

KOSOVO¹

The phenomenon

Human trafficking is a global phenomenon and a crime which affects nearly every part of the world, whether as a source, transit or destination country. It has been identified as the fastest growing criminal industry in the world. Thousands of children and women are sold into the global sex trade every year. It is estimated that more than 2.4 million people are being exploited by criminals at any given time. As unimaginable as it seems, it still persists in the early twenty-first century as a modern day form of slavery and as one of the most gruesome of human rights violations.

Every year, thousands of persons, mainly women and children, are trafficked from, to, or through the countries of South Eastern Europe (SEE) to neighbouring countries, Western Europe, and elsewhere.

Trafficking in human beings in Kosovo started appearing shortly after the war (1999), and was considered as a new phenomenon for this region. The booming black economy and the sudden arrival of international personnel in Kosovo, well established smuggling routes, weak border controls, unstructured and poorly defined migration regulations dramatically increased the demand for prostitution. In the beginning, Kosovo was destination and transit country. Most of foreign victims of trafficking were from Eastern Europe including Moldova, Russia, Ukraine, Bulgaria, Albania and Serbia.

Recent years have seen the growing phenomenon of Kosovo as a

place of origin of victims. Based on Trafficking in Person Report 2011, Kosovo remains rated on Tier 2 considering as 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.

Trafficking of women and girls continues to be a major human rights concern in Kosovo. This concern becomes even more severe having in mind the fact that a high percentage of the assisted local victims of trafficking are minors, aged 13 – 18 years old. Till now, in majority of the reported cases, sexual exploitation is remaining the main purpose of trafficking.

National anti-trafficking legislation and institutions

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children was adopted by the United Nations in Palermo, Italy in 2000, and is an international legal agreement attached to the United Nations Convention against Transnational Organized Crime. The Trafficking Protocol is one of three Protocols adopted to supplement the Convention. The purpose of the Protocol is to facilitate convergence in national cooperation in investigating and prosecuting trafficking in persons as well as to protect and assist the victims of trafficking in persons with full respect for their human rights.

For the first time in Kosovo Human Trafficking constituted a criminal offence in 2001 when UNMIK Regulation 2001/4 was promulgated.

Besides the Regulation 2001/4

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on the Prohibition of Trafficking in Persons in Kosovo are also issued several regulations dealing with protection of victims and witnesses (Regulation 2001/20 and 2002/25) as well as cooperative witnesses (Regulation 2001/21), which aimed at combating crime in general and trafficking in human beings in particular.

With the entry into force of the Provisional Criminal Code of Kosovo, all issues that have been regulated in UNMIK regulations covered by the Criminal Code are not applicable anymore.

Criminal Code specifies human trafficking as a particular criminal offence in Article 139. Criminal Code also specifies other offences that have elements of trafficking but are not qualified as trafficking in persons, such as Article 137 - enabling slavery, slavery-like conditions and forced labor, Article 138 - the smuggling of migrants, Section 140 - concealing the identification documents of victims of slavery or human trafficking, Article 201 - enabling prostitution and Article 211 paragraph 3 - child abuse or neglect.

Identification, protection of rights, and referral

With the aim to combat trafficking in human beings, identify, protect and refer victims of trafficking for needed services, in Kosovo have been established mechanisms that operate through two inter-institutional groups, member of which is the PVPT Center as well. In central level is operating Inter-ministerial Group, while the second operational mechanism is called Direct Assistance

Partners group.

Inter-ministerial Working Group with its Sub- Working Groups is responsible for developing Action Plans for combating trafficking in human beings in Kosovo. Till now, the Inter-ministerial Working Group has developed three National Action Plans and Strategy for combating human trafficking: the first one has covered the period of 2005-2007 the second including 2008-2011 and the third one for period 2012-2014 consisting a framework to fight human trafficking in Kosovo, which is followed by detailed and thoughtful statements and guidelines specifically focusing on the levels of a) Prevention, b) Protection and c) Prosecution. It is designed effective strategy that will help stakeholders prevail against human trafficking. Action Plans stipulates the parameters of time-bound activities, the responsibilities of actors/institutions in order for certain actions to take place, indicators for evaluating and monitoring results of document implementation.

While, the Direct Assistance Partners Group, composed by local and international, governmental and non-governmental organisations that work directly with Victims of Trafficking (VoT) and Potential Victims of Trafficking (PVoT), is responsible for ensuring that the highest quality of services is provided to VoTs and their legal/human rights are enforced. Direct Assistance Partners have established an organized and efficient referral system, by developing Standard Operating Procedures (SOPs) since 2004. The document was institutionalized by the Kosovo Government requiring to be mandatory implemented by each institution involved in anti-trafficking

field in Kosovo. The same group has also developed Minimum Standards of Care document for Victims of Trafficking in Kosovo that entered into force on January 2011, with the aim to strengthen ties between the shelter providers and unify standards for services. The implementation of the Minimum Standards of Care is monitored by MLSW.

The identification of victims of trafficking (VoTs) usually is done by the Kosovo Police – Trafficking in Human Beings Special Unit. Legal aid to the VoTs is provided by the Ministry of Justice-Division for Victims' Protection and NGOs. The repatriation of foreign VoTs was usually facilitated by the IOM-Kosovo, with support of other stakeholders, members of DAS group. Interim Shelter Facility which till 2011 was operating under the Ministry of Justice while from 2012 under the Ministry of Labour and Social Welfare provides shelter for high risk victims of trafficking. The rehabilitation and reintegration program for the VoTs is provided by the PVPT Center, as the only one specialized Center/Shelter for victims of trafficking in Kosovo. Occasionally domestic violence shelters assist VoTs as well.

Access to justice

The Criminal Code clearly states that victims of human trafficking have to be protected by the law. According to national laws trafficked persons are to be granted free access to legal aid and support in criminal procedures.

Therefore, Ministry of Justice in Kosovo is obligated to offer support in

criminal procedures to persons by appointing a Victim Advocate who supports the victim through the whole legal proceedings. Victims Advocate provides prior to the court, the legal counseling for the victim in order to prepare the victim for the legal proceeding.

Applying the Criminal Code as well as the Civil Code, compensation for the damages victims have suffered can be included into a court sentence on the defendant. With other words, trafficked persons have the right for material and moral compensation. But, there is evidence that this practice was not applied. Kosovo still does not possess a special fund for victims' compensation purpose.

Prevention

In Kosovo, in the field of prevention and education, since September 2002, PVPT Center has conducted awareness rising training on trafficking with human beings in different regions of Kosovo. PVPT's prevention activity goal is to increase awareness about trafficking among youngsters of ages 12 -18, empower those at risk of becoming trafficked and make informed decisions on protecting their own rights as well as promoting cooperation between target groups and law enforcement agencies.

Besides children targeted in prevention activities, PVPT has organized trainings and workshops also with students of three faculties of Public University, teachers, journalists, social workers, police officer and other governmental and non-governmental representatives. In addition, in 2009 - 2010, PVPT has also targeted women of rural areas,

mothers of girls dropping off school and potential victims of trafficking of different ethnicities: Albanians, Bosnians and RAE community.

Until today, PVPT Center has succeeded in organizing 118 training with a general number of participants of **7646**, in seven main Kosovo municipalities: Prishtina, Prizren, Mitrovica, Gjilan, Ferizaj, Peja and Gjakova.

- Governmental support must be focused on the long term and sustainable reintegration of victims of trafficking in order to prevent re-trafficking.

Monitoring and evaluation system

The evaluation of the anti-trafficking measures carried out in Kosovo is foreseen in the developed three National Action Plans and Strategy for combating human trafficking in Kosovo. From another hand the implementation of the Minimum Standards of Care for the Victims of Trafficking is monitored by the Ministry of Labour and Social Welfare.

Recommendations

Even though Kosovo government is determined to fight human trafficking as one of the worst offenses against human dignity, improvements on following areas are still needed:

- The identification and referral system need to be strengthen;
- The judicial system must be re-enforced and the right for material and moral compensation for the victims must be applied;
- Facilities for the support of trafficked children and men need to be developed;