Kosovo - United States Department of State

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; therefore Kosovo remained on Tier 2. These efforts included prosecuting more suspects and identifying more victims. The government conducted robust joint investigations and inspections and increased overall funding for victim protection. However, the government did not meet the minimum standards in several key areas. Judges continued to impose weak sentences on convicted traffickers and first responders lacked guidance and proactive identification efforts for victims of forced begging, especially children. Despite increasing overall funding for victim protection, the government decreased funding for NGO-run shelters for the fifth consecutive year, forcing NGOs to rely on foreign donors.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, including complicit officials, and sentence convicted traffickers to significant prison terms. • Provide adequate and consistent funding for NGO-run shelters. • Designate trained prosecutors and judges in every region to handle trafficking cases. • Develop written guidance and enhance efforts to identify and assist children subjected to forced begging. • 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 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.

PROSECUTION

The government maintained law enforcement efforts. Article 171 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. Authorities received 43 new cases involving 80 suspects (34 cases in
2018). Police arrested 22 suspects (22 in 2018) and nine additional suspects for “utilizing sexual services from a trafficking victim” (seven in 2018). Courts convicted eight traffickers (nine in 2018) and convicted five perpetrators who “utilized sexual services from a trafficking victim” (five in 2018). Judges continued to issue sentences below the minimum penalty of five years’ imprisonment. Three traffickers received imprisonment between one year and three years and six months; one trafficker received imprisonment of one year and six months and a fine of €1,000 ($1,120); three traffickers received a fine between €2,500 ($2,800) and €3,000 ($3,370); and one trafficker received a suspended sentence. Three perpetrators who “utilized sexual services from a trafficking victim” received, respectively, imprisonment of one year, imprisonment of two years, and a fine of €2,400 ($2,700); two perpetrators received suspended sentences. Courts slightly reduced the overall backlog of trafficking cases; 74 cases remained open from previous years (78 in 2018).

The Trafficking in Human Beings Directorate (THBD) within the Kosovo Police (KP) investigated all trafficking cases with its eight regional units. THBD maintained a unit in the predominantly ethnic Serb northern municipalities; the unit was integrated into Kosovo’s judicial system. The Chief State Prosecutor’s Office (CSPO) continued to designate a special coordinator for trafficking and maintained a regional coordinator for trafficking in western Kosovo. THBD conducted inspections resulting in the temporary closure of 54 out of 174 investigated bars, nightclubs, restaurants, and massage parlors to address vulnerabilities. Separately, THBD cooperated with the Labor Inspectorate to conduct 443 joint inspections of bars, nightclubs, restaurants, and massage parlors (157 in 2018). THBD also conducted joint operations with the Ministry of Trade and Industry, Tax Administration, and Labor Inspectorate to screen 171 businesses, such as massage parlors and bars, and 272 hotels, which led to the temporary closure of 78 massage parlors and hotels. Observers reported that the lack of trafficking training and experience among 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. Additionally, KP and border police continued to fail to screen for, and lacked 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 48 workshops (44 in 2018). The Justice Academy trained prosecutors, judges, and victim advocates on trafficking issues. The government exchanged information with foreign governments on 30 trafficking cases (21 in 2018) and cooperated with Albania, Montenegro, and Serbia on investigations. THBD, CSPO, and the KP Inspectorate cooperated to investigate government employees potentially complicit in trafficking offenses but did not report any 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.

**PROTECTION**

The government increased victim protection efforts. The government identified 26 trafficking victims (15 in 2018). Of
these, 19 were subjected to sex trafficking, two to forced labor, two to “slavery and servitude,” one to forced begging, one to domestic servitude through forced marriage, and one to “selling of the child” (in 2018, 11 were subjected to sex trafficking, two to forced labor, one to “slavery and servitude,” and one to domestic servitude through forced marriage). Of these same 26 trafficking victims, 15 were children (12 in 2018); 23 were female and three were male (14 females and one male in 2018); and 21 were from Kosovo, two from Serbia, two from Montenegro, and one from Albania. 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 multidisciplinary 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 to coordinate victim care and placement. SOPs required a social worker to attend for child victims. 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). These shelters provided legal assistance, medical and psychological services, counseling, education, recreational services, and other rehabilitative support. Authorities afforded foreign victims the same rights and services as domestic victims. Victims also had access to nine Ministry of Labor and Social Welfare (MLSW) support facilities, but the government did not have a care facility in the country’s four northern municipalities. ISF temporarily accommodated victims assessed as high-risk. Authorities required victims to have a police escort outside of the ISF while court proceedings were ongoing and required 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 an NGO-run shelter. ISF accommodated 27 victims (17 victims in 2018). 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. 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 €172,960 ($194,340) for victim protection, compared to €150,680 ($169,300) in 2018. However, the government continued to progressively decrease funds for NGO-run shelters, which received €67,000 ($75,280), compared to €70,680 ($79,420) in 2018, €72,870 ($81,880) in 2017, €91,010 ($102,260) in 2016, and €101,930 ($114,530) in 2015. ISF received €80,000 ($89,890) in 2019, 2018, and 2017. Additionally, the government allocated €5,160 ($5,800) for health services and municipal governments provided €7,100 ($7,980) to an NGO-run shelter. Government funding was inadequate for NGO-run shelters, and operations could not continue without foreign donors. In addition, there were bureaucratic delays and confusion over responsibilities, resulting in funding delays in previous years. In 2019, MLSW allowed NGOs to apply for one-year funding, an increase over the eight-month duration in the previous year. However, due to a month-long bureaucratic delay, NGOs received only 11 months of funding. The law entitled foreign victims to a 90-day reflection period, in which victims can recover before deciding whether to cooperate with law enforcement. The law entitled foreign victims to a temporary residence permit for at least six months; no foreign victims requested a permit (none in 2018). The government repatriated two victims (three in 2018). All 26 victims participated in investigations and court proceedings (15 in 2018). 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 child victim of sexual abuse was compensated with €2,000 ($2,250), while no victims received compensation in 2018.

**PREVENTION**

The government maintained efforts to prevent trafficking. The National Agency Against Trafficking in Persons (NAATIP) coordinated interagency efforts and held meetings every three months to monitor the implementation of the 2015-2019 anti-trafficking national action plan (NAP). However, the government did not have a specific budget line for the implementation of the NAP. The government, in consultation with civil society, started drafting a NAP for 2020-2024. NGOs reported strong cooperation with NAATIP and the national coordinator, including responsiveness to recommendations and concerns. The government organized awareness campaigns, conferences, and round tables for youth, students, law enforcement officials, and the general public. MLSW developed 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 831 calls (929 in 2018), including nine potential trafficking cases (eight in 2018). The government conducted awareness campaigns 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. Government corruption creates an environment that enables some trafficking crimes.