Enhancing Counter Trafficking in Crisis in the Western Balkan

ANALYTICAL REPORT
The opinions expressed in the report are those of the authors and do not necessarily reflect the views of the International Organization for Migration (IOM). The designations employed and the presentation of material throughout the report do not imply the expression of any opinion whatsoever on the part of IOM concerning the legal status of any country, territory, city or area, or of its authorities, or concerning its frontiers or boundaries. IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental organization, IOM acts with its partners in the international community to: assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants.

Publisher:
International Organization for Migration
UN Building
BOSNIA AND HERZEGOVINA
Zmaja od Bosne, Sarajevo 71000
Telephone: +387 33 293 400
Fax: +387 33 293 726
E-mail: missionsarajevo@iom.int.
Website: www.iom.int
© 2018 International Organization for Migration (IOM)

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise without the prior written permission of the publisher.

This publication was funded by a grant from the United States Department of State. The opinions, findings and conclusions stated herein are those of the authors and do not necessarily reflect those of the United States Department of State.
Enhancing Counter Trafficking in Crisis in the Western Balkan

ANALYTICAL REPORT
Contents

CHAPTER 1 INTRODUCTION........................................................................................................7
   1.1. Purpose and Scope........................................................................................................7
   1.2. Methodology................................................................................................................8

CHAPTER 2 MIXED MIGRATION AND VULNERABILITIES TO EXPLOITATION
       AND ABUSE................................................................................................................12
   2.1. Overview: TIP and mixed migration in the Western Balkan region......................12
   2.2. Counter Trafficking in Crisis......................................................................................14
   2.3. Smuggling of Migrants and Irregular Migration....................................................16
   2.4. IOM Data: Displacement Tracking Matrix and Flow Monitoring Surveys........17
   2.5. Observations from the field: Data Provided by IOM Migrant Protection and
       Assistance Teams......................................................................................................27

CHAPTER 3 OVERVIEW OF THE CURRENT NATIONAL COUNTER TIP
       SYSTEMS....................................................................................................................33
   3.1. ALBANIA....................................................................................................................33
   3.2. BOSNIA AND HERZEGOVINA..............................................................................39
   3.3. FORMER YUGOSLAV REPUBLIC OF MACEDONIA............................................42
   3.4. MONTENEGRO.........................................................................................................46
   3.5. SERBIA......................................................................................................................50
   3.6. KOSOVO/UNSCR 1244..........................................................................................53

CHAPTER 4 ANALYSIS AND FINDINGS..........................................................................57
   4.1. Key Regional Findings..............................................................................................57
       Mixed Migration Flows..............................................................................................57
       Migrant Vulnerabilities.............................................................................................58
       Profiles of Migrants Particularly At-Risk.................................................................58
       Structural Approach to Combatting TIP in Migrant Flows......................................59
       Counter Trafficking in Crisis: Relevant Risk Factors..............................................61
   4.2. Key National Findings and Recommendations.......................................................65
       ALBANIA.....................................................................................................................65
       BOSNIA AND HERZEGOVINA..............................................................................65
       THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA..................................67
       MONTENEGRO.........................................................................................................68
       SERBIA.....................................................................................................................69
       KOSOVO/UNSCR 1244...........................................................................................71
   4.3. Specific Regional Recommendations.........................................................................71

ANNEX 1: Indicators for identification of victims of human trafficking in mixed migration flows
       – examples.....................................................................................................................76
## II ABBREVIATIONS AND ACRONYMS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>B/C/M/S</td>
<td>Bosnian/Croatian/Montenegrin/Serbian Language</td>
</tr>
<tr>
<td>BiH</td>
<td>Bosnia and Herzegovina</td>
</tr>
<tr>
<td>CoE</td>
<td>Council of Europe</td>
</tr>
<tr>
<td>CMR</td>
<td>Central Mediterranean Route</td>
</tr>
<tr>
<td>CSW</td>
<td>Centres for Social Welfare</td>
</tr>
<tr>
<td>EMR</td>
<td>Eastern Mediterranean Route</td>
</tr>
<tr>
<td>EU</td>
<td>European Union</td>
</tr>
<tr>
<td>FMS</td>
<td>Flow Monitoring Survey</td>
</tr>
<tr>
<td>GRETA</td>
<td>Group of Experts on Action against Trafficking in Human Beings</td>
</tr>
<tr>
<td>ICMPD</td>
<td>The International Centre for Migration Policy Development</td>
</tr>
<tr>
<td>IO</td>
<td>International Organizations</td>
</tr>
<tr>
<td>IOM</td>
<td>International Organization for Migration</td>
</tr>
<tr>
<td>MFA</td>
<td>Ministry of Foreign Affairs</td>
</tr>
<tr>
<td>MHRR</td>
<td>Ministry of Human Rights and Refugees (BH)</td>
</tr>
<tr>
<td>MLSP</td>
<td>Ministry of Labour and Social Policy (MKD)</td>
</tr>
<tr>
<td>MoI</td>
<td>Ministry of Interior</td>
</tr>
<tr>
<td>MoJ</td>
<td>Ministry of Justice</td>
</tr>
<tr>
<td>NATC</td>
<td>National Anti-Trafficking Coordinator</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-governmental Organization</td>
</tr>
<tr>
<td>NRM</td>
<td>National Referral Mechanism</td>
</tr>
<tr>
<td>NUCTHB&amp;SM</td>
<td>National Unit for Combating Trafficking in Human Beings and Smuggling of Migrants</td>
</tr>
<tr>
<td>ONAC</td>
<td>Office of the National Coordinator on Trafficking in Persons</td>
</tr>
<tr>
<td>OSCE</td>
<td>Organization for Security and Cooperation in Europe</td>
</tr>
<tr>
<td>PVOT</td>
<td>Potential Victim of Trafficking</td>
</tr>
<tr>
<td>RA</td>
<td>Responsible Authority</td>
</tr>
<tr>
<td>RATC</td>
<td>Regional Anti-Trafficking Committee</td>
</tr>
<tr>
<td>RMT</td>
<td>Regional Monitoring Team (BH)</td>
</tr>
<tr>
<td>SFA</td>
<td>Ministry of Security Immigration Sector and Service for Foreigners’ Affairs (BH)</td>
</tr>
<tr>
<td>SIPA</td>
<td>State Investigation and Protection Agency (BHI)</td>
</tr>
<tr>
<td>SOP</td>
<td>Standard operating procedures</td>
</tr>
<tr>
<td>THB</td>
<td>Trafficking in Human Beings (syn: TIP)¹</td>
</tr>
<tr>
<td>TIP</td>
<td>Trafficking in persons (syn: THB)</td>
</tr>
<tr>
<td>UASC</td>
<td>Unaccompanied and Separated Children</td>
</tr>
<tr>
<td>UMC</td>
<td>Unaccompanied Migrant Child</td>
</tr>
<tr>
<td>UNHCR</td>
<td>United Nations High Commissioner for Refugees</td>
</tr>
<tr>
<td>UCTHB&amp;SM</td>
<td>Unit for Combating Trafficking in Human Beings and Smuggling of Migrants</td>
</tr>
</tbody>
</table>

¹ Reference to THB is primarily used in the title of documents, such as legislation, and the official title of some government bodies.
CHAPTER 1
INTRODUCTION

1.1 Purpose and Scope

The 2016 US TIP Report indicated that countries along the Western Balkan route have been failing to identify victims and potential victims of trafficking among the mixed migration flows, a challenge that has continued and was again reflected in the 2017 US TIP Report. Based on this assertion, the International Organization for Migration (IOM) conducted an analysis of this phenomenon, intending to identify structural gaps and challenges in the identification of victims (VOT) and potential victims (PVOT) of trafficking in persons (TIP) within mixed migration flows. Given the many available analyses of counter TIP systems in the Western Balkans, IOM attempted to focus more specifically on the vulnerabilities to TIP exhibited by migrants in the region in order to develop a tailored capacity building and protection response. This process includes data gathered on TIP indicators developed by the IOM Displacement Tracking Matrix (DTM)\(^2\) team; an analysis of information gathered through the work of IOM’s Migrant Protection and Assistance Teams (IOM mobile teams); and information collected from key informants (KIs) and stakeholders in the Western Balkan region. The DTM is a data collection mechanism to capture the movement of migrants. It is bolstered by conducting Flow Monitoring Surveys (FMS), which have been conducted regularly since October 2015, and use structured and precise questionnaires that are revised through feedback to demonstrate more efficiently the vulnerability faced by certain migrants\(^3\).

The project, “Enhancing Counter Trafficking in Crisis in the Western Balkans” aims to enhance counter-trafficking efforts through strengthening the capacities and mechanisms for victim screening and identification and to raise awareness of TIP risk factors among vulnerable migrant populations, specifically within the mixed migration flows transiting the region and during crisis. In light of the increased numbers of vulnerable irregular migrants stranded and transiting through countries in the region, every government’s capacity to identify and refer VOTs and PVOTs requires further adaptation to the current situation. They need to take into account any new modus operandi of traffickers, victim profiles, as well as new forms of trafficking that have begun to emerge. This Analytical Report intends to capture concrete TIP-related information, including TIP risk factors, trends and vulnerabilities within the mixed migration flows in the Western Balkan region.

The Report goes on to stipulate key findings and recommendations, as well as new potential indicators for identification and referral within the mixed migration flow. This Analytical report covers the following project locations: Albania, Bosnia and Herzegovina (BiH), the former Yugoslav Republic of Macedonia, Montenegro, Serbia, and UNSC resolution 1244-administered Kosovo\(^4\).

---

\(^2\) More information about the DTM in Europe is available at www.migration.iom.int/europe.

\(^3\) Description from the DTM Europe website

\(^4\) This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence. Hereinafter referred to as Kosovo/UNSC 1244.
The assessment additionally attempted to provide insight and understanding of the following, specifically related to the mixed migration movements through the region:

- The TIP landscape among migrants in the region:
  - Profiles of individuals vulnerable to exploitation and abuse in the region (specifically, victims and potential victims of trafficking)
  - Patterns related to act and means elements of TIP (e.g. recruitment, transportation, etc.)
  - Key forms of exploitation emerging in the region
  - Evolving potential TIP routes and movement
- Current capacities and approaches in the region to respond to the mixed migration flows, focusing on the identification and referral of TIP VOTs and PVOTs;
- Description of the gaps in resources for identifying and referring PVOTs within the mixed migration flow, as well as laying out the primary obstacles and barriers for the systematic identification of, and assistance to, VOTs and PVOTs;
- Preliminary indicators for the identification of VOTs and PVOTs within mixed migration flows;
- Recommendations for national stakeholders to adapt existing systems to meet identified changes to TIP trends in the region, as well as targeting capacity building activities with different actors working to identify and refer VOTs and PVOTs to respond to new and emerging trends.

The prompt and accurate identification of TIP cases in mixed migration flows combined with the appropriate referral of such cases is essential for any overall effective response to TIP. Without the identification of cases, it is not possible to detect, apprehend and prosecute trafficking and smuggling networks. Without the appropriate referral and support mechanisms for all persons who experience trafficking and exploitation, it is not possible to have an adequate and comprehensive response to TIP. As such, this analysis and report focus on these two key components to ensure a tailored response to TIP in the region.

1.2. Methodology

This report is based on:
1. A desk review of available key documents and current research;
2. Field visits to selected countries in the region for KI interviews;
3. A Qualitative Survey conducted through interviews using a questionnaire developed by leading expert with the main stakeholders, including National Anti-Trafficking Coordinators and other TIP actors;
4. Interviews with migrants based on a questionnaire developed specifically for that purpose and IOM field staff working directly with migrants in the region;\(^5\);

\(^5\) Interviews with migrants were conducted under the supervision of IOM staff (social work, psychosocial).
5. Secondary (quantitative) data from the 2015, 2016, and 2017 Flow Monitoring Survey (FMS);  
6. Secondary (qualitative) data based on an analysis of case files of assisted migrants through IOM's Emergency Direct Assistance Fund in the Western Balkans.

Desk Review

A thorough search was conducted for all available documents (policies, strategies, systems, academic papers, reports, and evaluations) related to TIP in the Western Balkans in English, Bosnian/Croatian/Montenegrin/Serbian, and Macedonian. The US State Department TIP Reports and Council of Europe Group of Experts Against Trafficking in Human Beings (GRETA) Reports were used as reference points in relation to the developments and trends already identified in the region. Additional documents were then collected through consultations with local Key Informants (KIs). All reviewed sources, including websites, are outlined in the bibliography.

Qualitative Survey

A Qualitative Questionnaire was developed to collect relevant data using an interview format and a list of potential KIs was prepared by IOM staff. They were people from different counter TIP stakeholders in each country, each with different specializations and expertise. From this list, the most relevant and competent KIs were selected to contribute. The following KIs were consulted during the course of this research:

**Albania:** Office of the National Anti-Trafficking Coordinator (ONAC), Ministry of Interior; Members of the Responsible Authority for VOTs and PVOTs in Albania, State Social Service, Border and Migration Police; National Coalition of Anti-Trafficking Shelters (composed by VATRA Psychosocial Centre NGO, Different and Equal NGO, Tijeter Vision NGO and National Reception Centre) and US Embassy Tirana representative;

**Bosnia and Herzegovina:** National coordinator's office for the fight against trafficking in human beings, Prosecutors' office of Bosnia and Herzegovina, Service for Foreigners, NGO IFS EMMAUS, Immigration Centre (specialized institution for admission and accommodation of foreigners).

**Kosovo/UNSC 1244:** PVPT (Centre for protection of victims and prevention of THB), Hope and Home for Children, Kosovo/UNSC 1244 Judicial Council, Ministry of the Internal Affairs – Office of the National CT Coordinator, US Embassy; Terre des Hommes.

---

7 The Emergency Direct Assistance Fund for the Western Balkans is currently supported through the U.S. Bureau of Population, Refugees, and Migration funded project, "Enhancing Capacities and Mechanisms to Identify and Protect Vulnerable Migrants"
The former Yugoslav Republic of Macedonia: Office of the National Coordinator for combating THB and illegal migrations, Ministry of Labour and Social Policy/National Referral Mechanism; Ministry of Labour and Social Policy/Department of Asylum, Migration and Humanitarian Aid; Ministry of Interior/Sector for Border Affairs and Migration, Unit for Combatting Trafficking in Human Being and Migrant Smuggling. Center for Asylum Seekers, Public Institutions – Inter Municipal Social Work Center – Skopje. Red Cross of the Republic of former Yugoslav Republic of Macedonia and NGOs “For Happy Childhood”; “Open Gate – La Strada” and “Equal Opportunities”, Transit Center “Vinojug” - Gevgelija; TC “Tabanovce”- Kumanovo and Center for Asylum Seekers “ Vizbegovo”.

Montenegro: Office for Fight Against Trafficking in Human Beings, Criminal Police, Unit for Fight against Trafficking in Human Beings, Montenegrin Women’s Lobby/ NGO that runs the Shelter for victims of Trafficking in Human Beings, NGO SOS Nikšić/NGO that runs the SOS hotline and IOM.

Serbia: National office for coordination of the fight against trafficking in human beings, Centre for protection of victims of trafficking, NGO Atina and NGO Astra.

IOM Migrant Protection and Assistance Teams and IOM Emergency Direct Assistance Fund in the Western Balkans

Beyond data analyzed from the DTM FMS, as described above, additional qualitative and anecdotal data was collected based on the observations and direct assistance from IOM Migrant Protection and Assistance Teams (mobile teams) and other IOM field staff, who specifically support the capacities of governments in the region to address the basic needs of migrants in vulnerable situations present in the region. IOM Mobile Teams are supported in BiH, Montenegro, and the former Yugoslav Republic of Macedonia primarily through the U.S. PRM funded program, “Enhancing Capacities and Mechanisms to Identify and Protect Vulnerable Migrants in the Western Balkans – Phase II”. They engage in a range of protection and assistance activities, depending on the specific gaps or needs of the migration management systems in each country. Mobile teams in Serbia are funded through other IOM programming, but engage in similar activities and are eligible to refer cases to the Emergency Direct Assistance Fund should the need arise. Activities broadly activities include:

- secondary screening of newly arrived migrants to assess vulnerabilities and direct assistance needs;
- implementation of direct assistance through the PRM-supported Emergency Direct Assistance Fund;
- referrals to relevant institutions and agencies for medical assistance; safe transportation of vulnerable migrants to services; interpretation services;
- psychosocial counselling;
- the implementation of flow monitoring surveys to collect relevant migration-related data available through the IOM Displacement Tracking Matrix tracking matrix;
• Assisted Voluntary Return and Reintegration (AVRR) information and counselling sessions as well as other AVRR-related activities;
• and the ongoing monitoring of shifting migration trends, particularly related to migrant vulnerabilities and assistance needs.

The Emergency Direct Assistance Fund in the Western Balkans implemented through the US PRM-funded program has a two-fold purpose: (1) to relieve emergency/urgent situations of need; and (2) to increase resilience of migrants against exploitation and abuse.

Anonymized data of completed Emergency Direct Assistance Fund screening forms were used to enhance the overall data collected. Information extracted from these sources is meant to be primarily anecdotal, as the sample size of Emergency Direct Assistance Fund cases is too small to produce a statistically significant sample.

Limitations

There were a number of limitations faced in the production of this report. First and foremost, the availability of concrete and comprehensive data on the composition of migrant flows along the Eastern Mediterranean Route (EMR) relies on data dependent upon information from governments on detected migrants transiting the region irregularly. However, given the efforts of irregular migrants in the region to remain undetected, there is no way to ensure that the demographic data of migrants who were interviewed, both for the DTM FMS and by the experts, represent the composition of overall flows. In general, children and women are underrepresented in data samples, as adult males are most likely to consent to being interviewed on behalf of families and other groups. Additionally, although data collectors are trained, migrants may be reluctant to share their experiences due to a number of factors\(^8\), thus, creating a sampling bias related to those migrants who are most willing to share their experiences.

Additional limitations in gathering data for the report relate to the availability and limited number of the interviewed KIs and the duration of the interviews. More comprehensive and objective findings would be created from interviews with additional KIs and preparation time for KIs who were interviewed, as they were not provided with the questionnaire before the interview.

Another additional limitation at this stage of the process also includes the fact that the compiled data were not shared with key informants, so that they could validate the information related to their respective organizations.

---

\(^8\) Factors may include the sensitivity related to talking about experiences of violence and abuse (and potential for re-traumatization), different cultural norms and levels of trust, and/or interest or fear of sharing personal stories; fatigue among migrants who have been repeatedly asked to share personal stories; specific conditions of the locations where migrants are interviewed; the gender and language of both migrants and interviewers (although for DTM FMS this was attempted to be addressed through the translation of surveys, as well as the presence of cultural mediators.
CHAPTER 2
MIXED MIGRATION AND VULNERABILITIES TO
EXPLOITATION AND ABUSE

2.1 Overview: TIP and mixed migration in the Western Balkan region

Trafficking in Persons (TIP) remains a global phenomenon and continues to merit
the attention and resources of governments, the international community, and service
providers.

Migration, despite being more often voluntary and largely having a positive impact on
individuals and societies, can also lead to an increase of anindividuals’ vulnerability to
violence, abuse, exploitation, and/or rights violations. This is particularly true of irregular
migration. During times of crisis, the incidence of TIP has also been observed to increase
as a result of the heightened vulnerability of the affected populations. Additionally,
traditional support structures break down while infrastructure and social service support
systems of affected countries are often weakened. Observing counter-trafficking responses
in different locations affected by crisis around the world in 2014 and 2015, crises (be
they conflicts, disasters or protracted crisis like the one faced by the region in the recent
years) can exacerbate pre-existing vulnerabilities to TIP, while altering TIP patterns and
indicators. Certain unique forms of TIP, induced by the crisis, may emerge. Unfortunately,
responding to TIP in these situations is rarely seen as a priority, creating a protection gap,
which fails to account for certain specific factors. What can be overlooked are particular
segments of the population, specific forms of violence, exploitation factors, and a lack of
involvement and response of specific actors.

The migration crisis and large influx of mixed migration flows in the Western Balkan
region revealed gaps in the protection of migrants, both transiting through and stranded
in countries of transit. They have little chance of arriving to their point of destination in a
regular and legal way and as border measures in the region aimed at preventing irregular
migration have become more stringent, migrants have increasingly resorted to illegal
channels to continue their journeys, in particular by engaging smuggling networks to
facilitate their travel. This increases migrants’ exposure to violence and abuse.
This needs to be addressed in a comprehensive fashion. It requires going beyond an
individual’s entitlement to international legal protection or legal status, rather stakeholders

9 International Organization for Migration, International Dialogue on Migration 2017 (Geneva, July
paper%20IDM%202018-19%20July.pdf

10 International Organization for Migration, Addressing Human Trafficking and Exploitation in Times

11 Ibid 2016

12 Ibid 2016
should take into account the many factors that may contribute to that individual’s exploitation and abuse before embarking on their journey, during transit, or at their final destination.\(^{13}\)

The mixed migration flows\(^{14}\) affecting the region since 2015 have brought about an array of challenges related to TIP. Among those who travel along these routes are individuals with different profiles and needs, many of whom do not fit into the traditional profiles of VOTs and PVOTs encountered by frontline actors and service providers in the region. Many among them are smuggled migrants, who may be exposed to various forms of violence and abuse by the networks or individuals they use. This is particularly true of children who entered Europe irregularly since 2015, approximately 90% of whom are suspected of having utilized the services of smugglers and their networks. As a result, it is observed that smuggled migrants along the Western Balkans route experience similar conditions as traditionally identified VOTs and PVOTs, including physical and emotional trauma, with many experiencing violations of their human rights. In some cases, migrants consent to being smuggled, but are subsequently exploited at the hands of their smugglers or their network.\(^{15}\) Hence, incidents of smuggling can rapidly turn into cases of trafficking. Despite this, cases are most often registered by authorities as smuggling of migrants (SoM), rather than cases of human trafficking. The migrants who have experienced exploitation and abuse are, therefore, seldom afforded the protection they need as VOTs.

As noted, the rate of identification for cases of potential and actual TIP among migrants remains low across the region. Despite hundreds of thousands of people having transited through Serbia and the former Yugoslav Republic of Macedonia, one victim from the migrant population was identified as a VOT in Serbia in 2017 (in 2016, 2 VOTs among migrants were formally identified). In the former Yugoslav Republic of Macedonia, the MOI reported a total of 35 PVOTs in 2016, of which 34 were identified among detected irregular migrants. However, 0 migrants received the status of VOT, in part due to the departure of the PVOTs before their official status could be determined. This trend is applicable to the rest of the region. It is generally understood that cases of TIP among the migrant flow may have been difficult to detect. In 2015, while the humanitarian corridor along the Western Balkans was open and transiting migrants and refugees spent a limited amount of time, often less than a day, in each country along the route.


\(^{14}\) According to IOM, Mixed Flows are considered to be, “complex migratory population movements that include refugees, asylum-seekers, economic migrants, and other migrants, as opposed to migratory population movements that consist entirely of one category of migrants”. IOM, International Migration Law No. 25 - Glossary on Migration (2011), available here: https://publications.iom.int/books/international-migration-law-ndeg25-glossary-migration.

However, when border restrictions were re-introduced through the concerted action from border authorities of the governments on the route, TIP remained equally invisible to law enforcement and service providers in the period that followed. In the first year, where a high number of extra regional migrants arrived, low levels of TIP may have been explained by the rapid transit of people. Additionally, some migrants who may have experienced exploitation and abuse may have misunderstood their position and avoided declaring or confiding in anyone their stories due to the fear of being prevented from moving onwards to the EU. Some may even have been unaware that they were in a dangerous situation and at imminent threat of being exploited and abused. It is on this basis that it is believed that gaps in the capacity of existing current systems and actors, exacerbated by the large numbers of third country nationals transiting the region, have led to low identification rates.

Recent studies looking at counter-trafficking responses in the context of crisis show that usual CT responses are reactive to events and that action is taken only when evidence of trafficking has already been collected. This response usually comes too late and often fails to protect VOTs. With this in mind, an effective response to TIP should ideally be carried out form the onset of a crisis, even when the evidence of it is as of yet unavailable. Moreover, proactive identification techniques should be encouraged and supported in order to uncover when the phenomenon takes places. There should be renewed focus on the experience among people, without prejudice of legal statuses or known vulnerability profiles. In light of the experiences of 2015-2016 and those of the counter-trafficking actors since the close of the humanitarian corridor, this report attempts to look at existing systems and to identify those areas that can be improved to ensure they are adapted to the new situation in the region. This is related not only to irregular migration, but also to ensuring a proactive response from all relevant actors to potential future scenarios. The subsequent sections of this chapter provide both the framework for identifying structural gaps, as well as the migration landscape in the Western Balkans, and the scope of available information relating to the vulnerability of migrants transiting this region to exploitation and abuse.

2.2 Counter Trafficking in Crisis

A number of recent studies have looked more in depth to TIP and counter-trafficking responses within the crisis context. In particular, IOM published in 2015 the study “Addressing Human Trafficking and Exploitation in Times of Crisis: Evidence and Recommendations for Further Action to Protect Vulnerable and Mobile Populations” (CT in Crisis). The study focuses on the analysis of several crisis situations throughout the globe, from which it draws concrete conclusions and recommendations. There are several findings that are specific to the large population movements that transited the region in 2015-2016 and which can be further applied to the smaller clandestine movements taking place today.

16 International Organization for Migration, Addressing Human Trafficking and Exploitation in Times of Crisis (Geneva, December 2015)
17 Ibid 2016
One critical challenge to identifying TIP in times of crisis that is highlighted by the report is that TIP in these scenarios is often complex, with “grey areas” that can obscure the path to identification.\(^\text{18}\) Is someone a victim of forced labour or was it simply labour exploitation? At what point does a situation of SoM become TIP? Should forced marriage be identified as TIP of sexual and gender-based violence (SGBV)? New emerging forms of exploitation and abuse, such as the holding of migrants against their will by smugglers for the purpose of extorting money from the migrant’s family may not in all scenarios meet national definitions of TIP, but may result in similar physical and psychological consequences to the migrant. A second challenge related to the identification of TIP in crisis settings that resonates also in the case of the large population movement across the Western Balkans is the absence of data, in particular baseline data, that would allow states to anticipate potential risks. This type of data is especially difficult to obtain because potential victims are constantly moving across borders and are outside the reach of the humanitarian response and assistance providers. This, the fact that criminal networks, often involving a chain of criminal actors, adapt quickly to new scenarios and work clandestinely, and the nature of TIP itself coupled with the general nature of crisis situations, result in cases remaining undetected for longer periods of time.\(^\text{19}\)

**Identified Risk Factors for TIP in Crisis\(^\text{20}\)**

Through its analysis, the CT in Crisis research provides a list of **Identified Risk Factors** that are specifically related to crisis situations, which vary depending on whether they are induced by armed conflict, natural disaster, and protracted situations. Of those, there are several risk factors particularly related to complex mixed migration flows, such as those that have taken place through the Western Balkan Countries and continue to impact the region (Selected risk factors were extracted based on potential relevance to this scenario):

- Crises are likely to impact TIP, not just in directly affected areas, but also in regions that host migrants and/or **neighboring regions**, independent of the nature of the crisis and legal status of the migrant.
- At the outset of crisis, existing criminal networks may become disrupted, but also may adapt to the new situation – by targeting new victims in new places, such as refugee and IDP camps, transit points, or within local populations hosting high numbers of mobile populations.
- Migrants caught up in crises are at particular risk of becoming **stranded** and **exploited**.
- Traffickers may seek **take advantage of populations receiving humanitarian assistance**, and may increase their criminal activities through fraudulent and ultimately exploitative opportunities for employment or onward migration.

---

\(^{18}\) Ibid 2016, p. 11

\(^{19}\) Ibid 2016, p. 26

\(^{20}\) A list of Risk Factors for Vulnerable Population in Crisis is found on p. 31 of the CT in Crisis Research; those listed in this document are those identified as most relevant to the context of the Western Balkans.
Independent of the type of crisis, IDP and refugee camps, as well as formal and informal holding sites for stranded migrants are a rich source of new victims for traffickers and other criminal networks looking for a cheap or free workforce for sexual services or other forms of exploitation.

The general lack of economic opportunity that leads to affected populations becoming increasingly reliant on negative coping mechanisms which can translate, in some cases, into heightened vulnerability to TIP.

Traditional harmful practices - such as early/forced marriage - increase during crisis settings, and some might lead to trafficking.

Other aggravating factors are related to discrimination, be it gender-based, ethnic, racial religious, social within a community or at a national level.

CT in Crisis: Mixed Migration

Settings in which population movements constitute a mixed migration flow inherently include a number of underlying push and pull factors, as well as migrants who are in a wide range of vulnerable situations and have diverse protection needs. While not amounting to a crisis scenario in the same way as an armed conflict or natural disaster, large migration flows, such as those that took place through countries in the Western Balkans in 2015-2016, trigger a similar humanitarian response and scenario in which the same challenges exist to identifying PVOTs. Furthermore, these challenges continue to resonate despite the substantial reduction in numbers of people transiting the region, due to the protracted situation of large numbers of stranded migrants and refugees in Greece. In this situation, the consequences of the failure to identify PVOTs during the large movements are just now emerging.

2.3 Smuggling of Migrants and Irregular Migration

Within the mixed migration flows transiting through countries in the Western Balkans, migrants primarily transit in an irregular manner. Resorting to smuggling is the norm, rather than an exception, when contemporary migration regimes restrict the ability of certain individuals to move through borders via legal and secure means. The flows transiting the countries in the Western Balkans are no exception. Even though SoM has been reported from the inception of the migration crisis, the introduction of more restrictive migration policies and stricter border controls in 2016 increased migrants’ reliance on smugglers, by making irregular migration more dependent on specialized knowledge, equipment and connections.

---


Recourse to smuggling networks render migrants more exposed to dangers, such as violence, exploitation and TIP. While some individuals, such as unaccompanied and separated minors (UASC), elderly migrants, persons with disabilities or serious health conditions, pregnant women, LGBTTI, etc., are easily identified as more vulnerable to exploitation and abuse, evidence from the field shows that even non-traditionally at-risk individuals may easily end up victim of traffickers and criminal groups. This increased vulnerability is intrinsically connected with the difficulties of the journey and the clandestine context in which smugglers operate. Testimonies of migrants being robbed, beaten, held in captivity and sexually abused or even having lost their lives along the route have been recorded by a number of actors in the region. Additionally, restrictive measures have increased the risks and cost of the journey, aggravating the situation of migrants and refugees strained in transit countries, who have often exhausted their financial resources in the repeated attempts to cross the EU borders. This does not question the sovereign right of states to impose such measures; however, it highlights the need to mitigate the impact of these policies. IOM research on SoM had additionally shown that individuals who do not have sufficient means to pay for their journey are often offered to work as guides for other migrants in exchange for their smuggling fee or to work for the organization upon arrival in the destination country to repay their debt.

While national and international institutions have gathered a number of reports on this phenomenon, there is no systematic overview of the vulnerabilities of smuggled migrants. There are multiple reasons for this. Firstly, institutions tend to have a limited understanding of the distinction between SoM and TIP. In addition, many victims are hesitant to report it for fear of repercussions on them or on their family, or even because they do not perceive the abuse they have been victim of as a criminal act. Lastly, the limited amount of time spent by migrants in each country poses a challenge to local authorities to detect migrants’ vulnerabilities and define policies to address them.

2.4 IOM Data: Displacement Tracking Matrix and Flow Monitoring Surveys

Throughout the process of collecting information for this report, representatives of the respective countries along the Western Balkan route during the large mixed flows of 2015-2016 emphasized that there were substantial challenges in identifying PVOTs. The rapid transit of individuals through the territory and the unwillingness PVOTs to either self-identify or facilitate their own identification are among those challenges.

---

In some cases, migrants even refused to accept assistance out of concern that this would force them to stay longer in countries of transit and prevent them from reaching their intended final destination. Subsequent to the closure of the route, clandestine movements and the continued desire to move on to intended destinations continues to present a challenge to identification within the migration flows. Without numbers of PVOTs and VOTs identified by state actors, information as to the profile of this group, including risk factors presented, remains limited from official sources. Therefore, information related to the vulnerabilities of migrants to exploitation, abuse, and other exploitative practices could primarily be obtained through sources outside the government. The following sections focus on information obtained through IOM data collection activities through its Displacement Tracking Matrix (DTM). This information is then enhanced through an analysis of data collected through IOM’s activities providing direct assistance to migrations in the region in section 2.5.

As described above, IOM’s DTM is comprised of a set of tools and methodologies that have been designed to track and analyze human mobility in situations of displacement over time. In September of 2015, IOM established a flow monitoring system through the DTM to gather information related to the movement of migrant populations through the Mediterranean, including along the Western Balkan Route. Flow Monitoring Surveys (FMS) were also added to capture more in-depth data related to people on the move, including age, sex, countries of origin, levels of education, key transit points along the route, as well as migration motives and intentions. FMS include an additional module that aims to capture the prevalence of TIP and other exploitative practices based on migrants’ responses to questions related to key indicators of potential TIP and other exploitative practices. This is known as the FMS Human Trafficking and Other Exploitative Practices Indication Survey. Four such questions were asked of migrants in 2016 and additional 6 were added in 2017. The current set of indicative questions includes:

i. Having worked or performed activities without getting the expected payment;
ii. Being forced to perform work or activities against their will;
iii. Being approached by someone with an offer of arranged marriage (direct experience or observed experience, e.g. someone in the family);
iv. Being kept at a certain location against their will (direct experience);
v. Being aware of instances where migrants en route had been approached by people offering cash in exchange for blood, organs, or other body parts.
vi. Being aware of instances where migrants en route had been forced to give blood, organs, or other body parts.

27 Multiple stakeholders; supported by findings within Klaffenböck, K., Todorova I. Macchiavello M. (2017) Protecting Populations at Risk of Human Trafficking and Exploitation. Case studies of post-earthquake Nepal and the Western Balkans in Light of the EU/Mediterranean Migration Crisis.
28 More information related to the establishment of the DTM and FMS can be found at www.migration.iom.int/europe.
Two additional questions were piloted in Italy asking if migrants (1) experienced physical violence of any sort; and (2) were aware of instances where migrants travelling with him/her have been threatened with sexual violence. However, these two questions were not asked of migrants along the Eastern Mediterranean Route, which includes Western Balkan Countries.

DTM FMS Data is collected by IOM field staff in 9 European countries along both the Central Mediterranean Route (CMR) and the Eastern Mediterranean Route (EMR). As of September 2017, this includes locations of entry, transit, and exit, as well as in specialized accommodation and reception centers in Bulgaria, Greece, Hungary, Montenegro, Romania, Serbia, the former Yugoslav Republic of Macedonia and Kosovo/UNSCR 1244. Within these locations, data collectors covered more than 20 official reception centers, transit/exit/entry points, and accessible unofficial sites with a reported presence of stranded migrants.

The module on human trafficking and exploitative practices was prepared by IOM’s Assistance to Vulnerable Migrants (AVM) Unit. Initially, surveys did not include questions on sexual exploitation nor gender-based violence, apart from the questions related to arranged marriage. This was done in order to avoid situations, in which data collectors who are not protection experts would ask sensitive questions and risk further harming respondents. However, this also represents a data gap in presenting an overall pictures of exploitation along the migration routes to Europe. As noted above, a carefully worded question related to SGBV was piloted in 2017 in specific locations in Italy.

*Migration Flows along the EMR*

Understanding the migration flows through the Western Balkans is critical to painting an overall picture of the risks faced by migrants in the region, as well as the challenges faced by governments in addressing migrant vulnerabilities.

In 2016, the official closure of the Western Balkan route led to a shift in the movement of migrants and asylum seekers through the region. Many along the route became stranded in certain countries, with little option to continue onwards. In Serbia, as of the end of December, an estimated number of 3,950 individuals, accommodated within 12 transit reception centers, 2 transit zones and 5 asylum centers. This figure does not include an additional estimated 250 migrants and asylum seekers that are outside of the centers, primarily in Belgrade, bringing the total number to approximately 4,200 people. This figure represents a stable number of migrants and asylum seekers that have been present throughout 2017, despite reports of a number migrants having departed reception centers towards the Hungarian border.

---

Data in this section is taken from:
International Organization for Migration Mixed Migration Flows in the Mediterranean: Compilation of Available Data and Information (December 2017). Available at:
Authorities in the former Yugoslav Republic of Macedonia registered 546 irregular migrants on the territory of the country in 2017. This is in stark contrast to the 89,711 migrants and asylum seekers known to have transited the country in 2016. Syrian, Afghan and Iraqi were the main nationality groups registered in 2017. Initially, the closure of the route led to a number of migrants stranded in the country; however, movements towards Serbia and back towards Greece have resulted in only 44 migrants and asylum seekers reported in the 2 transit centres, 2 reception centers and Safe House at the end of 2017. That being said, in December alone, the Red Cross, through its team based in the Tabanovce transit center and covering the border villages of Lipkovo, Lojane, Vaksince, Sopot, and Tabanovce, assisted a total number of 244 persons. In 2017, UNSCR/1244 Kosovo also saw a downturn in the number of detected migrant arrivals. Evidence indicates that migrants transiting the region generally avoid UNSRC/1244 Kosovo in order to avoid the additional border crossings. A total of 147 migrants and asylum seekers were apprehended by Kosovo authorities in 2017 as compared with 279 in 2016. Of those detected in 2017, 29% came from Afghanistan, 18% from Syria and 15% from Libya, with a host of nations at 10% or below. Detected asylum seekers generally stay for short periods of time before attempting to move onwards.

Over the course of 2017, it became increasingly difficult for migrants to enter Hungary and to enter Croatia via Serbia, therefore, a new route beginning in Greece, via Albania, Montenegro, BiH, with migrants attempting to enter Croatia from BiH, emerged.

**Chart 1: Detected Irregular Migrant Arrivals 2016 & 2017 by Month - Albania**

In Albania, a total of 752 migrants were detected as having arrived in the country in 2017. This was a drop from the year before, but as can be observed from the breakdown of arrivals per month above, numbers of arrivals resumed towards the end of the year and at higher levels than during the same period in the previous year. A total 76% of arrivals occurred between the months of August and December alone. The three most represented nationalities in this year’s total were Syrian (38%), Algerian (28%), and Libyan (13%).
In Montenegro, a total of 807 migrants were detected as having arrived irregularly in 2017. This number represented a 390% increase from arrivals in 2016. Similar to Albania, the majority of migrants arrived on the territory from August through December. One substantial shift in trends of irregular migrants were the nationalities of those detected. In 2016, the largest share of migrants and refugees were from Afghanistan (18%), Iraq (12%), and Syria (11%), with other nationalities comprising smaller percentages of the overall number. However, in 2017, migrants from Algeria (47%) and Morocco (13%) formed the majority of irregular migrants who arrived in the country. The duration of stay is indicated to be a relatively short period of time in Montenegro. Indications are that the majority of those entering Montenegro arrive via Albania and depart for Croatia, Serbia, and BiH, with trends upon exist shifting over the course of the year.

Chart 3: Detected Irregular Migrant Arrivals 2017 by Month - BiH
In BiH, a total of 755 migrants were detected as having entered the territory irregularly in 2017.\textsuperscript{30} As with Albania and Montenegro, BiH experienced a sharp increase in the number of irregular migrants in August. Interestingly, as opposed to other countries along the route, the nationality of detected migrants and asylum seekers in BiH indicates that predominant nationalities were from Southeastern Europe (primarily UNSCR/1244 Kosovo) (26%), Turkey (23%), and Algeria (19%), with the remaining percentage of migrants divided between different nationalities, including those that are more present in other countries along the route, such as Syria, Pakistan, and Afghanistan.

Through its field work, and based on regular consultations with government and service provider counterparts, IOM continues to observe that a majority of those transiting the EMR via the Western Balkan countries, enter the route via Greece. Therefore, the number of migrants arriving on the territory of Greece, as well as those stranded, remains significant to predating the continuation of mixed flows attempting to transit Western Balkan countries. While the European Union Relocation Scheme has relocated 14,242 individuals from Greece to other EU countries based on their need for international protection and the Greek government engages in both forced and voluntary return schemes, including returns from Greece to Turkey of third country nationals based on the EU-Turkey Statement\textsuperscript{31}, a significant number of migrants remain stranded. Based on data available on locations where migrants refugees are accommodated, with latest available data as of 31 October 2017, there were approximately 54,000 migrants and refugees present in Greece. In addition, in 2017, authorities in Greece provided data that they had registered 35,052 new arrivals on the territory during the year. Despite being an 82% decrease in arrivals as compared to the number in 2016, the number remains significant and a source country for secondary movements along the route for those who are unable to move onwards to the EU regularly.

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{chart4.png}
\caption{Chart 4: Detected Migrant Arrivals 2016 & 2017 by Month - Greece}
\end{figure}

\footnotesize
\begin{itemize}
\item \textsuperscript{30} Migrants were detected upon entry and upon exit to BiH, meaning that some detections may have been double counted.
\item \textsuperscript{31} On 19 March 2016...DTM doc.,...whole document is available here: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170906_fifteenth_report_on_relocation_and_resettlement_en.pdf.
\end{itemize}
An overview of arrivals to Greece since the official closure of the Western Balkan route show that in 2017 numbers of arrivals levelled out, with an increase in August, September, and October of 2017, but a drop in the subsequent two months. In terms of the breakdown of arrivals by nationality, Syrian nationals still comprised 41% of the total registered arrivals, followed by Iraqi nationals (19%), and nationals from Afghanistan (14%). In 2017, all three of these populations decreased as a percentage of the total of arrivals in 2016, which was 47%, 24%, and 15% respectively. The remaining percentage of migrants for 2017 include the Democratic Republic of Congo (4%); Pakistan (3%); Algeria (3%); Iran (2%); Cameroon (2%); Kuwait (2%); Morocco (1%); and unknown (1%). Additionally, nationalities comprising of less than 1% each of the total together promise 7% of the overall migrants apprehended.

Discrepancies between nationalities detected in each country along the Western Balkan route and as compared with Greece are likely linked to a number of factors, including eligibility for the relocation scheme in Greece (favoring countries in high levels of conflict, such as Syria and Iraq); favorable conditions in specific countries along the route for migrants from certain countries (for example, Turkish nationals do not need a visa to arrive in BiH, meaning that many arrive by air on the territory of BiH and then overstay the allowed visa-free period); as well as other unknown push and pull factors. While the above gives an overall picture of breakdown of detected migrant nationalizes per each country of detection, the presence of particular nationalities varies over time as well. Observations from engaging with migrants in the field indicate that this may also relate to information of route accessibility passed down by migrants who have succeeded to move forward. There are indications that rumors of accessibility spread quite quickly and affect movements along particular routes, underscoring a need for the prompt dissemination of accurate official information related to migration and asylum seekers.

Evidence of Migrant Vulnerability to Human Trafficking and Exploitation

Using data collected in 2015 and 2016 through the FMS along the EMR and CRM, in December 2017, IOM published an in-depth statistical analysis of “Migrant Vulnerability to Human Trafficking and Exploitation” (hereinafter Migrant Vulnerability Report). This report conducts a cumulative, as well as comparative analysis of the two routes and is informed by a sample of 10,039 interviews conducted in countries specifically along the EMR. Regular reports of the FMS Human Trafficking and Other Exploitative Practices Indication Survey present a more basic analysis of data collected through the FMS Human Trafficking and Other Exploitative Practices Indication Survey are also available, the most recent published in January of 2018 with a current sample of 4,771 migrants (730 women). 


The following looks at findings from both documents to highlight specific migrant vulnerabilities identified through the FMS.

The data analyzed for 2015-2016 in the in the Migrant Vulnerability Report indicated that 14% of migrants surveyed along the EMR responded positively to at least one of the human trafficking and exploitation indicators. Surveys conducted in 2017 along the EMR show a slight decrease of positive responses.

The analysis of demographic data from the 2015-2016 EMR data and on the initial results from the 2017 data provides critical insight into potential migrant vulnerabilities to exploitation and abuse:34

- **Sex**: Men during this period were slightly more likely to respond positively to indicators, noting that questions related to sexual exploitation, sexual violence, and SGBV were omitted. This trend shifted based on the responses recorded in 2017, where 4,041 male migrants surveyed, 9% responded positively and of the 730 women, 15% responded positively. In 2017, 6% of males also responded positively to at least two of the indicators and 12% of females.

- **Civil Status**: On the EMR, widowed or divorced migrants were more likely to respond positively to the indicators than single migrants by a statistically significant margin.

- **Education**: On the EMR, there was a significant difference between positive responses of migrants with primary and tertiary education and migrants with secondary education, with 18% of migrants with a primary education responding positively; 17% of migrants with a tertiary education responding positively, 15% of migrants with no education responding positively and 12% with secondary education responding positively.

- **Mode of Travel**: Based on the 2015-2016 data on the EMR, migrants who travelled alone were significantly more likely to respond positively to the indicators than migrants who travelled in a group, with 23% of those who travelled alone having a predicted probability of responding positively. This finding is reinforced by the 2017 data, where migrants who travelled alone or with a group of non-family members also responded positively to indicators more often than migrants who travelled with family members (18% vs. 6%). Disaggregated by sex, the 2017 statistics are more striking. Among males, those who travelled alone answered positively to one of the indicators 14% of the time, those who travelled with non-family members responded positively at a rate of 7%, whereas those who travelled with family responded positively in 5% of cases. Among females, 65% of those who travelled alone responded positively to indicators, 44% of those who travelled with non-family members and 2% of those who travelled with family members responded positively. This may be skewed by the fact that 77% of women indicated that they travelled with family. However, these numbers continue to be indicative that those who travel alone along the route, especially women, are more likely to experience one of the trafficking indicators.

- **Duration of the Journey**: In general, along both the EMR and CMR the duration of the journey significantly impacted the likelihood of migrants to respond positively to the indicators in general. Along the EMR those who travelled for less than 1 month had a

34 While the report lists a number of additional results, those selected were determined to be the most significant and actionable.
predicted probably of 12% for a positive response, whereas those whose journey took over a year had a 34% predicted probably. Although the impact of the duration of the journey was not measured for 2017, the average duration of transit for migrants along the EMR was 115 days. Among migrants who reported “secondary migration”, e.g.- stopping in one country for more than one year, countries of stay included Turkey (33%), Greece (25%), Iran (21%), Serbia (5%), and Iraq (4%).

- **Family member in intended destination**: Based on the 2015-2016 analysis, migrants on the EMR showed a slight increase in probability of a positive response if they did not have family in the final destination country.

- **Nationality**: On the EMR, in 2015-2016, noting the potential for sampling bias, migrants from Afghanistan had the highest predicted vulnerability to responding positively to one of the questions. Overall, Bangladeshi, Afghan, and Somali migrants were more likely than other national groups to respond positively, with North Africans having had the lowest probability of a positive response. However, in 2017, migrants from Western Asia, including Afghanistan, had the lowest with only 3% having responded positively to indicators. On the other hand, while a substantially smaller percentage of the total number of migrants interviewed along the EMR originate from Central and Southern Africa, West Africa and East Africa, the 2017 data indicated that a substantially higher share of this population provided positive responses to the indicators with 66%, 61%, and 52%.

- **Location of Incidents**: According to the information provided by migrants who responded positively to the indicators in 2017, the *incidents triggering the indicators took place in specific locations along the route: 78% took place in Turkey, 14% in Greece, 4% in Bulgaria, and 1% in Iran.* This finding has quite significant implications, as 97% of incidents that trigger a positive response to the indicator questions took place outside of any of the Western Balkan countries and likely prior to even arrival on the territory of any of the Western Balkan countries. This fact has significant implications for the protection and assistance of migrants in vulnerable situations, as well as significant policy implications that will be discussed further in this report.

- **Return/Readmission**: No analysis was done on a possible correlation between migrants who had already been returned or readmitted prior to or during their journey. However, 26% of males interviewed and 28% of females interviewed reported having been forcibly returned at least once after having tried to move on from the country where the survey was conducted. In other words, 1 in 4 people. Given the trend of bilateral readmission agreements in the region and the return back along the migration route, it would be important to explore any potential linkages or correlation between this statistic and positive response to TIP indicators, noting increase vulnerability of returned/readmitted migrants based on the loss of resources, additional duration of the journey, possible separation from family as a result of return, and other potential vulnerability factors.
The presentation of the data collected in 2017, provides a breakdown of how migrants responded to specific indicators:

- **Held against Will (by persons who are not government authorities):** 1.1% of male and 1.3% of female respondents reported being held against their will by someone other than government authorities along the route. The majority of these incidents took place in Turkey and Greece.
- **Labour without expected payment:** 8% of men and 12% of women interviewed reported having worked or provided services for someone during the journey without receiving the expected remuneration in return. Males reported having worked without payment in the agricultural sector, in construction, and in the manufacturing industry (predominantly in textiles). Female respondents reported having engaged in unpaid work in the service industry, bars and restaurants, as well as domestic workers. The majority of these incidents took place in Turkey (76%) and in Greece (20%).
- **Forced Labour:** 4% of male respondents and 12% of female respondents stated that they had been forced to work or perform activities against their will. Of the reported incidents, 95% took place in Turkey. As with the above indicator, the majority of these cases took place in construction and agricultural work for men, as well as in domestic work or in bars and restaurants for women, in some cases women reported being forced indications of escort work.
- **Arranged Marriage:** 0.2% of men, but 3.2% of women interviewed responded as having been approached or having had a member of their close family approached. With offers of an arranged marriage.
- **Organ/BODY part Removal:** This question did not result in a significant number of responses; however, there is anecdotal evidence of 1 person having been approached by someone offering cash in exchange for giving blood, organs, or body parts and 4 people (3 adults and 1 child)

With regard to an analysis of the indicators themselves and the intersection between the above-listed demographic profiles and positive responses to specific indicators, the analysis of the 2015-2016 data supported the following relevant conclusions:

- **Indicators of Forced Labour:** The analysis of 2015-2016 data provided that on both the CMR and the EMR, the more time spent on the journey, the more likely a migrant responded positively specifically to indicators of forced labour. Additionally, those traveling with family members, versus those who travelled alone, were less likely to have reported unpaid or forced work along the route.
- **Held against Will and Forced Labour:** Responses to these two indicators indicated that on both the CMR and the EMR, migrants who were kept against the will were substantially more likely to also report having experienced forced or unpaid labour.

Additional analysis were done on the intersection between indicators and specific migrant profiles; however, the above presented the strongest results.
A Note about SGBV towards women and girls among the migration flows

As noted above, to date, data was collected along the EMR that would reflect the incidence of violence, specifically SGBV. On the other hand, through its direct assistance activities IOM is aware of instances of violence in many forms, which are addressed in the following section of this report. In addition to this, a study conducted by the NGO Atinai Serbia and supported by UNFPA indicated that vast number of women and girls accommodated in collective centers in Serbia had experienced physical and sexual violence. Out of the 162 women interviewed – primarily from Afghanistan, Syria, and Iraq – 65% survived some form of physical violence, 24% sexual violence, and 77% witnessed other women experience one of the two forms of violence – suggesting that numbers may be even higher. In half of the cases, violence was perpetrated in the countries of origin, but accounts of violence during the journey were not uncommon. Particularly noteworthy was that the study showed that women traveling with partners were not safer nor less vulnerable to violence that women traveling alone. Perpetrators of violence during the journey to Europe were commonly partners, police, or smugglers, although cases of other family members, strangers or other fellow migrants were also indicated. What is jarring is that most interviewed women and girls showed a high tolerance for violence and some clearly stated that they are ready to endure more violence for the sake of reaching their destination country. Given that experiences of violence and domestic abuse is widely acknowledged to enhance risk to TIP, this topic requires further examination to ensure that proactive prevention measures are in place for this particularly vulnerable population.

2.5. Observations from the field: Data Provided by IOM Migrant Protection and Assistance Teams

In combination with evidence collected through the DTM FMS, anecdotal data and observations presented by IOM field staff presents additional evidence that criminals and criminal networks are taking advantage and attempting to prey on the vulnerable individuals who attempt to transit the Western Balkan countries. The number of people who indicate, both through the DTM FMS Human Trafficking and Exploitative Practices questions and in presenting their cases to IOM field staff who provide assistance, is indicative of larger trends. It shows that the current environment not only facilitates this abuse in a number of cases, but also does little to mitigate the effects of exploitation and abuse once it has taken place.

During the course of data collection, the research team surveyed 45 migrants in the former Yugoslav Republic of Macedonia (14), in Montenegro (9) and in BiH (22), who were being assisted by IOM.

35 J. Markovic, M. Cvejic, Violence against women and girls among refugee and migrant population in Serbia, Atina – Citizens’ Association for combating trafficking in human beings and all forms of violence against women (Belgrade, 2017)
Questionnaires were distributed to field staff who interviewed migrants. While some migrants were reluctant in some cases to provide information, some anecdotal information emerged. In addition, over 108 case files covering 118 migrants who received direct assistance through the currently active IOM Western Balkan Direct Assistance fund were anonymized and reviewed, providing additional anecdotal evidence to support overall trends. Finally, data was captured through the direct observation and regular reporting provided by IOM field staff.

Among the observed population of migrants, there is a high number of individuals who are at risk of trafficking, abuse and exploitation based on known vulnerability factors. In most cases, their vulnerability, as indicated by the FMS responses, is further increased by the hardship and length of the journey, as well as by protracted stay in temporary inadequate accommodation.

IOM field staff observed the presence of a considerable number of families with children – some of which were single-headed families (mostly mothers). Several pregnant women were also documented and assisted to give birth. Traveling with children may increase the vulnerability of the whole family for a number of reasons:

- Sometimes children do not have documents or their documents are not valid or up to date, halting the journey of the whole family.
- Although findings based on the indicator questions within the DTM FMS indicated that adults and children responded positively to the human trafficking indicators at similar rates, based on direct observation, children suffer more than adults for the hurdles and difficulties of the journey and they are more vulnerable to diseases, and sleep, food and water deprivation. Results of the FMS also do not take into account the experiences of younger children, who were not surveyed. Children also require additional care and NFI (diapers, baby food, adequate clothing, etc.), meaning that migrants also require additional resources to travel with children.
- The presence of younger children may condition the choices of adults: their mobility, the selection of accommodation and their readiness to engage in risky behaviors for the safety and wellbeing of their offspring. This may result in an increase in the cost (and sometimes the length) of the journey. It would require further exploration to determine exactly how families are affected.
- Smugglers may take advantage of the vulnerability of single parents with children and resort to coercive practices, even kidnapping them to ask their families for ransoms or simply ask for higher smuggling fees. In some cases, families were separated from children by smugglers as a form of leverage to request higher fees.

---

36 According to one UNDC report, the following conditions increase vulnerability to trafficking: minor age, gender (female individuals are often more exposed), dire socio-economic conditions (in a wider sense, including material deprivation, poor health conditions, inadequate housing, scarce access to social services, etc.), social and cultural exclusion, limited access to education, having been exposed to political instability, war and conflict, not possessing a legal status, and having been on the move. An Introduction to Human Trafficking: Vulnerability, Impact and Action, United Nations Office on Drugs and Crime (UNODC), (New York, 2008).
The stories of S.N., a 25 year old expectant Congolese mother and L., a 41 year old Syrian woman, both interviewed at one transit location along the route, supports the above observation. While trying to reach the country in the EU where her husband lives, S.N. was separated first from her spouse, who had come to pick her up, and then from her first child, who had been found without valid documents. During her journey, she and her child often slept in parks and other public places. Her pregnancy made the situation even more difficult and she was ultimately brought to a hospital to deliver the baby. L., who was traveling alone with four of her five children, was kept hostage by her smuggler. The smuggler deprived her and the children of water and food, and demanded a ransom to her husband, who lives in an EU country. The family was ultimately saved by a police raid.

A considerably high number of UASC and adolescents have also been observed along the route. The accurate identification of UASC remains a challenge and it has been observed that migrants have different incentives (positive and negative) that affect the decision to self-identify as a child. This is particularly challenging, as several governments along the route continue to primarily rely on self-identification in relation to their treatment of who is a child. Children and adolescents are especially exposed to a number of risks: further below we will see how the consequences of the migration may have serious impact on children and adolescents’ physical and mental situation. IOM field staff identified several minors that are at risk of possible exploitation and abuse. However, further analysis of abuses experienced by these young migrants were out of the scope of interviews conducted by IOM staff to avoid the risk of re-traumatization.

IOM field staff have also detected cases of migrants with disabilities or serious medical and mental health conditions (including HIV, cancer, leukemia, PTSD and depression). Often, their illnesses have been worsened by the difficulties of their trip. In several cases, migrants were assisted by IOM mobile team members or local institutions, but some left before it was possible to provide them with adequate support, probably fearing their journey would be delayed or stopped. One case of leukemia observed in in one country along the route required particular attention, as the person had to be admitted to the emergency room after his situation worsened, leading him to lose sight from one eye and with suspected brain damage.

Sexual orientation is also traditionally considered as a potential factor for exploitation, especially of sexual nature. LGBTI migrants are additionally vulnerable due to the perception and treatment of non-heteronormative behavior by migration populations, as well as local populations along the route, resulting in additional potential isolation and exposure to violence and abuse. IOM field staff recorded several cases of LGBTI individuals. In one case, field staff identified a need for secure and separate lodging to a particularly vulnerable individual, who had experienced harassment and abuse while accommodated with other migrants.

Another element that suggests a particular vulnerability is the identification of a number of migrants with no documentation, whose nationality could not defined. In these cases there are a number of reasons why migrants are no longer in possession of their documents.
In some cases documents were destroyed by smugglers; however, in others it is possible migrants were attempting to hide their nationality out of fear of repatriation. It is also possible that in some cases, migrants were stateless.

Field observations have also brought evidence of exploitation and abuse of migrants along the route. A number of violations were recorded, ranging from physical and psychological abuses, thefts, kidnapping and holding individuals against their will, to rarer cases of sexual and gender-based violence (SGBV).

In data collected, there is evidence of migrants, including minors, being victims of physical violence or abuse. Several cases relate to smugglers beating migrants under their control, others are connected to abuses by authorities survived while trying to cross the borders and finally some relate to peer violence and thefts occurred while in march or sleeping in the open air. The use of violence by smugglers may impact migrants’ confidence to report on experience while still travelling in a group that may also include the smuggler. In addition, the largest number of physical abuse cases reported by migrants related to physical violence was perpetrated by authorities, primarily from countries other than those in the region. Regardless, the experience of physical violence by government authorities will make migrants less willing to engage with authorities more generally when they become victims of a crime. TIP actors should take this into consideration when interviewing migrants who have had negative experiences with authorities, as this will impact their willingness to cooperate with investigations and provide accurate information. This also impacts the confidence of migrants that self-identification as victims will further contribute to their overall protection, meaning that protection actors face additional barriers to gaining migrants’ trust to better identify and assist PVOTs among this population.

There are also several accounts of smugglers holding migrants hostage, depriving them of food and water, for hours or even for days, and sometimes physically and psychologically abusing them. Often in those cases, smugglers hold migrants against their will either to ensure payment of the agreed fee or to ask a ransom to their families. In one case, a migrant that was held captive was also victim of physical violence and threatened to have his organs removed if he did not pay an extra fee to the smuggler. In other cases, migrants reported to have been tricked by smugglers: either they have been abandoned in places different from those of destination or facilitators did not show up.

In few cases (including one young male), incidents were reported of migrants who were potential victims of SGBV. There were reports from several migrants provided assistance in one country along the route (mostly females) that claimed that they were humiliated by smugglers during their transit to their final destination. However, their statements are not officially verified. Another two cases were recorded in second country along the route, where one girl survived sexual violence in Turkey and a second woman was transferred from one camp to another as she was discovered having survived GBV.

IOM field staff in the former Yugoslav Republic of Macedonia and in Montenegro also assisted migrants whose claims supported the above-mentioned statistical data that
there have been cases of labor exploitation, primarily taking place in Greece and Turkey. In an additional case, a migrant was pressured to rob a house and beaten up after refusing, indicating that some smugglers may be engaging in forced criminality.

A third observation confirms how **the length and hardship of the journey may increase the vulnerability of migrants**.

IOM field staff describe several cases of persons with severe physical conditions, including aggravated medical conditions, exhaustion, rashes, skin infections, cold and diseases due to the exposure to bad weather and protracted lack of accommodation. Stress, food and sleep deprivation accumulated during the journey also led in some cases to weight loss and insomnia. With these conditions, children are the most affected. There are also observations of injuries and wounds, sometimes allegedly caused by fights with other migrants or attacks by robbers.

Protracted traveling in difficult circumstances may have impact not only on migrants’ physical condition but also on their mental health. Teenagers may particularly suffer from the conditions of the journey, but also of accommodation centers, negatively changing their behavior towards parents or leading them to forms of depression. Some UMCs interviewed were particularly and deeply affected by the journey.

On such case is the case of A.D., an unaccompanied teenager from Afghanistan. His journey lasted for several months, during which he crossed – sometimes on foot, sometimes by bus or by car - Pakistan, Iran, Turkey, Bulgaria and Serbia, to finally end up in one country along the route. At the age of 17, he already experienced extreme living and traveling conditions, including a 15 days of detention. He reported having been stabbed and robbed along the route and returned by the police for irregularly crossing the border. This experience has left visible scars on his mind and body, as the memories of his journey still haunt him: he is prone to anxiety attacks and shows marks of self-harm on his arms. Another UMC, M.K., who left North Africa in search of better working and living conditions, almost stopped talking and withdrew into himself due to the huge stress he experienced during his journey. A third young male, N.A., was found to be in a delicate mental condition, to the point that he refused to take necessary medication, particularly when offered by authorities.

Within families, the psychological impact of trauma experienced along the route may transfer from parents to children and impact their safety and well-being. N.H, a woman under psychiatric treatment, had an episode while being hosted with her children in one particular accommodation location along the route. She started showing violent behavior towards her kids, until local personnel intervened. In another case, a woman was suspected of having attempted to harm her baby, although this fact was not confirmed by authorities at the time of writing.

Frustration with failed attempts to reach the desired countries of destination and protracted stay in crowded accommodation centers and other inadequate housings may also have repercussions on peaceful coexistence in collective centers. IOM field staff observed some
evidence of drug abuse among migrants hosted, in few extreme cases allegedly leading to self-harm. Cases of peer violence, formation of "gangs", and criminal behaviors within some national groups, including thefts inside accommodation facilities, have also been recorded. This has led many migrants to abandon those facilities or request relocation. Affected migrants are often reluctant to submit official reports about violence and theft for fear of revenge.

As noted above, incidents of SGBV are difficult to uncover. However, it has been observed that stress connected with the difficulties of the journey, the sense of helplessness and frustration with failure to accomplish the role of the head of the household may also enhance the chances of marital physical and sexual violence. While recorded evidence of this is very limited in this regard, incidents along the route have been observed in multiple countries. In some cases authorities had to intervene and couples separated.

As widely agreed in literature, vulnerability is affected by the context and specific circumstance that increase or diminish “the capacity of an individual to have their rights respected, or to cope with, resist or recover from exploitation or abuse”.\textsuperscript{37} As noted at the outset of this chapter, the above-mentioned observations can only provide anecdotal evidence of the abuses experienced by migrants transiting or strained in the Western Balkans. Despite this, taken together, there is clear indication that their vulnerabilities expose them to serious risk of exploitation and potential trafficking. The vulnerable situations outlined above present known and well-researched risked factors that contribute to migrants’ vulnerability to TIP. Further to that, it is important to remember that the number of vulnerable cases identified is usually underestimated. This information also provides evidence for the fact that many migrants, particularly once having experienced exploitation and abuse, are hesitant to contact law enforcement authorities, refuse to sleep in government accommodation facilities or leave after a very short period, hence making it more difficult to identify and address these vulnerabilities.

A note on languages: The availability of interpreters for languages spoken among the migrant population in the Western Balkans is limited. In particular, the availability of languages other than Arabic can often be difficult to find, especially given that many officials do not speak English, therefore requiring that interpreters speak both the needed migrant language and one of the local languages. This creates additional barriers to identifying migrant vulnerabilities, as well as providing protection and assistance. It also creates a sampling bias in terms of the evidence of exploitation and abuse captured, as migrants may not have the option of communicating their experiences in their native language. IOM indicated that it is currently working with field staff to roll out additional possibilities for mobile interpretation; however, this will also only be available in languages most-spoken by migrants. Those migrants who can only communicate in lesser-spoken languages in the region, whether it be among the local or migrant population, are therefore at-risk of not being able to communicate protection needs.

CHAPTER 3
OVERVIEW OF THE CURRENT NATIONAL COUNTER TIP SYSTEMS
(Presented by country)

In the countries that were directly affected by the abrupt influx of mixed flows of migrants and refugees, namely Serbia and the former Yugoslav Republic of Macedonia with the Western Balkan region, the respective national governments were responsible for coordinating the overall response. In both cases, the countries had already developed national systems for combatting trafficking prior to the crisis situation. The same is true for all other countries in the Western Balkan region, including those now experiencing increased transit of migrants in vulnerable situation due to the large numbers stranded in neighboring countries.

At the height of the large numbers of migrants transiting the region, the fast duration of the transit (with migrants transiting within hours), identification of PVOTs was extremely challenging and in many cases, nearly impossible. However, with the closure of the route in March of 2016 and the increase in the number of stranded migrants, as well as in clandestine attempts to enter European Union countries, states in the region now have had the chance to adjust systems and assess whether systems are able to meet the need to identify PVOTs and VOTs among mixed flows in the region. The chapters below give a very brief description of the current TIP systems and attempts to identify challenges or barriers to identification and referral that persist.

3.1. ALBANIA

Table 5. – TIP tier ranking by year (TIP Reports ALBANIA)

<table>
<thead>
<tr>
<th>Year</th>
<th>Tier</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>2</td>
</tr>
<tr>
<td>2011</td>
<td>2</td>
</tr>
<tr>
<td>2012</td>
<td>2</td>
</tr>
<tr>
<td>2013</td>
<td>2WL</td>
</tr>
<tr>
<td>2014</td>
<td>2</td>
</tr>
<tr>
<td>2015</td>
<td>2</td>
</tr>
<tr>
<td>2016</td>
<td>2</td>
</tr>
<tr>
<td>2017</td>
<td>2</td>
</tr>
</tbody>
</table>

Legislation

Albanian legislation related to combating TIP includes both specific laws and bylaws to address the prevention and prosecution of TIP, as well as the protection of victims.

---

38 This section is primarily compiled from information gathered from national TIP authorities, in particular through a Questionnaire disseminated to National Anti-Trafficking Coordinators in the region, complemented with additional data gathered through desk review.


40 Ibid 2017
This includes specific Articles within the Constitution of the Republic of Albania, provisions of the Criminal Code and of the Code of Criminal Procedure. Laws and bylaws to prevent and combat TIP include: the law no. 8920, dated 11.07.2002 “For ratification of the UN Convention against organized transnational crime and 2 additional protocols”; the law no. 9642, dated 20.11.2006 “for ratification of council of Europe convention “For measures against trafficking in persons”; the law 70/2017 “for some additons and changes in the law 10192 for the “Prevention and combatting organized crime, trafficking and corruption and other crimes through the preventive measures against property”, changed; the Law for “The organization and functioning of the Serious Crimes Court” (2003), and the law for “The protection of witnesses and collaborators of Justice” changed. TIP is defined in Albanian legislation according to the definition within the Palermo Protocol and outlined in specific articles of the Criminal Code, Articles 110/a–c related to the “Trafficking of adult persons” and 128/b, “Trafficking in Children.

The 2013 changes to the Penal Code specifically included the removal of the special provision for trafficking in women; the provision and inclusion of internal trafficking; the criminalization of knowingly benefitting from or engaging the services of a victim; and excluding from punishment, for the commission of criminal offenses during the period of trafficking and to the extent that it was obliged to carry out those acts or unlawful inactions. In December of 2015, the Albanian Parliament adopted the Law No. 150/2015 “For the ratification of the CoE Convention against trafficking of human organs”. The National Anti-Trafficking Coordinator will prepare and compile the necessary amendments for inclusion of by-laws into domestic legislation in line with the convention.

Amendments to the Criminal Procedure Code (Law 35/2017) regulate and improve the position of the victim. Article 9 / a of the Code introduces the obligation to participate as a party in the process of the victim of a criminal offense, guaranteeing its access to the criminal process; Article 9 / c requires that public bodies should ensure that victims of crime are treated with respect for their human dignity and protected from re-injury while exercising the rights provided by this Code. Article 58 has been completely reworded and Articles 58 / a and 58 / b have been added, in which the minor victim and the sexually abused victim or subject of trafficking are provided as special figures. Also on 01.01.2018 came into force the “Juvenile Justice Code of Criminal Law” which complements the legal framework in accordance with international acts and aims to guarantee standards and additional norms aimed, inter alia, for the protection of juvenile victims of crime.

National Strategies and Action Plans

The National Strategy for 2014-2017 to combat TIP, including the National Action Plan ended in December 2017 and ONAC took the measures for the development of Action Plan for Combatting Trafficking in Persons, which will cover the period 2018 – 2020. The ONAC has organized consultative meetings with government and non-government actors, In the draft document are included their comments and suggestions. Actually, the draft document has been sent to the line Ministries to follow after the next legal procedures for approval by Council of Ministers.
Following the implementation of the Strategy for Combatting Trafficking in Persons and the Action Plan 2014-2017, an Action Plan for Social-Economic Integration of women and girl victims / potential victims of trafficking 2015-2017\textsuperscript{41} was adopted. The aim of this action plan was to provide assistance and to aid the reintegration of women and girls VOTs and PVOTs, through the development and implementation of cross-cutting policy including education, employment, social inclusion and social protection, development and gender mainstreaming, protection from domestic violence and protection of children. The Action Plan ended in December 2017 and in order to have one comprehensive action plan it is now considered to be integrated within the country Action Plan 2018-2020.

\textit{Office of the National Anti-Trafficking Coordinator (ONAC)}

The Albanian Government and the Ministry of Interior (MoI) continue to engage in efforts to combat TIP and keep it as a key priority through their engagement and response. Concrete measures include efforts to improve the legal framework and its compliance with international law; increasing the capacities of counter trafficking structures; improving capacity of front line actors (border and migration police) to screen irregular migrants for trafficking indicators; improving the way of identifying victims through pro-active approach and the process of their reintegration into society; providing protection and assistance not only to those co-operating with justice, but to any person identified as a potential victim / potential victim of trafficking, preventing human trafficking by increasing public awareness and intensifying regional and international cooperation in anti-trafficking.

\textit{Other Structures in Combating TIP}

A National Referral Mechanism for the Identification, Referral and Assistance for Victims of Trafficking in Human Beings (NRM) was established in 2005, together with the TIP National Task Force, responsible for providing technical-level support for its implementation. The Office of the National Anti-Trafficking Coordinator (ONAC) is placed within the MoI and is responsible for the coordination of all counter TIP activities within the country. The Cooperation Agreement for the functioning of the NRM was reviewed and re-signed in 2012\textsuperscript{42}. The State Committee of Fight Against Trafficking in Persons, expanded in year 2014,\textsuperscript{43} is the principal government body responsible for coordinating national and international institutions in the field of counter TIP efforts and the implementation of national strategies to combat TIP. It is chaired by the Minister of Interior, and includes representatives of the director of the State Intelligence Service (SHISH) and deputy Ministers from the line ministries. The Responsible Authority\textsuperscript{44}, set up by the Joint Instruction (RA), is the structure governing the implementation of the NRM over all cases of potential victims of trafficking identified

\begin{itemize}
\item \textsuperscript{41} Enacted by the Decision No. 115, dated 17 February 2016.
\item \textsuperscript{42} Cooperation Agreement on the Functioning of the National Referral Mechanism for Victims and Potential Victims of Trafficking in Persons (NRM), dated June 15, 2012
\item \textsuperscript{43} Prime Minister’s Order no. 179, dated 19.6.2014 “On the establishment of the State Committee against Trafficking in Persons”
\item \textsuperscript{44} Prime Minister’s Order no. 582 dated 27.07.2011 “For approval of Standard Operating Procedures for identification and referral of victims / potential victims of trafficking”
\end{itemize}
and referred to under this Mechanism in accordance with SOPs. The RA provides protection of the rights and assistance of victims and potential victims of trafficking, as well as coordinates and oversees the activity of the functional dependencies of each RA member at the center and on the basis of identification, referral, protection and assistance to victims and potential victims of trafficking.

**Standard Operating Procedures for the Identification and Referral of Victims of Trafficking and Potential Victims of Trafficking (SOPs)**

45 were approved in 2011 aiming to enhance identification and referrals of VOT and PVOT, including all types of exploitation and protection and assistance services. The SOPs also include specific indicators for initial identification of TIP at the border, and within and outside the territory of Albania. Responsible authorities for formal identification of VOT are the **Specialist of the Section against illicit trafficking** and the **Social worker of the Regional Office of the State Social Service.** The SOPs were revised in 2017, taking into account a specialized sectorial and inter-sectorial / multidisciplinary intervention, increase involvement in initial identification and understanding of TIP of the government institution and not only, re-integration of VOTs and the increased transit of vulnerable migrants through the country. The document is sent to the line Ministries for their feedback and their comments will be incorporated in the document. Soon the document will be sent in the Council of Ministers for approval.

**Care for victims and potential victims**

Care for VOTs and PVOTs in Albania is primarily provided through four VOT reception and reintegration shelters: one government-run and three NGO-run shelters. The four shelters since 2007 are jointly working together and are recognized as the National Coalition of Anti Trafficking Shelters (NCATS) providing rehabilitation and reintegration services to cases identified and referred to the Responsible Authority (RA). The state budget covers food expenses for all shelters, and since 2015, the salary of 12 social workers in 2 of the NGO-run shelters. In 2016, support was extended to a total of 24 employees for all three NGO-run shelters and for year 2017 for the three NGO-run shelters support from state budget was extended to a total of 30 employees. All VOTs and PVOTs have access to free healthcare since June 2014.

Assisted male VOTs were accommodated in rented apartments rather than in the NGO-run shelters and only one of the three NGO-run shelters provide specialized services for VOTs under the age of sixteen. Since 2015, the Albanian government provides child VOTs with free textbooks for their schooling.

By law, PVOTs and VOTs are entitled to free legal assistance, counselling and legal representation during criminal investigation and proceedings. 46

---

45 Joint Instruction Nr. 3799, dated 8.7.2014 "On the Establishment of the Responsible Authority for the Identification, Referral, Protection and Reintegration of Victims / Potential Victims of Trafficking

46 International Centre for Migration Policy Development (2015): Assessment of the National and Transnational Referral Mechanism for Victims of Trafficking in Albania.
Foreign VOTs in Albania are entitled to the same services as domestic VOTs. Recent amendments to the Criminal Code and Code of Criminal Procedure, specifically mentions internal trafficking, as well as measures to increase access to justice for victims. However, in practice access to compensation for identified VOTs remains a challenge as the VOTs are required to file a civil lawsuit.

**Statistics**

According to ONAC, 105 VOTs and PVOTs were identified in 2017, of which 26 were identified as VOTs and 79 PVOTs. Of the 105 cases 80 were female and 25 male, 56 of the cases were children. In addition, 96 were Albanian nationals and 9 were third country nationals. However, none of the 9 foreign nationals are considered to have been from the mixed migration flow transiting the country.

**Successful practices**

The protection and provision of assistance to VOTs remains a strength in Albania. The three NGO-run shelters and the government-run National Center for VOTs provide comprehensive direct assistance, focusing on the rehabilitation and eventual reintegration of victims. Assistance includes basic needs, such as food and accommodation, psychosocial support, medical and legal assistance, and educational opportunities. Shelters additionally engage in post-reintegration follow-up.

In 2016, the government of Albania began to use its Special Fund/Compensation Fund, which consists of funds from the seized assets of identified traffickers, towards victim protection and assistance. Funds have been allocated to the National Reception Center for VOTs, the NGO Different and Equal, and the NGO Aksion Plus.

Since 2014, the government of Albania run a free helpline for VOTs. The helpline is run in conjunction with a mobile application entitled “Report! Rescue!” which can be downloaded on Google Play and allows users to report PVOTs by protecting their confidentiality.

Additionally, for the last four years, the MoI and the ONAC, in cooperation with state institutions and international organizations, have been organizing Summer Campaigns and Community Awareness on TIP. In addition, they for 4 years have organized the “Month of the Fight Against Trafficking in Persons”, which takes place over the course of October in observance of the EU Anti Trafficking Day 18 October.

The Albanian state police investigated and tried 69 cases of TIP in 2016 with 69 defendants, as compared with eighty cases involving ninety suspects that were investigated in 2015.

---

47 Successful practices for all country chapters are those primarily identified by surveyed stakeholders

For year 2017, are evidenced 69 cases with 80 defendants and in total, 7 persons were convicted under article 110 and 128/b of Penal Code comparing to twenty- convicted by Albanian courts in 2016, compared to eleven in 2015.

Obstacles

Limited resources allocated from the state budget for the implementation of the National Action Plan remains a challenge. It is the responsibility of each ministry to include costs for the implementation of the action plan in their respective budgets, making it difficult to objectively assess the available resources for the implementation of both the Strategy and the Action Plan.

Furthermore, despite the successful prosecution of 24 traffickers in 2016, law enforcement officials continue to bring lesser charges, such as the crime of exploitation in prostitution, against suspected human traffickers. Thus, some confusion between the two charges remains.

One additional challenge is highlighted by the fact that, despite substantial numbers of PVOTs and VOTs identified in Albania, no PVOTs have been identified among the mixed migration flows transiting the region. As the Albanian SOPs were recently amended to attempt to address this gap, the government will require support to roll out the new operating procedures and raise awareness in relation to changes that have been made to the document once it is adopted.

According to the National Action plan and as identified by the ONAC, additional areas for improvement include, but are not limited to:

4. Enhanced law enforcement (police, prosecution) and judicial response to enforcing applicable legislation to ensure a successful prosecution/adjudication process, while respecting and ensuring the rights of VOTs and PVOTs are protected.
5. Efforts to more effectively prevent TIP, including more protective social systems, including fostering socio-economic opportunities and other livelihood options;
6. Enhancement of cross-border and international cooperation;
7. Establishment and implementation of a mechanism to monitor, evaluate, and review the TIP response as well as improvements of information system and data collection on TIP;
8. Prevent and eradicate the TIP of children, through the improvement of child protection systems and the enforcement of existing standards.49
9. Contribute to successful reintegration of victims and potential victims of trafficking and support National coalition of Anti trafficking Shelters for sustainable services.

3.2. BOSNIA AND HERZEGOVINA

Table 2. – TIP tier ranking by year (TIP Reports BOSNIA AND HERZEGOVINA)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>2WL</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>

Legislation

BiH has a complex institutional and legislative set up consisting of two Entities and one District i.e. the Federation of Bosnia and Herzegovina (FBiH), the Republic Srpska (RS), and the Brčko District. This results in the multiple legal systems, jurisdictions, and institutions competent to deal with TIP at State, entity, district, and cantonal levels. This institutional setup is particularly challenging when dealing with a complex and multifaceted crime such as TIP that requires a comprehensive, multidisciplinary and holistic approach\(^\text{50}\). Legislation related to combating TIP in BiH includes the respective Codes of Criminal Procedure, as well as laws on witness protection.

BiH has adopted two important bylaws to ensure the protection of victims of TIP: the Rulebook on the Protection of Foreign Victims of Trafficking in Human Beings (Rulebook) and the Rules on the Protection of Victims and Victim Witnesses of Trafficking in Human Beings Citizens of BiH (Rules). The Rulebook on the protection of foreign victims became law in 2013. The adoption of a new Rulebook is pending. The Rules are secondary legislation, adopted at the State level but not formally binding at the Entity and District level. They establish the procedures used for identification, protection and assistance of victims and indicates the tasks of competent authorities at the various levels of BiH state administration, as well as the mechanisms for cooperation with civil society. These Rules provide the foundation for the establishment of the NRM in line with international standards.

National Strategies and Action Plans

BiH has adopted and implemented three Action Plans thus far (2001-2003; 2005-2007; and 2008-2012) and the country adopted and implement its first Strategy on Countering Trafficking in Human Beings in 2013-2015. The current (fourth) Action Plan to Counter Trafficking in Human Beings in Bosnia and Herzegovina 2016-2019 was adopted on the 31st December 2015. Its strategic objectives are centered around building the capacities of BiH’s legal framework and enhancing cooperation to better protect and assist PVOTs and VOTs.

\(^{50}\) The Criminal Procedure Codes, the laws on protection of witnesses under threat and vulnerable witnesses at the State and entity levels provide a number of important measures to protect victims-witnesses of trafficking during criminal proceedings\(^5\) (see Section on protection of victims’ rights in criminal proceedings).
National Referral Mechanism (NRM)

The NRM was established in 2000. Its basic aims are to ensure the human rights of trafficked persons are respected and to provide an effective way to refer victims to services. It provides the cornerstone for the strategic planning of counter trafficking actions, harmonizing and creating amendments for legislation so it is brought to international standards. This creates an efficient system through which VOTs and PVOTs can be processed and assisted. The three pillars to this institution are:

The State Coordinator for Combatting Trafficking in Human Beings and Illegal Migration in BiH (CTHB) is responsible for leading and coordinating the country’s anti-trafficking efforts at the policy level. The office facilitates referral and cooperation between the different pillars of the NRM.

The Strike Force for the Fight against Trafficking in Persons and organized Illegal Immigration is a mechanism that provides coordination for the numerous law enforcement agencies at State, Entity, District, and more local levels. This team is under the direct migration of the BiH Chief Prosecutor with a considerable budget to better prosecute cases and to exchange intelligence about the TIP situation.

Regional Monitoring Teams (RMTs) are multidisciplinary teams involving public officials from a vast selection of government agencies. There are 4 teams spread across the country, which makes them more available at local levels. The Guidelines for RMTs for the Fight Against Human Trafficking (Guidelines for RMTs) provide competent authorities with a list of TIP indicators and guidance on the steps to follow during the identification process. Informed by the document review that took place for the purpose of this analysis, the Guidelines for RMTs are currently being revised by trafficking actors in BiH, supported by IOM with funding from this JTIP-funded project.

Other structures relevant to combating TIP

There are two further public institutions with a substantial specific role with regard to TIP. These are the Ministry of Human Rights and Refugees (MHRR) and the MoS Sector for Immigration and Service for Foreigner’s Affairs (SFA). The MHRR coordinates and administers the State budget funds allocated for the protection and assistance to BiH citizens who are VOTs. The Sector for Immigration and SFA are responsible for handling foreign VOTs, allocating appropriate resources and coordinating with other security agencies to guarantee their protection.

Care for victims and potential victims

Victims in BiH are entitled to physical protection, to the preservation of their privacy and identity, safe accommodation, medical assistance, legal counselling about their rights in a language they understand, legal assistance during criminal proceedings, education and training opportunities, assistance in employment, and other social measures depending
on the availabilities of funds. Once a person is identified as a PVOT, they can provide their consent for accession to a shelter. Currently, the centres receiving government funds are managed by two CSOs, IFS-Emmaus (for assistance and protection for both foreign and national victims) and MedicaZenica (foreign victims only). Assistance normally lasts from 3 to 6 months, with a yearly allocation to victims of 60,000 BAM from the MIHRR. This enables victims to have a certain degree of freedom, and they are not forced to stay in an accommodation during their reintegration.

Irregular migrants detected by law enforcement, including the border police, are referred to the Service for Foreigners Affairs, who engage in preliminary screening of detected migrants. Migrants who express a wish to apply for asylum are referred to the open Asylum Center in the town of Delijaš, while other detected irregular migrants are referred to the closed Immigration Center. As of the time of writing, the Asylum Center is at capacity, meaning that migrants are often unable to receive accommodation. In some cases, particularly vulnerable migrants and asylum seekers are referred to the NGO IFS-EMMAUS.

Statistics

The Ministry of Security (MoS) Department for Combating Trafficking in Human Beings reported that 83 PVOTs/VOTs were identified in 2017. Out of that figure there were 36 adults and 47 minors, with 58 female VOTs and 25 male VOTs. 81 of these citizens were from BiH, which makes sense given the fact that mixed migration flows have only very recently. The principle type of exploitation is forced begging, with 52 cases, a cause that impacts mostly children.

Successful practices

The various legislative documents in BiH outline specifically the initial handling of a VOT or PVOT after initial identification. These are critical procedures, and they establish everything from the provision of immediate and urgent care to the sheltering and accommodation of the individual. These processes involve CSWs, CSOs and NGOs which contribute specialized knowledge.

After initial accommodation, there are a series of interviews to establish, according to indicators, where the individual is a VOT or PVOT. The proceedings are then advanced to prosecutors where the official determination of status is made, and a criminal case can begin.

Obstacles

Identified VOTs have increasingly protracted stays in shelters due to drawn-out prosecutions. This lengthy process can lead to re-victimization and presents a substantial challenge for protection. There are still considerable issues in the area of an independent and efficient judiciary.
Even with the legislative frameworks in place, there is a lack of proper identification, which has led to ineffective prosecution and protection of VOIs. To start off with the legal terms are not well defined. “Victim”, “potential victim” and “identified victim” are not defined clearly in the legislation, leading to many irregularities. Cases are consistently “lowered” to misdemeanors, limiting the progress for cases in investigating large networks, and adequately punishing traffickers. Authorities are also struggling to adapt to new patterns of TIP recruitment such as activities online.

3.3. FORMER YUGOSLAV REPUBLIC OF MACEDONIA

Table 3. – TIP tier ranking by year (TIP Reports FYR of Macedonia)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>

Legislation

Over the past two years, there have not been any changes to the legal framework for combating TIP in the former Yugoslav Republic of Macedonia. This framework consists of the Criminal Code, and the Laws on Foreigners, Asylum and Temporary Protection, Witness Protection, Criminal Procedure, Primary Education, High Education, Volunteering, Health Care and Health Insurance, Child Protection, Family, Social Protection and Juvenile Justice. In response to the mixed migration flows that occurred in 2015 and 2016, the National Commission for Combating Human Trafficking and Illegal Migration developed SOPs for Processing Vulnerable Categories of Migrants (2015) and SOPs for Dealing with Unaccompanied and Separate Children (2016). Due to the high number of irregular crossings, migrants often found themselves at risk of abuse and exploitation. This led to a rise in the number of TIP cases which required adequate identification. For that purpose, the National Commission developed the General Indicators for Initial/Preliminary Identification of Presumed and Potential Victims of Human Trafficking in Mixed Migration Flows (2016). The former Yugoslav Republic of Macedonia also has Standard Operative Procedures for Treatment of Victims of Trafficking in Human Beings in place. The last review of this document took place in 2010.

National Strategies and Action Plan

Since 2006, four National Strategies and Action Plans have been developed by the National Commission. Every strategy and action plan has a duration of four years. The fourth National Strategy and Action Plan for Combating Trafficking in Human Beings and Illegal Migration in the Republic of Macedonia (2017-2020) was adopted in 2017. The documents provide concrete actions to improve the identification and referral of PVOTs and VOTs, and to identify more generally migrants in vulnerable situations, while also monitor new TIP trends within the country.
The National Commission for Combatting Trafficking and Illegal Migration (the National Commission)

The National Commission is a body that brings together stakeholders and coordinates their efforts to combat TIP. It is led by a National Coordinator, and is comprised of a Deputy National Coordinator, a Secretary and Commission members. As of 2003, a Secretariat of the National Commission also operates within the Commission and implements the decisions made by the Commission and a Subgroup for Combatting Child Trafficking, established in 2003.

Other structures relevant to combating TIP

The Office of the National Referral Mechanism has been institutionalized within the Ministry of Labour and Social Policy (MLSP) Department for Equal Opportunities since 2009. Its primary function is to ensure the identification, assistance and protection of VOTs, especially minors, regardless of the nationality, ethnicity, age or sex of the person. It collaborates with other institutions and stakeholders to fulfil its mandate.

The Subgroup for Combatting Child Trafficking was established in 2003. Its main objectives are focused on preventing and protecting child VOTs, coordinating cooperation among relevant stakeholders, and monitoring the situation related to combating child trafficking. Annual operation plans are developed and tracked through annual reports that are submitted to the National Commission. The Subgroup is run by a Chairman, who is an adviser from the MLSP Department for Equal Opportunities.

A National Rapporteur (NR) was established by a proposal from the National Commission in 2009. They have a broad mandate which includes reporting on the activities undertaken to combat TIP, collecting and analyzing data from relevant partners, and monitoring the implementation of the National Action Plan while evaluating its success. The NR has provided recommendations for the application of laws and policies for the fight against TIP, which has contributed to improving the overall institutional response.

51 The Government adopted a decision on appointment of a National Coordinator and members of the National Commission at a session held on 30 January 2017.
52 Members are representing international organisations, citizen associations and government institutions experts: MoI-STLIM, MLSP·NRM, the American Embassy, ICMPD, OSCE, IOM, UNHCR, the Regional Centre - MARRI, “Open Gate”, “For Happy Childhood”, “Semper”, «Ezerka», and the Red Cross of the Republic of FYR of Macedonia.
53 The chairperson is an Adviser for protection and prevention of human trafficking within the MLSP-NRM, and its members are representing: the MoI-STLIM, CGRM-MoI, the US Embassy in Skopje; ICMPD, OSCE, GIZ, IOM, “Open Gate”, “For Happy Childhood”, “Equal Opportunities”; and the deputy Ombudsman, who has the role of an external member/observer.
54 National Strategy for Combatting Trafficking in Human Beings and Illegal Migration in RM 2017-2020
55 The Subgroup consists of 13 members: the Ministry of Interior (MoI), MLSP, CSOs (including the organizations “For a Happy Childhood”, “Open Gate”, “Equal Opportunities”), and international organizations such as: IOM, ICMPD and GIZ. The deputy Ombudsman for the protection of children’s rights is an observer of the Subgroup.
Three Local Commissions on Combatting Human Trafficking and Illegal Migration were established in 2013 and 2014 in the municipalities of Tetovo, Bitola and Shtip. As a response to the increased number of migrants in 2015 and 2016, three additional Local Commissions were established in the municipalities of Gevgelija, Veles and Prilep.

The National Unit for Combating of Migrant Smuggling and Trafficking in Human Beings (Task Force) was established on 13th of February 2018. The Task Force consists of 55 officials: two prosecutors, 32 MoI officials, and 21 contact points (also MoI). The 55 members are from different departments from the Bureau of Public Security (MOI) (Sector for Border Affairs and Migration/ Regional Centers for Border Affairs/Units from the Department for Combating Organized and Serious Crime/Units from the Sectors for Internal Affairs) and Public Prosecutor from the Public Prosecutor’s Office for Combating Organized Crime.

Mobile teams for Identification of Vulnerable categories and Victims of Human Trafficking were re-established on the 5th of February 2018. They will work in 4 locations (cities) on identification, referral and reintegration of vulnerable categories and VOTs.

Care for Victims

There are a number of centres providing care for VOTs and PVOTs. These include the government-run Center for Victims of Trafficking in Human Beings and Victims of Sexual Violence (CVOT), which is a public safe house, managed by the MLSP and established in 2011. It accommodates PVOTs and identified VOTs, both domestic and foreign nationals with approved temporary stay. Direct assistance within the shelter is provided by two NGOs, “For a Happy Childhood” and “Open Gate – La Strada”.

Regarding the accommodation of migrants in vulnerable situations, the Centre for Asylum Seekers in Skopje, established in 2009, is managed by the MLSP. The Centre provides accommodation, food, social services, entertainment and recreational activities for asylum seekers. An accommodation space for vulnerable migrants and asylum seekers, the “Jesuit Refugee Service Safe House”, was established in 2015 and is managed by Jesuit Refugee Service, but under the responsibility of the MLSP. The Reception Centre for Foreigners, established in 2001, is managed by the MoI and accommodates foreign nationals including VOT and PVOT. The persons accommodated in the Centre for Foreigners receive medical assistance and protection, legal advice and representation, psychosocial support, as well as return and reintegration services.

Statistics

Between 2013 and 2016, only 34 victims were identified, of which 22 were children. 25 of the identified VOT were citizens of the former Yugoslav Republic of Macedonia, and the 9 foreign nationals. Victims were primarily female, subjected for the purpose sexual exploitation, labor exploitation, forced marriage, and begging. Identified foreign VOTs primarily originate from the Western Balkan region (Albania, BiH, Kosovo/UNSC 1244, Serbia), as well as Eastern European countries such as Romania and Ukraine).
In 2017 only two VOTs were formally identified and additional PVOTs were preliminary identified, however, the government is still finalizing its statistical count. One KI further explained that PVOT among the migrant population are mostly males, 14-16 years old, coming from rural areas, from a lower socio-economic and educational background.

Additional information provided through interviews indicates that PVOT, who are Macedonian nationals and internally trafficked, were primarily 16-18 years old, from the Eastern and Central parts of the country, from a family of a lower socio-economic status.

Successful Practices

Successful practices in identifying and providing care for VOTs and PVOTs in the former Yugoslav Republic of Macedonia include the strong coordination between the institutions and the organizations that combat TIP, achieved through a well-established processing system from the moment of detection to the provision of care.

Some key practices to be mentioned include:

- The MLSP has opened two day centres for street children in the vicinity of Skopje and Bitola. These centers have been explicitly recognized as an example of good practice within the Council of Europe compendium of good practices on the implementation of the CoE Convention on action against trafficking in human beings. Based on interviews with experts, the fact that these children are offered a home, being fed and bathed, regardless of how short their stay is, has a positive impact.
- The UCTHBMS is a unit within the MoI composed of inspectors whose focus to work specific on TIP and SoM. The UCTHBMS used to have “detached inspectors” in some of the major cities in the former Yugoslav Republic of Macedonia. These inspectors worked at the Sectors of Interior, however, they directly reported to the UCTHBMS. Because this proved to be a good practice, an initiative was filed to reinstate the detached inspectors with the new job classification and revolve them as members of the newly established National for Combating Trafficking in Human Beings and Smuggling of Migrants and the mobile teams at local level.
- The NGO “For a Happy Childhood” has been organizing mobile teams for social work with street children for 6 years. This helps detect abused children who are forced into begging. The teams are made up of three students of social work from the Institute of Social Work and Social Policy at the Faculty of Philosophy ss. “Cyril and Methodius”, University of Skopje, who work directly with the street children. The methodology of the teams is very specific, with each social worker having their defined role.

56 Secretariat of the Council of Europe Convention on Action against Trafficking in Human Beings (GRETA and Committee of the Parties) (year unknown, probably 2017). Compendium of good practices on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings. Strasbourg: Council of Europe
57 Mobile Teams and the NUCTHB&SM were reestablished on 05 Feb 2018 and 13 Feb 2018 respectively pursuant to ministers (MLSP and MoI) signing of decisions.
This involves direct engagement with the children and their families to develop a full picture of their circumstances and needs and help them get off the streets and back into school. Teams also observe, and map trends related to the location and the number, and to inform the police to engage in an appropriate law enforcement responses.

- The Open Gate – La Strada is involved in the early detection and initial protection of VOTs and PVOTs. When a CSW detects a high risk PVOT or VOT, and/or victim of domestic violence, the case is referred to the NGO who engages directly with the identified case directly. The methodology of rehabilitation and reintegration often involve the family of victims, especially in cases of minors. This work also involves workshops on the prevention of TIP within educational institutions.

**Obstacles**

Pointed out by the MoI, a lack of translators for some languages; barriers for cooperation with certain neighboring countries in investigations; and a lack of operative cooperation in the region to investigate higher ranked members of organized criminal groups represent key challenges in the investigation and prosecution of SoM and TIP crimes. Additional obstacles include insufficient human resources, particularly police officers at the local level. Representatives of the NRM identified the following challenges:

- Limited number of qualified social workers trained in identification of VOT;
- Lack of funds for NGOs;
- No existing compensation fund for identified VOTs;
- Insufficient funds for rehabilitation and reintegration programmes for VOT;
- Organizational challenges at the local level.

There is also an identified need to strengthen the awareness on cultural sensitivity among TIP actors, particularly in the work with migrant populations. Lastly NGO representative stated that more should be done to strengthen capacities in both identification and prevention, especially at an early age (preschool and elementary school children) underscoring the importance of working with parents (especially with Roma population).

### 3.4. MONTENEGRO

#### Table 5. – TIP tier ranking by year (TIP Reports MONTENEGRO)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2WL</td>
</tr>
</tbody>
</table>

**Legislation:**

The Legal framework for combatting TIP in Montenegro consists of: Criminal Code; Code of Criminal Procedure; Memorandum of cooperation on fight against trafficking in human beings (amended in 2013); Law on foreigners; Law on witness protection; Law on Free
Legal Aid; Law on Liability of Legal Persons for Criminal Offences; Law on International Legal Aid in Criminal Matters, Law on Personal Data Protection, Law on the confiscation of property acquired through criminal activity; Law on compensation of damages for victims of violent crimes (2015, postponed entry into force until Montenegro’s accession to the EU).

National Strategies and Action Plans

On 13 September 2012, the Government of Montenegro adopted a new “Strategy for Fight against Trafficking in Human Beings 2012-2018”. Action Plans related to the strategy are developed on an annual or biannual basis, the current action plan covers the period 2017-2018. The current Action Plan is the 5th Plan adopted for the purpose of implementing the current Strategy.

Office of National Coordinator for Fight against Trafficking in Human Beings (Office)

The MoI’s Office of National Coordinator for Fight against Trafficking in Human Beings (Office) is an umbrella institution when it comes to counter trafficking in Montenegro. The Head of the Office is the National Coordinator for Fight against Trafficking in Human beings (National Coordinator). The primary role of the Office is to coordinate the activities of government, NGOs and international organizations engaged in counter trafficking activities. The National Office also works to harmonize national legislation with international legal standards related to TIP. Additionally, the National Office finances a shelter for VOTs, as well as a Government SOS line for VOTs, and prevention activities.

Other structures relevant to combating TIP

National Working Group monitors the implementation of the Strategy. It is chaired by National Coordinator, while members are representatives of ministries, Supreme State Prosecutor’s Office, Supreme Court, Labour Inspector, Ombudsperson for Children, and representatives of relevant NGO. Additionally, the representatives of US Embassy in Podgorica; Office of EU Delegation to Montenegro, OSCE Mission, IOM and UNICEF have the role of observers.

The Coordination Body was established at the operational level, and is chaired by the National Coordinator. This team is made of representatives of all institutions who are signatories of the Agreement on Cooperation related to combatting human trafficking. They work operationally in the segment of prevention, identification, prosecution of perpetrators and protection of human trafficking victims. Any signatory of the Agreement can identify PVOT and inform the Police Directorate. This body is in charge of direct treatment in specific situation when (potential) victims of human trafficking appear, and it adopts individual plan for the recovery of every individual victim.

Tripartite Committee consists of representatives of Supreme State Prosecutor’s Office, Supreme Court and Police Directorate, and the Office of National Coordinator for Fight
against Trafficking in Human Beings monitors the process from identification of VOT until court passes a judgment.

**Care for victims and potential victims**

As of 2006, the Office fully finances the functioning of the shelter intended exclusively for VOTs and PVOTs for initial recovery and other types of assistance, including accommodation, food, clothes, shoes, utility costs, psychological, legal, health care, social assistance, and educational workshops. On daily basis the Centre is operated by the NGO “Montenegrin women's lobby”, engaged by the Government. The shelter may accommodate 15 persons and has possibility to separate adults from children. Following the appropriate assessment by competent institutions (Police Department, Social welfare center – in case of minors), the user(s) have a possibility to go out of the shelter in course of their accommodation in the shelter. In accordance with the specific needs of every individual victim, also based on cooperation between the Shelter staff and signatories of the Agreement on cooperation, individual plans are drafted and implemented for every VOT. Assistance and protection to VOTs are provided based on the principle of voluntarism and consent of the victim after the identification. The victim is advised that all necessary assistance and support would be provided, regardless of whether the victim would testify and participate in the court proceedings against traffickers or group, and also that s/he is entitled to a reflection period of up to 90 days. If the victim does not want to cooperate or receive accommodation in the shelter, the victim will be notified that s/he can call government SOS line for anti-trafficking or nearest police station in case s/he changes his/her mind.

With regard to the accommodation of migrants and asylum seekers, over 2017, the majority of known detected migrants expressed an intent to seek asylum and were therefore accommodated at the open Asylum Center. Once the Asylum Center reached full capacity in the second half of 2017, alternative accommodation in one hostel was opened in order to house the additional applicants. Montenegro also maintains a closed detention center, where detected irregular migrants, who have not applied for asylum, are housed.

**Statistics**

Based on analysis of statistics, identified VOTs were mainly foreign nationals, 12-45 years of age, primarily from countries within the region, including Serbia, Kosovo/UNSC 1244, Bosnia and Herzegovina, Montenegro, as well as Ukraine and Bangladesh\(^{58}\). Over several years, the users of the government shelter for VOT are mainly the girls coming from the Roma and Egyptian population as PVOTs of entering into unlawful marriages (usually arranged marriages).

In 2017, authorities in Montenegro apprehended a total of 807 irregular migrants on entry to the country. Nearly all of those migrants detected applied for asylum and were

accommodated in the Asylum Center and alternative accommodation, with a small number also accommodated in the detention center.

This population was primarily male, with the largest number originating from Algeria, followed by Morocco, Syria and Afghanistan.\(^{59}\)

*Successful practices*

One successful practice relates to the establishment of a Unit for combatting organized crime within the Police Directorate. This Department works to combat TIP, the smuggling of migrants, as well as irregular migration. With regard to TIP, this specialized department works to combat all forms of TIP, including TIP for the purpose of sexual exploitation, forced labour, forced beginning, as well as forced and child marriage. The sector works to cooperate with all of the operative structures in Public Security Centres of Montenegro, to enhance identification of premises of interest, locations, individuals, potential victims, and, following the verification and cooperation with INTERPOL, continue with further verification in the countries of origin of both potential victims and other individuals of interest.

In the area of strengthening of professional capacities of the representatives of competent authorities aimed at proactive identification of PVOT and VOT, the National Office for, in cooperation with the Personnel Department and partners from international organizations, has organized a significant number of training sessions for all those, who in course of their duties, may have direct contact with (potential) victims.

*Obstacles*

Access to all services of assistance and protection of identified adult PVOTs and VOTs is conditioned by their willingness to receive necessary assistance and protection. A certain number of PVOTs refuse to access to any form of assistance and protection. Further analysis is required to assess why this refusal takes place and whether there are additional steps that can be taken to create a safer environment for PVOTs and VOTs.

Additionally, modus operandi of both TIP and Smuggling has changed during 2017 with the influx of migrants from Algeria, Morocco, Syria and Afghanistan, etc. The types of the trafficking have potentially changed with this new influx of migrants. Taking into consideration that the authorities majorly dealt with cases related to sexual exploitation and unlawful/arranged marriages, as well as begging (forced labor), this new mixed migration flow might bring new challenges when it comes to identification of PVOTs.

In addition, the increase of cases of migrants who applied for asylum in 2017 brought with it challenges related to the accommodation and care of these migrants.

As noted above, alternative accommodation to the Asylum Center needed to be opened in the second half of 2017. In 2018, the Ministry of Interior took over the administration of accommodation and care for asylum seekers from the Ministry of Social Welfare.

3.5. **SERBIA**

**Table 6. – TIP tier ranking by year (TIP Reports SERBIA)**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2WL</td>
<td>2WL</td>
</tr>
</tbody>
</table>

**Legislation**

The main legal provisions on combating TIP in Serbia include the Criminal Code (Articles 388 and 389) and the Code on Criminal Procedure. Furthermore, the draft Law on Foreigners is currently under preparation which, when adopted, will regulate the recovery and reflection period as well as temporary stay of VOTs.  

**National Strategies and Action Plans**

The Government of Serbia adopted on the 4th of August 2017, a strategy for preventing and suppressing human trafficking, particularly of women and children, while ensuring the protection of victims for 2017-2022. A corresponding Action Plan was adopted for 2017-2018. The strategy, developed in 2012, when the previous one expired, was updated to take account of the new migration reality, and thus includes measures to address migrant vulnerabilities to TIP.

**National Anti-Trafficking Coordination Office**

A new office was created within the national police in July 2017 to coordinate and organize Serbia's counter-trafficking efforts and the National Anti-trafficking Coordinator was nominated at the end of 2017. The National Anti-Trafficking Coordination Office is organizationally situated within the Ministry of Interior and directly subordinated to the Director of the police, and thus situated in the headquarters of the police directorate. Formerly part of the border police, the Office has now moved up to the level of the directorate, and should thus be in a better position to coordinate Serbia's counter-trafficking efforts.

**Other structures relevant to combating TIP**

A National Mechanism for Combating Trafficking in Human Beings (NRM) in Serbia was established in 2001 within the framework of the Stability Pact Task Force, by appointment of the Coordinator for Combating Human Trafficking within the MoI.

---


61 Official Journal of the Republic of Serbia, No. 77/2017
As per the National Strategy, there are three groups responsible for its implementation, monitoring and reporting: the Council for Combatting Human Trafficking, the National Coordinator for Combatting Human Trafficking, and the Working group for implementation and monitoring of the Strategy. Additionally, 17 local coordination teams for combatting human trafficking were established in 2013-2014 throughout Serbia. Local teams are made of experts from relevant local institutions: the police, the prosecutor’s offices, the health sector, educational institutions, the media, municipal authorities, social welfare centers, and NGOs, responsible for coordination of ongoing activities related to TIP at the local level. Standard Operating Procedures (SOPs) for the identification and referral of VOTs by relevant actors in Serbia are outdated and as such will be updated as part of the project supporting this Analytical Report by June 2018, to ensure adequate response to the new migration and TIP landscape in the country. However, in response to the situation of large numbers of UMC stranded in Serbia, the country developed in 2016 Standard Operating Procedures for the Identification and Referral of Refugee and Migrant Children. In addition to this, an SOP for Identification and Referral of Victims of SGBV was also prepared, complementing the government efforts to tackle violence and abuse.

**Care for victims and potential victims**

The Center for Protection of Victims of Human Trafficking is an institution within the social welfare system of Serbia and was established by the Government of Serbia in April 2012. The Center for Protection of VOTs consists of two organizational units: the Service for Coordination of Protection of VOTs and the Shelter for VOTs. For the time being the Shelter is not operational. Activities of the Center include both the identification and the determination of official status for PVOTs and VOTs, as well as coordinating their protection. VOTs are identified in accordance with the Law on Social Protection of Serbia and rights of victims to social assistance and support, regardless of whether there are pending criminal proceedings or whether a victim is a participant in criminal proceedings. A number of NGOs are present in Serbia and provide assistance and protective services to PVOTs and identified VOTs. NGOs most active in this field include NGO Atina, which operates throughout the country and provides protection services in shelter. Also, a number of other CSOs operate in reception and asylum centres in the country, providing various protection services to migrants in vulnerable situations.

The Commissariat for Refugees and Migration (KIRS), a government agency established 1992, with its wider migration management mandate further defined by the Law on Migration Management, is responsible – among other tasks – for proposing measures on the provision of care to irregular migrants, and the provision of accommodation in asylum centers and reception centers that were opened to respond to the high influx of migrants in 2015.

---

63 Interview with the National AHT Coordinator
64 Law on Social Protection (“Official Gazette of the RS”, no 24/11)
66 https://www.osce.org/odihr/343996?download=true
Care for migrants in vulnerable situations, including UMC and SGBV survivors is primarily coordinated by the system of social protection, through the work of local centres for social work. A large number of international and national non-governmental actors are additionally involved in providing assistance and protection to migrants and asylum seekers in Servia; however, assistance to this population is coordinated by the KIRS.

Statistics

Statistical data on identified VOTs is gathered by the Center for Protection of VOT and the Ministry of Interior in terms of prosecution, which also maintains the database. The Center gathers and processes the data on VOTs in line with different criteria, including sex, age, form of trafficking (e.g. transnational or internal), type of exploitation and citizenship. Monthly and yearly statistical reports are published on the Center’s website. As per the Center’s statistical data for 2017, 43 VOTs were identified in Serbia (19 women, 3 men, 20 girls, 2 boys). The main nationality of VOTs is Serbian (40), 1 identified VOT is Afghan, 1 Macedonian and 1 Montenegrin.\textsuperscript{67}

Since the beginning of the migrant crisis in 2015, three VOTs have been identified among the migrant population. In November of 2017 approximately 4000 migrants and refugees were accommodated in centers throughout Serbia. It is generally understood by different actors working with this population that those thousands of migrants and refugees, primarily from Afghanistan, Iraq, and Syria, are at risk of human trafficking.

Successful practices

The Center for VOTs plays a central role in the identification of VOTs and coordinating activities that are intended to provide social protection services. The strong cooperation between the Center with CSWs, non-governmental, the MoI, the public prosecutor’s offices, courts, citizens’ associations, and other service providers and organizers to secure the best interest and security of VOTs also constitutes a successful practice\textsuperscript{68}. Interviewed stakeholders indicated that a system of preliminary identification of PVOTs and VOTs, which would allow field workers and frontline actors, such as those working in asylum and reception centers to refer cases to a specialized central institution, such as Center for VOTs, which subsequently provides supervision and final confirmation for identified cases – similar to what is already in place in Serbia for VOTs outside of the migrant flow – would be seen as a successful practice in Serbia.

Obstacles

The following obstacles to effectively combat TIP were observed and articulated by interviewees:\textsuperscript{69}

- A system that provides special support programs for at risk groups and migrants in

\textsuperscript{67} http://www.centarzztij.rs/index.php/statistika/12-info/50-statistika-2017
\textsuperscript{68} Interview with National AHT Coordinator in Serbia
\textsuperscript{69} Interview with National AHT Coordinator in Serbia
vulnerable situations to prevent human trafficking and support VOTs is not yet in place;
- The shelter for VOTs within the Center for Protection of Human Trafficking Victims is not operational;
- A system of identification, protection and support to VOTs, particularly children and vulnerable categories of migrants and asylum seekers needs to be strengthened through a targeted set of measures and referral pathways linking together various SOPs; is needed.
- Actors who work on combating TIP, and particularly prevention and protection of VOTs, are not evenly trained and sensitized across all areas. In particular, traditional TIP actors were not on the frontline of migration crisis response, whereas assistance and protection to migrants was being provided by stakeholders who do not have CT in the core of their mandate
- The overall system does not have the necessary human resources (competencies of the staff are not fully developed in the areas of identification and prosecution of human trafficking cases) and financial resources (lack of permanent budgets to finance prevention and protection of victims) for quality support to VOTs;
- Funds to support victims of human trafficking have not been established;

3.6. KOSOVO/UNSCR 1244

Table 3. – TIP tier ranking by year (TIP Reports KOSOVO/UNSC 1244)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>

Legislation

Kosovo/UNSC 1244 has a specific Law on counter trafficking (04/L-218) defining the authorities responsible for combatting TIP efforts. The main legal provisions are the Criminal Code70 and the Law on preventing and combating trafficking in human beings and protecting victims of trafficking (2013), as well as the Law on Compensation of Victims of Crime (Law number 05/L-036), which includes the VOT. Legislation is complemented by the Standard Operating Procedures for trafficked persons in Kosovo/UNSC 1244 (amended in 2013); the Minimum standards of care for victims of trafficking (2010); the Administrative Instruction No. 01/2014 for early identification of victims of THB by consular services, border police and the Labour inspectorate, approved by the Government of Kosovo/UNSC 1244 on 21 March 2014; and the recent Administrative Instruction No. 10/2017 on the List of Indicators for Formal Identification of Victims of Trafficking in Human Beings, approved on 27 October 2017, entered into force in December the same year. While a National Referral Mechanism exists, there are contradictory claims based on key stakeholder interviews regarding the de facto operational status of the NRM.

70 Art. 171 - Trafficking in persons, trafficking-related crimes; art. 172 - Withholding identity papers of victims of slavery of trafficking persons; art. 169 - Slavery, slavery-like conditions and forced labour; art. 231 - Sexual services of victim of trafficking.
National Strategies and Action Plans

The National Strategy and Action Plan against trafficking in human beings in Kosovo/UNSC 1244 2015-2019 - replacing the previous Strategy and Action Plan for the years 2011-2014. The Strategy focuses on coordination, prevention and protection measures to combat TIP, with the overall goal of lowering the number of TIP cases in Kosovo/UNSC 1244, as well as to ensure the provision of quality services to VOTs, in order to restore the dignity of victims and prevent re-trafficking.

Other relevant structures to combatting TIP

The National Anti-Trafficking Authority, placed within the Ministry of Internal Affairs (MIA)\textsuperscript{71} is the key counter trafficking institution mandated to coordinate all counter trafficking efforts, including those of government and non-government institutions and International Organizations. The National Anti-Trafficking Authority is composed by Secretariat, and led by the Deputy Minister of Internal Affairs in the capacity of the National Anti-Trafficking Coordinator (NATC). Within this role, the NATC coordinates, monitors and reports on the implementation of counter TIP measures, and chairs the Inter-Ministerial Working Group (IMWG), composed by two representatives of all relevant national CT government and non-government institutions.

Care for victims and potential victims

The Ministry of Labour and Social Welfare (MLSW) is mandated to provide social services in Kosovo/UNSC 1244. This includes the overall management of the three shelters for VOT, of which one is directly run by the state, and two by NGOs.

The Victims’ Advocacy and Assistance Office was established within the Chief State Prosecutor’s Office and is in charge of providing legal counselling and assistance to victims. The Kosovo/UNSC 1244 Judicial Council and the Prosecutorial Council are responsible for the selection and recruitment of judges and prosecutors, as well as to promote reforms in their respective fields. In addition, the following ministries are also members of the IMWG: Ministry of Health, Ministry of Culture, Youth and Sports, Ministry of Education, Science and Technology, and Ministry of Local Government Administration\textsuperscript{72}.

There is also a counter-trafficking helpline (0800 11 112 or 192) and e-mail address (antitrafikimi@kosovopolic.com) available for self-identification and reporting.

\textsuperscript{71} The Ministry of Internal affairs is mandated to perform activities related to crime prevention, crime investigation, victims’ protection, and offenders’ arrests. It is also mandated to perform administrative duties concerning foreigners (Department of Citizenship, Asylum and Migration).

\textsuperscript{72} Standard Operating Procedures for Trafficked Persons in Kosovo/UNSC 1244
Statistics

In 2016 and 2017, a total of 36 and 32 VOT cases were identified. Based on available statistics, the majority of cases are girls under the age of 18 trafficked for purposes of prostitution and forced labour and begging. The vast majority of cases originate from within Kosovo/UNSC 1244, with 9 cases from Albania, and a few from other countries (1 from the Philippines and 1 from Moldova).

Of the 68 identified VOT in 2016 and 2017, all were provided with shelter, and 25 with additional assistance. 2 victims were repatriated in 2016 and 5 in 2017. Based on the criminal offences, 81 and 82 cases in 2016 and 2017 were handed to the Prosecution.

Traditional Profiles of individuals, vulnerable to exploitation and abuse

Kosovo/UNSC 1244 is identified as a source, transit and destination country for victims of trafficking, although the National Strategy does not mention Kosovo/UNSC 1244 as a country of destination. High unemployment, especially among young people, school dropout, domestic violence, and gender discrimination and corruption represent key push factors for TIP in Kosovo/UNSC 1244, with women and children being the most vulnerable group. In addition to domestic TIP for sexual exploitation, victims from Kosovo/UNSC 1244 are forced into prostitution and labour throughout Europe, and recruitment methods often include false promises of marriage or employment offers in cafes, night clubs, and restaurants. Several key informants observed an increase in cyber recruitment practices (the use of social networks).

Children working in the leisure industry as dancers and escorts are vulnerable to sex trafficking and the economically marginalized Roma, Ashkali, and Egyptian communities are vulnerable to forced begging and sex trafficking. In addition, in the past it has been noted that criminal groups from Kosovo/UNSC 1244 also believed to force women from Albania, Moldova, Romania, Serbia, and other European countries into prostitution in the country. Should Kosovo/UNSC 1244 see an increase in migrant arrivals, or become host to a high number of stranded migrants, potential responding operations of such criminal networks should be considered.

Successful Practices

Kosovo/UNSC 1244 has established good practices for victims’ protection. Identified VOT and PVOT are referred to the government-run shelter, where a risk assessment is conducted – determining low, medium and high risk cases. High risk victims are subsequently

---

74 National strategy against trafficking in human beings 2015-2019
75 TIP Report, 2017
76 TIP Report, 2017
accommodated in the high-security government-run shelter, while medium and low risk victims are referred to the shelters run by the NGOs.

Supported by U.S. Embassy in Pristina, during 2017, the Centre for protection of victims and prevention of THB (PVPT) along with the Ministry of Education, Science and Technology implemented a project on early identification of VOT and PVOT. The project has been successful in building capacities of teachers in primary schools to identify TIP risk factors among pupils. Over 80 teachers in the Municipality of Gjakova and Prizren were trained.

Obstacles

As stated in the EU Kosovo/UNSC 1244 Report 2016, the administration of justice is slow and inefficient, and judicial officials are not accountable.\textsuperscript{77} Corruption is recognized as a key factor impeding effective counter TIP measures, creating a favorable environment to some trafficking crimes. The judiciary is further vulnerable to undue political influence and institutions suffer from limited resources and human capacity. Moreover, prosecution services are understaffed and lack training. At sectorial levels, judges impose lenient sentences on convicted traffickers, and prosecutors continue to downgrade trafficking cases to a lesser crime\textsuperscript{78}. Children VOT forced to beg are often identified as victims of child abuse and neglect, instead of trafficking\textsuperscript{79}.

While different reports suggest that the police are the most effective criminal justice agency in this field, the use of intelligence-led joint investigations remains limited and a more proactive and intelligence-led policing is recommended. Additionally, prosecutors and judges lack specialization in investigating and prosecuting TIP crimes and TIP cases cannot be distinguished as law enforcement statistics do not disaggregated data by criminal offenses\textsuperscript{80}.

The lack of effective early identification programmes, limited financial resources for NGO-run shelters and lack of systematic reintegration services represent additional obstacles. At the system level, main recommendations include strengthening the capacities of the NACT supported by an office which is commensurate to the tasks at hand, and the designation of an independent National Rapporteur, or other independent mechanism for monitoring the anti-trafficking activities of State institutions\textsuperscript{81}.

\textsuperscript{77} Kosovo/UNSC 1244 2016 report
\textsuperscript{78} TIP Report, 2017
\textsuperscript{79} KIPRED, 2015
\textsuperscript{80} TIP Report, 2017
\textsuperscript{81} GRETA Report, 2015
CHAPTER 4
ANALYSIS AND FINDINGS

Research on CT in Crisis indicates, as described in Chapter 2, that situations of crisis lead to an absence of available protection mechanisms and solutions to mitigate the vulnerability of affected populations' risk of being exposed to trafficking\textsuperscript{82}. However, it would be incorrect to say that such protection mechanisms and solutions do not exist in the context of the countries in the Western Balkans. As outlined in Chapter 3, concrete mechanisms to identify, assist, and protect PVOTs and VOTs have long been established in the region. That being said, gaps within these systems were clearly exacerbated by the influx of vulnerable third country nationals creating a need for a more targeted approach to this population.

4.1. Key Regional Findings

Mixed Migration Flows

- **Flows are likely to continue at present levels:** The current number of migrants stranded or detected on the territory of countries in the Western Balkans has remained relatively consistent over the course of 2017. Barring a major change in the geopolitical situation in neighboring countries, it can be anticipated that flows will likely continue at current levels.
- **Routes may continue to shift:** As migrants and asylum seekers remain in the region (including in Greece) for longer periods of time, we can expect that routes through the region will continue to shift as migrants explore new avenues through which they can reach EU countries.
- **Duration of Stay/Journey:** Multiple failed attempts at entering the EU countries will likely result in migrants and asylum seekers being stranded in countries in the region for longer periods of time. One consequence will be the increasingly circular migration of migrants between points along the route where it is possible to earn money, receive services, access smugglers, and possible entry points into EU countries. In addition, based on the evidence presented, these migrants will experience an increase in their vulnerability to exploitation and abuse.
- **Clandestine Movements:** The use of smugglers and irregular attempts to transit the region while avoiding detection by migrants is an ongoing challenge to authorities and their aims of identifying migrants who may be vulnerable to exploitation and abuse and who have specific protection needs.

\textsuperscript{82} International Organization for Migration, Addressing Human Trafficking and Exploitation in Times of Crisis (Geneva, December 2015).
Migrant Vulnerabilities

- **The Mass Mixed Migration Flows of 2015-2016 had a lasting impact on the presence of current migrant vulnerabilities in the region.** Despite no longer reaching the numbers of migrants and refugees transiting the region, the experience of the large influx of migrants attempting to transit the region had a substantial impact on the subsequent presence of vulnerable individuals stranded in the region and on the systems generally required to address the situation.

- **Location of Incidents:** Overall data indicates that the majority of incidents that potentially amount to TIP have thus far taken place outside of the region, particularly in countries where migrants stay for longer periods of time. This fact provides two findings: first that migrants who have already experienced TIP or TIP-like situations, have likely already experienced these situations before arriving in countries in the region. The second relevant finding is that protracted durations of stay in any country along the route, may also increase migrants’ likelihood to experience TIP-like situations.

- **Availability of Data (violence and SGBV):** Data on experiences of violence, including sexual and gender-based violence, is difficult to obtain due in part to the sensitivity of collecting this information and ensuring that victims are not re-traumatized during the interview process. However, many reports that have been produced by a number of actors have documented such cases. There are indications that **women and girls have experienced violence and abuse, in particular domestic abuse, along the route.** This affected population is particularly vulnerable to further exploitation, abuse and TIP.

- **Migrants travelling alone or with non-family members:** Evidence shows that generally, migrants travelling with family members transiting the Western Balkan countries are less vulnerable to exploitation and abuse than those travelling alone or with non-family members.

Profiles of Migrants Particularly At-Risk

Based on the evidence provided, some migrant profiles require additional protective measures in order to mitigate their vulnerability to potential exploitation, abuse and TIP. This includes targeted outreach that specifically address the experience, with immediate psychosocial screening and counselling, and possible medical intervention. Migrants particularly at-risk include:

- Survivors of SGBV, domestic abuse, and familial violence;
- LGBTI migrants

---


84 No analysis was done of the composition of identified families along the route. It is possible that while large families with more than one adult may be less vulnerable, single parents, in particular, single mothers with small children may indeed be more vulnerable to exploitation than others along the route.
• UASC, in particular travelling alone or with non-family members
• Migrant families with young children
• Migrants with acute or chronic medical conditions
• Migrants with disabilities
• Victims of crime along the route
• Migrants who have experienced physical abuse, in particular from authorities along the route.
• Migrants who have been on the route for more than one year
• Migrants who speak only a lesser-known language (e.g. for whom interpretation services may not be available)

Structural Approach to Combatting TIP in Migrant Flows

• Systematic registration, identification and screening procedures at first contact by relevant WB authorities: The inconsistent approach to the registration, identification, and screening of migrants upon arrival by frontline authorities (including non-law enforcement actors) undermines the ability for the early identification of PVOTs. While some governments in the region have developed procedures for initial registration and screening procedures, these are often applied inconsistently or, in some cases, not at all.
• Definitions of TIP: A relevant factor that creates risks for TIP is that there is no clear definition of the term “victim”, “presumed victim”, “potential” or “suspected” victim of human trafficking. This leads to a lack of proper identification and to the misqualification of trafficking cases, in particular forced labour and begging which are often “lowered” to misdemeanors, and in some instances are classified as migrant smuggling related offenses without further investigation. This hampers both the identification and effective prosecution of these cases. Failure to categorize a TIP case and prosecuting it as a different offence will result in a failure to identify and protect victims of trafficking.
• Counter Trafficking in Migration Management: While migration management actors, such as representatives of Border Police Units, are included in NRM s and operational documents, such as SOPs, TIP actors have not generally been involved in the response to the influx of mixed migration flows through the region. As a result, TIP structures require adjustment in order to adapt to the increase and changing profile of vulnerable persons in the region. In some cases, such as the former Yugoslav Republic of Macedonia’s establishment of a task forcteo combat both SoM and TIP have begun the process, but overall enhanced coordination between TIP actors and MM actors in the region is needed.
• Awareness of Migrant Vulnerability to TIP Among TIP Actors: In general, traditional TIP actors questioned about the current TIP landscape provided little to no information related to the vulnerability of migrants transiting the region to TIP. Serbia and the former Yugoslav Republic of Macedonia were the exception, but the information provided remains limited. Therefore, greater awareness of migrant vulnerabilities to TIP is needed among all official TIP actors and non-traditional TIP actors in the region.
• Protection and Assistance Systems for Migrants in Vulnerable Situations: Systems of identification, protection, assistance, and support to new categories of human trafficking victims stemming from the mixed migration movements, particularly children
and vulnerable categories of individuals at-risk to TIP are not completely developed in the region. Although reception, food and healthcare are largely provided by government authorities, NGOs and IOs, assistance for migrants in extremely vulnerable situations is still considerable and a valuable support to government actors.

- **Implementation of existing counter-trafficking standards are not enforced evenly across countries and their institutions.** This is particularly true in relation to the standards developed for the protection of children, and child VOTs in particular, as well as migrants with health needs. Despite the fact that UASC are considered to be particularly vulnerable and at-risk of experiencing exploitation and abuse, challenges remain throughout the region related to the appropriate and timely appointment of guardians, appropriate identification and accommodation of UASC, and other protective measures.

- **Use of Social Media, Internet, and Mobile Phones:** It is known that newforms of human trafficking have developed through the use of the internet, social networks, mobile phones, and other similar communication technologies. Identification of these threats has not been adequately addressed yet, creating additional uncontrolled risks for TIP. This should be further explored in the context of vulnerable migrants, given their use of mobile phones and social media to organize onward transportation and disseminate information to transit along the route.

- **Insufficient Capacities of Existing Human Resources Allocated to Identifying Migrant Vulnerabilities to TIP:** While counter TIP systems in the region are in place and have been allocated resources, these systems need to develop adequate capacities within these existing resources to properly identify PVOTs and VOTs. Staff are not yet competent enough to properly detect and prosecute cases of human trafficking. Material resources are also lacking, due to none of the 6 governments committing permanent budgets to finance the prevention and protection of PVOTs and VOTs.

- **Mechanisms for Screening and Identification at Borders and with detected irregular migrants:** Current procedures for screening and identification of PVOTs among mixed migration flows presently do not preliminarily identify PVOTs. Results of the research indicate that in many cases such screening measures exist on paper, but are not fully implemented.

- **Services Available to PVOTs and VOTs are primarily shelter-based, which may not be appropriate for all PVOTs and VOTs within the mixed migration flow.** Throughout the region, services, such as rehabilitation, reintegration, and re-socialization are primarily provided through government and NGO shelters, based on the individual capacities and resources of those institutions. However, shelter-based assistance may not be the best fit for PVOT and VOT identified within the mixed flows. Migrant PVOTs/VOTs may feel particularly isolated if separated from other migrant populations.

- **Standards for Rehabilitation and Reintegration are not sufficiently developed in all countries across the region.** Assistance provided in shelters varies from depending on the capacities and expertise of the NGOs running them. Standardized procedures and quality of the services provided are not sufficiently developed. Assistance is often dependent on the victim’s participation in criminal proceedings which, given that exploitation of the migrant population primarily takes place outside the territory of the country, may create a barrier to migrant PVOTs and VOTs’ access to assistance.
• Need for a Proactive Approach to identifying victims in the field and at various stages of the migration process. Migration management actors, including both asylum authorities and authorities working with irregular migrants, do not currently proactively screen migrants for indicators of TIP. Actors should ensure that adequate screening is in place at all stages of migration processes, including screening for asylum and prior to return.

• Insufficient public awareness related to potential TIP of migrants. Narratives related to migrants within the mixed flows transiting the region have to date been polarized, relating primarily either to the experiences of refugees and those feeling conflict as needing protection and economic migrants who are perceived as criminals, attempting to take advantage of employment opportunities in Europe. There is less information available to the public regarding the risks that migrants face once they are already on the territory of the respective countries and how their experiences during their journeys can be physically and psychologically traumatizing. Local communities that host migrants should be made aware of the types of risks that these individuals face and be provided with information of where and how to report any incidents of exploitation, abuse, or violence towards migrants.

• The Role of NGOs in Identification is a Challenge. In some countries in the region, NGOs continue to provide a limited role in identification of PVOTs and VOTs. As noted, the Serbian system here is a particularly good example to follow as it allows a broad range of actors to refer cases to the government Center for VOTs.

• Update and Implementation of Standard Operating Procedures to Identify and Refer VOTs is uneven across the region. All countries in the region have at one point developed SOPs for the identification and referral of PVOTs and VOTs, and some, such as the former Yugoslav Republic of Macedonia have even developed specific broader SOPs for vulnerable migrant. However, some countries’ SOPs are quite outdated and no longer reflect the institutional structure in place for the identification and referral of PVOTs and VOTs, and do not include the role of migration management actors, in light of the increased entry of migrants in vulnerable situations in the respective countries.

Counter Trafficking in Crisis: Relevant Risk Factors

Below is an analysis of the above-outlined Risk Factors identified in the CT in Crisis research and an explanation of their relevance to the ongoing situation of mixed migration flows in the Western Balkans.

Crises are likely to impact TIP, not just in directly affected areas, but also in regions that host migrants and/or neighboring regions, independent of the nature of the crisis and legal status of the migrant.

Although it cannot be said that the current mixed migration flow through the countries in the Western Balkans constitutes a crisis as such, it is clear from the above analysis that the countries in the region remain affected by the large numbers of stranded migrants in Greece, as well as the larger geopolitical situation in relation to Turkey and surrounding countries. Therefore, it is a finding of this report that governments and other actors in the region should expect that the current migration context in the region will continue
to be impacted by the protracted situations of displaced migrants and refugees in neighboring regions and a continuation of conflict and instability in the Mediterranean. In addition, based on the analysis of TIP indicators presented by migrants in the region, we can also observe that the majority of incidents receiving affirmative responses to the indicators took place in countries in which migrants and refugees spend a longer period of time, prior to arriving in the region. It is, therefore, a finding in this report that TIP actors in the Western Balkans can anticipate that some migrants will arrive in the region having experienced potential incidents of TIP on their journey, prior to entering the territory of their respective countries.

At the outset of crisis, existing criminal networks may become disrupted, but also may adapt to the new situation – by targeting new victims in new places, such as refugee and IDP camps, transit points, or within local populations hosting high numbers of mobile populations.

With regard to more traditional forms of TIP that primarily affected the domestic population in the Western Balkans, we know that over the last few years TIP for the purpose of labour exploitation has emerged, with an increase in detected cases. Additionally, a consistent trend of forced beginning, forced marriage, and forced criminality affected mainly children and mostly, although not exclusively, particular minority communities, such as Roma, Ashkali, and Egyptian communities. Furthermore, we know that traffickers continue to adapt their modus operandi for organization, recruitment, and methods of transport. This has coincided with the emergence of new forms of control over victims. In particular, the recruitment of victims using “soft methods” has grown, including in some cases sharing the profits with victims. The continued pattern of criminal groups recruiting women from South-Eastern Europe through false promises of marriage and employment offers persist, with sexual exploitation continuing to take place in private homes, apartments, nightclubs, and massage parlors.

The prevalence of trafficking networks and trends demonstrating the exploitation of domestic VOTs and PVOTs may or may not impact the vulnerability of migrants to similar situations. Based on the evidence provided through this research, there was no indication that traffickers in the region have shifted to exploiting migrants in vulnerable situations in a similar manner or using a similar modus operandi to these existing patterns. However, the situation does provide trafficking networks with new possibilities, with known consequences already taking place in relation to migrant smuggling. In these cases, with evidence of connections between domestic smugglers and larger organized smuggling networks, as well as the provision of new sources of funding for organized criminal groups in general.

Migrants caught up in crises are at particular risk of becoming stranded and exploited.

In general, as the flows through the region are mixed, we see the consequences of a number of crisis throughout the globe in the form of individuals who become stranded in the region. Although the composition of the route shifts over time, with those who are able to access international protection finding legal pathways to move onwards, it is clear that the
majority of those who attempt the route via Greece have in-part becomes stranded due to crises taking place in their countries of origin.

Further, particularly through the findings of the DTM FMS, it is clear the impact of the crisis-like large mixed flows transiting the region in 2015-2016 also resulted in an increased number of vulnerable individuals stranded in the region. The evidence confirms that the longer migrants remain stranded in an irregular situation in countries and the longer the duration of their journey, the more likely it is that they will experience indicators of exploitation and abuse. This finding of the CT in Crisis study remains true for the migrants transiting the Western Balkans as well.

*Traffickers may seek to take advantage of populations receiving humanitarian assistance, and may increase their criminal activities through fraudulent and ultimately exploitative opportunities for employment or onward migration.*

While there was no formal data gathered indicating that criminals have been stealing items specifically provided by protection actors, there are indications that migrants experience crime along the route, including theft, committed by smugglers and other individuals. In addition, there is evidence that some migrants in accommodation facilities have also been coerced into giving up food and items to others. Therefore, actors should take this into account when developing assistance programs and ensure that adequate security measures are in place in accommodation facilities to protect those that are not able to protect themselves.

*Independent of the type of crisis, IDP and refugee camps, as well as formal and informal holding sites for stranded migrants are a rich source of new victims for traffickers and other criminal networks looking for a cheap or free workforce sexual services and other exploitative services.*

Migrants are exposed to considerable risks at open centres and informal sites where migrants are “sleeping rough”, leaving them exposed and vulnerable. This presents a ripe opportunity for criminals, whether it be smugglers who provide offers to migrants to move onwards, offers of informal labour, or drug sellers preying on the vulnerable psychological condition of those stranded in those sites. Anecdotal evidence of the use of such sites for these purposes exists along the Western Balkan route, and in particular in Greece, prior to migrants arriving in the region. Counter-trafficking actors should bare this in mind when developing interventions to ensure that assistance providers at these sites are adequately trained and that awareness raising materials on the risks of these criminal activities are present, in particular the availability of hotlines or services should migrants become victims of these crimes.

*The general lack of economic opportunity and affected populations increasing reliance on negative coping mechanisms can translate, in some cases, into heightened vulnerability to TIP.*
While the above primarily relates to crisis situations where economic opportunities have become limited for local and migrant populations, within the context of migrants transiting this relates specifically to the limited access of migrants to labour markets along the route while requiring resources in order to continue their journeys onwards. As such, migrants may increasingly engage in risk taking behaviors, as observed in the evidence presented above, in order to secure resources that enable them to continue their journeys. This may include agreeing to engage in criminal activity at the behest of others, to engage in survival sex, as well as to agree to perform work in poor conditions and with little or no payment. Careful assessments of identified situations in which migrants may have been coerced into engaging in a particular activity or behavior is required in order to determine whether or not it may be indicative of a broader situation that amounts to TIP. In these cases, it may also be appropriate to invoke the non-punishment principle, which provides that, taking into account the totality of the circumstances, VOTs should not be punished for crimes into which they were forced or coerced.

*Traditional harmful practices – such as early/forced marriage – increase during crisis settings, and some might lead to trafficking.*

While there is limited evidence of this taking place among the migrants transiting the region, the evidence presented throughout the report does provide anecdotal evidence that there are some indications that forced marriage may be taking place, as well as exacerbating incidences of domestic violence. This is something that requires further exploration in a manner that does not re-traumatize or harm victims.

*Other aggravating factors are related to discrimination, whether gender-based, ethnic, racial religious, social within a community or at a national level.*

Xenophobia and discrimination, as well as fear based on portrayals of migrants as making countries in the region more susceptible to terrorism or crime have a real impact on the vulnerability of migrants to potential exploitation and abuse. In addition, perceptions of specific groups of migrants as “true refugees” versus “economic migrants” further impacts their treatment by both officials as well as host populations. Although it is indeed possible that criminal and other dangerous individuals are travelling within the mixed flows transiting the region, messaging around the impact that this population might have on host communities must be carefully managed to ensure that criminal elements are detected and vulnerable individuals protected. More information is needed with regard to particular profiles of migrants that may experience discrimination as opposed to others. This would be critical information for protection actors, in particular civil society actors, to collect in order to ensure that protection mechanisms in place are adequately addressing existing vulnerabilities and mitigating those vulnerabilities to reduce explore to TIP.
4.2. Key National Findings and Recommendations

**ALBANIA**

- **Enhanced coordination between migration management actors, the police, social workers, and prosecutor office is required to identify PVOTs among smuggled migrants.** The Albanian System to Combat TIP is comprehensive and well-established. It is very operational for domestic VOTs and more traditional profiles of foreign VOTs. However, no PVOTs among the mixed migration flow have been identified. TIP actors, including law enforcement, prosecutors, and others, require additional capacities to work with third country national PVOTs and to identify migrant vulnerabilities when prosecuting cases of SoM.

- **Capacity building on TIP for Social Workers in reception and asylum centers.** Social workers working with migrant populations would benefit additional capacity building to understand more thoroughly the vulnerabilities presented by migrants that make them additionally vulnerable to TIP. This would include specific risk factors, culturally sensitive care, and additional training on how to provide psychosocial care to PVOTs/VOTs.

- **Capacity building of all TIP actors is required in order to fully implement revised SOPs and appropriately identify and refer PVOTs and migrants in vulnerable situations among mixed migration flows.** The Government of Albania has already revised its existing SOPs for the identification and referral of VOTs to incorporate additional structures and to include additional indicators of TIP in order to better identify PVOTs among the mixed migration flow. Given this revision, as well as potential judicial and other reforms in the country, additional capacity building on migrant vulnerabilities to TIP and working with third country national PVOTs will be required in the coming period.

- **Build upon existing successful practices of providing assistance to domestic PVOTs and VOTs, particularly through the availability of reintegration/integration assistance.** As noted in the above, Albania has well-established standards for the rehabilitation and reintegration of VOTs and PVOTs. Government and NGO service providers should ensure that PVOTs identified within the mixed migration flow receive assistance in line with existing standards, regardless of the durable solution identified for this person.

**BOSNIA AND HERZEGOVINA**

The gaps in resources for the identification and referral of PVOTs within the mixed migration flows in your country are:

- **The approach to identifying PVOTs and VOTs is complicated by the legal and administrative set-up of the country.** The responsibility for identification, as well as the administration of services is quite complex in BiH, with a split in jurisdiction over cases of domestic and foreign PVOTs and VOTs between different ministries. As such, the setting of standards of care and other uniform approaches to TIP remain a challenge, including even in the definition of who constitutes a ‘victim’.
• **TIP authorities currently utilize multiple procedural documents for the referral and treatment of PVOTs and VOTs.** Multiple guideline documents for different actors in BiH have been developed to inform their respective approaches to TIP. It is also necessary to update existing guidelines to be in line with current legislation at all levels of government in BiH, on the extension of the referral mechanism, and the inclusion of other competent institutions in relation to new forms and trends. Therefore, current work to address this issue within one Guideline (SOP) document is needed.

• **Proactive Identification of traditional forms of TIP in BiH, which likely impacts the identification of PVOTs and VOTs in mixed flows as well.** The third relevant deficiency challenge is the failure to proactively engage in field work aimed at identifying VOTs, in particular those that are forced to beg in public places and are subjected to other forms of exploitation that primarily target children. BiH must ensure that its law enforcement officers, labour inspectors, social workers and other officers apply a pro-active approach and undertake intensified actions aimed at detecting and saving PVOTs, particularly children.

• **Public Awareness of the TIP phenomenon is low.** KIs and observations from the field indicate low levels of awareness regarding TIP, in particular concerning new forms of labour exploitation, the exploitation of children, and the potential for exploitation faced by migrants transiting the region. For BiH, the phenomenon of stranded migrants only began in November 2017, when migrants began applying for asylum in the country before moving onwards. Reactions to the influx of vulnerable individuals to the country have been mixed, with some communities fearing this group, while other communities embracing and caring for them, with local populations recalling their own refugee and displacement experiences.

• **Capacity and experience related to identifying TIP among mixed migrant flows is limited.** Police officers, including border police, and other law enforcement officials lack experience and training to recognize PVOTs within mixed migration flows, which occur in many forms, including labour exploitation. Cases of TIP within the mixed migration flows are not something that prosecutors and judges in in the country are familiar.

• **Insufficient Human Resources are allocated to the screening of migrants for vulnerabilities to TIP.** In general, human resources allocated to working with the migrant population are limited, in part, due to a combination of a government hiring freeze and the increase of migrants in vulnerable situations in the country.

• **The identification and referral of migrants in vulnerable situations in BiH is also a challenge.** Irregular migrants in vulnerable situations, such as those who fit the above outlined profile, but who have not been identified as a PVOT or VOT face some challenges in accessing needed services. While jurisdiction over irregular migration and asylum rest with the State-level authorities, the care and administration of social services for this population falls to the Centers for Social Welfare at the entity and cantonal level. The referral of vulnerable cases, in particular UASC, remains a substantial challenge.

• **The timely appointment of an appropriate guardian for UASC remains a challenge in BiH.** CSWs are responsible for the appointment of a guardian for all identified UASC. For the reasons stated above, the timely appointment of a guardian in most cases remains a serious challenge. It is important that this may also impact assistance to UASC and the ability of all involved actors to more carefully screen UASC for potential indicators of TIP.
• Additional capacity building is required in the provision of assistance to identified PVOIs and VOTs. Further action need to be undertaken in order to provide appropriate assistance and protection to victims. Efforts are also required to facilitate victims’ reintegration into society, including ensuring that VOTs have access to adequate compensation or restitution, where possible from the traffickers themselves. Therefore, any future training should be designed to improve knowledge and skills on providing appropriate assistance and protection to VOTs.

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

• Cooperation between Migration Management and TIP actors is strong. Although cooperation between Migration Management and TIP actors was a challenge during the large mixed migration flow, subsequent efforts have vastly improved cooperation. The two police units: the Sector for Border Affairs and Migration and the Unit for Combating THB and Migrant Smuggling have improved and are now cooperating well. Police officers for the Department for Border Affairs and Migration and Regional Centres for Border Issues are in contact with PVOS within the migrant population.

• Additional Human Resources required for the Unit for Combating TIP and SoM is required. While this should be mitigated by the establishment of the National Unit for the Suppression of Migrant Smuggling and Trafficking in Human Beings, which will also reestablish the presence of specialized police officers in cities outside of Skopje, as this is a new unit, it requires additional capacity building and support.

• The SOPs for Processing Vulnerable Categories of Migrants and SOPs for Dealing with Unaccompanied and Separate Children were developed for the situation of large flow of migrants transiting the region. Indications were provided that a review of these documents may be needed to ensure that they take into account the new situation of fewer migrants entering and transiting the country, as well as of an increased number of cases who remain on the territory for longer periods of time.

• SOPs for Treatment of Victims of Trafficking in Human Beings need to incorporate new structures and modalities for identification and referral. Despite the development of indicators for TIP in mixed migration flows in 2016, the SOPs themselves were last reviewed in 2010. With the establishment of a Task Force and adjustment of other relevant TIP bodies, the SOPs are likely now outdated. A thorough review and update of the SOPs is likely needed.

• Regional Centers for Social Welfare require additional capacity building on the provision of assistance to PVOS and VOTs, in particular third country national PVOS and VOTs. Currently only the Center for Social Welfare in Skopje works with the migrant population, in particular migrants in vulnerable situations. Given that migrants are in transit and often stop in different areas of the country, in particular cities close to the border, social workers within CSWs in those locations should also be capacitated to work with this population in order to ensure the appropriate and timely assistance to migrants and to mitigate potential vulnerabilities to exploitation, abuse and TIP.

---

85 MOI/4 Regional Centres for Border Issues South; West; East and North under Sector for Border Affairs and Migration
- **Capacity building on TIP for Social Workers tasked to work specifically with migrant populations.** Although capacity efforts for social workers have already begun, ongoing support to ensure that they, such as those working in Transit Centers and the Asylum Center, have sufficient capacity to identify indicators of TIP among the migrant population is necessary. This would include raising their capacities around culturally sensitive care, specialized care for PVOTs, interviewing, and general awareness around TIP.

- **Specialized accommodation for children and men remain a challenge.** This gap has been identified in previous assessments and reports around TIP in the former Yugoslav Republic of Macedonia and it remains a challenge, which is also relevant as a gap in services that also applies to the care available for PVOTs identified within the mixed migration flow. In addition to children, a number of men reported indicators of TIP among the migrant population, meaning that tailored services should be available in order to mitigate the risks of TIP faced by this population.

- **Longer term care (return, reintegration, and integration) for migrants in vulnerable situations is required to mitigate risks among the stranded population to TIP.** Although the number of registered detected irregular migrants has substantially decreased in the former Yugoslav Republic of Macedonia in 2017, those migrants that are registered present increasingly complex cases and remain on the territory for an increased period of time. With this in mind, government and non-governmental service providers should increase capacity to provide assistance, support, protection, and reintegration to this population in order to address and mitigate TIP risk factors, particularly among UASC.

**MONTENEGRO**

- **Montenegro continues to identify a particularly low number of VOTs, including none among the mixed migration flows.** Given the challenges faced by authorities in Montenegro to identify foreign and domestic PVOTs and VOTs who experience traditional forms of TIP, many of the same challenges identified in other analyses and reports, such as the annual US TIP report, also apply for the identification of PVOTs and VOTs within mixed migration flows.

- **Human resources within the Group for Combatting Human Trafficking, in particular related to the capacities staff, were identified as critical to improving the identification of PVOTs and VOTs in the country.** Even in the case of a Special Team for Combatting Human Trafficking and Migrant Smuggling that was recently established, only two staff have been hired to work within this team, whereas the legislation creating this team calls for eight positions to be within this unit. Overall staffing and the capacities of those staff should be evaluated to ensure that all possible resources are allocated appropriately.

- **Restructuring of the administration of asylum and irregular migration under the competence of Ministry of Interior may impact capacity of actors working with migrants to identify migrant vulnerabilities and instances of potential TIP.** In 2018 the Ministry of Interior took over jurisdiction of the administration of the asylum system, including over the general management of the Asylum Center, from the Ministry of Social Welfare. As a result of this substantial reform, it is understood that responsibilities of relevant actors will shift, while there may also be personnel changes with regard to those responsible for working with asylum seekers. As such, it will be critical to ensure that all
relevant actors have sufficient basic knowledge to identify indicators of TIP among the migrant population, as well as specific migrant vulnerabilities to TIP.

- **Migrants in vulnerable situations may face particular risks related to TIP given existing patterns of exploitation that take place in the country.** Traditional forms of TIP in Montenegro include patterns of exploitation and modus operandi that directly relate to the presence of a substantial tourism industry along the coast. TIP for the purpose of sexual exploitation, forced labour, forced criminality, and forced begging in these cases may target both foreign and domestic victims. Therefore, unlike in other countries where long-existing patterns of TIP focus on particular domestic communities (and to which it would be difficult to adapt to a new profile of potential victim); risks for the exploitation of new profiles of individuals, including migrants, is real. Although no cases have yet emerged.

- **Willingness of PVOTs to receive assistance was identified as a particular challenge.** KIs in Montenegro provided information that a significant challenge in assisting PVOTs among mixed migration flows is the willingness of PVOTs, who refuse protection. While this finding is consistent with regional findings that migrant PVOTs often refuse assistance due to concerns that this will slow down the process of arriving in their intended destination, the particular emphasis of this challenge in Montenegro may warrant further exploration.

- **National SOPs for identification and referral of VOTs are not currently operational in Montenegro.** According to KIs and the National Action Plan for Combatting Human Trafficking 2017-2018, SOPs for referral of PVOTs among asylum seekers and irregular migrants are needed to enhance both identification and referral to services of this population.

- **SOPS for the identification of UASC are currently being drafted with support from UNICEF.** This document puts a special focus on the proactive identification of PVOTs and VOTs. Once completed, it is essential to ensure that trainings, capacity building efforts, as well as the adaptation of the SOPs for TIP incorporate established procedures.

**SERBIA**

- **Increased and systemized efforts to collect and analyze data related to TIP and potential vulnerabilities to TIP among the migrant population would be beneficial.** Having the largest number of known stranded migrants in the WB region, TIP actors in Serbia have the opportunity to build upon experiences in the field when it comes to observing migrant vulnerabilities to exploitation and abuse, which can develop into potential TIP scenarios. If collected and analyzed, these findings could inform interventions to both prevent and protect migrants from future or in progress instances of TIP.

- **Cooperation aimed at improving the identification of TIP within categories of vulnerable migrants among state institutions responsible for migration should be improved.** Improvement can particularly be made with actors working on integrated border management and systems of comprehensive migration management. Awareness should be raised among these actors in relation to profiles of PVOTs among this population, as well as existing mechanisms to which PVOTs may be referred once identified.

- **The overall system of identification, protection, and support to PVOTs and VOTs, particularly children and vulnerable categories requires further development.**
There are gaps in the current system of identification, protection, and support provided to PVOTs and VOTs. They require additional interventions, even when not taking account migrants currently accommodated within the country. This includes the shelter of the Center for VOTs remaining not-operational, as well as the lack of financing for the prevention, protection, and prosecution for cases, which requires the allocation of material resources (permanent budgets). Overall capacities of the counter-trafficking system need to be strengthened in order to additionally target migrant vulnerabilities to TIP.

- **Special support programmes that are tailored for groups migrants in vulnerable situations and those particularly at-risk of being trafficked require further development.** Currently, while assistance, such as accommodation, food, and other basic items is available for the migrant population, programs to mitigate vulnerabilities and risks to trafficking that targeted towards them do not exist in a systemized manner and rely primarily on the interventions of NGOs and IOs. Such programs could be developed and geared towards migrants who have been stranded or remain on the territory of Serbia for longer periods of time, as well as those who have expressed an intention to voluntarily return to their respective countries of origin.

- **The competencies of those employed (human resources) in the area of detecting and prosecuting cases of TIP requires further development.** In addition to known gaps in the competences of TIP actors in the country, there is insufficient knowledge on migrant vulnerabilities to TIP to ensure that actors would know how to identify cases among the migrant population in the country. Awareness should be raised among TIP actors in order to ensure that interventions are also tailored to identification among, and assistance of, this population.

- **Existing Standard Operating Procedures for the identification and referral of TIP cases are outdated and do not account for new potential profiles of PVOTs and VOTs.** Standard Operating Procedures for the identification and referral of VOTs in Serbia were developed and established in 2009. As such, existing SOPs do not take into account the profile of PVOTs among the migrant population that has been present in the country since 2015, as well as new structures that have been established since that time. In particular, in reviewing existing SOPs, the government should consider how to improve the coordination specifically between migration and asylum authorities and traditional TIP actors, specifically in relation to the referral of PVOTs between agencies.

- **Awareness of the general public to the potential of TIP among the migrant population is limited.** In Serbia, private citizens also have the opportunity to report potential cases of TIP to the Center for VOTs. Limited awareness among the general population of TIP in general, and in particular the risks migrants face in relation to TIP, prevents people from recognizing or even using the services of PVOTs or VOTs. Campaigns targeted to raising the awareness of the general population to the types of potential TIP scenarios migrants may face, may increase identification of potential TIP cases and may even contribute to the prevention of TIP.
KOSOVO/UNSCR 1244

- **Current data available indicates that migrants generally avoid using Kosovo/UNSC 1244 as a transit route.** Due to the additional border crossings that are required in order to transit Kosovo/UNSC 1244, migrants in general have avoided entering the territory. In addition, even those who are detected generally stay for short periods of time before moving onwards. That being said, countries in the region that work to strengthen border management and prevent irregular border crossings by migrants, the number of migrants attempting to transit Kosovo/UNSC 1244 may increase.

- **Trends related to the movement of extra-regional migrants are not dissimilar to those of Kosovar citizens attempting to reach the EU.** Immediately prior to the influx of mixed migration flows in the region, irregular migrants utilized routes that were similarly used by Kosovars attempting to reach the EU. Subsequent to the closure of the route, patterns of Kosovars utilizing existing routes of transiting migrants became evident. Counter migrant smuggling authorities in Kosovo/UNSCR 1244 should analyze existing trends to identify whether they can provide further information on the routes and status of the mixed migration flow.

- **Given that fewer migrants transit Kosovo/UNSCR 1244, TIP and migration authorities should be familiarized with existing trends in the region to prepare should the route shift.** Capacity building efforts should be focused on TIP actors in Kosovo/UNSCR 1244 to increase awareness of migrant vulnerabilities to TIP, as well as how to provide adequate and culturally sensitive care to PVOTs should they be identified. TIP actors can learn from the experiences of other countries in the region through bilateral and regional exchange.

- **Processes to identify TIP should be mainstreamed throughout the migration management system, including in the center for Asylum Seekers and the Detention Center.** In keeping with the above recommendation, processes to identify potential cases of TIP, including appropriate interviewing and screening, should be mainstreamed among migration management actors. Employees of accommodation facilities who house migrants should be sensitized to particular migrant vulnerabilities that put them at risk of TIP.

- **Procedures to identify TIP and refer PVOTs to services should be included in any contingency or emergency response plans related to the influx of irregular migrants and asylum seekers.** Given that Kosovo/UNSCR 1244 has not experienced a large influx of migrants, but has developed a contingency plan if this were ever to be the case. This plan should be reviewed to ensure that adequate screening for migrant vulnerabilities, including specific measures to identify potential cases of TIP and TIP prevention should be included.

4.3. Specific Regional Recommendations

*Data Collection and Reporting*

- **Governments should collect and analyze information on migrant vulnerabilities to exploitation, abuse, and TIP to inform migration management and TIP policies.** Currently governments primarily collect statistics related to identified PVOTs and VOTs, as well as information related to the detection, arrival, and accommodation of irregular
migrants. Data collection should be tied to existing case management systems that allow governments to also track and develop profiles migrant vulnerabilities to ensure the efficient allocation of resources to reducing those vulnerabilities and mitigating risk.

**Prevention**

- Systemic measures must be put in place that target migrants in vulnerable situations who are increasingly standard and circulating within the region. As mentioned above, in the current situation, it is anticipated that migrants will become increasingly vulnerable to exploitation and abuse as a result of their prolonged irregular stay in the region and circular movements between countries. Prevention measures, such as the dissemination of information related to protection services, such as TIP hotlines and services is necessary to facilitate self-reporting, as well as the reporting of others who observe instances where migrants are exploited or abused.

National Coordinators were asked whether or not such hotlines existed. The following table indicates their responses.

**Table 7: Responses of National Coordinators in related to Helplines/Hotlines**

<table>
<thead>
<tr>
<th>Technical help for Migrants</th>
<th>ALB</th>
<th>B&amp;H</th>
<th>RKS</th>
<th>MKD</th>
<th>MNG</th>
<th>SRB</th>
</tr>
</thead>
<tbody>
<tr>
<td>... there is an SOS phone for migrants in your country</td>
<td>N/A</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>... there is other technical help for migrants</td>
<td>N/A</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

In their interviews with migrants, IOM field staff asked interviewed migrants what their thoughts were related to a special mobile phone application that would be developed for this purpose. Although not all proposals are feasible given the resources and legislation of each country, answers provide insight into the type of information migrants are seeking. Answers included the following:

- **Good Idea. Would it be possible to have a translator (like Google Translate) for legal terms to better explain the legal advice given – how to apply for asylum, etc.**

---

86 There is an SOS line for victims of human trafficking and a red button application on the side of the Ministry of the Interior, on which potential victims of trafficking and victims of trafficking can be reported, whether they are citizens of the Republic of FYR of Macedonia or foreigners.

87 Translation, logistics, social services

88 In school year 2017/2018, all children, regardless of status, aged 7-14 years are included in the compulsory elementary education program. There are currently 546 children in 33 schools in Serbia. The Commissariat for Refugees and Migrants, in cooperation with civil society organisations, organises transportation to and from the school, as well as professional staff accompanying the child.
● It is very necessary. It is dangerous to be badly informed, not-informed or confused. It should include addresses of asylum centers (information on how to apply for asylum and security advice).
● Good idea. It should include advice on help centers, legislation in various languages, and advice on how and what to do.
● It should help me contact my parents and close family in my country of origin in every country I am travelling through.
● Information regarding the safety of the road and the route I am travelling through. Also information about possibilities for asylum and employment in the countries I am travelling through.
● Information regarding the safety of the road and the route that I am travelling through. Also information about the possibility for asylum and employment in the countries I am travelling through. This information would be useful for me because I have a B.A. and I would like to go to a country where I can use my knowledge.
● Information regarding locations of all migrant camps in the countries, borders of countries, where I am travelling through, safe road for travelling, and may be information about the weather forecast.
● It would be useful to have a phone number for hospitals and other institutions.
● Which is the nearest camp? Is this camp safe, could I be accepted/accommodated in this camp? What NGOs are present in the camp? Numbers of institutions, such as police, hospitals, etc.

- Ensure proactive prevention measures are in place that target women and girls who have experienced violence or abuse along the migration route or prior to their journey. Given the particular vulnerability of this population, measures to reach them must be tailored to their specific needs. Specialized agencies working with survivors of SGBV must work closely with government officials to ensure timely intervention in situations of SGBV among migrant populations and promote safe channels for self-reporting and identification.

- Place awareness raising materials and tools in areas of high risk. Given the protracted nature of high numbers of migrants and refugees stranded in the region and findings within IOM data that extended stay can result in higher experience of TIP indicators – prevention is essential. Combining this with Risk Factors identified for TIP in Crisis scenarios, we can already identify areas of high risk that include not only reception centers, but also other formal and informal sites for stranded migrants (including sites where migrants are ‘sleeping rough’). In addition, targeting border villages where information gathered indicate that migrants stay before attempting to cross borders.

Protection

- Raise awareness among TIP actors of cultural and migration flow specific contexts in order to enhance service provision. As noted throughout this analysis, migrants may not even be aware that their rights have been violated, but still be suffering from the physical and/or psychological effects of those experiences. Service providers, and other actors working on TIP, should be sensitized to the specific cultural and experiential
contexts of this target group through trainings and workshops related to culturally sensitive care, so that they may be better able to tailor service provision to this group.

- **Raise awareness among TIP actors of trends related to migration and SoM trends in the region.** While the focus has traditionally been to raise the awareness of border management actors on the risks of TIP and profiles of PVOTs, in the current context, TIP actors should also be made aware of the current migration trends and the modus operandi of smugglers in order to more comprehensively address the potential of TIP among migrant populations transiting the region irregularly. This can be accomplished by bringing both sets of actors together on a more regular basis to exchange information at joint coordination meetings, workshops, and joint trainings.

- **Ensure secure accommodation of migrants with particular vulnerabilities:** Once migrants are screened and particular vulnerability factors are identified, for instance potential for harassment and abuse by other migrants, sufficiently secure and appropriate accommodation for those particularly at-risk, including those under threat by other migrants, should be available in all locations.

- **Improve standards of rehabilitation and reintegration in countries with identified challenges in this area for both domestic victims and third country national PVOTs and VOTs.** In most countries, service providers (government and NGO) provide services to ensure the rehabilitation and reintegration of identified VOTs. However, the successful implementation of rehabilitation and reintegration for PVOTs and VOTs, including the developments of standards and guidelines related to rehabilitation and reintegration, is uneven across the region. Countries are encouraged to review policies and procedures to identify areas for improvement. In particular, it is recommended that actors raise awareness in the region of successful practices, such as the development of “Standards of social care for reintegration process of victims of trafficking “in Albania.

- **Ensure standards of rehabilitation and reintegration developed for domestic PVOTs and VOTs are also applied to third country national PVOTs and VOTs, regardless of identified durable solution (e.g. Voluntary return, temporary stay, or longer term integration).** For those countries that already have developed successful standards of rehabilitation and reintegration for PVOTs and VOTs, it essential to review such policies and practices and adapt them to ensure the protection of PVOTs and VOTs within the mixed migration flow. This may mean adapting existing practices to account for the eventual voluntary return of an identified VOT, ensuring their protection and rehabilitation during a period of temporary stay, or incorporating practices into longer-term integration plans.

**Prosecution**

- **Enhance collaboration and coordination among law enforcement actors responsible for combating SoM and law enforcement actors for combating TIP.** In order to effectively identify cases of TIP among mixed migration flows through the Western Balkans, actors responsible for the identification, investigation, and prosecution of SoM must be made aware of the potential vulnerabilities encountered by smuggled migrants, in particular their vulnerabilities to exploitation, abuse, and TIP. Successful practices, such as the establishment of a joint task force, the National Unit for Suppression of Migrant Smuggling and Trafficking in Human Beings, in the former Yugoslav Republic of Macedonia,
should be adopted by other actors in the region in order to ensure proactive cooperation in identifying, investigating, and prosecuting cases of TIP identified within migrant flows.

- **Enhance collaboration and coordination between Migration Management Actors and Prosecutor Offices in relation to crimes committed against migrants, including TIP.**

**Counter Trafficking in Crisis**

- **Governments should ensure that migrants are included in existing Contingency Plans and Disaster Risk Management plans that also take into account measures to mitigate TIP in Crisis.** Countries in the region have a history of experiencing earthquakes, floods, and other crisis situations. Some countries have responded by developing disaster risk management plans and other contingency documents. Given the large number of irregular migrants circulating and stranded in the region, governments should be prepared to also consider migrant populations when developing such plans, particularly in countries where large numbers of migrants are stranded or accommodated in centers.
ANNEX 1: Indicators for identification of victims of human trafficking in mixed migration flows – examples

In order to identify incidence of TIP in different scenarios, counter trafficking actors have regularly developed indicators for human trafficking, factors that might lead someone who has contact with a PVOT to identify that person as being more likely to having been trafficked. Indicators have a key role in the initial or preliminary identification process and area critical support tool for persons who come into contact with PVOTs to know how to take further measures and when to refer an individual for further formal identification. General indicators for PVOTs and VOTs have been developed by many organizations working to combat TIP, and wereformalized by governments within SOPs used for the identification and referral of victims.

There are many challenges that countries within the Western Balkans region have faced in identifying PVOTs and VOTs within the mixed migration flows transiting the region. The clear majority are merely transiting through the Western Balkans and do not consider the option of remaining in the region, as attested by those that abscond during the asylum procedure. The circumstances of those individuals transiting the region, the manner in which they departed the home countries, as well as their experiences along the route, mean that they can rarely provide the necessary documentation for obtaining legal status in the country of destination. Making them even more vulnerable to recruitment and exploitation by criminal networks and human traffickers. Due to the irregular and uncertain situation these migrants and refugees find themselves in, they are often highly vulnerable and at risk of exploitation and abuse.

The examples below are indicators from the experience of the former Yugoslav Republic of Macedonia. The Indicators for Identification of Victims of Human Trafficking during Mixed Migration Flows and General Indicators for Initial/Preliminary Identification of Presumed and Potential Victims of Trafficking in Human Beings in Context of Mixed Migration Flows in the Republic of Macedonia were developed by the National Commission for Combating Trafficking in Human Beings and Illegal Migration with the consultancy support provided by IOM in May 2016. These indicators are implemented by the authorized persons from relevant institutions who have established initial contact with vulnerable foreign nationals in cases of mixed migration flows in the territory of the former Yugoslav Republic of Macedonia. These indicators provide an assessment of factors that may indicate a greater likelihood that the person is a potential or actual victim of human trafficking. It must be emphasized that these indicators are general in nature and do not necessarily allow for an in-depth evaluation of TIP. However, it allows for the preliminary identification of a vulnerable person. Although positive evidence from the indicators does not prove that there is activity of human trafficking, any potential detection would begin the preliminary process of identification by specialized personnel.

89 Referring to statistics from UNHCR Office in Albania during year 2017 there were 308 asylum requests and at the year, 31 December 2017 there were 18 persons in the Reception Centre in Babru, Tirana.
90 Annex to Standard Operative Procedures for Treatment of Victims of Human Trafficking (abbreviated version)
Different types of TIP produce different profiles of potential or actual victims and thus requires the use of appropriately defined indicators that can be applied to various scenarios.

The approved document currently applied in the former Yugoslav Republic of Macedonia is available at: http://nacionalnakomisija.gov.mk/

The table below provides an overview of situations and indicators that can be used as a reference by governments and responsible institutions in the process of establishing or revising specific national SOPs for the identification of VOTs and PVOTs. This is a practical example of how to strengthen indicators for the identification of potential or actual victims of human trafficking during mixed migration flows.

**Final identification of VOTs**

After determining the presence of one or several general indicators of TIP among a vulnerable category of migrants and refugees and their subsequent preliminary identification as a PVOT or a VOT, the specialized personnel then refer the case to the country’s National Referral Mechanism (NRM) in accordance with each national SOPs.

These indicators are all taken into consideration and may be indicative of TIP according to risk groups, areas of identification, actors involved in identification and the referral process.

Risk groups where PVOTs or VOTs and the type of possible exploitation they may or may not have been exposed to can be identified:

- Women and girls who travel alone (for the purpose of: sexual and labour exploitation, domestic servitude, begging, forced marriages),

- Pregnant women who travel alone (for the purpose of: sale and illegal adoption of the child, sexual and labour exploitation and domestic servitude),

- Unaccompanied and separated children (for the purpose of: sexual and labour exploitation, child pornography, organ trafficking, illegal adoption, begging, forced committing of crimes),

- Adults who travel alone (labour exploitation, domestic servitude, organ trafficking),
- Elderly and disabled people who travel alone (for the purpose of: begging).

Where PVOTs or VOTs can be identified:

- At border crossings, during a lawful entry or exit into or out of a country, using original or forged documents,
- During an unlawful or irregular entry into a country as part of smuggling effort,
- During the stay in reception centres (Transit Reception Centres, Reception Centres for Foreign Nationals, and Reception Centres for Asylum Seekers),
In the territory of a country on the grounds of a lawful or unlawful entry and stay.

Who will most often identify PVOTs or VOTs:

- Police Officers from different entities,
- Social workers from centres that assist vulnerable categories of people,
- Representatives of civil societies and international organizations, and
- Other institutions and organizations.

When, where, and how are the indicators for the identification of PVOTs or VOTs used:

An authorized person from a competent institution or organization, when coming in contact with a vulnerable foreign national, who, due to their appearance and the circumstances in which they were found, raise a reasonable suspicion that they may be a PVOT or VOT. This suspicion need to be confirmed as reasonable in accordance with the general indicators set above for identifying a PVOT or a VOT. An interview must then be conducted to establish the prevalence of direct indicators. Then the individual is either identified as a VOT, has their case dismissed.

**Preliminary indicators for Identification of PVOTs or VOT in mixed migration flows:**

The process of identification for victims of human trafficking is implemented in two phases:

1. Initial/preliminary identification of PVOTs;
2. Final identification of VOTs.

The initial/preliminary indicators consist of general indicators which are related to:

- age
- gender
- country of origin
- personal documents
- type of transportation and
- evidence of abuse on the victim's body

Behavioral indicators of PVOT upon contact with authorities or service providers are:

- The person distrusts authorities or service providers and refuses to cooperate;
- The person speaks in a way that appear to have been instructed;
- The person appears to be in distress;
- Gives conflicting, incomplete, misleading or even false information;
- Avoids contact while trying to abscond from the premises;
- The person stands aside or away from the group with which they entered, indicating that they do not naturally belong to the group;
- Allows others to speak in their name;
Reacts with anger, impulsivity and aggressively;
The person has noticeable fluctuations in their behavior;
Disorientation, confusion, phobias or panic attacks are present;
The person shows signs of substance (drug, alcohol, medication) abuse.

General indicators for identification of unaccompanied children-foreign nationals (PVOT or UMC) during transportation/reception/handover:

• UMCs are commonly found in mixed migration groups (different age, gender, country of origin, etc.);
• They do not disclose their accurate age;
• They often claim that they are travelling with their siblings or are accompanied by a close relative although their age does not correspond to the natural birth order to which they have no resemblance or emotional attachment;
• As a reason why they are unaccompanied, they often claim that during the journey they got lost and separated from their family. This is in some cases true, and the process of family reunification should immediately be initiated;
• In case they are accompanied, a migrant who presents themselves as a close relative or a trusted family friend could turn out not to know information about the child in an interview. Further, the above individual and the child give differing accounts of their journey, their friends and family, and their destination;
• During the interview, the UMC keeps looking in fear at the individual, who is possibly either a trafficker or a person whom potential traffickers trust;
• Inconsistencies in the age of parents and relatives with children throws doubt on the parental relationship;
• The behaviour of the children towards the individuals accompanying them (relaxed, anxiety, fear, etc.);
• They are overlooked, neglected, hungry and inappropriately dressed;
• They look frightened, timid, worn out, tired, confused and show signs of physical and mental abuse;
• Display behaviours that do not correspond to the age they indicated.

Other specific indicators need to be considered while the preliminary identification is being conducted. This process will occur when PVOTs encounter authorities during transportation, transfer or reception. There is a set of indicators when identifying UMC, PVOTs, and VOTs in particular. The report findings indicate a lack of specialized indicators specifically formulated to strengthen identification in mixed migration flows generally in the Western Balkan region, except for the former Yugoslav Republic of Macedonia where clear procedures have been adopted and established. The need to consistently address this issue in the rest of the Western Balkan countries has been confirmed during the assessment by different stakeholders and validated by National Anti-Trafficking Coordinators during the J/TIP led workshop in Budva in October 2017. **Final identification involves the use of specific indicators for the identification of adult and child VOTs. To be more effective and efficient, indicators for final identification incorporates indicators of sexual exploitation upon adults and children as well as labour exploitation.**