

Trafficking in Human Beings in South Eastern Europe

2004 - Focus on Prevention in:

Albania

Bosnia and Herzegovina

Bulgaria

Croatia

The former Yugoslav Republic of Macedonia

Moldova

Romania

Serbia and Montenegro

The UN Administered Province of Kosovo

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2004 - Focus on Prevention in: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Moldova, Romania, Serbia and Montenegro, and the UN Administered Province of Kosovo.

Report by Barbara Limanowska;

- United Nations Children's Fund;
- United Nations Office of the High Commissioner for Human Rights;
- Organization for Security and Cooperation in Europe/Office for Democratic Institutions and Human Rights.

This publication was published with the support from the United Nations Children's Fund (UNICEF), the United Nations Office of the High Commissioner for Human Rights (UNOHCHR) and the OSCE Office for Democratic Institutions and Human Rights (ODIHR), within the framework of the Stability Pact Task Force on Trafficking in Human Beings. The opinions expressed in this report are those of the author and do not necessary reflect the policy and views of UNICEF, UNOHCHR and OSCE/ODIHR.

Published by UNDP

Printed in March 2005

Print run: 2500

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ACKNOWLEDGEMENTS

This Report has been prepared with contributions and assistance from a large number of people and organisations. It could not have been prepared without the generous contributions of government agencies, non-governmental organisations, UN agencies, international organisations and other experts across South Eastern Europe. Funding was provided by **UNICEF**, **UNOHCHR** and **OSCE/ODIHR**, with the administrative assistance of **UNDP** in Bosnia and Herzegovina.

The report was researched and written by Barbara Limanowska UNICEF/UNOHCHR/OSCE-ODIHR consultant, with the assistance of Elizabeta Hopic, Project Assistant, and edited by Deborah McWhinney, UNICEF Sub-Regional Co-ordinator and Anne Hand, consultant editor.

The report aims to fill gaps in the previous reports by addressing the issue of prevention of trafficking in human beings, including awareness raising and re-integration processes in South Eastern Europe for 2003 up to April 2004. The author is aware, however, that it may not fully document all the activities and responses currently taking place across the region.

The author would like to thank the following people for their advice, comments and recommendations: Gabriele Reiter, OSCE/ODIHR Warsaw; Helga Konrad, Stability Pact Task Force on Trafficking in Human Beings, Vienna; Deborah McWhinney, UNICEF BiH; and Madeleine Rees, UNOHCHR Sarajevo.

Special thanks are due to the following persons who provided input and comments on the draft chapters:

Regional Overview:

Patrick Daru, ILO; Osnat Lubrani, UNIFEM; Helen Nilsson, IOM; Roger Plant, ILO; Teodora Suter, IOM; and Gerda Theuermann, ICMPD.

Albania:

Steven Ashby, Save the Children Alliance; Ledia Beci, OSCE; Diana Hiscock, ICMC; Matthias Kalusch, OSCE; Vera Lesko, Women's Hearth; Mirela Shuteriqi, Terre des Hommes; Vincent Tournecueillert, Terre des Hommes; and Dolor Tozaj, Prime Minister's Office.

Bosnia and Herzegovina:

Plony Boss, EUPM; Jasminka Dzumhur, UNOHCHR; Astrid Ganterer, OSCE; Fadila Hadzic, La Strada; Emir Nurkic, IFS; and Mara Radovanovic, Lara.

Bulgaria:

Antonia Balkanska, Ministry of Justice; Elena Kabakchieva, Health and Social Development Foundation; Plamen Petrov, Ministry of the Interior; Milena Stateva, Animus Association/La Strada; Genoveva Tischeva, Bulgarian Gender Research Foundation; and Rossanka Venelinova, Nadia Centre.

Croatia:

Martina Belic, B.a.b.e; Darko Gottlicher, National Co-ordinator; Djurdjica Kolarec,

Centre for Women War Victims (ROSA); Nera Komaric, Women's room; and Silvija Trgovac Greif, Office of the National Co-ordinator.

FYR Macedonia:

Alvaro Ballesteros, EUROPOL Proxima; Bridget Blagoevski-Trazoff, UNICEF; Carmela Buhler, OSCE; Jasmina Dimiskovska-Rajkovska, Open Gate/La Strada; Jasminka Friscic, ESE; Aleksandar Jovanovic, USAID; Vesna Kostovska, TEMIS; Biljana Lubarovska, OSCE; Monica Portillo, OSCE; Geraldine Ramos Bjallerstedt, OSCE; Elizabeta Ramova, OSCE; Kimberly Reczek, OSCE; Hubert Staberhofer, OSCE; and Verica Stamenkova Trajkova, For Happy Childhood.

Moldova:

Giovanna Barberis, UNICEF; Antonia Di Maio, ICS; Kirsten Di Martino, UNICEF; Eleonora Grosu, OSCE; Ana Palancean, La Strada; Mariana Petersel, Save the Children Moldova; and Liliana Sorrentino, OSCE.

Romania:

Gabriela Alexandrescu, Save the Children; Mady Buttu, Gavroche Centre; Adina Cruceru, Mol; Iana Matei, Reaching Out; and Voichita Pop, UNICEF.

Serbia and Montenegro:

Republic of Serbia

Marija Andjelkovic, ASTRA; Sandra Ljubinkovic, Anti Trafficking Centre; Vesna Nikolic, Victimology Society of Serbia; Stephanie Swartz, UNICEF; Madis Vainomaa, OSCE; Tamara Vukasovic, ASTRA; and Dusan Zlokas, Ministry of the Interior;

Republic of Montenegro:

Jamie Factor, OSCE; Aleksandar Mostrokol, MFA; Ljiljana Raicevic, Women's Safety House; Sanja Saranovic, UNICEF; Ana Stojovic Jankovic, Save the Children UK; and Ana Zec, CoE.

UN Administered Province of Kosovo:

Sevdie Ahmeti, CPWC; Jennifer Chase, OSCE; Monica Gutierrez, UNICEF; and Habit Hajredini, PSIG.

Produced by:

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Sarajevo,
Bosnia and Herzegovina

UNOHCHR

Sarajevo,
Bosnia and Herzegovina

OSCE/ODIHR

Warsaw,
Poland

ABBREVIATIONS AND ACRONYMS

ABA CEELI	American Bar Association Central and Eastern Europe Law Initiative
BiH	Bosnia and Herzegovina
CEDAW	Convention for the Elimination of all forms of Discrimination against Women
CEE	Central and Eastern Europe
CIDA	Canadian International Development Agency
CoE	Council of Europe
CRC	Convention on the Rights of the Child
DFID	British Department for International Development
EU/EC	European Union / European Commission
FYR Macedonia	Former Yugoslav Republic of Macedonia
HIV/AIDS	Human immunodeficiency virus/acquired immunodeficiency syndrome
ICITAP	International Criminal Investigative Training Assistance Programme
ICMC	International Catholic Migration Commission
ICMPD	International Centre for Migration Policy Development
IHRLG	International Human Rights Law Group
ILO	International Labour Organisation
ILO-IPEC	ILO International Programme on the Elimination of Child Labour
IOM	International Organisation for Migration
IREX	International Research and Exchanges Board
ISS	International Social Services
MOU	Memorandum of Understanding
NGO	Non-governmental organisation
NPA	National Plan of Action
ODIHR	OSCE Office for Democratic Institutions and Human Rights (see below)
OPDAT	Office of the Overseas Prosecutorial Development Assistance and Training
OSCE	Organisation for Security and Co-operation in Europe
OSCE/CPE	OSCE Crime Prevention Centre
OSCE/ODIHR	OSCE Office for Democratic Institutions and Human Rights
PRSP	Poverty Reduction Strategy Papers
SAP	Stabilisation and Accession Process
SCF	Save the Children Fund
SDC	Swiss Agency for Development and Co-operation
SECI	South Eastern Co-operative Initiative
SEE	South Eastern Europe
SIDA	Swedish International Development Agency
SP	Stability Pact
SPTF	Stability Pact Task Force for Trafficking
STI	Sexually transmitted infection

UMCOR	United Methodist Committee for Relief
UNAIDS	United Nations Joint Programme on HIV/AIDS
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNOHCHR	United Nations Office of the High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development

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Foreword

I am glad and gratified that the third report on the situation of human trafficking in South Eastern Europe and on the counter-measures taken is now before us and I should like to extend my special thanks to Barbara Limanowska and to the organisations that have made this report possible: UNICEF, UNHCHR and ODIHR.

Considering that traffickers and their accomplices are getting more and more brutal and, at the same time, more sophisticated in their methods and are constantly changing their modus operandi, it is of crucial importance to be able to follow developments over the years, in order to identify trends and to adjust and fine-tune the counter-measures.

The report is an extremely serviceable tool for all the actors engaged on the ground in combating trafficking in persons - governments, NGOs, as well as international organisations and agencies.

The report brings out in clear relief that the individual countries in South Eastern Europe and in the entire region are taking the problem of human trafficking very seriously – it has now been on their political agenda for several years. Actually there is evidence that the region has become somewhat less attractive to the traffickers and their accomplices.

It is now realised that effective action against human trafficking is going to require comprehensive and integrated approaches in the countries of origin, transit and destination. It is now realised that interventions must address root causes – we must understand demand as well as supply factors – raise awareness of the risks, develop adequate assistance and protection measures for the victims, monitor recruitment and transport systems and also monitor conditions in the destination countries.

Many good things have been and continue to be done to fight this serious crime and violation of human rights. Regional and national mechanisms and frameworks have been put in place throughout the region. We can look with a certain sense of satisfaction at the fact that almost all countries in South Eastern Europe have already ratified the UN Protocol on Trafficking in Persons.

Nevertheless, this is certainly not the moment for putting on the brakes. A lot of ground has been covered, but a lot remains to be done, and there is no good cause for those responsible on the spot to rest on their laurels, just as a marathon runner cannot celebrate finishing the first mile.

With the closing of the Stability Pact Task Force on Trafficking in Human Beings (SPTF), which I had the honour to chair for several years, a new era of regional ownership and leadership in addressing human trafficking in South Eastern Europe has started. This third report will equip the actors on the ground with the tools required to strengthen their collaborative capacity in furthering sustainable solutions in the fight against human trafficking.

Helga Konrad

OSCE Special Representative on Combating Trafficking in Human Beings

Executive Summary

This report provides an overview of activities focused on the prevention of trafficking in human beings in South Eastern Europe (SEE), and is designed to supplement the information and analysis in two earlier joint UNICEF, UNOHCHR and OSCE/ODIHR reports on trafficking in SEE published in 2002¹ and 2003.² The research was carried out in Albania, Bosnia and Herzegovina (BiH), Bulgaria, Croatia, the former Yugoslav Republic of Macedonia (FYR Macedonia), Moldova, Romania, Serbia and Montenegro, and the UN Administered Province of Kosovo between January 2004 and March 2004. The report aims to fill gaps in the previous reports by addressing the issue of prevention of trafficking in human beings, including awareness raising and re-integration processes.

The modalities of trafficking in the region are changing. It has been noted that there are fewer trafficked women returning to their countries of origin and fewer being assisted in the Western Balkan countries in recent years. An increasing number of victims are returning from EU countries. Women judged to be victims are also refusing the assistance being offered to them, not wishing to be returned to their original country. It is time for all involved in anti-trafficking measures to seriously examine the practices implemented to date in light of this new information.

Countries in SEE have begun to claim ownership of the issue of combating trafficking and develop their own strategies for it. Governmental structures established to engage in anti-trafficking activities now exist - NPAs, legal instruments and strategies. The development and implementation of anti-trafficking measures is, to some degree, based on international obligations and the NPAs. The governments of SEE countries have shown stronger political commitment to the issue of trafficking in human beings, although the development of these structures has not always translated directly into effective anti-trafficking measures. Most countries in the region have elaborated NPAs specifically to counter trafficking in children. While these NPAs generally have a better structure and are more comprehensive than the first NPAs for trafficking in human beings, the challenge of effective implementation remains.

Very few of the actors involved in anti-trafficking activities are addressing the root causes of trafficking in an empowering way. As in previous years, prevention is still being carried out through repressive programmes focused on preventing migration, prostitution and organised crime. There is no comprehensive long-term prevention strategy for the region, nor any clear understanding of what such a strategy should include.

¹ Barbara Limanowska, *Trafficking in Human Beings in South Eastern Europe. Current situation and responses to trafficking in human beings in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Federal Republic of Yugoslavia, the Former Yugoslav Republic of Macedonia, Moldova and Romania*. UNICEF, UNOHCHR and OSCE/ODIHR. Belgrade 2002. Reports can be found at www.seerights.org

² Barbara Limanowska, *Trafficking in Human Beings in South Eastern Europe. 2003 Updated on Situation and Responses to trafficking in Human Beings in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, The Former Yugoslav Republic of Macedonia, Moldova, Serbia and Montenegro, including the UN Administered Province of Kosovo, and Romania*. UNICEF, UNOHCHR, OSCE/ODIHR, Sarajevo, 2003. p.218

Executive Summary

Awareness raising activities also continue to be mainly ad hoc information campaigns implemented by many different organisations. Although their work is valuable, few campaigns are developed or implemented effectively. Almost none of the awareness raising campaigns carried out has been properly evaluated and the lessons that have been learned have not been shared. Therefore, an assessment of the approaches, strategies, materials and results is needed.

Effective re-integration programmes are rare. Despite assistance from international and local organisations, most returning victims of trafficking still have to face the same difficulties that caused them to be trafficked in the first place: poverty, discrimination, lack of education and few job prospects. In most cases, countries of origin cannot afford to address these issues.

The links between poverty reduction, development, gender equality and anti-trafficking programmes must be strengthened. Anti-trafficking responses continue to be repressive in nature and do not address the root causes of trafficking in human beings. The prevention of trafficking must be understood and analysed in a broader socio-economic context, as do the responses to it.

The change in the understanding of the problem and the broadening of the definition of trafficking to include other groups of victims (such as men trafficked for labour and internally trafficked women) necessitates the development of flexible programmes that can react quickly to these changes. Essential to the success of such programmes is the co-operation between institutions working on the issue of trafficking and those on development. Also, research on the impact of economic reform and development programmes on trafficking in the region and on the demand side of trafficking is needed.

The report concludes with the recommendation that prevention – that is, addressing the root causes of trafficking – should become the core of anti-trafficking strategies.

I. Introduction

1.1 Purpose of the report

The purpose of this report is to provide an overview of activities focused on the prevention of trafficking in human beings in South Eastern Europe (SEE). The report will update and expand upon the information and analysis contained in the joint UNICEF, UNOHCHR and OSCE/ODIHR reports published in July 2002 and December 2003³, which documented the trends and responses to human trafficking and focused on specific issues such as victim assistance and witness protection. The countries included in this report are Albania, Bosnia and Herzegovina (BiH), Bulgaria, Croatia, the former Yugoslav Republic of Macedonia (FYR Macedonia), Moldova, Romania, Serbia-Montenegro and the UN Administered Province of Kosovo. The assessment is based on information collected between January 2004 and March 2004⁴ directly from those institutions working on the issue of trafficking: governmental agencies; international organisations; and non-governmental organisations (NGOs).

1.2 Methodology

Research for this report was conducted in all countries listed above⁵. All organisations actively engaged in anti-trafficking work were approached and asked to provide information. Interviews were conducted with the representatives of almost all governmental, international and non-governmental organisations established to combat trafficking and those responding to the issue of prevention⁶. In several cases, joint meetings of organisations active in this field in particular countries were organised.

Additional information was obtained from documents available in all countries. National Plans of Action against Trafficking in Human Beings and against Child Trafficking⁷ were the main governmental documents describing the plans and obligations of the states to prevent trafficking. Reports on the implementation of the NPAs and reports by the organisations implementing anti-trafficking programmes were also referred to.

This year's report looks at three main areas of intervention: prevention programmes - understood as programmes that address the root causes of trafficking, safe migration and the demand for cheap, unprotected labour and sexual services; programmes to raise awareness - understood as programmes providing different

³ Barbara Limanowska, *Trafficking in Human Beings in South Eastern Europe. Current situation and responses to trafficking in human beings in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Federal Republic of Yugoslavia, the Former Yugoslav Republic of Macedonia, Moldova and Romania*. UNICEF, UNOHCHR and OSCE/ODIHR. Belgrade 2002. Reports can be found at www.seerights.org

⁴ Information from Romania was collected in May 2004. Any information obtained after May 2004 is reflected only in the footnotes.

⁵ The visit to Romania took place in May 2004.

⁶ The IOM offices in BiH, Bulgaria, Croatia and Moldova did not provide information for the report during the research phase.

⁷ The SPTF initiated a process in late 2003/early 2004 whereby member countries were encouraged to develop National Plans of Action against Child Trafficking and create working groups on child trafficking.

Introduction

population groups with information related to trafficking and safe migration, as well as empowering programmes designed to build life skills and expand opportunities for vulnerable groups; and re-integration programmes - those programmes offering long-term solutions for returned victims of trafficking and enable social inclusion in the country of origin.

While activities related to prevention, awareness raising and the re-integration of victims were the main focus of this year's research, other projects have also been described if they are related to these topics and/or if they provide additional information about the status of anti-trafficking activities in a particular country. This report, therefore, will present initiatives that go beyond traditional anti-trafficking prevention measures, to look at possible links between programmes on trafficking, gender, development, poverty reduction, and both child and minority rights.

1.2.1 “Repressive” versus “Empowering” Strategies

Several different approaches to anti-trafficking work are being used in the region. In the 2003 SEERIGHTs report, an emphasis was placed on the distinction between approaches that protect the interests of the state - prevention of migration and prevention of organised crime - as opposed to those that protect the interests of victims of human rights violations. For the purposes of this year's report, the distinction is between responses using “repressive” measures and those using an “empowering” approach.

The term “repressive strategies” relates to activities which focus on the suppression of negative (or perceived as negative) phenomena related to trafficking, such as illegal migration, labour migration, illegal and forced labour, prostitution, child labour or organised crime. Such strategies are designed to stop illegal or undesirable activities and are mainly enacted by law enforcement agencies that implement restrictive state policies and punish those who are found guilty of crimes related to trafficking. While fully legitimate and necessary for the purpose of protecting state security, the actions often run counter to the protection of victims of trafficking. Moreover, the actions against the state (illegal border crossing, smuggling, etc.) are often understood and presented as crimes so closely related to trafficking that these repressive strategies become referred to as anti-trafficking strategies⁸.

“Empowering strategies”, on the other hand, focus on enabling people, especially potential victims of trafficking, to protect themselves from trafficking by addressing the root causes of the crime. Such strategies might include measures to overcome poverty, addressing discrimination and marginalisation in the process of seeking employment and/or labour migration, as well as measures to

⁸ The confusion that often arises between the terms ‘trafficking’, ‘smuggling’ and ‘illegal migration’ was addressed in previous SEERIGHTs reports.

allow people to make informed decisions and choices that might help them to overcome problems and prevent trafficking. Activities may include:

- Supporting and empowering high risk groups;
- Providing educational activities for vulnerable young people to develop necessary life skills;
- Adjusting education to the needs of the labour market;
- Protecting the rights of migrant workers (including the distribution of information about safe/legal migration and supporting control over the process of migration by migrants);
- Obtaining quotas for migrant workers;
- Formalising informal sectors in the countries of destination;
- Addressing the issue of demand and providing information about labour laws in the countries of destination; and,
- Protecting, supporting and empowering victims of trafficking, including social inclusion and strengthening the protective environment for child victims of trafficking.

For a number of years, it has been more common for State agencies and some international organisations to use repressive strategies, rarely incorporating empowering strategies into their actions. For example, the main institution responsible for the development and co-ordination of anti-trafficking measures implemented within the framework of the National Plans of Action (NPAs) were the Ministries of Interior. Their main focus of attention was on the involvement of law enforcement agencies in anti-trafficking work and activities related to combating organised crime⁹. Therefore, the strategies used were, in the first place, of a legislative and prosecutorial nature, while long-term prevention and protection of the rights of the victims were seen as second, or distant, priorities.

Empowering strategies have tended to be used by human rights organisations and values-based NGOs, as well as a limited number of State agencies. Organisations that are using empowerment strategies to prevent trafficking have been advocating for governments to adopt a human rights approach and to actively engage in meaningful dialogue with civil society actors. They have been stressing the need for inter-Ministerial and inter-agency cooperation and have been trying to ensure presence of a human rights perspective in the law enforcement approach, as well as the inclusion of preventive measures into the NPAs. The experience of the NGOs showed that strategies focusing only on repressive measures are not victim-centred and often resulted in further victimisation of trafficked persons. In order for anti-trafficking strategies to be effective and to protect the victims, there has to be a general understanding and acceptance of the empowerment approach to preventing trafficking that is firmly based on human rights principals.

⁹ For the description of activities developed and implemented within NPAs, please see Annex III of this report

¹⁰ *National Programmes to Combat Trafficking in Human Beings (National Plans of Action) Background Paper*. Stability Pact for South Eastern Europe, Task Force on Trafficking in Human Beings, Vienna, 2001. pp.1-2. See also: *Guidelines for National Plans of Action to Combat Trafficking in Human Beings and National Programmes to Combat Trafficking in Human Beings (National Plans of Action) Background Paper*. Stability Pact for South Eastern Europe, Task Force on Trafficking in Human Beings, Vienna, 2001.

Introduction

1.3 Findings from previous SEERIGHTs reports

Although neither of the previous reports focused directly on prevention, several points were made in relation to prevention, awareness raising and re-integration.

Both reports referred to the Stability Pact Task Force for Trafficking in Human Beings' (SPTF) *National Programmes to Combat Trafficking in Human Beings (National Plans of Action) Background Paper*¹⁰ stating that prevention of trafficking includes those activities that address the root causes of trafficking. It was noted that the provisions in the National Plans of Action against Trafficking in Human Beings (NPAs¹¹) related to addressing and eradicating the root causes of trafficking in human beings were usually very general and not well elaborated. The first NPAs usually lacked timetables, budgets and a clear division of tasks and responsibilities, especially in relation to prevention activities. In order to achieve comprehensive and long-lasting results, it was recognised that anti-trafficking projects needed to address the vulnerability of high risk groups, especially women and children to trafficking, including violence, poverty, discrimination and the demand for the specialised services that victims of trafficking are forced to offer.

Previous reports also highlighted the fact that projects organised by international organisations aimed at the economic empowerment of women were usually components of broader economic development programmes rather than of anti-trafficking strategies. Until 2003, there was little exchange of information or co-operation between the institutions working on the issue of trafficking and the development agencies. Neither was there research or information available on the impact of economic reform and/or development programmes on trafficking in the region or on how these programmes might benefit potential or actual victims of trafficking.

In the past few years, there has been little evidence of any research or prevention measures focusing on the demand side of trafficking¹². Although the phenomenon of trafficking in SEE was clearly connected with the presence of the international community in the region, no formal assessment of the situation was ever made. There was a limited discussion about the link between the presence of peace keeping forces and trafficking and what kind of measures could be taken to prevent the involvement of the international community¹³. Similarly, there has not been much discussion about local demand for the services of women trafficked for sexual exploitation and no discussion at all about the demand for the labour of trafficked children and/or men within the region.

¹¹ In this context, 'NPA' refers specifically to National Plan(s) of Action against trafficking drafted by Stability Pact member countries according to SPTF guidelines. See Annex III for more information on the NPAs.

¹² In 2001, OSCE adopted *Anti-Trafficking Guidelines* and expanded its *Code of Conduct* with a provision that specifically targeted combating trafficking in human beings. This provision holds OSCE staff and secondees responsible for affiliations with persons suspected of being involved in trafficking. The *Anti-Trafficking Guidelines* and *Code of Conduct* are intended to ensure that all OSCE personnel, institutions and field operations recognise the problem of trafficking in human beings, and undertake appropriate action. The *Code of Conduct* for OSCE Mission Members is available on-line at: <http://www.osce.org/secretariat/gender/documents/code-conduct.pdf>

¹³ For the recent developments within NATO, based on their lessons learned and for the *NATO Policy on Combating Trafficking in Human Beings*, please see: <http://www.nato.int/issues/trafficking/index.html>
For the recent developments within the UN system, please see DPKO Best Practices web site: <http://bbpu.unlb.org/bbpu>

Both of the last 2 reports pointed to the fact that there was little information about the impact of the campaigns either to raise awareness among the general public, high-risk groups and/or potential victims. Very few awareness raising campaigns were properly evaluated and, if they were, few results were made known.

The involvement of governments in campaigns for prevention and awareness raising has been limited. Governments have tended to approve and, sometimes, to support NGO and IOM programmes, rather than defining their own initiatives. Long-term prevention initiatives including anti-discriminatory measures, job opportunities for women, legal migration projects targeting women, awareness raising and programmes targeting violence against women, were sometimes incorporated in the NPAs, but few of these initiatives have been implemented.

Previous reports also recognised the need for more information and educational campaigns on safe sex, safe drug use and HIV prevention for both sex workers and their clients.

In the area of re-integration, the reports stated that, although the only option for trafficked persons who sought assistance was to be returned to their country of origin, there were no long-term re-integration programmes upon return. Going back home usually meant that the women returned to the situation that had caused them to be trafficked in the first place. Professional skills training and job placements leading to economic independence, housing, educational opportunities and loan opportunities, were the exception rather than the rule. The lack of options for trafficked women upon return forced a considerable number of them to re-enter the trafficking cycle.

Finally, at the end of 2003, there were no concrete plans to provide trafficked persons with alternatives, such as the right to apply for asylum or access to welfare. Most of the issues discussed above implied a certain amount of financial commitment, which SEE governments have not been willing or able to make¹⁴.

1.4 Conclusion

As will be described in Chapter 2, the Stability Pact Task Force on Trafficking in Human Beings developed a framework for prevention activities. This framework provided a comprehensive definition of prevention – one that emphasised the need to address the root causes of trafficking in human beings. Chapter 3 examines the various approaches used in the region in the area of prevention, awareness raising and re-integration and offers an analysis of the strengths and weaknesses of these approaches. Chapter 4 details the trends in trafficking since 2003 and suggests that new strategies are needed to respond to a changed context of trafficking in South eastern Europe. Challenges faced by governments and international/local organisations trying to do prevention work are discussed in Chapter 5 and the need to link social development policies and programmes

¹⁴ As of the date of publication of this report, it remains to be seen whether or not the Council of Europe's new *European Convention against Trafficking in Human Beings* will oblige signatories to offer increased assistance upon return to their country of origin.

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with human rights-based approaches to preventing trafficking are presented in Chapter 6. Finally, recommendations for improved prevention, awareness raising and re-integration approaches and programmes are made in Chapter 7.

The two Annexes include analyses of the National Plans of Action, as well as summaries of the status of trafficking and assistance to victims, in each of the countries included in this report.