



## Trafficking in Persons Report 2017 - Country Narratives - Kosovo

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KOSOVO: Tier 2

The Government of Kosovo does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Kosovo remained on Tier 2. The government demonstrated increasing efforts by identifying more victims and prosecuting and convicting more traffickers than the previous year. Law enforcement conducted proactive investigations, including joint investigations with the Labor Inspectorate. The government-funded the crime victim compensation fund and established a compensation committee to review claims. However, the government did not meet the minimum standards in several key areas. Judges imposed lenient sentences on convicted traffickers, and prosecutors continued to downgrade trafficking cases to a lesser crime. The government decreased funding for NGO-run shelters, and official complicity in trafficking offenses remained a significant concern.

### RECOMMENDATIONS FOR KOSOVO

Vigorously investigate, prosecute, and convict traffickers, including complicit officials, and impose sufficiently stringent sentences, including imprisonment; designate specific prosecutors and judges to handle trafficking cases, provide advanced training to judges, prosecutors, and law enforcement on trafficking investigations and prosecutions; provide adequate funding for NGO-run shelters; train officials on screening for trafficking among individuals in prostitution, migrants, refugees, and other at-risk populations, and uniformly implement such protocols; enhance the efforts of social welfare offices, in coordination with police, to identify and assist children subjected to forced begging; reduce the backlog of trafficking cases to ensure thorough investigation of all suspected trafficking cases; establish shelters in the northern municipalities to assist trafficking victims in this region of the country; standardize data collection and create a database that disaggregate statistics for trafficking and trafficking-related prosecutions and convictions; and fully implement the provisions of the 2015 Law on Crime Victims Compensation, by reviewing claims and disbursing funds to trafficking victims.

### PROSECUTION

The government increased anti-trafficking law enforcement efforts. Article 171 of the criminal code prohibits all forms of trafficking and prescribes punishments of five to 12 years imprisonment and a fine of up to €500,000 (\$526,870). These punishments are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. When sex trafficking offenses involve

minors or a group of victims subjected to sex trafficking, the penalties increase to 15 to 20 years imprisonment and a fine. Other articles in the criminal code prohibit various types of trafficking: article 169 prohibits slavery, slavery-like conditions, and forced labor; and article 231, taking sexual services from a trafficking victim. Authorities filed 31 criminal reports for trafficking during the reporting period, compared to 24 reports in 2015. Law enforcement arrested 62 trafficking suspects (74 in 2015) and 18 additional suspects for “utilizing sexual services from a trafficking victim” (11 in 2015). The government did not disaggregate trafficking and trafficking-related offenses for prosecution and conviction statistics, likely incorporating cases that were not trafficking, such as “enabling prostitution,” “facilitating or compelling prostitution,” sexual abuse of children, and child pornography. The government indicted 56 defendants (53 in 2015), and courts convicted 24 individuals for trafficking-related cases (13 in 2015). Judges continued to issue sentences below the minimum penalty of five years imprisonment. One individual received five years and six months imprisonment, but other sentences were between three years and six months to a fine of €1,200 (\$1,260). The government did not adequately disaggregate law enforcement statistics to demonstrate action against both sex and labor trafficking. Courts did not reduce the backlog of trafficking cases; 95 cases from 2016 and previous years remained open at the end of 2016. Observers reported the non-specialization of prosecutors and judges resulted in lenient sentences or cases downgraded to a lesser crime, especially cases involving emotional control or psychological coercion of a victim. Observers reported many prosecutors trained under the Yugoslav criminal code and required further training on the Kosovo criminal code. The Trafficking in Human Beings Directorate (THBD) within the Kosovo Police (KP) investigated all trafficking cases and consisted of 55 investigators, with four investigators specialized in child trafficking, divided into eight regional units. The THBD established a unit in the four northern municipalities, a region that was recently restricted. The THBD conducted joint investigations with prosecutors and social workers on children forced to beg and coordinated with the Labor Inspectorate to conduct 120 joint inspections of bars, night-clubs, restaurants, and massage parlors. The Kosovo Academy for Public Safety, in cooperation with foreign governments and international organizations, held 25 separate training workshops for 41 investigators from the THBD. The Office of the Chief State Prosecutor (OCSP) trained prosecutors, judges, and victim advocates on trafficking issues. Official complicity in trafficking offenses remained a significant concern. Prosecutors indicted two police officers on separate cases of suspected abuse of an official position and sexual exploitation of trafficking victims. In 2014, courts convicted two labor ministry officials for abuse of an official position for issuing work permits to 22 foreign workers, later identified as trafficking victims, and fined each official €3,000 (\$3,160); however, the Basic Court acquitted the two officials and allowed them to resume their official duties. In 2016, prosecutors appealed the acquittal; however, the Court of Appeals refused this appeal and confirmed the case as a final verdict. The government continued law enforcement cooperation with foreign governments. The government signed a tri-lateral agreement with Albania and Montenegro that unified standard operating procedures on identifying trafficking victims and providing support services. The government exchanged information with eight foreign governments on 16 trafficking cases, conducted joint investigations with Albania, and signed bilateral law enforcement agreements with seven foreign governments and the European Border and Coast Guard Agency.

## PROTECTION

The government increased victim protection efforts. The government identified 36 trafficking victims, compared to 28 in 2015. Of these 36 victims, 26 were subjected to sex trafficking, nine to forced labor, and one victim to “slavery and servitude” (17 to sex trafficking and 11 to forced labor in 2015); 18 were children (11 in 2015); 34 were female and two were male (28 and two,

respectively, in 2015); and 32 were from Kosovo and four from Albania. Eighteen victims accepted support services in 2016 and 2015. The government allocated €171,010 (\$180,200) for victim protection, compared to €181,925 (\$191,700) in 2015. NGO-run shelters received €91,010 (\$95,900) and the state-run Interim Security Facility (ISF) received €80,000 (\$84,300), compared to €101,930 (\$107,410) for NGO-run shelters and €80,000 (\$84,300) for ISF in 2015. NGO-run shelters reported government funding was inadequate and operations could not continue without funding assistance from foreign embassies. NGOs reported the Ministry of Labor and Social Welfare (MLSW) required funding applications every six months, causing a gap in funding while applications were processed and approved. One NGO-run shelter temporarily closed due to the MLSW delaying calls for funding applications.

First responders followed standard operating procedures (SOPs) for identifying and referring victims to services. SOPs required a team consisting of an investigator from the THBD, a social worker, and a victim's advocate from the Victims Assistance and Advocacy Office to convene and assess the victim as low, medium, or high risk and coordinate victim care and placement. The team assessed the victim based on their level of danger and if the suspected trafficker was not known or at large, the level of risk for the victim was "high." Observers reported the national referral mechanism functioned well and highlighted good cooperation amongst actors; however, observers reported a lack of guidance and proactive identification efforts for victims of forced begging, especially children.

In 2015, the government licensed two NGO-run shelters to exclusively provide services to trafficking victims, along with the ISF. These shelters provided legal assistance, medical and psychological services, counseling, education, recreational services, and other rehabilitative support. Victims also had access to nine MLSW care facilities. The government did not have a care facility in the country's four northern municipalities. ISF temporarily accommodated victims of trafficking assessed as high risk. Due to the high-risk assessment from police, authorities required victims to have a police escort outside of the shelter while court proceedings were ongoing for the victim's protection. Victims required an approval from a prosecutor and the KP to permanently leave the ISF while assessed as high risk. The facility had the capacity to shelter 40 individuals with separate rooms for females, males, and families. Victims stayed at the ISF for an average of 90 days before transferring to a NGO-run shelter. The two NGO-run shelters provided support services to victims assessed as low- to medium-risk. One of these NGO-run shelters was solely for children. Authorities did not detain, fine, or otherwise penalize trafficking victims for unlawful acts committed as a direct result of being subjected to human trafficking. The government encouraged victims to participate in investigative and judicial processes by providing protection at ISF, accommodation and care at other facilities, and participation in the witness protection program, if necessary. All 36 victims participated in investigations and court proceedings. The law entitles foreign victims to a 30- to 90-day reflection period after identification in which victims can recover before deciding whether to cooperate with law enforcement. The government ensured suspected traffickers were not present when victims provided statements and foreign victims could return to their countries of origin after testifying without waiting for the conclusion of the trial. The law entitles foreign victims to a temporary residence permit for at least six months; two victims received a permit during the reporting period. The government allocated €100,000 (\$105,370) to the crime victim compensation fund and established a compensation committee to review claims.

## PREVENTION

The government maintained efforts to prevent trafficking. The National Agency Against Trafficking in Persons (NAATIP) coordinated interagency efforts and held monthly meetings to monitor the implementation of the 2015-2019 anti-trafficking national action plan (NAP). The government did

not report the amount of funds allocated towards implementation of the NAP, compared to €288,000 (\$303,480) in 2015. The NAATIP partnered with a mobile operator to send text messages to all its subscribers with the text “open your eyes, fight human trafficking” and the number to the national hotline. OCSP held a two day conference on crime victimization, including how to provide assistance to trafficking victims. The Ministry of Education, Science, and Technology organized awareness campaigns for students and teachers including art and essay contests. The government continued an annual month-long campaign aimed at potential child trafficking victims and organized additional campaigns targeting vulnerable populations. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. The government provided anti-trafficking training for its diplomatic personnel and provided them a manual to aid in identifying trafficking victims.

#### TRAFFICKING PROFILE

As reported over the past five years, Kosovo is a source and destination country for men, women, and children subjected to sex trafficking and forced labor. Most victims are internally trafficked for sexual exploitation. Traffickers recruit victims through false promises of marriage or employment offers in cafes, night-clubs, and restaurants. Most sex trafficking victims in Kosovo are girls, although Kosovo criminal groups also force women from Albania, Moldova, Romania, Serbia, and other European countries into prostitution. Women and girls are subjected to sex trafficking in private homes and apartments, night-clubs, and massage parlors. Children from Kosovo, Albania, and other neighboring countries are forced to beg within the country. Children used as dancers and escorts are vulnerable to sex trafficking. Traffickers subject Kosovo citizens to forced prostitution and forced labor throughout Europe. Economically marginalized Roma, Ashkali, and Egyptians communities are vulnerable to forced begging and sex trafficking. Government corruption creates an environment that enables some trafficking crimes. Several police officers, labor ministry employees, and other government officials have been charged with or convicted of trafficking crimes.