# BULLETIN

## 10

# MARRI

## Migration, Asylum, Refugees Regional Initiative

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*EMBRACING THE ENDINGS, UNLEASHING NEW BEGINNINGS*

Dear colleagues, partners, and stakeholders,

It is with great pleasure and a touch of nostalgic reflection that I welcome you to this special Bulletin, marking the culmination of numerous endeavors, the conclusion of a mandate, and the dawning of new beginnings. This momentous occasion provides us with an opportunity to acknowledge the achievements, lessons learned and the transformative power of our collective efforts.

Bulletin 10 marks the end of MARRI Presidency-in-Office by North Macedonia, a journey that has spanned over two years of dedication, service, and tireless commitment to the betterment of our Initiative. Together, we have tackled many complex challenges, we have broken new ground, and achieved remarkable milestones. It is crucial, however, to recognize that the success of any Presidency is not measured solely by tangible accomplishments but also by the values and principles that have guided its actions. North Macedonia has exemplified the importance of unity, empathy, and inclusivity, fostering a spirit of collaboration and understanding that has transcended political boundaries.

Alongside the conclusion of the North Macedonia Presidency-in-Office, we are also bidding farewell to my mandate as Director of the MARRI Reginal Centre in Skopje. The fulfillment of this mission has undoubtedly left an enduring mark on me. I am honored by your trust and support to have this experience. Trough out my journey, I have witnessed the extraordinary potential that lies within human collaboration and dedication, and I cannot but bequest MARRI to continue on the same path.

In the next chapter, MARRI shall embark upon fresh initiatives, foster novel partnerships, and continue the tireless pursuit of excellence. The closure of GIZ's PaCT project sprung into a new project opportunity - EU Support to Strengthen the Fight against Migrant Smuggling and Trafficking in Human Beings in the Western Balkans. The current MARRI - CEI project holds enormous potential for further developments. Together, we possess the tools, the expertise, and the determination needed to forge ahead, transcending boundaries, and charting unexplored territories. Let us unite our resources, drawing upon the collective wisdom and experiences gained thus far, to shape a brighter, more inclusive, and sustainable future.

In times of transition, uncertainty often arises, and the unknown can be both exhilarating and daunting. However, let us remember that within this liminal space lies immense potential for renewal, fresh perspectives, and undiscovered opportunities. As MARRI navigates this juncture, my recommendation is to approach it with unwavering optimism, resilience, and a sense of adventure.

In closing, I extend my heartfelt gratitude to each of you who contributed to the success we celebrate today. I am confident that as MARRI moves forward, its collective strength will guide it towards even greater heights. May this Bulletin serve as a testament to a shared journey, an inspiration for the road ahead, and a reminder that endings and new beginnings are inevitably intertwined.

With anticipation and gratitude,

*Sashko Kocev*

# STRENGTHENING BORDER POLICE CAPACITIES THROUGH EMPOWERMENT OF POLICEWOMEN IN THE WESTERN BALKANS

*The poject aims to assess the representation of women in border police, at every level of police hierarchy and familiarize policymakers in the Participants administrations towards general gender concept, gender mainstreaming in migration and how to become gender sensitive and gender-responsive in their future decisions and actions.*

**Neli Rasovic** is the Representative of Montenegro to MARRI RC and the Project Manager of the "Strengthening Border Police Capacities through Empowerment of Policewomen in the Western Balkans" project, which will be implemented in the period from June – November 2023. As the person responsible for managing and coordinating the area of border management within MARRI RC, she is the creator of the project idea and developer of the project application, successfully supported by CEI through their Cooperation Fund Activity.

**Ms. Rasovic, what was the motivation or driving force behind initiating this project?**

As the police reforms in each Western Balkans (WB6) administration have been ongoing in the previous years, the number of women in police authorities has been increasing. Gender equality and protection of the rights of vulnerable groups, as basic elements of human

rights, have been promoted in these reform processes. WB6 are also signatories of several international conventions and other documents, aimed at promoting the role of women in the security sector and achieving gender-equality. Of course, this is a long-term process so the idea behind this project was to build on the achieved progress and put more emphasis on the border police authorities. Given the fact that the Western Balkans Route continues to be one of the most active migratory routes, it is important to support the border authorities to better adapt to these challenges, not only in terms of better managing security threats but also better responding to the needs of migrants and all people crossing borders. In order to be able to offer concrete support in the empowerment of policewomen in border police we need to initially asses the state of play and identify the gaps.  So, the project is based on two main activities: 1) research aimed to assess the state of play of policewomen on all levels of border policing, accompanied with a comparative analysis to be conducted with Italy, as one of the EU MS with best practices in involving women in policing, 2) a regional conference gathering all relevant stakeholders where the results of the research will be presented.

I am grateful that CEI recognised the significance and the potential of this project, and partnered with MARRI for its implementation.

**What outcomes or results are you aiming to achieve?**

The project, through the research and the conference, will inform relevant stakeholders about the state of play of policewomen in Border Police authorities in WB6, by tracing the root causes and offering recommendations on how to tackle them. It will support evidence-based policy-making in the area of gender mainstreaming in border and migration management. The comparative analysis with Italy is expected to generate good practices to be translated into concrete proposals and steps to be undertaken. Informed and committed leadership is critical to enable the institutional change essential to the achievement of gender equality. Hence, the project will set the ground for developing and implementing tailor-made activities aimed at introducing a gender-sensitive and gender-responsive approach in the future decisions and concrete actions of the Border Police authorities in WB6.

**How do you expect the project to impact individuals, the responsible institutions or the community?**

I trust that this project will support the achievement of balance between a human-centred and security-centred approach to border and migration management. By strengthening the professional development of policewomen, border authorities can improve the recognition of and response to gender-specific needs, interests, priorities, and concerns of the most vulnerable categories of migrants in order to prevent and detect all types of border-related crime including sexual and gender-based violence. In consequence, WB6 administrations will, on their way to reaching EU standards, significantly improve their acts and performance in respecting EU and international human rights' requirements. The project proposal is in line with the EU priorities for the WB6, namely increasing the support to border and migration management in WB6.

**Are there expansion possibilities for the project?**

In conceptualizing this project, one of the significant factors I paid particular attention to was its sustainability. MARRI manages the Border Police Management Network, which will significantly support the process of policewomen's empowerment at all levels. The Network will provide a platform for their mutual support, exchange of knowledge, good practices and experiences. Through already established cooperation between MARRI and relevant EU and International partners such as GIZ, FRONTEX, OSCE, IOM, CEI, DCAF, CoE, UNDOC, just to name a few, there is room for building synergies and jointly contributing to this long-term process.

**How do you envision the project evolving in the long term?**

The overall goal of the project, or better say the long-term vision, is to have gender-mainstreaming integrated in border and migration management authorities. I trust that the recommendations this research will produce will serve as baseline for future projects and activities aimed at closing the identified gaps.

**Mr. Poli, can you please tell us more about the CEI's Cooperation Fund Activity?**

To feed regional cooperation needs to bring together the decision makers at governmental level but also the people of our countries to share experience and effective methodology and to set trust and friendship among institutional and civil society actors. This goal is supported by all CEI MS: since 2002 they are funding this small tool making the CEI an appreciated donor supporting small projects. This way year by year the CEI co-financed over thousand "cooperation activities" bringing together the people of the constituency and beyond, and frequently generating networks of lasting duration. Not by case this year the MS agreed on doubling their contribution to the Fund paving the way to a new season of action.

**From donors' perspective, what makes MARRI's project particularly deserving of support?**

Empowering of policewomen in the border control shapes the concept of a very concrete issue both for the gender mainstreaming in the state administration of the WB6 and for the specific relevance of the policewomen in dealing with the needs of the more vulnerable migrants and victims of human trafficking. Moreover, the project of MARRI was a quality draft and fully matching the selection criteria of the Fund and the goals pursued by the Objective 2.1 Advancing Good Governance of the Goal 2 Building Just Societies of the CEI Plan of Action 2021 – 2023.

**What role do you believe gender mainstreaming plays in addressing the challenges our society faces?**

"… gender equality through the strengthening of women's leadership and political participation in all levels of a policy-making process – local, national, regional and global, by removing barriers for equal participation and ensuring women's fair access to all political spheres." is recognized as a priority by the CEI MS together with the awareness of the fact that reality is still far from the principles. "Thus, - the PoA states - the CEI will promote activities to remove all kinds of discriminatory provisions and growing inequalities, favoring gender equality and enhancing the participation of vulnerable groups in the public life." And of course, migration management is a field where this approach is particularly needed.

**What kind of impact do you hope CEI's support to have on the project's**

beneficiaries or the community at large?

The tragedies affecting migrants in the last weeks, from Pylos back to Cutro and many others, are shaking public opinions and international organizations. Against the inadequacy of the EU response to the structural problem of the mass migration that restarted hugely after the pandemic, we listen the queries of UNHCR, IOM, OSCE-ODIHR, Council of Europe and hundreds of CSOs. The detachment of the EU external border control to the WB countries, the sharpening of pushback practices denying the migrants to introduce their asylum rights, the lack of solidarity and common action within the EU that first, fails to face the drama with a rescue programme as it is needed in the Mediterranean; these and other issues are no longer sustainable for the values we wave as Europeans! Thus, I also trust your project being an opportunity to reflect on the recovery of the international rights of the people in move and how to improve the migration management on the borders through the touch of an enhanced role of the women, in the police and in the civil service.

**How do you envision the project's long-term sustainability?**

MARRI has a long-lasting commitment to very specific activities in the area of border management. I am sure that you will be able to bring the outcomes of this project to the level of decision making of the MARRI Participants and to prompt the support of the EU or other donors for an accompanying programme of technical assistance in this field.

**You have vast experience in project management. Could you share a memorable moment or experience related to your involvement that could be valuable lesson to others?**

Of course, and among many stories I would like to remind the great work CEI and MARRI did together and with NALAS in 2017 – 2018. The project called MIGRALONA was about the collaboration of National and Local authorities in the migration management. Based on a past Italian best practice, we fine-tuned the methodology for the active integration of migrants into the WB society. This was first through the empowering of Municipalities and Towns in organizing reception, assistance, education and integration, that finally means growth for the local communities.It is still possible, if central governments are supporting and fair practices of public – civil cooperation are in place.

## Addressing the growing gender gap in migration through partnership and innovation: the (GenMig)[1]

The Gender and Migration Research Policy Action Lab – GenMig – is a new initiative from the International Organization for Migration (IOM) that draws upon, and expands, the evidence-base on gender and migration in the pursuit of gender-responsive policies and programs around the world. The initiative is grounded on the Sustainable Development Goals (SDGs), especially SDG 5 on gender equality, and the need to accelerate their achievement in light of UN Secretary-General's report "Our Common Agenda". GenMig is aligned to the principle of gender-responsiveness across the 23 objectives of the Global Compact for Safe, Orderly and Regular Migration.

The initiative is a key part of IOM's firm commitment to further research and analysis for action on gender and migration made by IOM's Director General in his statement during the launch of the World Migration Report 2022 at the 112th session of IOM Council on 1 December 2021. The DG highlighted the important finding made in the report concerning the growing gender gap in migration: in the last 20 years, the share of female migrants decreased by 1.4 percent, while the share of male migrants increased by 1.3 percent (see the figure below and this short video).
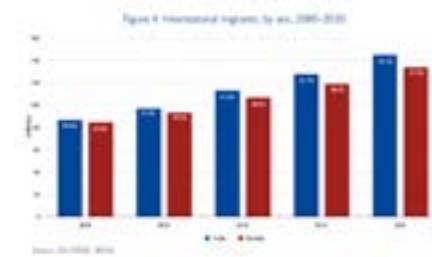


Source: IOM, World Migration Report 2022, chapter 2 pp. 27 and 28

Moreover, recent IOM research projects confirm that the gender-related impacts of international migration and mobility are widening and deepening right the way through the "migration cycle", from (pre-)departure, to entry, stay and return (see The impacts of COVID-19 on migration and migrants from a gender perspective, 2022; and Supporting brighter futures: Young women and girls and labour migration in South-East Asia and the Pacific, 2019). Gender discrimination and inequalities affect people who migrate, as well as those who remain in, or return to, countries of origin. Hear from migrants themselves in this short GenMig video

[1] Marie McAuliffe, Head of the Migration Research & Publications Division, IOM.

Specific gender-based vulnerabilities exist for women and girls, including, for instance, access to services, education and employment, impacting their socioeconomic circumstances that can lead to precarity. The UN estimates that women make up the majority of workers in the informal economy, which is the livelihood source of many migrants worldwide.[2] Often relegated to some of the most precarious sectors of informal work, such as domestic and care work, women migrant workers



experience downward skills mobility and are at increased risk of abuse (including gender-based violence) and exploitation.[3]

Despite mainstream narratives, vulnerabilities can cut across all genders: social norms may, for instance, force men and boys to migrate to provide for their families, sometimes in highly unsafe and irregular conditions.[4] In addition, gender-based discrimination can be a driver of migration for individuals of diverse genders in search of equality elsewhere.[5]

In the context of displacement, gender considerations often underpin individuals' trajectories, experiences and protection. The Ukrainian crisis is a salient example of how displacement patterns can also be gendered, with nearly 90 per cent of refugees being women and girls.[6] The impacts of climate and environmental change are often also highly gendered, with an increasing unpaid care burden borne out by women after disasters and less access to information on adaptation strategies and new resilient livelihoods, among others.[7]

Be it in contexts of migration or displacement, these gender-based vulnerabilities provide fertile

[2] ILO, 2018, Women and Men in the Informal Economy: A Statistical Picture.
[3] ILO, 2021, ILO Global Estimates on International Migrant Workers: Results and Methodology
[4] McAuliffe & Iqbal, 2022.
[5] Cabadağ and Ediger, 2020.
[6] UNHCR (2023), Ukraine Situation, see https://reporting.unhcr.org/ukraine-situation.
[7] IOM, see Gender, Migration, Environment and Climate Change webpage.

ground for human traffickers. The Counter Trafficking Data Collaborative reports that most identified victims of trafficking are women and girls primarily trafficked for sexual and labour exploitation (especially in domestic work, hospitality and manufacturing). However, the number of men identified as victims have increased over the years, including for sexual exploitation.[8] Sexual exploitation also appears to be the primary type of abuse for transgender and gender-non-conforming individuals.

Addressing the multiple gender vulnerabilities and inequalities throughout the migration cycle is essential to empower migrants of all genders for the benefit of migrants, as well as societies of origin and destination. Alongside manifold contributions brought by migrants, migrants have not only proven to be essential workers during the COVID-19 pandemic but have also been drivers of development and innovation.[9]

### GenMig's objectives, outcomes and deliverables: join us!

GenMig is grounded in the continuing need to improve gender equality throughout the migration cycle by leveraging research for gender-responsive policy and programmatic responses through the migration spectrum: voluntary migration through to forced migration and displacement (including human trafficking). This requires bridging migration research and policy spheres for key action on the ground:

- Research policy responses are devised to support positive gender outcomes in migration

- Actions for policy and programming are designed to practically and effectively address gender and migration issues.

GenMig is conceived as a highly collaborative venture to ensure the effective brokering of research into policy and programmatic spheres as well as the relevance, timeliness and effectivity of GenMig's policy and programmatic recommendations.

IOM's long-standing commitment to gender equality can help elevate the knowledge and engagement of experts across sectors committed to gender equality in migration, including those who have been working on policy and practice around the world. GenMig is designed as an innovation incubator with partners from around the globe working to achieve gender equality and effective actions. GenMig brings together private sector, academic, government, civil society and UN partners who are working in diverse geographic locations and on a wide range of gender-related topics. To find out more about joining GenMig, please email research@iom.int.

[8] CTDC, www.ctdatacollaborative.org/story/human-trafficking-and-gender-differences-similarities-and-trends
[9] McAuliffe, Kitimbo & Khadria (2020), WMR 2020 chapter on migrants' contributions.

**SASHKO KOCEV,** MARRI RC Director*

# ESTABLISHMENT OF A REGIONAL WB BORDER TASK FORCE
## *Between the need and reality*

On 5 December 2022, the European Commission presented the EU Action Plan on the Western Balkans[1], ahead of the EU-Western Balkans Summit in Tirana and following the EU-Western Balkans Justice and Home Affairs Ministerial of 3 November in Tirana, during which the Western Balkans ministers "committed to a unified, comprehensive approach."

The Action Plan identifies 20 operational measures structured along 5 pillars: (1) strengthening border management along the routes; (2) swift asylum procedures and support reception capacity; (3) fighting migrant smuggling; (4) enhancing readmission cooperation and returns as well as (5) achieving visa policy alignment.

The measures are focused on support to or actions by Western Balkan partners, and action within the EU. They aim to

[1] https://home-affairs.ec.europa.eu/eu-action-plan-western-balkans_en

* The opinions expressed are solely those of the author. In no case should they be considered or construed as representing an official position of MARRI.

strengthen the cooperation on migration and border management with partners in WB in light of their unique status with EU accession perspective and their continued efforts to align with EU rules.

On 14 March 2023, the European Commission adopted a Communication[2] which presented the strategic framework for European Integrated Border Management (EIBM). The Commission set out the first-ever multiannual strategic policy cycle on European integrated border management for the next 5 years.

The Communication is in line with Regulation (EU) 2019/1896 on the European Border and Coast Guard[3] and has 15 components. Component 7 specifies that Policy priority is "Cooperation with third countries in the areas covered by the EBCG Regulation, focusing in particular on neighbouring third countries and on those third countries which have been identified

[2] https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52023DC0146
[3] https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R1896

Border management and control are essential for ensuring security, preventing crime, and facilitating legitimate travel and trade.

The European Union (EU) has been actively supporting the Western Balkans in their efforts to strengthen border management and security after the region saw a significant influx of migrants and refugees in the recent years, which put pressure on the regional border management and control.

The EU has emphasized the importance of regional cooperation and the establishment of joint mechanisms to address the common challenges.

through risk analysis as being countries of origin or transit for illegal immigration".

Since 2019 the European Commission has signed Status agreements with Albania, Montenegro, Serbia and North Macedonia. Based on these agreements, Frontex has already deployed more than 500 standing corps officers and staff in the WB region.

If you follow EU press releases regarding migration management, you may believe that soon, with EU's support, all WB borders and boundaries will be closed for illegal migration.

However, although it is clear that Frontex presence in the region will help to deal with the complex migration situation, it is my personal view that this presence has some issues that we should all be aware.

1. Subsidiarity Clause of Frontex Programming Document 2021-2023

Already among EU Member States, the first obligation to protect their borders lies with member states themselves. According to the Frontex Programming

Document 2021-2023[4], "Frontex carries out its tasks <u>without prejudice</u> to the responsibilities, of the Member States with regard to maintaining law and order and safeguarding internal security and according to the subsidiarity principle."

The same applies to WB. Frontex has no legal or institutional obligation to protect WB borders.

2. <u>Frontex works on the base of bilateral (and not regional) agreements and arrangements.</u>

Frontex is an EU Agency to support primarily EU border management. Any deployment outside of EU Member States' territory needs individual Status Agreements and Working Arrangements with each of the non-EU states.

These Agreements have however *per se* no regional operational validity; they are and remain bilateral agreements.

3. <u>Ownership</u>

If status Agreements and Working Arrangements are concluded, Frontex can be "called-in" within the scope of the agreed support. This does not mean that Frontex will satisfy all requests; or that Frontex is immediately ready to support for the requested time period, with the requested resources and capacities. Frontex decides along its own priorities which may differ from those of the requesting state.

What a requesting state receives from Frontex, will not automatically create and maintain local ownership. The number and professional specialization of deployed Frontex officers may differ from the need. Local language competences will almost surely not be available in the necessary quality, quantity and variety. English as 'lingua franca' within Frontex is not always understood by many local Police officers or border crossing migrants. Hiring local police officers who speak English is a burden for the WB6 administrations.

4. <u>Frontex support can be withdrawn at any time by any of the two sides</u>

Frontex deploys officers "upon demand". Both sides – the requesting (one out of WB) and the requested party (Frontex)

– can withdraw from the support at any time.

This is also the reason why Frontex deployments cannot be used for contingency-planning. A state does simply not know when and "how much" and for how long support it will receive by Frontex. Differing Frontex priorities may end any Frontex deployment at any time.

5. <u>Frontex has not unlimited resources</u>

Frontex can never satisfy the entire need for quality EIBM in WB, not with 10.000 officers in a standing corps (on the paper) and not with even more. By the way: 10.000 Frontex officers were not initially planned for WB6 alone. Borders to Ukraine, Moldova, Romania, Turkey as well as Bulgaria, and Greece have preference.

Frontex officers have duties, such as reporting, training and other administrative commitments and spend only a part of their deployment-time effectively with border control activities. Frontex officers work under EU work contract regimes, with EU-leaves and EU-reduced working hours, compared to local or regional Police Forces.

Frontex officers also need more time for local settling adjustments, for orientation, always compared to regionally recruited or deployed Border Police officers.

Translation and interpretation for Frontex officers will absorb own resources of a requesting state and of Frontex officers' working hours.

Frontex support is also limited by available tools (e.g. drones) and other factors.

6. <u>Strengthening WB regional cooperation</u>

Frontex deployments do per se not increase regional cooperation. A German or Polish Border Police Officer at one side of the North-Macedonian / Serbian border does not necessarily increase the cooperation between Serbia and North-Macedonia and of the rest of WB. Only regional efforts increase regional cooperation.

7. <u>Anti-corruption</u>

All Chiefs of Police know very well that local rootage of Police officers has many obvious advantages.

But one of the few disadvantages are local commitments of Police officers.



Local Border Police officers are sometimes embedded in a system of local mutual "favours". In a border village, the trafficker or smuggler can easily make a "deal" with police officer, both sides may belong to the same neighbourhood, be siblings or friends.

Deployed Frontex officers would never find out about local corruption, due to lack of local language skills. But a Border Police officer from a neighboring state would, with so many regional Police and Customs officers being polyglot and having insights into regional particularities.

**Establishment of a Regional WB Border Task Force**

For all these reasons, I plea to - complementary to Frontex deployments - establish a Regional Border Police Task Force in the Western Balkans, aligned with EU's objectives and requirements for the region. I take the liberty to even propose the name of this task force as "WB – BORDPOL"

Establishing a genuine regional Western

Balkan Border Task Force could be an effective way to intensify border management and allow Frontex to focus on what Frontex can do best: Showing the EU model.

Such regional task force could help ensure consistency in policies and procedures, improve information-sharing, and enhance joint operations and training.

<u>Legal base for complementary, voluntary Regional Border Police Task Force</u>

On 17 July 2008, the first Meeting of the Committee of Ministers under the Police Cooperation Convention for Southeast Europe took place in Vienna.

4 https://frontex.europa.eu/assets/ Key_Documents/Programming_Docu- ment/2021/Single_Programming_Docu- ment_2021_2023.pdf

The Ministers of the Contracting Parties had gathered for the first time under Article 33 of the said Convention, determined to strengthen effective cooperation between the law enforcement authorities, ready to conclude bilateral and multilateral implementation agreements, establishing common centres et aliud.

Para 2 of Art. 3 of the said Convention allows enhancing cooperation during operations and investigations for the purpose of prevention, detection and investigation and for countering threats by:

"… Deploying the forces in the neighbouring border areas in line with coordinated planning;"

Additionally, this Convention serves perfectly as a legal base for different cross-border police activities such as: Hot pursuit, mixed patrols along the state border, cooperation in common centres, joint cooperation and cross-border search operation etc.

Result: The Police Cooperation Convention for Southeast Europe can serve as a starting point for establishing a Regional Border Police Task Force in the Western Balkans.

Of course, the legal base for such task force can also be a completely new regional agreement which would take into account the Regulation (EU) 2019/1896 on the European Border and Coast Guard.

**There are several models possible for a Regional Border Police Task Force:**

It could start with just 2 or more out of WB6, who want to introduce it, always on a voluntary basis. It is advisable to think in phases, progressively advancing:

♦ **In Phase I,** the lowest level would start with job shadowing / work shadowing between 2 or more interested WB Border Police Forces for shorter periods. Two or more out of WB could agree to train jointly, to temporarily perform duties in concert, to harmonise curricula and capacity-buildings, to pool equipment, to increase the knowledge of local languages and cultural particularities, and to create a mutual understanding between Border Police. In Phase I, no request system would be installed. If this works well – and it is common practice already among some Border Police Forces – WB could go further.

♦ **In Phase II**, at next higher level, a Border Police Force could already allow requests from cooperating WB Border Police Forces for deploying their Border Police Officers to domestic hotspots, always voluntarily. In times of increased influx of irregular migrants, such support mechanism could facilitate a better contingency planning, bringing more Police Officers to domestic hotspots. If this works well – and it is partly already common practice among Border Police Forces – WB could go further.

♦ **In Phase III**, a "Standing Regional Border Police Task Force", complementary to Frontex deployments, could be installed, from EU funds.

Regarding operability and functionality, a Regional Border Police Task Force would not deviate much from proven managerial principles applied by and within Frontex. The wheel must not be re-invented.

**Political agreement:** The first step is a political agreement among two or more voluntarily participating WB Border Police Forces, which recognize the need for a regional Task Force and agree its objectives, mandate, and scope. The political will must also contain the commitment to highest ethical and professional standards.

**Funding:** Phase I can be funded by the WB. The funding questions will arise, when Phase II starts with deployments abroad within WB. Phase II and III would need EU funding.

► It can be argued that a Regional Border Police Task Force would perfectly meet and match EU intentions and – to a great extent – making European border management a standard. It is legitimate to expect EU funding of the extra costs (not for Border Police Forces as such).

► It can be argued that a Regional Border Police Task Force would complement Frontex deployments and allow Frontex to do what it can do better than any WB6 Border Police alone: Teaching, training, building capacities, explaining and showcasing the EU EIBM model, advising and supervising. Frontex can raise the WB6 border control quality much better if focusing on its unique EU capabilities and quality assurance mechanisms. Frontex should always provide quality and not be driven by the illusion of being everywhere, doing everything.

► It can be argued that regional efforts would be the backbone of a

better regionally applied EIBM, also guaranteeing its sustainability.

► It can be argued that a Regional Border Police Task Force would only need – compared to Frontex institutional and operational costs – comparatively small funding, since WB6 maintain already Border Police Forces from their own budgets. Only the additional costs of deployments in WB would have to be financed, at relatively low regional cost rates, compared to Frontex cost rates. A Regional Border Police Task Force officer is available at rates far below Frontex officer's costs.

**Legal framework:** A robust legal framework must define the Task Force's legal status, its powers, and responsibilities, as well as the rights and obligations of the voluntarily participating WB. The legal framework would encompass an organizational structure that outlines the Task Force's hierarchy, staffing, reporting, and decision-making processes.

**Operational procedures:** Standard operational procedures at Frontex standards would need to be developed to ensure consistency and effectiveness in the Task Force's operations, including joint patrols, inspections and information-sharing.

**Resource mobilization:** Needs assessments, coordination and cooperation shall be agreed on, as well as quality standards and control, compatibility of equipment, and technologies. Regional trainings and capacity-buildings need to be developed – with the support by Frontex - to ensure fitness in human rights, border management and control, as well as in intercultural communication and conflict resolution.

**Monitoring and evaluation:** A monitoring and evaluation framework – under Frontex supervision - would track the Task Force's performance, identify areas for improvement, and ensure accountability.

**By March 2024, the Commission shall, where necessary, submit appropriate proposals to amend Annexes I, III, IV and Va of the new Frontex rules. This would be the ideal moment to give birth to a complementary, voluntary Regional Border Police Task Force.**

**Mr. Todosiev, what inspired you to become a project manager, and how did you get started in this field?**

The desire to create something that will leave a mark has brought me where I am today. I was always promoting the approach "from idea to realization" and been interesting what lies in between. Back in 2008, I started working at the Macedonian Ministry of Interior in the Department for Pre-Accession Assistance (IPA), where I was responsible for technical implementation of the IPA projects in which the MoI was final beneficiary. Many things and tools that I learned back then I still use it in my current work as Programme Manager at the MARRI RC.

**Can you walk us through a recent project you managed? What approach did you take?**

The first and most important step is the pre-programming phase or assessment of the needs. What are our priorities and needs, and here I mean needs and priorities of the MARRI Participants and MARRI as such, and later the assessment of the partner or donor needs. When you have a match, then is easy. I am saying easy, but actually the real work starts after.

The latest and one of the biggest projects that we have been actively part of is the regional project on Preventing and Combatting Trafficking in Human Beings in the Western Balkans, or shortly called PaCT, financed by the German Federal Ministry for Economic Cooperation and Development (BMZ) and implemented by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) with MARRI as a strategic partner. We have been actively involved from the early beginning with the appraisal (assessment) missions in all 6 Western Balkans i.e. MARRI Participants and after drafting the project proposal we followed the entire implementation, monitoring and evaluation of the project, together with our distinguished colleagues from GIZ.

While traditional project management helps the achievement of project's goals on time, within budget and with a required quality, I must say that the management of the PaCT project was leaning more towards the agile working methodology. With all the uncertainties and unpredictability, we constantly reviewed the direction of the project, collected feedback form our beneficiaries and adjusted the approach. PaCT involved great number of partners so transparency, adaptability and the shared leadership was truly necessary.

**ALEKSANDAR TODOSIEV,** MARRI RC Programme Manager



## CONTINUOUS LEARNING AND INTEGRATION OF THE NEW DIGITAL TOOLS – PATH TO SUCCESS
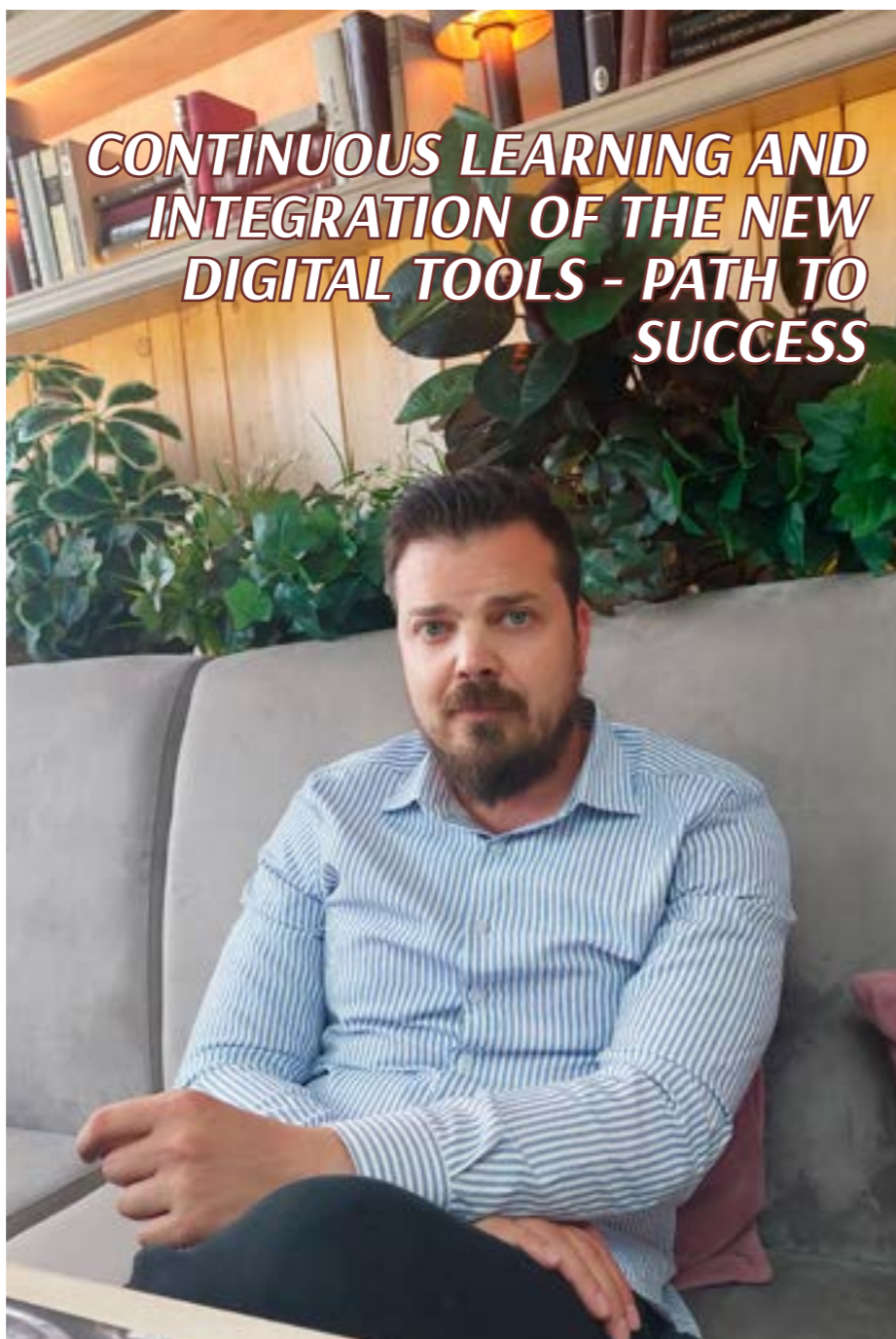
**What are some of the biggest challenges you've faced as a Project Manager, and how did you overcome them?**

Challenges are always part of the implementation process of any project. From the programming and drafting phase, where we as regional organization need to match the needs and priorities of all 6 MARRI Participants, through the implementation and evaluation process. COVID-19 was a serious challenge that had an influence on the project implementation. However, we immediately started working on the impact's mitigation and by transferring all possible activities from in-person to online format, we managed to continue with the project implementation wherever was possible. Another challenge was providing adequate expert/s for some of the activities, particularly for the specific IT trainings.

No matter what the challenge is, the most important thing is the willingness to manage it. Success is always achieved through discussions, exchange of good practices and solutions and openness to apply them.

**How do you manage risk and uncertainty when working on complex projects?**

The challenge is something that appears without notice, while the risk is something

that is predicted and planned for its management if it occurs.

For each project, we predict and plan the possible risks and the corresponding actions towards their mitigation or complete removal. Of course, if something happens that we did not foresee, then we undertake the same measures and actions as for the challenges, that is, through comprehensive discussions, exchange of good practices and solutions, we decide how to further reduce or remove the impact of that risk.

**What do you think are the most important qualities for a successful Project Manager, and how do you cultivate those skills?**

> *Beside the knowledge related to Project Cycle Management (PCM), the person should be open minded and always think "out of box". To be good listener, pro-active and solutions oriented, because sometimes the best ideas and solutions come out through unofficial discussions. Recognizing the opportunities and having the courage to seize them, differentiates the good managers from the others.*

Personally, I am always opened for different proposals and approaches, I like to hear the opinions of others and through pro-active discussions I always summarize the best possible solutions that may be applied.

**How do you balance the needs of different stakeholders and ensure everyone is on the same page throughout a project?**

That is always a challenge. Very often we conduct needs assessment through different channels and updating our final beneficiaries i.e. MARRI Participants administrations' needs. Later on, we do cross cutting and we try to conduct projects for those we have matches for 4, 5 or for all 6 MARRI Participants.

The MARRI Participants most of the time are sharing same or very similar problems and challenges, so their needs many times are overlapping and make our work easier. However, knowing that our mandate is also to support MARRI Participants administrations in reaching the EU and international standards, we also know to

propose activities which are in line of the EU and/or international standards that were not specified by the administrations, such as digitalization, gender mainstreaming in migration, etc.

**How do you measure the success of a project, and what metrics do you use to evaluate its performance?**

As usual, the project success is measured through the indicators. When you are defining the indicators, you must be careful they to be SMART (Specific, Measurable, Achievable, Relevant, and Time-bound). SMART indicators help to ensure that the indicators chosen are well-defined and can be effectively measured to track progress towards specific goals and objectives.

**How has technology changed the way you approach project management, and what advancements do you see in the future?**

We are leaving in the fourth industrial revolution where with digital technologies such as AI and automation augmenting our professional lives, we're able to make smart choices, faster than ever before. This all means a lot of changes in our private as well as business live. Many of the project phases will be digitalized and possibly automated which will make it easier to increase human productivity i.e. project effectivity.

However, still the most important remains the human resource. Without project idea, detected needs and priorities, without saying to AI what should they do, the process and project implementation cannot be run by itself.

> *Continuous learning and integration of new digital technologies in projects implementation is something that each and every one needs to work on and desire to achieve it.*

**What are you working on at the moment?**

We have just finalized the 4 years regional project on Prevention and Suppression Trafficking in Human Beings in the Western Balkans - PaCT, financed by the German Federal Ministry for Economic Cooperation and Development (BMZ) and implemented by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) with MARRI as a strategic partner. Now we are preparing project proposal to be part of

another regional project financed through European Union IPA III programme, tackling the human trafficking and smuggling of migrants, where again MARRI will be partner with GIZ, but also with other EU agencies and EU Member States.

We have intensive communication with another GIZ program dedicated to support MARRI administrations and municipalities in providing adequate answer to the mixed migration flows and the refugees and asylum seekers needs. Regarding the asylum and support of the asylum authorities in the MARRI Participants, there are ongoing talks with UNHCR (the UN Refugee Agency) to continue jointly to support MARRI Participants administrations in this area.

Furthermore, we are in close communication with IOM to reinforce the jointly developed WB-MIDEX platform, dedicated to exchange of non-personal migration data in the Western Balkans. The product aims to facilitate collection and exchange od data in accordance to EU Directives which significantly will support MARRI Participants administrations in EU integration path.

Another project that just started is with Central European Initiative dedicated to strengthening the border security capacities through empowerment of women in border police.

The cooperation with EU agencies such as Frontex, EUAA and Europol is directed towards capacity building, as well as with Interpol, OSCE, ICMPD, PCC SEE, DCAF and many other organizations which are working in the field of migration management and security.

Our overall work is dedicated to support MARRI Participants administrations in strengthening their capacities to provide better response and services in migration management, fight against human trafficking and smuggling migrants, return and readmission, asylum and refugees' support and protection, and becoming gender responsive in all activities and measures undertaken.

**What advice would you give to someone who is just starting out in project management?**

Be brave, follow your instincts and invest in your knowledge and capacities. Be the person that will make the change in the society and create better future for you and your loved ones. Don't let others tell you about the changes in society, be the one who will make them happen!

## CHRISTOPH VON HARSDORF

Dipl.-Jur. Univ., Assessor Iuris, Sworn Court Expert

# THB PREVENTION – QUO VADIS?

This opinion-article honours the donor community's strong commitment to preventing and combating trafficking in human beings (THB) and commends all their activities on the ground, including new and innovative ones like Mobile Identification Teams. THB as a criminal offence is committed in various countries and modes during a migration journey, a crime with a low reporting and insufficient conviction rate.

The article advocates to go new ways for recognizing the international, trans-border character of victimization processes, for increasing the reporting rate on one side and intensifying pro-active criminal investigations on the other side, as necessary for all criminal offences with high dark figures.

## United Nations

UN's Inter-Agency Coordination Group Against Trafficking (ICAT) published an Analytical Review[1] for the 20th Anniversary of the adoption of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children[1].

2023 is the year the UN celebrates the 28th anniversary of adopting the Beijing Declaration and its Platform for Action, as well as the 13th anniversary of the adoption of the United Nations Global Plan of Action against Trafficking in Persons (UN Global Action Plan).

The UN World Migration Report 2022[2] describes in Chapter 10 "Human trafficking in migration pathways" trends, challenges and new forms of cooperation[3].

## OSCE

The OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings released on 31 May 2022 its very interesting 2020-21 Report of: Advancing new strategies to end exploitation[4].

1   https://icat.un.org/sites/g/files/tmzbdl461/files/publications/icat_analytical_paper_2020_final_0.pdf

2   https://publications.iom.int/books/world-migration-report-2022-chapter-10

3   file:///C:/Users/Dell/Downloads/WMR-2022-EN-CH-10_2.pdf

4   https://www.osce.org/files/f/documents/7/c/519279_4.pdf

## EU

The European Union Agency for Criminal Justice Cooperation (EUROJUST) published a first Report on Prosecuting THB for the purpose of labour exploitation[5], analysing Courts verdicts in 32 judgments from 10 Member States and Norway, 4 referred to Eurojust by national authorities when replying to the THB External Questionnaire; 17 cases registered in Eurojust as THB for labour exploitation; 29 responses to the THB External Questionnaire; and the outcome of the Strategic Meeting THB 2015.

On 14 April 2021, the European Commission adopted a new EU Strategy on Combatting Trafficking in Human Beings (2021-2025)[6], a comprehensive response to the crime. The Strategy is closely linked to the EU Strategy to Tackle Organised Crime (2021-2025)[7].

On 9 February 2023, EUROSTAT published the 2021 statistics for trafficking in human beings[8].

## Dark figure of crime

All institutions and practitioners presume a high number of undiscovered or even undiscoverable THB.

It was Belgian mathematician and sociologist Adolphe Quetelet, who first coined the term "dark figure of crime" back in 1832[9]. He argued: "Our observations can only refer to a certain number of known and tried offenders out of the unknown sum total of crimes committed. Since this sum total of crimes committed will probably ever continue unknown, all the reasoning of which it is the basis will be more or less defective."

5   https://www.eurojust.europa.eu/sites/default/files/assets/eurojust_prosecuting_thb_labour_exploitation_report_2015_en.pdf

6   https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52021DC0171

7   https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52021DC0170

8   https://home-affairs.ec.europa.eu/news/trafficking-victims-europe-rise-10-and-share-eu-nationals-among-victims-increased-59-2023-02-09_en

9   Quetelet 1921, 253.

The 'dark figures' of crime cover all law violations, including THB, smuggling of persons and goods, tax evasion, prostitution, illegal drug use, illegal gambling, child abuse, domestic violence and traffic violations.

Criminal offences are brought to attention of the authorities usually through

► Criminal complaints of victims (e.g. defrauded investors, victims of burglaries)

► Pro-active search by investigators (e.g. drug investigators, audits of OLAF)

► Police and Customs controls (e.g. document fraud)

►Competitors of offenders (e.g. in monopole law, cartel law)

► Notifications by governmental authorities (e.g. medical institutions, social services)

► Reports by competent non-governmental organisations (e.g. organisations active in victim protection and aid)

► Whistleblowers (e.g. in organized crime, in corruption cases)

► Inconsistent information provided by offenders themselves (e.g. tax declarations)

► Technical detection installations (e.g. traffic control cameras; perimeter protection video cameras)

► Witnesses, neighbours, activists (e.g. ecologists)

► Press and Media (e.g. investigative journalism)

When we look at THB, none of these statistically frequent ways of crime detection is predominant. This phenomenon has to do with the specific characteristics of the statutory offence, with modi operandi, but also with interests and decisions of THB victims.

Some THB victims may not be aware of being or having been victimized, some may not trust foreign states' authorities and not be ready to notify law enforcement authorities and testify, many victims may worry about an interruption of their migration journey, some victims may fear further victimization by the same offenders, some victims may forgive or protect the offender (e.g family member, same tribe, regarding a trafficker who they may need later again), some victims may be involved in offences, e.g. use of false or falsified or forged documents or false declarations of family relations and finances, some may be involved in smuggling of persons or goods.

It is my hypothesis that many victims may weigh the reporting of victimization against other genuine interests, like the swift and smooth continuation of their migration journey to safe havens.

A scientific, empiric case study from Italy[10] found that "some victims become exploiters themselves in order

10   Human trafficking for sexual exploitation in Italy, Ernesto Savona, Luca Giommoni and Marina Mancuso, published in https://d1wqtxts1xzle7.cloudfront.net/37332736/Savona_Giommoni_Mancuso_-_2013_-_Human_trafficking_and_crime_script-libre.

to use their earnings to pay the debt more quickly: the madams give them the possibility of recruiting a girl (generally a sister or a friend) to be exploited in prostitution so that they can obtain the money in a shorter time. This is an important feature of the modalities used to carry out the exploitation because in this way the victims are directly involved in the criminal activities and less disposed to denounce the crime to law enforcement authorities."

THB offenders and smugglers are highly specialised and professionalised, they are often part of organized crime groups or networks. Their modi operandi are often realized clandestine during the migration journey. If justice and law enforcement authorities want to prevent and combat THB, they must apply sound criminalistic models of clearing the dark figure of crime. THB is a triangle with 3 sides:



Offender / Victim / Opportunity
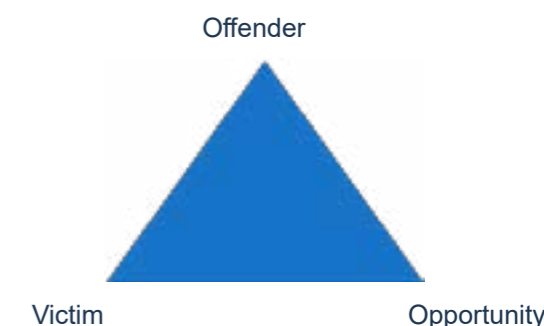
Authorities must (1) deter and punish offenders, (2) encourage and compensate victims and (3) reduce opportunities. For all 3 sides of the triangle is research available at criminological Faculties, other research institutions, empiric Police research centres and NGOs.

For Germany, I would like to name the Max-Planck-Institute for the study of Criminality, Security, Law (Freiburg) with its Balkan Criminology Partner Group[11],

pdf?1429267625=&response-content-disposition=inline%3B+filename%3DHuman_trafficking_for_sexual_exploitatio.pdf&Expires=1684749558&Signature=hDqUD-kz-MxjtfHCgBBbdTgeFnX19ICPY7krIXx3CW7i6sBXoN-qBo~t1yzyP4HIGaYRIT9QvSqrkIRSmwqIoYZi5YN1Z-RCm2UZsOX8I4ucj71otwBeO9wGNLB7h~U3D1rcy-6JiOr2irCk0x2czBFaInYgYz955MUAGL4iUkRf-I7i3Jy2jbjXIE~wnxGfFJv4ZLr63YUI08jRckQc8Ch41~N1x-9OTQ2O9CLyN0x0nDzhnESHO7rvhg947Hsm~vhOMd-b6uFA3sbzMlFMbh1gqKw2-Mr2w3RY1Aa0ah7D-klAyA1f6p7grgIIlwJ3HVtudoYwvxyA0fzvfz1c2ugJP-XgQ-w__&Key-Pair-Id=APKAJLOHF5GGSLRBV4ZA,

11   Since its founding in 2013, "Balkan Criminology" has evolved from a mainly academic research group towards a partner of global players in tackling organised crime. Likewise, our mission has evolved form scientific research towards more actively engaging in changing the criminal landscape of the Balkans when it comes to organised crime and criminal state capture. Our main mission is to facilitate joint action between various actors involved in tackling organised crime in the Balkans, while ensuring highest scientific standards are meaningfully put to use in a practical manner. Balkan Criminology's mission has been presented to the relevant expert audience in July 2019 in Sofia at the ECPR Standing Group on Organised Crime's third General Conference on Dismembering Organised Crime: Identifying, Analysing

the Centre for Criminology (KrimZ), Wiesbaden, the German Federal Investigation Bureau Bundeskriminalamt (BKA), Wiesbaden, the Criminological Research Institute Lower Saxony (KFN), Hannover, and the Research Departments of the 16 Federal States' Central Investigation Bureaus Landeskriminalämter (LKA). Comparable, prestigious research structures exist in other EU member states.

The German Federal Ministry of Interior published on 8 November 2022 an interesting study on the dark figure of crime[12]. The representative population survey "Security and Crime in Germany" (SKiD) of BKA and infas is a nationwide dark field study based on a survey with persons aged 16 and older. Among other things, the survey asked about the feeling of safety, victim experiences and the evaluation of police work. In addition to crimes known to Police ("bright field"), the survey also recorded crimes not known to Police ("dark field").

The SKiD survey was based on a nationwide sample taken from the registers of residents' registration offices. The questionnaire could be completed in 4 languages either on paper or online (CAWI). Almost 47,000 people took part nationwide. The most surprising result was that 14 % of the whole population over 16 % had become victims of cybercrime in the last 12 months, the highest single victimization type among all types of crimes[13].

Back to THB: Whoever wants to prevent or combat THB, has a rich choice between EU member states' criminological and criminalistic research to find empirical, best practices.

## New and innovative paths for increasing the reporting rate

Which considerations prevent victims from reporting - and the authorities from clearing - THB?

THB happens during a migration journey through several countries with different languages, religious orientations, cultures and legal systems, different law enforcement authorities and jurisdictions. At the moment, each temporary host country of victims is competent for fighting THB, only during the short stay of the victimized migrants on their territory. Even willing investigators lose contact after victims have left the host country. How can this gap be closed?

### 1. Recognizing and responding to the trans-border character of THB

We still treat THB as phenomenon on just one territory, the one which temporarily hosts victimized migrants. We must however understand the entire migration journey as a continuum.

What are the victims' interests? The victims' interests are to move from country to country to the eventual final destination, and to decide according to their own interests if, where and when and to whom they are ready to report THB. This means in practice: The legal possibility for migrants must be created to report and register all kind of THB offences they have suffered during their entire migration journey any time AFTER they have reached a safe haven (e.g. Austrian, German, Swedish, Swiss Reception Centre). This requires a robust legal framework and a coordinated international approach. It could start with a study.

### 2. Compensating victims of THB despite of the trans-border character of THB

The same applies with regard to victim-compensation which is still based on national legislations. No country offers compensation for victimisation in another country. THB would however require that. It could start with a study. Offering fair compensation for THB victimisation by the international community could be another way to increase the reporting rate.

### 3. Decriminalising minor offences committed by victims of THB

We should distinguish between major and minor offences committed by THB victims. It can be discussed to – case by case - refrain from punishing victims of THB who have committed minor offences like smuggling of not-dangerous goods. If THB victims must fear prosecution, they would probably nor report their own victimisation.

We must stop the idealization of migrants. As in life, migrants can be offenders, not all migrants are "only" innocent victims. Some migrants steal from migrants, some migrants defraud or rape migrants, some migrants abuse other migrants.

### 4. Pro-active investigations – principle of legality versus principle of opportunity

Some types of criminal offences seem "victimless". This phenomenon is well researched for insurances, public institutions, tax authorities' buildings. People rarely identify with anonymous institutions, banks ("*I don't own a bank*").

Other example: Some believe that a prostitute cannot be raped and enjoys less right to physical integrity. Similar misunderstanding happens with migrants' victimisations. Some people believe irregular migrants deserve less protection because they are "irregular", because it is their own "voluntary" decision to migrate. If THB victims don't report cases of THB, they become

part of this misconception. Legally, it does not play a role if a victim of THB reports or doesn't report: THB must be investigated anyway.

Europe as a whole follows the "Principle of Legality": All serious offences must be investigated. Example: The European Public Prosecutor's Office (EPPO) as an independent public prosecution office of the European Union[14] stated in Art. 66 of its Framework Preamble:

*"In order to ensure legal certainty and to effectively combat offences affecting the Union's financial interests, the investigation and prosecution activities of the EPPO should be guided by the legality principle…"*

Europe does not follow the Anglo-Saxon principle of "opportunity", making investigations depend on political interests or financial resources. All European states along a migration route are bound to investigate and prosecute cases of THB.

If victims do not report, the state must pro-actively penetrate the criminal biotopes and investigate and bring offenders to justice. A legal framework is needed that all Public Prosecution Services and Police along the migration route investigate THB that has happened on their territories, even if the migrant has not reported - the principle "volenti not fit inuria" is not applicable. And it must be investigated even if the victim has already left the territory.

### 5. Cyber THB – online exploitation

This is the fastest growing industry. New, innovative investigations are needed to identify offenders who search online for vulnerable possible THB victims.

This needs high technical preparedness, pro-activeness and various identities of investigators, since offenders increased their efforts to recruit victims and victims who recruit other victims.

Broad research is available on online radicalization[15] which can be learned from. Example: The Regional Cooperation Council (RCC) published a study[16] *"How to prevent online radicalisation in the cyber security realm of the Western Balkans?"*

There is even some overlapping regarding victims' profiles: under-informed, trusting false promises, unrealistic hopes, readiness to depend on a criminal offender.

### 6. Free-of-charge legal aid

Examples from many countries and projects of cooperation show that legal aid is often a pre-requisite

for making use of rights and stopping submission. Pilot projects could test the ground.

### 7. Whistleblowers

Whistleblowers are a recognized way to gain insider information on illegal activities. But many irregular migrants and victims of THB do not even know this possibility. This is why **Free-of-charge legal aid** (see above).

Whistleblowers have sometimes high ethical motives, sometimes not. In organized crime, some offenders want to get a legally privileged status as whistleblowers.

Irregular migrants frequently travel in ethnic groups. This handicaps and hampers successful whistleblowing. Omertà (code of silence) reigns in many migration groups like in Mafia. Others are ready to speak, if they will be protected (see below **Witness protection).** Operational pilot projects could tell more.

### 8. Witness protection

THB offenders are sometimes armed. If not, their criminal friends are. Witnesses and whistleblowers must adequately be protected. This is also not known and applied to victims, witnesses and whistleblowers of THB.

### 9. Undercover agents

If a government an undercover agent is not allowed to abet an innocent person to do something illegal[17]. Undercover agents must be managed with highest attention to professional and ethical standards, in order to produce objective evidence to Courts.

Since undercover agents are not part of criminal organisations, they must use informants from the criminal environment who "know" about illegal activities. Informants want to be paid (or get legal advantages) for sharing their "knowing".

Regarding drug dealing, there are informal scales ("tariffs") applied within EU Police Forces on how much law authorities are ready to pay for information leading to a discovery of a drug deal. I remember a case in Germany that an informant took Police to Court, if the agreed-on amount would not be paid. In this specific case, Police paid.

The same system works regarding tax evasion or tax fraud. The German Ministry of Finance of the largest Federal State North Rhine-Westphalia bought from whistleblowers of Swiss and Liechtenstein banks and lawyers' Offices compact discs (CDs) with information

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and Countering, and more recently in February 2020 at the Wilton Park Conference on Tackling organised crime in the Western Balkans, jointly organised by the UK Foreign and Commonwealth Office, the UK Home Office, the Global Initiative Against Transnational Organized Crime, the United Nations Office on Drugs and Crime and the Siracusa International Institute for Criminal Justice and Human Rights.

12    https://www.bmi.bund.de/SharedDocs/kurzmeldungen/DE/2022/11/sicherheit-kriminali-taet-in-deutschland.html

13    https://www.bmi.bund.de/SharedDocs/kurzmeldungen/DE/2022/11/sicherheit-kriminali-taet-in-deutschland.html

14    https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32017R1939

15    https://unesdoc.unesco.org/ark:/48223/pf0000260382

16    file:///C:/Users/Dell/Downloads/2018-11-Cyber_security_studija.pdf

17    See "reverse Undercover case" involving DeLorean. The car creator needed $17 million to save his company from collapse. To this end, he spent much of 1982 desperately seeking investors for his failing company. He was approached by a drug dealer who claimed to have a business opportunity to help save DeLorean's company. On August 16, 1984, the jury returned their verdict in the case: not guilty, finding that DeLorean was a victim of clear government entrapment.

on untaxed money and undeclared wealth. Upon Parliamentarian inquiry, the Ministry defended its practice as "last opportunity" and insisted to continue with it, case by case.

The disadvantage of cooperating with informants is the degree of their own involvement. Outsiders don't know much, insiders know, but are partly involved. Informants usually never report their own involvement, but usually enemies' or competitors' illegal activities. This implies the risk of "selective" investigations and prosecutions, that are more or less directed by informants.

As far as I know, undercover agents and payments to informants are not yet used in suspected THB cases. Already existing mobile identification teams led by Police could be trained on "under-cover techniques". But above all, agreements are needed that undercover agents can follow suspected THB offenders cross-borders.

## 10. Investigative journalism

In 2015, leading German newspaper "Süddeutsche Zeitung" (SZ) was contacted by an anonymous source calling itself "John Doe," who offered to leak financial documents[18]. Doe did not demand any financial compensation in return. The Panama Papers[19] are 11.5 million leaked documents (or 2.6 terabytes of data) that were published beginning on April 3, 2016. The papers detail financial and attorney–client information for more than 214,488 offshore entities. The documents, some dating back to the 1970s, were created by, and taken from former Panamanian offshore law firm Mossack Fonseca, and compiled with similar leaks into a searchable database. It spans from the 1970s to the spring of 2016.

One of the immediate consequences of the revelations was the April 4, 2016 resignation of Iceland's Prime Minister Sigmundur David Gunnlaugsson. On May 9, all of the 214,488 offshore entities named in the Panama Papers became searchable via a database on the website of the International Consortium of Investigative Journalists (ICIJ). We are still waiting for THB cases.

## 11. Extending the statute of limitation for THB reporting could be another option.

THB as offence lapses and prosecution and sentencing become time-barred. It could be discussed to abandon this the privilege for offenders. Resolutions of relevant organisations could ask for it.

## 12. Offender research

The same challenges with "dark fields" come with other offences too, particularly with sexual offences: Relatively low, relatively "stable" reporting rates - as presently observed - pretend a picture of a "situation under control", while the opposite is true. Anonymous victim and anonymous offender surveys suggest that only a small

fraction of a multitude of sexual offences is reported and investigated.

In one research study[20] the reporting rate of victims correlated to the closeness between offender and victim. The closer the relation between offender and victim was, the less was reported. The same can be assumed as hypothesis for THB. This is a core problem discovering THB.

Another interesting study is the Offending, Crime and Justice Survey 2021-2022[21] (OCJS), the first national longitudinal, self-report offending survey for England and Wales. The series began in 2003 and continues up to today. The OCJS is commissioned by the UK Home Office, with the overall objective of providing a solid base for measuring prevalence of offending and drug use in the general population of England and Wales. The survey was developed in response to a significant gap in data on offending in the general population, as opposed to particular groups such as convicted offenders. The specific aim of the series is to monitor trends in offending, mainly among young people.

Both, the British survey 2021-2022 and the recent German study SkiD (mentioned above) evidence that the population commits many more offences than registered and that the population also is to a much higher degree victimized than expected.

The criminalistic response is working either with whistleblowers (involved or informed insiders) or with undercover agents (official investigators) or with investigative journalists. All three options need totally different approaches and are not free from risks.

### Resume:

THB is not yet fully understood as an international, trans-border criminal offence that needs an internationally coordinated response on various levels and tiers.

It is recommended to apply the full range of professional criminalistic methods and to develop legal frameworks and cooperation agreements cross-borders where necessary.

18      https://www.investopedia.com/terms/p/panama-papers.asp

19      https://en.wikipedia.org/wiki/Panama_Papers

20      https://bibliographie.uni-uebingen.de/xmlui/bitstream/handle/10900/124866/Band%2014%20Ruch_PDF_A.pdf?sequence=1

21      https://www.herc.ox.ac.uk/downloads/health_datasets/browse-data-sets/offending-crime-and-justice-survey