonment for trafficking in human beings.²¹³ For the trafficking of a minor, the penalty is at least 5 years imprisonment, although the article does not define the age range for a "minor" neither does it make the issue of consent to trafficking irrelevant.²¹⁴ The penalty for organised group trafficking is at least 10 years imprisonment.²¹⁵

Article 187 of the new Criminal Code relates to international prostitution, but uses some of the language of the trafficking definition from the Palermo Protocol. The penalty for international recruitment for the purpose of prostitution is imprisonment for between 6 months and 5 years. Other relevant articles from the new Criminal Code relate to slavery and the transportation of enslaved persons punishable by 1 to 10 years imprisonment with a minimum of 5 years in cases involving juveniles,²¹⁶ and confiscation and deprivation of documents.²¹⁷

Changes in the Criminal Procedure Code mean that the investigative procedure is now the responsibility of the prosecutor rather than the investigative judge. As the law enforcement agencies have not received instructions or training to explain the new procedures, their introduction may be difficult. In particular, there are worries about how criminal charges related to trafficking will reach the State Prosecutor. In early 2003, the State Prosecutor sent letters to all Prosecutors requesting notification of cases that come within the competency of the state court. It is not clear, however, under

²¹¹ *Trafficking in Human Beings in Bosnia and Herzegovina, Human Rights Filed Operation in Bosnia Herzegovina*, United Nations High Commissioner for Human Rights, 3 June 2003.

²¹² The laws were drafted by the Office of the High Representative and presented to the government.

²¹³ Article 186 (1) of the new Criminal Code, see site: <http://www.legislationline.org>

²¹⁴ Article 186 (2) of the new Criminal Code, see site: <http://www.legislationline.org>

²¹⁵ Article 186 (3) of the new Criminal Code, see site: <http://www.legislationline.org>

²¹⁶ Article 185 of the new Criminal Code, see site: <http://www.legislationline.org>

²¹⁷ Article 188 of the new Criminal Code, see site: <http://www.legislationline.org>

which circumstances a case should be referred to the state court as a trafficking case and under which it should be tried at the local level as, for example, in the case of international prostitution or mediation in prostitution prosecutions.

Other legal obstacles to enforcing the trafficking law are the regulations governing the entry, movement and employment of foreigners in BiH. The draft *Law on Movement and Stay of Aliens and Asylum* has reached its second reading in Parliament, but its progress has halted because the issue of competences relating to the new *Law on the Council of Ministers* has not been resolved. Article 66 of this proposed law makes provision for the establishment of specialised institutions for the reception of aliens.

Article 36 on trafficking in the proposed *Law on Aliens and Asylum* will have an associated by-law on the treatment of the victims of trafficking, which will be created on the basis of The Temporary Instructions on the Treatment of Victims of Trafficking, introduced by the Ministry of Human Rights and Refugees in September 2002. These *Instructions* started to be amended and supplemented in February 2003, so that the resultant by-law can be used in conjunction with the new *Law on Movement and Stay of Aliens and Asylum* to protect the victims of trafficking. The by-law will address the issues that were not included in Article 186 of the Criminal Code, including internal trafficking and trafficking for purposes other than sexual exploitation.

The *Temporary Instructions on the Treatment of Victims of Trafficking*, drafted by the Ministry of Human Rights and Refugees, with the assistance of UNOHCHR and NGOs, are based on the following principles:

- "All persons found in places in which illegal activity might be taking place are given the status of a protected person for a period of up to 10 days. During this period it is necessary to determine identity of such persons and whether or not they have been trafficked;
- A protected person is immediately accommodated in a shelter (safe-house) run by a local NGO, which has signed a protocol of co-operation with the Ministry for Human Rights;
- If it is determined that the person has been trafficked, the person is automatically given temporary residence for humanitarian reasons for a period of up to 3 months, which can be extended under certain conditions;
- Children under 18 who are victims of trafficking should receive special protection and treatment."²¹⁸

The legislation regulating employment of aliens at Entity level also needs to be amended and supplemented, but currently no work is being done in this area.

2.3. Victim Assistance

It is an undisputed fact that the number of trafficked women and girls who were given assistance in BiH dropped drastically in 2003. The reasons for this situation are difficult to identify, although the following issues should be taken into consideration:

- Both NGOs and the police acknowledge that the massive bar raids conducted by the International Police Task Force (IPTF) STOP Team caused the traffickers to change their tactics. They are no longer employing foreign women in bars and night clubs.

²¹⁸ *Trafficking in Human Beings in Bosnia and Herzegovina, Human Rights Filed Operation in Bosnia Herzegovina*, United Nations High Commissioner for Human Rights, 3 June 2003. p. 6.

Trafficking in Human Beings in South Eastern Europe

Bosnia and Herzegovina

- Women are increasingly hidden in private apartments and houses, hotels and motels with meetings being arranged by phone or by the bar owners, so that the whole phenomenon is more difficult to detect. Access to foreign trafficked women and their identification has become very difficult as result; and,
- There are also more women from Serbia and local women from BiH working in the RS, who are possibly replacing foreigners women.²¹⁹ These women are in BiH legally and often have jobs contracts with the owners of bars/clubs as waitresses or dancers. They have refused any assistance when approached by the police.

2.3.1. Identification

STOP Team

In July 2001, UNMIBH launched the UN Special Trafficking Operation Programme – 'STOP', aimed at providing more effective direct action against trafficking through bar raids. Under the management of the IPTF, STOP teams comprised of international police were on call 24 hours a day and dealt exclusively with the issue of trafficking. Bar raids were conducted jointly by a STOP Team and the local police but were initiated and supervised by STOP.

Local police raids monitored by the IPTF STOP teams revealed that 25 percent of the women and girls working in clubs claimed to have been trafficked and forced into prostitution, according to the results of identification checks carried out during the raids.²²⁰ According to the IPTF, from July 2001 until the end of 2002 when the IPTF left BiH, STOP teams interviewed approximately 7,300 women during bar raids, out of whom 500 asked for assistance and were, as a consequence, repatriated. This contradicts the information from IOM that 255 women were brought to their shelter during 2002 by STOP teams, of whom approximately 130 were repatriated. The rest refused any assistance and left the shelter. It should be noted, however, that especially in the last 3 months of 2002 the STOP teams used to repeatedly raid the same bars, sometimes week in and week out. During this period, they conducted a total of 80 raids, but always picked up and interviewed the same women and brought them to the IOM shelter.²²¹

The women and girls were taken from bars, transferred to the IOM shelter in Sarajevo and kept there for up to 3 days, despite the fact that they had already refused assistance several times. Women perceived the police action as harassment rather than support and IOM was having to accommodate in their shelter persons who clearly did not wish to take part in their programme.²²² The only result of this procedure was therefore a growing and misleading statistic on anti-trafficking activities in BiH. On one hand, the number of the STOP actions grew, showing how "the model of a bar raid intervention" can be an effective measure against trafficking. On the other hand the number of women and girls in the IOM shelter grew, showing the need to increase its capacity and resources. Although the overall number of women and girls "identified" and accommodated in the shelter grew, the number of women and girls repatriated by IOM in 2002, in comparison with 2001, decreased.

As STOP did not share its statistics for the year 2002 with other agencies

²¹⁹ *Trafficking in Human Beings in Bosnia and Herzegovina, Human Rights Field Operation in Bosnia Herzegovina*, United Nations High Commissioner for Human Rights, 3 June 2003. p.11.

²²⁰ Interview with Jacek Walaszczyk, an IPTF officer from the STOP Team in Brcko, 28 September 2001.

²²¹ Interview with Zoltan Pap from EUPM, Sarajevo, 12 June 2003.

²²² *Ibid.*

and removed all the files when UNMIBH and IPTF left BiH at the end of 2002, more precise information is not available.

EUPM

The European Union Police Mission (EUPM) took over some of IPTF's functions at the beginning of 2003. EUPM was established by a decision of the Council of the EU on 11 March 2002. In line with the general objectives of the Dayton Peace Agreement, EUPM seeks to establish sustainable policing arrangements under BiH ownership in accordance with best European and international practice. It does so through monitoring, mentoring and inspection activities. Some 500 police officers from more than 30 countries make up the mission, drawn from the 15 EU Member States and 18 other countries.²²³

The EUPM has adopted a new strategy towards trafficking. IPTF was very clearly taking the initiative and the lead in anti-trafficking activities due to their mistrust of the capacity and good will of the local police forces. EUPM's strategy is to leave the initiative to the local partners in the belief that local capacity can be improved if given a chance and that the local partners have to be trusted to do their job well. Initially, this change brought some confusion. The local police conducted many raids according to the IPTF model, but without proper preparation or the skills to identify victims.²²⁴

According to EUPM information, local police raided about 85 establishments in the first 4 months of 2003, interviewed 198 women and girls and provided assistance to 17 by transferring them to shelters. Among those interviewed, 37 women were working in the sex industry with legitimate documents and 32 had false passports or no documents at all. The majority of the assisted women were from Moldova, Ukraine and Romania. In the bars, they also found many BiH women and one woman from Croatia.²²⁵

Using the lessons learned from the first months of 2003, as well as their own experience of anti-trafficking work, EUPM started to change the existing trafficking intervention and identification model:

- EUPM is advocating intelligence led policing: collecting intelligence and finding evidence of trafficking or other crimes before taking any police action and not relying solely on statements from the victims of trafficking after a bar raid;
- EUPM also started supporting the restructuring of the local police by advocating for the creation of units that would concentrate only on crimes related to trafficking, sexual violence and exploitation. The members of these units would have to learn "on the job", as no training is available.

As a result of the new approach introduced by EUPM, there are far fewer bar raids, fewer trafficked women and girls are identified by the local police and only those women who request assistance are referred to NGOs or IOM. IOM has pointed out that while IPTF was focusing on assisting the victims and removing women from the bars - even when the women themselves refused to go - EUPM is much more concerned with organised crime and is not willing to take action just to rescue women if there is not enough evidence against traffickers. Moreover, women are less willing to trust and talk to the local police in bars during raids than to the international police or to shelter staff.²²⁶

²²³ See site: <http://ue.eu.int/eupm/homePage/index.asp>

²²⁴ Interview with Zoltan Pap from EUPM, Sarajevo, 12 June 2003.

²²⁵ *Ibid.*

²²⁶ Interview with IOM staff: Federico Sola and Belma Borovac, Sarajevo, 12 June 2003.

Trafficking in Human Beings in South Eastern Europe

Bosnia and Herzegovina

EUPM is convinced that all women who need assistance can get it. From their perspective, the problem is not identification but, rather, the very limited support offered to the victims at present. Trafficked victims are aware that the only option available to them is to be sent back home. Women and girls also realise that they cannot be protected from the traffickers, as they usually come from small communities where the traffickers can easily trace them, punish them or traffic them again. Even when victims of trafficking co-operate with the police and give testimonies, they are sent back home where they have no protection from the traffickers. For almost all of them, the option of going back home where they will not be able to provide for themselves and their families is something that they do not want to consider.²²⁷

In addition, there is a stigma attached to being a victim of trafficking and to taking part in IOM programmes. The local police is aware of this and during the raids is often not so much offering women the possibility to use IOM assistance but, rather, threatening women with sending them to IOM.²²⁸ It seems that trafficked women do not perceive IOM as an assisting agency, but as the one sending people back to their home countries. NGOs also confirm that women and girls in their shelters associate IOM with having to talk to the police, being labelled as a victim of trafficking and with repatriation.²²⁹

EUPM is aware that the identification procedure now used is not perfect. They recognise the danger that women might not trust the local police. There are many stories about corruption of the police, about policemen visiting bars and using the services of the women and girls and of being on friendly terms with traffickers. EUPM is, therefore, trying to set up a system that will allow the police to take women and girls who were found in bars to shelters or other safe places and interview them there after giving them time to recover and to assess their own situation. They are aware that there are no legal grounds for such action and that they have to use mediation skills and the "soft touch" to try to convince women that the procedure is in their best interest and should be accepted. In the situation where women refuse to co-operate, the police cannot force them to accept the assistance on offer.²³⁰

2.3.2. Assistance

IOM

Following IPTF's policy decision in 2002 to refer all women detained during bar raids to IOM, there was a change in IOM's approach. IOM started to accept into their shelter not only women who signed forms requesting help for voluntary return but all women who were found in the bars raided by IPTF and referred to IOM. While IOM pointed out that some of the women referred were very clearly not trafficked, they approved the general procedure that allowed potential victims of trafficking to be moved from a bar to a safe place, giving women time and space to rest and talk to shelter staff before talking to the police.

In 2001, IOM assisted 200 women. In 2002, 255 were assisted, out of which 130 were repatriated, while the rest went back to bars. 17 women were assisted in first six months of 2003. 10 percent all others of this total were girls under 18. Women and girls are accommodated in one of two IOM

²²⁷ Interview with Zoltan Pap from EUPM, Sarajevo, 12 June 2003.

²²⁸ Interview with Fadila Hadzic from La Strada, Sarajevo, 13 June 2003.

²²⁹ Interviews with Emir Nurkic from International Forum of Solidarity and Mara Radovanovic, Lara, 13 June 2003.

²³⁰ Interview with Zoltan Pap from EUPM, Sarajevo, 12 June 2003.

shelters, one for higher risk cases - for those who testify against traffickers or who are from the area near Sarajevo - and all others of this total at the low risk shelter for all other cases. Shelter security is provided by the police. The shelters are closed and women and girls cannot leave them.²³¹ However, a few women have escaped from the shelters. In 2000, 4 women used bed sheets to escape from a room on the second floor and about 10 women escaped from IOM shelters from January to May 2003.²³²

The policy of supporting only those women who want to return back home continued to be used with NGOs that signed co-operation agreements with IOM, including Forum of Solidarity and La Strada. These organisations are still only reimbursed for assistance to those women who agree to take part in IOM's programme of return when admitted to the shelter. At times it is in the NGOs interest to convince a woman to return to her country of origin, as otherwise they will not be reimbursed and will have to find other resources to support the women in the shelter, sometimes for a long time and without any obvious solution to the woman's problems.

La Strada

La Strada started to assist victims of trafficking in January 2002. About 25 women and girls were assisted in 2002 and a further 10 in the first half of 2003. Of these victims, 3 in 2002 and 7 in 2003 were victims of internal trafficking. The majority of women and girls are referred by the local police after raids or by the border police. There are also women who contact La Strada's hotline and ask for assistance. La Strada has a contract with IOM that pays US\$ 25 per day for each victim of trafficking. While it is not enough to cover all the costs of running the shelter - running costs, fees of the doctors, psychologists and lawyers, costs of tests, etc. - it is nevertheless a significant contribution. However, La Strada is aware that many women do not want to accept assistance from IOM because they perceive IOM as the organisation that specialises in returning people to their country of origin and not as an organisation that assists victims of trafficking.²³³

La Strada has been looking for options other than repatriation for trafficked women and girls. Of the trafficked women assisted by La Strada, 1 woman was able to move to a third country with the help of UNHCR, 2 women are applying for asylum in BiH and 1 is trying to obtain a humanitarian visa in BiH. 4 women who were brought to the La Strada shelter by IPTF went back to the bars.

International Forum of Solidarity (IFS)

IFS supported 56 trafficked women and girls in 2002. For 52 of these women (90 %), the financial support was provided by IOM. According to the agreement signed between IFS and IOM in September 2000, IOM reimburses IFS for the costs of the assistance to each victim of trafficking for up to US\$ 25 per day. As with La Strada, the reimbursement is based on the bills presented to and accepted by IOM. In June 2003, IFS was still waiting for reimbursement for the previous 7 months of costs for assisting trafficked women who were accepted into the IOM programme of voluntary return.²³⁴ In 2003, IFS also supported 6 victims of trafficking without any

²³¹ According to IOM, the women's movements are restricted for security reasons, for the safety of the victims and of personnel working there. This measure was introduced at the end of 2000, after IOM was forced to abandon several safe houses due to security breaches, which allowed the traffickers to locate the safe houses.

²³² Comments provided by IOM on the draft report of 05 September 2003.

²³³ Interview with Fadila Hadzic from La Strada, Sarajevo, 13 June 2003.

²³⁴ Interview with Emir Nurkic from International Forum of Solidarity, 11 June 2003.

Trafficking in Human Beings in South Eastern Europe

Bosnia and Herzegovina

financial support from IOM. 4 of the 6 were boys under 18, victims of internal trafficking.

All beneficiaries can stay at the IFS shelter as long as necessary. The minimum period is 7 days and there is no limit to the length of stay. IFS provides medical and psychological assistance as well as work therapy for all its shelter residents. IFS also accepts victims of trafficking who are not willing to go back to their countries of origin but want to stay in BiH.²³⁵

IFS is also implementing the HIV/AIDS Voluntary Confidential Counselling and Testing (VCCT) Project with support from UNICEF, and its services are available to all victims of trafficking. IFS supports regional co-operation with an NGO from Split, the Student Information Centre, which provides education and information for girls and boys who want to study in Italy.²³⁶

Lara

Although the NGO 'Lara' did not have a shelter until April 2003, it assisted 24 victims of trafficking in 2002 and 15 in 2003. All of the victims, with the exception of 2, were referred to them by the police. Usually, women spent a short time in rented accommodation and, if they agreed to take part in the IOM programme, were referred on to IOM. The women were only assisted for a short time because of the high cost of rented accommodation and Lara's lack of resources to support victims for a longer time. Even though almost all of trafficked women and girls assisted by Lara were referred to IOM and agreed to return to their home countries, Lara did not sign a contract with IOM for reimbursement of costs.

Lara acknowledges that women and girls have to return to their home countries because they see no other available options for them in BiH. Almost all trafficked women and girls have an unrealistic hope that one day they will be able to keep the money they earn and spare enough to be able to start a new life back home, particularly as there are no other employment options available to them in BiH. However, if women are sent back home, they have to be provided with much better reintegration support, including financial support.²³⁷ At this moment, women are not willing to return because they do not see any future for themselves or their families in their countries of origin.²³⁸

2.4. Trafficking in children

In 2002, about 10 percent of trafficked persons interviewed by STOP teams were girls under 18. According to EUPM statistics for 2003, 5 percent of interviewed trafficked persons were girls under 18. However, EUPM also points out that the grounds on which the local police estimate the age of the victims are not clear as the women and girls may have falsified documents or no valid documents at all. According to IOM, 10 percent of the victims of trafficking in their shelters were under 18. 4 out of the 10 victims of internal trafficking assisted by La Strada in 2002 were girls under 18. IFS assisted 4 boys under 18, victims of internal trafficking.

A new phenomenon mentioned by the Ministry of the Interior of the RS and in a report by UNOHCHR in BiH is the growing sexual exploitation of young

²³⁵ This programme is supported by the French NGO Emmaus and CCFD (Catholic Committee against Hunger and for Development), as well as by the French Embassy in BiH.

²³⁶ Interview with Emir Nurkic from International Forum of Solidarity, 11 June 2003.

²³⁷ Many women taking part in Lara's programme stated that US\$ 2,000 would be enough to enable them to start a new life.

²³⁸ Interview with Mara Radovanovic from Lara in Bjelina, 13 June 2003.

local persons, both girls and boys.²³⁹ There are also more local young women, including some under 18, working in bars and nightclubs.

Although approximately around 10 percent of the victims of trafficking whom IOM assists are girls under 18, IOM still does not use a special standard procedure for assistance to the victims. However, according to IOM, each time a child is assisted by IOM, social services are called, in accordance with BiH law. Children and adolescents under 18 are encouraged to contact their families and are given special attention by health professionals. They are escorted to their homes by IOM staff, where their parents are expecting them after having been contacted by IOM.²⁴⁰ However, the issues of temporary guardianship and assessment of the child's situation on the basis of the best interest of the child are not being adequately addressed.

The problem of internal trafficking of children started to emerge in 2002. IFS assisted 4 local adolescent boys trafficked for sexual exploitation and La Strada assisted 5 local teenage girls, also victims of internal trafficking. At the moment, there are no standardised procedures to support these young people. The state social services, which should be responsible for vulnerable children and children at risk, do not work properly. The girls who stayed at the La Strada shelter were sent back home after a long stay due to a lack of other available options. While La Strada was aware that the girls did not want to return home and that sending them home was not going to solve their problems, return was the only available solution.

UNICEF and Save the Children Norway began a research project to assess the situation of vulnerable children, especially children on the street, in BiH in 2002. The project collected data from international organisations and local NGOs that have information about trafficking in children in several locations in BiH. The preliminary results of the research show that while there are children begging on streets in several BiH cities, they are definitely local children from very poor or dysfunctional families, not migrants and probably not victims of internal trafficking. There is no evidence of trafficking in children for begging in BiH and very little evidence of the presence of unaccompanied migrant children.²⁴¹ Some information emerged about the sexual exploitation and internal trafficking of children and adolescents under 18.²⁴²

The BiH NPA does not address the issue of the trafficking in children and there is also no co-operation between local social services for children under 18 and the agencies assisting victims of trafficking. This situation needs addressing not only in the area of services the victims but also in reaching high risk groups and potential victims of trafficking, especially street children and boys and girls under 18 involved in the sex industry.

2.5. Prosecution

As mentioned in the section above on anti-trafficking legislation, BiH law did not include any explicit anti-trafficking provisions. There were some provisions in the Criminal Codes of both FBiH and RS which could be applied, including slavery and transportation of enslaved persons, unlawful detention, rape, forced intercourse, sexual intercourse with a minor and recruitment into prostitution. The police, however, often did not recognise that these offences could be applied to trafficking nor did judges consider

²³⁹ *Trafficking in Human Beings in Bosnia and Herzegovina, Human Rights Field Operation in Bosnia Herzegovina*, United Nations High Commissioner for Human Rights, 03 June 2003. p.8.

²⁴⁰ Interview with IOM staff: Federico Sola and Belma Borovac, Sarajevo, 12 June 2003.

²⁴¹ About 10 % of irregular migrants assisted by IOM to return home under their Standard Migrant Programme under 18. Information from IOM, letter of 05 September 2003.

²⁴² Interview with Jens Matthes, UNICEF Child Protection Officer, Sarajevo, 05 September 2003.

Trafficking in Human Beings in South Eastern Europe

Bosnia and Herzegovina

them for interpretation. Further, the sentences were not a sufficient deterrent.

In October 2001, a new Criminal Code entered into force in the RS, which includes the distinct crime of "trafficking in persons for the purpose of prostitution", for which the penalty is 6 months to 12 years imprisonment. In order to prosecute a person under this provision it has to be proven that money has been given for the services of a woman - something that is very difficult. This new law replaced the old one relating to the prohibition of slavery and mediation in the exercise of prostitution.

The new State Criminal Code, imposed by OHR in 2003, includes an article on trafficking. However, until now, it has not been used for prosecution purposes. The cases described in this report were prosecuted according to the old legislation described above.

A report by the UNOHCHR provides information about the prosecution of trafficking cases in BiH in 2001. In that year, there were 95 criminal charges laid against 158 persons, including 116 citizens of BiH. In FBiH and Brcko District, charges for mediation in prostitution were laid against 44 persons, for slavery against 4 persons and for illegal deprivation of freedom against 5 persons. In the RS, 19 persons were convicted on the basis of the new RS anti-trafficking law and received sentences from 3 months to 3 years. There were also criminal charges submitted against 42 foreign women for the possession of falsified travel documents. Minor offence procedures were started against foreign women for prostitution, punishable under the Law on Public Order and Peace. 75 women were sentenced to imprisonment for durations of from 9 to 30 days. One woman was fined.²⁴³

While the information about prosecutions in 2002 is still limited, there is some data available showing that fewer criminal reports relating to trafficking were filed in 2002 in comparison with 2001: 70 reports were filed against 90 persons compared to the 2001 figures of 95 reports against 158 persons.²⁴⁴ This information could imply a decrease in trafficking and therefore, fewer cases to prosecute or it could as well imply less effective policing and, therefore, fewer prosecutions. In the first 4 months of 2003, there were 41 trafficking cases investigated by the police, 36 cases before the court and 8 persons convicted of trafficking.²⁴⁵

FBiH has an anti-trafficking unit that co-ordinates intelligence-gathering and investigations within each Canton, and brings information to a state-level multi-agency structure, the Strike Force, which co-ordinates high-level operations against traffickers. The Strike Force has made progress in uncovering local trafficking networks. In the RS, staff have been appointed in the headquarters of all 10 police districts to investigate trafficking. BiH law enforcement personnel participated in several regional initiatives, including one specifically devoted to counter-trafficking.

UN officials from the STOP team reported a higher conviction rate in 2002, but the courts are still imposing relatively minor penalties. In the RS, 5 of the 12 persons convicted of trafficking are serving prison sentences. In FBiH, 4 of the 41 persons convicted of promoting prostitution received sentences longer than 2 years. From the 5 cases of trafficking prosecuted in Brcko District, 4 defendants received sentences of less than 6 months.

²⁴³ *Trafficking in Human Beings in Bosnia and Herzegovina, Human Rights Filed Operation in Bosnia Herzegovina*, United Nations High Commissioner for Human Rights, 03 June 2003. p.8.

²⁴⁴ *Ibid*, p.10.

²⁴⁵ EUPM statistics.

The new State Criminal Code, which entered into force in March 2003, increases the penalties that are available to BiH authorities to punish trafficking-related offences.²⁴⁶

Another aspect connected with the prosecution of traffickers is the involvement of the police in trafficking. The RS Ministry of the Interior has information about the corruption of government officials, including police officers, with respect to trafficking, such as giving information on the timing of bar raids, giving protection to the bars and fraternising with the bar owners.

In previous years, there were also allegations about the involvement of the UN peacekeepers in the BiH sex trade. Kathryn Bolkovatz, who worked for UNMIBH, made public allegations about the involvement of international personnel in trafficking 2 years ago.²⁴⁷ The report on Operation Mirage mentioned the involvement of local police, government officials and international institutions in trafficking, including SFOR and, specifically, the Spanish Battalion from Sarajevo and IPTF from Prijedor.²⁴⁸

Finally, the assistance given to victims may also impinge on the success of prosecutions. It is not always in the best interests of the victim to testify and the legal and psychological assistance available to victims is inconsistent.

3. Summary

The international market for prostitution in BiH is shrinking and is being replaced by a local one. The number of identified foreign victims of trafficking decreased in 2003, however, there is more information about internal trafficking, including child trafficking. There is no evidence that foreign children are being trafficked into BiH for begging.

The NPA to combat trafficking was adopted in 2001 as a general framework rather than a concrete plan of action. Since then, it has not been further developed or implemented. The State Commission was recently reactivated specifically to put the NPA into effect.

Within the police, a special Strike Force has been created, with the support of the US Government, to combat organised crime, including trafficking in human beings but its role within the existing police structures is unclear. The new BiH Criminal Code, Criminal Procedures Code and the new Law on Witness Protection were imposed by OHR in March 2003. The Article on trafficking in the new Criminal Code is not in compliance with the *Palermo Trafficking Protocol*. The Criminal Procedures Code has passed investigative procedures on trafficking to the prosecutor. However, there are no clear instructions about how criminal charges relating to trafficking are to reach the state prosecutor. *The Temporary Instructions on the Treatment of Victims of Trafficking* on referral and assistance to the victims of trafficking will create the basis for a by-law associated with the new Law on Movement and Stay of Aliens and Asylum.

²⁴⁶ *Trafficking in Human Beings in Bosnia and Herzegovina, Human Rights Filed Operation in Bosnia Herzegovina*, United Nations High Commissioner for Human Rights, 03 June 2003. p. 6.

²⁴⁷ Kathryn Bolkovatz was sacked by Dyncorp after revealing that UN peacekeepers employed by the firm had gone to nightclubs where girls aged 15 were forced to dance naked and have sex with the customers. UN personnel and international aid workers were also revealed to have links to prostitution rings in the Balkans. In November 2002 an employment tribunal awarded Ms Bolkovatz £110,221 and criticised the company's "callous, spiteful and vindictive" manner towards her. More information can be found at <http://www.guardian.co.uk/international/story/0,3604,948741,00.html>. Accessed 06 June 2003.

²⁴⁸ Report on Operation Mirage, BiH presentation during the Evaluation meeting at SECI Centre, Bucharest, January 2003.

Trafficking in Human Beings in South Eastern Europe

Bosnia and Herzegovina

The identification of victims of trafficking is still a serious problem and will have to be dealt with very urgently. It is clear, however, that identification is not only connected with the lack of understanding of the issue by the police or implementation of the Temporary Instructions, but is also related to the provision of assistance by the identifying agency to trafficked women.

EUPM has introduced a new law enforcement strategy to combat trafficking based on investigation-led policing and the restructuring of the local police. The changes introduced by EUPM are very positive. They are based on the experience of members of the EUPM Trafficking Team in combating trafficking in Western Europe. Investigation-led policing focuses on the criminals rather than the victims by collecting evidence against the traffickers rather than by constantly harassing the victims during repetitive, poorly prepared bar raids. These are altogether necessary and very welcomed changes in the law enforcement approach to the issue of trafficking changes that are also recommended for other countries.

The question of whether the local police force is the best institution to identify victims of trafficking on their own remains open. The *Temporary Instructions* create a basis for a more inclusive referral system, which would allow all potential victims of trafficking to be removed from police custody and offered the possibility of making an informed decision about whether they require assistance, and, what kind.

EUPM claims that it is no longer a problem to reach or identify victims of trafficking. The problem is the lack of services that the women would accept and the organisation of the existing services.

The number of women and girls referred to the shelters is decreasing. There are fewer victims of trafficking identified by the police and fewer victims who want to accept IOM assistance, which is based on voluntary return to home countries. Some NGOs have also started to assist internally trafficked women, trafficked children and foreign women who are undecided if they can/want to return to their home countries. If the referral system is to be effective, assistance services have to better meet the needs of the victims. They must ensure confidentiality, security and eliminate the revictimisation of women in the process of providing effective long term assistance.

The decrease in the number of raids and of identified trafficked victims has resulted in fewer traffickers being prosecuted. There continues to be information about the alleged involvement of local police and UN peacekeepers in trafficking.

Although BiH is listed among the Tier 3 countries in the US Department of State *Report on Trafficking for the year 2002*,²⁴⁹ it has to be stressed that a lot of positive changes have taken place recently in BiH with regard to legal reform, law enforcement and the protection of victims. The new *Criminal Law*, the draft *Law on Movement and Stay of Aliens and Asylum*, the *Temporary Instructions* issued by the Ministry of Human Rights and Refugees, and the Strike Force created within the Ministry of Security, can form a very solid, human rights based foundation for future anti-trafficking actions if properly implemented.

While acknowledging the efforts and progress made by the BiH government, the recent UNOHCHR report on trafficking in BiH also mentions several shortcomings in the existing system. According to the report there is a need to:

²⁴⁹ See site: <http://www.state.gov/g/tip/rls/tiprpt/2002>

- Define the role of the Strike Force within the structures being developed by EUPM and the entity Ministries of the Interior;
- Create a coherent referral system for the identification of victims;
- Co-ordinate law enforcement and inspection agencies to check licenses; and,
- Develop prevention activities such as poverty reduction and the identification of vulnerable groups.

4. Bosnia and Herzegovina case study

Temporary Instructions for the Treatment of Victims of Trafficking

BiH took part in 'Operation Mirage', organised by SECI between 7 and 16 September 2002. Before Operation Mirage, local NGOs met with the SECI and SPTF representatives to discuss NGO involvement in the action and the possibility of providing assistance to the victims identified during the operation. The NGOs advocated for the creation of clear protective measures for the victims of trafficking, which would ensure protection of their rights during and after the operation, as well as the proper behaviour of law enforcement agencies. *The Temporary Instructions on the Treatment of the Victims of Trafficking*, the so called *Temporary Instructions*, were drafted by the Ministry of Human Rights and Refugees with the assistance of UNOHCHR and NGOs. Five NGOs also signed a Memorandum of Understanding (MOU) with the Ministry to establish the rules of co-operation during Operation Mirage and to ensure the implementation of the proposed measures. The Ministry of Human Rights and Refugees distributed the *Instructions* to the police stations before Operation Mirage started, instructing police to use them during the operation. Unfortunately, as the *Instructions* came from the Ministry of Human Rights and Refugees and not from the Ministries of the Interior, the police were not sure of their status and did not use them during Operation Mirage.

As a result of the raids conducted by the local police and STOP teams on more than 100 establishments including bars, motels, hotels, restaurants, discos and border crossings - over 200 people were interviewed (74 from Romania, 89 from Moldova, 35 from Kosovo, 16 from Ukraine, 15 from Russia and 3 from Poland). 163 people received deportation orders or were denied entry to BiH. Police also identified 5 traffickers, issued 3 criminal reports and 7 reports to prosecutors.

Operation Mirage was a failure with respect to the identification and support of the victims. Only a few women were recognised by the police as victims of trafficking and referred to the shelters; the majority were left in the bars and received deportation orders. 7 women were supported by the assisting agencies - 4 by IOM and 3 by a local NGO from Bijeljina, Lara. The report prepared by UNOHCHR in BiH also mentioned other shortcomings of the action: persons under 18 were not identified, health and safety inspectors were not involved in the raids, no measures were taken against the owners of the checked premises and no premises were closed, and the law enforcement officials did not co-operate with the NGOs or with IOM, notwithstanding the signed MOU.²⁵⁰

In order to avoid similar failures in the future, UNOHCHR in BiH recommended undertaking the following measures:

- Further development of temporary instructions, based on consultations

²⁵⁰ *Effects of Action "Mirage" Preventing and Suppressing Trafficking in Human Beings*. Human Rights Field Operation in Bosnia and Herzegovina, United Nations High Commissioner for Human Rights, Sarajevo, October 2002, p.5.

Trafficking in Human Beings in South Eastern Europe

Bosnia and Herzegovina

- with the Association of Prosecutors, the police, international organisations, NGOs and others, and in the light of the draft Law on Immigration and Asylum;
- Consultation of the relevant field prosecutor by law enforcement authorities before undertaking any activities for preventing and suppressing trafficking in persons;
 - More active inspections to prohibit the black market, illegal activities etc.;
 - Adoption of legal regulations regarding employment of foreigners in BiH;
 - Consultations between prosecutors from both entities to design measures jointly for more effective criminal prosecution of the organisers of trafficking in persons, in line with international standards and the legal framework in BiH;
 - Determination of measures against agencies not operating in accordance with the NPA;
 - Development of a comprehensive system for victim identification and intervention from the border to the point of exploitation; and,
 - Development of a national referral mechanism with special attention to the identification of minors.²⁵¹

In BiH, the lessons learned from Operation Mirage led to a general consensus that the *Temporary Instructions* need to be re-drafted for future use. The document was drafted specifically for Operation Mirage, but the police started to apply the *Instructions* in some areas of BiH after Operation Mirage. This posed problems because the *Instructions* had not been published in the National Gazette and, consequently, did not have the status of a legal document. The police encountered legal and practical difficulties when using them as a result. There is, therefore, a need to create a more general document that would describe the treatment and necessary measures to be taken by the law enforcement agencies to protect victims of trafficking. The *Instructions* mentioned only women and children trafficked for sexual exploitation as victims, not other groups of trafficked persons, such as men or internally trafficked persons. There was also a problem of legal clarity with respect to the obligations towards the victims, as well as the roles and responsibilities within Ministries and other organisations, particularly in relation to the identification of victims.

One positive result of Operation Mirage was the MOU signed by the NGOs working on the issue of trafficking with the Ministry of Human Rights and Refugees. The MOU and the *Instructions* contributed to an operational system of law enforcement, referral, return and protection of victims in BiH. There was progress with respect to the documentation of trafficking cases and the identification of victims and local police began to inform NGOs about raids and to take suspected victims of trafficking to the NGO shelters instead of interrogating them immediately at police stations.

Croatia

Croatia is located between Bosnia and Herzegovina and Slovenia, bordering the Adriatic Sea, and has a population of 4.4 million. Like the other countries of the former Yugoslavia, Croatia has been undergoing social, political and economic transition. The war of 1991-1995, the post-conflict political and economic circumstances, as well as corrupt privatisation policies, have resulted in a dramatic decline in industry and employment, and a sharp increase in poverty. Notwithstanding the post-conflict difficulties, Croatia is doing relatively well in comparison to other countries of SEE. In early 2000, Croatia elected a new government that has presided over the opening up and normalising of foreign relations.

Before the dissolution of the Socialist Federal Republic of Yugoslavia, Croatia was the most prosperous and industrialised republic after Slovenia, with a per capita output about one-third above the Yugoslav average. The economy emerged from a mild recession in 2000 with tourism as the main positive factor, but massive structural unemployment remains a key negative element. There are plans for Croatia to join the European Union in the next phase of enlargement in 2007.

1. Migration, Prostitution and Trafficking

The Ministry of the Interior reports that there has been a significant decrease in illegal migration in Croatia in the last couple of years. This decrease is the result of the application of more severe migration regimes in BiH and Serbia and Montenegro, as well as the measures taken by the Ministry of the Interior of Croatia, including increased border control. In 2000, 24,180 persons were registered as illegal migrants, but a year later the number had dropped to 17,038, and in 2002 to 5,186 persons. In 2001, 314 instances of "Illegal Transfer of the Persons Across the State Border" (Article 177 of the Penal Code) were discovered and reported. There were 191 instances in 2002.²⁵²

While the number of migrants from Turkey, Iran and China is decreasing, the number of migrants from the Balkan countries is growing. Of the 5,186 illegal migrants crossing the border in 2002, 2,324 were from Serbia and Montenegro, including 121 women, 630 from FYR Macedonia, including 7 women, 563 from Turkey, of whom 14 were women, and 419 from BiH, of whom 56 were women.²⁵³ More than 10 percent of the migrants from the Balkan and CIS countries are women, which is a very high proportion in comparison to other groups. They migrate mostly on their own, without family members.²⁵⁴

According to local NGOs, prostitution, although illegal, is quite common in Croatia, especially in Zagreb and on the coast. It is conducted from bars, clubs and in private accommodation. Bars are usually located on the edge of towns and are more common in Zagreb, Split and Dubrovnik. There is also seasonal prostitution aimed at tourist spots. Recently, there has been more seasonal and temporary "employment" of women from BiH as prostitutes, using press advertisements with mobile phone numbers as the

²⁵² Interview with Sandra Veber from the Ministry of the Interior, Criminal Police Department, Zagreb, 18 February 2003.

²⁵³ There were also 302 illegal migrants from Moldova, including 80 women; 275 from Romania (25 women); 178 from Albania (11 women); 70 from Iraq (4 women); 66 from China (29 women); 21 from Ukraine (12 women); and 19 from Russia (6 women).

²⁵⁴ Interview with Sandra Veber from the Ministry of the Interior, Criminal Police Department, Zagreb, 18 February 2003.

Croatia

most common form of contact. Women who have been trafficked to BiH for prostitution are also moved by bar owners to the Croatian coast during the summer.²⁵⁵

With the exception of the NGO Help Association from Split, there is no outreach work in Croatia aimed at sex workers. There are several HIV prevention outreach programmes - the Terra Association in Rijeka and the Danube Youth Peace Group in Vukovar mainly target their programmes at students. Most of the work with HIV/AIDS is carried out by organisations dealing with drug addiction issues. However, there is one organisation in Zagreb, HU HIV, which is addressing HIV/AIDS directly. Street prostitution is a well-known phenomenon, but does not attract the attention of the government or of NGOs.²⁵⁶

The information available on trafficking suggests, as in previous years, that Croatia is a country of transit and, only to a very limited extent, a destination country for foreign women and girls trafficked for sexual exploitation. There is some information about women from Croatia working in the sex industry in Western Europe and of Croatian women responding to newspapers advertisements offering jobs as babysitters or cleaners in Italy but, with a few exceptions, there is no confirmed information about Croatian women or children being trafficked. One trafficked woman returned from FYR Macedonia and was assisted in Croatia by IOM and a local NGO. Another woman was trafficked to Austria for household work as described in the Croatian press, and is now in an IOM reintegration programme. A third Croatian woman was found in a bar in BiH during a raid.²⁵⁷

In 2002, there were 7 foreign women in Croatia who were recognized as victims of trafficking, 5 of whom received assistance. The border police stopped 5 women from Moldova attempting to cross the border illegally, 3 of whom were identified as potential victims of trafficking in transit through Croatia. Another 2 victims from Ukraine were found locked in a house in Karlovac and were identified as victims of trafficking by the police through the information from IOM in Kiev and Zagreb.

An NGO from Split, the Organisation for Integrity and Prosperity, has mentioned cases of trafficking in men to Croatia for drug distribution and sexual exploitation. The main countries of origin for this trade are reportedly Ukraine, Kazakhstan and Moldova. It is unclear, however, from where this information has originated.²⁵⁸

2. Current responses

2.1. National Plan of Action

In the beginning of 2001, the Ministry of Foreign Affairs organised an Inter-ministerial Meeting on Trafficking and the Ministry of the Interior was chosen to co-ordinate anti-trafficking activities in Croatia. In July 2001, a National Co-ordinator was appointed. The appointment was officially confirmed in May 2002. The trafficking working group from the Ministry of the Interior started to develop an NPA in consultation with NGOs and international organisations. A first draft was finalised at the end of 2001, but without any NGO input.

In 2002, further changes were made to this draft NPA. The Croatian

²⁵⁵ Interview with Emir Nurkic from International Forum of Solidarity, Sarajevo, 11 June 2003.

²⁵⁶ The Croatian National Programme for the Prevention of HIV/AIDS has existed since 1993. The programme was revised during 2003, and now specifically addresses the issues relating to trafficking in human beings.

²⁵⁷ Interview with Lovorka Marinovic from IOM, Zagreb, 18 February 2003.

²⁵⁸ Interview with Emir Nurkic from International Forum of Solidarity, Sarajevo, 11 June 2003.

government formed a National Committee for Suppression of Trafficking in Persons in May 2002, with the Deputy Prime Minister and Minister of Defence as the President of the Committee and the Head of the Governmental Office for Human Rights as the government's Anti-Trafficking Co-ordinator. The Secretariat of the Committee, responsible for administration, co-ordination and international liaisons, is provided by the Government Office for Human Rights. The National Committee comprises representatives of all relevant ministries, the State Attorney's Office, members of Parliament, two NGO representatives and one media representative. At local government level, the Office for Human Rights called for the establishment of special commissions to suppress trafficking.

The first activity of the National Committee was the elaboration of the NPA, which was adopted by the Government in November 2002. The NPA is divided into five chapters:

- Legislative framework
- Assistance and protection of victims
- Prevention
- Education
- International co-operation

For each activity, the executive agencies and implementing partners were appointed and deadlines set for the completion of each particular task.

Legislative framework. The NPA requires ratification of the *UN Convention against Trans-national Organised Crime* and its supplementary protocols, harmonisation of existing legislation with international standards, the regulation of the protection of and assistance to trafficked persons, and the regulation of the temporary residence status of trafficked persons.

Assistance and protection of victims. The NPA lists activities that should be undertaken or organised by the government to provide trafficked persons with assistance and protection. These activities include proper identification of the victim, information about the rights of the victim, the provision of safe accommodation for trafficked persons, legal assistance, psychological assistance and medical care. All such activities need to be implemented by the appropriate Ministries in co-operation with NGOs and international organisations. Trafficked persons should also be assisted in the process of return to their country of origin and be offered suitable conditions for recovery and, in the case of women returning to Croatia after being trafficked abroad, reintegration. Such conditions would include psychological and social assistance, alternative accommodation, if necessary, and special programmes for professional and work training, assistance in finding employment and in gaining economic independence.

The NPA also addresses the issue of alternative options, other than return to the country of origin for foreign women and the protection²⁵⁹ of victims/witnesses.²⁶⁰ The Ministry of the Interior, the Ministry of Labour and Social Welfare, the Ministry of Health, NGOs and international organisations are responsible for implementing all the activities. A reception centre and safe shelter for victims should be organised before November 2003.²⁶¹

Prevention. The NPA provides a list of measures to be taken to prevent trafficking. These measures include the identification and prevention of the

²⁵⁹ Chapter 3. Assistance and Protection of Victims, 3: objectives 3.4: activity states: "Provide special programs of professional and work training for trafficked persons, assistance in finding employment and in gaining economic autonomy".

²⁶⁰ According to IOM a victim/witness programme will be implemented in case of need and in accordance with existing legislation.

²⁶¹ The reception centres and the shelter were officially established in July 2003.

Croatia

social and economic causes of trafficking, information for the general public, as well as sensitisation and awareness raising. The description of the activities is very general and does not include information about more concrete actions to be taken. Rather than a plan, it is a framework for concrete programmes and activities to be developed by the relevant implementing agencies.

Education. Training programmes are proposed for all professionals working on the issue of trafficking and for high-risk groups (children, women). Schools are expected to develop special curricula on trafficking. The state should also implement policies that promote human rights and gender equality.

The NPA provides a very good basis for the establishment of concrete structures, laws and activities to fight trafficking effectively and to ensure respect for the human rights of trafficked persons. The NPA recognises the need to protect the rights of trafficked persons and covers a number of important issues, such as residence rights and the need to ensure that the victim is informed about her/his legal rights. A year after its adoption, the first short term goals have already been achieved, including changes in legislation, training activities and preparations for a system of assistance, protection, return and reintegration for the victims. However, in some respects the NPA remains quite general. Its impact and usefulness will depend on its detailed elaboration. No budget or estimate of costs has yet been proposed.

2.2. Anti-trafficking legislation

In accordance with the NPA, the Republic of Croatia ratified the *Palermo Trafficking Protocol* in November 2002. The amendments to the Criminal Code, which criminalise trafficking, are to be adopted in 2003.²⁶² The provisions in the existing Croatian Criminal Code that could be used in trafficking cases, are:

- Article 175: slavery and transport of slaves is prohibited and punished by imprisonment for one to ten years. The article includes enslavement of children and transporting persons in a position of slavery. This article can be used to punish the most serious cases of trafficking, which include enslavement and direct physical force. It cannot be used for all forms of exploitation or for cases of recruitment and harbouring trafficked persons.²⁶³
- Article 177: an individual can be charged with illegal border crossing. This punishes someone for taking an individual across the border illegally for the purposes of self-interest. This offence usually attracts a fine and deportation to the country of origin, although offenders can be imprisoned for up to one year. Whoever organises the perpetration of the criminal offence can also be imprisoned for up to 5 years. This article targets smuggling rather than trafficking, as it does not address the elements of force and coercion, nor exploitation. Care has to be taken to ensure that the law enforcement agencies are able to prosecute trafficking cases that might lead to the prosecution of traffickers for smuggling but at the same time could lead to criminal charges being brought against victims for illegal border crossing.²⁶⁴
- Article 178: whoever leads another person to offer sexual services for profit can be imprisoned for up to 3 years. Whoever forces another

²⁶² In July 2003 the Croatian Parliament adopted the amendments to the Criminal Code ("Official Gazette" No. 111) that include the particular crime of trafficking in persons.

²⁶³ Gerald Staberock, Opinion and Commentary on the Legal Provisions on Trafficking in Human Beings applicable in Croatia. Council of Europe, LARA Project – *Criminal Law Reform Against Trafficking in Human Beings*, LARA (2003) 21E, March 2003. p.8.

²⁶⁴ *Ibid.* p.8.

person to go to a country where he/she has no right of residence for sexual purposes can be imprisoned for up to 5 years. If the criminal offence is committed against a child, the perpetrator can be imprisoned for up to 10 years. This article is limited to the cross border movement of victims and to sexual exploitation. It does not cover all the activities outlined in the *Palermo Trafficking Protocol* on trafficking, internal trafficking and trafficking for purposes other than sexual exploitation.

- Article 195: on the procurement of women of all ages for prostitution, could be used in cases of trafficking in women. The penalty for procurement is from a fine through to 1 to 8 years in prison.
- The law on Misdemeanours regulates prostitution. Article 12 states that a person who engages in prostitution can be fined up to € 100 or imprisoned for up to 30 days. Article 7 regulates punishment for the provider or mediator of prostitution who can be fined up to € 175 or imprisoned for up to 30 days.

While the mentioned articles covers many aspects of the crime of trafficking, the lack of a special anti-trafficking law is an obstacle to the proper recognition and prosecution of trafficking. Other anti-trafficking provisions that the Council of Europe suggest need reform are:

- Decriminalisation of the victim;
- Protection of the rights of victims and witnesses and their access to justice;
- Residence permits for victims of trafficking;
- Compensation for the victim; and,
- Social rehabilitation, reintegration and a national mechanism to protect the victims.²⁶⁵

The Croatian government started to work on these issues in 2003.

Amendments have been proposed to the Criminal Code that will penalise trafficking in human beings as a separate crime (Article 64 of the draft law and amendments to Article 175). The new draft article on trafficking in persons complies with the definition of trafficking in *Palermo Trafficking Protocol*. It also proposes the penalisation not only of traffickers but also of the clients of trafficked women, if it is determined that they were aware that the person was a victim of trafficking.

The penalty for trafficking will be 1 to 10 years imprisonment, and if the crime is committed against a child the penalty will be from 3 to 15 years imprisonment. If an organised group perpetrated the crime, then the penalty shall be at least 5 years imprisonment or, even, a life sentence.

There are also proposed amendments to the Law on Foreigners that will open up the possibility of granting temporary residence permits to trafficked persons. These amendments have already passed their first reading in Parliament.²⁶⁶ In February 2003, the National Committee also decided to establish a special working group to draft legislation on the protection of victims of trafficking. Another working group was established to draft a law on witness protection.²⁶⁷

Combating trafficking was also included in the National Defence Strategy adopted by Parliament in the spring of 2002 and in the National Plan of Action of the Commission on Gender Equality.

²⁶⁵ *Ibid.* p.12.

²⁶⁶ The Parliament adopted the *Law on Foreigners* in July 2003, under which it is possible to grant temporary residence permits to trafficked persons.

²⁶⁷ *Country Report – Croatia*, National Committee for the Suppression of Trafficking in Persons. Zagreb, May 2003.

Croatia

The International Catholic Migration Committee (ICMC), the American Bar Association's law initiative (ABA/CEELI) and a local NGO, Zenska Soba, co-operated with the Ministry of Justice, the Croatian State Attorney's Office and the Judicial Education Centre to provide a series of seminars and workshops for local judges, lawyers and state attorneys. These activities were organised in co-operation with the International Committee for Migration Policy Development (ICMPD) and the Stability Pact. The workshops have served to increase the awareness and knowledge of the targeted audience as well as to train participants in the implementation of the new law. Interestingly, during these workshops, judges and state attorneys shared anecdotal evidence indicating that trafficking was occurring to a greater extent in the past, but as they were not trained to identify victims of trafficking, they had not been recognising them as such. After the training, they felt they were better equipped to do so.

2.3. Victim Assistance

2.3.1. Identification

According to the Ministry of the Interior, women or children who are taken into custody as illegal migrants are now screened as potential victims of trafficking.²⁶⁸ The border police have been involved in numerous training exercises on trafficking in persons with the result that some concrete cases of potential victims have been discovered. In all the cases that qualified as trafficking in persons, the victims (or suspected victims) have not been charged with either illegal migration or prostitution. However, as in other countries of the region, the question of the capacity of the police to identify victims of trafficking has to be raised, especially in the situation where there were so few successful identifications.

Illegal migrants are fined approximately US\$ 25 when stopped the first time and then released. They usually have 24 hours in which to leave Croatian territory. The second time illegal migrants are stopped by the police, they are detained at the detention centre in Jezevo near Zagreb and deported to the border. If the detainee is suspected of being underage, the local Social Welfare Centre is informed and provides assistance.

The Ministry of the Interior, in co-operation with the Ministry of Labour and Social Work and IOM, has developed procedures for victim identification, which have been used several times. When in doubt, police contact IOM and invite them to interview the potential victim. IOM visited Jezevo on several such occasions. IOM interviews potential victims in co-operation with NGO representatives.

2.3.2. Assistance

Until now, assistance has only been sporadically available for victims of trafficking in Croatia and on ad hoc basis.²⁶⁹ The Ministries of the Interior and Labour and Social Work, local NGOs and IOM co-operated together to provide assistance for several women. Some provisions were incorporated in the NPA in case that there might be a need for such a system in the future. In June 2002, the Croatian Government, through its Office for Human Rights, signed a Memorandum of Understanding with IOM for co-operation on anti-trafficking activities. The co-operation between the Ministry of the Interior and IOM is further supported through the Migration Management Support Unit through which programme IOM provides administrative support to

²⁶⁸ Ibid

²⁶⁹ According to the National Co-ordinator, Darko Gottlicher, the police reported no cases of trafficking in 2002.

Ministry of the Interior activities related to the issue of trafficking. Women who are identified by the police as likely to be trafficked while crossing the border illegally or as the result of operational work (usually a bar raid) are interviewed before IOM is informed.

IOM co-operates with NGOs that can offer shelter to the victims of trafficking. According to the NPA, the Ministry of Labour and Social Welfare will set up and maintain a shelter as of November 2003. There are plans to have 3 or 4 reception centres in different regions of Croatia where victims could be placed for a day or two before going to the safe house. The Ministries of the Interior and Labour and Social Work will set up the safe house, while NGOs will provide the services.²⁷⁰

IOM

In 2002, IOM identified 7 foreign women as victims of trafficking. 2 of victims were Moldovan and stated that they were not victims of trafficking, but and were sent back to Moldova with IOM support as part of IOM's programme of voluntary return for stranded migrants. Among the 5 other victims of trafficking that were assisted, 3 Moldovan women received assistance - 2 of them stayed in Croatia one week and the third for one month awaiting new travel documents. The other of 2 women were Ukrainian and were found in Karlovac. They received assistance and stayed in Croatia for two weeks. The NGO "Step" from Karlovac assisted both women, with financial support from IOM.

A Croatian victim of trafficking, who returned from Austria on her own, voluntarily entered IOM's reintegration programme. With the help of a local NGO and IOM's financial support, she received regular psychological and medical treatment. She also received legal support as she was to act as a witness before court in the first trial against a trafficker in Croatia.

STEP

A local NGO, Step, assisted a Croatian woman who returned from FYR Macedonia. After staying in the shelter the woman moved to an apartment rented and paid for by IOM. After 4 months, she moved out and disappeared. The woman received medical, psychosocial and legal assistance while she was being assisted by Step.

Centre for Women War Victims (ROSA)

IOM and ICMC have financially supported the stay of a girl from BiH at the Centre for Women War Victims (ROSA). The girl was trafficked from Italy, probably with the involvement of her parents. She was picked up in Croatia as an unaccompanied child without citizenship while committing a criminal act (stealing) and was accommodated for over 3 years in two governmental institutions for children with behavioral problems where she received psychosocial and medical assistance. After she left the institutions and was admitted to the shelter for victims of violence run by ROSA, she was identified as a victim of trafficking. ROSA started the process of legalising her stay in Croatia, but to date her status has still not been regularised.

ROSA started to operate an information and assistance helpline on trafficking in 2002. As of the beginning of 2003, the helpline has a toll free number accessible from all locations in Croatia. The calls from the Dalmatian coast are answered by a local NGO in Split, the Organisation for Integrity and Prosperity.

²⁷⁰ All necessary procedures for establishing the reception centres and the shelter were set up at the session of the National Committee for Suppression of Trafficking in Human Beings, in July 2003.

Trafficking in Human Beings in South Eastern Europe

Croatia

ROSA also has a database of all incoming calls, which is sent to the National Action Team and the Ministry of the Interior for analysis. In theory, this information will be available to the public on a regular basis.

Organisation for Integrity and Prosperity (OIP)

OIP maintains hotline on the Adriatic coast that operates 24 hours a day. They also maintain a database about trafficking and register all incoming calls from the region. They have conducted research on trafficking in 16 schools in Split and the Dalmatian region in order to collect information on the knowledge of trafficking among the children and their attitudes towards trafficking.

OIP is also working on a manual about the treatment of victims of trafficking, even though OIP has not assisted any victims.

ICMC

ICMC and a local NGO 'Zenska Soba', co-operated with La Strada Czech Republic to provide a series of training sessions for the newly established NGO network - Prevention of Trafficking in Croatia (PETRA). 13 NGO members attended 3 training sessions in 2003, which included topics on prevention, assistance and protection, working with the media and maintaining an SOS information and assistance help-line. The 3 local NGOs mentioned above providing shelter and SOS hotline services are members of the PETRA network. ICMC also provided information, awareness material and technical assistance for all members of the PETRA network. As a result of this extra support, several member NGOs have initiated information and awareness campaigns in schools, local community centres and through local radio spots.

ICMC supported the local NGO 'ROSA' to renovate and secure a shelter for trafficked women and to co-ordinate training activities for Croatian young people to implement an information and awareness campaign. ICMC also co-operates with the NGO 'Zenska Soba' to produce a quarterly newsletter titled, Trafficking in Human Beings. The newsletter provides information, events and updates from Croatia and the region.

SOS hotline

The Office for Human Rights of the Croatian Government is supporting an SOS telephone line in co-operation with local NGOs and IOM. The SOS hotline provides information for the victims of trafficking and for all those wishing to get information about how to avoid being trapped by traffickers. The Office for Human Rights covers the costs of the SOS telephone line, even though the state telephone company has been officially requested to provide the line free of charge. IOM supports the work of the SOS hotline and has offered its services to build up a database using the information coming on the hotline.

The SOS hotline is maintained for the time being by two NGOs - ROSA and OIP from Split. It is anticipated that other NGOs will also participate in the future, depending on their activities and capacities.

2.4. Trafficking in Children

There were 250 illegal migrants under the age of 18 in Croatia in 2002, of whom 110 had come from Serbia and Montenegro, 42 from Turkey, 41 from BiH, 23 from FYR Macedonia, 10 from Albania, 8 from Romania and 4 from Moldova. There is no information about how many of them were girls.²⁷¹ Unaccompanied children from Moldova and Bulgaria were placed in social welfare centres in Croatia, although these children were not recognised as trafficked. One Croatian girl asked for help to return from the Croatian Embassy in Spain. After repatriation, she did not request any further assistance.²⁷²

The only documented case of trafficking of children is the case of a Roma girl who was trafficked from Italy to other EU countries and then moved to Croatia. Although this girl's parents came initially from BiH, she did not have BiH citizenship. She was not initially recognised as a victim of trafficking and after spending three years in institutions for children with behavioural problems, she received support from local NGOs for several months.²⁷³

Unaccompanied foreign children found in Croatia are placed in Centres for Social Welfare or in Institutions for Preventing Behavioural Problems, from where they are deported. Very often they escape two or three days after the placement because the centres are open and the children are not under constant supervision.

2.5. Prosecution

In 2002, the Ministry of the Interior appointed 3 people specifically to take charge of the issue of combating trafficking in persons.²⁷⁴ As trafficking had not previously been recognised as a separate crime, there was no commitment on the part of the police to treat trafficking as a specific issue, although there was commitment to work on the issue of organised crime. Croatia has signed *The Agreement on Co-operation to Prevent and Combat Trans-border Crime* with SECI and is a member of the Adriatic Sea Initiative. Bilateral relationships have been developed with BiH and Serbia and Montenegro to achieve more effective border control.

From 1998 to 2000, only 5 criminal offences were reported under Article 175 of the Criminal Code (slavery and slavery like status) and 21 under Article 178 (international prostitution). These cases involved 24 persons,²⁷⁵ the majority from Hungary and Ukraine, but also including two girls under 18 from Romania.²⁷⁶ In 2001, 20 people were sentenced under Article 178 and 15 people in 2002.

Between 1995 and 2000, 56 persons were arrested for mediation in prostitution, including six women. These organisers were also sentenced for employing foreigners without a work-permit or carrying unlicensed weapons.²⁷⁷ There were also 18 sentences for the procurement of prostitution in 2001 and 31 in 2002.

²⁷¹ Interview with Sandra Veber from the Ministry of the Interior, Criminal Police Department, Zagreb, 18 February 2003.

²⁷² Interview with Nela Pamukovic from the Centre for Women War Victims (ROSA), Zagreb, 19 February 2003.

²⁷³ Interview with Nela Pamukovic from Centre for Women War Victims (ROSA), Zagreb, 19 February 2003.

²⁷⁴ Since their appointments, they have undertaken five rescues of victims of trafficking, based on information from the hotline. Seven cases against traffickers are under investigation, one is being prosecuted.

²⁷⁵ According to the Secretariat of the National Committee for the Suppression of Trafficking in Persons there is no indication that these were cases of trafficking in persons.

²⁷⁶ IOM report "Sex Trafficking in Croatia. An Assessment Study". Zagreb, September 2001, p.10.

²⁷⁷ IOM report, *ibid.* p.38.

3. Summary

The information available on trafficking suggests, as in previous years, that Croatia is a country of transit and, judging on the number of discovered cases of trafficking in Croatia, only to a limited extent a country of origin or country of destination for foreign women and girls trafficked for sexual exploitation.

The National Committee, headed by the government's Anti-trafficking Co-ordinator, has developed a comprehensive NPA to combat trafficking. The NPA provides a very good basis for the establishment of concrete structures, laws and activities to fight trafficking effectively and to ensure respect for the human rights of trafficked persons. The NPA recognises the need to protect the rights of trafficked persons and covers a number of important issues, such as residence rights and the need to ensure that the victim is informed about her/his legal rights. It also addresses the issue of availability of options other than a return to their country of origin for foreign victims of trafficking assisted in Croatia.

In July 2003, amendments to the *Criminal Code* were passed which allow for the penalisation not only of traffickers but also of the clients of trafficked victims, if it is determined that they were aware that that the woman was trafficked. Amendments are also proposed to the Law on Foreigners, which will open up the possibility of trafficked persons being granted temporary residence permits. The *Law on Witness Protection* and a law on the protection of victims of trafficking are in the process of being drafted. There should be special training for the police and judiciary to inform them about the new legislation and ensure proper implementation of the new law(s).

The Croatian Government has made great progress during the last year and has developed very good, inclusive structural mechanisms to prevent trafficking, protect victims and prosecute traffickers. Women and children who are taken into custody as illegal migrants are starting to be screened by the police as potential victims of trafficking. This has resulted in the identification of some victims. While there were just a few cases in Croatia for which assistance to the victims was necessary, provisions have been made in the NPA in case that there is need for such a system in the future. A Memorandum of Understanding was signed between the Ministry of the Interior and IOM, which allows them to co-operate with the NGOs able to assist the victims.

The proposed model of assistance is similar to the model already implemented by IOM in other countries of the region. However, as trafficking is not a wide spread phenomenon in Croatia, the emphasis should be placed on strengthening preventive programmes.

The initiative taken to establish a hotline that is a very effective preventive tool, and also contributes to better identification and assistance for trafficked persons. This initiative is even more positive as it is supported (also financially) by the government's Office for Human Rights and implemented by local NGOs.

While there are just a few cases of trafficking in children in Croatia, the phenomenon is recognised and the fact that unaccompanied children are a highly vulnerable group is receiving special attention.

4. Croatia case study: Separated Children in Europe Programme

Children without adequate parental care, both local and foreign, are at high risk of becoming victims of trafficking. Among migrant populations, separated children are especially vulnerable. By definition, they are children who are outside their country of origin without either of their parents.²⁷⁸

The Centre for Social Policy Initiatives (CSPI), a national NGO, has been included in the joint programme initiative of UNHCR and the alliance of Save the Children organisations, the Separated Children in Europe Programme (SCEP), since 1997. From 1997 till 2000, this programme covered the countries of the European Union plus Switzerland, Norway and Croatia.

In 2000, SCEP expanded to include the countries of Central Europe. In this context, CSPI produced a national assessment on the situation of separated children in Croatia,²⁷⁹ recognising with the Croatian Government that separated children are potential victims of child trafficking. In 2002, CSPI started a programme of social assistance for separated children as potential victims of trafficking focusing on those who were accommodated in social welfare institutions in Zagreb and Osijek. In order to implement this programme, CSPI developed several instruments - questionnaires, training programmes and supervision for interviewers, as well as a database of separated children. CSPI also developed a manual for professionals working with separated children and for training staff at the Ministry of the Interior, the municipality of Zagreb and social workers in the municipality of Zagreb, for the work with separated children.

In co-operation with the Ministry of Labour and Social Welfare, CSPI established a National Task Force for the protection of separated children in 2002. Members of this Task Force are representatives of the appropriate Ministries - social welfare, education, interior affairs and health as well as national NGOs and UNHCR.

Family law in Croatia stipulates that a child without adequate parental care is entitled to the appointment of a legal guardian who will act in his/her best interest and ensure that all developmental needs are met (proper health care, social protection etc.). The procedure for the registration, documentation, accommodation and return of separated children was established in Croatia in 1997 by the Ministry of Labour and Social Welfare. The process starts when the child is identified as separated (usually by the police). The police are obliged to inform the Centre for Social Welfare of the identification of a separated child and a professional from local social services is present when the child is interviewed. After the interview, the Centre for Social Work appoints a legal guardian to take care of the best interests of the child.

Separated children in Croatia are usually accommodated at the nearest social welfare institution. In the period from 1997 to 2003, most of separated children were accommodated in institutions for children with behavioural problems. Most of these children run away after a day or two in the centres, most likely because they are in transit through Croatia from their home country to a country of destination. If children stay at the centres,

²⁷⁸ Statement of Good Practice 'Separated Children in Europe Programme'. This can be found at: <http://www.separated-children-europe-programme.org/>

²⁷⁹ In August 2003, CSPI is producing an updated report on the situation of separated children in Croatia as a joint initiative with the UNHCR Office for Croatia.

Croatia

they will be deported back to their country of origin. As the centres are open and children are not under constant supervision, escaping is quite easy.

According to data from the Ministry of Labour and Social Welfare, 227 separated children were identified in Croatia in 2002. Their countries of origin were Serbia and Montenegro (45), BiH (39), Turkey (38), Romania (21), Albania (17), Macedonia (13), Iraq (4), and China, Moldova and Bulgaria (2 each). Out of total of 227 registered and documented separated children in 2002, 194 were boys and 33 girls.²⁸⁰

In 2003, CSPI, in co-operation with Ministry of Labour and Social Welfare and the Institution for Children with Behavioural Problems in Zagreb, started the Child Trafficking Prevention Programme targeting local/Croatian children with behavioural problems in elementary schools in Zagreb. The Institution for Children with Behavioural problems in Zagreb, Dugave, runs day care treatment programmes (separately to the institution programmes) for children with behavioural problems in 30 elementary schools in Zagreb. In order to start this programme, CSPI developed a curriculum for the prevention of child trafficking. The Child Trafficking Prevention Programme curriculum includes components on child trafficking, child exploitation, sexual exploitation of children, child pornography and the worst forms of child labour. As part of the programme CSPI has developed a video spot on the topic of child trafficking, to serve as an additional educational tool during the implementation of the main programme.

After curriculum development, CSPI organised training sessions for educators working in the day care treatment programmes in Zagreb. The training was organised in co-operation with the Ministry of the Interior and IOM. The pilot project has been running since May 2003 in 5 elementary schools in Zagreb.

Serbia and Montenegro

Serbia and Montenegro comprises the Republic of Serbia and the Republic of Montenegro and the UN Administered Province of Kosovo. It has a total population of 10.6 million people (excluding Kosovo). It borders on Albania, Bosnia and Herzegovina, Croatia, the FYR Macedonia, Bulgaria, Romania, Hungary and the Adriatic Sea.

Following elections on 5 October 2001, sanctions against the Federal Republic of Yugoslavia (FRY) were lifted and it was once more accepted as a member state of the United Nations. In 2002, the Serbian and Montenegrin components of FRY began negotiations to forge a looser relationship. The new federation became a reality on 14 March 2002 when the Belgrade Agreement, stipulating the basis upon which the new state would be created, was signed. Officially, the new state came into being in February 2003 when FRY was transformed into a loose federation of two Republics, Serbia and Montenegro. The institutions of the new State are the Assembly, the President and the Council of Ministers. The Council of Ministers has 5 portfolios: foreign affairs, defence, international economic relations, internal economic relations and protection of human and minority rights. The Belgrade Agreement also includes provision for an independence referendum after three years if either state so wishes. In April 2003, Serbia and Montenegro became a member of the Council of Europe.

The mismanagement of the economy during the Milosevic era, an extended period of economic sanctions and damage to FRY's infrastructure and industry following the NATO campaign have left the economy only half the size it was in 1990. Since the ousting of former Federal Yugoslav President Slobodan Milosevic in October 2001, the Democratic Opposition of Serbia coalition government has implemented stabilisation measures and embarked on an aggressive market reform programme. However, the complexity of the political relationships in Serbia-Montenegro, slow progress in privatisation and stagnation in the European economy are holding back the economic progress.

Republic of Serbia (excluding Kosovo)

In March 2003, the Serbian Prime Minister, Zoran Djindjic was assassinated. The government proclaimed a state of emergency. More than 10,000 individuals were brought to police stations or prisons throughout Serbia and a large number were detained for further investigation in connection with the assassination and with accusations of being involved in organised crime.

1. Migration, Prostitution and Trafficking

Serbia is used as a transit country for illegal migration from Eastern Europe, CIS and Asia. In the first 9 months of 2002, 657 foreign citizens were caught illegally crossing the border, in comparison with 1,278 in 2001 and 3,788 in 2000. The majority of illegal migrants are from Romania and Moldova in transit to Western Europe. No reliable data on the migration of women through and from Serbia is available since the Serbian authorities do not keep gender-differentiated statistics. In 2000, 2,000 offences and residence permit cancellations were filed against women from Eastern Europe. In 2001, the figure was 1,018.²⁸¹ According to IOM, the number of offences and residence permit cancellations in 2002 was 590, while 249 from January until May.

In 2002, during police checks on catering facilities in which many women from Eastern European countries were employed as waitresses, striptease dancers and hostesses, 423 foreign women were identified (245 from Romania, 84 from Moldova, 67 from Ukraine, 10 from Bulgaria, 9 from Russia, 3 from Belarus, 3 from FYR Macedonia and 2 from BiH). Legal proceedings and the cancellation of leave to remain were taken against all persons who had been caught committing offences.²⁸² After detailed interviews, 60 women were identified as victims of trafficking (32 from Romania, 13 from Moldova, 10 from Ukraine, 1 from Bulgaria and 4 from Russia).²⁸³

As a result of the anti-trafficking measures since 2001, border police and regular police pay special attention to young women from Moldova and Romania. Since 2001, the citizens of Russia, Ukraine and other CIS countries have been required to present a letter of invitation to be able to enter the country. Since 2002, the citizens of Moldova have had to obtain visas and entry by invitation letter has been abolished.

The geographical position of Serbia makes it a transit country for the trafficking of women and girls into BiH, Kosovo, FYR Macedonia and Western Europe from Moldova, Ukraine, Romania and CIS countries. Serbian women and girls are trafficked to Italy and Greece. There have also been an increase in cases of Serbian women working in the sex industry in BiH, Kosovo, Montenegro and FYR Macedonia and more cases of trafficking within the region. This fact, as in other countries of the region, can be explained by the tough economic situation of a country in transition, the lack of employment and the growing poverty among women, all of which drives them to enter the sex industry as the only option for survival.

²⁸¹ *Information on Trafficking in Human Beings*, Ministry of the Interior, National Co-ordinator for Combating Trafficking in Human Beings, Belgrade, 15 March 2003, pp.1-2.

²⁸² Information from the Ministry of the Interior, 3 August 2003.

²⁸³ *Ibid.*

International and internal trafficking are, therefore, more closely linked than before. There is also more information about internal trafficking and the conditions under which women work in the sex industry. There is information from NGOs about well-established escort services in which mostly Serbian women, work voluntarily and earn more money than in other jobs available to women in Serbia. Both police and NGOs report about the abuse to which women working as prostitutes are subjected.

As in other countries of the region, the police have become more interested in the sex industry due to the increased pressure put on them to show good results from strike actions against traffickers (especially during the Operation Mirage). They have conducted many raids on well-known escort agencies and brothels, closing some of them. The police claim that the main channel of trafficking through Serbia, via Montenegro to Italy, was dismantled in 2002.

2. Current responses

2.1. National Plan of Action

In April 2001, the FRY Government appointed a National Co-ordinator on Trafficking and a Co-ordinator for the Stability Pact Task Force on Trafficking.²⁸⁴ In June 2001, the National Co-ordinator launched the Initial Board for Combating Trafficking in Human Beings with the support of representatives of the Federal and Republic Ministries, national NGOs, international organisations and the media. The Initial Board, with the participation, of the government, international organisations and NGOs formed 4 working groups, through which it aimed to prepare a long-term, co-ordinated and multi-disciplinary approach to trafficking:

1. Prevention and raising awareness;
2. Protection of the victims;
3. Law enforcement; and,
4. Data collection.

The working groups met several times to prepare plans of action for their respective areas, which were supposed to be combined and to form the National Plan of Action (NPA) to combat trafficking. The first draft of the NPA was presented to the Stability Pact Trafficking Task Force in 2001. This NPA was meant to provide a model for co-operation between the agencies and to describe areas for action at Federation level. The Initial Board also developed and accepted a model referral system for the victims of trafficking in the form of the so-called 'National Referral Mechanism and Mobile Teams'.

In April 2002, the FRY anti-trafficking structure introduced a National Co-ordinator for Trafficking in Human Beings²⁸⁵ for the Republic of Serbia who was appointed within the Serbian Ministry of the Interior, to be responsible for creating anti-trafficking structures at the level of the Republic of Serbia. In May 2002, this appointee called a meeting of the newly established National Team on Trafficking in Human Beings. The Team, which as of April 2003 has met 3 times, comprises representatives of the federal Ministry of Foreign Affairs, the Serbian Ministry of the Interior (Directorate of Border Police, Foreigners and Administrative Affairs, and National Bureau of INTERPOL), Social Affairs, Health and Environment Protection, Justice, Finance and Labour, as well as the Supreme Court of the Republic of Serbia, the Public Prosecutor's Office of the Republic of Serbia, OSCE, IOM

²⁸⁴ Brankica Grupkovic, Assistant Federal Minister of the Interior.

²⁸⁵ Dusan Zlokas, Deputy Head of Directorate of border police, foreigners and administrative affairs.

Trafficking in Human Beings in South Eastern Europe

Republic of
Serbia
(excluding
Kosovo)

and representatives of the NGOs ASTRA, Victimology Society of Serbia, Counselling Against Family Violence and Beosupport. With the new State Union of Serbia and Montenegro taking effect in February 2003, the work on anti trafficking will be carried out by two teams, one in Serbia and one in Montenegro, each with their own National Co-ordinator.

The Serbian Team for combating trafficking in human beings adopted a programme of work which, inter alia, anticipated the aforementioned activities within the Serbian Ministry of the Interior. Following this programme, Special Police Teams to combat trafficking were formed within the Ministry of the Interior in July 2002, comprising representatives from all departments of the Ministry (foreigners and border police, organised and general crime, public law and order and traffic control). There is a Special Police Team in each of the Municipalities of Serbia. The Special Police Team members are local police officers who, in addition to their regular responsibilities, were appointed to work on the issue of trafficking in human beings. In some places, like Belgrade, the Special Police Teams include persons who have previously been involved in investigations against traffickers and who have received special training. In other parts of Serbia, the appointed police officers have not been trained and do not have experience in this area of work.

During 2001 and 2002, about 350 members of the Serbian Ministry of the Interior participated in seminars on trafficking in human beings. The seminars were organised by the international organisations OSCE, IOM, UNFPA and the International Committee for Migration Policy Development (ICMPD) by domestic NGOs, as well as by the Serbian Ministry of the Interior.

At this point in time, there are no clear plans for the development of a long-term comprehensive NPA. There is only the programme of work of the National Team, which was adopted by governmental organisations and supported by NGOs. The co-operation between the team members focuses on developing concrete instruments and mechanisms in the area of victim assistance, including further development and implementation of the National Referral Mechanism and the Mobile Team model for the referral of victims and inter-agency co-operation. OSCE, in consultation with UNOHCHR, has recommended that specialised working groups be established within the National Team that would support the work of the team members and assist in the process of creating a long-term strategy and an NPA outlining long-term objectives.

2.2. Anti-trafficking legislation

Until April 2003, according to the Criminal Code of the Republic of Serbia and the FRY Criminal Code still in force, trafficking was not a specific criminal offence. Instead, it was subsumed under the crime of slavery and transportation of enslaved human beings in Article 155 of the FRY Criminal Code and other offences in the criminal codes.

In April 2003, the Serbian Parliament approved the amendments to the Serbian Criminal Code, which included definitions of the crimes of trafficking in human beings and trafficking in human organs. The new provisions were prepared and advocated by the NGO, 'Victimology Society of Serbia' (VDS), and accepted by Parliament. The adoption of this new legislation was a result of joint efforts and continuous co-operation between the Ministries of the Interior, Social Affairs and Justice, local NGOs (VDS, ASTRA, Counselling Against Family Violence) and the international community (OSCE, IOM and UNOHCHR). In particular, the efforts of the

Victimology Society to lobby and successfully mobilise parliamentary support were exceptional for Serbia.

The new law (Article 111b of the Serbian Criminal Code) uses a definition of trafficking that is largely based on the *Palermo Trafficking Protocol*. The penalty for trafficking of human beings is 1 to 10 years imprisonment. When trafficking is committed against more than one person, by abduction, in the performance of an official function, within a criminal organisation, in a particularly cruel or degrading manner, or resulting in a serious bodily injury, the sentence is from 3 to 10 years imprisonment. For trafficking in children, the minimum penalty is 5 years and maximum 10 years imprisonment. The issue of consent is taken into consideration when a person is over 14 years of age, which is inconsistent with the definition in Article 3 of the *Palermo Trafficking Protocol*, which prescribes that consent is irrelevant for children under the age of 18.

The new article also provides a broader definition of exploitation in its Article 3 than that of the *Palermo Trafficking Protocol*, with the following additions "conceals... a person for the purpose of acquiring gain, ... engaging in criminal activities, ...or begging, for purposes of pornography; or... for deployment in armed conflicts."²⁸⁶ Although the new article does not mention slavery or putting somebody in slavery conditions as a form of exploitation, separate legislation on the issue exists in Article 155 of the FRY Criminal Code on Slavery and the Transportation of Enslaved Persons, which is still in force and covers both slavery and persons who are kept in slavery-like conditions. In this respect, it is assumed that this provision would become relevant together with the Article on trafficking if elements of a given trafficking case included slavery or a person being kept in slavery-like conditions.

The successful prosecution of trafficking cases has been the weakest point of the anti-trafficking efforts in Serbia. However, in February 2003, an Office of the Special Public Prosecutor was established by the Law on Organisation and Competence of Government Institutions in the Suppression of Organised Crime, with a mandate to prosecute organised crime for which the minimum sentence is 4 years imprisonment. This mandate will potentially include trafficking of human beings when it is an act of organised crime. There are 61 cases from 2002 and 46 cases from the first 3 months of 2003 awaiting prosecution. These cases will be taken from the local courts and referred to the Special Prosecutor.

The Special Prosecutor and the Special Court Departments are competent to try cases of trafficking in human beings committed after the adoption of trafficking in human beings as a criminal act. In May 2003, the Special Prosecutor launched criminal proceedings as a result of a criminal act of trafficking in human beings against nationals of Pakistan for the purpose of labour exploitation.²⁸⁷

Due to the changes in the structure of state institutions, the FRY Ministry of the Interior has ceased to exist. The Serbian Ministry of the Interior's responsibility will now also include administration of the detention centre for illegal migrants, Padinska Skela, where foreign illegal migrants who are not victims of trafficking are placed after bar raids. The Serbian Ministry of the Interior will also be responsible for implementing re-admission agreements.

²⁸⁶ Article 111b paragraph 1 of the Serbian Criminal Code.

²⁸⁷ Information from the Ministry of the Interior, 03 August 2003.

2.3. Victim Assistance

2.3.1. Identification

In the absence of a structured referral system, victims of trafficking come to the attention of the police mainly during police raids. In 2002, as a result of bar raids conducted by the police, 423 foreign women and girls were found who were working as waitresses, striptease dancers and hostesses (245 from Romania, 84 from Moldova, 67 from Ukraine, 10 from Bulgaria, 9 from Russia, 3 from Belarus, 3 from FYR Macedonia and 2 from BiH). 60 of these women were considered by the police to be victims of trafficking (32 from Romania, 13 from Moldova, 10 from Ukraine, 4 from Russia and 1 from Bulgaria).

In order to identify victims of trafficking, the police is using a questionnaire developed by IOM. At least 50 percent of police officers involved in the identification of victims of trafficking have received training. According to the National Co-ordinator, the police has sufficient experience and knowledge to recognise a victim of trafficking. However, he sees a problem in that women do not want to be recognised as victims and accommodated and assisted in the IOM shelter. For these women, to be helped by IOM and sent back home with IOM assistance is equal to being branded as a prostitute upon return, which is a situation they want to avoid.²⁸⁸ According to the police, women without legal documents are sent to Padinska Skela – the detention centre for illegal migrants. The police claim that victims of trafficking are not deported, but “legal measures and the revoking of residence permits and permission to stay were taken against all persons who had been caught committing an offence”.²⁸⁹

Women are usually coming to the attention of assisting agencies when they are found and their identification is checked during bar raids, or when the hotline on trafficking is informed. The Serbian police used to send all foreign women whom they found and considered to be staying illegally in Serbia to Padinska Skela, from where they were taken to the state border, or, if identified as victims of trafficking, to the shelter. According to the MOU between IOM and the Serbian government identification of victims is now carried out by IOM. Women identified as illegal migrants, including those from Montenegro, are deported.

The police also find and identify victims of internal trafficking. Internally trafficked women also come to the attention of NGOs via the hotline operated by the NGO ASTRA. There is close co-operation between ASTRA, the National Co-ordinator, the police, and the NGO Counselling Centre for Family Violence which administers the shelter. All trafficking cases that come to the attention of NGOs and are successfully located by the police are transferred from bars/brothels to police stations, then to the Padinska Skela detention centre for illegal migrants and then brought to the shelter.

2.3.2 Assistance

Counselling Centre against Family Violence

Women and girls who are identified by the Serbian police as victims of trafficking are referred to the IOM supported shelter managed by a local NGO, Counselling Centre against Family Violence. After the initial interview by the police, women and girls are interviewed again by IOM to establish

²⁸⁸ Interview with Dusan Zlokas, National Co-ordinator, Belgrade, 15 April 2003.

²⁸⁹ *Information on Trafficking in Human Beings*, Ministry of the Interior, National Co-ordinator for Combating Trafficking in Human Beings, Belgrade, 15 March 2003, p.2.

whether they fit the criteria to stay in the shelter. If they are identified as victims of trafficking, they are accepted into the shelter. The criteria for identification are provided in the IOM questionnaire.²⁹⁰

A shelter was initially established in February 2002, but moved in October of the same year to bigger premises. Presently, it has the capacity to house 15 people. The period of stay is usually 4 to 6 weeks, depending on the time needed to arrange travel documents. The conditions of accommodation are much better than in the Padinska Skela detention centre. The Counselling Centre against Family Violence provides medical, psychological and legal support for the women (a lawyer is associated with the NGO). Accompanied return is facilitated by IOM, with women and girls being met in their home countries by IOM staff and helped to return home. They are also referred to local NGOs in their countries of origin for longer term reintegration support.

IOM supported 36 victims of trafficking in 2001, including 10 girls under 18; 59 victims in 2002, including 5 girls under 18; and 38 victims (none underage) in 2003.²⁹¹ All of these victims of trafficking were returned to their home countries.²⁹²

ASTRA

ASTRA, a local NGO that operates a hotline for the victims of trafficking, supported 35 women in 2002, an increase on the 10 cases in 2001. All of them were Serbian nationals who had been trafficked abroad. ASTRA co-operates especially closely with those police members who took part in the training on trafficking ASTRA organised and conducted for social workers, other NGOs and police officers. According to ASTRA, the newly established Special Police Teams do not always work well as the officers lack training and experience. In some cases, local members of the Special Police Teams are clients in the bars/brothels where trafficking is taking place and cannot, therefore, be trusted by the trafficked victims.

ASTRA provides support to the victims, facilitates contacts between institutions, organises travel documents, ensures legal help (checking the contracts women are making with the employment agencies, support to the women in the court, help and support for the victim's families and friends), and contacts NGOs or other institutions in countries of origin for follow-up in appropriate cases.

2.4. Trafficking in children

Information on the trafficking in children is no better this year than it was last year.²⁹³ As in other countries of transit and destination, it is difficult to distinguish between trafficked girls under 18 and "older" young women trafficked for sexual exploitation on one hand, and trafficked children and unaccompanied children involved in begging and other street activities on the other. The children working on the streets of Belgrade are often Roma children from Serbia, Romania and Moldova who, when stopped by the police, claim to have come to Belgrade on their own. However, the police are convinced that quite often the children are using this response to protect family members who are staying illegally in Serbia or other adults who are controlling and exploiting them. In 2002, the Centres for Social

²⁹⁰ Questions about the reliability of information obtained from traumatised victims and therefore the reliability of the IOM database on trafficking, as well as the possible negative effects of multiplied interviews conducted by the police and IOM on the victims are raised in the SIDA Report: *IOM Regional Counter-Trafficking Program in the Western Balkans*, SIDA Report, July 2003. pp. 72-74.

²⁹¹ Until June 2003.

²⁹² Information from IOM Belgrade, June 2003.

Trafficking in Human Beings in South Eastern Europe

Republic of
Serbia
(excluding
Kosovo)

Welfare of the Ministry of Social Welfare identified 150 street children. It is unclear how many of them were victims of trafficking. Without proper research, it is difficult to assess the scope of the problem or to draw any conclusions. More information will be available after the results are published of research on child trafficking planned by UNICEF and research on trafficking in Roma women and children conducted by the Catholic Relief Services, the Belgrade Centre for Human Rights and Save the Children through ASTRA and VDS/OSCE.

There are currently no special protection measures for children victims of trafficking. Girls under 18 years of age who have been trafficked for sexual exploitation are treated the same way as adult women and either receive assistance at the IOM/NGO shelter or are deported after detention in the Padinska Skela detention centre.

2.5. Prosecution

Until April 2003, trafficking was not a specific criminal offence according to the Criminal Codes of Serbia and FRY. In 2002, 61 criminal acts related to human trafficking were committed. 31 criminal charges were brought against 47 persons for their involvement in trafficking of human beings, including for mediation in prostitution, illegal deprivation of freedom, document forgery, abduction and other offences.²⁹⁴ In the first 5 months of 2003, 73 criminal acts related to human trafficking were committed. 10 criminal charges were brought against 31 persons for their involvement in trafficking of human beings.²⁹⁵ The number of convictions is unknown.

As a result of the state of emergency following the assassination of the Prime Minister in March 2003, many members of organised crime groups were arrested, including some people well known for trafficking in Serbia and in Italy. These people are currently awaiting trial.

In 2002, police bar raids and checks of facilities employing women from Eastern Europe resulted in 31 criminal charges being brought against 47 persons, including owners of catering facilities and other persons, with respect to the 61 criminal acts they had committed in relation to the trafficking of women.²⁹⁶

3. Summary

Available data on assisted foreign trafficked women to and through Serbia suggests that the number of trafficked women and girls is decreasing. However, international and internal trafficking are more closely linked than ever. There is more information than before about Serbian women and girls who have been trafficked to work in the sex industry in BiH, Kosovo, Montenegro and Macedonia.

Similar to the situation in Montenegro, the National Working Group developed a comprehensive compilation of project proposals based on the SPTF Guidelines for NPAs. This programme needs to be reviewed and transformed into a NPA. In April 2002, a Serbian National Co-ordinator was appointed from within the Ministry of the Interior. The programme of work

²⁹³ Information from IOM Belgrade, June 2003.

²⁹³ Save the Children, ASTRA, and VDS/OSCE are currently looking into this issue and the data gathering has started/is finalised. Similarly, the police have started to collect data on children and adolescents under 18.

²⁹⁴ *Information on Trafficking in Human Beings*, Ministry of the Interior, National Co-ordinator for Combating Trafficking in Human Beings, Belgrade, 15 March 2003, p.2.

²⁹⁵ *Ibid.* p.3

²⁹⁶ Information from the Ministry of the Interior, 03 August 2003.

of the Serbian Team, adopted by the government and supported by the NGOs, focuses on the activities of the Ministry of the Interior. In accordance with the programme, Special Police Teams to combat trafficking were formed within the Ministry of the Interior in June 2002. However, governmental efforts need to be co-ordinated and a National Plan of Action to be developed including all agencies.

In April 2003, the Parliament approved the amendments to the Criminal Code. The definition of trafficking is largely based on the *Palermo Trafficking Protocol*. The adoption of the new legislation was the result of joint effort by the National Co-ordinator, local NGOs and international organisations.

As in other countries in the region, identification usually comes from the police, as well as from a hotline run by an NGO. Foreign women and girls are assisted in a shelter run by a local NGO and repatriated by IOM. Internally trafficked victims are identified and are supported by a local NGO.

There has been very good co-operation between the National Co-ordinator, the Police Special Teams and the NGOs, with the assistance of OSCE and UNOHCHR. The Mobile Team model developed and implemented for the referral of and assistance to the victims of trafficking is the first example in the region of a comprehensive structural approach to the issues of identification of and support to the victims.

According to the *Guidelines for the Mobile Teams* as part of the *Referral Mechanism of Trafficked Persons in FRY* (now Serbia and Montenegro) developed by OSCE, identification during the referral process should be carried out by representatives of the government, NGOs or international organisations. The system includes all trafficked women and children - both internally and internationally trafficked. Foreign victims are supported regardless of their initial wish to stay or to leave the country. They are given the possibility, once they are under protection, to decide if they want: (1) to return to the country of origin; (2) to seek asylum; or (3) to be a witness in criminal procedures against traffickers. Once the Referral and Counselling Centre has identified the needs of the victim, she/he is transferred to the shelter or, in the case of children under 18, to a specialised orphanage. This is where the victims will receive assistance in the form of safe accommodation, long term counselling, legal consultation and preparation for the next steps.

The *Guidelines* also suggest that before the victim is sent back to her/his country of origin, a reintegration programme should be developed for her/him, which should include assistance in finding job opportunities and housing, protection by law enforcement, when necessary, and essential financial support. Follow-up monitoring on the situation of returned trafficked persons should be established and agreed on with the respective returnee.

These Guidelines are the first attempt in the region to develop a structured approach to the issue of identification and assistance based on the principle of "no harm done" and responding to the needs of the victims in the process of assistance. The model was through the process initiated by OSCE and takes into consideration the *Recommended Principles and Guidelines on Human Rights and Human Trafficking*²⁹⁷ developed by UNOHCHR and *Guidelines for the Protection of the Rights of Children Victims of Trafficking in SEE*²⁹⁸ developed by UNICEF.

²⁹⁷ Guidelines can be found at:
[http://www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/E.2002.68.Add.1.En?Opendocument](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/E.2002.68.Add.1.En?Opendocument)

²⁹⁸ Guidelines can be found at: www.seerights.org

There is not much information about trafficking in children in Serbia. The differences between adolescent girls under 18 and young women above 18 being trafficked for sexual exploitation, as well as differences between unaccompanied children and trafficked children trafficked for begging and forced labour, are blurred. There also are no special protection measures for children victims of trafficking provided by the assisting agencies.

Successful prosecution is the weakest point of anti-trafficking efforts in Serbia. The establishment of the Office of Special Public Prosecutor, with its mandate to prosecute organised crime, will hopefully change this situation. To date, anti-trafficking law enforcement actions have often made it increasingly difficult for young women to obtain visas to enter Serbia and Montenegro. Although combating trafficking and preventing international trafficking are the duties of the law enforcement agencies, they also need to pay attention to the dangers of abusing definition and their competencies. Anti-trafficking actions should not lead to the harassment of prostitutes, but rather to an investigation of the local prostitution market to target the pimps who traffic women internally.

4. Serbia case study: national referral mechanism

Guidelines for a referral mechanism for trafficked persons in Serbia

The identification of victims is one of the key issues of anti-trafficking initiatives. The lack of proper procedures and the inability of law enforcement agencies to identify trafficked persons negatively influence not only the process of assisting the victims but also the prosecution of traffickers.

OSCE, together with the Working Group on Victims Assistance developed *Guidelines for a Referral Mechanism of Trafficked Persons in the FRY* (now the State Union of Serbia and Montenegro). These guidelines describe the system of identifying trafficked women, children and men, and the support that should be given to them. According to the Guidelines, identification should be carried out by representatives of the government, international organisations or NGOs during the referral process. The system includes all trafficked persons, regardless of their initial wish to stay or to leave the country, thereby giving them the possibility, once they are under protection, to decide if they want: (1) to return to the country of origin; (2) seek asylum; or (3) be a witness in criminal procedures against traffickers.

Once the clearing and referral point has identified the needs of the victim, she/he is transferred to the shelter for victims of trafficking or, if under the age of 18, to a specialised orphanage where victims can receive assistance in the form of safe accommodation, long term counselling, legal consultation and preparation for the next steps.

The *Guidelines* also suggest that before the victim is sent back to her/his country of origin, all the assisting agencies should be involved in preparing reintegration measures and safe conditions for return. Victims who take part in the safe return programme should be able to receive (1) appropriate sheltering, (2) medical, social and psychological counselling, (3) assistance in finding job opportunities and housing, (4) protection by law enforcement when necessary and (5) financial support upon return to their country of origin. Follow-up monitoring on the situation of returned trafficked persons should be established and agreed on with the respective returnee.

The *Guidelines* are the first attempt in the region to develop a structured approach to the issue of identification and assistance on the basis of the human rights and needs of trafficked persons.

National Referral Mechanism

Throughout 2002 and 2003, OSCE led the efforts to implement the Guidelines for a structured National Referral Mechanism in the Republic of Serbia. In October 2002, OSCE, in co-operation with the FRY Initial Board, organised a workshop to establish the operational structures, thereby making the Guidelines operational. As a result of this workshop, the Mobile Team was formed. The Mobile Team consists of a representative of the Serbian Ministry of Social Welfare who is appointed as the Mobile Team Co-ordinator, and representatives of two NGOs ASTRA and Counselling Against Family Violence. The Team is supposed to take responsibility for the needs, assessment, identification and referral of the victims of trafficking. The Ministry of Social Welfare contributed office space for the Referral and Counselling Centre, which is the base for the National Referral Mechanism and the Mobile Team.

During the October 2002 workshop, the members agreed upon competencies and responsibilities of the various organisations comprising the Mobile Team. Despite a promising outline framework, the agreement between the Ministry of the Interior, the Ministry of Social Affairs and the NGO service providers has not yet become operational. This is due to the changes in governmental structures that have moved competencies from the FRY to the Republican level, a lack of funding, the state of emergency and internal problems within the participating organisations. The Referral and Counselling Centre was, therefore, still not operational as of April 2003.

Despite the current lack of operational capacity of the Centre, promising developments include the increased role of the Ministry of Social Affairs and its 143 Social Work Centres, and the strengthening of ties between service providers in the governmental and NGO sectors. A comprehensive Memorandum of Understanding is under negotiation outlining the roles and responsibilities of all actors directly involved in identification, assistance and referral of victims of trafficking in the Republic of Serbia, and the Counselling and Referral Centre has received long awaited funding from OSCE.

Republic of Montenegro

The Republic of Montenegro has a population of about 650,000, including refugees and internally displaced people. Montenegro severed its economy from federal control and from Serbia during the Milosevic era and continues to maintain its own Central Bank, and to manage its own budget. The Belgrade Agreement allows Montenegro keep the Euro as the only currency on its territory and existing customs duties and tax rates in what is defined by officials in Podgorica as "full economic sovereignty".²⁹⁹

The Democratic Party of Socialists and its coalition partner, the Social-Democratic Party, won the majority of votes in the parliamentary elections held on 20 October 2002. Then President Djukanovic had hoped for political stability after signing the Belgrade Agreement to create the joint state, but was instead faced with criticism, primarily from allies in the sovereignty bloc - the Social Democrats and the Liberals. In April 2003, the Prime Minister resigned his mandate. As a result of this governmental crisis, parliamentary elections are expected soon.

At the end of 2002, there was a minor governmental crisis due to the so-called "Moldovan trafficking case". Members of the ruling coalition and of the government, as well as other high ranking politicians, were accused by a Moldovan victim of trafficking staying at the shelter in Podgorica of being involved in trafficking or/and using the services of victims of trafficking. For the purpose of clarity, the trafficking situation and services in Montenegro will be described as they were set up and operating before the Moldovan case took place. The Moldovan case and its implications are described in detail in the case study.

1. Migration, Prostitution and Trafficking

Montenegro appears to be primarily a transit area for the trafficking of women and girls from Serbia into Western Europe, especially Italy. Women and girls from Romania, Albanian and Kosovo are also trafficked via Montenegro to the European Union. In the past couple of years, Montenegro has also become a destination point for trafficking from the Republic of Moldova, Romania, Ukraine and Russia, although according to the police and NGOs, the majority of women currently working in the sex industry in Montenegro are from Serbia (Novi Sad, Vojvodina) and from BiH. This confirms the trend that started in 2000 of an increase in women and girls from BiH and Serbia working in the Balkan sex industry and a decrease in trafficking from Eastern European countries. The police cannot detain and question women or girls from BiH or Serbia on the grounds of documentation or status when they are stopped during police raids or at check points because they are not required to have visas to enter Montenegro. It is therefore hard to obtain evidence proving that these women had been "trafficked". Their presence shows only that a growing number of women from Serbia and BiH are working in the sex industry in Montenegro.

²⁹⁹ See site: <http://www.aimpress.org/dyn/trae/archive/data/200203/20323-001-trae-pod.htm> (accessed 24 April 2003).

Serbian women, in particular, are moved freely by traffickers and pimps because they can come to Montenegro legally and work in bars and motels. Those who are trafficked can reach help more easily because they speak the local language and are not afraid of deportation. According to NGOs, women from Eastern European countries who do not speak the language and/or are in the country illegally are kept in brothels or apartments and are much more difficult to trace. Their contact with the outside world is limited, as are their opportunities for seeking assistance, and their dependence on traffickers greater. The sex industry in Montenegro is still run from bars, clubs and motels, and is reportedly centred in the areas of Podgorica, Rozaje, Berane, Bar (the main port in Montenegro), Ulcinj and Budva, the last two being tourist resorts on the Adriatic coast.³⁰⁰

In 2002, about 30 women stayed at the shelter for victims of trafficking. 7 were from Serbia, the rest were from Moldova and Romania. Of the 36 women who have stayed at the shelter since it came into existence in October 2001, 10 were without valid documents.

2. Current responses

2.1. National Plan of Action

In February 2001, the Office of the Prime Minister appointed a National Anti-trafficking Co-ordinator, at the rank of Deputy Minister of the Interior. The Co-ordinator co-chaired with OSCE the Inter Agency Working Group on Trafficking, - the so-called "Project Board", - set up by the OSCE Mission in Montenegro. In December 2002, the Government signed the Tirana Declaration.

OSCE organised and, together with the National Co-ordinator, co-ordinates the Anti-Trafficking Project Board with the active participation from Ministry of the Interior, IOM, UNICEF and two local NGOs, Women's Safe House and the Montenegrin Women's Lobby. By the end of 2000, the Project Board had developed a comprehensive Victim's Protection Project (VPP) for 2001-2002. The VPP was grounded in international human rights standards and based on the experiences and capacities of the participating organisations. The VPP activities included:

Campaign to raise awareness;

- Establishing an open, transparent and objective system and procedures for identifying and supporting trafficked women (MOU between police and local NGOs);
- Assisting all trafficked victims, not only those ready to return voluntarily to their country of origin;
- Ensuring sustainability by having local agencies implement the project, with international organisations acting as donors and advisors, rather than implementers; and,
- Establishing clear rules of co-operation between partners.

As the VPP was designed in response to immediate concrete problems on the ground, it had gaps in coverage, including:

- No support or reintegration programmes for Montenegrin victims of trafficking who have been trafficked abroad;
- No response to internal trafficking, particularly from Serbia;
- No special procedures or protection measures for children under 18;
- No HIV prevention or harm reduction programmes;
- No witness protection procedures; and,

- Lack of necessary legal reform to create clear anti-trafficking regulations.

Although the government was willing to engage in anti-trafficking activities and to place trafficking on its agenda, the initiative and drive for action to date has come from the international organisations. OSCE has taken the lead on co-ordination and has brought together government and NGOs, as well as relevant international organisations to develop the VPP. The government has supported the VPP developed by the Project Board from the start, however, active participation has been limited to the Ministry of the Interior, which established a special Anti-trafficking Task Force within the Ministry. The Special Task Force on Border Control and the Special Task Force on Trafficking and Smuggling were created in September 2001, each with specialist teams of 5-6 persons in the 7 Centres for Security that cover the whole country. The teams were supposed to include women police officers, although not all do. The Ministry of the Interior signed the Memorandum of Understanding with 2 NGOs providing assistance to the victims of trafficking to ensure open, transparent and objective systems and procedures for identifying and supporting victims of trafficking.

The VPP was Montenegro's response to the SPTF challenge to all countries of SEE to develop National Plans of Action (NPA) to combat trafficking and was a joint initiative of the international organisations and local NGOs that were already involved in various programmes against trafficking or were interested in starting new programmes. It was supposed to be implemented in 2001-2002 and to be concluded with an evaluation in 2003. However, despite the VPP being accepted as Montenegro's NPA for trafficking, governmental agencies have not played an active role in the development and implementation of any part of the programme, except for the Ministry of the Interior. It was not envisaged that governmental involvement in the VPP would expand with time, neither was any responsibility for the implementation of the programme placed with the government. As a result, the VPP can be seen as a short-term exercise in preparation for the development of a real NPA rather than as the NPA of the Montenegrin government.

2.2. Anti-trafficking legislation

In July 2002, the Parliament of Montenegro accepted the amendments to the Criminal Code that penalised the crime of trafficking in human beings. As a result, 2 articles on sexual abuse and trafficking in persons were included:

- Article 93 on procuring and engaging in sexual abuse includes sections (3) and (4), which refer to the procurement and engaging in sexual abuse against an incentive for the woman. The penalty is up to 3 years imprisonment, but the person against whom the offence is carried out is under the age of 18, the minimum sentence is one year and the maximum 10 years.
- Article 201a refers to trafficking in human beings.

In general, the new law complies with the *Palermo Trafficking Protocol* definition. The penalty for trafficking is from 1 to 8 years in prison. In the case of persons "under 14 and minors" this penalty is from 1 up to 10 years imprisonment. The penalty for acts of trafficking which cause serious physical injury is from 1 to 12 years. The organisers of trafficking should receive sentences of from 1 to 5 years' imprisonment.

The new law is a great step forward in the prosecution of traffickers.

However, some aspects are not clear and should be further elaborated. The definition of trafficking is based on the *Palermo Trafficking Protocol* but is less clear and comprehensive. Article 201a (3) is unclear as it divides children into "children under 14 and minors", without defining "a minor" in this particular case.

The new Criminal Code articles on trafficking are not accompanied by changes in the Criminal Procedures Code, which leaves the victim/witness without proper protection and vulnerable to re-victimisation and abuse. Montenegro still lacks a Criminal Procedures Code and a Witness Protection Law, which would ensure better legal protection of the victim/witness.

2.3. Victim Assistance

2.3.1. Identification

According to the National Co-ordinator, there were approximately 15 major police raids in Montenegro, including 3 in which between 10-15 clubs were raided in 2002. During an average raid, 2 or 3 clubs were checked. 50-60 women were found in bars during one raid, however, the largest number of women found in one raid was between 100-150. According to the standardised procedure, the women's documents were checked and all personal information and photographs of women were taken to be included in the special database created for "suspected victims of trafficking". This data is kept within each Centre for Security. As the data is confidential, it was not possible to get information about the number of women included in the database, the number assessed by the police to be victims of trafficking or the number of children under 18 among them. There is a question of the legality of the procedure to gather and keep this information, even if it is confidential and strictly for the police use.

The only part of the VPP in which the government was involved was the co-operation between the police and the assisting NGOs based on an Memorandum of Understanding (MOU). The Ministry of the Interior signed a MOU with NGOs in which it agreed to co-operate in assisting trafficked women and children. Among other conditions, the MOU stipulated that the police would not arrest and deport women and girls suspected of being trafficked. The NGO running the shelter for victims of trafficking was to be informed about any such women known to the police or in police custody and would be able to take them to the shelter to rest and recover for at least three days before police interrogation. Interrogation was to take place in presence of a shelter employee.

In reality, the co-operation between the police and the NGO was the only part of the system of assistance in which the government was involved. It was also the part that worked quite well, although not without problems. Women came to the attention of the police in three ways: information from the NGOs, as the result of raids conducted by the police on establishments known for prostitution and trafficking and/or raids conducted as the result of information received from NGOs.

NGOs claim that the police stop between 50 and 150 women during each raid. It is unclear what kind of techniques the police use to determine if any of them are victims of trafficking, as the NGOs had no access to these women. The police claim that trained female officers who know how to recognise victims of trafficking interviewed the women, but according to the NGOs, female officers do not conduct interviews. The police referred 3 or 4 women to the shelter after each raid. Paradoxically, there were no referrals at all following the largest raids. NGOs interpreted this as the lack

of ability on the side of the police to interview big groups of women in a short time and get from them information which could lead to identification. The police tended to treat all women as illegal migrants and hand them over to the Serbian Police who, in turn, would transfer them all to the Padinska Skela detention centre and then transport them to the Serbian border.³⁰¹

As the criteria that the police use to identify victims are unclear and nobody but the police has access to all interviewed women, the question of identification of victims remains open. The MOU clearly states that all victims and potential victims of trafficking should be offered the opportunity to enter the shelter instead of being transported to the Police Station, interrogated and deported.³⁰² As the vast majority of women are nevertheless deported, it has to be questioned whether the procedures set up in the MOU are being followed.

2.3.2. Assistance

The VPP was developed as a concrete programme to address the problem of lack of support for the foreign victims of trafficking who needed assistance in Montenegro. As a result, the proposed actions primarily aim to protect the rights of trafficked women by:

- Providing victims with a safe place in which to recover;
- Allowing sufficient time to recover (no time limit for staying in the shelter);
- Providing necessary support and professional services (medical, psychological, legal);
- Assisting voluntary returns to the country of origin; and,
- Assuring safe conditions in which to testify.

As mentioned above, other areas of anti-trafficking action, which would allow for a more comprehensive and holistic approach, such as those recommended in the regional model NPA developed by SPTF, were not included in the VPP.

Within the framework of the VPP, the Government was responsible for assisting trafficked women and girls by ensuring that those staying in the shelter had access to medical, psychological and legal assistance. However, the government never officially endorsed the VPP and made no official commitment to fulfil those obligations. All the government actions taken were carried out on an *ad hoc* basis and were the result of the good will of the representatives of the governmental institutions rather than officially accepted commitments. In reality, the NGO shelter provided all the services, mostly with IOM's financial support. In special situations, the shelter could request assistance, including medical, psychological and social, from the governmental service providers.

Women's Safe House

Trafficked women and girls are referred to the shelter for victims of trafficking in Podgorica, which is run by the Women's Safe House (WSH) and financially supported by IOM. Since October 2001 when the shelter became operational, it hosted 36 victims of trafficking.

³⁰¹ There is a Bilateral Agreement with Serbia that allows all women staying unlawfully on the territory of Montenegro to be deported to Serbia. From the border they are transported to the detention centre for illegal migrants in Padinska Skela.

³⁰² Memorandum of Understanding for the Co-operation between the SOS Hotline (NGO Montenegrin Women's Lobby) and the Shelter for the Victims of Trafficking (NGO Women's Safe House) and the Ministry of the Interior of the Republic of Montenegro, October 2001.

Trafficking in Human Beings in South Eastern Europe

Republic of
Montenegro

There are several ways in which victims of trafficking reach the shelter:

1. Eight women were rescued directly as they had contacted the shelter on their own. Part of the work of the shelter is an information campaign about the programme of assistance that WSH is running. Information about the shelter and the telephone number of WSH are distributed in bars, clubs and other places where they can be found by the victims of trafficking. The NGO is also generally well known because of the information campaigns run by IOM. Victims of trafficking or other persons call WSH and ask for assistance. In these cases, the shelter informs the police about the victim.
2. Cases referred by the police as the result of bar raids. These cases are limited, however, as after each bar raid only a few women are referred.
3. Cases referred as a result of telephone calls to the SOS hotline run by the NGO Montenegrin Women's lobby. WSH can also be contacted by telephone in the case of an emergency and although WSH does not operate a hotline officially, it is a well known organisation.

In all of the above cases, the police interview the victim after she has stayed for a few days in the shelter. The interview is conducted in the presence of a representative of the shelter, who also acts as the victim's legal adviser. In the shelter women receive psychological counselling and medical assistance and treatment, if requested. Women can stay in the shelter for up to 3 months while waiting for IOM to organise their return. IOM interview the victim a couple of days after her arrival. When the documentation is ready, the victim is assisted by IOM to leave the shelter and return to her country of origin.

As mentioned above, the shelter staff provide many services, although they do not offer professional legal advice. As women are only supposed to stay for a short period of time, there is no special training, re-schooling or other types of activities available for them. In cases of medical emergency, women can use the public medical services, including a stay in hospital and medical treatment. The shelter staff has expressed concern about the fact that they completely lose contact with women after their returns organised by IOM.³⁰³

The shelter is an open facility and victims of trafficking can leave if they wish. A security firm provides security for the shelter. The shelter also has an agreement with the police for assistance when requested, but these measures are undertaken to protect the shelter from the potential attacks of traffickers, not to prevent the women from leaving. Up to the end of 2002, there were two cases of women (both from Serbia) who left the shelter before being returned home. As they did not inform the shelter staff about their decision in advance, their whereabouts are unknown.

The security of the shelter is seen as a serious problem and is constantly discussed by the members of the Project Board. While it is generally accepted that the shelter should be established in a safe, unknown location, there is also a feeling that in a place as small as Montenegro, the secret cannot be kept for a very long time. The situation is even more problematic as the shelter shares premises with the shelter for victims of domestic violence.

Montenegrin Women's Lobby Hotline

The local NGO, 'Montenegrin Women's Lobby' (MWL), started a hotline for trafficked women in 2001. The line is currently available six days a week,

³⁰³ Interview with Ljiljana Raicevic, Women's Safe House, 12 November 2002.

Monday to Saturday, 12 hours a day from 10 am until 10 pm, and is operated by 4 trained volunteers. From the start of the project in May 2001 until May 2002, there were about 1,200 calls to the hotline. From May 2002 until November 2002, they received about 600 calls. The majority of calls were coming from persons seeking information about trafficking. There were also calls from women who had been trafficked and wanted to talk about their experiences, as well as from victims of trafficking. There were also calls from women working in prostitution who accused the hotline workers of spoiling the business and making it more difficult for them to earn money. The hotline has also received threats from traffickers on several occasions. After a series of such threatening calls and several visits from traffickers, a policewoman from the Anti-Trafficking Police Task Force spent a week in the shelter assessing its security.³⁰⁴

The majority of those calling the hotline and asking for help, assistance or information are trafficked women from Serbia. There is no language barrier and the situation of Serbian women is relatively better than other groups of trafficked women who are kept more isolated and better controlled.³⁰⁵ MWL has signed a MOU with the Ministry of the Interior about the rules of co-operation. The hotline is supposed to call the Special Police Task Force if a woman calls seeking assistance. The hotline operator proposes police assistance to women on the telephone and the police are informed about the case only with the victim's consent. In both 2001 and 2002, MWL informed the police of 2 cases and, as a result of the intervention, both women agreed to be sent to the shelter.

2.4. Trafficking in children

Child trafficking is not a greater problem in Montenegro than in other parts of the region. There were several cases of girls under 18 trafficked to Montenegro for sexual exploitation who were recognised as trafficked and were accommodated in the shelter (18 % of all victims of trafficking assisted). There is also unconfirmed information that children are being sold from the internally displaced people's camp housing primarily Roma families and of the probability that children are being trafficked from other camps.³⁰⁶ There were 2 cases of trafficking of underage girls from Montenegro to Albania and 1 case of internal trafficking of an underage girl within Montenegro.

There is neither special protection nor any special provisions for child victims of trafficking envisioned by the VPP or provided by the assisting NGO or by IOM. The police and assisting institutions treat children as adults. A 14-year old Romanian girl trafficked to Montenegro, who stayed in the WSH shelter in Podgorica for 3 months, was sent home to her family by IOM, regardless of the fact that she was too unwell to travel and had been sexually abused by her father from the age of 9.³⁰⁷

2.5. Prosecution

The Montenegrin Criminal Code was amended in July 2002 to include a special article on trafficking. The new law complies with the *Palermo Trafficking Protocol* to a certain extent and also includes a special provision to penalise those who knowingly use the services of trafficked women.

³⁰⁴ Interview with Aida Petrovic, Montenegrin Women's Lobby, 12 November 2002.

³⁰⁵ *Ibid.*

³⁰⁶ *Ibid.*

³⁰⁷ Interview with Ljiljana Raicevic, Women's Safe House, 12 November 2002.

Before the amendment of the Criminal Code and the introduction of the new anti-trafficking legislation, 10 prosecutions were brought against traffickers in Montenegro. All ended with the charges being dropped and suspects released. Since the new law has been introduced, several people have been arrested and accused of trafficking, but there have been no successful prosecutions to date. Among the suspects arrested in 2002 were 2 policemen accused of active participation in trafficking as they were owners of bars in which trafficked women were working. According to the NGOs, all suspects were released. This information is confirmed by the National Co-ordinator's report, which mentions "... 21 criminal charges brought against 49 persons who committed criminal offence of trafficking in human beings and mediation in prostitution, where 34 persons were victims of trafficking." The report does not mention any convictions³⁰⁸. However, the Montenegrin Minister of the Interior³⁰⁹ stated that the police brought 26 charges against 54 people in connection with prostitution and trafficking from 2001-2002. According to the Minister, 7 people have been convicted and 3 have been acquitted³¹⁰. The so-called "Moldovan Case" is still pending.

As was mentioned, WSH, was threaten by a trafficker and his family after a 14 year-old Romanian girl was rescued from a brothel and admitted to the shelter. The trafficker was arrested, but released shortly afterwards. WSH complained to the General Prosecutor about the release of the man and informed the National Co-ordinator on Corruption about irregularities in the Office of the General Prosecutor.

3. Summary

Montenegro is still mainly a transit and destination country for women trafficked from SEE countries to Western Europe, especially Italy. The existing system of referral and assistance to the victims of trafficking proved to be inadequate, as illustrated by the "Moldovan case" described in detail in the case study (Section 4 of this chapter). The system in place focuses on returning the victims of trafficking to their countries of origin and appears to be ineffective when prosecution was prioritised above repatriation.

There is an urgent need to develop a long term, comprehensive and sustainable NPA to be implemented by the government in co-operation with local and international organisations working on the issue of trafficking and human rights. The Victim's Protection Programme (VPP) was a compilation of short-term (2000-2002) projects proposed and mainly implemented by international organisations and NGOs with rather limited governmental participation. The programme focused mainly on the victim protection and had gaps in other areas, especially in the area of legal reform and prosecution. The new NPA should be developed by the National Co-ordinator, with support of the Project Board, and fully supported by the government. It should be strictly timetabled, and owned by the government to ensure participation of all the relevant governmental institutions. It should encompass all the areas of concern and allow for co-operation and co-ordination of the efforts.

The debate about the shortcomings of the existing legislation and the necessary changes has already started. The Council of Europe and OSCE

³⁰⁸ *Short Report on Preventing and Combating Trafficking in Human Beings in Montenegro*. National Co-ordinator on Fight against Trafficking in Human Beings. February 2003.

³⁰⁹ Milan Filipovic, appointed in 2003.

³¹⁰ Aida Ramusovic, Human trafficking, Prosecuting the Prosecutor. A young Moldovan woman sold into sexual slavery in Montenegro takes her case against high officials to court. *Transitions Online*. Republished by Bosnia Daily, No. 470, 08 April 2003.

have offered assistance to the government to work on the necessary changes in the legislation, especially the creation of a Witness Protection Law.

The MOU between the Ministry of the Interior and the NGOs should be revisited. There is need for a clearer definition and understanding of the terms employed and the attached obligations of the participating organisations. The aim to refer all potential victims of trafficking to the NGOs should be understood as an obligation of police to inform the NGOs about all women and children who might be victims, as well as all women included in the police database of suspected victims of trafficking. There is currently a lack of consistency between the name and the purpose of this police data base on "victims of trafficking" and lack of referrals of such victims to NGOs.

A very positive development was the decision by the members of the Project Board to develop an inclusive and effective referral mechanism for the victims of trafficking. The system is based on a similar structure designed and currently implemented in Serbia. Plans are being discussed to re-structure the Project Board so that it would include all the agencies responsible for the implementation of the NPA, including all relevant Ministries, other governmental bodies and NGOs. It will become an advisory body to the National Co-ordinator, in which the international organisations would have only an advisory role.

The "Moldovan case" also illuminated the crucial role of the media in anti-trafficking work and the urgent need for more training and sensitisation, not only for the media, but also for the policy makers and service providers.

4. Montenegro case study: "the Moldovan Case" and lack of victim/witness protection

In November 2002, a woman from Moldova reached the NGO Women's Safe House (WSH) office and requested assistance, claiming that she was a victim of trafficking. She was referred to the shelter by a policeman who had participated in an anti-trafficking police training programme run by WSH. The woman was 28 years old and had left two children behind in Moldova with her family. From the woman's statement, it appeared that she was trafficked to Montenegro in 1999. She alleged that she had been held against her will in locations in Podgorica and elsewhere in Montenegro from then until October 2002. During this time, she was forced to work as a prostitute. She claimed to have been frequently abused, raped, burned, bitten and drugged. She was sold from one pimp/trafficker to another and changed location many times. She attempted to escape several times but every time was returned to the traffickers by the police officers whom she approached for help.

WSH contacted the chief of the Police Special Team at the Ministry of the Interior. The woman was interviewed several times by the team leader, who received authorisation from the Minister of the Interior to proceed with a full investigation. During the interviews, the woman identified and named many senior governmental officials and prominent businessmen as her clients and traffickers. At the end of November 2002, 4 people were arrested, including the Montenegrin Deputy State Prosecutor. The woman also implicated other senior officials, including prosecution officials, some of them directly involved in her case - none of whom were arrested.

Trafficking in Human Beings in South Eastern Europe

Republic of Montenegro

The woman was interviewed by the police every day for up to nine hours per day, so that her physical and mental health started to deteriorate. She was traumatised by confrontations with the accused, whom she was supposed to identify, and with their legal representatives. In December 2002, when the new government was announced, the Minister of the Interior was removed from his post. Helga Konrad, Chair of SPTF, arrived in Montenegro to express support and to ensure that the investigation and proceedings had not stopped.

The Swiss Embassy donated funds to cover the medical and legal fees of the trafficking victim. OSCE and UNOHCHR found a local attorney who agreed to take on the case and represent the victim. In the meantime, IOM developed a repatriation plan for the woman to go back to Moldova, although the OSCE focal point in Moldova expressed concern about the woman's safety upon the return and pointed out that there were no mechanisms there that could protect her from traffickers after her return. The option of her going to a third country started to be assessed.

The Project Board, which was the forum for all institutions involved to exchange information and discuss the case and their strategies started to become polarised as a result of lack of clarity of the roles and responsibilities of different agencies in relation to this case.

The woman continued to be interviewed by an investigating judge throughout January and her health further deteriorated; she even went on a hunger strike. The National Co-ordinator was quoted in the press as saying that she should stay in the country until the final outcome of the proceedings. WSH was also quoted in the media as having expressed concerns about the woman's well being and questioned the position taken by the National Co-ordinator.

In the last week of January 2003, the investigative judge officially released the woman from further testimony and allowed her to leave Montenegro. UNHCR offered her and her family the option of permanent resettlement in a third country, with travel organised by IOM. On 26 January 2003, she left Montenegro in very poor health. The following day, all suspects in the case were released from pre-trial detention. In April 2003, the presiding judge announced that she had completed her investigation and handed the case over to the prosecutor. The prosecutor has to decide whether or not to indict the suspects.³⁰⁸

The Moldovan Case caused a considerable amount of discussion and political turmoil in Montenegro. It was debated on several levels the political implications and the alleged political motivations for starting and publicising the case, as well as the involvement and role of the media. The alleged involvement of high ranking political figures in trafficking, followed by the seeming lack of interest in proper investigation and bringing the perpetrators to justice is having serious consequences for the image of a government intent on combating trafficking, organised crime and corruption.

Several questions have been raised about the freedom of the media versus their co-operation with certain political parties and groups. Media ethics have come into focus where the protection of victims and accused is concerned, especially in relation to publishing personal data and photographs of persons involved without their knowledge and publicising information from unknown sources. Media involvement also led to a "pre-judgment" as the media speculated on the guilt or innocence of the accused, without waiting for the trial and the court verdict. The media were also responsible for speculating

about an “international conspiracy” – alleged conscious orchestration of the trafficking scandal to discredit the Montenegrin government.

Despite all of this, the Moldovan Case was primarily a test for the functioning of the anti-trafficking system in Montenegro. The Project Board, as the body responsible for the implementation of the VPP and for solving the “Moldovan Case”, made their own assessment of the situation. During its meetings in February and April 2003, the Project Board highlighted several shortcomings and problems with the anti-trafficking measures in Montenegro that had emerged during the Moldovan Case and needed to be resolved.

Based on the discussions of the Project Board and earlier experiences in Montenegro, as well as discussions about proper assistance to the victims of trafficking in the Balkan region, several conclusions were drawn from the Moldovan Case:

1. “*Protection of the victim*” should not be reduced just to the area of physical safety and measures of security. Protection should rather be understood as protecting all of the victim’s human rights: taking care of her well - being, making sure that her basic needs are met and that all of her rights are protected. First and foremost, the main responsibility of all assisting agencies must be to make sure that there is no harm done to the victim in the process of assistance. Victims should not be re-victimised, traumatised, used or manipulated after being released from their traffickers. They should receive proper treatment and care from all the agencies, starting from the moment that they are identified as suspected victims of trafficking. In the Moldovan Case, several issues arose in connection with the protection of the victim:
 - The security of the victim was in question, as the shelter where she was staying became a well known place;
 - The security of other women in the shelter for victims of trafficking, as well as of the women in the shelter for victims of domestic violence next door, became problematic;
 - The woman did not receive enough information about her situation or the consequences of testifying to be able to make informed decisions;
 - She did not have proper legal assistance and representation during the process of investigation and when giving statements;
 - During her stay in the shelter, the woman’s mental and physical health seriously deteriorated;
 - The woman was forced to identify the traffickers face to face even though other options were available;
 - The legal authorities would not agree to release the witness so that she could leave the country, neither was the woman kept informed of her situation or the options available to her. She was under the impression that assistance and support were conditional upon her decision to continue to testify.
2. *Services available to victims.* As a result of this case, it became clear that despite the implementation of the VPP and co-operation between the different institutions, the services available to victims of trafficking are insufficient:
 - There is no proper legal assistance available. Victims do not understand their situation, do not know their rights, and are not aware of the consequences of agreeing to testify and become witnesses;
 - There is no legal representation available for victims who decide to become witnesses and testify;

Trafficking in Human Beings in South Eastern Europe

Republic of Montenegro

- Medical services are not sufficient to deal with the serious physical or mental problems that victims of trafficking might face while in the shelter;
 - In the case of a prolonged stay in the shelter, social services and support are not available;
 - There is no official agreement with governmental agencies to cover the costs of the services. Although the VPP stipulated that the Government should take care of the medical and legal problems that victims might face, this agreement was never officially signed. Until now, all support from governmental institutions has been offered on *ad hoc* basis.
3. *Lack of legal framework.* The most problematic part of the process was the lack of a legal framework, which would allow proper procedures to be followed and proper treatment to be offered to the victim. As mentioned above, Montenegro still lacks the necessary provisions in the Criminal Procedures Code and a Witness Protection Law to ensure better legal protection for the victim/witness:
- There are no provisions in the present Montenegrin Criminal Procedures Code to ensure the protection of the victim/witness during the period of the prosecution and the trial (right to legal counselling and representation, right to appear as injured party (joint-plaintiff status), the right to security and protection, the right to claim compensation, the right not to be incriminated, and the right to professional translation).³¹²
 - A victim/witness protection law in Montenegro would also be very useful to safeguarding the interests, security and human rights of victims/witnesses. The measures recommended for the victims/witnesses in trafficking cases include: the right to recovery time; the right to a residence permit during the criminal proceedings; access to medical and social services; the right to safe accommodation; the right to employment and/or training opportunities; the right to repatriation assistance or a move to a third country; the right to be informed about the trafficker's release; and the right not to give testimony.³¹³
 - The Tirana Declaration guarantees victims of trafficking the right to stay in the country of destination for up to 3 month, or to issue them a temporary residence permit until the completion of legal proceedings in the event that the victim is willing to testify and become a witness.³¹⁴ However, there is nothing said about the obligation of the victim/witness to stay on the territory of the country when she is willing to testify. Therefore the question should be raised as to whether the witness can be kept in the country of destination against her will.
4. *Implementation of the law.* The Moldovan Case is the first case to be taken through court proceedings in Montenegro. The Article on trafficking was introduced in July 2002 and until that date there had been no practical experience on the effectiveness of the law or other legal instruments. What became obvious in the process of investigation was the tension between the law enforcement, prosecution and the assisting agencies. Institutions, which up to this point had co-operating very well within the framework of the VPP and the Project

³¹² Ulrike Gatzke, *Case Study Analysis Trafficking in Women in Montenegro – Victim/Witness protection Mechanism*, OSCE/ODIHR, December 2002/January 2003.

³¹³ *Ibid.*

³¹⁴ Statements of Commitments, Legislation of the Status of Trafficked Persons. Stability Pact for South Eastern Europe Task Force on trafficking in Human Beings. Tirana, 11 December 2002.

Board, started to have problems co-operating and, even, communicating. Conflict of interests between the different agencies became apparent. While the law enforcement agency - the Special Team - was trying to gain as much information as possible and was treating the victim as a source of information regardless of the mental and physical strain this might cause, the shelter was trying to protect their client, while in the same time using the information from the victim to accuse the potential perpetrators. The international organisations, which became very active in protecting the victim, were criticising more or less directly the whole system of legal proceedings and questioning the good will of the government to solve the case.

The Project Board started to discuss the situation at its meeting in April 2003. The general opinion within the Project Board was that there was need to evaluate the situation, to discuss the problems that had emerged and to make decisions about changes in the existing anti-trafficking system. It was agreed that the existing system was not good enough to deal with difficult cases as it was designed to make it possible to support women who were sent by the police to the shelter to wait there until they could return to their home country. In the situation when the victim became also the witness and required special protection and assistance, the system failed. Therefore, according to the Project Board, the system should be restructured on several levels:

1. *Legal reform.* The debate about the shortcomings of the existing legislation and necessary changes has already started. The Council of Europe has offered assistance to the government to work on the necessary changes of the legislation and on the creation of a Witness Protection Law;
2. *National Plan of Action.* The VPP was a short-term (2000-2002) project proposed and mainly implemented by international organisations and NGOs with rather limited governmental participation. The project, as mentioned above, focused mainly on the victim protection and had many gaps in other areas, especially in the area of legal reform and prosecution. There is a need for a new, more comprehensive NPA, which should be developed by the National Co-ordinator, with support of the Project Board, and fully supported by the government. This should be a timetabled plan owned by the government to ensure participation of all relevant governmental institutions and should cover all the areas of concern and allow for the co-operation and co-ordination of the efforts.
3. *National Referral System.* The members of the Project Board decided to develop a system of referral for the victims of trafficking. The system would be based on a similar structure designed in Serbia.

Re-structuring the Project Board. All the agencies responsible for the implementation of the NPA - governmental, including all relevant ministries and other governmental bodies, and non-governmental - should be represented on the Project Board. It should become an advisory body to the National Co-ordinator and the international organisations should only have an advisory role.

The Moldovan Case showed the practical implications of the theoretical framework created to combat trafficking. While the system was able to provide basic assistance and help to return women back home, regardless of the risk involved, it was not sufficient to protect the victims from the harm done in the process of becoming a witness and participating in the

Trafficking in Human Beings in South Eastern Europe

Republic of Montenegro

legal procedures against traffickers. It is still unclear if the legal framework and the legal practice in Montenegro is sufficient to prosecute traffickers, as the Moldovan Case is still pending. Given the experience of the last two years, it seems to be clear that the VPP was prepared without taking into consideration the process of prosecuting traffickers. The legal framework necessary to prosecute trafficking cases successfully and the special protection needed by the victims/witnesses was clearly overlooked.³¹⁵

³¹⁵ A new Anti-Trafficking National Co-ordinator was appointed at the Government session on 4 June 2003. A government delegation from the Republic of Montenegro informed the Permanent Council of OSCE in Vienna, on 16 June, about the legislative reforms and efforts of the Montenegrin Government in the fight against organised crime with a special reference to the current case of trafficking in human beings concerning a Moldovan citizen. Intending to remove any doubt as to the legality of this case, the delegation expressed the readiness of the Montenegrin Government to facilitate inspection of the relevant data referring to this case, and invited OSCE and CoE to appoint an independent team of experts to assess the legal framework within which the case was conducted. The Montenegrin Government is willing to accept the conclusions of the expert team and, to extent to which it is authorised, (according to the Constitution of Montenegro, the judiciary is independent from executive power) react to the report and undertake steps within the scope of its constitutional position so that any possible omissions are corrected. After a three month interruption, a new meeting of the Project Board was held on 16 July 2003 under the co-chairmanship of the new National Co-ordinator. At the meeting all participants agreed upon the following: to reorganise the Project Board; to draft a Statute and Code of Conduct for the members of the Project Board; to include the Ministries of Education, Health and Labour and Social Care in the work of Project Board.

The UN Administered Province of Kosovo

Kosovo is a province within the Republic of Serbia with a population of 2 million, about 90 percent of whom are ethnic Albanians (Muslim or Roman Catholic) and the remainder are Serbs (Orthodox Christians). Since the end of the conflict in June 1999, Chapter 7 of the UN Security Council Resolution 1244, states that the United Nations Interim Administration Mission (UNMIK) fulfils the role of the government in Kosovo as an interim arrangement.³¹⁶ UNMIK's responsibilities are presided over by a Special Representative to the Secretary General (SRSG). The peacekeeping force (KFOR), operating within the framework of the resolution 1244 but reporting directly to NATO, is responsible for international security and peacekeeping operations.

In May 2001, UNMIK Regulation 2001/9 approved the constitutional framework for provisional self-government in Kosovo and, following elections in November 2001, a new National Assembly was created. The Kosovo Government was appointed in March 2002, however, the process of transferring responsibilities to the Government is progressing very slowly. According to Chapter 8 of the Constitutional Framework for Provisional Institution and Self-Government (PISG) in Kosovo, the powers and responsibilities of the PISG do not include certain reserved powers and responsibilities, which remain in the hands of the SRSG. These powers include the sectors that used to belong to Pillar I - Police and Justice, including external relations, law enforcement and correctional staff, and justice - before PISG came into force. The SRSG co-operates closely with KFOR in conducting border-monitoring duties, regulating possession of firearms, and enforcing public safety and order.³¹⁷

Kosovo is dependent on the international community for financial and technical assistance. The Euro and the Yugoslav Dinar are official currencies and UNMIK collects taxes and manages the budget. According to the report of the UN Secretary General, there was a decline in economic activities in Kosovo at the beginning of 2003, which is expected to continue, partly because of the downsizing of the international community.³¹⁸

1. Migration, prostitution and trafficking

Kosovo has been identified predominantly as a destination location and, to a lesser extent, a location of transit or origin for trafficking in women and girls. The main routes into Kosovo appear to be from the north, across the Serbian border and through FYR Macedonia. Some women have been trafficked from Montenegro and Albania. There have been a few cases of women being brought to Kosovo by air from Turkey, Austria and Switzerland.

³¹⁶ Resolution 1244 vested in UNMIK authority over the territory of Kosovo, which includes all legislative and executive powers and administration of the judiciary, police and domestic security.

³¹⁷ Regulation No. 2001/XX on a Constitutional Framework for Provisional Self-Government in Kosovo. United Nations Interim Administration Mission in Kosovo. UNMIK/REG/2001/XX, May 2001.

³¹⁸ Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo. United Nations, Security Council, S/2003/421. p.9.

Trafficking in Human Beings in South Eastern Europe

The UN
Administered
Province of
Kosovo

The Trafficking and Prostitution Investigation Unit (TPIU) has a database of all foreign women who come into contact with the police, most often during raids on bars. In 2000, 340 women were registered in this database and 700 in 2001. By the end of 2002, 1,400 foreign women had been registered by the police as working or staying in Kosovo. Although the number of foreign women registered in Kosovo has increased, there have been some slight changes in the pattern of trafficking in persons in Kosovo since 2001 and the overall number of women identified as victims of trafficking has decreased in 2002.³¹⁹ The TPIU has noted that trafficking has moved from public places to private houses, and at the same time, that some of the women interviewed appear to have good salaries and living conditions and may, therefore, be working voluntarily in the sex industry.³²⁰

Many of the women who took part in the assistance programmes in 2002 were those who had been staying in Kosovo for quite a long time, often 3 or 4 years. The fact that some of these women are now returning to their countries of origin and that fewer women are arriving may suggest that fewer women are being trafficked into Kosovo and that the sex industry is downsizing. Another possible explanation is that traffickers have more control over which women are returning than was suspected and allow only some women to take part in the return programmes releasing those who have already been working for some time and keeping new, young ones.

Internal trafficking is also reportedly growing. Out of a total of 339 cases of trafficking assisted by IOM up to the end of November 2002, 11 were women who had been trafficked internally, 3 before 2002 and 8 during 2002. However, these numbers may reflect the change in IOM's policy towards internally trafficked women rather than any change in the numbers of victims in general because IOM did not previously assist internally trafficked women.

The Centre for the Protection of Women and Children (CPWC) started to take care of internally trafficked women in the year 2000. According to their annual report of 2002, 140 cases of violence/trafficking were assisted in 2002, about 65 in 2001, and about 60 in 2000. The vast majority of victims assisted over the last 3 years were Kosovar (256, 98% Albanians). 16 were foreigners. 81 percent of the victims were under 18. During the first 6 months of 2003, CPWC assisted 87 cases of violence/trafficking and forced prostitution. Out of them, five were foreign (1 Romanian, 1 Moldovan, 1 Thai, 2 Albanians) and the other 82 victims were of Kosovar origin (1 Roma, the rest Albanian). 78 percent (68 victims) were underage, ranging in age from 10 to 18 years old.

The general opinion in Kosovo, shared by many local NGOs, is that migration/trafficking from Kosovo may escalate due to the declining economic situation and growing unemployment, especially among young women. This opinion was supported by research conducted in 2002 by Save the Children in Kosovo.³²¹ Although there is little available evidence on women from Kosovo being trafficked abroad, the deteriorating economic situation of women in Kosovo, the growing poverty and unemployment, changes in family patterns, violence against women, and more visible and accepted prostitution, may all contribute to Kosovo becoming a source of women and girls for trafficking abroad.

³¹⁹ Interview with Tatiana Sullini from IOM, Pristina, 12 December 2002.

³²⁰ TPIU discovered that some of the women interviewed had substantial amounts of cash in their possession, and were living in luxurious apartments. Interview with Jamie Igins, Head of TPIU, Pristina, December 2002.

³²¹ Terry Roopnaraine, *Child Trafficking in Kosovo*, Save the Children in Kosovo, July 2002, p.20.

2. Current Responses

2.1. Kosovo Plan of Action

The creation of the Provisional Institutions and Self-Government (PISG) has created several serious challenges in Kosovo. Until 2002, the OSCE Mission in Kosovo was the main player in all anti-trafficking activities in its role as lead of Pillar III for Democratisation and Institution Building within UNMIK, and co-ordinator of the Counter Trafficking Direct Assistance Co-ordination Group in which all the relevant international organisations participated.³²²

According to information from 2001, UNMIK was planning to develop and hand over some of the co-ordination of anti-trafficking programmes to the Ministry of Public Affairs or other local structures once after they were established. As a first step, a Anti-trafficking Co-ordinator was supposed to have been appointed in 2002, followed by the development of a Kosovo Plan of Action (KPA). To be completed by a Task Force, the Plan was supposed to involve both local government structures and the UNMIK supervised Police and Justice Pillar.³²³

UNMIK decided to leave trafficking within the restrictive powers. That is under the Police and Justice Pillar. The view of the UNMIK Department of Justice is that some aspects of trafficking, specifically in relation to prevention, investigation, prosecution and assistance, are reserved powers and should therefore remain within Pillar I. However, the UNMIK Department of Justice strategy has sought to develop a co-ordinated joint approach with the various Ministries responsible for trafficking, such as the Ministry of Education, Science and Technology, the Ministry of Labour and Social Welfare, the Ministry of Health, the Ministry of Public Services, among others. To this end, the Department of Justice is working closely with the Prime Minister's Office to develop a joint strategy.

It was proposed that a Victims Assistance Co-ordinator be appointed to head up a newly created Victim Assistance and Advocacy Unit (VAAU), as part of the new Judicial Development Division.³²⁴ This unit was supposed to initially support the work of the international organisations on trafficking and then to gradually assume responsibility for fundraising and anti-trafficking programmes. The Victims Assistance Co-ordinator would also ensure provision of legal assistance to all injured parties appearing in court, including victims of trafficking.

A working group was created to draft an Administrative Directive to implement Regulation No. 2001/4 on the "Prohibition of Trafficking in Persons in Kosovo",³²⁵ which would create a framework of support services for trafficking victims, including legal representation, counselling and temporary safe housing.³²⁶ The Administrative Directive would also outline the competences of the VAAU and the Victim's Assistance Co-ordinator. The VAAU would be responsible for the creation of the appropriate structures. The draft of the Administrative Directive was submitted to the UNMIK Office of Legal Affairs in April 2002.³²⁷

³²² The same group still operates but co-ordination is carried out on a rotational basis.

³²³ See last year's report, p.100.

³²⁴ The Administrative Directive on Implementing UNMIK Regulation 2001/4 provides for a position of Victim Assistance Co-ordinator.

³²⁵ Regulation No. 2001/4 On the Prohibition on Trafficking in Persons in Kosovo. UNMIK/REG/2001/4.

³²⁶ Victim Advocacy and Assistance Unit, United Nations Interim Administration in Kosovo. Ref:

DOJ/JDD/mm/01 Last revised on 12 December 2002.

³²⁷ The Administrative Direction should come into force on 01 October 2003.

Trafficking in Human Beings in South Eastern Europe

The UN
Administered
Province of
Kosovo

Despite the above proposals, the status of anti-trafficking initiatives within UNMIK Pillar I is not clear. It is not known who is responsible for new developments, the implementation of the anti-trafficking measures, the appointment of the Anti-trafficking Co-ordinator or the development and implementation of the KPA. The Administrative Directive does not solve these problems as it only sets out the responsibilities of the Victim Assistance Co-ordinator, establishes funds for the financial assistance and reparation of victims of trafficking and creates a Review Panel to examine appeals submitted to the Victim Assistance Co-ordinator. The responsibilities on action points and policy decisions will remain with UNMIK Pillar I, which can receive recommendations from the Victim Assistance Co-ordinator. According to the draft Administrative Directive, the responsibilities of the Victim Assistance Co-ordinator do not include the KPA, which will need to be developed by UNMIK Pillar I under reserved powers and the PISG structures with certain transferred powers.³²⁸

Although UNMIK decided to keep trafficking within their jurisdiction as the issue involves the police and the judiciary, the PISG argue that trafficking and, especially, the issues of victim assistance and prevention of trafficking, are primarily human rights concerns that should be placed within the new Kosovo Government. PISG have placed it within the Office of the Prime Minister, which is responsible for good governance, human rights, equal opportunities and gender issues. The group within the Prime Ministers Office responsible for human rights issues is also mandated to work on the issue of trafficking in human beings and to work closely with the Inter-ministerial Committee on Child Rights. There is already a draft agenda to set up a special group to work on the issue of trafficking. The Prime Minister is ready to appoint an Anti-Trafficking Co-ordinator and the KPA is in the process of being drafted. The draft KPA is going to cover areas of prevention of trafficking, protection of the victims and the legislation.³²⁹ The Anti-Trafficking Co-ordinator (when appointed by the government) will set up an expert working group consisting of the representatives of the government, NGOs, civil society, lawyers, international organisations, UNMIK and the Kosovo Police Service to agree on the joint KPA, based on the draft proposed by the government. The government believes that they should take the lead in anti-trafficking actions in Kosovo.

As a result of this conflict between UNMIK and the PISG, there is no lead agency and no co-ordination of anti-trafficking work in Kosovo. The Kosovo Government is also convinced that the work done by UNMIK and the international organisations to combat trafficking is not effective, as the majority of trafficked women are not identified and the bars remain open. In Pristina alone, according to government estimates, there are more than 50 brothels and probably 1,000 victims of trafficking. The government sees the failure to make an impact on trafficking as the result of a lack of inter-agency and internal co-ordination on the part of UNMIK, a lack of any action against corruption and the lack of a KPA.³³⁰

The current approach in Kosovo is to co-ordinate the development of a joint action plan between UNMIK Pillar I and the Prime Minister's Office. A number of meetings have been held to discuss this. UNMIK would like to develop further the strategy on trafficking in close co-ordination with the Prime Minister's Office.

³²⁸ For a more co-ordinated response, a conference is scheduled to take place in October 2003 in Pristina to address action points for future responses by UNMIK Pillar I and PISG. This conference on Anti-Trafficking in Human Beings is being organised by OSCE, the Department of Justice (Pillar I), the Office of Good Governance, Human Rights, Equal Opportunities and Gender within the Office of the Prime Minister of Kosovo, IOM, the Centre for Protection of Women and Children (a locally run NGO), Save the Children, UNICEF, United Methodist Committee on Relief - UMCOR and the Ministry of Labour and Social Welfare.

³²⁹ Interview with Naliqe Bala from the Office of the Prime Minister, Pristina, 12 December 2002.

³³⁰ *Ibid.*

Nevertheless, a great deal of effort has also been put into co-ordinating anti-trafficking activities by and among international organisations. Various agencies have taken responsibility for co-ordinating different aspects. For instance, OSCE has co-ordinated assistance services to victims. The Department of Justice/VAAU has and continues to co-ordinate anti-trafficking legislative initiatives, and various co-ordination meetings have been held to discuss progress and different activities in relation to trafficking.

2.2. Anti-trafficking legislation

An inter-agency Legal Working Group on Trafficking in Persons chaired by OSCE and comprising representatives of the Joint Department for Democratic Governance and Civil Society, the UNMIK Justice Department, the UNMIK Office of Gender Affairs, IOM and UNICEF drafted the anti-trafficking law at the end of 2000. The *Regulation on the Prohibition of Trafficking in Persons in Kosovo*³³¹ came into force in January 2001, and complies with the *Palermo Trafficking Protocol*. The law, or Regulation, makes human trafficking a criminal offence punishable by 2 to 20 years in prison allows an establishment to be closed if it is involved in or associated with trafficking and allows for the confiscation of a traffickers property. The new regulation also provides for better protection of and assistance for victims of trafficking, including a defence against prostitution charges and an option to request victim assistance. The regulation allows higher penalties when the victim of the trafficking is under the age of 18.

The anti-trafficking law also provides for those knowingly using the sexual services of trafficked persons to be penalised: "Any person who uses or procures the sexual services of a person with the knowledge that that person is a victim of trafficking in persons commits a criminal act and shall be liable upon conviction to a penalty of three months to five years' imprisonment".³³² This constitutes a new crime – the knowing use of services of the victims of trafficking. While the intention of the law is well understood, implementation may be problematic. It requires two elements: the intent to use or procure sexual services and the knowledge, that the person who is providing the services is a victim of trafficking. This knowledge can be assumed if certain conditions are met, but might be very difficult to prove.

In relation to the use of sexual services, UNMIK has issued a policy paper on appropriate standards of conduct for staff members.³³³ This circular, distributed by the Director of the Administration, clearly lays out the action that will be taken against staff members in the event that they are found to be involved in criminal activity relating to prostitution or organised crime. Such staff members would be subject to disciplinary measures, which might include dismissal and, in cases when the local law had been contravened, they could be subject to criminal proceedings.

The Anti-trafficking Regulation also stipulates that, "appropriate measures should be taken for witness protection during any investigation and/or court proceedings arising under the present regulation".³³⁴ The additional measures, apart from security, that should be taken to protect the victim/witness are elaborated in Chapter III of the Regulation. This Chapter

³³¹ UNMIK/REG/2001/4. Regulation No. 2001/20 "On the Protection of Injured Parties and Witnesses in Criminal Proceedings" stipulates the measures that should be taken to protect victims/witnesses. These measures include not revealing the name of the victim/witness, order of anonymity, etc.

³³² *Ibid.* Section 4.1

³³³ UNMIK, Information Circular 06/2001, 19 February 2001.

³³⁴ UNMIK/REG/2001/4. Regulation No. 2001/20 "On the Protection of Injured Parties and Witnesses in Criminal Proceedings". Section 5.2.

provides for the appointment by the SRSG of a Victims Assistance Co-ordinator who is responsible for the implementation of the Anti-Trafficking Regulation. The Regulation also stipulates that victims of trafficking are entitled to free interpreting services and free legal counsel and should have access to a shelter, counselling and other services.

Another issue is linked to Section 5.1 of the Regulation, which says that "The taking of the statement by law enforcement officer or investigating judge shall in no way inhibit or delay the voluntary repatriation of a suspected victim of trafficking".³³⁵ This means that the decision of the victim to return to his/her home country cannot be delayed by judicial proceedings. Consequently, the hearing has to be held promptly and properly so that the statements can be used at a later date by the prosecution.

According to the OSCE Mission in Kosovo, the legislative reform process involves the establishment of the position of Victim Assistance Co-ordinator to be the central government focal point for anti-trafficking activities, including education, awareness raising and administration of a reparation fund for the victims. OSCE's policy work in Kosovo includes support for the establishment of this position within the UNMIK Department of Justice. The Victim Assistance Co-ordinator is expected to work closely with the other agencies - OSCE, PISG, Pillar I and IOM - to co-ordinate anti-trafficking activities and to create an Action Plan for Kosovo.³³⁶

The UNMIK Police Witness Protection Programme provides witnesses at risk with a safe place to stay within Kosovo. It is anticipated that the need for witness protection will increase when the witnesses in trafficking cases also start to benefit from the programme.³³⁷

2.3. Victim Assistance

2.3.1 Identification

IOM statistics show that majority of trafficked women are from Moldova (35 %), Romania (21 %) and Ukraine (19 %), followed by cases from Albania and Bulgaria. There have been a few cases of Kosovar women and girls trafficked internally. According to United Methodist Committee on Relief (UMCOR), they assisted 80 victims, including 20 under 18 (22 % of total), in 2002.³³⁸ IOM assisted 75 victims of trafficking through their programme in 2002, including 12 girls under the age of 18 (14 %).³³⁹ 70 percent of these women and girls were picked up by the police, 20 percent escaped from their traffickers on their own, and 10 percent were "allowed" to join the programmes by the traffickers (for example, women who are pregnant or not longer attractive for other reasons). According to TPIU, 89 women were repatriated, through the IOM repatriation programme, 88 were charged with prostitution and the remainder were released.³⁴⁰

The criteria for including a woman in at last one of these three groups - 1) victims who should receive assistance, 2) prostitutes who should be punished or 3) those who are let free - are not clear. The criteria for a woman or a girl to be assessed as trafficked are based on the definition

³³⁵ *Ibid.* Section 5.1.

³³⁶ Organisation for Security and Co-operation in Europe, Mission in Kosovo. Human Rights and Rule of Law Department, Departmental Guide. November 2002. p.8.

³³⁷ Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo. United Nations, Security Council, S/2003/421 p.6.

³³⁸ Interview with Gretchen Sullorge from UMCOR. Pristina, 11December 2002.

³³⁹ Interview with Tatiana Sullini from IOM, Pristina, 12 December 2002.

³⁴⁰ Interview with Jamie Igins, Head of TPIU, Pristina, December 2002 .

offered in the UNMIK Regulation 2001/4 on the Prohibition of Trafficking in Persons in Kosovo and clearly define those who can be considered a victim of trafficking. OSCE Trafficking Focal Points and OSCE field officers use this definition when interviewing a potential victim at the initial screening. A more in-depth interview is carried out at IOM premises. TPIU data suggests that all women identified as trafficked want to be repatriated.

UNMIK

TPIU was created within the UNMIK Police Force in October 2000 and operates in all five regions of Kosovo. TPIU has 4 field offices and a headquarters in Pristina and is staffed by 27 international policemen and women (17 from Eastern European countries), and 26 policemen from the Kosovo Police Service (KPS). There are 5 women in the Unit (all internationals). All the offices have people speaking English, Albanian, Serbian, Russian and Bulgarian and some officers also speak Romanian and Ukrainian. There was no special training for the international officers already working in TPIU.³⁴¹ After joining the Unit, officers begin a 4-week period of field training. In January 2003, a pilot project was started for KPS, 5 days' training on trafficking, followed by a four-week period of field training. There are plans to introduce more Kosovar policemen and policewomen into the Unit and decrease the number of internationals.

UNMIK Police routinely publishes a list of bars, restaurants and cafes located throughout Kosovo that are involved in or under investigations for various criminal activities. According to the TPIU statistics for 2002, 210 premises were on the UNMIK "off-limits" list. The UNMIK Police Commissioner prohibits all UNMIK Police officers from patronising these establishments and all UNMIK staff are advised to avoid them. Most of the criminal activities in these establishments have to do with trafficking and prostitution. According to NGOs, the number of bars on the off-limits list is too low, especially in Pristina where there are only 6 off-limits bars; in reality the number of establishments offering sex services is much higher. Of these 210 bars province-wide, many had previously existed under another name, reflecting a widespread procedure used by the bar owners. After a place is raided and closed down by the authorities, it re-opens under a different name, often with a new owner. It is unclear how many, if any, bars have been permanently closed as a result of police investigations or court orders.

Another trend is to move prostitution and trafficking from well-known and easily recognised spots to places that are not known to the general public and are more difficult to access, even by the police.³⁴² This raises two further problems for the authorities. One is the increased problem of access to reliable data on trafficking when prostitution and trafficking are well hidden and it is difficult to trace any evidence of their existence. The second is the inability to access the women and girls working in the sex industry to provide them with information and assistance. When the women and girls are kept at unknown locations, the police bar raids, which until now has been the only method that TPIU was using to identify victims of trafficking, are obviously not effective. In an atmosphere of conspiracy, secrecy and crime, it is hardly likely that the clients would be willing to come forward with information leading to the rescue of a victim of trafficking, as they used to do, now that they could be accused themselves of committing a crime.

³⁴¹ In June 2003, the pilot training project started and was implemented at the KPS School.

³⁴² Interview with Jamie Igin, Head of TPIU, Pristina, December 2002.

TPIU, OSCE, IOM and UMCOR - Counter Trafficking Direct Assistance

Co-ordination Group

The Counter Trafficking Direct Assistance Co-ordination Group³⁴³ was formerly known as the Shelter Co-ordination Group. It comprises the trafficking Focal Points (field officers) designated by the participating organisations and is responsible for assisting trafficked women in Kosovo. It provides a forum for discussing individual cases and the needs of the beneficiaries.

The Inter-agency Working Group on Trafficking in Persons has adopted the joint Standard Operating Procedures for victim assistance (SOPs) to ensure that all programme areas are covered and all activities are properly co-ordinated. SOPs describe the procedures to be followed when assisting a trafficked woman from the point of identification to the moment she reaches the shelter. They also describe the referral system for the organisations involved and are updated and reviewed every 6 months or when immediate need arises. SOPs do not outline the rights of a trafficked woman nor do they describe the obligations of the participating agencies towards a trafficked woman.³⁴⁴ They only state that the agreement of the beneficiary to be placed in the shelter is voluntary and must be based on her full and informed consent and with knowledge that freedom of movement in the shelter is restricted. UNMIK Regulation 2001/4, section 10, sets out the rights of victims and the services that need to be offered through governmental and non-governmental agencies.

TPIU or KPS officers make the first contact with women and girls during bar raids, arrests and detentions. Most raids are organised by TPIU or by regional "serious crime" or intelligence units in co-operation with TPIU. TPIU takes statements from women and assesses their situation. As soon as the police suspect that they have a trafficked person in custody, they call the OSCE regional trafficking focal point to conduct a victim interview. OSCE will determine whether the case should be referred to IOM for repatriation assistance and whether the shelter should be contacted for admission. TPIU then makes arrangements directly with IOM and the shelter, which is run by UMCOR. TPIU also informs IOM and the shelter in advance when major raids are planned, so that the number of the potential shelter beneficiaries can be assessed.

2.3.2. Assistance

The number of the victims accepted at the shelter in the second half of 2002 has declined very significantly in comparison with previous years. As in other cases, when the referrals are mainly the result of police raids, it is hard to say if the decline is caused by a reduction in police activity, different identification criteria used by TPIU, a sudden change in the *modus operandi* of the traffickers or simply a decrease in the number of victims of trafficking in Kosovo.

UMCOR and IOM

TPIU informs IOM, OSCE and the shelter about the suspected cases of trafficking. In practice, only when the person is identified as a victim of trafficking and expresses a wish to be repatriated does s/he have a chance of being placed in the shelter. The role of IOM is to assess potential beneficiaries to determine which cases qualify for assistance and for what

³⁴³ The Direct Assistance Co-ordination Group comprises IOM, OSCE, Department of Justice, UMCOR, TPIU and DOJ/VAAU. On an *ad-hoc* basis CPWC and the Department of Social Welfare are also called (in cases of internally trafficked persons).

³⁴⁴ Although SOPs for international victims have been signed and are in use, those for internally trafficked persons are still being discussed.

type of assistance. Regardless of the fact that IOM still does not have a clear written policy or guidelines for implementing their anti-trafficking programmes for foreign and local women in Kosovo, the practice shows that only those foreign women who are willing to return to their country of origin are referred to the shelter and assisted. However, IOM has recently made some exceptions to this rule.

Trafficked foreign women and girls who are identified as such, are transported to the shelter run by UMCOR. The shelter has been operating since July 2000 for the victims of trafficking who are accepted into the IOM repatriation programme. Once the woman is placed in the shelter, IOM initiates and completes the return and reintegration procedures. Due to the security risk of victims being able to identify the location and compromise the integrity of the shelter, the shelter is, in principle, closed (although there are a few exceptions) and does not accept victims of internal trafficking. Victims of internal trafficking are either placed in a shelter run by the Centre for Protection of Women and Children, supported by other NGOs and, in few cases, by OSCE or are not recognised as such at all. Witness statements are taken in the regions or at the central TPIU interview location in Pristina, depending on where the women are picked up, before they are placed in the shelter.

The shelter management is responsible for the shelter's daily operation. Victims are accepted only through the referral system and the shelter management has the final say in all admissions. Admission is considered on a case-by-case basis. The shelter is responsible for the basic needs of the beneficiaries including basic medical care and medical counselling and vocational training, including computer skills, English lessons, aerobics and fitness. From September 2001, a Romanian IOM psychologist has also been conducting counselling sessions at the shelter to provide women and girls with psychosocial support. Tests for sexually transmitted infections (STI) and HIV tests are not provided.³⁴⁵ The shelter can accommodate up to 15 women and an average stay is 2 to 3 weeks. Victims of trafficking can stay longer, on average about another 2 weeks while waiting for the necessary travel documentation to be issued or in the case of medical conditions not allowing an immediate move.

IOM is providing psychological services, information on legal services and trafficking awareness sessions. As part of the IOM return and reintegration assistance, victims of trafficking receive a "dignified return pack" with clothes and souvenirs for their family as well as US\$ 150 as a reinstallation grant. In addition, between US\$ 1,000 and US\$ 2,000 is available for each repatriated person upon return, to be administered by the IOM office in the home country. In exceptional cases, IOM provides all the required financial assistance regardless of the amounts normally allocated per beneficiary.

IOM is also developing a system of support for Kosovar victims of trafficking returning back to Kosovo. The programme is being developed together with the Centre for Protection of Women and Children, other NGOs and the local government. The plan is to support victims of trafficking who are coming back from abroad through IOM programmes in other countries or those who have been internally trafficked and referred by law enforcement agencies and NGOs. IOM is in the process of identifying new NGOs with which to co-operate on this project.

³⁴⁵ The shelter is providing a voluntary presumptive treatment for syphilis, gonorrhoea and trichomonas. Trafficked women are in a high risk group for STIs. As there is no testing, it is "presumed" that they may have an STI and are voluntarily treated, with "no side effects." Information from UMCOR, 18 January 2002.

Interim Secure Facility (ISF)

The members of the Counter Trafficking Direct Assistance Co-ordination Group are aware of the problems of access to the safe shelter for those victims of trafficking who are willing to testify but pose a serious threat to the security of the shelter, as well as for victims who could not decide whether or not they wanted to be repatriated. Therefore, in March 2003, a Memorandum of Understanding between OSCE and the UNMIK Police and Justice Pillar was signed, establishing an Interim Secure Facility (ISF) for victims of trafficking. An ISF has now been established by the Department of Justice's Victim Advocacy and Assistance Unit.

This facility is meant to provide immediate and interim accommodation for all victims of trafficking on a 24-hour basis. It has capacity for 25 people. The ISF provides victims of trafficking with the time and opportunity to consider various options. Those willing to testify are also able to remain in Kosovo in a secure and non-pressured environment. During this time, victims receive medical, legal and psychological assistance. The duration of the stay is assessed on a case-by-case basis.

Centre for Protection of Women and Children (CPWC)

CPWC is a local NGO that is running a shelter for victims of domestic violence. Since 1999, this shelter has also accepted trafficked women and girls who cannot be placed in the UMCOR shelter, including victims of internal trafficking and girls under 18. According to their annual report of 2002, 140 cases of violence/trafficking were assisted in 2002, in comparison with approximately 65 cases in 2001 and approximately 60 cases in 2000. Support includes medical counselling, socio-psychological support, an obligatory gynaecological examination vocational training and legal support. Women and girls can stay in the shelter for a minimum of 2 weeks up to 3 months.

In 2002, 89 percent of victims of trafficking assisted by CPWC were under the age of 18. 7 percent of these cases were foreigners, the rest were domestic cases. The great majority (81 %) were illiterate, had attended only 4 or 5 classes of elementary education or had only finished elementary school.³⁴⁶

During the first 6 months of 2003, CPWC assisted 87 cases of violence/trafficking and forced prostitution. Five (4.8 %) of the cases were foreigners (1 Romanian, 1 Moldovan, 1 Thai, 2 from Albania) and the other 82 victims (95 %) were of Kosovar origin (1 Roma, the rest Albanian). The majority, or 78 percent, of the trafficked and forced prostitution victims were children under the age of 18 and some as young as 10 years old.

2.4. Trafficking in children

There are no special measures or treatment for the foreign victims of trafficking under 18. TPIU is aware of the different status of girls under 18 and is referring all cases of child trafficking to OSCE and IOM. There is awareness among the helping agencies that child victims of trafficking should be treated with special care and there is agreement that in cases of child trafficking social services should be involved and the Centres for the Social Work notified. Children should be referred to the Centres for the Social Work and have a temporary guardian appointed. However, at present these procedures are still in the process of being developed and are not yet in place. Centres for Social Work are the social institutions run by the

Department of Social Welfare of the Ministry of Labour and Social Welfare. The Department of Social Welfare has signed a MOU with an NGO, "Home and Hopes" that has a shelter for abandoned children and is now adapting it as a shelter for child victims of trafficking and sexual abuse. The house will be a semi-open institution and will have a special programme for abused children.

According to UMCOR, the average age of the victims of trafficking for sexual exploitation accommodated in their shelter is between 18 and 24 years. In 2002, 12 girls under 18 (13 % of all assisted victims) were assisted, while in the whole period that UMCOR has been running the shelter 12 percent of those assisted were girls under 18. These figures suggest that the number of foreign child victims of trafficking is not growing in Kosovo. At the end of 2002, a young 14 year old boy from Albania was stopped in transit in Kosovo. The shelter staff suspected that the boy was one of many children trafficked from Albania.³⁴⁷

Trafficked children are also assisted by CPWC. In fact, 81 percent of their clients are girls under 18, some as young as 10 years old. The CPWC specialises in assisting women and children victims of violence. The children referred to them have been victims of different kinds of abuse and crime, not only trafficking.

2.5. Prosecution

In January 2001, UNMIK promulgated a new regulation against trafficking *Regulation on the Prohibition of Trafficking in Persons in Kosovo*. The Regulation makes human trafficking a criminal offence punishable by 2 to 20 years in prison, while also providing for better protection and assistance for trafficked persons. The *Regulation* also allows an establishment that is involved in or associated with trafficking to be closed and the confiscation of traffickers property.³⁴⁸

During the actions undertaken by TPIU to combat trafficking in 2002, 88 women were charged with prostitution, 13 people with the possession of false documents, 12 with illegal border crossing, 49 with the procurement of prostitutes and 72 were charged with pimping. There were also 92 charges of trafficking. According OSCE sources, persons charged with trafficking are convicted in 80-90 percent of cases. However, they are usually convicted for crimes other than trafficking and sentenced to less than 5 years in prison, which they then appeal.³⁴⁹ According to NGOs, many cases related to trafficking do not proceed beyond the pre-investigation, investigation and preliminary hearing phases due to the lack of participation of witnesses who are victims of the crime.

According to the OSCE, local judges and prosecutors do not fully implement the provisions set out for trafficking offences, neither do they understand the position of the victim/witness. Despite all the training that has been carried out for judges and prosecutors, trafficking cases are not investigated properly. The interim measures of seizing the proceeds of such crimes or closing down the establishments have rarely been applied.³⁵⁰ Regarding court proceedings, the OSCE has observed that, "investigative judges continue to disregard procedural guarantees intended to protect the

³⁴⁷ Interview with Gretchen Anson from UMCOR, Pristina, 11 December 2002.

³⁴⁸ Regulation No. 2001/4, On the Prohibition on Trafficking in Persons in Kosovo. UNMIK/REG/2001/4.

³⁴⁹ Under the applicable law, any person sentenced to less than 5 years' imprisonment may be released pending appeal.

³⁵⁰ Kosovo, Review of the Criminal Justice System, September 2001 – February 2002. OSCE, Mission in Kosovo, 2002.

Trafficking in Human Beings in South Eastern Europe

The UN
Administered
Province of
Kosovo

victims/witnesses and to facilitate successful prosecution of the offenders".³⁵¹ OSCE has also noticed that in the preliminary hearing the investigative judges repeatedly fail to ensure the presence of the suspect or his defence counsel during the presentation of the victims/witness's evidence in order for them to be able to challenge the victim/witness's statement. Such a failure may further increase the difficulties of using the victim/witness testimonies during the trial.³⁵²

Another problem in the prosecution of traffickers is the attitude towards prostitution in general. The police and judiciary are usually not able to make the distinction between voluntary and forced prostitution, which is reflected in the way victims of trafficking are treated. Another obstacle is the threat from and fear of organised crime by the victims of trafficking.

Legal assistance to the victims

According to the OSCE and the UNMIK Department of Justice, while the UNMIK Regulation No. 2001/4 creates a framework for support services for victims of trafficking such as legal representation, counselling and temporary safe housing, the main problem remains the lack of implementation. On one hand, this results in an unwillingness on the part of the victims to testify and, subsequently, in a lack of successful prosecutions of the perpetrators. On the other hand, this also leads to the alienation of victims and, ultimately, the alienation of all communities from the judicial process.³⁵³

There are still initiatives to be taken at a policy level to provide victims with legal information and assistance. In practice, victims still do not receive any legal assistance, even if they decide to testify. Usually, the only evidence in the court cases against traffickers is the victims testimony taken after the traffickers have been arrested. A victim whose testimony is being used in a case that may warrant the arrest of people involved in organised crime, may pose a serious security risk (TPIU gives a security profile for each shelter beneficiary) to herself and all involved. She cannot, therefore, be housed at the shelter. Currently, this rule is being reviewed. Due to provisions in the Anti-Trafficking Regulation, which allow victims to leave the country without waiting for the court case, trafficked women are almost always repatriated by IOM before the trial date. Their testimony is either lost or their statements are read out in court by someone else. Such statements have a much weaker, if any, impact. As of October 2001, there had been only one case where the witness was actually present to give testimony in court.

It has also to be noted that the vast majority of women and girls who are placed under IOM assistance are traumatised and often psychologically unable to deal with the pressure of their past and the uncertainty of their future, in addition to the traffickers' threats.

In 2001, OSCE developed a special mechanism for trafficked persons – "Legal Aid for Trafficking Victims" – through its Victims Advocacy and Support Section. However, due to the lack of funding, especially for the salaries or compensation for the lawyers who provide the victims/witnesses with legal information and representation, the project did not produce the expected results.

³⁵¹ *Ibid.*

³⁵² *Ibid.*

³⁵³ Victim Advocacy and Assistance Unit, United Nations Interim Administration in Kosovo. Ref: DOJ/JDD/mm/01 Last revised on 12 December 2002.

At present, the UNMIK Department of Justice and OSCE are developing a new project to bring legal aid and access to justice to victims. There are 10 trained persons in 5 regions of Kosovo who will provide legal aid and co-ordinate service provision for the victims of trafficking. They will act as the victims' advocates and will provide legal council. As the persons who are taking part in the project are not qualified lawyers (there are also some social workers and psychologists among the trainees) they will not be able to represent witnesses in court but will be able to provide them with legal information and council. All victim advocates will be employed by the Victims Advocacy and Assistance Office of the UNMIK Department of Justice. Police will contact them immediately after the identification process has taken place to give information and counselling.

3. Summary

Trafficking in human beings has been placed under the restricted powers of UNMIK Pillar I Justice and Police. The new domestic structures of Provisional Institutions and Self-Government view trafficking primarily as a human rights issue and have placed it within the Office of the Prime Minister, which is responsible for good governance, human rights, equal opportunities and gender issues. The division of responsibilities between PISG and UNMIK is not yet clear. There is also no clear division of responsibilities and tasks regarding trafficking within the UNMIK structure. The Administrative Directive for Regulation No. 2001/4 should clearly set out order of command, tasks and responsibilities for anti-trafficking work.

A Kosovo Plan of Action does not exist. The PISG started to prepare a plan for governmental action in 2002, but the work has been not finalised. There have also been no steps taken to prepare the KPA within UNMIK. Hopefully, the conference on trafficking in human beings planned for October 2003 will create the grounds for better co-ordination of UNMIK/PISG efforts and for the development of a KPA.

The UNMIK Regulation 2001/4 criminalises trafficking and provides for a new crime of the knowing use of the services of trafficked victims. The UNMIK Regulation 2001/4 also provides for the protection of witnesses during investigations and court proceedings. The UNMIK Witness Protection programme provides witnesses at risk with a safe place to stay within Kosovo, but to date witnesses in trafficking cases have not benefited from the programme (with one exception).

The preliminary identification of suspected foreign victims picked up in bar raids is carried out by the local and international police - TPIU. There has been a decrease in the number of cases that they refer to the UMCOR shelter and many women refuse assistance. There is also a question of the legality and confidentiality of the list/database prepared by TPIU of suspected victims/victims/foreign women who refuse assistance.

The current lack of witness protection measures and temporary witness protection facilities for at-risk victims providing testimonies is a concern. Where a witness is not protected, in accordance with Regulation No. 2001/4, they are almost always repatriated by IOM or OSCE before the trial starts and their testimony is either lost or read out in court. Such statements have little, if any, impact.³⁵⁴

The Standard Operating Procedures designed for the Direct Assistance to Trafficked Victims Programme (updated in October 2002) is the best

³⁵⁴ *Ibid.*

Trafficking in Human Beings in South Eastern Europe

The UN
Administered
Province of
Kosovo

example in the region of clear, written guidelines for the agencies co-operating in the area of victim identification and assistance. However, the SOPs refer only to foreign victims of trafficking willing to return to their home countries. A similar mechanism should be developed for other types of victims.

The UMCOR/IOM shelter operated according to the SOPs accepts only foreign victims of trafficking who are willing to be repatriated and who do not pose a security risk (i.e. do not testify against traffickers).

In March 2003, the Department of Justice in co-operation with the OSCE established a temporary facility - the Interim Secure Facility (ISF) - for the victims of trafficking who cannot decide immediately if they want to be repatriated, for those who are identified outside of the working hours of the UMCOR shelter, and for internally trafficked persons. The facility will provide a place to stay for all victims of trafficking, regardless of whether they have been trafficked to Kosovo, from Kosovo or internally.

The local NGO Centre for the Protection of Women and Children has been assisting trafficked women and children who did not qualify for the IOM return and reintegration programme since 2000. It is unclear how many women and children sheltered by CPWC are victims of trafficking, what are the criteria for admission to the Centre and what criteria are used to label some of them as "victim of trafficking".

The role of IOM is unclear: while the organisation claims to help all kinds of victims, the only implemented programme is the programme on Return and Reintegration. In reality, it seems that IOM's support is limited to referring victims to the organisations that can offer them assistance

The decision to establish a separate shelter for trafficked women coming back to Kosovo may have been taken too soon. With very low numbers of women and girls coming back from abroad, it seems that the support envisaged could be offered more cheaply on an informal, more personalised level by already existing organisations, including ISF.

There are no special protection measures for children victims of trafficking. While there is great concern about the issue, there is not enough information or understanding of the problem - for example, why there are very many more local children trafficked for prostitution than foreign children. There is a need for data collection and research, especially in the area of trafficking in children and internal trafficking. There is agreement that in cases of child trafficking social services should be involved and the Centres for the Social Work notified. Children should be referred to the Centres for the Social Work and have a legal guardian appointed. However, at this point, these procedures are still in the process of being developed and are not yet taking place.

Great progress has been made in the area of assistance for victims of trafficking willing to testify. They currently receive legal information and assistance and can be accommodated in the ISF. However, Kosovo still lacks a comprehensive witness protection programme for the victims of trafficking.

4. Kosovo case study: unconditional victim assistance

Shelter and assistance for all victims, regardless of whether they want to return home.

In March 2003, the Department of Justice, supported by OSCE, established a temporary facility – the Interim Secure Facility (ISF) - for the victims of trafficking who cannot decide immediately if they want to be repatriated, for those who are identified outside of the working hours of the UMCOR shelter, and for internally trafficked persons. The facility will provide a place to stay for all victims of trafficking, regardless of whether they have been trafficked to Kosovo, from Kosovo or internally. It will be open 24 hours a day and will be run directly by the UNMIK Victims Advocacy and Assistance Unit. The shelter will be managed by local staff with an international manager (the position of the international manager is sponsored by OSCE). During the time that victims are in the ISF they will receive medical and psychological assistance. The length of stay in ISF will be assessed on a case-by-case analysis, but can be up to 3 months. Victims of trafficking will have time to recover and they will have the available options explained to them. The ISF can provide accommodation to approximately 25 people.

There are also discussions about integration assistance, which should be available to the victims of trafficking in the ISF who do not want to go back to their countries of origin. There is no clear understanding of who should be responsible for these women and girls and there is no legal framework on which to base assistance for them. Local NGOs, in co-operation with IOM, OSCE and the UN Department of Justice's Victim Advocacy and Assistance Unit, are talking about the possibility of organising a rehabilitation and re/integration centre for the victims who are not willing or able to return to their home countries.

This is the first initiative in the region to look for long-term solutions to the problem of assistance for the victims of trafficking who are not willing/able to make a quick decision to return to their home countries. Although the *Tirana Agreement on Temporary Residence for Victims of Trafficking* offers the legal possibility of allowing these women a temporary stay in the country of destination, there are still no ideas about what should be done with them during this time and what should happen after the three-month period.

Former Yugoslav Republic of Macedonia

The former Yugoslav Republic of Macedonia (FYR Macedonia) borders Albania, Bulgaria, Greece and Serbia and Montenegro. Of the two million population, 65 percent are ethnic Macedonians, 23 percent ethnic Albanians, and the rest are Turks, Roma and Serbs.

At the time of independence in November 1991, Macedonia was the least developed of the Yugoslav republics. An absence of infrastructure, UN sanctions on the Federal Republic of Yugoslavia, one of its largest markets and a Greek economic embargo over a dispute about the country's constitutional name and flag, hindered economic growth until 1996. GDP subsequently rose each year until 2000. Then, internal ethnic conflict in 2001 stalled economic reforms. The economy shrank because of decreased trade, intermittent border closures, increased deficit spending on security needs and investor uncertainty. Growth barely recovered in 2002. Unemployment running at one-third of the workforce, remains a critical problem.³⁵⁵ There have been some talks between the FYR Macedonian government, NATO and the EU about accession to these organisations. FYR Macedonia is a member of the Partnership for Peace and, in 2001, signed an Association and Stabilisation Agreement with the EU. However, there are neither further plans nor any deadlines set for more concrete steps.

As a result of the 2001 ethnic conflict, anti-trafficking activities were suspended or stopped for several months. As most of the trafficking takes place in the western part of the country, the area of most unrest and conflict, it is still very difficult to obtain any information on trafficking. Apart from Tetovo and Gostivar, police presence has not yet been completely restored in western FYR Macedonia.

1. Migration, Prostitution and Trafficking

Illegal migration is a recognised problem in FYR Macedonia, which is a transit country for migrants from Eastern Europe trying to reach the West, as well as for migrants from the Middle East and Africa who use the Turkish-Bulgarian-Macedonian corridor in their journey to the West. The borders most often crossed illegally are those with Greece (40 %) and Serbia (47 %). The Albanian border is crossed illegally less frequently (10 %). There are many more male migrants than female. For example, in 2001, 3400 Romanian men and 650 women were stopped at the FYR Macedonian border, there were 550 men and 50 women were Moldovan.³⁵⁶ There is no information about the number of potential victims of trafficking among the illegal migrants.

Prostitution in FYR Macedonia is not criminalised but is considered to be "breaking the public order". Mediation of prostitution and pimping are criminal offences. According to NGOs, the main activity of the police in connection with prostitution is efforts to "catch women in the act" to prove

³⁵⁵ See site: <http://www.cia.gov/cia/publications/factbook/geos/mk.html>

³⁵⁶ Statistics from 2001. Information from the IOM office in Skopje, 12 October 2002.

prostitution. In such situations, the clients are let free and the women are fined or put into jail for up to a month.

Street prostitutes are predominantly local women and girls between the ages of 14 and 60. With the exception of the oldest women, all women work for pimps who are usually their husbands or boy friends. Women working on streets come from the poorer regions of the country and from the poorest districts of Skopje. Some of them are ethnically Roma. There is no information about trafficking of local prostitutes and only limited information about prostitution in bars and brothels as NGOs do not have access to such places.³⁵⁷

The problem of trafficking has been exacerbated over the past 7 years by the transition from a communist system, with a concomitant growth in poverty and unemployment, the Kosovo crisis, an increase in organised crime and a breakdown in border control throughout Eastern Europe. An increased international presence has also been linked to the increase in prostitution and trafficking, particularly in tourist areas such as Ohrid and Struga. However, the police report that the sex market is mainly domestic.

As with illegal border crossing, trafficked women are brought into FYR Macedonia legally or illegally from Serbia (in the Kumanovo part of Kosovo and in the Tetovo area) and sometimes from Bulgaria (at Kriva, Palanka, Delcevo and Strumica). Women are coming mainly from the Republics of Moldova, Romania and Ukraine. Trafficked women are mainly leaving FYR Macedonia illegally from the area of Struga into Albania, and from Dojran and Gevgelija into Greece.

2. Current responses

2.1. National Plan of Action

At the beginning of 2001, the government appointed a National Council on Trafficking and Illegal Migration to develop a National Plan of Action (NPA) on Trafficking. The Minister of the Interior was appointed the National Co-ordinator and the NPA was drafted in 2001. The *National Action Plan for Illegal Trafficking in Humans and Illegal Migration in FYR Macedonia* was published in the Official Gazette in February 2002.³⁵⁸

The main goals of the NPA are to investigate the factors that influence trafficking in human beings and illegal migration in the country and in the region, to identify the organisers of these criminal activities, their *modus operandi* and their connections with international groups and individuals, and to propose measures to prevent trafficking, to protect the victims and to prosecute the organisers.³⁵⁹

In the area of legislative reform, the NPA stipulates changing the national legislation to comply with international law. This would include drafting anti-trafficking provisions into the Criminal Code, amending Article 402 of the Criminal Code on illegal crossing of the state border, and changing the regulations referring to health and market inspections, and to the special employment conditions for foreign citizens.

The NPA includes a range of activities to prevent trafficking from activities such as data collection and analysis and tackling the root causes of

³⁵⁷ Interview with Marija Tuseva from HOPS, Skopje, 09 December 2002.

³⁵⁸ *The National Action Plan for Illegal Trafficking in Humans and Illegal Migration in FYR Macedonia*. Published in Official Gazette of FYR Macedonia, No. 10 of 13 February 2003.

³⁵⁹ *Ibid.* p. 1-2.

trafficking, including addressing violence against women and children, bad economic conditions, implementing anti-discrimination legislation, to very concrete steps in the area of law enforcement. Improvements in law enforcement would cover smuggling, smuggling channels and checking vehicles and phone numbers in connection with smuggling, and trafficking interviewing visitors to nightclubs, bars and motels. These activities are to be implemented by the Ministry of Labour and Social Policy and the Ministry of the Interior.

The NPA stipulates that a transit centre should be established to provide assistance and support for the victims of trafficking, providing accommodation, food, interpreters and information on rights, social and health protection and legal assistance. Such a centre would come under the jurisdiction of the Ministries of the Interior, Labour and Social Policy, Health and Justice.

The return and reintegration part of the NPA aims to "provide [the victims] with their right to return and reintegrate in their native countries". Specific activities include regulating the financial aspects of return, making bilateral agreements for return, establishing co-operation between the transit centres (shelters) and NGOs, and preparing a programme for repatriating victims to a third country. The responsibility for these activities rests with the Ministry of the Interior.

The international co-operation part of the NPA relates to bilateral and regional co-operation between law enforcement agencies to close trafficking channels and exchange information, which would lead to prosecutions. Only one point relates to co-operation between the government and OSCE, IOM and SECI - "... in order to provide appropriate care, return and reintegration of the victims, especially of the risk groups, as women and children". These activities are the responsibility of the Ministries of Justice, the Interior and Foreign Affairs.

Educational provisions focus on co-operation between governmental and non-governmental agencies and providing training and information to all institutions involved in anti-trafficking activities.

For the effective co-ordination of anti-trafficking activities, a central database of individuals and groups that deal in trafficking, reported cases, misdemeanour and offence records, indictments pressed by the public prosecution office and criminal convictions will be established and cross-referenced with respect to age, sex, nationality and social origin.

The Anti-trafficking Department of the Criminal Police of the Ministry of the Interior is responsible for the operational activities leading to the identification and prosecution of traffickers. The same Department is also responsible for developing the database and for heading up the National Committee for Suppressing Trafficking in Human Beings in FYR Macedonia. The National Committee will, in turn, co-ordinate the NPA, and the agencies involved in the implementation of the NPA both governmental and non-governmental, and prepare annual reports.

The Macedonian NPA is very general and very detailed at the same time. On one hand it describes in great detail the activities that should be undertaken by the Ministry of the Interior. On the other hand, it describes only in very general terms, the responsibilities and areas of concern of other Ministries. The impression is that the NPA was created primarily to allow the law enforcement agencies to take certain measures and that its

agenda is driven by the law enforcement approach to the issue of trafficking with little consideration for other aspects of anti-trafficking work. For example, there is nothing in the NPA concerning human rights protection measures for victims of trafficking, particularly special measures that should be taken for the assistance and protection of child victims. There is also no budget allocated for the implementation of the activities stipulated in the NPA.³⁶⁰

2.2. Anti-trafficking legislation

The National Council on Trafficking and Illegal Migration appointed by the government in February 2001 organised an Interdisciplinary Committee led by the Ministry of Justice to harmonise Macedonian law with the requirements of the Palermo Protocols. Legal reform should include:

- Introducing into the Criminal Code the new crime of trafficking in human beings, according to the definition in the *Palermo Trafficking Protocol*, and the addition of punishment to the existing provisions for organised forms of trafficking;
- Introducing the crime of illegal border crossing;
- Amendment of the Criminal Procedure Law to facilitate the investigation of all forms of organised crime activities and inclusion of new investigative techniques (electronic and other forms of surveillance);
- Modification of the existing regulations on labour and health inspection to enhance the ability to identify trafficked persons by introducing changes to the Labour Code and Health Legislation and by issuing work permits; and
- Improvement of international co-operation with other countries for the purpose of extraditing traffickers.

FYR Macedonia has signed but, not yet ratified, the *Palermo Trafficking Protocols*. The new article on trafficking (Article 418a of the Criminal Code) has been drafted by the Interdisciplinary Committee and was submitted to the Parliament in 2001. This Article entered into force on 25 January 2002.

The definition of trafficking in the new law complies with the *Palermo Trafficking Protocol* definition and provision made to penalise trafficking with at least 4 years imprisonment. The penalty for trafficking in children is at least 5 years, as is the penalty for the organisation of trafficking. The punishment for destroying personal documents in order to commit the crime of trafficking is imprisonment for from 6 months to 5 years.

The law defines as a crime the knowing use of or enabling others to use the sexual services of victims of trafficking. The punishment is imprisonment of from 6 months to 5 years. When the victim is a child the penalty is not less than 5 years in prison.

In FYR Macedonia, prostitution (soliciting) is not criminalised but mediation and pimping is. Changes to the law on prostitution and the possibility of legalising prostitution have been debated in FYR Macedonia since independence and have twice been proposed to parliament (in 1994 and 1998) but have not been approved.

Trafficking in persons can also be prosecuted under various other articles of the Criminal Code, including the illegal crossing of state borders (Article 402), coercion (Article 139), illegal deprivation of freedom (Article 140),

³⁶⁰ In 2003, the National Commission reportedly revised the official NPA by identifying priorities among the activities outlined therein. Information from OSCE, Geraldine Bjallerstedt, letter of 21 August 2003.

kidnapping (Article 141), mediation in conducting prostitution (Article 191), procuring and enabling sexual acts (Article 192), statutory rape of a helpless person (Article 187), sexual attack upon a child (Article 188), and founding a slave relationship and transportation of persons in slavery (Article 418).³⁶¹

More comprehensive legislation related to trafficking is currently being prepared as the Criminal Code and Criminal Procedures Code have to be amended to conform with international legal requirements. New articles will relate to witness protection, legal provisions to improve international legal co-operation, smuggling illegal migrants, special investigating techniques, as well as the criminal responsibility of lawyers and the confiscation of the assets from criminal activities. There is also a proposal to include confiscation of property from traffickers.

A new asylum law - *Law on Asylum and Temporary Protection* - has recently been passed.³⁶²

2.3. Victim Assistance

2.3.1. Identification

In 2001, IOM and the government signed an agreement for the police to inform IOM about all female illegal migrants. The identification and referral system for trafficked women operates within the framework of this agreement. The police identify women and girls who might be trafficked and transfer them to the Transit Centre - a shelter for victims of trafficking in Skopje where IOM makes a second assessment.

According to the shelter management,³⁶³ in the period from January 2001 to October 2002, there were 189 victims of trafficking registered in the shelter in Skopje, 12 percent of them under 18 years of age.³⁶⁴ Overall, there were 251 persons staying in the shelter during this time, but some of them were not victims of trafficking but illegal migrants who were accommodated in the same building. 34 of the trafficked women and girls were from Romania, 32 from Moldova, 16 from Ukraine, with the others from the Russian Federation (8), Bulgaria (5), Kosovo (2), Croatia and Serbia (1 each).³⁶⁵ There were also 12 foreign women who arrived from Romania and Moldova to testify as witnesses in a trafficking case and were accommodated in the shelter during their stay in FYR Macedonia.

As a result of the agreement between the Ministry of the Interior and IOM, women and girls are coming to the attention of IOM through the police referral. The main way for the police to contact potential victims of trafficking is via bar raids. Raids are usually organised as big operations in which 5 or 6 establishments are raided in the same time. According to the local sources, these operations are not always well organised, with information about raids being leaked and the time and locations poorly chosen.

All women and girls found in the bars are taken to the police station where the police from the Criminal Investigations Department conduct the initial

³⁶¹ *Criminal Code of FYR Macedonia*, Official Gazette No 52, 1991, after: Human Trafficking, the Crime Business with Slavery Image, IOM, Skopje, 2001, p. 29-37.

³⁶² Published in the Official Gazette no.49 on 25 July 2003; entered into force on 04 August 2003.

³⁶³ Interview with Mladen Trajkovski, Manager of the Transit Centre for Foreigners, Skopje, 10 December 2002.

³⁶⁴ According to IOM statistics, however, there were 455 persons assisted during this period. During the whole of 2002, 213 women and girls were assisted and 95 were assisted in 2003 (January-June).

³⁶⁵ According to IOM statistics, 50 % of the women assisted from September 2000 until May 2003 were from Moldova, 30 % from Romania, 11 % from Ukraine, 3 % from Bulgaria, 2 % from Russia. Others were from Belarus, FRY, Kosovo, the Czech Republic, Lithuania and Croatia (single cases).

interview to gather basic information about the women. In cases where women are foreigners, and especially when their documents are not in order, the police from the Inspectorate for Foreigners also interview them to check their legal status in the country. Those women who do not have legal documents are often deported. If the police recognise that the women's testimonies have elements useful for investigating organised crime, the Organised Crime Unit is informed. There are no clear criteria with which the police can identify the women or girls as victims of trafficking. It seems that one of the basic criteria is the usefulness of the victim as a witness, although at the same time the police are aware that for IOM the criteria is still the willingness of the victim to return to her home country.

Although bar raids result in the women and girls being either deported or transferred to the shelter, bar owners are usually not arrested and the bars are not closed. This fact, together with a weak presence of the police in some areas of FYR Macedonia, gives the traffickers a strong sense of impunity.

According to the police, all trafficked women with whom they have contact reach the shelter and are then repatriated by IOM. However, observations by the OSCE field missions suggest that not all women are brought to the shelter. Moreover, as the shelter takes only those victims who are willing to return to their country of origin, trafficked women who do not want to take part in the IOM programme have no choice but to be deported. Therefore, the current method of victim identification used by the police does not ensure that all victims of trafficking have access to support in the process of return.

2.3.2. Assistance

IOM

IOM reviews the information on trafficked women referred to them by the police. In some cases, even women and girls who are not victims of trafficking can take part in the return programmes, as long as IOM believes that they could be trapped into trafficking if simply deported and not supported by IOM. Those women are sent back to their countries of origin as "suspected victims", without reintegration assistance.

Conversely, women who are clearly victims of trafficking but do not agree to return to their countries of origin are brought to the shelter by the police but are not accepted into the programme and cannot count on any assistance. These women have to sign a waiver that they refuse help to return and are handed back to the authorities. According to IOM, there is no legal base for a prolonged stay in the shelter for women who do not want to be repatriated. However, IOM also pointed out that for the victims from Romania, there is theoretically a chance to apply for humanitarian asylum on the grounds of fear of prosecution. The Romanian Special Ordinance No. 122³⁶⁶ and Article 20³⁶⁷ of the Criminal Code relating to prostitution both give grounds for the victims to fear prosecution upon return. To date, there has been no case of a Romanian victim of trafficking applying for a humanitarian visa in FYR Macedonia.

³⁶⁶ According to IOM: "The shelter is an institution through which victims of trafficking acquire the right to obtain extended legal stay and abode while waiting for their voluntary repatriation". See: <http://www.iomskopje.org.mk/CT/projects/da/referrals.html>. Accessed 10 August 2003.

³⁶⁷ According to the Special Ordinance No. 112 from February 2003, a Romanian citizen who enters or leaves a foreign state by crossing its borders illegally, is deemed to have committed a criminal offence. In cases of trafficking, when a Romanian victim of trafficking has illegally crossed the borders of a country of transit or of destination, she/he will be prosecuted in Romania for this crime, once voluntarily or involuntarily returned or repatriated.

Transit Centre

The Transit Centre is a shelter for trafficked women situated in Skopje with the capacity to provide accommodation for up to 20 women. It was established by the Ministry of the Interior in March 2001. Women and girls receive medical and social support, but there is only basic legal support available unless the women decide to testify, in which case a local NGO is supposed to provide lawyers to assist them.³⁶⁸ At the beginning of 2003, IOM was still negotiating with local NGOs willing to provide trafficked women with the necessary legal advice and support.

According to IOM, the premises are too small as there is no room for children and no space for additional activities, like training or physical activities and nowhere to place any kind of equipment.

La Strada – Open Gate

The local NGO La Strada has been operating an information and prevention hotline on trafficking since October 2002. Six people from La Strada have undergone training for operating anti-trafficking hotlines conducted by La Strada Bulgaria. The hotline is open 12 hours a day, from 8 a.m. to 8 p.m., Monday to Friday. Callers are provided with information about labour and travel agencies and legal information about migration. Some calls also come from victims of trafficking who need assistance or support. There are also calls from the parents of foreign trafficked women and girls who are trying to locate them. The information about trafficking cases is referred to the police. Parents and other people who have information about trafficking cases are also advised to call police.

Until recently, La Strada did not have direct contact with the victims of trafficking or have information about the cases that had been identified by the La Strada network. In past few months, however, La Strada has started to co-operate closely with the Ministry of the Interior. On the request of the Ministry, it has assisted 2 female victims of trafficking by providing them with money for their air tickets, and emotional support and organising their repatriation. Upon repatriation, the La Strada office in the country of origin assists the women and is responsible for further reintegration.

Open Gate - La Strada provides the following services in its Direct Support programme:

- SOS line offering:
 - Emotional support;
 - Reference to other services;
 - Assistance while making decisions and preparing a plan for security and a plan for action;
- Psychological counselling, emotional support, crisis intervention;
- Temporary sheltering (by La Strada or in co-operation with other organisations);
- Restoring personal documents;
- Basic legal aid or referring to other legal services;
- Securing contacts with the family (if required); and,
- Humanitarian aid in the form of food, medicines and basic commodities.

La Strada is also concerned about the cases of internal trafficking, which are not reported or followed by the police. They are prepared to start a shelter for the women and girls who do not qualify for the IOM programme.

³⁶⁸ Prostitution is a crime in Romania, but Article 20 of the Criminal Code stipulates that a trafficked person who has committed the crime of prostitution shall have no liability for that crime if, and only if, before the beginning of the criminal investigation for the crime of trafficking, this person reports to the competent authorities and after the beginning of the investigation, facilitates the arrest of the offenders. See also Chapter on Romania.

However, the Ministry of the Interior is unwilling to sign a contract (MOU) with a local NGO to provide security for the shelter and agree on the rules of co-operation due to legal constraints.³⁶⁹

2.4. Trafficking in children

Approximately 12 percent of victims of trafficking assisted in FYR Macedonia have been under 18.³⁷⁰ There is no information about trafficking in children for begging.³⁷¹

The foreign girls under 18 found during bar raids (it is not clear if all girls under 18 found in bars are treated as victims) are treated as adults and referred to the shelter if the police decide that they are victims of trafficking. In the shelter, they are treated as other victims but there is a special programme for them prepared by the social workers and psychologists. The governmental Centre for Social Work and the relevant Embassies are also informed about all cases of underage persons staying in the shelter. Their return is organised by IOM and the children are received in their country of origin by IOM staff. UNICEF has introduced their *Guidelines for the Protection of the Rights of Children Victims of Trafficking* to members of the National Commission to be considered for implementation under the NPA.

According to La Strada, there is also some information about girls from FYR Macedonia being trafficked to Italy and about internal trafficking. In one case, 3 girls trafficked from another town were found in a private apartment in Skopje. They were sent directly to the Centre for Social Welfare and, from there, back home. Research by some Columbia University students, conducted for UNICEF, also indicates that internal trafficking is an issue in FYR Macedonia, although often not recognised as such. Children who took part in focus groups called it, "hidden prostitution". Some of the information the researchers received from focus groups were personal accounts of family members and close friends being trafficked across the country.³⁷²

2.5. Prosecution

Until the beginning of 2002, when the new article on trafficking entered into the Criminal Code, the Articles most commonly used to prosecute cases of trafficking have been those on illegal border crossing, facilitating prostitution, pimping and enabling of sexual acts. As in other countries of the former Yugoslavia, the Article on slavery has rarely been used for the prosecution of traffickers. However, for the first time in 2000, criminal charges were filed against 8 people under the slavery Article 418.³⁷³

In January 2002, the special anti-trafficking article was introduced (Article 418a). Since then, 8 cases have been initiated against traffickers according

³⁶⁹ According to a written arrangement with IOM (as of July 2003), the Macedonian Women Jurists Association (TEMIS) will only provide legal assistance to underage, disabled or mentally ill victims of trafficking. TEMIS is in the first phase of research, analysis and elaboration of recommendations on the legal and institutional framework applicable to these categories of victim. They have not yet started with legal assistance at the Transit Centre, because they are waiting for final authorisation from the Ministry of the Interior and the National Commission.

³⁷⁰ Interview with Jasmina Dimiskovska-Rajkovska, National Co-ordinator, Open Gate-La Strada, Skopje, 13 December 2002.

³⁷¹ Interview with Mladen Trajkovski, Manager of the Transit Centre for Foreigners, Skopje, 10 December 2002.

³⁷² Preliminary information from the Columbia University research, prepared for UNICEF New York, indicated that trafficking in children for work was not an issue, based on the focus groups they conducted. Even in focus groups near the Greek border - where many children from Albania are trafficked for work - there was no mention of trafficking in children for work.

³⁷³ *Not for Sale: Child Trafficking Prevention in South Eastern Europe. Pilot research in Albania, Moldova and Romania.* Report developed for UNICEF in connection with the Columbia University School of International and Public Affairs Economic and Political Development Workshop. 01 May 2003.

to the new law, including 4 in Skopje. 2 of them were completed before October 2002. One of the cases, for the trafficking of Moldovan and Romanian women across the Serbian border by taxi drivers, was investigated and prosecuted in only one month. The trial ended with the sentencing of the traffickers to 4 years in prison. During the prosecution, the witnesses stayed in the Transit Centre, which is a shelter for victims of trafficking. In October 2002, there were 10 witnesses waiting in the shelter to testify in 2 cases. As there is no witness protection law in FYR Macedonia, women are protected during the trial by staying in the secure Transit Centre. There are no other measures taken to protect them.

In 2002, there were 3 prosecutions according to the old law. In the most well known case of that year, the so-called "Kumanovo" case, the traffickers were accused and sentenced for the crime of smuggling and for other offences related to prostitution.³⁷⁴ The witnesses, women from Romania and Moldova who already returned to their home countries, were brought back to FYR Macedonia for the trial so they could testify against their traffickers. Their travel to FYR Macedonia was organised by the Ministry of the Interior in co-operation with NGOs and IOM. It is unclear whether this activity took place with reference to the international legal framework or with sufficient consideration for the security of the witnesses.

3. Summary

Information from FYR Macedonia suggests that trafficking to FYR Macedonia is not growing. The numbers of victims of trafficking assisted and accommodated at the Transit Centre are not changing, but the Centre is only for foreign victims of trafficking willing to return to their home countries. Internally trafficked women and children are not identified at all.

The NPA is in some parts very general and in others very detailed. On the one hand, it describes in great detail the activities that should be undertaken by the Ministry of the Interior and on the other, the general responsibilities and areas of concern of other Ministries. It gives the impression that it was developed primarily to allow for certain actions on the part of the law enforcement agencies and that its agenda is driven by the law enforcement approach to the issue of trafficking without much consideration for the human rights aspects of anti-trafficking work.

There is nothing in the NPA about protection for the human rights of victims of trafficking or about the special measures that should be taken to assist and protect child victims. The NPA also does not allocate any budgetary resources to implement the proposed activities.

The definition of trafficking in the new Criminal Code article that criminalises trafficking is in compliance with the *Palermo Trafficking Protocol* definition. More comprehensive legislation related to trafficking is currently being prepared as the Criminal Code and Criminal Procedures Code are amended to conform to international legal requirements. New articles will relate to witness protection, legal provisions to improve international legal co-operation, the smuggling of illegal migrants and special investigating techniques as well as the criminal responsibility of lawyers and the confiscation of assets from criminal activities.

Suspected victims of trafficking are identified by the police during bar raids. IOM makes its own, final assessment of which victims are qualified for repatriation assistance. The Ministry of the Interior administers/manages a Transit Centre that accepts only those victims who want to be repatriated.

³⁷⁴ Interview with representatives of the Public Prosecutor Office, Skopje, 07 November 2003.

Trafficking in Human Beings in South Eastern Europe

Former
Yugoslav
Republic of
Macedonia

There are no clear identification procedures for victims of trafficking. So far, NGOs have not been in a position to actively participate in the referral process.

There is no support for foreign victims who cannot/do not want to return immediately to their home countries or for internally trafficked women. There is also no special support for children.

Assistance for victims is provided at the Transit Centre, although the restrictions placed on the women in the shelter are questionable: no freedom of movement; control of appearance and the choice of clothes; confiscation of belongings; and uniformed guards inside. This being said, the Transit Centre is very comfortable and the living conditions are very good. All the women's and girl's immediate basic needs are met. They are also provided with very good assistance services and psychological support delivered by professional and dedicated staff. There is a striking contrast between the drastic and unnecessary restrictions put on the women's rights (restriction on the right to movement, for example) and the professional services designed to meet their needs. If it is not clear to visitors whether the women and girls are victims who have volunteered to accept the support offered or illegal migrants awaiting deportation in more humane conditions the situation must be even less clear to the women themselves.

It has to be stated that the Macedonian initiative is an exceptional and very positive example of the serious attempt on the part of the state to deal with the very difficult and quite new issue of protection of and assistance for victims of trafficking. These comments should be understood as constructive criticism of the governmental actions and as a starting point for future structures and strategies in anti-trafficking programmes. The Macedonian model should be seen/used as an example in the protection of victims.

There is also a question of the purpose and legal grounds for creating a database of all women and girls who enter the shelter and of confidentiality of information. If women and girls are not accused of any crimes and voluntarily accept the help offered, why are they interviewed up to 4 times before repatriation, photographed, fingerprinted and this information entered in the database?

There is no legal support for any of the victims of trafficking in the shelter. Even though the discussions between IOM and the local NGOs that could provide assistance have been going on now for a long time, the victims are still left without legal counsel.

There has been great progress in the area of prosecution. Several cases have ended with the sentencing of traffickers for the crimes they committed. The cases were very well prepared and very efficiently prosecuted. For the first time in the whole region, the Macedonian police ensured the presence of the victims/witnesses, who had already returned to their countries of origin, at the trial. Women from Moldova and Romania agreed to testify and returned to FYR Macedonia for the trials. When in the country, they were protected by the police and accommodated at the Transit Centre for the victims of trafficking. It is unclear, however, whether this activity took place with reference to the international legal framework and with sufficient consideration for the security of the witnesses. This example also highlights the need for continued inter-agency and international co-operation.

4. Macedonia case study: Government shelter for victims of trafficking

In March 2001, the Section for Asylum and Immigration within the Department for Foreigners and Immigration Issues (DFII) at the Ministry of the Interior established a Transit Centre – a shelter for victims of trafficking. If, after a bar raid, police from DFII deem a foreign woman or girl to be a victim of trafficking, a special form is sent to the head of the DFII office to request her admittance to the Transit Centre. Upon acceptance, women and girls are brought to the shelter where they are first searched by a policewoman. All their belongings, with the exception of clothes, are kept in storage and given back to them upon departure.

The average stay in the shelter is 20 days. IOM takes care of the day-to-day management of the shelter and of medical screening. The conditions in the shelter are good and women are well protected from traffickers, although their freedom of movement is completely restricted: they can never leave the premises once inside the shelter and cannot even take a walk outside the building. The police provide the everyday security, with a police guard outside by the gate to the fenced compound. Another female police guard in uniform is present inside the shelter 24 hours a day.

Rules in the Transit Centre are rather strict for a shelter where women enter voluntarily. Women and girls cannot wear any make-up, cannot dye their hair and cannot wear “provocative clothes”. The policewoman determines what is “provocative” and can ask any of the women or girls to change their outfits. On the positive side, the women and girls are provided with comfortable training clothes and jumpers to wear inside the shelter.

After one to two days in the shelter, each woman is interviewed by DFII to establish her identity. This information is shared with IOM and relevant Embassies. Data on all the women and girls who enter the shelter are stored in the computerised database, which also includes the photographs and fingerprints of the victims. IOM also conducts their own interviews. The Organised Crime Division carries out the third interview. Women who are willing to testify in the criminal proceedings against traffickers stay in the shelter until the end of the prosecution (the longest has been 80 days). For those who do not want to testify, the stay is for as long as it takes to arrange their return usually return usually 5-10 days.

Before June 2002, women and girls staying in the shelter were not provided with any kind of counselling or psychosocial support. The situation has now changed. A local NGO contracted by IOM – the Association for Support and Protection of Children and Families at Risk: For Happy Childhood (FHC) - has started to work with the women and girls staying in the shelter. The group consists of five therapists and a co-ordinator and there are two teams working in the shelter everyday from 8 am until 8 pm. They provide psychosocial care and general guidance and supervision for all shelter-related activities. The main goal of the activities is to provide psychosocial assistance for all women in the shelter. Programme activities include:

- Initial psychosocial aid, provided during the first 24h in the shelter;
- Educational activities, including training to obtain self knowledge, training for self-protection from violence and abuse, training and information on how to work abroad safely, educational seminars about acknowledging the right to life without violence, training in asking for protection and help, training in building a positive self-image and skills building activities such as computer training, knitting or cooking;

Trafficking in Human Beings in South Eastern Europe

Former
Yugoslav
Republic of
Macedonia

- Individual therapeutic activities, such as individual counselling and therapy, short-term psychotherapy;
- Group therapeutic activities: group therapy, psychodrama, group socio-therapy and debriefing with other team members and IOM employees;
- Individual counselling on request; and,
- Rehabilitation and preparation for reintegration into society (training in social skills).

Many women and girls who enter the shelter have deep psychological problems – amnesia, anorexia, hysteria, depression. All of them need therapy and support. Before repatriation, FHC prepares a report on the state of health and behaviour of each woman. The report is not shared with the women - it is information for the IOM office in the home country. According to FHC, almost all the women taking part in the programme really want to go back home (80-90 %).

The shelter is the only example of a government run shelter for trafficked women and girls in the region.³⁷⁵ While the restrictions placed on women and the quite drastic rules imposed by the management of the shelter might seem problematic for a refuge entered on voluntary basis, the services provided by FHC are excellent. They are an example of well-designed and carefully implemented services for victims of trafficking awaiting return to their home countries. The only problem is the lack of co-operation with the organisations providing similar services in the countries of origin and the lack of a referral system for the women and girls that need further psychological or psychiatric support.

The Macedonian Bar Association (MBA) was supposed to provide assistance for the victims of trafficking sheltering in the Transit Centre. IOM and MBA have signed a service contract whereby 10 female lawyers selected by MBA were supposed to provide early legal counselling for all victims sheltering in the Transit Centre, as well as provide legal representation and assistance for those summoned in criminal proceedings against traffickers.³⁷⁶ Currently, there are negotiations underway for a more formal kind of co-operation with the Macedonian Women Jurists Association (TEMIS), such as a Memorandum of Understanding. Hopefully, certain aspects of the co-operation will be technically modified in order to promote greater efficiency in the legal representation of victims.

³⁷⁵ At the time of writing, the shelter in Tirana, established by the Albanian Ministry of Public Order was not yet operational.

³⁷⁶ The information provided by IOM about the legal services to the trafficked women in the shelter was not confirmed by MBA.

Impact of anti-trafficking action in SEE: lack of effectiveness of law enforcement and migration approaches

1. Current criteria for the assessment of anti-trafficking responses

Three basic questions are usually asked to assess the impact of anti-trafficking action in SEE to date: Has trafficking decreased overall? Has there been an increase in the number of victims identified and assisted? And, finally, has the number of prosecutions and convictions increased?

From a human rights perspective, anti-trafficking actions should not only contribute to the short-term results, as measured by the number of assisted/returned victims and the number of arrested and prosecuted traffickers, but should also support the creation of sustainable local democratic structures that promote the protection of human rights. An additional question can therefore be added to the assessment criteria: have anti-trafficking responses supported the development of local sustainable structures to protect the rights of victims of trafficking?

1.1 Trafficking in SEE has not decreased

The information gathered from various institutions and organisations for this report indicates that there has been no major change in the situation of trafficking in the region compared to the situation described in the report of June 2002:³⁷⁷

- ◆ Approximately 90 percent of foreign women working in sex industry in the Balkan countries are victims of trafficking according to the *Palermo Trafficking Protocol* definition;
- ◆ 10-15 percent of them are children under 18. The estimated proportion of children is higher in Albania – up to 30 percent.

New trends have been observed in the region:

- Trafficking has increased between the countries of the region, which means that **the Balkan States are increasingly becoming countries of origin**. Distinctions between different countries of origin, transit and destination are becoming blurred and are less relevant.
- **Trafficking in men** to Western Europe, Russia and Former Soviet Republics for forced labour.
- **Trafficking in children**, not only from Albania to Greece and Italy, but also from Moldova and Romania, for begging and child prostitution in the Russian Federation, the former Soviet Republics, Poland, the Czech Republic and the European Union.

³⁷⁷ Barbara Limanowska, *Trafficking in Human beings in South Eastern Europe. Current situation and responses to trafficking in human beings in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Federal Republic of Yugoslavia, the Former Yugoslav Republic of Macedonia, Moldova and Romania*. UNICEF, UNOHCHR, OSCE/ODIHR. Belgrade, 2002. Report can be found at www.unicef.org/sexual-exploitation/trafficking-see.pdf

- **Negative impact of trafficking on children.** In the region, there is a large group of children of female migrants or victims of trafficking who are being raised without parents or by their extended families or placed in institutions while their mothers work abroad.
- **Internal trafficking** of women and girls for sexual exploitation (especially in Moldova, Romania and Bulgaria, but also in other countries, including BiH and Serbia and Montenegro). Trafficked women and girls are often initially internally trafficked. Information from the police and NGOs in many countries on internal prostitution markets leads to the conclusion that the chain of trafficking for sex workers very often starts at home. Pimps who "own" women locally and control internal prostitution markets often sell women or move them from place to place within a country. After some time, these women are often sold abroad.

1.2 The number of identified and assisted victims of trafficking has decreased

Although there seems to be no overall decrease in the scope of trafficking in human beings in the region, there has been **a decrease in the estimated number of victims identified and assisted.**

During 2001, an estimated 35 percent of all victims of trafficking were identified and assisted in the countries of destination with only an estimated 7 percent receiving long-term reintegration assistance.³⁷⁸ In the second half of 2002, these figures, with exception of those from FYR Macedonia, decreased substantially:

- In Kosovo, although using the same operational procedures as before – extensive bar raids combined with document checks and interviews with the women and the bar owners – the police did not have the same results and only brought a few women to the shelter each month;
- In BiH during the same period, the UN STOP Team conducted many bar raids before leaving the country at the end of 2002. The STOP Team raided the same bars many times and repeatedly detained the same women who continued to refuse assistance on offer;
- During Operation Mirage, organised by the SECI Centre and conducted simultaneously in ten countries of the region in September 2002, only 237 alleged victims were identified as such (14% of re-interviewed women and girls suspected of being victims of trafficking). Moreover, only 63 victims were assisted (4% of 1,738 women and girls suspected of being victims of trafficking and re-interviewed by the police). This is out of a total of 13,000 women and girls who were interviewed during raids in more than 20,000 locations throughout SEE.

1.3 Traffickers go unpunished

There has been **no substantial increase in the arrest, prosecution or sentencing of traffickers.** For example, during Operation Mirage, 293 traffickers were identified and 63 victims of trafficking were assisted. That means that in an average case of trafficking exposed during Operation Mirage, 4 or 5 traffickers were engaged in the process of trafficking one woman. The problem with prosecuting these traffickers is collecting the evidence against them. Victim testimonies are still often the only available evidence in trafficking cases, but the victims are frequently unwilling to testify for a whole host of reasons (see section 2.4 below). When there are no witnesses willing to testify, there is a strong possibility that the traffickers will be identified by the police but neither prosecuted nor sentenced. The inability to identify and protect victims of trafficking means that the traffickers will not be prosecuted.

1.4 Victims' human rights are not protected

In the last 18 months, many positive changes have taken place in the general area of anti-trafficking work:

1. *Better understanding of the definition of trafficking.* The definition has expanded to include groups which were not usually mentioned in the context of trafficking in 2001: internally trafficked persons, trafficked men, trafficked children and children of trafficked women;
2. *Improved legislation.* In almost all countries, legislation now criminalises trafficking and in many countries efforts have been made to create a legal framework for witness protection and to assist the victims of trafficking;
3. *Better organisation of governmental structures,* including the appointment of a National Co-ordinator and the preparation of National Plans of Action;
4. *Development of police structures to combat trafficking/organised crime;*
5. *Better regional and bi-lateral co-operation in the region;* and,
6. *Better inter-agency co-operation.*

Despite many positive changes in general anti-trafficking work, the most important statements and recommendations from last year's report are still valid³⁷⁹ in relation to identification, referral and assistance for the victims of trafficking:

1. Not all victims of trafficking are identified as such; many are treated as illegal migrants, detained and then deported;
2. There is no assistance available to trafficked women, except for those victims who take part in IOM's return programmes;
3. There are no standard operating procedures for the agencies working with victims of trafficking and no minimum standards for the treatment of the victims of trafficking used by the assisting agencies;
4. There are almost no HIV prevention programmes or treatment for the victims;
5. Child victims are not identified as such, nor are they provided with the special protection to which they are entitled.

A year later, the situation for victims of trafficking has not improved. **Victims are still not identified; assistance is limited; there are no standard operating procedures for the agencies working with victims of trafficking; and no minimum standards exist for the treatment of the victims of trafficking, especially children.** Very little has changed in the area of HIV prevention either. The only positive change has been the recognition of and assistance to trafficked children and, to some extent, to internally trafficked women.

It is a paradoxical situation where, on the one hand, we can note great progress in the creation and development of anti-trafficking measures in the region, but on the other hand, little progress in implementing these measures to support the victims of trafficking.

The challenges that remain are related not to the direction of the changes, which have to be valued very highly, but rather to the way in which the policies have been implemented. While the structure for action is much more better developed than a year ago, it does not always work in the way envisaged and suffers from:

³⁷⁹ Barbara Limanowska, *Trafficking in Human beings in South Eastern Europe. Current situation and responses to trafficking in human beings in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Federal Republic of Yugoslavia, the Former Yugoslav Republic of Macedonia, Moldova and Romania.* UNICEF, UNOHCHR, OSCE/ODIHR. Belgrade, 2002. p. 142 Report can be found at www.seerights.org

Trafficking in Human Beings in South Eastern Europe

**Impact of
anti-trafficking
action in SEE:
lack of
effectiveness
of law
enforcement
and migration
approaches**

1. A lack of a human rights framework;
2. Improper interpretation of what trafficking is; mixing up trafficking with illegal migration and smuggling, and victims of trafficking with illegal/smuggled migrants and prostitutes;
3. Lack of a holistic approach to trafficking - not addressing the issues of protection, prevention and prosecution as interrelated;
4. Very strong emphasis on law enforcement and policing migration;
5. Insufficient co-operation between organisations working on anti-trafficking within the different approaches (human rights, law enforcement, migration);
6. Lack of protection mechanisms for victims and witnesses especially the lack of proper identification procedures for the victims and the lack of appropriate assistance/protection; and,
7. Lack of comprehensive long-term goals for anti-trafficking strategies and the frequently unclear role of international organisations.

While all organisations and institutions claim that they operate within a human rights framework and are acting in the best interest of the victims, this best interest is not clearly defined and not always even well assessed. For many agencies, the main focus is on acting within the mandate of their agency, achieving their goals and co-operating efficiently with others without engaging in analytical and policy development work.

Given that the number of women identified as trafficked is decreasing and the system of assistance does not offer adequate support to the victims, there is a need for new and more effective strategies to combat trafficking. In order to find an alternative to shelters where the few women and children that agree to go there remain locked up, there should be a change in the way that the system of identification and assistance operates. Comprehensive national referral mechanisms should be created based on human rights and the best interests of the victims.

This is especially pertinent if combating trafficking is not to be turned into combating migration and strengthening state security, without really addressing the crime of trafficking in human beings as such. It is necessary to look for new, alternative solutions and methods to approach the issue of the referral of trafficked persons, i.e. identification, assistance and re/integration, based on human rights principles that prioritise the victims' rights. We have to acknowledge that there is no other way to fight trafficking but through the protection of the victims of trafficking. All victims have to be identified as such and all have to be protected and assisted, offered real options to choose from and then integrated back into society in the country of destination, in their home country or in a third country. If properly protected, provided with assistance, legal advice and security, some of the victims of trafficking will then become reliable witnesses in prosecution cases against traffickers.

2. Identification of victims by law enforcement: victim or criminal?

The decrease in the number of assisted victims might lead one to assume that trafficking in the SEE region is decreasing. This situation is complicated by issues such as changes in visa regimes and border controls, as well as shifts in the international political scene. Since January 2002, Romanian citizens have been able to obtain Schengen visas, allowing them to travel without any restrictions to the majority of EU countries. This regulation also has implications for the many Moldovan citizens in possession of Romanian passports. Combined with information that victims of trafficking are

increasingly travelling with valid documents and that more victims are moved by air to Western Europe, this implies changes in the trafficking routes rather than any decrease in trafficking itself. Increased border controls resulting in reportedly lower numbers of illegal border crossings might also indicate that illegal migration and the accompanying trafficking are decreasing. In addition, the down-sizing of the peacekeeping forces, whose arrival *en masse* in the Balkans has been directly linked with an increase in trafficking, may have decreased the demand for sex workers and consequently trafficking.

However, various sources in SEE countries claim that the reason for the lower numbers of assisted victims and lack of prosecutions in the region is not a decrease in trafficking but rather the ineffectiveness of both police activity and the migration approach to victim assistance in the face of new trafficking patterns.

Impact of law enforcement and migration approaches to anti-trafficking action in SEE:

- No overall decrease in human trafficking;

BUT

- Increasingly fewer victims of trafficking are identified and assisted;
- No substantial increase in prosecution or sentencing of traffickers;
- Victims' human rights are not protected.

Police action-centred / migration approach needs to be complimented by and transformed into a human rights-centred approach when combating human trafficking.

2.1 Change in the *modus operandi* of traffickers

Traffickers seemed to have changed their *modus operandi*, but this has not been followed by changes in police strategy or action, whose effectiveness has decreased as a result:

- Trafficked women are increasingly kept in rented apartments and hotels, to which the police find access more difficult – hence, bar raids are becoming increasingly ineffective;
- More women have valid documents - therefore documents checks are also less effective;
- Women are being paid more than before and are therefore hesitant to accept the very limited help that is offered to them as it because this means the loss of their only source of income as well as an immediate return home.

Police action, as characterised almost solely by bar raids, has prove to be not only ineffective but also counter-productive. Traffickers and bar owners are simply moving victims of trafficking from bars to other, non-accessible places, driving the business of trafficking under ground and making access to the victims more difficult. Moreover, as trafficking has become less visible, it has also become less socially and politically disturbing. The situation in SEE has become very similar to that in Western Europe where trafficked women and girls are confused with and often perceived as voluntary prostitutes.

This situation has had some positive consequences for trafficked women: the bar owners pay them more, treat them better and there has been a decrease in reports of extreme abuse and violence against trafficked women. As a result, women usually do not consider themselves as victims

of trafficking, especially when the police can offer them no real alternative. However, the negative impact of these changes is that trafficked women and girls have less contact with the outside world and are even more dependent on their traffickers.

2.2 Lack of criteria for victim identification

Although the police are mainly responsible for the identification of victims of trafficking, it is still unclear what criteria they use for this purpose. Stated in another way, it has become more and more clear that the police, despite countless trainings and reassurances, still have no reliable methodology or criteria on the basis of which to identify victims of trafficking.

The report from Operation Mirage suggests that the women labelled suspected victims of trafficking were all those whose identity and residence status in the country were checked and found to be suspect. It is not clear on what basis some women and girls were referred to shelters and others were subjected to "administrative measures".³⁸⁰ It is widely known by the police and assisting organisations that most trafficked women have legal documents, as visas and even working permits are often obtained illegally by the traffickers yet the police continue to treat only women and girls without valid documents as suspected victims of trafficking.

In this context, the interplay between the law enforcement and migration approaches comes to light. Criteria commonly used by the police to identify potential victims of trafficking includes:

- Working in bars/brothels;
- Lack of proper documents; and/or,
- Willingness to enter a return and reintegration programme.

For the border police, the criteria for identifying victims of trafficking include:

- Trying to cross the border illegally;
- Being stopped at collecting points for persons awaiting to be smuggled across a border;
- Being a young female; and/or,
- Returning after an illegal stay in an EU country or deported/expelled from an EU country.

While these criteria are a good start to identifying victims in certain cases, they also exclude a large number of other victims of trafficking, including victims who have legal documents, victims working in places other than bars/night clubs and those victims unwilling or not able to accept immediate return to their country of origin.

2.3 Identification conditional on co-operation with the police

It seems that the police often give women and children the impression that their status as trafficking victims and the provision of assistance depends on their willingness or ability to provide the police with information and to testify. Women are unaware that they can receive help without giving information to the police, perhaps because their first contact is with the police.

Another condition for support generally imposed by the police is being included in a database, which is described, depending on the country, as

³⁸⁰ The meaning of these "administrative measures" is unclear but most likely they refer to the issue of deportation orders or the refusal by the border police to allow women or girls to enter or leave the country

the database of illegal migrants or foreign women working illegally in the country, foreign prostitutes, prostitutes in general, potential victims of trafficking, or victims of trafficking. No matter what the name, victims of trafficking are registered and entered in such a database if they come in contact with law enforcement agencies in any of the countries of the region.

Victims of trafficking are interviewed by the police and IOM several times in the process of identification and assistance.³⁸¹ Women and children who are under extreme stress have to repeatedly give answers to the questions that on the one hand might put them in danger and on the other might traumatise them even more. The reliability of information so obtained has also to be questioned.

2.4 Victims do not trust the police

Generally, women and children stopped by the police, with or without legal documents, do not want to co-operate with the police and are usually cautious about providing them with any information that might identify them as victims of trafficking. They tend to repeat well-rehearsed stories and omit the real facts. Women and children are aware that their status (illegal stay, illegal work, illegal prostitution, involvement/connections with members of organised crime groups/criminals) makes them vulnerable and try primarily to protect themselves. People working with victims in shelters confirm that they share the real stories and facts after a while, but would rather share them with social workers or psychologists than the police, if at all.

Therefore, we should ask several questions when thinking seriously about new, more reliable and effective ways to identify victims. Firstly, is it possible to change the attitude of the police towards trafficked women and children? Secondly, would it be possible to change the attitude of trafficked women and children towards the police? Thirdly, is it possible to establish a relationship built on trust and understanding, so that the victims start to trust police officers and come forward? The challenges are well known:

- The attitude of the police and society at large towards sex workers in general. Quite often when confronted with prostitutes, policemen behave more like clients or pimps (women and girls are pushed around, bullied into giving testimonies, treated in a patronising way) than protectors;
- Corruption of the police, including co-operation with organised crime or direct involvement in trafficking, as well as co-operation with pimps and the general acceptance of the local prostitution scene with broadly spread violence against prostitutes by pimps, clients and police;
- Illegal status of trafficked women: being illegal migrants, having contacts with organised crime or working as prostitutes in countries where prostitution is illegal.

2.5 Pros and cons of the law enforcement approach

While not very effective in combating trafficking the traditional law enforcement approach to anti-trafficking has had a positive impact on other areas of law enforcement and state policies:

- Strengthening the co-operation between law enforcement agencies at national and regional levels;
- Giving impetus to strengthening border control systems and registration systems for migrants and foreigners; and,

³⁸¹ They are interviewed up to four times in Macedonia, and Romania, three times in Serbia, two, three times in other countries. One person can be interviewed up to eight times during the process of assistance.

- Collaborative efforts to fight organised crime and the smuggling of migrants.

However, police actions to combat trafficking in human beings should not be undertaken in parallel with actions against illegal migration, as this has proven to be counter-productive:

- Anti-trafficking programmes have discouraged, often unlawfully, young women's decisions to migrate or even to travel. Very often, information about women stopped or questioned at border crossings is presented as information about the prevention of trafficking. Refusal to issue a visa or to allow a young woman to enter the country is sometimes presented as a valid anti-trafficking measure;
- Trafficked women and children are treated like criminals, detained and deported instead of being recognised as victims and referred to assisting agencies.

So far, the protection of victims has not been considered a priority for law enforcement anti-trafficking action since most often victims are not identified as such. Rather than being identified and assisted, victims of trafficking are more often treated as offenders and deported as illegal migrants.

3. Victims' access to assistance: the only option is to return home

3.1 Identification and referral: law enforcement and migration approaches in action

Once identified, most victims are only offered the option of returning to their home countries. This is largely a result of the situation in SEE where the only operational and well-organised assistance system available for victims of trafficking is the one developed and operated by IOM. The operational identification, referral and assistance system that has developed in SEE is based on the almost exclusive co-operation between the police and IOM. Women without valid documents are interviewed by the police in a bar or at a police station. Those who decide to ask for help and agree to take part in the IOM programme are sent to a shelter. The transfer to the shelter is immediate - often women are not even able to collect their belongings or demand that the owner of the bar/trafficker pay them the money owed to them. The knowledge that agreement to enter the return/assistance programme is connected with the loss of the few belongings that they possess and the money that they have earned is one of the key factors in the victim's decision making process; some women decide to stay in the bar rather than part with their possessions.

3.2 Assistance equates to repatriation

Women who take part in the IOM programme of voluntary return for victims of trafficking have agreed to be repatriated. However, it is difficult to talk about free choice and voluntary participation in the programme when this choice is limited to: a) being deported by the police; or b) being repatriated by the IOM. This choice does not say much about the real wish of a woman to return to her home country, it only says that she prefers to return with IOM rather than as a deportee.³⁸²

From the point of view of the victims, the part of the support offered that

³⁸² There are cases of women choosing to be deported as an illegal migrant rather than to be repatriated and stigmatised as a "prostitute".

is most often unacceptable is the requirement by the helping agency (IOM) that the women agree to go back to their home countries. In the situation where a woman is the only financial provider for her family and for her children left at home, this requirement is often too difficult and unrealistic. Given the limited choice between staying in an abusive situation and sacrificing themselves for the well being of their families or going back and feeling responsible for the family's poverty, women often decide to refuse help. This is especially the case if they know that they are going back to a situation that does not promise them much more freedom from abuse and discrimination.

Some NGOs have expressed the opinion that some women are manipulated into agreeing to return and that return is no more their free choice than deportation but only conducted in a more humane way. This needs to be taken into consideration while seeking alternative ways of assisting victims of trafficking and developing new social integration strategies.

3.3 Re-victimisation in the process of assistance

Despite the prevailing opinion that victims of trafficking should be grateful for any kind of help that would allow them to leave abusive conditions and that anything assisting agencies can offer is better than the exploitation to which they are subjected, victims often have a quite different opinion. When approached by police, many women refuse to be recognised/identified as victims of trafficking. Police officers and service providers interviewed for this report clearly stated that the identification itself is not such a problem and that they have had no difficulties recognising victims of trafficking. The challenging part, in their opinion, was convincing the victims of trafficking that they should accept the assistance offered and that they would be better off in the hands of law enforcement agencies and IOM than in the hands of traffickers.

Victims often express the opinion that they do not receive adequate assistance. They associate the existing provision of support with:

- *Stigmatisation* – participating in an IOM programme means that they are in danger of being recognised as a prostitute. Returning with such a programme means that people in their country, family and friends might also find out about their past;
- *Criminalisation* – women are included in databases and are registered with the police. In some cases, they have stamps put in their passport preventing them from re-entering the country from which they were repatriated. They can also be accused of crimes related to trafficking;
- *Re-victimisation* – alleged victims have to undergo a medical examination (so called “Fit to travel” examination), they have to answer many questions, including some very personal and embarrassing ones, posed by the police, border police and IOM in the countries of destination and upon return to the country of origin. Their freedom of movement is restricted; they may be locked in the shelters with their activities controlled.
- *Lack of protection* – while in the custody of law enforcement agencies and with IOM in the country of destination, as well as during the journey to the country of origin, the women are protected by the police. This protection stops when they arrive in their home country and leave the shelter there. The return and possible encounters with their traffickers can be traumatic and dangerous experiences, especially for the women who have divulged information to the police. Quite commonly victims of trafficking try to protect themselves and their families by changing their testimonies after their return so as not

to accuse the traffickers.

- *Lack of long-term support* – upon repatriation, victims of trafficking are usually sent back to the places from which they were trafficked. There they have to face the same problems of unemployment, lack of means to survive, lack of perspectives, abuse, discrimination all of which are often exacerbated by a new stigma. Some women decide to co-operate with traffickers and become one of them, while others are re-trafficked.
- *Lack of real options* – as it has already been pointed out, many women decide to stay in an abusive situation and not accept assistance because they perceive sex work as the only available way to support themselves and their families. Assistance programmes, from the victims' perspective, do not offer any viable, long-term options.

In summary, victims of trafficking are stigmatised and victimised in the process of assistance. "Do no harm" in the process of assistance should be the condition *sine qua non* for all involved agencies. Even though this condition is rarely met, the voluntary character of the victim's actions and choices needs also to be incorporated in all assistance programmes.

4. Inadequate victim/witness protection results in the lack of prosecutions

Priorities for the police are investigation and the prosecution of traffickers. The law enforcement approach to date has relied on the testimonies of witnesses/victims of trafficking identified during bar raids, often regardless of the consequences for the witnesses. Victims are not informed by law enforcement agencies or the organisations providing victim assistance about the consequences and the dangers associated with testifying. They do not receive proper legal advice and often have no legal representation.

4.1 Lack of legal assistance

The lack of knowledge and understanding of their situation and status as victims of trafficking, in addition to the lack of available options, contribute to the inability of victims of trafficking to make informed decisions. During the process of identification and assistance, with few exceptions, women and children are still not receiving legal support, do not have legal representation and, sometimes, do not receive any translation of legal proceedings into their own language.

When asked about the reasons for the lack of legal support for victims of trafficking in 2001, IOM shelter management in many countries of the region claimed that there was a lack of trained lawyers and no NGOs capable of offering these services to the victims. One year later, there were many NGOs across the region prepared and ready to offer these services. All of these NGOs claimed that they were unable to use their knowledge for the benefit of the victims as it was either too difficult to reach agreements with direct service providers or they were requested to work without any compensation for their services. As a result, despite the capacity for legal assistance in almost all countries of the region and local organisations ready to offer their services, victims continued to be left with little legal support and offered only the very limited legal information available from the social workers in the shelter. One assisting agency even claimed lack of legal representation is in victims' interest as the lawyers could cause problems for the police and negatively affect police attitude towards the victims. Only women who testify against traffickers are usually guaranteed some form of legal assistance.

4.2 Lack of information about legal procedure

Due to the lack of legal assistance, victims of trafficking in shelters often do not understand the legal process and consequences of testifying. Since victims are often treated as criminals rather than victims if they do not co-operate with the police, they agree to testify without any assurance of protection and security simply because they do not know their rights as witnesses.

In Bulgaria, for example, there is no functioning witness protection system and, according to NGOs, women are often harassed by traffickers and re-trafficked upon return. Over 90 percent of women in the IOM programme of return and reintegration in Bulgaria agree to talk to the police, while almost no women assisted by La Strada in the same country wanted to do the same. While IOM Bulgaria provided no legal assistance or information to victims in relation to being witnesses, La Strada informed their clients about the fact that they did not have to talk to the police if they were afraid of the consequences and their security. Similarly, the women in the IOM programme in Moldova who were informed by the shelter staff about the possible dangers related to testifying, refused to co-operate or provide information to the police.

According to most IOM offices in the region, victims who have benefited from the IOM return and reintegration programmes usually co-operate with the law enforcement agencies. However, without information and legal advice, the “voluntary” character of such co-operation with the police is questionable.

4.3 Lack of victim/witness protection

The police priority for investigating and prosecuting traffickers entails collecting evidence, taking testimonies from the victims and creating a database on victims. The police are under pressure to show results from anti-trafficking actions and to prove their effectiveness. ‘Effectiveness’, however, is usually measured by the numbers of identified victims, collected interviews and files in databases, rather than the numbers of arrested traffickers and successfully prosecuted cases. Too often the police focus their actions not on the perpetrators, but on the victims of trafficking. Repeated interviews, combined with lack of understanding of the process and a lack of knowledge of their rights as victims or witnesses, often re-traumatise victims of trafficking.

Protection for the victims of trafficking who decide to testify does not exist, nor does special protection for child witnesses. The “Moldovan case”³⁸³ showed that existing systems of support have not adjusted to the situation when a victim does not directly return to her home country and is supposed to stay longer in the country of destination to testify against traffickers. In many countries, there is no accommodation for a woman in such a situation because of the “high risk” she represents that would put the personnel and other people staying at the same place in danger. The system of assistance created by IOM focuses primarily on the efficient repatriation of the victims, within the existing legal framework. Very rarely are the needs of the prosecution met because in the majority of SEE countries there is still no legal basis for allowing women who are willing to testify to stay longer in the destination country.

Women are protected against traffickers while in the shelters by being locked inside. But once inside the shelters, they do not have professional legal assistance, nor are they properly informed about the possible

³⁸³ See chapter on Montenegro in this report, pp.

consequences of the testifying or giving information to the police. Victims usually have to leave the country after giving written testimonies. They do not know if or how their testimonies will be used in court. As women do not appear in court, their testimonies are usually only read out, with very limited, if any, impact on the jury.

Protection of witnesses is presently the weakest point of anti-trafficking programmes in all countries of the region. Even in countries that have developed legal provisions to ensure witness protection in criminal cases, such laws are often not implemented due to the abstinence of implementation legislation, political will, etc. Shelters are not prepared to take care of the victims of trafficking requiring high security. Police in the countries of origin are also not able to provide sufficient protection. *Ad hoc* remedies, such as resettlement in a third country, are scarce although in some recent high profile cases in the region, women have received this sort of assistance. Moreover, third-country resettlement and asylum do not necessarily ensure protection of the victim/witness.

4.4 Lack of data protection

The police are collecting enormous amount of information, including information so explicit that, while not really relevant to prosecution, reads as pornographic material - for example, number of clients or services performed. Although the police are creating enormous databases of victims/alleged victims of trafficking, the results are not translating into the successful prosecution of traffickers and, in the process they are victimising and criminalising victims of trafficking as well as possibly putting them in danger. There are also no international standards for data protection used in the process of developing and maintaining these databases.

At the same time, police intelligence gathering is still extremely weak across the region and SECI is still in the process of developing and improving its operations. Evidence of criminal activity that would stand up in court without victims' testimonies is almost never gathered. Hence, traffickers are rarely arrested. When they are arrested and prosecuted the process usually ends in the charges being dismissed, while the victims have been re-traumatised and re-victimised. There is a need for a long term, structural solution to this problem to secure the safety and the rights of the witnesses and the successful prosecution of traffickers.

Summary and Recommendations

1. Co-ordination of anti-trafficking action within the framework of the National Plans of Action

By signing the *Stability Pact Trafficking Task Force (SPTF) Ministerial Declaration for South Eastern Europe (SEE)*³⁸⁴ in Palermo, Italy, the governments of SEE countries acknowledged that they should play a leading role in anti-trafficking activities. A system of regional co-operation, co-ordinated by SPTF, has been developed and each country has set out to produce a unified, structured system to combat trafficking in the form of a National Plan of Action (NPA). These NPAs involve governmental, non-governmental and international agencies and have thus far proven to be very useful and effective as theoretical frameworks.

However, NPAs are still not being fully implemented because the SEE governments are not fully engaged. This is due to a lack of capacity, political interest and financial resources needed to address trafficking. The lack of any further development of comprehensive and inclusive governmental structures to combat trafficking may be the biggest obstacle to creating successful, long-term anti-trafficking strategies.

The police have become more involved in anti-trafficking activities. The close and functional co-operation between police and the International Organisation for Migration (IOM) as the main and, often, the only partner, is a well-developed and functional model for the law enforcement/migration approach to anti-trafficking action in the region. At present, almost all activities related to prevention, protection and prosecution are being undertaken and implemented within this model. However, this approach to combating trafficking, which is based on the co-operation of the local police with one international organisation, cannot be sustained because it does not involve other responsible government authorities or civil society. On the contrary, in some countries the involvement of local NGOs is decreasing and there are fewer local organisations involved in anti-trafficking activities on the ground. Moreover, the police are still not applying human rights principles in their anti-trafficking activities and the system of referral and assistance for victims of trafficking remains inadequate.

Co-operation within the NPA framework

Although great progress has been made, building anti-trafficking structures has proven difficult and has required constant attention and resources. Some NPAs have not gone beyond the first draft; others are still not comprehensive documents but, rather, a mixture of different programmes and activities put together, lacking any long-term goals or strategies. They focus predominantly on law enforcement activities, while omitting or treating in very general terms the issues of human rights and prevention and the root causes of trafficking. Often there is no timetable for the proposed activities and in many cases NPAs have been drawn up without a

³⁸⁴ Anti-trafficking Declaration can be found at: http://www.osce.org/attf/attf_pd.pdf

budget, so that inadequate funding and a lack of resources often hampers implementation.

In the process of implementation, many NPAs suffer from the same shortcomings:

- Lack of involvement of certain governmental institutions, most often Ministries of Health and/or Education and social services;
- Lack of co-operation between different governmental institutions;
- Overemphasis on law enforcement, so that trafficking is perceived as an issue only for the Ministries of the Interior;
- Insufficient involvement of NGOs; and,
- Insufficient attention to human rights standards and principles.

Kosovo, which had developed the best anti-trafficking legislation and standards for anti-trafficking action in 2001, still has neither an NPA nor any clear commitment to establish the necessary structures to combat trafficking by either UNMIK or the Provincial Institutions and Self-Government (PISG). The more recently developed NPAs in Croatia and Albania are much more detailed and better structured than earlier ones prepared in BiH or Romania. Although Bulgaria has not prepared an NPA, recently adopted legislation puts a legal obligation on the Bulgarian government to prepare short-term working plans for the agencies working on combating trafficking. Generally, newer NPAs that have taken past experiences into consideration have been better developed and more adequately meet the needs, which are also better defined and understood. International co-operation and exchange of experiences and information is helping this process. It is clear that the development and implementation of NPAs cannot be seen as a one-time action but, rather, as a dynamic process requiring continuous support and attention from both government and the international community.

Recommendations

NPAs should:

- ♦ Be based on human rights principles;
- ♦ Include long-term goals and strategies for achieving them;
- ♦ Include priorities, concrete actions, budgets and time frames for implementation
- ♦ Identify implementing agencies;
- ♦ Prioritise prevention, especially the root causes of trafficking and assistance to the victims of trafficking; and,
- ♦ Include non-governmental partners in further development, co-ordination and implementation of the NPA.

Role of the government

While the government should play the leading role in the design and co-ordination of the NPA, implementation should be an inclusive process based on co-operation between the agencies working on the issue of trafficking – governmental, non-governmental and international. The state should establish standards and norms for the implementation and develop clear procedures for monitoring and evaluating the NPA activities.

The responsibility for co-ordinating the development and implementation of the NPA lies with the government-appointed National Co-ordinator. National Co-ordinators have been appointed in all the SEE countries, but their mandates differ. In the majority of cases, the Prime Minister appoints a

National Co-ordinator who reports directly to the government. Sometimes the National Co-ordinator is appointed by the Minister of the Interior and leads the department within the Ministry responsible for trafficking. In this case, the appointee usually does not have enough political influence or support from the government to co-ordinate successfully with other governmental institutions. However, when appointed by the Prime Minister, the job of the Anti-Trafficking Co-ordinator is often one of many tasks performed by the same person, thereby limiting the time that can be dedicated to the issue of trafficking. National Co-ordinators lack supporting administrative structures and are often not able to fulfil their obligations.

The National Co-ordinator's job is to direct NPA activities through a National Committee or National Working Group comprising representatives of the institutions involved in implementing the NPA, including international organisations and, in some countries, NGOs. Often, however, National Committees/Working Groups rarely meet, and changes on the political scene mean that their membership is always changing. As a result, there is no continuity of work and no mechanisms to monitor and evaluate progress. The Committees also suffer from a lack of administrative support – communication is slow, results are not distributed and information is not shared. In some countries, international organisations take it upon themselves to support the Committees by providing logistic, organisational and financial support. In other countries, Committees have established sub-groups working on particular issues. Those groups, which are smaller and easier to direct, focus on concrete problems and are usually more effective.

One of the least developed parts of the NPA in all SEE countries is the referral and assistance, including protection, offered to the victims of trafficking. In the majority of countries, most of the activities in this area are still carried out by international organisations and NGOs, with only minimal support from the government. In a few countries, the involvement of the state has just started. In Albania, for example, a new shelter has been established as well as a system for referring all suspected victims of trafficking from police stations to the shelter, thereby giving women and children an opportunity to recover and time to make decisions about their future. Another example is the initiative of the Romanian government to establish local shelters for the victims of trafficking. In Croatia, a system of safe houses and shelters is in the process of being developed.

These changes are very welcome, especially as the problem of state obligations towards victims and witnesses is still discussed internationally. These proposed initiatives can be seen as models of assistance that could also be implemented in other regions of the world.

There are, however, two issues that are relevant to the inclusion of assistance/protection activities into governmental plans. One is the need for clear standards, including human rights standards, for all anti-trafficking work. These standards, which are still missing even in the work of some international organisations, must be supported by good legislation, allowing for the creation of a comprehensive referral system for the victims, a system that offers trafficking victims real support and protection.

Another issue is the need for clear rules of co-operation between the agencies supporting victims, especially local NGOs. Whereas government should control the implementation of the NPA, not all activities have to be implemented directly by governmental agencies. Some activities are better implemented by specialised NGOs. For example, taking responsibility for

assistance system does not have to imply that state agencies have to actually manage shelters for victims of trafficking. Clear role definition and the development of standard operating procedures for all involved parties will ensure a stronger, more protective environment for women and children.

Recommendations

Governments should:

- ◆ Establish standards and norms for NPA implementation and develop clear procedures for monitoring and evaluating the activities based on human rights principles;
- ◆ Provide political and administrative support to the National Co-ordinator and National Commission/National Working Groups to enable them to perform their tasks successfully; and,
- ◆ Establish clear rules of inter-agency co-operation, including between government and international organisations and NGOs.

International organisations as partners in NPAs

In many cases the initial impulse to start anti-trafficking work and develop NPAs came from the international organisations and donors. These agencies are still involved in several ways by:

- Applying political pressure
- Setting up standards and structures
- Researching and assessing anti-trafficking initiatives
- Advising and supporting legislative procedures
- Participating on National Committees
- Supporting NGOs working on the issue of trafficking
- Directly implementing anti-trafficking projects
- Facilitating international and inter-agency contacts and co-operation

Initially, it was envisaged that international organisations would have a supportive role in the development of anti-trafficking structures. However, due to delays in government engagement in anti-trafficking activities and the acute need to develop concrete activities, especially for trafficking prevention and assistance to the victims, international organisations have become directly involved in not only supporting but also in implementing anti-trafficking projects, often in co-operation with local NGOs.

IOM

IOM has a well developed assistance system in place in all countries of the region for victims of trafficking who are foreign national wishing to return to their countries of origin. Their assistance programmes are based on MOUs with governmental agencies (usually the Ministry of the Interior) which were originally developed to provide emergency services that were lacking.

Since IOM began working on trafficking in the region, some of the activities have been handed over to government agencies or sub-contracted to local NGOs. However, IOM's handover of activities is taking place very slowly and resulting in a growing atmosphere of competition and frustration on the part of the local partners. Much of the frustration is related to the fact that international funding is going to international organisations to implement the activities that the national actors (governmental and non-governmental) should be responsible for and have the necessary capacity to implement under the NPA. The role of IOM in relation to the development

of local sustainable structures to address trafficking remains unclear.

Local capacity is often quite weak and still requires support in terms of technical expertise and financial resources. The main role of all international organisations should be to promote capacity building of the local structures and sustainability of the projects. NGOs should not establish new and expensive projects, but should focus on handing over existing initiatives to local agencies and supporting the development of local capacity and new local initiatives.

IOM's programme for people who want to return to their home countries is invaluable and they should continue to provide such services. However, IOM should adopt a clear human rights approach for their activities, including standards of treatment for assisted persons and standards of co-operation with governmental and non-governmental agencies. Alternative models of assistance and initiatives to support other victims of trafficking – for example, internally trafficked persons, children, victims who do not immediately wish to return or are seeking other options – should be developed and implemented by local agencies.³⁸⁵

UNOHCHR, UNICEF and OSCE/ODIHR

Other than IOM, international organisations are rarely involved in implementing anti-trafficking projects. They do, however, promote human rights standards, offer assistance in developing anti-trafficking legislation, provide information to the government, support local anti-trafficking structures and secure exchange of information at regional and international levels. Other agencies often also provide financial and technical assistance to government and local NGOs.

In the past few years, UNOHCHR, UNICEF and OSCE have been very active in supporting anti-trafficking work. UNOHCHR prepared the first *UN Human Rights Guidelines and Recommendations for Trafficking* to be used on the ground and for the development of standards for already existing or newly established initiatives. UNICEF prepared a groundbreaking document on the standard procedures necessary when assisting child victims of trafficking. OSCE supported legislative reform and monitored the prosecution of traffickers, thereby gaining expertise on the conditions required for implementing anti-trafficking legislation. OSCE/ODIHR developed a model for a national referral mechanism. All of these organisations participate in the work of National Committees and support the establishment of local structures for implementation of the NPAs. However, as long as international organisations are involved in anti-trafficking work in SEE, all of these agencies need to participate more directly in supporting the activities on the ground and advocating the use of the human rights standards in order to have real impact. Their proposals have not been considered by either the relevant governmental structures or by other international organisations and NGOs. They need to act in a more dedicated and purposeful way to ensure the implementation of the proposed standards and models based on principles of human rights.

Recommendations

International organisations should:

- ♦ Continue to play a supportive role in the development of local anti-trafficking structures and the implementation of NPAs;
- ♦ Prepare exit strategies and hand-over the actual implementation of

³⁸⁵ See: "IOM Regional Counter-Trafficking Program in the Western Balkans", SIDA Report, July 2003. pp. 115-117.

- activities to local agencies;
- ♦ Support NGO capacity building by providing them with technical expertise, training and funds;
- ♦ Monitor and evaluate anti-trafficking activities from a human rights perspective;
- ♦ Support the development of local structures and promote human rights standards for anti-trafficking work more purposely; and,
- ♦ Develop and promote operational standard procedures based on a human rights approach.

Participation of NGOs in NPAs

The role of NGOs in the implementation of the NPAs is a complex issue. One of the remnants of the old political system in the region is the lack of understanding of the role that civil society and NGOs play in a democratic society. This makes their position in the newly established democratic systems difficult. Governments do not trust NGOs as allies/partners in addressing social problems and are reluctant to establish working relationships with them, to support them in their work or to co-operate with them as implementing partners.

However, NGOs were the first to start anti-trafficking programmes in the region. Their work is characterised by deep involvement, efficiency and the ability to develop initiatives on the ground that are relevant to local needs. The work of NGOs is valuable not only in the area of direct support to the victims of trafficking but also for collecting information, carrying out research and developing standards, procedures, models and contacts. IOM was the first international organisation to notice these qualities and their initial programmes were set up in close collaboration with local partners.

However, despite their expertise, experience and the high esteem in which their work is held, NGOs were often not included in the groups developing the NPAs and currently do not participate on an equal footing with other partners on National Committees. The role of NGOs is limited to implementing their own small projects, or those contracted by IOM, and funded by international/foreign organisations.

Paradoxically, developments over the last year – greater governmental engagement in anti-trafficking activities, closer co-operation with IOM and an increased availability of funds to support anti-trafficking initiatives – have resulted in a reduced role for NGOs. Many organisations, which for several years participated in anti-trafficking projects, are no longer involved; some have downsized their programmes or are not preparing new projects. Yet others, unable to ensure their own funding, serve as sub-contractors implementing IOM projects. The number of prevention projects implemented by NGOs is decreasing and many local activists have become burned out and disillusioned.

Most NGOs in the region involved in anti-trafficking work are small and undeveloped, and both organisationally and financially weak. While their grass roots character is usually a big asset, especially for the projects aimed at local communities, their weaknesses mean that they are not able to implement big projects and compete with the international organisations, primarily IOM, for donor funding or the attention of governments.

On the positive side, NGOs have started to recognise their weaknesses and are trying to change the way they work. In some countries, such as Croatia, BiH and Romania, NGOs have established networks to co-ordinate anti-trafficking activities. There has also been an initiative to establish a

new regional network of NGOs working on anti-trafficking, the Anti-Trafficking Network (@NET). La Strada's country offices in SEE provide support for capacity building and organisational development of NGOs.

The participation of NGOs is necessary for a well functioning system of anti-trafficking activities, especially at the local level and in the area of victim support and trafficking prevention. Only co-operation with the NGOs can ensure success for NPAs because they offer local community involvement that is well developed and focused on their clients interests, innovative approaches, cost effectiveness, contacts between sending and receiving countries and respect for human rights standards. In the long-term, NGO involvement guarantees the sustainability and continuity of anti-trafficking work in the region, following the inevitable withdrawal of the international organisations. From a broader, political perspective, their participation is necessary for the development of local democratic structures and mechanisms.

Recommendations

NGOs should:

- ◆ Establish working relationships with the governmental agencies involved in implementing the NPAs;
- ◆ Seek alternative and innovative solutions to trafficking problems, especially in the area of victim assistance and trafficking prevention.

Governments should:

- ◆ Establish working relationships with NGOs;
- ◆ Ensure participation of NGOs in the Anti-Trafficking National Committees;
- ◆ Include NGO capacity building in NPAs.

International organisations should:

- ◆ Provide support for NGO networking, international co-operation and joint projects between sending and receiving countries;

2. Legal reform, and prosecution

Legal reform including anti-trafficking provisions, were initiated by the signing of the *Palermo Trafficking Protocol*³⁸⁶ and the *Palermo Anti-trafficking Declaration for SEE*³⁸⁷ by all the countries in the region. SEE Governments agreed to adjust domestic criminal law to include anti-trafficking provisions based on the Palermo Trafficking Definition and to create anti-trafficking legislation, which would allow not only the prosecution of traffickers but also assistance to the victims of trafficking.³⁸⁸ Although legal reform is underway or has already taken place in almost all the countries of the region, there are several concerns and problems with the implementation and functioning of the new laws.

In some countries like BiH and Serbia, new legislation does not entirely comply with the *Palermo Trafficking Protocol*. Although legislators tried to use the *Palermo Trafficking Protocol* as the framework for the new laws, they have not always been successful, as the definition of trafficking in the *Palermo Protocol* has proved difficult to interpret.

³⁸⁶ Trafficking Protocol can be found at: http://www.unodc.org/unodc/en/trafficking_protocol.html

³⁸⁷ Anti-trafficking Declaration can be found at: http://www.osce.org/attf/attf_pd.pdf

³⁸⁸ For more information about the law reform, please see Council of Europe, LARA Project: http://www.coe.int/T/E/Legal_Affairs/Legal_co-eration/Combating_economic_crime/Project_LARA/

Further, new anti-trafficking articles incorporated into the Criminal Codes of SEE countries often lack clarity. Judges and prosecutors often claim that they do not understand the new law, that trafficking Articles are not consistent with the rest of the Criminal Code or that the new law is not consistent with the rest of the country's legal system, as is the case in Serbia and Romania.

New laws are also considered too complicated. So much evidence has to be collected for successful prosecutions that the prosecutors are often unable to start the legal procedures against traffickers. All of these problems with the new laws mean that traffickers are still being prosecuted under old laws for crimes other than trafficking, such as exploitation of prostitution, mediation in prostitution and, in few cases, for slavery-like practices or smuggling of migrants.

Work on new trafficking laws has also brought some unexpected developments and changes, not always directly connected with the new legal framework:

- The *Palermo Trafficking Protocol* and its definition of trafficking has been critically examined so that it can be used for law reform and for the development of legal provisions;
- Legislators considering the means of prosecuting traffickers realised that other charges could and should be brought against the perpetrators, especially in situations where it is not possible to collect sufficient evidence to prove the case for trafficking;
- In some countries, the Articles on trafficking also penalise the clients of victims of trafficking;
- The fact that victims are also considered potential witnesses generated discussions about the security of the witnesses and protection of the victims;
- There is a growing understanding that law enforcement agencies and judiciaries have to co-operate with other governmental and non-governmental bodies, especially in the area of assistance for child victims of trafficking;
- Police work should be incorporated into the whole system of victim referral and support to the victims; and,
- The prosecution of traffickers depends greatly on the willingness of the witnesses to testify, which is in turn directly dependent on the provision of victim protection and support.

In the course of the practical implementation of new anti-trafficking laws, it has become apparent that work done on new regulations in other areas, which are not directly connected with trafficking, is crucial for successful prosecution. These include:

- Witness Protection Law;
- System of juvenile justice;
- Standards for and capacity of the local social services to provide victim support;
- System of protection of children and standard procedures for dealing with children, including special shelters, guardianship procedures, alternatives for institutionalising/returning children back to the families when it is against best interests of the child;
- Anti-discrimination law, regarding women and minorities;
- Regulation of the labour market; and,
- Migration and aliens' law.

For a legal framework to address the question of trafficking appropriately, it is essential that the human rights of those subjected to trafficking are recognised and protected.

Recommendations

In the process of legal reform, governments should:

- ♦ Incorporate the crime of trafficking into Criminal Codes and Criminal Procedures Codes;
- ♦ Ensure comprehensive human rights-based legislation to provide assistance to the victims of trafficking that should not be dependent on the co-operation of victims with law enforcement agencies or their willingness/ability to testify against traffickers;
- ♦ Ensure the implementation of new anti-trafficking laws, including guidelines, training and information for law enforcement agencies and judiciaries;
- ♦ Review and reform all relevant areas of the law impinging on trafficking, witness protection, labour, aliens, etc.;
- ♦ Monitor and evaluate the existing system to ensure proper implementation of the new law, including the application of human rights standards;
- ♦ Develop standards and procedures in accordance with domestic legislation and international human rights standards for the co-operation of law enforcement, judicial and non-governmental organisations, especially in the area of victims identification and assistance;
- ♦ Ensure legal assistance and representation for the victims of trafficking; and,
- ♦ Identify and eradicate public sector involvement or complicity in human trafficking.

3. Victim Assistance

Identification

Figures on the identification of and assistance for victims of trafficking in 2002, as well as the results of Operation Mirage, show that despite all the efforts and training, the police still do not identify the majority of victims. Many experts and those involved in anti-trafficking work argue that instead of overburdening the anti-trafficking police with tasks they are not prepared/able/willing to perform, the approach to the identification of victims should be changed. The police should not be the only agency responsible for identifying victims of trafficking. Other organisations, which might be more trusted by the persons they approach, should be approaching potential victims, identifying them and offering assistance.

Some countries have already seen new approaches to the issue of identification:

- In countries where there are hotlines operating, some referrals are coming from these hotlines. In Montenegro, for example 30 percent of referrals comes from the hotline;
- La Strada Moldova has a well organised system of co-operation with law enforcement agencies in many countries and is able to trace and rescue many women;
- La Strada also engages Embassies in anti-trafficking work;
- Campaigns aimed at clients have brought some results in FYR Macedonia;
- In Serbia, there is a referral system based on Mobile Teams comprising social workers, police officers and NGO workers that identify and refer trafficked women;
- The BiH Temporary Instructions, based on human rights standards,

Trafficking in Human Beings in South Eastern Europe

Summary and Recommendations

- establish the clear obligation of the police to inform local NGOs about all potential victims of trafficking and to co-operate with them;
- Similar obligations on the police to co-operate with NGOs exist in Albania, Montenegro and Kosovo, as a result of MOUs between the police and local NGOs; and,
- EUPM has changed the way that the police in BiH understand their role and duties. They are trying to introduce investigation-led policing, which focuses more on preparing cases and collecting intelligence against traffickers, and less on massive poorly prepared raids focused on potential victims of trafficking.

Notwithstanding these examples, the prevailing model of identification is still the one of the police doing the preliminary assessment on their own, without following any clear standards or procedures, and deciding in a rather arbitrary way who is a victim of trafficking.

Recommendations for identification

Governments, in co-operation with NGOs and international organisations, should:

- ♦ Establish clear rules and standards for identifying all victims, including:
 - The identification of internally trafficking women and trafficked children, as well as foreign women willing to return to their home countries;
 - The establishment of new ways/methods of identification through hotlines, prevention campaigns, outreach work with sex workers and their clients and co-operation with Embassies;
- ♦ Ensure that identification is part of a comprehensive referral system involving the various agencies involved in assisting victims; and
- ♦ Establish investigation-led policing, focusing on collecting evidence against traffickers, preparing cases, and organising actions aimed primarily at arresting traffickers.

Assistance

Judging from the number of referred victims of trafficking, the assisting agencies seem to have been less effective in reaching victims of trafficking in 2002/2003. The drop in number of referred cases is not only the result of problematic identification but also of limited assistance, since many trafficked women and children are not willing to accept assistance on the conditions under which it is offered.

People who work in shelters confirm that, in general, returning women and children do not want to be recognised as victims of trafficking. They often do not accept IOM's assistance because they believe that being returned to their home country by IOM will result in them being labelled as prostitutes.³⁸⁹ Women from SEE supported by NGOs in Western Europe often choose to return on their own and refuse any subsequent support because they are afraid of being recognised. The three main concerns of returning victims of trafficking are confidentiality, security and real, long-term, psychological and economic support. These concerns are rarely often met by assisting organisations.

In general, there are two parallel systems of assistance in the region: one run by IOM and the other by local NGOs. NGOs programmes are few, despite the fact that they very often better meet the needs of the victims

³⁸⁹ Compare with "IOM Regional Counter-Trafficking Program in the Western Balkans", SIDA Report, July 2003. pp. 20-21, 104.

and are cheaper than those of international organisations. Instead of merging and coming closer together, these two systems seem to be drifting further apart. There seem to be fewer contacts and joint projects and less willingness co-operate between IOM and NGOs.³⁹⁰ In some places, IOM has decided to run the shelters themselves, whereas in others, IOM co-operates with some of the local NGOs. However, according to NGOs, this co-operation usually involves subcontracting limited activities to the local NGOs and taking advantage of inexpensive local labour, rather than supporting local NGO projects and capacity development.³⁹¹

Those working with victims very often encounter unexpected situations, expenses and programme changes. Routines often have to be changed and innovative approaches and flexibility are very often required. However, although flexibility, innovative thinking and the willingness to engage are the strongest points of NGO activity, their restricted co-operation with IOM often makes it impossible for them to take advantage of these strengths.

Moreover, many local NGOs do not have the resources to co-operate with IOM on a sub-contractual basis. NGOs do not usually have the funds needed to pay in advance for services to victims of trafficking. It is their strong sense of commitment and experience of operating on a shoestring budget that results in NGOs accepting reimbursement for some of the expenses of assisting victims of trafficking, even though the terms of such co-operation do not allow for capacity building, organisational development or positive changes to the programmes. As a result, some NGOs are resigning from anti-trafficking work citing lack of resources, lack of support, burn-out and, in some cases, the competitive situation with IOM. There is a strong feeling in the NGO community that IOM is acting more as a competing NGO than as an international organisation. An example of conflicting interests is the situation in Bulgaria where La Strada and IOM have a very distanced relationship resulting a lack of financial support for those trafficked women whose return to Bulgaria is arranged by La Strada.

La Strada, as a network, claims to place the interests and well being of the victims above all other obligations. Confidentiality and safety are the main priorities of their assistance programmes. La Strada Bulgaria prepares a "Safety Plan"³⁹² with each victim that they assist an assessment of all the dangers and difficulties that the woman can face after return and a list of all possible solutions. One of the main dangers is being recognised as victim of trafficking by family and friends (danger of stigmatisation) or by the police (being included in a police database). Giving information to the police is also dangerous, especially if there might be repercussions from traffickers. Women often choose not to talk to the police, a decision that is understood and accepted by the La Strada staff. Victims assisted by NGOs very often do not co-operate with police in order to try to protect themselves.

Almost all women taking part in the IOM programmes talk to the police. Although sharing information with the police is done on a voluntary basis and is often necessary for successful prosecution of the traffickers, it has to be asked if it is in the best interest of the victims. Is the agreement to give information to the police a result of informed consent? Have women been properly informed about their rights, about the lack of witness protection and the possible consequences of testifying? Is the priority of

³⁹⁰ *Ibid.* p. 69.

³⁹¹ See chapter on Bosnia and Herzegovina, and conditions of contracts with NGOs mentioned in "IOM Regional Counter-Trafficking Program in the Western Balkans", SIDA Report, July 2003. p.50 and p.99.

³⁹² See chapter on Bulgaria, Section 4.2.

Trafficking in Human Beings in South Eastern Europe

Summary and Recommendations

the IOM programme the protection of the interests of the victims or the interests of the law enforcement agencies?

Despite these reservations, there have been many positive changes in the IOM programmes during the last year:

- Programmes have become bigger and started to offer better services;
- Sufficient funding is available to assist the referred victims;
- IOM has started to recognise and assist victims of internal trafficking, either directly or by giving financial support to NGOs dealing with women who have been internally trafficked;
- The special situation of trafficked children is acknowledged, although there are usually no special programmes or assistance; girls under 18 are more often identified as victims of trafficking and assisted;
- The programmes for social and psychological assistance are better designed to meet the needs of women than before; and,
- The need for reintegration programmes and long-term support for the victims is acknowledged.

Some challenges remain for assisting agencies particularly IOM:³⁹³

- Lack of co-operation between local NGOs and international organisations;
- Lack of capacity building provisions for NGOs and exit plans for international organisations;
- Lack of clear, written Standard Operating Procedures for referrals and the shelters and of standard minimum rules for the treatment of victims of trafficking
- Human rights standards are not always applied in anti-trafficking work;
- There can be conflict between the best interests of the victim, law enforcement interests (taking testimonies) and migration policy (return to the country of origin);
- IOM programmes are not properly monitored or evaluated. There are, for example, no reliable statistics on the reintegration programmes;³⁹⁴ and,
- While confidentiality is supposed to protect NGOs from traffickers, in reality it protects them from being recognised (by funding agencies as well) as reliable institutions working successfully on the issue of trafficking.

It seems that the IOM system works well for those who want to return to their home countries, are willing to talk to the police, and are not in possession of information that might endanger them after return (i.e. might lead to the prosecution of traffickers). For other groups of victims, different programmes should be established that meet their needs for confidentiality, security, informed consent, a choice of available options and long-term support. This type assistance is already built into some of NGO programmes, but these programmes need financial support and further development if they are to become a viable alternative.

The main solution should be the creation of an inclusive referral system for identification, assistance and reintegration of the victims of trafficking, which would incorporate various forms of assistance (offered by various organisations) to try to meet all the needs of the victims and to offer all possible assistance.

³⁹³ Similar concerns are raised in the SIDA Report "IOM Regional Counter-Trafficking Program in the Western Balkans", July 2003, pp. 110-117.

³⁹⁴ Recently IOM programmes in SEE were evaluated by SIDA. See: "IOM Regional Counter-Trafficking Program in the Western Balkans", SIDA Report, July 2003.

Recommendations for assistance

Governments should:

- ◆ Ensure legal protection for the victims/witnesses and their families.

Governments, international organisations and NGOs should:

- ◆ Ensure that all identification and assistance programmes aim primarily to protect the victims' rights and dignity, including security, confidentiality, informed consent and provision of tailored, long-term support;
- ◆ Adopt a holistic approach to trafficking integrating the issues of protection, prevention and prosecution based on the human rights and child rights guidelines developed by UNOHCHR and UNICEF;
- ◆ Ensure that all victims, regardless their status, have access to shelters and to assistance (including legal assistance)
- ◆ Develop clear human rights based Standard Operating Procedures for shelters and minimum standards for the treatment of the victims in all shelters; and,
- ◆ Develop comprehensive assistance with long-term goals and strategies programmes (incorporated into NPAs as national referral mechanism) based on co-operation of governmental and non-governmental organisations.

Donors and implementing agencies should:

- ◆ Monitor and evaluate assistance and reintegration programmes, especially the long-term results of reintegration programmes.

Reintegration

Projects aiming to reintegrate trafficked women into society are a complicated and controversial part of the system of assistance to victims of trafficking. Until recently, victims of trafficking who returned to their country of origin could not count on much help. Support from IOM was usually limited to a reintegration allowance of US\$ 150 and referral to a local NGO for further support. Local NGOs, however, were unprepared to offer real help to traumatised women in need of housing, employment and medical and psychological assistance. In practice, they were only able to offer a few meetings with a returning victim, often called therapeutic sessions, which provided no concrete assistance. The only option usually available to the victims of trafficking was to return home to the situation from which they were trafficked and which quite often contributed to them being trafficked in the first place.

According to the data provided by La Strada Bulgaria and IOM Moldova, at least 30 percent of victims of trafficking returning to their home countries suffer from severe psychotic, mental and behavioural disturbances and are in need of long-term psychiatric treatment and support. They are not in a condition to be directly integrated into society and left to manage on their own. There is also no information about how many of the returning victims of trafficking are drug addicts, but at least 3 percent of women and girls returning to Moldova were showing symptoms of drug abuse and some of them will probably never be able to support themselves.

Almost all victims of trafficking suffer from post-traumatic stress; they have little self-esteem and need long-term psychological counselling. They also need practical support, especially if it is not desirable for them to return home. The majority of women and girls do not have appropriate education, skills or work experience to be able to find a job without further training or re-schooling. Moreover, at least 30 percent of victims need long-

Trafficking in Human Beings in South Eastern Europe

Summary and Recommendations

term therapy and assistance before they can enter any programme. The short-term hairdressing, sewing and cooking courses offered to traumatised girls do not prepare them for an independent life. Currently, new reintegration programmes are being organised in the countries of origin that offer more concrete, substantial support, although the options for returning women and girls are still very limited and are only appropriate for a small proportion of victims of trafficking.

It is also becoming clear that there is no perfect solution to the problems of trafficked women and children. Depending on their condition, needs and wishes, they should be offered the treatment and integration options most suitable to them. Even if the only option is for them to return home, they should not be abandoned upon return.

Depending on their situation and mental condition, repatriated victims need different types of assistance. Several NGOs have started to provide appropriate assistance for trafficked women:

- La Strada Bulgaria offers long-term individual therapy and individual "Safety Plans";
- NGO "Reaching" Out from Romania runs a long-term shelter/safe house where women can stay until they can find a job and support themselves; and,
- The income-generating programme of the Italian Consortium for Solidarity offers women the opportunity to start their own small businesses.

Terre des Homes and local NGOs in Albania have reintegration programmes for trafficked children. Services offered on volunteer basis, like adoptive families and specialised programmes, such as social and academic reintegration, are often considered as intervention areas.

In general, victims of trafficking need better options for assistance, more time to explore these options and a better referral system at the national and local level. There is a need for a network of co-operating NGOs to which cases can be referred and co-operation with governmental authorities so that the women can be registered for jobs, and medical services. Children must be enabled to go to school and be supported to remain with their own family or new foster families.

Recommendations

Governments should:

- ♦ Include reintegration programmes/activities into NPAs and ensure co-operation between governmental and non-governmental institutions;
- ♦ Include victims of trafficking in existing initiatives for disadvantaged groups (scholarships, programmes of job placements, social support, re-schooling, etc.); and,
- ♦ Give special attention to programmes for the reintegration of children. This should mean family reintegration, when possible, rather than institutionalisation.

Governments and international organisations should:

- ♦ Monitor and evaluate the existing reintegration programmes for effectiveness;
- ♦ Research the needs and expectations of returning women in respect of reintegration; and,
- ♦ Support NGOs to develop innovative programmes of assistance and reintegration for victims of trafficking;

4. Trafficking in children

In the past year, trafficking in children has begun to be recognised as a serious problem in SEE. There is now a much greater understanding that children and young people under 18 are entitled to special protection and treatment.

There is evidence that many children become victims of trafficking, especially girls under 18 who are internally trafficked for sexual exploitation. In Kosovo, for example, as many as 80 percent of internally trafficked women are under 18.³⁹⁵ There is also evidence in the region of boys being trafficked for sexual exploitation.

There is still not enough information about the phenomenon of trafficking in children for begging. Although the number of children who are trafficked for begging to well known destinations and by well-known routes is decreasing - for example, from Albania to Greece - there is also anecdotal information about new destinations and new *modus operandi* of the traffickers, like trafficking of children from Moldova to Russia.

There has also been no research into the interdependency of migration of children and trafficking. The terms are often used interchangeably, but there are clear differences that have implications for the provision of assistance and services.

Another group that needs attention and assistance is children at high risk of being trafficked for example, children from institutions and the children of trafficked women. In some countries, like Moldova, attempts have already been made to address this issue.

While assisting agencies increasingly understand their obligation towards children, they are often not able to provide the necessary support due to a lack of appropriate legal provisions or of available services. Protection of trafficked children is very much connected with issues of juvenile justice, the legal protection of children and the child protection/social services available to vulnerable children and children victims of violence.

The UNICEF Guidelines on the Protection of the Rights of Children Victims of Trafficking in SEE³⁹⁶ provide much needed direction for the treatment of child victims of trafficking, although they need to be promoted and implemented by responsible institutions at the national level if they are to be effective. As of yet, these *Guidelines* are not operational and too often such children are not receiving any help or special protection. For example, although all girls under 18 engaged in prostitution should be considered as victims of trafficking and should be entitled to protection and assistance according to the *Palermo Trafficking Protocol*, they are too often prosecuted for being illegal migrants and prostitutes detained and deported or placed in institutions for juvenile delinquents or ignored by the police altogether. Neither the police nor the assisting agencies know how to treat underage victims of trafficking and pay little attention to the age of their charges. The girls themselves often pretend to be older and use fake documents, not wanting to be recognised as children.

Not enough is being done to address the root causes of trafficking in children: poverty, violence, discrimination against girls and minority children, unequal access to education, lack of employment and limited life perspectives.

³⁹⁵ Information provided by the Center for Protection of Women and Children in Pristina, Kosovo. See chapter on Kosovo.

³⁹⁶ UNICEF *Guidelines on the Protection of the Rights of Children Victims of Trafficking in SEE* can be found at:
http://www.seerights.org/data/reports/Reports/UNICEF_Guidelines_Trafficking_Final_May03.doc

Awareness raising campaigns targeting children are often not well designed. Messages are too general and scare children rather than equipping them with the necessary life skills. According to UNICEF research, children in some countries claimed that they had enough information about trafficking and found messages repetitive and boring. At the same time, however, they were not relating the information to themselves and did not know how to protect themselves.³⁹⁷

Programmes for preventing child trafficking and assisting trafficked children need to be monitored and evaluated, as organisations without any previous experience of working with victims of trafficking or victims of violence are starting to provide services for children.

Recommendations for the assistance and protection of trafficked children

Governments, with the support of international organisations and NGOs should:

- ◆ Conduct research and analyse information in relation to:
 - Internal trafficking of children (girls and boys) for sexual exploitation-
 - Trafficking of children for begging
 - Situation of children from high risk groups
 - Unaccompanied children, migration and trafficking
 - Demand for child labour
- ◆ Conduct well-researched awareness raising campaigns for children, with an emphasis on the promotion of the rights of children and life skills;
- ◆ Include trafficking prevention in school curricula and training for teachers;
- ◆ Monitor and evaluate existing programmes for child assistance and trafficking prevention, and assess their professional value; and,
- ◆ Implement the *UNICEF Guidelines on the Rights of Children Victims of Trafficking in SEE*.

5. Awareness raising and prevention

There are ongoing prevention and awareness raising campaigns against trafficking in all countries of the region. Although they are not described in detail in this report, some general observations can be made as different types of campaign have been ongoing for 3 or 4 in some countries, with various messages targeting different groups.

Large scale awareness raising media campaigns

International organisations have planned and/or conducted major information and awareness raising campaigns in almost all countries of the region, whether they are countries of origin, transit or destination and independent of the scale of trafficking in different countries. These media campaigns are usually country wide, primarily targeting the general public and aiming to reach as many people as possible. They provide general information about the dangers of trafficking and migration. Some campaigns are co-ordinated with new or existing hotlines, in which case the target groups are people who might need to seek contact via the hotline – victims of trafficking, potential victims, families of victims, prospective migrants or people inquiring about jobs abroad.

There is no information available about the effectiveness of these kinds of campaign. The usual parameter of effectiveness is the change in awareness as a result of the campaign. Although the opinion polls show that almost

all the target groups of this type of campaign were already aware of trafficking, it is still not clear how the campaign information has affected behaviour, influenced decisions about migration and/or aided in protecting people from being trafficked.

According to some local NGOs, the target groups - mostly young women and girls are tired of and irritated by the simplistic message and repeated used images of women's naked bodies in chains or violated in other ways. They are also pointing out that the general character of the campaigns and the media used to carry them out limit the target groups to those people who live in big towns and/or have access to the press and TV, i.e. people who already know about the issue. Despite this, the same types of messages in expensive media campaigns continue to be repeated in other countries without any clear information about expected or achieved results.

Small scale awareness raising projects

Small-scale projects are conducted locally and target specific groups, mainly potential victims of trafficking and their families. These activities are usually organised by local NGOs, often in co-operation with IOM. The approach is more direct and more precisely targeted; the main strategy is direct contact through meetings at schools, contact with local municipalities and local NGOs, lectures and discussions. The messages are also less general, often related to specific migration opportunities and gender violence. The main aim is to equip the target group with the necessary information and skills to prevent trafficking.

The advantage of such activities is that the message about trafficking is translated from the abstract level into useful information about skills required to respond to the risk of trafficking and tailored to the needs of specific target groups. This sort of campaign also moves ownership of the problem from the international organisations to the local communities, allowing local actors to address their own problems.

The small-scale awareness raising campaigns are also much cheaper, although the NGOs implementing them may have less information and understanding of the issue. As a result, people may receive warnings and terrifying stories to which they cannot relate, instead of helpful information. There are no clear evaluation methods used to measure the effectiveness of this method of raising awareness, although direct contact with the respondents permits the effectiveness and the reactions to the message to be assessed.

In some countries, the inclusion of information on risks and modalities of trafficking in the school curricula has been discussed. Local NGOs have been involved in preparing training materials and special training for teachers and students. Education on human rights and life skills has been used as basis for some initiatives to educate children about trafficking.

Prevention *versus* raising awareness

According to the SPTF and some of the existing NPAs, prevention should address the root causes of trafficking as well as raising awareness about trafficking. However, the provisions in the NPAs to address/eradicate root causes are usually very general and not well elaborated. NPAs usually lack timetables, budgets and a clear division of tasks and responsibilities, especially in relation to prevention activities. In order to achieve comprehensive and long-lasting results, projects would need to address the vulnerability of women and children to trafficking, including violence,

poverty, discrimination, inequality and the demand for specialised services provided by victims of violence and trafficking.

Recommendations

Governments, international organisations and NGOs should:

- ♦ Assess the necessity and efficacy of expensive, large-scale awareness campaigns;
- ♦ Differentiate campaigns in accordance with types of country and target group;
- ♦ Include information about the legal means of migration and employment in campaigns to raise awareness in all countries where there is a population at risk;
- ♦ Give special attention to small scale, direct campaigns aimed at groups at risk, especially women and children;
- ♦ Establish mechanisms to evaluate prevention campaigns and their impact on awareness;
- ♦ Evaluate the materials, methods and capacities of organisations conducting campaigns to raise awareness and provide information;
- ♦ Conduct research and support projects on the relationship between economic development, restructuring programmes and trafficking in SEE;
- ♦ Support projects on HIV prevention among sex workers, trafficked women and other high-risk groups; and,
- ♦ Support projects (and their inclusion into NPAs) aimed at combating violence against women and children, discrimination against women, unemployment, feminisation of poverty and the lack of participation of women in public life.

6. Training

There are many training programmes underway relating to the prevention of trafficking in SEE with law enforcement agencies, service providers, NGOs, judiciaries, government officials, high risk groups and the general public. Most of these training programmes are very well designed, are based on current information from the region and take into account all the new developments. Almost all training activities are being carried out within the framework of NPAs.

Many training initiatives are organised by local experts and local NGOs and sometimes in co-operation with international organisations, thereby creating sustainable local training structures and a pool of experienced local trainers. These initiatives also include Training for Trainers courses in the area of trafficking prevention aimed at teachers, NGOs, young people and others groups.

There are also initiatives to incorporate information on trafficking into formal and non-formal education, as well as general training programmes for law enforcement agencies and governmental officials.

The SPTF plays a very important role in harmonising and co-ordinating these efforts and in exchanging information. The ICMPD has organised a comprehensive regional training programme for law enforcement and judiciary officials that is being implemented in all the countries of the region by training teams consisting of representatives of the local police and local NGOs. In some countries, the programme is the only training available for law enforcement officials, whereas in others there are plans to include trafficking in the general law enforcement training programme. The

ICMPD programme is very highly valued, particularly for the quality of the materials, the attention paid to the issue of local ownership and for the co-operation engendered between law enforcement agencies and NGOs.³⁹⁸

Another regional initiative is the UNDP manual on trafficking for border police. The manual focuses on the safety and welfare of the victims and is divided in three sections: a regional legislative and procedural compendium; legal assistance provisions and operational procedural requirements; and a 'best practice' section.³⁹⁹

Recommendations

Governments should:

- ♦ Include information about trafficking and victim's rights in the curricula of schools, police academies, law schools and social worker training centres;
- ♦ Pay special attention to training in the area of trafficking in children, child rights and special protection measures for child victims of trafficking; and,
- ♦ Ensure that training programmes are based on information from the region and support the regional and national initiatives within the NPA framework.

International organisations and NGOs should:

- ♦ Adjust training programmes to local needs at country level and reflect both the development of local anti-trafficking initiatives and the changing regional situation;
- ♦ Ensure that training initiatives provide information to develop guidelines for identification, referral, assistance and the protection of the rights of trafficked persons for the use of specific agencies (police, social workers, health professionals, NGOs, etc); and,
- ♦ Ensure that regional training initiatives are known to SPTF in order to avoid duplication and that training programmes reflect and support the priorities identified by the NPAs.

Donors and international organisations should:

- ♦ Evaluate existing training programmes for relevance and compatibility with the existing framework of anti-trafficking actions.

³⁹⁸ See site: <http://www.icmpd.org/>

³⁹⁹ For more information, please see the chapter on 'Regional Initiatives'.

SUMMARY OF REGIONAL INITIATIVES⁴⁰⁰

Organisation	Mandate	Initiatives	Activities	Location	Timeframe	Contacts
THE STABILITY PACT FOR SOUTH EASTERN EUROPE	<p>The Stability Pact for South Eastern Europe was agreed in Cologne on 10 June 1999.</p> <p>The Stability Pact aims to stimulate countries of SEE to foster peace, democracy, respect for human rights and economic prosperity in order to achieve stability in the whole region.</p>	<p>Task Force on Trafficking in Human Beings.</p> <p>Under Working Table 3: <i>Justice and Home Affairs: Combating Organised Crime and Drug Trafficking.</i></p>	<p>Trafficking Task Force: with strong links to Working Table 1 (<i>Human Rights and Democratisation</i>) and Gender Taskforce.</p> <p>Priority for Task Force is to persuade states to take responsibility for combating trafficking. Advocates for nomination of focal points (National Co-ordinators) in each country to liaise between actors in all sectors, and for development of NPAs.</p> <p>Facilitates funding for anti-trafficking initiatives in SEE.</p> <p>1st Task Force Meeting (Launching of the Task Force) Palermo Ministerial Declaration</p> <p>2nd Task Force Meeting Zagreb Ministerial Declaration</p> <p>3rd Task Force Meeting Gov'ts of SEE present their NPAs</p> <p>4th Task Force Meeting Focus on NGO sector and how NGOs and Govts could collaborate and involve NGOs.</p>	SEE	<p>OSCE/ODIHR Chairperson appointed June 2000.</p> <p>Sept/Oct 2000</p> <p>Sept 2000</p> <p>Dec 2001</p> <p>Apr 2001</p> <p>Nov 2001</p> <p>June 2002</p>	<p>Chair: Helga KONRAD Bailhausplatz 2, A-1010 Vienna Tel: +43-1-531115-3266 Fax: +43-1-53185-297 helga.konrad@bmaa.gv.at</p> <p>Awareness raising Deborah MCWHINNEY - UNICEF Tel: +387 33 660 118; Fax: +387 33 642 970 dmcwhinney@unicef.org</p> <p>Chris Cuninghame, SCF 17 Grove Lane, London SE5 BRD Tel: +44 207 703 5400 Fax: +44 207 716 2339 C.Cuningham@scfuk.org.uk</p> <p>Return and reintegration assistance Marco GRAMEGNA -IOM Tel: +41 22 7179334 Fax: +41 22 7986150 mgramegna@iom.int</p> <p>Training and exchange programmes Gerda THEUERMANN ICMPD; Colleen THOUZET - IMP ICMPD Tel: +43 1 504 4677-17; Fax: +43 1 504 4677-75 IMP Tel: +41 22 917 78 62; Fax: +41 22 920 22 22 Gerda.Theuermann@icmpd.org UNIMP@gve.ch</p>

Trafficking in Human Beings in South Eastern Europe

Summary of Regional Initiatives

Victims' Assistance and Protection	Review of return and reintegration programmes with respect to comprehensive assistance and protection objectives (IOM, NGOs).	Relevant legislative reform Gabriele REITER, <i>ODIHR</i> Al. Ujazdowskie 19, PL-00-557 Warsaw Tel.: +48 22 520 06 00 ext 4152 Fax: +48 22 520 06 05 Gabriele.Reiter@odhr.pl
Return and Reintegration	Criminal law reform "Lara Project" (CoE, ODIHR, UNODC/UNCICP);	Anne-Marie FARADJI, <i>CoE</i> F-67075 Strasbourg Cedex Tel.: +33 3 88 41 21 30 Fax: +33 3 90 21 49 18, anne-marie.faradji@coe.int
Legislative Reform	Comprehensive programme for training and capacity building (ICMPD, IMP, SECI, IOM, Austrian MI).	Law enforcement co-operation Ferenc BANFI phone/fax: +43 1 531 37-423; +43 1 531 37-420 seci1@osce.org
Training and Capacity Building	Three pilot projects focussing on high-risk groups, social causes and economic factors contributing to trafficking (UNICEF, UNHCHR, OSCE).	Alex R. DUPONT <i>SECI</i> OSCE Hofburg, Heldenplatz 1, A-1010 Vienna Tel.: +43 1 531 37-423 Fax: +43 1 531 37-420, seci1@osce.org
Prevention	Employment and vocational training opportunities to prevent and reduce trafficking in women in Albania, Moldova and Ukraine (ILO).	Prevention Madeleine REES - <i>UNOHCHR</i> Tel.: +387 33 66 01 07; Fax: +387 33 66 01 09 mrees@ohchr.org
Awareness raising	Combating trafficking of children and young persons for labour and sexual exploitation in Albania, Moldova, Romania and Ukraine (ILO/IPEC). Awareness raising campaigns (IOM, local NGOs); Regional assessment of awareness raising campaigns (UNICEF); Focus on young people and children (Save the Children Fund); Young people's health development and protection (UNICEF).	Laetitia DUMAS - <i>ILO</i> 4, routes des Morillons, CH-1211 Geneva 22 Tel.: +41 22 799 73 53 Fax: +41 22 799 87 71, dumas@ilo.org

⁴⁰⁰ Albania (1995), Andorra (1994), Austria (1956), Azerbaijan (2001), Belgium (1949), Bosnia and Herzegovina (2002), Bulgaria (1992), Croatia (1996), Cyprus (1961), Czech Republic (1993), Denmark (1949), Estonia (1993), Finland (1989), France (1949), Georgia (1999), Germany (1950), Greece (1949), Hungary (1990), Iceland (1950), Ireland (1949), Italy (1949), Latvia (1995), Liechtenstein (1978), Lithuania (1993), Luxembourg (1949), Malta (1965), Moldova (1995), Netherlands (1949), Norway (1949), Poland (1991), Portugal (1976), Romania (1993), Russian Federation (1996), San Marino (1988), Serbia and Montenegro (2003), Slovak Republic (1993), Slovenia (1993), Spain (1977), Sweden (1949), Switzerland (1963), FYR Macedonia (1995), Turkey (1949), Ukraine (1995) and United Kingdom (1949).

			Stability Pact Initiative on Organised Crime in South Eastern Europe (SPOC)	SPOC aims to support co-ordinated action against organised crime including trafficking in human beings in SEE. The international community is to support countries through technical co-operation programmes.	SEE	2000-2003	Gabriela KONEVSKA Head of International Mission Cal. 13 September str, no 1-5; Parliament Palace, 10 th Floor, Sector 5, 76117 Bucharest, Romania Tel: + 40 21 303 6003 Fax: + 40 21 303 6075 spoces@spocsecretariat.org
			Security Sector Reform Inventory Project	The aim of this project is to catalogue international security sector reform efforts in SEE (including those related to trafficking in human beings), and to assess gaps and overlaps in international involvement.	SEE	Dec 2001-ongoing	Timothy DONAIS York Centre for International and Security Studies (YCISS) Tel: +1 416 763 4073 Fax: +1 416 736 5752 e-mail: tdonais@yorku.ca
Southeast European Co-operative Initiative (SECI)	To encourage co-operation among participating states and to facilitate integration into European structures. Emphasises co-ordination and region wide planning.	Agreement on Co-operation to Prevent and Combat Trans-Border Crime	Established a Crime Centre in Bucharest in November 1999. The Centre operates on the basis of task forces. SECI Illegal Human Trafficking Task Force includes experts from supporting states and other IOs.	Signed by Albania, BiH, Bulgaria, Croatia, FYR Macedonia, Greece, Hungary, Moldova, Romania and Turkey		May 1999	Ioana SPIRIDONICA Public Affairs Officer SECI Center Bucharest Tel: +40 21 303 6082 Fax: +40 21 303 6077 Mob: +40 724 393 384 ispiridonica@secicenter.org www.secicenter.org

REGIONAL BODIES

Organisation for Security and Co-operation in Europe (OSCE) and the (OSCE) Office for Democratic Institutions and Human Rights (ODIHR)	OSCE missions have different mandates, according to the priorities in the host country. However, throughout the region they promote democratic values, the monitoring and development of human rights and security building measures. ODIHR supports and/or implements anti-trafficking projects in co-operation with OSCE field missions, governments, NGOs and relevant IOs.	ODIHR Anti-Trafficking Project Fund. ODIHR Proposed Action Plan 2000. Supplementary Human Dimension Meeting (2000). OSCE Vienna Ministerial Council Decision No.1 (2000). OSCE Bucharest Ministerial Council Decision No.6 (2001).	Co-operation with governments and IOs to develop recommendations for NPAs. Support missions to develop strategies and actions. Provision of technical assistance and expertise to develop policy as well as measures for anti-trafficking prevention, protection and prosecution. Secondment of SPTF Co-ordinator from Austrian Gov't to ODIHR and OSCE Secretariat general. Regional Meeting of OSCE anti-trafficking focal points in Pristina. Reference Guide for Anti-Trafficking Legislative Review.	All OSCE participating states All OSCE participating states All OSCE participating states SEE SEE	Since June 2003 Sept 2001 Sept 2001 Oct 2001 Feb 2002	Head of ODIHR Anti-Trafficking Unit Jyoti KANICS Tel: +48 22 520 06 00 ext. 4175 jyothi.kanics@odihhr.pl ODIHR Officer on Anti-Trafficking Issues Gabriele REITER Tel: +48 22 520 06 00 ext. 4152 gabrielle.reiter@odihhr.pl
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Trafficking in Human Beings in South Eastern Europe

Summary of Regional Initiatives

	OSCE Anti-Trafficking Guidelines (2001).	Berlin Conference "Europe Against Trafficking in Persons".	All OSCE participating states	June 2003	
	OSCE Code of Conduct (2001) OSCE Informal Group on Gender Equality and Anti-Trafficking in Human Beings. OSCE Porto Ministerial Declaration (2002) OSCE Action Plan to Combat Trafficking in Human Beings (2003)	Expansion of UNICEF inventory and report on trafficking in SEE countries. Regional Meeting of OSCE anti-trafficking focal points in Sarajevo. Country reports submitted to the Informal Group. Regional Meeting of OSCE anti-trafficking focal points in Ioannina. OSCE Economic Forum. SEE RIGHTS Project.	All OSCE participating states SEE All OSCE participating states SEE All OSCE participating states SEE	Sept 2002 Feb 2003 May 2003 2002-2004	
	Plan of Action Against Traffic in Women. National and Regional Action Plans.	Organisation and support of workshops, training and seminars. Conducting studies and projects, and co-operating with all competent actors at both national and international level. Facilitating the development of a regional plan of action with member states.	All member States All member states Athens	Since 1991 July 2000 June 2000 Sep 2000	Anne-Marie FARADJI F-67075 Strasbourg Cedex Tel: +33 3 88 41 2705 Fax: +33 3 88 41 21 30 anne-marie.faradji@coe.int Alexander SEGER DGI Legal Affairs F-67075 Strasbourg Cedex Tel: +33 3 90 21 45 06 Fax: +33 3 88 41 20 52 alexander.seger@coe.int
Council of Europe (CoE)	The Council of Europe, based in Strasbourg, is a European inter-governmental organisation with a human rights mandate. It has 45 member states ¹ .				

				SEE	July 2002- October 2003	
	Drafting of European norms and standards	The Council of Europe has adopted several recommend-dations in the field of trafficking and is now drafting a convention on action against trafficking in human beings.				
	LARA Project - Criminal Law Reform To Combat and Prevent Trafficking in Human Beings	Aims to contribute to the effective criminalisation of trafficking in human beings at the regional level and to ensure the protection of victims' human rights in accordance with European and international standards.				
	PACO: Programme Against Corruption and Organised Crime in South-eastern Europe	The objective of the PACO Programme is to strengthen capacities to fight corruption and organised crime in accordance with European standards. The Programme comprises a series of country-specific and regional projects, to implement initiatives against corruption, organised crime and trafficking in human beings within the framework of the Stability Pact.		SEE	Ongoing	

INTERNATIONAL ORGANISATIONS

United Nations Children's Fund (UNICEF)	UNICEF is mandated by the UN to advocate for the protection of children's rights, to help to meet their basic needs and to expand their opportunities to reach their full potential.	Universal ratification of the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography	Advocacy with governments Report on Current Situation and Response to Trafficking in Human Beings in SEE. Update of the Report on Current Situation and Response to Trafficking in Human Beings in SEE. Support of local NGOs/ partners in the implementation of programmes to combat trafficking and support victims. HIV/AIDS prevention programme. Development and implementation of Guidelines for the Protection of the Rights of Children Victims of Trafficking in SEE.	Global SEE SEE Regional: Albania, Macedonia, Moldova Regional SEE	Ongoing Sept 2000 Feb 2002 Ongoing Ongoing 2002-2004	Deborah McWhinney- UNICEF Tel: +387 33 660 118; Fax: +387 33 642 970 dmcwhinney@unicef.org
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Trafficking in Human Beings in South Eastern Europe

Summary of Regional Initiatives

<p>United Nations Office of the High Commissioner for Human Rights (UNOHCHR)</p>	<p>The UNOHCHR is the focal point for human rights within the UN system.</p>	<p>Prevention of Child Trafficking in SEE: Assessment of Media Campaigns and Outreach projects</p> <p>SEE RIGHTS South Eastern Europe Regional Initiative Against Human Trafficking-Joint Monitoring and Policy Development Project</p>	<p>Map out advocacy and media campaigns and outreach initiatives to prevent child trafficking in order to: Assess the relevance and effectiveness of existing projects to prevent child trafficking in SEE; Identify elements/standards for effective activities to prevent child trafficking.</p> <p>Joint UNICEF/OHCHR/OSCE-ODIHR project to monitor implementation of the NPAs to combat trafficking and developing regional policy guidelines.</p>	<p>Regional: Albania, Moldova, Romania</p> <p>SEE</p>	<p>March-April 2003 2002-2004</p>	<p>Lisa Kurbiel UNICEF NY, lkurbiel@unicef.org</p> <p>Barbara Limanowska Tel: +387 33 660 118 blimanowska@unicef.org</p>
<p>United Nations Office of the High Commissioner for Human Rights (UNOHCHR)</p>	<p>The UNOHCHR is the focal point for human rights within the UN system.</p>	<p>Eliminating trafficking and protection of the rights of trafficked persons</p> <p>Trafficking Prevention Programme (jointly with CoE)</p> <p>Regional project to strengthen the framework of the witness protection programme</p>	<p>Activities to integrate human rights standards into international, regional and national anti-trafficking initiatives.</p> <p>Special emphasis is placed on legal and policy development.</p> <p>Strengthen the framework of the witness protection programmes across the region according to UN principles through constant meetings with IHRIG, redesign of materials and publishing a manual.</p>	<p>All UN member states</p> <p>SEE</p>	<p>May 2000</p> <p>Planned</p>	<p>Jyoti Sanghera UNOHCHR Palace Wilson, Geneva jsanghera@ohchr.org</p> <p>Madeleine REES - UNOHCHR Tel: +387 33 203 107 Fax: +387 33 203 109 mrees@ohchr.org</p>
<p>UN Office on Drugs and Crime (UNODC)</p>	<p>Facilitate and help to co-ordinate the activities of the UN inter- regional and regional institutes for the prevention of crime and the treatment of offenders</p>	<p>Global Programme Against Trafficking in Human Beings.</p>	<p>Research and assessment of global, regional and national trafficking and smuggling flows. (Tool: database on trafficking flows) Working with governments and other agencies to support and promote best practices. Collaborating with NGOs. Public Service Announcements: trafficking video spots Developing and implementing technical cooperation projects (e. g. Central and Eastern Europe; Czech Republic/Poland/ Slovakia: ongoing; Moldova: planned) Development of Anti-Human Trafficking Toolkit and Training Manual</p>	<p>Global, in partnership with UNICEF, UNIFEM, ILO, IOM and Interpol</p>	<p>Launched in Mar 1999, ongoing</p>	<p>Kristiina Kangaspunta United Nations Office on Drugs and Crime (UNODC - Anti-Human Trafficking Unit) Vienna International Centre PO Box 500 A 1400 Vienna Austria Tel: +43 1 260 60 0 Fax: +43 1 26060 5866 unodc@unodc.org www.unodc.org & www.unodc.org/unodc/en/trafficking_human_beings.html</p>

Trafficking in Human Beings in South Eastern Europe

<p>UN Inter Regional Crime and Justice Research Institute (UNICRI)</p>	<p>Regional programme of action to confront trafficking in children and young women for the purpose of sexual exploitation from Ukraine, Moldova and Romania via Hungary into Austria, Germany and Switzerland.</p>	<p>UNICRI is involved with UNDCCP/ CICP in implementing the UN Global Programme against Trafficking in Human Beings.</p>	<p>In-depth assessment and analysis into specific issues related to trafficking in the destination countries: trafficking flows; new routes; and changing roles of the key countries.</p> <p>Training for raising awareness on the involvement of organised crime in human trafficking; assistance in developing adequate legal/judicial measures.</p> <p>Inter-institutional cross-border co-operation.</p>	<p>Regional</p>	<p>End of 2003 18 months</p>	<p>Dr. Robert F. Oberloher (PhD) UN Interregional Crime and Justice Research Institute Viale Maestri del Lavoro, 10 I-10127 Torino (Turin / Italy) Tel: +39-0116537 138 Fax: +39-011631 33 68 E-mail: oberloher@unicri.it http://www.unicri.it</p>
<p>International Organisation for Migration (IOM)</p>	<p>IOM's involvement and approach to trafficking is based on its mandate which states that: "IOM is committed to the principle that humane and orderly migration benefits migrants and society, and acts to: assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and work towards effective respect of the human dignity and well-being of migrants" (IOM Resolution No. 923 (LXXI) of 27 November 1995).</p>	<p>IOM Counter Trafficking policy that is being implemented through national and regional projects.</p> <p>In SEE, IOM is implementing counter trafficking projects in Albania, BiH, Bulgaria, Serbia and Montenegro, FYR Macedonia, Hungary, Kosovo, Moldova, Croatia, Slovenia and Romania.</p>	<p>IOM takes a multi-pronged approach to counter trafficking to prevent it and to assist and protect its victims.</p> <p>For Prevention: IOM conducts information campaigns and disseminates information, provides technical assistance, training and expertise to gov'ts and other relevant stakeholders involved in counter-trafficking activities, and carries out research.</p> <p>For Assistance and protection: IOM provides protection including safe shelters, medical assistance and legal advice in the country of destination, and voluntary return and reintegration in the country of origin.</p>	<p>Global</p>	<p>Nov 1994: ongoing</p>	<p>Marco Gramegna Head, Counter trafficking Service International Organisation for Migration Tel: +41 22 7179334 Fax: +41 22 7986150 mgramegna@iom.int CTSA@iom.int</p>
<p>Regional Clearing Point (RCP)</p>	<p>In June 2002 the SPTF initiated the Counter Trafficking RCP in order to promote comprehensive, appropriate and well co-ordinated Victim Assistance and Protection Programmes throughout SEE. RCP is managed by IOM with the assistance of ICMC.</p>	<p>RCP collects and analyses data on trafficking victims and the programmes designed to assist and protect victims in the region. Half-year reports are submitted to the RCP Executive Board (SPTF, IOM, ICMC, OSCE/ODIHR, European Parliament). RCP is also developing an information-gathering methodology for collecting data pertaining to trafficking in children for the purposes of sexual exploitation, forced labour and begging.</p>	<p>To create reliable mechanisms for the collection, consolidation and analysis of various sources of information in order to establish a comprehensive collection of accurate and verifiable data.</p> <p>To formulate an overview of the national and regional assistance programmes.</p> <p>To link and promote information exchange between the various actors implementing anti-trafficking activities in SEE with the aim of highlighting the best practices, standardised services and operational protocols.</p> <p>To develop minimum quality standards and assess the state of victim protection and assistance, and to provide recommendations to the RCP Board and SPTF.</p>	<p>SEE</p>		

Summary of Regional Initiatives

Trafficking in Human Beings in South Eastern Europe

Summary of Regional Initiatives

<p>International Labour Organisation (ILO)</p>	<p>UN agency promoting decent work and social safety nets by setting and supervising international labour standards in the form of conventions and recommendations.</p>	<p>National Network on Foreign Labour in Central and Eastern Europe.</p> <p>Anti-trafficking programme for countries of origin and destination.</p> <p>No regional initiative, activities are developed country by country.</p>	<p>Research, exchange of information, and studies on irregular labour migration.</p> <p>Prevention of trafficking: capacity building, awareness raising, alternative economic opportunities.</p> <p>Provision of legal and judicial training and professional expertise to govts.</p> <p>Support and training for constitutional, judicial, legal, professional and criminal law reform. Legislative assistance.</p>	<p>CEE (Russian Federation, Ukraine, Moldova, Lithuania, Hungary, Czech Republic)</p> <p>Moldova</p>	<p>1994</p> <p>Preparatory phase</p>	<p>Klaus Günther International Labour Office International Programme On the Elimination of Child Labour (IPEC) 4, route des Morillons CH - 1211 Geneva 22 Switzerland Tel. +41 22 799 6403 Fax +41 22 799 8771 guenther@ilo.org</p>
<p>American Bar Association Central and Eastern Europe Law Initiative (ABACEELI)</p>	<p>To support countries to establish and maintain democratic systems governed by the rule of law.</p>	<p>Action Plans on Trafficking in Human Beings: training for law enforcement officers; database related to child pornography; compilation of legislation, MS and Candidate Countries on THB</p> <p>European Strategy on sexual exploitation of children.</p> <p>Operational and Strategic products.</p>	<p>To make a significant contribution to law enforcement action against organised crime with particular emphasis on the criminal organisations involved by:</p> <p>Facilitating the exchange of data; Providing operational analysis; and Strategic reports and crime analysis; Providing expertise and technical support.</p> <p>Establishment of a unit composed of national prosecutors, magistrates and/or police officers.</p>	<p>Regional: Albania, BiH, Bulgaria, Croatia, FYR Macedonia, Kosovo, Montenegro and Serbia.</p>	<p>Ongoing, with different starting dates in each of the countries.</p>	<p>Scott N. CARLSON CEE Director 740 15th Street NW Washington DC 20005 1022 Tel. +1 202 662 1950 Fax. +1 202 662 1597 ceell@abanet.org</p>
<p>European Law Enforcement Organisation (EUROPOL)</p>	<p>Drug trafficking; illicit immigration networks; terrorism; vehicle trafficking; trafficking in human beings including child pornography; forgery of money (counterfeiting of the Euro) and other means of payment; money-laundering and other crimes mentioned in the Annex of the Convention.</p>	<p>EU member states and other countries that have operational or strategic agreements with Europol.</p> <p>Member states</p>	<p>Göran Görtzen The Head of the Crimes against Persons Unit Raamweg 47, The Hague, The Netherlands Tel: +31 70 3025057 Fax: +31 70 3180832</p>			

NON-GOVERNMENT ORGANISATIONS (NGOs)

<p>LA STRADA</p>	<p>Prevention of trafficking in women for the purpose of sexual exploitation, through advocacy, influencing legislation, disseminating information, and practical assistance to partner organisations.</p> <p>La Strada regards trafficking in women as a human rights abuse and therefore a violation of women's rights.</p>	<p>Programme for the Prevention of Trafficking in Women in Central and Eastern Europe.</p>	<p>Advocacy, training, programme support and support to partner organisations.</p> <p>Direct assistance to the victims programmes.</p> <p>Prevention and awareness raising programmes.</p>	<p>La Strada International is a network of organisations in 9 countries: Belarus, BiH, Bulgaria, Czech Republic, FYR Macedonia, Moldova, Netherlands, Poland and Ukraine.</p>	<p>Ongoing since 1998</p>	<p>Nadia Kozhouharova National Coordinator Slavyanska str. 30, Sofia 1000 Tel/fax: +359 2 981 67 40 animus@ttm.bg</p>
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<p>International Human Rights Law Group (IHLRG)</p>	<p>A non-profit organisation of human rights and legal professionals engaged in human rights advocacy, litigation and training globally.</p> <p>Mandate is to support and empower advocates to expand the scope of human rights protections for men and women and to promote broad participation in creating more effective human rights standards and procedures at national, regional and international levels.</p>	<p>The Initiative Against Trafficking in Persons.</p> <p>Works co-operatively with IHLRG field offices if trafficking is a problem in that country/ region.</p> <p>Have worked in SEE with BiH.</p>	<p>Co-ordinating the work of the Human Rights Caucus, which consists of anti- trafficking NGOs from around the world. The Caucus advocates states to respect human rights standards, and lobbies states to ratify the UN Trafficking Protocol.</p> <p>Creation of interactive databases to support the global work of NGOs.</p> <p>Support of field office work in BiH, Cambodia and Nigeria.</p> <p>Support to local organisations in various countries on projects to promote human rights standards.</p>	<p>Global</p> <p>Global</p> <p>Global</p>	<p>Ongoing</p>	<p>Ann D. Jordan 1200 18th Street, N.W. Suite 602 Washington DC 20036 Tel. +1 202 822 46 00 ext.27 Fax. +1 202 822 4606 Trafficking@HRLawGroup.org annj@hrlawgroup.org</p>
<p>Trans-national AIDS/STI prevention amongst Migrant Prostitutes in Europe Project (TAMPEP)</p>	<p>The project seeks to increase the empowerment and self-esteem of migrant sex workers in Europe based on the principles of protecting human rights and direct representation of sex workers.</p>	<p>Network of organisations which will provide sex workers/trafficked women with culturally appropriate HIV/AIDS education.</p>	<p>Education of social and medical establishments.</p> <p>Reference point for migrant sex workers.</p> <p>Investigation of social, legal and working conditions of migrant sex workers.</p>	<p>Central and Eastern Europe</p>	<p>Started 2001 Ongoing</p>	<p>Licia Brussa Westermarkt 4, 1016 DK Amsterdam, The Netherlands Tel: +31 20 624 7 149 Fax: +31 20 624 65 29 tampep@xs4all.nl www.tampep.com</p>
<p>Kvinnan till Kvinna Foundation</p>	<p>To support and work with women in the Balkans to ensure full participation in leadership, politics and civil society. This includes work on violence against women.</p>	<p>Part of the introductory education for UN police force.</p>	<p>Supports local partner organisations, advocacy, research and information campaigns.</p> <p>Education on women's rights and trafficking, as part of induction for Swedish KFOR troops prior to departure.</p>	<p>Albania, BiH, Croatia, Kosovo, Macedonia and Serbia and Montenegro</p>	<p>Ongoing</p>	<p>Eva Zillen Kvistnebergs Slottsv. 8 112 52 Stockholm, Sweden Tel: + 46 8 702 98 20 Fax: + 46 8 643 23 60 eva.zillen@kktk.see</p>
<p>International Catholic Migration Committee (ICMC)</p>	<p>Works in area of forced migration, and serves uprooted people.</p>	<p>Meets immediate needs of, and promotes durable solutions for, forced migrants including refugees, internally displaced and trafficked persons.</p>	<p>Assistance to trafficked human beings in the region. Work on durable solution: return, reintegration, resettlement.</p> <p>Promotes capacity building for local governmental and NGO actors for prevention, protection and services for trafficked women, men and children.</p> <p>Advocates for a rights-based approach to victims of trafficking.</p>	<p>Direct programmes in Albania, Croatia, Serbia & Montenegro Lebanon Advocacy globally</p>	<p>Ongoing</p>	<p>Sarah STEPHENS Tel: +41 22 919 10 25; Fax: +41 22 919 10 48 e-mail: stephens@icmc.net</p>

Trafficking in Human Beings in South Eastern Europe

Summary of Regional Initiatives

<p>Save the Children International Alliance</p>	<p>International charity working in over 100 countries in the world.</p>	<p>Regional Child Trafficking Response Programme in SEE.</p> <p>Child Trafficking in Central and South Eastern Europe and Baltic Countries.</p> <p>European Network Against Child Trafficking (ENACT).</p> <p>Research Project on Child Trafficking and Worst Forms of Child Labour in BiH (conducted in collaboration with UNICEF).</p> <p>Rapid Assessment on Child Trafficking in Romania (in partnership with ILO-IPEC and the Institute for Quality of Life Research).</p> <p>The national Report Trafficking of Children for Commercial Sexual Exploitation (in partnership with ECPAT).</p>	<p>Six pilot projects targeting high-risk and trafficked children through prevention, direct assistance, and reintegration support activities.</p> <p>Conducting regional research on child trafficking.</p> <p>Publishing monthly regional Electronic Newsletter: "Children At Risk".</p> <p>Establishing a database and on-line resource centre on child trafficking, co-ordinating information exchange, providing relevant capacity building and training, and raising public awareness.</p> <p>Research and final report.</p> <p>Research and final report.</p> <p>Research and final report.</p>	<p>Albania, Croatia, Kosovo, Montenegro, Serbia, Romania</p> <p>Albania, BiH, Bulgaria, Croatia, Estonia, Lithuania, FYR Macedonia, Moldova, Serbia, Slovenia and Romania</p> <p>Italy, Greece, Bulgaria, UK, Denmark, Spain, Romania</p> <p>BiH</p> <p>Romania</p> <p>Romania</p>	<p>May 2002 - Oct 2003</p> <p>Oct 2002-Oct 2003</p> <p>2003-2004</p> <p>June 2002-July 2003</p> <p>2002-2003</p> <p>2002-2003</p>	<p>Galit Wolfensohn Regional Program Co-ordinator Save the Children in Albania Rruga "Komuna e Parisit" Lagjia 8, Pallatet I Maja, Vila "Lami" P.O. Box 8185 Tirana, Albania Tel: +355 4 261 840 +355 4 261 929 +355 4 266 227 Fax: +355 4 263 428; E-mail: gwolfensohn@albmail.com</p> <p>Gabriela Alexandrescu Executive President Save the Children Romania Tel: +4021 212 61 76 Fax: +4021 312 44 86 E-mail: rosc@mb.roknet.ro</p> <p>Senija Tahirovic, Programme Manager, Amira Lekic, Save the Children Norway South-East Europe Regional Office Address: Vrbaska 26-e 71000 Sarajevo Bosnia and Herzegovina Tel: +387 33 65 98 22; Fax: +387 33 65 99 15; E-mail: st.scn@smartnet.ba</p> <p>Chris Cuninghame 17 Grove Lane, London SE5 BRD tel: +44 207 703 5400 fax: +44 207 716 2339 c.cuninghame@sctfuk.org.uk</p>
<p>International Research & Exchanges Board (IREX)</p>	<p>International NGO implementing civil society, independent media, Internet and educational development programmes in Eurasia and SEE.</p>	<p>Regional empowerment initiative for women within anti-trafficking programme.</p>	<p>Promotion of economic empowerment of women to combat trafficking in selected countries of SEE and former Soviet Union.</p>	<p>Bulgaria, Serbia and Montenegro, Lithuania, Moldova, Romania and Russia.</p>	<p>Started in 2001: Ongoing</p>	<p>Elizabeth Callender 2121 K Street, NW Suite 700 Washington, DC 20037 Tel: + 1 202 628-8188 Fax: + 1 202 628-8189 irex@irex.org ecallender@irex.org</p>

LIST OF PROJECTS AND ACTIVITIES IN THE REPUBLIC OF ALBANIA⁴⁰¹

GOVERNMENT

Project/Activities	Focus of Activities	Time Frame	Donor	Co-operating Partners	Implementing Partners	Contacts
PRIME MINISTER'S OFFICE						
Co-ordination and National Action Plan	State Committee for the Fight against Trafficking established to co-ordinate governmental and NGO anti-trafficking activities; Albanian Parliament ratified the UN Convention against Trans-national Crime and its additional protocols; Establishment of the National Council to carry out broad public awareness campaign; Establishment of the Inter NGO Coalition BKTFF (All Together Against Child Trafficking).	Jan 2002 July 2002 June 2003	USAID	MPO, MLSA, MFA, MES, MC, MJ, Committee for Equal Opportunities Prosecutor's Office, Nat. Intelligence Service	Government, IOS and local NGOs	National Anti-trafficking Co-ordinator Mr. Blendi Klosi Minister of State Tel: +355 4 256 844 Fax: +355 4 230 846
Special Task Force	Establishment of the Special Task Force for the fight against organised crime, comprising State Police, Judicial Police, Prosecutor's Office and Nat. Intelligence Service.	March 2003, effective June 2003	ICITAP			Dolor Tozaj Adviser to the Minister of State to the Prime Minister dtozaj@hotmail.com
Witness Protection Task Force	Establishment of the Witness Protection Task Force to facilitate the international community's interim temporary assistance to the Albanian Government in the protection of witnesses.	March 2003,		MS, MPO, MJ, General Prosecutor, OSCE, CoE, ICITAP, IOM, OPDAT, PAMECA, SCF		OPDAT, Office of Overseas Prosecutorial Development Assistance and training. PAMECA, Police Assistance Mission of European Commission in Albania
Three Ports Project	Implementation of the "Three Ports Project" for Rinas Airport and Vlora and Durres Ports. Installation of high-tech equipment and 18 experts to strengthen the monitoring and control at these border-crossing points.			ICITAP		
International Anti-trafficking Centre in Vlora	Development of the Action Plan for the International Anti-trafficking Centre in Vlora, involving the participation of SEE countries in training activities and exchange of information.	2003		ICITAP, US Embassy		
MINISTRY OF PUBLIC ORDER						
Law enforcement	Anti-trafficking Task Force within the police.	Oct 2001				Colonel Avni Jashellari, Head of the Anti-Trafficking Police Unit
Law enforcement	Training for the police provided by French, Italian and British police to strengthen anti-trafficking structure.	2002		OSCE	French, Italian and British Police	
Shelter for trafficked persons	Security and support for the shelter for the victims of trafficking; Establishment of the government shelter for victims of trafficking; provide rehabilitation and reintegration programmes and vocational training.	Ongoing Planned for 2003	IOM, SCF, 200,000 US\$ from State budget	IOM IOM	NGO Vatra	Ministry of Public Order, Tirana, Tel: + 355 68 212 6741 Fax: + 355 4 273 447 avnijashellari@yahoo.com

⁴⁰¹ **Abbreviations:** IO, international organisation; MC, Ministry of Culture; MES, Ministry of Education and Science; MFA, Ministry of Foreign Affairs; MH, Ministry of Health; MI, Ministry of Internal Affairs; MJ, Ministry of Justice; MLSA, Ministry of Labour and Social Affairs; MPO, Ministry of Public Order; MS, Minister of State to the Prime Minister; NPF, Help for Children; NPf, Help for Children; TdH, Terre des Hommes.

Repatriation Agreements	Repatriation agreements have been negotiated with Germany, Luxembourg, Netherlands, Croatia, Great Britain, FYR Macedonia and Moldova.	Ongoing	MFA		
MINISTRY OF LABOUR AND SOCIAL AFFAIRS					
National Committee for Equal Opportunities National Strategies	National Strategy for Children including anti-trafficking measures; National Strategy for Women including anti-trafficking measures.	2001 1998	UNICEF	Lavdie Ruci Chairperson, Governmental Focal Point Stability Pact Gender task Force Rr. Kavajes, Tirana Tel. + 355 42 47572 Fax. + 355 42 47572 womencom@icc.eu.org	
National Action Plan and co-operation	Governmental Conference on Trafficking; Presentation of the National Strategy to Combat Traffic.	Nov 2001	MPO, UNICEF	Nathasha Pepivani, Chief of Sector Tel. + 355 42 51 351 APNSH@albaniaonline.act	
Trafficking in children	Recognition of the problem of trafficking in children.		UNICEF, ToH, Help the Children	ToH, Help the Children	
Co-operation and capacity building	Co-operation agreements between government and NGOs.		Local and international NGOs		
MINISTRY OF EDUCATION					
Prevention and raising awareness	Introduce special programme for secondary and high schools aimed at teachers' training, public awareness, lectures etc.	2003	IOM	Niko Kreci, Chief of Sector nkreci@mash.gov.al	
MINISTRY OF JUSTICE					
Legal reform	Working on the Witness Protection Law and on further amendments to the Criminal Procedure Code.			Anola Shara +355 692285002	
INTERNATIONAL ORGANISATIONS					
Project/Activities	Focus of Activities	Time Frame	Donor	Co-operating Partners Implementing Partners Contacts	
WRATE- Women's Rights and Anti-Trafficking Education	A grass roots campaign to raise awareness and sensitise Albanian men and women to the human rights of women under the domestic legislation and International Human Rights Conventions ratified by Albania, as well as to define trafficking as an abuse of those rights; 18 participants as trainers. Provided 104 regional workshops and trained approximately 1500 people.	Nov 2000 - Jan 2003	ODIHR	OSCE Presence in Albania; Civil Society Development Centres; Albanian Network Against Gender Violence/ Land O'Lakes	Albanian Network Against Gender Violence/ Land O'Lakes Eva Rimsten Anti-trafficking Officer OSCE Presence in Albania Rr: Donika Kasrtrioti, No 6, Tirana Albania; Tel: +355 42 35993; ext: 180. Fax: +355 42 35994; Mob: +355 68 202 4681 e-mail: Eva.Rimsten@osce.org

<p>Provision of Adequate Screening for Victims of Trafficking</p>	<p>Establishment of a small team to assist national police to screen victims of trafficking returned to Albania; Improvement of national police capacity to deal with victims of trafficking.</p>	<p>Oct 2002 - Oct 2003</p>	<p>OSCE/ ODIHR</p>	<p>National Police, IOM</p>	<p>Ledia Beci Victim's Assistance Team- Project Director; OSCE Presence in Albania Rr: Donika Kasrtrioti, No 6, Tirana Albania; Tel: +355 42 35993, ext. 183. Fax: +355 42 35994; Mob: +355 68 202 4359 e-mail: Ledia.Beci@osce.org</p>
<p>Assistance for trafficked persons</p>	<p>Participation in the referral system for trafficked persons through field stations.</p>	<p>Ongoing</p>	<p>OSCE/ ODIHR</p>	<p>MPO, UNHCR, IOM</p>	<p>OSCE, UNHCR, IOM</p>
<p>Legal assistance</p>	<p>Provide legal counselling to the victims returned back from Western European Countries.</p>	<p>Oct 2002 - Oct 2003</p>	<p>OSCE/ ODIHR</p>		
<p style="text-align: center;">INTERNATIONAL ORGANISATION FOR MIGRATION (IOM)</p>					
<p>Prevention and raising awareness</p>	<p>Prevention of trafficking awareness raising and information campaign within primary and secondary schools, TV and radio campaign, posters and leaflets, training of police officers and teachers. Hotline for the victims and potential victims of trafficking.</p>	<p>2003</p>	<p>Dutch embassy</p>	<p>MES</p>	<p>Hera Shanaj Programme Coordinator Rr Brigada e VIII Vlla No. 3, Tirana Tel: + 355 4 257 836/7 Fax: + 355 4 257 835 Mob: + 355 69 20 90153 hshanaj@iomtirana.org.al</p>
<p>Assistance for third country nationals victims of trafficking</p>	<p>Direct assistance to the victims - Project for return and reintegration of third countries nationals.</p>	<p>Ongoing</p>	<p>SIDA</p>	<p>IOM, OSCE, MPO</p>	<p>IOM</p>
<p>Assistance for Albanian victims of trafficking</p>	<p>Reintegration programme for Albanian victims of trafficking. In February 2002 opened reintegration centre for Albanian women (capacity 28 women); Provide vocation training. Assistance in finding a job, foster care, education.</p>	<p>2002-2003</p>	<p>USAID, Dutch MFA, SOROS</p>	<p>IOM, NGOs, MLSA, MPO</p>	<p>Mendel Sosef Programme Coordinator Rr Brigada e VIII Vlla No. 3, Tirana Tel: + 355 42 57836/7 Fax: + 355 42 57 835 msosef@iomtirana.org.al</p>
<p>Local capacity building of NGOs</p>	<p>Capacity building of local NGOs.</p>	<p>Ongoing</p>		<p>IOM, Local NGOs</p>	
<p>Co-operation with anti-trafficking units</p>	<p>Assistance to reconstruct the space in police stations to be used for victims of trafficking. IOM will reconstruct and furnish 2 rooms in 6 police stations.</p>	<p>2003</p>	<p>IOM</p>	<p>Anti-Trafficking Police Units</p>	<p>IOM</p>
<p>Capacity building of law enforcement agencies</p>	<p>Training for police, judiciary and prosecutors. Institutional capacity building of law enforcement agencies.</p>	<p>Ongoing</p>	<p>Dutch Embassy, Italian gov't</p>	<p>OSCE, local NGOs</p>	<p>MPO, Police Academy, Network Against Gender Violence and Trafficking, OSCE</p>

UNITED NATIONS CHILDREN'S FUND (UNICEF)				
Trans-National Action against Child Trafficking (TACT): prevention, protection, repatriation, reintegration and co-ordination of anti-trafficking initiatives	This project aimed to address child trafficking through a comprehensive, integrated approach focusing on prevention, protection, repatriation, reintegration and co-ordination of anti-trafficking initiatives that targeted trafficking of children between Albania and Greece and girls and women between Albania and Italy.	2003	TdH, Vatra Centre, BKTF	Lenin Guzman Programme Officer Tel: +355 43 71741/3 Fax: +355 43 75291 lguzman@unicef.org
Development of life-skills and HIV/AIDS prevention among especially vulnerable young people	Integration of life skills approach into the formal High School curriculum: training of teachers to improve skills to deliver accurate information and to develop the skills of young people to make informed decisions; Youth Friendly Services in Vloa and Tirana; Peer Education training of trainers from especially vulnerable young people (Roma and Youth of School Youth); Raising awareness and social mobilisation activities on HIV/AIDS and STIs	2002-2004	MH, Public Health Institute, MES, French and Albanian Red Cross, International Humanitarian Assistance, Vloa Directorate of Primary Health Care	Pierre Ferry pferry@unicef.org Rr. Arben Broci, 6 Tirana
Research and assessment	Research and assessment of the awareness raising campaigns with the focus on prevention of trafficking in children.	March 2003 - April 2003	Local NGOs	UNICEF in co-operation with Columbia University NY
UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR)				
	MOU between OSCE and IOM to work on providing a pre-screening system for foreign nationals who enter Albania illegally; 2002 report on the pre-screening of irregular foreigners detained in Albania was finalised and shared with the Albanian Ministry of Public Order for comment before publication; Numbers of meetings have taken place between UNHCR and other actors involved in the initiative, to agree upon new modalities for the pre-screening in two respects: its extension to border points and a unified procedure.	Ongoing April 2003 2003	OSCE, IOM, MPO, NGOs	
COUNCIL OF EUROPE (CoE)				
Law enforcement	Training for judiciary in investigation methods.	Planned	MJ	Marta Onorato coealb@coealb.org
NON-GOVERNMENTAL ORGANISATIONS				
Project/Activities	Focus of Activities	Time Frame	Donor	Co-operating Partners
				Implementing Partners
INTERNATIONAL CATHOLIC MIGRATION COMMITTEE (ICMC)				
Advocacy	Lobbying for women to be in police there are 2 women in each anti-trafficking unit.	2003		Louis J. Gentile, Director Tel: + 355 43 72 636 Fax: + 355 42 57 482 gentile@icmc.net

Co-operation with anti trafficking unit in Durres	Working closely with anti- trafficking unit in Durres, creating a space in police station specifically for women.					Diana Hiscock Programme Coordinator Tel: + 355 43 72 854 diana-hiscock@icmc.net
TERRE DES HOMMES (TdH) (International NGO)						
Prevention, Assisted Protection, Assisted Voluntary Return, Reintegration and Co-ordination	TACT Project: Albania Greece Italy: Programme to prevent trafficking in children and to raise public awareness; Systematic involvement in social services by providing training for them; Database of children at high risk of being trafficked.	2003-2006	UNICEF, Oak Foundation, USAID, SIDA, TdH, National Albanian American Council	BKTF members (9 NGOs), ARSIS (NGO in Greece), partner with Italy to be defined with TdH		Vincent Tourneucillert Head of Mission, Elbasan Tel: + 355 54 416 47 Fax: +355 54 520 09 Mob: +355 69 20 20 929 tdhalbanie@albanaonline.net Vincent.tourneucillert@tdh.ch
HELP FOR CHILDREN (NPF) (Local NGO)						
Assistance for trafficked persons	Reintegration of children into schools.	Ongoing	UNICEF, SDC	MES, UNICEF TdH	NPF	Namik Shehaj Tel: + 355 38 255 26 52 Mob: +355 68 231 5119 npfel@albmail.com
Collection of information	Database of children at high risk of being trafficked (part of the TACT project).	From the beginning of 2001	UNICEF	TdH, UNICEF	NPF	
SAVE THE CHILDREN IN ALBANIA (International NGO)						
Prevention	Providing peer-to-peer education and community-based support to children in high-risk areas through children's clubs (Pilot project, part of regional anti-trafficking programme, May 2002-October 2003).	Ongoing	SIDA, MFA, Oak Foundation	NPF	NPF	Anduena Shkurti Programme Co-ordinator, National Project savealbania@albanaonline.net
Prevention	Reintegration of high-risk children into schools.	Ongoing	SIDA, MFA, Oak Foundation	Children of the World (FBSH)	FBSH	Galit Wolfensohn, Regional Programme Coordinator galitwolfensohn@albmail.com
Assistance for trafficked persons	Shelter for victims of trafficking, reintegration support.	2001-2003			NGO Vatra	
Prevention Protection Reintegration	Managing regional anti-trafficking programme implementing six pilot projects throughout the region including: children's clubs in Albania, awareness raising workshops in Serbia, Montenegro and Croatia, awareness raising campaign in Kosovo, and counselling and reintegration support to trafficked girls in Romania.	May 2002-Oct 2003	SIDA, MFA, Oak Foundation	SCF Albania, SCF Kosovo, SCF Montenegro, SCF Kosovo, SCF Serbia, Centre for Social Policy Initiatives (Croatia)		Rruga "Komuna e Parisit" Lagjia 8, Pallatet 1 Maji, Vila "Lami" P.O. Box 8185 Tirana, Albania Tel: +355 42 61 840/929 +355 42 66 227 Fax: +355 42 63 428
LEGAL CLINIC FOR MINORS/ PEACE THROUGH JUSTICE						
Legal reform	Work on the legal issues surrounding trafficking in children; Providing legal representation in court and guardianship for minors, victim of trafficking.	Ongoing Ongoing since May 2002	UNICEF	UNICEF, OSCE, MJ IOM		Holta Kotherja Rr. Ismail Qemalli, No. 30/2 Tirana Tel./Fax: +355 42 63 307 Mob: +355 69 20 46 461 hkotherjaptj@albmail.com

CITIZEN'S ADVOCACY OFFICE (CAO)					
Legal Assistance	Legal and psychosocial assistance, and legal representation for victims of trafficking; Sensitising public opinion and state institutions to the phenomenon, need for collaboration on national and international level to improve the legislative framework.	Ongoing 2003	USAID	CAO	Kreshnik Spahiu Boulevard" Zhan; Tirana Albania; D'Ark" Project; Anti- trafficking Project Tel: +355 42 53 999 leginet@albaniainline.net;
VATRA (WOMEN'S HEARTH) (Local NGO)					
Assistance for trafficked persons	Shelter for Albanian victims of trafficking; Reintegration programme for these women.	Ongoing	SCF, British Embassy	IOM, MPO, MES, MLSA	Vera Lesko, President Tel/fax: +355 33 27 509 Mob: + 355 69 21 40395 CPS-Vatra@aui.sanx.net Qvatra@icc-al.org
Assistance for trafficked persons	Transit shelter for illegal migrants stopped while on transit from Albania to Italy.	Started Oct 2001	IOM	IOM, MPO	
NETWORK OF WOMEN'S ORGANIZATIONS					
Prevention	Research and collecting information about root causes of trafficking, violence against women and poverty; Co-operation with the government within the NPA on development of strategies and programmes to address root causes of trafficking.	Ongoing			Eglantina Gjermeni Tel. +355 42 43 526 Fax. +355 42 23 693 egjermeni@hotmail.com
WOMEN'S CENTRE					
Documentation and information centre	Collecting all information about surveys, published newsletters; Updating NGO database.	Ongoing	SOROS	Women's NGOs	Eglantina Gjermeni Tel. +355 42 43526 Fax. +355 42 23 693 egjermeni@hotmail.com
Training on: gender sensitisation; advance gender; gender planning and analysing Training of Trainers	Gender training for different target groups on raising awareness about gender issues; Planning and analysing, etc.	Ongoing	Kvinna till Kvinna		
Albanian Network against Gender Violence and Trafficking	Publishing of media monitoring report for 2001 and 2002; Training for journalists on different issues: HIV/AIDS, gender, domestic violence.	Ongoing	UNICEF	Centre for Women and Girls Refleksione; Women's Advocacy Centre	
Capacity building for women leaders in local government, Albania	Support female candidates for election and provide training in public speaking on gender issues.		Austrian government	Committee on Equal Opportunities	

LIST OF PROJECTS AND ACTIVITIES IN THE REPUBLIC OF BULGARIA⁴⁰²

GOVERNMENT

Project/Activities	Focus of Activities	Time Frame	Donor	Co-operating Partners	Implementing Partners	Contacts
MINISTRY OF JUSTICE						
Legal reform	Provisions in the penal code for trafficking have been in force since 01 October 2002, in a special section "Trafficking in persons".	Oct 2002	MJ, MI, Supreme court, Supreme prosecution office, National investigative service, ABA, US Dept. of Justice			Antonia Balkanska Chief Judicial Inspector, Head of drafting working group Tel: +359 2 9870709 Mob: +359 888 768 462 antoniab@hotmail.com Julia Miteva Tel: + 359 2 9332295 or 9877583 Fax: +359 2 9809223
Legal reform	"Combating trafficking in human beings act"; Establishes a special National Commission; Supervises the activities of the local commissions and the shelters; Drafts an NPA every year for combating trafficking; Establishes mechanisms for victims' protection and support; Includes a package of special provisions for the children victims of trafficking; Includes a special chapter for prevention measures.	May 2003	MJ, MI, MFA, MLSP, SACP, US Dept Justice, ABA, IOM, UNHCR, Supreme court, Supreme prosecution office, National investigative service, national NGOs.			
Legal reform	Working group within the Ministry established to work on the new Penal Code and amendments to the Penal Procedure Code.	Started in Mar 2000, ongoing		US Dept. of Justice		
Legal reform	Drafting the secondary legislation under the Combating trafficking in human beings act; Internal regulations about how the National commission will act under the law Regulations for registering, opening and operating the shelters and the centres for victims' support.	Ordered by Minister of Justice in July 2003. Draft to be completed by the end of Oct 2003	US Dept. Justice	MJ, MI, MFA, MLSP, Border Police, US Dept. Justice, IOM, ABA, local NGOs, SACP, UNHCR		
MINISTRY OF THE INTERIOR						
Law enforcement	Establishment of an inter-agency Task Force to Combat Human Trafficking.	June 2001 Ongoing	SECI	MI, National Police, Border Police.	MJ, Prosecutors	Anelia Ivantcheva International Co-operation Directorate Deputy Director Tel: + 359 2 9824157 Fax: + 359 2 9885240 sms-in@mvr.bg
Law enforcement and international co-operation	Establishment of the National Task Force to co-ordinate and share information on law enforcement efforts regionally through SECI.	June 2001 Ongoing	n/a	MI, National Police, Border Police, SECI	MJ, Prosecutors	
Law enforcement and inter-agency co-operation	Draft of MOU between governmental agencies to create an inter-ministerial working group (also for members of the prosecutor's office, customs, tax administration) focused on the tactical and operational aspects of investigating the financial side of trafficking.	Will be signed before the end of 2001	n/a	MI, MJ, MLSP, MFA, National Police, Border Police	Implemented directly	

⁴⁰²Abbreviations: ABA, American Bar Association; IO, international organisation; ME, Ministry of Education; MFA, Ministry of Foreign Affairs; MH, Ministry of Health; MI, Ministry of the Interior; MJ, Ministry of Justice; MLSP, Ministry of Labour and Social Protection; SACP, State Agency for Child Protection.

Trafficking in Human Beings in South Eastern Europe

Bulgaria

MINISTRY OF THE INTERIOR - THE NATIONAL SERVICE AGAINST ORGANISED CRIME					
Law enforcement	Division of Organised Crime established in 1997. Deals with illegal migration, trade in labour force and trafficking in human beings. 28 units all over the country deal with organised crime. 40 police officers work on the issue of trafficking.	Trafficking section set up in 1999	MI, National Police, Border Police, SECI		Peter Vladimirov Head, Division of Organised Crime Tel: + 359 2 68 74 92 Fax: +359 2 9861139
Law enforcement and international co-operation	Establishment of the Task Force to combat human trafficking; International cooperation with EU and other countries and their liaison officers.	May 2001	MI, SECI, FBI	US Dept. Justice, MI, Prosecutors	Lt. Plamen Petrov, Head, Illicit Trafficking of Human Beings Lyubomir Gledzhariski, International Co-operation and Liaisons Section nsbop@mvr.bg
Capacity building	Training for future police officers within Police Academy.	2003	ICMPD	Nadya Centre	
STATE AGENCY FOR CHILD PROTECTION (SACP)					
Child protection activities	Preparation of the crisis centre for children; Conference in which network of organisations working with children will be formed in order to establish services for missing children; Assists IOM to find the children's families.	Planned Jan 2003 Ongoing	MLSP IOM	Looking for funds	Velina Todorova, PhD Director, International Co-operation and Programmes Directorate 2 Triaditza Str. Sofia Tel: +359 2 980 3748 Fax: +359 2 980 2415 velina@mbox.infotel.bg Vessela Banova Deputy chair Mob: +359 98 771 939 vesselab@usa.net
SUPREME PROSECUTION OFFICE					
Statistics on trafficking cases	Collecting statistics about all cases of trafficking that have been prosecuted since the "Trafficking in persons" provisions within Penal Code in force. Data are given separately for progress on criminal procedures, the number of cases of women - victims of trafficking and of child victims.				
INTERNATIONAL ORGANISATIONS					
Project/Activities	Focus of Activities	Time Frame	Donor	Co-operating Partners	Contacts
INTERNATIONAL ORGANISATION FOR MIGRATION (IOM)					
Prevention and raising awareness	Prevention campaign in high schools for teenagers 12/18 (pilot project): Two seminars for partners, experts and future trainers; Development of educational model, campaign materials, manual for teachers; Training for trainers teachers, police officers and students.	March 2001 - March 2002	US Government	ME, MI, Central Committee for Combating Child Delinquency, SACP, NGOs	Iliana Derilova-Stoykova Head of Office, IOM Tel: +359 2 981 6365 /8376 Fax: +359 2 9816741 Mob: +359 88716832 iomsofia@iom.int

Prevention and raising awareness	Prevention and information campaign for the general public.				MI, MFA, ME, MH, MJ, MLSP, NGOs	
Capacity building	Training for journalists education on reporting trafficking issues, as way of prevention. Journalists supported for regional training; Training for prosecutors and police.	2002				
Assistance for trafficked persons	Assisted return to Bulgaria: Safe transportation assistance; Arrival assistance; Documents procurement; Financial support for trafficked persons.	Ongoing	US Government		Central Committee for Combating Child Delinquency, SACP, NGOs	
Assistance for trafficked persons	Shelter for trafficked persons; Managing temporary accommodation for children under the age of 14.	Ongoing since 2002			The same as above	
Reintegration of trafficked persons	Reintegration of trafficked persons; Integration programmes; Health services; Training courses; Safe accommodation; Financial support; Physical protection.	Ongoing			The same as above plus MLSP, local Social and Health care services.	
US EMBASSY, US DEPARTMENT OF JUSTICE						
Legal reform	Facilitating and supporting establishment of a Task Force to combat human trafficking; Support for reform of the criminal and criminal procedure codes and for the working group drafting a new anti-trafficking law focused on victim support and reintegration.	Ongoing				Karen Kramer Resident Legal Adviser U.S. Dept. Justice Tel: +359 2 9522086, + 359 2 9375206 Fax: +359 2 9501091 kkramer@usdojsofia.com
Exchange of information, local NGOs capacity building	Hosts NGO and donor information sharing and co-ordination meetings.	Ongoing				
NON-GOVERNMENTAL ORGANISATIONS						
Project/Activities	Focus of Activities	Time Frame	Donor	Co-operating Partners	Implementing Partners	Contacts
ANIMUS ASSOCIATION FOUNDATION/LA STRADA-BULGARIA						
Training	Animus' Training centre modules on trafficking: Training for department of missing persons at MI and for social workers from the Sofia Child Protection Units; Training on women's empowerment, training of trainers on women's empowerment; Training for local and foreign NGOs (capacity building), law enforcement agencies, social workers and lawyers. Transfer of model of work with survivors	Ongoing 2003 2003 2003	NOVIB, MATRA, CIDA ,OAK Foundation, US State Department of Labour co-ordinated by IREX.	Women Alliance for Development, MI, ME, MLSP, NGOs, "Care" - Bulgaria		Nadia Kozhouharova National Co-ordinator Slavyanska str. 30, Sofia 1000 Tel/fax: +359 2 981 67 40 animus@animusassociation.org

Trafficking in Human Beings in South Eastern Europe

Bulgaria

NON-GOVERNMENTAL ORGANISATIONS						
Project/Activities	Focus of Activities	Time Frame	Donor	Co-operating Partners	Implementing Partners	Contacts
INTERNATIONAL CATHOLIC MIGRATION CENTRE (ICMC) (International NGO)						
Training, raising awareness	<p>Seminars and workshops to increase awareness and knowledge of local judges, lawyers and states attorneys of the issues surrounding trafficking. Seminars and workshops so far in Zagreb, Istria and Varazdin;</p> <p>A series of training sessions focused on implementation of prevention, assistance and protection activities for the local NGO network, PETRA;</p> <p>Technical Assistance to individual NGOs in the PETRA network to implement information and awareness campaigns;</p> <p>Provided campaign materials for local prevention and awareness campaigns to all PETRA network members as well as other NGOs. Materials included brochures, posters, postcards and calendars. Distribution throughout Croatia;</p> <p>Provided training to NGOs administering the SOS information and assistance helpline in co-ordination with La Strada Czech Republic.</p>	<p>Ongoing</p> <p>January - May 2003</p>	<p>USAID, ICMPD and the Canadian Embassy</p> <p>USAID</p> <p>USAID</p> <p>USAID</p> <p>USAID</p>	<p>Croatian Ministry of Justice, ICMPD, SP and Zenska Soba</p> <p>The PETRA network</p> <p>ICMC Training Unit</p> <p>Zenska Soba and ROSA</p> <p>La Strada Czech Republic</p>	<p>The Croatian Judicial Training Centre, Croatian State Attorney's Office, ABA/CEELI and Zenska Soba</p> <p>La Strada Czech Republic and Zenska Soba</p> <p>ICMC Training Unit</p> <p>Zenska Soba and ROSA</p> <p>La Strada Czech Republic</p>	<p>Amy Antoniadis Deputy Director for Cultural Orientation Tel: +385 1 606 16 46 Fax: +385 1 606 16 47 antoniadis@icmc.net</p> <p>Ul. grada Vukovara 237A 10 000 Zagreb Croatia</p>
Training and raising awareness	Seminar for the PETRA network on working with the media for assistance, protection;		USAID	Zenska Soba	IREX Pro-Media II	
Assistance and protection for trafficking victims	Information and awareness campaign activities; Repair and security of a facility providing assistance and protection for victims of trafficking; Quarterly Newsletter, <i>Trafficking in Persons</i> , with articles from National Anti-trafficking Team (NC) and other pertinent sources distributed to over 200 NGOs and relevant institutions in both Croatian and English.	To be completed by Aug 2003	Canadian Embassy		ROSA Zenska Soba	
Publications		Oct 2002 - Sept 2003	USAID			
CENTRE FOR WOMEN WAR VICTIMS (ROSA) (Local NGO)						
Assistance for trafficked persons	Participation in the National Committee for Combating Trafficking.	From Nov 2002		MFA, MJ, MI, MLSW, local NGOs	MFA, MJ, MI, MLSW, IOM, ICMC,	Nela Pamukovic Djurđjica Kolarec Tel/fax: +385 1 4551 142
Assistance for trafficked persons	Shelter for trafficked persons.	July 2002 - July 2003	Gov't, IOM, ICMC	ICMC		Kralja Drzislava 2/1, Zagreb Cenzena@zamir.net www.czzzr.hr
Raising awareness	Documentary movie on trafficking in women: "Watch it and think about it".					

HEALTH AND SOCIAL DEVELOPMENT FOUNDATION						
Prevention of trafficking	Outreach work with prostitutes in Sofia and at Greek border (in Petritch); Established mobile medical unit for sex workers: free and anonymous venereological check-ups; HIV/STI testing and treatment of STIs; Programme focuses on health prevention and harm reduction (STI and HIV tests, referral to gynaecologists and venerologists, distribution of lubricants and condoms, needles and syringes for injecting drug users); Sensitisation and training activities with the state institutions, dealing with sex workers (police officers, medical doctors, social workers).	Ongoing	MATRA Dutch MFA, IHRD (International Harm Reduction Development), EU	MH, UNAIDS, Mediciens sans Frontières, Initiative for Health Foundation, National Centre for Drug Addictions, TAMPEP International Foundation	SOA Stichting Bestrijding, Utrecht, Netherlands	Elena Kabakchieva Chair of Health and Social Development Foundation Tel: +359 2 851 8108, Fax: +359 2 953 3455 hpaids@mail.orbitel.bg
Health promotion activities for sex workers						
BULGARIAN HELSINKI COMMITTEE						
Prevention of trafficking and legal assistance for trafficked individuals	Provides legal counsel and subsequent pro bono representation of trafficked asylum seekers, refugees as well as forced or illegal migrants.	Ongoing	UNHCR	State Agency for Refugees, MI, SACP, Assistance Centre for Torture Survivors, Bulgarian Red Cross, CARITAS	National legal network on asylum	Iliana Savova Programme and Network Coordinator 5, Angel Kanchev Str., Sofia 1000 Tel./Fax: (+359 2) 981 33 18/980 20 49 peregrine@aster.net
ORGANISATION OF POLICE WOMEN IN BULGARIA						
Law enforcement, co-operation between NGOs and police	Training for the police on the issue of missing and kidnapped people. Organised in Dolna Bania.	April 2001				Col. Temenuzka Zhelyazkova Chair Tel: + 359 2 9824948 98333940 Fax: + 359 2 9822233 9877995 enp@netbg.com
Law enforcement, co-operation between NGOs and police	Training for police, social workers, NGOs on child abuse.	June 2001		La Strada		
Law enforcement, co-operation between NGOs and police	Support for NGOs in contacts with the police, tracing missing persons.	Ongoing		Other NGOs		

Trafficking in Human Beings in South Eastern Europe

Bulgaria

NADYA CENTRE FOUNDATION (NCF)	
Assistance to trafficked victims	<p>Shelter for female victims of any kind of violence: Medical escort from NCF for the return to Bulgaria assisted by IOM; Assistance and support for trafficked persons - medical, psychological, social, legal and providing psychotherapy - crisis intervention and brief solution-oriented therapy; Assistance in reintegration and resocialisation process of the victims.</p> <p>Part of the ICMPD training team.</p>
Prevention	<p>Established helpline for victims of violence in general including trafficking in children. Active on working days.</p>
	<p>Rossanka Venelinova M.D. Executive Director G. Benkovski Str 12-A 1000 Sofia Tel: +359 2 981 9300 Fax: +359 2 989 4174 nadja@cablebg.net</p>

LIST OF PROJECTS AND ACTIVITIES IN THE REPUBLIC OF MOLDOVA⁴⁰³

GOVERNMENT

Project/Activities	Focus of Activities	Time Frame	Donor	Co-operating Partners	Implementing Partners	Contacts
GOVERNMENT OF MOLDOVA						
National Committee to combat trafficking in human beings	Development of national anti-trafficking strategy; Implementation of the National Plan of Action.	2001- Ongoing		IOs, NGOs		National Committee to combat trafficking in human beings, Valerian Cristea National Co-ordinator, Tel.: + 373 2 233 822 Fax: + 373 2 242 696 Antonina Comerzan moldovah@rbcmall.ru
Secretary of the National Committee to Combat Trafficking in Human Beings	Monitoring the activities of the ministries with regard to trafficking.	Ongoing		IOs, NGOs		
Parliament	Adoption of the new Criminal and Criminal Procedure Codes.					
Centre for Drafting of Legislation	Preparing draft laws for the ratification of the UN Convention against Trans-border Organised Crime, its two supplementary protocols and the Criminal Law Convention on Corruption.			Inter-ministerial working group Centre for Drafting of Legislation		Ursachi Alexandru Deputy Minister, Ministry of Internal Affairs, Chairman of the Group Copacinschi Parascovia Head of the Centre for Drafting Legislation Tel: + 373 2 250.426
MINISTRY OF INTERNAL AFFAIRS AND GENERAL INSPECTORATE OF THE POLICE						
Anti-trafficking unit	Establishment of the anti-trafficking units.	May 2002				Vladimir Botnari Deputy Minister Ion Bejan, Head of MIA anti-trafficking unit
International co-operation	Participation in a wide range of seminars, training sessions, etc; chairing the sub working group on Prevention and Awareness Raising.	2002 - 2003			NGOs, IOs	
Raising the awareness of the specialised police officers	Co-operation with SECI Centre and SPTF; Nomination of liaison officer in SECI Centre; Participation in Operation Mirage.	Ongoing 2003		SECI		Ion Bejan, Head of MIA anti-trafficking unit
Social rehabilitation of victims	Training of specialists and recruits; Developing training modules for the Police Academy and the Police Training Unit.	2003		Stability Pact	La Strada, Police Academy	Ion Bejan, Head of MIA anti-trafficking unit
MINISTRY OF LABOUR AND SOCIAL PROTECTION						
Vocational training	Chairing the working sub-group on assistance and social rehabilitation of victims of trafficking.	Ongoing		IOM, MLSP Dept of Labour		Angelina Apostol Deputy Minister 1 Vasile Alecsandri str. MD 2009 Tel: +373 2 729 690 Fax: +373 2 729 363 angela@spu.mldnet.com

⁴⁰³ **Abbreviations:** ICS, Italian Consortium of Solidarity; IO, International organisation; ME, Ministry of Education; MFA, Ministry of Foreign Affairs; MIA, Ministry of Internal Affairs; MJ, Ministry of Justice; MLSP, Ministry of Labour and Social Protection; NC, National Committee to combat trafficking in human beings; NOVIB, Oxfam Netherlands.

Trafficking in Human Beings in South Eastern Europe

Republic of
Moldova

MINISTRY OF EDUCATION						
Co-operation	Participating on the National Committee and deputy chair for working sub-group for prevention and raising awareness.				Oleg Babenco Deputy Minister S. Cornetschi, Department of Youth and Sports Tel.: +373 2 277420	
Raising awareness	Training of didactic staff; Elaboration of Trafficking in Women curricula for schools; Methodology Guidelines for Teachers; Implementation of a prevention programme for youth in schools.	La Strada			Nadejda Velesco, Head of Pre-university Studies Department Tel.: +373 2 232443	
MINISTRY OF JUSTICE						
Legislative framework	Chair of the working sub-group on legislative framework and its enforcement; Adoption and entry into force of the criminal code, June 12, 2003; Preparing amendments for the criminal code in advance of its pending revision; Preparing amendment for the criminal code for children regarding age of liability.		Sept 2002 Ongoing		Victoria Iftody, Deputy Minister of Justice Str 31 August 1989 Tel: +373 2 234 866 Fax: +373 2 234 797 Raisa Botezatu, Judge of the Supreme Court Str. Coganiceanu 70 Tel/Fax: +373 2 221 547 SC-Just@cni.md	
INTERNATIONAL ORGANISATIONS						
Project/Activities	Focus of Activities	Time Frame	Donor	Co-operating Partners	Implementing Partners	Contacts
INTERNATIONAL ORGANISATION FOR MIGRATION (IOM)						
Raising Awareness	Media campaign: Workshops for Journalists; Information campaign on TV, Radio, Press "You Are Not a Commodity"; TV programme "Contra-Traffic"; Anti-trafficking Radio Programme; National radio programme "Traffic STOP"; Press monitoring.	2001-2003		US State Department, Local press, State TV, Makler, NOBA - Group	IOM	Liuba Revenko Counter Trafficking Programme Manager Str. 31 August 82 "INFOCENTER" 5 th floor, of. 10 Tel: +373 2 232 940 232 941 Fax: +373 2 232 862 Mob: +373 9 110700 iomchisinau@iom.int
	Street Awareness Campaign: information material has been prepared and distributed.	2001-2002	IOM		ADV-Prime Studio, La Strada	Simion Terzioglo Programme Co-ordinator Mob: +373 9111754
	Theatre Play: "The Seventh Kafana" performed in capital and rural areas of Moldova.	2001-2003	IOM, SDC		Coliseum Art Centre	
	Novel on trafficking based on real life testimonies "Alone in the Face of Fate".	2002	IOM			

Trafficking in Human Beings in South Eastern Europe

Social Assistance Programme	Victim Rehabilitation Centre: Recovery and Repatriation; Pre-arrival assistance to victims; Post-arrival assistance: first night reception; gynaecological and STI examinations; general practitioner assistance; STD treatment; HIV/AIDS tests; psychological diagnosis; social and psychosocial counselling; group therapy; psychiatric support; other medical services.	Sept 2001 - 2003	IOM, SDC, US Bureau of Population, Refugees and Migration, EU	MH, MLSP, MIA, La Strada	IOM
Reintegration Programme	Vocational training; Apprenticeship Programme Comprehensive package; Income generating projects; Job insertion/reinsertion.	2001-2003	IOM, EU	MLSP, Island of Hope, Romexpress, Voc. Schools, NGOs, Ten Plus	IOM, Art Elegant, Compasiune, ICS
Law enforcement	Drafting best Practice Manual on Counter Trafficking Investigation for Moldovan Law Enforcement Officers and Prosecutors developing law enforcement training module; Supporting law enforcement and judiciary structures to prosecute crimes of trafficking in women more effectively.	2002-2003	SIDA	MLSP, Anti-trafficking Units, General Prosecutor's Office,	IOM
Co-operation and Co-ordination	Networking visits to transit and destination countries; legislation and its implementation, investigation procedures and prosecution, co-operation between law enforcement, victims of trafficking and NGOs.	2002	IOM	MIA, MFA, MJ, GPO, DBC, Parliament	
Training and equipment	Seminars on investigation techniques and methodology; Technical equipment provision: creation of operational database of persons involved in the recruitment and other stages of trafficking.	2002 - 2003	IOM	MIA (Dept combating organised crime and corruption)	
UNITED NATIONS CHILDREN'S FUND (UNICEF)					
Co-ordination on child trafficking	Establishment of a Working Group on Child Trafficking to identify current programmes and initiatives. Mapping all ongoing and planned activities with a view to co-ordinate implementation of different projects.	Since Aug 2002 - Ongoing		IOs, NGOs	
Co-ordination with Government on Anti-Trafficking	Participation in three working groups on prevention, protection and prosecution, established under the framework of the National Working Group on Trafficking in Human Beings.	2002 - Ongoing			
Life-skills education for prevention of youth unemployment and trafficking, pilot programme for boarding schools	The project specifically targets children and young people from institutions at high risk of unemployment and trafficking, after they graduate from boarding schools. 7 boarding schools are involved in the pilot project. Main activities include: Long-term Training of Trainers (Educators) in life skills education (LSE), LSE activities for students, a summer school on LSE for students of 7 th , 8 th and 9 th grade and, the development of a Facilitator's Guide on LSE.	2003			Centre for info and documentation on child rights, Youth Employment Centre STAR, ME Dept, Youth Services
					Giovanna Barberis Representative Tel. +373 2 22 0034 Fax. +373 2 22 0244 gbarberis@unicef.org Kirsten Di Martino Child Protection Officer kdimartino@unicef.org

Trafficking in Human Beings in South Eastern Europe

Republic of
Moldova

Child Friendly Centre for Child Victims of Trafficking	Establishment of a separate Child Friendly Centre for the rehabilitation and social reintegration of child victims of trafficking. The centre will benefit from all the services currently provided by the IOM Rehabilitation Centre for adult victims whilst in addition providing a separate location and specialised services for children victims. Staff working with children will also receive specialised training.	2003				UNICEF, IOM, OSCE
"AMICUL" Centre for psychosocial assistance to children and families	Provision of specialised multidisciplinary psychosocial services for children and families at risk of abuse and neglect. The Centre will also provide long-term support services to children victims of trafficking and their families.	2003-2005				National Centre for the Prevention of Child Abuse
Capacity building of professionals working with children victims of trafficking	Specialised training to all psychosocial workers working in projects assisting children victims of trafficking.	2003				UNICEF, OSCE
HIV/AIDS prevention among especially vulnerable young people	Peer education activities to inform adolescents and young people on HIV/AIDS prevention. Main activities include Training of Trainer for peer educators and a Theatre Forum.	2002 - Ongoing				CIDCR
Research	Research and assessment of the awareness raising campaigns focusing on prevention of trafficking in children.	March - April 2003		Local NGOs		UNICEF in co-operation with Columbia University NY
UNITED NATIONS POPULATION FUND (UNFPA)						
Reproductive Health	Support for the National Programme for Family Planning and Protection of Reproductive Health.	2001 - 2003		UNFPA		UNFPA
ORGANISATION FOR SECURITY AND CO-OPERATION IN EUROPE (OSCE)						
Technical Co-ordination of Anti-Trafficking Responses	Co-ordination & information-sharing on anti-trafficking issues in co-operation with NGOs and IOs; Maintenance of an up-dated electronic database on anti-trafficking projects.	2002-ongoing				IOs, NGOs
Assistance to the Government	Monitoring and advocacy for the development of a comprehensive national multidisciplinary anti-trafficking strategy.	2001-ongoing		OSCE	SP, IOs	IOs
Legislation Review Project	Technical assistance in drafting anti-trafficking provisions for the criminal code and criminal procedure code.	2001-2003		OSCE/ODIHR, US Gov't	CoE	OSCE/ODIHR, ABACELLI, IOM
Quick impact actions: direct assistance for victims of trafficking	Direct assistance for trafficked persons; Humanitarian aid for victims and their children; University Scholarships; Scholarships for vocational training; Emergency Support including psychological counselling, legal assistance, etc.	Dec 2002 - Sept 2003		OSCE		La Strada
						Liliana Sorrentino Officer for Anti-Trafficking Issues Str. Mitropolit Dosoftei, 108 MD 2012, Chisinau Tel: +373 2 223 495 ext 112 Fax: +373 2 223 496 liliana.sorrentino@osce.org Eleonora Grosu Anti-Trafficking Assistant Tel: +373 2 223 495 Ext.118 eleonora.grosu@osce.org

Project/Activities	Focus of Activities	Time Frame	Donor	Co-operating Partners	Implementing Partners	Contacts
Strengthening protection and assistance for victims of trafficking, adults and children	Capacity and institution building project: Development of victim-witness protection measures; Development of national referral mechanisms to protect and assist victims of trafficking (adults and children).	2003-2005	OSCE	Moldovan Government, NGOs, IOs	OSCE, NGOs, national institutions	
Anti-trafficking training module for police	Pilot training seminars on anti-trafficking for police recruits at the Police Academy (piloting of the SPTF/ICMPD Training Module for Police); Seminars for the anti-trafficking unit.	2003	OSCE/ODIHR	MI, ICMPD, IOM	La Strada	
Anti-trafficking training module for judiciary	Pilot training seminar on anti-trafficking for judiciary (piloting of the SPTF/ICMPD Training Module for Judiciary).	2003	OSCE IOM	SP, ICMPD IOM, Moldova Supreme Court	Judicial Training Centre	
NON-GOVERNMENTAL ORGANISATIONS						
			SAVE THE CHILDREN FUND (SCF)			
Prevention and awareness raising	International Conference "Poorness, Migrations, Slavery" and national seminars; Educational and informative materials on trafficking posters-calendars, fans; Monthly page in the newspaper for children and youth "Florile Dalbe" (White Flowers) Publishing, in Romanian, Don Oreste's book: histories of different victims assisted by Association Papa Giovanni XXIII.	2003 One edition in 2003 Sept. 2002 - Dec 2003 One edition in 2003	TACIS LIEN, US Embassy, French Embassy	State Chancellery Teleradio Moldova Assoc. Papa Giov. XXIII International Social Service Italy CONNECT US/RUSSIA USA	Redactia Saptaminalului "Florile Dalbe" CONNECT US/RUSSIA USA	Mariana Ianachevici Vice-president 1 Constantin Stere str., Chisinau MD 2009 Tel./Fax: +373 2 232582 Mob: + 373 91 03 125 salcop@moldnet.md
Training	Training for teachers and parents from villages' schools; Training for social assistants; Professional training and employment of alleged victims (25 persons from Hirbovat village, Anenii Noi).	2003 July 2002 - Dec 2003	TACIS LIEN US Embassy French Embassy			
Psychosocial reintegration of repatriated victims	Assisted repatriation of trafficked victims; Assistance for victims internally trafficked; Emergency assistance, rehabilitation services for children, emergency accommodation for women with children, urgent medical treatment, urgent psychological support; Long-term assistance, medical and physical rehabilitation, long-term psychological conciliation; educational and professional opportunities; familiar reintegration, long term accommodation for minor orphans; Final reintegration (reintegration in schools, employment, reintegration in families); "Good mothers school" conciliation for family reintegration (beneficiaries mother victims).	May 2001 - Dec 2003 April 2003 - April 2004	TACIS LIEN, US Embassy CONNECT US/RUSSIA USA	Assoc. Papa Giov. XXIII International Social Service Italy		

Trafficking in Human Beings in South Eastern Europe

Republic of
Moldova

LA STRADA

<p>Prevention and Education Campaign</p>	<p>Lectures on trafficking prevention for various target groups: groups at risks, professional groups, initiative groups; Regional seminar "Traffic in Women Resolution - Perspective"; Developing and disseminating informational and educational materials; Anti-trafficking disco-parties "Depends on You"; Anti-trafficking drawing contests "Stop Traffic in Women"; Music Caravans "Stop Traffic in Women"; Youth forums and student debates on counter-trafficking.</p>	<p>April 2002</p>	<p>ME (Youth and Sport Dept), National Education Centre, "ProDidactica", NGOs, OSCE, UNICEF, IOM, Peace Corps, youth leaders</p>	<p>Ana Revenco National Co-ordinator Tel: +373 2 234906 Tel/fax: +373 2 234907 Mob: +373 829 131063 ismoldova@is.moldline.net</p>
<p>Prevention and raising awareness</p>	<p>National Toll Free Hotline to prevent trafficking (with possibility to start rescue process): Support for rescue/repatriation and other direct support to trafficked women; Information on conditions for migrating (terms of migration and local regulations in various countries); Information for individuals/families who are looking for trafficked women.</p>	<p>Started in Sept 2001 Ongoing</p>	<p>La Strada, IOM, Norwegian Embassy in Bucharest</p>	<p>State Migration Service, General Consular Department, National Hotline services</p>
<p>Guidelines</p>	<p>Developed Methodology Guideline "Prevention of Traffic in Women" for didactic staff" approved by ME; Developed Handbook "Social Assistance to Trafficked Persons and Phenomenon Prophyliactics" for social service workers; Developed "Trafficking in Humans in Women Rights Context" for professional groups.</p>	<p>Feb 2002 - June 2003</p>	<p>La Strada, Norwegian Embassy in Moldova</p>	<p>ME, National Educational Centre, "ProDidactica", NGO "SIEDO", UNICEF, IOM</p>
<p>Social assistance to victims of trafficking</p>	<p>Operating a referral mechanism to facilitate access and organise support for trafficked persons to include: Rescue from trafficking network; Repatriation (travelling documents and arrangements, security); Post-repatriation (shelter, medical screening and treatment, psychological support, vocational training, etc); Basic support for victim's children and family; Social custody and monitoring; Special brochures for victims for immediate support and available services for dissemination abroad.</p>	<p>Sept 2001 - Dec 2004</p>	<p>La Strada, OSCE</p>	<p>General Consular Department; La Strada Network; IOM; NGOs of Europe, Middle East and USA; Medical Clinics "St. Emanuil", "Virginia" and "Dalia", Caritas Molodva; National Centre for Child Abuse Prevention (NCCAP), OSCE, UNICEF</p>

<p>Information Campaign</p>	<p>Series of educational articles "Learn to read between the lines" in the Makler newspaper targeting groups at risk; Series of radio prevention programmes "The decision is yours" targeting youth; Series of programmes at National TV of informative and preventive nature; "You and Migration" bulletin; Thematic newspaper articles; Thematic one-time radio and TV programmes.</p>	<p>Sept 2001 - Dec 2004</p>	<p>La Strada</p>	<p>National radio, Radio "Antena C", Makler newspaper, State Migration Service, NBC News, "Le Monde" French newspaper, other local newspapers</p>	
<p>Training</p>	<p>Train youth in women's human rights; Modules developed and training being implemented for: School staff including orphanages staff; social workers; Hotline staff; Journalists. Police Awareness on Trafficking in Humans.</p>	<p>July 2002 - Dec 2004</p>	<p>International Helsinki Federation for Human Rights IOM, Dutch Foreign Ministry, OSCE/ODIHR</p>	<p>Gender Centre, ProGeneva, ADPET, Rehab Centre for victims of trafficking IOM, MLSP, State Migration Service (SMS), MIA, Police Academy</p>	
<p>Research</p>	<p>Rapid assessment survey on trafficking and forced labour; Study on youth knowledge of trafficking phenomenon.</p>	<p>2002-2003 2002-2003</p>	<p>ILO</p>	<p>Local NGOs</p>	<p>La Strada, Civic Initiative</p>
<p>Networking</p>	<p>Creation of national anti-trafficking network consisted of local NGOs; Round Table "NGOs and State structures partnerships to combat trafficking"; Directory of NGOs active in counter trafficking; Development of National Referral System; Member of ASTRA, Balkans and La Strada networks; Exchange of information with foreign NGOs.</p>	<p>May 2002 - Sept 2003</p>	<p>International Labour Affairs Bureau, US Department of Labour administered by IREX, La Strada</p>	<p>Corabia Viitorului Cahul; Pelgrim Demo - Transnistria; State, Human, Society - Soroca; Europa-Visage - Ungheni; Nat. Centre for Studies and Info on Women Problems, OSCE</p>	

Trafficking in Human Beings in South Eastern Europe

Republic of
Moldova

CENTRE FOR PREVENTION OF TRAFFICKING IN WOMEN					
Prevention of trafficking and raising awareness	Mass media campaign: TV and radio programmes; counter aids in local and national newspapers; informative newsletter; anti-trafficking magazine.	2001-2003	US Embassy, Swedish Childhood Foundation (SwedCF)	State Radio, TV, UNDP	Jana Costachi President Str. Bucuresti 68, Chisinau Tel./fax: +373 2 5465 69 afcjmd@yahoo.com Dolna Munteanu Manager dinarmun@yahoo.com
	Street awareness campaign: publications for youth, leaflets, magazines, etc.			SMS, MLSP, UNDP	
	Operation and maintenance of telephone help line.			MIA, MLSP, IOM, SECI, UNDP	
	Educational campaigns targeting teenagers and other vulnerable groups.	2001-2003	Soros, US Embassy, Swedish Childhood Foundation (SwedCF)	ME, UNICEF	
Legal assistance	Brochure on Legal Employment abroad.	Feb 2001- Feb 2003	US Embassy, SwedCF	MLSP, MFA, IOM, SECI	
	Providing free legal consultation for victims of trafficking; Advocating victims of trafficking interests in a court of law (i.e. divorce, property loss reinstatement of maternal rights etc.); Representing victims of trafficking in criminal trials. Supervised applicant registration, consultation on new identity papers, acquisition procedure.	2001-2003	IOM, SIDA	MIA, IOM	
Law enforcement	Training for prosecutors, judges, police, guardians in regards to new law enforcement.	2001-2003	US Embassy, SwedCF, IOM, CoE	MJ, Civil Registration Office, Dept. Information Technologies	
			US Embassy, SwedCF, IOM, CoE	State Prosecutor's Office, IOM, CoE, FBI Romania	
ITALIAN CONSORTIUM OF SOLIDARITY (ICS)					
Research	Research on anti-trafficking activities in Moldova, Romania and Italy focusing on child trafficking.	2002 - 2003	Italian Ministry of Welfare	ICS	Cristiano Barale Co-ordinator 162 Stefan Cel Mare str, Chisinau, Moldova Tel./fax: +373 2 247 938; Tel.: +373 2 246 211 icsmoldova@ics.midnet.com Antonia Di Maio ICS Project manager adimaio@ics.midnet.com

Reintegration of trafficked persons	Income generation projects for returned trafficked persons; Beneficiaries come from all over Moldova. Preference is given to victims coming from rural areas or small towns, but some business ideas are implemented in urban settings.	2002 - 2003	IOM	MLSP, IOM, La Strada	
Prevention	Income generation project for vulnerable women from rural areas (implemented in rural areas only): Business plan training /IGP; Training on micro-enterprise legislation; Small scale self-employment in-kind grants.	2003	SDC (Swiss Agency for Development and Co-operation)	Compassiune	ICS
CIVIC INITIATIVE					
Prevention and Raising Awareness	Seminars for law enforcement personnel (police, judges, prosecutors).	2003	Winrock International		MI
Prevention and Awareness Raising	Seminars for at-risk groups; Projection of the movie "Call of Despair".	Sept 2003- Dec 2003	US Embassy		
Research	Rapid assessment of trafficking and forced labour.	2002-2003	ILO		La Strada, Civic Initiative
GENDER CENTRE					
Prevention and Raising Awareness	Prevention of trafficking in persons through gender education: Seminars for college students; Publication of leaflets "Be careful"; Seminars for university students; Publishing and distributing the Guide to the New UN Trafficking Protocol (CATW).	2001-2002	US Embassy	Centre for Social and Economic Development	
Prevention and Awareness Raising	Introduction of "Psycho-social aspects of trafficking in human beings" topic in the courses offered by three universities.	2002-2003			Moldova State University, Free International University of Moldova, Technical University of Moldova
CENTRE FOR SOCIAL AND ECONOMIC DEVELOPMENT					
Prevention	Prevention programme for teenagers in rural areas of Gagauzia peer counselling; Provide educational and informative programmes about Trafficking in Human Beings, international and Moldova law, international and Moldovan organisations involved in anti - trafficking activities; Self-esteem building for young women/girls, promoting school completion; Providing information on the legal migration procedure.	Feb - June 2003	IOM, EU	Gender Centre	

Trafficking in Human Beings in South Eastern Europe

Republic of
Moldova

INTERNATIONAL RESEARCH AND EXCHANGES BOARD (IREX)					
Prevention	Providing small grants, training, support, and legal and economic assistance; Providing vocational training and job placement support for at-risk groups.	May 2002 - Sept 2003	International Labour Affairs Bureau, US Dept. Labour	IREX	Diana Gorea Programme Coordinator 180 Stefan cel Mare Blvd, Room 1219 MD-2004, Chisinau Tel/Fax: +373 2 233 231 dgorea@irex.md www.irex.md
Seminars	Provide seminars for at-risk women in the following areas: Empowerment (building self-esteem and improving decision making skills); Professional orientation; Micro-entrepreneurship seminars.			National Women's Studies and Information Centre (NWSIC)	
Awareness Campaign	Seminars in schools for students and teachers; Drawing competitions; Anti-Trafficking disco parties; Guidebook "Prevention of trafficking in Women" for trainers; Information notebooks for girls.			La Strada	
Training	Provide computer literacy training for at-risk young women and girls; Training of Trainers on awareness campaigns, empowerment/professional orientation/micro-entrepreneurship seminars; Teacher Training of Trainers for trafficking			IREX/Internet Access and Training Programme, NWSIC, La Strada	
YOUTH DEVELOPMENT CENTRE					
Prevention	Training for young teachers and children 16-17 years old in north part of Molodva on trafficking issues. Creating clubs for girls in 15 schools from different areas.	2002- 2003 2002	US Embassy, Netherlands Embassy SOROS, Netherlands Embassy		Iulia Moldovan Executive Director Str. Bulgara 32, Chisinau MD 2001 Tel: + 373 2 170031/032 Fax: + 373 2 270507 Mob: + 373 8 291 22924 imoldoveanu@soros.md
Research	Research on Child Trafficking.	2002- 2003	ILO/IPEC	MIA, ML	Institute of Public Policy

LIST OF PROJECTS AND ACTIVITIES IN THE REPUBLIC OF ROMANIA⁴⁰⁴

GOVERNMENT

<i>Project/Activities</i>	<i>Focus of Activities</i>	<i>Time Frame</i>	<i>Donor</i>	<i>Co-operating Partners</i>	<i>Implementing Partners</i>	<i>Contacts</i>
MINISTRY OF THE INTERIOR / ORGANISED CRIME AND DRUGS GENERAL DEPARTMENT						
Legal Framework	Legal framework to meet the European standards: Act no. 678 on the prevention and countering trafficking; Organised Crime Act was adopted (Act no 39) stating the conditions for an offence to be classed as organised crime and the means to fight organised crime.	2001 Jan 2003				Dan Valentin Fatuloiu Deputy Director of the Organised Crime Squad; National Co-ordinator Tel: +40 21 303 7080 ext. 10501; Fax: +40 21 311 1579; Mob: +40 21723692403; dfatuloiu@xnet.ro
National Action Plan	Taking steps to set up 9 shelters for the victims of trafficking. 5 locations that have already been identified.	Ongoing		Ministry of Administration and Interior		
Project Reflex Romania	Liaison officers' network established to build up effective mechanism to support co-operation with law enforcement agencies from abroad and to store a large volume of data and intelligence regarding trafficking.	2002-2003	UK			Adina Cruceru Phone: +40 21 310 0528 Mob: + 40 091 280 502 traficteam@xnet.ro
Regional and International Co-operation	- Co-operation with SECI Centre; International co-operation: Signing of bi-lateral and tri-lateral agreements with Hungary, Holland, Austria, Czech Republic and Moldova establishing a joint form for the transmission of information on individ. Cases.	Ongoing				
MINISTRY OF THE INTERIOR / INSTITUTE FOR CRIME PREVENTION						
Prevention	National prevention plan for combating trafficking has been developed for all counties. In each county there is a focal point in charge of implementing prevention projects: education programme, media campaign, statistical database.	March 2002		MI, MJ		Christina Stepanovska Tel: +40 1 2111859 Fax: +40 1 2105730 Mob. 07 22 386 649 cristina_step@hotmail.com
Raising awareness	Develop different brochures for different target groups: journalists, police, teachers etc.	March 2003		IOM; MLSP Dept of Labour, Profamilia		
Capacity building	Training for females aged 15-25 in schools and universities.	Planned		Partner for Change		
AGENCY FOR CHILD PROTECTION						
Assistance for children	Providing psychological support for children who are identified as victims of trafficking; Follow up on reintegration process until person is 18.					Mariana Neacsu Head, Department Public Relations; National Authority for Child Protection and Adoption Tel/fax: + 40 1 315 36 33/30 + 40 1 312 74 74 mariana_neacsu@anpca.r omariana_neacsu@hotmail.com

⁴⁰⁴ **Abbreviations:** ARAS, Romanian Association against AIDS; ME, Ministry of Education and Research; MFA, Ministry of Foreign Affairs; MI, Ministry of the Interior; MJ, Ministry of Justice; MLSP, Ministry of Labour and Social Protection.

INTERNATIONAL ORGANISATIONS							
Project/Activities	Focus of Activities	Time Frame	Donor	Co-operating Partners	Implementing Partners	Contacts	
INTERNATIONAL ORGANISATION FOR MIGRATION (IOM)							
Prevention	"People are Priceless"-nation-wide mass media information campaign on dangers of trafficking.	2003	Norwegian Gov't, MFA	Tempo Advertising Agency		Cristian Ionescu PR Officer cristi@iom.int	
	Educational campaign "Participation of School in the Prevention and Combat of Trafficking in Human Beings"; 32 workshops (ToT) and distribution of information material all over the country.			ME			
	Educational campaign in summer camps "Stop Trafficking in Human Beings"; dissemination of information material in 11 camps; 500 students and teachers.				National Agency for School Camps and Tourism, ARDOR		
	Education campaign with teachers and inspectors of religion; dissemination of the new methodological manual specially designed for teachers of religion; 2 workshops on methodology and training for trainers for selected teachers in 13 counties.		March 2003	Italian Gov't, MI	ME, Patriarchy of the Romanian Orthodox Church		
	Information seminars on "The involvement of the Church in the Prevention and Combat of Human Trafficking"; Awareness raising seminars on prevention for clergy.		June - October 2002 March - April 2003				
Assistance	Direct Assistance to victims of trafficking; Agreement of Co-operation with MI on the functioning of a Centre for temporary protection; Providing medical assistance and expert counselling for returned victims of trafficking; Expanding local NGO network to provide assistance for victims of trafficking.	2003	US State Department, Bureau for Population, Refugees and Migration		Estuar Foundation (2001- 2002) and "Church and Society" 2003		
	Systematic actions to secure assisted voluntary return and reintegration of trafficking victims.	2002	Italian Gov't, MI				
Research	Nation-wide study on the "Vulnerability to trafficking in humans of the young female population in Romania" developed by Life Quality Research Centre for Urban and Rural Sociology and Mercury Research and Marketing Consultants. Media monitoring daily monitoring of 50 Romanian media outlets on topics relating to trafficking in human beings and migration in general.						
Law Reform	Contribution and lobby for the drafting of the Law on trafficking in human beings.						

UNITED NATIONS CHILDREN'S FUND (UNICEF)						
Research and assessment	Research and assessment of awareness raising campaigns focusing prevention of trafficking in children.	March - April 2003	Local NGOs	UNICEF in co-operation with Columbia University NY	Lisa Kurbiel UNICEF NY lkurbiel@unicef.org	
Child Trafficking policy development, prevention and intervention to protect the rights of victims of trafficking	Promote mechanisms to provide special protection measures for children victims of trafficking and victims of violence: Training seminar for media representatives; National Conference on Romanian policy in child trafficking; Training rural policemen on issues of trafficking in human beings; Develop training materials.	2003	Pending availability of funding	Inter-ministerial Committee, Centre for Legal Studies, NGO Network	Hamid El-Bashir Child Protection Officer 23 Olari Street 70317 Bucharest 2 Tel: +40 1 252 7733 Fax: +40 1 252 5750 Dana Costini	
HIV/AIDS prevention among especially vulnerable young people	Health education programme with emphasis on healthy life styles. Mobile teams offer counselling to commercial sex workers in Bucharest.	2002-2004		Local NGO ARAS		
UNAIDS Joint United Nations Programmes on HIV/AIDS						
Trafficking prevention, capacity building for local NGOs, support for legislation development	Support for the ARAS programme on HIV/AIDS prevention among sex workers in Bucharest; Legislation review and change to create environment to allow expansion of HIV/STI prevention among sex workers.	Since 1999		ARAS	Eduard Petrescu Country Programme Advisor Tel: +40 1 211 8855 Fax: +40 1 211 3494 eduard.petrescu@undp.ro	
UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP)						
International co-operation, law enforcement	Regional project (14 countries) to create law enforcement best practice manual and training for border police; Regional hotline project agreed by government.	2003 Planned	Pending availability of funds		Mihai Toader Project Manager 2-4 Razoare St. Tel: +40 21 410 1134 Fax: +40 21 408 6054 Mob: +40 378 610 mihai.toader@undp.ro	
SOUTHEAST EUROPE CO-OPERATIVE INITIATIVE (SECI)						
International co-operation, law enforcement	Establishing the Regional Task Force on Trafficking in Human Beings.	Ongoing		MIs and local police from SECI countries	Ioana Spiridonica Public Affairs Officer SECI Center Bucharest Tel: +40 21 303 6082 Fax: +40 21 303 6077 Mob: +40 724 393 384 ispiridonica@secicenter.org www.secicenter.org	
International co-operation, law enforcement	Regional meetings: 12-13 Mar 2001 Skopje, 9-10 July 2001 Tessaloniki; Regional Law Enforcement cooperation strategies.	Ongoing				
Victims assistance, international co-operation and law enforcement	Memorandum of understanding between IOM Headquarters and SECI Centre.	Early 2001	IOM	SECI, NGOs		
International co-operation, law enforcement	Joint training session for police and NGOs.	Sept 2001	IOM	SECI, NGOs		

UN HIGH COMMISSIONER FOR REFUGEES (UNHCR)					
Comprehensive migration strategy	Within the framework of the EU Twinning Project with Denmark and Sweden, UNHCR contributes substantively to the elaboration of a comprehensive migration strategy (which will i.a. deal with legal and irregular migration, including asylum, prevention of trafficking in human beings, integration policies for third country nationals etc.).	Ongoing			Yoichiro Tsuchida Representative Tel: +40 21 21015 96 Fax: +40 21 21015 94 rombu@unhcr.ch Andrei Albu Public Information Officer albu@unhcr.ch
NON-GOVERNMENTAL ORGANISATIONS					
Project/Activities	Focus of Activities	Time Frame	Donor	Co-operating Partners	Implementing Partners
CENTRE FOR LEGAL RESOURCES					
Information campaign	Organised a seminar for NGOs and government in order to present new law.	2002			Daniela Neagu Programme Manager Str. Arcului 19, Sector 2 702211 Bucharest - Romania Tel: +40 21 212 0520 Fax: 212 0519 www.crj.ro dneagu@crj.ro
Monitoring and Implementing the Law Project	Legal assistance and representation will be provided to all victims of trafficking. Committee composed of lawyers and legal consultants will monitor the activities and will prepare reports.	Planned	150,000 USD	IOM, MI	
Training/Capacity building	Training for judicial staff (police officers, judges, prosecutors, prosecutors) will be organised 6 months after the monitoring project take place in order to have gaps identified.	Planned			
Review Committee Group	Review Committee Group to review UNDP's regional manual project.	March 2003		UNDP	
THE ROMANIAN ASSOCIATION AGAINST AIDS (ARAS)					
Prevention and raising awareness	HIV/AIDS prevention programme among vulnerable groups; Health prevention for commercial sex workers in Bucharest.	End 2000 Ongoing	USAIDS, Soros Foundation		Alina Bocai Open Society Institute/International Harm Reduction Development - OSI/IHRD Commercial Sex Worker Initiative Project contact Tel: + 40 1 252 4141 Fax: + 40 1 252 4142 aras@home.ro
PARTNERSHIP FOR EQUALITY CENTRE					
Prevention	Implementing prevention programme in 8 Placement Centres; Education of institutionalised girls in order to reduce their vulnerability in front of trafficking.	Jan - Nov 2003			Roxana Teslu Executive President Tel: + 40 21 212 11 96 Fax: + 40 21 212 10 35 rteslu@gender.ro

NETWORK OF LOCAL NGOS - FAMNET

Prevention, raising awareness, assistance to trafficked persons	FAMNET coalition of 15 local NGOs working on the issue of trafficking: Prevention campaign; Hotline for the victims of trafficking; Web site for the involved organisations.	March 2002	USAID		Reaching Out, Ioana Matei reachingoutrom@yahoo.com SEF, Dina Loghin dina@sef.ro SCOP, Alina Hugel scopro@mail.dnttm.ro
PARTNERS FOR CHANGE					
Prevention	Organise conference on prevention of trafficking and how to best assist victims.	March 2003	UNICEF, Ecumenical Association of Churches in Romania (AIDRom)		Livia Deaca Str. Occidentului 11 78 111 Bucharest Tel/fax: +40 21 230 3572 partener@cinor.ro
	Implementing prevention programme in several vocational schools; Training stipends for young women at risks.	2002	IREX		
	Editing and publishing anti-trafficking manual for trainers (teachers, medical staff, police officers, priests, social assistants, the media, NGOs) in Romanian and English.	2003	Partners for Change, UNICEF, AIDRom		

REACHING OUT

Assistance to the victims of trafficking	Long-term shelter working with victims of trafficking for a period of at least 1 year offering: counselling; life-skills and vocational training; job placement assistance; medical assistance; education and accommodation; Building a shelter and tailoring shop.	March - 1999 Ongoing		FAMNET, different regional networks, NGOs	Iana Matei reachingoutrom@yahoo.com
Awareness raising and prevention campaign	Trafficking awareness and prevention campaign, designed by the beneficiaries, implemented throughout Romania; part of the preparations for the campaign was undercover surveillance and recording of trafficking activities;	2003	Ongoing		
Networking	Part of the several different networks: informal regional network @net, LIFT; Initiated the development of the NGOs network in Macedonia, similar to FAMNET.	Ongoing June-Aug 2003			
Regional Co-operation and Training	Co-operation with FBI and SECI to bring girls to give testimonies for multi-national trial process against trafficking; Work with FBI and Romanian law enforcement agencies to develop training material and conduct training classes for law enforcement officers and prosecutors.	2002 - 2003 2003		SECI, FBI, law enforcement agencies	

Trafficking in Human Beings in South Eastern Europe

Romania

SAVE THE CHILDREN FUND						
Assistance for the victims of trafficking	Providing social reintegration programmes, social assistance and vocational training.	Ongoing, started in May 2002	ISCA (International Save the Children Alliance)	Directorate for Combating Organised Crime (MI), IOM	Georgeta Paunescu Tel: +40 21 212 61 76 Fax: +40 21 312 44 86 ros@mb.roknet.ro Gabriela Alexandrescu Tel: +40 21 212 61 76 Fax: +40 21 312 44 86 ros@mb.roknet.ro Daniela Munteanu Tel/Fax: +40 21 336 67 62 office@infodoc.eunet.ro	
Professional training	Professional training for policemen who are investigating child trafficking cases.	Ongoing, started in May 2002	ISCA	Directorate for Combating Organised Crime (MI), IOM		
Prevention campaign	Prevention activities carried out in schools, public campaign.	Ongoing	ISCA			
Regional research	Regional research on child trafficking to extend existing services for rehabilitation of children victims of trafficking.	Oct 2002 - Oct 2003	Open Society Foundation, Global March Against Child Labour	NGOs in the SEE region	Ioana Grigorescu Tel/Fax: +40 21 336 67 62 office@infodoc.eunet.ro Daniela Munteanu Tel/Fax: +40 21 336 67 62 office@infodoc.eunet.ro	
ENACT (networking)	"ENACT" Programme for the establishment of a European Network Against Child Trafficking (focused on: information, coordination, trainings).	Dec 2002 - Dec 2003	EC (co-ordinated by SCF Italy)	SCF Spain, SCF UK, SCF Denmark, SCF Programme in Bulgaria.	Ioana Grigorescu Tel/Fax: +40 21 336 67 62 office@infodoc.eunet.ro Daniela Munteanu Tel/Fax: +40 21 336 67 62 office@infodoc.eunet.ro	

LIST OF PROJECTS AND ACTIVITIES IN THE REPUBLIC OF BOSNIA AND HERZEGOVINA⁴⁰⁵

GOVERNMENT

<i>Project/Activities</i>	<i>Focus of Activities</i>	<i>Time Frame</i>	<i>Donor</i>	<i>Co-operating Partners</i>	<i>Implementing Partners</i>	<i>Contacts</i>
BiH COUNCIL OF MINISTRIES (CoM)						
Decision on establishment of the State Commission	State Commission for implementation of the NPA has been established as well as a strike force for combating trafficking in human beings and illegal migration; Restructuring of the State Commission and Strike Force in accordance with the Law on ministries.	March 2002		Ministry of Security, MJ, MHRR, other relevant ministries, NGOs, IOs		Bakir Sadovic, Adviser to the CoM Premier Tel: +387 33 663 519 bsadovic@smartnet.ba
National Co-ordinator	Nomination of the National Co-ordinator.	Ongoing				
National Plan of Action (NPA)	Redefine NPA in order to reflect all recent changes within the government structure.	Planned				
MINISTRY OF SECURITY						
Temporary Instructions/rule book on treatment of victims of trafficking	Temporary Instructions are drafted and in the process of incorporating recommendations on protection of trafficking victims, in order to have it as a by-law document.	Ongoing		MHR, MI FBiH, UNOHCHR, UNICEF, OSCE, IOM, Ring Network		Zdravko Knezevic, Deputy FBiH Prosecutor (Chairman of the Strike Force) Tel: +387 33 442 614 fuuzba@bih.net.ba
MINISTRY FOR HUMAN RIGHTS AND REFUGEES (MHRR)						
Shelter for trafficked persons	Continue with redrafting the project in order to establish shelter for trafficking victims.	Ongoing				Almir Dzuvo National Co-ordinator
Law on gender equality	Ensuring implementation of law on gender equality.	Ongoing		UNOHCHR, UNDP, UNICEF, Gender Centres		Saliha Djuderija Tel: +387 33 221 293 saliha.djuderija@mhrr.org
Protocols with NGOs	Signing protocols with local NGOs.	Sept 2002		NGOs, UNOHCHR, UNICEF, SP		
MINISTRIES OF THE INTERIOR (FBiH AND RS) / DEPARTMENT FOR COMBATING TRAFFICKING IN HUMAN BEINGS						
Further work on strengthening Department for combating organised crime	Co-operation with NGOs; Preparation of the Manual on combating trafficking for police; Training of the police on trafficking; Training on law of movement; Regional co-operation.	Ongoing		NGOs, SECL, IOs, relevant ministries.		Edin Vranj, FBiH Head of Department in FBiH Tel: +387 33 205 893 Boris Ivanovic, RS Head of Department in RS Mob: +387 65 511 556 Mustafa Alerta, Head of Department in District Brčko Tel: +387 49 216 855

⁴⁰⁵**Abbreviations:** BiH, Bosnia and Herzegovina; EUPM, European Union Police Mission; FBiH, Federation of BiH; IO, international organisation; IPTF, International Police Task Force; MH, Ministry of Health; MHRR, Ministry for Human Rights and Refugees; MI, Ministry of the Interior; MJ, Ministry of Justice; MSA, Ministry of Social Affairs; OHR, Office of the High Representative; RS, Republika Srpska; SBS, Special Border Services; SCF, Save the Children; SP, Stability Pact; UNMIBH, UN Mission to BiH.

Trafficking in Human Beings in South Eastern Europe

MINISTRY OF JUSTICE at State level			
International legal assistance	Activities to ensure international legal assistance.	Ongoing	State Prosecutors' Office, State Judges' Office, Entity MJ
Law reform	Reform of the Law on Movement and Stay of Aliens.		Slobodan Kovac Minister Trg BiH 1 Sarajevo Tel.: + 387 33 223 501 Fax: + 387 33 223 504 kontakt@mpr.gov.ba
MINISTRY OF JUSTICE at Entity level			
Law reform	Reform of minor offence legislation and legislation on public peace and order at entity level;	2003	Borjana Kristo Minister in FBiH Valtera Perica 15 Sarajevo Tel.: +387 33 656 743 Fax: +387 33 666 971
	Reform of criminal legislation.	Ongoing	Suad Filipovic Minister in RS Vuka Karadzica 4 Banja Luka Tel.: +387 51 331 582 Fax: +387 51 331 594
CENTRES FOR EDUCATION OF JUDGES AND PROSECUTORS			
Training	Training of judges on trafficking aiming to give practical guidelines on the steps to take under the new Criminal Procedure Codes (CPC) to fight trafficking in human beings, as well as on the application of international instruments. Developing curriculum for continuous training of judges and prosecutors.	Sept 2003	UNOHCHR, Association of Judges, UNICEF, OSCE, SP
		Planned	Sanela Paripovic, FBiH Tel.: +387 33 445 475 Bijana Maric, RS Tel.: +387 65 681 101
STATE BORDER SERVICES			
Border control	Control of borders and application of the laws.	Ongoing	EUPM Ismail Saric Inspector Department for Immigration and Asylum Tel.: +387 57 320 384 Mob: + 387 61 709 727 dgs_bih@paleol.net
INTERNATIONAL ORGANISATIONS			
Project/Activities	Focus of Activities	Time Frame	Co-operating Partners
Advocacy, facilitation and expert advice on issues, procedures related to trafficking in human beings.	Advocacy and expert advice to government, international organisations and NGOs; Through collaboration and facilitation, ensure protection and assistance for trafficked persons.	Ongoing	IOM, EUPM, State Prosecutors' Office
		Activities funded through UNOHCHR programme funds	Implemented by UNOHCHR
OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (UNOHCHR)			
			Madeleine Rees, Head of Office Tel.: + 387 33 660 107 Fax: + 387 33 660 109 mrees@ohchr.org Jasminka Dzumhur jdzumhur@ohchr.org

Review of legislation related to trafficking.	Developing a witness support programme; Support development of the temporary instructions.				IHRLG, State Prosecutors' Office	
OHCHR/EUPM collaboration on trafficking	Monitoring and human rights training for EUPM.				EUPM	
Training for judges, police and prosecutors.	Training for judges, police and prosecutors.				Centres for education of judges and prosecutors	
Reporting on trafficking situation in BiH	Last report just completed.	June 2003				
SEE RIGHTS Joint Policy and Monitoring Project (part of a regional project)	Assessment and mapping out of activities to address trafficking in human beings.	Oct 2002 – 2003,	OSCE/ODIHR, UNICEF UNOHCHR		OSCE/ODIHR, UNICEF	
Regional project to strengthen the framework of the witness protection programme	Strengthening the framework of the witness protection programme regionally based on UN principles through constant meetings with IHRLG, redesigning materials and publishing the manual.	Planned			IHRLG, NGOs, State Prosecutors' Office, UNOHCHR	
INTERNATIONAL ORGANISATION OF MIGRATION (IOM)						
Awareness raising campaign	General awareness raising – BiH nationwide.					IOs, NGOs
Shelter for trafficked persons	2 shelters with capacity of up to 60 women, high-risk shelter (for women who agree to testify) and low risk shelter (for women who are not under direct treat) for trafficked women who voluntarily want to return home.	Ongoing since 1999	NGOs, UNICEF		Referrals by IPTF, UNMIBH and NGOs, security provided by MI, EUPM	Project implemented by IOM directly Shelters are operated and managed by IOM directly
Victim assistance	Provide reproductive health assistance: general health assistance, gynaecological care, psychiatric care and counselling, hospitalisation and dental care; Provide vocational training: English language and computer classes.	Ongoing	UNFPA			
Return and repatriation	Support and assistance for trafficked persons while awaiting repatriation; Safe repatriation and return of trafficked migrants to country of origin.	Ongoing since Aug 1999	US Gov't			Project implemented by IOM directly
Reintegration	Support for the reintegration of trafficked women returned from other countries to BiH.	Ongoing	IOM Italy		Governmental Agencies	Implemented by local NGO Zena BiH in Mostar

Trafficking in Human Beings in South Eastern Europe

Bosnia and
Herzegovina

UNITED NATIONS FUND FOR POPULATION ACTIVITIES (UNFPA)					
Medical and social assistance for trafficked persons	Co-ordinate and provide health services for trafficked women in shelters and through referral system with other providers (family planning centres, youth-friendly services, gynaecological units), including voluntary HIV testing and counselling.	Ongoing since 2001	IOM	MH, MSA, MI, Public Health Centre for Women's Health, NGOs	IOM and NGOs Zeljka Mudrovic Tel: + 387 33 276 833 Fax: + 387 33 665 681 Mob. +387 61 215 378 zmudrovic@unfpa.ba
UNITED NATIONS CHILDREN'S FUND (UNICEF)					
Research and assessment of child trafficking	<p>Participatory research and assessment of the extent and nature of child trafficking, including internal trafficking, in BiH:</p> <ul style="list-style-type: none"> Research and assessment of the extent and nature of child trafficking (sexual exploitation and forced labour, including begging); Mapping out and assessing services and child protection mechanisms available for children, victims of trafficking and sexual abuse; Development of action plans to respond to the research results. 	October 2002 May 2003			UNICEF, SCF Norway, local NGOs Jens Matthes, Child Protection Officer Tel: +387 33 660 118 Fax: +387 33 642 970 jmatthes@unicef.org
Capacity building to implement NPA Against Trafficking in Human Beings	<p>To improve co-ordination and strengthen government capacity to address trafficking within the framework of the NPA:</p> <ul style="list-style-type: none"> Technical assistance and financial support to coordinate and develop NPA implementing plans; Development of instructions and guidelines for police for the treatment of victims of trafficking, including the protection of children based on the Trafficking Protocol, CRC and national laws; Training of government authorities on child rights and on trafficking, with focus on child protection. 	2003-2004			MHRR, MI, UNICEF (technical assistance)
Multi-disciplinary approach to gender-based violence	<p>Training of government authorities (police, social workers, health professionals, judges, prosecutors, etc) and NGOs at municipal levels to address violence against women and children, including gender sensitisation of professionals for the treatment of victims of violence, development of local level referral system for assistance to victims, training of trainers, and training on advocacy and lobbying.</p>	2001-2004			Medica Zenica, in co-operation with local NGOs and government authorities at
HIV/AIDS prevention among especially vulnerable young people	<p>Raising awareness and social mobilisation on risks and prevention of HIV/AIDS and STIs through participatory Right to Know approach;</p> <p>Outreach with the especially vulnerable young people at risk of HIV/AIDS/STIs, including drug users, sex workers and trafficked persons;</p> <p>Confidential HIV/AIDS testing, pre- and post- HIV/AIDS testing and counselling.</p>	2002-2004			NGO International Forum of Solidarity, Genesis, NGO Youth Action against AIDS Anna Kurbegovic APO HIV/AIDS akurbegovic@unicef.org

ORGANISATION FOR SECURITY AND CO-OPERATION IN EUROPE (OSCE)

<p>Comprehensive Victim Assistance Mechanism, Enhanced Witness Protection and Prosecutions</p>	<p>To conduct needs assessment for an effective victim assistance and witness protection system, with assistance of the extensive OSCE field presence; Country-wide establishment of local anti-trafficking work groups to identify gaps in victim assistance system, improve information exchange and co-operation within international community (IC) and between IC and local players; Assessment of viability of prosecution of cases with precedent setting potential, including an assessment of prosecutorial will and the capabilities of the jurisdiction; Provision of technical and other assistance to prosecutors prosecuting trafficking cases including specialised training in anti-trafficking laws and procedures in conjunction with judicial training centres; Comments and recommendations on the issues arising from the existing legal framework relevant to combating trafficking and its implementation (i.e. Temporary Instructions on the Treatment of Victims); Roundtable for local NGOs to assess existing capacity and gaps and to discuss their contribution to the implementation of the NPA and possible joint initiatives.</p>	<p>By mid of 2004 By end of 2003 End 2003 - mid 2004 End 2003 - mid 2004 Ongoing End 2003</p>	<p>UNICEF EUPM, local NGOs</p>	<p>Astrid Ganterer, Legal Adviser on Anti-trafficking Fra Andela Zvizdovica 1/14 Fax: +387 33 238 224 Tel: +387 33 752 214 Mob: +387 61 505787 AstridG@OSCEBIH.org</p>
<p>Direct support to the Office of the National Co-ordinator on Anti-Trafficking and its activities under the NPA</p>	<p>Assistance to the Office of the National Co-ordinator on Anti-Trafficking to enable it to become functional and effective as soon as possible: Secondment of an officer for professional and administrative support /Anti-Trafficking Awareness Raising and Capacity Building; Organisation of roundtables/seminars on various issues, such as progress in the implementation of the NPA and its revision.</p>	<p>Autumn 2003-2005 Mid 2004</p>		
<p>International and regional co-operation on anti-trafficking</p>	<p>Participation in regional and international forums and mechanisms to combat trafficking, such as ODHR, Stability Pact, CoE, SECI, UN; Organisation of a roundtable/seminar on best practices in the region with regard to National Anti-Trafficking Co-ordination Mechanisms.</p>	<p>Ongoing Mid 2004</p>		
<p>Improved public awareness about Trafficking in Human Beings</p>	<p>Assessment, development and implementation of a comprehensive prevention and information campaign to raise awareness about the phenomenon and implications of trafficking in human beings with varying focus on victims, traffickers and users/clients.</p>	<p>End 2003-2004</p>	<p>National Co-ordinator on Anti-Trafficking, UNICEF, IOM, local NGOs, EUPM</p>	

Trafficking in Human Beings in South Eastern Europe

Bosnia and Herzegovina

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR)

<p>Co-operation and raising awareness on access to asylum</p>	<p>Co-operation with NGOs and raising awareness about access to asylum for trafficking victims/asylum seekers; Training for NGOs and relevant judiciary bodies on application of the 1951 Convention, the 1967 Protocol and national legislation of BiH regulating right to asylum, particularly in regard to trafficking victims and principle of <i>refoulement</i> Co-operation with IOM, EUPM, SBS and other relevant organisations and agencies on identification of trafficking victims/asylum seekers.</p>	<p>On-going since 2003</p>	<p>NGOs, Training Centres for Judges in RS and FBiH, IOM, EUPM, SBS</p>	<p>Snjezana Ausic Assistant Legal Officer Tel: +387 33 290 360 AUSIC@unhcr.ch</p> <p>Haidi Glaije Associate Protection Officer Tel: +387 33 290 329 GLEIE@unhcr.ch</p> <p>Karin Falt Associate Protection Officer Tel: +387 33 290 336 FALT@unhcr.ch</p>
<p>Right to asylum and protection of trafficking victims/asylum seekers and/or recognised refugees</p>	<p>Participation in drafting new legislation on the right to asylum for trafficking victims; Raising awareness of existing referral system for processing asylum claims; Refugee status determination (RSD) for trafficking victims/asylum seekers; Protection of trafficking victims and access to their rights during RSD procedure and after</p>	<p>On going since 2002.</p>	<p>SBS, EUPM, IOM, NGOs</p>	

EUROPEAN UNION POLICE MISSION (EUPM)

<p>Police organisation proposal</p>	<p>Restructuring the Major and Organised Crime Divisions of the local police to tackle human trafficking as part of Organised Crime; Preparation of the FIGHT* manual – informing and guiding police on how to handle trafficking cases; Co-operation and exchange of information: police partners, Sipa (State Information and Protection Agency), Strike Force, SECI, Interpol, Europol, SP, SFOR National Intelligence Cell, Military Police and judicial authorities; Improvement of current standards and establishing new investigation techniques; Establishing a network of good expertise and practice between the local police, social and medical services and judicial authorities; Integration of preventive efforts with other public institutions dealing with health care, social welfare and illegal migration.</p>	<p>May – June 2003 June – Aug 2003 May – June 2003 May – Aug 2003 May – Aug 2003 May-Aug 2003</p>		<p>Zoltan Pap Advisor Trafficking Central Advisory Unit Tel: + 387 33 752 625 Fax: 387 33 752 734 Mob: + 387 61 433063 zpap@eupm.org</p> <p>Maria Donk Advisor Trafficking Central Advisory Unit Tel: + 387 33 752 719 Mob: + 387 61 893 839 mdonk@eupm.org</p> <p>*Fight and Intervention against Human Trafficking</p>
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Training proposal	Training of the local police officers and FIGHT teams to tackle trafficking according to the instructions by SP; Training and refreshing police ethics and values; Training of the FIGHT teams in new investigation techniques.	May – June 2003 May-Aug 2003 Sept. 2003				
Logistic proposal	Establishing computer network and compatible software to enable the exchange of relevant information in order to provide reliable situation reports; Establishing special hearing rooms; Establishing high and low risk shelter houses with "intake conversation rooms";	May – September 2003				

EMBASSY, DEPARTMENT OF JUSTICE

Training	Trainings on the Criminal Procedures Code (CPC) focused on the practical application of the new CPCs including case studies on trafficking in human beings. The training involves all stakeholders such as defence lawyers, Judges, prosecutors, police etc.	Ongoing	ABA CEELI, ICITAP		Laura J. Neubauer Resident Legal Advisor Office of Overseas Prosecutorial development assistance and training (OPDAT) Tel: +387 33 445 700 ext. 2430 Fax: +387 33 659 722 NeubauerLJ@state.gov
Capacity building	Co-operation with Judges/Prosecutors Education Centres (JPEC) on the Train the Trainer component to build capacity for future training on CPCs as well as supplying entire CPC Curriculum to the JPECs and Police Academies.	Ongoing	JPEC		
Support for BiH Anti-Trafficking Strike Force (ATSF)	Maintain and support the ongoing investigations of ATSF through: One-on-one assistance from ICITAP & OPDAT advisors; Specific CPC Training for the Strike Force; Development of intelligence database and training.	Ongoing	ATSF		

NON-GOVERNMENTAL ORGANISATIONS

Project/Activities	Focus of Activities	Time Frame	Donor	Co-operating Partners	Implementing Partners	Contacts
SAVE THE CHILDREN NORWAY (SCF Norway)						
Research and data collection	Information gathering and assessment of child trafficking in BiH.	Oct 2002-Sept 2003		UNICEF	13 local NGOs	Senja Tahirovic, Programme Director
Child Trafficking Prevention Programme	Increasing knowledge about trafficking among children, especially high-risk categories of children.	End 2003-2004			Local NGOs	Amira Lekic Programme Co-ordinator Kemala Kapetanovića 17, Sarajevo Tel: +387 33 659 822 adm.scn@smartnet.ba
Regional Child Trafficking Report	Desk study of the child trafficking situation in BiH for purposes of a regional SEE report.	Oct 2002-May 2003		Salvati Copiii (SC Romania)		
Regional Child Trafficking Response Programme	Prevention campaign, co-ordinated with SC Alliance in Albania; Programme will include capacity building in child rights for NGOs (who provide services to victims of trafficking).	2 year programme starting in 2004		SCF Albania and other SCF organisations in the region	Local NGOs	

Trafficking in Human Beings in South Eastern Europe

Bosnia and
Herzegovina

INTERNATIONAL HUMAN RIGHTS LAW GROUP (IHRIG)					
Review of legislation	Review of existing legislation relevant to trafficking, including immigration, civil and criminal law, health and social welfare from the human rights perspective and compliance with the adopted international standards; recommendations for improvements.	Ongoing	OHCHR,	Government, RING	Sevima Sali-Terzic Director Marsala Tita 8/2, Sarajevo Tel.: + 387 33 205 319 Tel./Fax. +387 33 207 328 / 216 032 sevimast@open.net.ba
Capacity building for NGOs for legislative advocacy related to trafficking issues	Legislative advocacy training for NGOs dealing with trafficking in both entities; Advocacy strategy sessions with NGO partners; Work with MPs in order to raise awareness on trafficking issues and related human rights; Possible organisation of public hearings to discuss legislative policies related to trafficking and facilitate dialog between NGOs and government; Media outreach.	Ongoing	RING/Advocacy Sub-Group	IHRIG	
RING NETWORK OF LOCAL NGOS (RING)					
Co-ordination and planning of anti-trafficking activities	Within the next 6 month RING should define its activities, roles, responsibilities etc. with respect to anti-trafficking activities.	Not funded	Government, IOs, NGOs	14 local NGOs from RING	Udruzena Zena Banja Luka Lana Jajcevic Natasa Petric Tel: + 387 51 314 517 Natasap@inecco.net
LARA (Local NGO)					
Education	Education of the local police.				Mara Radovanovic Beogradska 38, Bijeljina Tel: + 387 55 220 255 Fax: + 387 55 220 251 Mob: + 387 65 538 316 lara@bn.rstel.net
Raising awareness	Awareness raising campaigns.	2001			
Assistance for trafficked persons	Counselling services and support services (In Bijeljina & Brcko areas).	Since 2000			
Shelter for victims of trafficking	Provide shelter for victims for trafficking with medical and legal assistance.	April 2003	Shelter Foundation 30,000 Euro		
National Plan of Action	Conference on the implementation of the NPA: what has been done so far and what has to be done.	2003 Planned			
Media awareness	Improve media approach to reports on trafficking.	Ongoing			
Coordination	Organising regular meetings with all actors in trafficking from Bijeljina and Brcko area in order to co-ordinate and share experiences.	Since 2002.			
ZENA BiH (Local NGO)					
Research and data collection	Data collection in Mostar region on child trafficking.	Ongoing			Azra Hasanbegovic, Executive Director Ivana Krdelija 88 104 Mostar Tel: + 387 36 550 339 Fax: + 387 36 550 334 Fax: + 387 36 550 023 zenabih@cob.net.ba
Safe house	Safe house for victims of domestic violence and victims of trafficking providing legal, psychological and medical assistance; SOS hotline.	Ongoing	CoE, UN, Spanish NGO MZC		
Reintegration assistance	Assistance to BiH women returned from abroad.	Ongoing			
Education	Education and re-qualification of women - ensuring work places for women; Education about trafficking issue in secondary schools in Mostar area.Ongoing				

LA STRADA (Local NGO)

Prevention	Preparation of publications and organisation of informational lectures for young women and girls in order to inform them about risks connected with work abroad.	Became operational in Nov 2001	La Strada Czech Republic	RING, IOs, La Strada network	La Strada, other NGOs	Fadila Hadzic, National Co-ordinator Bulevar 35, Mostar Tel. + 387 36 557 190 /191/192 fadila@cob.net.ba
Victim assistance	Accommodation in shelter and assistance to victims (medical, psychological and legal assistance); SOS hotline.					
Awareness raising	Raising the public and political awareness of the issue of trafficking in women; Organise conferences in order to create political platform to deal with the issue; Collects all relevant information about trafficking in women in order to establish archive; Influence BiH legislation in order to strengthen and ensure protection of the women's rights.					

INTERNATIONAL FORUM OF SOLIDARITY (IFS) (Local NGO)

Prevention	Prevention and awareness raising campaign on the issue of trafficking in rural areas.	2002	French Embassy	NGOs	NGOs	Emir Nurkic, Regional Representative Tel: +387 35 249 601 Fax: +387 35 249 600 Mob: +387 61 164 264 emmaus@multicom.ba emir@multicom.ba
Assistance for trafficked persons as well as migrant sex workers	<i>Ad hoc</i> assistance given through temporary shelter, and return through collaboration with NGOs in country of origin; Providing medical and psychological assistance as well as working therapy to all shelter residents; Accepting the victims of trafficking who are not willing to go back to the country of origin.	Ongoing	French Embassy, Emmaus, Catholic Committee against Hunger and for Development	NGOs, IOM, Government		
Regional co-operation	Regional co-operation with Student Information Centre providing the information and education for girls and boys who want to study in Italy.	Ongoing		NGO Student Information Centre		
HIV/AIDS prevention/harm reduction	Outreach work with sex workers in bars/brothels, including HIV/AIDS/STIs, prevention education, distribution of condoms; HIV/AIDS Voluntary Confidential Counselling and Testing Project.	Ongoing in Tuzla and Dobo area Ongoing	Emmaus Int. France UNICEF			

UNION ZAR

Law regulation	Team of lawyers is comparing legal regulations, BiH law versus international standards (victim/witness protection, legal assistance, health protection).	Ongoing				Nermina Baljevic President of the Steering Committee Alipasina 9/3, Sarajevo Tel: +387 33 205 010 Mob: +387 61 133 556 ce.zar@smartnet.ba nerminab@lsinter.net
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BUDUCNOST (FUTURE)

Research, assistance, co-ordination and awareness raising	Awareness raising on the issues of trafficking; Organisation of round table for governmental, NGO and IO representatives on possible co-operation and co-ordination in Dobo region; Research on internal trafficking; Temporary shelter with educational and legal assistance available.	Ongoing	SPTF			Gordana Vidovic Vidovdanska 14 Modrica Tel: +387 53 810 200 Fax: +387 53 811 610 gocalg@inecco.net
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LIST OF PROJECTS AND ACTIVITIES IN THE REPUBLIC OF CROATIA ⁴⁰⁶

GOVERNMENT

Project/Activities	Focus of Activities	Time Frame	Donor	Co-operating Partners	Implementing Partners	Contacts
GOVERNMENT OF THE REPUBLIC OF CROATIA (OFFICE FOR HUMAN RIGHTS) - NATIONAL COMMITTEE FOR THE SUPPRESSION OF TRAFFICKING IN PERSONS						
Co-ordination and Implementation of the National Plan of Action	National Co-ordinator appointed; Developed of NPA for combating trafficking in human beings in Croatia; Responsible for implementation of the NPA.	Nov 2002 - ongoing		MI, MLSW, MI, ME, Ministry of Finance, MFA, Ministry of European Integration, MH, State Institute for the Protection of Family, Maternity and the Youth, State Attorney Office, Office for Combating Organised Crime and Corruption, IOs, NGOs		Darko Goettlicher, National Co-ordinator Trg Marsala Tita 8 Zagreb, Croatia Tel: +385 1 4877 661/660 Fax: +385 1 4813 426 Dgoettlicher@ljudskaprava-vladarh.hr
Database on victims of trafficking in persons	Database contains all the relevant data on victims of trafficking in persons in Republic of Croatia.	July 2003 - ongoing	USAID	MI, NGOs IOM,		Ivana Werft, National Committee Secretary Iwerft@ljudskaprava-vladarh.hr
SOS hotline	Hotline supported at state level has been established for the whole country; developing hotline database.	Feb 2003 - ongoing		IOM	MI, ROSA Centre for Women War Victims, NGO OIP	
MINISTRY OF THE INTERIOR						
Training	Training for the different departments of the MI.	Nov 2002 - ongoing		NC, MLSW, NGOs		Ministry of the Interior Sandra Veber Criminal Police Dept. Tel: +385 1 3788 002 Ilica 335, Zagreb sveber@mup.hr
ICMPD training	2 representatives from the police together with NGO partners participated in ICMPD training and should now implement pilot project in Croatia.	Nov 2002 - June 2003		MI, NGO ROSA, NGO Step		
MINISTRY OF JUSTICE						
Legal assistance	Provide victims with information on his/her status and protection during court proceedings as well as on methods of ensuring their rights.	Nov 2002 - ongoing	State budget		Relevant ministries, State Attorney Office, NGOs, IOs	State Attorney Office Bozica Cvjetko Tel: +385 1 3712706 Fax: +385 1 3769302 Vinogradska 25
Legal reform	New Family Law, protection of children under 18 and women with children.	Completed				Dijana Remenaric Tel: +385 1 4591 883 Fax: +385 1 4591 854 dremenaric@dorh.hr
Legal reform	Working Group on the Alien Law and preparation for the Asylum Law.	Completed				
ICMPD training	2 judges and 1 person in charge of educating judges and prosecutors underwent ICMPD training and a pilot project is now being implemented in Croatia (3 sessions).			NC, MI, NGO "Zenska soba", ICMC, ABA/CELLI		

⁴⁰⁶ **Abbreviations:** CRC, Croatian Red Cross; IO, international organisation; ME, Ministry of Education; MFA, Ministry of Foreign Affairs; MH, Ministry of Health; MI, Ministry of the Interior; MJ, Ministry of Justice; MLSW, Ministry of Labour and Social Welfare; NC, National Committee

MINISTRY OF LABOUR AND SOCIAL WELFARE					
Reception centres	Establish reception centres for short term accommodation.	July 2003 - Ongoing	State budget	NGOs, IOs, CRC	Marija Koren - Mrazovic MLSW Tel: +385 1 6169248 Fax: +385 1 6196534 Prisavlje 14, Zagreb
Safe house / shelter for victims of trafficking	Establish shelter for all victims of trafficking; Provide psychological assistance and care: counselling, psychotherapy; materials and other forms of assistance and protection.			NGOs, IOs	
MINISTRY OF HEALTH					
Medical care	Provision of urgent medical assistance for trafficking victims and urgent hospital care and medical treatment for transmittable diseases.	Nov 2002 - Ongoing	State budget	Croatian Institute for Health Insurance	Bruno Plahutar MH Tel: +385 1 4607 642 Fax: +385 1 4677 105 bruno.plahutar@miz.hr
MINISTRY OF EDUCATION					
School programmes	Development of schools and other educational programmes to promote non-violence among genders and develop specific knowledge on TIP.	Nov 2003		NC, Ministry of Science and Technology, IOM	Marija Ivankovic ME phone: +385 1 4569 023 Fax: +385 1 4610 490 mivankovic@mips.hr
MINISTRY OF FOREIGN AFFAIRS					
Training	Training for diplomatic and consular personnel.	Planned			Dubravka Simonovic MFA dsimonovic@mvp.hr
INTERNATIONAL ORGANISATIONS					
Project/Activities	Focus of Activities	Time Frame	Donor	Co-operating Partners	Implementing Partners
ORGANISATION FOR SECURITY AND CO-OPERATION IN EUROPE (OSCE)					
Advice and support	Maintain contact and exchange information with major anti-trafficking actors in Croatia, while providing advice to Croatian authorities, NGOs, etc., upon request.	Ongoing		Croatian government, NGOs	Kevin Steeves Political Affairs, Adviser OSCE Tel: +385 1 3091 621 Fax: +385 1 3091 621 kevin.steeves@osce.org
INTERNATIONAL ORGANISATION FOR MIGRATION (IOM)					
Research and assessment	Research study "Trafficking in Women and Children for Sexual Exploitation"; Support for research on trafficking in Split; Two public opinion surveys on trafficking in human beings in Croatia.	2001/2002 2003 2003	US Embassy USAID	MI, NGOs, IOs, NGO - Center for Study of Transition and Civil Society NGO Organisation for Prosperity and Integrity Jutamji Ilist	Lovorka Marinovic National Office, Counter Trafficking Programme Manager Amruseva 10, Zagreb Tel: +385 1 4816884 + 385 98 384 655 Fax: +385 1 4816 882 lovorkam@iom.int Sandra Gluic CTP Assistant sandrag@iom.int

Trafficking in Human Beings in South Eastern Europe

Croatia

<p>Capacity building and trainings</p>	<p>IOM signed MOU with Croatian gov't on co-operation on counter trafficking; 3-day workshop for the members of National Counter Trafficking Committee for drafting the NAP; IOM signed the MOU with MLSW for establishment and maintenance of safe house and reception centres; Trainings of social workers, police officers and NGOs; Educators at the Police trainings; Trainings for MI and MJ; Establishment and trainings of Mobile teams.</p>	<p>June 2002 July 2002 2003 2002-2003 Ongoing 2003-2004 planned 2003 planned</p>	<p>DFID, SIDA SIDA SIDA State budget UKFO Gov of Italy DFID</p>	<p>Croatian gov't Committee for new Legislation of the Parliament MI MLSW MLSW, MI, NGOs, CRC MI MI, MJ, MLSW, NGOs, CRC</p>	<p>Members of NC NGOs, CRC MI, MJ, NGOs MLSW, NGOs, CRC</p>
<p>Prevention, raising awareness and trainings</p>	<p>First national public awareness raising campaign including free spots on National TV and radio, leaflets, posters, brochures, bookmarks, calendars, stickers sugar and shopping bags; The training for journalists; Round tables, open forums; The module on trafficking for the national curriculum.</p>	<p>Since Nov 2002 8 months, 4 intensive Feb 2003 2003/04</p>	<p>USAID Netherlands Embassy USAID USAID USAID</p>	<p>Croatian gov't, MI, ME, MLSW, MI, more than 20 NGOs, IOs Croatian gov't NGOs ME</p>	<p>NGO NGOs ME, NGOs</p>
<p>Assistance to trafficked persons for return and reintegration</p>	<p>Direct assistance for the foreign victims of trafficking; Reintegration provided for victims of trafficking from Croatia; Establishment and refurbishment of the shelter and reception centres.</p>	<p>Ongoing Ongoing 2003 - ongoing</p>	<p>SIDA SIDA SIDA</p>	<p>MLSW, MI, MH, NGOs NGOs, CRC MLSW,</p>	<p>Step, ROSA, CRC, Croatian Law Centre NGOs, CRC, Croatian Law Centre NGOs CRC</p>
<p>SOS line (supported at state level)</p>	<p>One hotline number has been established; developing hotline database.</p>	<p>February 2003, ongoing</p>		<p>Croatian gov't</p>	<p>MI, Rosa Centre for Women, OIP</p>

NON-GOVERNMENTAL ORGANISATIONS						
Project/Activities	Focus of Activities	Time Frame	Donor	Co-operating Partners	Implementing Partners	Contacts
INTERNATIONAL CATHOLIC MIGRATION CENTRE (ICMC) (International NGO)						
Training, raising awareness	<p>Seminars and workshops to increase awareness and knowledge of local judges, lawyers and states attorneys of the issues surrounding trafficking. Seminars and workshops so far in Zagreb, Istria and Varazdin;</p> <p>A series of training sessions focused on implementation of prevention, assistance and protection activities for the local NGO network, PETRA;</p> <p>Technical Assistance to individual NGOs in the PETRA network to implement information and awareness campaigns;</p> <p>Provided campaign materials for local prevention and awareness campaigns to all PETRA network members as well as other NGOs. Materials included brochures, posters, postcards and calendars. Distribution throughout Croatia;</p> <p>Provided training to NGOs administering the SOS information and assistance helpline in co-ordination with La Strada Czech Republic.</p>	<p>Ongoing</p> <p>January - May 2003</p>	<p>USAID, ICMPC and the Canadian Embassy</p> <p>USAID</p> <p>USAID</p> <p>USAID</p> <p>USAID</p>	<p>Croatian Ministry of Justice, ICMPC, SP Office, ABA/CEELI and Zenska Soba La Strada Czech Republic and Zenska Soba</p> <p>The PETRA network</p>	<p>The Croatian Judicial Training Centre, Croatian State Attorney's Office, ABA/CEELI and Zenska Soba La Strada Czech Republic and Zenska Soba</p> <p>ICMC Training Unit</p> <p>Zenska Soba and ROSA</p> <p>La Strada Czech Republic</p>	<p>Amy Antoniadis Deputy Director for Cultural Orientation Tel: +385 1 606 16 46 Fax: +385 1 606 16 47 antoniadis@icmc.net Ul. grada Vukovara 237A 10 000 Zagreb Croatia</p>
Training and raising awareness	<p>Seminar for the PETRA network on working with the media for assistance, protection;</p>		USAID	Zenska Soba	IRES Pro-Media II	
Assistance and protection for trafficking victims	<p>Information and awareness campaign activities; Repair and security of a facility providing assistance and protection for victims of trafficking; Quarterly Newsletter, <i>Trafficking in Persons</i>, with articles from National Anti-trafficking Team (NC) and other pertinent sources distributed to over 200 NGOs and relevant institutions in both Croatian and English.</p>	<p>To be completed by Aug 2003</p> <p>Oct 2002 - Sept 2003</p>	<p>Canadian Embassy</p> <p>USAID</p>		<p>ROSA</p> <p>Zenska Soba</p>	
Publications						
CENTRE FOR WOMEN WAR VICTIMS (ROSA) (Local NGO)						
Assistance for trafficked persons	<p>Participation in the National Committee for Combating Trafficking.</p>	<p>From Nov 2002</p>		<p>MFA, MJ, MI, MLSW, local NGOs</p>	<p>MFA, MJ, MI, MLSW, IOM, ICMC,</p>	<p>Nela Pamukovic Djurdjica Kolarec Tel/fax: +385 1 4551 142 Kralja Drzislava 2/1, Zagreb Cenzena@zamir.net www.czzzr.hr</p>
Assistance for trafficked persons	<p>Shelter for trafficked persons.</p>	<p>July 2002 - July 2003</p>	<p>Govt; IOM, ICMC</p>	<p>ICMC</p>		
Raising awareness	<p>Documentary movie on trafficking in women: "Watch it and think about it".</p>					

ASSOCIATION HELP					
Prevention and raising awareness	Prevention and assistance to sex workers.	Ongoing			Mario Puljiz, Mihovilova sirina 1, Split Tel: +385 21 346 664 Fax: +385 21 360 650 Help-split@st.hinet.hr
ORGANISATION FOR INTEGRITY AND PROSPERITY (OIP)					
Prevention and raising awareness	Survey in 16 schools on "what children know about trafficking"; Work in schools and round tables with professors, pedagogues, social workers and police; Manual on "how to treat the victim".	January - March 2003 Planned Ongoing	Office of Human Rights of Croatian gov't, Split City Council	LaStrada Mostar, BiH	Meri Katunarić Kudrić The President Put Plokića 55, Split Tel: 385 21 543 076 e-mail: oip.split@email.hinet.hr
CENTRE FOR SOCIAL POLICY INITIATIVES (CSPI)					
Separated children, potential victims of trafficking	Manual for social and legal protection of separated children outside of their country of origin; Survey on children - illegal migrants: Training and supervision of interviewers Interviewing of separated children; Training of social services professionals in Zagreb and MI Zagreb (1 day seminar, 25 participants); CRC and separated children - 2 round tables.	2002 Ongoing 2002	Save the Children Alliance Albania; EC SCF Sweden	MLSW MLSW, University of Zagreb MLSW, MI MLSW, Civil sector	Aleksandra Selak Zivković, Director Benslaviceva 2/1; Zagreb Tel: + 385 1 4873 206/116 e-mail: cisp@zg.hinet.hr
Child trafficking prevention programme	Developing curriculum component on child trafficking prevention for the Institution for Children with Behavioural Problems; Training of educators (2 one-day seminars - 30 participants); Implementing of pilot-project on prevention of child trafficking in 5 elementary schools in Zagreb; Developing of video-spot on prevention of child trafficking.	2003	Save the Children Alliance Albania EC	MSLW, MI, IOM	
CROATIAN HELSINKI COMMITTEE					
Participation in National Committee for the Combating Human Trafficking	Participation in NC representing the interests of NGO network.	Nov 2002 - ongoing			Tijana Vukojić Tel: + 385 1 4812 322 Fax: + 385 1 4812 324 e-mail: tvukoji@hho.hr tix_12@hotmail.com

LIST OF PROJECTS AND ACTIVITIES IN THE REPUBLIC OF SERBIA⁴⁰⁷

GOVERNMENT

Project/Activities	Focus of Activities	Time Frame	Donor	Co-operating Partners	Implementing Partners	Contacts
MINISTRY OF THE INTERIOR, DIRECTORATE OF BORDER POLICE, FOREIGNERS AND ADMINISTRATIVE AFFAIRS						
National Committee and Plan of Action	Establishment of a Serbian team for combating trafficking; NPA for the fight against human trafficking adopted; Establishing national referral system for assistance to the victims of trafficking; Participation in SPTF.	May 2002 July 2002 Ongoing Ongoing		MI, MSA, Public Prosecutors Office, MH, OSCE, IOM, NGOs		Colonel Dusan Zlokas, National Co-ordinator Bulevar AVNOJa 104 Belgrade Tel: +381 1131118 891 +381 1131118892 Fax: +381 1131118 890 E-mail: ozs@mup.sr.gov.yu
Special anti-trafficking units	Special anti-trafficking police units established.	July 2002				
Legislation	Special Prosecutors Office established with responsibility for prosecuting all cases of trafficking; Lobbying for new anti-trafficking legislation.	Feb 2003 Ongoing				
MINISTRY OF THE INTERIOR						
Capacity building	Education of MI staff through participation in the seminar and courses on trafficking organised by OSCE, IOM, NGOs etc.	2002		OSCE, IOM, local and international NGOs		Brankica Grupkovic, Assistant to Minister, Ministry of the Interior Tel. + 381 11 31 15 831 Mob. + 381 63 20 87 23 bgrupkovic@sezampro.yu Bulv. Mihajla Pupina 2, Belgrade
Co-operation with SECI	Carried out Operation Mirage for the purpose of preventing smuggling, human trafficking and other illicit activities.	Sept 2002			SECI centre in Bucharest	
Shelter for trafficked Persons	Location for a permanent shelter identified, and secured by MI.			Various government ministries, IOM, OSCE	IOM Local NGO	
MINISTRY OF JUSTICE						
Working group on legal reform	New amend of the Criminal Code has been adopted; Participation in the preparation and the adoption of The Law on Combating Organised Crime: securing technical and material conditions for work of special Organisational units; Methodology for monitoring and reporting on criminal acts regarding trafficking is being prepared.	April 2003	n/a No external funding			Gordana Mohorovic e-mail: gord9@yubc.net

⁴⁰⁷Abbreviations: IO, international organisation; ME, Ministry of Education; MH, Ministry of Health and Environmental Protection; MI, Ministry of the Interior; OSI, Open Society Initiative; MSA, Ministry of Social Affairs

MINISTRY OF SOCIAL AFFAIRS

Referral and Counselling Centre (RCC)	Establishment of RCC; Participation in projects to create national referral system and mobile teams; Organise seminars and training for social workers on trafficking in human beings.	2003	OSCE, local NGOs	Local NGOs	Sanja Kijajic, Ministerial Adviser pinuseko@eunet.yu Milka Ignjatovic, Ministerial Adviser Nemanjina 22-26, Belgrade Tel: +381 113631490 Fax: +381 113616301
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INTERNATIONAL ORGANISATIONS

<i>Project/Activities</i>	<i>Focus of Activities</i>	<i>Time Frame</i>	<i>Donor</i>	<i>Co-operating Partners</i>	<i>Implementing Partners</i>	<i>Contacts</i>
ORGANISATION FOR SECURITY AND CO-OPERATION IN EUROPE (OSCE)						
Protection / Victim Assistance	Education of social workers at the Social Centres and homes for the children without parental care. Professional development and capacity building for the social workers and the RCC in the field of assistance for victims of trafficking.	April 2003	OSCE	MSA	OSCE Democratisation Department, MSA	Aleksandra Vidojevic Cakorska 1 11 000 Belgrade Tel: +381 11 36 06 123Fax : + 381 11 3672 429 Aleksandraa.vidojevic@omifry.org
Referral and Counselling Centre (RCC)	RCC was established in Nov 2002, and consists of a coordinator, an assistant and mobile team (composed of main NGOs: ASTRA and Counselling against Family Violence): Improve National Referral Mechanism for potential victims in Serbia; Develop standardised written procedures for identification of both adults and children; Standardise case-specific information exchange among immediately involved implementing partners, considering data protection.	2003-2004	OSCE US Gov't		OSCE, MSA, ASTRA, Counselling against Family Violence	
Law enforcement	Enhancing the capacity of MI to deal with trafficking in human beings through provision of necessary technical equipment and technical assistance (expert advice).	2003	Norwegian MFA		OSCE Law Enforcement and Democratisation Department, MI	
Raising awareness	Enhance public awareness through professional media and information strategy; Encourage objective and ethical coverage of the problem by the media outlets through promotion of best practices and the introduction of a code of conduct for journalists.	2003	No funds yet		OSCE Media and Democratisation Department, National NGOs (MDI, ASTRA)	

INTERNATIONAL ORGANISATION OF MIGRATION (IOM)

Shelter for trafficked victims	Management of the shelter for trafficked persons, who are in IOM's programme of assistance for returning to their country of origin. Provide counselling, medical and legal assistance, psychological and physical recovery; Provide travel documents.	Jan 2003 - April 2004	USAID Austrian Gov't	MI	MI and IOM Counselling against Family Violence	Christopher Gascon, Chief of the Mission Tel : + 381 11 457 584 + 381 11 459 859 Fax : + 381 11 344 10 09 e-mail : cgascon@iom.int
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Return	Safe return of trafficked migrants to country of origin.	June 2001 until May 2002	SIDA, USAID	MI, embassies in Belgrade	Implemented directly by IOM	Baja Sekulica 52, P.O.Box 27 11060 Belgrade
Raising awareness	Constant awareness raising campaign.	Planned			Local NGO	
Training	Systematic training for judges, prosecutors, police; Migration management training for border police.	Planned Implemented in 2003	PRM			
Research on Trafficking and Migration Patterns	Technical and capacity building project focusing on migration issues (including trafficking) with the aim of recommending measures to mitigate impact of irregular migration into, through and from Serbia.	Sept 2002- Sept 2003	USAID			

UNITED NATIONS CHILDREN'S FUND (UNICEF)

Mapping out and assessing child victim assistance mechanisms	Mapping out situation/risks and assessing available services for children victims of trafficking. Analysis of victim assistance and child protection mechanisms from human rights perspectives.	Planned	Waiting for CIDA funds	Gov't, IOs, NGOs		Stephanie Schwarz Tel: +381 11 36 02 100 Fax: +381 11 36 02 199 Mob: + 381 63 315 219 e-mail: sswarzar@unicef.org Svetozara Markovica 58, 11000 Belgrade
Development of life skills and HIV/AIDS prevention among especially vulnerable young people	Strengthening national response to HIV prevention among EYYP; Developing communication approaches based on participatory action research among young people; Life skills-based education on HIV through peer education and other in and out of school interventions (advocacy for inclusion into curricula); Establishment of youth-friendly health services; Strengthening capacities for voluntary confidential counselling and testing for HIV.	2002-2004		UNAIDS, Republican AIDS Committee		Dr. Jelena Zajeganovic-Jakovljevic, Project Officer YPHD&P, UNICEF Belgrade, jzajeganovic@unicef.org.yu Tel: 381 11 3602 100

UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (UNOHCHR)

Victim and witness assistance programmes	Assessment of the needs for victim and witness assistance and development of materials based on UN Principles and Guidelines on Human Rights and Human Trafficking. Provision of targeted training for lawyers and others who will be providing legal assistance to victims and/or witnesses.	Sept - Dec 2003 and 2004	UNOHCHR	NGOs, Gov't, IOs	OHCHR and partner to be identified.	Laurie Wiseberg Acting Chief of Mission Omladinskih brigada 86 Tel: + 381 11 3185 737 Fax: + 381 11 3185 872 e-mail: lwiseberg@unhchr.org.yu
Assist the development of NPA	Supporting the working groups within the Serbian Anti-trafficking Team; and monitoring implementation of NPA based on UN Principles and Guidelines on Human Rights and Human Trafficking.	Sept - Dec 2003 and 2004	UNOHCHR	Anti-Trafficking Team	UNOHCHR	Maja Lazic, Human Rights Officer mlazic@unhchr.org.yu
Analysis of trends in human trafficking in Serbia and Montenegro	Monitor and analyse developments in human trafficking in Serbia looking at all measures undertaken to combat human trafficking as well as the effect of such measures.	2004	UNOHCHR		UNOHCHR	
Raising of public awareness in Knjazevac	Media campaign, workshops and lectures for young women.	March - May 2003	UMCOR		NGO Timok's Club, ASTRA	Ana Djapovic Programme Manager Tel: +381 11 322 8089 ana@umcor-serbia.org

Trafficking in Human Beings in South Eastern Europe

Republic of
Serbia

NON-GOVERNMENTAL ORGANISATIONS

Project/Activities	Focus of Activities	Time Frame	Donor	Co-operating Partners	Implementing Partners	Contacts
		ASTRA				
Regional networking	Regional network "@net" was established at the regional conference organised by ASTRA with support of OSCE; NGOs from the @Net are planning to organise a network follow up.	22-24 Nov 2002 2003/2004	OSCE	OSCE Regional NGOs, Kvinna till Kvinna		Sandra Ljubinkovic ASTRA Project Manager Stanoja Glavasa 13 11000 Belgrade Tel/fax: +381 11 3347853 +381 11 3347817 astranet@sezampro.yu
Regional Co-operation Project	Exchange of information and experience with women's groups dealing with the issue of trafficking in women, short training courses to exchange expertise, networking and co-operation in mutual cases of trafficking.	March 2003				
Prevention and raising awareness	Public awareness: TV spots, radio jingles, articles and advertisements in press, printed information materials and leaflets.	2003/2004	CIDA, Kvinna till Kvinna, SIDA, SDC	ASTRA Network	ASTRA	
Library	Library with specialised literature on the issue of trafficking in women, gender based violence and other feminist literature-to be used as an educational tool.	Planned	Still looking for funds		ASTRA	
Peer Training	Develop preventive programme through peer education, lectures in schools.	2004/2005	Still looking for funds		ASTRA	
Victim assistance	Develop victim assistance programme through SOS hotline; Educate all relevant institutions and professionals who are identifying women and children as victims; Reintegration programme for the victims of internal trafficking.	2003/2004	CIDA, Kvinna till Kvinna, SIDA, SDC, Global Bank	MSA, MI, ASTRA Network, @Net, SECI Centre, INTERPOL, international NGOs	ASTRA	
Training	Basic and advanced training for representatives of police, judges, prosecutors, centres for social work, NGOs that work throughout Serbia to combat trafficking in women; Improving co-operation between the governmental and non-governmental sector, aiming at the national referral system for the victims of trafficking in Serbia and Montenegro.	2003/2004	CIDA, Kvinna till Kvinna, SIDA, SDC	MSA, MI, ASTRA Network	ASTRA	

COUNSELLING AGAINST FAMILY VIOLENCE					
Shelter for trafficked women	Offers psychological, legal and medical support for victims of trafficking; educational courses.	Ongoing	IOM		Vesna Stanojevic Katarina Markovic Dalmatinska 47a Belgrade, FRY Tel/fax: +381 11 787 615 +381 11 3292 205 savet@eunet.yu
VICTIMOLOGY SOCIETY OF SERBIA					
Survey of trafficking in human beings in Serbia	The focus is on trafficking in men and women excluding children and how state bodies and NGOs respond to it.	12 months	1/3 of the project funded by OSCE	OSCE	Vesna Nikolic Ristanovic, Director Kolarceva 8/IV Belgrade Tel/fax: + 381 11 3282 294 e-mail: vds@Eunet.yu Scopic@Eunet.yu vnikolic@Eunet.yu
Law reform	Advocacy for changes in laws and policy to ensure criminal prosecution of offenders and protection of victims- lobby for the acceptance and appropriate implementation of the legislation. Advocacy for individual victims: referrals to relevant institutions, information about their rights, witness service.	24 months	No funds yet		
Raising awareness	Raise awareness of prosecutors, judges and attorney lawyers about trafficking in people: Production of guidelines and training curricula; Production of information leaflets and stickers; Awareness raising workshops in 5 towns in Serbia.	7 months	No funds yet		
Report on the functioning of the criminal justice system and other services	On going monitoring and case studies on dealing with trafficking: Direct observation of the work of different organisations, monitoring of trials, case studies, writing, editing, translating and publishing the report	12 months	No funds yet		
BEOSUPPORT					
Prevention	National Plan for protecting children against sexual exploitation and trafficking to be submitted to the Serbian Parliament for adoption; Media campaign, number of expert meetings and public debates.	2002-2003	SCF Norway		Sonja Kecmanovic Executive Secretary 27 Marta 43a-atrium Tel: + 381 11 3343 560 beosup@Eunet.yu
Brochure	"Trafficking in close-up" Brochure follow-up to a documentary film on field research and with contribution from OSCE, IOM and police.	Ongoing 2003	EU		

Trafficking in Human Beings in South Eastern Europe

Republic of
Serbia

CATHOLIC RELIEF SERVICES (CRS)					
Research on trafficking of Roma Women and Children Risk and Resiliency Factors	The study analyses trafficking in relation to the following areas: Socio-economic context and social control mechanisms; Legislative context and status of Roma; Public opinion poll. Inventory of on-going initiatives and actors.	Oct 2002 - March 2003	USAID	CRS, Belgrade Centre for Human Rights	CRS, Strategic Marketing, Centre for Human Rights, Research Agency 'Argument', Sanja Nikolin, Senior Manager for Programming Koste Glavinica 23a, Belgrade Tel: + 381 11 650 763 652 605 e-mail: sanjan@crsbgd.org.yu Belgrade Centre for Human Rights Andjelka Markovic Programme Assistant Mlatisumuna 26, Belgrade Tel: + 381 11 432 572 308 5328 e-mail: bgcentar@bgcentar.org.yu
SAVE THE CHILDREN UK (SCF UK)					
Regional Child Trafficking Response Programme	Develop an awareness campaign on trafficking through peer-to-peer education, materials development and training workshops with key sectors; Monitor trafficking legislation and conduct research to increase understanding of trafficking.	Sept 2002 - Oct 2003	SCF	ASTRA, CRC, local partners	Marko Sinadinovic Ljutice Boddana 2 Belgrade Tel: + 381 11 3671 477 3671 476
FORUM FOR MEDIA INITIATIVES (FOMIN)					
Research on Reporting about Trafficking in Women	Research on recent situation concerning trafficking in women. Journalists collected all the reports of IOM and NGOs, and interviewed government and police.	Jan - Feb 2003	Konrad Adenauer Foundation		Dragan Djokovic Network coordinator Strahinica Bana 73a Belgrade Tel: + 381 11 32 30 193 e-mail: fomin@sezampro.yu
Prevention	Strategy for the prevention of trafficking in women and children for the purpose of sexual exploitation in SEE.	From June 2003	FRESTA Denmark	Human Rights Network (BHRN) and SEE Network for Professionalism of the Media	FOMIN, Politikas magaizne Danish Centre for Human Rights
WOMEN IN ACTION					
Prevention in Velika Plana	Prevention and education of young girls at risk through workshops in primary schools focus on false advertisements in the newspapers.	6 months	Looking for funds		Jelena Zlatkova Momira Gajica 6 Velika Plana Tel: + 381 26 513 235 e-mail: zeneakcija@yahoo.com

GIRL'S CENTRE UZICE

<p>Prevention and raising awareness: "We will be always there for you" in South West Serbia</p>	<p>Prevention and education of young girls at risk through workshops in high schools, faculty and orphanage; Education of different profile experts: teachers, Judges; police officers; social workers; Workshops; Media campaign: local TV and radio stations, street actions to distribute badges and pamphlets provided by ASTRA.</p>	<p>12 months</p>	<p>Looking for funds</p>	<p>ASTRA</p>	<p>Lidija Zlatic Zeleznicka 9 Uzice Tel: + 381 31 513 055 Mob: + 381 64 1313 822 e-mail: lzlatic@ptt.yu girlscen@eunet.yu</p>
<p>ENERGY, VISION, ACTION (EVA)</p>					
<p>Public awareness campaign in Vojvodina</p>	<p>Raising public awareness of the existence, causes and consequences of trafficking with the aim of developing capacities for recognition and denunciation; Media campaign, round tables, workshops.</p>	<p>12 months</p>	<p>Looking for funds</p>		<p>Valerija Tomin Sabo Director Branislava Borote 15 Novi Sad Tel: + 381 21 493 954 Fax: + 381 21 401 237 e-mail: evans@eunet.yu</p>
<p>SOS FOR WOMEN AND CHILDREN</p>					
<p>Prevention in Vlasotice and Crna Trava</p>	<p>Prevention and education for young girls at risk as well as general public through tribunals in primary and high schools, interviews and media campaign.</p>	<p>6 months</p>	<p>Looking for funds</p>		<p>Svetlana Saric Lole Ribara 2/8 Vlasotice Tel: + 381 16 874 744 Mob: + 381 63 853 6304 e-mail: sos.vlas@eunet.yu</p>

LIST OF PROJECTS AND ACTIVITIES IN THE REPUBLIC OF MONTENEGRO⁴⁰⁹

GOVERNMENT

Project/Activities	Focus of Activities	Time Frame	Donor	Co-operating Partners	Implementing Partners	Contacts
MINISTRY OF FOREIGN AFFAIRS						
Co-ordination and participation in regional initiatives	MFA Secretary appointed as National Co-ordinator; Reorganisation of the Project Board for Fighting Human Trafficking (Inter-Agency Working Group); Drafting Statute and Code of Conduct for the members of the Project Board; Expansion of the Project Board by including Ministry of Health, Ministry of Labour and Social Care and Ministry of Education; Participation in SPTF.	Ongoing	No external funding			Aleksandar Mostrokol MFA Secretary National Co-ordinator Stanka Dragojevića 2 81000 Podgorica Tel: +381 81 225 967 Aleksandar Pejovic Councillor, MFA Stanka Dragojevića 2 81000 Podgorica Tel: +381 81 246 443 apejo@cg.yu
Assistance to trafficked persons	Further development of Victim Protection Project to ensure access to medical, psychological and legal support for trafficked persons staying at shelter; MOU between police and NGOs to provide referral and assistance; Special programme for trafficked persons, who do not want/cannot return to country of origin, to apply for resident status	Ongoing MOU signed in Dec 2001 Ongoing	No external funding		Police, NGOs, social and medical service providers	Natasa Popovic Councillor, MFA Stanka Dragojevića 2 81000 Podgorica Tel: +381 81 244 413 natasap@mn.yu Marijana Zivkovic Interpreter MFA Stanka Dragojevića 2 81000 Podgorica Tel: +381 67 577 692 marijanaz@mn.yu
MINISTRY OF INTERIOR						
Law enforcement	Special Police Department for Fighting Organised Crime with a team for Fighting Trafficking in Human Beings; Regional co-operation with the Ministries of the Interior of neighbouring countries; Special Task Force on Border Control police to manage border instead of Serbia and Montenegro armed forces; Joint action of EU and regional police forces to fight organised crime.	July 2003	No external funding		MI, police	Darko Radinovic Chief Inspector of the Crime Police Department Tel/fax: +381 81 245 020 Mob: +381 67 284 645

⁴⁰⁹ **Abbreviations:** IO, international agency; MFA, Ministry of Foreign Affairs of Serbia and Montenegro; MI, Ministry of the Interior; MJ, Ministry of Justice; VPP, Victim Protection Project.

Legal reform	To harmonise national legislation with international standards; To finalise new legislation (Criminal Code, Criminal Procedures Code, Law on prosecution).	Ongoing Ongoing	n/a No external funding	National Anti-Trafficking Co-ordinator OSCE, CoE, ABA CEEELI prosecutors, judges, Association of Lawyers and Attorneys, Law Faculty of Podgorica University	Government	Branka Lakocevic Assistant Minister to the Ministry of Justice Tel: +381 81 248 541 branka@cg.yu
MINISTRY OF EDUCATION						
Raising awareness in schools	Possible inclusion of trafficking in school curricula; Training of teachers and the distribution of information in schools.	No time frame yet identified	Budget not yet estimated	IOs, NGOs	SCF UK	Nada Drobnjak Gender Focal Point Tel: +381 81 612 476 Fax: +381 81 612 996 late@cg.yu
INTERNATIONAL ORGANISATIONS						
Project/Activities	Focus of Activities	Time Frame	Donor	Co-operating Partners	Implementing Partners	Contacts
PROJECT BOARD (Government of Montenegro and OSCE)						
Co-ordination	Co-ordination and design of the anti-trafficking activities as per NPA; Evaluation of the NPA for 2001-2002; Close co-operation and support for the National Co-ordinator.	Since 2001 2003		MI, MFA, NGOs, IOM, UNICEF, OSCE-ODIHR		Aleksandar Mostrokol National Co-ordinator Project Board Chairman Stanka Dragojevic 2 81000 Podgorica +381 81 225 967
Awareness raising	Preparation of the Action Plan on Prevention: education and awareness in schools; Local awareness campaign: leaflets, posters, calendars, advertisement in newspaper, TV and radio spots; Building local network in municipalities.	Ongoing 2002				
Training	Training of Trainers for the judiciary and prosecution; Training initiatives for general public and media.	2002 Planned 2003				
COUNCIL OF EUROPE (CoE)						
Legal reform	Support for legislative review; Round Table with the Working Groups for drafting new Criminal and Criminal Procedure Codes, with special attention on victim and witness protection (legislative assistance); Experts comments on new legislation (Criminal and Criminal Procedure Codes).	Ongoing June 2003 July 2003		OSCE	Ministry of Justice	Ana Zec Legal Advisor CoE Podgorica Office Tel: +381 81 265 438 Fax: +381 81 265 439 anaz.coe@cg.yu

Trafficking in Human Beings in South Eastern Europe

Republic of Montenegro

Law enforcement training	Seminar for judges on refugee law and freedom of movement; Conference on human rights, ethics and policing standards for police; Seminar for judges, prosecutors and police officers on Trafficking in Human Beings; Seminars for judges on European Convention on Human Rights (art.5.6).	Sept 2000 Oct 2001 Feb 2003 Ongoing	Judicial Training Centre of Montenegro	MI MJ, MI, State Prosecutor's Office	AIRE Centre from London and CEDEM CoE expert on police, OSCE MJ, Supreme Court	
INTERNATIONAL ORGANISATION OF MIGRATION (IOM)						
Raising awareness	Counter Trafficking Awareness Campaign targeting young women and girls.	Sept 2002- Sept 2003	USAID-111,278 USD			Zana Pavicevic Head of office and Counter-trafficking focal point for IOM Montenegro Tel: +381 81 459 859 Fax: +381 81 3441009 iommontenegro@cg.yu
Victim assistance and reintegration	Shelter for trafficked women in Podgorica: providing safe accommodation, food, clothes, medical, psychological and legal support; Assistance and reintegration for victims of trafficking of Montenegrin origin: vocational training, contacts with families, medical and psychological support.	Sept 2002- March 2003 Jan 2003- Jan 2004	USAID-37,376 USD SIDA		Women's Safe House	
Training and capacity building	Capacity Building for Migration Management for border crossing police; Counter Trafficking Awareness Training for border authorities in Montenegro	March 2003 - Oct 2003 Sept 2003 - Sept 2004	48,000 USD European Agency for Re-construction-50,000 Euro			
UNITED NATIONS CHILDREN'S FUND (UNICEF)						
Victim Protection Programme: Co-ordination	UNICEF is a member of the Anti-trafficking Project Board in Montenegro, whose main goal is to co-ordinate action and to raise awareness among general public on trafficking.	2000 -Ongoing		Montenegrin gov't, OSCE, UNHCR, SCF UK, CoE, IOM, NGOs		Sanja Saranovic, Ass. Project Officer- Child Protection Tel/fax: +381 81 224 277 ssaranovic@unicef.cg.yu
HIV/AIDS prevention among especially vulnerable young people	Raising awareness and social mobilisation on risks and prevention of HIV/AIDS/STIs through participatory Right to Know approach; Outreach with especially vulnerable young people at risk of HIV/AIDS/STIs (Counselling service for sailors).	2002-2004			Local NGOs, Ministry of Health, Institute of Public Health	
UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (UNOHCHR)						
Victim and witness assistance programmes	Development of training materials based on the UN Principles and Guidelines on Human Rights and Human Trafficking and provide targeted training to lawyers and others who will be providing legal assistance to victims and/or witnesses.	Sept - Dec 2003 and 2004	UNOHCHR	NGOs, Government and IOS	OHCHR and partner to be identified	Laurie Wiseberg Acting Chief of Mission Omladinskih brigada 86 Tel: + 381 11 3185 737 Fax: + 381 11 3185 872 e-mail: lwiseberg@unhchr.org.yu

Anti-Trafficking Project Board	Assisting with the drafting of a new mission statement for the Anti-Trafficking Project Board.	On going 2003	UNOHCHR	Anti-Trafficking Project Board members	Anti-Trafficking Project Board members	Christopher Fry Human Rights Officer Podgorica Tel: + 381 81 231 116 Fax: + 381 81 231 210 cfry@cg.yu onchr-pg@cg.yu
Assisting the development of NPA	Supporting the working groups in Montenegro; and assistance in establishment, development and implementation of NPA based on the UN Principles and Guidelines on Human Rights and Human Trafficking. Monitoring the implementation of the NPA.	Sept - Dec 2003 and 2004	UNOHCHR	The Anti-Trafficking Project Board members	UNOHCHR	
Analysis of trends and changes in human trafficking in Serbia and Montenegro	Monitoring and analysis of developments in human trafficking in Montenegro, looking at all measures undertaken to combat human trafficking as well as the effect of such measures.	2004	UNOHCHR		UNOHCHR	
ORGANISATION FOR SECURITY AND CO-OPERATION IN EUROPE (OSCE) and OFFICE FOR DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS (ODIHR)						
Expertise on Victim / Witness Protection	Provide information on minimum standards of treatment of victims/witness for effective investigation and prosecution; Share experiences of witness protection programme for trafficked persons from Western Europe; Re-evaluate existing victim protection mechanism and to elaborate recommendations for the implementation of a witness protection programme.	Dec 2002	OSCE, ODIHR			Jamie Factor Head of Democratisation Tel: +381 81 235 101 Fax: +381 81 235 107 Jfactor.osce@cg.yu
Anti-Trafficking Project Board Evaluation Meeting	Facilitate and provide operational support for the Project Board Evaluation Meeting;	April 2003	OSCE, ODHIR			
Co-ordination	Support establishment of National Counter Trafficking office and three regional centres; Co-chair Project Board with Montenegrin National Co-ordinator.	2003	Dutch Gov't (€ 47,750)	Montenegrin Gov't		
SOS Hotline	Support SOS hotline.	Ongoing	OSCE (€ 10,000)	MI,	Montenegro Women's Lobby	
Training	Training Workshops for educators	2003	Swiss Gov't (€ 4,800)		Montenegro Women's Lobby	
Information Campaign	Conduct anti trafficking public information campaign.	Planned for late 2003 and 2004				
UN HIGH COMMISSIONER FOR REFUGEES (UNHCR)						
Training	Contribution to border police training that aims to improve efficiency in preventing smuggling, trafficking and illegal border crossings over the Montenegrin borders. Aspects of this project are i.a. assistance in training of staff in refugee law, in treatment of asylum seekers and in establishing a reception centre for illegal migrants and asylum seekers.	Ongoing				

Trafficking in Human Beings in South Eastern Europe

Republic of
Montenegro

NON-GOVERNMENTAL ORGANISATIONS						
<i>Project/Activities</i>	<i>Focus of Activities</i>	<i>Time Frame</i>	<i>Donor</i>	<i>Co-operating Partners</i>	<i>Implementing Partners</i>	<i>Contacts</i>
MONTENEGRIN WOMEN'S LOBBY (Local NGO)						
Information, raising awareness and victim assistance	SOS hotline for trafficked persons, also provides referrals within the VPP project; Database on trafficking.	Ongoing since April 2001	€ 12.000 for SOS hotline	OSCE	Implemented partners: Women's Safe House, MI	Aida Petrovic Co-ordinator Tel: +381 81 232 232 Mobile +381 69 454 606 mnzenski@lobi@hotmail.com Aleksandra Mijosevic Assistant Tel: + 381 81 232 232 Mob: +381 67 559 698
WOMEN'S SAFE HOUSE (Local NGO)						
Information and raising awareness	Conferences, lectures on violence against women, women's rights and trafficking; Research, surveys, data collection on the situation of women in Montenegro.	Ongoing	€ 20.000	OSCE, IOM, MI	Implemented directly	Ljiljana Raicevic Co-ordinator Women's Safety House Levjinov Blvd. 45C, Podgorica Tel/fax: +381 81 23 23 52 +381 81 23 11 53 Mobile: +381 69 013 321 shelter@cg.yu
Victim assistance	Shelter for trafficked women, including safe accommodation, preliminary counselling, medical examination, legal support, social support, contact with IOM and assistance in repatriation for all trafficked persons (including those that do not qualify for IOM assistance).	Shelter opened in Oct 2001	USAID	Project Board, OSCE, IOM, MI	Implemented directly	

LIST OF PROJECTS AND ACTIVITIES IN THE UN ADMINISTERED PROVINCE OF KOSOVO⁴⁰⁸

PROVISIONAL INSTITUTIONS AND SELF-GOVERNMENT OF KOSOVO (PISG)

<i>Project/Activities</i>	<i>Focus of Activities</i>	<i>Time Frame</i>	<i>Donor</i>	<i>Co-operating Partners</i>	<i>Implementing Partners</i>	<i>Contacts</i>
PRIME MINISTER'S OFFICE						
Co-ordination and Kosovo Plan of Action to combat trafficking	<p>Participation in anti- trafficking working group;</p> <p>Plan to contribute to the organisation of a workshop for local and international institutions to develop KPA;</p> <p>National Co-ordinator responsible for co-ordination with SPTF and Kosovo Government;</p> <p>Officer responsible for trafficking issues appointed in every ministry;</p> <p>Establishing Inter-Ministerial Group for anti-trafficking issues at gov't level. The Group will be responsible for drafting the anti-trafficking plan of action for Kosovo (KPA).</p>	<p>Since 2002</p> <p>Planned</p> <p>Planned</p> <p>Ongoing</p> <p>Planned</p>	n/a	<p>UNMIK, NGOs, IOs</p> <p>SPTF, PISG</p> <p>MEST, MLSW, MH, MCYS, MPS</p> <p>All relevant ministries, UNMIK, OSCE, IOM, local NGOs, IOs</p>		<p>Habit Hajredini Chief, Office for Good Government, Human Rights, Equal Opportunity and Gender Issues; Anti-trafficking co-ordinator Nena Tereze Ndertesa e Qeverise Zyra N319 Pristine Tel: + 381 38 504 604 Ext. 6586 Fax: + 381 38 211 868 Mob: + 377 44 174 282 habit_hajredini@yahoo.com hajderini.habit@ksgov.net Sadete Demaj Chief Adviser for Human Rights Tel: + 381 38 504 604 Ext. 6583 Mob: + 377 44 247 413 sadete_de@hotmail.com demaj.sadete@ksgov.net</p>
MINISTRY OF LABOUR AND SOCIAL WELFARE, DEPARTMENT OF SOCIAL WELFARE						
Training	<p>Conduct training on trafficking and human rights standards for the CSWs and other agencies (NGOs, TPIU, victim assistance);</p> <p>Develop training package/resource guide to present practical guidelines for working with trafficking cases.</p>	<p>May 2003</p> <p>Planned</p>	OSCE			<p>Selvete Gerxhaliu Domestic Violence and Counter Trafficking Policy Co-ordinator selvetegerxhaliu@yahoo.co.uk Mob: + 377 44 156 356</p>
Policy Development	<p>Develop policies and appropriate services to protect victims of internal trafficking and internationally trafficked children.</p>	Planned				

⁴⁰⁸ **Abbreviations:** CPWC, Centre for the Protection of Women and Children; CSW, Centre for Social Welfare; IO, international organisation; DJ, UNMIK Department of Justice (Pillar 1); KPA, Kosovo Plan of Action to combat trafficking; KPS, Kosovo Police Service; MEST, Ministry of Education, Science and Technology; MH, Ministry of Health; MLSW, Ministry of Labour and Social Welfare; MPS, Ministry of Public Services; SCF, Save the Children; TPIU, Trafficking and Prostitution Investigation Unit; UNMIK, United Nations Mission in Kosovo; VAAU, UNMIK's Advocacy and Assistance Unit.

Trafficking in Human Beings in South Eastern Europe

UN Administred
Province of
Kosovo

INTERNATIONAL ORGANISATIONS						
<i>Project/Activities</i>	<i>Focus of Activities</i>	<i>Time Frame</i>	<i>Donor</i>	<i>Co-operating Partners</i>	<i>Implementing Partners</i>	<i>Contacts</i>
UNITED NATIONS MISSION IN KOSOVO (UNMIK) PILLAR 1- POLICE & JUSTICE						
Trafficking and Prostitution Investigation Units (TPIUs)	Established in all 5 regions of Kosovo; Investigation into the crime of trafficking; Responsible for identification of victims and their referral to OSCE and IOM; Pilot training programme for nationals from the Kosovo Police Service; Security and transport to the shelter for trafficked persons.	Established Oct 2001 Starting Jan 2003		OSCE, IOM		Jenny McMullan Head of TPIU UNMIK Headquarters Tel: + 381 38 504 604 Mob: + 371 44 167 403 tpiumhq@hotmail.com
Interim Secure Facility (ISF) for Victims of Trafficking	ISF officially opened on 13 June 2003 to provide interim accommodation and assistance services to victims of trafficking in persons in Kosovo. The shelter is managed by VAAU.	2003 - Ongoing	OSCE (US gov't)	TPIU, OSCE, IOM, MLSW, NGOs		Mumbi Njau VAAU and UNMIK Co-ordinator on Anti - Trafficking Tel: +381 38 504 604 Ext. 4788 njau1@un.org
Joint Project: Victims' Advocacy and Assistance Unit (VAAU); TPIU; and Witness Protection Unit						Indrani Sinha, ISF Manager Tel: +377 044 344 862
Victim Advocacy and Assistance Unit - (Department of Justice)	Advocate for victims and create a mechanism for victim advocacy and access to justice; Create, develop and co-ordinate comprehensive assistance to victims of crime; Security and transport to the shelter for trafficked persons; Co-organising the Anti-Trafficking conference to raise awareness on the phenomenon of trafficking and achieve the full involvement of local governmental and non-governmental authorities in developing the KPA.	2002 Oct 2003	Kosovo Consolidated Budget and OSCE, DJ, UNICEF, SCF, Prime Minister's Office	TPIU, OSCE, IOM, MLSW, Services, NGOs		Tihana Leko VAAU Officer Tel: +381 38 504 604 Ext: 5917 leko@un.org

ORGANISATION FOR SECURITY AND CO-OPERATION IN EUROPE (OSCE)

Raising awareness	Participation in radio/TV/magazine/newspaper interviews, round tables and conferences; Monitoring the media to see how trafficking is being represented and trying to influence the ways that journalists cover the issue.	Ongoing		Jennifer Chase Beograd Street 32 Pristina Victim Advocacy and Support Section, Human Rights and Rule of Law Department Tel: + 381 38 500 162 Fax: +38138 500 188 Mob: + 377 44500157 e-mail: jennifer.chase@omik.org
Victim assistance - policy, guidelines and procedures	OSCE Human Rights Officers conduct a brief interview to screen the victim; Assisting Working Group to create Standard Operation Procedures for internally trafficked victims; Supported two national positions within VAAU, for enhancing the capacity of response by VAAU; Financially supported the opening of the ISF and the position of the International Manager for 6 months; Support for local NGO that manages the shelter for internally trafficked victims; plan to support shelter for children with different language needs that will be opened by same NGO; Supporting the position of the Domestic Violence and Counter Trafficking Policy Co-ordinator at the MLSW in order to develop policies and appropriate services and protection for internally trafficked victims and internationally trafficked children.	Ongoing	TPIUS, MLSW (CSWs), CPWC, IOM, VAAU, DJ	UNMIK in co-operation with IOs, CSWs and NGOs Ariana Qosaj-Mustafa Legal Adviser on Women and Children VAASS-HRROL, OSCE Same address Ariana.qosaj-mustafa@omik.org
Training	Training on the Anti-trafficking Regulation 2001/4 for prosecutors and judges; Co-facilitating 2-day training sessions on trafficking in human beings with MLSW; Collaborating on the Training of Trainers curriculum for the KPS School in Vushtri, which will run courses for incoming officers; Training for journalists organised by OSCE Media Dept.	Ongoing Aug 2003	Kosovo Judiciary Institute	Laure Aviles Legal Advisor on Victim Advocacy laure.aviles@omik.org
Legal assistance for trafficked persons	Providing funds for legal assistance to victims of trafficking.	Ongoing	OSCE	
Legal System Monitors	Access to all court cases including the trafficking trails; prepared a report on Witness protection.	Ongoing	OSCE	
Anti-trafficking Conference	To raise awareness of the issues and to determine action points leading towards a comprehensive KPA.	Oct 2003	DJ, IOM, OSCE, SCF, UNICEF, Prime Minister Office	DJ, VAAO, Prime Minister Office, MLSW, IOM, SCF, TPIU, CPWC, UMCOR, UNICEF

Trafficking in Human Beings in South Eastern Europe

UN Administered
Province of
Kosovo

INTERNATIONAL ORGANISATION FOR MIGRATION (IOM)						
Prevention through raising awareness and information campaigns	<p>Regional information and awareness raising campaigns targeted to:</p> <ul style="list-style-type: none"> General population; Clients and potential clients; International community; Young women (victims of trafficking and/or potential victims of trafficking); Youth (on prevention and migration); <p>Co-organising the Anti-Trafficking conference</p>	<p>Since April 2000 until present</p> <p>Oct 2003</p>	<p>Swedish and Belgium Gov'ts,</p> <p>UNICEF, DJ, SC, OSCE, IOM, Prime Minister Office</p>	<p>UNIFEM, local NGOs,</p>	<p>Local NGOs: Alternativa, Post Pessimists, Kosovo Women's Network, Kosovo Media: Urban FM; Radio Sky; RTK; various newspapers</p> <p>Nazim Hikmet No. 49 Dragodan, Pristina Tel: + 381 38 249 042 Fax: + 381 38 249 039</p> <p>Nicoleta Munteanu Project Officer Counter Trafficking nmunteanu@iom.ipko.org</p>	<p>Tatiana Sullini Project Manager tsullini@iom.ipko.org</p>
Protection and Assistance	<p>Direct assistance to foreign victims of trafficking through the repatriation and reintegration:</p> <ul style="list-style-type: none"> Direct assistance prior the woman's return to the country of origin (travel arrangements, travel documents, sheltering assistance while in Kosovo, activities); Medical care; Psychological support and counselling; Legal and language assistance if the victim is testifying; Sessions to raise awareness in order to prevent re-trafficking; <p>Direct assistance to local victims of trafficking (both returned from abroad and internally trafficked) through referral to local NGOs and Governmental structures.</p>	<p>Ongoing since Feb 2000</p> <p>Ongoing since Jan 2001</p>	<p>Sweden, Canada, Italy, Swiss, UK, US Gov'ts, USAID</p>	<p>OSCE, TPIU, UMCOR, CPWC, MLSW, local NGOs</p>	<p>Implemented directly by IOM</p> <p>Through referral to local NGOs and governmental structures</p>	
Capacity building	<p>Project to reintegrate Kosovo victims: a biyearly project will be implemented by IOM in joint partnership with the PISG, specifically to assist Kosovar victims of trafficking (at operational level through the establishment of a referral system and at policy level through the establishment of a Multi-ministerial Commission on Trafficking to develop a Plan of Action to combat trafficking through addressing the root causes).</p>	<p>March - May 2003</p> <p>Planned</p>	<p>PISG, UNMIK, civil society and NGOs, IOS, other IOM missions, researchers</p>	<p>Co-ordinated and monitored by IOM</p>		
Training	<p>Regular and targeted training of local and international NGOs, governmental actors (social workers, doctors), UN Victim Advocates, law enforcement agencies, IOS; Together with TPIU to organise training for different police units.</p>	<p>Ongoing</p> <p>Ongoing</p>	<p>TPIU, Border Police, DJ</p>			

Counter Trafficking Information System: Research; and Analysis	Developing on a continual basis: Statistics and analysis of the phenomenon of trafficking; Currently updating the referral system: standard operating procedures for local and international victims of trafficking; Monitoring the local media on the trafficking cases.	Ongoing since 2001 Ongoing Ongoing	Implemented directly by IOM
UNITED NATIONS CHILDREN'S FUND (UNICEF)			
Research and raising awareness	International Conference on Trafficking on Human beings (October 2003) with working group on Anti-trafficking; Awareness raising activities on children rights with general public; Awareness raising activities on trafficking among children and young people.	2003 UNICEF	UNMIK Anti-trafficking Co-ordination group, IOs, Youth NGOs UNMIK Anti-trafficking Co-ordination group, PISG, IOs, Youth NGOs
Juvenile justice programme	Development of legal and policy framework for juveniles in conflict with the law.	Ongoing since 2000 DJ, IOs, NGOs	DJ, IOs, NGOs
HIV/AIDS prevention among especially vulnerable young people	Technical Assistance and capacity building for the Kosovo HIV/AIDS Committee; Peer educators training on prevention of HIV/AIDS and sexual reproductive health; Raising awareness and social mobilisation on risks and prevention of HIV/AIDS/STIs.	2002-2004 Kosovo AIDS Committee, Population Services International, local NGOs	
UNITED NATIONS FUND FOR WOMEN (UNIFEM)			
Training on legislation	Training for lawyers and municipality authorities on gender and local legislation discussing 6 laws relevant to women: property law; administrative law; family law; inheritance law; labour law; criminal law.	2003	Margaret Heinreksdottir Project Adviser/Manager Tirana Street 35, 2 nd floor Tel: + 381 38 224 654 Fax: + 381 38 224 641 Mob: + 377 44 118 697 heinreksdottir@un.org Flora Macula Project Manager Mob: + 377 44 160 740 macula@un.org
UNITED NATIONS FUND FOR POPULATION ACTIVITIES (UNFPA)			
Reproductive health care for trafficked women	Provision of medical and psychosocial counselling and assistance for trafficked persons staying in the shelter and awaiting return.	Ongoing UMCOR	Vanessa Hawkins Assistant Operations Officer Tel: +381 38 549088 Mob: +377 44 157392

Trafficking in Human Beings in South Eastern Europe

UN Administered
Province of
Kosovo

NON-GOVERNMENTAL ORGANISATIONS

Project/Activities	Focus of Activities	Time Frame	Donor	Co-operating Partners	Implementing Partners	Contacts
UNITED METHODIST COMMITTEE ON RELIEF - UMCOR (International NGO)						
Shelter for trafficking victims	Manages shelter for trafficked persons who participate in IOM's programme of return; Basic medical care and counselling, psychosocial support and vocational training.	Ongoing since July 2000	ICCO, CIDA, Norwegian Gov't	Referrals by IOM, OSCE and TPIU	Shelter managed by UMCOR directly	Gretchen Ansoorge Women's Programme Manager Lipjani street No. 6 Pristine Tel: +381 38 249 190 Fax: +381 38 246 189 Mob: + 377 44 157 228 GretchenA@umcor-kosovo.ipko.org
Awareness raising	Awareness raising with youth outreach work in Pristina - plans to expand this in other parts of country; Outreach sessions in schools in and around Ferizaj.	2002 2003		UNMIK Anti-trafficking Co-ordination group, PISG, IOS, NGOs	UNMIK Anti-trafficking Co-ordination group, IOS, NGOs	
Reproductive health care services	10 doctors trained to work with victims of trafficking and to provide them with reproductive health care service; Booklets with information on STIs, reproductive health and clinic information.	July 2003 July 2002	UNFPA			
Training	Contribute to the design and facilitation of training for KPS Officers.	June 2003				
CENTRE FOR THE PROTECTION OF WOMEN AND CHILDREN (CPWC) (Local NGO)						
Assistance for victims of domestic violence and trafficking	Shelter for domestic violence accepts internally trafficked women, and girls under 18; Provision of medical and psychosocial counselling and services, medical examinations, vocational training, legal assistance and victim advocacy;	Ongoing since Jan 2000	OSCE, NOVIB (Netherlands), Kvinna till Kvinna, Christian Aid, etc		Implemented directly	Sevdie Ahmeti Director CPWC Tel/fax: +381 38 222 739 Mob: +377 44 143 716 cpwc@cpwc-qmfgf.org
Reintegration programme for internally trafficked women	Provision of therapy and vocational training for internally trafficked women and girls; Providing reintegration assistance, working with the family and the community leaders.	Ongoing since Sept 2000			Implemented directly	
SAVE THE CHILDREN (SCF)						
Child Trafficking Response (part of the regional programme)	Pilot projects targeting high-risk and trafficked children through prevention.	May 2002 - Oct 2003				Mrs. Katherine Mahoney Director Nazim Hikmet 8 Dragodan I Pristina Tel: + 381 38 549 705 Fax: +381 38 548 179 Mob: +377 44 500 942 sc@scik.org katherine.mahoney@scik.org
Awareness raising	Awareness raising activities among youth, children and general population about trafficking in persons; Media campaign: movie produced and being presenting on local TV; Radio message has been developed and broadcasted; Supporting direct activities with children and youth (12-17), conducting regular anti-trafficking sessions, using the awareness raising materials.	Since June 2002. April 2003 June 2003 Ongoing			Youth NGOs, Committee for Protection of Children's Rights in Skenderaj, Kosovo Action Together Youth Centre in Podujeve and Youth Centre in Gjakove	
Advocacy and training	Advocating with MEST on inclusion of trafficking issue in the Civic Education module (it is already included in 10 th grade curriculum); Planning training for all teachers of the Civic Education module in all regions in Kosovo.					

LIST OF PROJECTS AND ACTIVITIES IN FYR MACEDONIA 410

GOVERNMENT

Project/Activities	Focus of Activities	Time Frame	Donor	Co-operating Partners	Implementing Partners	Contacts
MINISTRY OF THE INTERIOR						
Co-ordination and National Action Plan	MI State Secretary appointed as National Commission Co-ordinator; NPA to combat trafficking adopted; National Commission to Combat Trafficking to address legal reform, victim assistance and information and co-operation.	Ongoing since 2002	No external funding	MI, MJ, MH, MES, Public Prosecutor, Border Police, Police, MLSP, OSCE, IOM, TEMIS, Open Gate, UNICEF, OPDAT		Zoran Filipov Chef de Cabinet Ministry of the Interior Dimce Mircev bb 1000 Skopje Tel: + 389 2 143 -241 +389 2 142 - 707 Fax: +389 2 143 - 182 ZFILIPOV@moi.gov.mk
Transit Centre for Trafficked Persons	Reception and Transit Centre for Irregular Migrants and Trafficked Women.	Ongoing since March 2001	Gov'ts of Sweden, Norway, Netherlands, USA	UNICEF OSCE	MI, IOM, For Happy Childhood, TEMIS, MBA, HOPS	Blagoja Stojkovski Head, Asylum and Migration Department, Ministry of the Interior Tel: +389 2 142-368 Fax: +389 2 143 - 408 bstojkov@moi.gov.mk
Police Department against Organised Crime and Human Trafficking	Specialised Police Task Force to combat trafficking with representatives in most districts of FYR Macedonia; Participation in regional initiatives of SECI and SPTF.	Ongoing since 2000		OSCE, ICTTAP, EAR, SECI, IOM	MI	Goran Ristovski Head, Department against Organised Crime and Human Trafficking Ministry of the Interior Tel: +389 2 142-377 Fax: +389 2 116- 280 goran_r_ristovski@moi.gov.mk
MINISTRY OF JUSTICE						
Legal reform	Harmonisation of anti-trafficking legislation (amendment of the criminal code) with international and European standards; Participation in CoE LARA Project and other regional initiatives by SPTF.	Ongoing		OSCE, CoE, IOM, ABA/CEELI, EAR, ECJHAT (EC Justice and Home Affairs Mission), OPDAT	MJ, Commission for revision of laws	Tanja Kikerekova Head, Department for Civil and Minorities Rights Veljko Vlahovic bb, Skopje Tel. +389 91 106 558 tkikerekova@mjustice.gov.mk

410 Abbreviations: EAR, European Agency for Reconstruction; ESE, NGO Emancipation, Solidarity and Equality for women; HOPS, NGO Healthy Options Project; IO, international organisation; MBA, Macedonian Bar Association; ME, Ministry of Education; MH, Ministry of Health; MI, Ministry of the Interior; MJ, Ministry of Justice; MLSP, Ministry of Labour and Social Policy; OSI, Open Society Initiative; MJA, Macedonian Judges Association; TEMIS, Macedonian Women Jurists Association.

Trafficking in Human Beings in South Eastern Europe

FYR Macedonia

Law enforcement	New criminal offence for trafficking was adopted in the Criminal Code in 2002.	2002	OSCE, CoE, OPDAT, IOM, ABA/CEELI, EAR, ECJHAT	MJ, MI, MJA, Public Prosecutors Association (PPA), TEMIS, Women's Parliamentary Club	Tanja Kikerekova Head of Department for Civil and Minorities Rights Vejko Vlahovic bb, Skopje Tel. +389 91 106 558 Tkikerekova@mjustice.gov.mk
Training	Implementation of the specialised training workshop for the judiciary and prosecutors using SPTF judicial training manual (produced by ICMPD)	Autumn 2003		MJA, Centre for Continuing Education	Sterjo Zikov Public Prosecutor, Macedonian Prosecutors Assoc. Tel. +389 91 133 417 Fax. +389 91 133 238 sterjoz@yahoo.com
MINISTRY OF LABOUR AND SOCIAL POLICY					
Gender equality	NPA for Gender Equality (5/2000); National Co-ordinator on Gender is also a member of the National Commission to Combat Trafficking; Drafting CEDAW report for FYR Macedonia; Participation in the SP Task Force on Gender; Legal reform and lobbying.	Ongoing	Projects funded by EU, SP, Norway, OSCE, Sweden/ SIDA, USA	MLSP, Union of Women, Macedonian Women's Lobby, Women Parliamentary Club, ESE.	Elena Grozdanova Head of Department for Gender Equality, Governmental Focal Point, Stability Pact Gender Task Force Tel. +389 2 129 308 Fax. +389 2 129 308 Elenagr@freemail.org.mk
OMBUDSPERSON					
Raising Awareness and Civil Rights Protection	Pamphlet on child rights includes information on trafficking; Co-operation in organising round tables on domestic violence and child abuse within the framework of preparation for the Second World Congress Against Commercial Sexual Exploitation of Children; Law on Ombudsperson adopted.	2001 Sept 2003	OSCE, SOROS, ABA/ CEELI, CIDA, UNICEF, EU, SIDA	Ombudsperson, NGO OXO,	Branko Naumoski Ombudsperson Tel: +389 2 129-351 Fax: +389 2 129 359 ombuds1@mt.net.mk Nevenka Krusaravska Deputy Ombudsperson Child Protection Tel. +389 2 129 327 Fax. +389 2 129 359 ombudchild@mt.net.mk
INTERNATIONAL ORGANISATIONS					
Project/Activities	Focus of Activities	Time Frame	Donor	Co-operating Partners	Implementing Partners
ORGANISATION FOR SECURITY AND CO-OPERATION IN EUROPE (OSCE)					
Legal Reform and Training	Hosting specialised training workshops and seminars targeting gov't officials, legal community and law enforcement agents;	Ongoing since 1999	Member States	MI, MJ, MLSP, SEC, IOM, OPDAT,	MJA/CCE PPA, Open Gate/La Strada,
NGO Capacity Building,	Strengthening capacity of local NGOs and professional legal associations through OSCE project grants;				Gerry Bjallerstedt Snr. Rule of Law Officer on Anti- Trafficking Geraldine.bjallerstedt@osce.org

<p>Police Development and Training, Donor Co-ordination</p>	<p>Funding Trafficked Victim SOS Helpline (information, support and referral assistance); Providing anti-trafficking technical expertise and support to the inter-ministerial National Commission to Combat Trafficking, MI, MJ, Police Academy and others; Implementing specialised training on gender and human trafficking targeting police officers and police cadet; Funded preventive gender projects for raising awareness of domestic violence in the Roma communities country-wide.</p>	<p>2003</p>	<p>OSCE Rule of Law dept.</p>	<p>ICITAP, SOROS, SIDA, CIDA, ABA/CEELI, UNICEF, UNHCR, USAID</p>	<p>TEMIS, See University Law Student Assoc</p> <p>Roma NGO "Rozpr"</p>	<p>Bart d'Hooge Police Development Unit, Head bart.hooge@osce.org</p> <p>Bijana Lubarovska, Rule of Law Assistant bijana.lubarovska@osce.org</p> <p>OSCE Spillover Mission to Skopje QBE Building, Skopje Tel: + 389 2 297-900 ext119 Fax: + 389 2 297 999 www.osce.org</p>
<p align="center">INTERNATIONAL ORGANISATION FOR MIGRATION (IOM)</p>						
<p>Raising Awareness</p>	<p>Awareness raising campaign: distribution of posters and packages in 55 police stations all over the country; Awareness raising campaign to address internal trafficking; Awareness raising seminar for lawyers country wide co organised with MBA.</p>	<p>Ongoing</p> <p>2002</p>	<p>Belgian, French, Norway, UK, Italy, Sweden, US</p>	<p>MI, local NGOs</p>	<p>IOM, Art company</p> <p>IOM, NGOs</p> <p>IOM, NGOs</p>	<p>Guglielmo Schinina Programme officer Gschinina@iomiskopje.org.mk</p> <p>IOM Skopje Ul. Karcin 2A, Tel. + 389 2 382-812/813 Fax: + 389 2 382- 811</p>
<p>NGO Capacity Building</p>	<p>Strengthening capacity of local NGOs through IOM project grants; Building capacity of local NGOs working in the Transit Centre with on-site trainings; Strengthening capacity of legal NGOs as per Juveniles VoT rights and judicial treatment.</p>	<p>Ongoing</p>	<p>Norway, USA, Italy</p>	<p>MI, French Embassy, Macedonian Women's Lobby, MBA</p>	<p>IOM, MBA, Aureola, Centre for Media Activities, HOPS, Semper, Forum of Albanian Women, Phurt, Radika, For Happy Childhood,</p>	
<p>Direct Assistance to Victims of Trafficking</p>	<p>Assistance to trafficked person in the Reception and Transit Centre for Irregular Migrants and Victims of Trafficking which includes: Cost of stay before returning home, including emergency medical care; Psychosocial, medical and legal counselling and assistance; Vocational training, including sewing, Hairdressing, make up; Relaxation activities, including yoga, art therapy and music; Health Education and awareness programmes.</p>	<p>Ongoing since Aug 2000</p>	<p>Sweden, Norway, UK, Italy</p>	<p>MI, MBA</p>	<p>For Happy Childhood, TEMIS, MBA, Welcome, HOPS</p>	

Trafficking in Human Beings in South Eastern Europe

FYR Macedonia

Return and reintegration for victims of Trafficking	Return and Reintegration of victims to respective countries of origin providing: Profiling and case management; Travel document procurement; Safe return to the country of origin.	Ongoing	Netherlands, Sweden, Norway				
Institutional Capacity Building Training and Legal Reform	Legal expertise and trainings including: Analysis of current national legislation vis-à-vis the CT Palermo Protocol; Recommendations upgrading the Macedonian Criminal Code; Law enforcement seminars for police and judiciary; Case management trainings for law enforcement authorities and judiciary involved in trafficking cases; Specialised training for lawyers.	Ongoing	Belgium, France, Norway, UK, Italy, Sweden, US	MI Legal Dept; MJ Sector for Int'l Co-op; EU integration; Assoc. Public Prosecutors & Judges; MI Legal dept; National Commission; public prosecutors; Investigative judges; MBA; Police; TEMIS	MJ Sector for Int'l Co-op; Assoc. Public Prosecutors & Judges; MI Legal dept; National Commission; public prosecutors; Investigative judges; MBA; Police; TEMIS	Vladimir Danailov Senior Legal Assistant Vdanailov@iomskopje.org.mk Marie-Astrid Huemer Legal Officer MHuemer@iomskopje.org.mk Ul. Karcin 2A, Tel. + 389 2 30 82 812 or 813 Fax: + 389 2 30 82 811	
Local Police Training	Co- implement anti-trafficking police training in the police academy.	Planned for beginning of 2004	OSCE (Police Development Unit)				
UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR)							
Assistance with the legal reform of refugee and asylum law	Material and technical expertise assistance to MI Department for Migrants and Illegal Foreigners; Training to raise awareness of refugees as potential victims of trafficking.	Ongoing		MI, IOM, MJ OSCE, SIDA		Karolina Lindholm Tel: +389 23 118 641 Fax: +389 23 131 040 lindholm@unhcr.org	
UNITED NATIONS CHILDREN'S FUND (UNICEF)							
"SOS helpline" for information and prevention of trafficking in women	Support local SOS helpline to inform and prevent girls and women from being trafficked by providing information on agencies that offer employment abroad, informing young women about the risks of working abroad, and informing trafficked women where and how to seek help while acting as a mediator in establishing contacts with relevant institutions.	2002-2003					
Capacity building to implement special protection measures for child victims of trafficking	Strengthen the capacity of government authorities and NGOs to adopt and implement special protection measures for child victims of trafficking.	2003-2004	Pending availability of funds	MI, MLSP, MJ		Debora Comini Head of Office Tel: +389 02 231 150 Fax: +389 02 231 151 dcomini@unicef.org Barbara Rowlandson Child Protection Officer browlandson@unicef.org	
Enhance services for children against child abuse	Increase capacity of pedagogues and psychologists and Centres for Social Work to provide psychosocial support and abuse awareness leading to better referral mechanisms between schools, centres for social work and local NGOs.	2002-2003		MLSP, ME		Local NGO "Safe Childhood"	

<p>HIV/AIDS prevention among especially vulnerable young people</p>	<p>Awareness raising and social mobilisation on risks and prevention of HIV/AIDS/STIs; outreach work with especially vulnerable young people at risk of infection; introduction of free and confidential counselling and HIV/AIDS testing services; helpline on reproductive health issues with a referral to youth friendly medical and social health service providers and a workshop on peer education outside the school setting.</p>	<p>2002-2004</p>		<p>Local NGOs HERA, HOPS, MIA, and Theatre Youth Macedonia, MH and the Agency for Youth and Sport.</p>	
<p>US AGENCY FOR INTERNATIONAL DEVELOPMENT (USAID) - AMERICAN BAR ASSOCIATION, CENTRAL AND EASTERN EUROPE LEGAL INITIATIVE (ABA/CEELI)</p>					
<p>Prevention and legal reform</p>	<p>Gender Programme- drafting legislation on domestic violence; Training on gender equality.</p>	<p>Ended April 30, 2003</p>	<p>USAID</p>	<p>MJ, MLSP</p>	<p>NGO ESE (Emancipation Solidarity and Equality of Women)</p> <p>Keti Ilievska Staff Attorney kiket@ceeli.org.mk</p> <p>ABA/CEELI Skopje Address: Albert Svajcer 6 Tel. + 389 2 3178 188 Fax. + 389 2 3176 625 ceelimk@ceeli.org.mk</p>
<p>Victims assistance</p>	<p>Legal aid for victims of domestic violence, including basic legal advice and court representation. Includes hotline with legal advice for the victims of gender based and domestic violence, and referral information for trafficking victims.</p>	<p>ABA-CEELI's funding for the legal clinic ended April 30, 2003</p>	<p>USAID</p>	<p>Open Gate/La Strada, OSCE</p>	<p>ESE</p>
<p>SOUTH EASTERN EUROPE CO-OPERATIVE INITIATIVE (SECI) - REGIONAL CENTER FOR COMBATING ORGANISED CRIME IN BUCHAREST</p>					
<p>Regional Co-operation of Law enforcement</p>	<p>Participation in SPTF initiative (MIRAGE project); Specialised training for Police; Regional Agreement on Witness Protection; Permanent exchange of information; Establishing of Operational Regional Task Forces and working Groups; Organising regional operations; Specialised training; Common Projects with IOs.</p>	<p>Ongoing since 2001</p>	<p>Annual contribution of member countries Support of observer countries</p>	<p>MI, MJ, OSCE, ODIHR</p> <p>MI, MFA-Customs Administration, Prosecutors Office, OSCE/ ODIHR, IOM, NGOs</p>	<p>MI, Public Prosecutors Assoc. MI MFA Customs Administration</p> <p>Zan Jovanovski Liaison Officer of MOI zjovanovski@secicenter.org Tel: +40 21 303 60 08 Fax: +40 21 303 60 75</p> <p>Mirjana Stanoeva Liaison Officer of MF-CA mstanoeva@secicenter.org Tel: +40 21 303 60 71 Fax: +40 21 303 60 75</p>
<p>US DEPARTMENT OF JUSTICE - OFFICE OF PROSECUTORIAL DEVELOPMENT ASSISTANCE TRAINING (OPDAT)</p>					
<p>Training and capacity building</p>	<p>Ongoing activities on anti-trafficking training and capacity building of the Prosecutors Association, police and investigative judges.</p>	<p>Ongoing</p>	<p>US Dept. Justice</p>	<p>ICTIAP, MJ, MI, Prosecutors Office, OSCE</p>	<p>Prosecutors Association</p> <p>Barbara Carlin Resident Legal Advisor Tel:+ 389 2 3225 462 ext. 245 Fax: + 389 2 3225 503 CarlinBM@state.gov</p> <p>Kristina Karanokova, National legal assistant</p>

Trafficking in Human Beings in South Eastern Europe

FYR Macedonia

US DEPARTMENT OF STATE INTERNATIONAL CRIMINAL INVESTIGATIVE TRAINING PROGRAMME (ICITAP)						
Training	Training, workshops and development for police, prosecutors and judges including anti-trafficking issues.	Ongoing	US Department of Justice	OPDAT, MI, police and border police, OSCE	MI	Gary Bennett Programme Manager Tel: + 389 2 322 5462 ext 223 Fax: + 389 2 322 5488 BennettGA@state.gov
INSTITUTE FOR SUSTAINABLE COMMUNITIES (ISC)						
Capacity building	Targeting local NGOs working on anti-trafficking and public health.	Ongoing	USAID	OSCE, MH, MLSP	Happy Childhood, Open Gate, Euro-Balkan Institute, Babylon Centre, TEMIS	Paul Parks Tel: + 389 2 114 855 Fax: + 389 2 214 132 paulp@isc.org.mk
KVINNA TILL KVINNA (KKK)						
Capacity building	Targeting local NGOs working on gender equality and trafficking; Media public awareness campaign.	Ongoing October 2004	SIDA		Open Gate La Strada	Lotta Zackrisson, Kersten Hedelin, Field Co-ordinators Tel: + 389 2 117 032 ktkm@moli.com.mk
NON-GOVERNMENTAL ORGANISATIONS						
Project/Activities	Focus of Activities	Time Frame	Donor	Co-operating Partners	Implementing Partners	Contacts
LA STRADA/OPEN GATE (Local NGO)						
Prevention and raising awareness	Prevention and awareness raising campaign, including the use of posters and post cards aimed at potential victims of trafficking;	Ongoing	Dutch Gov't, Swedish Gov't, SIDA, UNICEF, OSCE, Donor Gov'ts	OSCE, HOPS, ESE, MI, M1, IOM, KTK	LaStrada/ Open Gate	Jasmina Dimishkovska-Rajkowska National Co-ordinator P.O. Box 110, Skopje Tel: + 389 2 700 107 Fax: + 389 2 700 367 lastrada@on.net.mk SOS line number +389 2 27 77 070
SOS Helpline	Hotline providing referral assistance to trafficked victims and information to potential victims (on trafficking, work abroad and risks);					
Victim Assistance	Fundraising for a proposed Safe House for Trafficked Victims, internally trafficked women and victims of trafficking returning to Macedonia;					
Training	Providing anti-trafficking training to various targeted groups, gov't officials, local NGOs, etc.					
Prevention and awareness raising	Preventive campaign against trafficking in human beings especially women and children in rural areas and secondary schools including making a video film on trafficking in women; Preventive media campaign: printing prevention material (posters, stickers, brochures, leaflets), radio commercials and video releases.	September 2003- for 7 months Planned for 11 months	ISC UNICEF, KTK			

NGO HEALTHY OPTIONS PROJECT (HOPS)					
HIV/AIDS and STI prevention, medical and social assistance, raising awareness	HIV/AIDS and STIs prevention outreach for high risk groups including sex workers and potential victims of trafficking; Development of educational materials on HIV/AIDS, STI prevention, reproductive health and contraception; Education on HIV/AIDS, STI prevention and reproductive health of the victims of trafficking placed in the Transit Centre (in collaboration with NGO For Happier Childhood);	Ongoing	OSI Macedonia, PSI Romania ISC/USAID, IOM	MH, MLSP MES, Agency for Youth and Sport, MI, Public Health Institutions, social centres, educational institutions, international gov'ts and NGOs, UN agencies, Open Gate For Happier Childhood	Branko Dokuzovski Executive Director Marija Toseva Project Manager Tel/fax: +389 2 3130 038 brankodoc@yahoo.com
Research	Quantitative and qualitative research on risk behaviour among commercial sex workers and potential victims of trafficking; Conducting research among high school population in Skopje about their awareness, information and attitude to voluntary and forced commercial sex, the specific forms of commercial sex among young women under 18 and the risks of trafficking in human beings.				
Preventing young women (14-18) entering sex work or being trafficked	Training and involvement of peer-educators to prevent young women in Skopje entering world of commercial sex and trafficking; Developing an action plan - basic directions for creating and implementing activities for young women, as an especially vulnerable group, to avoid commercial sex and human trafficking.				
NGO HAPPY CHILDHOOD					
Work with women victims of trafficking placed in the Transit Centre	Initial psychological assistance; Education activities: training from different fields in order to get back self-confidence, self-esteem, skills building etc; Individual therapeutic activities; Group therapeutic activities; Counselling service; Rehabilitation and preparation for reintegration in society, training in social skills.	Ongoing	IOM	MI IOM UNICEF	Verica Stamenkova Trajkova, Ph Petre Georgiev 76 Skopje Tel: + 389 2 622 491 Fax: + 389 2 118 143 Mob: + 389 70 227 289 Verica@freemail.org.mk
MACEDONIAN ASSOCIATION OF PUBLIC PROSECUTORS (PPA)					
Legal Reform and prosecutorial training	Implementing training events on various topics including trafficking and the Law on Prosecutors; Publication of a newsletter providing a forum for dialogue and exchange of views among the prosecutors;	Ongoing	OPDAT OSCE, USAID, ABA/CEELI	MJ, MI IOM, TEMIS, SECI, ICTTAP	Sterjo Zikov Public Prosecutor Macedonian Prosecutors Association. Tel. +389 91 133 417 Fax. +389 91 133 238 sterjoz@yahoo.com

Trafficking in Human Beings in South Eastern Europe

FYR Macedonia

MACEDONIAN ASSOCIATION OF JUDGES/CENTRE FOR CONTINUING EDUCATION					
Legal Reform and judicial training	<p>Implementation of training events on anti-trafficking and issues relating to the strength and independence of the judiciary;</p> <p>Publication of a special issue of the quarterly judicial journal focusing on trafficking;</p> <p>Participation in SPTF;</p> <p>Implementation of the Anti-trafficking training module for judges and prosecutors in collaboration with SPTF and ICMPD, with the support of OSCE, SMMS and OPDAT/US Embassy.</p>	Ongoing	<p>SOROS, USAID, ABA-CEELI, OSCE, Donor Gov'ts</p>	<p>MJ, MI, OPDAT, SECL, Open Gate</p>	<p>Tanja Temelkoska-Milenkovic, Executive Director, Macedonian Judges Association Centre for Continuing Education, Court Palace Skopje Krstina Misirkov bb Tel: +389 2 109-943 Fax: +389 2 120-913 cce@mja.org.mk</p>
MACEDONIAN WOMEN JURIST ASSOCIATION - TEMIS					
Anti-trafficking Legal Reforms and Public Awareness	<p>Anti-trafficking awareness training for legal professionals;</p> <p>Public informational campaign on the rights of trafficked persons;</p> <p>Expert comments on legislative proposals and other laws affecting victims of trafficking and of violence;</p>	Ongoing	<p>OSCE, CIDA</p>	<p>MI, MJ Open Gate/La Strada, ESE, National Commission to combat trafficking in Human Beings</p>	<p>Natasha Trpenoska Trenchevska President Istarska str.33/II-4 Tel: +389 2 3229 807 +389 2 3082 932 Tel/fax: + 389 2 3129 180 + 389 2 3082 933 Mob: +389 70 221 792 tami@mt.net.mk info@temis.com.mk</p>
Legal Assistance to Trafficked Victims- children under 18, disabled and mentally ill	<p>Research, analysis, training/workshops, legal assistance and legal representation to victims of trafficking, children under 18, disabled and mentally ill;</p>	Ongoing	<p>IOM</p>		
Legal Reform Initiatives to Suppress Trafficking in Human Beings	<p>Harmonisation of the existing Criminal Code articles on human trafficking with EU standards and International documents (especially Palermo Protocol).</p>	01 Sep 03-31 Aug 04	<p>ISC/USAID</p>		