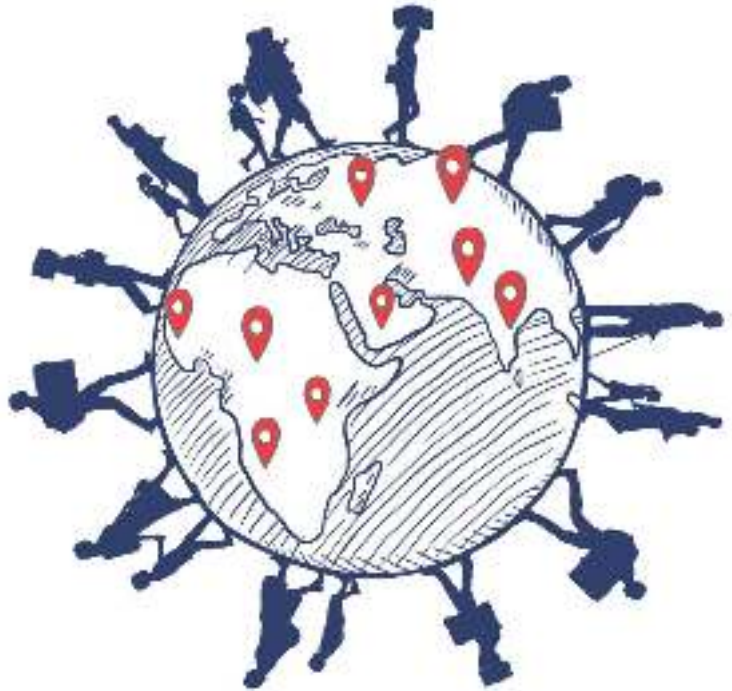


# ANALYSING THE INFLUENCE OF COVID-19 ON MIGRATION IN THE MARRI PARTICIPANTS

January 25, 2021



This document was produced by International Advisory, Products and Systems Ltd. (i-APS) and Kosovo Advisory, Products and Systems (KS-APS) for the MARRI Regional Centre for the Project Preventing and Combating Trafficking in Human Beings in the Western Balkans (PaCT), implemented by GIZ and MARRI as strategic partner. The opinions expressed in this analysis/study are those of the authors and do not necessarily reflect the views of the MARRI Regional Centre or GIZ.

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## ABBREVIATIONS

ASP	Albanian State Police
CEDAW	The Convention on the Elimination of all Forms of Discrimination Against Women
CERD	UN Committee on Elimination of Racial Discrimination
CPTV	Centre for Protection of Trafficking Victims
EASO	European Asylum Support Office
EU	European Union
EuroSTAT	The statistical office of the European Union
FRONTEX	European Border and Coast Guard Agency
EUROPOL	European Union's Law Enforcement Agency
ID	Identification Document
IBM	Integrated Border Management
IOM	International Organization for Migration
KP	Kosovo Police
MARRI	Migration, Asylum, Refugees, Regional Initiative
MARRI Participants	Members of the MARRI i.e., Albania, North Macedonia, Bosnia and Herzegovina, Serbia, Montenegro and Kosovo*
MOFE	Ministry of Finance and Economy
MOI	The Ministry of Interior
NAATIP	National Agency Against Trafficking in Persons
NAP	National Action Plan
NCBM	The National Centre for Border Management
NGO	Non-Governmental Organization
PCC SEE	Police Cooperation Convention in South Eastern Europe
SPO	Special Prosecutors Office
SoP	Standard Operating Procedures

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

TAIEX	Technical Assistance and Information Exchange instrument of the European Commission
TIP	Trafficking in Persons Report of State Department, USA
THB	Trafficking in human beings
THBD	The Trafficking in Human Beings Directorate
TIP Office	Office for the Fight against Trafficking in Persons (Montenegro)
TITV	Team for Identification of Trafficking Victims
UN	United Nations
UNCHR	The United Nations High Commissioner for Refugees
WB-RAN	Western Balkan Risk Analysis Network
WHO	World Health Organization

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## Glossary

**Asylum<sup>1</sup>** is a form of protection given by a state on its territory based on the principle of non-refoulement (no repulsing/sending back) and internationally or nationally recognized refugee<sup>2</sup> rights.

It is granted to a person who is unable to seek protection in his/her country of citizenship and/or residence, in particular for fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.

**Asylum seeker<sup>3</sup>** A general term for any person who is seeking international protection. In some countries, it is used as a legal term referring to a person who has applied for refugee status or a complementary international protection status and has not yet received a final decision on their claim. It can also refer to a person who has not yet applied, but may need international protection. Not every asylum seeker will ultimately be recognized as a refugee. However, an asylum seeker may not be sent back to their country of origin until their asylum claim has been examined and resolved in a fair procedure.

**Border control<sup>4</sup>** is the activity performed in accordance with and for the purpose of the specific law of a government in this field, in response specifically to a goal for crossing it or the act of crossing the border, regardless of the circumstances and consisting of verification and border surveillance.

**Country of transit<sup>5</sup>** A country through which a migrant travel, possibly involving temporary settlement, with the intention to continue to another destination.

**Child victim of trafficking<sup>6</sup>** Children whose status as a victim of trafficking has been formally recognized by a competent authority, and to children who are “presumed victims of trafficking.”

**Human trafficking<sup>7</sup>** is a serious crime that abuses people’s fundamental rights and dignity. It involves the criminal exploitation of vulnerable people for the sole purpose of economic gain. Human trafficking is a modern form of slavery. It is often transnational in character and its victims are of both genders and all ages.

**Quarantine<sup>8</sup>** “The restriction of activities and/or separation from others of suspect persons (...) who are not ill in such a manner as to prevent the possible spread of infection or contamination.” (referred to WHO publication, 11 August 2020).

**International cooperation<sup>9</sup>** According to guidelines for Integrated Border Management in the Western Balkans, cooperation at the local level between officials on both sides of the territory, between

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<sup>1</sup> This term is used by referring to [Glossary of Migration - Statistics Explained \(europa.eu\)](#)

<sup>2</sup>Ibid;

<sup>3</sup> This term is used by referring to OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings: Establishing National Focal Points to Protect Child Victims of Trafficking in Human Beings, available at: <https://www.osce.org/files/f/documents/6/a/472305.pdf>

<sup>4</sup> Ibid;

<sup>5</sup>Ibid;

<sup>6</sup>Ibid;

<sup>7</sup>This term is used by referring to Glossary of [Trafficking in Human Beings | Crime areas | Europol \(europa.eu\)](#)

<sup>8</sup>According to the WHO’s International Health Regulations, (2005).

<sup>9</sup>This term is used by referring to OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings: Establishing National Focal Points to Protect Child Victims of Trafficking in Human Beings, available at: <https://www.osce.org/files/f/documents/6/a/472305.pdf>

neighbouring administrations (covering various issues, e.g. from border limitation and border management to the organisation of patrols and the organisation of common contact offices), and at the multinational level to better approach common fields of work such as trans-border crime, irregular migration, trafficking in human beings, terrorism and smuggling of goods.

**Irregular migrants**<sup>10</sup> Movement of persons that takes place outside the laws, regulations, or international agreements governing the entry into or exit from the State of origin, transit or destination.

**Migration**<sup>11</sup> refers to the number of migrants, people changing their residence to or from a given area (usually a country) during a given time period (usually one year).

**National Referral Mechanism**<sup>12</sup> Mechanism aimed at identifying, protecting and assisting victims of trafficking in human beings, through referral, and involving relevant public authorities and civil society, by also promoting and protecting human rights of victims of trafficking.

A **refugee**<sup>13</sup> means a third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 of Directive 2011/95/EU does not apply.

**Standard Operating Procedures (SOPs)**<sup>14</sup> These are a set of step-by-step instructions or “procedures” agreed for general use in a particular place by all relevant organizations working there, or by a group of relevant organizations working together in different places.

**Trafficking for sexual exploitation**<sup>15</sup> is the most commonly reported form of human trafficking in the European Union. It is a form of gender-based violence that disproportionately affects women and girls. 95% of registered victims of trafficking for sexual exploitation in the EU are women or girls. Trafficking in women and girls remains a structural form of violence against women.

**Victim of trafficking in human beings**<sup>16</sup> Any person who is subject to trafficking in human beings as defined in Article 3 of Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

**Unaccompanied children**<sup>17</sup> Children without parental care who are outside their country of residence, or child victims of emergency situations who have been separated from both parents and other relatives and

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<sup>10</sup>This term is used by referring to [Key Migration Terms | International Organization for Migration \(iom.int\)](#)

<sup>11</sup>This term is used by referring to [Glossary of Migration - Statistics Explained \(europa.eu\)](#)

<sup>12</sup> This term is used by referring to OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings: Establishing National Focal Points to Protect Child Victims of Trafficking in Human Beings, available at: <https://www.osce.org/files/f/documents/6/a/472305.pdf>

<sup>13</sup> This term is used by referring to [Glossary: Migration - Statistics Explained \(europa.eu\)](#)

<sup>14</sup> This term is used by referring to OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings: Establishing National Focal Points to Protect Child Victims of Trafficking in Human Beings, available at: <https://www.osce.org/files/f/documents/6/a/472305.pdf>

<sup>15</sup>This term is used by referring to [Gender-specific measures in anti-trafficking actions: report | EIGE \(europa.eu\)](#)

<sup>16</sup>This term is used by referring to OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings: Establishing National Focal Points to Protect Child Victims of Trafficking in Human Beings, available at: <https://www.osce.org/files/f/documents/6/a/472305.pdf>



are not being cared for by an adult who, by law or custom, is responsible for doing so. Children who are internally displaced within their own country and have lost contact with their own families are also referred to as “unaccompanied children.”

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<sup>17</sup> This term is used by referring to OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings: Establishing National Focal Points to Protect Child Victims of Trafficking in Human Beings, available at: <https://www.osce.org/files/f/documents/6/a/472305.pdf>

# 1. INTRODUCTION

COVID 19 was first identified in December 2019 in China, and by the end of 2020 has resulted in an ongoing pandemic accounting for over 82 million infections and over 1.8 million deaths as of December 30<sup>th</sup>2020. Cases have been registered in 190 countries. The World Health Organization (WHO) declared the COVID 19 outbreak a public health emergency of international concern (PHEIC) on 30 January 2020 and a pandemic on 11 March 2020.

COVID 19 is a novel virus which has significant impact on human health, but also on everyday living (including communication, socialization, travel, economy, security and human behaviour) due to the way the virus is spread and its global nature.

As a result, for much of 2020, the pandemic has fundamentally changed the world. For the first time since World War II, lifestyle changes occurred that were previously unimaginable. Physical distance and isolation, accompanied with working, studying or being confined to the home, have become highly practiced and recommended measures. Schools and universities are changing the way they work by supporting online classes attended from home.

Although the pandemic significantly changed the lives of all people, it has affected vulnerable groups in serious ways. Given the novel nature of the virus, societies found it difficult to adapt to the new conditions, which required new health protocols. The new challenges posed by the pandemic have spurred new policies and a new approach to managing crises of this magnitude. The measures that are planned should be implemented in the country, with the same human potentials or equipment, which are usually not sufficient enough. The World Health Organization (WHO) recommendations serve as roadmap for making the virus less potent and dangerous, and in doing so are reshaping society. At the same time, vulnerable groups remain at risk, including migrants, refugees, victims of human trafficking.

In Europe, internal border controls have come down more quickly and profoundly in the Schengen area than at the peak of the migration crisis in 2015. The migration crisis, which is merged with the pandemic circumstances, makes the largest mass movement in history with millions seeking to return home during the pandemic. This includes irregular migrants, even to unstable regions with deficient healthcare.

The COVID 19 pandemic has not spared the Western Balkans. While the final extent of its footprint in terms of loss of human lives and economic damage is still being assessed, but early estimates foresee a drop of between 4 and 6 percent of Gross Domestic Product (GDP) in the region. Thousands of citizens across the region are at risk of losing their jobs and many others are relying on temporary government support measures (unemployment benefits, deferrals/waivers to tax and social security contributions, etc.) to mitigate the fiscal impact.

While the European Union (EU) is itself heavily affected by the pandemic, it has spared no time and effort to provide essential and unparalleled support to the Western Balkans. This includes financial support of more than EUR 3.3 billion for all MARRI Participants to address the immediate health crisis and resulting humanitarian needs, as well as longer term and structural impact on their societies and economies. Given the European perspective of the Western Balkans, the EU is also treating the region as privileged partners by associating them with the EU's mechanisms and instruments. These include the Health Security Committee, Joint Procurement Agreements, Union Civil Protection Mechanism, Solidarity Fund, consular

assistance in repatriation or exemption from temporary EU export restrictions of medical equipment. These and other measures have provided immediate relief and are a clear message of the EU's political commitment towards the Balkan region.

At the beginning of the pandemic many administrations, especially the MARRI Participants (Migration, Asylum, Refugees, Regional Initiative) introduced quarantine, entry bans or other movement restrictions on citizens, which in many cases were difficult to understand or inconsistent with previous measures. These measures had a direct impact on restricting the right to freedom of movement.

Other countries have introduced global restrictions that apply to all foreign countries or prevent their own citizens from travelling abroad.

COVID 19 has a significant impact on the migration in MARRI region, affecting the refugees, asylum seekers, migrants and victims of trafficking. In line with increasing preventive measures and protection of overall human health, many administrative procedures in the MARRI region have been modified and upgraded in accordance with the WHO recommendations. This was the case with the migration procedures, such as asylum procedures, treatment of the legal and irregular migrants, treatment of victims of trafficking in human beings, etc. This means that in addition to the migration challenges managed so far, there are additional ones – caused by COVID19, such as implementation of the WHO recommendations and preventive measures for migrants and public authorities.

With this operating context, this study “Analysing the COVID-19 influence on migration in the MARRI Participants”, commissioned by the MARRI Initiative, seeks to understand the impact of COVID-19 on migration in the region. In addition, the study seeks to examine the explore the measures taken by the authorities in each participant through a combination of desk research and interviews and questionnaires with MARRI members. The study seeks to identify gaps and needs of the key migration stakeholders in adapting to COVID-19, as well as identifying good practices for efficient and effective implementation of WHO recommendations. Lastly, the study will help formulate policy recommendations for improving and increasing the security of all migration stakeholders and improving services in the COVID-19 pandemic in the MARRI region.

## 2. METHODOLOGY

### Guiding principles

In designing and implementing this study, “Analysing the COVID-19 influence on migration in the MARRI Participants,” the research team worked under the vision of a process based on sound and reliable evidence. Decision-making based on evidence ensures that the selected sectors are most likely to achieve outcomes and address inequities. Evidence-informed options include activities, interventions, and programs that are informed by the best available, up-to-date, and reliable evidence. Research-based actions result in improved effectiveness and efficiency, and equitable access to services and programs (Bowen & Zwi, 2005). In addition to identifying and prioritising new actions and programs, evidence-informed options can determine which current interventions and programs should be modified and/or ceased. The results from the research will support MARRI Participants administrations through sharing good practices and identifying new needs-based projects and support.

This study included the following components: desk research, online interviews, online questionnaires, and written communication with relevant stakeholders (Ministries of Interior from 6 MARRI Participants, in line of assessment of the impact of COVID-19 on migration issues in the region). This study seeks to provide recommendations on how COVID 19 adaptations in the migration context can be further improved, including best practices for efficient and effective implementation of WHO COVID 19 recommendations.

The consultancy provider i-APS, has engaged this research with a team of 3 Experts who developed, prepared, and carried out research and analyses. These experts are significantly familiar with the MARRI region, the respective migration topics as well as research and analysis. For a successful implementation in time of this cross regional study, the research team was assisted by i-APS IT staff and supported by two other researchers (senior and junior).

This research was implemented by observing three core principles:

- Open and ongoing communications with MARRI technical and organizations leadership and its network of regional experts.
- i-APS readiness capacity to immediately engage and initiate research activities within all MARRI Participants. Throughout the entire process, i-APS maintained the flexibility required for this assignment given the COVID-19 operating environment.
- Utilize evidence-based research aimed at better understanding regional challenges of irregular migration, trafficking in human beings and asylum, needs and priorities of key stakeholders, and management and program implementation perspectives by MARRI.

This research was conducted between 24.10.2020 and 2.12.2020.

### Purpose and research questions

The research team initially conducted research outlined below and developed policy recommendations, and later presented and discussed these findings at the Regional Conference **Tuning Migration Procedures to COVID-19: Good Practices and a Way Forward** (15-16 December 2020).

The research was conducted through desk research and interviews with relevant stakeholders in all MARRI Participants, by inviting targeted individuals affiliated with:

- Governments;
- International organizations active in the MARRI region;
- Non-governmental organizations;
- Academia.

The research team conducted interviews with at least one stakeholder from each group of organizations in all MARRI Participants per topic, resulting in engaging 88 stakeholders from Albania, North Macedonia, Bosnia and Herzegovina, Serbia, Montenegro, and Kosovo\*.

The stakeholders represent government organizations, non-government organizations, regional/international organizations and members of the academic community with expertise in irregular migration, trafficking in human beings, and asylum.

As a result of this research, the team was able to:

- Analyse and assess the impact that the COVID-19 pandemic has had on migration in the region to date;
- Identify gaps and needs of key migration stakeholders in adapting to the new COVID-19 situation, including identifying good practices for efficient and effective implementation of WHO recommendations;
- Strengthening regional cooperation on addressing migration challenges in the COVID-19 context;
- Develop a clear policy of recommendations per thematic topic (Irregular Migration, Trafficking in Human Beings and Asylum) that are based on identified good practices in the region as well as identified gaps. These recommendations were presented and discussed at the Regional Conference.

## Research ethics

All interviewees, prior their engagement in this research, were well informed about compliance with confidentiality and anonymity rules. The data collected from this research is presented as “anonymous” and does not identify participants. The data be used for administrative purpose of the procedures. Data will remain confidential and will not be used for any other purpose. The information resulting from the interviews and the views of the participants exposed in this research will be used only for the purposes of MARRI projects.

## Research Design – A Multimethod Approach

To best address the research questions outlined above, the team approved a *triangulation approach*. The wide and multi-layered scope of the research project required using two or more research methods, each conducted rigorously and complete in itself to fully address all research questions. This is the case of a triangulation, used to form a complete whole picture. Triangulation refers to the use of more than one

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\*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.

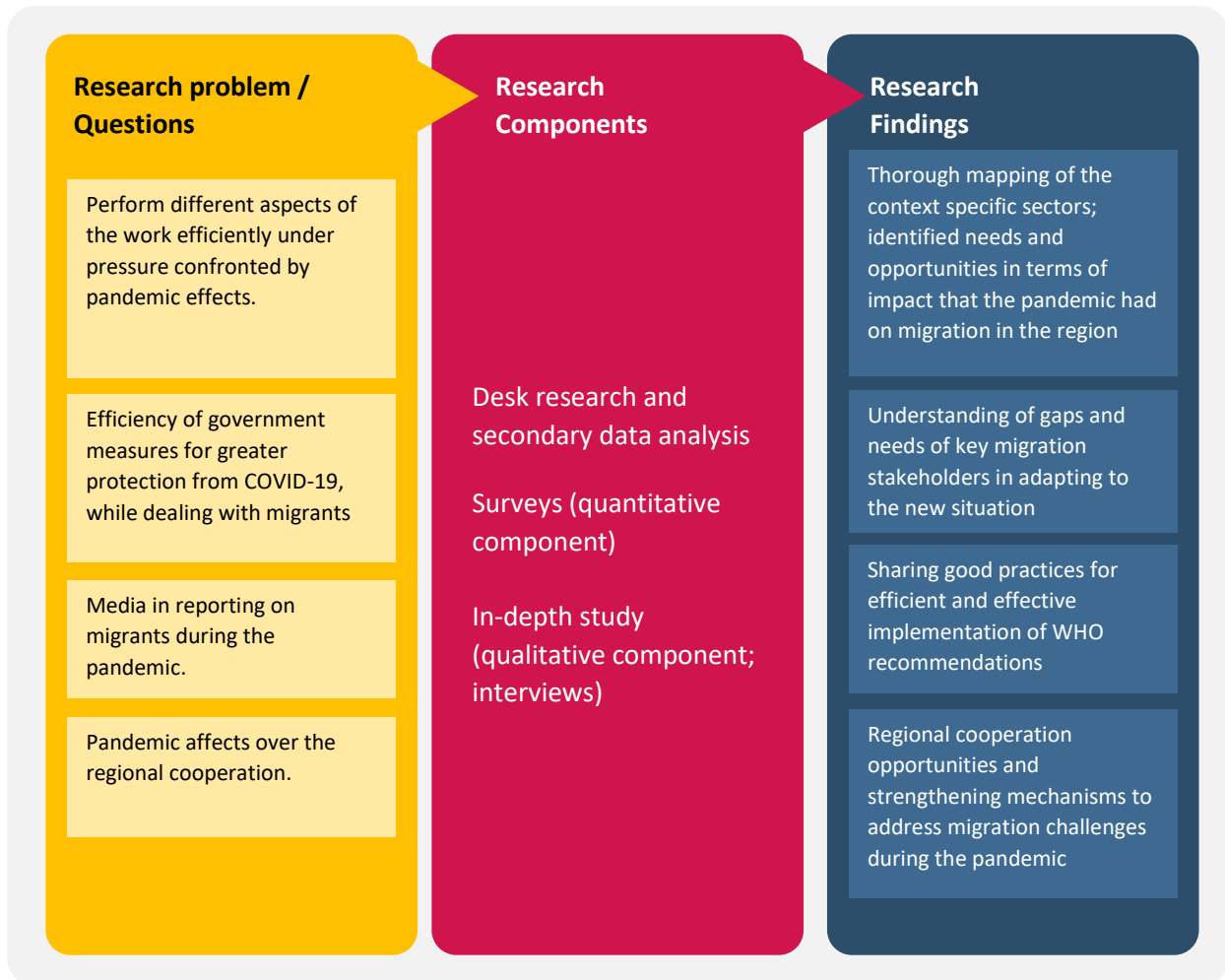
approach to the investigation of a research question to enhance confidence in the ensuing findings (Bryman, undated).

Research activities included:

- Screening of the current situation, particularly from 11 March 2020 (when the COVID-19 pandemic was officially declared) until September 2020, in the three main migration areas: 1) irregular migration, 2) trafficking in human beings and 3) asylum. This included comparison of the collected data with the migration data for the same period in 2019 and 2018 (March-September).
- Assessment of the impact of COVID-19 on key stakeholders active in these areas (administrations, non-governmental organizations, etc). This included review of amended administrative procedures (new laws, bylaws, upgrade of administrative procedures, etc.) in accordance with the WHO recommendations for health protection of administrative workers (service providers) and migrants, refugees and (potential) victims of THB (service consumers).
- Presentation and facilitation of discussion at the virtual Regional Conference, held 15-16 December 2020. The virtual Regional Conference provided a forum where the research findings were presented and discussed. At the Conference relevant stakeholders from MARRI Participants' administrations, NGOs and academia were invited, as well as regional and international organizations that are active in the MARRI region. The Conference was organized in three separate – thematic based sessions (Irregular Migration, Trafficking in Human Beings and Asylum) where stakeholders jointly identified additional needs and recommendations for further support for proper COVID-19 management.

The research team used the triangulation method for providing a convergent validity of the following aimed research findings:

- Thorough mapping of the context in specific sectors, identified needs and opportunities related to the impact that COVID-19 has had on migration in the region;
- Understanding gaps and needs of key migration stakeholders in adapting to the new situation;
- Sharing good practices for efficient and effective implementation of WHO recommendations; and
- Creating regional cooperation opportunities to address migration challenges in the COVID-19 context.

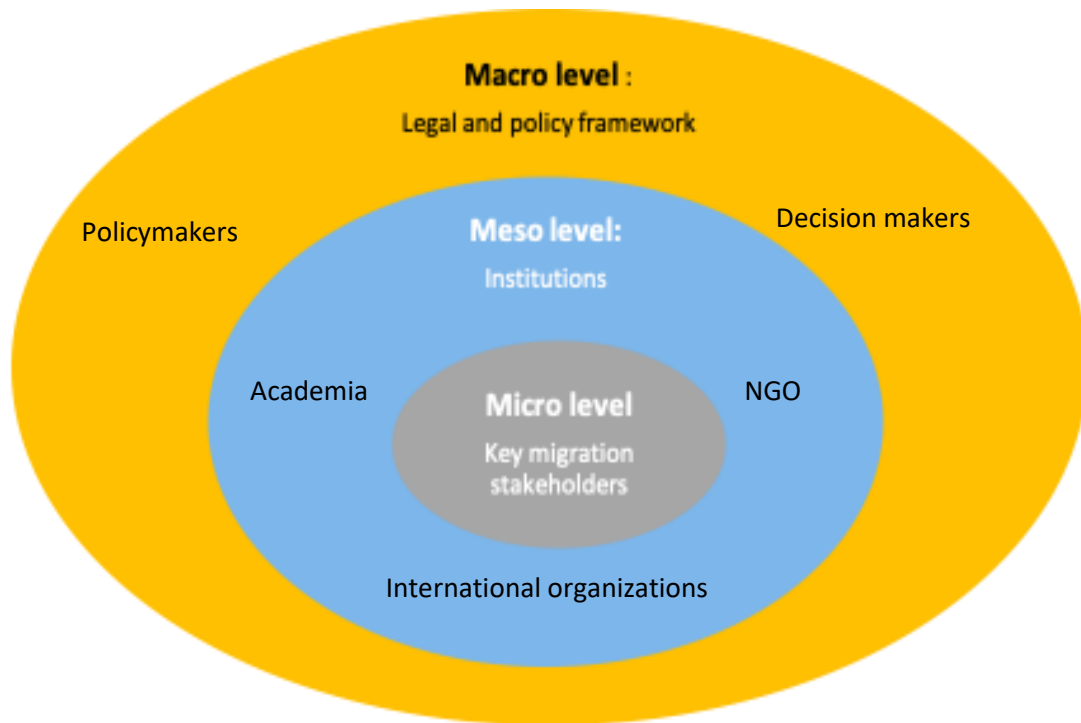


**Figure 1. Research design model**

## Data triangulation

Data triangulation entails gathering data through several sampling strategies, so that slices of data at different times and social situations, as well as on a variety of people, are gathered.

In this research study data was generated from primary sources from a variety of people and a variety of levels, ranging from micro to macro level. As presented in *Figure 2*, at the micro level the research project will target the main beneficiaries of the initiative – key migration stakeholders in MARRI region. At the meso-level the project gathered data from people representing key institutions shaping/influencing beneficiaries decision-making, barriers and opportunities. Finally, at the macro level research questions were explored through data gathered from representatives of stakeholders shaping the legal and policy frameworks.



*Figure 2. Triangulation of data sources*

## Methodological triangulation

This study used methodological triangulation, process of gathering data from multiple sources through qualitative and quantitative methods of data collection and analysis including desk review, surveys and questionnaires.

## Limits

This study was undertaken during the ongoing COVID-19 pandemic, limiting the amount of time to fully address the scope of the study in 6 MARRI Participants. For example, some identified stakeholders were not available during the research phase, due to COVID-19. Other stakeholders were managing competing tasks due to limited staffing in their offices and other COVID-19 related factors.

## Structured Interview / Online Survey

This study used a structured interview with 28 questions provided through an online survey system. Prior to disseminating the study, the research team developed an interview protocol that ensured the research adhered to the appropriate data collection methodology, tools, accuracy and provided for reliability of data standards and appropriate conduct.

The interviews and questioners were designed and conducted in 6 languages, based on the preferred language of the stakeholder participating:

- English
- Albanian



- Macedonian
- Serbian
- Montenegrin
- BSC language (Bosnian, Serbian & Croatian)

Survey interviews administered the survey and recorded data using an online survey format. In addition, the research team adapted the survey tool for online self-administered survey use to selected targeted respondents to maximize participation in the survey given the limited window of time and COVID-context.

The 28 questions survey was structured in 2 parts: 1) general demographic questions (6) and 2) questions designed to assess the impact of COVID-19 (22), plus one (1) open question done in the end of questionnaire.

Each interview/questionnaire had a unique code for the purposes of the project to track quality of data.

## Target groups: research participants from the 6 MARRI Participants

The target audience of stakeholders for the survey were representatives from the 6 MARRI Participants. The minimum was one representative per target group per MARRI Participant. 88 individuals were interviewed/responded to the questionnaire in total.

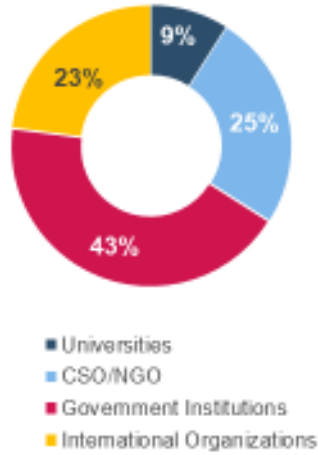
Stakeholders interviewed included employees of Ministries of interior/Security from the following departments:

- Migration
- Border police
- Trafficking in human beings
- Asylum

Interviewed persons were from four relevant professional groups: 1) representatives from the Ministry of Interior (in Bosnia and Herzegovina the relevant ministry is for Security); 2) law enforcement staff from Border Police, mostly relevant for migration and organized crime unit; 3) commission for preventing trafficking in persons and irregular migration, and 4) Asylum units.

Of the 88 surveyed from 9-27 November 2020, 56.4% were female and 43.6% were male. 38 participants (40%) were from State Institutions, representing the Ministry of Interior.

**Figure 3: Affiliation of the respondents**



**Table 1: Affiliation of the respondents**

Gender	
Female	57%
Male	43%
Work Experience	
Very experienced	63%
Reported risk during the pandemic	
Very high risk	20%
High risk	34%
Reasonable risk	30%
Small risk	15%
Very small risk	1%

The civil society organizations, selected on the bases of their role and contribution given on issue including migration, trafficking in human beings, and asylum, and coming from each of the MARRI Participants, represented 27% (21) of interviewed stakeholders.

23% (18) of interview stakeholders were international and regional organizations dealing with migration in the MARRI region.

10.2% (8) of interview stakeholders were from academia.

### 3. DESK REVIEW

#### MARRI Participants during COVID-19 and migrants, refugees, and asylum seekers

This section is prepared referring to the reports shared by EC, GRETA, UNCHR, IOM, FROTEX, EUROPOL, WHO, IASC, FRA, EuroSTAT, OECD and others.

#### General remarks

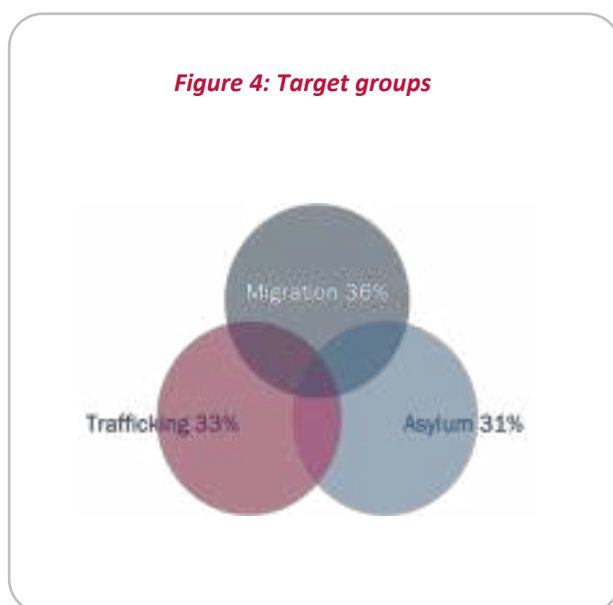
2020 continues to be marked by the devastating impact of the COVID-19 pandemic. The EU, while being seriously affected itself by this crisis, has provided extensive support to the efforts of the governments in the Western Balkans to address those challenges. The EU has also started to reallocate EU financial assistance in view of the urgencies faced by the region due to the crisis, both in terms of health and socio-economic needs<sup>18</sup>.

In January 2020, WHO declared COVID-19 to be a Public Health Emergency of International Concern. WHO stated that there is a high risk of COVID-19 spreading to other countries around the world. In March 2020, WHO characterized COVID-19 as a pandemic. WHO and public health authorities around the world continue to act to contain COVID-19.

As the COVID-19 pandemic continues to evolve, all countries need to implement a comprehensive set of public health measures that are adapted to the local context and epidemiology of the disease. The overarching goal is to control COVID-19 by slowing down transmission of the virus and preventing associated illness and death.<sup>19</sup>

#### Migration and social inclusion

The Syrian conflict, the ongoing war in Iraq and unstable situations in Afghanistan and some African countries have contributed to an unprecedented surge of migration into the EU over the past few years. The successful integration of migrants is decisive for the future well-being, prosperity and cohesion of European societies. To ensure the social inclusion of immigrants and their children, it is essential to



<sup>18</sup>[European Commission \(2020\), Communication From The Commission To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions - 2020 Communication on EU enlargement policy, Brussels, 6 October 2020, pg 2.](#)

<sup>19</sup>[Strategic preparedness and response plan.](#) Geneva: World Health Organization; 2020.

strengthen the conditions for their participation in society, including their active participation in education and their integration into the labour market.<sup>20</sup>

Referring to SDGs monitoring report in EU context (2020), the Balkan route has been the main entry point for migrants who entered the EU through Greece and tried to make their way to western Europe via North Macedonia, Serbia into Hungary and Croatia. The route became a popular passageway into the EU in 2012 when Schengen visa restrictions were relaxed for five Balkan countries: Albania, North Macedonia, Bosnia and Herzegovina, Serbia and Montenegro.

Word Migration report (2020) identify that migrants from Southern Asia heading to Western Europe are primarily smuggled through Central Asia and the Russian Federation, as well as through the Middle East into the Western Balkans.

## Asylum applications

The urge to seek international protection is one of the main reasons forcing people to cross borders. In 2019, the EU received 612 685 first-time asylum applications (equalling 1 371 applications per million EU inhabitants), which is about half as many than at the height of the refugee crisis in 2015, but still a five-fold increase compared with 2008. During 2019, 206,015 people were granted protection status at the first instance in the EU.

Despite a decline in the number of first-time asylum seekers applying for international protection between 2017 and 2018, the figure for 2019 showed an increase of 11.6% compared with the previous year. The total number is again close to the level recorded in 2017, which marked a significant drop of 46.8% compared with 2016. Such a rapid fall might be connected to the overall reduction in the number of arrivals to the EU due to stricter border controls.<sup>21</sup>

## EU mobilization towards Western Balkans

The EU has mobilized a package of over EUR 3.3 billion to the benefit of Western Balkans citizens and businesses. This includes reallocations of EUR 38 million from the Instrument for Pre-accession Assistance of immediate support for the health sector, in particular through delivering essential supplies to save lives such as personal protective equipment, tests and ventilators, EUR 389 million to address social and economic recovery needs, a further EUR 455 million economic reactivation package for the region in close cooperation with the International Financial Institutions, and EUR 8 million from the Instrument contributing to Stability and Peace to support COVID-19 response measures for migrants, refugees and asylum seekers in the Western Balkans, as well as a proposal for EUR 750 million of Macro-Financial Assistance along with a EUR 1.7 billion package of assistance from the European Investment Bank.

Managing the refugee crisis as well as addressing irregular migration have been key challenges for the EU, the Western Balkans and in particular Turkey, which is hosting the largest number of refugees in the world<sup>22</sup>. The full operational budget of the EUR 6 billion EU Facility for Refugees in Turkey was allocated at the end of 2019. *The Facility continues to address the humanitarian and development needs of refugees*

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<sup>20</sup>OECD and European Union (2015), [Indicators of Immigrant Integration 2015: Settling In](#), OECD Publishing, Paris.

<sup>21</sup> European Commission (2018), [Migration: Number of asylum applications in the EU down by 43% in 2017](#)

<sup>22</sup>[European Commission \(2020\), Communication From The Commission To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions - 2020 Communication on EU enlargement policy](#), Brussels, 6 October 2020, pg 9.

and host communities in Turkey, with visible results. Almost 1.7 million refugees continue to benefit from monthly cash transfers, 9 million primary health care consultations have been delivered, and the families of more than 600,000 children attending school having received financial support. Implementation of some 100 Facility projects is under way.<sup>23</sup>

## Workplace risk assessment

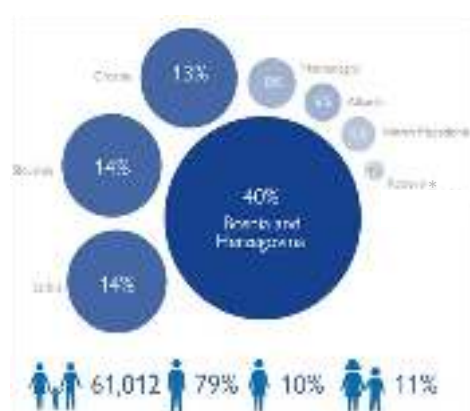
COVID-19 is transmitted primarily through respiratory droplets or contact with contaminated surfaces. The risk of work-related exposure to COVID-19 depends on the probability of coming into close (less than 1 meter) or frequent contact with people who may be infected with COVID-19 and through contact with contaminated surfaces and objects. Some workers may be at higher risk of developing severe COVID-19 illness because of age or pre-existing medical conditions; this should be considered in the risk assessment for individuals. Essential public services, among whom security and police and frontline workers may be at an increased risk of exposure to occupational hazards for health and safety.<sup>24</sup>

## New Data on Population Movements in the Western Balkans<sup>25</sup>

In 2018, a total of 61,012 irregular migrants were officially registered by the authorities in the MARRI Participants -- five times more than the 13,216 registered in the previous year.

The most significant increase was observed in Bosnia and Herzegovina, where between January and December 2018 authorities registered a total of 23,848 migrants and refugees - 20 times more than the 1,116 reported in 2017 and almost two times the 2017 yearly total reported for all MARRI Participants combined.

**Figure 5: Proportion of arrivals in 2018 per MARRI Participant**



Source: Europe — [Mixed Migration Flows In Western Balkans 2018 Overview](#), 07 February 2019

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

All MARRI Participants included in this overview observed an increase in detected irregular entries in 2018 compared to 2017. In Montenegro and the Republic of North Macedonia, authorities reported a six-fold increase in registered arrivals compared to 2017: 807 vs. 4,645 and 547 vs. 3,132 respectively.

Albania experienced a five-fold increase, from 752 in 2017 to 3,401 in 2018. Four times more migrants arrived in Slovenia in 2018 – a total of 8,477 compared to the 1,933 registered in 2017 and similar increase is noted for Kosovo\* where in 2018, 590 new migrants were registered versus 147 reported in 2017.

Apart from that, noteworthy increases in Albania and Montenegro, MARRI Participants that were not affected by

<sup>23</sup>Ibid, pg 11.

<sup>24</sup>WHO, “[Considerations for public health and social measures in the workplace in the context of COVID-19](#)”; Annex to Considerations in adjusting public health and social measures in the context of COVID-19, 10 May 2020.

<sup>25</sup>[IOM South-Eastern Europe, Eastern Europe and Central Asia](#), Feb 21 2019,Vienna.

the migratory flows in 2016, indicate a change in the transit routes taken since mid-2017. Additionally, in both 2017 and 2018, an increase in arrivals was observed in Slovenia and Croatia, the closest EU Member States on the way to Western Europe.

**Figure 6: Registered irregular migrants in 2017 and 2018<sup>26</sup>**



Source: Europe — [Mixed Migration Flows In Western Balkans 2018 Overview](#), 07 February 2019

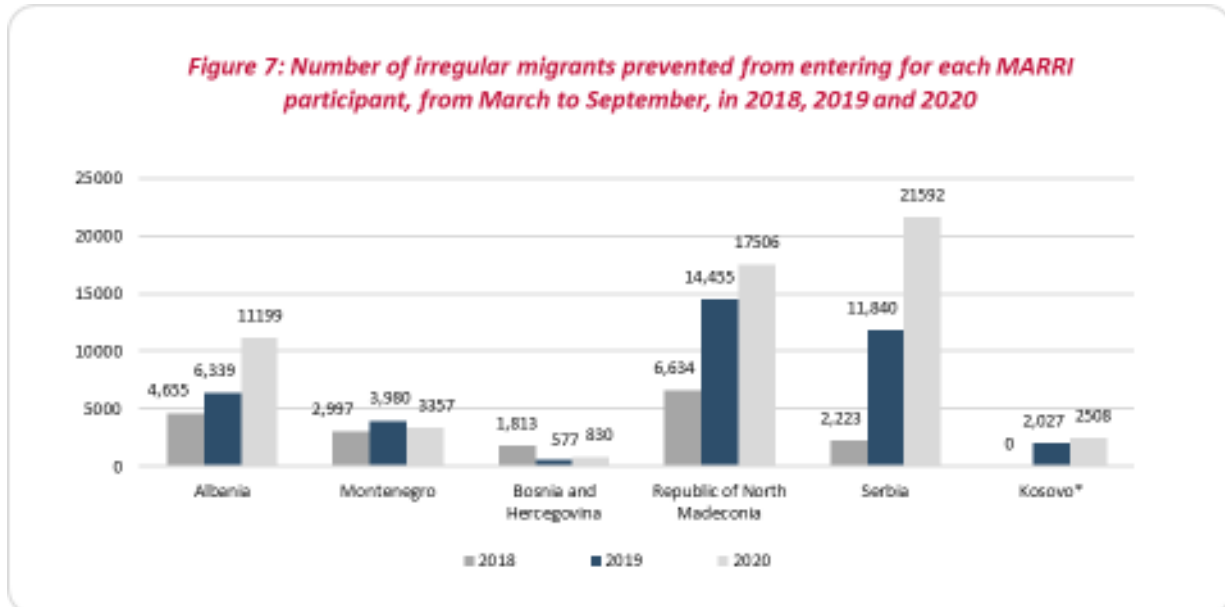
\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence

More than a half (62%) of all registered migrants were nationals of four countries – Pakistan (26 per cent), Islamic Republic of Iran (12 per cent), Afghanistan (12 per cent) and the Syrian Arab Republic (12 per cent). On a country level, Pakistan was the most reported origin country by migrants registered in Serbia, Slovenia and Bosnia and Herzegovina.

<sup>26</sup>This map is for illustration purposes only. Names and boundaries on this map do not imply official endorsement or acceptance by IOM.

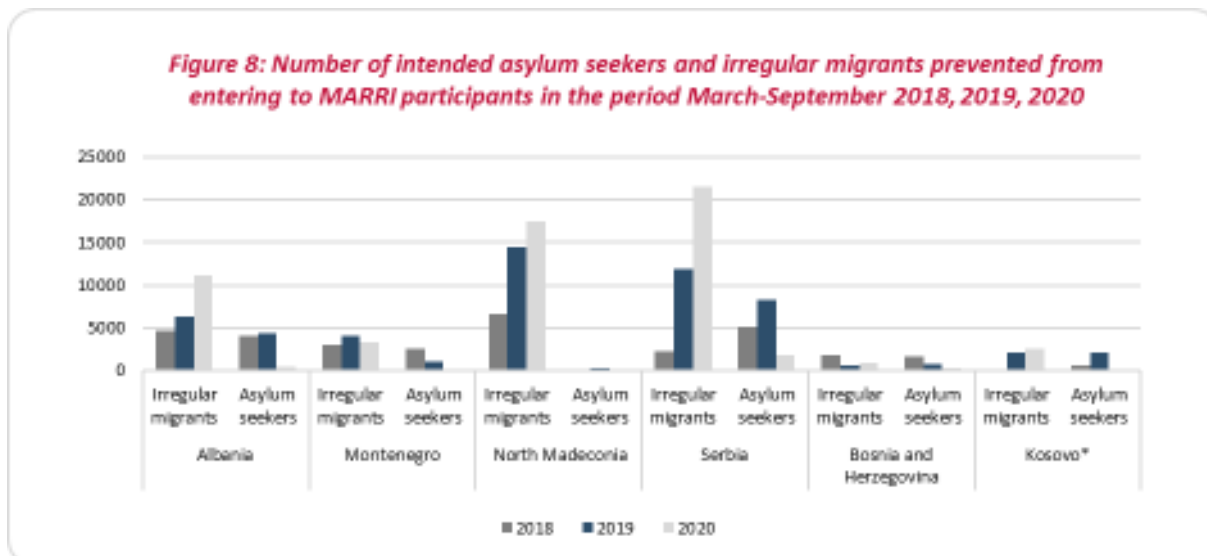
## Irregular migration around and in the MARRI region

COVID-19 restrictions in MARRI Participants shows increased figures for irregular migration, as it is confirmed by the below graph, when increased number is shown in Serbia (21.592, year 2020), North Macedonia (17,506, year 2020), Albania (11,199, year 2020). The transit and detention centres in the MARRI Participants are recognized as high vulnerability points, with the need to counter COVID-19.



Source: Ministries of Interiors of MARRI Participants, given for the scope of this study, November 2020

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

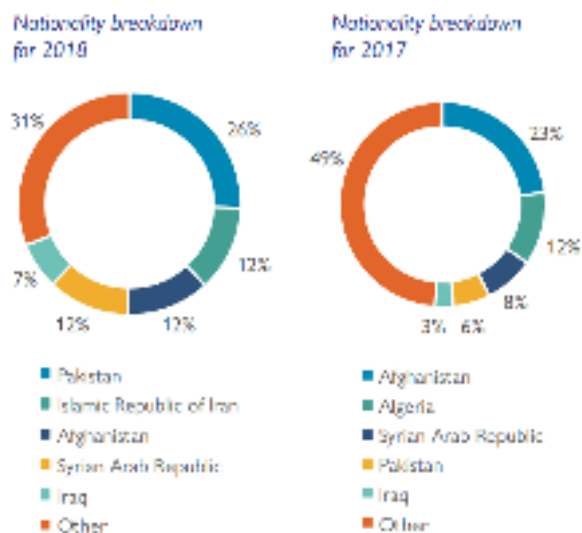


Source: Ministries of Interiors of MARRI Participants, given for the scope of this study, November 2020

Note: The data displayed for Bosnia and Herzegovina include the period January November of each year

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

**Figure 9: Nationality breakdown – top 5 nationalities in 2017 and 2018**



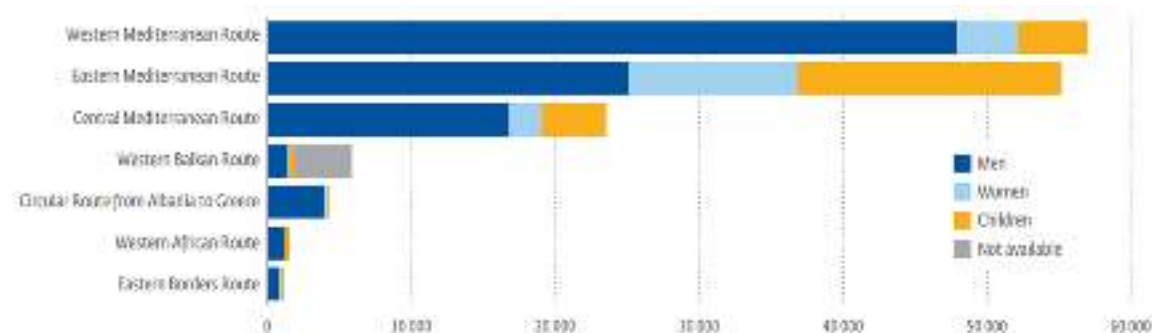
Source: Europe — Mixed Migration Flows In Western Balkans 2018 Overview, 07 February 2019

## Children in migration

Children in migration are more vulnerable than adults, particularly when they are unaccompanied. Their vulnerability makes them more exposed to violence, exploitation and trafficking in human beings, as well as physical, psychological and sexual abuse.<sup>27</sup>

All routes together accounted for 3% (808 children) of all child arrivals in 2018. Most of the children arriving on these routes were boys (83%), with girls mostly present on the Western Balkan route (28%) and the Eastern Borders route (24%).

**Figure 10: Demography of arrivals, including children**



Source: FRONTEX – European Border and Coast Guard Agency; “Risk Analysis for 2019”, Chapter “6.2. Children in migration: overview of arrivals at the external borders in 2018”; Warsaw, February 2019.

<sup>27</sup>European Union Agency for Fundamental Rights (FRA), “Children in Migration in 2019”, Annual Review; 1.1.2019 – 31.12.2019.



## Children as victims of trafficking

Nearly a quarter of victims of trafficking registered in the EU are children. EU child victims are twice as many as non-EU child victims, with girls especially targeted and mainly trafficked for sexual exploitation.<sup>28</sup>

The continuing arrival of children (albeit at lower numbers) carries specific challenges and additional concerns that require a proactive response and unified approach by the various actors present at the external borders.<sup>29</sup>

The provision of accommodation that is age-appropriate and responds to the specific needs of boys, girls, unaccompanied children and families with children must be ensured.<sup>30</sup>

In order to guarantee their protection, it is vital that children are prioritized in all border-related procedures (identification, registration and referral), and supported by specialized staff who use child-friendly and gender-sensitive approaches.<sup>31</sup>

One of the challenges is age assessment, a key step in determining whether a person will be treated as an adult or a child (with the respective safeguards and procedural and legal guarantees). Due to differences in treatment between adults and children, there have been a number of instances where adult migrants have falsely claimed to be under the age of 18. These cases are particularly problematic as they lead to abuses of legal systems and deprive genuine children of the special protection measures reserved to them.<sup>32</sup>

## 3.1 Albania

### General remarks

Since March 2020, COVID-19 has been spreading in Albania. As a result, the Albanian Government took measures with the clear intention of containing the spread of the virus, including restrictions on public gatherings, requirements to stay at home, except for limited essential activities, and orders to close businesses and cultural and educational institutions. The most severe of these restrictions were in place between March and May 2020, when Albania went into a lockdown. In this period, some of the Border Crossing Points were closed; the registration and lodging of asylum applications was reduced; and freedom of movement in and out of reception centres was restricted.

The European Commission recommended that emergency measures taken in the context of the COVID-19 pandemic are proportionate, restricted to what is necessary and limited in time so that rule of law and democratic and human rights standards are respected. As of 18 May 2020, the government lifted lockdown measures. All public and economic activities are open, except public transport, sports activities,

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<sup>28</sup>[Guide to enhance child protection and improve transnational cooperation with a focus on child victims of trafficking](#); Migration and Home Affairs; June, 2019.

<sup>29</sup>FRONTEX – European Border and Coast Guard Agency; [“Risk Analysis for 2019”](#), Chapter “6.2. Children in migration: overview of arrivals at the external borders in 2018”; Warsaw, February 2019.

<sup>30</sup>ibid

<sup>31</sup>ibid

<sup>32</sup>ibid

schools and mass gathering activities. As of 1 June 2020, all movements in all territory are free without time limitations. All borders with the neighbours are open. No quarantine is required for persons entering in Albania. Quarantine is implemented only for specific cases recommended by the health authorities in Albania or protocols issued/approved by the EU Infections Control.<sup>33</sup>

During the outbreak of the COVID-19 pandemic, asylum procedures and interviews have been limited.<sup>34</sup>

Located in the Western Balkans region and surrounded by EU countries such as Greece (land border) and Italy (sea border), Albania has automatically become a transit country for immigrant flows from the Middle East and North Africa. The number of citizens caught with irregular residence during 2018 was 6,893 people. The number of asylum seekers during the period 2015-2018 has increased, from 106 asylum applications in 2015 to 4,386 in 2018. The highest number of asylum applications in Albania during these years has been Syria, followed by Iraq, Afghanistan, Algeria, Pakistan, Palestine, Morocco, etc. It is noted that, in 90% of cases, asylum seekers have left Albania without starting or during asylum application procedures, as asylum seekers do not consider Albania as their final place of residence, but as a transit country to reach the main destination, EU countries.<sup>35</sup>

All this migration dynamics requires a comprehensive approach to migration governance in Albania, which is already reflected in the drafting of the new Migration Strategy and its Action Plan 2019-2022 and the inclusion of migration policies in many strategies and sectoral action plans. Similarly, during the period 2015-2018, migration legislation has been further improved to ensure a comprehensive and non-discriminatory framework. Further, there is a continuous increase of institutional capacities to face the migration challenges and to guarantee the respect of the rights of the migrants by providing the necessary protection (especially for the categories in need). Albania also continues to actively participate in bilateral, regional and international consultative processes in the field of migration.<sup>36</sup>

## Migration and social inclusion

The Ministry of the Interior is the main actor in the field of migration. The main bodies under its supervision responsible for implementing migration policies are the Department of Border and Migration in the ASP General Directorate and the Directorate of Anti-Trafficking and Migration. MOFE and employment offices address legal and labour migration at the local level.<sup>37</sup>

The legal framework on migration is largely aligned with the EU acquis but needs updating in line with recent developments.<sup>38</sup>

In June 2019, Albania adopted a new national migration strategy and action plan for 2019- 2022, providing a clear framework for managing and coordinating migration flows.<sup>39</sup>

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<sup>33</sup> The content of the text it has been extracted from the EC Progress Report 2020 for Albania in the section of Chapter 24 available in the link:[https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/albania\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/albania_report_2020.pdf), pg.5

<sup>34</sup> Ibid, pg.47

<sup>35</sup> Extended National Migration Profile 2015-2018, Ministry of Interior 2019

<sup>36</sup> Ibid, pg 13

<sup>37</sup> The content of the text it has been extracted from the EC Progress Report 2020 for Albania in the section of Chapter 24 available in the link:[https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/albania\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/albania_report_2020.pdf), pg.46

<sup>38</sup> Ibid pg.46

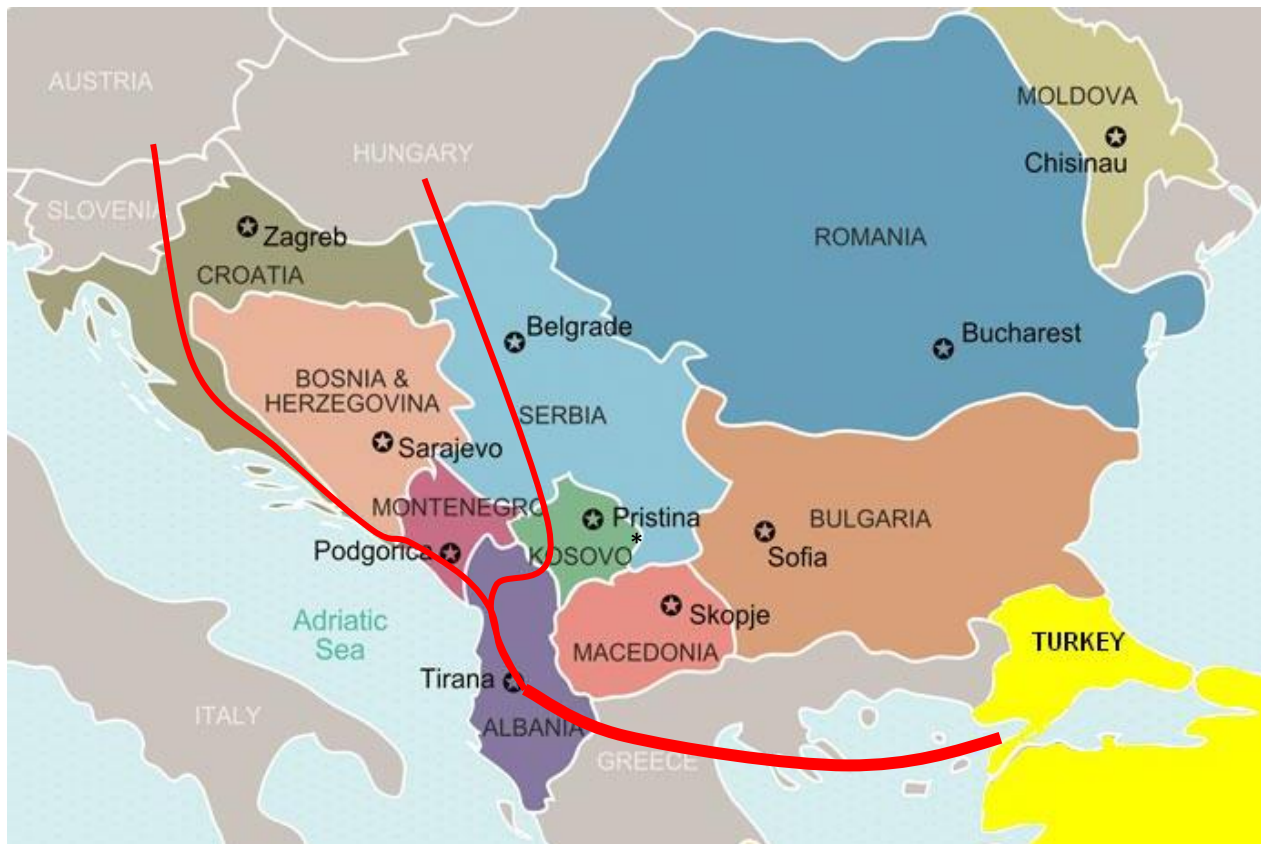
<sup>39</sup> Ibid, pg.46

Albania is also affected by mixed migration flows, which include, inter alia, refugees and asylum seekers, migrants, victims of trafficking, unaccompanied and separated minors, and stateless persons. Some of them fall into more than one of these categories. These people have different nationalities, most of whom are Syrians and Afghans, and often enter Albania without entry. In most cases, these migrants are in a certain state of difficulty, due to the situation in their countries of origin from which they left, due to difficult conditions or exploitation and abuse suffered during the trip.<sup>40</sup>

However, these flows mainly transit through Albania, before entering EU countries.<sup>41</sup>

During the years 2015-2018, there have been attempts by citizens of the Middle East and Arab countries to transit through the territory of Albania. Immigrants from third countries enter mainly Turkey and then cross into Greece and, through the MARRI Participants, target EU countries and, mostly, the northern ones. The further direction of their movement was Albania-Montenegro-Croatia and, later, EU countries. The following figure is an illustration of the main roads used by third country nationals.<sup>42</sup>

**Figure 11: Movement of immigrants from third countries in the territory of Albania**



Source: General Directorate of Border and Migration, 2019

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

<sup>40</sup>Sustainable Development Cooperation Program, 2017-2021

<sup>41</sup> Extended National Migration Profile 2015-2018, Ministry of Interior 2019, pg 37

<sup>42</sup>ibid, pg 40

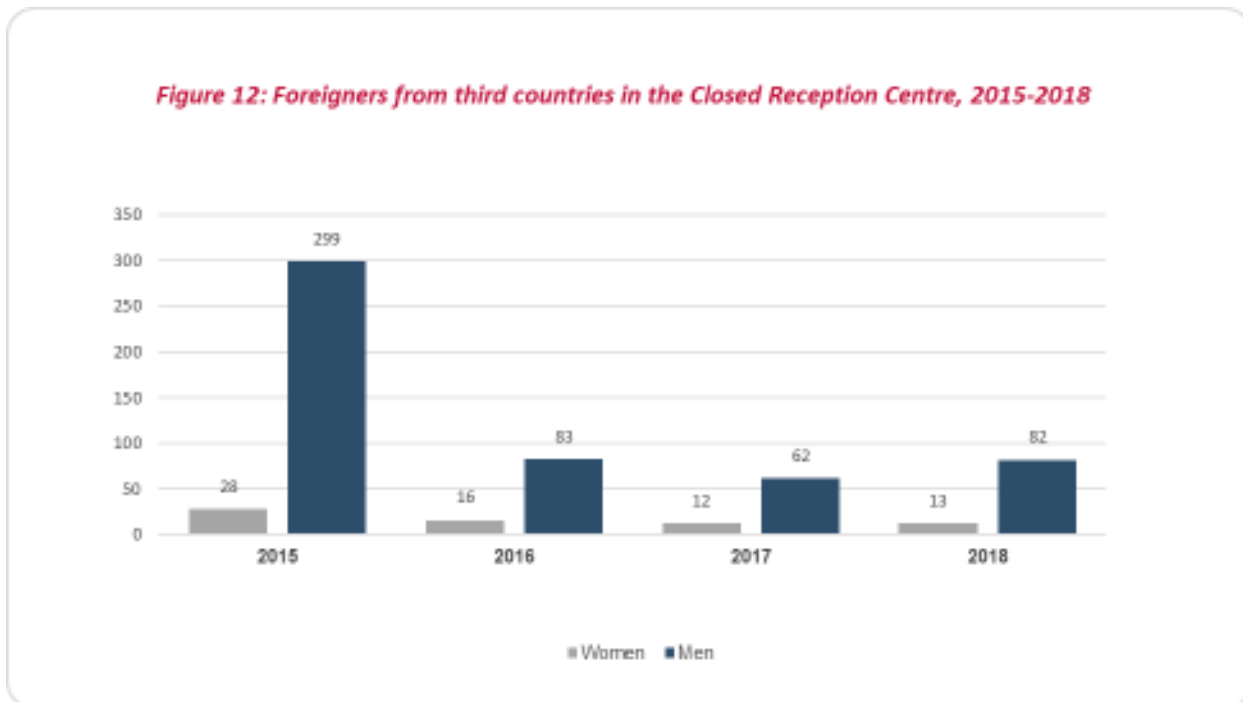
It should be noted that a part of immigrants contingent is to seek asylum in the Albanian territory, while still a big part of them are prevented and detained because they attempt to transit illegally through Albania with the aim to reach their final destination.

**Table 2: Foreigners from third countries by location in the territory, 2017 - 2018**

Irregular foreigners	2017	2018
In the border area	658	2 526
At Border Crossing Points	21	63
In territory	368	4 304
Total	1 047	6 853

Source: General Directorate of Border and Migration, 2019

For foreign nationals from third countries staying illegally and detected in the territory, the Border and Migration Police Department has usually implemented the procedure of voluntary return, but there are cases when some of them have been accommodated in the Closed Reception Centre, continuing with the return procedures based on bilateral agreements between Albania and countries of origin / transit. The number of persons staying in the Closed Centre for the years 2015 - 2018 is presented in Figure below.<sup>43</sup>



<sup>43</sup>Extended National Migration Profile 2015-2018, Ministry of Interior 2019, pg. 42

It is worth mentioning that in the readmission's operations from the Albanian territory, the voluntary ones have prevailed in relation to the forced ones.

Good progress has been achieved in tackling irregular migration challenges, including strengthened border controls. Albania continued to experience a growing influx of irregular migrants, mostly from Greece and leaving Albania after a few days, on the way to other EU countries. The number of irregular migrants apprehended in Albania increased by almost 83% compared with 2018 (10,557 compared with 5,792).

**About 30% more migrants arrived in the first five months of 2020 than in the same period in 2019, despite the COVID-19 outbreak (3,633 against 2,788). A gradual increase has been noted in the number of arrivals as movement restrictions in Albania were lifted.** The nationalities represented most were Syrian, Iraqi, Afghan, Palestinian, and Moroccan. The migrant reception capacity increased in 2019 and 2020. However, the National Centre for Asylum Seekers in Tirana was filled to capacity on a number of occasions at the end of 2019 and beginning of 2020. The asylum centre in Babbru can host 240 people. It needs proper maintenance and sufficient living conditions. A worsening security situation within the centre has remained unaddressed. The closed Reception centre for irregular migrants in Karreç, with a total capacity of 100 beds, also requires refurbishment. Albania should establish alternatives to detention for children, women at risk and people with serious medical conditions, as provided for in the Law on foreigners.<sup>44</sup>

With purpose of having a clearer panorama of numbers of irregular migrants with intention to cross Albanian border, and numbers of detained irregular migrants at transit or reception centres, observe the table below which reflects the trend of this three last years in the time period March-September:

**Table 3: Figures of detained migrants in Albania for the last three years**

Year (March-September)	Number of irregular migrants prevented from entering	Number of irregular migrants detained in transit/reception centres
2018	4 655	68
2019	6 339	50
2020	11 199	6

The Law on border control and its bylaws are broadly aligned with the EU acquis, but from the latest EC Progress Report it has been assessed that the legislative framework for the management of Albania's external borders is not yet fully in line with EU standards. The actual Integrated Border-Management Strategy and its action plan 2014-2020 are in line with European standards and the Albanian Border Police Department participates in the Western Balkan Risk-Analysis Network. A new strategy for integrated border management is being drafted, but still is not finalized. Inter-agency cooperation has been improved, according to EC progress report of October 2020.

<sup>44</sup>The content of the text it has been extracted from the EC Progress Report 2020 for Albania in the section of Chapter 24 available in the link: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/albania\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/albania_report_2020.pdf), pg.46

The border police's investigative powers need to be strengthened, in particular to detect cases of people-smuggling and trafficking. Albania is the first of the MARRI Participants to have signed the **European Border and Coast Guard Status Agreement with the EU**. With the **entry into force of the agreement in May 2019**, Frontex launched its first fully-fledged joint operation outside the EU, deploying teams, together with Albanian border guards, at the Greek-Albanian border. This proved successful in strengthening border controls, enhancing security at the EU's external borders and combating migrant smuggling. A second Frontex liaison officer to the Western Balkans with a mandate covering Albania, Kosovo\*, and North Macedonia will work in Tirana and be deployed in the course of 2020. Albania participated actively in the Western Balkan risk-analysis network. Operational cooperation with neighbours continued to be good, although it should step up its efforts to improve bilateral cooperation.<sup>45</sup>

The data for smuggling of migrants and the number of the perpetrators for the last three years in the period March-September show the efforts of the State Police, specifically of Department of Border and Migration and Criminal Police Department in the fight against this phenomenon.

**Table 4: Criminal offences for smuggling of migrants and the number of the perpetrators for the last three years**

Year (Mar-Sep time period)	2018	2019	2020
Number of criminal offences for smuggling of migrants	66	74	67
Number of perpetrators	153	118	160

Source: Department of Criminal Police

## Asylum requests

In terms of treatment and reception of the category of asylum seekers, the Authority Responsible for Asylum and Refugees in the Republic of Albania exercises its activity in Asylum and Refugees in the Republic of Albania exercises its activity in accordance with the Geneva Convention of 1951 and the 1967 Refugee Status Protocol. as well as law 121/2014, "On Asylum in the Republic of Albania." Albania recognizes and respects the obligation of the authorities not to return or extradite, extradite or remove from its territory persons who have obtained or sought the right to asylum or other forms of protection in these cases. From the data available to the Authority Responsible for Asylum and Refugees, there is no case of deportation of citizens who have been asylum seekers and have sought international protection in the territory of the Republic of Albania. The dynamics of foreigners with international protection in Albania for the period 2017-2018 is presented in the following table.<sup>46</sup>

**Table 5: Foreigners with international protection in Albania, 2017-2018**

<sup>45</sup>Ibid, pg.50

\*This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence

<sup>46</sup>Extended National Migration Profile 2015-2018, Ministry of Interior 2019, pg 37

Status	2017	2018
Refugees	3	3
Complementary protection	6	13
Temporary protection	0	0
Total	9	16

Source: Directorate of Asylum and Citizenship, 2019

For the period 2015-2018, there is a sharp increase in the number of asylum seekers, which reaches the highest point in 2018, when their number was 14 times higher than in 2017 and about 40 times higher compared to the year 2015.<sup>47</sup>

**Table 6: Foreign asylum seekers in Albania by citizenship, 2017-2018**

Nationality/year	2017	2018
Syria	111	2,150
Pakistan	16	645
Iraq	8	447
Palestine	8	292
Algeria	61	227
Morocco	12	225
Libya	16	146
Other	----	----
Total	309	4386

Source: Directorate of Asylum and Citizenship, 2019

Legislation on asylum generally complies with European standards. However, gaps remain in the development of secondary legislation and internal guidelines to regulate procedures and guide competent authorities. A new Law on asylum is under finalisation. Albania has the necessary institutions in place to handle asylum claims. In principle appeals can be lodged with the National Commission for Refugees and Asylum. However, the Commission was not functional in 2018 and 2019. This issue should be addressed swiftly and the Commission reactivated. Judicial appeals can be lodged at the administrative courts. The requisite resources should be allocated for full-time qualified interpreters during and after pre-screening. The exclusion of refugees from social housing and asylum seekers from social assistance still needs to be addressed, as efforts to provide integration assistance remain rather limited. In 2019, 6,677 individuals applied for asylum in Albania, 52% more than in 2018 (4,386). In the first five months of 2020, there were

<sup>47</sup>ibid, pg 38



2,057 applications, 129 less than in the same period of 2019. Albania remains a transit country for asylum seekers. As most asylum seekers leave Albania after a few days, the vast majority of asylum applications were withdrawn. In 2019, 60 applications were formally lodged. One applicant was granted refugee status and 23 were granted subsidiary protection. **During the outbreak of the COVID-19 pandemic, asylum procedures and interviews have been limited.**<sup>48</sup>

On asylum procedure, the Border and Migration Police registers requests during pre-screening and then refers them to the Directorate for Asylum and Citizenship. Although authorities' response to the sharp increase in arrivals in 2018 and 2019 was generally adequate, the Directorate needs greater capacity and more staff. More training is needed on how to assess individual claims, particularly the information on country of origin and cases involving vulnerable people. A database for managing registrations and allowing for follow-up of individual cases became operational in 2019. However, data management still needs to be strengthened and border crossing points interconnected. The pre-screening instructions should be amended to include additional safeguards, in particular for vulnerable people and those with specific needs, including the early 48 identification of children at risk.<sup>49</sup>

Albania is one of MARRI Participants that cooperates with the European Asylum Support Office.

The below table includes data provided by the Department of Border Control and Migration that shows the trend of persons (irregular migrants) that ask asylum in Albania for the last three years within the time period March-September.

There is a slight increase in 2019 and for the same period in 2020, which corresponds to the time period of COVID-19 pandemic, there is a drastic decrease in the number of asylum seekers:

**Table 7: Asylum tendency for the period March-September 2018, 2019, 2020**

Year	2018(Mar-Sep)	2019(Mar-Sep)	2020(Mar-Sep)
Number of asylum seekers	4 036	4 299	421

## EU mobilization towards Albania

The European Commission has adopted a €103.3 million package to support Albania. The approved programme focuses on core issues for EU accession such as the rule of law, fundamental rights and good governance. In addition, assistance is provided to further address the consequences of the COVID-19 crisis. EU Commissioner for Neighbourhood and Enlargement, Olivér Várhelyi, commented: *“The European Union continues to stand by Albania. In the face of the COVID-19 crisis, we have adjusted the existing funding to help Albania withstand the current social and economic challenges. At the same time, the EU funds aim at supporting the key reforms Albania needs to implement to move forward on its European path.”* The programme includes actions to strengthen the rule of law and the fight against organised crime and corruption, by improving the capacity of the Special Prosecutor for Anticorruption, the National

<sup>48</sup>The content of the text it has been extracted from the EC Progress Report 2020 for Albania in the section of Chapter 24 available in the link: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/albania\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/albania_report_2020.pdf), pg,47

<sup>49</sup>Ibid , pg, 47&48



Bureau for Investigation, and the independent justice institutions. Following the COVID-19 outbreak, existing EU funding was reoriented with the twofold objective of helping Albania acquire emergency health supplies and equipment, and of addressing the social and economic fallout of the crisis. The COVID-19 package for Albania amounts to € 50.65 million. In addition, the COVID-19 package includes:

- €4 million to address the immediate needs for medical supplies and equipment. Funding comes from the IPA 2017 programme.
- €20.65 million to top up an existing EUR 50 million Social Inclusion Programme under IPA 2019.

This programme includes an additional allocation of €28 million, granted to reward the progress of Albania in the implementation of reforms.<sup>50</sup>

Albania is also part of a EUR 8 million project “*Addressing COVID-19 Challenges within the Migrant and Refugee Response in the Western Balkans,*” which is financed under the EU Instrument contributing to Stability and Peace, which will be implemented by IOM and UNHCR.

The project, will help ensure that the rights of migrants, asylum-seekers and refugees are protected and that asylum and migration management systems remain operational.<sup>51</sup>

## Human trafficking

Albania is a source, transit and destination country for trafficking in human beings.<sup>52</sup>

Foreign nationals identified as irregular migrants are subject to special reception, interview and, then, selection procedures. One of the goals of the selection process is the assessment of weaknesses and needs or indicators of trafficking in human beings, based on Standard Action Procedures for the protection of victims and potential victims of trafficking (approved by DCM No. 449, dated 29.08.2018). During the period between January 1 - December 31, 2018, 95 VT / PVT were identified (women, men, adults, minors, Albanians or foreigners), of which 93 are potential victims of trafficking and 2 are victims of trafficking, 28 are adults and 67 are children, 35 are male and 60 are female, 94 are Albanian and 1 is foreign (Kosovar).<sup>53</sup>

Albanian women and children are subject to trafficking for sexual and labour exploitation to the neighbourhood and EU Member States. The Prosecutor’s Office registered 22 new criminal proceedings for trafficking in 2018 and 25 in 2019. The number of cases with final convictions remained very low (three cases with three final convictions in 2018 and three cases with five final convictions in 2019). The national referral mechanism for (potential) victims of trafficking is fully functional. In 2019, 92 victims were identified and assisted, compared with 95 in 2018. Police and prosecutors cooperated more effectively on investigations and administrative procedures were simplified. NGO-run shelters remain underfunded. Victim-centred investigations and prosecutions are not conducted consistently. Albania should increase efforts on the early identification of victims and potential victims; intensify cross-border cooperation with neighbours and international cooperation; and contribute to the successful reintegration of victims. It should pay particular attention to unaccompanied children and child victims of trafficking, and provide

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<sup>50</sup>[https://eeas.europa.eu/delegations/albania/88617/node/88617\\_en](https://eeas.europa.eu/delegations/albania/88617/node/88617_en)

<sup>51</sup><https://www.unhcr.org/see/12205-12205.html>

<sup>52</sup>The content of the text it has been extracted from the EC Progress Report 2020 for Albania in the section of Chapter 24 available in the link: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/albania\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/albania_report_2020.pdf), pg.42

<sup>53</sup> Extended Migration Profile 2015-2018, pg 44

them with adequate protection. The improved legislative framework for victims, including amendments to the Criminal Procedural Code, has yet to be implemented.<sup>54</sup>

Albania applies all forms of international co-operation in criminal matters as envisaged in the ratified multilateral and bilateral agreements with the neighbours including: Greece, North Macedonia, Kosovo\*, Montenegro and some of the major destination countries for Albanian victims of trafficking. Moreover, Albania is actively participating in a number of regional initiatives, such as MARRI, SEE Police Co-operation Convention and so on. These initiatives have increased co-operation in terms of timely sharing of information and proper identification of potential victims or potential victims of human beings.<sup>55</sup>

Regardless of the status of a migrant or the type of exploitation, from the Albanian competent authorities have been always taken measures to provide the same standard of service, and treatment, without discrimination. All rights of trafficked persons damaged by criminal offenses are provided in the Criminal Procedure Code and are the same for all social categories, regardless of their status.

All possible victims of trafficking, whether Albanian or foreign, enjoy the same access to the defence system as are the Albanian victims. Assistance and protection of the potential victim / potential victim of trafficking is not conditional on the co-operation of the victim with the judiciary, despite the continued encouragement of victims of trafficking to testify in criminal proceedings. There are no changes in procedures for identified victims of human trafficking victims through a formal policy or temporary or permanent residence status based on Law no. 108/2013 "On foreigners," amended by law no. 74/2016, date 14.7.2016).<sup>56</sup>

The US State Department Trafficking in Persons Report (TIP Report) of 2020, found that the “Government of Albania does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. **The government demonstrated overall increasing efforts compared to the previous reporting period; therefore, Albania remained on Tier 2. These efforts included sentencing convicted traffickers to significant prison terms, identifying more victims, and providing robust training for relevant officials.** The government, in cooperation with civil society, also set up the Advisory Board of Victims of Trafficking, consisting of three survivors, and increased victim assistance in criminal proceedings by establishing the Development Centre for Criminal Justice for Minors and hiring additional victim assistance coordinators. However, the government did not meet the minimum standards in several key areas. The government convicted five traffickers in both 2018 and 2019, the lowest number of convictions since 2014.”

The TIP report further found that “the government increased victim protection efforts. The government and NGOs identified 96 potential victims and seven officially recognized victims (**93 potential victims and two officially recognized victims in 2018**). **Of these, 36 were adults, and 67 were minors (28 adults and 67 minors in 2018)**; 80 were female and 23 were male (60 females and 35 males in 2018); **six were foreign victims (one in 2018)**; and 65 were victims of sex trafficking, 37 of forced labour, and one of forced marriage for the purpose of domestic servitude. In 2018, the government did not provide details about

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<sup>54</sup> The content of the text it has been extracted from the EC Progress Report 2020 for Albania in the section of Chapter 24 available in the link: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/albania\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/albania_report_2020.pdf) pg.42,

\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence

<sup>55</sup> GRETA (2018)26\_ALB\_rep, pg 31

<sup>56</sup> Ibid, pg 31

the type of exploitation for all officially recognized and potential victims, but at least 36 were subjected to sex trafficking, 25 to forced labour, 27 to forced begging, and three to forced marriage for the purpose of domestic servitude in 2018. The government maintained a multidisciplinary national referral mechanism (NRM) and updated standard operating procedures (SOPs) for identifying and referring victims to services. First responders referred potential victims to law enforcement and state social services, which conducted joint interviews to determine officially recognized victim status. **The law provided equal services for both potential and officially recognized victims.**"

No victims of THB have been identified among 2018, 2019 and 2020 as part of the asylum procedure or given refugee status or subsidiary/complementary protection.

## Children in migration

Some children travel with their families, but larger numbers are unaccompanied. According to data provided by UNHCR Albania there is a high tendency of this figures in 2019 (24% of arrivals are women and children) compared with 2018 (15 % of arrivals are women and children). The same tendency follows the first 9 months of 2020(from January to September 2020, 29% of arrivals are women and children), beginning with a decrease in march and April 2020 when Albania went in lockdown because of COVID-19 pandemic, but followed in the next months with a notable increase.

EC Progress Reports for Albania have stressed the need to improve the reception capacities for vulnerable groups, including here migrant children, specifically unaccompanied minors.

## Children as victims of trafficking

Albania has established a national legal and institutional framework based on the principle of "best interest of the child" approach in the prevention, protection, investigation, and prosecution of child trafficking and exploitation offences. This, together with the updated Standard Operating Procedures (SOPs) for the Identification, Referral and Assistance of Victims of Trafficking, constitute a solid legal basis that encourages multi-agency co-operation to combat all forms of child trafficking and exploitation.<sup>57</sup>

Children, as a category of vulnerable groups, are always at risk of being trafficked.

The US State Department Trafficking in Persons Report of 2020, found that "the government lacked screening efforts for vulnerable populations—**particularly migrants, asylum-seekers**, individuals in commercial sex, and children—and authorities did not consistently participate in mobile victim identification units...social services lacked resources for long-term care and reintegration efforts, **particularly for child victims and victims with children.**"

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<sup>57</sup> A typology of child trafficking in Albania Published by the Organization for Security and Co-operation in Europe Presence in Albania (<https://www.osce.org/files/f/documents/9/9/457546.pdf>), pg.13

## 3.2 North Macedonia

### General remarks

As of 11 March 2020, COVID-19 has been documented in North Macedonia. The pandemic coincided with the period when the Parliament dissolved itself because of the extraordinary parliamentary elections. The Technical Government was granted with extraordinary authorization, on daily bases taking legal and administrative measures with the clear intention of containing the spread of the virus. Due to the COVID-19 outbreak, the President of the Republic declared a state of emergency from March until June 2020, which was followed with introducing the Police hour during the weekends. Restrictive measures were put in place to protect the citizens and contain the pandemic (e.g. curfews, limitation of non-essential movement or gatherings, freezing of air traffic and closing of borders, suspension of procedural deadlines in judicial procedures and the move to online education). These were gradually phased out beginning of May, with a three-phase plan. The authorities have also taken measures to mitigate the socio-economic impact of the crisis. In summer, North Macedonia struggled with a second wave of infections, which severely stretched the capacities of the health system. Some relaxation between the travelling in the region happened in October, when the governments from North Macedonia, Albania and Serbia agreed to open the borders, without COVID-19 test.

The status of the migrants and asylum seekers is extended under the WHO recommendation. This means that the protocols and standards were introduced in the legislature and the health of the vulnerable groups is protected. However, there is impression that this marginalised groups are on the end of the priorities. There was reduction of the registration and lodging of asylum applications. Also, freedom of movement in and out of reception centres was restricted.

The European Commission recommended that emergency measures taken in the context of the COVID-19 pandemic are proportionate, restricted to what is necessary and limited in time so that rule of law and democratic and human rights standards are respected.

### Migration and social inclusion

Located in the Western Balkans region and surrounded by Greece, Bulgaria, Serbia, Kosovo\* and Albania, North Macedonia is transit country on the main direction of the Balkan Route, from Greece towards Serbia.

EC in its last progress report (2020) state that North Macedonia is moderately prepared to implement the EU *acquis*. The legal framework is largely in line with EU standards. The crisis situation at the borders which started in 2015 was extended, authorizing continued deployment of the army.

The Ministry of the Interior is the main actor in the field of migration. The fragmentation of tasks between the institutions dealing with migration persists, making management less effective. Progress was made on implementing the standard operating procedures (SOPs) for unaccompanied and separated children and for vulnerable categories of foreigners. The National Commission for Combating Trafficking in Human Beings and Illegal Migration organized training for a large number of first line civil servants to help them implement the SOPs.

The adoption of the Migration policy of the Republic of North Macedonia 2015 – 2020<sup>58</sup> represents a continuation of the Resolution on Migration Policy of the Republic of Macedonia 2009-2014 and it is an important activity aimed towards the establishment of a legal framework in the field of migrations, duly harmonized with the legal framework of the European Union and the 2000 UN Convention (Palermo Convention) with the three protocols. In accordance with the Stabilization and Association Agreement with the European Union, North Macedonia has undertaken the obligation for cooperation in the field of visas, border control, asylum and migrations. Moreover, the Republic of North Macedonia has obliged itself to cooperate in the field of addressing illegal migrations and readmission.

In addition to the Resolution on Migration Policy, the Republic of North Macedonia also has other strategies addressing the objectives, measures and activities in the field of countering trafficking in human beings and illegal migration, integrated border management, cooperation with the diaspora, etc. The timeframe for some of the strategies shall expire during this year and the new multiannual documents are to be adopted by the end of 2020. In 2020 the country undertakes number of activities for additional harmonization of the new strategic documents with the Global Compact for Migration (GCM) and its integration as an important instrument, in the field of migrations. Those activities should continue in the forthcoming years.

North Macedonia continues to play an active role in the management of mixed migration flows. It remains on one of the main transit routes for irregular mixed movement. The contingency plan to manage large migratory flows still needs to be finalized and agreed upon. With the support of the border police officers from EU Member States, effective control at the southern border has been ensured.

North Macedonia has still not set up a fully-fledged protection sensitive migration management system. Registration of all individuals apprehended in irregular movement for migration management purposes still needs to be carried out in a more systematic manner. Registration should be followed by systematic protection-sensitive profiling and referring anyone identified as needing international protection to national protection mechanisms. In the absence of a proper system for managing irregular movements, the practice of returning migrants outside of a legal and/or procedural framework reportedly continued. There is a discrepancy between the figures of reported illegal crossings and presence in the transit centres, which are often almost empty.

Irregular movement in 2020, through the territory continued at an increased pace compared with the previous two years. The official number of irregular arrivals in 2020, since COVID 19 pandemic was announced in March, stands at **17,506**, a 17,4% increase compared with 2019, an 263% increase compared with the same period in 2018. Movements are predominantly northward, from Greece towards Serbia.

Collection of accurate data on the migration flows has always been a challenge, since migration is monitored by different institutions, in accordance with different methodology, with different technical means, by persons with different educational backgrounds. This refers to regular migration, but also to the irregular migration. The migration phenomenon, which is rather dynamic, represents a major challenge. Furthermore, another challenge is the non-uniformity of the migration-related methodologies, which are being used by several governmental bodies, the lack of centralized (single) methodology to be

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

<sup>58</sup>Resolution on migration policy in the Republic of Macedonia 2015-2020, Official Gazette of RM No. 8/2015

used for registering data, including the statistical indicators. On the other side, the need for accurate and disaggregated data is a postulate for the realistic measures that the country is making efforts to undertake and to provide accurate recommendations for more efficient migration flows management.

The non-governmental sector reports that the data being requested by the governmental bodies (Mol, MLSP) are not kept in accordance with a single methodology and often do not secure precision and cannot be linked. In addition, there is concern that the data are being entered in the base in the transit admission centre Vinojug, for which there is no legal basis<sup>59</sup>.

Significant progress has been achieved with the introduction of the new integrated central database for foreigners, which includes data on asylum, visa, and migrations. The base enables efficient searching and insight in the movement history of the foreigner in the Republic of North Macedonia.

The Republic of North Macedonia has no aggregate accurate emigration data. The records of foreigners in North Macedonia are kept only at central level (most often in Mol), whereas the local authorities have no information on the foreigners residing on their territories.

The new Law on Foreigners<sup>60</sup> envisages provisions for improvement of the position of foreigners in reference with the procedure for issuance of a permit for temporary and permanent residence, whereas the amendments to the Law on Employment of Foreigners have contributed to the facilitated procedure for obtaining work permits for self-employed foreigners, thus enabling more information for the purposes of residence regulation. However, the representatives of the non-governmental sector, interviewed for the needs of this Review, emphasize that the country is restrictively implementing the provisions of the Law and foreigners are facing numerous difficulties (or the inability to complete the procedures) due to the lengthy, expensive and poorly regulated procedure.

Regarding the irregular migration, it is a general belief that there is no information among the migrants from the Far East, Africa and other countries which could deter the migrants from leaving their countries. They are often unaware of the dangers and challenges which they will face, and are therefore an easy target for the traders and human traffickers.

When irregular migrants arrive in the Republic of North Macedonia, they are provided with initial information in multiple languages in the transit reception centres, most often during the interviews with the social workers. Mobile applications are also available, which can be used by the migrants for the purposes of obtaining information.

**Table 8: Foreigners from third countries by location in the territory, 2018-2020, for the period March-September**

Irregular foreigners	2018 March – September	2019 March – September	2020 March – September
In the border/ prevented entry	6634	14455	17506
kept in a transit centre - reception centre	153	140	19

Source: Ministry of Interior, Republic of North Macedonia, November, 2020

<sup>59</sup>interview with NGO representative, 11.09.2020

<sup>60</sup>Law on Foreigners, Official Gazette of RM 97/2018

The reception and transit centres on Southern and Northern border, as well as in the reception centre near Skopje for the period when the pandemic was present (March-September) provide short-term accommodation for a total of 19 persons. 2020 shows significant deduction of the sheltered migrants, compared with the previous years. Neither of the transit centres are suitable for long-term stays, and the authorities continue to be reluctant to allow for more than a temporary stay.

The readmission agreement with the EU is being implemented in a satisfactory manner by the country. According to EUROSTAT, 3,850 citizens of North Macedonia were ordered to leave in 2019 (3,500 in 2018). There were 3,005 returned following an order to leave (a return rate of 78%) in 2019 against 3,470 in 2018 (99%). Assisted voluntary returns procedures were carried out for 25 migrants towards third countries. Attention should be given to successful reintegration of returnees<sup>61</sup>.

Kosovo\* Roma refugees estimated at 343, remain in limbo, with an uncertain status. Except for a limited number (16) of recognized refugees, the rest have either subsidiary protection (198) or no status (129), and are just tolerated in the country. After two decades of living in North Macedonia, with various statuses, the authorities need to find a sustainable solution.

The migrant profile remained largely the same as in the previous two years, with nationals of Pakistan (35%) and Afghanistan (23%) constituting the largest groups, predominantly single males. People in irregular movement remain targets of organised criminal groups engaged in people smuggling, that often extort money and abuse them in various ways.

The number of smuggling attempts for the COVID 19 pandemic period (2020 March – September) significantly has increased (60%) for the same period of 2019 and 69% compared with the same period in 2018. The number of migrants smuggled remains high and combating smuggling networks must be improved and be a priority.

**Table 9: Smuggling of migrants in North Macedonia 2018-2020, for the period March-September**

Criminal act - Smuggling of migrants	2018 March – September	2019 March – September	2020 March – September
number of Criminal acts	27	29	43
number of perpetrators	35	38	58

Source: Ministry of Interior, Republic of North Macedonia, November, 2020

## Access to basic services for migrants

The migrants have the right to access to the basic services that are guaranteed with the international documents and the domestic regulations. To that end, it is in the interest of the Republic of North Macedonia to show integrity in the implementation of the laws, which take care to ensure the compliance with the international standards for migrants and especially for the vulnerable categories and children.

The expertise and support from the international organizations is highly valuable and accelerates the efforts to improve the services for the migrants.

<sup>61</sup><https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/update-on-the-republic-of-north-macedonia.pdf>, Chapter 24, p.43



IOM prepared a web application for screening and identification of vulnerable categories of foreigners. The application enables screening, evaluation and referral of vulnerable categories of foreigners through the process and the institutions thereby providing appropriate individual fulfilment of the special needs of the person who is identified as belonging to a vulnerable group. The application specifies the reasons why the person has been referred to that specific institution or the specific officer responsible for a certain specific area.

The access to social services for persons that have been registered by the MoI in the two Reception transit centres in Vinograd and Tabanovce is provided within the reception centre by persons engaged through a project – social workers, educators, cultural mediators.

The persons who have acquired status and have regulated their stay have full access to the rights and services that are guaranteed by law, specifically – social security, healthcare, education, employment, housing, integration, etc.

The Red Cross of the Republic of North Macedonia provides first aid to migrants who need such care.

UNICEF supports strengthening of the approach for inclusion of migrant and refugee children in educational programs. The Law on Primary Education, with the amendments from July 2019, has an inclusive approach. During the Covid-19 - related crisis the children asylum seekers in the reception centre for asylum seekers in Vizbegovo were enrolled in regular education, including online classes as per the remote learning module.

Challenge: According to the Law on primary education, children who have previously not been enrolled in classes such as asylum seeker children, refugees and migrants, an assessment needs to be made for the degree of knowledge and their enrolment in an appropriate class, and custom learning programs and instruments for checking their knowledge are necessary.

IOM, in close cooperation with the Ministry of Health, provides healthcare services for the vulnerable categories of migrants, including their referral to secondary and tertiary medical care.

Additional investments in the institutions that provide services to the migrants are going to contribute to the improvement of the institutional capacities and the services provided.

## Human trafficking

Human trafficking is a form of organized crime, which is recognized by the authorities in the Republic of North Macedonia who take comprehensible measures for the prevention, prosecution and sentencing thereof. Significant comprehensible progress has been made with the establishment of the National Committee for combating human trafficking and illegal migration, which created the measures and initiatives taken by the country in the area of punitive law, but also in the strengthening of the social and protective measures, when it comes to the victims, vulnerable categories and especially children. The National Commission pays special attention to the prevention and combating human trafficking, identifying the reasons for the phenomenon of human trafficking, strengthening the capacities for implementing the activities, raising awareness and education, reducing the vulnerability, providing support and protection of the victims and migrants, identifying and referring the victims, help for the victims and migrants, as well as improving the punitive legislation to prosecute the criminals more efficiently.

In the preparation of the strategic documents for combating trafficking in human beings recommendations and best practices from the following international documents are taken into



consideration: Recommendations from the following were assessed: Council of Europe, the GRETA report for Evaluation and implementation of the Convention of the Council of Europe “Action against trafficking in human beings,” and the recommendations from the GRETA second evaluation cycle report, the EU strategy for abolishing trafficking in human beings and the Directive 2011/36/EU for prevention and combating trafficking in human beings and protection of victims of trafficking, the OSCE Action plan for combating trafficking in human beings, the decision 557 for supplementing the plan for combating trafficking in human beings, the decision of the OSEC Ministerial Council for Strengthening the efforts for suppression of all forms of trafficking in children, including sexual exploitation of children, and the relevant reports for trafficking in human beings prepared by the US State Department. In the reports, the comprehensive, organized and effective efforts in dealing with trafficking in human beings in the Republic of North Macedonia is recognized.

The GRETA recommendations for the Republic of North Macedonia have been appropriately implemented in the Operational Action Plan for 2020.

The MLSP initiated and implemented measures and activities for better prevention and protection of victims of human trafficking. The Ministry also undertook activities to strengthen the capacities of the experts in the centres for social work and labour inspection. It coordinates the activities through the social workers in the centres for social work in 30 towns throughout the country, who play a vital role in the process of identification, resocialization and reintegration of the victims of human trafficking.

The Criminal Code is harmonized with EU standards and criminalizes trafficking in human beings, online child pornography, computer crime and drug trafficking.

National strategy and an action plan for combating trafficking in human beings and illegal migration 2017-2020 is implemented by the National Commission for Combating Trafficking in Human Beings and Illegal Migration. The new approach of the Strategy is focused on decentralization of the work of the National Commission, through the creation of local commissions at the municipal level.

In 2020, North Macedonia’s track record for fighting organised crime improved further. 2020 shows decreasing the THB cases compared with 2019 and more significantly with 2018. Fighting Trafficking in Human Beings must be improved and remains to be a priority.

**Table 10: Trafficking in Human Beings in North Macedonia 2018-2020, for the period March-September**

Criminal act - Human Trafficking	2018 March – September	2019 March – September	2020 March – September
number of Criminal acts	7	3	-
number of perpetrators	11	4	-

Source: Ministry of Interior, Republic of North Macedonia, November, 2020

The **National Coordination Centre for the Fight against Organised Crime** has improved its operational capacity. The designated parties assigned their representatives and contribute in the work of the Centre. All designated parties have access to their respective databases. The Centre is focused on the inter-

institutional exchange of information and not inter-institutional cooperation as such. Working in multidisciplinary teams has to be encouraged to make full use of the Centre's capabilities.

The Basic Public Prosecutor's Office against Organised Crime and Corruption still does not have enough public prosecutors. Only 9 out of the planned 15 positions have been filled. Aside from insufficient human resources, there is also a lack of financial resources for expert services. Specialization within the Office is needed, as well as a more proactive approach in pursuing the cases.

Investigative centres were set up in the Basic Public Prosecution Office in Skopje, Kumanovo and Tetovo and in the Basic Public Prosecutor's Office for Organised Crime and Corruption. Their purpose is to improve relations between prosecutors, the police and other relevant parties. They need to have sufficient staff including experts and adequate equipment to become operational.

A dedicated task force for fighting trafficking in human beings and illegal migration that includes representatives from the Ministry of the Interior and two prosecutors from the Basic Public Prosecutor's Office for Prosecuting Organised Crime and Corruption is operational. In 2019, there were six identified victims of trafficking, all are females and four are children (two victims of forced marriage, one of sexual exploitation and one of forced labour, one of whom is foreign). There were final convictions including plea bargains against 23 individuals for trafficking in human beings or migrants smuggling. In the first quarter of 2020, five individuals were indicted for trafficking of human beings and 11 individuals were indicted for smuggling of migrants.

## Asylum requests

The Law on international and temporary protection, adopted in April 2018 is largely aligned with the EU *acquis*. By-laws deriving from the law on international and temporary protection were adopted. A gap remains in the area of detention for people in irregular movements, as the current legislation does not provide alternatives to detention. The law provides the right for family reunification. Recognized refugees can benefit from it immediately but concerns remain on delayed family reunification for people under subsidiary protection, for 2 years following status recognition. Since subsidiary protection is becoming a prevalent form of protection granted in North Macedonia, including for unaccompanied children, such delays may significantly affect the right to family unity and, in the case of children, contravene the principle of the best interest of the child.<sup>62</sup>

A new Law on foreigners entered into force in May 2019. Among other benefits it grants long-term residence to people who have enjoyed international protection, thus facilitating their local integration. However, they must still present proof of regular income and a registered place of residence to benefit from this provision.

Although the new strategy for integration of refugees and foreigners was prepared three years ago, it is still pending adoption as there is no political will to move it forward. North Macedonia ratified the 1961 Convention on the Reduction of Statelessness.

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<sup>62</sup><https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/update-on-the-republic-of-north-macedonia.pdf>, Chapter 24

**Table 11: Asylum in North Macedonia 2018-2020, for the period March-September**

Asylum	2018 March – September	2019 March – September	2020 March – September
number of Asylum seekers	173	298	63

Source: Ministry of Interior, Republic of North Macedonia, November, 2020

The asylum procedure still needs to be implemented fully in line with the EU *acquis*. Regular reception capacity remained unchanged and is adapted to current needs. The arbitrary detention of people apprehended in irregular movements in the reception centre for foreigners in Gazi Baba municipality to ensure their testimony as witnesses in court cases against smugglers continued. As of the end of November 2019, a total of 214 asylum seekers (48% of all asylum applications) were detained in the centre for foreigners in Gazi Baba before being released and admitted to the reception centre for asylum seekers in Vizbegovo. The safe house, previously operated by the Jesuit refugee service under the supervision of the Ministry of Labour and Social Policy, is no longer available.

Consequently, the practice of generally not detaining women and children for migration related purposes changed and, as of the end of November 2019, a total of three women and 32 children, including 29 unaccompanied children, were detained in Gazi Baba, although for a short period of time. An alternative housing solution needs to be found for the most vulnerable. However, due to the COVID-19 crisis, the Government decided that all new asylum seekers are to be quarantined for an initial period of 25 days in the transit centre Vinojug, at the Southern border.

Access to the asylum procedure continued to be ensured. In 2019, 490 applications for asylum were submitted (163 in 2017 and 299 in 2018), out of which 121 (27%) were from Pakistan, 112 (25%) from Afghanistan and 50 (11%) from Syria. Asylum claims were promptly registered and processed. The existing database on foreigners, still needs to be upgraded through the development of a new asylum module, which should provide a case-management tool for processing asylum claims. There is no backlog of asylum cases, although the majority of cases are discontinued, due to the high rate of claim abandonment. With the exception of a subsidiary protection status granted in 2019 on humanitarian grounds to one person from Kosovo\*, there have been no positive decisions for granting asylum since December 2018. Decisions on status determination are usually accompanied by an automatic ruling of expulsion without quality assessment of whether an individual may be subject to persecution upon return. The quality of asylum adjudication remains a concern, also at the appeal level. The judicial review is administrative, and the Administrative and High Administrative Courts deliver decisions on technical rather than on substantial grounds. However, the new Law on administrative disputes should improve some critical points.

No individuals undergoing an asylum procedure were granted state-funded free legal aid. A positive development is the enrolment of asylum-seeking children in the local schools, as of September 2019. This is in line with the new Law on primary education, which specifically provides for inclusion of refugees and asylum seekers in the national education system and sets up measures to facilitate such integration.

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

Further improvements of the asylum system are still needed. Following a period when it was relatively high on the government's agenda, developments are left mainly to the technical level in the relevant Ministries. North Macedonia cooperates with the European Asylum Support Office (EASO) on the basis of comprehensive roadmaps. The first Roadmap to support the establishment of asylum and reception systems in line with EU standards was implemented between 2017-2019, a new roadmap for the period 2020-2022 is being finalised.

During the outbreak of the COVID-19 pandemic, asylum procedures and interviews have been limited.

## Address and reduce vulnerabilities in migration

The large migrant and refugee crisis initiated numerous activities, as lessons learned, with the goal of reducing the vulnerability of the migrants. The MoI and MLSP made the right approach and prepared Standard Operating Procedures (SOP) for many aspects: SOP for dealing with vulnerable categories; SOP for police officers on the front line of actions; the National Commission for combating trafficking in human beings, in cooperation with the MoI and the MLSP prepared and adopted the SOP for dealing with vulnerable categories of persons and the SoP for unaccompanied migrant children.

MLSP, with support from UNHCR prepared and adopted a rulebook for dealing with vulnerable categories and unaccompanied children for the procedures for care and accommodation of unaccompanied minors and vulnerable categories of persons with recognized right to asylum in North Macedonia, rulebook for the standards for reception of asylum seekers, and rulebook for the criteria and manner of utilization of an appropriate accommodation or monetary support necessary for obtaining premises for accommodation of persons with refugee status according to their needs. A rulebook on best interest of the child determination was also adopted, as well as other tools to improve the protection of vulnerable categories.

It is very important that the MoI and MLSP continuously conduct trainings that cover police officers, social workers, and employees at the reception centres.

The establishment of regional initiatives and bodies (Regional Cooperation Council, MARRI, SELEC etc.) that are financed by its members from the region is the confirmation that all of them make investments due to their decisiveness to tackle the migration challenges from all aspects.

The impression is that there is progress in the actions of governmental bodies. Naturally, the challenge remains to profile a good strategy, by delegating greater competences to the MLSP and the Ministry of Health (MH), to further reduce the vulnerability in migration. The most vulnerable categories of migrants have to be within special focus of care, particularly children, for whom adjusted programs for reducing their vulnerability have to be developed.

Further strengthening of the institutional capacities remains the priority. IOM, in close cooperation with the competent institutions, conducts activities to strengthen the capacities in the area of identification and referral of vulnerable categories of migrants, as well as information campaigns for addressing vulnerability in the process of migration.

## EU mobilization towards North Macedonia

While the EU is itself heavily affected by the pandemic, it has spared no time and effort to provide essential and unparalleled support to the Western Balkans. This includes financial support of more than EUR 3.3 billion for MARRI Participants to address the immediate health crisis and resulting humanitarian

needs, as well as longer term and structural impact on their societies and economies. Given the European perspective of the Western Balkans, the EU is also treating the region as privileged partners by associating them with the Union's mechanisms and instruments. These include the Health Security Committee, Joint Procurement Agreements, Union Civil Protection Mechanism, Solidarity Fund, consular assistance in repatriation or exemption from temporary EU export restrictions of medical equipment. These and other measures have provided immediate relief and are a clear message of the EU's political commitment towards the region. The Republic of North Macedonia has established significant international cooperation in the area of integrated border management, combating trafficking in human beings and irregular migration with a number of partners, UN Agencies, EU Agencies and other international organizations.

The key activity in the fight against the security challenges is the international cooperation, which is based on trust, higher exchange of information and efficient neutralization of criminal threats. The exchange of information is conducted through the already established channels of Europol, Interpol, Frontex and liaison officers, and it has been enabled through the membership in international and regional organizations, initiatives, agreements and conventions.

With Frontex, a cooperation agreement has been prepared, which should improve the cooperation, which is highly valued even now. The signing and entering into force of the Status agreement between the EU and North Macedonia for activities conducted by Frontex in the Republic of North Macedonia will enable novel, direct means of cooperation, which will in turn enhance international cooperation and partnership.

The Republic of North Macedonia has established partnerships with the United Nations and other regional and international organizations in the implementation of the goals of GCM. The United Nations, led by IOM, provide support to the country through joint implementation of the GCM, by enhancing the international and regional support for the purpose of accelerating the implementation of the Agenda for sustainable development 2030, by involving and supporting the local authorities in identifying the needs and the efficient implementation of the GCM and its integration into the local strategies and through mobilizing technical, financial and human resources for the fulfilment of the goals of the GCM.

Through the project "Regional support to protection sensitive migration management in the Western Balkans and Turkey," financed through the IPA 2 program, and implemented in partnership between IOM, Frontex, EASO and UNHCR, accent has been placed on regional cooperation for the purpose of achieving safe, orderly and regular migration.

## 3.3 Bosnia and Herzegovina

### General remarks

On 5 March 2020, the Covid-19 pandemic spread in Bosnia and Herzegovina. Due to the COVID-19 outbreak, the BiH Government declared the state of emergency at 17 March, and restrictive measures were put in place to protect the citizens and contain the pandemic (e.g. curfews, limitation of non-essential movement or gatherings, freezing of air traffic and closing of borders, *as well as restrictions on movement in and out of the reception centres for migrants*.) These restrictive measures after 21 May 2020 came to a relaxation, but with the second wave of the pandemic in November some new restrictive measures are put in place.

In the initial response to the COVID-19 outbreak Bosnia and Herzegovina reacted promptly and closely followed global recommendations by introducing mitigation measures to prevent, slow down and control the transmission of the virus. The authorities also increased health system capacities and re-oriented health providers towards COVID-19 designated facilities. Despite the initial success of the health authorities to prevent and control the spread of the virus, early relaxation of the restrictive measures was followed by an epidemiological peak during the summer months. By all relevant parameters and benchmarks, the response of the health system was comparatively effective in curbing the initial COVID-19 outbreak in BiH, however, coping with the later peak proved to be challenging. During the COVID-19 outbreak, health services were provided to all persons in Bosnia and Herzegovina, including migrants and asylum seekers, irrespective of citizenship or health insurance status. The COVID-19 crisis demanded a high level of coordination among all levels of government which proved challenging in practice. The established crisis management bodies acted in their respective jurisdictions, without countrywide harmonisation of decisions and actions. The fragmentation of the healthcare system compounded coordination difficulties, and formal strategic response plans were not developed. Restrictive measures were relaxed gradually and in a more harmonised manner throughout the country. Citizens' compliance with the protective epidemiological measures remains limited. It is of utmost importance that emergency measures taken during the crisis are not at the expense of fundamental principles and values and that such measures remain proportionate, time-bound and subject to democratic oversight.<sup>63</sup>

When the virus began to hit Bosnia and Herzegovina an estimated 2,500 migrants had no access to official accommodation centres. Most were squatting in abandoned buildings, without any humanitarian assistance or, critical in COVID-19 times, adequate medical care. In response to an urgent request from the authorities, IOM acted to minimize the risk to migrants and local communities alike. The first step was to expand capacity in an existing shelter in the capital Sarajevo by 1,000 beds to 2,400. The new camp in Bihac, will – like the Sarajevo facility – provide basic humanitarian aid, including accommodation, food, hygiene, sanitation and medical care. Migrants also have access to free WiFi. The site is jointly managed by IOM and the Danish Refugee Council, its partner for medical assistance. Since January 2018, Bosnia and Herzegovina has become a key route for migrants to travel from Greece to other parts of the European Union. In the period between then and now, close to 60,000 migrants arrived, and today, *an estimated 8,000 remain stranded in the country, their movements severely curtailed due to the measures taken to prevent the spread of the COVID-19 virus*. The new camp will receive single males only, who are being relocated by local police. On arrival they will receive a hygiene kit and initial medical screening for COVID-19. The site has dedicated isolation zones where new arrivals will stay for 14 days, and quarantine spaces where those who display COVID-19-like symptoms will receive medical supervision.<sup>64</sup>

## Migration and social inclusion

Despite intensified activities in detecting and preventing irregular migration in Bosnia and Herzegovina that the Service for Foreigner's Affairs had undertaken during 2018 and 2019, there has been a growth in numbers of imposed expulsion measures and placement of foreigners under surveillance in the Immigration Centre due to increased number of the migrants who illegally entered BiH from the territory of the Republic of Serbia and/or the territory of the Republic of Montenegro. It is to expect that this trend

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<sup>63</sup>The content of the text it has been extracted from the EC Progress Report 2020 for Bosnia and Herzegovina,pg.4 available in the link: [https://ec.europa.eu/neighbourhoodenlargement/sites/near/files/bosnia\\_and\\_herzegovina\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhoodenlargement/sites/near/files/bosnia_and_herzegovina_report_2020.pdf),

<sup>64</sup><https://www.iom.int/news/covid-19-emergency-shelter-provided-homeless-migrants-bosnia-and-herzegovina>

will continue with tendency of further growth in number of illegal migrants from high migration risk countries, who continuously attempt to enter to BiH in groups. According to their statements, they are just transiting BiH towards the EU countries. To conclude, the increase in the influx of immigrants is a result of the opening of the aforementioned routes where majority of the illegal migrants failed to exit the Republic of Serbia via Hungary, the Republic of Croatia or Romania. Therefore, such categories of migrants sought for alternative routes to reach the EU countries, resulting in the opening of a new migrant route across Albania - Montenegro - BiH - Croatia and further towards the EU countries.<sup>65</sup>

During 2018, a total of 4,489 persons were detected in an attempt to illegally cross the BiH border. In 2019, the figures reached 5,859 persons (increase by 30.52%), it being a direct consequence of mass migration movements that took over the BiH. As a result of the aforementioned migration movements, Bosnia and Herzegovina faced intensified illegal migration movements in the last quarter of 2017 as well as throughout 2018 and 2019.<sup>66</sup>

According to available data for 2019, most of detected illegal crossings pertained to nationals of Pakistan, Iraq, Afghanistan, Syria, and Iran (74% of the total number of illegal crossings). In addition to above stated, a significant increase in the number of detected illegal crossings of the border related to nationals of Morocco, Bangladesh, Algeria, Turkey, Egypt, India and Tunisia. The data (Report on Work of the BiH Border Police for 2019) indicate a more frequent tendency of illegal border crossings outside the border crossing points themselves.<sup>67</sup>

The legislation on foreigners is broadly in line with the EU acquis; it needs to be further aligned as regards access to rights, notably for vulnerable migrants. A new strategy and action plan on migration and asylum needs to be put in place. Bosnia and Herzegovina need to develop a realistic contingency plan to cope with the additional influx of migrants and refugees.<sup>68</sup>

The numbers of persons irregularly entering Bosnia and Herzegovina has increased significantly since 2018. In 2019, the authorities detected 29,302 migrants on the border or through in-land activities, compared to 23,977 in 2018. Overall, the top three declared countries of origin were Pakistan, Afghanistan and Iraq. By late August 2020, approximately 10,000 migrants and asylum seekers were present in the BiH. Some 6,500 are sheltered in 7 EU-funded temporary reception centres in the Una-Sana and Sarajevo cantons. However, facilities remain insufficient to ensure shelter and protection to those in need. The competent offices and agencies of the Ministry of Security (Sector for Immigration and Readmission; Service for Foreigners' Affairs) are significantly understaffed and partly under-equipped. The authorities at all levels of governance have proven unable to coordinate their efforts and allocate suitable premises for reception centres to relocate asylum seekers and migrants from the most affected local communities.<sup>69</sup>

From the last EC Progress report has been emphasized that the response to migratory flows remains inadequate and shows significant institutional and coordination weaknesses, suggesting that Bosnia and Herzegovina should take over full responsibility for the management of reception centres and adopt

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<sup>65</sup>The BiH Migration Profile, pg.33, available in the link: <https://dijaspora.mhrr.gov.ba/wp-content/uploads/2020/07/Bosnia-and-Herzegovina-Migration-Profile-for-the-year-2019.pdf>

<sup>66</sup>Ibid, pg 20.

<sup>67</sup>Ibid, pg 21.

<sup>68</sup> The content of the text it has been extracted from the EC Progress Report 2020 for Bosnia and Herzegovina in the section of Chapter 24 available in the link: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/bosnia\\_and\\_herzegovina\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/bosnia_and_herzegovina_report_2020.pdf),pg.41

<sup>69</sup>Ibid;



effective contingency plans to cope with possible future increases. According to this report crisis response during the COVID-19 outbreak was overall satisfactory, preventing a larger spread and more severe consequences for the migrant population, but apart this, it has been recommended to put in place a more efficient inter-agency cooperation, coordination mechanisms to improve border surveillance and the registration and identification of migrants. If we look at figures that show the number of detained illegal migrants at transit or reception centres for the last three years, we can notice a big difference between numbers of illegal migrants (mentioned above) in total in comparison with numbers of detained ones. Also the tendency of figures through years it shows clearly a decrease in numbers from 2019 followed by the same downward trend in the first 10 months of 2020. (Observe table below.)

**Table 12: Number of detained illegal migrants and transit/reception centers**

Years	Number of detained illegal migrants at transit/reception centres
2018	524
2019	399
2020(01 January-31October)	262

There was an improvement in the mechanisms for collecting, sharing and analysing statistics on migration in the Information System for Migration. The number of third-country nationals returned to Bosnia and Herzegovina in 2019 under various readmission agreements amounted to 783, compared to 652 in 2018 and 324 in 2017. There are reports of violent collective expulsion (pushback) of migrants and asylum seekers back into Bosnia and Herzegovina. Cooperation needs to be improved on identification and return procedures. In 2019, 329 foreigners were returned in the neighbourhood following readmission agreements (193 to Serbia, 136 to Montenegro), compared to 643 in 2018. Implementing these readmission agreements has become more challenging in the context of the increased migratory flow. Bosnia and Herzegovina should also increase efforts to establish readmission agreements with the countries of origin and further improve the mechanisms for assisted voluntary return and reintegration. In 2019, 837 foreigners returned to their countries of origin via assisted voluntary return, compared to 735 in 2018.<sup>70</sup>

Coordination of activities among institutions is carried out by the Coordinating Body for Migration Issues in Bosnia and Herzegovina - Operational Headquarters for Migration Issues in Bosnia and Herzegovina. The Coordinating Body is composed of appointed representatives of the Ministry of Security of Bosnia and Herzegovina, Service for Foreigners' Affairs, Border Police of Bosnia and Herzegovina, Ministry of Foreign Affairs of Bosnia and Herzegovina, Ministry of Human Rights and Refugees of Bosnia and Herzegovina, and the State Investigation and Protection Agency. In the event of an emergency or anticipation of an extraordinary crisis in the field of migration, the Coordinating Body shall also act as Operational Headquarters for Migration Issues in Bosnia and Herzegovina. When the Coordinating Body also acts as the Operational Headquarters for Migration Issues in Bosnia and Herzegovina, it includes as well the

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<sup>70</sup>Ibid;



representatives of the Headquarters from the level of Entities and Brčko District of BiH. Although the competent institutions and agencies continually carry out defined activities, in accordance with their competences and possibilities, and the Operational Headquarters for Migration Issues in Bosnia and Herzegovina monitors and coordinates the implementation of these activities, *the situation on the ground is constantly being complicated by humanitarian and security challenges*. In the past period, it has been noted that, despite the functioning of the Operational Headquarters for Migration Issues in Bosnia and Herzegovina, which includes the representatives of the Headquarters from the level of Entities and Brčko District of BiH, there is a lack of effective coordination and cooperation between relevant institutions at different levels of government in BiH, as well as between BiH institutions and donors, and international organizations implementing projects related to the migration crisis. This jeopardizes the adequate response of Bosnia and Herzegovina to the emerging challenges of illegal migration, so significant part of the burden falls on local communities, primarily in Una Sana and Sarajevo Cantons, as well as local communities where the temporary reception centres have been established.<sup>71</sup>

The key challenges of managing the various aspects of migration, identified in BiH in 2019, are indicated below:

- Difficulties in implementing measures and activities undertaken to engage additional capacities of other institutions and agencies in order to prevent illegal entry of migrants from Serbia and Montenegro to BiH.
- Lack of financial resources, as well as human and technical capacities in all institutions and agencies responsible for managing migration and asylum, remains a major challenge in managing migration in BiH.
- Abuse of the asylum system in the sense of expressing an intention to apply for asylum with the aim of legalizing an illegal entry into a lawful stay on the territory of BiH for a period of 14 days.
  - Non-availability of facilities and / or locations for the establishment of temporary reception centres for migrants.
- Establishing identity of illegal migrants is a constant challenge for all actors involved in the migration management process. Since the majority of migrants do not have any documents, the Service for Foreigners' Affairs registers them and, in most cases, issues a certificate of intention to apply for asylum based on a declared identity, which impedes the possibility of return and affects security risks.
- Inconsistent practices of the courts and Prosecutors' Offices in BiH in terms of processing migrants who are perpetrators of minor offences or criminal acts, due to the fact that they do not have the identification documents. It is therefore not possible to determine their true identity. Some courts do not even accept the identity which was accepted by the Service for Foreigners' Affairs, based on the migrant's statement when applying for asylum.
- Consistent implementation of the readmission agreements between BiH and neighbours represents challenge for the authority responsible for the return and reception of migrants in accordance with these agreements. A particular challenge is the application of the shortened procedure - lack of translators for certain languages.

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<sup>71</sup> The BiH Migration Profile, pg.73&74, available in the link: <https://dijaspora.mhrr.gov.ba/wp-content/uploads/2020/07/Bosnia-and-Herzegovina-Migration-Profile-for-the-year-2019.pdf>, year 2020.

- Security and humanitarian challenges in local communities with large number of migrants, especially in Una-Sana Canton, Sarajevo Canton and Tuzla Canton.<sup>72</sup>

The state-level border police is responsible for managing the border. The legal framework for border control is partly aligned with the EU/Schengen acquis and is implemented smoothly. Bosnia and Herzegovina adopted a new integrated border management (IBM) strategy and its action plan for 2019-2023, in line with the EU acquis. Following the increased influx of refugees and migrants in 2018 and in 2019, the authorities have redeployed available border guards. However, the response remains inadequate.<sup>73</sup>

In the table below with figures provided by Ministry of Security of Bosnia and Herzegovina it is shown the number of criminal offences for smuggling of migrants and the number of arrested persons for this criminal offence regarding the last three years:

**Table 13: Number of criminal offences and number of perpetrators for smuggling of migrants in BH, for 2018-2020**

Year	Number of criminal offences for smuggling of migrants	Number of perpetrators
2018	17	35
2019	11	16
2020 (10 months)	19	42

On international cooperation, Bosnia and Herzegovina is a signatory to a number of agreements with the neighbours. The Border Police cooperate with the European Border and Coast Guard Agency (Frontex) and Interpol at a satisfactory level. BiH need to sign and ratify the Status Agreement with the EU, initialled in January 2019. Joint operational plans will then need to be developed with Frontex, providing for the deployment for European border and coast guard in the country at its border with the EU to carry out operational activities together with the Border Police. Bosnia and Herzegovina participate in the Western Balkan Risk Analysis Network (WB-RAN) led by Frontex.<sup>74</sup>

## Asylum requests

Until 30 June 2004, UNHCR had a mandate to receive and decide upon the asylum applications filed in Bosnia and Herzegovina. The mandate for this procedure was transferred to the BiH authorities on 1 July 2004. Since then, the international protection (asylum) has been governed by the BiH institutions in accordance with the national legislation and procedures. According to the current Law on Asylum ("The Official Gazette of BiH", number 11/16 and 16/16) the BiH Ministry of Security-Asylum Sector is the first instance authority in charge of deciding on the submitted applications. The Court of BiH is the authority deciding on appeals filed against the first-instance decision in this proceeding. According to the Law on

<sup>72</sup>ibid;

<sup>73</sup> The content of the text it has been extracted from the EC Progress Report 2020 for Bosnia and Herzegovina in the section of Chapter 24 available in the link: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/bosnia\\_and\\_herzegovina\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/bosnia_and_herzegovina_report_2020.pdf),pg.44.

<sup>74</sup> Ibid,pg.45.

Asylum, the aliens are protected against return to the country where there is a real risk that they will be subjected to the death penalty or execution, torture, inhuman or degrading treatment or punishment, by the principle of “non-refoulement”.<sup>75</sup>

A new Strategy in the Field of Migration and Asylum and the 2016-2020 Action Plan were developed in 2016. The Strategy and the Action Plan were discussed and adopted by the BiH Council of Ministers, at its 50th session, held on 30 March 2016.<sup>76</sup>

The legislation on asylum is broadly in line with international standards and the EU acquis. Further alignment is needed in particular on interview techniques, access to rights and legal aid, as well as on the definition of asylum-seekers and refugees. Inter-agency cooperation needs to be further improved.<sup>77</sup>

Analysis of the data shows that there were an equal number of asylum seekers in BiH from 2010 to 2016. The number of asylum seekers suddenly increased by 382% in 2017, with the highest number recorded in Algeria, Pakistan, the Syrian Arab Republic and Afghanistan. Given that in 2018, Bosnia and Herzegovina faced multiple increases in the number of persons who expressed their intention to apply for asylum, there was a significant increase in the number of asylum seekers compared to the previous year by 311%. In 2019, the number of asylum seekers decreased by 50% compared to 2018, and included 784 persons.<sup>78</sup>

In 2019, 784 persons applied for asylum, which encompasses about 3% of the total number of expressed intentions for an asylum application. The largest number of asylum applications were filed by Iraqi (327), Iranian (121), Afghan (79), Turkish (74), Pakistani (68), and Syrian (58) nationals representing 93% of the total number of asylum applications. The difference between the number of intentions expressed and actually submitted asylum applications is a direct indicator of abuse of the BiH asylum system. In this manner, the aliens residing illegally in BiH make their stay legal through expressing their intention for asylum for a specified period of time and then use this status for unlawful departure to EU. In 2019, the largest number of asylum applications has been resolved by reaching a conclusion on suspending the asylum procedure.<sup>79</sup> *(For more detailed statistics look at the table of statistics provided by Ministry of Security of Bosnia and Herzegovina)*

**Table 14: Number of requests for asylum and number of persons that asked asylum in BH, for the period 2018-2020**

Year	Number of final requests for asylum	Number of persons that asked asylum
2018	961	1572
2019	333	785
2020(01 January-31 October)	127	233

<sup>75</sup> The BiH Migration Profile, pg.50, available in the link: <https://dijaspora.mhrr.gov.ba/wp-content/uploads/2020/07/Bosnia-and-Herzegovina-Migration-Profile-for-the-year-2019.pdf>, year 2020.

<sup>76</sup> Ibid;

<sup>77</sup> The content of the text it has been extracted from the EC Progress Report 2020 for Bosnia and Herzegovina in the section of Chapter 24 available in the link: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/bosnia\\_and\\_herzegovina\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/bosnia_and_herzegovina_report_2020.pdf), pg.43

<sup>78</sup> The BiH Migration Profile, pg.52, available in the link: <https://dijaspora.mhrr.gov.ba/wp-content/uploads/2020/07/Bosnia-and-Herzegovina-Migration-Profile-for-the-year-2019.pdf>

<sup>79</sup> Ibid;

Serious obstacles remain to ensure an effective access to asylum procedures. The Service for Foreigners' Affairs and the Border Police have insufficient capacity, in terms of staff and facilities, to register asylum intents expressed upon entry in Bosnia and Herzegovina. This has been an issue since 2018. The Sector for Asylum of the Ministry of Security has very limited human resources and operational capacity, with only four employees working on the registration and assessment of asylum claim; this is insufficient to ensure access to the asylum procedure to the increased number of asylum seekers across BiH. The number of interviewers and registration sites is insufficient. Increasing human capacity, including interpreters and cultural mediators, is needed in order not to rely only on external international support. The asylum legislation needs to be better implemented, in particular to ensure the systematic respect of procedural guarantees for asylum seekers. Their rights as asylum seekers are not guaranteed evenly across Bosnia and Herzegovina, as their access to services varies depending on the reception centres' location. The access to asylum procedures and mechanisms should be strengthened to ensure faster processing of their claims and ensure that persons in need of international protection may receive it.<sup>80</sup>

As the authorities have not yet taken over the legal responsibility for the main reception centres in the Una-Sana Canton, these centres are not recognised as valid residential addresses for asylum applications; applicants thus fall in a legal limbo, with protection risks. The system for collecting and storing biometric identifiers requires additional improvements, especially for inter-agency information exchange. In 2019, 784 individuals applied for international protection, of which 3 persons were granted the status of refugee (for the first time since 2014), 8 persons were granted subsidiary protection, 9 individual applications were rejected on merit, and 138 applications by 388 persons were closed as the applicants left or attempted to leave BiH or failed to show up for an interview. As of mid-August, only 180 persons applied or managed to apply for asylum in Bosnia and Herzegovina in 2020, substantially less than the previous year.<sup>81</sup>

As of June 2020, there are 30 asylum seekers in the centre. The country still has no agreement with the European Asylum Support Office (EASO), which provides however assistance to the sector for asylum of the Ministry of Security. Cooperation with EASO should be strengthened, including via a joint roadmap.<sup>82</sup>

## EU mobilization towards Bosnia and Herzegovina

The EU in April mobilised a package of over €410 million in reallocated bilateral financial assistance to support the Western Balkans during the COVID-19 emergency. Bosnia and Herzegovina were dedicated €7 million of immediate support for the health sector and €73.5 million of support for the social and economic recovery. The EU initially provided €2 million to equip hospitals with 7,500 testing kits as well as 80 respirators, and 15,000 protective visors. The EU also launched the digital campaign #StayHome involving VIP personalities encouraging people not to leave their home, the campaign Heroes of the Day, praising and a digital campaign to tackle disinformation about COVID-19.<sup>83</sup>

Bosnia and Herzegovina is part of the regional project "Addressing Covid-19 challenges within the migrant and refugee response in the Western Balkans," a project of € 8.2 million financed by EU.

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<sup>80</sup> The content of the text it has been extracted from the EC Progress Report 2020 for Bosnia and Herzegovina in the section of Chapter 24 available in the link: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/bosnia\\_and\\_herzegovina\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/bosnia_and_herzegovina_report_2020.pdf), Year 2020, pg.43

<sup>81</sup> Ibid

<sup>82</sup> Ibid;

<sup>83</sup> [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/coronavirus\\_support\\_wb.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/coronavirus_support_wb.pdf)

The action will build border police, migration management and asylum authorities' capacities to address the challenges caused by the COVID-19 pandemic through:

- Enhancing coordination among government authorities, donor, international and non-governmental organizations.
- Developing and implementing standard operating procedures for the prevention and management of COVID-19 at the borders.
- Building capacity of migrant reception and asylum centres' staff to implement established protocols and procedures for the prevention and management of COVID-19.
- Procuring and distributing personal protective supplies, disinfection products, medical equipment and other disease prevention materials.
- Supporting asylum authorities for resuming asylum interviews in a safe environment.<sup>84</sup>
- This project will be implemented by IOM and UNHCR.

## Human trafficking

Bosnia and Herzegovina in the beginning of 2020 has adopted a 2020-2023 strategy to counter trafficking in human beings. Nevertheless, it seems that the legislation on trafficking in human beings needs to be more in compliance with the EU acquis, mainly for sanctions.

In 2019, 61 potential victims of trafficking in human beings were detected, compared to 36 in 2018 and 83 in 2017. The number of convicted perpetrators in 2019 was 34, compared to 48 in 2018 and 17 in 2017. Bosnia and Herzegovina still lack a national referral mechanism for victims of trafficking.<sup>85</sup>

In the TIP (Trafficking in Persons) Report 2020 of US State Department it is stressed that: "The Government of Bosnia and Herzegovina does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included the State Coordinator organizing working groups with government and civil society representatives to draft the national strategy, which the government adopted in January 2020. The government identified more victims and the State Prosecutor's Office (SPO) appointed a prosecutor to the anti-trafficking strike force—the only mechanism to coordinate law enforcement efforts across entities. The government revised the structure and guidelines of regional coordinating teams to increase effectiveness. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government did not have an approved budget, which delayed funding to anti-trafficking efforts. Law enforcement continued to regularly investigate trafficking under lesser offenses, while judges continued to issue sentences below minimum penalties, as they tend to do in all criminal cases in Bosnia and Herzegovina. Law enforcement lacked victim-cantered investigations and prosecutions, and the anti-trafficking strike force remained ineffective. In addition, the government continued to penalize victims and did not disburse annual funds to NGOs for victim protection efforts, while victim assistance providers continued to lack resources and could not assist all domestic victims."

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<sup>84</sup><https://bih.iom.int/sites/default/files/factsheets/Project%20Factsheet%20-%20IcSP%20COVID%20WB%20final%2012%20Aug%202020%20-%20Regional.pdf>

<sup>85</sup> The content of the text it has been extracted from the EC Progress Report 2020 for Bosnia and Herzegovina in the section of Chapter 24 available in the link: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/bosnia\\_and\\_herzegovina\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/bosnia_and_herzegovina_report_2020.pdf), pg.38

In the report mentioned above regarding the profile of trafficking, it has been ascertained that human traffickers exploit domestic and foreign victims in Bosnia and Herzegovina, including here victims from Afghanistan, Cuba, The Gambia, Libya, and Serbia, Sri Lanka, and its neighbours. Foreign women and girls from European countries are vulnerable to sex trafficking within BiH.

Regarding measures taken for protection of victims of trafficking in the TIP Report it is stated the government maintained victim protection efforts and two bylaws provided standard operating procedures (SOPs) for identifying and referring victims to services, including a list of general indicators, but observers reported first responders did not know or consistently use the guidelines and lacked the knowledge to accurately identify trafficking victims.

The statistics from the report show that government identified 61 potential trafficking victims (36 in 2018). Of these, 19 were victims of sex trafficking, 36 of forced begging, three of forced marriage for the purpose of forced begging and sexual exploitation, and three of multiple types of exploitation (17 were victims of sex trafficking, 19 were victims of labour trafficking, including 18 for forced begging in 2018); 49 victims were female and 12 were male (21 victims were female and 15 were male in 2018); 36 were children (12 in 2018) and six were foreign victims (8 in 2018).

A report from an international organization indicated first responders, including Border Police, local police, Service for Foreigners' Affairs, and Civil society organizations asked standard guidelines and trafficking indicators for migration flows, interview questions and interpreters, and general capacity to screen the large influx of migrants and refugees, it is said in the TIP Report.

Prosecution, is an essential part of the TIP Report for each country and regarding to this some of the findings of this report for Bosnia and Herzegovina consisted in: SPO (Special Prosecutor's Office initiated one investigation (none in 2018). SPO did not issue any indictments (nine defendants in 2018). Courts did not convict any traffickers and acquitted two persons (none in 2018). Federation authorities initiated investigations on 16 suspects (four in 2018) and continued to investigate 13 suspects. Federation prosecutors did not issue any indictments (two in 2018), and Federation courts convicted 12 traffickers (11 in 2018). Federation judges sentenced five traffickers to imprisonment between 12 and 22 months and one trafficker to four years and nine months. Federation courts only seized the assets of one trafficker and did not provide sentencing information for the other five traffickers. Law enforcement reported difficulties in investigating trafficking offenses involving multiple cantons or entities, due to a lack of communication and coordination with cantonal prosecutors.

## Children in migration

Bosnia and Herzegovina is reforming its child protection system, moving towards community-based care. Unaccompanied migrant children face specific difficulties, such as accessing safe accommodation and asylum procedures. 533 unaccompanied migrant children were identified in 2019, up from 324 in 2018. Only 304 of them were appointed a legal guardian, as provided for by law, up from 29 in 2018. Alternatives must be found to the detention of irregular migrant families with children, and the registration of births of children of undocumented migrants must be ensured.<sup>86</sup>

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<sup>86</sup>The content of the text it has been extracted from the EC Progress Report 2020 for Bosnia and Herzegovina in the section of Chapter 23 available in the link: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/bosnia\\_and\\_herzegovina\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/bosnia_and_herzegovina_report_2020.pdf),pg.32.

## Children as victims of trafficking

Children, in Bosnia and Herzegovina, are one of the most vulnerable categories of trafficking of human beings. Referring to statistics of 2019, more than 50% of victims of trafficking are children. (36 from the total of 61).

Marginalized Romani children are exploited in forced begging, sex trafficking, and domestic servitude in forced marriages. Foreign women and girls from European countries are vulnerable to sex trafficking within Bosnia and Herzegovina. Thousands of migrants and refugees from Afghanistan, Bangladesh, Iraq, Morocco, Syria, and neighbourhood travelling through, stranded in, or being smuggled through BiH are vulnerable to trafficking, particularly women and unaccompanied minors.<sup>87</sup>

According to the last TIP Report, traffickers exploit Bosnia and Herzegovina victims in sex trafficking and forced labour in construction and other sectors in neighbouring MARRI Participant and other countries across Europe.

The government operated seven drop-in centres for children and a mobile team for street children in Sarajevo that conducted outreach work. The mobile team identified 160 street children (510 in 2018) and drop-in centres provided 163 children with academic tutoring, hot meals, and laundry services, including 17 who were accommodated in shelters. Drop-in centres lacked resources, capacity, and staff, and could only provide basic food, workshops, and short-term accommodation for a small number of children.<sup>88</sup>

## 3.4 Serbia

### General remarks

Since 6 March 2020, the Covid-19 pandemic has affected Serbia, as other MARRI Participants. As a result, Serbian Government took measures with the clear intention of containing the spread of the virus. On 15 March, it was declared a nationwide state of emergency. Serbia closed its borders to all foreigners not living in Serbia, and later on went to more restrictive measures that people had to respect.

In this period, some of the Border Crossing Points were closed; Regarding irregular migrants and asylum seekers the trends in that period showed a reduce in the registration and lodging of asylum applications; freedom of movement in and out of reception centres was restricted.

Shortly following the declaration of the state of emergency, all border crossings were closed for international road, railway or waterway traffic (including border crossing at airports). Authorisation could be granted on an exceptional basis for humanitarian and national interest reasons.<sup>89</sup>

Starting on 17 March, authorities have been transporting migrants from public areas to the nearest governmental centre – regardless of whether asylum or reception/transit centre - and have prohibited all residents from leaving the centres, except with special permits. On 18 March, Army troops were deployed

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<sup>87</sup>TIP Report pg.114 &115, available in the link: <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>.

<sup>88</sup> Ibid pg.113

<sup>89</sup>All the content of the text in this table it has been extracted from the EC Progress Report 2020 for Serbia in the section of Chapter 24, in the link: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia_report_2020.pdf), pg.52.



to secure these arrangements. 8,328 asylum-seekers and migrants, including 543 unaccompanied and separated children, are now accommodated in five Asylum Centres (1,854 residents) and 11 Reception/Transit Centres (6,474 residents) managed by the Serbian Commissariat for Refugees and Migration.<sup>90</sup>

The authorities aligned their actions to deal with the pandemic with World Health Organisation (WHO) recommendations and imposed wide-ranging temporary measures, including strict curfew hours, closure of schools and universities, bans on public gatherings, freezing of most air traffic and closing of borders. The parliament only convened just over six weeks after the state of emergency was called, which limited its ability to scrutinise the executive during this period. After the state of emergency was lifted on 29 April, Serbia held elections on 21 June and several precautionary measures were lifted.<sup>91</sup>

Following the declaration of the state of emergency, migrants, refugees and asylum seekers were prohibited from leaving the reception facilities in order to avoid uncontrolled movements within Serbia. The number of persons present in these centres reached 9 000 in April 2020, and consequently two new temporary facilities were opened as some facilities had reached 325% of their capacity. **The Serbian authorities reacted with a set of measure to prevent the spread of COVID-19 in the reception facilities.** A proactive communication policy was put in place aiming to contain and mitigate rising tensions due to prolonged confinement and overcrowded spaces.<sup>92</sup>

## Migration and social inclusion

Responsibilities for managing migration are shared between the Ministry of the Interior, the Commissariat for Refugees and Migration, the Ministry for Labour, Employment, Veteran and Social Affairs, the Ministries of Foreign Affairs, of Justice, of Defence and the Ministries of Health and Education, Science and Technological Development.<sup>93</sup>

As part of organisational changes within the Border Police Directorate, a new department for suppressing irregular migration within the service for foreigners was established to strengthen the system for preventing and suppressing irregular migration. Within that service, a department for reception and accommodation of foreigners was created. Responsibilities are defined in the existing legal framework and coordination structures exist; however, coordination in practice could be further improved.<sup>94</sup>

The Government response plan to manage mixed migration for 2019 was implemented and the plan for 2020 was adopted by the government. The Western Balkan migratory route continues to be firmly established and migrant smuggling networks remain very active as evidenced by reports of increased entries and exits as well as shorter stays of migrants in the reception centres. Most of the migrants currently in Serbia are placed in temporary accommodation facilities and do not have any legal status. During 2019 the number of migrants accommodated in Serbia fluctuated from over 4,000 in January, to 2,300 in the summer and reaching 4,500 by the end of 2019. The main countries of origin are Afghanistan,

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<sup>90</sup>UNHCR Serbia COVID-19, 24 March 2020( <http://www.unhcr.rs/en/dokumenti/saopstenja-za-mediije/unhcr-u-srbiji-covid-19.html>)

<sup>91</sup>All the content of the text in this table it has been extracted from the EC Progress Report 2020 for Serbia available in the link: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia_report_2020.pdf), pg.5.

<sup>92</sup>All the content of the text in this table it has been extracted from the EC Progress Report 2020 for Serbia in the section of Chapter 24, in the link: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia_report_2020.pdf), pg.47.

<sup>93</sup>Ibid;

<sup>94</sup>Ibid;



Syria, Pakistan, Iraq and Bangladesh. Large number of persons have also been registered from Morocco, Algeria, Palestine and Iran, including a significant number of unaccompanied or separated children.<sup>95</sup>

In 2019, 4,990 individuals were intercepted at the border (compared with 3,648 in 2018). From January 2019 to beginning of November 2019, 136 criminal charges were filed against 176 individuals suspected of smuggling of migrants. Some 67 individuals were convicted of illegal crossing of borders and smuggling. Efforts to combat smuggling need to be strengthened.

As regards the accommodation of migrants, the extension of the detention centre in Padinska Skela is still ongoing. It will provide additional 100 places and thus increase the capacity to 150 places. Mobile centres for irregular migrants for the purposes of registration and short-term accommodation are operational. While being faced with increased mixed migratory movements and a large number of arrivals, Serbia continued to make substantial efforts to meet the essential needs of migrants passing through or remaining on its territory. Altogether, 19 governmental reception facilities (asylum centres, reception and transit centres), two of which have been temporarily put on stand-by, can provide long-term accommodation for up to 6,000 people and temporary shelter for around 1,000 people. Children receive education through their inclusion in the national schooling system. Serbia provides a considerable amount of health services to migrants through the public health system. An information management system for regular monitoring, planning and managing accommodation and reception facilities in accordance with European standards for reception conditions is in place within the Commissariat for Refugees and Migration. The commissariat regularly reviews its contingency plan. The overall staffing situation in the area of migration depends on international funding.<sup>96</sup>

The status agreement with the EU for the deployment of the European Border and Coast Guard (Frontex) teams with executive powers was signed in November 2019. The EU finalised its ratification procedures. Once Serbia has finalised its procedures, the agreement will enter into force. Joint preparations for the operationalisation of this agreement are ongoing. International border cooperation was further strengthened and joint patrols are operating along the borders with Montenegro, Bulgaria, North Macedonia, Hungary, Bosnia and Herzegovina and Romania. There is regular cooperation and information exchange in joint contact centres. Serbia also participates in the Western Balkans risk analysis network led by Frontex. Additional measures need to be taken to prevent irregular crossings and criminal activities.<sup>97</sup>

In addition, we are providing some statistics that shows the trends of registered migrants in Serbia, displayed in the table below:

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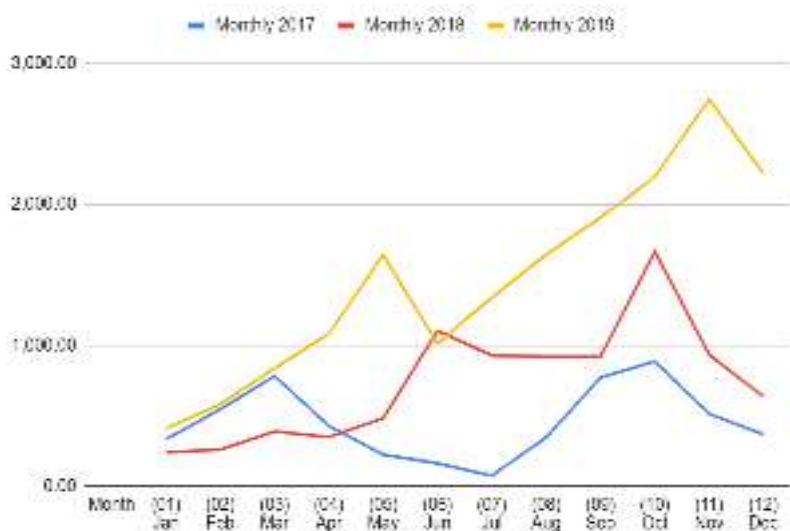
<sup>95</sup>Ibid;

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

<sup>96</sup>All the content of the text in this table it has been extracted from the EC Progress Report 2020 for Serbia in the section of Chapter 24, in the link: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia_report_2020.pdf), pg.48

<sup>97</sup>Ibid, pg.52.

**Figure 13: Mixed Migration Flows to Europe - (Serbia)<sup>98</sup> - Trend of arrivals of migrants January-October 2020**



Month	Jan (01)	Feb (02)	Mar (03)	Apr (04)	May (05)	Jun (06)	Jul (07)	Aug (08)	Sep (09)	Oct (10)
Numbers	1343	2359	1559	145	652	1969	3655	5969	5541	5935

Source: IOM & national authorities

Both graph and the table above show a trend in increase of migratory flows in the recent three years. Regarding figures of 2020, the only decrease of numbers has happened in April and May, because of the restricting measures from COVID-19 pandemic.

**Table 15: Numbers of irregular migrants with intention to cross Serbian border, and numbers of detained irregular migrants in these three last years in the time period March-September 2020**

Year(March-September)	Number of irregular migrants prevented from entering	Number of irregular migrants detained in transit/reception centres
2018	2,223	110
2019	11,840	85
2020	21,592	95

Source: Ministry of Interior of Serbia, November 2020

During the pandemic migrants in Serbia have enjoyed non-discriminatory access to healthcare. Since the beginning of the pandemic only four cases have tested positive for COVID-19 among migrant population,

<sup>98</sup> This data are from IOM source available in the link: <https://migration.iom.int/datasets/europe-%E2%80%94-mixed-migration-flows-europe-quarterly-overview-january-december-2019>

and they have all successfully recovered. As in other countries, migration management measures were focused on movement restrictions and quarantine. Registration of asylum seekers and intake of new asylum applications was discontinued during the State of emergency and provision of all administrative services extended in person suspended. Access to information on COVID-19 risks and public health prevention measures was provided, including PPE in centres. At the time of Covid-19 outbreak, 5,912 migrants were accommodated in 17 centres and with the increase of number of migrants, accommodation capacities were extended and adjusted to provide care for additional 3,000 persons. Migrants were quarantined in centres which affected their well-being, marking the need for increased psychosocial support.<sup>99</sup> With purpose of having a more clear panorama of numbers of irregular migrants with intention to cross Serbian border, (but prevented to enter by border police) and numbers of detained irregular migrants at transit or reception centres, have a look at the table below that reflects the trend of this three last years in the time period March-September 2020:

The data upon the number of criminal offences for smuggling of migrants and the number of the perpetrators for the last three years in the time period March-September show the efforts of the Law Enforcement Agencies in the fight against this phenomena. (*Observe the table below with data provided by Ministry of Interior.*)

**Table 16: Number of criminal offences and perpetrators for smuggling of migrants for the period March-September, 2018-2020**

Year (Mar-Sep time period)	2018	2019	2020
Number of criminal offences for smuggling of migrants	48	98	65
Number of perpetrators	75	127	79

Source: Ministry of Interior of Serbia, November 2020

## Asylum requests

The Asylum Office, the authority that decides on asylum claims at first instance, is a separate unit in the Ministry of the Interior's Border Police Directorate. Appeals against its decisions can be submitted to the Asylum Commission and subsequently to the Administrative Court of Appeal as a final instance. The Asylum Commission is composed of representatives of different line ministries, including an independent expert and chaired by a representative of the Ministry of the Interior. The Commissariat for Refugees and Migration is the governmental authority responsible for receiving and accommodating asylum seekers, managing asylum centres and integrating people who were granted international protection. Serbia's legal framework is largely aligned with the EU acquis. Serbia needs to further adapt its legislation notably as regards effective 'access to the procedure' (Article 36 of the law on asylum and temporary protection),

<sup>99</sup>Socio-economic impact assessment- Impact of Covid-19 on migrations and mobility in Serbia- International organization for migration, available in the link: <https://serbia.iom.int/sites/default/files/publications/documents/SEIA%20Report%20Eng.pdf>, pg.3

'appeal bodies' (Article 21), 'rights and obligations of 49 applicants/persons under international protection' (Articles 48-73), 'free legal aid' (Article 56), and 'safe third country procedure' (Article 45).<sup>100</sup>

In 2019, the number of asylum seekers remained approximately the same as in 2018. In 2019, out of 12 930 individuals who expressed an intention to seek asylum (2018: 8,380), 174 lodged an application (2018: 341). In 2019, 219 decisions (2018: 199) were made for a total of 287 asylum seekers (2018: 272). Some 17 asylum seekers received refugee status (2018: 10), 17 received subsidiary protection (2018: 14) and 17 received a negative decision (2018: 25). Some 77 asylum seekers (2018: 45) had their asylum request rejected (i.e. declared inadmissible). In 130 cases (2018: 128) concerning 161 asylum seekers (2018: 178), the procedure was discontinued because the applicant absconded. With the current numbers of asylum seekers in Serbia, the Asylum Office has sufficient numbers of staff to process all asylum requests. Its capacity to handle cases and assess the merits of applications continues to improve, including information regarding the country of origin. Continuous standardised and sustainable training of the Asylum Office staff is needed.<sup>101</sup>

There is a single biometric database used by the police for identifying and registering asylum seekers. An electronic database with personal information of asylum seekers and information on the stage of the asylum proceedings is managed by the Asylum Office. Plans have been made to improve the interconnection of these databases in order to speed up the process of verification of identities. Local police stations sometimes lack capacity to facilitate efficient processing of applications. Preparations for connecting to the EU asylum fingerprint database (Eurodac) are in their initial phase. Overall, access to and provision of information regarding the asylum procedure needs to be improved at all stages.

Following the declaration of the state of emergency, a government decision was issued which confirmed the validity of legal stays of foreigners and their identity cards as well as those of asylum seekers for the duration of the state of emergency, while registration and taking of biometric data was suspended.<sup>102</sup>

Programmes for social integration, access to accommodation, language learning and access to the labour market for people granted asylum or subsidiary protection are in place. All individuals who applied for assistance in 2019 received it. 26 received assistance for accommodation, and 43 individuals attended Serbian language classes. Integration bylaws have been adopted and the basic legal framework for integration exists. However, major obstacles to integration remain. Implementing legislation in different sectors needs to be harmonised with the law on Asylum and Temporary Protection to provide those granted international protection with effective access to socio-economic rights.

The Ministry of the Interior and the Commissariat for Refugees and Migration cooperate with the European Asylum Support Office (EASO) on the basis of comprehensive roadmaps.

To give a more clear picture of the situation of irregular migration and asylum in Serbia, it is illustrated with the following statistics (IOM source) for years 2018, 2019 & 2020:

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<sup>100</sup>All the content of the text in this table it has been extracted from the EC Progress Report 2020 for Serbia in the section of Chapter 24, in the link: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia_report_2020.pdf), pg.48 & 49.

<sup>101</sup>Ibid, pg.49.

<sup>102</sup>Ibid, pg.49

**Table 17: Data on the presence of migrants and asylum seekers as of end of Q1, Q2 & Q3 2020**

Jan-Mar 2020(Q1) <sup>103</sup>	Apr-Jun 2020(Q2) <sup>104</sup>	Jul-Sep 2020 (Q3) <sup>105</sup>
8678	5255	5698

The office of UNHCR in Serbia plays an important role on the cooperation with national authorities in the field of asylum.

So, from a publication of UNHCR Serbia titled “Quantitative Snapshot of UNHCR Serbia Achievements Jan-June 2020” it is provided that regarding to population of Concern to UNHCR in Serbia, there are:

- 9,222 newly arrived asylum seekers and migrants
- 186 asylum-seekers in substantive procedures<sup>106</sup>

During the pandemic outbreak, registration of asylum seekers and intake of new asylum applications was discontinued, and the Asylum Office resumed the examination of asylum applications on 25 May 2020. Since collection of biometric data from foreigners by police included photographing and fingerprinting of foreigners it was stopped for safety reasons on 24 March with the adoption of the Decision on the Status of Foreigners in the Republic of Serbia during the State of Emergency. According to this decision, validity of all personal documents of foreigners, including expired identity documents of asylum seekers and refugees was automatically extended until the end of state of emergency. Prior to this, the Government adopted on 16 March 2020 the Decision suspending the provision of all administrative services extended in person to the public. The authorities remained under the obligation to continue extending their services by post, e-mail or phone and the Asylum Office continued issuing certificates and personal documents in prescribed manner.<sup>107</sup>

The Regulation on Deadlines in Administrative Proceedings during the State of emergency provided that, during the State of emergency the parties to administrative proceedings shall not bear the consequences of their failure to comply with the deadlines prescribed by the laws governing the general administrative procedure or special administrative procedures.

Deadlines that expire during the State of emergency, relating to taking administrative actions, terminating administrative proceedings and deciding upon legal remedies, will be extended by 30 days following the end of the state of emergency. This meant that protection to asylum seekers whose applications have been dismissed or rejected has been also extended.<sup>108</sup>

The lawful residence of all foreigners residing in Serbia was also extended for during the State of emergency, while the Decision Extending the Validity of Work Permits Issued to Foreigners Pending the

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<sup>103</sup><https://migration.iom.int/datasets/europe-%E2%80%94-mixed-migration-flows-europe-quarterly-overview-january-march-2020>.

<sup>104</sup><https://migration.iom.int/datasets/europe-%E2%80%94-mixed-migration-flows-europe-quarterly-overview-april-june-2020>

<sup>105</sup><https://migration.iom.int/datasets/europe-%E2%80%94-mixed-migration-flows-europe-quarterly-overview-july-september-2020>

<sup>106</sup> Quantitative Snapshot of UNHCR Serbia Achievements Jan-June 2020 (file:///C:/Users/Administrator/Downloads/UNHCR\_SERBIA\_Mid-Year\_Quantitative\_Snapshot-2020.pdf)

<sup>107</sup>Socio-economic impact assessment- Impact of Covid-19 on migrations and mobility in Serbia- International organization for migration, available in the link: <https://serbia.iom.int/sites/default/files/publications/documents/SEIA%20Report%20Eng.pdf>, pg.9

<sup>108</sup>Ibid;

State of Emergency extended the validity of all work permits which were expiring during the State of emergency until the moment it is lifted. Following the lifting of State of emergency, registration of asylum seekers and work of the Asylum office continued normally and according to last information in August 681 intentions to seek asylum were registered and 16 persons applied for asylum. In 2020, by the end of August Asylum office granted international protection in Serbia to 16 persons (nine were granted asylum and seven subsidiary protection).<sup>109</sup>

## EU mobilization towards Serbia

The EU and the Western Balkans share the same continent, the future of the region lies in the European Union and can succeed together in fighting the crisis and work on economic recovery. Since the onset of the COVID19 outbreak, the European Union has supported the Western Balkans partners demonstrating solidarity, mobilising a substantial recovery package and involving the region in the EU's programmes. The EU has supported **Serbia** facing COVID-19 pandemic since its outbreak. The EU has allocated €93 million since March, of which €15 million for emergency care and €78 million for economic recovery. The EU is the main partner, biggest investor, trade partner and donor of Serbia. Serbia is an EU candidate country since 2012 and the EU has been constantly working to support modernisation of Serbia including its resilience in the health sector.<sup>110</sup>

Serbia is also part of a EUR 8 million project "*Addressing COVID-19 Challenges within the Migrant and Refugee Response in the Western Balkans,*" which is financed under the EU Instrument contributing to Stability and Peace, and will be implemented by IOM and UNHCR.

The project, will help ensure that the rights of migrants, asylum-seekers and refugees are protected and that asylum and migration management systems remain operational. It will contribute to mitigating the risk of transmission of COVID-19 in the Western Balkans. The project addresses the shortage of protective equipment for border police officials and personnel working in reception facilities or providing services to migrants, asylum seekers and refugees. In addition, it shall help prepare and train the responsible staff to respond to the COVID-19 challenges in adapting reception centres, scaling up sanitary infrastructure and providing basic services and hygiene items. The project will also promote and disseminate critical and factual information about the COVID-19 risks and measures in languages understood by the different communities, migrants, asylum seekers and refugees.

## Human trafficking

Serbia adopted an action plan for 2019-2020 to implement to implement the strategy for the prevention and suppression of trafficking in human beings for 2017-2022, which has a focus on women and children. Standard operating procedures for the treatment of victims of trafficking in human beings were adopted in January 2019 and are currently under revision following their first phase of implementation. There needs to be further cross-sectoral cooperation, coordination and a clearer mutual understanding of roles and responsibilities. A centre for protection of victims of human trafficking is operating with 16 out of 24 envisaged staff. Its capacities need to be increased. A shelter for female victims was opened in February 2019. Although legally possible, compensation to victims is rarely granted. There is no scheme or fund for

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<sup>109</sup>Ibid;

<sup>110</sup>This text is available in the link: [https://eeas.europa.eu/headquarters/headquarters-homepage/87463/serbia-eu-supports-doctors-and-medical-staff-face-second-peak-health-crisis\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/87463/serbia-eu-supports-doctors-and-medical-staff-face-second-peak-health-crisis_en)

compensation. A significant fall in the numbers of formally identified victims was observed in 2019, though an official set of indicators to identify victims is still lacking. Twelve individuals were convicted (at first instance) for trafficking in human beings (with one of them convicted of having committed the offence within the context of organised crime).<sup>111</sup>

Regarding the fight against smuggling and trafficking in human beings, a new institutional structure was established in 2019 within the Criminal Police Directorate.<sup>112</sup>

The Government of Serbia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore, Serbia remained on Tier 2. These efforts included increasing prosecutions and operationalizing the urgent reception centre (URC) after a delay of five years. The government adopted standard operating procedures (SOPs) for the identification, referral, and support of trafficking victims and adopted the 2019-2020 national action plan, and allocated resources towards the plan. However, the government did not meet the minimum standards in several key areas. Proactive identification efforts remained inadequate and, as a result, the government identified the fewest number of victims since 2015. Authorities failed to discipline complicit officials, and the Centre for Protection of Trafficking Victims (CPTV) lacked resources and staff necessary to assess victims, coordinate care placement, and provide direct assistance at the URC. The government continued to penalize victims, and authorities did not protect victims' rights during court proceedings. While cooperation with civil society improved, the government did not formalize roles and responsibilities or fund civil society despite relying heavily on its support.<sup>113</sup>

The government identified 36 victims (76 in 2018). Of these, 23 were victims of sex trafficking, three of forced labour, four of forced begging, one of forced criminality, and five of multiple types of exploitation (34 were victims of sex trafficking, 18 of forced labour, two for forced begging, one for forced criminality, and 21 for multiple types of exploitation in 2018). Twenty-four victims were children (32 in 2018); 29 were female and seven were male (57 females and 19 males in 2018); and two were foreign victims (five in 2018). First responders referred 135 potential victims (193 in 2018) to the CPTV; law enforcement referred 55 potential victims (89 in 2018), social welfare organizations referred 40 (45 in 2018), other government entities referred 12 (21 in 2018), civil society referred 24 (38 in 2018); and four victims self-identified.<sup>114</sup>

To help Serbia face the challenges stemming from the COVID-19 pandemic, the OSCE Mission to Serbia provided first aid kits to the shelter for victims of trafficking of human beings (THB), on 30 April 2020.<sup>115</sup>

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<sup>111</sup>All the content of the text in this table it has been extracted from the EC Progress Report 2020 for Serbia in the section of Chapter 24, in the link: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia_report_2020.pdf), pg.44

<sup>112</sup>Ibid;

<sup>113</sup> The content of the text it has been extracted from the TRAFFICKING IN PERSONS REPORT JUNE 2020 <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>.pg.435

<sup>114</sup>Ibid;

<sup>115</sup><https://www.osce.org/mission-to-serbia/451597>



## Children in migration

Regarding mixed migration flows in Serbia, a part of them is composed by children under 18 years. Some of them travel with their families, but there is in fact larger number of those who are unaccompanied.

In the EC Progress Report for Serbia in 2020, in the page 47, referring to illegal migrants, it is shown that: “Large number of persons have also been registered from Morocco, Algeria, Palestine and Iran, **including a significant number of unaccompanied or separated children.**”

In Serbia, this category of children receive education through their inclusion in the national schooling system. A total of 2,186 unaccompanied or separated children (UASC) were accommodated in Serbian centres in 2019, an increase of around 25% compared with 2018, while the duration of the stay declined. The majority (1,906) were accommodated in centres managed by the Serbian Commissariat for Refugees and Migration while another 198 were accommodated in the three social welfare institutions dedicated to hosting UASC under the responsibility of the Ministry of Labour, Employment, Social and Veterans’ Affairs. In addition, 82 UASC were accommodated in two facilities managed by non-governmental organisations. At the same time, the number UASC staying rough outside government facilities increased in 2019. The accommodation capacity in government centres dedicated to hosting UASC within the social welfare system is limited, and more suitable accommodation for UASC with individualised care is needed.<sup>116</sup>

## Children as victims of trafficking

The annual analysis of judicial practice in this area conducted by the Association ASTRA – Anti-Trafficking for the year 2019, shows that:

There were a total of 37 injured parties in the first instance decisions, of which 19 injured in the proceedings before the Basic Court (all 19 persons were victims of the criminal offense of mediation in prostitution under Article 184 of CC) and 18 victims in the proceedings before the Higher Court (17 of the crime of trafficking in human beings under Article 388 of CC and 1 of the criminal offense of trafficking in minors for adoption under Article 389 of CC of RS). Out of the total number of 37 victims of all criminal offenses, **14 injured parties (38%) were minors** at the time of the commission of the criminal offense. Out of that number, there were 3 minor injured persons in the proceedings before the Basic Court (crime of mediation in prostitution) and **11 minor victims** in the proceedings before the Higher Court (10 of the crime of trafficking in human beings and 1 of the criminal offense of trafficking in minors for adoption). According to the available data from the analysed first instance decisions related to the injured parties, 36 injured persons (97%) were female, while only 1 injured person was male (3%). - Out of the total number of 37 victims in the first instance decisions, the criminal offense of mediation in prostitution injured 19 persons (51%), the criminal offense of trafficking in human beings 17 persons (46%) and the criminal offense of trafficking in minors for adoption 1 person (3%).<sup>117</sup>

Observers reported CPTV lacked specific procedures for child trafficking victims. For example, questionnaires used in the identification process were not adapted for children, and children often did not understand the questions.<sup>118</sup>

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<sup>116</sup>Ibid, pg.49

<sup>117</sup> Analysis of Judicial Practice for 2019 for the Crimes of Mediation in Prostitution, Trafficking in Human Beings and Trafficking in Minors for Adoption ([file:///C:/Users/Administrator/Downloads/analiza pravosudne prakse za 2019\\_ENG.pdf](file:///C:/Users/Administrator/Downloads/analiza_pravosudne_prakse_za_2019_ENG.pdf))

<sup>118</sup> The content of the text it has been extracted from the TRAFFICKING IN PERSONS REPORT JUNE 2020 <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>.pg.436



The government maintained a drop-in shelter for street children and when authorities identified child victims, they returned them to their families, referred them to foster care, or placed them in one of the two centres for children without parental care; 31 potential child victims were accommodated in general shelters, 11 were accommodated in shelters for asylum seekers and migrants, and 25 were placed in foster families.<sup>119</sup>

## 3.5 Montenegro

### General remarks

When confronted with the COVID-19 pandemic, Montenegro took a wide-range of measures, including strict curfew hours and restrictions on movement. The parliament did not play a part in the decision-making process for the initial set of measures taken to deal with the COVID-19 pandemic, but was subsequently informed of the measures taken and approved several economic response packages.<sup>120</sup>

Referring to Communication on EU enlargement policy (Brussels, 6 October 2020), no state of emergency was declared in Montenegro. Measures to fight the pandemic, protect citizens and mitigate the socio-economic consequences of the crisis were taken by the authorities, with restrictions on freedom of assembly and freedom of movement of citizens. Due to the COVID-19 pandemic parliament was inactive in the early months of 2020 and was subsequently dissolved, due to the August 30 parliamentary elections.

The EU-Montenegro readmission agreement is facilitated by 15 implementing protocols on readmission with EU Member States, including the implementing protocol signed with Greece in March 2019. Montenegro has 10 readmission agreements with non-EU-countries, including all Western Balkan partners and Turkey, and has finalized the negotiations with Georgia (EC Report, 2020). Montenegro has a contingency plan for possible mass influx of migrants and asylum seekers at the borders, adopted in 2015.

In the area of migration, the 2018 upward trend in the number of incoming irregular migrants was confirmed in 2019. 7,978 irregular migrants were apprehended in 2019, a 60% increase from 2018. All of the apprehended migrants expressed their intention to request asylum, which continued to put the Reception facilities under pressure. Montenegrin authorities prevented 516 illegal entries and 1,514 illegal exits from Montenegro. The Special Prosecutors Office (SPO) conducted three investigations into migrant smuggling, involving more than 40 people. The European Border and Coast Guard Status Agreement with the EU, signed in October 2019, entered into force on 1 July 2020. The implementation of the first Joint Operation under the Agreement was launched on 15 July.<sup>121</sup>

EC Report (2020) recommend Montenegro to continue its efforts to cope with the migratory pressure, by further developing its international cooperation on readmission, raising its capacity to prosecute migrant smuggling networks, increasing its reception capacity and enhancing its migrants' data collection system.

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<sup>119</sup> The content of the text it has been extracted from the TRAFFICKING IN PERSONS REPORT <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>.pg.436, JUNE 2020.

<sup>120</sup> [European Commission \(2020\), Communication From The Commission To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions](#) - 2020 Communication on EU enlargement policy, Brussels, pg 20, 6 October 2020.

<sup>121</sup> Ibid;

In Montenegro there has been some progress. Montenegro made good progress in the fight against trafficking in human beings. The capacity and professionalism of the police has been strengthened and there are an increased number of on-going proceedings on asset confiscation.<sup>122</sup>

Implementation and enforcement capacity Montenegro continued to strengthen its border management capacity through numerous training activities, TAIEX support, and the purchase of equipment. However, the number of illegal entries prevented dropped to 516, from 1309 in 2018.<sup>123</sup>

From TIP Report of Department of State of USA done on June 2020, is reported that the Office for the Fight against Trafficking in Persons (TIP Office), on led overall anti-trafficking efforts and the head of the TIP Office was the national coordinator and chaired the anti-trafficking coordinating body, which comprised government agencies, non-governmental and international organizations, and the international community.

## Migration and social inclusion

Montenegro continued to consolidate its legal framework in the area of migration. Following the amendments to the Law on Foreigners in December 2018, three additional by-laws were adopted in spring 2019, in particular with the goal to simplify the issuance of temporary residence permits for work and seasonal employment, and to prevent unregistered labour migration.<sup>124</sup>

The 2018 upward trend in the number of irregular border crossing to Montenegro continued in 2019. Some 7,978 migrants were apprehended in 2019, a 60% increase from 2018. All of the apprehended migrants expressed their intention to request asylum, which continued to put under pressure the centres for asylum seekers, whose capacity was increased to 389 beds. Montenegrin authorities prevented 516 illegal entries and 1,514 illegal exits. The Detention centre for irregular migrants can host up to 50 people. The SPO conducted three investigations into migrant smuggling in 2019, involving more than 40 people. Three indictments were issued. In four cases final convictions were pronounced regarding 48 people, including 28 verdicts based on plea bargains.<sup>125</sup>

EC Report (2020) identify that irregular migration went down during the first seven months of 2020: 1,583 migrants where apprehended, while the authorities prevented 153 illegal entries and 258 illegal exits.

Ministry of Interior of Montenegro, on November 2020 report that the number of irregular migrants prevented in entry were shifting from year to year. In 2018 there were 2,997 persons, being increased with 33% in 2019 (3980) and decrease with 16% on 2020 (3357). Meanwhile migrants kept in a transition centres/ reception centres were reported in different values, - while during the year 2018 there were hosted 3,394 migrants, during year 2019 this number was increased with 38 % (or 4,675) and decreased with 74% during year 2020 (1,236).

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<sup>122</sup>[European Commission \(2020\), Communication From The Commission To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions](#) - 2020 Communication on EU enlargement policy, Brussels, 6 October 2020, pg 8.

<sup>123</sup>[European Commission \(2020\), Communication From The Commission To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions](#) - 2020 Communication on EU enlargement policy, Brussels, 6 October 2020, pg 55.

<sup>124</sup>Ibid, pg 51.

<sup>125</sup> Ibid, pg 52.

**Table 18: Foreigners from third countries by location in the territory, 2018-2020, for the period March-September**

Row label	2018	2019	2020
Irregular migrants in the border/ prevented entry	2997	3980	3357
Irregular migrants kept in a transit centre - reception centre	3394	4675	1236

Source: Ministry of Interior, MONTENEGRO, November 2020.

Montenegro's border police still do not have a biometric system of registration and identification of migrants. The risk of double registration of migrants following secondary movements, re-entry and subsequent asylum applications remains a concern.<sup>126</sup>

EC Report (2020), recommends Montenegro to establish an IT and communication infrastructure that has the capacity to support an effective identification and registration process of mixed migration flows in line with the EU standards and best practices.

Despite the administrative obstacles, a more proactive voluntary return policy should be developed and necessary funds allocated to mitigate the migration pressure. Construction works for an open migration centre in Bozaj, close to the border with Albania, are planned. A temporary container settlement on the same site was established with EU assistance and opened in July 2020. This created an additional reception capacity for 60 people, adding to the existing 329 beds in Spuz and Konik. The EU-Montenegro readmission agreement is being implemented satisfactorily, with the number of readmission requests from EU Member States continuing to decline.<sup>127</sup>

EC Report (2020), recommends Montenegro to continue its efforts to cope with migratory pressure, by further developing its international cooperation on readmission and supporting the successful reintegration of returnees, raising its capacity to prosecute migrant smuggling networks, increasing its reception capacity and enhancing its migrants' data collection system.

**Table 19: Smuggling of migrants in Montenegro 2018-2020, for the period March-September**

Criminal act - Smuggling of migrants	2018	2019	2020
Number of Criminal acts	2	39	8
Number of perpetrators	2	56	9

Source: Ministry of Interior, MONTENEGRO, November 2020.

<sup>126</sup> EUROPEAN COMMISSION - Brussels, [Commission Staff Working Document Montenegro 2020 Report](#) Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2020 Communication on EU Enlargement Policy; pg 52, 6.10.2020.

<sup>127</sup>Ibid, pg 53.

## Asylum applications/ requests

The Law on asylum was amended in January 2019 and further aligned with the EU acquis. The directorate in charge of integration of people under a protection status, which is now under the Ministry of Interior, was reorganized. In July 2019, new integration measures, including financial assistance, language and culture courses, school enrolment for children and job placement were developed, but so far, the number of people concerned remained limited. A draft list of safe countries of origin, aimed at accelerating the process of applications, was adopted in December 2019.<sup>128</sup>

Although the number of migrants, expressing their intention to seek asylum, increased compared with 2018, the number of those actually lodging asylum claims declined in 2019. Ministry of Interior of Montenegro, on November 2020 report that during 2019 only 996 asylum seekers were registered, 60% drop compared with 2018 (2,519). This Ministry report that number of asylum seekers for year 2020 (Jan – Nov 2020) is 141 persons.

**Table 20: Asylum in Montenegro 2018-2020**

Asylum	2018	2019	2020
Number of Asylum seekers	2519	996	141

Source: Ministry of Interior, MONTENEGRO, November 2020.

Despite the relatively small number of asylum seekers who actually remained in the system, the number of requests actually processed remains limited. Between January 2019 and March 2020, out of 77 cases where the applicant actually showed up at the interview, only 29 final decisions were taken. Twenty-four applications were cancelled due to the applicant's departure from Montenegro, while 24 are still in process. A number of interviews were postponed for technical reasons. Seven people were granted an international protection status from January 2019 to March 2020, including six refugee status based on family reunification grounds, and only one subsidiary protection status resulting from the request's own merit. Twenty-one appeal claims were lodged at the Administrative court,<sup>129</sup>

Due to the COVID-19 pandemic, interviews of asylum seekers were suspended in April and May 2020. They resumed in June after the interview premises had been equipped with the relevant protection equipment (EC Report for Montenegro, 6.10.2020).

EC Report (2020) identify that for the second year in a row, Montenegro's reception capacity was under pressure. 7,739 people in total were accommodated in 2019, a 73% surge compared with 2018, mainly for short stays, overstressing the system to its limits. 4.5% of them were women. The asylum centre in Spuz, of a capacity of 104 beds, is generally used for families and women, while the alternative centre in Konik, of a capacity of 225 beds, hosts single men. It is private-owned facility rented out to the asylum authorities at expensive commercial price. 71% of the asylum seekers stayed in the alternative centre, where, despite recent improvements, the standards still do not match the standards of a fully-fledged

<sup>128</sup>Ibid, pg 53.

<sup>129</sup> European Commission - Brussels, 6.10.2020; [Commission Staff Working Document Montenegro 2020 Report](#) Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2020 Communication on EU Enlargement Policy; pg 53.

asylum centre. Between January and April 2020, 1,197 migrants were accommodated in the reception facilities. As from March 2020 preventive hygiene and disinfection measures were applied in all the centres to prevent the spread of COVID-19.

As it is reported by EC Report (2020), is important to highlight that the number of people under a protection status currently living in Montenegro dropped to 28 people. Nine persons out of 12 adults are working. Language courses are being delivered. Civil servants have limited opportunities to gain operational experience in the implementation of integration measures, due to the small numbers of people of concern. Although Montenegro's asylum system has continued to demonstrate its resilience in a very tense context, efforts should be continued to improve the status determination process, further strengthen the reception capacity, and rationalise costs of accommodation in the alternative centre.

## Human trafficking

As per reference of EC Report (2020), Montenegro has some level of preparedness/is moderately prepared in the fight against organised crime. Some progress was made, including in addressing last year's recommendations, in particular as regards the creation of a centralised bank account register, a stronger capacity and professionalism of the police and an increased number of on-going proceedings on asset confiscation. An initial track record of investigations into trafficking in human beings and money laundering was established.

In April 2020, the UN Special Reporter on trafficking in persons, especially women and children published her report on her 2019 visit to Montenegro. In April 2020, Montenegro reported on the implementation of recommendations of the UN Committee on Elimination of Racial Discrimination (CERD).

Montenegro is encouraged to raise the minimum marriage age to 18 years of age, as recommended by CEDAW and UN Special Rapporteur on Trafficking in Persons (EC Report for Montenegro, 6.10.2020).

EC Report (2020) for Montenegro highlights the good progress was achieved in establishing an initial track record of investigations in the area of fight against trafficking in human beings and money laundering.

[EU Progress report 2020 for Montenegro](#) mention that some progress is made in the area of fight against trafficking in human beings. The initial track record was consolidated in 2019, reflecting a more targeted and coordinated approach to detecting trafficking offences. For the same year of reporting, "[TIP Report 2020](#)" indicate that "The Government of Montenegro does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; These efforts included increasing prosecution and victim protection efforts."

EC Report (2020) inform that Montenegro had 11 trafficking cases in 2019, at different stages of the procedure, including three cases of trafficking within an organised crime group. In two cases the victims were women. One final conviction was pronounced in November 2019, ordering unprecedented severe prison sentences. Two cases were pending before the court. In January 2020, a human trafficking network from Taiwan was unveiled by the Montenegrin police, leading to the arrest of 93 people, in the biggest trafficking case in the Western Balkans ever. Four new investigations into trafficking in human beings involving 6 people were launched at the beginning of 2020.

**Table 21: Trafficking in human beings in Montenegro, covering the period 2018-2020**

Criminal act - Human Trafficking	2018	2019	2020
Number of Criminal acts	0	1	10
Number of perpetrators	0	1	6

Source: Ministry of Interior, MONTENEGRO, November 2020.

The institutional capacity to address trafficking in human being was strengthened, under the leadership of a multi-disciplinary body monitoring the implementation of the anti-trafficking strategy. The Podgorica High Prosecutor’s Office continues oversighting of cases from lower instances that could present elements of trafficking. The Ministry of Interior established a department in charge of victims' identification and referral and adopted standard operating procedures. During the first six months of 2020, 44 people were granted the status of victim, of which 43 were placed in specialised shelters. 16 contact points for victim identification were appointed at local police units and trained. A public awareness campaign was launched, including a TV clip on the risks of trafficking. Twelve NGOs benefit from the governmental grants for prevention and protection activities, and one NGO runs a Government-funded 24/7 SOS hotline. Efforts must continue to consolidate the initial track record on trafficking in human beings, to proactively identify victims of trafficking in human beings, to ensure assistance to victims, to increase prosecutions and convictions and to continue awareness raising, training and coordinating activities.<sup>130</sup>

**TRAFFICKING PROFILE\***

As reported over the past five years, human traffickers exploit domestic and foreign victims in Montenegro, and traffickers exploit victims from Montenegro abroad. Traffickers are predominantly men between ages 25 and 49 and members of organized criminal groups that operate in the Western Balkans. Victims of sex trafficking identified in Montenegro are primarily women and girls from Montenegro, neighbourhood, and, to a lesser extent, other countries in Eastern Europe. Traffickers exploit victims in the hospitality industry, including bars, restaurants, nightclubs, and cafes. Children, particularly Romani, Ashkali, and Balkan Egyptian children, are exploited in forced begging. Romani girls from Montenegro reportedly have been sold into marriages in Romani communities in Montenegro and, to a lesser extent, in Albania, Germany, and Kosovo\*, and forced into domestic servitude. Migrants from neighbourhood are vulnerable to forced labor, particularly during the summer tourism season. International organized criminal groups exploit some Montenegrin women and girls in sex trafficking in other MARRI Participants.

\* TIP Report 2020 for Montenegro.

Many sex trafficking victims in Kosovo\* are girls, although traffickers also force women from Albania, Moldova, Montenegro, Romania, Serbia, and other European countries into sex trafficking.<sup>131</sup>

<sup>130</sup> European Commission - Brussels; [Commission Staff Working Document Montenegro 2020 Report](#) Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2020 Communication on EU Enlargement Policy; pg 48, 6.10.2020.

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

<sup>131</sup> [Trafficking in Persons Report \(TIP Report\)](#), Department of State of USA, pg 302, June 2020.

The government significantly increased the number of identified victims, mainly due to a notable case with 12 trafficking victims and 87 potential victims from Taiwan. The government eliminated the requirement for victims to cooperate with law enforcement in order to receive services, created a multi-disciplinary group to officially identify trafficking victims, and increased funding for victim protection. However, the government did not meet the minimum standards in several key areas. The government did not officially include civil society organizations in victim identification procedures and did not consistently share and provide information on anti-trafficking issues to all stakeholders. Additionally, observers reported concern with the quality of assistance at the new trafficking shelter.<sup>132</sup>

## Protection

TIP Report of Department of State of USA (June 2020) report about Montenegro that the government maintained a multi-disciplinary task force to proactively investigate trafficking. Additionally, a specialized trafficking unit within the Police Directorate conducted investigations and continued annual operations targeting forced child begging and sex trafficking. Law enforcement conducted raids on bars, nightclubs, commercial sex sites, escort agencies, and businesses suspected of illegal employment practices, but these raids did not result in any trafficking investigations in 2019 or 2018.

The government updated standard operating procedures for identifying and referring victims to services, including eliminating the requirement for victims to cooperate with law enforcement in order to receive services, by creating “the Team for Identification of Trafficking Victims” (TITV), which assessed and officially recognized potential victims and coordinated victim care and placement. The TITV consisted of a doctor, a psychologist from the Centre for Social and Child Protection, police, a social worker from the Centre for Social Work, and a representative from the Office for the Fight against Trafficking in Persons (TIP Office); however, the TITV did not include representatives from civil society organizations despite their interest in participating in the victim identification process. The government provided the same services to potential victims and officially recognized victims. The government provided training on victim identification to police, labour inspectors, health workers, and social workers.<sup>133</sup>

As it is indicated on “TIP Report 2020,” government of Montenegro allocated €155,250 (\$174,440) to the TIP Office, compared with €166,170 (\$186,700) in 2018. The TIP Office led overall anti-trafficking efforts and the head of the TIP Office was the national coordinator and chaired the anti-trafficking coordinating body, which comprised government agencies, non-governmental and international organizations, and the international community.

## Fund mobilization by Montenegro

EC report (2020) indicate that the budget of the asylum system rose to EUR 1.7 million in 2019 (a twofold increase compared with 2018), 66% of which was spent on the alternative reception centre. Reception costs are entirely paid from Montenegro’s budget, with no external support.

The Ministry of Interior (MOI) financed 12 NGO projects to raise public awareness on trafficking and the government organized awareness campaigns at schools, trained journalists on reporting on trafficking, and held seminars for representatives from local government on antitrafficking efforts. The government,

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<sup>132</sup>Ibid, pg 356.

<sup>133</sup>Ibid, pg 357.



in coordination with the Roma Council and NGOs, continued trafficking awareness campaigns targeting the Romani community. The government continued to support two hotlines for victims of abuse and domestic violence, including trafficking victims.<sup>134</sup>

## 3.6 Kosovo\*

### General remarks

Kosovo\* has the total population (in thousands) 1 798.5, year 2018.<sup>135</sup>

Due the COVID-19 pandemic, in March 2020 Kosovo\* closed the borders. Preventive measures were introduced to protect population from the pandemic, including restriction of movement and quarantine.

In the wake of the COVID-19 pandemic, the government declared a public health emergency in March 2020, put in place strict prevention measures and introduced initial economic support measures for citizens and businesses.<sup>136</sup>

The legal framework is now largely in line with the EU acquis. Several pieces of implementing legislation were adopted in the reporting period. Kosovo\* has signed readmission agreements with 24 countries, including 20 EU Member States and members of the Schengen area. No new readmission agreements were signed in the reporting period. There is no readmission agreement with the EU as a whole.

The Department of Citizenship, Asylum and Migration in the Ministry of Internal Affairs is in charge of implementing migration policy. The Directorate for Migration and Foreigners in the border police deals with irregular migrants.

As the government has not yet adopted the strategy and action plan on migration for 2019- 2023 it should revise the strategy to ensure that it reflects the main challenges Kosovo\* is facing, in line with previous expert advice. The draft strategy was based on finalized migration profiles, but did not build on the assessment and evaluation of the previous strategy.<sup>137</sup>

The authorities continued to make progress in managing regular and irregular migration, despite the unexpected increase in the number of irregular migrants arriving to Kosovo\*. Kosovo\* has only partly followed the recommendations of the 2019 report, namely the recommendations related to violent extremism and on the National Centre for Border Management, hence the other recommendations are repeated. In July 2020, Europol and the Kosovo Police concluded a Working Arrangement. The

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<sup>134</sup>[Trafficking in Persons Report \(TIP Report\)](#), Department of State of USA, pg 358, June 2020.

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

<sup>135</sup>[Eurostat and the statistical authorities in Western Balkans](#) and Turkey; Statistical Data, update March 2020.

<sup>136</sup>[European Commission \(2020\), Communication From The Commission To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions](#) - 2020 Communication on EU enlargement policy, Brussels, page 26, 6 October 2020.

<sup>137</sup>[Commission Staff Working Document](#) – 2020 Kosovo\*Report Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions; 2020 Communication on EU Enlargement Policy; Brussels SWD(2020) 356 final, page 46, 6.10.2020.

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



arrangement will constitute the basis for enhanced cooperation between Kosovo Police, Europol and EU Member States.<sup>138</sup>

Commission Staff Working Document (2020) indicate for Kosovo\* that legislation on trafficking in human beings is broadly aligned with the relevant EU acquis, but implementation could be improved, especially regarding the pro-active identification of victims, ensuring assistance and support and increasing prosecution and conviction of perpetrators.

The Trafficking in Human Beings Directorate (THBD) within the Kosovo Police (KP) investigated all trafficking cases with its eight regional units.<sup>139</sup>

The government maintained efforts to prevent trafficking. The National Agency Against Trafficking in Persons (NAATIP) coordinated interagency efforts and held meetings every three months to monitor the implementation of the 2015-2019 antitrafficking national action plan (NAP). The government, in consultation with civil society, started drafting a NAP for 2020-2024.<sup>140</sup>

A new 2019-2023 IBM strategy has been prepared and is awaiting final government approval.

Implementation and enforcement capacity The Border Department of the police is well staffed, with a total of 1,268 officers and generally meets minimum EU standards for border controls. The infrastructure at border/boundary crossing points has improved and the Border Management System continues to operate satisfactorily. However, its effectiveness still remains limited by the lack of connection to important international networks such as Interpol's I-24/7, due to status-related issues.

Kosovo\* participates in the Western Balkan risk analysis network and in a number of other regional exercises organised by FRONTEX.<sup>141</sup>

At the end of 2018, Kosovo\* and Albania signed a cooperation agreement on simplified border crossing procedures and joint border controls. In January 2020, a new EU-funded joint border crossing point between Kosovo\* and North Macedonia at Stancic-Bellanovce was opened, and will operate joint border controls (Commission Staff Working Document, 2020).

European Commission Report, year 2020, mention that Kosovo\* administration has done considerable improvements in data management, analysis and exchange, including the ability to produce periodical reports based on Eurostat templates. However, regular data sharing on the total number of migrants transiting through Kosovo\* still needs to be improved.

The National Centre for Border Management (NCBM) is one of the most important elements of the administrative capacity to effectively manage the security of its border/boundary. It includes a Joint Intelligence Risk Analysis and Threat Assessment Unit, which collects, analyses and disseminates information from and to the border authorities responsible for IBM: police, customs, and the Food and Veterinary Agency. The centre is designed to serve as a contact point for the real-time exchange of

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<sup>138</sup> Ibid, pg 39.

<sup>139</sup> [Trafficking in Persons Report \(TIP Report\)](#), Department of State of USA, pg 301, June 2020.

<sup>140</sup> [Trafficking in Persons Report \(TIP Report\)](#), Department of State of USA, pg 302, June 2020.

<sup>141</sup> [Commission Staff Working Document – 2020 Kosovo\\* Report](#) Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions; 2020 Communication on EU Enlargement Policy; Brussels, SWD(2020) 356 final, page 49, 6.10.2020.

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

information and cooperation between all border authorities and relevant institutions (Commission Staff Working Document, 2020).

The Kosovo\* authorities have made progress in managing both regular migration and mixed migration flows. Kosovo\* activated its contingency plan due to the influx of asylum seekers and irregular migrants. Its efforts should be continued and built on.<sup>142</sup>

## Migration and social inclusion

The number of migrants transiting Kosovo\* has continued to rise since summer 2019 as in other parts of the region. A total of 2,027 migrants were intercepted entering Kosovo\* irregularly during 2019, an increase of 300% compared with 2018. The three main nationalities represented were Syrians, Iraqis and Algerians. According to preliminary data, this trend has decreased somewhat in early 2020 – possibly due to the COVID-19 pandemic. In March 2020, due to borders closed, close to 200 irregular migrants and refugees were stranded in Kosovo\*.<sup>143</sup>

Commission Staff Working Document (2020) indicate that a total of 13 people were detained in detention centre during the reporting period with an average stay of 18 days. Although the return of third-country nationals continued to be hindered by status-related issues in 2019, 472 people were returned (110 forced, 326 through voluntary returns, 3 people through the assisted voluntary return scheme with the IOM and 3,347 deportations based on a court decision).

## Asylum applications/requests

The institutions for handling asylum requests are in place, although they need to be further strengthened to address capacity gaps, especially given the trend of increasing asylum requests in 2019. The legal framework on asylum is largely in line with the EU acquis. Key implementing legislation was adopted in 2019, including the Regulation on Integration of Foreigners (including asylum seekers, refugees, people under subsidiary and/or temporary protection and stateless persons).<sup>144</sup>

In 2019, Kosovo\* recorded the largest number of asylum applications since 2010. It received 2081 applications, of which 44% from Syrians and 27% from Iraqis. This was a 300% increase - two years in a row, from 595 in 2018 and 147 in 2017.<sup>145</sup>

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<sup>142</sup>[European Commission \(2020\), Communication From The Commission To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions](#) - 2020 Communication on EU enlargement policy, Brussels, page 49, 6.10.2020.

<sup>143</sup>[Commission Staff Working Document – 2020 Kosovo\\* Report](#) Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions; 2020 Communication on EU Enlargement Policy; Brussels, SWD(2020) 356 final; pg 46, 6.10.2020.

<sup>144</sup>[Commission Staff Working Document – 2020 Kosovo\\* Report](#) Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions; 2020 Communication on EU Enlargement Policy; Brussels, SWD (2020) 356 final; pg 48, 6.10.2020.

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

<sup>145</sup>Ibid, pg 48.

**Table 22: Foreigners from third countries by location in the territory, 2018-2020, for the period March-September**

Number of irregular migrants	2018	2019	2020
In the border/ prevented entry		2,027**	2,508***
Kept in a transit centre - reception centre			0****

Table Note: In March 2020, due to borders closed, close to 200 irregular migrants and refugees were stranded in Kosovo\*, - mention on EC Report 2020 for Kosovo\*.

\*\*Source: Commission Staff Working Document – 2020 Kosovo\* Report Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions; 2020 Communication on EU Enlargement Policy; Brussels, 6.10.2020 SWD (2020) 356 final;

\*\*\*Source: Europe | Flow monitoring (iom.int); Registered migrants to Kosovo; IOM and National Authorities: as of 31 Oct 2020.

\*\*\*\*Source: Europe | Flow monitoring (iom.int); Migrant presence to Kosovo is reported to be not any person; IOM and National Authorities; update info 15 Nov 2020.

All applicants are duly provided unhindered access to the asylum procedure. However, Kosovo\* is still mainly used for transit. Most asylum requests are suspended, as applicants disappear without completing the procedure. Nonetheless, some progress was noted in granting refugee status to asylum seekers, resulting in a total of 41 decisions by the end of 2019 (33 positive, 8 rejections), (Commission Staff Working Document, 2020).

The establishment of a fully effective and protection-sensitive migration management system is still a work in progress. The assessment of claims based on merit, using an analytical approach, needs further strengthening. The lack of biometric equipment affects the efficiency of initial registration and further processing. Challenges persist in providing information, interpretation services and legal aid as required by law. There is an agreement with UNHCR to provide translation services. The integration system is at an early stage of development, and requires the full attention and financial support of the relevant central and local authorities.<sup>146</sup>

Commission Staff Working Document (2020), report about Kosovo\* that the authorities issue biometric ID cards and travel documents for refugees, although with delays. As an example of good practice, detention of asylum seekers does not occur in Kosovo\*, and in general detainees who do seek asylum are given the opportunity to be transferred from the detention centre to the asylum centre. The increasing numbers of asylum seekers challenged the reception capacities of the Asylum Centre and capacity was increased with an additional 200 places (see section on legal and irregular migration). The European Asylum Support Office (EASO) cooperates with Kosovo\* through its regional training activities.

## Access to basic services for migrants

Legal provisions are in place to uphold the fundamental rights of irregular migrants and foreigners hosted in the centre. Kosovo\* took a proactive and preventive approach to the rising number of migrants by revising its contingency plan. Until summer 2019, Kosovo\* only had a reception facility for migrants in Vranidoll/Vrani Do, with a capacity to host 70 people. Since then, based on the contingency plan, this

<sup>146</sup> [Commission Staff Working Document – 2020 Kosovo\\* Report](#) Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions; 2020 Communication on EU Enlargement Policy; Brussels SWD (2020) 356 final; pg 48, 6.10.2020.

facility has been expanded to be able to offer an additional 200 places. Work has begun to refurbish the Belvedere camp (capacity of up to 2,000 people).<sup>147</sup>

The Asylum (Reception) Centre and Detention Centre for Foreigners still lack sufficient specialized staff. However, the centre is facing structural issues, mainly relating to improper housing units, a lack of secure areas, a lack of in-house medical facilities and a lack of adequate specialised supervisory staffing to ensure basic rights and needs, especially psycho-social support. The border police need further capacity building in the area of protection-sensitive migration. Challenges remain as regards communication between officials and irregular migrants and people in need of protection, despite the possibility to share interpreters among MARRI Participants through the Migration, Asylum and Refugee Regional Initiative. Qualified interpreters are needed to service both the asylum and detention centres and the border police (Commission Staff Working Document, 2020).

“There is a case when migrant put in dangerous their life, other migrant life as well as first line service provider, by destroying and burning the reception centres,” - reported one of the NGOs representatives interviewed in Kosovo\* (November 2020).

## Human trafficking

Kosovo\* remains as origin, transit and destination of victims of trafficking in human beings, notably for sexual exploitation. In 2019, 23 female victims and 3 male victims were identified; 15 were under the age of 18 (Commission Staff Working Document, 2020).

The Kosovo\* administration does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period.<sup>148</sup>

One of the prioritized recommendations mentioned for Kosovo\* on “Trafficking in Persons Report (TIP Report), June 2020” of the Department of State of USA, is to *standardize data collection and create a database that disaggregates statistics for trafficking and trafficking-related prosecutions and convictions.*

### TRAFFICKING PROFILE\*

As reported over the past five years, human traffickers exploit domestic and foreign victims in Kosovo\*, and traffickers exploit victims from Kosovo\* abroad. Criminal networks exploited victims in sex trafficking internally. Many sex trafficking victims in Kosovo\* are girls, although traffickers also force women from Albania, Moldova, Montenegro, Romania, Serbia, and other European countries into sex trafficking. Women and girls are exploited in sex trafficking in private homes and apartments, nightclubs, and massage parlors. Children from Kosovo\*, Albania and from other MARRI Participants are forced to beg in Kosovo\*. Traffickers subject Kosovo\* citizens to sex trafficking and forced labor throughout Europe. Marginalized Roma, Ashkali, and Egyptian communities are vulnerable to forced begging and sex trafficking. Government corruption creates an environment that enables some trafficking crimes.

\* TIP Report 2020 for Kosovo\*.

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<sup>147</sup> Ibid, pg 47.

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

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

<sup>148</sup> [Trafficking in Persons Report \(TIP Report\)](#), Department of State of USA, pg 300, June 2020.

In 2019, the police investigated 25 new cases of migrant smuggling in 6 police operations. In these operations, 41 people were arrested, of which 30 Kosovo\* citizens. There were 15 criminal reports filed to the prosecution. Unaccompanied minors from Kosovo\* itself (outside the transitory migratory flows) are also a challenge. Authorities should step up efforts to fight networks targeting this specific, vulnerable group.<sup>149</sup>

In November 2018, the government revised the criminal code, which went into force in April 2019, and reclassified all forced prostitution offenses as trafficking and increased the minimum punishment for child trafficking from three years to five years' imprisonment. Authorities received 43 new cases involving 80 suspects (34 cases in 2018). Police arrested 22 suspects (22 in 2018) and nine additional suspects for "utilizing sexual services from a trafficking victim" (seven in 2018).<sup>150</sup>

**Table 23: The Trafficking in human beings in Kosovo\*, covering the period 2018-2020**

The crime Trafficking in human beings	2018	2019	2020
Number of Criminal acts	22	22	
Number of perpetrators	34	80	

Source: [Commission Staff Working Document – 2020 Kosovo\\*Report](#) Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions; 2020 Communication on EU Enlargement Policy; Brussels, 6.10.2020 SWD(2020) 356 final;

## Protection

The government increased victim protection efforts. The government identified 26 trafficking victims (15 in 2018). Of these, 19 were subjected to sex trafficking, two to forced labour, two to "slavery and servitude," one to forced begging, one to domestic servitude through forced marriage, and one to "selling of the child" (in 2018, 11 were subjected to sex trafficking, two to forced labour, one to "slavery and servitude," and one to domestic servitude through forced marriage). Of these same 26 trafficking victims, 15 were children (12 in 2018); 23 were female and three were male (14 females and one male in 2018); and 21 were from Kosovo\*, two from Serbia, two from Montenegro, and one from Albania. First responders used standard indicators to screen vulnerable populations; however, observers reported a lack of guidance and proactive identification efforts for victims of forced begging, especially children. A multi-disciplinary referral mechanism (NRM) provided standard operating procedures (SOPs) for identifying and referring victims to services. The NRM required an investigator from the THBD and a victim's advocate from the Victim's Assistance and Advocacy Office to convene and assess the victim as low-, medium-, or high-risk of danger and to coordinate victim care and placement. SOPs required a social worker to attend

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

<sup>149</sup>[Commission Staff Working Document – 2020 Kosovo\\*Report](#) Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions; 2020 Communication on EU Enlargement Policy; Brussels, SWD(2020) 356 final, page 47, 6.10.2020.

<sup>150</sup>[Trafficking in Persons Report \(TIP Report\)](#), Department of State of USA, pg 300, June 2020.

for child victims. NGOs continued to report the NRM functioned well and highlighted good cooperation among actors.<sup>151</sup>

As it is indicated on “TIP Report 2020,” the government of Kosovo\* allocated €172,960 (\$194,340) during the year 2019 for victim protection, compared to €150,680 (\$169,300) in 2018.

## EU mobilization towards Kosovo\*

Kosovo\* has had to deal with more asylum seekers present in the Asylum Centres and the situation was well managed (including living conditions, information sharing) despite limited capacities, with EU-funded support through the United Nations High Commissioner for Refugees (UNHCR), the International Organisation for Migration (IOM) and other partners.<sup>152</sup>

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<sup>151</sup>[Trafficking in Persons Report \(TIP Report\)](#), Department of State of USA, pg 301, June 2020.

<sup>152</sup>[Commission Staff Working Document – 2020 Kosovo\\* Report](#) Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions; 2020 Communication on EU Enlargement Policy; Brussels, SWD(2020) 356 final, page 46, 6.10.2020.

## 4. FINDINGS

### 4.1 Irregular Migration

#### 4.1.1 Desk and survey research findings

On March 2020, the COVID-19 pandemic has been spreading in all MARRI Participants, as well as in the whole Europe.

The European Commission in its annual reports for each of MARRI Participants recommended that emergency measures taken in the context of the COVID-19 pandemic are proportionate, restricted to what is necessary and limited in time so that rule of law and democratic and human rights standards are respected.

##### What the word "Pandemic" mean? Answers by participants:

*"For me, a pandemic is not only a health but also a serious security, economic challenge and threat"*

*"It is an epidemic spreading in a region or more broadly which cause isolation and restriction. It is an epidemic that has touched all the world and beyond the international borders affecting large number of people.*

*"It is a situation that happens in all the world and it is linked with a specific disease. Quarantine, isolation, health protection measures, emergency, unknown, respect of human rights are key words for this pandemic."*

*"Limitation of freedom. An unfavourable situation regarding to public health and public institutions activities."*

*"Health risk for the majority of the population, but also an area where, unfortunately, human rights are restricted."*

*"A disease with big socio-economic impact, due to the lockdown of the economy form COVID-19. It affected all areas of life of persons of concerns mainly the health supports and services. For example, an asylum seeker who does not have a clear status lack documentation and doesn't have access to public health care, thus is highly needed the intervention of NGO's that work in*

#### 4.1.2 Migration and social inclusion

Located in south east Europe and surrounded by EU Member States, the Western Balkans is transit region on the main direction of Balkan Route, from Turkey, Greece towards MARRI Region, to EU.

The legal framework of the MARRI Participants is largely in line with EU standards.

The Ministries of the Interior in MARRI Participants are the main actor in the field of migration. The fragmentation of tasks between the institutions dealing with migration persists, making management less effective. The further progress should be focused in more specialized approach, with



implementing standard operating procedures (SOPs) for unaccompanied and separated children and for vulnerable categories of foreigners.

The National Commissions for Combating Trafficking in Human Beings and Illegal Migration in MARRI Participants exercised strong network in the MARRI Initiative work and influence the regional network with strategically cooperation, but also with relevant regional projects and training. This work should be additionally supported by the donors, involving additional stakeholders, like civil society organizations and academia representatives.

All MARRI Participants continue to play an active role in the management of mixed migration flows on the main transit routes for irregular mixed movement. The contingency plan to manage large migratory flows still needs to be finalized and agreed upon. Permanent presence of FRONTEX representative in Serbia, with regional dimension of its role, expresses the fact that the region is improving its integration in the EU migration policy. On south border of North Macedonia with Greece the support of the border police officers from EU Member States, bring additional dimension for further more effective control at the southern border.

Collection of accurate data on the migration flows has always been a challenge for each participant, end especially for the region at whole, since migration is monitored by different institutions, in accordance with different methodology, with different technical means, by persons with different educational backgrounds. This refers to regular migration, but also to the irregular migration. The migration phenomenon, which is rather dynamic, represents a major challenge.

The non-governmental sector in several MARRI Participants reports that the data being requested by the administrations (MoI, MLSP) are not kept in accordance with a single methodology and often do not secure precision and cannot be linked.

Some of the participants which are on the EU integration track or are going to start the negotiations have been achieved progress with introduction of the new integrated central database for foreigners, which includes data on asylum, visa, and migrations. The base enables efficient searching and insight in the movement history of the foreigners.

In the last years when irregular migrants arrive in the MARRI Participants, they are provided with initial information in multiple languages in the transit reception centres, most often during the interviews with the social workers. Mobile applications are also available, which can be used by the migrants for the purposes of obtaining information.

The readmission agreement by each of the MARRI Participant with the EU is being implemented in a satisfactory manner by each party. EUROSTAT is permanently updating the process. Attention should be given to successful reintegration of returnees.<sup>153</sup>

The migrant profile remained largely the same as in the previous two years, with nationals mostly from Pakistan and Afghanistan constituting the largest groups, predominantly single males. People in irregular movement remain targets of organized criminal groups engaged in people smuggling, they often extort money and are abused in various ways.

The status of the migrants and asylum seekers is extended under the WHO recommendation. This means that the protocols and standards were introduces in the legislature and the health of the vulnerable groups is protected. However, there is impression that this marginalized groups are on the end of the priorities. Also, freedom of movement in and out of reception centres was restricted.

Out of 6 MARRI Participants, 15 key stakeholders participated in the survey, whose field of work was Irregular Migration, additional 15 stakeholders are working on Irregular migration and Trafficking in

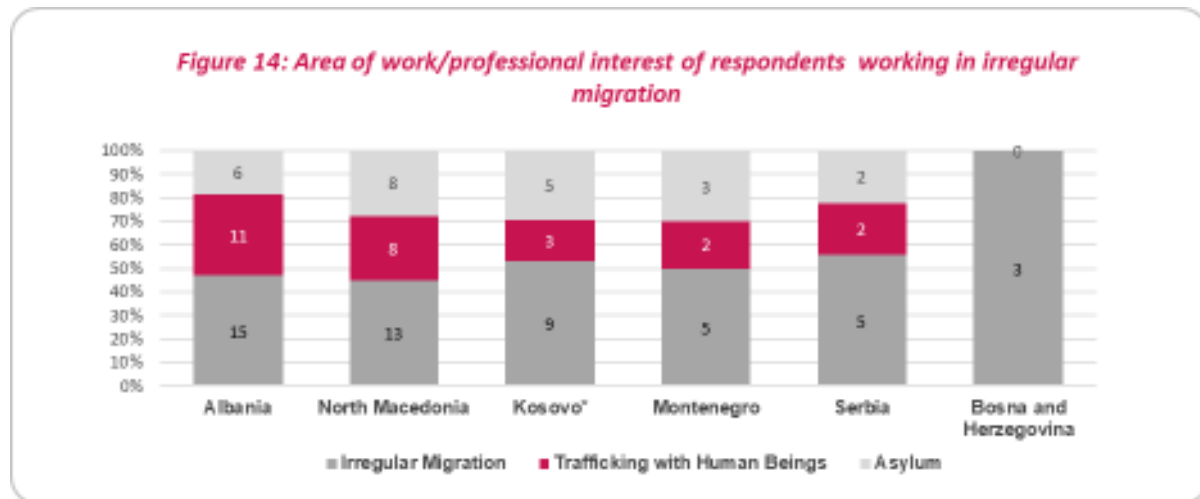
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<sup>153</sup><https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/update-on-the-republic-of-north-macedonia.pdf>, Chapter 24, p.43



Human beings, 9 confirmed that are working on Irregular migration and asylum and 15 of the total number said that are working on Irregular migration, Trafficking in Human beings and Asylum.

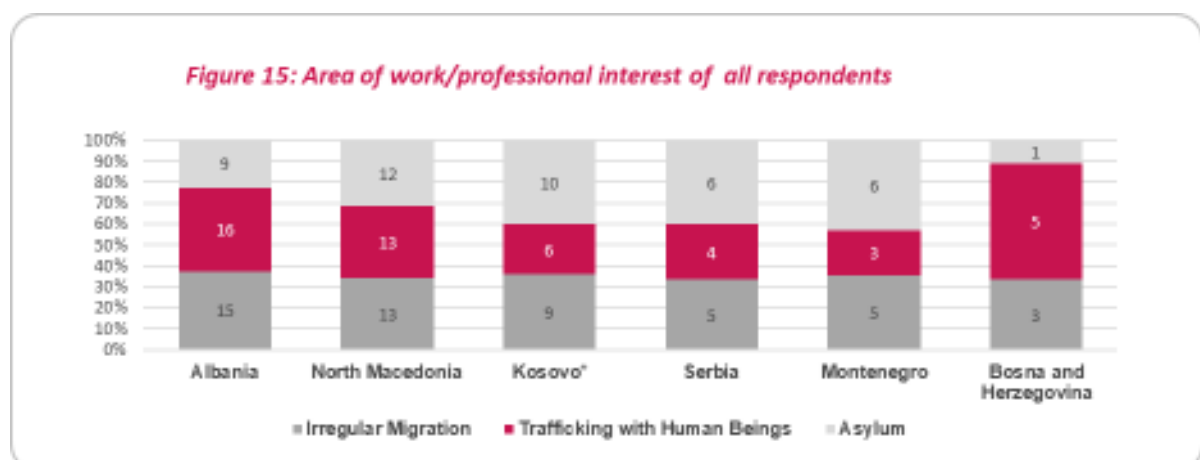
Out of 88 respondents in the research, 35% said that migration is their field of work, compared with 33% who picked Trafficking in Human Beings as their priority and 31% for Asylum (Figure 14). Such division of participants is competent to present the priorities in the field of migration.



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

Analyzing the profile of the employs who are working on migration, 16 of them are part of the Police, Border Police and Migration units in the MARRI Participants; the rest of them are from the Civil society organizations, University and International and regional organizations (Figure 15). 53% are female and 47 % are male. About work experience in this sector, 50% of the respondents have more than 10 years of involvement and investment, demonstrating the high level of expertise needed to be given and committed in the sector of THB by MARRI participants.

The respective number of governmental officials and their work experience make the findings of this survey they are able to cover the gaps and needs of governmental institutions in shaping better policing in adapting to the pandemic situation.



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

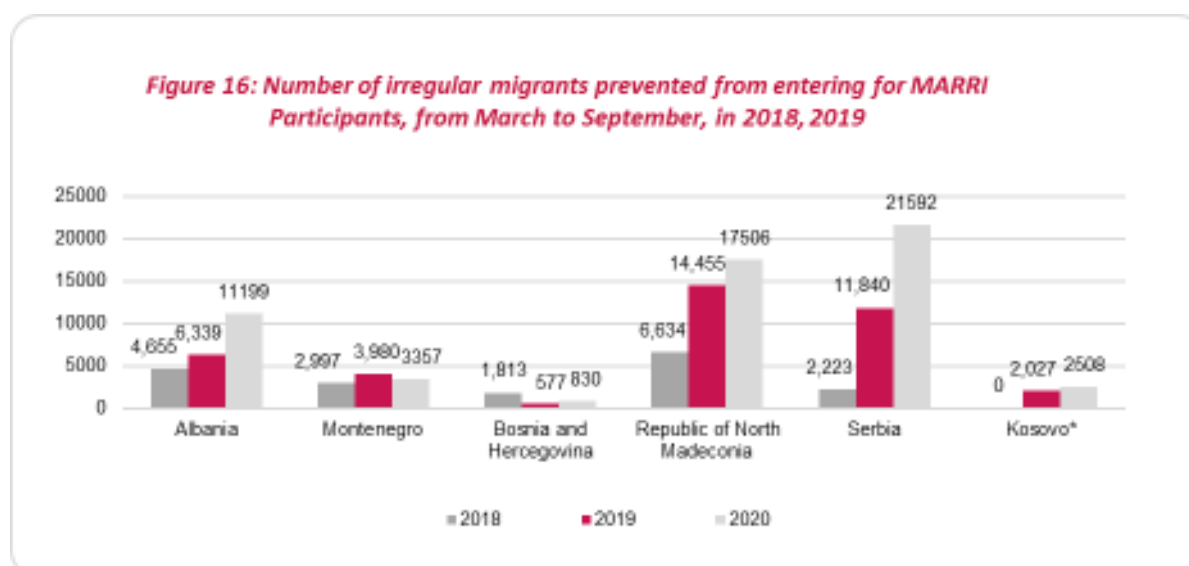
**Table 24: Gender balance; Degree of risk expressed by respondents that has become during the COVID-19 pandemic.**

Gender	
Female	57%
Male	43%
Work Experience	
Very experienced	63%
Reported risk during the pandemic	
Very high risk	20%
High risk	34%
Reasonable risk	30%
Small risk	15%
Very small risk	1%

Regarding the assessment of the risk degree during the pandemic of COVID-19, significantly higher number of respondent dealing with irregular migration or 74% (of total percentage of respondents) remark as highly risky (rating score 4) and very high risk (rating score 5) their job during COVID-19 pandemic, 13% of them consider the risk as reasonable, and 13% responded that the risk during the pandemic of COVID-19 is small. Based on this finding, the degree of risk of the pandemic situation is estimated to be significantly higher among key stakeholders working with irregular migration.

### 4.1.3 Irregular migration in around the MARRI Region

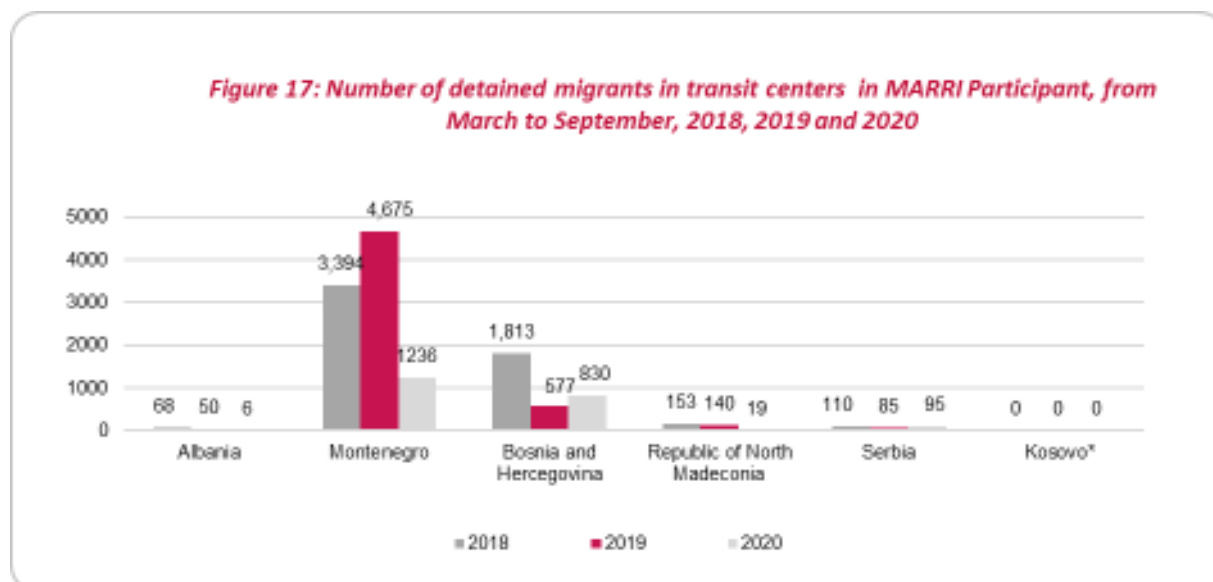
Referring to the data shared by Ministries of Interior of MARRI Participants, for the scope of this study (November 2020), the research team come to the finding that even there was lock down in most of the MARRI Participants during the COVID-19 pandemic and the robust police measures which have been established, the official figures confirm increased tendency for number of irregular movements in the region. This tendency is very clear when the figures for the period March-September, 2020 are compared with the figures for the same period of 2019 and 2018. The tendency is very visible in the cases of North Macedonia, Serbia and Albania.



Source: Ministries of Interiors of MARRI Participants, given for the scope of this study, November 2020

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

Based on numbers and statistics provided by Ministries of Interior of MARRI Participants during the pandemic, the figures for detained irregular migrants in transit and detention centres dramatically decreased in all participants, instead of Montenegro, where those figures have fluctuated from 3,394 (2018), 4,675 (2019) and 1,236 (2020) between 3 analyzed years, but still are very high. In Bosnia and Herzegovina the deviations are playing between 1,813 in 2018, 577 in 2019, and 830 detained migrants in 2020.



Source: Ministries of Interiors of MARRI Participants, given for the scope of this study, November 2020

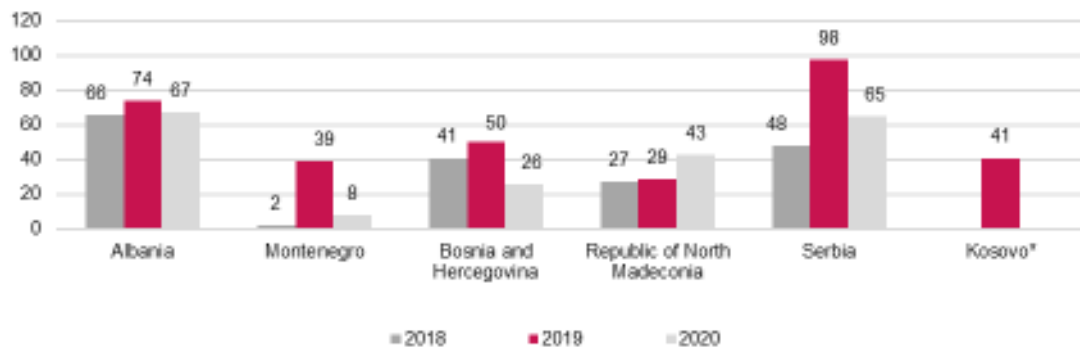
\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence.

The tendency in all MARRI Participants, except in Montenegro and Bosnia and Herzegovina, are presenting the policy of the MARRI Participants to avoid measures such as detaining migrants, as much as possible.

#### 4.1.4 Smuggling of Migrants in MARRI Region under COVID 19 restrictions

The number of criminal offences for Smuggling of migrants in MARRI Participants for the COVID-19 pandemic period (2020 March – September) is lower for the same period of 2019, but still higher compared with 2018 (Figure 18). Only the figures for North Macedonia show continuity in increasing tendency from 2018 to 2020.

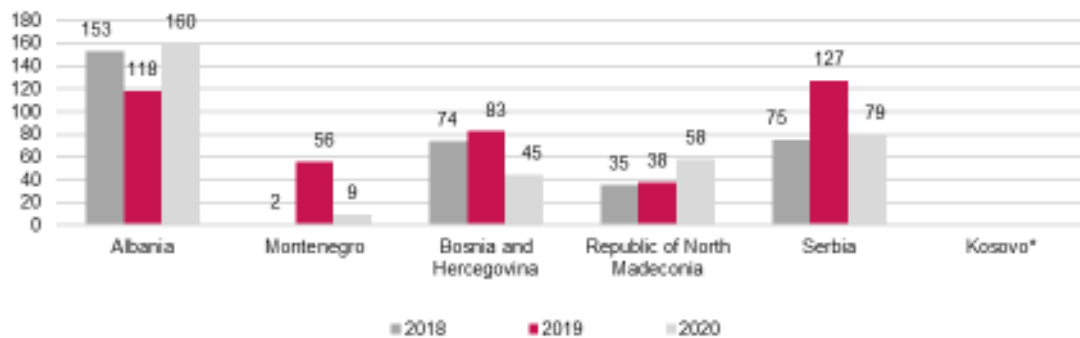
**Figure 18: Number of criminal acts for “Smuggling of migrants” in MARRI Participants, from March to September 2018, 2019 and 2020**



Source: Ministries of Interiors of MARRI Participants, given for the scope of this study, November 2020

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

**Figure 19: Number of perpetrators for “Smuggling of migrants” in MARRI Participants, from March to September 2018, 2019 and 2020**



Source: Ministries of Interiors of MARRI Participants, given for the scope of this study, November 2020

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

The figures of perpetrators for the criminal act “smuggling of migrants” in the six Participants are following continuity, with some fluctuation for 2019, when the figures were the highest. Beside North Macedonia, the increasing tendency is present in the case of Albania.

However, the MARRI Participants must continue with improving its methodology for their migration data base. The issue is more important when the regional approach for analyzing of data is in question.

The difficulties are when the victims of smuggling have to access their right in healthcare and vital services.

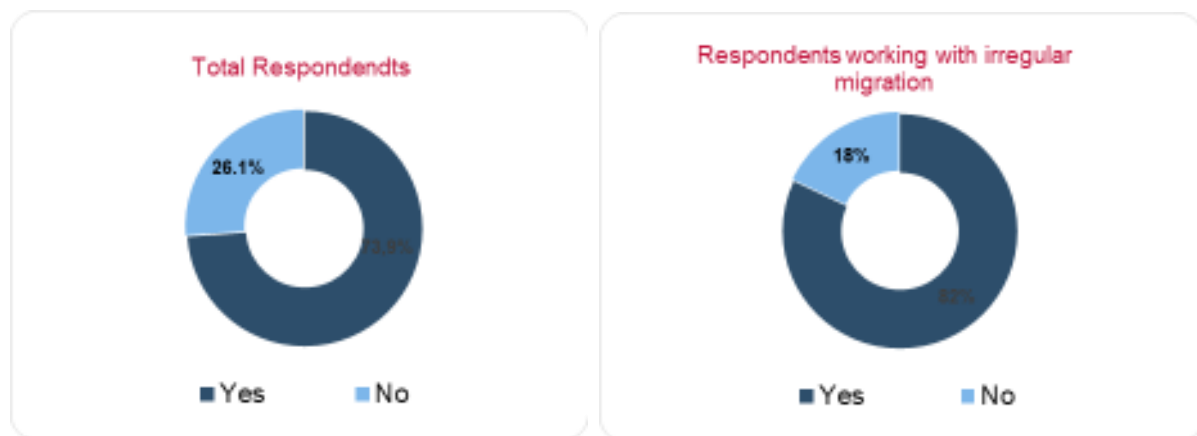
Children as one of the risky target group of being victims of smuggling, in order to guarantee their protection, it is vital that children must be seen as priority in all border-related procedures.

WHO calls for the inclusion of refugees and migrants, as part of holistic efforts to respond to COVID-19 epidemics in the general population.

#### 4.1.5 Irregular migration key stakeholders work environment during the COVID-19 pandemic

During the survey, the contingency of already 2/3 out of 88 respondents stated that they need more time to conduct the same range of tasks in Pandemic COVID-19. This is one of the negative consequences of the pandemic.

**Figure 20: Does it take significantly more time for you to conduct your job during the COVID-19 pandemic, for the same range of tasks you did before?**



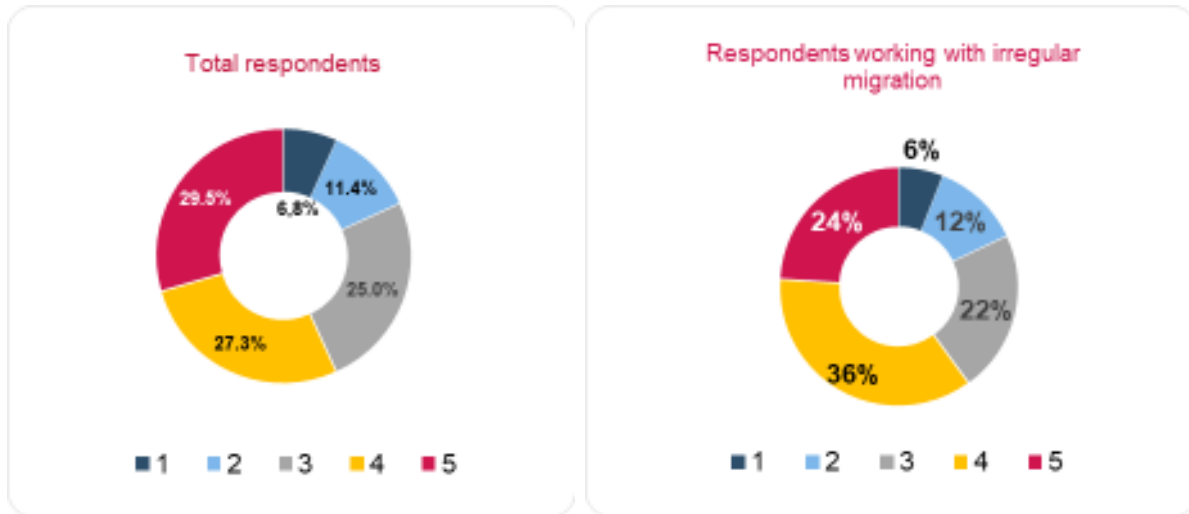
Referring to the same question - the time needed for the work in the pandemic, more than 4/5 of the respondents working on migration or 82% has been answered “Yes” (they need more time), which clearly explains the difficulties and challenges that respondents are facing in a COVID-19 pandemic situation. This means that the key stakeholders engaged on Migration needs more time for realizing duties and daily works with efficiency.

#### 4.1.6 The rights of migrants during the COVID -19 pandemic

Regarding the access to exercise the rights of asylum seekers, migrants or VT/PVT, from the given answer of total number of key stakeholders, already 57% of them confirm that is “difficult” or “very difficult” (rate score 5) from to execute their rights during the COVID-19. In contrary, 18.2% of the respondents are with opinion that the asylum seekers, migrants or VT/PVT can exercise their rights regularly, under the COVID-19.

It is understood that there are difficulties for these target groups in exercising their rights during the pandemic period.

**Figure 21: In your view, is it much more difficult for migrants, refugees or Victims of Trafficking to exercise their rights during the COVID -19 pandemic? (score scale 1 "a little" and 5 "a lot")**



Referring to the assessment on the effects of the COVID 19 pandemic in regards of different aspects of work, the debates on the conference (15 & 16. December, 2020) indicate that pandemic restriction and new condition of the work created, has influenced on the wellbeing and mental health of first line service providers, by effecting on: workflow, quality of work, focus on performing tasks, procedures and their implementation.

The perception by the respondents who are coming only from the “migration community” is very similar with the answer of the total numbers of the key stakeholders, 70% confirm that is “difficult” (rate score 4) or “very difficult” (rate score 5). Most of the respondents from the Civil society organizations and university contributed in this answer.

However, less critical in answering the question are the governmental representatives; the same as in the structure of the answer by the total number of the respondents.

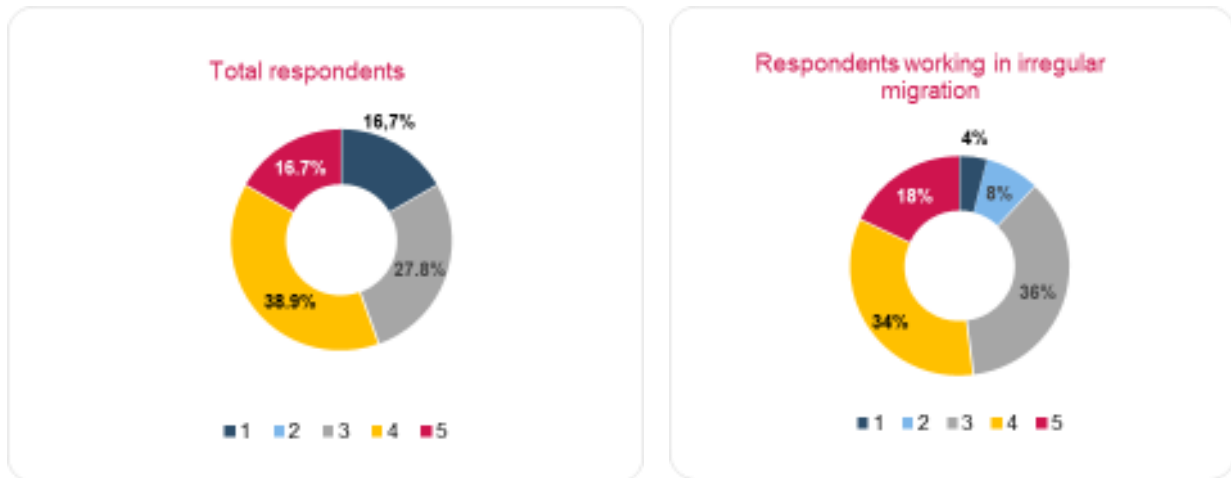
“Another outcome from voting process undertaken in Regional Conference is that the Governments attention should offer psycho-social assistance to key stakeholders during the actual working condition that they are, targeting the key stakeholders. Pandemic restriction and unstable situation which cause stress and panic, needs to be addressed also to service providers, who needs more support/ assistance, in order to facilitate their work during the COVID-19 pandemic.”

#### 4.1.7 Irregular migration stakeholders’ education at dealing with person infected with COVID-19

Majority of the total number of the key stakeholders respond that the additional measures taken during the pandemic yielded positive effects and achieved more advanced protection in certain areas, compared to the time before the pandemic, 55.6%, compared with 16.7% who answered that the additional measures taken during the pandemic present “very low preparedness” (Figure 22).

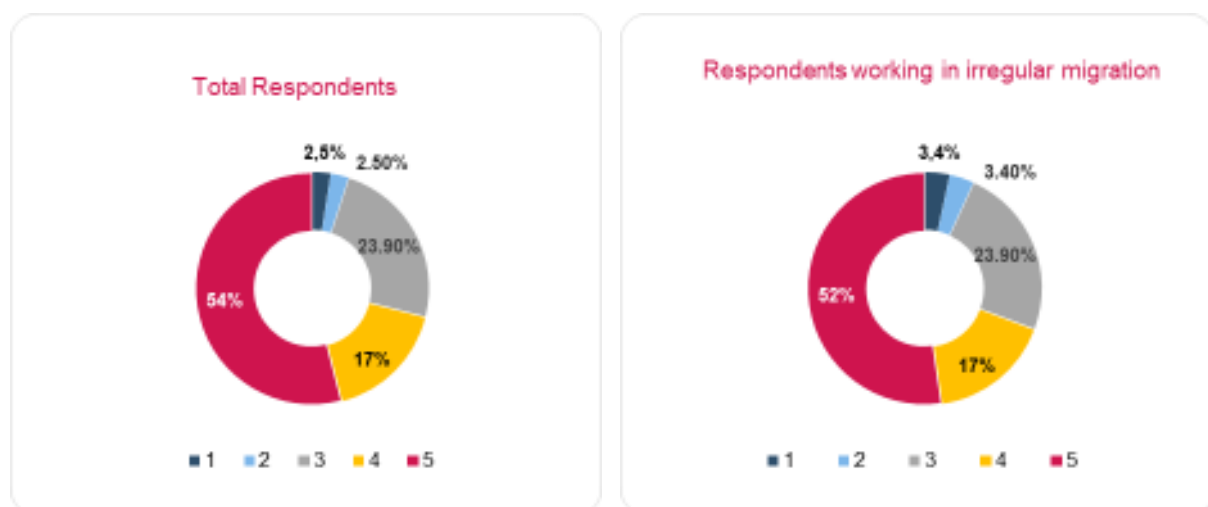
There is no structural deviance in the answers of the participants from the “migration community,” compared with the response by all 88 key stakeholders.

**Figure 22: In your view, have the additional measures taken during the pandemic yielded positive effects and achieved more advanced protection in certain areas, compared to the time before the pandemic? (score scale 1 "a little" and 5 "a lot")**



The governmental authorities were seen as key factor in enforcing the pandemic procedures, from the central to the field level. Reflecting on their role and the experience from the COVID-19 pandemic, for the period March – September, 2020, the majority of the key respondents, 69.7% agree or strongly agree that the governmental authorities need additional education and training (e.g. in health and safety aspects) in order to operate more effectively during a pandemic, towards the migrants and refugees procedures, from one side, and for their own safety, from other side (Figure 23). This statement was supported even by majority of the interviewed law enforcement staff, which brings on horizon two additional aspects: a) the police officers are aware for the COVID-19 as diseases and they want to be better trained and better equipped; b) because of the lack of time and lack of education and training, they were task to manage the COVID-19 pandemic in their sphere of work, under the regular work circumstances.

**Figure 23: The extent of the respondents agreeing with this statement "The governmental authorities need additional education and training (e.g. in health and safety) in order to operate in a pandemic? (score scale: 1 "I strongly disagree" and 5 "I strongly agree")**

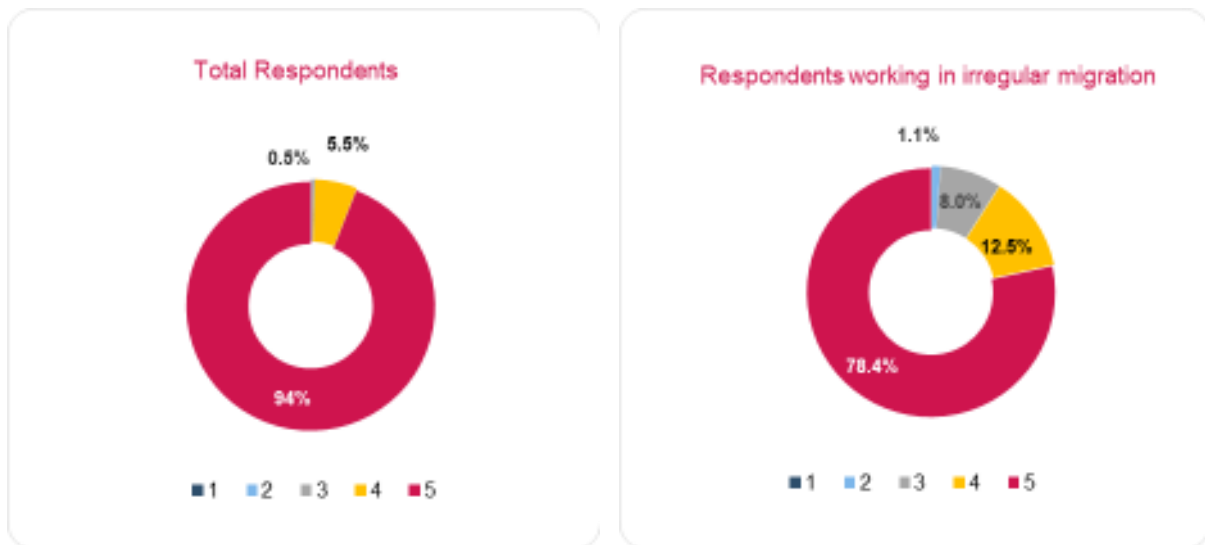


There is no tangible difference between those answers and the answers of the “migration community” respondents.

“A psychological counselling centre for students has been established, in conditions of COVID-19. The faculty created its own network of volunteers. We always start with the application of ICT technologies for teaching, exams, administrative work with students. Using the model of online practical classes (seminars), the students are involved in their practice work and help with MOI in checking the persons who are in home isolation, because of the pandemic risk.” (Interviewed stakeholder statement, November 2020).

#### 4.1.8 Use of instant proactive measures

**Figure 24: To what extent do people keep physical distance at the workplace? (1 being very low, and 5 being very high).**



**Figure 25: To what extent do people wear masks at the workplace? (1 being very low, and 5 being very high).**



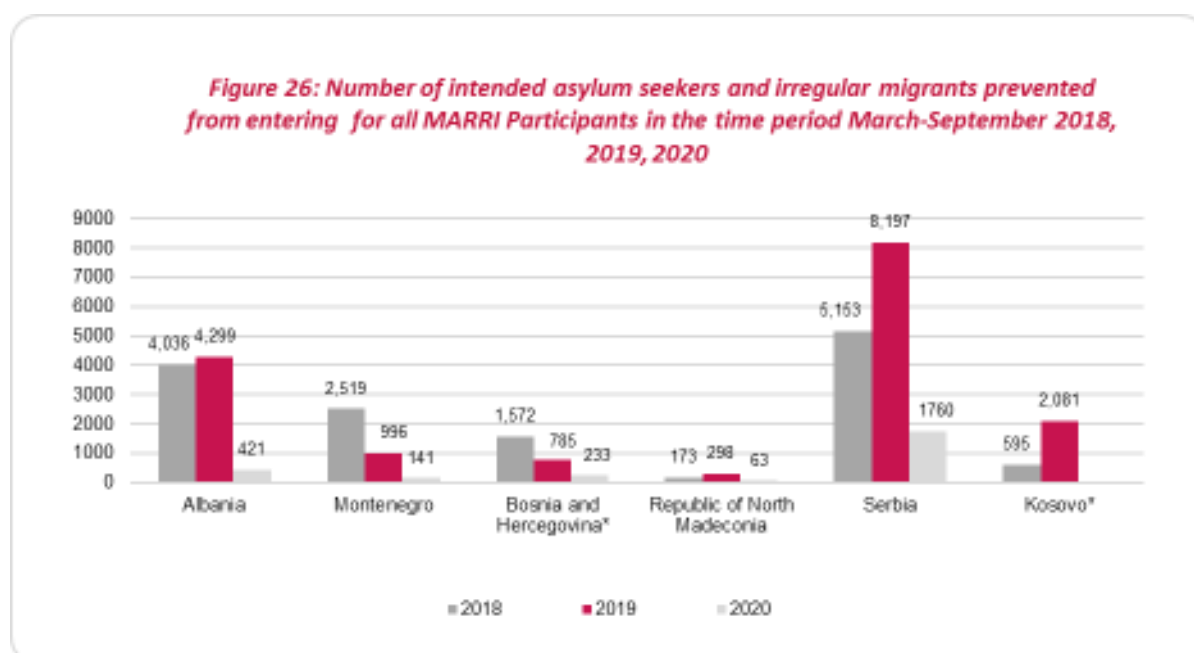


### 4.1.9 Irregular migration and asylum nexus findings from survey

The survey identifies that the nexus between irregular migration and trafficking in human beings and asylum are pretty strong. The COVID-19 pandemic just makes the situation of the vulnerable groups to be more sensitive and more affected by the crises. Most of the victims for trafficking are recruiting from the migrants. Also, significant number of asylum seekers is coming from the migration flows, where the refugees and vulnerable groups are the potential asylum seekers.

The main findings from the research, focused on the nexus between the irregular migration and asylum are the following:

- There is risk at exercising the rights of irregular migrants and asylum seekers,
- For all vulnerable groups, migrants, victims, asylum seekers under the COVID-19 there was low media reporting activity,
- Effectiveness of government measures to be improve,
- Regional cooperation should be improved,
- Need for wider usage of ICT communication means, which will bring more information for the vulnerable groups.



Source: Ministries of Interiors of MARRI Participants, given for the scope of this study, November 2020

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

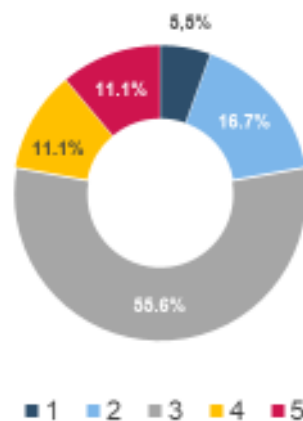
### 4.1.10 Regional cooperation

Regional cooperation under the COVID-19 pandemic is new challenge for the MARRI Participants. This question is also challenge for the key stakeholders. Having in mind that the regular regional cooperation is also affected by COVID-19, it was interesting to see the response by the key stakeholders on the question “The extent to which measures taken for greater protection against the epidemic improve regional cooperation between governments” (score scale 1 “a little” and 5 “a lot”). 22,2% of the participants respond that the undertaken protective measures downsize the regional

cooperation. On the other hand, 22.2% (the same number) are thinking that the measures have positive influence on the regional cooperation between the MARRI participants.

However, the majority of the key stakeholders answered “neutrally”, which should be understood as they are thinking this way, or they do not have enough information to provide a more competent response.

**Figure 27: The extent to which measures taken for greater protection against the epidemic improve regional cooperation between governments (score scale 1 “a little” and 5 “a lot”)**

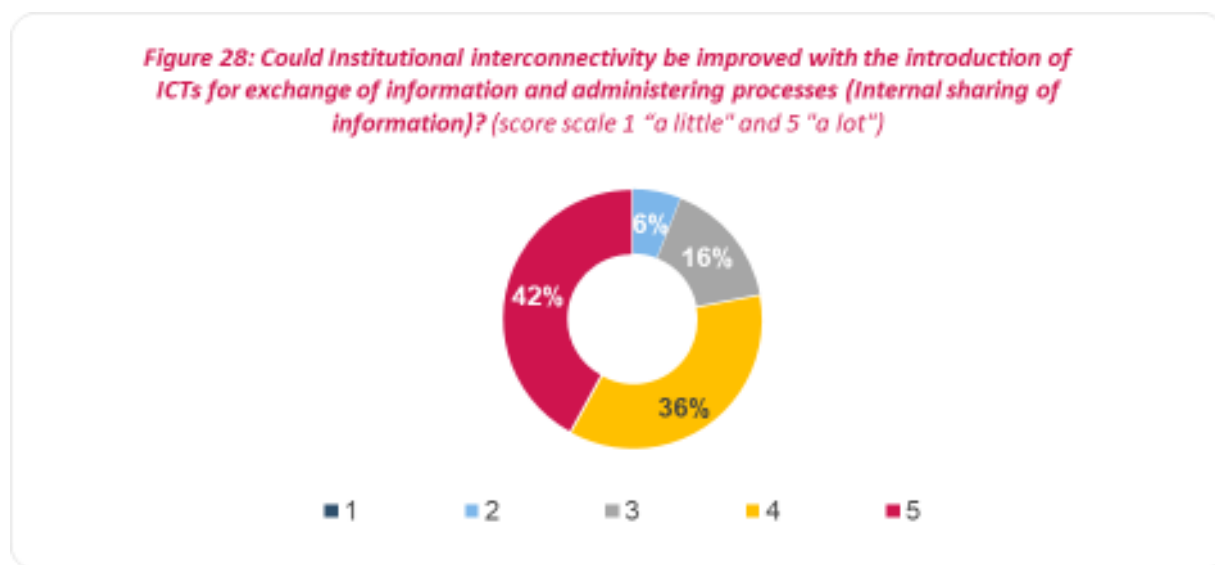


### **Regional Cooperation: answers by survey participants**

- *“Possibility to communicate with the partner services and to complete the task quickly.”*
- *“We have exercised our activities with third parties through online communications/platforms. Increasing also skills of participants in this.”*
- *“Online meetings, much less printed materials - more efficient, easy to get more people at meeting (online) even they are coming from different countries, upgrading digital tools knowledge etc.” (Interviewed Stakeholder Statement, November 2020)*
- *“Strengthen international cooperation on the health of refugees and migrants. Provision of necessary assistance could be considered through bilateral and international cooperation to those countries hosting and receiving large populations of refugees and migrants to prepare prevent and respond to COVID-19 outbreaks in refugees, migrants and host populations. Surveillance, case investigation and management, and infection control.” (WHO - Interim guidance, 17 April 2020)*
- *“Regional cooperation, is shown and mentions not to be in very satisfaction level, and we as MARRI should work more to function it better, by mention RCC role here too.” (Quotation by Sashko Kocev, MARRI RC Director, on Regional Conference: TUNING MIGRATION PROCEDURES TO COVID-19: Good practices and way forward, organized online by MARRI, under attention of GIZ and German Cooperation, during 15-16 December 2020).*

#### 4.1.11 Irregular migration key stakeholders and ICT

Institutional interconnectivity is one of the most fragile chain in the work of the governmental institutions as well as even more sensitive between the governmental and other stakeholders in the community. This sensitive issue is recognized by the key stakeholders from all MARRI Participants, as well as from the international community. Very positive and supportive results are presented in the answers of the participants. The results should be address to the governments, to bring this issue in the governmental strategies as well as in the MARRI and other relevant international organizations, to address more efforts for improving of this issue.



Identify appropriate communication technologies as migrant and refugee groups may not be able to access scientific online resources. Flyers, call centres or in-person channels may be more effective. These groups may indeed benefit from texting or social media key messages. (WHO, Interim Guidance, March 2020)

#### A successful story

*"During lockdown we heavily relied on technologies which previously were not utilized as much as they should have been. In my opinion, it was during the pandemic where we realized the full potential of technologies, such as: zoom, skype, webex, etc". (Interviewed stakeholder statement, November 2020)*

*"Zoom, MS Teams, for meetings and for coordination, for cooperation, especially considering that I am responsible for both Albania and Kosovo\* and being at a distance in these conditions has helped me in the smooth running of the work". (Interviewed stakeholder statement, November 2020)*

*The actual emergency created by COVID-19, along with many restrictions of movement, in other side has facilitated the introduction of innovation and technology in work. (Interviewed stakeholder statement, November 2020)*

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

## 4.2 Trafficking with Human Beings

### 4.2.1 Desk and survey research findings

Human trafficking is a serious crime that abuses people's fundamental rights and dignity. It involves the criminal exploitation of vulnerable people for the sole purpose of economic gain. Human trafficking is a modern form of slavery. It is often transnational in character and its victims are of both genders and all ages (Europol definition).

Trafficking can take various forms and may involve:

- sexual exploitation, including forced marriage and prostitution;
- forced labour or services, including begging;
- slavery, servitude and related practices;
- the removal of vital organs.

Trafficking can also take the form of exploitation for the purpose of forced criminality, such as pickpocketing, shoplifting and drug trafficking.

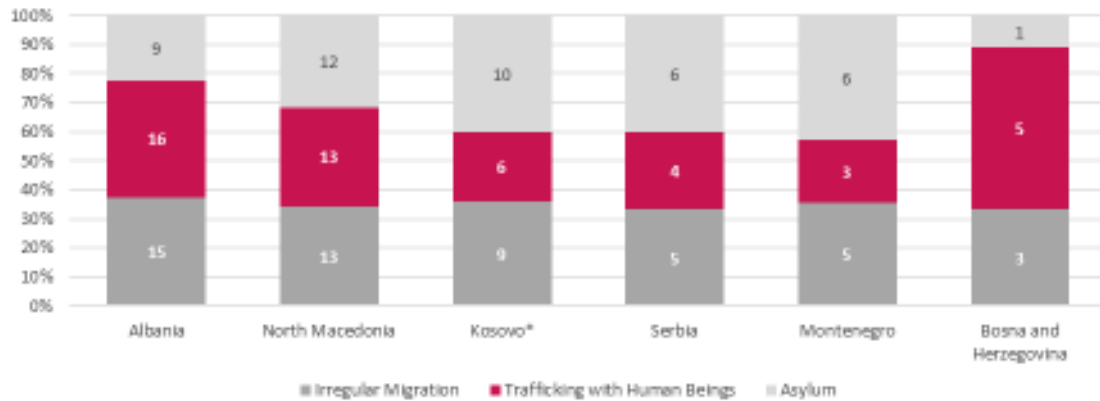
Referring to European Commission report (Brussels, 6 October 2020), highlight the cooperation continued through the joint work along the Eastern Mediterranean/Western Balkans migratory routes. Smuggling of migrants, unaccompanied minors and human trafficking, especially affecting women and children, remain of concern. There has been a marked increase in the number of migrants crossing through the region in 2019, with over 15,000 irregular arrivals to EU Member States detected on the Western Balkans route, which was a 159% increase compared to 2018. Bosnia and Herzegovina in particular saw the irregular entry of more than 29,000 refugees and migrants in 2019.<sup>154</sup>

Out of 6 MARRI Participants, a total of 18 key stakeholders participated in the survey, whose field of work was Trafficking of Human Beings (THB), 7 of whom are part of the governmental institutions, 72% are female and 28% are male. About work experience in this sector, 66% (12) respondents have more than 10 years of involvement and investment, demonstrating the high level of expertise needed to be given and committed in the sector of THB by MARRI Participants. The high number of governmental officials and their work experience make the findings of this survey cover better the gaps and needs of institutions in shaping better policies in a pandemic situation.

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<sup>154</sup>European Commission (2020), Communication From the Commission to the European Parliament, the Council, the European Economic And Social Committee And the Committee Of The Regions - 2020 Communication on EU enlargement policy, Brussels, pg 10, 6.10.2020.

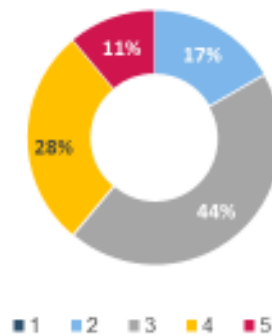
**Figure 29: Area of work/professional interest of respondents.**



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

Regarding the assessment of the risk degree during the pandemic of COVID-19, and considering that 30% (of total percentage of respondents) remark as almost highly risky (rating score 4) their job during COVID-19 pandemic, the key stakeholders working on THB consider the risk 45%, 15% more that the total of responses. Based on this finding, the degree of risk of the pandemic situation is estimated to be relatively higher among key stakeholders working with THB.

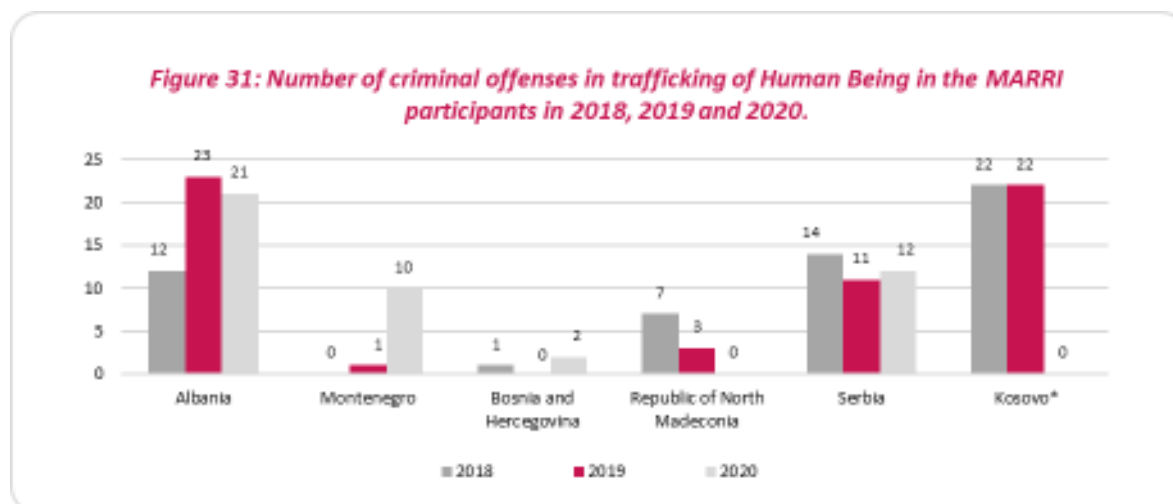
**Figure 30: Degree of risk expressed by respondents that has become during the COVID-19 pandemic. (score scale 1 "not risky" and 5 "highly risky")**



*"I mainly work with capacity building of governmental institutions or agencies, but meanwhile in the contacts and communications we build we also have contacts with children in street situations, victims of trafficking (VT), potential victims of trafficking (PVT), migrants or asylum seekers."* (stakeholder interview statement, November 2020).

## 4.2.2 THB around the MARRI Region

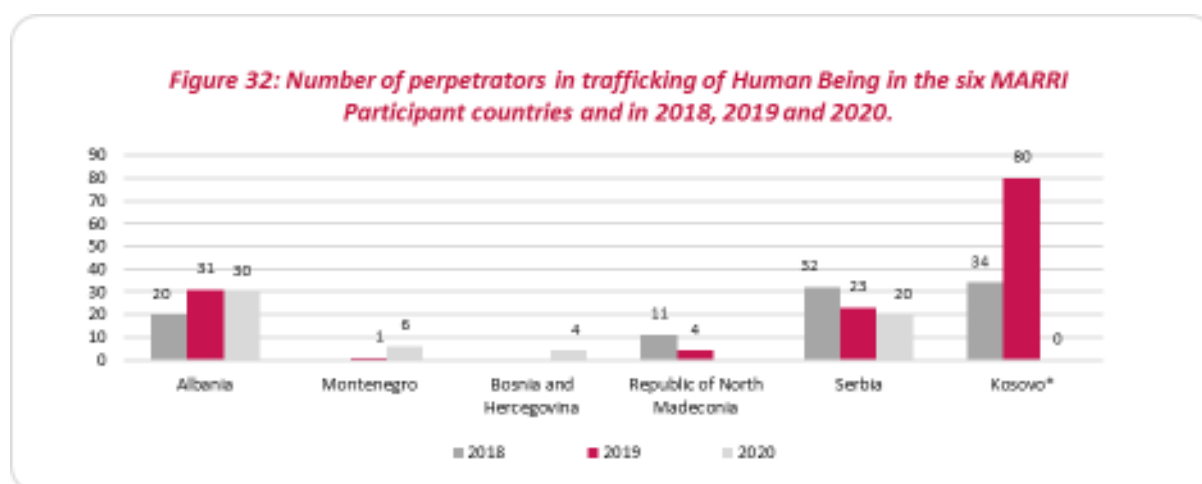
Referring to the data shared by Ministries of Interior of MARRI Participants, for the scope of this study (November 2020), Albania and Kosovo\* report to have the highest number of criminal offenses in THB during the last two years (2019 and 2020), with 23 and 22 cases Albania (2019, 2020), and with 22 cases Kosovo\* (for each year 2019, 2020).



Source: Ministries of Interiors of Marri Participants, given for the scope of this study, November 2020.

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

Based on numbers and statistics provided by Ministries of Interior of MARRI Participants for the scope of this study (November 2020), Kosovo\* is reported with the highest number of the perpetrators in THB, with 80 cases during the year 2019, followed by Serbia and Albania.



Source: Ministries of Interiors of MARRI Participants, given for the scope of this study, November 2020.

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

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

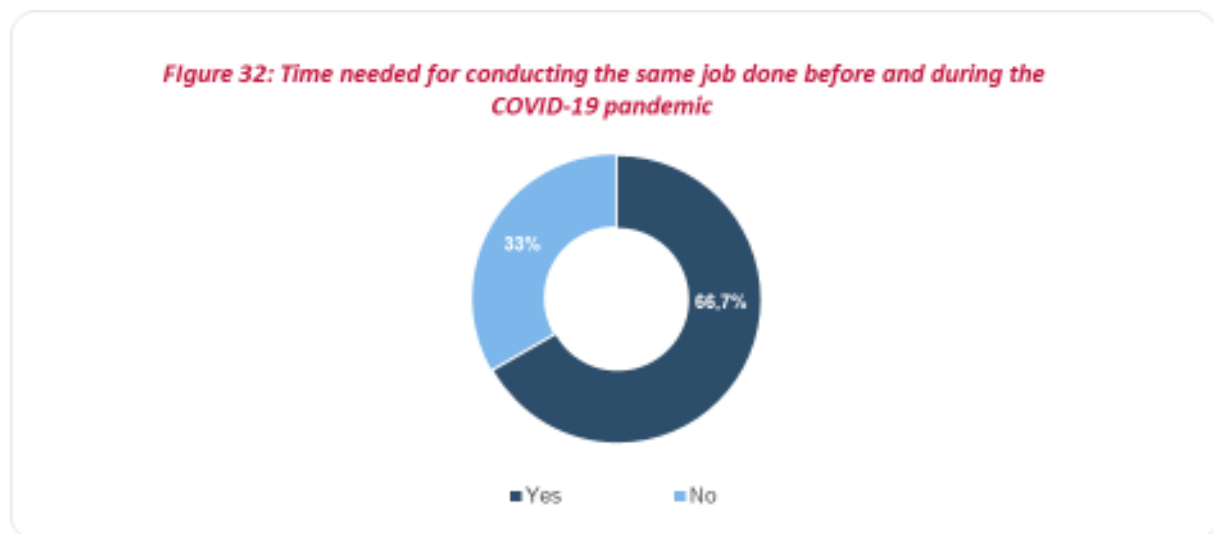
The difficulties are when the VT/ PVT have to access their right in healthcare and vital services. Assessing as difficult the exercise of the rights of VT/ PVT during the COVID – 19, it is needed to provide victims of trafficking with access to safe and immediate accommodation, health care and psychological assistance, to assist in their exit from trafficking and protect them from revictimization. Children as one of the risky target group of being VT/PVT, in order to guarantee their protection, it is vital that children are prioritized in all border-related procedures

WHO calls for the inclusion of refugees and migrants, as part of holistic efforts to respond to COVID-19 epidemics in the general population.

*“Unify the data collection regarding Migration, THB and Asylum, - across MARRI Participants.”*  
 (Recommendation given by participant on Regional Conference: TUNING MIGRATION PROCEDURES TO COVID-19: Good practices and way forward, organized online by MARRI, under attention of GIZ and German Cooperation, during 15-16 December 2020)

### 4.2.3 THB key stakeholders work environment during the COVID-19 pandemic

During the survey, referring to the time needed for the work in the pandemic, almost than 70% for THB key stakeholders has been answered “Yes” (they need more time), which clearly explains the difficulties and challenges that respondents are facing in a COVID-19 pandemic situation.



While regarding to the efficiency, the highest percentage of 60% goes to almost high efficiency (rate score 4).

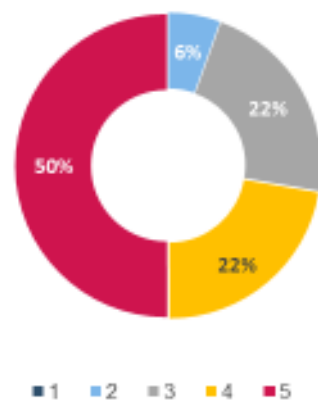
In this regard, key stakeholders engaged on THB definitely needs more time for realizing duties and daily works with efference.

### 4.2.4 The rights of VT/PVT during the COVID-19 pandemic

MARRI Participants administrations and other actors are duty-bearers that are responsible and can be held accountable for their acts or omissions.

Regarding the access to the exercise of the rights of asylum seekers, migrants or VT/PVT, from the given answer from key stakeholders working with VT/PVT is assessed by “a lot” (rate score 5) by 50% of participants. One (1) in two (2) key THB stakeholder confirm that is “so much difficult” (rate score 5) from VT/PVT to execute their rights during the COVID-19. It is understood that there are difficulties for these target groups in exercising their rights during the pandemic period.

**Figure 33: Refugees and VT/PVT rights during the COVID-19 pandemic. (score scale 1 “a little” and 5 “a lot”)**



A case from... Montenegro (Human Trafficking): During the first six months of 2020, 44 people were granted the status of victim, of which 43 were placed in specialised shelters. 16 contact points for victim identification were appointed at local police units and trained. A public awareness campaign was launched, including a TV clip on the risks of trafficking. Twelve NGOs benefit from governmental grants for prevention and protection activities, and one NGO runs a Governmental-funded 24/7 SOS hotline. Efforts must continue to consolidate the initial track record on trafficking in human beings, to proactively identify victims of trafficking in human beings, to ensure assistance to victims, to increase prosecutions and convictions and to continue awareness raising, training and coordinating activities (EC Progress Reports, Montenegro, 2020)

Assessing as difficult the exercise of the rights of VT/ PVT during the COVID-19, it is needed to provide victims of trafficking with access to safe and immediate accommodation, health care and psychological assistance, to assist in their exit from trafficking and protect them from revictimization. Temporary quarantine accommodation prior to shelter placement has been identified as a promising practice to ensure compliance with Covid-19 prevention measures (OSCE, April 2020)

For guarantee the rights of VT/ PVT during the COVID-19, it is needed to extend for at least six months all protection and assistance measures for all victims of trafficking, including work permits and access to services, to ensure continuity in their social inclusion process beyond the current health crisis. Continue investments in rehabilitation programs, as the risk of ‘losing’ those survivors who are already in transition is now particularly high due to the adverse economic situation. Provide online support to victims of trafficking inside and outside shelters. Psychological counselling, legal support as well as educational and training activities are examples of the services which might be temporarily provided remotely to ensure the continuity of victim’s support and to prevent re-trafficking (OSCE, April 2020)



Children as one of the risky target group of being VT/PVT, in order to guarantee their protection, it is vital that children are prioritized in all border-related procedures (identification, registration and referral), and supported by specialized staff who use child-friendly and gender-sensitive approaches (FRONTEX, Warsaw, February 2019)

The fight against THB in Montenegro is primarily led by the Government which means also in financial terms. As for the cooperation with NGOs, it is established on several levels. Representatives of NGOs are also involved in the Coordinating Body for monitoring the implementation of the THB Strategy. Government authorities dealing with THB have a signed agreement with NGOs in combating THB. NGOs are also involved as shelter providers for THB victims. Another segment in which governmental institutions cooperate with NGOs is in project activities. The Ministry of Interior allocates a part of its yearly budget for THB project activities with NGOs, which are granted through an open call. We deem the cooperation with NGOs as a very important and successful one. (Neli Rasovic, Ministry of Interior Representative of Montenegro, Regional Conference: TUNING MIGRATION PROCEDURES TO COVID-19: Good practices and way forward, organized online by MARRI, under attention of GIZ and German Cooperation, during 15-16 December 2020)

Especially important is the provision of information in a language and manner that the child can understand. Providing children with correct information adapted to their language is crucial, as it can help to counteract the actions of smugglers and traffickers, as well as reassure children and increase their trust in the services and advice provided by the professionals they meet. (FRONTEX, Warsaw, February 2019)

WHO calls for the inclusion of refugees and migrants, as part of holistic efforts to respond to COVID-19 epidemics in the general population. Include refugees, migrants, VT/ PVT in COVID-19 surveillance and health information systems. New cases of COVID-19 infection should be rapidly detected and reported, and the resulting data should be disaggregated by age and gender. Community-based surveillance should be encouraged. Epidemiological information should be collected and used to conduct risk assessments and guide preparedness and response measures in COVID-19 outbreaks in refugee and migrant settings. Cross-border collaboration for sharing COVID-19 information should cover people crossing borders, meanwhile respecting their right to privacy and personal data protection. Global guidance on surveillance for COVID-19. A handbook for public health capacity-building at land crossings and cross-border collaboration (This recommendation is in the same line with Interim guidance; WHO, 17 April 2020)

We are witnessing hate speech against them, especially on social networks, supported with the spread of fake news and disinformation, and such a narrative can provide a platform for the radical far-right movements to establish new and stronger relationships, which have been seen as uniting in the ideology of national rebirth and return to national borders, strengthened on the basis of the anti-immigration platform. (Comments done by participant on Regional Conference: TUNING MIGRATION PROCEDURES TO COVID-19: Good practices and way forward, organized online by MARRI, under attention of GIZ and German Cooperation, during 15-16 December 2020)

#### 4.2.5 THB stakeholder's education at dealing with person infected with COVID-19.

40% of THB key stakeholders asked about "positive effects of additional measures," answered "quite a lot" (score 4).

Low level of responses, about 38%, confirm that they are "prepared" (rate score 4) at dealing with VT/PVT, who have symptoms of COVID-19.

It is understood, that less than 1 key stakeholders in 2, is well prepared, well education and feeling confident with the protection measure undertaken by Government, while they are dealing with VT/ PVT.

Referring to THB key stakeholder's preparedness/education at dealing with Victims of Trafficking or potential Victims of Trafficking who have symptoms of COVID-19, is evident that one (1) in two (2) THB key stakeholders "strongly agree" (rate score 5) with the statement "The governmental authorities need additional education and training (e.g. in health and safety) in order to operate in a pandemic."

Mobilize, train, and educate key THB stakeholders on how to deal with people who have symptoms of COVID-19, about case management and referral, as well as about other control measures needed to be undertaken at shelter, service facilities and others. This recommendation is also in line with Interim Guidance of WHO, 17 April 2020.

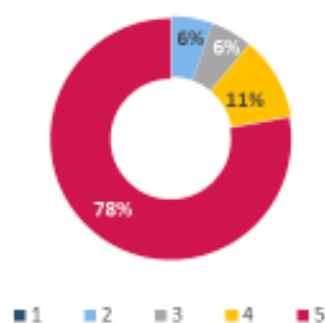
It is important also to strengthen community hygiene, particularly in informal urban areas and settlements, when THB person and not only, could be accommodated. This recommendation is also in line with Interim Guidance of WHO, 17 April 2020.

Regarding the daily and instant proactive measures, such as: keep physical distance, wear a protective mask and wash hands regularly, - THB key stakeholders are well informed and take care "very much" (rate score 5) in more than 80% (ref. graph. 34).

Front line service provider attitude is very high present and in respect of WHO recommendations measures to minimize the risk of transmission of COVID-19.

A case from.... Bosnia and Herzegovina, in the context of the COVID-19 pandemic, through the Ministries of Foreign Affairs and Security, successfully organized and enforced repatriation procedures by air and land. Repatriation procedures were conducted in line with all necessary medical and security crisis restrictive measures in place. (EC progress reports, Bosnia and Hercegovina, 2020)

**Figure 34: The extent to which physical distance is kept at the workplace. (1 being "a little" and 5 being "a lot")**

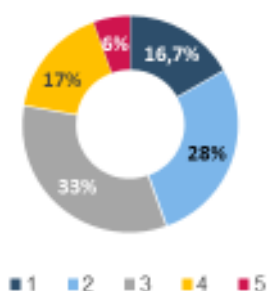


## 4.2.6 Effectiveness of Control Institutions

About the assessment of work effectiveness of the Public Prosecutor's office and Ombudsman's office, as oversight & control institutions during the pandemic, 33% THB key stakeholders confirm "somehow effective" (rate score 3) about Public Prosecutor's office (graph 39), and 28% "effective" (rate score 4) about Ombudsman's office (graph 40).

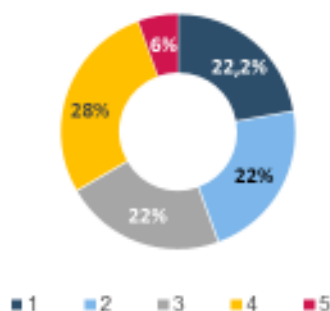
One (1) in three (3) THB key stakeholder perceived as effective the work Prosecutor and Ombudsman, as oversight & control institutions.

**Figure 35: Effectiveness of Public Prosecutor's office during the pandemic. (score scale: 1 "less effective" and 5 "more effective")**



Access to justice must be safeguarded. Where feasible, technology should be utilized to facilitate access to judicial processes and enable the collection and provision of evidence, the submission of documents and the filing or adjudicating of motions or petitions to courts (UNDOC, 14 April 2020).

**Figure 36: Effectiveness of Ombudsman's office during the pandemic. (score scale: 1 "less effective" and 5 "more effective")**



Law enforcement officials must remain vigilant in addressing new and evolving crime patterns and adapt their responses to prevent human traffickers from acting with impunity during the pandemic (UNDOC, 14 April 2020).

Ensure high alert among law enforcement and other first line responders to recognize and detect human trafficking. With traffickers likely to pivot to online exploitation, and with police, labour

inspectors, social workers, health-care professionals, educators and NGOs currently dramatically limited in their anti-trafficking efforts, detection and suppression efforts will have to adapt to a changing environment (OSCE, April 2020).

Despite the anticipated slowing down of economies because of COVID-19 and the resulting pressures on national budgets, countries must continue supporting anti-trafficking work and adapt their assistance programmes to the new and extraordinary circumstances created by the pandemic and its aftermath (UNDOC, 14 April 2020).

“Already before the COVID-19 pandemic, women and girls constituted the majority of detected victims of trafficking. This trend will likely continue during and in the aftermath of the pandemic, especially affecting marginalized communities.” Tatiana Kotlyarenko, ODIHR Adviser on Anti-Trafficking issues, 3 December 2020.

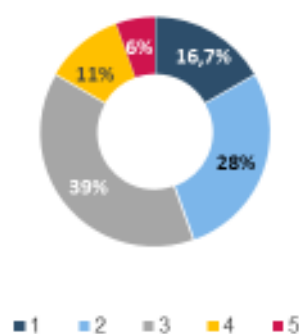
#### 4.2.7 Impact of COVID-19 measures in work efficiency of THB key stakeholders

Referring to the assessment on the effects of the COVID-19 pandemic in regards of different aspects of work, almost one (1) in three (3) THB key stakeholders confirm unmanly “somehow” (rate score 3).

Based on this, we understand that pandemic restriction and new condition of the work created, has influenced on the wellbeing and mental health of first line service providers, by effecting on: workflow, quality of work, focus on performing tasks, procedures implementation.

It is needed to be under Governments attention to offer psycho-social assistance to key stakeholders during the actual working condition that they are, targeting also key THB stakeholders. Pandemic restriction and unstable situation which cause stress and panic, needs to be addressed also to service providers, including THB stakeholders. Economic bonus is a service that could/ needs to be taken under consideration by the Governments.

*Figure 37: Efficient work flow (score scale 1 "a little" and 5 "a lot")*



A successful story: A psychological counselling centre for students has been established, in conditions of COVID-19. The faculty created its own network of volunteers. We always start with the application of ICT technologies for teaching, exams, administrative work with students. Using the model of online practical classes (seminars), with MOI students are involved and help in checking the persons who are in home isolation (Interviewed stakeholder statement, November 2020)

#### 4.2.8 THB key stakeholders and ICT

One (1) in two (2) THB key stakeholders' asses the use of innovation and technology as "very good" (rate score 4) in improving and assisting in executing work during the COVID-19 pandemic.

Meanwhile, almost 70% of THB stakeholders consider ICT important in improving exchange of information and administering processes.

To provide proper IT infrastructure to THB key stakeholders for working on-line in respect of pandemic restriction and keeping the physical distance, and create opportunity on how to improve skills and knowledge of key stakeholders in using ICT.

A successful story: RMSA staff has been provided with laptops, mobiles under the right of use to ensure high quality of working from home. Also, our project beneficiaries (migrant) who were attending the Albanian language courses and children attending the school/university, has been provided with tablets to successfully conduct working and teaching on-line. Where it is needed internet, connection was made possible and covered (thanks to donor support, UNHCR) (Interviewed stakeholder statement, November 2020)

New IT skills needs to be introduced and developed.

Investigators should be prepared as traffickers change their *modus operandi*, increasing online enforcement presence and employing advanced investigative instruments, including financial investigation tools to detect human trafficking in financial flows due to an increase in non-cash payments (OSCE, April 2020)

Once lockdown measures are lifted, keep a high law enforcement alert on forms of trafficking that are likely to increase in the near future, such as online exploitation and forced begging (OSCE, April 2020).

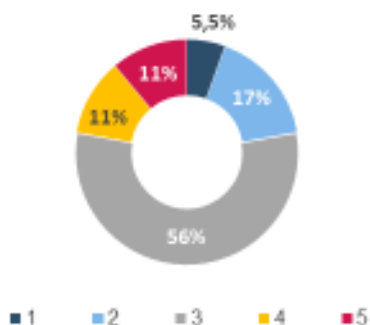
Identify appropriate communication technologies as migrant and refugee groups may not be able to access scientific online resources. Flyers, call centres or in-person channels may be more effective. These groups may indeed benefit from texting or social media key messages (WHO, Interim Guidance, March 2020)

A successful story: During lockdown we heavily relied on technologies which previously were not utilized as much as they should have been. In my opinion, it was during the pandemic where we realized the full potential of technologies, such as: zoom, skype, webex, etc (Interviewed stakeholder statement, November 2020)

#### 4.2.9 Regional Cooperation

One (1) in two (2) THB key stakeholders interviewed, confirm "somehow" (rate score 3 ) the improvement of the regional cooperation between the governments, aiming the greater protection against the pandemic COVID-19 (graph 38).

**Figure 38: COVID-19 protection measures vs improvement of regional cooperation (score scale 1 "a little" and 5 "a lot")**



Online meetings, much less printed materials - more efficient, easy to get more people at meeting (online) even they are coming from different countries, upgrading digital tools knowledge etc. (Interviewed stakeholder statement, November 2020)

Strengthen international cooperation on the health of refugees and migrants. Provision of necessary assistance could be considered through bilateral and international cooperation to those countries hosting and receiving large populations of refugees and migrants to prepare, prevent and respond to COVID-19 outbreaks in refugees, migrants and host populations. Surveillance, case investigation and management, and infection control (WHO - Interim guidance, 17 April 2020)

Regional cooperation, is shown and mention not to be in very satisfaction level, and we as MARRI should work more to function it better, by mention RCC role here too. (Quotation by Sashko Kocov, MARRI Director, on Regional Conference: TUNING MIGRATION PROCEDURES TO COVID-19: Good practices and way forward, organized online by MARRI, under attention of GIZ and German Cooperation, during 15-16 December 2020)

#### 4.2.10 Albanian Case - THB Key Stakeholders (direct and indirect involved in working with VT/ PVT)

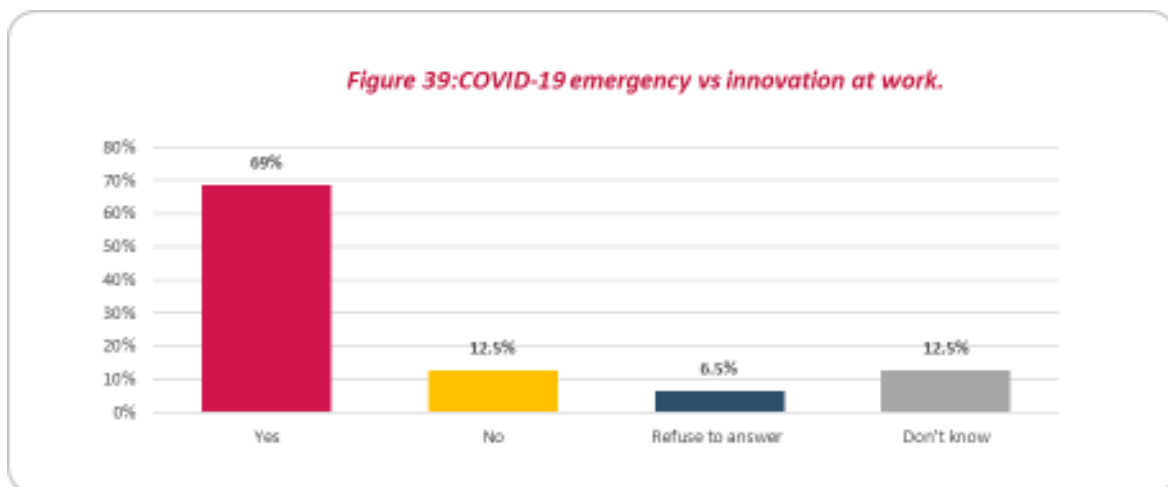
Public Prosecutor's office, Ombudsman's office and CSO/NGOs, - may be consider as main institutions contributing in preventing and in service for VT/ PVT.

In Albania, one (1) in two (2) interviews agree on high level of effectiveness (rate score 4) for NGOs work (50%), evaluated higher than the work done by Ombudsman's office (31 %) and Public Prosecutor's office (19%), - for the same rate score (4).

Our recommendations about THB for Albania, are in the same line with recommendation given by European Commission (October, 2020):

- The border police's investigative powers need to be strengthened, in particular to detect cases of people-smuggling and trafficking.
- Albania should increase efforts on the early identification of victims and potential victims; intensify cross-border cooperation with neighbours and international cooperation; and contribute to the successful reintegration of victims.
- It should pay particular attention to unaccompanied children and child victims of trafficking, and provide them with adequate protection.

The actual emergency created by COVID-19, along with many restrictions of movement, in other side has facilitated the introduction of innovation and technology in work. In Albania, 70% of the THB key stakeholders has confirmed used for communication the technology and innovation (Figure 39).



One (1) in four (4) THB key stakeholders in Albania confirm that “is improved a lot (rate score 5) institutional interconnectivity via the introduction of ICTs for exchange of information and administering processes (Internal sharing of information)”.

About introduction of ICTs in improving the processes of providing relevant information and offering public services to targeted vulnerable groups (External sharing of information intended for target groups)”, in Albania we find different statements, when the majority of 40% conforms ‘has improved’ (rate score 4).

Using various internet tools, applications for organizing meetings is a great innovation in my work. Until the pandemic, we did not use and apply it in our work, but since March we have been using various applications, which has largely led to the saving of time and resources; (Interviewed stakeholder statement, November 2020)

#### 4.2.11 North Macedonian Case - THB Key Stakeholders (direct and indirect involved in working with VT/ PVT)

Public Prosecutor's office, Ombudsman's office and CSO/NGOs, - may be consider as main institutions contributing in prevention and service for VT/ PVT.

In North Macedonia, 70% of interviews agree on high level of effectiveness (rate score 4) for NGOs work, evaluated higher than the work done by Ombudsman's office (40 %) and Public Prosecutor's office (23%), - for the same rate score (4).

The actual emergency created by COVID-19, along with many restrictions of movement, in other side has facilitated the introduction of innovation and technology in work.

In North Macedonia, 92% of the THB key stakeholders has confirmed used for communication the technology and innovation.

Almost 80% of THB key stakeholders in North Macedonia confirm that “is improved a lot (rate score 5) institutional interconnectivity via the introduction of ICTs for exchange of information and administering processes (Internal sharing of information).”

One (1) in two (2) THB key stakeholders in North Macedonia confirm that “is improved a lot (rate score 5) the process of providing relevant information and offering public services to targeted vulnerable groups (External sharing of information intended for target groups).”

We have drafted and started implementing new projects, virtual communication has made it necessary to think of creative ways of doing work such as virtual psycho-social services to families in need, virtual activities etc. (Interviewed stakeholder statement, November 2020)

#### 4.2.12 Bosnia and Hercegovina Case - THB Key Stakeholders (direct and indirect involved in working with VT/ PVT)

Public Prosecutor's office, Ombudsman's office and CSO/NGOs, - may be considered as main institutions contributing in prevention and service for VT/ PVT.

In Bosnia and Hercegovina, 40% of interviews agree on high level of effectiveness (rate score 4) for NGOs work, evaluated higher than the work done by Ombudsman's office (40 %, rate score 3) and Public Prosecutor's office (20%, rate score 3).

Legislation on trafficking in human beings in Bosnia and Hercegovina is broadly aligned with the relevant EU acquis, mention by European Commission (Oct 2020).

Our recommendations about THB situation and key active stakeholders for Bosnia and Hercegovina, are in the same line with recommendation given by European Commission (Oct 2020):

- In the coming year, Bosnia and Herzegovina should in particular: adopt a strategic approach towards fighting serious and organized crime, including on cybercrime and trafficking in human beings, based on a threat assessment in line with the Europol methodology involving competent authorities from all levels of government;
- Bosnia and Herzegovina should step up the fight against transnational organized crime networks. The legislation on trafficking in human beings needs to be further aligned with the EU acquis, notably for sanctions.

The actual emergency created by COVID-19, along with many restrictions of movement, on the other side has facilitated the introduction of innovation and technology in work. In Bosnia and Hercegovina, 100% of the THB key stakeholders has confirmed used for communication the technology and innovation.

40% of THB key stakeholders in Bosnia and Hercegovina confirm that “is improved (rate score 4) institutional interconnectivity via the introduction of ICTs for exchange of information and administering processes (Internal sharing of information).”

About introduction of ICTs in improving the processes of providing relevant information and offering public services to targeted vulnerable groups (External sharing of information intended for target groups)”, in Bosnia and Hercegovina we find different statements, when only 20% conforms ‘a lot improved’ (rate score 5) and 40% ‘improved’ (rate score 4).

Bosnia and Hercegovina has a strategy and action plan related to asylum, we have worked with the European Agency for Asylum, - EASO, and with actors we have seen that trainings that are related to THB. Specifically, we have given weight to the interview and placed emphasis on the use of equipment used in EU countries, in order to identify victims of trafficking. Because in most cases they are closed, intimidated and most do not want to give statements and do not admit that they are trafficked persons. Therefore, these issues are very specific, and we are constantly trying to raise our techniques to a higher level and raise the standards to give a bigger fight to this phenomenon (Quotation given by Mr. Mustafa, Ministry of Security of Bosnia and Hercegovina, Regional Conference: TUNING



MIGRATION PROCEDURES TO COVID-19: Good practices and way forward, organized online by MARRI, under attention of GIZ and German Cooperation, during 15-16 December 2020).

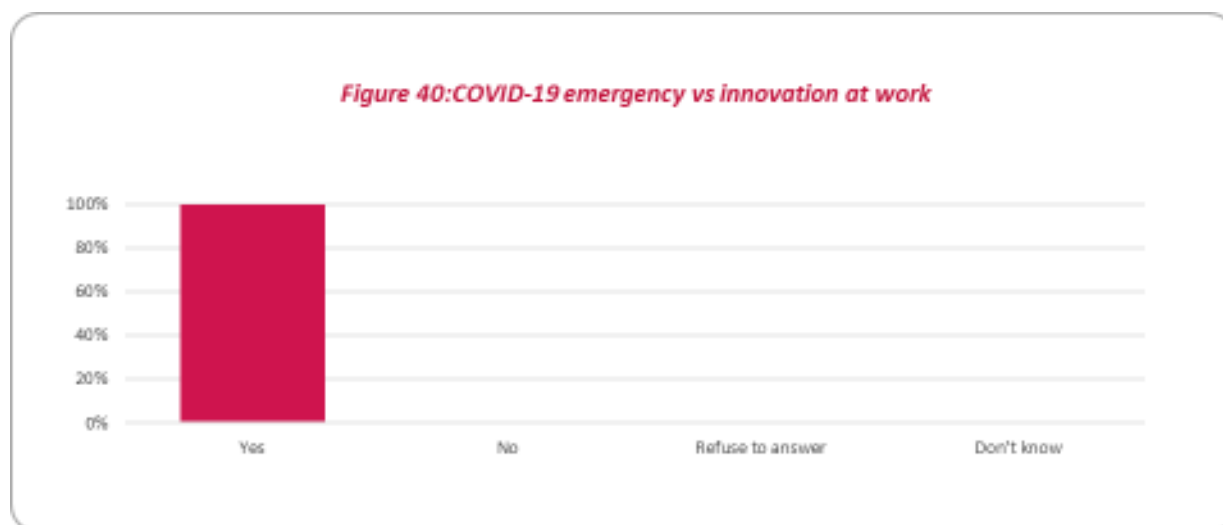
### 4.2.13 Serbia Case - THB Key Stakeholders (direct and indirect involved in working with VT/ PVT)

Public Prosecutor's office, Ombudsman's office and CSO/NGOs, - may be consider as main institutions contributing in prevention and service for VT/ PVT. In Serbia, two (2) in three (3) interviews agree on high level of effectiveness (rate score 4) for NGOs work (75%), evaluated higher than the work done by Ombudsman's office (50 %) and Public Prosecutor's office (50%), - for the same rate score (4).

Our recommendations about THB situation and key active stakeholders for Serbia, are in the same line with recommendation given by European Commission (Oct 2020):

- In Serbia needs to be further cross-sectoral cooperation, coordination and a clearer mutual understanding of roles and responsibilities.
- In Serbia, the centre for protection of victims of human trafficking is operating with 16 out of 24 envisaged staff. Its capacities need to be increased.

The actual emergency created by COVID-19, along with many restrictions of movement, in other side has facilitated the introduction of innovation and technology in work.



75% THB key stakeholders in Serbia confirm that “is improved (rate score 4) institutional interconnectivity via the introduction of ICTs for exchange of information and administering processes (Internal sharing of information).”

About introduction of ICTs in improving the processes of providing relevant information and offering public services to targeted vulnerable groups (External sharing of information intended for target groups)”, the majority of 75% of interviewers in Serbia confirm ‘improved’ (rate score 4).

We are divided into teams and that has given great results so that our people do not become infected with COVID-19. We have introduced communication with our protected people via social media. we have communication over the phone. We now have more intensive communication over the phone. (Interviewed stakeholder statement, November 2020)

#### 4.2.14 Montenegro's Case - THB Key Stakeholders (direct and indirect involved in working with VT/ PVT)

Public Prosecutor's office, Ombudsman's office and CSO/NGOs, - may be consider as main institutions contributing in prevention and service for VT/ PVT. In Montenegro, the interviews agree on most effectiveness (rate score 5) of work done by NGOs (70%) and Ombudsman office (70%), evaluated higher than the work done by Public Prosecutor's office (30%), - for the same rate score (5).

Our recommendation about THB situation and key active stakeholders in Montenegro, are in the same line with recommendation given by European Commission (October, 2020):

- Montenegro is encouraged to raise the minimum marriage age to 18 years of age, as recommended by CEDAW and UN Special Rapporteur on Trafficking in Persons.

Other recommendations to Montenegro, referred in parallel manner with Trafficking in Persons Report - Department of State of USA TIP Report (June 2020), are:

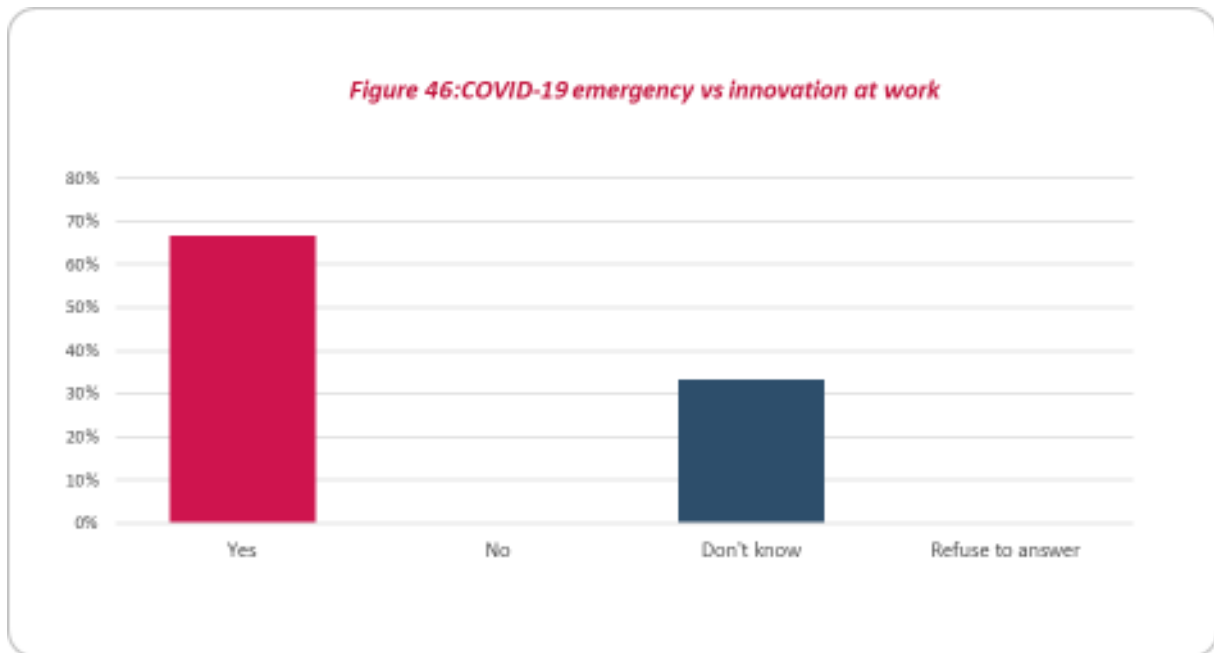
- Vigorously investigate, prosecute, and convict traffickers under Article 444 of the criminal code.
- Provide advanced training to judges, prosecutors, and law enforcement on trafficking investigations and prosecutions.
- Update standard operating procedures to formalize cooperation with NGOs on victim identification.
- Ensure the new shelter provides high quality assistance and support.
- Increase proactive screening of potential victims, especially for individuals in commercial sex, migrants, seasonal workers, and children engaged in begging.
- Increase access to justice and victim-witness protection for victims.
- Incentivize and encourage victim participation in investigations and prosecutions in a victim-centred manner.
- Integrate Romani groups into decision-making processes regarding victim protection.
- Create and finance an accessible compensation fund, and inform victims of their right to compensation during legal proceedings.
- We do most of the work communication including meetings through online platforms. This keeps us mostly linked online and enables us to use technology as a means of work and communication. (Interviewed stakeholder statement, November 2020)

The actual emergency created by COVID-19, along with many restrictions of movement, in other side has facilitated the introduction of innovation and technology in work. In Montenegro, 70% of the THB key stakeholders has confirmed used for communication the technology and innovation.

The majority of THB key stakeholders in Montenegro, 70% confirm that "is improved (rate score 4) institutional interconnectivity via the introduction of ICTs for exchange of information and administering processes (Internal sharing of information)."

About introduction of ICTs in improving the processes of providing relevant information and offering public services to targeted vulnerable groups (External sharing of information intended for target

groups),” the majority of 70% of interviewers in Montenegro confirm ‘improved a lot’ (rate score 5), by making difference from the response of other Marri Participants for this issue (Graph 46).



#### 4.2.15 Kosovo\* Case - THB Key Stakeholders (direct and indirect involved in working with VT/ PVT)

Public Prosecutor's office, Ombudsman's office and CSO/NGOs, - may be consider as main institutions contributing in prevention and service for VT/ PVT. In Kosovo\*, one (1) in two (2) interviews agree on high level of effectiveness (rate score 4) for NGOs work (50%), evaluated higher than the work done by Ombudsman's office (30 %) and Public Prosecutor's office (30%), - for the same rate score (4).

Legislation on trafficking in human beings in Kosovo\* is broadly aligned with the relevant EU acquis, mention by European Commission (Oct 2020).

Our recommendations about THB situation and key active stakeholders in Kosovo\*, are in the same line with recommendation given by European Commission (October, 2020)

- To improve the implementation of legislation on trafficking in human beings, especially regarding the pro-active identification of victims, ensuring assistance and support.
- To increase the prosecution and conviction of perpetrators.
- Kosovo\* should adopt its new 2020-2024 strategy and action plan against trafficking in human beings.
- Kosovo\* has to set up a screening and referral tool for returnees makes it harder to identify vulnerable people, including victims of trafficking.

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

The actual emergency created by COVID-19, along with many restrictions of movement, in other side has facilitated the introduction of innovation and technology in work. In Kosovo\*, 50% of the THB key stakeholders has confirmed used for communication the technology and innovation.

One (1) in two (2) THB key stakeholders in Kosovo\* confirm that “is improved (rate score 4) institutional interconnectivity via the introduction of ICTs for exchange of information and administering processes (Internal sharing of information)”.

About introduction of ICTs in improving the processes of providing relevant information and offering public services to targeted vulnerable groups (External sharing of information intended for target groups)”, in Kosovo\* we find different statements, when the majority of 30% of each conforms ‘somehow improved’ (rate score 3) and ‘improved’ (rat score 4).

- Zoom, MS Teams, for meetings and for coordination, for cooperation, especially considering that I am responsible for both Albania and Kosovo\*, and being at a distance in these conditions has helped me in the smooth running of the work. (Interviewed stakeholder statement, November 2020).

#### 4.2.16 Recommendations related to THB Analyses

- Provide victims of trafficking with access to safe and immediate accommodation and others.
- Provide online support to victims of trafficking inside and outside shelters.
- Children must be prioritized in all border-related procedures;
- Provide information in a language and manner that the child can understand.
- WHO calls for the inclusion of refugees, migrants, VT/ PVT in COVID-19 surveillance and health information systems.
- Mobilize, train, and educate key THB stakeholders on how to deal with THB who have symptoms of COVID-19.
- Governments attention towards offering psycho-social assistance (and others) to key stakeholders during the actual working condition.
- Provide proper IT infrastructure to THB key stakeholders for working on-line in respect of pandemic restriction and keeping the physical distance, (Rec) and create opportunity on how to improve skills and knowledge of key stakeholders in using ICT.
- Investigators should be prepared as traffickers change their modus operandi.
- Identify appropriate communication technologies.

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

## 4.2.17 Cross Cutting issue: Irregular Migration and Trafficking with Human Beings (THB)

Out of 6 MARRI Participants, a total of 15 key stakeholders participated in the survey, whose field of work was *Irregular Migration and Trafficking of Human Beings (THB)*, 4 of whom are part of governmental institutions, 72 % are female and 28 % are male. On the regional level, the inputs for this indicator are from Albania, North Macedonia and Serbia participants.

Media as an important instrument for public education and opinion making, has played in vague role. One in three key THB and Migrant stakeholders, comments for “somehow positive” (rate score 3) about the media reporting activity on migrants, asylum seekers and refugees.

“However, this is not the case on social networks, and there is a large number of hate speech against migrants”. (Comments done by participant on Regional Conference: TUNING MIGRATION PROCEDURES TO COVID-19: Good practices and way forward, organized online by MARRI, under attention of GIZ and German Cooperation, during 15-16 December 2020).

Media as an important instrument for public education and opinion making, has played in vague role. One in three key THB and Migrant stakeholders, comments for “somehow positive” (rate score 3) about the media reporting activity on migrants, asylum seekers and refugees.

- Media literacy projects, Media education, and Social media regulation by bringing positive communication and narratives on migration to decrease hate speech and hate crime toward migrants. Therefore, we should also work on the issues of positive communications and presentations in the media. (Comments done by participant on Regional Conference: TUNING MIGRATION PROCEDURES TO COVID-19: Good practices and way forward, organized online by MARRI, under attention of GIZ and German Cooperation, during 15-16 December 2020).

Limitation in executing VT/PVT rights are made evident by interviewers, when almost all trust that is difficult for migrants, refugees or Victims of Trafficking/Potential Victims of Trafficking to exercise their rights during the COVID-19 pandemic. One in three key THB and Migrant stakeholders comments it as “very much difficult” (rate score 5).

MARRI Participants administrations and other actors are duty-bearers that are responsible and can be held accountable for their acts or omissions. In this regard, 72% THB and Migrant stakeholders believes that “somehow” (rate score 3), the Government policies and measures enable effective migration management in times of pandemic.

## 4.3 Asylum

### 4.3.1 Short summary of findings from desk research

The pandemic had a direct impact on the field of asylum in all 6 MARRI Participants, mainly in the full implementation according to law and in time of the procedures for obtaining asylum. Also during the first period of the pandemic, where there was a total lockdown, reception centres for asylum seekers were closed and movements were restricted, increasing the urgent need for taking health protection measures against COVID-19 to asylum seekers as well as administrative staff or service providers in direct contact with them.

The main general issues in asylum field highlighted in EC Progress Reports of October 2020 for 6 MARRI Participants are:

- Albania---the issue of not function of National Commission of Refugees and Asylum, the exclusion of refugees from social housing and asylum seekers from social assistance, the requisite resources should be allocated for full-time qualified interpreters during and after pre-screening, more training is needed on how to assess individual claims, particularly the information on country of origin and cases involving vulnerable people, data management still needs to be strengthened and border crossing points interconnected, etc.
- Bosnia and Herzegovina--- further alignment is needed in particular on interview techniques, access to rights and legal aid, as well as on the definition of asylum-seekers and refugees, Inter-agency cooperation needs to be further improved, ensure an effective access to asylum procedures, Increasing human capacity, including interpreters and cultural mediators, is needed in order not to rely only on external international support, cooperation with EASO should be strengthened, etc.
- Serbia--- need to further adapt its legislation, sustainable training of the Asylum Office staff is needed, change of administrative procedures to enable outsourcing of the translation function, the asylum procedure needs to be improved at all stages, the documents provided to people under international protection need to be improved in order to facilitate access to their socio-economic rights, etc.
- Montenegro-- Need to continue to strengthen its capacity in border management, prevention of cross-border crime and corruption at borders, etc.
- Kosovo\*-- Qualified interpreters are needed to service both the asylum and detention centres and the border police, the institutions need to be further strengthened to address capacity gaps, especially given the trend of increasing asylum requests in 2019, etc.

### 4.3.2 Survey research findings

In the Covid-19 pandemic situation, the 6 MARRI Participants faced the challenge to apply health protection measures in compliance with WHO recommendations to their officials working in the field of asylum, administrative staff, service providers, including asylum seekers, trying to make these measures reasonable, proportionate and non-discriminatory.

But how effective these measures have been, how enforceable they have been, how safe people have felt during the pandemic, how prepared / trained they have been for this situation in relation to

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

asylum seekers, refugees and other issues related to this survey provide interesting data, which we will present below.

### What the word "Pandemic" mean? Answers by participants:

*"A disease, lock downs, negative psychological pressure, fear ..."*

*"A disease with big socio-economic impact, due to the lockdown of the economy form COVID-19 PANDEMIC. it affected all areas of life of persons of concerns mainly the health supports and services. For example, an asylum seeker who does not have a clear status lack documentation and doesn't have access to public health care, thus is highly needed the intervention of NGO's that work in this field, and it is very supportive and critical for this category to face this pandemic situation"*

*"big challenge for everyone"*

*"International, national mobilization to face a not very well known situation, and requires coordination, interaction between different institutions in different countries, at national, regional and global level."*

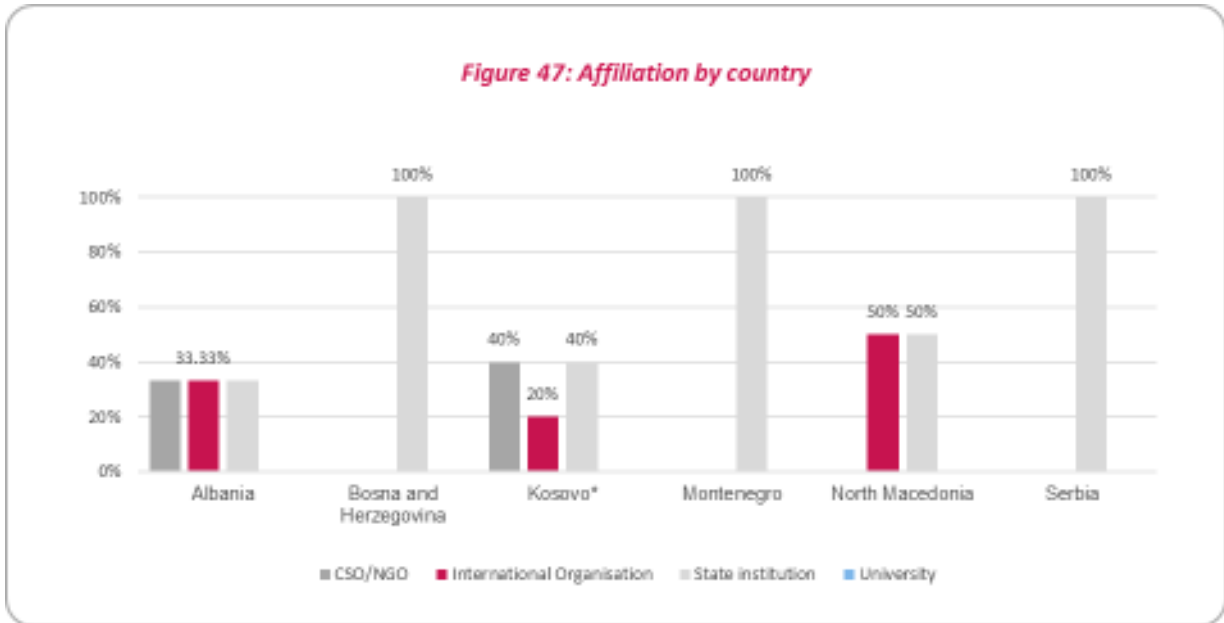
*"A pandemic is a contagious disease that has paralyzed the world It is"*

*"Something that applies to all people. I associate it with a Pandora's box that when you open you don't know what will come out of there."*

During the interviews, one of the respondents has described the situation of asylum seekers in one of the MARRI Participants as such:

**"COVID-19 in the field I deal with has not changed the attitude of illegal migrants. It has remained the same and that is that their ultimate goal is to come to one of the countries of Western Europe and there to integrate into existing communities. My country is not a country of final destination and this is shown by statistical data on the number of submitted asylum applications in the recent three years. In all these years, we have managed to complete the asylum procedure in 107 cases and what confirms that we are not a country of final destination is that a large number of persons granted both subsidiary and refugee status have renounced that status."**

Out of 6 MARRI Participants, a total of 17 persons participated in the survey, whose field of work was asylum, 11 of whom are part of governmental institutions and 52.9% are male and 47.1% are female. **Almost half of the respondents have more than 10 years of work experience in this sector. The high number of administration officials and their work experience make the findings of this survey cover better the gaps and needs of the institutions in shaping better policies in a pandemic situation.** Also, the gender balance in this survey is assured, as the percentages show that clearly. (*Observe figure below*).

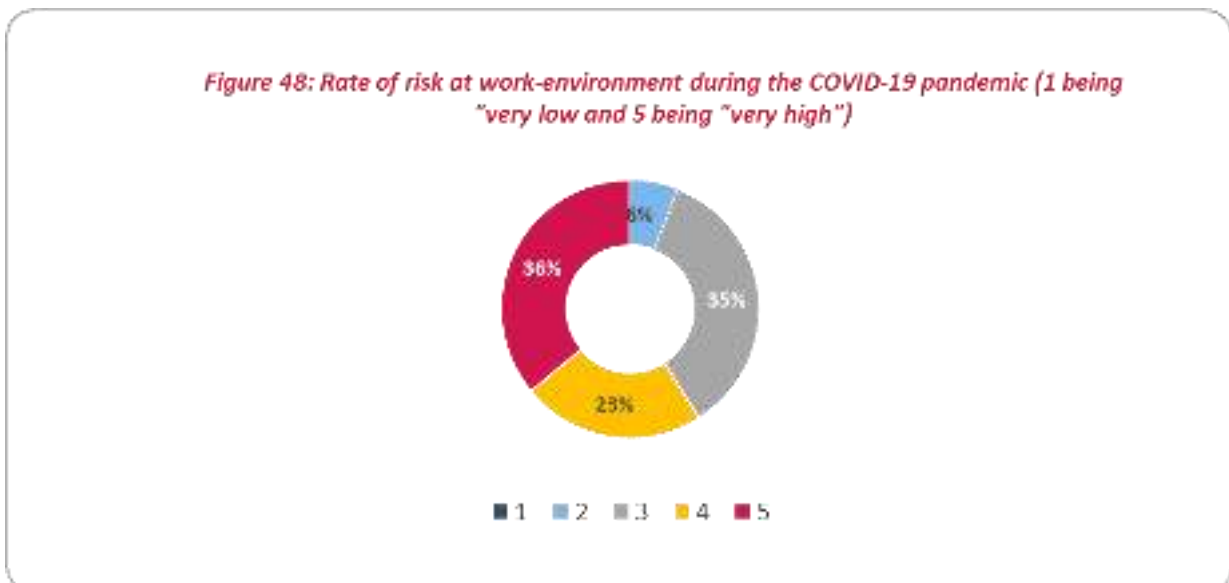


### Main findings on asylum stakeholders

During the conducted interviews with asylum stakeholders from 6 MARRI Participants, it came out clearly that COVID-19 pandemic has influenced them mainly in these areas:

- Health safety
- Work environment
- Way of performing their tasks

The impact of COVID-19 pandemic on **health safety** of asylum stakeholders is clearly noticed by answers given related to the assessment of risk degree, how safe they feel, and how much health protection is available to them according to WHO Recommendations.





Regarding the assessment of the risk degree during the pandemic of COVID-19, and considering the total number of respondents, the rating score 5 (highly risky) is equal in percentage with the rating score 3 (almost risky) with 35.3%. So, in general, the degree of risk of the pandemic situation is estimated to be relatively high.

This assessment actually goes in line with the respondents' assessment of how safe they feel during this pandemic, it turns out that the highest percentage goes to level 3 (almost safe) with 47.1%.

From the answers given by respondents that work in asylum field was clearly understandable that COVID-19 pandemic had a considerable impact even in their work environment. This was well noted with answers related to questions about work environment.

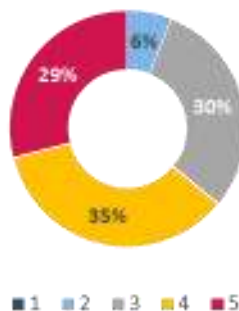
During the survey, referring to the time needed for the work in the pandemic, more than 60 % have answered yes (they need more time), which clearly explains the difficulties and challenges that respondents are facing in a COVID-19 pandemic situation.

*Figure 49: Have tasks at work become generally more time-consuming due to the COVID-19 pandemic?*



With regard to efficiency, the highest percentage of 35.3% goes to rate 4, followed by the rate 5 and 3 with 29.4%. Regarding the **impact of COVID-19 on the work process**, it turns out that it has been affected with a rating of 3 in the largest percentage.

*Figure 50: To what extent does your work-environment during the COVID-19 pandemic, allow you to perform tasks efficiently? (1 being "very low" and 5 being "very high")*



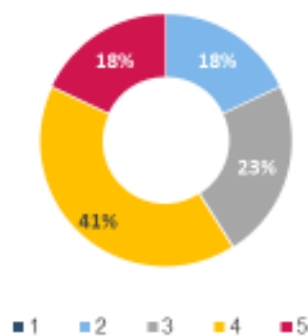
The survey also showed that many of those working in the field of asylum are familiar with **new forms of innovation**, mainly the use of online platforms for the development of meetings, conferences, and trainings, etc. In fact, after some austerity measures applied in the first phase of the pandemic (but even now in this period) it became impossible to engage the administrative staff 100% physically in the office, so the use of digital communication methods became necessary. All MARRI participants in the largest percentage express that they are familiar with a new form of innovation during this period.

During the conduct of the survey one of the respondents shared her experience regarding use of new forms of innovation explaining that:

“Our staff has been provided with laptops and mobile phones under the right of use to ensure high quality of work working from home. In addition to that persons of concern attending local language courses as well as children go to school/university has been provided with tablets to successfully conduct working on line. Where needed, internet connection was made possible and covered with EU Funds through UNHCR, for this category.”

They also consider it necessary to **use ICT means of communication** for the internal and external sharing of information. Consequently, a wider use of ICT means of communication is needed to be implemented with all MARRI Participants. People need to be trained with the purpose of exercising their work tasks in a safe and efficient way.

*Figure 51 : The reported need for ICT facilitation for sharing information internally (1 being "very low" and 5 being "very high")*



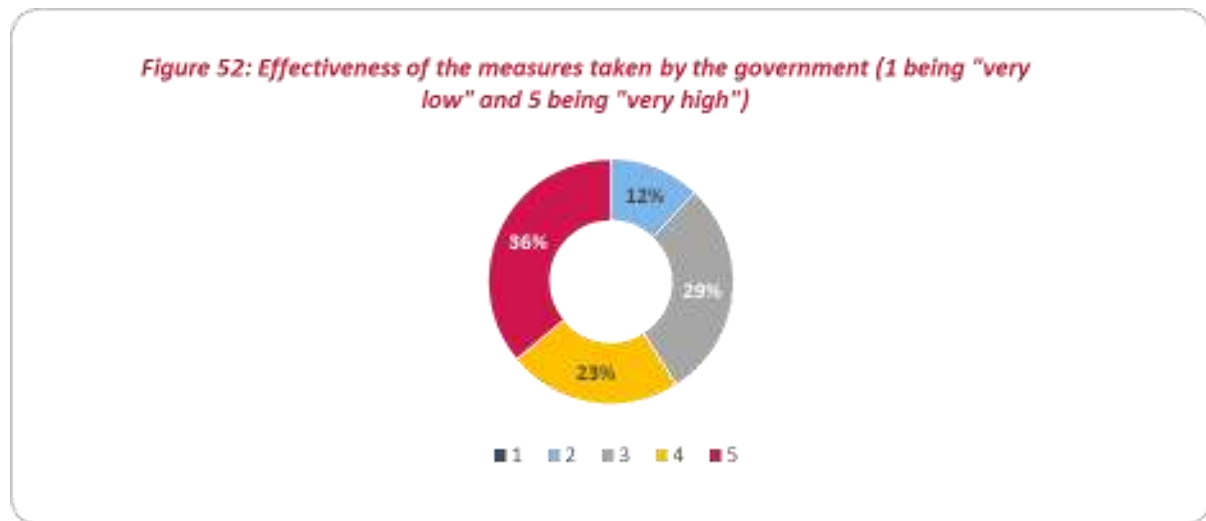
### **Main findings on measures taken by government authorities for the protection against COVID-19**

Measures taken by governments during the COVID-19 pandemic have played a crucial role in preventing the spread, ensuring health safety by restrictive protective measures, and remaining proportionate with human rights. From the answers given we noticed that:

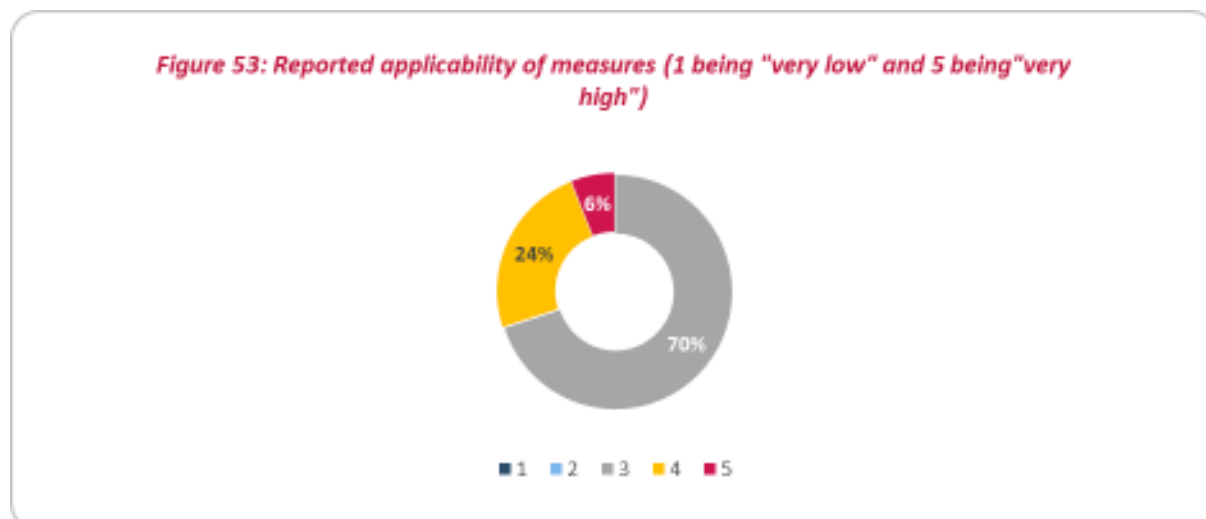
- There is a need to improve measures taken by governments in a pandemic.
- There is a lack of full applicability of health measures taken by governments.
- Need for governmental authorities to be trained how to operate in a pandemic.

Regarding the **evaluation of the effectiveness of the measures taken by the government for the protection against COVID-19**, in general the respondents responded positively by evaluating the

majority with the 5th level of evaluation with 35.3% of them. However, this percentage is less than 50% and the rating scale varies from 2 to 5, which means that for better protection, governments need to take more effective measures or improve the existing ones.



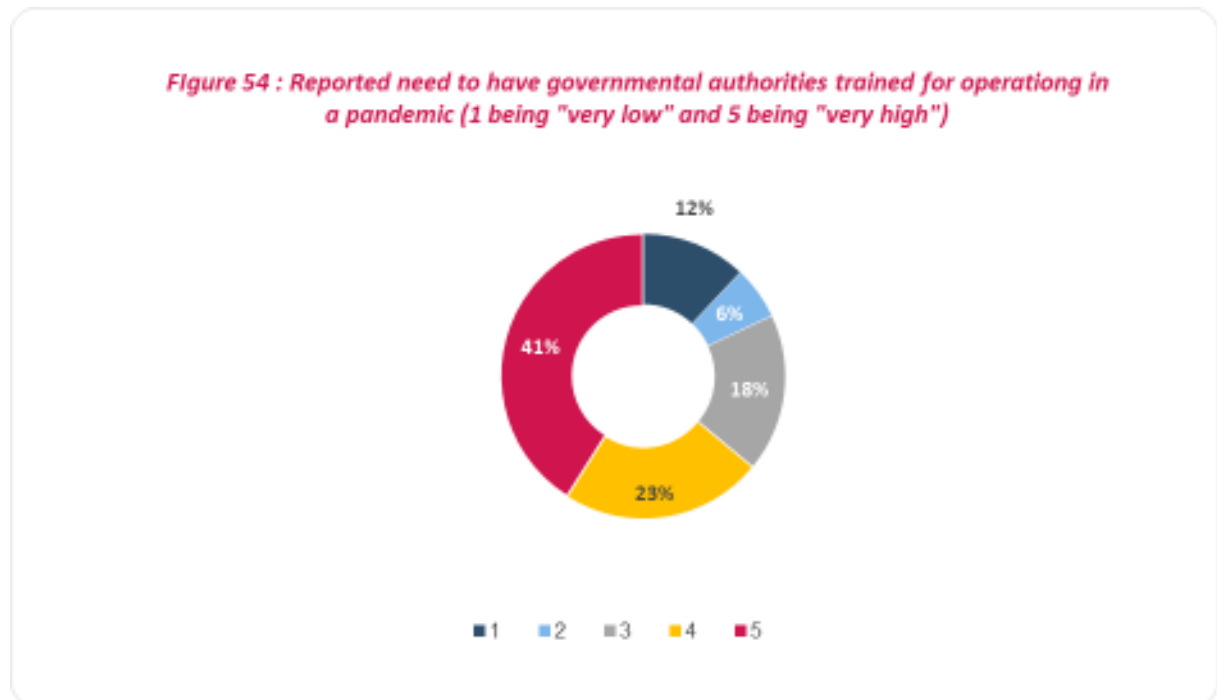
As for the **applicability of the measures** taken by the government, results from the answers given are almost applicable, which means that still are needed efforts to make them applicable. **Education or training** to deal with vulnerable target groups (preparation of respondents) has been highly evaluated in relation to asylum seekers.



Regarding the rating of the extent of contempt to which respondents disdain the rules (procedures) the respondents give an evaluation to the rate 5 and 4 with the same percentage of 35.3%, which clearly shows the need for more training on to how implement WHO recommendations in work environments during a pandemic.

Also, the questionnaire included a question on how much participants agreed with the following statement: **governmental authorities need more training on how to operate in a pandemic situation.**

It is interesting to note that the highest percentage of evaluation was for the rate 5 (41.2%), which means that the respondents strongly agree that more training is needed. (Observe figure below)



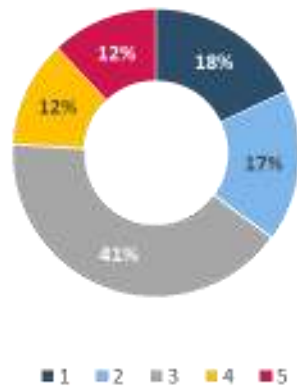
### **Main findings of the impact of COVID -19 pandemic on asylum seekers**

The COVID-19 pandemic put at an exposure of risk the most vulnerable groups on exercising their rights, including here asylum seekers and refugees, because of the restricted measures taken to prevent the spreading of it. To evaluate the issues with MARRI Participants, we addressed specific questions about how difficult it is for this vulnerable group to exercise their rights, the visibility in media of asylum seekers/refugees' issues, and the source of their access to information . We received the following responses:

- There is a limitation at exercise their rights
- Poor media coverage
- Lack of information access

Regarding the **access to the exercise of the rights of asylum seekers**, migrants or VT/PVT, from the given assessment score high percentage 3, it is understood that **there are difficulties for these target groups in exercising their rights during the pandemic period.**

*Figure 55: The rate of difficulty to exercise rights during the COVID-19 pandemic (1 being "very low" and 5 being "very high")*

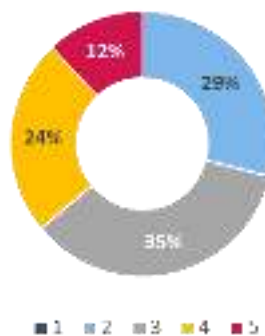


One of the respondents during the on-line interview has said that:

“During the COVID-19 pandemic , asylum seekers and refugees faced a lot of difficulties. There were big delays from the responsible authorities in dealing with asylum requests. The National Reception Centre for Asylum seekers was not fully functioning. Asylum seekers had problems with documentation, so they did not have access to health care system or exercise other rights.”

Another important aspect treated in this survey it was media reporting activity. The media is very important in creating a narrative about migration and influencing public opinion on the image of migrants, asylum seekers and refugees. This survey was evaluated for its reporting activity between rates 3 and 2, implying that media is not very active or positive in relation to this category.

*Figure 56: Engagement of media reporting activity on asylum (1 being "very low" and 5 being "very high")*

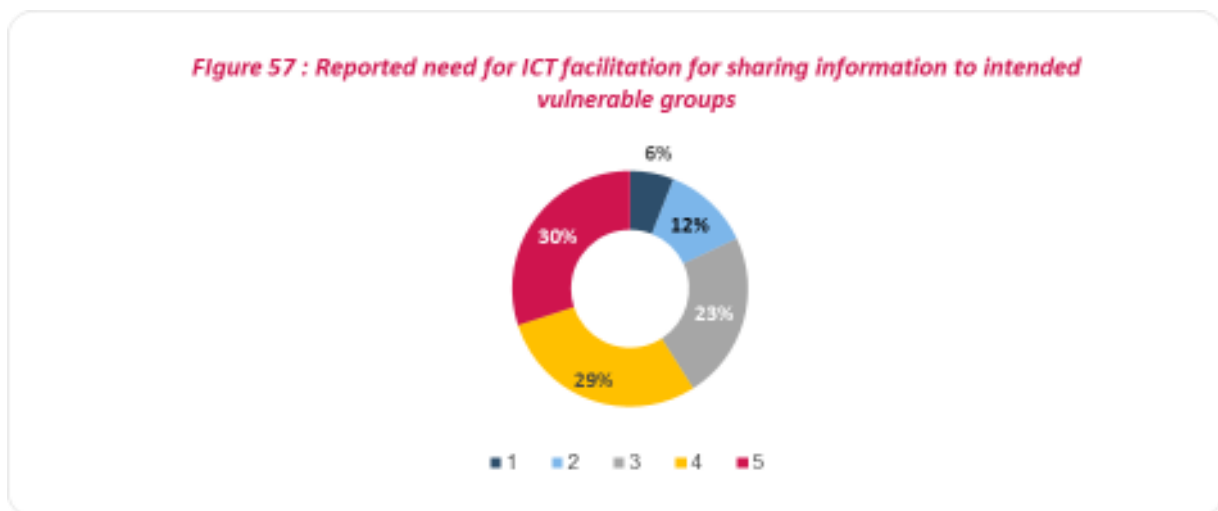


At the International Conference organized by MARRI in December 15<sup>th</sup> – 16<sup>th</sup> 2020, the representative of RCC stated:

“The question of how the media talks about these vulnerable groups is of great importance. We are witnessing hate speech against them, especially on social networks, supported with the spread of fake

news and disinformation...What to do? Media literacy projects, Media education, and Social media regulation: Create positive communication and narratives on migration to decrease hate speech and hate crime toward migrants. In your research, one of the findings was poor media reporting activity. However, this is not the case on social networks, and there is a large number of hate speech against migrants. Therefore, we should also work on the issues of positive communications and presentations in the media.”

As lack of information remained one of difficulties asylum seekers and refugees faced during the COVID-19 pandemic, the respondents during the on-line interviews considered it necessary to use ICT as a means of communication for external sharing of information (targeting vulnerable groups including asylum seekers and refugees). *(Observe figure below)*



### Some findings on the effectiveness of work of supervisory and control mechanisms

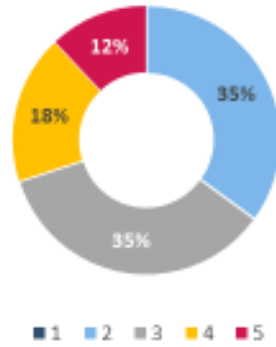
It is interesting that in the evaluation of work effectiveness in some institutions that serve as supervisory and control mechanisms, the **Ombudsman institution was the most highly evaluated with a score of 4 out of 58.8% and the trade unions/syndicates were evaluated less, with an equal rate 3 and 2 by a score of 35.3%.**

It is worth mentioning that despite the above results, the work of NGO-s and International Organizations was highly appreciated by the respondents and participants during the Regional Conference organized by MARRI in 15-16 December 2020.

### Main survey findings on regional cooperation at MARRI Participants

**Regional cooperation** does not appear to have been assessed as much improved during the pandemic, as responses with the highest percentage vary from rate 2 to rate 3. *(Observe figure-below)*

**Figure 58: The extent to which regional cooperation has improved during the pandemic (1 being "very low" and 5 being "very high")**

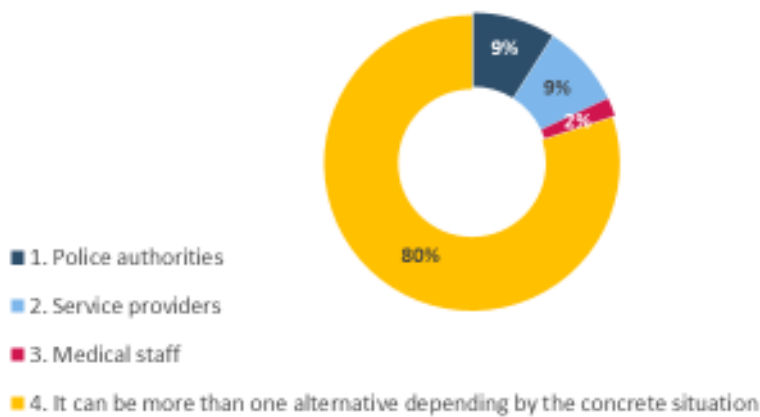


During the presentation of survey results in the regional conference organized by MARRI “*Tuning migration procedures to COVID-19—Good practices way forward*”, in December 16<sup>th</sup> 2020, **the importance of regional cooperation and finding ways for improvement was highlighted, increasing the role of MARRI as a promoter and facilitator in this process.**

**Short summary of poll results on asylum addressed in the regional Conference<sup>155</sup>**

Questions with focus on asylum were addressed to the participants during the conference mentioned above. The figure below displays poll results.

**Figure 59 : Who do you think should be responsible to implement WHO recommendations in COVID-19 pandemic related to the vulnerable groups (migrants, asylum seekers, refugees and (potential) victims of trafficking in human beings)?**

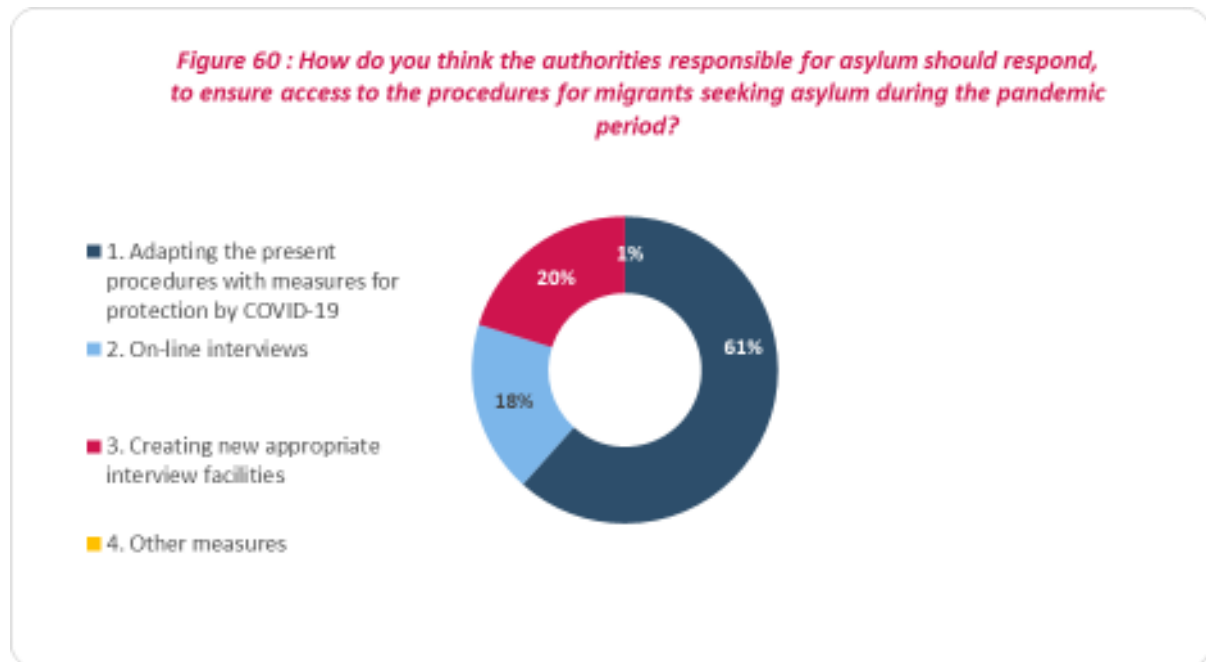


<sup>155</sup>-Regional Conference organized by MARRI “*Tuning migration procedures to Covid-19—Good practices way forward*”, in December 15 and 16<sup>th</sup> 2020

Bases on the answers given, there is a clear and urgent need for adapting the present asylum procedures with measures for protection by Covid-19, reflecting it as a recommendation for all MARRI Participants.

A representative of EASO participating who attended the conference stated:

“(This was a) Very good conference and very interesting findings from the survey. Regarding challenges and solutions in COVID-19 pandemic to asylum procedures, it will be very useful to become oriented by a guidance created by EASO, published in April 2020. The document is titled: “COMMUNICATION FROM THE COMMISSION COVID-19: Guidance on the implementation of relevant EU provisions in the area of asylum and return procedures and on resettlement.”



The poll results of the above figure testify the importance of implementing the WHO recommendations **by all the stakeholders** that are in contact with vulnerable groups (including asylum seekers), that is why the participants haven't chosen only one alternative, most of them have selected the fourth option.

A representative from UNHCR, in the conference commented that:

“Regarding the implementation of WHO recommendations, first governmental authorities must implement them and ensure their applicability...”



### 4.3.3 Conclusions and Recommendations related to Asylum Analyses

#### Conclusions

- The asylum seekers at MARRI Participants during the COVID-19 pandemic, regardless of status, face difficulties with accessing to their rights to healthcare and vital services. Also, the lack of sufficient opportunities for asylum seekers and refugees to be tested for COVID-19 exists.
- There is a need to improve reception capacities for asylum seekers with added health protective measures against COVID-19, as the pandemic remains critical.
- Adapting work procedures of asylum administrative workers with new and innovative forms of technology, in order to operate with efficiency their work focused on asylum procedures, is very much needed.
- Regional cooperation has been evaluated in this survey, however not much improved during the COVID-19 pandemic, therefore attention must be paid to improve it.

#### Recommendations

- Implement all WHO recommendations for better protection against COVID-19, for equal chances in for implementation within local populations and the above-mentioned vulnerable categories.
- Frequently supervise and monitor reception centres conditions.
- Regulations/ rules/ SoP, are to be approved (or revised the existing ones) to adapt the work procedures regarding asylum with new challenges created by pandemic. (flexible or alternative arrangements for asylum claim registration, issuance and renewal of documents, and processing of individual cases)
- Implement wider usage of new and innovative forms of ICT for better internal (institutional) connectivity and sharing information to intended vulnerable groups, also aim for faster implementation of procedures.
- Take steps to improve regional cooperation.

## 5. GOOD PRACTICES AND POLICY RECOMMENDATIONS

### 5.1 Good practices

- Use of electronic, written and social media as education instrument for bringing positive communication and narratives on migration, - by aiming to decrease hate speech and hate crime toward migrants, - across MARRI Participants.
- Use of unified data regarding Migration, THB and Asylum, which will better address the needs, priorities, policies, plans, budget for interventions and others- across MARRI Participants.
- Equipment of key active stakeholders with IT technology instrument (mobile phone, tablet, PC, laptop and others) and provide the necessary IT infrastructure (Internet, online communication programs and others), - which would facilitate the work from home of key active stakeholders for meetings, coordination, expertise and consulting, - by answering in any time whatever the quarantine rules change.
- Setting up and developing digital classes and infrastructure for children and their families (Migration, THB and Asylum), which will help them to communicate with the local authorities. Digital communication can also help children and their parents in the psycho-social aspect. Application of ICT technologies for psychological counselling of Migration, THB and Asylum.
- Migration, THB and Asylum are primarily led by the Government, among others including financial terms. For better addressing the needs and services it is needed to be guarantee a cross- sectorial cooperation between Governmental Institutions – International Partners – NGOs. As for the cooperation with NGOs, it could be organized and established on several levels. Representatives of NGOs could be involved in the Coordinating Body for monitoring the implementation of strategies, plans, laws and others. Government authorities dealing with Migration, THB and Asylum, may sign agreements with NGOs in combating THB, as shelter providers and others.
- Governmental Institutions could develop a cooperation with NGOs in project activities. Ministries may allocate a part of their budget for Migration, THB and Asylum project activities with NGOs, which are granted through an open call.

### 5.2. Policy Recommendations

- WHO recommends that Governments review their national COVID-19 and/or emergency preparedness and response plans, national and local capacity, legal framework and regulatory requirements for providing health services to refugees and migrants.
- WHO recommends accelerated progress towards achieving universal health coverage. Refugees and migrants should be progressively integrated into the existing local and national health structures. They also should be integrated into existing risk pooling mechanisms, the same as nationals. Universal coverage and solidarity in health-service financing can be ensured by providing free testing and referrals as an emergency procedure and by avoiding excessive reliance on out-of-pocket payments for COVID-19-related health services.
- It is very important MARRI Participants to continue to invest in improving the standards for the migrants and asylum seekers, with the final goal of implementing procedures to guaranty integrity and to allow fairly to be dialled with their claims.

- WHO recommends enhanced capacity to address the determinants of health to ensure effective COVID-19 preparedness and response actions. This applies to countries of origin, transit, destination and return for refugees and migrants, and requires continued provision of basic services such as health care, including mental health and psychosocial support and occupational health; and other public services such as housing, water and sanitation, education, gender-based violence, social and child protection services. WHO also emphasises the need to provide culturally and linguistically appropriate, accurate, timely and user-friendly information in accessible formats on the health facilities available for COVID-19 care.
- Law-enforcement agencies must cooperate more closely to counter the most harmful elements of the smuggling industry, where the influence of organized crime is greatest, and where abuse of migrants is rampant.
- Further reforms and improvement of the methodology for managing the statistics related to migration is needed.
- Data management will also serve to implement WHO recommendations to “identify/map health and isolation facilities available for refugees, migrants and surrounding populations.”
- Even during the pandemic, the MARRI participant governments, the civil society and other interested parties working to support migrants, should coordinate communication campaigns that disassociate migrants from communicable diseases, combat xenophobia and highlight migrant rights.
- This is in line with WHO approval to “Strengthen partnerships as well as intersectoral and interagency coordination, as part of the overall COVID-19 response.”
- At the end of 2020 the COVID-19 vaccine was discovered. It is crucial to the MARRI region for the vaccine to be available for customers, including vulnerable groups in the first wave.
- The key stakeholders should continue to work on the positive communications and presentations in the media. Media literacy projects, Media education, and Social media regulation by bringing and sharing the positive communication and narratives on migration to decrease hate speech and hate crime toward migrants.
- Sharing of best practices between MARRI Participants in facing COVID-19 pandemic is an important tool for improving and increasing cooperation in the field of migration, asylum and THB.
- The increased use of ICTs for internal information sharing between government institutions would aid the speed of decision-making and the exchange of vital information when resolving the administrative processes relating to asylum seekers, migrants and victims of THB.
- Regional cooperation is widely recognized as crucial in post conflict recovering the Western Balkans. Migration in general, and its segments reflected in people in need and the increasing trends in trafficking in human beings, smuggling of migrants and persons who need international protection served as crucial factors for establishing the MARRI Initiative to facilitate the procedures, first with bringing together, making common strategy for migration management, and then to make projects for further strengthening the regional initiative. MARRI participants, mostly neighbors in the region, have a mutual interest for close cooperation, further improvement of the border and administrative procedures, improving the methodology for more efficient and effective, safe border control, to establish networks between the experts in integrated border management, and THB, asylum, consular and visa issue etc.

- The EU perspective for the MARRI participants is seen as an acceleration process which should be used for further improvement the regional cooperation.
- Regional cooperation in the field of migration serves as mechanisms for closer communication, information-sharing, joint action and participation in the regional project activities.
- Governments must highlight and make present (public) the amendments of administrative procedures done since March 2020 in accordance to WHO (World Health Organization) recommendations made public worldwide, with focus mostly on Migration, THB and Asylum.

## REFERENCES

- [European Commission \(2020\), Communication From The Commission To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions](#) - 2020 Communication on EU enlargement policy, Brussels, 6 October 2020.
- World Health Organization (WHO) - [Mental health and psychosocial considerations during the COVID-19 outbreak](#), 18 March 2020.
- [Strategic preparedness and response plan](#). Geneva: World Health Organization, 2020.
- OECD and European Union (2015), [Indicators of Immigrant Integration 2015: Settling In](#), OECD Publishing, Paris.
- [Sustainable development in the European Union — Monitoring report on progress towards the SDGs in an EU context](#) — 2020 edition.
- World Migration Report 2020, IOM, UN Migration.
- European Commission (2018), [Migration: Number of asylum applications in the EU down by 43% in 2017](#)
- [European Commission \(2020\), Communication From The Commission To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions](#) - 2020 Communication on EU enlargement policy, Brussels, 6 October 2020.
- [IOM South-Eastern Europe, Eastern Europe and Central Asia](#), 21, February 2019, Vienna.
- [“Joint Statement of Commitment to work together against trafficking in human beings”](#), 2018.
- European Union Agency for Fundamental Rights (FRA), [“Children in Migration in 2019”](#), Annual Review; 1.1.2019 – 31.12.2019.
- FRONTEX – European Border and Coast Guard Agency; [“Risk Analysis for 2019”](#), Chapter “6.2. Children in migration: overview of arrivals at the external borders in 2018”; Warsaw, February 2019.
- [Guide to enhance child protection and improve transnational cooperation with a focus on child victims of trafficking](#); Migration and Home Affairs, June 2019.
- WHO, [“Considerations for public health and social measures in the workplace in the context of COVID-19”](#); Annex to Considerations in adjusting public health and social measures in the context of COVID-19, 10 May 2020.
- STATISTICAL DATA; [Eurostat and the statistical authorities in Western Balkans](#) and Turkey, 3 April 2020.
- [Trafficking in Persons Report \(TIP Report\)](#), Department of State of USA, June 2020.
- [Commission Staff Working Document – 2020 Kosovo\\* Report](#) Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions; 2020 Communication on EU Enlargement Policy; Brussels, 6.10.2020 SWD (2020) 356 final; **Registered migrants to Kosovo\*; IOM and National Authorities**: as of 31 Oct 2020.

- [European Commission \(2020\), Communication From The Commission To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions - 2020 Communication on EU enlargement policy, Brussels, 6 October 2020,](#)
- [Trafficking in Persons Report \(TIP Report\)](#), Department of State of USA, June 2020.
- **European Commission;** [Commission Staff Working Document Montenegro 2020 Report](#) Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2020 Communication on EU Enlargement Policy; Brussels, 6 October 2020.
- [European Commission \(2020\), Communication From The Commission To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions - 2020 Communication on EU enlargement policy, Brussels, 6 October 2020.](#)
- **The EC Progress Report 2020 for Albania**, section of Chapter 24 available at :[https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/albania\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/albania_report_2020.pdf):
- **Extended National Migration Profile 2015-2018**, Ministry of Interior 2019, published in the Official Gazette no.43, March 2020.
- A typology of child trafficking in Albania Published by the Organization for Security and Co-operation in Europe Presence in Albania, available at: <https://www.osce.org/files/f/documents/9/9/457546.pdf>
- EU grants €103.3 million to support Albania's European path and economic recovery, Press release of EU Delegation Tirana, Albania, available at: [https://eeas.europa.eu/delegations/albania/88617/node/88617\\_en](https://eeas.europa.eu/delegations/albania/88617/node/88617_en)
- UNHCR, -Albania, press release available at: <https://www.unhcr.org/see/12205-12205.html>
- [Trafficking in Persons Report \(TIP Report\)](#), Department of State of USA, June 2020.
- **The EC Progress Report 2020 for Serbia**, section of Chapter 24, available at: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia_report_2020.pdf)
- UNHCR Serbia COVID-19, 24 March 2020, (<http://www.unhcr.rs/en/dokumenti/saopstenja-zamedije/unhcr-u-srbiji-covid-19.html>)
- Dates from IOM source, available at: <https://migration.iom.int/datasets/europe-%E2%80%94-mixed-migration-flows-europe-quarterly-overview-january-december-2019>
- Datas from IOM source, available at <https://migration.iom.int/europe?type=arrivals>
- Socio-economic impact assessment- Impact of Covid-19 on migrations and mobility in Serbia- International organization for migration, available at: <https://serbia.iom.int/sites/default/files/publications/documents/SEIA%20Report%20Eng.pdf>
- Datas from IOM source, available at: <https://migration.iom.int/datasets/europe-%E2%80%94-mixed-migration-flows-europe-quarterly-overview-january-march-2020>.
- Quantitative Snapshot of UNHCR Serbia Achievements Jan-June 2020, available at: [file:///C:/Users/Administrator/Downloads/UNHCR\\_SERBIA\\_Mid-Year\\_Quantitative\\_Snapshot-2020.pdf](file:///C:/Users/Administrator/Downloads/UNHCR_SERBIA_Mid-Year_Quantitative_Snapshot-2020.pdf)
- Addressing COVID-19 Challenges within the Migrant and Refugee Response in the Western Balkans, UNHCR Serbia press release, available at:

<http://www.unhcr.rs/en/dokumenti/saopstenja-za-medije/odgovor-na-covid-19-i-izazove-za-migrante-i-izbeglice-na-zapadnom-balkanu.html>

- Trafficking in Persons Report, June 2020, US State Department, available at:<https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>
- Analysis of Judicial Practice for 2019 for the Crimes of Mediation in Prostitution, Trafficking in Human Beings and Trafficking in Minors for Adoption(file:///C:/Users/Administrator/Downloads/analiza\_pravosudne\_prakse\_za\_2019\_EN\_G.pdf.
- The EC Progress Report 2020 for Bosnia and Herzegovina, available at:[https://ec.europa.eu/neighbourhoodenlargement/sites/near/files/bosnia\\_and\\_herzegovina\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhoodenlargement/sites/near/files/bosnia_and_herzegovina_report_2020.pdf)
- The BiH Migration Profile, available in the link:<https://dijaspora.mhrr.gov.ba/wp-content/uploads/2020/07/Bosnia-and-Herzegovina-Migration-Profile-for-the-year-2019.pdf>
- Trafficking in Persons (TIP) Report June 2020, US State Department, available at: : <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>