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Victim referral and assistance system and
gaps therein in Southeastern Europe

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VICTIM REFERRAL AND ASSISTANCE SYSTEM AND GAPS THEREIN IN SOUTHEASTERN EUROPE¹

1. Trafficking in Southeastern Europe

1.1. Situation of women in the countries of origin

Most countries in Southeastern Europe have experienced in the last ten years severe economic and social decline. Unemployment, inflation, income differentials and poverty have increased. As a result of conflict and economic change, living conditions and access to services have all deteriorated. The combined effects of transition from conflict to post conflict situations, the presence of the international community and peace keeping forces, and the transition from state to market economies have brought a greater diversification of economic status and social position, as well as new social phenomena. Lack of the rule of law and difficult economic situations have allowed black markets economies to flourish. Smuggling of goods, arms and people, corruption of state employees, organised crime groups and acceptance of illegal ways to earn money, as well as unregulated migration, have become the new norm.

The new situation has also had a special impact on women. The reality of the post conflict situation and economic transition have weakened the position of women in the labour market, causing more women to be unemployed and the feminisation of poverty, which in turn has resulted in increased migration especially among younger women.

The root causes of migration and vulnerability to trafficking include not only the weak economic situation of women but also discrimination against them in their countries of origin. Discrimination against women in the labour market, growing unemployment among women, lower wages, lack of skills and training – essentially, the feminisation of poverty - all these factors contribute to the growing number of young women willing to take their chances by searching for opportunities and a better life in the West.

Another factor is the changing pattern of family life with more single mothers taking responsibility for their children. More women are becoming the only breadwinner in families where the men have become unemployed and are not able to find a job as a result of the process of transition. A growing trend in the region is for women to take responsibility for the survival of the whole family and to look for new sources of income. For example, women run 80 percent of small businesses in Moldova and it is mainly women who engage in cross-border trade between Moldova, Romania, Bulgaria and Turkey and sell their produce on the streets and in the markets of Bucharest, Sofia and Chisinau.

¹ This presentation is based on fragments of the report “Trafficking in Human beings in South Eastern Europe. Current situation and responses to trafficking in human beings in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Federal Republic of Yugoslavia, the Former Yugoslav Republic of Macedonia, Moldova and Romania” by Barbara Limanowska. The report was prepared for the joint project of the OHCHR, OSCE/ODIHR and UNICEF, and published in June 2002.

At the same time, as in other Central and Eastern European countries with economies in transition, the social, and political situation of women is deteriorating. Violence against women, the contradiction between their lowly position in the family and their responsibility for the family well being, their lack of influence in public/political life and their exclusion from decision-making processes, are increasing trends.

Another factor encouraging migration is access to the West, not only its economic prosperity and consumerism, but also its different lifestyles, which promise more opportunities to women.

1.2. Migration

Economic hardship and the prevailing traditional role of women in society and family are among the major factors behind young women's desire to look for a better life elsewhere through migration. As yet, no policies have been developed to ensure the inclusion of women in the economic, political and social transition. Rather, the fall back position for women is the pre-communist traditional role in society. Women are relegated to the private sphere of the family and largely excluded from public life. At the same time, more contacts and information from Western countries have increased awareness among the new generation of young women of a possible alternative lifestyle. This awareness, however, is largely based on movies, radio and advertisements in the mass media, which promise a Western paradise of not only freedom and personal fulfilment but also of economic welfare. This misconception creates false expectations to lure young women.

There is an obvious connection between the desire to migrate, the financial and visa obstacles, and the need for assistance and consequent dependence on intermediaries in the process of migration. However, these factors are also related to illegal migration and not solely to trafficking.

The factors prompting migration are a deteriorating economic situation and a lack of opportunities in the country of origin, the perception that work abroad is the only chance of survival or economic independence, and knowledge about existing possibilities and patterns of migration. Illegal migration occurs when there are obstacles to migration. These usually include financial or passport/visa issues, the need for assistance in arranging or buying these documents, organising transportation and securing a job and a place to stay abroad. Corruption in local authorities and the presence of organised criminal groups servicing illegal migrants assist the process.

Women form a substantial proportion of migrants from SEE countries and their migration has consequences recognized by society and by the women themselves. With the growing wave of migration there are enough positive examples within a local community or a family for an increasing number of women to decide to take their chance to support their immediate or wider family economically, to obtain an independent position within the family, to have a better chance in the local labour market on return, and to earn money to start their own business. In addition to the economic considerations, there are also social advantages such as bringing back the knowledge and experience gained abroad, and introducing new models of family life, including a refusal to tolerate family violence.

One has to remember that the majority of young women who decide to migrate do not become victims of trafficking. On the contrary, they are able to achieve their goals and they gain

comparatively more than male migrants, not so much in terms of money but in status and position back home. Although their wages are lower than those of male migrants and they usually work in non-regulated areas of the economy (household work, taking care of old people, work on farms, in hotels and restaurants, the sex industry) where they lack security and are vulnerable to abuse, nevertheless, women are often able to improve the economic condition of their family and their own position within it.²

1.3. Migration and trafficking

There are a wide variety of factors, which contribute to the phenomenon of trafficking. Within the context of restrictive migration regimes, these factors may include the lack of financial resources to use safe, even if illegal, channels for migration – to buy passports and visas and to pay for transportation – the lack of contacts and support abroad, unrealistic expectations and false information about work opportunities abroad. These factors may be combined with a low level of education and lack of skills and a willingness to depend on intermediaries who promise to arrange safe passage and a job in exchange for part of the future wages.

In some cases, there are also situations of forced migration, when traffickers have a contract with the family and a girl or a woman is taken abroad to earn back the money lent to the family, or a woman is kidnapped and taken over the border by force. However, such cases of forced migration are rare – there are enough young women sufficiently desperate and willing to take their chances with traffickers.

The conditions leading to trafficking are highlighted in a number of research studies carried out in the countries of origin and have been mentioned repeatedly by NGOs working with trafficked persons. These include a lack of knowledge about and contacts in the West. Trafficked persons have often never been abroad before. Other common conditions are a lack of work opportunities, a lack of education and having been exposed to violence at home or in a state institution. One study in Romania showed that women living on their own are less likely to be trafficked than those who live with their relatives, especially if the family is dysfunctional.³

In conclusion, while poor economic conditions and the uncertain social and political situation of the countries in transition are the main factors persuading migrants to seek a better life abroad, restrictive migration regimes combined with discrimination against women, lack of even basic economic resources and lack of information about and exposure to the West, are additional factors making women vulnerable to trafficking.

1.4. Prostitution and trafficking

Trafficking in women and girls for the sex industry is a significant part of trafficking in human beings. In the Balkans, due to the difficult economic situation and lack of employment, the sex industry is the only known area of work for women and adolescent girls trafficked from other countries.

² Information gained during interviews with the representatives of local NGOs in Moldova, June 2001.

³ “Vulnerability to Trafficking in Human Beings of Young Female population in Romania” – Main Findings of the Sociological Research, IOM Office in Romania, July 2001, p.5-6.

Women who work in the sex industry in their home country are much more vulnerable to being trafficked. Some of the women working as prostitutes decide voluntarily to migrate and work abroad but the majority are trafficked. The prostitution markets in Bulgaria, Moldova and Romania have a similar pattern; local prostitution is controlled almost entirely by pimps and is based on a system of internal trafficking. Prostitution is located in big cities, in coastal resorts during the summer, and in border areas. Women working in the sex industry in these areas come from the poorest parts of their countries. They work for pimps, are moved from place to place, sold to other pimps or kidnapped by them. In the process, some are trafficked abroad.

The growing market for prostitution is one of the side effects of the progression from conflict to post-conflict and transition in all SEE countries. The international market for sex services as well as local demand has expanded, particularly in the countries where there is a large international presence. Women from the poorer countries in the region provide a constant supply of cheap labour. There is a well-organised trafficking system, operated by organised criminal groups, aided and abetted by corrupt local authorities and a lack of legal provision against trafficking (or difficulties with the implementation of the existing regulations) in most of the countries. Poorly functioning legal and law enforcement system makes trafficking less risky for perpetrators in SEE than in the EU countries, even if not as profitable. This low risk and high profit are combined with a large demand for sexual services, created in part by the international community based in the Balkans.

Due to political and military instability, the presence of the international community, including the peace keeping forces, the deficient legislation and corruption at local authority level, the countries of the former Yugoslavia have become a very attractive destination for trafficking women and girls into the sex industry. The major countries of destination in SEE are BiH, FRY (particularly the UN administered Province of Kosovo) and FYR Macedonia. It is interesting to note that Croatia, in which the economic situation is relatively better and where there is no large international presence, does not appear to be a major country of destination for trafficked women and children.

Since prostitution is illegal in SEE, except in Bulgaria and FYR Macedonia, the threat of being exposed as a prostitute, i.e. being involved in an illegal activity, in the country of destination, next to the fear of violence and debt and being in the country illegally, are the most effective means of control used by the traffickers. These are also the major reasons why women do not try to contact the authorities. Corruption of the local police and other authorities and their links with the traffickers is another reason. There is anecdotal information about women who after a raid on a sex club in Sarajevo and an arrest, were handed back to the traffickers by the police, before IOM was informed about the action. There is also information about Bulgarian border police who first took money from women to take them safely back to Bulgaria only to deliver them back to the traffickers for additional money. Stories about local and international police frequenting bars, using the services of women and being on good terms with the owners and traffickers are legion.

1.5. Traffickers and trafficking routes

From the information gathered from trafficked women, it appears that the majority of traffickers are men. There are, however, a growing number of women, including those who used to work as prostitutes, who travelled abroad several times themselves and in the process started recruiting other women. Traffickers work as part of an organised network and are well

aware of the risks and gains connected with their activity. There are no reliable estimates about the traffickers' profits, although, reportedly, the price of one woman on the market in Timisoara, Romania, is approximately US\$50-US\$200, and the price in the country of destination will be ten times higher. A study made by a Bosnian NGO LARA states that the average monthly income from prostitution for the owner of a nightclub that employs five women is US\$10,000 minimum.⁴

The trafficking routes run from Moldova, Ukraine and other former Soviet Republics - the main countries of origin - via Romania, which is also one of the major countries of origin, and Bulgaria to the countries of the former Yugoslavia, Italy, Turkey, Greece and Western Europe. Women usually cross borders in big groups, organised by traffickers, usually using mixed channels, legal and illegal. Corruption of the border police in transit countries, who co-operate with the traffickers, and indirectly with criminal groups operating at the border, is reportedly commonplace rather than the exception.

1.6. Trafficking in children

There is no reliable information or data on trafficking in children. Although the scale of the traffic in children is unclear, information from across the region suggests that a growing number of children under 18, especially adolescent girls, are being trafficked for the purposes of sexual exploitation and forced labour. In general, the trafficking of children in SEE falls into two categories: 1) trafficking of young children under 12 (girls and boys) for begging; and 2) trafficking of teenage girls for sexual exploitation.

A distinction needs to be made between the trafficking of young children (under twelve) for prostitution, pornography, begging, organs and adoption, and the trafficking of adolescent girls for prostitution. There is no evidence for the existence of a special market for the sexual services of children or for virgins, as is the case in other parts of the world in connection with the fear of HIV/AIDS. There is evidence that young children, both girls and boys, are trafficked for forced labour particularly from Albania into Greece and Italy. NGOs estimate that over 2,000 Albanian children have been trafficked to Greece. The increasing number of children, mostly Roma, begging on the streets in all SEE countries is a cause for concern and warrants investigation, particularly in relation to internal trafficking.

NGOs working with trafficked persons and with sex workers estimate that underage prostitutes comprise approximately 10-30 percent of all sex workers. About 10-15 percent of the trafficked persons whom IOM has assisted to return home from the Balkan countries, are girls under the age of 18. Save the Children estimates that up to 80 percent of all trafficked persons from Albania are teenage girls under 18.⁵

The underlying socio-economic causes of migration and factors that increase vulnerability to trafficking are the same for teenage girls as for older young women. These include poverty, gender-based discrimination and violence, lack of jobs and restrictive migration regimes. Underage girls, especially from dysfunctional families and from institutions, are therefore also becoming victims of trafficking. The distinction that can be made between this group and young children trafficked for begging is that teenage girls are being trafficked not because

⁴ "Trafficking of Women as organised Crime", Conference Materials prepared by LARA, Bjielina, 28-29 September, 2001

⁵ Daniel Renton, "Child Trafficking in Albania. Save the Children", Tirana 2001, p.9.

they are children, but because they are female. Often they pass for adults and have false documents, but being younger increases their vulnerability to exploitation and abuse.

There is, however, no evidence of boys being trafficked for prostitution, although there are rumours and anecdotal reports of trafficking in boys for the European male prostitution and pornography market, and of children for organ transplants. Apart from the existence of a very few reports and newspaper articles, there is no concrete information or data available to substantiate these claims. However, the experience of UNICEF in other parts of the world demonstrates the vulnerability of both boys and girls to trafficking for the purposes of sexual exploitation and child pornography.

There is some information from Moldova that trafficking of children for illegal adoption is reportedly widespread and children coming from big families from the countryside and children of parents who have migrated offered for adoption. There is some anecdotal, but not confirmed information about traffic in children for organs.

Despite the signature and ratification of the Convention on the Rights of the Child (CRC), by all countries in SEE, there are no special legal regimes, special protections or special treatment for trafficked children. Children under 12 in some countries of destination, including FYR Macedonia, Greece and Italy, are placed in orphanages while they await organised return. Older children are treated as illegal migrants and criminals, and face prosecution, imprisonment and deportation from the countries in which they were arrested.

2. Assistance to the Victims of Trafficking

2.1. General principles of assistance

Assistance to trafficked persons should be based on the principles of protection and respect for the human rights of women and children, non-discrimination, access to justice, safety and fair treatment, free will and no harm done:

- All trafficked persons should be identified as such and the identification should be based on the Palermo Protocol definition and other international standards;
- There should be no prosecution of trafficked persons and they should not be treated as illegal migrants;
- All victims should have unconditional access to justice and to a shelter and should receive assistance for an appropriate period of time;
- Those who are willing should be able to return home;
- Those who want to testify should be able to do so. They should be able to await the trial in the country where it will take place, to testify during the trial, and, when appropriate, take part in any witness protection program afterwards;
- Those who cannot go return to their home country should have a fair chance to seek asylum or apply for resettlement or resident status;
- All victims should be able to participate in reintegration programmes and receive security protection, medical help, psychological counselling, legal advice and long-term social support (vocational training, job placement, housing) so that they make secure employment and independence.

- All children under 18 years of age are entitled to special protection and treatment.⁶

2.2. Current Victim Referral and Assistance System

In the countries of transit and destination in SEE, trafficked women and girls come in contact with the authorities or NGOs through:

- Detention or arrest by the police during bar raids;
- Detention or arrest by the police during routine controls (traffic control, checks of sanitary and labour conditions in bars);
- Escape and asking the police for help;
- Escape and asking their national embassy for help;
- Assistance from a client who informs the police;
- Information from friends, family or NGOs from their home country, who contact NGOs or the police in the countries of transit or destination.
- Termination of the contract with the club owner and his/her agreement to departure.

But the questions remain “who is the victim of trafficking?” and “how to recognise trafficked women among foreign illegal migrants, who usually work in prostitution”.

While it is not possible to estimate the exact numbers of trafficked women and children in the region, it is possible to make some generalisations based on information collected from various sources, including IOM, local NGOs and police. For the purpose of this chapter, the estimates refer to percentages and not to total numbers, and do not describe the situation in any particular country but the average estimated rates for the region.

According to local NGOs working on trafficking in the region, at least 90 percent of foreign migrant sex workers in the Balkan countries can be recognised as victims of trafficking, according to the Palermo Definition. However, the identification process and the referral and assistance system in the countries of transit and destination reaches only a small group of trafficked persons, estimated to represent only 1/3 of all foreign trafficked women and girls. There is no system to identify or refer internally trafficking women and children, children trafficked for forced labour or younger children trafficked for prostitution.

In reviewing the current programmes of assistance for the victims of trafficking in SEE described in this report and the gaps in those programmes, some common principles and patterns can be observed and identified. For the purpose of the analysis, these can be grouped into four areas: Identification and referral, assistance, reintegration and prosecution.

The issues of prevention and reintegration are linked, but this chapter will only focus on the victim referral and assistance system and reintegration assistance. The whole area of prevention warrants a separate comprehensive review. Prevention and programmes to raise awareness need to be evaluated for their effectiveness and impact.

Prevention campaigns are usually aimed at potential victims of trafficking (or high risk groups), youth, journalists, people working with high risk groups (social workers, teachers), law enforcement agencies, policy makers or the general public. In general, the most effective are those campaigns, which are organised by or in close co-operation with local groups, and

⁶ Compare: “Human Rights Standards for the Treatment of Trafficked Persons”, Global Alliance Against Traffic in Women, Foundation Against Trafficking in Women, International Human Rights Law Group. January 1999. <http://www.inet.co.th/org/gaatw/HRSIndex.html>

are reaching particular communities or target groups. Knowledge about the existence of trafficking, after years of media attention, is quite wide spread. What is lacking is the recognition that trafficking is a problem or potential problem for particular groups/communities and the lack of involvement of those groups in counter-trafficking activities. As long as trafficking is perceived as an issue concerning migrant women and anti-trafficking activities are organised by international organisations, there will be no real counter-trafficking activities at the local level.

There has also been very little analysis of the prevention of trafficking beyond the very general picture of the causes of the economic and social situation of women that are related to female migration. Although trafficking often occurs within the context of migration, it is not necessarily a result of migration itself. There has also been no analysis of the differences between adult and child trafficking, particularly the differences in causes and patterns of trafficking in teenage girls under 18, young women over 18 or young children under 13.

2.2.1. Identification and Referral

According to the organisations assisting victims of trafficking in the region, in almost all the cases that they assisted, the first point of contact with the trafficked women was through the police. The police are the first to identify trafficked women, usually immediately following a bar raid. Although there have been many courses to train and raise the awareness of the police in the region on trafficking, there are no specific guidelines for local police on the process of identify trafficked women and children in line with Palermo and other international conventions.

In general, the police base their selection on the following categories:

1. Women with valid documents (passports, visas, work visas), whom the police have no right to question ;
2. Women without valid documents who can be questioned and arrested by the police:
 - a. those that want to return home are recognised as victims of trafficking;
 - b. those that do not want to return home are not recognised as victims of trafficking but as illegal migrants.

Trafficked women and girls with valid documents

During bar raids or routine controls, the police do not usually arrest, take to the police station or interrogate women with valid documents, i.e. those that have valid passports and visas to stay and work legally in the country. This group is not questioned and the police have no mechanisms to identify trafficked women among them, unless the women request assistance at the time of the raid. This very rarely happens because most women and girls have a language barrier, a lack of knowledge of their own situation and a fear of the police, traffickers and pimps. Girls under 18 often have false documents and pass as adults. There are no guidelines or procedures in place that clearly outline the obligation of the police to identify children under 18 and steps they should take to ensure that this obligation is met.

Therefore, from the start, one significant group of trafficked women and girls is not recognized as such. According to the information gathered from the police and NGOs in the region, this group constitutes approximately 30 percent of all trafficked women and girls working in bars and brothels. Some of these women are able to seek the assistance, contact the police or an embassy, but they have to do it on their own.

Trafficked women and girls without valid documents

According to the police, IOM and local NGOs, women and girls without valid documents constitute about 70 percent of all trafficked women and girls. This is the group that the police detain, interrogate and further divide on the basis of whether:

- they are illegal migrants;
- they work as prostitutes;
- they are willing to return to their country of origin

The referral system is a crucial part of the whole assistance, return and reintegration system. The identification is closely related to the provision of assistance and the police must know where and to whom to refer trafficked persons for assistance. Unless there are clear rules for identification, assistance and reintegration, and services available to assist all groups of trafficked women and children, the referral system cannot be developed.

In the majority of the destination and transit countries, the main organisation that has developed and has been providing services to assist trafficked persons is IOM. IOM programmes for stranded migrants are designed to support those migrants who voluntarily want to return to their countries of origin. The same requirement applies in the case of the IOM's support for trafficked persons – IOM assists those who are voluntarily willing to return home. IOM co-operates with state institutions, Ministries of the Interior and the police, and has agreements with those institutions for the referral of trafficked persons to IOM programmes of assistance.

This situation has had an impact on the referral system. Those women who are not willing or cannot decide, while being interrogated by the police, to return to their country of origin, are not usually recognised as victims of trafficking but are treated as illegal migrants. In some countries, these women are not referred to IOM at all. They are arrested, charged with illegal border crossing and/or prostitution and after approximately 30 days are deported to the border. At the border, they are often picked up by traffickers and end up back at the bars and brothels. In some cases, women who are not willing to return home, are set free by the police (in Kosovo, for example) and go directly back to traffickers. The police and IOM estimate that less than half of an estimated 70 percent of women and girls without valid documents who are questioned or interrogated by the police become part of the IOM program. Thus, not more than 35 percent of all trafficked women and girls are referred to the existing assistance programmes.

In addition, there are also women who are released or even sent by the bar or club owners to IOM to avail themselves of the opportunity for free travel back to their home country. They present a well-rehearsed story in order to receive assistance. Especially in situations where the corrupt police co-operate with traffickers, the women referred to IOM as those who need assistance, might be those who are allowed by the traffickers to go back. Some of them come back again with newly recruited women.

Sometimes the identification also depends on the woman's willingness to testify. Police often promise help in exchange for testimony against traffickers.

Another group of women who are not recognised as victims are those that do not know what trafficking is, do not understand their own legal situation, and are convinced that they themselves are criminals (and can be charged with prostitution, illegal work, illegal border crossing, etc). They are, therefore, afraid of the police, and when asked, answer that they are

not trafficked. These women are often too frightened or traumatised to communicate with the police or are unaware that they can ask for assistance - especially when they are questioned in the bar, in front of the owner, and in the presence of other people. Women, who have been taught not to trust the police, are convinced that they are the ones who have committed a crime and are afraid of their bosses, do not want to reveal any information and to incriminate themselves.

Girls under 18 are a special group - even if their transportation and work in the country of destination was arranged with their consent, and not by force or deceit, they must still be recognised as victims and provided with assistance.

65% of Trafficked Women and Girls are not identified and referred for assistance	
<i>Obstacles</i>	<i>Remedies</i>
<ul style="list-style-type: none"> • Lack of guidelines or procedures for identifying all victims of trafficking, according to Palermo definition. • No procedure for identifying women with legal documents as trafficked. • Girls under 18 pass as adults. • No procedure for children under 18. • Police only involved in identification. • Victim’s lack of awareness of their own situation and of trafficking. • Victim’s fear of police, traffickers and consequences of illegal stay and work in sex industry. • Lack of assistance/services for victims not willing to return home. • Women are blackmailed by the police to testify, and are refused support if they do not agree to cooperate with the police. 	<ul style="list-style-type: none"> • Standardised procedures for identification of both adults and children (based on Palermo Protocols), with written guidelines. • Independent agency doing assessment of the situation and identification of the victims (NGOs, social workers, etc.). • Training for the police, NGOs and other agencies involved in the process of identification. • Time and safe space for women to understand situation and their rights and to consider available options. • Monitoring and evaluation for system of identification.

2.2.2. Assistance

Generally, it can be stated that as a result of the organisation, or lack of organisation of the identification and referral system, not more than 35 percent of trafficked persons are recognised as such and receive assistance in the countries of destination and transit.

In the countries of destination, IOM interviews women referred to them, organises temporary accommodation, travel documents and safe return to their country of origin. All women and girls who are part of the IOM assistance programme are sent back home. A “victim’s profile” is sent by IOM to the trafficked person’s home country where local NGOs or IOM offices offer further assistance. In the shelter, women and girls undergo a medical examination, including a gynaecological examination, which in some cases is obligatory and as such is against human rights standards. STI and HIV/AIDS tests are provided on request in some countries. Usually, as part of the IOM reintegration assistance, women and girls receive US\$

50 upon leaving the country of destination and further US\$ 100 in two instalments in their home country. There are no special programmes or special procedures or services for girls under 18.

At present, in all locations except the FRY Republic of Montenegro where a local NGO is running a shelter for trafficked women, IOM is only offering assistance to women who are willing to return home. This situation is caused by the fact that IOM is the only organisation with structured and well-funded assistance programmes. Even though the La Strada network has experience and methodology in anti-trafficking work, which is often used by other organisations including IOM, it lacks capacity and resources to offer assistance to trafficked persons on a larger scale. Currently, ICMC in BiH and La Strada in FYR Macedonia are developing programmes of assistance for the victims who do not qualify for the IOM’s assistance. Other local NGOs are even less able to do this.

Another problem is the situation of women who decide to testify against traffickers. They decide to do that often at great personal risk, believing that their decision will make a difference and that the traffickers and pimps will pay for their crimes. In reality, the conviction of traffickers is very rare and the testimonies of their victims often lost. When women are sent back home before the trials, only the written statements are read in court, and these have to compete with the testimonies of witnesses brought in by the traffickers. This weakens the case for the prosecution and consequently the possibility of conviction. There is no civil procedure. Due to the lack of legal mechanisms, women frequently cannot wait for the trial to take place and are sent back home not knowing the results of their actions and facing the risk of revenge

65% of Trafficked Women and Girls are not assisted	
<i>Obstacles</i>	<i>Remedies</i>
<ul style="list-style-type: none"> • Focus on return of trafficked persons and their legal status as irregular migrants instead of status as victims of trafficking. • Restricted access to shelters - no safe place or assistance to victims not willing to return to country of origin. • Lack of special services and treatment for children under 18. • Lack of legal framework for assistance – there are no provisions allowing women to stay in country of destination, even to testify. • Lack of engagement of local NGOs in assistance work • Inadequate security and lack of witness protection • No alternatives to return 	<ul style="list-style-type: none"> • Focus on status of women as victims and not illegal migrants. • Standard minimum treatment of trafficked persons accepted by all institutions taking part in assistance, return and reintegration. • Unconditional access to shelters. • Special services for children. • Guidelines and procedures for assistance and return of children under 18 based on the “best interests of the child”. • Creation of legal framework for: Legal stay for the duration of recovery, asylum and witness protection • Funding for capacity building of local service providers (local NGOs and government) • Provision of security for trafficked persons and service providers <p>Information for trafficked women on options and alternatives to repatriation</p>

2.2.3. Reintegration

Upon arrival in their home country, and after filling in IOM questionnaires, trafficked persons who qualify are offered medical assistance, shelter and financial support. The majority of women do not take the offer for further assistance and do not contact the NGOs or stay in touch with IOM, except for the personal or phone contact necessary to collect the US\$ 100. Half of the returned women and girls claim that they can go back home and live with their families, which means that they are going back into the situation from which they had tried to escape. Some, about 30-50 percent of the returned trafficked women and girls, confronted with ostracism, a negative attitude in the family and lack of opportunities contact the traffickers and return to the cycle.⁷

Not many women and girls receive really long-term support. According to IOM, reintegration assistance should “address the root causes of trafficking and avoid potential re-trafficking of the victims after return. Reintegration elements to be included are, *inter alia*, medical and psychological assistance, security protection, vocational training, job referral, subsidised employment, self-employment and micro credits.”⁸

In reality, according to NGO and IOM data, these components are rarely delivered. The routine procedure is to send women back to the place from which they were trafficked with a list of NGOs operating nearby. It appears that contact with IOM is usually continued only because the women have to stay in touch to collect the second and third instalments of their social support money. Additionally, local NGOs give the reasons why returned women do not continue to seek support as a lack of resources, of local capacity and of long-term service provisions.

As many NGOs point out repeatedly, working with trafficked women is a very difficult and long-term process. It requires well-trained and committed staff, a good understanding of the issue and a well-developed work methodology and individual approach to each case. Some of the women, who are suffering from post traumatic stress disorder need long term (two to three years) individual therapy. The majority need far reaching economic and social support: vocational training; jobs; housing; micro-credits. At this moment this kind of reintegration assistance is available to almost no one. Of the 35 percent of trafficked women and girls repatriated to their home country, it would appear that only one in five, or seven percent, received any kind of long-term help or support.

Another issue is the security of the returning women. While their security is a priority in the country of destination and during the journey home, there is not much consideration for their safety after return. There are no security measures for the women once they have returned. In situations where women still owe money to the traffickers, or where they have testified against them, they or their families can be in danger. Women placed in the same environment from which they were trafficked, without any protection, are easy targets for re-trafficking and, if they had decided to testify, for revenge.

It has to be said that the system of return and reintegration assistance does not yet work well, when less than seven percent of trafficked persons receive real assistance and support. It requires the provision of support, services and security to ensure that women and girls are not caught up in a cycle of repeated trafficking. The NGOs' capacity to assist victims is very

⁷ Information from “Save the Children Moldova”, interview with Mariana Petersel, 20 July 2001.

⁸ “Trafficking in Persons: Update and Perspectives”, MC/INF/245, 22 November 2000, p.3.

limited – shelters are small and mainly used for the victims of domestic violence. Often, there are no trained psychologists or social workers that could help the women. The special needs of girls under 18 are not addressed at all. Few organisations that could help have any resources for starting programmes for trafficked persons. No one is offering long term reintegration programmes – professional skills training, educational opportunities, or loans. Except for very basic temporary accommodation for the most desperate women, there is no alternative to returning to the traffickers or going back home, usually to the situation which had created the conditions for the woman to be trafficked in the first place.

Reintegration reaches only 7 % of Trafficked Women and Girls	
<i>Obstacles</i>	<i>Remedies</i>
<ul style="list-style-type: none"> • Weak reintegration programmes due to lack of funding and co-operation between government, NGOs and international organisations. • Lack of support from Governments, who leave all responsibility to international agencies. • Disempowerment of local NGOs and lack of capacity. • Shame and stigma of being labelled as a prostitute. • Discrimination against women and girls in general, lack of opportunities, low social position of women, bad economic situation, unemployment, and family violence. 	<ul style="list-style-type: none"> • Implementation of National Plans of Action (NPAs) - commitment of governments, international agencies and local NGOs to organise and run reintegration programmes within NPA framework • Cooperation with and funding for NGOs • Long term programmes leading to sustainability: social and legal support, education and vocational training, re-schooling in skills relevant to local needs, sustainable jobs, system of micro-credits • Counselling and long-term support for traumatised victims • Special support to girls under 18. • Programme to raise awareness and prevention programmes • Empowerment of women and girls

2.2.4. Prosecution

The current situation is characterised by the following:

- Majority of trafficked persons do not receive assistance.
- Some of the victims are returned to the same conditions that originally caused them to be trafficked.
- Some are trafficked again, after taking part in return and reintegration programmes.
- New women are being trafficked to the Balkans and Western Europe.

In this context, there is a danger that the whole system of victim assistance and reintegration will have to expand to accommodate still bigger groups of women and girls if trafficking is not stopped. Prosecution of traffickers, therefore, is an essential part of the system.

At this moment, prosecution is the weakest part of the whole anti-trafficking system in SEE. Even if, in some countries, there are many people arrested and charged with trafficking, very few are prosecuted and sentenced. In countries where there is no anti-trafficking legislation, this is presented as the obstacle to prosecution, although the existing law, if applied, is usually

sufficient to prosecute traffickers for crimes of kidnapping, slavery, sale, rape, etc.⁹ In countries where there is a new anti-trafficking law, corruption of the local police, who are deliberately not taking any action against traffickers, is therefore highlighted. However, in BiH, where international police (IPTF) accompany local police or in Kosovo, where international police (CIVPOL) are responsible for anti-trafficking actions, there are not many more cases of successful prosecution in comparison with other places.

In Kosovo, the new legislation, which came into force in January 2001, not only allows traffickers to be arrested but also enterprises suspected of facilitating trafficking to be closed and the assets gained from trafficking to be confiscated. However, until the end of November 2001, there had been just a few cases of prosecution of traffickers and only one person had been sentenced. Not one bar was shut down permanently and there were no cases of assets being confiscated. The lack of witness protection programmes, a complicated law that is not understood by judges, lack of training for law enforcement agencies and the judiciary, and corruption among not only local police but also among the politicians and allegedly amongst UN personnel, are the most commonly cited causes of impunity.

Prosecution of traffickers is the most basic precondition for preventing trafficking and stopping the “recycling” of women and girls. Otherwise, the anti-trafficking action will stimulate illegal migration and trafficking rather than reduce it. Return programmes will become free travel agencies used by traffickers to send back, at the international community’s expense, those women and girls whom they choose to release.

Prosecution – Little Progress	
<i>Obstacles</i>	<i>Remedies</i>
<ul style="list-style-type: none"> • Lack of political will and action against traffickers. • Lack of anti-trafficking legislation. • Failure to apply relevant existing law except to prostitution. • Lack of enforcement of law due to corruption, lack of understanding of the legislation, lack of knowledge about trafficking and anti-trafficking legislation. • Lack of information and training for the police and judiciary. • Written testimonies of the victims of trafficking are not sufficient evidence in the court. • No witness security. • Lack of international co-operation and exchange of information. 	<ul style="list-style-type: none"> • Political will. • Legal reform to implement Palermo Convention and Trafficking Protocol. • Law enforcement. • Monitoring of law enforcement. • Anti-corruption measures and programmes. • Training of law enforcement agencies and the judiciary. • Using confiscation of assets and closing enterprises involved in trafficking as part of anti-trafficking measures. • Witness security and assistance programmes. • International co-operation, exchange and training.

2.2.5. Summary and concluding observations

At present, governments in SEE have failed to discharge their international obligations with respect to protection and assistance for trafficked persons. Regional organised victim

⁹ For example, see OSCE legal review of Albanian legislation: „Review of Albanian Legislation on Trafficking in Human Beings”, 5 April 2001, OSCE, Tirana, Albania.

assistance programmes are currently implemented through IOM as part of their voluntary return programmes, and are therefore designed only for those trafficked women who would like to return home voluntarily. In some cases, NGOs are providing assistance on an *ad hoc* basis, including legal and psychological counselling, medical help and help in return and reintegration for trafficked persons through direct contact between countries of destination and origin.

There are no standard procedures for the treatment of trafficked persons and no standard protocol for the behaviour of the law enforcement agencies, international organisations and NGOs providing identification, referral and assistance. Decisions about the status of trafficked persons are very subjective and the support they receive is inadequate. There is no monitoring or evaluation of assistance and reintegration programmes. There are also neither special procedures or programmes for the girls under 18 nor any HIV/AIDS/STIs prevention and protection programmes incorporated into the assistance, return and reintegration activities.

There is no comprehensive and systematic referral system. In BiH, FYR Macedonia and Kosovo, women arrested during bar raids or who ask for help from the local police to return to their countries of origin and are judged by the police¹⁰ to be trafficked, are referred to IOM or UNHCR. If the police decide that a woman came to the country voluntarily or does not want to be repatriated, she can be charged with prostitution, entering the country illegally or illegal work and stay. Sometimes women are fined, and usually deported to the border, where they contact traffickers and are trafficked again. Girls under 18 are treated as adults.

There is also a group of women who are too frightened or traumatised to communicate with the police or who are unaware that they can ask for assistance. On the other hand, there are also women who repeat a well-rehearsed story in order to be sent back home. Especially where corrupted police co-operate with traffickers, women referred to the IOM as those who need assistance, might be only those who are allowed by the traffickers to go return home. Some of them come back again with newly recruited women.¹¹

There is almost a complete lack of support and assistance for trafficked women and girls who do not wish or cannot be voluntarily repatriated. There is very little exchange of information at the regional level among the NGOs involved in the assistance and reintegration work, and practically no donated financial or technical support for the NGOs that have the experience and the will to help trafficked women.

Reintegration programmes for trafficked persons are the most controversial, difficult and undeveloped part of the whole victim referral and assistance system. To date, the minimum reintegration assistance in home countries includes safe accommodation for the first night, a medical check-up and a reintegration allowance. There is no special assistance for children. Women leave the shelter after the first day back in their home country and disappear. Some of them contact traffickers and go abroad again. Others leave the safe accommodation with a list of activities offered by IOM or a list of NGOs that are supposed to help them.

Unfortunately, the limited assistance is still insufficient. Housing, jobs and credits are not part of the basic reintegration package. In some cases, especially when women and girls are traumatised, special help is very difficult to find and achieve and requires years of support or

¹⁰ In BiH and Kosovo, international police.

¹¹ Information from “Save the Children Moldova”, interview with Mariana Petersel, 20 July 2001.

individual therapy. In other cases, when women are not able to go back to their families, they need assistance to organise an entirely new life, which again requires long term commitment on the side of assisting organisations and substantial financial input. Furthermore, reintegration programmes cannot be organised outside of the broader context of the empowerment of women and girls, changes in their political and social status as well as their economic situation. These are the underlying causes of the difficult situation of women in countries of transition.

It has to be stated that the system of the identification of trafficked persons, referral, return and reintegration does not work well. It requires the provision of support, services and security to ensure that trafficked women are not caught up in a cycle of repeated trafficking.

3. SUMMARY OF RECOMMENDATIONS

Governments

- Develop NPAs to elaborate the priorities, draw up time frames and define the means of implementation, or to expand them to cover all areas of concern and function as a comprehensive framework for national anti-trafficking initiatives and international co-operation.
- Ensure inclusion of local NGOs and international organisations in implementation of the NPAs.
- Disseminate information about legal means of migration and employment in all countries where there is population at risk.
- Develop a system for the identification and referral of trafficked persons, which will be implemented jointly by the police and international organisations/NGOs.
- Ensure prosecution of traffickers and the criminalisation of trafficking in human beings through exiting criminal law, as well as through new anti-trafficking legislation.
- Review and reform all relevant areas of law in the light of combating trafficking in human beings as a multifaceted and complex crime
- Develop guidelines and training for judges, prosecutors and lawyers on how to use the existing law to prosecute traffickers, and on the legal rights and treatment of trafficked women and children, in accordance with international human rights standards and CRC.
- Enable victims to claim and extract compensation from their exploiters, and arrange for unbiased supervision of any money they may obtain .
- Identify and eradicate public sector involvement or complicity in trafficking.
- Include information about trafficking and victim's rights in school curricula, as well as in the curricula of police academies, law schools and schools/training for social workers.

Governments and the UN

- Establish mechanisms for implementing specific anti-trafficking regulations or codes of conduct for all international personnel of peace-keeping, peace building, civilian policing, humanitarian and diplomatic missions, and for systematic investigation of all allegations of trafficking among these personnel.

Governments, in co-operation with international organisations and NGOs

- Open or provide support for shelters for all trafficked persons, regardless their status, and provide all such people with medical care, legal assistance and access to remedies.

- Establish clear rules on which shelters are set up and run, in order to protect the rights of the users;
- Develop special procedures for the identification and referral of trafficked children under 18, with guidelines and procedures based on human rights standards, with special protections for children under 18, based on the “best interest of the child”;
- Information about the identity of the trafficked persons benefiting from support programmes, and their personal data, should not be registered with local or international authorities;

International organizations

- Co-ordinate support and initiatives with the governments and other relevant actors according to the priorities of the NPAs.
- Provide technical and financial support to local government and local NGO initiatives to ensure sustainability.
- Support capacity building of local institutions to implement and take over activities started and currently being implemented by the international agencies or international NGOs.
- Co-operate with the Stability Pact Task Force on Trafficking in Human Beings (SPTTF) to ensure exchange of information and co-ordination of the projects in the region.

International organizations, in co-operation with governments and NGOs

- Establish a Regional Clearing House on assistance, return and reintegration programmes for the victims of trafficking.
- Develop and/or adopt minimum human rights standards for the treatment of trafficked persons.
- Develop procedures for the treatment of victims based on human rights standards, including special procedures for children under 18 based on CRC, particularly in relation to return and reintegration.

SPTTF

- Establish mechanisms for monitoring and evaluating implementation of the NPAs.
- Establish mechanisms for governments to submit project proposals for fundraising through SPTTF.
- Future priorities for policy and programme development should be on prevention, reintegration and child protection.
- Evaluate existing training initiatives in the region to check their relevance and compatibility with the existing framework for the anti-trafficking action.

NGOs

- Exchange of information at the regional level among NGOs involved in the assistance and reintegration work, especially between countries of origin and destination.
- Develop country and regional networks of NGOs working on trafficking as well as other related areas (human rights, HIV/AIDS prevention).
- Create formal structures and sign agreements for co-operation with governments and international organisations, especially where the issues of identification of trafficked persons, the referral system and the security of the trafficked persons and of organisations are concerned

Donors

- Evaluate programmes and projects funded over the past several years for impact and effectiveness.
- Provide funding to secure development and sustainability of local institutions and organisations, working on the issue of trafficking within the NPA framework.
- Co-operate and consult with SPTTF to secure exchange of information and co-ordination of efforts on regional priorities, activities and projects, including training programmes.
- Ensure monitoring and evaluation of assistance and reintegration programmes, especially looking at the long term results of reintegration

Governments, donors, international organisations, NGOs

- Evaluate the impact of the campaigns to raise awareness conducted to date, including the collection of information from trafficked persons on their assessment of the campaigns and suggestions for prevention tools and peer education methods.
- Conduct/support research on the link between economic development/restructuring programmes in the region and trafficking.
- Research, assess and develop projects to address the demand side of trafficking, including the link with the presence of the international community and peacekeeping forces.
- Support projects aimed at combating violence against women, discrimination against women, feminisation of poverty and lack of participation of women in public life.
- Training programmes should be based on regional information and support regional and national initiatives developed and implemented within the NPA frameworks, adjusted to local needs at the country level, the changing situation in the region and the development of anti-trafficking initiatives in particular countries.