

US Department of State

KOSOVO **Trafficking in Persons Report 2012**

Kosovo is a source, destination, and possibly a transit country for women and children who are subjected to sex trafficking, and children subjected to forced begging. The majority of victims of sex trafficking exploited in Kosovo are female Kosovo citizens. Children from Kosovo and neighboring countries are exploited in forced begging within Kosovo. Most foreign victims of forced prostitution are young women from Eastern Europe including Moldova, Albania, Poland, and Serbia. Kosovar women and children are subjected to forced prostitution, servile marriages, and forced labor throughout Europe. Kosovo police report that traffickers less frequently exploited sex trafficking victims in bars and cafes, relying instead on private residences.

The Government of Kosovo does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued to implement its victim-centered Standard Operating Procedures and Minimum Standards for the care of trafficking victims. The government's trafficking prevention efforts continued to be very strong, incorporating broad based media appeals, focus on youth, and multi-level governmental coordination. Nevertheless, international organizations observed that the judiciary and prosecutors remained ill-equipped to prosecute trafficking cases, resulting in weak accountability for trafficking offenders. Despite several reports of government employees' complicity in trafficking, no government officials were convicted of complicity. Finally, certain trafficking protections need to be implemented, including open shelters, adequately funded social service support, and effective long-term rehabilitation options for trafficking victims.

Recommendations for Kosovo: Make more vigorous efforts to prosecute, convict, and sentence sex and labor trafficking offenders, including officials complicit in trafficking; enhance trafficking-specific training for prosecutors and the judiciary; ensure that the social work protection for trafficking victims is fully funded; implement the National Strategy and Action Plan against Trafficking in Human Beings for 2011-2014; enhance investigation of forced labor offenses; increase detection of and protection for victims of forced begging in Kosovo; ensure that all trafficking victims are allowed to leave shelters unchaperoned and at will; appropriately fund municipal-level social work care for trafficking victims; continue evaluations of trafficking programs to ensure their efficacy; ensure that undocumented migrants are screened for potential victims of trafficking prior to deportation; improve restitution procedure to enable victims of trafficking to have access to restitution; disaggregate anti-trafficking law enforcement data between sex and labor trafficking; and continue public awareness campaigns, including campaigns about the risks of begging.

Prosecution

The Government of Kosovo improved its anti-trafficking law enforcement efforts in 2011, despite a continuing backlog of cases in the courts and problems with holding officials complicit in trafficking accountable. Kosovo prohibits all forms of trafficking in persons in articles 137 and 139 of the 2004 criminal code, and prescribes a maximum sentence of 12

years' imprisonment. These punishments are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. The Kosovo government's restructured anti-trafficking directorate continued to serve as the specialist law enforcement agency on trafficking, adding expertise to trafficking investigations, though the directorate lacks adequate equipment. The Kosovo government made efforts to recruit minority Serb officers for the anti-trafficking police force and had some successes, but was hindered by underlying political tensions.

In 2011, Kosovo police coordinated other Kosovo government authorities on 199 trafficking activities, all but two of which concerned sex trafficking. The Kosovo police conducted investigations of 88 suspected trafficking offenders; 79 of these individuals were referred to the prosecutor's office. Kosovo's judiciary continued to face serious challenges in 2011, including a long backlog of cases. Such limitations affected convictions and sentences. In 2011, authorities began prosecutions of 79 suspected offenders in 22 new cases; in 2010, there were 81 offenders in 28 new cases. The government did not report how many of these cases were sex trafficking or labor trafficking. The government's conviction rate increased in 2011. The government reported that Kosovo courts convicted 37 trafficking offenders, a significant increase from 11 offenders convicted in 2010. These offenders were sentenced to terms between five months and 5.5 years; 21 of these offenders received prison terms less than two years. In addition to the convictions in Kosovo district courts, a mixed panel of European Union Rule of Law Mission and Kosovo Judges in the District Court of Prizren convicted seven Kosovars for trafficking offenses, among other crimes. These seven offenders were sentenced to prison terms of between one year and four years, one month. All officially identified trafficking victims cooperated with investigations and gave statements to the police.

Nevertheless, the OSCE raised concerns about the quality of trafficking investigations and prosecutions, noting that Kosovo legal practitioners often failed to properly apply the law to the established facts in potential trafficking cases. The report concluded that the judges sometimes convicted defendants on charges of "attempted" trafficking when a conviction for trafficking would have been supported by the facts. Judges and prosecutors were reportedly not well trained to prosecute trafficking cases. The Kosovo government collaborated with foreign governments in 16 international trafficking investigations. The government provided 173 police officers trafficking in persons training as part of the criminal investigation course. Kosovo law enforcement authorities investigated four cases involving four government officials in trafficking-related criminal charges during the reporting period. In two cases, the Kosovo Police dropped the charges after consultations with the Kosovo district prosecutor's office. The other two cases involving government officials remained under investigation. There were no prosecutions or convictions of government officials suspected of trafficking-related crimes.

Protection

The Kosovo government sustained its efforts to protect victims of trafficking, employing formal guidelines for the identification of trafficking victims. The government employed "Minimum Standards of Care for Victims of Trafficking" and "Standard Operating Procedures" outlining obligations of state officials and NGOs for the care and treatment of trafficking victims. These guidelines set victim-centered standards for investigations and protection, such as the provision of a victim advocate for every victim brought to police stations. According to NGOs and international governmental organizations, the Kosovo government referral process was generally followed. NGOs observed that children who were identified as trafficking victims were correctly treated by authorities. Children involved in

begging, however, were generally not identified as trafficking victims. Kosovo government officials traced problems with identifying children in begging as trafficking victims to the fact that begging is classified as a misdemeanor rather than a trafficking offense; proposed revisions of the criminal code would ameliorate the classification.

The Kosovo government supported nine shelters that accommodated trafficking victims, including a government-run high security trafficking-specific shelter, a specialized shelter for children, and a shelter dedicated to the long-term rehabilitation of trafficking victims. Through these shelters, the government provided care such as housing, medical care, clothing, counseling, and legal and educational assistance. In all but one shelter, victims of trafficking could not leave without a chaperone. The shelters did not offer care for any male victims of trafficking, but the government had developed a plan for a new shelter in 2013, anticipated to offer shelter for males and trafficking victims with disabilities. The government provided funding for 50 percent of all direct services to all trafficking victims at all shelters, but not all operational costs of the NGO-run shelters. The Kosovo police identified 39 victims of trafficking and referred 29 of them to shelters. The government identified the same number of victims in 2009. In 2011, the Kosovo government provided the equivalent of \$153,000 for trafficking victim assistance, down from the equivalent of \$216,234 provided for victim care in 2010. Following the transfer to municipal authorities of the responsibility for social work services, there has been insufficient social work capacity to support victims and victim advocates' offices are underfunded. The Kosovo government continued to provide tax incentives to businesses that offered employment opportunities to victims of trafficking, though none were employed during 2011. Although Kosovo's criminal procedure code provides for victim restitution, which could in theory compensate victims of trafficking, it has never been funded, nor has an administrator ever been appointed to manage the fund. Similarly, although the criminal procedure code permits asset seizure, the mechanism has rarely been used. Despite a government study identifying approximately 100 children in begging, the government identified few of these highly vulnerable children in begging as victims of trafficking. The Kosovo government participated in NGO-run task forces to discuss cases of children at risk, including children in begging.

Prevention

The Government of Kosovo demonstrated strong efforts to prevent human trafficking this year, launching an anti-trafficking hotline and continuing a number of creative public awareness campaigns. The Government of Kosovo partnered with the OSCE to launch an anti-trafficking and domestic violence help line in October 2011. Since its launch, help line operators have received around 80 telephone calls from individuals requesting information on trafficking and domestic violence and seeking referrals in potential trafficking and domestic violence cases. In September and October 2011, the Kosovo government again held an intensive month-long anti-trafficking campaign with television and radio spots, youth anti-trafficking art and essay competitions, school outreach, and poster campaigns. In the spring of 2011, the Ministry of Education, Science and Technology continued its anti-trafficking civic education program "Skills for Life" in Kosovo schools. In August 2011, the Kosovo government adopted an anti-trafficking action plan for 2011-2014. The government collaborated with NGOs and international organizations on the development of this plan. The Government of Kosovo's inter-ministerial working group met monthly to coordinate government efforts to combat trafficking; sub-working groups addressing prevention, protection, prosecution, and the trafficking of children also met regularly. The Kosovo government reported that it attempted to reduce the demand for commercial sex acts through its arrests of clients of prostitution.