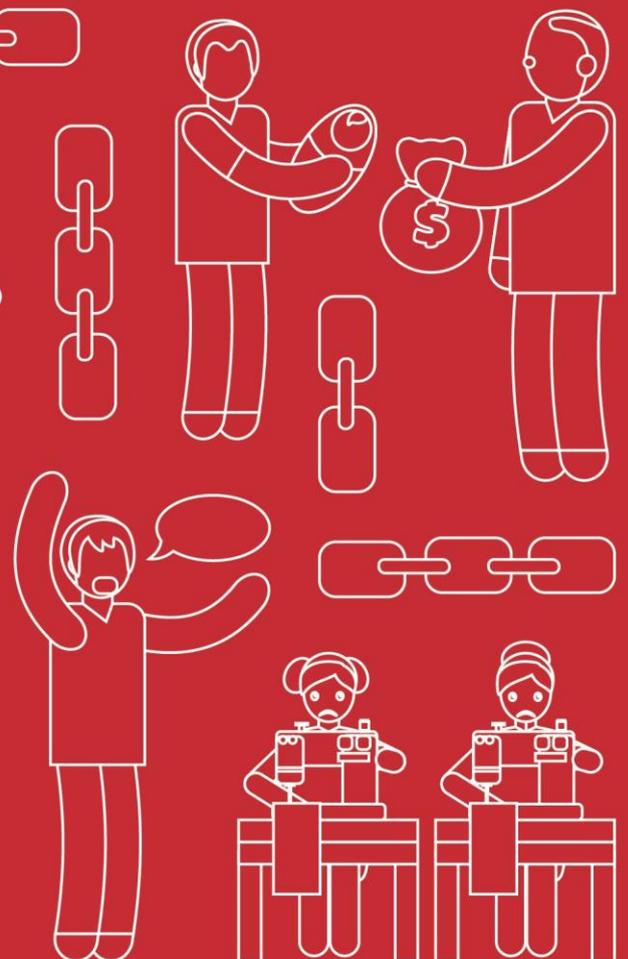




Developing, implementing and monitoring of the anti-trafficking strategic response in the MARRI Participants

# ASSESSMENT ON THE NEEDS, GAPS AND GOOD PRACTICES





# DEVELOPING, IMPLEMENTING AND MONITORING OF THE ANTI-TRAFFICKING STRATEGIC RESPONSE IN THE MARRI PARTICIPANTS

Assessment on the needs, gaps and good practices

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## Abbreviations

AP	Action Plan
BiH	Bosnia and Herzegovina
CA	Civil Association
CoE	Council of Europe
EC	European Commission
EU	European Union
GIZ	German Corporation for International Cooperation
GO	Governmental Organisation
GRETA	Group of Experts on Action against Trafficking in Human Beings
ICJ	International Court of Justice
ICMPD	International Centre for Migration Policy Development
IM	Irregular Migration
IOM	International Organisation for Migration
IPA	Instrument for Pre-Accession Assistance
ILO	International Labour Organisation
KRAT	Regional Anti-Trafficking Committee (Albania)
MARRI	Migration, Asylum, Refugees Regional Initiative
MoIA	Ministry of Internal Affairs
MoI	Ministry of Interior
NAP	National Action Plan
NATC	National Anti-Trafficking Coordinator
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
NRM	National Referral Mechanism
ONAC	Office of the National Anti-Trafficking Coordinator (Albania)
OSCE	Organisation for Security and Cooperation in Europe
SEE	South-Eastern Europe
SOP	Standard Operating Procedures
SPTF	Stability Pact Task Force on Trafficking in Human Beings
TAIEX	Technical Assistance and Information Exchange instrument of the European Commission
TIP	Trafficking in Persons
THB	Trafficking in Human Beings
TRM	Transnational Referral Mechanism
UN	United Nations
US	United States of America
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
UNSC	United Nations Security Council
VoT	Victim of Trafficking

# 1. Introduction

## 1.1 Assessment background, scope and objectives

This Assessment was carried out in the period May-October 2020 in the framework of the project “*Strengthening the Strategic Anti-Trafficking Response in Western Balkans*”, funded under the project “*Preventing and Combating Trafficking in Human Beings in the Western Balkans*”, commissioned by the German Federal Ministry for Economic Cooperation and Development (BMZ) and implemented by German International Cooperation (GIZ). The assessment was conducted by the Anti-Trafficking Programme of the International Centre for Migration Policy Development (ICMPD). The activity was planned and designed in cooperation with Migration, Asylum, Refugee Regional Initiative (MARRI). Namely, in 2019, the anti-trafficking coordinators in the MARRI Participants (**Albania, North Macedonia, Bosnia and Herzegovina, Serbia, Montenegro and Kosovo\***), expressed the need to assess the *status quo* of their strategic anti-trafficking response and accordingly, update the existing *Guidelines for the Development and Implementation of a Comprehensive National Anti-Trafficking Response*<sup>1</sup>, developed by ICMPD in 2006.

This Assessment report describes the **structure and content** of the current and most recent anti-trafficking strategies and action plans in the MARRI Participants and identifies **challenges and good practices** in this regard. It does not seek to evaluate or assess the anti-trafficking response in the Assessment beneficiaries, but rather to support relevant stakeholders in informing actions and follow-up measures.

The **scope** of the Assessment covers the thematic area of the policy framework to combat trafficking in human beings (THB) in the beneficiaries covered by the Assessment. The **objectives** of the Assessment are to:

- **Provide knowledge base**, specifically covering (a) the current **methodological approach in designing anti-trafficking responses**; (b) the **implementation process, the good practices and the gaps and needs therein**;
- **Elaborate assessment-based recommendations** for designing future strategic and operational response by taking into consideration the current local, Participant<sup>2</sup> and regional situation/needs, as well as the emerging THB trends in the region.

The assessment findings and recommendations will also serve as a basis for revision of the above mentioned *Guidelines*<sup>3</sup>. The updated Guidelines will feature in more detail the importance of the monitoring and evaluation of the anti-trafficking responses and will continue to serve as a tool for the MARRI Participants and beyond on how to develop, implement, monitor, review and evaluate the overall anti trafficking response.

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\* Throughout the Assessment, this designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence.

<sup>1</sup> ICMPD (2006), *Guidelines for the Development and Implementation of a Comprehensive National Anti-Trafficking Response*. Available: [shorturl.at/ahS07](http://shorturl.at/ahS07) (accessed 05.06.2020)

<sup>2</sup> In accordance to the MARRI Communication rules, instead of the term “national” is used Participant referring to MARRI Participant/s i.e. Participant need, Participant level, etc.

<sup>3</sup> *Ibid.*

## 1.2 Methodology

An **interdisciplinary methodology** was applied in conducting the Assessment to analyse the findings of **desk research** and **qualitative data** obtained through primary and secondary sources, and any existing relevant quantitative data. The process was based on a review of the existing relevant documents and information gathered from semi-structured interviews with targeted anti-trafficking stakeholders in the six MARRI Participants.

The documents analysed include current and past anti-trafficking strategies and action plans of the MARRI Participants, particularly the structure and the content of those documents. Moreover, the authors analysed available reports of: the Council of Europe (CoE) – Group of Experts on Action against Trafficking in Human Beings (GRETA) on the implementation of the CoE Convention on Action against Trafficking in Human Beings; the US State Department Trafficking in Persons (TIP) reports; reports of the MARRI Participants anti-trafficking institutions/bodies; report on migration-related topics; evaluation reports of the strategic responses conducted at Participants level; and other available literature and documentation relevant to the topic of the assessment.

**A total of 24 interviews and focus group discussions with 32 stakeholders** were conducted in the period 15 June 2020 – 29 September 2020. The interviews were conducted with anti-trafficking stakeholders having capacity, opportunity and/or responsibility to respond to trafficking in human beings on the policy-making level: policy-makers (including Anti-Trafficking Coordinators or their nominated staff), practitioners and specialists working for public agencies (law enforcement, prosecution, social services, anti-trafficking sectors at the relevant ministries/agencies), relevant non-governmental organisations (NGO) and international organisations (IO). For the purposes of gathering information, the Assessment team targeted professionals who were directly involved in the developing and implementation of the anti-trafficking strategies and action plans. The interviews served for identifying good practices, challenges, gaps and lessons learned in developing, implementing and monitoring of the anti-trafficking strategic response. Due to COVID-19 related travel restrictions the initially planned Assessment missions became impossible and the interviews were conducted via phone/Skype/Zoom instead. Some of the informants, upon their request, provided the answers in a written form. The full list of informants is annexed to this document.

The gathered information has been analysed in combination with the previously conducted desk research. The findings obtained were cross-referenced with existing literature (government reports, policy documents, NGO/IO reports, data, academic research, etc.) in order to thoroughly assess all thematic areas of the research, triangulate and substantiate the findings.

The following **research tools** were used for the Assessment: (a) Note on Sources and Guidelines for Desk Research; (b) Working Definitions; (c) Stakeholder Mapping; (d) Interview Guidelines; (e) Guiding Questions for conducting interviews; (f) Final Assessment Template. The research tools were slightly revised throughout the Assessment process and are annexed to this document.

The **timeline** of the Assessment spanned across the following periods and phases:

### **Phase 1: Desk research and stakeholder mapping (May - June 2020)**

The desk research comprised an analysis of relevant information for the assessment contained in various sources. The desk research also facilitated the development of a targeted stakeholder mapping

for the purposes of the consultation process in the MARRI Participants. Both the desk research analysis and stakeholders mapping were continuously updated throughout the Assessment.

#### **Phase 2: Assessment interviews (June – September 2020)**

Due to the COVID-19-related travel restrictions, alternative method was used and the semi-structured interview guidelines for on-line interviews were prepared, including guiding questions. Focus group interviews were also conducted.

The content of the interviews was used to inform the Assessment. The on-line interviews were organised depending on the availability of the stakeholders. Additional information was gathered by direct e-mail correspondence with the stakeholders, who provided written input to the interview questionnaire and additional input upon request. The information sources are referenced in the document with interview codes and listed in an annex.

#### **Phase 3: Analysis of the assessment findings and drafting the Assessment Report (August – October 2020)**

The results of the (a) desk research, (b) stakeholder mapping, (c) interviews and (d) written answers were analysed and triangulated, comparing results from the various sources and cross-checking the validity and weighting of sources, in order to compose the final Assessment.

#### **Phase 4: Finalisation of the Assessment Report (October 2020)**

Based on the findings of the Assessment recommendations were formulated and the Assessment report was finalised.

### **1.3 Assessment limitations**

The Assessment findings should be considered with certain limitations in terms of reaching proportional number of stakeholders/interviews in all MARRI Participants.

The Assessment methodology and research tools were slightly revised due to the COVID-19-related travel restrictions and on-line interviews were conducted instead of the initially planned assessment missions to the MARRI Participants. Consequently, several stakeholders did not get a permission from their supervisors or did not accept the alternative option for an on-line interview. Nevertheless, the project team managed to gather sufficient level of information from the interviews conducted with a variety of sources (public authorities and representatives of the NGOs and IOs) in the Assessment beneficiaries.

Written answers to the interview questions were provided by several stakeholders (upon their preference), which did not allow the researchers to conduct in-depth interviews and to bring up additional questions based on the input submitted by these interviewees (according to the plan for semi-structured interviews). The answers from all Anti-Trafficking Coordinators (or their nominated staff) in the MARRI Participants were provided, except one who provided background information for the purposes of this assessment, but did not manage to participate in the Assessment interview.

## 2. The Structure and Elements of the Anti-Trafficking Strategies and Action Plans

### 2.1 Historical background

In December 2000, at the first Regional Ministerial Forum in Palermo, the national authorities in South Eastern Europe (SEE) recognized the increasing importance of trafficking in human beings as a problem to be tackled at the regional/international level. The first steps towards designing the strategic anti-trafficking response in the region originate from the initiative of the **Stability Pact Task Force on Trafficking in Human Beings (SPTF)**<sup>4</sup>, created as an instrument of coordination to encourage and strengthen cooperation among in the SEE region in order to streamline and accelerate existing efforts to combat human trafficking in the region. Working under the auspices of the Organisation for Security and Cooperation in Europe (OSCE), SPTF developed a **comprehensive regional strategy for the fight against human trafficking** with the following priority areas identified for action: prevention; awareness raising; victim assistance and protection; return and reintegration of victims; legislative reform; law enforcement cooperation; training, exchange and capacity building. The core objective of SPTF at the time was to achieve regional ownership of the anti-trafficking efforts. In addition, SPTF accomplished the adoption of the **Multi-year Anti-Trafficking Action Plan for South Eastern Europe** (complemented with **Guidelines for developing NAPs**) consisting a comprehensive framework for all relevant actors and addressing all main areas of concern, including: awareness raising, training and capacity building, law enforcement co-operation, victim protection, return and reintegration, legislative reform, and prevention. Consequently, signing of the SPTF Palermo Declaration<sup>5</sup> committed the SEE governments to set up official structures (National Coordinators, National Working Groups/Teams, National Action Plans) and to implement effective anti-trafficking programmes.<sup>6</sup>

Starting from 2001, all MARRI Participants have gradually introduced comprehensive strategic planning documents and the respective planning cycle in the field of combating THB. The following infographic gives a chronological overview of the main milestones of the planning cycle in each of the MARRI Participants until the date of the finalisation of this Assessment.

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<sup>4</sup> More info on SPTF available: <https://cutt.ly/jgzpOVr> (accessed 21 August 2020)

<sup>5</sup> Task Force on Trafficking in Human Beings, Stability Pact for South Eastern Europe (2000). Anti-Trafficking Declaration. <https://www.legislationline.org/documents/id/8553> (accessed 21 August 2020)

<sup>6</sup> At the second Regional Ministerial Forum in Zagreb (November 2001), Ministers of the Interior agreed to further develop a Regional Information Exchange Mechanism using the channels of the SECI Regional Centre in Bucharest. In December 2002, at the third Regional Ministerial Forum in Tirana, governments agreed to improve identification of trafficked persons, to develop mechanisms for the legalization of the status of victims of trafficking and to grant an extended stay to victims of trafficking.



However, not all of the MARRI Participants had such a document in place at the time of conducting the Assessment, as illustrated in the following table.

Currently valid Strategy	Currently valid Action Plan	Expired Strategy
<ul style="list-style-type: none"> <li>•BiH (2020-23)</li> <li>•Serbia (2017-22)</li> <li>•Montenegro (2019-24)</li> <li>•North Macedonia (2017-20)</li> </ul>	<ul style="list-style-type: none"> <li>•Albania (2018-20)</li> <li>•Serbia (2019-20)</li> <li>•Montenegro (2020)</li> <li>•North Macedonia (2017-20)</li> </ul>	<ul style="list-style-type: none"> <li>•Albania(2014-17)</li> <li>•Kosovo* (2015-19)</li> </ul>

According to the **Albanian** authorities, the process of developing new strategic document will be initiated in autumn 2020 (AL4). **BiH** has an assigned working group of professionals at the time of conducting of the Assessment to develop the Action Plan accordingly (BA2). Stakeholders in **Kosovo\*** reported that the preparation of a Strategy and Action Plan for the period of 2020-24 is still underway.<sup>7</sup> In **North Macedonia**, the process of strategic planning was ongoing at the time of the assessment as the current Strategy and Action Plan<sup>8</sup> expires at the end of 2020.<sup>9</sup> **Serbia's** current action plan expires with the ending of 2020, and there was no information available as to whether preparations for the next planning cycle had started.

## 2.2 Structure of the Anti-Trafficking Strategies and Action Plans

A comprehensive, efficient and appropriate anti-trafficking response is needed to foster a shared understanding and coordinated action against trafficking in human beings of all relevant stakeholders and actors. It also serves to ensure political and financial (including external donor) support. Such response should ideally cover two levels - **strategic and operational**. An **anti-trafficking strategy** forms the basis of the anti-trafficking response by defining strategic goals and strategic objectives. A detailed **Action Plan** complements the strategy and operationalises the identified specific objectives, defines assigned responsibilities and timelines for each activity and ideally, contains resource plans and a budget as well as indicators to measure the implementation progress. The strategic response should foresee monitoring, review and evaluation criteria in order assess of the quality and impact of the planned anti-trafficking response.

The Assessment confirmed that all MARRI Participants follow the international standards and design their anti-trafficking response as per the recommended two-level structure elaborated in the *“Guidelines for the Development and Implementation of a Comprehensive National Anti-Trafficking Response”*<sup>10</sup>. Namely: **(1) Strategic level** – Strategies at Participant level, forming the basis of the anti-trafficking response and encompasses strategic goals as per the actual trafficking situation; and **(2) Operational level** – Action Plans, complementing the Strategy and outlining the activities foreseen in order to achieve the strategic goals. The strategic and the operational documents follow the internationally recommended **guiding principles** (elaborated in Section 2.4 of this Assessment). With

\* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence.

<sup>7</sup> According to the stakeholders, the strategy and action plan have been drafted and the adoption is delayed due to the political situation (XK1, XK3, XK4).

<sup>8</sup> Government of the Republic of North Macedonia, National Commission for Combatting Trafficking in Human Beings and Illegal Migration (2017), National Strategy and Action Plan for Combatting Trafficking In Human Beings and illegal Migration 2017-2020. Available: <http://nacionalnakomisija.gov.mk/mk/2017-2020/> (accessed 05.06.2020)

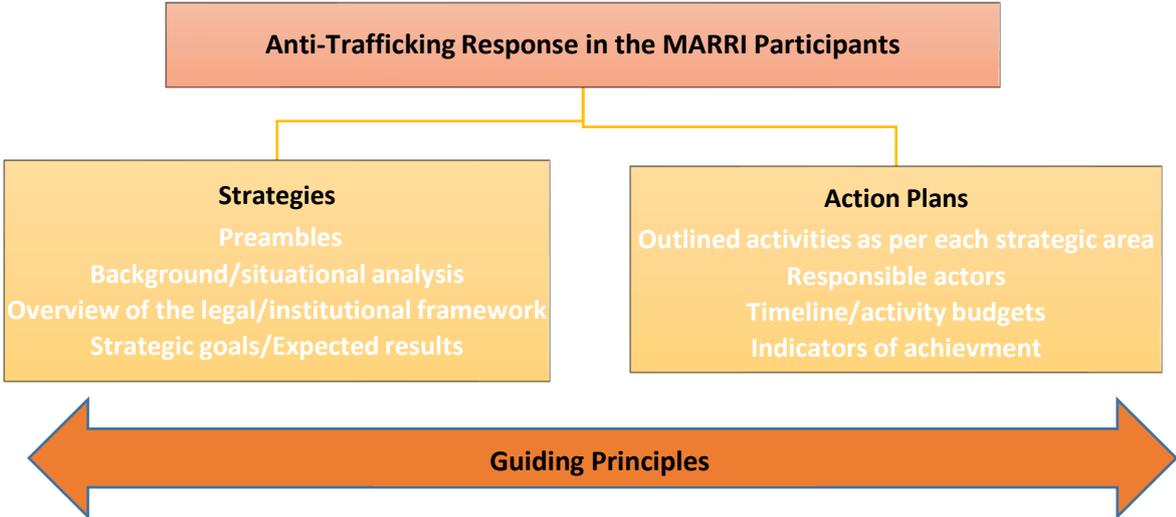
<sup>9</sup> This is the fourth document of this type. The National Commission for Combatting THB and Illegal Migration is currently preparing for development of the new Strategy covering the forthcoming strategic cycle.

<sup>10</sup> ICMPD (2006), Guidelines for the Development and Implementation of a Comprehensive National Anti-Trafficking Response. Available: [shorturl.at/ahS07](http://shorturl.at/ahS07) (accessed 05.06.2020)

certain exceptions, the overall structure of the reviewed documents provides complementarity between the strategic goals and the activities foreseen in the action plans.

The structure of the analysed strategic and operational documents is comprehensive and the activities are designed according to the **internationally recommended thematic set-up** including supporting framework, prevention, protection and prosecution (elaborated in Section 2.5 of this Assessment). The strategic documents consist of preambles, background/situational analysis, strategic priorities and expected results from the planned actions. Most of the strategies to a varying degree, include **monitoring and evaluation criteria** as valuable planning and implementation management processes demonstrating the determination of the beneficiaries to assess the progress, quality and impact of their anti-trafficking responses. Current and the most recent **action plans** in the MARRI Participants share **similar structures**, foreseeing activities under each defined strategic area, assigning the actors responsible for the implementation, defining (to a varying degree) the available human and financial resources for each activity, as well as establishing indicators of achievement.

The following infographic illustrates the general structures of the anti-trafficking response in the Assessment beneficiaries, while each MARRI Participant’s response is elaborated in detail in the following Sections.



It is noticeable that **risk assessments** relevant to the implementation of the strategies and action plans are generally missing in both the existing strategies and action plans. The strategic document of North Macedonia 2017-2020<sup>11</sup> explains briefly the risk factors for the implementation of the Strategy and the Action Plan (time, human resources and budget), however mitigation strategies for those risks are not established. Serbia’s strategy names risks among the Action Plan elements.<sup>12</sup> The Serbian previous Action Plan (2017-2018) identified risks, while the risk assessment is not present in the current Action Plan 2019-2020<sup>13</sup>.

<sup>11</sup> Government of the Republic of North Macedonia, National Commission for Combatting Trafficking in Human Beings and Illegal Migration (2017), National Strategy and Action Plan for Combatting Trafficking In Human Beings and illegal Migration 2017-2020. Available: <http://nacionalnakomisija.gov.mk/mk/2017-2020/> (accessed 05.06.2020)

<sup>12</sup> Government of R. Serbia (2017), Strategy to Prevent and Suppress Human Trafficking especially Trafficking in Women and Children and to Protect Victims 2017-2022. Available at: <https://cutt.ly/rs544Pt> . p.23 (accessed 31 July 2020)

<sup>13</sup> Government of Republic of Serbia (2018), *Akcioni plan za sprovođenje strategije prevencije i suzbijanja trgovine ljudima, posebno ženama i decom i zaštite žrtava za 2019 i 2020 godinu*. [shorturl.at/dqK55](http://shorturl.at/dqK55) (accessed 31 July 2020)

When asked to elaborate on the potential risks, the majority of the interviewed stakeholders stressed a specific gap - lack of adequate strategies for operating in crisis situations. Their finding was based on the lessons learned from the migrant influx to Europe from 2015 and onwards, and the COVID-19 pandemic in 2020 as both in many instances required reallocation of resources and funds that had initially been dedicated for the anti-trafficking response and victim assistance (AL1, AL2, AL4, BA1, BA2, ME1, MK1, MK2, MK3, MK4, XK1, XK2, XK3, XK5, RS1, RS2, RS3, RS4). Therefore, the stakeholders suggested to address these issues by including in the anti-trafficking response adequate strategies/plans for operation in different crisis scenarios, which would not only define the risks, but will contain action plans and mitigation strategies as well.

### 2.3 Defining of the anti-trafficking priorities

The anti-trafficking strategic priorities in each of the MARRI Participants, according to the interview responders, are defined based on **comprehensive analysis of the current situation and THB trends**.

Available research on this topic, conducted by national and international experts, recommendations in the EU strategic documents, GRETA reports, European Commission's annual reports on the countries' progress towards EU accession, US TIP reports, assessments, analysis and other relevant documents - are taken in all Assessment beneficiaries as **key guidance** in formulating the strategic goals and objectives, and accordingly, the action to be taken (AL2, BA1, BA2, ME1, MK1, MK2, MK3, MK4, XK2, XK3, RS1, RS5). This clearly demonstrates the commitment of the beneficiaries to the international and regional legal obligations and standards relevant for the fight against trafficking in human beings. In addition to these major driving factors, analyses of past and current anti-trafficking actions (assessments, evaluations) and their impact in terms of the relevance, efficiency, effectiveness, impact and sustainability of the anti-trafficking actions (BA1, BA2, AL1, AL4, XK1, XK3, MK1), or the annual reports of the respective anti-trafficking coordination bodies (AL1, AL3, AL4, BA1, BA2, XK1, XK3, MK2, MK3, RS4) are also used in order to identify problems and strategic areas for improvement.

The reviewed strategies, to a different length, include either background information or a part summarising the main findings and recommendations of a previously conducted **situational analysis** of the THB situation in the beneficiary at the time.

#### Good practice

**Montenegro's strategy**<sup>14</sup> stands out as the one providing the **most elaborate background analysis** as basis for defining the strategic priorities. It gives an ample introduction and background into the circumstances from which the current strategy is stemming from. It clearly states that the starting point for its drafting was an external analysis of the impact of the implementation of the Strategy for Combating Trafficking in Human Beings for 2012-2018, presented in detail in the strategy. It also provides the framework of the country's international relations and priorities thereof relevant to the strategy. The strategy provides an overview of the main achievements and challenges during the lifetime of the previous strategy for the year 2012-2018.

The strategic documents in the other MARRI Participants also include background analysis as basis for defining the strategic priorities. **Albania's** last strategy included a comprehensive situational analysis,

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<sup>14</sup> Government of Montenegro, Ministry of Interior (2018), Strategy for Combating Trafficking in Human Beings 2019-2024. p.7. Available at: <https://www.osce.org/mission-to-montenegro/424622> (accessed 31 July 2020).

placing also special focus on vulnerable populations and factors that fuel THB.<sup>15</sup> Commendably it also detailed areas where improvements were needed, which were to be in the focus of that strategy at hand. The introductory part of the **BiH's** strategy<sup>16</sup> gives a brief overview of the country's THB profile as well as spells out forms of THB that require a response. Among the latter, it specifically mentions THB taking place in the mixed migration context and among the people on the move transiting through BiH. There is dedicated section in the strategy that gives a situational overview – globally, regionally and in BiH and refers to an analysis of the previous Action Plan 2016-2019<sup>17</sup>. Among other issues, the analysis concluded that 12 of the planned activities were not even initiated while seven were either fully or partially uncompleted. It is expected that these issues will be addressed in the new Action Plan, as at the time of conducting of the Assessment, the plan was under development (BA1, BA2).

**Kosovo's\*** previous strategy provided a brief situational analysis and an overview of the measures taken, with an extra attention devoted to victim protection issues. A Draft Assessment of the strategy and action plan implementation elaborated in 2019, recommended for the next strategy *“to conduct research and analysis to identify trends and current needs as these findings would serve to inform the next objectives and activities and the collected data will serve as a benchmark for comparison in the future”*.<sup>18</sup> The Strategy and Action Plan for Combatting Trafficking in Human Beings and Illegal Migration 2017-2020 in **North Macedonia** contains a brief situation analysis reflecting on the trends of THB and irregular migration in the country. A part describing the legislative and operational framework related to THB and irregular migration and the level of its harmonisation with the European framework is also added. Although according to its title, the strategy should address irregular migration along with the anti-trafficking response, the irregular migration issues are covered to a limited extent. **Serbia's** strategy<sup>19</sup> offers a mere list of legislative acts that have relevance to regulating THB. One of the strategy's chapters refers to the documents and sources that contain THB related recommendations for Serbia that were taken into account during the preparation.

Majority of the stakeholders interviewed for this Assessment stressed the importance of the situation analysis as an integral part of the current and the future anti-trafficking strategies. They also identified several good practices in terms of methodology used for defining the strategic priorities.

### Good practice

**In Montenegro**, the multi-disciplinary Working Group, responsible among others, for monitoring the implementation of the Strategy for Combating Trafficking in Human beings decides upon the forthcoming anti-trafficking priorities through a detailed review of the key recommendations of the *Impact Analysis of the Implementation of the Strategy for Combating Trafficking in Human Beings 2012-2018* (conducted by an independent expert). The information/data available on the actual THB trends are also taken into account in setting up the strategic priorities, along with the relevant

<sup>15</sup> Government of the R. Albania (2014). The National Strategy on the Fight against Trafficking of Human Beings and the Trafficking of Children 2014-2017. Available at: <https://cutt.ly/zs5HxZl> (accessed 31 July 2020).

<sup>16</sup> Council of Ministers of Bosnia and Herzegovina (2020), Strategy to Counter Trafficking in Human Beings in Bosnia and Herzegovina 2020-2023, p.14.

<sup>17</sup> Council of Ministers of Bosnia and Herzegovina (2016), Action Plan to Counter Trafficking in Human Beings in Bosnia and Herzegovina 2016 – 2019

\* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence.

<sup>18</sup> Shehu, B.P. (2019), Draft Assessment of the Implementation of the Anti-Trafficking Strategy and Action Plan 2015-2019, KMOP, May-June 2019, p. 15.

<sup>19</sup> Government of R. Serbia (2017), Strategy to Prevent and Suppress Human Trafficking especially Trafficking in Women and Children and to Protect Victims 2017-2022. Available at: <https://cutt.ly/rs544Pt> (accessed 31 July 2020).

international instruments addressing this area, the recommendations and reports received from relevant international partners such as EU TAIEX anti-trafficking experts, NATO Programme for Combating Human Trafficking; the Committee Monitoring the Council of Europe Convention on the prevention and suppression of violence against women and domestic violence; the US State Department's annual reports on TIP, as well as recommendations from the CoE GRETA reports on the implementation of the CoE Convention on Action against Trafficking in Human Beings<sup>20</sup> (ME1).

According to the interviewed stakeholders, other Assessment beneficiaries use similar methodology in setting up the anti-trafficking priorities (AL1, AL2, AL4, BA1, BA2, XK1, XK2, XK3, XK5, MK1, MK2, MK3, RS1). **Albania** stands out in that regard, by taking into consideration trafficking survivors' experiences in designing the anti-trafficking strategic priorities.

### Good practice

In April 2019, **consultative board of survivors of trafficking in human beings** has been established in Albania which is assessed by the stakeholders as an *“added value”* to the Albanian anti-trafficking response (AL1, AL2, AL3). Three board members (survivors of trafficking) cooperate closely with the office of the Anti-Trafficking Coordinator (ONAC) and have consultative role in designing the anti-trafficking action relevant to identification and protection of trafficking victims (AL1, AL2).

The interviewed stakeholders expressed certain **challenges** in regards to defining the strategic priorities in the fight against THB. Some of them questioned the relevance of the situation analyses, citing the fact that a particular analysis was omitting certain issues relevant for tackling the phenomenon, such as trafficking for labour exploitation and child begging (RS2). Based on the lessons learned from the COVID-19 pandemic situation, the interviewees also point out to the lack of attention to operating in crisis situations in the current strategies and plans (AL1, MK1, MK2, XK3, XK5, RS1). Several stakeholders of the beneficiaries where the strategies were under preparation at the time of conducting the Assessment, urged for up-to-date, comprehensive and relevant situation analysis to be included in the document (AL1, XK3, XK4). Other stressed the need for continuous monitoring of the actual THB trends in order to *“constantly upgrade the already established system and adapt to new trends and challenges in the manifestation of the phenomenon of trafficking in human beings”* (ME1).

## 2.4 Guiding principles in provision of the anti-trafficking response

A sustainable and comprehensive anti-trafficking response addressing all forms of THB requires integration of certain guiding principles, such as the **government ownership, a multi-disciplinary approach involving civil society** as well as **coordinated action** according to well defined strategic goals and objectives and an action plan for implementing those objectives. This approach, according to the *ICMPD Guidelines for Development and Implementation of a Comprehensive National Anti-Trafficking Response*,<sup>21</sup> should be sustainable, **victim-centred** and **human rights-based**, following a thorough assessment of the trafficking situation and integrated into anti-trafficking strategies and action plans.

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<sup>20</sup> Council of Europe (2005), Convention on Action against Trafficking in Human Beings.

<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/197> (accessed 13 August 2020)

<sup>21</sup> ICMPD (2006), Guidelines for the Development and Implementation of a Comprehensive National Anti-Trafficking Response. Available: [shorturl.at/ahS07](http://shorturl.at/ahS07) (accessed 05.06.2020)

## Good practice

The current strategies of Montenegro<sup>22</sup> and North Macedonia<sup>23</sup> integrate and describe the principles for the development and implementation of the strategy and action plan in a dedicated part of the strategic document.

As a common feature, the currently valid strategies of MARRI Participants include several of such key **underlying principles**. The below table provides an overview of different principles referred in the strategy documents by the MARRI Participants clearly indicating that **all beneficiaries are *expressis verbis* committed to applying the human rights-based /victim-centred approach** in their anti-trafficking actions. This is also manifested with the established strategic priorities and the actions planned accordingly, as all the strategies/action plans in the MARRI Participants dedicate specific focus for protection of the victims of THB and include activities operationalising these approaches.

UNDELRYING PRINCIPLES	Albania 24 25	BIH 26	Kosovo* 27	Montenegro 28	North Macedonia <sup>29</sup>	Serbia 30
Government ownership & responsibility	✓	✓	✓	✓	✓	
Civil society participation	✓	✓	✓	✓	✓	
Gender-specific approach		✓		✓		
Human rights based approach /victim - centred approach	✓	✓	✓	✓	✓	✓
Inter disciplinary and cross sectoral approach	✓	✓		✓	✓	✓
International cooperation – regional & international		✓		✓		✓
Non-discrimination		✓				

<sup>22</sup> Government of Montenegro, Ministry of Interior (2018), Strategy for Combating Trafficking in Human Beings 2019-2024. p.10. Available at: <https://www.osce.org/mission-to-montenegro/424622> (accessed 31 July 2020).

<sup>23</sup> Government of the Republic of North Macedonia, National Commission for Combatting Trafficking in Human Beings and Illegal Migration (2017), National Strategy and Action Plan for Combating Trafficking In Human Beings and illegal Migration 2017-2020. P. 21-22. Available: <http://nacionalnakomisija.gov.mk/mk/2017-2020/> (accessed 05.06.2020)

<sup>24</sup> Government of Albania, Për Miratimin e Planit Kombëtar të Veprimit Për Luftën Kundër Trafikimit të Personave 2018–2020.

<sup>25</sup> Government of the R. Albania (2014). The National Strategy on the Fight against Trafficking of Human Beings and the Trafficking of Children 2014-2017. Available at: <https://cutt.ly/zs5HxZl> (accessed 31 July 2020) Chapter 3, p. 13 (English version)

<sup>26</sup> Council of Ministers of Bosnia and Herzegovina (2020), Strategy to Counter Trafficking in Human Beings in Bosnia and Herzegovina 2020-2023.

<sup>27</sup> Ministry of Internal Affairs Kosovo (2015), National Strategy against Trafficking in Human Beings 2015-2019, Chapter 4, p. 11 (English version).

<sup>28</sup> Government of Montenegro, Ministry of Interior (2018), Strategy for Combating Trafficking in Human Beings 2019-2024. Available at: <https://www.osce.org/mission-to-montenegro/424622> . p. 10 (accessed 31 July 2020)

<sup>29</sup> Government of the Republic of North Macedonia, National Commission for Combatting Trafficking in Human Beings and Illegal Migration (2017), National Strategy and Action Plan for Combating Trafficking In Human Beings and illegal Migration 2017-2020. Available: <http://nacionalnakomisija.gov.mk/mk/2017-2020/> (accessed 05.06.2020)

<sup>30</sup> Government of R. Serbia (2017), Strategy to Prevent and Suppress Human Trafficking especially Trafficking in Women and Children and to Protect Victims 2017-2022. Available at: <https://cutt.ly/rs544Pt> Chapter 5 (accessed 31 July 2020).

Non-punishment of victims				✓		
Respect for the rights of the child		✓		✓		✓
Rule of law				✓		
Sustainability		✓		✓	✓	

Although some of the guiding principles are not specifically mentioned in the strategic document of some of the beneficiaries, these are nevertheless applied in the anti-trafficking response. For instance, the **government ownership** of the strategic documents and of the anti-trafficking action, assuming full responsibility of the Participant authorities in defining the objectives, implementing the activities and meeting the outcomes of the overall anti-trafficking response. Moreover, as elaborated in Sections 3 and 4 of this Assessment, the **multi-disciplinary approach** and **civil society participation** is evident in developing and implementing the anti-trafficking action in all the MARRI Participants, thus complementing the role and actions taken by the state actors.

## 2.5 Strategic areas covered and consistencies with the planned actions

All the strategies of the MARRI Participants follow a similar **thematic logic** with small differences. This **thematic set-up follows the international standards** and integrates what is known as the **4P approach (prosecution, protection, prevention and partnership)** as the overall framework used globally to combat human trafficking.<sup>31</sup> Albania and Serbia each dedicate also a separate strategic focus on children.

**Albania's former strategy** was structured around five strategic goals: prosecution, protection, prevention, coordination, and children,<sup>32</sup> whereas it appears that the current Action Plan 2018-2020 does not include separate goals on children. **BiH's strategy** defines its strategic objectives to be as follows: support systems (as discussed above, this includes putting in place the measures that would in fact enable the actual implementation of the strategy), prevention, prosecution, protection, and partnership.<sup>33</sup> **Kosovo's\* former strategy** defined four strategic objective areas – prevention; identification, protection, assistance, reintegration of victims; prosecution; and cooperation and coordination.<sup>34</sup> The Draft Action Plan 2020-2022 (as of 9 June 2020) seems to propose an altered order - starting with victim support, then continuing with prevention, thereafter with identification, referral and support, then prosecution, and finally with cooperation. **Montenegro's strategy** sets four strategic aims: prevention, protection, judicial and criminal response, and partnership and coordination.<sup>35</sup>

<sup>31</sup> The "3P" paradigm—prosecution, protection, and prevention is reflected in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol).

<sup>32</sup> Government of the R. Albania (2014). The National Strategy on the Fight against Trafficking of Human Beings and the Trafficking of Children 2014-2017. p.14. Available at: <https://cutt.lv/zs5HxZl> (accessed 31 July 2020).

<sup>33</sup> Council of Ministers of Bosnia and Herzegovina (2020), Strategy to Counter Trafficking in Human Beings in Bosnia and Herzegovina 2020-2023. p.13-33.

\* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence.

<sup>34</sup> Ministry of Internal Affairs Kosovo (2015), National Strategy against Trafficking in Human Beings 2015-2019, Chapter 4, p. 11 (English version). p.15

<sup>35</sup> Government of Montenegro, Ministry of Interior (2018), Strategy for Combating Trafficking in Human Beings 2019-2024. Available at: <https://www.osce.org/mission-to-montenegro/424622> . p. 38-39 (accessed 31 July 2020)

**Serbia's strategy** defines specific strategic objectives around five themes – partnership, prevention, detection and prosecution, identification and assistance, and child protection.<sup>36</sup> The strategic areas in the **Strategy of North Macedonia**<sup>37</sup> are described in the title as “innovative” and they are: Supporting Framework; Prevention; Identification and Referral of Victims of Trafficking (VoTs); Direct Assistance, Protection, Integration and Voluntary Return of VoT/Migrants; and Effective Detection and Prosecution of Perpetrators of Criminal Offence THB/Migrant Smuggling. The action plan follows the same structure.

**Inconsistencies** in style across the strategies and action plans are not uncommon. Montenegro's strategy lists a number of recommended actions which originate from the evaluation of the previous 2012-2018 Strategy while it cannot be established that all of the recommendations were integrated into the previous (2019) and current (2020) action plans<sup>38</sup>. For instance, there was a prevention-related recommendation to carry out a research about the level of public awareness at the beginning and the end of the implementation of the strategy, which was not reflected in either of the action plans. Reflecting on the structure of the strategy of North Macedonia in terms of the five strategic areas, a recent evaluation<sup>39</sup> showed that the elements set in the action plan are combined in a logical order, complementing each other and interlinking action areas. However, the majority of the interviewed stakeholders in North Macedonia suggested that a separate part in the action plan should be dedicated to actions specific for children in order to more efficiently reflect the strategic priorities, given that *“this practice from the past provided better results in terms of implementation of the foreseen action”* (MK1, MK2, MK3).

There are different opinions among the interviewed stakeholders across the region on how the goals and objectives are defined in the strategic documents and reflected in the action plans. While the majority responded positively on the **clarity of the established goals and priorities** (ME1, AL4, MK1, XK1, BA1, BA2), some suggested that the forthcoming strategies would need to improve the definition of the objectives to be measurable, realistic and time-bound. In order to assess these criteria, the stakeholders highlighted the importance and reflected (where relevant) on the established principles for monitoring and evaluation of the anti-trafficking response, based on measurable achievement indicators (BA2, XK3, MK3, AL1, AI2, ME1). The monitoring and evaluation principles and practices established in the MARRI Participants are elaborated in the Section 6 of this Assessment.

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<sup>36</sup> Government of R. Serbia (2017), Strategy to Prevent and Suppress Human Trafficking especially Trafficking in Women and Children and to Protect Victims 2017-2022. Available at: <https://cutt.ly/rs544Pt> . p. 17-19. (accessed 31 July 2020).

<sup>37</sup> Government of the Republic of North Macedonia, National Commission for Combatting Trafficking in Human Beings and Illegal Migration (2017), National Strategy and Action Plan for Combatting Trafficking In Human Beings and illegal Migration 2017-2020. Available: <http://nacionalnakomisija.gov.mk/mk/2017-2020/> (accessed 05.06.2020)

<sup>38</sup> Government of Montenegro, Ministry of Interior (2019), Akcioni plan za implementaciju Strategije za borbu protiv trgovine ljudima za 2020 godinu.

<sup>39</sup> Petreska, E. (2020), Evaluation of the National Strategy and Action Plan for Combatting Trafficking in Human Beings and Illegal Migration 2017-2020. ICMPD (unpublished).

### 3. Developing of the Anti-Trafficking Strategies and Action Plans

The assessment results indicate that all MARRI Participants embrace **transparent, coordinated and inclusive process** in developing of the anti-trafficking strategies and action plans, thus also contributing to the **government ownership and multi-disciplinary approach principles** set out in the strategies. These approaches demonstrate that the beneficiaries assume full participation, responsibility and accountability in defining the objectives, implementing the activities and meeting the outcomes of the anti-trafficking response.

The process of developing of the anti-trafficking strategies and action plans is usually **headed by** the government structures (in most of the cases the **offices of the anti-trafficking coordinators**) and **supported by multi-disciplinary groups of professionals** representing the institutions/organisations responsible for the implementation of the strategies and the action plans. The documents are often time drafted by independent experts (whose engagement is financed by international organisations) and the anti-trafficking stakeholders are given the opportunity to actively provide their input throughout the consultative process through joint meetings, workshops etc. (AL1, AL2, AL4, BA1, BA2, BA3, XK1, XK2, XK3, XK4, XK5, XK6, MK1, MK2, MK3, ME1, ME2, RS1, RS3, RS4). These approaches are common in the beneficiaries and important in terms of ensuring cross-sectoral and interdisciplinary approach in harmonisation of the legal definitions, procedures and cooperation. The **participation of the civil society and the NGOs** in the development process is apparent in all MARRI Participants, which testifies to their active role in designing the anti-trafficking response, and that their views and opinions are reflected in the strategic and operational documents.

The question of **methodology** that the governments apply in preparing the strategies and action plans is also linked to the issue of inclusion in the drafting process. Some of the reviewed strategies clearly set out the methodology (such as Kosovo's\* former strategy<sup>40</sup> and the current Strategy of North Macedonia<sup>41</sup>) while in others the methodology has been explained through describing the preparatory process. The development of the anti-trafficking strategies and action plans in several MARRI Participants is based on previously conducted **evaluation** of the impact, relevance, efficiency, effectiveness and sustainability of the anti-trafficking action, and recommendations therefrom (evaluation processes are elaborated in Section 6 of this Assessment). The EU strategic documents, GRETA reports, US TIP reports and other relevant documents are widely discussed among the stakeholders and taken into consideration in formulating the overall anti-trafficking strategic response. This testifies of the commitment to the international anti-trafficking standards in the region (BA1, BA2, MK1, MK2, MK3, XK1, XK3, ME1, AL1, AL2, AL4).

**Multi-stakeholder involvement** in the development of the anti-trafficking strategies and action plans is clearly present practice in all MARRI Participants. Several good practices in this regard have been identified during the Assessment, describing transparent mechanisms ensuring the government ownership and meaningful participation of all stakeholders (including civil society), allowing systematic

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\* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence.

<sup>40</sup>Ministry of Internal Affairs (2015), National Strategy against Trafficking in Human Beings 2015-20//19, Ministry of Internal Affairs (2015), National Strategy against Trafficking in Human Beings 2015-2019, Chapter 4, p. 11 (English version).

<sup>41</sup> Government of the Republic of North Macedonia, National Commission for Combatting Trafficking in Human Beings and Illegal Migration (2017), National Strategy and Action Plan for Combatting Trafficking In Human Beings and illegal Migration 2017-2020. Part 1: Methodology. P.153. Available: <http://nacionalnakomisija.gov.mk/mk/2017-2020/> (accessed 05.06.2020)

input into strategy development and operational planning. The Assessment revealed that Albania stands out in this regard by implementing a complex process of consultations between the relevant stakeholders and experts, thus ensuring full validation of the strategic and operational documents.

#### **Good practice**

During the development of the **Albania's** last strategy (2014-2017), a **series of consultative meetings** on specific items of the strategy and action plan and a two-day retreat were held, and the input was collected from all stakeholders. The draft of the strategy and the action plan were then shared by ONAC within the Albanian Ministry of Interior (MoI) with all the stakeholders for validation and feedback, and finalised with the input received (AL1, AL2). For the purposes of development of the recent Action Plan (2018-2020), five consultative meetings were held with approximately 40 state and non-state anti-trafficking actors. **Roundtables** have been also organised with anti-trafficking specialists, who provided their expertise. The action plan was sent for consultation to all the involved Ministries before the official adoption by the Government (AL4).

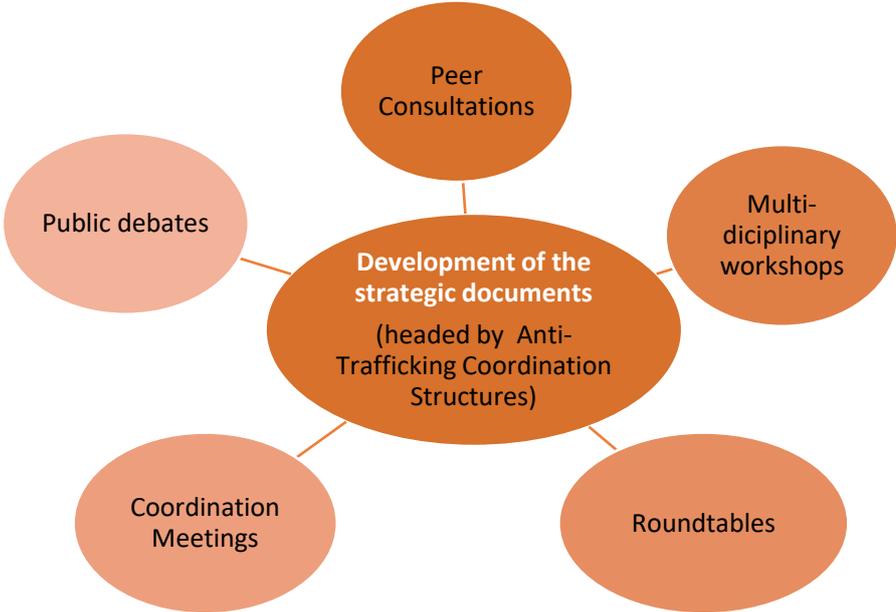
Similarly, other MARRI Participants commendably enforce transparent and inclusive process in developing the strategies and action plans. For instance, in **Montenegro** the strategy development process is coordinated by the Ministry of the Interior through the *Working Group* for monitoring the implementation of the Strategy for Combating Trafficking in Human beings. The Working Group is headed by the National Coordinator for Fight against Trafficking in Human Beings and consists of the representatives of all relevant administrative bodies, representatives of the judiciary and NGOs, as well as representatives of key international organizations who monitor and support the implementation as observers (ME1). Before the adoption of the current strategy, there was a *public debate* on the strategic goals and NGOs were actively involved in the debate (ME2). Similarly, in **Kosovo\***, there is a *multi-disciplinary working group* headed by the Ministry of Interior, consisting of anti-trafficking stakeholders (representatives of relevant institutions and organisations) which are responsible for the consultative and drafting process of the strategy and action plan (XK1, XK2, XK3). Independent expert supported by GIZ has been engaged to draft the forthcoming Action Plan (XK6).

In **BiH** extensive *process of consultations* is standardly being held with the relevant stakeholders when developing the strategies. The whole process is headed by the Anti-Trafficking Coordinator within the State Ministry of Security. Usually, an expert is engaged to draft the documents and then the stakeholders provide comments accordingly. Consequently, a *multi-disciplinary working group* is created to participate in a consultative process. *Workshops* are organised to discuss on the written comments by the stakeholders and on the draft document itself. The final document is published on the Government website for wider consultations, and once finalised, the BiH Council of Ministers adopts the strategy (BA1, BA2, BA3). Similarly, in **North Macedonia** the strategic documents are usually drafted by an expert engaged by an international organisation. The draft versions are then discussed and additional input is provided in a multi-disciplinary setting during a *series of workshops* (MK2, MK3). According to the **Serbian** stakeholders, the process of developing the Serbian strategies is transparent and inclusive involving relevant state and non-state anti-trafficking stakeholders. The stakeholders are divided into groups working on different issues relevant for the strategy (RS1, RS2). The following

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infographics illustrates the variety of practices in developing of strategic documents in the MARRI Participants.



A **novelty** has been announced in BiH in terms of elaborating the action plan according to the current strategy. In order to adapt to the local needs, the stakeholders informed that there is a plan for each of the four cantons to form its own THB coordination teams which would develop a cantonal action plan according to the action plan and which will be adopted on state level (BA1, BA2). Similar good practices of including local actors in the strategy and action plan development process has already been established in some of the other MARRI Participants, such as North Macedonia.

**Good practice**

In North Macedonia, local anti-trafficking commissions are established in several cities and their members are assigned to elaborate their own local action plan according to the general state action plan (MK1). The process has started in few commissions only, but the National Commission for Combatting Human Trafficking and Illegal Migration invests continuous efforts to introduce this practice in all the local commissions by inviting their members to the general meetings of the Commission and lobbying for adaptation of the anti-trafficking response to the local needs, organising local level coordination meetings etc. (MK1).

Lack of capacities and will by the local stakeholders to enact these kind of initiatives have been however highlighted as a **challenge** by the interviewed stakeholders (MK1, MK2, MK3, MK4). Certain other challenges in terms of the multi-stakeholder inclusion in the strategy and action plan development process have also been identified with the assessment. In some beneficiaries, NGO representatives expressed certain concerns that they are not actively included in the respective working groups (BA3, RS3, RS4). Some advocated for more active inclusion in this process: *"...NGOs have observer status, no vote or decision making authority, only a consultative role. This was commented to the National Coordinator but it remains to be seen how they will be involved in the future"* (BA3). Others informed that the voice of the NGOs in these consultative processes causes difficulties for reaching an agreement on the content and formulation of the objectives (RS5). NGO representatives also claimed that the planning *"is being done according to the available budget, not according to the needs"*, which requires alterations in this regard (RS3, RS4). They added that the focus

in drafting the action plans is given to the activities that were not completed during the previous cycle, rather than to the new activities reflecting the actual needs (RS3).

Certain challenges exist also in terms of the drafting process and formulating the content of the strategies and action plans. For instance, drafting process of the anti-trafficking strategy in Kosovo\* does not leave room for much flexibility, as the document needs to be developed according to a specific template produced by the Secretariat for Strategies within MoI, which *“limits the stakeholders to set the strategic priorities according to the real needs”* (XK1, XK3). The interview sources suggest that *“more flexible methodology in framing the forthcoming strategic response”* would provide better results (XK1, XK3).

All the strategies and accompanying action plans have been adopted at the highest level of executive power – the governments of MARRI Participants (see Section 2.1 of the Assessment). This unequivocally testifies of the **high-level political commitment** of the MARRI Participants to tackle THB in a systemic manner. The political commitment in provision of the anti-trafficking response is analysed in the forthcoming Section of the Assessment.

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\* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence.

## 4. Financial Commitment and Planning

This Assessment revealed that the political commitment for implementing the strategies and action plans expressed does not always translate into a full **financial commitment**. Still, the financial commitment is evident in all the MARRI Participants. However, portraying a complete picture in this regard is rather challenging, as the financial planning and mobilising the necessary financial resources needed for the provision of the anti-trafficking response is different in each beneficiary and based on a variety of planning actions and complementary tools.

### 4.1 Financial commitment in the strategic and operational documents

In the strategic documents of the MARRI Participants, the commitments of the governments have been made clear under the sections dedicated to the financing of the anti-trafficking activities. In some of the beneficiaries, ensuring financing for implementing the strategy and the action plan is formulated as specific strategic objective (stating that the funding will be provided by the state budget and the approved projects<sup>42</sup>. Some strategies acknowledge that funding should be ensured by the respective institutions through support of development partners<sup>43</sup>, while others provide an estimated total for the first years of implementation (per year and per specific institution), clearly indicating the funding sources.<sup>44</sup>

**The overall financial commitments are reflected in the action plans**, however to a varying degree. Some beneficiaries specify dedicated amounts for each specific activity, some state only the funds available at the time of planning, while others list the institutions responsible for implementation, without specifying any costs of the activity. Some strategies/action plans mention beside the state budget also international donors, such as TAIEX, OSCE/IOM/UNODC/ICMPD and a US-funded project, without specifying any amounts<sup>45</sup>.

#### Good practice

Montenegro's strategy stands out as it provides an **overall estimated total cost for the full term of the strategy** and states the funding sources provided from (a) the state budget (allocated to each institution competent for the implementation of the strategy), and (b) international donors and pre-accession EU IPA funds (ME1).<sup>46</sup>

Reflecting on the financial commitment, **Albania's** former strategy displays an inverted approach – suggesting that the strategy and the action plan will be instrumental in ensuring the political as well as the financial support necessary for the implementation of the measures foreseen therein.<sup>47</sup> At the same time, when detailing the underlying principles of the strategy, the Government committed to

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<sup>42</sup> Council of Ministers of Bosnia and Herzegovina (2020), Strategy to Counter Trafficking in Human Beings in Bosnia and Herzegovina 2020-2023, p.16.

<sup>43</sup> Ministry of Internal Affairs Kosovo (2015), National Authority against Trafficking in Human Beings, National Strategy against Trafficking in Human Beings in Kosovo, 2015-2019. p. 26.

<sup>44</sup> Government of R. Serbia (2017), Strategy to Prevent and Suppress Human Trafficking especially Trafficking in Women and Children and to Protect Victims 2017-2022. Pp. 25-30. Available at: <https://cutt.ly/rs544Pt> (accessed 31 July 2020).

<sup>45</sup> *Ibid.*

<sup>46</sup> Government of Montenegro, Ministry of Interior, Strategy for Combating Trafficking in Human Beings 2019-2024. p. 42. Available at: <https://www.osce.org/mission-to-montenegro/424622> (accessed 31 July 2020).

<sup>47</sup> Government of the R. Albania (2014). The National Strategy on the Fight against Trafficking of Human Beings and the Trafficking of Children 2014-2017. Introduction, p. 8. Available at: <https://cutt.ly/zs5HxZj> (accessed 31 July 2020).

mobilizing the necessary financial resources for implementation primarily from own sources.<sup>48</sup> It also sets a goal of developing a sustainable funding for the activities at the time financed by external donors<sup>49</sup>, which represents overall a good practice reflected in the action plan.

#### Good practice

Albania's current action plan (2018-2020) includes a **budget for the implementation of each of the foreseen activities**, stating that the state budget covers 87.1% of the costs, and detailing the amount of financial resources additionally needed.<sup>50</sup> This explicitly demonstrates the political and the financial commitment of the government to the implementation of the foreseen anti-trafficking actions.

## 4.2 Financial planning and allocation of financial resources to the anti-trafficking actions

The government ownership and multi-disciplinary approach are clearly integrated in the processes of financial planning of the anti-trafficking actions in all MARRI Participants. All beneficiaries enforce **transparent and multidisciplinary process** when mobilising the financial resources. The process is headed by the anti-trafficking coordination structures, which provide overview of the anti-trafficking resource plan and liaise with external donors and agencies (AL1, BA1, MK1, ME1, RS1, XK3), while the institutions inform the coordination structures on the funding requirements according to the planned activities (AL4, XK2, MK2, MK3, XK1, XK3). Respective (finance) ministries are usually responsible for validating the financial plans. In Albania, for instance, a combined methodology is used to indicate the foreseen costs of the action plan: the estimates are made based on the cost of each activity, its duration, as well as according to the indicators of achievement. For a majority of the activities, average expenditures have been used taking into consideration the previous cost estimates for similar activities. The costs planned, according to the interviewees, are realistic and justified (AL4).

In order to fill in the financial gaps for implementation of the foreseen activities, **coordination meetings** between the state institutions, non-governmental organisations and international donors in several beneficiaries are being organised on occasional basis (BA2, MK3, MK4, XK3, XK2, XK1, AL1, AL2, AL3). This has been identified as a good practice particularly in terms of planning and ensuring funding for the planned actions, as the meetings serve as a platform for discussion and coordination on the implementation of the foreseen activities, as *"it is the donor community who usually supplements the AP funding gaps"* (AL1). Another good practice identified in terms of financial planning is the creation of a separate document (so-called national resource plan) in North Macedonia.

#### Good practice

The **national resource/financial plan** is elaborated in North Macedonia at the beginning of each strategic cycle and covers the whole strategic cycle period. The plan is developed by the National Commission for Combatting THB and Illegal Migration in parallel with the development of the action plan, and in coordination with all relevant institutions/organisations. This resource plan complements the action plan (where only responsible institutions are listed), indicates the total resources needed for each area for the whole planning cycle (four years) and specifies the entities responsible for funding of a specific activity (government institution, municipality etc.).

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<sup>48</sup> *Ibid*, p. 13, 14

<sup>49</sup> *Ibid*, Section 4, p. 21.

<sup>50</sup> Government of Albania, Për Miratimin e Planit Kombëtar të Veprimeve Për Luftën Kundër Trafikimit të Personave 2018–2020. p. 7 (Albanian version)

Another good practice has been identified in Montenegro, where the current action plan<sup>51</sup> includes financial planning as well.

#### Good practice

**For each activity in the Montenegrin action plan, an amount of funds for its implementation is simultaneously defined.** During the preparation of the action plan, the stakeholders responsible for the implementation of defined activities consent to the implementation as well as securing the financing necessary for the implementation. Additionally, in accordance with the *Rules of Procedure of the Government of Montenegro and the established Methodology for policy development, drafting, monitoring and implementation of strategic documents*, the Ministry of Finance provides an opinion on the proposed strategic documents. In this regard, with each proposal of a strategy and action plan, a specific form impact analysis (the so-called RIA form), is submitted to the Ministry of Finance for its opinion. In addition, the reports on the implementation of the accompanying action plans contain overview of the planned and spent funds for the implementation of each activity (ME1).

According to the interviewed stakeholders, it would be beneficial to update the financial plans annually. In addition, there are suggestions to add in these plans a list of funds already awarded by the external donors and to indicate the priorities in funding, which would be useful in planning the forthcoming activities (MK1, MK3). The annual resource plans, according to the interviewed stakeholders, could be used by the anti-trafficking coordination structures to inform the potential donors of the planned activities for which no budget has is planned/available.

However, the reliance on the donors to a great extent was pointed out as a **challenge** by the stakeholders, suggesting that the biggest percentage of the anti-trafficking action should be financed by the Governmental budgets (BA2, RS3, RS4, MK3, XK2, XK3).

Another challenge expressed by the stakeholders in several beneficiaries is that **the authorities do not provide adequate state funding to the NGOs and civil society organisations**, responsible for protection and assistance of trafficked persons. This compromises the sustainability of the assistance provision in some instances as the state funds are not appropriately allocated to the service providers, who are usually responsible for running the shelters and providing the services (ideally up to 30% of the dedicated anti-trafficking action funds should be used by these providers) (MK3, XK4, ME2). In some beneficiaries, non-governmental representatives reported that the state budget is mostly devoted to cover the human resources and administration involved in the anti-trafficking response, while *the “victims benefit from these funds the least”* (RS3). The NGO representatives claim that *“there are insufficient state funds for capacity building activities, proactive instigations and identification, assistance to victims and prevention campaigns”* (RS3). According to the Centre for Protection of Victims of Human trafficking in Serbia, when it comes to the state budget, the burden falls on the Ministry of Interior, whose representatives *“are most committed in this regard”* (RS1), while the other institutions are only partially involved in funding. The same source suggested that the interagency coordination would need to be enhanced in order to **provide greater role and financial support the NGOs** in assisting victims, as well as to **increase the financial support to the stakeholders who work on local level** (RS1, MK1, MK2, MK3). Other stakeholders shared a similar opinion, stating that the overall funds would need to be spent in a coordinated manner and *“utilised in the best way”* (RS2,

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<sup>51</sup> Government of Montenegro, Ministry of Interior (2019), Akcioni plan za implementaciju Strategije za borbu protiv trgovine ljudima za 2020 godinu.

XK3). In BiH, a particular challenge expressed by the stakeholders is securing funds on cantonal level (BA2). Observing the financial planning across the involved institutions, several stakeholders in the other beneficiaries urge for **more systematic planning of the funds for anti-trafficking response**. Currently the institutions plan the activities according to their available budget on annual basis. Thus, there are no funds dedicated specifically for the anti-trafficking actions and funds are extracted from the general institutional budget, which proves complicated in practice (XK2, XK3, XK4). The situation can be addressed by planning the budgetary sources for each activity foreseen in the action plan (XK2, XK3, XK5, MK2, MK3, MK4). According to the stakeholders in North Macedonia for instance, the good practice in developing financial plans for the whole strategic cycle (as described above), can be further improved by regular **coordination among the institutions and by developing annual financial plans with precise calculations and funding sources** for the action plan (MK1, MK3).

Stakeholders in Montenegro highlighted another challenge regarding financial planning, notifying that *“for certain activities it is **not possible to precisely estimate the amount** of funds that will be necessary for the implementation, such as the activities relevant for protection and assistance to trafficking victims, due to the fact that the exact number of victims cannot be foreseen”* (ME1). Similar issue has been expressed in the other beneficiaries, where the competent stakeholders claim that the planned budgets are not sufficient in many instances: *“some activities require additional expenses, in addition to those provided by the state budget, for instance, healthcare costs for the victims”* (RS1, ME2, MK3). These issues, according to the ICMPD *Guidelines for developing anti-trafficking strategic response*<sup>52</sup>, can be addressed by elaborating *“a **yearly updated total resource plan for the implementation of the national anti-trafficking strategy and NAP**”*. This would allow reviewing of the objectives and anticipating the resources needed, as well as dedicating *“amount of special funding for activities undertaken in the framework of the national anti-trafficking response by each governmental institution”*.<sup>53</sup>

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<sup>52</sup> ICMPD (2006), *Guidelines for the Development and Implementation of a Comprehensive National Anti-Trafficking Response*, p. 100. Available at: [shorturl.at/ahS07](http://shorturl.at/ahS07) (accessed 05.06.2020)

<sup>53</sup> *Ibid.* According to the Guidelines, securing of the financial resources for implementation of the AP activities might be included and defined as strategic goal itself.

## 5. Implementation of the Anti-Trafficking Strategies and Action Plans

The strategic goals and objectives of all Assessment beneficiaries are with no exception operationalised through the implementation of **action plans**. Thereby the MARRI Participants follow the internationally recommended two-level (strategic and operational) anti-trafficking response.

### 5.1 Assignment of responsibility and commitment to implementation of the Anti-Trafficking Strategies and Action Plans

The Assessment has revealed that all six beneficiaries have established solid institutional frameworks responsible for the implementation of the foreseen anti-trafficking actions. All existing strategies and action plans **dedicate a specific part on the coordination** structures and the respective supportive framework. These confirm the existence of multi-disciplinary and cross-sector participation as a basis for efficient implementation of the foreseen actions.

Each MARRI Participant has established **coordination institutions/bodies** (Anti-Trafficking Coordination Offices, headed by Anti-Trafficking Coordinators) to coordinate the overall anti-trafficking action: from designing of the strategic goals and objectives, to creating and implementing the action plan accordingly (AL4, BA1, ME1, MK1, XK2, XK3, RS1, RS2). The **supporting framework**, as illustrated above, is constituted by a variety of **state and non-state actors, including governmental institutions** (respective ministries/agencies responsible for social, labour, health and educational issues), **non-governmental organisations** (usually responsible for prevention activities, victim protection and service provision), **international organisations** (providing capacity support, technical expertise, research etc.), **individual experts** etc. These stakeholders usually participate in the respective coordination bodies or multi-disciplinary groups mentioned above (AL1, AL2, AL3, AL4, BA1, BA2, BA3, XK1, XK2, XK3, XK4, XK5, XK6, ME1, ME2, RS1, RS2, RS3, RS4). They are directly responsible for the provision of the anti-trafficking response, according to the action plans.



The active involvement of the relevant actors is further ensured through the implementation of the established policy and operational instruments, such as the **National Referral Mechanisms (NRM)s**,

**Transnational Referral Mechanisms (TRMs)**<sup>54</sup> and **Standard Operating Procedures (SOPs)** for identification and referral of trafficked persons. This is also mirrored throughout the engagement of the relevant **actors on local level**.

The government ownership and responsibility for the implementation of its anti-trafficking action clearly demonstrates the **political commitment** of the MARRI Participants to tackle THB in a systemic manner. However, some of the interviewed stakeholders questioned the political commitment as sometimes being “*declarative*” where the professionals lack resources and support to implement the strategy and the planned action in practice (XK3, XK4). In some beneficiaries, the strategy document has been developed along with an accompanying action plan, however the adoption is delayed due to the political situation (XK1, XK3, XK4). The non-governmental stakeholders in some beneficiaries claimed that “*there is no political will*” (RS3) to implement the strategy and action plan and to focus on the priority areas, such as labour exploitation of the domestic workers abroad, or online trafficking that specifically involves younger population (RS3). A positive example in this regard, demonstrating the high level of political (and financial) commitment to support the anti-trafficking action is Albania, where “*the government doubled the budget for the Office of the National Anti-Trafficking Coordinator and adopted the 2018-2020 national action plan.*”<sup>55</sup>

There are different opinions among the interviewed stakeholders on the level of political support that the central anti-trafficking bodies in the MARRI Participants (Anti-trafficking Coordinators and their respective offices) can provide. While some interlocutors lobby for the independent and professional role of the anti-trafficking coordinators and their teams in order for them to be solely dedicated to the anti-trafficking response (MK4, XK3), some favour coordinators as high-level political figures, thus being able to lobby for the adoption of the strategic documents and the needed human and financial resources (MK1, XK4). Appointment of a deputy coordinator or a similar position in charge of coordinating the practical implementation of the strategies and action plans might be an appropriate solution in this regard according to some of the interviewed stakeholders (XK5).

## **5.2 Operationalisation of the action plans: mobilisation of human resources, coordination and cooperation among the relevant actors**

The analysis of the strategic and operational anti-trafficking documents in the MARRI Participants showed that the action plans clearly indicate the **division of responsibilities** between the various actors. In practice, the action is further coordinated during the multi-disciplinary working sessions or meetings. However, certain common challenges have been identified in this regard.

In some beneficiaries the stakeholders highlighted the **need for greater involvement and coordination with the professionals working on a local level** in implementing the foreseen actions (BA2, BA3, MK1, MK2, MK3, XK1). In North Macedonia the stakeholders reported partial achievement in this regard by establishing of local anti-trafficking commissions, even though not all of them are operational (MK1, MK2). The stakeholders interviewed also notified several good practices relevant to the inclusion of the local actors in the implementation.

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<sup>54</sup> The NRM and TRM in the beneficiaries are generally based on ICMPD (2009), *Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons: South-Eastern Europe*. Available: <https://www.icmpd.org/publications/publications/2009/> (accessed 13 August 2020)

<sup>55</sup> US State Department (2019), *Trafficking in Persons Report*. Available at: <https://www.state.gov/trafficking-in-persons-report/> (accessed 13 August 2020)

## Good practices

**BiH: Coordination teams for implementing the action plan will be established in each canton**, with more responsibilities in regards to the activities and reporting to the state authorities (BA1, BA3).

**Albania: Regional Anti-Trafficking Committees (KRATs) are responsible at a county level** for preventing THB by identifying primary problems, taking measures to protect individuals and groups at risk of THB and establishing a baseline data concerning all categories and individuals at risk of THB (AL4).

**North Macedonia: Five multi-disciplinary mobile teams** (in Skopje, Bitola, Kumanovo, Gevgelija and Tetovo) engage in proactive detection of victims of THB and offer reintegration services at a local level. These mobile teams were supported by an IOM-funded project in March 2018-June 2019. Their work continued in 2020 with voluntary engagement of the civil society organisations (MK1, MK2, MK4). The National Commission, in cooperation with the Ministry of Labour and Social Policy, launched a procedure for integrating the mobile teams in the state system, however their sustainability within the state budget is still not ensured.<sup>56</sup>

Several interviewed stakeholders highlighted that the **operational plans for implementation of the foreseen** activities are an important tool that enables efficient implementation of the activities foreseen in the action plan (ME1, XK3, XK4, XK5, MK1). Such operational plans are developed according to the action plans. According to the stakeholders, the development and implementation of these operational plans on an annual basis, would not only improve transparency in the resource allocation (human and financial) and their adjustments according to the actual needs and situation, but would also provide a clear division of the roles and responsibilities among the actors (ME1, XK2, XK3, XK4, XK5, MK1, MK2, MK3, MK4).

The Assessment identified several good practices in this regard. For instance, operational plan of action is being prepared at the beginning of each year in **Kosovo\***, on the basis of the action plan. All the issues related to the implementation during the previous year (why specific activities were not implemented, needs for additional human and financial resources, as well as eventual adjustments in the implementation plans) are discussed and reviewed on a multi-stakeholder level. Accordingly, the working group summarises the results and adapts/prepares the operational plan for the forthcoming year (XK1, XK3, XK4). In **Montenegro**, the multi-disciplinary Coordination Body (working group) has a mandate to coordinate the work of the competent institutions in implementing the strategy as well as to develop annual action plans for the implementation of the Strategy. The Coordination Body develops and adopts rules of procedure, annual work (operational) plans and programmes and prepares reports on the implementation of the action plan activities at the end of each year (ME1).

## Good practice

In parallel with the general operational plan for implementation of the activities, the authorities in North Macedonia in 2016 developed and implemented a **specific operational plan for implementation of the GRETA 2015 recommendations**. The stakeholders have suggested to continue with this practice in the future, by integrating in the annual operational planning not only the plan for implementing the GRETA recommendations, but also the recommendations from other international actors (MK1).

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<sup>56</sup> National Commission for Combating Trafficking in Human Beings and Illegal Migration (2020), Annual Report 2019.

\* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence.

The interviewees in all MARRI Participants confirmed that the **staff turnover and the constant need of capacity building** are the greatest challenges in the implementation of the foreseen anti-trafficking actions (AL4, BA1, RS1, RS2, XK3, XK2, RS3, ME1). Some of the stakeholders claimed that there is both lack of capacity and lack of knowledge within the stakeholders at Participant level, to implement the foreseen actions: *“The state does not use or rely enough on the available resources in the country, meaning experienced NGOs or experts”* (RS3).

In all Assessment beneficiaries, the stakeholders urged for a **greater involvement of the non-governmental sector** in implementing the overall anti-trafficking action (RS1, MK3, RS3, RS4, AL1, AL2, BA3, ME2). In some of the beneficiaries the NGOs pointed out the lack of sufficient financial and human resources and stressed that they *“need to be equal partners in the process”*, both in developing the strategic objectives and the implementation of the action plans (BA3, RS4). Moreover, some NGO stakeholders stressed the need for **better coordination with the respective institutions and enhancing the know-how among the professionals**, in order to proactively identify victims and provide adequate assistance to them (RS1, RS3, RS4). Several interviewees revealed that despite the existing anti-trafficking policies and practices (e.g. SOPs), the **level of implementation of these procedures in practice is low** as the stakeholders either are not aware of them or not motivated to enforce them in practice (XK3, XK4, MK1, MK3, MK4). Challenges were identified regarding the lack of capacities to enforce proactive approach in identifying victims, especially among irregular migrants, foreigners seeking international protection, child beggars and seasonal workers (ME1). Different reasons were offered regarding these gaps in the anti-trafficking response, such as for instance *“difficulties to find an agreement between the institutions on the best interest of the victims, as well as lack of/too much competencies”* (RS1), *“lack of human capacities, specifically among the labour inspectors”* (XK5), or *“lack of capacities of the public prosecutors working on local level in who took over the individual THB cases according to the recent judicial reforms”* (AL1, AL2). These statements clearly demonstrate the **need for continuous capacity building actions to be integrated in the action plans**.

As elaborated in the previous section of this Assessment, **the lack of financial resources** needed for the implementation of the strategy and action plan, remains a challenge in all MARRI Participants. While there are financial calculations either included in the action plans (Albania and Montenegro) or in separate documents (North Macedonia, Kosovo\*), there are instances where stakeholders struggle to secure the financial resources to fully or partially cover the costs of the activities, especially in the area of victims assistance and protection (ME2, MK3, RS1). One of the proposed solutions, as expressed by the stakeholders in North Macedonia, would be to tap on the local municipality budgets for the implementation of the anti-trafficking action<sup>57</sup> (MK1).

A common feature in all Assessment beneficiaries is the **lack of adequate strategies for implementing the anti-trafficking action in crisis situations**. This has been assessed by the stakeholders as a significant gap in the provision of the overall anti-trafficking response and has become specifically obvious with the COVID-19 pandemic in 2020. The situation required immediate reallocation of the funds initially dedicated for direct victims’ assistance to other state budget lines (MK1, MK2, XK2, AL1, AL2, AL3, ME1, XK5). Moreover, the victims’ access to immediate services like shelter, medical and social support, as well as the transnational referral of victims was challenged due to the quarantine

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\* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence.

<sup>57</sup> Petreska, E. (2020), Evaluation of the National Strategy and Action Plan for Combatting Trafficking in Human Beings and Illegal Migration 2017-2020. ICMPD. p.7

measures (MK2, MK3, RS1, RS2, RS3, XK1). As a result of such situation and fund reallocations, victims were left with no adequate assistance. The need for reallocation of the dedicated anti-trafficking resources was also evident during the management of the migrant influx in the region in 2015 (MK1, MK2, AL1, AL2, XK3), or when dealing with the consequences of the 2019 earthquake in Albania (AL1, AL2, AL3, AL4).

Based on the lessons learned, the stakeholders suggest addressing these situations by development of adequate strategies for operating in different crisis scenarios, which would also need to include **contingency planning to ensure minimum functionality** of the anti-trafficking system in such emergency conditions. The stakeholders claim that these contingency plans must ensure the availability of a minimum package of services to the victims to meet their immediate needs during the period of reduced possibilities for referral, protection, investigation and judicial proceedings (MK1, MK2, MK4, RS1, XK5). MARRI Participants should also prepare for **different scenarios**, such as natural disasters or massive migrant influx situations. These scenarios, according to the stakeholders, should be prepared on the basis of **risk assessments** and could include countermeasures to an anticipated lack of resources in the implementation of anti-trafficking policies along with decreasing reintegration and employment opportunities, increased vulnerability to irregular labour migration, etc. (MK3, XK5).

## 6. Monitoring and Evaluation of the Anti-Trafficking Response

Monitoring and evaluation of the implementation of the strategic objectives and activities foreseen in action plans, are essential for ensuring an effective anti-trafficking response on a Participant level and beyond. **Monitoring** focuses on the implementation of the activities in a form of a continuous self-assessment, while **evaluations** are more concerned with the overall results of the activities, efficient use of resources and overall relevance of the strategies. The Assessment revealed that these processes are acknowledged and enforced to a different extent in all MARRI Participants.

### 6.1 Monitoring and evaluation criteria in the strategic documents

All MARRI Participants recognise the importance of the **monitoring process** as the basis for accurate reporting on the implementation of the strategic objectives and activities foreseen in the action plans, identification of lessons learned and obstacles faced. With the **evaluation** criteria established in practice, the beneficiaries are able to check whether the implementation plan really works, whether the activities really lead to the expected results and whether these results contribute to the achievement of the specific objectives and the strategic goals.

Establishing the monitoring and evaluation criteria are acknowledged in the majority of the existing strategies and action plans, however to a varying degree. BiH Strategy 2020-2023<sup>58</sup> and Kosovo's\* former strategy 2015-2019<sup>59</sup> include a **plan/criteria for monitoring and reviewing the planned interventions**.

#### Good practice

Albania's former strategy recognises the responsibility for monitoring as an integral part of the strategy's **underlying principles**<sup>60</sup> and assigns the institutions responsible for this process. It also foresees an obligation to carry out an **independent evaluation** in the end of the strategy's term.<sup>61</sup>

The other existing strategies in the MARRI Participants also recognise monitoring as a useful practice that supports designing of the actions, reviewing the objectives and anticipating the resources needed. For instance, Serbia's strategy foresees a concrete monitoring obligation, framework and timeline, while Montenegro's current strategy sets out the monitoring system by establishing the **National Working Group for Monitoring the Implementation of the Strategy**, stipulating its membership structure and its reporting obligation.<sup>62</sup> The strategy also stipulates an obligation of post-implementation evaluation.

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<sup>58</sup> Council Of Ministers of Bosnia and Herzegovina (2020), Strategy to Counter Trafficking in Human Beings in Bosnia and Herzegovina 2020-2023, p.14.

\* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence.

<sup>59</sup> Ministry of Internal Affairs Kosovo, National Authority against Trafficking in Human Beings, National Strategy against Trafficking in Human Beings in Kosovo, 2015-2019. p. 26.

<sup>60</sup> Government of the R. Albania (2014). The National Strategy on the Fight against Trafficking of Human Beings and the Trafficking of Children 2014-2017. p. 13. Available at: <https://cutt.ly/zs5HxZl> (accessed 31 July 2020).

<sup>61</sup> *Ibid.* p.23

<sup>62</sup> Government of Montenegro, Ministry of Interior, Strategy for Combating Trafficking in Human Beings 2019-2024. Available at: <https://www.osce.org/mission-to-montenegro/424622> p.43 (accessed 31 July 2020).

## 6.2 Responsibility for the monitoring and evaluation of the anti-trafficking response

In all the Assessment beneficiaries, **the anti-trafficking coordination structures** (supported by Offices of the Anti-Trafficking Coordinators) are **responsible for the monitoring and evaluation processes** (AL4, BA1, XK5, XK3, ME1, MK1, RS1).

### Good practice

The BiH Strategy assigned the obligation of monitoring to the **Strategy Implementation Monitoring Team**, whose members were appointed by Council of Ministers of BiH, entity governments, cantonal governments/cantons, and Brčko District of BiH. Based on relevant indicators, the Team proposes amendments to the Strategy and other measures to enable its implementation. The Monitoring Team is managed by the Coordinator for Combating Trafficking in Human Beings and Illegal Migration. The Team also submits to the Council of Ministers of BiH **reports on the implementation of the Strategy** on an annual basis.<sup>63</sup> At the end of each strategic cycle, an **evaluation** of the implementation of the strategy and action plan is conducted prior to the development of the new documents (BA1).

Similarly, in Kosovo\*, Serbia, Albania and North Macedonia the responsibility for the monitoring process is carried by the **Offices of the Anti-Trafficking Coordinators** (BA1, XK3, XK5, MK1, RS1, AL1). In Montenegro, the Working Group for Monitoring the Implementation of the strategy has a reporting obligation to the **National Office for Fight against Trafficking in Human Beings**, while acknowledging the possibility of establishing the institution of a National Rapporteur in the future (ME1). North Macedonia is a step ahead in this regard with the recently established institution of the National Rapporteur on Trafficking in Human Beings and Illegal Migration.

### Good practice

In North Macedonia, the **establishment of the National Rapporteur on Trafficking in Human Beings and Illegal Migration** within the Ombudsman's Office is perceived by the stakeholders as one of the key achievements in terms of strengthening the institutional capacities and a significant step towards effective progress monitoring, review and evaluation of the overall anti-trafficking response (MK1, MK2, MK3, MK4). The National Rapporteur's Office is functional as of 1 December 2019 and consists of a Rapporteur and its associate with a mandate to ensure effective monitoring of all the anti-trafficking activities, collection and analysis of qualitative and quantitative information, monitoring and evaluation of the implemented activities according to the Action Plan, participation in the work of the National Commission for Combating THB and Illegal Migration, issuing annual reports and provision of recommendations on the overall anti-trafficking response. At the time of conducting this Assessment, the National Rapporteur Office had not yet issued a report. However it is expected that this institution will continuously monitor the progress and act as an independent and corrective mechanism in the response provision.<sup>64</sup>

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<sup>63</sup> *Ibid*, p.15.

\* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence.

<sup>64</sup> *Ibid*, p. 20.

### 6.3 Monitoring practices in the MARRI Participants

Although not explicitly acknowledged in all strategic documents, **criteria for monitoring the implementation progress** are present and a variety of **monitoring practices (formal and informal)** have been established in all the Assessment beneficiaries. The monitoring process is supported by applying different **monitoring tools** (progress monitoring templates distributed among the relevant stakeholders to collect input on the implementation status, template reports to support the coordination structures to develop quarterly, bi-annual or annual reports, etc.). The monitoring of the implementation progress is usually conducted on the basis of the **achievement indicators** in the action plan.

#### Good practices

**Kosovo\*** has according to the interviewed stakeholders established an effective mechanism for monitoring and review of the implementation (XK3, XK4). All the anti-trafficking stakeholders, members of the working group against trafficking in human beings, **report** to the Secretariat for Strategies within the Kosovo\* MoI and the Anti-Trafficking Coordinator **on quarterly basis**. The reporting is conducted regularly, through **meetings of the anti-trafficking working group** (XK5) and written reports following a specific template (XK2, XK3). The form follows the Action Plan's structure and the stakeholders report by specifying the area the activities belong to and the status of implementation according to the indicators (XK3). At the end of each year, a **workshop** is organised for all members of the anti-trafficking working group (usually with OSCE's support), where the overall implementation of the action plan is discussed and corrective actions are planned if needed. Based on the outcomes, the Office of the Anti-Trafficking Coordinator issues an **annual report** reviewing the implementation of the planned action. The annual reports of the Secretariat for Strategies serve as a basis for preparation of an **operational plan** for implementation for the next year (XK3).

In **Montenegro**, the **Coordination Body responsible for monitoring** is headed by the Department for Combating THB of MoIA and includes 16 representatives of all public sector bodies and representatives of NGOs. This Body monitors the implementation of the strategy and the annual action plans, establishes deadlines and dynamics of realization of specific goals, measures and activities, **draws up action plans for the implementation of the strategy** and reports to the Government on annual basis. According to the stakeholders in Montenegro (ME1), the Coordination Body **meets regularly** on a quarterly basis, and more often if necessary. The meetings discuss the degree of implementation of the planned activities. For each operational objective, a performance indicator is defined that is relevant for measuring the effects of the realization of the foreseen goals. Commendably, the **performance indicators in the Action Plan for 2020 contain defined baseline and target values**. The Ministry of the Interior/Department for Fight against Trafficking in Human Beings prepares **uniform reporting forms** for all partners, which are used to prepare **annual implementation reports**, thus conducting an internal review. The process is transparent and these reports are published on the web site of the Montenegrin government.<sup>65</sup> Finally, the reports are submitted to the Government for adoption.

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\* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence.

<sup>65</sup> The reports are available at: [www.gov.me/sjednice\\_vlade\\_2016](http://www.gov.me/sjednice_vlade_2016) (accessed 10 August 2020).

Other MARRI Participants, as illustrated in the graph below, have established similar monitoring practices. In **Albania** for instance, ONAC collects and processes data and information on the implementation of the action plan from all responsible institutions/organisations, and presents this in **periodic (bi-annual and annual) summary reports** which are published on the official website of the Ministry of Interior (AL2, AL3, AL4). These reports contain statistics and information of implementation progress as well as on the achievements and problems encountered during the implementation. The information is collected according to a **reporting template** developed by the Ministry of Interior and distributed via official correspondence to all anti-trafficking actors (members of NRM). The reporting template follows the structure of the action plan (AL4). At the beginning of 2020, ONAC issued its first-ever **monitoring report** of the implementation of the action plan. The report covers the period 2018-2019 and will serve as a basis for developing the new action plan and strategy by the end of 2020 (AL4). ONAC's **regular meetings with NRM stakeholders** to discuss the progress of the implementation of the action plan presents a good practice in itself (AL1, AL2, AL3, AL4). However, the prosecutors, who are currently subject to a judicial reform and should take over full responsibilities of TIP cases on local level, rarely attend these meetings.<sup>66</sup>

**BiH** Anti-Trafficking Coordinator has announced a novelty in the monitoring methodology - development of a specific **monitoring tool** with the new strategy and action plan (BA1). The tool is to facilitate reporting from the cantonal level implementation to the Anti-Trafficking Coordinator. The Coordinator will use the received input for a State report. Team for preparation and implementation and monitoring of action plans is planned, with a designated coordinator in each canton/entity who will be responsible to report to the THB Coordinators' Office.

**Serbia** places on the individual members of the **Working Group for the Implementation and Monitoring of the Strategy** an obligation to monitor implementation in their areas of responsibility, and submit **reports** to the Anti-Trafficking Coordinator "*by the fifth working day of the first upcoming month*"<sup>67</sup>. The Coordinator has an obligation to inform the Minister of Interior on a monthly basis and the Council on bi-monthly basis. The Strategy states that review of implementation is conducted once a year based on the defined indicators, to assess the effects of planned and implemented activities, as well as institutional and legislative changes.<sup>68</sup> Strategy is also obliges the issuing of an **annual report**<sup>69</sup>. The reports are being prepared by the Office of the National Coordinator.

The National Commission for Combating THB and Illegal migration in **North Macedonia** conducts monitoring of the implementation in practice by distributing **monitoring report template** to the anti-trafficking stakeholders on annual basis. The stakeholders report on the activities implemented in the past year. Based on the input received, the Commission drafts an **annual report** with recommendations for the next year.

The following infographics summarises the established monitoring and evaluation processes/practices identified the MARRI Participants.

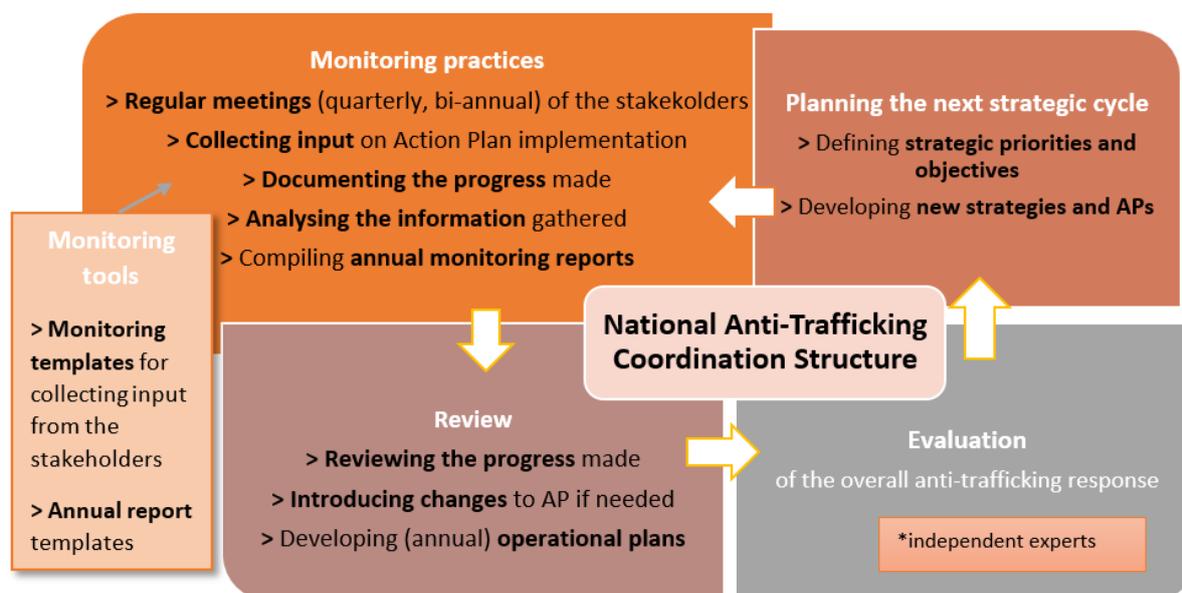
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<sup>66</sup> US State Department (2020), Trafficking in Persons Report. Albania. Available at: <https://www.state.gov/reports/2020-trafficking-in-persons-report/albania/> Accessed 1 September 2020.

<sup>67</sup> Government of R. Serbia (2017), Strategy to Prevent and Suppress Human Trafficking especially Trafficking in Women and Children and to Protect Victims 2017-2022. Section 10.2, p. 23. Available at: <https://cutt.ly/rs544Pt> (accessed 31 July 2020).

<sup>68</sup> *Ibid.* Section 10.3, p. 23.

<sup>69</sup> *Ibid.* Section 10.2, p. 23, Section 10.4, p. 24.

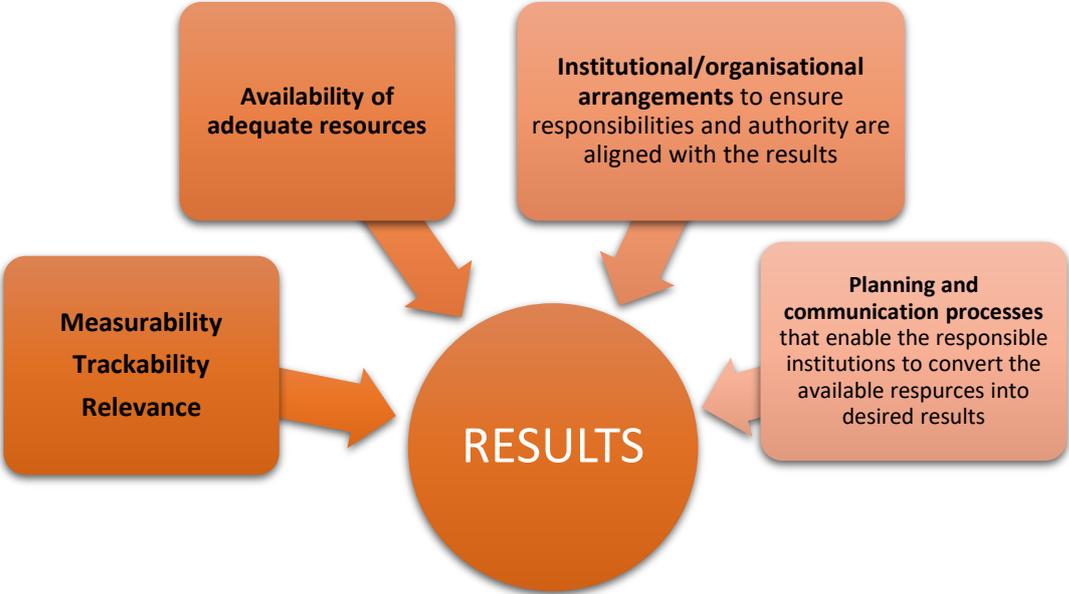


Despite these established practices, the interviewed stakeholders expressed certain **persisting challenges**, such as the **need for quality monitoring tools** for collecting and analysing the input provided by the stakeholders (AL1, AL3, MK1, MK3). Moreover, the stakeholders demonstrated the importance of an **effective monitoring and evaluation methodology** based on qualitative indicators in the action plans. That enables further assessment of the overall impact, relevance, efficiency, effectiveness and sustainability of the anti-trafficking action (AL3, AL4, MK3). Such improved methodology would ideally include **baseline and target indicators** for measuring the action plan implementation, as well as revised templates that will follow the action plan’s structure (AL1, AL2, BA2, BA2, XK3, MK3, MK4, RS1, RS3, RS4).

A specific challenge concerned the **quality/relevance of the reports** produced by the relevant anti-trafficking authorities and their harmonisation with the planned actions (AL1, AL2, XK1, XK3, MK3). Stakeholders urged for improving the structure and content of these reports, as *“it is difficult to realistically measure the implementation, as quality of the responses varies and the reporting seems like checking of the boxes”* (BA2). Others claimed that the annual reports of the coordination structures do not follow the actual structure of the action plans: *“information contained in the reports are not structured logically – the NGOs are those who report the most and the public institutions usually provide an overview of the participation on the conferences only”* (RS4); *“The activities that have been funded by donors are not reported. Thus, there is no review of the implementation based on the lessons learned and good practices identified”* (RS2); *“The annual reports contain quantitative data for the implemented activities which supports the forthcoming planning process. Nevertheless, this quantitative data does not allow clear comparison with the Action Plan indicators.”*<sup>70</sup> Sometimes, the transparency is limited as the annual monitoring reports are not being published (RS4).

<sup>70</sup> Petreska, E. (2020), Evaluation of the National Strategy and Action Plan for Combatting Trafficking in Human Beings and Illegal Migration 2017-2020. ICMPD. (accessed 29 August 2020)

These challenges speak of a need for improving the overall monitoring practices in the MARRI Participants. The aim should be set at applying **result-based monitoring**. Such approach would *observe the changes* achieved with the implementation of the activities and resources, instead of ensuring a *mere implementation* of the planned activities. The added value of introducing result-based monitoring is illustrated on the graph below.<sup>71</sup>



**6.4 Evaluation practices in the MARRI Participants**

The processes of **evaluation of the overall relevance, efficiency, effectiveness, impact and sustainability** of the anti-trafficking response in the MARRI Participants are not uncommon. Evaluations are conducted at the end of the strategic cycles to serve as a solid base for defining new strategic priorities and designing new strategic and operational documents. The evaluation reports provide **general overview of the implementation** of the strategies and action plans. They contain **analysis** on how much has been achieved of the planned action in terms of the foreseen objectives and results. Moreover, the evaluations **identify the areas where further continuous efforts should be made** in order to provide effective response and provide **recommendations** for the structure and content of the new strategies and action plans.

The **evaluation** of the anti-trafficking response in the MARRI Participants is usually conducted by **independent experts** (MK1, MK2, MK3, AL4, BA1, XK3, XK6, ME1). The logic behind, according to the stakeholders, is the need to include external perspective by engaging experts who are not related to the implementation of the action plans (MK1, MK2, XK3). Based on the evaluation results, the activities at the operational level are re-designed or goals at the strategic level are reformulated for the next strategic cycle.

<sup>71</sup> ICMPD (2010), *Monitoring and Evaluation Handbook for National Action Plans against Trafficking in Human Beings*. [shorturl.at/jIGOW](http://shorturl.at/jIGOW) (accessed 29 August 2020)

## Good practice

Montenegrin stakeholders reported that the last external evaluation was performed in 2018 prior to development of the current strategy and that a post-implementation **evaluation** of the strategy (**Impact Analysis**) is also planned in order to serve as a baseline for the development of a new strategic document. There is a **specific methodology** established for evaluating previous strategic cycles that includes: (a) documentation review; (b) analysis of relevant international and political documents at Participant level (strategic and legislative); (c) analysis of already prepared implementation reports; (d) in-depth interviews; (e) focus group discussions; and (f) observation (ME1).

According to the **BiH** stakeholders, prior to elaborating the current Strategy, “...*the functionality of the previous NRM, Strategy and Action Plan were revised and it was agreed that the entire internal Strategic Framework needs to be reformed. An evaluation of the previous Action Plan was conducted, as well as an evaluation of the current situation in the country*” (BA1). The recent *Assessment of the Implementation of the Anti-Trafficking Strategy and Action Plan 2015-2019*<sup>72</sup> in **Kosovo\***, conducted by an independent expert in the framework of an EU funded project, is considered by the stakeholders as a positive step forward in evaluating the anti-trafficking action and setting up the new priorities for the forthcoming strategic cycle (XK3, XK6). In **North Macedonia**, the expiring National Strategy was evaluated during the summer 2020. The evaluation report, recommended among others also including monitoring and evaluation criteria in the new strategy document, as well as continuing of the established practice for evaluation of the overall implementation at the end of each strategic cycle.<sup>73</sup> According to the **Serbian** stakeholders, evaluation of the overall anti-trafficking response is conducted usually by an independent expert and supported by international donors (RS2). However, this has not become a common practice, as for instance the last evaluation was conducted in 2011-2012, followed by long process of adoption by the Government (six years) with the strategy finally adopted in 2017 (RS2). According to the stakeholders, the significantly extended adoption process practically undermined the evaluation as the gathered data became outdated (RS2).

According to the internationally accepted evaluation criteria enshrined in the *Monitoring and Evaluation Handbook for National Action Plans against Trafficking in Human Beings*<sup>74</sup>, the evaluation reports “*should cover the development and the policy context, the institutional context, the socio political context, the implementation arrangements as well as assessment of results.*”<sup>75</sup> The above described evaluation practices demonstrate that with certain exceptions, there are **no unified methodologies** in the MARRI Participants for conducting the evaluation processes, nor specific terms of reference for evaluators, outlining the details of their assignments.

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<sup>72</sup> Shehu, B.P. (2019), Draft Assessment of the Implementation of the Anti-Trafficking Strategy and Action Plan 2015-2019, KMOP, May-June 2019

\* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence.

<sup>73</sup> Petreska, E. (2020), Evaluation of the National Strategy and Action Plan for Combatting Trafficking in Human Beings and Illegal Migration 2017-2020. ICMPD.

<sup>74</sup> ICMPD (2010), *Monitoring and Evaluation Handbook for National Action Plans against Trafficking in Human Beings*. <https://cutt.ly/rgveb2F> p.93-94. (accessed 29 August 2020)

<sup>75</sup> The Development Assistance Committee of the Organisation for Economic Co-operation and Development (OECD-DAC) has developed a set of criteria for evaluation, which offer a certain degree of comparability of the results. It is therefore useful to integrate these criteria as an evaluation design to the terms of reference.

The evaluation reports are not only dedicated for the implementers, but also for the donors, the general public and the research community and therefore should be published, which was not confirmed to be the case with the beneficiaries. The limited access to all of the existing evaluation reports by the Assessment team didn't allow for analysis of the application of the internationally accepted evaluation criteria (relevance, effectiveness, efficiency, impact and sustainability)<sup>76</sup> throughout the evaluation processes in the MARRI Participants.

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<sup>76</sup> *Ibid.*

## 7. Conclusions and Recommendations

The Assessment analysis has demonstrated that **all MARRI Participants are actively committed to developing and implementing their anti-trafficking response**, enshrined within their Strategies and Action Plans. The strategic documents are developed in a **multi-disciplinary and transparent manner**, based on a comprehensive background and **situational analysis** of the THB situation. The analysis considers also the recommendations in the EU strategic documents, GRETA reports, EC progress reports, US TIP reports, field assessment analysis etc., clearly demonstrating the commitment of the beneficiaries to the international and regional legal obligations and standards relevant for the fight against trafficking in human beings.

Several good practices in this regard have been identified in the MARRI Participants during the conducting of this Assessment. The MARRI Participants have embraced transparent mechanisms ensuring the **lead of the public authorities and meaningful participation of all stakeholders** (including civil society), thus allowing systematic inclusion of their input into strategy development and operational planning.

As regards to the structure, all currently valid strategies and action plans, with certain exceptions, follow the international standards, particularly the ICMPD *Guidelines for the Development and Implementation of a Comprehensive National Anti-Trafficking Response*<sup>77</sup>. The **thematic logic** in the strategic and operational documents mirrors the so-called 4P-approach—**prosecution, protection, prevention and partnership** as the fundamental framework used globally to combat human trafficking.

The goals and priorities established in the strategic documents are in the opinion of the majority of the interviewed stakeholders **clearly defined** and form a solid base for designing of the action plans. Nevertheless, discrepancies remain in evaluating if the objectives are measurable, realistic and time-bound. The Assessment identified the **need for improving the definition of the future strategic priorities**, so to arrive at measurable, realistic and time-bound objectives that would enable effective implementation, monitoring and review of the actions. **Inconsistencies** on how these strategic priorities are reflected in the action plans are also noticeable to a varying degree. Some action plans do not include a list of activities reflecting certain strategic objectives. In case of some, the stakeholder suggested to include a separate set of activities targeting children in order to achieve more effective implementation of results in that regard.

High-level **political commitment** to tackle THB in a systemic manner is unequivocally declared in all MARRI Participants by adopting the strategies and accompanying action plans at the highest level of the executive power. The political support is further enhanced by the establishment and active functioning central coordinating figures (Anti-Trafficking Coordinators) in each of the Assessment beneficiaries. Nevertheless, this high-level commitment is not always reflected in practice, as in many instances the professionals lack resources and financial support to implement the strategy and the planned action. The greatest challenge is the **financial commitment**, particularly in terms of **providing adequate state funding to the NGOs and civil society organisations**, responsible for protection and assistance of trafficked persons. In numerous of instances, the civil society representatives are dependent on international donors, which oftentimes undermines the sustainability of the assistance

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<sup>77</sup> ICMPD (2006), Guidelines for the Development and Implementation of a Comprehensive National Anti-Trafficking Response. Available: [horturl.at/ahS07](http://horturl.at/ahS07) (accessed 05.06.2020)

provision. Therefore, the **need for more systematic planning of the funds available for anti-trafficking response** has been identified among the Assessment beneficiaries.

Certain challenges were identified to exist in terms of **lack of specifically dedicated funds for anti-trafficking action**, as the resources needed for implementation of the action plans are usually merged under an overall institutional budgets. The Assessment was informed that the financial support of the planned anti-trafficking actions relies to a great extent on international donors instead of the state budget in some of the MARRI Participants. Nevertheless, several good practices have been identified in this regard. These include the **inclusion of transparent and precise financial planning in the action plans**, with detailed calculations on the costs of the activities (including available state funds and missing resources). These practices constitute solid ground not only for implementation, but also for further planning, possible adjustments of the action and coordination with the donors.

Despite the solid legal, policy and institutional framework established in all MARRI Participants, the Assessment has revealed certain challenges in terms of implementation of the action plans in practice. For instance, the **staff turnover and the constant need of capacity building**, along with the lack of financial resources, pose the greatest challenges in the operationalisation. At the same time it is a positive trend that the institutional frameworks, including the roles and responsibilities of the anti-trafficking actors, are reflected in the existing strategic and operational documents. These include dedicated sets of activities related to the **coordination structures/supportive frameworks**, as well as indicate the division of responsibilities for the activities between the various actors in the action plans. The need for greater involvement and coordination with the professionals working on **local level** in implementing the foreseen actions has been nevertheless identified in the assessment, along with the **need for enhanced coordination on Participant and transnational level**, specifically taking into consideration the implementation of the existing SOPs and other relevant tools and policies for treatment of victims. Good practices in several beneficiaries concern the **preparations of operational plans for implementation** of the foreseen activities. This is an important planning tool that enables eventual adjustments of the originally planned actions, provides transparency in allocation of human and financial resources and serves as a good basis for monitoring of the implementation of activities.

Assessments of **risks** and their mitigation strategies relevant to the implementation of the strategies and action plans, are generally missing in all MARRI Participants. The **lack of adequate strategies for implementing the foreseen actions in crisis situations** has been confirmed as a common characteristic in all beneficiaries as a noteworthy gap. This has become obvious with the COVID-19 pandemic situation in 2020, when, according to the Assessment findings, the implementation of the foreseen anti-trafficking activities was either significantly delayed or systemically challenged. As a result, due to the re-allocation of the anti-trafficking funds to other state budget lines, victim assistance and protection was reduced or neglected to a large extent. The Assessment has identified the need for **contingency planning to ensure minimum functionality of the anti-trafficking systems in emergency conditions**, also taking into consideration the lessons learned with the massive migrant influx in the region in 2015.

**Monitoring and evaluation** are acknowledged in all the strategies of MARRI Participants as important processes relevant for reporting and adjusting the implementation of the action plans, identification of lessons learned and obstacles faced, assessing the overall relevance, efficiency, effectiveness, impact and sustainability of the anti-trafficking responses. The Assessment demonstrated that these processes are enforced in practice by the anti-trafficking coordination structures, however to a varying

extent. Some of the MARRI Participants have established and implement concrete **plans/criteria for monitoring and review**, also including a variety of **monitoring tools** (reports, templates etc.) to support the processes, while others have established these processes, however on a more informal basis.

Monitoring of the implementation progress is based on the core set of indicators and targets in the action plans to measure progress and performance of the responsible actors. The indicators are generally well defined in the existing action plans, however majority of them lack **defined baseline and target values**, which enables only quantitative, but not qualitative assessment of the actions taken. The Assessment identified the **need for developing new or revising the existing monitoring methodologies/criteria/tools** which would lead to **result-based monitoring**, in order to observe the changes achieved and perceive the effects of the action taken.

**Evaluation** of the overall impact and sustainability of the anti-trafficking response is also common in the beneficiaries. However, the Assessment found that this process is conducted with without a unified methodology and adequate terms of reference outlining the specifics of the evaluation assignments. The process generally lacks transparency and there is little evidence that the internationally accepted evaluation criteria (relevance, efficiency, effectiveness, impact and sustainability) are applied. Positive development in this regard has been notified in in one beneficiary, where the post of a **National Rapporteur on Trafficking in Human Beings and Illegal Migration has been established** with a mandate to ensure effective monitoring and evaluation of the overall anti-trafficking response.

Based on the Assessment findings, the identified needs and the good practices, the following **set of recommendations** is proposed in order to advance the development, implementation, monitoring and evaluation of the future strategic anti-trafficking response in the MARRI Participants:

<b>Structure and Elements of the Anti-Trafficking Strategies and Action Plans</b>
<ul style="list-style-type: none"> <li>❖ Elaborate comprehensive anti-trafficking response according to a <b>complementary two-level structure</b> consisting of: (a) <b>Strategy</b>, including mid- and long-term strategic goals and objectives, and (b) <b>Action Plan</b>, listing concrete actions to reach the strategic goals and objectives;</li> <li>❖ Ensure that both, Strategy and Action Plan reflect the internationally recommended <b>guiding principles</b>, such as government ownership, multi-disciplinary approach involving civil society, human rights-based and victim-centred approach, as well as sustainability;</li> <li>❖ Include in the strategic documents a thematic logic that follows the <b>international standards according to the 4P approach</b>-prosecution, protection, prevention and partnership, as the fundamental framework applied globally to combat human trafficking;</li> <li>❖ Design plans of actions to include activities for each strategic area, with <b>clearly assigned responsibilities, time-lines, resources plan and budget</b>, as well as <b>measurable, realistic and time-bound</b> (short-term, medium, long term) <b>indicators</b>;</li> <li>❖ Equip the strategic documents with <b>monitoring, evaluation and review criteria</b> and define the responsible actors/procedures accordingly (e.g. the roles of the responsible actors, as well as the relevant monitoring and evaluation procedures);</li> <li>❖ Include <b>risk assessments</b> and relevant <b>mitigation strategies</b> in the strategies to address the potential obstacles to successful implementation.</li> </ul>

## Development of the Anti-Trafficking Strategies and Action Plans

- ✚ Ensure that the strategic anti-trafficking response is based on a **comprehensive background and situation analysis** in order to determine the problems and define the strategic goals, as well as to provide baseline data needed for future assessments of the anti-trafficking response;
- ✚ In order to cover all aspects of the complex THB phenomenon, ensure a **transparent and inclusive (multi-disciplinary) process** by involving all relevant state and non-state actors, including governmental authorities, non-governmental organisations and civil society, law enforcement, migration, labour, health, education professionals, as well as academia, researchers etc.;
- ✚ Ensure that **NGOs/civil society representatives play an active role in the development process** and that their views and opinions are reflected adequately in the design of the anti-trafficking response;
- ✚ Ensure **expert support and available resources to designing the strategic anti-trafficking response** according to the international standards and guiding principles;
- ✚ Develop and adopt **realistic action plans** reflecting the strategic goals, taking into consideration the available human and financial resources both on central and local level, as well as the capacities of the actors responsible for implementation;
- ✚ Taking into consideration the consequences of COVID-19 pandemic, as well as the massive migrant influx in 2015, include **contingency planning to ensure minimum functionality of the anti-trafficking systems in emergency conditions**. The contingency planning does not, necessarily, have to be part of the Anti-trafficking Strategies, but it can be part of such wider planning on Participant level;
- ✚ Within the contingency planning, **envisage a minimum package of services available to the victims** to meet their immediate needs during the period of reduced possibilities for referral, protection, investigative and judicial proceedings.

## Financial Commitment and Planning

- ✚ Ensure **financial framework** to implement the anti-trafficking action by dedicating higher amounts from the state budget for anti-trafficking actions and attracting external donors to compliment already planned and funded actions;
- ✚ Conduct **transparent and precise financial planning** in the action plans, with detailed calculations of the costs of the activities (including available state funds and funding gaps), in order to constitute a solid ground for implementation of the activities as well as for further planning, possible adjustments of the action and coordination with the donors;
- ✚ Reflect on the need for **more systematic financial planning for anti-trafficking response** by dedicating specific budget lines within the individual institutional budgets;
- ✚ Provide **adequate proportion of the state funding to the NGOs and civil society organisations**, in order to overcome the difficulties and delays in securing funds for

provision of direct support and services to the trafficked persons during the identification, referral, protection, investigative and judicial proceedings;

- ✚ Plan and exploit, where possible, the **budgets of the local structures** (municipalities, cantons, regions), particularly in terms of funding the anti-trafficking actions that should be taken on local level;
- ✚ Take into consideration the effects of the economic crisis following the COVID-19 pandemic by planning/implementing **countermeasures to the consequences of the upcoming economic crisis** (lack of resources for supporting the implementation of anti-trafficking policies, decrease of reintegration opportunities for victims due to the challenges the economies in the MARRI region will face, decrease of employment opportunities, increased vulnerability to irregular labour migration, etc.).

### Implementation of the Anti-Trafficking Strategies and Action Plans

- ✚ Ensure **high-level political support** to the implementation of the overall anti-trafficking action;
- ✚ Continuously **build the capacities** of the coordination structures and other relevant state and non-state actors, in order to address the staff turnover and to achieve long-term impact and sustainability of the anti-trafficking action;
- ✚ Enhance the **cooperation** between all relevant actors on Participant and transnational level (including the anti-trafficking coordinators) in order to maximise the effects of cross-sector intervention and to effectively implement the anti-trafficking policies and norms;
- ✚ Carry out the foreseen anti-trafficking activities by **integrating and building upon the local structures**;
- ✚ On the basis of the general action plan, develop and implement **annual operational plans** for implementation of the foreseen activities in order to address the emerging needs, to take into consideration the recommendations from the GRETA/EU/US TIP reports, to enable eventual adjustments of the originally planned actions as well as to provide transparency in allocation of human and financial resources.

### Monitoring and Evaluation of the Anti-Trafficking Response

- ✚ Integrate in the overall anti-trafficking action **effective monitoring, review and evaluation mechanisms** in order to: (a) periodically self-monitor the achievement of the foreseen goals and objectives and implementation of the planned activities; (b) review the implementation of the action plan in order to plan new anti-trafficking actions or to adjust the existing ones, and (c) evaluate the overall response in order to assess the lessons learned as well as the relevance, efficiency, effectiveness, impact and sustainability of the anti-trafficking actions taken.
- ✚ Include **qualitative indicators in the forthcoming action plans** (by adding baselines and targets), in order to ensure **result-based monitoring**, that would support observing the

changes achieved with the implementation of the activities and resources, instead of ensuring a mere implementation of the planned activities;

- ✚ Enable continuous, regular and systematic self-monitoring of the implementation of the action plans by defining, revising (where needed) and enforcing **progress monitoring procedures** that will be led by the anti-trafficking coordination structures of a particular MARRI Participant. The procedures should engage all actors involved in the implementation and might include quarterly or bi-annual reporting; collecting the input by the stakeholders on the implementation status; development of quarterly, bi-annual or annual reports; multi-disciplinary meetings and workshops etc.;
- ✚ Support the monitoring process by developing/reviewing and using **complementary monitoring tools** (progress monitoring templates to collect the input from the stakeholders, templates for documenting the input received, periodical report templates etc.);
- ✚ Conduct mid-term (during the strategic cycle span) and ex-post **evaluation** (upon completion of the strategic cycle) to assess the relevance, efficiency, effectiveness, impact and sustainability of the overall anti-trafficking action by using the internationally accepted evaluation criteria and methodology;
- ✚ Consider (where relevant) establishing an independent **National Rapporteur on Trafficking in Human Beings** to ensure continuous and independent monitoring of the progress, to act as a corrective mechanism and conduct review and evaluation of the overall anti-trafficking response.

## Annex 1

### Working Definitions

These working definitions were developed on the basis of relevant bibliography and international legislation on the topics of the assessment.

**Anti-Trafficking Strategy** is a comprehensive and forward-looking policy instrument focusing on prevention, protection, prosecution and partnerships and also on ways to increase knowledge on emerging concerns related to trafficking in human beings. Strategies should be based on the guiding principles for providing sustainable and comprehensive anti-trafficking response: government ownership, multi-disciplinary approach involving civil society, as well as human rights based and victim-centred approach.

**Action Plan** against trafficking in human beings is an essential tool for the sharing of responsibilities and coordination of action of anti-trafficking stakeholders such as governmental bodies, civil society, international organizations, etc. in a holistic approach. The Action Plan should operationalize the specific objectives as identified in the anti-trafficking strategy. It should define responsibilities and time lines for each activity assigned, contain resource plans and a budget, and include monitoring and evaluation criteria (e.g. indicators).

**Monitoring** is the continuous, regular, systematic and purposeful observation, gathering of information, and recording of activities, projects, programmes, strategies and/or policies. To monitor is to check on how planned activities are progressing, to identify operational difficulties and to recommend actions. Monitoring is aimed at improving the efficiency and effectiveness of an initiative and at ensuring that activities are transformed into results/outputs. It involves giving feedback about the progress to donors, implementers and beneficiaries of the project. Monitoring is always undertaken during the implementation of activities, projects, programmes, strategies and/or policies.

**Evaluation** is the systematic collection and analysis of data in order to assess the relevance, effectiveness and impact of activities in light of project objectives. It involves assessing the strengths and weaknesses of projects, programmes, strategies and/or policies to improve their effectiveness. It involves giving feedback about the progress to donors, implementers and beneficiaries of the project. Evaluations are generally done either during the span of a programme (mid-term evaluation) to measure and allow for mid-stream programme adjustments or upon completion of programmes (ex-post evaluation).

**Reviews** are the assessment of the performance of an intervention, periodically or on an ad hoc basis. Reviews tend to emphasize operational aspects. Sometimes the terms “review” and “evaluation” are used as synonyms. (Source: OECD/DAC Glossary of Key Terms and Concepts). Review is used for a less comprehensive process than evaluation, which is geared to the adjustment of activities, projects, programmes, strategies or policies in order to reach the defined objectives.

**Participatory monitoring and evaluation** is a process through which stakeholders engage in monitoring or evaluating a particular project, programme or policy. They share control over the

content, process, and results of the monitoring and evaluation activity and engage in taking or identifying corrective actions. Participation is increasingly being recognized as being integral. It is geared towards not only measuring the effectiveness of a project but also towards building ownership, empowering beneficiaries, and building accountability and transparency.

**Results-Based Management** is a management strategy focusing on performance and achievement of outputs, outcomes, and impacts. (Source: OECD/DAC Glossary of Key Terms in Evaluation and Results Based Management). Results-Based Management identifies strategic elements, such as results, outcomes, impact and outputs and their causal relationship, following a number of assumptions and risks identified. It involves the formulation of relevant indicators to measure success and performance. As a strategic approach, importantly affects reporting and decision-making. (Source: adapted from UNESCO 2008)

**Results** are the output, outcome (medium-term change), or impact (long-term change)—intended or unintended, positive and/or negative—of a development intervention. In other words, results are changes that come about due to a cause and effect relationship induced by an intervention.

A **child** is any person younger than 18 years, according to the 1989 UN Convention on the Rights of the Child.

**Trafficking in persons** is an offence which *may* be committed by an **organised criminal group**, defined in accordance with the UN Convention Against Transnational Organized Crime, 2000 as: *“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 or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit”*. **Trafficking in Persons**, as per Article 3 of the Protocol to the United Nations Convention against Transnational Organized Crime, to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, adopted in New York on 15 November 2000, is: *“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 the case of trafficking in adults, this can be broken down into a specific **act**, using certain **means**, for the purpose of **exploitation**. Trafficking in children, however, is defined as committing a specific **act** for the purpose of **exploitation**, as the means are irrelevant - trafficking occurs when a child is subjected to at least one of the trafficking acts for the purpose of at least one of the forms of exploitation.

**Trafficked person/Victim of trafficking** – A person who is subject to the crime of trafficking in persons (see above). While the use of the term “victim” may somehow suggest that person’s diminished agency, it does designate the serious crime and human rights violations that person has been subjected to – irrespective of whether a trafficker is identified, apprehended, prosecuted or convicted, and regardless of any family or other relationship between the victim and the alleged trafficker. An alternative formulation – that we will use interchangeably in this assessment – is “trafficked person” (as well as “trafficked people”, “trafficked adults”, “trafficked children”, etc.).

**Presumed/potential victim of trafficking** indicates a person who could, from the indicators, be a victim of trafficking, but who has not yet been identified as such – according to the identification procedures in place. Presumed victims are entitled to the same treatment as identified victims from the beginning of the identification process.

**Identification** -The identification stage is the first phase of a local, Participant or transnational mechanism through which a trafficked person is identified as such. This stage can be divided in three main parts:

- Initial screening/assessment (first-level identification), conducted by frontline responders (anyone who comes into contact with the presumed victim) and results in referral to appropriate authorities. An initial screening or assessment may suggest that a person might be a victim of trafficking. It may be based on conversations and interactions with the individual, observation of the person (his/her behaviour, appearance or circumstances), and/or an interview guided by indicators or previous allegations and can lead to detection of signs of trafficking to be further explored in a formal interview. It may also be triggered by victims who self-report and present themselves for identification.
- Initial/preliminary interview (preliminary identification). An initial interview is conducted by referral authority with the aim of ascertaining whether there are reasonable grounds to believe that the person has been trafficked. When appropriate authorities find that there are sufficient indicators that the person may be a victim of trafficking, this should lead to the presumed victim being given access to initial assistance and protection.
- Formal identification process. Formal identification is conducted by official identification authorities tasked by law or procedure with victim identification. Competent authorities may include law enforcement, social services and, in some countries, NGOs. Formal identification may be based on verification of the information obtained as a result of the initial interview and other evidence. This may result in the person being entitled to more comprehensive assistance and protection services. It may also coincide with the investigation and prosecution of alleged traffickers.<sup>78</sup>

**Indicators** - The purpose of trafficking indicators is to support practitioners in making a first-level identification of a potential trafficking case. First-level identification refers to the point of first contact between a practitioner and a potential victim of trafficking and the process of detecting signs suggesting a possible situation of trafficking. Indicators are intended to provide guidance on (a) spotting potential signs of trafficking, and (b) reporting suspicious cases for protection of the presumed victims and for further investigation.<sup>79</sup>

**Protection** - Measures, programmes and services aimed at the recovery of trafficked people that might include, but are not limited to, appropriate housing; medical, psychological and material assistance; educational, training and employment opportunities; legal counselling and assistance. First, short- and long-term assistance may be offered by non-governmental, governmental or international

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<sup>79</sup> See [www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@declaration/documents/publication/wcms\\_105023.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_105023.pdf); [www.unodc.org/pdf/HT\\_indicators\\_E\\_LOWRES.pdf](http://www.unodc.org/pdf/HT_indicators_E_LOWRES.pdf).

organisations in countries of destination, transit and origin and they may involve one or multiple services.<sup>80</sup>

**Migration** is the movement of individuals or groups of persons, either across international borders, or within a State. It encompasses any kind of movement of people, whatever its length, composition and causes. It includes migration of refugees, displaced persons, economic migrants, and people moving for other purposes, including family reunification. It can be regular and irregular, forced or voluntary or a combination thereof.

A **migrant** is someone who moves their place of residence from one locality to another [from the Latin *migrāre* to change one's abode]. A migrant may also be a person who has previously migrated and then returns to their place of origin, referred to as a return migrant.

The **country of origin** is the country from which an international migrant departs in order to take up residence in another country, the **country of destination**. The country of origin may be the country of birth of the migrant, or simply their country of habitual residence prior to migration.

**Irregular migration** includes irregular entries, but also refers to a person residing in a destination country without authorisation, because their permit or visa has expired, or when a person works in a destination country without being authorised to do so.

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<sup>80</sup> Adapted from: Rebecca Surtees, *Re/integration of trafficked persons. Working with trafficked children and youth*, NEXUS Institute 2014.

## Annex 2

### List of key informants

Code	Name & Organisation	Interview date	Comments
<b>Albania</b>			
AL1	NGO Different & Equal (D&E)	18/06/2020	on-line interview, focus group
AL2	Psycho-Social Center "Vatra" NGO	18/06/2020	on-line interview, focus group
AL3	Renata Cenko, Project Manager, Terre des hommes (TdH) Albania	19/06/2020	on-line interview
AL4	Anti-Trafficking Unit, Ministry of Interior	05/08/2020	written answers
<b>Bosnia and Herzegovina</b>			
BA1	Samir Rizvo, State Coordinator for Fight Against Trafficking in Human Beings, Ministry of Security, Bosnia and Herzegovina	17/06/2020	on-line interview
BA2	OSCE Mission in Bosnia and Herzegovina	16/06/2020	on-line interview
BA3	Anonymous	06/07/2020	on-line interview
<b>Kosovo*</b>			
XK1	PVPT – Centre for protection of Victims of Trafficking in Human Beings	17/06/2020	on-line interview
XK2	Adile Shaqiri, Senior Officer, Ministry of Labour and Social Welfare	23/06/2020	on-line interview
XK3	OSCE Mission in Kosovo*	15/06/2020	on-line interview
XK4	Public Prosecution	25/06/2020	on-line interview
XK5	Riza Murati, Anti-Trafficking Sector, Ministry of Interior	24/07/2020	written answers
XK6	Anonymous	04/08/2020	Written answers

\* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence.

<b>Montenegro</b>			
ME1	Department for fight against trafficking in human beings, Ministry of Interior	02/07/2020	Written answers
ME2	Mitar Radonjić, Executive Director, Institute for Social and Education Policy / Shelter for victims of human trafficking	29/09/2020	on-line interview
<b>North Macedonia</b>			
MK1	National Commission for Combating Trafficking in Human Beings and Illegal Migration	07/07/3030	on-line interview, focus group
MK2	Office of the National Referral Mechanism, Ministry of Labour and Social Policy	24/06/2020	on-line interview, focus group
MK3	NGO Open Gate - La Strada	16/06/2020	on-line interview, focus group
MK4	Macedonian Young Lawyers Association (MYLA)	24/06/2020	on-line interview, focus group
<b>Serbia</b>			
RS1	Lidija Milanović, Centre for the Protection of Victims of Trafficking	19/06/3030	on-line interview
RS2	Anonymous	23/06/2020	on-line interview
RS3	Marijana Savić, NGO ATINA	25/06/2020	on-line interview
RS4	Marija Andjelković, NGO ASTRA	23/07/2020	on-line interview
RS5	Republic Public Prosecutor's Office	10/07/2020	on-line interview

## Annex 3

### List of desk review, consulted literature and web sources

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