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**Report on regional conference:
Irregular migration and THB – 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**

Summary:

On 27 – 28 February 2017, under the framework of the SAFERR Women and Girls (Shelters and Access for Empowerment and Risk Reduction), Migration, Asylum Refugee Regional Initiative (MARRI) and Catholic Relief Services (CRS) jointly organized a regional conference 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'. The conference aimed at the exchange of expertise and practice among professionals coming from the public sector, law enforcement bodies, judiciary, international inter-governmental organizations and local NGOs.

Main objectives of the conference were to:

- to identify gaps in national legislative frameworks, practices and capacity to address smuggling and trafficking of (irregular) migrants;
- to meet international human rights standards, particularly of women and girls, in addressing (irregular) migration and trafficking in human beings, and
- to identify key gaps requiring in depth research of particular aspects of the anti-trafficking and migration issues.

The conference brought together approximately 80 participants from the Western Balkans (Albania, Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia, Montenegro, Serbia and Kosovo*) together with other countries on the Eastern Mediterranean Route (Greece and Bulgaria). The participants were high level officials of the Ministry of Interior, Ministry of Labour and Social Affairs, Departments of Asylum and Refugee Care, Prosecutor's

* 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

Office, international agencies and non-governmental organizations, including the national anti-trafficking coordinators' offices.

On 27 February, a close type meeting of the national anti-trafficking coordinators was held with the aim to analyze current situation in the area of combating trafficking in human beings of the MARRI participants. Additionally, the coordinators presented an overview of the current standing in the framework of the EU accession negotiations (chapter 24 – Justice, Freedom and Security) and considered possible common activities in this area.

The Agenda of the second day was structured into the three main areas:

I International Legal Framework related to protection of victims of trafficking and its application to the migrants at risk of trafficking and smuggling on the route to the EU;

II The practice: Protecting human rights of vulnerable groups on the route to European Union from public and NGO perspective;

III The capacities: Collaboration of the public and the NGO sector in the MARRI region in preventing and addressing trafficking in human beings among migrants on the route to the EU.

Under the International Legal Framework, the following persons were key note speakers: Ms. Svetlana Vlahovic Dimanovska, Head of Section for Negotiation in the Sector for European Union and International Cooperation of the Republic of Macedonia, Ms. Sena Uzunovic, Prosecutor of Bosnia and Herzegovina, Mr. Madis Vainomaa, ICMPPD, Key Expert and Project Manager of the Anti-trafficking Programme.

Under the Practice, the following persons were key note speakers: Mr. Angel Gyorev, Caritas Bulgaria, Ms. Jelena Hrnjak, NGO Atina, Mr. Dragan Cesto, Prosecutor of the Republic of Serbia, Ms. Sanja Kljajic, Center for protection of THB victims, Republic of Serbia, Mr. Skerdi Kasimati, Chief of investigation of illicit trafficking unit, Albania.

Under the Capacity, the following persons were key note speakers: Ms. Danjela Celaj, SAFERR Project Manager, Caritas Albania, Ms. Maja Varoslija, La Strada FYROM, Mr. Milenko Nikic, Advisor to the Minister of Labour, Employment, Veteran and Social Affairs of the Republic of Serbia, Ms. Emilija Joksic, Head of Asylum Department, Headquarters of the Border Police Directorate, Republic of Serbia, Mr. Nikola Kondev, Programme Officer at the Bulgarian-Swiss Programme for Prevention of Trafficking in Human Beings, Bulgaria.

The Republic of Serbia, MARRI Presidency in Office, hosted the conference.

Report:

Mr. Pavle Jankovic, Chair of MARRI Presidency in Office, welcomed the participants. The participation of Greece and Bulgaria in this joint MARRI and CRS event has been highlighted. One of the main objectives of this event to strengthen coordination and cooperation between

public and NGO sector has been mentioned as well as the positive outcome of the meeting of the anti-trafficking coordinators who in line with the Chapter 24 of the EU Access Negotiations Framework had agreed on 8 common activities.

Mr. Milenko Bozovic, Police General of the Ministry of interior of the Republic of Serbia extended his greetings to the participants on behalf of the Ministry of Interior. He highlighted that the migration crisis and regional anti-trafficking efforts were set as priorities for the Serbian MARRI presidency. Mr. Bozovic presented current results and activities and mentioned that since the Balkan route Serbia is working on addressing anti-trafficking issues and smuggling of migrants. In total, 1393 criminal charges were pressed for illegal entrance and people smuggled. In total, 2260 perpetrators were identified and 16 717 migrants who were smuggled. Police together with other state institutions increased the control on the border areas, traffic and facility monitoring in the border areas. Public Prosecutor and the Ministry of Interior have formed the working group to recognize true victims of the trafficking. In total, 50 foreign police officers work together with MoI Serbia. Mr. Bozovic mentioned that over the past two years, in total 710 000 persons passed through Serbia. He highlighted that there were great challenges but also great humanitarian support offered through the cooperation with the NGO sector. In addition, the Ministry of Interior and IOM made the standard operational manual for the border police. Procedures were improved for the recognition of the vulnerable groups.

Ms. Karen Janes Ungar, SAFERR Programme Coordinator expressed her greetings to the participants. Ms. Janes Ungar mentioned that trafficking is one of the most profitable criminal activity in the world. In which way the trafficking victims can be more protected, prosecuting smugglers and traffickers and building protection networks via cooperation between the NGO and all other stakeholders at a country, regional and international level.

I International Legal Framework

Ms. Svetlana Vlahovic Dimanovska, Head of Section for Negotiation in the Sector for European Union and International Cooperation of the Republic of Macedonia, highlighted the need to harmonize the national legislation related to THB in the MARRI region. This will further contribute to the join policies in the region. Ms. Vlahovic Dimanovska highlighted the need that all countries in the region should sign the Palermo Protocol and EU Protocols on trafficking to support an integrated and holistic approach to respond to THB. She has mentioned the EU 2011 directive that should include child labour as a criminal act. As explained, the major recommendations of this Directive foresee obligations of the member states to take measures to establish support mechanisms in cooperation with relevant non-governmental organizations. In 2015/6 Macedonia faced massive influx of migrants. In 2015/6, 800 000 passed via the route. In one day, 11000 entered Macedonia. Most of them lacked money for their trips and were vulnerable to trafficking. All countries on the route made significant efforts to address the crisis. The migrants do not wish to stay in transit countries, so the main question is how to implement conventions and international documents when hundreds are passing through our countries, while being at such a high risk. Our response was secondary legislation - general indicators for identification of potential victims in mixed migration flows. These indicators can closely determine the risk but are not proofs. Special standards and SOPs for all vulnerable groups according to the mixed migrations flows are also developed, including the provision of special

training for the employees engaged in the migration management in all relevant institutions. Ms. Vlahovic Dimanovska concluded that the THB legislative framework should provide for non-punishment of the trafficking victims, harmonize and update procedures and necessary legislation for prompt exchange of information for perpetrators and victims. Moreover, Ms. Vlahovic Dimanovska highlighted the need for strong cooperation with the NGO sector as a key in victim protection.

Ms. Sena Uzunovic, Prosecutor of Bosnia and Herzegovina, focused on the international regulations and indicators related to THB. All international conventions protect freedoms of individuals and right to free movement. ILO Convention 29 and 105 oblige countries that have ratified it to abolish compulsory/forced labor. All MARRI countries have ratified this and incorporated it into domestic legislation; conventions have priority over domestic regulation in Serbia and BiH. Ms. Uzunovic mentioned the ILO convention of 2007 that sets indicators for identifying forced labor. Most frequently victims of THB are exploited in construction and agriculture fields. However, identification of (potential) victims remains difficult as there is not a commonly agreed definition/judicial decisions on type of relevant evidence to be collected for proving the criminal act.

Mr. Madis Vainomaa, ICMPD, Key Expert and Project Manager of the Anti-trafficking Programme, mentioned the existing legal framework, such as the Palermo Protocol and EU Directives aimed at addressing the THB. Mr. Vainomaa mentioned the 15 years of experience to address the THB that has served as a solid basis in the ongoing migration crisis. He has also highlighted the cooperation with the NGO sector as a prerequisite for successful victim protection. Of particular interest is the current GRETA visit under the CoE Convention on Action against Trafficking in Human Beings. Mr. Vainomaa is of the opinion that the current migration crisis requires careful monitoring and analysis to have evidence based monitoring of vulnerable refugees in the migration flow, particularly as FRONTEX has acknowledged that since the border closure the number of undetected crossing is more dynamic and has increased.

II The Practice

Mr. Angel Gyroev, Caritas Bulgaria, mentioned that Bulgaria has been addressing the migration crisis since 2013, although significant decline in migration flows through Bulgaria has been noticed as of 2016. In total, 1352 persons have received refugee or humanitarian status but Bulgaria is mostly perceived as a transit country. As observed, poverty, lack of information and language barriers make migrants vulnerable to trafficking. Also, there are no sufficient measures in place for the protection of UACs, including specialized shelters for trafficked children and/or trained staff for working with minors. One of possible solutions in this situation has been mentioned - Santa Anna Center for integration in which trafficked migrants and survivors of GBV are provided with psychosocial support services.

Mr. Dragan Cesto, Public prosecutor for organized crime, Republic of Serbia, has mentioned that the issues of smuggling and THB among migrants culminated in 2015. Border fencing in Hungary is only increasing the price of services for the smugglers that creates a fertile ground for THB. Also, the conditions at the Croatian border are similar resulting in a piling up of migrants in Serbia. As noticed, there are two smuggling routes into Serbia – through Bulgaria

and through Macedonia. One of the exit points is Hungary and the other one Croatia. For many migrants Serbia is a transit country and people who are staying here have no intention to stay. If the borders are closed, they will opt for illegal border crossing. With this in mind, Serbia appointed one deputy of the public prosecutor to be in charge of smuggling of people to suppress the organized crime. There is a separate prosecutor appointed for addressing trafficking in human beings, highlighting the importance of these two issues in the current migration crisis. In September 2016, a Task Force was formed and its purpose is to deal with the issues. Legal framework was made stricter - as of June 2017 the punishment for smuggling by imprisonment will be 15 years of prison. Minimal punishment is 3 years of imprisonment for any illegal action related to smuggling. The Task Force was formed based on the Memorandum of Understanding between the Ministry of Interior and Public Prosecutors office of RS. Besides cooperation with the public prosecutor, police departments, customs office, implementation of joint investigative actions is crucial to identify (potential) victims of trafficking. All collected information about the trafficking actions is forwarded to the Task Force. One thing is indicative - the fact that local individuals without any previous criminal record are joining the trafficking networks for the financial benefits.

Ms. Sanja Kljajic, Center for protection of victims of trafficking, mentioned that the center has been established in 2012 under the Ministry of Social Welfare. The Center is in charge of identification of victims, coordination between the stakeholders in service provision and for direct work with the victims. Since its establishment, there were 40 registered referrals for the victims of trafficking, mostly through the Centers of Social Welfare. Out of this number, 35 referrals were related to minors. Among the migrant population, there was one referral of potential victims of trafficking done through Serbian Commissariat for Refugees and Migrants. The center is using the indicators for identification of the victims and uses SOPs to act upon findings. However, the issue is training of staff working directly with the migrants since the turnover of staff is very high and the consistency is hard to keep. Need for the development of more unified indicators for identifying potential victims of trafficking among migrants inclusive of their cultural background. As indicated, another problem is foster care of UACs. There is no solution for the legal representation and foster care of UACs but should use NGO sector more in this regard. There is a need for more flexible and prompt response through different projects and programs. The situation is going to change since the transit nature of the population is going to change. Ms. Kljajic indicated that there is a need for more information exchange of information with the country of destination with social protection institutions.

Mr. Skerdi Kasimati, Chief Investigation trafficking unit, Republic of Albania, mentioned that there were many challenges in the identification of the trafficking victims. SOPs for the identification of the trafficked victims is currently under revision. Different actors are included in the revision process. But for formal identification more expertise is needed within the Tax office, Labor inspectorate, education and health system. National referral mechanism is in place since 2005 (renewed in 2012). Also, Albania appointed the Anti-Trafficking National Coordinator for addressing the THB in a multi-sectoral, comprehensive way. National coordinator's office is involved in all steps of the collection of information, verification of those engaged and finally registration of criminal case.

Ms. Jelena Hrnjak, NGO Atina, Republic of Serbia highlighted the need to call the migrants with one term – refugees in order not to dehumanize them. Ms. Hrnjak mentioned that it is important to identify survivors of GBV (DV, Trafficking) to be able to provide them with adequate services. Atina NGO collects information that with the victims' permissions they share with relevant institutions. Through its work, Atina has observed that some refugees were THB victims when they left their country; some became victims of THB on the route, while some are exposed to the risks of THB on this journey. Ms. Hrnjak highlighted the alarming fact of smuggling of children and more importantly that smugglers force children under the age of 14 to smuggle others. Also, many victims of THB are not recognized as such by the system in place that leaves perpetrators unpunished for the crime. Ms. Hrnjak made a special note over the fact that there is a lack of synergy between the asylum procedure and protection mechanisms for trafficked victims.

III The Capacity

Mr. Nikola Kondev, Programme officer at the Bulgarian-Swiss Programme for Prevention of Trafficking in Human Beings, Bulgaria, briefly presented the main objectives of the Programme around the improved identification rates of Bulgarian victims of THB in Switzerland; Increased capacity for long-term sheltering and assistance of victims in Bulgaria, and ensured compliance with new monitoring policies for impact of services provided in shelters and developing operational mechanisms for monitoring post-shelter victims. Under the first objective, Bulgaria established a multi-agency team ensuring the liaison between national and international institutions and Swiss authorities. Under the second objective, Bulgaria established a long-term shelter for trafficked adults and a specialized crisis center for trafficked children, both in Sofia and each with accommodating capacity for 10 victims, while under the third objective Bulgaria developed a policy and monitoring mechanisms for post-shelter/crisis center adult and child victims.

Ms. Daniela Celaj, SAFERR Project manager, Caritas Albania, briefly presented her office field of expertise in Anti-Trafficking, Child Protection and Migration areas. At the national level they were strengthening capacity of local government to address the issue of THB victims' protection; worked on the integration of VoTs in Albania; provided dignified services to the identified refugees and migrants at the border check points and improved living conditions in the Asylum, Reception and close centers. Through its work, Caritas Albania enabled joint planning process for the drafting of regional anti trafficking action plans, trained 359 law enforcement personnel and 389 civil servants and provided direct assistance to 665 asylum seekers, refugees and migrants with food and hygienic packages and to 383 refugees with NFIs. As noted, Caritas Albania, among other issues has noted positive change in behaviors and practices by law enforcement officers and social services and increased knowledge of local committees on THB that resulted in increased identification and improved protection of VoTs.

Ms. Maja Varoslija, Programme manager, La Strada, Republic of Macedonia, briefly presented La Strada programme composed of the three main areas of work: Education and Prevention, Social Support, Advocacy and lobbying. As a response to the emergency situation, La Strada has initiated a Program for assistance, support and protection of asylum seekers, refugees and migrants. Ms. Varoslija mentioned that at the policy making level there are National Standard

Operating Procedures (SOPs) for treatment of victims of human trafficking, SOP's for unaccompanied children and separated children, and SOP's for treatment of vulnerable categories of refugees and migrants. As mentioned, Republic of Macedonia is considered as a transit country and that migrants use smuggling networks to enter it. The illegal status of migrants prevent them from approaching state officials that further prevents them from accessing services. Gaps in the provision of services is lack of clearly defined roles and responsibilities among service providers; Lack of flexibility and urgent response due to time consuming and complicated administrative procedures and diminished role of NGOs in the process of early identification of trafficked and exploited victims.

Mr. Milenko Nikic, Advisor to the Minister of Labour, Employment, Veteran and Social Affairs of the Republic of Serbia, gave a brief overview over a Working Group established in 2015 to respond to the migration crisis. The Working Group consists of five ministries, including the Serbian Commissariat for Refugees and Migrants. According to Mr. Nikic, over one million people passed through Serbia. Since 2015, Serbia developed a cooperative network with the NGO sector that is the only model for success. At that time Serbia was a transit country. People were staying up to 48 h in Serbia. After March 2015 the situation drastically changed after the "closure" of the Balkan route. Currently over 7000 migrants are in Serbia. Certain number of migrants are outside of the centers. The structure of migration population also changed. 99% of the migrants do not want to remain and seek asylum pro forme. According to Mr. Nikic, the biggest problem in the field work is the profile of the people who are dealing with protection of migrants. The motivation and capacity is questionable of those working in the field. It is hard to build trust in order to identify a victim. Also, the number of UAMs in Serbia is subject to manipulation.

Ms. Emilija Joksic, Head of Asylum Department, Ministry of Interior of the Republic of Serbia, explained that the Law on Asylum regulates the asylum system in Serbia and is implemented by the Office for Asylum within the Ministry of Interior, while the Commissariat is taking care of the accommodation and integration process of the asylum seekers. Every migrant in Serbia is registered by the Police and that is the opportunity for initial identification of the trafficking victims. The asylum center cooperates with the Center for Trafficking victims' protection and other state institutions as well as local police. Cooperation with the NGO sector is very good and NGOs are used as referral mechanisms. Special issues are related to the registration of UAMs such as legal representation. Support the idea for training of staff that has the opportunity to identify victims during asylum interviews.

Discussion Highlights

One of the main discussion highlights of this conference was the issue of information exchange among relevant stakeholders at the regional level and with the EU. As observed, there are two levels of communication flow – for the preliminary and criminal investigations – that require coordination and quick information exchange among the above mentioned stakeholders to successfully address crimes of transnational character. When there is a cooperation and information exchange across the borders, it is easier to identify potential perpetrators and bring charges against them, while when there is no exchange of information with other countries, the authorities in most cases lack sufficient evidence, are reluctant to bring charges

and/or have to drop them. An example of good practice has been mentioned in which due to the quick exchange of information with German authorities about some smugglers in a camp in the Republic of Macedonia, Macedonian authorities arrested the perpetrators and identified potential victims of trafficking who were provided with protection services.

Another important discussion highlight was the issue of the development of regional indicators to be able to address the mixed migration flows and identify potential victims of trafficking. As noted by some participants, the current migration crisis led to a new trend in which there is a thin line between smuggling and trafficking in human beings that will possibly require new legislative frameworks and joint (cross-border) investigation teams. In the process of developing regional indicators it will be necessary to take into consideration cultural differences of the persons migrating to the EU to be able to notice signs of potential cases of trafficking. For instance, if a woman/girl does not speak and a man speaks on her behalf it does not necessarily constitute an indicator of trafficking as previously used to be the case, but rather reflects the cultural differences. All these needs to be addressed in the development of new regional indicators.

In line with the indicators above, the participants discussed the option of harmonizing a regional approach in the trafficked victim identification and prosecution of traffickers and smugglers. Also, capacity building trainings of front line workers, particularly border police need to be developed and rolled out. MARRI's role in this regard was strongly supported as MARRI is in the best position to work on the harmonization of the regional approach and to roll out the trainings.

The harmonization of the regional approach in identifying victims of trafficking and prosecuting perpetrators of this crime should be followed by the development of practical guidance for professionals and standardized (regional) training packages that will further enable the same understanding of the complexity of the migration flow issues, trafficking and smuggling as well as of the vulnerabilities of migrants/refugees/asylum seekers. This should be done in cooperation with the NGO sector that should have a role in the preliminary identification of victims of trafficking.

Research recommendation:

With regards to the number of migrating children to the EU that as per some estimates reaches 40% of the total number of migrants, it is necessary to conduct a regional analysis of:

- a) to document potential cases of GBV, trafficking, including type(s) of exploitation among the migrants, particularly women and unaccompanied and separated children;
- b) to examine relevant laws, policies and practice to screening and assisting women and children at risk of trafficking/trafficked women/children through short-term and long-term interventions;
- c) to assess these migrants' vulnerability and exposure to risks of trafficking and abuse on their journey to the EU, particularly of women and children;
- d) to examine existing trafficking indicators in the region and to assess its application on the cases of trafficked women and girls in the mixed migration flows;

The findings of this research will serve as a basis for the development of regional indicators and standardized training packages focusing on child trafficking and/or migrants/refugees/asylum seekers at risk of trafficking.

Note: Conclusions and viewpoints on the event. Eventual outputs achieved for MARRI

The participants of this event jointly agreed on the following conclusions:

1. MARRI Participants commit to protection of fundamental rights of irregular migrants that are victims of trafficking.
2. International and European standards should be applied. Effective and specific indicators for victim identification in the current migration context are to be developed and harmonized at regional level.
3. Develop standardized regional trainings and sharing best practices and lessons learned.
4. Exchange of information at regional level is critical to early detection of trafficked victims and investigating cases of THB
 - a. Cooperation between origin, transit and destination countries should be enhanced;
 - b. Exchange of information needs to be rapid and efficient among MARRI regional authorities
 - c. Joint investigative teams should be encouraged.
5. Bilateral readmission agreements between origin and transit countries should be encouraged; Regional level should monitor countries conducting bilateral returns and provide statistics
6. Modalities for cooperation of NGOs and public sector in assessing situation and early identification and protection should be encouraged.
7. Conduct regional research as a platform to assess existing laws, policies and practices is welcome.

Written by Aleksandra Vidojevic



Invitation letter

Agenda

Speeches of MARRI representatives (if any)

