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Trafficking in Persons Report 2010 - Kosovo

KOSOVO (Tier 2)

Kosovo is a source, transit, and destination country for women and children who are subjected to trafficking in persons, specifically forced prostitution, and children in forced begging. Most foreign victims of forced prostitution are young women from Eastern Europe including Moldova, Albania, Bulgaria and Serbia. Kosovo women and children are subjected to forced prostitution within Kosovo and also in countries throughout Europe. One NGO reported identifying more than 300 children, particularly from Roma communities, forced to beg in Kosovo; traffickers allegedly force boys to wash car windshields at traffic lights and compel girls to beg for money at hotels and restaurants. Police continue to report that internal trafficking involving Kosovo Serbs may also occur in north Kosovo. For the fourth consecutive year, IOM reported that it provided assistance to more domestic trafficking victims than foreign victims.

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 convicted an increased number of trafficking offenders and undertook critical outreach efforts to prevent trafficking during the reporting period. However, it did not assign adequate punishments to convicted traffickers; many sentences were below the legal minimum prescribed under its trafficking law. Furthermore, the majority of convicted trafficking offenders were freed on appeal in 2009. Inadequate victim identification techniques continued to hamper the government's ability to detect and protect trafficking victims. Shelters were underutilized throughout the year.

Recommendations for Kosovo: Proactively prosecute, convict, and sentence sex and labor trafficking offenders, including officials complicit in trafficking; consider dedicating prosecutors to the specialization of prosecuting of trafficking cases; ensure adequate services for repatriated victims; increase funding for the NGO-run anti-trafficking shelter for adults; improve the victim identification process so that potential victims are allowed time away from their immediate situation to recount their experiences with minimal pressure, particularly in a post-raid environment; consider including NGOs during initial contact with potential victims and expanding the victim's advocate role during this process; and increase detection and protection for victims of forced begging in Kosovo.

Prosecution

The Government of Kosovo showed uneven efforts to address human trafficking through law enforcement means over the year. Kosovo law criminalizes sex and labor trafficking and prescribes penalties of between two and 12 years' imprisonment – penalties that are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In December 2009 and February 2010, anti-trafficking police launched a

series of nighttime raids on bars, coffee shops, and nightclubs in select cities in Kosovo, resulting in the closure of 50 commercial sex establishments and the arrest of nine trafficking suspects. In 2009, the government prosecuted 25 sex trafficking offenders, resulting in 22 convictions, an increase from 15 convictions obtained in 2008. Four traffickers were sentenced to over five years' imprisonment; eleven traffickers were sentenced to over one year imprisonment; four received sentences of between six and twelve months' imprisonment; and three received sentences of between two to six months' imprisonment. Of the 22 convicted traffickers, however, only two began serving their prison sentences; the remainder remained free on appeal, possibly allowing them to continue to exploit their victims.

The government continued to provide anti-trafficking training to border police, law enforcement, and recruits during the reporting period. International experts, however, noted overall inadequate implementation of anti-trafficking laws and prosecution of trafficking offenders in 2009. In addition, NGOs and international experts reported that trafficking-related corruption continued to hamper the government's anti-trafficking efforts. Foreign trafficking victims often arrive in Kosovo with valid documents and employment contracts stamped by Kosovo officials who may be aware that the document holders are trafficking victims. In March 2009, Kosovo authorities suspended five police officers, with pay, on suspicion of facilitating human trafficking; and authorities later determined that they were part of a smuggling case.

Protection

During the reporting period, the Government of Kosovo sustained its efforts to protect trafficking victims. The government identified 29 victims of trafficking in 2009, a slight increase over the 27 it identified in 2008. The government continued to operate and fully fund its high-security temporary shelter and reported its assistance to 23 trafficking victims, including two children, in 2009. Victims' freedom of movement were limited in the government-run shelter and some international organizations reported poor conditions; victims were housed for approximately 72 hours in this shelter while the police conducted a risk assessment; police reportedly then referred them to a local NGO or IOM to discuss reintegration or repatriation options. The government provided funding to the only NGO in Kosovo that offered specialized longer-term care to adult trafficking victims and to another NGO that offered shelter to child trafficking victims; however, very few victims utilized these facilities. The government reportedly used standard operating procedures (SOPs) when encountering suspected trafficking victims; however, 2009 assessments conducted by UNODC and by the Commission of European Communities indicated ongoing problems with victim identification. Although Kosovo law exempts identified victims from punishment for unlawful acts committed as a direct result of their being trafficked, inadequate implementation of the government's SOPs may have led to a failure to adequately identify all trafficking victims and the return of some victims to their exploiters. Although police identified nearly 200 suspected trafficking victims after two night-time raids during the year, police subsequently failed to identify any as victims, thus raising concerns that the raids lacked the critical balance between law enforcement and victim protection considerations. According to one NGO, police did little to identify or protect children subjected to forced begging, and reported the summary deportation of some victims of forced begging and their subsequent re-trafficking the following day. International organizations and experts report that the absence of an effective witness protection system remained a serious impediment to effectively encouraging victims to participate in trafficking prosecutions; no victims assisted in the investigation and prosecution of their traffickers in 2009.

The government provided only limited repatriation or reintegration assistance to victims after they left a shelter. One international organization noted a lack of opportunities for trafficked girls who did not want to return to their families, who in many cases contributed to their initial trafficking. The government provided foreign victims of trafficking with legal alternatives to their removal to countries where they would face hardship or retribution, including through the granting of refugee status or approval of temporary residency permits.

Prevention

The Government of Kosovo sustained its prevention efforts, mostly through partnerships with NGOs and international organizations in 2009. It conducted anti-trafficking outreach with high school and college-level students to educate them about the risks of trafficking, holding multiple anti-trafficking discussions with students at high schools and the University of Pristina. The government also undertook actions designed to inform listeners about trafficking issues using radio broadcasts in October 2008 and January 2010. IOM reported that the government provided two day-long community based training sessions to educate students and youth organization leaders about trafficking in October 2009. The government signed an interministerial MOU in January 2010 to improve data sharing and collection of trafficking and actively monitored implementation of its National Action Plan.
