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USDOS – US Department of State

2021 Trafficking in Persons Report: Kosovo

KOSOVO: Tier 2

The Government of Kosovo does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Kosovo remained on Tier 2. These efforts included adopting new standard operating procedures (SOPs) to increase the efficiency of prosecutions and designating a trafficking point of contact in all seven basic prosecution offices. The government increased resources for victim protection, including funds to NGO-run and state-run anti-trafficking shelters. However, the government did not meet the minimum standards in several key areas. The government convicted fewer traffickers, and judges continued to impose insufficient sentences on convicted traffickers. First responders lacked guidance on how to handle and proactively identify victims of forced begging, especially children. Due to the pandemic, the National Agency Against Trafficking in Persons (NAATIP) did not regularly hold meetings, and the government did not adopt the 2020-2024 Anti-trafficking National Strategy and Action Plan.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, including complicit officials, and sentence convicted traffickers to prison terms consistent with prescribed penalties. • Develop written guidance and enhance efforts to identify and assist children exploited in forced begging. • Adopt, resource, and implement the 2020-2024 Anti-trafficking National Strategy and Action Plan. • Designate trained prosecutors and judges in every region to handle trafficking cases. • Continue providing advanced training to judges, prosecutors, and law enforcement on trafficking investigations and prosecutions. • Further reduce the judiciary’s backlog of cases, including trafficking cases. • Work with local authorities to strengthen victim protection throughout Kosovo, but particularly in the northern municipalities. • Increase government support for comprehensive vocational training and reintegration services for victims. • Standardize data collection and create a database that disaggregates statistics for trafficking and trafficking-related prosecutions and convictions. • Provide hotline operators training on handling trafficking cases.

PROSECUTION

The government maintained law enforcement efforts. Article 165 of the criminal code criminalized sex trafficking and labor trafficking and prescribed punishments of five to 12 years’ imprisonment and a fine for offenses involving adult victims and five to 15 years’ imprisonment and a fine for offenses involving child victims. These punishments were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. In November 2018, the government revised the criminal code, which went into force in April 2019, and reclassified all forced prostitution offenses as trafficking and increased the minimum punishment for child trafficking from three years to five years’ imprisonment. Police, prosecutors, and courts maintained different methods for counting cases, resulting in inconsistent statistics across databases. Police initiated 62 new trafficking cases (43 cases in 2019) and arrested 10 additional suspects for “utilizing sexual services from a trafficking victim” (nine in 2019). Authorities prosecuted 20 new cases involving 32 suspects (43 new cases involving 80 suspects in 2019). Courts convicted three traffickers (eight in 2019) and convicted one perpetrator who “utilized sexual services from a trafficking victim” (five in 2019). Judges continued to issue sentences below the minimum penalty of five years’ imprisonment. One convicted trafficker received a two-year suspended sentence; one trafficker received six months’ imprisonment and a fine of €5,000 (\$6,130); and one received three years’ imprisonment and a fine of €500 (\$610). The perpetrator convicted for “utilizing sexual services from a trafficking victim” received one year imprisonment. Courts slightly reduced the overall backlog of trafficking cases; 68 cases remained open from previous years, compared with 74 in 2019.

The Trafficking in Human Beings Directorate (THBD) within the Kosovo Police (KP) investigated all trafficking cases through its eight regional units, and it also maintained a unit in the predominantly ethnic Serb northern municipalities. The Chief State Prosecutor’s Office (CSPO) continued to designate a special coordinator for trafficking to monitor cases, provide guidance, and participate in the task force. The government adopted new SOPs to increase the efficiency of prosecution efforts and designated a trafficking point of contact in all seven basic prosecution offices. THBD cooperated with the Labor Inspectorate to conduct 77 joint inspections of bars,

nightclubs, restaurants, and massage parlors (171 in 2019). Separately, THBD also conducted joint operations with the Ministry of Trade and Industry, Tax Administration, and Labor Inspectorate to screen 59 coffee bars, nine massage parlors, four private houses, and three hotels, which led to the closure of 39 premises (78 in 2019). Observers reported the lack of trafficking training and experience among most prosecutors and judges resulted in weak sentences or cases that were instead charged as a lesser crime, especially cases involving emotional control or psychological coercion of a victim. Additionally, KP and border police required further guidance on when to classify forced begging of children by their parents as trafficking, instead of as parental neglect or abuse.

CSPO trained judges and prosecutors, and the KP Training Department, in cooperation with international organizations, held 26 training events (48 in 2019). The Justice Academy trained prosecutors, judges, and victim advocates on trafficking issues. The government exchanged information with foreign governments on 18 trafficking cases (30 in 2019) and cooperated with Albania, Germany, North Macedonia, and Moldova on investigations. THBD, CSPO, and the KP Inspectorate cooperated to investigate government employees potentially complicit in trafficking offenses but did not report any new cases. Corruption and official complicity in trafficking crimes remained a concern, inhibiting law enforcement action during the year. In 2016, prosecutors indicted two police officers on separate cases of suspected abuse of an official position and sexual exploitation of trafficking victims. In 2019, Pristina Basic Court acquitted one of the officers.

PROTECTION

The government maintained victim protection efforts. The government identified 17 trafficking victims (26 in 2019). Of these, seven were exploited in sex trafficking and 10 in forced labor (20 were exploited in sex trafficking, three in forced labor, two in “slavery and servitude,” and one in domestic servitude through forced marriage in 2019). Fifteen of the victims were children (the same number as in 2019); there were seven female and 10 male victims (23 females and three males in 2019); all victims were from Kosovo (21 were from Kosovo, two from Serbia, two from Montenegro, and one from Albania in 2019). First responders used standard indicators to screen vulnerable populations; however, observers reported a lack of guidance and proactive identification efforts for victims of forced begging, especially children. A multi-disciplinary national referral mechanism (NRM) provided SOPs for identifying and referring victims to services. The NRM required an investigator from the THBD and a victim’s advocate from the Victim’s Assistance and Advocacy Office to convene and assess the victim as low, medium, or high risk of danger and coordinate victim care and placement; the NRM also required a social worker for child victims to participate in the assessment. NGOs continued to report the NRM functioned well and highlighted good cooperation among actors.

The government licensed and partially funded two NGO-run shelters to provide services to victims, along with the state-run Interim Security Facility (ISF). ISF temporarily accommodated victims assessed as high-risk, such as victims with their trafficker still at large, victims testifying in court proceedings, or victims awaiting repatriation. Authorities required victims to have a police escort outside of the ISF while court proceedings were ongoing and required an approval from a prosecutor and the KP for high-risk victims to permanently leave the ISF. The facility had the capacity to shelter 40 individuals with separate rooms for females, males, and families, and victims stayed for an average of 90 days before transferring to an NGO-run shelter. In 2020, ISF accommodated nine victims (27 victims in 2019). The three shelters provided legal assistance, medical and psychological services, counseling, education, recreational services, and rehabilitative support. During the pandemic, the shelters also administered COVID-19 tests to victims immediately after arrival, to ensure COVID-positive victims received medical attention and safety precautions. The Center for Social Welfare (CSW) also provided services to child victims but, due to the pandemic, CSW reduced work hours and the number of working social workers resulting in fewer referred cases and challenges in offering 24-hour guardianship. Civil society reported good quality of care for victims, but reintegration programs had limited success due to a lack of resources and high overall unemployment.

The government allocated €205,000 (\$251,530) for victim protection, an increase from €172,960 (\$212,220) in 2019. This included an increase in funds for NGO-run shelters after years of inadequate funding and bureaucratic delays; NGO-run shelters received €105,000 (\$128,830), compared with €67,000 (\$82,210) in 2019 and €70,680 (\$86,720) in 2018. ISF received €100,000 (\$122,700), compared with €80,000 (\$98,160) in 2019 and 2018. The Pristina municipal government also provided €13,000 (\$15,950) to one of the NGO-run shelters, compared with €7,100 (\$8,710) in 2019. NGO-run shelters reported government funding in 2020 was satisfactory. There were no reports the government penalized victims for crimes their traffickers compelled them to commit; however, due to a lack of consistent identification procedures for forced begging, some children may have remained unidentified within the law enforcement system. The law entitled foreign victims to a 90-day reflection period in which victims can recover before deciding whether to cooperate with law enforcement. Authorities afforded foreign victims the same rights and services as domestic victims, and the law entitled foreign victims to a temporary residence permit for at least six months; no foreign victims requested a permit in 2020 (same as in 2019). The government assisted in repatriating three victims (two in 2019). All 17 victims participated in investigations by providing statements to THBD, prosecutors, and pre-trial judges (26 in 2019). The government reported 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 allowed compensation from the state if victims could not get restitution from their traffickers; one victim received €3,000 (\$3,680) for mental health damages from the compensation fund (one child victim received €2,000 (\$2,450) in 2019).

PREVENTION

The government decreased efforts to prevent trafficking, particularly due to the pandemic. NAATIP, composed of representatives from eight government ministries, the judiciary, municipal offices, victim advocates, NGOs, and international observers, coordinated interagency efforts and produced quarterly reports but did not regularly hold meetings due to the pandemic. In 2019, the government, in consultation with civil society, drafted the Anti-trafficking National Strategy and Action Plan 2020-2024; however, its approval remained pending, in part due to delays caused by the pandemic. While civil society reported NAATIP was less active, it highlighted strong cooperation with NAATIP and the national coordinator, including responsiveness to recommendations and concerns. The government organized an annual month-long awareness campaign and produced a video on child begging, but few events took place due to pandemic mitigation efforts. Separately, the government distributed leaflets on health services to trafficking victims, and THBD distributed leaflets at border points and held lectures and roundtables on anti-trafficking efforts. The Ministry of Labor and Social Welfare maintained a legal framework for the registration and licensing of private sector employers, including foreign employment agencies. The government-operated hotline for victims of domestic violence and other crimes received 650 calls (831 in 2019), including six potential trafficking cases (nine in 2019). Observers reported operators needed training to respond properly to trafficking-related calls. The government aired a public service announcement to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Kosovo, and traffickers exploit victims from Kosovo abroad. Criminal networks exploited victims in sex trafficking internally. Many sex trafficking victims in Kosovo are girls, although traffickers also force women from Albania, Moldova, Montenegro, Romania, Serbia, and other European countries into sex trafficking. Women and girls are exploited in sex trafficking in private homes and apartments, nightclubs, and massage parlors. Children from Kosovo, Albania, and other neighboring countries are forced to beg within the country. Traffickers subject Kosovo citizens to sex trafficking and forced labor throughout Europe. Marginalized Roma, Ashkali, and Egyptian communities are vulnerable to forced begging and sex trafficking. LGBTQI+ persons, migrants, asylum seekers, and refugees also experience a higher risk to trafficking.

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