

WORKING DRAFT

Recommendations for NATO and the International Community:
Combating Trafficking in Human Beings for Sexual Exploitation in the Western Balkans

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Executive Summary

This report examines the role of international organizations in combating trafficking in human beings (THB) for sexual exploitation in the western Balkan region, and proposes interventions for the international community to address the issue. The report identifies four major causal pathways that contribute to the problem. First, **the presence of vulnerable populations** ensures a constant supply of potential victims. Second, **current laws do not address emerging trends** in victim needs such as migrant and refugee rights. Third, **failure to identify trafficking victims** leads to incorrect classification of cases and criminal penalization of victims for acts such as prostitution. Finally, **low capacity to prosecute THB** persists because identifying and prosecuting THB cases is financially costly and requires specialized expertise. This report proposes two potential solutions to address causal pathways related to inadequate victim identification and low capacity to prosecute cases : 1) **improve specialized THB expertise and coordination between local law enforcement and judicial bodies** through specialized training and procedure standardization; and 2) **support and publicize safe THB reporting channels**, including nationalized hotlines.

I. Introduction

This report examines the role of international organizations in combating trafficking in human beings (THB) for sexual exploitation in the western Balkan region, and proposes interventions to address the issue. THB for labor, sexual exploitation, forced begging, and even organ harvesting is present across the entire Balkan peninsula.¹ Armed conflict and ethnic cleansing throughout the 1990's left precarious economic, political, and security situations throughout the Balkan peninsula that conditioned the region for the proliferation of international THB.² At the time of this report, however, the majority of reported cases of THB in the western Balkans were perpetrated domestically by nationals against nationals.³ Additionally, the number of refugees traveling across the Balkans has increased in recent years due to conflicts in the Middle East, North Africa, and Central Asia. Though refugees and members of other marginalized groups are particularly vulnerable to being trafficked, there has been little empirical assessment of the scope of THB of migrants traveling along the Balkan route and how counter-THB efforts might adapt to better assist migrants and refugees who are potential victims of THB.⁴

The report proceeds as follows. Section II explains how we arrived at our problem definition. Section III describes four major causal pathways of the problem: 1) the presence of vulnerable populations ensures a constant supply of potential victims; 2) current laws do not address emerging trends in victim needs such as migrant and refugee rights; 3) failure to identify trafficking victims leads to incorrect classification of cases and criminal penalization of victims for acts such as prostitution; and 4) low capacity to prosecute THB persists because identifying and prosecuting THB cases is financially costly and requires specialized expertise. Section IV proposes two potential solutions to address causal pathways related to inadequate victim identification and low capacity to prosecute cases : 1) improve specialized THB expertise and coordination between local law enforcement and judicial bodies through specialized training and procedure standardization; and 2) support and publicize safe THB reporting channels, including nationalized hotlines. Section V discusses implementation and messaging. Section VI proposes methods to evaluate results. Section VII concludes with recommendations for the international community.

II. Problem Definition

Our proposed interventions target the lack of prosecutions for THB for sexual exploitation in the Western Balkans. Given the broad scope of trafficking of human beings in the Balkan region and time constraints, we recognized the need to narrow our problem definition. We found that merely defining “trafficking in human beings” is a challenge as the term encompasses a wide range of conduct. The Palermo protocol defines human trafficking as “the

¹ UNODC Research, *Global Report on Trafficking in Persons, 2018*. United Nations Office on Drugs and Crime 57-60 (2018).

² Lucia Ovidia Vreja, “Human Trafficking in South Eastern Europe,” *Connections* 4, no. 4 (2005): 49-62. Accessed May 31, 2020. www.jstor.org/stable/26323196; OSCE, *Trafficking in Human Beings in Southeastern Europe*, June 2002, <https://www.osce.org/odihr/18540?download=true>, XIII

³ UNODC Research, *Global Report on Trafficking in Persons, 2018*. United Nations Office on Drugs and Crime 57-60 (2018).

⁴ Anette Brunovskis and Rebecca Surtees, *Vulnerability and exploitation along the Balkan route: Identifying victims of human trafficking in Serbia*, FAFO, 2017, <https://www.faf.no/images/pub/2017/20620.pdf>

recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.”⁵ THB for sexual exploitation is prevalent in every part of the peninsula,⁶ and in the Balkan region, the majority of trafficking victims have been women and girls trafficked for sexual exploitation.⁷ While traffickers subject victims to a range of other types of exploitation in the region, to make this project more manageable given our time constraints and the interests of our partner organization and sponsor, we decided to focus primarily on trafficking for sexual exploitation.

Our analysis had initially assumed that trafficked persons were moved all over the world by well-organized, multinational criminal networks. However, our research revealed that trafficking crimes in the Balkan region tend to be localized. Most victims originate in the region and remain in the region.⁸ According to the Counter-Trafficking Data Collaborative (CTDC), the a global data hub on human trafficking that harmonized data from counter-trafficking organizations around the world, over half of the trafficked persons identified in the region were exploited in their country of origin.⁹ In 2018, almost all perpetrators were citizens of the country where they were convicted.¹⁰ Thus, we determined that our work should focus on examining processes and procedures of local governments before the international mechanisms to stymie the flow of trafficking.

We also narrowed the geographical scope of the project to the Western Balkans, which consists of Albania, Bosnia and Herzegovina, Croatia, Kosovo, Montenegro, North Macedonia, and Serbia. The Balkan peninsula is a vast geographical region comprising eleven different countries--each with different legal systems, economic conditions, and social dynamics.¹¹ Trafficking of human beings is a problem across the entire region, but each country faces unique challenges requiring different interventions.¹² Because of the high prevalence of trafficking for sexual exploitation in this Western Balkans and its position as a migration route, our research focuses on this region.

As we will elaborate in the subsequent section, THB prosecutions are low in this region. In each of the countries in the Western Balkans, prosecutions for trafficking crimes numbered

⁵ United Nations Human Rights Office of the High Commissioner, *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*. OHCHR (2000).

<https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>

⁶ See U.S. Department of State, *2019 Trafficking in Persons Report* (2019). <https://www.state.gov/reports/2019-trafficking-in-persons-report/>

⁷ UNODC Research, *Global Report on Trafficking in Persons, 2018*. United Nations Office on Drugs and Crime 61 (2018).

⁸ UNODC Research, *Global Report on Trafficking in Persons, 2018*. United Nations Office on Drugs and Crime 63 (2018).

⁹ THE COUNTER TRAFFICKING DATA COLLABORATIVE, *GLOBAL DATA HUB ON HUMAN TRAFFICKING, 2018* <https://www.ctdatacollaborative.org/map>

¹⁰ *Id.* at 62.

¹¹ See map of the Balkan Peninsula in Appendix B.

¹² See U.S. Department of State, *2019 Trafficking in Persons Report* (2019). <https://www.state.gov/reports/2019-trafficking-in-persons-report/>

fewer than 30 per year for each year from 2014 to 2017. In several countries, the number of prosecutions has declined in this period.¹³ Experts consider the number of trafficking prosecutions to be an indication of a country’s ability to detect victims and the efficacy of its legal system in providing justice.¹⁴ Focusing our problem definition on increasing trafficking prosecutions across the region gives us a trackable metric by which to measure progress.

III. Causal Pathways of THB for Sexual Exploitation

We identified three causal pathways by which the lack of prosecutions of sex traffickers persists in the Western Balkans: the presence of vulnerable populations, a failure to identify and support victims, and low capacity to prosecute THB cases. Figure 1 illustrates these causal pathways with an Ishikawa diagram. The remainder of the section describes each pathway and summarizes the rationale behind excluding certain pathways from our analysis. We acknowledge that each of the seven Western Balkan countries have diverse needs and access to resources. The extent to which each cause applies varies by country.

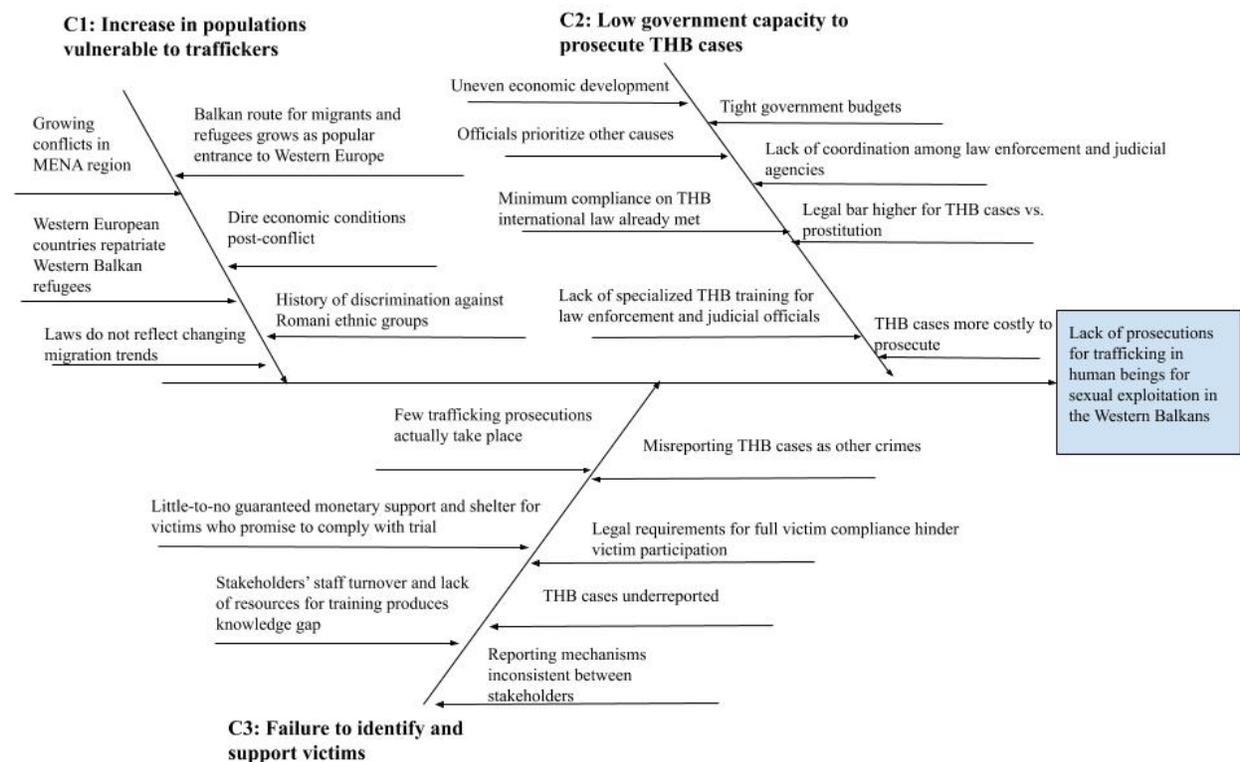


Figure 1. Causal Pathways Ishikawa Diagram

¹³ UNODC Trafficking Report on Central and South Eastern Europe (2018).

¹⁴ United Nations Office on Drugs and Crime, *Prosecuting Human Traffickers*. UNODC <https://www.unodc.org/unodc/en/human-trafficking/prosecution.html>

The Presence of Vulnerable Populations

The high number of people experiencing conditions of abject poverty serves as a precondition for the proliferation of trafficking of human beings across the Balkan peninsula. Through recording steady increases since 2000, the Balkan's average GDP per capita rests at just 29% of Germany's.¹⁵ Unemployment across the region remains in double digits and the region's gender gap still lags behind Western Europe and the Central and Eastern European members of the EU. High levels of unemployment and the low level of legal consciousness in the Western Balkans enables criminal organizations to flourish and cripples efforts to create economic and political institutions capable of disrupting criminal networks engaged in THB for sexual exploitation.¹⁶ A low tier ranking of a country's Trafficking in Persons (TIP) report produced by the U.S. State Department is correlated with high unemployment with statistical significance, and no Western Balkan country ranks above Tier 2.¹⁷ Unemployed individuals are typically more vulnerable to being trafficked and exploited. Individuals experiencing financial insecurity and desperation are more vulnerable to trafficking¹⁸ In many instances, traffickers target desperate individuals and deceptively lure them into exploitative situations with the promise of employment.¹⁹ Economic desperation drives both victims and perpetrators to engage in human trafficking.

The region has seen a spike in irregular migration over the past decade.²⁰ The main land route from Turkey to Western Europe used by refugees fleeing armed conflict in Africa and the Middle East passes through the Balkan peninsula.²¹ As border security in western countries has tightened, more refugees are stranded in Balkan countries. In 2019, an estimated 10,000 refugees were in the Balkans. Refugees have been subject to discrimination and brutal treatment by police in the region.²² Conditions of poverty and their lack of access to employment opportunities make refugees frequent targets of exploitation. The Balkan region is also home to tens of thousands of repatriated nationals, who fled wars in the 1990's to resettle in countries that now belong to the EU. When the conflict subsided, EU countries deported Balkan nationals, including families with

¹⁵ Douglas Bloom, *World Economic Forum: Western Balkans* (2019)

¹⁶ Sally Stoecker. *The rise in human trafficking and the role of organized crime*. Demokratizatsiya 8.1 (2000): 129-144.

¹⁷ B Niewiarowska. *A Global Study of Human Trafficking Legislation: Causes and Effects*. International Relations Honours Thesis, New York University (2015). The State Department, in its annual Trafficking in Persons Report, categorizes nations into four tiers based on the extent of their efforts to reach compliance with the minimum standards for the elimination of human trafficking. Tier 1 = Full compliance with the standards set out by the Trafficking Victims Protection Act of 2000. Tier 2 = Do not meet these standards, but are making significant efforts to do so. Tier 2 Watch List = Significant efforts to meet standards, but have a significant, or significantly increasing, number of absolute victims. Tier 3: Do not meet the minimum standards and make no significant efforts to do so.

¹⁸ Interview with Jelena Hrnjak, Atina, Programme Manager of Citizens' Association for Combating THB and All Forms of Gender-Based Violence (March 20, 2020, 9 AM CET)

¹⁹ Micah Hartmann. *Causes & Effects of Human Trafficking*. The Exodus Road (2018). <https://blog.theexodusroad.com/causes-effects-of-human-trafficking>

²⁰ Andreas Schloenhardt, *Irregular Migration and Smuggling of Migrants Along the Balkan Route, 2011-2017*. Friedrich Ebert Stiftung (2019). <http://library.fes.de/pdf-files/bueros/budapest/15559.pdf>

²¹ *Id.* at 3.

²² Doris Pundy, *Refugees face violence, abuse on Europe's new Balkan route*. DW (2019). <https://www.dw.com/en/refugees-face-violence-abuse-on-europes-new-balkan-route/a-48334427>

EU-born children.²³ EU countries continue to deport thousands of economic migrants whose asylum claims are rejected each year.²⁴ Deported nationals returned to the Balkan region are left with few options to make a living.²⁵

Romani ethnic groups across the region are among those most vulnerable to trafficking. Marginalized Romani people have endured centuries of oppression in the region. This population experiences disproportionately high levels of poverty, is the least educated group in the region, and lacks government representation.²⁶ Desperate to survive with limited socioeconomic resources and facing cultural stigma, Romani women often turn to sex work and fall victim to exploitation by traffickers.²⁷

Failure to Properly Identify Victims

The failure to properly identify and support victims contributes to low THB prosecution rates in the region. Trafficking identification efforts across the region tend to be decentralized and under-resourced. There exists a wide range for the estimates for THB for sexual exploitation victims from hundreds of thousands to millions per year.²⁸ An accurate accounting is made complicated by a number of factors, including the lack of agreement on a definition regarding who is the victim of THB for sexual exploitation and the inability to isolate the victims from smuggled migrants jurisprudentially, conceptually, and practically.²⁹ Further, when the Palermo Protocol entered into force in 2003, it resulted in the national criminal law reform that codified important protections for THB victims. However, increased enforcement had the effect of driving THB for sexual exploitation underground, making it more difficult to detect.³⁰

The level of support available to THB survivors varies across each country in the region. For example, in Serbia, most of the victim support work is conducted by NGOs. NGOs run shelters for survivors, provide substance support, and support entrepreneurial opportunities for social integration. Government channels provide little material support or legal recourse for survivors. The government's low prioritization of monetary compensation for victims, forced full compliance with law enforcement, and procedures that force survivors to relive trauma leave few incentives for victims to come forward. Further, the official victim identification system in Serbia substantially underestimates the extent of THB in the region, which limits support available to survivors.³¹ In coordination with the OSCE, Montenegro offers more robust

²³ Katie Engelhart, *While Welcoming Some Refugees, Germany Is Also Expelling Migrants Back to the Balkans*. Vice (2015). https://www.vice.com/en_us/article/zm7nax/while-welcoming-some-refugees-germany-is-expelling-asylum-seekers-back-to-the-balkans

²⁴ Ben Knight, *Bavaria Under Fire for Balkan Migrant 'Deportation Camp' Plans*. DW (2015). <https://www.dw.com/en/bavaria-under-fire-for-balkan-migrant-deportation-camp-plans/a-18598237>

²⁵ *Id.*

²⁶ Sidita Kushi, *Romani Women of the Balkans: battling intersectional oppression*. Open Democracy (2016) <https://www.opendemocracy.net/en/5050/romani-women-of-balkans-still-battling-intersectional-oppression/>

²⁷ *Id.*

²⁸ David E. Guinn, *Ambiguous Knowledge: Seeking Clarity in the Effort to Define and Assess Trafficking and the Sexual Exploitation of Children*. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=997677

²⁹ Samuel Vincent Jones. *Human trafficking victim identification: Should consent matter*. *Ind. L. Rev.* 45 (2011): 483.

³⁰ Interview with Boris Topic, National Anti-Trafficking Officers, OSCE Mission to Bosnia and Herzegovina. May 4, 2020, 9:00 a.m.

³¹ Interview with Jelena Hrnjak, Atina, Programme Manager of Citizens' Association for Combating THB and All Forms of Gender-Based Violence (March 20, 2020, 9 AM CET)

resources for survivors.³² Montenegro established and developed a systematic framework for survivor support, which includes referral mechanisms between state law enforcement entities and nonprofits to address the physical, psychological, health, and social needs of victims from the moment of identification.³³ Nonetheless, there is still a need for protection mechanisms for victims in court proceedings and long-term support for survivor reintegration.³⁴

Another key cause to low frequency of victim self-identification and THB crime detection is the lack of safe channels like public hotlines to report THB crimes. In the Balkans, a recent IOM report noted that while 60 percent of respondents reported a fully operational official definition of TIP in their country or region, only around 30 percent cited hotlines and TRMs to support identification as fully operational. Resource scarcity is the determinant factor explaining why these hotlines are not more prevalent in the region. As gleaned from our discussion with operators, hotlines are a resource intensive tool requiring in-depth knowledge in data science, social services, and legal structures.³⁵

In sum, burdensome legal procedures, lack of protection for survivors, and inadequate material resources pose barriers to victim self-reporting and hinder victim identification efforts across the region.

Low capacity to prosecute THB cases

Detecting, investigating, and prosecuting THB cases requires specialized knowledge and effective coordination across law enforcement bodies, nonprofit organizations providing victim support, prosecutors, and judges. It is frequently the case that Balkan governments have limited public attorneys with expertise in prosecuting trafficking cases, and in some instances THB cases require more hearings than lesser crimes. THB cases also involve the cost of victim compensation from the government when restitution is not obtainable from traffickers.³⁶ The institutional capacity required to train and equip law enforcement, medical professionals, educators, and members of civil society on the signs of THB for sexual exploitation vary across the region. Where the institutional capacity does exist to implement these trainings, high staff turnover within stakeholder organizations produces a knowledge gap that is not expeditiously filled.³⁷

Lack of coordination between local law enforcement bodies and the judiciary is an obstacle to effective enforcement of trafficking laws in some Western Balkan countries. While all national legal systems in the Balkan region have criminal statutes addressing THB, the U.S. State Department observed in its 2019 Trafficking in Persons Report that across multiple countries in the region, sentences for trafficking fall short of the statutes' minimum penalties. Inconsistent application of the law and disproportionate weighing of mitigating circumstances

³² Interview with Neli Rasovic, Advisor for International Cooperation and European Integration, Ministry of the Interior of Montenegro (March 27, 2020, 3PM CET)

³³ OSCE and Government of Montenegro, Ministry of Interior, *Strategy for Combating Trafficking in Human Beings, 2019-2024*. <https://www.osce.org/files/f/documents/8/d/424622.pdf>

³⁴ *Id.* at 34.

³⁵ Interview with Elizabeth Gerrior, Data Quality and Reports Manager at Polaris, March 19, 2020, 11:00 am.

³⁶ EU law requires this compensation, but only Croatia is a member of the EU. Less than 10 trafficking victims have ever been compensated by the state in the last two years. Serbia <https://www.state.gov/reports/2019-trafficking-in-persons-report/serbia/>

³⁷ International Organization for Migration, *Needs Assessment: Human Trafficking in the Western Balkans* 51, IOM Research Group (2014). https://publications.iom.int/system/files/pdf/ct_needsassessment_western_balkans_eng.pdf

has resulted in acquittals and weak punishments for offenders.³⁸ The report cited lack of coordination between local, regional and national entities is a problem in most nations.³⁹ The problem is exacerbated in the Balkans where one of the war's legacies is a particularly decentralized governance structure with four tiers of authority, at the State, Entity, Canton and Municipal levels. The International Organization for Migration's former Chief of Mission in Bosnia noted that traffickers could simply resettle in a different Canton without any disturbance to their operations.⁴⁰

Institutional capacity is partially limited by fiscal resources, though there is no concrete threshold by which to judge a country's commitment to counter THB. In 2018, governments across the Western Balkans allocated the equivalent of \$100,000 to \$400,000 towards protection of trafficking victims, trafficking prevention, and awareness activities.⁴¹ The majority of these funds supported NGO shelters providing services to trafficking victims. NGO shelters largely depend on a combination of funding from their national governments as well as international organizations. However, the process for government grant disbursement varies by country and is prone to corruption.⁴²

Concerns over international reputation may impact the political will to prosecute human trafficking cases in either direction. Several countries in the region aspire to EU membership, which requires the adoption of THB victim protection legislation. In multiple interviews, a country's membership status with the EU was noted as a key factor in determining political will for CTHB activities. Increased collaboration with NGOs and incorporation of TIP recommendations may be viewed as critical to EU membership by some nations, while others may view increased reports of THB as a negative indicator to be avoided during the membership process.⁴³ Croatia is currently the only Western Balkan EU member. Montenegro and Serbia are official candidates for membership, and Albania, Bosnia and Herzegovina, and Kosovo are potential candidates for membership. However, the accession process itself may discourage aspiring states from fully reporting TIP cases in order to appear as more desirable candidates.

Major Causal Pathways Excluded from Analysis

The key causes we chose not to pursue are the demand for trafficked women and children from the Western Balkans in Western Europe, the demand for trafficked women and children by international peacekeeping forces, the economic stagnation and poverty in the Western Balkans that cause desperate victims and perpetrators to sell sex, the conflicts in the Middle East and North Africa (MENA) that drive migrants through the Balkans towards Europe, the supply of victims from the Roma, Ashkalie and Egyptian (RAE) or "gypsy" communities, and the criminal

³⁸ US Department of State, *2019 Trafficking in Persons Report*. (2019) <https://www.state.gov/reports/2019-trafficking-in-persons-report/>

³⁹ *Id.*

⁴⁰ *Interview with Lynellyn Long*, former IOM Chief of Mission in Bosnia & Herzegovina .

⁴¹ TIP reports for all countries.

⁴² For example, the TIP report for Albania in 2019 cited the decentralization of the grant-rewarding process as a factor in nepotism, corruption, and ultimately inequitable distribution of funding to NGOs focused on serving trafficking victims.

⁴³ *Interview with Jelena Hrnjak*, Atina, Programme Manager of Citizens' Association for Combating THB and All Forms of Gender-Based Violence (March 20, 2020, 9 AM CET). *Interview with Neli Rasovic*, Advisor for International Cooperation and European Integration, Ministry of the Interior of Montenegro (March 27, 2020, 3PM CET)

penalization of THB victims. Regarding demand from Western Europe, we found that most contemporary cases of THB for sexual exploitation in the Balkans are perpetrated by Balkan nationals against impoverished nationals. While a handful of identified trafficking victims were repatriated to the Western Balkans from Western Europe in 2014-2017, the majority of recorded instances of trafficking for sexual exploitation involved victims that were trafficked within their own country, or occasionally a neighboring country in the region.⁴⁴ Victims and perpetrators often fall into trafficking because of economic duress. Trafficking is profitable for traffickers, and women and children who are trafficked might not have had access to adequate food or shelter before the traffickers recruited them with an emotional affair.⁴⁵ Traffickers may be members of organized criminal networks or more disorganized opportunists. It was difficult to get a sense of how much THB for sexual exploitation is conducted by organized criminals from our remote field work. Therefore, we felt that addressing the lack of economic development in the Western Balkans that makes potential victims vulnerable and drives perpetrators to engage in THB crimes was outside the scope of our project.

International peacekeeping troops in the Balkans have been implicated for actions that increased demand for THB in post-conflict Balkan states.⁴⁶ However, the reduction in international forces' presence in the Balkans combined with the adoption of policies by UNODC, NATO and other organizations to prevent their affiliates from supporting THB led us to prioritize other causal pathways for this report.

Similarly, we felt that including the drivers of migrant flows, such as civil wars in the MENA region and Afghanistan fell beyond the project's scope and instead chose to research the treatment of migrants as a human rights issue within Western Balkan legal structures. We also chose not to address the supply of trafficking victims that arise from RAE communities that inhabit the region. While the drivers of trafficking may be different between Roma and ethnic Serbian, Bosniak, Croat, Montenegrin, etc. communities, international law and national systems to counter trafficking are designed to support all of victims regardless of ethnicity or socioeconomic status.⁴⁷

Another causal pathway contributing to the proliferation of THB in the Western Balkans is the criminal penalization of THB victims. Risks of criminal penalties for prostitution and other crimes committed as a consequence of being trafficked prevent victims from coming forward to law enforcement.⁴⁸ This can be addressed by amending laws to exempt victims from penalties for unlawful acts their traffickers compel them to commit; and tailoring legal proceedings to be

⁴⁴ UNODC Trafficking Report on Central and South Eastern Europe (2018).

⁴⁵ Interview with Jelena Hrnjak, Atina, Programme Manager of Citizens' Association for Combating THB and All Forms of Gender-Based Violence (March 20, 2020, 9 AM CET); Astra, *Human Trafficking [sic] Victims in Court Proceeding* 24, ASTRA (2018). <https://drive.google.com/file/d/1Rpd2uSuS78bt0PDR62sbsIfYdMooxpo9/view>

⁴⁶ Human Rights Watch, *HOPES BETRAYED: Trafficking of Women and Girls to Post-Conflict Bosnia and Herzegovina for Forced Prostitution* (2002). <https://www.hrw.org/reports/2002/bosnia/Bosnia1102.pdf>; OCHA, Thi Hoang, *When the peacekeepers are part of the problem* (2019), <https://reliefweb.int/report/world/when-peacekeepers-are-part-problem>.

⁴⁷ Centre for Roma Initiatives and European Roma Rights Centre, *Written Comments of the European Roma Rights Centre (ERRC) and the Centre for Roma Initiatives ("CRI") Concerning Montenegro for Consideration by the United Nations Committee on the Elimination of Racial Discrimination at its 74th Session* 4, OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (2009).

https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/MNE/INT_CERD_NGO_MNE_74_9689_E.pdf

⁴⁸ See U.S. Department of State, *2019 Trafficking in Persons Report* (2019).

more victim-centered.⁴⁹ Accordingly, decriminalizing prostitution is one potential avenue that may be explored. We chose not to focus on these interventions, as they are more oriented towards actions required of national governments and legislatures than international organizations.

IV. Solution 1: Interagency Trainings

Theory of Change

We propose standardized procedures, tailored to the needs of each individual country, and coordinated trainings involving law enforcement, judicial, and administrative agencies (such as labor inspectors) involved with THB investigation and enforcement. We posit that specialized trainings involving diverse actors will result in more consistent application of THB laws across the region and enhance state capacity to prosecute THB cases. There is evidence that enhanced inter-agency coordination leads to more THB prosecutions.⁵⁰ The OSCE Mission to Montenegro is already working with other countries in the region to standardize procedures for THB investigation. The strategy incorporates coordination with international organizations including OSCE, UNICEF, IOM, and UNODC; as well as law enforcement organizations including INTERPOL, EUROPOL, SELEK Center, and SEEPAG.⁵¹ Enhanced interagency cooperation is correlated with an increase in the number of first-instance verdicts issued for the criminal offense of THB and sexual exploitation of minors.⁵²

Figure 3 visualizes our theory of change regarding the international community's role in coordination efforts.

⁴⁹ Interview with Neli Rasovic, Advisor for International Cooperation and European Integration, Ministry of the Interior of Montenegro (March 27, 2020, 3PM CET)

⁵⁰ In our interview with Ms. Rasovic, she attributed the recent identification of 40 potential THB cases to increased coordination between national entities in Montenegro. *Interview with Neli Rasovic*, Advisor for International Cooperation and European Integration, Ministry of the Interior of Montenegro (March 27, 2020, 3PM CET)

⁵¹ OSCE and Government of Montenegro, Ministry of Interior, *Strategy for Combating Trafficking in Human Beings, 2019-2024* at 27. <https://www.osce.org/files/f/documents/8/d/424622.pdf>

⁵² OSCE. *Report of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings: New Challenges and New Opportunities*. (2019).

Theory of Change: Increased Coordination Will Lead to Increased Prosecutions

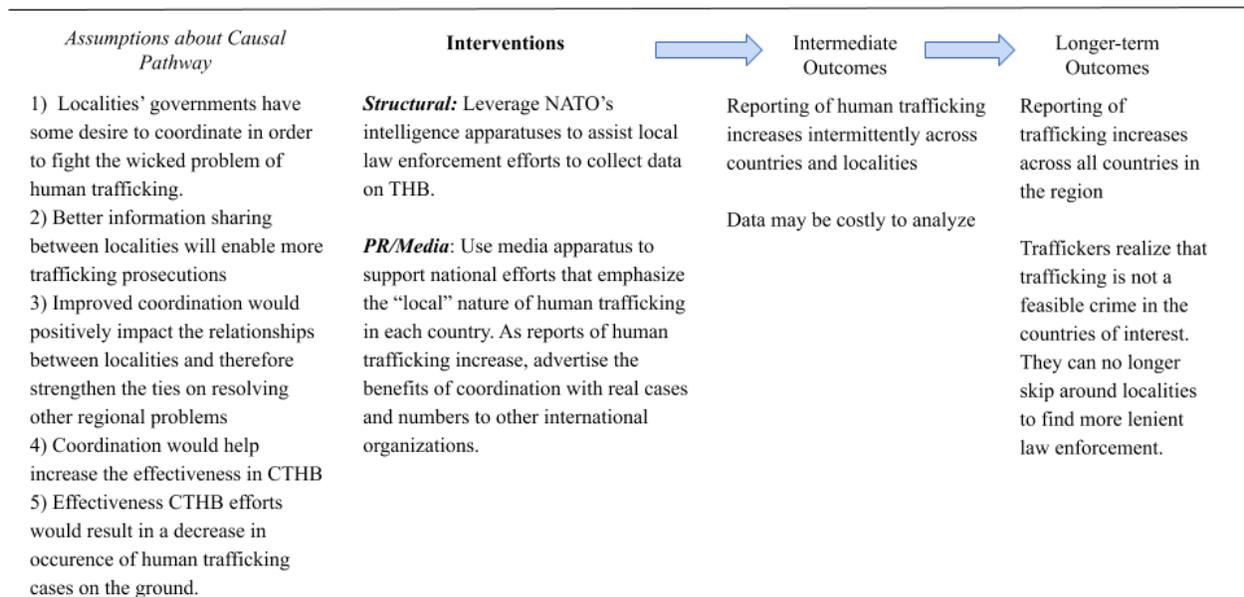


Figure 3. Theory of Change: Increased Coordination

Implementation

Conducting and scaling specialized trainings will require input from experts in design, translation, coordination and operation. International organizations could provide some of the human capital necessary for implementation, in close coordination with local government and nonprofit entities. Implementation will require financial resources for training materials, operation, and information campaigns. INTERPOL, EUROPOL, ISEC, UNODC have a vested interest in preparing law enforcement to combat THB as an element of organized crime and may contribute funds, training materials, and diplomatic support to this effect. However, while international organizations could provide the necessary resources and logistical support to launch this initiative, its sustainability over time would require committed funding from national and local governments.

1. Standardization

To effectively identify THB victims and prosecute perpetrators across the region, law enforcement from the local to international level must have a common understanding of critical issues including the type of conduct that constitutes THB, how to identify THB victims, and national and international laws and regulations. Based on our literature review, there is not consensus on these issues among local law enforcement across the western Balkans. Discussions of these topics should be therefore by incorporated into law enforcement training opportunities (e.g., academy, roll call, conferences).⁵³ In addition, education or training materials should be developed and delivered by law enforcement personnel and be appropriate for the law enforcement audience.⁵⁴ If Anti-Trafficking Coordinator offices prioritize standardization in their

⁵³ Interview with Lynellyn Long, former Chief of Mission, Bosnia, IOM.

⁵⁴ Country Overview: Bosnia and Herzegovina, *ECPAT International* (2018).

THB National Action Plans, the OSCE and UN may support these efforts through providing and vetting training materials. OSCE and UNODC are already making strides in this respect, but there remains work to be done. By increasing awareness, law enforcement will continue to identify areas where support, assistance, and information are needed to better identify this crime and respond to its victims.

2. Simulation-based Trainings

Training involving simulation and role-play have proven effective to prepare law enforcement and judicial officials to handle sensitive THB cases. The OSCE and UNHCR are already piloting scalable experiential training programs that may serve as models for replication. UNHCR developed an “online facilitator’s guide” to disseminate comprehensive training on sexual and gender-based violence prevention that emphasizes THB.⁵⁵ In 2016, the Office of the OSCE Special Representative and Co-ordinator for Combating THB (OSR/CTHB) launched the project “Combating Human Trafficking along Migration Routes”. The project develops a training exercise aimed at improving the investigation and prosecution of THB cases and enhancing the identification and protection of victims. This learner-focused program consists of a four-stage cycle: experience, reflection, generalization, and application in real contexts.⁵⁶ In coordination with international experts, OSCE provides handbooks and resources for state agencies to conduct these trainings independently. OSCE has already piloted this program in Vienna at the international level as well as in Russia and Italy at the national level. The first such simulation-based training program in the Balkans will be piloted this year in Albania.⁵⁷ This experiential learning model can be adapted and expanded to serve other countries in the Western Balkans.

Impact Evaluation

Interagency trainings, if effective, should result in higher rates of THB prosecutions. Local judiciaries already report this data. Successful implementation would also result in higher numbers of law enforcement and judicial personnel trained to handle THB cases or designated as specialized to work on THB cases. At an intermediate level, trainings should result in more investigations and arrests for THB crimes. Low numbers of trained personnel would evidence logistical flaws in implementation. Low rates of investigation and prosecution of THB crimes would implicate the content of training being offered. Qualitative feedback as to training content would also be critical to evaluating the success of the initiative. Entities conducting evaluation should collect data from involved agencies directly on the number of trainings and personnel involved. Evaluators should also regularly survey and interview training participants for feedback and suggestions for improvement. Regular evaluation will be relevant to government agencies conducting the trainings, potential victims, the public, NGOs, international and regional organizations. To ensure objectivity, the assessment would best be carried out by a third-party institution that has both the capacity and the longevity to do so. Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) already conducts evaluation

⁵⁵ SGBV Prevention and Response: A Training Package, *UNHCR*, (2016).

⁵⁶ OSCE. *Practical Handbook on How to Conduct Simulation-based Training Exercises to Combat Human Trafficking*. (2019).

⁵⁷ *Interview with Juliana Rexha, OSCE National Anti-Trafficking Officer in Albania*. May 19, 2020, 9:00 a.m.

of CTHB activities in the Balkans and may be able to incorporate this evaluation into its current country-specific studies.

V. Solution 2: Nationalized Hotlines

Theory of Change

Globalization and advances in communication technologies serve as a facilitator for trafficking activities in the region, technological advances also present great potential to aid in efforts to detect and investigate THB crimes. We propose nationalized hotlines that would provide safe channels to report trafficking crimes and provide public information; as well as connect victims with resources and services. We believe that nationalized hotlines will encourage victims and concerned bystanders to come forward to law enforcement with tips about THB crimes. Because THB is so often a concealed crime that happens underground, the collaboration of victims and the public is essential to detect cases. The hotline will increase victim identification and provide much-needed information to law enforcement to investigate cases, which will lead to more prosecutions.

Human Trafficking Hotlines in the US (National Human Trafficking Hotline) and UK (Modern Slavery Helpline) have proven effective at identifying victims through self-reporting as well as connecting victims to the services and help to which they are entitled. However, in the Balkan region, the availability of hotlines is far from ubiquitous. Albania has a free SOS hotline for human trafficking that is available 24/7. North Macedonia has a hotline that is only operational during business hours. In Bosnia, the IOM report notes that hotlines are available subject to funding surges and have functioned without government support.⁵⁸ We propose emulating aspects of hotlines that are functioning well in the region and reproducing them in countries where they are lacking.

Implementation

There is no single model for a national hotline. Some national hotlines are operated by NGOs in coordination with the government, others are operated by the government directly. Both of these models have proven effective.⁵⁹ Though different models exist, successful hotlines have three primary characteristics:

1. Steady funding

Hotlines can only be effective if there is confidence in its ability to exist in the long-term. Respondents in the region noted that hotlines have appeared and disappeared. If this intervention were to be attempted again, it would need to be introduced with a five year funding plan amounting to 3-5M per year depending on the size of the staff, services offered, and operating costs in the country. Potential funders include national governments, OSCE, the European

⁵⁸ Interview with Elizabeth Gerrior, Data Quality and Reports Manager at Polaris, March 19, 2020, 11:00 am.

⁵⁹ https://www.state.gov/wp-content/uploads/2019/07/2019-TIP_FS6-Human-Trafficking-Hotlines-LoRes.pdf

Union, and ISEC. The funding structure for the EU’s Victor Project on CTHB in trafficking of children, which instituted a helpline, may serve as a model.⁶⁰

2. Organizational stability & effective training

Effective hotlines have well-established protocols for core staff functions, roles, and relationships to referral entities. Anti-trafficking hotlines should maintain rigid procedures to safeguard victims’ personal information and set clear expectations with callers regarding the hotline’s role and next steps. Training for hotline employees must include victim identification strategies as well as deep familiarity with resources available. Common practice is forty hours of training for new call specialists.

3. Trust from the Served population

Hotlines are critical components of anti-trafficking efforts, but only work if the public is confident that they will lead callers to help. Hotline effectiveness depends on the strength of the local government and nongovernmental response, as well as on the level of trust and relationships between the hotline and partner entities. If local governments and service providers are not able to provide basic emergency assistance and longer-term care, the effectiveness of the hotline will be limited.

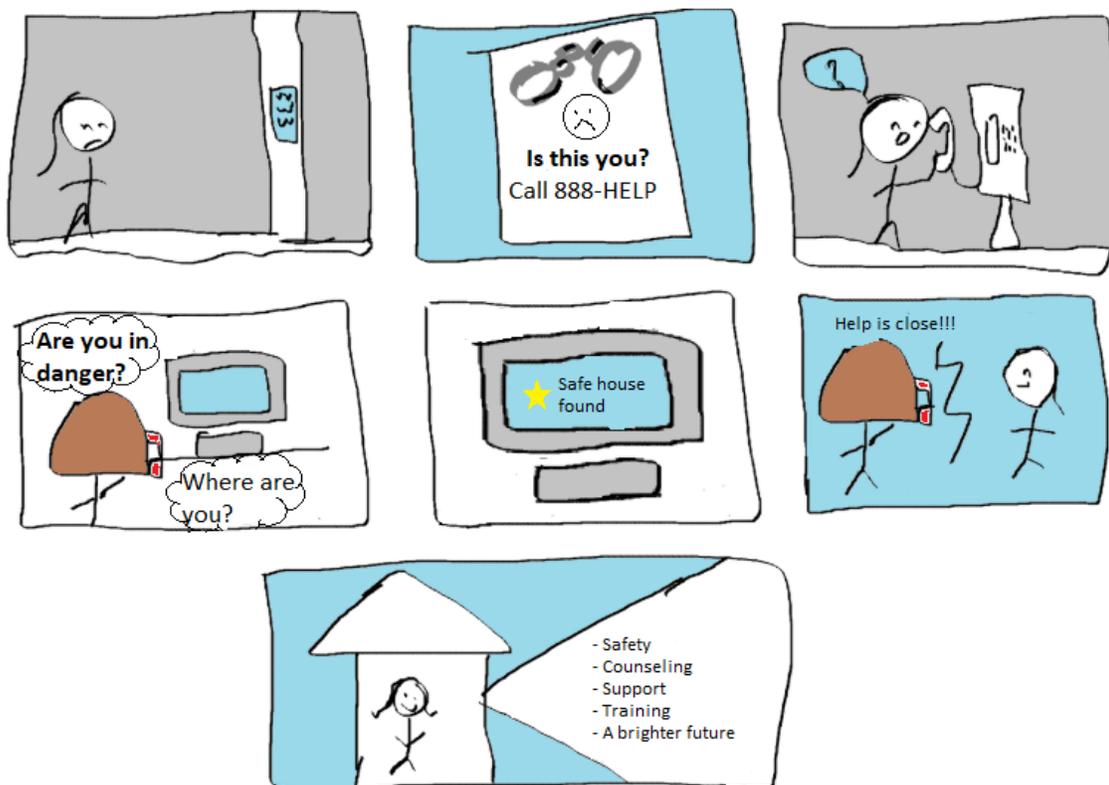


Figure 4. Storyboard: THB Hotline Prototype

⁶⁰ European Commission, Study on Prevention Initiatives on Trafficking in Human Beings (2015), 144, https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_prevention_initiatives_on_trafficking_in_human_beings_0.pdf.

Messaging

As the nations develop or rebrand current hotlines, they may choose to target a variety of audiences and create information campaigns to amplify awareness and legitimacy of the hotline. This section presents baseline message strategies for various audiences that Anti-Trafficking Coordinators' offices may adapt to their specific context.

Strategy 1: Raise Citizen Awareness

Citizens may be unaware of THB or how to report it. A brief survey may help clarify what age groups and ethnicities would be most inclined to benefit from this information campaign. Roma communities and refugees should be prioritized, as they are potentially more vulnerable to trafficking. The goal is for this target audience to recognize that victims of THB have human rights, that the nation has a responsibility to protect those rights, and that there are channels for them to contribute to that effort. Each nation should assess its citizens' 1) awareness of THB as a national issue and 2) willingness to learn more or get involved via use of a hotline. This could be done in terms of a survey or focus group and would provide a baseline for tracking the efficacy of the hotline on raising awareness of THB. The national coordinators for THB should then craft an information campaign that highlights the informational aspect of the hotline (legal remedies), the confidentiality of reporting, data privacy, calls turning into action (whether by law enforcement or by the spread of information on trafficking to see something, say something, ultimately resulting in more people being freed). Depending on the country context, the driving organization to ensure credibility of the message may be government actors, visible NGOs (i.e. not safehouses), or international organizations, or a matrix of these actors.

Each country's Anti-Trafficking Coordinator Office will be the main force behind the information campaign. The office might create ads for the hotline in public spaces and on public media outlets, link to the hotline number on official government websites and sites that aggregate support resources for trafficking victims internationally. They should leverage social media ads targeted toward vulnerable populations to spread the word. International organizations can provide support via platforms to conduct surveys and analyze results quickly and efficiently, communication offices, digital media offices, and translation assistance as needed.

Strategy 2: Law Enforcement

Multiple levels of law enforcement (e.g. police directorates, military, peacekeeping troops) will need to trust the integrity of the hotline and follow up on tips for it to effectively contribute to an increase in prosecutions. Ideally, law enforcement leaders will publicize the hotline within their organizations to lead to the increase of prosecutions of persecutors and support of victims via hotline tips and an increased awareness of THB in the general public.

Anti-Trafficking Coordinators should highlight the potential for hotlines to help them fulfill their mandate, whether that is tracking down traffickers, the good press that comes from contributing to CTHB efforts that are victim-centric, or preventing any contributions to trafficking from within their ranks. The mention of national hotlines in the nations' national action plans will provide the messengers with credibility. Anti-Trafficking Coordinators can provide promotional materials for national hotlines at interagency trainings and working group meetings. Such materials could be as small as a mention at the end of an agenda or an index-card with the number and call to share it with the recipient's organization inserted into the information packets attendees receive. For military and peacekeeping troops, a soldier card with the number and its purpose could be handed out upon deployment.

Strategy 3: Demand-side Awareness

A hotline could bring awareness of THB to those “johns” who pay commercial sex workers and may be unaware that they are funding traffickers. An information campaign to this effect could support ongoing efforts to educate johns and criminalize the purchase of sex when it is known that the victim has been trafficked. An information campaign to this effect would inform users of commercial sex aware that they may be complicit in a crime under both national and international law, that the government sees that and is committed to prosecuting that crime, and that there are “eyes everywhere” in the general public who have the ability to report suspected trafficking to law enforcement with the cause to believe that law enforcement will start investigations based on those reports. In advertising the hotline, certain ads may emphasize that sex workers may be trafficking victims and should not be blamed for their situation. They are entitled to protection under domestic and international law. Campaigns could utilize photos and visual media to emphasize that the state has an obligation to protect all trafficking victims, including refugees, economic migrants, and other non-citizens within state boundaries.

Anti-Trafficking coordinating offices will lead this effort. They can use targeted ads on social media as well as web platforms where commercial sex and pornography are negotiated online. They could also play posters with this specific messaging in red-light districts or areas where vulnerable populations live in higher concentrations. Celebrities, famous musicians, or social-media influencers may be interested in contributing to this element of the information campaign. The officers can also work around already-established global days and months of THB awareness, or women’s rights awareness, to make this point. International organizations who work on CTHB as well as gendered violence could lend stories to this effort, share information about best practices that have succeeded in reducing demand for trafficking victims via sex work.

Impact Evaluation

Increasing rates of THB prosecutions would be an ultimate goal and indication of success of nationalized hotlines.⁶¹ Intermediate outcomes such as the number of phone calls made to the hotline, the purposes of phone calls made to the hotline, the number of THB cases recorded via the hotline, and the number of instances in which a hotline tip leads investigators to perpetrators would also provide critical data for impact assessment. Data indicating low hotline usage may indicate ineffective messaging, while data indicating low rates of prosecution and few instances of law enforcement successfully investigating perpetrators may indicate ineffective coordination between hotline operators and law enforcement. Consistent impact analysis is needed to inform governments supporting potential hotlines, and NGOs running them, and those positioned to use them. Government Anti-Trafficking Coordinators offices are well-positioned to carry out impact evaluations. The OSCE or Council of Europe may also conduct this analysis.

VI. Conclusion

Implementing the interventions proposed above will require comprehensive research into the unique needs and capacities of each country. Priorities for further research include:

⁶¹ OSCE. *Report of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings: New Challenges and New Opportunities*. (2019).

- Examine and compare methodologies for training law enforcement and implementation
- Investigate grant allocations from international organizations and governments to NGOs for protection of victims and preventions by country
- Analyze post-trafficking victim support including initiatives to support victims' entrepreneurship and/or participation in formal workforce
- Assess the economic, political and social conditions unique to each country that could impact implementation; as well as the institutional capacity and the coordination practicality for international organizations potentially pursuing such programs.
- Examine international organizations' financial ties to the governments and economies in question and assess specific avenues of influence.

In sum, the implementation of these solutions depends on the willingness of national CTHB efforts to prioritize them in their national action plans on THB. Then, the support of international organizations would be essential for providing, vetting, and translating training materials; providing communications and media support for the development of information campaigns; vetting and distributing promotional materials (such as soldier cards); and providing diplomatic support at simulation-based trainings and regional CTHB conferences. Each of the states in the western Balkans share membership in multiple international organizations. While bilateral agreements or memoranda of understanding are often difficult to attain, international organizations are uniquely positioned to serve as communication fora for these nations to consider how they might benefit from standardization and implementation of CTHB best practices across the region. We hope that the international community might consider how to amplify this unique role to further continue the fight against THB in the western Balkans.

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Substantive Meetings and Interviews with Experts

Interview with Elizabeth Gerrior, Data Quality and Reports Manager at Polaris (March 19, 2020, 11:00 AM PST)

Interview with Emina Buzinkic, University of Minnesota, Instructor (March 4, 2020 9:45 AM PST).

Interview with Jelena Hrnjak, Atina, Programme Manager of Citizens' Association for Combating THB and All Forms of Gender-Based Violence (March 20, 2020, 9 AM CET)

Interview with Neli Rasovic, Advisor for International Cooperation and European Integration, Ministry of the Interior of Montenegro (March 27, 2020, 3PM CET)

Interview with Rachel Gasser, Adviser, Women, Peace and Security Office of the Secretary General, NATO (February 10, 2020, 7:45 AM)

Interview with Steven Hill, Former Legal Adviser and Director of the Office of Legal Affairs, NATO (March 3, 2020, 9:30 AM)

Interview with Mark Kavanaugh Sunethra Sathyan, *Head of Research, ECPAT International*

(February 9, 2020 10 AM)

Interview with Lynellyn Long, *former Chief of Mission, Bosnia, International Organization for Migration (IOM).*

(February 6, 2020, 9 AM PST)

Meeting with Katherine Jolluck, Senior Lecturer, Stanford Department of History (Feb 6, 2020, 2:30 PM)

Interview with Juliana Rexha, OSCE National Anti-Trafficking Officer in Albania. (May 19, 2020, 9:00 a.m.)

Interview with Boris Topic, National Anti-Trafficking Officers, OSCE Mission to Bosnia and Herzegovina. (May 4, 2020, 9:00 a.m.)

Appendices

Appendix A: Project Description

PROJECT 4: Human trafficking in the Balkans

Partner Organization: NATO Human Security Unit

Problem Background:

Over the past decade, human trafficking, especially for commercial sexual exploitation, has been one of the fastest growing areas of international organized criminal activity. The Balkan region of Europe—encompassing Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, North Macedonia, Moldova, Romania, Serbia, Kosovo, Slovenia, and Turkish territory in Europe—is a particular hotbed for trafficking. Several factors explain this phenomenon, including:

1. Balkan countries are the main source to meet the demand for THB for sexual exploitation in Western Europe.
2. Following the Yugoslav Wars, the presence of NATO and UN peacekeepers, expatriates, and humanitarian relief workers in the region resulted in an increased demand for commercial sex, boosting the development of international traffickers.
3. Porous borders in the European Union facilitate transnational trafficking.
4. The collapse of communism and transition to market economies resulted in huge job losses and increased poverty.

NATO recognizes human trafficking not only as a social and enforcement issue, but also as a security problem. Human trafficking poses a threat to NATO operations, and is a significant source of revenue for criminal organizations whose activities may destabilize legitimate governments and undermine the NATO mission. NATO has a zero tolerance policy on human trafficking, however this policy dates from 2004 and is out of date with current challenges and realities. NATO's Women, Peace, and Security Office seeks to develop a "Countering Human Trafficking in the Balkans Strategy", which will propose actions NATO can undertake to tackle this issue both independently and in collaboration with the UN and other international organizations.

Appendix B: Map of the Balkans



Source: Encyclopædia Britannica, Accessed March 29, 2020,
<https://www.britannica.com/place/Balkans#/media/1/50325/110370>