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Women and Child Protection  
Against Human Trafficking  
and Gender based Violence

# REGIONAL POLICY PAPER

**SE Europe Transnational CSO Coalition for Women and Child  
Protection against Human Trafficking and Gender Based  
Violence - STOP (2016 – 2020)**

**December, 2016**





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## Introduction:

The **SE** Europe **T**ransnational **CSO** Coalition for Women and Child **P**rotection Against Human Trafficking and Gender-based Violence – **STOP** project is funded by the European Union. The project began on 1 January 2016 and is implemented by five civil society organizations in the Western Balkans. The partners are: Roma Center for Democracy, Serbia; Vive Zene, Bosnia and Herzegovina; Partnerë për Fëmijët, Albania; First Children Embassy in the World – Megashi, Macedonia and Centre for Peace and Tolerance, Kosovo.

**The Project’s Overall Objective** is to “empower civil society organizations to participate and improve the capacity and dialogue with governments, influencing policy and decision making processes.”

**The Specific Objective** is to “foster networking of CSOs to facilitate the exchange of knowledge and skills while increasing their campaigning and advocacy skills related to illegal migration and its consequences such as human trafficking and gender based violence while transiting across South Eastern Europe.”

**The Project’s Expected Results are to:** 1. Build capacities for strengthening women and child protection and the cessation of both gender-based violence and human trafficking activities amongst stakeholders in Serbia, Albania, Bosnia and Herzegovina, Macedonia and Kosovo.

2. Establish coherent and coordinated dialogue of civil society with general public, national and local decision-makers in the area of women and child protection and human trafficking

3. Raise awareness and developed strategic advocacy plan for national legislation reforms on women and child protection and cessation of both gender-based violence and human trafficking activities.

### EXECUTIVE SUMMARY

Within the five Balkan countries human trafficking and gender based violence are widespread and affect hundreds of women and children every year. Research undertaken within the project has shown that there are consistent issues that impact on the effectiveness of the legislation, strategies and practice within each of the countries and in the Balkans overall.





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In addition, the influx of migrants from Syria, Iraq, Afghanistan and other war affected and poverty striven countries has exacerbated the problems within the countries and this has put the existing structures under immense pressure to deal with issues of human trafficking and gender based violence.

The results of our research found that adequate legislation exists for the prosecution of traffickers in all countries, but the identification of victims and the gathering of sufficient evidence to take cases of human trafficking before the courts is weak and requires strengthening. The level of corruption and the provision of bribes to law enforcement agents, the lack of willingness to take action in cases of trafficking and the poorly resourced or lack of witness protection adds to the low numbers of perpetrators who are convicted.

The public in most countries are ill or poorly informed about the true contexts and life conditions of women and children who are trafficked, how they are trafficked and the consequences of this on their lives.

The National Referral Mechanisms exist, but the relevant personnel and/or national coordinators are poorly resourced or not monitored effectively to ensure that the procedures are followed.

**High Risk Groups at Risk of Human Trafficking**

- Women and children escaping from conflict zones
- Roma and Balkan Egyptian women and children
- Women and children sexually, physically or emotionally abused as children
- Young girls forced into early marriage or engagements
- Families living in extreme poverty

Gender based violence is prevalent in all the countries and is causing misery and in some instances the death of women and children. Yet there is little governmental funding or support to educate children and youth about gender stereotypes or positive and healthy relationships; a lack of national awareness raising campaigns and limited or no public funding given to preventative or rehabilitative resources for those women, children and families affected by gender based violence.

These findings are based on research and analysis of the legal framework, on the public opinion surveys and on the focus groups works that were





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conducted in five countries / territories in the Balkans. Recommendations for leaderships in the region that follow are formulated upon these findings.

According to all mentioned in Regional Policy Paper (RPP) important strategy components are define through Priorities(s)⇒Objective(s)⇒Results

Priorities(s) of Regional Policy Paper	Empowering civil society organization's in SEE to improve their capacity to dialogue with Governments influencing policy and decision making processes and holding them accountable for their performance towards citizens and society at large
Objective(s) of Regional Policy Paper	Support networking of CSOs to facilitate exchange of knowledge and skills while increasing their campaigning and advocacy skills, related to the recommendations for protection, prosecution and prevention legal framework to illegal migration and its consequences such as human trafficking and gender based violence while transiting across SEE.
Expected results of Regional Policy Paper	Civil society and public institutions work in partnership and through dialogue and cooperation, based on willingness, trust and mutual acknowledgment around common interests and given recommendation's for improvement and more effective and efficient implementation of legal framework for reduction of trafficking and building a coordinated approach to reducing human trafficking and gender based violence while transiting across SEE.





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## Recommendations for governments

The following are the recommendations that we call the respective governments of our five countries / territories to act upon in order to improve the situation of human trafficking and gender based violence.

### List of organizations

The civil society organizations named here are those who are signatories and developers of this Regional Policy Paper for the improvements in the prevention, prosecution and protection of victims of trafficking, gender based and domestic violence, migration and smuggling within and externally through Albania, Bosnia and Herzegovina, Kosovo, Macedonia and Serbia.

- Partnerë për Fëmijët
- Vive Zene
- Centre for Peace and Tolerance
- The First Children's Embassy in the World, Megjashi
- Roma Centre for Democracy





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## REPUBLIC OF SERBIA

### Recommendations for the government for improvement of the situation of human trafficking

#### Prevention

- Adopting Strategy for Combating Human Trafficking and accompanying Action plan
- Establishing and/or strengthening of institutional framework (at least appoint (new) members of Council for Combating Human Trafficking, adopt new Procedure book for the Council, adopt recommendations of the Council for Promotion of Partnership on Local Level, establish Office for Combating Human Trafficking, assign human and financial resources for the Office's work in full capacity, etc.) so that future Strategy could be fully implemented
- Creating conditions for the development of appropriate policies and evaluation of policies on the basis of updated and adequate statistical and other data (Improvement of statistics and availability of statistical data to the research community, civil sector and all other interested stakeholders)
- Creating conditions and tools for easier monitoring of human trafficking cases (starting from the arrests, over the indictment to the final verdict, including a possible seizure of assets, as well as information on whether the victim received compensation; so called. Track record)
- Establishing of the institution of the National Rapporteur (In accordance with the Action Plan for Chapter 24 (Section 6.2.8., Recommendation 8), taking necessary steps to set up and make fully operating the institution of the National Rapporteur on Human Trafficking)
- Improving all aspects of cooperation with civil society organizations, mostly in terms of full access to all information necessary for making independent assessment/monitoring and recommendations (transparency of all institutions involved in the fight against human trafficking)
- Establishing and/or improving of the identification indicators (Review the existing or adopt new indicators for the identification of victims in accordance with the current situation (migrants who are blocked in Serbia, poverty, lack of trust in institutions, emigration), as well as indicators for the identification of child victims in accordance with the current situation (with special reference to migrant children). Ensuring implementation of the revised or amended indicators by training "frontline actors").
- Development of standard operating procedures (SOPs for referral of the adults, SOPs for referral of the children (in both local population and amongst migrants) and ensuring the application of SOPs for referral by training "frontline actors")





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- Continuous trainings (Trainings will equalize the level of professional skills and sensitization of professionals working in the field of prevention, protection of victims and the prosecution authorities)
- Increasing the role and importance of the institutions and organs of local self-government in raising the awareness of the public / potential victims about existing protection mechanisms from (the risk of) human trafficking (At least, the local department for information about working abroad (information should be adjusted to particularly vulnerable social groups) should inform and/or refer citizens to other organizations / institutions that could help them. In addition to this, closer cooperation/exchange of information between UNHCR and local self-governments is necessary in order to inform the population of migrants)
- Acting on the recommendations of independent bodies (Commissioner for Protection of Equality) and implementation of appropriate changes in the education system (secondary schools and faculties)
- Implementation of a comprehensive and thorough dialogue (to include regional and international actors) in order to reach a solution that applies to cases where children are exploited by parents ((not) taking away the child, the best interests of the child, for example<sup>1</sup>).
- Implementation of a comprehensive and thorough dialogue (to include regional and international actors) in order to reach solutions relating to the eradication of practices and customs that are harmful and which are practiced regularly, under the veil of customs/traditions and/or within religious communities.

### Prosecution

- Adoption of amendments to the Criminal Law that would stipulate that the victim of human trafficking will not be prosecuted for acts committed as a result of the fact that they found themselves in the position of the victim of human trafficking
- Adoption of the necessary amendments to the legislation in order to further ensure the protection of victims in criminal proceedings (especially women

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<sup>1</sup> I.e. Protection of Roma children in the region is especially complicated. Authorities are often reluctant to address cases of Roma child exploitation, and many citizens have a passive, racially colored attitude. They see begging as a "custom" of the Roma and because traffickers in these cases are frequently relatives, authorities often do not want to get involved. Children are being forced to beg on the streets and in restaurants, and are often sexually exploited or threatened with sexual exploitation if they refuse to beg. Many are also forced to collect recyclable materials from trash or steal. Roma children frequently are kept out of schools, making it even harder for them to find legitimate work as adults. Too often they become exploiters themselves.





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and children), ie. prevent intimidation and re-traumatization in the case of court testimony

- Increase the transparency of proceedings before national courts in cases of human trafficking

### Protection

- Adoption and enforcement of legislation for establishing of Fund for compensation of victims of serious crimes
- Adoption and implementation of the new Law on Asylum, with a special focus on vulnerable groups and integration measures for people in need of international protection
- The adoption and implementation of regulations on free legal aid to ensure effective access to justice without discrimination on any grounds (in addition, create and implement programs of information on the content of the regulations (human rights and mechanisms for exercising these rights))
- Establish fully operational Admittance center designed to receive urgent cases of human trafficking, operating within the Centre for the Protection of Victims of Human Trafficking
- Develop and implement standard operating procedures/guidelines for cooperation between the Centre for Protection of Victims and NGOs, in order to ensure that all victims can receive timely help
- Establish a specialized shelters for child victims of trafficking and provide access to all children in need of shelters' services
- Ensure that children migrants unaccompanied by elders, are not admitted in centers for asylum
- Ensure that children migrants unaccompanied by elders receive adequate legal guardians, which will act in the best interests of the child
- Establish specialized shelters for men victims of human trafficking
- Producing of efficiency analysis, effectiveness of the existing network and proposed reform of social welfare centers in the context of their role in relation to human trafficking victims (domestic and migrants, women, children, men) and the implementation of the recommendations of analysis
- By the time of implementation of the recommendations of the analysis, the development of human resources of social welfare centers through continuous training (conduct sensitization programs and trainings on working with victims of human trafficking)





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## Recommendations for the government for improvement of the situation on gender based violence

### Prevention

- Development and adoption of a new National Strategy for improving the position of women in society and promoting gender equality (make an effort that this Strategy contains measures relating to the migrant population)
- Development and adoption of a new National Strategy for the prevention and protection of children from domestic violence (with an effort that this Strategy contains measures relating to the migrant population)
- Establishment of a national S.O.S. hotline for victims of sexual violence
- Creating and implementing of programs to address the problem of early marriage and motherhood.
- Acting on the recommendations of independent bodies (CPE) and the implementation of appropriate changes in the education system (secondary schools and faculties), in order to create a social environment that would have a preventive function
- Creating conditions for the development of appropriate policies and evaluation of policies on the basis of updated and adequate statistical and other data (Improvement of statistics and availability of statistical data for research community, civil sector and all other interested parties)
- Creating conditions for easier monitoring of the development of cases in the field of gender-based violence, starting from the arrest, through indictment to the final verdict (ie, track record)
- Analysis of training needs and conducting training in order to equalize the level of professional skills and sensitizing officials and experts for gender-based violence (and in the fields of prevention, protection of victims and criminal prosecution)
- Implementation of a comprehensive and thorough dialogue (to include regional and international actors) in order to reach solutions relating to the eradication of practices and customs that are harmful and which are practiced regularly under the veil of customs/traditions and/or within religious communities.

### Prosecution

- Implementation of the adopted amendments to the Criminal Law in accordance with the Istanbul Convention

### Protection

- The adoption and implementation of regulations on free legal aid to ensure effective access to justice without discrimination on any grounds (in addition,





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- create and implement programs of information on the content of the regulations (human rights and mechanisms for exercising these rights))
- In accordance with the standards, establish a sufficient number of specialized shelters for victims of domestic violence (including migrants) and provide them access to all the services provided by this shelters
  - In accordance with the standards, establish a sufficient number of specialized shelters for victims of domestic violence (including children migrants) and provide them access to all the services provided by this shelters

The results of our research show that there are firm reasons for implementing a number of measures and activities. Implementation of the recommendations listed above should ensure the reduction in the number of trafficking cases and the number of victims of gender-based violence, and should also ensure the protection of victims in future cases. Given the intensity of migrations which are ongoing, there is no doubt that it is necessary to implement these measures to the full extent and without delay. Our common position is that any skipping or delaying of implementation will result in significantly greater victimization and suffering of the most vulnerable social groups, in not so distant future. For those reasons, we call the respective governments of our five countries / territories to act, in order to improve the situation.





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## TFYR of MACEDONIA

### Recommendations for the government for improvement of the situation on gender based violence:

#### Policy /legislation

- Implementation of laws, improvement of treatment for victims of gender-based violence, their rehabilitation and socio- economic support;
- Ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)
- Alignment of the provisions the Law on Prevention and Protection from domestic violence to the standards the Convention of the Council of Europe on preventing and combating violence against women and domestic violence
- Increasing availability and effectiveness of temporary protection measures for domestic violence
- Strengthening of general and special prevention of offenses for sentencing acts of violence against women and domestic violence;
- Amendments to the Law on free legal aid in accordance with European experience in order to improve the system of free legal aid in the country by incorporating a gender-sensitive perspective of victims of domestic violence.
- Allocation of financial and human resources for effective implementation of national and local policies for prevention, assistance and protection to victims of domestic violence and gender based violence, including programs implemented by non-governmental organizations;
- Establishment of continuous inter-ministerial cooperation, support and coordination between the institutional mechanisms for gender equality on local and national level, for maximum capacity utilization and efficient fulfilment of the tasks and obligations arising from the responsibilities of these mechanisms;





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## Support to victims

- Improvement of the system of data collection, which should provide disaggregated statistic on the age, sex, educational economic and location background of the victims and the perpetrator
- Improvement of the system of protection of victims of violence covered by the Istanbul Convention, through the establishment of shelters for victims of violence, as well as SOS telephone lines, establishment of centers and programmes for the referral of victims of rape and sexual violence for support and counseling:
  - Opening of specialized shelters for victims of domestic violence in every region of over 10,000 inhabitants
  - Opening of crisis centers to for victims of rape, minimum one for every region of over 200,000 inhabitants
  - Support centers with programs for psycho-social treatment and specialized support to victims of domestic violence as well for children that are usually direct victims or witnesses of violence;
- Providing compensation for damages for victims of domestic violence within a reasonable time
- Establishment of effective mechanisms of cooperation with all public and private agencies including the NGOs that provide services for vulnerable groups (victims of gender-based violence, including children)



## Education and public awareness

- Raising public awareness, through increase of social and traditional media campaigns and educational programmes both in schools and universities, on what constitutes gender-based violence, the criminal nature of these acts, where and how cases for gender based violence can be reported
- Promotion of safe learning environments for children while promoting the use of codes of conduct for teachers and peers, and the adoption of child friendly confidential complaint mechanisms and reporting systems to prevent and respond to sexual and gender based violence.
- Raising awareness in the community, teachers and parents about the rights of children, including the prevention of and responses to sexual violence and harmful traditional practices.





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## Recommendations for the government for improvement of the situation on trafficking and illegal migration:

- Elimination of gender stereotypes but inclusion of gender perspective in the process of planning of the activities for prevention of trafficking and protection of victims of trafficking and illegal migration
- Mainstream Protection from Sexual Exploitation and Abuse (PSEA) and forced labor among youth and other vulnerable groups in the rural areas
- Use of the social media for Informative campaigns for the prevention of human trafficking and difference between trafficking and illegal migration and smuggling
- Fostering creation of the Local Committees against trafficking and illegal migration
- Establishment of effective mechanisms of cooperation with all public and private agencies including the CSOs that provide services for victims of trafficking and for asylum seekers and refugees)
- Promotion of the statistical indicators and establishment of harmonized system of data collection which will allow interested parties to have an access to the data for analysis of the situation, pointing out the shortcomings and providing appropriate and useful suggestions for further measures and activities.



### Legislation

- Identification of the gaps in the existing child protection mechanisms including protection of the refugee children
- Fostering measures for registration of children at birth and inclusion of street children in the schools





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## REPUBLIC BOSNIA AND HERZEGOVINA

### Recommendations for the government for improvement of the situation of human trafficking

Bosnia and Herzegovina (BiH in further text), as well as other European countries, is facing with the problem of human trafficking, especially women and children. Statistics on detected cases of human trafficking and saved victims indicate that children are the most vulnerable group of BiH that traffickers recruit and exploit. Child victims of trafficking usually come from poor backgrounds and families who for various reasons are not able to provide its members with protection and prevent their exploitation.

BiH is a country of origin, transit and destination for women and girls who are trafficked within and outside the country for commercial sexual exploitation. In the recent period there has been an increase in the number of victims from BiH who have been trafficked for commercial sexual exploitation within the country. There are reports of trafficking in Roma children in BiH for the purpose of forced labor. Some victims are trafficked through BiH to Western Europe.

In the report on the situation in the field of human trafficking in BiH over the past few years, a new phenomenon is recognized in BiH - the trafficking of women and girls who are recruited in the chain of human trafficking at the local level for the purpose of sexual exploitation in other parts of the country. While the number of identified foreign victims is in constant decrease, the number of citizens of BiH that have been identified as victims of trafficking within the borders of BiH is the constant increase. Most of the victims of human trafficking in Bosnia and Herzegovina are recruited and trafficked for sexual exploitation.

With the increase in trafficking of citizens of BiH within the borders of BiH, Law enforcement agencies are faced with new challenges in identification and investigation of crimes related to the human trafficking. Increased registered cases of trafficking for forced labor, organized begging and arranged marriages. Combating the exploitation of begging and through forced labor, in the past, work on the street (especially children and minors) was not treated adequately through a national strategy; for this reason this issue is not properly treated and suppressed in BiH.





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The fact is also that the problem of children begging in large part by an acute state of poverty in the country, and that they remain efficient and effective activities of the relevant institutions to combat poverty. The number of children working on the streets is constantly growing due to the lack of effective mechanisms for the protection of the relevant institutions, especially among the Roma population.

The fact is also that the problem of children begging is in a large part of an acute state of poverty in the country, and that there are still not efficient and effective activities of the relevant institutions to combat poverty. The number of children working on the streets is constantly increasing due to the lack of effective mechanisms for the protection of the relevant institutions, especially among the Roma population.

In BiH has not been recorded nor detected any cases of resale of children's organs. When it comes to the problem of "children in begging", the children working on the street, this problem is not always related to sexual exploitation and in more cases is related to economic exploitation-forced labor – begging, neglect and abandonment of children and minors. Most often this type of abuse exposes children and women members of the Roma minority in BiH.

Combating human trafficking is a long and hard-laboring process that requires the engagement of whole society, inclusion and partnership of all government institutions and non-governmental organizations in their responsibilities or programs of action to have activities aimed at combating human trafficking. In order for action against human trafficking to have positive results, they must be coordinated and at the same time focused on crime prosecution of traffickers, to protect the victims of trafficking and prevention among high-risk groups.

BiH since 2001 is dealing and countering with the human trafficking. Anti-trafficking policies are defined in the Strategy on combating human trafficking in BiH for the period of 2012 - 2015 and 4 (four) Action plans: AP to prevent trafficking for the period of 2001 - 2003, AP for anti-trafficking for period of 2005 - 2007, AP to prevent trafficking for the period of 2008 - 2012, AP in combating human trafficking for the period of 2016 - 2019.

In defining policies and actions BiH have considered and taken the guidance in international standards set in the "Council of Europe Convention on Action against Trafficking in Human Beings" and "United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons". BiH the policy for





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combating human trafficking harmonizes with the European Union standards, in coherence with Stabilization and Association Agreement, and in accordance with the "Directive 2011/36/EU of the European Parliament and Council on Prevention of trafficking in human beings and protection of the victims". The current Strategy for 2013 - 2015 and an Action plan for 2016 – 2019 in countering human trafficking have 5 (five) strategic objectives: support, prevention, prosecution, protection and proactive partnership.

#### Prevention:

- Continuous media campaign against human trafficking
- Continuous and regular classes in schools for parents, students and teachers
- Continuous campaign against begging, children begging

#### Recommendations:

- Consistent application of the regulatory and the legal framework
- Consistent implementation of the Action plan in countering human trafficking
- More severe punishment of those involved in human trafficking
- Confiscation of proceeds of human trafficking

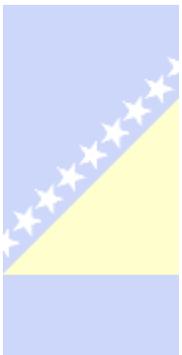
### Recommendations for the government for improvement of the situation on gender based violence:

Bosnia and Herzegovina (BiH in further text) at the end of the 90's started the process of change in the context of domestic violence, and in 2003 domestic violence is defined as a criminal offense under the criminal laws of the entity.

In 2005 the first law on Protection against domestic violence was adopted and approved in Federation of Bosnia and Herzegovina (FBiH in further text) and in Republic of Srpska (RS in further text).

During 2012 and 2013 new entity laws on Protection against domestic violence were adopted in RS and FBiH and these laws are currently applied in practice.

In 2013 was adopted the five-year Strategy for preventing and combating domestic violence in FBiH (2013 - 2017) and the RS adopted the Strategy for Combating Domestic Violence of RS (2014 - 2019).





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BiH has adopted and ratified the Istanbul/CAHVIO Convention of the Council of Europe Convention on 7th of November 2013 (BiH as a sixth signatory member country of the Council of Europe).

In October 2015 BiH adopted the Framework Strategy for the implementation of the Istanbul Convention 2015 - 2018.

In addition of mentioned BiH has adopted the Strategy to combat violence against children in BiH for the period of 2012 - 2015, so as the Guidelines for handling and treatment in cases of violence against children.

At the level of the entities Protocols of the procedure in the cases of violence are adopted, the Coordinating body for the implementation of the Protocols is formed. The Cantonal programs of measures within the Strategy for preventing and combating domestic violence are created.

Most of the documents that were adopted included the area of domestic violence while gender-based violence has remained within CAHVIO Convention and the Framework Strategy for implementation of CAHVIO Convention which was adopted by BiH.

However, despite a number of adopted documents (laws, strategies, conventions etc.) there are still some problems in the context of providing protection to victims of all forms of violence. In the first place there is the problem of unequal opportunities in all regions, cantons and municipalities. Access to the information and support services is not the same throughout the country, victims of violence are not adequately protected and do not have the same opportunities in their local communities.

Over the past ten years educations have been organized and conducted for professionals who provide assistance to victims of violence, but unfortunately still insufficient considering the needs of victims.

There are still experts in the different institutions that are not equally informed, motivated and interested in providing assistance to victims of violence and are not informed about the opportunities, legal frameworks, protocols etc. According to this it is necessary to conduct the following activities and help support the victims of violence to be provided more adequately.

#### Prevention:

- Organize and regularly carry out prevention programs in kindergartens
- Organize and regularly carry out prevention programs in schools





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- Domestic violence and gender-based violence should be under the regular programs at universities (social work, psychology, social pedagogy, pedagogy, medicine ...)
- Regular and continuous TV shows and programs on the prevention of domestic violence and gender-based violence
- Usage of social networks for educational programs on domestic violence and gender-based violence
- Organizing lectures on gender-based violence in local communities
- Cooperation with women's associations in municipalities

### Recommendations:

- The adoption of the Ordinance on the establishment, operation and financing of safe houses in the FBiH
- The adoption of the Ordinance of psychosocial treatment for perpetrators of violence
- System solution for funding the safe houses
- The tightening of penalties for perpetrators of violence
- Defining the victims of violence as social categories
- The imposition of Protective measures for perpetrators of violence in the frame of the law on protection against domestic violence
- Development of Guidelines on psychosocial support to the victims of gender-based violence and domestic violence
- Consistent application of laws and regulations
- Analysis of the implementation of the Protocols of intervention in cases of gender-based violence and domestic violence
- Analysis of the implementation of the Programs of cantonal measures and Action plans
- Development of Action plans and Programs of measures in the cantons which have not developed and adopted these documents
- Analysis of the Framework Strategy for 2016.
- Full implementation of the database for domestic violence in the FBiH





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## REPUBLIC OF ALBANIA

### Recommendations for the government for improvement of the situation of human trafficking

#### Prevention

- A national television campaign highlighting the factors that place potential victims of trafficking at risk and where to go for information and support
- Local community meetings to raise the awareness of youth, families and community members of the risks and types of human trafficking in Albania
- Education programmes in schools to raise awareness of children, teachers, school directors on types of trafficking and risks of illegal migration and where support can be found in the local municipality.

#### Prosecution

- To improve the identification of potential and victims of trafficking or smuggling or illegal migration at the local level and referral to the National Referral Mechanism.
- Improvements in the timely gathering of evidence to conduct a prosecution
- Reduction in the level of corruption in the judiciary affecting the due prosecution process

#### Protection

- Increase the early identification and referral of all trafficked victims and potential victims of trafficking at the borders, abroad and in Albania and increase the number of persons self-identifying themselves as trafficked persons within each region of the country.
- Increase the effective functioning and response of the National Referral Mechanism and its implementation at regional and municipality level through local coordination groups for preventive measures
- Improve the identification of potential child victims and victims of trafficking and refer them to the appropriate local and national services for immediate protection and rehabilitation





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- Promote nationally the re-integration and social inclusion of child victims and potential victims of trafficking and reduce the risk of re-victimization and re-trafficking by the provision of specialized support and assistance for reintegration, focusing on the family and individuals and local community based support in accordance with the agreed standards and Action Standard Procedures.

## Recommendations for the government for improvement of the situation on gender based violence:

### Prevention

- For all municipalities to have full-time trained, qualified and experienced gender specialists within their budgets and structures to coordinate awareness raising campaigns, identify victims of gender based or domestic violence and to offer information, guidance and where required referral to specialized services for victims of gender based or domestic violence
- To increase the number of persons, adults and young people and professionals who do not accept nor tolerate gender based violence or domestic violence through regular national and local campaigns
- To increase the number of specialized services that are effectively working with perpetrators to change their behavior, values and their mindset towards violence against women
- To include in the civic education programme in all schools for children between the ages of six and 18 years old gender equality lessons

### Prosecution

- To actively improve the detection and successful prosecution of perpetrators of gender based and domestic violence across the country
- Monitor on a regular basis the responses of the responsible services for gender based and domestic violence to ensure that victims are identified and are effectively supported and referred using the National Referral Mechanism
- To enforce the legislation that removes the perpetrator from the family home enabling the victim and his/her children to live safely and securely





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- Ensure the safety and protection of the victims from coercion and pressure from family and extended family members to withdraw the allegations to the police, prosecutors or judiciary
- Police to be enabled to continue with a prosecution where sufficient evidence is available even if the victim withdraws her allegation due to coercion or fear of stigmatization, loss of home or her children

## Protection

- To increase the number of municipalities having an effective operational referral mechanism for victims of gender based violence
- To increase the number and types of specialized services for support, advice, rehabilitation and therapy for victims of gender based violence across Albania
- To develop and implement housing policies and social housing at the national and local levels for the re-integration of victims of gender and domestic violence and their children
- Effective implementation of integrated social, health, legal and employment services at the local level for victims of gender based and domestic violence
- Improvements in the provision of accessible services residential and day care across the country that meet the needs of particularly vulnerable groups of victims of gender based violence including those with disabilities, from ethnic minority communities, with mental health illness or substance abuse and different sexual orientation.





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## KOSOVO\*

### Recommendations for the government for improvement of the situation of human trafficking

#### Prevention

#### **Implementation of awareness raising campaigns**

Public perceptions and attitudes play a pivotal role in creating an enabling environment for the successful implementation of policy. In light of the acknowledged need for an improvement in the level of information held by stakeholder groups, it is recommended that the maximum amount of resources are dedicated to the comprehensive awareness raising activities set out in the National Action Plan<sup>2</sup>, in order to facilitate a well-researched, multi-pronged and comprehensive awareness raising/informational campaign. The National Coordinator should also utilize its full capacity for monitoring and evaluation in order to measure the impact of the campaign.

Any public awareness raising campaign related to human trafficking or gender-based violence in Kosovo is delivered in the context of broader and deeply-rooted prejudice, stigma, and tradition which enables human trafficking, hinders the ability to tackle it, and contributes to secondary victimization. Therefore, campaigns conducted under the National Strategies should be linked and synergised with other long term strategies for promoting overall principles of equality such as the Kosovo Law and Strategy on Combating Gender Based Violence, the Kosovo Law and Strategy on Promoting Gender Equality as well as laws and strategies promoting the inclusion of minority and other endangered population(s.) The linking of efforts on the part of relevant agencies and national bodies to promote greater awareness of problems such as human trafficking and gender based violence will ultimately lead to deeper and more substantive cooperation



<sup>2</sup> "Strategic Goal 1- Increase public awareness about trafficking in human beings" in *National Strategy and Action Plan against Trafficking in Human Beings 2011-2014*





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between state institutions, contributing to a more effective state response; and changes in the societal perception of issues that are otherwise taboo.

*General media campaign:* Previous general media campaigns in Kosovo have been impactful: following an OSCE campaign in 2012, 230 hotline calls received within the first three weeks after its launch in comparison to about 80 calls in the previous six month period<sup>3</sup>. A general media campaign (TV, radio, billboards, etc.) should build on previous attempts<sup>4</sup> to address damaging misconceptions about trafficking in Kosovo. The Kosovo government should seek to build a clear web presence on the issue of human trafficking, which can be used and shared in any campaign literature.<sup>5</sup>

*Targeted awareness raising / informational campaigns:* As set out in previous National Strategies, attempts to improve awareness and understanding of human trafficking in Kosovo should utilize specialized messaging and strategies for the specific needs of different stakeholder groups<sup>6</sup>, which should be segmented by type as well as by geographical location, age, gender and ethnicity. Funding should be allocated to research which will help to ensure the most appropriate and effective strategic delivery of messages. Citizen-centred techniques, such as peer-to-peer learning, educational and informational purposes in hard-to-reach communities<sup>7</sup>, are increasingly cited as international best practice.

Priority target groups are:

- **Victims:** Many victims of human trafficking do not know where to go for help, understand their legal rights, or are even not fully cognizant of their situation, which is a key factor in the low numbers of prosecutions, and can often lead to their secondary or re-victimization<sup>8</sup>. In particular, the dispersal of relevant legal information to women working in the commercial sex trade should be a key priority.

<sup>3</sup> *Combating Trafficking As Modern-Day Slavery: A Matter of Non-Discrimination and Empowerment*, OSCE, 2012

<sup>4</sup> Mehmeti, S., "Human Trafficking: The Kosovar Perspective of Fighting the Phenomena through Police and Civil Society Cooperation", *International Journal of Social, Behavioural, Educational, Economic, Business and Industrial Engineering* Vol 9, No 6, 2015

<sup>5</sup> *Ibid.*

<sup>6</sup> Strategic Goal 1 in *National Strategy and Action Plan against Trafficking in Human Beings 2011-2014*

<sup>7</sup> *100 Best Practices in Combating Trafficking in Persons: The Role of Civil Society*, The Protection Project, 2012

<sup>8</sup> *Preventing Secondary Victimization: Policies & Practice*, EUCPN, 2016





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- *At-risk groups:* Campaigns should build on previous attempts to raise awareness about trafficking among the most vulnerable groups – such as primary school students, victims of gender-based violence and girls who dropped out of school, especially in rural areas of Kosovo.

*Demand-side:* So far there has been no attempt to tackle the demand for forced labour or commercial sex in Kosovo<sup>9</sup>. It is recommended that educational programmes against the commercial sex-trade specifically for boys and men are implemented throughout Kosovo<sup>10</sup>, particularly in the border regions where this issue is particularly problematic

### Prosecution

Cooperation and coordination among the competent authorities for combating trafficking in persons must improve, particularly in the aspects of prevention, prosecution and adequate sentencing of offenders of trafficking in persons. The formation of two task forces to facilitate cooperation is recommended. As part of its' overall oversight of these task-forces, the National Authority against Trafficking in Human Beings would be encouraged to make use of the full range of monitoring and evaluation tools available to it. The long term oversight, monitoring and evaluation of cooperation between the relevant government and non-government actors would eventually be taken over by the National Authority.

### **Task-force dedicated to improving co-operation between the consortium of representatives of civil society organisations and state institutions**

The task force would be responsible for implementing and managing:

- Research into new and extended partnerships for the delivery of projects and services;
- Detailed project plans for joint-delivery projects, to ensure accountability;
- Regular meetings with a clear structure and documentation;



<sup>9</sup> *Trafficking In Persons Report*, U.S. State Department, 2016, pp. 231

<sup>10</sup> *100 Best Practices in Combating Trafficking in Persons: The Role of Civil Society*, The Protection Project, 2012





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- Consultations with NGOs in relation to defining draft laws and policies related to human trafficking;
- Long-term advisors, responsible for ensuring coordination, information-sharing and follow-up;
- Study visits to create networks and share information about respective non-governmental and governmental set-ups and structures;
- Trainings dedicated to improving co-operative practices.

### Protection

Key to ensuring the proper protection of victims is the strengthening of institutional mechanisms designed at protection and offering legal advice and counsel to victims,

Taking this into consideration, the following potential remedies are offered:

### **Task-force dedicated to improving co-operation between the consortium of representatives of civil society organisations and state institutions**

The task force would be responsible for implementing and managing:

- Research into new and extended partnerships for the delivery of projects and services;
- Detailed project plans for joint-delivery projects, to ensure accountability;
- Regular meetings with a clear structure and documentation;
- Consultations with NGOs in relation to defining draft laws and policies related to human trafficking;
- Long-term advisors, responsible for ensuring coordination, information-sharing and follow-up;
- Study visits to create networks and share information about respective non-governmental and governmental set-ups and structures;
- Trainings dedicated to improving co-operative practices.

### **Investment in human resource development**

The existing framework already recognizes the need to build knowledge and understanding not only of key issues but of laws, policies and best practices in the competent civil society organisations and state institutions. It is





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recommended that there is prioritization of an investment in short and

long-term formal training and capacity building of governmental and non-governmental organizations, with monitoring and evaluation of inputs and impacts regularly carried out by the Coordinator.

Training to address the risk of *re-victimization of persons who have been trafficked* is necessary across the board. Law enforcement, border officials, legal professionals and front-line workers (social services or civil society) require regular training on recognizing victims of trafficking, further familiarisation with the legal framework as well as international best practices in dealing with trafficked victims. Related to this, but with a different emphasis: regular trainings to remediate the often *insufficient knowledge of, or reluctance to apply, relevant* trafficking laws by law enforcement officials, prosecutors and judges, who instead often use laws which carry lesser penalties, should also be introduced.<sup>11</sup> It is also recommended that joint trainings to foster *co-operation and information sharing between Serbian and Kosovo authorities* are conducted, particularly in border areas (Gnjilane/Bujanovac/Vranje region), similar to those being introduced by the Police Cooperation Committee for Kosovo, Montenegro and Albanian law enforcement officials<sup>12</sup>. Such trainings should emphasise the new trends in trafficking that are emerging in the wake of the migrant crisis.

## Recommendations for the government for improvement of the situation on gender based violence

### Prevention and prosecution

Although the legislative framework should be sufficient to deal with crimes of gender-based violence, laws are not being implemented to maximum effect and therefore this area needs to be strengthened. Perpetrators of GBV-related crimes are often prosecuted (if they are prosecuted at all) under laws carrying much lower sentences. This is partly result of the limited capacity of law enforcement authorities to evaluate, anticipate and respond to the evolving nature of GBV crimes, as well as insufficient knowledge and



<sup>11</sup> The EU Requirements For Kosovo, KIPRD, 2015

<sup>12</sup> "Fighting Cross Border Crime", Eulex-Kosovo.Eu, 2016, <http://www.eulex-kosovo.eu/?page=2,11,427>, accessed 27<sup>th</sup> Nov 2016





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understanding of the laws by judges and prosecutors<sup>13</sup>. Weak cooperation between institutions and stakeholder groups within Kosovo. Furthermore the ongoing existence of corruption within Kosovo institutions is another factor that can be seen as a significant impediment to the effective implementation laws against gender based an domestic violence. The latter point feeds into an overall lack of trust in the system and those who act within it, which further obstructs the effectiveness of institutional attempts to combat the problem<sup>14</sup>. It should also be noted that despite the fact that victims are entitled to legal advice, in general they are not well equipped with information about their rights and the relevant processes which could help to secure a prosecution<sup>15</sup>. Furthermore, police often are unaware of the legal rights of victims and indeed of their legal obligations towards providing protection orders for victims.

Taking all of this into consideration, the recommendations are as follows:

- Increased pressure on institutions to carry out their responsibilities under the Kosovo legislative framework
- Additional trainings for public prosecutors
- Additional trainings for police officers

## Protection

### **Improvements in the identification and referral mechanism for victims of trafficking in Kosovo.**

A falling numbers of victim identifications in the context of a persistent yet evolving trafficking problem and a higher number of investigations suggests that the identification and referral strategies for victims of trafficking in Kosovo are not effective. There is an ongoing issue of low risk-awareness among vulnerable groups, and a wider awareness of the nature of the problem of GBV among the public, which limits the scope for citizen referrals<sup>16</sup>. This low awareness extends to weak cognizance of key laws and issues by frontline actors such as the Kosovo police and social services. The

<sup>13</sup> *Baseline Study On Human Trafficking Kosovo*, 2016, pg. 24

<sup>14</sup> Focus group: "Defence mechanisms against human trafficking and violence against women in Kosovo", Center for Peace and Tolerance, 2016

<sup>15</sup> *Baseline Study On Human Trafficking Kosovo*, 2016, pg. 24

<sup>16</sup> "Balkans: Shifting Landscape Of Human Trafficking", *Occrp.Org*, 2012, <https://www.occrp.org/index.php/en/ccwatch/cc-watch-indepth/1612-balkans-shifting-landscape-of-human-trafficking>, accessed 28<sup>th</sup> Nov 2016





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problem is exacerbated by poor streamlining of the different bodies involved, particularly in relation to cooperation between Serbian and Albanian communities, and across borders.

### **Improvements in legal and other mechanisms to effectively prevent the occurrence of secondary victimization**

Although Kosovo's legal and strategic framework does provide multi-layered support to protect the needs and rights of victims of gender-based violence including the provision of advocates for victims going through the court system, and guidelines for sensitive interview practices, there has still been only limited attempt(s) to provide victims of gender-based violence with rehabilitative programmes and measures, despite provisions for this being set out in law. The fact that women in Kosovo safe-houses cannot go out unchaperoned reflects the extent to which ongoing social stigma penetrates every level of service provision. There is also a lack of funding for long-term rehabilitation and reintegration programmes that address the risk of re-victimization by a society which is often both poorly informed and prejudiced in a way that isolates victims of trafficking.

Taking this into consideration there is a need for:

- Increased funding for rehabilitative programs run by safe-houses in Kosovo for victims of gender-based and domestic violence
- Programs geared at the economic and psychological rehabilitation of victims, run by state welfare agencies for





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This Policy Paper will be submitted to the following organizations and government structures in the countries:

Institutions in Serbia	Institutions in FRY Macedonia	Institutions in Bosnia and Herzegovina	Institutions in Albania	Institutions in Kosovo*
<ul style="list-style-type: none"> <li>• Government of the Republic of Serbia</li> <li>• Ministry of Interior</li> <li>• Ministry of Justice</li> <li>• Ministry of Labor, Employment, Veteran and Social Policy</li> <li>• The Ministry of Education, Science and Technological Development</li> <li>• Commissariat for Refugees and Migration</li> <li>• Commissioner for Protection of Equality</li> <li>• Ombudsman</li> <li>• Roma National Council</li> <li>• EU Delegation of Republic of Serbia</li> </ul>	<ul style="list-style-type: none"> <li>• Government of the FRY Macedonia</li> <li>• Ministry of Justice</li> <li>• Ministry of Labor and Social Policy</li> <li>• Commission for Protection against Discrimination</li> <li>• Commissioner for Protection of Equality</li> <li>• OSCE Mission in Skopje</li> <li>• Ombudsman</li> <li>• Agency for Realization of Rights of Communities</li> <li>• Working bodies of Assembly of</li> </ul>	<ul style="list-style-type: none"> <li>• Ministry of Labour, Social Affairs and Return of Tuzla Canton</li> <li>• Ministry of Labour and Social Policy of the Federation of Bosnia and Herzegovina</li> <li>• Gender Center of the Federation of Bosnia and Herzegovina</li> <li>• The Agency for Gender Equality of Bosnia and Herzegovina</li> <li>• The Assembly of the Government of Tuzla Canton,</li> <li>• Commission for Gender Equality of Tuzla Canton</li> </ul>	<ul style="list-style-type: none"> <li>• Ministry of Interior</li> <li>• Ministry of Social Welfare and Youth</li> <li>• Ministry of Education and Health</li> <li>• OSCE</li> <li>• EU Delegation Albania</li> <li>• IOM</li> <li>• UNDP</li> <li>• UNICEF</li> <li>• State Police</li> <li>• National Coordinator for the Referral Mechanism</li> <li>• Network for the Trafficking Centers and Shelters</li> <li>• Centers for</li> </ul>	<ul style="list-style-type: none"> <li>• Government of the Republic of Kosovo</li> <li>• Ministry of Laubor and Social Welfare</li> <li>• Ministry of Justice</li> <li>• Ministry of Interior</li> <li>• Obudsperson</li> <li>• UNDP</li> <li>• UN-HABITAT</li> <li>• UMNİK</li> <li>• OSCE Mission in Kosovo</li> <li>• Free Legal Aid Agency</li> <li>• European Union Office in Kosovo</li> <li>• European Union Special Representative</li> </ul>





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<ul style="list-style-type: none"> <li>• UNDP</li> <li>• IOM</li> <li>• Caritas</li> <li>• Bodies and institutions for gender equality (Government, Parliament)</li> </ul>	<p>the Republic of Macedonia such as: Committee for equality of women and men; Standing Survey Committee for the protection of human rights and freedoms</p>	<ul style="list-style-type: none"> <li>• Ministry of Security of Bosnia and Herzegovina</li> </ul>	<p>Women and Child Protection Victims of Domestic Violence</p> <ul style="list-style-type: none"> <li>• NGOs</li> <li>• Child Protection Units in Municipalities</li> <li>• Offices for Gender Equality and Domestic Violence in Municipalities</li> <li>• Alliance of MP women in the Parliament</li> </ul>	<p>in Kosovo</p>
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