

NGO Assessment Report

Implementation of the National Referral Mechanism in Macedonia, Serbia, Albania and
Kosovo

*Under the project
EuropeAid/128286/C/ACT/MULTI
Civil Society Organizations as a control mechanism in the actions against
Trafficking in Human Beings in the Western Balkans*

*Implemented by
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Introduction

The Center for Civic Initiative (CCI) in collaboration with the partner organisations Atina from Serbia, the Kosovo Rehabilitation Centre for Torture Victims (KRCT) from Kosovo and the Albanian Center for Human Rights (ACHR) from Albania, under the expert guidance from the Greek partner carried out the project “Civil Society Organizations as a control mechanism in the fight against human trafficking in the Western Balkans”. The aim of this project was to develop a methodology to assess the efficiency of National Referral Mechanisms (NRM) in Macedonia, Serbia, Kosovo and Albania as well as to identify gaps and needs for their operational implementation. The project partners came up with a catalogue of questions, the External Monitoring Tool (EMT) that provides guidance in collecting data and monitoring processes.

This report is based on information gathered through applying the External Monitoring Tool in the target countries and synergises the analysis of four country reports in one regional report. The main project partners organised Local Monitoring Structures in all target countries, launched the initiative in their respective countries and carried out the research involving all relevant institutions.

This report aims at determining the needs and analysing the shortcomings in the implementation of NRMs while presenting recommendations for their improvement. It provides an introduction into the anti-trafficking framework by highlighting recent legislative changes, institutional capacities and victim identification, referral and assistance mechanisms established in all countries. A detailed description of the mandates and responsibilities of all stakeholders within the respective NRMs leads to the summary of the findings of this research in the areas of cooperation between institutions, identification of victims, support services and victim protection, return and social inclusion of victims. The report ends with conclusions and recommendations related to improving the implementation of NRMs in terms of the local and regional cooperation in the Western Balkans.

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1. Introduction to the anti-trafficking framework

1.1. Legal framework

The general characteristic of the target countries is that they are considered to be countries of origin, transit and destination for victims of trafficking. Considering the circumstances and the countries' political priority for integration in the European Union, the last decade has brought major changes in the legal anti-trafficking framework in order to level it with that of the European Union in the fight against human trafficking. The **Council of Europe Convention on Action against Trafficking in Human Beings** is signed and ratified by all of target countries¹ and contains a tighter and more precisely formulated set of duties and mandatory measures that States must comply with regarding the issue of victim protection.

The countries have also made some changes in their domestic laws that are in line with the European legal framework. The countries have indeed made remarkable progress in framing their anti-trafficking legislation. However, there is a need for putting further efforts in their improvement and implementation. In the last decade the changes that were introduced to all **Criminal Codes**² regarding trafficking in human beings are in line with international standards, most notably the UN Palermo Protocol.³ A special, emphasise lays on the gravity of the offense of trafficking in minors as well as on improving the definition of the crime. There are differences in each of the countries regarding the length of punishment for the individual offenses. The Criminal Codes of the Republic of Serbia and Macedonia address the issue of "demand" by punishing customers for the use of services of a trafficked person, in case they knew or could have known that the person is a victim of human trafficking, and had used her/his position or allowed another person to use her/his position for exploitation with imprisonment from six months to five years.

Trafficking in human beings is addressed in a variety of different laws in each of the countries.⁴

Residence permits for trafficked persons are regulated in the Law for Foreigners in Kosovo, Albania and Macedonia while Serbia has adopted an Instruction on conditions for obtaining temporary residence permits for foreign citizens' victims of trafficking in human beings and Guidelines on the procedure of approving residence permits. Other important laws and by-laws concerning trafficking in human beings are the Law on Family, the Law on Social Services and the Law on Health Care.

All countries have developed National Strategies and Action Plans to combat trafficking in human beings. The authorities in all target countries claim that the implementation of the strategies is ongoing and that all relevant stakeholders are carrying out their tasks as agreed-upon.

Overall, the reforms in the legal frameworks of the target countries are made in accordance with the European framework.

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¹ Albania (signed: 22/12/2005, ratified: 06/02/2007, entered into force: 01/02/2008), Macedonia (signed: 17/11/2005, ratified: 27/05/2009, entered into force: 01/09/2009) and Serbia (signed: 16/05/2005, ratified: 14/04/2009, entered into force: 01/08/2009).

² For more details please see the respective Local NGO Assessment reports that served as basis for this report.

³ United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention on Transnational Organized Crime, 2000.

⁴ For instance, in Macedonia a new **Law on Criminal Procedure** (Official Gazette n. 150/2010) came into force on 26 November 2010. It seeks to "modernize the criminal justice system and its compatibility with European legislation; acceleration of criminal procedure, organizational and functional strengthening of the Public Prosecution." The new law foresees changes to the powers: police, prosecutors, and courts will play a different role in order to strengthen the effectiveness of the criminal justice system, particularly for serious crime, including trafficking in human beings.

1.2. Institutional framework

Actions against trafficking in human beings in all target countries are coordinated by inter-ministerial bodies at the strategic/political level. Their obligations are:

- To coordinate national and regional anti-trafficking activities,
- To create and follow-up on the implementation of national anti-trafficking strategies,
- To monitor and analyze the situation on trafficking in human beings,
- To cooperate with relevant national and international governmental and non-governmental stakeholders.

The inter-ministerial body⁵ in each of the countries is composed of representatives from the relevant ministries like the Ministry of Interior, Ministry of Labour and Social Policy, Ministry of Foreign Affairs, Ministry of Education and Science, Ministry of Justice, Ministry of Health, Office of the Public Prosecutor. In each of the countries it is the National Coordinator, who has the responsibility to oversee the implementation of anti-trafficking actions defined at the strategic level. The offices of the National Coordinators are differently structured from country to country.⁶

Albania

The Office of the National Anti-Trafficking Coordinator (ONCAT), which is part of the Ministry of Interior, was established in 2005. The post of the National Anti-Trafficking Coordinator (Deputy Minister of Interior) has been created to oversee the implementation of the National Strategies on combating trafficking in persons.

The National Coordinator's Office is not an executive body but rather a monitoring one. Its role is to follow up and report to the Government on all issues related to trafficking as well as to propose legislative amendments or specific allocations of funds in the state budget. The office prepares the National Strategy for the Fight against Human Trafficking and the National Strategy for the Fight against Child Trafficking in close consultation with shelter organizations and other civil society groups. It is, furthermore, responsible for the operations of the National Referral Mechanism, which identifies, protects and assists victims. In this respect, it coordinates the National Task Force and Coalition of Albanian Shelters and Regional Committees against Trafficking of Persons.

ONCAT also manages the Database for Victims of Trafficking that is part of the Total Information Management System (TIMS), which guarantees case work information for all parties while ensuring the privacy of victims. ONCAT's costs are absorbed by the Interior Ministry. Other agencies involved in anti-trafficking are the Ministry of Labour, Social Affairs and Equal Opportunities as well as the Ministry of Education, the Ministry of Foreign Affairs, the Ministry of Health, the Ministry of Justice, the Ministry of Tourism, and the Ministry of Defence. The costs of their anti-trafficking activities are paid by the respective ministries.

At the local level the main regional players are: the Regional Directorate of State Social Services, the Regional Anti-Trafficking Police, the Regional Education Directorate and the Regional Health Directorate. The Regional Committees for the fight against trafficking in Human Beings were created in 2006 in order to monitor and coordinate the work of all partners (state institutions and NGOs) at the regional level. Another important structure at the local level (municipality level) are the Child Protection Units (CPU). The CPUs are composed of at least one person, a child protection specialist, who belongs to the social assistance and services agency of the municipalities.

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⁵ National Commission to combat trafficking in human beings and illegal migration in Macedonia, Council for Combating Trafficking in Persons in Serbia, Office of the National Anti-Trafficking Coordinator in Albania, and Inter-ministerial Working Group in Kosovo.

⁶ For more details please consult the Regional Report "Comparative Analysis of the General Capacity of the NRM Structure and the Legal Framework in Albania, Serbia, Kosovo and Macedonia.

Macedonia

The National Commission's⁷ inter-ministerial body is composed of representatives from relevant ministries (Ministry of Interior, Ministry of Labour and Social Policy, Ministry of Foreign Affairs, Ministry of Education and Science, Ministry of Justice and Ministry of Health), the Office of the Public Prosecutor, the Basic Court 1 in Skopje and the customs office.

The executive body of the National Commission is the Secretariat⁸ which is composed of 17 representatives from institutions, international organizations and civil society.

The subgroup to combat child trafficking was formed in order to meet the challenges of child trafficking in terms of prevention, protection and prosecution. The working group is composed of state institutions such as the Ministry of Interior, the Ministry of Education and Science, the Ministry of Labour and Social Affairs, the Ombudsman, international organizations and the civil society organizations "For Happy Childhood" and "Open Gate - La Strada."

In Macedonia, the office of the National Coordinator is located within the Ministry of Labour and Social Policy, and began its work in September 2005.

Kosovo⁹

In Kosovo several institutions are responsible for drafting and implementing state policies against trafficking in human beings. The **Ministry of Internal Affairs** works through its Trafficking in Human Beings Section (THCIS) on prevention of crime and trafficking offences, protection of trafficked victims and prosecution of crime perpetrators as well as presentation of facts at the court. The **Ministry of Justice** through the Division for Advocacy and Assistance to Victims (DAAV) provides legal assistance and shelter for trafficked victims. The **Ministry of Labor and Social Welfare** through existing professional institutions such as the Department of Social Welfare, Department of Labor and Employment, Department/Institute for Social Policy, and Welfare Centers, implements policies as well as it offers services for the protection and long-term integration of trafficked persons. The **Ministry of Education, Science and Technology** plays an important role in the field of prevention through education and educational curricula. The **Ministry of Culture, Youth and Sport** offers trainings and awareness-raising activities for NGOs and informal groups in the field of prevention.

The **National Anti-Trafficking Coordinator (NATC)** has been established based on the decision of the Prime Minister¹⁰ at the level of Deputy Minister of Internal Affairs. The mandate of the NATC is to coordinate, manage, monitor, and report on the implementation of policies to combat trafficking in human beings, as well as to chair meetings of the inter-ministerial working groups.

The **Inter-Ministerial Working Group** is a group of representatives from central institutions, whose mandate is to coordinate policy implementation, and monitor and report on achievements.

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⁷ www.nacionalnakomisija.gov.mk – created in 2001, Official Gazette n.18/2001

⁸ Open Gate – La Strada, For Happy Childhood, Semper Bitola, Coalition all for fair trails, Center for Civic Initiative, Union of Women Organizations in Macedonia, international organizations: IOM, OSCE, ICMPD, UNICEF, UNHCR, MARRI, US Embassy, Embassy of the United Kingdom, Embassy of Sweden, experts from different governmental agencies, representatives from the Ministry of Interior, the National Referral Mechanism and the Agency for Youth and Sports.

⁹ See, Republic of Kosovo, National Strategy and Action Plan Against Trafficking in Human Beings, 2008-2011, Chapter II.3, p.14.

¹⁰ Decision Nr. 029 of the Prime Minister, dated 10 April 2008.

Prosecutors' Offices and Courts¹¹ are institutions responsible for the legal prosecution of traffickers, appropriate sentencing of crimes, ensuring anti-discriminatory treatment of victims before and after trials, and the confiscation of property and assets gained through the criminal act of trafficking. These institutions guarantee the application of legally binding compensation for victims of trafficking.¹²

Ministerial and Municipal Units for Human Rights implement policies for the promotion and respect of human rights at the central and local level.

International partners and local NGOs play also an important role within the institutional anti-trafficking framework. For instance, the U.S. Department of Justice's International Criminal Investigative Training Assistance Program (ICITAP based at the U.S. Embassy) has continuously assisted and provided valuable input in the process of drafting the Strategy and ICITAP staff has actively participated in the Working Groups. This document takes under consideration: (i) recommendations from the EC Progress Report on Kosovo 2007, (ii) assessments of the OSCE on the legal analysis of trafficking in human beings – the case of Kosovo from October 2007, as well as (iii) recommendations for establishing effective victim identification and referral mechanisms against trafficking in human beings at the national level, issued by the OSCE Office for Democratic Institutions and Human Rights and implemented in a number of OSCE member states. The International Centre for Migration Policy Development has prepared a "Guide for the Development and Implementation of a National Comprehensive Response against Trafficking". This document has helped in drawing up goals and objectives that are in full compliance with international standards and best practices. The International Organization for Migration has contributed by organizing and financing workshops to analyse the National Action Plan 2005-2007. The recommendations issued through this analysis have aided the drafting of the National Strategy and Plan 2008-2011.¹³

Serbia¹⁴

The National Referral Mechanism¹⁵ was primarily determined by the Strategy for Combating Human Trafficking in the Republic of Serbia¹⁶ as well as by mutual agreements of relevant actors. The mechanism is composed of two levels – the strategic and the operational.

The strategic level consists of the following:

The **Council for Combating Trafficking in Persons**¹⁷ was established by the Government of Serbia and comprises the following council members: Minister of Internal Affairs as Chairman of the Council, Minister of Labour, Employment and Social Affairs, Minister of Justice, Minister of Health, Minister of Education and Deputy Minister of Finance. The Council was created to coordinate national and regional activities in combating human trafficking, considers reports of relevant bodies of the international community, opinions and proposes measures to implement the recommendations received from international bodies.

Coordinator for fight against trafficking in human beings

The **Republic Team for Combating Trafficking in Persons** formed on 30 May 2002 as an interdisciplinary body composed of representatives of relevant ministries, NGO's and international organizations.

¹¹ The prosecution service in Kosovo is a hybrid system, with Kosovo and international prosecutors working separately within the same court system. In December 2006, there were ten international prosecutors who, since 2005, work under the centralised authority of the UNMIK's DoJ in Prishtinë/Priština. The international prosecutors focus exclusively on serious crimes cases, mainly involving war crimes, inter-ethnic violence, organised crime, and trafficking. Currently, there are 89 Kosovo prosecutors organised in 13 prosecutors' offices throughout Kosovo: the Office of the Public Prosecutor for Kosovo based in Prishtinë/Priština, five district prosecutors' offices, and seven municipal prosecutors' offices.

¹² See OSCE Mission in Kosovo, Assessment for Establishing a Referral Mechanism for Victims of Trafficking in Human Beings in Kosovo, October 2007, pp. 38

¹³ See, Republic of Kosovo, National Strategy and Action Plan Against Trafficking in Human Beings, 2008-2011.

¹⁴ See, Marijana Savic, et al., National Referral Mechanism for Victims of Human Trafficking in the Republic of Serbia, 2008, pp.11.

¹⁵ See, OSCE/ODIHR National Referral Mechanisms, Joining Efforts to Protect the Rights of Trafficked Persons: A Practical Handbook, 2004.

¹⁶ Adopted on the basis of Article 45, paragraph 1 of the Government Act, Official Gazette of RS, No. 55/05 and 71/05 – correction.

¹⁷ The decision of Serbian Government on the development of the Council for Combating Trafficking in Persons no. 02-6783/2004-1, October the 14th 2004

The **Advisory Board of the Republic Team for Combating Trafficking in Human Beings** was established in 2004 and is composed of the national coordinator with his associates, heads of the groups of the republic team and the representatives of the international organisations.

The operational level involves:

- 1) Judicial bodies and police (Department for combating organised crime, border police and other specialised teams in police authorities);
- 2) Agency for the coordination of the protection of victims of trafficking in human beings;¹⁸
- 3) Centres for social work
- 4) Specialised non-governmental and international organisations (NGO Counselling against Family Violence, NGO ASTRA; NGO ATINA; OSCE; IOM)

The Agency for the coordination of the protection of victims of trafficking in human beings is de facto the coordination centre of the National Referral Mechanism. In practice, it is police, who initially identify a potential victim. After that victims are referred to the Agency for formal identification and further coordination of assistance and protection measures for victims of human trafficking.

¹⁸ The Agency for the Coordination of the Protection of Victims of Human Trafficking was established within the Institute for the Upbringing of Children and Youth in Belgrade in December 2003 as a result of a joint project of the Ministry of Labour, Employment and Social Affairs and the OSCE Mission in Serbia and Montenegro. The Agency began its work in March 2004 and from 1 June 2005 it is fully integrated in the system of social protection under the auspices of the Ministry of Labour and Social Affairs.

2. Mandates and responsibilities of relevant stakeholders at the operational level of National Referral Mechanisms

Considering that the structures of the National Referral Mechanisms are similar in all target countries, their main stakeholders also share similar mandates and responsibilities. The lead role at the operational level take the NRM Coordination Office within the Ministry of Labour and Social Policy in Macedonia, the Agency for the Coordination of the Protection of Victims of Trafficking in Human Beings in Serbia, the National Anti-Trafficking Coordinator within the Ministry for Interior in Kosovo and the Responsible Authority in Albania. Their responsibilities are to coordinate the actions within the National Referral Mechanisms and to provide support to the victims.

*Macedonia*¹⁹

In Macedonia, the primary responsibilities of the NRM Coordination Office are:

- initial assessment of the needs of persons who are presumed victims of trafficking, organization and coordination of appropriate support (crisis intervention, psychosocial support and counselling, food, clothing, medical assistance);
- referral to a shelter for victims of trafficking: either the NGO "Open Gate" (which has signed a memorandum of cooperation) or the Reception Centre for Foreigners (which is under control of the police and under coordination of the NGO "For A Happy Childhood"), or the return to the family or finding another suitable accommodation;
- collection of necessary documentation for trafficked persons, personal papers, health cards, etc.;
- coordination of victim protection (contact with family, appointing a special guardian for minors, assessment of opportunities and conditions for returning to the family);
- informing victims about their rights and status (legal aid, information on legal provisions, legal representation);
- preparation and implementation of individual programs for child victims of trafficking.

The NRM Coordination Office keeps the records of officially identified victims, who received support over the past 5 years. The trend shows that the number of victims has decreased over the years. However, it is worrying that victims are more likely to be minors.²⁰

The Macedonian Ministry of Interior has established a department for trafficking in human beings in Skopje with 18 trained officers and a commander. Every police station within the department for organized crime has a unit to combat human trafficking and illegal migration. Local police stations are only engaged in initial identification and referral. The border police is also part of the NRM and has actively participated in the process of return of foreign victims. Joint actions between various police structures are performed on site like police assistance in the identification process, etc.

All relevant institutions have established solid and concrete cooperation, which has been further improved in 2010. The cooperation is consolidated by legislative acts and in the Standard Operational Procedures. Stakeholders claim that there is no need to formalize the cooperation through agreements or memoranda of cooperation.

The role of civil society organizations within the National Referral Mechanism is crucial and covers the entire process from identifying victims, to initial care and adequate assistance as well as to the reintegration of victims. Two organizations are specialized in primary care and reintegration of victims, namely "Open Gate - La Strada" and "For a Happy Childhood." Other civil society organizations are also members of the Secretariat of the National Commission and work primarily on human rights and prevention.

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¹⁹ See, Report of the NRM Coordination Office: <http://www.mtsp.gov.mk/?ItemID=656639E031D11741BE575C1A5E4F1BA9>

²⁰ See Annex 1 for annual statistics of victims of trafficking in human beings per country.

Serbia

In Serbia, the **Agency for the Coordination of the Protection of Victims of Trafficking in Human Beings**, is the coordination centre for providing and organizing all kinds of assistance for trafficked persons. The Agency has a data base and provides information on available accommodation facilities as well as medical, psychosocial and legal services at home and abroad. While the Agency plays an important role in the victim identification, it does not give a final opinion about whether a person is a victim of trafficking in human beings. It is, however, the first contact point for victims of trafficking, who are referred to existing protection and assistance systems.

Upon initial victim identification, the Agency evaluates the victim's needs and organises further assistance and protection of victims. These activities (according to the official job description) include:

- referring victims to a specialised shelter or finding other adequate accommodation;
- providing documentation required for the legal status of the trafficked person (regulating the residence permit and personal documents);
- finding and facilitating tailor-made assistance and protection measures for victims of trafficking, including programmes for reintegration;
- informing victims about their rights, status and possibilities of recovery in the country;
- Following the process of reintegration of the victims of trafficking in the country
- final victim identification in cooperation with the institutions/organisations which provide direct assistance to victims.

In Serbia, the specialized non-governmental and international organizations are the Shelter for Victims of Trafficking in Human Beings of the Counselling against Family Violence, the NGO Astra, the NGO Atina, the NGO Beosupport, the NGO Victimology Society of Serbia as well as OSCE, IOM and others. Centres for social work are an important actor in the fight against human trafficking, and an unavoidable instance when it comes to child victims of trafficking. Although they have a great responsibility for the care of minors, the Centres for social work do not have sufficient capacity and expertise to use their jurisdiction in practice.

Kosovo

In Kosovo, the **National Anti-Trafficking Coordinator (NATC)**, who is also the Deputy Minister of Internal Affairs, coordinates and organizes the design and implementation of the strategy, including victim referral.²¹ Since 2010 the Minimum Standards of Care for Victims of Trafficking in Kosovo were published in order to ensure that all services for victims of trafficking are unified to ensure quality and effectiveness.

Kosovo Police, namely the **Directorate for Investigation of Trafficking in Human Beings (DITHB)**²² is the specialized organ of the Kosovo Police in charge of investigating trafficking cases and similar crimes. DITHB is based within the Department of Organised Crime and oversees six regional units that work closely with the District Court or the Special Prosecutor. Its mandate includes the conduct of anti-trafficking operations in the entire territory of the Republic of Kosovo aiming at the following achievements:

- Establishing main working directions in prevention and suppression of human trafficking;
- Investigating and prosecuting traffickers while ensuring protection of and assistance to victims of trafficking, especially creating security conditions for their re-integration and the repatriation of foreign victims to countries of origin;
- Cooperating internationally with States and international institutions in combating the phenomenon of trafficking in human beings.

DITHB is responsible for keeping all the statistics and possesses a data base of all trafficking cases, regardless of whether the case is reported or presented by a police unit or police station or by an NGO.

The **Division for Victim Protection and Assistance (MJ)** was created in January 2002 within the Ministry of Justice with a mandate to integrate victims' interests in the justice system in Kosovo and to

²¹ Based on Government Decision 029, dated 10/04/2008.

²² Kosovo Action Plan to Combat Trafficking in Human Beings 2008-2011.

promote and ensure assistance and protection of victims. Staff inform victims on their rights according to applicable law, they accompany and support victims before, during and after court proceedings, they provide legal representation when required as well as they refer and accompany victims to service providers including medical, psychological assistance and shelter. The shelter started to be operational in June 2003 and can accommodate 17-20 victims of trafficking of high and medium risk. It also offers psychosocial advice, medical examinations, HIV testing, food and daily activities as well as it arranges meetings with partners.

The **Ministry of Education, Science and Technology** provides free education, non-formal education, integration of victims of trafficking in society through different educational means, prevention through awareness raising of at risk groups (pupils, youths, etc), capacity building of teachers in the process of identification (through training, different lectures etc), and the integration of issues against trafficking and prevention measures in school curricula.

The **Ministry of Labor and Social Welfare** - respectively Department of Social Welfare - is responsible for the protection of children, including child victims of trafficking regardless of whether they are nationals or foreign citizens. Centers for Social Work (CSW) at the local level are the first ones to offer protection for victims of trafficking together with the police, victim advocates, NGOs offering shelter as well as other relevant authorities. Centers for Social Work are obliged to treat trafficking cases involving child victims in conformity with the law and based on the following principles:

- each action taken has to be in the best interest of the child, taking into the consideration the child's will;
- CSW staff (case manager) in cooperation with police will perform a social investigation for the child victim of trafficking;
- CSW staff (case manager) decides immediately on the child's needs regarding food, safety, shelter and health care services;
- the shelter hosting the child victim of trafficking performs all services for the child in cooperation with CSW staff (case manager) according to the advocacy plan of the child.

Albania

In Albania, the **National Task Force on Trafficking in Human Beings**²³ designs, implements and regularly reviews the anti-trafficking response (strategy and action plan) with the technical support of the Office of the National Anti-Trafficking Coordinator and under the overall responsibility of the State Committee to Combat Human Trafficking and the National Anti-Trafficking Coordinator. The tasks of the National Task Force range from regular national situation assessments (based on regional assessments) and national standard, policy and procedure setting to monitoring the implementation of policies and national priority setting and program design as well as budgeting. The Task Force meets regularly, at least quarterly.

The **National Referral Mechanism Working Group**²⁴ is responsible for monitoring the implementation of the NRM agreement with the technical support of the Responsible Authority. This includes the regular review and revision of national standards and operating procedures (SOPs) for the treatment of trafficked persons throughout the entire referral process. The NRM Working Group monitors the implementation of NRM standards and SOPs as well as it resolves non-routine/intricate referral cases when necessary (especially in the case of inter-regional and international cases).

At the regional level, **Regional Anti-Trafficking Committees, Technical Tables and Technical Secretariats**²⁵ are in charge of mapping and assessing the situation and needs at the regional level, priority setting and program design at the regional level, enabling and supporting the work at the local level; ensuring that national standards are implemented at municipal/commune level by way of monitoring

²³ Members are all relevant anti-trafficking stakeholders at the technical level, including representatives of state authorities, the General Prosecutor's Office, Regional Anti-Trafficking Committees, NGOs, training institutes and labor officials.

²⁴ Members are all signatories of the NRM agreement including the Ministry of Interior (MOI), the General Directorate of State Police, the Ministry of Labour, Social Affairs and Equal Opportunities (MOLSAEO), the General Directorate of State Social Services, the Ministry of Foreign Affairs (MFA), the National Reception Centre for Victims of Human Trafficking, NGOs (including Tjetë, Vision-Elbasan and Vatra-Vlorë), IOM, etc.

²⁵ Members include the Prefect, the Deputy Prefect, the Chairman of the Regional Council, the Mayor of the central Municipality of the Qark, the Regional Office of the State Social Services, the Regional Employment Office, the Regional Police Directorate incl. Anti-Trafficking Police, the Regional Director of the State Informative Service, the Regional Education Directorate, the Regional Public Health Directorate, the Social Assistance and Protection Offices (incl. CPUs) in Municipalities and Communes, the District's Prosecution Office, as well as NGOs.

and quality checks; ensuring availability of services for vulnerable persons/groups and trafficked persons at regional/local level; backstopping the municipal referral bodies and intervene in non-routine/intricate cases; participate in the National Task Force on Human Trafficking, and in the NRM Working Group.

At the municipal level, specialized **Social Assistance Offices/Protection Units**²⁶ ensure the identification, referral and assistance of at-risk persons and trafficked persons, as appropriate. They manage individual cases and maintain case files; chair the local multi-disciplinary group/local referral mechanisms and liaise with all members, ensure development of local referral SOPs, convene regular and ad hoc meetings; liaise with other Social Assistance and Protection Units, and with Regional Committees and Responsible Authority; regularly report to the Responsible Authority and Regional Committees/ONAC. The Social Assistance Offices refer problem or non-routine cases to the appropriate level and represent the municipality/commune in Regional Anti-Trafficking Committees. At the local level multi-disciplinary groups operate Local Referral Mechanisms that monitor the situation and identify at risk groups and trafficked persons as well as they coordinate preventive and/or protection measures, assistance and support. Local Referral Mechanisms provide services in the members' respective spheres of competence. The members²⁷ meet regularly, and as necessary discuss problem cases and draft or review local SOPs.

²⁶ Social Assistance Offices/Protection Units are staffed with focal point(s) for child protection, gender equality, domestic violence, human trafficking; as well as at least one social worker (case worker) in each municipality/commune.

²⁷ The members include Social Assistance and Protection Offices, police, prosecutors, health workers, social workers, educators, employment offices, labour inspectors, NGOs, and others.

3. Taking a closer look at the implementation of NRMs

Based on already existing information from the *Regional Report. Comparative Analysis of the General Capacity the NRM structure and the Legal Framework in Albania, Serbia, Kosovo and FYR Macedonia* (short: regional report) and the *External Monitoring Tool* (i.e. guiding questions/structure for research and assessment) the country research teams (i.e. *Local Monitoring Structures*) prepared country reports²⁸ on the structure and implementation of National Referral Mechanisms in their respective countries. The research teams agreed to put a supplementary special emphasis on one selected topic.

3.1. Challenges in the process of victim identification in Serbia and Kosovo

The Local Monitoring Structures in Serbia²⁹ and Kosovo³⁰ have dedicated the research to the process of victim identification in order to identify the main challenges that influence the identification of the victims of trafficking in persons. They have investigated two different but interconnected aspects of challenges in the identification process:

- To what extent can the victim identification process currently accommodate different cultural and traditional backgrounds (e.g. forced marriage versus traditionally arranged marriage)?
- How efficient are the institutions working on the identification of victims of trafficking?

Serbia

Gender discrimination has been identified as a root cause for trafficking. This is on the one hand closely related to the perception of cultural differences, especially with regard to national minorities.³¹ Discrimination particularly affects women's possibilities to make own decisions about work or travel. Secondly, anti-trafficking policies tend to reflect social ideas about women, ultimately leading to an increased female vulnerability to trafficking. The research team aimed at finding out to what extent centres for social work are currently able to identify and refer presumed victims of trafficking (that do not necessarily fit the classical victim profile) to adequate support services. At-risk groups may include Roma, refugees and displaced persons, children without parental care, street children and asylum seekers.

In Serbia, the Agency for the Coordination of the Protection of Victims of Trafficking (short: Agency) institutionally performs the initial identification of presumed victims and carries out a switchboard function referring victims to adequate service providers. However, the Agency's role in the National Referral Mechanism is not legally formalized. The Agency is based in Belgrade. Interviewees in Serbia stressed the need for a decentralization of the victim identification process. The findings of this research call for more intensive training of all stakeholders in the identification process at the local level as well as for a higher staff capacity at the Agency in order to carry out more fieldwork and be more present at the local level.

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²⁸ The country reports are available in the annex of this publication.

²⁹ In Serbia, the research reached out to relevant organizations and institutions, (potential) victims of trafficking, centres for social work, local NGOs, the Agency for the Coordination of the Protection of victims of trafficking, the National Employment Agency, primary and secondary schools, drop-in-centres for street children, collective centres, the Roma community and all those actors who are presumed victims or have direct contact with victims of trafficking, with those who support presumed and identified victims and who give guidance to other organizations that have programs to help and support victims. The researchers come from the NGOs: Women in Action, the Center for Integration of Youth and Women in Action.

³⁰ In Kosovo, the research focused on the tasks and responsibilities of the following institutions: Ministry of Justice, Victims Advocacy Division, Police Department for Organized Crime, Public Prosecutor, Ministry of Health – Human Rights Unit, Ministry of Education, Science and Technology (MEST), Ministry of Culture, Youth and Sports (MCYS), and the NGOs providing victim support: Centre for the Protection of Women and Children (CPWC), Centre for the Protection of Victims and Prevention of Trafficking of Human Beings (PVPT) and "Lirija".

³¹ One of the practices in the region is the preservation of the virginity cult as well as forced/early marriage (forced marriage to parent's choice or denying choice of marriage partner, forced marriage to older man) of girls and young women. These customs are present and important in the Roma population but not exclusively confined to Roma tradition. See: <http://www.zenskiprostor.org.rs/lzvestaj%20u%20senci%20o%20polozaju%20Romkinja.pdf>

The research team wanted to find out more about current victim identification modalities at various levels and inquired with centers for social work throughout Serbia about their anticipated reaction in case they presume that the service user is a victim of trafficking. In 89% of the cases, the centers for social work would first contact the staff of the Ministry of Internal Affairs. (This is understandable, justifiable and recommended given that victims of trafficking are at the same time victims of crime.) Subsequently, centers for social work would contact prosecution (22%), courts and families (respectively 18%) followed by the school and the Agency (respectively 15%) if they suspect that a customer could be a trafficked person. 27% of respondents were not able to determine which institution they would be exactly turning to reiterating "We would inform the authorities." Depending on where the victim is, the contact would be carried to the systems that contribute to the protection of victims. This leads to the observation that the work of the Agency as key victim-identification and coordination institution is not broadly enough known or promoted. *It is interesting that the answers to this question did not differ between respondents, who have had previous contact and cooperation with the Agency on specific cases, and those, who had no experience in cooperation with the Agency.*

Remarkable is also the discrepancy with regard to the familiarity of the Agency's responsibilities at difference workshops for professionals. In 2005, 90% of the participants attending a seminar organised by the Ministry of labour reported the Agency as a crucial institution to be addressed in appropriated cases while in 2009, only 65% of the participants attending a seminar organised by the NGO Atina cited the Agency as their first anticipated point of reference. This demonstrates *the need for further training for representatives from the centres for social work on the structure of the National Referral Mechanism and the roles and responsibilities of all relevant stakeholders within the NRM.* Centres for social work should furthermore be sensitised to recognise a variety of trafficking cases as well as to potentially identify presumed trafficked persons that were out of the identification and assistance loop so far.

Kosovo

Due to a competency transfer from the Centres for Social Work (CSW) to the local level (laid out in the recent local decentralisation legislation) the CSW lack logistic equipment in most municipalities such as vehicles, phones, internet and fax. CSW at the local level are sometimes inefficient in their services either when interviewing victims of trafficking or when offering shelter which is provided by some of the NGOs mainly for low risk victims.³²

The Ministry of Justice operates a state shelter for trafficked persons at high and medium risk called Internal Security Facility (ISF). However, it is quite disputable whether this centre covers the specific needs of victims during the reintegration process with no coherent monitoring and evaluation of the social services provided.³³ The state shelter is considered to be a safe shelter providing medical and psychological services. The same services are also provided in non-governmental shelters, which moreover offer reintegration and rehabilitation programs for victims to adjust to all spheres of family and social life. Witness protection measures include amongst others anonymous testimony, separating the defendant from the witness, and closed hearings. However, judges rarely implement these measures as most courts do not have separate entrances for witnesses, thus exposing victims to possibly having their identity revealed to the public³⁴.

Police has responsibilities in three areas: their key role lays with investigating and prosecuting perpetrators for the crime of trafficking in human beings. Police is also responsible for victim identification and assists victims in receiving protection and support services. The Investigation Department for Trafficking in Human Beings is institutionally placed within the Department for Organized Crime. The Department of Investigation is structured in a central sector and six Regional Units against Trafficking of Human Beings. The Department of Investigation needs more advanced training on investigation

³² KRCT interview with the Director of CPWC in Prishtinë/Priština, November 2010.

³³ The re-integration process aims at offering services to develop the life skills of former victims of trafficking in order to help them to live independently and with life perspectives. Despite the fact that under the SOP the Ministry of Labour and Social Welfare plays the coordinating role for all services offered to child and adult victims of trafficking, all re-integration services are fragmented, location limited, and project-based. Monitoring and evaluation of social services for victims of trafficking during the reintegration process in the respective communities do not follow any clear policies nor is there any continuity in place.

³⁴ OSCE Mission in Kosovo, Department of Human Rights, Decentralization and Communities, Anti-Trafficking Unit, Assessment for Establishing a Referral Mechanism for Victims of Trafficking in Human Beings in Kosovo, October 2007, p. 44.

techniques for specialized police as well as more training and human resources for border police supplementing efforts to establish sectors in all regions.³⁵

Cooperation between police and the prosecutor is regulated in the Code of Criminal Procedure, while the prosecutor interacts and communicates with the courts. It is worthwhile mentioning that upon the increase and re-appointment of prosecutors in municipalities and the District, the cooperation and coordination throughout the investigation and court proceedings has improved significantly. Yet, reports suggest that the punishment for criminals engaged in human trafficking remain very low. This clearly shows a deficiency in efficient prosecution in Kosovo and a remaining lack of expertise among professionals in the area of prosecuting the offense of trafficking in human beings.

Health Services under the Ministry of Health provide free medical treatment for victims of trafficking. However, the Ministry of Health lacks sufficient financial sustainability to cover all necessary expenditures for this category of victims. An apparent lack in the number of professionals as well as no policies to enhance professional development hamper efficient victim identification and professional medical treatment for trafficked persons.³⁶

Despite efforts of the Ministry of Education, Science and Technology (MEST), municipalities need more support to provide professional services in all schools of Kosovo. Psychologists, doctors and other professional staff should be readily available when students need adequate treatment, especially those who may have been victims of trafficking³⁷. Since there is a lack of personnel specialised on issues related to trafficking, academic staff of schools and other educational institutions should receive training on how to behave with victims of trafficking and to further enhance their knowledge regarding the prevention of trafficking. Furthermore, the outside environment around schools represents a huge problem for the security of schools as well as it furthers the vulnerability of students and pupils to fall prey to trafficking. Within close range of many schools and universities there are suspicious bars and clubs, which bring permanent risks to young men and women.

Awareness-raising on trafficking and related issues undertaken by MEST needs to be potentiated. Knowing that education institutions are the main mechanisms for promoting prevention programs, MEST should increase preventive activities and raise awareness about the importance of re-socialization of victims of trafficking. In addition, many cultural, artistic and sporting activities are organized under the patronage of the Ministry of Culture, Youth and Sports (MCYS) on the promotion and prevention of human trafficking. Many had a positive impact. However, most of the activities initiated by MCYS have been supported by international organizations and implemented by NGOs, which means that the budget line allocated by the Kosovo Government for cultural anti-trafficking activities is very low.³⁸

³⁵ KRCT interview with the Acting Director of the Directorate for Investigation of Trafficking Human Beings in Prishtinë/Priština, November 2010.

³⁶ KRCT interview with the Coordinator of the Human Right Units in the MoH in Prishtinë/Priština, November 2010.

³⁷ KRCT interview with the Coordinator of the Human Right Unit in Prishtinë/Priština, November 2010.

³⁸ KRCT interview with the Head of the security sector in the Ministry of Culture, Youth and Sports in Prishtinë/Priština, November 2010.

3.2. Challenges in the process of cooperation in Macedonia and Albania

The Local Monitoring Country Structures in Macedonia³⁹ and Albania⁴⁰ have dedicated their research to the cooperation among relevant stakeholders within the National Referral Mechanism and touch upon the important components of capacities and capacity-building.

Macedonia

The Macedonian research team gave special attention to the capacities of human resources responsible for providing assistance and protection to victims of trafficking. The **NRM Coordination Office** at the Ministry of Labour and Social Policy has the responsibility for the coordination among relevant parties involved in the NRM and the overall implementation of the National Strategy and National Action Plan. While the Ministry of Labour and Social Policy aims at conducting regular trainings for all relevant institutions directly involved in the NRM and special training for staff centres for social work, there is still a problem regarding the continuity of the trainings. The last 5 years saw changes in human resources due to retirement, change of duties of initially assigned staff and new personnel. There is a need for introductory and advanced training on all aspects of the NRM as well as for the implementation of the Standard Operating Procedures. These courses are of particular importance for the efficiency of the NRM and for providing appropriate assistance and protection to victims of trafficking.

The **Department for Organized Crime at the Ministry of Interior** and specifically the Unit for Combating Trafficking in Human Beings and Smuggling of Migrants (UCTHBSM) is one of the pillars of the NRM. It is responsible for detecting trafficking cases, prosecuting perpetrators, identifying victims of trafficking and for protecting their safety. UCTHBSM is the operational unit within the Department for Combating Trafficking in Human Beings, in charge of investigations at the national level. It creates operational teams to carry out specific investigations under the responsibility of the chief inspector, head of the operating team. UCTHBSM staff receives regular training. This results in the successful implementation of investigations, in the adaptation to new international trends in trafficking and in the professional handling of victims of trafficking. Personnel appear to be highly dedicated to their tasks. However, the number of female members of the unit needs to be increased.⁴¹ Staff involved in the fight against trafficking in human beings needs additional training in order to perform anti-trafficking actions on the local and the regional level. In addition, they require technical equipment for special investigations. The Unit faces challenges in the rapid and efficient exchange of information at the international level. At local level, each police station has a Department for Organized Crime and a special Unit to Combat Trafficking in Human Beings. Local police stations claim that their teams working on anti-trafficking issues are well trained and do not need additional trainings. Moreover, they assert that it is local police that always initiates cooperation with civil society organizations and Centres for Social Work.

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³⁹ The Macedonian research team focused on the tasks, responsibilities and performance of the NRM Coordination Office the Ministry of Labour and Social Policy, the Department for Organized Crime at the Ministry of Interior, the Office of the Public Prosecutor for Organized Crime, Centres for Social Work, the International Organization for Migration and the NGO Center and Shelter "Open Gate - La Strada".

⁴⁰ The Albanian research team looked at the tasks, responsibilities and performance of the Office of the National Coordinator at the Ministry of Interior, NGO shelters (Vatra-Vlora, Another Vision-Elbasan and All Different all Equal), the state shelter Linzë, other NGOs (Centre for Civic Initiative, Terre des Hommes), the Ministry of Labor, Social Affairs, Equal Opportunities, Anti-trafficking Units of the General Police Directorate, the Ministry of Health, the Ministry of Education, international organisations (International Organization for Migration and Organization for Security and Co-operation in Europe), municipalities and local governments (Shkoder, Vlore, Korce, Peshkopi, Gjirokaster, Fier). The research team also Media-journalist also inquired with media journalists.

⁴¹ The Unit and the Ministry intend to hire two more women out of who one of Albanian nationality.

The **Office of Public Prosecutor** faces an overall shortage of human resources.⁴² However, they receive regular training, which could still be expanded and improved. According to the Prosecutors' Office, the Macedonian legislation treats human trafficking and illegal migration in a comprehensive and complex manner and fully incorporates relevant international conventions ratified by Macedonia. Prosecutorial cooperation on the local, regional and international level appears to work well. A memorandum of cooperation is signed with relevant parties at the strategic level. There is outstanding cooperation with the SECI Centre in Bucharest, that led to close coordination, very quick and efficient collaboration especially with colleagues from Serbia. They also have co-operation with colleagues from other countries in the region and beyond.

The research team reached out to different regions in Macedonia⁴³ in order to get a better picture of the functioning of **Centres for Social Work** in Macedonia. Social workers at the Centres for Social Work are not specifically assigned to work on human trafficking, but there is a professional team comprised of a social worker, a psychologist and a lawyer who treat problems in the field of domestic violence, homeless people and trafficking. The Centres for Social Work reckon that the number of employees who work on trafficking is sufficient, as they come across only few such cases. Although the number of cases is very low, social workers still feel a lack of space/room for specific cases, with all of them working in one room on different issues. There is also a need for further appropriate training of newly appointed special officers as well as for additional capacity-building of older employees. For issues related to trafficking in human beings, Centres for Social Work contact the Ministry of Labour and Social Policy and the Ministry of Interior. There are occasional telephone contacts with the police and the NGO Open Gate. However, these contacts are of a rather informative nature.

The **Office of the International Organization for Migration (IOM)** in Skopje operates since 1999 and works on projects related to migration in terms of health, facilitation of regular migration flows as well as regulating migration (programs for assisted voluntary return and programs to combat trafficking). As an international organization with highly qualified staff to implement these programs, IOM participates in the creation of policies through direct participation in the groups designated to form a strategic or operational document (National Action Plan, Standard Operating Procedures, etc.). The role of IOM and its particular contribution is to provide expert advice and opinion, specific recommendations and initiatives as well as technical assistance in drafting these documents. Also, IOM Skopje as part of its program provides training and other activities (study visits, expert opinion and technical assistance in developing strategic and operational documents) to build and maintain the capacity of all actors involved in the National Referral Mechanism. These training activities include representatives from the NRM Coordination Office, from the Centres for Social Work, from the Ministry of Internal Affairs, NGOs and labour inspectors. In terms of improving the efficiency of the NRM, the current opinion is that IOM should continue coordinating victim identification, referral and assistance at the local level between the CSW, the Ministry of Interior and NGOs.

The **NGO Open Gate – La Strada** is a civil society organization that works to support and provide direct assistance to domestic victims of trafficking. La Strada's work focuses on reducing the problem of trafficking through 3 programs: Lobbying and information, prevention and education and social assistance. The organisation is sufficiently staffed to meet the needs of victims and to implement its programme activities.⁴⁴ The staff is trained to work in the field of human trafficking and also delivers training to other members of the NRM. Programme activities are supported by external donors, because the state has no programs to combat trafficking nor state budget to support NGO activities. Open Gate is a member of the Secretariat of the National Commission to fight human trafficking and illegal migration and is also a member of the Subgroup on combating trafficking in children.

⁴² "The content, including the references to the denomination of the partner country, does not represent the official position of the European Public Law Organizations/European Public Law Center. The European Public Law Organizations/European Public Law Center refers to the country exclusively under the provisional denomination "The Former Yugoslav Republic of Macedonia" in line with the UNSC Resolutions 817/93 and 845/93."

⁴³ Twelve prosecutors, two professional assistants and two clerical workers are employed at the Office of the Public Prosecutor. Five prosecutors are inter alia in charge of trafficking cases.

⁴⁴ Information was obtained from CSW in Prilep, Kumanovo and Debar.

⁴⁵ Currently 15 employees work with Open Gate-La Strada.

Albania

Cooperation in the field of victim reintegration as well as the strengthening of local government capacities in combating trafficking in human beings are two of the most important areas for the focus of this research.

The **Office of the National Anti-Trafficking Coordinator in Albania (ONAC)** over the years succeeded in improving and strengthening the capacity as well as in increasing resources for anti-trafficking actors. But, more should be attained with regard to victim integration⁴⁵. Victims of trafficking need further assistance to fully rebuild their lives. Housing and employment are two areas that need vigorous actions. The new Action Plan 2011-2013 has foreseen various activities with regard to the housing and employment of victims of trafficking. The Office will work on the implementation of these activities. The research team assesses that structures established at the local level necessitate more resources and capacity building. In Albania, since the year 2006, twelve Local Anti-Trafficking Committees have been established. These Committees are chaired by the Prefect and comprised of representatives from the local agencies responsible for the prevention and fight against trafficking in persons as well as protection of victims. The Office has created many training opportunities for the members of these Committees but further capacity building and more resources are necessary. The staff has received limited training on trafficking and related issues. Recently, the Office has been added with three new positions and over past years the turnover of staff has been low.

Government policy in terms of cooperation is very open. ONAC as the main governmental body responsible for coordination and monitoring of anti-trafficking action in Albania has been quite active in developing an open and productive cooperation with all involved partners and stakeholders, domestic and foreign on the national or international level. On the international level, Albania has been part of several joint initiatives in South-eastern Europe and beyond aiming at exchanging good practice and experiences in order to improve cooperation and to carry out common action against trafficking in persons. Furthermore, the National Anti-trafficking Coordinator, besides the bilateral meetings with neighboring countries, encourages the organization of regional meetings at the political level to promote joint action in the region. At the national level ONAC has developed mechanisms to encourage wide and active cooperation among all anti-trafficking stakeholders at the central and local level. Still, more follow-up of common initiatives, more effective implementation of all bilateral and multilateral cooperation agreements, better coordination of anti-trafficking initiatives and activities at the national, regional and international level could generally improve cooperation in anti-trafficking matters. The Albanian Government via ONAC always aimed at following a transparent and inclusive anti-trafficking policy considering collaboration with all relevant actors as important element in implementing appropriate anti-trafficking actions.

In order to improve collaboration more sustainable human resources and institutionalized financial support are required. Also, there is a need for a comprehensive policy and an increasing recognition and role of Local Government entities as the main agencies responsible for offering social services by establishing appropriate mechanisms and strengthening cooperation with civil society at the local level. At the national level, inter-institutional collaboration for the implementation of the NRM agreement is considered to be satisfactory. Based on the success of this model, similar mechanisms for victim identification, referral and protection should be established at the local "qark" level.

There is always room for improvement when it comes to increasing the levels of collaboration for a better implementation of the NRM agreement. Actually, ONAC has identified some needs, which are part of the future agenda and programs⁴⁶. Part of this process is the drafting of the Standard Operating Procedures for Identification and Referral of Victims of Trafficking (SOPs). For finalizing this document ONAC is working in collaboration with and with the support of IOM office. The draft SOPs have been launched in October 2010 followed by a piloting phase in November-December 2010. It is foreseen that the process will be finalized with the approval of the document by June 2011.

The police authorities are responsible for carrying out interviews for the initial identification of victims of trafficking as outlined in the National Referral Mechanism agreement (2005). Although regional units of the anti-trafficking police conduct proactive measures such as raids in motels especially during

⁴⁵ Office of the National Coordinator: Interviews with Mrs. Ana Janky, Mr. Milaim Demnushaj, Mrs. Iva Zajmi, National Coordinator, Deputy Minister of Interior Affairs, Albania, December 2010.

⁴⁶ All needs and activities foreseen for the improvement of the NRM are spelled out in the New Action Plan on Combating Trafficking in Persons 2011-2013, which is currently awaiting approval from the Council of Minister.

summer time, there is reason to believe that their identification capacity could be significantly enhanced. As already mentioned, the NRM is far from being implemented and the shortcomings identified previously are also applicable here. First and foremost, the risk and security assessments rely mostly on the cooperation of NGOs, their networks and international organizations such as the IOM. Neither risk and security assessment nor any kind of investigations are undertaken by State authorities prior to the arrival of (potential) child victims on the Albanian territory in most of the cases. The NGO "Another Vision" focuses on the provision of social services for categories at-risk: children, youth and women by helping them in the integration process and development of the society. They are one of four Albanian organizations with large capacity, not only in the number of staff and services they provide for different target groups of children, but also with regard to training that they provide. They are coordinating a Day Centre for women and girls, a youth centre and a vocational training centre. They are offering protection and reintegration services, as well as trainings to other NGOs. The staff has received extensive training from international organizations and state that they would need further training in fundraising, advocacy, decision making, drafting legislation, lobbying, etc. They have resources available but cannot say that they are sufficient. Currently, their programs have not been supported by the state budget. However, foreign aid is drying out and donors are leaving Albania after having been in-country for almost 20 years. As a full member of the National Coalition of Organizations Against Trafficking, which is part of the National Referral Mechanism, the NGO is contributing actively to all activities and policies concerning the NRM.

Theoretically, roles and responsibilities of all stakeholders are well defined, but in practice it often occurs that some NRM members including NGOs are charged with more responsibilities than others. The tasks foreseen in the official document of the NRM are not always followed as foreseen, with shortcomings in the implementation of overall responsibilities by some actors (especially state institutions, local partners, anti trafficking units in the Municipalities, etc). The National Coalition holds periodic and regular meetings. NGOs are having meetings with the National Coordinator and report to her office periodically. Cooperation is officially held together by the National Coordinator, however, without the extra efforts of NGOs, it can easily be jeopardised. Without secure funds for the future, commitment and future cooperation may be challenged. Financing is the key to successful cooperation.

4. Recommendations

Common recommendations

- To establish and strengthen cooperation between Civil Society Organizations and the National Referral Mechanism at the regional level
- To carry out additional trainings for relevant stakeholders from police departments, social services and other relevant professionals mandated in the National Referral Mechanism in order to ensure the adequate implementation of victim support services and prevention from re-victimisation
- To enhance the cooperation between Civil Society Organizations working on prevention of human trafficking with relevant stakeholders of the National Referral Mechanism in order to enable joint actions for the prevention of human trafficking
- To develop and implement long term local and regional prevention programs with the support of governmental funding

Recommendations per country

Albania

- Police, the prosecutor's office, courts and anti-trafficking organizations need to improve their networking when offering services to victims of trafficking. It is furthermore recommended to consolidate their separate statistics.
- Lawyers should be trained by the Magistrate School, Ministry of Justice, Chamber of Lawyers, and NGOs in order to strengthen their expertise in international law as well as to put legislation into practice.
- Anti-trafficking NGOs should be recognised as equal partners not only through increased capacity-building but also through continuous support from the state.
- Anti-trafficking NGOs should co-operate on prevention with the respective state authorities. Comprehensive policies need to be drafted and implemented for protecting the main social-economic rights of women and other vulnerable groups, including the right to education, employment, shelter, and other supporting services. With these rights guaranteed, groups at risk of being trafficked would become less vulnerable to become victims of trafficking.
- Anti-trafficking NGOs should be present as a third party in court proceedings in order to support the victims of crime, especially victims of violent crimes, who regularly avoid confrontation in court, and do not even have a right to be presented by a lawyer, remaining thus alone in the position of a witness.
- Victims of crime, especially victims of violent crimes should be interviewed by a judge, prosecutor, psychologist, or by the representative of an NGO during the court proceedings rather than by the lawyer of the trafficker.
- A unified practice should be used for offering psychological support to victims of trafficking, not only when victims are minors, but in every other case.
- For victims to be able to put forward a compensation claim, measures that ensure the physical safety and integrity of victims throughout the legal procedure of claiming and obtaining compensation need to be taken. It is, therefore, essential to provide them with a safe house, social and medical care, legal assistance, and a permission of stay if needed

Macedonia

- In order to improve the effectiveness of the National Referral Mechanism regular meetings should be practiced on local levels.
- Professional staff, from the Centers for Social Work who takes an active role in the implementation of the National Referral Mechanism should receive continuous and continuative training. This concerns Centres for Social Work (including guardians), police and prosecutors alike.
- Human and financial resources within various responsible institutions need to be increased and improved (i.e. Centre for Social Work, UCTHBSM and the Office of the Public Prosecutor). The number of female officers within UCTHBSM should be increased.
- The cooperation between civil society organizations and the Office of the National Coordinator should be intensified. Centres for Social Work should be more actively engaged in anti-trafficking work, also in the field of prevention.

Serbia

- All relevant stakeholder should sign Protocols on Cooperation.
- The mandate and the role of the Agency for the coordination of the protection of victims of trafficking should be defined and laid out publicly.
- Roles and mandates of all possible stakeholders in the identification and referral of victims of trafficking, as well as all related procedures should be specified and the responsibilities of specialized institutions defined.
- Legislators should draft amendments to relevant laws and pass laws that will make different rights visible (laws on ID cards, residence, permanent regulations which further regulate the rights of health and social care).
- All relevant stakeholders should define clear indicators for identifying victims of trafficking which will be guidance to all who work with vulnerable groups (Centers for social work, Commissariat for Refugees, Shelters, Shelters for Street Children, various NGO).
- Long-term sustainable programs of prevention, whose role would be to prevent re-victimization as well as to facilitate sustainable social inclusion of victims of trafficking need to be developed and supported.
- The State must take responsibility for the sustainability and functioning of the National Referral Mechanism (in terms of institutional as well as financial support). The aim must be the standardization of the services, networking, improvement of statistical data and better coordination of donor support.

Kosovo

- Police should, in addition, ensure that an adequate number of female and minority-background police officers (including border police) work on human trafficking and victim identification.
- Security Committee and the Security Council:⁴⁷ to increase the participation and active inclusion in the identification of risk points for possible victims of trafficking
- In Kosovo the civil society sector needs to be supported in building capacity to do outreach work and thus increase initial identification of victims of trafficking other than through police authorities.
- NGOs should lobby government and parliament to increase their in-kind and financial support for anti-trafficking work. Adequate and long-term governmental support is needed for the development of victim support services in order to provide sustainable assistance either through NGOs or state agencies.
- The Ministry of Justice should urge the SRSG to appoint a VAC since this position would be responsible for obtaining funds, creating efficient assistance mechanisms, and co-ordinating all assistance and reparation funds in Kosovo.
- Centres for Social Work lack appropriate communication and transport equipment. The Ministry of Labour and Social Welfare needs to ensure that logistical supplies such as fax, telephone and vehicles are available to facilitate adequate victim identification, referral, assistance and reintegration.
- The Ministry of Health lacks sufficient financial capacity to cover all the needs of trafficked persons. In addition to insufficient professional human capacities there are no policies for continuous professional development aiming at identifying and treating victims of trafficking adequately. Health services and especially the primary health sector need to be more aware and sensitised on how to approach victims of trafficking and how to identify and treat them according to their individual needs
- In addition, the Ministry of Labour and Social Welfare should ensure that municipal labour inspectors are trained on victim identification and how to report potential cases of trafficking to the police in accordance with the National Referral Mechanism.
- The law on witness protection has to be approved by the assembly in order to ensure cooperation and physical integrity for victims of trafficking and a proper cooperation with the court. There is furthermore a need to allocate adequate resources for the implementation of already existing witness protection legislation
- Direct economic assistance to victims or the mainstreaming of services for victims of trafficking should be made available.
- An effective monitoring system for the implementation of the respective strategies and the revision of strategies based on its findings should be created. All anti-trafficking initiatives and measures should involve civil society, also by concluding more Memoranda of Understandings or other formalized ways of cooperation.
- Awareness raising programs should be conducted nationally in order to change the public's attitude toward victims of trafficking. Knowing that the education institutions are the main mechanisms for promoting prevention programs the MEST should increase the number of the promotion activities against trafficking, but also it needs to raise the awareness of the importance for the re-socialization of victims of trafficking.

⁴⁷ Security Council – means municipal council of the community that is formed in each municipality on Kosovo and Security Committee – local security committee established by the agreed authorities within the Kosovo municipalities. Police Law No. 03/L - 035

Annex – Annual statistics of victims of trafficking in human beings per country

Macedonia

Table N 1 Records of officially identified victims of trafficking in human beings

	Adults	Minors	Total
2006	7	16	23
2007	9	28	37
2008	0	11	11
2009	2	6	8
2010	1	9	10

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Serbia

The Agency has the obligation to monitor the entire process of providing certain forms of assistance and reintegration of a victim and it is under the duty to keep the following databases:

- Database containing information on the process of assisting the victims;
- Database containing information on organisations and institutions as well as experts providing different modes of assistance within the country and in the region and may be of importance in certain cases.

Statistical data for the period 2005 – until November the 30th, 2010 are as follows:

Agency for coordination of protection of victims of trafficking data	2005	2006.	2007	2008.	2009.	January the 1 st – November the 30 th , 2010
Total no. of identified victims	53	62	60	55	127	85
Adults	42	28	34	25	68	46
Minors	11	34	26	30	59	39
Citizens of the Republic of Serbia	32	46	48	49	114	82
Foreign nationals	21	16	12	6	13	3
Sex						
Female	53	60	51	48	104	76
Male	0	2	9	7	23	9
Types of exploitation						
Sexual exploitation	45	44	26	22	66	33
Labor exploitation	8	12	9	5	18	3
Forced begging	-	-	10	5	14	11
Forced marriage	-	-	2	3	6	8
Criminal activity	-	-	10	1	2	1
Illegal adoption	-	-	2	1	1	1

Kosovo

Statistical data of VoT for the following period: 2001 -2010[1]

Year	Cit. of Kosovo	Cit. of Albania	Cit. of Moldavia	Cit. of Ukraine	Cit. of Rumania	Cit. of Bulgaria	Cit. of Russia	Cit. of Serbia	Cit. of Poland	Cit. of FYROM	Other	Total
2001	5	3	94	18	46	4	2					172
2002	3	9	32	20	19	6						89
2003	15	4	13	5	5	3		4			1	50
2004	11	13	17		4	2					1	48
2005	24	6	6			6		2			5	49
2006	20	6	30	3		2	2			1	3	66
2007	18	9	3					1			1	33
2008	25	3	4			1		2			1	36
2009	16	3	8			1		1				29
2010 Jan.- Sept.	18	6	1					2	1			28
Total:	155	62	208	46	74	25	4	12	1	1	12	600

Table according to victim's group age:

Group-age	12—17	18--21	22--25	26--31	32--40	41--50	51--60	61--70	Total
Nr of victims	41	143	189	104	65	48	8	2	600