



STABILITY PACT
FOR SOUTH EASTERN EUROPE
TASK FORCE ON TRAFFICKING IN HUMAN BEINGS

ASSESSMENT
OF GOVERNMENTAL ANTI-TRAFFICKING
STRUCTURES AND POLICIES
IN SOUTH-EASTERN EUROPEAN COUNTRIES

SUMMARY REPORT

Vienna, July 2003



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TASK FORCE ON TRAFFICKING IN HUMAN BEINGS

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ASSESSMENT OF GOVERNMENTAL ANTI-TRAFFICKING STRUCTURES AND POLICIES IN SOUTH-EASTERN EUROPEAN COUNTRIES

The Stability Pact Task Force on Trafficking in Human Beings (SPTF) has been established to actively support and monitor the adequate development of anti-trafficking policies in South Eastern Europe. The Task Force directly addresses governments with a view to enhancing their contributions to control human trafficking in compliance with the commitments governments have made by signing SPTF Statements on Commitments¹ as well as international commitments.

In the execution of its mandate, the Stability Pact Trafficking Task Force has launched activities for the monitoring of governmental commitments and for assessing the effectiveness of governmental anti-trafficking structures and of progress made in their approach to human trafficking.

Monitoring missions were carried out by the SPTF with the support of Ms Doris Pollet-Kammerlander, former Deputy Head of the OSCE Office in Podgorica. The following countries are covered by the assessment: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, FYR of Macedonia, Moldova, Romania, Serbia and Montenegro.

In most of the South-East European countries, effective and coordinated anti-trafficking activities started, with the Stability Pact Task Force on Trafficking in Human Beings acting as a catalyst. Previous efforts by NGOs and international organizations in addressing human trafficking were only isolated efforts and largely ignored by governments.

South-East Europe is a transit area for human trafficking to countries of the European Union and other Western European countries and several trafficking routes lead through the region. In recent years, these routes have been repeatedly shifted, due to a relaxation of Schengen visa regulations for citizens of future EU Member States rather than due to resolute trafficking counter-measures. Moreover – because of the link between tourism, sex industry and human trafficking – previous transit countries in the region increasingly become (seasonal) destinations for trafficking.

¹ In December 2000, at the first Regional Ministerial Forum in Palermo, governments of South Eastern Europe recognized the increasing importance of trafficking in human beings as a problem to be tackled at the regional/international level. The signing of the SPTF Palermo Declaration commits governments to set up official structures (National Coordinator, National Working Group/Team, National Action Plan) and to implement effective anti-trafficking programmes. At the second Regional Ministerial Forum in Zagreb (November 2001), Ministers of the Interior agreed to further develop a Regional Information Exchange Mechanism using the channels of the SECI Regional Center in Bucharest. In December 2002, at the third Regional Ministerial Forum in Tirana, governments agreed to improve identification of trafficked persons, to develop mechanisms for the legalization of the status of victims of trafficking and to grant an extended stay to victims of trafficking.

1. GOVERNMENTAL STRUCTURES

The Stability Pact Trafficking Task Force has recommended the establishment of specific governmental structures designed to implement concrete anti-trafficking measures:

- A. National Anti-Trafficking Governmental Coordinator
- B. National Working Group/Team/Committee
- C. National Plan of Action

A. National Governmental Anti-Trafficking Coordinator:

The coordinator has the task to both coordinate intra-governmental activities, national action and efforts to combat human trafficking and to assure regional/international cooperation.

All countries of South Eastern Europe have appointed National Coordinators at the senior official level, some of them members of government.

Assessment: Some National Coordinators hold high-ranking positions within governments, which would enable them to promote national strategies and to effectively coordinate ministries' efforts, but their workload and lack of time prevent them from effectively performing this task.

Others hold subordinate positions, where they have no say in policy-making and, therefore, cannot streamline the efforts of the various ministries.

Frequently coordinators have no access to support structures.

This weakens their position and international organizations tend to take on their coordinating role.

B. National Working Group/Team/Committee:

The SPTF has recommended establishing multidisciplinary working groups in order to ensure effective coordination between different government authorities and among local NGOs and international organizations. All countries of South Eastern Europe, have set up national working groups/committees/ teams.

Assessment: Some working groups are so large and often so hampered by bureaucracy that decision-making becomes difficult. Others have been reduced to small inter-ministerial committees with little inclination to integrate input from local NGOs and international organizations. On the other hand, thematic sub-working groups have proved effective.

C. National Plan of Action:

All countries of South Eastern Europe have developed National Plans of Action, which in most countries have been officially adopted by the governments/parliaments. Guidelines issued by the SPTF lay down minimum requirements for the National Plans of Action, determining objectives, different types of programmes and activities, responsibilities, partners for implementation, and performance indicators.

Assessment: Some National Plans of Action have become outdated and will need to be revised, others lack time frames, and most of them suffer from inexplicit assignment of tasks. The fact that funding for the implementation of anti-trafficking measures is mainly channeled to international organizations creates an ownership problem and shifts responsibilities dramatically from governments to international organizations. Instead of lending a helping hand in developing local/regional ownership, international organizations increasingly tend to take possession.

2. IMPLEMENTATION OF ANTI-TRAFFICKING MEASURES

The Stability Pact Task Force stipulates that states must play a crucial role in the fight against human trafficking, especially when it comes to the treatment of victims.

Despite increased attention at the political level, few states have taken appropriate measures to protect individuals from trafficking and the related human rights abuses, or to provide effective assistance and remedies to victims.

A. Identification of Victims:

Most victims of trafficking are first identified and questioned by (local) police officers. Trafficked persons are also discovered in the course of police raids, investigative police operations and sometimes at border check points. A number of trafficking victims are identified through SOS/hot lines and/or local NGOs and their networks.

In recent months the patterns of human trafficking abuse have changed: fewer victims have been discovered in brothels and bars (there seems to be a shift to private accommodations) and referred to shelters.

Assessment: Identification carried out on the spot, exclusively by the police holds an element of uncertainty, because victims often distrust police officers (complicity with traffickers, involvement in corruption, consumers of sex services). Still, law enforcement officers are frequently not trained to recognize and to appropriately deal with trafficking victims. A positive approach is impeded by insufficient referral mechanisms.

B. Shelters for Victims of Trafficking:

The SPTF urges countries - instead of sending victims of trafficking to detention centers and jails - to provide them with appropriate housing/shelters and to offer legal counseling, medical and psychological care as well as interpretation services. These are the very areas where governments should institutionalize cooperation with local NGOs providing victim assistance and protection facilities.

The extent to which victims of trafficking can be supported and assisted depends on the length of time they stay at the shelters.

Assessment: All countries in the region have special facilities where trafficking victims are sheltered. All of them are return shelters where victims spend two to three weeks on average, until they are repatriated. What can be done for victims at these

short-term shelters amounts to little more than ‘first aid’. In exceptional cases victims are permitted to stay until the completion of court proceedings. Some countries of origin provide shelters for their returnees, but existing re-integration programmes are not satisfactory and not designed to achieve social and economic inclusion.

Most shelters almost resemble detention centers because victims are not free to leave them.

What happens in practice is that governments - instead of relying on the capacity of local NGOs and of cooperating with them – find it more convenient to shirk their responsibility for assisting victims of trafficking and leave it to IOM (International Organization for Migration) to return them back home as fast as possible.

Most of the local NGOs provide a substantial range of services while being funded at inappropriately low levels. More often than not, funds for local NGOs are channeled through IOM, which prevents them from autonomously utilizing their special competencies that go beyond returning victims to their home countries.

C. Law Enforcement Response:

The SPTF holds that human trafficking must not be seen exclusively from a law-enforcement perspective, but also and especially from a human-rights perspective. Trafficking in human beings constitutes a horrendous violation of human rights. Therefore, the SPTF urges countries to shift from a purely law-enforcement approach to a victim-centered one.

In most of the countries of South Eastern Europe no special policing techniques are employed in the investigation of human trafficking. Investigative efforts by police must be in tune with the victims’ well-being which requires, inter alia, non-threatening interrogation techniques. Victims who frequently have vital information on traffickers and criminal networks that would contribute to a successful prosecution, will only be willing to cooperate with authorities and/or to testify in court proceedings, if they are properly protected and their safety is guaranteed.

Assessment: As yet, there are no victim/witness protection programmes in place. Prosecution and conviction of traffickers are among the major weaknesses in the fight against human trafficking. The focus in the collection of evidence is almost exclusively on the victims and other sources of evidence are very often neglected. In some instances cooperation between law enforcement and local NGOs has improved, but is still unsatisfactory.

Training of law enforcement officers is still episodic and uncoordinated, partly due to the confusing fact that often more or less the same groups of people are invited by different international organizations to training programmes on the same issue. In most countries cooperation between police and prosecution/judiciary leaves much to be desired.

D. Trafficking in Children:

Trafficking in children is on the increase in South Eastern Europe. The development of specific measures geared to the special needs of children is urgently called for. All relevant institutions including governments are requested to collect desegregated data on trafficked children/minors.

In a few countries of South Eastern Europe a modest amount of attention has most recently been paid to the issue by state authorities, in other countries it is addressed by international organizations and international NGOs.

Assessment: As yet, National Working Groups/Teams/Committees have failed to explicitly address the matter and it is practically omitted from National Action Plans. So far, governments have not come to recognize child trafficking as a major problem, which has to be systematically addressed.

E. Legislation:

The SPTF has proposed the enactment of legislation, which will establish human trafficking as a criminal offence, covering all forms of trafficking and also extending to conspiracy and “aiding and abetting”. Legislation should be comprehensive and set forth provisions that address, at the minimum, victim and witness safety and assistance as well as to be able to convict traffickers to appropriate sentences, which reflect the severity of the crime.

Even though all the countries concerned have initiated legal reform processes, comprehensive anti-trafficking legislation is still lacking in many countries, and existing laws are not being consistently implemented.

Assessment: The legislative reform process is moving rather slowly and occasionally the absence of appropriate laws is used as a pretext for prosecuting and punishing traffickers and their collaborators leniently or not at all.

GENERAL ASSESSMENT:

- Although impressive structures, mechanisms, and plans have been established, full implementation is moving ahead rather slowly in most countries of South Eastern Europe.
- Countries are not complying with established time frames in their National Plans of Action.
- There is little evidence of governmental ownership in the respective countries’ work to combat trafficking in humans, especially when it comes to assisting and protecting victims of trafficking.
- Governmental responsibility for the implementation of anti-trafficking measures is increasingly shifted to international organizations.
- A number of countries are not working effectively with local NGOs.
- A country’s anti-trafficking work demands full-time attention, yet there are few full-time governmental officials committed to the full range of trafficking work required.

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- Governmental coordination is not being effectively implemented.
- Working Group Meetings tend not to serve planning and streamlining of anti-trafficking measures.
- Victim assistance very often amounts to little more than ‘first aid’ pending the victims’ removal from the country.
- Governmental approaches to identifying victims are unsatisfactory.

RECOMMENDED ACTION AND MEASURES TO BE TAKEN AND PROGRAMMES TO BE DEVELOPED AND PUT IN PLACE:

- Advanced training/coaching for National Working Groups/Teams/Committees and Governmental Coordinators in coordinating, planning, streamlining and implementing anti-trafficking measures.
- Mainstreaming of the jointly developed regional police training module into the regular training curriculum for law enforcement officers.
- Team teaching of law-enforcement officers by representatives of NGOs and law-enforcement authorities.
- Mainstreaming of the jointly developed regional training module for judges and prosecutors into the regular curricula of law schools and academies.
- Institutionalizing cooperation between governments and local NGOs.
- Provision of funds directly to governments for the implementation of concrete anti-trafficking measures in compliance with their National Plans of Action.
- Providing and funding of anti-trafficking advisors/consultants for governments.
- Multi-year funding of the basic anti-trafficking facilities, such as shelters, hot lines, counseling services, etc.
- Setting up joint victim identification teams composed of law enforcement officers and representatives of NGOs and international organizations.
- Enhancement and specification of victim referral mechanisms.
- Establishment of long-term shelters for victims of trafficking in countries of origin, transit and destination.
- Setting up victim/witness protection programmes.
- Development of comprehensive re-integration programmes including opportunities for economic recovery.
- Implementation of the legalization of the status of victims of trafficking and granting an extended stay for victims of trafficking.
- Development of anti-trafficking procedures and practices geared to the best interest of the child.
- Mainstreaming of desegregated data collection on child trafficking.