

REGIONAL CONFERENCE

Children and Youth Victims  
of Trafficking in Human Beings:  
Police, Judicial, Educational,  
Social and Medical Services

31 March 2008

National Assessments

Opinions expressed in this document do not necessarily reflect the views of IOM or the Government of France.

IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental body, IOM acts with its partners in the international community to: assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; uphold the human dignity and the well-being of migrants.

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## Introduction

The year 2008 is a particularly important one in the fight against trafficking in human beings (THB) since on the 1<sup>st</sup> of February, the first European treaty on the issue entered into force; i.e. the Convention of the Council of Europe on the fight against THB, signed by 38 countries of which 17 have already ratified it.

On the 31<sup>st</sup> of March 2008, within the framework of a cooperation agreement between the Government of France and the International Organization for Migration (IOM) for combating THB in South-Eastern Europe, 75 professionals from 16 South-Eastern European countries convened in Budapest, to exchange ideas on the legal and operational regulations as well as good practices concerning children and youth victims of THB.

This working document is a product of the aforementioned meeting.

Such a first event in the framework of IOM's partnership with the Government of France for combating THB in South-Eastern Europe must be followed by further meetings, on an annual or bi-annual basis.

Children and youth affected by migration will be the focus of interest within the framework of this cooperation. More particularly, attention will be given to the following topics: assistance to children victims of trafficking – including those that are in conflict with the law – especially during the collection of declarations and representation during legal and judicial procedures; the protection of unaccompanied minors; and a better understanding of the phenomenon of children left behind by migrated or trafficked parents.

These meetings of professionals are action-oriented and should support the development of new initiatives. Our objective is to, on the basis of the respective countries' national experiences, elaborate recommendations to be advocated for vis-a-vis and eventually together with the governments of the participating countries as well as the European Union and its institutions.

*Sincerely,*

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Embassy of France in Hungary

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# ALBANIA

## 1. Legal Framework

### Laws

#### ◆ 1995:

**Law No. 7895, date 27. 01. 1995** “On the Penal Code of the Republic of Albania”;

#### ◆ 2001:

**Law No. 8733, date 24. 01. 2001**, “On some additions and amendments to the Penal Code”; distinct offences and penalties were created for trafficking in human beings;

#### ◆ 2002:

**Law No. 8920, date 11. 7. 2002**, “On the ratification of the United Nations Convention against transnational organized crime and its two supplementing protocols”;

#### ◆ 2004:

**Law No. 9188, date 12. 02. 2004**, additions to the Criminal Code have introduced the criminal offence of trafficking in women and trafficking in minors. The law introduces new definitions for trafficking offences in line with the Palermo Trafficking Protocol;

**Law No. 9187, date 12. 02. 2004** on Amendments to the Penal Procedure Code regarding the use of the special investigative means such as: interceptions, infiltrated agents, etc., used for the investigation of organized crime including trafficking in persons;

**Law No. 9205, date 15. 03. 2004** on Protection of Witnesses and Collaborators of Justice;

**Law No. 9284, date 30. 9. 2004** on preventing and striking at organized crime, which provides the penal sanctions as well as the asset confiscation of the criminals;

#### ◆ 2005:

**Law No. 9355, dated 10. 03. 2005** “On Social Assistance and Services”. By this law, the municipalities have the authority to finance NGO services with revenues from the central budget;

#### ◆ 2006:

**Law No. 9509, date 03. 04. 2006** “On the Moratorium of vessels and boats”;

**Law No. 9544, date 29. 05. 2006** “On the ratification of the Agreement between the Council of Ministers of the Republic of Albania and the Government of the Republic of Greece, on the protection and the assistance of children victims of trafficking”;

**Law No. 9642, date 20. 11. 2006** on ratification of the Council of Europe Convention “On Measures against Trafficking in Human Beings”;

**Law No. 9668, date 18. 12. 2006**, “On Migration of Albanian Citizens for Motives of Employment”. Several articles of this law deal with the prevention of trafficking in human beings and facilitate re-integration in the employment market;

♦ **2007:**

**Law No. 9686, date 26. 02. 2007** on Amendment of Article 298 of Penal Code "Facilitation of Illegal border Crossing";

**Law No. 9833, date 22. 11. 2007** "On the adhering of Republic of Albania in the Optional Protocol to the UN Convention on the Rights of the Child on the involvement of children in armed conflict";

**Law No. 9834, date 22. 11. 2007** "On the adhering of Republic of Albania in the Optional Protocol to the UN Convention on the Rights of the Child on the sale of children, child prostitution and child pornography";

**Law No. 9749, dated 04. 06. 2007** "On State Police";

♦ **2008:**

**Law No. 9859, date 21. 01. 2008** "On some supplements and amendments to the Penal Code" the articles added are Article 124/b, "Ill-treatment of children" that among others criminalizes the phenomenon of child exploitation for forced labour, begging, and other forced services; the paragraph that was added in article 117 "Pornography" regarding the pornography of minors as well as adding in article 128/b "Trafficking in children" that criminalizes by law not only the recruitment, hiding, reception of children but also their selling.

***Secondary legislation***

♦ **2005:**

**Council of Ministers' Decision No. 171, date 11. 02. 2005** "On the Approval of the National Strategy against Trafficking in Children and the Protection of Child Victims of Trafficking", and an Annex to the Decision No.8, dated 5.01.2002, "On the Creation of State Committee for the Fight against Trafficking in Human Beings" (and Rules of Functioning, Order n. 203);

**Council of Ministers' Decision No. 564, dated 12. 08. 2005,** "On Licensing Social Service Providers";

**Council of Ministers Order No. 25, date 22. 02. 2005** "On the Approval of Plan of Action for the period 2005–2007 in compliance with the National Strategy for the Fight Against Trafficking in Human Beings";

**Cooperation Agreement, date 18. 07. 2005 to Establish a National Referral Mechanism** for the Enhanced Identification of and Assistance to Victims of Trafficking Between Ministry of Labour and Social Affairs / General Directorate of State Social Services, National Reception Centre for Victims of Trafficking, Ministry of Public Order / General Directorate of State Police, Ministry of Foreign Affairs / Consular Directorate, "Vatra" Non-Profit Organization, Vlora, "Tjeter Vizion" Non-Profit Organization, Elbasan and International Organization for Migration-Tirana;

♦ **2006:**

**The Minister of Interior's order No. 282, date 13. 02. 2006** "On Installation of Toll-free Phone Numbers for Denouncing Corruption and the Procedures for Carrying out this Activity in the Structures of Ministry of Interior for the Directorate of Internal Control";

**Ministry of Education and Science Guideline No. 6, dated 29. 03. 2006** "On registration of Roma children at school who do not have birth certificates";

**Prime Ministers Order No. 139, date 19. 06. 2006** on the establishment of the Regional Anti-trafficking Committees;

**Joint Order No. 1192, date 19. 05. 2006**, on the establishment of Responsible Authority for the National Referral Mechanism;

**Cooperation Agreement of the Joint Technical Team, September 20<sup>th</sup> 2006**, “On Child Rights” between representatives of the state institutions (Ministry of Interior, MOLSAEO, Ministry of Education and Science, People’s Advocate), NGOs and donors who are committed to the protection and respect of child rights;

**Decision of the Council of Ministers No. 632** “On the employment of the job seeking unemployed women”;

**Order No. 645, dated 20.03.2006** “On Priorities of Employment Promotion Programme for 2006”;

**Order No. 782, dated 04. 04. 2006** “On Tariffs of Professional Formation System, exemptions from paying for victims of trafficking (VoTs)”;

**General Director of Police Duty Order No. 714, date 03.11.2006** “Procedures and the measures to be taken Vo Ts”;

♦ **2007:**

**Council of Ministers’ Decision No. 195, date 11.04. 2007**, “Standards of Social Services for Trafficking Victims or at Risk of Trafficking Persons in Residential Care”;

**General Directorate of State Police Duty Order No. 865 and 871, dated 26 and 27. 12. 2007** “Procedures for VoTs”.

***Laws and by laws in process***

The new National Strategy on Counter-trafficking and its Action Plan 2008 – 2010 is being drafted and processed.

The final version of the Draft **Law on Foreigners** needs to be approved by the Council of Ministers (March 2008).

## **2. Institutional Framework**

***The authorities responsible for combating THB***

- **State Committee for the Fight against Trafficking in Human Beings**, chaired by the Minister of Interior, is comprised of high political level representatives of the Ministry of Interior, State Police, Ministry of Education and Science, Ministry of Labour, Social Affairs and Equal Opportunities, Ministry of Foreign Affairs, Ministry of Health, Ministry of Justice, General Prosecutor’s Office, Ministry of Defense. All these agencies have and will have clear responsibilities according to the actual Anti-trafficking Action Plan.
- **Office of the National Coordinator** for the Fight against Trafficking in Human Beings, chaired by the National Coordinator for the Fight against Trafficking in Human Beings/Deputy Minister of Interior, is the focal point of the coordination of anti-trafficking activities in Albania. It monitors the activity of state institutions involved in the fight against trafficking.



- **Responsible Authority for the National Referral Mechanism for the Victims of Trafficking** is entrusted with the coordination of the National Referral Mechanism; it coordinates and conducts the referral process for assistance, protection and long term rehabilitation for all child victims of trafficking.
- **Regional Anti-trafficking Committees** and their technical regional round tables of Fight Against Trafficking are led by the Prefect and are made up of representatives of the regional police directorate, regional education and health directorates, representatives of local government, the directorate of state social services, the State Information Service and actors from civil society and international organizations who are involved in the fight against human trafficking in the region.
- **Inter-ministerial Committee for Child Rights** is the monitoring body of the National Child Strategy assisted by Technical Secretariat for Children in MOLSAEO. The chair of the Committee is the vice-prime minister; ministers and 2 representatives of NGOs that work on children's rights are also members of this Committee.
- **National Steering Committee** "On Elimination of Child Labour", chaired by the Minister of Labour serving as a coordinating body for implementing the Programme of Elimination of Child Labour.

### 3. Statistics

Work is in progress under the lead of the Anti-trafficking coordinator to finalize the establishment of a central database for VoTs.

1. The National Referral Centre for Victims of Trafficking has accommodated 85 VoT out of which 55 were referred to the shelter in the year 2007; 30 VoTs accommodated in the shelter are referred from the previous year(s).
2. Psychosocial Centre "Vatra", during the period 2005–2007, accommodated and assisted 380 trafficked women and 69 at risk of trafficking.
3. NGO "Different & Equal" assisted 100 girls and women and 27 children of beneficiaries.
4. For the year 2007, the Sector against Illicit Trafficking at the General Directorate of the State Police reports 20 victims of trafficking out of whom 13 are women and 7 are children.

According to the information collected by the office of the National Coordinator, the age-group more affected by this phenomenon is between the ages of 18 – 25 years.

The majority of the victims have low education levels and come from urban areas, where they have migrated from remote rural areas. They come from low-income families with social problems.

The majority of trafficked victims are women and children, especially from the Roma and Egyptian communities. These vulnerable groups are considered an easy target for exploitation and violation by the traffickers.

### 4. Focal Points

#### ◆ Iva Zajmi

National Anti-Trafficking Coordinator, Vice Minister of Interior

## BOSNIA AND HERZEGOVINA

### ***Introduction***

Human trafficking, particularly trafficking in women and children, is a distinctive and highly disturbing form of organized crime, which uses humans as a commodity. It has been recognized as a major concern in Bosnia and Herzegovina and the wider region as a result of the dramatic changes in the political and socio-economic context of the region in the early 1990s.

The conditions conducive to human trafficking in Bosnia and Herzegovina (BiH) and the region are determined by various factors such as persistent political instability and corruption, porous borders, and insignificant punishments for traffickers. Restrictive migration regimes adopted in Western countries limit the possibilities of migrants entering via legal channels, making them vulnerable to the false promises of trafficking networks. The demand for the services of VoT in the receiving countries, combined with the large profits that can be made from human trafficking, have resulted in the expansion of this illegal activity and a high level of involvement of criminal networks.

Combating human trafficking remains a challenge for BiH. The domestic legal framework is not sufficiently harmonized with international legal standards, in turn lacking relevant legal procedures and mechanisms and ultimately obstructing adequate prosecution of traffickers. Moreover, different recruiting methods and layers of sophistication among the trafficking networks are created, such as fake or real marriages and applications for asylum as strategies to camouflage human trafficking.<sup>1</sup> Finally, victims of trafficking exploited sexually in the capital Sarajevo are mostly located in private houses or apartments, in turn posing a significant challenge to their identification.

While certainly highly disturbing, the full scale of the phenomenon of human trafficking in Bosnia and Herzegovina or elsewhere remains relatively unknown. Only a few victims of trafficking are rescued or willing to report their experiences. Obtaining accurate and reliable data is difficult due to security issues as well as to the fact that human trafficking is an underground criminal activity and that traffickers are using increasingly sophisticated methods which are hard to track. However, a number of common trends in human trafficking in BiH have been recognized, as follows:

- Bosnia and Herzegovina is a country of origin, transit and destination for human trafficking.
- A growing number of victims of trafficking originate from within BiH and there has been an apparent decrease in foreign victims.
- A growing number of minors have been assisted, both as victims of trafficking and as children of victims.

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<sup>1</sup> IOM (2005). Second Annual Report on Victims of Trafficking in South-Eastern Europe, p. 115.

- Although sexual exploitation remains the main form of human trafficking in BiH, there are increasing numbers of individuals trafficked for other purposes, including forced labour and begging.
- An increasing number of victims of trafficking are unable to reintegrate into society in a sustainable way due to weak or non-existent reintegration assistance, in turn finding themselves at repeated risk of domestic violence, being re-trafficked, and/or exploited for labour.
- An increased number of victims of trafficking are in need of specialized psychiatric assistance, drug rehabilitation and other forms of specialized health assistance. Lack of these forms of assistance has a negative impact on the social and economic reintegration opportunities of the VoT.

Since 1999 and in cooperation with local NGOs, IOM has been actively involved in providing assistance to VoT in BiH. Experiences and data collected indicate that the BiH government has mobilized to combat human trafficking and sound advancement has been made. While the basic framework for direct assistance is in place, including shelter accommodation, provision of services is almost entirely dependent on donor funding and assistance is provided on an *ad hoc* basis.

The recent increase in the number of BiH national VoT poses a pressing need to reevaluate and redesign direct assistance. According to IOM data, in comparison with the period between 1999 and 2005, during which only 3% of the VoT assisted in BiH were BiH nationals, that number rose from January 2006 to the present to 67%.

## 1. Legal Framework

### *International legal framework*

- European Convention on Human Rights (ECHR) (1950);
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
- Convention on the Rights of the Child (CRC) (1989);
- Protocol on the Rights of the Child, the Sale of Children, Child Prostitution and Child Pornography (2000);
- Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict;
- UN Convention against Transnational Organized Crime;
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children Supplementing the UN Convention against Transnational Organized Crime;<sup>2</sup>
- Hague Convention 28 on the Civil Aspects of International Child Abduction (1980);<sup>3</sup>

2 Valid on the basis of a Decision on Ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children Supplementing the UN Convention against Transnational Organized Crime ("Official Gazette of BiH" – International Treaties, No.3/02).

3 Valid on the basis of a Law on Ratification of the Convention on the Civil Aspects of International Child

- Conventions of the International Labour Organization (ILO), the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour No. C182 (1999);<sup>4</sup>
- European Social Charter Revised;<sup>5</sup>
- European Convention on the Compensation of Victims of Violent Crimes (1983 g.);<sup>6</sup>
- The Council of Europe Convention on Action against Trafficking in Human Beings (2005).<sup>7</sup>

It is important to emphasize that, from the above list, international legal documents such as ECHR, CRC and CEDAW are part of Annex I of the BiH Constitution and can be applied directly.

### ***National legal framework***

BiH has a very complex state organization and 14 legislative levels (state, two entities, one district and then cantons). Legal protection regarding THB is mostly based on the legal documents at state level but there are also laws at the entities level which regulate issues of child protection, prohibition of trafficking of human beings and closely related issues.

The protection of children is regulated at all legislative levels with different laws and bylaw documents.

- Constitution of BiH (Dayton Peace Agreement, Annex 4);
- Criminal Code of BiH 36/03;
- Law on Criminal Court Procedures of BiH 37/03;
- Criminal Code of FBiH 36/03;
- Criminal Code of RS 22/513;
- Criminal Code of BD 2003;
- Law on Criminal Court Procedures of FBiH 35/03;
- Law on Criminal Court Procedures of RS 50/03;
- Law on Criminal Court Procedures of BD BiH 2003;
- Law on Movement and Stay of Aliens and Asylum 29/03;
- Law on Protection of Witnesses under Threat 03/03;
- Witness Protection Programme;
- Law 29/04;
- Rulebook on Protection of Alien Victims of Trafficking in Persons;
- Rules on Protection of Victims and Victims – Witnesses of Trafficking in Human Beings, Citizens of BiH;
- Law on Protection of Children BD 01/00;
- Family Law of FBiH;
- Family Law of RS;
- Family Law of BD;

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Abduction. ("Official Gazette of BiH" No. 2/92 and 13/94).

4 Published in "Official Gazette of BiH" – International Treaties, No. 3/01.

5 Signed by BiH in May 2004, while reserves will be placed on some articles in the ratification process.

6 Entered into force on 14 April 2005.

7 Will enter into force in BiH on 1 May 2008.

- Decision on Procedures and manner of coordination of the activities for combating trafficking in human beings and illegal migration in Bosnia and Herzegovina and establishment of the function of the State Coordinator for Bosnia and Herzegovina;
- Decision on the Formation of a Task Force for Combating Trafficking in Human Beings and Organized Illegal Immigration.

## **2. Institutional Framework**

In the year 2003, the Council of Ministers adopted the “**Decision on Procedures and manner of coordination of the activities for combating trafficking in human beings and illegal migration in Bosnia and Herzegovina and establishment of the function of the State Coordinator for Bosnia and Herzegovina**”. With this decision the State Coordinator Office for Combating Trafficking in Human Beings and Illegal Migration was established.

The role of the State Coordinator envisages the implementation of joint policies and procedures of the competent bodies of BiH in the area of suppressing trafficking in human beings and illegal immigration, as well as the setting up of the effective coordination of activities prescribed by the valid laws of BiH, which is a competence of different BiH institutions.

Under the coordinating structure of the State Coordinator Office for Combating Trafficking in Human Beings and Illegal Migration, a Subgroup for the prevention of trafficking in children has been formed due to the specificity of trafficking in children.

In the year 2004, the Council of Ministers adopted the “**Decision on the Formation of a Task Force for Combating Trafficking in Human Beings and Organized Illegal Immigration**”.<sup>8</sup> Following this Decision, a Task Force for Combating Trafficking in Human Beings and Organized Illegal Immigration was formed, to combat trafficking in human beings and organized illegal immigration in the territory of Bosnia and Herzegovina in accordance with the laws of Bosnia and Herzegovina, of its Entities and of the Brcko District of BiH. The Task Force was formed with the aim to establish and promote the coordination of operational work between the state, the entities and the Brcko District of BiH. This group is composed of representatives from the Prosecutor’s Office, the Border Police (BP), the State Investigation and Protection Agency (SIPA), the Ministries of Interior, the Police of Brcko District of BiH, Interpol, the Financial Police, the Tax Administration and other State and Entities bodies. The Task Force operates under the direct jurisdiction of the Public Prosecutor, who is the official leader of the Task Force.

The Action Plan for Children was adopted by the Council of Ministers of Bosnia and Herzegovina in 2002, and the Decision on the Establishment of a Council for Children of Bosnia and Herzegovina was adopted in 2003.

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<sup>8</sup> Decision on the Formation of a Task Force for Combating Trafficking in Human Beings and Organized Illegal Immigration («Official Gazette of BiH», No. 3/04).

**The Council for Children of Bosnia and Herzegovina** was established as an independent body, of an advisory and coordinating nature. Within its defined competencies, pursuant to Item VIII of the Decision on the Establishment of a Council for Children of Bosnia and Herzegovina, the Council adopted a Book of Procedures on the Work of the Council for Children of BiH and it adopts operational work programmes every year.

A wide scale of responsibilities in the protection of children in BiH lies with the **centres for social work**. They are not part of a unique system of social protection but they are organized on the local government level.

In 2005, **Procedures for the Treatment of Human Trafficking Victims in BiH (Vlašić Procedures)** were agreed upon by the main stakeholders in VoT assistance. However, these Procedures never have the strength of the bylaws; since the Procedures were adopted by stakeholders, they remain the only document that gives guidelines for actions that should be undertaken in VoT assistance. This document was the first that recognized the necessity of assistance to those VoT who are BiH nationals. In chapter IV of this document special provisions for children are placed. When a child VoT appears, the competent Centres for social welfare should be informed immediately.

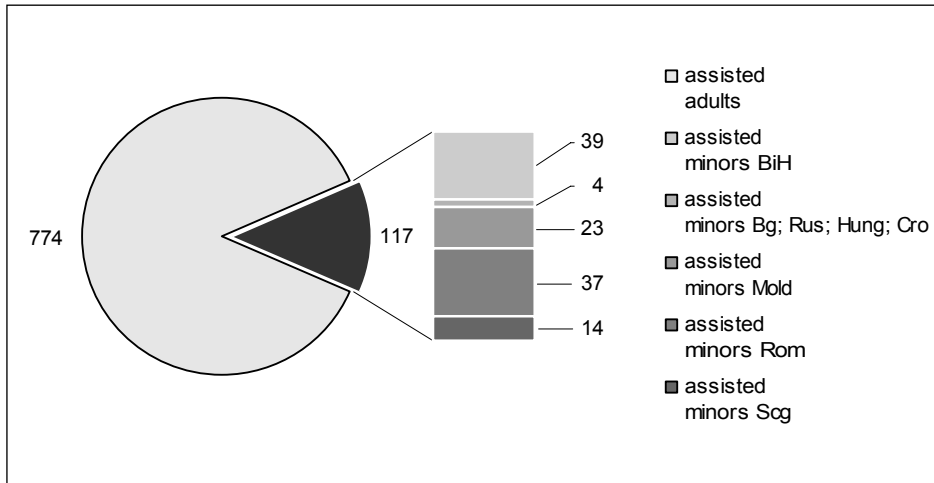
The Procedures specify that the following institutions/organizations have the responsibility to deal with VoT cases:

- a) Prosecutor offices:
  - » State prosecutor
  - » Cantonal / district prosecutor offices
  - » Public prosecutor in the Brcko District
- b) Police (SIPA, entity police, Police of Brcko District)
- c) Ministry of Security, Service for Foreigners – treatment of foreign VoT
- d) Social services / Centres for social welfare – treatment of BiH national VoT and children/minor VoT
- e) Non-governmental organizations (NGO) – free legal aid and shelter assistance
- f) IOM – voluntary return

The Procedures set down all communication procedures, actions and deadlines that should be respected by each of these stakeholders.

The referral of potential VoT to any of the above mentioned institutions/organizations should lead to proper further referral and assistance.

### 3. Statistics



According to the records of IOM Sarajevo, from the year 1999 to the present, 891 VoT were assisted in BiH. Of these 117 (i. e. 13%) were children who received assistance as VoT.

The number of children VoT assisted in BiH is increasing. In the period from 1999 to 2005, 10,09% of the total number of assisted VoT were children, while from 2006 to 2007, 50,79% of the total number of assisted VoT were children.

### 4. Focal Points

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# BULGARIA

## 1. Legal Framework

### *National legislation*

- Child Protection Act – art. 11;
- Penal Code – chapter IX;
- Combating Trafficking in Human Beings Act:
  - » Regulation for the asylums for temporary accommodation and the centres for protection and help for the victims of trafficking;
  - » Regulation of the organization and functions of the National Commission for Combating Trafficking in Human Beings.

The main provisions in the Combating THB Act are:

- » Coordination and cooperation between central and local government authorities for establishing a coordinated programme for fighting THB;
  - » Providing protection and assistance to victims of trafficking, especially to women and children, and in full compliance with their rights;
  - » Providing a special status for witness protection of victims of trafficking;
  - » Amendments in the Bulgarian Identity Papers Act.
- Social Insurance Act;
  - Regulation to the Social Insurance Act.

### *Strategic Documents*

- National Programmes for Prevention and Counteraction of Trafficking in Human Beings and Protection of Victims for 2005–2007;
- National Action Plan Against Commercial Sexual Exploitation of Children 2003–2005;
- National Programmes for Child Protection 2004–2007;
- National Strategies for Child Protection 2004 – 2006;
- National Integrated Plan for the Implementation of CRC 2006–2009;
- Coordination Mechanism for Referral, Care and Protection of Repatriated Bulgarian UAMs and Children – Victims of Trafficking returning from Abroad (since 2005).

## 2. Institutional Framework

### ♦ National Commission for Combating THB

The National Commission for Combating Trafficking in Human Beings was established in accordance with the Bulgarian Law for Combating THB (State Gazette 2003, amended in 2005).



The Chairman of the Commission is the Deputy Prime Minister and Minister of Education and Science. Other members of the Commission are the Deputy Minister of Foreign Affairs, Deputy Minister of Labour and Social Policy, Deputy Minister of Justice, Deputy Chairman of the State Agency for Child Protection, Deputy Chairman of the National Commission for Prevention of Juvenile Delinquency, etc.

The National Commission:

- » Organizes and coordinates the cooperation between relevant agencies and organizations for the implementation of the Law for Combating THB;
- » Develops the state policy and strategy for combating THB;
- » Drafts an annual national plan of action for the prevention of illegal trafficking in human beings and victims' support;
- » Conducts research, collects and analyses data regarding THB;
- » Participates in bilateral and multilateral cooperation for the prevention and combating of THB;
- » Carries out information, awareness raising and prevention campaigns for potential victims of trafficking;
- » Develops training curricula for officials with responsibilities in the prevention and combating of THB;
- » Manages and supervises the activities of the Local Commissions, the shelters for temporary accommodation and the centres for support and assistance to the victims of trafficking.

- ♦ **Ministry of Interior**
- ♦ **Ministry of Labour and Social Policy**
- ♦ **State Agency for Child Protection**
- ♦ **Agency for Social Assistance**
- ♦ **IOM**

November 2005 marked the official signing of the Coordination Mechanism for referral, care and protection of Bulgarian UAM and children – victims of trafficking returning from abroad. The Mechanism was signed by the State Agency for Child Protection, the Ministry of Interior, the Ministry of Labour and Social Policy and Agency for Social Assistance. The development of the Coordination Mechanism was initiated by the State Agency for Child Protection in cooperation with the Bulgarian Mission of IOM as a result of multiple cases of unaccompanied Bulgarian children staying abroad. A multidisciplinary and inter-institutional approach was enforced for overcoming the problem. As a result, the responsible Bulgarian institutions united their efforts by unifying practices and standards for working on cases of unaccompanied children as well as cooperation and due signaling for undertaking protection measures in the best interest of the child. The Bulgarian institutions coordinated their efforts aimed at the efficient application of legislation for combating trafficking in persons.

In 2005, 3 crisis centres for temporary accommodation of UAMs and children as well as other victims of trafficking were established in Bulgaria (in Dragoman, Balvan and Pazardjik) as a delegated authority of the Agency for Social Assistance.

### **3. Statistics**

In 2007, SACP worked on 102 cases of children-victims of trafficking.

The decrease from 2006 (170 cases) can be explained mainly with the possibility of free movement of people in the context of the full membership of Bulgaria in the EU.

For the period 2003–2005, the State Agency for Child Protection has worked on a total of 60 cases of UAMs abroad.

#### **♦ Administrative protection measures**

According to Bulgarian legislation, when a child is involved in activities harmful for his or her development, including trafficking, the Chairperson of the State Agency for Child Protection (SACP) has the authority to propose to the Minister of Interior the imposing of administrative measures for preventing the involvement of the child in re-trafficking. These measures include restrictions of leaving the country, refusing to issue passports, replacing documents and confiscating those already issued to underage persons. For 2007, 39 such proposals have been made.

Their total number from the enforcement of the legal text in 2005 is 150.

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# CROATIA

## 1. Legal Framework

The Republic of Croatia has ratified the UN Convention against Transnational Organized Crime as well as the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons. Thereupon national institutions started to harmonize the national legislative framework and the changes in **Criminal Code of the Republic of Croatia** (hereinafter: CC) contain provisions on criminal offences, which can often be connected to victims of trafficking in human beings.

**The Juvenile Courts Act** contains provisions on substantive criminal law, provisions on courts and provisions on criminal procedures, all applicable to young perpetrators of criminal offences (minors and young adults), as well as rules on criminal-law protection of children and minors. Juvenile panels and juvenile judges try adult perpetrators of the offences committed against children and youth as provided by the Criminal Code.

**The Witness Protection Act** also entered into force on the 1<sup>st</sup> January 2004 and it prescribes conditions and procedures for providing protection and assistance to endangered persons and persons close to them willing to cooperate with the judiciary.

The most important grounds for the efficient fight against organized crime is the **Act on the Office for the Suppression of Corruption and Organized Crime** from 2001, amended and completed in 2002 and 2005.

Since March 2004, **the Act on the Responsibility of Legal Persons for the Criminal Offence** is applied, and it enables the processing of legal persons regarding trafficking in human beings.

**The Criminal Procedure Act** (hereinafter: CPA) describes various institutions and measures that can be used in pre-investigative and investigative proceedings against suspects, for the criminal offence of trafficking in human beings. It includes the possibility of applying surveillance measures and surveillance and interception of telephone conversations, covert following and technical recording of individuals and objects, use of undercover investigators, simulated purchase of certain objects, as well as controlled transport.

**The Aliens Act** entered into force on the 1<sup>st</sup> January 2008. It enables the regulation of temporary residence permits for identified victims of trafficking in the Republic of Croatia, whose stay is not conditioned by participation in criminal proceedings against perpetrators. Approval for the first temporary residence shall be issued with validity from 6 months to one year and can be extended. A foreigner identified as a victim of trafficking has the right to decide within 30 days on her/his participation in an assistance and protection programme. The guardian of a minor who is identified as a victim has a right to decide within 90 days on the minor's participating in an assistance and protection programme.

Due to the amendments of the legislation in the field of social welfare pertaining to the assistance provided to trafficking victims and their protection, outside their families, a formal basis for the establishment of alternative shelters (in social welfare institutions or family homes) has been created.

Croatian legislation provides a system of guardianship as a special form of protection of minors who do not enjoy parental care, within the framework of the **Family Law**.

## **2. Institutional Framework**

In July 2002, the National Committee for Suppression of Trafficking in Human Beings was established and in November of the same year the first “National Plan of Action on Suppression of Trafficking in Human Beings” was enacted. On December 15<sup>th</sup> 2004, the Government of the Republic of Croatia adopted the “National Programme for the Suppression of Trafficking in Persons from 2005–2008”; pursuant to the Programme, it is obliged to submit an Action Plan for the suppression of trafficking in persons for each year. Annual action plans elaborate on specific measures and activities, with the aim of following achieved results, including progress monitoring over the whole implementation period of this strategic Plan.

In the National Programme for the Suppression of Trafficking in Persons 2005–2008, the Government of the Republic of Croatia committed itself to devoting particular attention to combating trafficking in children, considering that children form a separate and particularly vulnerable group.

Within the National Committee, a Subgroup for Suppression of Trafficking in Children has been established and a two-year “National Plan for Suppression of Trafficking in Children” for the period from 2005 to 2008 was adopted in October 2005.

In accordance with one specific measure of the National Plan, county coordinators were appointed within the social welfare system in all the counties, who will be responsible for the implementation and coordination of activities in each case of trafficking in children. Required financing for their activities is guaranteed.

In 2004, safe shelters for trafficking victims were established in the Republic of Croatia, as well as for trafficked children victims, since 2006. The Ministry of Health and Social Welfare provides the financial resources for both types of shelters, in accordance with the cooperation agreement with the Croatian Red Cross and civil society organizations.

Within the financial capacities of the Ministry of Health and Social Welfare, and according to the regulations of the Social Welfare System, alternative accommodations tailored to specific requirements of each victim are applied if necessary. This kind of accommodation within the Social Welfare System is financed by regular means provided by the Ministry.

The Republic of Croatia signed the EU CARDS 2004 Twinning Project «Combating Trafficking in Human Beings», including the obligation of interdepartmental cooperation of all relevant government bodies for the protection of victims of trafficking. This project

provides, among other things, training and awareness-raising about trafficking in human beings among police officers, judges, prosecutors, social workers and civil society organizations, with the aim of enhancing the cooperation in the field of victim identification and in particular in offering assistance to, and the protection of, victims.

Recognizing prevention and awareness-raising activities as essential steps towards combating trafficking in human beings, several mass media and information campaigns have been implemented since 2003.

A national SOS telephone number 0800 77 99, the only such telephone number for the entire territory of Croatia, was established within the first national awareness-raising campaign. The SOS line is toll free to victims and is operated 24 hours a day by NGOs.

The Ministry of Science, Education and Sports recognized the need to increase their capacity in order to act preventively and so influence and educate the young people. In cooperation with IOM, the Ministry has developed and incorporated educational counter-trafficking modules into the Croatian preschool, primary school and high school curriculum.

### **3. Statistics**

According to the official data of the Ministry of the Interior of the Republic of Croatia, it can be seen that in 2007, police officers discovered and reported a total of 17 criminal offences of "Trafficking in human beings and slavery". In 2006 a total of 5 criminal offences of "Trafficking in human beings and slavery" were recorded, whereas in 2005 6 such criminal offences were discovered and reported.

From 2002 till present, a total of 69 victims of trafficking in human beings have been identified in the Republic of Croatia. In 2002, 8 victims (3 Moldavian nationals, 2 Croatian nationals, 2 Ukrainian nationals and 1 stateless) were identified. The following year, 8 victims of trafficking in human beings (2 Croatian nationals, 1 Moldavian national, 1 national of the Russian Federation, 1 Serbian and Montenegro national, 1 BiH national, 1 Cameroon national and 1 Slovakian national) were discovered. In 2004, this number increased to 19 victims of trafficking in human beings (5 Croatian nationals, 3 Romanian nationals, 3 BiH nationals, 3 Serbian and Montenegro nationals, 2 Moldavian nationals, 2 Ukrainian nationals and 1 Morocco national). In the year 2005, 6 victims of trafficking were identified (1 Romanian national, 1 Bulgarian national, 3 Croatian nationals, 1 BiH national) and in 2006 a total of 13 victims were reported (3 Croatian nationals, 3 Bulgarian nationals, 3 Ukrainian nationals, 1 BiH national, 1 Serbian national, 1 Romanian national and 1 Albanian national). In the year 2007 a total of 15 victims of trafficking in human beings were identified (9 Croatian nationals, 3 Serbian nationals, 1 Moldavian national and 2 BiH nationals).

In 2007, one minor was identified as a victim of the criminal offence of "Trafficking in human beings and slavery". The previous year, 3 minors harmed by this criminal offence were reported, whereas in 2005, two such minors were identified.

#### **4. Focal Points**

◆ **Luka Mađerić**

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#### **5. Practical Case: The Chronology of Police and Legal Procedures**

On August 13, 2006, the police station in a small town in central Croatia received information from an underage citizen that his friend had brought a female person to his house and that she was insisting on an interview with the police.

A police patrol, sent to the informant's address, determined the identity of the unknown person. It was determined that she was a minor female (M.P.) from one of the Eastern European countries. The police conducted an interview with the minor which led them to conclude that this particular case might involve trafficking in persons.

The underage M.P. stated in the interview that she came into the Republic of Croatia with a Croatian citizen of legal age (T.N.) and her countryman P.V., also of legal age.

She met them in late July of 2006, in her own country, during a walk with her younger sister. After meeting them, she accompanied them for a drink in a coffee bar. Her countryman, P.V., has told her that he was married in Croatia to a rich woman whom he was very soon going to divorce and then marry her. The Croatian citizen, T.N., promised her that she could live with him until the aforementioned divorce was granted and work for him as a housemaid. He told her that she would have a monthly salary of 700 euros.

Because of the difficult living conditions she and her family were in, and the fact that she had fallen in love with P.V., the minor accepted their offer. She introduced the mentioned persons to her parents who were also told that their daughter would marry P.V. until which moment she would work for T.N. as a housemaid. The parents of M.P. agreed to the offer and gave them the authorization to cross the state border with their daughter.

Before coming to Croatia, a passport was issued to the minor. T.N. told M.P. that he had paid 100 euros for the procedure of the urgent passport issuance and that she would work it off in Croatia, as well as the money he had given her parents upon her insistence.

In her police interview the girl stated that her passport was kept by the Croatian citizen T.N. from the moment of its issuance and that after her arrival in Croatia she was staying

at his flat to which she was constrained. While T.N. was away at work, the minor was watched after by his wife, U.N., of legal age, who also restrained M.P.'s movement and kept her locked in the flat.

T.N. and his wife demanded that the minor prostitute herself, which she refused to do. The minor also told the police that T.N. handed her over to another Croatian citizen, S.C., of legal age, in order to provide him sexual services for the promised amount of 200 euros. He brought her to a flat where she was forced to watch the sexual encounter between him and an unknown female. They tried to persuade M.P. to join them in the sexual encounter, which she refused and was consequently returned to T.N.

In order to force her to prostitute herself, in mid-August 2006, T.N. raped her at gunpoint in his vehicle. As underage M.P. still did not agree to prostitution, one day T.N. left her at his acquaintances' house. He told her that he would pick her up in three hours and return her to her homeland. It was his acquaintances' underage son who informed the police that there was an unknown female in his house who insisted on an interview with the police.

With the aim of providing appropriate assistance and protection to underage M.P., the authorized social care services were involved in the procedure. Telephone contact with her parents was made available to the minor. Police officers from the authorized police organization unit conducted interviews with all the persons who could provide useful information concerning M.P.'s stay in Croatia. The police officers also undertook other police measures and acts in order to determine whether a criminal offense had been committed.

After the criminal processing had been completed, reasonable suspicion was established that Croatian citizens T.N., his wife U.N., S.C., and a foreign citizen, P.V. committed the offenses of trafficking in humans and slavery (Article 175 of the Criminal Code), and rape (Article 188 of the Criminal Code). Furthermore, liability was established for another Croatian citizen, K.P., of legal age, for committing a criminal offense pursuant to Article 175 of the Criminal Code, who was a middleman in selling the victim for the purpose of marriage.

After the completion of the criminal processing, the aforementioned persons were arrested and, acting on criminal charges, brought before the investigative magistrate of the jurisdictional County Court. With the results of the investigative proceeding, the state attorney abandoned criminal prosecution against the victim's countryman, who had acted as interpreter, because, according to some evidence, he had no knowledge of the intentions of the other defendants.

The County Court verdict, not yet legally valid, was delivered in October 2007. The principal defendant and the third co-defendant were found guilty of trafficking and slavery pursuant to Article 175, paragraph 2 of the Criminal Code and were sentenced to two and one and a half years in prison respectively, which was below the legal minimum sentence (predicted legal minimum is a five-year imprisonment). The court, in making its

decision, took into account the family conditions and the lack of prior convictions of the defendants as extenuating circumstances that lessened their sentences.

The second co-defendant was acquitted because the court did not establish that she had any knowledge of her husband's illegal activities. Allegedly, she thought that the aggrieved was her husband's cousin. Furthermore, the court found the principal defendant not guilty for the rape charges because of some contradictory statements made by the aggrieved party.

The state attorney lodged an appeal on the acquitting part of the sentence, and the case is currently before the Supreme Court, which will decide on the appeal.

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# HUNGARY

## 1. Legal Framework

In Hungary, the following legal regulations are relevant to the issues of trafficking and trafficking in minors in Hungary:

- Act 85 of 2001 on Witness Protection on the Protection Programme for participants of Criminal procedures and Persons cooperating with the Criminal justice;
- Act 135 of 2005 on Assistance to Victims of Crime and on State compensation;
- Act 2 of 2007 on Entry and Stay of Third-Country Nationals and its Executive Government Decree of 114 of 2007;
- Act 75 of 1999 on Rules of Combating Organized Crime and Certain Related Phenomena and Joint Legislative Amendments;
- Act 31 of 1997 on Child Protection and Child Protection Administration;
- Act 4 of 1978 on the Criminal Code;
- Act 4 of 1959 on the Civil Code;
- Act 4 of 1952 on Marriage, Family and Guardianship.

The following international documents have been implemented in Hungary:

- UN Convention on the Rights of the Child and its ratifying Act 64 of 1991;
- ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;
- ILO Convention 29 and 105 on Forced or Compulsory Labour.

The National Strategy against Trafficking in Human Beings, 2008–2012, has been adopted by the Government. The strategy settles the general and specific aims and priorities of counter-trafficking activities to be implemented by various entities in Hungary. Furthermore, it is the basis for the work of the national coordinative mechanism and the national coordinator. In addition to the strategy document, detailed annual action plans will be drafted to specify the activities/actions to be implemented in detail.

### *Information on the main legislations in this area*

The **Act on Marriage, Family and Guardianship** sets the rules in the areas of governance of parental rights and obligations, adoption, custody, guardianship, determination of motherhood and alimony.

The **Act on Child Protection and Child Protection Administration** governs the social and legal protection of children by a set of measures to safeguard the child's welfare and respect his/her best interests. The principles of the Act follow the spirit and regulations of the Convention on the Rights of the Child. The main aims of the Act are to regulate children's and parental rights and obligations to safeguard the development of the child in his/her natural family environment. Through financial and social support, official interventions provide for a substitutive environment for children who cannot be raised in their own family and specify the course of child welfare and protection procedures.

### ***Legislative framework for issues of trafficked children***

In Hungary, the following legal regulations are relevant to the issues of trafficked children:

- Act No. 4/1978 of the Criminal Code as amended;
- Act. No. 31/1997 on Child Protection and Child Protection Administration.

The following EU directives and international documents have been transposed into these laws:

- Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities;
- United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, 2000 (the “UN Palermo Protocol”);
- Council of Europe Convention on Action against Trafficking in Human Beings;
- Optional Protocol to The Convention on the Rights Of the Child On the Sale Of Children, Child Prostitution and Child Pornography.

The Republic of Hungary is a contracting party of all important international documents in the area of combating THB and is incorporating necessary measures in accordance with these documents into the national legislation. Legislation relating to the combating of THB crimes was first incorporated into the Criminal Code in 1999. Since then, the Criminal Code was amended several times in view of the ratification and implementation of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (which was signed and ratified by Hungary in 2006) and other international documents.

The issue of trafficking is established in the Criminal Code Article 175/B:

- 1) Any person who sells, purchases, conveys or receives another person or exchanges a person for another person, also the person who recruits, transports, houses, hides or appropriates people for such purposes for another party, is guilty of a felony punishable by imprisonment not to exceed three years.
- 2) The punishment shall be imprisonment between one to five years if the criminal act is committed
  - a) to the detriment of a person under eighteen years of age,
  - b) to the detriment of a person kept in captivity,
  - c) to subject the victim to forced labour,
  - d) for the purpose of sodomy or sexual penetration,
  - e) for the unlawful use of the human body,
  - f) in criminal conspiracy, or
  - g) in a pattern of criminal profiteering.

- 3) The punishment shall be imprisonment between two to eight years if the criminal act is committed
- a) to the detriment of a person who is in the care, custody, supervision or treatment of the perpetrator, or
  - b) for the purposes specified in Paragraphs c)-e) of Subsection 2)
    - » by force or by threat of force,
    - » by deception,
    - » by tormenting the injured person.
- 4) The punishment shall be imprisonment between five to ten years if the criminal act is committed
- a) to the detriment of a person referred to in Paragraphs a) and b) of Subsection 2) and in Paragraph a) of Subsection 3), for the any of purposes defined under Paragraphs c)-e) of Subsection 2), and/or in the manner defined under Points 1–3 of Paragraph b) of Subsection 3), or
  - b) for the purpose of making illegal pornographic material.
- 5) The punishment shall be imprisonment between five to fifteen years or life imprisonment if the criminal act is committed to the detriment of a person under twelve years of age
- a) for any of the purposes defined under Paragraphs c)-e) of Subsection 2),
  - b) in the manner defined under Points 1–3 of Paragraph b) of Subsection 3), or
  - c) for the purpose of making illegal pornographic material.
- 6) Any person who makes preparations for trafficking in human beings is guilty of misdemeanor punishable by imprisonment not to exceed two years.

Among crimes of child trafficking are crimes presented in the XIV<sup>th</sup> chapter – Crimes against marriage, family, youth and sexual morals of the Criminal Code, for example crimes with illegal pornographic material.

## **2. Institutional Framework**

The following organizations and institutions are involved in counter-trafficking activities:

The **Ministry of Justice and Law Enforcement (MoJLE)** coordinating the counter-trafficking activities based on the national strategy against trafficking in human beings. A **National Coordinator** for counter-trafficking activities has also been appointed at MoJLE. He is responsible for the following:

- coordinating, evaluating, and following up, at the national level, on the implementation of counter-trafficking activities;

- drafting the annual implementation action plans of the counter-trafficking strategy coordinates, and following up on the actions carried out by both governmental and non-governmental organizations;
- establishing a coordinated counter-trafficking mechanism at the national level.

The Hungarian Government established an effective **inter-sectoral, anti-trafficking working group** and an **International Trafficking Unit under the National Bureau of Investigation** in order to facilitate the implementation of existing laws. In addition, the Agreement had been signed by five parties (IOM, the Ministry for Foreign Affairs of the Republic of Hungary, the former Ministry of the Interior of the Republic of Hungary, the Ministry of Social Affairs and Labour of the Republic of Hungary, and a Hungarian NGO operating the shelter) on the referral system of Victims of Trafficking to a shelter, came into effect on the 1<sup>st</sup> of November 2005.

**NGOs** also provide assistance and information for victims of trafficking, including social and psychological support and accommodation in shelters for victims of trafficking (established in 2005).

#### ***National Counter-trafficking programmes: National Counter-trafficking project***

Based on the needs assessment resulting from past and ongoing anti-trafficking action, and on the specific objectives of the proposed programme, IOM Budapest implemented the National Counter-Trafficking pilot project. Within the framework of this project, IOM provided anti-trafficking training assistance and awareness-raising interventions amongst the two target groups (child care, education and health experts as well as vulnerable groups at risk of being trafficked) in order to facilitate the understanding of, and the appropriate response to, human trafficking issues in the Hungarian context. This aim was accomplished through organizing seminars throughout the country, information and awareness-raising campaigns and a training of trainers workshop. The project was funded by the Ministry of Social Affairs and Labour.

The four **seminars** focused on awareness-raising, knowledge transfer, and building the skills needed to address human trafficking in the Hungarian context. The major theme of the training was recognizing and responding effectively to the phenomena of human trafficking. The seminars covered a range of topics, including:

#### **◆ Overview of the human trafficking phenomenon**

- » Causes of human trafficking;
- » Experiences of trafficked victims;
- » Counter-trafficking and human rights (international laws, best practices);
- » EU standards on preventing and combating trafficking in human beings;
- » Prevention of human trafficking;
- » Trafficked minors: specific issues and needs;
- » Human trafficking in the Hungarian context;
- » Description of THB in Hungary;
- » Trafficking and the legal system (Hungarian laws and standards).

Trainings were organized and carried out by IOM Budapest colleagues and held in four locations outside Budapest: Oroszlány, Nyíregyháza, Kaposvár and Győr.

A specific training activity was carried out within the framework of the project. The component consisted of a **Training of Trainers** workshop organized in Budapest on 18–19 April 2007, over a period of two days.

The second objective was to give this group of selected professionals from across the country the opportunity to meet one another, learn from each other's experiences, and network – thereby increasing the probability of designing a more coordinated approach to combating human trafficking, and providing comprehensive services to trafficked victims and to potential victims to whom they provide services on grounds other than human trafficking.

The **Awareness-raising, Information Campaign** greatly contributed to the strengthening of the relationship between the GoH and educational institutions, in a joint and continued effort to integrate THB issues into their daily work. Based on its extensive multi-year experience of preventive information dissemination and awareness-raising on trafficking in Hungary and elsewhere, IOM specifically tailored and implemented the awareness-raising activities in cooperation with the Ministry of Social Affairs and Labour of the Republic of Hungary. The campaigns targeted specific regions within Hungary at the local level, in order to ensure that the key message reaches the actual target group.

The main target groups included:

- centres for young people with specific needs including centres for unaccompanied minors and foster-care centres;
- the general public.

#### ***Electronic materials***

Electronic versions of the media campaign were placed on the [www.iom.hu](http://www.iom.hu) website. A six slide flash animation was being played on TV screens installed on long haul buses of 'Volánbusz', a Hungarian intercity bus company.

#### ***Print materials***

- Educational and preventative images and messages in newspapers, leaflets/pamphlets posters;
- Take-home pocket-sized info card.

A small, pocket-sized travel card, boomerang postcard developed by the present programme containing information on how to prepare for trips abroad and the "do's and don't's" of a stay abroad, will be sent home with every pupil for home use and parental review. Both the printed and the electronic materials contained the 24/7 hotline telephone number operated by the Ministry of Social Affairs and Labour staff which had originally been trained to address emergency calls from victims of domestic violence but

who were later trained by IOM experts in a previous project to be able to also address the specific needs of VoTs.

These materials were used in a nationwide campaign in order to sensitize various target groups to the trafficking problem in Hungary, its risks and dangers (including STDs/STIs and HIV/AIDS), preventative measures and services available for assistance. The information materials were distributed in separate phases by professional distributors and a network of partner companies to the target groups.

### **3. Statistics**

Statistics regarding the trafficking of minors in Hungary are not available.

### **4. Focal Points**

National Coordinator for counter-trafficking activities

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# KOSOVO

## ***Introduction***

In Kosovo, like much of the Western Balkans, **trafficking in human beings (THB)** increased significantly after the conflicts involved in the dissolution of the former Yugoslavia in the 1990s and early 2000s. Kosovo remains an 'attractive' area for human trafficking as it is perceived to offer a favorable combination of factors: geographical proximity with Eastern European countries (traditionally source countries); weak border controls; unstructured and poorly defined migration regulations and newly established – therefore, still insufficiently tested and enforced – anti-trafficking legislation; established smuggling routes and a large international community and peace-keeping presence. In addition, Kosovo, like nearly all of the Balkan countries, faces high levels of unemployment and poverty.

Trafficking networks are able to operate virtually with impunity for a number of reasons, such as victims' fear to speak out about her/his experiences given the lack of witness protection measures, inadequate and under-funded legislation, and insufficient enforcement of existing provisions to prosecute traffickers. These factors, combined with a weak law enforcement capacity, difficulty in accessing vulnerable groups and a potentially volatile security situation impede trafficking prevention.

Although numerous legislative, prevention-based efforts and other initiatives to combat trafficking have been undertaken by various international organizations, NGOs and governments across Europe, trafficking continues to constitute a serious problem in Kosovo and the larger region.

Since 1999, Kosovo has been classified as a place of destination, transit and origin for trafficking victims, with the majority of victims reporting having been trafficked for the purpose of sexual exploitation. It is important to note that from 2001 until the end of 2007, Kosovo has witnessed a consistent trend towards decreasing numbers of foreign victims, with a simultaneous increase in local victims, with minors (girls under the age of 18) consistently constituting the majority of cases.

## **1. Legal Framework<sup>9</sup>**

The set of anti-trafficking legal provisions in Kosovo is in compliance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo, December 2000). Kosovo also acknowledged the need for awareness-raising, training, cooperation and coordination among government officers, and for cooperation and exchange of information between the countries of South Eastern Europe.

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<sup>9</sup> All Kosovo Laws, Regulation and Administrative direction available at Official Gazette <http://www.unmikonline.org/regulations/index.htm>

- UNMIK Regulation No. 2001/4 on the Prohibition of Trafficking in Persons in Kosovo;
- Provisional Criminal Code of Kosovo (UNMIK/REG/2003/25);
- Provisional Criminal Procedure Code of Kosovo (UNMIK/REG/2003/26);
- Administrative Direction No. 2005/3 on Implementing UNMIK Regulation No. 2001/4 on the Prohibition of Trafficking in Persons in Kosovo;<sup>10</sup>
- UNMIK Regulation No. 2001/20 on the Protection of Injured Parties and Witnesses in Criminal Proceedings.

### ***Child labour legislation***

Based on UNMIK Regulation 2001/27 on the *Labour Law in Kosovo* (Section 3), the minimum employment age in Kosovo is 15 years old. Minors aged 15 to 17 years old may be employed to carry out non-strenuous work that shall not affect their attendance at school and is not likely to be harmful to their health or development. However, 18 years is the minimum age for employment or work which may or is likely to jeopardize the health, safety or morals of a young person.<sup>11</sup> In accordance with Article 95 of *Labour Law of Socialist Autonomous Province of Kosovo* 24/84, young employees (between 15–17) are only allowed to work eight hours a day (a total of 40 hours a week) and only between six o'clock in the morning and ten o'clock in the evening. Moreover, in case the child attends school, working hours should not coincide with school hours. However, compliance of this law is not monitored and there is no provision requiring the obligatory endorsement or signature of the parents and/or School Board in a contract between an employer and a minor between 15 to 17 years of age.<sup>12</sup>

The *Law on Occupational Safety, Health and the Working Environment*<sup>13</sup> determines that employees under the age of 18 years shall not be given exceptional hard manual labour, shall not work after the usual working hours or during the night (Section 4). The Criminal Code considers it a criminal offence of the parent or another person that acts as a parent, if they force a child/minor to work for extended hours, carry out work that is not appropriate for the age of the child, or force the child to beg for money or other material profits (Section 211.3). The Ministry of Labour and Social Welfare (MLSW), with the support of International Labour Organization (ILO), is in the process of compiling a framework strategy for the elimination of the worst forms of child labour. ILO plays an advisory role in the Committee for the Elimination of Worst Forms of Child Labour, composed of inter-ministerial working group, local NGOs and international organizations. The Committee reviewed and identified gaps in UNMIK Regulation 2001/27 concerning the intervention of labour inspectors dealing with worst forms of labour for children/minors.

<sup>10</sup> The Administrative Direction does not include any special article related to the assistance of child victims of trafficking, except for paragraph (h) of Section 1, which states as follows: "The Coordinator shall seek advice on cases and issues pertaining to victims of trafficking who are minors, mentally ill or otherwise disabled".

<sup>11</sup> UNMIK Regulation No. 2001/27 on Essential Labour Law in Kosovo, section 3: [http://www.unmikonline.org/regulations/unmikgazette/02english/E2001regs/RE2001\\_27.pdf](http://www.unmikonline.org/regulations/unmikgazette/02english/E2001regs/RE2001_27.pdf) (retrieval 9 November 2006).

<sup>12</sup> UNICEF (2004). *Trafficking in Children in Kosovo*, p. 15.

<sup>13</sup> UNMIK Regulation 2003/33 On the Promulgation of the Law adopted by the Assembly of Kosovo on Occupational Safety, Health and the Working Environment No. 2003/19: [http://www.unmikonline.org/regulations/unmikgazette/02english/E2003regs/RE2003\\_33.pdf](http://www.unmikonline.org/regulations/unmikgazette/02english/E2003regs/RE2003_33.pdf) (retrieval 9 November 2006).



### ***Secondary legislation and support documents***

- Kosovo Plan of Action (KPA) -- 2005–2007;
- Standard Operational Procedures (SOP) for foreign VOT;
- Standard Operational Procedures (SOP) for national VOT;
- Official CT WEB for Kosovo: <http://countertrafficking-ks.org>.

## ***2. Institutional Framework***

### ***Anti-Trafficking coordinator***

**The Advisory Office for Good Governance (AOGG)** at the Office of the Prime Minister of Kosovo was created in 2002; one of its mandates is to design, implement, coordinate and monitor initiatives aiming at combating trafficking in human beings in Kosovo. The Director of the AOGG is also the **Anti-Trafficking (AT) Coordinator** for Kosovo. The Kosovo Anti-Trafficking Coordinator holds the ultimate responsibility for the implementation, monitoring, evaluation and review of the Kosovo Plan of Action to Combat Trafficking in Human Beings (KPA). His role and responsibilities have been envisaged according to specific Terms of Reference, approved by Decision of the Kosovo Prime Minister in January 2006.

### ***Anti-Trafficking Secretariat***

The Kosovo AT Coordinator is supported by the Anti-Trafficking Secretariat, based at the AOGG since May 2005. The Anti-Trafficking Secretariat is responsible for supporting the AT Coordinator and the Inter Institutional Working Group (IIWG) in designing, implementing and coordinating the anti-trafficking response in Kosovo and more specifically the Kosovo Plan of Action to Combat Trafficking in Human Beings (KPA). The Secretariat has been established thanks to financial and technical expertise provided by IOM through funding provided by USAID and the Government of Finland.

### ***Inter-Institutional Working Group to Combat Trafficking in Human Beings (WG)***

The Kosovo Action Plan to Combat Trafficking in Human Beings envisages an enduring supportive Institutional Framework that should allow the implementation of its activities ensuring full coordination and cooperation among the main organizations and institutions active in fighting against trafficking and in protecting and promoting the human rights of trafficked persons.

The aforementioned Supportive Framework envisages an **Inter-Institutional Working Group to Combat Trafficking in Human Beings (WG)**, composed of all relevant institutions from local government, international agencies and NGOs active in combating trafficking in human beings. This group is aimed at enhancing cooperation and coordination among the main actors involved in the fight against trafficking in human

beings in Kosovo, so as to facilitate strategic planning, encourage joint actions, and improve the achievement of sustainable results.

The Action Plan foresees the creation of *Four Thematic Sub-Working Groups*, respectively dealing with:

- **Prevention** of trafficking in human beings;
- **Protection** and assistance to trafficked persons;
- **Prosecution** of individual/groups perpetrating in trafficking activities;
- **Children** victims of trafficking and children/minors at risk of being trafficked.

### **3. Statistics**

#### **Victims of Trafficking<sup>14</sup>**

Since late 1999 until December 2007, IOM has assisted 569 trafficked persons; 458 have been foreign victims of trafficking (VoT), originating mainly from Moldova, Romania and Ukraine.

An additional 111 Kosovar VoT were assisted during the aforementioned period, either returning from other countries (20 cases to date), or trafficked internally within Kosovo (91 cases to date).

#### ***Prosecutions of Human Trafficking<sup>15</sup>***

- Total convictions: 121 cases, consisting of 152 persons<sup>16</sup>
- Indictments of trafficking in human beings at the border<sup>17</sup>
  - » In 2005: 13 cases
  - » In 2006: 18 cases

#### ***Existing trends***

Based on the assistance provided and information received from the VoT (victims of trafficking), the following trends have been noticed:

- Recruiters tend to be acquainted with the victim (e.g. people the victim knew – relatives, neighbours, friends, etc) but there are also cases of strangers acting in this role. Among all of IOM's assisted cases, almost every second case (nearly half) have reported that they were recruited by a female.
- Traffickers operating in Kosovo are usually local men.
- Out of the total of IOM's assisted local victims, more than two-thirds (71.7%) were promised a job, 6.67% were recruited through false travel arrangements and

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<sup>14</sup> Statistical information is based on victims of trafficking assisted by IOM.

<sup>15</sup> Data only available for 2005 at the moment.

<sup>16</sup> Source: Public Prosecutor's Office of Kosovo.

<sup>17</sup> Source: UNMIK Border Police and Kosovo Police Service (KPS) Border Police.

6.32% lured through an offer of marriage. Almost 6% of IOM's assisted victims of Kosovar origin were kidnapped or otherwise taken by force.

- There has been a decrease in the number of foreign VoT referred for assistance over the years from 136 in 2001, to 8 by the end of 2007.
- There simultaneously has been an increase in the number of Kosovar trafficked persons over the years from 6 in 2001, to 30 in 2006 and 23 by the end of 2007.
- Statistics indicate that 54.96% of Kosovar VoT are minors. Hence, their specific needs must be kept in focus.
- The overwhelming majority of Kosovar VoT have been trafficked for the purpose of sexual exploitation, with six notable exceptions: four identified cases trafficked for forced labour and two for begging/stealing.
- 60% of IOM's assisted victims are from rural or suburban areas.
- Only 11 of the 111 cases assisted by IOM have finished high school.

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# THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

## ***Introduction***

Human trafficking and irregular migration, at large, remain major concerns in the country. During the last two years, the former Yugoslav Republic of Macedonia has undoubtedly undertaken significant steps to reduce the incidence of this phenomenon and increase the protection of victims; nevertheless, issues such as economic self-reliance of a population at risk, female empowerment, social and ethnic marginalization, together with a systematic monitoring of immigration and emigration patterns, are still in need of high attention.

While the referral and assistance to third-country victims registered an important decrease over the past three years, the number of Macedonian nationals trafficked both outside the country borders and within them is slowly but constantly increasing. The decrease of foreign nationals would depend on the conjunction of several factors rather than a real and significant decrease of VoT present over the Macedonian territory; these factors being first and foremost the poor identification techniques at the levels of both law enforcement and social services, followed by the change in the traffickers' *modus operandi* and a different profile of the victims.

Furthermore, the current Macedonian scenario presents analogies to other countries/entities in the region where, from a net prevalence of foreign victims who were mostly trafficked for sexual exploitation, the situation has changed into a higher incidence of identification and referral of VoT trafficked for forced labour, begging as well as sexual exploitation. Finally, as acknowledged by many relevant actors, the former Yugoslav Republic of Macedonia is nowadays predominantly considered a country of transit and source; no longer a country of destination.

According to the Trafficking in Persons report, although the former Yugoslav Republic of Macedonia is a TIER 2 country, "significant developments and major efforts are seen from the Government side to contribute to the fight against human trafficking (HT). The Government demonstrated increasing progress particularly through joint law enforcement cooperation with neighbouring countries, but the same is yet to ensure that traffickers receive sentences consistent with the heinous nature of the offence, and make greater efforts to prosecute and convict public officials who profit from, or are involved in, trafficking. The judiciary and court endings<sup>18</sup> of the THB cases remain the weakest link in the fight against trafficking in persons, with significant instances of procedural errors and delays extending the duration of proceedings."

18 In 2007 the Ministry for Internal Affairs raised 3 criminal charges for "trafficking in human beings" and according to the report of the coalition "All for fair trials", two cases have been closed with court verdicts. In one instance the defendants were accused and sentenced to jail (the first defendant to 6 years' imprisonment and the second to 4 years' imprisonment). In the second case the judge ruled that the defendant had committed the crime in a condition of non-accountability and was sent to mandatory psychiatric treatment in an appropriate health institution.

IOM would also concur with the fact that national efforts to fight human trafficking reached considerable achievements in the field of protection and in the establishment of assistance mechanisms; however, the lack of proper identification techniques and expertise, and the evident difficulties of the institutions to adjust to the new trends – both in terms of victims' profiles and traffickers' *modus operandi* – remain the main challenges for the achievements of relevant results in the field of prosecution and prevention.

## 1. Legal Framework

### Laws

- Law on changes and amendments of the Criminal Code, Official Gazette of the former Yugoslav Republic of Macedonia No. 04/02;
- Law on changes and amendments of the Criminal Code, Official Gazette of the former Yugoslav Republic of Macedonia No. 19/04;
- Law on changes and amendments of the Criminal Code, Official Gazette of the former Yugoslav Republic of Macedonia No. 07/08;
- Law on Protection of Witnesses, Official Gazette of the former Yugoslav Republic of Macedonia, No. 38/0558/05;<sup>19</sup>
- Law on Criminal Procedure, Official Gazette of the former Yugoslav Republic of Macedonia 44/02, 74/04;<sup>20</sup>
- Law on Foreigners, Official Gazette of the former Yugoslav Republic of Macedonia 35/2006;<sup>21</sup>
- Law on Employment of Foreigners, Official Gazette of the former Yugoslav Republic of Macedonia 70/07.

### Secondary Legislation and Internal Regulations

- Government Decree for the establishment of a National Commission for Combating Trafficking and Illegal Migration;<sup>22</sup>
- Government Decree for the appointment of National Coordinator and members of the National Commission;<sup>23</sup>
- Government Decree for the appointment of National Coordinator and members of the National Commission;<sup>24</sup>
- Governments Decree on the endorsement of the Strategy and National Action Plan on Combating Trafficking in Children and Illegal Migration;
- Ministry for Internal Affairs, Instruction for Dealing with Foreigners who are Victims of Trafficking;<sup>25</sup>

19 The Law became effective as of January 1, 2006.

20 The revised text of the Law on Criminal Procedure is with new enumeration was published in the Official Gazette of the former Yugoslav Republic of Macedonia, No. 15/05.

21 The Law became effective as of January 1, 2008.

22 Official Gazette of the former Yugoslav Republic of Macedonia No.18/01

23 Official Gazette of the former Yugoslav Republic of Macedonia No.19/2001,26/2002

24 Government Session held on 30.01 2007.

25 Issued by the Minister of Interior in March 2006.

- Ministry for Internal Affairs, "Rulebook for House Rules of the Reception Centre for Foreigners;<sup>26</sup>
- Governments Decree on the enactment of Standard Operating Procedures for assistance to victims of trafficking;<sup>27</sup>
- National Commission Decree on the establishment of the Secretariat of the National Commission;
- National Commissions Decree on the establishment of a sub-group for combating trafficking in children.<sup>28</sup>

### ***International Documents***

- The Universal Declaration of Human Rights (UDHR);
- The International Covenant on Civil and Political Rights (ICCPR) – succession on 18.01.1994;
- The Vienna Convention on Consular Relations – succession on 17.11.1991;
- The International Covenant on Economic, Social and Cultural Rights (ICESCR) – succession on 18.01.1994;
- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) – succession on 18.01.1994;
- The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women – ratification on 17.10.2003;
- The International Convention on the Elimination of All Forms of Racial Discrimination (CERD) – succession on 18.01.1994;
- The Convention on the Rights of the Child (CRC) – succession on 02.12.1993;
- The Convention concerning Migration for Employment (Revised) (No.97) – succession on 17.11.1991;
- The Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (No.143) – Treaty succession on 17.11.1991;
- The Convention concerning Forced or Compulsory Labour (No.29) – succession on 17.11.1991;
- Abolition of Forced Labour (No.105) – ratification on 15.07.2003;
- The Discrimination (Employment and Occupation) Convention (No.100) – succession on 17.11.1991;
- The Equal Remuneration Convention (No.100) – succession on 17.11.1991;
- The 1951 UN Convention Relating to the Status of Refugees – 19.01.1994;
- The Protocol Relating to the Status of Refugees – succession on 18.01.1994;
- The Convention Relating to the Status of Stateless Persons – succession on 18.01.1994;
- The Protocol Relating to a Certain Case of Statelessness – succession on 18.01.1994;
- The United Nations Convention Against Transnational Organized Crime – ratified on 12.01.2005;

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26 Published in the Official Gazette of the former Yugoslav Republic of Macedonia No.06/07.

27 Government session held on 29.01.2008.

28 IX session of the National Commission for Combating Trafficking and Illegal Migration held on 07.11. 2003.

- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children – ratification on 12.01.2005;
- The Protocol against the Smuggling of Migrants by Land, Sea and Air – signature on 12.12.2000;
- The International Convention for the Suppression of the Traffic in Women and Children – succession on 18.01.1994;
- The Convention for the Suppression of the Trafficking in Persons and of the Exploitation of the Sex Work of Others – signature on 12.12.2000;
- The Hague Convention 28 on Civil aspects of International Child Abduction succession on 01.12.1991;
- The ILO 182 Convention on the Worst Forms of Child Labour – ratification on 30.05.2002;
- The European Convention on Human Rights (ECHR) – ratification on 10.04.1997;
- The European Social Charter – ratified 31.03.2005;
- The Convention of Council of Europe on Action against Trafficking in Human Beings – signed on 17.11.2005.

### ***Current Initiatives for Changes and Amendments***

Based on a legislation analysis undertaken in 2006 and identified shortcomings, the Ministry for Labour and Social Policy has proposed changes and amendments to the Law on Family Protection, the Law on Child Protection and the Law on Social Protection. These proposals have been submitted to the Parliament for adoption and their revision is expected for the first trimester of 2008.

- If endorsed, the proposed amendments to the Law on Family Protection will impose an obligation to the state to provide institutional protection for minors and victims of human trafficking as well as introduce a new chapter on “Guardianship of minors – victims of trafficking”.
- The changes in the Law on Child Protection envisage the condemnation of all forms of trafficking in children and will incorporate a chapter on the protection of children, victims of human trafficking, starting from the identification, sheltering and the protection of the identity and privacy of the child, the provision of psychosocial, medical, legal and educational support as well as housing in accordance with their age, gender and abilities, thus respecting the right and dignity of the child.
- The changes in the Law on Social Protection will formally introduce victims of human trafficking as a specific category of beneficiaries of the services provided by the Centres for Social Work.

## 2. Institutional Framework

The **National Commission for Combating Trafficking and Irregular Migration** was established by the Government in 2001 and is entrusted with:

- Monitoring and analyzing the situation regarding trafficking in human beings and illegal migration;
- Coordinating the activities of the competent institutions;
- Cooperating with relevant international and non-governmental organizations.

The National Commission is an inter-ministerial body composed of senior representatives from the following ministries: the Ministry of Internal Affairs, the Ministry of Labour and Social Policy, the Ministry of Foreign Affairs, the Ministry of Education and Science, the Ministry of Justice, the Ministry of Health, and the State Public Prosecution Office, the Basic Court of Skopje One and the Customs. One year after its establishment, the Commission endorsed its first National Programme for Combating Trafficking in Human Beings and Illegal Migration that proposed an initial plan of activities and guidelines for the prevention and suppression of trafficking and illegal migration in the former Yugoslav Republic of Macedonia. The 2002 programme paved the basis for the development of the National Strategy and the National Action Plan for Combating Trafficking and Irregular Migration enacted in 2006. The 2006 documents set the directions and priorities in dealing with THB; both documents are in the phase of implementation.

**The Secretariat of the National Commission:** In 2003 the National Commission formed a Secretariat – an executive body that operates under the supervision of the National Commission and is responsible for the endorsement and implementation of the National Commission decisions. The structure of the Secretariat has been constantly evolving in terms of members and as of December 2007 it counts 17 representatives from the institutions, international arena and civil society.<sup>29</sup> The secretariat and the office of the national coordinators are supported by an external staff<sup>30</sup> tasked to extend expert support as well as maintain a functional and up-to-date database of state officials trained in THB.

**Sub-group for Combating Trafficking in Children:** A Sub-group for Combating Trafficking in Children was established in 2003 within the National Commission. The activities of this body are focused on the prevention of child trafficking and enhancement of the protection of underage victims and the coordination of the cooperation between the relevant actors. Members of the sub-group are the representatives from the Ministry of Internal Affairs, the Ministry of Education and Science, the Ministry of Labour and Social Policy, the Ombudsman, UNICEF, IOM, OSCE, ICMPD, NGO “Happy Childhood” and NGO “Open Gate – La Strada Macedonia”.

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29 IOM, OSCE, ICMPD, UNICEF, UNHCR, MARRI, US Embassy, Embassy of Sweden, and British Embassy are part of this body. In addition, members of the Secretariat are the non-governmental organizations: “Open Gate – La Strada Macedonia”, “Happy childhood”, “Semper” – Bitola, Coalition “All for fair trials”, and “Centre for civic initiative” – Prilep, Union of Women’s organizations of Macedonia. Members of the Secretariat are also experts from different Government Agencies, such as the representatives from the Ministry of Interior, National Referral Mechanism (Ministry of Labour and Social Policy) and the Agency for Youth and Sports.

30 Seconded by IOM with the support of the Finnish Government.



**National Referral Mechanism (NRM):** the National Referral Mechanism for victims of trafficking in human beings (NRM) was established in 2005 with the support of OSCE and operates under the auspices of the Ministry of Labour and Social Policy. The NRM mandate is to coordinate the referral of national victims of trafficking as well as to follow up on their reintegration. The National Referral Mechanism is comprised of a Coordinative office and a total of 58 professionals from 27 Centres for Social Work across the former Yugoslav Republic of Macedonia. The NRM professionals closely cooperate with law enforcement bodies, relevant NGO representatives and other stakeholders in the process of referral and assistance to VoT. In their course of work and learning process, the social workers assigned to the NRM have received extensive support in the form of basic and specialized training provided by IOM and other agencies. IOM has also extended training to 93 labour inspectors aiming to boost their knowledge on trafficking in human beings, enhance their identification skills as well as to familiarize them with the existing referral mechanism.

**Victims Facilities/Shelters:** There are currently two shelters in the former Yugoslav Republic of Macedonia that provide accommodation for victims of HT; one is the Reception Centre for foreigners (RC) mainly dedicated to the accommodation of foreign victims and the other is the "Residence" shelter for national victims managed by the NGO "Open Gate/La Strada". The RC, a Government-owned facility managed by the Ministry for Internal Affairs/Sector for Border Affairs, is operational since April 2001 and, to date, has accommodated 550 victims. The RC, in coordination with and supported by IOM and the NGO "For a happy childhood", offers a wide range of activities and services. It is of important to mention that the Government supports this structure by covering the costs of 24-hour security, utilities, maintenance and basic daily needs for RC residents. IOM, directly or through contracted partners, provides for medical assistance and care, legal counseling and representation, psychosocial support as well as return and reintegration services. In 2007, IOM, through a SIDA funded project, launched a two-year process for the complete handover of responsibilities to the Government, specifically those ministries<sup>31</sup> more actively engaged in victims' protection. It is expected that by the beginning of 2009 the services of medical, social and legal assistance will be assumed by the national counterparts. The first phase of the handover process, which comprehends building the service provider's capacity through tailored and specialized trainings, started in April 2007.

**Standard Operating Procedures:** In the course of 2007, with the support of the international organizations (OSCE, IOM, and ICMPD) the National Commission has drafted Standard Operating Procedures for the assistance to victims of HT. The SOPs define the principles, actors and their responsibilities in the overall process of assistance along with guidelines for cooperation among actors on a local, national as well as transnational level. The Government endorsed the document at the end of January 2008 and it is now in process of implementation.

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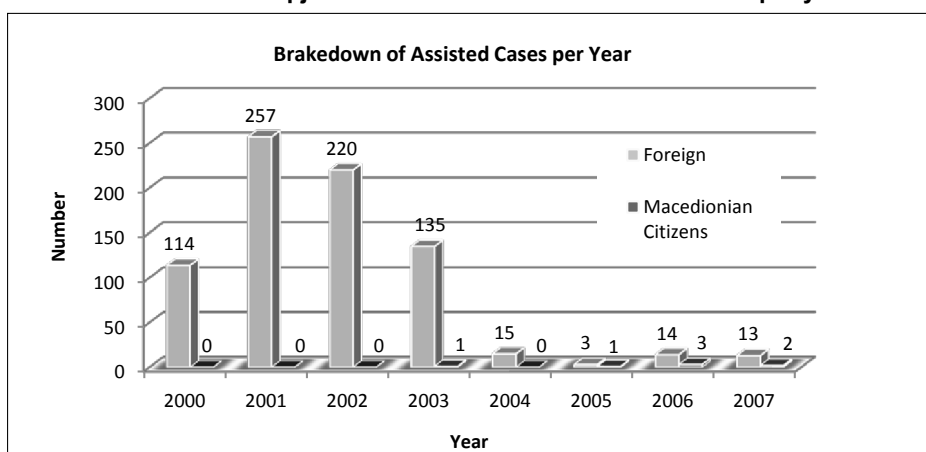
31 Ministry of Interior, Labour and Social Policies and Health.

### 3. Statistics

Due to the non-existence of a centralized data repository system there are several data sources:

**IOM:** In its capacity as the main provider of voluntary return assistance to third-country nationals, IOM gathers and systematizes data pertaining to the assistance of **foreign victims**. Based on the current referral system, IOM is the main actor tasked to screen and eventually assist foreign victims wishing to return home. Each case referred to IOM is processed through a standard set of indicators (mainly referring to the Palermo Protocols and other international instruments) and is entered into the IOM Global DB.<sup>32</sup>

**Chart 1: IOM Skopje Gender breakdown of assisted cases per year**



Out of the total of IOM caseload, 98.59% are female and 1.41% male. Of the overall number, 104 (13.37%) beneficiaries were minors. The vast majority of minors identified as victims were assisted in the period from 2000 to 2003. Data show that the majority of assisted cases were trafficked for the purposes of sexual exploitation (Table 1, 2).

**Table 1: Breakdown of the assisted minors per year**

Year below	14 years of age	14-17 years of age
2000	/	20
2001	/	23
2002	/	30
2003	/	15
2004	1	5
2005	/	/
2006	3	2
2007	3	2
<b>TOTAL</b>	<b>7</b>	<b>97</b>

<sup>32</sup> IOM database currently contains detailed registration and assistance data for approximately 15,000 trafficked persons, and is the largest repository of primary data on victims of trafficking in the world. Since its start of operation in the area of direct assistance to victims of trafficking in 2000, IOM Skopje, up to December 2007 has assisted a total of 778 victims of human trafficking, of which all have been documented and encoded in the Counter – trafficking Data Base.

**Table 2: Age vs. gender breakdown of the IOM assisted cases per year**

<b>Gender vs. Age Breakdown</b>	<b>Number</b>	<b>Percentage</b>
<b>Female</b>	<b>767</b>	<b>98.59</b>
Under 14 years	7	0.90
14 to 17 years	95	12.21
18 to 24 years	462	59.38
25 to 30 years	162	20.82
Over 30 years	41	5.27
<b>Male</b>	<b>11</b>	<b>1.41</b>
14 to 17 years	2	0.26
18 to 24 years	3	0.39
25 to 30 years	2	0.26
Over 30 years	4	0.51
<b>TOTAL</b>	<b>778</b>	<b>100.00</b>

Furthermore, it is indicative that although the number of children victims of trafficking has been decreasing – in line a general trend of decrease in the number of identified cases – the age of the rescued and assisted cases has been decreasing as well. Namely, all minors assisted in the period from 2004 to 2007 were below 14 years of age, compared to the 2000–2003 period when without exception the assisted VoTs minors belonged to the 14–17 years of age group. In parallel it is noticeable that while in the period of 2000–2003 the majority of the child victims of trafficking have been exposed to sexual exploitation, in the period of 2004–2007 the same age group suffered from a variety of exploitation types, such as labour exploitation, low level criminal activities and other type of exploitation (begging and delinquency).

**Table 3: Type of exploitation suffered by assisted minors**

<b>Age Range</b>	<b>Type of Exploitation</b>	<b>Number</b>
	Low level criminal	2
	Sexual exploitation	3
Under 14 years	Other exploitation	1
	Labour exploitation	1
	Labour exploitation	7
	Labour exploitation & Low level criminal	2
14 to 17 years	Other exploitation	2
	Sexual exploitation	86
<b>TOTAL</b>		<b>104</b>

**Table 4: Nationality of the assisted minors**

Nationality	Number
Albanian	4
Belorussian	1
Bulgarian	3
Croatian	1
Kosovar	3
Macedonian	1
Moldavian	21
Montenegrin	3
Romanian	60
Russian	1
Serbian	6
<b>TOTAL</b>	<b>104</b>

**The National Referral Mechanism** collects and manages data on internal trafficking victims which involves specific engagement by the field associates of the National Referral Mechanism from 27 Centres for Social Work across the former Yugoslav Republic of Macedonia. Since the start of operation in September 2005 until 1 December 2006, the National Referral Mechanism (NRM) registered 23 potential victims of human trafficking, Macedonian nationals of which 16 were minors. In the period from December 2006–December 2007, the Centres for Social Work were engaged in identifying 30 Macedonian nationals as victims of human trafficking (of which 28 were minors) and extended guardianship assistance to 5 foreign VoTs assisted by IOM Skopje.

**Open-Gate/La Strada Macedonia:** In the capacity of an NGO service provider and manager of a shelter facility for assistance to national victims of trafficking and potential victims of human trafficking, Open-Gate/La Strada has provided assistance to 45 beneficiaries. A team of professionals coordinates the provision of specialized services such as psycho-social support, medical care and treatment, legal assistance and vocational trainings to the beneficiaries around the clock.

**Table 5: Age and ethnicity breakdown of assisted caseload**

YEAR	Minors	Adults	Macedonians	Albanian Minority	Roma Minority	Total
2005	5	4	2	6	1	9
2006	6	4	3	4	3	10
2007	8	18	9	11	6	26
<b>TOTAL</b>	<b>19</b>	<b>26</b>	<b>14</b>	<b>21</b>	<b>10</b>	<b>45</b>

Note: Out of the 45 assisted beneficiaries 44 are female and only 1 is male.<sup>33</sup>

<sup>33</sup> Assisted in 2005.

The majority of the beneficiaries were referred for assistance by the Ministry for Internal Affairs, the National Referral Mechanism, NGOs from the region and the La Strada SOS help line.

#### **4. Focal Points**

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♦ **Sanija Burageva**

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# MOLDOVA

## 1. Legal Framework

### **Laws**

- Constitution of the Republic of Moldova adopted on July 29, 1994;
- Criminal Code, Law nr. 985-XV of April 18, 2002;
- Code of Criminal Procedure, Law nr. 122-XV of March 14, 2003;
- Code of Administrative Contraventions, approved on March 29, 1985;
- Civil Code, Law nr. 1107-XV of June 6, 2002;
- Labour Code, Law nr. 154-XV of March 28, 2003;
- Family Code, Law nr.1316-XIV from 26.10.2000;
- Enforcement Code, Law nr. 443-XV of 24.12.2004;
- Law on Migration nr. 1518-XV adopted on December 6, 2002;
- Law on Citizenship, nr.1024 – XIV of June 2, 2000;
- Law on Entry to and Exit from the Republic of Moldova, nr. 60-XIII of November 9, 1994;
- Law on State Border, nr. 108 of 17.05.94;
- Law on Legal Status of Foreign Citizens and Stateless Persons in the Republic of Moldova, nr. 275 of 10.11.94 (to be replaced by the Law on Foreigners Regime, currently being examined within the Government);
- Law on Refugees Status, nr. 1286 of 25.07.2002;
- Law on Identity Documents of the National Passport System, nr. 273 of 09.11.94;
- Law on Civil Status Documents, nr. 100-XV of April 26, 2001;
- Law on Prevention and Combating Human Trafficking, nr. 241-XVI adopted on October 20, 2005;
- Law on State Protection of the Victim, of Witnesses and Other Persons who Provide Assistance in the Criminal Proceedings nr. 1458-XIII of 28.01.98 (to be replaced by the Law on Witness Protection and Other Participants in Criminal Proceedings, currently being examined within the Parliament);
- Law on Child's Rights, nr. 338-XIII of 15.12.94;
- Law on Youth, nr. 279-XIV of 11.02.99;
- Law on Education No. 547-XIII, nr. 547-XIII 21.07.1995;
- Law on Social Assistance, nr. 547-XV adopted on December 25, 2004.

### **Secondary Legislation and other relevant documents**

- Government's Decision on the creation of the National Committee to Combat Trafficking in Human Beings and the National Action Plan, nr. 1219 of 09.11.2001, updated on 09.09.2005 (a new Action Plan for 2007–2009 is currently being examined);
- Government's Decision on the Framework Regulation on Shelters for the Victims of Trafficking in Human Beings, nr. 1362 of 29.11.2006;
- Government's Decision on the approval of the National Concept on Child and Family Protection nr. 51 of 23.01.2002, and Government's Decision on approval of the National Strategy on Child and Family Protection, nr. 727 of 16.06.2003;

- Decision of the National Committee to Combat Trafficking in Human Beings, on the creation of a unified system for monitoring the implementation of the National Plan to Prevent and Combat Trafficking in Human Beings as of 10 February 2006;
- Decision of the Plenum of the Supreme Court of Justice on the application of legislative provisions in cases of trafficking in human beings and trafficking in children, No. 37 of 22 November 2004.

## **2. Institutional Framework**

### ***Authorities responsible for combating THB***

**The National Committee to Combat Trafficking in Human Beings** is the key political platform of discussion of national developments in the field of anti-trafficking. It was created by the Government Decision No. 1219 of 9 November 2001 “On the approval of the nominal composition of the National Committee to combat trafficking in human beings and of the National Plan of Action for combating trafficking in human beings”, with later amendments and additions by the Government Decision nr. 775 of 1 August 2005.

The Law on Preventing and Combating Trafficking in Human Being reads that “Coordination of activity to prevent and combat trafficking in human beings and cooperation of public administration authorities with international organizations, non-governmental organizations, other institutions and representatives of civil society [in such activities], shall be carried out by the National Committee to Combat Trafficking in Human Beings. The National Committee is a consultative body of the Government. The nominal composition of the National Committee and its Regulation shall be approved by the Government. The procedure for appointment and revocation of the members of the National Committee shall be regulated by the Regulation of the National Committee.”

The same Law divides the competences of the public authorities in the field of prevention and combating trafficking in human beings between the Ministry of Interior, the Ministry of Foreign Affairs and European Integration, the Intelligence and Security Service, and the National Migration Bureau (at present Bureau on Migration and Asylum within the MoI), the Border Guard Service and the Ministry of Health and Social Protection (at present Ministry of Social Protection, Family and Child and Ministry of Health), the Ministry of Education and Youth, the Ministry of Information Development, the Ministry of Economy and Trade (National Employment Agency) and the Ministry of Justice.

Law enforcement bodies functioning in the field of preventing and combating trafficking in human beings are the Ministry of Interior and its central and territorial subdivisions, the Intelligence and Security Service and its territorial bodies and the General Prosecutor’s Office with a specialized subdivision for preventing and combating trafficking in human beings.

The law enforcement bodies submit annual reports on the observance within the country of legislation on preventing and combating trafficking in human beings to the coordinating council of the General Prosecutor; also the General Prosecutor submits these respective reports to the National Committee.

**The Centre for Combating Trafficking in Persons (CCTP)** is an inter-agency law enforcement centre established on the basis of the Third Amendment to the Letter of Agreement on Narcotics Control and Law Enforcement of August 28, 2001 signed on 6 September 2005 between the Government of the USA and the Government of Moldova. The Centre, the first of its kind in the region, is set up on a task force model, bringing law enforcement and security officers from a number of government agencies under one roof to work together against the scourge of human trafficking. This enables law enforcement and security service personnel to work together more efficiently, thus leading to greater effectiveness in the investigation and prosecution of trafficking crimes on a local and regional level. Personnel from the following agencies have been assigned to the CCTP: the Ministry of Internal Affairs, the Prosecutor General's Office, the Customs Service, the Border Guards Service, the Security Service, and the Centre for Combating Economic Crimes and Corruption.

***National Referral System for Protection and Assistance of Victims of Trafficking and Persons at Risk***

With the adoption of counter-trafficking legislation and a Plan of Action in 2005, the Ministry of Social Protection Family and Child (MoSPFC – formerly two separate Ministries of Health and Social Protection, divided in early 2007) was identified as primarily responsible for delivering direct assistance to victims of trafficking. In 2006, the Ministry of Health and Social Protection (currently MoSPFC), in partnership with IOM Moldova, developed and launched the National Referral System for the Protection and Assistance of Victims of Trafficking and Persons at Risk (NRS) based on MoHSP "Decision nr. 33 of 13.01.06 on Enforcement of the Law on Prevention and Combating Trafficking in Human Beings".

In 2006–2007 the NRS was piloted in 12 out of 36 rayons of Moldova through the creation of coordination structures at regional (rayon) level in the form of multidisciplinary teams (MDTs). The main goal of the NRS is to combat trafficking in human beings more effectively through the creation and development of a coordination system between state organizations at national and rayon level and the civil society of Moldova, as well as intergovernmental structures responsible for providing protection and assistance to VoTs and cases at risk. The National Coordination Unit (NCU) was created in 2006 within the MoHSP, tasked with data collection as well as the coordination and monitoring of NRS implementation.

National Referral System is a cooperation framework between Public Authorities and Civil Society in the following areas:

- The Ministry of Foreign Affairs and European Integration, diplomatic missions of the Republic of Moldova abroad – identification, consultation, assistance in repatriation, protection of victims' interests in other states;
- The Ministry of Information Development – confirmation of the identity of the victims of trafficking in human beings who are abroad, reissuing of their identity documents and other documents;
- The Border Guard Service – identification of cases of trafficking in human beings;



- The Ministry of Interior – identification of victims of trafficking in human beings and their protection;
- The General Prosecutors Office – actions aimed at ensuring respect for the human rights of victims;
- The Ministry of Education and Youth – prevention and identification;
- Ministry of Social Protection, Family and Child – the NRS coordination, assistance, repatriation of minors;
- The Ministry of Health – medical assistance, identification;
- The National Employment Agency – assistance in (re)integration of trafficked persons into the labour market.

### **3. Statistics**

A total of 520 persons received Direct Assistance: Repatriation, Rehabilitation and Reintegration assistance within the IOM programme with the support of the Chisinau Rehabilitation Centre staff in partnership with rayon level Focal Points of the MoSPFC in 2007. 401 newly registered persons were assisted within the Chisinau Rehabilitation Centre; among them, 102 persons were identified and referred for assistance through National Referral System rayon level multi-disciplinary teams. 55 persons were referred through NRS from/to the 5 pilot rayons trained in 2006 (25 Victims of Trafficking (VoTs) and 30 persons at risk), and 31 persons were referred through NRS from/to the 7 rayons trained in 2007 (9 VoTs and 22 persons at risk). Another 16 persons were assisted through the NRS in the rayons where the NRS did not expand yet with the formal Direct Assistance trainings (Anenii Noi, Rezina, Vadul lui Voda, Basarabasca).

Some 273 victims of trafficking, including 28 minors, and 342 persons being at immediate risk of being trafficked were assisted by IOM in 2007. 108 VoTs were repatriated from their destination countries to Moldova. In addition, four stranded migrants were repatriated from Moldova to the Netherlands and Kyrgyzstan. These repatriations were supported by projects implemented by IOM in the destination countries and Moldova, with the assistance of the Consular Department of the Ministry of Foreign Affairs and European Integration of RM, the MoSPFC of RM and partner NGOs abroad.

In addition, 119 individuals who joined the IOM Programme prior to 2007 received continued assistance during the past year: 84 VoTs and 35 vulnerable persons.

Terre des Homme's two years' experience of "Fii Ajutor Copiilor Tarii" Project (FACT) shows positive results of 44 Local Councils for the Protection of Child Rights in identifying and solving cases of migrant parents' neglect, abuse and exploitation of over 2,000 children. Rural communities show significant potential to tackle this issue. This needs to be appreciated and strengthened in addressing the situation of children and families. Reducing migration risks starts with initiating dialogue between parents, public authorities, and other local actors.

#### **4. Focal Points**

◆ **Dumbraveanu Viorica**

Chief of Directorate of Family and Child Protection of the Ministry of Social Protection, Family and Child

◆ **Pascal Lilia**

Chief of Directorate on Equal Opportunities and Prevention of Violence of the Ministry of Social Protection, Family and Child

◆ **Plop Petru**

Director of the Centre for Combating Trafficking in Persons, Ministry of Interior

◆ **Ciobanu Viorel**

The Interim Chief of Preventing and Combating Human Trafficking Section of the Public Prosecutor's Office

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# MONTENEGRO

## 1. Legal Framework

- **National Strategy for Fighting against Trafficking in Human Beings (2003)** which consists of three parts: Prevention, Criminal Prosecution and Protection. Within the framework of the Strategy, the government has established:
  - » a national team (a multidisciplinary unit developing and implementing policy guidelines on the matter). It publicizes the trafficking arrests to deter an increase in trafficking;
  - » a national coordinator to combat human trafficking (coordinating government bodies, national activities and international cooperation);
  - » a special crime unit to deal with the criminal aspects of human trafficking;
  - » anti-trafficking police units, tasked with the identification and referral of trafficked victims and which operate in seven centres located throughout the country. The anti-trafficking units have been closed and their staff members were moved to the Organized Crime Unit, and since November 2006 all trafficking cases have been followed by the Organized Crime Department;
  - » an anti-trafficking tip line where local citizens can call anonymously to report any activity that could be linked with human trafficking.
  
- The National Strategy also comprises a **National Plan of Action against Child Trafficking. A Working Group** for combating trafficking in children was formed in February 2004. It is comprised of representatives of the National Coordinator's Office, the Assistant Minister of Health Labour and Social Welfare, IOM, UNICEF, Save the Children UK and a Roma NGO (Women's Heart).
- The **Criminal Code (2003)** defines human trafficking as a criminal offence. In 2004 the Government passed a **Law on Programme of Witness Protection** valid for victims of human trafficking. It contains physical and technical protection, and temporary residence status is being developed. The government is also discussing the possible resettlement of witnesses in neighboring countries.
- **Instruction on the conditions and manner of regulating the residence of foreign citizens** – victims of trafficking (issued by the Ministry of Interior, December 2005).
- There is currently a **draft law on foreigners**, which outlines, in Article 62, the provision of temporary residence for foreign victims of trafficking. This involves a 3-month reflection period, followed by the 6-month stay period if the victim participates in the criminal procedure.
- The **Ministry of Internal Affairs signed a Memorandum of Understanding with civil society organizations** for the provision of protection and assistance to victims. It should assure cooperation in counter-trafficking activities.
- A **Ministerial Action Plan of the Ministry of Education** was set up with the objective of raising awareness on trafficking and ways to recognize potential risks through workshops within school programmes (extra-curricular activities and

events organized by teachers and NGOs with operational expert teams in each school).

- **Memorandum on mutual cooperation** between the Supreme State Prosecutor, Ministry of Health, Labour and Social Welfare, Ministry of Education and Science, Police Directorate and NGOs “Montenegrin Women’s Lobby”, “Women Safe House” and “Centre plus” and with the aim of enhancing cooperation in the fight against human trafficking in practice, through prevention, education, criminal prosecution of the perpetrators and protection of potential victims of human trafficking, especially women and children (signed on 18 October 2007).

## **2. Institutional Framework**

- **Government Office of the National Coordinator for the Fight against Trafficking in Human Beings:** It collects and distributes information and statistics on human trafficking. It also chairs a National Anti-trafficking Project Board and the Inter-Ministerial Working Group for the Implementation of the Anti-trafficking in Person’s Strategy (Prevention, protection, prosecution).
- **National Anti-trafficking Project Board:** The Board is composed of government Members (the Ministry of Internal Affairs, the Governmental Office for Gender Equality, the Ministry of Education and Science, the Ministry of Labour and Social Welfare), local NGO members (“Safe Women’s House”), and international organizations (IOM, OSCE, UNICEF, CoE, Save the Children UK, UNHCHR, \*Sub group for trafficking in Children, UNICEF-Chair, Save the Children, Ministry, of Labour and Social Welfare, Office of National Coordinator, Roma NGO).
- **Inter Ministerial Working Group for the Implementation of the Anti-trafficking in Persons Strategy:** This comprises government members (the Office of the Deputy Prime Minister, the Ministry of Internal Affairs, the Ministry of Health, the Ministry of Justice, the Ministry of Education and Science, the Ministry of Labour and Social Welfare, the Office of the State Prosecutor), NGOs (NGO Montenegrin Women’s Lobby), and international organizations (OSCE, IOM, CoE, US Consulate as observer).

### 3. Statistics

**Table 6: Assisted caseload per country, 1 January 2005 – 31 December 2007**

Country of origin	Total caseload
Albania	1
Bosnia Herzegovina	1
Montenegro	5
Romania	5
Serbia	13
Ukraine	2
Dominican Republic	2
Lithuania	1
China	1
Bangladesh	4
<b>TOTAL</b>	<b>35</b>

**Table 7: Assisted total caseload per age group**

Age group	2005 – 2007
Minors	10
18 to 24	13
25 to 30	8
Over 30	4
<b>TOTAL</b>	<b>35</b>

### 4. Focal Points

◆ **Rajko Malovic**

Head of Organized Crime Unit, Police Directorate

◆ **Snjezana Mijuskvoic**

Assistant Minister, Ministry of Health, Labour and Social Welfare

◆ **Dusica Zivkovic**

Head of Office, IOM Podgorica

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# ROMANIA

## **1. Legal Framework**

### **Laws**

- Law 678 / 2001: Prevention and Counter-trafficking in Human Beings;
- Law 682 / 2002: Protection of Witnesses;
- Law 39 / 2003: Prevention and Fight against Organized Crime;
- Law 211/ 2004: Protection of Victims of Crimes;
- Law 272/2004: Protection and Promotion of Children Rights (with particular provisions against exploitation and trafficking);
- Law 302/2004: International Cooperation and Judicial Mutual Assistance on Criminal Matters.

### **Secondary legislation**

- Government Emergency Ordinance 143: Provisions on Protection of Minors against Sexual Abuses;
- Government Decision 299/2003: Creation of an Inter-ministerial Working Group for Coordinating and Evaluating the Actions against Trafficking in Human Beings (THB);
- Government Ordinance 123–429/2004: Establishment of the sub-group “Child Protection” under the inter-ministerial group mentioned above;
- Government Decision 1295/2004: National Action Plan for the Prevention and Combating of Trafficking in Children;
- Government Decision 1443/2004: Provisions on the Protection of the Unaccompanied Romanian Minors Living Abroad;
- Government Decision 1504/2004: National Action Plan for the Prevention and Combating of Sexual Abuses and Children Exploitation;
- Government Decision 1769/2004: National Action Plan for the Elimination of Child Labour Exploitation;
- Government Ordinance 79/2005: Protection of Victims and Witnesses of Crimes, with special provisions on THB;
- Government Decision 1584/2005: Creation of the ANITP (National Agency against Trafficking in Persons);
- Government Decision 1654/2006: 2006–2010 National Strategy (and Government Decision 1720/2006: Action Plan) against THB.

Our partners have informed us about the amendments and improvements currently being discussed on two issues:

- The legal age of marriage to be identical for both males and females, e.g. set at 18 years, with no derogations whatsoever (in order to avoid “fixed” marriages, especially within the Roma communities, where young girls can be sold).

- The different treatment (and legal incrimination) of children working under parental injunction, without violence or constraint, in order for parents to accept cooperation with social services, without fearing charges.

## **2. Institutional Framework**

### ***Authorities responsible for combating THB***

The government decision 1584/2005 (amended 1083/2006), enforced in May 2006, has established the National Agency against Trafficking in Persons (ANITP). This agency, a successor of the Unit on the Prevention of THB of the General Directorate on Combating Organized Crime within the Ministry of Internal Affairs, is subordinated to the Ministry. It has a staff of 85 persons, but the number will increase to 100.

The ANITP's roles are:

- coordinating, evaluating, and following up on, at the national level, the implementation of public policies regarding the protection and assistance to victims of trafficking (VoTs);
- collecting and analyzing data and information on identification of VoTs in order to facilitate national and international exchanges.

The ANITP implements the action plan within the framework of the National Strategy, coordinates, and follows up on the actions carried out by both governmental and non-governmental organizations.

The ANITP comprises 15 regional centres destined to help with the identification, registration, and assistance to VoTs (Bucharest, Alba-Iulia, Bacau, Brasov, Cluj-Napoca, Constanta, Craiova, Galati, Iasi, Oradea, Pitesti, Ploiesti, Suceava, Targu-Mures, Timisoara). 8 regional centres, in Bucharest, Arad, Botosani, Galati, Giurgiu, Iasi, Satu Mare and Timisoara, can shelter the VoTs. Each centre has 10 accommodation places. The centres' mission is to provide legal, psychological, and social assistance to VoTs. The follow-up and the reintegration assistance last for at least 6 months. The centres assist the victims from the beginning of the procedure (thus the teams are often called **at the border crossing checkpoints**). Thanks to this assistance and protection solely 3.5% of the VoTs (12 out of 340) refused to press charges against the traffickers in the first 6 months of 2007 (compared to 40% in 2005).

The minors, victims of trafficking, are referred to the National Authority on the Protection of the Children' Rights (ANDPC). At local level, they are referred to the General Directorates of Social Action and Child Protection.

### **3. Statistics**

The ANITP's database has been operational since January 2007. For 2007 a number of 1,686 VoTs had been identified and/or assisted (compared to 1,860 in 2006). All the victims are Romanian nationals. 1,405 of these were adults, 726 male VoTs and 679 female. The number of persons, victims of forced labour, exceeded the number of those trafficked for sexual exploitation (789 vs. 690). This explains the increased number of male VoTs (726 or 51.6% vs. 679 female or 48.3%).

282 of the total number of VoTs are underage (16.7 %), out of which 246 are female and only 36 males. Of these, 6 are under-14 (4 victims of child pornography, 2 victims of internet pornography). Nevertheless, the ANDPC registered fewer VoTs for the same period, which could mean that the identified minors VoTs have not received protection and assistance or that they received it within a private framework (NGO), e.g. without being referred to the responsible authority.

205 individuals were trafficked internally. For the rest, the destination countries are, without surprise, Italy (446), Spain (413), the Czech Republic (215), Greece (169), Germany (82), France (27), the Netherlands (18), and Austria (17). The victims trafficked for sexual exploitation (406) are, with one exception, female, 113 of which are underage.

From the participation in the legal process view, a number of 1,286 persons participated as claimants and 250 as witnesses.

With regard to children, the latest report by the Soros Foundation highlighted an alarming number of children left alone in Romania (or entrusted to their grandparents or other relatives). Consequently, 170,000 children, age 10–14, have at least one parent working abroad. 35,000 children have both parents abroad. The survey, carried out in schools, is considered of vital importance (even if the authorities have “official” knowledge of only 80,000 children recognized as left behind). This means that 1 out of 10 children is affected by their parents migration abroad. The concerns raised by specialists regard the vulnerability of those children.

### **4. Focal Points**

◆ **Carmen Sahan**

National Authority on the Protection of Children' Rights (ANDPC)

◆ **Madalina Manea**

National Agency against Trafficking in Persons (ANITP)

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# SERBIA

## 1. Legal Framework

### **Counter-Trafficking Strategy 2006–2009**<sup>34</sup>

- The Strategy contains a set of measures and activities to be taken in order to respond duly and comprehensively to the issue of THB in the country, especially focusing on the protection of the victims' human rights. The Strategy established clear goals that have to be implemented through various activities performed by the state institutions, non-governmental and international organizations. These strategic goals include activities in the area of prevention, identification, assistance, protection, and reintegration of THB victims, as well as the prosecution of perpetrators.
- The recovery and reflection period has been regulated by the **Instruction on conditions for obtaining a temporary residence permit for foreign citizens victims of trafficking in human beings** (issued by the Minister of Interior in 2004). Instruction provides "three months of temporary residence due to humanitarian reasons for the purpose of protection and assistance during the recovery period and repatriation or return in the country of previous residence". The Instruction has been followed by the Guidelines on procedure to grant TRP to foreign citizens – victims of trafficking issued by the Border Police Department. Issuing of the TRPs is free of charge since July 2005 thanks to IOM's Belgrade office, and the **Act on Administrative Fees** has been changed in that direction (Art. 35).<sup>35</sup> No special measures are envisaged for child VoTs – such could be an extended reflection period – but such an objection has been already made by IOM.
- There are no specific regulations on compensation and legal redress. Conditions for claiming the compensation and legal redress are the same for all victims (of any crime). They must have the status of damaged party in criminal proceedings and submit the request for compensation specifying the material or/and non-material damage they had suffered or ask for compensation in a civil action (**Criminal Procedure Code**, Art. 201). Minors as damaged parties must be awarded with a special attorney (if parents/guardians haven't engaged one, the attorney must be appointed officially, free of charge).
- There is significant improvement in the protection of victims, witnesses and collaborators with the judicial authorities concerning legal provisions. Beside a general obligation to protect damaged parties and witnesses against insults, threats and any other kind of offence, there is a possibility to request specific protection measures from the police (Criminal Procedure Code, Art. 109). There are provisions on the protection of the private life of damaged persons during an investigation or main hearing. Also, there is a possibility (though exceptional, because of the protection of the right to defense) to remove the defendant from the courtroom while the witness is testifying (Art. 324). Special (improved) protection is provided for victims as witnesses or damaged parties by the provisions of the Criminal Procedure Code concerning organized crime cases (Criminal Procedure

<sup>34</sup> See: [http://www.srbija.sr.gov.yu/vesti/dokumenti\\_sekcija.php?id=45678](http://www.srbija.sr.gov.yu/vesti/dokumenti_sekcija.php?id=45678)

<sup>35</sup> Revised Act on Administrative Fees, "Official Gazette" No. 61/05.

Code, Chapter XXIX). Some provisions (concerning “witness collaborator”, Art. 504d and special investigation techniques, Art. 504lj par. 1) emphasize other sources of evidence, thus protecting victims from being the most important, and in these cases, often the only source of evidence with all consequences this status has. There is also a possibility for State Prosecutor to arrange special protection for the witness and her/his family members (Criminal Procedure Code, Art. 504p).

- The **Act on Organization and Competency of State Bodies Suppressing Organized Crime**<sup>36</sup> provides the possibility of giving testimony through video-conference links in case the witness could not attend main hearing (Art. 15lj).
- The **Act on Protection of Actors in Criminal Proceedings**<sup>37</sup> provides special protection for victims of trafficking in human beings (as for victims of other crimes against humanity and other values protected by international law as well as for the victims of organized crime). For the first time, protection is offered to victims as such (not just in case they are witnesses or damaged parties). Protection for victims (and persons closely related to them, as family members are) could be applicable before criminal procedure has started as well as after it has ended, which is of great importance.
- Protection of victims as witnesses is improved by the recently adopted **Criminal Procedure Code**,<sup>38</sup> the appliance of which has been delayed, but provisions concerning the protection of the damaged party and witnesses (in general) have become part of the positive law (since June 10, 2006). The most important improvements are the provisions on interrogation of “extra vulnerable” witnesses (Art 110) established in order to prevent secondary victimization (interrogation out of office / in presence of an expert e.g. psychologist / without presence of offender / appointment of an attorney *ex officio* / audio-video recording, etc.). The code has created a new procedural category “protected witness” which is applicable in the case of victims of trafficking regarding:
  - » formal condition – related to punishment stipulated for an offence (10 years of imprisonment or more);
  - » material condition – related to the safety risk of the witness or his/her close persons in case the witness testifies. In this case, court would choose the best technique of interrogation not revealing witness identity (audio and video links, testifying under a pseudonym, testifying out of courtroom, voice/appearance modification, etc.).
- **Act on minors as offenders and damaged parties in criminal proceedings**<sup>39</sup> entered into force in January 1, 2006. Minors – victims of trafficking in people (or trafficking of children for adoption) are entitled to special protection provided in Part III (Art. 150–157) when they are in the status of being a damaged party and/or a witness. Protection is similar to the aforementioned protection of vulnerable categories of witnesses provided by the new *Criminal Procedure Code*. Minors must have attorneys specialized in the rights of a child and the criminal law protection of minors. All officials (police officers, judges, prosecutors) involved in proceedings must have appropriate certificates. There are special provisions

36 “Official Gazette of the Republic of Serbia”, no. 42/02, 27/03, 39/03, 67/03, 29/04, 45/05 and 61/05.

37 “Official Gazette of the Republic of Serbia”, no. 85/05.

38 “Official Gazette of the Republic of Serbia”, no. 46/06.

39 “Official Gazette of the Republic of Serbia”, no. 85/05.

on interrogation techniques (with the obligatory presence and assistance of a psychologist, pedagogue or other professional) aiming to prevent secondary victimization. For the same reason, the number of hearings is limited to two.

- The **Criminal Code** of Serbia, which came into effect on January 2006, penalizes trafficking and prescribes penalties for perpetrators. In the case of minors, penalties for THB, false adoption and slavery are harsher.
- A step forward in victims' protection is the new provision on access to medical assistance under the same conditions as those for national citizens. According to the **Health Care Act** (Art. 241)<sup>40</sup> a foreigner victim of trafficking has the right of access to ordinary medical services (that are covered by obligatory insurance for Serbian citizens) free of charge.
- The Convention on the Rights of the Child (CRC) – ratified 2 February 1991.

## 2. Institutional Framework

The **National Team for Combating Trafficking in Human Beings** was established in 2002, following the establishment of a Yugoslav Team in May 2001. The Team gathered the representatives of relevant ministries, NGOs and international organizations dealing with the human trafficking issue. The National Team operates through four working groups:

- Prevention and education;
- Victim assistance through the establishment of victim protection mechanisms;
- Child trafficking;
- Law enforcement.

In February 2004, the National Coordinator set up an Advisory Body for combating human trafficking, which includes:

- The National Coordinator and his / her staff;
- Coordinators of all working groups;
- Representatives of IOM, OSCE and UNICEF.

A key role of the Advisory Body is to assist in and support the efforts of the National Coordinator in the coordination and implementation of anti-trafficking measures and activities. To that end, the Advisory Body is connected, through Working Group Coordinators, with other members of the National Team, for the purpose of enhancing communication and the regular exchange of information among actors.

By the Decision of the Government of Serbia from October 2004 (Decision of the Government of Serbia No. 02–6783/2004-I, published in Official Gazette No. 113 on 15 October 2004, page 2), the **Anti-Trafficking Council** was established, comprising the following Ministers:

- The Minister of the Interior;
- The Minister of Justice;

<sup>40</sup> "Official Gazette of the Republic of Serbia" no. 107/05.

- The Minister of Labour, Employment and Social Policy;
- The Minister of Health;
- The Minister of Education and Sport; and
- The Minister of Finance.

The Council is administered by the Minister in charge of home affairs.

The role of the Council is to define national anti-trafficking policy. The Council discusses the reports by relevant international bodies, takes positions and proposes measures for the implementation of recommendations made by international bodies for combating human trafficking. The Council draws up and adopts strategic and general objectives in the fight against trafficking in human beings.

Serbia was the first country in the region to introduce a non-police body to perform the formal identification of the victims of trafficking – a state Agency for the coordination of victim protection. Initially, the state Agency consisted of 2 persons, but a further upgrade is on its way. The Agency is a state institution, created in 2003 within the Ministry of Employment, Labour and Social Policy.

### 3. Statistics

**Table 8: Assisted caseload per country, 1 January 2007 – 31 December 2007**

Country of origin	Total caseload
Serbia	70
Macedonia	2
Moldova	1
Ukraine	1
Bulgaria	3
China	4
Croatia	1
Victims returned under readmission agreements	2
<b>TOTAL</b>	<b>84</b>

**Table 9: Assisted caseload per age group 2007**

Age group	Total caseload
Minors	38
18 to 24	24
25 to 30	15
Over 30	7
<b>TOTAL</b>	<b>84</b>

**Table 10: Assisted caseload per sex**

Male	10
Female	74
<b>TOTAL</b>	<b>84</b>

**Table 11: Type of exploitation**

<b>Type of exploitation</b>	<b>Number of victims</b>
Sexual	57
Delinquency + begging	9
Labour	9
Sexual + labour	5
Newborns	2
Forced marriage	2
<b>TOTAL</b>	<b>84</b>

#### **4. Focal Points**

◆ **Biljana Zoranovic-Avlijas**

Agency for Coordination of Victims' Protection, Ministry of Labour and Social Policy

◆ **Milana Sandic**

Department for Population Policy, Ministry of Labour and Social Policy

◆ **Jovana Mihajlovic**

Counter-Trafficking Focal Point, IOM Belgrade

# SLOVAKIA

## 1. Legal Framework

### *Main legal regulations relevant to the issues of minors in general*

- Constitution of the Slovak Republic No. 460/1992 Coll. as amended;
- Act. No.305/2005 on the Social and Legal Protection of Children and Social Guardianship;
- Act. No. 36/2005 Coll. on the Family as amended;
- Act. No 99/1963 Coll. Civil Procedure Code;
- Act. No. 300/2005 Coll. Criminal Code as amended;
- Act. No. 301/2005 Coll. Criminal Procedure Code as amended;
- Act. No. 256/1998 on the Protection of Witnesses as amended.

The following **EU directives and international documents** have been transposed into these laws:

- Convention on the Rights of the Child, as published in Collection of Acts under No. 104/1991;
- ILO Convention 182 on the Worst Forms of Child Labour.

The following **national strategies** and documents are reflected in the procedures regarding trafficking in minors:

- National Action Plan for Children adopted by Government Resolution 837/2002 – contains measures for ensuring child rights, the prevention of social – pathological events, including violence prevention in families, child abuse, etc.;
- National Action Plan on Social Inclusion 2006–2008 adopted by Government Resolution 797/2005;
- National Programme for the Fight Against Drugs 2004–2008, adopted by Government Resolution 583/2005;
- National Strategy for the Prevention and Elimination of Violence against Women and in Families adopted by Government Resolution 1092/2004.

### *Information on the main laws in this area*

After EU accession, a number of acts were adopted that had substantial influence on the area of children's rights. One of the most significant regulations was Act No. 36/2005 Coll. on Family, Act No. 305/2005 Coll. on Social and Legal Protection of Children and on Social Guardianship and Act No. 627/2005 Coll. on Allowances for the Custody of a Child.

The **Act on Family** sets the rules in the areas of governance of parental rights and obligations; adoption, custody, guardianship; determination of motherhood and alimony.

The **Act on Social and Legal Protection of Children** governs social and legal protection of children by a set of measures to safeguard the child's welfare and respect

of his/her best interests under the Convention on the Rights of the Child, to safeguard the education and general development of the child in its natural family environment and to provide for a substitutive environment for children who cannot be raised in their own family. According to the Act on Social and Legal Protection of Children, social guardianship represents a series of measures to abolish, ameliorate, mitigate, and prevent aggravation or relapses of psychological, physical and social development disorders in a child or a person of full age and to provide assistance dependent on the seriousness of the disorder and of the situation of the child or person of full age.

In case a minor is at risk and when their rights are not respected, the court issues a preliminary injunction to remove the child from the family or the legal guardian. The **Civil Procedure Code** introduced a new kind of preliminary injunction. In cases involving minors at risk, if the court that has jurisdiction is either not known or unable to intervene in time, the court in the area where the minor resides may intervene and order an interim measure in accordance with Section 75a of the Code of Civil Procedure. This court must, however, refer the matter to the court that has jurisdiction as soon as possible.

#### ***Legislative Framework for issues of trafficked children***

In Slovakia, the following legal regulations are relevant to the issues of trafficked children:

- Act No. 300/2005 Coll. Criminal Code as amended;
- Act. No. 305/2005 on the Social and Legal Protection of Children and Social Guardianship.

The following EU directives, international documents have been transposed into these laws:

- Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities;
- United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000 (the “UN Palermo Protocol”) as published in Collection of Acts under No. 34/2005;
- Council of Europe Convention on Action against Trafficking in Human Beings;
- Optional Protocol to The Convention on the Rights Of the Child On the Sale Of Children, Child Prostitution and Child Pornography as Published in the Collection of Acts under No. 424/2004.

The following national strategies and documents are reflected in the procedures regarding trafficking in minors:

- National Action Plan to Combat Trafficking in Human Beings for 2006–2007, adopted by Government Resolution 3/2006.

The Slovak Republic is a contracting party of all important international documents in the area of combating THB and is incorporating necessary measures resulting from these documents into the national legislation. Legislation relating to the combating of THB crimes was first incorporated into the Criminal Code in 1999. Since then, the Criminal Code was amended several times in view of the ratification and implementation of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (which was signed and ratified by the SR in 2004) and other international documents.

The issue of the trafficking of children is established in the Criminal Code. The crime of child trafficking is contained in § 180 of the Criminal Code, where the one, who in contradiction with generally binding regulations entrusts a child to someone else for the purposes of adoption, shall be sentenced to imprisonment for three years.

The consequences of child trafficking crimes are dealt with in § 180 of the Criminal Code. In particular it is an action leading to aggravated bodily harm or death. The offender shall be sentenced to imprisonment from 10–15 years.

§ 181 of the Criminal Code prescribes punishment of life in prison for 4–10 years for the individual that “entrusts a child to someone for profit for the purposes of child labour or any other use”. The exploitation of child work means employment or other employment-related use of children in contradiction with the law. Other uses may include child prostitution, for example.

Among crimes relating to the trafficking of children are crimes presented in the 2<sup>nd</sup> chapter – Crimes against other rights and freedoms (§359–378) of the Criminal Code, for example the production of child pornography and the distribution of child pornography.

## **2. Institutional Framework**

### ***On the issues of minors***

The following organizations and institutions deal with the issues of minors in general or with the specific problem of trafficking in minors.

#### **◆ The Ministry of Labour, Social Affairs and Family + Offices of Labour, Social Affairs and Family**

The Ministry prepares and implements measures aiming at the social and legal protection of children and youth including problems of trafficked children.

A specific body within the Ministry, Headquarters of Labour, Social Affairs and Family, governs and mentors the activities of the local Offices of Labour, Social Affairs and Family, which locally coordinate the assistance to minors (e.g. unaccompanied minors or minor victims of trafficking of foreign origin), ensure the protection of life, health of the children as well as file motions to courts for the protection of child rights. In general, they take on the guardianship and care of the UAMs in their district.



#### ◆ **The Slovak National Centre for Human Rights**

The Centre was established by the Act Nr. 308/1993 Coll. on the establishment of the Slovak National Centre for Human Rights which entered into force on 1 January 1994. The Centre is an independent legal person that performs tasks in the area of human rights and basic freedoms, including the rights of children. The Centre monitors and assesses the observance of human rights and the observance of the principle of equal treatment according to a separate law.

#### ◆ **NGOs**

NGOs (e.g. OZ Naruc, OZ Pomoc ohrozenym detom and others) provide help to endangered children and youth in general including social and psychological support and crisis accommodation.

#### *On the issues of trafficked children*

#### ◆ **IOM Return and Re-integration Programme for Victims of Trafficking**

The programme aims at ensuring safe return and re-integration help for the victims of criminal acts of trafficking in persons. The services of this programme help people who have experienced suffering or are coming to terms with the emotional trauma of trafficking to integrate and return into life. The target group of the programme are trafficked persons of Slovak origin.

Immediately following the return to Slovakia, the Programme offers a trafficked person different types of reintegration assistance that are provided based on an individual reintegration plan. The programme provides the following assistance to trafficked people after their return:

- » Health care;
- » Psychological counselling;
- » Psychological and psychiatric check-ups, long term individual therapeutic care;
- » Social counselling and social work;
- » Legal counselling;
- » Temporary accommodation and food;
- » Paying for a limited stay in asylum accommodation, crisis centre or a similar institution;
- » Education and re-training;
- » Financial grants.

#### ◆ **Ministry of Interior: National Programme to Support Trafficked Persons**

In January 2007, a national model of assistance to trafficked persons was established at the Ministry of Interior of the Slovak Republic. During its pilot phase in 2007, the programme secured funding for the provision of services to both Slovak and foreign victims of trafficking during a 40-day reflection period. The pilot model was based on the co-operation with an NGO previously focusing on the provision of services to victims of domestic violence and two organizations active in streetwork and assistance to workers in the sex business. At the moment, the programme is undergoing revision in view of

coordinating the two mentioned programmes based on the experience and best practices gathered within the two. The number of minor victims assisted within the pilot phase of the programme is not known.

### **3. Statistics**

During the implementation of the presented programme (since mid-2006 until now) assistance was provided to 3 minors – aged 16–17. Two girls were placed in children's homes; one girl was returned back home to her family.

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# SLOVENIA

## 1. Legal Framework

- Slavery Convention: ratified by the Yugoslavian Kingdom (KJU – MP 234/1929) and succeeded by the Republic of Slovenia with the Act of notification of the Conventions of the UN and the Conventions adopted by the International Agency for the Atomic Energy (Ur. L. RS – MP 9–35/1992);
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, ratified by the FLRJ (Ur.l. FLRJ 2/1951) and succeeded by the Republic of Slovenia with the Act of notification (Ur.l. RS – MP 9–35/1992);
- Supplemental Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, ratified by the FLRJ (as above) and succeeded by the RS (as above);
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Ur. L. RS – MP, No. 15–48/2004);
- International Conventions: Convention on the rights of the child (CRC, 1989), Protocol to the Convention on the rights of the child on the Sale of Children, Child Prostitution and Child Pornography (2000), Haag's Convention no. 28 about Civil and Legal Aspects of Kidnapping of Children (1980), ILO Convention no. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999);
- Council of Europe Convention on action against Trafficking (2005);
- Penal Code of the RS (Ur.l. RS, št. 63/1994 (70/1994), Changes Ur.l. RS, št. 23/1999, 60/1999 Odl.US: U-I-226/95, 40/2004, 95/2004-UPB1, 37/2005), Articles no. 185 (about procurers), Article no. 185 (about intermediation in the prostitution), Article no. 387 (forcing in slavery relationship), Article no. 311 (forbidden trespassing of the border or national territory), Article no. 387.a (specific legislation for the trafficking in human beings);
- Aliens Act (ZoT, Ur.l. RS, no. 108/02), defining the status of the victims of trafficking.

## 2. Institutional Framework

Because of its geostrategic position, Slovenia is primarily a transit country and, to a lesser extent, a source and destination country for men and women from the Ukraine, Slovakia, Romania, Moldova, Bulgaria, Colombia, the Dominican Republic, Turkey, Albania and Montenegro, trafficked for the purpose of commercial sexual and work exploitation.<sup>41</sup>

The Government has ratified many international conventions and protocols for the elimination of trafficking and after 2004 made significant efforts to increase law

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<sup>41</sup> Report of the Interdepartment Working Group against Trafficking in Human beings for the year 2006. Ljubljana, April 2007 (found on <http://www.vlada.si/util/bin.php?id=2007041309562231>).

enforcement and victim assistance. Slovenia successfully prosecuted, convicted and sentenced traffickers for the first time in 2002.<sup>42</sup>

The first step towards the prevention of trafficking in human beings was undertaken by Slovenia in 2001. Based on some significant international documents, the **Inter-department working group of the Stability Pact for Southeast Europe** was established for the prevention of trafficking in human beings, where the obligation and willingness of the RS to be involved in the common European fight against this form of “modern slavery” was presented. In February 2002, a National coordinator was nominated, who is responsible for the proper work of the group, under the supervision of the Ministry of Interior. In 2003, the aforementioned group was succeeded by the Interdepartmental working group (MDS – Medresorska delovna skupina) as a national group engaged in the fight against trafficking in human beings.<sup>43</sup> Today, the group is still composed of a wide range of representatives from ministries, international organizations, NGOs and the media. On that occasion, the Action plan for the period 2004–2006<sup>44</sup> was also adopted. Subsequently the adoption of the Action plan for 2007–2009 followed, in which the intentions of enforcing the efforts on investigation, prosecution, conviction and sentencing of traffickers, taking steps to ensure that a majority of convicted traffickers serve some time in prison, and considering conducting a domestic demand reduction campaign for commercial sex acts were clearly stated.

On the other hand, the help to the victims of THB was delegated to civil initiatives (mainly NGOs) with the assistance of some intergovernmental international organizations. One of the key actors in this field is the NGO Association Ključ, which is mainly responsible for the sheltering of the victims of trafficking and their (re)integration into society. They are also very active in the field of prevention, education, detection and prosecution. From 2006 onwards, the NGO Karitas is also active: it is responsible for providing shelter and assistance to victims. In the year 2006 the Government of Slovenia provided more than 60,000 EUR for the funding of the activities of the mentioned NGOs as well as for various awareness-raising actions.

The Government of Slovenia organized many awareness-raising campaigns as a tool for the prevention of trafficking in human beings, specifically: the awareness-raising of the wider population, the education and trainings of professionals, the awareness-raising of potential victims of trafficking, the undertaking of research activities, the monitoring of the phenomenon and the strengthening of the control mechanisms (monitoring borders, etc.) in order to prevent criminal activities in this field. It also funded an NGO to provide trafficking-awareness classes for students in elementary and secondary schools, reaching 545 students and parents in 2006. The government’s inter-department working group published and disseminated a report detailing the government’s anti-trafficking efforts. Slovenian troops assigned to peacekeeping missions are included to receive trafficking-awareness training.<sup>45</sup>

42 Trafficking in persons report. June 2007. United States of America, Department of State. <http://www.state.gov/documents/organization/82902.pdf>.

43 Government Statement, no. 240–05/2003–1 on 18.12.2003.

44 Report of the CTHB group in Slovenia for 2006 ([http://www.vlada.si/delo\\_vlade/projekti/boj\\_trgovina\\_z\\_ljudmi/](http://www.vlada.si/delo_vlade/projekti/boj_trgovina_z_ljudmi/)).

45 Report of the MDS group in Slovenia for 2006 ([http://www.vlada.si/delo\\_vlade/projekti/boj\\_trgovina\\_z\\_ljudmi/](http://www.vlada.si/delo_vlade/projekti/boj_trgovina_z_ljudmi/)).

One of the important tools of prevention of the phenomenon is the monitoring and collection of statistical data, especially that of issued working permits in potentially endangered sectors (such as table dancing, entertainment programmes, the field of construction) from the Employment Institute of the RS ("*Zavod za zaposlovanje RS*").

The government significantly increased its law enforcement from 2004 onwards and prohibits all forms of trafficking in persons, especially of women and children. In fact, in 2004 it included a new Article no. 387 (a) in its Criminal code as a supplement to the existing ones, which prescribes penalties ranging from six months to ten years' imprisonment. This Article summarizes the provisions of the "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children".

The Government of Slovenia is increasing its victim assistance and protection efforts. The government provided adequate funding for several anti-trafficking NGOs to provide shelter and rehabilitation programmes for victims in 2006. Also in this regard, there were some changes in the Slovenian legislation, specifically in the Aliens Act. First of all, after identification, victims are granted a determined reflection period. They are also encouraged to participate in trafficking investigations and prosecutions. In case of willingness to participate in trials, a special residence permits is issued for them for the duration of the trial and they are also included in programmes targeted at the protection of victims. Furthermore, victims are not punished for unlawful acts committed as a direct result of being trafficked.

### **3. Statistics**

Authorities conducted three investigations in 2006, compared to seven in 2005 and six prosecutions in 2006, up from two in 2005. Seven traffickers were convicted in 2006. Four were given sentences ranging from 18 months to five years' imprisonment, while three served no time in prison. More than 800 police officers received training from a government-funded anti-trafficking NGO in 2006. Slovenia actively worked and shared data with other governments on trafficking investigations through EUROPOL and Interpol.<sup>46</sup>

From a statistical point of view, 301 criminal acts of sexual abuse of a child under the age of 15 were reported in the year 2006. However, there is no precise data on how many children are involved in the crime of trafficking. The official data is based on the reported cases from the Police and the Court, as well as on the data gathered by NGOs. Based on the data of the projects implemented in 2006, by the two mentioned NGOs in Slovenia, only 3 cases of minors as victims of trafficking were recorded.

From the other point of view, there is a big problem of the "missing" unaccompanied minors from the reception centres, who could also become victims of trafficking. As explained by the NGO Slovenian Philanthropy, which is the only organization in Slovenia that

<sup>46</sup> Trafficking in persons report. June 2007. United States of America, Department of State. <http://www.state.gov/documents/organization/82902.pdf>.

provides tutors to unaccompanied minors, in the period from 2004 to September 2006 they provided tutors for 404 children, of which 301 become asylum seekers and 288 left the Asylum centre. In their view, this problem stems firstly from the lack of a proper protection/sheltering system and secondly from the fact that the accommodation centres for children are not adequate (all children are accommodated in Asylum seeker homes or in the Centre for foreigners).<sup>47</sup>

However, the law provides special protection from exploitation and mistreatment for children, and the government has generally enforced the law in practice. The law criminalizes the sale, purchase, and propagation of child pornography.<sup>48</sup>

#### **4. Focal Points**

- Intergovernmental working group for the CTHB (MDS)  
([http://www.vlada.si/delo\\_vlade/projekti/boj\\_trgovina\\_z\\_ljudmi/](http://www.vlada.si/delo_vlade/projekti/boj_trgovina_z_ljudmi/))
- NGO Ključ  
(<http://drustvo-kljuc.si/>)
- NGO Karitas  
([http://www.karitas.si/programi\\_pomoci/trgovina\\_z\\_ljudmi.php](http://www.karitas.si/programi_pomoci/trgovina_z_ljudmi.php))

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47 Report of the Interdepartment Working Group against Trafficking in Human Beings for the year 2006. Ljubljana, April 2007 (found on <http://www.vlada.si/util/bin.php?id=2007041309562231>).

48 Country report on Human Rights Practices, 2006. Released by the Bureau of Democracy, Human Rights, and Labour. March 6, 2007, available on <http://www.state.gov/g/drl/rls/hrrpt/2006/78839.htm>.

# TURKEY

## **1. Legal Framework**

### ***Articles of the Turkish Penal Code***

- Article 6/1 (b) of the Turkish Penal Code – Minor: any person who has not reached the age of 18;
- Article 79 of the Turkish Penal Code – Migrant Smuggling;
- Article 80 of the Turkish Penal Code, number 5237 – the crime of human trafficking defined in accordance with the Palermo Protocol/effective since June 2005;
- Article 91 of the Turkish Penal Code – Unlawful organ removing;
- Article 102 of the Turkish Penal Code – Sexual assault;
- Article 103 of the Turkish Penal Code – Sexual abuse of children;
- Article 104 of the Turkish Penal Code – Sexual Intercourse with those who have not achieved adulthood;
- Article 105 of the Turkish Penal Code – Sexual Harassment;
- Article 109 of the Turkish Penal Code – Deprivation of Liberty;
- Article 117 of the Turkish Penal Code – Violation of the Freedom to Work and Labour;
- Article 226 of the Turkish Penal Code – Obscenity;
- Article 227(1) of the Turkish Penal Code – Prostitution;
- Article 229(1) of the Turkish Penal Code – Begging.

### ***Laws***

- Law 5395/2005 – Child Welfare;
- Law 6660/1956 – About teaching of virtuosity children;
- Law 2828/1983 – Social Services and Child Protection;
- Law 5717/2007 – International Child Abduction;
- Law 1607/1972 – Capital institution for children who need special education and boarding school.

## **2. Institutional Framework**

The National Task Force for Combating Trafficking in Human Beings was established under the coordination of the Ministry of Foreign Affairs in 2002. The Task Force convenes regularly and the Ministry of Foreign Affairs acts as chair and national coordinator.

Turkey's first Action to Combat Human Trafficking was prepared by the National Task Force for Combating Trafficking in Human Beings and is being successfully implemented. It convenes regularly with respective institutions as approved by the Prime Ministry.

The "Project on Organizational Capacity Building for Combating Human Trafficking", the implementation of which began by the Ministry of Interior in January 2006 within

the scope of Turkey-EU Financial Cooperation 2003, was completed in July 2007 and consequently an action plan was prepared. The new action plan will be approved soon.

In accordance with Action Plan for Combating Trafficking as prepared by the National Task Force and approved by the Prime Ministry, non-governmental organizations (NGOs) have also been involved in counter-trafficking efforts, primarily through the provision of legal, psychological and medical counseling. At present, there are two NGOs actively involved in counter-trafficking activities. The Human Resource Development Foundation established a shelter in Istanbul in 2004 and the Women's Solidarity Foundation established a shelter in Ankara in 2005, pursuant to the protocols signed by the Directorate General of the Turkish National Police Organization under the Ministry of the Interior, to be operated under the responsibility of the non-governmental organizations for the purpose of supporting victims. Sustainability of this process is ensured by the support provided by the Metropolitan Municipalities of Istanbul and Ankara by supplying the buildings and contributing to operational costs.

A national directing mechanism has been established in Turkey to meet the needs of trafficked persons, to coordinate counter-human trafficking efforts with the countries of origin and to prosecute those responsible.

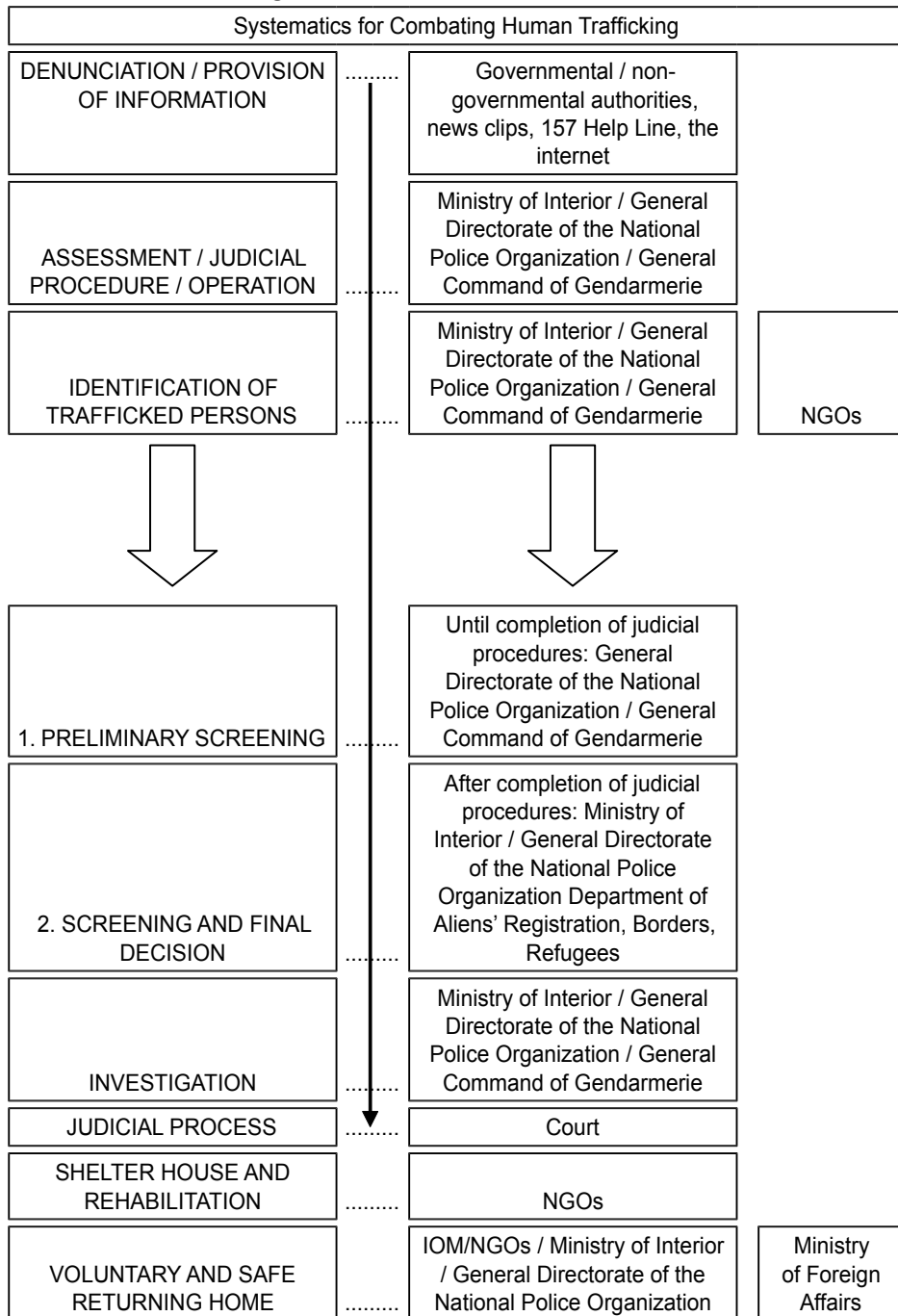
Participants in this mechanism include national law enforcement agencies, non-governmental organizations, Turkish embassies and embassies of foreign countries as well as IOM (see Diagram 1).

In May 2005, a toll free 157 telephone Help Line, set up for trafficked persons in Turkey, began its operation. Set up by the Turkish Government and operated by the IOM, the Help Line works in close cooperation with law enforcement agencies. The Help Line plays an important role in rescuing victims of human trafficking in Turkey. 143 women, who have been identified as victims of human trafficking by Turkish law enforcement agencies, have been rescued through the 157 Help Line since May 23, 2005, when the Help Line started operating.

19% of the calls for help are made directly by the victims themselves and 81% of the calls are received by their clients, friends and relatives.



**Diagram 1: National Referral Mechanism**



### **3. Statistics**

Trafficked persons in Turkey are identified by the law enforcement agencies and are assisted by IOM. The assisted trafficked persons are registered into the CTM database. During the period of 2005–2007, IOM has assisted a total number of 608 trafficked persons; in 2004 (n=62), in 2005 (n=220), in 2006 (n=191), in 2007 (n=118) and in 2008 (n=17).

According to the CTM statistics, since 2004, 33 of the total number of trafficked persons were identified as victims of forced labour and 7 of the total number of trafficked persons were identified as victims of sexual and labour exploitation at once by the Turkish authorities and assisted by IOM Turkey. For the first time in 2007, five males were identified as victims of forced labour and were assisted by IOM Turkey. These five Turkmen men were exploited in a textile factory in Istanbul.

Since 2004, 23 minors were identified as victims of trafficking: three of them are Azeri nationals, three of them Kyrgyz, five Russians, five Ukrainians, three Romanians and four are trafficked minors from Moldova.

Minors are considered trafficked persons even when no intermediary actions relating to the crime of human trafficking have been committed in cases where they are procured, abducted, transported or transferred, or in cases where they are harbored with the intention of subjecting them to forced labour or service, to slavery or other similar practices, or for the intention of removal of their organs by means of securing consent by use of threat, force, coercion, violence or the abuse of authority, or through deceit, or the abuse of vulnerabilities and desperations as described in Article 80 of the Turkish Penal Code.

### **4. Focal Points**

- National Task Force Coordinator, Ministry of Foreign Affairs, Department of Expatriate Turks Asylum Migration and Property Issues

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# UKRAINE

## **1. Legal Framework**

### **Laws**

- Law of Ukraine on Ratification of UN Convention Against Transnational Organized Crime/2004;
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
- Article 149 of Criminal Code: Trafficking in people or other illegal bargains on transfer of an individual;
- Article 150 of Criminal Code: Exploitation of children;
- Article 143 of Criminal Code: Violation of procedures prescribed by law with regard to human organs or tissue transplantation;
- Article 146 of Criminal Code: Illegal confinement or abduction of a person;
- Article 190 of Criminal Code: Fraud;
- Article 302. Establishment of or operating brothels and procurement of men/women;
- Article 303. Prostitution or coercion to prostitution or entanglement into prostitution;
- Law of Ukraine “On childhood protection”;
- Law of Ukraine “On provision of organization-legal conditions of social defense of orphans and children deprived paternal care”;
- Law of Ukraine “On Protection of Individuals Involved in Criminal Proceedings” (Changed and amended according to Law of Ukraine number 523-IV (523–15) of February 06, 2003);
- Law of Ukraine “On the Organizational and Legal Foundations on Struggle Against Corruption and Organized Crime” (Changed and amended according to Decision of the Constitutional Court of Ukraine number 9-rp/2004 (v00p710–04) of April 07, 2004);
- Law of Ukraine “On Transboundary Cooperation”.

### **Related legislation**

- Article 123. Deliberate infliction of a grievous bodily injury in state of high excitement;
- Article 124. Deliberate infliction of a grievous bodily injury in excess of self-defence or in excess of measures, necessary for apprehension of a criminal;
- Article 125. A deliberate minor bodily injury;
- Article 126. Battering and severe beating;
- Article 127. Torture;
- Article 130. Infecting by human immune deficiency virus or by other incurable infection;
- Article 134. Illegal abortion;
- Article 146. Illegal confinement or abduction of a person;
- Article 152. Rape;

- Article 153. Violent satisfying of sexual desire by unnatural means;
- Article 154. Coercion to sexual relations;
- Article 155. Sexual relations with a person under the age of puberty.

### **Secondary Legislation**

- President Ordinance number 143/2002 “On Activities Concerning Further Consolidation of Law and Order, Protection of Rights and Freedoms of Citizens”;
- Government Decision number 410/2007: National Programme for the Combating of Human Trafficking;
- Decree of the President of Ukraine “On approval of measures on improvement of position of orphans and children without parents’ care”;
- Decree of the President of Ukraine “On approval of complex measures on prevention of homelessness and offences among children, their social rehabilitation in society”;
- Decree of the President of Ukraine “On additional measures of prevention of people’s disappearance, improvement of co-operation of law enforcement and other authorities of executive power in their search”.

## **2. Institutional Framework**

### **Authorities responsible for combating THB:**

In August 2005, the existing Ministry of Interior (Mol) Counter-Trafficking Unit was upgraded to a **Counter-Trafficking Department**. The department is active nationwide and staffed by more than 350 Mol officers. Through respective administrations and departments of Mol in oblasts the department guarantees carrying out operational investigations concerning the detection of interregional (transnational) criminal groups acting in the field of human trafficking, illegal migration and public morals.

In 2004 the **Department for Coordination of Combating Trafficking and Illegal Migration** was established within **National Central Bureau of Interpol in Ukraine**. The main goals of the department are:

- The coordination of the work of the Law Enforcement Units that deal with transnational crimes and crimes related to the issues of human trafficking and illegal migration;
- The coordination of activities regarding combating crimes committed against children;
- The coordination of the activities of Ukrainian law enforcement and law enforcement units in respective countries – members of Interpol for the coordination of combating activities of transnational criminal groups;
- Combating illegal migration, human trafficking and the dissemination of pornography;
- Providing assistance to returning victims of trafficking from countries of destination;

- A hotline for the searching of missing persons and providing assistance for victims of trafficking is operating within the department.

The **Prosecutor General's Office of Ukraine** also plays an important role in combating THB, especially through its Department for Protection of Children's Rights and Freedoms.

The **Ministry of Ukraine for Family, Youth and Sports** implements the following tasks concerning combating human trafficking:

- Implementation of the National Programme for the Combating of Human Trafficking;
- Carrying out preventive measures;
- Collecting and analyzing data and information on the identification of VoTs.

The **State Department for Adoption and Protection of Children's Rights** is working within the Ministry of Ukraine for Family, Youth and Sports.

### **3. Statistics**

For the period of 2000–2007, 4662 VoTs were identified and assisted within IOM's Counter-Trafficking Programme. 267 VoTs were citizens of Moldova, 21 of the Russian Federation, 33 of Kyrgyzstan, 32 of Uzbekistan, 4 of Kazakhstan, 1 of Belarus, 1 of Georgia and 1 of Slovakia.

In 2007, among 1118 identified VoTs, 581 persons were identified as victims of sexual exploitation, 500 as victims of labour exploitation, 33 cases of mixed exploitation and 4 victims were involved in begging.

Since 2000, 222 VoTs minors have received reintegration assistance within an IOM Programme. 62 minors were identified as victims of trafficking in 2007. 55 of them are male and 7 are female. 51 became victims of sexual exploitation, 8 of labour exploitation, 2 of mixed exploitation and 1 child was exploited in begging.

120 VoTs who had received assistance within IOM's Reintegration Programme had been trafficked within Ukraine.

## Counter-trafficking in Minors Regional Conference

31 March 2008

**Venue:**

***Institut Français de Budapest***

***Fő utca 17***

***1011 Budapest***

***Tel: (00 36) 1 489 4200***

AGENDA

09:00 – 09:15 Registration of the participants

09:15 – 09:30 Welcome speech – Mr. René ROUDAUT, French Ambassador in Hungary

Welcome speech – Ms. Argentina SZABADOS, Regional Representative of IOM Budapest

09:30 – 11:30 Round table (1<sup>st</sup> part)

**Minors as Victims of Trafficking: the policing and judicial phases**

Moderator: François Touret de Coucy; Heikki Mattila

Presentations:

**1 – Representative of Hungary**

**2 – Representative of Serbia**

**3 – Representative of Romania**

**4 – Representative of Bosnia and Herzegovina**

Open discussion

ATTENTION:

**– 15 minutes per presentation**

11:00 – 11:30 Coffee break

11:30 – 12:30 Round table (2<sup>nd</sup> part)

Moderator: François Touret de Coucy; Heikki Mattila

Presentations:

**5 – Representative of Slovenia**

**6 – Representative of Kosovo**

**7 – Representative of Croatia**

Open discussion

12:30 – 14:00 Lunch

- 
- 14:00 – 15:30 Round table (1<sup>st</sup> part)
- Protection and assistance to minors VoTs: social, educational and medical**
- Moderator: Patrick Hauvuy; Isabel Pastor
- Presentations:
- 1 – Representative of Bulgaria**
  - 2 – Representative of the former Yugoslav Republic of Macedonia**
  - 3 – Representative of Moldova**
  - 4 – Representative of Albania**
  - 5 – Representative of Slovakia**
- Open discussion
- 15:30 – 16:00 Coffee Break
- 16:00 – 17:00 Round table (2<sup>nd</sup> part)
- Moderator: Patrick Hauvuy; Isabel Pastor
- Presentations:
- 6 – Representative of Montenegro**
  - 7 – Representative of Turkey**
  - 8 – Representative of Ukraine**
- Open discussion
- 17:00 – 18:00 Conclusions
- Closing speech
- 19:00 Dinner cocktail

## List of participants

Name	Employer	Country
Ms. BANUTA Ana Maria <i>anitp.prev@mira.gov.ro</i>	National Authority against Trafficking	Romania
Ms. BASHA Adile <i>Adile.Basha@ks-gov.net</i>	Ministry of Labour and Social Welfare	Kosovo
Ms. BAULON Marie-Anne <i>m_baulon@yahoo.fr</i>	French Embassy in Hungary	Hungary
Mr. BERNHARD Philippe <i>philippe.bernhard@diplomatie.gouv.fr</i>	French Embassy in Ukraine	Ukraine
Ms. BERTA Krisztina <i>konz@kum.hu</i>	Ministry of Foreign Affairs	Hungary
Ms. BISCHOFF Monika <i>bischoff.monika@bah.b-m.hu</i>	Office of Immigration and Nationality	Hungary
Ms. BLAZEVIC Sunčica <i>suncica.blazevic@dorh.hr</i>	Parquet General	Croatia
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