

**Assessment Study  
on Gender Based Violence  
and on Human Trafficking in:**

**Albania  
Bosnia and Herzegovina  
FYR of Macedonia  
Kosovo\*  
and Serbia**

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<sup>1</sup> This designation is without prejudice to positions on status and is in line with UNSC 1244/1999 and the ICJ Opinion on the Kosovo Declaration of Independence.

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## I INTRODUCTION

Gender based violence is not only a human rights violation, but it also represents a public health challenge, as well as an obstacle for political, civil, economic and social participation.

Gender based violence (GBV) is the general term, which encompasses various forms of violence directed against women and is a result of the normative role expectations connected with each gender, coupled with the uneven distribution of power between the genders. While, victims of GBV can be women, girls, man and boys the main focus of this paper is violence against women and girls, as they are more excessively affected by this type of violence. Men victim of gender based violence could be target of physical or verbal attacks if they transgress the predominant concepts of masculinity, for instance if they have intercourse with other men, or they could be also victims of family based violence carried out by their partners or children.

It has to be emphasized that GBV is not something that occurs to women randomly. This type of violence disproportionately affects women because of their gender, and it can include acts that cause emotional, physical, sexual harm or involve threats of such acts. Factors associated with gender-based violence are linked to dysfunctional relations on intimate family level, but also on community and wider society level. Societies where there are strong believes in family honour, sexual purity, male sexual entitlement, supported by very weak legal sanction for violence against women and children have strong levels of gender-based violence.

It is important to clarify that women experience various forms of gender based violence, which can occur both in private and public context. Violence that occurs in the family, that is to say **domestic violence**, remains a hidden reality for majority of women and girls in the Western Balkans. This type of violence is often committed by intimate partner, but also closest family member, such as parents, in-laws or other relatives. The violence can be physical, sexual, economic or psychological. There have been some improvements in the legislature in most countries that specifically tackles domestic violence. However, the problem associated with the legislation is that it is often not comprehensive to cover the various manifestations of domestic violence. For instance, often there is no specific classification for marital rape as a form of violence, and psychological violence against women and girls is also not covered with the laws.

**Sexual violence** can occur both in private sphere, in a form of a marital rape, or outside the private domain. It involves pressuring or forcing someone to perform non-consensual sexual acts, ranging from kissing to sex. On the other hand, sexual harassment often happens in the public space, such as street harassment or harassment in the work place. It involves making comments that make someone feel humiliated or uncomfortable or could be demand of sex in return for favours. **Sexual harassment**, generally, is associated among women in higher occupational groups, but a recent ILO study<sup>2</sup>, emphasized that women working as domestic workers, forced and bonded labourers, migrant workers, health service workers or sex workers are particularly susceptible to this type of sexual violence.

Girls who enter into child marriage or cohabitation below the age of 18, which is the legal age for marriage in most countries, or women who enter in a forced marriage are often more susceptible to sexual or psychological abuse by their partners than their peers who marry later. Child brides or women in forced marriages have a very low bargaining power in the household and thus are more

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<sup>2</sup> ILO (2011) Gender-based violence in the world of work: Overview and selected annotated bibliography, Working Paper 3. Available at: [http://www.ilo.org/wcmsp5/groups/public/--dgreports/--gender/documents/publication/wcms\\_155763.pdf](http://www.ilo.org/wcmsp5/groups/public/--dgreports/--gender/documents/publication/wcms_155763.pdf) (Accessed on 10 April 2016)

likely to experience violence by an intimate partner. They often show signs symptomatic of child sexual abuse and post-traumatic symptoms.<sup>3</sup> Women who enter into forced or child marriage are also more susceptible to become victim of **human trafficking**, which is also considered as a form of gender-based violence.

Also, women tend to disproportionately be victims of sexual violence in times of emergencies, armed conflicts or humanitarian crisis. During the early stages of crisis when communities are disrupted, and there is mass movement of populations women and girls, and the system of protection is removed or is not fully in place are most susceptible to various forms of violence and exploitation due to their gender and/or status in society and this often goes underreported. In the post crisis period women again tend to suffer other forms of gender-based violence as a consequence of the lack of protection mechanism. These can involve, trafficking, honour killings, or psychological and physical abuse.

The implications are that sexual violence not only has grave short and long-term impact on victims, but it also heavily burdens the health services of the countries, and has rippling effects over the society.

Most reports show this problem has not been sufficiently dealt with in most western Balkan countries. The efforts of number of women's rights groups as well as the international community have had some impact in the improvement of the legislative framework dealing with domestic violence, but not all aspects of gender-based violence have been properly addressed. For instance, violence outside of the private sphere - that is to say violence against women in public spaces, which involves street harassment, stalking, sexual assault, is still not adequately approached by governments of these countries.

\* \* \*

The majority of Western Balkan countries face long-standing and new evolving challenges in countering problems of trafficking in humans for purposes of forced labour or sexual exploitation. In the period since independence until today most of these countries moved through different stages in building their institutional capacities, legislative frameworks, and put number of policies in place to deal more effectively with the issues of trafficking of human beings. This all has been taking place in a time of socioeconomic and political upheavals, which has had a direct impact over the increase of criminal activities and has made specific strata of people more vulnerable to trafficking. This in particular has been the case of socially marginalized groups, without stable employment opportunities, including members of the Roma communities, street children and even underemployed young people. Due to their livelihood situation they are more prone to take up a job in the informal sector, in their country of origin or other countries in the region, but also in the EU, the Russian Federation as well as the Caucasus countries. The problem is augmented by the low risk awareness among the vulnerable groups and by the inadequate knowledge of the relevant stakeholders in countries of origin, transit and destination.

Most of the official statistics indicate that there has been decrease in the cases of trafficked victims,

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<sup>3</sup> TOO Young TO Wed: Education & Action Toward Ending Child Marriage. Child Marriage and Domestic Violence. International Center for Research on Women. Available at: <https://www.icrw.org/files/images/Child-Marriage-Fact-Sheet-Domestic-Violence.pdf> (accessed on: May 10 2016)

nonetheless, independent reports paint a different picture of changing patterns of trafficking. The trafficking now also involves vulnerable migrants transiting through certain Western Balkan countries *en route* to the countries of the European Union. Furthermore, major challenge that all Western Balkans countries are facing is the inadequate understanding of the issues, which often results in giving less priority to combating of trafficking. The lack of understanding of the issues of trafficking also results in failure to react promptly to new changing ways of trafficking and specific trafficking networks, which emerge with the new migrant crisis.

Most of the governments of Western Balkan countries do not often cooperate sufficiently with the civil society and the research institutions in order to build up evidence base on which to base their strategies and anti-trafficking activities, protection and assistance services to victims, as well as prevention capacities.

Trafficking in human beings in this paper is defined as exploitation of people through threat, force, coercion, and deception and often involves abuses of human rights, including deprivation of liberty, debt bondage, and lack of control over freedom and labor. The main purpose of trafficking is for sexual exploitation or labor exploitation. In contrast to this, human smuggling, is defined as facilitation, transport or attempted transport or enabling illegal entry of a person or persons across an international border, which is in violation of one or more countries laws. This can be done either clandestinely or through deception, such as the use of fraudulent documents. In this paper, we will specifically focus on trafficking in human beings, which is defined as modern day form of slavery.

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This study was developed with the intention to determine what factors play a role or contribute to the creation of safety and inclusion for victims of gender based violence and of human trafficking in the Western Balkans, as well as to prevent cases of such violence and protect survivors.

The findings of this study provide an overview of the current situation in the area of gender based violence and of human trafficking in Western Balkans countries / territories, thus providing valuable basis on which future policies, campaigns or activities could be based. In addition to it, the study provides a long string of elements that are potentially highly valuable when identifying, planning and improving intervention programs and / or further research.

Through the assesment of the development of legislation of five countries / territories in the region of Western Balkan, this study assesses the presence of relevant laws, policies and plans, as well as the role of competent institutions in the suppression of gender based violence and of human trafficking,

Through the public opinion survey, this study also assesses the level of awareness of the general public about gender based violence and on human trafficking and the interest of the public to take part in advocacy actions related to the adoption of new national policies and methodologies of dealing with victims' protection and support.

In addition to identifying the circumstances in these two areas - such as certain deficiencies or as the space for improvement of legislation or practice - which should be taken into account when designing future policies or campaigns, the study also highlights the load of aggravating circumstances that exist in these societies and which should also be factored in when creating future policies and actions (for

example, deeply rooted corruption, lack of trust in institutions, poverty, patriarchal and traditional patterns, migrant crisis, and its consequences, etc.).

The recommendations given in the study thus pinpoint a whole string of elements that policies to be adopted should contain. The recommendations offer a spectrum of potential solutions to improve the legal framework, its implementation, and list a number of other measures that could be included in policies that will be adopted, in order to reduce gender-based violence and the number of human trafficking cases both among local population, i.e. among vulnerable groups, as well as among migrant population.

Each of the two chapters of this document contains information on the following countries / territories (in alphabetical order): Albania, Bosnia and Herzegovina, FYR of Macedonia, Kosovo and Serbia.

Each of five sections of these two chapters contain information on the general situation in a country / territory, followed by a legal and the institutional set up put in place to address gender based violence / human trafficking, followed by findings of the public opinion survey. Each of these sections is concludes with policy recommendations.

Data collection for the preparation of this study, content analysis and writing of this study were carried out in 2016.

## II

## GENDER BASED VIOLENCE

### COUNTRY PROFILES

#### 2.1. ALBANIA

##### General overview

Most of the cases of gender-based violence in Albania go unreported. Social stigma associated with sexual violence and the general belief that domestic violence constitutes a part of normal family life, indicate the low levels of awareness of this problem. The violence against women is not a new manifestation in Albania, but it is deeply rooted in the patriarchal, masculine traditions of the country, which are built on clear and strict gender identities and roles, observance to an honour-and-shame system, respect of the family hierarchal order, where the intergenerational family exerts power. Even after forty year of communism the patriarchal attitudes continue to exist and in particular those referring to the traditional Albanian laws-Kanun of Lek Dukagjini which is still relevant in some regions. In certain parts of Albania the issue of domestic violence is explained through Kanun, which sets the “proper” gender roles and the importance of the patriarchal authority and grants rights to man to “chastise” wife, who is his property.

Of the different forms of gender-based violence, the legislature mainly covers acts of violence perpetrated in the confines of the private sphere. Though, despite the fact that the legal framework of domestic violence is sufficiently comprehensive, surveys suggest that violence against women is still far from being eradicated in Albania.

In fact, a 2013 survey on domestic violence in Albania indicates that there has been increase in the proportion of women that “ever” experienced domestic violence from 56% in 2007 to 59, 4% and the percentage of women who were “currently” experiencing domestic violence in 2013 stood at 53.7%. While, often the perpetrators are men, this survey suggests that in Albania the domestic violence against women is not only carried out by husbands/parents, but also by other family members, including parents, brothers, in-laws, sisters or relatives. Regarding the profile of victims of domestic violence, it was identified that women of all educational levels experience domestic violence; still those with lower educational background were more susceptible to domestic violence in comparison to university/post-university education. In addition to these differences, the employment status, the ethnic background as well as the place of origin appeared as factors that have influence over the occurrence of gender-based violence. Women from rural background, unemployed and in economically dependent position, as well as women of minority origin were more likely to experience gender-based violence in comparison to women from urban background, or those who were economically independent.

Yet, these statistics are to be taken with precaution as many Albanian women organisations warn that sexual harassment at work is prevalent, because sexual harassment is often unreported. This may indicate that the number is higher than what has been reported. While women of lower education

background, most often poor and coming from rural areas are susceptible to domestic violence, women who are economically active, and are working outside their homes are more likely to experience sexual harassment.

Early child marriages and forced marriages as specific form of gender-based violence also occur in Albania, but estimates of the number of such marriages are not precise. In a report published by Immigration and Refugee Board of Canada it was stated that forced marriages occur frequently, in particular in rural areas and informal settlements. But this issue has not been studied and thus specific numbers are not available.

Child marriages, albeit rare, still are happening in isolated rural areas or mountainous areas, where patriarchal traditions are still strong and poverty is overwhelming. This phenomenon exclusively involves young girls below the age of 18, and they have no say in the choice of their spouses. Family members arrange the marriage, and often the chosen spouses live in other countries. Often, this is a way for the family to pay their way out of poverty as the spouses are expected to pay hefty dowry. Therefore, the school dropout among young girls in these areas is very high, so they can early prepare for marriage. The government officials claim that they could not address the issue as there is no evidence that it happens. It is suggested that the majority of child marriages cases occur among the Roma community and in certain cases lead to trafficking of young girls.

Cases of trafficking of women both of foreign and local origin are regularly reported. The US State department lists Albania as tier 2 country, which still does not meet the basic criteria for Trafficking Victims Protection Act's (TVPA). Most concerning reason why Albania has inadequate response to the fight against trafficking in persons are the overwhelming levels of corruption, high turnover in the police force and official complicity of law enforcement officials and police in crimes of trafficking.

During an expert panel organised in Albania, participants stressed that “mechanisms have been set-up for fighting GBV, but it is not enough.”

They said that in Durres and in Tirana, many victims denounce the abuse and receive services, but the other victims who remain silent is what causes concern. “Not only women are the victims, but also children, yet most victims that are reported are women,” they said.

As main reasons victims do not report cases of GBV, expert-panel’ participants listed: fear; mentality or mindset of people; economic situation (women would not have enough money to survive or live on); women's own families (would not support them leaving their husbands); public status (very important so women must not bring shame onto their families); a belief in not dividing the family (women feel that the children are happy and that the gender based violence does not affect them, ignoring the impact domestic violence does actually have on children), lack of awareness of the cycle of familial violence (the violence is seen as only happening to the woman and not affecting others); psychological abuse (women often do not see this as abusive).

“The isolation or removal or forbidding girls to attend school or socialise in public spaces is not seen or accepted as GBV by people in general. Children in general are not protected from violence”, they highlighted.

The media is also seen as having a negative impact on the population as their reporting is often biased against women and has a sensational aspect. The media is viewed as a source of information, but equally it can mis-inform.

At the moment, there are no government run campaigns against domestic or gender based violence. “There has been little awareness rising on the issue. Moreover, schools are losing their role as providers of information”, participants added.

## Legal context

Albania acceded to the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and ratified it in 1994, subsequently also ratified CEDAW Optional Protocol in 2003. Also in 2011 Albania signed and in 2013 ratified the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence. To date, Albania has developed two national strategies for Gender Equality and Reduction of Gender-Based and Domestic Violence. The first one was developed in 2007-2011, and the second was for the period of 2011-2015. The national strategies provide the strategic objectives of Albania in relations to dealing with domestic and gender-based violence and improvement of gender equality in the country.

The Law on Measures Against Violence in Family Relations clearly defines domestic violence as “any act of violence (i.e., any act or omission of one person against another, resulting in violation of the physical, moral, psychological, sexual, social, and economic integrity) committed between persons who are or used to be in a family relation.” Until recently domestic violence was prosecuted under the general crime of assault in the Criminal Code and serious intentional injury was punishable under Article 88, with three to ten years of prison, whereas non-serious injury was prosecuted under Article 90, carrying a fine punishment or imprisonment of up to six months. In 2012 Albania amended the Criminal Code, which now criminalizes domestic violence and prescribes a punishment of up to five years in prison (Article 130a). Similarly, Article 88 of the Criminal Code increases the punishment for intentional injury from three to ten years’ imprisonment to five to fifteen years, when this crime is committed against a spouse, former spouse, former or current cohabitant, close kin or spouse. In addition to this, with Article 121a stalking was introduced as a crime punishable with prison from six months up to four years and in particular if this offence is committed by former partner, cohabitant or someone who has spiritual relations with the defendant this punishment is increased by third of the given sentence. Also, homicide because of family relations is regulated with the Criminal Code, whereby intentional homicide of a spouse, former spouse, cohabitant, or former cohabitant, close kin or close kin of the spouse of the offender, is punishable with twenty years of imprisonment or with life imprisonment (Art. 79c, Art. 88).

Furthermore, in 2013 the government again made amendments to the Criminal Code and introduced spousal rape and spousal sexual violence as criminal offences, punishable with three to ten years’ imprisonment. Nonetheless, Country Report of 2013 indicates that the laws against rape and spousal rape were not enforced effectively.

The 2008 Law on Gender Equality defines sexual harassment as any type of unwelcome behaviour that involves actions, either physical or symbolic, which have a sexual character and thus violate personal integrity. The law compels employers to protect their employees from harassment and sexual harassment in the working place. With Article 108/a sexual harassment is punishable from one to five years’ imprisonment. This offence is also prohibited under the Labour Code.<sup>4</sup>

Regarding the Criminal Code regulating early marriage, Article 100 of the CC criminalizes sexual intercourse with a minor of or below the age of 14. Furthermore, Albania recognizes only civil marriages. However most of the marriages involving underage spouses, mostly girls, according to official report to the Convention on the Elimination of Discrimination against Women (CEDAW), 2010, are not registered.

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<sup>4</sup> At expert panels, when asked if they know of any policies in place that oblige state institutions and private companies to provide their employees with trainings on sexual harassment on the workplace and to prescribe sanctions for such behaviour, all participants responded with - no.

At the expert panel, issues with implementation of the legal framework were mentioned often.

Among other, participants highlighted that “victims are stigmatised and the police themselves are too weak and they do not act.... The status of the police is weak and people are not afraid of them or the consequences, so this results in high crime rate.”

There were also concerns among panel participants about the lack of confidentiality regarding women or people who report gender based violence, “as the police frequently tell the perpetrators who reported the issue to the police.”

An example was also given of a Community Centre in a rural city in the north of the country where it is difficult to function due to the alleged perpetrators threatening and being abusive to the staff. “There exists a lack of procedures and policies for the safety and security of the staff. The workers who conduct home visits - are they safe and how effective can the workers be if they are fearful and not able to give 100% attention to the victims”, they asked.

There were cases of explicitly sexualised photographs being published, or posted on social media by 'boyfriends or partners of females. “There is currently no law against this form of GBV,” participants added.

“The system of identification is poor, schools have poor psychological support or services, local governments have a poor level of identification and access to any services is very limited,” they stressed.<sup>5</sup> No rehabilitation services are being provided currently.

Although in 2010/11 the UN Trust Fund supported the development of the referral mechanism in 12 or 13 urban local government authorities, not all the local government referral mechanisms are functioning now, they said.

According to participants, implementation of the law apparently is affected by the lack of resources.

They unanimously responded that resources and supports available are not adequate to meet the needs of those who have experienced gender-based violence. “There has been a reduction in the number of staff working on GBV in the municipalities. This partially is due to the local government reform and the fact that a person has too many duties and responsibilities to perform and GBV is low on the priority list.. Child Protection Unit in each municipality is poorly resourced and having only one person does not allow him/her to conduct all the work. These units needs to be strengthened and to conduct much more coordination....Many of these services have or were set up through projects and short term funding and this leads to no sustainability or the local governments taking on the responsibilities for the provision or financing of the services....There is also a lack of professionals and professionalism in this field. In the remote areas there is a lack of access.. The budget provided for social services is far too low”, they highlighted.

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<sup>5</sup> Asked about kinds of assistance, or protection services being available (i.e. medical, psycho-social support, or job placement, vocational training, occupational therapy, legal support, return, reintegration assistance), participants at expert panels highlighted shortcomings of certain solutions. Per example, new housing law will enable people leaving shelters to access social housing - yet this service is very limited. Also, if persons take Protection Orders to employment offices they can receive priority services to find employment - yet issues of confidentiality and discrimination affects this service.

## Public opinion survey - Results

### General awareness of gender-based violence

#### Have you ever heard about the term “gender-based violence” (GBV)?

Yes	94.6%
No	3.4%
No answer	1.9%

The number of those that respond negatively to this question is insignificant.

The response indicates that almost everyone has heard of the term "gender-based violence".

#### How did you first hear about gender-based violence?<sup>6</sup>

TV	44%
Newspaper	14.8%
Friends	22.8%
Family	8.7%
Government	1%
Other	4.8%
No answer	3.8%

As the source of first information about gender-based violence respondents in Albania most commonly cite “TV”, then “friends” and then “newspapers”.

“Government” is the least cited response.

Obviously, non-institutional mechanisms - traditional media and one’s own social circle – have a leading role in finding out about the problem of gender-based violence.

#### What do you think best describes gender-based violence?<sup>7</sup>

Here the respondents were offered a list of options and were asked to check all that apply. "All of the above" (all listed answers) (16.2%) was the most commonly cited answer to this question.

Respondents further cited (most to less commonly) – “physical violence” (16%), then “emotional violence” (psychological abuse of the other partner) (11.5%), “violence occurring because of assumed inequality between two genders” (9%), “economic violence” (use of finances to control the other person) (8.6%), “sexual assault (rape) in marriage” (7.6%), “forced marriage” (6%), “sexual assault outside marriage” (5.6%), “honor killing or beating” (5.6%), “sexual harassment” (workplace, school, public places, etc.) (4.7%), “early marriage of young girls or boys” (4.5%) and “trafficking for purpose of sexual exploitation” (3.1%).

<sup>6</sup> Here the respondents checked all answers that apply, on their own initiative.

<sup>7</sup> Here the respondents were asked to check all answers that apply.

Finally, "none of the above (GBV does not exist)" is the least cited response (0.4%).

So, according to the perception of respondents, a whole list of conducts could be identified as gender-based violence; "physical violence", "emotional abuse" and "violence that occurs because of the perceived inequality between two genders" are at the very top of that list.

**Have you ever attended/participated in an event specifically devoted to gender-based violence?**

Yes, a conference/training	5.9%
Yes, public event	7.8%
No	82.4%
Other	1%
No answer	2.9%

It appears that circa 14% of the total number of respondents was, at some point, exposed to relevant public events, trainings, etc.

With remaining number of respondents, that was not the case.

**How do you think victims of gender-based violence deal with it?<sup>8</sup>**

Remain silent	33.4%
Constantly fear violence	32%
Report to the institutions	6.2%
Are ashamed and embarrassed	27%
Other	0.2%
No answer	1.2%

Respondents most commonly cite that victims "remain silent", that they "constantly fear violence" and "are ashamed and embarrassed".

In a way lesser extent the respondents cite that victims "report (the case) to the institutions".

**Victims of gender-based violence are most commonly<sup>9</sup>**

Young women	42.3%
Old women	29%
Children	21.5%
Old men	1.4%
Young men	1.4%
Elderly	2.9%
No answer	1.4%

As the most common victims of gender-based violence, respondents most commonly cite "women" (young and old) and "children".

"Men" (young and old) as well as "elderly" are cited in a minimal extent.

<sup>8</sup> Here the respondents were asked to check all answers that apply.

<sup>9</sup> Here the respondents were asked to check all answers that apply.

## Gender-based violence is predominantly conducted for <sup>10</sup>

Culturally accepted and part of everyday life	19.5%
Economic deprivation	26.1%
Family trauma (eg. loss in the family)	17.5%
Family problems (alcoholism, psychological problems)	29.1%
Cheating	5.6%
Other	0.4%
No answer	1.8%

Respondents most commonly cite “family problems” and “economic deprivation” as predominant triggers of GBV.

As the next predominant trigger of gender-based violence the respondents perceive the fact that “(it is) culturally accepted and part of everyday life.”

## Respondents were asked to respond with true / false to following statements

1) GBV victims should be more protected by the institutions	
True	80.5%
False	0%
Don't know	3.9%
No answer	15.6%

2) GBV is a private matter	
True	38%
False	42.4%
Don't know	3.9%
No answer	15.6%

3) GBV should be reported by neighbours / relatives to the police	
True	51.2%
False	29.3%
Don't know	3.9%
No answer	15.6%

4) GBV should receive special care	
True	78%
False	2.4%
Don't know	3.9%
No answer	15.6%

Respondents mostly take side of victims and they are mostly in favor of improvement of their status. Namely, majority agrees that victims “should be more protected by the institutions”, that “GBV should receive special care”, as well as with the notion that cases of GBV should be reported by neighbours / relatives to the police. Also, majority disagrees with “GBV is a private matter” statement.

Nearly one-fifth of the total number of respondents in Albania decided, however, not to answer to this question or decided to respond with “don't know“. This is not a small number.

<sup>10</sup> Here the respondents checked all answers that apply, on their own initiative.

## Awareness of gender-based violence in his/her own environment

### Have you encountered a case of gender-based violence in your country?

Yes	53.2%
No	38%
No answer	8.8%

Out of the total number of respondents in Albania, 38% "have not encountered a case of gender-based violence in their country".

Experience of other respondents is different.

### If yes, how many cases of gender-based violence do you think you have encountered?

1 case	5.4%
2-3 cases	20.5%
3-5 cases	6.3%
More than 5 cases	28.3%
No answer	39.5%

The purpose of this question was to dwell deeper into affirmative answers to previous question.

So, the respondents think they came across one (5.4%), 2-3 cases (20.5%), 3-5 cases (6.3%) or more than 5 cases (28.3%).

According to the perception of respondents, cases of gender-based violence are taking place in Albania and to the extent that should not be ignored.

### Do you know about a specific case of gender-based violence among people you personally know?

<sup>11</sup>

Yes, a family member	4.8%
Yes, a friend	10.4%
Yes, an acquaintance	16%
Yes, I have heard about such case in my neighbourhood/city	31.7%
No, I am not aware of such case	33%
No answer	4%

The negative one - "I am not aware of such case" - is the most commonly cited answer.

On the other side, "I have heard about such case in my neighbourhood / city" and "an acquaintance" are the most cited among answers in affirmative tone.

<sup>11</sup> Here the respondents were asked to check all answers that apply.

### What has/have the case/s been?<sup>12</sup>

Emotional violence (psychological abuse of the other partner)	17.5%
Economic violence (use of finances to control the other person)	9.3%
Sexual assault (rape) in marriage	7.2%
Sexual assault outside marriage	5.9%
Sexual harassment (workplace, school, public places, etc.)	6.5%
Trafficking for purpose of sexual exploitation	3.4%
Forced marriage	6.4%
Early marriage of young girls or boys	3.1%
Violence occurring because of assumed inequality between two genders	9.3%
Honor killing or beating	7.5%
Other	0.8%
No answer	22.7%

The most commonly cited answers to this question are “emotional violence”, “economic violence” and “violence occurring because of assumed inequality between two genders.”

### Have you tried to help the victim/s?<sup>13</sup>

Yes, report to an agency/institution	9.6%
Yes, tried to talk to the person about their possibilities to escape the situation	17.2%
Yes, took the victim with me	3.3%
No, it is too risky to help victims of GBV	31.6%
I don't know how I can help	12.9%
No, I do not want to have anything to do with such issues	13.4%
No answer	12%

From the feedback we read that among respondents there are those who have tried to help the victim/s of gender-based violence in cases they encountered (by reporting, talking to a person, providing shelter).

"Trying to talk to the person about their possibilities to escape the situation" is the most commonly cited answer in affirmative tone.

Answers in negative tone are cited in a greater extent. Among those, the most commonly cited reason for not trying to help is that "it is too risky to help victims of gender-based violence".

### What are the signs by which you think you could recognize someone as victim?<sup>14</sup>

Person does not communicate with the people from his/her surrounding	18.6%
Hear screaming from their home	26.8%

Among respondents who think that they would be able to recognize someone as a victim of gender-based violence, “hearing screams from their home” and “the way they look” are the most commonly cited signs.

<sup>12</sup> Here the respondents were asked to check all answers that apply.

<sup>13</sup> Here the respondents checked all answers that apply, on their own initiative.

<sup>14</sup> Here the respondents checked all answers that apply, on their own initiative.

They are in suspicious relationship	11.4%
The way they look	19%
I would not be able to recognize a case of GBV	18%
No answer	5.9%

On the other side, "I would not be able to recognize a case of gender-based violence" respondents cite in the extent that is not irrelevant.

**On a scale from 1 (not a problem) to 5 (very serious problem), in your opinion, how serious do you think the problem of gender-based violence is in your country?**

Not a problem	0.5%
Not so serious	2.4%
I don't know	9.8%
Somewhat serious	27.3%
Very serious problem	56.1%
No answer	3.9%

According to the perception of the absolute majority, gender-based violence represents a serious problem in the country (certain number of respondents sees it as somewhat serious, but majority perceives it as very serious).

**On a scale from 1 (not a problem) to 5 (very serious problem), in your opinion, how serious do you think the problem of gender-based violence is in the Balkan region?**

Not a problem	0%
Not so serious	0.9%
I don't know	25.8%
Somewhat serious	25.4%
Very serious problem	44.9%
No answer	2.9%

According to the perception of the majority - over two-thirds of the total number of respondents in Albania – gender-based violence is a serious problem in the Balkan region.

Within that group, there are fewer of those who see it as somewhat serious, and far more of those who perceive it as very serious problem.

## Willingness to address the issue

### If I know/learn about a case of gender-based violence

I know where to report	42.4%
I do not know where to report	38.5%
No answer	19%

From the total number of respondents in Albania, 42.4% “knows where to report” a case of gender-based violence.

Others respond differently.

### If I know/learn about a case of gender-based violence, I will try to help

Certainly	31.7%
Probably	21%
Not sure	33.6%
Rather not do anything	6.3%
Not do anything, it is not my problem	3.4%
No answer	3.9%

From the total number of respondents, 31.7% is certain that they would try to help in such a situation.

All other respondents are unsure, as a minimum.

### Do you think gender is the main reason for violence in some households

Yes	79%
No	10.2%
No answer	10.7%

That gender is the main reason for violence in some households is the perception of the vast majority of respondents (79%).

### To whom would you feel most comfortable to report a case of gender-based violence?<sup>15</sup>

Police	68.6%
NGOs	24.5%
Local governments	2.3%

“Police” is the most commonly cited as an establishment that respondents would feel most comfortable to report a case to. “Non-governmental organizations” are cited with smaller, yet significant frequency. Other options however are cited in an insignificant extent.

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<sup>15</sup> Here the respondents checked all answers that apply, on their own initiative.

Other	1%
No answer	3.6%

Although the problems can be identified in the performance of institutions, the response indicates that, in terms of addressing gender-based violence, the law enforcement enjoys confidence of the community. Also, in the same context, the trust that respondents put in NGOs is not insignificant, according to the response.

**Would you be interested in the following?<sup>16</sup>**

Receive training how to identify and help victims of GBV	15.5%
To become part of GBV advocacy group	15.9%
To get more information on the issue from media	48.5%
I am not interested in this issue	15%
No answer	5%

Among the answers in the affirmative tone, "to get more information on the issue from the media" was the most commonly cited as a form of activity the respondents would be interested in.

On the other hand, the extent to which respondents cite "I am not interested in this issue" is not significant, yet it should not be ignored.

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<sup>16</sup> Here the respondents checked all answers that apply, on their own initiative.

## Policy recommendations

Despite serious efforts authorities invested in improving the legal framework and its implementation, available data suggest that gender based violence is still far from being eradicated from the society. Results of this research indicate that certain challenges prevail. Among other, certain part of the population is of the opinion that it would be too risky to help the victim of gender-based violence. Also, citizens are usually uninformed on where to report it. Trust in institutions is not at its highest level. This indicates that potentially significant number of GBV cases goes unreported. The response of institutions is often inadequate, particularly in parts of the country outside the major cities. Corruption impedes efforts to address this issue effectively. Experts also agree that professionals and service providers are insufficiently trained and that funds allocated for social services are very scarce. From the results of the analysis of the legal and institutional framework, as well as from the findings of the opinion survey of wider and the expert public, we conclude that further efforts are needed for eradication of gender based violence in Albania:

- Invest additional efforts in poverty reduction, in ending discrimination and decrease of cases of school drop-outs
- Build integrity of institutions (police, judiciary, etc) in order to reduce / eliminate corruption affecting the implementation of anti-GBV measures, so to regain trust of victims and citizens
- Develop methodologies and conduct researches to collect reliable data on early child marriages; Establish database to enable monitoring and adequate policy development
- Develop policies so to make it compulsory for competent institutions to disaggregate data on all types of gender-based violence and on the profile of perpetrators
- Improve levels and types of coordination between all stakeholders.
- Harmonise the national legislation with standards stipulated in the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence
- Fully implement all Council of Europe Taskforce recommendations for Albania
- Develop and implement policies so to address the traditional rules (Kanun of Lek Dukagjini) that set the “proper” gender roles, grant rights to man to “chastise” wife, who is his property, etc;
- Develop, adopt and enforce legislative solutions for “revenge pornography” (publishing of explicitly sexualised photographs by 'boyfriends or partners of females)
- Develop, adopt and enforce policies and procedures for the safety and security of the staff in Community Centres in all parts of the country
- Develop policies so to make it compulsory for institutions and companies to train and to inform employees on harassment and on sexual harassment in the working place as well as to inform them where to report it, whom to address for support and whom to address if competent individual / institution / service provider is being unresponsive or inefficient.
- Ensure that laws against rape and spousal rape are being enforced effectively.
- Enforce the legislation that removes the perpetrator from the family home enabling the victim and his/her children to live safely and securely
- Protection orders need to be improved (as they are short term and need to be re-approved)

- Ensure the safety and protection of victims from coercion and pressure from family and extended family members to withdraw the allegations to the police, prosecutors or judiciary
- Ensure that referral mechanisms are well-resourced, operational and functioning
- Increase the number of municipalities that have an effective operational referral mechanism for victims of gender based violence
- Monitor on a regular basis the responses of the responsible services for gender based and domestic violence to ensure that victims are identified and are effectively supported and referred using the National Referral Mechanism
- Organise regular trainings to educate and raise awareness among institutions personnel, particularly amongst primary health care staff, so all service providers learn the signs or symptoms of GBV; Ensure that there is relevant continuity among institutions personnel
- Ensure that law enforcement officials and social services are provided with regular gender sensitive and victim-centric trainings on how to recognise victims and refer victims. Ensure that teachers in schools also receive respective trainings regularly.
- Ensure that all municipalities have full-time trained, qualified and experienced gender specialists within their budgets and structures to coordinate awareness raising campaigns, identify victims of gender based or domestic violence and to offer information, guidance and where required referral to specialized services for victims of gender based or domestic violence
- Increase the number of specialized services that are effectively working with perpetrators to change their behaviour, values and their mindset towards violence against women
- Increase the number and types of specialized services for support, advice, rehabilitation and therapy for victims of gender based violence across Albania
- Develop and implement housing policies and social housing at the national and local levels for the re-integration of victims of gender and domestic violence and their children
- Effective implementation of integrated social, health, legal and employment services at the local level for victims of gender based and domestic violence
- Improvements in the provision of accessible services residential and day care across the country that meet the needs of particularly vulnerable groups of victims of gender based violence including those with disabilities, from ethnic minority communities, with mental health illness or substance abuse and different sexual orientation.
- Ensure that services are provided for male victims of GBV.
- Ensure that adequate resources and support are available to meet the needs of all those who have experienced gender-based violence
- Include in the civic education programme in all schools for children between the ages of six and 18 years old gender equality lessons. Provide young people with information on relationships.
- Ensure that schools use gender-sensitive textbooks.
- Develop and implement policies so to ensure sustainable education of journalists-to-be on gender equality and gender-sensitive reporting.
- Develop and implement campaigns so to ensure that children understand what familial violence is, including information on referral centres, hotline, shelters and assistance available to victims so they could report cases of abuse
- Design and implement national awareness raising campaigns so to inform the general public on what constitutes domestic violence, also providing information on spousal rape, including information on referral centres, hotline, shelters and assistance available to victims of domestic violence. Include also the information whom to address if competent individual / institution / service provider is being unresponsive or inefficient.

- Design and conduct awareness raising-campaigns so to target negative practices developed under the customary law that lead to increase in the occurrence of violence against women.

## 2.2 BOSNIA AND HERZEGOVINA

### General overview

Gender-based disparities in Bosnia and Herzegovina are prominent in political participation, labour force participation and gender-based violence. Precise and updated estimates of how many women are subjected to gender-based violence are lacking, as there is no common GBV data collection mechanism for the whole country. Given that uniform data collection methodology is not developed, it is often difficult to obtain comparable data on regional or international level.

Of the data on violence against women, the most available one is related to recorded cases of domestic violence, but less information is available about the other forms of gender-based violence. Research carried out in 2013 suggests that women and children are five times more often victims of domestic violence than man. The most vulnerable group were women in the age group of 28 to 45 years. The 2013 research findings are indicating that half of women surveyed (47.2% in BiH, 47.2% in the FBiH and the RS, 47.3%) experienced at least one form of violence from the age of 15. Most of the women interviewed, said they experienced psychological violence (41.9%), then physical violence (24%) and 6% of the women reported to have experienced sexual violence.<sup>17</sup>

As most often is the case, the perpetrators of **domestic violence** against women are either former or current partners. In fact, the report suggests that in 71.5% of cases it is the partners who commit the violence. Also, women are more likely to suffer violence in the family rather than in the wider community. Regarding the factors behind family violence against women, as in most other cases, it was observed that the material situation, cultural factors, including the attitudes towards gender roles, the type of settlement women live in (rural or urban) as well as presence of family problems influence the occurrence of domestic gender-based violence. The findings suggest that material deprivation increases the chances of domestic violence, and women coming from more patriarchal families where clear gender roles are more pronounced were also more likely to suffer family violence. Similarly, families where there is a high-tolerance to conflict or problems, such as alcoholism or aggressive behaviour by family members were also more prone to have domestic violence directed against women. Another observable reason why the rate of domestic violence were still so persistently high was because many women said they did not know who to contact, or were ashamed or scared to ask for help and most importantly they had no trust that institutions might help and protect them. The reason behind the mistrust in institutions is because in many cases the police and health workers failed or refused to provide adequate help and treated women as provokers of violence, and never referred them to appropriate institutions or shelters. Furthermore, the perpetrators were not prosecuted.

Information about the prevalence of **sexual harassment** in Bosnia and Herzegovina is scarce. Nonetheless, sexual discrimination is barely masked even in public discourse. For instance, recently, the Minister of Security in Bosnia and Herzegovina publicly directed sexist comments and insults against three female journalists.<sup>18</sup> Most of the sexual discrimination, however, goes unreported as most

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<sup>17</sup>See: Prevalence and Characteristics of Violence against Women in BiH 2013. Agency for Gender Equality of Bosnia and Herzegovina. Available at: [http://www2.unwomen.org/~media/field%20office%20eca/attachments/publications/country/bosnia/prevalency\\_study%20vaw%20in%20bih.pdf?v=1&d=20151216T173418](http://www2.unwomen.org/~media/field%20office%20eca/attachments/publications/country/bosnia/prevalency_study%20vaw%20in%20bih.pdf?v=1&d=20151216T173418)

<sup>18</sup>See: Bosnia: Minister of security harasses female journalists with sexist comments. October 2015. Mapping Media Freedom Available at: <https://mappingmediafreedom.org/#/1360>

victims say that they are not aware that the treatment they receive from male counterparts is illegal and that they have the legal right to protect themselves against it.

Recently Bosnia's War Crimes Court issued for a first time in Bosnia's history a landmark ruling, which granted compensation to one **wartime rape** victim and sentenced two former Bosnian Serb soldiers who raped her to 10 years of imprisonment.<sup>19</sup> The controversy surrounding the search for recognition and support from the Bosnian state to provide compensation to women who were victims of rape during the Bosnian war 1992-1995 has been lasting for a decade, because Bosnian Serbs were blocking this in a fear of accumulation of compensation claims. The estimations are that over 35,000 women were victims of rape during the conflict, and presently thousands of them have been only allowed to claim reparations through civil proceedings, which were extremely expensive and required that the victims reveal their identities. Furthermore, women were denied any legal and financial assistance from the state during civil proceedings. Therefore, this case ruling is a great step forward in the transitional justice process, as it will allow more women to come forward.

In a survey carried out in 2010 by a Roma NGOs, around 44.21% of Roma women were found to have entered a marriage before the age of 18, usually between the age of 14 and 16. Evidently, early marriage is a problem in Bosnia, but it is pointed out that child marriage in Roma communities is not a result of a tradition, but more of the overwhelming poverty and lack of education. Roma who have gone through the educational school system have lesser likelihood to enter into a child marriage, unlike those who do not go to school and find marriage as an escape of daily life. The lack of birth certificate is one of the main reasons why many Roma children fail to go to school, for without birth certificates they cannot enrol to school. This also has an impact over the overwhelming levels of illiteracy among Roma, and it also represents an obstacle for access to the social and healthcare system as well as employment, which further entrenches their unequal status in the society.

During the expert panels that took place in Bosnia and Herzegovina, the participants pointed out that the reason for the widespread gender based violence in the country is that "it is not recognized as a problem, but as part of our culture, part of the tradition of patriarchal upbringing. Because of this, often, reactions and appropriate activities are missing." "We noticed that even financially independent women endure violence and do not report it. We often see this in our private practice."

"Prejudices obstruct the visibility of economic, psychological and sexual violence and they are also present in people's lives. More and more cases of psychological violence have been reported recently. The most effective treatment however is when physical injury is seen. Physical violence is the most common form of violence, according to reports," the expert panel participants said.

## Legal context

The legal basis for implementation of international treaties and instruments for protection of human rights and freedoms is the Constitution of Bosnia and Herzegovina, specifically Article 2, which prohibits discrimination on any grounds, including gender. Bosnia and Herzegovina signed and ratified the Council of Europe's Convention on Preventing and Combating Violence against Women in 2013, and the Convention entered into force in 2014. Bosnia also ratified the Convention on Elimination of All forms of Discrimination against Women, and the Optional Protocol in 2002. As signatory of the aforementioned conventions the country is obliged to harmonise its legislation and

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<sup>19</sup> See: Bosnian court grants first ever compensation to wartime rape victim. Reuters. 2015. Available at: <http://www.reuters.com/article/us-bosnia-warcrimes-rape-idUSKBN0P427I20150624>

implement this legislation with standards stemming from the documents for protection of the rights of women.

In terms of strategic framework, already in 2006 Bosnia and Herzegovina adopted the first Gender Action Plan (GAP) for the period of 2006-2010, which among other things also focused on the different forms of gender-based, including domestic violence and trafficking in humans. The Strategy for Prevention and Combat against Domestic Violence for the period 2009-2011 was adopted in 2009. In early 2013 the Gender Equality Agency of BiH, which prepares, monitors and coordinates the periodical Gender Action Plan (GAP) started activities to develop a Strategy for implementation of the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence. The Gender Action Plan for 2013-2017 among its strategic priorities also has gender-based violence, including domestic violence and human trafficking. Other relevant strategic documents relevant for BiH and its entities are: BiH Strategy for Preventing and Combating Domestic Violence 2009-2011; the Strategy for Combating Domestic Violence in Republika Srpska 2009-2013, the Strategy for Combating Domestic Violence in RS 2014 - 2019, the Strategic Plan for the Prevention of Domestic Violence in the Federation of BiH 2009-2010 and the third Action Plan for prevention of trafficking in human beings in BiH 2008-2012. In October 2015 BiH adopted the Framework Strategy for the implementation of the Istanbul Convention 2015 - 2018. In addition of mentioned BiH has adopted the Strategy to combat violence against children in BiH for the period of 2012 - 2015, so as the Guidelines for handling and treatment in cases of violence against children.

In 2009 the Law on Gender Equality was amended to meet EU and Council of Europe standards and a comprehensive anti-discrimination law was adopted in 2009. The Law on Gender Equality recognizes "violence occurring in the family or household" as a form of gender-based violence that is prohibited. There is no specific national-level legislation on **domestic violence**; however this type of gender-based violence is a criminal offence under all three criminal codes in Bosnia and Herzegovina. In 2012 and 2013 The Republic of Srpska and Federation of BiH, adopted amended the "Law on Protection from Domestic Violence", superseding the 2005 Law on Protection from Domestic Violence. These new amendments provide improved legal framework for protection of victims of domestic violence, and further expand the definition of domestic violence. Nonetheless, it has been observed that the harmonization on entity level has still not been achieved.

The Criminal Code of the Federation of BiH and of the Brcko District punish acts of domestic violence against members of the household by three years in prison, and long-term imprisonment is given to crimes involving "aggravating factors", such as death or serious body injury. On the other hand, crimes of domestic violence in the Criminal Code of Republic Srpska are regulated with article 208, with punishment of imprisonment for a term between three months and three years. In cases of murder of family member, the sentences include imprisonment for a term between two and twelve years. In context of this, it is worth noting that the level of fragmentation of the legislature across Bosnia and Herzegovina has an impact over the coherence among the implementing authorities.

Criminal codes of both entities in Bosnia and Herzegovina and of Brcko District consider sexual assault (rape) as a criminal offence. Regarding spousal rape, although not mentioned in any of the three criminal codes, there are reports of two successful prosecutions and convictions of acts of spousal rape in 2012. Important to note, that rapist cannot escape prosecution by marrying the victim neither in any of the entities, nor in Brcko District.

**Sexual harassment** is prohibited with the Law on Gender Equality of 2010, carrying punishment between six months and five years. Nevertheless, as reported by the OSCE Mission to Bosnia and Herzegovina in 2012 sexual harassment appeared to be pervasive problem in the country. The BiH Human Rights Ombudsman had received complaints for sexual harassment in the educational system, at the work place and complaints for mobbing. However, in most cases sexual harassment is not reported, either because victims do not know their legal rights or they do not recognise it as such.

According to the family codes of both entities in Bosnia and Herzegovina and of Brcko District, the

legal age of marriage is 18 both for men and women. Furthermore, according to all criminal codes, if an adult cohabits with someone under the age of 16 could be prosecuted. **Early marriages** are more common among the members of the Roma community as most of their marriages are not registered, and thus have no legal basis.

The Criminal Code of Bosnia and Herzegovina also defines wartime sexual violence directed against a civilian population as a crime against humanity and “values protected by international law. Specifically, Article 172(g) forbids “coercing another by force or by threat of immediate attack upon his life or limb, or the life or limb of a person close to him, to sexual intercourse or an equivalent sexual act (rape), sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation or any other form of sexual violence of comparable gravity.” Article 172 also punishes persecutions on the ground of sexual gender. However, harmonization of the national laws of BiH with those of the two entities and Brcko district, as well as to international standards is still not carried out. In addition to this, conviction remains very low and one of the problematic issues is the definition of sexual violence in the Criminal Code, according to which the victim of sexual violence must be subjected to force or threat of immediate attack to her or his life or body. This definition does not take into consideration the circumstances of armed conflict, which could create a coercive environment and therefore crimes of sexual violence that took place during the Bosnian war are difficult to prosecute.<sup>20</sup>

In addition to this, victims of wartime sexual violence although entitled to, have received only limited reparations or compensations, including psychological support. In the 2006 Law on Basics of Social Welfare, Welfare of Civilian Victims of War and Welfare of the Families with Children” women survivors of war rape are acknowledged as persons who can claim certain social and other rights. Also the Article 54 of the Criminal Code states “Particular categories of the civil war victims are persons that survived sexual mistreatment and rape”. Nevertheless, since the legislation on national and entity level is not harmonized this law is more comprehensive than the Republika Srpska’s Law on the Protection of Civilian Victims of War, which allows access to social protection only to those victims who have suffered at least 60 % bodily damage and who filed a claim before 2007, and the law does not cover psychological harm.

During the expert panels that took place in Bosnia and Herzegovina, the implementation of legal framework and the activities and the response of institutions in practice were discussed. Panellists agreed that legal framework has been improved, but that "internal acts in institutions that regulate the procedures are missing - from the reporting of violence and onwards. This is mostly not regulated."

They also concluded that the implementation of the legal framework is inconsistent.

Available resources, assistance, and support are not adequate to meet the needs of GBV victims. In addition to the fact that clearly defined procedures in regard to reporting violence (to know exactly to whom it is being reported, how to proceed, etc.) are not in place, it is also necessary for sanctions for non-compliance with these procedures to be imposed. "Monitoring and enforcing of legislation in an adequate manner and getting rid of those who do not act in accordance with regulations is a huge challenge," participants said.

Victims do not report cases of gender-based violence "most often because they are witnesses that the system has failed so many times."<sup>21</sup> "The system does not provide any sense of security or economic support for victims. There is so much work to be done in that regard", the panellists said.<sup>22</sup>

<sup>20</sup> See: Bosnia and Herzegovina: Social Institutions and Gender Index. OECD Development Center. 2014. Available at: <http://www.genderindex.org/sites/default/files/datasheets/BA.pdf>

<sup>21</sup> "The “failing system” refers to the fact that victims do not receive adequate support. The system is failing in different ways; it is a wide spectrum of activities - from reporting of violence, through reactions of the police officers, centres for social work to health centres...

Some participants were of the opinion that "the police are not doing their job properly and do not provide adequate assistance to the victims, so as the centres for social work. On the other hand, institutions have a lot on their plate and have insufficient number of professionals and for those reasons there are issues with the institutional approach to this problem, which in itself is very complex."

The implementation of the law is largely dependent on the available funds, the expert panel's participants concluded. "When it comes to the psychosocial treatment of perpetrators of violence, a judge once asked: "Who will pay for his treatment?"- because there are no resources allocated for that purpose in the budget; that is what has not been resolved and has been missing. The conclusion is that there is adequate provision in the law, but it is not applicable because other issues have not been resolved. It is necessary that the whole system is working, that each element of the system is working, so this treatment can be carried out," participants pointed out.

An adequate treatment of victims is also missing and it is important that it is provided. "Now, only treatment is being provided in a safe house, while the victim is in the safe house. It is some kind of empowerment, until the moment the victim returns to the abuser (or if it does not return to the abuser, very often the victim finds another partner who is also violent). So it is very important to provide some sort of treatment outside the safe house also, with the aim to continue providing support to the victim," panellists said.

Also, currently, education is either missing or is insufficient. "The law envisaged a psychosocial treatment (psychological treatment, both of abusers and victims), but it remains inapplicable, because judges do not know to which institution they should direct particular individual so s/he could receive this treatment. The point of this story is that judges are not sufficiently educated about the content of the law, as well as the personnel in centres for social work. The support network for dealing with perpetrators is not developed," participants believe.

Particular concern was expressed about the circumstances surrounding the process of compensation for women victims of sexual violence during the war.<sup>23</sup> No one was known to the participants of the

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There are cases that sometimes the reports are not registered and recorded, and that then creates a problem. Then, there are cases where perpetrators are influential in police stations, and then police officers do not respond if these people are reported. This in fact is a very common situation.

Of particular importance is the fact that the issue of physical separation of women from the perpetrator is not systematically solved. Safe houses are run by only non-governmental organizations and victims could be accommodated only in duration from 3 to maximum 6 months. This sends a message to the victim that she has nowhere to go after that care was provided, so the next step is return to the abuser, which is what most often happens. One side of the problem is the lack of education of professionals, but there is something that is much more difficult – and that is the lack of accountability when the institution personnel fails to implement the law or when symptoms of violence go unnoticed, etc. So, there is absolutely no accountability. The system is without any reaction to a person that responds inadequately or violates the law (i.e. when violence is being reported).

When a protective measure is pronounced, no one controls it or controls it inadequately and thus victims are left feeling unsupported and unsafe.

We will find more people in prison for forest wood theft, than those who have committed violence. And if the perpetrators get a prison sentence, there is no place in the prison, so they have to wait outside of prison for the sentence to be executed," participants said.

<sup>22</sup> "The problem occurs when victims have no support from the family, so they have no place to go. Institutions do not provide adequate assistance and so the victim is mainly choosing to return to the abuser, as it is the only choice s/he has. As far as we know, there is no mechanism for employment or for provision of any funds for this population and that complicates / makes it very difficult for professionals to work with them ... Even when available resources are there ... the question is to what extent are the victims or their environment or citizens familiar with that information / with all the resources and the possibilities of assistance and support they could get. It is important to emphasize here the issue of victims living in remote and rural communities to whom support and assistance are not equally accessible as they are to victims in larger communities or in cities. What is missing is the support for women to be economically independent, that is to enable them to work for a salary and thus get stronger / empowered."

<sup>23</sup> "There is a case in practice. A woman was a victim of sexual violence in war - she was raped during the war when

panel that had succeeded in getting compensation. They are certain that the number of women who were raped in war is much higher than the number reported to the institutions and that many victims left Bosnia and Herzegovina.

Also, panel participants were not aware of any official policy that would require from institutions and private companies to provide training / education on sexual harassment at the workplace or to determine sanctions for this form of behaviour.

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she was 15 years old and still has not managed to realise her rights. For years she went through various stages of the procedure - from expert witnessing, to various testimonies, collecting of various necessary documentation, to conversations with psychologists, but there are still some problems in exercising her rights. Every time she was re-traumatized, but she continued to fight. According to our information, the system requires the victim to provide two witnesses about the critical event. That is a special torture they are going through in the process of providing evidence and efforts to exercise their rights. We personally do not know anyone who has exercised this right," panel participants said.

## Public opinion survey - Results

### General awareness of gender-based violence

#### Have you ever heard about the term “gender-based violence” (GBV)?

Yes	84.7%
No	14.7%
No answer	0.5%

It appears that a certain number of respondents have not heard about the term "gender-based violence."

Majority of respondents, on the other side, have heard about it.

#### How did you first hear about gender-based violence?<sup>24</sup>

TV	64%
Newspaper	10.5%
Friends	8.5%
Family	2.8%
Government	1.6%
Other	5.3%
No answer	7.3%

As the source of first information about gender-based violence respondents in Bosnia and Herzegovina most commonly cite “TV” and “newspapers”.

“Friends” and “family” are also cited, but in a lesser extent. Finally, “government” is the least cited response.

Obviously, non-institutional mechanisms - traditional media and, to a small extent, one’s own social circle – have a leading role in finding out about the problem of gender-based violence.

#### What do you think best describes gender-based violence?<sup>25</sup>

Here the respondents were offered a list of options and were asked to check all that apply. "Physical violence" (16.8%) is the most commonly cited answer to this question.

Respondents further cited (most to less commonly) – “emotional violence” (psychological abuse of the other partner) (13%) then “economic violence” (use of finances to control the other person) (10.7%), “sexual harassment” (workplace, school, public places, etc.) (10.3%), “violence occurring because of

<sup>24</sup> Here the respondents checked all answers that apply, on their own initiative.

<sup>25</sup> Here the respondents were asked to check all answers that apply.

assumed inequality between two genders” (9.8%), “sexual assault (rape) in marriage” (8.5%), “all of the above” (all listed answers) (7.8%), “sexual assault outside marriage” (7.2%), “forced marriage” (4%), “early marriage of young girls or boys” (4%) and “honor killing or beating” (3.8%).

Finally, “trafficking for purpose of sexual exploitation” (1.9%) and “none of the above” (1.9%) are the least cited responses.

So, according to the perception of respondents, “physical violence”, “emotional abuse” and “economic violence” are the terms that best describe gender-based violence;

**Have you ever attended/participated in an event specifically devoted to gender-based violence?<sup>26</sup>**

Yes, a conference/training	3.7%
Yes, public event	9.9%
No	82.6%
Other	2.8%
No answer	0.9%

“No” is the most commonly cited answer among all respondents in Bosnia and Herzegovina.

**How do you think victims of gender-based violence deal with it?<sup>27</sup>**

Remain silent	28.9%
Constantly fear violence	33.1%
Report to the institutions	3.8%
Are ashamed and embarrassed	33.3%
Other	0.6%
No answer	0.2%

Respondents most commonly cite that victims “are ashamed and embarrassed”, that they “constantly fear violence” and “remain silent”.

In a very small extent the respondents cite that victims “report (the case) to the institutions”.

<sup>26</sup> Here the respondents checked all answers that apply, on their own initiative.

<sup>27</sup> Here the respondents were asked to check all answers that apply.

### Victims of gender-based violence are most commonly<sup>28</sup>

Young women	42.7%
Older women	26%
Children	23%
Older men	5.2%
Young men	2.7%
No answer	0.2%

As the most common victims of gender-based violence, respondents most commonly cite “women” (young and older) and “children”.

“Men” (young and older) are cited in a small extent.

### Gender-based violence is predominantly conducted for<sup>29</sup>

Culturally accepted and part of everyday life	16.9%
Economic deprivation	24.6%
Family trauma (eg. loss in the family)	19%
Family problems (alcoholism, psychological problems)	31.1%
Cheating	7.7%
Other	0.3%
No answer	0.3%

Respondents most commonly cite “family problems” and “economic deprivation” as predominant triggers of GBV.

As the next predominant trigger of gender-based violence the respondents perceive “family trauma” (i.e. loss in the family).

### Respondents were asked to respond with true / false to following statements

1) GBV victims should be more protected by the institutions	
True	90%
False	0%
Don't know	7.1%

2) GBV is a private matter	
True	17%
False	72.8%
Don't know	7.1%

<sup>28</sup> Here the respondents were asked to check all answers that apply.

<sup>29</sup> Here the respondents checked all answers that apply, on their own initiative.

No answer	2.8%
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No answer	2.8%
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3) GBV should be reported by neighbours / relatives to the police	
True	40%
False	50%
Don't know	7.1%
No answer	2.8%

4) GBV should receive special care	
True	86.2%
False	3.8%
Don't know	7.1%
No answer	2.8%

Respondents mostly take side of victims and they are mostly in favor of improvement of their status. Namely, majority agrees that victims “should be more protected by the institutions” as well as that “GBV should receive special care”. Also, majority disagrees with “GBV is a private matter” statement.

However, when it comes to "relatives / neighbours should report cases to the police" statement - most of the respondents in Bosnia and Herzegovina disagree with it.

### Awareness of gender-based violence in his/her own environment

#### Have you encountered a case of gender-based violence in your surrounding?

Yes	47.1%
No	51.4%
No answer	1.4%

Out of the total number of respondents in Bosnia and Herzegovina, 51.4% "have not encountered a case of gender-based violence in their surrounding".

Experience of other respondents is different.

#### If yes, how many cases of gender-based violence do you think you have encountered?

1 case	8.6%
2-3 cases	21%
3-5 cases	9%
More than 5 cases	8.1%
No answer	53.3%

The purpose of this question was to dwell deeper into affirmative answers to previous question. So, the respondents think they came across one (8.6%), 2-3 cases (21%), 3-5 cases (9%) or more than 5 cases (8.1%). According to the perception of respondents, cases of gender-based violence are taking place in Bosnia and Herzegovina and to the extent that should not be ignored.

**Do you know about a specific case of gender-based violence among people you personally know?<sup>30</sup>**

Yes, a family member	3%
Yes, a friend	6.1%
Yes, an acquaintance	18%
Yes, I have heard about such case in my neighbourhood/city	34.1%
No, I am not aware of such case	37.5%
No answer	1.1%

The negative one - "I am not aware of such case" - is the most commonly cited answer.

On the other side, "I have heard about such case in my neighbourhood / city" and "an acquaintance" are the most cited among answers in affirmative tone.

**What has/have the case/s been?<sup>31</sup>**

Physical violence	25.8%
Emotional violence (psychological abuse of the other partner)	14.4%
Economic violence (use of finances to control the other person)	11%
Sexual assault (rape) in marriage	2%
Sexual assault outside marriage	3.1%
Sexual harassment (workplace, school, public places, etc.)	8.4%
Trafficking for purpose of sexual exploitation	0.5%
Forced marriage	0.8%
Early marriage of young girls or boys	1.3%
Violence occurring because of assumed inequality between two genders	3.1%
Honor killing or beating	1.5%
All of the above	1.5%
Other	1.3%
No answer	25%

<sup>30</sup> Here the respondents were asked to check all answers that apply.

<sup>31</sup> Here the respondents were asked to check all answers that apply.

The most commonly cited answers to this question are “physical violence”, “emotional violence” and “economic violence”.

**Have you tried to help the victim/s?<sup>32</sup>**

Yes, report to an agency/institution	1.8%
Yes, tried to talk to the person about their possibilities to escape the situation	18.9%
Yes, took the victim with me	1.4%
No, it is too risky to help victims of GBV	6.9%
I don't know how I can help	40.1%
No, I do not want to have anything to do with such issues	25.3%
No answer	5.5%

From the feedback we read that among respondents there are those who have tried to help the victim/s of gender-based violence in cases they encountered (by reporting, talking to a person, providing shelter).

"Trying to talk to the person about their possibilities to escape the situation" is the most commonly cited answer in affirmative tone.

Answers in negative tone are cited in a greater extent. Among those, "I don't know how I can help" is the most commonly cited reason for not trying to help.

**What are the signs by which you think you could recognize someone as victim?<sup>33</sup>**

Person does not communicate with the people from his/her surrounding	26.1%
Hear screaming from their home	25.8%
The way they look	13.5%
I would not be able to recognize a case of GBV	32.6%
No answer	1.9%

"I would not be able to recognize a case of gender-based violence" is the most commonly cited answer to this question.

Among respondents who think that they would be able to recognize someone as a victim of gender-based violence, “person does not communicate with people from his/her surrounding” and “hearing screams from their home” are the most commonly cited signs.

**On a scale from 1 (not a problem) to 5 (very serious problem), in your opinion, how serious do you think the problem of gender-based violence is in your country?**

Not a problem	0%
Not so serious	2.8%
I don't know	42%
Somewhat serious	24.3%
Very serious problem	30.9%

According to the perception of more than a half of the total number of respondents, gender-based violence represents a serious problem in the country (certain number of respondents sees it as somewhat serious, but majority perceives it as very serious).

<sup>32</sup> Here the respondents checked all answers that apply, on their own initiative.

<sup>33</sup> Here the respondents were asked to check all answers that apply.

**On a scale from 1 (not a problem) to 5 (very serious problem), in your opinion, how serious do you think the problem of gender-based violence is in the Balkan region?**

Not a problem	0%
Not so serious	2.4%
I don't know	54.7%
Somewhat serious	22%
Very serious problem	20.5%
No answer	0.4%

„I don't know” is the answer of the majority of respondents.

On the other side, according to the perception of less than a half of the total number of respondents in Bosnia and Herzegovina – gender-based violence is a serious problem in the Balkan region.

Within that group, there are fewer of those who see it as very serious, and slightly more of those who perceive it as somewhat serious problem.

**Willingness to address the issue**

**If I know/learn about a case of gender-based violence**

I know where to report	50.5%
I do not know where to report	49.5%

From the total number of respondents in Bosnia and Herzegovina, 50.5% “knows where to report” a case of gender-based violence.

Others respond differently.

**If I know/learn about a case of gender-based violence, I will try to help**

Certainly	14.7%
Probably	13.8%
Not sure	51.9%
Rather not do anything	2.8%
Not do anything, it is not my problem	16.6%

From the total number of respondents, 14.7% is certain that they would try to help in such a situation.

All other respondents are unsure, as a minimum.

**Do you think gender is the main reason for violence in some households**

Yes	76.6%
No	22.9%
No answer	0.5%

That gender is the main reason for violence in some households is the perception of the absolute majority of respondents (76.6%).

**To whom would you feel most comfortable to report a case of gender-based violence?<sup>34</sup>**

Police	79%
NGOs	17.6%
Local governments	1.3%
Other	0.8%
No answer	1.3%

“Police” is the most commonly cited as an establishment that respondents would feel most comfortable to report a case to. “Non-governmental organizations” are cited with smaller, yet significant frequency. Other options however are cited in an insignificant extent.

Although the problems can be identified in the performance of institutions, the response indicates that, in terms of addressing gender-based violence, the law enforcement enjoys confidence of the community. Also, in the same context and according to the response, there is a certain amount of trust that respondents put in NGOs.

**Would you be interested in the following?<sup>35</sup>**

Receive training how to identify and help victims of GBV	20.8%
To become part of GBV advocacy group	11.6%
To get more information on the issue from media	56.3%
I am not interested in this issue	11.3%

Among the answers in the affirmative tone, "to get more information on the issue from the media" was the most commonly cited as a form of activity the respondents would be interested in.

On the other hand, the extent to which respondents cite "I am not interested in this issue" is not significant.

<sup>34</sup> Here the respondents checked all answers that apply, on their own initiative.

<sup>35</sup> Here the respondents checked all answers that apply, on their own initiative.

## Policy recommendations

Although efforts have been invested to eliminate gender based violence in the society, available data suggest that there is still a long way to go until it is completely eradicated.

Results of this research indicate that despite a number of adopted documents (laws, strategies, conventions etc.) there are still problems in context of providing protection to victims of all forms of violence. There is a problem of unequal opportunities in all regions, cantons and municipalities. Access to information and support services is not the same throughout the country - victims of violence are not adequately protected and do not have the same opportunities in their local communities. Citizens are insufficiently informed, among other, on how to recognise a victim and what steps to take to help the victim. Confidence in the institutions is at a low level. This indicates that potentially significant number of GBV cases goes unreported. Inconsistent application of laws and regulations is the problem. Corruption impedes efforts to confront this issue effectively. Experts also agree that professionals and service providers are insufficiently trained and that amounts allocated for social services are very scarce.

From the results of the analysis of the legal and institutional framework, as well as from the findings of the opinion survey of wider and the expert public, we conclude that further efforts are needed for eradication of gender based violence in Bosnia and Herzegovina:

- Invest additional efforts in poverty reduction (current efforts, particularly in regard to Roma community, are insufficient); Place focus on economic violence<sup>36</sup>
- Build integrity of institutions (police, health institutions, centres for social work, judiciary, etc) in order to reduce / eliminate corruption affecting the implementation of anti-GBV measures, so to regain trust of victims and citizens
- Ensure full implementation of database for domestic violence in FBiH
- Develop uniform GBV data collection methodology for the whole country as well as the data collection mechanism and ensure that database is fully operational
- Fully implement all Council of Europe Taskforce recommendations for Bosnia and Herzegovina
- Develop and adopt the Regulation on the establishment, operation and financing of safe houses in the FBiH
- Develop and adopt the Regulation of psychosocial treatment for perpetrators of violence
- Ensure that victims of violence are defined in the legislation as social category
- Ensure that institutions develop and adopt internal acts and procedures governing the process of reporting of a case, referral of victims and so on, including conduct and disciplinary actions if personnel violate those procedures
- Ensure that protective measures for perpetrators of violence in the frame of the Law on protection against domestic violence are imposed

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<sup>36</sup> "Women are rather conditioned and economically dependent on abusers and (as there is "a hole" in the system of support) they are forced to return to the abuser and suffer certain types of violence. They can not find economic security and thus avoid these other forms of violence," panel participants said.

- Develop and adopt Action plans and Programs of measures in the cantons which have not developed and adopted these documents
- Include monitoring and accountability mechanisms in local, entity and national strategies and action plans (to keep record of the progress of implementation) when drafting those documents
- Conduct analysis of implementation of Protocols of intervention in cases of gender-based violence and domestic violence
- Conduct analysis of implementation of Programs of cantonal measures and Action plans
- Develop Guidelines on psychosocial support to victims of gender-based violence and domestic violence
- Step up the efforts to register all newly born children in Roma community
- Develop policies so to make it compulsory for institutions and companies to adopt internal acts and procedures on conduct and disciplinary actions for employees that violate the prohibition of sexual harassment at workplace
- Develop policies so to make it compulsory for institutions and companies to train and to inform employees on harassment and on sexual harassment in the working place as well as to inform them where to report it, whom to address for support and whom to address if competent individual / institution / service provider is being unresponsive or inefficient.
- Ensure that mandatory trainings for judges, prosecutors, lawyers and law enforcement officers are provided on regular basis so to ensure uniform application of the existing legal framework
- Ensure that mandatory trainings for health workers are provided on regular basis so to terminate cases of personnel failing or refusing to provide adequate help to victims, to treat women as provokers of violence or not refer them to appropriate institutions or shelters, etc.
- Conduct the needs assessment of institutions and organizations working with GBV cases, including those working with perpetrators of violence; Take appropriate measures and provide resources to ensure that sufficient number of professionals and sustainable resources and capacities are available to respective institutions and organizations
- Ensure that capacity of existing shelters is increased through increased cooperation; Allocate funds for non-governmental organization which provide shelter and rehabilitation to victims
- Consider solutions such as a compensation fund in order to remedy injustices related to violations of rights of women-victims of sexual violence in war and ensure their implementation.
- Ensure that lectures on domestic violence and on gender-based violence are provided on regular basis in local communities and in schools for children between the ages of six and 18 years old
- Consider solutions to make domestic violence and gender-based violence part of the university curricula, under regular programs at faculties (social work, psychology, social pedagogy, pedagogy, etc.)
- Develop and implement policies so to ensure sustainable education of journalists-to-be on gender equality and gender-sensitive reporting.
- Develop and implement campaigns so to ensure that children understand what familial violence is, including information on referral centres, hotline, shelters and assistance available to victims so they could report cases of abuse
- Design and implement national awareness raising campaigns so to inform the general public on what constitutes domestic violence, also providing information on hotlines, shelters and assistance available to victims. Include also the information whom to address if competent individual / institution / service provider is being unresponsive or inefficient.

- Design and conduct awareness raising-campaigns so to target negative practices of particular features of traditional upbringing or of local culture that lead to increase in the occurrence of violence against women.
- Design and conduct awareness raising-campaigns so to de-stigmatize the status of victims of violence and make it easier for them to report acts of gender-based violence.
- Develop and implement policies so to ensure that public media broadcaster/s regularly and continuously produce and air shows and programs on the prevention of domestic violence and gender-based violence

## 2.3 FORMER YUGOSLAV REPUBLIC OF MACEDONIA

### General overview

The pressure from the international community as well as women's rights groups has yielded positive results over the government's commitment to deal with gender equality and violence against women in FYR Macedonia. While the changes in the legislative framework have been a great step forward regarding crimes related to domestic violence, the fact remains that not all forms of gender-based violence are covered with the existing legislative framework. Therefore more needs to be done to address the weaknesses and the loopholes in the legislative and institutional set up in order to comprehensively deal with all aspects of gender-based violence.

In 2014 according to statistics published by the Ministry of Interior 635 crimes were committed as a result of **domestic violence**, of which majority victims were women. This number was for 25% higher than the last year for the same period.<sup>37</sup> In 2015 four cases of murder of women were recorded, and the previous year that number was 16. However, women activists are warning that the number of attempted murders against women is much higher. It is pointed out that the majority of the murders or attempted murders are carried out by the members of the closest family, as well as former or current partners and in most cases women had reported family violence in the police.

In the absence of most current data, according to the surveys carried out in the period between 2009 and 2012 it was reported that there was a "prevalence and incidence of 37.7% for all types of domestic violence for the entire population." The indications are that women are most often victims of domestic violence over man (difference of 17.6 %) and the most prevalent form of violence is psychological, and lesser prevalence is registered for physical and sexual violence.<sup>38</sup> One of the most vulnerable groups that experiences domestic violence were elderly women and women members of Roma community. Further to this the findings indicate that the risk factors making women more susceptible to domestic violence are their age, educational status, number of children, place of living (rural or urban areas), and their employment status. Majority of women who experience violence were unemployed and of lower educational background 80%, in contrast to 20% of economically active and educated women, who were victims of experienced domestic violence. Regarding the ethnic origin it was observed that women of Macedonian and Serbian origin experienced lower prevalence of domestic violence than women from other ethnic groups. The most vulnerable group are Roma women with 72% saying they have experienced domestic violence. Most of the victim victims do not report violence against them due to social stigma and possible shame to the family, but also many police and judicial officials are said to be reluctant to prosecute marital rape and domestic violence, which is indication that sensitization among the law enforcement officials and the police is indispensable.

The law in Macedonia prohibits **sexual harassment** in the workplace, and the punishment varies from

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<sup>37</sup> See: Women Are More Victims of Violence than of Severe Diseases - See more at: Available at:

<http://www.independent.mk/articles/11722/Women+Are+More+Victims+of+Violence+than+of+Severe+Diseases>

<sup>38</sup> See: Regional Review and Respond to the Questionnaire on Implementation of the Beijing Declaration and Platform for Action (1995) and Results from the 23<sup>rd</sup> Session of the City Assembly (2000) Regarding Preparation of Regional Review and Assessment in Context of the 20<sup>th</sup> Anniversary of Adoption and of the Beijing Declaration and for Action in 2015. Available at: [http://webcache.googleusercontent.com/search?q=cache:gYx\\_fOLx-zQJ:www.mtsp.gov.mk/content/word/report%2520of%2520Republic%2520of%2520Macedonia%2520Beijing%2520%2B20%2520ENG.doc+&cd=1&hl=en&ct=clnk](http://webcache.googleusercontent.com/search?q=cache:gYx_fOLx-zQJ:www.mtsp.gov.mk/content/word/report%2520of%2520Republic%2520of%2520Macedonia%2520Beijing%2520%2B20%2520ENG.doc+&cd=1&hl=en&ct=clnk)

three months to three years in prison. The level of prevalence, however, is not known as victims generally refused to report cases out of fear of publicity and loss of employment.

**Early marriage and forced marriage** were considered to occur mainly among the members of the Roma community, and to a lesser degree Albanian community. Although, the precise number is still unknown as these marriages were not registered.<sup>39</sup> The approximate number of early marriages was obtained through the total live birth-data, which is considered more relevant, given that marriages were not registered. This number stood at 1.8% childbirth in 2011 of mothers in the age group of 15-18 years.<sup>40</sup> Particularly concerning was the failure of the Government to implement the criminal law on punishing older men cohabiting with young girls. Furthermore, in prosecution of such cases courts gave suspended sentences, providing Roma's 'traditional values' as extenuating circumstances.

At the expert panel it was mentioned that “while in developed countries there is a high level of awareness, in FYR Macedonia citizens often do not recognize various forms gender based violence may take.”

“Sexual violence is not treated at all, especially from an intimate partner. Until recently there wasn't such thing as rape in marriage. The victims need courage to tell about the raping. Many young girls who are at the beginning of their career are not encouraged to report mobbing. Psychological violence is more dominant than the physical violence, according to the reports from the SOS helpline. Well educated women also call the helpline, usually reporting psychological abuse by their husbands. Lately we have a lot of reports of violence with an economic aspect, as many women are unemployed”, participants at the panel said.

“Many victims are reluctant to report cases of gender-based violence particularly those economically depended, especially those from the rural areas. The reasons behind it is mainly traditional/conservative spirit, or sacrifice for children so they could grow in a “proper“ family. They have an option to go out in the media, but our journalists don't know how to behave and how to report. They victimize the victims even more,” the participants highlighted.

## Legal context

Macedonia is the signatory of several international acts bearing significance for gender-based violence. In 2011 Macedonia signed, but has not ratified the Convention on Preventing and Combating Violence against Women and Domestic Violence (CoE, 2011). Macedonia is the party to the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) by succession.

Among the first relevant strategic documents in the area of gender-based violence was the National Action Plan for Gender Equality of 1999, which resulted from the Beijing Conference. Already in 2007 the Government drafted the first National Action Plan for Gender Equality 2007-2012 that among the other priorities also addressed domestic violence. The following Gender Equality Strategy 2013-2020 provides clear definition of gender-based violence and the accompanying National Action

<sup>39</sup> See: Macedonia: Social Institutions and Gender Index. OECD Development Center. 2014. Available at: <http://www.genderindex.org/sites/default/files/datasheets/MK.pdf>

<sup>40</sup> See: Making Early Marriage in Roma Communities a Global Concern. European Roma and Travelers Forum and Romani Women Informal Platform “PHENJALIPE” Available at: <https://cs.coe.int/team20/cahrom/7th%20cahrom%20plenary%20meeting/item%2004%20-%20certf%20and%20phenjalipe%20joint%20paper%20making%20early%20marriage%20in%20roma%20communities%20a%20global%20concern.pdf>

Plan for Gender Equality has specific actions targeting gender-based violence. Another relevant document is the National Strategy for Protection against Domestic Violence (2008-2011), which provided a set of strategies in the area of prevention, protection and cross-sectoral coordination.

The law on Equal Opportunities of Women and Men provides a legal framework for gender mainstreaming, but it also explicitly prohibits harassment and sexual harassment. In 2010, Macedonia passed the Law on Prevention and Protection against Discrimination, which revised the country's definition of gender discrimination to conform to European Union (EU) gender equality directives. More importantly, following a strong pressure and advocacy from women's groups in 2014 a new Law on Combating Domestic Violence was adopted to protect survivors and strengthen the prosecution of perpetrators. Furthermore, the law expands the definition of violence to include economic violence and stalking. However, the law has been criticized for failing to recognise all forms of violence and only provides for civil proceedings against perpetrators.

At the expert panel organised in FYROM, participants highlighted that “the new Family Law offers a companion. The companion accompanies the victim during the whole procedure. The victim herself / himself appoints her / his companion.” Participants interpret this novelty as “one step forward.”

The Criminal Code (1996) does not have specific Article for domestic violence but the different manifestations of **domestic violence** are regulated under the existing criminal acts. Therefore, domestic violence is regulated with Article 385 as abuse, rude insults, threats to safety, conducting violent attacks and through this creating among the public a feeling of insecurity, threat or fear. Also under Article 130 body injury caused while performing family violence carries a sentence of imprisonment of six months to three years. This punishment increases to one to five years of imprisonment if a grave body injury is caused (Art. 131). Under article 123, a punishment of minimum five years of imprisonment is given if a person takes the life of another while performing family violence.

**Sexual Assault (Rape)** is also a criminal offence regulated with Article 186 and it is defined as attacks on the life or body with the use of force, forced intercourse, as well as threats thereof. The prescribed punishment is three to ten years of imprisonment, and it is higher if the forced intercourse is over a person with a disability or a minor. The Criminal Code does not specifically prohibit spousal rape, although under the aforementioned article this is a crime. Yet, the US State Department Country report for Macedonia notes that most of the police and judicial officials are reluctant to prosecute spousal rape and domestic violence, consequently most victims avoid reporting it to avoid being stigmatized in the society.

Article 137 defines Harassment and **sexual harassment** as violations of “the equality of citizens,” and punishment of up to three years is prescribed. Article 138 defines statutory rape with misuse of position, whereby person who by misusing his position induces another, who is subordinated or dependent or with the same objective abuses, intimidates or acts in a way that humiliated the human dignity and the human person in relation to him, to intercourse or to some other sexual activity is punished with at least five years of imprisonment. The punishment increases to at least ten years, if the person is a teacher, educator, adoptive parent, guardian, stepfather, doctor. Despite the fact that legislative provisions regulate this form of gender-based violence, this is a taboo subject in Macedonia, and women do not report it.

The legal minimum age for marriage in Macedonia is 18 years, both for women and man. Marriage below the age of 16 can only be made possible with permission from the court, given that the person is considered to be physically and psychologically mature for marriage. Religious marriages have no legal standing in FYROM, and only marriages registered at a civil registry office are valid. However,

it has been observed that often among the members of the minority groups not all marriages are registered.

At the expert panel organised in FYROM, implementation of the law as well as the performance of institutions were discussed, among other. It was said that although “gender-based violence is a serious issue in Macedonia, it still is not fully regulated by the legislation.” The fact that Istanbul Convention was signed but not yet ratified was highlighted.

Also, it was mentioned at the panels that many victims are reluctant to report cases of gender-based violence “as there is a lack of trust in the institutions. Per example, there are cases when information about the victim’s complaint leak out from the police, mainly because the perpetrator has some relatives in the police.”

“There are also cases when victims approach the institutions and become confronted with lack of understanding about the case, i.e. lack of sensibilized employees in responsible institutions. Muslims have more problems because of their religion. When the victim reports the violence to the Center for Social Work they scare her by saying she may lose the children because of their traditions and culture.. (We believe that) the social work centres should change their approach. There should be intimacy, discretion”, participants said.

They added that “women are afraid to be reported by some other side. They don’t want to go to the police while they are at the shelter center because they know they will be found by the abuser.”

“There is a Sector for Internal Control who controls the police officers. The sector gives them warning and they get written report from the victims. One of the officers got a disciplinary punishment, recently. We believe this is a positive change,” participants said.

“The doctors don’t give written confirmations anymore, even though they are obliged to do that by the new law. And also they are obliged to report cases of violence to the center for social work, but they don’t do that,” they added.

“Working with the abuser is also mandatory, but institutions don’t do it either,” participants added.

Available SOS lines lack funds and are dependent on donors from abroad (“SOS lines are not supported by the state, but NGOs must ensure project’s funding”).

Other services are missing as well and that fact makes panel’ participants particularly concerned (“The biggest problem is: what next, when theirs stay in shelter center is over? What measures are taken by the state? Will they accommodate the victim somewhere? Will they find a way to educate the victim? Training for a new job? The biggest problem comes when we don’t have where to accommodate them anymore and the state institutions say: “We don’t have any money for that.”)

## Public opinion survey - Results

### General awareness of gender-based violence

#### Have you ever heard about the term “gender-based violence” (GBV)?

Yes	82%
No	17%
No answer	1%

It appears that a certain number of respondents have not heard about the term "gender-based violence."

Majority of respondents, on the other side, have heard about it.

#### How did you first hear about gender-based violence?<sup>41</sup>

TV	58.3%
Newspaper	9.2%
Friends	8%
Family	3.9%
Government	0%
Other	11.4%
No answer	9.2%

As the source of first information about gender-based violence respondents most commonly cite the traditional media (“TV”).

“Newspapers”, “friends”, “family”, “other” are cited as sources in a far less extent.

Obviously, in general public’ finding out about the problem of gender-based violence the non-institutional mechanisms - traditional media in the first place - play the central role.

#### What do you think best describes gender-based violence?<sup>42</sup>

Here the respondents were offered a list of options and were asked to check all that apply. "Physical violence" (18.6%) is the most commonly cited answer to this question.

Respondents further cited (most to less commonly) – “emotional violence” (psychological abuse of the other partner) (13.9%) then “sexual harassment” (workplace, school, public places, etc.) (13.8%), “economic violence” (use of finances to control the other person) (9.9%), “sexual assault outside marriage” (8.2%), “sexual assault (rape) in marriage” (8%), “all of the above” (all listed answers) (6.4%), “violence occurring because of assumed inequality between two genders” (5.4%), “forced marriage” (5.4%), “trafficking for purpose of sexual exploitation” (4.4%), “honor killing or beating” (3.6%) and “early marriage of young girls or boys” (4%).

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<sup>41</sup> Here the respondents were asked to check all answers that apply.

<sup>42</sup> Here the respondents were asked to check all answers that apply.

Finally, “none of the above (GBV does not exist)” is the least cited response (0.3%).

So, according to the perception of respondents, “physical violence”, “emotional abuse” and “sexual harassment” are the terms that best describe gender-based violence.

**Have you ever attended/participated in an event specifically devoted to gender-based violence?**

Yes, a conference/training	2%
Yes, public event	5.5%
No	89.5%
Other	0.5%
No answer	2.5%

It appears that only circa 8% of the total number of respondents was, at some point, exposed to relevant public events, trainings, etc.

With remaining number of respondents, that was not the case.

**How do you think victims of gender-based violence deal with it?<sup>43</sup>**

Remain silent	28%
Constantly fear violence	32.5%
Report to the institutions	3.1%
Are ashamed and embarrassed	32.8%
Other	2.1%
No answer	1.5%

Respondents most commonly cite that victims “are ashamed and embarrassed”, in “constantly fear violence” and that they “remain silent”.

In a very small extent the respondents cite that victims “report (the case) to the institutions”.

**Victims of gender-based violence are most commonly<sup>44</sup>**

Young women	43.7%
Older women	27.6%
Children	22.4%
Older men	1.4%
Young men	3.5%
No answer	1.4%

As the most common victims of gender-based violence, respondents most commonly cite “women” (young and older) and “children”.

“Men” (young and older) are cited in a minimal extent.

<sup>43</sup> Here the respondents were asked to check all answers that apply.

<sup>44</sup> Here the respondents were asked to check all answers that apply.

## Gender-based violence is predominantly conducted for<sup>45</sup>

Culturally accepted and part of everyday life	10%
Economic deprivation	21%
Family trauma (eg. loss in the family)	13.2%
Family problems (alcoholism, psychological problems)	41.4%
Cheating	9.3%
Other	4%
No answer	1.1%

Respondents most commonly cite “family problems” and “economic deprivation” as predominant triggers of GBV.

As the next predominant trigger of gender-based violence the respondents perceive “family trauma” (i.e. loss in the family).

## Respondents were asked to respond with true / false to following statements

1) GBV victims should be more protected by the institutions

True	82%
False	0.5%
Don't know	10%
No answer	7.5%

2) GBV is a private matter

True	23%
False	59.5%
Don't know	10%
No answer	7.5%

3) GBV should be reported by neighbours / relatives to the police

True	32%
False	50.5%
Don't know	10%
No answer	7.5%

4) GBV should receive special care

True	77.5%
False	5%
Don't know	10%
No answer	7.5%

Respondents mostly take side of victims and they are mostly in favor of improvement of their status. Namely, majority agrees that victims “should be more protected by the institutions” and that “GBV should receive special care”. Also, majority disagrees with “GBV is a private matter” statement. However, when it comes to "relatives / neighbours should report cases to the police" statement - most of the respondents in FYR Macedonia disagree with it.

<sup>45</sup> Here the respondents checked all answers that apply, on their own initiative.

Nearly one-fifth of the total number of respondents decided not to answer to this question or decided to respond with “don’t know“. This is not a small number.

### Awareness of gender-based violence in his/her own environment

#### Have you encountered a case of gender-based violence in your surrounding?

Yes	50%	Out of the total number of respondents, 47% "have not encountered a case of gender-based violence in their surrounding".  Experience of other respondents is different.
No	47%	
No answer	3%	

#### If yes, how many cases of gender-based violence do you think you have encountered?

1 case	10.5%	The purpose of this question was to dwell deeper into affirmative answers to previous question. So, the respondents think they came across one (10.5%), 2-3 cases (31%), 3-5 cases (5.5%) or more than 5 cases (3%). According to the perception of respondents, cases of gender-based violence are taking place in FYR Macedonia and to the extent that should not be ignored.
2-3 cases	31%	
3-5 cases	5.5%	
More than 5 cases	3%	
No answer	50%	

#### Do you know about a specific case of gender-based violence among people you personally know?<sup>46</sup>

Yes, a family member	0%	The negative one - "I am not aware of such case" - is the most commonly cited answer.  On the other side, "I have heard about such case in my neighbourhood / city" and "an acquaintance" are the most cited among answers in affirmative tone.
Yes, a friend	5.1%	
Yes, an acquaintance	20.7%	
Yes, I have heard about such case in my neighbourhood/city	35%	
No, I am not aware of such case	36.2%	
No answer	3%	

<sup>46</sup> Here the respondents were asked to check all answers that apply.

**What has/have the case/s been?<sup>47</sup>**

Physical violence	25.5%
Emotional violence (psychological abuse of the other partner)	15.2%
Economic violence (use of finances to control the other person)	10.3%
Sexual assault (rape) in marriage	1.8%
Sexual assault outside marriage	2.8%
Sexual harassment (workplace, school, public places, etc.)	14%
Trafficking for purpose of sexual exploitation	0.8%
Forced marriage	1.5%
Early marriage of young girls or boys	1.8%
Violence occurring because of assumed inequality between two genders	1%
Honor killing or beating	1.8%
All of the above	0.5%
Other	1%
No answer	2.2%

The most commonly cited answers to this question are “physical violence”, “emotional violence” and “sexual harassment”.

**Have you tried to help the victim/s?<sup>48</sup>**

Yes, report to an agency/institution	1%
Yes, tried to talk to the person about their possibilities to escape the situation	15.4%
Yes, took the victim with me	0.5%
No, it is too risky to help victims of GBV	13%
I don't know how I can help	46.7%
No, I do not want to have anything to do with such issues	5.5%
No answer	17.9%

From the feedback we read that among respondents there are those who have tried to help the victim/s of gender-based violence in cases they encountered (by reporting, talking to a person, providing shelter).

"Trying to talk to the person about their possibilities to escape the situation" is the most commonly cited answer in affirmative tone.

Answers in negative tone are cited in a greater extent. Among those, "I don't know how I can help" is the most commonly cited reason for not trying to help.

<sup>47</sup> Here the respondents were asked to check all answers that apply.  
<sup>48</sup> Here the respondents checked all answers that apply, on their own initiative.

**What are the signs by which you think you could recognize someone as victim?<sup>49</sup>**

Person does not communicate with the people from his/her surrounding	23.2%
Hear screaming from their home	25%
The way they look	13.3%
I would not be able to recognize a case of GBV	35.7%
No answer	2.8%

"I would not be able to recognize a case of gender-based violence" is the most commonly cited answer to this question.

Among respondents who think that they would be able to recognize someone as a victim of gender-based violence, "hearing screams from their home" and "person does not communicate with people from his/her surrounding" are the most commonly cited signs.

**On a scale from 1 (not a problem) to 5 (very serious problem), in your opinion, how serious do you think the problem of gender-based violence is in your country?**

Not a problem	1%
Not so serious	4.5%
I don't know	31.5%
Somewhat serious	35%
Very serious problem	24.5%
No answer	3.5%

According to the perception of more than a half of the total number of respondents, gender-based violence represents a serious problem in the country (majority perceives it as somewhat serious; certain number of respondents sees it as very serious).

**On a scale from 1 (not a problem) to 5 (very serious problem), in your opinion, how serious do you think the problem of gender-based violence is in the Balkan region?**

Not a problem	0.5%
Not so serious	1.5%
I don't know	38.5%
Somewhat serious	30%
Very serious problem	26%
No answer	3.5%

According to the perception of more than a half of the total number of respondents in FYR Macedonia – gender-based violence is a serious problem in the Balkan region.

Within that group, there are fewer of those who see it as very serious, and more of those who perceive it as somewhat serious problem.

<sup>49</sup> Here the respondents were asked to check all answers that apply.

## Willingness to address the issue

### If I know/learn about a case of gender-based violence

I know where to report	48%	From the total number of respondents in FYR Macedonia, 48% “knows where to report” a case of gender-based violence.  Others respond differently.
I do not know where to report	49%	
No answer	3%	

### If I know/learn about a case of gender-based violence, I will try to help

Certainly	15.5%	From the total number of respondents, 15.5% is certain that they would try to help in such a situation.  All other respondents are unsure, as a minimum.
Probably	27.5%	
Not sure	45.5%	
Rather not do anything	6%	
Not do anything, it is not my problem	4.5%	
No answer	1%	

### Do you think gender is the main reason for violence in some households

Yes	75%	That gender is the main reason for violence in some households is the perception of the absolute majority of respondents (75%).
No	20.5%	
No answer	4.5%	

### To whom would you feel most comfortable to report a case of gender-based violence?

Police	63.5%	“Police” is the most commonly cited as an establishment that respondents would feel most comfortable to report a case to. “Non-governmental organizations” are cited with smaller, yet significant frequency. With other options listed that is not the
NGOs	33%	

Local governments	0.5%
Other	1%
No answer	2%

case.

Although the problems can be identified in the performance of institutions, the response indicates that, in terms of addressing gender-based violence, the law enforcement enjoys confidence of the community. Also, in the same context, the trust that respondents put in NGOs is not insignificant, according to the response.

**Would you be interested in the following?<sup>50</sup>**

Receive training how to identify and help victims of GBV	13.3%
To become part of GBV advocacy group	7.4%
To get more information on the issue from media	59.6%
I am not interested in this issue	17.7%
No answer	2%

Among the answers in the affirmative tone, "to get more information on the issue from the media" was the most commonly cited as a form of activity the respondents would be interested in.

On the other hand, the extent to which respondents cite "I am not interested in this issue" is not significant, yet it should not be ignored.

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<sup>50</sup> Here the respondents checked all answers that apply, on their own initiative.

## Policy recommendations

Although the authorities are committed to suppressing gender based violence, available data suggest that more needs to be done so it is eradicated from the society.

Results of this research indicate, namely, that not all forms of gender-based violence are covered with the existing legislative framework, so weaknesses and loopholes in the legislative and institutional set up prevent comprehensive dealing with all aspects of GBV. Citizens are insufficiently informed, among other, on how to recognise a victim and what steps to take to help the victim. Victims are reluctant to report cases of GBV as there is a lack of trust in the institutions. This indicates that potentially significant number of cases goes unreported. Inconsistent application of laws and regulations is the problem. Corruption impedes efforts to confront this issue effectively. Experts also highlight that professionals and service providers are insufficiently trained and that amounts allocated for social services are very scarce.

From the results of the analysis of the legal and institutional framework, as well as from the findings of the opinion survey of wider and the expert public, we conclude that further efforts are necessary for eradication of gender based violence in FYROM:

- Invest additional efforts in poverty reduction (current efforts, particularly in regard to Roma community, are insufficient) and in ending discrimination
- Build integrity of institutions (police, centres for social work, judiciary, etc.) in order to reduce / eliminate corruption affecting the implementation of anti-GBV measures, so to regain trust of victims and citizens
- Ratify the Convention on Preventing and Combating Violence against Women and Domestic Violence and harmonise national legislation with it
- Strengthen / amend the existing criminal and family laws so to specifically tackle all different forms of violence against women, or adopt new, comprehensive ones
- Increase availability and effectiveness of temporary protection measures for domestic violence.
- Consider introducing criminal sanctions for non-compliance with restraining orders.
- Fully implement all Council of Europe Taskforce recommendations for FYROM
- Improve the system of data collection, which should provide disaggregated statistic on the age, sex, educational economic and location background of the victims and the perpetrator
- Develop methodologies and conduct researches to collect reliable data on early child marriages; Establish database so to enable monitoring and adequate policy development
- Establish continuous and effective inter-ministerial cooperation, support and coordination between the institutional mechanisms for gender equality on local and national level, for maximum capacity utilization and efficient fulfilment of the tasks and obligations arising from the responsibilities of these mechanisms; Establish cooperation between all public and private agencies, including NGOs that provide services for vulnerable groups (victims of gender-based violence, including children)

- Develop policies so to make it compulsory for institutions and companies to train and to inform employees on harassment and on sexual harassment in the working place as well as to inform them where to report it, whom to address for support and whom to address if competent individual / institution / service provider is being unresponsive or inefficient.
- Ensure that mandatory gender sensitive and victim-centric trainings for judges, prosecutors, lawyers and law enforcement officers are provided on regular basis so to ensure uniform application of the existing legal framework; Place particular focus on harmful traditional practices, rape and spousal rape in the training curricula
- Ensure that mandatory gender sensitive and victim-centric trainings for health workers are provided on regular basis so to terminate cases of personnel failing or refusing to provide adequate help to victims, to treat women as provokers of violence or not refer them to appropriate institutions or shelters, etc.
- Organise regular trainings to educate and raise awareness among all relevant institutions' personnel, so all service providers learn the signs or symptoms of GBV and referral procedures in such cases: Place particular focus on harmful traditional practices, rape and spousal rape in the training curricula
- Increase the existing number of specialized services that are effectively working with perpetrators to change their behaviour, values and their mindset towards violence against women
- Allocate financial and human resources for effective implementation of national and local policies for prevention, assistance and protection to victims of domestic violence and gender based violence, including programs implemented by non-governmental organizations;
- Ensure that adequate funding for services, such as SOS hotlines, is provided and the number of shelter places is increased to reach the recommended number. Allocate financial and human resources for establishment of centres and programmes for referral of victims of rape and sexual violence for support and counselling.
- Support centres with programs for psycho-social treatment and specialized support to victims of domestic violence as well as for children that are usually direct victims or witnesses of violence.
- Ensure that mandatory gender sensitive and victim-centric trainings for teachers in primary and high schools are provided on regular basis so they are introduced to signs or symptoms of GBV and referral procedures in such cases: Place particular focus on harmful traditional practices in the training curricula
- Include in the civic education programme in all schools for children between the ages of six and 18 years old gender equality lessons. Provide young people both in schools and universities with information on what constitutes gender-based violence, including information on harmful traditional practices.
- Develop and establish child friendly confidential complaint mechanisms and reporting system to prevent and respond to cases of sexual and gender based violence.
- Develop and implement campaigns so to ensure that children understand what familial violence is, including information on referral centres, hotline, shelters and assistance available to victims so they could report cases of abuse
- Design and implement national awareness raising campaigns so to inform the general public on what constitutes domestic violence, also providing information on spousal rape, including information on referral centres, hotline, shelters and assistance available to victims of domestic violence. Include also the information whom to address if competent individual / institution / service provider is being unresponsive or inefficient.

- Design and conduct awareness raising-campaigns so to target harmful traditional practices that lead to increase in the occurrence of violence against women.

## 2.4 KOSOVO

### General overview

Legal framework on basic human rights and fundamental freedoms is aligned with European standards. Nonetheless, the gender-based violence still appears to be a major unaddressed issue. The 2015 EU Progress Report for Kosovo notes that in the area of human rights, gender-based violence and women's unequal access to property ownership represents a particular obstacle for full enjoyment of rights.

What appears to be of particular concern is that when it comes to gender-based violence, and in particular domestic violence half of the women in Kosovo are ready to tolerate and even justify male violence. According to a 2015 survey carried out by Kosovo Statistic Agency (ASK) and UNICEF 42% of those women who condone male violence said that they are ready to justify it only in specific situations such as when “If she does not take adequate care of husband and hygiene, does not take adequate care of her husband's parent, or makes decisions for the family without consulting him.”<sup>51</sup> It was also reported that the profile of women who experienced domestic violence were coming from rural areas, of a lower educational background, dependent on social help and were unemployed and poor. In addition to this, among the more susceptible victims to domestic violence were also children, LGBT persons and elderly people, although the majority of cases i.e. 80% of the reported 1083 domestic violence cases were women.

The prevalent societal norms prevent women victims of violence to report it, as they often are stigmatized in the society. For instance, in rare police reports cases are mentioned of sisters being beaten up by family members for acting ‘dishonourably’, and on a level of ‘hearsay’ it is suggested that in the rural areas of Kosovo honour killings may occur. Furthermore, it is estimated that the occurrence of this specific form of gender-based violence is much higher than what is reported because most victims do not report it from fear of stigmatization, but also additional factor is the lack of awareness of what constitutes gender-based violence and that it is punishable by law.<sup>52</sup>

In a similar vein, sexual harassment is also regulated in the criminal code. Nonetheless, most women's rights groups say that this type of sexual violence is widespread in the workplaces, both in public administration and in private companies, as well as in universities, in particular University of Pristina. The reporting of sexual harassment is particularly low out of fear for physical retaliation, dismissal or shame.

Another issue related to gender-based violence in Kosovo is reparation to victims who suffered a sexual violence during the war in 1998-1999. Precise statistical data on the number of victims, both women and man, who experienced sexual violence or other forms of gender-related violence during the conflict, is missing. Nonetheless, qualitative data exist and points to the fact that women were often victims of rape and men suffered assault or murder.<sup>53</sup> Most of the targeted women were from Albanian origin, however, reports suggest that also Serbian, Roma, Egyptian and Ashkaelia women experienced violence and displacement. Furthermore, women with minority status continued to be target for violence after the war ended. The reparations to victims, who suffered violence during the

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<sup>51</sup> Kosovo Women Justify Male Violence, Survey Says. Balkan Insight. 2015. Available at:

<http://www.balkaninsight.com/en/article/kosovo-women-most-receptive-to-violence-in-the-region-says-survey-1>

<sup>52</sup> See National Coordinators Office against Domestic Violence, “Activities against Domestic Violence Report: Annual Progress Report,” May 2013.

<sup>53</sup> See Civil Rights Defenders, Human Rights in Kosovo, 2012.

war, were not provided, although OHCHR report indicates that victims long after the war ended still suffer psychological, physical, social or economic repercussions. Furthermore after the war, there were 'healing' programs for dealing with post-conflict trauma organized for women but no such programs were organized for men. The rectification of this form of gender discrimination in post-conflict programming and providing appropriate psychological programs could help men and may lead to decreased trauma and subsequently low rates of gender-based violence.

The participants at expert panel held in Kosovo highlighted that "there was been a wide range of activities dealing with domestic violence in local communities. Still, one of the largest problems facing local communities in terms of gender-based violence is the existence of widespread taboos and shame (in terms of reporting the problem and discussing it publicly). Traditional attitudes towards marriage, violence and relationships persist," they said.

Many cases of violence remain unaddressed for a variety of reasons (lack of information, lack of support, bureaucracy, fear of victims who have suffered violence, etc.). "Women were coming to the Municipal Gender Equality Service to complain about domestic violence, but they never took any further steps because they were so frightened. Once it happened that a woman came, she was beaten and I called the centre for social work and the police. However, nothing was done, because this woman did not have medical evidence of injuries. In the last 10 years, this was happening to her repeatedly, as her husband is an alcoholic," one of the participants in the panel said.

Informing of the general public (done both by the media and institutions) is rare, insufficient. Although certain steps have been taken and strategic acts to combat domestic violence were adopted, very little is being done to inform the population about how to recognize violence and what to do about it, participants concluded.

Even when they take place, implementation of informative and / or educational activities is not always without difficulties. "A very small number of women, and especially men, are willing to attend trainings and listen to topics such as domestic violence. Women are afraid to talk in groups about this because they are afraid of condemnation by society. It happened that women were open (in private conversation), and then they would not talk when the informative event itself was taking place. Men continue to be rebellious in regard to this subject, as they feel that they are being increasingly damaged by these new laws on domestic violence and think that women will have all the rights from now on and even more," panel participants said.

## **Legal context**

According to Kosovo's Constitution, international human rights conventions, including the Convention on the Elimination of All forms of Discrimination against Women (CEDAW), and the European Convention on Human Rights (ECHR), precede national legislation. More specifically, CEDAW is enshrined in Article 22 of Kosovo's Constitution. However, this clause of the Constitution is used only in rare cases.

Relevant laws addressing gender-based violence are the Law on Gender Equality (LGE), which provides definition about harassment and sexual harassment, as well as the Law on Protection against Domestic Violence, the Law on Prevention and Combating of Trafficking with Persons and Protection of Victims of Trafficking, and the Law on Family and Social Services offer protection to victims of gender based violence.

In terms of existing strategies the Kosovo Programme for Gender Equality (2008-2013) defines the overarching framework for mainstreaming gender equality into laws, policies, and public services. However, gender-based violence, and specifically domestic violence was initially addressed in the Kosovo Programme against Domestic Violence and Action Plan (2011-2014). This Program and the accompanying action plan define the roles of all actors related to prevention, protection, rehabilitation and reintegration, as well as coordination in cases of domestic violence. Another relevant strategy for gender-based violence in the area of trafficking for sexual exploitation is the second National Strategy and Action Plan to Combat Trafficking in Human Beings (2011- 2014). In addition, after a strong women's group pressure, in 2014, the government approved the National Action Plan (NAP) on implementing UN Security Council Resolution 1325 on Women, Peace, and Security (UNSCR 1325). The NAP, among the other things also addresses justice for war-time victims of sexual and other type of violence.

While **domestic violence** acts are not defined in the Criminal Code *per se*, violent acts committed in a domestic relationship can be considered for criminal prosecution. Other than this, light bodily harm is punished by a fine or a maximum prison sentence of one year, and when it concerns the "person with whom the perpetrator has a domestic relationship," the perpetrator may be punished by imprisonment of three months to three years. For violent acts involving grievous bodily harm, the prescribed punishment is six months to ten years imprisonment depending on the degree of physical injury. When a domestic relationship exists between the perpetrator and the victim, the minimum sentence increases to one year or two years.

Article 230 of the Criminal Code regulates **sexual assault** (rape) by stating that any person that subjects another to sexual act without the consent of subjected person shall be punished by imprisonment from two to ten years. The penalty shall increase to three to ten years if the crime is committed "by threatening to reveal something that could seriously harm the honor or reputation of that person or person close to her/him." In cases when during the execution of the crime, or before or after the crime was executed, torture or inhuman treatment were used; if the perpetrator used force, used or threatened to use a weapon or a dangerous weapon; if the perpetrator causes serious bodily injury or serious damage to the physical or mental health of the person; if the crime is executed jointly by several persons, or if the perpetrator is a parent, adoptive parent, foster parent, ancestor, relative of a person up to the third degree of kinship or a lecturer, a religious worker, a healthcare worker, a person to whom the victim is entrusted with custody, or has other position authority over that person, a sentence of five to fifteen years in prison is prescribed. In case when crime results with death of the victim, the perpetrator shall be punished by imprisonment of at least ten years up to life imprisonment.

**Sexual harassment** and harassment are regulated under Article 150 and 186, respectively. Article 150 defines war crimes in grave violation of the Geneva conventions, and envisages imprisonment of not less than fifteen years or by life imprisonment in case of sexual harassment, rape or any great suffering or serious injury to body or health. Likewise, harassment is defined in Article 186 and is punishable with a range of sentences ranging from fines to five years in prison.

Sexual services of victim of **trafficking** are also specifically regulated in the Criminal Code, with Article 231. The punishment ranges between three months to five years of imprisonment, and increases depending on the gravity of the crime i.e. if the crime is committed by an official person abusing his position the punishment is two to seven years and if the offense results in death of the victim the punishment increases with at least ten years up to life long imprisonment.

**Early marriages** and forced marriages are defined in the Law on Protection against Domestic Violence. The criminal code also regulates instances of early marriage (Article 245) which prohibits unlawful marriages to take effect, thus effectively punishing authorized official before whom a marriage takes effect if the marriage is illegal, with three months to three years of imprisonment. Forced marriage is regulated with Article 246 and prescribes imprisonment of one to eight years of imprisonment to whoever compels another person to enter into a marriage or enters into a marriage with a person whom he or she knows to be compelled into the marriage. The punishment increases if

the offence is committed against a child from two to ten years. Also, Article 247 prescribes punishment from five to twenty years of imprisonment to an adult who lives in extramarital community with a person under the age of sixteen.

At the expert panel held in Kosovo, the implementation of the law, as well as the performance of the institutions were discussed, among other. "There are a number of organizations capable of working with victims. Yet, the system does not generally work the way it should in terms of protecting the victims of domestic violence in Kosovo," the expert panel participants said.

The participants said they see laws being adopted but not being implemented and institutions do not provide a good response to violence. They highlighted that the police does not respond adequately to cases of violence (and when the victims of violence gather the courage to report the perpetrators to the police, their answer is obviously very weak). They see no cooperation between centres for social work and the police.

Reintegration process of victims of violence is very weak, almost non-existent. Also, women have no choice, and if they want, for example, to divorce they can not get out of the situation of violence because they do not have any capital. The participants also told about the case of a victim of violence who went to a safe house in Gnjilane, where the forms and papers were only in English and Albanian and were not available in Serbian. According to panellists, cases from Serb communities in Kosovo are mainly referred to Serbia. It was also pointed out that the center for social work in Gracanica employs trained personnel, but lacks financial resources.

Participants highlighted the need for closer and stronger coordination and cooperation. "There is a need for greater cooperation and education within the Kosovo Police in order to improve the response to human trafficking and domestic violence. There also needs to be better cooperation between NGO's and the Kosovo Police," they said.

The level of information among general public is at a very low level, and the participants also stated, among other<sup>54</sup>, that the telephone number of the police is generally not well known.

Kosovo has nine women's shelters that provide 140 shelter places, which is a shortage of 17% of the recommended women's shelter places in the country. However, despite the shortage no women were turned down due to insufficient shelter place in 2014 and around 315 women and 197 children were accommodated. Most of the centers provide non-residential support, such as counselling to women who have survived sexual violence. Kosovo has also one shelter which is specifically designated for victims of trafficking and it is run by the Ministry of Labour and Social Welfare. It has been noted, however, that shelters are lacking in those municipalities where there are Serbian and other minority ethnic groups.

Presently, there are two, free-of charge national women's helplines in Kosovo, which operate 24/7. One of the helplines is run by several NGOs and the other one is run by the state. Therefore, Kosovo meets the Council of Europe Taskforce Recommendations for women's helplines but it fails to meet

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<sup>54</sup> "It is better to do it through the media, because the mentality here is not that people read, but it should be read to them. People in rural areas usually are not informed at all; they do not have access to information. And they do not respond well to NGOs and foreigners in general. The media are really engaged, however that is not enough. The society can not find a solution, because it is not informed well through the media, public events and trainings, and we think that all that should be intensified," among other, panellists said.

the recommendations on the availability of women's shelter places.<sup>55</sup>

While the legal framework is sufficiently comprehensive to cover various forms of gender-based violence, the access to justice remains very slow and difficult. It has been observed that the lack of operational witness protection system prevents victims or witnesses of gender-based violence to report and testify. As in the other neighbouring territories, in most cases women victim of gender-based violence are financially not self-sustainable, and despite the fact they might recurrently experience violence they return to their partners.

Women victims of wartime sexual violence were not offered reparations after the conflict although most reports indicate that they continue to suffer significant physical, psychological, social and economic repercussions long after the war. Recently, under strong pressure by local NGOs the Assembly of Kosovo finally agreed to extend wartime reparation benefits to victims of sexual violence. The benefits include a monthly payment of \$350.<sup>56</sup> However, in order to receive the money, women have to go to the process of revealing their stories to the family, which often leads to their isolation. Therefore, the implementation of this law is not functioning because the government has no means of identifying and verifying the victims of wartime sexual violence.<sup>57</sup>

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<sup>55</sup> See: Country Report 2013. Women Against Violence Network (WAVE) Available at:

[http://www.canonsociaalwerk.eu/1994\\_wave/WAVE%20Country%20Report%202013%20Final%20Version.pdf](http://www.canonsociaalwerk.eu/1994_wave/WAVE%20Country%20Report%202013%20Final%20Version.pdf)

<sup>56</sup> See: How Long Can You Keep a Secret? For Kosovo's Wartime Rape Victims, The Answer Is: Maybe Forever. Radio Free Europe Radio Liberty (RFR) 2014 Available at: <http://www.rferl.org/content/kosovo-wartime-rape-victims-kept-secret/25403115.html>

<sup>57</sup> See: Ferizaj, Adem. Wartime rape is no longer kept under wraps in Kosovo. Open Democracy 2015. Available at: <https://www.opendemocracy.net/5050/adem-ferizaj/wartime-rape-is-no-longer-kept-under-wraps-in-kosovo>

**Public opinion survey - Results**

**General awareness of gender-based violence**

**Have you ever heard about the term “gender-based violence” (GBV)?**

Yes	93.3%
No	6.6%

The number of those that respond negatively to this question is small. The response indicates that almost everyone has heard of the term "gender-based violence".

**How did you first hear about gender-based violence?<sup>58</sup>**

TV	45.9%
Newspaper	15.8%
Friends	18%
Family	6%
Government	4.9%
Other	5.5%
No answer	3.8%

As the source of first information about gender-based violence respondents in Kosovo most commonly cite “TV”, then “friends” and then “newspapers”. “Government” is cited in a small extent. Obviously, non-institutional mechanisms - traditional media and one’s own social circle – have a leading role in finding out about the problem of gender-based violence.

**What do you think best describes gender-based violence?<sup>59</sup>**

Here the respondents were offered a list of options and were asked to check all that apply. "Physical violence" (14.3%) was the most commonly cited answer to this question.

Respondents further cited (most to less commonly) – “sexual assault (rape) in marriage” (10%) then “emotional violence” (psychological abuse of the other partner) (9.8%), “sexual harassment” (workplace, school, public places, etc.) (9.6%), “sexual assault outside marriage” (8.3%), “all of the

<sup>58</sup> Here the respondents checked all answers that apply, on their own initiative.  
<sup>59</sup> Here the respondents were asked to check all answers that apply.

above” (all listed answers) (8.1%), “forced marriage” (7.9%), “economic violence” (use of finances to control the other person) (7.5%), “trafficking for purpose of sexual exploitation” (7.2%), “violence occurring because of assumed inequality between two genders” (6.4%) and “early marriage of young girls or boys” (6%).

Finally, “honor killing or beating” is the least cited response (4%).

So, according to the perception of respondents, “physical violence”, “sexual assault (rape) in marriage” and “emotional abuse” are the terms that best describe gender-based violence.

**Have you ever attended/participated in an event specifically devoted to gender-based violence?<sup>60</sup>**

Yes, a conference/training	11.2%
Yes, public event	13.8%
No	65.8%
Other	4.6%
No answer	4.6%

“No” was the most commonly cited answer among all respondents in Kosovo.

**How do you think victims of gender-based violence deal with it?<sup>61</sup>**

Remain silent	26.8%
Constantly fear violence	31%
Report to the institutions	10.2%
Are ashamed and embarrassed	22.5%
Other	6.4%
No answer	3%

Respondents most commonly cite that victims “constantly fear violence” that they “remain silent”, and “are ashamed and embarrassed”.

In a a way lesser extent the respondents cite that victims “report (the case) to the institutions”.

<sup>60</sup> Here the respondents checked all answers that apply, on their own initiative.

<sup>61</sup> Here the respondents were asked to check all answers that apply.

## Victims of gender-based violence are most commonly<sup>62 63</sup>

### a) Responses to question in the questionnaire in Albanian:

Young women	38.7%	
Older women	22.1%	As the most common victims of gender-based violence, respondents most commonly cite “women” (young and older) and “children”.
Children	22.6%	
Older men	4.8%	“Men” (young and older) are cited in a lesser extent.
Young men	9.6%	
Elderly	2.2%	

### b) Responses to question in the questionnaire in Serbian:

Young women	37.6%	
Older women	23.5%	As the most common victims of gender-based violence, respondents most commonly cite “women” (young and older) and “children”.
Children	18.8%	
Older men	7%	“Men” (young and older) are cited in a lesser extent.
Young men	7%	
No answer	5.9%	

## Gender-based violence is predominantly conducted for<sup>64</sup>

Culturally accepted and part of everyday life	21.3%	Respondents most commonly cite “family problems” and “economic deprivation” as predominant triggers of GBV.
Economic deprivation	23.8%	
Family trauma (eg. loss in the family)	11.6%	As the next predominant trigger of gender-based violence the respondents perceive the fact that “(it is) culturally accepted and part of everyday life.”
Family problems (alcoholism, psychological problems)	24.2%	

<sup>62</sup> Here the respondents were asked to check all answers that apply.

<sup>63</sup> Different results are due to the differences in the questionnaires that were used.

<sup>64</sup> Here the respondents checked all answers that apply, on their own initiative.

Cheating	11%
Other	7.1%
No answer	0.9%

**Respondents were asked to respond with true / false to following statements**

1) GBV victims should be more protected by the institutions	
True	53.3%
False	1.3%
Don't know	6%
No answer	39.3%

2) GBV is a private matter	
True	12.6%
False	42%
Don't know	6%
No answer	39.3%

3) GBV should be reported by neighbours / relatives to the police	
True	44.6%
False	10%
Don't know	6%
No answer	39.3%

4) GBV should receive special care	
True	42.6%
False	12%
Don't know	6%
No answer	39.3%

Respondents mostly take side of victims and they are mostly in favor of improvement of their status. Namely, majority agrees that victims “should be more protected by the institutions”, that “GBV should receive special care”, as well as with the notion that cases of GBV should be reported by neighbours / relatives to the police. Also, majority disagrees with “GBV is a private matter” statement.

Slightly less than a half of the total number of respondents in Kosovo decided, however, not to answer to this question or decided to respond with “don't know“. This is a very high number.

**Awareness of gender-based violence in his/her own environment**

**Have you encountered a case of gender-based violence in your surrounding?**

Yes	72%
No	28%

Out of the total number of respondents, 28% "have not encountered a case of gender-based violence in their country".

Experience of other respondents is different.

**If yes, how many cases of gender-based violence do you think you have encountered?**

1 case	30%
2-3 cases	26.6%
3-5 cases	9.3%
More than 5 cases	9.3%
No answer	24.6%

The purpose of this question was to dwell deeper into affirmative answers to previous question.

So, the respondents think they came across one (30%), 2-3 cases (26.6%), 3-5 cases (9.3%) or more than 5 cases (9.3%).

According to the perception of respondents, cases of gender-based violence are taking place in Kosovo in a significant extent.

**Do you know about a specific case of gender-based violence among people you personally know?<sup>65</sup>**

Yes, a family member	4.6%
Yes, a friend	14.5%
Yes, an acquaintance	19.7%
Yes, I have heard about such case in my neighbourhood/city	32.5%
No, I am not aware of such case	25%
No answer	3.5%

"I have heard about such case in my neighbourhood / city" is the most commonly cited among answers in affirmative tone.

Respondents cite "I am not aware of such case" in a lesser extent.

**What has/have the case/s been?<sup>66 67</sup>**

**a) Responses to question in the questionnaire in Albanian:**

Emotional violence (psychological abuse of the other partner)	17.2%
Economic violence (use of finances to control the other person)	14%
Sexual assault (rape) in marriage	5.9%
Sexual assault outside marriage	5.9%
Sexual harassment (workplace, school, public places, etc.)	14%
Trafficking for purpose of sexual exploitation	3.7%
Forced marriage	11.3%

<sup>65</sup> Here the respondents were asked to check all answers that apply.

<sup>66</sup> Here the respondents were asked to check all answers that apply.

<sup>67</sup> Different results are due to the differences in the questionnaires that were used.

Early marriage of young girls or boys	5.3%
Violence occurring because of assumed inequality between two genders	9.1%
Honor killing or beating	5.9%
None of the above	2.1%
Other	2.7%
No answer	2.7%

The most commonly cited answers to this question are “emotional violence”, “economic violence” and “sexual harassment”.

#### b) Responses to question in the questionnaire in Serbian:

Physical violence	13.6%
Emotional violence (psychological abuse of the other partner)	9.1%
Economic violence (use of finances to control the other person)	6.8%
Sexual assault (rape) in marriage	6.8%
Sexual assault outside marriage	2.3%
Sexual harassment (workplace, school, public places, etc.)	5.7%
Trafficking for purpose of sexual exploitation	0%
Forced marriage	8%
Early marriage of young girls or boys	4.5%
Violence occurring because of assumed inequality between two genders	6.8%
Honor killing or beating	7.9%
All of the above	0%
None of the above	0%
Other	2.3%
No answer	26.1%

The most commonly cited answers to this question are “physical violence”, “emotional violence” and “forced marriage”.

#### Have you tried to help the victim/s?<sup>68</sup>

Yes, report to an agency/institution	7.9%
Yes, tried to talk to the person about their possibilities to escape the situation	17.7%
Yes, took the victim with me	6.6%
No, it is too risky to help victims of GBV	13.1%
I don't know how I can help	27%
No, I do not want to have	

From the feedback we read that among respondents there are those who have tried to help the victim/s of gender-based violence in cases they encountered (by reporting, talking to a person, providing shelter).

"Trying to talk to the person about their possibilities to escape the situation" is the most commonly cited answer in affirmative tone.

Answers in negative tone are cited in a greater extent. Among those, "I don't know how I can help" is the most commonly cited reason for not trying to

<sup>68</sup> Here the respondents checked all answers that apply, on their own initiative.

anything to do with such issues	15.1%
No answer	12.5%

help.

**What are the signs by which you think you could recognize someone as victim?<sup>69 70</sup>**

**a) Responses to question in the questionnaire in Albanian:**

Person does not communicate with the people from his/her surrounding	25.9%
Hear screaming from their home	17%
They are in suspicious relationship	17.8%
The way they look	19.6%
I would not be able to recognize a case of GBV	19.6%

Among respondents who think that they would be able to recognize someone as a victim of gender-based violence, "person does not communicate with people from his/her surrounding" and "the way they look" are the most commonly cited signs.

On the other side, "I would not be able to recognize a case of gender-based violence" respondents cite in the extent that is not irrelevant.

**b) Responses to question in the questionnaire in Serbian:**

Person does not communicate with the people from his/her surrounding	29.2%
Hear screaming from their home	35.4%
The way they look	21.5%
I would not be able to recognize a case of GBV	6.1%
No answer	7.7%

Among respondents who think that they would be able to recognize someone as a victim of gender-based violence, "hearing screams from their home" and "person does not communicate with people from his/her surrounding" are the most commonly cited signs.

On the other side, "I would not be able to recognize a case of gender-based violence" respondents cite in the extent that is not irrelevant.

**On a scale from 1 (not a problem) to 5 (very serious problem), in your opinion, how serious do you think the problem of gender-based violence is in your country?**

<sup>69</sup> Here the respondents were asked to check all answers that apply.

<sup>70</sup> Different results are due to the differences in the questionnaires that were used.

Not a problem	2.6%
Not so serious	8%
I don't know	11.2%
Somewhat serious	29.8%
Very serious problem	47.7%
No answer	0.6%

According to the perception of the absolute majority, gender-based violence represents a serious problem in the country (certain number of respondents sees it as somewhat serious, but majority perceives it as very serious).

**On a scale from 1 (not a problem) to 5 (very serious problem), in your opinion, how serious do you think the problem of gender-based violence is in the Balkan region?**

Not a problem	1.3%
Not so serious	4.6%
I don't know	20.6%
Somewhat serious	29.3%
Very serious problem	43.3%
No answer	0.6%

According to the perception of the absolute majority of respondents in Kosovo – gender-based violence is a serious problem in the Balkan region.

Within that group, there are fewer of those who see it as somewhat serious, and far more of those who perceive it as very serious problem.

**Willingness to address the issue**

**If I know/learn about a case of gender-based violence**

I know where to report	67.3%
I do not know where to report	32%
No answer	0.6%

From the total number of respondents in Kosovo, 67.3% “knows where to report” a case of gender-based violence.

Others respond differently.

**If I know/learn about a case of gender-based violence, I will try to help**

Certainly	30%
Probably	37.3%
Not sure	20%
Rather not do anything	8.7%
Not do anything, it is not my problem	1.3%

From the total number of respondents, 30% is certain that they would try to help in such a situation.

All other respondents are unsure, as a minimum.

No answer	2.7%
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### Do you think gender is the main reason for violence in some households?

Yes	67.3%
No	28%
No answer	4.7%

That gender is the main reason for violence in some households is the perception of the majority of respondents (67.3%).

### To whom would you feel most comfortable to report a case of gender-based violence?<sup>71</sup>

Police	61.4%
NGOs	25.3%
Local governments	7.8%
Other	1.2%
No answer	4.2%

“Police” is the most commonly cited as an establishment that respondents would feel most comfortable to report a case to. “Non-governmental organizations” are cited with smaller, yet significant frequency. Other options however are cited in an insignificant extent.

Although the problems can be identified in the performance of institutions, the response indicates that, in terms of addressing gender-based violence, the law enforcement enjoys confidence of the community. Also, in the same context, the trust that respondents put in NGOs is not insignificant, according to the response.

### Would you be interested in the following?<sup>72</sup>

Receive training how to identify and help victims of GBV	21.3%
To become part of GBV advocacy group	18.7%
To get more information on the issue from media	48.4%

Among the answers in the affirmative tone, "to get more information on the issue from the media" was the most commonly cited as a form of activity the respondents would be interested in.

On the other hand, the extent to which respondents cite "I am not interested in this issue" is not significant.

<sup>71</sup> Here the respondents checked all answers that apply, on their own initiative.

<sup>72</sup> Here the respondents checked all answers that apply, on their own initiative.

I am not interested in this issue	11%
No answer	0.6%

## Policy recommendations

Although steps have been taken to suppress it, gender-based violence still appears to be a major unaddressed issue.

Results of this research indicate, namely, that some forms of gender-based violence are still considered to be socially accepted and observed as normal behaviour in Kosovo. Although the legal framework is sufficiently comprehensive to cover various forms of gender-based violence, the system does not generally work the way it should. Corruption represents a problem. Among other, it feeds an overall lack of trust in the system, which further obstructs the effectiveness of institutional attempts to combat the problem. Citizens are insufficiently informed, among other, on what steps to take to help the victim. Application of laws and regulations is inconsistent and often results in failures to protect the rights of victims. Victims are reluctant to report cases of GBV as there is a lack of trust in the institutions. All this indicates that potentially significant number of cases goes unreported. Experts highlight that professionals and service providers are insufficiently trained. Also, according to available data the resources allocated for social services are far from being sufficient.

From the results of the analysis of the legal and institutional framework, as well as from the findings of the opinion survey of wider and the expert public, we conclude that further efforts are needed for eradication of gender based violence in Kosovo:

- Invest additional efforts in poverty reduction and in ending discrimination
- Build integrity of institutions in order to reduce / eliminate corruption affecting the implementation of anti-GBV measures, so to regain trust of victims and citizens
- Improve cooperation and coordination between competent institutions on national and local level, for maximum capacity utilization and efficient fulfilment of tasks and duties; Establish cooperation between all public and private agencies, including NGOs that provide services for vulnerable groups (victims of gender-based violence, including children)
- Fully implement all Council of Europe Taskforce recommendations for Kosovo
- Develop policies so to make it compulsory for competent institutions to disaggregate data on all types of gender-based violence and on the profile of perpetrators
- Develop methodologies and conduct adequate researches to collect reliable data on honor killings, so to enable development of adequate policies
- Consider solutions such as a compensation fund in order to remedy injustices born by victims' families or victims of gender-based violence and sexual violence endured during the war and ensure their implementation.
- Ensure that mandatory gender sensitive and victim-centric trainings for judges, prosecutors, lawyers and law enforcement officers are provided on regular basis so to ensure uniform application of the existing legal framework and improve the response to GBV
- Organise regular trainings to educate and raise awareness among all relevant institutions' personnel, so all service providers learn the signs or symptoms of GBV and referral procedures in such cases

- Develop policies so to make it compulsory for institutions and companies to train and to inform employees on harassment and on sexual harassment in the working place as well as to inform them where to report it, whom to address for support and whom to address if competent individual / institution / service provider is being unresponsive or inefficient.
- Conduct a needs assessment so to establish if efficient legal aid / services are in fact available to potential victims or victims of gender based violence (in institutions and organisations involved in assisting GBV victims); Develop and implement adequate policy based on the findings of the needs assessment report
- Increase the number of shelter places for victims of gender based violence in Kosovo, with particular attention to municipalities with minorities
- Ensure that the number and types of specialized services for support, advice, rehabilitation and therapy for victims of gender based violence increases across Kosovo; Ensure that services are available equally in areas outside cities, as in cities
- Ensure that shelters for victims of gender based violence and centres for social work are sufficiently funded.
- Ensure full implementation of provisions set out in law that entitle victims of gender-based violence to rehabilitative and reintegration programmes and measures; Ensure that long-term reintegration and rehabilitation programs and services are continuously funded and improved.
- Develop and implement programs geared at economic and psychological rehabilitation of victims (i.e. ensure that victims of GBV are provided with relevant information and opportunities to easy and quickly create their own jobs, if they have the capacity and wish to do so)
- Ensure that services are available for children that are victims of GBV or witnesses of violence.
- Establish or increase the existing number of specialized services that are providing men with the necessary psychosocial help, in order to reduce post-war trauma and potentially reduce the rates of gender-based violence.
- Establish or increase the existing number of specialized services that are effectively working with perpetrators to change their behaviour, values and their mindset towards violence against women
- Conduct a needs assessment so to establish if relevant forms for reception or treatment of GBV victims in all institutions and shelters are available in all official languages; Develop and implement adequate policy based on the findings of the needs assessment report
- Ensure that mandatory gender sensitive and victim-centric trainings for teachers in primary and high schools are provided on regular basis so they learn the signs or symptoms of GBV and referral procedures in such cases: Place particular focus on harmful traditional practices in the training curricula
- Include in the civic education programme in all schools for children between the ages of six and 18 years old gender equality lessons. Provide young people both in schools and universities with information on what constitutes gender-based violence, including information on harmful traditional practices.
- Develop and establish child friendly confidential complaint mechanisms and reporting system to prevent and respond to sexual and gender based violence.
- Develop and implement regular campaigns so to ensure that children understand what familial violence is, including information on referral centres, hotline, shelters and assistance available to victims so they could report cases of abuse
- Design and implement regular national awareness raising campaigns so to inform the general public on what constitutes domestic violence, also providing information on spousal rape,

including information on referral centres, hotline, shelters and assistance available to victims of domestic violence. Include also the information whom to address if competent individual / institution / service provider is being unresponsive or inefficient.

- Design and conduct regularly awareness raising-campaigns so to target negative practices of particular features of traditional upbringing or of local culture that lead to increase in the occurrence of violence against women.
- Design and conduct regularly awareness raising-campaigns so to de-stigmatize the status of victims of violence and make it easier for them to report acts of gender-based violence.
- Design and conduct regularly awareness raising-campaigns that will tackle victim-shaming and blaming practices are carried out to de-stigmatize the topic of war-time rape and consequently prompt more sexual violence survivors to come out and ask for reparations from the state.
- Ensure that all campaigns have strong focus on local level and areas outside of cities
- Develop and implement policies so to ensure that public media broadcaster/s regularly and continuously produce and air shows and programs on the prevention of domestic violence and gender-based violence

## 2.5 SERBIA

### General overview

The gender equality issue was introduced on Government's agenda very late, following a period of restructuring of post-conflict society's systems. For a full decade women politicians were absent from the top political positions and their participation in the work force was low. This inevitably had an impact over the gender relations and consequently over the high rates of gender-based violence in Serbia. For instance, in 2010 it was reported that almost every other woman in Central Serbia had experienced at least some form of domestic violence. Exacerbating factor for the prevalent rates of domestic violence was the participation of male members in armed conflicts of 1990s, alcohol or drug abuse as well as the entrenched patriarchal values.

While there have been many steps forward to tackle the various forms of gender-based violence, the numbers are showing a steady trend of recurring patterns of violence against women. In 2015, the number of Serbian women killed as a result of gender-based violence was 34 and the preceding year 27.<sup>73</sup> Disaggregated data that assesses the root causes, contributing factors, and the most prevalent forms of gender-based violence for the period until 2016 is not available in Serbia. Until 2016, there was no national level standardized methodology that includes indicators and regular surveys, which could provide data for these indicators. However, at the beginning of 2016 Serbia introduced the EU Index of Gender Equality, which is a measuring instrument of the EU that measures equality between man and women on a scale of 1 (complete inequality) to 100 (complete equality) in 6 different areas: knowledge, work, time, power, health, money as well as in two other additional domains violence and intersecting inequalities. The adoption of this measuring index of Gender Equality makes Serbia the first country outside the EU to use the index. This measuring index will provide comparable data with the EU, and will also enable monitoring of violence against women, which until now was not possible due to the lack of national level standardized methodology.

In a 2010 survey carried out in Serbia (excluding Vojvodina) on the prevalence of **domestic violence** it was observed that over half of the women (54.2%) experienced some form of family violence since the age of 15. Most often they experienced psychological violence, followed by physical and economic and lesser percentage sexual violence and some women reported to have experienced all types of violence. The perpetrators were most exclusively men (96%) of which mostly husbands and partners (80.8%). The survey indicates that women of all different ages, regions, and types of settlement (rural or urban) as well as educational and social background were victims of gender-based violence. Nonetheless, it was observed that women who were economically dependent were more prone to sufferer economic violence and younger women of age 18-24 were more likely to experience actual physical and psychological violence.<sup>74</sup>

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<sup>73</sup> 34 Women Killed this Year in Serbia as Result of Gender-based Violence. UNDP 2015. Available at: <http://www.rs.undp.org/content/serbia/en/home/presscenter/articles/2015/11/25/34-women-killed-this-year-in-serbia-as-result-of-gender-based-violence.html>

<sup>74</sup> See: Babovic Marija, Katarina Ginic, Olivera Vukovic. Mapiranje porodičnog nasilja prema ženama u Centralnoj Srbiji. 2010. Available at: [http://www.gendernet.rs/files/Publikacije/Publikacije/Mapiranje\\_porodicnog\\_nasilja\\_prema\\_zenama\\_u\\_Centralnoj\\_Srbiji.pdf](http://www.gendernet.rs/files/Publikacije/Publikacije/Mapiranje_porodicnog_nasilja_prema_zenama_u_Centralnoj_Srbiji.pdf)

Regarding **sexual harassment** in a survey carried out by the Serbian ministry of Labour on the position of women in Serbian society, around 41% of residence stated that they ‘have heard of “harassment” or “mobbing” at the workplace’.<sup>75</sup> However, despite the fact that the law makes sexual harassment punishable, public awareness of this problem remained low, and women filed few complaints throughout the year.

The rate of child marriage is very low among the general population in Serbia. Nonetheless, the majority of cases of **child marriage** and in particular of girls are reported to among members of Roma community. Although the legal age of marriage in Serbia is 18, according to the Statistical Office of the Republic of Serbia, around 50.5% of women of Roma origin 20-24 years old, reported to have married before the age of 18. The dropout rate of Roma children from school often leads to early marriage, but also the belief that girls need to prepare for marriage and motherhood, which makes parents to withdraw children from school. Other than social norms, it is often economic factors, such as price of bride price that influence early marriage among Roma girls. The groom’s family is ready to pay a price for the bride, depending on whether the bride is a virgin, and her physical appearance, reputation of the family as well as the status and property of both families. This practice appears to be still very relevant among the Roma families. Another concerning factor is that many Roma who arrived in Serbia after armed conflicts in Kosovo, lacked identification documents and many do not speak Serbian. This made their integration in the society, including access to education very difficult.

## Legal context

Serbia is a state party to Convention on Elimination of all Forms of Discrimination against Women (CEDAW). It also ratified CEDAW Optional Protocol in 2003. In 2012 Serbia signed and the following year ratified the Council of Europe’s Convention on preventing and combating violence against women and domestic violence, also known as the Istanbul Convention. In 2014 the Istanbul Convention entered into force.

In terms of strategic and legislative framework in the area of gender equality, Serbia has made a step forward in the past several years. Namely, it formed a Coordinating Body for Gender Equality, and then it adopted the new Strategy for Gender equality (2016-2020), with accompanying Activity Plan (2016-2018). Also, it drafted a new law on equality between women and man, which includes a gender budgeting in public finance.

Domestic violence is regulated by the provisions of the Family Law of the Republic of Serbia (Article 10, Article 197). In addition, other national regulations contain provisions on gender-based violence. This includes Law on Gender Equality (2009) and the Anti-Discrimination Law (2009).

Also, Article 194 of the Criminal Code of the Republic of Serbia prescribes punishment of three months to three years of imprisonment for acts of violence against family members. In cases where the act of **domestic violence** results in serious bodily harm, the sentence increases from two to ten years in prison. The Chapter XVIII of the Criminal Code (crimes against sexual freedom) prescribes penalties for cases of **sexual assault**, such as rape. Namely, Article 178 provides for a sentence of five to twelve years imprisonment for the crime of rape. In case that more than one person committed a sexual assault and / or a crime resulted in pregnancy, the sentence increases from five to fifteen years in prison. Finally, if the crime led to death, a sentence of at least ten years in prison is envisaged. The definition of rape in the Criminal Code does not mention spousal rape. However, with the 2002 amendments to the Criminal Code clause, which defined rape as forced sexual intercourse ‘outside of matrimony’ was removed.

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<sup>75</sup> See: Polozaj Zene u Srbiji u 2014- Cinjenice koje Demantuju Stavove. Ministarstvo za rad, zapošljavanje, boračku i socijalnu politiku. Available at: [http://www.mc.rs/upload/documents/saopštenja\\_izvestaji/2014/09-25-14-Ministarstvo-za-rad.pdf](http://www.mc.rs/upload/documents/saopštenja_izvestaji/2014/09-25-14-Ministarstvo-za-rad.pdf)

In 2010 the Law on the Prevention of Harassment in the workplace was introduced. Under this law, employers can be fined if they do not report that sexual harassment is prohibited; yet there is no mentioning about sanctions for perpetrators. Further to this, Article 21 of the Labor Law contains definition of both harassment and sexual harassment. While sexual harassment is not explicitly defined, there are provisions in the Criminal Code (Article 181) specifically relating to sexual abuse misusing the position of authority (Art. 181); (par. 2 Art. 181 enumerates "persons held in confidence" who are in a position to abuse the trust of children: "teachers, kindergarten teachers, guardians, adoptive parents, parents, stepfathers, stepmothers or other persons who by abusing their position or authority commit statutory rape or an equivalent act over a minor who had been entrusted to him/her for learning, upbringing, guardianship or care, shall be sanctioned..."). The punishment ranges between three months to three years of imprisonment.

## Public opinion survey - Results

### General awareness of gender-based violence

#### Have you ever heard about the term “gender-based violence” (GBV)?

Yes	80.5%
No	16.8%
No answer	2.6%

It appears that a certain number of respondents have not heard about the term "gender-based violence."

Majority of respondents, on the other side, have heard about it.

#### How did you first hear about gender-based violence?<sup>76</sup>

TV	45.7%
Newspaper	17.4%
Friends	13%
Family	2.4%
Government	2%
Other	3.6%
No answer	15.8%

As the source of first information about gender-based violence respondents in Serbia most commonly cite “TV” and “newspapers”.

“Friends” and “family” are also cited, but in a lesser extent. “Government” is the least cited answer.

Obviously, non-institutional mechanisms - traditional media and, to a certain extent, one’s own social circle – have a leading role in finding out about the problem of gender-based violence.

#### What do you think best describes gender-based violence?<sup>77</sup>

Here the respondents were offered a list of options and were asked to check all that apply. "Physical violence" (20%) was the most commonly cited answer to this question.

Respondents further cited (most to less commonly) – “emotional violence” (psychological abuse of the other partner) (15.3%) then “sexual assault (rape) in marriage” (8.2%), “violence occurring because of assumed inequality between two genders” (7.1%), “economic violence” (use of finances to control the other person) (6.9%), “sexual harassment” (workplace, school, public places, etc.) (6.8%), “sexual assault outside marriage” (6.3%), “forced marriage” (6.1%), “honor killing or beating” (6.1%), “all of

<sup>76</sup> Here the respondents checked all answers that apply, on their own initiative.

<sup>77</sup> Here the respondents were asked to check all answers that apply.

the above” (all listed answers) (5.4%), “early marriage of young girls or boys” (4.8%) and “trafficking for purpose of sexual exploitation” (4.3%).

Finally, “none of the above is GBV” is the least cited response (0.1%).

So, according to the perception of respondents, “physical violence”, “emotional abuse” and “sexual assault (rape) in marriage” are the terms that best describe gender-based violence.

**Have you ever attended/participated in an event specifically devoted to gender-based violence?<sup>78</sup>**

Yes, a conference/training	18.3%
Yes, public event	13.7%
No	61%
Other	2.5%
No answer	4.5%

“No” was the most commonly cited answer among all respondents in Serbia.

**How do you think victims of gender-based violence deal with it?<sup>79</sup>**

Remain silent	23%
Constantly fear violence	32%
Report to the institutions	10.6%
Are ashamed and embarrassed	23%
Other	4.5%
No answer	6.8%

Respondents most commonly cite that victims “constantly fear violence”, that they “remain silent” and “are ashamed and embarrassed”.

In a way lesser extent the respondents cite that victims “report (the case) to the institutions”.

<sup>78</sup> Here the respondents checked all answers that apply, on their own initiative.

<sup>79</sup> Here the respondents were asked to check all answers that apply.

**Victims of gender-based violence are most commonly<sup>80</sup>**

Young women	33.4%
Older women	20.1%
Children	24.4%
Older men	10.5%
Young men	9.4%
No answer	2.1%

As the most common victims of gender-based violence, respondents most commonly cite “women” (young and older) and “children”.

“Men” (older and young) are cited in a lesser extent.

**Gender-based violence is predominantly conducted for<sup>81</sup>**

Culturally accepted and part of everyday life	12.9%
Economic deprivation	15.9%
Family trauma (eg. loss in the family)	9.3%
Family problems (alcoholism, psychological problems)	40.7%
Cheating	10.6%
Other	6.6%
No answer	4%

Respondents most commonly cite “family problems” and “economic deprivation” as predominant triggers of GBV.

As the next predominant trigger of gender-based violence the respondents perceive the fact that “(it is) culturally accepted and part of everyday life.”

<sup>80</sup> Here the respondents were asked to check all answers that apply.

<sup>81</sup> Here the respondents checked all answers that apply, on their own initiative.

**Respondents were asked to respond with true / false to following statements**

1) GBV victims should be more protected by the institutions		2) GBV is a private matter	
True	54.7%	True	2.6%
False	0.5%	False	52.6%
Don't know	4.7%	Don't know	4.7%
No answer	40%	No answer	40%
3) GBV should be reported by neighbours / relatives to the police		4) GBV should receive special care	
True	51%	True	52%
False	4.2%	False	3.2%
Don't know	4.7%	Don't know	4.7%
No answer	40%	No answer	40%

Respondents mostly take side of victims and they are mostly in favor of improvement of their status. Namely, majority agrees that victims “should be more protected by the institutions”, that “GBV should receive special care”, as well as with the notion that cases of GBV should be reported by neighbours / relatives to the police. Also, majority disagrees with “GBV is a private matter” statement.

Slightly less than a half of the total number of respondents in Serbia decided, however, not to answer to this question or decided to respond with “don't know“. This is a very high number.

## Awareness of gender-based violence in his/her own environment

### Have you encountered a case of gender-based violence in your surrounding?

Yes	40%	Out of the total number of respondents, 53.2% "have not encountered a case of gender-based violence in their surrounding".  Experience of other respondents is different.
No	53.2%	
No answer	6.8%	

### If yes, how many cases of gender-based violence do you think you have encountered?

1 case	14.2%	The purpose of this question was to dwell deeper into affirmative answers to previous question. So, the respondents think they came across one (14.2%), 2-3 cases (16.8%), 3-5 cases (2.1%) or more than 5 cases (10%). According to the perception of respondents, cases of gender-based violence are taking place in Serbia and to the extent that should not be ignored.
2-3 cases	16.8%	
3-5 cases	2.1%	
More than 5 cases	10%	
No answer	56.8%	

### Do you know about a specific case of gender-based violence among people you personally know?

<sup>82</sup>

Yes, a family member	7.2%	The negative one - "I am not aware of such case" - is the most commonly cited answer.  On the other side, "I have heard about such case in my neighbourhood / city" and "a friend" are the most cited among answers in affirmative tone.
Yes, a friend	13.5%	
Yes, an acquaintance	11.1%	
Yes, I have heard about such case in my neighbourhood/city	17.4%	
No, I am not aware of such case	39.6%	
No answer	11.1%	

<sup>82</sup> Here the respondents were asked to check all answers that apply.

**What has/have the case/s been?<sup>83</sup>**

Physical violence	18.2%
Emotional violence (psychological abuse of the other partner)	11.3%
Economic violence (use of finances to control the other person)	7.2%
Sexual assault (rape) in marriage	6.6%
Sexual assault outside marriage	4.1%
Sexual harassment (workplace, school, public places, etc.)	3.8%
Trafficking for purpose of sexual exploitation	3.1%
Forced marriage	1.6%
Early marriage of young girls or boys	2.8%
Violence occurring because of assumed inequality between two genders	6%
Honor killing or beating	2.2%
All of the above	3.1%
None of the above	0.3%
Other	3.1%
No answer	26.4%

The most commonly cited answers to this question are “physical violence”, “emotional violence” and “economic violence”.

**Have you tried to help the victim/s?<sup>84</sup>**

Yes, report to an agency/institution	9.6%
Yes, tried to talk to the person about their possibilities to escape the situation	19.3%
Yes, took the victim with me	2.5%
No, it is too risky to help victims of GBV	6.1%
I don’t know how I can help	18.3%
No, I do not want to have anything to do with such issues	4.1%
No answer	40.1%

From the feedback we read that among respondents there are those who have tried to help the victim/s of gender-based violence in cases they encountered (by reporting, talking to a person, providing shelter).

"Trying to talk to the person about their possibilities to escape the situation" is the most commonly cited answer in affirmative tone.

Among answers in negative tone "I don’t know how I can help" is the most commonly cited reason for not trying to help.

<sup>83</sup> Here the respondents were asked to check all answers that apply.

<sup>84</sup> Here the respondents checked all answers that apply, on their own initiative.

**What are the signs by which you think you could recognize someone as victim?<sup>85</sup>**

Person does not communicate with the people from his/her surrounding	28.2%
Hear screaming from their home	21.7%
The way they look	28.2%
I would not be able to recognize a case of GBV	13.5%
No answer	8.2%

Among respondents who think that they would be able to recognize someone as a victim of gender-based violence, “person does not communicate with people from his/her surrounding” and “the way they look” are the most commonly cited signs.

On the other side, "I would not be able to recognize a case of gender-based violence" respondents cite in the extent that is not irrelevant.

**On a scale from 1 (not a problem) to 5 (very serious problem), in your opinion, how serious do you think the problem of gender-based violence is in your country?**

Not a problem	1%
Not so serious	2%
I don't know	5.2%
Somewhat serious	45%
Very serious problem	38.2%
No answer	8.4%

According to the perception of the absolute majority, gender-based violence represents a serious problem in the country (majority perceives it as somewhat serious; certain number of respondents sees it as very serious).

**On a scale from 1 (not a problem) to 5 (very serious problem), in your opinion, how serious do you think the problem of gender-based violence is in the Balkan region?**

Not a problem	1.6%
Not so serious	2.6%
I don't know	12.5%
Somewhat serious	30.3%
Very serious problem	44.5%
No answer	8.4%

According to the perception of the absolute majority of respondents in Serbia – gender-based violence is a serious problem in the Balkan region.

Within that group, there are fewer of those who see it as somewhat serious, and far more of those who perceive it as very serious problem.

<sup>85</sup> Here the respondents were asked to check all answers that apply.

## Willingness to address the issue

### If I know/learn about a case of gender-based violence

I know where to report	77.4%
I do not know where to report	16.8%
No answer	5.8%

From the total number of respondents in Serbia, 77.4% “knows where to report” a case of gender-based violence.

Others respond differently.

### If I know/learn about a case of gender-based violence, I will try to help

Certainly	49.5%
Probably	30%
Not sure	8.4%
Rather not do anything	2.1%
Not do anything, it is not my problem	4.2%
No answer	5.8%

From the total number of respondents, 49.5% is certain that they would try to help in such a situation.

All other respondents are unsure, as a minimum.

### Do you think gender is the main reason for violence in some households

Yes	54.2%
No	38.9%
No answer	6.8%

That gender is the main reason for violence in some households is the perception of the majority of respondents (54.2%).

**To whom would you feel most comfortable to report a case of gender-based violence?<sup>86</sup>**

Police	76.1%
NGOs	11%
Local governments	4.8%
Other	1.9%
No answer	6.2%

“Police” is the most commonly cited as an establishment that respondents would feel most comfortable to report a case to. “Non-governmental organizations” are cited in a way lesser extent. Other options are cited in an insignificant extent.

Although the problems can be identified in the performance of institutions, the response indicates that, in terms of addressing gender-based violence, the law enforcement enjoys confidence of the community. Also, in the same context and according to the response, there is a certain amount of trust that respondents put in NGOs.

**Would you be interested in the following?<sup>87</sup>**

Receive training how to identify and help victims of GBV	29%
To become part of GBV advocacy group	15.4%
To get more information on the issue from media	40.7%
I am not interested in this issue	10.4%
No answer	4.5%

Among the answers in the affirmative tone, "to get more information on the issue from the media" was the most commonly cited as a form of activity the respondents would be interested in.

On the other hand, the extent to which respondents cite "I am not interested in this issue" is not significant.

<sup>86</sup> Here the respondents checked all answers that apply, on their own initiative.

<sup>87</sup> Here the respondents checked all answers that apply, on their own initiative.

## Policy recommendations

Serbia has made steps forward in dealing with gender-based violence. Despite the improvements in the area of prevention of gender-based violence, it is concerning that the number of women killed by their husbands, former husbands and partners constantly increases.

As mentioned before, only last year 35 women were killed in gender-based violence.<sup>88</sup> In a report produced by Women against Violence Network in Serbia, it is pointed out that every other victim has sought help and protection by relevant institutions prior to their murder. This only shows that the institutions have continuously failed in providing adequate and efficient protection of women, which could have possibly prevented their murder. Therefore, it is indispensable that responsible authorities are encouraged to give more restraining orders to perpetrators of violence and thus protect women. Furthermore, criminal sanctions for non-compliance with restraining orders should be introduced, so as to strengthen protection of women.

Currently, Serbia has 14 shelters with 162 shelter places. Of these 14 shelters, only five are specifically designated to women survivors of gender-based violence. However, there are no support centres for survivors of sexual violence in Serbia. Most of the counselling services for women survivors of gender-based violence are provided by NGOs.<sup>89</sup> While, there is no national women's helpline, there is one helpline available to both men and women victim of domestic violence. Also, there are SOS hotlines, run by women's NGO, which provide assistance to women victims of trafficking. Around 4 of these hotlines are available to women with disabilities victims of violence and 2 hotlines for ethnic minority groups and Roma women. Also, in 2009 there were 9 safe houses in Serbia, and subsequently 4 new were opened. Some of these safe houses are funded by the state and others are funded by citizen's donations. With the opening of the safe houses the absorption capacity increased up to 50%, allowing accommodation of over 200 women. However, this is still below the Council of Europe Taskforce standards, which recommend one safe house per 10.000 inhabitants. Therefore, it is important that a national helpline for women victims of gender-based violence is introduced and the number of shelters and safe houses is increased to correspond to the recommendations.

The implementation of the laws, which tackle different forms of gender-based violence, has not been very successful. It is necessary that effective investigations in cases of gender-based violence are not only carried out but perpetrators of such crimes are also prosecuted and punished, with sanctions that correspond to the gravity of their crimes. More importantly, given the information that most of the women victim of femicide previously contacted the relevant institutions and were not provided with adequate assistance it is essential that this situation is rectified to prevent future cases of femicide. Namely, relevant institutions and authorities must be made aware of the importance of issuing emergency protection orders when women are in risk and to ensure that these protection orders are maintained until women are safe.

Our public opinion survey results also indicated that many victims in Serbia are reluctant to report cases of GBV, pointing indirectly to a presence of lack of trust in institutions. This indicates that potentially significant number of cases goes unreported. Corruption is widespread in the country and, among other, impedes efforts to confront this issue effectively. Accordingly, further efforts need to be invested in order so to eradicate gender based violence in Serbia:

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<sup>88</sup> See: Femicide- Murders of Women in Serbia. "Women against Violence" Network 2015. Available at: [http://www.zeneprotivnasilja.net/images/pdf/FEMICIDE\\_Narrative\\_and\\_Quantity\\_Annual\\_Report\\_for\\_2015.pdf](http://www.zeneprotivnasilja.net/images/pdf/FEMICIDE_Narrative_and_Quantity_Annual_Report_for_2015.pdf)

<sup>89</sup> See: Country Report 2013. Women Against Violence Network (WAVE) Available at: [http://www.canonsociaalwerk.eu/1994\\_wave/WAVE%20Country%20Report%202013%20Final%20Version.pdf](http://www.canonsociaalwerk.eu/1994_wave/WAVE%20Country%20Report%202013%20Final%20Version.pdf)

- Invest additional efforts in poverty reduction and in ending discrimination
- Build integrity of institutions in order to reduce / eliminate corruption affecting the implementation of anti-GBV measures, so to regain trust of victims and citizens
- Fully implement all Council of Europe Taskforce recommendations for Serbia
- Harmonise urgently the national legislation with standards stipulated in the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence
- Fully implement the adopted amendments to the Criminal Code in accordance with the Istanbul Convention
- Consider introducing criminal sanctions for non-compliance with restraining orders.
- Adopt and implement rules and regulations on free legal aid so to ensure effective access to justice without discrimination on any grounds
- Improve the quality of statistical data and their availability to research community, civil sector and all other interested parties, so to create conditions for development of appropriate policies and evaluation of policies on the basis of updated and adequate statistics
- Develop methodologies and conduct adequate researches to collect reliable data on child marriages; Develop and implement adequate programs based on the research results so to address the problem of early marriage and motherhood.
- Ensure that new National Strategy for the Improvement of the Status of Women and the Promotion of Gender Equality is developed and adopted (make effort so that Strategy addressees migrant population as well). Ensure that efficient implementation monitoring mechanism is in place.
- Ensure that new National Strategy and Action Plan for the Prevention and Suppression of Violence against Women in Family and in Partnership Relations is developed and adopted (make effort so that Strategy addressees migrant population as well). Ensure that efficient implementation monitoring mechanism is in place.
- Ensure that new National Strategy for prevention and protection of children from violence is developed and adopted (make effort so that Strategy addressees migrant population as well). Ensure that efficient implementation monitoring mechanism is in place.
- Ensure that shelters for victims of gender based violence and centres for social work are sufficiently funded.
- Ensure that the number and types of specialized services for support, advice, rehabilitation and therapy for victims of gender based violence increases across Serbia; Ensure that services are available equally in areas outside cities, as in cities.
- Ensure that services are available for children that are victims of GBV or witnesses of violence. Ensure that services are available equally in areas outside cities, as in cities.
- Establish or increase the existing number of specialized services that are effectively working with perpetrators to change their behaviour, values and their mindset towards violence against women
- Conduct a needs assessment of institution personnel that deal with cases of gender-based violence, so to identify the quantity / quality of trainings needed to equalize the level of professional skills and sensitizing officials and experts for gender-based violence; Develop and implement adequate policy based on the findings of the needs assessment report
- Ensure that mandatory trainings with purpose to familiarise judges, prosecutors, lawyers and law enforcement officers on the content of the Istanbul Convention are provided on regular basis so to ensure uniform application of the existing legal framework and improve the response to GBV

- Organise regular trainings to educate and raise awareness among institutions personnel, particularly amongst primary health care staff, law enforcement officials and social services, so all service providers learn the signs or symptoms of GBV and where cases should be referred to. Ensure that teachers in schools also receive respective trainings regularly.
- Include in the civic education programme in all schools for children between the ages of six and 18 years old gender equality lessons. Provide young people both in schools and universities with information on what constitutes gender-based violence, including information on harmful traditional practices.
- Develop and implement campaigns so to ensure that children understand what familial violence is, including information on referral centres, hotline, shelters and assistance available to victims so they could report cases of abuse
- Follow the recommendations of independent bodies (such as Commissioner for Equality Protection) and implement appropriate changes in the education system (secondary schools and faculties), in order to create a social environment that would have a preventive function
- Design and implement national awareness raising campaigns so to inform the general public on what constitutes domestic violence, also providing information on spousal rape, including information on referral centres, hotline, shelters and assistance available to victims of domestic violence. Include also the information whom to address if competent individual / institution / service provider is being unresponsive or inefficient.
- Ensure that all campaigns have strong focus on local level and areas outside of cities
- Develop and implement adequate actions so to initiate a comprehensive and thorough dialogue (to include national, regional and international actors) in order to identify solutions for eradication of practices and customs that are harmful and which are practiced regularly under the veil of customs/traditions and/or within religious communities.
- Design and conduct awareness raising-campaigns so to target negative practices of particular features of traditional upbringing or of local culture that lead to increase in the occurrence of violence against women.

### III HUMAN TRAFFICKING

#### COUNTRY PROFILES

##### 3.1 ALBANIA

###### General overview

Despite the notable measures that the Albanian authorities have taken in the past several years to fight trafficking in human beings (THB), Albania still remains source and destination country for women, children and man subjected to forced labour and sex trafficking. The majority of women and children of Albanian origin are trafficked for the purpose of sex exploitation internally or in some of the neighbouring countries / territories, such as Kosovo, Macedonia, and Greece but also in EU countries. On the other hand, the U.S. Department of State's report on Trafficking in Persons also notes that in addition to Albanian also some foreign women from European countries such as Ukraine, Russia, the United Kingdom, and Norway had been victims of sex trafficking or are used as forced labour in the tourism industry in Albania.

The majority of children who are being trafficked of Albanian, Romani or Balkan Egyptian origin are trafficked for forced begging or other forms of forced labour, most often in the neighbouring countries but also in some Western European countries. Namely, the British children's charity organization Barnardo's, which have been involved in the introduction of a new Home-Office founded service for protection of children victim of trafficking warned that the number of Albanian children trafficked in the UK has increasingly been rising. The indications are that if this trend continues it is highly likely that the Albanians, who currently comprise a quarter of all trafficked children in the UK could outnumber Vietnamese children trafficked in the UK.<sup>90</sup> These warnings are particularly alarming as only five years ago the Albanian children were not even mentioned as vulnerable group in the UK. Most of these children are brought in voluntary and end up being exploited for criminal activities, such as begging or petty crime; forced labour either on building sites or into domestic servitude; and the estimates are that a third of these children are subjected to sexual exploitation.

In face of the current migrant crisis, Albania has become also one of the countries of transit of migrants and refugees, though to a lesser degree, compared to the neighbouring countries such as Greece, Macedonia and Serbia. The closing of the borders along the so-called Balkan route has opened up opportunities to both traffickers and smugglers alike. Yet, the police have yet to identify any of the transiting migrants or refugees as trafficked or smuggled victims.

Among the major obstacles, which prevent law-enforcement to tackle trafficking in Albania are the overwhelming levels of corruption and the high turnover in the police force. Equally problematic is the

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<sup>90</sup> See: Surge in Albanian child slaves trafficked to Britain. October 2015.Guardian Online.Available at: <http://www.theguardian.com/world/2015/oct/17/albanian-trafficked-child-slaves-surge>

involvement of state officials in trafficking cases. To date two parliamentarians had to resign for previous involvement and conviction of sex trafficking crimes in EU countries. One parliamentarian from the Christian-democrats' ranks was arrested and awaits trial in Brussels, for committing a human trafficking related murder in 1999. The other one from the Socialist party had to resign after being exposed in the parliament for having human trafficking sentence in Italy.<sup>91</sup>

The law-enforcement efforts, however, have been improved in the past couple of years in terms of better prosecution and conviction of traffickers. What remains to be significantly improved are the reintegration services, as well as the psychological and medical service provided to trafficked victims. Furthermore, funding to NGO shelters and NGOs working in the area of human trafficking continues to be under-resourced. In context of this, important to mention is that the only shelter, which provided services to children victim of trafficking, was closed for several months due to insufficient funds.

At expert panels organised in Albania, in regard to the current situation, the participants said that human trafficking is a severe problem. Namely, Albania is the candidate country (in EU integration process), yet Albanians are amongst the first people who apply for asylum. The agencies reported recently that 1/3 of applications are from unaccompanied children. There is an increasing number of applications.

They mentioned examples of people being trafficked between Korce (Korcë) in the south of Albania, through Tirana the capital and onto Kosovo. "These people work in strip clubs and night clubs. They do not see themselves as 'trafficked', but see themselves as earning more money and treated well," they said.

The numbers for trafficking are reportedly getting lower. But participants questioned whether is that the reality or is that more related to how the data and information is interpreted / are the people 'prostitutes' or trafficked. The police are, namely, unable to provide immediate care or meet the needs of victims of trafficking, so it is easier not to recognise them as victims of trafficking.

They highlighted some of the new models or trends of human trafficking / of recruitment for human trafficking - they include a) recruitment of young girls to become models in Germany, but they end up working as prostitutes; b) some of the 'Work Agencies' are actually traffickers and make their money very easily through recruiting people this way; c) families are 'selling / giving' their daughters for marriage for sums of 10.000 ALL (cca 75 EUR).

## Legal framework

In 2002 Albania ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, accompanying the United Nations Convention against Transnational Organised Crime ("Palermo Protocol"). Albania is also signatory of the Council of Europe Convention on Action against Trafficking in Human Beings, which it ratified on 6 February 2007. According to Article 122 of the Albanian Constitution, ratified international treaties become part of Albania's internal legal system and are thus directly applied and take precedence over national laws that are not compatible with that treaty.

Criminal Code (CC) of Albania prohibits sex and labour trafficking under Articles 110(a) and 128(b), which prescribe penalties of eight to 15 years' imprisonment. The Criminal Code was amended in

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<sup>91</sup> See: Cela, Lindita. Vicious Circle: Albanian Victims Struggle to Escape Shadow of Sex Trade. December 2015. Balkan Insight Available at: <http://www.balkaninsight.com/en/article/vicious-circle-albanian-victims-struggle-to-escape-shadow-of-sex-trade-12-15-2015>

2013 to bolster up its anti-trafficking provisions, including raising the minimum sentence for trafficking of adults from five to eight years' imprisonment and increasing the sentences for trafficking of minors. Additionally, those amendments addressed internal human trafficking.

The Criminal Code contains three articles relevant to human trafficking, which were incorporated in the CC in 2004: Article 110(a) ("trafficking in persons"), Article 114(b) ("trafficking in women") and Article 128(b) ("trafficking in minors"). The legal amendments made to the CC contain provision for financial compensation to trafficked victims as well as provision of social services in the centers of reintegration and reception. Furthermore, in order to more efficiently coordinate the work of the central and local structures in their fight against trafficking with persons, by-laws had been adopted.

To date, Albania has had five National Anti-Trafficking Strategies accompanied with national action plans. Each Strategy was followed by an evaluation, which served as basis for the development of the subsequent Strategy. The first National Anti-Trafficking strategy covers the period of 2001-2004; the second National Strategy against Trafficking in Human Beings is for the period 2005-2007; following a detailed report of the implementation of the second strategy the third National Strategy for the Fight against Trafficking in Human Beings for the period of 2008-2010 was developed. Alongside this third strategy supplementary document entitled "National Strategy for the Fight against Trafficking and the Protection of Child Victims of Trafficking" was approved. The fourth National Action Plan on the Fight against Trafficking in Persons for 2011-2013 was drawn up in 2011, following a report assessing the implementation of the previous 2008-2010 Strategy. The report, among other things, also makes recommendations for more substantial involvement and cooperation with the NGO sector and local administration in the protection of victims, as well as financial support of non-public sectors run by NGOs; proactive investigation and improvement of statistical data in the area of national trafficking; strengthening of regional and international cooperation with both, neighbouring and destination countries; improvement of the awareness-raising measures, as well as training of policy, migration officers and border guards.

On basis of these recommendations the fifth Strategy for the Fight against Human Trafficking and Action plan for 2014-2017 (henceforth: Strategy 2014-2017) was drawn up. It is foreseen that the Office of the National Anti-Trafficking Coordinator is responsible for monitoring of the Strategy 2014-2017.

At expert panels organised in Albania, implementation of the law as well as the performance of institutions were discussed, among other. Participants highlighted certain weaknesses in the implementation of the law.

Labour and child exploitation is not recognised as being part of human trafficking. "Only a person's legal papers / documentation are checked. There is no national database or data – only those people who are identified / confirmed as victims of trafficking are counted and not those people who are potential victims of trafficking, so the actual numbers could be much higher," participants said.

Civil society organisations ARSIS, IOM, World Vision and Terre des Hommes are active in this field. ARSIS runs a day centre and emergency shelter for children and mothers. The majority of these CSOs focus on children and youth so there are many issues of children who are trafficked and exploited. An example was given of a request made to the police to remove children and adults begging on the streets, but the response was, 'where can we send them to?' "The National Referral Mechanism only works with identified victims of trafficking not potential victims of trafficking," the participants highlighted.

There is a pressing need to improve the numbers of possibilities for support in finding employment or VET placements. VATRA Shelter does look at advertised job vacancies for women. An issue for many victims of trafficking is that the jobs that they are offered do not provide a good salary, so the

people prefer to return to their informal work where they can earn the same amount in one day, as opposed to one week.

Participants at expert panels highlighted the lack of resources. Currently the services provided are insufficient - the resources and supports available are not adequate to meet the needs of people who have experienced exploitation. More support - both human and financial – is needed to improve the identification of potential victims and support to those who are identified.

## **Institutional framework**

In the past couple of years, the Albanian Government has made number of improvements in the institutional set up in order to improve, streamline and harmonise the institutional cooperation and efficiency in the fight against trafficking in persons. The most important institution on a political level- the State Anti-Trafficking Committee (hereinafter: the State Committee), was expanded in June 2014 with four new members. This is inter-governmental body that devises strategic priorities and implements governmental action against trafficking of human beings jointly with the National Co-ordinator for the Fight against Trafficking in Human Beings and the National Anti-Trafficking Task Force.

The second relevant institution is the Office of the National Co-ordinator, which is responsible for co-ordinating all anti-trafficking activities within Albania and draws up periodical reports on the level of implementation of the strategy for the fight against trafficking in Albania. Furthermore, within its scope of activities also fall the collection and management of data on trafficking and it ensures that the necessary funding is mobilised for anti-trafficking activities.

In the past couple of years, the National Coordinator coordinated with the Ministry of Finance the effective implementation of Anti-Mafia Law with regard to supporting the National Coalition of Anti-Trafficking Shelters. Also, the Office of the National Coordination undertook several steps to improve the regional and international cooperation, which included bilateral cross-border meetings with immediate neighbouring countries / territories, such as Kosovo and Montenegro in 2014. The meetings resulted in signing of an additional protocol on “Intensifying Cooperation in the Fight against Trafficking in Persons and on the Enhanced Identification, Notification, Referral and Voluntary Assisted Return of Victims and Potential Victims of Trafficking.” Similar Memorandum of Understanding was signed with the UK in 2014, which aims at improving the mutual efforts in the fight against human trafficking.

The National Anti-Trafficking Task Force (hereinafter "the Task Force") consists of specialists from the central and local authorities and NGOs involved in fighting trafficking of human beings. In addition to assisting the State Committee in developing Government's strategic objectives and monitoring developments in the country, the Task Force also participates in the evaluation of the policies and the implementation of the National Referral Mechanics (hereinafter: NRM).

The NRM serves to improve the inter-agency coordination in the delivery of protection and assistance to potential victims and victims, who are trafficked or originate from. Its role is to cover every phase of the process, starting from identification, to accommodation, repatriation and reintegration of victims. The activities carried out within the framework of the NRM are coordinated by the Responsible Authority, which represents a multidisciplinary group of six experts. The Responsible Authority also collects data and submits reports to the National Co-ordinator, and intervenes as last resort in difficult cases of victim referral.

## Public opinion survey - Results

### General awareness of human trafficking

#### Have you ever heard about the term “human trafficking”?

Yes	98%
No	1%
No answer	1%

The number of those that respond negatively to this question is insignificant.

The response indicates that almost everyone has heard of the term "human trafficking"

#### How did you first hear about human trafficking first?<sup>92</sup>

TV	60.5%
Newspaper	14.7%
Friends	7.7%
Family	5.8%
Government	1.2%
Other	5%
No answer	5%

As the source of first information about human trafficking respondents most commonly cite the traditional media - TV and newspapers.

“Friends” and “family” are cited much less. Finally, “government” is the least cited response.

Obviously, non-institutional mechanisms - traditional media and, to a certain extent, one’s own social circle – play central role in general public’ finding out about the problem of human trafficking.

#### What do you think best describes human trafficking?<sup>93</sup>

Here the respondents were offered a list of options and were asked to check all that apply. The respondent cited mostly - “organized crime” (27.6%) and then “violation of human rights” (20.6%), “modern day slavery (18.6%), “sexual exploitation” (10.2%), “forced recruitment and transportation of people from one place to another for the purpose of exploitation” (9.8%), “organ trade” (8.2%) and “moving to another country for better jobs” (3.3%). “Escaping a war” (0.6%) was the least cited option.

So, according to the perception of respondents, "organized crime", "human rights violation" and "modern day slavery" are the terms that best describe human trafficking.

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<sup>92</sup> Here the respondents were asked to check all answers that apply.

<sup>93</sup> Here the respondents were asked to check all answers that apply.

**Have you ever attended/participated in an event specifically devoted to human trafficking?**

Yes, a conference/training	14.6%
Yes, public event	12.2%
No	69.8%
Other	0.5%
No answer	2.9%

It appears that circa quarter of the total number of respondents was exposed, at some point, to relevant public events, trainings, etc.

With remaining number of respondents, that was not the case. Namely, more than two-thirds of the respondents say that they did not attend any public event devoted to the topic of human trafficking.

**Where do you think victims of human trafficking mainly originate?<sup>94</sup>**

Eastern Europe	25%
Middle East	12.8%
Asia	22.7%
Western Europe	7.3%
USA	1.3%
Africa	26.1%
No answer	4.7%

“Africa” is the most commonly cited answer.

“Asia” and “Eastern Europe” are cited with slightly lesser frequency.

The response indicates that there are visible consequences of ongoing wars. Exploitation of those coming from poor and / or unstable regions is also visible.

<sup>94</sup> Here the respondents were asked to check all answers that apply.

### Victims of human trafficking are most commonly<sup>95</sup>

Women	44.7%
Children	33.7%
Men	16.8%
Old people	2.4%
No answer	2.4%

As the most common victims of human trafficking, respondents most commonly cite “women” and “children”.

“Men” is cited in a much lesser extent.

### Human trafficking is predominantly conducted for<sup>96</sup>

Sexual exploitation of victims	32.4%
Illegal labor	38.8%
Child Labor	8.6%
Organ removal	14%
Slavery	3.2%
Other	0.3%
No answer	2.5%

Exploitation for the purpose of illegal labor, sexual exploitation and organ removal are predominant purposes of human trafficking, as respondents in Albania perceive it.

### Respondents were asked to respond with true / false to following statements

1) Human trafficking victims should be protected in the countries where they have been trafficked by the institutions	
True	70.7%
False	1%
Don't know	17.6%
No answer	10.7%

2) Human trafficking victims have to be deported to their country of origin	
True	43.4%
False	28.3%
Don't know	17.6%
No answer	10.7%

<sup>95</sup> Here the respondents were asked to check all answers that apply.

<sup>96</sup> Here the respondents checked all answers that apply, on their own initiative.

3) Human trafficking victims should be punished for their illegal activities

True	15.6%
False	56.1%
Don't know	17.6%
No answer	10.7%

4) Human trafficking victims should be integrated in the countries where they presently live

True	58%
False	13.6%
Don't know	17.6%
No answer	10.7%

Respondents mostly take side of victims and they are mostly in favor of improvement of their status. Namely, majority agrees that victims “should be protected in the countries where they have been trafficked by the institutions”, as well as with the idea that victims should be integrated in the countries where they presently live. Also, majority disagrees that human trafficking victims should be punished for their illegal activities.

It is the other way round, however, with the "victims should be deported to their country of origin" statement - majority responds to it with "true".

More than a quarter of the total number of respondents in Albania decided not to answer to this question or decided to respond with “don't know“. This is not an irrelevant number.

### Awareness of human trafficking in his/her own environment

**Do you know if human trafficking happens in your country?**

Yes	41%
No	53.2%
No answer	5.8%

From the total number of respondents in Albania, 53.2% "doesn't know if human trafficking takes place in the country".

Other respondents think differently.

**If yes, how many cases of human trafficking do you think you have encountered?**

1 case	12.2%
2-3 cases	10.2%
3-5 cases	7.3%
More than 5 cases	7.8%
No answer	62.4%

The purpose of this question was to dwell deeper into affirmative answers to previous question.

So, the respondents (that think that human trafficking takes place in Albania) think they have encountered one (12.2%), 2-3 cases (10.2%), 3-5 cases (7.3%) or more than 5 cases (7.8 %) of human trafficking.

According to the perception of respondents, human trafficking cases are taking place in Albania in the extent that is not irrelevant.

### Do you know about a specific case of human trafficking among people you personally know?<sup>97</sup>

Yes, a family member	1.4%
Yes, a friend	4.8%
Yes, an acquaintance	7.1%
Yes, I have heard about such case in my neighbourhood/city	17.6%
No, I am not aware of such case	55.2%
No answer	13.8%

"I do not know of such a case" (55.2%) is the most commonly cited answer.

"I have heard about such case in my neighbourhood / city" (17.6%) is the most cited among answers in affirmative tone.

Other answers in affirmative tone ("family member", "friend", "acquaintance") are cited in a far less extent.

### What have the case/s been?<sup>98</sup>

Sexual exploitation	19.3%
Forced labor/ street begging	12.2%
Organs	6.3%
Other	3.6%
No answer	58.6%

The purpose of this question was to dwell deeper into affirmative answers to previous question.

"Sexual exploitation" is the most commonly cited answer.

"Forced labor / street begging" is cited less, and "organ removal" and "other" as purposes of a case of human trafficking in question are the least cited.

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<sup>97</sup> Here the respondents were asked to check all answers that apply.

<sup>98</sup> Here the respondents were asked to check all answers that apply.

### Have you tried to help the victim/s?

Yes, report to an agency/institution	6.3%
Yes, tried to talk to the person about their possibilities to escape the situation	2.4%
Yes, took the victim with me	2.4%
No, it is too risky to help victims of human trafficking	23%
I don't know how I can help	20.5%
No, I do not want to have anything to do with such issues	16.1%
No answer	29.2%

From the feedback we read that among respondents there is a certain percentage of those who have tried to help the victim/s of trafficking in cases they encountered (by reporting, talking to the person, providing shelter).

Among those, majority tried to help by "reporting the case to an agency / institution" (6.3%).

Far greater though is the percentage of those whose answers were in negative tone. Their reasons are different - "I do not want to have anything to do with such issues" or "I don't know how I can help". The most common reason is that respondents think "it is too risky to help victims of human trafficking" (23%).

### What are the signs by which you think you could recognize someone as victim of human trafficking?<sup>99</sup>

Person does not communicate with the people from his/her surrounding	15.8%
Hear screaming from their home	10.7%
Suspicious stories they tell about their identity	12.4%
They are in suspicious relationship	13.7%
The way they look	10.4%
I would not be able to recognize a case of human trafficking	29.2%
No answer	7.7%

"I would not be able to recognize a case of human trafficking," is the most commonly cited answer to this question.

Among respondents who think that they would be able to recognize someone as a victim of human trafficking, "person does not communicate with people from his/her surrounding" and "they are in a suspicious relationship" are the most commonly cited signs.

<sup>99</sup> Here the respondents were asked to check all answers that apply.

**On a scale from 1 (not a problem) to 5 (very serious problem), in your opinion, how serious do you think the problem of human trafficking is in your country?**

Not a problem	0.5%
Not so serious	6.3%
I don't know	23.4%
Somewhat serious	27.8%
Very serious problem	39.5%
No answer	2.4%

It is undisputable that cases of human trafficking take place in Albania. However, something else can be read from the response of the participants in this survey. Namely, there is a certain number of respondents that perceive the problem of human trafficking as “somewhat serious” and a significant number of respondents that perceive it as “very serious”.

Thus, it turns out that - according to the perception of over two-thirds of the total number of respondents in Albania - human trafficking represents a serious problem in the country.

**On a scale from 1 (not a problem) to 5 (very serious problem), in your opinion, how serious do you think the problem of human trafficking is in the Balkan region?**

Not a problem	0.5%
Not so serious	7.3%
I don't know	30.7%
Somewhat serious	10.2%
Very serious problem	48.3%
No answer	2.9%

According to the perception of the majority (more than half of the total number of respondents in Albania) – human trafficking is a serious problem in the Balkan region.

Within that group, there are less of those who perceive it as “somewhat serious”, and far more of those who see it as a “very serious” problem.

**Willingness to address the issue**

**If I know/learn about a case of human trafficking**

I know where to report	43%
I do not know where to report	51.2%
No answer	5.8%

From the total number of respondents, 43% “knows where to report” a case of human trafficking.

Others responded differently.

### **If I know/learn about a case of human trafficking, I will try to help**

Certainly	26.3%
Probably	18%
Not sure	36.6%
Rather not do anything	10.7%
Not do anything, it is not my problem	5.4%
No answer	3%

From the total number of respondents, 26.3% would certainly try to help in such a situation.

All other respondents are unsure, as a minimum.

### **Do you feel secure to report alleged human trafficking activities?**

Yes, I feel secure	20.5%
No, I feel it is too risky	38.5%
Don't know	38.5%
No answer	2.4%

From the total number of respondents, 20.5% “feels secure” to report alleged human trafficking activities.

All other respondents do not share that feeling.

### **Are you aware of some of these cases in your neighbourhood/town/city?<sup>100</sup>**

Women being married off abroad and not returning	17%
Street begging	30%
Men/Women who were forced to work in your country or abroad and not paid for that	20.4%
Newcomers that you suspect are victims	3.9%
Not aware of such cases	19.1%
No answer	9.5%

With considerable frequency the respondents cite that they are “not aware of such cases”.

On the other side, those that are aware of some cases most commonly cite “street begging” as well as cases of “men / women who were forced to work in Albania or abroad and were not paid for that”.

The response, thus, indicates the prevailing presence of cases of labor exploitation.

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<sup>100</sup> Here the respondents were asked to check all answers that apply.

**In your opinion, is there a difference between human trafficking, smuggling and illegal migration?**

Yes	89.3%
No	3.9%
No answer	6.8%

According to the response, majority is of the opinion that there is a difference between human trafficking, smuggling and illegal migration.

**To whom would you feel most comfortable to report on human trafficking cases?<sup>101</sup>**

Police	72.9%
NGOs	18.2%
Border Guards	0%
Local governments	1.4%
Other	0.5%
No answer	7%

“Police” is the most commonly cited as an establishment that respondents would feel most comfortable to report a case to. “Non-governmental organizations” are cited with smaller, yet significant frequency. Other options are cited far less.

Although the problems can be identified in the performance of institutions, the response indicates that, in terms of combating human trafficking, the law enforcement enjoys confidence of the community. Also, in the same context, the level of trust that respondents put in NGOs is not insignificant, according to the response.

**Would you be interested in the following<sup>102</sup>**

Receive training how to identify and help victims of human trafficking	11.5%
To become part of human trafficking advocacy group	12.4%
To get more information on the issue from media	40.6%
I am not interested in this issue	25.2%
No answer	10.3%

Among the answers in the affirmative tone "to get more information on the issue from the media" is the most commonly cited as a form of activity the respondents would be interested in (40.6%).

On the other side, the next most commonly cited answer is "I am not interested in this issue" (25.2%).

<sup>101</sup> Here the respondents checked all answers that apply, on their own initiative.

<sup>102</sup> Here the respondents were asked to check all answers that apply.

## Policy recommendations

Although serious efforts were invested in prevention, in prosecution of perpetrators as well as in protection of victims, authorities are still not completely successful in fighting human trafficking.

Results of this research indicate, namely, that certain challenges prevail. Among other, the number of those leaving the country (asylum seekers) is on the rise, so the number of people at risk is increasing. Presence of cases of child labor (street begging) and of labor exploitation is obvious. Citizens are insufficiently informed about human trafficking, where they could report a case and unsure whether it is safe to help the victims. Confidence in the institutions is at a low level. Corruption impedes efforts to confront this issue effectively. Moreover, protection and care for victims of human trafficking is not adequate - the available resources (human and financial) are still insufficient.

From the results of the analysis of the legal and institutional framework, as well as from the findings of the opinion survey of wider and the expert public, we conclude that further efforts are needed for successful elimination of human trafficking in Albania:

- Invest additional efforts in poverty reduction, in ending discrimination and decrease of cases of school drop-outs
- Build integrity of institutions (police, judiciary, etc) in order to reduce / eliminate corruption affecting the implementation of anti-trafficking operations and activities, so to regain trust of victims and citizens
- Improve levels and types of coordination between all stakeholders.
- Develop and implement policies so to discourage and reduce the demand for services of victims of trafficking
- Allocate sufficient funds for protection and (re)integration services from the state budget (both for adults and for children), as current resources and supports available are not adequate to meet the needs of people who have experienced exploitation.
- Ensure that shelters are regularly funded and equipped with personnel, specialized to provide free medical and psychological support.
- Allocate sufficient funds from the state budget for prevention activities
- Increase the early identification and referral of all trafficked victims and potential victims of trafficking at the borders, abroad and in Albania and increase the number of persons self-identifying themselves as trafficked persons within each region of the country.
- Improve the identification of potential and victims of trafficking or smuggling or illegal migration at the local level and their referral
- Improve the identification of potential child victims and victims of trafficking and refer them to the appropriate local and national services for immediate protection and rehabilitation
- Organise trainings for institution personnel so to act professionally rather than not address or choose to ignore the behaviours that amount to trafficking; Organise such trainings that really tackle all the issues and their responsibilities;
- Promote nationally re-integration and social inclusion of child victims and potential victims of trafficking and reduce the risk of re-victimization and re-trafficking by provision of specialized support and assistance for reintegration, focusing on the family and individuals

and local community based support in accordance with the agreed standards and Action Standard Procedures.

- Introduce education programmes in schools to raise awareness of children, teachers, school directors on types of trafficking and risks of illegal migration (i.e. a greater awareness of illegal work practices and why overseas work is not always what it is advertised as) and where support can be found in the local municipality.
- Organise local community meetings to raise the awareness of youth, families and community members of the risks and types of human trafficking in Albania (bring it to the familiar and friends level as opposed to something that happens to others, but not to us.)
- Conduct preventative and awareness raising campaigns as the general public is not really aware of what human trafficking is; Campaigns should highlight the factors that place potential victims of trafficking at risk and where to go for information and support, including whom to address if the institution / service provider is being unresponsive or inefficient

## 3.2 BOSNIA AND HERZEGOVINA

### General overview

The government of Bosnia and Herzegovina has not met the minimum standards for elimination of human trafficking and the country is still source, destination and transit country for men, women and children victim of forced labour and sex trafficking. The majority of women trafficked within the country, are subjected to sex trafficking in private residences, motels and gas stations. At the same time Bosnian women and man are trafficked for sex and forced labour in the construction industry in Western European countries, but also countries such as Azerbaijan, Serbia, Montenegro, and Croatia.

Often members of Roma community are victims of trafficking and one of the reasons for the vulnerability of this particular group is the lack of proper documentation. The estimates are that around 5000 stateless people mainly of Roma origin have remained undocumented despite implementation of civil registration projects in the country.<sup>103</sup> The lack of proper documentation is making trafficking relatively easy to organize and hard to detect. In addition to their unregulated situation in regard to identity documents, Roma girls and boys are often subjected to forced begging, and forced marriages, which frequently entails domestic servitude. In most cases, it is family members or local organized criminal groups, which are organizing the forced begging and marriages.

In a recent case of 2015, the Bosnian police in cooperation with the French authorities carried out a major operation to break a network of traffickers who trafficked mainly Bosnian Roma women to commit theft in the Parisian public transport. Among the 12 arrested suspects was also the Bosnian consul in France, who was accused for providing false documents to the trafficked women in exchange for bribes.<sup>104</sup> This recent case is a clear indication that the corruption among the political elites, diplomatic circles as well as among the police enforcement units is creating an enabling environment for trafficking. It was also noted that some local police cooperate with brothels and nightclub owners, notifying them for future raids, in exchange for money and sex services and some are even reported working at places where forced prostitution takes place.

During the expert panels held in Bosnia and Herzegovina, the participants pointed out that they are familiar with the existence of the problem of trafficking in human beings in BIH, but they believe that this problem is not visible enough (it belongs to the least reported ones). One of the reasons for this, according to the panellists, is that "the police is involved in human trafficking, but also the politicians, and that is why it is less talked about and less reported." This is a serious problem, according to the panellists.

Furthermore, they pointed out, among other, that they notice that information about missing children is often published and that it is very worrying. They believe that human trafficking is developed

<sup>103</sup> See: Verneuil, de Maylis. Roma Rights 1 2014: Going Nowhere? Western Balkan Roma and EU Visa Liberalisation European Roma Rights Center. <http://www.errc.org/roma-rights-journal/roma-rights-1-2014-going-nowhere-western-balkan-roma-and-eu-visa-liberalisation/4325/4>

<sup>104</sup> See: Trgovina Ljudima Teska 25 Miliona Eura Zene Odvojene od Djece Prosile I Dzeperile u Parizu. July 2015. RadioSarajevo. Available at: <http://radiosarajevo.ba/novost/206525/trgovina-ljudima-teska-25-miliona-eura-zene-odvojene-od-djece-prosile-i-dzeperile-u-parizu>

especially in the Roma population (based on the fact that often they see children begging on sidewalks).

Discussing the working conditions in general, panellists also mentioned that "status / treatment of regular workers (by regular employers) in the country can also often be interpreted as modern form of slavery"

As far as assistance and protection are concerned, the panellists consider that there is scarcity in resources and highlight the lack of information as a specific problem. "We are not sufficiently informed about existing resources, which is a problem, because if we do not have enough information, the question arises as to what extent the general public is informed about it and if they at all know where to refer the victims to get some help. Efforts to familiarize the public with available services, with assistance for trafficked victims, including information on where it is available, are insufficient."

In order to expand or strengthen the existing mechanisms for combating trafficking in human beings and provide resources for adequate assistance and protection to victims, the panellists emphasize that a more just allocation of funds from the state budget is necessary ("In this country money is always available only to those with privileges.")

## **Legal framework**

Bosnia and Herzegovina is state party to the United Nation (UN) Convention against Transnational Organised Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), as well as the UN Convention on the Rights of the Child and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. In addition, Bosnia and Herzegovina has also signed in 2006 and ratified in 2008 the Council of Europe's Convention on Action against Trafficking in Human Beings.

The complex organizational structure of Bosnia and Herzegovina is also dictating the way the legislative framework is arranged. The power of the central government of Bosnia and Herzegovina is very limited. In contrast to this, the governments of the two constituent entities Republika Srpska, the Federation of Bosnia and Herzegovina as well as the autonomous Brcko District have substantial degree of autonomy. Therefore, the legislation on trafficking in human beings consists of legislation on a state level and on a level of the two entities and Brcko District. Further complication arises in the area of the criminal codes - there are presently four criminal codes in Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina has not yet adopted the legislation that criminalizes all forms of trafficking and still prosecutes traffickers under an old Enticement to prostitution statute, Article 210 of the Federation's criminal code. The major problem regarding prosecution of trafficking crimes is that sub-national entity of the Federation of Bosnia and Herzegovina has not corrected its criminal code to prohibit all forms of trafficking to be harmonized with national and international law, which consequently hampers the country's ability to prosecute trafficking crimes.

The policies and the activities in the area of anti-trafficking measures have been defined by three Action Plans, namely for prevention of the Trafficking in Human Beings in Bosnia and Herzegovina for 2001-2003, for combating the Trafficking in Human Beings in Bosnia and Herzegovina for 2005-2007, and for prevention of the Trafficking of Human Beings in Bosnia and Herzegovina for period 2008-2012. In 2013 the government drafted the first Strategy to Counter Trafficking in Human Beings in Bosnia and Herzegovina and the accompanying Action Plan 2013-2015. In defining the strategic priorities, the government relied on numerous relevant sources, including the adopted Directive 2011/36/EU of the European Parliament and Council, from April 5th 2011, on Prevention of Trafficking in Persons and Protection of the Victims, which has replaced earlier legal acts of the EU on trafficking in persons. At the moment, the government is implementing the national anti-trafficking action plan for 2016-2019.

## **Institutional framework**

The supervision over the implementation and coordination of the activities of the stakeholders involved in the implementation of the National strategy and the State Action Plans is one of the responsibilities of the National Co-ordinator for combating trafficking in human beings (hereinafter, the National Co-ordinator). This appointment of the National Coordinator is by the Council of Ministers, following proposal by the State Minister of Security. The role of the National Coordinator is to establish contacts with relevant ministries at the levels of the state, the entities, the Brcko District and the local authorities. The National Co-ordinator is supported administratively by the Office of the National Co-ordinator as well as by appointed officials from the relevant ministries, who together with the National-coordinator form the so called "State Group" in charge of monitoring of the implementation of the State Action Plan.

The Strike Force for combating trafficking in human beings (hereafter, Strike Force) is another institution that was established with the goal of co-ordinating the application of criminal legislation in cases of trafficking. This agency functions as an operational team coordinated by the National coordinator and consists of representatives of law enforcement agencies, in particular the State Information and Protection Agency (SIPA), which is Bosnia's official state police agency, the Border Police, the tax agency, but also public prosecutors from the state Prosecutor's office and two from each of the entities and from the Prosecutor's Office of Brcko District. In joint coordination the representatives forming the Strike Force, discuss all trafficking in human beings' cases and decide who should lead investigations and prosecution, so as to avoid overlaps or conflicts of competences.

For the purpose of implementation of activities planned with the State Action plan on local level four Regional Monitoring Teams (RMTs) were set up in Sarajevo, Banja Luka, Tuzla and Mostar. The RMTs include representatives of the central and local authorities, the state and local prosecutor's office, and law enforcement agencies, as well as representatives from the civil society sector. Each RMT is co-ordinated by a representative of the State Ministry of Security jointly with a representative of the regional SIPA office. They meet on monthly basis, whereas the heads of all four RMTs should meet at least twice a year, although meetings are more frequent. The main purpose of the RMTs is to formalize links between stakeholders at local level and thus exchange information and improve better implementation of activities.

At expert panels organised in Bosnia and Herzegovina, panellists discussed the implementation of the law as well as the performance of institutions, among other.

During the panel, participants emphasized that "trafficking in human beings is a very complex problem; it also involves the role of personnel of institutions - they should provide assistance and protection, but they do it in a very unprofessional way."

"The centers for social work and the police should be the first institutions that provide assistance, then the prosecution and the judiciary." However, the panellists emphasize, "all this does not apply to the Roma population at all. There are still cases of arranged marriages, with remunerations in cash being arranged, which represents the classic sale of children. But institutions simply refuse to deal with it. They say it openly - we are overburdened with other things, that is in the tradition of the Roma population, we will not deal with it."

## Public opinion survey - Results

### General awareness of human trafficking

#### Have you ever heard about the term “human trafficking”?

Yes	95.2%
No	4.3%
No answer	0.5%

The response indicates that vast majority has heard of the term "human trafficking"

The number of those that respond negatively to this question is small.

#### How did you first hear about human trafficking first?<sup>105</sup>

TV	69.7%
Newspaper	14.9%
Friends	6.5%
Family	2%
Government	0.4%
Other	4%
No answer	2.4%

As the source of first information about human trafficking respondents most commonly cite the traditional media - TV and newspapers. “Friends” and “family” are cited far less. Finally, “government” is the least cited response.

Obviously, non-institutional mechanisms - traditional media and, in a small extent, one’s own social circle – play central role in general public’ finding out about the problem of human trafficking.

#### What do you think best describes human trafficking?<sup>106</sup>

Here the respondents were offered a list of options and were asked to check all that apply. The respondent cited mostly – “organized crime” (24%) and then “modern day slavery” (17.8%), “violation of human rights” (14.7%), “human trafficking” (12.5%), “forced recruitment and transportation of people from one place to another for the purpose of exploitation” (11.6%), “sexual exploitation” (11.3%) and “escaping a war” (6.6%). “Moving to another country for better jobs” (1.4%) is the least cited option.

So, according to the perception of respondents, "organized crime", "modern day slavery" and “violation of human rights” are the terms that best describe human trafficking.

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<sup>105</sup> Here the respondents checked all answers that apply, on their own initiative.

<sup>106</sup> Here the respondents were asked to check all answers that apply.

### Have you ever attended/participated in an event specifically devoted to human trafficking?

Yes, a conference/training	2.8%
Yes, public event	7.6%
No	89%
Other	0.5%

Almost 90% of the total number of respondents did not attend any public event dedicated to the theme of human trafficking.

From the response, it appears that only circa 10% was exposed, at some point, to relevant public events, conferences, trainings, etc.

### Where do you think victims of human trafficking mainly originate?<sup>107</sup>

Eastern Europe	26.2%
Middle East	26.2%
Asia	15.6%
Western Europe	3.6%
USA	3.4%
Africa	24.8%
No answer	0.2%

“Eastern Europe” and “Middle East” are the most commonly cited answers.

“Africa” is cited with slightly lesser frequency.

The response indicates that there are visible consequences of ongoing wars. Exploitation of those coming from poor and / or unstable regions is also visible.

### Victims of human trafficking are most commonly<sup>108</sup>

Women	45.8%
Children	31%
Men	20.9%
Old people	1.6%
No answer	0.7%

As the most common victims of human trafficking, respondents most commonly cite “women” and “children”.

“Men” is cited in a much lesser extent.

<sup>107</sup> Here the respondents were asked to check all answers that apply.

<sup>108</sup> Here the respondents were asked to check all answers that apply.

### Human trafficking is predominantly conducted for<sup>109</sup>

Sexual exploitation of victims	32.3%
Illegal labor	30.5%
Child labor	14.2%
Organ removal	15%
Slavery	5.9%
Other	1.8%
No answer	0.2%

Sexual exploitation, exploitation for the purpose of illegal labor and organ removal are predominant purposes of human trafficking, as respondents in Bosnia and Herzegovina perceive it.

### Respondents were asked to respond with true / false to following statements

1) Human trafficking victims should be protected in the countries where they have been trafficked by the institutions

True	78.1%
False	0%
Don't know	14.3%
No answer	7.6%

2) Human trafficking victims have to be deported to their country of origin

True	16.2%
False	61.9%
Don't know	14.3%
No answer	7.6%

3) Human trafficking victims should be punished for their illegal activities

True	1.4%
False	76.6%
Don't know	14.3%
No answer	7.6%

4) Human trafficking victims should be integrated in the countries where they presently live

True	35.7%
False	42.4%
Don't know	14.3%
No answer	7.6%

<sup>109</sup> Here the respondents checked all answers that apply, on their own initiative.

Respondents mostly take side of victims and they are mostly in favor of improvement of their status. Namely, majority agrees that victims “should be protected in the countries where they have been trafficked by the institutions”. Also, majority disagrees that human trafficking victims should be punished for their illegal activities or be deported to their country of origin.

It is the other way round, however, with the "victims should be integrated in the countries where they presently live" statement - majority responds to it with "false".

More than a fifth of the total number of respondents in Bosnia and Herzegovina decided not to answer to this question or decided to respond with “don’t know“. This is not an irrelevant number.

**Awareness of human trafficking in his/her own environment**

**Do you know if human trafficking happens in your country?**

Yes	37.6%
No	61.4%
No answer	1%

From the total number of respondents in Bosnia and Herzegovina, 61.4% "doesn't know if human trafficking takes place in the country". Other respondents think differently.

**If yes, how many cases of human trafficking do you think takes place in 1 year?**

1 case	1%
2-3 cases	6.2%
3-5 cases	4.7%
More than 5 cases	26.6%
No answer	61.4%

The purpose of this question was to dwell deeper into affirmative answers to previous question. So, the respondents (that think that human trafficking takes place in Bosnia and Herzegovina) think that cases of human trafficking do take place - one case (1%), 2-3 cases (6.2%), 3-5 cases (4.7%) or more than 5 cases (26.6%) per yer. According to the perception of respondents, human trafficking cases are taking place in Bosnia and Herzegovina in the extent that is not irrelevant.

**Do you know about a specific case of human trafficking among people you personally know?<sup>110</sup>**

Yes, a family member	0%
Yes, a friend	0.4%
Yes, an acquaintance	1.8%
Yes, I have heard about such case in my	

"I do not know of such a case" (80%) is the most commonly cited answer.

"I have heard about such case in my neighbourhood / city" (16.3%) is the most cited among answers in affirmative tone.

<sup>110</sup> Here the respondents were asked to check all answers that apply.

neighbourhood/city	16.3%
No, I am not aware of such case	80%
No answer	1.4%

Other answers in affirmative tone (“family member”, “friend”, “acquaintance”) are cited with a minimal frequency or not cited at all.

### What have the case/s been?<sup>111</sup>

Sexual exploitation	9%
Forced labor/ street begging	14.3%
Organs	0.9%
Other	2.7%
No answer	73.1%

The purpose of this question was to dwell deeper into affirmative answers to previous question.

“Forced labor / street begging” is the most commonly cited answer.

"Sexual exploitation", “organ removal” and “other“ as purposes of a case of human trafficking in question are cited in a lesser extent.

### Have you tried to help the victim/s?

Yes, report to an agency/institution	1.4%
Yes, tried to talk to the person about their possibilities to escape the situation	1.9%
Yes, took the victim with me	0%
No, it is too risky to help victims of human trafficking	10.4%
I don't know how I can help	41.4%
No, I do not want to have anything to do with such issues	41%
No answer	3.8%

From the feedback we read that among respondents there is a small percentage of those who have tried to help the victim/s of trafficking in cases they encountered (by reporting or by talking to the person).

Among those, majority tried to help by "talking to the person about their possibilities to escape the situation" (1.9%).

Far greater though is the percentage of those whose answers were in negative tone. Their reasons are different – “it is too risky to help victims of human trafficking” or "I do not want to have anything to do with such issues". The most common reason is that respondents "don't know how they can help" (41.4%).

### What are the signs by which you think you could recognize someone as victim of human trafficking?<sup>112</sup>

Person does not communicate with the people from his/her surrounding	15.9%
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"I would not be able to recognize a case of human trafficking," is the most commonly cited answer to

<sup>111</sup> Here the respondents were asked to check all answers that apply.

<sup>112</sup> Here the respondents were asked to check all answers that apply.

Hear screaming from their home	12.8%
Suspicious stories they tell about their identity	15.3%
They are in suspicious relationship	12.5%
The way they look	4.9%
I would not be able to recognize a case of human trafficking	37.6%
No answer	0.9%

this question.

Among respondents who think that they would be able to recognize someone as a victim of human trafficking, “person does not communicate with people from his/her surrounding” and “suspicious stories they tell about their identity” are the most commonly cited signs.

**On a scale from 1 (not a problem) to 5 (very serious problem), in your opinion, how serious do you think the problem of human trafficking is in your country?**

Not a problem	0%
Not so serious	5.7%
I don't know	63.3%
Somewhat serious	18.6%
Very serious problem	11.9%
No answer	0.5%

Majority responds with "I don't know" - around two thirds of the total number of respondents.

Less than a third of the total number of respondents perceive human trafficking as a serious problem in Bosnia and Herzegovina – some of them as “very serious” and slightly more of them as “somewhat serious”.

**On a scale from 1 (not a problem) to 5 (very serious problem), in your opinion, how serious do you think the problem of human trafficking is in the Balkan region?**

Not a problem	0%
Not so serious	2.8%
I don't know	63.8%
Somewhat serious	19%
Very serious problem	14.3%

Like in the previous question, majority also responds with "I don't know" (cca. two thirds of the total number of respondents).

Also like in the previous question, one third of the total number of respondents perceives human trafficking as a serious problem in the Balkan region – some of them as “very serious” and slightly more of them as “somewhat serious”.

## Willingness to address the issue

### If I know/learn about a case of human trafficking

I know where to report	34.3%
I do not know where to report	65.2%
No answer	0.5%

From the total number of respondents, 34.3% “knows where to report” a case of human trafficking.

Others responded differently.

### If I know/learn about a case of human trafficking, I will try to help

Certainly	14.7%
Probably	2.3%
Not sure	53.1%
Rather not do anything	7.1%
Not do anything, it is not my problem	20.8%
No answer	1.9%

From the total number of respondents, 14.7% would certainly try to help in such a situation.

All other respondents are unsure, as a minimum.

### Do you feel secure to report alleged human trafficking activities?

Yes, I feel secure	13.3%
No, I feel it is too risky	32.4%
Don't know	51%
No answer	3.3%

From the total number of respondents, only 13.3% “feels secure” to report alleged human trafficking activities.

All other respondents do not share that feeling.

**Are you aware of some of these cases in your neighbourhood/town/city?<sup>113</sup>**

<b>1) Women being married off abroad and not returning</b>		<b>2) Street begging (children)</b>	
True	15.2%	True	52%
False	68.1%	False	31.4%
Not aware of such cases	11.4%	Not aware of such cases	11.4%
No answer	5.2%	No answer	5.2%
<b>3) Men/Women who were forced to work in your country or abroad and not paid for that</b>		<b>4) Newcomers that you suspect are victims</b>	
True	59.5%	True	12.4%
False	23.8%	False	71%
Not aware of such cases	11.4%	Not aware of such cases	11.4%
No answer	5.2%	No answer	5.2%

In a lesser extent the respondents cite that they are “not aware of such cases”.

On the other side, those that are aware of some cases most commonly cite “men / women who were forced to work in Bosnia and Herzegovina or abroad and were not paid for that” as well as cases of “street begging (children)”.

The response, thus, indicates the prevailing presence of cases of labor exploitation.

**In your opinion, is there a difference between human trafficking, smuggling and illegal migration?**

Yes	83.3%	It appears that a large number of respondents in Bosnia and Herzegovina see the distinction between human trafficking, smuggling and illegal migration.
No	16.6%	
		On the other hand, the number of respondents that think otherwise is not negligible.

<sup>113</sup> Here the respondents were asked to check all answers that apply.

**To whom would you feel most comfortable to report on human trafficking cases?<sup>114</sup>**

Police	81.4%
NGOs	15.1%
Border guards	1.7%
Local governments	0.4%
Other	0.4%
No answer	0.8%

“Police” is the most commonly cited as an establishment that respondents would feel most comfortable to report a case to.

“Non-governmental organizations” are cited with smaller, yet significant frequency. Other options are cited far less.

Although the problems can be identified in the performance of institutions, the response indicates that, in terms of combating human trafficking, the law enforcement enjoys confidence of the community. According to the response the respondents also put their trust in NGOs.

**Would you be interested in the following<sup>115</sup>**

Receive training how to identify and help victims of human trafficking	16.5%
To become part of human trafficking advocacy group	9.1%
To get more information on the issue from media	56.2%
I am not interested in this issue	17.7%
No answer	0.4%

Among the answers in the affirmative tone "to get more information on the issue from the media" is the most commonly cited as a form of activity the respondents would be interested in (56.2%).

On the other side, the next most commonly cited answer is "I am not interested in this issue" (17.7%).

<sup>114</sup> Here the respondents checked all answers that apply, on their own initiative.

<sup>115</sup> Here the respondents were asked to check all answers that apply.

## Policy recommendations

Although efforts were invested in prevention, in prosecution of perpetrators as well as in protection of victims, authorities are still not completely successful in fighting human trafficking.

Results of this research indicate, namely, that certain challenges prevail. Poverty is widespread in communities, and children are in particular risk. Citizens of Bosnia and Herzegovina are becoming more vulnerable, and especially vulnerable are the members of the Roma community. Presence of cases of exploitation of children (street begging) is obvious. Citizens are informed insufficiently about human trafficking and where they could report a case of human trafficking. Confidence in institutions is at a low level. It is obvious also that corruption impedes efforts to confront issues effectively. Flaws in the performance of institutions that practically enable trafficking to flourish, are identified - per example, interpretation of cases involving members of Roma community not as trafficking, but as a result of "their tradition", or failure to focus policies on eradication of labor exploitation (especially of children and youth). The fact that working conditions in the country some interpret as "modern slavery" (poor working conditions, unpaid salaries, etc.) is ultimately also the result of inappropriate response of institutions (or lack of any response). Legislation is still not fully harmonized, and resources available for protection and care for victims of trafficking are insufficient.

From the results of the analysis of the legal and institutional framework, as well as from the findings of the opinion survey of wider and the expert public, we conclude that further efforts are needed for successful elimination of human trafficking:

- Invest additional efforts in poverty reduction and in ending discrimination (current efforts, particularly in regard to Roma community, are insufficient)
- Build integrity of institutions, in order to reduce / eliminate corruption affecting the implementation of anti-trafficking operations and activities and thus regain trust of victims and citizens
- Ensure that the legislative framework and the criminal codes of the entities and Brcko district are harmonized and the new legislative framework on trafficking in human beings is evenly applied across the country.
- Step up the efforts to register all newly born children in Roma community
- Consistently implement the current Action plan for 2016 – 2019 on countering human trafficking; Create conditions for establishing of the independent monitoring mechanism of the implementation of the Action plan
- Develop adequate policies and adapt relevant strategic documents to urgently address causes of exploitation of children and their consequences.
- Improve the coordination between institutions at all levels
- Strengthen the mechanism for identification of victims and potential victims and their referral;
- Strengthen the mechanism for identification of child victims and potential child victims and their referral to appropriate services
- Provide the law-enforcement officials, judges and prosecutors with regular victim-centric trainings on how to deal with victims during investigation and prosecution of cases and how to

provide victim protection and witness protection. Design trainings so to address the issues that arise when cases involve children as victims.

- Provide institutions personnel with regular victim-centric trainings on how to recognise victims and refer victims, so to be able to act professionally rather than not address or choose to ignore the behaviours that amount to trafficking.
- Ensure that referral mechanisms are well-resourced, operational and functioning
- Allocate sufficient funds for protection and (re)integration services from the state budget, as current resources and supports available are not adequate to meet the needs of people who have experienced exploitation.
- Implement regularly comprehensive campaigns aiming to raise awareness on human trafficking and factors that place potential victims at risk (should be aimed both towards the general public as well as specific target groups, which could be susceptible to trafficking in human beings; primarily, among the specific target groups should also be members of the Roma community, children and young people)
- Implement regularly comprehensive campaigns highlighting where to go for information and for support; Campaigns should also highlight whom to address if the competent individual / institution / service provider is being unresponsive or inefficient
- Regularly organise local community meetings to raise the awareness of youth, families and community members of the risks and types of human trafficking in Bosnia and Herzegovina
- Introduce regular education programmes in schools so to raise awareness of children, teachers, and school directors on types of trafficking and risks of illegal migration and where support can be found.
- Develop and implement policies so to ensure that public media broadcaster/s regularly and continuously produce and air shows and programs aimed at preventing trafficking in human beings

### 3.3 FORMER YUGOSLAV REPUBLIC OF MACEDONIA

#### General overview

In comparison to other countries in the region, according to the US State Department of State report on trafficking in human beings, Macedonia fully complies with the minimum standards in the fight of human trafficking. However, although the country is listed in the report as Tier 1 country, there have been failings in the area of prosecution of trafficking in human beings.

The country is still a source, transit and destination country both for forced labour and for sex trafficking. The majority of Macedonian women and girls are trafficked for forced labour and sex exploitation in bars, restaurants and nightclubs. Mostly women from the neighbouring countries / territories, such as Albania, Kosovo, Serbia but also Bosnia and Herzegovina, Ukraine, Romania and other Eastern European countries are trafficked in the country for sex exploitation. Both, man and women are subjected to sex trafficking and forced labour in the construction and agricultural sectors in Western, Southern and Central Europe. Regarding child exploitation, it is mostly children of Roma origin, who are forced to beg or are forced into marriages often by their parents or close relatives. Nonetheless, this issue is still not tackled effectively. Despite the screening and identification of children engaged in street begging and selling, the number of children begging on the streets has not been reduced.

In the past couple of years, the Former Yugoslav Republic of Macedonia, together with Serbia became one of the main transit countries along the Western Balkan route of refugees from war zones. As a result of this crisis, the number of irregular crossing on the border with Serbia and Greece, and to a lesser degree Kosovo, has increased to an extent that irregular migration and human smuggling have become a greater problem than human trafficking is. This, in fact has an effect over the countries' efforts on addressing trafficking in persons as it has been identified that there is a vital lack of mechanisms for identifying cases of trafficking among groups of irregular migrants. Furthermore, with the migrant crisis the resources allocated for trafficking were diverted to efforts associated with stemming irregular migration. The growth in irregular migration is simultaneously creating a growing opportunity for criminal networks who aim at using vulnerable migrants and in particular unaccompanied migrants for trafficking or other forms of abuses.

In the past couple of years FRONTEX identified new trend in trafficking and migration where criminal groups force irregular migrants who have incurred debt for being smuggled in the country, to act as guides to other migrants from Afghanistan and Pakistan transiting through the region. By acting as 'guides' they pay their debts to the traffickers. This kind of arrangement could last for months or even years. Another new trend which was observed in the mass migratory wave was the case of last year when hundreds of migrants who were crossing through the country in a train were pulled off the train by a gang, forced to walk for hours to a village called Vaksince close to the Serbian - FYROM border and held and abused there until they pay a ransom.<sup>116</sup> This new type of forced labour and

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<sup>116</sup> See: Andonovska, Elena Macedonia Busts Migrant Trafficking Ring. June 2015, Balkan Insight. Available at: <http://www.balkaninsight.com/en/article/macedonia-busts-migrant-trafficking-ring-1> and Marusic Sinisa Jakov

trafficking requires new responses from the authorities. Nonetheless, the enormous number of irregular migrants who are present at the border is a grave challenge to the strategic capacity of the country to respond to the mass migration, and even more so to identify and assist vulnerable migrants who could be potential victims of trafficking.

At expert panels organised in FYROM, participants said that „patterns of luring potential victims into the trafficking cycle got very subtle and that everything goes smoothly.“ „Lately traffickers have been using the following model – they offer marriage from someone from abroad, they buy special phones only for contacting the “loved one”, and when they get married, the situation changes. Also, there are cases of forced labor so to pay a debt. There are some people who are in a big debt, especially the young people,” participants said.

They also mentioned that researches show that only 20 – 25% of the young people want to stay in Macedonia after finishing high school (meaning that cca 75 - 80% wishes to leave). “It is an indicator that they could become victims of human trafficking”, participants said.

As key industries of exploitation and type of labor exploitation, participants listed catering industry; working in factories and farms; tourism; modelling industry; textile industry; shoe industry.

In regard to refugee crisis, participants stressed that refugees wish to leave the country as well as that on their voyage they are being exposed to variety of risks of exploitation and frauds („Their families already lost all the money. And when they are in invidious position, they would need to earn the money or be sexually exploited in order to continue their way. The key is the contact with smugglers. They give them false promises that they would give them a ride, usually to Serbia for a certain amount of money. The price usually changes. They charge one price from Greece to Tabanovce and further from Tabanovce they change the price. There was already one group of 50 – 300 refugees which are unaccompanied women. Women or girls are usually the target for exploitation from the smugglers or from the men who are with them in the group. There was one group of 15 men and one 16 year old girl who wasn't related in any way with the men. It is easy to recognize them. There were few cases where they were held as hostage in Lojane.“)

When asked to describe the profile of a human trafficker, participants described them as those that „offer marriage through job agencies.“ They also stressed that „there are also women traffickers, not just men. The women approach girl much easier than men. We also have a problem with unregistered Roma children who are potential easy victims of human and organ trafficking.“ They also listed owners of restaurants or other catering facilities as potential human traffickers.

## **Legal framework**

The former Yugoslav Republic of Macedonia ratified the Council of Europe Convention on Action against Trafficking in Human Beings since 2009 and it is also party to the United Nations Convention against Transnational Organised Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (ratified respectively on 29 September and 26 December 2003). The former Yugoslav Republic of Macedonia is also party to the UN Convention on the Rights of the Child and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, as well as the Convention on the Elimination of All Forms of Discrimination against Women and to number of other conventions elaborated under the International Labour Organisations (ILO), which are relevant to action against trafficking in human beings.

The trafficking in human beings was for a first time added to the Criminal Code in 2002, when the Government added Article 418-a “Trafficking in persons”. At the moment Chapter XXXIV of the Criminal Code, entitled “Crimes against humanity and international law” has several articles pertaining to human trafficking. Namely, “Founding a slave relationship and transportation of persons in slavery” (Article 418), “Trafficking in human beings” (Article 418-a), “Smuggling of migrants” (Article 418-b), “Organising a group and instigation to commit acts of trafficking in human beings, smuggling of migrants and trafficking in children” (Article 418-c), and “Trafficking in children” (Article 418-d).

The first national Programme for Combating Trafficking in Human Beings and Illegal Migration was adopted in 2002. Following this, the former Yugoslav Republic of Macedonia had three National Strategies and Action Plans covered respectively the periods 2006-2008 and 2009-2012 and the last one covers the period of 2013-2016. The drafting of the last strategy involved inclusive consultation with representatives of the NGO sector, government representatives and intergovernmental organisations. The last strategy was also based on the findings from the evaluation of the implementation of the previous strategy. The latest strategy also expands the focus on trafficking, to include not only trafficking for the purposes of sexual exploitation, but also trafficking for the purpose of labour exploitation, forced begging and forced marriages. Also, the strategy focuses on the issue of trafficking in children, with a number of activities being included in the National Action Plan rather than in a separate action plan

### **Institutional framework**

The first National Commission for the Fight against Trafficking in Human Beings and Illegal Migration (hereinafter “National Commission”) was established in 2001. This inter-ministerial body has as a role to monitor and analyse the situation in the area of human trafficking, co-ordinate the activities of relevant public bodies and also to co-operate with international organisations, donors and NGOs. Another of its important roles is to draft and adopt national strategies and action plans for the fight against trafficking in human beings and irregular migration. The decisions of the National Commission are implemented by the “Secretariat”, which brings together representatives of civil society, intergovernmental organisations, international donors and experts from governmental institutions. The National Commission does not have own budget for the implementation of the activities the contributions are collected from each ministry, and the other members including the international organizations and civil organisations participating in the Commission. The work of the National Commission is directed by the National Co-ordinator, who is also State Secretary at the Ministry of Interior.

The National Rapporteur is usually a senior staff member of the Ministry of Interior who is in charge of drafting annual reports on human trafficking in FYROM including statistical data and information on new trends. These reports are then submitted to the National Commission and are made public.

In the framework of OSCE funded project in 2005 the National Referral Mechanism (NRM) for victims of trafficking in human beings was first introduced. The NRM currently has an office that is responsible for co-ordinating the referral of identified victims to assistance, their accommodation, protection, re-integration and re-socialisation. Also, as part of the Ministry of Interior a specialised Unit against THB and Smuggling of Migrants has been set up. It is responsible for all investigations into THB and smuggling of migrants and its primary task is to detect perpetrators.

At expert panels organised in FYROM, implementation of the law as well as the performance of institutions were discussed, among other. Some participants highlighted problems with the identification in practice: „Human trafficking business is very well organized and the institutions are still far away from detecting it and sanctioning it. I do reports on human trafficking and there are years

where I don't have any case in human trafficking. That doesn't match the reality. For smuggling we have many cases, but for trafficking none. The National Commission should focus on looking in more deeply what is smuggling and what is trafficking.“

Institutions were not prepared for the problems that refugees faced on their voyage, participants said. „Our institutions, Ministry of Internal affairs and Ministry for labor and social policy didn't understand the seriousness of the problem. In the attempt to “get rid” of the refugees, we forgot about these problems that can come along the way. We also monitored how the institutions handle the potential victims of gender based violence in the refugee camps. They were registered by the Ministry for labor and social policy, but some kind of follow up was missing. There wasn't continuance, coordination and exchange of information. There wasn't cooperation. While they were transiting and while they were sitting, there are women who said they lost their children. That happened either when the smugglers were giving them a ride or on the field. The statistics of the UNHCR or IOM tell how many children are lost. And the effort from of institutions was not evident.“

In regard to the national referral networks for identifying and referring trafficked persons and exploited migrants, participants mentioned that in FYR Macedonia has a coordinating body - National Commission against human trafficking. Still, the coordination mechanism is missing for internal trafficking - from one to another municipality, from east Macedonia to west Macedonia, they said.

## Public opinion survey - Results

### General awareness of human trafficking

#### Have you ever heard about the term “human trafficking“?

Yes	93.5%
No	5.5%
No answer	1%

The response indicates that vast majority has heard of the term "human trafficking"

The number of those that respond negatively to this question is small.

#### How did you first hear about human trafficking first?<sup>117</sup>

TV	73.4%
Newspaper	12%
Friends	4%
Family	3.6%
Government	0.4%
Other	5%
No answer	1.3%

As the source of first information about human trafficking respondents most commonly cite the traditional media - TV and newspapers. “Friends” and “family” are cited far less. Finally, “government” is the least cited response.

Obviously, non-institutional mechanisms - traditional media and, in a small extent, one’s own social circle – play central role in general public’ finding out about the problem of human trafficking.

#### What do you think best describes human trafficking?<sup>118</sup>

Here the respondents were offered a list of options and were asked to check all that apply. The respondent cited mostly – “organized crime” (32.2%) and then “sexual exploitation” (16.4%), “violation of human rights” (15.6%), “modern day slavery” (10.7%), “forced recruitment and transportation of people from one place to another for the purpose of exploitation” (10.5%), “human trafficking” (9.7%) and “moving to another country for better jobs” (2.1%). “Escaping a war” (2.7%) is the least cited option.

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Here the respondents were asked to check all answers that apply.

<sup>118</sup> Here the respondents were asked to check all answers that apply.

So, according to the perception of respondents, "organized crime", "sexual exploitation" and "violation of human rights" are the terms that best describe human trafficking.

**Have you ever attended/participated in an event specifically devoted to human trafficking?**

Yes, a conference/training	2%
Yes, public event	7.5%
No	89.5%
Other	1%

Almost 90% of the total number of respondents did not attend any public event dedicated to the theme of human trafficking.

From the response, it appears that only circa 10% was exposed, at some point, to relevant public events, conferences, trainings, etc.

**Where do you think victims of human trafficking mainly originate?<sup>119</sup>**

Eastern Europe	26%
Middle East	2.3%
Asia	28.7%
Western Europe	16%
USA	4%
Africa	22.4%
No answer	0.6%

"Asia" is the most commonly cited answer.

"Eastern Europe" and "Africa" are cited with slightly lesser frequency.

The response indicates that there are visible consequences of ongoing wars. Exploitation of those coming from poor and / or unstable regions is also visible.

For the case of FYR Macedonia is typical that respondents quite commonly cite Western Europe as the place of origin of trafficking victims.

**Victims of human trafficking are most commonly<sup>120</sup>**

Women	44.7%
Children	37.3%
Men	13.7%
Old people	2.1%
No answer	2.1%

As the most common victims of human trafficking, respondents most commonly cite "women" and "children".

"Men" is cited in a way lesser extent.

<sup>119</sup> Here the respondents were asked to check all answers that apply.

<sup>120</sup> Here the respondents were asked to check all answers that apply.

### Human trafficking is predominantly conducted for<sup>121</sup>

Sexual exploitation of victims	28.4%
Illegal labor	38.7%
Child labor	9.1%
Organ removal	17%
Slavery	5%
Other	1.2%
No answer	0.6%

Exploitation for the purpose of illegal labor, sexual exploitation and organ removal are predominant purposes of human trafficking, as respondents in FYR Macedonia perceive it.

### Respondents were asked to respond with true / false to following statements

1) Human trafficking victims should be protected in the countries where they have been trafficked by the institutions

True	70.5%
False	2%
Don't know	21.5%
No answer	6%

2) Human trafficking victims have to be deported to their country of origin

True	26%
False	46.5%
Don't know	21.5%
No answer	6%

3) Human trafficking victims should be punished for their illegal activities

True	6.5%
False	66%
Don't know	21.5%
No answer	6%

4) Human trafficking victims should be integrated in the countries where they presently live

True	29 %
False	43.5%
Don't know	21.5%
No answer	6%

<sup>121</sup> Here the respondents checked all answers that apply, on their own initiative.

Respondents mostly take side of victims and they are mostly in favor of improvement of their status. Namely, majority agrees that victims “should be protected in the countries where they have been trafficked by the institutions”. Also, majority disagrees that human trafficking victims should be punished for their illegal activities or be deported to their country of origin.

It is the other way round, however, with the "victims should be integrated in the countries where they presently live" statement - majority responds to it with "false".

More than a quarter of the total number of respondents in FYR Macedonia decided not to answer to this question or decided to respond with “don’t know“. That is a significant number.

**Awareness of human trafficking in his/her own environment**

**Do you know if human trafficking happens in your country?**

Yes	29.5%
No	69%
No answer	1.5%

From the total number of respondents in FYR Macedonia, 69% "doesn't know if human trafficking takes place in the country".  
Other respondents think differently.

**If yes, how many cases of human trafficking do you think takes place in 1 year?**

1 case	4%
2-3 cases	8%
3-5 cases	4%
More than 5 cases	16%
No answer	68%

The purpose of this question was to dwell deeper into affirmative answers to previous question.  
So, the respondents (that think that human trafficking takes place in FYR Macedonia) think that cases of human trafficking do take place - one case (4%), 2-3 cases (8%), 3-5 cases (4%) or more than 5 cases (16%) per year.  
According to the perception of respondents, human trafficking cases are taking place in FYR Macedonia in the extent that is not irrelevant.

**Do you know about a specific case of human trafficking among people you personally know?<sup>122</sup>**

Yes, a family member	0%
Yes, a friend	0%
Yes, an acquaintance	1%
Yes, I have heard about such case in my	

"I do not know of such a case" (80%) is the most commonly cited answer.  
"I have heard about such case in my neighbourhood / city" (17.5%) is the most cited among answers in affirmative tone.  
Other answers in affirmative tone ("family member",

<sup>122</sup> Here the respondents were asked to check all answers that apply.

neighbourhood/city	17.5%
No, I am not aware of such case	80%
No answer	1.5%

“friend”, “acquaintance”) were cited with a minimal frequency or not cited at all.

**What have the case/s been?<sup>123</sup>**

Sexual exploitation	8.7%
Forced labor/ street begging	12.5%
Organs	0.5%
Other	3.4%
No answer	74.9%

The purpose of this question was to dwell deeper into affirmative answers to previous question.

“Forced labor / street begging” is the most commonly cited answer.

"Sexual exploitation", “other“ and “organ removal” as purposes of a case of human trafficking in question are cited in a lesser extent.

**Have you tried to help the victim/s?**

Yes, reported to agency/institution	1.5%
Yes, tried to talk to the person about their possibilities to escape the situation	2.5%
Yes, took the victim with me	0%
No, it is too risky to help victims of human trafficking	14%
I don't know how I can help	49.5%
No, I do not want to have anything to do with such issues	16%
No answer	16.5%

From the feedback we read that among respondents there is a small percentage of those who have tried to help the victim/s of trafficking in cases they encountered (by reporting or by talking to the person).

Among those, majority tried to help by "talking to the person about their possibilities to escape the situation" (2.5%).

Far greater though is the percentage of those whose answers were in negative tone. Their reasons are different – “it is too risky to help victims of human trafficking” or "I do not want to have anything to do with such issues". The most common reason is that respondents "don't know how they can help" (49.5%).

**What are the signs by which you think you could recognize someone as victim of human trafficking?<sup>124</sup>**

Person does not communicate with the people from his/her surrounding	12.1%
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"I would not be able to recognize a case of human

<sup>123</sup> Here the respondents were asked to check all answers that apply.

<sup>124</sup> Here the respondents were asked to check all answers that apply.

Hear screaming from their home	8.6%
Suspicious stories they tell about their identity	12.5%
They are in suspicious relationship	17%
The way they look	8.3%
I would not be able to recognize a case of human trafficking	40.6%
No answer	0.9%

trafficking," is the most commonly cited answer to this question.

Among respondents who think that they would be able to recognize someone as a victim of human trafficking, "they are in suspicious relationship" and "suspicious stories they tell about their identity" are the most commonly cited signs.

**On a scale from 1 (not a problem) to 5 (very serious problem), in your opinion, how serious do you think the problem of human trafficking is in your country?**

Not a problem	0%
Not so serious	7%
I don't know	56.5%
Somewhat serious	27.5%
Very serious problem	9%

Majority responds with "I don't know" – more than a half of the total number of respondents.

Slightly more than a third of the total number of respondents perceives human trafficking as a serious problem in FYR Macedonia – "somewhat serious" (as perceived by some) or "very serious" (as perceived by majority).

**On a scale from 1 (not a problem) to 5 (very serious problem), in your opinion, how serious do you think the problem of human trafficking is in the Balkan region?**

Not a problem	0%
Not so serious	0.5%
I don't know	52.5%
Somewhat serious	31.5%
Very serious problem	15.5%

Like in the previous question, majority also responds here with "I don't know" (more than a half of the total number of respondents).

However, here we find significantly more respondents that perceive human trafficking as a serious problem. Within that group, there are less of those who perceive it as "very serious" and far more of those who see it as a "somewhat serious" problem in the Balkan region.

## Willingness to address the issue

### If I know/learn about a case of human trafficking

I know where to report	33.5%
I do not know where to report	66.5%

From the total number of respondents, 33.5% “knows where to report” a case of human trafficking.

Others responded differently.

### If I know/learn about a case of human trafficking, I will try to help

Certainly	11.5%
Probably	23%
Not sure	47%
Rather not do anything	11.5%
Not do anything, it is not my problem	4%
No answer	3%

From the total number of respondents, 11.5% would certainly try to help in such a situation.

All other respondents are unsure, as a minimum.

### Do you feel secure to report alleged human trafficking activities?

Yes, I feel secure	12.5%
No, I feel it is too risky	28%
Don't know	58%
No answer	1.5%

From the total number of respondents, only 12.5% “feels secure” to report alleged human trafficking activities.

All other respondents do not share that feeling.

**Are you aware of some of these cases in your neighbourhood/town/city?<sup>125</sup>**

Women being married off abroad and not returning	10%
Street begging	43%
Men/Women who were forced to work in your country or abroad and not paid for that	29.5%
Newcomers that you suspect are victims	1%
Not aware of such cases	16.5%

With considerable frequency the respondents cite that they are “not aware of such cases”.

On the other side, those that are aware of some cases most commonly cite “street begging” as well as cases of “men / women who were forced to work in FYR Macedonia or abroad and were not paid for that”.

The response, thus, indicates the prevailing presence of cases of labor exploitation.

**In your opinion, is there a difference between human trafficking, smuggling and illegal migration?**

Yes	86.5%
No	11%
No answer	2.5%

It appears that a large number of respondents in FYR Macedonia see the distinction between human trafficking, smuggling and illegal migration.

On the other hand a small, yet not negligible number of respondents think otherwise.

**To whom would you feel most comfortable to report on human trafficking cases?**

Police	69.5%
NGOs	27.5%
Border guards	1.5%
Local governments	1%
Other	0.5%

Majority of respondents would feel most comfortable to report a case to the police. Less, but still a significant number of respondents would turn to non-governmental organizations. Other options are ticked by a negligible number of respondents.

Although the problems can be identified in the performance of institutions, the response indicates that, in terms of combating human trafficking, the law enforcement enjoys confidence of the community. Also, according to the response, NGOs enjoy a significant level of trust among respondents.

**Would you be interested in the following<sup>126</sup>**

<sup>125</sup> Here the respondents were asked to check all answers that apply.

<sup>126</sup> Here the respondents were asked to check all answers that apply.

Receive training how to identify and help victims of human trafficking	9.9%
To become part of human trafficking advocacy group	7%
To get more information on the issue from media	60.5%
I am not interested in this issue	21.1%
No answer	1.4%

Among the answers in the affirmative tone "to get more information on the issue from the media" is the most commonly cited as a form of activity the respondents would be interested in (60.5%).

On the other side, the next most commonly cited answer is "I am not interested in this issue" (21.1%).

## Policy recommendations

Authorities in FYROM are making progress in their fight against human trafficking. However, certain failures and shortcomings were noted in this process.

Results of this research indicate, namely, that despite the efforts, the number of cases of child labor (the number of children begging on the streets) has not decreased - cases of exploitation are present and visible. Especially vulnerable are the members of the Roma community.

Institutions have not responded to the refugee crisis adequately enough - there was a lack of preparedness, lack of coordination and lack of exchange of information. There were also cases where institutions remained unresponsive (cases of lost children).

National Commission was established for the purpose of more successful combating human trafficking. However, experts say, coordination mechanism for internal trafficking is missing.

Citizens are inadequately informed about human trafficking and where they could report a human trafficking case. Confidence in institutions is at a very low level.

Available researches show that only 20 - 25% of the young people want to stay in Macedonia after finishing high school (indicating that cca 75 - 80% wishes to leave the country). This indicated that the number of individuals potentially at risk is very likely to increase in the years to come.

From the results of the analysis of the legal and institutional framework, as well as from the findings of the opinion survey of wider and the expert public, we conclude that further efforts are needed for successful elimination of human trafficking in FYROM:

- Invest additional efforts in poverty reduction (current efforts, particularly in regard to Roma community, are insufficient);
- Build integrity of institutions, in order to reduce / eliminate corruption affecting the implementation of anti-trafficking operations and activities and thus regain trust of victims and citizens
- Promote the statistical indicators. Establish harmonized system of data collection which will allow interested parties to have an access to the data for analysis of the situation, pointing out the shortcomings and providing appropriate and useful suggestions for further measures and activities.
- Develop adequate policies and adopt relevant strategic documents (or revise the existing ones) so to urgently address causes of exploitation of children and their consequences, as well as reported cases of missing migrant children. If necessary develop a separate strategy / action plan. Identify and eliminate gaps in the existing child protection mechanisms, including protection of the refugee children.
- Step up the efforts for registration of children at birth and inclusion of street children in schools.

- Ensure that coordination mechanism for internal trafficking is established and fully operational
- Allocate sufficient funds for protection and (re)integration services from the state budget, particularly for shelters dependent on donors or on private funding.
- Ensure that assistance specialized for male victims is established / provided
- Improve levels and types of coordination and cooperation between all public and private agencies including CSOs that provide services for victims of trafficking and for asylum seekers and refugees.
- Build capacities of all service providers so to increase the number of identified vulnerable individuals / (potential) victims of trafficking among refugees, asylum seekers and child beggars and their referral to appropriate services / institutions. Ensure that trainings are regular and that they are tailored to encompass new recruitment patterns and new exploitation patterns.
- Build capacities of institutions personnel to adequately address cases of exploitation of children.
- Build capacities of institutions personnel to adequately address possible cases of exploitation of refugees and cases of unaccompanied / missing children.
- Provide trainings so to sensitize judges, prosecutors, labour inspectors and other relevant authorities on victim-centric approach when dealing with victims of trafficking. Ensure that trainings are regular and that they are tailored to encompass new recruitment patterns and new exploitation patterns.
- Provide trainings so to sensitize the law enforcement towards victim witness, in order to eliminate the practice of long and repeated investigations and prosecutions (re-traumatization of victims).
- Conduct preventative and awareness raising campaigns as the general public is not really aware of what human trafficking is; Campaigns should highlight the factors that place potential victims of trafficking at risk
- Implement regularly comprehensive national campaigns highlighting where to go for information and for support; Campaigns should also highlight whom to address if the competent individual / institution / service provider is being unresponsive or inefficient
- Introduce regular education programmes in schools so to raise awareness of children, teachers, and school directors on types of trafficking and risks of illegal migration and where support can be found. Place focus on safety on the internet.

### 3.4 KOSOVO

#### General overview

Most victims of trafficking in Kosovo are local girls, but also women from various parts of Serbia, from Albania, Romania and other European countries. The sex trafficking takes place in private homes, apartments, restaurants, nightclubs, beauty and massage parlours. Often women are offered jobs as dancers, singers or waitress and are then forced to sexual exploitation. Children are most often used for forced begging or petty crime. Child labour, and in particular street begging, is seen as general problem not only in Kosovo, but in the whole region. The laws and policies of Kosovo consider child begging and child marriages as area of concern, but not necessarily as crime that falls within the scope of trafficking in humans. The exploitation of children for begging usually takes place in urban centers, in particular at traffic lights, main streets, and at tourist locations as well as border crossing points. While there is awareness that child begging is a form of a labour exploitation, the data suggest that there is inadequate response by competent institutions.

One of the major obstacles of effective fight against trafficking in human beings is the overwhelming level of corruption that creates enabling environment. Often in the past, high-ranking officials have been charged of trafficking crimes. Only in the past several years, two labour ministry officials and other government officials as well as number of police officers were convicted or charged for involvement in trafficking cases. Although the laws are stringent enough to have a deterrent effect, it has been noted that lenient sentences were imposed and the government prosecuted fewer suspected traffickers.

At expert panels organized in Kosovo, participants highlighted that children are the most vulnerable group and constitute majority of victims of trafficking in human beings in Kosovo. Dominant countries of origin are Serbia and Albania.

"Many child victims of trafficking (Roma) originate from Albania," the panellists said, "and most of this type of trafficking takes place between Albania and Kosovo, although Serbia is also a country of origin for children victims of trafficking." "Children trafficked from central Serbia "work" for wealthy Albanians in and around Kosovska Kamenica," they said.

"Ukraine is the largest country of origin," they added. "There have been cases when girls from abroad have been falsely promised to get a great salary and a good job, and then they were forced to be engaged in prostitution. In particular, Lithuanian women were brought before and were not allowed to communicate with neighbours in Kosovo polje. It turned out that they were treated with brutality, that they were beaten and mistreated."

Panellists stressed that there have been cases in Kosovo in which victims have died due to injuries / trauma.

According to panellists' opinion, one of the biggest problems faced by local communities (both in terms of gender-based violence and trafficking in human beings) are the widespread taboos and shame in terms of reporting the problem and discussing it publicly. "Attitudes towards marriage, violence and relationships here are very traditional."

Participants stressed the need for continuous informing and educational activities at all levels. Education should be focused on both children and parents as well as on those employed in government and in education. Media should play a bigger role, as the population is not sufficiently informed. Participants also identified the room for improvement of existing coordination and cooperation between NGOs and institutions, as well as between institutions competent for the suppression of human trafficking.

Kosovo government has bolstered its efforts in the area of prevention and a number of awareness raising campaigns has been carried out. Nonetheless, the major failing was that the government of Kosovo has not made sufficient efforts to discourage and reduce demand for commercial sex acts or forced labour.

The legal framework is deemed to be sufficiently comprehensive to deal with this type of crime and grave human rights violation. However it has been reported that the law enforcement officials are not well trained to respond adequately and the budget and the institutional capacities remain underfunded to successfully implement the legal framework.

### **Legal framework**

Kosovo's Constitution, the Criminal Code as well as the Law on Preventing and Combating Trafficking in Human Beings and Protecting Victims of Trafficking are laying out the legal basis, supporting the fight against human trafficking. The Law on Preventing and Combating Trafficking in Human Beings and Protecting Victims of Trafficking was drafted in 2013, and it was based on the EU Directive 2011/36 on Preventing and Combating Trafficking in Human Beings and Protecting its Victim. The adoption of this law was in response to the EU requirements to establish a wide-ranging framework of legal provisions that will be used to effectively prevent, protect against and prosecute crimes of human trafficking. This law determines the principles, according to which the fight against human trafficking should be based, it defines the concept of human trafficking, it also determines the authorities, and the responsible institutions and their roles.

Despite the sufficient number of policies and laws regulating different aspects of trafficking in human beings, the main challenge of the implementation of the legal framework is partly result of the insufficient understanding of the laws by the judges and prosecutors, and partly because of insufficient knowledge about which documents could be used during investigation and prosecution of human trafficking crimes. The result of this is that in many instances offenders of serious trafficking related crimes, which carry more severe penalty, are given minimum sentences because they prosecuted under laws carrying lower sentences.

To date, Kosovo have had three National Strategies on Trafficking of Human Beings and accompanying National Action Plan. The first one was drafted in 2008 and covered the period of 2008 - 2011 and was followed with another one for the period 2011-2014. The newest National Strategy and Action Plan on Human Trafficking (2014-2019) was adopted in 2014, however the previous strategy was not officially evaluated on its level of implementation before this latest strategy was adopted.

## Institutional framework

As mentioned earlier, the Law on Preventing and Combating Trafficking in Human Beings and Protecting Victims of Trafficking also sets out the institutions involved in the fight against trafficking of human beings and their roles. In addition to the Ministry of Internal Affairs, Kosovo Police, the Judicial Council, the Prosecutorial Council, and the Ministry of Justice, another relevant institution is the National Authority Against Trafficking in Human Beings. This institution is composed of representatives of the aforementioned institutions and other relevant state institutions and its main role is to provide information regarding the compliance with the legislation on prevention and fight against trafficking in human beings as well as the status of implementation of the National Strategy and Action plan against human trafficking.

The National Authority against trafficking in persons is chaired by the National Trafficking Coordinator (hereinafter: the Coordinator), who is appointed by the Government. The Coordinator with support of the Secretariat for Monitoring and Evaluation of National Strategy and in cooperation of the other abovementioned institutions works to develop, coordinate and monitor the implementation of the national referral mechanism aiming to ensure proper identification, referral, assistance and protection of trafficked victims. The administrative work, including information and data gathering and analysis and evaluation on the implementation of the National Strategy against Trafficking is done by the Anti-Trafficking Secretariat, which then prepares analytical reports for the National Coordinator.

The official identification of victims of trafficking is usually conducted by a special anti-trafficking unit of the Kosovo Police, which is also known as the Trafficking in Human Beings Unit. In addition to this, identification of victims is also done by the prosecution, victim advocates and social work centers. It is important to mention that Kosovo also has developed the Standard Operating Procedures (SOPs) for foreign and domestic victims. These SOPs provide the minimum standards which should be observed when dealing with victims of trafficking, by all stakeholders involved in the identification, protection and referral of trafficked victims.

At expert panels organised in Kosovo, implementation of the law as well as the performance of institutions were discussed, among other.

Participants said that “an issue facing the government are the open borders, particularly with Albania. There are very few controls/monitoring system for victims of trafficking there. Also, the area surrounding Vranje/Bujanovac/Presevo and Gnjilane is particularly problematic, due to the fluid borders.”

Participants also highlighted that „police can deport sex workers to their home countries automatically and this can be problematic because it often prevents victims from coming forward.“

Lack of cooperation and coordination between centres for social work and the Kosovo police, as well as between NGO’s and the police was also emphasized as a problem.

They also highlighted that „the center for social work in Gracanica has the necessary human resources, yet CSR often lacks financial resources.“

## Public opinion survey - Results

### General awareness of human trafficking

#### Have you ever heard about the term “human trafficking“?

Yes	99.3%
No	0%
No answer	0.6%

The response indicates that almost everyone has heard of the term "human trafficking".

#### How did you first hear about human trafficking first?<sup>127</sup>

TV	49.2%
Newspaper	19.6%
Friends	13.2%
Family	10%
Government	3.7%
Other	1.6%
No answer	2.6%

As the source of first information about human trafficking respondents most commonly cite the traditional media - TV and newspapers.

“Friends” and “family” are cited to somewhat lesser extent. Finally, “government” is cited with almost insignificant frequency.

Obviously, non-institutional mechanisms - traditional media and one’s own social circle – play central role in general public’ finding out about the problem of human trafficking.

#### What do you think best describes human trafficking?<sup>128 129</sup>

##### a) Responses to question in the questionnaire in Albanian

Here the respondents were offered a list of options and were asked to check all that apply. The respondent cited mostly – “organized crime“ (20.8%) and then „sexual exploitation“ (17.2%), „forced recruitment and transportation of people from one place to another for the purpose of exploitation“

<sup>127</sup> Here the respondents checked all answers that apply, on their own initiative.

<sup>128</sup> Here the respondents were asked to check all answers that apply.

<sup>129</sup> Different results are due to the differences in the questionnaires that were used.

(16.6%), „violation of human rights“ (14.8%), „modern day slavery“ (13%), „organ trade“ (10%) and „moving to another country for better jobs“ (6%). “Escaping a war” (1.5%) was the least cited option.

### **b) Responses to question in the questionnaire in Serbian**

Here the respondents were offered a list of options and were asked to check all that apply. The respondent cited mostly – “organized crime” (23.4%) and then “sexual exploitation” (20%), “forced recruitment and transportation of people from one place to another for the purpose of exploitation” (16.6%), “violation of human rights” (15.8%), “modern day slavery” (14.7%), “moving to another country for better jobs” (4.5%) and “human trafficking” (3%). “Escaping a war” (1.9%) was the least cited option.

So, according to perceptions of respondents both from the Albanian community and from the Serbian community in Kosovo, "organized crime", "sexual exploitation" and “forced recruitment and transportation of people from one place to another for the purpose of exploitation” are the terms that best describe human trafficking.

### **Have you ever attended/participated in an event specifically devoted to human trafficking?**

Yes, a conference/training	19.1%	It appears that less than one-third of the total number of respondents was exposed, at some point, to relevant public events, trainings, etc.
Yes, public event	12.5%	
No	64.5%	With remaining number of respondents, that was not the case. Namely, circa two-thirds of the respondents say that they did not attend any public event devoted to the topic of human trafficking.
Other	3.9%	

### **Where do you think victims of human trafficking mainly originate?<sup>130</sup>**

Eastern Europe	28.6%	“Eastern Europe” is the most commonly cited answer.
Middle East	12.2%	“Asia” and “Africa” are cited with slightly lesser frequency.
Asia	20.4%	The response indicates that there are visible consequences of ongoing wars. Exploitation of those coming from poor and / or unstable regions is also visible.
Western Europe	9.8%	
USA	6.1%	For the case of Kosovo is typical that respondents commonly cite Western Europe and USA as the places of origin of trafficking victims.
Africa	18.8%	
No answer	4.1%	

<sup>130</sup> Here the respondents were asked to check all answers that apply.

### Victims of human trafficking are most commonly<sup>131</sup>

Women	45%
Children	40.4%
Men	8.8%
Old people	4.6%
No answer	1.1%

As the most common victims of human trafficking, respondents most commonly cite “women” and “children”.

“Men” is cited in a small extent.

### Human trafficking is predominantly conducted for<sup>132</sup>

Sexual exploitation of victims	34.7%
Illegal labor	20.5%
Child labor	12.7%
Organ removal	17%
Slavery	13.9%
Other	0.4%
No answer	0.8%

Sexual exploitation, exploitation for the purpose of illegal labor and organ removal are predominant purposes of human trafficking, as respondents in Kosovo perceive it.

### Respondents were asked to respond with true / false to following statements

1) Human trafficking victims should be protected in the countries where they have been trafficked by the institutions

True	69.3%
False	8%
Don't know	3.3%

2) Human trafficking victims have to be deported to their country of origin

True	19.3%
False	58%
Don't know	3.3%

<sup>131</sup> Here the respondents were asked to check all answers that apply.

<sup>132</sup> Here the respondents checked all answers that apply, on their own initiative.

No answer	19.3%
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No answer	19.3%
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3) Human trafficking victims should be punished for their illegal activities	
True	12%
False	65.3%
Don't know	3.3%
No answer	19.3%

4) Human trafficking victims should be integrated in the countries where they presently live	
True	58%
False	19.3%
Don't know	3.3%
No answer	19.3%

Respondents take side of victims to a great extent and they are in favor of improvement of their status. Namely, majority agrees that victims “should be protected in the countries where they have been trafficked by the institutions” and "integrated in the countries where they presently live". Also, majority disagrees that human trafficking victims should be punished for their illegal activities or be deported to their country of origin.

More than a fifth of the total number of respondents in Kosovo decided not to answer to this question or decided to respond with “don't know“. This is not an irrelevant number.

### Awareness of human trafficking in his/her own environment

#### Do you know if human trafficking happens in your country?

Yes	75.3%
No	23.3%
No answer	1.3%

From the total number of respondents in Kosovo, 23.3% "doesn't know if human trafficking takes place in the country”.

Other respondents think differently.

If yes<sup>133</sup>,

a) (in questionnaire in Albanian) how many cases of human trafficking do you think you have encountered?

<sup>133</sup> Different results are due to the differences in the questionnaires that were used.

1 case	35.3%
2-3 cases	35.3%
3-5 cases	6.1%
More than 5 cases	4%
No answer	19.2%

The purpose of this question was to dwell deeper into affirmative answers to previous question.

So, the respondents from the Albanian community (that think that human trafficking takes place in Kosovo) think they have encountered one (35.3%), 2-3 cases (35.3%), 3-5 cases (6.1%) or more than 5 cases (4%) of human trafficking.

According to the perception of respondents from the Albanian community, the presence of human trafficking in Kosovo is of dramatic proportions.

**b) (in questionnaire in Serbian) how many cases of human trafficking do you think takes place in 1 year?**

1 case	7.8%
2-3 cases	7.8%
3-5 cases	19.6%
More than 5 cases	25.5%
No answer	39.2%

From the response of individuals from the Serbian community in Kosovo, we read that the respondents think that quite a few cases of human trafficking take place in one year - one case (7.8%), or 2-3 cases (7.8%), or 3-5 cases (19.6 %), or even more than 5 cases (25.5%).

According to the perception of respondents from the Serbian community that provided feedback, significant number of human trafficking cases takes place in Kosovo in one year.

**Do you know about a specific case of human trafficking among people you personally know?<sup>134</sup>**

Yes, a family member	3.9%
Yes, a friend	3.9%
Yes, an acquaintance	9.6%
Yes, I have heard about such case in my neighbourhood/city	35.5%
No, I am not aware of such case	38.7%
No answer	8.4%

"I do not know of such a case" (38.7%) was the most commonly cited answer.

"I have heard about such case in my neighbourhood / city" (35.5%) was the most cited among answers in affirmative tone.

Other answers in affirmative tone ("family member", "friend", "acquaintance") were cited in a far less extent.

**What has/have the case/s been?<sup>135</sup>**

<sup>134</sup> Here the respondents were asked to check all answers that apply.

<sup>135</sup> Here the respondents were asked to check all answers that apply.

Sexual exploitation	31.1%
Forced labor/ street begging	20.1%
Organs	11.6%
Other	9.7%
No answer	27.4%

The purpose of this question was to dwell deeper into affirmative answers to previous question.

"Sexual exploitation" is the most commonly cited answer.

"Forced labor / street begging", "organ removal" and "other" as purposes of a case of human trafficking in question are cited in a lesser extent.

### Have you tried to help the victim/s?

Yes, report to an agency/institution	8%
Yes, tried to talk to the person about their possibilities to escape the situation	7.3%
Yes, took the victim with me	2%
No, it is too risky to help victims of human trafficking	22.6%
I don't know how I can help	23.3%
No, I do not want to have anything to do with such issues	15.3%
No answer	21.3%

From the feedback we read that among respondents there is a certain percentage of those who have tried to help the victim/s of trafficking in cases they encountered (by reporting, talking to the person, providing shelter).

Among those, majority tried to help by "reporting the case to an agency / institution" (8%).

Far greater though is the percentage of those whose answers were in negative tone. Their reasons are different – "I do not want to have anything to do with such issues" or "it is too risky to help victims of human trafficking". The most common reason is that respondents "don't know how they can help" (23.3%).

### What are the signs by which you think you could recognize someone as victim of human trafficking?<sup>136</sup>

Person does not communicate with the people from his/her surrounding	25%
Hear screaming from their home	6.8%
Suspicious stories they tell about their identity	16.6%
They are in suspicious relationship	9.4%
The way they look	14.6%
I would not be able to recognize a case of human trafficking	26.6%

"I would not be able to recognize a case of human trafficking," was the most commonly cited answer to this question.

Among respondents who think that they would be able to recognize someone as a victim of human trafficking, "person does not communicate with people from his/her surrounding" and "suspicious stories they tell about their identity" were the most commonly cited signs.

<sup>136</sup> Here the respondents were asked to check all answers that apply.

No answer	1%
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**On a scale from 1 (not a problem) to 5 (very serious problem), in your opinion, how serious do you think the problem of human trafficking is in your country?**

Not a problem	0.6%
Not so serious	8%
I don't know	14.6%
Somewhat serious	37.3%
Very serious problem	39.3%

It is undisputable that cases of human trafficking take place in Kosovo. However, something else can be read from the response of the participants in this survey. Namely, there is a certain number of respondents that perceive the problem of human trafficking as “somewhat serious” and a slightly higher number of respondents that perceive it as “very serious”.

Thus, it turns out that - according to the perception of almost three-quarters of the total number of respondents - human trafficking represents a serious problem in Kosovo.

**On a scale from 1 (not a problem) to 5 (very serious problem), in your opinion, how serious do you think the problem of human trafficking is in the Balkan region?**

Not a problem	1.3%
Not so serious	4%
I don't know	19.3%
Somewhat serious	35.3%
Very serious problem	40%

According to the perception of the majority (three-quarters of the total number of respondents in Kosovo) – human trafficking is a serious problem in the Balkan region.

Within that group, there are less of those who perceive it as “somewhat serious” and more of those who see it as a “very serious” problem.

**Willingness to address the issue**

**If I know/learn about a case of human trafficking**

I know where to report	59.3%
I do not know where to report	39.3%
No answer	1.3%

More than a half of total number of respondents “knows where to report” a case of human trafficking.

Others, however, respond differently.

**If I know/learn about a case of human trafficking, I will try to help**

Certainly	29.4%
Probably	34.6%
Not sure	24.2%
Rather not do anything	10.4%
Not do anything, it is not my problem	1.3%

From the total number of respondents, 29.4% would certainly try to help in such a situation.

All other respondents are unsure, as a minimum.

### Do you feel secure to report alleged human trafficking activities?<sup>137</sup>

Yes, I feel secure	24.2%
No, I feel it is too risky	40.4%
Don't know	35.3%

From the total number of respondents in the Albanian community in Kosovo, 24.2% “feels secure” to report alleged human trafficking activities.

All other respondents do not share that feeling.

### Are you aware of some of these cases in your neighbourhood/town/city?<sup>138 139</sup>

#### a) Responses to question in the questionnaire in Albanian:

Women being married off abroad and not returning	16%
Street begging	17%
Men/Women who were forced to work in your country or abroad and not paid for that	5%
Newcomers that you suspect are victims	3%
Not aware of such cases	44%
No answer	15%

The respondents cite in a great extent that they are “not aware of such cases”.

On the other side, those that are aware of some cases most commonly cite “street begging” as well as cases of “women being married off abroad and not returning”.

<sup>137</sup> Feedback for this question was retrieved only from questionnaires used to survey members of Albanian community; other questionnaires used in Kosovo did not include this question in this form.

<sup>138</sup> Here the respondents checked all answers that apply, on their own initiative.

<sup>139</sup> Different results are due to the differences in the questionnaires that were used.

**b) Responses to question in the questionnaire in Serbian:**

1) Women being married off abroad and not returning		2) Children forced to beg	
True	11.7%	True	5.9%
False	39.2%	False	45.1%
Not aware of such cases	39.2%	Not aware of such cases	39.2%
No answer	9.8%	No answer	9.8%
3) Men/Women who were forced to work in your country or abroad and not paid for that		4) Newcomers that you suspect could be victims	
True	17.6%	True	15.7%
False	33.3%	False	35.3%
Not aware of such cases	39.2%	Not aware of such cases	39.2%
No answer	9.8%	No answer	9.8%

The respondents cite in a great extent that they are “not aware of such cases”.

**In your opinion, is there a difference between human trafficking, smuggling and illegal migration?**

Yes	84%	It appears that a large number of respondents in Kosovo see the distinction between human trafficking, smuggling and illegal migration.  On the other hand a small, yet not negligible number of respondents think otherwise.
No	12%	
No answer	4%	

**To whom would you feel most comfortable to report a case<sup>140</sup>**

Police	58.7%
NGOs	20.4%
Border guards	10.1%
Local governments	8.4%
Other	1.8%
No answer	0.6%

“Police” is the most commonly cited as an establishment that respondents would feel most comfortable to report a case to. “Non-governmental organizations” are cited with smaller, yet significant frequency.

Although the problems can be identified in the performance of institutions, the response indicates that, in terms of combating human trafficking, the law enforcement enjoys confidence of the community. Also, in the same context, the level of trust that respondents put in NGOs is not insignificant, according to the response.

**Would you be interested in the following<sup>141</sup>**

Receive training how to identify and help victims of human trafficking	21.4%
To become part of human trafficking advocacy group	18.2%
To get more information on the issue from media	50.3%
I am not interested in this issue	10%

Among the answers in the affirmative tone "to get more information on the issue from the media" was the most commonly cited as a form of activity the respondents would be interested in (50.3%).

Attending some form of training or becoming a part of advocacy group are also the ideas that respondents are in favor of.

On the other side, the negative response ("I am not interested in this issue") was cited in a small extent.

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<sup>140</sup> Here the respondents checked all answers that apply, on their own initiative.  
<sup>141</sup> Here the respondents were asked to check all answers that apply.

## Policy recommendations

Although serious efforts were invested in prevention, in prosecution of perpetrators as well as in protection of victims, authorities are still not completely successful in fighting human trafficking. Results of this research indicate, namely, that certain challenges prevail. Government faces the border monitoring issues, particularly with Albania where there are very few controls/ monitoring system for victims of trafficking. Also, the area surrounding Vranje/ Bujanovac/ Presevo and Gnjilane is problematic („fluid“ borders). Despite the efforts, the number of cases of child labor has not decreased - cases of exploitation of children are present and visible. Although there is awareness that child begging is a form of a labour exploitation, response of institutions remains inadequate. Citizens are inadequately informed about human trafficking and where they could report a human trafficking case. Confidence in institutions is at a very low level. It is obvious also that corruption impedes efforts to confront this issue effectively. A lack of cooperation between key anti-trafficking actors was also identified. The position of victims is difficult - risk of deportation, shame, lack of trust in institutions are few of the reasons why cases often remain unreported. In the period of this research, the government still has not established victim compensation fund, which was planned with the 2013 victim protection law.

From the results of the analysis of legal and institutional framework, as well as from the findings of the opinion survey of wider and the expert public, we conclude that further efforts are needed for successful elimination of human trafficking in Kosovo:

- Invest additional efforts in poverty reduction and in ending discrimination
- Build integrity of institutions in order to reduce / eliminate corruption affecting the implementation of anti-trafficking operations and activities and thus regain trust of victims and citizens
- Ensure that coordination mechanism for internal trafficking is established and fully operational
- Improve cooperation and coordination between all competent institutions on national and local level, for maximum capacity utilization and efficient fulfilment of tasks and duties, including NGOs that provide services for victims of human trafficking
- Develop and implement policies so to discourage and reduce the demand for services of victims of trafficking
- Develop adequate policies and adapt relevant strategic documents to urgently address causes of exploitation of children and their consequences.
- Strengthen the mechanism for identification of child victims and potential child victims and their referral to appropriate services. Ensure that relevant services are well-resourced, operational and functioning.
- Ensure that compensation fund is made available as planned with the 2013 victim protection law.
- Allocate sufficient funds for protection and (re)integration services from the state budget, as current resources and supports available are not adequate to meet the needs of people who have experienced exploitation.
- Provide the law-enforcement officials, judges and prosecutors with regular victim-centric trainings on laws and documents that could be used during investigations and prosecuting of

human trafficking cases. Design trainings so to address the issues that arise when cases involve children as victims.

- Implement regularly joint trainings to foster co-operation and information sharing between Serbian and Kosovo authorities, particularly in border areas, similar to those being introduced by the Police Cooperation Committee for Kosovo, Montenegro and Albanian law enforcement officials. Ensure that trainings are tailored to encompass new recruitment patterns and new exploitation patterns, including new trends in human trafficking that are emerging in the wake of the migrant crisis.
- Ensure that regular trainings are organised for law enforcement, border officials, social services and civil society activists on recognizing victims and child victims of trafficking and on referral procedures in such cases. Ensure that teachers in schools also receive respective trainings regularly.
- Introduce education programmes in schools to raise awareness of children, teachers, school directors on types of trafficking and risks including information on where to go for support
- Organise meetings of parents in schools so to raise the awareness of families and community members of the risks and types of human trafficking (bring it to the familiar and friends level as opposed to something that happens to others, but not to us)
- Avoid conducting misleading campaigns.<sup>142</sup> When conducting campaigns under the relevant National Strategy ensure they are linked and synergised with other long term strategies for promoting overall principles of equality (such as the Kosovo Law and Strategy on Combating Gender Based Violence, the Kosovo Law and Strategy on Promoting Gender Equality as well as with laws and strategies promoting the inclusion of minority and other endangered population(s)).
- Conduct regularly preventative and awareness raising campaigns as the general public is not really aware of what human trafficking is; Campaigns should highlight the factors that place potential victims of trafficking at risk and where to go for information and support, including whom to address if the institution / service provider is being unresponsive or inefficient
- Develop and implement regular campaigns so to ensure that general public get the information on referral centres, hotline, shelters and assistance available to victims so they could report a case if they encounter one.
- Ensure that all campaigns have strong focus on local level and areas outside of cities
- Develop and implement policies so to ensure that public media broadcaster/s regularly and continuously produce and air shows and programs aimed at preventing trafficking in human beings

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<sup>142</sup> Public awareness raising campaigns related to human trafficking in Kosovo are often delivered in the context of broader and deeply-rooted prejudice, stigma, and tradition which enables human trafficking. They often hinder the ability to tackle human trafficking, and contribute to secondary victimization.

### 3.5 SERBIA

#### **General overview**

Serbia is considered a country of origin, transit and country of destination for women, children and men, and relevant reports estimate that it still does not meet the minimum standards for elimination of trafficking. Majority of women who are trafficked outside of Serbia end up in neighbouring countries, Russia or Western European countries, including Germany, Italy, and Switzerland. Serbian men are forced to hard labour in the construction industry in European countries, including Azerbaijan, Slovenia and Russia, but also in the United Arab Emirates. Serbia is a destination country of men and women mainly from neighbouring countries including Bulgaria, Montenegro, Romania, Bosnia and Herzegovina as well as Moldova. In a similar vein to the other neighbouring countries in Serbia, too, children of Roma origin are subjected to forced begging, petty crime or trafficked for sex by either local criminal groups or by their own family members.

Serbia is listed as Tier Two country in the US State Department's report on human trafficking, which has not met the minimum standards for elimination of trafficking in human beings. Visible progress, however, has been observed in the government's efforts and activities to counter trafficking on its territory mainly in the area of victim identification and specifically of forced labour victims. Furthermore, in cooperation with NGOs the government has taken number of activities to raise awareness of this problem. Nonetheless, although there is progress in the prevention efforts, particularly concerning is the insufficient progress in the area of protection of victims. Victims of trafficking in Serbia are not provided adequate safety because presently there are no established government's procedures to refer victims to NGO service providers. Additionally, the insufficient and inadequate training of social workers, who are at the frontline of providing victim assistance and protection, was also assessed to be problematic. The problems were also observed at criminal proceedings, during which, victims were often exposed to intimidating trials that often resulted in secondary traumatization.

Serbia is also among the main countries along the Balkan route, travelled by migrants and refugees from Syria, Iraq, Afghanistan, Iran and other countries en route to Western Europe. From the beginning of 2015 almost close to a million refugees and migrants have crossed through Serbia and the rough estimates are that this number includes around 30000 children. Particularly vulnerable group among the migrants are unaccompanied children who are easy target for traffickers. To date, Serbian police has registered around 500 children without an accompanying adult. The identification of unaccompanied minors represented difficulty to border police as many of the migrants lacked proper documentation.

#### **Legal framework**

Serbia has signed in 2005 and ratified the Council of Europe Convention on Action against Trafficking in Human Beings in 2009. In addition to this, Serbia is also party to the United Nations Convention against Transnational Organised Crime and its Protocol to Prevent, Suppress and Punish

Trafficking in Persons, especially Women and Children, both of which it acceded to in 2001.

The Criminal Code was revised in 2006, when for a first time trafficking in human beings (Article 388) was separated from illegal border crossing and people smuggling (Article 350). Furthermore, later on additional amendments were made to Article 388 of the Criminal Code making penalties for human trafficking more severe and increasing the list of forms of exploitation. Among other, it was added that knowingly using the services of a victim of trafficking, even if the victims consent to it, is considered as criminal offence. Beside this, the Criminal Code has several other provisions and international legal acts relevant to trafficking in humans, which could be used in prosecution.

Serbia drafted the first National Strategy for Combating Trafficking in Human Beings in 2006, however the strategy had no accompanying action plans and timeframe. The subsequent National Strategy was adopted in 2009 for the period of 2009-2011 and defined the institutional framework and it also had chapters on protection and integration, international cooperation etc. The National strategy for the period of 2014-2020, and the 2014-2015 action plan were drafted after extensive consultation with various relevant stakeholders, including NGOs, representatives of international organisations, and embassies, as well as academics. However, despite the timely drafting of the strategy it was not adopted by the Government by the time this text is written.

### **Institutional framework**

Since 2000, the Serbian Government has been improving the institutional set up in charge of fight against trafficking in persons.

At political level - the Council for Combating Trafficking in Human Beings (“Anti-Trafficking Council”) is inter-ministerial body chaired by the Minister of the Interior. Its role is to coordinate national and regional activities for fighting trafficking in human beings as well as to examine reports by relevant organisations and propose measures for implementation of recommendations of international bodies. However, the problematic issue is that the Council does not have a separate budget for its activities.

Another body that works on national level is the Republican Team for Combating Human Trafficking (“Republican Anti-Trafficking Team”), which is composed of representatives from the civil society, government, international organisations and expert organisations. This Anti-Trafficking body has no formal role and therefore it has no separate budget for its activities. However, its role is important as it involves coordination of anti-trafficking activities among the various stakeholders involved in the fight against trafficking and it does so through the coordination of the four working groups which deal with prevention and education; assistance and protection to victims; combating trafficking in children; and law enforcement.

The National Co-ordinator for Combating trafficking in human beings is appointed by decision of the Minister of the Interior and is responsible for presiding over the meetings of the Republic Anti-Trafficking Team and for management of its Secretariat. In addition to this the Co-ordinator is in charge of monitoring of the implementation of the National Action Plan and co-ordination of the activities of the governmental and non-governmental stakeholders. The main challenge regarding the role of the Co-ordinator is that this position is not full-time with independent authority.

In 2012 the Centre for the Protection of Victims of Trafficking in Human Beings was established with the purpose of facilitating the identification and the referral of victims for assistance and protection. This Center, which is staffed with two psychologists, a lawyer, a social worker, two special educators and an economist, has been providing number of important services (including assessment of the current situation and risk analysis in the area of trafficking in humans, regular monthly and annual reports with statistical breakdown on the number of identified victims of trafficking, coordination of activities with other centers for social protection and providers of assistance to victims of trafficking)

and it is providing number of trainings across the country on issues of trafficking. The Center has two organizational units: The Reception center for victims of trafficking and the Coordination Unit. The Reception center is particularly important as it should not only provide basic assistance for reception of victims of trafficking, but also through its urgent reception center provide legal advice, medical and psychological help and assist in the reintegration of victims of trafficking in the society. This urgent reception center is, however, still not operational.

The setting up of the Centre for Protection of Victims of Trafficking in Human Beings was assessed as a positive practice, which should be replicated to other countries in the region.<sup>143</sup> However, it is necessary that the role of this center is enhanced through making the urgent reception center operational as soon as possible. Also, given the important role of the center the number of people employed is deemed to be inadequate.

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<sup>143</sup> See: Centar za zaštitu žrtava trgovine ljudima 2015. Available at: <http://www.centarzztlj.rs/index.php/statistika>

**Public opinion survey - Results**

**General awareness of human trafficking**

**Have you ever heard about the term “human trafficking“?**

Yes	100%
No	0%

All respondents have heard of the term "human trafficking".

**How did you first hear about human trafficking first?<sup>144</sup>**

TV	61.3%
Newspaper	21%
Friends	7.7%
Family	3.6%
Government	2.7%
Other	2.7%
No answer	0.9%

As the source of first information about human trafficking respondents most commonly cite the traditional media - TV and newspapers.

“Friends” and “family” are cited much less. Finally, “government” and “other”are the least cited responses.

Obviously, non-institutional mechanisms - traditional media and, to a certain extent, one’s own social circle – play central role in general public’ finding out about the problem of human trafficking.

**What do you think best describes human trafficking?<sup>145</sup>**

Here the respondents were offered a list of options and were asked to check all that apply. The respondent cited mostly – “organized crime” (25%) and then “sexual exploitation” (20.4%), “human trafficking” (14.8%), “violation of human rights” (14%), “modern day slavery” (12.3%), “forced recruitment and transportation of people from one place to another for the purpose of exploitation“ (10%) and “moving to another country for better jobs” (1.8%). “Escaping a war” (1.6%) was the least cited option.

<sup>144</sup> Here the respondents checked all answers that apply, on their own initiative.

<sup>145</sup> Here the respondents were asked to check all answers that apply.

So, according to the perception of respondents, "organized crime" and "sexual exploitation" are the terms that best describe human trafficking.

**Have you ever attended/participated in an event specifically devoted to human trafficking?**

Yes, a conference/training	15.2%
Yes, public event	8.1%
No	72.6%
Other	3.5%
No answer	0.5%

It appears that circa quarter of the total number of respondents was exposed, at some point, to relevant public events, trainings, etc.

This is not the case with the vast majority of the remaining number of respondents - they say that they did not attend any public event dedicated to the theme of human trafficking.

**Where do you think victims of human trafficking mainly originate?<sup>146</sup>**

Eastern Europe	13.7%
Middle East	13.7%
Asia	24.5%
Western Europe	4.2%
USA	20%
Africa	22.2%
No answer	1.6%

“Asia” is the most commonly cited answer.

“Africa” is cited with slightly lesser frequency.

The response indicates that there are visible consequences of ongoing wars. Exploitation of those coming from poor and / or unstable regions is also visible.

For the case of Serbia is typical that respondents quite commonly cite USA as the place of origin of trafficking victims.

**Victims of human trafficking are most commonly<sup>147</sup>**

Women	49.1%
Children	40.8%
Men	4.9%
Old people	3.7%
No answer	1.4%

As the most common victims of human trafficking, respondents most commonly cite “women” and “children”.

“Men” is cited in a very small extent.

<sup>146</sup> Here the respondents were asked to check all answers that apply.

<sup>147</sup> Here the respondents were asked to check all answers that apply.

### Human trafficking is predominantly conducted for<sup>148</sup>

Sexual exploitation of victims	46.7%
Illegal labor	11.7%
Child Labor	7.2%
Organ removal	22.3%
Slavery	8.1%
Other	2.4%
No answer	1.5%

Sexual exploitation, organ removal and exploitation for the purpose of illegal labor are predominant purposes of human trafficking, as respondents in Serbia perceive it.

### Respondents were asked to respond with true / false to following statements

1) Human trafficking victims should be protected in the countries where they have been trafficked by the institutions

True	72.1 %
False	5.8%
Don't know	4.2%
No answer	17.9%

2) Human trafficking victims have to be deported to their country of origin

True	52.6%
False	25.3%
Don't know	4.2%
No answer	17.9%

3) Human trafficking victims should be punished for their illegal activities

True	15.2%
False	62.6%
Don't know	4.2%
No answer	17.9%

4) Human trafficking victims should be integrated in the countries where they presently live

True	38.4%
False	39.5%
Don't know	4.2%
No answer	17.9%

Respondents take side of victims and are in favor of improvement of their status to a certain extent. Namely, majority agrees that victims “should be protected in the countries where they have been

<sup>148</sup> Here the respondents checked all answers that apply, on their own initiative.

trafficked by the institutions”. Also, majority disagrees that victims should be punished for their illegal activities.

It is the other way round, however, with the "victims should be deported to their country of origin" statement - majority responds to it with "true". Also, only slightly, but still – those thinking that victims should not be integrated in the countries where they presently live, are in majority.

More than a fifth of the total number of respondents in Serbia decided not to answer to this question or decided to respond with “don’t know“. This is not an irrelevant number.

**Awareness of human trafficking in his/her own environment**

**Do you know if human trafficking happens in your country?**

Yes	95.3%
No	4.2%
No answer	0.5%

From the total number of respondents in Serbia, only 4.2% "doesn't know if human trafficking takes place in the country".

**If yes, how many cases of human trafficking do you think takes place in 1 year?**

1 case	6.6%
2-3 cases	10.5%
3-5 cases	16.1%
More than 5 cases	59.4%
No answer	7.2%

The purpose of this question was to dwell deeper into affirmative answers to previous question.

The respondents think that cases of human trafficking do take place in Serbia - one case (6.6%), or 2-3 cases (10.5%), or 3-5 cases (16.1%), or even more than 5 cases (59.4%) in one year.

According to the perception of respondents that provided feedback, really high number of human trafficking cases takes place in Serbia in one year.

**Do you know about a specific case of human trafficking among people you personally know?<sup>149</sup>**

Yes, a family member	4.2%
Yes, a friend	5.8%
Yes, an acquaintance	2.6%

"I do not know of such a case" (64.2%) was the most commonly cited answer.

"I have heard about such case in my neighbourhood / city" (23.2%) was the most cited among answers in affirmative

<sup>149</sup> Here the respondents were asked to check all answers that apply.

Yes, I have heard about such case in my neighbourhood/city	23.2%
No, I am not aware of such case	64.2%

tone.

Other answers in affirmative tone (“family member”, “friend”, “acquaintance”) were cited in a far less extent.

**If yes, what have the case/s been?<sup>150</sup>**

Sexual exploitation	24%
Forced labor/ street begging	13.7%
Organs	3.7%
Other	9.9%
No answer	48.6%

The purpose of this question was to dwell deeper into affirmative answers to previous question.

"Sexual exploitation" is the most commonly cited answer.

“Forced labor / street begging”, “other“ and “organ removal” as purposes of a case of human trafficking in question are cited in a lesser extent.

**Have you tried to help the victim/s?**

Yes, report to an agency/institution	8.8%
Yes, tried to talk to the person about their possibilities to escape the situation	8.3%
Yes, took the victim with me	1%
No, it is too risky to help victims of human trafficking	7.3%
I don't know how I can help	20.7%
No, I do not want to have anything to do with such issues	10.9%
No answer	43%

From the feedback we read that among respondents there is a certain percentage of those who have tried to help the victim/s of trafficking in cases they encountered (by reporting, talking to the person, providing shelter).

Among those, majority tried to help by "reporting the case to an agency / institution" (8.8%).

Far greater though is the percentage of those whose answers were in negative tone. Their reasons are different – “it is too risky to help victims of human trafficking” or "I do not want to have anything to do with such issues". The most common reason is that respondents "don't know how they can help" (20.7%).

**What are the signs by which you think you could recognize someone as victim of human trafficking?<sup>151</sup>**

Person does not communicate with the people from his/her surrounding	21.8%
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"I would not be able to recognize a case of human trafficking," was the most commonly cited answer

<sup>150</sup> Here the respondents were asked to check all answers that apply.

<sup>151</sup> Here the respondents were asked to check all answers that apply.

Hear screaming from their home	7%
Suspicious stories they tell about their identity	8.2%
They are in suspicious relationship	21.8%
The way they look	10.3%
I would not be able to recognize a case of human trafficking	29.2%
No answer	1.6%

to this question.

Among respondents who think that they would be able to recognize someone as a victim of human trafficking, “person does not communicate with people from his/her surrounding” and “they are in suspicious relationship” were the most commonly cited signs.

**On a scale from 1 (not a problem) to 5 (very serious problem), in your opinion, how serious do you think the problem of human trafficking is in your country?**

Not a problem	0.5%
Not so serious	1.6%
I don't know	15.8%
Somewhat serious	43.2%
Very serious problem	37.9%
No answer	1%

It is undisputable that cases of human trafficking take place in Serbia. However, something else can be read from the response of the participants in this survey. Namely, there is a certain number of respondents that perceive the problem of human trafficking as “very serious” and a slightly higher number of respondents that perceive it as “somewhat serious”.

Thus, it turns out that - according to the perception of nearly four-fifths of the total number of respondents - human trafficking represents a serious problem in Serbia.

**On a scale from 1 (not a problem) to 5 (very serious problem), in your opinion, how serious do you think the problem of human trafficking is in the Balkan region?**

Not a problem	0.5%
Not so serious	1.6%
I don't know	8.9%
Somewhat serious	39%
Very serious problem	48.4%
No answer	1.6%

According to the perception of the vast majority – almost 90% of the total number of respondents in Serbia – human trafficking is a serious problem in the Balkan region.

Within that group, there are less of those who perceive it as “somewhat serious” and more of those who see it as a “very serious” problem.

## Willingness to address the issue

### If I know/learn about a case of human trafficking

I know where to report	72.6%
I do not know where to report	23.7%
No answer	3.7%

Majority of the total number of respondents “knows where to report” a case of human trafficking (72.6%).

Others, however, respond differently.

### If I know/learn about a case of human trafficking, I will try to help

Certainly	54%
Probably	23.3%
Not sure	14.8%
Rather not do anything	2.1%
Not do anything, it is not my problem	5.3%
No answer	0.5%

Slightly more than a half of the total number of respondents in Serbia says that they would certainly try to help in such a situation.

All other respondents are unsure, as a minimum.

### Are you aware of some of these cases in your neighbourhood/town/city?<sup>152</sup>

1) Women being married off abroad and not returning

True	28.4%
False	18.9%
Don't know	26.3%
No answer	26.3%

2) Children forced to beg

True	17.9%
False	29.5%
Don't know	26.3%
No answer	26.3%

<sup>152</sup> Here the respondents were asked to check all answers that apply.

3) Men/Women who were forced to work in your country or abroad and not paid for that		4) Newcomers that you suspect could be victims	
True	16.8%	True	12.1%
False	30.5%	False	35.3%
Don't know	26.3%	Don't know	26.3%
No answer	26.3%	No answer	26.3%

With significant frequency the respondents cite that they are “not aware of such cases”.

On the other side, those that are aware of some cases most commonly cite cases of “women being married off abroad and not returning”.

**In your opinion, is there a difference between human trafficking, smuggling and illegal migration?**

Yes	72.3%	It appears that majority of respondents in Serbia see the distinction between human trafficking, smuggling and illegal migration.  On the other hand, the number of respondents that think otherwise is significant.
No	25.1%	
No answer	2.6%	

**To whom would you feel most comfortable to report on human trafficking cases?<sup>153</sup>**

Police	74.8 %	“Police” is the most commonly cited as an establishment that respondents would feel most comfortable to report a case to. “Non-governmental organizations” and “border guards” are cited in a small extent. Other options are cited far less.
NGOs	8.9%	
Border guards	8.4%	Although the problems can be identified in the performance of institutions, the response indicates that, in terms of combating human trafficking, the law enforcement enjoys confidence of the community.
Local governments	1.9%	
Other	3.3%	
No answer	2.3%	

**Would you be interested in the following<sup>154</sup>**

Receive training how to identify and help victims of human trafficking	29.9%	Among the answers in the affirmative tone "to get more information on the issue from the media" was the most commonly cited as a form of activity the respondents
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<sup>153</sup> Here the respondents checked all answers that apply, on their own initiative.

<sup>154</sup> Here the respondents were asked to check all answers that apply.

To become part of human trafficking advocacy group	14.2%
To get more information on the issue from media	41.7%
I am not interested in this issue	12.8%
No answer	1.4%

would be interested in (41.7%).

Attending some form of training or becoming a part of advocacy group are also the ideas that respondents are in favor of.

On the other side, the negative response ("I am not interested in this issue") was cited in a small extent.

## Policy recommendations

Serious efforts were invested in prevention, in prosecution of perpetrators as well as in protection of victims, but authorities in Serbia are still not completely successful in fighting human trafficking.

Key steps forward were taken particularly in the area of awareness rising on human trafficking. However, they were assessed to be insufficient. The National Strategy for the period 2013 - 2018 including the complementary action plan was drafted but not adopted. Similarly, the institutional framework is regarded to be in place, nevertheless the major challenges are that most of the institutions do not have their own funding and independent authority to adequately focus on issues of authorities. This in particular refers to the position of the National Coordinator, the Council and the Republican Anti-Trafficking Team which do not have their separate budget. While efforts were made to reduce commercial sex demand (through fining clients who were identified during raids of commercial sex establishments), the government did not do enough to minimize demand for forced labour.

In the area of protection, the identification of trafficking victims has been improved however victim assistance and protection were not improved. Progressively more victims have been identified and breakdown of statistics on the profile of victims and the type of exploitation was made available systematically. However, the referral of victims to NGO service providers was not done on regular basis. The reason for this was that the government-run social welfare centers were not able to provide assistance and observers stressed that social workers working in these centers did not have the necessary training and skills to work with trafficked victims. Also, it was assessed that they were not able to identify and remove children victims, even though it might be known that they are exploited by parents.

The Serbian criminal code, as mentioned afore, prohibits all forms of trafficking and the penalties are sufficiently stringent, ranging from three to 15 years of imprisonment. Nevertheless, the government has shown mixed success in the prosecution of trafficking related crimes. In this context, it was observed that during the trials the victims were exposed to secondary traumatization, as they often had to appear in front of their traffickers, who intimidated or threatened them. Furthermore, judges often suggested the victims to file only civil suits against their traffickers for compensation, although according to the Serbian law they are entitled to filing both criminal and civil suits for compensation. The civil suits were often long, expensive but also traumatic as they involved recurring meetings with their abusers, or traffickers. To date, only few victims have been compensated as a result of a civil suit. Another problematic issue was that in the Serbian law there is no provision for non-punishment or non-prosecution for victims of trafficking. There was a case in 2014 when a victim of sex trafficking was forced to sign a murder confession by her trafficker and started serving an 18-year prison punishment.<sup>155</sup>

Important is to mention, that the Government-run Center for Protection of trafficking victims, which is in charge of victim identification and assistance, as mentioned before, already has a protection and reception unit. Nonetheless, the urgent reception unit was not functional for a third year in a row. The protection unit, although operational, did not have specific procedures for cooperation with NGOs,

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<sup>155</sup> See: Serbia Trafficking in Persons Report 2015, U.S. Department of State. Available at: <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

which has a negative impact on victim assistance. Most of the NGO-shelters and NGOs working with trafficked victims are funded from foreign sources and do not get government funding. Furthermore, there are no specialized shelters for men, or for children, who are often returned to their families, or sent to foster care or orphanages.

Identified weaknesses indicate that certain challenges prevail and that further efforts are needed for successful elimination of human trafficking in Serbia:

- Invest additional efforts in poverty reduction (current efforts, particularly in regard to Roma community, are insufficient) and in ending discrimination
- Amend the Criminal Code so to ensure that victims of human trafficking will not be prosecuted for acts committed as a result of the fact that they found themselves in the position of victim of human trafficking
- Adopt and implement the new Law on Asylum, with a special focus on vulnerable groups and integration measures for people in need of international protection
- Adopt and enforce the legislation on establishing of compensation fund for victims of serious crimes
- Adopt Strategy for Combating Human Trafficking and accompanying Action plan for the upcoming period
- Establish the institution of National Rapporteur (in accordance with the EU accession negotiations' Action Plan for Chapter 24 (Section 6.2.8., Recommendation 8); Take the necessary steps to set up and make the institution of the National Rapporteur on Human Trafficking fully operative
- Develop and implement standard operating procedures/guidelines for cooperation between the Centre for Protection of Victims and NGOs, in order to ensure that all victims are referred quickly / receive assistance timely
- Develop and adopt new standard operating procedures for referral of adult victims
- Develop and adopt new standard operating procedures for referral of child victims
- Develop and adopt new indicators for identification of victims in accordance with the current political situation (migrants blocked in Serbia, poverty, lack of trust in institutions, emigration)
- Develop and adopt new indicators for identification of child victims, with special reference to migrant children.
- Ensure that children migrants unaccompanied by elders receive adequate legal guardians, which will act in the best interests of the child
- Ensure that children migrants unaccompanied by elders are not admitted / accommodated in centers for asylum
- Establish specialized shelters for child victims of trafficking and provide access to all children in need of shelters' services
- Establish specialized shelters for male victims of human trafficking
- Ensure that Reception center designed to receive urgent cases of human trafficking is operational
- Design and conduct the evaluation so to establish the level of efficiency and effectiveness of the existing network of government-run centres for social work and to propose their reform in context of their role in relation to human trafficking victims (domestic and migrants, women, children, men); Develop and implement adequate policy based on the findings of the evaluation report

- Continuously build capacities of CSW institutions personnel to adequately address trafficking cases, particularly exploitation of children (regular mandatory victim-centric trainings).
- Provide the law-enforcement officials, judges and prosecutors with regular victim-centric trainings on how to deal with victims during investigation and prosecution of cases and how to provide victim protection and witness protection; Ensure that trainings are regular and that they are tailored to encompass new recruitment patterns and new exploitation patterns, as well that they address issues that arise when cases involve children as victims (including migrants).
- Ensure that regular trainings are organised for law enforcement, border officials, social services and civil society activists on recognizing victims and child victims of trafficking and on referral procedures in such cases. Ensure that teachers in schools also receive respective trainings regularly.
- Introduce regular education programmes in schools to raise awareness of children, teachers, school directors on types of trafficking and risks including information on where to go for support
- Organise meetings of parents in schools so to raise the awareness of families and community members of the risks and types of human trafficking (bring it to the familiar and friends level as opposed to something that happens to others, but not to us)
- Act upon recommendations of independent bodies (Commissioner for Protection of Equality) and implement appropriate changes in the education system (secondary schools and faculties)
- Conduct regularly preventative and awareness raising campaigns so to keep general public aware of what human trafficking is; Campaigns should highlight the factors that place potential victims of trafficking at risk and where to go for information and support, including whom to address if the institution / service provider is being unresponsive or inefficient; Ensure that all campaigns have strong focus on local level and areas outside of cities
- Develop and implement policies so to discourage and reduce the demand for services of victims of trafficking
- Allocate sufficient funds from the state budget for prevention activities
- Allocate sufficient funds for protection, rehabilitation and (re)integration services from the state budget (both for adults and for children), as current resources and supports available are not adequate to meet the needs of people who have experienced exploitation; Ensure that all shelters in the country are regularly funded from the state budget and adequately equipped
- Ensure that the position of National Co-ordinator is full-time with independent authority and separate budget
- Create conditions and tools for easy-access monitoring of human trafficking cases (starting from the arrest, over the indictment to the final verdict, including a possible seizure of assets, as well as information on whether the victim received compensation (*Track record*)); Increase the transparency of proceedings before national courts in cases of human trafficking
- Develop and implement adequate actions so to initiate a comprehensive and thorough dialogue (to include national, regional and international actors) in order to identify solutions for eradication of practices and customs that are harmful and which are practiced regularly under the veil of customs/traditions and/or within religious communities.

## IV METHODOLOGY

### Literature Analysis (desk review/ research)

For the elaboration of legal and institutional context of each country/territory, in the initial stages literature analysis (desk review/research) was applied.

The desk review examined key institutional documents and studies on gender-based violence in five Western Balkan countries/territories: Albania, Bosnia and Herzegovina, Kosovo, the former Republic of Macedonia and Serbia. The researchers reviewed the applicable regulations in the field, as well as of any other resources (national strategies, external evaluations, reports from relevant institutions on the implementation of strategies, in each country/ territory respectively, studies, reports etc.) to analyse and to identify the current legal and policy environment.

### Public Opinion Survey

The idea was to have the public opinion survey in all project countries / territories that will be analysed and compared with the information provided by the expert panels from all project countries / territories and will be incorporated in the final study.

The public opinion survey was carried out as a separate research in all project countries / territories.

The findings of the survey, among other, provide all-encompassing information on the awareness level of the wider public on gender-based violence and on human trafficking. Also, the survey assessed the general level of awareness of the prevalence of the gender-based violence and of human trafficking, the knowledge about access to information, support and protection of victims of gender-based violence and of human trafficking among population, as well as the interest of the public to participate in advocacy actions related to adoption of new national policies and community activities of dealing with those problems.

The main goal of carrying out the public opinion survey was to evaluate the general awareness of wider public on gender-based violence and on human trafficking.

Secondary goal was to assess the interest of the public to participate in advocacy actions related to adoption of new national policies and methodologies of dealing with these two serious issues.

In order to achieve the projected goals, the appropriate survey strategy was designed and adopted. The strategy contained information on the sampling frame, sampling procedures, fieldwork and fieldwork control, as well as about data processing and weighting. The highlights of its implementation are as follows:

*Conducting the survey* – Target population of the survey was general population. Projected size of the sample was 100 - 200 respondents per country / territory. With assistance of each partner organisation, the survey was carried out and eventually 1025 respondents were surveyed in total. The surveys within

all five countries / territories were conducted by partner organisations / interviewers trained to carry out the interviews. As a data triangulation method, the surveys were also conducted online - the questionnaires were circulated among university students primarily who were filling them out and sending them back to partner organisations. Interviewing was conducted in April and May 2016.

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*Sampling frame* – The State Statistical Offices censuses from each country and the individual census data were used as a sampling frame.

*Sample characteristics* - Units of analysis were individuals and the survey sample was representative for the population of persons 18 and older in Albania, Bosnia and Herzegovina, the FYR of Macedonia, Kosovo and Serbia. The sampling procedure included the population aged 18 and above, without upper limit, residing in private households. The ethnic composition of the population is mirrored in the sample, gender and age in proportion to the data provided by the censuses in each country / territory.

## OVERVIEW

### 1. Albania

In Albania, 205 people were surveyed in total (100%). There were 133 women (64.9%) and 72 men (35.1%), out of total number of respondents.

Out of total number of respondents, 65 individuals were surveyed in Tirana (37 women and 28 men). Out of total number of respondents, 65 individuals were surveyed in settlements in Albania (excluding Tirana) - the surveys were conducted in Vlorë, Korçë and Durrës (37 respondents were women and 28 were men). Moreover, out of total number of respondents, 75 individuals were surveyed in Pogradec (59 women and 16 men).

#### RESPONDENTS

Gender	Settlement	
	Tirana	Other cities
Men	28	44
Women	37	96
<b>Total</b>	<b>205 (100%)</b>	

#### AGE

Years	No. of respondents
18-30	78 (38%)
31-50	88 (43%)
51-65	26 (12.7%)
Above 65	10 (4.9%)
No answer	3 (1.4%)
<b>Total</b>	<b>205 (100%)</b>

**HIGHEST DEGREE OF EDUCATION**

<b>Education</b>	<b>No. of respondents</b>
Elementary school	4 (1.9%)
High school	72 (35.1%)
University	82 (40%)
Master degree	34 (16.6%)
PhD degree	2 (1%)
No answer	11 (5.4%)
<b>Total</b>	<b>205 (100%)</b>

**EMPLOYMENT STATUS**

<b>Employment</b>	<b>No. of respondents</b>
Employed	112 (54.6%)
Unemployed	30 (14.6%)
Student	34 (16.6%)
Retired	15 (7.3%)
No answer	14 (6.8%)
<b>Total</b>	<b>205 (100%)</b>

**INCOME LEVEL**

<b>Euros / month</b>	<b>No. of respondents</b>
No income	36 (17.5%)
Below 100	12 (5.9%)
100-200	26 (12.7%)
200-300	52 (25.3%)
300-400	28 (13.6%)
400-500	19 (9.3%)
Above 500	14 (6.8%)
No answer	18 (8.8%)
<b>Total</b>	<b>205 (100%)</b>

**2. Bosnia and Herzegovina**

In Bosnia and Herzegovina, 210 people were surveyed in total (100%). There were 134 women (63.8%) and 73 men (34.8%), out of total number of respondents. There were also 3 individuals that did not identify their gender (1.4%).

Out of total number of respondents (210), 124 individuals were surveyed in Sarajevo (73 women and 48 men). Out of total number of respondents, 86 individuals were surveyed in regions / cities in Bosnia and Herzegovina (excluding Sarajevo) - the surveys were conducted in Tuzla, Srebrenik, Brcko, Zivinice, Kakanj, Zenica, Bijeljina, Mostar and Kalesija (61 women and 25 men).

**RESPONDENTS**

Gender	Settlement	
	Sarajevo	Other cities
Men	48	25
Women	73	61
Other	3	
<b>Total</b>	<b>210 (100%)</b>	

**AGE**

Years	No. of respondents
18-30	64 (30.5%)
31-50	101 (48.1%)
51-65	20 (9.5%)
Above 65	12 (5.7%)
No answer	13 (6.2%)
<b>Total</b>	<b>210 (100%)</b>

**HIGHEST DEGREE OF EDUCATION**

Education	No. of respondents
Elementary school	3 (1.4%)
High school	83 (39.5%)
University	99 (47.1%)
Master degree	20 (9.5%)
PhD degree	0
No answer	5 (2.4%)
<b>Total</b>	<b>210 (100%)</b>

**EMPLOYMENT STATUS**

Employment	No. of respondents
Employed	122 (58.1%)
Unemployed	38 (18.1%)
Student	28 (13.3%)
Retired	22 (10.5%)
<b>Total</b>	<b>210 (100%)</b>

**INCOME LEVEL**

Euros / month	No. of respondents
No income	47 (22.4%)
Below 100	5 (2.4%)
100-200	15 (7.1%)
200-300	25 (12%)
300-400	47 (22.4%)
400-500	40 (19%)
Above 500	30 (14.3%)
No answer	1 (0.4%)
<b>Total</b>	<b>210 (100%)</b>

### 3. The former Yugoslav Republic of Macedonia

In Macedonia, 200 people were surveyed in total (100%). There were 134 women (67%) and 66 men (33%), out of total number of respondents.

Out of total number of respondents (200), 125 individuals were surveyed in Skopje (82 women and 43 men). Out of total number of respondents, 75 individuals were surveyed in regions / cities in Macedonia (excluding Skopje) - the surveys were conducted in Kumanovo, Tetovo, Bitola (52 women and 23 men).

#### RESPONDENTS

Gender	Settlement	
	Skoplje	Other cities
Men	43	23
Women	82	52
Total	200 (100%)	

#### AGE

Years	No. of respondents
18-30	69 (34.5%)
31-50	112 (56%)
51-65	15 (7.5%)
Above 65	4 (2%)
Total	200 (100%)

#### HIGHEST DEGREE OF EDUCATION

Education	No. of respondents
Elementary school	/
High school	76 (38%)
University	111 (55.5%)
Master degree	13 (6.5%)
PhD degree	/
Total	200 (100%)

#### EMPLOYMENT STATUS

Employment	No. of respondents
Employed	118 (59%)
Unemployed	29 (14.5%)
Student	45 (22.5%)
Retired	7 (3.5%)
No answer	1 (0.5%)
Total	200 (100%)

#### INCOME LEVEL

Euros / month	No. of respondents
No income	62 (31%)
Below 100	3 (1.5%)
100-200	15 (7.5%)
200-300	24 (12%)
300-400	43 (21.5%)
400-500	33 (16.5%)
Above 500	20 (10%)
Total	200 (100%)

#### 4. Kosovo

In Kosovo, 150 people were surveyed in total (100%). There were 52 women (34.6%) and 98 men (65.3%), out of total number of respondents.

Out of total number of respondents (150), 99 individuals were surveyed within the Albanian community in Kosovo (68 men and 31 women), and 51 individuals were surveyed within the Serbian community in Kosovo (30 men and 21 women).

As their place of living respondents listed Mitrovicë, Viti, Deçan, Prishtinë, Gjakovë, Skënderaj, Prizreni, Peja and Gjilan. Also, they listed Gracanica, Silovo, Zvecan, Leposavic and Zubin Potok.

#### RESPONDENTS

Gender	Community	
	Albanian	Serbian
Men	68	30
Women	31	21
Total	150 (100%)	

#### AGE

Years	No. of respondents
18-30	78 (52%)
31-50	43 (28.6%)
51-65	15 (10%)
Above 65	9 (6%)
No answer	5 (3.3%)
Total	150 (100%)

#### HIGHEST DEGREE OF EDUCATION

Education	No. of respondents
Elementary school	6 (4%)
High school	50 (33.3%)
University	78 (52%)
Master degree	10 (6.6%)
PhD degree	3 (2%)
No answer	3 (2%)
Total	150 (100%)

#### EMPLOYMENT STATUS

Employment	No. of respondents
Employed	64 (42.6%)
Unemployed	31 (20.6%)
Student	40 (26.6%)
Retired	14 (9.3%)
No answer	1 (0.6%)
Total	150 (100%)

## INCOME LEVEL

Euros / month	No. of respondents
No income	37 (24.6%)
Below 100	9 (6%)
100-200	18 (12%)
200-300	35 (23.3%)
300-400	28 (18.6%)
400-500	10 (6.6%)
Above 500	10 (6.6%)
No answer	3 (2%)
Total	150 (100%)

## 5. Serbia

In Serbia, 260 people were surveyed in total (100%). There were 119 men (45.7%) and 141 women (54.2%), out of total number of respondents.

Respondents were surveyed in different places throughout Serbia. Out of total number of respondents (260), 104 individuals were surveyed in Belgrade (52 men and 54 women),

In other cities, 154 individuals were surveyed (67 men and 87 women). As their place of living the respondents listed Vranje, Gracanica, Strpce, Bujanovac, Gnjilane, Kosovska Mitrovica, Zvecan, Lipljan, Laplje selo, Silovo, Priluzje, Zubin Potok, Laposavic, Kragujevac and Kraljevo.

### RESPONDENTS

Gender	Settlement	
	Belgrade	Other cities
Men	52	67
Women	54	87
Total	260 (100%)	

### AGE

Years	No. of respondents
18-30	115 (44.2%)
31-50	82 (31.6%)
51-65	30 (11.6%)
Above 65	14 (5.3%)
No answer	19 (7.3%)
Total	260 (100%)

**HIGHEST DEGREE OF EDUCATION**

<b>Education</b>	<b>No. of respondents</b>
Elementary school	14 (5.3%)
High school	79 (30.5%)
University	127 (49%)
Master degree	27 (10.5%)
PhD degree	3 (1%)
No answer	10 (3.7%)
<b>Total</b>	<b>260 (100%)</b>

**EMPLOYMENT STATUS**

<b>Employment</b>	<b>No. of respondents</b>
Employed	129 (49.5%)
Unemployed	49 (19%)
Student	59 (22.6%)
Retired	18 (6.8%)
No answer	5 (2%)
<b>Total</b>	<b>260 (100%)</b>

**INCOME LEVEL**

<b>Euros / month</b>	<b>No. of respondents</b>
No income	75 (29%)
Below 100	19 (7.4%)
100-200	42 (16.3%)
200-300	44 (16.8%)
300-400	33 (12.6%)
400-500	14 (5.3%)
Above 500	14 (5.3%)
No answer	19 (7.3%)
<b>Total</b>	<b>260 (100%)</b>

\* \* \*

*Fieldwork Sampling Procedures* - The survey was based on multistage stratification sampling procedure. Primary selection units (PSU) were settlements from these countries / territories. In the first stage, settlements were stratified according to size, urban-rural split, region where the settlements are located, and ethnic composition. Size and location of settlement were chosen as criteria since 1) the size affects the density and reach of information regarding human trafficking and gender based violence whereas 2) location of the settlement – border/non-border settlement - affects the salience of the issue for the respondents. Then ten of these PSUs were randomly selected. In the second stage, from each town, households were chosen on a random route method where every third household on the right side of the street was selected, without replacement. Hence, interviewers were not given addresses, but standardized directions in order to increase the randomness of the procedure. In rural areas, every third inhabited household was selected. In the third stage, once household was selected, the next birthday method was used to select respondents 18 years and older from a household.

*Data Gathering* - Face-to-face paper-and-pencil (PAPI) interviewing method was used during the process. This method was chosen over computer-assisted-personal interviewing (CAPI) to reduce survey costs, but also since the general culture in the Western Balkans is such that gives more preference to face to face.

*Online Questionnaire* - Internet based surveys were used solely to reach the younger audience. The

questionnaire was circulated among university students who filled it out and returned the results to interviewers / partner organisations.

*Non-sampling Error Reduction* – As a first barrier, the team of interviewers was selected among individuals with higher education from the partner organizations. Furthermore, to reduce non-sampling error, the survey avoided using jargon, but used clear wording of questions and clear concepts. Moreover, questionnaires were piloted in advance in order to improve validity of data gathered through refined concepts. In each interview, interviewers emphasized that the data collected are used for research purposes and will be statistically analysed. They reassured the respondents on the confidentiality measures taken by the partner organisations.

*Questionnaire* - Questionnaires were designed by experienced social science researchers that partnered with local organisations and were piloted to reduce misunderstandings and mistakes. Questionnaires were available in the official languages spoken in the countries and / or in local communities.

After introducing themselves, all interviewers used prompts to motivate the respondents.<sup>156</sup> All respondents were told that their participation in the survey is voluntary. They were also told that their responses will contribute to change and further improvement of measures that can be taken to prevent human trafficking and gender based violence.

The questionnaires were designed to start with demographical questions: gender, age, ethnicity, employment status, level of income, educational attainment (the highest level of education an individual has attained) by the number of years spent in education.

The demographic questions were followed with sets of questions on human trafficking and on gender based violence. Each thematic group of questions was divided into three sub-groups.<sup>157</sup>

*Data Processing* - Post-field coding of the questions was conducted. The data was cleaned from logical as well as from typing errors. After that, data was translated into English from each language, and then analysed.

Eventually the final output – feedback analysis - was created. It provides descriptive statistics that will serve as a basis for a report on how familiar are citizens with human trafficking and gender based violence, how exposed have they been to these issues and how responsive are they to tackle this issue and potentially get further involved in advocacy activities.

## Expert Panels

Expert panels were organised in each of the five countries/territories, by partner organisations in the project.

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<sup>156</sup> In addition, all questionnaires contained the example of the opening, imprinted in the header of the document. The text of the opening was as follows: “Respected \_\_\_\_, I am \_\_\_\_ an interviewer from (name of local partner organization). We are conducting a nationwide survey on the perceptions and awareness of on human trafficking and gender based violence in the country. I would like to kindly ask whether you would have the time to answer a set of questions regarding this issue. The interview would not take longer than 15 minutes. Certainly, your participation in this survey is not mandatory, but you have a chance to help us evaluate better this issue, and voice concerns and suggestions to the local and central governments on what can be improved. Hence, your contribution and personal opinion will be highly appreciated. As a token of appreciation, we will provide you with report of the survey and keep you posted with the developments of this study.”

<sup>157</sup> One sub-group of questions dealt with perceptions of gender based violence / human trafficking . Second sub-group of questions targeted the awareness on these issues in the country. Third sub-group of questions dealt with citizen’s perception and willingness to address/get involved in addressing these issues. Both questionnaires on gender-based violence and on human trafficking followed the same structure.

Main instruments that were used are semi-structured interviews, questionnaires and open discussions. The discussants, who were the representatives of CSOs, think tanks and/or national authorities, or media,<sup>158</sup> were encouraged to provide overview of the current situation of gender based violence and of human trafficking in their country by providing answers to questions related to exchange of experience and practices between experts and practitioners in this area.

The panels also discussed and identified weaknesses, gaps and challenges, and provided recommendations on how national actors can better raise awareness on issues of gender-based violence and of human trafficking.

The panels on gender based violence focused on the following general guiding questions:

### **A. Current Gender-Based Violence Situation**

(the first set of question concerned views of interlocutors of the current gender-based violence situation in their country/territory - if they think this is an issue and if so, what forms it takes in the region):

- Do you think gender-based violence is a serious issue in your country and/or the region?
- What are the most prevalent forms of gender-based violence that you know of to be reported (domestic violence, sexual assault, sexual harassment, trafficking of women for purpose of sexual or labour exploitation, etc.)
- Why do you think most women are reluctant to report cases of gender-based violence?
- What is your opinion on the current situation of financial compensation of women victim of sexual war-time violence? (please elaborate more extensively on this topic)

### **B. Policy Framework**

(this topic focused on legal and policy framework in a country/territory to identify potential victims of gender-based violence and refer them to social assistance and protection services.)

- In your country, how do people who may have experienced domestic violence or sexual assault become known to officials or organizations able to provide them with assistance? In other words, how are they identified: by the police, social services, labour inspectors, NGOs, etc?
- Do you know of any policies in place that oblige state institutions and private companies to provide their employees with trainings on sexual harassment on the work-place and provides for sanctions for such behaviour?
- What modes for victims' "self-identification" are available in your country, i.e. hotlines, posters or other advertisements identifying organisations helping victims of gender-based violence?
- What kinds of national referral networks for identifying and referring victims of gender-based violence exist in your country?
  - a) Which government and non-government institutions are involved?
  - b) How operational and active are they?
  - c) What are your recommendations to overcome obstacles and barriers to developing more effective ways to identify and refer victims who have experienced gender-based violence in your country?

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<sup>158</sup> Discussants that took part in expert panels held in each of the five countries/territories were of different professional background (heads of CSOs, researchers, legal counsellors, program managers, SOS helpline operators, judges, psychologists, police officials, etc) and they came from, among other, civil society organisations (from NGOs that manage shelters for women and their children, NGOs engaged in providing direct support and assistance to victims, CSOs that deal with rights of women, the Albanian Helsinki Committee), from Ombudsman's Office of Albania, from centres for social work, schools, from Kosovo Police (Section on Domestic Violence), United Nations Development Programme, European Union, European Union Police Mission to Kosovo (EULEX), from municipalities, etc.

### **C. Protection and Assistance**

(this set of questions focused on institutions and systems that provide protection and assistance services to women who have experienced gender-based violence in a country and in the region).

- What modes for victims' "self-identification" are available in your country, i.e. hotlines, posters or other advertisements identifying organisations helping victims of gender-based violence?
- Are you familiar with any of the organizations or institutions that provide protection and/or assistance services to victims of GBV in your country?
- What kinds of assistance, or protection services do they provide, for example shelter, medical, psycho-social support, or job placement, vocational training, occupational therapy, legal support, return, reintegration assistance?
- Do you think that the resources and supports available are adequate to meet the needs of women who have experienced gender-based violence?
  - a) If not, what kind of support is missing?

### **D. Priority recommendations**

(set of questions that focused on policy recommendations)

- What do you recommend as (i) urgent next step to take, (ii) mid-term goals and (iii) long-term goals to build, expand, or strengthen existing mechanisms and resources to combat gender-based violence and assist its victims in your country?
- What are your policy recommendations that could increase the awareness among the general population on gender-based violence?

The panels on human trafficking focused on the following general guiding questions:

### **A. Overview of the current situation of trafficking in human beings**

(the first set of question concerned views of interlocutors of the current human trafficking situation in their country/territory - if they think this is an issue and if so, what forms it takes in the region)

- Do you think trafficking and migrant exploitation are significant problems in your country and/or the region? Why or why not?
- What modes or patterns of recruitment have you observed? How do people become caught in trafficking?
- What key industries are involved, i.e. for what kinds of labour exploitation are people being trafficked from, through and/or to the region?
- What are some of the primary trafficking routes in the region, including source, transit and destination country?
- What is the profile of traffickers?
- Are there new trends, factors, forces or modalities in trafficking in human beings emerging in your country?

## **B. Policy framework**

(this topic focused on the legal and policy framework in a country/territory in place to identify potential victims of human trafficking and migration labour exploitation and refer them to social assistance and protection services they might need or want)

- In your country how do people who may have experience trafficking or exploitation become known to officials or organizations able to provide them with assistance? In other words, how are they identified: by the police, border guards, labour inspectors, consulates, etc?
- What modes for victims' "self-identification" are available in your country, i.e. hotlines, posters or other advertisements identifying organisations helping victims of trafficking?
- What kinds of national referral networks for identifying and referring trafficked persons and exploited migrants exist in your country/territory?
  - a) Which government and non-government institutions are involved?
  - b) How operational and active are they?
  - c) What are your recommendations to overcome obstacles and barriers to developing more effective ways to identify and refer people who have experienced trafficking or migrant exploitation in your country?

## **C. Protection and assistance**

(this set of questions focused on institutions and systems that provide protection and assistance services to people who have experienced trafficking or exploitation in a country and in the region)

- Are you familiar with any of the organizations or institutions that provide protection and/or assistance services to exploited migrants in your country?
- What kinds of assistance, or protection services do they provide, for example shelter, medical, psycho-social support, or job placement, vocational training, occupational therapy, legal support, return, reintegration assistance?
- Do you think that the resources and supports available are adequate to meet the needs of people who have experienced exploitation?
- If not, what kinds of supports are missing?

## **D. Priority recommendations**

(set of questions that focused on policy recommendations)

- What do you recommend as (i) urgent next step to take, (ii) mid-term goals and (iii) long-term goals to build, expand, or strengthen existing mechanisms and resources to combat trafficking in humans and assist its victims in your country?
- What are your policy recommendations that could increase the awareness among the general population on human trafficking?

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