



**HORIZONTAL FACILITY
FOR THE WESTERN
BALKANS AND TURKEY
2019-2022**

*FOR YOUR RIGHTS:
TOWARDS
EUROPEAN STANDARDS*

**EU/COE HORIZONTAL FACILITY FOR WESTERN BALKANS AND
TURKEY**

“Preventing and Combating Trafficking in Human Beings in Serbia”

Manual for the Shelter for Victims of Human Trafficking

Funded
by the European Union
and the Council of Europe



EUROPEAN UNION

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Implemented
by the Council of Europe



Manual for the Shelter for Victims of Human Trafficking

The Centre for Human Trafficking Victims Protection is an institution within the social protection system of the Republic of Serbia, established by the Decision of the Government of 13 April 2012. It consists of two operational units – the Department for Coordination of Human Trafficking Victims Protection and the Shelter for Victims of Human Trafficking.

The mandate of the Shelter is to provide services to young female persons above 16 years of age, adult women, and mothers with children, in accordance with the Rulebook on requirements and standards for provision of social protection services, who are in the process of identification or have been identified as victims of trafficking in human beings.

Accommodation premises are provided for the staff (six persons as of July 2020) and beneficiaries (the capacity is 6 beneficiaries) 24 hours 7 days a week. Premises for conducting activities, preparation and serving of food, and safeguarding official documentation are also provided. The duration of the accommodation in the Shelter is maximum of 6 months; it can be extended to one year or reduced, in accordance with individual needs assessment for each beneficiary.

This Manual is intended to support the staff of the Shelter in their daily work. All staff are informed about the contents and the principles described herein.

Contents

- 1. Definitions of trafficking in human beings4
- 1.1 The Council of Europe Anti-Trafficking Convention4
- 1.2 The United Nations Palermo Protocol5
- 2. Mission of the Shelter for Victims of Human Trafficking5
- 3. Fundamental values of the Shelter for Victims of Human Trafficking6
- 4. Guiding principles for operation of the Shelter for Victims of Human Trafficking6
- 4.1 Providing psychosocial support6
- 4.1.1 *Objectives in working with beneficiaries*7
- 4.1.2 *Stages in the provision of support*.....7
- 4.2 Ensuring security.....7
- 4.2.1 *Ensuring objective security*8
- 4.2.2 *Ensuring subjective security*.....8
- 4.3 Respecting the Shelter’s rules8
- 4.3.1 *Arrival at the Shelter*8
- 4.3.2 *Agreement on rules*8
- 4.3.3 *Individual plan of stay in the Shelter*9
- 4.3.4 *Living together in the Shelter*.....10
- 4.3.5 *The end of using the Shelter services*11
- 5. Techniques to improve the security concept and living together in the Shelter11
- 5.1 Security training for the beneficiaries.....11
- 5.2 Conflict resolution through mediation.....12
- 5.2.1 *What is a conflict ?*.....12
- 5.2.2 *How is mediation prepared?*.....14
- 5.2.3 *The course of mediation*14
- 5.2.4 *Analysis of mediation outcomes*15

1. Definitions of trafficking in human beings

The Shelter staff refer in their work to the definitions provided in the Council of Europe Convention on Action against Trafficking in Human Beings and in the United Nations Protocol to prevent, suppress and punish trafficking in human beings, especially women and children.

In the process of providing support to victims of human trafficking it is crucial that all staff of the Shelter share the same understanding of the key concepts.

1.1 The Council of Europe Anti-Trafficking Convention

Article 4 – Definitions

- a. "Trafficking in human beings" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- b. The consent of a victim of "trafficking in human beings" to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- c. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in human beings" even if this does not involve any of the means set forth in subparagraph (a) of this article;
- d. "Child" shall mean any person under eighteen years of age;
- e. "Victim" shall mean any natural person who is subject to trafficking in human beings as defined in this article.

Trafficking in human beings consists in a combination of three basic components, each to be found in a list given in the definition:

- the action of: "recruitment, transportation, transfer, harbouring or receipt of persons";
- by means of: "the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person";
- for the purpose of exploitation, which includes "at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs".

Trafficking in human beings is a combination of these constituents and not the constituents taken in isolation. There is, however, an exception regarding children: under Article 4(c) recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation is to be regarded as trafficking in human beings even if it does not involve any of the means listed in Article 4(a).

The definition of trafficking in human beings in Article 4(a) of the Convention is identical to the one in Article 3(a) of the Palermo Protocol. Article 4(b) to (d) of the Convention is identical to Article 3(b) to (d) of the Palermo Protocol.

1.2 The United Nations Palermo Protocol

Article 3 – Use of terms

For the purposes of this Protocol:

- a. "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- b. The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- c. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;
- d. "Child" shall mean any person under eighteen years of age.

2. Mission of the Shelter for Victims of Human Trafficking

The shelter is a safe place, where victims of human trafficking can withdraw, stabilise along with adequate support in order to resume normal and independent lives.

In order to achieve a good start and unfolding of mutual life in the shelter, it is necessary to respect all the steps which will be presented below.

In accordance with the Rulebook on requirements and standards for provision of social protection services, the Shelter provides services to ensure the following:

- a safe and friendly temporary housing;
- emergency medical treatment and meeting the basic needs of the beneficiaries;
- development and preservation of the beneficiaries' potential to resume their lives;
- psychosocial, legal, education and employment support to the beneficiaries.

Within each of the above categories, the Shelter staff:

- provide a safe and friendly temporary shelter to the beneficiaries;
- ensure respect of the Rules of the Shelter and the security measures on daily basis;
- create conditions for maintaining the subjective and objective security of the beneficiaries;
- provide continued psychosocial support to the beneficiaries;
- enable communication between beneficiaries and staff of the Centre for Human Trafficking Victims Protection for the provision of counselling, legal, education, employment related support in the Centre or by other institutions;

- intervene in acute crises, make use of mediation for conflict solving, and provide contact persons for solving daily challenges;
- ensure common safe living space for the beneficiaries;
- motivate the beneficiaries to undertake different activities during their free time;
- accompany the beneficiaries to different appointments, such as medical examinations, shopping, etc.;
- support the beneficiaries in maintaining a coherent daily structure; women should have a daily structure, e.g. waking up at a certain time in the morning and overall supported by adapting to a new structure that helps empower them in the future.
- convene and moderate weekly meetings with the beneficiaries;
- takes care of the hygiene in the Shelter;
- are present 24/7 on the spot and respond to individual needs of beneficiaries.

3. Fundamental values of the Shelter for Victims of Human Trafficking

In addition to the principles of social protection defined by the Law on Social Protection, the Shelter is guided in its operation also by the following values:

- trafficking in human beings represents a severe violation of human rights;
- trafficking in women represents a severe violation of women's rights; (see UN CEDAW article 6)
- the staff create the least possible restrictive environment and respect the rights of the beneficiaries to decide independently on all aspects of their lives;
- the staff create a protective environment for children between 16 and 18 years of age or children whose age cannot be assessed;
- the staff provide to all women and children victims of trafficking adequate and timely assistance and support which is in their best interest;
- the staff respect the principle of non-discrimination on any of the following grounds: sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status;
- the staff create conditions for trust and enable the beneficiaries to express their beliefs and experiences and develop resilience;
- the staff apply the principles of accountability and transparency in the work with beneficiaries.

Respecting these values ensures a clear and uniform framework for all shelter staff which is necessary for decision-making, action and adequate mutual communication.

4. Guiding principles for operation of the Shelter for Victims of Human Trafficking

4.1 Providing psychosocial support

Providing psychosocial support implies a professional approach to the psychological and social needs of the beneficiaries to help them cope with stress and resume their normal lives. The specific needs in order to heal and rebuild psycho- and social capacities are identified, protected and redevelopped. Support measures are based on individual needs of beneficiaries and on the severity of experienced trauma.

Since the very beginning of providing psychosocial support it is necessary to protect and encourage beneficiaries and work toward their self-awareness and self-respect.

Shelter staff provide daily support to victims of trafficking in women and in children above 16 years of age.

4.1.1 Objectives in working with beneficiaries

- To build trust-based relationships;
- To strengthen the subjective feeling of security and work towards mitigating fear;
- To encourage social competences, skills and abilities for adequate action and reaction in community;
- To improve conflict resolution skills by using mediation;
- To ensure a meaningful structure of daily life;
- When necessary, to prepare beneficiaries for court proceedings;
- Gradual preparation of beneficiaries for independent living.

4.1.2 Stages in the provision of support

- Motivation stage

During this stage the beneficiary and the staff get to know each other, and they mostly discuss readiness of the beneficiary to accept the available forms of support. The main goal is to establish a reliable and stable rapport with the beneficiary and to gain her trust.

- Stabilisation stage

The goal is to stabilise the beneficiary through regaining the feeling of security and control over her own life. To that aim she is accompanied to verbalise emotions within the psychosocial counselling and therapy and to accept the Shelter rules and her part of responsibility for of joint living.

Reduction of fear is achieved through individual talks, joint planning of different achievable future steps, reinforcement of the newly acquired abilities, reminder of the existing knowledge and skills.

The feeling of security and continuity for beneficiaries also comes from a clear structure of daily routines, such as the day/night rhythm, regular meals, activities in free time, going for walks or recreation activities.

Experience shows that the existence of a plan for stay in the Shelter and enabling and regulating daily leaving of the Shelter can have a positive impact on the process of stabilisation and developing independence.

The duration of this stage can vary individually and dependg on the specific case. This stage is essential for the processing of what has been experienced and the development of future plans.

- Final stage

During this stage assessment is made of the progress achieved during provision of support to beneficiaries. The beneficiary is being prepared for the oncoming closure of present support.

4.2 Ensuring security

Security is essential in working with beneficiaries, since they are victims of a criminal offence and they could be exposed to the risk of being sought by their traffickers or their aids. Thus, adequate accommodation must provide maximum objective and subjective security defined in the concept of the Shelter.

4.2.1 Ensuring objective security

The term “objective security” means measures undertaken in order to protect beneficiaries from traffickers and their aids. It is first necessary to undertake adequate security measures aimed at reducing the vulnerability of beneficiaries.

Objective security measures are inherent to the concept of the Shelter itself:

- The residence of the beneficiary is not reported at the same address as that of the Shelter, and the address of the Shelter is secret; The address should not be shared with public/others in order to maintain a high security standard
- The Shelter concept guarantees that some member of the staff is in place around the clock;
- There are two security doors with four mechanical locks and an additional electric lock; security mechanisms are installed in windows, the key of the Shelter is kept by a staff member, the door is always locked from the inside to prevent uncontrolled entry or exit of beneficiaries or other persons to and from the Shelter;
- Above the entry door a video camera is installed for surveillance of the surroundings;
- Police protection is in place for the facility, the beneficiaries and the staff, and if necessary, there are stronger surveillance measures in case of contact of beneficiaries with persons outside the Shelter, or in case of their entry or exit from the Shelter.

Each beneficiary is made aware that failure to respect the security measures is a threat not only to her security, but to the security of other beneficiaries as well. The beneficiary accepts and respects this by signing the rules of the Shelter when moving into it.

4.2.2 Ensuring subjective security

Psychological trauma experienced by women victims of trafficking has negative impacts and consequences on the psychological integrity and the subjective perception of security. In the context of experienced trauma and their consequences, safe shelter is essential for the psychological stabilisation and re-establishment of subjective feeling of security.

Building stable rapport with the Shelter staff based on trust and adequate counselling are also important factors in re-establishing the subjective feeling of security.

4.3 Respecting the Shelter’s rules

After identification and, when necessary, with the consent of the beneficiary, the Centre for Human Trafficking Victims Protection admits the future beneficiary to the Shelter.

4.3.1 Arrival at the Shelter

At the time of admission to the Shelter the beneficiaries are informed about the services and preparations for using the services. The content and scope of information and preparations depend on the capacity of the beneficiary at the time of admission to understand and accept the information provided and the type of accommodation (urgent and temporary).

Additionally, directly before the beginning of provision of services, the beneficiaries are informed about the house rules and they express their consent – statement that they will respect the house rules and daily activities planned within the service provision. Each beneficiary receives a package for personal hygiene and a number of sets of underwear and the necessary clothing and footwear suited to the weather conditions.

4.3.2 Agreement on rules

Each beneficiary is obliged to sign the general agreement on rules. The rules provide a clear framework for living together. Each new beneficiary coming to the Shelter confirms with her signature the acceptance of the rules. In this manner, and on psychosocial basis, the beneficiary is motivated to take a proactive part in living together.

The rules are adopted by the Shelter and apply equally to all beneficiaries. The rules are periodically revised to adjust to new needs and requirements.

In case that the staff do not abide by the rules, disciplinary measures are put in place as defined by the labour contracts.

In case that the beneficiaries do not abide by the rules, steps of interventions can be introduced in order to maintain the overall standards for a respectful and community living. The objective is to raise awareness of the beneficiaries of why the rules are important. This is an important step, since thus the beneficiary learns about the framework needed for living together in the Shelter. On the other hand, by having the relevant information about the Shelter, the beneficiary is able to embark upon the counselling process and receive support from the Shelter staff.

The rules of the Shelter are the following:

1. Once a week the beneficiaries participate in the joint session for all beneficiaries. That is a framework for discussion on different issues relevant to their mutual everyday life.
2. The Shelter is a violence-free zone. None form of violence is tolerated. In case of conflicts, the beneficiary contacts the staff for support and is actively engaged in conflict mediation.
3. Beneficiaries shall responsibly use and protect against damage the furniture and devices in the Shelter, as well as power, heating and water.
4. Beneficiaries undertake to maintain hygiene in all premises. There is a predefined schedule for cleaning that all beneficiaries respect, and this schedule is displayed in a visible place.
5. The Shelter is a discrimination-free zone where beneficiaries are not allowed to discriminate one another on any basis.
6. Beneficiaries are not allowed to possess or use firearms or other harmful devices, bring in or use psychoactive substances (alcohol, drugs), allow other persons to stay, gamble, etc.

4.3.3 Individual plan of stay in the Shelter

Once the beneficiary has completed the admission procedure defined by internal acts, the staff of the Centre and the Shelter conduct the individual assessment of needs, strengths, risks, abilities and interests of the beneficiary. It is crucial that the beneficiary progressively quits her vulnerability and attains independence, which is achieved thorough regular psychological counselling in the Shelter.

In the course of psychosocial counselling special attention is paid to the vulnerability of the beneficiary, and also the specific life situations of girls and women victims of human trafficking, such as: underlying psychological disorders existing before the trafficking and exploitation, post-traumatic stress syndrome, and other psychological disorders resulting directly from trafficking or the need for support in maintaining hygiene, as a consequence of direct physical injuries by the perpetrator.

Individual plan of stay in the Shelter is designed depending on the number of weeks that the beneficiary will spend in the Shelter and it includes identified objectives and outcomes of services, activities and also a time frame for their implementation, the intervals for plan revision, names of persons in charge and a discharge plan from the Shelter.

Depending on the specific vulnerability, and taking into consideration the needs of the beneficiary, the plan should be clearly explained.

The individual plan of stay in the Shelter can under the given circumstances be adjusted depending on the context, circumstances and characteristics of the beneficiary.

The duration of the beneficiary's stay in the Shelter depends on the degree of progress made in empowering the beneficiary and ideally lasts as short as possible. The underlying concept of the Shelter is a stay of six months with the possibility of extension up to one year after considering the individual situation of the beneficiary.

The plan of stay gives to the beneficiaries an opportunity to gradually and consciously experience the possibility of self-direction.

In addition to achieving security and independence, one of the goals of stay at the Shelter is to encourage and motivate the beneficiary to actively use the time outside the Shelter (for instance by attending educational courses).

It should not be forgotten that a newly arrived beneficiary will take time to stabilise. A beneficiary may regret for coming to the Shelter, and can take the first opportunity to leave it („flee“). Of course, no one is forced to stay in the Shelter, but sudden and hasty leaves bring about a whole series of new situations in which the beneficiary can very soon become a new potential victim. Providing psychosocial support implies not only interventions for protection, but to a great degree consists of prevention work.

4.3.4 Living together in the Shelter

The concept of living together offers the possibility to beneficiaries to support each other in daily lives. Additionally, this concept encourages the processing of experienced trauma caused during exploitation. The informal processing of experienced trauma within a group of women who have had similar experiences is a very important basis for psychological stabilisation of beneficiaries, new social links enable them to distance themselves not only from the stress which they had experienced but also from the totalitarian system to which the traffickers have closed their victims.

Living together in the Shelter is regulated by the agreement on rules and by the specific rules of the Shelter. All rules are based on the knowledge of the staff about the trauma and about the practical needs of beneficiaries within the framework of living together. At the same time the beneficiaries are enabled to recognise the current level of their autonomy and further develop it.

The rehabilitation and development of individual autonomy is implemented in practice in the following manner:

- Establishing a daily structure: supporting women in organising themselves and carrying on a daily structure is a vital step for recovery. This means for example waking up between the same time, leaving the bed, being active in order to counter the passivity of assisted accommodation
- Going shopping for foodstuffs together
- Integration into the schedule of cleaning chores in the Shelter: community living in a shelter is based also on the understanding that the shared housing has to be taken care of by all. Therefore a schedule of cleaning chores helps to enforce this understanding.
- Once a week the staff hold meetings with beneficiaries and provide an opportunity for them to discuss good developments, possible conflicts, etc.
- The privacy of each beneficiary is respected, each beneficiary may arrange her living space (ex. pictures on the wall above her bed)
- Strengthening the feeling of community, and respecting each individual by jointly celebrating different holidays, birthdays, births, family patron days, etc.

- Motivating beneficiaries to undertake individual free activities, and organising joint activities during the free time.
- Depending on the needs of the community, regular education is offered through workshops on the topic for instance of sexual and reproductive health, healthy nutrition, mechanisms for regulation of inter-personal conflicts, etc.
- Mediation and support in access to psychological care as well as steps of intervention for stabilisation
- Access to offers aimed at occupational qualification of beneficiaries, for instance by reintegration in the school system, courses, trainings, which could in the future facilitate her integration in the labour market
- All beneficiaries have insight into the **cleaning schedule**. New beneficiaries are included in the schedule only as of the second week of stay, thus allowing her time to adjust and get used to the Shelter. Each day, one beneficiary cleans all common rooms, once a week they all participate in a joint work intervention and do a major cleaning including windows washing or cleaning the fridge. The daily cleaning begins after 6.. AM and finishes not later than 12.00 AM. If the beneficiary is prevented due to some unforeseen problem or illness from cleaning, she finds a beneficiary with whom to exchange the cleaning day. Beneficiaries are being made aware of waste recycling.
- **The washing machine use plan** is also transparent and available to all beneficiaries. Each beneficiary may use the washing machine in the allotted time interval.
- **The night quiet begins at 10.00 PM**, or 11.00 PM in summer months. The staff ensures that beneficiaries do not play loud music or TV. After midnight all beneficiaries are in their own rooms, in order not to disturb others. If a beneficiary cannot sleep, she can read. All beneficiaries intending to take a shower shall do so before midnight. At midnight the last lights are turned off in the living room and halls. The night quiet lasts until 6 AM.

4.3.5 The end of using the Shelter services

Within the regular psychosocial counselling within the Centre, or the Shelter, beneficiaries are engaged in making agreements on leaving the Shelter. It is important that each beneficiary is informed about the reasons why the time has come to leave the Shelter. This process can take shorter or longer for different beneficiaries and is a step for achieving independence and autonomy.

5. Techniques to improve the security concept and living together in the Shelter

5.1 Security training for the beneficiaries

Reinforcing objective and subjective security is central part of the work with victims of trafficking. In addition to the objective security measures, a security training can enable the victims to develop and restore their self-awareness and to pay sufficient attention to their mental and physical health.

It is also very important within counselling and support to give to the beneficiaries a clear vision of their security situation and to help them develop an assertive attitude thanks to their potential.

Topics covered by the training for beneficiaries:

- Respecting the rules of the Shelter ensures establishing and maintaining security measures.
- The Plan regulating the stay in the Shelter and leaving the Shelter facilitates the building of a personal feeling of security, and at the same time leads to understanding the level of severity of measures of objective security

- Access to the Shelter is granted exclusively to beneficiaries living there, the Shelter staff, and in case of need the police. For security reasons, visits by other persons are not allowed (husbands, friends, relatives)
- The address of the Shelter is an absolute secret. Persons not having access to the Shelter cannot not walk or escort the beneficiary to it
- What does the beneficiary understand under individual security? What are the general rules of conduct, how to respond to potential risk situations outside the Shelter? If the staff member assesses that there is a need for it, the topic is repeated through discussion a number of times through the stay in the Shelter
- Caution is necessary when using devices with an integrated GPS in the Shelter, as there is a risk that the trafficker may locate the beneficiary. Within the counselling beneficiaries should be informed about the impact of technology on their security, particularly in case of access to such devices outside the Shelter
- The beneficiaries shall have the telephone number of the Shelter. In case of direct threat, the beneficiary should swiftly move towards a location with a lot of people, ask for help, call the police, call the Shelter
- When going outside the Shelter the beneficiary carries personal documents such as ID card or passport
- There is a police station within the building of the Shelter. If the beneficiary has previously had positive experience with the police, the fact that the police station is close will automatically strengthen the feeling of subjective security. Otherwise, there is need to work with the beneficiary on the issue of the „negative“ perception of the police

The ultimate goal of training is for beneficiaries to understand that they have the possibility to make their own decisions, in contrast to systems to which they were exposed previously.

Now they can again practice decision-making within the defined framework developed by the Shelter which provide a safe space and possibility of stabilisation.

Individual plans of stay in the Shelter prevent the beneficiaries from feeling isolated from their family and their surroundings. Such plan and regular psychosocial counselling prevent the development of different psychosomatic disorders, primarily relying on the staff, which directly weakens the empowerment of beneficiaries.

5.2 Conflict resolution through mediation

Mediation means acting as an intermediary between two or more persons with the assistance of a neutral mediator. This is a method for constructive, structured and voluntary finding or coming closer to a resolution in case of conflicts.

5.2.1 What is a conflict ?

It is important in the initial stage to recognise whether, under the given situation, it is a conflict.

Inappropriate conduct should be adequately named, even if it is not in itself a conflict, but could cause a conflict or could be activated through a conflict. This includes for instance:

- Covert or overt racism
- Conduct belittling other beneficiaries
- Violence as an inadequate manner of conflict solving

The three above forms of inappropriate conduct are not discussed when discussing conflict mediation, but they do require interventions within individual psychosocial counselling with beneficiaries.

It is important, in the course of mediation, to make a decision only on such consequences or sanctions which will be possible to implement.

5.2.2 How is mediation prepared?

For the mediation process to succeed it is necessary to ensure the following

- There is mutual readiness for mediation
- The situation has not yet escalated or is no longer explosive, so that it is possible to have a reasonable discussion. There is no realistic basis for one party to fear the other party
- The environment is acceptable to both sides, there is no time pressure or other limitation, since the time for mediation is clearly determined at the outset
- The mediator is capable to mediate, having preserved a neutral position.

Mediation is prepared by all Shelter staff.

- The beneficiaries are separated and individual discussions are held on the possibility of mediation, meaning that mediation is presented and proposed.
- At the time of mediation, the conflict should no longer be “burning”. Most often, a longer period of time is needed before the mediation for individual work with all beneficiaries involved in the conflict in order to ensure conditions for potential conflict resolution.
- Individual discussions are held with beneficiaries to discuss the conditions for mediation, for example mutual respect, willingness to find a solution, a moderate tone of voice, allowing the other person to fully present its position, not interrupting the other person while speaking, respecting the interventions taking place during mediation.
- All participants need to understand that the mediator is not responsible for pursuing and proposing a solution, but that the role of the mediator is to facilitate its framework and enable everyone to have its say, and think together about elaborating a compromise and finding a way for future living together.
- The mediator is not taking any sides but is respecting the perspective of both sides.
- Beneficiaries should be willing to accept the fact that they are living together in the Shelter. Often, a lot of energy needs to be invested in this, not only by the beneficiaries but also by the staff in the daily work. The beneficiary needs to clearly understand that for instance expelling one or both from the Shelter is not a favourable solution for either one of them. Living together for a certain period of time is a given fact – how can it best be achieved? A minimum of mutual acceptance needs to be achieved.
- The place and time period for mediation must be defined.
- It should be agreed who is participating in mediation. The first option is that it is two beneficiaries and one mediator. The second option exists if the conflict occurred between two groups in the Shelter. In this case also all beneficiaries must hear each other and adhere to the conditions of mediation and accept the mediator.

5.2.3 The course of mediation

- The mediator takes a position in between the beneficiaries, all are sitting on chairs of the same height
- The time period planned for mediation is clearly determined
- The role and the powers of the mediator are once again repeated: the mediator ensures the structure of mediation, can request cooperation, stop or interrupt the mediation, or individual monologues. Both beneficiaries have the same right and time to present their perspectives, each has the right to present her opinion, but also the obligation to hear the other.
- Beneficiaries need to hear once again that they have a shared responsibility to try to find an optimal way which will enable mutual respect.

- Beneficiaries address each other in discussion directly by speaking and looking. It is important to clearly explain what bothers whom and why, define the topic of the conflict. Although it is the same conflict, the beneficiaries can have completely different perceptions of the conflict. In such a case, efforts need to be made to bring the beneficiaries closer to a similar perception of issues.
- When everyone clearly understands what the conflict is about, both beneficiaries are tasked to imagine themselves in the situation of the other. Can they even partially understand the problem of the other? Is it possible to state once again clearly what the problem is to each and, more importantly, why? If this is still not possible, it is important at least to accept that the other person does have a real problem which must be taken seriously and primarily its existence must be accepted!
- In case of need, the mediator draws the attention of the beneficiaries of their way of expressing themselves. For example: instead of one beneficiary telling the other „you are always so ruthless“ it is better to find expressions which clearly describe the way that this persons felt: „I was hurt when you said / did such and such thing“. It is a fact that beneficiaries cannot be expected in the course of the whole mediation to communicate this way, but it is exactly the role of the mediator from time to time to help beneficiaries express their positions.
- Beneficiaries need to try to avoid using expressions which humiliate and hurt the other. Cursing, humiliation and shouting is not tolerated. This needs to be paid attention to in case of beneficiaries who are not used to communicating with others with respect, but who think from their experience that they can best achieve their interests by humiliating others. In the specific situation, the mediator shall stop the discussion and request the disrespectful beneficiary to speak differently, because otherwise she is hurting the person sitting on the other side. If the situation tends to escalate, mediation is stopped and beneficiaries are told that attempts will be made to resolve the conflict through individual counselling. If at this moment the beneficiaries are nevertheless willing to work together, the next appointment for mediation is made. The role of the mediator at this moment is to clearly state that beneficiaries in the future need to continue to work towards finding a solution for the conflict.
- Summary: what to change in the overall situation? For example, to start with, pay attention to the tone of voice and the manner of expression. At this moment all steps of the mediation are listed and, if possible, it is mentioned how important and valuable what the beneficiaries achieved together is.
- The defined time has expired, the mediation ends. Ideally, mutual trust has been built, a mutual solution has been found. Specific steps have been agreed for future living together. A summary of what was discussed, what was jointly determined, what has been achieved. This is the moment to commend the beneficiaries for everything that they jointly achieved!

5.2.4 Analysis of mediation outcomes

Positive outcome of mediation implies the following:

- That the dispute has been resolved
- That mutual understanding has been achieved and strengthened
- That beneficiaries heard and listened to each other
- That the cause of the conflict has been recognised, meaning that there is sound basis to continue working on in the future
- That a compromise has been found for specific steps to be undertaken in future similar conflicts

- That both beneficiaries understand and have the task to change their past approach to the conflict and develop new approaches.

Example: one beneficiary, who previously irrespective of the other listened to loud music and this created a conflict, asks if it is all right to listen to loud music. The other beneficiary no longer needs to be insulted by the carelessness of the other, but addresses her kindly and thanks her for asking, seeing that this one is accepting the agreed new way. If it should nevertheless happen that the first one does not ask, the other will address her politely and remind her of the agreement from the mediation.

Negative outcome of mediation:

First, the question is asked why mediation failed. This question is the basis for planning the future steps to be undertaken, as it is quite clear that the conflict still needs to be resolved.

Analysis of the mediator:

- The mediator did not preserve its professional neutral position
- The mediator did not stick to the planned structure of mediation despite this is clearly its role. For example, the person did not enable both beneficiaries to take equal time to speak.
- Since the very beginning there was or there developed a time pressure (ex. Another dynamic occurred in the Shelter, interfering with the mediation)
- Other beneficiaries interfered in the mediation, which was not planned.

Analysis of beneficiaries

- One or both beneficiaries did not understand clearly what mediation is, what mediation can offer, and what not.
- One or both beneficiaries were still not willing to engage in productive finding of a resolution to the conflict through mediation
- One or both beneficiaries did not have the aim of finding a specific solution. One or both beneficiaries claim that they are right and that is the only thing that they are willing to hear.
- Often a solution cannot be found for a conflict, particularly in cases of hidden conflicts. For example: the mediation discussed the conflict and finding of a solution between two beneficiaries where the first blames the other that she does not clean up the shared room often enough, and in fact the first is hurt because of some other situation which happened weeks before and is not related to cleaning the room.

After a negative outcome, there should follow self-reflection by the mediator regarding the course and outcome of mediation. This step is needed in order for the mediator to assess if and where the limits of professionalism were lost.

This is followed by joint reflection within the staff team. After the mediator described the course of mediation, the staff provide feedback presenting other possibilities for mediation to have positive outcomes in the future. Feedback is not provided in form of criticism but in form of support.

The “Horizontal Facility for the Western Balkans and Turkey 2019-2022” is a joint initiative of the European Union and the Council of Europe that enables the Beneficiaries to meet their reform agendas in the fields of human rights, rule of law and democracy and to comply with the European standards, including where relevant within the framework of the EU enlargement process. This three-year programme covers actions in Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Serbia, Turkey, as well as Kosovo* and it is implemented by the Council of Europe from May 2019.

**This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.*

This Manual has been produced with the financial support of the European Union and the Council of Europe. The views expressed herein can in no way be taken to reflect the official opinion of the European Union.

The Council of Europe is the continent’s leading human rights organisation. It comprises 47 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

www.coe.int

The Member States of the European Union have decided to link together their know-how, resources and destinies. Together, they have built a zone of stability, democracy and sustainable development whilst maintaining cultural diversity, tolerance and individual freedoms. The European Union is committed to sharing its achievements and its values with countries and peoples beyond its borders.

www.europa.eu

Funded
by the European Union
and the Council of Europe



Implemented
by the Council of Europe

