



Trafficking in Persons Report 2016 - Country Narratives - Kosovo

KOSOVO: Tier 2

Kosovo is a source and destination country for men, women, and children subjected to sex trafficking and forced labor, including in the restaurant industry. Most sex trafficking victims in Kosovo are girls, though 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. Traffickers offer employment as dancers and singers in restaurants—and sometimes false marriage promises—but then force victims into sex trafficking. Traffickers increasingly use social media to recruit victims. Children from Kosovo and neighboring countries are forced to beg within the country. During the reporting period, authorities identified children exploited as dancers and escorts, who are also vulnerable to sex trafficking. Traffickers subject Kosovo citizens to forced prostitution and forced labor throughout Europe. 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.

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 licensed two NGO shelters to exclusively serve trafficking victims, increased funding for the shelters, and offered shelter and services to all victims identified in 2015. It implemented procedures to screen for trafficking among vulnerable populations, appointed a coordinator for national anti-trafficking efforts, and began implementation of its national action plan, including disbursing funds to support the plan's activities. However, the government identified fewer victims and prosecuted fewer suspects than the previous year, convictions decreased to a five-year low, and judges imposed lenient sentences on convicted traffickers. Furthermore, while complicit officials faced administrative action for involvement in trafficking crimes, courts formally acquitted them of trafficking charges. The government continued to lack a victim compensation fund required by law, and the national anti-trafficking agency was inactive for much of the reporting period.

RECOMMENDATIONS FOR KOSOVO:

Vigorously investigate, prosecute, and convict traffickers, including complicit officials, and impose sufficiently stringent sentences, including imprisonment; fully implement the provisions of the 2015 Law on Crime Victims Compensation, including establishing a victim compensation fund and disbursing funds to trafficking victims; 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, and other at-risk populations, and uniformly implement such protocols; enhance efforts to identify and assist children subjected to forced begging; reduce the backlog of trafficking cases to ensure all cases of suspected trafficking are thoroughly investigated; establish shelters in the northern municipalities to assist trafficking victims in those regions; and allow trafficking victims freedom of movement in all shelters.

PROSECUTION

The government decreased its anti-trafficking law enforcement efforts. While it initiated slightly more trafficking investigations, it significantly decreased prosecutions and convictions and continued to impose inadequate sentences on traffickers. Article 171 of Kosovo's criminal code prohibits all forms of trafficking and prescribes punishments of five to 12 years' imprisonment and a fine of up to 500,000 euros (\$544,069). 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 15-20 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; article 231 prohibits taking sexual services from a trafficking victim; article 241 prohibits facilitating or compelling prostitution; and article 242 prohibits the provision of facilities for prostitution.

Authorities investigated 165 possible cases of trafficking during the reporting period, an increase from 155 cases in 2014. The government initiated 53 trafficking prosecutions, a decrease from prosecutions of 93 suspects in 33 cases in 2014. Courts convicted 13 traffickers, a significant decrease from 41 convictions in 2014, and Kosovo's lowest number of trafficking convictions since 2010. Judges continued to issue sentences far below the minimum penalty of five years' imprisonment; all sentences issued for trafficking offenses in 2015 were for less than three-and-a-half years' imprisonment. The government did not disaggregate law enforcement statistics to demonstrate action against both sex and labor trafficking. As in previous years, the backlog of trafficking cases grew during the reporting period; 88 trafficking cases remained in the court system from previous years, and 95 cases remained open at the end of 2015.

Official complicity in trafficking offenses remained a significant concern. Though the government fired and retired several officials during the year for malfeasance, including some for human trafficking crimes, these same persons were acquitted of criminal charges, as in previous years. The government initiated one prosecution against a municipal official for the misuse of an official position and sexual exploitation of trafficking victims; the suspect remained under arrest at the end of the reporting period—receiving half of his salary—while the case was pending. In July 2014, police arrested a municipal official for alleged sexual exploitation of a trafficking victim; the government fired the suspect due to the allegation, but the judge acquitted him of all trafficking charges during the reporting period. Citing a lack of evidence, prosecutors dismissed a case initiated in 2014 involving a police officer suspected of abuse of official position and sexual exploitation; he resumed his official duties. In 2014, courts convicted two labor ministry officials for abuse of official position for issuing work permits to 22 foreign workers, later identified as trafficking victims, and fined each official 3,000 euros (\$3,650); however, the officials were acquitted of trafficking in persons and organized crime charges and allowed to resume their official duties. Prosecutors appealed the sentences, alleging the officials had knowledge the foreign workers were trafficking victims. The officials are being retried for trafficking in persons and organized crime; the appeal was ongoing at the end of 2015. The government funded and conducted 11 anti-

trafficking workshops for 15 members of the anti-trafficking special police force, compared with 24 trainings held in 2014. The government exchanged information with foreign countries on 30 trafficking cases, engaged in joint trafficking investigations with four countries, and signed law enforcement cooperation agreements with two countries that include collaboration on anti-trafficking law enforcement efforts.

PROTECTION

The government identified fewer trafficking victims but modestly increased its victim protection efforts and its capacity to provide assistance. Specialized police units identified 28 trafficking victims in 2015, a continued decrease from 42 victims identified in 2014 and 51 in 2013. Of the 28 victims, 17 were adults and 11 were children; 17 were victims of sexual exploitation and 11 were subjected to forced labor, including one in forced begging, one in domestic servitude, and five children as dancers and escorts. The majority of victims identified were Kosovo citizens, and others came from Albania and Serbia.

The government provided 181,925 euros (\$197,959) to one government-run shelter and two NGO-run shelters for dedicated trafficking victim assistance in 2015, compared with 171,699 euros (\$186,832) in 2014. The government had provided an additional 344,994 euros (\$420,000) to NGO shelters in 2014 to assist victims of crime, including trafficking victims, but did not provide such funding in 2015. The government placed 18 of the 28 identified victims in government-run or NGO shelters. The remaining 10 victims declined government assistance and opted to return to their families. Victims had access to nine care facilities during the reporting period, though none were located in the country's four northern municipalities. Authorities could place child trafficking victims in a shelter designated solely for child victims of violence, and foster care was available for long-term care. In May 2015, the government licensed two existing and government-funded NGO-run shelters serving victims of various crimes to provide services exclusively to trafficking victims; including the existing government-run trafficking shelter, this increased the total number of trafficking-specific victim shelters to three. The government maintained a high security shelter opened in 2013 that housed male and female victims separately. Victims determined to be at low risk of further exploitation typically stayed in NGO-run shelters, while those at medium or high risks were typically placed in the state-run shelter. Adult victims could not leave the high security shelter unchaperoned at will but could do so from the NGO-run shelters based on a risk assessment; one NGO shelter allowed victims to leave freely without assessment. The government had formal procedures to identify trafficking victims and refer them to government or NGO-run shelters for short-term and long-term care, and officials employed these procedures during the reporting period. The Ministry of Health and NGOs jointly funded NGO-conducted trainings for health-care professionals on identifying trafficking victims and the ministry's policies for the provision of services to trafficking victims and victims of domestic abuse.

The government encouraged victims to participate in investigative and judicial processes by providing protection at the high-security shelter, accommodation and care at other facilities, and participation in the witness protection program, if necessary. Victim advocates or social workers were present when police interviewed potential victims of trafficking, and they also informed victims of the rehabilitation services available and provided legal advice. All 28 victims provided statements to the police, prosecutors, and pre-trial judges. Kosovo law requires authorities to provide foreign victims a 30 to 90-day reflection period after identification in which victims can recover before deciding whether to cooperate with law enforcement. Victims who were witnesses in

criminal proceedings could return to their countries of origin without waiting for the conclusion of the trial. The government was authorized to provide temporary residence permits to foreign victims for at least six months, but there are no reports any victims applied for a permit during the reporting period. A 2013 trafficking victim protection law required the government to establish and fund a victim compensation fund. The government adopted the Law on Crime Victims Compensation during the reporting period—which includes trafficking victims as beneficiaries—and allocated 500,000 euros (\$545,000) to the law’s victim compensation fund. However, the law had not been implemented at the end of the reporting period; thus, payments could not be disbursed. During the reporting period, the Ministry of Interior implemented procedures for the proactive screening for trafficking among migrants, people in prostitution, and other vulnerable groups. The ministry trained law enforcement on such procedures, and they were employed in practice. There were no reports the government punished victims of trafficking for unlawful acts committed as a direct result of being subjected to human trafficking.

PREVENTION

The government continued efforts to prevent trafficking. During the year, it formally adopted its 2015-2019 anti-trafficking national action plan, drafted with support from NGOs and international experts. The government began to implement the plan, including allocating resources and disbursing 288,000 euros (\$313,384) towards the plan’s implementation. In September, the government appointed a new national anti-trafficking coordinator, a position that had been vacant since December 2014. Because the coordinator was responsible for convening the national anti-trafficking agency, it was not until October 2015 that the agency held its first 2015 meeting and began to monitor member agencies’ efforts to implement the national action plan. The government’s awareness-raising efforts included a one-month campaign aimed at potential child trafficking victims, including artwork and essay contests in 12 schools on preventing trafficking; information sessions with school staff and parents on trafficking prevention; and the distribution of manuals to staff in 268 schools on combating trafficking. The government did not demonstrate efforts to reduce the demand for forced labor or commercial sex acts. The government provided anti-trafficking training for its diplomatic personnel and provided them a manual to aid in identifying trafficking victims.