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<sup>1</sup> The author uses the constitutional name of her country, and not the one used officially by the United Nations, the Council of Europe and the European Union, which is "The Former Yugoslav Republic of Macedonia".

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## FOREWORD

The ARIADNE Network against Trafficking in Human Beings in South-eastern and Eastern Europe was established in June 2005, with its seat in Athens, Greece and is coordinated by the Human Rights Defence Centre. The Network endeavours to combat human trafficking by developing close and coordinated cooperation between countries of origin, transit and destination and by promoting joint actions for offering better support and assistance to victims of trafficking. The ARIADNE Network has currently expanded to contain 18 NGOs from 13 different countries in SE and E. Europe.

The "*ARIADNE Manual of Good Practices against Human Trafficking: models for prevention, assistance and protection*" is the second publication of the ARIADNE Network and one of the outcomes of the third joint project of the network: "Development of the ARIADNE Website, Exchange of Good Practices, and Raising Awareness against trafficking in human beings in SE and E. Europe", financed by the Ministry of Foreign Affairs of Greece/Hellenic Aid and the Ministry of Foreign Affairs of Norway. The International Centre for Women Rights Protection and Promotion "La Strada Moldova", together with the Human Rights Defence Centre (KEPAD) coordinated this publication, provided the methodological guidelines and undertook the editing of the reports.

The purpose of this good practices manual is twofold: first, to aid the exchange of positive experiences among ARIADNE Network members on different areas of prevention, assistance and protection of victims of trafficking. Secondly, to disseminate good practice models among other service providers, whether governmental or non-governmental, with the aim to prevent and combat more effectively the phenomenon, improve the services offered to victims and/or potential victims of human trafficking and enhance counter-trafficking efforts on the national and regional level.

The good practice reports contained in this volume cover a number of key areas in the fight against human trafficking, pertinent to the work of the ARIADNE Network members. Topics covered include advocacy and lobbying, training and capacity building of specific target groups and prevention, assistance and protection of victims of human trafficking and are divided in corresponding thematic sections. Each ARIADNE member has contributed a good practice, developed through its work against human trafficking and responding to specific problems, gaps and shortcomings encountered in the field. After the initial drafting of their good practice reports, network members held a workshop in Istanbul on 23-26 September 2008, where they had the opportunity to discuss, assess and further elaborate on the various reports

contained in this publication. Each report was drafted following specific, common methodological guidelines in order to ensure impartiality, efficiency and objectivity. Of particular importance are the criteria adopted for the identification and selection of the good practices included in this volume.

These are:

- *Innovativeness* - a practice that has been identified and applied for the first time and the effectiveness of which can be grounded by practical examples;
- *durability* - a practice that once applied brings better, longer-term results compared to other practices applied previously and can be demonstrated by practical examples;
- *replicability* - a practice that can be replicated by other organizations - in other regions - for other related target groups, without demanding significant costs and resources for the adjustment;
- *measurability* - a practice that has a measurable impact both in quantitative and qualitative terms;
- *effectiveness* - a practice that once applied has a stronger impact compared to other practices and can be also exemplified by practical examples.

Reports contained in this volume are not limited to simple descriptions of good practices, but adopt a comprehensive approach. The structure of reports follows the natural sequence and the different stages in the development and adoption of a good practice. These stages are: the identification of the problem, the specific context in which the problem occurs, proposed solutions and the methodology chosen to target identified problems, the results achieved, the difficulties encountered and finally conclusions and recommendations for replication of the described good practice.

Today, the ever shifting nature of human trafficking, the emergence of constant new trends and forms, the blurring of the lines and the interlinked character of trafficking with other phenomena, such as migration, people's smuggling and labour exploitation, make tried and tested practical tools all the more valuable and necessary to those working in the field.

The editors of this manual and the authors of the fifteen reports contained herein, hope that their collected professional experiences shall be useful to all those working against human trafficking and that they will see fit to replicate and integrate them constructively in their own professional activities and programme of work.

Finally, the editors would like to thank the sponsor of this publication and to emphasise that the views expressed in each report are strictly those of the authors and not necessarily those of the editors, or others who have contributed to make this publication possible.

# CHANGES IN THE MACEDONIAN CRIMINAL CODE – HISTORY OF A CRIMINAL CASE<sup>1</sup>

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The Helsinki Committee for Human Rights of the Republic of Macedonia is a non-governmental organisation which major duty is to observe and inform, on local and international level, on various human rights issues, in accordance with the provisions of the Helsinki Final Act and other international standards and documents. The basic tenet in the activities of the Helsinki Committee is non-bias, objectivity, non-discrimination and competency in its remarks regarding human rights violations. The Helsinki Committee reacts in cases of violation of rights protected by international legislation, guaranteed by the Constitution, national legislation and by the State and its institutions. It monitors the activities of national institutions (President, Parliament, Government, Ministries, Courts, State administration, Police, etc.) and the way they realize their authorities. The Helsinki Committee provides free legal aid upon complains submitted by citizens, undertakes casework, legal initiatives, researches, dissemination of human rights issues, organizes conferences, seminars, trainings etc.

In the past few years, the Helsinki Committee has been working continuously on the case of minor R.C., a 14 years old girl and a victim of crime ("Mediation in conducting prostitution"). R.C. was not treated by the authorities as a child, but as a minor juvenile, based on the fact that she was 14 years old, whereas a child was defined in the Criminal Code (1996) as a person up to 14 years of age.

It should be noted here that this is a provision applying to the perpetrator of a crime, but not to a victim and it is clearly stipulated in the Art. 71 of the Criminal Code that: "Criminal sanctions may not be applied against a juvenile who at the time that he commits a crime has not reached fourteen years of age (child)".

In the case of R.C.<sup>2</sup>, a lawyer from the Committee was representing her father, as her guardian, in the legal proceeding before domestic courts. The lawyer

<sup>1</sup> The author uses the constitutional name of her country, and not the one used officially by the United Nations, the Council of Europe and the European Union, which is "The Former Yugoslav Republic of Macedonia".

<sup>2</sup> R.C. committed suicide during the phase of criminal proceedings against the perpetrator who was finally convicted for the crime of "Mediation in conducting prostitution".

attended the public hearings before the Criminal Court of Appeal in the town of S. The Appeal Court pronounced the accused guilty and sentenced him to 5 years of imprisonment.

In the judgment delivered by the Criminal Court of First Instance in the town of S. against the accused M.S., it was stated that the Court judged the situation on the facts and concluded that the accused had misled and encouraged R.C. to prostitute herself, whereby her 'clients' were people with which the accused M.S. had previous arrangements. With the decision of the Criminal Court of First Instance the accused was found guilty of "Mediation in conducting prostitution", and as such he was convicted.

The above decisions of the Court proved the act of incitement to prostitution. Regarding the buyers of sexual services, the Court did not take any action against them, despite the fact that the victim was a minor. Clients were listed only as witnesses in the proceedings, even though from the case and trial records it became evident that the public prosecutor was aware of their identity. Despite that, the judge failed to report the sexual assault and exploitation of minor R.C. and the public prosecutor failed to prosecute the clients. The explanation given in the verdict was that "[a]s far as the witnesses-users of sexual services are concerned, the court delivered its verdict based on the fact that the witnesses have families and a public revelation and confession of their involvement in the case of exploitation of sexual services from minor would endanger their reputation in society and possibly cause their family lives to disintegrate". The failure to investigate and prosecute the clients of the minor was also a violation of the 1989 UN Convention of the Rights of Child (UN-CRC) and its protocols, stipulating that the best interest of the child should always come first.

In regards to this case a lawyer from the Macedonian Helsinki Committee had a meeting with the public prosecutor, the President of the Criminal Court of Appeal and representatives from the Centre for Social Work in the town of S. The topic of the conversations was the definition of the legal term "child" and the age until when a person is recognized by the law as a child.

Article 3 of the UN-CRC, ratified by the Republic of Macedonia on 02.12.1993, is stipulated that "all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration". Having in mind the guiding principles in article 1 of the UN-CRC: "...a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier" the Criminal Court of First Instance in this case should have taken into consideration the age of the victim (under 18 years old) and based on that consideration should have taken appropriate measures against the users of sexual services.



The Republic of Macedonia is also a signatory to the Second Optional Protocol of the UN-CRC, which refers to the trafficking, prostitution, and pornography of children. Obligations undertaken under this Protocol mean that states should use any necessary and adequate means to forbid prostitution and sexual exploitation of children (whereby prostitution of children is defined as the use of children in sexual activities for monetary benefits or any other form of consideration).

Furthermore, the rights and obligations stipulated under the UN-CRC and its Protocols, according to article 118 of the Constitution take precedence over other legal rules and become an integral part of the internal social arrangement of the state, and as such cannot be amended by law and have to be respected under all circumstances.

Additionally, based on article 188 of the Criminal Code of the Republic of Macedonia, a person that engages in any type of sexual act with a child will be punished with one to ten years of imprisonment. To summarize, the users of sexual services which were noted as witnesses in the trial were in fact direct perpetrators of the criminal act "Sexual assault of a child", and special emphasis should be placed on the fact that the damaged parties were children that had just turned 14.

Trafficking in human beings as a separate criminal act was criminalised with the adoption of the Law on Changes and Amendments to the Criminal Code of the Republic of Macedonia. The scope of the crime of trafficking in human beings (Article 418-a) was been redefined in 2004, encompassing recruitment, transportation, transfer, harbouring or receipt of children for the purpose of exploitation, either within or outside the country. The purpose of exploitation includes prostitution or slavery or practices similar to slavery and servitude or the removal of organs. The revisions introduce stricter punishments for the perpetrators of the crime, as well as confiscation of the means used for committing the crime.

This Law introduced two new articles: smuggling of migrants (Article 418-b) and organizing a group or encouraging the commitment of the offence of human trafficking and smuggling of migrants (Article 418-v. With the changes in 2008 new article was added: Trafficking of minors (Article 418-g). Prostitution is not a criminal, but an administrative offence. Mediation in prostitution (Article 191) envisages sanctions against the person who recruits, instigates, stimulates or entices another to prostitution, or a person who, in any kind of way, participates in turning over a person to another, for the purposes of prostitution.

Unfortunately, in the Republic of Macedonia the public prosecutor usually brings criminal charges against perpetrators for mediation in prostitution based on Article 191 and not for trafficking in human beings, although we have several different articles based on which the perpetrators can be prosecuted and the punishment is more rigorous.

Both criminal charges in the case of R.C. were rejected as ill founded with an explanation that the victim was 14 at the time of the attack and for that reason not considered to be a child. The authorities did not take in consideration that based on the UN Convention of the rights of the child, already ratified by Republic of Macedonia, a child is every person up to 18 years of age.

## ► CRIMINAL PROCEDURE

Two criminal charges were submitted to the public prosecutor but they were both denied. The Helsinki Committee submitted a private criminal law suit, but it was also denied with the explanation that based on the Macedonian Criminal code a child is a person till 14 years of age (based on the UN-CRC and domestic family law: child is considered every person until 18 years old)

The first criminal charge was against the people who sexually attacked the minor by purchasing sexual services provided by her for "Sexual attack upon a child" and the second was against the deputy public prosecutor in the Public Prosecution Service in the town of S., the judge in the Criminal Court of First Instance and the members of the jury in the Court of First Instance in S. for: "Misuse of official position and authority" and for "Not reporting a crime or an offender".

Following that, a subsidiary request was submitted to the Criminal Court of First Instance in the town of S. for opening the investigation in both cases; yet again this request was rejected on the same basis. Within the 3 day deadline stipulated by law, an appeal was submitted to the Criminal Court of Appeals but this was rejected as well.

Although the judicial procedure was then legally over as there was no other possibility for further legal remedy so that the final verdict could be reversed (aggrieved), the Helsinki Committee continued its communication with the judicial bodies, the Office of the Public Prosecutor, the Parliament, as well as with civil society and the general public by disseminating monthly reports focused on the legal gap existing in the Criminal code and the urgent need of a solution addressing this problem.

A request was submitted by the Helsinki Committee to the Supreme Court of the Republic of Macedonia asking from the Court to bring forth a statement of principle regarding the definition of a child. To the discontent of the Helsinki Committee, the Supreme Court replied that it was not within its authority to release a statement of principle on the definition of a child, and pointed out that the Criminal code provided definitions for the terms: minor, minor juvenile, older minor. Furthermore, the court stressed that this issue was regulated by civic rights, with Family Law.

## ► RESULTS

After a long correspondence between the Helsinki Committee and the authorities, in the form of letters, reports and meetings, the Criminal Code of the Republic of Macedonia was amended on January 15, 2008, when a new provision was added:

*“A victim of crime is any person that suffered damage, including physical or mental injury, emotional suffering, material loss or any other violation of the basic freedoms and rights as a result of a criminal act. A child, victim of a criminal act, is any juvenile under 18 years of age”.*

The same law increased the penalties for crimes in which the victim is a child under 14 years of age, and new provisions were added, criminalizing child pornography, where it is explicitly stated that the consent of the juvenile is insignificant for the existence of the crime.

Finally, a new Article was added (Article 418 - g) Trafficking of juveniles, encompassing recruitment, transportation, transfer, harbouring or receipt of juveniles (persons up to 18 years of age) for the purpose of exploitation, either within or outside the country. The purpose of exploitation includes prostitution or slavery or practices similar to slavery and servitude or removal of organs. The revisions introduced stricter punishment for the perpetrators of the crime, as well as confiscation of the means used for committing the crime.

The Helsinki Committee also turned to the Permanent Parliamentary Commission of the Republic of Macedonia and underlined the incorrect practice in place, as far as the definition of a child is concerned, and the need of a specific definition of who is considered to be a child. This was taken into consideration in the last amendments of Criminal Law adopted in January, 2008, when a new provision was added and explicitly was said that *A child, victim of a criminal act, is any juvenile under 18 years of age”.*

## MONITORING OF PSYCHO-SOCIAL TEAMS WORKING WITH WOMEN IN PRISON AND PRE- DETENTION CENTRES IN ALBANIA

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A number of psychological problems – such as fear, anxiety, depression, nightmares – can plague the lives and souls of survivors of torture for years, if not forever. The psychological distress of victims, and their loss of dignity and faith in fellow humans, also defies adequate description or comprehension. But it is widely accepted that the psychological consequences of torture are immense, and often far more debilitating than the physical injuries.

The psychological and physical state of women prisoners deteriorates quickly, particularly when women, victims of trafficking are prosecuted and punished for crimes they have committed, while being trafficked. This is why in 2004 ARCT started a project aimed at monitoring the work of psycho-social teams working with women in detention centres. The idea for this project was the outcome of a national survey in 19 detention facilities across the country, monitoring visits, contacts of prisoners and gathering information from official sources of prison administration. Since then ARCT has published four shadow reports on the situation of human rights in Albania with particular focus on the current situation in prisons and related topics (reports are available at the ARCT website).

In the Albanian prison system, there is one facility for women, located in Tirana and 313 pre-detention facilities that deal with arrested and pre-detained persons (i.e. detention prior to trial). The monitoring team of experts of ARCT has a variety of professional backgrounds covering many aspects of prison monitoring in accordance to the requirements set by international documents as the UN Convention Against Torture, the European Convention for the Prevention of Torture, the UN Convention for the Elimination of Discrimination against Women, the UN Optional Protocol Against Torture etc. In more detail, the ARCT monitoring team comprises of lawyers, doctors, psychologists and social experts. The current project involved mainly psychologists and social experts with concrete experience in the field, acquired through their engagement in similar activities.

There is also a special service for social issues functioning within every institution, which includes a full-time psychologist and enables convicts to have access to psychological assistance, either on their own initiative or after

the initiative of the psychologist. However, there are still some gaps in the activities of these services which do not cover all the needs of the prisoners.

In cooperation with prison staff, the project staff has undertaken a needs assessment on the further improvement of the performance of prison social services, and has made recommendations on the professional training and capacity building. ARCT has also produced a series of publications and other additional materials.

A needs assessment of the psycho-social team members was performed and the following problems were identified:

- The psycho-social team members were frustrated by the fact that they had not received appropriate training for working with women victims of trafficking in detention centres;
- The psycho-social team felt isolated from the other prison staff;
- The psycho-social team suffered from burnout due to work overload.

Following the above needs assessment, the **objectives** of the monitoring visits were:

1. identification of prisoners that have been victims of trafficking;
2. identification of the needs of prisoners, their main problem issues and possible solutions;
3. identification of the degree and quality of the supervision and treatment offered by workers of the psychosocial team;
4. guidance of the psycho-social team on the treatment of victims of trafficking

### [ 1. IDENTIFICATION OF PRISONERS, ESPECIALLY VICTIMS OF TRAFFICKING ]

During the period of monitoring, victims of trafficking were identified. The identification of such persons was made through common monitoring visits in prison and pre-detention facilities. During these visit, the psychologists met women who had been trafficked and accused for different crimes such as prostitution, pimping, fraud etc.

These women were in a very aggravated psychological situation, feeling isolated, marginalised, and frightened. All of them claimed to be innocent. In the women's prison, out of 65 prisoners, 10 of them were detained for crimes related to human trafficking.

### [ 2. IDENTIFICATION OF THE NEEDS OF PRISONERS, THEIR MAIN PROBLEM ISSUES AND POSSIBLE SOLUTIONS ]

The women imprisoned were in a very bad emotional condition: they felt marginalized and victimized, and missed their family and children. Typical physical complaints included headaches, back pain and gastrointestinal distress. Psychological symptoms included profound emotional constriction, social withdrawal, difficulty in either falling or staying asleep, irritability or outbursts of anger, concentration difficulties, diminished interest or pleasure

in activities, fatigue and loss of energy, feelings of excessive guilt etc. The ARCT monitoring team offered their support to the prison psychologists in order to help them manage the psychological, physical and emotional conditions of these prisoners. To this end the ARCT team provided instruments of psychological evaluation and information and assistance with dealing with different cases of mental health problems.

### [ 3. IDENTIFICATION OF THE DEGREE AND QUALITY OF THE SUPERVISION AND TREATMENT OFFERED BY WORKERS OF THE PSYCHO-SOCIAL TEAM ]

The evaluation of the work performed by members of the psycho-social team was made on different levels:

- Evaluation of documentation/questionnaires and psychosocial profiles used by the team members;
- Collection of feedback from the prisoners.

The monitoring team found that the psycho-social files filled in by specialists in the detention centres included the following information:

1	Personal information
2	History which includes socio-cultural environment and family context
3	Penal history and actions, which in pre-detention cases could not be completed since the detained were presumed innocent
4	Health, physical and psychological related problems
5	Drug or alcohol abuse
6	Suicidal risks or attempts
7	General psychological evaluations noting psychological needs and strong/weak point of the patients personality
8	Behavioural assessment of detained persons within prison institutions and possible disciplinary measures taken
9	The identification of problems, including psychosocial disorders, education or employment problems, etc.
10	Information on treatment, which begins with the determination of treatment objectives (dependent on the identified problems) and with indicators for the measurement of the objectives, (e.g. the improvement of the situation or of its functionality)
11	Participation in concrete activities, such as individual consultations, group consultations, activities in the field of education or employment
12	Participation in sources, such as spiritual, material, community or professional care
13	A scheme presenting the relationship with other convicts, the staff of the institution and family members
14	The achievements and difficulties encountered during the work of specialists

Discussions with specialists – members of the psycho-social prison team revealed the following difficulties:

1. The absence of specific qualifications of workers, especially on mental health issues, such as Post Traumatic Stress Disorder (PTSD), the most frequent disorder among victims of trafficking;
2. Difficult working conditions, such as the absence of a counselling room;

3. The isolated character of the prison constitutes a serious hindrance to the rehabilitation of detained persons and does not allow for amusement and social interaction within a normal environment, but most usually leads to self-isolation.

During the monitoring period, particular attention was paid to specially arranged places for people with transmittable- infectious diseases. The evaluation showed that special rooms existed for persons diagnosed with a transmittable disease, which serve as quarantines and are isolated, disinfected, and under the continuous supervision of health care services.

Monitoring showed that persons risking the development of mental health problems were difficult to be identified by the psychosocial staff due to lack of proper instruments for psychological assessment.

#### [ 4. GUIDANCE OF THE PSYCHO-SOCIAL TEAM ON THE TREATMENT OF VICTIMS OF TRAFFICKING ]

The psychology department of ARCT has been actively engaged in creating the psychosocial file described above and has assisted in the collection of information and completion of files for detained persons held in prisons and pre-trial detention centres. The psychology department of ARCT presented several questionnaires, used by ARCT for victims of torture and for the identification of psychological/emotional distress. Prison psychologists were also provided by ARCT with several questionnaires on trauma, anxiety and depression, which were to be filled in by persons deprived of their liberty.

The ARCT psycho-social team also provided general mental health standards for detained women- victims of trafficking that were used throughout the monitoring visits at prisons and pre-trial detention centres. These general mental health standards were based on the **Diagnostic and Statistical Manual of Mental Disorders- Fourth Edition** (American Psychiatric Association, 1994), (DSM-IV (R)), a well established tool used by mental health professionals and physicians to diagnose mental disorders, and the **International Statistical Classification of Diseases and Related Health Problems (10th Revision)**, (ICD-10), which is a classification of diseases and signs, symptoms, abnormal findings, complaints, social circumstances and external causes of injury or disease, as adopted by the WHO.

The general mental health standards provided by ARCT can be summarized as follows:

1. Institutions for women must have specific sections that are needed for the treatment of pregnant women, women during the, post-partum period and during convalescence. All should be made possible to assure that birth is given in a civil hospital. In the case that birth is given inside a prison, the birth certificate should not mention this detail.
2. When mothers in prison are allowed to take care of their babies, appropriate measures should be taken to provide a nursery equipped with qualified personnel, where the babies can be taken care of by their mothers.
3. The doctor must take care of the mental and physical health of the prisoners and must visit the sick prisoners every day, as well as

those that complain about their health or attract attention in regards to their health.

4. Doctors must report to the director every time they think a prisoner's physical or mental situation may be aggravated during their stay in prison, or under specific imprisonment conditions.
5. All institutions must offer the services of at least one qualified doctor that must have certain knowledge in regards to psychiatry. Medical services should be organized closely to the country or community's general health administration. This should include psychiatric services for diagnosing and where necessary treating abnormal mental conditions.
6. Prisoners that are sick and in need of special treatment, should be transferred to specialized institutions or civil hospitals. Institutions should be equipped with the necessary and appropriate pharmaceutical items needed for the medical care and treatment of sick prisoners. Moreover, the institution should have appropriately trained personnel.
7. The services of a qualified dentist should be offered to all prisoners.

During the needs assessment meetings with prison professionals, a list of recommendations was further elaborated.

1. Identification of vulnerable groups, (e.g. victims of trafficking), with psychological problems, which have been imprisoned for different criminal act towards their tutors etc.;
2. Additional investments in order to increase the capacity and professionalism of the workers of the psychosocial team in prison;
3. Signature of an agreement between ARCT and with the prison psychosocial team, for the cooperation and exchange of experiences;
4. Identification of women with mental and physical problems, including the causes of these problems;
5. Assumptions are frequently made on the various disorders that detained persons develop, but more must be done for their treatment. Unfortunately, the latter is seriously hampered, since the rehabilitation process requires not only individual and group consultations, but also social, cultural, sporting activities, integration and employment opportunities, the adoption of alternative punishments and more lenient sentences, compensation rights, and as few as possible punishments for disciplinary offences in the prison, in order to allow detained persons to gain self respect and confidence.

### [ Conclusions and recommendations: ]

The monitoring of the situation in various prisons concluded the following:

- Despite of the fact that certain women are serving sentences (deprived of their liberty), they should be provided with the same assistance and health care as women outside prison, i.e. the

The existence and good functioning of a rehabilitation institution for convicts with mental health problems, is essential.



institution should have general doctors and specialized nurses for the medical treatment of women, including gynaecological services;

- Closer attention should be paid to women prisoners, who need special attention especially those vulnerable to mental health problems;
- Moreover, other services that should be offered include: breast and uterus screening for cancer, which are offered outside prison institutions and should be provided for detained women as well;
- The fact that children should not be born in prisons is a well established principle, and it is now the standard practice among members of the Council of Europe, to transfer pregnant women to give birth at appropriate facilities outside prison;
- Health professionals in prisons are generally required to take difficult decisions. Their duty to assist patients (prisoners) can often come in conflict with the managing and security rules of the prison. In order to assure independence and the best possible health care to detained persons, it is recommended that health professionals should be guided by the same principles adopted by the medical profession working in the general community (i.e. outside prison).

The monitoring team, while examining health care measures in prisons, should give special attention to the role of the medical staff and their autonomy in the decision making process. The duties of the medical staff in prison facilities should focus on the following:

- Ensure that general conditions are in compliance with those reported by the authorities during discussions on the conditions in detention centres and prisons;
- Find out whether there are contagious diseases and which are the measures taken to impede them from spreading;
- Ensure prisoners' right to individual consultations or treatment;
- Refer individual cases to specialized doctors as needed.

These duties mean that the prison doctor is considered a personal doctor for the prisoners and a consultant for the managing team of the institution, something that could possibly lead to a conflict of interests and go against medical ethics and modern interpretations of the Standard Minimum Rules (SMR).

The competences of the medical staff, their independence, professional ethics, and the quality of health services can only be evaluated by health specialists. With this in mind it is also recommended that the monitoring team includes qualified general doctors.

In the decision making process, the medical staff should enjoy complete independence confronted with the authorities of the institution. This can be easily realized if the prison medical staff is integrated in the general local health system, as opposed to being dependent on the prison authorities.

## CAPACITY BUILDING FOR CONSULAR SECTIONS IN THE IDENTIFICATION AND ASSISTANCE OF VICTIMS OF TRAFFICKING

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Croatia, like other south-eastern European countries, has been going through a prolonged social, political and economic transition, which has in turn created a favourable environment for the expansion of the trafficking phenomenon. When speaking of trafficking in human beings, Croatia should no longer be considered simply as a transit country. Although Croatia is mainly a transit country for victims of trafficking, recent evidence shows that Croatia has also become a country of destination and origin, and most significantly a country with trafficking within its borders (internal trafficking).

In terms of legislation, it is important to note that Croatia has ratified the UN Convention against Transnational Organized Crime and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons. Following ratification, the national institutions started harmonizing the national legislative framework with the aforementioned UN Convention and Protocol.

In terms of practice, the protection and assistance offered to victims of trafficking has been developing step by step through the capacity building of governmental and non- governmental institutions organizations culminating in the establishment of a functional National referral system. Additionally, an important part of the policy framework for combating trafficking in human beings is the education of all competent actors involved.

Following the Brussels Declaration on Preventing and Combating Trafficking in Human Beings (EU & IOM, 2002) that stated that the principle of prevention is an essential step towards combating the trafficking phenomenon and calling for the development of education and capacity building programmes against trafficking for diplomatic and consular staff, the idea of educating Croatian diplomatic and consular personnel on issues of trafficking was born.

As part of their work in the area of combating human trafficking, competent actors and stakeholders in the field identified Croatian diplomatic and

In December 2004, the “National Strategy for Suppression of Trafficking in Human Beings 2005 – 2008” was adopted by the Croatian Government. This Strategy includes the following chapters: Legislative Framework; Assistance to and Protection of Victims; Prevention; Education; International Cooperation and Coordination of Activities.

consular personnel, serving at certain posts where by definition they came in close contact with trafficking cases with the aim to help them assist potential victims and apprehend the perpetrators. In order to help them fulfil this role and to respond to the challenges inherent in combating trafficking in human beings, diplomatic and consular personnel have to be aware of the seriousness of the problem, to be appropriately trained to recognize the indicators, to react fast and organized, as well as to collaborate well with representatives of other departments, institutions and foreign missions.

With regard to that, several specific problems and needs were identified:

- a need to sensitize and strengthen the capacities of relevant institutions in Croatia to provide training in matters related to trafficking in human beings for diplomatic and consular personnel serving in Croatian diplomatic missions abroad;
- lack of a curriculum and training materials focused on trafficking in human beings, tested in practice and widely available for further trainings;
- lack of a code of conduct for diplomatic and consular staff in Croatian diplomatic missions;
- lack of effectiveness of relevant Croatian authorities (consular staff) to identify victims and potential victims of trafficking and to provide counselling and assistance to Croatians that fall victims of human trafficking and human smuggling in transit and receiving countries abroad;
- lack of skills of foreign diplomatic officials, serving in Croatia and representing major countries of origin for victims of human trafficking, to provide reliable information on migration and anti-trafficking legislation and practices in Croatia.

After identifying existing problems and recognizing the need for additional education, sensitization and awareness raising among Croatian diplomatic and consular personnel, the IOM Mission in Croatia, the Croatian Ministry of Foreign Affairs and European Integration and CLC conducted diplomatic preventive education and capacity building on trafficking in human beings within the project named "Preventive Counter-Trafficking Capacity Building for Croatian Diplomatic Personnel". This Project was envisaged as a contribution to the efforts of the Croatian authorities in combating trafficking in human beings, by providing Croatian diplomatic and consular staff with practical and pertinent counter-trafficking education, sensitization and awareness raising through several training modules. Although these courses were primarily dedicated to the personnel of diplomatic and consular services, migration policy makers and persons dealing with the issue of migration in their daily work were able to benefit from them as well.

The main aim of the Project was to provide the above mentioned actors with practical information on the following areas:

- how to recognise and interview a potential victim;
- different steps to be taken in cases where: the victim/potential victim is a national wishing to be repatriated to Croatia; a foreign national applying to a Croatian consular service abroad for the issuance of a visa or a first temporary stay permit; a foreign national with regulated status in the Republic of Croatia who has overstayed; a foreign national who has been granted asylum or subsidiary protection in the Republic of Croatia and is without appropriate travel documentation;
- how to proceed in situations where a victim/ potential victim wants to return to the Republic of Croatia and does not possess identification documents (passport, identity card);
- steps to be taken when there is a suspicion that a person possesses forged identification documents;
- steps to be taken in cases of persons belonging to particularly vulnerable groups (children, minors, the diseased and persons with disabilities);
- relevant national, international and non-governmental organisations to be included in further actions.

Within its capacity building component the project offered a number of seminars and trainings, implemented in three phases:

- 1) train the trainers;
- 2) one day training session and debate for staff members of the Ministry of Foreign Affairs and European Integrations and
- 3) regular lectures on counter trafficking issues incorporated into the Diplomatic Academy curriculum as well as two networking study visits to Romania and Norway.

Within the awareness raising component, as the key element for preventing trafficking in human beings, a number of meetings and forums were organized with government officials, as well as a press conference for informing the general public. In order to sensitize and raise awareness of the target audience, different materials (brochures and posters) were produced and distributed to the Croatian diplomatic offices.

The results of these activities could be summarized as follows:

- Preparation of analyses and compilation of national legislation, European and international law as well as UN and Council of Europe conventions;
- Trained professionals to transfer knowledge on combating human trafficking to diplomatic and consular staff in Croatian diplomatic missions;
- Preparation of an educational module on counter trafficking;
- Preparation and distribution of materials for awareness raising: a basic fact brochure and a poster for Croatian citizens visiting Croatian diplomatic missions; an informative brochure on possibilities and legal requirements for obtaining a Croatian visa; a large hanging poster; a booklet for Croatian consular personnel used as an "operational manual";
- Publication of a Handbook for Diplomatic and Consular officials to be used as a training material on the Diplomatic Academy.

Here, it is important to emphasize that since all competent bodies recognized the importance of this training initiative, there were no major difficulties encountered within the implementation of this Project, and it could be said that in overall, the capacity building activities strengthened the entire Croatian Counter Trafficking National Referral System.

As diplomatic and consular officials play a special and important role in the suppression of trafficking in human beings, this type of systematic, well-designed and sustainable education is strongly required and highly effective. Only an ongoing effort can yield the desired results. Such training initiatives enhance the implementation of counter-trafficking activities, the identification of potential victims and the quality of the assistance available to trafficked persons. These multidisciplinary training programmes, developed on the basis of human rights, gender equality and principles of non-discrimination are an effective tool for promoting the struggle against trafficking in human beings and should be also applied in other countries.

## NGO CAPACITY BUILDING FOR THE IMPLEMENTATION OF HUMAN RIGHTS STANDARDS WITH SPECIAL FOCUS ON HUMAN TRAFFICKING – ACTIONS AND IMPACT

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After the monumental political changes in October of 2000, public consciousness in Serbia about the importance of human rights has undoubtedly increased and the systematic repression, especially present during the last years of the Milosevic regime, has stopped. However, general violations of human rights during the Milosevic period have not been resolved, at least not in the legal sense and especially not in practice, as should be expected from a fully developed human rights system based on European standards. The reasons for this situation are numerous, but one of the most prominent is the fact that the essential value system from the Milosevic era has not fully been transformed, lustration has not been successfully and the structure of the judiciary has practically remained unchanged.

However, since 2000, violations of human rights, including human trafficking, have taken new forms and occur mainly in the spheres still controlled by the old system of values e.g. the judiciary is still highly dependant on the executive branch, state authorities are still susceptible to corruption and conflict of interests, reporting in the media on the basis of ethical codes still comes second to journalism directed by centres of power that have not been dismantled. Human rights violations take mostly the form of ethnic, racial, gender, sexual or political discrimination.

Therefore, the development of a new methodology for monitoring violations, especially violations connected to human trafficking, and for providing education on human rights is of great importance for Serbia. By revealing new forms of discrimination and human rights violations, NGOs can influence state authorities to adopt a new value system respecting human rights, based on the European Convention of Human Rights and the practice of the European Court of Human Rights.

The role of civil society is very significant in Serbia and one can safely claim that NGOs consist one of the most important factors in the development of democracy and in standard setting for human rights. Although the influence

In 2006, Serbia adopted a new constitution, but its impact on the protection of human rights still has to be ascertained. Another limitation is the fact that Serbia still does not implement decisions of the Human Rights Committee as there is no domestic mechanism in place for their implementation. In June 2008, YUCOM succeeded in implementing the decision of the Human Rights Committee on the *Bodrozic case*. However, the mechanism for future implementation of similar decisions of other UN treaty bodies has not been established yet.

and the number of human rights NGOs has been steadily increasing, NGOs show an increasing need for trained activists capable to strengthen their capacities, as they often fall under the criticism of the authorities.

Therefore, human rights advocacy, especially in a country where the principles of responsibility and compensation for victims of crime are still not well defined and developed is always a high-risk activity and one that demands special efforts in order to achieve good results.

The above situation analysis highlighted the following problems:

- lack of knowledge of international human rights standards on the part of most NGOs in Serbia;
- need for new approaches on combating human trafficking (targeted and effective information campaigns);
- poor constitutional definitions of human rights violations.

In order to solve the identified problems, the following steps were taken: From April 2007 to April 2008, YUCOM led a campaign for the recognition and realization of basic human rights in Serbia, based on the case-law of the European Court of Human Rights (ECHR). NGO activists were trained to use legal argumentation in legal procedures before domestic courts, based on the standards of the ECHR and one of the topics in this training campaign was the implementation of international standards against human trafficking. This project was supported by CIDA (Canadian International Development Agency).

The **first activity** of the project was to conduct a survey on NGO capabilities to provide legal aid services in accordance with international standards, their awareness and knowledge on existing international instruments and mechanisms, their capacities to process data in accordance with human rights principles and to advocate for the implementation of human rights in compliance with international standards. This survey was important because it provided significant information regarding:

- the concentration of human rights NGOs in certain areas of the country;
- the level of capacity of civil society organizations to provide legal aid and to conduct advocacy on human rights in compliance with international standards in different areas of Serbia;
- the specific needs in certain areas due to the structure of population, the level of economic development, common human rights violations and social/cultural factors;
- the good/bad practices related to the implementation of human rights in different areas of Serbia.

Based on the findings of this survey, YUCOM developed a curriculum of training sessions in order to target existing needs in particular areas where training

The main target groups of this training and information campaign were professionals active in the field of human rights and professionals working in organizations for the protection, promotion and advancement of human rights in Serbia. YUCOM included in the above trainings a number of organizations dealing with human trafficking (ASTRA, IOM, the Autonomous Woman Center etc). Specific target groups were government, decision and policy makers and legal experts and the beneficiaries were Serbian citizens, especially minorities and vulnerable groups.

would take place. In that sense, each training session was adapted to the needs of civil society and to the needs of human rights professionals working in various areas of the country. In addition to the above, a session entitled “International Standards against Human Trafficking” was included in every training curriculum since trafficking is a serious and complex problem in Serbia. Due the fact that a unified system for monitoring and analysis of trafficking does not exist in Serbia, the role of NGOs is very important in combating/preventing the phenomenon.

The **second activity** of the project was producing a “Manual on methodology and strategies for practical application of international instruments”.

The information from the survey, as well as information from YUCOM’s regular incoming information records that is provided directly from citizens from the entire territory of Serbia., showed that there is a decrease in the number of NGOs providing *pro bono* legal aid. Data collected from questionnaires confirmed the above-mentioned problems regarding the financing of *pro bono* legal services. Most of the NGOs interviewed did not have new cases to report. Others stated that they provide legal aid in areas that are attractive to foreign donors. The NGOs that are financially dependant on local government or the private sector avoid providing legal aid relating to labour issues (although, based on YUCOM’s information, labour cases are numerous).

The survey showed that NGOs in Serbia tend to provide legal aid in cases of violations of rights that their protection becomes a top priority for the international community from time to time, e.g. access to justice, freedom of expression, access to information, conscientious objectors to military service, prohibitions of torture, human trafficking, non-discrimination, hate speech and domestic violence. For this reason, one of the aims of the Manual, apart from capacity building for NGOs to provide effective legal aid against human rights violations, was to include the minimum international standards necessary for the respect of these rights by state authorities.

The first step in the preparation of the Manual was the collection of all international instruments regulating the above mentioned rights. After collecting all relevant documents, YUCOM, in consultation with lawyers and legal experts, derived specific international legal standards that Serbia should follow in order to satisfy and fully respect her international human rights obligations as described in international legal documents. The Manual was then printed in the Serbian and Roma language.<sup>1</sup>

The Manual was very well received and more than 90% of printed copies were distributed during the project. Legal Clinic Ni evaluated this Manual and found it to be particularly useful for the education of its students, and gave out 100 copies in Serbian as well as 50 copies in the Roma language. The Bar Association of Ni also asked and received copies of the Manual and was subsequently provided with 50 copies through local NGOs. The Manuals in the Roma language were distributed in the Niš area and the Pčinj district through a local Roma NGO. Over 400 copies were distributed during

<sup>1</sup> Making the Manual available in the Roma language was particularly important since there is a large Roma population living in Serbia, which is in a very vulnerable position due to their ethnic background, poverty and civil status (there are many Roma without a birth certificate and for that reason cannot access rights and services within the Serbian system). The Roma population is spread all over Serbia and has faces similar problems and obstacles with additional problems or circumstances due to the specifics of the area where they live. A significant part of the Roma population is illiterate and that plays a very negative role in their integration in society and in their awareness regarding their rights and social services that they can access. For that reason it was deemed necessary to provide them with a tool that would support their activities and make their efforts easier. Another important consideration was that the Roma population is a group particularly vulnerable to human trafficking.



debates and trainings. YUCOM was also contacted by organizations such as UNDP with additional demands for more copies of the Manual. Furthermore, the Manual was also distributed to NGOs that deal primarily with Human Trafficking, such as the Anti-trafficking Center, Astra, Autonomous Woman Center, IOM, etc. Finally, the best indication that a truly effective and useful tool on the implementation of human rights was created came in the form of an agreement with the Provincial Secretariat for Labour, Employment and Gender Equality with the aim to finance the second edition of the Manual which will be distributed in the territory of Vojvodina.

The **third activity** of the project was the organization of training sessions on the Practical Implementation of International Standards presented in the Manual. In order to achieve maximum visibility and transparency, the invitation letter and the training agendas were published on the YUCOM website and were also circulated through common NGO mailing lists and published in the local media.

After researching the capacities of various NGOs for providing legal aid, YUCOM selected 80 trainees (with an average of 6 lawyers, 12 jurists and 3 final year law students, providers of legal aid, per training) from Belgrade, and the cities of Niš, Novi Sad and Subotica, and the municipalities of Leskovac, Vranje, Negotin, Novi Pazar, Valjevo, Sombor. 60 % or 38 of those selected were women and 40 % or 32 were men. Because no such NGOs exist in the Bujanovac and Preveza territories (as potential crisis territories for future human rights violations), YUCOM included among the trainees 2 persons from each territory (jurists active with the communal administration and attorneys in the early stages of establishing NGOs that will provide legal aid).

During these training seminars, NGOs acquired knowledge about existing international standards in the field of human rights by means of:

- **A presentation of international standards** in the field of freedom of expression, free access to information, hate speech, human trafficking, conscientious objectors to military service, domestic violence and access to justice. During the presentations, all trainers referred to the standards of the UN, the Council of Europe and standards adopted by the European Union. Trainers used PowerPoint presentations, the Manual as well as Internet presentations for explaining these standards. The trainees' knowledge was tested during the seminars by presenting their opinions about the scope of individual human rights in the latest strategic cases. The discussions were moderated by the trainers. After the completion of the training sessions, the trainers used practical examples to point out the existing standards in the field of human rights, citing the case of the European Court of Human Rights. The training was evaluated by the participants and, to YUCOM's satisfaction; trainings were rated as 100% successful, very informative and the trainers' knowledge as very good to excellent.

Several actions conducted simultaneously, maximised effectiveness and achieved a better impact on society and various professional groups. The project implemented by YUCOM and the ASTRA campaign<sup>1</sup> chose to target large segments of society and to use public, well recognised figures in order to achieve better publicity and dissemination of their message (e.g. Mr. Željko Bodrožić, a victim of human rights violations who was successful in bringing a case against Serbia in the UN Human Rights Committee and journalist Jugoslav Čosić who interviewed NGO activists.). In this manner, messages targeting the general public are well received and make a deep impact. Finally, YUCOM's manual and programme of training seminars has also set the base for further joint actions of NGOs.

- **The Manual**, which clearly presents existing standards in chosen fields of human rights and also includes references to other international documents. The manual was evaluated as easy to use with a well-balanced scope and well-formulated standards.
- **An interactive solution to problems** which appeared in practice during the protection of human rights. Trainees were asked to present examples from their litigation experience, as well as results and possible problems they encounter in the protection of human rights. Trainers were in charge of coordinating the exchange of opinions between legal aid providers about the possible steps in overcoming any given problem. Finally, YUCOM representatives **presented various ways of strategic litigation** – i.e. how to create a network of NGOs, how to address state organs, relevant international bodies (bodies with the Council of Europe and the UN), foreign countries and organizations, how to use of the media and how to lobby effectively. By using the YUCOM internet presentation, trainees had the opportunity to acquaint themselves with YUCOM's manner of alarming the public about a certain problem (they were shown contents of announcements, ways of quick NGO networking for the purpose of joint action, steps towards legislative initiatives etc.).

While working on this project, YUCOM realised that in order to sensitise the public and society at large on issues of protection of human rights, including the rights of trafficked persons, there are a few necessary steps that need to be taken:

- relevant civil sector and human rights professionals should gain knowledge of existing international human rights instruments and mechanisms and of how to use them in practice, as well as on the methodology of advocacy strategies;
- government and policy decision makers should be informed on the necessity for the introduction of international human rights standards in domestic practice, policy and legislation;
- create a tool for the effective dissemination of information on international instruments and mechanisms among civil sector organizations and human rights professionals;
- education and awareness raising among minorities and vulnerable groups (e.g. the Roma population) is essential in order of protection these groups;
- create a sharp and attractive media campaign against human trafficking;
- foster interaction and cooperation among NGOs in order to multiply results through joint action.

<sup>1</sup> For more details on the ASTRA campaign see: [http://www.astra.org.rs/novi/eng/?page\\_id=9](http://www.astra.org.rs/novi/eng/?page_id=9) and [http://www.astra.org.rs/eng/?page\\_id=112](http://www.astra.org.rs/eng/?page_id=112)

## CAPACITY BUILDING FOR PROFESSIONAL GROUPS – ESTABLISHING AN INTERNSHIP PROGRAMME AGAINST HUMAN TRAFFICKING FOR UNIVERSITY STUDENTS AND GRADUATES

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Greece, a major country of transit and destination for victims of human trafficking, has made in the past years significant efforts in combating the phenomenon, by placing great emphasis on the fight against trafficking in human beings and introducing pertinent legislation. Emphasis has also been put on the conclusion of bilateral agreements and on transnational cooperation and networking. However, the prevention of trafficking, the prosecution of perpetrators and the protection of victims is a task that requires more than the introduction of institutional and legislative tools; it demands first and foremost the ability to use these tools effectively and to be able to put acquired knowledge into practice.

Awareness raising and capacity building are key elements in preventing and combating human trafficking and are particularly effective when tailored to the specific needs of certain focus groups. Although several information and training campaigns have been conducted in Greece, in particular as far as police officers and public prosecutors are concerned, there is still a clear lack of a systematic training and educational approach, especially in universities and other higher education institutions.

Currently, there is no specific course focusing on the phenomenon of human trafficking in the teaching curricula of social sciences faculties in Greece (e.g. faculties of law, international relations, and European studies). The issue of trafficking is covered – if at all- only in passing under the general topic of human rights protection. Given the fact that future ministry employees and state officials, members of the judiciary, Bar Associations and the diplomatic service are usually graduates of social sciences, it becomes evident why it is necessary to introduce, from the earliest possible stage, courses focusing on the problem of human trafficking. It is well known that awareness raising and sensitisation of the public are useful tools for preventing and combating trafficking in human beings and can achieve maximum effectiveness only when introduced at early stages of academic and professional education.

The reasons for the lack of specialized courses on human trafficking are numerous. The most prominent are: lack of experts and teaching staff, bureaucracy, constant emergence of new trends and problems and a strong emphasis on more “traditional” domestic law modules.

The main problem identified was the absence of concrete knowledge and practical experience among university students and young people on issues of human trafficking, especially as far as the domestic and international legal framework is concerned.

From 2003 till 2008 eleven students were selected from the Law Department of the University of Athens, the International and European Studies Department of the Panteion University to complete six month internships at KEPAD.

The absence of appropriate university courses on human trafficking, coupled with the strong theoretical character of studies often result in:

- lack of practical, first hand experience regarding issues of human trafficking and human rights, especially from a legal perspective;
- lack of knowledge regarding the domestic and international legal framework among professionals (lawyers, law enforcement officers, psychologists, social workers etc.) dealing directly with victims of trafficking;
- on a more symbolic level, the absence of specialised courses denotes the tendency to downplay the importance and the severity of the phenomenon of human trafficking.

## ► PROPOSED SOLUTIONS AND METHODOLOGY ADOPTED TO ADDRESS THE PROBLEM

The ways identified to remedy the above-mentioned situation were to:

- provide targeted, up to date, practical knowledge to students of law and other social sciences on the phenomenon of human trafficking;
- enable students to acquire practical experience on legal issues relating to human trafficking, by participating in the every day work of an organisation active in the area of combating trafficking;
- encourage students to pursue further studies on postgraduate level and to conduct research on the topic of trafficking in human beings by providing pertinent materials and information.

Based on the above observations, the Human Rights Defence Centre (KEPAD), from 2002 onwards, has started accepting as interns, final year students from the Law Faculty of the University of Athens and from the Department of International and European Studies of the Panteion University of Athens. The purpose of this internship programme is to enable students to acquire work experience and acquaint themselves with the practical workings of all areas of human rights law. The programme proved very successful and in 2005 acquired a more formal and permanent character with the signing of an agreement between KEPAD and the Panteion University to accept final year students for six months internships. Since 2005 this internship programme has been co-sponsored by the European Social Fund, the European Regional Development Fund and the Greek Ministry of Education.

The internship programme of KEPAD has a twofold character: first and foremost it aims to enable selected applicants to acquire practical, hands-on experience on issues of human rights law and in particular trafficking in human beings, linking theory with practice; additionally, it offers the opportunity to students and young professionals to explore and clarify career choices and goals. Secondly, it intends to assist and enrich the work of the Centre through the input of enthusiastic student-employees with fresh ideas.

At the same time the Centre secures short-term staffing necessary for the completion of its research and other projects.

Internships are structured as follows: first there is a brief introductory part, providing interns with background knowledge on human trafficking, as well as with necessary practical information regarding the every day work of the Centre. This is followed by a period of work where interns participate actively in every day activities and projects of the Centre.

The methodology followed is based on training practices and working methods aimed to create individual internship experiences based on the special needs and capacities of each intern and the needs and priorities of the Centre at any given time. To this end interns are assigned a direct supervisor, responsible to deal with all aspects of their internship and provide guidance and feedback.

The theoretical part of the programme focuses on providing pertinent information on all aspects of human trafficking including: a thorough analysis of the legislation introduced at the domestic and international level; information on national and international institutional bodies responsible for monitoring and combating the phenomenon of human trafficking; information on available judicial procedures and mechanisms set up to help victims of trafficking and to ensure the prosecution of perpetrators; presentation of coordinated activities of international organisations and NGOs against trafficking in human beings.

The above information is provided through individual, one to one training (formal and non-formal), discussions, case-studies etc. KEPAD's personnel and intern supervisors have tried to achieve the above described learning objectives by:

- highlighting the problem of human trafficking as an urgent situation that affects all countries and one that requires effective and sustainable solutions. Interns are called to familiarize themselves with the pertinent legal framework and critically assess existing laws and practices;
- stimulating critical thought and encouraging interns to use their own background knowledge and experience as a basis for understanding the various aspects of the human trafficking phenomenon and possible solutions;
- offering participants a profound insight into the practical reality of the trafficking problem and the opportunity to experience it from the perspective of the victim. This process enables future state officials, members of the judiciary and Bar Associations to be involved in a more intellectual, emotional and ethical manner when dealing with victims of human rights abuses.

Once interns have familiarised themselves with the existent legal and institutional framework they start participating actively in the daily

work of the Centre. Interns are also required to perform certain related administrative tasks (filing, phone calls etc). They are assigned a direct supervisor, overseeing their work and cooperate closely with her/him. Interns follow closely the everyday work of their supervisor in what can be roughly described as a “shadowing” method of learning. The above method of learning was selected because it enables interns to experience and witness, in a multifaceted way, all the issues that arise when dealing with human rights in practice.

Interns have full access to the Centre’s electronic database and other resources. Their duties vary and so far have included:

- background research on legal matters regarding human trafficking and general human rights issues;
- assisting in the provision of legal aid to victims of trafficking and members of other vulnerable groups;
- undertaking specific assignments related to various human rights projects of KEPAD;
- assisting in editing and proof reading of various publications of KEPAD;
- assisting in the organisation of workshops, seminars and conferences;
- communicating with KEPAD’s partner organisations and helping with issues of networking;
- assisting in the drafting of new project proposals, project reporting and evaluation;
- participating in meetings with staff, partners and members of the Centre;
- media monitoring regarding human rights violations and new developments on anti-trafficking issues.

## ► RESULTS

The above internship model led to a number of positive results for participating interns, most notably:

- practical experience and knowledge on issues of human trafficking and human rights;
- useful insight to professional life;
- improving communication and team working skills;
- opportunities for networking with peers and with potential employers;
- job references for future employment;
- involvement in long term dialogue and active cooperation with the academic community on issues of human trafficking.

The internship programme has now become an indispensable part of the work of the Centre and has been fully incorporated in its work structure and long-term plans.

The contribution of interns has been of particular importance in relation to the Olympia Human Rights Programme, as well as to the ARIADNE Network against Trafficking in Human Beings in SE and E. Europe, by participating actively in all phases of its establishment and operation. Similarly, the input of interns has been of particular value for the ASPIDDA Development Partnership where interns went on to form a network of volunteers against human trafficking.

The main difficulty encountered during the operation of the internship programme was the time consuming nature of the programme, in particular as far as supervisors are concerned. For any internship programme to be successful and productive, both for the intern and the host organisation, it is necessary to have in place a solid system of supervision and to invest a significant amount of time on education, guidance and feedback. In order to overcome such difficulties, KEPAD had to plan its future activities well in advance and limit the number of interns to a maximum of two at any given time. Another difficulty faced were the varying, to a certain point, capabilities and skills of interns. This was addressed by adapting, when necessary and to the extent possible, our working methods in order to make the internship a beneficial experience for both parties. A final constraint was the issue of limited working space and human and material resources, especially in the initial phase of this programme.

## ► CONCLUSIONS AND RECOMMENDATIONS

A common misconception is that small organisations do not possess the resources in terms of time, money and office space to run a successful internship programme. The gradual evolution and consolidation of KEPAD's internship programme has proved that this is not the case. Without having to invest excessive resources, the Centre and the interns managed to benefit mutually and at the same time to promote a more comprehensive and interdisciplinary perspective of issues of human trafficking. It should also be mentioned that the internship programme has functioned as an open forum between KEPAD and the University and has laid the bases for future joint activities with the academic community.

Based on the above, it is highly recommended that organisations dealing with human trafficking and human rights try to establish internship programmes. It should be stressed that in order to host a successful, effective and beneficial programme, it is necessary to have in place a well-organised and flexible plan of work that allows supervisors to re-allocate some of their time to oversee interns. However, the gains are significant both for interns and the host organisation: while interns acquire practical knowledge, the host organisation has at its disposal a well educated, enthusiastic and motivated work force. As far as KEPAD is concerned the presence of interns boosted productivity, stimulated new ideas and interest in human rights developments and contributed greatly to its short and long term plans of work.

In more detail, four interns remained at KEPAD as paid, fulltime employees after the completion of their internships. In another two cases, students prolonged their internship from six months to more than a year. Former interns have pursued post graduate studies in human rights and related fields, while others have entered the diplomatic service. Finally, six interns took the Bar Exam and qualified as lawyers.

## REINTEGRATION AND RE-SOCIALIZATION OF VICTIMS OF TRAFFICKING IN HUMAN BEINGS – LESSONS LEARNED FROM THE FIRST CASE IN BOSNIA AND HERZEGOVINA

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In the past years professionals in the field of anti-trafficking noticed an obvious progress in the institutional capacities, the legal and regulative framework in Bosnia and Herzegovina, as well as, in the entire range of prevention activities; good results were achieved in the field of criminal prosecutions and development of standards of protection of victims of trafficking in human beings, and finally channels and mechanisms of international cooperation were established. However, as in most countries, and despite of the progress achieved, trafficking in human beings is still present, changing and adjusting to new circumstances.

Systems of social support and protection do not meet the necessary standards for providing specialised assistance and care, either to foreign victims of trafficking, or to BiH citizens, which would enable and facilitate their healing from trauma and their re-socialisation. Programs for providing assistance to victims should be adjusted in a way that allows them to provide long-term, continuous services of reintegration needed by all victims, such as academic and professional education psycho-social counselling, vocational training, help in finding a job, long term support for accommodation, monitoring etc.

Trafficking in human beings and particularly in women and children with the purpose of sexual exploitation in Bosnia and Herzegovina has been present as a problem since 1998, while some earlier reported cases were considered as prostitution cases. Bosnia and Herzegovina is mostly seen as a country of destination and transit.

The first official case of repatriation/re-socialization of a Bosnian citizen, victim of trafficking in human beings was registered in 2001. This case was referred to "Zena BiH" by IOM Italy, where the victim was held in trafficking conditions for 10 years. The girl was originally from a poor family with a violent background, living in a small place near Mostar. Even if similar cases had already occurred before, no concrete plan of action/modus operandi

The minimum standards of psycho social protection that is provided by NGOs in Bosnia and Herzegovina differ from one NGO to another. This leads to different levels of support during the phase of return of the victims of trafficking to their families or places of origin, and might increase in some cases the chances of re-trafficking.



for reintegration had been elaborated either by governmental or non-governmental structures, therefore no good practice or indeed any practice at all existed to be followed.

The plan/project of re-socialisation and rehabilitation was prepared by IOM Italy and it also provided an amount of 2,000 Euro for the sustainability of the plan, including coverage of psycho-social and medical assistance. Unfortunately, case monitoring, risk assessment and employment were not foreseen by the plan/ project, therefore the victim was sent back to her family. This family reunion could endanger the situation of the victim, especially taking into account the push factors present in this case, i.e. violence and economic situation of the victim's family.

Lack of previous experience in providing assistance to such cases, made "Zena BIH" to establish its own procedures required for assisting such cases. The procedures adopted by "Zena BIH" are now used by other NGOs and governmental organisations in BIH. These procedures include:

- Providing psychosocial help;
- Providing medical assistance;
- Providing a mentor/case manager to support the victim throughout all phases of rehabilitation and even after rehabilitation. The mentor is primarily responsible for being in contact with the family and the environment of the victim, for finding accommodation, for encouraging the victim to continue or finish of its education, for assisting with job placements and ensuring health and social assistance (if such is not already provided by the social / health care system or if costs for health care are not covered by the authority or donor).

As the placement of the victim in a safe house was not a solution in this case, the aim of the professionals was the victim's reintegration into her family and society in general.

After a needs assessment and several meetings with the victim, the following decisions were made:

1. To conduct regular meetings with a psychologist and social worker;
2. To have regular visits to the doctor and undertake medical treatment;
3. To organise regular meetings with a mentor (on issues regarding accommodation, job placements, registering for health and social insurance etc.)

The first activity of the mentor was to visit the victim's family as well as to "reinsert" the victim into the community. Several visits to the victim's family and discussions with their neighbours were carried out. Such contacts provided information about the surrounding environment of the victim, which was evaluated as of high-risk, because the victim was systematically abused by members of her family. After several visits the decision was made to place

The victim had arrived in BIH in a serious physical and psychological state, after testifying against her traffickers, something that caused secondary victimisation, especially due to the fact that she was not given necessary assistance throughout the whole criminal procedure.

Upon its return, the victim went back to her family and was immediately provided with medical assistance. During the first month of meetings with the psychologist and social worker, her psychological state deteriorated and this led to the decision to assign a mentor to supervise and guide the victim along the rehabilitation and reintegration process.

the victim in other surroundings. After the victim was provided with safe accommodations she was offered a job – to take care of an old woman who was suffering from paralysis. Taking care of another person gave the victim the chance to re-experience the feelings of care, trust and responsibility for her own actions.

After several months of mentoring she was offered a job in one of the “Zena BIH” projects, as cooking assistant for elderly people with no family support. Such an opportunity offered her the possibility to pay for her apartment rent by herself.

During this case, the professionals were guided by the following principles:

1. Respect of the wishes and needs expressed by the victim of trafficking in human beings.

In resolving this case we took a series of steps designed in accordance with her wishes and needs.

2. Combination of work therapy and psycho-social therapy.

Combination of work therapy and psychosocial therapy making sure at the same time that she was safe from abuse, This had a positive influence on the girl and helped her recover in less than a year.

3. Mentorship

Presently, the victim has a good job, adequately paid in accordance with her qualifications and work experience gained through her work as assistant cook. She has health and social insurance and pays taxes to the state, as well. She also pays rent for her flat and supports her sister and brother living with her as her dependants (she helped save them from their violent family). She still maintains contacts with her mentor who remains a person of trust and to whom she still turns for support with personal or other problems

During this case, the following difficulties were encountered:

1. At the time, no particular concepts of “re-socialisation” and/ or “reintegration” were mentioned in national documents or in the National Action Plan for 2005 – 2007. First such definitions appeared in the NAP for 2008 – 2012.
2. The imperfections in the social and health insurance systems made it particularly hard to organise social and health care and insurance for the victim.
3. An additional obstacle to successful reintegration is the stigma that victims face when they approach governmental institutions for help or the isolation they feel from the community.
4. Given that mentorship was a novel idea and there was no previous experience of such assistance the following questions appeared: Who should be a mentor? Should it be someone from the assisting institution / NGO, or someone from the social environment of the victim?

The most important lesson learned was the need for developing a system, which is capable to provide long- term funding for a wide range of services for victims of human trafficking – urgent housing, psycho-social counselling, free medical care, job training, continuation of education and job placement– at the local, regional and/or national level.

The lessons learned, principles and steps undertaken were widely recognised as a good practice at national level by governmental institutions and were included in the National Action Plan and other Operational plans.

## ► CONCLUSIONS AND RECOMMENDATIONS

- The importance of the following principles should be taken into account when working with victims of trafficking: principle of non-discrimination and equal treatment of victims; Human rights-based approach; principle of exercising justice and implementation of the rule of confidentiality;
- The development of a trusting relationship with the victim is important for understanding her needs and for developing an adequate, needs-oriented, individual-based rehabilitation plan which has to be consulted with the victim;
- Positive practices/examples of assistance in various cases have to be shared at the national level;
- Free-of charge health insurance should be granted to all victims of trafficking, irrespective of their nationality;
- Social workers/psychologists must pay more attention to the families of the victims, and conduct corresponding work on the acceptance and support of the victim;
- The psychosocial assistance of the victims has to be long-term;
- Victims of trafficking should be provided with assistance in continuing their education and with job placements in accordance with their qualifications and with available job offers at national level;
- Victims of trafficking should be provided with a mentor who will accompany them throughout their rehabilitation and reintegration phase;
- Awareness raising programs should be conducted nationally in order to change the public's attitude towards victims of human trafficking.

The case, which was symbolically named “Marguerite”, was a keynote for several anti-trafficking activities carried out in Bosnia and Herzegovina. As a positive model, Marguerite means a better future for all those who used to be victims of violence.

## A COMPREHENSIVE APPROACH TO CASES OF VICTIMS OF TORTURE AND TRAFFICKING IN HUMAN BEINGS

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According to the Assistance Center for Torture Survivors (ACET) experience, a certain number of asylum seekers and refugees are victims of trafficking. Given the fact that refugees and asylum seekers are already in a very difficult position, the trafficking experience becomes one more element of trauma and victimisation. Such cases need additional support and treatment as professionals dealing with such victims often need to deal with more complicated trauma situations aggravated by trafficking.

Since 2007 and following an agreement signed with the Migration Office under the National Police, ACET has access to the detention centre of illegal migrants and people denied asylum or refugee status. ACET's team of specialists provides psychosocial and psychiatric consultations twice monthly. According to our experience detainees suffered from anxiety, depression, sleep disturbances, as well as lack of trust to institutions and law procedures. Many detainees did not trust the justice system or the legal protection offered in Bulgaria and shared with ACET their intentions to seek illegal ways to leave the country. The majority of them were at risk of being re-trafficked.

The following data served as a basis for the development of a comprehensive approach towards similar cases:

1. Asylum seekers, migrants and refugees shared experiences of illegal border crossing in order to reach a "safe" and "prosperous" country. In order to enter their destination country, and since their crossing is illegal, these people rely and depend heavily upon other persons – their traffickers or smugglers.
2. Torture survivors, having been exposed to persecution, inhuman and degrading treatment in their own country of origin are an extremely vulnerable sub-group. It's a well know fact that despite the high price paid for the "service" of trafficking or smuggling, the "client" is treated in a cruel and inhuman manner, and is often subjected to physical and psychological violence. These circumstances often mean that torture survivors are re-traumatised.
3. The experience of trafficking has been evaluated by victims participating in ACET's "Rehabilitation programme for Survivors

of Political Persecution and Torture” as harmful and frustrating. All survivors needed time to recover after an exhausting, both physically and psychologically, period of trafficking.

4. Here it is worth mentioning the reception awaiting survivors of trafficking in Bulgaria: in most cases they are arrested and detained by the border police at detention places next to the border. These detention places are overcrowded, with bad living conditions, inadequate food and very difficult access to medical assistance and services. Communication between detainees and the border police authorities is almost impossible because of lack of translators and interpretation services. Once survivors of trafficking are arrested the border police have to evaluate, decide and select who among the detainees is possibly a refugee and who not and send them to the state agency for refugees and to the Special detention centre under the migration office of the National police respectively. Those who are denied access to the asylum procedure are transported to the detention centre for non documented aliens near Sofia. The conditions under which they are kept there are inadequate and very frustrating. The main problem that detainees face is fear and risk of deportation, as well as the long period of detention prior to deportation (up to 18 months), especially for those who are victims of persecution and torture in their countries of origin and live in constant fear of deportation. In addition to the above, even in cases where the detained have access to legal aid the legal procedure to appeal is very time consuming. During the trial, non-documented persons have very limited chances against the state.
5. Availability and access to legal aid is very important for victims of torture and victims of human trafficking. However, very often these victims cannot benefit from legal aid, or additional assistance, or psychological support, as they have a fear of authorities and have lost all trust in law. This is why a trained team for the assistance of such victims should consist of a lawyer, a psychologist and a social worker working together in close collaboration. .

In addition, trafficked persons feel exposed to great uncertainty caused by the unpredictability of their situation and its outcome, as well as by the overbearing and hostile behaviour of their traffickers.

In order to solve the above-mentioned problems, a comprehensive approach was adopted, which resulted in the following activities:

#### **- Development of a referral system, standards and networks**

The assistance and support available to victims is a complex issue requiring the efforts and input of different institutions and professionals. National as well as international networks are also crucial for the quality and effectiveness of services offered. Finally, the establishment of a good referral system at the national level is an important task for the future. ACET has already established good collaboration with other NGOs providing legal aid to victims in order to improve the effectiveness of services provided.

ACET's approach for assisting victims is client-centered. Victims of torture and trafficking often face on the one hand bureaucratic and institutional obstacles and on the other a patronising/authoritarian approach from aid organisations. ACET tries not to put clients into an infantile position in which the powerful adults know "what is good for them". The empowerment of the client and the restoration of his/her dignity and self respect are at the core of the rehabilitation approach. As a result of psychosocial assistance clients learn to manage their anxiety, moods and fears. They improve their contacts and relationships which in turn increase their ability for family and social reintegration.

### - Development of an outreach programme

In order to improve the identification of victims and their access to adequate treatment and services, ACET developed and implemented an outreach programme at the special detention centre for non-documented aliens. ACET further collaborated with the state agency for refugees especially in the field of counselling of children and family support.

### - Development of training and preventive programmes

ACET developed special training modules targeted at law-enforcement personnel with the aim of increasing awareness of the victims' needs and strengthening professional capacity to work with them.

### - Development of a rehabilitation programme for victims

The main elements of ACET's rehabilitation programme are counselling, psychosocial individual, group and family support and social assistance. Also more attention is being paid to direct psychological work with children with disturbed and traumatized parents (minor victims in most cases are accompanied by an adult, usually one or both their parents). As children are a particularly vulnerable group, ACET has developed and provided individual counselling and psychotherapeutic programmes for children. ACET also carries out group work with traumatized children and adolescents. It should be stressed again that provision of adequate legal aid together with psychosocial assistance is the main identified factor for the adjustment and reintegration of victims.

ACET identified the following difficulties:

Victims of trafficking and torture victims are often overwhelmed by problems. The services and support available to these sensitive target groups are provided mainly by non-governmental institutions. NGOs more often than not struggle for funds and frequently cannot guarantee the long-term assistance which is needed in many cases. The lack of state support for NGOs reflects negatively on the sustainability of assistance offered to victims. In many instances, state, police and governmental institutions lag behind the accepted standards and good practices on issues of identification, care and victim referral and there is still a rejecting attitude among the personnel of these institutions. Finally, vicarious or secondary trauma of professionals dealing with victims and the burn-out effect are sensitive issues which need to be dealt with on a regular basis as well.

## ► CONCLUSIONS AND RECOMMENDATIONS

1. Torture victims and victims of trafficking demonstrate similar psychological and social problems. In both cases there is shame, guilt and rejection which lead to difficulties in social reintegration and in extreme cases to social exclusion;
2. There is low tolerance among the society to the problems of those groups of people. In the post-totalitarian society a strong tendency to blame the victims for their problems still exists. The need for care is often replaced by punishing attitudes;

3. The authorities, including social and medical authorities, have difficulties to switch from a repressive to a caring approach. This influences strongly the implementation of the law, as well as on the quality of procedure, services and existing practices;
4. In order to prevent long-term negative consequences of torture and trafficking, social and institutional factors are very important. Prompt victim identification, adequate reception, support and assistance are counter-measures to the trauma experienced;
5. Diversification of the models of support and assistance based on the respect and empowerment of the victim and its family is of crucial importance for improving access to and quality of services to victims.
6. Adequate and long term governmental support for the development of services to victims of torture and trafficking is necessary in order to provide sustainable assistance.

## SAFE RETURN AS PART OF A SUCCESSFUL REINTEGRATION PROCESS

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A typical case was the case of D.K. from Latvia, who was a victim of trafficking, first trafficked in Germany, and then in Montenegro, where she was severely abused, both physically and sexually for a period of four years. After her rescue, D.K. was placed in a shelter managed by Montenegrin Women's Lobby, where she spent 2 years. During her placement, D.K. graduated from a sewing course and an English language course. After testifying in court, she was safely returned home where she started a new life, managed to find a good job and have a family. The success of this case was the result of common efforts of governmental and non-governmental organizations, the existence of a system of comprehensive rehabilitation in the country of destination, effective collaboration between organizations in the country of origin and good links between the needs of the victim and the professional capacities of the organizations.

Since 2003, Montenegrin Women's Lobby has facilitated the safe return process for about 40 victims of trafficking. All of them, having been trafficked into Montenegro, have returned safely to their countries of origin, with the exception of one victim that was placed in a third country due to safety concerns.

More than six years of practical experience have proved that in order to have a successful repatriation process the victim must be in a safe environment and willing to cooperate. This is also what international law instruments stipulate. Most importantly the victims should have the opportunity to say when and how they would like to return home.

The safe return process can be organized on different levels:

- *State level*: according to inter-governmental agreements;
- *International organization level*;
- *Combined*: common approach of governments and NGOs, through the National Coordinator in cooperation with international organizations;
- *Individual level*: individual return at own cost.

Case monitoring and continuous evaluation of risks highlighted two basic principles for safe return and successful reintegration of the victim:

- *Cooperation* – informational exchange and common activities between countries of origin, transit, destination in the South-East Europe, professionalism of all officers, qualitative preparation and analysis of all actions;
- *Common approach* - well established national approaches of the case interventions (adapted national legislation in accordance with EU recommendations, permanent capacity building of service providers, funds that are covering the needs of the victims, cooperation and data exchange on national and transnational levels).

Bearing in mind that the goal of assistance to the victim is her safe return and re-socialization, the following activities have been included into the Standard Operation Procedures adopted for the return of victims:



- 1: Evaluation of the personal decision taken about repatriation;
- 2: Evaluation on risks and security issues, as well as on chances for social integration;
- 3: Creation of a Risk Assessment Plan;
- 4: Location of the family, existence of a supportive environment;
- 5: Provision of travel documents;
- 6: Provision of necessary information to the victim;
- 7: Development of a reintegration plan prior to the victim's departure
- 8: Organization of safe transport / transfer;
- 9: Provision of assistance upon arrival;
- 10: Provision of necessary changes in the victim's location.

**[ MEASURE 1: Evaluation of the personal decision taken about repatriation ]**

The decision about returning to the country of origin must be based on the free will of the victim and can be taken only after the victim is provided with all the necessary information on options and risks regarding remaining in the destination, origin or a third country;

The case manager has to provide complete information about:

- a range of legal possibilities on staying in the destination country;
- options on moving in another country;
- different possibilities of assistance and reintegration in the country of origin.

**[ MEASURE 2: Evaluation on risks and security issues, as well as on chances for social integration ]**

A proper evaluation on risk and safety is necessary prior to the return in order to provide security to victim of trafficking and her family. It can be done either by governmental bodies, the police, or NGOs.

**[ MEASURE 3: Creation of a Risk Assessment Plan ]**

This plan describes the risks that victims or their families could face after their return to their home country. The aim of the risk assessment is to minimize the risks and make them more manageable.

The plan is made with the victim and she/he is informed about the risks she can face and measures that will be taken for her protection and that of her family. In the same way, alternative scenarios must be discussed with the victim as well as possible solutions for solving identified problems.

**[ MEASURE 4: Location of family, existence of a supportive environment ]**

If the victim wants to return to her family, her family must be contacted especially in cases where contact had been lost. The procedure has to be performed by the case manager, in cooperation with the police, international organizations and/or diplomatic-consular offices.

In Montenegro this activity is performed by the police, national NGOs and international organizations. After the evaluation of the situation, the victim is informed about the results.

Passports or any other travel document have to contain no information whatsoever that could suggest that the bearer of the document is a victim of trafficking or an illegal migrant. Also, all communications with the consular departments must protect the rights and the identity of victims.

The reintegration plan is necessary only if victim needs help after return. If not, the victim should be given a list of service providers in her country of origin.

#### [ MEASURE 5: Provision of travel documents ]

The majority of victims do not possess any documents. In such cases it is necessary to involve embassies and consulates for the issuance of travel documents. Also embassies and consular departments should also be contacted in order to facilitate the issuance of visas and for preventing the re-victimization of persons applying for documents needed for their safe return. In cases of victims of trafficking who apply for asylum, UNCHR and the Ministry of Internal Affairs are to be contacted for further assistance.

#### [ MEASURE 6: Provision of necessary information to the victim ]

In order to prevent victimization and provide the victim with the possibility to control her life, all actions undertaken within the frame of safe return have to be communicated to the victim.

The case manager must inform the victim and discuss with her the following issues:

- Results of evaluations (risks, safety issues and social inclusion);
- Status of travel and personal documents;
- Procedures for transfer to another country;
- Information about the first months in the country of origin;
- Reintegration plan.

#### [ MEASURE 7: Development of a reintegration plan prior to the victim's departure ]

The reintegration plan, which has to be developed before departure, must be based on the victim's needs and must be developed in cooperation with the victim and shared with the partner organization in the country of return. If possible, the victim should be given the possibility to contact a representative from the partner organization in the country of origin, who will receive her and discuss with her what will happen during the first months after her return. The partner organization should be responsible for the further development of the reintegration plan.

#### [ MEASURE 8: Organization of safe transport / transfer ]

The whole transportation procedure of the victim has to be arranged in a way so as to allow for the security of the person. The victim has to be provided with:

- travel or personal documents;
- emergency phone numbers;
- cell phone;
- information on how to recognize the person who will receive her upon arrival and during transit;
- map of the town, the victim will reach, if it is unknown to her;
- her luggage and a health certificate.

### [ MEASURE 9: Provision of assistance upon arrival ]

In order to reduce the risk of re-trafficking, a service provider should wait for the victim at the land/air or port border control.

A person who is meeting the victim has to explain to her the next actions to be taken and the victim should be the one deciding about the place she would like to go and the assistance she would like/need to receive. If a victim is sent from the destination country by an organization, then the receiving organization should inform the destination country organization about the safe arrival of the victim.

### [ MEASURE 10: Provision of necessary changes in the victim's location ]

In case certain risks for the wellbeing of the person and/or her family are identified, a decision regarding the victim's placement in a third country should be taken.

Any victim of trafficking, that is willing to return to her own country, has a right to assistance in both the country of origin and the country of destination. Crisis intervention and rehabilitation of the victim should start in the country of destination and be a part of a comprehensive reintegration plan. Therefore, the main elements of the assistance provided to victims should focus on the management of individual trafficking cases and should cover all the above mentioned steps /measures, i.e. from the identification, assistance and protection, to the participation and support during legal proceedings and legal redress, to return/resettlement and/or social inclusion of victims in their destination-, origin- or third country.

Victims are to be offered step by step guidance on:

- what should be done;
- how this should be done;
- by whom;
- when.

The key challenge to a human rights based and victim-centred anti-trafficking response is to ensure that all trafficked persons have access to comprehensive assistance and protection schemes. Such an approach does not only constitute a state obligation vis-à-vis victims of serious crime, but, by offering victims a real chance to re-start self-determined lives, it also effectively breaks the trafficking cycle and results in more effective prosecution and a higher number of convictions.

Templates for measures, according to defined quality standards, to be taken in transnational trafficking cases, should be drafted. Such templates include:

- Official Case Protocol;
- Risk Assessment;
- Individual Safety Plans;
- Return and Re-integration and/or Resettlement Plans on an individual basis;
- Safe and appropriate transfer to court.

The availability of such services may offer an additional incentive for victims to identify themselves and eventually cooperate with the authorities in the prosecution of the perpetrators.

# TRANSNATIONAL PROTECTION OF CHILDREN VICTIMS OF TRAFFICKING AND EXPLOITATION

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Child trafficking is a phenomenon that has flourished in Albania with the fall of communism. It developed both internationally and internally and it is closely related to the unsafe environment in which Albanian children have been growing since early 1990. Children are exploited in Albania or abroad in activities such as: begging, selling small items, washing car windows or playing musical instruments.

Children belonging to the Roma and Egyptian communities in Albania are the most vulnerable. These communities are most affected by low education, unemployment, lack of shelter and resources. Thus they have developed tolerance towards child labour and the profits it brings and exhibit an undervaluing tendency towards child protection institutions, such as schooling.

Even though there are signs of improvement, trafficking trends have not decreased. Currently the number of children exploited abroad (mainly in Greece) by third parties is declining. On the other hand, there has been an increase in the number of Albanian children exploited either abroad or in Albania by their own parents.

The lack of assistance mechanisms to foreign children who were trafficked in Albania led to the creation of a project that focuses on transnational protection services available to children.

The project envisages the following methodology:

## ► I. IDENTIFICATION

The following tools have been adopted in order to achieve effective and timely identification of child-victims of trafficking and exploitation: the use of mixed teams for outreach work and the constant and ongoing transnational exchange of information. Both tools are essential not only at the stage of identification, but also at the stage of assessment.

### [ 1. MIXED TEAMS ]

**The Albanian street-worker** facilitates communication with children, especially ones who don't speak Greek yet and at the same time is the

In Greece outreach work is implemented on a regular basis by mixed teams of street workers comprising an Albanian and a Greek street worker.

project's resource person concerning the Albanian reality and context (geography, mentality, customs, function of state institutions such as schools and child protection institutions, etc). **The Greek street-worker** is the link to the Greek context and institutional framework

The Albanian-speaking street-worker undertakes, usually in the beginning, the role of the intermediary, because children tend to relate more easily to a person who speaks their own language. However, this has not always been the case.

The philosophy of the mixed team is based on the complementarity of street-workers. Although the team shares the same fundamental values of child protection and acts based solely on the best interest of the child, however each team member enriches the team with his/her own cultural background and perspective on each individual case. Thus the decisions and assessments in each case are the outcomes of a comprehensive evaluation of all individual aspects and different viewpoints.

The quality of assistance provided to children benefits also from the short-term exchange of professionals between the two countries. It involves street-workers in Greece and community workers who are intervening in particularly vulnerable areas of origin in Albania. These exchanges contribute to the transnational character of the project, since street-workers bring updated information and are able to exchange experiences and good practices.

## [ 2. TRANSNATIONAL EXCHANGE OF INFORMATION ]

**The Albanian offices** initiate the first communication once they have information or suspicion that a child has been transported to Greece for purposes of trafficking. This information is then forwarded to the respective team in Greece so that they can focus their street-work activities on the child's detection.

**The Greek offices** communicate directly with the respective Albanian office once they detect a new Albanian child in the streets. They are then asked to verify the child's alleged identity, whether the child is unaccompanied or not, the whereabouts of the child's parents, etc.

Such exchange of information on the child's situation continues during the follow-up of the child from both teams. The exchange of information is an important tool during the assessment of a case.

It should be noted that the exchange and cross-checking of information faces a number of challenges:

- The first source of information is the child himself/herself. The information given to the Greek street-workers can only be useful as a starting point and only on the condition that is sufficient and truthful. Thus it is necessary that the street-workers manage to gain the child's trust.

The duration of the exchange programme is 6 months and should always guarantee the integration of exchanged professionals in the other team and the efficiency of their work in the field.

The local offices in Greece and in Albania are in direct communication with each other for the exchange of information on various cases.

- The official documents that prove the child's identity (e.g. birth certificate), exist only when the child's birth has been duly registered. The lack of registration or registration with false data encumbers significantly the protection of the child.

## ► II. ASSESSMENT /DECISION ON THE PERMANENT SOLUTION FOR THE CHILD

This mode of intervention seeks durable solutions for the child: this does not mean necessarily the return to the country of origin; a suitable solution can be also integration in the country of destination or in a third country (in line with UNICEF guidelines).

### [ 1. AXES OF ASSESSMENT ]

In order to take a decision in the best interest of the child it is necessary to assess carefully three elements:

1. the individual needs and willingness of the child;
2. the options and prospects in the country of origin;
3. the options and prospects in the country of destination.

#### *Individual needs and willingness of the child*

A very important aspect of assessment is to find out the child's real will and wishes. The child should receive information on his/her present situation, the possibilities about the future, the situation of his/her family back to Albania, etc. All this information should be provided in the language the child understands best and in accordance with his/her maturity level. At this point the role of trained and experienced social workers from Albania is crucial: they ensure communication with the child in his/her mother language and reliability of the information provided, since the child is confident that the social worker understands the reality in Albania.

**A number of additional elements** should also be taken into consideration:

- the age of the child;
- the duration and level of integration achieved in each country (as shown e.g. by the language they speak, their integration in school etc);
- the relationships formed with family and other individuals;
- the maturity of the child;
- the level and form of trauma, the child's reaction to it and the child's psychological state in general;
- the duration and form of exploitation.

All this information is gathered and assessed in cooperation by the two local teams, one from the place of origin in Albania and the other from the place of destination in Greece.

## *Options and prospects in the country of origin (Albania) and in the country of destination (Greece)*

The assessment of the child's needs and wishes is combined with the assessment of the options and prospects of the child in the country of origin and in the country of destination. The decision on the child's future should guarantee, at a minimum, the right of the child to life, to development and protection from exploitation. The assessment should look at security elements and protect the child from re-victimisation, but also take into consideration social and economical conditions.

This assessment includes locating the child's family (in either country) and investigating their situation, their involvement in the child's exploitation and their plans and wishes. The UN Convention on the Rights of the Child (CRC) emphasizes that the child should not be separated from his/her parents, unless this is necessary in view of the best interest of the child (article 9). Only when return to the biological family is considered as of a potential high risk for the child, other options, such as foster care, shelters, orphanages are to be considered.

### ***B. The criteria to guarantee the best interest of the child***

Once a decision is taken, based on the above mentioned axes of assessment, it is equally important to guarantee that its implementation fulfils the best interest of the child. A number of criteria are developed in line with the CRC seeking to guarantee the best interest of the child. According to these criteria the decision should be:

- **voluntary:** inform the child about the final decision and the reasons that led to it and make sure that the child understands and consents;
- **prepared in cooperation with the child and his/her family:** explain the situation and the procedure to them beforehand, through experienced social workers of their trust, in a frank and honest manner that facilitates trust and communication;
- **legal:** ensure the legality of every action and facilitate the transnational coordination and cooperation;
- **safe:** ensure safety before, during and after the child's transportation in cooperation with the police;
- **adapted to the vulnerability of the child:** avoid undue delays, but take the necessary time when the child needs it; take into consideration the best interest of the child for every action; involve experienced staff; use child-friendly premises; ensure escort by a person of trust.

The assessment should also establish which context guarantees better the child's safety, estimate the child's chances for integration in either country, evaluate the available institutions and services in each country, which are specialised in similar cases, and take into consideration the possibilities available based on the existing legal framework.

### ► III. INTEGRATION

Selected intervention envisages activities for the integration of the child, either in the country of origin or in the country of destination, according to the permanent solution that was decided for the child. The focus of the activities is to ensure that the child exits the situation of exploitation, is protected and acquires qualifications and abilities for a better future. Each case is individually evaluated and services are provided according to the child's needs and situation. In general, the project focuses on the following aspects:

#### - **Safety**

It involves the physical protection of the child in order to protect him/her from further abuse and/or re-victimisation. It is also important that the child has appropriate housing conditions, nutrition, safe living environment, etc. The project intervenes both in the level of state authorities, in order to ensure the necessary support for children and their families, as well as in the level of families, through assistance in job placement, income generating activities, trainings, awareness raising etc.

#### - **Health care**

It involves facilitating access to the health system, either for standard preventive reasons (vaccination etc) or for cases of medical treatment. High importance is given to the child's psychological health and the psychological support necessary to children experiencing trauma.

#### - **Schooling**

School integration is one of the basic aims of the project. Through regular school attendance, children acquire necessary skills, qualifications and abilities for a better future and psychosocial development and at the same time they are integrated into an important mechanism for child-protection. Similarly the project aims to provide such protection and social skills to younger children as well, by integrating children in kindergartens and programmes providing creative and other activities.

#### - **Vocational training**

It is provided to older children and is complementary to schooling, in order to increase the chances of entering successfully the job market and avoiding poverty and victimisation.

#### - **Legal and administrative support**

Legal counselling and information is provided, with emphasis on children's rights, registration of births, civil status, access to grants and financial support from the state etc.



## ► IV. TACT PROJECT

ARSIS implemented the above described practice in the frame of “The Transnational Action against Child Trafficking” (TACT project). The TACT project is a comprehensive transnational response to the phenomenon of trafficking in children from Albania to Greece. It has been implemented in Greece and in Albania since 2001 by the Swiss NGO “Terre des Hommes”, the Greek NGO “ARSIS” and other local partners, and it has been supported by a number of international donors.<sup>1</sup> The project strategy includes five axes of activities: prevention, protection, assisted voluntary return, reintegration and coordination and capacity building. Besides the Albanian-Greek context the TACT project model of action is being applied also in other child anti-trafficking projects implemented by “Terre des Hommes” in Moldova, Romania, and respective destination countries.

The crucial characteristic of the project’s intervention model is that its activities are **comprehensive, transnational** and **coordinated**. The project addresses children at risk, victims and potential victims, it provides protection in all aspects of their lives and follows this up with support regardless of their whereabouts. It has been developed based on the situation in Greece and Albania, but at the same time constantly evaluates changes in the phenomenon and its trends in order to adapt to it. TACT focuses on the will of the child and takes into consideration its needs and wishes. It maintains an active presence on both sides of the border and focuses on transnational cooperation and coordination.

Finally the TACT project aims at establishing good cooperation with state authorities and advocates continuously for better and more effective procedures for the protection and assistance of children, by acting on the one hand as intermediary between the children and their communities and on the other between the authorities of each state.

**More information on the project can be found in the following publications:**

1. Daniel Stoecklin, Vincent Tourneucillert, *Child Trafficking in South Eastern Europe: The Development of Good Practices to Protect Albanian Children*, Terre des Hommes-Ndihmë për fëmijët, 2004.
2. Mirela Shuteriqi, Dimitra Pippidou, Daniel Stoecklin, *Transnational Protection of Children: the Case of Albania – Greece 2000–2006*, Terre des Hommes-ARSIS, 2006.

<sup>1</sup> Among others: USAID, UNICEF, Hellenic Aid, SIDA, Austrian Development Cooperation, Norwegian Ministry of Foreign Affairs, OAK Foundation.

## THE ROLE OF SOPS IN THE PROTECTION AND ASSISTANCE OF VICTIMS OF TRAFFICKING<sup>1</sup>

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The following issues are usually addressed while working with children:

- decreasing the stress level of the child;
- working on fears, nightmares;
- building self confidence and confidence in others;
- forming and strengthening the child's personal identity;
- dealing with maturity and growth problems, accepting the image of one's self and own body;
- building a value system;
- developing plans and achieving the goals;
- re-socialization and rehabilitation in the country of origin.

The Association "For a Happy Childhood" has been helping victims of human trafficking for eight years and is the first one to implement Standard Operating Procedures (SOPs) in the Republic of Macedonia. Most often victims of human trafficking are women, but of particular concern is the fact that children are also very often an easy prey for traffickers. The Association's team, which is responsible for assisting and giving psychosocial help to victims housed at the shelter for foreign citizens, implements a special procedure in the case of minors- victims of human trafficking.

According to the official data provided by IOM and For Happy Childhood Association, in the Republic of Macedonia in the period of August 2002 – 2008, help was provided to 66 minors- victims of human trafficking. All of them were helped within the framework of a special psychosocial programme for children and youth. The programme activities are oriented towards counselling and work on adolescent's problems and risks associated to this vulnerable age. The activities are flexible and allow for adjustments in group or individual activities according to the number of children.

According to our experience, most of the problems that children who are victims of trafficking are faced with are stress and fear; this is why cognitive behaviour therapy is applied. Case management approach is used for children who have experienced severe disorders and each case is assisted on an individual base. Such an approach allowed us to develop trustful relationship with each of the beneficiaries, and all children who were assisted by the programme, expressed their will to continue their meetings with the psycho-social team.

The first step in addressing the lack of comprehensive assistance to victims of trafficking, especially children, on national level, was the development of SOPs which are to be implemented by the Government and NGOs. SOPs rely

<sup>1</sup> The authors use the constitutional name of their country, and not the one used officially by the United Nations, the Council of Europe and the European Union, which is "The Former Yugoslav Republic of Macedonia".

on appropriate resources, trained personnel and individual contacts within governmental institutions and non-governmental organizations existing in the Republic of Macedonia and –in case of foreign victims- with governmental and non-governmental organizations in other countries.

SOPs consist of multi-sector services, whose purpose is to support and protect the victims of human trafficking. Such a procedure requires the involvement of different actors, such as the Ministry of Internal Affairs, the Ministry of Labour and Social Policy, non-governmental organizations, as well as national anti-trafficking coordinating bodies, involved in providing information and referral services to victims.

In this report we will present the first successful case of a minor victim of human trafficking which was successfully assisted by implementing SOPs

## ► CASE STUDY

*A.D. 17 year old girl from Bulgaria*

*A.D. comes from a family with low social-economic status, a father who has physical handicapped and the whole family now depends on her mother's efforts. In Bulgaria A.D. met a Macedonian boy and they dated for 2 months. Mostly they were keeping in contact by phone. She was a minor, without any travel documents. After a family based engagement party, she came to the Republic of Macedonia. She illegally entered the country hoping that she would quickly arrange all the necessary documents for marriage and legal residence in the Republic of Macedonia. However, upon arrival, the "husband" completely changed his attitude toward her. From the moment she arrived to his home, he forbade her to leave the house without his mother and forced her to beg everyday, together with his mother. She was routinely abused physically for comments that she made or if she did not earn enough money. She tried to contact her parents but when he found out he beat her. She spent 2,5 months in their house, begging everyday and trying to earn enough money to avoid being beaten by. During that period she did not communicate with anyone except him and his family members. Finally she managed to call to her mother, who reported the case.*

### [ 1. IDENTIFICATION AND REFERRAL ]

- An official from the Anti-trafficking team referred the victim to the Reception Centre for Foreigners – Skopje.
- After A.D. was informed about her temporary residence, the process of collecting evidence, court proceedings, testimony and protection options and information on assistance available, she decided to cooperate with the police and with the competent judicial authorities in the criminal proceeding process.
- A.D. gave informed consent to the offered assistance plan and she was included in the Programme for psychosocial assistance, realized by NGO "For happy childhood".

The guiding principles on which SOPs are based are:

- human rights-based approach;
- interdisciplinary and inter-sector approach;
- participation of civil society;
- government ownership;
- sustainability;
- prevention of human trafficking.

*Speaking about her story she said: "I thought that was my fault, I didn't know what to do, I wanted to kill myself, I asked him to kill me while he was beating me, I didn't want to beg, I was ashamed, I begged him to take me back home, but he didn't want to, he even didn't want to talk to me."*

## [ 2. INITIAL CARE AND MID –TERM ASSISTANCE ]

- Initial care was undertaken at the moment of her acceptance in the Reception Centre for Foreigners.
- Because this was a case of a minor victim, in cooperation with the Ministry of Labour and Social Policy (MLSP), a team member from the NGO “For happy childhood” was assigned as a guardian.
- According to already established procedures she was offered an adaptation period, that she refused and started to cooperate with a therapist right away.
- Psychosocial assistance was provided after the assessment of the actual condition of the victim.
- Therapy techniques used revealed that the victim was under strong emotional pressure.
- Fear was the dominant emotion as a result of physical abuse suffered.
- High stress level was an indicator of existing problems of the victim’s personal function and her need for professional assistance.
- The assistance was provided according to the principles of a mentoring system (case management) which enables individual care and treatment adjusted to the victim’s needs.
- According to the agreed individual working plan, we started with anti-stress programme, so through retrospective of past events and experiences of A.D., we achieve better understanding of the adopted ways of reacting to and her behaviour in stress situations.
- The most common reactions were physical disabilities and health problems, so the use of psychological counselling and cognitive-behavioural therapy was necessary.
- A.D. made significant progress and succeeded in developing constructive ways of reacting to stress situations. She also accepted to be a witness at court and testify against her “husband” and his mother.
- Initially she gave her statement in front of an investigative judge and her psychological trauma was re-induced due to giving testimony at the main hearing.
- That brought additional flash-backs, repeated stress and led to re-experiencing traumatic events.
- However, with adequate consultations, therapy and support from the psychosocial team and her individual counsellor, A.D. succeeded in building constructive reactions to these additional stress situations, she reinforced her self-confidence and improved her self-image.

## [ 3. RETURN ]

- The process of returning A.D. to her country of origin was lead by IOM, in cooperation with the Embassy of Bulgaria in our country.
- Travel documents were issued for repatriation in the country of

origin, after her Bulgarian citizenship was verified and clarified; until then A.D. had refugee status under UNHCR protection.

- During the repatriation process she was fully and timely informed about the return procedure.
- Safe transport was provided by IOM.
- The organization that received the girl in her country of origin, IOM-Bulgaria, also received complete information prepared by the psychosocial team of the Association "For Happy Childhood", with further recommendations aimed to prevent re-victimization.

#### [ REINTEGRATION ]

- After the successful repatriation of A.D. relevant measures and procedures for her re-socialization and reintegration with her family will be carried out by the competent institutions in the country of origin, i.e. Bulgaria.
- A.D. is still in contact with the psychosocial team from the NGO "For happy childhood", and currently is in a good psychophysical condition and has reintegrated successfully within her family, which was our main goal. At the moment she is ready for making her own decisions about her future and she is motivated to finish her education and to get work qualifications. For Happy Childhood has sent suggestions and recommendation to IOM-Bulgaria and follows closely her progress.
- The reintegration of A.D. is considered a particularly successful one and contacts are still maintained with her and with IOM in Bulgaria. The latest information is that A.D. is currently living with her family and is attends school regularly.

#### [ 5. CRIMINAL PROCEEDINGS ]

- A.D. decided to cooperate with the police and the competent judicial authorities and testified as witness at the criminal trials against two persons.
- She submitted a compensation claim.
- A.D. cooperated with the Anti-Trafficking team of the Ministry of Internal Affairs and with the Office of the Public Prosecutor during the evidence collecting process and she testified twice: once before the Investigative judge and once during the Main hearing.
- An assigned guardian, from the team of the Association "For happy childhood" (psychologist) was present to all hearings, providing adequate psychological support during the whole court process.
- At the moment the court proceedings are over and the accused traffickers have been convicted to 8 years of imprisonment the trafficker and 4 years of imprisonment the trafficker's mother.

#### Results

- Identification of the victim;
- Provision of adequate psychosocial support;
- Safe returned to the country of origin;
- Successfully reintegration in the country of origin;
- Conviction of perpetrators for trafficking of a juvenile person for the purpose of exploitation through forced labour.

## ► DIFFICULTIES ENCOUNTERED

- A.D. was cooperative and communicative, so there weren't any serious difficulties in terms of her acceptance of the methods and techniques used for diagnostic and therapeutic purposes.
- Since this was a case involving a foreign victim of trafficking, communication with the authorities from the country of origin was required during the whole process of assistance.
- Some difficulties occurred during communication with the Embassy of the country of origin, e.g. preparing the necessary travel documents, which were later successfully overcome.

## ► CONCLUSIONS AND RECOMMENDATIONS

Adequate practice of each of the five SOPs measures resulted to successful case solving.

Recommendations:

- Countries that have not adopted SOPs yet should do so as soon as possible, because it has been shown to be a very effective tool in providing assistance and protection to victims of human trafficking.
- The implementation of SOPs requires a comprehensive and multi-sector approach, whose purpose is to support and protect victims of human trafficking involving governmental, international and non-governmental institutions and associations.

Apart from these recommendations our experience has shown that much needs to be done in order to improve the work already accomplished, in the sense that there should be additional follow up activities:

- The professionals who are directly involved in working with victims should be continuously educated in order to be more efficient.
- Observing how SOP measures are being implemented by the various professionals who are involved in all of the phases, from identification to reintegration and criminal proceedings.
- Each SOP should be constantly checked so its functionality can be improved.

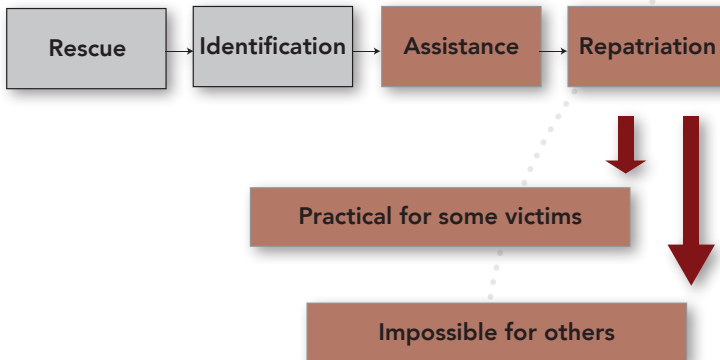
# DURABLE SOLUTIONS FOR VICTIMS OF HUMAN TRAFFICKING WHO CAN NOT BE REPATRIATED TO THEIR HOME COUNTRIES

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The Human Resource Development Foundation (HRDF), established in 1988, has been working in the area of combating human trafficking for the last six years and implementing a victim support program for five years. With the establishment of the HRDF shelter in 2004, a missing chain in the national referral mechanism has been completed resulting in a functional system of assistance.

With the experience gained through the support and assistance provided to approximately 400 victims of human trafficking, HRDF was able to identify certain gaps and problems in the national referral mechanism.

According to the current national referral mechanism of Turkey, victims are rescued and identified by law enforcement officers and are then referred to two NGOs for further assistance. Victims with no health or administrative/legal problems are repatriated to their home countries. While repatriation is a practical and desirable solution for most victims, it can be impossible in certain cases. Therefore, NGOs need to find solutions that will correspond to the will and well being of the victims and at the same time to the laws and regulations of the state.



Although there are more than a few cases where victims do not want to be repatriated but rather stay in Turkey, for some of these cases, the desire not to be repatriated does not stem from economic concerns, but from other more serious situations. The cases for whom repatriation is not a solution generally fall under one of the three categories below:

- Women asylum seekers who have run away from their countries for a number of reasons (political, ethnic, religious, etc.), have gained the status of refugee only to be trafficked during this process;
- Minor girls who have been trafficked with the involvement of their parents;
- Victims of human trafficking who receive serious threats from human trafficking gangs in their home countries.

These persons could be offered a few solutions:

- Applying for refugee status in Turkey and then, once refugee status is granted, move to a third country;
- Applying for humanitarian visa provided to victims of human trafficking under special conditions;
- Being repatriated to another province of their home country (mostly through the local IOM missions)

## ► METHODOLOGY USED TO SOLVE THE PROBLEM

HRDF has encountered certain cases, for whom, repatriation was not possible. These cases were provided with special consultation, assistance and comprehensive, systematic and continued support.

[ Main steps of support: ]

### **1. Providing a comfortable and secure accommodation**

Along with accommodation, continuous humanitarian and other additional services, depending on the need of the victims, were also provided.

### **2. Identification of needs, risks and possible solutions**

HRDF has established a team comprising four bi-lingual housing counsellors, one psychologist, one medical doctor and two anti-trafficking specialists. This team convenes on a case by case base as required and depending on the special needs of each victim. The team discusses the problems, risks and possible solutions together with the woman herself and decides on the strategy to be followed.

### **3. Building liaisons with relevant stake holders**

- Sustaining contacts with governmental organizations (Law Enforcement; Social Services and Child Protection Institution under Prime Ministry (SSCPI))
- Sustaining contacts with international organizations, embassies and consulates (IOM, UNHCR);



- Sustaining contacts with other institutions and service providers (NGOs; refugee organizations; Bar Associations etc.)
- Incorporating HRDF's local offices into the process of assisting victims.

#### **4. Maintaining communication and support**

HRDF experts continue to provide support to the victims through their prolonged stay in Turkey and even after they have been referred to other institutions. This support usually involves accompanying and assisting the victim at her dealings with the authorities, including the police and other service providers, organizing medical care and hospital visits, helping with the purchase of clothes, facilitating communication with her relatives etc. All these are done through constant meetings at the HRDF head office.

#### **► RESULTS**

1. Two minors and an adult victim together with her teenage daughter were provided comprehensive support. Two out of three of these cases have received residence permits for staying in Turkey and one has been sent to a third country for family reunification.
2. Both governmental and non-governmental organizations have acknowledged the involvement of HRDF in these processes. HRDF will be able to proceed more easily when monitoring future cases.

#### **► DIFFICULTIES ENCOUNTERED**

1. Time and personnel problems are the major difficulties and are very much related to the budget of the victim support programs. Lack of funds is a major obstacle in running innovative and comprehensive services for special cases.
2. Although HRDF did not encounter any resistance or hostility towards its work, it is well known that changing state practices and habits can be very difficult. Moreover, some public officials can be reluctant to approve or apply different, innovative practices.
3. The bureaucracy of international organizations, embassies and government agencies was one of the main difficulties encountered.
4. Existence of a state institution that supports foreign minors (asylum seekers, victims of trafficking etc.) is an important asset; however, the services provided should be improved. It is also necessary to solve problems like appointment of guardians, provision of legal aid, slow and inflexible procedures, lack of communication and specialized knowledge among state institutions.

Three case studies incorporating the above described methodology, are analysed below.

### ► CASE A

This is the case of a woman with her teenage daughter coming from one of the eastern neighbours of Turkey. Being an asylum seeker, she was awaiting refugee status to be reunified with her husband in a 3<sup>rd</sup> country. During her stay in Turkey, she has been trafficked into sexual exploitation.

#### [ Steps taken: ]

1. Mother and daughter were provided comfortable and secure accommodation; her contacts with her family members in the 3<sup>rd</sup> country were maintained.
2. Her needs as well as her daughter's needs were identified; possible risks and solutions were discussed together with the expert team. It was understood that she was very much willing to go to a third country where her husband was also an asylum seeker. So the team should work with the aim to reunite them.
3. The anti-trafficking team at HRDF built good liaisons with relevant stakeholders. Including contacts with:
  - UNHCR and the Turkish Immigration Bureau in order to be able to monitor her refugee file;
  - The embassy and consulate of the third country where her husband resided in order to be able to assist in the process of family reunification;
  - The General Directorate of Security for all matters relating to her status as an alien;
  - HRDF's refugee project office in Ankara in order to assist with her travel and immigration interview in Ankara;
  - An NGO in order to arrange sustained psychological support for the daughter.
4. All these steps took 6 months and during this time the woman and her daughter stayed at HRDF's shelter and were provided with all the necessary support.

### ► CASE B

This is the case of an unaccompanied minor girl from an African country, who was first smuggled into the country and then, the smuggler realizing her being an athlete, trafficked her into the sports sector. The smuggler had tried to sell her to some sports clubs and had threatened and used emotional violence in order to break her resistance.

#### [ Steps taken: ]

1. She was provided with comfortable and secure accommodation and her contacts with her family members in other countries were

Eventually refugee status was obtained for both and they were sent to a third country for family reunification.

maintained; after she started to feel secure it was explained to her that she would be transferred to a state dorm which was more appropriate for youngsters.

2. Her needs were identified; possible risks and solutions were discussed together with a team of experts. She explained that she had no ties in her home country and had run away due to political reasons. So it was decided that a durable solution targeting either her stay in Turkey or obtaining refugee status to be repatriated to a third country should be worked out.
3. The anti-trafficking team of HRDF built good liaisons with relevant stakeholders, including contacts with:
  - The managers of the state dorm (Social Services and Child Protection Agency) with the aim to create an atmosphere where she would feel secure as she did at the HRDF shelter;
  - UNHCR and the Turkish Immigration Bureau in order to be able to monitor her refugee file;
  - The General Directorate of Security for all matters relating to her status as an alien;
  - An NGO running a refugee support program in order to support her file with the help of legal advisers;
  - Sports clubs in order to find her a durable solution for staying in Turkey.
4. HRDF's anti-trafficking unit has provided continuous social support to her through weekly meetings at the HRDF head office, regular telephone conversations, purchasing clothing, assisting with medical care, assisting her communication with the managers of sports clubs, etc.

## ► CASE C

This is the case of a minor girl from one of the CIS countries who was trafficked into sexual exploitation in Turkey and rescued together with her mother through an operation of law enforcement agencies. It was later understood that her mother had a role in her being trafficked. The mother was taken to court and then deported.

### [ Steps taken: ]

1. She was provided with comfortable and secure accommodation and after she started to feel secure it was explained to her that she would be transferred to a state dorm which is more appropriate for youngsters.
2. Her needs were identified; possible risks and solutions were discussed together with a team of experts. She stated that she was not willing to go back to her home country and back to her family. So it was decided that a durable solution targeting her stay in Turkey should be worked out.

Eventually her residence permit was issued by the Ministry of Internal Affairs. She will have a chance to stay in Turkey and since she signed a contract with a sports club, she will be able to support herself through her earnings. She still visits HRDF offices and shares her problems and worries with HRDF experts who continue to offer psychological support

Her repatriation is still pending. If she manages to finish her vocational training then she will be able to work and earn her own living. This model is suitable for minors who are under fear of going back to their home counties and families.

3. The anti-trafficking team of HRDF built good liaisons with relevant stakeholders, including contacts with:
  - The managers of the state dorm (Social Services and Child Protection Agency) in order to create an atmosphere where she would feel secure as she did at the HRDF shelter; to be able to increase the awareness of the dorm staff on the issue of human trafficking; to ensure her enrolment in a vocational training course;
  - The General Directorate of Security in order to stop her repatriation and to advocate for her obtaining a residence permit..
4. Communication and support have remained constant despite the difficulties encountered. After staying for a couple of months at the state dorm, she ran away as the dormitory life was much different from what she was accustomed to and she had difficulty in adapting her new life. Some time after her running away, HRDF experts were successful in contacting her through the internet and managed to persuade her to return back to the dorm.

## ► CONCLUSIONS AND RECOMMENDATIONS

### [ Recommendations for the state ]

1. Legal practices/regulations and support programs should be developed for victims of trafficking who are not willing or unable to be repatriated;
2. The technical capacities of state dorms should be improved; a system of guardianship, legal aid and improved psychological support should be in place;
3. The awareness of social services personnel should be increased and they should be equipped with the necessary tools to be active in the area of victim assistance.

### [ Recommendations for NGOs ]

1. NGOs should believe in their strengths and the victim's strengths;
2. It is important that each case is evaluated separately;
3. It is necessary to monitor and occasionally put pressure on counterparts in order to achieve a positive and durable result;
4. As the abilities and capacities of NGOs are not limitless, it is important to create partnerships with other NGOs in order to expand the services provided to victims.

## STAGES OF PREPARATION FOR THE INTERROGATION OF A CHILD, VICTIM HUMAN TRAFFICKING OR SEXUAL EXPLOITATION

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Trafficking in children is a difficult and complex problem, which leads to irreversible processes in the psychological and physical development of a child. Being the victim of trafficking, a child faces the threats of physical, psychological and sexual violence, beatings, rape, and abuse, involvement into criminal activity, prostitution, work under dangerous conditions, begging, becoming a donor for illegal transplants of organs etc. Trafficking and other crimes against children require firm counteractions, based on appropriate legal bases.

The 1989 UN Convention on the Rights of the Child (UN-CRC), which was ratified by Ukraine in 1991, stipulates that children, due to their vulnerability, need special care and protection. The Convention states clearly that a child needs protection by law before and after birth; that respect to the cultural values of the country where a child originates from is very important and that international cooperation plays a key role in the area of children rights protection.

The International Women's Rights Center "La Strada-Ukraine" (La Strada-Ukraine) together with the Ukrainian Ministry for Family, Youth and Sport Affairs and the Ministry of Interior of Ukraine run a common programme called "Development of the national system of aid provision to children victims of human trafficking and commercial sexual exploitation". This programme is realized with the financial support of ECPAT International and the United Nations Interregional Crime and Justice Research Institute (UNICRI).

This is the first significant aid programme of its kind. The provision of such aid and assistance is an integral part of state policy in the area of counteraction and prevention of human trafficking in children. Among the objectives of the programme is the upgrading of the professional knowledge and qualifications of representatives of law enforcement agencies, particularly local police inspectors,

The Ukrainian Law on the protection of childhood (Law No. 24023/ 26.04.2001) guarantees freedom, personal immunity and respect of dignity to every child (Article 10 "Right to protection from all forms of violence"). Consequently, the state should protect a child from all forms of physical and psychological violence, cruel and degrading treatment, exploitation, and sexual abuse by parents or guardians, prostitution, begging, gambling games etc. These documents became an important legislative tool for the protection of children's rights and the prevention of human trafficking and sexual exploitation of children.

and representatives of the Criminal Police Unit for Minors. The programme focuses on fostering cooperation between law enforcement agencies and representatives of social institutions (teachers, social pedagogues, psychologists and parents or tutors) during the preparation of a child victim of trafficking or sexual exploitation for its interrogation or participation in other juridical procedures (e.g. testify as witness at Court etc). The experience of Lithuanian NGOs was also used while designing this process.

*One of the solutions adopted covering the needs of children and professionals working with children was to develop a service which will pay particular attention to the preparation of children participating in juridical/legal procedures.*

The preparation of the child has a double effect:

- It eases the juridical procedure: a child understands better its role, actions and consequences.
- It lessens the psychological injury caused to a child by juridical procedures. Juridical procedures cause tension and anxiety even to an adult. This is why, a child, being unaware of the legal structure and juridical actions may have very strong negative feelings, which influence negatively its psychology.

The process of a child's preparation for interrogation and other juridical procedures includes two stages:

### **1<sup>st</sup> stage – obtain a basic feeling of trust**

This stage aims to establish trust, which is the most important step towards making contact with a child. To achieve a better effect, one or two meetings with a social worker (teacher, psychologist) are needed. If there are two meetings, then a representative from a law enforcement agency is also present on the meeting. If there is only one meeting, then the representative of a law enforcement agency joins the conversation at the beginning of the second stage. It is very important at this period to assure the physical wellbeing of the child, i.e. to provide safe accommodation/shelter, food, means for personal hygiene, clothes and a place for rest. If there is a need, then medical help should also be provided. It is very important to ask the child how he/she feels and make sure he/she feels well.

### **2<sup>nd</sup> stage – preparation of a child for interrogation**

During this stage it is recommended that the child has two or three meetings with a social worker (teacher, social pedagogue or psychologist) and a representative from law enforcement. The exact number of meetings depends on the condition and age of the child. If there is not much time for preparation, only one meeting may be held, but a greater number of meetings is beneficial not only for the child, but also for the outcome of the interrogation. People, who can prepare a child for juridical procedures, are: the parents, psychologists, social workers, pedagogues, representatives of law enforcement agency.

## ► METHODOLOGY

During the preparation period the following important themes should be discussed with the child:

- The knowledge of law that the child already has;
- Various juridical terms and their explanation;
- The child's fears before the interrogation or court hearings;
- Methods that lessen the fears and anxieties of the child and exercises to relieve stress;
- The position and functions of law enforcement officials and their role in crime investigation. Who is the public prosecutor, the investigating judge, the representative of the Criminal Police for Minors, the lawyer of the defendant and other invited experts;
- The pre-trial procedure (prosecution, pre-court investigation) and the procedure at the hearings at the trial;
- Rules, which should be followed by all people, who take part in juridical procedures;
- People who can protect a child and help it during the interrogation at court;
- What is allowed and what is not allowed during the interrogation and other juridical procedures;
- Questions that may be put to a minor and the reasons to answer.

### ***Methods of preparation of a child for interrogation and participation in juridical procedures:***

- conversation;
- pictures;
- role-playing;
- imitating interrogation with toys;
- visits to the court and other places of interrogation;
- meeting the public prosecutor and the investigating judge.

### **[ Evaluation of the development level of a child ]**

Before discussing with a child the violence that he/she has experienced, it is important to estimate the level of development of its cognitive abilities (memory, speech, perception, and attention). It is important to determine whether a child or teenager is able to express in a good way certain phenomena, such as time, relations, chronology, place, measures etc. and to observe the words a child uses. This is important information, in order to verify whether a child is able to tell what happened and whether it needs help. To determine the level of development of cognitive abilities, some simple questions should be put to a child. The following questions might help:

During the preparation of a child, the specialist must follow one important rule: nothing can be said about the event, which is the issue of interrogation. Otherwise it will influence negatively on the child's story.

Examples of questions:

<p><i>Usual measurement systems (time, distance, measures etc.)</i></p>	<p>Questions, connected with the context of the interview. A child should name a year, months, seasons, days, hours, minutes, meters, kilometres and etc. For instance:</p> <ul style="list-style-type: none"> <li>• How tall are you?</li> <li>• What is the day today?</li> <li>• What is the length of the room, which we are staying in?</li> <li>• How much time have we spent in this room?</li> </ul>
<p><i>Phenomena which refer to the connection between the objects and the events</i></p>	<p>The aim is to define, whether a child understands such things as connection between the events and objects, their chronology, e.g. first – last, before – after, on – under, more – less, never – always etc. For instance:</p> <ul style="list-style-type: none"> <li>• Put a certain number of objects in one line and ask he child to show which is the first, which is the last and what colour the majority of the objects are. Other questions can be connected with the child itself:</li> <li>• What did you do before you come here?</li> <li>• What will you do after you leave this room?</li> </ul>
<p><i>Colours</i></p>	<p>Children can differentiate simple colours, (e.g. red, blue) but they may not know how the not so widely used colours are called, (e.g. brown, purple, marine etc)</p> <ul style="list-style-type: none"> <li>• A set of pencils can be used to find out how a child names certain colours, in case the colour of a certain object might be important for the future interrogation.</li> <li>• A child can also be asked about colours by pointing at specific objects in the room and asking what their colour is. For instance: “What is the colour of your coat? What is the colour of your hair?” etc.</li> </ul>
<p><i>Places</i></p>	<p>Children remember places by some important references for them, not by the exact coordinates of a place. They can remember the colour of a house, some signs on the street etc., without knowing the address. In order to verify the ability of the child to recognize different places certain questions can be asked, such as:</p> <ul style="list-style-type: none"> <li>• Where do you live?</li> <li>• What is the name of the street where you live?</li> <li>• What is the house you live in like?</li> <li>• Where is your school situated?</li> </ul>
<p><i>Situations denoting family relations</i></p>	<p>In most instances, a child is supposed to be able to talk about its relatives before he/she actually realizes the exact family relations (uncle, grandmother etc.). For this reason it makes sense to find out the names of all the important people for a child, particularly names of family members and other people living with the family. It is also suggested to find out how a child calls its relatives. For example, a child can say “mummy” to a mother, grandmother or godmother. This is why it is important to find out what a child means by saying “mummy”.</p>
<p><i>Numbers</i></p>	<p>One of the ways to check whether a child can count is to put some objects before him/her and ask him/her to count. But the ability to count objects is not the same as the ability to count events that took place at some point of time. In order to verify this, it is suggested to ask questions like:</p> <ul style="list-style-type: none"> <li>• How many working days are there in a week?</li> <li>• How many times a week do you take some classes?</li> </ul>
<p><i>The ability to imagine yourself on the other person's place</i></p>	<p>It would be useful to evaluate a child's ability to foresee intentions, behaviour or feelings of other persons. For example, you may ask what birthday present a child prepared for her or his mother, will he or she present it to her etc.</p>



## ► RESULTS

After such detailed preparation it is possible to interrogate a child successfully, as the child starts to better understand questions put to him/her, certain juridical terms used, the names of the persons involved in the procedure, his/ her role, events and consequences. Such preparation helps ease the tension and anxiety of the child, something that makes him/her feel better and improves the quality of testimony and the outcome of the interrogation. At the same time, there is already a certain level of trust established between the representative of the law enforcement agency, who took part in the preparation process, and the child (which is one of the most important tasks of the preparation). Finally, it is also important that the law enforcement representative has already received some information regarding the child, something that eases significantly the process of interrogation.

During the year 2008, La Strada – Ukraine conducted several trainings for specialist working at Transit Detention Centres. These specialists are exactly the experts involved in the process of interviewing children victims. The trainings took place on 18 and 19 March 2008 in Kharkiv, on 1 and 2 April 2008 in Kiev and on 20 and 21 May 2008 in Simpheropol. The trainings were conducted in a “clustered method” and hosted representatives from the following regions: *Kharkiv, Sumy, Poltava, Lugansk, Donetsk, Kiev, Chernihiv, Zhytomyr, Vinnytsya, Lviv, Kirovohrad, Dnipropetrovsk, Zaporizhya, Mykolayiv, Kherson, Odessa, and Crimea* regions. Each region was represented by such specialists of child transit centres as educators, psychologists and police officers. Among the participants were also representatives of NGOs working with children.

In total 45 specialists were trained on the following issues:

- types of violence against children and commercial sexual exploitation of children;
- problems and symptoms of children victims of sexual violence and exploitation;
- identification methods of child victims.

Based on the method applied, the following recommendations can be made:

- Specialists for interrogation from law enforcement agencies have to be specially trained in order to interrogate children;
- Law enforcement agencies need to be equipped with special rooms for the interrogation of children;
- Special equipment (video, audio) needs to be installed in these rooms;
- The legal system has to be amended in order to allow for the testimony of children given on camera to be accepted as evidence at Court (to date, video recordings can not be presented at Court).

In the process of work, representatives of law enforcement agencies get into contact with many different people, and sometimes it is very difficult to adjust from the interrogation of an adult to the interrogation of a child. This is why cooperation with a social worker (teacher, psychologist) in the process of preparation of a child for interrogation helps guarantee the child's rights, collect the necessary information and increase the level of trust on law enforcement agencies.

## STREAMLINING COOPERATION BETWEEN NGOS AND POLICE – THE TASK FORCE APPROACH TO ASSIST AND PROTECT TRAFFICKED CHILDREN

**Ana Revenco**, *president*  
**Alina Budeci**, *Manager of the Drop-in-Centre  
International Centre for Women Rights  
Protection and Promotion “La Strada”*  
[www.lastrada.md](http://www.lastrada.md)

Work on the case of a child victim of trafficking, involves a list of specialists from child protection services and law enforcement whose responsibility is to ensure an appropriate and fast response to the abuse. In order to contribute to reducing of vulnerability of children victims-witnesses of (sex) trafficking, an effective and sustainable child protection mechanism based on inter-agency/task force approach is needed.

La Strada has piloted such practice in 2005 with the anti-trafficking police unit - a practice that proved efficiency and sustainability judging by the increased number and quality of cases jointly identified and assisted. Throughout over 4 years of cooperation with police on this matter, the interventions of the task force extended from purely identification to mediation and facilitation of communication throughout criminal investigations and court proceedings.

Such form of cooperation has increased trust and practical understanding by the police of the role and added value of psychologist during such proceedings, a fact confirmed by increased number of requests/referrals from the police to La Strada specialists to jointly work on newly registered (potential) case of child (sex) trafficking/child sex tourism. Similarly, the police noticed an increased trust from the children-victims/witnesses and more open and qualitative communication fact that also directly speaks about a more confident behavior, a healthier emotional and psychological status of the child going through such experience.

Although such practices are a custom in a number of countries with advanced child care protection system, for Moldova it is still an innovative approach on a pioneering level and still occurring on a relatively sporadic basis influenced by a number of dependent and independent factors such as lack of a proper institutional foundation and cooperative framework, lack of properly trained specialists mainly police and judiciary, lack of relevant standard procedures,

Nearly 50 children have been identified and assisted following a task-force approach including as a result of joint field missions in response to initial signals of trafficking/child abuse.

lack of understanding and trust between GOs-NGOs respectively between police and psychologists, lack/limited properly equipped child advocacy rooms/premises, low level of information and knowledge about the phenomenon among professional groups who are or might be, according to their mandate, in contact with the (abused) child and therefore a poor reporting system etc.

The problems identified on national level:

- lack of explicit definition of identification of VT;
- lack/failure of knowledge of standards and techniques of conducting interviews with children;
- lack of coordination of actions in rendering specialized assistance to children by social worker, psychologist, pedagogue, police officer, physician, etc.,

have also raised a number of questions:

- Why does the child-victim-witness change her/his testimonies?
- Why does the child-victim-witness lie?
- Why does the child-victim-witness “disappear”?
- Why the child-victim-witness is not “cooperative”?

These questions were met by counter-questions, which are now to be answered by the members of the multidisciplinary group:

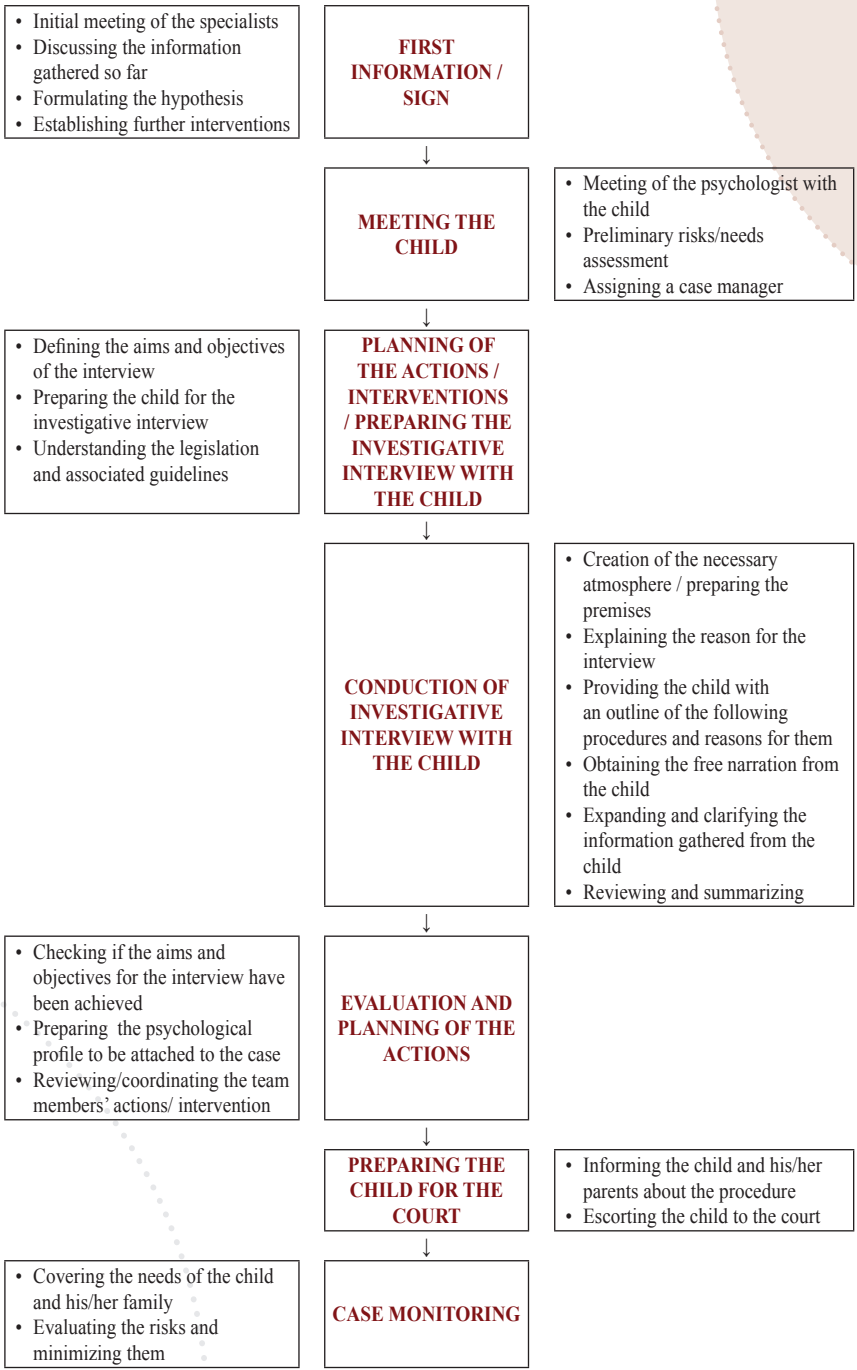
- Was the child-victim-witness rendered a reflection period?
- Were the basic needs of the child-victim-witness covered?
- Does the child-victim-witness know her/his rights?
- Does the child-victim-witness have a lawyer?
- Was the child-victim-witness assisted by a psychologist throughout the investigation?

The task force approach concept provides for a police officer and a psychologist to work hand-in-hand from the first signal of a possible case of a child trafficked for/subject to abuse. *The mission of the task force is to organize and carry out the interventions in a balanced way so that the interests of prosecution as well as needs and interest of the child are meet without prejudices to each other yet fully centred on child's needs.*

The approach provides for adequate treatment and support of the child in going through this traumatic (still) process of investigations and interviews, while building and advancing police officer's knowledge and skills on special techniques of communication and rapport strengthening with a child, on the other hand. Such a model increases understanding of the practical role of specialists (police, psychologist, social worker, pedagogue etc) working with an abused child and thus increases trust to each other which leads to a complex, organized multi-agency response to cases of child neglecting and abuse and ultimately to a more effective support provided.

Presently the task-force approach represents a team of specialists from state (police, prosecution, child protection service) and NGO (psychologist, social worker) and activates to ensure the welfare of the child during whole process of investigation.

The taskforce members therefore are responsible for: planning of the investigation process, preparing the child-victim-witness for the process, coordination of actions, conduction of the investigative interview, case monitoring.



According to La Strada Moldova psycho-social intervention team and its experience in assisting victims-witness during investigative interviews, often they (victims minors) omit details (of high importance for the police officers) of their trafficking experience, which might be caused either by forgetting process, including negative effects of the traumatic experience towards their memorizing capacity, or by some risks due to which the victims are not open to the police officers. Taking into consideration the fact that forgetting is a natural process (intensified by the traumatic experience) and the victim might remember the details either with the help of additional distinct questions or with time, it's the role of the psychologist to explain it to both – the victim and the police officer and to mention the forgotten episodes in the psychological profile of the victim. In case, the psychologist, during the discussion with the victim is identifying some risks which victims did not mentioned to the police officer, these risks would be evaluated with the victim and described in the psychological profile.

Mediating the contact between the victim and the police officer, ensuring victim-witness's feeling of safety, increasing his/her trust in the police officer/ justice system contributes not only to victims-witnesses cooperation with the police during the investigation and assures the police officer with an open contact and discussion with the victim but also prevents re-victimization of the victim during legal proceedings.

The practice of implementation of a task force approach in dealing with children' cases, by appointing a psycho-pedagogue/psychologist to work with the police officer, enables to identify the (psycho-social and legal) status of the child prior to the investigative interview, his/her needs and risks and thus engage a relevant work scheme that will facilitate communication between parties involved and allow a reassuring environment, reducing the secondary victimization of the child, organize necessary support for the child by bringing-in other specialized/competent service providers on the one hand and improve the quality of the material gathered related to the crime, organize the interview in a child-friendly space, better plan future actions on the case on the other hand.

As a result of the implementation of the taskforce approach, the following achievements were obtained:

- 50 identified children VT in the course of 26 months of cooperation, and 86 field trips to regions
- Experience of cooperation including police officers from the Centre for Combating Trafficking in Persons and police commissariats from Chisinau and regions of the Republic of Moldova and 2 psychologists from "La Strada" Centre.

Besides the accomplishments on national level, La Strada Moldova has managed to identify the following difficulties:

- *lack of specially adapted rooms/offices for interviewing children*

One of the strong points of the taskforce approach is the distinct perspective and unique expertise that each member of the team brings into the work. The effectiveness of the team depends on the acceptance of roles and boundaries of each specialist, the common agreement of the key responsibilities and values, and confidentiality policies.

Interviews conducted through joint efforts allowed to cut down the number of questioning of a child and his relatives, which facilitated lower risk of repeated victimization. Identified children VT and their families were subsequently granted access to psycho-social assistance.

Usually, the interviews were conducted either in the office of the International Centre "La Strada" or in the office of police officer  
*- lack of adequately qualified personnel*

The interview shall be conducted by the personnel that has passed required training and took part in regular joint meetings for exchange of experience/qualification refreshment  
*- lack of coordination of actions displayed by the professional groups at regional level*

*- lack of coordination of actions displayed by the professional groups at regional level*

Identification of children VT shall facilitate observance of their psycho-emotional comfort and shall be accompanied by rendering psycho-social assistance to their families; all these could only become possible at the background of efficient co operation between NGO staff and police pursuing protection of rights and interests of children VT.

### ► CONCLUSIONS AND RECOMMENDATIONS

Arising from our experience in identifying children VT as a result of the taskforce approach, we managed to highlight the following important issues:

- each member of the team shall be well familiar with his mandate and be in possession of holding an interview with abused child;
- preparing for an interview shall include mandatory exchange of information and viewpoints prior to interview between members of the team on the procedure as well as the need to coordinate the roles in the process of accumulating all sorts of information and interventions in the course of interview;
- during the meeting following the interview there should be mandatory exchange of viewpoints and information (collected during the interview);
- cooperation between members of the team shall be structured in such a way as to guarantee observance of informational transparency;
- interventions required after the interview shall be also determined, agreed on and coordinated between members of the team.

Presented experience showed that joint cooperation between law enforcement bodies and NGO does not only facilitate observance of interests of the parties (criminal prosecution of the offenders and rendering psycho-social services) but most importantly it facilitates protection of the rights and interests of minor ones that have suffered from trafficking in persons.

## CREATION OF AN NGO COALITION ON THE NATIONAL AND INTERNATIONAL LEVEL AS A MEANS OF PREVENTION OF TRAFFICKING AND ASSISTANCE TO VICTIMS

**Afsona Kadyrova**, legal adviser  
**The Angel Coalition**  
<http://www.angelcoalition.org>

Russia is a source, transit, and destination country for men, women, and children trafficked for various forms of exploitation. Men and women from the Russian Far East are trafficked to China, Japan, the Middle East, and South Korea for sexual exploitation, debt bondage, and forced labour, particularly in the agricultural and fishing industries. Russian women are trafficked to Turkey, Greece, Germany, Italy, Spain, Malta, the United States, Canada, Vietnam, Thailand, Australia, New Zealand, Costa Rica, and the Middle East for purposes of sexual exploitation. Moscow and St. Petersburg are destination centres for children trafficked within Russia and from Ukraine and Moldova for sexual exploitation and forced begging. Moscow continues to be a significant destination for men and women trafficked within Russia and from Kyrgyzstan, Tajikistan, Uzbekistan, Ukraine, Moldova, and Belarus for purposes of sexual exploitation and forced labour, including work in the construction industry; in 2007, there was an increase in the number of Belarusian men trafficked to Moscow for forced labour in the construction sector, textile, and food industries. The ILO reported that an estimated one million illegal migrant workers may be victims of labour trafficking in Russia. Moscow remains a transit point for women trafficked from Uzbekistan and Armenia to the United Arab Emirates for purposes of sexual exploitation. Men from Western Europe and the United States travel to Western Russia, specifically St. Petersburg, for child sex tourism; however, law enforcement authorities report a decrease in the number of cases of child sex tourism and attribute this to aggressive police investigations and cooperation of Russian authorities with foreign law enforcement bodies.

The most negative aspect of Russia's liberalized economy has been widespread corruption and criminal activity and the failure of government to contain them. In just a single decade, Russia has become both a main source and a receiving country for international trafficking in women and children, child prostitution, child sex tourism and child pornography. These forms of violent exploitation are so widespread in Russia that they constitute a daily threat to the lives and well-being of tens of thousands of young people and children. Unfortunately, all rescue, protection and assistance attempts are

Since the articles criminalizing human trafficking in Russia, came into force, 287 crimes have been identified and 127 traffickers have been prosecuted.

critically impaired by the absence of shelters equipped to receive or assist child victims of sexual exploitation.

During its work, The Angel Coalition had identified the following problems which are faced by partner NGOs on the national and international level:

- problems regarding cooperation between NGOs from different countries;
- obstacles to sharing information, experiences and knowledge;
- problems encountered when working with state agencies on the national and international level;
- obstacles to the repatriation and rehabilitation of victims.

The necessity of a qualitative, international and multidisciplinary approach resulted in the creation of a coalition of NGOs working to assist victims through the use of shelters, hot-lines, and the pooling of information and experience.

The State Duma working group was set up in 2000 as part of the first state project to counter trafficking in human beings. In 2000 the Russian Federation signed the UN Convention against Transnational Organized Crime and the attached Palermo Protocol. In 2004 the Convention was ratified by the government of the Russian Federation. Prior to this, in 2003, two new paragraphs were inserted in the criminal code with appropriate punishments: paragraph 127.1 on human trafficking and paragraph 127.2 on the use of slave labour were entered into the Criminal Code, additionally the punishments for the organization and the act of prostitution were made more severe. In 2005, a new law on "The Protection of Victims of Human Trafficking, Witnesses to Human Trafficking and other participants in legal proceedings related to Human Trafficking" was passed.

The Angel Coalition operates under the following system:

- The Angel Coalition extends an invitation for new membership (annually the Coalition accepts roughly 4-5 new organizations);
- The activity of the Coalition develops by close cooperation and the exchange of information among its members, and also by carrying out and implementing joint projects. The Moscow office of the Angel Coalition constantly attempts to involve different members of the coalition, especially those from other regions, in various joint projects, in order to support and develop the activity of the coalition as a whole. At this moment, for example, the Angel Coalition is implementing a project to conduct training seminars for law enforcement officials in Chelyabinsk, Yaroslavl, Nizhni Novgorod, Petrozavodsk and Moscow. For the following project, the Angel Coalition has already chosen other regions, including Kazan, Irkutsk, St. Petersburg, Ekaterinburg, Krasnodar, and other neighbouring regions; this new project will also include activities targeting the media.

In its dealings with state agencies the Coalition has exerted its influence to speed the passing of a law on countering human trafficking in Russia through information campaigns and lobbying of lawmakers in different regions, as well as playing an active role in the work done by the working group of the State Duma on the question of human trafficking.



- The Moscow Office of the Angel Coalition also submits projects and attempts to find the financial means to support conferences with the aim of bringing together the various members of the Coalition, and of planning future activities.

As part of the management of the Angel Coalition, the main office is responsible for spreading new information materials, including information on grants and financing, and for consulting members on how to write new project proposals for receiving grants.

With the aim of helping victims of human trafficking and of preventing more people from falling victims to traffickers the Angel Coalition has set up a number of shelters and is running several rehabilitation programmes. The Angel Coalition also places great emphasis on the exchange of information and the sharing of contacts and practical experiences with other groups.

The Coalition has also lobbied successfully law and policy makers, has carried out joint projects, ran preventive seminars, developed programmes and working materials in conjunction with other groups, and has organized training conferences and seminars involving different sections of the population. In conjunction with law enforcement agencies from other countries of the former Soviet Union, including Russia, the Angel Coalition has developed numerous practical materials targeted to law enforcement representatives.

The Angel Coalition has been operating a toll-free helpline in Russia since 2004. Following that, lines in Switzerland, Belgium, Germany, Holland, and the United States were opened. The helpline serves to provide information to the population about the problem of human trafficking, guidance for safe emigration abroad for work, study, or marriage. In addition to the above, the helpline helps facilitate searches for missing persons and/or trafficking victims, and offers assistance to victims. The helpline operates through a call centre which accepts calls. Operators identify calls, give general advice on travel and getting a job abroad. More complicated calls involving assistance to a victim of trafficking in persons, or searching for a potential victim, are forwarded to an Angel Coalition staff member.

The Angel Coalition works in Russia and Central Asia to foster and develop cooperation between law enforcement agencies, NGOs and other governmental structures, with the aim to help trafficking victims and prosecute cases and to develop and implement joint projects between the members of the Coalition.

At the creation of the Angel Coalition, agreements were signed between its members based on principles of human rights and equality. As a result of the activities and the projects implemented so far, several shelters offering assistance to victims of trafficking were created.

The main problem in the creation and maintenance of shelters was their financing given that Russia is a large country and requires the operation of several shelters. The maintenance of shelters and helplines and the continuation of preventive work demands continuous financing, which depends mostly on the priorities of international donors.

Another major issue was organizing effective awareness raising activities, because of deep rooted stereotypes and mentalities and prejudices in the general population. Difficulties were also faced when trying to inform people about where they could turn for help and information.

As the success of a network and its long-term effectiveness depends directly on its collaboration with governmental structures, an additional effort was made to establish partnerships with governmental institutions. Such collaborations were quite hard to achieve, especially in the beginning due to the bureaucratic nature of the system, turnover of staff and officials, stereotypes that exist in society and weak legislation and practices which do not favour the creation of good working relationships.

The activity of the Angel Coalition and the common projects implemented, brought the following results:

- Total people assisted during the Safehouse Project (January 2003- July 2006): 47,098;
- Victims: More than 100 people assisted in shelters;
- Victims: 737 people assisted through outpatient care;
- Helpline consultations (November 2004-July 2006): 5533 consultations;
- More than 32,051 seminars and other informational activities about trafficking were successfully carried out;
- Between January 2004 and July 2008, the Angel Coalition provided more than 14,717 helpline consultations;
- 184 victims were identified and assisted through the helpline alone;
- Members of the Angel Coalition have carried out more than 50,000 events on raising awareness on the phenomenon of human trafficking (through other counter-trafficking projects);
- More than 10 joint projects have been implemented among the members of the Angel Coalition;
- The Angel Coalition has expanded from 24 organizations in 1999 to more than 60 member organizations to date.

The Angel Coalition has developed a workbook for rehabilitation of trafficking victims, including standards for human rights protection and principles on how to work with victims. In addition, a protocol for cooperation between NGOs and governmental structures was developed, which contains recommendations for cooperation in combating human trafficking.

Lessons learned from our long-term experience in the management of the Angel Coalition, include the following:

- The creation and expansion of a Coalition of NGOs combating trafficking in human beings and protecting human rights is necessary in order to achieve sustainable and measurable results. Such an experience allows for sharing, developing and growing of expertise, exchange of knowledge and experience, and for

The primary work of Angel Coalition includes: repatriation, rehabilitation and reintegration of victims of human trafficking, consultations over the helpline and informational activities targeted at the society as a whole.

maximizing the potential of the members. In addition, it makes it easier to advocate for legislation through co-coordinated lobbying at the local, national and international level;

- Involvement of law enforcement agencies as experts in NGO activities is essential;
- In order to motivate law enforcement agencies to collaborate with NGOs and to facilitate cross-referral of victims, it is necessary to demonstrate the close connection between rehabilitation and the willingness of the victim to cooperate with the Police;
- Governmental financing of shelters and crisis centres for human trafficking victims is necessary for the sustainability of the shelters and services offered therein; continuous funding also plays a key role in the decision of the state to support NGO work;
- Continuous lobbying activities are needed for the drafting and adoption of comprehensive and effective legislation.

- Presently there are around 60 NGO members of the Coalition;
- As a result of its activity, the Coalition's members have opened and run around 60 shelters and crisis centres. Between 2003 and 2007 the Coalition operated 9 shelters in Russia and Central Asia.

## MEETING THE NEEDS OF BENEFICIARIES – COMBINING NATIONAL STANDARDS ON ASSISTANCE AND PROTECTION OF VICTIMS OF HUMAN TRAFFICKING WITH SPECIFIC NGO STRENGTHS AND CAPACITIES

**Razvan Samoila**, executive director  
**Romanian Forum for Refugees and Migrants- ARCA**  
<http://www.arca.org.ro>

ARCA is a Romanian non-governmental, non-political and non-confessional organisation of humanitarian and ecumenical character, established in 1998 and aimed to defend and promote the universal human rights, especially the rights of refugees, repatriates and other migrants (foreigners with tolerated status, victims of trafficking in human beings, undocumented migrants etc). Since 1998 ARCA has continuously promoted and advocated the principle of non-discrimination towards migrants.

ARCA supports the fulfilment of each individual's potential, and especially of those who become refugees or migrate to Romania, and aims to facilitate their dignifying and consistent integration into Romanian society.

ARCA offers legal and social services and develops advocacy and lobby activities in order to improve our beneficiaries' access to their social, economic and cultural rights. Some of the organization's successes included: improving refugee access to the national system of social assistance, medical services and especially to the social health insurance national system, employment and naturalization as well as improvement of anti-trafficking legislation. ARCA carries out information and training activities in fields such as protection and social re-integration of victims of trafficking and on the rights of refugees and other categories of migrants. An important part of ARCA's activity consists in preparing our beneficiaries (refugees, stateless persons or victims of human trafficking) for an independent life in Romania. In this manner, they can become resource persons for their community and active promoters of human rights, multiculturalism and antidiscrimination. Such results were accomplished due to rigorous analysis of new trends in migration and trafficking, national legislation, as well as services provided by governmental institutions and NGOs.

Experience acquired in the field raised several problems/needs on the national level:

- lack of integrated assistance provided to beneficiaries;
- inefficient advocacy for the improvement of legislation and practice in the field of refugee law and in other categories of migrant integration;
- sporadic training programs on refugee integration and counter trafficking issues;

- limited options of extracurricular education for refugees and Romanian teenagers.

The elaboration and promotion of standards for the assistance and protection of trafficking victims by the National Agency against Trafficking in Persons, in order to improve the quality of services to victims by achieving a unified response at national level together with more individualized care according to the specifics of each case, revealed the need to develop new programs for providing assistance to victims of trafficking.

Support and protection of victims of human trafficking may be given either within an in-house, central residential scheme which provides accommodation, food, medical, legal and psycho-social care, or within a drop-in, day regime, where persons may choose to return to their family or community and benefit from specialized support services.

The mapping of service providers on national level, showed a lack of comprehensive approach in the prevention of trafficking in human beings, as well as in the provided assistance to victims of trafficking. In order to remedy this situation, certain activities were developed in the following areas:

### **1. Monitoring of refugees integration and improvement of national legislation through:**

- monitoring of individual cases (meeting the beneficiaries, legal and social counselling);
- workshops with the local public administration responsible for the integration of beneficiaries;
- creating and maintaining multidisciplinary working groups (including NGOs and GOs representatives) working on issues of refugee law and refugee integration;
- advocacy and lobbying for the improvement of the legislation in the field of migration.

### **2. Social services:**

- conducting a needs assessment, coaching and mediation with local public authorities, other institutions and NGOs providing specialized assistance;
- information on the rights and obligations of the beneficiaries in Romania, social counselling and case monitoring;
- short-term assistance for facilitating access to medical services for beneficiaries with low income;
- humanitarian assistance for beneficiaries at-risk;
- information and counselling on the risks of illegal migration;
- developing community services (training and supervision of community mediators and volunteers).

Respecting and protecting the rights of the individual must be at the centre of efforts of agencies, organizations or institutions that provide assistance and protection to people who have been victims of trafficking. Similarly, anti-trafficking measures that are adopted must not to prejudice the rights and freedoms of victims and other vulnerable persons that they aim to protect. At the same time it is strongly recommended that assistance to victims of trafficking is comprehensive, continuous, adapted to the age, gender and cultural background of the person that is assisted and is provided at all times in a secure environment by well trained professionals.

### 3. Assistance with employment:

- employment counselling and information;
- mediation with contacting an employer;
- professional orientation and evaluation;
- assistance in covering the expenses of professional training for high risk groups.

### 4. Training of public authorities:

- education and supervision of community workers in order to better address the needs of the community;
- creation of online discussion forums;
- training on the reintegration of refugees and victims of trafficking.

### 5. Activities for youth (Young migrants' club)

- educational activities;
- micro-projects training;
- community development activities (training for youth, etc).

In addition to the services already provided, and as a result of continuous analysis of the needs on national level, ARCA designed and launched, in collaboration with the Ecumenical Association of Churches in Romania-AidROM and the National Agency against Trafficking in Persons the following activities:

- a "Centre for Preventing and Combating Trafficking in Human Beings";
- the "Stop the slavery in Europe" Campaign.

The "Centre for Preventing and Combating Trafficking in Human Beings" has also run successfully an awareness raising campaign that met all the standards required for the assistance and protection of victims of human trafficking. Rule no. 24 foresees that "A single organization or institution cannot meet all the needs of all victims of human trafficking. Anti-trafficking measures should involve all responsible agencies, which should respond in a clear and consistent manner in issues of victim protection and assistance. Interdisciplinary cooperation and exchange of information between different agencies or organizations results in better, more effective services of assistance and protection to victims and enables a multifaceted approach to the phenomenon of human trafficking".

A comprehensive approach, inline with national standards and based on the analysis of the specific needs of beneficiaries, offers the possibility to service providers, to design activities which will cover different areas of protection and assistance and will thus result in better services to victims of trafficking. For all the above reasons, this inter-agency approach. may serve as a good practice both on the national and the international level.

The Centre, created in 2008, aims to provide counselling and assistance to specific target groups (young people at risk and victims of trafficking). The Centre also provides information on techniques of prevention and combating trafficking in persons, as well as assistance for the social reintegration of victims of trafficking.