

Challenges in the identification and protection of vulnerable individuals and victims of gender based violence and trafficking in human beings in the context of migration crisis

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Skopje, 2017

MARRI Regional Centre

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This report was prepared by Stojanka Mircheva (Principal Researcher) with the support of the Rade Rajkovchevski (Researcher).

The views and opinions expressed in this study are those of the authors and do not necessarily reflect views and opinions of MARRI Regional Centre, Catholic Relief Services, or some other associated organizations.

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Abbreviations

ACRONYM	FULL NAME
BCM	Balkan Centre for Migration and Humanitarian Activities
CRS	Catholic Relief Services
DRC	Danish Refugee Council
DG ECHO	Directorate-General for European Civil Protection and Humanitarian Aid
GBV	Gender-based Violence
ICRC	International Committee of the Red Cross
IOM	International Organization for Migrations
(I)CSO	(International) Civil Society Organization
JRC	Jesuit Refugee Service
MARRI	Migration, Asylum, Refugees Regional Initiative
MYLA	Macedonian Young Lawyers Association
NFI	Non Food Item
SOP	Standard Operative Procedures
THB	Trafficking in Human Beings
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
UNHCR	United Nations High Commissioner for Refugees (UN Refugee Agency)
UNICEF	United Nations Children's Fund
UNFPA	United Nations Population Fund
WASH	Water, Sanitation and Hygiene
WRC	Women's Refugee Commission

Table of Contents

ACKNOWLEDGEMENT	6
Abbreviations	7
Introduction	11
CHAPTER 1	14
1. Background	14
1.1 An Overview of the Balkan Route	14
1.2 Stakeholders Involvement	16
2. Goal and Objectives	18
2.1 Specific Objectives	18
3. Scope and Timeframe of the Assessment.....	18
4. Method and Data Collection	19
4.1 Definitions.....	19
4.2 Sources of Data	20
4.3 Samples and Data collection	21
5. Access to Data and Ethical Issues.....	25
6. Analysis of Data and Report Writing.....	26
7. Limitations.....	26
CHAPTER 2	28
1. Gender-Based Violence and Trafficking in Human Beings in the Context of Mixed Migration Flow in MARRI Participants	28
2. Legal Framework.....	29
3. Overview of Statistical Data in 3 MARRI Participants	31
4. Overview of Current Situation in MARRI Participants in Relation to Laws, Practice and Standards in the Process of Identification, Referral and Protection of (Potential) Foreign Victims of Trafficking among Migrants.....	34
CHAPTER 3	37
1. Gender-Based Violence - Perception and Recognition.....	37
2. Trafficking in Human Beings – Perception and Recognition.....	43
3. National Instruments for Identification and Assistance to Victims of GBV and THB and Training.....	44
4. Coordination and Cooperation between the Relevant Stakeholders.....	47
5. Good Practice in Cooperation.....	49

6. Challenges	50
7. Gender-Sensitive Physical Environment on Transit/Reception Sites for Refugee/Migrants.....	50
CHAPTER 4	55
1. Conclusions	55
2. Recommendations	57
3. Recommendation for Adoption of Regionally Harmonized and Comparable Indicators for Identification of Potential or Supposed Victim of THB in the Mixed Migration Flow	60
4. Recommendation for Adoption of Regionally Harmonized and Comparable Basic Indicators for Identification of Victims/Survivors of GBV in the Mixed Migration Flow.....	62
References	64
Annex 1a INSTRUMENTS - Protocol for observation	
Annex 1b INSTRUMENTS - Tables	
Annex 1c INSTRUMENTS - Protocol for interview	
Annex 2 LEGISLATION (Collected)	
Annex 3 STATISTICS (Collected)	

Introduction

An unprecedented 65.3 million people around the world have been forced away from home. The lack of peace in the Middle East and North Africa has seriously disturbed European and global security. There are nearly 21.3 million refugees, over half of whom are under the age of 18 (UNHCR, 2016). In 2017, 13.5 million Syrians are in need of humanitarian assistance within the country. Among those escaping the conflict, the majority have sought refuge in neighbouring countries or within Syria itself. According to the United Nations High Commissioner for Refugees (UNHCR), 4.8 million have fled to Turkey, Lebanon, Jordan, Egypt and Iraq, and 6.6 million are internally displaced within Syria. Meanwhile, about one million have requested asylum in Europe. Germany, with more than 300,000 cumulated applications, and Sweden with 100,000, are the EU's top receiving countries (Syrian Refugees, 2016).

According to a UN Women's assessment from the beginning of 2016, as a result of protracted conflict, ongoing violence and insecurity, reduced education and livelihood opportunities, whole families are on the move, including increased numbers of women and children (which make up 42 per cent of the total population - women (17%) and children (25%), elderly people, people with disabilities, unaccompanied and separated minors, and other vulnerable groups (UN Women, 2016, p.2-3). Identified as an ultra-sensitive vulnerable groups, the refugee and migrant women and girls face specific challenges and protection risks on their route and within accommodation facilities, including family separation, psychosocial stress and trauma, health complications (for pregnant women in particular), physical harm and injury and risks of exploitation and gender-based violence.

The flow of migrants in Europe became more intensively recognized from 2014 to March 2016. The migrants mainly come from Syria (but also from Afghanistan, Iraq, Somalia, Nigeria, Sudan and Eritrea). On their way to the EU, refugees and migrants enter through three primary routes: the Central Mediterranean route from North Africa to Italy, the Eastern Mediterranean route from Turkey to Greece, Bulgaria, and Cyprus, and the Western Mediterranean route from North Africa to Spain (UNHCR Bureau for Europe, 2017, p.1). The EU Border and coast guard agency recognizes Western Balkan route within the eight main migratory routes into the EU by the land and sea (Frontex, 2017). Consequently, European countries along the routes could be classified as countries of transit or final destination countries. Each country and each route has its own peculiarities. On the European ground, the migrants and refugees face different national approaches and procedures, some of them against principles of the international community and liberal theory.

Mixed migration flow in the Balkans has opened many issues related to the risks that vulnerable groups of migrants face on their way to the final destination, the problems and sufferings of migrants, costs of services, their contact with governmental and non-governmental institutions, the local population and the criminal groups. In particular, an emphasis is placed on the response and approaches of governmental institutions and (I)CSOs in relation to upholding and protection of human rights and freedoms, especially related to the right to asylum, freedom of movement and the right to dignity, safety and life, and obtaining humanitarian assistance, protection and other types of services.

In the early phase of the mixed migration flow, refugees/migrants were primarily younger, military-aged males—disproportionately wealthy, educated, and with greater social capital in Europe. The consensus among refugees and experts was that, the rich, naturally “left first because they could,” and are now drawing their less fortunate relatives. This constituency was the first to flee not only because of their greater resources, but because they were particularly exposed to danger in war-torn areas. This did not last long. By early 2015, women, children and the elderly became majorities in the migrant flow. Camps were overloaded with persons with disabilities or illnesses, elderly people and unaccompanied minors. One doctor compared migrant patients “at the beginning” with his current ones: “most of them now don’t even have that basic education; they are ignorant of basic medical signs.”... Coinciding with the shift to poorer, less educated populations was a changing gender and age dynamic. At the time of the EU-Turkey deal, 2/3 of the migrants transiting the Route were women, children, and elderly people. Military-aged men - an obsession of anti-migrant rhetoric - were unquestionably a minority (Mandić, 2017). Protection needs of refugees and migrants are wide-ranging, but women and girls are among those who are particularly at risk of trafficking, violence and exploitation and require a strengthened protection response.

Hence, there were very few assessments and researches in MARRI Participants conducted on different aspects of refugee and migration flows. Recently there have been few assessments that emanated from UN organizations, which are concerned with assessments of gender issues in the context of mixed migration flow on the Balkan route. Some of them are: *Gender Assessment of the Refugee and Migration Crisis in Serbia and FYR Macedonia* (UN WOMEN); *Initial assessment report: Protection Risks of Women and Girls in the European Refugee and Migrant Crisis. Greece and the Former Yugoslav Republic of Macedonia* (UNHCR, UNFPA, WRC). This study „Challenges in the identification and the protection of vulnerable individuals and victims of gender-based violence (GBV) and trafficking in human beings (THB) in the context of the mixed migration flows” was initiated following a Regional Workshop titled: **‘Irregular migration and trafficking in human beings – International standards for protection of migrants at risk of trafficking in human beings with particular focus on women and children along the migration route,’** held in Belgrade on 27 – 28 February, 2017. The Workshop was organized by Migration, Asylum, Refugees Regional Initiative (MARRI, and its Participants: Albania, Macedonia, Serbia, Bosnia and Herzegovina, Montenegro and Kosovo*) and Catholic Relief Services (CRS) under the framework of the SAFERR project.

CRS manages a consortium of local and international partners for implementation of SAFERR Project (Shelters and Access for Empowerment and Risk Reduction). MARRI’s Regional Centre in Skopje as Executive Secretariat of the initiative and focal point for consultations, dialogue, trainings, information exchange, capacity building and other activities agreed by the Participants is a contracting authority of the CRS-managed consortium for implementation of research in regards of GBV and anti-trafficking.

The study gives an initial overview of the MARRI Participants’ capacities to provide gender-sensitive response to the phenomena of THB and GBV in the mixed migration flow. In

*This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence.

particular, practices and policies in relation to GBV and THB response in Macedonia, Albania and Serbia were addressed since among MARRI Participants these three are considered mainly affected by refugees/migrants flows. The Report addresses legal framework in relation to THB and GBV responses in other MARRI Participants as well: Bosnia and Herzegovina, Montenegro and Kosovo*. The focus of the study, besides the identification of persons at risk and protection of the victims/survivors of THB and GBV in the mixed migration flow in conditions determined by the geographical scope, period of observation and data collection, is on the understanding and sensibility for THB and GBV of the main stakeholders.

The Report is structured in four chapters, starting with the context of the mixed migration flows and population profile of the current flows, both globally and in the MARRI Participants. Chapter One contains an overview of the Balkan route together with methodological framework. The second chapter covers the legal framework of MARRI Participants in relation to THB and GBV, with particular overview of policies in relation to protection against THB and GBV in current migration crisis supported by relevant statistics. The findings from field data collection are presented in the third chapter and are organized into seven thematic subsections discussing perception and recognition of GBV and THB, national instruments for identification and assistance to victims of GBV and THB and training, coordination and cooperation between the relevant stakeholders, good practices and challenges, and gender-sensitive physical environment on transit/reception sites for refugee/migrants. The last chapter contains conclusions and recommendations. The information provided in the annexes is signposted at relevant points in the text.

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CHAPTER 1

The large number of migrants who flooded Europe from the end of 2014 to the first quarter of 2016, and in particular the fact that most of them passed through the Balkan route, made the Balkans significant for Europe in dealing with the migrant crisis. The mixed migrant flows have tested the governmental and non-governmental capacities of MARRI Participants to cope with the crisis, in particular the capacities related to the detection of acts related to THB and GBV along the Balkan route and within the migrants' transit and stay facilities.

1. Background

1.1 An Overview of the Balkan Route

The Western Balkan Route, as continuation of the mixed migrant flows dominantly coming from the Eastern Mediterranean route, became a key point for entrance of the migrants in Europe on their way to the final destinations.

The route passes through Balkan Peninsula and neighbouring Central European countries with reduced or limited financial, infrastructural and institutional resources, less advanced asylum systems and burdened with political, social and other problems at the same time. The crisis imposed the need for reallocation of the existing human and material resources of the security, health and social services in terms of keeping the stability and internal security, as well as to provide accommodation, health, communal, transport and other protection services according to the needs of the refugees and migrants. However, during the migrant crisis or few years before, the Balkans established the special facilities for reception or/and detention of migrants, asylum-seekers and refugees (See Chapter 3, Title 7).

Vulnerability and exposure to risks of women and children on the Balkan Route is depicted as follows:

Women and children (including unaccompanied minors¹) traveling without male family members, who depend on smugglers and have limited funds, are at increased risk of sexual exploitation or trafficking (UN Women, 2016, p.14).

Up to 42 per cent of refugees and migrants are women and children, response planning, services, protection capacity and information are not yet sufficient to meet their needs and address their specific vulnerabilities (UN Women, 2016, p.36).

The directions of refugee flows on the Balkan route varies according to the time period, implementation of various national and EU migrant policies and measures, daily developments of the intergovernmental (open) political disputes and EU-Turkey Statement, respectively. The hotspots appeared on the borders where there are real bilateral disputes (Macedonia-Greece and Serbia-Croatia) and where there is an atypical implementation of European security policies and strategies (the Hungarian border) (Rajkovchevski, 2017, p.182).

¹ Serbian officials registered over 8,600 unaccompanied minors (including 24 per cent girls) from May to November 2015 – the majority of which are assumed to be moving with the help of smugglers.



Figure 1: Movement out of Turkey and onward movement from Greece and Bulgaria (UNHCR Bureau for Europe, 2017, p.5)

Comparing the migrant flow on the Balkan route and Europe, the total official number of arrivals to Europe by the end of December 2016 was recorded as 387,739 and it is a stark contrast to the 1,046,599 arrivals recorded in 2015. In Greece there was a 79% decrease - 176,906 arrivals in 2016 compared to the 857,363 recorded in 2015, while Italy saw a slight (16%) rise in numbers of arrivals, from 155,842 in 2015 to 181,436 in 2016 (IOM, 2016, p.1). The numbers presented by IOM coincide with numbers recorded by concerned authorities on the Balkan route. The total number of arrivals on the Macedonian-Greek border was 694,679 in 2015, with a daily flow of 5,000-10,000 persons. In the period from June 19th, 2015 to December 30th, 2015, a total of 384,481 certificates were issued to the foreign nationals, 207,398 of which were male, 65,076 were female, 93,892 were children accompanying the certificate holder and another 18,115 children who are traveling without a parent, to whom a certificate has been issued for the expressed intention for submitting a request for recognition of the right to asylum. According to the citizenship of the persons who are issued with certificates, the most numerous are the citizens of Syria-214,266, followed by Afghanistan-94,912, Iraq-53,862, Iran-6,231, Pakistan-5,416, Palestine-2,158, Somalia-1,276, Bangladesh-1,253, Morocco-1,317, Congo-514, Algeria-453, Lebanon-434, Nigeria-279, while the rest are in smaller numbers.² In the period from January 1st to March 8th, 2016, 89,623 migrants expressed an intention for asylum, while the daily flow was limited to 3,000 persons (for refugees from the war zones only) and the Macedonian police prevented 35,177 persons crossing into Macedonia

² Data provided by representative of the Republic of Macedonia in MARRI Regional Center (October 2017).

from Greece after the formal closure of the Balkan route (Pavlovski and Popovska-Aleksandrovska, 2017).

Following the *EU-Turkey Statement*, signed in March 2016, the number of refugee/migrants crossing the sea to Greece from Turkey dropped drastically. The arrivals in October 2016 were almost 99% lower than in October 2015 when 211,663 crossed the Aegean – an average of 6,828 per day. In 2016, arrivals on the Greek islands dropped from an average of 2,175 per day in January to 96 per day in October and 54 per day in December (UNHCR Bureau for Europe, 2017, p.2). The implementation of the Statement produces additional pressure on the borders along Balkan Route, where a large number of migrants and refugees remained “technically and legally” stranded.

Table 1: Stranded Migrants Trends from the EU Turkey Agreement to December 29th, 2016 in the Western Balkans, Greece and Hungary (IOM, 2016, p.11; IOM, 2017, p.7)

Country	No. of stranded migrants and refugees on March 10 th , 2016	No. of stranded migrants and refugees on December 29 th , 2016	No. of stranded migrants and refugees on March 31 st , 2017
Greece	42,688	62,784	62,215
Macedonia	1,199	137	44
Serbia	1,706	5,633	7,740
Croatia	231	620*	553*
Slovenia	408	339	276
Hungary	-	460**	512
Bulgaria	865	5,560	3307
Total	47,097	75,533	74,647

*Number of asylum-seekers

**Data available as of November 16th, 2016.

1.2 Stakeholders Involvement

The EU-Turkey Statement divided the approach to the refugees, migrants and asylum-seekers on two main periods - before and after its implementation.

The longer retention of migrants, refugees and asylum-seekers after March 2016 gave a new dimension to interagency cooperation at the governmental level, but also to the cooperation with non-governmental stakeholders as an important and integral part of the system for responding to the humanitarian crisis. The cooperation considers involving different governmental and non-governmental stakeholders with different background and mandate, specialized for providing humanitarian and other relevant on-ground services. In conditions where all stakeholders got an opportunity for increasing their institutional capacities and experiences, a holistic approach dedicated to the identification of THB and GBV among migrants was more than necessary. Some of the involved (I)CSOs and other relevant stakeholders had already been referenced to work on the cases of THB and GBV.

There are some notices regarding the geographical scope and international response on the crisis in the Balkan Route. Even though the Balkan route is situated entirely in Europe, the EU was not first on the scene regarding the coordination and control over the situation. Some other

international key actors (i.e. internationally “branded” institutions in the field of crisis management and humanitarian action - UNHCR, IOM, UNICEF, UNFPA and Red Cross) contributed significantly, supporting local and national stakeholders and CSOs in the implementation of international law and procedures and finding appropriate operational and regulatory solutions for different topics concerning the migrants, refugees and asylum-seekers. Significant impact in supporting infrastructure development and providing humanitarian, social, legal and health services also have several ICSOs, such as: Danish Refugee Council (DRC), Catholic Relief Services (CRS), Jesuit Relief Services (JRC), OXFAM, Save the Children, SOS Children Village, and many others.

Throughout the crisis, besides the deployment of the DG ECHO’s humanitarian action and assistance mechanisms, EU organized political meetings and pushed the Balkan governmental officials to increase control over the Balkan route with their own resources on the ground. The action period 2014-2016 showed that the EU, besides acting dominantly on *ad hoc* basis for issues of strategic importance, uses many bureaucratic and consensus-based mechanisms for dealing with such sort of crisis.

Austria, as an EU affected member state along the Balkan route, initiated the meeting of police chiefs from Macedonia, Serbia, Croatia, Slovenia and Austria. On February 18th, 2016 they argued to introduce joint registration of refugees crossing from Greece into Macedonia and organise their transport from the border straight to Austria. The process was aimed to identify and take biometric data from the migrants and determine whether they come from countries deemed dangerous, such as Syria, Iraq or Afghanistan. It was not intended to grant them a status of asylum-seekers, a step that will take place in Austria or whatever other country they might travel to (Ilic, Sekularac and King, 2016). This approach and limitations came from basic UN definitions for refugees³ and migrants (Edwards, 2015), and accordingly the selection criteria for three largely concerned nationalities as refugees from the wars worldwide were agreed between national police representatives on highest level. This differentiation between migrants and refugees became crucial in terms of identification of the refugees’ needs and legal basis for providing the humanitarian, social, legal, health and other services. The agreement is a belated solution, and its implementation is essentially almost impossible due to a number of legal and practical reasons.

The sensibility of the involved stakeholders’ representatives is conditioned by their background, experiences and the organization policy. Taking into consideration that governmental and local government authorities dominantly manage the facilities aimed for transiting persons, their main concerns were focused on having control over demographic and security threats raised from the migrant crisis. Thus, work of the local CSO and ICSO stakeholders, in general, is more focused on mitigation and response to humanitarian dimension of the crisis, less on identification and processing of cases of THB (usually it is initiated by social services, police and health workers), but almost there is no data about cases of GBV. In some cases governmental

³ Refugees include individuals recognised under the 1951 Convention relating to the Status of Refugees; its 1967 Protocol; the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa; those recognised in accordance with the UNHCR Statute; individuals granted complementary forms of protection; or those enjoying temporary protection. Since 2007, the refugee population also includes people in a refugee-like situation (UNHCR Population Statistic Database, 2017).

actors have limited financial, technical and human resources. The cooperation of non-governmental actors with governmental stakeholders (police and social services) related to identification of cases of THB and GBV, developing communication skills and knowledge about procedures is more than needed. Therefore, the identification of onsite presence of specialized women's (I)CSO along the Western Balkan Route (in Albania, Macedonia and Serbia) is a particular challenge.

2. Goal and Objectives

The ultimate goal of the research is to contribute to the development and adoption of regionally harmonized approach in identification and protection of vulnerable individuals and victims/survivors of gender-based violence (GBV) and/or trafficking in human beings (THB).

2.1 Specific Objectives

The main objective of the research is to assist the national authorities of the MARRI Participants to enhance regional cooperation in providing efficient response to GBV and/or THB in current migration context. More specifically, the researcher(s) were focused on the following:

- To provide insight to the scope and dynamics of GBV, trafficking and smuggling of migrants, refugees and asylum-seekers on the route to the EU;
- To assess gender-sensitive environment in camps on the route to the EU in relation to women and girls' vulnerability and exposure to risks of GBV and trafficking;
- To review relevant laws, policies and practice related to screening and protecting women and girls at risk of or victims of GBV and trafficking;
- To identify gaps in the national legislations, existing procedures and capacities for prevention, identification and protection of the victims of trafficking in human beings.
- To assess presence and types of indicators (qualitative or quantitative, process or outcome), their gender sensitivity and potential for measuring response to women and girls vulnerability and risk of GBV and THB in the context of mixed migration flows.

3. Scope and Timeframe of the Assessment

The scope of the research phenomenon encompasses MARRI Participants' current practice and policies in place for identification and protection of vulnerable individuals and women at risk of GBV and THB in the mixed migration flow, accompanied by experiences of providing support and assistance services to victims in the field and available statistics.

The geographical scope of the field work covers the following MARRI Participants: Macedonia, Serbia and Albania, as most affected among MARRI Participants due to their geographical position on the Balkan route. The geographical scope was tailored to the time frame, and was agreed upon during the initial meeting between researchers and MARRI and CRS

representatives. Thus, the research site includes refugee/asylum/migrant centres in the North of Macedonia, Southern Serbia, and Tirana and its surroundings (Albania).

The research period refers to March 8th, 2016 - April 30th, 2017. The assessment was carried out in the period from June 1st - August 20th, 2017, while the data collection was conducted in the period June-July 2017.

4. Method and Data Collection

4.1 Definitions

For the purpose of the assessment, two main concepts shall be defined: gender-based violence and trafficking in human beings.

This assessment adopts the definition of GBV stated in the Inter-Agency Standing Committee's "Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action: Reducing risk, promoting resilience and aiding recovery" (2015),

"Gender-based violence (GBV) is an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (i.e. gender) differences between males and females. It includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty. These acts can occur in public or in private (IASC, 2015, p.15).

The assessment adopts the definition of THB provided in Council of Europe Convention on Action against Trafficking in Human Beings,

"Trafficking in human beings shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving 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" (Art. 4(a)).

It is important to stress at this point that trafficking in human beings is to be distinguished from smuggling of migrants. The latter is the subject of a separate protocol to the United Nations Convention against Transnational Organized Crime (Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Crime). While the aim of smuggling of migrants is the unlawful cross-border transport in order to obtain, directly or indirectly, a financial or other material benefit, the purpose of trafficking in human beings is exploitation. Furthermore, trafficking in human beings does not necessarily involve a transnational element; it can exist at national level (Par.7 of Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings, 2005). A key difference is that victims of trafficking are considered victims of a crime under international law;

smuggled migrants are not—they pay smugglers to facilitate their movement. Thus, better awareness of the distinctions between human trafficking and migrant smuggling can potentially improve victim protection and avoid the re-exploitation of victims (U.S. Department of State, 2017).

THB's Example: A recruiter deceived Marie into taking a job overseas in a restaurant, promising her a salary she could not pass up and helping her obtain a visa to work in the destination country. Upon arrival, she was told by her new "boss" that there was no job in a restaurant and that she would still have to pay off the cost of finding her the job and transporting her to the country. He forced her to engage in prostitution and also threatened Marie that he would tell her family what she was doing if she didn't continue until she paid off her so-called debt. Marie is a trafficking victim: fraud, coercion, and force were used to subject her to sex trafficking.

Migrant smuggling's example: Encountering tremendous violence in his conflict-torn home country, Amir was introduced to a man who told him he could get him to another country for a \$1,000 fee. The man insisted he would get Amir there safely by boat. Amir paid him for the travel and once in the new country, he never saw the other man again. There was no force, fraud, or coercion, and Amir was not subjected to forced labour or forced to engage in commercial sex acts. Amir was smuggled and is not a victim of trafficking (U.S. Department of State, 2017).

Crimes of THB violates human rights of those trafficked, most commonly the right to personal autonomy, the right not to be held in slavery or servitude, the right to liberty and security of persons, the right to be free from cruel or inhumane treatment, the right to safe and healthy working conditions, and the right to freedom of movement. For example, a pre-determined fee for entering a country illegally can – once the border crossing has been completed – be raised to an amount that the migrant cannot afford. In order to pay off this increased fee, and under threats from the smuggler to report the migrant's illegal border entry to the authorities, the migrant can end up in a situation of forced labour or sexual exploitation, making this person a victim of trafficking (OECD, 2015, p.2).

The confusion in understanding of THB and migrant smuggling could result in an inappropriate approach by the governmental and non-governmental stakeholders toward potential and supposed victims of both types of crime. If THB is mixed with migrant smuggling, trafficking victims may not receive the protections, services, or legal redress to which they are entitled and may be vulnerable to being re-exploited.

4.2 Sources of Data

The framework of this research combines desk-review and empirical research including qualitative and quantitative data collection. Primarily, the research relies on secondary data collected by various national and international bodies in area of health, social, security and legal protection. The qualitative data are collected through interviews and observation.

Data sources for the assessment of challenges in the identification and the protection of vulnerable individuals and victims of gender-based violence and trafficking in human beings in the context of the current migration crisis were, 1. Statements of the interviewees given in face-to-face interview; 2. Observations of gender-sensitive physical environment in transit/reception/asylum centres; 3. Statistical data collected by various national and international bodies in the area of health, social, security and legal protection; and 4. Relevant documents (minutes, presentations and discussions from the regional workshop titled: 'Irregular migration and trafficking in human beings – International standards for protection of migrants at risk of trafficking in human beings with particular focus on women and children along the migration route', held on 27 – 28 February 2017, under the framework of the SAFERR project, and relevant laws, by-laws, standard operative procedures, guidelines and policies (as identified and provided by MARRI Participants).

4.3 Samples and Data collection

For the purpose of the research two samples were selected, namely: sample of governmental professionals and CSO field workers, and sample of sites. Namely:

Interview sample

Based on discussions and geographic scope of the research agreed upon during the Initial Meeting, a list of institutions and organizations to address the participation in the interviews was created. The following criteria were employed in the selection process: 1. First line respondents in the mixed migration flow with statutory duty to fight against THB and GBV, 2. Existing providers of humanitarian assistance and support to refugee/migrants at entry points and sites for transit or stay, and 3. Women's CSO that provide specialized services to refugee/migrants victims or/and survivors of GBV and THB at entry points and sites for transit or stay. After selecting the institutions/organizations, MARRI RC has sent invitations, explaining the aim and goals of the research together with interview topics, to the managerial officers in order to grant permission to their staff to participate in the interview. Interviewees from border police departments from MARRI Participants, respectively, were selected by their managerial officers and we were provided with their names and contact details. Additionally, permission to contact field workers was gained from the CSOs.

The sample of respondents has been made on purpose using several criteria. It was decided that the number of professionals from governmental institutions and CSO field workers that provide services on sites will be equal. Interviewed participants from governmental institutions consisted of camp management professionals from visited sites and border police officers. CSO field workers were selected on sites during the visits. Apart from two CSOs specialized in providing support to victims of THB, Women's CSOs specialized for support services to victims/survivors of GBV were not observed at the visited sites. Interviews were conducted with total of 18 participants representing professionals from MARRI Participants (camp management professionals and border police officers) and CSO field workers from CSOs providing services on sites for transit and stay of refugees/migrants. In Republic of Macedonia a total of 5 interviews was conducted, 2 out of which were with professionals from governmental institutions and 3

with field workers from CSO, in Republic of Serbia a total of 6 interviews was conducted, 2 out of which were with professionals from governmental institutions and 4 with field workers from CSO, in Republic of Albania total of 6 interviews were conducted, 4 out of which were with professionals from governmental institutions and 2 with stakeholders from CSOs, and 1 interview with a professional from governmental institution in Kosovo*. A semi-structured interview protocol was designed for interviews with first responders (Annex 1c).

21 persons were approached for conducting individual interview. Total of 18 interviews were completed, while 2 interviewees withdraw from the interview and one did not accept the interview. All interviewees agreed to be quoted anonymously, and two did not allow the interview to be recorded. The interviews lasted from one to one and a half hours.

Table 2: List of the interviewees' organization/institution

No.	Organization/Institution	MARRI Participant
1.	DRC	Serbia
2.	CRS/BCM	Serbia
3.	Commissariat for Refugees and Migration	Serbia
4.	Albanian Helsinki Committee	Albania
5.	Caritas Albania	Albania
6.	Border and Migration Police	Albania
7.	Closed Reception Centre Karec	Albania
8.	Reception Centre for Asylum-seekers Babrru	Albania
9.	Border Police	Kosovo*
10.	MYLA	Macedonia
11.	La Strada	Macedonia
12.	Red Cross of the Republic of Macedonia	Macedonia
13.	Public institution for accommodation of asylum-seekers: Reception centre for asylum-seekers Vizbegovo Skopje	Macedonia
14.	Tabanovce Refugee Transit Centre	Macedonia
15.	Border Police	Serbia

Sample of Sites-Observation

The sample of sites was made on purpose based on geographic scope tailored to the time frame agreed upon during the Initial Meeting. It was decided that the research site will include refugee/asylum/migrant centres in the North of Macedonia, Southern Serbia, and Tirana and its surroundings (Albania).

Observation of physical environment took place in 7 refugee/transit/migrant centres as follows, Republic of Macedonia: Asylum Centre - Vizbegovo, Migration Centre - Gazi Baba and Transit Centre in Tabanovce; Republic of Serbia: One-Stop Centre in Preshevo, Transit Centre in

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Bujanovac; and Republic of Albania: Closed Reception Centre in Karec and Reception Centre for Asylum seekers in Babrru.

Observations of the physical environment of transit/migrant/asylum centres were carried out in the presence of professionals from the camp management. For the purposes of the transit/migrants/asylum sites observation, a specific instrument (check list) – Protocol for Observation (Annex 1a) was prepared and it enabled the researchers to take notes of the gender sensitivity indicators.

Table 3: Description of visited sites

Name/location of the accommodation facility	Type of sheltering (building/building + tents and containers/tents and containers)	Isolated from populated area (yes/no)	Purpose of facility (transit/asylum/ detention for illegal border crossing)	Regime of facility (open/close)	Fence (wire/grid)	Police patrols (out/in)
Tabanovce	tents and containers	Yes	Transit	Open (registration needed)	wire+grid	Yes - at entrance and out
Gazi Baba	building	No	Detention	Closed	grid	Yes (controlled by police)
Vizbegovo	building	No	Asylum	Open (police bring the asylum-seekers)	grid	No (on demand only)
Presevo	building+tents and containers	No	Transit	Open (registration needed)	wire	Yes - at entrance and inside
Bujanovac	building	Yes	Transit	Open (registration needed)	grid	No
Karec	building	Yes	Detention	Closed	grid	Yes (controlled by police)
Babrru	building	No	Asylum	Open (police bring the asylum-seekers)	grid	Yes - at entrance

Data Collection

Data collection activities include document review, interview, observation and desk review. More specifically, the document review included minutes and transcripts from the Workshop.

In order to achieve the specific objectives of the research, the research design employed few techniques for data collection by application of several instruments. Namely, for the purpose of achieving the first objective, it was assumed that official statistics disaggregated by relevant indicators will be available to the researchers. The main assumption is that the statistical data collected by relevant authorities and CSO's can provide closest insight into the realistic dimensions of scope and dynamics of GBV and THB against refugees/migrants on their route to countries of destination.

1. To provide insight on the scope and dynamics of GBV, trafficking and smuggling of migrants, refugees and asylum-seekers on the route to the EU;

- 7 Instruments for statistical base analysis (Annex 1b) were developed, aimed to allow comparable analysis to the following indicator: Reported crimes by the police against refugee/migrants disaggregated by type of crime, age, sex and disability of the victim in the research period; Reported crimes by the police committed by refugees/migrants disaggregated by type of crime, age and sex of the perpetrators in the research period; Recorded legal and illegal border crossings of the refugees/migrants by the police disaggregated by age and sex of recorded attempts for illegal border crossing, recorded number of migrants in detention centre, number of legal border crossings, number of asylum-seekers in asylum centres and number of gender-based asylum claims in the research period; Registered health services to refugees/migrants provided by the government disaggregated by type of health service, age, sex and disability of refugees/migrants in the research period; Registered socio-legal services to refugees/migrants provided by the government disaggregated by type of service, age, sex and disability of refugees/migrants in the research period; Registered health services to refugees/migrants provided by non-government actors disaggregated by type of health service, age, sex and disability of refugees/migrants in the research period; and, Registered socio-legal services to refugees/migrants provided by non-government actors disaggregated by type of service, age, sex and disability of refugees/migrants in the research period.

The quantitative analysis envisaged for providing insight into the scope and dynamics of THB and GBV was limited due to the partial and scarce data provided by the relevant MARRI Participants. (Annex 3).

2. To assess gender-sensitive environment in camps on the route to the EU in relation to women and girls' vulnerability and exposure to risks of GBV and trafficking;

- For the purposes of observation of sites for transit or stay of the refugees/migrants, specific instrument (check list) – Protocol for observation (Annex 1a) was developed. Apart from quantitative records related to type of site, number and regime for entrance/exit, type of sheltering provided, isolation and distance from populated area, purpose of the facility, provision of security services in and out of the site, type of services provided on the sites, lightening, density and separation of sheltering, toilets, provision of information and language, researchers also noted narrative accounts on existing protocols for distribution of various services, hygiene, accessibility of information and services.

3. To review relevant laws, policies and practice related to screening and protecting women and girls at risk of or victims of GBV and trafficking;

- Semi-structured protocol (Annex 1c) for interview was employed with 18 interviews conducted with relevant stakeholders on topics related to practices in place for screening and protecting women and girls at risk of or victims of GBV and trafficking.

- Analysis of information provided through the Questionnaire for Legislation (Annex 1b) created to allow comparable analysis on the following indicators of national strategic, policy and legislative documents: Provision in relation to THB in legal and policy documents; provisions in relation to migration; provisions in relation to asylum, and provisions in relation to GBV and gender equality.

The analyses refer to information on adopted national legislations related to migration, asylum, THB and GBV as submitted by MARRI Participants (Annex 2).

4. To identify gaps in the national legislations, existing procedures and capacities for prevention, identification and protection of the victims of trafficking in human beings.

- Semi-structured interviews with relevant stakeholders in relation to definitions and approach to GBV and THB, availability of services, identification procedures in place, cooperation, training, good practices and challenges in providing support to refugees/migrants victims of THB and GBV.

- Analysis of documents (policy, strategic and legislative documents) that are identified through Questionnaire for Legislation, in particular documents that are available in English, Macedonian or Serbian language on official websites of respective governmental institutions.

- Desk review and analysis (minutes and materials from the Regional Workshop) of legislation in place in relation to THB and GBV and implementation challenges.

Limited information submitted by MARRI Participants regarding their respective legislative and policy documents as well as availability of relevant documents preclude systematic analysis, thus, presented review is indicative rather than conclusive.

5. To assess presence and types of indicators (qualitative or quantitative, process or outcome), their gender sensitivity and potential for measuring response to women and girls vulnerability and risk of GBV and THB in the context of mixed migration flows.

- Analysis of documents (policy, strategic and legislative documents) that are identified through Questionnaire for Legislation, in particular documents that are available in English, Macedonian or Serbian language on official websites of respective governmental institutions.

- Desk review and analysis (minutes and materials from the Regional Workshop) of existing identification indicators in relation to THB and GBV in the context of mixed migration flows.

5. Access to Data and Ethical Issues

Access negotiation with the relevant governmental institutions from the MARRI Participants, as well as with the national and international non-governmental organizations was conducted by the MARRI Regional Centre. In addition, since transcripts and audio records and other materials from the Workshop are used as sources of data, consent for usage of these data was requested and obtained from 6 participants.

There are ethical issues which arise out of this research design. Confidentiality and Anonymity of the respondents is guaranteed. Likewise, an issue of unauthorized access to the records is prevented.

Although interviewed professionals are not vulnerable category, yet taking into consideration that the access to them is provided by the heads of the relevant institutions, detailed information were given prior to the interview, concerning the goal and the content of the interview, while adhering strictly to the rules on voluntariness and informed consent. Upon articulated consent to take part in the interview, the researchers prepared written statements guaranteeing the voluntariness, anonymity and confidentiality of interviewees and containing statement for consent by the interviewee to participate in the research, signed by both, participants in the interviews and the researcher guiding the interview. All interviewees were asked to give their written consent for participation in the interview, audio recording and quotation.

Additionally, there was a verbal assurance that there will be no repercussions to the respondents for expressing their opinions regarding the governmental institutions' and CSOs' practices in identification and protection of victims of THB or GBV in migration flow context.

6. Analysis of Data and Report Writing

Data were analysed using qualitative methods. Thematic analysis was applied to the review of documents, data from observations and interview responses. MARRI and CRS representatives were debriefed at the end of the field missions in Macedonia, Serbia and Albania, prior to writing the draft report. The first draft of the evaluation report was shared with all the participating agencies; these provided additional comments and documentation in support of the final report.

7. Limitations

- **Timing of the Assessment.** Given the all-embracing defined goals and objectives of the research and correspondingly developed research design, this assessment was not allocated with sufficient time. Both, the MARRI and the CRS representatives, underestimated the time required for carrying out such extensive research activities. A preparatory phase of at least two months, where all the structures are in place before data collection starts is recommended; both, data-collection and analysis phase, require more time.
- **Absence of comparable and disaggregated statistical data.** There is a lack of comparable and disaggregated statistical data that preclude quantitative analysis. The MARRI Participants collected statistical data on many issues related to refugees/migrants in the mixed migration flow, albeit, relevant statistical data to the occurrence of GBV, THB, migration and asylum, disaggregated as requested were not provided. Therefore, despite the researchers' initial design to make a qualitative and quantitative research, quantitative research from the obtained data cannot be done. The research is dominantly qualitative.

- **Late delivery of requested data from institutions.** Taking into consideration the timing of the data collection (notably during the summer period), the researchers have encountered late delivery of the requested data. Namely, the data collection phase lasted until August 5th and all data received after that date was not included in the analysis.
- **Postponed scheduled site visits.** The field visits were planned to be completed by June 20th. The research team experienced postponement in the scheduled visits due to the administrative procedures. However, the help and assistance of the MARRI RC and CRS Representatives was exceptional in gaining all required clearances to visit scheduled sites and to accommodate all governments' procedures to carry out visits at the sites. However, postponement of scheduled visits influenced the start of analysis and postponed the date of delivery of the Report.

CHAPTER 2

The field workers from governmental and non-governmental stakeholders in their day-to-day work in accommodation facilities intended for transiting persons, faced challenges related to identification and processing the act of THB and GBV. Many of these challenges stem from the understanding, identification of cases, referral and protection of potential and supposed victims of GBV and THB among migrants, but also from knowledge about legal procedures, SOPs and gender sensitivity of people directly working on the field.

1. Gender-Based Violence and Trafficking in Human Beings in the Context of Mixed Migration Flow in MARRI Participants

The widespread existence of gender-based violence (GBV) necessitates development of gender-sensitive understanding, interpretation, procedures, and provision of protection against violence. Migrant women and girls, refugees and asylum-seekers women are particularly vulnerable to GBV and trafficking in human beings (THB) for the sole reason that they are women. GBV affects women disproportionately much more than men, and on the other hand, men are the ones taking the role of perpetrators much more frequently. It has been widely recognized that many women who have suffered GBV and THB still lack access to the most basic services for their safety and protection. Gender blindness in GBV and THB identification and protection procedures left many survivors unrecognised. Developing gender-sensitive understanding and provision of services is one of the prerequisites for efficient system response to GBV and THB. In particular, gender-sensitive system approach that takes into account women's and men's specific protection needs when they have been victims or are at risk of GBV and/or THB is essential to ensure their right to safety and dignity.

Starting from this perspective of THB and GBV response regarding the migration crisis, there are situations when refugee/migrants could be recognized as victims or perpetrators of THB and GBV crimes. Hypothetically, the crimes may be committed from external party (e.g. human traffickers or some transnational crime groups, or by the representatives of the stakeholders that provide support, protection and wide range of services to the migrants) or within the migrants groups and/or family.

Also, the process of identification and processing of cases of THB and GBV among refugee/migrants faces several peculiarities related to culture, race, gender, their socio-economic and legal statuses, as well as other issues, involving willingness, skills and knowledge of governmental officials, international and non-governmental actors about processing those indications. But, in general, it is more than clear than there is no any authentic and systematic approach regarding the way of how the stakeholders along Balkan route built their approach to the cases of THB and GBV in both periods (before and after EU-Turkey Statement).

2. Legal Framework

Within the study, MARRI Participants were requested to submit a review of the adopted legislation related to migration, asylum, THB and GBV, and relevant definitions pertaining to the migrants, refugees and asylum-seekers, according to the international standards. The analysis of the legal framework in this study takes into account only the data from the review of the national legal framework in the four listed areas received by the official representatives of the MARRI Regional Centre. In the early stages of the research, it was agreed that the representatives of the MARRI Participants are most appropriate to provide the legislative, taking into consideration the timeframe and rationality regarding access to the legal frameworks. What representatives from the MARRI Participants shared as legislation does not mean that there are no other legal and policy documents adopted within MARRI Participants. The review is given in the Annex 2.

Regarding the analysis of the received review from the most affected MARRI Participants, according to the situation in each of them, the following was observed:

- In **Albania**, from the preview received, it is visible the advancement regarding the asylum's legislative, but there is no preview for the legal acts related to the migrations, THB and GBV. Asylum is regulated by a law, but no specific act concerning the link between asylum and GBV is found.
- In **Macedonia**, there is a diversity of adopted legal acts in the four targeted areas, but regarding the received review, GBV is regulated under Article 403-a (Crime against Humanity) of the Criminal Code.
- **Serbia** gave a detailed framework of adopted legal acts regarding the migrations, asylum and THB, but there is no data on legal documents in relation to GBV. It is stated only that "Regarding the statistical data, in the period January 1st - April 30th, 2017 there is no request for asylum seeking based on GBV submitted".

An in-depth insight into the legislation and the analysis of the materials from the workshop within the framework of the SAFERR project show that if the situation is topically perceived, the following can be noted:

Migrations - From the analysis of the legal frameworks preview, some advancement regarding the provisions of THB can be noticed. There are some provisions intentionally dedicated to non-residents, in a form of measures that should be taken by the governmental officials to rule and provide some level of control over migrants.

Asylum - In the case of the Republic of Macedonia, on June 18th, 2015, the Macedonian Parliament members passed the amendments to the Law on Asylum and Temporary Protection in an express Parliament procedure. The changes included new measures that allow immigrants to seek asylum in 72 hours or to leave the country. With the new changes they were allowed to use public transportation, trains and buses to reach their destination ("Macedonia: Immigrants Gain Safe Passage," 2015). Similar measures were taken in Serbia, with Article 22(2) of the Asylum Act (Zakon o azilu, 2007), regarding the intention for asylum seeking. This provision provided "the foreigner shall be 'recorded', following which he or she is obliged to report

himself/herself to authorized officials of the Asylum Office or one of the asylum centres within the following 72 hours”.

THB - Taking into consideration that the region recognizes traditional forms of THB and the region has ratified the UN Convention on Organized Crime and its Protocols, as well as Council of Europe Convention on Action against Trafficking in Human Beings, consequently the acts of THB crime already have their history in the Criminal Code, there is raised awareness among practitioners.

Even though limited information was submitted by MARRI Participants regarding their respective legislative (except Kosovo*) some advance regarding to Standard Operative Procedures (SOP) is noticeable.

The important instrument in **Albania**, approved during 2011, that regulates the process of identification and protection of victims of trafficking is the Decision of the Council of Ministers No. 582 dated 27.07.2011 for approval of “Standard Operating Procedures (SOPs) for the Identification and Referral of Victims / Potential Victims of Trafficking”. SOPs are the basic documents, on which action will be performed for identifying and referring of victims / potential victims of trafficking, including offering the package of services for victims of trafficking (Ministry of Interior of the Republic of Albania, 2012, p.4). The whole document translated in English cannot be found. Some indicators were found only in the manual that in one part emphasize the indicators as a follow-up after the SOPs have been approved (IOM, 2011, pp.16-17). In **Macedonia** there are SOPs for dealing with vulnerable categories of foreign nationals (July 2016), SOPs for dealing with unaccompanied and separated children - foreigners (November 2015), Indicators for Identification of Victims of THB (2014) and indicators for General Indicators for First/Preliminary Identification of Supposed and Potential Victims of THB in cases of mixed migration flows (May 2016). The abovementioned SOPs are in Macedonian, Albanian and English. In **Serbia**, they published the indicators for preliminary identification of the victims of THB in various areas (education, social protection - children and adults, and police), there are no specific indicators dedicated to the migration flows. Even on the website of the Commissariat for Refugees and Migration, SOPs and indicators for protection of the vulnerable categories regarding the migrant flows cannot be found.

From practical point of view, the institutions in the MARRI Participants also have significant experience and gained knowledge and skills in this area. Besides, migrant crisis contributed to involvement of additional changes and amendments in this area, as well as an innovative approach, toward developing better mechanisms for combating THB. Meanwhile, many of employees in the governmental and non-governmental stakeholders passed through several trainings and via different levels of specialization for THB, as well as many mechanisms for combating THB were developed.

As the access to the most of the SOPs in English, and laws and bylaws for migration, asylum, THB and GBV respectively was not provided; it is very difficult to compare them. From the MARRI Participants that delivered the preview of the legal framework, some advance in

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legislation for THB can be noticed. The indicators in **Macedonia** are divided on first/preliminary and final identification of the victim(s) of THB. The first/preliminary identification refers to the general indicators again subdivided by the age, gender, country of origin, IDs, transport, and signs of abuse, involving the indicators related to the behaviour of a potential or supposed victim of THB in contact with officials during the transport/reception/handing over. The indicators of THB for unaccompanied and separated minors (related to the behaviour of a potential or supposed victim of THB in contact with officials during the transport/reception/handing over) are not subdivided but mostly refer to the same points and contain some peculiarities. Final indicators are used when the existence of general indicators of THB are determined in the vulnerable category of foreign nationals and they refer to how the person is identified and proceeded further by the responsible person as a potential or supposed victim of THB. In **Albania**, the indicators are divided into primary and secondary indicators for two groups - adults and unaccompanied and separated minors.

GBV - Legal framework regarding GBV is quite different. None of the MARRI Participants provided information on laws that regulate the issue of GBV.

Regarding the timeframe of adoption of the legal acts and circumstances following the migration crisis, some trends can be remarked:

- The manner and momentum of adoption of the acts regulating or clarifying the procedures for THB and GBV, the influence of international organizations (and partly of the (I)CSOs) is noticeable.
- Plenty of the foreseen measures are carried out on an *ad hoc* basis and from the aspect of the chronology of the adopted acts; there is an impression that the institutions had found themselves facing with large influx of transiting persons. The lack of precise legal provisions regarding the four targeted areas (migration, asylum, THB and GBV) remain as a challenge for the lawmakers due to the shortcomings, inconsistency and non-observance of the needs of the practitioners.

3. Overview of Statistical Data in 3 MARRI Participants

The MARRI Participants were requested to support the study by providing statistical data by filling specially designed tables with data covering the period March 2016 – April, 2017. The required data thematically refer to:

- Reported crimes to police committed against refugees/migrant (Table 1);
- Reported crimes by police committed by refugees/migrants (Table 2);
- Number of legal and illegal border crossings of the refugees/migrants recorded by the police (Table 3);
- Number of health services to refugees/migrants provided by the government (Table 5);
- Number of health services to refugees/migrants provided by the non-governmental actors (Table 6);

- Number of socio-legal services to refugees/migrants provided by the government (Table 7);
- Number of socio-legal services to refugees/migrants provided by the non-governmental actors (Table 8).

The requested data were intended to provide a more detailed picture of the crimes involving migrants, but also to give a better overview of the quantity and distribution of humanitarian and related services provided to migrants by governmental and non-governmental stakeholders, as well as to provide insight into the scope and dynamics of GBV, trafficking and smuggling of migrants, refugees and asylum-seekers on the route to the EU.

Table 3 was partially filled by Serbia and Albania, while Table 2 was filled by Serbia only. Some notes regarding the tables were received from Albania. They are as follows:

- Table No. 1 (does not include data from the Directorate for Asylum).
- Table No. 3 (The total number of asylum requests according to gender, and the next to last item showing the total number of asylum-seekers, cannot be collected from the National Reception Centre for Asylum-seekers, as they responded that they don't have those records).
- It was stated that the data requested in Table No. 5 is very detailed and they do not have such records, but they offered some written explanations for health services provided to foreign citizens with refugee status in the Republic of Albania, including minors and those with disabilities. In regards to health services, refugees are eligible for health care services just as Albanian citizens under the Albanian legislation in force by relevant institutions, as well as minors with a refugee status. They benefit full-time health services just as Albanian minors. Citizens, who have a refugee status in the Republic of Albania, Albanian citizens only, are provided with health cards, benefiting from any services at the respective health facilities that this card offers such as a family doctor, specialized medical services at Hospital Centres and long-term hospitalization for chronically ill persons and people with disabilities.
- Table No. 7. It was stated that the specific data requested in Table No. 7 has been explained in written above the table for every service, social/legal, provided for foreign citizens that have a refugee status in the Republic of Albania in accordance with the legislation. In terms of social and legal services to citizens who have a refugee status in Albania, the Albanian law guarantees them: the right to an interpreter in the language they understand; legal assistance provided through free legal or other representatives chosen by themselves; psychological and social counselling offered at the National Reception Centre for Asylum-Seekers where they are accommodated; or specialized treatments provided by the health system in the country if they request or need them; provision with a permanent residence permit in accordance with the status of a refugee that they have in Albania; and at their request, citizens who have a refugee status in the Republic of Albania have the right to be provided with a document for electronic identification and a travel document.

Consequently, collected data could serve for descriptive analysis only and less for comparison in terms of the “state of the art” in Serbia and Albania. The analysis mostly refers to Table 3 based on police data for border crossings regarding the migrants and refugees, taking into consideration that data provided by Serbia and Albania do not refer to the same questions.

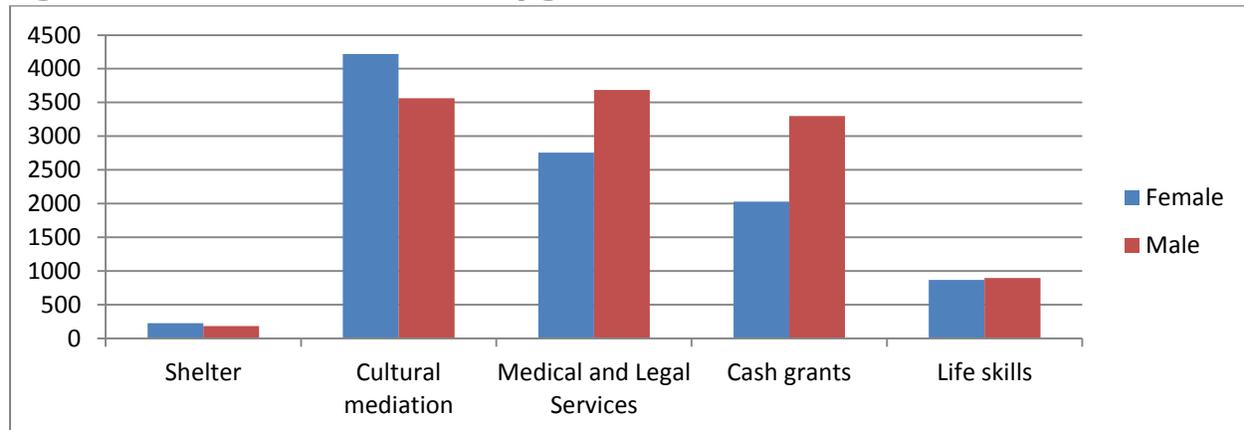
The total number of legal border crossings by refugees/migrants recorded by the police in Albania varies. The peak months are May, August and September 2016 and January 2017, while minors passed the border in period August - October 2016. Dominantly male migrants and refugees passed the border and in some months male population is 10 times higher than women. It shows the domination of single male refugees and migrants that passed the border, as well as the risks for females and children if it is taken into consideration the structure of the groups traveling in certain period.

Total number of attempted illegal border crossings by refugees/migrants recorded by the police in Serbia varies but male population (they are represented 20 times more than women in some periods) and boys up to 18 years of age is dominant. Regarding the total numbers of refugees/migrants in the detention centres, the male population dominates as well, except in August 2016 when more females were registered. This kind of distribution talks about risks for female population within the detention centres, if all standards regarding GBV are not implemented.

Apart of the official data of the governmental institutions received through MARRI Regional Centre, an added value to the research gives the data received by the ICSO.⁴

During this period, 26% or 7281 services were provided to vulnerable individuals. 69% or 76 females and 31% or 34 males received training on gender-sensitive protection.

Figure 2: Distribution of services by gender



Source: (Kljajic, 2017)

⁴ Methodology: the collected data is from the individuals selected by age group, gender and country of origin for each service (medical services, cash grants, case management etc.). There is an effort to avoid double counting; meaning that person receiving a service several times is counted only once, as a single individual.

1. Partners: 4 CSOs from Serbia, 1 CSO from Bulgaria, 1 CSO from Macedonia, 1 CSO from Albania (since there are not many refugees there, the project is sort of on hold) and the project also had a component in Greece that ended in March and which included case management, activities for kids, rent assistance program.

2. Time period: November 14th, 2016 - July 31st, 2017.

Regarding the services, as shelter and cultural mediation, there is an assumption that distribution of these two services refers to the large part of the vulnerable categories related to GBV and to the CSO's approach to helping women in situations where cultural differences are actualized. It was confirmed in communication with field workers within the reception, detention and asylum-seeking centres. As medical and legal services are merged, the distribution of those services for females is not noticed. Almost equal distribution of services related to the "life skills" shows that CSO response impacts on an increase of the skills of the women, the approach is not discriminative and it is gender-sensitive. According to data presented at the Workshop by Kljajic, cash grants are dominantly received by men, due to the ratio between males and females in the flow, taking into consideration the significant number of single males, and cultural dimension of the conservative migrants' and refugees' community. Worth noting for understanding how this service accommodate needs of men and women is that such data need to be read together with data from post distribution monitoring on decision making processes how to spend the cash grants within the beneficiary families.

4. Overview of Current Situation in MARRI Participants in Relation to Laws, Practice and Standards in the Process of Identification, Referral and Protection of (Potential) Foreign Victims of Trafficking among Migrants

In the context of the theme/topic and purpose of the SAFERR project's workshop, at the beginning of the project, it was agreed that the overview of the materials should come from presentations, audio recordings, reports and minutes. Lately, as consent for usage of presentations and audio recordings was requested and obtained from 6 participants only (See Chapter 1, Topic 5), the overview is based on minutes mostly from the participants from Albania, Bosnia and Herzegovina, Macedonia and Serbia. They show that the focus of discussions, challenges and measures during the workshop is put on the THB dominantly. The prosecutor from Bosnia and Herzegovina within her presentation referred to international regulations and detailed preview of the indicators of THB, but not emphasizing the connection between THB and GBV in the context of the migrant crisis. It can be concluded that gender sensitivity exists in the CSOs "La Strada" (Macedonia) and the "Atina" (Serbia), which provide assumptions and define their challenges regarding the identification of cases of GBV within migrant crisis. Also, it is noteworthy that the GBV was recognized within the cases related to THB, as it was stated in the presentations of the governmental Centre for Protection of Victims of THB (Serbia). It is noticeable from the data presented within their presentation (Please see the table below). The focus of the representatives of other organizations is entirely related to THB.

Table 4: Statistics presented by the Centre for Protection of Victims of THB

Number of referrals	Ongoing procedure	It's not a victim, there is a risk	It's not a victim	Victims	Unavailable
40 *	1	29	5	2	3

Source: (Kljajic, 2017)

Note: From 40 referrals, 35 are for children and 5 for adults, 9 for females (5 minors and 4 adults) and 31 male (30 minors and 1 adult). Two victims of THB are identified, both females.

Analysed by MARRI Participant⁵, the recommendations and considerations of the participants go to the following direction:

- **Macedonian** representatives, besides emphasizing the existing special provisions in the Criminal Code and Strategy for combating THB for 2017-2020, consider as relevant the adopted SOPs and trainings provided to the professionals. The proposal for introducing the regional indicators for identification of cases of THB is very important. It could additionally open the opportunities for introducing the regional indicators for GBV. Apart from the abovementioned, the proposal for non-punishment of the trafficking victims, harmonizing and update procedures for prompt exchange of information for perpetrators and victims, should be also addressed to the GBV.

La Strada's representative highlighted the value of SOPs by making difference between procedures dedicated to THB and other SOPs - for unaccompanied children and for treatment of vulnerable categories of refugees and migrants. Those, the second and third ones, largely interfere with potential target groups of victims of GBV.

- In **Serbia**, involvement of indicators for THB for different branches (social workers, education, police, etc.) separately for minors and adults, and in accordance with recommendations listed in Chapter 24 of EU Accession Process, paves the way for involvement of indicators for identification of cases of GBV. CSO "Atina" stated that it is important to identify survivors of GBV (domestic violence, trafficking) in order to be able to provide them with adequate services. As it was stated by the same representative, the lack of synergy between the asylum procedure and protection mechanism for trafficked victims regarding the THB, should also be a problem for GBV issues.

Moreover, they stated that the procedures contained in the SOP manual, are improved for the recognition of the vulnerable groups among transiting persons. Same as the case of Macedonia, Serbian representatives propose an increase of cooperation with destination countries (especially between social services), more training sessions for use of indicators and introduction of the regional package of procedures on transiting persons - as a very important tool that has an opportunity to be tailored for identification of cases of GBV among transiting persons.

- From Caritas **Albania** it was noted that there is a positive change in behaviours and practices by the law enforcement officers and social services and an increased knowledge of local committees on THB that resulted in increased identification and improved protection of victims

⁵ In the report of the SAFERR workshop, the minutes from representatives from Albania are missing.

of trafficking. This statement is very important because it emphasizes the rapid improvement in recognition and identification of the victims by field workers of the relevant stakeholders due to the intensive and numerous training and capacity building programmes, and hypothetically, it can be achieved at same level for the victims of GBV.

Several participants with different professional background mentioned the numbers and challenges related to the unaccompanied minors and separated children, regarding the THB. Also, some the participants noted that there is lack of trust among the migrants to approach governmental institutions that impacts the identification of the cases of THB and GBV. As the same source stated that "Diminishing the role of CSO's in the process of early identification and alarming the institutions for the cases (of THB and GBV respectively)" there is no an appropriate explanation of how they can deal with cases of GBV if there is no enough knowledge about GBV and gender sensibility among their employees - as it was perceived during the field interviews.

Within the workshop materials can be identified the intentions for creating regional indicators for THB and for creating a curriculum for mutual regional training on THB and GBV. At the same time, the trainings would refer to understanding the gender perspective and the quality control mechanisms for the introduced indicators of the above mentioned topics. Also, the materials identified the need for harmonization of SOPs in the regional framework related to GBV respectively.

CHAPTER 3

Discussion of Findings

It is important to highlight two significant factors reflected in the findings which limit the ability for generalization and relativize their reliability. First, the observations took place only in few transit/reception/asylum centres in Macedonia, Serbia and Albania. This means that observations on gender sensitivity of the sites refer solely to the visited places. When reading the findings from the observation, one must bear in mind that the visits to centres were carried out in the, so called, second phase when the number of refugee/migrants in the premises was very low. This precludes observation of the operation of centres in their full capacity. This, in turn, relativizes the reliability of the findings. Yet, the objective of the observation is not to universalize or generalize the findings as reflection of physical surroundings in transit centres during the whole period of mixed migration flow. Rather, the findings aim to contribute to the understandings of gendered impact of physical environment of transit centres on women and girls in terms of dignity and safety, as well as impact on the access to services.

Second, an important factor is the small number of interviewees, both from the Governmental Institutions and the civil society organizations and the process of their selection. Therefore, when reading the findings that rely on these data sources, one must bear in mind their primary purpose to provide initial insight on the challenges in the identification and the protection of vulnerable individuals and victims of gender-based violence and trafficking in human beings in the context of the current migration, and not to present "objective" reality of the functioning of the system in three MARRI Participants.

Data sources for the assessment of the efficient responses to GBV and THB among MARRI Participants in mixed migration flow were statements of the interviewed professionals from governmental institutions and CSO fieldworkers, and findings from the observations of the physical surroundings of asylum/transit/reception centres for refugees/migrants. In the sections that follow, the discussion of findings is grouped along the lines of perception and recognition of GBV and THB, awareness of existing national instruments for identification and assistance to victims of THB and their implementation, training, coordination and cooperation between stakeholders, good practices and challenges, and gender-sensitive physical environment on transit/reception sites for refugees/migrants.

1. Gender-Based Violence - Perception and Recognition

In a context where, historically, the notion of GBV has not been rooted in the legal tradition or its recognition in the operation of the national systems for provision of support services to survivors of GBV, the data from the interviews depict the individual sensitivity to the issue among service providers. In particular, their perception and recognition of various types of GBV, identification, as well as, responding to such situations in a gender-sensitive way.

Having in mind that two of the MARRI Participants, Serbia and Albania, are member states to the COE Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), the interviewees from respective MARRI Participants were asked if they were familiar with the Convention. Most of the interviewees stated that they only have heard about it and that they are very poorly informed on its provisions. They know that the convention exists, but they lack specific knowledge of its content and the consequences that it might bring about in their work with victims of violence. The following quotes illustrate this situation:

"I have heard about that, but I don't know what it is exactly about"(CSO interviewee, female)

"Yes, I've learned about the Istanbul Convention...legislation is going to be improved in different points..." (Governmental organization interviewee, female)

In order to get insight in the overall approach to GBV, the interviewees were asked what their understanding of GBV is, what the types of GBV are, and what the meaning of gender is in their professional conduct.

According to the analysed data from the conducted interviews in relation to definition of GBV, a shared perception among interviewees (N=17), save one, is that women and children refugees/migrants are dominant victims of GBV that is perpetrated by men. The following statements are an illustration:

"...Most commonly, women are the dominant victims.....yes, and young girls under age of 18 or generally over age of 18.... (CSO interviewee, male)

...."The husband harasses his wife and his children...." (Governmental organization interviewee, male)

... "Usually, women are victims of male violence" (CSO interviewee, female)

"Gender-based violence, so what comes to my mind right now is violence against women or children" (CSO interviewee, female)

"Female and children are more exposed to the violence."(Governmental organization interviewee, female)

With regards to the understanding of GBV, worth noting is that there is no differences between professionals from governmental institutions and CSOs field workers on a national level. Perception among almost half of the interviewees reflects very narrow understanding of GBV, limiting it to a domestic violence. As some of the respondents stated:

"Gender -based violence is domestic violence" (CSO interviewee, female)

... "Gender-based violence, domestic violence is actually violence by man to woman." (Governmental organization interviewee, male)

Furthermore, when asked to name few types of GBV, some of the interviewees refer only to domestic violence as a type of GBV. Understanding and recognition of various types of GBV determine and define identification of cases of GBV and consequent provision of support services to survivors of GBV.

"Gender-based violence, we mostly had domestic violence. We had cases where we had complaints from women refugees...who were abused, beaten by their husbands, within their family." (CSO interviewee, male)

"More related about family, domestic violence... It can be sexually harassment, psychologically, physically; it can appear in different ways. It can also be economically, for example extortion." (CSO interviewee, female)

"The violence can be verbal and non-verbal. Most often, these are cases of domestic violence." (Governmental organization interviewee, male)

..."form of gender-based violence can be domestic violence. Violence against children can be also a form of gender-based violence." (Governmental organization interviewee, male)

..."gender-based violence maybe is the case when the man put totally the woman separated and doesn't let them to have contact with others...the psychologically one, that I think is maybe the most difficult one to understand, so when these women are... controlled in everything they do, by their husbands, always by their husbands..."(governmental organization interviewee, female)

"I think that most relevant is the gender-based violence in domestic area." (CSO interviewee, male)

On the other hand, few interviewees expressed broader understanding of the meaning of GBV, as a violence that occur in both, in private and in public spaces, by members of a family/intimate partner and by strangers. Various types of GBV were also listed by few interviewees. These can be illustrated by the following statements:

"...we have had more cases of gender-based violence, we have had harassment of women, both psychologically and physically, as well as a lot of aggressive attacks towards women and children..." So, sometimes we have had different cases regardless of, maybe he is not the husband who is violent or, I don't know, maybe other people from the camp, other groups." (CSO interviewee, male)

..."she literally complains that she doesn't have a husband, none of them is her husband, that she has left the country from which she comes, in order to save herself from the war, so these men are her companions, she has paid to them for a certain period of time, to follow her to

here, but yet in Greece they started to annoy her, abuse her sexually and attack her.” (Governmental organization interviewee, male)

“it does not happen only within the family, but also for example with single mothers who have a problem with the services of smuggling, to be in certain situations to be harassed by smugglers ...it can be physical abuse, it can be sexual harassment without permission or without defence....” (CSO interviewee, female)

“Women are subject to very aggressive violence, in the family, domestic violence, but also within a society”(CSO interviewee, female)

It is worth noting that only 3 interviewees refer directly to sexual violence as a manifestation of GBV. Forced marriages as a manifestation of GBV is less recognized, only 4 interviewees reported forced marriages as a type of GBV. With regards to female genital mutilation, only one interviewee from governmental institutions shared her experience as follows,

“..... I was surprised... during the menstruation cycle girls have too much pain, and..... Because their mothers did so when they were children, how I could say, they stitched them, so they can keep their virginity...” (Governmental organization interviewee, female)

The extent of interviewees’ understanding and recognition of GBV vary from narrow, often limited to act of domestic violence, to a much broader understanding including acts of violence committed by non-family perpetrators. With regards to types of GBV, dominant perspective among interviewees is physical and psychological violence, with few of them also recognizing sexual violence, forced marriages and female genital mutilation.

Beside lack of specific recognition of all types of GBV, the next important issue is how they understand the nature of GBV, which reflects on the provision of services in a gender-sensitive manner. The interviewees were asked to elaborate what gender means and how the role of gender matters in the process of GBV identification, responding, mitigation, prevention and combating.

Although shared understanding among interviewees is that dominant victims of GBV are women and perpetrators are men, they do not manifest relating this to gender power asymmetry as a root cause of GBV.

Basic presumption is that the issue of gender relevance cannot be analysed in isolation from overall value system and policy towards gender equality. Recognition of causes of GBV and addressing it in a gender-sensitive manner is highly related to the shared value system on a national level. Promotion of traditional patriarchal values and gender roles are serious impediments to the understanding and responding in a gender-sensitive way to GBV. Recognition of deeply rooted traditional gender roles is illustrated as follows,

...“usually we have had an education that says to the man, to the guys, you are going to do this kind of job, or wearing, you are going to take care, or ... behavior, or responsibility, you are responsible for the family, you have to feed your family, you have to find better job for feeding

your family, achieve, have better achievements, better positions, and we said to the ladies maybe that they have not access, to the girls, not access for everything, they cannot do everything because it's not things for ladies, or ladies things, and that they have to stay to look after their children..."(Governmental organization interviewee, female)

"But the most important ...is our history. Because, generally the most important is the man, is not the woman... The position of the man is that the woman and children are subordinated to him What I think is that the woman themselves, accept to be part of the mentality ...they accept their position in the society..." (CSO interviewee, male)

The question on significance of gender in the provision of services to vulnerable individuals and victims of gender-based violence in the context of the current migration crisis was not well accommodated by many interviewees. Many interviewees ask to clarify the question or to give an example of meaning of gender. Some of the interviewees relate the question to the sex structure of the organization that provide services and to provision of services to women by women. Some of them, without hesitating pointed out that the gender is irrelevant for their work, and others stated that the law is equal for all.

"No gender distinction is made. There is sensitivity for bath and doctor needs." (Governmental organization interviewee, male)

"...The law is equal to everybody, so male or female, everybody has the same rights first of all..." (Governmental organization interviewee, male)

"In communication, gender equality communication standards are applied. In each shift, there are women and men who approach people of the same sex." (Governmental organization interviewee, male)

"with women...work girls. Men work with men." (CSO interviewee, male)

Several interviewees articulate more gender-sensitive perspective in understanding GBV allocating the causes for GBV in the subordination of refugee women to men. Still, they relate this to cultural norms and traditional values of the refugees/migrants, relying on so called "cultural differences" as a justification for GBV against refugee/migrant women. An interviewee said:

"For migrants, the reason is their understanding of life, their culture and tradition" For example, women's understanding is that, they should blindly listen to their husband's orders and to be subordinated." (Governmental organization interviewee, male)

On the other hand, few interviewees firmly acknowledge that gender is relevant for their work. However, apart from claiming gender-sensitive approach in provision of services, they do not support such claims with explanation of activities that have effects of gender asymmetry of power.

"So, the gender is, the program that it implements...and previously they were gender-sensitive, so in the context of the refugee crisis we tried to give them equal treatment to all refugees, but with a special focus on those who are identified as victims of gender-based violence, regardless of its kind, regardless it is physical, psychological, where most often, those who were victims of the violence are not aware of that." (CSO interviewee, male)

"Gender is relevant for our work, it is included in all activities we work in, not as a main let`s say target, but as a component ... As a cross cutting issue" (CSO, female)

Another important issue related to understanding and recognition of GBV is perception of the interviewees of equality, in particular gender equality at workplace. Interviewees were asked to elaborate gender equality policy in their organization and what is the effect. Similarly as with the question on relevance of gender, some of the interviewees were reluctant to comment. Their answers concerning this issue were very brief. Majority of interviewees referred to the sex composition of the organization, stating that there is relatively balanced representation of both sexes and in favour of females. A few respondents believe that their organisation operates with full equality and participation of all.

... "I can say that women are dominant, 60:40, 60% are female, and 40% are male." (Governmental organization interviewee, male)

"Well, yes. There is gender equality.....we have employed males and females, with whom we have common cooperation, understanding, consultations." (CSO interviewee, male)

the organization, we are let`s say 80% woman and 20% man (CSO interviewee, male)

Worth noting is that interviewees from Macedonia and Serbia also refer to national legal documents on gender equality, as a framework for operation of their organization. They report that formally there are policies on gender equality, but they are not functional in reality. In the words of the interviewees, it has been illustrated as follows:

"..according to the Law, we should have some kind of a program, in which we will have to observe some percentage of gender representation, I really think that now gender equality is respected, I mean...women , if we observe the policy for gender equality in the staff, but in practice we do not have such thing." (Governmental organization interviewee, male)

"In communication, gender equality communication standards are applied. In each shift, there are women and men who approach people of the same sex...There are more men who are in higher functions. Now more chances are given to women." (Governmental organization interviewee, male)

On the other hand, one interviewee more deeply addresses this issue, explaining the gender equality policy in the organization beyond balanced sex structure and connecting it to decision making power.

"It is a fact that we are more men in our organization, but concerning to the distribution of the managerial positions....there are women in managerial positions..." (CSO interviewee, male)

Therefore, although the sex structure is an important precondition, balanced representation of both sexes does not by itself guarantee gender equality, rather it is a first step in ensuring gender equality in full meaning.

2. Trafficking in Human Beings – Perception and Recognition

Having in mind that THB is introduced as a criminal offence in the legislation of MARRI Participants for more than a decade, accompanied by number of policy documents and trainings held, the basic presumption is that the interviewees are well informed and have sound understanding of the elements and forms of THB. According to the analysed data from the conducted interviews, we can note recognition of some of the elements of trafficking in human beings. The ability to identify and differentiate elements of THB and its various forms is particularly important in the process of identification and protection of potential victims/survivors. Even more, it is a precondition for addressing the problem in a gender-sensitive way, which shapes the quality of support and protection services provided.

In order to get insight in the approach to identification of THB, the interviewees were asked to define how they understand THB. Most of the interviewees refer to the legal basis in tackling THB or point out to the elements of THB. The following quotes are an illustration:

"There is an Article XX in the Law that defines this matter. There is exploitation, compel...towards the person to be applied force and to be misled." (Governmental organization interviewee, male)

"Trafficking in human beings, any way of abusing people, and maybe giving of some purposes, I don't know, maybe any hope that something nice will happen, but also something else can happen...With a purpose of earning a profit by the slaver." (CSO interviewee, female)

"Trafficking in human beings is, in my opinion, a crime punishable by law, where people usually take part by accident, where there is maximum exploitation of the victims." (CSO interviewee, male)

It is important to note that in the statements of few interviewees, confusion about THB is evident. Namely, mixing smuggling of persons with THB can be observed. In particular, the whole process of identification and protection is threatened when the phenomenon of THB is perceived as smuggling. The core element of THB, for the purpose of exploitation of the

trafficked person is missing whatsoever, and the focus is on illegal border crossing. In support are the following statements:

"There are several forms of trafficking human beings, but nowadays, I can say it is the smuggling." (Governmental organization interviewee, male)

"Trafficking in human beings is related to the procedure for arrival of migrants to their final destination, i.e. payment in instalments along sections of the route..." (Governmental organization interviewee, male)

"Classical tradewhere they are transported for a certain amount of money." (Governmental organization interviewee, male)

With regards to forms of THB, some of the interviewees listed various forms of THB, ranging from labour exploitation, sexual exploitation, slavery, forced begging, organ trafficking, or any other form of exploitation by using threat, force or other forms of coercion or fraud.

"Labour exploitation... sexual exploitation" (Governmental organization interviewee, female)

"Trafficked woman... Like slaves, like sex slaves" (CSO interviewee, male)

"From sexual harassment, I don't know... from trafficking human organs to exploiting people in different ways from which they could benefit" (CSO interviewee, female)"

"Exploiting them sexually, emotionally, psychologically" (CSO interviewee, male)

"There is labour and sexual exploitation, compel for begging, organ trafficking..." (Governmental organization interviewee, male)

Besides understanding the elements and differentiating forms of THB, next important issue in the process of identification and protection of victims/potential victims is awareness and knowledge of national procedures for identification and assistance to victims of THB. The next section is concerned with legal instruments and trainings.

3. National Instruments for Identification and Assistance to Victims of GBV and THB and Training

With regards to the awareness among interviewees on legal instruments that drive their conduct in the process of identification and protection of victims of GBV and THB, the answers are rather participant specific.

Interviewees from Albania refer to SOP for identification and referral of victims of THB and generally to legislation, while interviewees from Serbia refer generally to the law that regulates

THB and the Mandatory Instruction. One interviewee without hesitation stated that *"THB is a police job"*.

All interviewees from Macedonia refer to Standard Operating Procedures (SOPs) as a referral mechanism that defines the tasks and responsibilities as well as cooperation among stakeholders for identification and referral of victims of THB, GBV, unaccompanied minors and vulnerable categories in crisis and emergency situations.

"Basis for working is standard-operational procedures... These are procedures, to say, that are adopted by the Republic of Macedonia, and are a way of conducting and working with juvenile persons, unaccompanied persons, victims of trafficking... For gender-based violence." (Governmental organization interviewee, male)

..."there are standard-operating procedures for trafficking in human beings, for unaccompanied minors and another vulnerable category of people related to gender-based violence." (CSO interviewee, male)

It is important to highlight that apart from referring to legal documents that regulate the phenomenon of THB, the interviewees from Albania and Serbia make no reference to any legal document in relation to GBV. This finding is supported by the findings from other instrument, Questionnaire for Legislation (Annex 2), that was filled in by relevant governmental representatives for each of the Participants. Namely, the questionnaire asked for information on relevant laws, by-laws, and strategy and policy documents in relation to GBV, THB, asylum and illegal migration. The analysed data from Questionnaire for Legislation are in line with the interviewees' accounts on non-existence of legislation and policy documents in relation to GBV. Another important issue in relation to awareness of legal document related to GBV is accounts of two thirds of the interviewees from Macedonia who reported that they were involved in drafting the four SOPs as members of the working group established for that purpose. Striking finding is that none of the interviewees from Macedonia made any referral to any legal document on GBV in a non-crisis situation.

With regards to training related to THB, most of the interviewees acknowledged that they received training on THB. Within interviews accounts, level of training received vary from basic to more specialized training. Some interviewees report that they have undergone several trainings on different aspects related to identification and assistance to victims of THB, and others stated to receive only initial training.

In relation to GBV training, the interviewees report rather diverse situation. One third of the interviewees, both from governmental institutions and CSO field workers report that they received training on GBV. Most of the interviewees that stated to have training on GBV, pointed out that the trainings were of basic level, more initial training. Also, some interviewees clearly identify that GBV trainings started during the refugee crisis. Two interviewees acknowledge that they received several training on GBV, one claiming four or five trainings on GBV, and the other report receiving basic and specialized training.

In order to get more insight in the GBV trainings, the interviewees were asked to elaborate the content of the GBV training they received. The interview accounts fall into a wide range of topics related to GBV, but not dealing comprehensively with GBV.

"First of all, recognizing gender-based violence, how to respond in those situations and how to behave with those vulnerable groups" (CSO interviewee, female)

"But always the trainings are mixed with different arguments, not only gender-based violence..." (Governmental organization interviewee, female)

"Training on victims of domestic violence, how to recognize a victim of violence, we were told about their culture." (CSO interviewee, female)

When asked who provides the training, the majority of interviewees who reported to have GBV training stated that training is provided by UN organizations, national and international CSOs, and some of them also referred to national and foreign experts as training providers. Another important issue is that the training sessions currently offered are not supported by written training manuals that will further facilitate appropriate and effective conduct of stakeholders in response to all forms of GBV.

Some of the interviewees clearly pointed out to their need for GBV training tailored to their specific needs for identification and protection of GBV victims in the mixed migration flow.

"In fact, when I started working it was still that "emergency" and then they literally sent me to field work. Later, I asked for it, but, actually, there was a period of time when nothing was organized by anyone here, when the transit itself was over and when this phase of stationing started, let to say, there was nothing organized in that long period. Now it started again, there are plans to go, to go on that GBV training, but I do not know when it is going to start, I hope it will be as soon as possible." (CSO interviewee, female)

Worth noting is the perspective that one interviewee shared in relation to who is targeted with GBV trainings and its quality. The interviewee uttered clearly the lack of systematic policy on developing the sensitivity and skills of professionals working in the field with refugee/migrants for an appropriate response to all types of GBV, including gaining sufficient knowledge.

"However, this is not the problem within us as an institution... I practically sometimes get angry when some of the institutions that do not have the basic task of dealing with such situations are called upon training. Unfortunately, those present on the field, which need to be dealt with, have nothing to do with what they should practically face on the field. And they are not being trained enough to deal with on the field. It is not possible (... ..) to be affected by this which we are talking about gender-based violence, etc., minors and trafficking in human beings and other aspects, while the Ministry of Interior, the border police are not called for training or not been involved in specialized trainings." (Governmental organization interviewee, male)

4. Coordination and Cooperation between the Relevant Stakeholders

The quality of cooperation/collaboration with other sectors that have a key role to play in addressing GBV and THB in the mixed migration flow is particularly important for the effectiveness of the system. From the statements of interviewees obtained through face-to-face interviews, the following general perceptions on their experience with all or some institutions competent to act in identification and protection of vulnerable individuals and victims of GBV and THB in the context of the mixed migration flow could be distinguished: 1. satisfaction with the cooperation, and 2. mutual insufficient knowledge for the competences of other institutions. According to the analysed data from the conducted interviews, there are various experiences concerning the cooperation and coordination between institutions/organizations in the field. A clear distinction in the perception of cooperation among professionals from governmental institutions and CSO field workers is visible. Majority of CSO field workers highlighted good cooperation between all stakeholders on the field.

"First to say, we have communication with all governmental institutions. They give us directions and seek help from us. Whether for the police, whether for registration, whether for works ..." (CSO interviewee, female)

"So, everyone is doing his/her job within his/her mandate." (CSO interviewee, male)

"I can say that the regular coordination meetings on a weekly basis with all organizations and institutions on the ground where the current problems were discussed, specifically in the area of gender-based violence or attempts at human trafficking presented as such examples were proved to be a good practice... At the local level, we are talking with the transit centres, getting information about their sectors, their needs, and responsibility of other organizations..." (CSO interviewee, male)

There is low number of CSO field workers who identify challenges in the process of cooperation relating them to personal characteristics and outbreak of refugee crisis. Some interviewees highlighted that effective cooperation cannot result only from systemic policy, but also on personal experiences and inter - personal relationships between relevant professionals from both, governmental institutions and CSOs and UN organizations.

"In my opinion, it was a big challenge at first, but then standard operating procedures for dealing with vulnerable groups of refugees were brought. The communication has improved, everyone was informed about their obligation and their task, so now I can say that the number of refugees has decreased, and there is cooperation and communication between the non-governmental, governmental, and international institutions."(CSO interviewee, male)

"So as an example that I personally have noticed, is the individual indifference to engagement within the mandate that the persons should have; respectively, when someone has the task of

performing a duty that is within the mandate and the person has no interest in performing it.”
(CSO interviewee, male)

One CSO interviewee expressed dissatisfaction with cooperation relating it to lack of communication and insufficient knowledge for the tasks of other institutions, as follows,

“Well, when they not communicate enough, they are not informed about their work, duties... something is missing” (CSO interviewee, female)

According to the analysed data from the conducted interviews with professionals from governmental institutions, there are various experiences concerning the cooperation. It is important to highlight that all interviewees from governmental institutions acknowledge experiences of good cooperation with CSO field workers and international organization. Few interviewees from governmental institutions expressed satisfaction with cooperation with all stakeholders, governmental institutions and CSO organizations.

“I think, we have women’s organization that we cooperate with, and we have successful cooperation with all of them... Well, I think that having the same objectives and putting these objectives in practice makes the cooperation good.” (Governmental organization interviewee, female)

“The NGO sector acts more professional than the institutions which we are involved in. So what you will confirm together at certain coordinative meetings, will act in accordance with what is prescribed, unlike the governmental institutions, which are imposed in relation to others, considering that they are have all responsibilities.” (Governmental organization interviewee, male)

“Governmental institutions cooperate perfectly, there is subordination. The cooperation with the citizens is good. They provide translation, and transportation to health centres, they organize psycho-social events...” (Governmental organization interviewee, male)

However, the majority of them emphasized serious challenges related to cooperation among governmental institutions. As first, association of poor cooperation interviewees frequently have mentioned the police, but also the social services and the health system. Substantial part of interviewees relate their experiences of poor cooperation among governmental institutions to lack of systemic coordination, nonprofessional attitude of some professionals and insufficient knowledge for the competences of other institutions as key obstacles for efficient cooperation

Among those statements of professionals interviewed in which this has been identified as one of the obstacles to efficient cooperation, the following have been selected for an illustration:

“I think, we need improvements, just maybe for coordinating each job that we do.”
(Governmental organization interviewee, female)

"...systems do not work as they should. We all know that...they can work better. I'm not saying that it didn't respond, it is far from it, but it didn't respond with certain individual efforts to certain individuals... Well, you can't organize a system where some of the institutions will be placed over the country. Then, you have a problem in the system....So, they are not learned to work essentially in co-ordination. They like to be individuals, individuals from whom things will start and end....So, this is applied to the police, as well as to the social systems and health organizations...you can't behave like that. In that case, you have no answer, but you have the wrong answer." (Governmental organization interviewee, male)

"So, the cooperation with the Ministry of Internal Affairs is on "hot-cold" basis. We had occasions, let's say, from the beginning... We had a clash in the beginningWhose authority is that....the interference in the authority of organizations." (Governmental organization interviewee, male)

5. Good Practice in Cooperation

The interviewed participants outlined several good practices in responding to GBV and THB during the mixed migration flow. They are grouped along five issues, as follows:

1. Networking on a national and international level between CSO field workers, especially during the massive migration flows in relation to rapid data exchange (through mobile phone applications) in relation to group structures that are approaching the exit of the country, description of vulnerable individuals and their specific needs, and suspicions in relation of violence and act of trafficking. According to the interview accounts such communication proves to be very useful tool for urgent meeting the specific needs of transiting people.
2. Existence of SOPs in relation to referral mechanisms and especially contact details of the responsible persons from each institution/organization.
3. Initiating participation of refugees/migrants through advancing communication with room/community leaders. It is acknowledged as a good practice particularly in relation to timely delivery of information, self-organization, participation in camp activities related to food preparation, waste management and maintenance, acknowledgment of needs and developments in the community etc., as well as for alerting for the cases of crime.
4. Advancing partnership, in particular between governmental and non-governmental institutions in establishing a comprehensive approach in addressing the needs of refugees/migrants and provision of prompt and safe access to services. An "open door" approach by the head of the camp/centres, encompass broad consultations with CSO partners, governmental actors and international organizations in the planning phase and in the course of implementation of various services...
5. Coordination meetings among all on-site stakeholders aimed for exchange of information, experiences, practices etc.

6. Challenges

In the perspective of interviewees the main challenges are positioned in language barriers and lack of interpreters from specific languages, inadequate infrastructure, absence of services and lack of capacities and skills to identify victims of GBV, insufficient training and challenging cooperation within governmental agencies. The following statements illustrate the interviewees' dominant concerns,

"We need for a translator in Arabic now in the premises." (Governmental organization interviewee, male)

"We know there are a few challenges starting from the bad infrastructure and absence of services. But also lack of institutional cooperation within governmental agencies" (CSO interviewee, female)

"Recognition, proving, language barriers and traditions (the victim is not aware of being a victim) and the way of living." (Governmental organization interviewee, male)

"Greater communication, cooperation with other institutions" (CSO interviewee, male)

It is important to highlight the perception of interviewees from Macedonia in relation to applicability and implementation of SOPs. Interviewees from governmental institutions and CSO acknowledge challenges in the content and in the implementation of SOPs.

..."It's nice when you have something that you haven't had until now (SOP). But if you estimate that what is inside is not useful, it's unorganized as it should, it's not clearly told, it's unworkable, then you have wrong standard-operating procedures....I would put all of this on revision again, reworking and re-processing, in order to make them applicable...Otherwise, as they are given, they are absolutely useless." (Governmental organization interviewee, male)

"In my opinion, they (SOP) are good. However, we come to the part of their implementation. Everything is nicely written on paper and when you read it all looks nice.... But I think there is still need to work on their application. That is, those who are in first, direct contact with the persons, and that's the police, most often at first direct contact is the police, the border police, and they are the ones who should have the experience and should detect them..." (CSO interviewee, male)

7. Gender-Sensitive Physical Environment on Transit/Reception Sites for Refugee/Migrants

The report acknowledges, as alike numerous reports, that women and girls are disproportionately more exposed to environmental, health, sexual, economic and other risks on a migrant route. Crossing borders to reach EU countries as a final destination need also to be observed as a

gendered experience, since women and girls constitute significant part of refugees/migrants in the current mixed migration flow. Irrespective of whether GBV and/or THB experiences are reported and addressed and responsible persons held accountable, all humanitarian activities need to be guided from a presumption of very high risks of GBV to women and girls. This means that national and international gender mechanisms and bodies, including women's organization must take part in all phases, starting from planning to monitoring and evaluation of quality of services provision in a gender-sensitive way.

In the aftermath of EU-Turkey Statement when people on migrant route shifted towards riskier methods of border crossing (Gerard and Pickering 2013), or remain stranded on the Balkan territory, a particular challenge is to what extent specific protection needs of women and girls are addressed in the transit/reception centres.

Observing that refugee/migrants of both sexes experience an intensified level of violence on a transit route, as well as in the transit/reception centres, women's vulnerability to violence in a transit/reception centres is context specific and is related to level of their access to material and social resources. In particular, physical environment in the transit/reception centres has gendered impact.

Having in mind the general situation of the refugees/migrants, the physical environment of the transit/reception/asylum centres may at first sight seem as a completely irrelevant factor. However, considering the fact that women and girls refugees/migrants are vulnerable, often frightened and traumatized, it is highly relevant to recognize their specific needs and vulnerabilities, and to provide equal access to and benefit from the general services provided on sites, as well as to provide women specific services, such as women-only spaces, gynaecological services present on site, GBV prevention and protection services.

Taking (or not) into account the impediments in the physical surroundings that can be discouraging for safety of women and girls, therefore can be also an indicator for the level of gender sensitivity of the site and managing institutions. Not surprisingly, their willingness to confront and reveal act of violence can very much depending on this factor.

The research participants acknowledge two distinct phases in the operation of transit/reception centres and amount and type of service provision. In the first phase (as named by participants), in the course of rapid population movements persons remain in transit/reception centres for a few hours as their priority have been to move rapidly and reach destination countries in Western Europe as quickly as possible. In the second phase, following the EU-Turkey statements, migrants were stranded on the Balkan territory. Notably, visited transit centres in Macedonia and Serbia face changing their primary role for providing urgent assistance (short-term shelters, food, water, sanitation, health care services, NFI) and become facilities for longer term stay. At the time of filed visits, in Transit Centre - Tabanovce on June 22nd, 2017 there were 18 persons, and in One-Stop Centre - Preshevo on July 1st, 2017 there were total of 614 persons, out of which 268 man, 76 women and 270 children.

Findings from the observations of the physical surroundings of transit/reception centres for refugees/migrants suggest that there are differences in physical surroundings among various types of centres and across region. Namely, in the three MARRI Participants visited, subject of observations were Asylum Centres, Transit Centres and Reception/Detention Centres. Worth

noting is that only the last centres are defined as closed type of facilities. However, two visited transit centres in both MARRI Participants - Macedonia and Serbia, defined as open facilities, impose conditions either for entry in or exit from the premises. Namely, in Tabanovce transit centre a person cannot enter the premises if not handed over by the police. On the opposite, in Preshevo transit centre, the persons cannot leave the premises if they do not pose a prior medical clearance note.

The observation was concerned with the extent to which gender considerations are reflected or not in physical surroundings of the premises as well as in the service delivery. In particular, whether needs of woman and men are met equally, the issue of access to services and whether delivery of services is designed to prevent GBV or not.

The observation was guided by international standards for humanitarian action and gender referred to in Sphere Handbook, Humanitarian Charter and Minimum Standards in Humanitarian Response (Sphere Standards), the IASC Gender Handbook for Humanitarian Action (2006) and the IASC Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action (2015).

Several indicators of gender sensitivity of physical surroundings in the transit/asylum/detention centres were in the focus of the observations: 1. Availability of information, 2. Lightening, 3. Toilets, 4. Shelter facilities, and, 5. Delivery of services.

The provision of information, their availability, visibility, language, and signs for direction and type of information provided is important in informing refugee/migrants on their rights, access to services and assistance, and access to facilities within the centres. The data from observations suggest a wide range of approaches in providing information in the visited centres. Namely, in the Reception Centre for Foreigners- Gazi Baba (Macedonia) at the entrance of the building, boards on three languages (including Arabic) are placed on the wall providing information on rights of foreigners who are in the Centre and access to the Ombudsman. On the other hand, in the closed Reception Centre for Foreigners-Karec (Albania) information on rights are provided only in Albanian and English on a piece of paper that is observed on a table in the corridors. In addition, signage on direction and access to various services and facilities (ambulance, WASH facilities, children space) are limited.

With regards to provision of information in visited Asylum Centres in Macedonia (Vizbegovo) and in Albania (Babrru), the situation is as follows: in Babrru Asylum Centre all labels for services are in Albanian language and positioned in front of particular service, for example, for health assistance in front of the ambulance room.



Photo 1: Map in Vizbegovo Asylum Centre



Photo 2: Information tables in Vizbegovo Asylum centre

In Vizbegovo, the situation is rather different. In the yard in front of the of the Asylum centre building there is a board with a map of all facilities of the Centre marked with signs.

Furthermore, a board with information in seven languages (English, French, Somalian, Arabic, Pashtu, Urdu, Farsi together with signs on rights of asylum-seekers and registration procedure is placed on the wall in the entrance corridor. Also house rules and information on services,

together with information about rights that protect the Ombudsman are placed on boards in the corridor. All labels for services and facilities at the premises are written on three languages (Macedonian, English and Arabic). A box for complaints marked in English and in Arabic is placed in the corridor of administrative building, which is opportunity for asylum-seekers, man and women to express their complaints. However safety and confidentiality are questionable given that there is a video surveillance in the corridors.

In transit centres Tabanovce (Macedonia) and Preshevo (Serbia), which are mixed facilities composed of tents, buildings and containers, there are signs for most of the services positioned on the main path in the centre together with directions for various services. In both centres, containers where various services are available are clearly marked with signs and information on service in English and Arabic language as well as with name of organization that provides

the service.

Signs are positioned on the doors of containers/tents/building where services operate.

Toilets for man and women are marked with signs on the entrance door.

It was observed that info board at the entrance of the Preshevo Transit Centre, although clearly marked with a sign, is empty of any information.

Bujanovac Transit Centre is situated in a two-floor building with signs on services positioned on the doors of rooms where services operate.

This indicates the need for further efforts by relevant institutions towards information provision related to rights, protocols for distribution of food and non-food items which are safe and respect the dignity of women and girls, and access to services on visible places and in languages spoken by the



Photo 3: Sign for health service in Preshevo

refugee/asylum-seekers/migrants, and in a mode understandable by illiterate men and women. During the visit to Preshevo centre, it was observed that two girls are standing opposite of container where coffee was distributed. It was noticed that line is composed of man and boys, who in the words of the girls make them uncomfortable to stand in a line. The same apply to

computer room with free Wi-Fi where during the visit only men were using the computers. As one field worker elaborates, “we are becoming male dominated centre”, and further explained that a new practice was introduced and there are certain hours during the day when the computer room is available only to women and girls.

In the context of information provision it is a good practice to establish protocols (if not established yet) for distribution of various items and access to services in a manner that respects dignity and culture of man and women refugees/migrants, and place understandable information on visible places.

With regards to lightening, communal water and sanitation facilities, and sheltering facilities and recognition that their position and access to, can increase women’s and girls’ vulnerability to GBV, it was observed that in the closed Reception centres, Gazi Baba (Macedonia) and Karec (Albania) rooms are situated in several corridors. Due to very small number of migrants during the visits, the observation of the full operation of the Centres was unable. However, worth noting is that there are group and family rooms, with number of beds that provide enough space/square meters for persons that reside and allow for partition in the family rooms. In the Karec centre family rooms are equipped with a toilet and shower inside the room, while in the Vizbegovo centre sanitation facilities are in the corridor. Although video cameras are positioned in the corridors, light in front and inside the toilets and showers are not fully functional. Likewise, in both centres the hygiene of the sanitation facilities is a challenge.

In Vizbegovo Asylum Centre, group rooms and family rooms are in different corridors and there are sex-segregated sanitation facilities, where in some sanitation facilities locks do not function. Rooms for single women or single mothers are on other floor and they have toilet and shower in the room, though hygiene is poor. There are lights and video cameras along corridors. The locking of all room doors poses a problem since most of the locks are not functional.

In Tabanovce Transit Centre (Macedonia) toilets and shower facilities are positioned by the main path with an open view to the path. Numbers of lights are allocated all over the centre and video cameras were also observed that support the assumption that the premise is well lit at night. The sanitation facilities are with separate entrance for male and female and not all locks on the doors are properly functioning. Hygiene is a particular challenge. There are family rooms in containers that are positioned in the rows. Only first row is with an open view to the centre of the premises.

In the Preshevo Transit Centre people are accommodated in rooms of the renovated building of the old tobacco factory and family containers that are located in rows. Only containers in the first row are with open view. Numbers of light spots were observed as well as lights in front of the toilets/shower facilities in the centre of the premises. In the building, toilets and shower facilities are located within a building with separate entrance for women and for men. There is a huge corridor area in the building that might raise concerns on the safe accessibility to toilets especially at night.

CHAPTER 4

Conclusions and Recommendations

1. Conclusions

Conclusions are grouped into four mutually intertwined areas, as follows: legal framework; recognition of GBV and THB and implementation; effective cooperation among relevant stakeholders; and gender-sensitive physical environment of sites.

a) Legal Framework.

- With regards to THB, the national legal frameworks of MARRI Participants recognize THB as an offence. Namely, THB is legally defined and criminalized into MARRI Participants' Criminal Codes, respectively. Incorporating THB-related offences into the Criminal Codes bring MARRI Participants' legislation into conformity with core international documents. Furthermore, adoption of number of policy implementation documents, such as SOPs for treatment of victims of THB, alongside with establishment and operation of National bodies/commissions for combating THB, have meaningful impact on preventing and combating THB. It was observed that development of THB SOPs and referral mechanisms in MARRI Participants are dominantly supported by UN agencies, including IOM. However, harmonized and comparable indicators are still a challenge. In 2016, separate Standard Operating Procedures for processing vulnerable categories of foreign nationals was adopted by Macedonian government, as well as SOP for dealing with unaccompanied and separated children, in 2015.

- The situation in relation to GBV is rather challenging. There are no specific laws or provisions that provide a comprehensive definition of GBV in the national laws. The term gender-based violence against women is included only in strategy documents on gender equality, or in specific laws pertaining to domestic violence. Different types of GBV (domestic violence, rape, sexual assault, human trafficking, forced abortion) are defined as criminal offences, while certain types, such as female genital mutilation, forced marriages, forced sterilization are covered as acts of particular crimes defined by the criminal law provisions contained in the national Criminal Codes. However, acknowledging gender neutral language used in the Criminal Codes, linkage to the gender power asymmetry is missing. Gender-based violence in crisis situation is defined, though quite debatable, in Standard Operative Procedures for prevention of and response to gender-based violence in crisis and catastrophes, adopted in Macedonia in 2017. Direct consequence of the lack of legal definition and insufficient recognition of all types of GBV is limited identification of specific risks to vulnerable individuals and refugee/migrants victims.

b) Recognition of GBV and THB and Implementation.

- The findings reveal that meaningful number of interviewees are well informed and have sound understanding of the elements and forms of THB. Still, not unimportant observation is that small number of interviewees is mixing THB with smuggling of persons.

- Understanding and recognising the phenomenon of GBV is a precondition to responding to GBV in a gender-sensitive manner. As in many societies that continue to deeply embrace patriarchal values as its prevailing value system, it is not surprising that majority of the interviewees, professionals from governmental institutions and CSO field workers have a very narrow understanding of GBV, defining it mainly within the context of domestic violence. Consequently, many support and protection services are missing. Particular challenge is humble acknowledgment that women and girls, due to their sex, face additional risks and discrimination in gaining access to humanitarian assistance, NFI, WASH and medical services. In general, the gendered understanding of violence is significantly missing in the perspectives of interviewees.
- With regards to THB, most of the interviewees have undergone trainings, on a basic level or advanced training. Still, on-going systematic training sessions are needed to improve the response to THB.
- There is a critical absence of training in the field of GBV, its core elements, understanding and providing support and protection services in a gender-sensitive manner. This contributes to the limited GBV expertise and identification capacities among stakeholders. Identification and referral of victims of gender-based violence remains a huge challenge. In addition, most of the victims are reluctant to report to the reception/asylum centre authorities is the cornerstone for an effective response to this phenomenon.
- Apart from two local CSOs specialized in human trafficking response and provision of services, presence of women's CSO or specialized personnel on gender issues and GBV response are not observed at visited sites. Presence and operation of gender and GBV experts can provide valuable support to other stakeholders on sites in identification and protection from GBV.
- Another important issue is lack of data on GBV incidents. MARRI Participants were asked to provide sex, age and disability disaggregated data on recorded victimization of refugee/migrants and recorded refugee/migrants as perpetrators, hence, without response. Similarly, sex and age disaggregated data on refugee/migrants provided with services (health services, interpretation services, psycho-social counselling, legal support and counselling, obtaining documents) are missing.
- Language and cultural barriers are recognized as obstacles to identification or reporting GBV and THB. There is insufficient presence of interpreters from languages spoken by refugee/migrants, particularly, female interpreters sensitized to the culture and tradition of refugee/migrants.

c) Effective Cooperation among Relevant Stakeholders.

- Cooperation between the institutions and CSOs is of crucial importance in responding to GBV and THB. A sound cooperation between governmental institutions and CSOs in the field was acknowledged, particularly in the establishment of services and in supporting refugees/migrants. Partnership and meaningful support by CSOs is clearly articulated. Cooperation between governmental institutions which is of crucial importance in providing complete protection remains a serious challenge. Systemic coordination, nonprofessional attitude of some professionals and insufficient knowledge for the competences of other institutions are listed as key obstacles for efficient cooperation.

- Existence of SOPs, referral mechanisms and contact details of responsible persons from each institution/organization is acknowledged as a prerequisite for a coordinated case management and efficient identification and protection of refugees/migrants at risk or victims. SOPs together with referral mechanisms and indicators for identification and treatment of victims of THB are operational in all MARRI Participants. Apart from Macedonia, there are no specific indicators developed for identification of THB victims and supposed victims in mixed migration flow. Coordinated referral mechanisms and case management at cross-border level is still a challenge. There are no common identification criteria for THB victims on a regional level and only informal communication and co-ordination mechanisms exist on cross-border level.
- With regard to GBV SOPs and referral mechanisms on national level, they do not exist. Only in Macedonia a GBV SOP is recently adopted and pertains to crisis situation. Identification indicators are not observed. Common indicators or referral mechanisms on a regional level do not exist.
- Specific attention to gender and gender-based violence issue are not visible in cooperation and coordinated response.

d) Gender-Sensitive Physical Environment of Sites

- Generally, some gender related concerns are visible in (re)construction and operation of most of the visited sites in Macedonia, Serbia and Albania. GBV risk mitigation was observed in presence of segregated WASH facilities, shelter facilities that allow for separate accommodation of single women and single women with children, and for families. Overall, however, gender-sensitive physical environment vary from site to site on a national level as well as regionally.
- The provisions on information, their availability, visibility, language, and signs for direction on some sites observe specific needs of refugee/migrants women and man, but still need improvements. Numbers of lights are allocated all over the sites, and in some places video cameras were also observed that support the assumption that the premises are well lit at night. However, it was noticed that light in front and inside the toilets and showers are not fully functional on some sites. Also, the hygiene of the sanitation facilities remains a challenge for many sites.

In Bujanovac (Serbia) the migrants/refugees actively participate in almost all in-house activities dedicated to the organization of the daily work.

Regarding organization of the internal space and providing some optimal condition for mothers and children in a closed type of accommodation facility, a positive practice is how the children space/room was renovated and organized in Karec detention centre in Albania.

2. Recommendations

The following key recommendations have been identified:

1. It is necessary to improve the national legal frameworks in MARRI Participants

- a) With reference to defining GBV, various types and protection against GBV in accordance with core international standards;
- b) With reference to the regulation of all relevant services for identification, assistance, care and support of victims/survivors of GBV and their harmonization with regional standards;
- c) With reference to harmonizing the national indicators for potential and supposed THB victims within mixed migrant flows in term of creating common regional SOP and indicators.

2. The governments of the MARRI Participants should implement policies for mainstreaming gender equality in all segments of the society;

3. The governments of the MARRI Participants should develop training programs on GBV that are accredited and subject to continuous evaluation for all relevant stakeholders, including social workers, psychologists, police workers, health workers, humanitarian workers, interpreters, crisis management officers and all first responders to GBV. It is important to have regionally harmonized training curricula on the following: discrimination; equality between women and men in society and family; identification of prejudice and dealing with gender stereotypes; roots of GBV, types of GBV; and gender-sensitive conduct with respect to multicultural diversity;

4. There is a need to establish systematic implementation of structured trainings on various aspects of GBV response for all professionals/humanitarian workers in the relevant institutions/organizations:

- a) On sectoral level, basic and advanced trainings based on developed program and corresponding training modules,

- b) Multi-sectoral training for coordinated performance and cooperation in cases of GBV, and

- c) Regional training for coordinated case management and continuous support and assistance to supposed and identified victims/survivors of GBV, especially for unique methodology for the identification and risk assessment of the victim/survivors of GBV;

5. The governments of the MARRI Participants should adopt common training program on THB and ensure continuous training delivery on national levels as well as on regional level. The governments need to permanently follow the regional developments and to provide an appropriate and coordinated response when most or all MARRI Participants face with the same threat or challenge connected to THB;

6. The governments of the MARRI Participants should develop SOPs for GBV response along with referral mechanisms and indicators that will allow for identification, responding and preventing GBV.

7. The governments of the MARRI Participants should agree upon common standardized indicators for identification of potential and supposed victims of THB and victims/survivors of GBV, which will allow for continuous cross-border support to vulnerable and/or at risk

refugee/migrants. There is a need for systemic regional coordinated GBV response, in particular with regards to referral pathways, cross-border coordinated case management aimed at accommodating individual specific needs of identified and/or supposed refugee/migrant victims and survivors of THB;

8. The governments of the MARRI Participants should establish and implement cross-border information sharing protocols, including prompt and accurate information sharing on identified cases of THB and GBV, as well as information on potential risks for THB and GBV;

9. There is a pressing need to deploy sufficient and adequate number of well-trained personnel on THB- and GVB-related issues (including professionals from governmental institutions, GBV experts and CSO field workers for providing humanitarian support and assistance) on national entry-exit points and on sites where refugees/migrants stay longer;

10. There is a need to increase the presence of interpreters at all points/sites where refugees/migrants stop or stay longer, inclusive of female interpreters from/into languages spoken by refugees/migrants, who are trained in GBV related issues and sensitized to cultural differences;

11. It is of crucial importance to deploy GVB experts and/or coordinators, especially female, at all sites or points where refugees/migrants stop or stay that will assist implementation and further accommodate gender-sensitive approach in providing GBV responses and delivery of services in gender-sensitive manner;

12. There is a need to ensure systematic and standardized collection of sex, age and disability disaggregated data in relation to entry/exit, registration, victimization, vulnerability, asylum claims, provision of various services to refugees/migrants that is regionally harmonized;

13. There is a need for further efforts by relevant institutions towards information provision related to rights, protocols for distribution of food and non-food items which are safe and respect the dignity of women and girls, and access to services on visible places and in languages spoken by the refugee/asylum-seekers/migrants, and in a mode understandable by illiterate men and women. Equally important is to uphold a manner of provision of information that respect dignity and culture of man and women refugees/migrants.

14. The governments of the MARRI Participants should ensure regular and close monitoring on sites for transit or longer stay of refugees/migrants in relation to sustaining and improving present conditions and services in a manner that mitigates the risks for GBV, prevents GBV, and provision of care and assistance in gender-sensitive manner. This includes safe, accessible, sex-segregated shelters that provide for privacy and safety, provision of women spaces only staffed with trained and culturally sensitive female personnel, separate rooms for interviews with women, visible, safe and clean sex-segregated WASH facilities, safe and dignified distribution of food and NFI items.

15. There is a need to establish regular self-evaluation, along with external evaluation of the implementation of standards for gender-sensitive delivery of services and in overall operation of all stakeholders.

3. Recommendation for Adoption of Regionally Harmonized and Comparable Indicators for Identification of Potential or Supposed Victim of THB in the Mixed Migration Flow

Sex

- THB mostly refers to the sexual exploitation of the vulnerable groups (unaccompanied women, single mother and unaccompanied and separated children). The last ones are particularly vulnerable to trafficking in human beings.

Age:

- Age, as an indicator, refers to the type of vulnerable categories, the location and type of exploitation.

IDs:

- Lack of IDs, registration documents from the countries along the route or having the false documents.
- The potential or supposed victim of THB does not know to say fluently the basic data contained in the IDs (name, surname, name of the mother, father, legal guardian, place and date of birth, relatives, etc.).
- Request of new documents (for access to the shelter) due to the lost.

Transport:

- The number of people accompanying them is not suitable for the transported potential or supposed victims of THB.
- The potential or supposed victim of THB is permanently accompanied by the same person(s) along her/his trip.
- The potential or supposed victim of THB does not know or deceits (in case when the information/police records can confirm that he/she was associated to traffickers or exploiters) about the way how he/she reached the shelter (about route of traveling, contact with officials along the route, registration points, mean of transport etc.).

Physical signs and sign as a result of medical examination

- Visual and non-visual traces of injuries, involving the findings from a medical examination.
- The minor/unaccompanied and separated child is pregnant
- The potential or supposed victim of THB suffers from sexually transmitted diseases.

Indicators⁶ related to the behaviour of a potential or supposed victim of THB in contact with officials during the transport/reception/handing over.

- Gathering of the migrants around one or more persons in the shelter facility can be an indicator that the suspected person is a trafficker in human beings or providing indoor support for the organized group for THB.
- The potential or supposed victim of THB allows other person to talk instead of him/her.
- The potential or supposed victim of THB has feared to talk, he/she is confused, disoriented, and his/her talk does not correspond to the topic of the question. Also, he/she could be anxious, has uncontrolled reactions and has a feeling that he/she is followed/monitored.
- The potential or supposed victim of THB stands out of the group, even he/she declared that he/she belongs to that group/family. Children represent themselves as brothers and sisters even there are no remarkable similarities, emotional connectivity or their age do not follow the distribution of dates of birth.
- The potential or supposed victim of THB is trying to find an opportunity to talk for someone from the governmental and non-governmental stakeholders about anything and to build a relationship. He/she is establishing the contact with officials in terms to tell them that she/he is forced to stay in an exploitation situation through threats of and violence to him/her or persons close to him/her and looking for response/protection by them;
- The potential or supposed victim of THB attempts to escape from the shelter, previously looking on maps and frequently making phone calls.
- The potential or supposed victim of THB receives calls or letters from outside usual social contacts and/or around the home/shelter there are persons who behave or act suspiciously;
- The potential or supposed victim of THB has no control over his/her life: movement, shelter, use of income are guided and controlled by other persons. She/he needs an approval for leaving the centre or asks the person (instead the shelters' officials) that controls him/her for money if she/he had some needs or needs to buy anything.
- The potential or supposed victim of THB has/had limited social contacts.
- The minor/unaccompanied and separated child always has an adult nearby watching over him/her.
- The minor/unaccompanied and separated children cannot prove the relationship with the family, legal guardian and relatives that take care of him/her.
- The potential or supposed victim of THB was caught stealing and/or has large unjustifiable amounts of cash.
- The potential or supposed victim of THB when leaving the shelter goes to places known for illegal activities (drug distribution, exercise of prostitution, exchange of stolen goods,

⁶ Some of them may involve psychological violence (threats).

etc.) and/or looks neglected (malnourished, inappropriately dressed for the age or weather).

- The potential or supposed victim of THB has been missing/away for a long time but there is no information on what happened;
- The potential or supposed victim of THB has returned after an absence with a changed look. In the case of children that change was not done by the legal custodian or parent.
- Children are traveling in groups with persons that are not their relatives and are not accompanied from their parents or legal guardians.

Children can be offenders of THB crime. In such sense, those children have significant changes in their behaviours, not appropriate for their life experience and age. Even, children are lying about their age.

4. Recommendation for Adoption of Regionally Harmonized and Comparable Basic Indicators for Identification of Victims/Survivors of GBV in the Mixed Migration Flow

The following proposed basic indicators for identification of GBV victims/survivors are aimed to assist first respondents in the field in screening the potential GBV victims or survivors. A proper identification interview and risk assessment is recommended to be carried out by GBV specialist following a referral from initial screening. GBV encompasses a broad range of abuses, from physical and emotional to sexual abuse or the treat of such abuse. Though many GBV identification indicators may be observed among refugees/migrants that may occur due to language barriers, cultural issues, rapid movement and long journey, such as unwillingness to speak, certain physical injures, lack or false travel documents, single women or unaccompanied children, the following basic indicators may be employed in basic GBV screening:

Sex. Dominant victims of GBV are women and girls only because they are women, though men and boys can also experience similar problems. It is important to recognize gender inequality as a cause and consequence of GBV.

Personal documents. Lack of IDs, registration documents from the countries along the route or having false documents, ignorance of personal data as written in the documents, request for new documents due to the lost.

Transport. Travelling with large groups dominantly composed of women, long stays at certain geographic areas.

Country of origin. Origin from a country where GBV is part of culturally accepted behaviour, origin from a country where GBV is known to be part of the armed conflict.

Physical signs. Physical injures that obviously resulted from assaults, abuse and controlling behaviour.

Sexual and reproductive health: injuries of sexual nature, female genital mutilation, irregular bleeding and pain, urinary and vaginal infection, sexually transmitted diseases and related gynaecological symptoms.

Indicators related to the behaviour. Numerous signs may be observed, such as, fear of what will happen next, fear of not being believed, fear of separation from the family/group on

the journey to destination countries, traumatic experience causing broken memories and issues in recollecting, feeling of shame, guilt and stigma, fear of rejection by significant others, lack of self-confidence, lack of awareness about being victimized, manifestations of phobias, difficulty in concentration, disorientation, sense of hopelessness and worthlessness, distrust of others (family members and group), self-isolation, self-harm tendency and suicidal attempts.

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Annex 1a INSTRUMENTS - Protocol for observation

Instrument no. _____

Previous information about location

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PROTOCOL FOR OBSERVATION OF LOCATIONS WHERE REFUGEES/MIGRANTS ARE ACCOMMODATED

Name and surname of the observer 1	Name and surname of the observer 2
MARRI Participant	
1. Type of location	
2. Date (day, month, year)	
3. Start time of the observation	
4. End time of the observation	
5.	

Unit of the survey: MARRI participant

Source of data: locations where refugees/migrants are accommodated

Data collection technique: intermediate observation

1. Access to the location

1.1. Entrance in the location

<i>Regime for entrance/exit 1</i>	yes	no	description
Entrance control - MOI			
Special entrance permit			
There is a mode for entering items			
Is the entrance/exit the same place			
Exit control - MOI			
Special exit permit			
There is a mode for exporting items			

<i>Type of location</i>	yes	no	description
Building			
Tents			
Temporary facility			
Combination (temporary facility + tent)			
In populated area			
Inaccessible place			

Distance from public transport over 1km			
Distance from the hospital over 1km			
Distance from schools over 1km			
Far from stores over 1km			

1.2. Number of entrances/exits

	no.	description
Entrance		
Exit		

1.3. Providing security services on the location

<i>Details of providing security services</i>	yes	no	description
External physical security			
MOI/police			
Private security			
Other _____			
Patrols			
Grid			
Wire			
There are unprotected entrances			
Internal security			
MOI/police			
Private security			
Other _____			
Patrols			

1.4. Gender structure of the stakeholders

Gender structure	Female (no.)	Male (no.)
On the entrance		
On the exit		
External security		
Internal security		
Providers of the humanitarian assistance		
Health services		
Psychological support		
Legal advocacy		
Social services		
Interpreters		
Location manager		
Hygienic services		
Food preparation		
Other _____		
Other _____		

1.5. Number of the employees from the main stakeholders regarding their organizational origin

Organizational origin of the employees from the main stakeholders	Female (no.)	Male (no.)

1.5.1.MOI		
1.5.2.Crisis management center		
1.5.3.Health institutions		
1.5.4.Center for social services		
1.5.5. Red Cross		
1.5.6. UNHCR		
1.5.7. UNICEF		
1.5.8. UNFPA		
1.5.9. IOM		
1.5.10. Other intergovernmental organizations		
1.5.11. National CSO-general		
1.5.12. National CSO-THB		
1.5.13. National CSO-women		
1.5.14. National CSO-children		
1.5.15. Other		

1.6. Registration

	yes	no	description
On the entrance			
Inside			
By men			
By women			
Individual registration			
Group registration			
Visible signs			
Understandable information about registration			
Presence of interpreter (f)			
Presence of interpreter (m)			

2. Indicators for gender sensibility in the location

2.1.Lightening

Lightening	yes	no	description and quantity
In front of the toilets			
In front of the shower			
In front of the common rooms (f/m)			
Medical help place			
Place for washing/changing			
Kids space			
Rooms for humanitarian assistance-NFIs			
Rooms for socio/psychological/legal assistance			
Place for distribution of food			
Coridors			

2.2. Accommodation (Density and separation)

Accommodation	yes	no	description
Joint tents/rooms			

Family tents/rooms			
Separated for women with children			
Male and females together (in the same corridor)			
Locked room from inside			
Locked room from outdoor			
Distance between tents - 1m			
Distance between tents - 1-2m			
Distance between tents - over 2m			
m2 per person			

2.3 Toilets

Toilets	yes	no	description and quantity
Different object for m/f			
Physically separated m/f			
Locking opportunity			
Showers are physically separated m/f			
Hot water			
Maintenance/Cleaning			
By males			
By females			
Distance and access			
In the middle			
Near the security service			
At the periphery			

2.4 Access to the information and language

Sign for	Qt.	Translation	Symbol	Visible	direction
Toilet					
Shower					
Common rooms (m/f)					
Security room for women					
For a place to eat					
For a place to cook					
Medical help					
Place for washing/changing					
Kids playroom					
For NFIs					
For legal, social and psychological					
for distribution of food					
Water supply					
Registration room					
House rules					

Annex 1b INSTRUMENTS - Table no.5 Health services - governmental institutions

MARRI Participant _____

Table 5. Number of health services to refugees/migrants provided by the governmental (1)																	
		March 2016		April 2016		May 2016		June 2016		July 2016		Aug 2016		Sep 2016			
Total number of health services to refugees/migrants provided by the governmental institutions																	
Number of services provided to the refugees/migrants with disabilities																	
List of health services to refugees/migrants provided by the governmental institutions (please list particular health services within categories) ↓		Male (total)	Female (total)	Boys up to 18	Girls up to 18	Male (total)	Female (total)	Boys up to 18	Girls up to 18	Male (total)	Female (total)	Boys up to 18	Girls up to 18	Male (total)	Female (total)	Boys up to 18	Girls up to 18
Emergency health protection (on the spot) ¹ - Please list them →																	
Specialized ² - Please list them →																	
Long-term ³ - Please list them →																	

¹ Immediate Response: Emergency medical assistance on the ground, in/in front of the transit centre (For example, mobile van for gynaecological services which run according to a predetermined schedule).

² Specialized health service includes specialized care and assistance. These services are probably located outside the transit centers, and in particular may include: hospitalization, specialized health care or therapy for HIV.

³ Long-term treatment. For example, accommodation in a hospital (residence for therapy, treatment, surgery, childbirth, etc.).

Table 5. Number of health services to refugees/migrants provided by the governmental (2)																	
		Oct 2016		Nov 2016		Dec 2016		Jan 2017		Feb 2017		Mar 2017		Apr 2017			
Total number of health services to refugees/migrants provided by the governmental institutions																	
Number of services provided to the refugees/migrants with disabilities																	
List of health services to refugees/migrants provided by the governmental institutions (please list particular health services within categories)		Male (total)	Female (total)	Boys up to 18	Girls up to 18	Male (total)	Female (total)	Boys up to 18	Girls up to 18	Male (total)	Female (total)	Boys up to 18	Girls up to 18	Male (total)	Female (total)	Boys up to 18	Girls up to 18
Emergency health protection (on the spot) ⁴ - Please list them →																	
Specialized ⁵ - Please list them →																	
Long-term ⁶ - Please list them →																	

⁴ Immediate Response: Emergency medical assistance on the ground, in/in front of the transit centre (For example, mobile van for gynaecological services which run according to a predetermined schedule).

⁵ Specialized health service includes specialized care and assistance. These services are probably located outside the transit centers, and in particular may include: hospitalization, specialized health care or therapy for HIV.

⁶ Long-term treatment. For example, accommodation in a hospital (residence for therapy, treatment, surgery, childbirth, etc.).

Annex 1b INSTRUMENTS - Table no.6 Health services - non-governmental institutions

MARRI Participant _____

Table 6. Number of health services to refugees/migrants provided by the non-governmental actors (1)																	
		March 2016		April 2016		May 2016		June 2016		July 2016		Aug 2016		Sep 2016			
Total number of health services to refugees/migrants provided by the non-governmental institutions																	
Number of services provided to the refugees/migrants with disabilities																	
List of health services to refugees/migrants provided by the non-governmental institutions (please list particular health services within categories)		Male (total)	Female (total)	Boys up to 18	Girls up to 18	Male (total)	Female (total)	Boys up to 18	Girls up to 18	Male (total)	Female (total)	Boys up to 18	Girls up to 18	Male (total)	Female (total)	Boys up to 18	Girls up to 18
Emergency health protection (on the spot) ¹ - Please list them →																	
Specialized ² - Please list them →																	
Long-term ³ - Please list them →																	

¹ Immediate Response: Emergency medical assistance on the ground, in/in front of the transit centre (For example, mobile van for gynaecological services which run according to a predetermined schedule).

² Specialized health service includes specialized care and assistance. These services are probably located outside the transit centers, and in particular may include: hospitalization, specialized health care or therapy for HIV.

³ Long-term treatment. For example, accommodation in a hospital (residence for therapy, treatment, surgery, childbirth, etc.).

		Oct 2016				Nov 2016				Dec 2016				Jan 2017				Feb 2017				Mar 2017				Apr 2017				
Total number of health services to refugees/migrants provided by the non-governmental institutions																														
Number of services provided to the refugees/migrants with disabilities																														
List of health services to refugees/migrants provided by the non-governmental institutions (please list particular health services within categories)		Male (total)	Female (total)	Boys up to 18	Girls up to 18	Male (total)	Female (total)	Boys up to 18	Girls up to 18	Male (total)	Female (total)	Boys up to 18	Girls up to 18	Male (total)	Female (total)	Boys up to 18	Girls up to 18	Male (total)	Female (total)	Boys up to 18	Girls up to 18	Male (total)	Female (total)	Boys up to 18	Girls up to 18	Male (total)	Female (total)	Boys up to 18	Girls up to 18	
Emergency health protection (on the spot) ⁴ - Please list them →																														
Specialized ⁵ - Please list them →																														
Long-term ⁶ - Please list them →																														

⁴ Immediate Response: Emergency medical assistance on the ground, in/in front of the transit centre (For example, mobile van for gynaecological services which run according to a predetermined schedule).

⁵ Specialized health service includes specialized care and assistance. These services are probably located outside the transit centers, and in particular may include: hospitalization, specialized health care or therapy for HIV.

⁶ Long-term treatment. For example, accommodation in a hospital (residence for therapy, treatment, surgery, childbirth, etc.).

ANNEX 1C INSTRUMENTS - PROTOCOL FOR INTERVIEW

Interview topics

To respondents: Please answer on behalf of your service

- 1. Please provide a brief description of your organization/institution (mandate, mission, vision, objectives etc.) in relation to GBV and THB in the mixed migration flows. What are your tasks and duties?**
- 2. What is your understanding of THB? What is the framework for your organization's actions? (Definition) Please list forms of THB? Why is it happening?**
- 3. What is your understanding of GBV? What is the framework for your institution/organization's actions? (Definition) Please list forms of GBV? Why is it happening?**
- 4. What are the core principles of your work in relation to THB and GBV and how do you implement them? What are the strengths of your institution/organization?**
- 5. How is gender relevant to your work? Would you like to explain what the gender equality means within your organization/institution and regarding performance of your duties?**
- 6. Does your organization/institution have a workplace equalities policy and what does it cover?**
- 7. What is a framework for operation to identify the cases of THB and GBV? What are the procedures?**
- 8. Is your service aware of the Istanbul Convention?**
- 9. Can you provide a brief example of a case where your institution/organization intervened successfully to support a victim of THB and/or GBV?**

10. Can you think of a case where your institution/organization could have acted differently to support a victim of THB and/or GBV more effectively?

11. What specialist training on GBV and THB do your staffs receive? Did you have received any specific training(s) on GBV and THB? If YES, please tell us when and to what extent?

12. What is your opinion about cooperation of your organization/ institution with other governmental and non-governmental stakeholders at national and regional level? Which do you work most closely with and why?

13. Can you provide an example of good collaboration with another organization/institution?

14. Can you provide an example of poor collaboration with another organization/institution?

15. What are the future challenges for your institution/organization? Which aspects of your institution/organization would you like to develop more in the future?

ANNEX 2 LEGISLATION

Please list all applicable (including date of entry into force/adoption and amendments) national documents on the following

MARRI Participant: ALBANIA*

Provisions in relation to TRAFFICKING IN HUMAN BEINGS	
National Strategies and action plans	
Laws	
Bylaws	
Standard operative procedures	
Other documents	
Provisions in relation to MIGRATION	
National Strategies and action plans	
Laws	
Bylaws	

* Within the study, MARRI Participants were requested to submit a document with review of the adopted legislation related to migration, asylum, THB and GBV. The document was filled in Albanian language. For the purpose of the language consistency of the report the document was translated into English by Congress Service Centre Skopje.

Standard operative procedures		
Other documents		
Provisions in relation to ASYLUM		
National Strategies and action plans	Planning for a possible massive flux of migrants into Albanian borders	
Laws	For Asylum in the Republic of Albania	Law number 121/2014
Bylaws	For Approval into the list of safe third countries	Decision of the Council of Ministers No. 159 Date 02.03.2016
	For the establishment, composition, organization and functioning of the National Commission for Asylum and Refugees.	Decision of the Council of Ministers No. 206 Date 16.03.2016
	For the organization and functioning of the National reception Center for Asylum seekers	Decision of the Council of Ministers No.332 Date 04.05.2016
	For approval of the Format of the travel document and electronic identification document for foreigners with "Additional protection".	Decision of the Council of Ministers No.706 Date 12.10.2016
	For the procedure for acquiring an electronic identification document and travel document for citizens that have gained the status of a refugee and additional protection in the Republic of Albania.	Order No. 346 Date 27.11.2014

	For the rules and procedures for obtaining information and verification of data and declarations from the country of origins for asylum seekers and refugees.	Order No. 645 Date 14.12.2015
	For procedure and deadline for the decision to dismiss the assessment of the asylum application.	Order No. 268 Date 02.06.2016
	For registration in the National Register of Civil Status (NRCS) of year 2010, for persons who have a status of a refugee or additional protection in the Republic of Albania.	Order No. 28 Date 16.01.2017
	On the Procedure and rules for referring the case, by the Responsible Authority on Border and Migration, to the Responsible Authority for Asylum and Refugees.	Order No. 611 Date 01.12.2015
	For approval of the format of the certificate of filing an application for asylum.	Order No. 656 Date 21.12.2015
	Format of the decision for restriction of movement of asylum seekers and refugees provided by the authority responsible for asylum and refugees.	Order No.68, Date 04.03.2016
	For the Approval of the Electronic Register of asylum seekers, refugees and those with additional protection in the Republic of Albania.	Order No. 21, Date 16.01.2017
	For the appointment of the National Commissioner for Asylum and Refugees.	Order No. 696, Date 28.12.2016

Standard operative procedures	
Other documents	
Provisions in relation to GENDER BASED VIOLENCE (GBV) and GENDER EQUALITY	
National Strategies and action plans	
Laws	
Bylaws	
Standard operative procedures	
Other documents	

MARRI Participant: KOSOVO*

Provisions in relation to TRAFFICKING IN HUMAN BEINGS	
National Strategies and action plans	<p style="text-align: center;">NATIONAL STRATEGY AGAINST TRAFFICKING IN HUMAN BEINGS IN KOSOVO 2015-2019</p> <p style="text-align: center;">ACTION PLAN-NATIONAL STRATEGY AGAINST TRAFFICKING IN HUMAN BEINGS IN KOSOVO</p>
Laws	<p>➤ LAW NO. 04/L-218 ON PREVENTING AND COMBATING TRAFFICKING IN HUMAN BEINGS AND PROTECTING VICTIMS OF TRAFFICKING - Law No. 04/L-218 31 July 2013 Promulgated by Decree No.DL-043-2013, dated 19.08.2013, President of the Republic of Kosovo Atifete Jahjaga</p> <p>Published: 04.09.2013 Official Gazette: 34/2013</p> <p>Criminal Code of the Republic of Kosovo CODE NO. 04/L-082 CRIMINAL CODE OF THE REPUBLIC OF KOSOVO</p> <p>Type of act: Codes Act number: 04/L-082 Institution: Assembly of the Republic of Kosovo Status: IN FORCE Published: 28.12.2012 Official Gazette: 37/2012</p> <p>LAW No. 04/L-129 ON AMENDING AND SUPPLEMENTING THE CRIMINAL CODE OF THE REPUBLIC OF KOSOVO NO. 04/L-082 Published: 09.11.2012</p> <p>LAW NO. 04/L-273 ON AMENDING AND SUPPLEMENTING THE LAWS RELATED TO THE MANDATE OF THE EUROPEAN UNION RULE OF LAW MISSION IN THE REPUBLIC OF KOSOVO Published: 15.05.2014</p> <p>CRIMINAL NO. 04/L-123 PROCEDURE CODE</p> <p>Type of act: Codes Act number: 04/L-123</p>

	<p>Institution Assembly of the Republic of Kosovo Status: IN FORCE Published: 28.12.2012 Official Gazette: 37/2012</p> <p><u>LAW NO. 04/L-273 ON AMENDING AND SUPPLEMENTING THE LAWS RELATED TO THE MANDATE OF THE EUROPEAN UNION RULE OF LAW MISSION IN THE REPUBLIC OF KOSOVO</u> Published: 15.05.2014</p> <p>Abolishes <u>LAW NO. 03/L-003 ON AMENDMENT AND SUPPLEMENTATION OF THE KOSOVO PROVISIONAL CODE OF CRIMINAL PROCEDURE NO. 2003/26</u> Published: 22.12.2008</p>
Bylaws	
Standard operative procedures	
Other documents	
Provisions in relation to MIGRATION	
National Strategies and action plans	<ul style="list-style-type: none"> ✓ STATE STRATEGY ON MIRGRATION and ACTION PLAN 2013-2018 ✓ NATIONAL STRATEGY FOR REINTEGRATION OF REPATRIATED PERSONS IN KOSOVO ✓ ACTION PLAN IMPLEMENTING THE STRATEGY FOR REINTEGRATION OF REPATRIATED PERSONS
Laws	<ul style="list-style-type: none"> ✓ LAW NO. 04/L-219 ON FOREIGNERS <p>Type of act: Laws Act number: 04/L-219 Institution Assembly of the Republic of Kosovo Status: IN FORCE Published: 05.09.2013 Official Gazette: 35/2013</p>
Bylaws	<ul style="list-style-type: none"> ✓ <u>REGULATION (MIA) NO. 03/2014 ON OPERATION OF THE DETENTION CENTER FOR FOREIGNERS</u>

<p>Type of act: Regulations Act number: MPB-03/2014 Institution Ministry of Internal Affairs Status: IN FORCE Published: 04.09.2014</p> <p>✓ ADMINISTRATIVE INSTRUCTION (MIA) NO. 09/2014 ON RETURNING OF FOREIGNERS WITH ILLEGAL RESIDENCE IN THE REPUBLIC OF KOSOVO</p>	
<p>Type of act: Act number: Institution Status: Published:</p> <p>✓ ADMINISTRATIVE INSTRUCTION No. 04/2010 ON PROCEDURES FOR ISSUING VISAS TO FOREIGNERS FROM THE CONSULAR MISSIONS OF THE REPUBLIC OF KOSOVO</p>	<p>Administrative Instructions MPB-09/2014 Ministry of Internal Affairs IN FORCE 21.05.2014</p>
<p>Type of act: Administrative Instructions Act number: UA 04/2010 MPJ Institution Ministry of Foreign Affairs Status: IN FORCE Published: 07.06.2010</p> <p>✓ ADMINISTRATIVE INSTRUCTION NO. 17/2009 FOR REGULATION OF PROCEDURES FOR ISSUING OF THE WORKING PERMITS OF FOREIGN CITIZENS IN THE REPUBLIC OF KOSOVO.</p>	
<p>Type of act: Administrative Instructions Act number: MPMS-17/2009 Institution Ministry of Labor and Social Welfare Status: IN FORCE Published: 12.10.2009</p> <p>✓ ADMINISTRATIVE INSTRUCTION (MIA) 01/2009 ON IDENTITY CARDS FOR FOREIGNERS</p>	

	<p>Type of act: Administrative Instructions</p> <p>Act number: MPB-01/2009</p> <p>Institution: Ministry of Internal Affairs</p> <p>Status: IN FORCE</p> <p>Published: 30.01.2009</p> <p>✓ ADMINISTRATIVE INSTRUCTION NO. 23/2010 - MIA ON MAINTAINING AND MANAGING FOREIGNER'S RECORDS.</p> <p>Type of act: Administrative Instructions</p> <p>Act number: MPB-23/2010</p> <p>Institution: Ministry of Internal Affairs</p> <p>Status: IN FORCE</p> <p>Published: 07.09.2010</p>
Standard operative procedures	
Other documents	
Provisions in relation to ASYLUM	
National Strategies and action plans	
Laws	<p>✓ LAW NO. 04/L-217 ON ASYLUM</p> <p>Type of act: Laws</p> <p>Act number: 04/L-217</p> <p>Institution: Assembly of the Republic of Kosovo</p> <p>Status: IN FORCE</p> <p>Published: 30.08.2013</p> <p>Official Gazette: 32/2013</p>
Bylaws	<p>✓ ADMINISTRATIVE INSTRUCTION (MIA) No. 17/2013 ON PROCEDURES AND STANDARDS OF REVIEW</p>

	<p style="text-align: center;"><u>AND RULING ON REQUEST FOR ASYLUM</u></p> <p>Type of act: Administrative Instructions Act number: MPB-17/2013 Institution Ministry of Internal Affairs Status: IN FORCE Published: 07.11.2013</p> <p>✓ <u>ADMINISTRATIVE INSTRUCTION (MIA) No. 16/2013 ON PROCEDURES AND STANDARDS OF ADMISSION AND INITIAL TREATMENT OF ASYLUM SEEKERS</u></p> <p>Type of act: Administrative Instructions Act number: MPB-16/2013 Institution Ministry of Internal Affairs Status: IN FORCE Published: 07.11.2013</p> <p>✓ <u>ADMINISTRATIVE INSTRUCTION NO. 05/2010 – MIA ON THE RIGHTS AND OBLIGATIONS OF ASYLUM SEEKER.</u></p> <p>✓ <u>ADMINISTRATIVE INSTRUCTION NO. 23/2010 – MIA ON MAINTAINING AND MANAGING FOREIGNER’S RECORDS.</u></p> <p>Type of act: Administrative Instructions Act number: MPB-23/2010 Institution Ministry of Internal Affairs Status: IN FORCE Published: 07.09.2010</p>
Standard operative procedures	
Other documents	
Provisions in relation to GENDER BASED VIOLENCE (GBV) and GENDER EQUALITY	
National Strategies and action plans	
Laws	<p>➤ Law on Gender Equality 05/L-020</p> <p>Type of act: Laws Act number: 05/L-020 Institution Assembly of the Republic of Kosovo Status: IN FORCE</p>

Published: 26.06.2015
Official Gazette: [16/2015](#)

➤ Law on the Protection from Domestic Violence 03/L-182

Type of act: Laws
Act number: 03/L-182
Institution Assembly of the Republic of Kosovo
Status: **IN FORCE**
Published: 10.08.2010
Official Gazette: [76/2010](#)

➤ Law on Inheritance Nr.2004/26

Type of act: Laws
Act number: 2004/26
Institution Assembly of the Republic of Kosovo
Status: **IN FORCE**
Published: 01.08.2006
Official Gazette: [3/2006](#)

➤ Law on Family Nr.2004/32

Type of act: Laws
Act number: 2004/32
Institution Assembly of the Republic of Kosovo
Status: **IN FORCE**
Published: 01.09.2006
Official Gazette: [4/2006](#)

➤ Law on Protection and Anti-Discrimination Nr.05/L-021

Type of act: Laws
Act number: 05/L-021
Institution Assembly of the Republic of Kosovo
Status: **IN FORCE**
Published: 26.06.2015
Official Gazette: [16/2015](#)

- Law on Property and Property Rights Nr.03/L-154

Law No. 03/L-154

25 June 2009

Promulgated by the Decree No. DL-016-2009, dated 15.07.2009, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu

- Law on Preventing and Combating Trafficking in Human Beings and Protecting Victims of Trafficking Nr. 04/L-218

Type of act: Laws

Act number: 04/L-218

Institution Assembly of the Republic of Kosovo

Status:

IN FORCE

Published:

04.09.2013

Official Gazette:

[34/2013](#)

- [ADMINISTRATIVE INSTRUCTION \(GRK\) No. 17/2013 FOR FORMAL COMPOSITION, COMPETENCIES, RESPONSIBILITIES, AND MANNER OF FUNCTIONING OF THE NATIONAL AUTHORITY AGAINST TRAFFICKING IN HUMAN BEINGS](#)

Type of act: Administrative Instructions

Act number: QRK-17/2013

Institution Government of the Republic of Kosovo

Status:

IN FORCE

Published:

10.12.2013

- Law on amending and supplementing the Law no. 04/L-054 on the status and the rights of the martyrs, invalids, veterans, members of Kosovo Liberation Army, sexual violence victims of the war, civilian victims and their families Nr. 04/L-172

Type of act: Laws

Act number: 04/L-172

Institution Assembly of the Republic of Kosovo

Status:

IN FORCE

Published:

23.04.2014

	<p>Official Gazette: 26/2014</p> <p>➤ ADMINISTRATIVE INSTRUCTION NO. 01/2014 FOR EARLY IDENTIFICATION OF VICTIMS OF TRAFFICKING WITH HUMAN BEINGS FROM CONSULAR SERVICES, BORDER POLICE AND THE LABOR INSPECTORATE</p> <p>Type of act: Administrative Instructions Act number: QRK-01/2014 Institution: Government of the Republic of Kosovo Status: IN FORCE Published: 07.11.2014</p>
<p>Bylaws</p>	<p>➤ Regulation (GRK) No 12/2016 on duties and responsibilities of relevant officials for gender equality in ministries and municipalities Regulation (GRK) - NO. 12/2016 on duties and responsibilities of Relevant Officials for Gender Equality in Ministries and Municipalities, was approved on 109 meeting of the Government of Kosovo, with the decision No – 02/109, date 16.09.2016.</p> <p>➤ Regulation (GRK) No 06/2017 on internal organization and systematization of jobs in agency on gender equality Regulation GRK - No.06/2017 on Internal Organization and Systematization of Jobs in Agency on Gender Equality, was approved on 145 meeting of the Government of Kosovo, with the decision No.04/145, date 15.05.2017,</p> <p>➤ Administrative Instruction no 12/2012 for Defining the Location and Form of Psychosocial Treatment for Perpetrators of Domestic Violence Administrative Instruction no. 12 / 2012 for determining the place and way of psychosocial treatment of perpetrators of domestic violence, was approved on 91 meeting of the Government of the Republic of Kosovo with the decision no.03/91, date 12.09.2012.</p> <p>➤ Administrative Instruction no 02/2013 Compulsory Medical Treatment for Perpetrators of Domestic Violence who are Dependents of Alcohol and Psychotropic Substances. Prishtina 15.02.2013</p> <p>➤ Administrative Instruction (GRK)No 03/2016 on Special Measures for Registration of Joint Immovable Property on Behalf of both Spouses Administrative Instruction (GRK) - No. 04/2017, on amending and supplementing the Administrative Instruction (GRK)- No.03/2016 on Special Measures for Registration of Joint Immovable Property on Behalf of Both Spouses, was approved in the 140 meeting of the Government of Republic of Kosovo with the decision no. 04/140, dt. 05.04.2017.</p>

	<ul style="list-style-type: none"> ➤ Administrative Instruction (GRK)No 04/2017 on amending and supplementing the Administrative Instruction (GRK)No 03/2016 Special Measures for Registration of Joint Immovable Property on Behalf of both Spouses Administrative Instruction (GRK) - No. 04/2017, on amending and supplementing the Administrative Instruction (GRK)- No.03/2016 on Special Measures for Registration of Joint Immovable Property on Behalf of Both Spouses, was approved in the 140 meeting of the Government of Republic of Kosovo with the decision no. 04/140, date 05.04.2017.
Standard operative procedures	Standard operative procedures for protection from domestic violence in Kosovo
Other documents	

* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence

MARRI Participant: MACEDONIA

Provisions in relation to TRAFFICKING IN HUMAN BEINGS	
National Strategies and action plans	<ul style="list-style-type: none"> - National strategy for fight against trafficking in human beings and illegal migration 2017 -2020 - National action plan for fight against trafficking in human beings and illegal migration
Laws	<ul style="list-style-type: none"> - Criminal code (Official Gazette nr. 80/99, 4/02, 43/03, 19/04, 81/05, 60/06, 73/06, 87/2007, 7 /08 , 139/08, 114/09, 51/11, 135/11, 185/2011, 42/2012, 166/2012, 55/13, 82/13, 14/14, 27/14, 28/14, 115/14, 132/14, 160/14 and 199/14) Correction 41/14) - Law on criminal procedure (Official Gazette nr. 150/10)
Bylaws	
Standard operative procedures	- Standard operating procedures for treatment of victims of trafficking in human beings
Other documents	
Provisions in relation to MIGRATION	
National Strategies and action plans	- Resolution on migration policy of the Republic of Macedonia 2015 – 2020
Laws	<ul style="list-style-type: none"> - Law on foreigners (Official Gazette nr. 35/2006; 66/2007; 117/2008; 92/2009; 156/2010; 158/2011; 84/2012; 13/2013; 147/2013 and 148/2015) - Criminal code (Official Gazette nr. 80/99, 4/02, 43/03, 19/04, 81/05, 60/06, 73/06, 87/2007, 7 /08 , 139/08, 114/09, 51/11, 135/11, 185/2011, 42/2012, 166/2012, 55/13, 82/13, 14/14, 27/14, 28/14, 115/14, 132/14, 160/14 and 199/14) Correction 41/14) - Law on criminal procedure (Official Gazette nr. 150/10)
Bylaws	

Standard operative procedures	<ul style="list-style-type: none"> - Standard operating procedures for dealing with unaccompanied and separated children - Standard operating procedures for processing vulnerable categories of foreign nationals
Other documents	
Provisions in relation to ASYLUM	
National Strategies and action plans	
Laws	<ul style="list-style-type: none"> - Law on asylum (Official Gazette nr. 49/03, 66/07, 142/08, 146/09, 166/12, 101/15)
Bylaws	
Standard operative procedures	
Other documents	
Provisions in relation to GENDER BASED VIOLENCE (GBV) and GENDER EQUALITY	
National Strategies and action plans	
Laws	<ul style="list-style-type: none"> - Criminal code, art. 403-a, Crime against humanity
Bylaws	
Standard operative procedures	
Other documents	

MARRI Participant: SERBIA[†]

TRAFFICKING N HUMAN BEINGS

National strategy and action plan:

In 2006, the Republic of Serbia adopted the "Strategy for Combating Trafficking in Human Beings in the Republic of Serbia", envisaging comprehensive strategic goals, based on the "National Action Plan for Combating Trafficking in Human Beings 2009-2011" realized through various activities of state institutions, non-governmental, international and other organizations so as to ensure timely and comprehensive response to the problem of trafficking in human beings..

In order to strengthen the national mechanism of referral and better protection of victims of trafficking in human beings, as well as to harmonize national legislation with the EU acquis, a **draft National Strategy for Prevention and Suppression of Trafficking in Persons, Especially Women and Children and Protection of Victims in the Republic of Serbia for the period 2017-2022, as well as a draft of accompanying National Action Plan for the period from 2017 to 2018 have been made.** The new national strategy will ensure respect for and protection of human rights in response to trafficking in human beings through improved system of prevention, assistance and protection of victims, timely identification of cases in practice and effective prosecution of perpetrators. The National Strategy also foresees the adoption of the Rules of Procedure of the Council for Combating Trafficking in Human Beings, the appointment of the National Coordinator for Combating Trafficking in Human Beings and education of the Working Group for Implementation and Monitoring of the Strategy to be delivered by representatives of state bodies and other relevant institutions, representatives of the Red Cross of the Republic of Serbia and civil society organizations.

The normative framework in the Republic of Serbia provides the legal basis that makes work on prevention, protection of victims and combating trafficking in human beings possible in terms of human rights protection. The penultimate legal act, the Constitution of the Republic of Serbia ("Official Gazette of the Republic of Serbia", No. 98/06), explicitly prohibits holding a person in slavery or in a position similar to slavery, or in other words, prohibits every form of trafficking in human beings and forced labor.

[†] Within the study, MARRI Participants were requested to submit a document with review of the adopted legislation related to migration, asylum, THB and GBV. The document was filled in Serbian language. For the purpose of the language consistency of the report the document was translated into English by Transforma Int DOOEL Macedonia.

The laws regulating the area of trafficking in persons and its consequences are: Criminal Code ("Official Gazette of the Republic of Serbia", No. 85/05, 88/05 - correction, 107/05 - correction, 72/09, 111/09, 121/12, 104/13 and 108/14), Code 72/11, 101/11, 121/12, 32/13, 45/13 and 55/14), the Law on the Liability of Legal Persons for Criminal Offenses ("Official Gazette of the Republic of Serbia", No. 97/08), Law on Organization and Jurisdiction of State Authorities in the Suppression of Organized Crime, Corruption and Other Particularly Serious Criminal Offenses ("Official Gazette of RS", No. 42/02, 27/03, 39/03, 67/03, 29/04, 58/04, 45/05, 61/05, 72/09, 72/11, 101/11 and 32/13), Law on confiscation of property arising from the criminal offense ("S RS Official Gazette", No. 32/13), Law on Police ("Official Gazette of RS", No. 101/05, 63/09 - US and 92/11), Law on Foreigners ("Official Gazette of RS", number 97/08), Law on Juvenile Offenders and Criminal Protection of Juveniles ("Official Gazette of RS", No. 85/05), Law on International Legal Assistance in Criminal Matters ("Official Gazette of RS", No. 20/09), Law on Migration Management ("Official Gazette of RS", No. 107/12), Law on Asylum ("Official Gazette of RS", No. 109/07), Gender Equality Law ("Official Gazette of RS", No. 104/09), Law on liability for human rights violations ("Official Gazette of RS", no. 58/03 and 61/03), the Law on the Protector of Citizens ("Official Gazette of RS", No. 79/05 and 54/07), the Law on the Program for the Protection of Participants in Criminal Proceedings ("Official Gazette of the Republic of Serbia", No. 85/05), The Law on Social Protection ("Official Gazette of RS", No. 24/11), the Law on Protection of Citizens of the Federal Republic of Yugoslavia at Work Abroad ("Official Gazette of FRY", No. 24/98 and "Official Gazette of the Republic of Serbia" No. 101 / 05 and 36/09), the Law on the Prohibition of Discrimination ("Official Gazette of the Republic of Serbia", No. 22/09), the Law on Health Care ("Official Gazette of RS", No. 107/05, 72/09, 88/10, 99/10, 57/11, 119/12, 45/13 and 93/14), Law on Health (Official Gazette of the Republic of Serbia, No. 107/05, 109/05, 57/11, 110/12 - US and 119/12, 99/14, 123/14 and 126/14-US), Family Law ("Official Gazette of the Republic of Serbia", No. 18/05 and 72/11), Law on the Foundations of the System of Education and Upbringing ("Official Gazette of the Republic of Serbia" No. 72/09, 52/11 and 55/13), Labor Law (Official Gazette of the Republic of Serbia, Nos. 24/05, 61/05, 54/09, 32/13 and 75/14), Law on Registry Books ("Official Gazette of the Republic of Serbia", No. 20/09), Law on Electronic Communications ("Official Gazette of RS", no. 44/10, 60/13 - US and 62/14), Law on Organization and Jurisdiction of State Authorities for Combating High-Tech Crime ("Official Gazette of RS", No. 61/05 and 104/09), Law on Republic Administrative Taxes ("Official Gazette of the Republic of Serbia", No. 43/03, 51/03, 61/05, 101/05, 5/09, 54/09, 50/11, 70/11 - adjusted in dinars, 55/12 - adjusted in dinars, 93/12, 47 / 13- amounts adjusted in dinars, 65/13 and 57 / 14- adjusted in dinars), and other laws.

In 2009, the Republic of Serbia signed the **"Agreement on Cooperation between the Ministry of Internal Affairs, the Ministry of Justice, the Ministry of Labor and Social Policy, the Ministry of Education, the Ministry of Health and the Ministry of Finance in the field of combating trafficking in human beings"**, which includes the Guidelines, operational procedures for the efficient and safe referral of trafficked persons to a range of essential services and services, both in cases of cross-border trafficking in human beings and in the case of human trafficking within borders of the Republic of Serbia and protection of victims.

In 2009, the Ministry of the Interior issued a **Mandatory instruction on the treatment of smugglers**, which stipulates, inter alia, that if a smuggled person is a person with special needs, including pregnant women, single parents with minors and persons who have been subjected to torture, rape or other severe forms of psychological, physical or sexual violence, authorized officials are obliged to act when undertaking official actions in accordance with regulations regulating the position of persons with special needs and with international agreements, and possibly in the presence of an expert from special institutions for the treatment and capacity building of these persons.

The mandatory instruction sets out the procedure and the provision of assistance to women for illegal migrants in case they are victims of human trafficking. Police officers are obliged to provide protection to identified trafficked persons, keep them away from the perpetrators of crime and offer assistance, in agreement with the Service for Coordination of Protection of Victims of Trafficking in Human Beings, by virtue of accomodation in a shelter for victims of trafficking in human beings, inform the victim who is a foreign citizen about the right to humanitarian stay or other forms, with an assistance provided by an expert from specialized institutions for the treatment and training of these persons.

MIGRATIONS

National strategies:

(Strategies of the Republic of Serbia on the basis of which the migration policy is defined encompass):

1. **Strategy for Combating Illegal Migration in the Republic of Serbia for the period 2009-2014** („Official Gazette of the Republic of Serbia ", No. 25/09). On the basis of a resolution issued by the Minister of the Interior, a multisectoral working group was formed on February 3, 2017. which is tasked with drafting the National Strategy for Combating Irregular Migration in the Republic of Serbia for the period 2017-2020 with the accompanying Action Plan. Preparation of the proposed strategy is in progress.
2. **Migration Management Strategy** („Official Gazette of the Republic of Serbia “, no. 59/09),
3. **Strategy of Integrated Border Management in the Republic of Serbia** („Official Gazette of the Republic of Serbia “, no. 11/06) и
4. **Reintegration strategy for returnees under the Readmission Agreement** („Official Gazette of the Republic of Serbia“, no. 15/09),

Along with the accompanying **action plans**.

Laws:

1. **Law on Foreigners** („Official Gazette of the Republic of Serbia “, no. 97/08),
2. **The Law on State Border Protection** („Official Gazette of the Republic of Serbia “, no. 97/08),
3. **Migration Management Law** („Official Gazette of the Republic of Serbia “, no. 107/2012)
4. **Law on employment of foreigners** („Official Gazette of the Republic of Serbia “, no. 128/2014).
5. **Draft Law on Foreigners**

Bylaws:

1. Rulebook on the manner of registration of residence, residence and change of address and deregistration of aliens' residence, Official Gazette of the Republic of Serbia “, no. 59/2009
2. Rulebook on the manner of entering a cancellation of stay and prohibition of entry into a foreign travel document, Official Gazette of the Republic of Serbia “, no. 59/09
3. Rulebook on the appearance of the form and the content of the travel document for a foreigner, Official Gazette of the Republic of Serbia “, no. 59/09
4. Rulebook on the appearance, content and manner of entering the temporary residence permit into a foreign travel document, Official Gazette of the Republic of Serbia “, no. 59/09
5. Rulebook on the fulfillment of the conditions for granting temporary residence of a foreigner with regard to health insurance, Official Gazette of the Republic of Serbia “, no. 59/09
6. Rulebook on the fulfillment of the conditions for granting temporary residence to a foreigner for the purpose of education, studies or specialization, scientific research, practical training, participation in international student exchange programs , or other scientific and educational activities, Official Gazette of the Republic of Serbia “, no. 59/09
7. Rulebook on detailed conditions for the approval of permanent residence and the appearance, content and manner of entering the permanent residence permit into a foreign travel document and identity card for a foreigner and the form of the statement of renunciation of the right to permanent residence, Official Gazette of the Republic of Serbia “, no. 59/09
8. Rulebook on the fulfillment of the conditions for granting temporary residence to an alien for the purpose of family reunification, Official Gazette of the Republic of Serbia “, no. 59/09
9. Rulebook on detailed conditions for and issuance of a visa at the border crossing, Official Gazette of the Republic of Serbia “, no. 59/09
10. Rulebook on detailed conditions, the form of the request and the manner of extending validity of the visa, Official Gazette of the Republic of Serbia “, no. 59/09
11. Rulebook on the Method of maintenance and the Content of Records maintained in the Ministry of the Interior pursuant to the Law on Foreigners, Official Gazette of the Republic of Serbia “, no. 59/09

12. Rulebook on the manner of entering a compulsory stay in the travel document and the appearance of the template of the provisional ID card, Official Gazette of the Republic of Serbia “, no. 66/2009
13. Rulebook on the appearance of the form and the manner of issuing an ID card for a foreigners, Official Gazette of the Republic of Serbia “, no.. 66/2009
14. Decree on detailed conditions for refusing entry of a foreigner into the Republic of Serbia, Official Gazette of the Republic of Serbia “, no. . 75/2009
15. Draft Law on Foreigners (MoI web site, Home, Documents, Regulation, Draft laws)

ASYLUM

Asylum Law ("Official Gazette of the Republic of Serbia", No. 109/07) was adopted on November 24, 2007, but it came into force on April 1, 2008.

Regarding statistical data, in the period between 01.01.-30.04.2017, there were no asylum applications in R. Serbia on the grounds of gender violence (GBV).

ANNEX 3 STATISTICS

MARRI Participant - ALBANIA*

Table 3. Number of legal and illegal border crossings of the refugees/migrants recorded by the police (1)																												
	March 2016				April 2016				May 2016				June 2016				July 2016				Aug 2016				Sep 2016			
	Male (total)	Female (total)	Boys up to 18	Girls up to 18	Male (total)	Female (total)	Boys up to 18	Girls up to 18	Male (total)	Female (total)	Boys up to 18	Girls up to 18	Male (total)	Female (total)	Boys up to 18	Girls up to 18	Male (total)	Female (total)	Boys up to 18	Girls up to 18	Male (total)	Female (total)	Boys up to 18	Girls up to 18				
Total number of attempted illegal border crossings by refugees/migrants recorded by the police																												
Total number of refugees/migrants in the detention centers																												
Total number of legal border crossings by refugees/migrants recorded by the police	35	6	35		62	9	62		98	27			9	45			44	11			106	25			108	28		

* Within the study, MARRI Participants were requested to submit a document with statistics related to migration, asylum, THB and GBV. The document was filled in Albanian language. For the purpose of the language consistency of the report the document was translated into English by Congress Service Centre Skopje.

Table 5. Number of health services to refugees/migrants provided by the government*

Table 7. Number of socio-legal services to refugees/migrants provided by the government†

* In regards to health services, refugees are eligible for health care services just as Albanian citizens under the Albanian legislation in force by relevant institutions, as well as minors with a refugee status, that benefit from full-time health services just as Albanian minors. Citizens who have a refugee status in the Republic of Albania, just as Albanian citizens, are provided with health cards, benefiting from any services at the respective health facilities that this card offers such as a family doctor, specialized medication at Hospital Centers and long-term medication and medical treatment for chronically ill persons and people with disabilities

† In terms of social and legal services to citizens who have a refugee status in Albania, Albanian law guarantees them:

- the right to an interpreter in the language they understand;
- legal assistance provided through free legal or other representatives chosen by themselves;
- psychological and social counseling offered at the National Reception Center for Asylum Seekers where they are accommodated or specialized treatments provided by the health system in the country if they wish or need so.
- provision with a permanent residence permit in accordance with the status of a refugee that they have in our country.
- in their request, citizens who have a refugee status in the Republic of Albania have the right to be provided with a document for electronic identification and a travel document.

MARRI Participant - SERBIA*

Table 2. Reported crimes by police committed by refugees/migrants (1)																												
	Number of perpetrators																											
	March 2016				April 2016				May 2016				June 2016				July 2016				Aug 2016				Sep 2016			
Total number of crimes committed by the refugees/migrants as reported by the police	1				/				1				/				2				6				1			
Type of crime (please list the name of crimes, including articles and paragraphs)	Male (total)	Female (total)	Boys up to 18	Girls up to 18	Male (total)	Female (total)	Boys up to 18	Girls up to 18	Male (total)	Female (total)	Boys up to 18	Girls up to 18	Male (total)	Female (total)	Boys up to 18	Girls up to 18	Male (total)	Female (total)	Boys up to 18	Girls up to 18	Male (total)	Female (total)	Boys up to 18	Girls up to 18				
Article 350, Criminal Code of the Republic of Serbia, "Illegal crossing of the state border and smuggling of people"	1								3								2				11				3			

* Within the study, MARRI Participants were requested to submit a document with statistics related to migration, asylum, THB and GBV. The document was filled in Serbian language. For the purpose of the language consistency of the report the document was translated into English by Transforma Int DOOEL Macedonia.

Table 2. Reported crimes by police committed by refugees/migrants (2)

	Number of perpetrators																											
	Oct 2016			Nov 2016			Dec 2016			Jan 2017			Feb 2017			Mar 2017			Apr 2017									
Total number of crimes committed by the refugees/migrants as reported by the police	1			4			1			2			1			2			3									
Type of crime (please list the name of crimes, including articles and paragraphs) ↓	Male (total)	Female (total)	Boys up to 18	Girls up to 18	Male (total)	Female (total)	Boys up to 18	Girls up to 18	Male (total)	Female (total)	Boys up to 18	Girls up to 18	Male (total)	Female (total)	Boys up to 18	Girls up to 18	Male (total)	Female (total)	Boys up to 18	Girls up to 18	Male (total)	Female (total)	Boys up to 18	Girls up to 18				
Article 350, Criminal Code of the Republic of Serbia, "Illegal crossing of the state border and smuggling of people"	3				8				5				2				2				2				3			

In terms of the total number of attempted illegal border crossings by refugees/aliens registered by the police, we provide you with the total number of imposed measures against foreign nationals due to the violation of the illegal crossing of the state border, the total number for men and women which includes a break down in the number of minors, both boys and girls.

In terms of the total number of refugees/migrants in shelters, we deliver to you the total number of foreign nationals accommodated in the Foreigners' Refugee Office of the Ministry of the Interior of the Republic of Serbia, the total number for men and women which includes a break down for minors, both boys and girls.

