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2022 Trafficking in Persons Report: Kosovo

OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

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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 with the previous reporting period, considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Kosovo remained on Tier 2. These efforts included prosecuting and convicting more traffickers and identifying more victims. The Chief State Prosecutor's Office (CSPO) established local multi-disciplinary teams to improve coordination on trafficking cases in three regions, and the government increased funds to NGO-run shelters. The government organized a robust awareness campaign, and coordinating bodies met and produced quarterly reports. However, the government did not meet the minimum standards in several key areas. Judges continued to impose lenient sentences on convicted traffickers, and the government did not adopt the 2020-2024 Anti-trafficking National Strategy and Action Plan. Law enforcement continued to classify forced begging

of children by their parents as parental neglect or abuse rather than trafficking and, because of inadequate identification procedures for forced begging, authorities likely deported some unidentified trafficking victims.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, including complicit officials.

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.

Continue providing advanced training to judges, prosecutors, and law enforcement on trafficking investigations and prosecutions.

Strengthen victim confidentiality and privacy measures and ensure private information is not shared.

Further reduce the judiciary's backlog of cases, including trafficking cases.

Allocate sufficient resources to Centers for Social Welfare to fully fulfill their responsibilities.

Designate trained prosecutors and judges in every region to handle trafficking cases.

Strengthen victim confidentiality measures.

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 increased 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. Police, prosecutors, and courts maintained different methods for counting cases, resulting in inconsistent statistics across databases. Police investigated 17 new cases with 43 suspects, compared with 62 new cases in 2020. Police also investigated seven additional suspects for "utilizing sexual services from a trafficking victim," compared with nine suspects in 2020. Authorities prosecuted 35 new cases with 60 defendants, compared with 20 new cases with 32 defendants in 2020. Courts convicted seven traffickers, compared with three traffickers in 2020. Courts did not charge or convict any perpetrator who "utilized sexual services from a trafficking victim," compared with one perpetrator in 2020. Judges continued to issue sentences below the minimum penalty of five years' imprisonment. While a judge sentenced one trafficker to five years' imprisonment, four convicted traffickers received sentences of three years' imprisonment, one received a two-year suspended sentence, and one received a €300 (\$340) fine. Suspended sentences and those of fines alone undercut efforts to hold traffickers accountable, weakened deterrence, created potential security and safety concerns for victims, and was not equal to the seriousness of the crime. Courts did not reduce the overall backlog of trafficking cases; 70 cases remained open from previous years, compared with 68 in 2020.

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. CSPO continued to designate a special coordinator for trafficking and also maintained a trafficking point of contact in all seven basic prosecution offices. The special coordinator for trafficking monitored cases, provided guidance, participated in the anti-trafficking law enforcement task force, and organized trainings and workshops for prosecutors. THBD cooperated with the Labor Inspectorate, Ministry of Trade and Industry, and Tax Administration to conduct 168 joint inspections of bars, nightclubs, restaurants, and massage parlors (77 in 2020), which led to the closure of 55 premises (39 in 2020). GRETA and other

observers reported that a lack of training and experience among most prosecutors and judges resulted in weak sentences or cases that were charged as a lesser crime, especially forced labor cases or cases involving emotional control or psychological coercion of a victim. The government, in cooperation with a foreign donor, trained police and maintained institutionalized training programs at the Justice Academy and CSPO, which trained prosecutors, judges, and victim's advocates on various trafficking issues. The government exchanged information with foreign governments on 20 trafficking-related cases (18 cases in 2020), cooperated with authorities from Albania and Montenegro on child trafficking cases, and worked with German authorities to extradite one suspect to Kosovo. THBD, CSPO, and the KP Inspectorate cooperated to investigate government employees potentially complicit in trafficking offenses but did not report any new cases.

PROTECTION

The government increased victim protection efforts. The government identified 22 victims, compared with 17 victims in 2020. Of these, 19 were victims of sex trafficking, and three were victims of forced begging; 16 were girls, four women, and two boys; and one was a victim from Albania. First responders used standard indicators to screen vulnerable populations; however, GRETA and other observers reported a lack of guidance and proactive identification efforts for victims of forced begging, especially children. KP and border police continued to classify forced begging of children by their parents as parental neglect or abuse rather than trafficking, stating that children accompanied by their parents did not meet the definition of trafficking. A multi-disciplinary national referral mechanism (NRM) provided standard operating procedures (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.

The government licensed and partially funded two NGO-run shelters to provide services to victims, along with the specialized state-run Interim Security Facility (ISF). The government annually allocated €100,000 (\$113,380) to the ISF, and the Ministry of Labor

and Social Welfare (MLSW) allocated €56,000 (\$63,490) to one NGO-run shelter and €63,000 (\$71,430) to the other, compared with €50,000 (\$56,690) and €55,000 (\$62,360) respectively in 2020. The Pristina municipal government also provided €14,000 (\$15,870) to one of the NGO-run shelters, compared with €13,000 (\$14,740) in 2020. In addition, the Pristina municipal government funded the renovation of one NGO-run shelter with €33,000 (\$37,410). NGO-run shelters reported government funding in 2020 was satisfactory but reported delays in receiving funds. The three shelters provided legal assistance, medical and psychological services, counseling, education, recreational services, and reintegration support. ISF temporarily accommodated victims assessed as high-risk, such as victims of cases with the trafficker still at large, victims testifying in court proceedings, or those awaiting repatriation; ISF accommodated 14 victims (nine victims in 2020). 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 victims assessed as high-risk to permanently leave the ISF. The facility had the capacity to shelter 40 individuals for up to 90 days with separate rooms for females, males, and families. Eleven staff members worked at ISF, including the director, victim advocates, nurses, and a teacher, but it did not employ an in-house psychologist. The shelters also administered COVID-19 tests to victims immediately after arrival and ensured COVID-positive victims received medical attention and safety precautions. Centers for Social Welfare (CSW) appointed case managers who prepared care plans in cooperation with the victim and shelter staff. CSW provided services to child victims and also acted as legal guardians, but observers reported CSW did not have enough staff to handle all their responsibilities. 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.

GRETA reported representatives from THBD and CSPO had a good understanding of the principles surrounding non-penalization of trafficking victims. However, due to a lack of consistent screening and identification procedures for forced begging, authorities likely deported some unidentified trafficking victims. The law entitled foreign national victims to a 90-day reflection period in which victims could recover before deciding whether to cooperate with law enforcement. Authorities afforded foreign victims the same rights and services as internal victims and the law entitled foreign victims to a temporary residence permit for at least six months; no foreign victims requested a permit in 2021 or 2020. All 22 victims participated in investigations by providing statements to THBD, prosecutors,

and pre-trial judges (17 in 2020). The government updated SOPs and required a psychologist and prosecutor to attend interviews with victims in addition to a victims advocate and police. 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 government assisted in repatriating one victim (three in 2020). The law provided witness protection, free legal aid, and confidentiality of a victim's identity; no victims required witness protection, but KP reported a municipal official unknowingly provided a victim's birth certificate to a suspected trafficker. The law allowed judges to grant a victim restitution in criminal cases or to receive compensation from a government financed compensation program if the victim was unable to obtain restitution from the traffickers; no victims received restitution or compensation in 2021, compared with one victim receiving €3,000 (\$3,400) in 2020.

PREVENTION

The government maintained efforts to prevent trafficking. The National Authority Against Trafficking in Persons (NAATIP) composed of representatives from eight government ministries, the judiciary, municipal offices, victim advocates, NGOs, and international observers, coordinated interagency efforts; NAATIP held quarterly meetings in addition to ad hoc meetings and produced quarterly reports. In 2019, the government, in consultation with civil society, drafted the Anti-trafficking National Strategy and Action Plan for 2020-2024; however, its approval remained pending at the close of the reporting period. CSPO established local multi-disciplinary teams comprising a prosecutor, police, victim advocates, social workers, and shelter representatives to improve coordination on trafficking cases in three regions. The government organized an annual month-long awareness campaign on child begging, produced an anti-trafficking video, and organized meetings and distributed leaflets for students and youth. Separately, the government distributed leaflets on victim identification to health professionals, and THBD distributed leaflets at border points and held lectures and roundtables on anti-trafficking efforts. For the first time, the government facilitated the participation of a survivor in an awareness campaign by having read aloud to an audience a letter they prepared, in lieu of their physical presence. The MLSW maintained a legal framework for the registration and licensing of private sector employers, including foreign employment agencies. The law

prohibited agencies from charging recruitment fees, but the government did not report its efforts to monitor recruitment agencies. The government-operated hotline for victims of domestic violence and other crimes received 327 calls including two potential trafficking cases, compared with 650 calls and six potential trafficking cases in 2020. In previous years, 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 exploit 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. Traffickers recruit women and girls with promises of marriage or employment as dancers and singers and force victims into 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, particularly children, are vulnerable to forced begging and sex trafficking, including by traffickers, who are sometimes their parents or relatives. LGBTQI+ persons, migrants, asylum seekers, and refugees also experience a higher risk to trafficking.

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