



ANALYSIS REPORT

Trends of Human Trafficking in the MARRI Participants

April 2022



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ABBREVIATIONS

AT	Anti-trafficking
CEDOW	The Convention on the Elimination of All Forms of Discrimination against Women
CoE	Council of Europe
CPTV	Center for the protection of the trafficking victims
CSO	Civil society organization
CSW	Center for Social Work
DCCJ	Development Center for Criminal Justice for Minors
DCM	Decision of the Council of Ministers
EU/EC	European Union / European Commission
GRETA	Group of Experts on Action against Trafficking in Human Beings
GBV	Gender Based Violence
HDI	Human Development Index
ICT	Internet Computer and Technology
ILO	International Labor Organization
IOM	International Organization for Migrations
KII	Key informants interviews
KI	Key informants
KM	Bosnian currency convertible mark
MARRI	Migration, Asylum, Refugees Regional Initiative
MLSP	Ministry of Labour and Social Policy
MOI	Ministry of Interior
MIU	Mobile victim Identification Units
MoU	Memorandum of Understanding
NAP/NPA	National Action Plan
ONAC	Office of the National Anti-Trafficking Coordinator
NGOs	Non-Governmental Organizations
NRM	National Referral Mechanism
OSCE	Organization for Security and Cooperation in Europe

PVT	Potential Victims of Trafficking
PaCT	Preventing and Combating Trafficking in Human Beings in the Western Balkans
PTSD	Post Traumatic Stress Disorder
RATC	Regional Anti-Trafficking Committee
RSD	Serbian currency dinar
SWC	Social welfare center
SOPs	Standard Operating Procedures
SDGs	Sustainable Development Goals
SFF	Strengthening Regional Migration Governance
THB	Trafficking in Human Beings
TIP	Trafficking in Persons
Task force	Anti-Trafficking Task Force
TIP	Report Trafficking in Persons Report
UNHCR	United Nations Refugee Agency
UASC(s)	Unaccompanied and Separated Child/Children
UNHCR	United Nations the High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
VTs/VoTs	Victims of Trafficking

GLOSSARY

Best interests of the child principle Article 3.1 of the UN Convention on the Rights of the Child (1989) stipulates that, “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”. This means that other ‘primary interests’ may be taken into account, but secondary interests may not be given greater priority than primary interests. In its second round Questionnaire, GRETA observes that, “‘The best interests of the child’ means that any situation should be looked at from the child’s own perspective, seeking to take the child’s views into consideration and with the objective of ensuring that his/her rights are respected. Any decision concerning a child should therefore be guided by what is objectively best for that child, given her/his age and maturity” (GRETA(2014)13, page 5). Further details about the meaning of the term can be found in the Committee on the Rights of the Child General Comment No. 14 of 2013.

Child The Convention on the Rights of the Child (article 1) states that a child is “[e]very human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier”. Throughout this handbook, the word ‘child’ will however refer to every human being below the age of eighteen years.

Child victim of trafficking¹ 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.”

Exploitation The terms ‘exploitation’ (and exploited) have a technical meaning in the context of human trafficking, more limited than when people are referred to in a general way as ‘exploited’. Both the Council of Europe Convention on Action against Trafficking in Human Beings and other international instruments referring to trafficking in persons state that “Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”. At national level, legislators can identify additional forms of exploitation as purposes of trafficking.²

Human trafficking³ 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.

International migrant - someone who changes his or her country of usual residence, irrespective of the reason for migration or legal status. Report uses the term migrant to refer to any person on the move, including refugees and asylum seeker.

Presumed (or potential) victim of trafficking A ‘presumed’ or ‘potential’ or ‘suspected’ victim of trafficking is a person for whom there are reasonable grounds to believe that she or he may be a victim of trafficking in human beings as defined below but who has not yet been formally recognized by the authorities as a victim. Presumed or potential victims should be entitled to the full range of protection

¹This term is used by referring to [Glossary of Migration - Statistics Explained \(europa.eu\)](https://eurostat.ec.europa.eu/en/glossary);

² This term is used by referring to [Monitoring and Evaluation of anti-trafficking policies](#): A handbook for victims' advocates; Produced with the assistance of the European Union, Belgrade 2016.

³This term is used by referring to Glossary of [Trafficking in Human Beings | Crime areas | Europol \(europa.eu\)](#)

services and procedural guarantees offered to recognized victims until their status is clarified (i.e. if they are a victim or not).⁴

Trafficking in Human Beings Trafficking in Human Beings is defined as “[...] the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.

Trafficking for sexual exploitation⁵ 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.

Unaccompanied children⁶ 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 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.”

Victim of trafficking in human beings⁷ 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.

⁴ This term is used by referring to [Monitoring and Evaluation of anti-trafficking policies](#): A handbook for victims’ advocates; Produced with the assistance of the European Union, Belgrade 2016.

⁵ This term is used by referring to [Gender-specific measures in anti-trafficking actions: report | EIGE \(europa.eu\)](#)

⁶ 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>

⁷ 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>

INTRODUCTION

After the unprecedented migration flows that occurred in 2015, in April 2016 the so-called Western Balkan migrant route was officially closed. However, the operational and statistical data from all relevant organizations reveals that the route is still active and the numbers of people using it are progressing annually. Recent reports issued by IOM, FRONTEX, UNODC and others have found that migrants on their path to destinations (mainly the Western Europe countries) more and more use smugglers' services. Having in mind the variety of migrants' profiles and their vulnerability, they often become victims of trafficking.

Traditional approaches to preventing trafficking in human beings, to protect and assist trafficked persons and bring criminals to justice have had some small impact on the global phenomenon, but not enough.⁸ Trafficking in persons, especially women and children, for the purpose of sexual exploitation has been recognized as a major area of concern in the Balkans for years. The region has served for illegal transit of trafficking victims from Eastern to Western Europe. Now there is a new trend of trafficking victims being brought to or passed via the Balkans from Asia, the Middle East and Africa (alongside migrant smuggling from these regions).⁹ Many of the MARRI Participants are also major destination for trafficking in persons, primarily for forced prostitution.

This research analysis shows that patterns and trends in trafficking in persons are changing, both internally among Balkan and externally in transit routes and migration routes to the region. It appears that, in response to the action taken by governments and organizations, traffickers have adjusted their modus operandi in order to avoid detection and increase profit. As a result, trafficking has become less visible and the number of victims identified in some parts of the region has decreased. Law enforcement entities and other concerned stakeholders have to re-assess the situation and adapt to the new circumstances of trafficking in persons.

In this context, i-APS through this research has gathered information and developed analysis on the changing patterns and trends of trafficking in persons, focusing particularly on MARRI Participants. On the basis of the data and information gathered, we have outline possible recommendations for tackling the new dimensions of the problem, in terms of response and of prevention, to the relevant authorities, law enforcement agencies and governments at national and regional level.

This researched has been conducted on two separate but interlinked dimensions: Victims of trafficking and victims' assistance and protection and Legal and Institutional response.

The research targeted MARRI Participants: Albania; North Macedonia; Bosnia and Hercegovina; Serbia; Montenegro; Kosovo*.

⁸ i-APS Technical Proposal

⁹ 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.

METHODOLOGY

This research analysis involved five primary steps:

1. desk review consisting of collection, coding and analysis of documents identified, coming from various sources;
2. development of tools for identification of stakeholders and their roles;
3. development of data collection tools on Trafficking in Human Beings in MARRI Participants (2018-2021);
4. interviews with identified stakeholders in-person and other online communication platforms (Skype, Google Meet, Zoom);
5. analysis and triangulation of all data sources using a structured coding scheme to develop findings and initial recommendations; and

The research methodology for preparation of this report encompassed:

a. **Desk Review – Bibliometric review of:**

- Published articles on THB in the Western Balkans, involving various sources such as governments' issued reports and publications, GRETA, TIP, UNODC etc.
- Reporting mechanisms – another key source of trafficking information is official reports on administrative data compiled by governments (or other central reporting bodies) on human trafficking cases within their jurisdictions.

b. **Data Collection and Analysis**

- Statistical data collection on Trafficking in Human Beings was conducted via official written communication with the Ministries of Interior/Security of the MARRI Participants using the Tool for data collection on Trafficking in Human Beings in MARRI Participants during the years 2018-2021;

c. **Key Informant Interviews (KIIs)**

Relevant stakeholders and in particular, those working directly with victims of trafficking, in order to receive first-hand information and impressions such as:

- Government institution and Law enforcement agencies,
- Shelters and reintegration programs,
- Civil Society Organisations,
- International organizations.

This study used a structured Questionnaire with 24 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 24 questions survey was structured in 2 parts: 1) general demographic questions and 2) questions designed to assess Trafficking in Human Beings and challenges in the Western Balkan region.

Main Interview Questions included:

1. What are the trends and forms of human trafficking?
2. What is the impact of migration in human trafficking?
3. Please describe the nexus between smuggling and trafficking?
4. What are the policies, legislation and procedures related to human trafficking including children?
5. What are the policies, legislation and procedures related to human trafficking among migrants and refugee population?
6. What are the challenges in combating human trafficking including among the migrants and refugee population?
7. What are the good practices in combating human trafficking?

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

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.

The expert team engaged for preparation of this research conducted a total of 38 Interviews with Key Informants as listed above. A total of 29 interviews were conducted by experts and 10 submissions were delivered directly at online survey platform. Direct interviews provided an opportunity to collect quality data from MARRI authorities and relevant stakeholders beyond quantity data enabled through online survey.

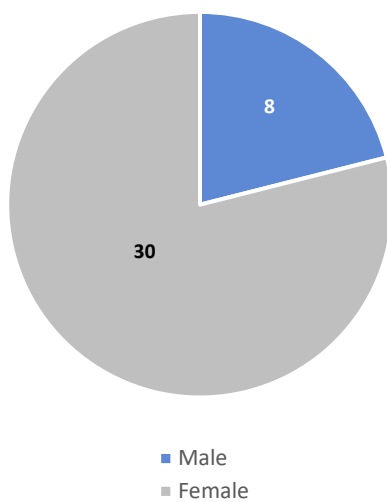
Looking the affiliation of the respondents we could note high interest of the international organisations to contribute to this research followed with actors coming from civil society organisations.

Graph 1 : Participants by affiliation

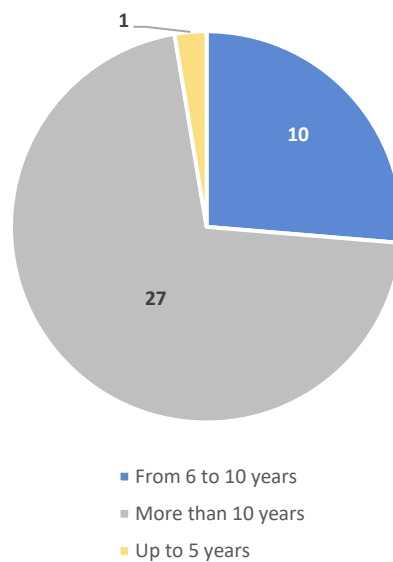


As reflected in graph 2 observing from gender perspective at regional level female practitioners were more responsive compare to male respondents with their contribution.

Graph 2: Participants by Gender



Graph 3: Participants by years of experience in THB



The contribution from experts and experienced practitioners was important to preparation of this research. In this regard the below chart shows the huge expertise and knowledge available in the MARRI region as well as the readiness to respond through sharing their valuable views and opinions (graph 3)

SECTION 1: TRAFFICKING IN HUMAN BEINGS

1.1 ALBANIA

Context analysis and desk research (2018-2021)

Like some of the Marri participants, Albania is situated on the Balkan Migrant Route, and surrounded on the northwest and the east by Western Balkan Countries (Kosovo* and North Macedonia), and to the southeast and south by EU Country (Greece), and the Adriatic and Ionian seas to the west and southwest.

Albania's Human Development Index - HDI value for 2019 is 0.795¹⁰— which put the country in *the high human development category*—positioning it at 69 out of 189 countries and territories. However, the Human inequality coefficient is equal to 10.9 percent.¹¹ Albania is rated Partly Free in Freedom in the World, Freedom House's annual study of political rights and civil liberties worldwide¹². Albanian is classified as a middle-income country since 2009. From 1990 onwards, the country has made enormous strides in establishing a credible, multi-party democracy system and market economy. Before the global financial crisis, Albania was one of the fastest-growing economies in Europe¹³.

The Government of Albania does not fully meet the minimum standards for the elimination of trafficking in human beings (THB), but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. These efforts included prosecuting more defendants and significantly increasing resources to the government-run shelter. The government transferred resources to a fund of seized criminal assets for victim support services, and the Development Center for Criminal Justice for Minors (DCCJ) produced documents to strengthen child protection and standard operating procedures (SOPs) for authorities working with child victims.

The government appointed a new national coordinator to the Office of the National Anti-Trafficking Coordinator (ONAC). However, the government did not meet the minimum standards in several key areas. The government did not convict any traffickers, identified fewer victims, and decreased resources to Non -Governmental Organization (NGO)-run shelters. The government lacked screening efforts for vulnerable populations—particularly migrants, asylum-seekers, individuals in commercial sex, and children—and mobile victim identification units (MIU) remained underfunded and staffed despite identifying most of the victims every year¹⁴.

Albania remains a source and transit country for trafficking in persons - overwhelmingly women and girls. The situation of street children who are exploited for begging purposes is also a concern. Progress is slow in tackling organized crime. The number of prosecuted and convicted perpetrators is small and information and data are absent on measures to prevent trafficking, the number of prosecutions, and types of sentences.

Mixed migration flows, transiting through Albania, to reach European Union (EU) countries are at considerable risk of increasing. These flows are comprised of, inter alia, refugees and asylum seekers, economic migrants, stranded migrants, vulnerable migrants, particularly trafficked persons,

¹⁰ [Human Development Indicators](#) for Albania, (retrieved March 30, 2022)

¹¹ [Human Development Report 2020](#) for Albania, (retrieved March 30, 2022), page 5

¹² [Countries and Territories Data](#), by Freedom House, (retrieved March 30, 2022)

¹³ [Political and Economic Situation](#) for Albania (retrieved March 30, 2022)

¹⁴ Trafficking in Persons Report, [TIP Report](#); June 2021, page 80.

unaccompanied and separated children, stateless persons and undocumented migrants. Some of the people on the move fall into more than one category¹⁵.

Some of the most common trend's THB are:

- Exploitation of children and mothers with children for begging purposes.
- Online and internal exploitation and trafficking.
- Involvement of minors in criminal activities, mainly drug distribution, theft or other serious activities.
- Unaccompanied children and their request as asylum seekers in EU countries.
- Children in street situation.
- Sexual exploitation.

Data on Trafficking in Human Beings (2018-2021)

Data shown in the following parts are collected from NGO "Nisma" operating in Albania. Even that there was a full commitment by the expert team of the research to have official data by Ministry of Interior of Albania, no information and engagement in this research was present by this Institution.

Referring to State Institutions open resource data (referring to web page and others), even that the engaged representatives in this research from Albania mention many different sources, none of them was presenting disaggregated data by years, age, type of exportation and others.

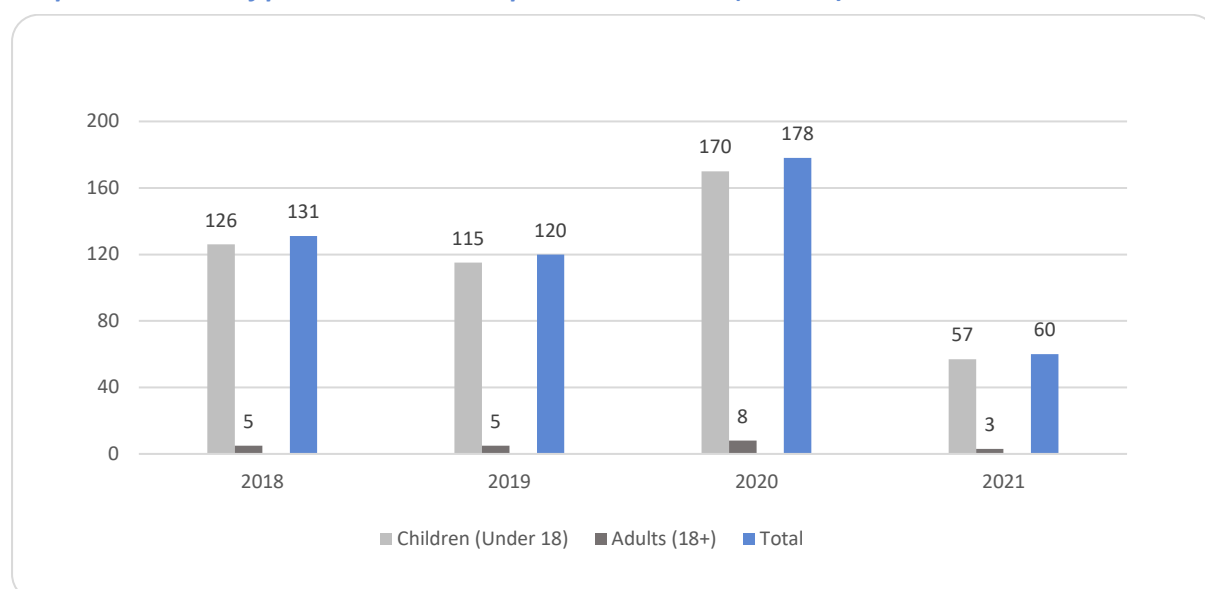
Data of Human Trafficking and Children

Albania is primarily a source country for victims of THB, but also to some extent a country of destination.

Referring to the data shared by Albanian NGO "Nisma", during the years 2018 - 2020, the presumed number of victims is 2 times higher than identified victims for year 2018 (64 victims), 1.5 times higher than identified victims for year 2019 (76 victims) and 2.8 times higher than identified victims for year 2020 (64 victims). Meantime during 2021 the number of presumed victims (60) is almost the same as identified victims (64). The number of children, presumed as victims of trafficking made almost 95% of the total presumed victims for years 2018 - 2021, as per graph 4.

¹⁵ [Programme of Cooperation for Sustainable Development; UN Sustainable Development Framework 2017-2021](#), (retrieved March 30, 2022) page 31.

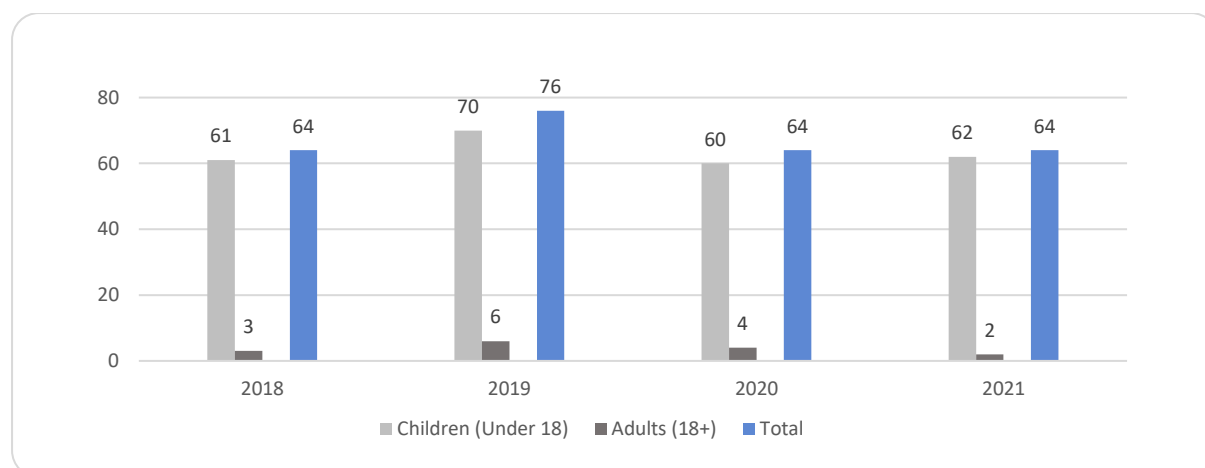
Graph 4 : Number of presumed victims reported 2018-2021 (Albania)



Source: Albanian NGO "Nisma", March 2022 as State Institutions were not available to share data referring to this study

Number of identified victims for three years is exactly 64 victims (2018, 2020, 2021), emphasising the fact that children as victims of trafficking made more than 95% of victims for 4 years 2018 - 2021. The highest number of identified victims in the last 4 years (2018-2021) is registered on the year 2019, with 76 identified victims. Meantime, the highest number of presumed victims in the last 4 years (2018-2021) is registered on the year 2020, with 178 presumed victims.

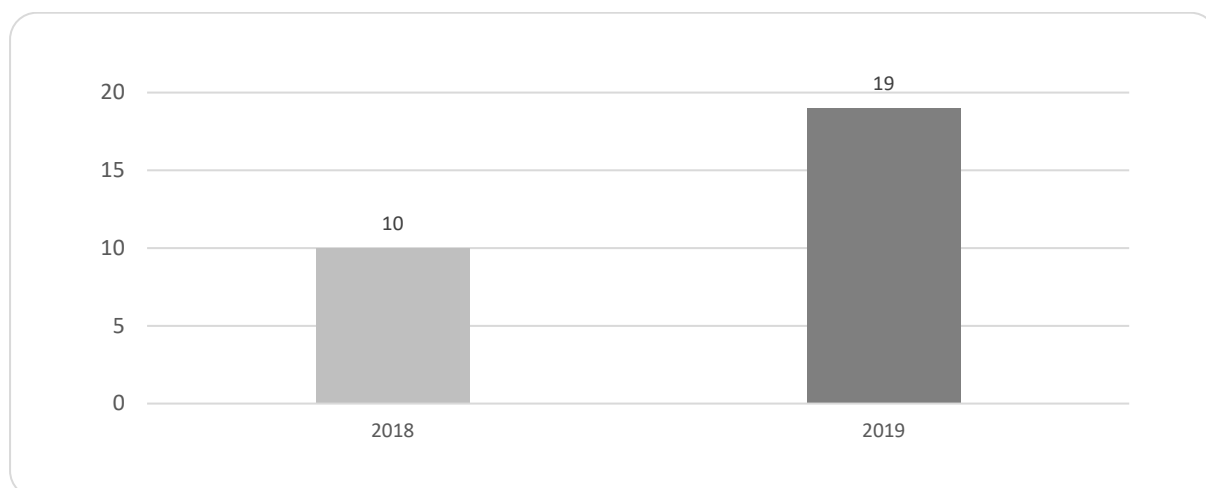
Graph 5: Number of identified victims during 2018 - 2021 (Albania)



Source: Albanian NGO "Nisma", March 2022 as State Institutions were not available to share data referring to this study

The Prosecutor's Office registered 28 new criminal proceedings for trafficking in human beings in 2020, compared to 25 in 2019. The number of cases with final convictions remained very low with two cases with three final convictions, compared to three cases with five final convictions in 2019.

Graph 6: Criminal proceedings for trafficking of human beings 2019-2020 (Albania)



Source: ONAC, Albania

The National Action Plan against trafficking in persons 2021 – 2023 should be adopted, adequately funded and implemented. NGO-run shelters remain underfunded. Victim-centred investigations and prosecutions are not conducted consistently. Albania should increase efforts on the early identification of VT and Potential Victims of Trafficking (PVT) in particular in mixed migration flows and intensify cross-border cooperation with neighboring countries and international cooperation. Successful reintegration remains difficult because core protection, care and social services from the state are insufficient.¹⁶

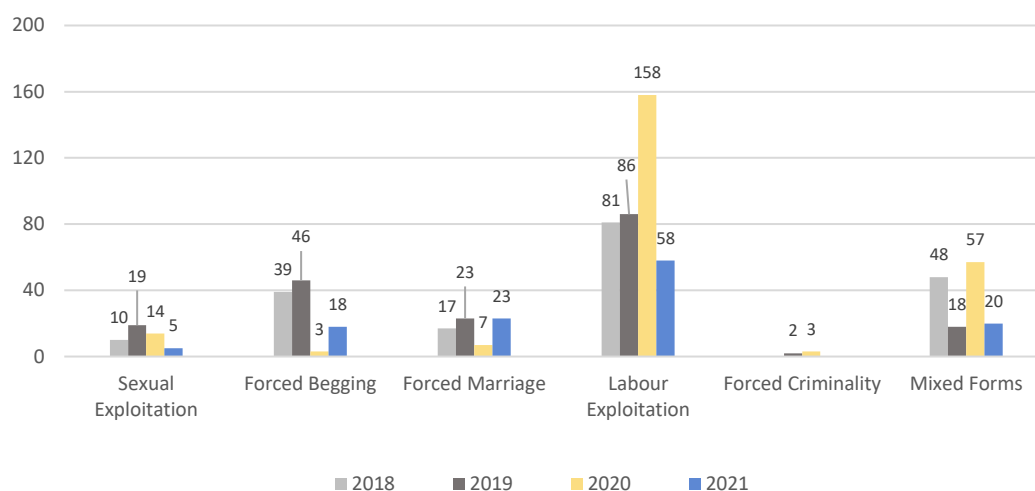
Data on the most used forms of trafficking

According to *the most used forms of trafficking*, it is evidenced that the majority of the victims were trafficked for the purpose of:

- *Labour exploitation*, that record the highest number on 2020 with 158 cases, followed by 86 cases on 2019, 81 cases on 2018 and 68 cases on 2021;
- *Mixed Forms of Exploitation*, that record the highest number on 2020 with 57 cases, followed by 48 cases on 2018, 18 cases on 2019 and 10 cases on 2021;
- *Forced Begging*, that record the highest number on 2019 with 46 cases, followed by 39 cases on 2018, 18 cases on 2021 and 3 cases on 2020;
- *Forced Marriage*, that record the highest number on 2019 and 2021 with 23 cases per each year, followed by 17 cases on 2018, and 7 cases on 2020;
- *Sexual Exploitation*, that record the highest number on 2019 with 19 cases, followed by 14 cases on 2020, 10 cases on 2018 and 5 cases on 2021;
- *Forced Criminality*, that record the highest number on 2020 with 3 cases, followed by 2 cases on 2019.

Graph 7: Data on the cases of trafficking separated with the forms of trafficking (Albania)

¹⁶ [European Commission, Albania Report 2021](#), 19 October 2021, page 40.

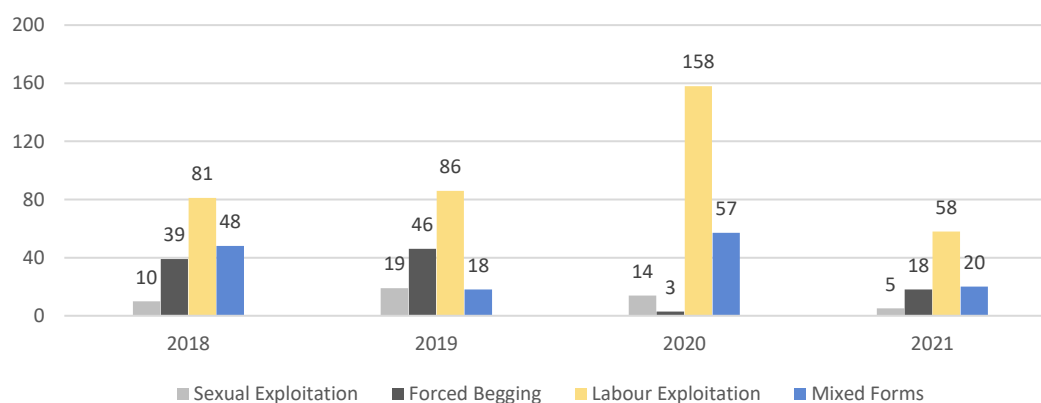


Source: Albanian NGO "Nisma", March 2022 as State Institutions were not available to share data referring to this study

The vast majority of the victims were Albanian citizens exploited abroad, mainly in Western Europe and neighboring countries (Kosovo*¹⁷, Greece, North Macedonia). There was one foreign national identified as victim in 2018 and six in 2019.

According to the number of victims of internal trafficking, it is evidenced that the highest number has been on the year 2020 (178 victims, out of them 170 children). During 2021, it is evidenced a decrease of this indicator, with 60 cases identified as internal trafficking.

Graph 8: Number of internal trafficking during 2018 - 2021 (Albania)



Source: Albanian NGO "Nisma", March 2022 as State Institutions were not available to share data referring to this study

According to the trafficker's profile, traffickers increasingly use social networks, such as Facebook, Instagram or Snapchat, to recruit victims through fake job offers, abusing their position of

¹⁷ *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.

vulnerability. Traffickers are generally Albanian citizens, who often form intimate relationships with the victims, exploiting their emotional attachment, but sometimes also resort to physical and psychological violence. Since 2017, Albania has become a transit country for refugees and migrants following the Southern Balkan route. According to the United Nations Refugee Agency (UNHCR), in 2018, there was a five-fold increase in arrivals (5,730) and a 14- time increase in asylum requests (4,378).¹⁸ However, only an estimated 1% of asylum seekers remain in Albania. No victims of THB have been identified among asylum seekers.

Analysis of the impact of migration and nexus between smuggling of migrants and trafficking in human beings

Migration is one of the most common risks for THB due to the uncertainty of irregular and illegal migration. The impact of migration is in identifying cases of trafficking of minors and women for exploitation, based on the source of migration (people who want to escape war, poverty, violence). Uncontrolled/ chaotic movements related with migration affect THB. During the pandemic period, the number of trafficking victims were noted due to flux of people coming from rural areas to urban areas. Middle-East war cause the increasing number of people emigration, which brought also cases of trafficking victims in the region. Uncoordinated movement or illegal traveling, normally leave the path for trafficking in human beings. Migrants and emigrants are risky and vulnerable target against this phenomenon.

Trafficking and smuggling differ in legal terms and in their purpose. Smuggling involves the transportation of people who voluntarily pay to cross the border illegally. Trafficking involves the exploitation of people who are forced for profit on a continual basis. Trafficking has the elements of exploitation against the refusal and unwillingness of the trafficked person. Trafficking can also occur within family relationships (internal). Various trafficking cases may have been initiated by smuggling, crossing the border illegally and paying.

¹⁸ 45% of arrivals (2,552) and 48% of asylum-seekers (2,114) were from Syria, followed by Pakistan, Iraq, Palestine and Algeria.

1.2 NORTH MACEDONIA

Context analysis and desk research (2018-2021)

Like some of the Marri participants, North Macedonia is situated on the Balkan Migrant Route, is situated in South-eastern Europe, bordering Bulgaria to the east, Greece to the south, Serbia and Kosovo to the north, and Albania to the west.

North Macedonia's Human Development Index - HDI value for 2019 is 0.774¹⁹— which put the country in the *high human development category*—positioning it at 82 out of 189 countries and territories. However, the Human inequality coefficient is equal to 11.8 percent.²⁰ North Macedonia is rated Partly Free in Freedom in the World, Freedom House's annual study of political rights and civil liberties worldwide²¹. North Macedonia is a country at the cross-roads of South Eastern Europe and it is a country of nature, the cradle of culture and crossroads of civilizations, a unique blend of ancient and modern, offering a rich multicultural experience.²²

The Government of North Macedonia, despite the documented impact of the COVID-19 pandemic on its anti-trafficking capacity, the overall has demonstrated increased efforts such as convicting more traffickers and issuing significant sentences. The government identified more victims and increased overall prevention efforts, such as drafting the 2021-2025 National Strategy and National Action Plan and regularly convening coordinating bodies for virtual meetings.

On January 23, 2018, 5 Mobile teams for identification of vulnerable categories, including victims of trafficking in human beings were formed. The mobile teams are a joint action of the Ministry of Labour and Social Policy (MLSP) and the Ministry of Interior (MOI).

As per reference of United Nations Office on Drugs and Crime (UNODC) representative in North Macedonia (March 2022), - country remains to be a source, transit, and destination country for victims of trafficking in human beings. Related to the profile of the identified victims, mainly they are children, the age limit of victims ranging between the ages of 11 to 17, most of the Macedonian citizens trafficked internally.

Although the national law offers a comprehensive definition for most forms of exploitation, the information available confirms that sexual exploitation is the dominating form of human trafficking or a combination of labour and sexual exploitation. The victims are generally exploited in nightclubs, bars, and pubs. Other forms of exploitation which are notified in the statistic of the identified cases are begging and forced marriages. Also, there are victims, foreign citizens mainly from the neighbouring countries Serbia, Albania, Kosovo*, Bosnia, and Herzegovina.

Citizens of North Macedonia and foreign victims transiting North Macedonia are exploited for sex trafficking and forced labour in construction and agricultural sectors in Southern, Central, and Western Europe. Traffickers exploit Romani children through forced begging and sex trafficking within forced marriages. Irregular migrants and refugees traveling or being smuggled through North Macedonia are vulnerable to trafficking, particularly women and unaccompanied minors.²³

¹⁹ [Human Development Indicators](#) for North Macedonia (retrieved March 30, 2022)

²⁰ [Human Development Report 2020](#), (retrieved March 30, 2022), page 5

²¹ [Countries and Territories Data](#), by Freedom House (retrieved March 30, 2022)

²² [Political, Social and Economic Background and Trends](#) for North Macedonia (retrieved March 30, 2022)

* 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.

²³ TRAFFICKING IN PERSONS REPORT, [TIP Report](#); June 2021, page 429.

Data on Trafficking in Human Beings (THB) (2018-2021) provided by MoI of MARRI Participants

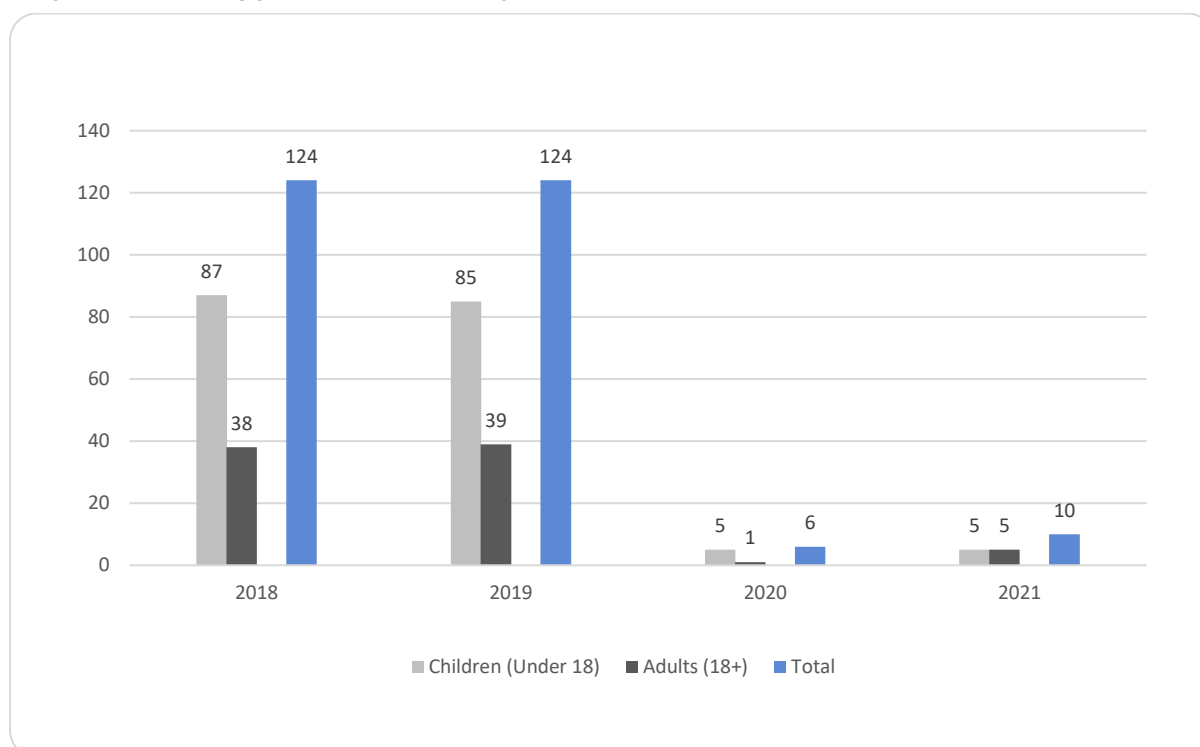
MOI of North Macedonia expressed its willingness and commitment to contribute with data and other relevant information to the research “Analysing the trafficking in human beings’ trends in the MARRI Participants” (March 2022).

Trafficking in Human Beings (THB) data and other information about THB are available at the official reports of the National Commission for Combating Trafficking in Human Beings and Illegal Migration, as central body responsible against trafficking, which is collecting data from all relevant institutions (Interview with Head of International centre for Migration Policy Development (ICMPD) Office in Skopje, March 2022).

Data on Human trafficking and Children

Referring to the data shared by MOI of North Macedonia, the total number of THB cases for each consecutive year (2018-2021) is not reported. The research experts have calculated the total number of THB based on reported number of identified victims for each respective year. Based on data shared by MOI, during the years 2018 and 2019, the presumed number of victims is 14 times higher than identified victims for year 2018 (9 victims) and 21 times higher than identified victims for year 2019 (6 victims). The number of children, presumed as victims of trafficking made almost 70% of the total presumed victims for both years 2018 and 2019, as per graph 9.

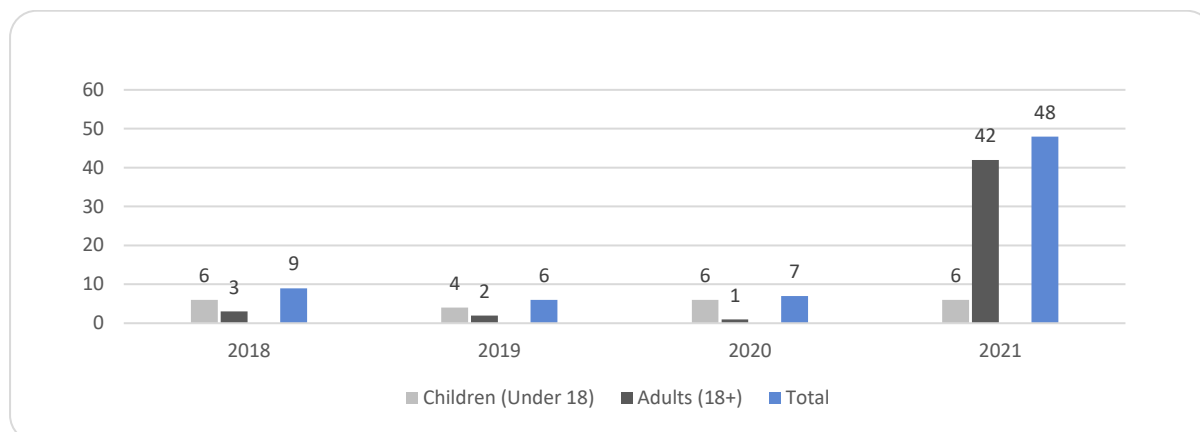
Graph 9: Number of presumed victims reported 2018 – 2021 (North Macedonia)



Source: Ministry of Interior, Republic of North Macedonia, March 2022

Number of identified victims for three consecutive years is below 10 victims (2018, 2019, 2020), emphasising the fact that children as victims of trafficking made around 70% of victims for both years 2018 and 2019. The impact of establishment of mobile team in North Macedonia, is evident referring to the number of victims identified during the year 2021, with a total 48, by indicating the highest number of presumed and identified victims in the last 4 years (2018-2021).

Graph 10: Number of identified victims/ Total number of THB 2018 - 2021 (North Macedonia) **

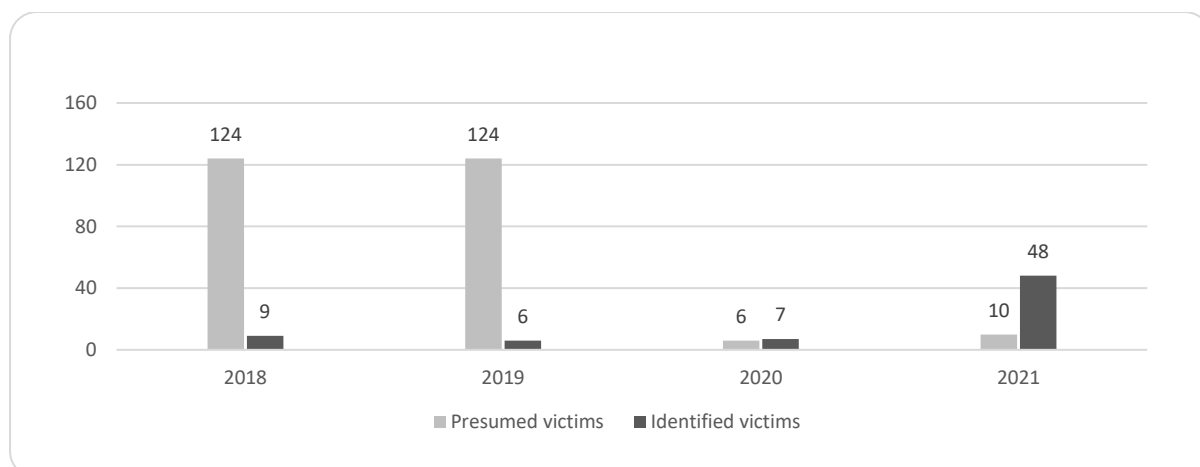


Source: Ministry of Interior, Republic of North Macedonia, March 2022 ** Note: On the data sheet provided by Ministry of Interior of North Macedonia (March 2022) for the scope of this study, it is not reported the total number of THB; The research experts have calculate the total number of THB cases based on reported number of identified victims for each respective year.

The National Unit for the Suppression of Human Trafficking and Migrant Smuggling identified seven victims of trafficking in human beings in 2020, six of whom were children who were trafficked victims for the purpose of forced marriage, sexual and labour exploitation. Further efforts are needed to ensure the protection of vulnerable categories of children from sexual exploitation.²⁴

As it may be seen in graph 11 below, the number of presumed victims is much higher than the actual number of identified victims during the years 2018 and 2019, while during 2020 and 2021 the number of identified victims is higher. The number of actual THB has been increasing during the years.

Graph 11: Victims of trafficking categorized as presumed and identified 2018 - 2021 (North Macedonia)

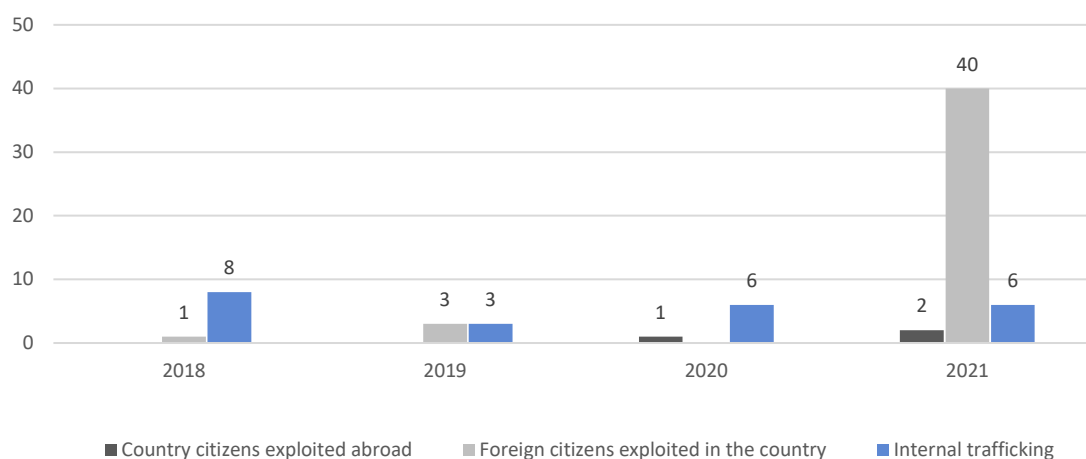


Source: Ministry of Interior, Republic of North Macedonia, March 2022

Most cases of THB in North Macedonia during the years have been internal trafficking, while during 2021 it is noted a high number of foreign citizens exploited in the country.

Graph 12: THB classified according to nationality and country of exploitation 2018 - 2021 (North Macedonia)

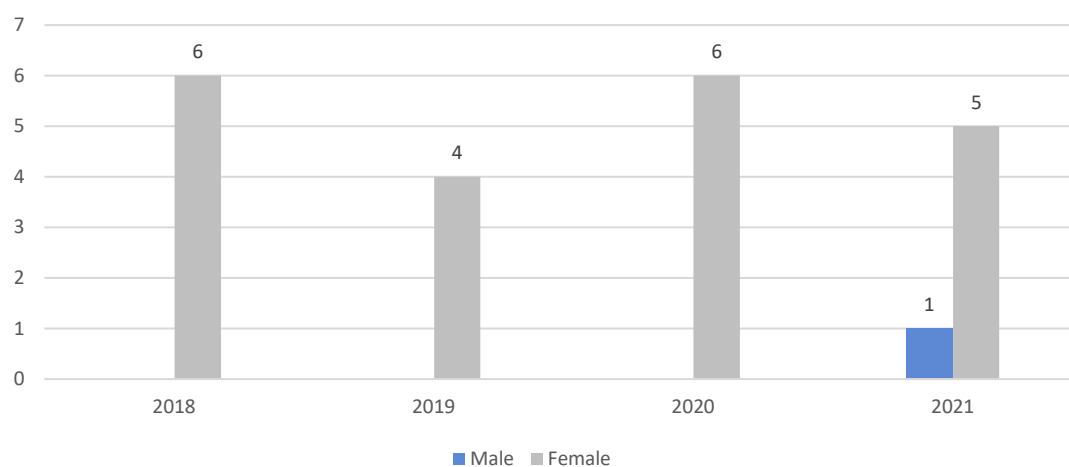
²⁴ EUROPEAN COMMISSION; COMMISSION STAFF WORKING DOCUMENT; 2021 Communication on EU Enlargement Policy; [North Macedonia Report 2021](#), 19 October 2021, page 34.



Source: Ministry of Interior, Republic of North Macedonia, March 2022

When it comes to children as victims of trafficking in North Macedonia, during the years 2018-2020, 67%-86% of THB were children, while during 2021 only 13% of THB were reported to be children. Almost all of THB are girls, except for a boy during 2021.

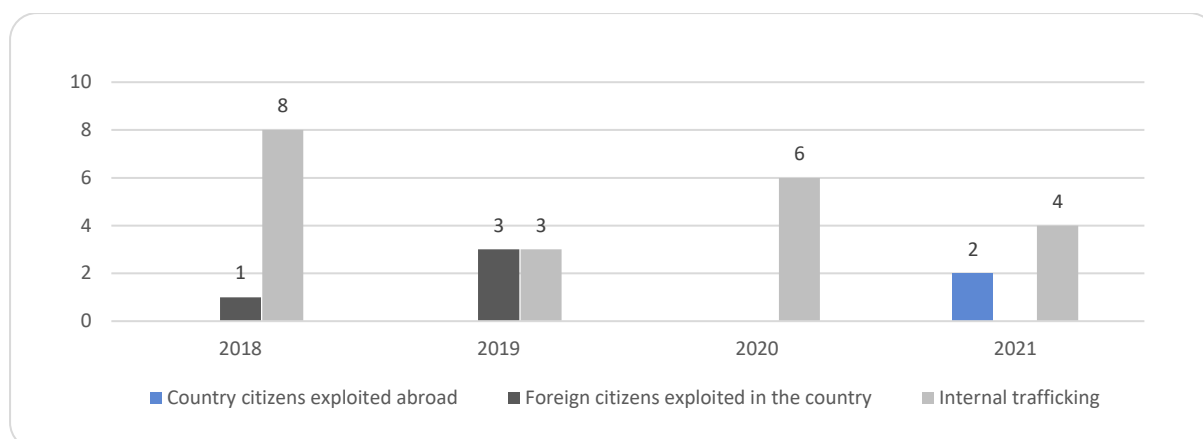
Graph 13: Children as victims of trafficking according to gender 2018 - 2021 (North Macedonia)



Source: Ministry of Interior, Republic of North Macedonia, March 2022

Most cases of human trafficking of children are internal trafficking, although during 2018 and 2019 are also recorded cases of foreign citizens exploited in North Macedonia, while during 2021 are recorded 2 cases of country citizens exploited abroad.

Graph 14: Children as victims of trafficking classified according to nationality and country of exploitation 2018 - 2021 (North Macedonia)



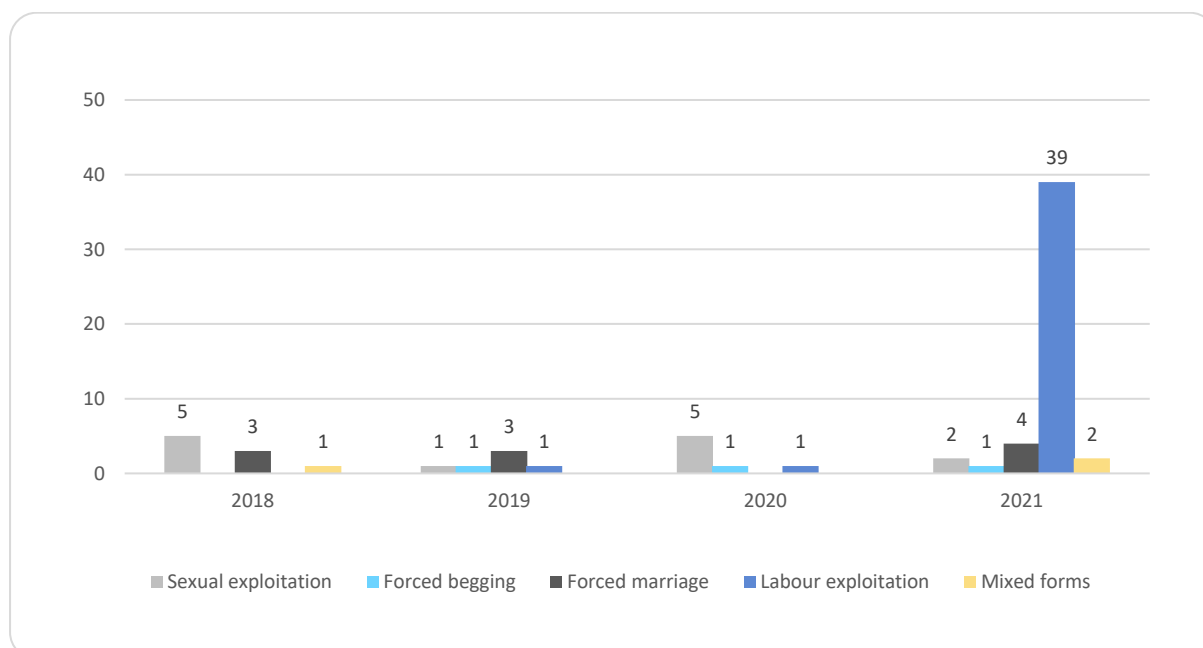
Source: Ministry of Interior, Republic of North Macedonia, March 2022

Data on the most used forms of trafficking

The Government identified 48 victims of trafficking during the year 2021; 42 were adult (18+) and 35 of them were male used mostly for force labour (39) and only one is used for sexual exploitation and two for used mixt forms of exploitation. Almost all adult trafficked for force labour were foreign citizens exploited in the North Macedonia (40 victims). Children were around 12% of the total identified victims (year 2021), mostly female (5); four were victims of force marriage and one was victim of sexual exploitation and another one for forced begging. According to nationality, two were country citizens exploited abroad and four internal trafficking victims.

In North Macedonia, sexual exploitation and forced marriages have been among the most common purposes of human trafficking during the years 2018-2020, while during 2021 it is noted a high number of THB with the purpose of labor exploitation.

Graph 15: Victims of trafficking categorized based on the trafficking purpose 2018 - 2021 (North Macedonia)



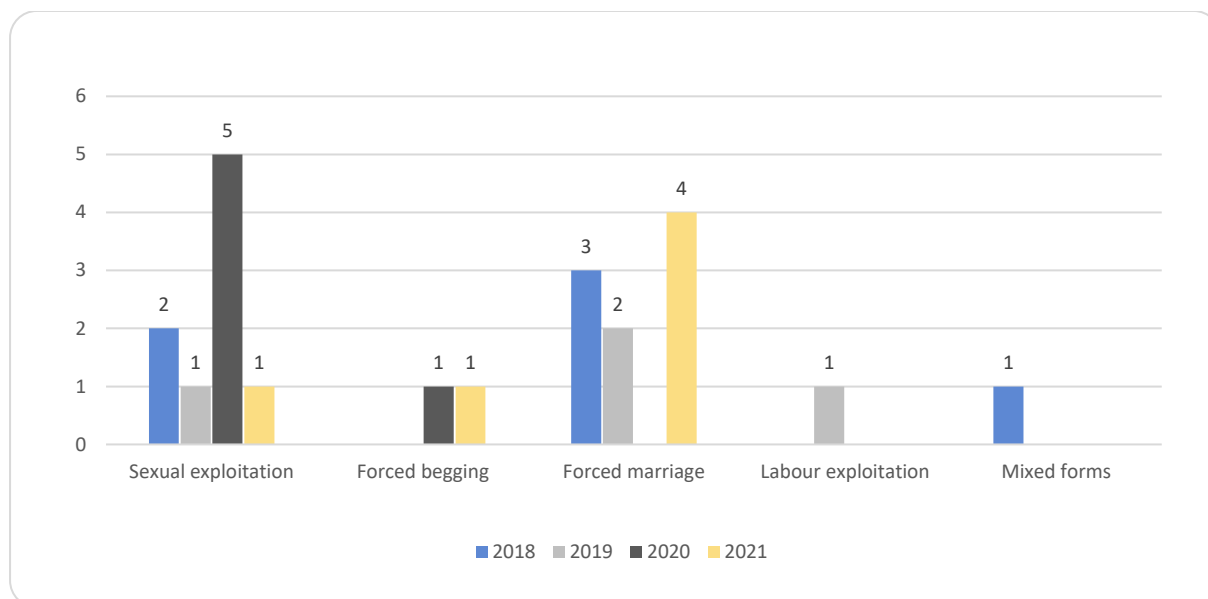
Source: Ministry of Interior, Republic of North Macedonia, March 2022

Referring year 2020, Government reported six victims in 2020; five were victims of sex trafficking and two were victims of forced labour, including one of forced begging (four victims of sex trafficking

including three force marriage, one of forced labour, and one of forced begging in 2019). Of these, six victims were girls, and one was an adult male, with reference to year 2020 (four girls and two women in 2019); The government also identified six potential victims during the year 2020 (124 potential victims in 2019); of these, there were five adults and one child (39 adults and 85 children in 2019).

Sexual exploitation and forced marriages are listed among the most frequent purposes that stand behind human trafficking of children, although cases of forced begging and labor exploitation are also recorded.

Graph 16: Children as victims of trafficking categorized based on the trafficking purpose 2018 - 2021 (North Macedonia)



Source: Ministry of Interior, Republic of North Macedonia, March 2022

MLSP maintained mobile teams comprised of social workers, law enforcement officers, Non-Governmental Organization (NGO) workers, and psychologists in five regions for vulnerable populations, including trafficking victims; mobile teams assisted 362 street children (mobile teams identified 86 potential victims and assisted 316 individuals in 2019). Mobile teams identify the majority of potential victims every year, and experts viewed the teams as a best practice in proactive identification and cooperation between civil society and government; however, sustainability of the mobile teams remained in doubt with their international organization-provided funding ending in 2020, and the government reallocating promised resources to pandemic responses.²⁵

Analysis of the impact of migration and nexus between smuggling of migrants and trafficking in human beings.

Referring to smuggling versus trafficking, even that these are totally different criminal activities, the line is becoming very narrow in the emigration context. People that are on the route have paid for traveling as a service to emigrate but the end they result a victim of trafficking, sexual exploitation. It is needed to invest more time and attention from professions and first line service provider how to distinguish cases of smuggling and trafficking.

²⁵ TRAFFICKING IN PERSONS REPORT, [TIP Report](#); June 2021, page 429.

In the context of trafficking for labour exploitation, evidence provided by interviewed stakeholders engaged in this study, explain that this is a way widely used nowadays by traffickers, mostly accelerated by the outbreak of COVID-19. NGOs representative indicates that victims are recruited with a promise of a job abroad, even passing board illegally. Once the victim has become part of the network, he or she is kept into the trafficking scheme used to serve in force labour, prostitutions, smuggling to other people and others; Traffickers enforce victims to work hard for repaying the debts of their illegal travel, accommodation, food and others. Victims, by being part of this 'closed circle' and not being aware about their rights in such conditions, do not report their situation to the government authorities. Traffickers use this opportunity of 'debt to pay' and 'illegal stay of victim' to keep them in 'circle of trafficking'. Victims are recruited in different manners, through promises (passing the border illegally, marriage) or online job advertisements.

Refer to International centre for Migration Policy Development (ICMPD) recent research about how the human trafficking affect migrants, the migrations due to their situation are very vulnerable while traveling to final destination; are vulnerable in their contextual, whom are also children, women and boys. ICMPD conducted in study 2019 which in the Marri participants on the countries on the route of the WB, they detected more than 300 individuals on the road.

"People do not have money to pay to their smuggling for their trip and they become victims of trafficking or perform smuggling activities to other people for earning money for their 'debts'. Victims are afraid and not aware of their specific rights and what could protect them; They are not informed about their rights and are afraid to report their trafficking person. They felt they are doing something wrong and for this do not report their cases."

Elena Petreska, Head of ICMPD Office in Skopje, North Macedonia, March 2022

1.3 BOSNIA AND HERZEGOVINA

Context analysis and desk research (2018-2021)

In the context of mixed migration, the geographical location of a Bosnia and Herzegovina is a very important factor. Situated at the Balkan peninsula, Bosnia and Herzegovina has common frontiers with the Republic of Croatia (931 km), the Republic of Serbia (375 km) and the Republic of Montenegro (249 km). To the north, BiH has access to the Sava River, to the east has access to Drina River, and to the south to the Adriatic Sea (23.5 km of sea border)²⁶. Almost a thousand kilometers border with Croatia is at the same time a border with European Union.

There are several levels of governments in BiH: at state level and at the level of the entities – the Federation of Bosnia and Herzegovina, Republika Srpska, and a third unit, the Brčko District, which is governed by its own local government. The Federation of BiH is furthermore divided into 10 autonomous cantons. The next level of political division in Bosnia and Herzegovina are the municipalities. The Federation of Bosnia and Herzegovina is divided into 79 municipalities, and Republika Srpska into 64.

According to the 2019 Human Development Index, Bosnia and Herzegovina (BiH) had a high level of human development, ranked 73rd out of 189 countries (0.78 score), while the Human inequality coefficient for Bosnia and Herzegovina is equal to 14.2 percent²⁷. Bosnia and Herzegovina is rated Partly Free in Freedom in the World, Freedom House's annual study of political rights and civil liberties worldwide²⁸.

The complex system of government in BiH resulted in complicated and bureaucratic system of anti-trafficking response, but also to the mixed migration movement. The Ministry of Security (MoS) at state level is responsible for the anti-trafficking coordination, as well as migration and asylum policy in BiH.

For many years now, Bosnia and Herzegovina is a country of origin, transit and destination for human trafficking. Children, in Bosnia and Herzegovina, are one of the most vulnerable categories of trafficking of human beings. Constantly, from year to year, (almost) half of the identified victims are children.

Traffickers exploit victims for the purpose of organized forced begging and forced criminality, as well as for the purpose of contracted and forced marriages.²⁹ The second most prevalent form of trafficking is sexual exploitation.

²⁶ <https://www.eea.europa.eu/soer/2010/countries/ba/country-introduction-bosnia-and-herzegovina> Retrieved March 2022.

²⁷ Country profile, methodology and explanatory report available at: <https://hdr.undp.org/sites/default/files/Country-Profiles/BIH.pdf> (retrieved March 29, 2022)

²⁸ <https://freedomhouse.org/countries/freedom-world/scores> (retrieved March 29, 2022)

²⁹ Situation reports on trafficking in human beings and the implementation of the Strategy to combat trafficking in human beings in Bosnia and Herzegovina in 2018, in 2019 and 2020. Source: - available at:

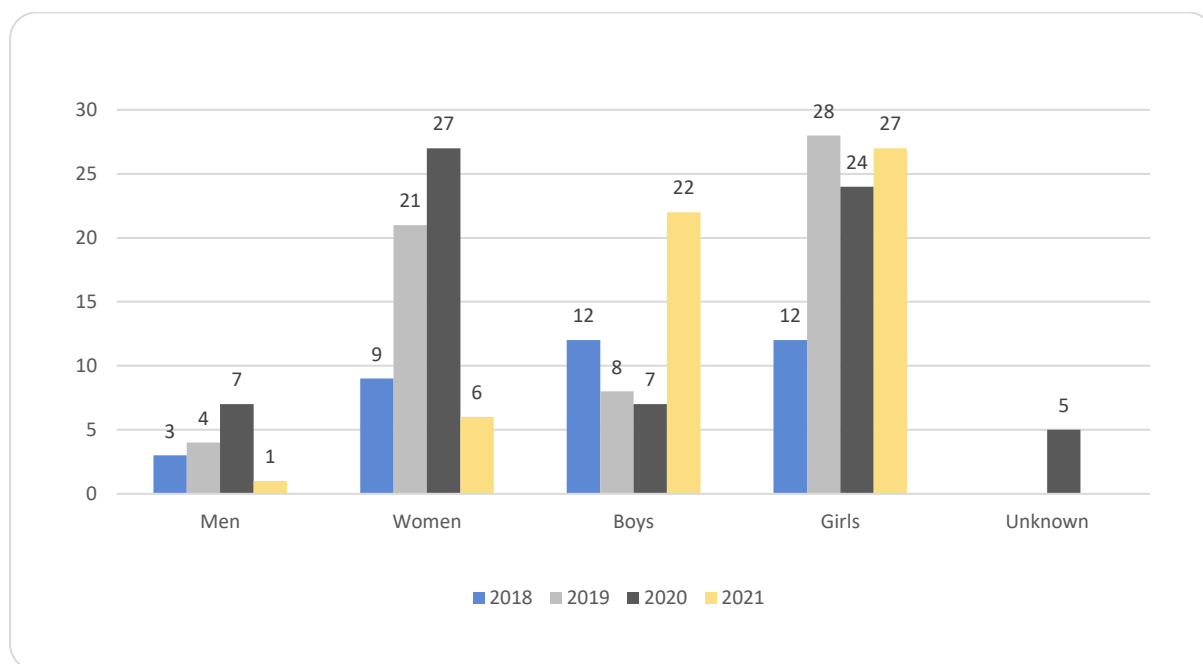
http://msb.gov.ba/anti_trafficking/dokumenti/godisnji_izvjestaji/Archive.aspx?pageIndex=1&langTag=en-US

At the time of writing this report, Situation report for the year 2021 has not been available on the web site of the Ministry of Security of Bosnia and Herzegovina. Retrieved March 2022.

Data on Trafficking in Human Beings (2018-2021) provided by Mol/Security of the MARRI Participants

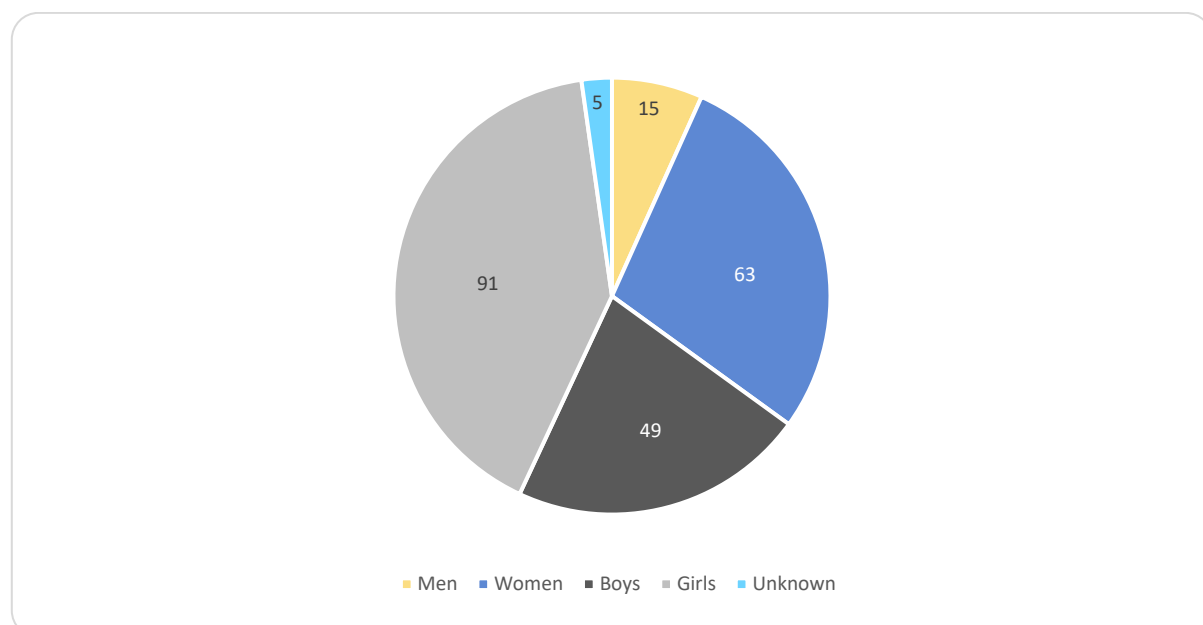
In the period 2018-2021, a total of **223** victims of trafficking were identified (15 men, 63 women, 49 boys, 91 girls, and 5 unknown). Observed by year that is: in 2018 – 36, in 2019 – 61, in 2020 – 70, and in 2021 – 56 identified victims in total.

Graph 17: Victims of THB in BiH 2018-2021



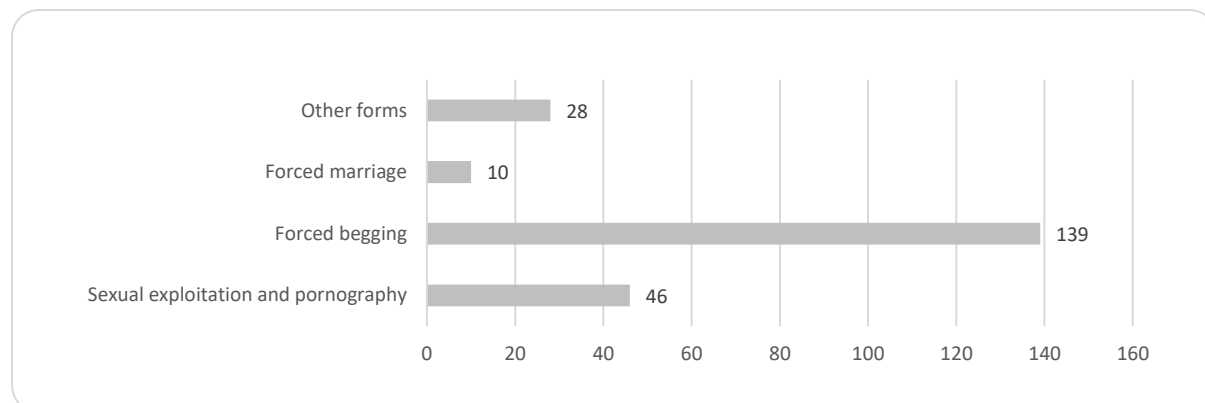
Observed for the entire four-year period, 144 (65%) of all identified victims were children. Only during 2021, out of a total of 56 identified victims, 49 (87%) were children. The gender proportion is same as with the adults - the majority of victim are girls – 91 in total (graph 18)

Graph no 18: Gender of THB Victims 2018 - 2021 in BiH



The forms of exploitation are presented in the graph 19. According to the official data³⁰ the most prevalent form of trafficking is forced begging. This is followed by sexual exploitation and exploitation for pornographic purposes, as well as forced marriages. This was confirmed by the Key Informants who were interviewed during the March 2022.

Graph 19: Forms of THB in BiH 2018-2021

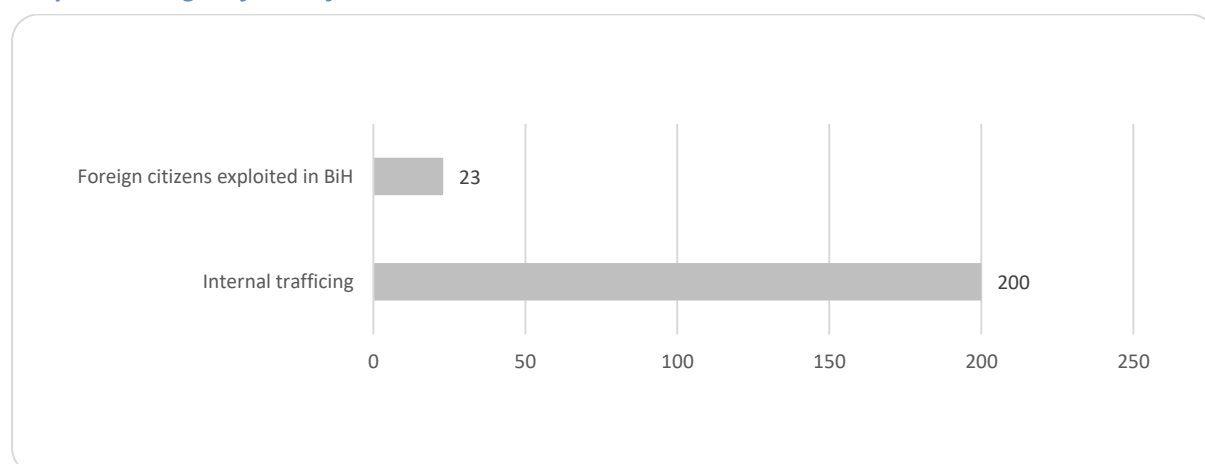


Unfortunately, based on the received data it is not possible to conclude who were the victims of those specific forms of exploitation. According to Council of Europe report³¹, Children at high risk of being trafficked for the purpose of labour exploitation/force street work or forced begging—often involving children in a street situation and Roma children. As the root causes of Roma children’s vulnerability to trafficking, the following factors should be taken into account: poverty and unemployment, social exclusion, low levels of education, history of previous abuse and the exploitation of children to achieve economic goals, etc.

The cases of trafficking for the purpose of organ removal have not been registered in the official statistics during the period covered by this report.

The great majority of the victims were citizens of Bosnia and Herzegovina exploited in the country (internally) – 200 persons in total. The ration of domestic and foreign persons trafficked in BiH is presented in Graph 20.

Graph 20: Origin of identified THB victims in BiH 2018-2021



³⁰ Ministry of Security of BiH

³¹ The phenomenon of child trafficking in Bosnia and Herzegovina, Council of Europe, 2021 available at: <https://rm.coe.int/hf20-phenomenon-child-trafficking-eng/1680a34e2c>

Apart from the domestic citizens, 23 foreign citizens have been exploited in Bosnia and Herzegovina. According to the recent 2021 US State Department TIP report, foreign citizens identified as trafficking victims were from Afghanistan, Cuba, The Gambia, Libya, and Serbia, Sri Lanka, etc.

Based on the same report, the number of convicted perpetrators in 2019 was 34, compared to 48 in 2018 and 17 in 2017.

Analysis of the impact of migration and nexus between smuggling of migrants and trafficking in human beings.

From 2015 till 2017 during the massive flow of migrants and refugees travelling along the so-called Balkan route, very few of them sought to reach the EU by passing through BiH³². Yet, at the beginning of 2018 Bosnia and Herzegovina (BiH) faced increased migratory pressure. Mostly, this was due to the restrictive anti-migration measures³³ taken by neighboring EU countries. According to UNHCR³⁴ from 2018 till the end of 2021, 85,153 arrivals have been recorded since the start of the mixed movement in January 2018. In 2021³⁵, the BiH authorities registered the asylum claims of 167 individuals, a 32% decrease from the 245 claims registered in 2020, which was significant decrease compared to 2018 (1,572) and 2019 (785). The total number of arrivals in 2021 is 15,740, which is slight decrease (3%) over 2020 (16,150). Although there are families among the migrant population in BiH, the majority of those crossing the country are single men and adolescent boys. In the first two years (2018, 2019) nearly 20 % of the people on the move in BiH were children. From that number more than a third were unaccompanied minors³⁶. According to some estimations, there are approximately 500 to 600 unaccompanied refugee and migrant children stranded in BiH. In 2021, most asylum-seekers were coming from Turkey, Afghanistan, and Iran.

The most migrants have arrived in BiH from Montenegro and Serbia. Considerable migrant populations were found in Tuzla and Sarajevo cantons, but the usually the final destination of migrants in Bosnia and Herzegovina has been in the northeastern Una-Sana Canton (USC) and city of Bihać, which is in close proximity to BiH-Croatian border.

From Bihać the refugees and migrants have tried to cross into Croatia, across the so called 'green border', continuing the so-called *Game*³⁷ and their way to the Western Europe. Many relevant NGOs including Border Violence Monitoring Network (BVMN) recorded numerous of pushbacks of people on the move across migratory routes in the Balkans, including along Bosnia and Herzegovina's north-western border with Croatia. As a result of the pushback and sever anti-migration measures, a great number of already exhausted, traumatized migrants with significant lack of financial resources after a long travel from their homes, have been stuck on that last step before entering the EU. At the end of September 2020, it was estimated that around 9,500 migrants were in BiH, while in December 2021 up to 4,000 refugees and migrants were present in Bosnia and Herzegovina, of which around 2,200 were accommodated in the 5 EU-funded reception centres located in the Sarajevo and Una Sana

³² Global Initiative Against Transnational Organized Crime, Policy Briefing: A problem displaced - The smuggling of migrants through Bosnia and Herzegovina (2020), available at:

https://globalinitiative.net/wp-content/uploads/2020/03/Bosnia-Migration.16.03.web3_.pdf

³³ Including border fences and other policies to discourage/stop access to EU.

³⁴ Source UNHCR: <https://www.unhcr.org/bosnia-and-herzegovina.html> and UNHCR OPERATIONAL UPDATE – DECEMBER 2021, available at: <https://data2.unhcr.org/fr/documents/details/90544>

³⁵ Ibid.

³⁶ EU Parliament Briefing: Situation of migrants in Bosnia and Herzegovina (2019), available at: https://globalinitiative.net/wp-content/uploads/2020/03/Bosnia-Migration.16.03.web3_.pdf[https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/644174/EPRS_BRI\(2019\)644174_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/644174/EPRS_BRI(2019)644174_EN.pdf)

³⁷ *The game is a colloquial term established by migrants and refugees for an attempt at crossing the border, where a person goes back and forth between borders, evading border guards, fences etc. as in playing a game.* Vukasevic et. al. (2018). Between closed borders, Belgrade: Crisis Response and Policy Centre, p.16; Dragojevic et. al. (2019) Between closed borders 2018, Novi Sad: Humanitarian Center for Integration and Tolerance, p. 13. <http://crpc.rs/dokument/Between%20Closed%20Borders%20-%20WEB%2017%2007%202018.pdf>

Cantons³⁸. In addition to pushbacks, but also insufficient coordination of assistance, complex system of government and lack of capacities, a large number of migrants found themselves outside the organized/formal reception facilities. Those migrants staying outside the reception centers usually use abandoned houses/squats, 'wild' camps etc. Already complex situation was further complicated by the outbreak of a COVID-19 pandemic and the imposition of related restrictions and other preventive measures.

As already mentioned, most of the migrants at this point in their journey are physically and financially exhausted, in poor health condition and with the experience of the various types of violence along the way. Every unsuccessful attempt to enter Croatia and consequently the EU has reduced the amount of money they or their families at home have. These are precisely the moments when they are vulnerable and can become victim of their smugglers and in risk of trafficking. Most often, they are forced to perform a certain illegal act, or they have been sexual exploited, or exploited in agriculture, construction and other sectors of (in)formal economy. Also, at one point, during 2020 there has been an increase in migrant children begging on the streets of Sarajevo, and children selling tissues at traffic lights.

Also, according to one of the KIs, a case of child trafficking for the purpose of sexual exploitation was identified. The child was exploited by the relative, and the "customers" were persons from the migrant and refugee population.

Some of the KIs mentioned another form of possible trafficking. Namely, the children - tissue sellers are likely to be organized by smugglers, and under the control of smuggling gangs. This includes individual or gangs among the migrant population but also local Bosnian people. The phenomenon of *fake families* was also mentioned. That is one of the *modus operandi* of smugglers and traffickers ensuring that unaccompanied children stay under the radar of the authorities, and at the same time facilitate access to single men in the facilities and programs intended for the families. Unfortunately, the capacity of the first-line responders to address trafficking in mix migration seems very limited.

³⁸ Source EU, available at: https://ec.europa.eu/echo/where/europe/bosnia-and-herzegovina_en#:~:text=Facts%20%26%20figures-Introduction,Sarajevo%20and%20Una%20Sana%20Cantons.

1.4 SERBIA

Context analysis and desk research (2018-2021)

Like some of the Marri participants, Serbia is situated on the refugee-migrant Balkan route, and surrounded on the north, northwest and east by EU countries, i.e. the Schengen area.

Serbia's Human Development Index - HDI value for 2019 is 0.806— which put the country in the very high human development category—positioning it at 64 out of 189 countries and territories. However, the Human inequality coefficient is equal to 12.1 percent.³⁹ Serbia is rated Partly Free in Freedom in the World, Freedom House's annual study of political rights and civil liberties worldwide⁴⁰. The socio-political context in Serbia has been turbulent in the recent years and this was further complicated by the outbreak of the COVID-19 pandemic.

The improvement of the national anti-trafficking (AT) system is not only an obligation deriving from international acts ratified by the Government of Serbia, but also from Serbia's aspiration to become a full member of the European Union. Having in mind that Serbia officially opened the accession negotiations with the Union, including the two most relevant chapters for the suppressing human trafficking (23 – *Judiciary and fundamental rights*, and 24 – *Freedom, security, justice*), Serbia has to upgrade further its legal framework, institutional capacities, and practice.

For many years human trafficking in the Republic of Serbia has mostly been internal⁴¹. Serbia remains to a lesser extent country of origin for Serbian citizens trafficked abroad, and in some cases a country of transit and destination for foreign victims of trafficking. Among identified cases of internal human trafficking, the most common form in Serbia is still sexual exploitation, and to a lesser extent labour exploitation, while mixed forms of exploitation (sexual, for criminal purposes or labour) and forced marriage are the most prevalent types of exploitation of Serbian citizens trafficked abroad.

During the period covered by this report, the number of identified adults was slightly higher (51-58%) than minors (19%-49%), except for 2019, when 64% of identified victims were minors. The proportion of identified trafficked women remained constantly high in the last 20 years, from 65% to 91%. Girls were most common victims of sexual exploitation and forced marriages, while boys fall victim to multiple forms of exploitation including labour exploitation. The number of migrants among identified victims of trafficking is still low.

Data on Trafficking in Human Beings (2018-2021) provided by Center for the protection of trafficking victims

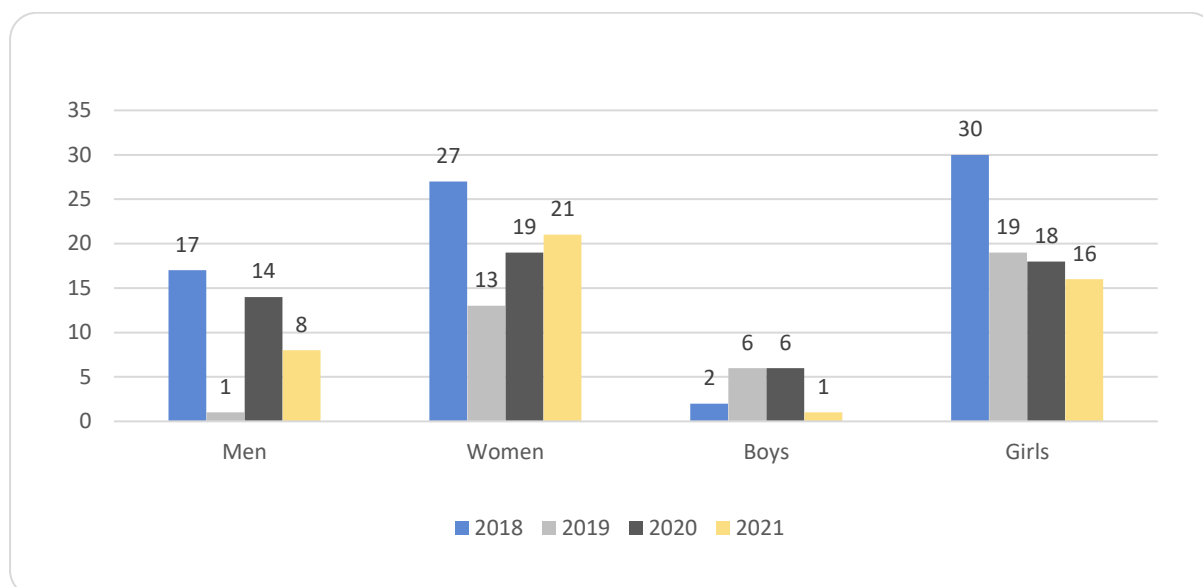
From 2018 until 2021, a total of 218 victims of trafficking were identified (40 men, 80 women, 15 boys, and 83 girls). Observed by year that is: in 2018 – 76, in 2019 – 39, in 2020 – 57, and in 2021 – 46 identified victims in total (please see Graph 21).

³⁹ Country profile, methodology and explanatory report available at: <https://hdr.undp.org/en/countries/profiles/SRB> (retrieved March 29, 2022)

⁴⁰ <https://freedomhouse.org/countries/freedom-world/scores> (retrieved March 29, 2022)

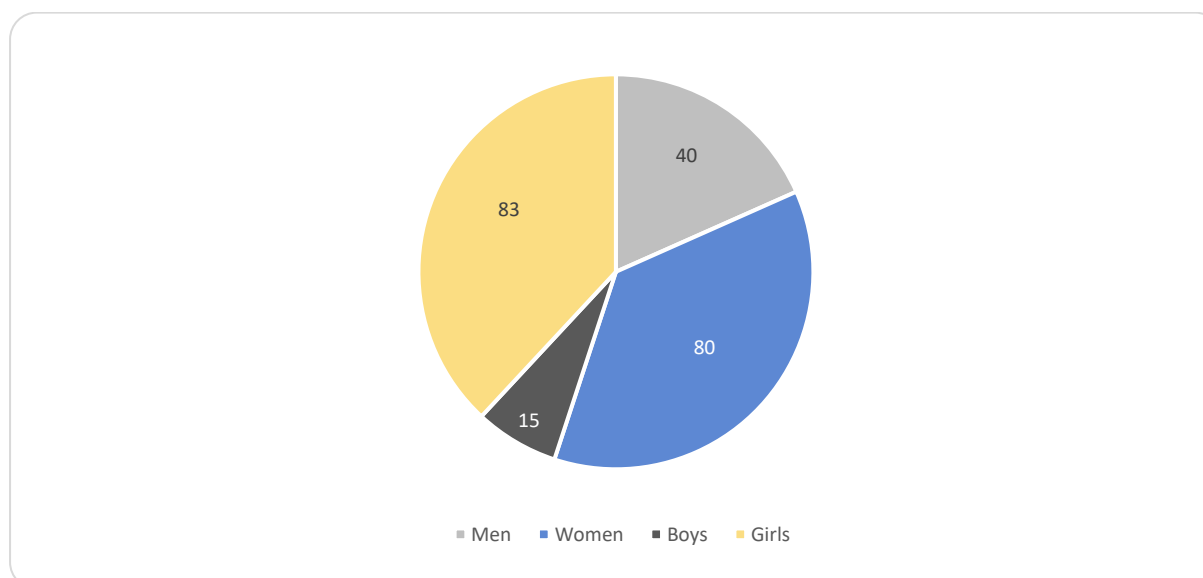
⁴¹ Victims of human trafficking were Serbian citizens, while exploitation also took place in Serbia.

Graph 21: Origin of identified THB victims in BiH 2018-2021



During a four-year period, 98 (45%) of all identified victims were children. However, in 2019 more than half of the identified victims were children – 64%. As for the gender of the trafficked children - the majority of victim were girls – 83 (85%) out of 95 (graph 22).

Graph 22: Gender of VoTs in Serbia 2018 - 2021



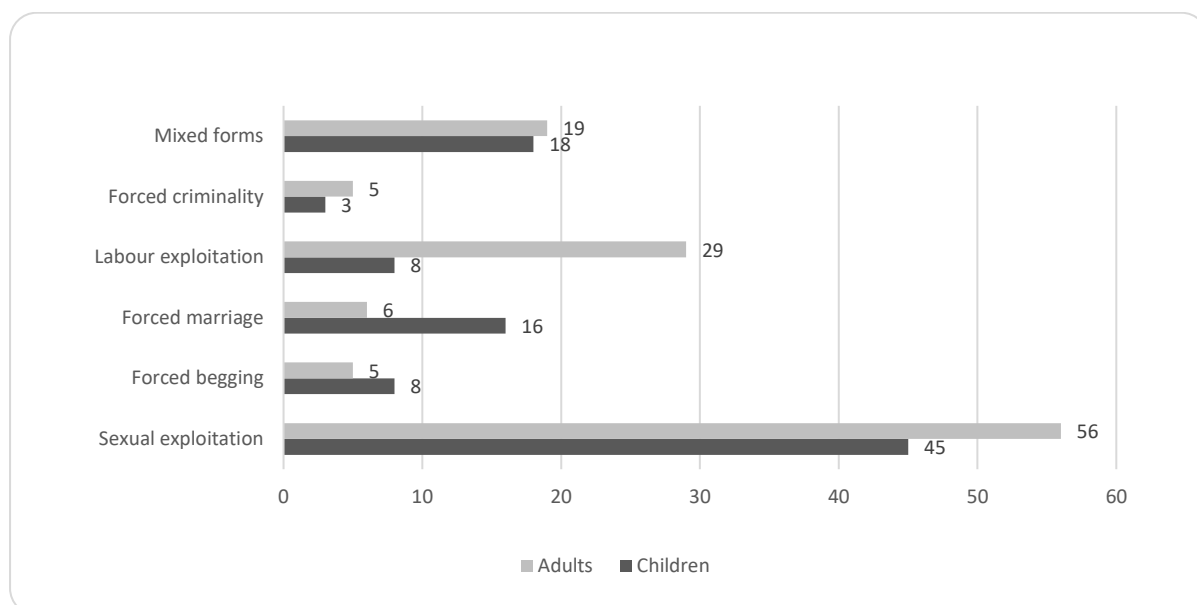
The forms of exploitation of trafficked persons in Serbia for the period 2018-2021 are presented in the graph no x. According to the official data⁴² the most prevalent form of trafficking is sexual exploitation. This is followed by labor exploitation and mixed forms of exploitation⁴³, as well as forced marriages.

The number of cases of labor exploitation has been identified in a larger number among adults, while forced marriages are more often identified among children. Although it is a more common form of child trafficking, forced marriages have been identified in six cases of adult women.

⁴² Center for the protection of trafficking victims (CPTV) runs official statistics on victims' identification.

⁴³ The term multiple exploitations is used by CPTV synonymously as an expression of mixed forms of exploitation (often used by UNODC and other relevant global actors).

Graph 23: Forms of THB and age of the victims in Serbia 2018-2021

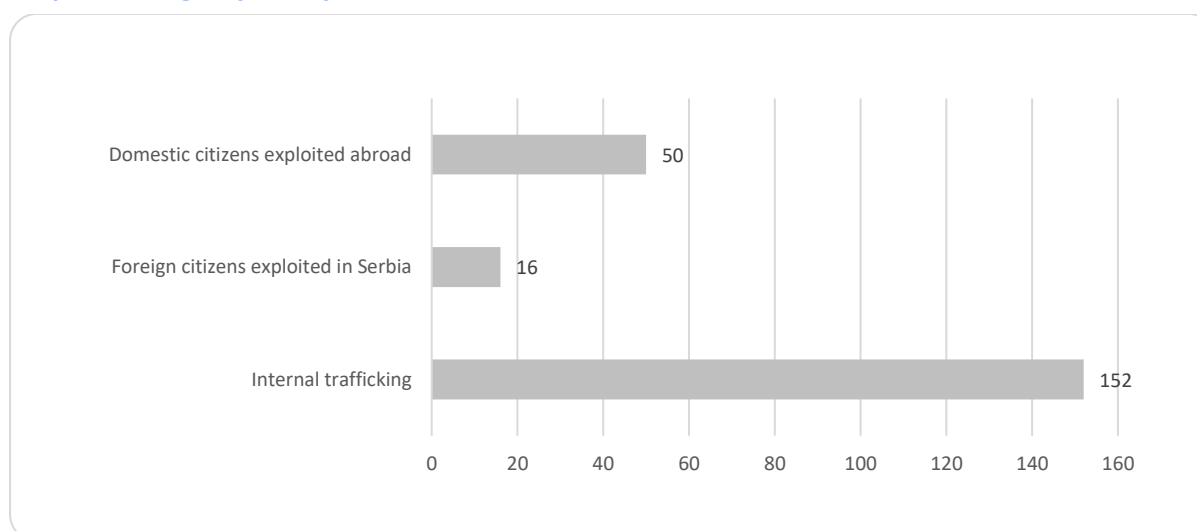


Unfortunately, based on the received data it is not possible to conclude the gender of the victims in relation to specific forms of exploitation.

The cases of trafficking for the purpose of organ removal and for the pornographic purposes have not been registered in the official statistics during the period covered by this report.

Similar to other Marri participants, the vast majority of the trafficked persons – 152 (70%), were domestic citizens exploited in Serbia (internally). The ratio of domestic and foreign persons trafficked in Serbia, as well as domestic citizens exploited abroad is presented in Graph 24.

Graph 24: Origin of identified THB victims in Serbia 2018-2021



Apart from the domestic citizens, 23 foreign citizens have been exploited in Serbia in the last four year. According to the recent 2021 US State Department TIP report, foreign citizens identified as trafficking victims were from Albania, Cameroon, Croatia, Denmark, Germany, Mali, Nigeria, North Macedonia, and Pakistan. It is also stated in this report that thousands of migrants and refugees from the Middle East, Africa, and Asia transiting through or left stranded in Serbia are vulnerable to trafficking within Serbia. Unfortunately, the number of migrants and refugees among identified victims of trafficking is

still low. In the last five years (as of December 2021), only 12 victims of trafficking (4 F/8 M) were identified among population of migrants and refugees.

A reduction in the number of identified victims has been recorded in all relevant reports including GRETA, TiP and EU reports.

Table 1: Data on prosecution and perpetrators

Year/Criminal offence	Perpetrators ⁴⁴	
2018	Adults ⁴⁵	Juvenile ⁴⁶
Human trafficking	1	1
Trafficking in minors for adoption	/	/
2019	Adults ⁴⁷	Juvenile ⁴⁸
Human trafficking	21	1
Trafficking in minors for adoption	3	/
2020	Adults ⁴⁹	Juvenile ⁵⁰
Human trafficking	77	1
Trafficking in minors for adoption	6	/
Total 2018 - 2020	108	3

2021 – not published/available

Source: Reported⁵¹ adult/juvenile perpetrators by criminal offences of Human trafficking – Article 388 and Trafficking in Minors for Adoption – Article 389, 2018 – 2020.

According to the Statistical Office of the Republic of Serbia Release Calendar official data on the prosecutions and convictions will be published by October 2022.

Analysis of the impact of migration and nexus between smuggling of migrants and trafficking in human beings.

One of the most important change in the Serbian context in last couple of years was the refugee crisis. Being on the transit route between Turkey and Central and Western Europe, Serbia experienced a mass influx of refugees and migrants since the beginning of the crisis in 2015. As of March 2016, and the closure of the borders on the route, refugees and migrants were forced to stay in transit countries,

⁴⁴ Adult perpetrator of criminal offences is the person who at the moment of criminal offence committal was 18 years old and over, and who committed the criminal offence as: perpetrator, co-perpetrator, agitator or assistant. The juvenile perpetrator of a criminal offence (minor) is the person who committed the criminal offence as: perpetrator, co-perpetrator, agitator or assistant. Juvenile perpetrators of criminal offences are the persons who at the moment of criminal offence committal were 14 and not yet 18 years old.

⁴⁵ Source Statistical Office of the Republic of Serbia, available at: <https://publikacije.stat.gov.rs/G2019/PdfE/G20191192.pdf>

⁴⁶ Source Statistical Office of the Republic of Serbia, available at: <https://publikacije.stat.gov.rs/G2018/PdfE/G20181193.pdf>

⁴⁷ Source Statistical Office of the Republic of Serbia, available at: <https://publikacije.stat.gov.rs/G2020/PdfE/G20201202.pdf>

⁴⁸ Source Statistical Office of the Republic of Serbia, available at: <https://publikacije.stat.gov.rs/G2020/PdfE/G20201194.pdf>

⁴⁹ Source Statistical Office of the Republic of Serbia, available at: <https://publikacije.stat.gov.rs/G2021/PdfE/G20211195.pdf>

⁵⁰ Source Statistical Office of the Republic of Serbia, available at: <https://publikacije.stat.gov.rs/G2021/PdfE/G20211194.pdf>

⁵¹ A "reported person" is taken to be an adult perpetrator of a criminal offence against whom the proceedings by crime report and preliminary proceeding have been terminated by a decision, by which: a charge has been rejected, investigation interrupted/ suspended, or a charge sheet submitted. A "reported juvenile person" is taken to be a juvenile against whom criminal proceedings on the grounds of a crime report have not been initiated (crime report rejected), against whom preparatory proceedings are suspended or the charge motion has been submitted to a juvenile court for pronouncing sentence or measure.

including Serbia. The number of migrants who expressed their intention to apply for asylum in the Republic of Serbia was 8,436 in 2018, 12,937 (12,052 men and 885 women) in 2019, and 2,830 (2,649 men and 181 women) in 2020. Among them were children – 2,200 (666 unaccompanied and separated children) in 2018, 2,939 (823 unaccompanied and separated children) in 2019, 638 (77 unaccompanied and separated minor migrants) in 2020. The number of migrants who applied for asylum in the Republic of Serbia was considerably smaller – 292 migrants in 2018, 252 in 2019, 144 migrants in 2020. In the same period, around 4,000 to 5,000 migrants were accommodated in 16-17 centers (5 for asylum and 12 reception centers). As at end-December 2021⁵², 5,369 (decrease by 4%) refugees and migrants were in the territory of Serbia, of which 4,429 accommodated in 13 operational governmental centres across the country, 30 in specialised institutions for unaccompanied and separated children (UASC), 135 in private accommodation and 775 staying rough outside the centres. 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.”

The gender dimension in the context of migration is very important. According to a 2017 survey of NGO Atina⁵³, over 50% of refugee and migrant women reported they experienced violence⁵⁴ in their country of origin, 65% stated they survived violence while on the move, and 77% said they have witnessed violence against other women.

In the refugee crisis context one of the key challenges in identification of trafficking cases was what some of the KI's called a *blurred line* between human trafficking and smuggling. Namely, some trafficked people might start their journey by agreeing to be smuggled into a country, only to then be deceived, coerced, or forced into an exploitative situation (for instance, being forced to work for very low wages or in debt bondage to pay for their transportation)⁵⁵. According to KIs, a phenomenon that has become relevant in the last few years is that smugglers hire the local population in Serbia to transport migrants, not on a voluntary basis, but forcing/blackmailing them in various ways and for the various reasons. This may be due to debt repayment, or it may be people who are struggling with substance use disorder (SUD), etc. One such case has been officially identified in Serbia, a person who was arrested in a neighboring country for smuggling and was not recognized as a victim by the authorities there.

It is also important to emphasize the economic consequences of the pandemic, especially for the vulnerable groups, such as women, those over 65, Roma people (especially in informal settlements), persons and children with disability, persons and children with mental difficulties, migrants, asylum seekers homeless people, as well as victims of human trafficking.

⁵² Source UNHCR (December 2021) available at:

<https://reliefweb.int/sites/reliefweb.int/files/resources/SERBIA%20UPDATE%20DEC%202021.pdf>

⁵³ Source NGO Atina; Available at: <http://www.atina.org.rs/en/violence-against-women-and-girls-among-refugee-and-migrant-population-serbia-0> (retrieved April 2018).

⁵⁴ this includes domestic violence, forced and child marriage, forced prostitution, rape, sexual harassment, physical assaults, threats of honor killings, revenge marriages, and survival sex (for food, shelter, protection), trafficking.

⁵⁵ Source: Human Rights Watch; available at: <https://www.hrw.org/news/2015/07/07/smuggling-and-trafficking-human-beings> (retrieved April 2018).

1.5 MONTENEGRO

Context analysis and desk research (2018-2021)

Montenegro (Montenegrin: Crna Gora), is located in South-eastern Europe. It has a coast on the Adriatic Sea to the south-west and is bordered by Croatia to the west, Bosnia and Herzegovina to the northwest, Serbia to the northeast, Kosovo under UNSCR 1244 to the east and Albania to the southeast. Its capital and largest city is Podgorica. The country got its name (literally, "black mountain") from the dark, mountain forests that cover the land. Some 60 percent of the country is more than 1,000 meters (3,280 feet) high, with the tallest peak Bobotov Kuk (Durmitor) reaching to 2,522 meters (8,274 feet). The coast of Montenegro is 294 km (183 mi) long.

Combating poverty and social exclusion requires more effective and adequate targeting of health, employment and social services. The MONSTAT Poverty Analysis reveals that the average poverty rate is 8.6%, while for the northern region it is 10.3%⁵⁶.

General unemployment rate in Montenegro is 17.9%⁵⁷ while unemployment rates in the North of Montenegro is two times greater than the national average, reflecting growing regional development disparities. Due to persisting gender-based disadvantages, women are vulnerable and lack political and economic empowerment, including protection against family violence.

Challenges persist both at central and local levels of governance, and are coupled with the need for empowering citizen participation in societal processes. At the same time, the European Commission's progress reports repeatedly draw attention to the need to showcase a successful track record in the area of rule of law, access to justice for all, and fighting corruption at all levels.

The negotiation process between Montenegro and the European Union officially started on 29 June 2012. Montenegro has opened 26 of the 35 chapters of the EU's *acquis communautaire*, including most recently Chapter 11 (dealing with agriculture and rural development) and Chapter 19 (relating to social policy and employment). The two chapters on science and research and on education and culture have been provisionally closed, having been successfully completed.

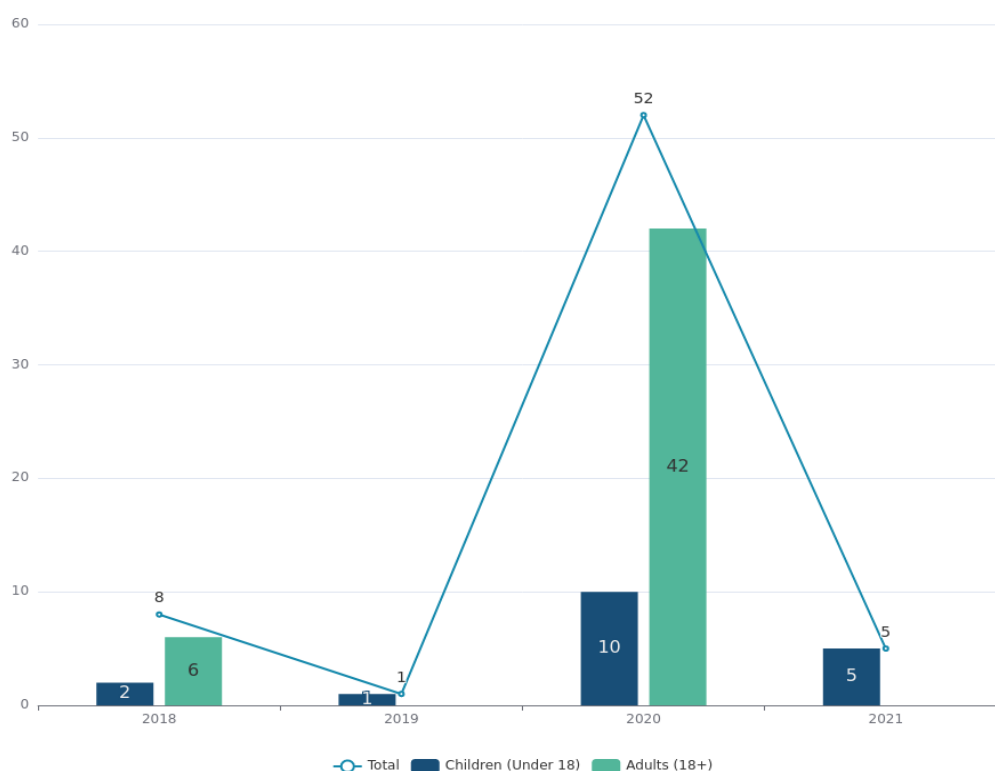
Data on Trafficking in Human Beings in Montenegro during the years 2018-2021 provided by Mol

Montenegro is a country of origin, destination and transit of trafficked persons. Until the end of 2019, the number of identified victims, mostly women and children from Montenegro, was low. In the period 2018-2021 **a total of 66 victims** of trafficking were identified by Montenegrin authorities. Out of this number 48 are adults and 18 are children. According to the gender of the identified victims of trafficking 38 victims are male and 26 are female victims. Observed by year the number of identified victims is: 2018-8 cases, 2019-1case, 2020-52cases and 2021-5cases. The statistics provided were not disaggregated by form of exploitation, however the authorities and KI interviewed indicated that the majority of the identified victims were cases of sexual exploitation, victims of trafficking for forced begging and forced marriage.

⁵⁶ <https://www.me.undp.org/content/montenegro/en/home/countryinfo/>

⁵⁷ <https://data.worldbank.org/indicator/SL.UEM.TOTL.ZS?locations=ME>

Graph 25: Identified victims of THB in Montenegro 2018-2021



Since November 2019, following the detection of a large-scale case involving victims from Taiwan, the number of identified victims has increased, reaching 52 by the end of 2020⁵⁸. GRETA 2021 report confirms that in November 2019, a new team for the formal identification of victims of THB was set up and as a result of the detection of a large-scale case of human trafficking of 84 women and men from Taiwan (referred to as the “call centre case”), the number of identified victims of THB increased considerably. According to updated information provided by the Montenegrin authorities, by the end of 2020, the team for formal identification of victims had interviewed a total of 59 persons (in 15 processed cases) and granted victim status to 52 persons (27 men, 15 women, 4 boys and 6 girls). Of them, 39 (27 men and 12 women) were identified as victims of labour exploitation, two women, one girl and one boy as victims of sexual exploitation, three girls and three boys as victims of forced begging, one woman and three girls as victims of unlawful marriage, and one girl as a victim of a combination of forced begging and unlawful marriage. As regards the origin of the victims, 12 women and 25 men were from Taiwan, two men were from Pakistan, and the remainder were from Kosovo, Serbia and Montenegro.

The report of the UN Special Rapporteur on trafficking in persons, especially women and children state that civil society activists expressed concern that the actual number of cases was greater than what had currently been identified. Civil society reported allegations of women and girls trafficked for sexual exploitation in clubs and hotels, as well as in yachts placed outside the coast of Montenegro,

⁵⁸ GRETA 2021 Report <https://rm.coe.int/evaluation-report-on-the-implementation-of-the-council-of-europe-convention/1680a2aefc>

but there has been no official identification of such cases. Potential victims in coastal towns would be both nationals of Montenegro and those of neighbouring countries⁵⁹.

Analysis of the impact of migration and nexus between smuggling of migrants and trafficking in human beings

Since 2017, Montenegro has become a significant transit country for migrants following the Balkan route. Through the so-called “southern Balkan route”, people transit from Albania, through Montenegro and towards Bosnia and Herzegovina. While many of them express a first intention to seek asylum in the country, only very few stay long enough to complete the procedure for the determination of their refugee status. Reports indicate that such migrants only stay in the country until they find the means to continue their journey towards other European countries. In those circumstances, identification of cases of trafficking among migrants in transit is challenging. Migrants are not likely to reveal to public officials elements that could lead to the identification of trafficking situations, owing to the fear of being delayed in their onward journey⁶⁰.

The UN Special Rapporteur reports that because Montenegro is a transit country, a noteworthy trend that has been observed is criminal groups forcing migrants making irregular crossings with debts to act as “guides” for other migrants moving through the region. The “guides” stay in transit areas and act as facilitators and controllers for other migrants. As they pay their debts to traffickers, the migrants acting as “guides” move on to sites closer to their final destination. Such arrangements while in transit can last for several years, until the debt is paid off.

The Spot prices Report analysing flows of people, drugs and money in the Western Balkans⁶¹ based on the UNHCR data for Montenegro state that the number of refugees and asylum seekers was increased during the last years. In 2018 was 4753, in 2019 was 8695 and 2020 was 2898 and top nationalities include Maroco, Afghanistan, Iran and Algeria.

According to UNHCR, a record-high number of asylum seekers expressing intention to apply for asylum was received in 2019 (8695). Of these, the majority (75.9%) transited onwards from Montenegro without lodging an asylum application. There were 198 children seeking asylum (121 male and 77 female), of whom only 2% were unaccompanied (all male). UNHCR notes that since the establishment of the Montenegrin asylum system in 2007, no victims of THB have been identified in the context of asylum procedures, which may suggest that the procedures for screening for vulnerability indicators and identifying victims of trafficking among asylum seekers are not sufficient. However, GRETA 2021 report notes that according to updated information provided by the Montenegrin authorities, in December 2020, following interviews with Afghani asylum seekers at the Asylum Centre in Spuž, criminal proceedings for human trafficking and slavery were initiated against a person⁶².

⁵⁹ <https://reliefweb.int/report/montenegro/visit-montenegro-report-special-rapporteur-trafficking-persons-especially-women>

⁶⁰ <https://reliefweb.int/report/montenegro/visit-montenegro-report-special-rapporteur-trafficking-persons-especially-women>

⁶¹ <https://globalinitiative.net/wp-content/uploads/2021/05/Spot-Prices-Analyzing-flows-of-people-drugs-and-money-in-the-Western-Balkans-1.pdf>

⁶² GRETA 2021 Report <https://rm.coe.int/evaluation-report-on-the-implementation-of-the-council-of-europe-convention/1680a2aefc>

1.6 KOSOVO*

Context analysis and desk research (2018-2021)

Kosovo* is one of the World's 48 landlocked countries situated in south-eastern Europe, in the Balkan Peninsula. It encompasses an area of 10,887 square kilometres and has a population of 1,870,981 (July 2015 est.) Kosovo* is a multi-ethnic country with Albanians making the overwhelming majority of the population (92 percent), while Serbs, Bosniaks, Montenegrins, Roma, Ashkali and Egyptian communities comprise the rest - 8 percent. The newest country in Europe borders Albania and three former Republics of Yugoslavia (which Kosovo* used to be part of) Macedonia, Serbia and Montenegro. The youth age category makes up the majority of the Kosovo population. With more than 53 percent of its inhabitants under the age of 25, Kosovo has the youngest population in Europe. Young educated people are considered the country's greatest asset. It is also one of Europe's poorest countries with 0.714 GDP per capita with high unemployment rates of 26.17% according to the World Bank data of 2022⁶³.

Kosovo* became an official candidate for EU membership in 2012, after an EU commissioned feasibility study found "[...] no legal obstacle for the Union to conclude on that basis an association agreement with Kosovo*."⁶⁴ Full sovereignty was not a precondition for beginning of the process of accession. The European Council and the Parliament agreed on April 2016 to begin the process of SSA with Kosovo*. The SSA between the European Union and Kosovo* outlines conditions that Kosovo should fulfil in order to commence the process of accession to the European Union⁶⁵. In July 2018, the Commission confirmed that Kosovo* has fulfilled all visa liberalisation benchmarks endorsed by the Council. The European Parliament confirmed its support for the Commission's proposal for visa liberalisation⁶⁶.

Regional cooperation and good neighbourly relations are key elements in the EU accession process for all Western Balkan countries. Serbia and Kosovo* have both declared their intention to join the EU. However, despite some initial successes, such as the Brussels Agreement of 2013, the dialogue facilitated by the EU and initiated in 2011 has stalled. In 2020, the Belgrade-Pristina dialogue was relaunched and supported by the international community⁶⁷.

Data on Trafficking in Human Beings in Kosovo during the years 2018-2021 provided by Mol

Kosovo* remains a country of origin, transit and destination of victims of **trafficking in human beings**, notably for sexual exploitation. In the period 2018-2021 **a total of 82 victims** of trafficking were identified (66 female, 16 male). A major concern presents the data, that for the entire four-year

⁶³ <https://data.worldbank.org/indicator/SL.UEM.TOTL.NE.ZS?locations=XK>

⁶⁴ European Commission. (2012). Communication from the Commission to the European Parliament and the Council on a Feasibility Study for a Stabilisation and Association Agreement between the European Union and Kosovo*. {SWD (2012) 339 final}. Brussels; European Commission.

⁶⁵ European Commission. (2015). Stabilization and Association Agreement between the European Union and Kosovo*. Brussels: European Commission, available at http://www.consilium.europa.eu/en/press/press-releases/2015/10/27-Kosovo*-eu-stabilisation-association-agreement/

⁶⁶ European Commission Kosovo* Progress Report, 2020 pg 3 https://ec.europa.eu/neighbourhood-enlargement/sites/default/files/Kosovo*_report_2020.pdf

⁶⁷ EPRS | European Parliamentary Research Service, March 2021

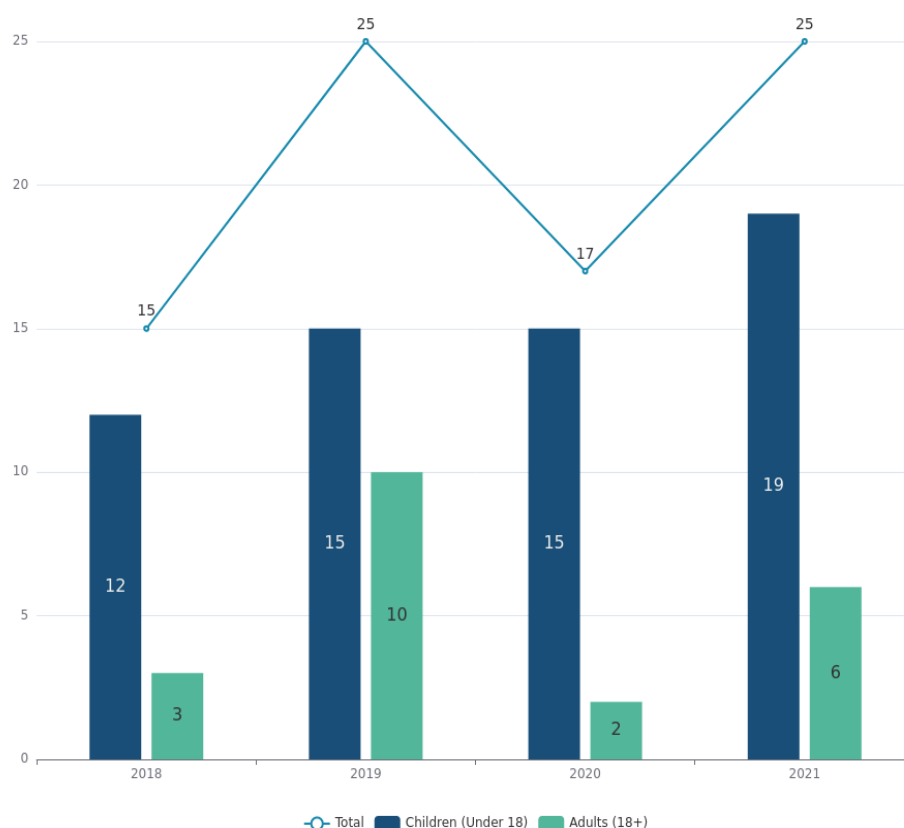
[https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/689371/EPRS_BRI\(2021\)689371_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/689371/EPRS_BRI(2021)689371_EN.pdf)

* 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.

period, 61 out of 82 identified victims were children. Observed by year the number of identified victims is: 2018-15, 2019-25, 2020-17 and 2021- 25.

According to the GRETA 2021 report decreasing trends of the identified victims of THB are noted in Kosovo* during the period 2015-2020 a total of 156 persons were identified as victims of THBs compared to the 187 victims identified in the previous reporting period 2011-2014. During the GRETA reporting period 2015-2020 There were 92 children among the identified victims (59% of all victims). The majority of the identified victims (132) originated from Kosovo*. The number of foreign victims of trafficking identified in the period 2015-2020 was 24 (of whom 16 from Albania, 3 from Serbia, 2 from Montenegro, 1 from the Republic of Moldova, 1 from the Philippines and 1 from the Czech Republic).

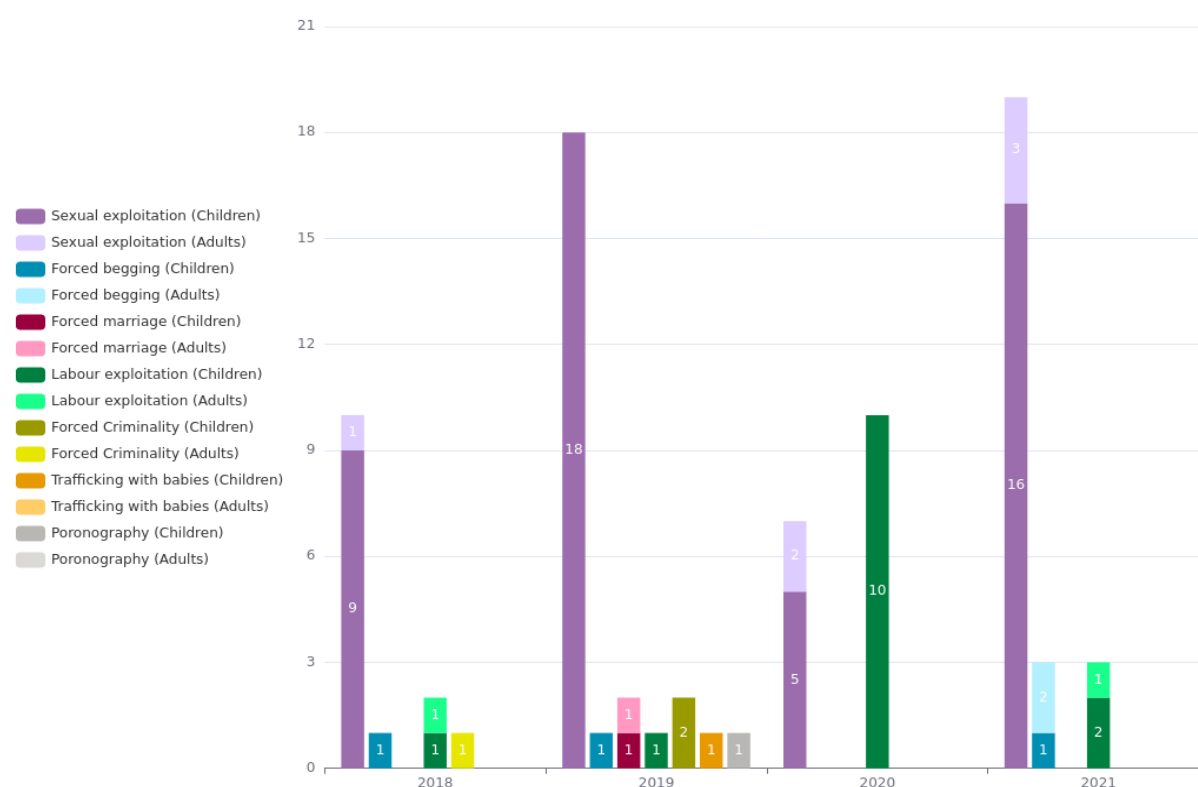
Graph 26: Identified victims of THB in Kosovo* 2018-2021



The forms of exploitation are presented in the graph 27. According to the official data received from the DITHB the most prevalent form of trafficking is sexual exploitation of children followed with sexual exploitation of adults and children labor exploitation. The data show increased number of children victims trafficked for forced labor during 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.

Graph 27: Forms of exploitation THB in Kosovo* 2018-2021



Analysis of the impact of migration and nexus between smuggling of migrants and trafficking in human beings

The TIP report of 2021 emphasises that 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 parlours. Children from Kosovo*, Albania, and other neighbouring countries are forced to beg within the country.⁶⁸

The Spot prices Report analysing flows of people, drugs and money in the Western Balkans⁶⁹ based on the UNHCR data for Kosovo* show that the number of refugees and asylum seekers in 2018 was 590, in 2019 was 2081 and 2020 was 1910. The IOM Compilation of Available Data and Information on the Registered irregular apprehensions in the Western Balkans and other transit countries/areas, January–May, 2017–2020 note 84 cases of migration flow in 207, 88 in 2018, 371 in 2019 and 1,301 in 2020.⁷⁰ The report shows that Kosovo* had in its reception 107 migrants and asylum seekers in 2019

⁶⁸ <https://www.state.gov/reports/2021-trafficking-in-persons-report/Kosovo/>

⁶⁹ <https://globalinitiative.net/wp-content/uploads/2021/05/Spot-Prices-Analyzing-flows-of-people-drugs-and-money-in-the-Western-Balkans-1.pdf>

⁷⁰ https://reliefweb.int/sites/reliefweb.int/files/resources/FCR%20May%202020_final.pdf

* 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.

and 192 in 2020. Afghanistan, Syria, Algeria, Iraq and Pakistan continue to be the most frequently reported nationality among migrants and refugees.

If a migrant is identified as a potential victim of trafficking in human beings, the border police contact the Trafficking in Human Beings Directorate (DITHB). According to the authorities, migrants are provided with all the available services, including accommodation at the centre for asylum seekers, and within three days of their arrival they are issued with ID cards which allow them to move freely on the territory of Kosovo*. The asylum procedure can take from six to nine months, depending on the complexity of the case. About 108 individuals have been granted asylum/refugee status in Kosovo* to date, including eight persons in 2021. No victims of THB had been identified among asylum seekers⁷¹.

In accordance with the Law on Asylum and the Law on Foreigners, migrants must decide within 72 hours from their arrival in Kosovo* whether they wish to apply for asylum, be returned to their home country, or continue elsewhere. In case they do not apply for asylum within this period, they are subject to deportation. Although foreigners who are identified as victims of THB would be entitled to receive a temporary residence permit GRETA is concerned that 72 hours may not be sufficient for a proper identification of a victim of trafficking among migrants and that those potential victims who do not choose to apply for asylum could be deported before they can receive the necessary assistance.

GRETA 2021 report recommends that authorities should also make efforts to increase the capacity of social workers to proactively identify victims of trafficking and strengthen measures to identify victims among irregular migrants and asylum seekers.

⁷¹ GRETA 2021 Report https://rm.coe.int/second-report-on-the-compliance-of-Kosovo*-with-the-standards-of-the-co/1680a418ee

* 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.

SECTION 2: RESPONSE OF MARRI PARTICIPANT

2.1 ALBANIA

Legal Framework and Institutional Framework

The legal framework in Albania has major improvements through the ratification of a series of key international documents, essential amendments, and alignment of the national legislation. The Government of Albania has taken a range of important measures in order to prevent and fight human trafficking accordingly.

Albania has approved a National Strategy Countering Violent Extremism, adopted by the Council of Ministers of the Republic of Albania (Decision no. 930) on 18 November 2015⁷². The Albanian government considers countering violent extremism to be a core priority of its political agenda. Successfully preventing the spread of violent extremism requires localized efforts including the further empowerment of youth, family, women and minorities. By channeling these efforts through religious, cultural, and educational networks, the Strategy ensures the inclusion of civil society, as a whole, in the adoption of a tailored and proactive approach to addressing this phenomenon. This Strategy provides guiding principles, policies, and actions to address radicalization and violent extremism. With the end goal of creating a prosperous and inclusive environment for citizens, this Strategy cultivates a culture of respect for fundamental freedoms throughout the country.

The Government has established a multi-agency coordination structure on anti-trafficking, comprising the State Committee on Trafficking in Persons, the National Coordinator/ Deputy Minister of the Interior, Anti-trafficking Unit, the National Referral Mechanism for VT/ PVT, National Referral Mechanism (NRM), the NRM National Task Force, Regional Anti-Trafficking Committees (RATCs), and it has developed anti-trafficking Strategy/ National Action Plan.

NRM was established aimed at the identification, referral of and assistance to trafficked persons; and a 'Responsible Authority' of all NRM signatories which was set up to steer and supervise the NRM accordingly.

Standard Operating Procedures (SOPs) were compiled to define concretely the cooperation of all state and non-state actors involved in the process of identification, referral, assistance and protection, and longer-term reintegration assistance to VT and PVT.

Albania adopted a new National cross-sector Counter-Terrorism Strategy and Action Plan in December 2020 and made very good progress in implementing the bilateral arrangement with the EU on operationalizing the Joint Action Plan on counter-terrorism for the Western Balkans. More efforts are needed to tackle cybercrime, trafficking in human beings and money laundering cases⁷³.

Efforts to end Human Trafficking in and from Albania resulted in the rescue and support of around 200 VT and PVT, generation of valuable evidence about knowledge, perceptions and attitudes of Albanian

⁷² Published in the Official Gazette of the Republic of Albania (203/2015)

⁷³ [European Commission, Albania Report 2021](#), 19 October 2021, page 5.

youth towards human trafficking, and initiation of a process for the development of a new National Action Plan on anti-Trafficking 2021–2023 by the Office of the National Anti-Trafficking Coordinator⁷⁴.

“A good practice is the Trafficking Action Plan that was approved in Albania. Regarding persons returning from Syria, there are elements of trafficking affecting minors, women who have been exploited in war zones for various reasons etc. In this regard, SOPs for persons returned from Syria is important for their reintegration and rehabilitation in the country to guide the work guide for various authorities.”

Enkelejda Kallciu, Program Officer, Terre des homme, Albania, March 2022

Albania has established a national legal and institutional framework based on the principle of “the best interests of the child” to prevent, protect, investigate, and prosecute child trafficking and exploitation. *SOPs for the Protection of VT and PVT* have been approved by Decision of the Council of Ministers (DCM) no. 499, dated 29.8.2018.

Law 18/2017 “On the rights and protection of the child” article 26 states that the child is protected from trafficking, sale and any form of sexual exploitation and abuse, including illegal sexual activity, exploitation of the child in prostitution or in other illegal sexual practices, exposure, appearance or involvement in pornographic materials or sexual abuse of children, according to the provisions of the Criminal Code and other acts in force.

DCM no. 129, dated 13.3.2019 “On procedures for identification, immediate assistance and referral of economically exploited children, including children in street situations”. The National Agenda for the Rights of the Child 2021–2026 approved by DCM 659, dated 3.11.2021 has foreseen in its objective’s measures for the protection of VT.

All these efforts and measures taken in legislative framework and by laws are very important for the VT, with a special focus on the most vulnerable groups, such as children.

“Bylaws undertaken on coordinating and managing the cases of trafficked children minimize the frequency with which these acts are committed.”

Silvana Alimadhi, Specialist of Antitrafficking Sector at the General Directorate of State Police/ Department of Criminal Police, Albania, March 2022

Despite the actions taken by the state institutions, still is evidenced that border police lacked resources, interpreters, and knowledge to screen consistently or implement SOPs for irregular migrants and asylum-seekers. Also, there is an absence of a standardized database that creates confusion among relevant government agencies on who was responsible for providing support.

⁷⁴ [Programme of Cooperation for Sustainable Development 2017-2021](#); Progress Report 2020, page 15.

Effective monitoring and evaluation mechanisms must be in place, together with the necessary human and financial resources for advancing women's human rights.

Developments, challenges, good practices

Developments and Challenges

The institutional framework related to action against THB has remained mostly unchanged. The National *Anti-Trafficking Coordinator* is a Deputy Minister of the Interior and is supported by the ONAC.

The State Committee for the Fight against Trafficking in Human Beings coordinate anti-trafficking policy. It is chaired by the Minister of the Interior and comprises the Deputy Ministers of the Interior, Education and Sport, Social Welfare and Youth, Foreign Affairs, Health, Justice, Finance, Economic Development, Trade and Enterprise, Energy and Industry, Defense, and European Integration, as well as the State Police, the General Prosecutor's Office, and the State Intelligence Service. *RATCs* operate in the country's 12 regions.

Albania has concluded bilateral agreements in the area of counter-trafficking with neighboring countries, including Greece, North Macedonia, Kosovo^{*75} and Montenegro, as well as with some of the main countries of destination for Albanian victims. In accordance with the Additional Protocol "On Intensifying Co-operation in the Fight against Trafficking in Persons and on the Enhanced Identification, Notification, Referral and Voluntary Assisted Return of VT and PVT, especially Children" signed with Kosovo^{*76} and Montenegro, a Joint Declaration was signed in December 2016 between the National Coordinators of the above countries to unify their SOPs.

The State Agency for the Rights and Protection of the Child is the authority responsible for guaranteeing the functioning of the integrated protection system for unaccompanied children, inside and outside the territory of Albania. In cases where Albanian families leave their children abroad with the hope that the children will be able to obtain the nationality of the country and/or access education and work, the State Agency works with the families to find a solution but often has to place the children in shelters or foster families.

DCM no. 111 of 6 March 2019 "On procedures and rules for the return and repatriation of children" aims to guarantee the rights of unaccompanied children and provide them with the highest possible protection, through the creation of an integrated system of protection and efficient co-ordination of all state institutions and NGOs. From the moment the Decision was adopted until December 2019, 33 children were returned, mainly from Sweden and Germany. The cases were referred for evaluation to child protection staff at the municipality or administrative unit where the family of the child to be repatriated resides. Repatriated children are generally male, and their age varies on average from 16 years and up. So far, most requests for repatriation of unaccompanied Albanian children have come from Germany, Sweden and Belgium. In the period January-June 2020, 41 requests were submitted (mostly by Germany) for the assessment of unaccompanied Albanian children and four children were repatriated⁷⁷.

⁷⁵ *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.

⁷⁷ [GRETA, Evaluation Report – Albania; Third evaluation round; Access to justice and effective remedies for victims of trafficking in human beings](#). Publication: 15 December 2020, page 36.

Albania is a transit country for asylum seekers and refugees. According to the authorities, most migrants arriving in Albania have apparently already determined their destination, normally a Western European country, and close to 99% of asylum seekers de facto abandon the procedure within a few days of requesting asylum by leaving the reception centre and, presumably, Albania.

Albania doubled existing social assistance financial packages and focused on supporting the most vulnerable first. Benefit payments doubled for recipients of 'Ndihma Ekonomike' (a flagship cash transfer programme), including to parents of two or more children where mothers are primary recipients, unemployed orphans over 25, orphans aged 18 to 25, survivors of trafficking and survivors of domestic violence. Economic assistance payments also doubled for three months for survivors of domestic violence who have a protection order issued and for people under the economic aid scheme, including women heads of families⁷⁸.

In recognition of the special challenges and obligations with regard to THB and the treatment of victims of THB, it is necessary to undertake specific actions to meet these challenges. Some of the challenges identified for THB in Albania, emphasized even by the stakeholders of central, local level and NGOS (international and national) are as follows:

- Early Identification of VT or/ and PVT. For example, more attention should be paid at the border crossing through the identification and reporting of cases to increase the chances of tracking.
- Unaccompanied children in EU countries who are declared abandoned to receive asylum, who may become victims of exploitation.
- Vulnerable groups and in those living in remote areas are the most difficult groups to be reached out. In this regard, preventive interventions need to be taken. The Albanian authorities should strengthen their efforts in the area of prevention of child trafficking, using the results of research on new trends, sensitizing and training child protection professionals across the country, and paying increased attention to the link between THB in children and the use of Information and Communications Technology (ICT).
- Non-reporting of traffickers by trafficked persons due to the risk of punishment against themselves or their families.
- Coordination between all actors responsible for anti-trafficking of human beings for managing the cases.
- Long-term planning and services for the reintegration's of VT and/ or PVT.
- Strengthening existing services and setting up new services to help VT or/ and PVT.
- Financial support for institutions that provide services for VT.
- Lack of capacities in all MARRI participants; lack of regional cooperation; lack commitment of national and regional authorities. Albania needs to actively participate and to strengthen the multilateral and bilateral international cooperation in the fight against THB.

⁷⁸ [A Gender Analysis of Emergency COVID-19 Socio-Economic Policy Responses Adopted in Europe and Central Asia](#), UN Women 2021, page 27.

Good Practices

Good practice is that all the Marri participants have established NRM, established SOPs for identification of people, including also the actions undertaken recently to improve the identification and referral mechanism.

For the Albania country, some of the good practices undertaken in this field are as follows:

- Good cooperation and partnership between international, national and local institutions/ actors for dealing with cases of trafficked children, women, youth.
- Establishment and functioning of anti-trafficking system at national and local level.
- Establishment of a consultative group composed of former VTs who are consulted on policies at the national level.

Some of the quotes for good practices undertaken in Albania, from the stakeholders interviewed are reflected as follows:

“A good practice is Anti-trafficking month, in which all activities carried out are coordinated between institutions and NGOs at county level.”

Ana Majko, Executive Director, ARSIS, Albania, March 2022

“A good practice is a very long time of experience of NGO's, regional cooperation of experienced NGOs in the MARRI participants.”

Rrezarta Jashari, Country Coordinator, GIZ office in Albania, March 2022

“Inter-institutional cooperation as well as cooperation with organizations has played an important role in identifying and referring PVT. There are good models of cooperation and inter-institutional coordination such as: NRM, Responsible Authority, RATCs. Development of joint trainings, exchange of experiences between social workers and traffic specialists, and awareness campaigns with employees of local structures with schools and the community are also good practices.”

Elona Halilosmani, Specialist, State Agency for the Protection of Child Rights, Albania, March 2022

“A good practice for Albania is the National Coalition of Anti-Trafficking Shelters in Albania, which has been active since its establishment on 2007.”

Arian Çala, Executive Director, NGO “Other Vision”, Albania, March 2022

“Albania, together with Kosovo, North Macedonia and Montenegro has developed a model for reintegration of VT in order to provide services to persons exposed to trafficking, work with multidisciplinary centers, work with the most exposed groups and at risk of trafficking.*

Enkelejda Kallciu, Program Officer, Terre des homme, Albania, March 2022

“A good practice is the practice set up by the organization "Different, but equal": the participation and engagement of victims of trafficking in protection processes. A good practice is the work of organizations, and not only, that are in contact with the most vulnerable communities against the components of trafficking.

Malbora Shahini, Director, NGO “Plan & Go), Albania, March 2022

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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.

Recommendations

The main recommendations to strengthen the legislative and institutional framework of THB in Albania are:

- Strengthening and promotion of the institutional cooperation between neighboring countries for earlier identification of children in street situations or unaccompanied for providing the necessary services and protection.
- Increasing efforts to screen most vulnerable populations and train police, labor inspectors, and other front-line officials on proactive identification of victims.
- Institutionalization and providing training for law enforcement, prosecutors, and judicial officials, particularly district prosecutors, on investigating and prosecuting trafficking cases, including guidance on issues of consent and coercion in the context of labor and sex trafficking.
- Increasing funding and supporting the design of funding mechanisms that allocate adequate funding and resources on a consistent and regular basis to the NGO-run shelters for trafficking victims.
- Implementing victim-centered approaches and victim-witness protection measures during investigation, prosecution, and court proceedings.
- Participation and engagement of VT in protection processes provided by various organizations and institutions.
- Increasing reintegration services, including access to mental health services for victims and education for child victims.
- Setting up and operation of emergency reception center(s) specifically for child victims of trafficking by providing specific services as needed.
- Strengthening the efforts to facilitate and guarantee access to justice for victims of THB by ensuring that they receive specialized legal assistance and free legal aid at an early stage. Accredited training should be provided to lawyers representing victims of THB.
- Implementing dedicated awareness raising campaigns to target communities at risk of trafficking in human beings.
- Multifunctional community centers are important to act at a safe space to find access and help from psychologists, social workers, etc.

2.2 NORTH MACEDONIA

Legal Framework and Institutional Framework

The government of North Macedonia maintained prevention efforts. The government implemented the 2017-2020 National Strategy and National Action Plan, and the National Commission (NC), composed of 12 government agencies led by the national coordinator, regularly met virtually.⁷⁹ A National Strategy for Combating Trafficking in Human Beings and Illegal Migration (2021-2025) was adopted in April (2021). The National Commission for Combating Trafficking in Human Beings and Illegal Migration is responsible for monitoring the implementation of the strategy.⁸⁰ Republic of North Macedonia has also National Cybersecurity Strategy 2018-2022 and related action plan.

Regarding the legal framework, the Criminal Code is broadly in line with European standards and criminalizes trafficking in human beings, online child pornography, computer crime and drug trafficking.⁸¹ The current legislation on trafficking in persons in North Macedonia covers all forms of trafficking indicated in the UN Trafficking in Persons Protocol.⁸²

Referring to State Secretary and THB National Coordinator, Magdalena Nestorovska, engaged in this research (March 2022), confirms that during the year 2021, the National Commission prepared new strategic documents, the National Strategy and the National Action Plan for Combating Trafficking in Human Beings, as well as a special National Action Plan for Combating Child Trafficking, which envisages specific activities aimed at children. At the same time, the Subgroup for Combating Trafficking in Children has created an Operational Plan, which is managed in terms of implementing activities aimed at children.

Government of North Macedonia is fully committed to the implementation of the UN Global Compact for Safe, Orderly and Regular Migration. Protocols and agreements for fighting against trafficking in human beings have been signed with neighbouring countries, thus strengthening regional cooperation in the prevention, identification, protection and referral of victims of human trafficking with respect of their fundamental human rights.⁸³

Ongoing regional cooperation is the Migration, Asylum, Refugees Regional Initiative (MARRI) established in 2004, to foster cooperation between governments and NGO on issues related to migration, asylum, border control, human trafficking, readmission and return of refugees. Ongoing projects under this initiative include Preventing and Combating Trafficking in Human Beings in the Western Balkans (PaCT) and Strengthening Regional Migration Governance (SFF).⁸⁴

Republic of North Macedonia has recently initiated the third evaluation round of the Convention on Action against Trafficking in Human Beings. A delegation of the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) carried out an evaluation visit to North Macedonia from 14 to 18 March 2022.

⁷⁹ TRAFFICKING IN PERSONS REPORT, [TIP Report](#); June 2021, page 429.

⁸⁰ EUROPEAN COMMISSION; COMMISSION STAFF WORKING DOCUMENT; 2021 Communication on EU Enlargement Policy; [North Macedonia Report 2021](#), 19 October 2021, page 38.

⁸¹ EUROPEAN COMMISSION; COMMISSION STAFF WORKING DOCUMENT; 2021 Communication on EU Enlargement Policy; [North Macedonia Report 2021](#), 19 October 2021, page 38.

⁸² [GLOBAL REPORT ON TRAFFICKING IN PERSONS 2020](#); UNITED NATIONS OFFICE ON DRUGS AND CRIME, Vienna; UNITED NATIONS; New York, January 2021

⁸³ Sustainable Development Goals; [Voluntary National Review - North Macedonia](#), July 2020, page 85.

⁸⁴ Sustainable Development Goals; [Voluntary National Review - North Macedonia](#), July 2020, page 91.

On 2018 CEDAW recommendations, among others emphasis to ensure that health-care and social protection programmes are available to women and strengthen income-generating opportunities for women to leave prostitution (CEDAW/C/MKD/CO/6).

Civil Society representative, engaged in this research (March 2022), acknowledged that identification of victims of trafficking (VT) and presumed victim of trafficking (PVT) is the weakness links in our case; also victims face boundaries to issue their rights provided by law; This is specially for foreign nationalities victims and PVT.

During the interviews conducting for the purpose of this analyse, representative of national and International institutions, as well as civil society representative mention the need to continue enhancing cross-border cooperation and exchanging best practices on combating cross border organized crime with particular focus on human trafficking and migrant smuggling among the first line service providers, law enforcement officers, judges and public prosecutors.

Developments, challenges, good practices

Developments and Challenges

North Macedonia plays an active role in the prevention and fight against trafficking in human beings. Considerable efforts have been made to ensure support services for all victims of trafficking (both nationals and foreigners).⁸⁵ “The establishment of mobile teams composed of social workers, law enforcement officers and civil society members has strengthened the identification, referral and assistance to victims of trafficking and potential victims of trafficking. As a result, the number of identified potential victims and victims of trafficking has increased”, - mention by representative of civil society and ICMPD Office (in Skopje) as a successful practice.

The government maintained Standard Operating Procedures (SOP) for the identification and referral of victims, and the Office of the National Referral Mechanism (NRM) within MLSP remained responsible for coordinating the identification and referral procedures. First responders referred potential victims to the Anti-Trafficking Unit and/or the NRM, which were authorized to officially identify victims.⁸⁶ Head of ICMPD Office in Skopje, for the scope of this study, confirms that SOP are relevant for management of the THB cases. Outbreak of COVID-19 has affected all the steps from the identification, managements and so on (March 2022).

Civil Society representative, engaged in this research study (March 2022), mention as trends and prevalent forms of human trafficking are sexual exploitation and force marriages, speaking mostly for children and mix of this force. Also are many indicators for labour exploitation that are not identified, are many people working abroad and are identified by our partner in EU countries. Also is online exploitation present mixt with gender: boys’ and girls’ children on pornographic materials.

As per interview done with UNODC representative (March 2022), is defined that the low number of identified victims requires strengthening of human, financial, and technical capacity of relevant institutions. Multiagency and multidisciplinary cooperation and communication within the country and wider is an asset that can strengthen the identification process. Absence of proper screening can lead to missing the opportunity to identify the potential victims of human trafficking; thus, it is of great importance how a certain crime will be processed, evidence gathered and how the victims will be identified.

⁸⁵ Sustainable Development Goals; [Voluntary National Review - North Macedonia](#), July 2020, page 84.

⁸⁶ TRAFFICKING IN PERSONS REPORT, [TIP Report](#); June 2021, page 429.

The new way of functioning of the society caused by the world pandemic arises new challenges in addressing human trafficking. The increased use of the internet among the population in all aspects of social life, especially by children who are with a low level of digital literacy requires and appropriate relevant approach by the responsible authorities. Thus, it is necessary a prompt, accurate response and full institutional capacity of continued monitoring over online content.

In regards to the challenges, while there are legislations in place to protect victims of human trafficking, the institutions responsible for detecting, preventing and interacting with victims subject to labour exploitation, forced marriage and begging are insufficiently informed and trained to recognize these forms of trafficking in human beings. Although there is some awareness among the citizens about reporting these offenses to the competent institutions, the institutions do not have adequate and sufficient capacities to deal with the same and appropriate treatment of these persons.⁸⁷

Reported in Trafficking in Persons Report (TIP Report) 2021 and point out also by civil society representative engaged in study, is stressed the fact that the task force did not have adequate funding and equipment to conduct proactive investigations, and prosecutors did not routinely grant specialized investigative measures for trafficking investigations. TIP Report 2021 make evidence that authorities relied almost exclusively on victim testimony with little corroborating evidence. Observers reported cases languished or were mishandled due to the absence of a digital case management system to transfer trafficking cases between different police and prosecutors' offices.⁸⁸

Mobile teams' sustainability remained in doubt with their international organization-provided funding ending yearly. The pandemic mitigation efforts limited mobile teams' ability to proactively identify potential victims. Allocate sufficient resources by increase government funding to victim protection, including the sustainability of the mobile identification teams and the shelter for trafficking victims. There is also no budget allocated from Government for NGOs that work directly in trafficking cases. It is not clear how the government funds are spend referring to THB (La Strada representative, March 2022).

When implementing the SOP, the interviewed stakeholders for the scope of this study confirms that the greatest attention is given to the first phases – identification, first recovery and reflection period; Once the victims are sent to the shelter the attention become low referring to the changing of their the situation and social inclusion. It is needed intensive actions to be undertaken for successful social inclusion of recovered THB victims and reintegration measures should be improved among all actors for making these final steps successful.

Government and civil society actors raised concerns about the low number of identified victims, and experts reported most government agencies lacked proactive identification efforts. For example, border agents did not consistently screen for trafficking indicators at border crossings, and reports documented police abuse and authorities conducting illegal pushbacks to Greece.⁸⁹

The National Commission for Combating Trafficking in Human Beings and Illegal Migration is responsible for monitoring the implementation of the strategy. The decentralisation of the National Commission, through the creation of local commissions at the municipal level, has yet to prove its effectiveness.⁹⁰

⁸⁷ Sustainable Development Goals; [Voluntary National Review - North Macedonia](#), July 2020, page 110.

⁸⁸ TRAFFICKING IN PERSONS REPORT, [TIP Report](#); June 2021, page 429.

⁸⁹ TRAFFICKING IN PERSONS REPORT, [TIP Report](#); June 2021, page 429.

⁹⁰ EUROPEAN COMMISSION; COMMISSION STAFF WORKING DOCUMENT; 2021 Communication on EU Enlargement Policy; [North Macedonia Report 2021](#), 19 October 2021, page 38.

Online and technology-facilitated trafficking in human beings is a new challenge of today, not only for North Macedonia, or MARRI participants, but more broadly including EU countries and others. In a new report recently released by GRETA (March 2022) the challenges posed by technology on the investigation of human trafficking cases include a wide spectrum of challenges as the lack of technical equipment and inadequate legislative tools, the speed of technological change the large volume of data and others. Challenges to the prosecution include obtaining evidence from other countries, lack of training among prosecutors, and inadequate legislative tools and assistance from the private sector. By all engaged key stakeholders in this study, it is stressed the online and technology used widely in facilitating trafficking in human beings.

Referring the level of government attention to the link between human trafficking in children and the use of Internet Computer and Technology (ICT), there is not so much actions done by Government for these cases; NGOs have made some research on regional level and locally oriented, in order to recommend and design for the prevention activities for this subject.

There is a need of constantly growing to provide additional technical training on technology and how it works to all police officers. In more complex cases, teams with multidisciplinary skill sets might need to be set up, e.g., by bringing together investigators, financial specialists and cybercrime specialists (GRETA, [Online and technology-facilitated trafficking in human beings](#); CoE, March 2022).

From NGO representative engaged in this research (March 2022), an immediate challenge is providing free legal aid for the victims and shelters.

Good practices

A successful story for North Macedonia is private - public partnership with MLSP; Today are running a state shelter for victims of trafficking, which is the only one in the country functioning a combination of NGOs and State Institutions. Our joint work is based on protocol of cooperation. This is a good example how a shelter could be sustainable, even that still are space for improvement, such as capacity development and budget allocation to be increased.

The established Center for victims of human trafficking and sexual violence, which provide safe and appropriate place for accommodation of the victims, where a comprehensive program and services for support of the victims of trafficking are implement is a positive outcome within the protection area of the victims, - confirm the UNODC representative for North Macedonia (March 2022). The care for the people accommodated in the Center is entrusted to a professional team secured by an NGO that is fully committed to the issue of human trafficking. The level of quality of services for the victim accommodated in Center is provided by the long-term work of the same civil society organization which maintains the institutional memory and the level of quality of services. However, more attention should be paid in regard to extension of the accommodation capacities for the victims of trafficking in human beings which will provide separate accommodation of children and adults and possibility for accommodation according to the sex. The already established functional Center for Victims of THB and Sexual Violence and its comprehensive program should be sustainably funded and supported by the state/ Government in order to be fully efficient and beneficial for the victims and provide normal and unobstructed operation.

Referring to State Secretary and THB National Coordinator, Magdalena Nestorovska, engaged in this research (March 2022), the set-up of the coordination structures as well as the newly established Office of the National Rapporteur within the Ombudsman is assessed by the relevant stakeholders with the highest marks, together with the international cooperation.

As a successful practice for North Macedonia is also the victims of human trafficking compensation. Victims are informed of their rights, including the right to compensation, from the earliest stage of their preliminary identification (by the mobile teams). Also, new law on compensation for victims of violent crimes is pending before the Assembly. It is especially important that the intention of the law is for the victim to receive compensation by the state at the earliest stage, before the procedure is finally completed.

Recommendations

Law and other legal acts Improvement

- Particular attention should be paid to the gender-sensitive approach to resolving compensation claims, to avoid trauma, re-victimization and stigmatization of victims, and to protect their privacy and dignity. During the last year, the Commission in cooperation with the competent institutions drafted the Law on payment of monetary compensation to victims of crimes, which includes the crime of trafficking in human beings, which is in parliamentary procedure and which we expect to be adopted this year (State Secretary and THB National Coordinator, Magdalena Nestorovska, (March 2022)).
- Establishment of an Operational Team for coordination and management of human trafficking cases.
- Providing a new location for the Center for Victims of Trafficking;
- Supporting the work of the 5 mobile teams for identification, referral and assistance of victims and potential victims of human trafficking;
- Review of SOPs and Indicators for identification of victims of human trafficking;
- Concluding a memorandum of cooperation between the Ministry of Interior and the State Labor Inspectorate

Prevention - Identification – in service/ case management (including child protection)

- Identification of victims of trafficking (VT) and presumed victim of trafficking (PVT) is the weakness links; Also, victims face boundaries to issue their rights provided by law; This is specially for foreign nationalities victims and PVT.
- More attention should be paid in regard to extension of the accommodation capacities for the victims of trafficking in human beings which will provide separate accommodation of children and adults and possibility for accommodation according to the sex.
- Increase proactive identification efforts for trafficking victims and screen for trafficking among individuals in commercial sex, irregular migrants, refugees, and other at-risk populations.
- The effective case management should be strengthening and mostly related to foreign victims of trafficking. Even the NRM has to be strengthening human resources capacities. When the victims leave the shelter, they need to be integrated and this is the weak point of the system and is not fully covered with resources.
- The child protection system is weak and for this most of victims are children. Usually, you see the profile that these children come mostly from institutions, families with many social problems, children part of system of welfare. Force marriage is linked also with children, mostly

related to Roma children. Also is arranged marriage between Albanian girls with men from North Macedonia.

Social Inclusion

It is needed intensive actions to be undertaken for successful social inclusion of recovered THB victims and reintegration measures should be improved among all actors for making these final steps successful.

Victims' compensation

- It is especially important that the intention of the law is for the victim to receive compensation by the state at the earliest stage, before the procedure is finally completed.
- Civil society representative engaged in this study emphasis the need to improve compensation mechanisms for victims and inform them of their right to seek compensation.

Use of ICT and human trafficking (including children)

Provide additional technical training on technology and how it works to all police officers. In more complex cases, teams with multidisciplinary skill sets might need to be set up, e.g., by bringing together investigators, financial specialists and cybercrime specialists.

Regularly training professionals (including child protection)

- Continuous implementation of multidisciplinary trainings at all levels in order to strengthen the capacities of professionals in order to recognize and improve the identification of victims and potential victims of THB regardless of donor support; Capacity building of the actors involved in NMU;
- Providing additional and significant training to institutions and individuals working to detect, prevent and/or rehabilitate trafficking victims to recognize other forms of trafficking in human beings (begging, forced marriage, labour exploitation).

Issuing adequate funding

- Allocate sufficient resources by increase government funding to victim protection, including the sustainability of the mobile identification teams and the shelter for trafficking victims.
- An emergency need to allocate budget from Government to NGOs that work directly in trafficking cases.
- Public transparency of Government funds spend to THB actions and interventions.
- The already established functional Center for Victims of THB and Sexual Violence and its comprehensive program should be sustainably funded and supported by the state/ Government in order to be fully efficient and beneficial for the victims and provide normal and unobstructed operation.
- Allocate sufficient resources to victim protection, including specialized services for adult male victims, and ensure the sustainability of the mobile identification teams and the shelter for trafficking victims.
- Allocate sufficient resources to the police and prosecutors to proactively investigate trafficking.

“Referring to the government measures issuing adequate funding for assistance to victims of trafficking, we can say never is enough, even referring to the compensation for the damage done. During the last year, a victim of human trafficking was compensated. According to the Law on Children's Justice, a victim was paid/ compensation in accordance with the Law on Child Justice in August 2021, according to a judgment of 2015, if the funds cannot be collected from the perpetrator of the crime. After approximately one and a half years, in 2021 the court issued a decision on the basis of which the compensation was paid from the program of the Ministry of Justice.

Magdalena Nestorovska, State Secretary and THB National Coordinator, North Macedonia, March 2022

2.3 BOSNIA AND HERZEGOVINA

Legal Framework and Institutional Framework

In July 2003 the Council of Ministers of BiH issued the Decision on the Procedures and the Way of Coordinating Activities on Anti-Trafficking in Human Beings and Illegal Migration in BiH and the Establishment of the Function of the State Coordinator for BiH. On the basis of this Decision, besides the function of the State Coordinator, coordination structure in the form of the so-called State Group was created comprised of representatives from the relevant ministries.

During the period covered by this report, Bosnia and Herzegovina has implemented two anti-trafficking (AT) action plans: BiH Action Plan to Prevent Trafficking in Human Beings for 2016-2019⁹¹, and the Action Plan to Combat Trafficking in Human Beings for 2020-2023⁹². Before that, a new Strategy to Suppress Trafficking in Human Beings in Bosnia and Herzegovina 2020- 2023 was adopted in January 2020. In accordance with the Strategy, development of the local AT action plans was the first task of newly formed regional monitoring teams⁹³ at the level of the Federation of Bosnia and Herzegovina, cantons and the Brčko District. On 12 August 2019 the Government of Republika Srpska appointed a representative of the Ministry of Interior of Republika Srpska as the coordinator for combating trafficking in human beings in Republika Srpska. In February 2020, six regional monitoring teams for the fight against human trafficking in Republika Srpska were formed. Soon after, the Government of Republika Srpska adopted the Action Plan for Combating Human Trafficking 2020-2023.

In order to ensure better coordination of activities between the Office of the State Coordinator, nongovernmental and international organisations, regular quarterly meetings are held. Referral meetings serve as a platform for exchange of information about implemented and planned activities, coordination and harmonisation of these activities in order to avoid duplication of activities and projects, and parallel spending of resources.

Another important pillar of the National Referral Mechanism is the Strike Force for Fight against Trafficking in Human Beings and Organized Illegal Immigration, which is a mechanism for coordination of law enforcement services between State, Entity and Brčko District in fighting THB with the aim to ensure cooperation and exchange of intelligence in relation to investigation of THB cases throughout the country. The Strike Force is established under the direct management of the BiH Chief Prosecutor. While an NGO representative may be invited on the meetings upon request, other bodies are not part of the Strike Force.

Finally, the Ministry of Human Rights and Refugees and the Ministry of Security's Sector Immigration and Service for Foreigners' Affairs coordinate and administrate state budget funds for the protection of THB victims (domestic and foreign citizens).

Apart from the strategic level, during the years BiH developed solid AT legal structure/framework. The Constitution of Bosnia and Herzegovina significantly meets the international legal framework on human rights and ensures the protection of internationally recognized human rights and fundamental freedoms. In addition, the Constitution of the Federation of Bosnia and Herzegovina, the Constitution

⁹¹ Most activities planned in the previous BiH Action Plan to Prevent Trafficking in Human Beings 2016-2019 were carried out.

⁹² At its session held on 22 October 2020, the Council of Ministers adopted the Action Plan of the Institutions of Bosnia and Herzegovina for the Implementation of the Strategy to Combat Trafficking in Human Beings in Bosnia and Herzegovina 2020-2023

⁹³ Basic principle in organisation of the regional teams is representation of all governmental and non-governmental institutions and organisations which are competent and authorised for taking AT activities. The teams are based on territorial organisation of the State Investigation and Protection Agency (SIPA).

of Republika Srpska, and the Statute of the Brčko District of Bosnia and Herzegovina, alike to the Constitution of Bosnia and Herzegovina, contain or refer to and call upon the international instruments for the protection of human rights and freedoms. BiH has ratified the relevant international conventions on THB including: the UN Convention against Transnational Organised Crime (UNTOC) and the supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol), UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the UN Convention on the Rights of the Child and its Optional Protocol on the sale of children (CRC), the ILO Forced Labour Convention (ILO C29 and C105), the ILO Convention on the Worst Forms of Child Labour (C182), etc.

In 2003, the Criminal Code of Bosnia and Herzegovina for the first time criminalized and defined Trafficking in Human Beings in Bosnia and Herzegovina. The provisions on trafficking in human beings have been amended several times since then, with the last changes and amendments made in 2013 and 2014. All four criminal codes in Bosnia and Herzegovina⁹⁴ have been implemented in the way that trafficking in human beings and solicitation in prostitution are criminalized by all laws.

The procedural protection of trafficked persons/witnesses in criminal proceedings is ensured by the Protection of Witnesses under Threat and Vulnerable Witnesses laws of Bosnia and Herzegovina⁹⁵, the Federation of Bosnia and Herzegovina, the Republika Srpska and the Brčko District, while the out-of-process protection is set by the Law on Witness Protection Program in Bosnia and Herzegovina⁹⁶. Other relevant laws in the area of trafficking are: Health Care of the Federation of BiH⁹⁷, the Law on Health Care of the RS⁹⁸, and the Law on Health Care in the Brčko District of BiH⁹⁹, as well as Labour Laws at all levels of BiH (state level, FBiH, RS, BD BiH), Family laws in BiH (adopted at the level of FBiH, RS, BD BiH), etc. the Law on Aliens of BiH¹⁰⁰, and the Law on Asylum¹⁰¹, which recognise a victim of THB as a vulnerable category.

In addition, there are two sets of binding standards regarding assistance to victims of trafficking: the standard for assistance to foreign victims are contained in the Rulebook on Protection of Foreign Victims of Trafficking in Human Beings¹⁰²; and the recommended standards for assistance to domestic victims of trafficking are defined in the Rules on Protection of Victims and Witnesses of Victims of Trafficking who are Citizens of Bosnia and Herzegovina¹⁰³.

Relevant international bodies address some problems in their reports related to prosecution and legal assistance to trafficked person. For example, according to the TIP Report 2020 of US State Department, law enforcement reported difficulties in investigating trafficking offenses involving multiple cantons or entities, due to a lack of communication and coordination with cantonal prosecutors.

Also, GRETA¹⁰⁴ noted several failings regarding (1) the definition of trafficking in the CC of RS, concerning the forms of exploitation and the means used to commit trafficking, (2) that different CCs prescribe different minimal penalty for the basic offence of THB, (3) provisions concerning the non-punishment of victims of trafficking, (4) that cases of THB have allowed plea bargaining to occur (and

⁹⁴ Criminal Code of Bosnia and Herzegovina, the Criminal Code of the FBiH, the Criminal Code of Republika Srpska, and the Criminal Code of the Brčko District of BiH

⁹⁵ Official Gazette of the BiH, No: 21/03, 61/04, 55/05

⁹⁶ Official Gazette of the BiH, No: 36/14

⁹⁷ Official Gazette of the FBiH, No: 46/10

⁹⁸ Official Gazette of RS No: 106/09

⁹⁹ Official Gazette of BD BiH No: 38/11

¹⁰⁰ Official Gazette of BiH, No: 88/15

¹⁰¹ Official Gazette of BiH, No: 11/16

¹⁰² Official Gazette of BiH No. 79/16

¹⁰³ Official Gazette of BiH No. 66/07

¹⁰⁴ GRETA (2017)15, p.37-38. 42

charges to be reduced), (5) mechanisms to avoid the conflict of jurisprudence.. Nevertheless, it seems that the legislation on trafficking in human beings needs to be more in compliance with the EU acquis, mainly for sanctions.

Developments, challenges, good practices;

Developments and challenges

At the proposal of the Ministry of Security, the Council of Ministers of Bosnia and Herzegovina, at its 2nd session held on January 23, 2020, adopted the Strategy for Combating Trafficking in Human Beings in BiH 2020-2023¹⁰⁵. Based on the Implementation analysis Action Plan 2016–2019, unrealized activities, gaps and priorities for the next phase have been determined in new Strategy, To name a few: a review of the mandate of the Task Force as a coordinating body; to strengthen CSWs; to develop a multi-disciplinary approach and cooperation with NGOs; to end all measures that have the effect of making support for presumed trafficking victims conditional on their providing evidence to the police to use for possible prosecutions; to establish a state compensation fund. It was also noted that implementation of the non-punishment principle, the cyber-crime dimension, and the involvement of Roma communities in the preparation of all of these policies have only just begun¹⁰⁶.

Furthermore, CoE¹⁰⁷ analysis of the measures taken by the national authorities and professionals to prevent child trafficking in BiH noted additional shortcomings. Preventive initiatives were found to be sporadic and lacked coherence. Also, the study identifies a series of weaknesses in identification and protection provided to children, as well as prosecution of child trafficking cases. For example: under Bosnian law, UASC migrants must be assigned a legal guardian (a social worker employed by the Ministry of Social Work) as a first step for any form of official registration and service provision. Legal Guardians fall under the Centers for Social Work (CSW). The Task Force for Combating Trafficking in Human Beings and Organised Illegal Immigration is responsible for coordinating criminal justice response to trafficking in adults and children in BiH. However, it does not include either child protection specialists.

Regarding measures taken for protection of victims of trafficking in the TIP 2021 Report is stated that *the government maintained victim protection efforts and two bylaws provided standard operating procedures (SOPs) for identifying and referring victims to services¹⁰⁸, including a list of general indicators...(sec) ... but observers reported first responders did not know or consistently use the guidelines and lacked the knowledge to accurately identify trafficking victims*. During the interviews most of KIs confirmed this, and explain further that in addition to professionals who are members of regional AT teams and work daily with victims of trafficking, that other professionals in the field do not know enough about the NRM, two bylaws and procedure per se.

Classification of the *de facto* crime of trafficking in human beings into less serious criminal offenses, as well as the imposition of sentences at the level of the legal minimum, is still not rare in the BiH judiciary.

¹⁰⁵ Source Ministry of Security of BiH, available at: <http://msb.gov.ba/PDF/11022020.pdf>, retrieved: March 1, 2022

¹⁰⁶ Quoted from the Council of Europe, 2021, The phenomenon of child trafficking in Bosnia and Herzegovina, available at: <https://rm.coe.int/hf20-phenomenon-child-trafficking-eng/1680a34e2c>

¹⁰⁷ Ibid.

¹⁰⁸ Referring to Rulebook on Protection of Foreign Victims of Trafficking in Human Being, as well as Rules on Protection of Victims and Witnesses of Victims of Trafficking who are Citizens of Bosnia and Herzegovina

According to KIs, the ability of organisations on the ground to address smuggling and trafficking seems very limited. It seems that most of frontline professionals find that it is very difficult to identify victims of trafficking while they are in transit countries and that this is only possible on the final destination.

Best practices

Data collection portal. Within the project "Short-Term and Medium-Term Support to Strengthen Efforts to Combat Human Trafficking in BiH" implemented by the International Organization for Migration with the support of USAID, and in cooperation with the Ministry of Security of BiH **statistical portal for identified victims of trafficking** in BiH has been developed. Also, with the support of the International Solidarity Forum EMMAUS portal application was created for the collection and data processing of all educational activities on THB implemented in BiH.

Cooperation between local/state institutions and NGOs. Non-governmental organizations Association "Medica" Zenica and the International Solidarity Forum EMMAUS, in accordance with the signed Protocols on mutual cooperation with the competent Ministry of Security of BiH and in accordance with the signed Protocol with the Ministry of Human Rights and Refugees of BiH are authorized organizations for housing and supporting potential victims (foreigners and citizens of BiH).

Guidelines for the Development and Adoption of Instruments at All Levels of Government in Bosnia and Herzegovina for **the Protection of the Private Life and Personal Data of Victims of Human Trafficking**¹⁰⁹. The issue of protecting the identity and privacy of victims is often neglected or ignored in many countries. In addition to specific instructions elaborated in the publication, the Guidelines put this issue in a local context.

Mental Health and Psychosocial Support Interventions. Aiming for enhanced wellbeing of the migrant population in the area of mental health, World Vision International in BiH is undertaking a range of MHPSS activities, designed to address specific needs of the beneficiaries and work in interaction. Working in Blazuj, Usivak and Salakovac RSs, WVI in BiH intervenes through: Individual basic support for children with families and unaccompanied and separated children (UASC); legal guardianship for UASC; group empowerment activities for children age 0-14, their mothers and UASC; group recreational, sport and creative activities with children age 0-14, UASC age 15-17, and adults; group psychoeducational activities with children age 5-14 and UASC age 15-17; psychosocial support to children age 0-4, 5-14, mothers, and UASC age 15-17, etc.

Regional monitoring teams in Federation of Bosnia and Herzegovina, the Republika Srpska and the Brčko District. Basic principle in organisation of the regional teams is representation of all governmental and non-governmental institutions and organisations which are competent and authorised for taking AT activities.

Judgment rendered in the first instance proceeding for the forced begging by the Cantonal Court of Tuzla – October, 2020¹¹⁰. Based on this judgement Ms. And Mr. Ahmetović was sentenced to 10 years each for the crime of human trafficking. Namely, this couple was accused of forcing four children (age 7 – 11) to beg. All the money obtained in this way, the couple took for themselves (20 to 150 KM¹¹¹ per child per day). For more than a year, regardless of the weather conditions, outside temperature and season, the children were forced to spend the whole day outside. They were constantly monitored

¹⁰⁹ Council of Europe, 2021 available at: <https://rm.coe.int/new-version-guidelines-private-life-and-personal-data-thb-vots-eng/1680a52d4d> (retrieved March 10, 2022)

¹¹⁰ <https://www.nezavisne.com/novosti/hronika/Bracnom-paru-iz-Tuzle-20-godina-zbog-tjeranja-diece-na-prosiacenje/625243> (available in Bosnian)

¹¹¹ 10 – 75 EUR

and controlled. They were regularly threatened and exposed to physical violence, especially if they did not bring enough money. This judgement is the result of the good work of the regional anti-trafficking team in Tuzla and the cooperation of the civil society organizations and institutions.

Recommendations

- Take actions to address recommendation regarding strengthening Government efforts to prevent child trafficking and identification, as well as assistance to child victims, noted on list of issues for immediate action identified in GRETA's report 2017
- Criminal Justice Institutions should ensure that THB cases are prosecuted effectively and proportionate sanctions as foreseen by criminal legislation are announced for the convicted perpetrators.
- Facilitate and guarantee access to compensation for victims of trafficking
- Ensure the sustainability of the mobile identification teams and their cross sectoral approach.
- Ensure membership of civil society organizations in all regional monitoring teams.
- Increase proactive identification for trafficking victims among population of migrants and refugees, and other at-risk groups.
- Strengthen the capacity of shelters for both foreign and domestic citizens with consistent application of minimum standards in this area and respect for the rights of victims; allocate sufficient resources to victim protection
- Inform relevant stakeholders about SoPs, organize accompanying trainings or presentations and monitor the application of procedures in practice.
- Create new programs and further strengthen existing capacities in order to reduce the risk of cybercrime and online recruitment and exploitation of victims.

2.4 SERBIA

Legal Framework and Institutional Framework

The **Strategy for the Prevention and Suppression of trafficking in human beings, Especially Women and Children, and Victim Protection for the period 2017-2022**, accompanied by an Action Plan for the period of 2017-2018, was adopted by the Government on August 4th 2017¹¹². In 2019, Serbia adopted another **action plan for 2019-2020** to implement the second phase of the Strategy. **Standard operating procedures** for the treatment of victims of trafficking in human beings were adopted in January 2019. The procedures include an overview of activities related to the identification, referral, support and protection of victims of trafficking, including assistance and support to victims of trafficking in criminal proceedings and realization of property claims, as well as the voluntary return of victims.

The **Republican Team for Suppressing Human Trafficking** was formed in 2001, subsequently replaced by the **National Council for Suppressing the Human Trafficking (Council)**¹¹³, formed by the Government of Serbia in 2017 as its advisory body. Its mandate is to coordinate national and international activities in the fight against human trafficking, review relevant international reports, and suggest measures to be taken in order to comply with the recommendations of these reports, as well as to monitor and evaluate the implementation of national anti-trafficking strategies and action plans. The Council is presided by the Minister of Internal Affairs, and includes the Minister of Education, Science and Technological Development, Minister of labor, Employment, Veteran and Social Affairs, Minister of Health, Minister of Justice.

The **Office of the National Coordinator for Suppressing Human Trafficking** was set up in 2017, housed within the Police Directorate of the Ministry of Interior. The National Coordinator is mandated to coordinate efforts of all relevant stakeholders in combating trafficking in human beings in Serbia.

The **Division for Combating Human Trafficking and Smuggling operates** within the Department for Combating the Organized Crime of the Criminal Police Directorate. In 2019, the competences for dealing with cases of trafficking in human beings from the Border Police Directorate were transferred to the Criminal Police Directorate by the new Rulebook on Internal Organization and Systematization of Workplaces in the Ministry of the Interior. Within the higher **prosecutor's offices**, specialized prosecutors have been appointed as contact persons for THB cases. In 2018, the Ministry of Interior, the Ministry of Labor, Employment, Veteran and Social Affairs and the Republic Public Prosecutor's Office signed the *Protocol on Cooperation in Combating Trafficking in Human Beings*; and the Ministry of Interior, the Republic Public Prosecutor's Office and the Commissariat for Refugees and Migration signed the *Memorandum of Cooperation in the field of combating trafficking in human beings*. In January 2020, the Ministry of Interior signed the *Memorandum of Cooperation* with the specialized anti-trafficking NGOs Atina and ASTRA.

Domestic legislation contains provisions relevant for trafficking in human beings in the following documents: the Constitution of the Republic of Serbia¹¹⁴, the Criminal Code¹¹⁵, the Criminal Procedure

¹¹² "Official Gazette of the Republic of Serbia", No. 77/2017.

¹¹³ Decision on the Establishment of the Council for Suppressing Human Trafficking, *Official Gazette of the Republic of Serbia* No. 92/2017.

¹¹⁴ "Official Gazette of the Republic of Serbia", no. 98/2006, Article 26 - Prohibition of slavery, servitude and forced labour: No person may be kept in slavery or servitude. All forms of human trafficking are prohibited. Forced labour is prohibited. Sexual or financial exploitation of person in unfavorable position shall be deemed forced labour. Labour or service of persons serving sentence of imprisonment if their labour is based on the principle of voluntariness with financial compensation, labour or service of military persons, nor labour or services during war or state of emergency in accordance with measures prescribed on the declaration of war or state of emergency, shall not be considered forced labour.

¹¹⁵ "Official Gazette of the Republic of Serbia", No. 85/2005, 88/2005 - amend 107/2005 - amend, 72/2009, 111/2009, 121/2012, 104/2013 and 108/2014.

Code¹¹⁶, the Law on Public Order and Peace¹¹⁷, the Law on Aliens¹¹⁸, the Social Protection Law¹¹⁹, the Healthcare Law¹²⁰, the Law on Seizure and Confiscation of the Proceeds from Crime¹²¹, the Law on Juvenile Criminal Offenders and Criminal Justice Protection of Juveniles¹²², the Law on the Protection Program for Participants in Criminal Proceedings¹²³, the Law on Personal Data Protection¹²⁴, Law on Prohibition of Discrimination¹²⁵.

Since 2003 and ratification of the UN Convention against Transnational Organised Crime with supplementary protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol)¹²⁶ the Serbian Government has taken significant steps towards improving its national legal and institutional framework in relation to suppressing human trafficking and protecting the victims. However, while Serbia has developed a robust legal framework and has made efforts to improve it over the past 15 years implementation remains a challenge. This is mostly the case due to lack of resources, and more efforts needed to further strengthen the coordination as the trafficking remains a complex issue requiring multisectoral response.

As is presented in table x, the number of convictions for trafficking in human beings remains low. Also, compensation to victims is rarely granted – only two cases for the last ten years. Unfortunately, the fund for compensation has not been established yet.

Generally, the position of victims in court proceedings is not adequate and further efforts should be made to enhance protection and support for victims of trafficking (adults and children), in order to avoid re-victimisation during investigation and trial. According to NGO ASTRA's recent report, the institute of *especially sensitive victims* has not been applied in all trafficking cases. Also, on the part of investigative authorities, a more proactive attitude should be applied to avoid that they primarily rely on victim statements. The legal protection of trafficked persons could be improved by the *Guidelines for the improvement of judicial practice in proceedings for compensation of victims of serious crimes in criminal proceedings* adopted during 2019, and the implementation of the activities of the *National Strategy for the Realization of the Rights of Victims and Witnesses of Criminal Offenses in the Republic of Serbia for the period 2020-2025* with the accompanying Action Plan, adopted on 30 July 2020.

As a key actor of the National Referral Mechanism, the CPTV was created to carry out the process of identification of victims and to provide them with urgent assistance. It was established by the Government of the Republic of Serbia in 2012 as a state institution in the social protection system in Belgrade. It is divided into two units – the protection agency and the urgent reception center. The CPTV is independent in its operation, which means that it is not required to take into account the assessment of other competent institutions. In cases of identified victims, the CPTV informs o other relevant actors in the protection system, and/or refer victims to them.

¹¹⁶“Official Gazette of the Republic of Serbia”, No. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014.

¹¹⁷“Official Gazette of the Republic of Serbia”, No. 65/2013, 13/2016.

¹¹⁸“Official Gazette of the Republic of Serbia”, No. 97/2008.

¹¹⁹“Official Gazette of the Republic of Serbia”, No. 24/2011. The Law on Social Protection, which was passed in April 2011 within the reform of the social protection system, clearly specifies trafficked persons as direct beneficiaries of social protection services for the first time (Article 41 – Beneficiaries).

¹²⁰“Official Gazette of the Republic of Serbia”, No. 107/2005, 72/2009, 88/2010, 99/2010, 57/2011, 119/2012, 45/2013, 93/2014, 96/2015, 106/2015

¹²¹“Official Gazette of the Republic of Serbia”, No. 32/2013

¹²²“Official Gazette of the Republic of Serbia”, No. 85/2005.

¹²³“Official Gazette of the Republic of Serbia”, No. 85/2005.

¹²⁴“Official Gazette of the Republic of Serbia”, No. 97/2008, 104/2009 - another law, 68/2012 - the decision of the Constitutional Court i 107/2012.

¹²⁵“Official Gazette of the Republic of Serbia”, No. 22/2009.

¹²⁶ According to the Constitution of the Republic of Serbia (Article 16 - International relations: The foreign policy of the Republic of Serbia shall be based on generally accepted principles and rules of international law. Generally accepted rules of international law and ratified international treaties shall be an integral part of the legal system in the Republic of Serbia and applied directly. Ratified international treaties must be in accordance with the Constitution.

As it was recognized that for developing a successful response to human trafficking, it is also necessary to work with local communities and to upgrade their capacities to effectively operate in the field, **anti-trafficking local teams (AT)** were established in 17 local self-government units (municipalities). Local AT teams consist of professionals from relevant local institutions: police, prosecutors' office, health and social care institutions, media, local government, educational institutions and civil society organizations. The main task of these teams is to effectively participate in the prevention of human trafficking, to implement and monitor the local strategy and action plans.

Developments, challenges, good practices

Developments and challenges

The overall conclusion of the reports issued by international actors (GRETA, TiP, EU progress report), is that Serbia did make improvements in the systemic response to human trafficking, but that there are numerous additional challenges that need to be more appropriately addressed. The interlocutors interviewed to during the preparation of this report also mentioned similar problems:

There needs to be further cross-sectoral cooperation, coordination and a clearer mutual understanding of roles and responsibilities. The government did not formalize roles and responsibilities or fund civil society despite relying heavily on its support (TIP Report).

The capacities of the CPTV need to be increased. The CPTV lacked resources and staff necessary to assess victims and coordinate care placement. Proactive identification efforts are inadequate.

Although legally possible, compensation to victims is rarely granted. There is no scheme or fund for compensation. The position of victims in court proceedings is not adequate, and the institute of *especially sensitive victims* has not been applied consistently¹²⁷.

KIs reported the lack of specific procedures for child trafficking victims. Also, in the process of identification, there are difficulties in recognizing child trafficking for exploitation in criminal activities, as well as in forced labor and forced begging. GRETA 2017 also urges the Serbian authorities to take further steps to improve the identification and assistance of child victims of trafficking, and in particular to:

- intensify their efforts to identify victims of trafficking among unaccompanied and separated foreign children in reception centers for migrants and asylum seekers, other facilities and outside any formal facilities;
- provide adequate assistance and services adapted to the needs and the rights of child victims of trafficking;
- provide further training to all stakeholders (police, migration and asylum authorities, centers for social work, NGOs, health care and education professionals) as well as guidance for the identification of child victims of THB.

¹²⁷ On March 4, 2021, the Constitutional Court of the Republic of Serbia accepted the constitutional complaint of ASTRA's client, a victim of human trafficking who was a minor at the time of the crime, and ruled that her right to prohibition of human trafficking, granted by Article 26, paragraph 2 of the Constitution of the Republic of Serbia, as well as the right to a trial within a reasonable time, granted by Article 32 of the Constitution of the Republic of Serbia, were violated Source NGO ASTRA, available at: <https://www.astra.rs/en/the-constitutional-court-of-serbia-determined-a-violation-of-the-right-to-prohibition-of-human-trafficking/#:~:text=On%20March%204%2C%202021%2C%20the,2%20of%20the%20Constitution%20of>

Through the KAP survey¹²⁸, the lack of financial resources, lack of training and professional capacity building, difficulties in identifying human trafficking victims, lack of necessary services and coordination with other departments were identified as the most important barriers in the provision of services by professionals in the NRM. As the most important needs, respondents identified additional funding, additional training courses, new services/programs, and more staff.

Best practices

Identification of victims as a part of the social system, not law enforcement. The system of identification in Serbia is such that the status of a victim is not connected with criminal investigations or the prosecution of traffickers or results of prosecutions. Instead, victims are treated as persons in need of social welfare and the provisions of the Social Protection Law and bylaws are applied to them (not the Criminal Code).

Local anti-trafficking teams. Local AT teams are good practice in combating human trafficking because preliminary identification and social inclusion of victims takes place in the local environment. Members of AT teams showed better knowledge of THB than professionals who were not part of these teams. Some local AT teams have succeeded to ensure the local budget for their work by introducing VoTs as a target group and activities aimed at their support in the existing local action plans in the municipalities, for example, the local plan for migrants, the local plan for gender equality, the employment action plan, etc. Monthly meetings of a prosecutor specialized in THB with representatives of the police, local CSWs, and the shelter for victims in Novi Sad are example of good practice.

Bi-lateral cooperation AT Agreement Serbia – North Macedonia. In December 16, 2019, the AT Cooperation Agreement was signed between the Government of the Republic of Serbia and the Government of the Republic of Northern Macedonia. Two more bi-lateral agreements have been initiated (UAE and Montenegro; agreement with the United Arab Emirates is in the final phase).

In 2002, the **informal peer Advocacy Group of Human Trafficking Survivors** made its contribution to NGO Atina's comments on the revision of SOPs and presented it at a meeting with the National Coordinator.

Supervision and prevention of vicarious trauma¹²⁹. NGO ASTRA and NGO Atina organized regular group supervisions and individual sessions with a psychologist for its employees. Furthermore, external supervision was provided to the CPTV, to strengthen the capacities of the staff to prevent and/or reduce stress and secondary traumatization and thus to improve the process of identifying and supporting VoTs.

NGO ASTRA and project partners - *Monitoring and Evaluation of Anti Trafficking Policies: Handbook for Victims' advocates*, developed within the EU-funded Balkans ACT Now! Monitoring tool contain comprehensive and detailed indicators that enable monitoring of national anti-trafficking policies, with the emphasis on the policies aimed at the protection of victims.

¹²⁸ Đikanović, B. et al - *KAP Survey - Knowledge, Attitude and practice of the professionals included in the National Referral Mechanism (NRM) in the Republic of Serbia*, IRC, Belgrade, March 2021

¹²⁹ Vicarious trauma (VT), the exposure to the trauma experiences of others, is an occupational challenge for the fields of victim services, emergency medical services, fire services, law enforcement, and others

Recommendations

- Take actions to address recommendation regarding strengthening Government efforts to prevent child trafficking and identification, as well as assistance to child victims, noted on list of issues for immediate action identified in GRETA's report 2018
- Criminal Justice Institutions should ensure that THB cases are prosecuted effectively, and proportionate sanctions as foreseen by criminal legislation are announced for the convicted perpetrators, as well as to secure implementation of access to justice measures
- Facilitate and guarantee access to compensation for victims of trafficking
- Fully implement written non-punishment guidance to prevent penalization of trafficking victims for crimes committed as a direct result of being subjected to trafficking
- Increase proactive identification for trafficking victims among population of migrants and refugees, and other at-risk groups. Allocate sufficient resources to enable the CPTV to identify victims and coordinate victim protection and support
- Allocate sufficient funding to NGOs providing victim support services including SOS Helpline; Government should find best suitable funding modalities to ensure long term and sustainable funding for the licensed services for protection of VoTs run by CSOs
- Inform relevant stakeholders about SoPs, organize accompanying trainings or presentations and monitor the application of procedures in practice. Regularly revise SoPs according to part III of the document
- Create new programs and further strengthen existing capacities in order to reduce the risk of cybercrime and online recruitment and exploitation of victims.

2.5 MONTENEGRO

Legal Framework and Institutional Framework

Montenegro has ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Montenegro has also ratified the Council of Europe Convention on Action against Trafficking in Human Beings. In April 2020, the UN Special Rapporteur on trafficking in persons, especially women and children published her report on her 2019 visit to Montenegro.

The first round of monitoring of the Convention by GRETA in Montenegro provided an overview of its implementation by State Parties. The second evaluation round of the Convention examined the impact of legislative, policy and practical measures on the prevention of trafficking in human beings, the protection of the rights of victims of trafficking, and the prosecution of traffickers, paying particular attention to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking. GRETA has decided that the third evaluation round of the Convention (2021) will focus on trafficking victims' **access to justice** and effective remedies, which is essential for victims' rehabilitation and reinstatement of rights, and reflects a victim-centred and human-rights based approach to the fight against human trafficking.

Trafficking in persons is criminalized under article 444 of the Criminal Code¹³⁰. Article 444 was amended in 2017 to include the "conclusion of unlawful marriage" and "slavery or acts similar to slavery" to the forms of exploitation in the definition of trafficking. The crime of unlawful marriage covers forced marriage and child marriage. In Montenegro, the penalty envisaged for the basic offence of trafficking in human beings in Article 444 of the CC is one to 10 years' imprisonment.

In Montenegro, access to legal aid is regulated by the Law on Free Legal Aid (adopted in 2011, in force as of 1 January 2012)¹³¹. Following amendments to this law in 2015, victims of THB are recognized as privileged beneficiaries of free legal aid, without an evaluation of their financial standing. GRETA's reports highlight the value of a lawyer being appointed as soon as there are reasonable grounds for believing that a person is a victim of trafficking, before the person makes an official statement and/or decides whether to co-operate with the authorities. Early access to legal assistance is also important to enable victims to take civil actions for compensation and redress.

The Law on Social and Child Protection¹³² and the Law on Health Care¹³³ entitle presumed victims and victims of THB who are Montenegrin nationals and nationals of countries with which Montenegro has concluded bilateral agreements to free health care, which would also cover psychological assistance. In case of third-country nationals, the Department for the Fight against THB organises access to health care.

Montenegro experienced substantial progress in completing its legal and institutional framework for trafficking in human beings and establishing a track record of investigations in the area of fight against trafficking in human beings and money laundering during 2019-2021. The EU progress report of 2021¹³⁴ notes that while the legal framework was completed the institutional capacity to address

¹³⁰ <https://www.icj.org/wp-content/uploads/2013/05/Montenegro-Criminal-Code-2003-eng.pdf>

¹³¹ https://www.legislationline.org/download/id/9665/file/MONT_law%20on%20legal%20aid.pdf

¹³² <https://www.gov.me/en/documents/e374501c-8d7d-4d3e-b081-136bd505aeb9>

¹³³ <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/71992/86880/F2049450432/MGO71992.pdf>

¹³⁴ https://ec.europa.eu/neighbourhood-enlargement/montenegro-report-2021_en

trafficking in human beings was also strengthened, under the leadership of a multi-disciplinary body monitoring the implementation of the anti-trafficking strategy.

The Government of Montenegro adopted the National Strategy for Combatting Trafficking in Human Beings¹³⁵ for the period 2019–2024 and its national action plan. The implementation of the Strategy is monitored by a Co-ordination Body which has been newly established and is headed by the Department for the Fight against THB of the Ministry of Internal Affairs. It is composed of representatives of all public sector bodies that are carrying out activities envisaged by the Strategy (15 institutions), as well as one NGO representative.

Until March 2017, the national Office for the Fight against Trafficking in Persons was situated under the General Secretariat of the Government of Montenegro. As of April 2019, changes in the organizational structure were completed, and the Office which is headed by the National Anti-trafficking Co-ordinator is now organized as the Department for the Fight against Trafficking in Persons under the Ministry of the Interior¹³⁶.

GRETA 2021 report confirms that Montenegro adopted new Standard Operating Procedures (**SOPs**) for the identification of victims of trafficking in 2019. According to these SOPs, the identification of victims of THB is not connected to the initiation of criminal proceedings and is to be performed by a multi-disciplinary team. A team for the formal identification of victims of THB was established in November 2019 and immediately started identifying victims due to the previously mentioned large-scale case of THB.

The Team in charge of Identification, Referral and Initial Assistance to Victims, which includes representatives of the police, health, social professionals and one NGO grants the status of the identified victims of trafficking in human beings. The identified victims get sheltered in specialized shelters.¹³⁷

Despite the above developments the Special Rapporteur emphasizes the need to revise the Standard Operating Procedures and expand the indicators currently used in the identification procedures of trafficking in persons to include indicators of migrants' vulnerabilities that can lead to a risk of trafficking, based on the experience acquired by national agencies, international organizations and civil society, with such indicators taking into account the risks occurring during or as a result of the migratory journey and/or at the destination, such as those stemming from lack of financial resources, irregular status, use of migrant smuggling services, torture and extortion, sexual violence and sexual and labour exploitation.

Further, new Standard Operating Procedures for the treatment of children separated from their parents and unaccompanied children have been developed with the support of UNICEF. Further developments include development of the Guidelines on the non-punishment provision for police officers, prosecutors and judges and signing of new Memorandum of Understanding (MoU) between State institutions and NGOs on action against human trafficking which defines the responsibilities of each stakeholder and sets up operations procedures in June 2020¹³⁸.

¹³⁵ <https://www.osce.org/files/f/documents/8/d/424622.pdf>

¹³⁶ <https://reliefweb.int/report/montenegro/visit-montenegro-report-special-rapporteur-trafficking-persons-especially-women>

¹³⁷ https://ec.europa.eu/neighbourhood-enlargement/montenegro-report-2021_en

¹³⁸ The signatories of the MoU are the Supreme Court, the Supreme State Prosecutor's Office, the Ministry of the Interior, the Ministry of Education, the Ministry of Health, the Ministry of Labour and Social Welfare, the Police Directorate, the Public Institution Child and Family Support Centre Bijelo Polje, the Montenegrin Red Cross and the NGOs Montenegrin Women's Lobby, Safe Women's House, SOS Hotline for Women and Children Victims of Violence - Nikšić, Centre for Security, Sociological and Criminological Research of Montenegro, and Institute for Social and Education Policy.

The above undertaken steps have strengthened the process of identification and protection of the victims of trafficking in human beings in Montenegro given that in the prior system only the police were given identification competencies and as a result, the identification of victims of trafficking was linked to the initiation of criminal investigations.

Access to justice and effective remedies is contingent on the fulfilment of a number of preconditions, including prompt and accurate identification of victims of trafficking, the provision of a recovery and reflection period, the availability of material, psychological, medical and legal assistance, access to translation and interpretation, when appropriate, regularisation of the victim's stay, the right to seek and enjoy asylum, and full respect for the principle of non-refoulement¹³⁹.

As EU Progress reports confirm Montenegrin justice institutions have now established a strong system of track record on combatting trafficking in human beings and is continuously being improved. The investigation and prosecution efforts have been increased, coordination is advanced and as a result the number of prosecuted cases and adjudicated cases at the courts has increased.

As GRETA 2021 report confirms working towards strengthening the investigation and prosecution of THB cases, the Supreme State Prosecutor and the Director of the Police Directorate have formed an Operational Team for Combating Trafficking in Human Beings, which started its work in December 2018. Eight officials have been assigned to this team, from the Ministry of Internal Affairs, the Police Directorate, the High State Prosecutor's Office and the Ministry of Justice. The High State Prosecutor's Office co-ordinates the work of the Operational Team.

Since the establishment of the operational team, in December 2018, and the department on trafficking in persons and illegal migration, over 50 persons have been arrested for trafficking in persons. In the period from January to October 2019, officers brought charges under article 444 of the Criminal Code, on trafficking in persons, against two (2) persons. In addition to the cases in which victims were identified, the police began other investigative activities in seven (7) cases; in three (3) of them, the police applied covert surveillance measures and, in the other four (4), officers were collecting information and evidence in cooperation with the operational team.

Montenegro had eleven (11) trafficking cases in 2019, at different stages of the procedure, including three (3) cases of trafficking within an organised crime group. In two (2) cases the victims were women. One final conviction was pronounced in November 2019, ordering unprecedented severe prison sentences.

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 (4) new investigations into trafficking in human beings involving 6 people were launched at the beginning of 2020.

Seven (7) trafficking cases against nine defendants were pending at the Podgorica High Court in 2020 (compared with three cases in 2019 and one in 2018). Two first-instance convictions were issued, with sentences up to eight years of imprisonment. Fourteen (14) investigations into trafficking in human beings and five preliminary investigations were carried out.

Following amendments to the Law on Free Legal Aid, victims of trafficking are recognised as privileged beneficiaries of free legal aid, without an evaluation of their financial standing. While welcoming this, GRETA urges the authorities to take further steps to facilitate and guarantee access to justice for

¹³⁹ United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Adopted by General Assembly resolution 40/34 of 29 November 1985, available at: https://www.unicef-irc.org/portfolios/documents/472_un-declaration-crime.htm

victims of trafficking, including by ensuring that the lawyers providing legal aid to victims of trafficking undergo the necessary training and specialisation.

None of the victims of trafficking who filed property claims in criminal proceedings has been awarded compensation from the perpetrator during the reporting period, and there were no human trafficking cases in which the defendant's property was seized or confiscated. GRETA urges the authorities to make concrete efforts to guarantee effective access to compensation for victims of trafficking, including by bringing into force without further delay the Law on Compensation for Damages for Victims of Violent Crimes, which would enable victims of trafficking to claim compensation from the State.

GRETA and TIP reports confirm increase of efforts in prosecuting cases of THB as well as the measures taken in strengthening capacities of professional practitioners through institutionalized training programs for police, prosecutors, and judges on various anti-trafficking issues.

Police, prosecution and courts use different criteria and methodologies for data collection when dealing with cases of the crime of trafficking with human beings. These institutions need to better align the data collection methodologies to enable clear picture and easier follow of cases.

Capacities of the Social protection system for victims of trafficking in Montenegro are weak. The centres for social work lack capacities and expertise to provide tailor made social and rehabilitation support to the presumed and identified victims of trafficking. Regarding assistance and support to victims, the Special Rapporteur confirms that there are four licensed shelters in Montenegro and noted the need to address issues related to licensing of service providers. A licensing scheme for service providers of assistance for victims of violence and trafficking in persons was introduced in 2013 through national legislation. It is intended to ensure that those services providers comply with international standards, notably the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence¹⁴⁰. Such a policy, aimed at ensuring the professionalism of service providers¹⁴¹, is welcomed, however, in practice, it resulted in the closure of specialized services, including shelters, for victims of trafficking. Further the EC Progress report¹⁴² notes the need to enable specialised social protection services for children saying that the system for licensing CSO service providers in the social protection system has been further developed to provide day-care services for children from families at risk, family outreach workers and an SOS telephone line for children.

Civil society organizations working in the area of THB in Montenegro are engaged through carrying out awareness-raising activities, training and research, running helplines, providing assistance to victims, and participating in international projects. As confirmed with TIP 2021 report, although the government increased resources to the anti-trafficking shelter and established a coordinating body to monitor the implementation of the national anti-trafficking strategy for 2019-2024 additional efforts should be made to establish an effective support system for victims and potential victims, in cooperation with experienced non-governmental organizations, including by allocating long term and sustainable funding.

GRETA welcomes the fact that persons with a temporary residence permit for humanitarian reasons have free access to the labour market, although no such permits have been issued to victims of trafficking since the entry into force of the relevant law. GRETA considers that the authorities should

¹⁴⁰ <https://reliefweb.int/report/montenegro/visit-montenegro-report-special-rapporteur-trafficking-persons-especially-women>

¹⁴¹ Minimum standards for service providers for a shelter for up to 10 users include a minimum of two employees, including, social workers, a psychologist and a lawyer

¹⁴² https://ec.europa.eu/neighbourhood-enlargement/montenegro-report-2021_en

strengthen effective access to, and/or reintegration of, the labour market for victims of trafficking and their economic and social inclusion through a number of specific measures.

Related to independent monitoring role of the anti-trafficking activities GRETA calls Montenegrin authorities to examine the possibility of establishing an independent National Rapporteur or designating another already existing mechanism as an independent organisational entity with a view to ensuring effective monitoring of the anti-trafficking activities of state institutions and making recommendations to persons and institutions concerned.

Developments, challenges, good practices

Developments

- Montenegro has advanced its legislative framework criminalizing adequately the trafficking in human beings and increased efficiency of the institutional mechanisms such is the Team for Identification, Referral and Initial Assistance to Victims having direct impact on the fight against trafficking in human being;
- Adoption of the National Strategy Against Trafficking in Human Beings 2019-2024, and appointment of the National Monitoring Mechanism composed of all engaged actors in fight against human trafficking to follow implementation of the strategy, coordinate actions and measures presents an excellent example of multi-agency cooperation and coordination. The impact of the work of this mechanism is still to be observed however it presents a major step forward in this process.
- The Montenegrin authorities have implemented a number of measures aimed at the Roma and Egyptian population and internally displaced persons, which have a potential to address the root causes of human trafficking. GRETA considers that the authorities should continue investing in social, economic and other measures for groups vulnerable to human trafficking, as well as make efforts to promote gender equality, combat violence against women and child/early/forced marriages, and support policies for the empowerment of women and girls as a means of combating the root causes of human trafficking.
- Montenegro is a very good example of international cooperation including through co-operation agreements with Eurojust and neighbouring countries. In October 2019, Montenegro and Bosnia and Herzegovina signed a Protocol on the non-statutory trafficking of the persons and a Protocol on cooperation in search of missing persons, creating the necessary legal preconditions for addressing one of the key issues in their bilateral relations.
- Montenegro has signed Co-operation protocols with neighboring countries and unified standard operating procedures are used to ensure protection and return of victims. These instruments are part of the transnational co-operation mechanism established through a project led by the NGO Terre des hommes, which includes Albania, Kosovo, Montenegro and North Macedonia, and which addresses, inter alia, the identification and protection of victims and potential victims of THB, as well as their return to the country of origin.
- As elaborated in the section covering Kosovo* a great example of collaboration between the Kosovo Police and the authorities of Montenegro, in a case of trafficking of two children from Montenegro (a girl aged 12 and a boy aged nine) by their father, for the purpose of forced marriage and begging took place during the last two years. The police located and rescued the victims, in collaboration with the Montenegrin authorities, and a plan was put in place to

rehabilitate and return the children to safety, and there was additional co-operation with the Serbian authorities to locate one of the suspected perpetrators.

Challenges and recommendations

- Although access to compensation of victims is guaranteed in criminal and civil proceedings a challenge for Montenegrin authorities remains the compensation of the victims. None of the victims of trafficking who filed property claims in criminal proceedings has been awarded compensation from the perpetrator during the reporting period, and there were no human trafficking cases in which the defendant's property was seized or confiscated. GRETA urges the authorities to make concrete efforts to guarantee effective access to compensation for victims of trafficking, including by bringing into force without further delay the Law on Compensation for Damages for Victims of Violent Crimes, which would enable victims of trafficking to claim compensation from the State.
- GRETA also considers that the Montenegrin authorities should take steps to guarantee child-sensitive procedures when investigating, prosecuting and adjudicating cases of human trafficking, including measures to ensure a sufficient number of child-friendly interview rooms across the country. Authorities should also make full use of all available measures to protect victims and witnesses of trafficking and to prevent intimidation throughout the proceedings.
- While the Law on Free Legal Aid recognizes the victims of trafficking as privileged beneficiaries of free legal aid regardless of their financial status, additional measures should be undertaken to enable access to justice for victims of trafficking, including by ensuring that the lawyers providing legal aid to victims of trafficking undergo the necessary training and specialization.
- Early identification of victims remains a challenge for the national authorities working in fighting trafficking in human beings. GRETA welcomes the adoption of the SOPs for the identification of victims, under which the formal identification of victims is disconnected from the criminal proceedings, as well as the setting up of a multi-disciplinary identification team. However, GRETA notes that there are continuing gaps in the identification of victims, in particular among asylum seekers and irregular migrants. Additional efforts must be made to train staff on how to use indicators and refer possible victims for formal identification and assistance.
- Social protection and capacities of the social workers and psychologists in contact with victims are weak. Authorities should work toward strengthening social protection capacities for rehabilitation and reintegration of the victims of trafficking. Furthermore, GRETA considers that the Montenegrin authorities should ensure more sustainable funding for the assistance of victims of trafficking, in order to ensure the range and quality of the services delivered and a sufficient number of places for all victims who need safe accommodation, including men.
- Although meaningful steps were undertaken during the last four years in investigation and prosecution of cases of trafficking in human beings in Montenegro, GRETA stresses that the requalification of human trafficking offence into other offences carrying lighter penalties, as well as failure to convict traffickers engenders a feeling of impunity and undermines efforts to support victims to testify. GRETA urges the authorities to take measures to strengthen the criminal justice response to human trafficking and encourage specialization of prosecutors and judges to work on human trafficking cases.
- Montenegrin authorities are encouraged to explore ways and establish modalities for better engagement of civil society service providers in the fight against trafficking in human beings. Revision of the licensing criteria and provision of the training program that will help organisations to get licensed are recommended as options to strengthen the cooperation between these sectors.

- Government should find best suitable funding modalities to ensure long term and sustainable public funding for the services for protection, rehabilitation and reintegration of the victims of trafficking provided by shelters and run by civil society organisations.
- Similar to Kosovo* GRETA encourages Montenegrin authorities to designate an independent National Rapporteur or another independent mechanism for monitoring the anti-trafficking activities of State institutions;
- In addition to working with civil society authorities and professionals engaged in fight against trafficking in human beings are encouraged to cooperate with media with the aim to maximize outreach efforts in increasing the awareness about risks and protection of the victims of trafficking.

2.6 KOSOVO*

Legal Framework and Institutional Framework

International human rights instruments including the Council of Europe Convention on Action against Trafficking in Human Beings form an integral part of Kosovo*'s legal framework and are directly applicable, as provided for in the Constitution. Kosovo* made a steady progress in its efforts of amending the legislative framework and implementing measures in its battle against human trafficking. Kosovo* maintained its practice of *ad hoc* reporting, and the Group of Experts on Action against Trafficking in Human Beings (GRETA)¹⁴³ conducted its second monitoring mission and reporting during 2020 and 2021.

Kosovo* Legislation on trafficking in human beings is broadly aligned with the current 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.

¹⁴⁴

Trafficking in human beings is criminalised both under the CC and the Anti-Trafficking Law No. 04/L-218¹⁴⁵. The new Criminal Code (CC) No. 06/L-074 of Kosovo*¹⁴⁶ was adopted in November 2018 and entered into force on 14 April 2019. The minimum punishment for child trafficking (Article 165(2) of the CC) was increased from three to five years' imprisonment. Further, amendments were made to Article 234 ("facilitating or compelling prostitution") and Article 228 ("using sexual services of a victim of trafficking") of the CC. Moreover, amendments were made to Article 166 ("withholding identity papers of victims of slavery or trafficking in persons") of the CC.

As of 2013 Kosovo* also drafted and adopted a separate Law no. 04/L-218 on Preventing and Combating Trafficking in Human beings and Protecting Victims of Trafficking¹⁴⁷. The Law is aligned with the EU Directive 2011/36 on Preventing and Combating Trafficking in Human Beings and Protecting its Victims¹⁴⁸. This law defines human trafficking, outlines relevant institutions and their responsibilities. It defines the constituting elements of trafficking as: transportation, recruitment, reception or harbouring of persons, abduction, use of threat or coercion, deception, fraud, abuse of power, giving or receiving payments to receive the consent of a certain person for the purpose of exploitation. Implementation of this Law is facilitated with Administrative Instruction¹⁴⁹ that guides the Process of Early Identification of the Victims, Administrative Instruction on the List of Indicators for Formal Identification of Victims of Trafficking in Human Beings¹⁵⁰, and the Administrative Instruction 17/2013¹⁵¹ that regulates the work of National Authority Against Trafficking in Human Beings.

¹⁴³ https://ec.europa.eu/neighbourhood-enlargement/Kosovo*-report-2021_en

¹⁴⁴ https://ec.europa.eu/neighbourhood-enlargement/system/files/2020-10/Kosovo*_report_2020.pdf

¹⁴⁵ <https://gzk.rks-gov.net/ActDetail.aspx?ActID=8875>

¹⁴⁶ <https://md.rks-gov.net/desk/inc/media/A5713395-507E-4538-BED6-2FA2510F3FCD.pdf>

* 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.

¹⁴⁷ <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=8875>

¹⁴⁸ <https://db.eurocrim.org/db/en/doc/1513.pdf>

¹⁴⁹ Administrative Instruction no. 01/2014 for early identification of victims of trafficking with human beings from consular services, border police and the labor inspectorate, date 21.03.2014, <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=10279>

¹⁵⁰ Administrative Instruction GRK - No. 10/2017 on the List of Indicators for Formal Identification of Victims of Trafficking in Human Beings, was approved on 10 meeting of the Government of Kosovo*, with the decision No.03/10, date 27.10.2017. <https://md.rks-gov.net/desk/inc/media/6B9A3C78-B3DE-43E1-A96D-7B1B6C2CD080.pdf>

¹⁵¹ <https://gzk.rks-gov.net/ActDetail.aspx?ActID=10313>

Law No. 05/L-036 on Crime Victim Compensation¹⁵², which allows for state compensation to be awarded to victims of violent crimes, including victims of THB, was adopted in May 2015 and came into force in July 2015. This law is currently under amendment to introduce measures to make it easier for victims to obtain compensation, including by extending the deadline for applications from six months to two years.

The Law on Child Protection¹⁵³ specifically prohibits abuse and exploitation of children, including forced begging, and provides for an increased role of social workers in the multidisciplinary mechanism for case management.

The Kosovo* National Strategy and Action Plan against Trafficking in Human Beings for 2015-2019 had the following strategic objectives: 1) advancement of the prevention of human trafficking through information, awareness and education of society in general, and in particular vulnerable groups about the consequences of trafficking and involvement in trafficking activities; 2) continuous strengthening of the system of identification, protection, assistance and reintegration of victims of trafficking through sustainable programmes of social inclusion; 3) efficient prosecution of cases of human trafficking by improving the detecting and prosecuting of traffickers; and 4) strengthened international and local co-operation and partnerships against trafficking in human beings. The new Strategy against THB for 2020-2024, accompanied by an Action Plan is in the drafting and consultation process.

Standard Operating Procedures for Trafficked Persons (**SOPs**) present a key achievement of the Kosovo's long-term engagement in the fight against human trafficking through a multi-agency and multi-disciplinary cooperation. Kosovo* SOPs were drafted in 2004, and revised in 2013. The SOPs ensure protection and support to trafficked persons at all stages of their referral, identification and assistance through harmonised multi agency support.

The composition and functions of the **National Authority against Trafficking in Human Beings** ("National Authority"), which are defined in Law No. 04/L-218 on Preventing and Combating Trafficking in Human Beings and Protecting Victims of Trafficking ("Anti-THB Law"). The National Authority against Trafficking is composed of several governmental and non-governmental organizations. The exact composition, responsibilities and competencies of the Authority are outlined in detail also in the Administrative Instruction 17/2013¹⁵⁴ by defining the composition, responsibilities and order of functioning by the authority. The National Coordinator office chairs the National Authority.

The Trafficking in Human Beings Directorate (THBD) within the Kosovo* Police (KP) investigates trafficking cases through its eight regional units throughout Kosovo*. While the collection of data and research on human trafficking are among the tasks of the National Co-ordinator, in practice, data collection is performed by the Kosovo* Police Directorate against Trafficking in Human Beings, which is responsible for drawing up regular reports with data on THB and trends¹⁵⁵. THBD is also actively engaged in prevention and awareness campaigns working with Labor Inspectorate, education sector and media.

¹⁵² <https://gzk.rks-gov.net/ActDetail.aspx?ActID=10936>

¹⁵³ In June 2019, a new Law on Child Protection was adopted by the Assembly.

¹⁵⁴ <https://gzk.rks-gov.net/ActDetail.aspx?ActID=10313>

* 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.

¹⁵⁵ GRETA 2021 report https://rm.coe.int/second-report-on-the-compliance-of-Kosovo*-with-the-standards-of-the-co/1680a418ee

With the aim to increase efficiency in the fight against trafficking in human beings, in 2020 the State Prosecutor has appointed the Coordinator for Combating Trafficking in Human Beings, which is part of the National Authority against Trafficking in Human Beings.

Police, prosecution and courts apply different methods for counting THB cases, resulting in inconsistent statistics across their internal databases. Based on the data provided by the Kosovo* Police, in 2019, 131 cases were investigated, 205 arrests carried out, and 77 criminal charges were filed. The data obtained from the annual reports of the State Prosecution Office show big numbers of cases initiated during the last three years, 279 cases in total and small progress in solving the cases, 65 in total.

*Table 2: prosecution of THB Cases in Kosovo**

Prosecution of THB cases	2021 First semester	2020	2019	2018
Initiated cases	56 cases with 97 persons	97 cases with 178 persons	126 cases with 222 persons	No data available
Solved cases	18 cases with 26 persons	10 cases with 18 persons	37 cases with 58 persons	No data available
Unsolved	38 cases with 71 persons	87 cases with 160 persons	89 cases with 160 persons	No data available

Source: Kosovo State Prosecution Office, Reports and Publications 2019, 2020, 2021¹⁵⁶

The data from Kosovo* Judicial Council show that in 2018, 14 cases (against 33 persons) were resolved, leaving 78 cases (against 171 persons) unresolved. In 2019, the number of resolved cases was 16 (against 27 persons), leaving 74 cases (against 174 persons) to be carried over to 2020. In 2020, eight cases were resolved (against 10 persons) while 73 cases (against 174 persons) remain pending. The data from prosecution and courts is accompanied with the number of persons involved confirming the complexity of this criminal offense and necessary resources to prosecute and fight perpetrators.

The 2021 GRETA report states that the majority of cases in the years 2015-2019¹⁵⁷ resulted in a conviction and most of the persons convicted were sentenced to imprisonment, although the length of the sentence is not specified. Specifically, in 2018, 14 persons (out of 33) were sentenced to imprisonment, in 2019 that number was 9 (out of 27). Further the report refers to Kosovo* Judicial Councils data that no plea agreements¹⁵⁸ were concluded in THB cases in 2020, while six plea agreements were concluded in 2019 and three in 2018 in THB cases.

The government has continued protecting victims of trafficking in human beings and shelters provided services at all times including during COVID 19 isolation. However, the Kosovo* EC progress reports of the last four years show that the functioning of the eight shelters for victims of domestic violence and trafficking in human beings is uneven mainly due to the **lack of sustainable funding**¹⁵⁹. Social protection services are guaranteed to victims of trafficking with the Law on Social and Family

¹⁵⁶ <https://prokuroria-rks.org/en/psh/dokumente-publikime/108/165/584/584/>

¹⁵⁷ 61% in 2015, 80% in 2016, 61% in 2017, 57% in 2018, and 62% in 2019.

¹⁵⁸ plea bargaining is available in cases of THB, under Articles 233 and 247 of the CCP

* 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.

¹⁵⁹ https://ec.europa.eu/neighbourhood-enlargement/Kosovo*-report-2021_en

Services¹⁶⁰ but unfortunately Centers for Social Services do not meet the needs of the potential victims or victims of trafficking due to the lack of their profiled social expertise. Provision of social protection remains the weakest segment of the multidisciplinary approach in protection of the victims of trafficking.

The Hope and Homes for Children Kosovo* (SDSF) and Centre for Protecting Victims and Preventing Trafficking in Human Beings (PVPT), are members of the National Authority and actively take part in the drafting of laws, SOPs and related strategies in the field of THB. Funding of the services for the shelters is project based and annual based on the Regulation on Public Funding for NGOs¹⁶¹. Shelters call on public authorities to ensure sustainable and long funding for their services to victims of trafficking as these services are guaranteed by legislation. Services provided by shelters are crucial for rehabilitation and reintegration of the victims of trafficking as well as they play an important role in prevention and awareness raising.

Developments, Challenges, and Good Practices

Developments

- Kosovo* has advanced its legislative framework criminalizing adequately the trafficking in human beings and increased efforts to advance functioning of the institutional mechanisms through interagency coordination and holistic approach needed to fight THB and address protection and support to victims of THB.
- Kosovo* is a good example of effective co-operation between the authorities and civil society organisations, inter agency cooperation through working in National Authority and drafting jointly the laws, strategies and rules of procedure aiming protection and support to the victims of THB enabled increase of efficiency in referral, protection and reintegration of victims of THB.
- Regional cooperation in fighting THB has progressed during the last years. Kosovo* has signed Co-operation agreements with Albania and Montenegro in 2016. Co-operation protocols with neighboring countries and unified standard operating procedures are used to ensure protection and return of victims. These instruments are part of the transnational co-operation mechanism established through a project led by the NGO Terre des hommes, which includes Albania, Kosovo*, Montenegro and North Macedonia, and which addresses, inter alia, the identification and protection of victims and potential victims of THB, as well as their return to the country of origin. The NGO Terre des hommes runs a project on “Improving provision of services and awareness to combat trafficking in Persons in the Balkans (Albania, Macedonia, Montenegro, Kosovo*)” as part of which a transnational co-operation mechanism to identify and protect victims of THB, using unified SOPs, is applied across the four countries.
- A great example of collaboration between the Kosovo* Police and the authorities of Montenegro, in a case of trafficking of two children from Montenegro (a girl aged 12 and a boy aged nine) by their father, for the purpose of forced marriage and begging took place during the last two years. The police located and rescued the victims, in collaboration with the Montenegrin authorities, and a plan was put in place to rehabilitate and return the children to safety, and there was additional co-operation with the Serbian authorities to locate one of the

¹⁶⁰ <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2447>

¹⁶¹ <https://gzk.rks-gov.net/ActDetail.aspx?ActID=14831>

* 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.

suspected perpetrators. Moreover, the working arrangement signed between the Minister of the Interior of Kosovo and Europol in July 2020¹⁶² paves the way for collaboration and joint investigations between EU member states and the Kosovo authorities¹⁶³.

- With the aim to increase efficiency in fighting and sentencing the crime of THB, Kosovo Prosecutorial Council (KPC) adopted Special Operating Procedures for Conducting Investigation and Prosecution of Trafficking in Human Beings, in July 2020 and Kosovo Supreme Court adopted New Sentencing Guidelines, in February 2018. GRETA notices that in addition to the special focal point appointed in 2012, the Office of the Chief State Prosecutor (OCSP) appointed regional focal points to follow human trafficking cases in the seven regions, in accordance with the SOPs. The final list of these regional focal points was established in 2020.

¹⁶² https://www.justice.gov/archives/criminal-icitap/blog/Kosovo*-icitap-participates-europol-signing-ceremony-greater-police-cooperation

¹⁶³ GRETA 2021 report https://rm.coe.int/second-report-on-the-compliance-of-Kosovo*-with-the-standards-of-the-co/1680a418ee

Challenges and recommendations

- Adoption of the National Anti-trafficking Strategy 2020-2024 remains a priority for Kosovo* Institutions. It is expected that the strategy will facilitate coordination and the work of relevant actors as well as strengthen the response in fight against child trafficking, labor and exploitation given that this is one of the priorities and strategic objectives of the Strategy.
- Kosovo* faced political instability during the last three years having three governments changed in a timeframe of two years. This situation combined with COVID -19 related circumstances slowed down the work of the National Authority while the National Anti-Trafficking Co-ordinator continues to be the Deputy Minister of the Ministry of Internal Affairs. GRETA considers that the authorities should reflect on creating a permanent position of National Co-ordinator, in order to bring stability to this role and designate an independent National Rapporteur or another independent mechanism for monitoring the anti-trafficking activities of State institutions, as recommended in GRETA's first evaluation report, 2016 and 2021;
- Early identification of victims remains a challenge for the national authorities working in fighting trafficking in human beings. In its 2021 Report GRETA urges the authorities to take further steps to ensure timely identification of victims of trafficking, including by promoting multi-agency involvement in victim identification. Further all the respondents emphasise the need to strengthen the capacities of social protection and increase the work at the local level in this regard.
- Identification of child victims and victims among irregular migrants and asylum seekers presents an area that requires additional capacities and specialised expertise. The interagency collaboration in identification and referral system alone cannot ensure full protection without the necessary resources given the specifics and vulnerability of these groups. Identification of child victims of trafficking, particularly with regard to children who are exploited for the purpose of begging and child labour remains a problematic issue for Kosovo* authorities. Both TIP and GRETA urge the authorities to reinforce the proactive identification of child victims of trafficking, review the application of the guardianship system, pay increased attention to children who are trafficked by their parents or family members, and introduce a procedure for identifying victims of THB among unaccompanied foreign children.
- Social protection and capacities of the social workers and psychologists in contact with victims are weak. The public social services need to be substantially strengthened both in terms of number of available social workers and psychologists and in terms of their profiled expertise. Training programs on identification and support to the victims provided mainly by international organisations actors are welcomed but cannot fill the need for systematic training and development of expertise. GRETA calls the authorities to make efforts to increase the capacity of social workers to proactively identify victims of trafficking and strengthen measures to identify victims among irregular migrants and asylum seekers.
- Kosovo* authorities and other practitioners should continue work in sensitising the citizens and collaborate with education professionals on the risks and manifestations of child trafficking and risks of THB interlinked to the use of the Internet.
- Criminal Justice Institutions should ensure that THB cases are prosecuted effectively and proportionate sanctions as foreseen by criminal legislation are announced for the convicted

* 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.

perpetrators. Prosecution of cases and effectiveness of the justice system was not the focus of this research, however the modalities of data collection and reporting by police, prosecution and courts is not harmonised thus making it difficult to have a clear picture and able to follow the flow of cases. Therefore, justice sector institutions should undertake the necessary steps to adopt unified methodologies of data collection and reporting on prosecution of crime of trafficking in human beings and enable clear picture of the cases initiated, prosecuted and decided by courts.

- Government should find best suitable funding modalities to ensure long term and sustainable public funding for the services for protection, rehabilitation and reintegration of the victims of trafficking provided by shelters and run by civil society organisations.

SECTION 3: REGIONAL ANALYSIS¹⁶⁴

3.1. Regional context

The Western Balkans are part of Europe, geographically surrounded by EU Member States. The peoples of the EU and the region have a common heritage and history and a future defined by shared opportunities and challenges. The EU has long been strongly engaged in the region. From the Thessaloniki European Council in 2003, it has supported the future of the region as an integral part of the EU.¹⁶⁵

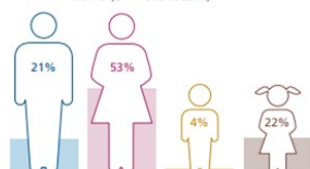
All the Marri participants are guided by EU directive, principals and legislation internationally, which are adapted to national legislation. On regional context all of them established pretty good and efficient legal and institutional framework. Some of MARRI Participants have introduced specific laws that treat trafficking on human beings as Kosovo has a specific one. Since the legal framework is very well established in positive level in each of MARRI Participants, the implementation in the practice still needs to be improved. International agencies and developing partners are contributing in emerging actions to enhance the functionality of current policy in place, as improving the coordination and cooperation among National Referring Mechanism (NRM) members. Significant progress is done referring the development of national mechanism to support victims of trafficking. Very good example is in Albania the establishment of a board of survivors; Good model is also involvement of NGOs focused and working on child rights, gender and human rights. Head of ICMPD Office in Skopje, Elena Petreska, in her engagement in this research, highlighted the fact that in North Macedonia children's polices are conducted in parallel with the Standard Operating Procedures (SOP) and NRM have mechanism integrated and policy related to child protection; Important is also the fact that the institutions are specialized to take care about cases referring to children. Good Model is that in North Macedonia is a good group in combatting trafficking against children and also exist a specific action plan combating trafficking in children (North Macedonia, March 2022).

¹⁶⁴ Western Balkans

¹⁶⁵ [A CREDIBLE ENLARGEMENT PERSPECTIVE FOR AND ENHANCED EU ENGAGEMENT WITH THE WESTERN BALKANS](#), Enlargement Negotiations, European Union, 2018

Referring to Regional Overviews of Trafficking in Persons 2020¹⁶⁶, MARRI Participants as part of the “Central and South Eastern Europe”¹⁶⁷, is highlighted that:

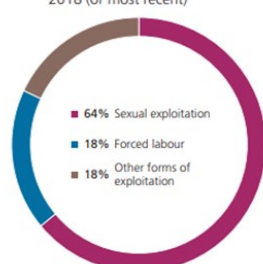
FIG. 106 Shares of detected victims of trafficking in Central and South-Eastern Europe,* by age group and sex, 2018 (or most recent)



Source: UNODC elaboration of national data.

*Based on information on the sex and age of 1,732 victims of trafficking in persons detected in 16 countries in Central and South-Eastern Europe.

FIG. 107 Shares of detected victims of trafficking in Central and South-Eastern Europe,* by forms of exploitation, 2018 (or most recent)



Source: UNODC elaboration of national data.

*Based on information on the form of exploitation for 2,138 victims of trafficking in persons detected in 16 countries in Central and South-Eastern Europe.

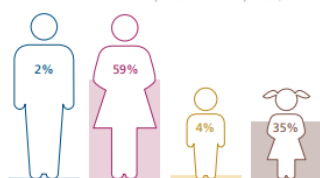
- Most detected victims are adult women. The profile of the victims does not appear to have changed significantly over the years.
- The majority of detected victims continue to be trafficked for sexual exploitation, though there have been minor increases in the shares of victims trafficked for forced labour.
- Convicted traffickers are mainly adult men. The largest citizenship group is nationals of the country of conviction.
- This subregion is a significant origin of trafficking in persons for Western and Southern Europe. Victims from these countries are rarely detected in other parts of the world.
- This subregion is characterized by significant levels of domestic trafficking, though victims from East Asia and from Eastern Europe have also been detected in these countries.

Source: [GLOBAL REPORT ON TRAFFICKING IN PERSONS 2020](#); UNITED NATIONS OFFICE ON DRUGS AND CRIME, Vienna; UNITED NATIONS; New York, January 2021.

Europe Central and South-Eastern Europe is primarily a subregion of origin for detected victims who are trafficked to Western and Southern Europe. In 2018, 17 per cent of the victims detected in Western and Southern Europe were citizens of Central and South-Eastern Europe¹⁶⁸.

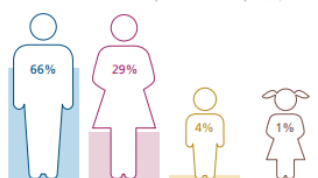
Organized crime’s foothold on the Western Balkans remains strong, whether in terms of trafficking in human beings, drugs and weapons or risk of criminal infiltration of the political and economic systems.¹⁶⁹

FIG. 108 Shares of detected victims of trafficking for sexual exploitation, by age group and sex of the victims, 2018 (or most recent)
12 countries (n=1198 victims whose sex, age group and form of exploitation was reported)



Source: UNODC elaboration of national data.

FIG. 109 Shares of detected victims of trafficking for forced labour, by age group and sex of the victims, 2018 (or most recent)
12 countries (n=228 victims whose sex, age group and form of exploitation was reported)



Source: UNODC elaboration of national data.

Source: [GLOBAL REPORT ON TRAFFICKING IN PERSONS 2020](#); UNITED NATIONS OFFICE ON DRUGS AND CRIME, Vienna; UNITED NATIONS; New York, January 2021

¹⁶⁶ [GLOBAL REPORT ON TRAFFICKING IN PERSONS 2020](#); UNITED NATIONS OFFICE ON DRUGS AND CRIME, Vienna; UNITED NATIONS; New York, January 2021, page 139.

¹⁶⁷ This subregion consists of the following 16 countries: Czechia, Estonia, Hungary, Latvia, Lithuania, Poland and Slovakia (Central Europe) and Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Montenegro, North Macedonia, Romania, Serbia, Slovenia (South-Eastern Europe).

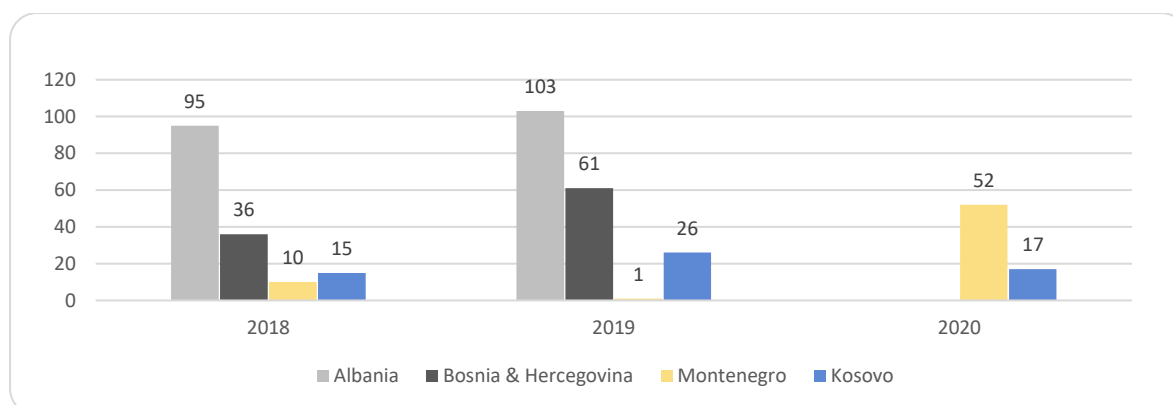
¹⁶⁸ [GLOBAL REPORT ON TRAFFICKING IN PERSONS 2020](#); UNITED NATIONS OFFICE ON DRUGS AND CRIME, Vienna; UNITED NATIONS; New York, January 2021.

¹⁶⁹ [A CREDIBLE ENLARGEMENT PERSPECTIVE FOR AND ENHANCED EU ENGAGEMENT WITH THE WESTERN BALKANS](#), Enlargement Negotiations, European Union, 2018

Referring to the GRETA evaluation reports, conducted about the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, in Balkan countries, only Albania, Bosnia and Hercegovina, Montenegro and Kosovo has updated reports; In North Macedonia and Serbia have the last report done by GRETA is on year 2018.

As per last year's reports of GRETA, Albania is the country with higher number of THB for years 2018 and 2019, as per graph 28 shown as follows:

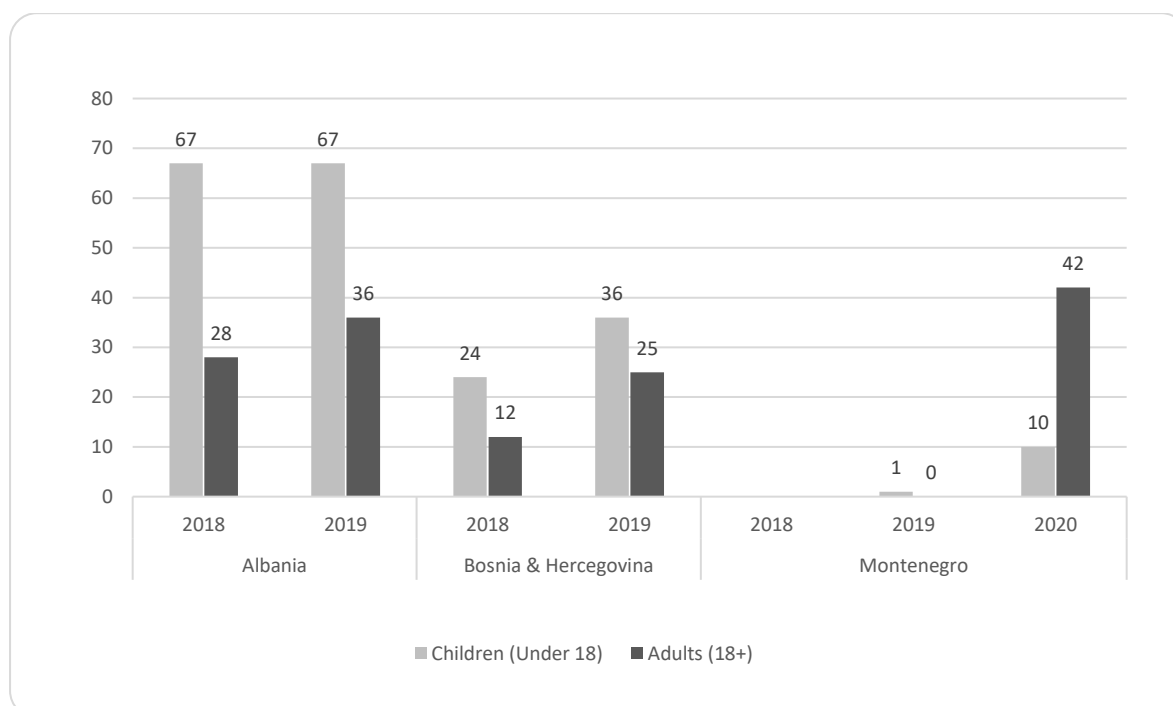
Graph 28: Total number of THB



Source: GRETA reports, referring to each country in the graph: Albania, Bosnia and Hercegovina, Montenegro, Kosovo for the respective years 2018, 2019 and 2020.

Country with a high cases of child trafficking for year 2018 and 2019 is Albania, and for year 2020 Montenegro is a country with the highest cases of adult trafficked, as per graph XXX.

Graph 29: Total number of THB according to age-group



Source: GRETA reports, referring to each country in the graph: Albania, Bosnia and Hercegovina, Montenegro, Kosovo for the respective years 2018, 2019 and 2020

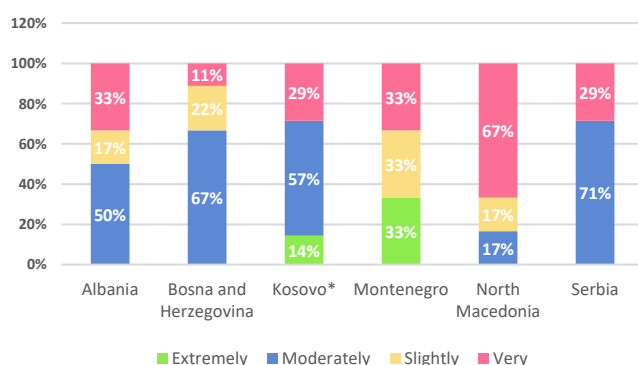
“Identification rate is the challenge, not only for MARRI participants but in Global level too, as trafficking is hidden crime. Good practice of establishment of the mobile team in North Macedonia, has indicated increased number of identified victims, which is evident in comparison with the numbers reported in the previous reports. Outbreak of COVID-19 had high-level influence in combating human trafficking because the investigation was slow or was not conducted properly. Also, the traffickers change the modus of operation when most of the trafficking and experiences were shifted online and through technology.”

Elena Petreska, Head of ICMPD Office in Skopje, North Macedonia, March 2022

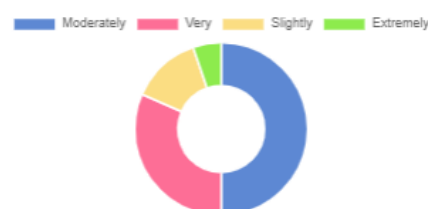
Context of the Region from the loop of engaged stakeholders from MARRI Participants

From out of six Marri Participants, only Montenegro representatives expresses *extremely* trust in actions taken so far which contribute to strengthening of regional cooperation between the governments of MARRI Participants (50% of them). In general, more than 50% of responders from each Marri Participants responded positive by emphasizing *moderately*, except North Macedonia which is below others (17%), as per reference of graph 30. By considering these results in reginal level, almost 80% of representatives expressed in high level trust that steps undertaken so far has strengthen regional cooperation, as per reference of graph 31. Even that engaged participants evaluated with high rate strengthening of regional cooperation thanks to actions undertaken, still the regional cooperation needs to keep its rhythm on and intensive exchange activities to be undertaken in different levels of Government, Institutions and civil society.

Graph 30: Level of regional cooperation between the governments for each



Graph 31: Level of regional cooperation between the governments in regional level



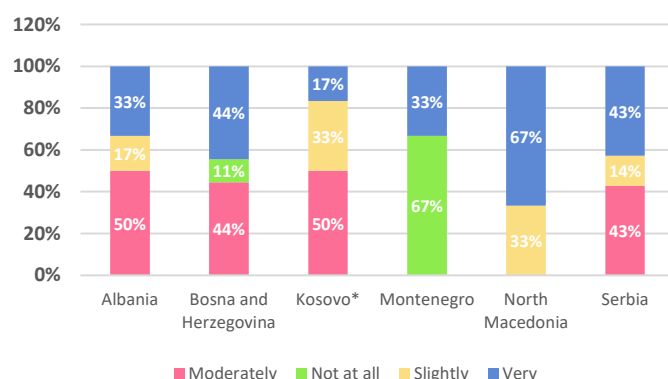
Source: Ministries of Interiors of Marri Participants, given for the scope of this study, March 2022

*Note: 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.

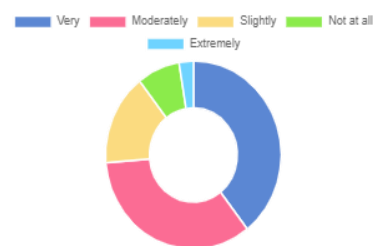
Referring to additional measures taken during these four years (2018-2021), if positive effects are achieved, almost all representative, 70%, from all MARRI Participants trust that certain areas *are very*

and moderately advanced in compared to the time before, as per reference of graph 32. Analyzing in country level, representatives of North Macedonia trust higher than other representative, that their country has yield positive effects and advanced protection in certain areas, compared to the time before, as per reference of graph 33. This finding led us in conclusion that all measures undertaken during these four years (2018-2021) has led to positive advancement of protection in certain areas of THB.

Graph 32: Positive effects and achievement 2018-2021, for each



Graph 33: Positive effects and achievement 2018-2021, in regional level

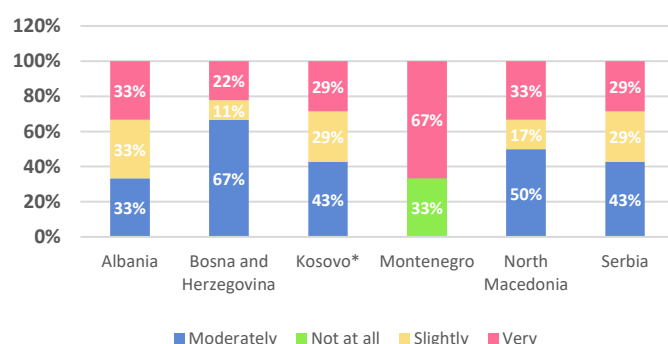


Source: Ministries of Interiors of Marri Participants, given for the scope of this study, March 2022

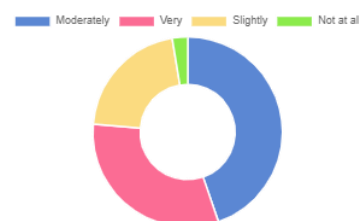
*Note: This designation is without prejudice to positions on status and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence.

About the assessment on how government policies and measures enable effective management of the cases of Victims of Trafficking and Potential Victims of Trafficking during these four years (2018-2021), Montenegro (67%), North Macedonia (33%), Albania (33%) and Serbia (29%) are assessed as very effective of the cases management. In moderated level is represented Bosnia and Herzegovina (76%), Kosovo (50%), North Macedonia (50%), Serbia (43%), as per reference of graph 34. In regional level, government policies and measures enable effective management are considered that are improved very much, confirmed by 73% of representatives engaged into the study from all MARRI Participants, as per reference of graph 35.

Graph 34 Government policies vs effective management of VT, PVT 2018-2021, for each



Graph 35: Government policies vs effective management of VT, PVT 2018-2021, in regional level

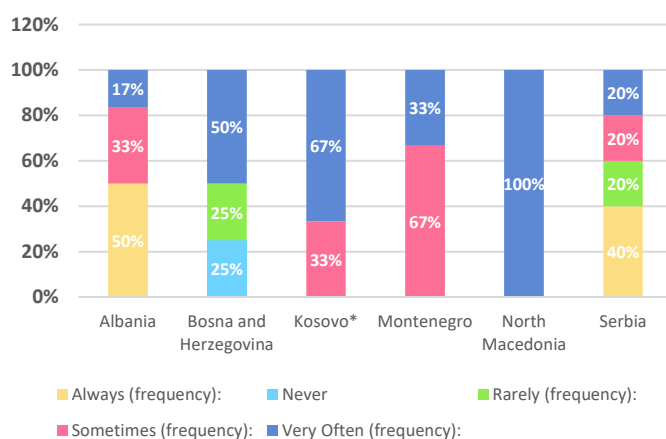


Source: Ministries of Interiors of Marri Participants, given for the scope of this study, March 2022

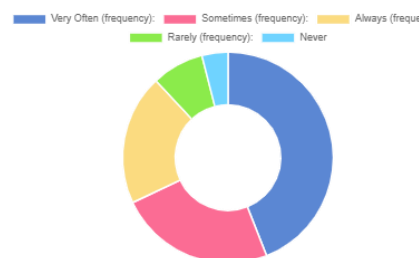
*Note: This designation is without prejudice to positions on status and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence.

Referring to regular trained in dealing with Victims of Trafficking or potential Victims of Trafficking, and preventing THB, North Macedonia declare at 100% that are trained very often. Very often declare even Kosovo (67%) and Bosnia and Hercegovina (50%), as per reference of graph 36. In regional level, approx. 40% consider that are regular trained always and very often, which means that still trainings are needed to be carry out (as per reference of graph 37). This question was not applicable for International Organizations engaged in this research.

Graph 36 Regular Training, for each



Graph 37: Regular Training, in regional level

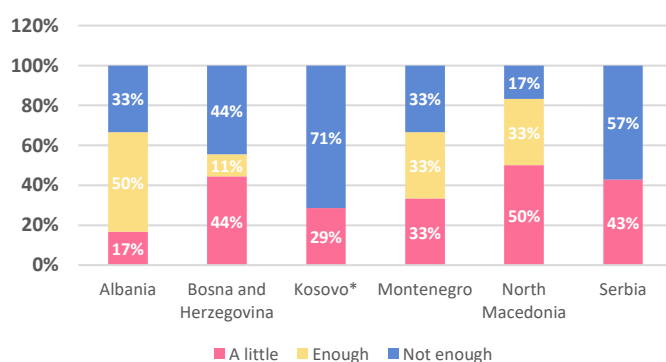


Source: Ministries of Interiors of Marri Participants, given for the scope of this study, March 2022

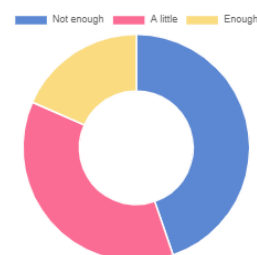
*Note: This designation is without prejudice to positions on status and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence.

Referring to the level of government measures issuing adequate funding for assistance to victims of trafficking, almost all countries agreed that this assistance is not enough or very little, expect Albania whom 50% has confirmed that is enough, North Macedonia (33%) and Montenegro (33%) (as per reference of graph 38). Even if we read this information in reginal level, almost 80% of engaged stakeholders in this study consider it as not enough or little (as per reference of graph 39). As International reports has confirmed for each of MARRI Participants or for the whole region that Government has to intensify its measure in regards of issuing adequate funding for assistance to victims of trafficking, in the same level this is confirmed also by almost all engaged representative in this research.

Graph 38: Funding to victims of trafficking, for each



Graph 39: Funding to victims of trafficking, in regional level

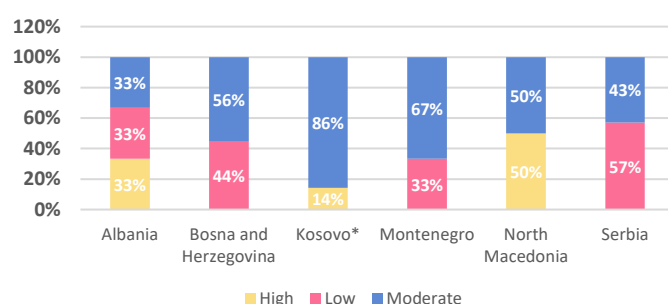


Source: Ministries of Interiors of Marri Participants, given for the scope of this study, March 2022

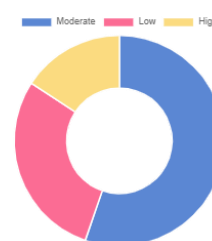
**Note: This designation is without prejudice to positions on status and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence.*

Referring to the assessment done by engaged stakeholders about the level of government measures in the area of prevention of child trafficking during these four years (2018-2021), almost all MARRI Participants evaluate this in moderate level. By different monitoring reports undertaken for each MARRI Participations and the region also, child trafficking is considered one of the challenges that still needs attention and actions. Only Serbia (57%), Bosnia and Hercegovina (44%) and Montenegro (33%), Albania (33%), have consider in low level the government measures undertaken during these last four (4) years (as per reference of graph 40). In regional context, the considerations are presented in the moderate level by 53% of participants, even that around 30% of them consider government measure in low level (as per reference of graph 41), which still emphasis the role, engagement and actions needed to be coordinate and undertaken by all actors from central to local level for protecting children from trafficking.

Graph 40: Government measures towards prevention of trafficking of Children, for each



Graph 41: Government measures towards prevention of trafficking of Children, in regional level

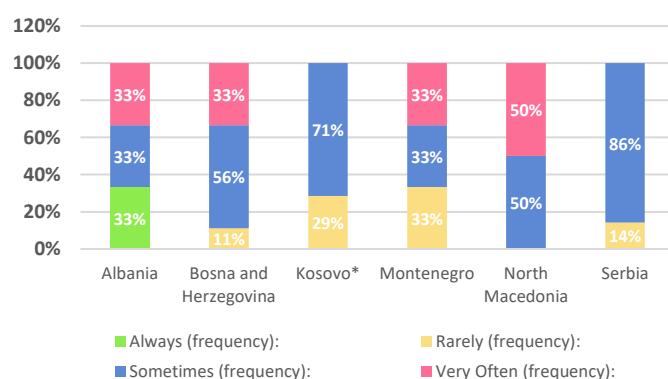


Source: Ministries of Interiors of Marri Participants, given for the scope of this study, March 2022

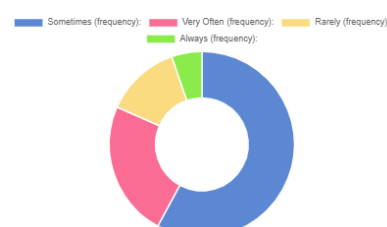
**Note: This designation is without prejudice to positions on status and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence.*

Regarding the assessment referring to the level of government measures about sensitizing and training professionals on child protection across the country, covering the 2018-2021, Serbia and Kosovo consider these trainings done rarely and sometimes. Albania, is the only presented with 33% of response as always trained (as per reference of graph 42). In regional level, almost 70% of engaged representative assess the frequency of training rarely and sometimes (as per reference of graph 43), which demonstrate still the need to intensify the attention in this regard.

Graph 42 Training professionals on child protection, for each



Graph 43: Training professionals on child protection, in regional level

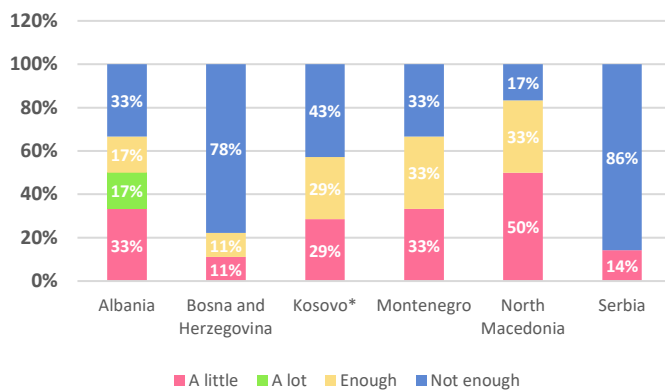


Source: Ministries of Interiors of Marri Participants, given for the scope of this study, March 2022

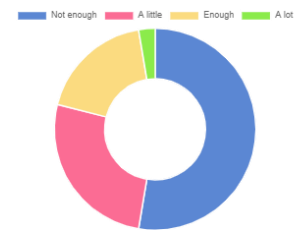
*Note: This designation is without prejudice to positions on status and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence.

All MARRI Participants are expressed that is not enough the level of government attention to the link between human trafficking in children and the use of ICT, respectively: Serbia with 86%, Bosnia and Hercegovina with 78%, Kosovo (43%), Albania and Montenegro 33% and North Macedonia 17%. Albania is the only one that 17% of participants evaluate as a lot of work done in this regard (as per reference of graph 44). Even in regional perspective, the percentage of participate that assess not enough or a little work done in regards in use of ICT and human trafficking in children, is almost 70% (as per reference of graph 45). As GRETA recommend for MARRI Participants, it is very needed to emphasis the attention of all authorities and develop training about ICT and human trafficking focusing mostly in children.

Graph 46 Government attention vs use of ICT and child trafficking, for each



Graph 47: Government attention vs use of ICT and child trafficking, in regional level

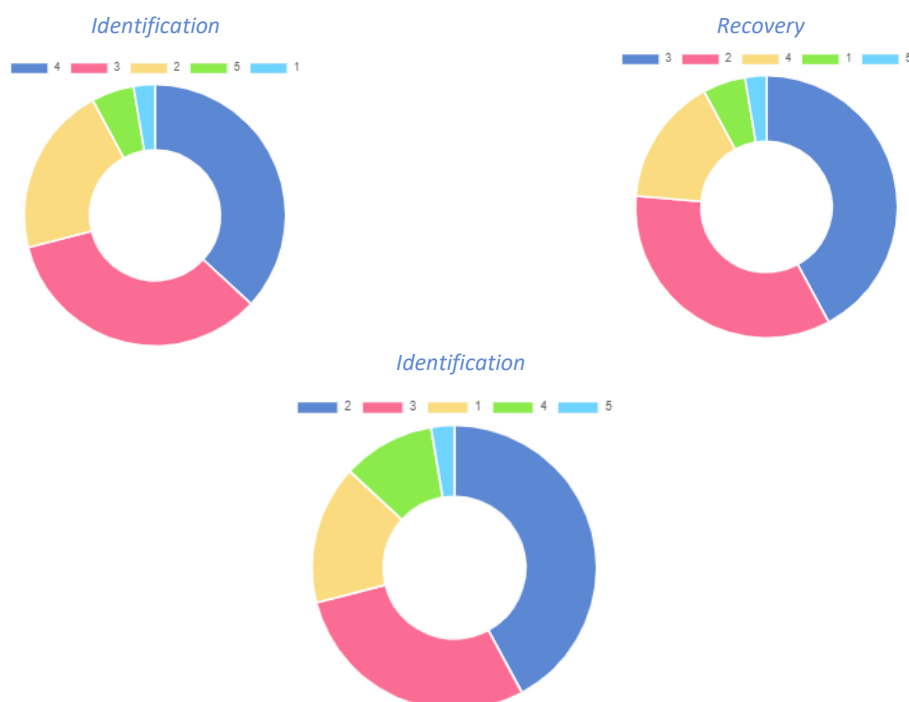


Source: Ministries of Interiors of Marri Participants, given for the scope of this study, March 2022

*Note: 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.

Referring to the additional measures taken during these four last years (2018-2021), about effects and contribution in identification of trafficked persons, almost 70% of engaged representative in MARRI Participants level trust that these measures has been effective and very effective. Measures taken for recovering the trafficked persons, are evaluated not so much effective by 75% of interviewers. In the same level of 70% is consider also the measures taken for issuing social inclusion to victims of trafficking (as per reference of graph 48). This lead us to the recommendation for better improvement of measures that could contribute to the effective identifications of trafficked persons.

Graph 48: Additional measures effects, in regional level (1 being “Less effective” and 5 being “Most effective”)



Source: Ministries of Interiors of Marri Participants, given for the scope of this study, March 2022

Note: *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.

Recommendation - Regional Cooperation among MARRI Participants

- Strengthening regional cooperation in the prevention, identification, protection and referral of victims of human trafficking with respect of their fundamental human rights.
- The need to continue enhancing cross-border cooperation and exchanging best practices on combating cross border organized crime with particular focus on human trafficking and migrant smuggling among the first line service providers, law enforcement officers, judges and public prosecutors.
- The importance of strengthening bilateral and regional cooperation between the Commissions by concluding agreements and memoranda of cooperation.
- The need for continuous maintenance of the network of National Coordinators, exchange of experiences and participation in international activities;
- States can do the least to establish a legal mechanism and provide victims with access to appropriate and effective remedies, such as compensation, regardless of their immigration status, information, legal advice and services available in a language that could understand.
- In regional level, provide additional technical training on technology and how it works to all police officers. In more complex cases, teams with multidisciplinary skill sets might need to be set up, e.g., by bringing together investigators, financial specialists and cybercrime specialists.

- In regional level, it is needed that each MARRI Participants to allocate sufficient resources to victim protection, including specialized services for adult male victims, and ensure the sustainability of the mobile identification teams and the shelter for trafficking victims; It is especially important that the intention of the law is for the victim to receive compensation by the state at the earliest stage, before the procedure is finally completed.
- Produce regional info brochure in Ukrainian language with all necessary information in regards to Marri participants capacities, regulations and mechanisms for refugees and AT NRM, as well as on risk of trafficking.

3.2. Regional data on Trafficking in Human Beings

The data provided in this research has been collected by Ministry of Interior of MARRI Participants via official communication. The MARRI Network of Coordinators ensured a harmonized approach to the data collection at MARRI authorities, with exception of Albanian Ministry of Interior. Other important resource of data explored were also public sources provided by national rapporteurs and/or equivalent mechanisms on trafficking in human beings together with relevant authorities and civil society organizations of MARRI participants. Important resource of information is considered also statistical data published about THB, data published on different monitoring reports, referring to GRETA and TIP reports. The reference period for this research is 2018 – 2021.

Statistical data published

Available data published in national statistics institution of MARRI Participants, give a poor information about THB. Limited resources are available about published data for trafficking in human beings, which also these needs to provide updated and more disaggregated information about: gender, age, citizenship, etc.

Referring to annually publication “Women and Men” issued by the National Statistics of Institutes of each MARRI Participants, only Albania gives some general updated data referring years 2018, 2019 and 2020. Total percentage of human beings trafficked is 19% referring to year 2018, 20% to year 2019 and decreased in 12% during a year 2020. Referring to the gender of human beings trafficked, remains the higher the percentage the adult women damaged in comparison with adult men damaged, respectively 57,9 in 2018 and 50% in both last reported year 2019 and 2020.¹⁷⁰ Trafficking of minors in Albania for year 2020 is reported to be only 1 girl and 1 boy.¹⁷¹ Serbia is other country that gives a few data about ThB in annual publication “Women and Men in the Republic of Serbia” referring the period 2014 - 2019. Number of women victims of trafficking for year 2014 is reported 24 and number of men (referring to the same year) is 101. This situation changes on the report of year 2019, when there are 32 women victims of trafficking and 7 men victims.¹⁷² North Macedonia, Montenegro and Kosovo*, in their most recent reports published about “Women and Men”, do not provide any data or information about trafficking of human beings. Referring to Bosnia and Hercegovina, there is no report published about “Women and Men”. National Statistics of Institutes

¹⁷⁰ INSTAT, “Men and Women in Albania 2021”, table at page 96; Available at [burra-dhe-gra.pdf \(instat.gov.al\)](#)

¹⁷¹ INSTAT, “Men and Women in Albania 2021”, table at page 95; Available at [burra-dhe-gra.pdf \(instat.gov.al\)](#)

¹⁷² Women and Men in the Republic of Serbia, Belgrade 2020, table at page 246; Available at [Žene i muškarci u Republici Srbiji / Women and Men in the Republic of Serbia, 2020 \(stat.gov.rs\)](#)

* 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.

of MARRI Participants, by using their annual publication “Women and Men”, could provide updated and unified data on regional level about trafficking in human beings.

The Counter Trafficking Data Collaborative (CTDC) is other public source and the first global data hub on human trafficking, with data contributed by organizations from around the world. This Global data hub on human trafficking is use-friendly interface. The victims of trafficking data presented in this global data hub come from either the case management services or the hotline reports from CTDC contributing organizations. These data have been collected since 2002 in the case of case management services and 2015 in the case of hotline services, which could not give contribution for the indented period of this report, 2018 – 2021.

CEDOW and CRC reports of each MARRI Participants shows no data about THB.

From each of engaged representatives in this research from MARRI Participants are confirmed different resource for **official THB data**, even that they could be from the same territory. In Albania representative confirms different source for THB data, as: National Referral Mechanisms, Ministry of Interior, NGOs or Police Directory. In North Macedonia the official sources confirm are: Official report of the National anti-trafficking Commissioner (which obtain data by all relevant national institutions, international organizations and NGOs), National committee Annual Report, Ministry of Justice, Procedures, Court, CSOs, shelters. In Bosnia and Hercegovina is mention that there are no common available data system or source (statistical systems and basic data); some data are available on the quarterly and annual reports of the Ministry of Interiors. In Serbia are indicated reports of the Center for the Protection of Victims of Trafficking in Human Beings. As for Montenegro, only one available source has also been reported. Namely, the Ministry of Interior’s Department for Fight against Trafficking in Human Beings sublime statistical data on THB crime from the police, prosecutors and courts. (Luka Kovačević, NGO “Pravni centar”, TBH focal point, March 2020). Even in Kosovo* official public systems with THB data is considered a big challenge. Even though some of the Institutions that provide THB data are: Kosovo* Prosecutorial Council, Kosovo* Police, Judiciary Annual Reports. Good news for Kosovo* is that by 2023 will be establishment the database about THB. 13

Some representative from all MARRI Participants confirms also that no official source of data exists about THB in national level. Also some of them identify the need to have one and consolidated national data about THB.

“From 2008 to 2010, ICMPD has implemented as specific project to data collect and set up a software system about cases and data on human trafficking to responsible state authorities about ThB; Today not sure if this system is still operational. Currently, the only public available information about data, is the annual report of the “National Commotion against Trafficking in Human Beings.”

Elena Petreska, Head of ICMPD Office in Skopje, North Macedonia, March 2022

Referring to **other (external) sources for exist of THB data**, representatives engaged for Albania, consider:

* 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 data provided by the civil society, in their websites, or social media; Case counseling and consulting lines also provide data; identify victims of trafficking by NGOs; Data presented on different researches
- Reports of partner organizations of the KKSAT network: “Vatra”, “All different all equal”, British embassy, UNICEF.
- Unified SOP, but this is a new mechanism.
-

Representatives engaged for North Macedonia, consider as alternative THB data:

- GRETA, TiP report, NGO secondary data reports, and others.
- IOM also has data for provided services for VoT by the mobile teams.

Representatives engaged for Bosnia and Hercegovina mention as (external) sources about THB data: Reports from NGOs and International organizations; Council of Europe and OSCE. Key stakeholders engaged in this research from Serbia and Montenegro, consider as (external) source NGOs, Judicial bodies and SOS lines. Kosovo* interviewed mention GRETA and TiP Report, TAIEX evaluation report.

Regional (MARRI Participants) data hub on human trafficking needs to be available with published data referring to trafficking in human beings; These data need to (1) be demonstrated in friendly interface, (2) updated and (3) detailed by providing specific information about gender, age, citizenship etc.).

MARRI Network of Coordinators and/ or Ministry of Interiors of MARRI could publish updated and unified data about THB.

“Referring to the number of victims of pornography or violence, - these are not related as the cases of human trafficking, until the case has been proven on the trial road.”

Representative from Department of Criminal Police, General Directorate of State Police, Albania, March 2022

Recommendations about data on Trafficking in Human Beings in Regional level

- National Statistics of Institutes of MARRI Participants, by using their annual publication “Women and Men”, could provide updated and unified data on regional level about trafficking in human beings.
- A need to have one and consolidated national data about THB.
- Regional (MARRI Participants) data hub on human trafficking needs to be available with published data referring to trafficking in human beings; These data need to (1) be demonstrated

* 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

in friendly interface, (2) updated and (3) detailed by providing specific information about gender, age, citizenship etc.).

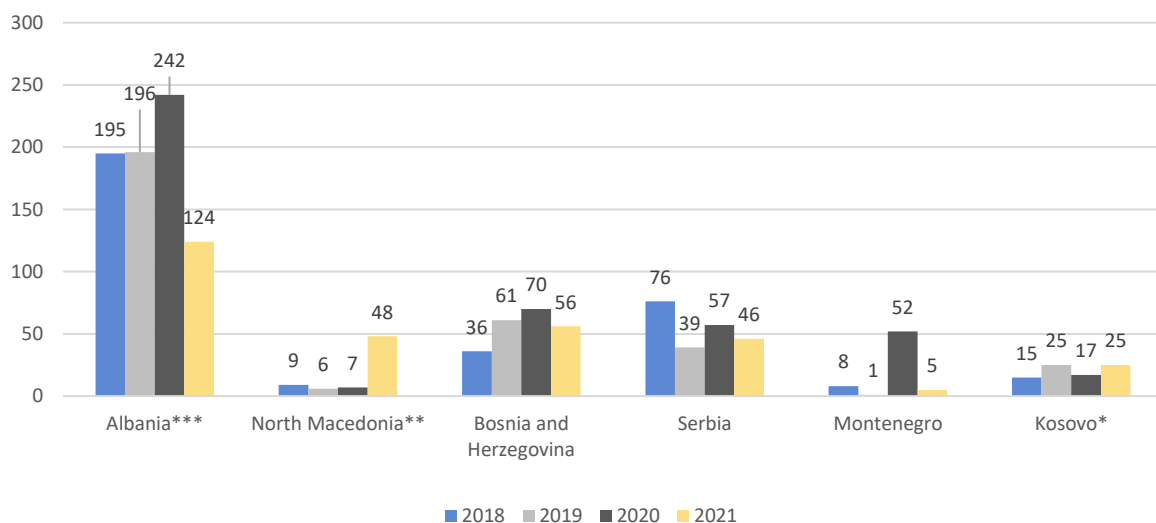
- MARRI Network of Coordinators and/ or Ministry of Interiors of MARRI could publish updated and unified data about THB.

Data on Trafficking in Human Beings (2018-2021) provided by Ministry of Interior/Security of the MARRI Participants

Referring to the data shared by Ministries of Interior of MARRI Participants, for the scope of this research (March 2022), Albania * report to have the highest number of trafficked persons during these four last years (2018 - 2021), respectively 195, 196, 242, 124 cases. After Albania, Serbia and Bosnia and Herzegovina have the highest number from other MARRI Participants for each consecutive year.

It is important to mention that data for Albania are provided by NGO “NISMA”, for the scope of this research (March 2022), without being possible to have official data by Albanian Ministry of Interior. The discreteness of data between Government official data and NGOs data is somehow demonstrated in the graph below, which shows three times higher the Albanian cases in comparison with THB cases of other MARRI Participants.

Graph 49: Total number of THB, MARRI Participants (2018 – 2021)



Source: Ministries of Interiors of Marri Participants, given for the scope of this research, March 2022

*Note: 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.

**Note: Albania is represented in this study based on data shared by Albanian NGO “Nisma”, as State Institutions did not share data referring to this study.

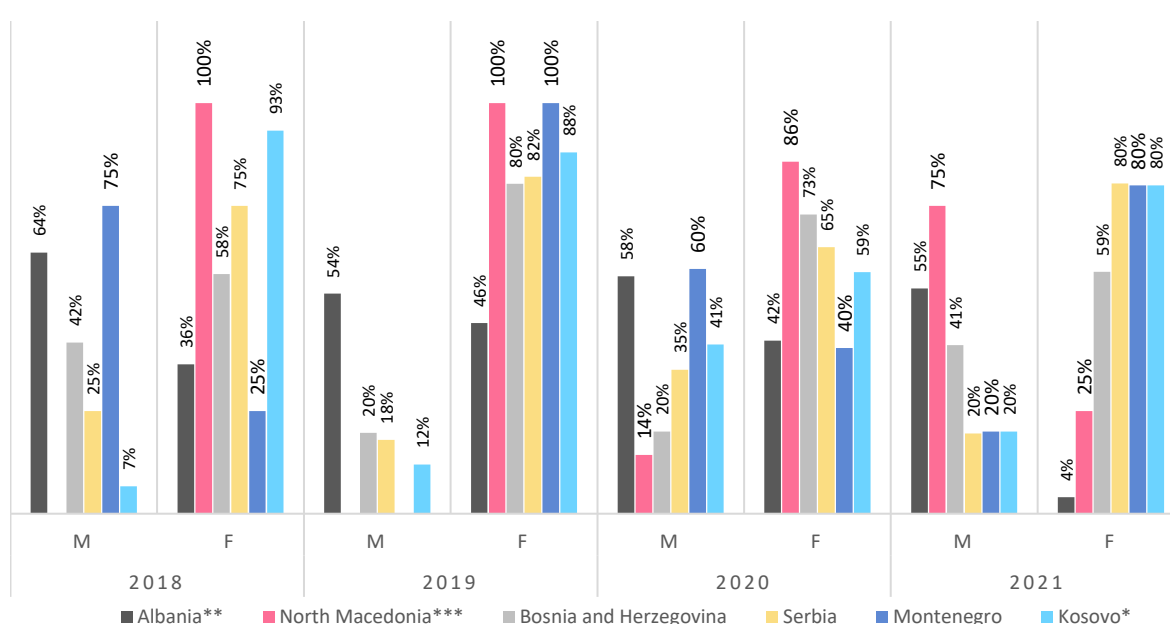
***Note: On the data sheet provided by Ministry of Interior of North Macedonia (March 2022) for the scope of this study, it is not reported the total number of THB; The research experts have calculated the total number of THB cases based on reported number of identified victims for each respective year.

Referring to **the gender data of trafficking persons** within the observed years (2018-2021), it is evidenced that **the highest gender disproportion in the regional level is record on the year 2019**, in

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.

which the percentage of women and girls trafficked was significantly higher than the trafficking of boys/ men. As most detected victims are adult women, which still continue to be in the same profile of the victims dominated by women/ girls. The countries that have a higher percentage of trafficked girls/ women in relation to boys/ men in the 4 years analyzed (2018-2021) are: Bosnia and Herzegovina, Serbia, Kosovo*. Albania is the only country that has the highest percentage of trafficked boys/ men in report with girl/ women for all last four (4) years analyzed. It is notice that North Macedonia has significant higher ratio of trafficked girls and women in relation to boys and men for the years 2018, 2019 and 2020; while during 2021 this ratio has been reversed by recording a higher percentage of trafficked boys/ men. Montenegro has a higher ratio of trafficked girls/ women in 2019 and 2021, and a higher ratio of trafficked boys/ men in 2018 and 2020.

Graph 50: Percentage of THB victims disagreed by gender, MARRI Participants (2018 – 2021)



Source: Ministries of Interiors of Marri Participants, given for the scope of this research, March 2022

*Note: 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.

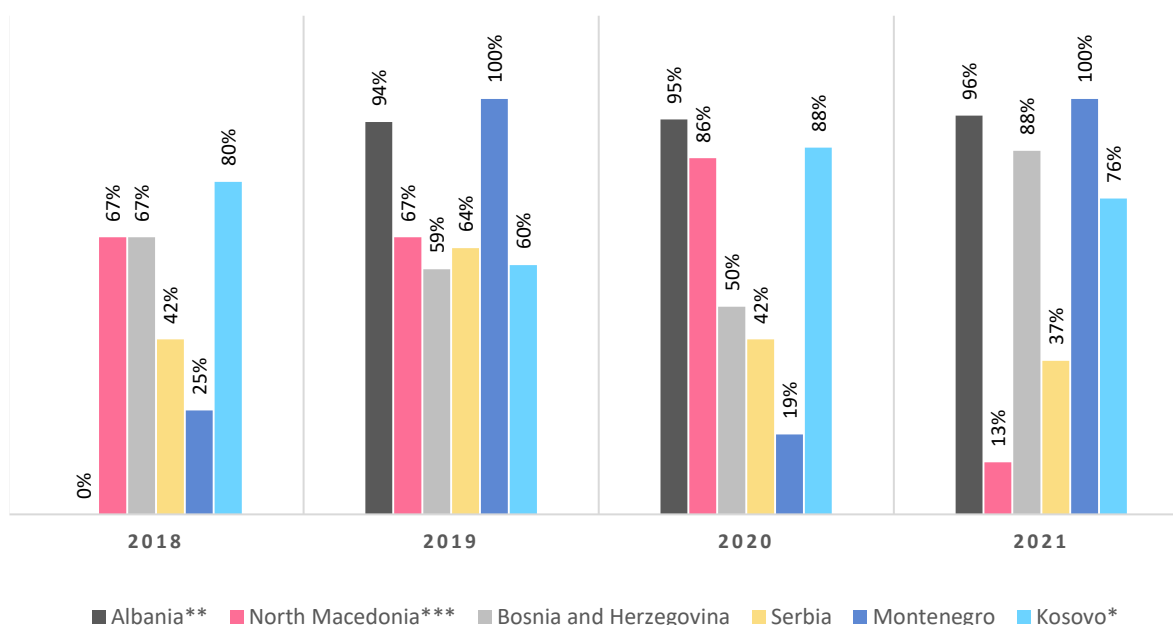
**Note: Albania is represented in this study based on data shared by Albanian NGO "Nisma", as State Institutions did not share data referring to this study.

***Note: On the data sheet provided by Ministry of Interior of North Macedonia (March 2022) for the scope of this study, it is not reported the total number of THB; The research experts have calculated the total number of THB cases based on reported number of identified victims for each respective year.

Referring to **the child trafficked data** within the observed years (2018-2021), it is evidenced that *the highest child trafficked data in the regional level is record on the year 2019*, in which the percentage of child trafficked in all 6 countries vary from 59% to 100%. Montenegro on the years 2019 and 2021 has recorded that all the trafficked persons were children (100%). Referring to the last year (2021), the countries that have the lowest % of children trafficked are North Macedonia (13%) and Serbia (37%). Meantime during 2021, the countries that have the highest percentage of children trafficked are: Montenegro (100%), Albania (96%), Bosnia and Herzegovina (88%) and Kosovo** (76%).

* 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

Graph 51: Percentage of Child trafficked, MARRI Participants (2018 – 2021)



Source: Ministries of Interiors of Marri Participants, given for the scope of this research, March 2022

*Note: 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.

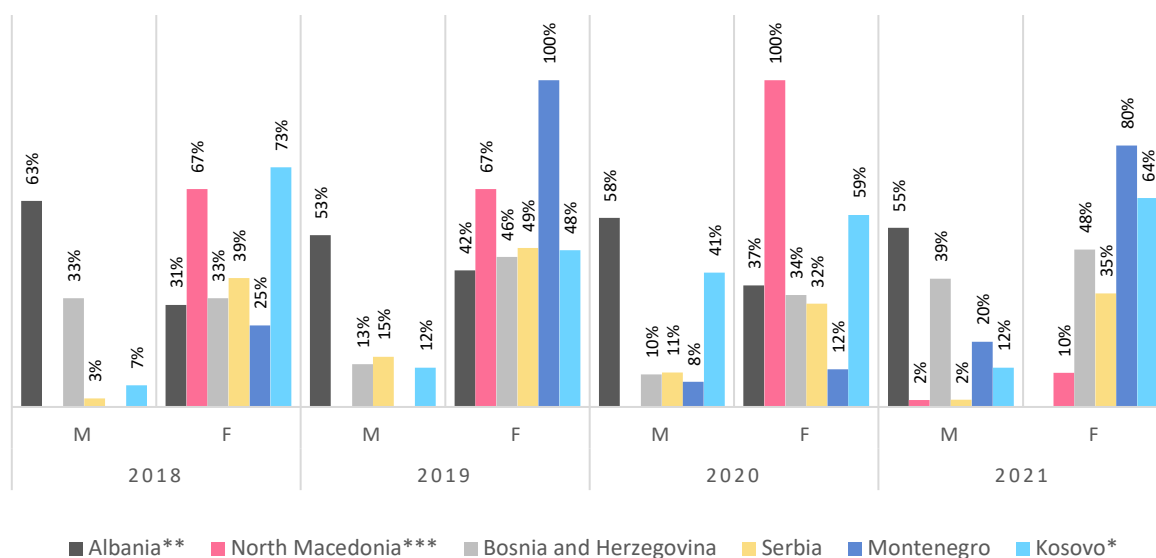
**Note: Albania is represented in this study based on data shared by Albanian NGO "Nisma", as State Institutions did not share data referring to this study.

***Note: On the data sheet provided by Ministry of Interior of North Macedonia (March 2022) for the scope of this study, it is not reported the total number of THB; The research experts have calculated the total number of THB cases based on reported number of identified victims for each respective year.

Referring to **the gender data of child trafficked** within the observed years (2018-2021), it is evidenced that **the highest gender disproportion in the regional level, even for children, is record during the year 2019**, in which the percentage of girls trafficked was significantly higher than the trafficking of boys. The countries that have a higher percentage of trafficked girls in relation to boys in the 4 years analyzed (2018-2021) are: North Macedonia, Montenegro, Serbia, Kosovo*. Albania is the only country that has the highest percentage of trafficked boys in report with girl in all the 4 years that have been analyzed. Bosnia and Herzegovina in the years 2019-2021 has a significantly higher ratio of trafficked girls in relation to boys, while in 2018 has been reversed the same percentage of trafficked girls as boys.

* 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

Graph 52: Percentage of Child trafficked disagreed by gender, MARRI Participants (2018 – 2021)



Source: Ministries of Interiors of Marri Participants, given for the scope of this research, March 2022

*Note: 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.

**Note: Albania is represented in this study based on data shared by Albanian NGO "Nisma", as State Institutions did not share data referring to this study.

***Note: On the data sheet provided by Ministry of Interior of North Macedonia (March 2022) for the scope of this study, it is not reported the total number of THB; The research experts have calculated the total number of THB cases based on reported number of identified victims for each respective year.

MARRI Participants data at a glance

Victims registered during the period 2018-2021:

- 1, 416 victims of trafficking were registered in the MARRI Participants.
- 34 % of the registered victims were trafficked for labour exploitation, 19% were trafficked for forced begging and 18 % were trafficked for sexual exploitation in the marri participants.
- The half (50%) of all registered victims were female (women and girls), 46% were men and boys and 4% were transgender in the MARRI Participants.
- The MARRI Participants territory with the largest number of registered victims were:
 - Albania** (757 cases)
 - BiH (223)
 - Serbia (218)
 - Kosovo* (82)
 - North Macedonia*** (70)
 - Montenegro (66)
- According to nationality and country of exploitation, 1,073 cases in the marri participants were recorded for internal trafficking.

Child trafficking:

- Children accounted for three quarters (75%) of all registered victims in the MARRI Participants.
- Almost the half (49%) of all registered child victims were boys, 46% were girls and 5% were transgender in the MARRI Participants.
- The majority of child victims (44 %) in the marri participants were trafficked for the purpose of labor exploitation, 18% were trafficked for mixed forms of exploitations, 15% were trafficked for sexual exploitations, 12% were trafficked for forced begging, 10% were trafficked for forced marriage and 1% for forced criminality.

Source: Ministries of Interiors of Marri Participants, given for the scope of this research, March 2022

**Note: 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.*

***Note: Albania is represented in this study based on data shared by Albanian NGO "Nisma", as State Institutions did not share data referring to this study.*

****Note: On the data sheet provided by Ministry of Interior of North Macedonia (March 2022) for the scope of this study, it is not reported the total number of THB; The research experts have calculated the total number of THB cases based on reported number of identified victims for each respective year.*

3.3. Regional analysis of the Impact of migration and the nexus between smuggling of migrants and trafficking in human beings

The trend of increase of number of asylum seekers and migrants in Western Balkan can be observed in many reports of international organisations. In 2015, the main route taken by asylum seekers and migrants was through Turkey and Greece to North Macedonia and Serbia, towards Hungary and then further into the European Union (EU). After the closure of the Balkan route in March 2016, which was facilitated by an agreement between Turkey and the EU, the route shifted towards Bosnia and Herzegovina¹⁷³.

The Spot prices Report of Global Initiative against Transnational Organised Crime (2021), provides comprehensive description of the main routes of the flow of asylum seekers and migrants in MARRI participants. This report uses data from UNCHR which are also referred at GRETA reports for the region. The increase of number of asylum seekers and migrants presents an indicator for the movement of population seeking for better life but also presents an opportunity for smugglers and traffickers to commit crime of trafficking in human being.

Table 3: Migration flow 2015- 2020

Country	2015	2016	2017	2018	2019	2020	Top 4 nationalities
Albania	2 047	915	1 049	5 730	10 561	11 971	Syria, Afghanistan, Morocco, Iraq
Bosnia and Herzegovina	133	766	4 489	23 902	29 196	16 211	Pakistan, Afghanistan, Morocco, Bangladesh
Kosovo	N/A	16	147	590	2 081	1 910	Syria, Afghanistan, Algeria, Iraq
Montenegro	N/A	167	807	4 753	8 695	2 898	Morocco, Afghanistan, Iran, Algeria
North Macedonia	428 597	127 358	4129	16 895	40 887	41 257	Afghanistan, Pakistan, Bangladesh, Syria
Serbia	579 518	more than 60 000	69 900	45 400	30 419	39 648	Afghanistan, Pakistan, Bangladesh, Syria

Source: *The Spot prices Report Global Initiative against Transnational Organised Crime (2021)*

As it can be observed from the data above the number of illegal migrants in Albania increased from 1978 in 2013 to 11 971 in 2020. The increase has been particularly dramatic since 2018, when it became more difficult for asylum seekers and migrants to cross from Greece into North Macedonia, therefore pushing them farther west to Albania¹⁷⁴.

While border security between Greece and North Macedonia has been strengthened, the latter remains a key transit route for mixed migration flows. The route through North Macedonia is particularly popular with migrants from Pakistan and Afghanistan, who draw on the services of local

¹⁷³ <https://globalinitiative.net/wp-content/uploads/2021/05/Spot-Prices-Analyzing-flows-of-people-drugs-and-money-in-the-Western-Balkans-1.pdf>

¹⁷⁴ Ibid

smugglers and compatriots. According to the North Macedonian police, border authorities prevented nearly 25 000 attempts by migrants to illegally enter North Macedonia from Greece from January to September 2020¹⁷⁵. According to the official statistics for that period, 27 445 migrants were placed in registered camps in North Macedonia – 1 801 in Tabanovce and 25 644 in Vinojug – before being deported back to Greece. Migrants passing through North Macedonia are usually heading for Serbia or Kosovo*.

Asylum seekers and migrants enter Kosovo* from Albania and North Macedonia mostly on foot close to the official border crossings at Vermice and Hani i Elezit. Within seven days, they are provided with an ID card that enables them to move freely in the country. Most asylum seekers do not stay long. Some head for Montenegro or Serbia. But increased border controls have apparently caused a shift in the route, causing migrants to head towards Mitrovica in North Kosovo*. From there, they travel into Serbia, heading north to Subotica.

Montenegro has been on the Balkan route for migrants since 2018. The number of migrants registered in the country jumped from 807 in 2017 to 7 593 in 2019. The hotspots are the border zone with Albania near the Hani i Hotit/Bozaj border crossing, close to Podgorica and the border zone around Pljevlja, where migrants leave Montenegro and enter Bosnia and Herzegovina¹⁷⁶. There have also been reported cases of migrants entering Montenegro from Serbia.

Migration into Bosnia and Herzegovina has increased since 2018¹⁷⁷. In the south-eastern part of the country, asylum seekers and migrants come from Montenegro towards Trebinje, Bileća and Foca. The border between Serbia and Bosnia and Herzegovina is 363 kilometres long, 261 kilometres of which is along the Drina River, which is a well-established illegal smuggling route.

After crossing the river, mixed migrant groups move towards Sarajevo or to the Una-Sana canton in the north-west of the country, close to the border with Croatia. However, the biggest hotspot for the smuggling of migrants in Bosnia and Herzegovina is in Una-Sana canton. According to data from the Service for Foreigners' Affairs, as of December 2020 there were more than 3 200 migrants in the temporary reception centres in the area¹⁷⁸.

Serbia is a popular destination for asylum seekers and migrants as it borders four EU countries: Croatia, Hungary, Romania and Bulgaria. According to the UNHCR, in 2019, 30 216 migrants entered Serbia – almost twice as many as in 2018. *The Minister of Interior indicated that in 2020 more than 8 500 migrants had been stopped while trying to cross the Serbian border illegally*¹⁷⁹. Most asylum seekers and migrants trying to enter Serbia come via North Macedonia. There are also cases of migrants entering Serbia from Kosovo* and Montenegro. Migrants have also been seen entering Serbia from Bulgaria.

The majority of asylum seekers and migrants moving through the Western Balkans are from the Middle East and North Africa. Some are fleeing conflict, while others are economic migrants. The

¹⁷⁵ Benjamin Bathke, Ten alleged migrant smugglers arrested in North Macedonia, Info Migrants, 16 October 2020, <https://www.infomigrants.net/en/post/27979/tenalleged-migrant-smugglers-arrested-in-north-macedonia>.

¹⁷⁶ EU: Migracije i azil, Kancelarija za evropske integracije, 14 May 2019, <https://kei.gov.me/vijesti/199297/EUMigracije-i-azil.html?alphabet=lat>.

¹⁷⁷ UNHCR, Western Balkans – Refugees, asylum seekers and other mixed movements, December 2019, <https://bit.ly/3rd6n3F>.

¹⁷⁸ Služba za poslove sa strancima, Izvršeno izmještanje migrantskih porodica iz napuštenih objekata na području USK, Služba za poslove sa strancima, 7 December 2020, <http://sps.gov.ba/uncategorized/izvršeno-izmještanje-migrantskihporodica-iz-napustenih-objekata-na-području-usk>.

¹⁷⁹ Stefanović: Ove godine zaustavljeno više od 8.500 migranata koji su pokušali ilegalni ulazak, Danas, 23 July 2020, <https://www.danas.rs/drustvo/stefanovic-ove-godinezaustavljeno-vise-od-8-500-migranata-koji-su-pokusaliilegalni-ulazak>

* 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.

majority are from Syria, Afghanistan, Pakistan, Iran, Iraq and Morocco. Most migrants are young men between the ages of 15 and 30, while women and children are more common among asylum seekers. The latter, particularly those from Syria, tend to travel as families. However, there are reports of women and minors travelling alone, which makes them highly vulnerable.

The KI interviewed for this report acknowledge the increase of risk for trafficking in human beings with the increase of migration. They also make the clear distinction between smuggling of migrants and trafficking highlighting that while migrant smuggling presents a deal between a person and a smuggler for moving illegally from one place to another, trafficking of persons can be a hidden goal as part of this deal and then we face trafficking of human beings.

KI interviewed for this research emphasised the need to increase vigilance of the authorities in detecting these type of crimes as well as be able to identify potential victims of trafficking of human beings. Although authorities of MARRI region have undertaken steps to strengthen border control and have made progress in strengthening regional cooperation, they also highlight the need to strengthen capacities of the authorities dealing with trafficking in human being and in particular children among migrants and identification of potential victims. The same concerns were also raised with GRETA reports.

MARRI Participants and Ukraine flows

With some 3.5 million people already forced to flee Ukraine since Russia's military attack began less than a month ago, a rapidly increasing number of those in need of protection mean a concerted effort is crucial to provide them with longer-term assistance, said the OSCE Office for Democratic Institutions and Human Rights (ODIHR, WARSAW, 22 March 2022).

The risks faced by those fleeing or displaced by armed conflict are high, with women and children particularly vulnerable to human trafficking. While the efforts of governments and civil society in Ukraine and neighbouring countries have been focused on the immediate risks and on ensuring the protection of those fleeing Ukraine, there is a lack of coordination at border crossings, transportation hubs and reception facilities, as well as a lack of information for refugees as they arrive on the threat of becoming a trafficking victim. ODIHR is currently planning a number of anti-trafficking responses, including specialized support for countries neighbouring Ukraine and assistance in strengthening their anti-trafficking response systems (ODIHR, WARSAW, 22 March 2022).

MARRI Participants are preparing for a potential wave of refugees from Ukraine, as Russia's military offensive in the country intensifies. Officials in Montenegro are stating they are ready for large numbers of refugees and have prepared the infrastructure for their arrival, while Kosovo's parliament has passed a resolution for coordination actions with international partners, and expressing a readiness to shelter up to 5,000 Ukrainian refugees and 20 journalists from Ukraine for 6 months. North Macedonia's government is ready to admit Ukrainian refugees while preparing legal changes to ease entry procedures for Ukrainian arrivals. Serbian officials, as well, have expressed Serbia's readiness to provide all kinds of humanitarian aid to the endangered population of Ukraine, as well. Simultaneously in all Western Balkans countries, there are ongoing humanitarian initiatives organized by the local communities and CSOs. Catalyst Balkan has systematized information on humanitarian actions through which to support the people of Ukraine in these unenviable times, active through the Balkans Counties

Referring to the contribution given by Elena Petreska, Head of ICMPD Office in Skopje (North Macedonia, March 2022), -ICMPD has start to discuss this and will be issuing policy brief related to the situation, referring to number of refugees coming in MARRI Participants. ICMPD is in touch with relevant institutions and cooperate with some of MARRI Participants to offer them the direct support, expertise and what else is needed. This is done in high management level, and we are taking actions and plans in this initial phase.

As per reference of the UNODC representative interviewee for the scope of this research (March 2022) a special attention is given to the war in Ukraine. It is more than obvious that the concerns and the responses from the states should be alert and targeted international action is urgently needed to stop crimes like trafficking in persons and smuggling of migrants. The outbreak of conflict and war increases the exposure of women and girls to war crimes, especially all forms of gender-based violence, arbitrary killings, rape, and trafficking. Having in mind that the trafficking infrastructure is already in place between Ukraine and various states, (and in this regard, according to data from the International Organization for Migration, since 1991, at least 120,000 Ukrainians have become victims of human trafficking) the access to potential victims has just significantly increased. In other words, there is an urge for effective measures to be put in place to coordinate the assistance between the countries, protect the people from violence, and ensure full accountability for those responsible for such crimes.

Considering very important the role and contribution needed by NGOs in management of flows in this vulnerable situation, Marija Todorovska, Program director of NGO La Strada (North Macedonia, March 2022) stated their engagement with German, Austrian and Ukraine partner about informing women and girls about the risk of being trafficked. NGO La Strada is in process of collecting data. We have our SoS line to give first information and also to provide online information to Ukraine girls and women, in their own language, how to protect themselves for being trafficking. Important attention is needed to be given about finding housing, material aid and others. This is really critical and we should be prepared in European level and be here to protect these people.

Among the most vulnerable people in Ukraine after the outbreak of War are about 200,000 children in orphanages in Ukraine (BBC, MARCH 2022). Jeremy Locke, a U.S. military veteran who is assisting in the safe passage of children, said - *children are at risk from criminal gangs. There is so much confusion about what is happening now, especially when Russia started invading Ukraine. There are still thousands of these orphans who are at risk. And as Russian troops continue to advance, that makes them even more vulnerable.*

(Rec) All countries of the OSCE have recognized that the rights of people at risk of displacement or already affected by it “need to be effectively protected in all phases of the conflict cycle” (Vilnius 2011). OSCE countries have also committed to “promote dignified treatment of all individuals wanting to cross borders, in conformity with relevant national legal frameworks, international law, in particular human rights, refugee, and humanitarian law” (Ljubljana 2005). These commitments are now more important than ever.

Helga Gayer, President of GRETA, said: “Public officials and civil society organisations in countries receiving Ukrainian refugees must be alerted to the risks of human trafficking and exploitation. Urgent steps must be taken to strengthen coordination at border crossings and reception facilities and to ensure the accurate registration of refugees and their access to necessary documentation, residence permits and essential services.” (STRASBOURG 17 MARCH 2022)

GRETA is also deeply concerned for the safety of the staff of civil society organisations working in the field of anti-trafficking in Ukraine, and the plight of the many victims of human trafficking who are

being assisted by them. GRETA has already noted in its second report on Ukraine, published in 2018, the heightened vulnerability to human trafficking of the millions of internally displaced persons (IDPs) who were forced to flee their homes following the illegal annexation of the Autonomous Republic of Crimea and the City of Sevastopol in 2014 and the armed conflict in Donetsk and Luhansk regions. The difficulties already faced by these IDPs are aggravated by the current military attack by the Russian Federation, putting them at even greater risk of re-victimisation (STRASBOURG 17 MARCH 2022).

GRETA recalls the obligations of the 48 State Parties to the Council of Europe Convention on Action against Trafficking in Human Beings to prevent human trafficking and to identify and protect victims of trafficking. These obligations continue to apply – and have an increased relevance – in times of emergency, such as the massive arrival of refugees. The Convention recognises the importance for States Parties to enable migration to take place legally. It also requires Parties to put in place adequate identification procedures which enable the detection of victims of trafficking, including among people seeking international protection, and to enable them to exercise a series of rights to assistance, protection and compensation. GRETA's Guidance Note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection is of relevance in this respect (STRASBOURG 17 MARCH 2022).

3.4. Challenges and good practices from the region for improving the policies and procedures for combating Trafficking in Human Beings

*In Southeastern Europe, the problem of human trafficking is compounded by the instability of civil societies and the weakened rule of law, which gives more scope to criminal activities and organised crime... Many trafficked women and children are falling back into the trafficking cycle due to gaps in service and support provision both in the destination country and the country of origin. Access to reliable data and research is also problematic, particularly to information regarding the trafficking of children. ... There are not enough prevention measures focusing on the root causes of trafficking.*¹⁸⁰
UNICEF, 2002

Adoption of the UN Convention against Transnational Organised Crime and its protocols, and the establishment of the Stability Pact Trafficking Task Force in Human Beings (SPTTF)¹⁸¹ in September 2000, was a turning point and a moment when Marri's participants launched their first anti-trafficking initiatives. Before that, there was no institutional response or co-ordinated actions. At that time, there were only isolated activities of some specialized NGOs.

With different dynamics, a lot has been done over the next twenty years. It seems, unfortunately, that some challenges from the beginning continue to exist in a similar way even today. In addition, it appears that some of these problems are common for all Marri participants. One of the main comments of KIs is that, although the systems have been established in the region and relevant policies and legislation adopted, the implementation in practice is still insufficient.

¹⁸⁰ Limanowska, Barbara "Trafficking in Human Beings in Southeastern Europe", UNICEF (2002). Available at <https://www.refworld.org/docid/49997af812.html> (Retrieved March 2, 2022)

¹⁸¹ The Stability Pact for Southeastern Europe's "Task Force on Trafficking in Human Beings" was launched in September 2000 under Working Table III on Security Issues, sub-table on Justice and Home Affairs, The Austrian Chairmanship of the Organisation for Security and Co-operation in Europe (OSCE) seconded Minister Helga Konrad as the first chairperson.

In all the Marri participants **National Referral Mechanisms** have been established, and related Standard Operating Procedures adopted and revised during the time. Having in mind the dynamic of the phenomenon of human trafficking, changes and improvements in procedures are necessary for adequate and proactive victim identification and referral to protection services. In most cases, at least declaratively, a Human Rights Based Approach is accepted as a principle/standard that should govern the functioning of NRM. However, in practice, there is a tendency to perceive procedures and mechanisms from the law enforcement perspective and/or fight against (organized) crime. In this way, some of the victims' rights may be neglected, and the importance of a victim-centered approach diminishes.

Examples of good practice: The system of identification in North Macedonia and Serbia is such that the status of a victim is not connected with criminal investigations or the prosecution of traffickers or results of prosecutions. Instead, victims are treated as persons in need of social welfare and the provisions of the Social Protection Law and bylaws are applied to them (not the Criminal Code).

Positioning of identification in a system of social protection or similar system, is not a guarantee of the victims' rights per se, but it is certainly a good precondition.

Multisectoral cooperation and partnerships. Most of the KIs emphasized the importance of cooperation within the NRM, but also beyond - within the region. Nevertheless, some CSOs reported on different tactics of authorities to disadvantage CSOs and or to shrink space for the civil society¹⁸², as well as that their expertise is not respected enough. This is also pointed out in the recent TIP reports: *Update the national referral mechanism by formalizing cooperation with and reimbursement to NGOs and delegating specific roles and responsibilities to government agencies Government decreased resources to NGO-run shelters..., etc.*

Formalizing cooperation and awarding grants to CSOs is often a good starting point for strengthening cooperation, which is influenced by many other variables.

Examples of good practice: Non-governmental organizations Association "Medica" Zenica and the International Solidarity Forum EMMAUS, in accordance with the signed Protocols on mutual cooperation with the competent Ministry of Security of BiH and in accordance with the signed Protocol with the Ministry of Human Rights and Refugees of BiH are authorized organizations for housing and supporting potential victims (foreigners and citizens of BiH). In North Macedonia the state shelter for the trafficking victims is run by NGO. The work in the Shelter is based on the protocol of cooperation between Ministry of Labor and Social Policy and Отворена Порта - Open Gate: La Strada Macedonia.

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In Albania there are models of good cooperation and inter-institutional coordination such as: NRM and RATCs.

Kosovo* has effective co-operation between the authorities and civil society organisations, inter agency cooperation through working in National Authority and drafting jointly the laws, strategies and rules of procedure aiming protection and support to the victims of THB enabled increase of efficiency in referral, protection and reintegration of victims of THB.

¹⁸² About EU response to shrinking space to civil society please see:
[https://www.europarl.europa.eu/RegData/etudes/STUD/2017/578039/EXPO_STU\(2017\)578039_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2017/578039/EXPO_STU(2017)578039_EN.pdf)

Networking is powerful tool for NGOs. In some cases, the cooperation of these organizations lasts for more than fifteen years, like National Coalition of Anti-Trafficking Shelters in Albania, which has been active from 2007. There is also a long-standing cooperation of NGOs in the region, among Marri participants.

Regional cooperation. In addition to intersectoral cooperation, regional cooperation is of great importance for the effective suppression of trafficking in human beings and organized crime, but also within the transnational referral mechanism.

Examples of good practice: The national antitrafficking coordinators from South-eastern Europe meet twice a year, with a support and assistance of MARRI and ICMPD (acting as a Secretariat).

In 2016 Albania, Kosovo* and Montenegro signed Co-operation agreements as part of the transnational co-operation mechanism established through a project led by the NGO Terre des hommes, which includes Albania, Kosovo*, Montenegro, and North Macedonia.

In October 2019, Montenegro and Bosnia and Hercegovina signed a Protocol on the non-statutory trafficking of the persons and a Protocol on cooperation in search of missing persons, creating the necessary legal preconditions for addressing one of the key issues in their bilateral relations.

In July 2020 the working arrangement was signed between the Minister of the Interior of Kosovo* and Europol that paves the way for collaboration and joint investigations between EU member states and the Kosovo* authorities.

In December 16, 2019, the AT Cooperation Agreement was signed between the Government of the Republic of Serbia and the Government of the Republic of Northern Macedonia. Two more bi-lateral agreements have been initiated (UAE and Montenegro; agreement with the United Arab Emirates is in the final phase).

Local/regional anti-trafficking teams. Over time, anti-trafficking activities are increasingly decentralized and the structure of the NRM is changing in line with local context. In almost all Marri participants there is a certain local structure that has in its mandate prevention of trafficking in human beings and / or victims support and assistance.

Examples of good practice: Regional monitoring teams in Federation of Bosnia and Herzegovina, the Republika Srpska and the Brčko District - Basic principle in organisation of the regional teams is representation of all governmental and non-governmental institutions and organisations which are competent and authorised for taking AT activities.

Local anti-trafficking teams in Serbia have been established in 17 cities in Serbia. Some local AT teams have succeeded to ensure the local budget for their work. Regular monthly meetings of a prosecutor specialized in THB with representatives of the police, local CSWs, and the shelter for victims in Novi Sad are example of good practice.

Mobile teams. The role of mobile teams in early identification of VoTs is recognized and their functioning has been confirmed in practice. In some of Marri participants intersectoral mobile teams have been established and some are not functional anymore, while some CSOs have mobile teams within their own programs (CSO ASTRA, CSO Atina).

Examples of good practice: Project Enhancing identification and resilience of (potential) victims of human trafficking in the Western Balkans - Scaling up Mobile Identification Team(s) Approaches in Combating Trafficking in Human Beings in the Western Balkans (under umbrella of Regional project Preventing and Combating Trafficking in Human Beings in the Western Balkans - PaCT) implemented by World Vision International in Bosnia and Herzegovina (WVI in BiH).

Survivors of Trafficking Advisory Groups/Boards. The role of survivors and survivor leaders in all aspects of NRMs is crucial. Their experience should inform all policies and practices within the NRM.

Examples of good practice: In Albania a consultative group of the trafficking survivors has been established. They have been consulted on various anti-trafficking policies at the national level.

In 2020, the **Advocacy Group of Human Trafficking Survivors** made its contribution to NGO Atina's comments on the revision of SOPs and presented it at a meeting with the National Coordinator. In its functioning Advocacy group is supported by NGO Atina.

Judicial practice. According to Trafficking in Persons (TIP) Report methodology '*whether the government vigorously investigates, prosecutes, and punishes trafficking*' is the most important indicator for assessing the countries and their overall anti-trafficking response. Actually, among Marri participants, the least progress has been made in this area. From year to year, some of the main deficiencies mentioned in the reports are obstacles in the realization of the protection and respect of the rights of the victim at court including rights on compensation, length of proceedings, trend of mild penal policy, etc.

Examples of good practice: To increase efficiency in fighting and sentencing the crime of THB, Kosovo Prosecutorial Council (KPC) adopted Special Operating Procedures for Conducting Investigation and Prosecution of Trafficking in Human Beings, in July 2020 and Kosovo Supreme Court adopted New Sentencing Guidelines, in February 2018.

As for the rights on compensation in North Macedonia, victims are regularly informed of their rights, including the right to compensation, from the earliest stage - preliminary identification (done by the mobile teams). New Law on compensation for victims of violent crimes is in the procedure for the adoption. The intention of this law is for the victim to receive compensation by the state at the earliest stage, and before the procedure is finally completed.

Regarding, continuous monitoring of the judicial practice related to the position, protection and access to rights of the victims of trafficking and other crimes through monitoring and analysis of judicial practice, two examples of good practices have been reported: NGO ASTRA annual *Analysis of Judicial Practice for 2019 for the Crimes of Mediation in Prostitution, Trafficking in Human Beings and Trafficking in Minors for Adoption*¹⁸³ and the OSCE Mission to BiH *Report Ensuring Justice for Victims of Trafficking in Human Beings: Response of the criminal justice system in Bosnia and Herzegovina, with recommendations*.¹⁸⁴

Effective prevention of child trafficking. A comprehensive approach that would include programs related to causes and risk factor to child trafficking is still rare in the practice of Marri participants.

¹⁸³ <https://www.astra.rs/en/manuals-reports-studies/>

¹⁸⁴ https://www.osce.org/files/f/documents/6/f/509345_0.pdf

Much remains to be done in this area. GRETA also considers that the authorities should continue investing in social, economic and other measures for groups vulnerable to human trafficking.

Examples of good practice: The authorities in Montenegro have implemented a number of measures aimed at the Roma and Egyptian population and internally displaced persons, which have a potential to address the root causes of human trafficking.

Unfortunately, in addition to already existing challenges, new ones have been appeared. In less than ten years in already complex socio-political context of the Western Balkans, at least four emergencies/humanitarian crises have occurred (floods in BiH and Serbia in 2014, severe earthquake in Albania in 2019, COVID 19 pandemic and massive influx of migrants and refugees from 2015. COVID-19 and migrant crisis had direct influences on functioning of the NRM in the region. Unfortunately, in all these situations, already rather stretched system reacted slowly and inefficiently. So-called emergencies are a reality that must be taken into account in the future and react promptly, like war in Ukraine and refugee crises.

RECOMMENDATIONS

Based on the research and analysis for preparation of this report authorities of the MARRI participants are encouraged to undertake the following steps:

- to continue their work towards reaching the highest legislative standards in **criminalisation of the trafficking in human beings** and establish high minimum and maximum penalties for offenders particularly in cases of children victims and taking into account the gravity of the offence. The legislation guarantees should include also **quality access to free legal aid, rehabilitation and compensation of victims**.
- to prioritise the work in advancing **legal redress and compensation** including, counselling, free legal aid and **reintegration** of victims of trafficking;
- to adopt and ensure the necessary resources for implementation of the **National Strategies** in fighting Trafficking in Human Beings. Inclusion of all relevant actors in implementation actions and monitoring of the implementation of the Strategy should also be ensured.
- to continue work towards creating a good enabling infrastructure and increasing the efficiency of the work of the **National Mechanisms** working on identification, referral and support to victims of trafficking in human beings. Inter-agency coordination and cooperation should be continuous to ensure systematic fight against trafficking of human beings and enable adequate support for the victims.
- To strengthen **regional cooperation** of relevant authorities in fight against trafficking aiming to minimize the scope of operation for traffickers and provide victims with easy access to social protection, free legal aid and compensation with particular focus on **migrant victims** in regional Western Balkan cases.
- to strengthen engagement of the **relevant actors** in fight of trafficking in human beings such is the Labor Inspectorate and Prosecution Offices through establishing respective operation rules and procedures.

- to continuously advance and complement as necessary the **Standard Operating Procedures** in dealing with victims of trafficking in human beings in response to the new challenges, dynamic circumstances and evolving trends of this phenomenon in the region;
- to strengthen capacities of the relevant authorities and focus on **early identification** of the victims with special attention on identification of children victims or other vulnerable groups;
- to strengthen capacities of **social services** both in quantity and expertise in delivery of social protection, rehabilitation and reintegration support for victims of trafficking;
- to increase systematic work of police and prosecution in **investigating and prosecuting** the crime of trafficking and streamline the **data collection** modalities to enable clear picture and better track of flow of cases at the judiciary;
- courts are invited to contribute to discouragement and non-repetition of the crime of trafficking in human beings through taking **verdicts with maximum punishments** as foreseen with applicable legislation and international practice;
- to explore and strengthen cooperation with **education sector** to increase the awareness about the risks of trafficking and work on prevention of trafficking among youngsters
- authorities are invited to establish favourable environment for **cooperation with civil society actors** providing shelter, rehabilitation and integration for the victims as well as with those contributing to increasing the awareness of potential victims and general public opinion on the risks of trafficking and fight against trafficking in human beings.
- Authorities are also invited to strengthen **cooperation with media** to increase outreach and awareness of potential victims and general public and on the risk of trafficking with human beings;

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