



ANALYSIS AND MAPPING OF NATIONAL REFERRAL MECHANISMS TO PROTECT VICTIMS OF HUMAN TRAFFICKING IN THE SIX MARRI PARTICIPANTS

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This report is prepared by the organization Different & Equal in the framework of Regional Project on Preventing and Combatting Trafficking in the Western Balkans (PaCT) implemented by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ). The opinions, findings, conclusions and recommendations expressed in this document are those of the authors and do not necessarily represent those of the GIZ.

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WORK ABBREVIATIONS

AT	Anti-Trafficking
BiH	Bosnia and Herzegovina
CEPOL	EU Agency for Law Enforcement Training
CSOs	Civil Society Organizations
DR	Desk Review
EASO	European Asylum Support Office
EIGE	European Institute for Gender Equality
EU ATC	EU Anti-Trafficking Coordinator
Europol	European Police Office
Eurojust	EU Judicial Cooperation Unit
FRA	EU Agency for Fundamental Rights
Frontex	European Border and Coast Guard Agency
GIZ	The Deutsche Gesellschaft für Internationale Zusammenarbeit
GRETA	Group of Experts on Actions Against Human Trafficking
ICAT	UN's Inter-Agency Coordination Group against Trafficking
ICMPD	International Center for Migration Policy Development
IO	International Organizations
NGOs	Non-Governmental Organizations
NRMs	National Referral Mechanisms
OSCE	Organization for Security and Cooperation in Europe
PoA	Participant of the Analysis – individual who was interviewed or provided written answers to the questions of this analysis
PPPP	Prevention, Prosecution Protection, Partnership
SELEC	Southeast European Law Enforcement Center
SOPs	Standard Operating Procedures
ST	Study Team
TIP	Trafficking in Persons
HT	Human Trafficking
VoT	Victim of Trafficking
UN	United Nations

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INTRODUCTION

The mapping and analysis of National Referral Mechanisms (NRMs) to protect victims of human trafficking in 6 MARRI Participants is conducted in the frame of the Regional Project on Preventing and Combatting Human Trafficking in the six MARRI Participants (PaCT). The project is implemented by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ).

OBJECTIVES OF THE ANALYSIS AND THE REPORT

The objectives of the mapping and analysis of NRMs are to: understand the state of play within the NRMs structures and actors involved therein; examine how the NRMs are structured, organized and how they function; explore and compare the regional commonalities/similarities as well as differences between them; identify in each NRM, the good practices that can be regionally shared, discussed and if local particularities allow — replicated.

For each aspect of the NRMs explored, the report presents “the status quo”, the changes occurred and the changes that might occur. The authors have made efforts to present the information in a form that allows drawing conclusions on the NRMs changes: the need for changes, the promoters of change, and the effects of change on efficiency, effectiveness and participation. Efforts were made to present the information in a form that alerts for the measures that should be taken to prevent any negative consequences of change actions.

Accentuated focus was given to collecting recommendations on two specific aspects of the NRMs, the participation of the victims in the NRMs and the connection between the NRMs.

THE METHODOLOGY

The methodology used by experts/working team for the collection of information consisted on: 1. The Desk Review and 2. The Interviews with the NRM Actors in the Six MARRI Participants.

The Desk Review consisted of a “Preliminary Part” and an “On-going part”. The “Preliminary Desk Review” helped identify of the informants and compile the interview schedules. The selection of documents for desk review were consulted with the Offices of AT National Coordinators and with the project team. The “On-going Desk Review” was guided by the interviewees. The experts reviewed a number of local and international documents related to the legislation, institutional framework

such as national action plans, SOPs, NRMs related agreements, monitoring reports etc...¹

An interview schedule was developed by the experts and approved by the project management team. The information sought through interviews pertained in 16 thematic clusters/aspects of the NRMs, namely: 1. The Role and Authority of the NRMs in the Anti-trafficking Systems; 2. The Role and Authority of the NRMs in Practice; 3. State Actors Engaged in the NRMs; 4. Engagement and Role of Civil Society; 5. Mainstreaming of NRMs Functions; 6. Share of Responsibilities Between Central and Local Level Actors; 7. NRMs Scope of Work in Terms of Prevention, Prosecution, Protection and Partnership; 8. Protection NRMs Afforded to Victims; 9. Reflection of Profile of the Countries in the NRMs; 10. Engagement and Role of the Victims in the NRMs; 11. Adaptability of the NRMs; 12. Relation of the NRMs with other referral mechanism; 13. Management of Internal Cases; 14. Management of Transnational Cases; 15. Monitoring of the NRMs Functioning; 16. Financing of NRMs

The selection of potential interviewees to approach was guided by GIZ project coordination members and the AT National Coordinators' Offices. Twenty one interviews were conducted with the main anti-trafficking stakeholders and experts of countering human trafficking. The interviewees held positions with National Coordinators' Offices, police, social services, shelters, education, NGOs, and IOs. The table below provides data on the number of interviews and interviewees in each MARRI Participant.

MARRI Participant	Number of interviews conducted	Number of interviewees
Albania	10	10
BiH	1	1
Kosovo*	6	6
Montenegro	1	3
North Macedonia	2	2
Serbia	1	1

Nine of the interviews — all of them in Albania — were conducted in person interviews. Seven interviewees, including one in Albania, sent their replies in written form. All the other interviews were online interviews conducted through Zoom, Skype or other online platforms. An “interview around” communication took place between the experts and the interviewees through emails or online that secured mutual understanding of information exchanged, suggested further reading or desk review documents, facilitated contact with other interviewees etc... It is for this reason that in the report the interviews are referred to as “communications.” All the interviewees were very cooperative and helpful.

CHALLENGES AND LIMITATIONS

Although D&E and the project team reached out to all the individuals recommended, the number of people accommodating the request for information and participating in the assessment was low. The response level was affected by the pandemic and members citing personal health issues.

Movement restrictions imposed due to COVID-19 limited the choices of convenience of the interviewees. The interviews had to be conducted online and very often, there were difficulties due to poor internet connections, communication in English etc...

1. A full list of the documents is in the annex on the references

The aspects of NRMs for which this assessment collects and analyzes information differ from previous researches. Therefore, it was expected that the interviews, rather than the desk review, would be the main source of information. The low number of interviews in BiH, North Macedonia, Serbia and Montenegro results in an incomplete picture.

MAIN FINDINGS

The participants have made and continue to make efforts to assess and improve the functioning of the NRMs. The improvement interventions have included detailing of tasks through standard operating procedures and standards of care, establishment of structures at the local level, enlarging the support provided to victims and capacity building of service providers.

The anti-trafficking work of the MARRI Participants is regulated by a wide range of norms on investigation and penalization of the trafficking crime, norms on social protection, child protection, migration, security etc... The volume of norms helps tackle the trafficking problem holistically and a comprehensiveness of support for victims, but at the same time hinders fast responses.

The authority of the NRM is considered related to the level of the specific NRM norm, the number of members of the NRM, the agency that has the leading role and main protection role, the resources of protection, the regard that the prosecution authorities have for social protection authorities etc... There is concern that the current low level of the NRMs specific norms in the hierarchy of norms has created problems with authority of the NRM in practice, attendance and representation in the NRM forums. Changes that can increase the authority of the NRMs are changes in policies, active participation of the actors in meetings, increase of human resources, clear criteria of participation, clarity regarding tasks and contributions, empowerment of victims and the success of reintegration etc...

There are differences between the participants regarding the leading roles in the NRMs. Efforts are being made to transfer the identification of victims from law enforcement to social protection structures as a precondition for unconditional, victim- centered protection.

The state actors uniformly tasked in the NRMs are structures of law enforcement and structures of social welfare/protection. Concerns regarding the state actors of the NRMs informed are: no clear allocation of tasks generating other issues; the ministry of interior carrying the heavier load; the workload of the national coordinator changes around the personality of the person in that position; The national coordinator's workload not clear to the other actors; distribution of the budgetary funding not matching with the workload; increase of caseload of professionals working directly in assistance of victims not bringing increase of financial or other support for them; centres for social work being overloaded with also other tasks related to other vulnerable people, etc.

The number of CSOs in NRMs are different. With exception of Kosovo*, the NRMs have, in general, changed regarding the civil society membership. The changes have occurred as a consequence of: interest of the CSOs to engage/ become members; efforts to meet the standards on CSOs engagement; requests from the donors for mainstreaming, formalization, recognition of engagement of CSOs; changes in capacities and funding. Concerns regarding the CSOs included the unequal share of the direct assistance. It is considered as : falling mainly on the shoulders of the civil society members, issues of communication regarding case management of children identified as victims of trafficking and potential/ presumed victims of trafficking, shortage of staff working in identification and shelter care. The recommendations regarding civil society included: members of the NRMs should be only CSOs that are consistent in providing long-term assistance and that have a nation-

al scope in service provision. It is recommended that the role of the CSOs should be increased through “creating the circumstances” by supporting the civil society organizations with specific expert/human and financial resources.

Coordination between central level and local level actors is considered to be, in general, good. The issues and concerns pertain to the low capacities of the local level actors: they are short of human and material resources, lack clear guidance, are new to the mechanisms and do not know their roles. The recommendations for improvement include development of manuals, instructions; building and regulating the mechanisms at local level; improving local government human resources-adding staff and trainings.

The contribution of the NRMs in prevention of trafficking is perceived in general as a by-product of protection of the victims. The role is played through NRMs members working in public awareness campaigns, trainings for capacity building of various actors, etc. Role of NRMs in prosecution is related to police identification of victims, membership of prosecutors/ prosecutors’ being party to NRM, victims’ cooperation /declarations to law enforcement officials.

The NRMs are considered mostly as tools of protection of victims, and inclusion of actors is based on their contribution to protection of victims. Protection is linked/detailed as shelters, sustainable programs, proactive identification, referrals, services provided through state actors and civil society organizations, compensation, phases of assistance as shelter/rehabilitation, reintegration/ socio-economic inclusion, support and protection during criminal investigation of traffickers. The level of protection provided to victims informed varies from little to good protection. Good protection is related to institutions fulfilling their obligations and being responsive. Little protection is related to lack of alternatives for children victims, and lack of resources for reintegration. Changes that can improve NRM protection are: regulating protection through a special anti-trafficking law; better reporting of institutions; training of actors/ increase the capacities of specialists/responsive capacity building of actors/exchange of knowledge/exchange of experiences; attaching rights to victim status; improvements of the system to encourage cooperation with law enforcement; fundraising / increase of funding for CSOs assisting victims ; consistency in the provision of safe and quality services (special budgetary lines); ensuring cooperation with economic operators and other relevant institutions in support of the victims (through cooperation agreements); strengthen the role of institutions, in particular law enforcement and public order institutions; and improve communication both in the national and in the transnational process of victim rehabilitation.

Trafficking situation changes continuously and efforts can and should be made to improve the adaptability of the NRM to trafficking situation and other circumstances changes. The responses to this exploration show that there is more concern regarding actual changes of trafficking situation the NRM should react / adapt to — the conditions for adaptations and the results of adaptations rather than securing the NRM adaptability trait itself. Conclusion drawn on efforts to increase the NRMs’ adaptability is: There should be provisions for regular review of the NRM norm; The norm should have provisions for regular monitoring and adaptations of the provisions; The NRMs should be paired with budgets and budgets should have contingency plans.

The NRMs coexist with other referral mechanisms – mainly protection of children and victims of domestic violence. No plans of merging were informed. There is concern that the merge will negatively affect the security protection of the victims. The suggestion is that there should not be merging of the mechanisms but building of a cooperative network.

Information was requested regarding NRM case management approach. The needs to improve the management of internal cases are: to give and receive feedback for referrals made; to improve

resources for reintegration; to involve mental health specialists; to measure case managers' performance; to change law provisions regarding case management. Changes communicated as needed to improve NRMs management of transnational cases include: establishment of a body within the NRMs to serve as case managers - assigning of case management authorities to certain members of NRM, capacity building -learning on management of cases; support from donors; improvement of communication within NRM and between NRMs.

The NRMs are not specifically monitored. Monitoring should change by establishment of an external, independent body of monitoring specific for NRM; establishment of clear performance indicators; proper periodicity of monitoring.

The compatibility between NRMs functions and financial support is low in general. Suggestions for changes to increase compatibility include: NRM/ protection should be given priority; financial support should be continuous and sustainable; financial support should encompass all the phases of recuperation and reintegration.

Specific recommendations were collected for participation of victims. The recommendations included: establishment of a Victims' Advisory Board; shelters should create support programs to enable victims to properly receive other victims; the NRM actors should work for the advancement of compensation programs to enable empowerment of the victims; the NRM actors should develop opportunities for participation of the victims in penalization of traffickers; awareness raising and service provision / reintegration should be increased; improvement of the participation should take into consideration the safety and security of the victims. The NRM actors should develop opportunities that the victims do not only participate, but also are safely recognized for their participation and contribution; awareness raising should include support for the victims to publish their stories; participation of the victims should be stipulated in law or bylaws; NRM actors should develop safe ways support efforts to investigate and prosecute traffickers as a precondition for safe environment needed for participation

Specific recommendations were collected for coordination and communication within the NRMs and between the NRMs. The recommendations were: support for the mobile units for identification of victims of trafficking; support for the non-governmental organizations in conducting activities participating in them and giving official project application support; strengthen strategic partnership with private sector; support development of a policy or communication regulation that standardizes and guarantees communication among all actors with clear references, and with safe communication channels that guarantee the data protection of victims of trafficking; support frequent contact of NRM members to enable share of information, building realistic expectations and position themselves better in the anti-trafficking landscape; foster traits of the NRM that help communication: non-politicization of NRM; recognition of each other work; update information; fair share of responsibilities; bring the members at a unified understanding of issues to solve; balance the knowledge and recognize the difficulties – provide trainings regarding human trafficking for new actors; develop special protocols and provide special support for difficult cases — victims with mental health concerns, victims with children; and make transparent referrals.

The good practices and recommendations given regarding communications and coordination between the NRMs are support activities that facilitate knowledge and strengthen the relationship — frequent meetings, joint training, and study visits; support establishment of similar structures that handle transnational cases.



THE ANALYSIS CONTEXT

The analysis is preceded by other NRM focused activities MARRI Participants have been involved directly or indirectly. Some of them were:

Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe: TRM-EU developed in 2010 on the framework of the project “Development of a Transnational Referral Mechanism for Victims of Trafficking between Countries of Origin and Destination” – TRM-EU.

An assessment of the implementation of the NRM in North Macedonia, Serbia, Albania and Kosovo*² conducted by The Centre for Civic Initiative (CCI) in North Macedonia, Atina in Serbia, the Kosovo* Rehabilitation Centre for Torture Victims (KRCT) in Kosovo*, and the Albanian Centre for Human Rights (ACHR) in Albania. The assessment was carried out in the framework of the project “Civil Society Organizations as a control mechanism in the fight against human trafficking in the Western Balkans.” The project partners came up with a catalogue of questions, the External Monitoring Tool (EMT) that provides guidance in collecting data and monitoring processes.³

A manual on monitoring anti-trafficking re/integration programs developed in the framework of the program “Trafficking Victims Re/integration Programme (TVRP)- An initiative of the King Baudouin Foundation, Belgium, with Nexus Institute.”

A second meeting of National Anti-Trafficking Co-ordinators and Rapporteurs organized by the Council of Europe and the OSCE organised jointly, was held in Bratislava (Slovak Republic) on 22-23 October 2019 under the Slovak OSCE Chairmanship. The meeting brought together representatives of 42 countries across the council of Europe and OSCE region. Discussions were held on: ways to enhance the protection of child victims of trafficking by means of needs-based assistance in the child’s best interests; measures to reduce the demand that leads to human trafficking for different exploitative purposes, including labour exploitation; engaging civil society in anti-trafficking policy-making, prevention efforts, identifying and assisting victims of trafficking; supporting victims in the course of

2. Here and after the asterisk is indicative of the expression on Kosovo Designation: This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo Declaration of Independence

3. http://www.krct.org/site/images/documents/reports/other/en/implementation%20on%20nrm_en.pdf

criminal and other proceedings; the update of the National Referral Mechanism Handbook.⁴

An assessment of Referral Mechanisms for Victims of Trafficking in Bosnia and Herzegovina: The assessment carried out in the framework of the Project “Fight against Trafficking in Human Beings and Organised Crime” – Phase 2 (THB/IFS/2) , funded by the European Union and implemented by an international consortium led by the International Centre for Migration Policy Development (ICMPD) in partnership with Expertise France(EF) and International Foundation of Administration and Public Policies of Spain (FIIAPP).

Development of the handbook “Monitoring and Evaluation of Anti-Trafficking Policies: Handbook for Victims’ Advocates” by ASTRA, in the framework of the EU-funded Balkans ACT Now! The handbook can be applied both in the countries of origin of people who are trafficked and in countries of destination (and in countries where people are trafficked and exploited within their own borders).⁵

Guidelines for integrating the gender dimension into local action was presented through online meeting in Sarajevo in 23 October 2020⁶

Conduction of the assessment of the National Anti-Trafficking Strategies and Action Plans in MAR-RI participants by ICMPD in the framework of the PaCT Project. The assessment is identifying the existing good practices and experiences in developing strategic anti-trafficking response. The good practices will serve to revise the Guidelines for the Development and Implementation of a Comprehensive National Anti-Trafficking Response, developed in 2006.

4. GRETA, 9thGeneral Report on GRETA’s Activities <https://rm.coe.int/9th-general-report-on-the-activities-of-greta-covering-the-period-from/16809e169e>

5. <https://www.astra.rs/en/monitoring-evaluation-anti-trafficking-policies-handbook-victims-advocates/>

6 . <https://www.coe.int/widget/web/sarajevo/-/elaborating-gender-responsive-action-plans-and-measures-to-combat-trafficking-in-human-beings>

THE REPORT

1. THE NRMS IN THE NORMS

1.1. The norms regulating the anti-trafficking actions

The above mentioned preceding assessment of the implementation of the National Referral Mechanisms in North Macedonia, Serbia, Albania and Kosovo* did find that overall, the reforms in the legal frameworks of the target countries are made in accordance with the European framework.⁷ This assessment finds that except for Kosovo* regulating anti-trafficking work through a special act/ law, all the other participants regulate anti-trafficking work through a wide range of norms on investigation and penalization of the trafficking crime, norms on social protection, child protection, migration, security etc.. While this variability of norms is considered to take the responsibilities to local authorities and bring assistance opportunities closer to the victims, concerns exist that changes unrelated to anti-trafficking might be frequent and might result in anti-trafficking being “pushed” frequently in the margins of scopes of institutions. The continuous change of norms brings about also the necessity to work intensively in guiding and supporting the “traditional and new stakeholders” to conduct anti-trafficking work.

In their reply to GRETA Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings⁸, the authorities of Albania stated that the relevant laws and decisions against trafficking are: Criminal Code of the Republic of Albania, Article 110 / a “Trafficking of Adults”; Criminal Code of the Republic of Albania, Article 128 / b “Trafficking of Children”; Criminal Code of the Republic of Albania, Article 124 / b “Mal-treatment of Child”; Criminal Code of the Republic of Albania, Article 117 “Pornography”; Code of Criminal Justice for Children; United Nations Convention against Transnational Organized Crime, ratified by Law no. 8920, dated 11.07.2002; Protocol “Against the Smuggling of Migrants by Land, sea and air” that complements the United Nations Convention against Transnational Organized Crime, ratified by Law nr.8920, dated 11.07.2002; Protocol “Prevent, Suppress and Punish Trafficking in Persons, especially women and children”, supplementing the United Nations Convention

7. http://www.krct.org/site/images/documents/reports/other/en/implementation%20on%20nrm_en.pdf

8. <https://rm.coe.int/greta-2018-26-alb-rep-en/168097fa81>

against Transnational Organized Crime, ratified by Law nr.8920, dated 11.07.2002; Law no. 9642, dated 20.11.2006 “On ratification of the Council of Europe Convention ‘On Action against Trafficking in Human Beings’”; Law no. 9834, dated 22.11.2007 “On Albania’s adhering to the Optional Protocol to the UN Convention on the Rights of the Child on the sale of children, child prostitution and child pornography”; Law 108/2013 “The foreigners”; Law no. 10192, dated 03.12.2009 “On the Prevention of and Fight against Organized Crime and Trafficking through preventive measures against Assets”, amended; Law no. 10173, dated 22.10.2009 “On the Protection of Witnesses and Persons collaborating with Justice System”; Law no. 111/2017 “On state guaranteed Legal Aid”; Law 18/2017 “On the rights and protection of the child”; Law no. 22/2018 “On Social Housing”; DCM no.195/2007 “On adaption of standards of Social Care Services at Residential Centres for Trafficked Persons or Persons at Risk of Trafficking”; Joint instruction no.3799/2014 “On the Establishment of the Responsible Authority for the identification, referral, protection and reintegration of Victims/Potential Victims of Trafficking”; Decision No. 499, date 29.8.2018 “Standard Operating Procedures for Protection of victims and potential victims of trafficking”; Order no. 6 of the Prime Minister, dated 26.01.2017 “On the Establishment of the Regional AntiTrafficking Committee”; DCM No. 770, date 26.12.2018 “National Action plan 2018 – 2020 for fighting Trafficking in persons”; DCM No. 54, dated 31.01.2018 “On the Rules of Functioning of the National Council on the Rights and Protection of the Child”; DCM No. 91, date 14.02.2018 “On the procedures for conducting control and sanctioning by the State Agency for the Rights and Protection of the Child”; DCM No.148, dated 13.03.2018 “On the Establishment of Co-operation Rules between the Consultative and Institutional Coordination Mechanisms, Rights and Child Protection Structures and Non-Profit Organizations, the Implementation of National and Local Policies, and the Necessary Services for Protection of the Child “; DCM No. 353, dated 12.6.2018 “On the Rules of Functioning of the Multidisciplinary Technical Group for the Protection of Children in Municipalities and Administrative Units”; DCM No. 578, dated 3.10.2018 “Referral procedures and case management, design and content of individual protection plan, financing of expenditures for its implementation, and implementation of protection measures”; Decision No. 111, dated 6.3.2019, On the Procedures and Rules for the Return and Repatriation of the Child “; Decision No. 129, dated 13.3.2019 “On procedures for the identification, immediate assistance and referral of economically exploited children, including children in street situation”

The anti-trafficking norms referred to in communications in Albania are the articles of the criminal code and the law on criminal procedures, the ratified international conventions, specially the UN Convention on Transnational Organized Crime with two of the additional protocols, the Council of Europe Convention, the 36th Directive of 2011, specific law on protection of children, the law on foreigners, the DCM on Standard Action Procedures and the DCM on National Action Plan 2018-2020, the agreements with regard to regional and international cooperation. Perspectives and opinions provided on the qualities of the norms include: lack of and need to have a specific anti-trafficking law, limitation of NRM references to the law on state police, SOPs being the most specific anti-trafficking norm, lack of mentioning of the trafficking in constitution along with other violation of human rights, outdated of the NRM and the delay in ratification of bilateral regional agreements.

In 2016, the International Centre for Migration Development Policy (ICMPD) in cooperation with France Expertise Internationale (FEI) and International Foundation of Administration and Public Policies of Spain (FIIAPP) assessed that Bosnia and Herzegovina have developed legislation and policies to prevent THB since the early 2000s and has established an articulated policy, institutional and legislative anti-trafficking framework. It also found that 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. According to the assessment, this results

in the multiplication of legal systems, jurisdictions, and institutions competent to deal with THB at State, entity, district, and cantonal levels making it particularly challenging when dealing with a complex and multifaceted crime such as THB that requires a comprehensive, multidisciplinary and holistic approach.⁹ Discussions in Bosnia and Herzegovina inform that the anti-trafficking norms consist on the norms for Bosnia and Herzegovina, norms of Federation of Bosnia and Herzegovina (FBiH), norms for Republic of Srpska, norms for Brčko District of Bosnia and Herzegovina. Norms of Bosnia and Herzegovina include: criminal code of Bosnia and Herzegovina; criminal procedure code of Bosnia and Herzegovina; Law on protection of witnesses under threat and vulnerable witnesses; Witness Protection Program Act; Law on Movement and Stay of Alien and Asylum of BiH; Law on Foreigners; Rules on Protection of Foreigners Victims of Trafficking in Human Beings; Rules on protection of victims and witnesses of victims of trafficking in BiH citizens. *Norms of Federation of Bosnia and Herzegovina (FBiH) include:* Criminal Code of the FBiH; Criminal Procedure Code of FBiH; Law on Protection of Witnesses under Threat and Vulnerable Witnesses ; Law on Health Protection of the Federation of BiH; Law on Health Insurance of the Federation of BiH; Family Law of the Federation of Bosnia and Herzegovina; Law on basics of social protection, protection of civilian victims of war and protection of families with children; Law on and taking over the rights and obligations of the founders over social welfare institutions in the Federation of BiH. Norms of the Federation include laws on social Protection for Cantons: Law on Social Protection of Sarajevo Canton; Law on Social Protection, Protection of Civilian Victims of War and Protection of Families with Children of Tuzla Canton; Law on Social Protection, Protection of Civilian Victims of War and Protection of Families with Children of the Zenica-Doboj Canton; Law on Social Protection, Protection of Civilian Victims of War and Protection of Families with Children of Una-Sana Canton; Law on Social Protection, Protection of Civilian Victims of War and Protection of Families with Children of the Bosnia-Podrinje Canton; Law on Social Protection of Posavina Canton; Law on Social Protection, Protection of Civilian Victims of War and Protection of Families with Children of the Central Bosnia Canton; Law on Social Protection of Herzegovina-Neretva Canton; Law on Social Protection, Protection of Civilian Victims of War and Protection of Families with Children of the West Herzegovina Canton; Law on Social Protection of the Canton 10. *Norms of Republica Srpska include* Criminal Code; Criminal Procedure Code; Law on Witness Protection in Criminal Proceedings; Law on Health Protection of the Republic of Srpska; Law on Health Insurance of the Republic of Srpska; Family law of Republic of Srpska; Law on Social Protection of Republic of Srpska; Law on Children's Protection. *Norms for Brčko District of Bosnia and Herzegovina include* Criminal Code; Criminal Procedure Code; Law on Health protection in the Brčko District of BiH; Law on Health Insurance of Brčko District; Family Law of Brcko District; Law on Social Protection of Brcko District.

In 2015, GRETA did find that the legislation of Kosovo* in the field of action against human trafficking has evolved over the years. GRETA linked the progress with the Criminal Code (CC) adopted in 2012 criminalizing trafficking in human beings under Article 171 (trafficking in persons), Article 172 (withholding identity papers of victims of slavery or trafficking in persons) and Article 169 (slavery, slave-like conditions and forced labour). GRETA considered that the anti-trafficking law entered into force in September 2013, Law No. 04/L-218 on Prevention and Combating Trafficking in Human Begins and Protection of Victims of Trafficking was comprehensive.

The communications in Kosovo* refer to the constitution, the international standards that regulate the field of combating trafficking of human beings, the legal provisions of the Criminal Code and the Criminal Procedure Code, law on preventing and combatting human trafficking and protecting

9. ICMPD, FEI, FIIAPP, Sorrentino, L, 2016, Assessment of Referral Mechanisms for victims of trafficking in Bosnia and Herzegovina <http://newroadbih.org/index.php/en/about-us/item/433-assessment-of-referral-mechanisms-for-victims-of-trafficking-in-bosnia-and-herzegovina.html>

victims of trafficking, Law on Management of the Sequestered or Confiscated Assets 03/L-141; Law on Social and Family Services (02/L-17); Law on Crime Victims Compensation (No. 05/L -036). Opinions given to the assessment include the consideration that the anti-trafficking legal base is very wide including all provisions that the actors of different sectors are bound by.

The National Commission for Combatting Trafficking in Human Beings and Illegal Migration in North Macedonia refers to the following norms as basis for establishing the SOPs¹⁰: The UN Convention against Transnational Organized Crime and its Protocols, Protocol for Prevention, Suppressing and Punishment of Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (Official Gazette of the Republic of Macedonia, no. 70 / 2004), Convention of the Council of Europe on actions against trafficking, (Official Gazette of the Republic of Macedonia, no. 49/2009), The Criminal Code (Official Gazette of the Republic of Macedonia No. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51 / 11, 135 / 11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 115/14, 132/14, 160/14, 199/14, 196/15, 226/15 and 97/2017), Law on Criminal Procedure (Official Gazette of the Republic of Macedonia, no. No. 150/2010 and 51/2011) Law on Foreigners (Official Gazette of the Republic of Macedonia, no. 97 / 2018) Law on Witness Protection (Official Gazette of the Republic of Macedonia, no. 38/2005 and 58/2005) Law on Justice for Children (Official Gazette of the Republic of Macedonia No. 148/2013) Law on Social Protection (Official Gazette of the Republic of Macedonia No. 79/2009, 36/11, 51/11, 166/12, 15/13, 79/13, 164/13, 187/13, 38/14, 44/14, 16/14, 180/14, 33/15, 72/15, 104/15, 150/15, 173/15, 192/15, 30/16 and 163/17 and 51/2018) Family Law (Official Gazette of the Republic of Macedonia No. 80/1992, 9/1996, 38/2004, 33/2006, 84/2008, 67/10, 156/10, 39/12, 44/12,, 38 / 14, 115 / 14 and 104 / 15 and 150/2015) Law on International Cooperation in Criminal Matters (Official Gazette of the Republic of Macedonia No. 34/2018). The communications for the assessment refer mostly to: The Criminal Code, The Family Law, The Social Protection Act, The Foreigners Act, The Rules (Accepted Center for Foreigners, Center for Persons Victims of Human Trafficking and Victims of Sexual Violence), National Strategy and Action plan for combat human Trafficking, Standard Operating Procedures for Victims of Trafficking in Human Beings, Re-socialization programs.

The Reply from Montenegro to GRETA¹¹ informs that the priorities in combating the occurrence of trafficking in human beings were ensured by the adoption of a set of laws in the field of justice, namely: the Criminal Code, the Criminal Procedure Code, the Law on Compensation for Victims of Violent Crimes, the Law on Foreigners, the Law on Seizure of the Proceeds of Crime, the Law on the Treatment of Juveniles in Criminal Procedure, the Law on Health Care and the Law on Social and Child Welfare, the Law on International Legal Assistance in Criminal Matters. The assessment communications inform on the adaptation and incorporation into the legislative framework the UN Convention against Transnational Organized Crime (2000) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the Council of Europe Convention on Action against Trafficking in Human Beings, the UN Convention on the Rights of the Child and both of its protocols (Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography and Optional Protocol on the Prohibition of the Involvement of Children in Armed Conflict).

10. National Commission for Combatting Trafficking in Human Beings and Illegal Migration , Standard Operating Procedures (SOPs) for Treatment of Victims of Trafficking

11. The Reply to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties submitted on 29 October 2019,

The assessment was informed through desk reviewing the Strategy¹² that the Constitution of the Republic of Serbia, in the provision of Article 26, prohibits slavery or servitude and that the laws regulating the area of human trafficking and its consequences are: Criminal Code (Official Gazette of the RS, Nos. 85/05, 88/05 – Corrigendum, 107/05 - Corrigendum, 72/09, 111/09, 121/12, 104/13 and 108/14), Criminal Procedure Code (Official Gazette of the RS, Nos. 72/11, 101/11, 121/12, 32/13, 45/13 and 55/14), Law on Liability of Legal Persons for Criminal Offences (Official Gazette of the RS, No. 97/08), Law on Organisation and Jurisdiction of Government Authorities in the Suppression of Organised Crime, Corruption and other Particularly Severe Criminal Offences (Official Gazette of the RS, Nos. 42/02, 27/03, 39/03, 67/03, 29/04, 58/04 – other law, 45/05, 61/05, 72/09, 72/11 – other law, 101/11 – other law and 32/13), Law on the Forfeiture of the Proceeds of Crime (Official Gazette of the RS, No. 32/13), Law on Police (Official Gazette of the RS, No. 6/16), Law on Aliens (Official Gazette of the RS, No. 97/08), Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles (Official Gazette of the RS, No. 85/05), Law on International Legal Aid in Criminal Matters (Official Gazette of the RS, No. 20/09), Law on Migration Management (Official Gazette of the RS, No. 107/12), Law on Asylum (Official Gazette of the RS, No. 109/07), Law on Gender Equality (Official Gazette of the RS, No. 104/09), Law on the Red Cross of Serbia (Official Gazette of the RS, No. 107/05), Law on Ombudsman (Official Gazette of the RS, Nos. 79/05 and 54/07), Law on the Protection Programme for Parties to Criminal Proceedings (Official Gazette of the RS, No. 85/05), Law on Social Protection (Official Gazette of the RS, No. 24/11), Law on Conditions for Temporary Work Assignment of Employees Abroad and their Protection (Official Gazette of the RS, No. 91/15), Law on the Prohibition of Discrimination (Official Gazette of the RS, No. 22/09), Law on Health Care (Official Gazette of the RS, Nos. 107/05, 72/09 – other law, 88/10, 99/10, 57/11, 119/12, 45/13 – other law and 93/14), Law on Health Insurance (Official Gazette of the RS, Nos. 107/05, 109/05 - Corrigendum, 57/11, 110/12 – CC, 119/12, 99/14, 123/14 and 126/14 – CC), Family Law (Official Gazette of the RS, Nos. 18/05 and 72/11 – other law and 6/15), Law on the Fundamentals of the Education System (Official Gazette of the RS, Nos. 72/09, 52/11, 55/13, 35/15 – authentic interpretation and 68/15), Labour Law (Official Gazette of the RS, Nos. 24/05, 61/05, 54/09, 32/13, 75/14 and 13/17 - CC), Law on Civil Registries (Official Gazette of the RS, No. 20/09), Law on Electronic Communications (Official Gazette of the RS, Nos. 44/10, 60/13 – CC and 62/14), Law on the Organisation and Competences of Government Authorities in the Fight against Cyber Crime (Official Gazette of the RS, Nos. 61/05 and 104/09), Law on Republic Administrative Fees (Official Gazette of the RS, Nos. 43/03, 51/03 - Corrigendum, 61/05, 101/05 –other law, 5/09, 54/09, 50/11, 70/11 – harmonised RSD amounts, 55/12 – harmonised RSD amounts, 93/12, 47/13 – harmonised RSD amounts, 65/13 – other law, 57/14 – harmonised RSD amounts, 45/15 - harmonised RSD amounts and 83/15) and other laws.

1.2. The norms specifically related to NRMs

Information collected suggests that the norms specifically related to NRMs are different with the agreement and the SOPs being the most common form.

The trafficking indicators are important stand-alone elements or elements of the SOPs and NRMs and there are efforts to formalize and review them. The NRMs norms vary in terms of actors; lead and monitoring locus; concepts of referrals; detailing of operations and processes; geographical coverage.

12. The Strategy to prevent and suppress human trafficking, especially trafficking in women and children and to protect victims, for the period 2017 – 2022, https://media.srbija.gov.rs/medsrp/dokumenti/strategy_to_prevent_and_suppress_human_trafficking.pdf

The table below summarizes what the communications refer to as NRM specific norm

MARRI Participant	The norm considered as NRM specific norm
Albania	<p>A cooperation agreement on NRM signed in 2005 or 16.06.2012</p> <p>The SOPs adapted by the Decision of the Council of Ministers (DCM) No. 499, dated 29.08.2018 “On the Adoption of Standard Action Procedures for Protection of Victims and Potential Victims of Trafficking</p>
Bosnia and Herzegovina	<p>The “Rules on the protection of victims and witnesses of victims of trafficking in human beings (THB) in BiH citizens”.</p>
Kosovo*	<p>Article 3 of the law No. 04/L-218 On Preventing and Combatting Trafficking in Human Beings and Protecting Victims of Trafficking</p> <p>Article 7 of the law No. 04/L-218 On Preventing and Combatting Trafficking in Human Beings and Protecting Victims of Trafficking on National Authority against trafficking in human beings</p> <p>The Minimum Standards of Care for Victims of Trafficking (adopted in 2010), The Administrative Instruction No. 01/2014 for early identification of victims of THB by consular services, border police and the Labor Inspectorate, approved by the Government of Kosovo* on 21 March 2014, all considered as bylaws</p>
North Macedonia	<p>The Norm on setting up the Office of the NRM at the Ministry of Labor and Social Policy in 2009</p>
Montenegro	<p>The cooperation agreement of the Supreme State Prosecutor’s Office, the Ministry of Education and Science, the Ministry of Labor and Social Welfare, the Ministry of Health, the Police Directorate and three nongovernmental organizations, signed an Agreement on Cooperation.</p>
Serbia	<p>A cooperation agreement on NRM signed on 12 November 2009.</p> <p>This agreement establishes direct cooperation in the application of the national mechanism for identification of victims of trafficking and their referral to assistance. It contains in its annexes the Guidelines on Standard Operative Procedures Regarding Victims of Trafficking (SOPs are part of the agreement)</p>

The norms the desk review finds as specifically related to NRM in Albania are the NRM Agreement and the SOPS. In its response to GRETA¹³, the government authorities inform that the NRM is an agreement between state and non-state institutions for the identification, referral and protection of victims and possible victims of terrorism. The NRM is informed as a formal system, a network established between police, social service, diplomatic and consular services, health, education, prosecution, international organizations (IOM, WV and ARSIS)¹⁴, as well as reception and rehabilitation centers for victims of trafficking. The purpose is to establish a framework of

13. GRETA, Reply from Albania to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties/ GRETA(2018)26_ALB_rep

14. The response goes on informing that in 2018, the National Referral Mechanism was added with 2 new members: Mary Ward Loreto and Terre des Hommes.

cooperation defining the responsibilities of key actors in the fight against trafficking in human beings regarding the identification, referral, accommodation, assistance and rehabilitation of victims of trafficking, to ensure timely and full coverage of relevant VoT services and implementation of SOPs. The SOPs were adapted by the Decision of the Council of Ministers (DCM) No. 499, dated 29.08.2018 “On the Adoption of Standard Action Procedures for Protection of Victims and Potential Victims of Trafficking. The SOPs are the basic document for identifying, referring, protecting and assisting victims/ potential victims of trafficking. The purpose of the SOPs is to protect, including timely and appropriate identification of potential victims of trafficking, whether adults or minors, Albanians, foreigners or stateless persons, for all types of exploitation, internal or international trafficking, whether or not linked to organized crime.

Communication¹⁵ suggests the NRM agreement and the SOPs as the norms specifically related to NRM with one communication suggesting: “*the SOPs are “the bible” of the NRM and the NRM is the platform for implementation of the SOPs*”. In the communications, it also emerges that:

- Referral is the scope as “referral comes first and then there is protection and help”;
- The reaction and referral automatically require connections and collaboration – strengthening the NRM means strengthening the connection and collaboration among parties;
- Fixing of the NRM when it does not work should be an immediate concern of the parties;
- The NRM agreement should refer to other norms rather than only to norms related to prosecution (it was emphasized that the NRM refers to the Law on State Police);
- The cooperation agreement stands at top level of the institutional acts;
- The mechanism has produced positive results and generated positive practices;

In its Report of 2017 on BiH (article 87) GRETA informs that the “Rules on the protection of victims of THB who are nationals of Bosnia and Herzegovina” and the “Rulebook on the protection of foreign victims of trafficking in persons” constitute the National Referral Mechanism. The communication confirms the NRM is the “Rules on the protection of victims and witnesses of victims of trafficking in human beings (THB) in BiH citizens”.

Desk review and communication in Kosovo* coincide in referring to Law No. 04/L-218 On Preventing and Combatting Trafficking in Human Beings and Protecting Victims of Trafficking as the specific norm related to the NRM. In its Article 3, the National Referral Mechanism is prescribed as *the collaboration framework through which state institutions fulfil the obligations to protect and promote the rights of victims of trafficking and to coordinate their efforts in a strategic partnership with civil society*.

In 2017, GRETA informed that North Macedonia National Referral Mechanism (NRM) for victims of THB, which was institutionalised through the setting up of the Office of the NRM at the Ministry of Labour and Social Policy in 2009, remains responsible for coordinating the referral of identified victims to assistance, their accommodation, protection, reintegration and resocialization. It further informs that the sub-group on child trafficking, set up in 2003, continues to function as a working body within the National Commission. The subgroup on child trafficking is headed by the representative of the Office of the NRM and includes representatives of the Ministry of the Interior (Unit for Combating THB and Smuggling of Migrants and the Sector for Border Affairs and Migration), ICMPD, IOM, Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ), UNICEF, the US Embassy in Skopje and the NGOs Open Gate/La Strada, “For a Happy Childhood” and “Equal Ac-

15. Communication in this report refer to the communications realized with the participants through the interviews or through the written answers and clarifications

cess”, as well as a Deputy Ombudsman as an external observer.¹⁶

The relation of the National Referral Mechanism for Victims of Trafficking in Human Beings with the Office of the NRM is given in the SOPs of 2018 is a system of cooperation through which the competent institutions and organizations (MLSP, MOI, ASSOC, IO and all other relevant actors) operating on the territory of the Republic of Macedonia in the field of prevention, protection, referral and identification and returning of victims of human trafficking. The Office of the National Referral Mechanism operates within the Ministry of Labour and Social Policy - Department for Equal Opportunities.¹⁷

The Strategy for Combatting Trafficking in Human Beings 2012-2018 in Montenegro has it that in 2007, the state actors directly involved in dealing with human trafficking, the Supreme State Prosecutor’s Office, the Ministry of Education and Science, the Ministry of Labour and Social Welfare, the Ministry of Health, the Police Directorate and three nongovernmental organizations, signed an agreement on cooperation. The goals were to make the cooperation more productive and to make the obligations of the institutions more concrete. The concreteness was expected to be achieved through setting specific operational procedures to be realized by the signatories in resolving a specific case of human trafficking. The agreement put a special emphasis on treatment of women and children victims of trafficking in human beings. The document was praised at the UN GIFT meeting and its provisions were incorporated into a manual on development of an agreement on cooperation in SEE countries. In 2012, the signing of the supreme court agreement, PI Support Centre for Children and Families, the Red Cross of Montenegro and other 3 nongovernmental organizations was expected¹⁸.

Communications for the assessment have it that the agreement of 2007 intended to make the NRM complete, operational and meaningful. The communications relate the completeness with the number of the actors and them being state actors and civil society actors. They relate meaningfulness and operationally with stipulations being clear and containing operations for resolving cases. The communications inform on two changes of the agreement, one in 2013 and one taking place this year *“including new forces” – NGOs which had in the meantime, in accordance with the amendments to the legislation resulting from the Law on Social and Child Protection, obtained licenses to provide accommodation and protection to the victims of trafficking in persons*

Desk Review finds mentioning of the Agreement on Cooperation between State Authorities in Combating THB, signed on 12 November 2009 by the Ministries of the Interior, Justice, Health, Labour and Social Policy, Finance, Education and Science in GRETA Report on Serbia in 2013. ¹⁹According to GRETA, this agreement, which establishes direct cooperation in the application of the national mechanism for identification of victims of trafficking and their referral to assistance, contains in its annexes the guidelines on Standard Operative Procedures Regarding Victims of Trafficking.

16. Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by “the former Yugoslav Republic of Macedonia” GRETA(2017)39

17. Government of the Republic of Macedonia, National Commission for Combating Trafficking in Human Beings and Illegal Migration, 2018 , The Standard Operating Procedures for treatment of victims of trafficking in human beings

18. See The Government of Montenegro, Ministry of Interior ,Office for Fight against Trafficking in Human Beings, Office for Fight against Trafficking in Human Beings , Strategy for Combatting Trafficking in Human Beings 2012-2018

https://www.legislationline.org/download/id/5069/file/Montenegro_Strategy_Combating_THB_2012-18_en.pdf

19. GRETA(2013)19

The assessment communications inform that the NRM consist on the Agreement, the specific agreements, the formal identification indicators. The themes emerging are: There is no special law related to NRM or on combatting trafficking — stakeholders are thinking about a specific law; The SOPs are part of the agreement; The ministerial council issued new SOPs through a formal decision; Institutions from academia, media, business sector, state institutions, NGOs are invited that if they recognize indicators to call the center²⁰; The centre starts procedures to check relevant information/ process for formal identification and formal confirmation.

The assessment on National Referral Mechanisms finds that in Serbia, the Agency for the Coordination of the Protection of Victims of Trafficking (short: Agency) institutionally performs the initial identification of presumed victims and carries out a switchboard function referring victims to adequate service providers. However, the Agency's role in the National Referral Mechanism is not legally formalized.^{21,22}

1.3. The position of the NRMs specific norms in the hierarchy of other norms

With exception of Kosovo* that has a specific anti-trafficking law containing a specific provision on NRM therefore a determined high level norm, the other Participants' NRMs specific norms' level are informed as either uncertain or low. There is a general confusion and uncertainty regarding the position the NRMs related norms should have in anti-trafficking norms/ provisions.

The communications in Albania regarding the position of the NRM in hierarchy of norms has brought to light concerns on the knowledge and understanding of hierarchy of norms. The communication contained references to the Constitution, Article 116 providing that “normative acts that are effective in the entire territory of the Republic of Albania are: a. the Constitution; b. ratified international agreements; c. laws; ç. normative acts of the Council of Ministers.”²³The level of the NRM related norm in the hierarchy of the norms were perceived differently in different communications:

- Level perceived related to the hierarchy of the norms regulating the functions of members and authorities in the NRM and position of these authorities;
- Level perceived as pretty central, at the level of bylaws issued by ministerial levels: *“The Minister or the Deputy Minister is the person in charge in every order I have read;”*
- Level perceived as related to the position of the Police Members of the Responsible Authority and *“not knowing the organization of the Anti-Trafficking and Immigration Directorate in Mol makes it difficult to know with certainty the position of the NRM and the SOPs”.*
- Level perceived high because the specificity of the issue it addresses and the fact that it is an instrument of cooperation at national level.
- Level perceived as not proper: *“I do not think that the cooperation agreement be-*

20. Centre for the Protection of Victims of Trafficking in Human Beings

21. http://www.krct.org/site/images/documents/reports/other/en/implementation%20on%20nrm_en.pdf

22. Centre for the Protection of Victims of Trafficking in Human Beings was established with the Decree of the Government of Serbia from 13 April 2012

23. The European Union's CARDS programme for Albania, Law Drafting Manual , A Guide to the Legislative Process in Albania, <https://ial-online.org/wp-content/uploads/2018/05/Rep.-Albania.pdf>

tween the parties is where it should be, it is not dignified and it needs fixing...”

- Level perceived as changing and relative other norms regulating the functions of the public institutions: *“This is, of course, an inter ministerial agreement, an agreement between institutions, but we have our strategies, our legal acts and the agreements we have entered into with other institutions”*

The communication in BiH has it clear that the rank of the NRM/ Rules and procedures is that of the bylaws.

The communications in Kosovo* hold different views on what is considered NRM, what are the NRM related norms and what is their position among other norms. The following are the views informed:

- The NRM is *“all the system, all the institutions... the legal, professional and institutional framework-* position includes high level norms but cannot be established with certainty;
- The NRM is prescribed in the law against trafficking therefore it can be considered as high level;
- There are other norms beside the law specifically related to NRM : Standard Operating Procedures for trafficked persons in Kosovo* (adopted in 2008 and amended in 2013), The Minimum Standards of Care for Victims of Trafficking (adopted in 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* on 21 March 2014, all considered as bylaws (GRETA 2015 considered these as secondary legislation²⁴).

The communication in North Macedonia has it that the NRM is in the Act of Systematization in the Ministry of Labour and Social Policy within the Sector of Equal Opportunities.

Communication in Montenegro says that the NRM position in the hierarchy of norms, regardless of the issues it deals with, is determined by the coordination body, it stands at the ministerial level norms *“The National Referral Mechanism operates on specific need basis, but in any case it depends on the coordination provided by the Ministry of the Interior / Department for Combating Trafficking in Human Beings, through coordination of the activities of competent state and state administration bodies, international and non-governmental organizations”*

The communication in Serbia has it that the level of the NRM norm in the hierarchy and structure of norms determines the way the police relate to it and implement. The communication informs on the intention to make the SOPs an obligatory procedure for police officers through their introduction to legal system in the form of law or decision of the minister of interior.

1.4 Changes needed on the NRM position in the general and anti-trafficking regulating norms

The requests for information did not focus specifically on the need for change of the position of the NRMs related norms in the hierarchy of the other AT norms. The communications regarding the authority of the NRM and other aspects of NRMs, reported below contain information on the reasons for change.

24. <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806454cc>

2. THE AUTHORITY OF THE NRMS

2.1 The authority the NRMs have in practice

The authority that the NRMs have in the anti-trafficking system is perceived as related to the roles they have in coordination between the actors, the number of institutions engaged, the institution that has the lead at operational level and the level of the National Coordinators in the governmental hierarchy.

The NGO Assessment Report finds that the lead of NRM operations is of the responsible authority in Albania, of the NRM Coordination Office within the Ministry of Labour and Social Policy in Macedonia, of the Agency for the Coordination of the Protection of Victims of Trafficking in Human Beings in Serbia, and of the National Anti-Trafficking Coordinator within the Ministry for Interior in Kosovo*.

The communications in Albania contain considerations that the NRM is a very important instrument of coordination and that the authority comes from the coordination and engagement it secures: *“It is an instrument that keeps the parties engaged on carrying out their duties and responsibilities coordinated amongst them with the aim of providing solutions and protection to each referred case by employing the capacities of the signatory parties.”*

The communications have it that the authority of the NRM in Kosovo* derives from the involvement of several state institutions and civil society organizations.

In North Macedonia, the authority is considered related with the resources of the assistance for victims and the level of the National Coordinator.

Communications in Montenegro hold that the authority that the NRM has in practice is the competences and responsibilities given by law: *“All actors involved in the referral system have their responsibilities arising from the competences defined by law”*

2.2. Past changes of the authority of the NRMs

The communications have it that the increase of the number of actors has brought about an increase of the authority of the NRMs. The communications have it also that there is an increase of the authority of the social protection “wing” of the NRMs as a result of the identification and assistance becoming increasingly unconditioned by the investigation of the traffickers. Observations of decrease of the authority of the NRMs were communicated as well, that related with the increase of identification and lack of resources for assistance.

In Albania, it is communicated that the authority that the NRM has in practice has increased with adding of the new parties.

In Kosovo*, changes of authority informed are related to legal framework changes such as recent changes pursuant to the Government Regulation on administrative responsibility areas for the Prime Minister’s Office and Ministries. The change is that the Ministry of Justice assumed the role of providing services to victims of trafficking.

Different opinions exist in communications with North Macedonia regarding the changes of NRM authority:

- The authority has decreased because although more cases are identified, resources

for assistance of centers for social work have decreased, due to change or shortage of staff, overload with vulnerable groups etc.;

- The authority has increased because the national coordinator has moved to an upper level.

In Serbia, there is an increase of the authority of social services in the identification and protection system: *“Currently the prosecutors are formally requesting information and opinion of social service providers on the status of VoTs, explanation about trauma and trauma consequences and are using the identification of victims as evidence in court”*

2.3 The needs for change of the NRMs authority

The circumstances informed as having the potential for positive change in authority of NRMs and needs for change are: changes of the policies; changes of the executive branches of the state; active participation of the actors in meetings; increase of allocation of funds and human resources; formalization of participation of interested parties; use of clear criteria for participation; recognition of member’s own role and role of the others; the need for diversification of services; the empowerment of victims and the success of reintegration.

The communications in Albania hold the opinion that any change in the work dynamics in the fight against trafficking and in particular in protecting victims of trafficking has the potential to affect the authority of the NRM. The circumstances mentioned with effect are:

- Changes occurring in institutions and the budgets allocated;
- Priorities arising from unforeseen situations such changes in typology of the trafficking phenomenon;
- Political will of the institutions / consideration whether combating trafficking in human beings is a priority issue or not;
- Regular presence of the representative from Prosecution Office in NRM meetings;
- Regular presence of the representative from Ministry of Foreign Affairs;
- Adding of new members from the Ministry of Finance and the Economy, the National Employment Service and Labour Inspectorate;
- Formalization of participation of the state Agency for Children and other interested agencies;
- Use of clear membership eligibility criteria;

There is suggestion as well that while adding of new members, due diligence has to apply to avoid “inflation” of the NRM with new entries.

Circumstances with potential to affect the NRM authority are informed in communications of Kosovo*. For Kosovo*, such circumstances are the changes of state policies and frequent changes to the executive branch of the state.

The communications of Montenegro caution against changes that can negatively affect the role and authority of the NRM in protection of victims: *“it is essential that everyone in the NRM recognizes his/her role in the system in order to avoid jeopardizing any segment of the diversified services available in the area of protection and reintegration of victims of trafficking in persons”*

For Serbia, the process of revision of the SOPs is an opportunity for change.

3. STATE ACTORS IN THE NRMS

3.1 The state actors in the NRMs and their roles

In the assessment communications, the state actor are referred to as “signatories of the NRM agreements”, “actors tasked through SOPs”, “actors recognized as being able to contribute to the implementation of the national anti-trafficking policy in the area of prevention, victim protection, criminal prosecution of perpetrators, partnership and cooperation”.

The table below lists the state actors informed as involved in NRM in each of the MARRI participants By both desk review and communications.

No	MARRI Participant	State actors in NRM
1	Albania	Ministry of Interior; Ministry of Foreign Affairs; Ministry of Education and Science, Ministry of Health; Ministry of Labor Social Affairs and Equal Opportunities; General Prosecutors’ Office.
2	BiH	Ministry of Security; Ministry of Human Rights and Refugees; Ministry of Justice; Ministry of Civil Affairs, Labor and Employment Agency; Prosecutor’s Office of Behr; State Investigation and Protection Agency; Border Police; Service for Foreigners’ Affairs; Directorate for Coordination of Police Bodies.
3	Kosovo*	Ministry of Internal Affairs; Ministry of Justice; Kosovo* Judicial Council; Prosecutor’s Office; State Prosecutor; Victims Advocacy and Assistance Office at the Prosecutor’s Office.
4	North Macedonia	61 professionals from 30 centres for social work throughout the Republic of North Macedonia; A representative of the Public Institution for Social Activities; Ministry of Interior / ETLKM (Unit on Trafficking and Smuggling of Migrants the Center for Persons Victims of Human Trafficking and Victims of Sexual Violence); 5 mobile teams and the labor inspectors.

5	Montenegro	Ministry of Interior; Police Administration; State Prosecutor's Office; Supreme Court; Ministry of Justice; Ministry of Foreign Affairs; Ministry of Health; Ministry of Labor and Social Welfare and competent Centers for Social Affairs; Ministry of Education; Ministry of Human and Minority Rights; Ministry of Culture; Inspection Administration and Institution of the Protector of Human Rights and Freedoms of Montenegro.
6	Serbia	Ministry of the Interior; Ministry of Labor, Employment and Social Policy; Ministry of Justice; Ministry of Finance; Ministry of Education and Sport; Ministry of Health; Ministry of Foreign Affairs; Office for Human and Minority Rights; Supreme Court; Public Prosecutor's Office.

In Albania, the NRM is mostly referred to as the agreement of 2012, and the state actors are referred to as signatories of the agreement. The state actors' specific roles are defined in the NRM agreement document. The considerations regarding the roles are that the specific roles and responsibilities of each member/ state actor relate to the function and typology of services provided by subordinate structures;

In BiH it is informed that each member contributes with the knowledge and skills for which it is qualified and depending on the sector, it represents.

The state actors of the NRM informed through communications in Kosovo* include the Ministry of Internal Affairs, Ministry of Justice, Kosovo* Judicial Council, Prosecutor's Office, State Prosecutor, Victims Advocacy and Assistance Office, which has been specifically established at the Prosecutor's Office, and the communes. It is informed that the role of state members of the NRM is to ensure proper identification, assistance and protection of victims of trafficking in human beings, including child victims, and to ensure that they accept adequate assistance by protecting their human rights.

The role of the state actors in the NRM in North Macedonia is informed as involved around the NRM Coordination Office within the Ministry of Labour and Social Policy (MLSP)

ILAB states in 2019 that the Office of the National Referral Mechanism Refers potential cases of child victims of human trafficking to law enforcement authorities for investigation, and refers potential victims to social services.²⁵ The NGO assessment informs that the NRM Coordination Office within the Ministry of Labour and Social Policy (MLSP) leads the NRM operations. The primary responsibilities of the NRM Coordination Office are: initial assessment of the needs of persons who

25. ILAB, 2019 Findings on the Worst Forms of Child Labour https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/North-Macedonia.pdf

are presumed victims of trafficking, organization and coordination of appropriate support (crisis intervention, psychosocial support and counselling, food, clothing, medical assistance); referral to a shelter for victims of trafficking: either the NGO “Open Gate” (which has signed a memorandum of cooperation) or the Reception Centre for Foreigners (which is under control of the police and under coordination of the NGO “For A Happy Childhood”), or the return to the family or finding another suitable accommodation; collection of necessary documentation for trafficked persons, personal papers, health cards, etc.; coordination of victim protection (contact with family, appointing a special guardian for minors, assessment of opportunities and conditions for returning to the family); informing victims about their rights and status (legal aid, information on legal provisions, legal representation); preparation and implementation of individual programs for child victims of trafficking.²⁶

The state actors of the NRM informed through communications in North Macedonia, are *“Sixty one professionals from 30 centers for social work throughout the Republic of North Macedonia, a representative of the Public Institution for Social Activities, Ministry of Interior / ETLKM (Unit on Trafficking and Smuggling of Migrants the Centre for Persons Victims of Human Trafficking and Victims of Sexual Violence, the five mobile teams and the labour inspectors.*

In Montenegro, it is informed that the state bodies that take part in the NRM are those *“Recognized as being able to contribute to the implementation of the national anti-trafficking policy in the area of prevention, victim protection, criminal prosecution of perpetrators, as well as in the area of partnership, international and regional cooperation”*. The actors informed through communications are: Ministry of Interior, Police Administration, State Prosecutor’s Office, Supreme Court, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Health, Ministry of Labor and Social Welfare and competent Centers for Social Affairs, Ministry of Education, Ministry of Human and Minority Rights, Ministry of Culture, Inspection Administration and Institution of the Protector of Human Rights and Freedoms of Montenegro.

In Serbia, the state actors in NRM are Ministry of the Interior; Ministry of Labour, Employment and Social Policy; Ministry of Justice; Ministry of Finance; Ministry of Education and Sport; Ministry of Health; Ministry of Foreign Affairs; Office for Human and Minority Rights; Supreme Court; Public Prosecutor’s Office.

3.2 The past changes of state actors’ membership in the NRMs

The information collected confirms that in general, the membership of state actors in the NRMs has changed toward enhancement. The goals and directions of changes, when intentional and enhancing have been to: increase identification; have more local actors and make the NRM operational at local level; recognize the potential and role of state institutions in identification and victim protection; and increase the efficiency of the response.

The state actors membership has changed also because of change of government structure and availability of funding.

Information collected in Albania refers to three “moments” of changes in membership of state actors: the changes that the NRM Agreement of 2005 had in 2012 through a structured process of revision; the “de facto/ not reflected in the NRM” changes of 2017 coming as result of reshuffling

26. NGO Assessment Report Implementation of the National Referral Mechanism in Macedonia, Serbia, Albania and Kosovo*

of the government; the “de facto “ changes of after 2018 ,when a representative of the State Agency for Rights and Protection of Children started attending the Responsible Authority meetings and address the cases coming from the municipal structures – Child Protection Workers . The opinion in the communications is that the participation of state actors in practice has shrunk — the merge of the Ministry of Social Welfare with Ministry of Health has affected the participation of the representative from social protection.

It is informed that in BiH the reorganization of the NRM is underway and it is designed to operate more locally. The reason informed for reorganization is that “the organization so far has not shown full efficiency in the combating against human trafficking and some new areas and vulnerable categories have appeared to which special attention should be paid.”

Communications in Kosovo* inform on important change — the change of dependency of the State shelter transferred to Ministry of Justice: *“The recent change was a movement within the system, because the State Shelter, which was considered a key point in the transnational reference system, is now under the direction of the Ministry of Justice through a Decision of Council of Ministers”.*

Changes in North Macedonia informed through communications were the upgrade of the NRM with labour inspectors and formation of five mobile teams. The changes aimed at improving the identification system in general and the need for proactive fieldwork.

In Montenegro the NRM has been expanded: *“The number of institutions involved is higher, due to the fact that since the establishment of the system, state administration organizations have changed, some departments were subsequently recognized as important, as was the case with the involvement of the Inspection Administration, the Ministry of Tourism, the Office of Human Rights and Freedoms and alike. In addition, ‘The Labor Inspection Department,’ which operates as part of the sector for protection of the Labor Market and Economy, Gambling and Public Procurement within the Inspection Administration, has been recognized as the body that can provide appropriate contribution in identifying potential victims of trafficking for labor exploitation.”*

The expansion of the anti-trafficking community was communicated in Serbia. The expansions informed as important were expansion with prosecutor’s office in 2010, expansion with education professionals and labour inspectors. The goals of the expansion were to bring more actors and more options to identification.

3.4 Changes needed for state actors ‘membership and roles

The need for change of membership and role of state actors was explored through questions regarding concerns over the issues related to changes and circumstances that require change.

A general concern expressed during communications is that there is no clarity of roles and that the roles of state actors do not match with the needs of victims for protection.

Issues with state actors’ workload were specifically informed in four of the MARRI Participants. The issues included: no clear allocation of tasks generating other issues (Albania); the Ministry of Interior carrying the heavier load (Albania); the workload of assistance is on the shoulders of the civil society (Albania) ; the workload of the national coordinator changes around the personality of the person in that position (Albania); the national coordinator’s workload not clear to the other actors (Albania); distribution of the budgetary funding not matching with the workload – the Ministry of Interior although leading has less funds then Ministry of Social Welfare (Kosovo*); increase of

caseload of professionals working directly in assistance of victims not bringing increase of financial or other support for them (Kosovo*); centers for social work being overloaded with also other tasks related to other vulnerable people (North Macedonia); overload of the centers for social work because there are no other resources /NGOs to help with rehabilitation and reintegration (North Macedonia).

Information converges that the multidisciplinary nature of the referral mechanism makes it prone to changes. The “always existing” circumstances informed in Albania, Kosovo* and North Macedonia include changes of the trafficking trends, changes of the legal framework, continuous decentralization and changes of the roles of the CSOs.

The concerns expressed on the changes occurred in Albania in the past included: The changes of government cabinet of 2017 should have been reflected in the NRM agreement wording — this has not taken place; The state actors membership is guided by the criteria of political show off rather than criteria of concern for protection; The highest level of the state actors participating in the NRM meetings is the Deputy Minister of Interior — the new NRM should contain specific rules of participation and representation; the tasks referred/ appointed to state actors do not afford/ match the wide range of needs of victims “from the identification to reintegration.”

The considerations provided in BiH include the necessity to include actors of the municipal level, the representatives of social work centers or services.

Communications in Kosovo* inform on the need that the state actors’ role in the NRM be independent from the changes of the law and policies and it can be secured through a change of NRM organizational structure.

The communications included also “the current circumstances for change.” The current specific circumstances referred to in general is the pandemic.

In Albania, the current circumstances referred to included: The changes that have taken place in the restructuring of ministries and the organization of the Institutions of Justice making it necessary to review the position of actors as parties to the NRM; The changes in Ministry of Finance and Economy making it necessary to change not only the NRM but also the Responsible Authority; The changes of the Status Labour Inspectorate — its role should not be confined to bilateral agreement, it should be a party of the NRM; The criteria for membership in NRM are being revisited; changes in the judicial reform and in the General Prosecution office giving it a new status in relation to the NRM; The tendency to diminish the phenomenon having an effect on funding and participation; The need to reflect the duties and responsibilities of a new role, that of “Victims Coordinators”, or special entities as determined by law and the reorganization of the Ministry of Interior affecting the Antitrafficking Department.

4. THE CIVIL SOCIETY ACTORS IN THE NRMS

4.1. The civil society actors in the NRMs and their tasks

In its Report of 2018, GRETA informed that the NRM in Albania is a formal system, a network established between police, social services, diplomatic and consular services, health, education, prosecution, international organizations (IOM, WV and ARSIS), as well as reception and rehabilitation centers for victims of trafficking and that in 2018, the National Referral Mechanism was added with 2 new members: Mary Ward Loreto and Terre des Hommes.²⁷

Desk review on BiH identified organizations such as Foundation Lara, ISF Emmaus, Nova Generacija in Banja Luka, Save the Children, Vašaprava and ZemljaDjece in Tuzla²⁸. Communications in BiH informed that a large number of civil society organizations are involved in the NRM.

In Kosovo*, the communications inform on Center for Protection of Victims and Prevention of Trafficking in Human Beings (PVPT), Hope & Homes for Children and other international organizations.

The Standard Operating Procedures of 2018 in North Macedonia contain contacts of Association for Action against Violence and Human Trafficking “Open Gate-La Strada”, Skopje in the list of competent bodies in SOPs²⁹. The communications inform La Strada Open Gate, For Happy childhood, Association of the Yung Lawyers, and Equal Access.

The NGOs informed as signatories to the Agreement on Cooperation in Combating Trafficking in Human Beings in Montenegro are “Montenegrin Women’s Lobby”, “Safe Women’s House”, “SOS Hotline for Women and Children Victims of Violence - Niksic”, NGO “Security, Sociology and Criminology Research Center of Montenegro – Defendologija Centar Nikšić”, “Institute for Social and Educational Policy.”

The communications in Serbia Informs on ASTRA and ATINA being the CSOs engaged in the NRM.

The table below organizes the information collected on Civil Society Actors of the NRMs

No	MARRI Participant	Civil Society Actors in NRMs
1	Albania	IOM; World Vision; ARSIS; Different & Equal; National Reception Center for victims of trafficking; Psycho-social center “Vatra”;

27. Greta Report 2018

28. Mentioned in GRETA report on SECOND EVALUATION ROUND Adopted on 31 March 2017, Published on 17 July 2017 as consulting GRETA, the report was available at: <https://rm.coe.int/greta-2017-15-fgr-bih-en/1680782ac1>

29. Government of the Republic of Macedonia, National Commission for Combating Trafficking in Human Beings and Illegal Migration, Standard Operating Procedures for Treatment of Victims of Trafficking in Human Beings

		Tjeter Vision association; Mary Ward Loreto; Terre des Hommes.
2	BiH	Foundation Lara; ISF Emmaus; Nova Generacija in Banja Luka; Save the Children; Vašaprava; ZemljaDjece in Tuzla.
3	Kosovo*	Center for Protection of Victims and Prevention of Trafficking in Human Beings (PVPT); Hope &Homes for Children; other international organizations
4	North Macedonia	“Open Gate“; “For a Happy Childhood“;
5	Montenegro	“Montenegrin Women’s Lobby“; “Safe Women’s House“; “SOS Hotline for Women and Children Victims of Violence - Niksic” NGO; “Security, Sociology and Criminology Research Center of Montenegro – Defendologija Centar Nikšić “, “Institute for Social and Educational Policy “.
6	Serbia	ASTRA ATINA

The roles of the civil society organizations in the NRM are regulated in different forms but are similar in scope.

In communication in Albania on the roles of civil society organizations and their regulation, there are references to the 2012 NRM Agreement. The communications from civil society contain description of broader scopes that are not provided for in the NRM agreement such as awareness raising and *policy making*. The communications in Albania inform on active support of the NRM from other organizations that are not signatories such as UNICEF, OSCE.

In communications on BiH NRM, it is informed that each member contributes with the knowledge and skills for which it is qualified and depending on which sector it represents.

Article 33, “Role of the non-governmental sector” of the law on trafficking in Kosovo* provides that the national authority supports, encourages and directs local nongovernmental organizations and international organizations to support authorities in preventing and combating trafficking in human beings, and protection of victims of trafficking. The article further provides that the local and international nongovernmental organizations provide respective services for victims of trafficking, either with their initiative, on behalf of the municipal directorate in the case of municipal services, or on behalf of the National Authority in case of services at the Kosovo* level. The article states that the respective institution should license each nongovernmental organization that provides services

to victims of trafficking, as well as adheres to regulations, guidance and procedures related to their activity, as determined by the respective institution.

In one communication in Kosovo* the names and the roles are described concisely: *“PVPT role is to offer direct support: shelter, rehabilitation, reintegration), Prevention, Capacity building, Research, advocacy; the H&H role is to offer direct support to children and the role of other local and international NGOs such as Terre des Hommes (TdH), Caritas Kosovo*, OSCE, UNICEF, UNHRC, IOM, GIZ is Prevention, Capacity building, Financial support, Monitoring.”* They further inform that PVPT and H&H staff is authorized by the Ministry of Welfare and Social Work, and normally stand higher than other civil society organizations that can work in the field of anti-trafficking.

In communications in North Macedonia, it is informed that it is only La Strada / Open Gate that conducts direct work with the victims in the shelter (Center for Victims of Human Trafficking and Victims of Sexual Violence)³⁰.

In Montenegro, it is informed that *“NGOs are relevant partners of public authorities in implementing prevention programs and mitigating the possible consequences of trafficking in persons/children among the most vulnerable and sensitive categories in society.”* These are the NGOs that have received, in accordance with the law on social and child protection, licenses to perform activities in the field of social and child protection, i.e. they have been licensed to provide accommodation in shelters. The communications contains that the list provided includes the government partners in implementing policies in the field of protection and promotion of human and minority rights, social care for children and youth, etc.

GRETA on Serbia informs that In January 2016, the center signed a memorandum on cooperation with the NGO Astra in order to formalize cooperation in the area of identifying and assisting victims of trafficking.³¹

In 2013, GRETA on Serbia found that NGOs, other civil society actors and international organizations have played a vital role in anti-trafficking action in Serbia, through awareness-raising activities, training, assistance to victims and research. Elaborating on the roles and their regulations, GRETA informs that at that time:

- The NGO Astra organized training and roundtables for relevant professionals (e.g. police officers, social workers, judges, medical doctors, lawyers, teachers), operated an SOS hotline for victims, ran a victim assistance programme which included the provision of information, medical assistance and legal aid, carried out research on THB, and provided information about the possibilities for legal migration and employment abroad. Memoranda of understanding concluded by the NGO Astra and the General Prosecutor’s Office, on the one hand, and the Judicial Academy, on the other.
- The NGO Atina ran a transition house for women victims of trafficking, provided long-term assistance and support to victims, organized training of professionals and had programs addressing the root causes of THB such as domestic violence, poverty, discrimination, lack of access to education and work. Atina had concluded a memorandum of understanding with the National Employment Service for the economic empowerment of victims of trafficking.

30. Open Gate is a member of the Secretariat of the National Commission to fight human trafficking and illegal migration and is also a member of the Subgroup on combating trafficking in children. [Needs Assessment Report \(krct.org\)](#)

31. GRETA(2017)37

- The NGO Novi Sad Humanitarian Centre provided psychosocial assistance, educational support and vocational training to vulnerable and marginalized persons, including victims of trafficking.
- The NGO Praxis provided legal aid and information to socially excluded persons, assisted them to acquire birth certificates and identity documents and represents them in legal proceedings.
- The Victimology Society of Serbia carried out research into the phenomenon of human trafficking.
- The Red Cross of Serbia, which aimed at assisting all vulnerable groups, ran an anti-trafficking program in cooperation with the Ministries of Health, Labour and Social Policy, and the Interior, as well as IOM. The program aimed at raising awareness about THB among the most socially and economically vulnerable groups, such as Roma, providing emergency one-off material assistance to victims of trafficking and increasing the capacity of medical doctors, health workers and employees of centers for social work to detect victims of trafficking.
- The Centre for Youth Integration, which assisted marginalized children and young people with a view to prevent falling victim to trafficking, ran a drop-in center for street children. The Centre for Youth Integration had concluded memoranda of understanding with all participants in the City Task Force Belgrade.
- The Child Rights Centre was involved in drafting legislation and promoting policies to improve the well-being of children, protect their rights and ensure their participation in society, as well as improve the status of children at risk, including victims of trafficking.
- The activities of the NGO Save the Children included direct assistance and support to child victims of trafficking, measures to prevent trafficking in children and the improvement of the institutional and legal framework to provide a better response to children at risk. Save the Children had concluded a Memorandum of Understanding with the Ministry of the Interior.
- The Serbian Association of Employers established in 1994 promoted corporate responsibility and had program activities including the prevention of THB, labour exploitation and child labour.

4.2 The past changes of the civil society membership in NRMs

With exception of Kosovo*, the NRMs have, in general, changed regarding the civil society membership. The changes have occurred as a consequence of: requests/ interest of the CSOs to engage/ become members; to meet the standards on CSOs engagement; requests from the donors for mainstreaming, formalization, recognition of engagement of CSOs and changes in capacities and funding.

Reduction of involvement of CSOs is informed in communications in North Macedonia. It is informed that it is only La Strada / Open Gate that conducts direct work with the victims in the shelter (Center for Victims of Human Trafficking and Victims of Sexual Violence)³². The NGO Happily Childhood has ceased to provide psychosocial support to victims of human trafficking at the Center for Victims of Human Trafficking and Victims of Sexual Violence and that the focus of their work is on prevention and delivery trainings.

 32. Open Gate is a member of the Secretariat of the National Commission to fight human trafficking and illegal migration and is also a member of the Subgroup on combating trafficking in children. [Needs Assessment Report \(krct.org\)](http://krct.org)

4.3 The Need for change of CSOs membership and roles

The need for change was assessed through exploring the issues with the CSOs workload, concerns regarding membership and circumstances that make the changes necessary. Issues informed regarding workload are: the unequal share of the direct assistance, “direct assistance basically falling on the shoulders of the civil society members “ (Albania); issues of communication regarding case management of children identified as victims of trafficking and potential/ presumed victims of trafficking (Albania) and shortage of staff working in identification and shelter care (Serbia).

The concerns expressed in Albania regarding the civil society actors’ membership are: new members from civil society have been informed as accepted to be members and participated de facto in the meetings but they are not “de jure members” as they have not signed the NRM agreement and the NRM is not revised to include their roles; there are other organizations informed in the NRM meetings as interested to be members but there seems to be confusion on the process of acceptance.

Current specific circumstances that have the potential to affect civil society membership are informed by communications in Albania and North Macedonia. The circumstances include the review of the NRM agreement (Albania), current situation the COVID-19 pandemic resulting on less field-work with the vulnerable groups (North Macedonia). The circumstances include:

- No reasons to shrink the participation of the civil society: *“From practice, non-state actors have been more consistent with their activity. With the exception of one NGO, the rest have continued to provide services and have maintained their capacities to address the needs of victims of trafficking.”*
- The necessity that members of the NRM should become only those civil society organizations that are consistent in providing long-term assistance.
- The necessity that only civil society organizations that have a national scope in service provision become members of the NRM.
- The necessity for update and clarification of the roles and responsibilities of each party of the NRM agreement.
- Interest of other organizations to become formal members of the NRM.

The communications in Kosovo* and Montenegro suggest that the role of the CSOs should be increased through “creating the circumstances” by supporting the civil society organizations with specific expert/human and financial resources. The following is an excerpt of the communications in Montenegro:

“In order to improve the existing ones and develop new forms of cooperation in this area, in 2019, the Minister of Interior formed three commissions for the allocation of funds to finance non-governmental organizations’ projects/programs. During last year, there were three public calls for funding NGO projects/programs: two in the field of human and minority rights protection and promotion (“Protection of victims of human trafficking in Montenegro” and “Sensitization and strengthening of professional skills of law enforcement representatives concerning the identification and referral of human trafficking victims and potential victims”), and one in the field of social care for children and youth (“Implementing a campaign to reduce the demand for services of human trafficking victims”). MoI allocated 79,280 euros for these activities, and a total of 52,670 euros will be paid to non-governmental organizations for the implementation of activities. Fourteen project proposals were received from NGOs in response to the published call. Following the evaluation by independent assessors, decisions were made to fund a total of 12 projects.”

5. MAINSTREAMING/INTEGRATION OF NRM ROLES IN MEMBERS 'PRIMARY FUNCTIONS

In general, the NRMs membership consists on state and civil society organizations /institutions/ actors working exclusively in the anti-trafficking field – the assessment referred to them as “Primary NRM-ers” and organizations /institutions/ actors working in other fields — the assessment referred to as “Secondary NRM-ers.” The assessment used the term “Primary NRM-ers” for National Coordinators, anti-trafficking police, shelters for victims of trafficking etc...The assessment explored the methods used and efforts made that the “Secondary NRM-ers” integrate the NRM roles and fulfil NRM tasks in their day-to-day work and changes needed to improve such integration.

5.1 The efforts made for integration of NRM roles

The methods used and efforts made by those who considered themselves as “Secondary NRM-ers” include: “checking in” their contribution in the AT national action plans (Albania); inserting in the projects developed the anti-trafficking components pledged in the national plans (Albania); including victims of trafficking in the scope of the organization (Albania); becoming active actors in the regional anti-trafficking committees (Albania); Raising funding for victims of trafficking and investing the funds in anti-trafficking field filling the gaps of the services for victims of trafficking (Albania); adapting residential care to accept trafficked children (Albania); *“Intertwining with the organization’s mission”* (Kosovo*); licensing service providers (Kosovo*); formalizing agreements (Kosovo*) and subsidizing licensed services (Kosovo*).

5.2 Changes needed to better integrate the NRM functions

Changes informed as needed by the “Secondary NRM-ers” are: the improvement of the legal and institutional framework that regulates all policies and actions against human trafficking done preserving a victim-cantered approach (Albania); the organizations broadening up their views and their practice and be alert to trafficking: *“If children are not attending school, summer camps where they are? Let’s work on identification”*; clarity of NRM tasks; *“tasks of the members of the NRM should be clearly written, be specific and not general – a written document as such is missing leaving room for misinterpretation and negligence* (Albania); changes in the tasks of the Ministry of Justice as result of transfer of the shelter dependence from MoLSW to MoI (Kosovo*); formalization of agreements for ensuring long-term stability, capacity building, furthering cooperation with various local sectors (Kosovo*); networking and formalization of cooperation with various international NGOs (Kosovo*) and increasing human and financial resources (North Macedonia).

The “Primary NRM-ers” suggest the following methods and actions to improve integration: conduction of an open discussion of participation in the NRM (Albania); inclusion of Child Protection Agency in the NRM/ NRM Agreement (Albania); conduction of training to enable actors to understand their role, specially identification (Albania); document/ write formalize the roles of the NRM members (Albania); transfer of activities to cantons and municipalities to make the whole system more efficient and operational (BiH); capacity building of actors (Kosovo*); strengthening of the cooperation – helping the understanding and demarcation of the roles (Kosovo*); amending Law No. 04/I-218 on Prevention and Combating Trafficking in Human Begins and Protection of Victims of Trafficking, Law No. 05/I-036 On Crime Victims Compensation, as well as the relevant internal regulations on the organization and functioning of the relevant institutions, which are part of the

NRM (Kosovo*); establishment of a procedure for regular operational meetings and case management for identified victims as well as for identification of new cases (North Macedonia); Identification of new actors at the level of preliminary identification (education, health, labour inspection, police and other civil servants, as well as CG and MoD), and in the area of reintegration (mobile teams, local teams, national services for employment, etc. (North Macedonia); establishment and sustainability of mobile teams in more cities (North Macedonia); strengthen the combination / cooperation police-social worker (North Macedonia).

6. THE SHARE OF RESPONSIBILITIES BETWEEN LOCAL GOVERNMENT AND CENTRAL GOVERNMENT ACTORS OR “THE CAPILLARITY OF THE NRM”

The communications show that there is need to define what is considered a NRM central government level actor and the difference it has with the local government actor.³³

6.1 Role of central and local level actors in the NRMs

The general opinion is that the central level actors are the ministries and their roles are to: coordinate actions; facilitate communication between NRM members; monitor activities envisaged in the strategies; improve policy and institutional frameworks; build the capacities of local actors and secure the necessary financial resources. The perception is that the central government actors should be available and responsive to direct assistance agencies. Local actors' role is in general informed as victims identification; direct assistance; coordination of direct assistance report on the direct assistance; investigation and prosecution of traffickers; coordination with central level actors. Other roles are verification of policies and contributing to development of policies and dissemination of information on policies.

In general, in Albania it is considered that the actors of central level are the representatives from the government ministries and their agencies. The consideration is that the central level actors play a key role in coordinating actions and communication between all NRM members. The consideration is also that the Ministry of Interior and the Ministry of Health and Social Protection are bearing the heaviest NRM weight. It is communicated that there is confusion regarding the representation of the central government structures coming as result of the reshuffling of Cabinet in 2017. It is in communications in Albania that given the actual role played by the central level actors depends very much on the person in the position of the national coordinator, his/ her capacities, personality and his/her connections with other ministries and state agencies. There is a consideration that the role of the ministries is to “be available “to the civil society organizations that work at the operational level: *“The role of actors at the Central level shall be the availability to civil society to implement or regulate issues arising from the field. The government cannot find out what is happening, without the help of civil society, so the role of actors at the Central level shall be the availability and implementation or at least maximum efforts to implement all the issues submitted by the civil society.”*

The communication in Albania regarding the role of the local level actors has it that: the roles of local level actors are stipulated in Child Protection Law and the SOPs for children victims' identification and interviewing; the local level institutions the police, the state social services or the child protection workers have an important role at a local level; the role of local state actors has not been at the adequate level and there is a diminishing of the work of regional anti-trafficking committees; with the latest amendments to the criminal procedure code, it is expected a greater involvement of district prosecutor offices that have the competence to investigate trafficking cases; an important role will be played by the victims' coordinators, a new function established at the

33. One definition is the administration of a particular county or district, with representatives elected by those who live there

regional prosecutor's offices; the municipalities have no capacity at all; there is no representation of the municipalities in the AP.

In BiH the considerations are that the role of the central government is to monitor and react through changes of framework coordination and financial support: *“Implementing a continuous process of monitoring and evaluation of all activities envisaged by the Strategy to Suppress Trafficking in Human Beings 2020-2023, and based on relevant indicators, organizing a sustainable support system in dealing with trafficking in human beings in BiH, provided through various systemic activities, of which are the most important: improving institutional frameworks and coordination, capacity building and securing the necessary financial resources.”* Role of local actors in BiH NRM is informed as *“Development and harmonization of proposals for the Action Plan for the implementation of the Strategy to Suppress Trafficking in Human Beings of Bosnia and Herzegovina (2020-2023), planning and implementation of measures and activities for the implementation of the Action Plan, collecting and analysing information on the state and trends of human trafficking and conducting regular assessments of the adequacy of the legal framework, institutional framework, human and other capacities for adequate response to the problem and informing the competent institutions, informing the public about the problem of human trafficking and activities undertaken to combat it, developing the capacity of institutions and organizations involved in combating trafficking, implementing preventive activities aimed at reducing the risk of trafficking in human beings, planning and undertaking coordinated activities in investigating cases of trafficking in human beings and prosecuting perpetrators of criminal offence related to trafficking in human beings and creating preconditions for connecting and coordinating competent institutions and authorized organizations with the aim of identifying victims of trafficking and planning and undertaking coordinated activities to provide protection and assistance to potential and identified victims of trafficking.”*

In Kosovo* the roles of the central government actors are prescribed by the law to *“enable identification, referral and the decent treatment of victims of trafficking in human beings.”* The consideration is that the division of roles is clear: *“The local level provides direct assistance, while the central level makes policies, coordinates, monitors, inspects, and provides advice in all capacities that provide direct assistance to all categories.”* The considerations in Kosovo* are clear that the role of the local level actors is to provide direct assistance to victims.

Communications in North Macedonia have it that the role of the central government actors is to create policies, proposals for legal norms and coordination with local and central government. Local actors of the NRM in North Macedonia are informed to be the centres for social work, the local commissions and police and their role is identification, direct work with victims and coordination with central authorities.

TiP report 2020 has it that National Commission in Serbia supported a municipality in establishing a new local anti-trafficking commission and drafting its first 2020 local action plan and assisted the existing six local anti-trafficking commissions in implementing local action plans.³⁴

6.2 Division of roles and benefits of the victims

The assessment was informed that in general, the division of roles between central and local government benefits the victims. In Albania, it is considered that the division of roles helps in clarifying the responsibilities, but the protection of victims requires rather a multidisciplinary and collaborative approach. The division of the roles between the central government and local government

34. TiP Report 2020

structures is problematic in case the victim is a child and the assistance needed is beyond emergency care. *“No. There is no coordination of actors and roles as who will protect minors of a vulnerable group, or victims of a vulnerable group. Two or three actors intertwine their actions together. I have noticed that everyone takes care of his own interest. Such ambiguity of roles does not protect the victims. “*

In Kosovo* the division of roles serves the protection. In one communication, it is stated, *“The division of roles enables identification, referral and the decent treatment of victims of trafficking in human beings.”*

Communications in Serbia stressed the need for a decentralization of the victim identification process.

6.3 Coordination between central level and local level

The assessment explored the cooperation through requesting rating the cooperation between the two levels using alternatives “no coordination at all”, “some coordination” and “extensive coordination” and further requesting explanations for the rate chosen. Coordination between the two levels is informed as being at the level of “some coordination” or “extensive coordination”. One explanation on the choices provided in Albania was that the coordination was better when it was a top-down type coordination between high and low levels of a central government administration.

The desk review informs that BiH presents a case of special investment on coordination between the levels: the responsibility for criminal law and criminal justice is shared between the State, entity, and district level. Recognizing the need to prevent conflicts of jurisdiction and ensure a more effective criminal justice response to THB, the BiH Strategy to Counter THB 2013 – 2015 and its related action plan, included among its key objectives the full harmonization of criminal legislation throughout the country. In 2015, BiH amended the state criminal code provisions on THB to limit the state competence exclusively to cases of trafficking containing an international element.³⁵

6.4 Changes needed for better division of roles and coordination between central and local level actors

The issues and concerns raised during communications regarding the division of the tasks and coordination between central and level actors evolve mainly around the low capacities of the local level actors and reinforcement of coordination. The local level actors either lack clear guidance, or are new to the mechanisms or do not know their roles.

One particular issue raised in Albania is that the fulfilment of the roles of central government is related to the personality, capacities and the work approach of the national coordinator.

The NGO assessment reports also indicates the need for further training for representatives from the centers for social work on the structure of the National Referral Mechanism and the roles and responsibilities of all relevant stakeholders within the NRM.³⁶

Methods to achieve include better division and coordination are: establishment of a definition of

35. Assessment_of_Referral_Mechanisms_for_Victims_of_Trafficking_in_Bosnia_and_Herzegovina%20(1).pdf

36. http://www.krct.org/site/images/documents/reports/other/en/implementation%20on%20nrm_en.pdf

local level actors, development of manuals, instructions; building and regulating the mechanisms at local level; improving local government human resources-adding staff and trainings and establishment of multidisciplinary teams.

It is suggested that in Albania, the local government actors, specially the child protection workers in municipalities should be assisted with clear written instructions and training.

In Kosovo* the overall approach should be changed: *“The Ministry of Labour and Social Affairs’ assumption of responsibility for all actors should be changed. Victims of human trafficking, sexual crime and domestic violence, must be a matter of priority for the social protection area.”*

In Montenegro, the change needed is the *“establishment of Multidisciplinary teams in the field/ Mobile teams.”*

7. THE ROLES OF NRMS IN PREVENTION AND PROSECUTION

Although the NRMs are recognized as processes and instruments of protection and coordination, the assessment explored their contributions in these two anti-trafficking P-s.

Giving background for its publication of October 2009, “Current NRM Developments in the OSCE Region”,³⁷ ODIHR Anti-trafficking Program explains: *“An NRM essentially concerns the process of identifying and referring victims of trafficking for assistance whilst ensuring respect for the rights of the persons concerned. It is based on the premise that where trafficked persons’ rights are properly respected victims may be more willing and able to cooperate with law enforcement in criminal proceedings against the trafficker. This will assist in prosecuting the perpetrators of trafficking that in turn should contribute to a reduction in trafficking. The NRM concept therefore links the protection of trafficked persons’ rights with efforts to secure criminal sanctions against the perpetrators of trafficking. The rights however that should be protected under an NRM are broad ranging and include rights to legal counselling, data protection, privacy, access to housing, healthcare, social and medical assistance, reflection periods and temporary or permanent residency, compensation, asylum and protection from unsafe return to countries of origin amongst others.”*

The paper informs that what is meant by an NRM differs significantly from country to country. One meaning of “NRM” is a single state agency whose main function appears to be the approval of the identification process conducted by law enforcement with this state agency acting as conduit of data collection on victims, providing orientation for victims on service provision and additional roles relating to defining and ensuring proper standards of assistance provision or organizing professional training for service providers. One other meaning is a multi-agency working group created to develop policy on anti-trafficking or provide a forum for consultation on anti-trafficking. NRM is used sometimes to refer to the principle of cooperation between state actors and NGOs in anti-trafficking action so that the existence of cooperation agreements between state and civil society organisations is seen to be indicative of an NRM. The term might also be used to distinguish a state organised system of referral and assistance from a parallel system in the country, operated for instance by an international organisation. Although there is no single model of NRM promoted by the OSCE, the main purpose of an NRM is to protect the rights of trafficked persons.³⁸ The communications for the assessment indicate differences of understanding and a broad scope. The assessment collected statements such as *“NRM and the institutions perform in all four Ps.”*

7.1. The role of the NRMs in Prevention

The contribution of the NRMs in prevention of trafficking is perceived in general as a by-product of protection of the victims.

The communications in Albania direct that the understanding of prevention role of the NRM in Albania helped by reading of the NRM agreement, which focuses on protection: *“The NRM does not provide for THB prevention: There is no mentioning of “prevention” throughout the entire text of the NRM. It provides for the raising public awareness of the trafficking by certain state and non-state actors, however, such provisions are general and not in full.”* The communications indicate

37. <https://www.osce.org/files/f/documents/f/2/36611.pdf>

38. ODIHR, Current NRM Developments in the OSCE Region, Warsaw , October 2008, <https://www.osce.org/files/f/documents/f/2/36611.pdf>

that the role of the NRM in prevention is more accentuated in October, when the NRM members engage in anti-trafficking awareness activities.

In BiH the prevention is elaborated in the strategy: *“A major, coordinating, one of the strategic measures of the Strategy to Suppress Trafficking in Human Beings 2020-2023 is “Prevention” and through this measure the forms and methods of prevention have been elaborated.”*

In Kosovo*, it is considered that the role of the NRM is identification and referral of victims and through playing that role, through addressing the challenges of identification and referral indivisibly, the actors work on prevention.

In North Macedonia, the communications inform that the NRM actors work in prevention activities, engage in public awareness campaigns, and participate in trainings for capacity building of various actors and initiatives for inclusion of schools in the prevention of child trafficking.

In Montenegro, the NRM contributes to prevention by: improving the knowledge of all professionals and representatives of the non-governmental sector who are / may come into contact with human trafficking victims, with respect to the identification, referral and protection of victims and criminal prosecution of perpetrators; awareness raising in all segments of society and supporting efforts to reduce the demand for the services of victims of human trafficking; reducing the sensitivity of vulnerable groups by supporting projects to empower them; upgrading the data collection system, as well as conducting research on changing trends with regard to human trafficking; improving knowledge about the risks and consequences of child pornography and other forms of sexual exploitation, as well as child abuse by means of information and communication technologies and training courses, campaigns, awareness raising.

7.2 The role of the NRMs in Prosecution

Role of NRM in prosecution is related to police identification of victims, membership of prosecutors/prosecutors' being party to NRM and victim's cooperation / declarations to law enforcement officials.

In Albania, the General Prosecutor (GP) is a signatory member of the NRM and it is considered that it is through the GP that the NRM contributes to prosecution of traffickers. Elaborations on the role of the NRM in prosecution include also: prosecution not been properly regulated in the NRM; the involvement of the General Prosecutor Office has been a positive development, however, in practice, the GPO did not play an active role; the changes of the legal framework – code of criminal Procedures and GP instruction³⁹ require a review of the NRM in order to better provide for prosecution of traffickers.

39. In the framework of reform in the criminal justice system, the General Prosecutor has approved the General Instruction no. 05, dated 26.10.2018 “On guaranteeing assistance to victims and witnesses of criminal offenses”, aimed at ensuring the unified understanding and application of the new provisions of the Criminal Procedure Code guaranteeing the rights of victims in the criminal process and by the other side to determine the prosecution's policies regarding their treatment. Guideline No. 5/2018, in Article 21, stipulated the obligation of the prosecutor to provide the coordinator with the information needed to determine the appropriate services for the victim. Subsequently, the coordinator will provide the victim with information about the services available and appropriate to her circumstances. If a more specialized opinion is needed to determine what assistance is needed, the coordinator requires the victim's assessment or, in cases when the damage should be assessed for the effect of criminal liability, he suggests the prosecutor performing forensic examinations. The guidance is accompanied by some annexes that are unified models of actions needed to implement this instruction and to improve the work of prosecutors and judicial police. Likewise, an information brochure for crime victims was distributed to the prosecution offices of the first instance and was

The communications in BiH refer to the Strategy to Suppress Trafficking in Human Beings 2020-2023: *“One of the strategic measures of the Strategy to Suppress Trafficking in Human Beings 2020-2023 is “Criminal prosecution for criminal offenses of trafficking in human beings” and through this measure the forms and methods of detecting and prosecuting perpetrators of criminal offenses of human trafficking and related criminal offenses are elaborated.”*

For Kosovo* communications, the role of the NRM is *“to ensure efficiency of investigation, prosecution, punishment of abusers.”* Police secure the role of the NRM in prosecution through identification of victims: *“Identification normally occurs in 90% of cases by the police. As a stage in the victim process, it is the police that do the identification and provision of social protection, starting with rehabilitation, carried out in cooperation with social services of state institutions and civil society organizations.”*

The communications in North Macedonia have the role of the NRM in prosecution played through supporting statements from the victims: *“Cooperate with the prosecution in order to negotiate and organize the most appropriate term and manner of taking a statement from the victims.”*

The role of NRM on Prosecution in Montenegro is described in communications as: *“To strengthen the capacity of criminal prosecution bodies dealing with trafficking in human beings for more efficient criminal and financial investigations, by: ensuring a more proactive approach in the police and prosecutor’s office actions in order to suppress all forms of trafficking in human beings; further harmonization of the provisions of national legislation in the field of combating trafficking in human beings with international and EU standards; creating links between law enforcement agencies in Montenegro and agencies in Europe such as Europol and Eurojust in order to develop police practices and cooperation in the field of judiciary, in line with EU standards; ensuring the operationalization of joint investigation teams by initiating investigations and joint activities and trainings; strengthening the capacity of the judiciary to achieve effective prosecution and more efficient identification and confiscation of proceeds from criminal activities.”*

7.3 Changes needed to increase role and contribution of the NRMs in prevention and prosecution

The assessment explored the changes needed for the NRMs to increase role and contribution in all four anti-trafficking P-s: partnership, prevention, protection, prosecution and in particular changes to the protection and prosecution connection: properly addressing the needs of the victims and facilitating the prosecution of traffickers at the same time. Changes informed as needed to increase the role of the NRMs in all four “P-s” are : improvement of investigation of traffickers; Improvement of leadership; better division of roles; Increase of Budget; building of capacities of members; Exchange of expertise; International agreements and amendment of legislation.

In its publication of October 2009, “Current NRM Developments in the OSCE Region”,⁴⁰ ODIHR Anti-trafficking Programme explains: *“An NRM essentially concerns the process of identifying and referring victims of trafficking for assistance whilst ensuring respect for the rights of the persons*

also published on the website of the General Prosecutor’s Office. In the General Prosecutor’s Office and in the Prosecutor’s Offices of the District Courts of Tirana and Durrës, five (5) co-ordinators of the victims have been assigned and exercised the functions. With the 2019 Budget Law, the General Prosecutor’s Office has been granted organic additions for 2019 for appointing victim coordinators to all other prosecution offices of general jurisdiction.

40. <https://www.osce.org/files/f/documents/f/2/36611.pdf>

concerned. It is based on the premise that where trafficked persons' rights are properly respected victims may be more willing and able to cooperate with law enforcement in criminal proceedings against the trafficker. This will assist in prosecuting the perpetrators of trafficking that in turn should contribute to a reduction in trafficking. The NRM concept therefore links the protection of trafficked persons' rights with efforts to secure criminal sanctions against the perpetrators of trafficking. The rights however that should be protected under an NRM are broad ranging and include rights to legal counseling, data protection, privacy, access to housing, healthcare, social and medical assistance, reflection periods and temporary or permanent residency, compensation, asylum and protection from unsafe return to countries of origin amongst others."

Changes suggested in communications for both addressing the needs of the victims and facilitating the prosecution of traffickers converge into: all actors endorsing a victims centered approach; training of investigation bodies; improving the assistance provided to victims through securing financial stability of shelters and furthering long term services; strengthening the regional cooperation and the dissemination of information on protection and greater engagement of local authorities.

In Albania, the changes needed to increase the role and contribution of the NRM in all four P-s: changes regarding investigation; improvement of leadership, clarification and implementation of roles and responsibilities of each actor. The changes to address the needs of the victims and facilitate the prosecution are the training for staff of SPAK and General Prosecutors' Office and change of the approach by all actors.

"All institutions' work, including those involved with prosecution should centre on the victim and his/her needs / proper approach towards the victims. Such a victim-centered approach would also improve prosecution as it increases cooperation between victims and institutions of justice."

For BiH changes for contributing in all four Ps are on the way: *"The change needed is to reorganize the NRM in Bosnia and Herzegovina. The activity is coming to an end."*

In Kosovo*, the changes informed as needed are: coordinated actions in all areas; securing the budget to ensure NRM contribution to PPPP; capacity building of NRM actors; expanding the active participation of relevant actors from Kosovo* in regional and global meetings and conferences on anti-trafficking issues; initiating international agreements and membership to relevant international bodies/networking; Amendment of legislation. As for changes to properly address the needs of the victims and facilitate the prosecution of traffickers, the communications refer to Article 15 16 and 19 of the Law on combatting trafficking in Kosovo*guarantying that victims receive special treatment that aims to prevent re-victimization. The specific changes discussed are : securing Financial stability of shelters/NGOs; furthering long-term re-integrative services for victims of trafficking; conduction of capacity building of institutions and service providers; coordination of actions; inclusion of local level (CSW) as an equal actor in the NRM framework; increase of efficiency in prosecuting trafficking cases; strengthen the regional and international cooperation; functioning of the fund for moral and material compensation of VoTs.

In North Macedonia, the communications informed that the contribution could be increased through improving cooperation and partnerships with other actors such as health workers, schools, etc... As for changes to properly address the needs of the victims and facilitate the prosecution of traffickers, the ones suggested are greater engagement of local authorities; allocation of reintegration funds; measures to prevent the causes of human trafficking and provision of information for the protection that the NRM gives.

8. THE PROTECTION THE NRMS AFFORD TO VICTIMS

8.1. Protection that the NRMs provide to victims

The NRMs are considered mostly as tools of protection of victims, and inclusion of actors is based on their contribution to protection of victims. Protection is linked/ detailed as shelters, sustainable programs, proactive identification, referrals, services provided through state actors and civil society organizations, compensation, phases of assistance as shelter/ rehabilitation, reintegration/ socio-economic inclusion, support and protection during criminal investigation of traffickers. The level of protection provided to victims informed varies from little to good protection. Good protection is related with institutions fulfilling their obligations and being responsive. Little protection is related to lack of alternatives for children victims, and lack of resources for reintegration.

The role of the NRM in protection in Albania is related to membership consisting on service providers," *starting with the shelters which are No.1 and whatever the others could complement.*" The majority of participants of assessment in Albania think that the NRM affords either some or little protection. One of the comments provided for the rating is that: *"Good protection would mean that in the end, institutions are all there. The police should respond, the social service should fill in its forms, and so on."* One other comment was that no long term protection is provided to children: *"In most of cases, from emergency centres they were sent home, not because they should return but because there is nothing else in terms of protection to give them. That is not protection that is exposure and victimization of the child.... When we gather in meetings, everyone looks and sounds concerned and in hurry to protect the victim."*

In BiH the role can be read in the strategy: "One of the strategic measures of the Strategy to Suppress Trafficking in Human Beings 2020-2023 is "Protection of Victims of Trafficking in Human Beings" and through this measure forms and ways of ensuring sustainable programs and procedures for proactive protection and assistance for victims of all forms of trafficking in BiH, especially vulnerable groups". The opinion in BiH is that there is "Good protection."

In Kosovo*, the NRM is *"rather a coordinating mechanism in order to meet the obligations to protect and promote the rights of victims of human trafficking."* The roles of the NRM are: to ensure the proper identification system (continuous enhancement of identification methodology); to refer identified persons in an efficient and timely manner; to ensure stable and quality services directly to the victims (shelter, rehabilitation) ; to provide re-integrative services (socio-economic inclusion); to increase the efficiency of enforcing the law on victims' compensation; to further the cooperation between various actors at central and local levels and various specialized NGOs. In Kosovo* the communications are that there is either little or some protection. One explanation of the choice "some protection " is that :*"We meet the structural standards of social services for the protection of a trafficking victim, as well as meeting measurable professional standards for such cases. We have a SOPs document that provides insight of the way the system works. However, we act as actors in the transnational system, so I stand by the fact that our system is favourable for victims of human trafficking, that victims of trafficking are treated well and that the system works well. I'm not saying that it works very well, because we also have our challenges."*

In North Macedonia, the NRM prioritizes protection and other contributions are protection links or derivate: *"...protection is linked to what is partnership, prevention, prosecution."* The role of the NRM in protection is elaborated as *"Coordination of protection and inclusion of different actors*

depending on the assessment of the needs of the victims." In North Macedonia, the rating of protection is "good protection" and "some protection."

In Montenegro, the NRM role is communicated as one "to improve the identification of victims of human trafficking and the quality of protection and assistance in their social reintegration." Such role is played through improving the identification of among vulnerable groups; improving the quality of protection and assistance to victims of human trafficking in their social reintegration / specialized shelter; improving the protection of victims during criminal proceedings with special emphasis on children / priority in the work of courts. In Montenegro, it is informed that the NRM provides "good protection."

In Serbia, the rate chosen is "good protection."

8.2. Elements of protection and reintegration

The IOM Guidance on referral mechanisms for vulnerable migrants states that the essential components of a referral mechanism (Referral Mechanism=process) are identification, status or case-type determination, case management, provision of protection and assistance and the referrals that occur between these components.⁴¹

In order to collect as many perspectives as possible on NRM protection for victims, no definition of elements of protection was provided in the requests made to PoAs. They were asked in general on what elements of protection the NRM affords to victims. The elements of protection informed include: the actors; the services; the coordination; the duration; the phases: identification referral-rehabilitation- reintegration; recognition of status given in other countries; planning of protection based on evaluation of needs, protection of victim /witnesses, principles of protection; division of roles; profile of victims; licensing of the service providers; number of victims to be protected.

There are different concepts for elements of protection in Albania. In one communication, the elements of protection are the mechanism, the principles, and the actors: *"NRM provides several protection elements. Firstly, the NRM itself is a protection mechanism that brings together the most important actors in the country in order to align their actions for protecting victims of trafficking. Secondly, it lays out the principles upon which the parties will rely during the exercise of their activity, principles which establish a sort of unified standard for protecting victims of trafficking. Thirdly, it identifies the actors and the services they provide to victims of trafficking."* Other communications contain that the elements are divided based on the environment the protection takes place: *"It is safe and secure assistance in institution, and then is safe and secure integration in normal life. Elements of protection as I said do exist in some centres such as the 72 hour emergency centres, some rehabilitation centres with small capacity. These are protective elements."* Other communications refer to services, education-free textbooks for pre-university education, health (health cards), civil registry registration, food — food fund under Ministry of Health and Social Protection etc... The communications contain information on challenges of protection and reintegration:

"Regarding reintegration, there are some organizations, some projects for the employment of victims. I can see that they find the solution even though it is difficult. The labour market in Albania is not simple. Knowing that often victims are unskilled, this is not simple to do their reintegration. However, there are some projects, some organizations that host them for 1-3 months, which is part of reintegration"

41. IOM Guidance on Referral Mechanisms for the Protection and Assistance of Migrants Vulnerable to Violence, Exploitation and Abuse and Victims of Trafficking

In BiH the elements of protection that the NRM affords to the victims in BiH are made of services and processes: *“persons who have been victims in another country or in their own country are accepted as victims of trafficking and have basic and individual protection at their disposal. The basic forms of protection of victims and victim witnesses are related to physical protection, protection of privacy, identity, legal aid, social (education and resocialization), and health care, special protection of children and protection of vulnerable categories, as well as providing other needs to provide appropriate individual protection and assist the victim and the victim witness. Individual protection is based on consideration of needs and their interdependence, assessment of the needs of each individual case, when taking into consideration health status, age, gender, belonging to a national minority, social status and other individual needs based on checking the health status of victims and victim witnesses”*

A chapter of the special Law in Kosovo* is dedicated to assistance and protection of victims. The article 20 provides for the rights of the victims, in line with the provisions of the code of criminal procedures, article 21 for rehabilitation, article 22 on reintegration, article 23 on security of shelters and centers temporarily hosting the victims, article 24 on vocational training, article 24 on residence permit information, article 26 on reflection period, article 29 on return. In communications, the elements of the process are: *“Identification, referral, direct services (shelter/rehabilitative - from NGOS) + Reintegration is provided by donors on a project basis.”* The actors and services emerge as elements in communication here too: *“From the aspect of social protection at the institutional level, identification normally occurs in 90% of cases by the police. As a stage in the victim process, it is the police that do the identification and provision of social protection, starting with rehabilitation, carried out in cooperation with social services of state institutions and civil society organizations. Case management is carried out by state institutions, as the organizations do not have the institutional responsibility for doing so. The state institutions represent the victim, support the victim and, directly and in the continuation of the case and in the prosecution, are the State Institutions, Social Work Centers and Victim Advocates within the Office of the State Prosecutor. Health, psychosocial services and all other services involved in rehabilitation are provided and coordinated by the Shelter, always in cooperation with the Center for Social Work... The civil society plays a critical role in the victim’s empowerment, preparing the victim for a better life, capacity building of the victim, as well as their employment.”*

SOPs of 2018 of North Macedonia⁴² contain definition of assistance and protection: measures, programs and services aimed at rehabilitation of victims as defined in Art. 6 of the UN Palermo Protocol that can be offered by state institutions, associations or international organizations in the countries of destination, transit and origin. They include, but are not limited to accommodation / housing, medical care, psychological assistance, education, vocational education, employment, legal assistance and transport.

A roadmap of assistance is provided in communications: *“According to the standard operating procedures, at this stage of support, the needs of the victim are assessed, the victim’s consent is obtained, an Individual support plan is prepared, and the victim is stabilized and recovers from the consequences of the human trafficking experience. initial care meets the basic needs of the person by providing security through accommodation, nutrition, and clothing, providing legal assistance, facilitating contact with the consular office, informing the victim’s consent, facilitating contact with the government in the country of origin, medical and medical measures. Assistance, security mea-*

42. Government of the Republic of Macedonia, National Commission for Combating Trafficking in Human Beings and Illegal Migration, 2018 , The Standard Operating Procedures for treatment of victims of trafficking in human beings

tures, family contacts and notification to the competent authorities. The victims are provided with safe accommodation in shelter center where victims receive psychosocial support from professional workers, as well as safe accommodation in emergencies (up to 6 months), food, clothing, medical examinations and medications, and more if needed. An Individual Reintegration Plan is developed for each victim of human trafficking. The victim is involved in the preparation of the plan. Support for foreign victims is provided until the end of their temporary stay in the country, when all the necessary information will be sent to the authorities in the home country of the victim. The human trafficking victim's treatment or reintegration programs identify the following reintegration methods: psychological counselling, legal counselling, language learning, job-finding training, and employment support."

Communications in Montenegro relate protection with funding, actors engaged and services, accommodation / handling capacities and developments in responsibilities : *"For many years, all necessary funds for the protection of human trafficking victims were allocated from the state budget, which ensured unhindered operation of the Shelter for Victims of Trafficking in Human Beings, as well as provision of all forms of assistance and protection to actual and potential victims of human trafficking, including primarily social, psychological, legal, assistance etc., as well as meeting all the basic needs. Funds for the payment of the fees for the NGO activists who were engaged in the shelter to assist the victims were also provided from the budget allocated to Mol / Department for Combating Trafficking in Human Beings. Since mid-2019, the services of accommodation and protection of victims of all forms of violence, including human trafficking victims, have been placed under the competence of Ministry of Labor and Social Welfare, which refers victims to licensed service providers only. By the end of last year, a specialized shelter for victims of human trafficking was licensed, managed by the NGO "Institute for Social and Educational Policy". In addition to the specialized shelter, the list of licensed service providers includes: NGO "SOS hotline for women and children victims of violence Niksic", NGO "Safe Women's House", "Center for Support of Children and Families in BijeloPolje" and "Children's Home Mladost" in Bijela for the accommodation of minor victims of violence, including victims of human trafficking. From the beginning of 2020 to July 1, 2020, 43 people were accommodated in the specialized shelter for victims of human trafficking (28 males - 27 adults and one minor and 15 females - 14 adults and 1 minor). There were four minors (three females and one male) in the institution that possesses a license to perform social and child protection activities - accommodation of children in the shelter. The shelter receives 40,000 euros support. Significant results have also been achieved in encouraging victims of trafficking in persons/ children to participate in proceedings before investigative and judicial authorities. A victim/witness support service has been established at all Montenegrin courts competent to deal with human trafficking cases. The progress in creating the preconditions for quality reintegration, resocialization and repatriation of victims of trafficking in persons/children was achieved by providing free continuing education at regular educational institution, free attendance at various specialized courses for crash vocational training of victims, as well as providing priority employment opportunities for such victims, based on Protocol on Cooperation between the Office for Combating Trafficking in Human Beings and the Union of Employers of Montenegro/"*

Pursuant to the Law on Social Protection, in April 2012 the government of Serbia set up the Centre for Human Trafficking Victims Protection, which comprises two organizational units: the Department for Coordination of Human Trafficking Victims Protection and the Shelter for Victims of Human Trafficking. For the time being, only the Department for Coordination of Human Trafficking Victims Protection is in operation. The establishment of the centre has commenced a process of

institutionalization of the support to human trafficking victims.⁴³

In the National Action Plan 201-2018 the advancement of the system of protection, assistance and support and sustainable social inclusion of human trafficking victims is broken down in:

1. Draft and adopt bylaws regulating the standards for the provision of services in the area of social and family protection.
2. Draft and adopt bylaws for the provision of timely, adequate and continuous healthcare to human trafficking victims.
3. Draft the Guide for the application of standards of services in social protection.
4. Develop social services and programmes intended to human trafficking victims and their inclusion into the social protection system.
5. Provide the support through long-term and sustainable social inclusion programmes for human trafficking victims.⁴⁴

8.3 Changes to improve NRMs' protection to victims and their re-integration

Changes informed through communications as needed are: regulating protection through a special anti-trafficking law; better reporting of institutions; training of actors/ increase the capacities of specialists/ responsive capacity building of actors/exchange of knowledge/exchange of experiences; attaching rights to victim status; improvements of the system to encourage cooperation with law enforcement; fundraising / increase of funding for CSOs assisting victims ; consistency in the provision of safe and quality services (special budgetary lines); ensuring cooperation with economic operators and other relevant institutions in support of the victims (through Cooperation Agreements); strengthen the role of institutions, in particular law enforcement and public order institutions; Improve communication both in the national and in the transnational process of victim rehabilitation.

TIP Report 2020 on Albania recommends increase of reintegration services, including access to education for child victims, implementation of victim-centred approach, and victim witness protection measures during investigation, prosecution, and court proceedings⁴⁵. The communications inform that the changes to improve NRM protection of victims are: Improvement of the legal framework through drafting of *"a special law dedicated to the protection of victims, that integrates all services and institutions engaged with combating trafficking in human beings as assessed by D&E"*⁴⁶; Improve reporting of the NRM institutions: *"If the NRM Institutions reported more regularly, the*

43. Strategy to Prevent and Suppress Human Trafficking in Women and Children and to Protect Victims 2017-2022 https://media.srbija.gov.rs/medsrp/dokumenti/strategy_to_prevent_and_suppress_human_trafficking.pdf

44. Action Plan for the Strategy to Prevent and Suppress Human Trafficking in Women and Children and Victims Protection for 2017 and 2018

45. TIP Report 2020

46. D&E in close cooperation with ONAC and other actors has conducted a study on the need to draft a special law on protecting victims of trafficking, whereby it identifies all its advantages and attempts to provide a structure of drafting the new anti-trafficking law. (The complete study may be found on D&E website: <http://differentandequal.org/sq/raport-studimor-mbi-nevojen-e-hartimit-te-nje-ligjite-vecante-per-mbrojtjen-e-viktimave-te-trafikimit-ne-shqiperi/>)

NRM would be able to make an analysis of the work and the institutions there, which would hold them accountable”; Conduction of training on SOPs :*“They have, but I do know that PSV trainings have been held, but I am under the impression that more training is needed for all staff in the Police Directorate or in the regions, despite the previous trainings. In my experience, I believe that such trainings should be related to SOPs, so that everyone has a clear view on the function and role of every institution”;* Unification of Policies regarding the status of the victim: *“The Criminal Procedure Code provides for the rights of the victim and this is a positive step. According to the standard procedures, a victim may obtain the victim status, but certain rights should be attached to this status. We have noticed that the number of officially identified victims is quite low compared to the number of potential victims of trafficking. All identified potential victims are victims of trafficking but have not gone through the formal interview. By improving policies somewhat, it will encourage victim not only to be formally recognized but also to cooperate with institutions of justice”;* Improvement Of the capacities for reintegration support.

TiP Report 2020 on BiH recommends the government to: train first responders on victim identification and referral and increase proactive identification efforts; allocate sufficient funding for NGO-run shelters and develop financial policies that effectively allocate funding for victim assistance; improve cooperation and coordination among state and substate actors, including allocating adequate resources and assigning personnel to the anti-trafficking strike force; formally disconnect identification procedures and official victim status from cooperation on investigations and prosecutions; increase law enforcement capacity and training to investigate complex cases; train judges to understand the severity of trafficking when issuing sentences and sensitize prosecutors and judges to the issues of secondary trauma and victim-centred approaches; standardize victim assistance throughout the country, including the ability to access assistance and support outside of shelters and specialized assistance for male victims; integrate Romani groups into decision-making processes regarding victim protection. The communications suggests increase of budgetary funding: *“The competent ministries have signed protocols on cooperation with non-governmental organizations that provide assistance to victims of human trafficking. In accordance with the mentioned protocols, non-governmental organizations are obliged to provide all kinds of assistance to victims of human trafficking, starting from health, social, legal and other forms of assistance that are necessary for the victims of human trafficking to be re-integrated into society. It would be good by the time, to increase the amount of funds allocated from the BiH budget.”*

TiP Report 2020 on Kosovo* recommends the government to: provide adequate and consistent funding for NGO-run shelters; develop written guidance and enhance efforts to identify and assist children subjected to forced begging; work with local authorities to strengthen victim protection in the northern municipalities; and increase government support for comprehensive vocational training and reintegration services for victims.

The communications have it that changes needed to improve protection in Kosovo* include: consistency in the provision of safe and quality services (special budgetary lines); ensuring cooperation with economic operators and other relevant institutions in support of the victims (through cooperation agreements); increase of the capacities of specialists: responsive capacity building of actors/exchange knowledge/exchange experiences; Use of models from different countries as examples; Strengthen the role of institutions, in particular law and order institutions; raising of funds; improve of communication *“As it is an irreplaceable element, of major importance in all processes, both in the national and in the transnational process of victim rehabilitation.”*

TiP report 2020 on North Macedonia recommends the government to: ensure sustainability of mo-

mobile identification teams to proactively identify trafficking victims, and screen for trafficking among individuals in commercial sex, migrants, refugees, and other at-risk populations; allocate sufficient resources for the mobile identification teams and NGOs providing victim protection efforts; ensure access to alternative housing to accommodate victims when the shelter is full; fully implement written guidance to prevent penalization of trafficking victims for unlawful acts traffickers compelled them to commit; provide accommodation to foreign potential trafficking victims in safe and appropriately rehabilitative settings, and allow victims to leave shelters at will; Train first responders on standard operating procedures for identifying and referring victims, and consistently include social workers in all potential trafficking cases; improve compensation mechanisms for victims, and inform them of their right to seek compensation.

Communications have it the changes needed to improve NRM protection of victims in North Macedonia are: decentralization of services for victims in the phase of reintegration and their development at the local level - be more accessible to the victims; more intensive involvement of the SWC in organizing support for adult victims in the reintegration phase; creation of a plan for development of local services to support the victims and provide funds for the implementation of reintegration programs and creation of long-term types of support for victims who for certain reasons cannot or do not want to return to their environment.

TiP Report 2020 recommends that the changes needed to improve protection of victims in Montenegro are to: update standard operating procedures to formalize cooperation with NGOs on victim identification; ensure the new shelter provides high quality assistance and support; increase proactive screening of potential victims, especially for individuals in commercial sex, migrants, seasonal workers, and children engaged in begging; increase access to justice and victim-witness protection for victims; incentivize and encourage victim participation in investigations and prosecutions in a victim-centered manner; integrate Romani groups into decision-making processes regarding victim protection; create and finance an accessible compensation fund, and inform victims of their right to compensation during legal proceedings. Communications in Montenegro have it that the changes needed are the mobile teams and child friendly rooms.

TiP Report 2020 on Serbia recommends that the changes needed to improve protection of victims are to: increase efforts to proactively identify victims, including among migrants, individuals in commercial sex, refugees and asylum seekers, and unaccompanied children engaged in street begging; allocate sufficient resources to enable the CPTV to implement victim protection efforts; update the national referral mechanism to provide victims all necessary support services by formalizing cooperation with and reimbursement to NGOs and delegating specific roles and responsibilities to government agencies; update the national referral mechanism with specific identification and referral procedures for children; implement victim-centred approaches and victim-witness protection measures for victims testifying in court to diminish intimidation and re-traumatization; fully implement written guidance to prevent penalization of trafficking victims for unlawful acts traffickers compelled them to commit; establish transparent standards and procedures for NGOs to obtain licenses for providing support services; improve training for government personnel on victim assistance and referral, and ensure access to victim assistance for foreign victims and integrate Romani groups into decision-making

9. ADAPTABILITY OF NRMS TO SITUATIONAL CHANGES

9.1. The trafficking situations

In its report on Human-Trafficking in SEE, the Southeast European Law Enforcement Center (SELEC) finds that member states continue to represent countries of origin for the victims of human trafficking exploited particularly in western EU countries. At the same time, the member states are facing as well internal trafficking in a serious extent.⁴⁷ Both desk review and information collected through interviews coincide that: the profile of the Participants is, in general, that of origin, transit and destination; there is increase of trafficking for labour exploitation; there is increase of numbers of national victims; there is increase of mass migration flows and smuggling of migrants transiting and there is increase of forced marriage cases.

The trafficking profile part of the TiP Report 2020 on Albania states that human traffickers exploit domestic and foreign victims in Albania, and traffickers exploit victims from Albania abroad. Traffickers exploit Albanian women and children in sex trafficking and forced labor within the country, especially during tourist season. Traffickers use false promises such as marriage or employment offers to force victims into sex trafficking. Children are commonly forced to beg or perform other types of compelled labor, such as selling small items. Traffickers exploit Albanian children, mainly from the Romani and Balkan Egyptian communities, for seasonal work and forced begging. Isolated reports stated that traffickers exploit children through forced labor in cannabis fields in Albania, and some traffickers are likely involved in drug trafficking. Traffickers exploit Albanian victims in sex trafficking in countries across Europe, particularly Kosovo*, Greece, Italy, Belgium, Germany, Switzerland, North Macedonia, Norway, the Netherlands, and the UK. Albanian migrants who seek employment in western Europe face forced labor and forced criminality, particularly in the UK. Foreign victims from European countries and the Philippines are exploited in sex trafficking and forced labor in Albania. Irregular migrants from Asia are employed as domestic workers by wealthy families and are vulnerable to domestic servitude. Middle Eastern, Central Asian, and African migrants transit Albania to reach western Europe and are vulnerable to trafficking.⁴⁸

The communications have different views about profile of the country as a country of origin, transit or destination: a part holds the opinion that Albania it is a mix of all three: country of destination transit and origin, a part excluding destination or transit and a part considering that “*we are not a destination yet.*”

The Strategy to Suppress Trafficking in Human Beings in Bosnia and Herzegovina 2020-2023 has it that Bosnia and Herzegovina is a country of origin, transit and destination for trafficking in human beings for the purposes of: forced begging, criminal offences, sexual exploitation, labour exploitation, domestic servitude, child pornography, and forced marriages. Traffickers exploit both the domestic and foreign victims in Bosnia and Herzegovina, and they exploit victims from Bosnia and Herzegovina in other countries too. The individual features of certain forms of trafficking in human beings are as follows: Both adult and juvenile female persons from Bosnia and Herzegovina are trafficked for the purpose of sexual exploitation within the country, which is then done in private apartments, motels, and at facilities related to gas-stations ; marginalized Roma children are subjected to forced begging, being forced into committing criminal offences, trafficking for exploitation

47. https://www.selec.org/wp-content/uploads/2020/04/SELEC-Report-on-Human-Trafficking-in-SEE_public-version.pdf

48. TiP Report 2020

in the sexual industry, in domestic servitude, and are also the affected ones in forced marriages cases; adult and juvenile female persons from European countries are subjects to trafficking in human beings for sexual exploitation within our country borders; victims originating from Bosnia and Herzegovina are subjects to trafficking in human beings so as to be exploited in sex-industry, and/or are also forced-labour in construction and other labour sectors in market throughout countries of Europe; Thousands of migrants and refugees from Afghanistan, Pakistan, Iran, Iraq, Syria and other countries, who are travelling/are in transit through Bosnia and Herzegovina and are either unable to continue travelling or have been smuggled through Bosnia and Herzegovina, are vulnerable to trafficking in human beings, where female persons and the unaccompanied children are especially vulnerable ones. Being part of mixed migration flows, transiting through the Western Balkan countries, migrants may be exposed to violence and can be taken advantage of and abused: as forced labour, be subjects to forced marriages, sexual exploitation and violence, and can get in situations of forced restraint for the purpose of extorting money from their families; Underage females and males are at risk, and can be exposed to exploitation for pornography in both real and digital environments.⁴⁹

Communications have it that Bosnia and Herzegovina is affected by human trafficking as a country of origin, transit and destination, in most cases for women and girls who are trafficked primarily for the purpose of sexual exploitation. *“New trends in human trafficking in Bosnia and Herzegovina are related to human trafficking for the purpose of labour exploitation in various forms, from exploitation in agriculture and industry, to the exploitation of children and persons with disabilities for organized begging, crime or contracting marriages. The latest trends are related to mass migration flows and chains of smuggling of migrants through the territory of Bosnia and Herzegovina, especially with vulnerable groups in migration such as unaccompanied minors. When it comes to the factors that enhance the existence of human trafficking, the most important are: poverty, unemployment, lack of opportunities, gender discrimination, high levels of violence, loss of value systems.”*

TiP Report on Kosovo⁵⁰ has it that human traffickers exploit domestic and foreign victims in Kosovo*, and traffickers exploit victims from Kosovo* abroad. Criminal networks exploited victims in sex trafficking internally. Many sex trafficking victims in Kosovo* are girls, although traffickers also force women from Albania, Moldova, Montenegro, Romania, Serbia, and other European countries into sex trafficking. Women and girls are exploited in sex trafficking in private homes and apartments, nightclubs, and massage parlours. Children from Kosovo*, Albania, and other neighbouring countries are forced to beg within the country. Traffickers subject Kosovo* citizens to sex trafficking and forced labor throughout Europe. Marginalized Roma, Ashkali, and Egyptian communities are vulnerable to forced begging and sex trafficking. Government corruption creates an environment that enables some trafficking crimes.

The communications have it that the country is mostly a country of origin and destination. In one communication, it is informed that in 2003-2009, the state shelter assisted foreign victims and that since 2009 to now, the number of foreign victims has reduced considerably, whereas the number of national victims, particularly minors under the age of 15, has increased significantly. In another communication, it is informed that in 80% of the cases, the victim are locals under the age of 18.

TiP Report 2020 on North Macedonia has it that human traffickers exploit domestic and foreign victims in North Macedonia, and traffickers exploit victims from North Macedonia abroad. Traffickers

49. Bosnia and Herzegovina Council of Ministers , Strategy to Suppress Trafficking in Human Beings in Bosnia and Herzegovina 2020-2023

50. TiP Report 2020 <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>

exploit women and girls in North Macedonia through sex trafficking and forced labor in restaurants, bars, and nightclubs. Foreign victims exploited for sex trafficking in North Macedonia typically originate from Eastern Europe and the Balkans, including Albania, Bosnia and Herzegovina, Kosovo*, Romania, Serbia, and Ukraine. Citizens of North Macedonia and foreign victims transiting North Macedonia are exploited for sex trafficking and forced labor in construction and agricultural sectors in southern, central, and Western Europe. Children, primarily Roma, are exploited by forced begging and sex trafficking through forced marriages. Migrants and refugees traveling or being smuggled through North Macedonia is vulnerable to trafficking, particularly women and unaccompanied minors.⁵¹

The communications in North Macedonia inform that it is a country of origin, transit and destination with the largest percentage of victims internally trafficked. The communications have it that local cases are from all Macedonia districts.

TiP Report 2020 on Montenegro has it that human traffickers exploit domestic and foreign victims in Montenegro, and traffickers exploit victims from Montenegro abroad. Traffickers are predominantly men between ages 25 and 49 and members of organized criminal groups that operate in the Western Balkans. Victims of sex trafficking identified in Montenegro are primarily women and girls from Montenegro, neighbouring Balkan countries, and, to a lesser extent, other countries in Eastern Europe. Traffickers exploit victims in the hospitality industry, including bars, restaurants, nightclubs, and cafes. Children, particularly Romani, Ashkali, and Balkan Egyptian children, are exploited in forced begging. Romani girls from Montenegro reportedly have been sold into marriages in Romani communities in Montenegro and, to a lesser extent, in Albania, Germany, and Kosovo*, and forced into domestic servitude. Migrants from neighbouring countries are vulnerable to forced labour, particularly during the summer tourism season. International organized criminal groups exploit some Montenegrin women and girls in sex trafficking in other Balkan countries.

Communications have it also that in the recent years, Montenegro has become a country of origin, transit and destination for men, women and children who have been victims of human trafficking. They further inform that the number of potential victims found to be at risk of becoming victims of illicit marriage and sexual exploitation is increasing.

TIP Report⁵² had that the traffickers exploit Serbian women in sex trafficking in Serbia, in neighbouring countries, and throughout Europe, particularly Austria, Germany, Italy, and Turkey. Traffickers exploit Serbian nationals, primarily men, in forced labour in labour-intensive sectors, such as the construction industry, in European countries (including Austria, Belgium, Croatia, France, Germany, Italy, Luxembourg, Montenegro, Russia, and Switzerland) and the United Arab Emirates. Traffickers exploit Serbian children, particularly Roma, within the country in sex trafficking, forced labour, forced begging, and petty crime. Foreign victims identified in Serbia are from Albania, Cameroon, Denmark, Mali, Nigeria, and Pakistan. Thousands of migrants and refugees from the Middle East, Africa, and Asia transiting through or left stranded in Serbia are vulnerable to trafficking within Serbia.

9.2 The reflection of the trafficking situations in the NRMs

In order to explore the NRMs ability to maintain effectiveness and efficiency in the face of trafficking situations changes, the assessment explored the context changes that have required changes of the NRMs , intentions and steps taken to adapt and the results of the steps/actions.

51. TIP Report 2020

52. USDOS TIP report

Collection of information on the changes that have brought about/ required changes of NRM serves understanding the changes the NRM was submitted to but also the circumstances that have the potential to change NRM in the future. Changes informed to have required or induced changes in the NRM are: changes of the profile of the country – more national victims; changes in the government structures; changes of the law affecting the scope of the members and legal framework; change of the leadership; growing capacities and interest in participating in a mechanism and change in migration – liberalization of visa affecting movement and modus operandi of traffickers.

Intentions of NRMs changes in the past included: intentions to improve identification; obligations and intentions to improve assistance; and intentions of strengthening the cooperation with other countries.

The assessment requested specifically on the methods used for NRMs to reflect the trafficking situation in terms of the profile of the country as country of origin, transit or destination and it was informed that the reflection/ adaptation was secured through: actions to achieve similarity of the country NRM with other countries' NRMs; provisions of the penal codes on trafficking within the country; membership/ engagement of diplomatic and consular offices and IOM.

The communications in Albania have it that the NRM Agreement in Albania was signed in 2005 and it was assessed and changed in 2012. The context changes informed as requiring changes included: change of the profile of the country – more national victims; changes in the government structures; changes of the law affecting the scope of the members and legal framework; change of the leadership; growth of capacities and interests in participating in a mechanism; change in migration – liberalization of visa affecting movement and modus operandi of traffickers.

Communications in BiH refer to the change the NRM is currently undergoing and informs, *“Over time, the NRM, with the inclusion of representatives of all levels of government in BiH, became too massive, and thus dysfunctional, so that there was a need for reorganization and reconstruction of the existing NRM.”*

Communications in Kosovo* do not inform on major recent changes of the NRM.

As mentioned above, the assessment was interested on the results of the changes to respond to trafficking situation changes. The information provided suggests that: increase of the number of agencies does not necessarily mean increase of efficiency; conclusions on efficiency change can be drawn after monitoring of the NRM and changes are recent and it is early to conclude on efficiency. Changes informed to having positive effect on efficiency are: development of SOPs, standards of minimum care, transnational procedures -Kosovo*, Albania, North Macedonia and Montenegro; certification/licensing of service providers; expanding of NRM with service providers; provision of Government financial support; changes of law ; cross-sectoral activities / trainings.

It was communicated that in Albania, the SOP-s were developed to increase efficiency. Nevertheless, no monitoring or measuring has taken place yet to conclude. Other change is increase of the NRM membership with new organizations, which has brought about more services for victims.

In BiH the increase of efficiency is expected to happen after establishment of the new NRM system in cantons: *“Since the new NRM system is in establishment phase in some cantons in BiH, it is ungrateful to talk about its efficiency and results, but some newly formed NRM teams are already giving good results and concrete actions in the combating against human trafficking.”*

In Kosovo*, the changes that have been informed as having increased the efficiency of the NRM are licensing of service providers; partial government financial support; trans-national procedures for regional cooperation between Kosovo*; Albania, North Macedonia and Montenegro (signing of international agreements); law on moral and material compensation of VoT. It was informed that the introduction of a new concept of the case management in the law for social services for families

would affect the role of the centers for social work established in and functioning since 1964

In North Macedonia, the increase of efficiency is related with legislation measures: change and amendment of the family law — for the first time there is a new chapter treating the custody over children – victims of trafficking; law for children protection- In the general terms the trafficking with children is stated as a violation and abuse of children; law for social protection (Governmental Gazette of R.M. 79/09 article 26 and article 31) — protection of persons victims of trafficking is enabled at a center for persons victims of trafficking in persons. Other activities increasing the efficiency are: national campaign of the MLSP; media (printed, TV) and to all institutions in the wider community/public; organization from MLSP of cross-sectorial trainings (Centers for Social Work, institutions for social protection, health, police and judiciary organs, labor inspection for prevention and protection of victims of trafficking.

TiP Report on Montenegro has it that in previous years, the observers continued to report the low number of identified victims reflected inadequate victim identification procedures. The government updated standard operating procedures for identifying and referring victims to services, including eliminating the requirement for victims to cooperate with law enforcement in order to receive services, by creating “the Team for Identification of Trafficking Victims” (TITV), which assessed and officially recognized potential victims and coordinated victim care and placement. The TITV consisted of a doctor, a psychologist from the Center for Social and Child Protection, police, a social worker from the Center for Social Work, and a representative from the Office for the Fight against Trafficking in Persons (TIP Office). Communications in Montenegro informed on very quick significantly positive reaction of Team for Formal Identification to six different cases from the beginning of the year.

9.3 Changes needed to react to trafficking situation and improve the adaptability trait

The assessment made an effort to assess the adaptability as a trait the NRMs should have in the face of trafficking situation changing continuously. The responses collected show that there is more concern for specific changes that should be made now to respond to specific changes that have happened before or are happening now rather than making NRMs able to handle trafficking situations that might happen in the future.

The concerns are: NRM should be harmonized with legislation; activities should be funded; actors should be supported to work on prevention and treatment of victims; communication should be improved; strategies need to be monitored.

The concerns in Albania include that: the NRM should be harmonized with the legal basis that regulates the field of combating trafficking of human beings; the implementation of the NRM should be supported by a budget (both from state and donors) that guarantees its implementation; better funding should be applied to the institutions with focus on prevention and treatment of potential victims of trafficking. One communication has it that the profile of the country as a country of destination for children – children are moved and exploited within the country- is not reflected: *“The NRM and SOPs refer to the criminal code whereby internal trafficking of children is not specifically prescribed as it is the case of trafficking of adults.”* One other communication has it that although the prescription is in the NRM and the SOPs that the Albanian victims abroad can be given access to assistance by the Albanian Diplomatic Missions or Consular Offices abroad, it is only through police that the victims are referred to for assistance. Many communications raise the concerns that there is no understanding of trafficking for sexual exploitation of women and girls above 18 exploited

within the country.

The communications in BiH have it that the NRM, without distinction, accepts all persons who have been victims in another country or in their own country as victims of trafficking and puts basic and individual protection at their disposal. The change needed is *“to further improve the cooperation and communication of the actors in charge of concrete actions”*

The communications in Kosovo* have it that the NRM reflects the trafficking situation but more awareness raising activities should be added with the aim of raising citizens’ awareness and there should be more activities on victims’ identification and protection. Current context that might require change is: change of trafficking trends; the findings and recommendations from the Strategy evaluation process and reports of local and international actors; the priorities set out by the institutions of Kosovo*; the reforms being undertaken under the framework of the European integration process as well as the dialogue on visa liberalization with the European Union and other international obligations; strengthening of the cooperation with neighbouring countries as well as international law enforcement mechanisms. If the changes were to happen, then the actors should take into consideration the victims’ views: *“this change should make the victims’ voice more active. When the victims are aware of why they were provided shelter and what services are available, they should be the ones to make requests.”*

TIP Report of 2020 on North Macedonia has it that the government deported, detained, or restricted freedom of movement of some potential trafficking victims due to inadequate identification practices and did not have the capacity to accommodate victims if the country’s only victims’ shelter was full. The communications also inform that the profile is reflected negatively on protection and reintegration – meaning the NRM has no resources to address the needs of national victims. Communications have it that the change needed is “to have better human and financial resources.” Communications have it that there is a “natural” need to review the indicators for identification of victims and in general, change the NRM to better address the needs of the victims :*“The National Referral Mechanism (NRM) acts in direction of strengthening of the country capability in ensuring the competent identification, help and protection, based on international standards for human rights to all victims of trafficking, citizen of Macedonia with emphasis to the minors, regardless to ethnic origin, age and gender.”*

Communications in Serbia have it that with the profile changing toward the system increasingly dealing with victims from other countries the work will be conducted in cooperation with foreign offices and using the TRM instrument.

The analysis of responses reveals the need for understanding adaptability and for discussing approaches that can be used to increase NRMs adaptability. A definition of NRM adaptability is suggested in the “vocabulary” attached. The information provided above suggests that measures to improve adaptability can be:

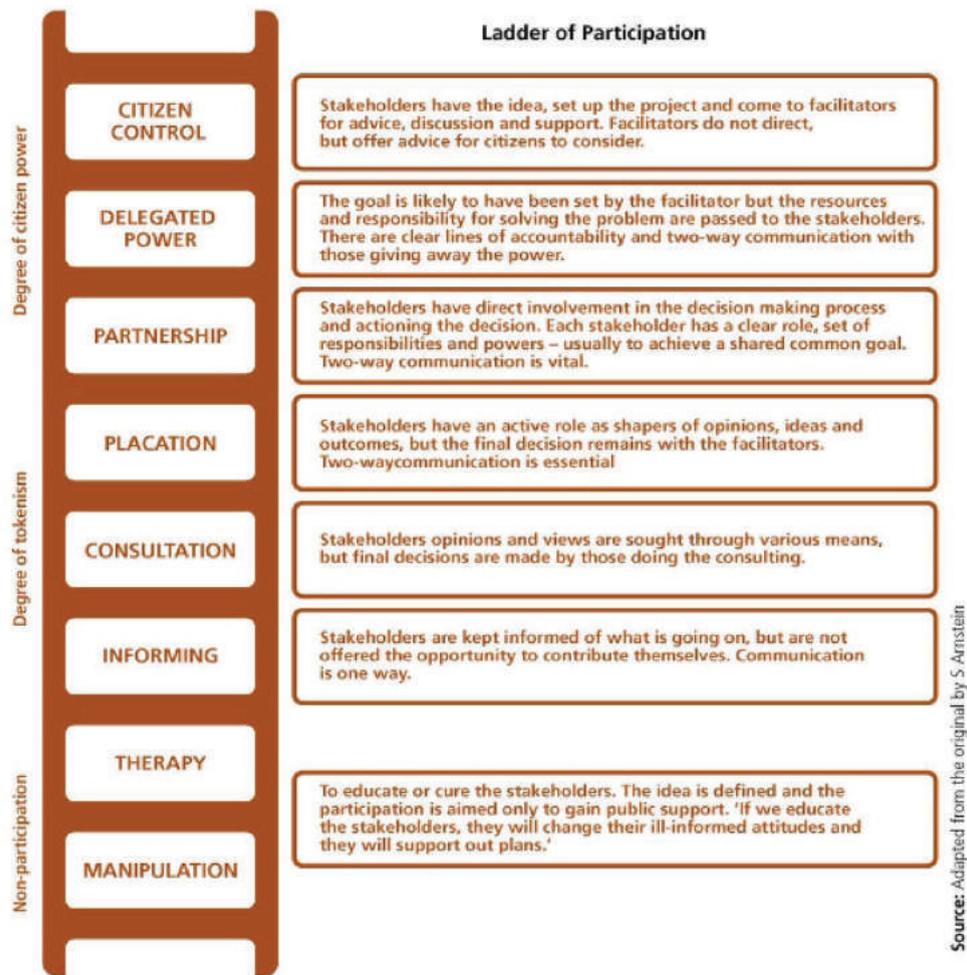
- Including provisions for regular monitoring and adaptations of the NRMs in the NRM related norm;
- Including provisions for different profiles of the victims;
- Including provisions for different categories of stakeholders;
- Including provisions for obligation of reflecting changes in policies and structures that affect NRM functioning;
- Including provisions for development of agreements, protocols when trafficking routes change.

10. PARTICIPATION AND REPRESENTATION OF THE VICTIMS IN THE NRMS

10.1 Participation of the victims in the NRMs

The assessment communications indicate different meanings, categories, levels and features of participation and representation.

Efforts were made to find categorizations that would best organize the information collected. Desk review did not find specific categorizations used for victims participation but revealed different scales, “ladders” of measuring public participation that can be adapted to define the participation of the victims in the NRMs. One, the Arnstein ladder has eight different rungs/ levels. The picture below is an adaptation of this ladder found in Artshub web⁵³



The International Association for Public Participation (IAP2) has developed “The Spectrum of Public Participation to help groups define the public’s role in any public engagement process. The Spectrum includes information, consultation, involvement, collaboration and empowerment.”⁵⁴

53. <https://www.artshub.com.au/education/news-article/opinions-and-analysis/professional-development/tania-canas/diversity-is-a-white-word-252910>

54. https://cdn.ymaws.com/www.iap2.org/resource/resmgr/Communications/A3_P2_Pillars_brochure.pdf

The practices of representation informed include the practice of Victims Advisory Board in Albania, and the practice of the stakeholders, usually shelter service providers speaking on behalf of the victims in different forums. Other common and advanced form of participation was the support the victims provide to other victims on daily basis in assistance settings such as shelters.

Setting up of the Advisory Board of Victims of Trafficking, consisting of three survivors is referred in the USDoS TiP Report on Albania 2020, as one of the demonstrations of the Albanian government's increasing efforts compared to the previous reporting period and reasons for Albania remaining on Tier 2.⁵⁵ Communications further inform that the national coordinator and the National Coalition of Shelters (NCATS) created the board through an agreement between these two parties.⁵⁶ The board has provided recommendations to four NRM meetings so far. While the general opinion is that the board is a powerful instrument to convey victims' opinions, experiences and "voices", concerns were expressed that the advices of the board should be given to technical bodies and frontline professionals rather than to coordinating ones and that, this method does still hold the risk of exposure and re-traumatization.

Other ways of participation informed include participation as recipients of services, participation in investigation and prosecution of traffickers and exercising the right to claim damages.

As recipients of services, the victims are provided information during needs assessments. They are considered to participate and become a party of the decision making through giving informed consent for services and having roles in implementation of assistance plans. Such participation is informed to be enhanced through providing information on rights and services and giving them direct access to services. Examples of information include police providing the victims the paper with victims' rights (Montenegro and Serbia) providing the victim with free contact number through which she/he can call, on free will (Serbia).

Another aspect of participation and representation is that related to investigation and prosecution of traffickers. It is informed to be enhanced through establishment of bodies that support victims during criminal proceedings. Such bodies are for example the Victim/Witness Support Services established at all Montenegrin courts with jurisdiction to adjudicate cases of human trafficking as well as domestic and family violence. One communication has it that *"The Supreme Court of Montenegro, in cooperation with the NGO "Women's Rights Centre", in 2011, produced an Information Booklet for witnesses and victims of the criminal offences of domestic and family violence and human trafficking. The booklet provides clear and comprehensible information on the rights and obligations of victims who appear as witnesses in court proceedings, in cases of domestic violence and human trafficking."*

Assessment of the NRM in Serbia in November 2019 provides that there are no formal mechanisms

55. <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>

56. The agreement was signed between the National Coordinator for Combating Trafficking in Persons and the National Coalition of Anti-Trafficking Shelters (KKSAT) for the establishment and functioning of the Advisory Board of victims of trafficking. Currently the Advisory Board consists of 3 members, beneficiaries of the programs of KKSAT member centres.

The purpose of this agreement is the establishment and functioning of the Advisory Board of victims of trafficking, a comprehensive advisory mechanism with an active role of victims of trafficking who are reintegrated / in the process of reintegration, increasing the partnership of state institutions with civil society in awareness, preventing and combating trafficking in persons, consolidating cooperation and establishing sustainable coordination mechanisms with the participation of civil society and beyond, as well as increasing the representation of victims of trafficking at all stages of decision-making and drafting policies and programs for trafficking prevention and victim protection.

for direct consultation or other forms of involvement of trafficked persons in the NRM process of identification and assistance and that the NGOs are working on ways to empower and support trafficked persons in being directly involved and heard in anti-trafficking work. The assessment gives the example of ATINA supporting the establishment of a survivors' group that could be consulted with regard to anti-trafficking policies and practices of assistance and of ASTRA advocating the introduction of satisfaction surveys or other tools to consult clients on the services provided through the NRM⁵⁷

10.2. Changes needed regarding victims 'participation and representation

Information from different sources indicates that there is need to find and support safe and ethical ways of participation of the victims in the NRMs. A victim-centered approach will help increase the participation of the victims in NRMs. The NRMs should be assessed from the perspective of when, in which phase or elements of NRMs the victims should be involved.

The assessment explored also "the potential for change of participation". The responses show that the potential for change of victims' is perceived related to the actors' will in getting feedback from the victims and the victims' ability to: provide support for other victims who come to the services for the first time; advise the service providers and policy making bodies and increase awareness among people.

Communications in Albania suggest that the engagement of the advisory board should be safely and ethically increased through supporting the development of the capacities. It is communicated that there should be an intensification of efforts and identification of lines of communication with victims who are facing mental health problems. In communications in Albania, there is suggestion on change of the approach of justice institutions: *"We believe that it is necessary for Institutions of Justice (police force, prosecution office and courts) to change their approach in relation to the victim, by applying a new victim-centred work concept. This process should also be accompanied with several guarantees and rights for the victim regarding access to justice, physical safety and compensation for the harm done"*.

In Albania, the NRM members' appreciation of the advices is considered to have the potential for increase of involvement in the same advisory role.

The communications in BiH contain that the participation of the victims can serve prevention and reintegration: *"the actors need to reflect on giving the former victims of trafficking a certain importance in certain phases of the NRM, perhaps in the process of reintegration of victims or maybe in some other aspects, e.g. prevention"*. It is further considered that there is potential for increase of the role of the victims in reintegration of others, on the condition that it takes place in the safe houses with the support of professional staff.

The communications in Kosovo* convey that increase of the participation of the victims would help the actors to better understand their needs and that the relevant legal provisions should be amended in order to make the victims' voices heard.

There is concern in North Macedonia that the participation would put the victims at greater risk of re-victimization and would reveal their identities. It is communicated that the victims' involvement in the NRM can increase through sharing the experiences – making the others aware of the dangers of trafficking but that should be done with maximum care for safety and security and mental health of the contributing victim.

57. Liliana Sorrentino, ASSESSMENT OF THE NATIONAL REFERRAL MECHANISM FOR VICTIMS OF TRAFFICKING IN THE REPUBLIC OF SERBIA, published by ASTRA – Anti-trafficking Actions Belgrade, November 2019

11. RELATION OF THE NRMS WITH OTHER REFERRAL MECHANISMS

11.1. Other existing referral mechanisms, categories of people do they assist and NRMs' exchanges with other mechanisms

Other referral mechanisms informed are the mechanisms for protection / referral of other groups in need, mainly children and domestic violence victims. The communications imply that the term “mechanism” is used also for different aspects of protection: mechanisms of schools, mechanisms of centres for social work or related to another anti-trafficking aim - mechanism of investigation of traffickers

The two other “non anti-trafficking” referral mechanisms – one focused on children and one on victims of domestic violence are referred to in Albania in Kosovo* and Montenegro.

In response to the question on the other mechanisms the NRM exchanges to, the Montenegro communications to :

1. The Operational Team for Combating Trafficking in Human Beings, established by the Supreme State Prosecutor and the Director of the Police Administration in December 2018 consisting of representatives of MoI, Police Administration, the Higher State Prosecutor’s Office and the Ministry of Justice;
2. The Team for Formal Identification of Victims of Human Trafficking, which was established in 2019, by a decision issued by the Minister of Interior, in order to operationalize the application of the Standard Operating Procedures for Victims of Human Trafficking Identification.⁵⁸

Exchanges with other mechanisms protection of children and protection of domestic violence victims are informed in Kosovo* Albania and North Macedonia. The communication between the mechanisms is secured through same professionals engaged in more than one mechanism, the same people participating in different meetings and forums.

Details of communication between the mechanisms are given in Albania. It is informed that the communication of the NRM with child protection mechanism is secured through participation of a representative of the State Agency for Child Protection in meetings of the responsible authority to discuss cases referred by child protection workers in municipalities.

11.2 Changes for communication between the mechanisms

The assessment explored the concerns regarding the exchanges and plans on merging NRM with other referral mechanisms not related to protection of victims of trafficking.

In Albania, the concerns regarding the exchanges are that:

58. The team consists of a president, a secretary and three permanent members. The President of the Team is a doctor of medicine, the members are a psychologist from the Social and Child Protection Institute and a representative of the Police Administration (Department for Combating Trafficking in Human Beings, Smuggling and Illegal Migration), a social worker from the local competent Center for Social Affairs, while the secretary is a representative of the Department for Combatting Trafficking in Human Beings. The Montenegro communications refer as well to a system of actions of all officials and other experts who perform important tasks for the protection of children involved in life and work on the street (police, centers for social affairs, other institutions and social protection service providers, health care institutions, educational institutions, organizations, etc.)

The police who have responsibility for children both trafficked and abused are confused on the procedures to follow ;

The local level professionals find it confusing and overloading to effectively participate to different formats of cooperation of the mechanisms, the Regional Antitrafficking Committees at regional level , the municipality cross-sectorial group on domestic violence and municipality interdisciplinary group on domestic violence at municipality level.

No plans of merging were informed. There is concern that the merge will negatively affect the protection of security of the victims. The suggestion is that there should not be merging of the mechanisms but a cooperation network should be built.

12. NRMS CASE MANAGEMENT

12.1 Cases of the NRMs

The assessment explored the categorizations of trafficking and trafficking cases used in the NRMs.

Desk review suggests that the main categorization of the trafficking and consequently of trafficking cases is made based on the element of the border crossing. IOM Handbook on direct assistance for victims of trafficking considers internal trafficking as trafficking in persons, which takes place within a country⁵⁹.

The communications reveal that the term “internal cases” is used interchangeably and has the same meaning as “internal victims”, “domestic cases/victims”, “and national cases/victims”.

In Albania, the definitions given for “internal cases” are *“Albanians trafficking Albanians inside the country for purposes of prostitution exploitation, for begging”*; *“Cases that have been trafficked within the territory of Albania”*; *“Those trafficked within the country.”*

In BiH the definition provided is *“Cases in which the criminal offense of trafficking in human beings and exploitation of the victim occurred within BiH.”*

Definitions provided in communications in Kosovo* are: *“Adults, children, of different gender and ethnicity in Kosovo*, who mandated actors have identified as VoT, PVoT and persons at risk for trafficking in and out of Kosovo*, for various exploitation and abuse purposes as defined by the THB concept”*; *“Victims from Kosovo* who have been exploited in Kosovo*.”*

Definitions provided in communications in North Macedonia are *“Cases from different region, cities or in same city, citizens of in North Macedonia”*; *“Macedonian trafficked in Macedonia.”*

The term “transnational cases” is understood as “cases trafficked abroad”, “exploitation taking place abroad”, “from other countries to our country”. In North Macedonia communications, it emerges that the term can also imply the services: *“the transnational cases means the service / support in establishing contacts with countries of destination, origin and third countries in the case of transnational trafficking cases.”*

12.2. Case management concept, provisions, and practice

The IOM Guidance on referral mechanisms for vulnerable migrants’ states that the essential components of a referral mechanism (referral mechanism=process) are identification, status or case-type determination, case management, provision of protection and assistance and the referrals that occur between these components. The guidance gives a definition of “case management approach” as a model of assisting to individuals with complex and multiple needs that may access services from a range of agencies and organizations. Case management allows for collaboration between multidisciplinary stakeholders and is useful for the assessment, planning, implementation, coordination and monitoring required to effectively meet an individual’s multiple needs and to promote positive outcomes.⁶⁰

59. https://publications.iom.int/system/files/pdf/iom_handbook_assistance.pdf

60. IOM Guidance on Referral Mechanisms for the Protection and Assistance of Migrants Vulnera-

The assessment was informed that definitions of the case management and provisions on the case management could be found in the SOPs, laws, minimum standards of care for victims, law on social protection etc...

Communications in Albania hold different opinions regarding the NRM elaboration on case management. In one, the elaborations on the case management can be found in Standard Operating Procedures and minimum care standards. In another one, neither NRM nor SOPs have provisions for case management. *“As far as I know, I do not believe that there is anything. Even the SOPs have nothing written on how the PA should act. It is simply stipulated for other institutions that deal with management.”*

Communications in BiH do inform that NRM elaborates on case management but do not give specific information.

The Minimum Standards of Care for Victims of Trafficking in Kosovo* have two definitions on case managers: the case manager from the Centre for Social Work and the case manager within shelter. The case manager from the Center for Social Work is the official appointed by the Center for Social Work, who manages a victim’s case and appoints a legal guardian, when necessary. The case manager within shelter is the staff member appointed by the supervisor of the shelter, who manages the victim’s care from the arrival into the shelter until her/his reintegration. Communications in Kosovo* inform that the case management prescriptions are in the SOPs and Minimum Standards of Care for Trafficked Persons.

SOPs of 2018 of North Macedonia contain definition of “case manager” as “A person-in-charge of the case.” The person in charge is defined as “a representative of a competent state authority or institution, an international organization or association which, according to SOP, is responsible for undertaking planned measures and activities provided for the VoT. The person-in-charge of the case from the moment of identification of the victim will be responsible for it until the start of the process of reintegration or return.” For “domestic victims” the responsible person/the-case manager is an official of the NRM. Communication in North Macedonia informs that case management prescriptions can be found in the new law on social protection.

In general, it is informed that the “transnational cases” are managed through the NRMs. In Albania, the communications are divided, in a part of the communications it is informed that the SOPs have sections for assisted voluntary return of the victims while in the other part of communications it is informed that the transnational cases are managed by the protocols. Communications in BiH and Kosovo* inform that the NRM provides for management of transnational cases. The communications in Kosovo* inform that the management of the transnational cases is a question for the National Authority” for the Police. In North Macedonia, for “foreign victims” the responsible person/ the case manager are a police officer of UTHBSM / NUSMSTHB.

Information collected shows that the actors have managed “transnational cases” through also different instruments. In Albania, Kosovo* and Montenegro it is informed that the cases are handled through the Bilateral Protocols signed between Albania, Kosovo* and Montenegro “On intensification of cooperation in the fight against trafficking of human beings and on improvement of identification, notification, referral and assisted voluntary return of victims, potential victims of trafficking and children in particular complementing the Agreements between the countries “on cross-border police cooperation”.”⁶¹

ble to Violence, Exploitation and Abuse and Victims of Trafficking

61. Standard Operating Procedures (SOPs) for Transnational Cooperation and Case Management

Communications in Albania inform that as regards to the protocols, in practice, *“Albania had transnational cases only with Kosovo*.”* Communications in Albania refer also to the Transnational Referral Mechanism (TRM) developed in the framework of the Programme to Support the Development of Transnational Referral Mechanisms for Trafficked Persons in South-Eastern Europe funded by USAID and implemented by ICMPD⁶² and to agreement with Greece⁶³. One communication contained concern regarding management of cases of children returning from Greece. *“They (children) are sent (to Albania) without being declared anywhere in the Greek mechanism.”*

The communications in North Macedonia have it that the transnational cases are managed through Protocols with Kosovo*, Montenegro, Albania, Greece and Bulgaria.

12.3 Internal and transnational cases managed by the NRMs

The assessment explored the experiences of management of “internal cases” and “international cases.” The intention to focus in these two categories is to collect information on the need for communication within the NRMs and between the NRMs.

The data in table, drawn from TiP Report 2020 and 2019 gives only an approximate picture of the internal and international cases managed by the NRMs in these two years.

MARRI Participant	Total Number of Victims Identified by government in 2019	Number of foreign victims identified by government in 2019	Total Number of Victims Identified by government in 2018	Number of foreign victims identified by government in 2018
Albania	96	6	95	1
BiH	61	9	36	8
Kosovo*	26	5	15	3
Montenegro	39 official victims and 85 potential victims			

for the protection of victims and potential victims of trafficking with a special focus on children between Albania, Kosovo* and Montenegro, were endorsed at a trilateral meeting between the National Anti-trafficking Coordinators of the three countries held in Budva, Montenegro 31 October- 2 November, 2016. <https://tdh-europe.org/news/endorsed-standard-operating-procedures-sops-for-transnational-cooperation-and-case-management-for-victims-of-trafficking-and-children-on-the-move-/7295>

62. Tamara Agolli, Ivanka Georgieva and Brigitte Stevkovski , Assessment of the National and Transnational Referral Mechanism for Victims of Trafficking in Albania Fight against Trafficking in Human Beings and Organised Crime – Phase 2 (THB/IFS/2) August 2015 https://www.icmpd.org/fileadmin/user_upload/NRM-TRM_assessment_Albania_final__1_.pdf

63. In May 2006, the Albanian Parliament ratified the Agreement between the Government of the Hellenic Republic and the Government of the Republic of Albania, on Protection and Assistance to Children Victims of Trafficking, signed by both parties in February 2006. See Republic of Albania, Ministry of Interior, Deputy Minister, National Coordinator on the Fight against Trafficking in Human Beings, Short-term priorities for the prevention and fight against trafficking in human beings and some of the main achievements in 2006 <https://www.legislationline.org/documents/action/popup/id/7614>

North Macedonia	6	3	6 ⁶⁴	1
Serbia	36	2	76	

Communications regarding the management of the “internal cases” have information on number of cases managed; structures within NRMs tasked with management of “internal cases”, other specifics of the cases such as forms of exploitation, age and family background. Communications in Albania specify that it is not the entire NRM that manages the cases but the responsible authority. Communications in BiH inform that the NRM has managed numerous cases, in various forms of exploitation. Communications in Kosovo* informed on managing internal cases that pertained to all types of organized crime. Communications in North Macedonia informed on cases that come from dysfunctional families with presence of family violence, and lack of parental care: *“The dominant age of the group is 16-18 years old.”* Communications in Serbia contain an example of management of one case referred by an NGO.

The communications have information on management of “transnational cases”.

Communications in BiH inform on several cases, the most famous the “case of labour exploitation in Azerbaijan- 672 victims of human trafficking were identified, of which 652 citizens of Bosnia and Herzegovina.”

12.4. NRMs criteria of measuring success of case management

Information collected on measuring success of case management is limited. BiH and Kosovo* communications have information on existence of the criteria. Still it is only the communications in Kosovo* that give more details: *“When a case is identified in our country, we are talking about foreign cases, it is handled professionally. That case is integrated, successfully repatriated, gives you the indication that the case has been successfully completed. Its continuity does no longer depend on us; I believe it depends on the country of origin”; “the criteria are the evaluation forms that are part of the minimum care standards”.*

12.5 Changes needed for improving management of “Internal cases “and “Transnational Cases”

Management of internal cases is informed as needing: feedback for referrals made; resources for reintegration; involvement of mental health specialists; measuring of case managers ‘performance; changes in law provisions regarding case management.

Communications in Albania contained the opinions that while NRM does case management and in each of the cases the solution has been addressed by the NRM actors, there are difficulties and changes need to be made to address : difficulties to access the information / receive feedback on cases referred to NRM; problems with coordination between; limited resources of assistance and hesitation to refer; problems with identification – identification not done properly; cases are referred through the system to the assistance but then the reintegration assistance is not provided.

64. The government and NGOs also identified 104 potential victims (99 potential trafficking victims in 2017); 25 were adults and 79 were children (57 adults and 42 children in 2017); 65 were females and 39 were males; and four were foreign potential victim

The main recommendation given is that the expansion of the NRM /RA should be done with institutions that have capacity to solve issues and manage cases that the current members have not been able to solve - mental health issues, cases or drug addiction.

Communications in BiH inform that there have been various cases and situations *“with some cases successfully solved and in some cases no success was achieved.”*

The communications inform on progress of case management taking place in Kosovo* taking place through development of law on social and family services: *“We are now working on the law on social and family services. We are making an inscription. We made a concept document and a very detailed analysis. Obviously, that concept document has oriented us towards the new law, which will bring new reforms in social services. We have been working for a year and we do not have a first draft yet. This is because we are introducing the new concept of case management by professionals, the concept of professional social services, as well as the categorization of social services into primary and secondary services. These are the new elements in the social services reform, which will be implemented in July 2021. Every chapter of this law contains numerous by-laws that will explain in detail what each chapter or sub-law represents. The management part is also being introduced in a special chapter, because there is a development history the case management we have a development history. Imagine that our centres for social work were opened in 1964, and we want to advance by harmonizing the western experience with our experience, our reality, as well as working on the suitability of the model”*

Communications in North Macedonia inform on interventions that have improved the management of internal cases: the case management is conducted by the centers for social work who have been systematically educated by foreign and national educators; standard operating procedures contain specific measures for children.

The assessment explored the information and opinions regarding the NRMs’ ability to manage transnational cases. The general opinion is that the NRMs should be able to manage transnational cases. The NRMs should do that through an entity / unit designed specifically for this purpose – responsible authority or assignment of the responsibility to one member/ actor.

The opinion that the NRMs should develop tools to manage transnational cases while the transnational formal cooperation is being developed is backed by IOM as well. In its guidance on referral mechanisms⁶⁵ IOM states that the transnational referral mechanisms are the most complex to develop and implement, as they require international coordination and cooperation. Still here, IOM states that bilateral or regional agreements can take a considerable amount of time to develop and formalize, as they may involve multiple government entities and organizations in various countries. International agreements, even if they are operational in nature, usually undergo thorough national review procedures before a country adheres to them. If this is the case, referral mechanism members might wish to develop certain tools, such as standard operating procedures and flow diagrams, and, if possible, begin implementing them while the agreement is being reviewed. IOM states that the transnational referral mechanisms can be particularly helpful for cases of vulnerable migrants who plan to continue their migration journey or who wish to return to their country of origin and that the TRMs can be useful for tracing or reuniting family members, especially unaccompanied or separated children.

Changes communicated as needed to improve NRMs management of transnational cases include

65. IOM Guidance on Referral Mechanisms for the Protection and Assistance of Migrants Vulnerable to Violence, Exploitation and Abuse and Victims of Trafficking

establishment of a body within the NRMs to serve as case managers - assigning of case management authorities to certain members of NRM, capacity building -learning on management of cases; support from donors; improve communication within NRM and between NRMs.

One communication in Kosovo* suggests:

Capacity building of relevant actors; Improving communication and exchanging information with other countries; Undertaking common actions/ projects in the prevention area;

Active participation of relevant actors from Kosovo* in regional and global meetings and conferences on anti-trafficking issues;

Support from international partners and donors.

One communication in North Macedonia suggests: *"Faster exchange of information between country of origin and destination."*

The communications raise the issue of information on how other NRMs are managing transnational cases being limited or inexistent and convey the need for organization of discussions on exchanging information.

13. MONITORING OF THE NRMS

13.1. The entities tasked with monitoring the NRMs

Desk Review reveals the bodies at European level “measuring “anti-trafficking actions including NRMs are GRETA, the OSCE Special Representative and Co-ordinator for Combating Trafficking, the EU Anti-Trafficking Co-ordinator in European Commission (EU ATC)

In its report for 2017, GRETA states that to avoid duplication when it comes to country visits, GRETA and the OSCE Special Representative and Co-ordinator for Combating Trafficking regularly coordinate their visit plans. During country evaluation visits, GRETA delegations continue to meet representatives of local offices of the OSCE (where they have field operations and anti-trafficking focal points) and benefit from their presence on the ground to complete the collection of information necessary for monitoring the implementation of the Council of Europe Convention.⁶⁶

Article 19 of the Directive 2011/36/EU⁶⁷ calls for the Member States to take the necessary measures to establish national rapporteurs or equivalent mechanisms that should be tasked with the carrying out of assessments of trends in trafficking in human beings, the measuring of results of anti-trafficking actions, including the gathering of statistics in close cooperation with relevant civil society organisations active in this field, and reporting. In its communication GRETA stresses that article 29 of the convention makes a clear distinction between national coordination and national rapporteur. In GRETA’s view, the key features of national rapporteurs’ mechanisms in the sense of article 29, paragraph 4, of the convention, should be the ability to critically monitor the efforts and effectiveness of all state institutions, including national coordinators, and to that end maintain a constant exchange with civil society, the research community and other relevant stakeholders. The human rights-based approach to anti-trafficking policies advocated by the convention requires adequate monitoring and evaluation. A structural separation between monitoring and executive functions promotes an objective evaluation of the implementation of anti-human trafficking legislation, policy and activities, identification of lacunae and shortcomings, and the formulation of comprehensive legal and policy recommendations.⁶⁸

Desk review on Albania finds that the article 8 “Monitoring and Coordination” of the NRM Agreement instates the body tasked with measuring of the performance of the NRM is the Task Force lead by the national coordinator and that it gathers regularly once a month. The communications do not refer to this article: In one communication, the Ministry of internal Affairs and the central bodies are not the authorized entities for measuring the performance. In another communication, the person interviewed “does not know, but expects that the monitoring is conducted by the Ministry of Internal Affairs and no one else.” In yet another communication, “a system must be set up for this.”

Communications in BiH inform change of the National Reporter in 2019, fulfilling the criteria of the independent rapporteur. Communications inform on measuring of performance extending on

66. <https://rm.coe.int/greta-2018-1-7gr-en/16807af20e>

67. Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA 11/11

68. Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by “the former Yugoslav Republic of Macedonia GRETA(2017)39

every canton: *“Every canton in Bosnia and Herzegovina will have a way to perform measurements and the level of implementation of activities undertaken in this area, under the new system, which is currently in establishment phase.”*

Article 8, “Appointment and Competencies of the National Anti-Trafficking Coordinator designates the national coordinator as the national reporter. In its paragraph five, it says that the national coordinator will act as the national reporter in order to carry out assessments of trends in trafficking in human and measure the results of anti-trafficking actions including the gathering of statistics in close cooperation with relevant civil society organisations active in this field.

The communications do refer to the National Authority: *“The performance assessment is carried out by all actors”; “The National Authority”.*

TIP Report 2020 on North Macedonia⁶⁹ has it that the government established and resourced the independent office of the national anti-trafficking rapporteur. The communications inform that the entities tasked with measuring the performance are *“The national reporter against trafficking in person and NGO.”*

The communications in Montenegro focus on aspects of measuring the performance and the entities conducting it: *“Measurement has several aspects; criminal offense detection, detention of traffickers, final judgment; marriage prevention, social assistance, return to school, foster family, shelter accommodation. The Government of Montenegro systematically oversees the activities in the field of combating trafficking in persons through the work of the Coordinating Body for Monitoring the Implementation of the Strategy to Combat Human Trafficking and individual action plans. The Coordinating Body for Monitoring the Implementation of the Strategy to Combat Human Trafficking has the obligation to report annually to the Government on the level of implementation of individual measures in the areas of prevention, protection, prosecution, coordination, partnerships and international cooperation. Mol / Department for Combating Trafficking in Human Beings are in charge of monitoring the implementation of activities concerning the implementation of the Agreement on Cooperation in the Combat against Trafficking in Human Beings.”*

Communications in Serbia inform on different methods of monitoring and different bodies of monitoring: External monitoring – GRETA, US DoS, EU bodies; internal anti-trafficking monitoring through meetings: every two months all subjects NGOs, ASTRA, ATINA, police centres discuss cases.

13.2. Changes needed to improve NRMs’ monitoring

Changes suggested are different, depending on the current instruments used. The information shared includes changes such as establishment of an external, independent body of monitoring specific for NRM; conduction of the monitoring by the Ombudsman who can play the role the national reporter; establishment of clear performance indicators and proper periodicity of monitoring.

The changes suggested through communications in Albania are that: *“foreign (external) mechanism needs to be found”; “the performance indicators should be clear”; “the periodicity of the measurement needs to be decided.”* According to communications in BiH, changes are already taking place as the reorganization of the NRM is on the way. The communications in Kosovo* contain that an independent institution needs to be engaged. The communications in North Macedonia contain

69. TIP Report 2020

suggestions on the body of measuring the performance and periodicity: *“Evaluation on the one year’s period and monitoring from the International organizations.”*

The Council of Ministers of BiH adopted the Ministry of security-proposed 2020-2023 Anti-Human Trafficking Strategy of Bosnia and Herzegovina, under which the BiH authorities defined their anti-human trafficking policies for the next four years, harmonised with the European Commission recommendations. The Strategy general purpose is to secure a permanent, comprehensive and sustainable response of the society to human trafficking by way of strengthening of prevention system, prosecution of perpetrators of criminal act linked to human trafficking, in addition protection and assistance to victims, especially vulnerable groups, functional capacity building and connecting with all competent institutions and organisations. The strategy covers five aims: support, prevention, criminal prosecution, victim support, partnership, and its drafting engaged representatives of the state, entity and Brčko District of BiH institutions.⁷⁰ The USAID’s Strengthening Counter-Trafficking Efforts in BiH project launched in June 2019 a three-year, \$583,920 project with IOM as implementing partners is helping the relevant institutions with the tools, training, and legislative resources to fight the devastating effects of trafficking in persons (TIP). The project’s two main objectives are to strengthen the capacities of the actors who work within the existing National Referral System to help BiH fully implement the current legal and regulatory framework for protecting victims and establish a case management monitoring system to proactively screen for and identify potential victims. USAID will assist the local coordination teams in developing the local Action Plans envisioned by the BiH TIP Strategy for 2020-2023. USAID will also support development and implementation of a dedicated database for TIP management in the BiH Ministry of Security’s Office of the State Coordinator for Combating Trafficking in Human Beings.⁷¹

Article 33, “Role of the non-governmental sector” of the law on trafficking in Kosovo* provides that the institutions within the national authority might allocate funds and provide any other material assistance, including premises, or councils for nongovernmental organizations that provide respective services (in rehabilitation or reintegration shelters) for victims of trafficking at the Kosovo* level. Due to inability to provide certain services for the victims, municipalities and central institutions might purchase services for victims of trafficking from local nongovernmental organizations, through respecting public procurement rules. Communications informs that funding comes from *“actors themselves (relevant Ministries, NGOs) and donor”* and that funding responsibility of the state shelter was transferred back to Ministry of Justice.

Communications for the assessment in North Macedonia inform that each authority involved has its own budget within its institutions. Desk review reveals the action on “Preventing and Combating Human Trafficking in North Macedonia” implemented within the joint program of the European Union and the Council of Europe “Horizontal Facility for the Western Balkans and Turkey 2019-2022” is supporting the authorities in North Macedonia in improving the identification, protection of, and assistance to victims of human trafficking, in line with the European standards, as stipulated in the recommendations resulting from the monitoring of the Council of Europe Convention on Action against Trafficking in Human Beings.

Communications in Montenegro inform on funding provided to shelter for victims: *“In relation to the service of protection of victims of human trafficking, in 2020, the Ministry of Labour and Social*

70. http://www.vijeceministara.gov.ba/saopstenja/sjednice/saopstenja_sa_sjednica/default.aspx?id=32002&langTag=en-US

71. <https://www.usaid.gov/bosnia/news-information/fact-sheets/fact-sheet-strengthening-counter-trafficking-efforts-bosnia-and>

Welfare allocated funds amounting to a total of 40,000 euros to finance the service of accommodation in a shelter for children, adults and the elderly – human trafficking victims. At the same time, the shelter services are funded from the Ministry of Labour and Social Welfare budget, in the amount of EUR 250.00 per user on a monthly basis.”

The funds for the implementation of some of the activities for the implementation of the Strategy to Combat Human Trafficking in the Republic of Serbia in 2006, during the period from 2009 to 2016, were provided for on an ad hoc basis from the regular funds of the competent ministries, through project activities or international donations, while prevention, victim protection and human trafficking suppression activities were carried out, for the major part, with the support from civil society organisations.⁷²The implementation of the Action Plan for the Strategy to Prevent and Suppress Human Trafficking, especially Trafficking in Women and Children and Victims Protection, for the period 2017-2018, will be financed from the following sources:

1. Budget of the Republic of Serbia
2. The Instrument for Pre-accession Assistance of the Office for the Technical Assistance and Information Exchange from Brussels – TAIEX
3. Support by OSCE, IOM, UNODC, ICMPD
4. United States Department of Labor Project “Country Level Engagement and Assistance to Reduce Child Labor”⁷³

13.3 Compatibility of NRM functions with financial support

The EC second report on the progress made in the fight against trafficking in human beings in 2018 informs that civil society :

Decry a general scarcity of financial support for accommodation and social support to victims; in their submissions point to the scarce budgetary resources foreseen during adoption of national programme; notes the lack of sustainable funding, which does not allow for long-term planning;

Call for more funding allocated to direct support to services and less towards research activities; call for more accountability and traceability of funding from different national budget lines because information on how funding is allocated and by which sources is not always accessible;

Note potential duplication of funding and lack of coordination;

Point out that while they are included in national action plans or national referral mechanisms, at times there is no funding allocation from the side of the government for ensuring implementation of actions attributed to the civil society.⁷⁴

72. The strategy https://media.srbija.gov.rs/medsrp/dokumenti/strategy_to_prevent_and_suppress_human_trafficking.pdf

73. The strategy https://media.srbija.gov.rs/medsrp/dokumenti/strategy_to_prevent_and_suppress_human_trafficking.pdf

74. European Commission, Commission Staff Working Document accompanying the document Report from the Commission to the European Parliament and the Council, Second report on the progress made in the fight against trafficking in human beings (2018) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, Brussels, 3.12.2018 SWD(2018) 473 final

This assessment is also informed that the compatibility between functions and financial support is low in general.

TIP Report 2020 on Albania stated that government continued to delay funding for NGO-run shelters, and social services lacked resources for long-term care and reintegration efforts, particularly for child victims and victims with children.⁷⁵

In one communication in Albania, *“the compatibility is 50:50”*. In another communication, it is conveyed that financial resources should not be expected to increase because the membership increases: *“the functions of NRM are fulfilled through actors, rather than NRM on its own. I do not see any reason to increase financial resources if the number of actors dealing with trafficking is increased. In this case, NRM can play an organizational role.”*

Desk review revealed need for sufficient allocation of funding and timely distribution of funding. US DoS reported in 2020 that the government did not have an approved state budget, which delayed funding to anti-trafficking efforts, the government continued to penalize victims and did not disburse annual funds to NGOs for victim protection efforts, while victim assistance providers continued to lack resources and could not assist all domestic victims, the strike force was largely ineffective, with the state failing to disburse operational funds and the Federation failing to appoint representatives. The Report states that the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards.

Communications in BiH convey that in most part there is a compatibility of funding with NRM functions. *“When it comes to financing the NRM, funds are allocated from the BiH Budget to a certain extent, but unfortunately these funds are not nearly enough to implement all activities and obligations, so that we rely mostly on donations from NGOs and international organizations through projects.”*

TiP Report on Kosovo*, 2020 states that despite increasing overall funding for victim protection, the government decreased funding for NGO-run shelters for the fifth consecutive year, forcing NGOs to rely on foreign donors.

Communications in North Macedonia inform that there is no dedicated special budget for all activities and responsibilities as foreseen in the SOPs. TIP Report 2020 has it that the government demonstrated overall increasing efforts compared to the previous reporting period including increasing resources to victim protection and awarding the first grant to an NGO.⁷⁶ The same report stated that the police did not have adequate funding and equipment to conduct proactive investigations, and the Organized Crime and Corruption Prosecution Office (OCCPO) lacked sufficient resources, including staff, to handle all cases under their jurisdiction. Still here, it is reported that while mobile identification teams identified the majority of potential victims, funding and sustainability of the mobile teams remained uncertain.⁷⁷

TiP Report on Montenegro 2020 informs that the government increased funding for victim protection. It highlights the need that funding procedures match with licensing procedures: The Ministry of Interior (MOI) transferred funding responsibilities for victim protection to the Ministry of Labour and Social Welfare (MLSW), which subsequently defunded the only NGO-run shelter due to its inability to obtain necessary licenses to provide victim assistance. MLSW opened a call for proposals

75. TIP Report 2020

76. <https://www.state.gov/reports/2020-trafficking-in-persons-report/north-macedonia/>

77. <https://www.state.gov/reports/2020-trafficking-in-persons-report/north-macedonia/>

to establish a new specialized shelter (the shelter), selected an NGO with the necessary licenses, allocated €40,000 (\$44,940), and compared with €24,000 (\$26,970) for the defunded NGO-run shelter in 2018. While the government reported providing ad hoc support to two victims identified during the shelter transition, the selected NGO did not have experience in victim assistance, according to observers, who noted the potential for low quality of assistance at the new shelter. Communications in Montenegro inform that significant support comes from the funds provided by international partners in the area of technical support and support for individual project development, for the plans to be implemented fully and completely.

TiP Report on Serbia 2020 stated that the government adopted the 2019-2020 national action plans, and allocated resources towards the plan. It is reported also that while cooperation with civil society improved, the government did not formalize roles and responsibilities or fund civil society despite relying heavily on its support.

13.4 Changes needed in terms of finances of the NRMs

Suggestions for changes to increase compatibility include: NRM/ protection should be given priority; financial support should be continuous, sustainable; financial support should encompass all the phases of recuperation and reintegration.

TiP Report on Albania 2020 recommends creation of funding mechanisms that allocate adequate funding and resources on a consistent and regular basis to the government-run and NGO-run shelters for victims of trafficking. Communications convey in suggesting that protection of victims should be given priority in funding.

In TiP Report 2020 on BiH USDoS, it is recommended that the government allocates sufficient funding for NGO-run shelters and develop financial policies that effectively allocate funding for victim assistance, improve cooperation and coordination among state and sub-state actors, including allocating adequate resources and assigning personnel to the anti-trafficking strike force. The communications contain the suggestion that the change should consist on enabling the financial resources to be permanent and continuous.

TiP Report 2020 on Kosovo* recommends that the government provide adequate and consistent funding for NGO-run shelters and increase support for comprehensive vocational training and reintegration services for victims. The communications recommend budgeting of protection: *“The budget should be secured and the budgetary implications should be justly specified.”*

TiP Report 2020 on North Macedonia recommends: allocation of sufficient resources to the police and prosecutors to proactively investigate trafficking; Allocation of sufficient resources for the mobile identification teams and NGOs providing victim protection efforts. Communication suggests an appropriate specialized budget: *“A specialized budget is needed in accordance with the obligations and needs for functioning of all actors from prevention to re-socialization of the victims.”*

Recommendations of TiP Report for Montenegro pertain to proper use of funding by the licensed service provider: *Ensure the new shelter provides high quality assistance and support*

Recommendations of TiP Report for Serbia on funding include Allocation of sufficient resources to enable the CPTV to implement victim protection efforts; Update of the national referral mechanism to provide victims all necessary support services by formalizing cooperation with and reimbursement to NGOs and delegating specific roles and responsibilities to government agencies.

14. GOOD PRACTICES AND APPROACHES

In general, the communications suggested that the participants of the assessment do not know each other's practices as well as to conclude on defining them as good. On the other side no criteria of selection of good practice were given during the collection of information for the assessment and the experts took notes and welcomed discussions on what makes an activity or an intervention a good practice of protection. It is therefore recommended that the Participants include in their agendas an activity focused on reaching a common understanding on what constitutes good practice, using the following suggestions collected:

- The practice had a positive impact- the activity or intervention improved protection of victims and did not harm the victims;
- The impact was positive for different "profiles" of the victims: for different ages, genders, types of exploitation experiences, family situations etc.;
- The practice enhanced the opportunities for the victims to exercise their rights;
- The practice required and had participation of state and non-state actors;
- The practice involved high levels of the participation of the victims in design of the activity;
- The practice was relevant for the protection: the activity or intervention addressed the needs of the victims;
- The practice was consistent with the law and standards and there will not be such conflicts if applied;
- The effectiveness and the efficiency of the practice are measurable and have been measured;
- There is transparent information regarding the practice : others can draw lessons from it.⁷⁸

14.1 Good practices and approaches for the participation of victims

As mentioned earlier, the assessment focussed particularly in practices of participation of victims in the NRMs. In the last part of the interviews the participants of the assessment were asked about the practices and approaches they considered as good practices. Probably as a consequence of lack of certainty of what can be considered a good practice, the information in the responses evolved more on what the needs are to refine an existing practice and make it a good practice and approach rather than presenting the approach as a good one. The participation of the victims was brought into focus again through the baseline survey invitation to suggest ways the participation of the victims in the NRM could be improved and through the regional workshop session to validate the specific findings on the good practices and approaches on participation and coordination.

The experts analysed the information received through the assessment, the baseline survey and the regional workshop and consider that the following approaches mark out as good practices that should be further consolidated and can be adopted.

78. Council of Europe Centre of Expertise for Local Government Reform in cooperation with CoE experts John Jackson, Cezary Trutkowski and Irfhan Mururajani Best Practices in local government <https://rm.coe.int/bpp-best-practice-programme-for-local-governments/1680746d97>, April 2015, Council of Europe, Strasbourg

The following approaches for both victims' representation and improvement of coordination and cooperation in the NRM were chosen by considering additional the following criteria that these practices are:

- generally lacking (thus subject to be strengthened where some form of the practice is already in place)
- totally lacking (thus subject to be introduced)
- potential to be adopted (high possibility or low)
- preference for use of existing structures versus instituting new ones
- interest of MARRI participants

1. Victims' participation in advisory role

The victims' participation in advisory role is institutionalized in Albania through the Victims' Advisory Board. The board was established by the AT National Coordinator with the support of the National Coalition of Anti-Trafficking Shelters. The aim of the founders was to increase the representation of victims of trafficking at all stages of decision-making and policy and programs drafting on trafficking prevention and victim protection. The board has 3 members.

The opinion in Albania is that the Victims' Advisory Board is already a great achievement and that the next steps for the stakeholders should be: the authorities to take into consideration and act on the recommendations provided by the Board; the advices of the Board be disseminated to the professionals of the operational level; the Board members should be provided periodic trainings; the Board should be informed on the NRM decisions; the number of the victims in the Advisory Board should be increased.

In Serbia, the advocacy group of women who experienced human trafficking was established by the NGO Atina. The advocacy group has started participating in different consultative processes, through several meetings held with actors within NRM including with the National Coordinator. The considerations are that the role of the Advocacy Group of Women in Serbia should be recognized properly and that regular consultation with VOTs must be determined as an obligation for all the actors participating in NRM.

The experts hold the opinion that the practices in Albania and Serbia can be further developed through helping solving the issues and concerns raised. The adoption of such practice by other MARRI Participants should take into consideration encountering and solving the above mentioned challenges and that: measures should be taken that the safety and security of the members of such groups are not jeopardized; the victims/ members of the groups are recognized for their participation and contribution; participation of the victims should be formal - stipulated in law or bylaws; the members of such groups are economically independent and participate on free will.

The experts consider that key activities for MARRI Participants adopting the practice of establishment of victims' groups are: development of Terms of References; training of the members; adaptation of legislation and financial support for activities.

2. Victims' participation in peer support role

The practice of shelter residents helping with the reception of the victims when they newly arrive is applied and considered as a safe form of peer support and participation of victims.

The experts consider that the application of such practice is possible for all MARRI Participants'

shelters / residences. It is beneficial on the conditions that: The victims already in shelter/ peers can be prepared for that through training and mentoring; the needs of the victims in the role of the peers should be attended.

The experts consider that the practice can be further expanded into peer support for reintegration, when victims leave shelter and start leaving independently.

The experts consider that key activities for MARRI Participants adopting the practice of establishment of peer support are: development of peer training curricula; financial support for peer support activities.

3. Victims 'participation in monitoring role

The practice of collecting individual victims' feedback on the assistance received is informed as a common form of participation in monitoring and evaluation of programs. The experts consider that such practice has the potential and should be brought to the NRM monitoring level.

The experts consider that the establishment of a specific NRM monitoring system by MARRI Participants should include measures to secure participation of the victims in monitoring. Any monitoring of the antitrafficking system including NRM for MARRI Participants that have established or choose to establish Victims' Advisory Groups / Boards, the monitoring body/entity should: consult the Victims' Group/ Board on setting the monitoring criteria; include meeting Victims' Group/ Board in its agenda; inform regularly the Victims' Group/ Board on the results of monitoring.

Regardless of MARRI Participants adopting the practice of the Advisory Groups/ Boards the monitoring body should secure participation of the victims in monitoring through: informing the victims on the monitoring system and monitoring body's agenda; establishing a system that individual victims can access the monitoring body at any time.

The experts consider that key activities for MARRI Participants adopting the practice of participation of victims in monitoring the NRM are: development and dissemination of information on monitoring system; financial support for victims to participate in monitoring activities

14.2 Good practices and approaches for communication and coordination within the NRMs and between the NRMs

Although exploring each aspect of NRM draws information on communication and coordination between actors within the NRM and between NRMs, the assessment requested information specifically related to Partnership and specifically related to communication and coordination.

The exploration of the role of the NRM in antitrafficking Partnership within each Participant revealed that the partnerships within the NRMs are in general regarded as subgroups within the NRMs which serve to: secure multidisciplinary comprehensive protection of victims; fulfil individual roles; realize the civil society role. In discussing communication between the NRMs, the Participants of the Assessment have, in general, focused on the communication within their national referral mechanisms, which clearly indicates a need to address that prior to addressing the communication between the NRM-s.

The information in the responses on communication and coordination evolves more on what the needs are to refine an existing NRM group practice and make it a good practice and approach rather than presenting the approach as a good one.

The Analysis Communications Baseline survey and the regional workshop converge in the following good approaches:

1.The Multidisciplinary Mobile Units/ Teams

The Mobile Units have the partnership and coordination in the core of their existence. They are multidisciplinary entities usually consisting of police, social workers, health professionals. Standards of work of Mobile Units have been developed in Albania. The establishment of the Mobile Units/Teams is informed expanding due to its role and positive effect on identification of victims.

The establishment and functioning of the Mobile Units require that professionals in the units: have a unified understanding of issues; support each other and recognize each other's work; have the necessary resources to maintain high mobility.

Improvement or adoption of such form of partnership by MARRI Participants should take into consideration: delivery of continuous training, support for transportation, acknowledgement of their approach and results ⁷⁹ , establishment of a e responsive rescuing chain.

The experts consider that key activities for MARRI Participants adopting the practice of Mobile Units are: development of standards of work; training of professionals in the Mobile Units; Development of a Document on Share of Tasks and Communication Policy that contains provisions on role of the Mobile Units in Referral Mechanism and communications of the Mobile Units.

2. The NRM functional subgroups

Different thematic NRM forums and subgroups have been created and have functioned in participants' anti-trafficking systems so far. The aim of establishment of the forums /subgroups has been to provide an opportunity for communication, informing on each other's work, discussing NRM mainstreaming, conduct case management. The information converges that while participation and information share is some subgroups and forums discussing policy and strategy not necessary related to NRM functions is superfluous, participation and information share in other subgroups on protection and case management is very low.

The experts consider that it is necessary that MARRI all participants initiate processes of reviewing the NRM subgroups and forums, dissolve those that are not functioning and develop those that are related to protection/NRM function. The experts consider that the monitoring of the NRM should include monitoring of participation in subgroups and forums. The experts consider that functioning of the subgroups can be helped by development of a Document on Share of Tasks and Communication Policy that contains provisions on roles of the subgroups and communication between them.

3. The partnership with CSOs

Funding CSOs to provide direct services to victims, increase of numbers of CSOs in NRM, licensing of the CSO-s are all informed by MARRI Participants as examples of good practice of partnership with CSOs. Problems are informed to exist, with CSOs being expected information at unexpected schedules, CSOs being expected to secure funds for direct assistance to victims,

79. Mobile teams identify the majority of potential victims every year, and experts viewed the teams as a best practice in proactive identification and cooperation between civil society and government, TiP Report 2020 on North Macedonia

CSO-s not having the same understanding of trafficking issues with government institutions.

The partnership with CSO-s is a pillar of any NRM. MARRI Participants should necessarily invest in strengthening the partnership with the CSOs.

Activities that can be invested for strengthening partnership are: expert support in organizing and conducting activities; expert support in application for funding; delivery of training; development of a Document on Share of Tasks and Communication Policy containing provisions on communications with CSOs.

The experts consider that the partnership with the CSOs can be improved through establishment of the NRM specific monitoring system.

4. The coordination with private sector

Efforts have been so far to enhance the cooperation with private institutions and entities that can support victim reintegration and empowerment. Good practices exist in MARRI participants for cooperation agreements with private businesses for employment of victims, provision of child care, education and health services.

For MARRI Participants that consider adoption of a partnership approach with private sector the activities considered necessary are: conduction of employment and self-employment market studies, development of training programs for victims that are oriented by the market, development of a document on share of tasks and communication policy containing provisions on communications with private sector.

5. The Communication and documentation Policy

A number of coordination and exchange of information problems is reported when cases are referred from one actor to another within the NRM. It is informed that the referral coordination “suffers” from lack of clarity on protection responsibilities and the referral information exchanged is either not complete or withheld intentionally.

The Standard Operating Procedures (SOPs) were informed as good practice for improving referrals coordination and exchange. They have contributed with their provisions on time of response, actors involved and documentation of steps.

The practice of SOPs should be furthered by development of a communication and documentation policy that standardizes and guarantees communication among all actors with clear references, safe communication channels and documentation tools. The communication and documentation policy should contain updated information on responsibilities and provisions on adapting it.

This can involve internal and external documentation, implications, and some preliminary tools that it can integrate calendar database etc. This tool also needs to make reference and integrate other policy documentation such as the guidelines on strategy and action plan drafted by ICMPD.

6. Solving cross cutting issues through monitoring

The information received indicates that the practice of referring to international monitoring bodies reports has been beneficial for the NRM stakeholders and the monitoring is a good practice of solving cross cutting issues such as different attitudes toward trafficking, authorities of identification etc...

It is considered that time around collection of information for these reports are times of also investment on solving the issues of data on trafficking, expanding assistance to victims, delivery of funding and support etc...

The experts consider that the specific monitoring tool developed can help better focusing on identifying and solving these issues.

The monitoring tool can be further elaborated and used by the national reporter in North Macedonia, role that is played by Ombudsman.

Other MARRI Participants can consider using the Tool by the Authority that they are considering external to and above the NRM members.

7. Investment on managing difficult cases

MARRI Participants have been involved in different programs that aimed at developing assistance to difficult cases- victims with mental health concerns, victims with children. Specific good practices informed in some MARRI participants are: an issue paper developed on managing the difficult cases and a specific afterschool care for children of victims.

The experts consider that all MARRI Participants can adopt and further such practices. We consider that for children of victims, the afterschool care can be applied with minor adaptation. For victims with mental health problems and at high risk some of the necessary activities are: Development of a Protocol of Treatment for Victims with Mental Health Problems.

The recommendations given regarding communications and coordination between the NRMs are the followings:

8. Activities that facilitate knowledge and strengthen the relation

The Participants considered the communication during the Assessment as a good practice of communication that facilitates knowing each other's experiences.

Activities that facilitate knowledge and strengthen the relation - frequent meetings, joint training, and study visits.

9. Establishment of bodies with authority to connect and act for transnational cases

The assignment of focal points and development of exchange of information channels and documentation are known good practices in the regional cooperation.

The experts suggest that for handling the cases of crossing the borders MARRI Participants should assign Focal Points.

Other activities to help communication are: further development of unified communication tools / formats through workshops.

10. Establishment of a regional temporary relocation program

The Participants in the workshop informed on the need to explore the potential of a temporary relocation instrument for victims of trafficking abroad, meaning from one MARRI participant in another MARRI participant. The reasons for such an instrument are various but mainly it would

help in providing temporary relief to those victims that reintegration might be problematic for various reasons. Also, to be noted is that such a relocation should have in place some institutional preconditions as well as personal ones on the side of the victim. Therefore, it would make sense for victims among those countries where cultural and language barriers would justify the effort.

In principle it is considered that the region does have the capacities to temporary integrate the victims and develop such relocation program but the consolidation of such a programme would take time wise more resources that this particular project has available that is why such an approach could be well considered for the medium to long term future.

The necessary activities would be: Expert Development of Relocation Program Concept; MARRI Participants discussion and endorsement of the Program.

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The SOPs for the Identification and Referral for Refugee and Migrant Children

