

Document #1437605

USDOS – US Department of State

Trafficking in Persons Report 2018 - Country Narratives - Kosovo

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 issuing guidance for proactive identification of victims and conducting joint proactive investigations with labor inspectors, prosecutors, and social workers. The Office of the Chief State Prosecutor also appointed a special coordinator for trafficking and established a new database to monitor trafficking cases. However, the government did not meet the minimum standards in several key areas. Judges imposed weak sentences on convicted traffickers, and prosecutors continued to downgrade trafficking cases to lesser crimes. The government decreased funding for NGO-run shelters and had inconsistent funding mechanisms, causing one NGO-run shelter to close temporarily.

RECOMMENDATIONS FOR KOSOVO

Vigorously investigate, prosecute, and convict traffickers, including complicit officials, and impose strong sentences; provide adequate and consistent funding for NGO-run shelters; designate specific prosecutors and judges to handle trafficking cases; provide advanced training to judges, prosecutors, and law enforcement on trafficking investigations and prosecutions; train officials on screening for trafficking among individuals in prostitution, migrants, refugees, and other at-risk populations, and uniformly implement such protocols; develop written guidance and enhance efforts to identify and assist children subjected to forced begging; reduce the judiciary's backlog of cases, including trafficking-related cases; work with local authorities to establish shelter capacity in the northern municipalities; standardize data collection and create a database that disaggregates statistics for trafficking and trafficking-related prosecutions and convictions; and increase government support for comprehensive vocational training and reintegration services for victims.

PROSECUTION

The government increased law enforcement efforts. Article 171 of the criminal code criminalized sex and labor trafficking and prescribed punishments of five to 12 years imprisonment and a fine. These punishments were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Authorities filed 21 criminal reports for trafficking in 2017 (31 in 2016). Law enforcement arrested 28 trafficking suspects (62 in 2016) and 10 additional suspects for “utilizing sexual services from a trafficking victim” (18 in 2016). 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 prosecuted 27 defendants (56 in 2016), including one defendant for “utilizing sexual services from a trafficking victim.” Courts convicted 29 traffickers (24 in 2016). Judges continued to issue sentences below the minimum penalty of five years imprisonment; one trafficker received five years imprisonment and a fine of €5,000 (\$6,000), and 14 traffickers received sentences between 18 months and three years and seven months, but seven traffickers received suspended sentences and seven received fines ranging from €600 (\$720) to €3,600 (\$4,320). Courts did not reduce the backlog of trafficking cases; 88 cases remained open from previous years. Observers reported the non-specialization of most prosecutors and judges resulted in weak sentences or cases downgraded to a lesser crime, especially cases involving emotional control or psychological coercion of a victim. The government exchanged information with foreign governments on 22 trafficking cases, conducted joint investigations with Albania, and signed an extradition treaty with Hungary.

The Trafficking in Human Beings Directorate (THBD) within the Kosovo Police (KP) investigated all trafficking cases with eight regional units. The THBD established a unit in the four northern municipalities, a region that was recently integrated into Kosovo’s judicial system. The THBD conducted joint investigations with prosecutors and social workers and coordinated with the labor inspectorate to conduct 143 joint inspections of bars, nightclubs, restaurants, and massage parlors (120 in 2016). The Office of the Chief State Prosecutor (OCSF) appointed a special coordinator for trafficking, added two prosecutors, and established a new database to monitor trafficking cases. The KP Training Department, in cooperation with international organizations, held 31 training workshops for 83 THBD investigators. The government trained prosecutors on best practices for prosecution and assisting victims in seeking compensation and trained judges and victim advocates on trafficking issues. However, many prosecutors trained under the Yugoslav criminal code required further training on the Kosovo criminal code.

THBD, OCSF, and the KP Inspectorate cooperated to investigate official government employees potentially complicit in human trafficking offenses but did not report prosecutions or convictions. Corruption and official complicity in trafficking crimes remained significant concerns, 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. Trials were ongoing at the end of the reporting period. 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 (\$3,600); however, the Basic Court acquitted the two officials and allowed them to resume their official duties. In 2016, prosecutors appealed the acquittal but the Court of Appeals refused this appeal and confirmed the case as a final verdict.

PROTECTION

The government maintained victim protection efforts. The government identified 32 trafficking victims (36 in 2016). Of these, 18 were subjected to sex trafficking, seven to forced labor, three to forced begging, and four to “slavery and servitude” (26 were subjected to sex trafficking, nine to forced labor, and one victim to “slavery and servitude” in 2016); 19 were children (18 in 2016); 29 were female and three were male (34 females and two males in 2016); and 25 were from Kosovo, five from Albania, one from the Philippines, and one from Moldova. The government adopted a list of trafficking indicators to assist law enforcement and social service providers in proactively identifying victims; 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 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. SOPs required a social worker to attend for child victims. Observers reported the NRM functioned well and highlighted good cooperation amongst actors.

The government licensed and partially funded two NGO-run shelters to provide services to trafficking victims, along with the state-run Interim Security Facility (ISF). These shelters provided legal assistance, medical and psychological services, counseling, education, recreational services, and other rehabilitative support. Victims also had access to nine Ministry of Labor and Social Welfare (MLSW) care facilities but the government did not have a care facility in the country’s four northern municipalities. ISF temporarily accommodated trafficking victims assessed as high risk. 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 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. ISF accommodated 35 victims, including five potential victims and two victims identified in 2016. 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. Observers reported reintegration programs faced limited success due to a lack of resources and high unemployment. The government allocated €152,870 (\$183,520) for victim protection, compared to €171,010 (\$205,290) in 2016. The government continued to decrease funds for NGO-run shelters; NGO-run shelters received €72,870 (\$87,480), compared to €91,010 (\$109,260) in 2016 and €101,930 (\$122,360) in 2015. The ISF received €80,000 (\$96,040) in 2016 and 2017. NGO-run shelters reported government funding was inadequate and operations could not continue without funding assistance

from foreign donors. The MLSW required funding applications every six months, causing a gap in funding while applications were processed and approved. One NGO-run shelter temporarily closed for a month due to the MLSW delaying calls for funding applications.

There were no reports of victims being penalized 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. All 32 victims participated in investigations and court proceedings (36 in 2016). The law entitled foreign victims to a 30- to 90-day reflection period in which victims could recover before deciding whether to cooperate with law enforcement. 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 entitled foreign victims to a temporary residence permit for at least six months; one victim received a permit (two in 2016). The government allocated €100,000 (\$120,050) to the crime victim compensation fund and established a compensation committee to review claims; the first trafficking victim was compensated in December 2017 with approximately €5,000 (\$6,000).

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 in 2016 or 2017, compared to €288,000 (\$345,740) in 2015. NGOs reported strong cooperation with NAATIP and the national coordinator, including the responsiveness to recommendations and concerns. The government continued an annual month-long campaign aimed at potential trafficking victims; 28 of 38 municipalities allocated funds to participate in the awareness campaign. The government distributed pamphlets at border posts with Albania with information on how to seek assistance and held lectures on trafficking issues. The government-operated hotline for victims of domestic violence and other crimes received 907 calls, including seven potential trafficking cases that led to two investigations. The government produced a video on how citizens can reduce the demand for forced labor but did not report efforts to reduce the demand for commercial sex acts. 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. 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, nightclubs, and massage parlors. Children from Kosovo, Albania, and other neighboring countries are forced to beg within the country. Traffickers subject Kosovo citizens to forced prostitution and forced labor throughout Europe. Marginalized Roma, Ashkali, and Egyptian 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.

ecoi.net summary:

Annual report on trafficking in persons (covering April 2017 to March 2018)


Country:

Kosovo

Source:

USDOS – US Department of State [\(/en/source/11558.html\)](/en/source/11558.html)

Original link:

<https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282686.htm> (<https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282686.htm>)

Document type:

Periodical Report

Language:

English

Published:

28 June 2018

Document ID:

1437605 (former ID [362239](/en/document/362239) [\(/en/document/362239\)](/en/document/362239))

Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

