

Programme against Corruption and Organised Crime in South-eastern Europe (PACO)

Project PACO Networking

## TRAFFICKING IN HUMAN BEINGS AND CORRUPTION

Report on the regional seminar

Portoroz, Slovenia (19 - 22 June 2002)



TP 28 rev

## Contents

|          |   |           |
|----------|---|-----------|
| <b>1</b> | <b>INTRODUCTION.....</b>  | <b>3</b>  |
| <b>2</b> | <b>TRAFFICKING IN HUMAN BEINGS AND CORRUPTION: THE ISSUE.....</b> | <b>5</b>  |
| 2.1      | Trafficking in human beings.....                                  | 5         |
| 2.2      | Trafficking and corruption: links.....                            | 7         |
| 2.3      | Trafficking and corruption in South-eastern Europe.....           | 9         |
| 2.4      | Case study: Nora.....   | 11        |
| <b>3</b> | <b>MEASURES PROPOSED.....</b>                                     | <b>13</b> |
| 3.1      | Enhancing cooperation.....  | 13        |
| 3.2      | Anti-corruption measures.....                                     | 18        |
| <b>4</b> | <b>COUNTRY REPORTS.....</b>                                       | <b>20</b> |
| 4.1      | Albania.....  | 20        |
| 4.2      | Bosnia and Herzegovina.....                                       | 26        |
| 4.3      | Bulgaria.....   | 30        |
| 4.4      | Croatia.....  | 39        |
| 4.5      | Hungary.....  | 43        |
| 4.6      | Moldova.....  | 48        |
| 4.7      | Romania.....  | 53        |
| 4.8      | Slovenia.....   | 57        |
| 4.9      | "The former Yugoslav Republic of Macedonia".....                  | 61        |
| 4.10     | The Federal Republic of Yugoslavia.....                           | 65        |
| <b>5</b> | <b>APPENDIX.....</b>  | <b>74</b> |
| 5.1      | Regional seminar (Portoroz 19 – 22 June 2002): Programme.....     | 74        |
| 5.2      | List of participants.....   | 78        |

For any additional information please contact:

Council of Europe  
 Economic Crime Division  
 Directorate General I – Legal Affairs  
 67075 Strasbourg CEDEX, France

Tel +33-3-9021-4506  
 Fax +33-3-8841-2052  
 e-mail alexander.seger@coe.int  
 paco@coe.int  
 www.coe.int/economiccrime

**The views expressed in this technical report do not necessarily reflect official positions of the Council of Europe**

# 1 INTRODUCTION

In 2001 the Council of Europe launched the “PACO Networking” project as an activity under the PACO Programme against Corruption and Organised Crime in South-eastern Europe. In the course of two regional seminars, contact points and officials responsible for mutual legal assistance from ten countries of South-eastern Europe initiated networking among themselves, and identified measures to make cooperation more efficient:

- Expanding direct contacts between judicial and investigative authorities of different countries
- Establishment of an informal network of contact points and arranging opportunities for experience exchange among them
- Preparation of a cooperation manual for countries of South-eastern Europe
- Training of judges, prosecutors, law enforcement and other officials involved in mutual legal assistance.

In order ensure the implementation of these recommendations, countries requested the continuation of the PACO Networking project in 2002<sup>1</sup>. Activities foreseen include the organisation of regional seminars to address specific problems of cooperation and to finalise a cooperation manual for the countries of the region.

Among the problems South-eastern Europe is faced with, the trafficking in human beings is receiving particular attention. Trafficking is both an issue of human rights violations and of organised crime. It requires efficient cooperation within countries and across borders at all levels:

- among police and criminal justice agencies
- between organisations protecting and supporting victims of trafficking, many of which are civil society organisations
- between these anti-trafficking organisations and the law enforcement and criminal justice system.

In practice – and although there are exceptions – such cooperation proves to be difficult. The reasons are manifold, including lack of know-how and personal contacts. However, the single most important factor preventing cooperation appears to be the lack of mutual trust and confidence. This in turn is directly related to the question of corruption. Actual corruption or the perception of corruption among law enforcement and other criminal justice institutions is considered a major obstacle preventing cooperation and thus effective measures against trafficking in human beings.

A regional seminar was therefore organised within the PACO Networking project aimed at the following results:

1. The drafting of the manual on judicial cooperation against corruption and organised crime
2. The preparation of Recommendations to improve cooperation against trafficking in human beings between criminal justice authorities and anti-trafficking organisations
3. The elaboration of proposals to address the specific problem of corruption in connection with trafficking in human beings.

The seminar was held from 19 to 22 June 2002 in Portoroz, Slovenia. It was jointly organised by the Council of Europe and the Office of the Government of the Republic of Slovenia for the Prevention of Corruption. The Slovenian anti-trafficking NGO “KLJUC” actively participated in the implementation of this event.<sup>2</sup>

---

<sup>1</sup> The activities organised within the PACO Networking project in 2002, including the seminar in Portoroz, were mainly funded by a contribution from Switzerland.

<sup>2</sup> Kljuc in addition organised a side-event to promote networking among anti-trafficking NGOs in South-eastern Europe.

The Slovenian Ministry of Justice, the Office of the Prosecutor General, the Supreme Court, the Ministry of the Interior and the Police also contributed to it.

The seminar brought together more than one hundred judicial and law enforcement officials and representatives of NGOs dealing with anti-trafficking and anti-corruption issues from ten South-eastern European countries, as well as experts of the Council of Europe<sup>3</sup> and representatives of other institutions and international organisations.<sup>4</sup>

The seminar was divided into two main parts:

- On the first day of the seminar, the draft cooperation manual was finalised by contact points for judicial cooperation, that is officials mainly from the Ministries of Justice and the Prosecution Service. The manual is intended to be a practical tool for those involved in judicial cooperation.
- On the second, third and fourth day of the seminar, all other participants joined in on the question of trafficking in human beings and related problems of judicial cooperation and corruption.

While the cooperation manual will be published as a separate document and will be made available on the internet, the present report will focus on the question of judicial cooperation against trafficking in human beings and corruption. It summarises the discussions and the information received before and during the seminar as well as the recommendations prepared by participants.

---

<sup>3</sup> Ms. Patsy Sörensen (EU Parliament), Mr. Paul Holmes (United Kingdom), Mr. Drago Kos (Slovenia), Mr. Achim Thiel (Germany), Mr. Jan Hendrik Meulmeester (Netherlands).

<sup>4</sup> Including Ms. Irena Vojackova-Sollorano (International Organisation for Migration) representing the Stability Pact Task Force on Trafficking in Human Beings. In addition, the International Crisis Group, the OSCE, Transparency International, UNCHR and Transcrime (Trento) were represented.

## 2 TRAFFICKING IN HUMAN BEINGS AND CORRUPTION: THE ISSUE

### 2.1 Trafficking in human beings

According to Article 3 (a) of the Trafficking Protocol to the Palermo Convention<sup>5</sup>:

“Trafficking in persons shall mean the 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 labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.

In contrast to the concept of smuggling of migrants with its focus on illegal border crossings, trafficking in human beings is about the violation of the rights of the individual through exploitation. Thus, the focus should be on the prevention of trafficking, the protection of the victims and their human rights, and on the punishment of the traffickers and their associates.

While the distinction between smuggling and trafficking is less clear on the ground, and while its practical application may pose difficulties, the provisions of the Trafficking Protocol constitute an important platform for policies and measures against trafficking to which a large number of countries have signed up to.

The concept of trafficking in human beings implies a strong role of criminal organisations<sup>6</sup>, in that it includes the threat or use of force, coercion, fraud, deception or other means, in that trafficking includes several distinct but interrelated acts, and in that the exploitation is not a one-time event but is carried out over a certain period of time.<sup>7</sup>

According to a recent report on trafficking in human beings in South-eastern Europe<sup>8</sup>, trafficking in this region involves primarily women and girls for sexual exploitation. To some extent young children are trafficked for forced labour and begging. In addition, there is anecdotal information about traffic in organs.

Reliable data on trafficking is not available, but several tens of thousand of women and girls are victims of trafficking for the purpose of sexual exploitation, with countries of South-eastern Europe being places of origin, transit and destination at the same time. According to this report, “ninety percent of foreign migrant

---

<sup>5</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by resolution [A/RES/55/25](#) of 15 November 2000 at the fifty-fifth session of the General Assembly of the United Nations. The Trafficking protocol is not yet in force.

<sup>6</sup> “‘Organised crime group’ shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes, in order to obtain, directly or indirectly, a financial or material benefit” (Council of Europe Recommendation Rec(2001)11 on guiding principles on the fight against organised crime adopted by the Committee of Ministers on 19 September 2001. This definition is similar to the one of Article 2 (a) of the Palermo Convention).

<sup>7</sup>See also International Centre for Migration Policy Development 1999: *The Relationship between Organised Crime and Trafficking in Aliens* (Study prepared by the Secretariat of the Budapest Group), Vienna.

<sup>8</sup>UNICEF/UNHCHR/OSCE-ODIHR 2002: *Current Situation and Responses to Trafficking in Human Beings in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Federal Republic of Yugoslavia, “The former Yugoslav Republic of Macedonia”, Moldova, Romania.*

sex workers in the Balkan countries are victims of trafficking”. However, only one third are recognised as such.

Social, economic and political conditions combined with restrictive migration regimes, discrimination against women, lack of information, and the demand for sexual services – in some countries created by the large international presence – make women and girls vulnerable to trafficking. This situation is exploited by traffickers who organise internal trafficking to local prostitution markets, trafficking within the region as well as trafficking to western European countries and other regions.

The high demand for sexual services on the one hand, and weak law enforcement and criminal justice capacities – often compounded by corruption – on the other, make trafficking in human beings in South-eastern Europe a high profit/low risk enterprise for criminal organisations. The decreasing possibilities for migrants to enter the European Union legally, increases their reliance on smuggling organisations and thus their risk of being trafficked and exploited by traffickers.

Participants in the Portoroz seminar recognised that enhanced cooperation between criminal justice institutions, law enforcement agencies and anti-trafficking organisations would make a difference in the prevention and control of trafficking in human beings. They identified a number of problems in this respect but also opportunities and examples of successful cooperation.

## 2.2 Trafficking and corruption: links

Corruption is generally described as the misuse of a public or private position for private benefit. Perhaps the broadest approach to corruption has been defined by the Council of Europe, as reflected in the Criminal Law Convention on Corruption (ETS n° 173). Accordingly, corruption comprises active and passive bribery – involving not just pecuniary benefits, but accepting any undue advantage, and not only in the public but also in the private sector –, trading in influence, breach of trust and certain accounting offences.

Reports suggest that in many countries anti-trafficking efforts are undermined by corruption. It is furthermore assumed that the impact of corruption on trafficking in human beings is compounded by the involvement of organised crime groups. However, systematic analyses and specific proposals for anti-corruption measures within the framework of trafficking in human beings are not available.

For the purposes of the discussion in Portoroz, the issue was divided into three areas<sup>9</sup>:

- **Opportunities for corruption in the trafficking chain**

The trafficking chain may range from the recruitment or acquisition of the victims, to the provision of documentation (identity papers, visas, permits), the transportation within countries or across borders, the continued control and exploitation of the victims, and the laundering of the proceeds.

Corrupt relations may involve police, customs officers, visa officers or embassy staff, border control, immigration services, local officials, intelligence and security services, armed forces (national or international), the private sector (travel agencies, airlines, transportation sector, financial institutions, banks) and persons, groups, parties with “influence”.

Their acts may range from passivity (ignoring or tolerating trafficking), or actively participating in or even organising trafficking in human beings, that is, from a violation of duties, to corruption or organised crime.

- **Opportunities for corruption in the criminal justice chain**

The criminal justice chain ranges from the drafting and adoption of legislation, to crime prevention measures, preliminary investigations and investigations into specific offences, the search and seizure of proceeds, prosecution, trial and verdict, confiscation of proceeds, and enforcement of sanctions.

Corrupt relations may involve the same as above as well as parliamentarians and government officials, investigators, criminal police, prosecutors and judges. Persons, groups and parties with influence may play a particular role.

Acts pointing to corruption or organised crime, or at least to a violation of duties, may range from passivity (ignoring, tolerating, avoiding action) to an active obstruction of investigations, prosecution and judicial proceedings, the revealing and selling of information, and the perverting of the course of justice.

- **Opportunities for corruption in the protection and support to victims**

Corruption and organised crime may also be present among NGOs, other civil society organisations and public social service institutions providing support, protection and shelter to victims.

---

<sup>9</sup> See presentation by Alexander Seger at the Portoroz seminar.

This may include passivity or “trade offs” (passivity in order not to compromise access to victims or cooperation with official institutions), revealing or selling information on victims, betraying victims, or that an organisation is infiltrated by traffickers.

It is important to underline that these are areas presenting opportunities for corruption, but not necessarily that corruption is prevalent among all the institutions mentioned, or that these are specific to South-eastern Europe. Often, passivity may not be due to corruption or organised crime, but simply due to a lack of awareness, skills and capacities or to the fact that taking measures against trafficking in human beings is not a priority.

Some additional hypotheses can be formulated on the relationship between corruption and trafficking in human beings:

- Unless trafficking in human beings is tolerated as a matter of policy or is not criminalised, organised trafficking requires systemic corruption, that is, the establishment of corrupt relationships and networks, as well as high level corruption.
- Corruption is central to the success of traffickers who are therefore ready to make the necessary investments. Data suggest that corruption is one of the most important cost factors for traffickers.
- Bribes and other advantages do not fully remain with the immediate recipient official but flow up the command chain to senior officials and decision makers.
- States with a high level of corruption are States with low standards and efforts against trafficking. States with low levels of corruption are also States with higher standards and stronger efforts against trafficking.<sup>10</sup>
- Corruption within the context of trafficking has an immediate impact on human rights.

---

<sup>10</sup> According to a paper by Corbin Lyday (The Shadow Market in Human Beings: an anti-corruption perspective) who correlates data by Transparency International with data of the US State Department 2001 report on trafficking in persons.



## 2.3 Trafficking and corruption in South-eastern Europe

Corruption is considered to be a threat to democracy, the rule of law and social and economic progress in South-eastern Europe. Countries have therefore signed and ratified relevant European conventions and adapted their national legislation and created specialised institutions accordingly. All countries – with the exception of the Federal Republic of Yugoslavia – have joined the anti-corruption monitoring mechanism of the Council of Europe, GRECO, and they all participate in technical cooperation programmes to exchange experience and strengthen their anti-corruption capacities. They also participate in the Stability Pact Anti-corruption Initiative (SPAI) which included, among other things, an assessment of the measures taken so far and priorities for reform.<sup>11</sup>

The Portoroz seminar revealed a great reluctance to discuss the specific issue of corruption within the context of trafficking. This stands in contrast to the efforts underway in countries of South-eastern Europe to prevent and control corruption and the open attitude of governments of the region to cooperate in this field with the international community but also with civil society.

In the course of the Portoroz seminar, representatives of anti-trafficking organisations declared that some of them had been under pressure by government officials not to provide information on corruption problems.<sup>12</sup>

Information<sup>13</sup> suggests the following:

- Corruption problems related to trafficking in human beings have been reported from almost all countries of South-eastern Europe, and there is a general belief that trafficking cannot take place without the involvement of corrupt officials;
- While there is a perception of wide-spread corruption in relation to trafficking and while there are reports on specific corruption cases, there are very few reports on investigations into corruption offences related to trafficking, and virtually no reports on cases going to court and leading to convictions;
- Law enforcement and criminal justice authorities are reported to remain passive and refrain from taking action. Prosecutors often seem to be completely unaware of corruption within the context of

---

<sup>11</sup> See SPAI 2001: Anti-corruption measures in South-eastern Europe – country reviews and priorities for reform (published by the Council of Europe), Strasbourg; and SPAI 2002: Anti-corruption measures in South-eastern Europe – Civil society's involvement (published by the OECD), Paris.

<sup>12</sup> "NGO Statement for the Conference

Representatives of NGOs that participated in the Regional PACO conference from 19 – 22<sup>nd</sup> June would like to inform the Council of Europe as an organizer of the conference, about concerns that occurred during this seminar.

Some of the NGOs have experienced the feeling of discomfort and pressure. Some of the NGOs were exposed to direct warnings by the government representatives of the countries before and during the conference. They have been instructed how to report on the situation considering the topics of trafficking and especially corruption.

There is a notion that some of the NGOs avoided to speak openly about corruption cases facing the representatives of the governmental bodies.

One would believe that the reason for such behaviour is the fear to confront the same governmental representatives who they have to cooperate with back in their home countries on the counter trafficking activities.

We feel a great need to make you aware of the position of some NGO representatives during the conference that may have impacted on the final results of the conference.

Thank you for your attention!

The NGO participants!"

<sup>13</sup> Information based on hear-say, on perception, on specific cases and on well-documented cases.

trafficking. Courts are perceived to have been bribed to release pimps and traffickers. The inconsistent enforcement of laws and regulations against traffickers and sexual exploitation is believed to be due to corruption;

- The problem is reported to be particularly widespread among the police:
  - Police departments in charge of registering foreign citizens are believed to accept sometimes bribes to issue work and residence permits for foreign “dancers”;
  - Local police as well as political authorities may provide protection to pubs and bars in exchange for money or sexual services. Police officers may earn a second salary as security guards in clubs and bars. Police officers may inform bar owners before raids;
  - Police may collaborate with pimps to put victims who have been arrested or are under protection back on the streets so that they can be re-trafficked or are prevented from giving testimony;
  - Police officers may provide help to traffickers in the course of investigations, for example, by deporting victims before giving testimony;
  - Victims which return home are sometimes re-trafficked immediately with the help of corrupt law enforcement officers or on the basis of information provided to traffickers by officers. There are reports on police re-trafficking victims themselves after their liberation;
- Corruption at border crossings may lead to the provision of entry visas and residence and work permits, or entry without control of travel documents;
- Corrupt officials may issue identity documents as well as visas. This sometimes also involves corrupt staff of 'western' embassies;
- International police and armed forces may be not only customers, but there are cases where they are allegedly involved in trafficking and sexual exploitation. Immunity prevents their prosecution;
- Corruption also involves the private sector, in particular travel agencies;
- Some politicians may have links with members of criminal organisations and traffickers;
- NGO activities may be threatened by criminal organisations. People working for anti-trafficking organisations are often unwilling to report corruption because they put themselves or their organisation at risk;
- Victims of trafficking may report corruption cases to anti-trafficking organisations, but are unwilling to testify before judicial authorities, because they may incriminate themselves.

Generalisations on the basis of this sketchy picture should be avoided: not all law enforcement and criminal justice officials are corrupt and not all politicians and important persons exercise their influence in order to protect traffickers. Moreover, the situation differs between countries and between and within different institutions. However, it cannot be denied that there is a significant problem, which requires counter-measures.

## 2.4 Case study: Nora

In order to illustrate the issues and facilitate discussions in working groups, the case study "Nora" was presented at the seminar.<sup>14</sup> It is based on an actual case involving several countries of South-eastern Europe.

### **Nora's arrival in Slovenia**

On 20 August 2001, a family from eastern Europe was apprehended while attempting to illegally enter Slovenia. The family consisted of the parents, one son and one daughter called Nora. They applied for asylum. Pending decision on this application, the family was allowed to remain in Slovenia and to take up residence in Ljubljana.

During their stay, Nora became friend with a young man from country M who introduced himself as Borce. A serious relationship developed. Borce gave no information about himself except that he had been charged with facilitating illegal border crossings.

Nora's mother was against this relationship, in particular when Borce began to beat Nora. On 15 December 2001, Nora went to Borce's place to break up with him and to collect her belongings. However, she did not return nor did she answer her mobile phone. Neither Nora nor Borce were to be found at the address given. Nora's mother went to the nearest police station to report the disappearance of her daughter. However, the police officer refused to register the case, arguing that Nora was of full age and therefore free to do as she pleased.

### **Nora in country A**

One week later, Nora called her mother by phone from country A. She told her that Borce had promised to marry her, but wanted to do this at his home in country M. Borce had arranged a forged Slovenian passport for her and told her they would travel from Slovenia to country A first because there was no direct flight to country M. On arrival in country A, he took her mobile phone saying that it did not work there anyway. They stayed in a small flat belonging to one of his friends. Nora told her mother that she had to stay up late every night in the company of Borce and lots of other men. She complained that she had been the target of crass remarks as well as attempts by Borce's friends to touch her. When she told Borce about it, he beat her up saying that he would not have her insult his friends and forbade her to leave the house for a few days. When she was alone in the flat she used the opportunity to make a phone call, but she was still sure that Borce was going to marry her.

Her mother again turned to the Slovenian police for help, but they told her that there was nothing they could do since they had no contacts with the police of country A. They refused to check who Borce really was.

When Nora called again two days later, she gave her mother the telephone number of the flat where she was calling from and which she had not been allowed to leave for ten days. She said that she did not believe anymore that Borce was going to marry her and asked her mother to help her return to Ljubljana. She also told her that she had wanted to leave the flat and country A but that Borce prevented her from doing so saying that she belonged to him and taking away all her documents.

After this phone call, Nora's mother contacted KLJUC, a Slovenian anti-trafficking NGO, for help. KLJUC contacted a similar NGO in country A, which a week later provided the address Nora was staying at. The NGO of country A first tried to contact the police which refused to cooperate, and then the prosecution which refused to take on the case formally but ordered the police to carry out some checks.

---

<sup>14</sup> Presentation by Mr. Drago Kos.

### **Nora in country M**

A week later, Nora called her mother again and told her that she was in country M. One day after their previous conversation, Borce had brutally forced her into having sex with two of his friends in return for money, which he took. Since then she had to prostitute herself in 'their' flat every night. When one of Borce's friends told him that the police was inquiring about him, they crossed the border illegally and moved to a house in a small village in country M. From there Nora managed to make the phone call.

Nora's mother informed KLJUC immediately. KLJUC, on the basis of personal connections, succeeded in getting the Slovenian police involved. The report of Nora's mother was now formally accepted and procedures initiated.

KLJUC also tried to contact an NGO in country M but failed to do so. However, again through personal connections, they activated the police in M.

During her next call, Nora gave her mother the address of the house where she again had to prostitute herself. This information passed through KLJUC to the Slovenian police who informed their colleagues in M. When the police of country M arrived at the house, it had been deserted.

During the following call, Nora said the Borce had been warned by a police officer who she was able to describe. Borce had given the officer a large sum of money. He had beaten her up again and she moved to a new location, where the number of customers she was forced to have sex with had increased. Nora gave the new address to her mother.

To prevent another failure, KLJUC gave the information directly to a friend in the police of country M, who in the meantime had also identified the officer who had warned Borce previously. A specially selected team decided to liberate Nora by forcing entry in the building and secured all the necessary permits from the justice system. However, since the village was not easily accessible and very homogeneous, the plan proved difficult to carry out. Therefore, KLJUC agreed with Nora that she would try to arrange a car journey out of the village and inform her mother in time. Her mother passed the information to KLJUC. When the car with Nora, Borce and his two armed accomplices left the village, the police ambushed the car, arrested the men and liberated Nora.

Nora had to spend two days in intensive care. The police in M, with the help of their colleagues from country A and Slovenian officials established Borce's true identity. It turned out that he was a citizen of M for whom Slovenia had long ago issued an arrest warrant for violent behaviour.

The investigative judge in country M would not interrogate Nora before he had all the necessary information from Slovenia and country A. The question arose as to where Nora would stay pending procedures. The NGO of M helped by letting her stay in the home of one of their members. Nora did not receive any special protection. For reasons of nationality, country M refused to extradite Borce. Nora was interrogated by the investigative judge and returned to Slovenia in March 2002.

In April 2002, Borce called and told her that he had been released from pre-trial custody and that he was coming to get her....

## 3 MEASURES PROPOSED

### 3.1 Enhancing cooperation

If the law enforcement response to trafficking inhuman beings must indeed reflect the structure of the crime<sup>15</sup>, then cooperation at all levels is of paramount importance. In general terms, this involves:

- Cooperation between different criminal justice agencies within jurisdictions, in particular between prosecution and the police, in reactive investigations (including the arrest of traffickers, the tracing and rescue of victims, securing evidence, witness statements from victims, investigations to corroborate such statements, financial investigations and search and seizure of proceeds) as well as pro-active investigations (including undercover operations, surveillance and other special investigative means, intelligence gathering and crime analysis, and financial investigations).
- Cooperation between criminal justice agencies across borders. It has been recognised that mutual legal assistance in criminal matters must be made more efficient. Proposals in this respect include the expansion of direct contacts between the authorities of different countries, the creation of contact points and judicial networks (using the example of the European Judicial Network), the publication of guidelines for cooperation (such as the cooperation manual developed under the PACO Networking project)<sup>16</sup>. The opportunities offered by European and other international instruments should be fully exploited.<sup>17</sup>
- Cooperation between criminal justice agencies on the one hand and anti-trafficking organisations on the other. Victims of trafficking are more likely to address themselves to (often non-governmental) organisations offering support than to law enforcement agencies. These organisations may become important intermediaries between victims and the criminal justice system. As this implies some intricate legal questions, in some countries the cooperation between organisations supporting victims and law enforcement/criminal justice institutions has been put on a legal basis, and cooperation agreements have been concluded.<sup>18</sup>
- Cooperation of victims with the criminal justice system. Personal security is a major consideration for victims when deciding about cooperation with the criminal justice system. Shelters and other specialised non-governmental organisations may be able to provide some protection. Further protection should be provided through the criminal justice system. This may range from procedural measures (for example, giving testimonies by audio-/video-conferencing) to long-term witness protection programmes including relocation and change of identity.

Another tool to encourage cooperation between victims and authorities currently under discussion within the European Union is the issuing of short-term residence permits.<sup>19</sup> According to this proposal, victims are made aware of the existence of the permit and are then granted a 30-day reflection period to decide whether they want to cooperate with the criminal justice system. If the presence of the victim is useful for the investigation and prosecution, if the victim is ready to

---

<sup>15</sup> As pointed out by Paul Holmes in a presentation during the Portoroz seminar.

<sup>16</sup> See also the recommendations made within the PACO Networking project in 2001 (Council of Europe/PACO Programme 2002: Judicial Networking against Corruption and Organised Crime. Final project report 2001. PACO TP 20).

<sup>17</sup> See in particular the 2<sup>nd</sup> Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (ETS n° 182).

<sup>18</sup> See the example of Belgium (presented at the Portoroz seminar by Patsy Sørensen) where five shelters have been accredited on the basis of the provisions of Royal Decree of 16 June 1995.

<sup>19</sup> Presentation by Patsy Sørensen at the Portoroz seminar.

cooperate, and if the victim breaks all contact to the suspected criminal a resident permit can be granted for six months. If legal proceedings last longer the permit can be extended.

With regard to South-eastern Europe, participants in the Portoroz seminar identified a range of measures to make cooperation against trafficking in human beings more efficient:<sup>20</sup>

- **Establishment and enhancement of witness/victim protection programme**

As more victims in the shelters indicate their willingness to become witnesses, the level of risk to the victims, shelter personnel and non-governmental organisation staff will inevitably increase. Therefore, it is vital that increased witness protection regimes are considered, resourced and implemented.

This should include a full risk assessment process on each case to ascertain the level of risk posed. There is a need to prioritise cases for protection on the basis of risk.

In cases of extreme risk, consideration should be given to the re-location of the victim to a neutral third country where arrangements can be made for her to testify via a video link.

Protocols should be drawn up between the NGOs and the law enforcement agencies to ensure that each side is aware of who is responsible for providing which measures of protection. There is already a German model protocol to guide this process.

Consideration should be given to the creation of a category of grave crime for the most serious trafficking cases whereby such cases would be tried only in special Courts designed for the purpose. This follows the Italian Special Anti-Mafia initiative. The court building would be located next to a high security prison to reduce security problems and the prosecutors and judges would be specially selected and trained to deal with such cases.

- **Non-Governmental organisations and law enforcement cooperation**

- Exchange Protocols

Formal protocols should be designed and agreed between the NGOs and law enforcement agencies to regulate their relationship. It is vital that both sides understand and acknowledge the pressures and responsibilities on each other.

The protocol should cover the following issues:

Cooperation at the shelter level – this would include the management of interviews with victims and whether police would attend the shelter or interview the victims at a separate venue. This should be a matter of negotiation on a country-by-country basis.

The victim must be given a written copy of all the procedural requirements involved in his/her decision as to whether to give evidence. The contents should be fully explained to him/her by an independent counsellor from the shelter staff. He/She must have been given this form and briefing prior to making any decision to cooperate with the police.

Agreement should be reached between the NGOs and the police on the exchange of thematic intelligence between them. Both sides need this information and it must be shared. To control the process, it must be agreed that non-personal data will be divulged concerning the victim without

---

<sup>20</sup> The following points are results of the workshop and brain-storming sessions during the seminar.

his/her prior written agreement. The data protection rights of a victim should not be violated just because he/she is a trafficking victim.

- Training issues

There are security risks attached to intelligence exchange. It is critical that designated NGO and police staff receive coordinated training on the evaluation and dissemination of intelligence so as to prevent disclosure risks to cooperating victims and their families.

The two sides should cooperate in the preparation of structured interview formats for the intelligence de-brief interviews of victims, whether they are interviewed by police following return as repatriated or whether they are in the shelters.

- Specialised shelters

Specialised shelters should be established. Trafficking is a complex phenomenon and the treatment of the victims is particularly difficult and requires highly specialised responses. Victims should therefore be accommodated in specialised centres specifically designed for victims of trafficking, offering regimes tailored to their needs and staffed by persons trained in dealing with such issues, and not be mixed with victims of domestic violence for example.

- Accreditation procedure for NGOs

Consideration should be given to the establishment of an accreditation process for NGOs so that security risks can be detected and confronted. There are two reasons for this suggestion: it is important to ensure that NGOs have the professional capacity to deliver health and counselling and provide security for the victims. Secondly, it is important to be sure that new NGOs are not a security risk in themselves. There are intelligence indicators to suggest that traffickers are actively trying to infiltrate NGOs and an accreditation system where the NGO and the staff would be fully vetted and accredited should be put in place.

However, it is important that the body conducting the accreditation is an independent body and not solely within the power of the government machine. It should have independent partners such as representatives of an inter-governmental organisations and an established and credible NGO already operating in the field (although existing NGOs should undergo the same process). The process must be transparent.

- International contact directory for NGOs

There is an urgent need to create an international network of NGOs along the same lines as already exists with Europol, Interpol, SECI Centre and EuroJust etc. NGOs in each country should come together and agree on a single point of contact within the country for the channelling of international enquiries.

- Legislation and criminal procedure issues

Counter-trafficking legislation should be harmonised to provide specific anti-trafficking laws and penalties that reflect the gravity of the crimes. Case involving severe exploitation, physical or sexual violence should attract a more severe penalty.

Any cases involving children (under 18) should always attract the most severe punishment irrespective of whether the exploitation was severe or whether the child victim was physically or sexually assaulted.

The counter-trafficking legislation should be harmonised to ensure that financial investigation and assets seizure is an integral part of the law.

- Investigative Issues

- Coordination and prioritisation

There is a clear need for coordination and prioritisation at the practical operational level. Whilst there is structural coordination taking place at the policy and strategy level, this is not reflected at the front line. This applies to the whole multi-agency approach.

There should also be prioritisation of the caseload. Investigations involving child victims should always take the first priority. Cases involving severe levels of violence and/or exploitation should be given second priority, behind child cases.

Cooperation between prosecutors and police seems to be a problem in most countries of South-eastern Europe. Prosecutors need to be involved in trafficking cases from the beginning. Instructions/guidelines on the cooperation between prosecutors and police may need to be established.

- Creation of specialist multi-agency investigative units

This is a complex crime so it is essential that it is tackled by specialised units that have received proper and in-depth training to carry out the work. The specialist units should be multi-disciplinary and include specialised prosecutors.

- Multi-agency training

To support this, multi-agency training should be provided at the practical level. It should go beyond analysis and discussion of the phenomenon and include practical interview training skills, specialist investigative and financial techniques etc.

The training should be conducted on a joint basis so that police, border guards, prosecutors and NGOs are in the same room receiving joint guidance. There is double value in this recommendation. Each agency will become better at their own performance by understanding the problems and obstacles faced by the other. Secondly, whilst the multi-agency training is being provided, the network is also being built.

- Extended appointments

In order to avoid a loss of specialist skills, officers and prosecutors employed on these units should remain attached to them for an extended period and not be subject to career development transfers. It is not cost-effective to train and enable staff and then transfer them before they have made a return on the initial investment.

- Pro-active, intelligence-led operations

These specialised and properly trained units should then ensure that they conduct intelligence led, pro-active operations against traffickers and not remain waiting in the office for a complaint to be made by a victim.

- Technical support and training



In order to give these units the capacity to conduct pro-active investigations on the scale of their EU partners, it is important that they are resourced with the appropriate level of technical surveillance and evidence gathering equipment. Equally, it is pointless to provide the equipment without the expert training in the use of it and this should be an integral part of the support package.

- International Issues

The whole issue of mutual legal assistance should be:

- Simplified
- Prioritised
- Accelerated

Child or severe cases should be classified as urgent and dealt with within specified short time frames.

Provision should be made to enable victims to give evidence from a third neutral country venue via a video link against their exploiters.

Mutual legal assistance should allow for international identification, sequestration and seizure of assets accrued by traffickers.

- Building trust and confidence

Participants in the Portoroz seminar agreed that cooperation was a prerequisite for the success of measures against trafficking. However, in many countries the lack of mutual trust and confidence prevents such cooperation. This was considered the key problem. The single most important factor in this respect appears to be the prevalence of corruption.

Participants referred to positive examples, where reliable and “clean” interlocutors had been identified, who could be fully trusted and with whom effective measures against trafficking have been carried out. At the same time, the need for measures against corruption in order to establish confidence in the criminal justice system was underlined.

## 3.2 Anti-corruption measures

Strategies against corruption generally require political commitment and leadership as well as a clear legal basis, and should consist of the three interrelated elements of enforcement, systemic prevention and public awareness and education.<sup>21</sup>

The question which the seminar in Portoroz attempted to answer was what strategies and specific measures should be undertaken against corruption within the context of trafficking.

The following proposals were made by participants:

- Strengthen the legal basis against corruption and adopt relevant international conventions. Participate in international monitoring mechanisms such as GRECO.
- Include corruption issues in anti-trafficking plans, and vice-versa.
- Acknowledging the problem that corruption in relation to trafficking is a serious effort is an important first step. Tools in this respect include:
  - Media reports and campaigns
  - Mobilise public opinion
  - Encourage research on corruption and trafficking in human beings
  - Publicise corruption cases
- Commitment/leadership to investigate and prosecute corruption related to trafficking are required. Tools include:
  - Pressure by international organisations
  - Education
  - Technical cooperation projects to provide support
  - Regional law enforcement networking to create regional dynamics
- Identify/appoint specialised, reliable prosecutors and police officers. This includes:
  - Background checks
    - Independence and commitment
    - Cooperation police-prosecution
    - Joint training
- Investigations and prosecutions of trafficking in human beings should be accompanied by investigations into corruption and finances of suspects.
- Target vulnerable officials when investigating corruption and convince them to cooperate against the main offenders (risk: small fish are sacrificed).
- Adopt and enforce conflict of interest regulations. Issues such as second jobs for police officers should be resolved and the corresponding rules should be enforced.
- Focus on prevention: start with elaboration of codes of conduct for police.
- Guidelines for officials (including internationals) should be established with regard to the sex industry. This may include disciplinary measures for law enforcement officials going to brothels.

---

<sup>21</sup> See Council of Europe/Octopus Programme 2002: The prevention of corruption in central and eastern Europe (Activity report on a regional seminar in Bratislava, Slovakia 19 – 21 November 2001).

- The conduct of the international peacekeepers, civilian police, intergovernmental and non governmental organisations' staff and diplomatic personnel has raised serious concerns in relation to trafficking in human beings and corruption. Codes of conduct should be developed which encompass specific rules/standards of behaviour with respect to corruption and trafficking as well as mechanisms for reporting, investigating and sanctioning the violation of these rules. In particular, international peacekeeping staff, civilian police and other international personnel shall ensure to perform their duties and functions with integrity and not engage in trafficking or use services of persons when there are reasons to believe that such persons have been trafficked or are involved in trafficking and corruption.
- Clear guidelines should be made available as to how to report corruption.
- Information on corruption provided by victims and NGOs should be used more systematically. Close cooperation should be developed between the anti-corruption and anti-trafficking units and the NGO sector to ensure that victims are fully interviewed and de-briefed about their experiences and the roles played by corrupt officials. Protocols should be developed whereby this intelligence can be passed to the anti-corruption units.
- Civil society and international community should monitor investigations and prosecutions in trafficking in human beings. For cases prosecuted feedback should be requested.
- Joint anti-corruption training and awareness campaigns should be organised for all parties involved in anti-trafficking issues (including police and anti-trafficking organisations).
- Involve and train media (investigative journalism on trafficking in human beings and corruption).
- Prevent NGOs from being undermined by criminal organisations and corruption. Tools include:
  - Code of conduct for anti-trafficking NGOs
  - Establish principles on the selection and recruitment of the NGO staff
  - Apply necessary protective measures for NGOs (data protection, screening of staff)
- Focus on border police and controls. Tools:
  - Establish codes of conduct for border police
  - Training of border police
- Monitor/control issuing of passports and residence and work permits.

## 4 COUNTRY REPORTS<sup>22</sup>

### 4.1 Albania

#### 4.1.1 CORRUPTION, TRAFFICKING AND JUDICIAL COOPERATION

Corruption and trafficking in human beings are challenges to human rights and law enforcement in Albania. Corruption and organised crime are reported to be priority concerns to the citizens of Albania and to undermine democracy, the rule of law and economic progress. In terms of trafficking in human beings, Albania is considered to be an important country in South-eastern Europe as a country of origin, transit and, to some extent also, of destination.

Problems of trafficking and of corruption have been acknowledged by the Albanian authorities and important steps are being undertaken in both areas.

##### 4.1.1.1 Cooperation between judicial authorities, law enforcement authorities and anti-trafficking organisations

Albania responded to the challenge of trafficking with the preparation and approval by the Government of a National Strategy to Combat Trafficking in Human Beings in December 2001. This strategy, to be implemented until September 2004, sets out a plan of action including specific activities objectives, for each of which the responsible institution and a timetable for completion have been identified.

New legislation was passed in January 2001 establishing trafficking in human beings as a serious criminal offence<sup>23</sup>. While the legal framework in this field has been considered as broadly satisfactory, international reports stress that the effective implementation and enforcement still remain a challenge.

Specialised anti-trafficking units have been created by the Ministry of the Interior in each region within Albania.

Investigation and prosecution of organised criminal trafficking networks require, at national level, close cooperation between the Ministry of Public Order, the General Prosecutor's Office, the Ministry of Justice, anti-trafficking organisations and the victims of crime.

According to the information provided, bilateral cooperation agreements have been concluded by the Public Prosecution services, the Ministry of Public Order, the Ministry of Labour and Social affairs, the Police of the relevant district with non-governmental organisations dealing with victims of trafficking. Such partnership cover for instance:

- the institution of legal proceedings for the prosecution of pimps or traffickers (when the victim agrees to cooperate)
- the security and protection of the shelter
- referral of victims by the Police authorities to the NGO shelter (which limits the opportunities for corruption of police officers when keeping the victims in the police station)
- exchange of information on potential trafficking cases
- cooperation to review existing anti-trafficking legislation

---

<sup>22</sup> The country reports summarize information provided by the participants prior to the seminar (Economic Crime Division – DG I Legal Affairs: Replies to the questionnaire, Portoroz 19-22 June 2002, PACO TP 25) as well as throughout and following the meeting and do not necessarily reflect official positions of the Council of Europe. Country specific recommendations have been elaborated by the participants during the seminar.

<sup>23</sup> See articles 110a (trafficking in human beings), article 114b (trafficking of women for sexual exploitation and prostitution) and article 128b (trafficking in children).

As a result of the cooperation between the Albanian NGO “Home of Albanian Women – Vlora“ and the police departments of Vlora, Fieri and Berat, 146 victims of trafficking have been assisted in the first four months of 2002.

In practice, cooperation agreements do not bring an answer to the two main obstacles frequently mentioned: protection of the privacy and physical security of trafficked persons and relatives and length of investigation procedures and prosecution of traffickers.

At present, there are no laws in Albania governing witness protection and this area still needs to be further developed. As a consequence, victims are reluctant to cooperate with the investigating authorities, thereby decreasing the chance that traffickers will be prosecuted.

In view of the issues raised above, several proposals for enhancing cooperation at local level have been formulated:

- improving the exchange of information among relevant institutions
- organising joint workshops and training for the relevant institutions
- setting up of a task force group within the country dealing with trafficking in human beings
- reviewing the existing gaps/obstacles in the legislation for effectively combating trafficking in human beings (protection of victims, simplification of procedures for penal prosecution of pimps and traffickers).

International cooperation involving all the relevant national and international bodies, NGOs, law enforcement and judicial institutions is also essential in supporting and strengthening of anti-trafficking efforts.

At international level, Albania has signed and ratified most of the European instruments which facilitate cooperation in criminal matters, in particular in relation to organised crime, trafficking in human beings and corruption. It has concluded bilateral treaties with most countries of the region covering extradition and legal assistance in criminal matters.

Specific agreements regarding trafficking in human beings issues have been concluded by the Albanian authorities with UNHCR, IOM, OSCE, International Catholic Migration Commission (ICMC) as well as with KFOR. A very close cooperation has been developed with the Italian anti-trafficking structures in order to prevent trafficking of human beings from or through Albania to Italy. One of the aspects of this cooperation covers the organisation of joint police operations. A memorandum of understanding has also been concluded with Germany, Greece and Italy for the Anti-Trafficking Centre in Vlora. This initiative contributes to the strengthening of international cooperation against illegal trafficking, and it is expected that other countries would join this agreement. Negotiations are underway to establish a basis for cooperation in this field with Montenegro as well as other countries in the region.

The Vlora Women’s Hearth also cooperates, on the basis of partnership agreements, with foreign organisations such as: IOM, “On the road” (Italy), Save the Children, ICMC. Through this cooperation, it receives support, mostly through financial assistance, for the shelter’s activities, exchanges information and ensures assistance for the victims of trafficking (e.g. cooperation with IOM for Albanian victims and with the ICMC for foreign victims).

#### 4.1.1.2 Trafficking in human beings and corruption

In the last decade, Albania has undertaken a number of measures to curb corruption, focusing on the improvement of the legislative framework, on acceding to relevant international agreements and participating in international cooperation and evaluation mechanisms.

Against the background of organised criminality and corruption, the Albanian authorities, together with international assistance, have prepared a revised Anti-Corruption Plan. Reforms have been initiated, new structures were established, such as the Anti-Corruption Commission (coordination role at governmental level) and the Anti-Corruption Monitoring Group (which has been established with the support of the Council of Europe's PACO Programme).

Albania also participates in the Council of Europe's "Group of States against Corruption" (GRECO), in the Anti-money Laundering Monitoring Mechanism (MONEYVAL Committee [PC-R-EV]) and in the Stability Pact Anti-Corruption Initiative.

Nevertheless, international reports assess that corruption continues to constitute a problem, with serious consequences when it is related to trafficking in human beings. The institutions most affected in this respect appear to be the police and the judiciary.

Testimonies reveal cases of cooperation between police officers and traffickers and/or pimps, of bribe-taking, etc.

There is also a general perception of impunity of traffickers. Due to corruption or inefficiency of the police or the judiciary, traffickers may see the charges dropped or criminal proceedings suspended or leading to very mild sentences.

#### 4.1.2 RECOMMENDATIONS PREPARED BY PARTICIPANTS

##### Witness Protection Programme

- Rec 1 Vital necessity of improving witness protection regimes, resources and implementation.
- Rec 2 In cases of extreme risk, consideration should be given to the re-location of victims in a third country, where arrangements can be made for her/him, to testify via video-links.
- Rec 3 Reorganisation of the courts' system for the organised crimes cases generally and trafficking of human beings specifically:
- Following the Italian Special anti-mafia initiative, the creation of severe crime courts should be considered.
  - The court building would be located next to a high security prison to reduce security problems.

##### NGOs and Law Enforcement Cooperation

- Rec 4 Conclude exchange protocols between NGOs and law enforcement authorities which cover the following issues:
- Cooperation at shelter level – this would include the management of interviews with victims and whether police would attend the shelter or interview the victims at a separate venue. This should be a matter of negotiation in each country.

- The victim must be given a written copy of the all the procedural requirements involved in her decision as to whether to give evidence. The contents should be fully explained to her by an independent counsellor from the shelter staff. She must have been given this form and briefing prior to making any decision to cooperate with the police.
- Agreement should be reached between the NGOs and the police on the exchange of thematic intelligence between them. Both sides need this information and it must be shared. To control the process, it must be agreed that non -personal data will be divulged concerning the victim without her prior written agreement. The data protection rights of a victim should not be violated just because she is a trafficking victim.

Rec 5 Establish specialised shelters, on the meaning that different categories of victims should be sheltered separately.

Rec 6 Establish accreditation procedures for NGOs:

- Consideration should be given to the establishment of an accreditation process for NGOs so that security risks can be detected and confronted. There are two reasons for this suggestion: it is important to ensure that NGOs have the professional capacity to deliver health and counselling provision and provide security for the victims. Secondly, it is important to be sure that new NGOs are not a security risk in themselves. There are intelligence indicators to suggest that traffickers are actively trying to infiltrate NGOs and an accreditation system where the NGO and the staff would be fully vetted and accredited should be put in place.
- However, it is important that the body conducting the accreditation is an independent body and not solely within the power of the Government machine. It should have independent partners such as representatives of an intergovernmental organisation and an established and credible NGO already operating in the field (although existing NGOs should undergo the same process). The process must be transparent.

Rec 7 There is an urgent need to create an international network of NGOs along the same lines as those with Europol, Interpol, SECI Centre and EuroJust etc. NGOs in each country should come together and agree on a single point of contact within the country for the channelling of international enquiries.

#### **Legislation and Criminal Procedure Issues**

Rec 8 Consider the harmonisation and improvement of the existing Albanian legal framework.

Rec 9 Elaborate professional translations of European conventions or other international agreements (relevant to this issue) to which Albania is a party.

Rec 10 Ensure that financial investigations are carried out in parallel to criminal investigations (identification and confiscation of proceeds of crime).

#### **Investigative Issues**

Rec 11 Improve coordination between police and prosecution's activities

Rec 12 Prioritise proper prosecution and investigation of trafficking in human beings cases.

- Rec 13 Create specialised multi-agency investigative units: this is a complex crime so it is essential that it is tackled by specialised units that have received proper and in-depth training to carry out the work. The specialist units should be multi-disciplinary and include specialised prosecutors.
- Rec 14 Provide adequate equipment to investigative units and ensure training on their proper use.
- Rec 15 In order to avoid a loss of specialist skills, officers and prosecutors employed on these units should remain attached to them for an extended period and not be subject to career development transfers. It is not cost-effective to train and enable staff and then transfer them before they have made a return on the initial investment.

#### **International Issues**

- Rec 16 Simplify, prioritise and accelerate mutual legal assistance.
- Rec 17 Classify child or severe cases as urgent and deal with them within specified short time frames.
- Rec 18 Adopt provisions enabling victims to give evidence against their exploiters from a third neutral country venue via video link.
- Rec 19 Mutual legal assistance should allow for international identification, sequestration and seizure of assets acquired by traffickers.

#### **Corruption Issues**

- Rec 20 Immunity from prosecution of judicial officials should be removed. It is not acceptable that officials tasked by civil society to implement the law should be granted immunity from prosecution under it. It remains to be agreed whether immunity should be removed as an across the board measure or whether immunity should be waived on a case specific basis following an allegation of corruption that is supported by evidence. Blanket removal of immunity creates the risk of the removal of honest officials who are simply doing their job and it is vital to avoid this pitfall and provide security of tenure to officials that are doing the job properly and honestly.
- Rec 21 Key officials, such as senior officers of specialised anti-corruption or anti-trafficking units, prosecutors and judicial officials such as magistrates and judges should be recruited by the means of transparent and competitive process subject to independent scrutiny. This should avoid nepotism and the strengthening of corrupt networks of officials. These selection procedures should be followed up by probationary appointments where the performance of the official would be evaluated for a set period of time. The subordinate officials would play a role in this assessment. Only after this period would confirmed appointment for a set period take place. The post would remain subject to annual reports and approval by the independent appointment board
- Rec 22 Corruption crime particularly associated with organised crime and trafficking crime should be classified as a form of severe crime and be dealt with by special courts. These courts should be staffed by specially selected Judges and prosecutors and the crimes should be subject to fast track investigation. The courts themselves will be specially secure and located close to prisons
- Rec 23 All anti-corruption initiatives should be submitted to an independent, internal and external monitoring to ensure probity and performance in the fight against corruption.
- Rec 24 To ensure compatibility and fairness, the international community should create a multi-agency anti-corruption unit that should closely coordinate the work with the anti-corruption units in the



each country. This is important to ensure transparency and monitoring of international assistance that is provided to each country, particularly in relation to public-procurement projects

- Rec 25 Confidential hotlines for 'whistleblowers' in each department should be established so that honest officials could provide information about the activities of corrupt colleagues. This feature should be replicated within the international peacekeeping and contracting community
- Rec 26 The report of the findings of the internal and external monitoring procedure should be the subject of a public television programme so that civil society can obtain all of the information concerning corruption. This will also contribute to raising awareness of the whole issue. It is important to address the whole subject of public acceptance and re-education concerning corruption. It is vital to challenge the mentality that regards corruption as an inevitable evil
- Rec 27 The conduct of international peacekeepers, civilian police, intergovernmental and non governmental organisations' staff and diplomatic personnel has raised serious concerns in relation to trafficking in human beings and corruption. Codes of conduct should be developed which encompass specific rules/standards of behaviour with respect to corruption and trafficking as well as mechanisms for reporting, investigating and sanctioning the violation of these rules. In particular, the above mentioned staff shall ensure to perform their duties and functions with integrity and not engage in trafficking or use services of persons when there are reasons to believe that such persons have been trafficked or are involved in trafficking and corruption.

## 4.2 Bosnia and Herzegovina

### 4.2.1 CORRUPTION, TRAFFICKING AND JUDICIAL COOPERATION

In recent years, the trafficking of eastern European women into Bosnia and Herzegovina is reported to have increased dramatically. Bosnia and Herzegovina has emerged as a significant destination point for women from eastern Europe and to a very limited extent also as a transit or origin country. In parallel, corruption is widely spread.

The fragmented political and administrative structures in Bosnia and Herzegovina with its two entities and Brcko District and the strong role of the international community further complicate action in these fields.

#### 4.2.1.1 Cooperation between judicial authorities, law enforcement authorities and anti-trafficking organisations

The problem of trafficking in human beings has only been addressed in Bosnia and Herzegovina from 1998 on the initiative of international organisations and local non-governmental organisations.

It was for the first time put on the agenda of a conference organised by the Council of Europe in cooperation with the OHCHR in Tuzla (16-17 December 1998). Recommendations issued stressed the necessity to undertake a thorough analysis of the extent of this phenomenon, to initiate legislative reforms and to set up a steering group which would draft an action plan for combating trafficking.

Several initiatives have been taken at national level. In November 2000, a national coordinator and an inter-ministerial working group on trafficking issues have been set up at the state level. The working group, which consists of representatives of the state (Ministries of Justice, police from both entities), international organisations (OHR, OHCHR, UNICEF) and NGOs (the Ring network - which regroups several NGOs from both entities - and the International Human Rights Law Group) elaborated a National Plan of Action. The coordination, development and implementation of this plan is under the responsibility of the Government, supported by technical and financial assistance from the international community. National commissions have been established in the field of trafficking in human beings.

In July 2001, the United Nations Mission in Bosnia Herzegovina (UNMBIH) created the Special Trafficking Operations Programme (STOP) to complement its anti-trafficking activities.

The active participation and cooperation of all law enforcement and other relevant authorities is the condition sine qua non to finding a solution to the problem of trafficking. However, such participation and cooperation is dependent on full comprehension by these authorities of the scope and complexity of this phenomenon and their willingness to take action in this respect.

On the insistence of the international community to promote cooperation between NGOs and state authorities in anti - trafficking efforts in the past two years, Government authorities have started to demonstrate a growing willingness to combat this phenomenon jointly with NGOs.

On 23 May 2002, a Law on Legal Assistance and Official Cooperation in Criminal Matters between the Federation of Bosnia and Herzegovina, the Republika Srpska and the District Brcko was included in the High Representative's package of decisions establishing the institutional framework to reform the judiciary and simplify cooperation.

The Ministry of Human Rights and Refugees, the ICMC and the Ring Network have engaged in negotiations on joint projects for the establishment of a multidisciplinary network of governmental and

non-governmental agencies engaged in counter-trafficking information campaigns and providing shelter and assistance to victims of trafficking.

Nevertheless, the list of obstacles which are considered to undermine anti-trafficking efforts in Bosnia and Herzegovina is still important and includes:

- the lack of a proper framework for effective cooperation and coordination between anti-trafficking institutions and agencies indicating clearly each institution's responsibilities
- lack of proper implementation of anti-trafficking provisions and law enforcement
- bureaucracy
- corruption
- absence of adequate financial support.

Some NGOs have also stressed that the often shifting priorities of international donors have a negative impact on consistent long-term anti-trafficking activities. Such programmes should be demand-driven rather than donor-driven.

In general, NGOs representatives have clearly expressed the need to establish and strengthen cooperation with local police and the International Police Task Force - STOP team. Cooperation between all relevant actors is also required in order to support NGOs develop their capacity to assist trafficked victims, to establish and run shelters and to provide necessary services (return and reintegration assistance, medical and psychological care, counselling, legal representation, etc).

At international level, Bosnia and Herzegovina is a party to the UN Convention for the Suppression of the Trafficking in Persons and of the Exploitation of the Prostitution of others (1949) and the UN Convention against Transnational Organised Crime. It has also signed the two protocols to the Palermo convention.

In general, governmental authorities report good cooperation in mutual legal assistance, which is performed on the basis of the provisions of international treaties, bilateral agreements or otherwise on the basis of reciprocity. The communication and the establishment of contacts between the state authorities and the relevant counterpart authorities in the neighbouring countries still remains to be improved. Reforms are underway to ameliorate the national provisions regarding legal assistance, enforcement of foreign criminal judgements and extradition (e.g. Law on Immigration and asylum, the Criminal Code of BiH, the Laws on Criminal Procedure of both entities, etc).

NGOs cooperate actively with NGOs from other countries. They exchange information on trafficking issues and cases, participate in meetings and training sessions and receive financial support. For instance, the organisations of the Ring Network cooperate with Astra (Yugoslavia), La Strada (Poland), and the International Human Rights Law Group.

#### **4.2.1.2 Trafficking in human beings and corruption**

It is generally considered that trafficking in human beings could not flourish in Bosnia and Herzegovina without the complicity and/or failure to act of officials and law enforcement authorities, and that corruption mixed with political and business interests have facilitated the expansion of this trade.

Independent media have revealed cases of involvement of local police officials in trafficking, sometimes in complicity with international police and SFOR members, and this information has been confirmed by police authorities of both entities and international police reports.

Involvement appears to take different forms, such as:

- cooperation of the local police and of the political authorities with owners of different pubs or organised crime members in exchange for bribes, free sexual services and other favours
- corruption within the local police departments dealing with foreign citizens, such as granting work and residency permits
- policemen ensuring security of clubs or receiving money or free services from club owners
- direct participation in trafficking
- purchase of trafficked women
- disclosure of information regarding police raids
- assistance to traffickers during procedures (e.g. voluntary procedural mistakes being made in order to prevent criminal proceedings or repatriation of victims before they give testimony)
- failure to act.

NGOs activists also report having received threats and intimidation acts, a result they are scared to undertake serious action against trafficking. Hence cooperation and assistance from the local and international police in ensuring protection of witnesses, staff of supporting NGO and their family members is essential.

Bosnia and Herzegovina and its two entities, under the leadership of the OHR, have undertaken a number of measures to curb corruption. In 1998, an Anti-Fraud Unit was established within the Office of the High Representative which elaborated an Anti-Corruption Strategy. This strategy opened the way to substantial legal and institutional reforms in Bosnia and Herzegovina. Steps have been taken to reform the Criminal and Criminal Procedure codes at State and Entity levels in order to improve and harmonise the legislative framework with respect to anti-corruption provisions. This process is still ongoing. A State-level Action Plan against Corruption is presently under discussion.

Other special anti-corruption services have already been established (UN International Police Task Force, Anti-Corruption Coordination Group, anti-corruption task forces composed of prosecutors and police officers, etc.). The new High Representative has announced that special anti-corruption bodies within the judiciary would be created by the end of 2002.

The country has also acceded to multilateral legal instruments containing anti-corruption provisions. The Criminal Law Convention on Corruption entered into force in July 2002. The Civil Law Convention on Corruption has been ratified but has not entered into force yet. Bosnia and Herzegovina has also become party to the Council of Europe's GRECO mechanism<sup>24</sup> and the Stability Pact Anti-corruption Initiative.

#### **4.2.2 RECOMMENDATIONS PREPARED BY PARTICIPANTS**

Comprehensive judicial and legal reforms are underway in Bosnia and Herzegovina. The following legislation is in the process of being adopted:

- Law on Immigration and Asylum
- Criminal Code of Bosnia and Herzegovina
- Laws on Criminal Procedure of both entities
- Law on Court and many other laws are in the procedure of adopting of amendments.

Provisions on victim-witness protection, on protection of victims of trafficking are included in these laws, and in general the intention of the drafted laws is to be in line with EU standards.

An Action Plan Against Corruption is also being prepared. The Plan on Combating Trafficking in Human Beings has been adopted and national commissions have been established.

---

<sup>24</sup> The first evaluation visit to Bosnia and Herzegovina took place in July 2002.

A general recommendation for Bosnia and Herzegovina therefore is to ratify relevant multilateral conventions (in the fields of mutual legal assistance, corruption, etc.) and to continue adopting national legislation.

Specific recommendations are:

- Rec 1 Design formal protocols between the NGOs and the law enforcement bodies to regulate and synchronise their activities. It is vital that both sides understand and acknowledge the efforts and responsibilities of each other.
- Rec 2 Develop witness protection programme especially tailored for victims of trafficking in humans. It is necessary to ensure full protection of life and body, and freedom of witnesses and their family members and particularly when victims of trafficking in human beings are in question.
- Rec 3 Find measures for protection for members of NGOs who are dealing with the combat against trafficking in humans.
- Rec 4 Counter-trafficking national legislation should be put in line with international standards concerning trafficking in human beings and corruption.
- Rec 5 Establish special multi-disciplinary units for combating trafficking in human beings and corruption.
- Rec 6 Provide special training for all agencies (NGOs and governmental bodies) dealing with the phenomenon of trafficking in human beings and corruption.
- Rec 7 Improve international cooperation in this field.
- Rec 8 Anti-corruption initiatives should be subject to independent internal and external monitoring.
- Rec 9 All activities related to combating corruption should be made public.
- Rec 10 Organise widespread awareness raising and information campaigns for the general public on trafficking in human beings through NGOs and international organisations. Raise also public awareness (through education, media etc.) on the phenomenon of trafficking and give particular attention to the development of special awareness programs in schools.

## 4.3 Bulgaria

### 4.3.1 CORRUPTION, TRAFFICKING AND JUDICIAL COOPERATION

The problems of trafficking in human beings and corruption encountered in Bulgaria are similar to those of neighbouring countries, and it is believed to be linked to social and economic transition. In terms of trafficking, Bulgaria is mainly defined as a country of origin and transit for the international traffic of women. It is also very much a country of destination where the trafficked women have a short or long stay before they are transferred or sold abroad, especially nearby the Black Sea in summertime or the mountain resorts in winter. Corruption also appears to be of concern in Bulgaria.

#### 4.3.1.1 Cooperation between judicial authorities, law enforcement authorities and anti-trafficking organisations

The last two years have seen a significant positive change regarding cooperation between judicial authorities, law enforcement authorities and anti-trafficking organisations at national level.

Most of the activities related to the cooperation between judicial and law enforcement authorities and anti-trafficking organisations have been initiated by international organisations and institutions, such as the US Embassy, European Parliament, IOM, OSCE, UN programs etc.

In the beginning, anti-trafficking activities focused on law reform and law enforcement. An inter-agency Working Group was established so as to prepare a draft law on the Fight against Illegal Trafficking in Human Beings. The drafting group was set up under the leadership of the Ministry of Justice with expert support and participation of the United States Department of Justice. It includes representatives from Ministry of the Interior, Ministry of Foreign Affairs, Ministry of Labour and Social Policy, Ministry of Health, ABA CEELI and other NGOs. Animus/La Strada was invited by the Ministry of Justice to consult the proposal for a new law against trafficking, especially in its social part, providing concrete proposals from the women's rights point of view.

In September 2002, amendments to the Criminal Code criminalizing trafficking in persons for sexual exploitation and trafficking in human organs were adopted.

The draft anti-trafficking law is currently before first reading in Parliament. It focuses mainly on protection, support and assistance of victims and it is modelled after the UN Protocol. It also includes the recommendations of the EU on providing temporary work permits to victims who cooperate with law enforcement authorities.

The supervision of the implementation of this law is entrusted to a national inter-ministerial commission. Bulgarian NGOs are mentioned as assisting in carrying out the activities within the limits of their budgets. The draft law provides that it aims at "promoting cooperation between the central and local government authorities as well as between them and NGOs for the launching of a coordinated programme for combating trafficking in human beings and for developing a national policy in this area".

Within the framework of the Ministry of the Interior, two services are dealing with trafficking issues: the National Service for Combating Organised Crime (NSCOC) and the National Service Border Police (NBPS). In July 2001, an inter-agency law enforcement task force to combat trafficking in persons was established within the NSCOC. This task force was initiated with the assistance of US Department of Justice and comprises a representative from the Federal Bureau of Investigation (FBI) who has an advisor role. The Task force includes representatives from NSCOC, the National Police Service, the NBPS and Interpol. The Prosecutor General has promised to appoint a prosecutor to the Task Force, however this nomination has not occurred yet.

NBPS has reported cooperating effectively with non-governmental organisations and foundations dealing with trafficking in human beings for countering illegal migration and for the assistance and reintegration of victims (with IOM, "Nadya" Centre, "Animus" Foundation, "Health and social environment" Foundation). Certain shelters have cooperation agreements with the Anti-trafficking unit of the National Service for Combating Organised Crime and the NBPS. Since 2001, NBPS has been working together with IOM on a programme for the reintegration of victims of traffic which ensures accommodation, professional training and language courses. Financial support has been provided by IOM.

In the period 1999 - 2000, under the auspices of the International Organisation on Migration and in partnership with many governmental institutions and non-governmental organisations, a wide information campaign on the prevention of the traffic of women from Bulgaria has been launched. Regional seminars in different towns in Bulgaria have been held; a large number of information materials have been printed and distributed at strategic points – border crossing points, schools, hospitals, airports etc - films and video-materials were transmitted by the national radio and television, materials were published in print media. This information campaign has been carried out according to a Memorandum of Cooperation with the International Organisation on Migration (12 November 1999).

However, certain NGOs still consider that as a whole, judicial and law enforcement authorities cooperate more or less reluctantly with anti-trafficking NGOs and do not acknowledge the importance of this phenomenon. Activists complain that governmental officials underestimate the psychological issues and the need for legal aid while they exert pressure on the victim for collaboration with the authorities. The implementation of agreements is left at the discretion of the governmental officials. The agreements do not include legal services provided by NGOs. In addition, there is no financial agreement between the NGOs and the State for the services offered.

A clear division of roles and responsibilities according to the competence of institutions and NGOs would need to be established to overcome competition between governmental and non-governmental organisations. Furthermore, the necessity to develop cooperation partnerships which include clear provisions with respect to financial State support to NGOs activities has been raised.

Bulgaria is a party to most of the Council of Europe conventions in the field of international legal cooperation in criminal matters. In April 2001, Bulgaria ratified the UN Convention against transnational organised crime including the Trafficking Protocol, and the Protocol against smuggling of migrants by land, sea and air. On 8 November 2001, Bulgaria signed the second additional protocol to the European Convention on Mutual Assistance in Criminal Matters. The Criminal Procedure Code will be amended in view of bringing it in line with the requirements of the Second Protocol, which is expected to be ratified by the end of 2002. Judicial cooperation takes place according to the provisions of the relevant European conventions and protocols, of the bilateral agreements and the Criminal Procedure Code when reciprocity applies.

The Ministry of Justice has concluded bilateral agreements for mutual legal assistance in criminal matters, extradition and transfer of sentenced persons with many European and non-European countries (over 40 countries).

For the purpose of regulating migration flows, readmission agreements have been signed with all the EU Member States except the United Kingdom. Readmission agreements are in place also with the Czech Republic, Poland, Hungary, Slovakia, Slovenia, Romania, Federal Republic of Yugoslavia, "the former Yugoslav Republic of Macedonia", Ukraine and Georgia.

According to the texts of these agreements, the Parties are obliged to provide each other with mutual legal assistance in criminal matters in conformity with the provisions of the agreement itself. This assistance includes search and identification of persons, delivery of summons and other procedural documents, interrogation of witnesses, experts and accused persons, gathering of evidence, conduction inspection on

site, search and seizure, delivery of material evidence and documents, delivery of people in custody for evidence purposes, delivery of convictions or copies of certificates showing previous convictions, information concerning convictions and exchange of pieces of relevant legislation. The agreements regulate the conditions for providing assistance and for refusing it, the mechanism for application of letters rogatory as well as specific forms of assistance agreed with the foreign state. The conditions and forms of extradition and transfer of sentenced persons are strictly formulated.

Police cooperation is carried out on the basis of acts of the Ministry of the Interior, Customs Acts, criminal law and bilateral, governmental or inter-agency agreements at Ministry of the Interior level.<sup>25</sup>

So far have been concluded 21 inter-agency and governmental agreements with European States in the area of combat against organised crime , including trafficking in human beings – 2 trilateral and 19 bilateral agreements, out of which 6 with EU member States and 5 with EU candidate countries (Hungary, Czech Republic, Slovakia, Poland and Romania). A governmental agreement has been signed with Croatia, and on the Ministry of the Interior level, bilateral agreements with “the former Yugoslav Republic of Macedonia”, Albania, Moldova have been concluded.

In accordance with the Ministry of the Interior Act, the international operational police cooperation is carried out by the National Services with police functions within their legal competence. As agreed with the Secretary General of the Ministry of the Interior, the Directors of the National Services manage the international cooperation with the relevant Services in other States and international organisations.

The Ministry of the Interior has nominated liaison officers in Rome, Prague, Skopje, Moscow and Bucharest (SECI Centre). At present two liaison officers are to be nominated to Germany and Greece.

In accordance with the Joint Action of 14 October 1996<sup>26</sup> which envisages a common legal framework for the Member States’ initiatives concerning liaison officers, Bulgaria has affirmed its readiness to nominate a liaison officer to EUROPOL.

These agreements constitute a comprehensive framework for cooperation among the competent bodies at all stages of detection, prevention and interception of the cross-border channels for illicit trafficking in human beings.

Difficulties arising in legal cooperation concern mainly the delays in the execution of assistance requests and the establishment of regular contacts with counterpart authorities.

Bulgarian NGOs participating to the seminar identify and network very effectively with many anti-trafficking organisations in several countries (Holland, Poland, Czech Republic, Ukraine, “ the Yugoslav Republic of Macedonia”, Moldova, Bosnia and Herzegovina, Belarus, as well as France, Italy, Germany, Spain, etc).

The following proposals to enhance cooperation have been formulated:

- Cooperation agreements should also be signed with relevant services operating in the field
- Special attention should be paid to the possibilities of establishing direct contacts between the law enforcement authorities as well as the establishment of joint teams for investigation purposes
- Flexible mechanisms should be created to ensure the return of victims, with due regard to their safety and the respect of their human rights

---

<sup>25</sup> See list of acts supplied by the NBPS in Replies to the questionnaires, op.cit.21.

<sup>26</sup> Joint Action of 14.10.1996 adopted by the Council on the basis of Article K.3. of the Treaty on European Union providing for a common framework for the initiatives of the member States concerning liaison officers (J.O. n° L 268, 19.10.1996, p. 0002-0004).



- An NGOs network for research and legal assistance in the field of trafficking in human beings should be set up.

#### 4.3.1.2 Trafficking in human beings and corruption

The majority of participants acknowledged that the phenomena of corruption and traffic in human beings in Bulgaria are directly linked.

Corruption includes the active/ implied participation of a local or central official or policeman in the process of traffic. As a rule, a trafficker cannot organise a safe channel for traffic of human beings without support from officials. Victims of traffic usually leave the country having false passports, visas and any other necessary documents. Victims often refuse talking about the way they have left the country.

The problem of corruption within the system of the national police has recently been exposed in the media throwing some light on this long-existing problem. Risks of corruption and intense pressure on the judiciary, investigative authorities, the Ministry of the Interior, and NGOs have also been highlighted.

Infiltration of NGOs by trafficking networks is not considered to be an issue. However, a real problem is that information is leaked by staff of NGOs to outsiders, including traffickers.

The Animus Foundation has adopted strict criteria concerning persons who want to work in or support the organisation. Such criteria was considered essential to avoid with the danger of being infiltrated.

The Bulgarian authorities have taken several steps to prevent and combat corruption. A National Anti-Corruption Strategy was adopted on 1 October 2001.

In February 2002, a Programme for its Implementation has also been adopted which specifies concrete deadlines and the bodies responsible for the implementation of the objectives outlined in the Strategy.

By a Council of Ministers' Decision n° 77 of 11 February 2002, a Coordination Committee on the Work done in the Fight against Corruption, chaired by the Minister of Justice, has been set up. The Committee is tasked to analyse and summarise the existing anti-corruption measures as well as to coordinate and control the work on the National Strategy and the Programme for its Implementation. Rules for its organisation and its functions were elaborated in April 2002.

On 31 May 2002, the Parliament adopted a draft Amendments to the Judiciary Act in its first reading. The proposals put forward in this text are largely intended to prevent corruption in the judiciary and include: declaration of property by all magistrates; adoption by the Supreme Judicial Council of Codes of Ethics for magistrates and judicial personnel; recruitment of magistrates by competition; establishment of a state-supported professional school for magistrates financed by the budget, etc.

The Council of Ministers (Decision of 11 April 2002) adopted draft amendments to the Criminal Code aimed at improving the legal framework on the punishment of terrorism, corruption, organised crime, trafficking in human beings and cyber crime, in compliance with the *acquis communautaire*. The amendments envisage the creation of a separate Section in the Criminal Code devoted to the punishment of trafficking of human beings for the purpose of debauchery, forced labour, transplantation of organs, or persons kept in forcible subjection.

The legislative changes with regard to the punishment of corruption, organised crime and trade in human beings are very important for the effective countering criminal activities, they are intended to have a strong preventive effect and to increase the capacity of law-enforcement bodies to fight these crimes. The proposed amendments will expand considerably the opportunities for police and judicial cooperation with the EU

Member States (mutual legal assistance and extradition) in view of the detection, prosecution and punishment of these crimes.

On 7 November 2001, Bulgaria submitted the ratification instrument to the Council of Europe Criminal Law Convention on Corruption, which entered into force on 1 July 2002.

### 4.3.2 RECOMMENDATIONS PREPARED BY PARTICIPANTS

#### Establishment and Enhancement of Witness – Victim Protection Programme

- Rec 1 Consideration, resourcing and implementation of increased witness protection regime.
- Rec 2 Prioritisation of the cases for protection on the basis of risk. Giving special attention to the best interest of children, victims of trafficking in human beings including full risk assessment.
- Rec 3 Consideration of the need/possibility of the re-location of the victim to a neutral third country in cases of extreme risk, where arrangements can be made for her to testify via a video link.
- Rec 4 Protocols between the NGOs and the law enforcement agencies to ensure and separate responsibility for providing measures of protection of the victims (German model already exists).
- Rec 5 Creation of a category of grave crime for the most serious trafficking cases (see on-going Italian Special Anti-Mafia initiative).

#### Non-Governmental Organisations and Law Enforcement Cooperation

- Rec 6 Conclude exchange formal protocols between the NGOs and law enforcement agencies to regulate their relationship and responsibilities.
- Rec 7 The protocol should cover the following issues:
- Cooperation at the shelter level – this would include the management of interviews with victims and whether police would attend the shelter or interview the victims at a separate venue.
  - The victim must be given a written copy of the all the procedural requirements involved in her decision as to whether to give evidence. The contents should be fully explained to her by an independent counsellor from the shelter staff. She must have been given this form and briefing prior to making any decision to cooperate with the police.

#### Training Issues

- Rec 8 NGO and police staff should receive coordinated training on the evaluation and dissemination of intelligence so as to prevent disclosure risks to cooperating victims or persons in close relationship with them.
- Rec 9 Specialised Shelters should be established for victims of trafficking in human beings. They should be accommodated in specialist centres and not ones where they are mixed with victims of domestic violence for example.

#### International Contact Directory for NGOs

- Rec 10 Agreement on a single point of contact within Bulgaria for the channelling of international enquiries with the international network of NGOs, when the latter is created.

#### Legislation and Criminal Procedure Issues

- Rec 11 Harmonisation with the international instruments in the field of trafficking in human beings, with special anti-trafficking law and amendments to the Penal Code, providing severe penalties

that reflect the gravity of the crimes involving severe exploitation, physical or sexual violence in trafficking in human beings.

- Rec 12 Any cases involving children (under 18) should always attract the most severe punishment irrespective of whether the exploitation was severe or whether the child victim was physically or sexually assaulted.
- Rec 13 The counter-trafficking legislation should be harmonised to ensure that financial investigation and assets seizure is an integral part of the law.

#### **Investigative Issues**

- Rec 14 Clear coordination at the practical operational level and prioritisation applied to the whole multi-agency approach. Investigations involving child victims should always take the first priority. Cases involving severe levels of violence and or exploitation should be given second priority, behind child cases.
- Rec 15 Creation of specialist multi-agency investigative units including specialised prosecutors. These units should receive proper and in depth training.
- Rec 16 Multi-agency training:
- To support this, multi-agency training should be provided at the practical level. It should go beyond analysis and discussion of the phenomenon and include practical interview training skills, specialist investigative and financial techniques etc.
  - The training should be conducted on a joint basis so that police, border guards, prosecutors and NGOs are in the same room receiving joint guidance. There is double value in this recommendation. Each agency will become better at their own performance by understanding the problems and obstacles faced by the other. Secondly, whilst the multi-agency training is being provided, the network is also being built.
- Rec 17 Extended appointments: in order to avoid a loss of specialist skills, officers and prosecutors employed on these units should have the possibility to remain attached to them for an extended period and not be subject to career development transfers. It is not cost-effective to train and enable staff and then transfer them before they have made a return on the initial investment.
- Rec 18 Technical support and training, resourced with the appropriate level of technical surveillance and evidence gathering equipment on the scale of their EU partners.

#### **International Issues**

- Rec 19 The procedure of mutual legal assistance should be: simplified, prioritised, accelerated.
- Rec 20 Child or severe cases should be classified as urgent and dealt with within specified short time frames.
- Rec 21 Provision should be made to enable victims to give evidence from a third neutral country venue via a video link against their exploiters.
- Rec 22 Mutual legal assistance should allow for international identification, sequestration and seizure of assets accrued by traffickers.

**Corruption Issues**

Rec 23 Immunity from prosecution of judicial officials should be removed. It is not acceptable that officials tasked by civil society to implement the law should be granted immunity from prosecution under it.

Rec 24 Competitive, transparent selection procedures:

- The selection and appointment of key officials, such as senior officers on the specialised anti/corruption or anti/trafficking units, prosecutors and judicial officials such as magistrates and judges should be by the means of transparent and competitive selection that is subject to independent scrutiny. This should avoid nepotism and the strengthening of corrupt networks of officials.
- These selection procedures should be followed up by probationary appointments where the performance of the official would be evaluated for a set period of time and that the official would be subject to assessment. Only after this period would confirmed appointment for a set period take place. The post would remain subject to annual reports and approval by the independent appointment board.

Rec 25 Gradual penalties: there should be a range of severe penalties for conviction of public officials and magistrates for crimes of corruption. This should be on a graduated scale whereby the higher the rank of the official or magistrate convicted of corruption is, the longer the prison sentence should be.

Rec 26 Declaration and monitoring of assets: officials seeking appointment to key posts as referred to above should be required to submit a statement of their personal assets and accept detailed investigation of their affairs. This agreement would be ongoing and their affairs could be randomly scrutinised by the anti/corruption unit without further reference to the post holder. This agreement would be the subject of contractual agreement for the post.

Rec 27 Corruption linked with organised crime and trafficking crime should be classified as a form of severe crime and be dealt with by special courts.

Rec 28 These courts should be staffed by specially selected judges and prosecutors and the crimes should be subject to fast track investigation. The courts themselves will be specially secure and located close to prisons.

**Specialised, Multi-agency Units**

Rec 29 Corruption should be investigated by specially appointed multi/agency units, staffed by prosecutors and specially selected police:

- These units should adopt pro-active investigative tactics, including integrity testing and full special investigative methods.
- The squads should be fully equipped with technical support and training.
- The criminal procedure code should allow the deployment of the full range of special techniques such as intercepts, technical surveillance and undercover penetration.
- These squads should operate at two levels; each relevant ministry should include a specialised anti-corruption unit and there should be a central unit to investigate the most serious cases. The intention

is to create an elite, multi-agency unit to attack corruption. These elite appointments should be accompanied by appropriate salaries that reflect the importance and danger of the work.

#### **Training and Warning Notice**

Rec 30 Training and awareness rising with the officials should be conducted to ensure that officials at all levels are fully apprised of the risks and criminality of corruption. This awareness raising should be accompanied by a measure to ensure that all staff are made aware that corruption of any description is unacceptable. This would be achieved by the coordinated service of formal written notice to each staff member in each of the services and departments where corruption in the context of trafficking is an issue. The notice would be served simultaneously on a date agreed by the Government and a signed acknowledgement would be held on file for each of the officials. This would send a clear message of the new culture of non-acceptability and would also prevent any official from subsequently claiming that he or she was unaware that corruption was a crime.

#### **Independent Internal and External Monitoring**

Rec 31 All anti-corruption initiatives should be submitted to an independent, internal and external monitoring. This should be implemented by the international community to ensure probity and performance in the fight against corruption – it is time for the delivery of results and performance should be independently monitored.

*As a special remark of the representative of the SCPO - International Anti-Corruption Unit*

Rec 32 To ensure compatibility and fairness, the international community should create a multi-agency anti-corruption unit that should closely coordinate the work with the anti-corruption units in the each country. This is important to ensure transparency and monitoring of international assistance that is provided to each country, particularly in relation to public-procurement projects.

#### **Confidential Whistle blowing Hotlines**

Rec 33 Confidential hotlines for ‘whistleblowers’ in each department should be established so that honest officials could provide information about the activities of corrupt colleagues. This feature should be replicated within the international peacekeeping and contracting community.

#### **Televised reporting**

Rec 34 The report of the findings of the internal and external monitoring procedure should be the subject of a public television programme so that civil society can obtain all of the information concerning corruption. This will also contribute to raising awareness of the whole issue. It is important to address the whole subject of public acceptance and re-education concerning corruption. It is vital to challenge the mentality that regards corruption as an inevitable evil.

## 4.4 Croatia

### 4.4.1 CORRUPTION, TRAFFICKING AND JUDICIAL COOPERATION

The phenomenon of trafficking in human beings and its scale in Croatia are difficult to assess, due to the lack of official information and statistics.

The first research on this phenomenon has been completed in 2002 by the Centre for Transition and Civil Society Research and the International Organisation for Migration. According to this study, trafficking in women and children is a more serious problem than the fragmentary and incomplete official data indicate<sup>27</sup>. Croatia is perceived as a transit country for trafficked women on their way to Western European countries and recent trends indicate that it is also becoming a destination country and that seasonal or temporary employment of trafficked women is increasing.

Nevertheless, according to statistical data available, the percentage of trafficked women and children is very small in comparison with other types of criminal activity.

#### 4.4.1.1 Cooperation between judicial authorities, law enforcement authorities and anti-trafficking organisations

The first counter-trafficking activities in Croatia were initiated by international organisations (IOM and OSCE) and it is only recently that NGOs – mainly the ones dealing with problems related to domestic violence and women’s rights – became interested in this phenomenon. Cooperation between judiciary, law enforcement authorities and anti-trafficking organisations is still considered as being in the initial phase.

The Government has recently acknowledged the need to address the issue of trafficking in human beings. As a consequence, it has established a National Council to Combat Trafficking which is responsible for developing national and county level strategies. A national governmental coordinator has been appointed in May 2002. The drafting of the National Plan of Action is ongoing, focusing on anti-trafficking activities in four areas: legislation, law enforcement, prevention and assistance and protection. Furthermore, changes to the Criminal Code are expected, which would lead to the establishment of a distinct offence.

A Memorandum of Understanding with IOM is to be signed by the Government in the near future, which would constitute a solid basis for cooperation in anti-trafficking initiatives.

The actions organised by international organisations so far had the advantage of raising public awareness about the phenomenon of trafficking, an issue on which very little information was available. IOM is the most active organisation in Croatia dealing with trafficking issues and has already organised, in cooperation with the University of London, training seminars for Croatian NGOs, judiciary and police officials.

For the moment, the main obstacles limiting anti-trafficking efforts and cooperation in this field are:

- the absence of a clear National Plan of Action
- the lack of adequate financial means.

The finalisation of the National Plan of Action is perceived as the main solution which would lead to the improvement of cooperation among public authorities and coordination at national level, if its provisions clearly set out the participation of relevant institutions and organisations and if it is supported by a strong commitment for effective implementation.

---

<sup>27</sup> See “Trafficking in Women and Children for Sexual Exploitation” by the Center for Transition and Civil Society Research and International Organisation for Migration, Zagreb 2002, p.4

Recently, the Croatian authorities intensified activities of collaboration in this field with international organisations and foreign counterpart. The Ministry of Justice, Administration and Local Government of the Republic of Croatia cooperates with the judicial and police bodies from other countries on the basis of international agreements.

At international level, Croatia has undertaken specific obligations in the field of international cooperation in criminal matters and the fight against trafficking in human beings. It has signed the Anti-Trafficking Declaration of Southeast Europe (December 2000) and the Palermo protocols.

International cooperation in criminal matters is based on international and bilateral agreements and the Criminal Procedure Code. Croatia has ratified most of the relevant European conventions, some treaties apply to it as a successor state to the Socialist Federal Republic of Yugoslavia. In addition, bilateral agreements including provisions on international legal aid, border control, hand-over, transfer of convicted persons have been concluded with most of the neighbouring countries. In the absence of a treaty or bilateral agreement, mutual legal assistance can be provided on the basis of reciprocity. Legislative changes are expected, the laws on Asylum and on Foreigners are in preparation.

Croatia participates in relevant Stability Pact activities. It cooperates actively with the Council of Europe (including in specific programmes such as PACO). It is a member of Interpol and has also signed the "Agreement on Cooperation to Prevent and Combat Trans-border Crime".

Networking at international level with foreign law enforcement bodies is a crucial aspect of anti-trafficking measures. The cooperation with IOM, which is of an educational nature, has so far been very effective, especially for the dissemination of information on this issue and the training of persons dealing with trafficked persons.

Nonetheless, obstacles are encountered in practice when implementing the provisions of international treaties or when communicating and cooperating with countries with which no agreements have been concluded yet. The lack of governmental policies and regulations in this field is also considered as rendering cooperation inefficient. The human rights dimension of the issue of trafficking in human beings is still not fully taken into account.

#### **4.4.1.2 Trafficking in human beings and corruption**

Though there is no evidence of organised trafficking existing in Croatia, the possible link between trafficking and corruption should not be ignored.

Surveys and reports indicate that corruption constitutes a real problem in Croatia in many sectors. In the past two years, the Croatian authorities and the civil society in Croatia have granted a high priority to anti-corruption efforts.

In March 2001, the Parliament adopted the National Programme for the Fight against Corruption. An Action Plan for the fight against corruption has also been adopted, which provides for eight priority areas to be addressed. The Office for the Prevention of Corruption and Organised Crime (USKOK), a special body within the system of the Public Prosecutor's Office, has been established in order to combat this phenomenon.

As part of its commitment to fight corruption, Croatia has also joined some multilateral legal instruments containing anti-corruption provisions. It is a party to the Council of Europe Criminal Law Convention on Corruption and has signed the UN Convention against Transnational Organised Crime and its two protocols. It has also joined follow-up mechanisms to monitor the implementation of anti-corruption measures within the Council of Europe, OECD and the Stability Pact.



The above mentioned study on trafficking points at the inefficiency of the police and judiciary. The activities of the police in this field are estimated to be unsatisfactory due to corruption practices, passivity or ignorance. Testimonies on police corruption are mentioned in the majority of the interviews, ranging from “involvement in the trafficking organisation to receiving money and sexual favours in return for inside information about raids and/or for turning a blind eye”.

Allegedly, the main organisers of trafficking networks are not targeted by law enforcement authorities. Courts proceedings are not always progressing with satisfactory speed, as a consequence they are often time-barred and traffickers are not being prosecuted. Criticism is made that in practice, sentences for sex crimes are minimal and do not have a deterrent effect nor reflect the serious nature of the crime.

#### 4.4.2 RECOMMENDATIONS PREPARED BY PARTICIPANTS

##### Trafficking in Human Beings

- Rec 1 Finalise the National Plan of Action against trafficking.
- Rec 2 Improve international cooperation in this field, both for governmental and non governmental organisations.
- Rec 3 Improve legislation by:
- defining trafficking in human beings, especially women and children, as one of the most serious criminal offences against rights and values protected by international law.
  - developing witness protection program and passing the Law on Foreigners (rights) and Asylum Law.
  - ratifying the United Nations Convention against Transnational Organised Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organised Crime.
- Rec 4 Grant temporary or permanent residence permit to victims of trafficking.
- Rec 5 Establish accreditation procedures for NGOs.
- Rec 6 Prepare and sign Memorandum of Understanding with NGOs.
- Rec 7 Establish specialised shelters for the victims of trafficking in human beings.
- Rec 8 Organise specialised training for all partners (Police officials, judiciary, media, NGOs, governmental organisations and all others involved).
- Rec 9 Establish multi-agency operational cooperation.
- Rec 10 Raise public awareness (through education, media ...).

##### Corruption Issues

- Rec 11 Develop codes of conduct.

- Rec 12 Work on prevention activities such as raising public awareness and media coverage.
- Rec 13 Develop and publicise guidelines for reporting corruption.
- Rec 14 Establish cooperation between the national committee for the suppression of trafficking in human beings and the national anti-corruption team.
- Rec 15 Ensure transparency on all levels of governmental organisations and NGOs.
- Rec 16 Strengthen financial capacities of all relevant bodies involved in anti-trafficking activities (technology, equipment).
- Rec 17 Investigate corruption and finances when investigating trafficking in human beings.

## 4.5 Hungary

### 4.5.1 CORRUPTION, TRAFFICKING AND JUDICIAL COOPERATION

Hungary is primarily affected by the phenomenon of trafficking in human beings as a source and transit country. Recently, it has also started to become a country of destination for women trafficked for the purpose of sexual exploitation, given the country's relative success in terms of transition, prosperity and improvement of the economic situation. Corruption is an issue in Hungary, however according to the 2002 Corruption Perceptions Index (Transparency International,) Hungary ranked 33 out of 102 states (CPI Score: 4.9), in a better position than its neighbouring countries.

#### 4.5.1.1 Cooperation between judicial authorities, law enforcement authorities and anti-trafficking organisations

The information provided does not give a complete picture of the cooperation between the relevant institutions and organisations at national level in combating trafficking in human beings.

It is important to note that in Hungary, trafficking in human beings, as a criminal offence, has only been incorporated into the Criminal Code (article 175B) in 1998 and has entered into force on 1<sup>st</sup> March 1999<sup>28</sup>.

The necessity of cooperation and coordination among the relevant state institutions is acknowledged by officials acts and orders (see Order of Minister of Interior No. 4/1999).

In December 1999, an ad-hoc Committee against Forced Prostitution and Trafficking in Persons was set up at governmental level by the Council for the Representation of Women. Its tasks were to elaborate measures on prevention, information, assistance to victims and training in cooperation with public authorities and NGOs.

A Coordination Centre for the Fight against Organised Crime has been established under the supervision of the Ministry of the Interior in April 2001. As provided by Act 126/ 2000, this Centre collects, analyses and processes information given by governmental authorities related to organised crime. It coordinates investigations and prevents duplication between the various departments involved. The rights and obligations regarding the handling of information on human trafficking are regulated in Sect. 4 (1) c of this act.

Anti-trafficking activities in Hungary are dealt with by NGOs which are active in the field of women's rights issues and particularly in the field of violence against women.

Several NGOs help victims of criminal acts, including victims of trafficking, to protect their rights. One example is the White Ring association, established in 1998, which is financed mainly by the Government. The White Ring has 686 members, including the Ministry of Home Affairs, the Office of the General Prosecutor, the Ministry of Social and Family Affairs, the Ministry of Justice and also social workers. It works in close cooperation with the Office of Victims' Protection, which is coordinating the work in this field inside the departments of the Ministry of the Interior and the police as well as with other associations. One of its main areas is the implementation of the Council's Framework Decision on the standing of victims in criminal proceedings. It also assists victims by accommodating them in a safe place for short term periods. Another association – NANE – works with women and children affected by violence. It operates a telephone hotline which is also available to trafficked women.

---

<sup>28</sup> Act n° LXXX/1999.

In 1999, the IOM office in Budapest launched an awareness-raising campaign in Hungary in which both governmental institutions and NGOs have participated (e.g. EU Integration Office of the Ministry of the Interior, Police, Border guards, Ministry of Social and Family Affairs, Ministry of Justice, NANE, etc).

Apart from the above mentioned examples and despite the first steps which have been made, from an NGO perspective there is very little cooperation between judicial and law enforcement authorities and anti-trafficking organisations in practice. The absence of a specific framework for cooperation constitutes a great handicap. This gap is considered to be a result of a lack of political commitment to inform authorities of the realities of trafficking, the existence of myths and prejudices among certain authorities with regard to trafficked victims and sometimes the lack of interest or hostility towards NGOs which deal with such issues. Sometimes public authorities have expressed their commitment to cooperate with NGOs, but these promises have not been followed up by concrete acts.

Solutions proposed to enhance cooperation at national level include:

- regular mandatory cooperation of public authorities with NGOs which meet appropriate professional standards
- special training for the officials involved in the fight against trafficking in human beings
- awareness raising on the role played by NGOs and foundations specialised in providing services to trafficked persons in order to improve the cooperation between NGOs and authorities
- financial State support to NGOs activities in this field

To combat trafficking in human beings, Hungary cooperates with a number of European countries. It has signed and ratified most of the relevant European and international conventions, which, together with bilateral treaties, constitute the basis for judicial cooperation. Twenty-nine bilateral agreements cover cooperation in cases of terrorism, drug and organised crime, including human trafficking, which provide for effective exchange of information and good practice.

Police cooperation has been developed with neighbouring countries and EU member states. A Cooperation Agreement between Hungary and the EUROPOL was signed on 4 October 2001 and entered into force on 16 November 2001<sup>29</sup>. The International Law Enforcement Cooperation Centre (established in 2000) became the Hungarian contact point for INTERPOL and EUROPOL. In the future, it will also be the contact point for the Schengen Information System.

As an example of successful cooperation, the common contact point at the Hungarian-Austrian border, operating since June 2001, has proven to be a very effective tool for fast and direct exchange of information. Further development of cooperation is in progress, which foresees the amendment of the existing bilateral agreement by widening the scope of cooperation, increasing the staff of the contact point and extending the operating hours. With respect to Slovakia, the conclusion of an agreement and its implementing protocol has been initiated which would lead to establishing common contact points at the Hungarian-Slovakian border.

Furthermore, a new Act is under elaboration, which would allow Hungarian investigation authorities to develop and use effective investigation methods in cooperation with other foreign counterpart authorities, including the set up of joint investigation teams. This Act would also constitute the basis for bilateral agreements with other states. The aim of the new Act is to go further than the simple exchange of information and to take into consideration the Schengen requirements concerning police cooperation.

Hungarian NGOs are cooperating with other NGOs mainly from Western Europe (e.g. Austria, Spain). As a result of this cooperation, they have succeeded to ensure the return of several Hungarian women, to

---

<sup>29</sup> The Cooperation Agreement was promulgated by Act LXXXIX of 2001 in December 2001.

provide psychological support and legal assistance and advice. Nevertheless the lack of personnel and their limited resources are serious obstacles which NGOs continue to face. Anti-trafficking work is done by NGOs dealing with women's rights issues, they do not have a separate specialised staff dealing with trafficking issues only. Problems of funding have direct consequences on ensuring continuous communication with counterpart NGOs.

Suggestions have been made that international donors should provide regular funding to NGOs part of an international anti-trafficking network rather than organising occasional seminars. This would give the opportunity to organise regular meetings, to review past cooperation and work on practical anti-trafficking measures.

#### 4.5.1.2 Trafficking in human beings and corruption

In the absence of data and statistical information, no connection can be firmly established between trafficking in human beings and corruption in Hungary. There are very few reliable statistics on the extent of trafficking in women from Hungary and few criminal proceedings related to trafficking in human beings have been initiated.

According to a report of the Defence service of the Ministry of the Interior, whose task is to investigate internal corruption or other crimes committed by police officers or border officers, 2 investigations have started in 2001 against 3 officers, who helped criminals suspected with human trafficking to avoid criminal investigation. To date, the Office of General Prosecutor is not aware of any cases where public officials were involved in human trafficking.

Directed surveys have indicated that citizens have little confidence in the police and most corruption cases are associated with the law enforcement officials.

In order to prevent and control corruption within law enforcement and criminal justice institutions, participants considered necessary to strengthen these institutions' staff management and control capacity, to adopt a fair salary scheme and to professionalise the recruitment and career advancement procedures.

The fight against corruption continues to be high on the political agenda of the Government in the light of Hungary's preparations for accession to the European Union. The Government approved a long-term anti-corruption strategy (Government Decree No. 1023/2001 [III.14.] Korm.) with a very broad scope. Divided in four parts, it includes measures to revise the general legal environment, directions to amend the existing criminal legislation as well as other measures not requiring legislative actions. The National Judiciary Council of the Chief Prosecutor participates in the performance and the implementation of certain tasks. Individual ministries execute the tasks defined by the Government in accordance with their respective competencies. The Ministry of Justice is responsible for coordinating and implementing the national strategy against corruption.

The major act prohibiting corrupt activities and establishing sanctions for criminal activities in state administration, administration of justice and in the domain of public life is Act n° IV of 1978 on the Criminal Code. Additional amendments to the Criminal Code related to corruption offences have been introduced in 2001.

In general, anti-corruption activities are included in the scope of responsibility, authority and competence of a number of state organisations. The general investigation authorities are the Police and the Supreme Prosecutor's Office. The investigation authorities of the Customs and Finance Guard, the Border Police and the Internal Revenue Service are competent to investigate specific criminal offences listed in the Criminal Procedure Act.

According to Act n° I of 1973 on Criminal Procedure, the investigation of criminal offences against the proper functioning of public institutions falls within the competence of the police, being the general investigation authority, with the exception of severe cases which fall within the exclusive competence of the Supreme Prosecutor's Office. The investigation authorities are responsible to take any measure – including the covert collection of intelligence – in order to detect such acts. The Prosecutor's Office supervises the legality of investigation and in certain cases, as provided by law, carries out the investigation.<sup>30</sup>

Within the Ministry of the Interior, the prevention, detection and investigation of corruption within the law enforcement agencies fall within the competence of the enforcement services of the law enforcement agencies. The cases may also be transferred to the prosecutor's office for further investigation, if necessary, and formal accusation.

The anti-corruption governmental strategy includes sanctions in case an official has not fulfilled his obligation to report a case of corruption he was aware of.

Hungary is a party to most international and European conventions concerning corruption. In April 1999, Hungary has signed the Council of Europe's Criminal Law Convention on Corruption. The treaty was ratified by the Hungarian Parliament in September 2000.<sup>31</sup> Preparations for the signature of the Civil Law Convention on Corruption have begun. Hungary is also a member of the Council of Europe "Group of States against Corruption" (GRECO) since June 1999 and an evaluation visit has taken place in October 2001.

Finally, NGOs have reported that they do not consider to be at risk for seeing their efforts impeded by trafficking networks or internal corruption given that regular checks are performed according to an appropriate methodology and financial auditing.

#### **4.5.2 RECOMMENDATIONS PREPARED BY PARTICIPANTS**

- Rec 1 Pay special attention to trafficking in human beings because it is attached to basic human rights.
- Rec 2 Work out forms of cooperation at national level between governmental bodies and NGOs.
- Rec 3 Set up a national coordinator on trafficking in human beings with the task of ensuring continuous discussion between NGOs and governmental bodies, etc.
- Rec 4 Establish shelters.
- Rec 5 Ratify relevant multilateral conventions (e.g. Palermo convention) and adopt implementing legislation.
- Rec 6 Organise training for NGOs on their rights and possible activities in relation with authorities to protect victims effectively.
- Rec 7 Ensure updated information on NGOs, to participate in governmental bodies (e.g. information on the ministries' websites).
- Rec 8 Continue public awareness campaigns.

---

<sup>30</sup> The range of criminal offences falling within to the prosecutor's exclusive investigative competence is defined in the annex to Act n° V of 1972 on the Prosecutor's Office, which includes serious cases of bribery (Annex n° 7).

<sup>31</sup> Decree No. 67/2000 (IX.23.) OGY

- Rec 9 Issue passports only upon the persons' presence in the office of the issuing authority.
- Rec 10 Ensure reasonable funding for the above mentioned tasks through separate budgets for anti-trafficking activities.

## 4.6 Moldova

### 4.6.1 CORRUPTION, TRAFFICKING AND JUDICIAL COOPERATION

Both trafficking in human beings and corruption constitute serious issues of concern in the Republic of Moldova, which is a major source country and, to a certain extent, a transit country for women and children trafficked for purposes of sexual exploitation. Corruption is part of the political, economic and social life and according to Transparency International Corruption Index 2002 (CPI), Moldova scores less than 3 out of 10.

#### 4.6.1.1 Cooperation between judicial authorities, law enforcement authorities and anti-trafficking organisations

Until mid - 2001, the notion of “trafficking in human beings” was absent in the Moldovan legislation, the only article dealing with this offence being article 105 (2) “Pimping” of the Criminal Code.

On 30 July 2001, the Parliament adopted a law "On the completion of the Criminal Code and the Criminal Procedure Code"<sup>32</sup> which introduced a new article 113 (2) on “ Illegal trafficking in human beings”. Various institutions have been associated in the drafting of this law (e.g. the Section for Combating Trafficking in Human Beings of the Criminal Police of the Ministry of the Interior in coordination with the Ministry of Justice, the General Prosecutor’s Office, the Ministry of Labour, the Ministry of Security and the Ministry of Economy, etc). The newly adopted Criminal Code<sup>33</sup> also incorporates anti-trafficking related provisions.

To respond to the problem of trafficking, several actions have been taken by the Government of Moldova:

- A Section for Combating Trafficking in Human beings was created by the Ministry of the Interior in May 2000 (re-organised in April 2002).
- A working group on trafficking issues composed of high officials, members of parliament and NGOs representatives was established to coordinate trafficking preventive measures. However, this group stopped its activities after political changes in February 2001.
- In November 2001, the National Committee for Combating Trafficking in Human Beings was set up by the Government. The Chairman of this Committee is the Vice-prime Minister of Moldova and its membership includes the highest Government officials. National NGOs and international organisations have a partner-observer status. A National Action Plan was adopted and specific measures to be taken urgently were listed.
- An anti-trafficking unit composed of police officers was created.

Moldovan judicial and law enforcement authorities generally cooperate with international organisations and non-governmental anti-trafficking organisations such as IOM, UNDP, “Save the Children”, the Centre for the Prevention of Trafficking in Women, “La Strada”, Women Organisation “Civil Initiative” and others. A cooperation agreement between the Moldovan Government and IOM is currently under review.

Some examples of cooperation between the Ministry of Labour and international organisations have been reported which include the organisation of seminars on the issue of trafficking in human beings (with the support of the Council of Europe, the OSCE Mission in Moldova and IOM) and reintegration assistance programmes (IOM).

---

<sup>32</sup> Official Monitor of the Republic of Moldova, 17.08.2001 n° 97-99.

<sup>33</sup> See for instance article 165 on Trafficking in Human Beings, article 166 – Illegal deprivation of liberty, article 167 – Slavery and slavery like conditions, article 168 – Forced Labour, article 206 – Trafficking in Children, etc. The new Criminal Code (n° 985-XV – Official Monitor of the Republic of Moldova n° 128-129 of 13.09.2002) is expected to enter into force on January 2003.



There is no specific legal framework for such cooperation, sometimes internal rules of institutions envisage the possibility of cooperation/contact with citizens, NGOs and other relevant partners (e.g. the Department for Combating Trafficking in Human Beings' internal regulations).

The cooperation between the police and NGOs takes place within the framework of the Law on Police. Collaboration is also foreseen between citizens and investigative authorities in the Law on investigative operations.

There are six main NGOs specialised in the field of trafficking: the Association for Women Lawyers, CIVIS, the Civic Initiative, the Gender Centre, the Association for Youth Development and La Strada. The Association for Women Lawyers administers a Centre for the Prevention of Trafficking in Women, which coordinates local law enforcement, NGOs and international organisations' actions in this field.

Cooperation between the Centre for the Prevention of Trafficking in Women and the Department for Combating Organised Crime and Corruption involves that the Centre provides information collected during its work to the Department, the latter being obliged to react. Joint work with other state authorities takes place within working groups and covers legislative reform, organisation of prevention raising awareness campaigns and reintegration programmes.

With respect to prevention measures, authorities cooperate with NGOs and international organisations including for the distribution of information on trafficking (leaflets, brochures) reaching all those likely to be concerned, particularly in school, and the running of hotlines.

Discontent has been expressed that agreements are not always fully respected. Examples provided include late reaction of the police to information supplied by NGOs and more specifically criticism towards the lack of follow up by the Ministry of the Interior of cases reported through the hotline of the Centre for the Prevention of Trafficking in Women.

Several international organisations involved in anti-trafficking activities are present in Moldova. In the middle of 2001, UNICEF established a task force on trafficking whose aim is to develop inter-agency cooperation and exchange of information among various organisations (UNHCHR, IOM, OSCE, UNDP, the European Commission), the US and the French Embassies and local NGOs.

Among practical measures suggested, the main recurrent ones are : the necessity of organising intensive training programmes for persons likely to be in contact with trafficked persons (social workers, medical, teaching, diplomatic/consular customs and police personnel, NGO staff) with particular emphasis on the importance of inter-agency cooperation; the provision of financial support for anti-trafficking activities.

In the aftermath of the elections of February 2001, the new authorities declared that trafficking in human beings constituted a priority and expressed their interest in cooperating at international level to combat this phenomenon. The National Action Plan includes a chapter on international cooperation.

In the field of international legal assistance, Moldova has ratified some international instruments (e.g. the European Convention on extradition, its two additional protocols, the European Convention on Mutual Assistance in Criminal Matters and its additional protocol). International assistance in criminal matters is carried out pursuant to the provisions of the Criminal Procedure Code unless otherwise provided by an international treaty. Bilateral agreements have been concluded with countries in the region among which Romania.

Close cooperation has been established with the SECI Centre, Moldova being part to the South European Cooperative Initiative.

Given the transnational dimension of trafficking, cooperation between the country of origin, transit and destination is absolutely necessary. Trans-border police cooperation is reported to be under-developed.

Under the Law on Police (18 December 1990), cooperation with foreign law enforcement authorities and international organisations on matters related to combating organised crime lies within the responsibility of the Ministry of the Interior.

The Prosecutor General's Office reported having offered its assistance in December 2001 to representatives of the International Catholic Migration Commission and the IOM mission in Albania to identify Moldovan girls who were trafficked through or in Albania and to assist in the issuance of identity documents.

The Centre for the Prevention of Trafficking in Women closely cooperates with foreign international organisations and NGOs<sup>34</sup>. Such cooperation enables the exchange of experience, information and logistical support.

Nevertheless, the existing gaps in the legislation and the absence of relevant training programmes in this field are considered as hampering effective international cooperation. A new Criminal Procedure Code is currently under examination in Parliament, which includes detailed provisions on international cooperation.

In addition, NGOs stress the absence of a regional permanent mechanism of cooperation and co-ordination between anti-trafficking NGOs, which would significantly contribute to combat this phenomenon.

#### 4.6.1.2 Trafficking in human beings and corruption

The information provided indicates that most persons believe in a correlation between trafficking and corruption, considering that in a number of cases human trafficking could not have taken place without involvement of corrupt public officials.

However, according to the information received from official authorities, no cases involving both corruption and trafficking acts have been tried.

Corruption risks have been pointed at various levels:

- institutions giving licences to private firms ( or involved in trafficking activities) issuing identity documents (IDs, passports, visas)
- control services at the border
- law enforcement and the judiciary (unwillingness to register complaints and information, to take action, etc).

several reasons have been reported to explain the low level of effective response by the Police to trafficking cases revealed by NGOs, ranging from the weak organisation of the police, the unwillingness of police officials due to an insufficient degree of awareness of the problem to corruption.

In the last decade, Moldovan authorities have adopted a series of measures aiming at preventing and combating corruption. A State Programme for Fighting Crime, Corruption and Protectionism for 1999-2002 has been adopted. A new draft Programme is currently being elaborated. A number of institutions have been created to address the issue of corruption as well as several coordinating bodies.

At international level, Moldova is only a signatory of the Council of Europe's Criminal and Civil Law Conventions on corruption, of the UN Convention against Transnational Organised Crime and its protocols. It participates in two monitoring mechanisms of the Council of Europe, namely the "Group of States against Corruption" (GRECO) and the anti-money laundering monitoring mechanism (MONEYVAL Committee [PC-R-EV]). Furthermore, Moldova has also joined the Stability Pact Anti-corruption Initiative.

---

<sup>34</sup> E.g. SECI, IOM Moldova, IOM Romania, the FBI, La Strada, Connect US-Russia, Hotline for Migrant Workers Israel, International Federation of Women in Legal Careers, the Ministry of the Interior of Romania.

## 4.6.2 RECOMMENDATIONS PREPARED BY PARTICIPANTS

### At International Level

- Rec 1 Ratify the Criminal Law Convention on Corruption (ETS n° 173), the Civil Law Convention on Corruption (ETS n° 174), the Convention on the Transfer of Sentenced Persons (ETS n° 112), the UN Convention on Transnational Organised Crime and its Additional Protocols.
- Rec 2 Sign and ratify the second Additional protocol to the Convention on Mutual Assistance in Criminal Matters (ETS n° 182).

### At National Level

#### Legislative Measures

- Rec 3 Adjust and improve the legislation regarding:
- provocation when giving/accepting bribes (simulated corruption offences).
  - mutual legal assistance.
  - special investigative means.
  - prevention of trafficking in human beings and rehabilitation activity.
  - existing criminal provision on trafficking in children.
  - existing provisions on seizure and confiscation of proceeds of crime.

#### Institutional Measures

- Rec 4 Establish specialised inter-agency units involved in anti-trafficking and anti-corruption activities at national and local level, in order to enhance functional and investigative capacities of state bodies, units which need financial and logistical support.
- Rec 5 Identify as governmental priorities the activities regarding the combating of trafficking in human beings.
- Rec 6 Amend the National Strategy on combating trafficking in human beings with provisions regarding links between trafficking in human beings and corruption.
- Rec 7 Enhance the effectiveness of the activity of the National Working Group on Combating Trafficking in Human Beings by establishing a permanent secretariat.
- Rec 8 Establish mechanisms of cooperation between NGOs and State bodies:
- of competition for employment on public service.
  - of control for private agencies by applying rigorous sanctions.
  - of control of physical and moral persons' activity dealing with recruitment of citizens for working abroad.
  - of declaration and control of incomes and assets as well as the appropriate procedure for verifying the declarations.
  - for applying the law on witness protection.
  - on suspension of immunity in corruption cases.
- Rec 9 Adopt Codes of Conduct for Public officials.

- Rec 10 Increase internal control within law enforcement and custom/border organs.
- Rec 11 Strengthen inter-agency cooperation.
- Rec 12 Enhance quality and issuing procedures for travel documents.
- Rec 13 Develop national informational database system and data protection.
- Rec 14 Strengthen financial support for technical assistance and salaries.
- Rec 15 Improve training system for law enforcement and border authorities.

**NGOs Activity**

- Rec 16 Establish mechanisms of cooperation between NGOs and to create the national NGOs network dealing with trafficking in human beings.
- Rec 17 Establish a direct emergency line between NGOs and police authorities.
- Rec 18 Apply necessary protection measures against internal corruption within NGOs.
- Rec 19 Elaborate the Code of Conduct for NGO workers and to organise training.
- Rec 20 Elaborate standards for rehabilitation.
- Rec 21 Establish the mechanism of evaluation of NGO services' quality.
- Rec 22 Elaborate common modules for NGOs on assistance of victims and potential victims, especially children.
- Rec 23 Nominate contact points in NGOs for cooperation with NGOs abroad and foreign activities.
- Rec 24 Institute shelters, including specialised ones.
- Rec 25 Increase the civil society's commitment against trafficking in human beings and corruption issues.

## 4.7 Romania

### 4.7.1 CORRUPTION, TRAFFICKING AND JUDICIAL COOPERATION

Romania is a source and transit country, primarily for women trafficked to Bosnia, Serbia, “the former Yugoslav Republic of Macedonia”, Kosovo, Albania, Greece and Italy for the purpose of sexual exploitation. To a limited extent, it is also a destination country.

#### 4.7.1.1 Cooperation between judicial authorities, law enforcement authorities and anti-trafficking organisations

The framework for cooperation at national level has been set out by:

- The Government decision n° 1216/2001 concerning the National Plan of Action for Combating Trafficking in Human Beings
- Law n° 678/ 2001 On the Prevention and Combating of Trafficking in Human Beings (21 November 2001). NGOs have been consulted alongside the process of adoption of this law and have been granted an active role in its implementation.

According to the National Action Plan for Combating trafficking in human beings, governmental agencies, NGOs and international organisations are partners in the implementation of the objectives of the Plan. Cooperate between NGOs and the relevant governmental institutions is envisaged with respect to the adoption of prevention measures and the organisation of mass awareness raising and information campaigns on this issue and its related risks .

Early 2001, a National Task Force on Trafficking has been established which coordinates anti-trafficking efforts at governmental level. An Inter-Agency Working Group on trafficking in human beings acts as its supporting body and as an implementing agency of the National Plan of Action. A national coordinator on trafficking issues has been appointed, he is also the head of the General Directorate for Combating Organised Crime within the Ministry of the Interior.

An inter-ministerial Committee dealing with trafficking issues has also been created. It is composed of the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Education, the Ministry of the Interior, the Ministry of Labour and Solidarity, the Prosecutor’s Office as well as international and national organisations.

Partnership agreements have been concluded covering prevention, repatriation, sheltering, protection, reintegration, awareness raising. Joint initiatives started in 2001, such as the organisation of consultative meetings, lectures, seminars, training in crime prevention (including trafficking), and the preparation of educational materials.

A Memorandum of Understanding has been signed by the Ministry of the Interior (General Directorate for Combating Organised Crime and Anti-Drug) and the IOM Office in Bucharest following which a shelter for trafficked persons was opened.

The Ministry of Justice has concluded a cooperation partnership with an NGO (The Centre for Legal Resources) which includes cooperation on legislation assessment and legal drafting.

Other practical arrangements exist between law enforcement authorities and local NGOs.

According to the provisions of Law n° 678/2001 and upon request, the Ministry of the Interior may take measures to ensure the physical protection of trafficked victims persons while they are within the

Romanian territory. Protection and assistance are given by specialised policewomen, who have been trained by anti-trafficking NGOs.

Until recently, the only institutions directly involved in anti-trafficking activities were NGOs. Under the provisions of Law n° 678/2001, associations and foundations running anti-trafficking programmes and providing social assistance services to victims of trafficking in Romania are entitled to receive financial support from the state or local authorities' budgets. However, effective support depends on the financial resources available at central and local level. In the current situation, governmental resources for the aid of victims are limited due to budgetary constraints.

One of the criticisms made with regard to the cooperation agreements is that they cover only limited areas. Contacts between authorities and NGOs are not consistent but based on temporary initiatives and personal contacts. Some consider that a "culture of cooperation" between the civil society and authorities still needs to be developed.

It is believed that concrete contacts should be continuously developed in order to facilitate permanent communication and information exchange at local level, through the means of establishment of an informal network of liaison points. Regular meetings between non governmental organisations and law enforcement agencies should be organised. In order to ensure the effective enforcement of the legislation, comprehensive and multidisciplinary training programmes should be developed. A best practice guide for actors dealing with actions in the field of trafficking would also prove to be useful.

Law n° 678/2001 establishes a framework for international cooperation in combating trafficking in human beings. According to its article 45, liaison officers are appointed within the Ministry of the Interior as well as magistrates at the level of Prosecutors' offices attached to the tribunals, who are tasked with intelligence exchange with their counterpart liaison officers or magistrates operating in other countries so as to coordinate action during criminal investigations.

The competent structure within the Ministry of the Interior responsible for anti-trafficking issues cooperates mainly with NGOs from Moldova and with IOM offices in Sarajevo and Skopje.

Romania has ratified the key international and European instruments dealing with international legal assistance in criminal matters, extradition and sentenced persons and has adopted implementing legislation. Mutual legal assistance is provided on the basis on national legislation unless an international instrument to which Romania is a party provides otherwise, or on the basis of reciprocity. Several bilateral and trilateral agreements on police cooperation in fighting organised crime have been concluded.

Romania is also a party to the SECI agreement on Cooperation to Prevent and Combat Trans-border Crime and Interpol.

Local NGOs cooperate with other organisations, mainly from Moldova, Italy, Greece and " the former Yugoslav Republic of Macedonia".

The poor knowledge of the legal mechanisms available and of the foreign counterparts are highlighted as constituting the main obstacles hampering efficient cooperation in the field of prevention, combat and assistance of victims of trafficking in human beings. Communication between national law enforcement agencies and NGOs based in other countries at both formal and informal level is limited.

Although the current national legislation offers proper facilities for cooperation, efficient actions in this field necessitate further development of practical understanding of the essentials of cooperation at bilateral and regional levels.

Proposals on the establishment of a region wide official and informal cooperation network with a views to enabling authorities and NGOs in each country to exploit the firm contacts established abroad have been put forward.

The development of long term programmes promoting and facilitating direct contacts and the exchange of experiences among countries in SEE on issues regarding cooperation, legal frameworks and mechanisms in the field of trafficking in human beings has been considered of significant importance.

Furthermore, the wide dissemination of an updated and detailed directory of national and regional actors dealing with anti-trafficking activities would facilitate the identification of foreign counterparts and enhance international cooperation.

#### **4.7.1.2 Trafficking in human beings and corruption**

Very limited information has been provided by Romanian participants on the link between trafficking in human beings and corruption in Romania, most statements indicating that corruption in relation to trafficking was not a major issue.

However, one should note that some participants from neighbouring countries made references to testimonies of trafficked victims from Romania involving corruption, pointing out that the correlation of the two phenomena should be indeed given specific attention.

#### **4.7.2 RECOMMENDATIONS PREPARED BY PARTICIPANTS**

- Rec 1 Develop a National Regional Plan (multidisciplinary team to recommend appropriate assistance to victims).
- Rec 2 Pass the Law on Witness Protection.
- Rec 3 Pass the Law on Organised Crime.
- Rec 4 Enhance the relationship and communication between contact points already appointed by each entity dealing with anti-trafficking issues.
- Rec 5 Implement the anti-trafficking law and the National Program.
- Rec 6 Find, freeze, and forfeit the assets from traffickers and redirect the funds to victims' assistance and law enforcement agencies.
- Rec 7 Increase the number of working meetings between governmental organisations and NGOs in order to create a culture of communication and cooperation.
- Rec 8 Accelerate public awareness campaign, involving the mass media and NGOs.
- Rec 9 Improve communication between donors, Governmental organisations and NGOs on proper funding of the appropriate needs related to trafficking in human beings.
- Rec 10 Subcontract NGOs to work in the governmental organisations' shelters mentioned in the Law 678/2001, in order to better assist the victims .
- Rec 11 Appointed Liaison officers within the Ministry of the Interior as well as liaison magistrates at the level of Prosecutor's Offices attached to the Court, who shall be responsible for intelligence exchanges with their counterparts.

Rec 12 Ratify the UN Convention against Transnational organised Crime and additional protocols as well as the second additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (ETS n° 182).

**Trafficking in Human Beings and Corruption**

Rec 13 Adopt Code of ethics/ conduct for national NGOs on trafficking in human beings with establishing principles on the selection and recruitment of staff.

Rec 14 Enhance functional and investigative capacities of national bodies, including the use of special investigative means of surveillance and increase the supervision of border police activities.

Rec 15 Establish special centres for law enforcement officials, to initiate them and further train them within an “in-service” training in order to develop a knowledge of in-depth corruption mechanisms.

Rec 16 Consider of increasing the wages of law enforcement officials, prosecutors and judiciary, provide also the updated equipment and technology.

Rec 17 Implement follow-up activities of the registering authorities and apply relevant sanctions.

Rec 18 Increase control of border police activities (border management).

Rec 19 Strengthen the relationship between anti-corruption state bodies and NGOs.

Rec 20 Assess the victims’ needs and provide proper treatment to avoid perversion of the course of justice by the victim and its relatives.

Rec 21 Set up specific training system – victim’s psychology, law enforcement, judiciary, prosecutors’ officials.

Rec 22 Organise public awareness campaigns on anti-corruption, smuggling and trafficking, plus investigative bodies.



## 4.8 Slovenia

### 4.8.1 CORRUPTION, TRAFFICKING AND JUDICIAL COOPERATION

On the basis of information available, Slovenia appears to be less affected by corruption and trafficking in human beings than its neighbouring countries. For the past years, Slovenia has mainly been known as a transit country, and recently it has become also a country of origin and destination of trafficked women for the purpose of sexual exploitation.

#### 4.8.1.1 Cooperation between judicial authorities, law enforcement authorities and anti-trafficking organisations

Until recently, the phenomenon of trafficking in human beings was only dealt with by the police, the latter focusing mainly on the investigation and prosecution of perpetrators of trafficking in human beings.

The KLJUC Society is the only non-governmental organisation dealing with trafficking in human beings issues in Slovenia. It was founded in November 2001. Since the beginning of its activities, the KLJUC Society has cooperated with the Police only in four concrete cases.

In December 2001, a Multidisciplinary Working Group for the Fight Against Trafficking in Human Beings was established at the Ministry of Foreign Affairs of the Republic of Slovenia within the framework of the Stability Pact for South-eastern Europe. Some members of the KLJUC Society are also members of this newly established Multidisciplinary Working Group; other members include representatives of the Ministry of the Interior, the Police, the Ministry of Labour, Family and Social Affairs, the Office for Equal Opportunities, the National Assembly, the International Migration Organisation and some other non-governmental organisations. This Group has adopted a national strategy to combat trafficking and is responsible for the coordination of anti-trafficking activities. It is reported that the present cooperation is good and that it enables coordination and exchange of work experience among relevant institutions.

To date, there is no established legal framework for cooperation among the relevant public institutions and anti-trafficking organisations. Contacts with the competent authorities have been established through personal contacts of some members of the KLJUC Society.

Hence, it is considered that formal cooperation should be established between non-governmental organisations and the relevant governmental authorities in the following fields:

- Research and detection of the phenomenon of trafficking in human beings,
- Exchange of information among the relevant actors,
- Immediate assistance to victims of trafficking in human beings,
- Changes/upgrading of the legislation on witness protection in relation to trafficking in human beings,
- Lobbying and consideration of non-governmental organisations' positions in the legislative reform process (Criminal code, social and labour legislation as well as legislation concerning foreigners in Slovenia),
- Return and reintegration assistance of victims
- Incorporation of the activities of non-governmental organisations in the primary and secondary prevention, which is within the competence of certain governmental authorities,
- Public awareness – raising on trafficking in human beings.

International assistance for the purpose of criminal investigations and proceedings on cases involving trafficking in human beings is provided under the same conditions as assistance in other criminal cases or other criminal acts.

The Criminal Procedure Code includes two chapters dealing with judicial cooperation and extradition (Art. 514 - 537), both of them being used only if an international treaty does not provide otherwise. Article 515/2 of the Criminal Procedure Code enables direct communication between Slovenian authorities and foreign counterpart officials which participate in pre-criminal and criminal proceedings.

Slovenia is a party to numerous multilateral treaties covering judicial cooperation. The most frequently used treaties are the Council of Europe conventions (the 1957 European Convention on Extradition with its additional protocols, the 1983 Convention on the Transfer of Sentenced Persons, the 1999 Criminal Law Convention on Corruption). The European Convention on Mutual Assistance in Criminal Matters (20.4.1959) and its additional protocol came into force for Slovenia in October 2001. Thirty-six bilateral agreements covering judicial cooperation in criminal matters (including extradition agreements) and police cooperation have been concluded.

Slovenia is expected to ratify the already signed UN Convention on Transnational Organised Crime and its protocol on trafficking in persons in the near future.

The KLJUC Society has established a close cooperation with neighbouring countries, especially police collaboration with Italy and Croatia. It has also managed to establish contacts with a related organisation from the Federal Republic of Yugoslavia, "ASTRA" (Anti Sex Trafficking Organisation), which provided assistance in finding a Slovenian victim trafficked in the FRY.

The KLJUC Society is also cooperating with an Italian organisation, "Comitato per i diritti civili delle prostitute", with which a joint project for cooperation at the Italian-Slovenian border region has been concluded. At the moment, it is in the process of trying to establish contacts with the Dutch organisation "STA", which has been successfully implementing a project "La Strada" for several years.

#### **4.8.1.2 Trafficking in human beings and corruption**

There is no consensus on the extent of corruption in relation to trafficking in Slovenia. The fact that no cases have been reported nor are under investigation may suggest that such a link would not exist.

Some participants however, pointed at risks and opportunities of corruption. For instance, the KLJUC Society had obtained information that a residence permit for foreigners (exclusively women) could be obtained easily and rapidly in some administration units in exchange for sexual services.

Inconsistencies in the implementation of legal obligations by governmental institutions which come in contact with the phenomenon of trafficking in human beings have also been mentioned.

The most exposed institution to be corrupted, in relation to trafficking in human beings, is considered as being probably the police, however no cases have been reported yet.

The KLJUC Society has stressed that serious attention is paid to the safety of their members, considering that the fight against the trafficking in human beings is at the same time a fight against organised crime. The NGO has developed its own security system in the fieldwork in order to ensure the protection of the team which is in contact with a trafficked victim. Preventive measures have been introduced - such as non-exposure in front of cameras (members appear only in newspapers [without pictures] and on the radio stations), strict protection of personal data of their members, strict protection of information about the Society's premises, etc. New members are recruited only when they are recommended by other members, who provide guarantees for the newcomer. Before a new member starts working, he/she is trained in a given field. Previous knowledge and experience or appropriate education (for example working with victims could be entrusted to a psychologist, social worker or social pedagogue) is usually required in order to join the KLJUC Society.

#### 4.8.2 RECOMMENDATIONS PREPARED BY PARTICIPANTS

The Republic of Slovenia is a stable and democratic State governed by the rule of law. Legislation regarding criminal offences of corruption is quite modern and applied, but some improvements are needed in the field of trafficking in human beings – new criminal offences. Police, State Prosecution and Judiciary perform their tasks according to the legislation, and the legal system is not disintegrated. Some positive developments regarding cooperation between governmental sector and NGOs have been seen in the last year – i.e. the Interdepartmental Working Group on Trafficking in Human Beings includes NGOs. Participants from Slovenia propose the following improvements:

##### Trafficking in Human Beings

- Rec 1 The witness protection programme, which is being prepared in Slovenia, should be finalised as soon as possible.
- Rec 2 By-laws regarding the witness protection should be adopted as soon as possible, the mode of interrogation of witnesses should be modernised – videoconferences.
- Rec 3 A Research Study of the existing situation should be made – also the data of NGOs should be included.
- Rec 4 Shelters for persons – victims of trafficking in human beings should be established by the Centres for Social Work (part of the State), legislation should be adopted in such a manner that it shall regulate the acceptance of foreign women in those shelters – also NGOs shelters must be regulated in a general manner to provide legally for a possibility that these women could be sheltered also in these shelters.
- Rec 5 The Law on Foreigners should be changed to provide for temporary residence, until these women are psycho-socially rehabilitated, prepared for re-integration in their society and to provide help to Slovene authorities until possible criminal proceedings are final (finished).
- Rec 6 Education of governmental bodies that are connected to the victims (Judiciary, Police, ...) should be enhanced.
- Rec 7 A small Manual should be prepared; describing proceedings from the moment that news about the victim reaches some governmental body.
- Rec 8 The UN Convention Against Transnational Organised Crime and both its Additional Protocols should be ratified as soon as possible.
- Rec 9 Relationship between NGOs and governmental bodies regarding Trafficking in Human Beings and Corruption should be formalised (Memoranda of Understanding).
- Rec 10 Control regarding issuing of work permits and visas by Slovene authorities should be systemised and increased, also control of workplaces, where a lot of foreigners work (bars, dancing places, ...) should be tightened.
- Rec 11 Multidisciplinary education on trafficking in human beings should be introduced.
- Rec 12 Public should be more systematically informed by the media regarding trafficking in human beings, special attention should be paid to schools.

**Preventing and Punishing Corruption**

- Rec 13 Legislation regarding parts (departments) of Police, that fight corruption, might be considered to be changed in such a manner to guarantee special autonomy of such departments, so that superiors cannot influence them, also executive authority should not have influence/and/or knowledge of concrete cases- this question should be put under consideration.
- Rec 14 Declaration of and monitoring of assets of all public officials should be introduced.
- Rec 15 It should be put under consideration, whether zero tolerance regarding corruption in the Police does not prevent the small violators to disclose bigger ones. If so, then those small violators might be rehabilitated (join the Police again) if they disclose everything about their criminal offences of corruption and of others.

## 4.9 “The former Yugoslav Republic of Macedonia”

### 4.9.1 CORRUPTION, TRAFFICKING AND JUDICIAL COOPERATION

International reports and analysts state that corruption, money laundering, and trafficking in human beings have become widespread in “the former Yugoslav Republic of Macedonia”. Data show a considerable rise of cases regarding trafficking in women for sexual purposes, notably in the past two years, “the former Yugoslav Republic of Macedonia” increasingly appearing as a country of transit and destination. Public and private corruption are perceived as being a part of citizens’ everyday life.

#### 4.9.1.1 Cooperation between judicial authorities, law enforcement authorities and anti-trafficking organisations

Governmental authorities have started since 2001 to take measures to prevent and combat trafficking in human beings by establishing a National Council for Trafficking and Illegal Migration - responsible for developing the National Plan of Action on Trafficking and for coordinating anti-trafficking efforts - as well as by appointing a National Coordinator (the Minister of the Interior). Within the police, a Task Force to Combat Trafficking has been set up.

Cooperation between the judicial and law enforcement authorities and the NGOs dealing with the problem of trafficking of human beings started to develop in the past two years. Women’s NGOs are the principal organisations involved in victims assistance work, prevention and information campaigns, running hotlines, providing assistance, counselling, legal support and shelter.

A multidisciplinary approach to combat trafficking in human beings has been adopted: the Government, under the supervision of the Ministry of the Interior, has created a Reception and Transit Centre for irregular migrants and trafficked women. This initiative involved the participation of the Ministry of the Interior (Departments for Organised Crime and for Foreigners and Asylum Seekers), the Office of the Public Prosecutor, the Ministry of Justice, joint management with IOM and cooperation with the Police (March 2001).

IOM has also concluded an agreement with the Government according to which police authorities who identify female illegal migrants potentially trafficked are to refer them to IOM. As a result of this agreement, the IOM Mission in Skopje assisted in the repatriation of several trafficked women.

Cooperation also takes the form of training seminars for representatives of NGOs, police, judiciary, prosecutors, social services with the cooperation or sponsorship of IOM, UNCHR, the Soros Foundation and other agencies.

On the overall, cooperation is reported as being satisfactory. Nevertheless, the absence of formal cooperation agreements is considered by NGO representatives as creating confusion between the responsibilities and competencies of the relevant actors, which undermine the effectiveness of anti-trafficking efforts. The following measures have therefore been suggested to improve inter-agency cooperation at national level:

- Establish clear frameworks for cooperation/partnerships between public authorities and NGOs
- Promote direct contacts and communication between the judiciary, the law enforcement authorities, NGOs and international organisations
- Train judges, prosecutors, law enforcement officials on the issue of trafficking in human beings and exchange experience with best European practices
- Organise training seminars on the problem of trafficking in human beings targeting lawyers, judges, social workers, NGOs and other relevant persons, which take into account the human rights perspective and identify the best European practices in this field.

International legal assistance is provided according to the provisions of international instruments, bilateral agreements and on the basis of reciprocity. “The former Yugoslav Republic of Macedonia” has ratified some key instruments: the European Convention on Extradition and its additional protocols, the European Convention of Mutual Assistance in Criminal Matters with its additional protocols, the European Convention on the Transfer of Sentenced Persons.

It has also ratified the UN Convention against Transnational Organised Crime including the Trafficking Protocol.

Bilateral agreements on mutual legal assistance have been concluded with countries of the region (e.g. Slovenia, Bulgaria, Albania, etc.). There is also an on-going procedure for conclusion of such agreements with Serbia and Montenegro, Greece, Croatia and Romania.

National legislation has been adopted which comprises provisions on international legal assistance, enforcement of foreign criminal judgements, extradition and direct police cooperation.

“The former Yugoslav Republic of Macedonia” participates in the Stability Pact Task Force on Trafficking in Human Beings. Police cooperation takes place with Interpol and the SECI Centre.

Several obstacles hindering effective international cooperation in combating trafficking in human beings are mentioned by reporting organisations. Apart from the lack of direct contacts between prosecution offices with foreign authorities, the other main obstacles raised are the permeability of the Serbian and Albanian borders to trafficking activities and the corruption among border officials. Hence, the efficiency of the country’s border management and control, in cooperation with its neighbouring countries, needs to be improved in order to prevent trafficking and smuggling in all its aspects.

#### **4.9.1.2 Trafficking in human beings and corruption**

The information provided seems to indicate that corruption acts occur in relation to trafficking in human beings. Numerous examples linking corruption and trafficking have been cited, ranging from officials turning a blind eye to active cooperation.

For instance, NGOs suspect that traffickers are being informed of scheduled raids organised by the Ministry of the Interior given that they have usually been unsuccessful. There is belief that local police officials cooperate with traffickers and protect their illegal activities in exchange for money, services or personal /political relations. The low number of prosecutions for trafficking and for corruption of police or political officials have also raised concern and fear regarding the possible corruption within the criminal justice and law enforcement institutions.

Workers of anti-trafficking organisations have to face regularly intimidation and threatening calls, attempts to corrupt the members of these organisations have also been reported.

“The former Yugoslav Republic of Macedonia” has taken steps to create a framework for the fight against corruption. A National Anti-Corruption Strategy is currently under preparation involving changes in the existing laws, adoption of new laws and the establishment of an institutional structure for the prevention of corruption. The overall spirit and aim of the strategy is to meet international standards in this field, especially the ones of the Council of Europe and the European Union. As parts of its commitment to fight corruption, “the former Yugoslav Republic of Macedonia” has ratified international and European instruments containing anti-corruption related provisions and joined the "Group of States against Corruption" (GRECO).

#### 4.9.2 RECOMMENDATIONS PREPARED BY PARTICIPANTS

##### Judicial cooperation

- Rec 1 Amend article 17 of the Constitution in which it is prescribed that the use of special investigative means is not allowed.
- Rec 2 Adopt the Law on Special Investigative Means.
- Rec 3 Change the legislation in way of regulating the use of bank secrecy.
- Rec 4 Increase the role of the public prosecution in the area of running the procedure of collecting evidence.
- Rec 5 Establish witness-victim protection program.
- Rec 6 Improve the relation between NGOs and law enforcement institutions.
- Rec 7 Provide training programs at national and international level.
- Rec 8 Speed up the trafficking cases through the prioritisation of this kind of cases and consider them as urgent, especially when the children are involved in trafficking.
- Rec 9 Simplify letters rogatory.
- Rec 10 Promote direct bilateral contacts.
- Rec 11 The counter-trafficking legalisation should be harmonised to ensure that financial investigation and assets seizure is an integral part of the law.
- Rec 12 Tackle trafficking by specialised units that have received proper and in depth training to carry out the work. Units should consist of judges, public prosecutors and policemen, which is according to our National Program on Trafficking in Human Beings.

##### Corruption issues

- Rec 13 There should be a range of severe penalties for conviction of public officials for crimes of corruption.
- Rec 14 Corruption should be investigated by specially appointed multi-agency units staffed by prosecutors and specially selected police. These units should be fully equipped with technical support and training.
- Rec 15 Ensure televising reporting of the finding.
- Rec 16 Enhance the control upon the work of travel agencies.
- Rec 17 Conduct training campaigns on public awareness on anti-corruption, smuggling and trafficking plus investigative bodies.
- Rec 18 Enhance issuance procedure for passports and to improve the security quality of passports plus apply strict procedure for issuing documents.

**Rec 19** Strengthen financial support to all relevant bodies (salaries, technology, equipment).



## 4.10 The Federal Republic of Yugoslavia<sup>35</sup>

### 4.10.1 CORRUPTION, TRAFFICKING AND JUDICIAL COOPERATION

Trafficking in human beings has for a long time not been recognised as a problem in the Federal Republic of Yugoslavia. The conflicts in the region in past years have facilitated the development of organised criminal networks in both Serbia and Montenegro. Reports indicate that trafficking in human beings is becoming a growing phenomenon in the Federal Republic of Yugoslavia, which is being classified as a major transit country, due to its geographical position, and to a certain extent as a source and destination country. Prosecution of traffickers is difficult given that trafficking is not a specific criminal offence according to the Criminal codes of the republics and of the Federal Republic of Yugoslavia. Corruption has also flourished in the Federal Republic of Yugoslavia with serious political, social and economic consequences.

It is only recently that anti-trafficking and anti-corruption activities have started being organised. Consequently, there is little experience in cooperation in these fields between relevant state institutions and agencies and non-governmental organisations at federal and republic levels.

In April 2001, the OSCE Mission to the Federal Republic of Yugoslavia organised a Roundtable on Trafficking in Human Beings in cooperation with the Stability Pact Task Force on Trafficking in Human Beings and the ODIHR. An Initial Board for Combating Trafficking in Human Beings has been set up at federal level - composed of representatives from all relevant federal and republic ministries, international organisations and NGOs - which led to the constitution of a Yugoslav Team for Combating Trafficking in Human Beings<sup>36</sup>. This team started to prepare a long-term, coordinated multidisciplinary approach and identified four priority areas which are to be followed up within separate working groups:

- Prevention/ awareness raising and campaigning against trafficking in human beings
- Assistance to and protection of victims
- Amendment of the legislation and strengthening of law enforcement
- Collection of data, research and evaluation.

Serbian, Montenegrin and Yugoslav governmental coordinators for combating trafficking have been appointed. Law enforcement task forces investigating and prosecuting trafficking have also been established at federal and republic levels. New anti-trafficking provisions are currently being drafted.

#### 4.10.1.1 FRY/ Republic of Montenegro

Cooperation between judicial authorities, law enforcement authorities and anti-trafficking organisations

Coordinated cooperation of law enforcement agencies, judicial authorities and non governmental organisations is considered crucial in order to effectively combat trafficking in human beings.

---

<sup>35</sup> Representatives from Kosovo could not attend the seminar. Consequently, this chapter does not contain information on Kosovo. However, recommendations were prepared by a representative of OSCE/UNMIK who participated in the seminar.

<sup>36</sup> The Yugoslav Team is composed of: the Federal Ministry of the Interior, The Management of Border Police, the Management of Criminal Police, the Federal Ministry of Justice, the Federal Ministry of Foreign Affairs, the Federal Secretariat for Work, Health and Social Policy, The Federal Ministry of National and Ethnic Communities, the Republic Ministry of Social welfare, the CEI Group to Combat Organised Crime, the republic Ministry of Justice and local self Management, the Republic Ministry of the Interior, the republic Ministry of Education and Sport, the Roma's National Congress, ASTRA, the Yugoslav Centre for Children's rights, the Victimology Association of Serbia, the Counselling against Family Violence, SOS for Women and Children Victims of Violence, Kvinna Till Kvinna, OXFAM, UNICEF, UNHCR, UNCHCR, UN Liaison Office, IOM, OSCE, The Office of the National Co-ordinator of the Stability Pact in the FRY and the Helsinki Committee.

The Montenegrin Government started in 2001 to support anti-trafficking actions, in cooperation with international organisations and NGOs.

In October 2001, a Memorandum of Understanding for cooperation between the Ministry of Internal Affairs and NGOs was signed. This memorandum determines the tasks and roles of each institution/agency and institutionalises cooperation, especially in the field of assistance to victims of trafficking. Several NGOs have developed cooperative relationships with local authorities.

A Victim's Protection Programme has been developed, it includes activities for 2001 – 2002 aimed at providing protection and adequate treatment to victims of trafficking.

An inter-agency Project Board, composed of representatives of various ministries, the national coordinator for combating trafficking, two local NGOs and international organisations (OSCE, IOM, UNICEF) coordinates the protection programme. The latter covers different projects such as:

- Awareness raising campaigns (activity drafted by IOM and implemented by a joint advisory board of representatives from the Government, NGOs and IOM)
- SOS line (drafted by Women's Safe House, UNICEF, OSCE/ODIHR and supported by IOM through office equipment)
- Repatriation (IOM)
- Training programs (UNICEF, ICMC, OSCE/ODIHR)
- Law reform: a working group was established, composed of representatives of the Ministry of Justice, the Institute for Public Administration, Judiciary and Local Self-Government, Council of Europe, ABA/CEELI and the Montenegrin Association of Women Judges and Lawyers in order to draft amendments to the relevant laws
- Border control machinery and law enforcement (project drafted by the Ministry of Internal Affairs with the OSCE/ ODIHR and followed - up by the Board).

NGOs estimate that the cooperation with judicial authorities is usually very weak and that it takes place only when it is absolutely necessary. On the opposite, cooperation with the police is considered to be very efficient, regular contacts have been established which enable the exchange of information.

An example of such cooperation is provided by the Women's Safe House, a non governmental organisation which runs a shelter for victims of sex-trafficking. On the basis of the Memorandum of Understanding, a Police Expert team is available 24 hours/day to assist the Women's Safe House. This team ensures the safety of the victims during their stay in the shelter or their travels within Montenegro. The memorandum contains provisions ensuring the coordination between the Police Expert Team and other partners in the Victim's Protection Programme, including the sharing of the relevant information on trafficking.

International cooperation in criminal matters is carried out pursuant to the provisions of the Federal Republic of Yugoslavia Criminal Procedure Code, unless otherwise stipulated by an international treaty. Bilateral agreements covering legal assistance in criminal matters and extradition are in force with Albania, Bulgaria, Bosnia and Herzegovina, Italy, etc. Competencies in providing international legal assistance is shared between the different institutions at federal and republic level.

The Ministry of the Interior reports good cooperation with Albania, Romania, Serbia and Italy on anti-trafficking activities. Contacts have been established with Interpol.

#### Trafficking in human beings and corruption

There are very few reports on trafficking in human beings cases in Montenegro and even less information on cases linking corruption and trafficking. However, it is believed that these phenomena are related. The very low salaries of policemen increase the risk of corruption. Cases where police officers have additional

jobs as security guards in bars and night clubs or where they have been involved directly in trafficking have been cited during the seminar.

Despite its inability to accede to international conventions, the Republic of Montenegro has taken some steps to enhance compliance with European and international standards dealing with the fight against corruption and trafficking. Apart from the international obligations arising from the UN Convention against Transnational Organised Crime and its additional protocols signed by the FRY, the Republic of Montenegro signed the Declaration against Trafficking in Human Beings (Palermo, December 2000).

The Government appointed in 2000 a Senior Representative in charge of the implementation of the Stability Pact Anti-Corruption Initiative. He leads the Anti-Corruption Agency, established in December 2000, which is responsible for drafting relevant legislation, preventive activities and any other measures required in combating corruption as well as ensuring inter-agency cooperation between the different authorities in the country.

#### **4.10.1.2 FRY/ Republic of Serbia**

Cooperation between judicial authorities, law enforcement authorities and anti-trafficking organisations

Upon initiatives of international organisations, a multidisciplinary approach to combat trafficking in human beings has recently been promoted in Serbia, bringing together governmental and non-governmental representatives as well as representatives of relevant international organisations. A Serbian Team working on trafficking issues has been formed in April 2002.

Several examples of cooperation have been reported by the Ministry of the Interior. For instance, policemen of the Ministry of the Interior cooperate and exchange information with non-governmental organisation (e.g. ASTRA – Anti - Sex Trafficking Action Project, the Guidance Center for Struggle against Violence in Families and EVA from the city of Novi Sad). In one case, on the basis of information received from ASTRA, three trafficked girls have been discovered and rescued.

The Ministry of the Interior of the Republic of Serbia and the Federal Ministry of the Interior, together with the Serbian non-governmental organisation “Incest Trauma Centar” from Belgrade, have organised a course on combating trafficking in women and domestic violence for policemen from the Criminal and Border Department, as well as for the police officials ensuring public order.

The signature of a Memorandum of Understanding is foreseen, which will constitute the basis of cooperation between governmental bodies and non-governmental organisations, specifically for providing assistance and protection to victims of trafficking.

Legal assistance in criminal matters is provided on the basis of the Federal Republic of Yugoslavia Criminal Procedure Code and of bilateral agreements covering international assistance in criminal matters.

Cooperation with anti-trafficking organisations from other countries has also been initiated. An agreement has been concluded between the Ministries of the Interior of the Republic of Srpska, the Federation of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia on 4 May 2001 in the field of illegal migration.

The NGO Astra reports good cooperation with several NGOs from Slovenia, Croatia, Bosnia, “the former Yugoslav Republic of Macedonia” and Kosovo, enabling the exchange of information and experiences, assistance in concrete cases, training exchange courses, etc.

### Trafficking in human beings and corruption

According to the information provided by the Ministry of the Interior and the Ministry of Justice, there are no records of corruption cases, which could be directly connected to trafficking in human beings.

However, NGOs expressed their concern in this respect. Facing well organised criminal networks while having limited cooperation with law enforcement officials has been pointed out as constituting a new problem for NGOs in the Federal Republic of Yugoslavia. Hence, NGOs had to develop their own protection rules (confidentiality of addresses and names, carefulness in communications with authorities, etc).

It is important to note that since the beginning of 2001, the fight against corruption has become one of the priority objective of the Government. Changes included the adoption of a National Programme for Fighting Crime and Corruption, the adoption of anti-corruption legislation, the establishment of a number of anti-corruption institutions and of a national coordination mechanism.

Specific preventive measures have been adopted within public institutions, such as specific selection procedures for the recruitment of the police forces and the judiciary personnel, transparency of the institutions' work through the publication of regular activity reports, strict internal and external controls, etc. The adoption of a Code of Conduct of Civil Servants, based on the Council of Europe's model is currently under discussion.

**4.10.2 RECOMMENDATIONS PREPARED BY PARTICIPANTS FROM MONTENEGRO**

- Rec 1     Involve prosecutors into investigations from the beginning.
- Rec 2     Harmonise the criminal legislation regarding trafficking in human beings and corruption, with countries in the region.
- Rec 3     Improve cooperation between media and teams for anti-trafficking and anti-corruption.
- Rec 4     Improve cooperation between NGOs and governmental organisations.
- Rec 5     Establish a Protocol of cooperation between the agency for anti-corruption and the national coordinator for anti-trafficking activities.
- Rec 6     Establish victim-witness protection program, as a tool for an effective combat of organised crime.
- Rec 7     Provide joint training for NGOs and governmental organisations.

**4.10.3 RECOMMENDATIONS PREPARED BY PARTICIPANTS FROM SERBIA****4.10.3.1 Recommendations by the representatives from the Ministry of Justice and Local Self Government, the Ministry of Internal Affairs and the District Prosecutor's Office****Establishment and Enhancement of Witnesses – Victim Protection Programme**

- Rec 1     Protocols should be drawn up between the NGOs and the law enforcement agencies to ensure that each side is aware of who is responsible for providing which measures of protection. There is already a German model protocol to guide this process.
- Rec 2     Consideration should be given to the creation of a category of grave crime for the most serious trafficking cases whereby such cases would be tried only in special Courts designed for the purpose. This follows the Italian Special Anti-Mafia initiative. The court building would be located next to a high security prison to reduce security problems and the prosecutors and judges would be specially selected and trained to deal with such cases.

**Non-Governmental Organisations and Law Enforcement Cooperation**

- Rec 3     Formal protocols should be designed and agreed between the NGOs and law enforcement agencies to regulate their relationship. It is vital that both sides understand and acknowledge the pressures and responsibilities on each other.

**Investigative Issues**

- Rec 4     There is a clear need for coordination and prioritisation at the practical operational level. There should also be prioritisation of the caseload. Investigations involving child victims should always take the first priority. Cases involving severe levels of violence and or exploitation should be given second priority, behind child cases.
- Rec 5     Creation of specialist multi-agency investigative units that have received proper and in-depth training to carry out the work. The specialist units should be multi-disciplinary and include specialised prosecutors.

**Multi-agency training**

Rec 6 The training should be conducted on a joint basis so that police, border guards, prosecutors and NGOs are in the same room receiving joint guidance.

**International Issues**

Rec 7 The whole issue of mutual legal assistance must be: simplified, prioritised and accelerated.

Rec 8 Child or severe cases should be classified as urgent and dealt with within specified short time frames.

Rec 9 Mutual legal assistance should allow for international identification, sequestration and seizure of assets accrued by traffickers.

**Corruption Issues**

Rec 10 Immunity from prosecution of judicial officials should be removed. It is not acceptable that officials tasked by civil society to implement the law should be granted immunity from prosecution under it. It remains to be agreed whether immunity should be removed as an across the board measure or whether immunity should be waived on a case specific basis following an allegation of corruption that is supported by evidence.

Rec 11 Competitive, transparent selection procedures:

- Key officials, such as senior officers on the specialised anti/corruption or anti/trafficking units, prosecutors and judicial officials such as magistrates and judges should be by the means of transparent and competitive process subject to independent scrutiny. This should avoid nepotism and the strengthening of corrupt networks of officials.
- These selection procedures should be followed up by probationary appointments where the performance of the official would be evaluated for a set period of time. The subordinate officials would play a role in this assessment. Only after this period would confirmed appointment for a set period take place. The post would remain subject to annual reports and approval by the independent appointment board.

Rec 12 Corruption should be investigated by specially appointed multi/agency units, staffed by prosecutors and specially selected police. These units should operate at two levels; each relevant ministry should include a specialised anti-corruption unit and there should be a central unit to investigate the most serious cases. The intention is to create an elite, multi-agency unit to attack corruption. These elite appointments should be accompanied by appropriate salaries that reflect the importance and danger of the work. It does not guarantee honesty, but it does send a symbolic message of the importance attached by civil society to the work.

Rec 13 Confidential hotlines in each department should be established so that everybody could provide information about the activities of corrupt officials.

Rec 14 It is recommended that Public Advocacy Offices are established to allow members of the public to make complaints of corruption and receive independent legal advice as to their rights and remedies. This office should establish close links with the anti-corruption units.

**NGO Cooperation**

- Rec 15 Close cooperation should be developed between the anti-corruption and anti-trafficking units and the NGO sector to ensure that victims are fully protected and interviewed about their experiences and the roles played by corrupt officials. Protocols should be developed whereby this intelligence can be passed to the anti-corruption units.
- Rec 16 Improve legislation on trafficking in human beings as the basis for cooperation.
- Rec 17 Adopt memoranda of understanding between NGOs and the Ministry of the Interior / Police.
- Rec 18 Take measures to ensure the protection of witnesses.
- Rec 19 Investigate corruption and finances when investigating trafficking in human beings.
- Rec 20 Target vulnerable officials when investigating corruption and convince them to cooperate.
- Rec 21 Use information from victims and NGOs.
- Rec 22 Anti-corruption training (joint for all bodies involved).
- Rec 23 Organise specific training for police and judiciary.
- Rec 24 Adopt the draft articles on trafficking in human beings and other relevant ones.
- Rec 25 Network cooperation between countries of origin, transit and destination.
- Rec 26 Speed up proceedings.
- Rec 27 Adopt legislation on travel agencies and its control.

**4.10.3.2 Recommendations prepared by NGO Astra****Judicial cooperation against trafficking in human beings**

- Rec 1 Adoption of the draft articles on trafficking in human beings in the Criminal Code, Violation Act, Procedure law and others and implementing them (article on trafficking in human beings, shelter, temporary resident permit, witness protection programme).
- Rec 2 Adopt legislation on travel agencies and working agencies.
- Rec 3 Adopt the Law on Organised Crime.
- Rec 4 Establish codes of ethics of conduct for police officials.
- Rec 5 Establish Code of conduct for anti-trafficking NGOs.
- Rec 6 Establish special multi-disciplinary units for combating trafficking in human beings and corruption.
- Rec 7 Apply necessary protective measures for NGOs (data protection).

- Rec 8 Assess the victims situation and provide proper treatment on human rights standards for treatment of trafficked persons and their relatives.
- Rec 9 Develop national informational database system and data protection systems.
- Rec 10 Improve the quality of passports.
- Rec 11 Reorganisation of the courts system for the organised crimes cases generally and trafficking of human beings specifically.
- Rec 12 Establish contact persons in all relevant levels (police, NGOs, social welfare centres, shelters) in country and Europe (between countries of origin, transition and destination) and make possible direct communication among them.
- Rec 13 Memorandum of understanding among police and other institutions and NGOs as well as Memorandum of Understanding among NGOs in Europe for faster communication and exchange of information.
- Rec 14 Web site database for NGO's, list of services, information, etc.
- Rec 15 Meetings among NGO's dealing with trafficking in human beings problem on a regular yearly basis for exchanging the experiences and improving our work for the safety of victims.
- Rec 16 Speed up all formal/informal proceedings in giving information, checking data and all other forms of cooperation, establishing two-ways communication.
- Rec 17 Public awareness campaign on governmental level for sensibilising public about the problem.
- Rec 18 Training for the police, judges, media and members of all other relevant institutions dealing with the phenomenon of trafficking in human beings, sensibilisation on the problem of trafficking in human beings, victims approach, awareness raising.
- Rec 19 Implementing new programs in social welfare centres and educational system.(Escape bureaucracy as much as possible, sensibilise police, social workers, embassy staff for the problem of trafficking, working with victims, the victims' reintegration in local community, Implement special educating preventive programs in schools through workshops, seminars.).
- Rec 20 Research study about existing situation (NGOs and Governmental organisations)
- Rec 21 Strengthen financial support to all relevant bodies (salaries, technology, equipment,..).

**Trafficking in Human Beings and Corruption**

- Rec 22 Accession to relevant conventions on corruption.
- Rec 23 Improve national legislation in this field.
- Rec 24 Establish codes of conduct for this field for the police and other institutions officials.
- Rec 25 Prevention and Public awareness campaigns on anti-corruption.
- Rec 26 All activities related to combating corruption should be publicised.



Rec 27 Anti-corruption initiatives should be subject to independent internal and external monitoring.

#### **4.10.4 RECOMMENDATIONS PREPARED BY THE OSCE/UNMIK DEPARTMENT OF HUMAN RIGHTS & RULE OF LAW**

- Rec 1 Educate and sensitise people (whole local community) to cultivate and understanding the meanings of the crime of trafficking, forced prostitution, the distinction between voluntary and forced prostitution and the meaning of “victim” in the context of these crimes. In conjunction with other measures, this understanding should increase the likelihood that the judiciary will convict perpetrators and impose suitable sentences and fitting pre-trial detention measures.
- Rec 2 Joint training including Judiciary, Police, social/ health workers, NGOs on the above mentioned issues, raising the importance of cooperation and coordination among all of them, taking into account culture and traditional customary law.
- Rec 3 Prioritise proceedings involving juveniles.
- Rec 4 Clarify the existing agreements on judicial cooperation among Eastern European countries to enable/facilitate the exchange of documents (i.e. statements taken abroad) if needed during trial.
- Rec 5 Raise awareness among the International Community on the consequences for international staff of being involved in any offence associated with trafficking in human beings and/or corruption. consequences should include disciplinary measures and prosecution by local authorities.
- Rec 6 Ensure an effective system for removal of immunity and privileges of international staff including Military Forces (for example KFOR in Kosovo) when suspected of being involved in serious crimes such as trafficking and/or corruption to enable prosecution and conviction, if justified.
- Rec 7 Reduce the turnover of internationals, by having countries send people for a minimum of one-year contract instead of 6 months only. People who are in-country for a short period do not have sufficient time to get properly involved in such issues that require protracted work and a sufficient level of knowledge of the local community. This is especially true of the police investigation units. It appears to make the follow up on certain cases rather difficult when a series of police officers, with different educational and work-related backgrounds have worked on it.
- Rec 8 Need for stronger support for counter trafficking measures from the Government, through political awareness.
- Rec 9 Due to possible corruptive influences, the selection of judges, prosecutors, and investigators work on serious crimes, such as trafficking in human beings and corruption, should be particularly rigorous.
- Rec 10 Develop legislation and investigative techniques so that combating corruption, includes targeting and confiscating proceeds of criminal activities from those who are convicted of those activities.

## 5 APPENDIX

### 5.1 Regional seminar (Portoroz 19 – 22 June 2002): Programme

**TUESDAY, 18 JUNE 2002**

*Arrival of contact points and officials responsible for judicial cooperation*

**WEDNESDAY, 19 JUNE 2002 COOPERATION MANUAL**

**08h00 Registration of participants**

**08h30 Discussion and finalisation of the Cooperation Manual**

*Resource persons: Mr. Alexander Seger, Ms. Ardita Abdiu, Mrs. Livia Stoica and Mr. Achim Thiel.*

10h00 Coffee break

**10h30 Work within country delegations (continued)**

13h00 Lunch

**14h00 Work within country delegations (continued)**

15h45 Coffee break

**16h00 Work within country delegations (continued)**

*Afternoon/evening: Arrival of remaining participants*

**20h00 Cocktail party offered by the Supreme Court of the Republic of Slovenia**

*Welcoming speaker: Mr. Mitja Deisinger, President of the Supreme Court*

**THURSDAY, 20 JUNE 2002 JUDICIAL AND LAW ENFORCEMENT COOPERATION AGAINST TRAFFICKING IN HUMAN BEINGS**

**08h00 Registration of participants**

**08h30 Plenary session: Opening and presentations**

- Mr. Bostjan Penko, Director of the Office for the Prevention of Corruption, Representative of the Government of the Republic of Slovenia
- Mrs. Irena Vojackova, Chief of Mission - International Organisation for Migration Mission (Vienna), Representative of the Stability Pact Task Force on Trafficking in Human Beings
- Mr. Alexander Seger, Council of Europe representative

**09h00 Presentations**

- Enhancing police and judicial cooperation in the struggle against trafficking in human beings, *Mr. Paul Holmes (United Kingdom)*

- Latest developments in the EU policy to fight trafficking in human beings, *Mrs. Patsy Sorensen (Belgium)*
- Case presentation on judicial cooperation between anti-trafficking organisations and State authorities in the Netherlands, *Mr. Jan Hendrik Meulmeester (The Netherlands)*

10h00 *Coffee break*

**10h15 Presentations (continued)**

- Case presentation on judicial cooperation between anti-trafficking organisations and State authorities in Belgium, *Mrs. Patsy Sorensen (Belgium)*
- Presentation of practical difficulties encountered by Animus Association when dealing with judicial cooperation in the field of trafficking in human beings, *Mrs. Sofia Kashlakeva, Animus/La Strada (Bulgaria)*
- Presentation of a case study of trafficking in human beings and the interaction of law enforcement, judicial authorities and NGOs at national and international level, *Mr. Drago Kos, State Undersecretary, Office for Prevention of Corruption (Slovenia)*

**11h15 Working groups: Analysis of framework, strengths and weaknesses**

Participating countries will be divided into 3 working groups.

Starting from the case study, participants shall examine the state of cooperation between law enforcement authorities, judicial authorities and anti-trafficking organisations at national and international level in the fight against trafficking in human beings (existing frameworks, strengths and weaknesses).

13h00 *Lunch*

**14h00 Working groups: Recommendations and guidelines**

Participants shall elaborate recommendations aimed at guiding and improving cooperation between law enforcement authorities, judicial authorities and anti-trafficking organisations at national, bilateral and regional level.

15h45 *Coffee break*

**16h00 Plenary Session: Presentation of Working Group's recommendations**

16h45 *End of the first day*

**17h00 Side meeting for civil society representatives on NGO networking - organised by the Slovenian NGO "KLJUC" (Key)**

**19h30 Boarding time:  
Dinner on a boat**

FRIDAY, 21 JUNE 2002

TRAFFICKING IN HUMAN BEINGS AND CORRUPTION

**08h30 Plenary session: Presentations and discussions**

- Introduction: trafficking in human beings and corruption, *Mr. Alexander Seger, Council of Europe*
- Risks and measures to curb corruption within law enforcement authorities dealing with trafficking in human beings: a police perspective, *Mr. Paul Holmes (United Kingdom)*
- Risks and efforts to successfully investigate and prosecute corruption within judicial authorities dealing with trafficking in human beings, *Mr. Achim Thiel (Germany)*
- Corruption related problems encountered by anti-trafficking organisations, *Interventions by representatives of non-governmental organisations*

10h45 *Coffee break***11h00 Working groups: Analysis of problems and counter-measures**

Participants will be divided into 3 working groups.

Participants shall identify, country by country, the risk that anti-trafficking efforts are being crippled by corruption (causes, location, scale, effect), participants shall examine/evaluate existing mechanisms/procedures to prevent/combat the phenomenon of corruption within official authorities and anti-trafficking organisations.

13h00 *Lunch***14h00 Working groups: Recommendations**

Participating countries will be divided into 3 working groups.

Participants shall elaborate country-specific recommendations to combat corruption within official bodies involved in anti-trafficking measures. Furthermore, they shall elaborate guidelines/ appropriate modus operandi for anti-trafficking NGOs to face corruption practices. Finally, they could envisage possible frameworks of cooperation/coordination between anti-corruption and anti-trafficking networks at national and international level.

15h45 *Coffee break***16h00 Plenary session: Presentation of Working Groups' results**

Summary of country situation and specific recommendations by the rapporteurs of each group.

16h45 *End of the second day*19h00 *Dinner*20h00 *Balkan party*

|                               |                                       |
|-------------------------------|---------------------------------------|
| <b>SATURDAY, 22 JUNE 2002</b> | <b>RECOMMENDATIONS AND GUIDELINES</b> |
|-------------------------------|---------------------------------------|

**08h30 Work within country delegations**

Finalisation of the country-specific guidelines/recommendations addressing the two topics

**11h00 Plenary session**

- Presentation of recommendations and guidelines elaborated by each country on the two topics.  
Adoption of the Cooperation Manual
- **Conclusions**  
*Mr. Marko Starman, State Secretary, Ministry of Justice, Slovenia*  
*Council of Europe representative*

**13h00 End of the seminar**

- *Lunch*
- *Departure of participants (Saturday / Sunday)*

**WORKING GROUPS**

| Group 1                                     | Group 2                                  | Group 3                                  |
|---|--|--|
| Albania                                     | Bosnia and Herzegovina                   | Hungary                                  |
| Bulgaria                                    | Croatia                                  | Romania                                  |
| UNMIK/Kosovo                                | FRY/Montenegro                           | Moldova                                  |
| "The former Yugoslav Republic of Macedonia" | Slovenia                                 | FRY/ Serbia                              |
| <b>Facilitators and resource persons</b>    | <b>Facilitators and resource persons</b> | <b>Facilitators and resource persons</b> |
| Paul Holmes                                 | Kristina Hemon                           | Drago Kos                                |
| Patsy Sorensen                              | Jan Hendrik Meulmeester                  | Achim Thiel                              |
| Ardita Abdiu                                | Alexander Seger                          | Livia Stoica                             |

## 5.2 List of participants

| Country                   | Name                | Institution   |
|---------------------------|---------------------|---|
| Albania                   | Mr Artan BAJRAKTARI | Head of NCB INTERPOL<br>Ministry of Public Order<br>Directorate of Criminal Police<br>Skanderberg Square N° 3<br>ALB-TIRANA<br>Tel +355 4 362793<br>Fax +355 4 365160<br>Arba_al@yahoo.com  |
| Albania                   | Mrs Najada RAMA     | Lawyer<br>Department of International Treaties and Jurisdictions<br>Relations<br>Ministry of Justice<br>Bul. Zog I Pare<br>ALB-TIRANA<br>Tel +355 4 22 83 59<br>Fax +355 4 23 4560<br>najadarama@yahoo.com                              |
| Albania                   | Mr Dolor TOZAJ      | Adviser to the Minister of State on Trafficking in Human<br>Beings<br>Council of Ministers<br>Blvd. "Deshmoret e Kombit"<br>ALB-TIRANA<br>Tel +355 382 203 290<br>Fax +355 423 0846<br>dtozaj@hotmail.com                               |
| Albania                   | Mr Ardian VISHA     | Prosecutor<br>Director of Foreign Affairs Department<br>General Prosecutor's Office<br>rr. Qemal Stafa, nr 1<br>ALB-TIRANA<br>Tel +355 69 2090 423<br>Fax +355 4 235 232<br>v_ardi@hotmail.com  |
| Bosnia and<br>Herzegovina | Mrs Mirjana KLEMENS | Expert for Immigration and Asylum Tasks<br>Ministry of Justice<br>Valtera Perica 15/III<br>BIH-71000 SARAJEVO<br>Tel +387 33 231 151 / 213 152<br>Fax +387 33 213 155   |
| Bosnia and<br>Herzegovina | Ms Ljiljana LALOVIC | Officer for Immigration and Asylum Tasks<br>Ministry of Human Rights and Refugees<br>Trg Bosne I Hercegovine 1<br>BIH-71000 SARAJEVO<br>Tel/fax +387 33 206 664   |
| Bosnia and<br>Herzegovina | Mr Mladjen MANDIC   | Deputy Minister of Justice<br>Vuka Karadzica<br>BANJA LUKA<br>REPUBLIKA SPRSKA<br>Tel +387 51 331 582<br>Fax +387 51 331 594<br>mpr@mpr.vladars.net   |
| Bulgaria                  | Mrs Vanya ILIEVA    | Expert<br>National Border Police Service<br>Ministry of the Interior<br>International Co-operation and Agreements Department<br>46 "Maria Louisa" blvd.<br>BG-1202 SOFIA<br>Tel +359 2 982 33 08<br>Fax +359 2 988 58 67<br>nsgp@mvr.bg |

|          |                              |   |
|----------|------------------------------|---|
| Bulgaria | Mrs Pavlina NIKOLOVA         | Prosecutor<br>Supreme Cassation Public Prosecutor's Office<br>2 Vitosha Blvd.<br>BG-SOFIA<br>Tel +359 2 987 67 87<br>Fax +359 2 988 52 13<br>Sledstven_gp@prb.bg  |
| Bulgaria | Mrs Mitka ZAHARLIEVA         | Chief Expert<br>Ministry of Justice<br>Directorate of International Legal Co-operation and<br>International Legal Assistance<br>1 Slavianska str.<br>BG-1040 SOFIA<br>Tel +359 2 980 92 29<br>Fax +359 2 980 92 23<br>mitka@mjeli.government.bg                                       |
| Croatia  | Mr Drazen JELENIC            | Deputy of State's District Attorney<br>State's District Attorney Office<br>Savska 41<br>HR-10000 ZAGREB<br>Tel +385 1 6305 666 (ext.609)<br>Fax +385 1 6177 671   |
| Croatia  | Mrs Ines LOKNAR<br>MIJATOVIC | Adviser<br>Government of the Republic of Croatia<br>Office for Human Rights<br>Trg Marsala Tita 8/1<br>HR-10000 ZAGREB<br>Tel +385 1 48 77 660<br>Fax +385 1 48 13 430  |
| Croatia  | Mrs Jelena PEDISIC           | Interpol<br>Police Officer<br>Ministry of the Interior<br>Ilica 335<br>HR-10000 ZAGREB<br>Tel +385 1 3788 829<br>Fax +385 1 37 04 878   |
| Croatia  | Mrs Marina UZELAC            | Junior Legal Adviser<br>Ministry of Justice, Administration and Local Self<br>Government<br>Department for International Legal and Cooperation<br>and Human Rights<br>Republike Austrije 14<br>HR-10000 ZAGREB<br>Tel +385 137 107 93<br>Fax +385 137 106 72<br>muzelac@pravosudje.hr |
| Hungary  | Mrs Magdolna HAJDU           | Prosecutor<br>Office of the Prosecutor General of Hungary<br>P.O. BOX 438<br>H-1372 BUDAPEST<br>Tel +36 1 269 2817<br>Fax +36 1 269 2662<br>magdolna.hajdu@lugy.x400gw.itb.hu   |
| Hungary  | Mrs Ilona LÉVAI              | Director General<br>Office of the Prosecutor General of Hungary<br>Secretariat for International and European Affairs<br>Marko utca 16<br>H-1055 BUDAPEST<br>Tel +36 1 269 2817<br>Fax +36 1 269 2662<br>ilona.levai@lugy.x400gw.itb.hu   |

|         |                         |   |
|---------|-------------------------|---|
| Hungary | Dr Henriett NAGY        | Counsellor, International Law Department<br>Ministry of Justice<br>Kossuth Ter 4<br>H-1055 BUDAPEST<br>Tel +36 1 441 3130<br>Fax +36 1 441 3112<br>nagyh@im.hu  |
| Hungary | Mrs Eva ROSZA           | Chief Counsellor, EU Integration Office<br>Ministry of the Interior<br>PF 314<br>H-1903 BUDAPEST<br>Tel +36 1 441 1361<br>Fax +36 1 441 1601<br>rozsa@bm.gov.hu   |
| Moldova | Ms Tatiana COJOCARU     | Prosecutor<br>International Relations Department<br>Prosecutor General's Office<br>26 Banulescu-Bodoni str.<br>MD-2005 CHISINAU<br>Tel/fax +373 2 22 86 35<br>Tania_c22@hotmail.com                                   |
| Moldova | Mrs Elena ECHIM         | Adviser<br>Ministry of Justice<br>82-31 August str.<br>MD-2012 CHISINAU<br>Tel +373 2 23 73 05<br>Fax +373 2 23 47 97 /73 05<br>elenaechim@hotmail.com  |
| Moldova | Mrs Larisa MICULET      | Head of Financial Economic Investigation Section<br>Prosecutor's General Office<br>Banulescu Bodoni 26<br>MD-2005 CHISINAU<br>Tel +373 2 22 14 70<br>Fax +373 2 21 20 32<br>lmiculet@hotmail.com                      |
| Moldova | Mr Alexandru STOIANOGLO | Deputy Prosecutor General<br>Prosecutor's General Office<br>26 Banulescu-Bodoni str.<br>MD-2005 CHISINAU<br>Tel/fax +373 2 22 86 95   |
| Romania | Mr Florin DUMITRESCU    | Specialist Officer<br>Ministry of the Interior, National Focal Point<br>1-5, 13 Septembrie street<br>RO-76117 BUCHAREST<br>Tel +4021 140 0732<br>Fax +4021 312 3600<br>nfp_ro@secicenter.org                          |
| Romania | Mr Florin Razvan RADU   | Legal adviser, Department for International Relations<br>and Human Rights<br>Ministry of Justice<br>17 Apolodor Str.<br>RO-70000 BUCHAREST<br>Tel +4021 410 34 00 (int. 2214)<br>Fax +4021 310 16 62<br>rradu@just.ro |
| Romania | Mrs Viorica STOICA      | Prosecutor<br>Public Ministry<br>Section of Investigations<br>Bd. Libertatii N° 12-14<br>RO-70000 BUCHAREST Sector 5<br>Tel +4021 410 19 04<br>Fax + 4021 410 54 35<br>parchet@kappa.ro                               |



|   |                          |  |
|---|--------------------------|--|
| Romania                                     | Mr Mihai Gheorghe STOICA | General Director<br>General Directorate for Countering Organised Crime and Antidrug<br>Calea Victoriei n° 7<br>Sector 3<br>RO-BUCHAREST<br>Tel +402 1310 05 21<br>Fax +402 1 311 15 79   |
| Slovenia                                    | Mrs Ana BUCAR            | Counsellor to the Minister<br>Ministry of Justice<br>International Legal Assistance Department<br>Zupanciceva 3<br>SLO-1000 LJUBLJANA<br>Tel +386 1 478 5610<br>Fax +386 1 426 1050<br>ana.bucar@gov.si                            |
| Slovenia                                    | Mr Sandi CURIN           | Counsellor to the Government<br>Ministry of the Interior<br>Office for European Affairs and International Cooperation<br>Makova 2<br>SLO-1501 LJUBLJANA<br>Tel +386 1 300 94 01 /9440<br>Fax +386 1 300 9434<br>sandi.curin@gov.si |
| Slovenia                                    | Mr Peter PAVLIN          | Counsellor<br>Ministry of Justice<br>International Legal Assistance Department<br>Zupanciceva 3<br>SLO-1000 LJUBLJANA<br>Tel +386 1 478 5720<br>Fax +386 1 426 1050<br>Peter.pavlin@gov.si   |
| Slovenia                                    | Mr Robert RENIER         | Head of the District Public Prosecutor's Office<br>District Public Prosecutor's Office Krsko<br>Cesta krskih zrtev 14<br>SLO-8270 KRSKO<br>Tel +386 7 4881 360<br>Fax +386 7 4881 379<br>robert.renier@dt-rs.si                    |
| "The former Yugoslav Republic of Macedonia" | Mrs Mimoza KIKOVSKA      | Head of Section<br>Ministry of Justice<br>Velho Vlahovic BB n°9<br>MK-91000 SKOPJE<br>Tel + 389 2 110 439<br>Fax + 389 2 110 439<br>mkikovska@yahoo.co.uk  |
| "The former Yugoslav Republic of Macedonia" | Mrs Maja KONESKA         | Deputy Public Prosecutor General<br>Basic Public Prosecution<br>"12 Udarne Brigada n°2"<br>MK-91000 SKOPJE<br>Tel +389 2 111 192 / 231<br>Fax +389 2 133 238<br>Majakoneska@yahoo.com  |
| "The former Yugoslav Republic of Macedonia" | Mr Antonio SANEV         | Ministry of the Interior<br>International Cooperation and European Integration Department<br>Street Dimce Mircev BB<br>Skopje<br>Tel/fax +389 2 14 26 94<br>santonio@justice.com   |

|                                       |                         |   |
|---------------------------------------|-------------------------|---|
| F.R. Yugoslavia / Serbia              | Mr Milisav COGURIC      | Head of the legal assistance division<br>Ministry of Justice and Local Self Government<br>Of the Republic of Serbia<br>Tel +381 11 361 6 287<br>coguricm@yahoo.com  |
| F.R. Yugoslavia / Serbia              | Mr Dusan ZLOKAS         | National Coordinator for Fight against Trafficking in Human Beings<br>Ministry of Internal Affairs<br>of the Republic of Serbia<br>Tel +381 11 311 88 92<br>Fax: 381 11 311 88 90<br>Adrecun@mfin.sr.gov.yu               |
| F.R. Yugoslavia / Serbia              | Mrs Nebojsa MARAS       | Deputy of District Prosecutor<br>District Prosecutor Belgrade<br>Slobodana Penezica 17-a<br>BELGRADE<br>Tel +381 11 360 1279<br>Fax +381 11 682 772   |
| F.R. Yugoslavia / Montenegro          | Mr Vladimir CEJOVIC     | National Coordinator for Trafficking in Human Beings<br>Ministry of the Interior<br>Bulevar Leniha 6<br>81000 PODGORICA – MONTENEGRO<br>Tel +381 81 69 063 855<br>Fax +381 81 225 568<br>cejovicv@cg.yu                   |
| F.R. Yugoslavia / Montenegro          | Mrs Ana NIKOLIC         | Senior Adviser<br>Ministry of Justice<br>International Legal Aid<br>Vuka Karadzica 3<br>81000 PODGORICA - MONTENEGRO<br>Tel/fax +381 81 248 541<br>Tel + 381 67 250 016<br>vesnarat@cg.yu                                 |
| F.R. Yugoslavia / Montenegro          | Mr Veselin SUKOVIC      | Director<br>Anti-corruption Initiative Agency<br>S. Dragojevic 2<br>81000 PODGORICA – MONTENEGRO<br>Tel/fax +381 81 225 568<br>aci@mn.yu  |
| <b>NON-GOVERNMENTAL ORGANISATIONS</b> |                         |   |
| Albania                               | Mrs Vera LESKO          | Executive Director<br>Psycho-social "THE HEARTH"<br>L. Rilindja rr. Piro Bisha<br>PALLATI 1402 VLORE<br>ALBANIA<br>Tel +355 332 75 09 / +355 692140395<br>Fax +355 3327509<br>QPQ-Vatra@aui.sanx.net                      |
| Albania                               | Mrs Iris MONE           | Translator<br>Psycho-social "THE HEARTH"<br>L. Rilindja rr. Piro Bisha<br>PALLATI 1402 VLORE<br>ALBANIA<br>Tel/fax +355 332 33 36<br>QPQ-Vatra@aui.sanx.net   |
| Bosnia and Herzegovina                | Mrs Selma HADZIHILLOVIC | NGO The RING Network<br>(The Campaign for Conscientious Objection in BiH)<br>Zene Zenama Sarajevo<br>Ante Fijamenga 14b<br>71000 SARAJEVO<br>Tel +387 61 79 28 79<br>Fax +387 33 645 234 / 44 55 32<br>Selma.h@bih.net.ba |

|                        |  |   |
|------------------------|--|---|
| Bosnia and Herzegovina | Mrs Olivera SIMIC                            | Lawyer<br>NGO "UNITED WOMEN ASSOCIATION"<br>Novice Cerovica 28<br>51000 BANJA LUKA<br>Tel +387 65 53 73 73<br>Fax +387 51 341 845<br>Maliraj2002@yahoo.com  |
| Bulgaria               | Mrs Desislava GOTSKOVA                       | Bulgarian Gender Research Foundation - BGRF<br>Coordinator Trafficking in Women Programme<br>12 Liuben Karavelov street<br>BG-SOFIA<br>Tel/fax + 359 2 9808 801   |
| Bulgaria               | Mrs Sofia Ivanova<br>KASHLAKEVA-<br>ANDREEVA | Legal Advisor<br>Animus Association<br>30 Slavyanska str.<br>BG-1000 SOFIA<br>Tel/fax +359 2 981 0570<br>animus@animusassociation.org   |
| Croatia                | Mrs Lovorka MARINOVIC                        | Center for Gender Equality<br>SP GTP Croatia<br>IOM Mission<br>Nova Cesta 68<br>HR-10000 ZAGREB<br>Tel +385 1 377 9162<br>Fax +385 1 481 5917<br>lovarkam@iom.int<br>gtfcro@inet.hr   |
| Croatia                | Mrs Nermina KOMARIC                          | Co-ordinator of the Project Rosa House<br>Center for Women War Victims<br>Rosa House – Shelter for Trafficked Women<br>Kralja Drzislava 2<br>HR-10000 ZAGREB<br>Tel/Fax +385 1 4551 142<br>cenzena@zamir.net  |
| Hungary                | Ms Gyorgyi TOTH                              | Vice-Chair<br>NANE Association of Women' Rights<br>PO Box 502<br>1447 BUDAPEST<br>Tel +36 1 328 0771<br>Fax +36 1 337 2865<br>nane@posta.net  |
| Moldova                | Mrs Jana COSTACHI                            | President, Project Director<br>Association of Woman in Legal Careers<br>Center for the Prevention of Trafficking in Women<br>68 Bucuresti str.<br>OF 304<br>MD-2012 CHISINAU<br>Tel +373 2 54 65 69<br>Fax +373 2 23 36 10<br>jcostachi@hotmail.com |
| Moldova                | Mrs Lilia CARASCIUC                          | Executive Director<br>Transparency International<br>98 "31 August" street<br>MD-2004 CHISINAU<br>Tel/fax +373 2 21 05 95<br>lilia@transparency.md<br>office@transparency.md   |
| Moldova                | Mr Efim OBREJA                               | Senior Lawyer<br>Transparency International<br>98 "31 August" street<br>MD-2004 CHISINAU<br>Tel/fax +373 2 21 05 95<br>efim@transparency.md   |

|   |                          |   |
|---|--------------------------|---|
| Romania                                     | Ms Oana-Madalina MARCOCI | Programmes Director<br>Centre for Legal Resources<br>Legal Reform and Institutional Building<br>19 Arcului St.<br>Sector 2, Zip code 702211<br>RO-Bucharest<br>Tel +4021 212 06 90 /91/92<br>Fax +4021 212 05 19<br>mmarcoci@crj.ro         |
| Romania                                     | Mrs Maria Iana MATEI     | President<br>Reaching Out<br>NGO<br>Str. Cîmpineanu bl. 2<br>Sc.C, Ap.14<br>PITESTI, Jud. Arges Cod 0300<br>Tel +402 48 631 / 092 298 042<br>Fax +402 48 253 484<br>reachingoutrom@yahoo.com  |
| Slovenia                                    | Mrs Katjusa KODELE KOS   | Director<br>Society Kljuc<br>Centre for Fight Against THB<br>Pp 1646,<br>SLO-1001 LJUBLJANA<br>Tel +386 31 613 000<br>Kljuc_center@hotmail.com  |
| Slovenia                                    | Mrs Spela VESELIC        | Counsellor<br>Association against Violent Communication<br>Milana Majcna 12<br>SLO-1000 LJUBLJANA<br>Tel/fax +386 1 321 54 96<br>Drustvo.dnk@drustvo-dnk.si   |
| "The former Yugoslav Republic of Macedonia" | Mrs Daniela POPOVSKA     | Legal Assistant<br>Open Gate – La Strada Macedonia<br>Legal Programme Department<br>PO Box 110<br>MK-1000 SKOPJE<br>Tel/fax +389 2 139 795<br>lastrada@on.net.mk  |
| "The former Yugoslav Republic of Macedonia" | Mrs Milka RISTOVA        | Coordinator for Legal and Policy Questions<br>OWOM – National Committee for Gender Equality<br>Legal Department<br>Bul Kuzman Josifovski Pitu, Br. 19/4<br>MK-1000 SKOPJE<br>Tel +389 2 292 474<br>Fax +389 2 137 072<br>karolina@mt.net.mk |
| F.R.Yugoslavia / Serbia                     | Mrs Marija ANDJELKOVIC   | Activist<br>Ngo-Astra-Anti Sex Trafficking Action<br>Juhorska 9/11<br>11000 BELGRADE<br>Tel/fax +381 11 3347 817<br>vajka@eunet.yu  |
| F.R.Yugoslavia / Montenegro                 | Mrs Ljiljana RAICEVIC    | Coordinator of the shelter for victims of sex-trafficking<br>NGO Women safe house<br>PC "Krusevac"<br>Centinjski put bb<br>81000 Podgorica – Montenegro<br>Tel +381 81 234 670 / 680<br>Fax +381 81 234 670<br>shelter@cg.yu                |

| <b>EXPERTS</b>                      |                            |  |
|-------------------------------------|----------------------------|--|
| European Union                      | Mrs Patsy SÖRENSEN         | Member of Parliament<br>Wiertzstraat,<br>B - 1047 BRUSSELS<br>Tel 32-2-2845143<br>Fax 32-2-2849143<br>psorensen@europarl.eu.int  |
| Germany                             | Mr Achim THIEL             | Senior Prosecutor<br>Oberstaatsanwalt<br>Head of Central Office of Fight against Organized crime<br>Friedrich-Ebert-Anlage, 34<br>D - 60100 FRANKFURT-AM-MAIN<br>Tel +49 69 1367 2115<br>Fax +49 69 1367 6057<br>a.thiel@gsta-frankfurt.justiz.hessen.de |
| United Kingdom                      | Mr Paul HOLMES             | Expert<br>29 Stroudwater Park, St. Georges Avenue<br>Weybridge, Surrey, KT13 ODT<br>Tel +44 193 285 1885<br>Fax +44 171 321 7762<br>Pholmes000@aol.com   |
| Netherlands                         | Mr Jan Hendrik MEULMEESTER | Palace of Justice<br>Prins Clauslaan 60<br>2500 EH'S – GRAVENHAGE<br>The Netherlands<br>Tel +31 7 0381 1463<br>Fax +31 70 3 81 3260<br>MEULMEEJ@sgrarr.drp.minjus.nl   |
| Slovenia                            | Mr Drago KOS               | State Undersecretary<br>Republic of Slovenia<br>Office for Prevention of Corruption<br>Slovenska 54<br>SLO-LJUBLJANA<br>Tel +386 1 43 40 540<br>Fax +386 1 43 40 550<br>drago.kos@gov.si   |
| <b>OTHER SLOVENIAN PARTICIPANTS</b> |                            |  |
| Supreme Court                       | Mr Janko MARINKO           | Secretary General<br>Supreme Court of Republic of Slovenia<br>Tavcarjeva 9<br>1000 Ljubljana<br>Tel +386 1 43 23 133<br>Fax +386 1 23 03 051<br>janko.marinko@sodisce.si   |
| Appellate Court                     | Mr Andrej HROVATH          | Superior Court Senior Judge<br>Appellate Court in Ljubljana<br>Tavcarjeva 9<br>1000 Ljubljana<br>Tel +386 1 432 31 33<br>Fax +386 1 232 17 70<br>andrej.hrovath@sodisce.si   |
| Supreme Court                       | Mag. Mitja DEISINGER       | President of Supreme Court of Republic of Slovenia<br>Tavcarjeva 9<br>1000 Ljubljana<br>Tel +386 1 43 23 133<br>Fax +386 1 23 03 051<br>mitja.deisinger@sodisce.si   |
| District Court                      | Mrs Marjeta ŠVAB ŠIROK     | District Judge<br>District Court Ljubljana<br>Tavcarjeva 9<br>1000 Ljubljana   |

|                                     |                           |   |
|-------------------------------------|---------------------------|---|
| District Court                      | Mr Srečko ŠKERBEC         | District Judge<br>District Court Kranj<br>4000 Kranj, Zoisova ulica 2<br>Tel +386 4 20 26 666<br>Fax +386 4 23 64 401<br>Tel +386 1 43 23 133<br>srecko.skerbec@sodisce.si  |
| District Court                      | Mrs Marjutka PAŠKULI      | District Judge<br>1000 District Court Ljubljana<br>Tavcarjeva 9<br>1000 Ljubljana<br>Tel +386 1 43 23 133<br>marjutka.paskulin@sodisce.si   |
| District Court                      | Mr Goran KLAVORA          | District Judge<br>District Court Nova Gorica<br>Kidriceva ulica 14<br>5000 Nova Gorica<br>Tel +386 5 33 51 700<br>Fax +386 5 33 51 697<br>goran.klavora@sodisce.si  |
| The Office of the State Prosecutor  | Mr Mirko VRTACNIK         | Supreme State Prosecutor<br>The Office of the State Prosecutor<br>Ljubljana, Dunajska c. 22<br>Tel +386 1 431 03 92<br>Fax +386 1 433 03 81<br>mirko.vrtacnik@dt-rs.si  |
| Higher Public Prosecutor            | Mr Milan BIRSA            | Higher Public Prosecutor<br>Higher State Prosecutor's Office Celje<br>Celje, Ljubljanska 20<br>Tel +386 3 425 48 50<br>Fax +386 3 425 4851  |
| District State Prosecutor's Office  | Mr Boštjan ŠKRLEC         | Assistant<br>District State Prosecutor's Office<br>Cesta Krskih zrtov 14<br>SLO-8270 KRSKO<br>Tel +386 7 4881 372<br>Fax +386 7 4881 379<br>bostjan.skrlec@dt-rs.si   |
| Ministry of Justice                 | Mr Manfred Norman DOUKOFF | Pre-Accession Adviser<br>Ministry of Justice<br>Županciceva 3, Ljubljana<br>Tel +386 1 478 54 43<br>Fax +386 1 426 10 50<br>norman.doukoff@gov.si   |
| Office for Prevention of Corruption | Mr Boštjan PENKO          | Director<br>Republic of Slovenia<br>Office for Prevention of Corruption<br>Ljubljana, Slovenska 54<br>Tel +386 1 43 40 540<br>Fax +386 1 43 40 550<br>bostjan.penko@gov.si  |
| The office of the state prosecutor  | Mr Dejan MARKOVIC         | Circuit State Prosecutor<br>The office of the state prosecutor<br>Ljubljana, Dunajska 22<br>Tel + 386 1 433 01 68<br>Fax +386 1 433 03 58<br>dejan.markovic@dt-rs.si  |
| Ministry of the Interior            | Mr Robert KRAJNC          | Crime Inspector in Corruption Division<br>Ministry of the Interior<br>General Police Directorate<br>Criminal Police Directorate<br>Ljubljana, Štefanova 2<br>Tel +386 1 432 40 34<br>Fax + 386 1 472 42 06<br>robert.krajnc@policija.si |

|                          |                                |   |
|--------------------------|--------------------------------|---|
| Ministry of the Interior | Mr Tomaž PERŠOLJA              | Criminal Investigation Inspector for Special Tasks in Organised Crime Section<br>Ministry of the Interior<br>General Police Directorate<br>Criminal Police Directorate<br>Ljubljana, Štefanova 2<br>Tel +386 1 433 41 04<br>Fax + 386 1 472 42 06<br>tomaz.persolja@policija.si |
| Ministry of Finance      | Mrs Maja CVETKOVSKI            | Adviser to the Director<br>Ministry of Finance<br>Office for the Anti-Money Laundering Prevention<br>Cankarjeva 5<br>SLO-1502 LJUBLJANA<br>Tel +386 1 425 41 89<br>Fax +386 1 425 20 87<br>maja.cvetkovski@mf-rs.si   |
| District Court Koper     | Mrs Mara TURK                  | District Judge<br>District Court Koper<br>6000 Koper, Ferrarska 9<br>Tel +386 5 668 33 00<br>Fax +386 5 639 52 47<br>mara.turk@sodisce.si   |
| District Court Koper     | Mrs Dragica KOTNIK             | District Judge<br>District Court Koper<br>6000 Koper, Ferrarska 9<br>Tel +386 5 668 33 00<br>Fax +386 5 639 52 47<br>dragica.kotnik@sodisce.si  |
| District Court Koper     | Mr Julijan GLAVINA             | District Judge<br>District Court Koper<br>6000 Koper, Ferrarska 9<br>Tel +386 5 668 33 00<br>Fax +386 5 639 52 47<br>julijan.glavina@sodisce.si   |
| Society Kljuc            | Mrs Renata HIMELRAJH           | Member<br>Society Kljuc<br>Centre for Fight Against THB   |
| Society Kljuc            | Mr Dušan HIMELRAJH             | Member<br>Society Kljuc<br>Centre for Fight Against THB   |
| Society Kljuc            | Mrs Mojca VODUŠEK              | Member<br>Society Kljuc<br>Centre for Fight Against THB   |
| Society Kljuc            | Mrs Mateja ŠTIRN               | Member<br>Society Kljuc<br>Centre for Fight Against THB   |
| Society Kljuc            | Mr Edvard KOCH                 | Member<br>Society Kljuc<br>Centre for Fight Against THB   |
| Society Kljuc            | Mrs Tinakara PAVŠIČ<br>MREVLJE | Member<br>Society Kljuc<br>Centre for Fight Against THB   |
| Society Kljuc            | Mrs Uršula OBREZA              | Member<br>Society Kljuc<br>Centre for Fight Against THB   |
| Society Kljuc            | Mrs Marjeta PLEVČAK            | Member<br>Society Kljuc<br>Centre for Fight Against THB   |
| Society Kljuc            | Mrs Urška ŽUGELJ               | Member<br>Society Kljuc<br>Centre for Fight Against THB   |
| Society Kljuc            | Mr Jurij POPOV                 | Member<br>Society Kljuc<br>Centre for Fight Against THB   |

|   |                                   |  |
|---|-----------------------------------|--|
| Society Kljuc   | Mr Andrej ŠTER                    | Member<br>Society Kljuc<br>Centre for Fight Against THB  |
| Society Kljuc   | Mrs Irena DROBEŽ                  | Member<br>Society Kljuc<br>Centre for Fight Against THB  |
| Society Kljuc   | Mr Drago BELTRAME                 | Member<br>Society Kljuc<br>Centre for Fight Against THB  |
| Society Kljuc   | Mrs Dunja PIŠKUR<br>KOSMAC        | Member<br>Society Kljuc<br>Centre for Fight Against THB  |
| Society Kljuc   | Mrs Maja KORC                     | Member<br>Society Kljuc<br>Centre for Fight Against THB  |
| Society Kljuc   | Mrs Vijolica NEUBAUER             | Member<br>Society Kljuc<br>Centre for Fight Against THB  |
| Society Kljuc   | Mr Brane OMERZU                   | Member<br>Society Kljuc<br>Centre for Fight Against THB  |
| Society Kljuc   | Mr Dejan ŠTANCER                  | Member<br>Society Kljuc<br>Centre for Fight Against THB  |
| UNCHR   | Mr Gregory GARAS                  | Representative of UNCHR in Slovenia  |
| <b>OBSERVERS</b>  |                                   |  |
| IOM   | Mrs Alenka MALENSEK               | Head of Office<br>IOM - International Organization for Migration<br>Trdinova 7<br>1000 Ljubljana – SLOVENIA<br>Tel + 386 1 434 73 51<br>Fax + 386 1 231 11 19<br>amalensek@iom.int     |
| IOM<br>(Representing the<br>Stability Pact Task<br>Force on Trafficking<br>in Human Beings) | Mrs Irena VOJACKOVA-<br>SOLLORANO | Chief of Mission<br>IOM – International Organisation for Migration<br>Nibeliungengasse 13/4<br>A-1010 WIEN<br>Tel +43 1 585 33 22<br>Fax +43 1 585 33 22 30<br>ivojackova@iom.int      |
| ICG   | Mrs Kristina HEMON                | Political Analyst<br>International Crisis Group<br>ICG-Bosnia<br>Augusta Brauna 10/2<br>BIH-71000 SARAJEVO<br>Tel +387 53 217 264 / 263<br>Fax +387 33 668 714<br>khemon@crisisweb.org |
| OSCE  | Mrs Laure AVILES                  | OSCE<br>Human Rights Officer<br>Victim Advocacy Unit - Human Rights Department<br>Beograd street 32<br>Pristina<br>Tel +377 44 191 596<br>Fax +387 38 500188<br>Laure.aviles@omik.org  |
| TRANSCRIME  | Mr Andrea DI NICOLA               | Transcrime – University of Trento<br>Via Inama 5<br>I - 38100 TRENTO<br>Tel +39 0461 882304<br>Fax +39 0461 882303<br>adinicol@gelso.unitn.it  |



|   |                        |   |
|---|------------------------|---|
| TRANSPARENCY INTERNATIONAL              | Mr Frits HONDIUS       | Representative to the Council of Europe<br>Transparency International<br>8 rue Mozart<br>F-67370 GRIESHEIM SUR SOUFFEL<br>Tel +33 3 88 56 16 46<br>Fax +33 3 88 56 12 10<br>hondius@wanadoo.fr                                      |
| <b>SECRETARIAT</b>                      |                        |   |
| Council of Europe                       | Ms Ardita ABDIU        | DG I – Legal Affairs<br>Department of Crime Problems<br>Economic Crime Division<br>F-67075 STRASBOURG<br>Tel +33 3 88 41 23 54<br>Fax +33 3 88 41 39 55<br>ardita.abdiu@coe.int   |
| Council of Europe                       | Mr Alexander SEGER     | DG I – Legal Affairs<br>Department of Crime Problems<br>Economic Crime Division<br>F-67075 STRASBOURG<br>Tel +33 3 90 21 45 06<br>Fax +33 3 88 41 39 55<br>alexander.seger@coe.int  |
| Council of Europe                       | Ms Carole STEINMETZ    | DG I – Legal Affairs<br>Department of Crime Problems<br>Economic Crime Division<br>F-67075 STRASBOURG<br>Tel +33 3 88 41 28 78<br>Fax +33 3 88 41 39 55<br>carole.steinmetz@coe.int   |
| Council of Europe                       | Mrs Livia STOICA BECHT | DG I – Legal Affairs<br>Department of Crime Problems<br>Economic Crime Division<br>F-67075 STRASBOURG<br>Tel +33 3 90 21 42 60<br>Fax +33 3 88 41 20 52<br>livia.stoica@coe.int   |
| Office for the Prevention of Corruption | Mr Roman PRAH          | Assistant Director<br>Republic of Slovenia<br>Office for Prevention of Corruption<br>Ljubljana, Slovenska 54<br>Tel.: +386 1 43 40 540<br>Fax: +386 1 43 40 550<br>roman.prah@gov.si  |
| Ministry of the Interior                | Mrs Mateja KRIVEC      | Apprentice<br>Ministry of the Interior<br>Office for European Affairs and International Cooperation<br>Mackova 2, 1501 Ljubljana<br>Tel +386 1 300 94 40<br>Fax +386 1 300 94 34<br>mateja.krivec@gov.si                            |
| Ministry of the Interior                | Mrs Lili ŠIPEC         | Counsellor to the Government<br>Ministry of the Interior<br>Office for European Affairs and International Cooperation<br>Mackova 2, 1501 Ljubljana<br>Slovenia<br>Tel +386 1 300 94 40<br>Fax +386 1 300 94 34<br>lili.sipec@gov.si |

|                          |                   |   |
|--------------------------|-------------------|---|
| Ministry of the Interior | Mrs Meta VAŠL     | Senior Adviser to the Ministry<br>Ministry of the Interior<br>Office for European Affairs and International Cooperation<br>Mackova 2, 1501 Ljubljana<br>Tel +386 1 300 94 40<br>Fax +386 1 300 94 34<br>marjeta.vasl@gov.si |
| Society Kljuc            | Mrs Polona JAN    | Member<br>Society Kljuc<br>Centre for Fight Against THB   |
| Society Kljuc            | Mrs Mojca KUNAVER | Member<br>Society Kljuc<br>Centre for Fight Against THB   |