

KOSOVO

Author

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I. Introduction

Kosovo, situated in the Balkan Peninsula, was one of the constituent entities of the former Republic of Yugoslavia. It borders with Albania, Montenegro, Serbia and the Former Yugoslav Republic of Macedonia. The population of Kosovo is over 2 million, of which about 90% are ethnic Albanians (Muslim or Roman Catholic) and the rest are Serbs, Egyptians, Roma, Ashkali, Turks and other minorities. Since June 1999, the United Nations Mission in Kosovo (UNMIK) plays the role of an interim civil administration according to UN Security Council Resolution 1244, adopted under Chapter VII of the UN Charter. UNMIK's responsibilities are presided over by a Special Representative of the Secretary-General (SRSG). A peacekeeping force (KFOR) operates within the framework of resolution 1244, reports directly to NATO and is responsible for maintaining security and for conducting peacekeeping operations in the region.

Kosovo has been identified as a region of destination and, to a lesser extent, as a region of origin and transit for trafficked women and girls. The main routes into Kosovo appear to be from the north across the Serbian border, and through the Former Yugoslav Republic of Macedonia. Some women are trafficked from Montenegro and Albania. There have also been instances of women being brought to Kosovo by air from Turkey, Austria and Switzerland.¹¹⁸

¹¹⁷ UNMIK was established on 10.06.1999, when the Security Council with Resolution 1244 authorised the Secretary-General to establish, in the war-ravaged province of Kosovo, an interim civil administration, led by the United Nations, under which its people could progressively enjoy substantial autonomy. In particular, Security Council resolution 1244 has called upon UNMIK to: perform basic civilian administrative functions; promote the establishment of substantial autonomy and self-government in Kosovo; facilitate a political process to determine Kosovo's future status; coordinate humanitarian and disaster relief of all international agencies; support the reconstruction of key infrastructure; maintain civil law and order; promote human rights, and assure the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo. Working closely with Kosovo's leaders and people, the mission performs the whole spectrum of essential administrative functions and services covering such areas as health and education, banking and finance, post and telecommunications, law and order. In January 2000, Joint Interim Administrative Departments were created; in October 2000, local elections took place in Kosovo's 30 Municipalities; in May 2001, the new Constitutional Framework of Kosovo was adopted. Province-wide elections took place in November 2001.

¹¹⁸ 'Trafficking in Human Beings in South Eastern Europe 2003', published by UNDP.

Trafficked girls and women are brought to Kosovo for sexual exploitation and forced prostitution, but also forced labour, including begging, and heavy manual labour. The majority of Kosovo victims are exploited within Kosovo, but a substantial percentage is sent abroad.

The **Trafficking and Prostitution Investigation Unit (TPIU)** keeps a database of all foreign women, who come into contact with the police, most often during raids in bars. In 2000, 340 women were registered in this database. During 2001, according to the same source, the number of foreign victims has increased. However, in 2002, there was a slight change in the pattern of trafficking, involving Kosovo victims.¹¹⁹ TPIU has noted that the trafficking business has transferred its activities from public places to private residences. At the same time, it noted that interviewed women appeared to receive good salaries and to have good living conditions and may, therefore, be working voluntarily in the sex industry (*happy trafficking*).

Reviewing the family background of the victims of trafficking, it is clear that they come from the most vulnerable social groups. In most cases, poverty, dysfunctional families, low education and traditional values that motivate discrimination against women and girls, form an environment, in the context of which, victims have usually already experienced domestic or sexual violence. Such backgrounds make women and girls more vulnerable to trafficking, and undermine their social reintegration, often exposing them to re-trafficking.

The general opinion in Kosovo, shared by many local NGOs, is that trafficking from Kosovo may escalate due to the decline of the economic situation and the increase in unemployment, especially among younger women. Although there is little evi-

¹¹⁹ TPIU identified 391 cases. According to the TPIU database, in 2001, there were five Kosovo victims and 167 foreign victims identified; in 2002, there have been three Kosovo victims and 86 foreign victims identified; in 2003, there were no Kosovo victims, but 34 foreign victims were identified; in 2004, 12 Kosovo and 35 foreign victims were identified; and in 2005, 18 Kosovo and 31 foreign victims were identified. According to the same source, traffickers who were arrested in 2004 included: 43 Kosovars, 20 Albanians, four Bulgarians, one Moldovan, one Romanian, and one of unknown nationality. In 2005, traffickers arrested were: 45 Kosovars, 31 Albanians, three Bulgarians, two Moldovans, four Ukrainians, two Romanians, one Serb and two of other nationalities. According to IOM, in 1999, only two victims were identified; in 2000, there were 114 identified victims; in 2001, 136 victims were identified; in 2002, 85 victims were identified; in 2003, 44; in 2004, 34, and until June 2005 only six victims were identified.

dence of Kosovo women trafficked abroad, their deteriorating economic situation, growing poverty and unemployment, changes in traditional family structures, violence against women and the growing trend towards more visible and accepted forms prostitution, may all contribute to Kosovo becoming a source region of women and girls trafficked abroad.

II. National Legal Framework

A. National legislation

According to UNMIK Regulation 2001/09, establishing a Constitutional Framework for the Provisional Self-Government of Kosovo, the main international human rights instruments are directly applicable in domestic legislation.

Internally, there are few legal instruments that regulate trafficking in human beings and related phenomena:

- UNMIK Regulation 2001/4 on the ***prohibition of Trafficking in Persons in Kosovo***, promulgated in January 2001;
- Administrative Directive 2005/03 on Implementing UNMIK Regulation 2001/04 on the ***Appointment of the Victim Assistance Coordinator*** within the ***Department of Justice***;
- The ***Provisional Criminal Code*** and the ***Criminal Procedure Code*** of Kosovo with specific chapters addressing the crime of trafficking, supplementing UNMIK Regulation 2001/2004.

Comment

Due to the fact that Kosovo is still in the process of finalizing its legal status in the international community and is still going through a transition period, it should be noted that all laws are based on UNMIK Regulations. Other laws in Kosovo are mainly of interim nature. Due to its undetermined legal status, Kosovo is not included in the table of ratifications in the Annex of the present publication.

B. Action Plan

The drafting of the ***Action Plan*** was initiated in March 2002, and was carried out in several phases, from June 2004 to April 2005. The Action Plan will be operational by 2007, when ***Action Referral Mechanisms*** will also be established in Kosovo. The structure of the Action Plan is based on ***international and EU***

standards. In particular, it follows a draft model, endorsed in May 2004 by all countries of the SEE region, as part of the **EU CARDS** project on the *Enhancement of Implementation Strategies for National Anti-Trafficking Action Plan in SEE countries*. This draft model was developed by the International Centre for Migration Policy Development (ICMPD). Additionally, the Action Plan has taken into account the **UNICEF/Stability Pact guidelines for the protection of the rights of children victims of trafficking.**

III. General Framework

A. Capacity building

The members of the **Inter-Institutional Anti-Trafficking Working Group** indicated the need to conduct training courses on the implementation of the Action Plan to Combat Human Trafficking. A Working Group was created to draft an Administrative Directive to implement Regulation No. 2001/4 on the *Prohibition of Trafficking in Persons in Kosovo*, including legal representation, counselling and temporary safe housing. The Administrative Directive also outlines the competences of the Victim Advocacy and Assistance Unit (VAAU) and the Victims Assistance Coordinator. The VAAU is responsible for the creation of the appropriate structures. The draft of the Administrative Directive was submitted to the UNMIK Office of Legal Affairs in April 2002.

The **Anti-Trafficking Secretariat**, established within the Office on Good Governance (OGG), developed and realised a **training programme** in cooperation with the Ministry of Justice, the International Organization for Migration (IOM), the Organization for Security and Cooperation in Europe (OSCE), the shelter for foreign victims of trafficking and forced prostitution (PVPT) and the Kosovo Police Service/Human Trafficking Investigation Unit (KPS/HTIU).

A number of training courses on **monitoring forced labour of children**, including trafficking, are organised by the Ministry of Justice (MoJ), with the cooperation of the International Labour Organization (ILO) and the International Programme on the Elimination of Child Labour (IPEC). KPS/HTIU completed its fourth course on **investigation of human trafficking**. Its main objective was to train police officers within the HTIU sector, in order to prepare them for field work. Partner agencies in these activities were the Police Academy, the Prosecution Office, the IOM and the MoJ. The OGG and IOM conducted **presentations/**

lectures on human trafficking for students of psychology, sociology, journalism and teachers. Additionally, training sessions were held on **human trafficking and the role of schools in its prevention**. Seventeen trainers from the Ministry of Education, Science and Technology (MEST), specialising on gender issues have participated in these training sessions.

The Ministry of Labour and Social Welfare (MLSW), with the cooperation of IOM, organised a two-day training course on the **reintegration of domestic victims of trafficking**, aiming at better implementation of anti-trafficking projects. In addition to the direct beneficiaries, this training was also attended by an employee from each Centre for Social Affairs in Kosovo, 30 employees in total (four of them from the Serb minority). The Ministry of Health worked on **raising awareness among health employees** regarding the health problems faced by victims of trafficking, on various the ways for providing support to them, as well as on their role in the reintegration of the victims. In addition, other capacity building activities for health employees are being implemented focusing on the **direct prevention of trafficking in human beings**.

A three-day training course, attended by thirteen participants, was organised for **Helpline Operators**. A training session on **Assistance and Reintegration of Trafficking Victims** was held for governmental and non-governmental partners, in which 23 participants took part, including eight advocates for victims from the MoJ. The same training was held for 26 employees of Centres for Social Work (CSW), as well as for other personnel working in shelters.

Furthermore, the IOM made four presentations for the **reparation and reintegration of victims** of trafficking in a workshop organised by the Association *Norma*. The target groups of this training were local women, NGOs and municipal officials for gender affairs. The IOM has organised training sessions for investigators and prosecutors, aiming at improving the procedures for **victim identification**. The topic of these sessions was '*Understanding anti-trafficking, strengthening the institutional framework and justice*'. IOM was also invited by KPS to participate in the presentation of anti-trafficking initiatives in Kosovo and to elaborate on the involvement of IOM on this field.

PVPT was involved in **awareness raising** seminars for victims that were accommodated in their shelter. At the same time, PVPT was engaged in various programmes aiming at enhancing

cooperation between young people and the police, with the purpose of reducing cases of human trafficking in Kosovo.

B. Analysis, research and monitoring mechanisms

OGG is currently making efforts to establish a system of monitoring, assessment and review of the anti-trafficking strategy and the Action Plan, in order to assess their implementation progress and their impact in countering trafficking and protecting victims of trafficking at all stages.

C. Cooperation and networking at the regional and national level

The **National Coordinator** to Combat Trafficking in Human Beings, who is also the Director of the Advisory Office on Good Governance (AOGG), is supported by a **Secretariat** and the **Kosovo Team to Combat Trafficking** (Inter-Institutional Group) in his mission to implement activities foreseen under the Action Plan. The Secretariat of the AOGG was established to support the National Coordinator and the Working Group. It participates in anti-trafficking initiatives of other organizations, such as the IOM, and in the development of **Terms of Reference** for the Kosovo Team. The Terms of Reference aim at combating human trafficking through the creation of an **Inter-Institutional Working Group**, proposed by the Council of Europe Expert and supported by consultants from the OSCE Mission in Kosovo.

The **Group for Direct Assistance and Support to Foreign Victims of Trafficking** was established according to the *Standard Operating Procedures* (SOPs) developed in 2000 and updated in 2004, and is effective since 06.12.2004 (see p.216). This Group is composed by: UNMIK Police, HTIU, Department of Justice, UNMIK Unit for Assistance and Support of Victims of Trafficking, IOM-Mission in Kosovo, Unit for Combating of Trafficking, OSCE-Mission in Kosovo, Department of Human Rights and Law Enforcement, MLSW and various NGOs.

D. Mobilization of resources

The **main donors** who have contributed in the implementation of anti-trafficking activities in Kosovo are: Kosovo Consolidated Budget-KCB (governmental institution); OSCE, *Save the Children*; UNICEF; IOM; UNMIK Pillars I and III; *Kvinna Till Kvinna*; International Organization for the Elimination of Poverty (NOVIB); *Christian Aid*; UN Population Fund (UNFPA); Stability Pact; Office for Democratic Institutions and Human Rights

(ODIHR); *Comité Catholique contre la Faim et pour le Développement* (CCFD).

IV. Implementation of Anti-Trafficking Laws

Efforts are being made to implement anti-trafficking laws, consistent with the requirements of international instruments, namely the UN Trafficking Protocol. The **implementation framework** is based on three axes: prevention, prosecution and protection.

A. Prevention and awareness raising

The **Prevention Framework** of Kosovo is institutionalised and will be operating by 2007. It has three main **objectives**:

- **Awareness** about the consequences of human trafficking, as well as the existing legal anti-trafficking framework
- **Decrease of the demand** for victims' services.
- **Reduction of the vulnerability** of potential victims.

The main **activities** of the Prevention Framework include:

- Identification of levels of **human trafficking awareness** in high risk groups, as well as levels of demand for victims' services, followed by the organization of multidisciplinary and multi-lingual awareness campaigns targeting high risk groups.
- Monitoring of the **education strategy** implementation and implementation of activities to prevent girls and other vulnerable groups from dropping out from school;
- Review of the **labour legislation**, in order to ensure protection of working children.
- Advocacy to agencies already involved in **economic development** programmes, so as to include high-risk groups and trafficked victims in their projects aimed at improving their economic status.
- Monitoring the implementation of the **gender Action Plan** and the **anti-trafficking Action Plan**.

The above mentioned activities are implemented by the following **agencies**:

Office of the Prime Minister (OPM), AOGG, MEST, MLSW, the Police, Institute of Social Policy, UNICEF, ILO, IOM, OSCE, UNDP, the World Bank, UNIFEM, *Save the Children*, Commissioner's Office, Kosovo Journalists Association, Ministry of Health, Depart-

ment of Justice, IPEC, Ministry of Economy and Finance, Economic Chamber of Kosovo, Employers Union Syndicate of Kosovo, the Office of Legal Support (OLA), UNMIK Office of Gender Affairs, Gender Equality Committees, Municipal Committees and Inter Ministerial Working Groups.

B. Protection and assistance

The **Protection Framework** in Kosovo is institutionalised and will be operating by 2007. It sets the following **objectives**:

- **Victim assistance** and **social protection** including the establishment of standard measures for victim identification.
- **Cooperation** among all actors dealing with protection, in order to ensure integrated assistance to survivors and victims of trafficking (health, education, housing, psychological, financial assistance).
- **Reintegration/social inclusion**, taking into account the special needs of repatriated victims.

The main **activities** of the Protection Framework include:

- Establishment of procedures for victim **identification** and **referral** for the police. Development of standardised guidelines for victim identification and referral for all stakeholders. Development and implementation of standards for services provided to victims, as well as case management models.
- Review and finalization of the **Standard Operating Procedures** (SOP) for foreign and domestic victims of trafficking.
- Establishment of procedures/guidelines relating to the **reflection period** provided to victims.
- **Strengthening coordination** and **monitoring** capacities of labour and sanitary inspections for identifying victims. Development of monitoring capacities for the follow up of re-integrated cases. Development of community awareness raising projects to prevent stigmatization of victims.
- **Training of the police** and other stakeholders on victim identification and referral.

On 06.12.2004, the members of the **Group for Direct Assistance and Support to Foreign Victims of Trafficking** signed an Agreement, authorizing the operation of **Standard Operating Procedures** for **foreign victims of trafficking**. The aim of this agreement is to clarify the responsibilities of each agency/partner in order to establish close cooperation and coordination in the framework of the referral system. The **amendment** of the

Standard Operating Procedures (SOPs) aims at regulating assistance provided to internally trafficked victims. It includes, *inter alia*, recently involved partners, in particular the UNMIK Department of Justice and Assistance Unit (VAAU), the Ministry of Labour and Social Welfare, as well as local and international NGOs.

A **telephone helpline** for direct assistance to victims is run by **IOM**.

Assistance to victims of trafficking is provided by various agencies, which are usually in close cooperation with the UNMIK Pillar I Victim Advocacy and Support Section of the Department of Justice, the OSCE, the IOM and a network of local and international NGOs. Furthermore, NGOs are playing a key-role in providing services directly connected to MLSW, such as health services, psycho-social support, education (uncertified in-shelter classes), family counselling, vocational training, material support, income generation, employment assistance, and life skills.

The TPIU, the OSCE, the IOM and the PVPT are members of the **Counter-Trafficking Direct Assistance Coordination Group**. This Group, formerly known as the **Shelter Coordination Group**, is the **focal point** for trafficking, responsible for assisting trafficked women in Kosovo. It provides a forum for discussion of individual cases and of the general needs of the beneficiaries. It provides access to shelters for all victims of trafficking, regardless of their intention to cooperate with the authorities. Special attention is paid on ensuring the security of shelter personnel and on securing the confidentiality of information obtained, as well as on the safety and privacy for victims of human trafficking.

There are two Anti-Trafficking shelters in Kosovo: the **Interim Secure Facility** (ISF) for internally trafficked victims, which is established by TPIU and VAAU, and the **PVPT-Shelter for International Victims of Trafficking and Forced Prostitution**. In both shelters the **basic needs** of victims are met in accordance with the principles of the UNICEF/Stability Pact Guidelines. During their accommodation in the shelters, victims are also provided with training opportunities that facilitate their future reintegration, employment and independence after their traumatic experiences.

According to the SOPs, UNMIK, OSCE and IOM, always in cooperation with their Liaison Offices, are responsible for the **repatriation** of foreign victims. Since they cooperate with the coun-

tries of origin, they provide transport and travel documents to victims.

Reintegration services are provided by various agencies which operate under the coordination of the **Ministry of Labour and Social Welfare**. Victims of trafficking are provided with direct support. For example, the *Victim Advocacy and Assistance Unit* (VAAU) provides legal assistance and legal representation, while their legal services are funded by IOM. **IOM** plays a very important role in the provision of reintegration services and cooperates closely with all agencies, both governmental and non-governmental, which deal with victims of trafficking. At the same time, many governmental agencies, e.g. Centres for Social Welfare, are directly involved in these activities. The Ministry of Education, in direct cooperation with local NGOs, offers support classes to victims attending primary and secondary schools.

C. Prosecution

The **Prosecution Framework** is institutionalised in Kosovo and will be operating until 2007. It has the following **objectives**:

- Establishment of an **information exchange mechanism** between NGOs, the police, and other law enforcement agencies for the prosecution of traffickers.
- Promotion of the **institutional strengthening** of the police and judiciary to combat trafficking.
- Establishment of special provisions for the **protection of victims-witnesses**.
- Enhanced **coordination** among competent agencies.

The main **activities** of the Prosecution Framework include:

- Better **monitoring** of judges and prosecutors handling trafficking cases.
- **Training** of judges, prosecutors and police officers on the psychological impact of trafficking to victims, the use of expert evidence, the effective and sensitive interviewing techniques for trafficked persons, including children, organised crime investigations including covered operations and confiscation of assets.
- Training of **judges, prosecutors, lawyers** and other legal personnel in order to provide better protection during public hearings and handle sensitive information with special emphasis on children witnesses.

- Training of **social workers** and other victims' advocates in interviewing children.
- Organization of **round-table meetings** with the participation of judges and prosecutors in order to train them in handling trafficking cases.
- Intensive **training** of selected national prosecutors by prosecutors with special expertise.
- Creation of a **case database** accessible to judges, prosecutors, the police and the DoJ.
- Creation of a **national team** consisting of prosecutors and police officers aiming at promoting international cooperation and coordination of cases.
- Raising of '**flash funds**' for covert operations.
- Amendment of the **police promotions policy**, so as to allow promotions within TPIU in order to minimise the adverse impact of rotations/transfers.
- Recruitment of **more female officers** and increase of technical resources available for the fight against trafficking in human beings.
- Conclusion of **bilateral extradition agreements** for trafficking offenders.
- Amendment of the **Criminal Procedure Code**, in order to allow statements of victims to be used in courts.
- Establishment of a **team of judges and prosecutors** specializing in trafficking cases.
- Creation of **judicial panels** for trafficking cases, with the participation of national and international judges.
- Establishment of a **contact point** between anti-trafficking agencies and the Money Laundering Unit.

The **actors** involved in the above activities are the following: DoJ and the Department of Judicial Administration (MPS), KJI, Office of the Public Prosecutor of Kosovo (OPPK), MLSW, OPM, KPSS, Directorate of Organised Crime (Pillar I), KPS, Public Prosecutors, Chief Prosecutor's Office in Kosovo, Office of Legal Support (OPM), District Courts Presidents and the Financial Investigation Section (DOC).

V. BEST PRACTICES

- **Advocacy on repatriation:** The *Centre for Protection of Women and Children* (CPWC) achieved the repatriation of a trafficked victim to Kosovo. The victim, sent to the CPWC from IOM, was sheltered and received the appropriate treatment. During this period, the CPWC contacted other centres of the region and tried to contact the victim's family in order to arrange her safe return home. CPWC and CSW representatives finally managed to persuade the victim and her family that the best way for her reintegration was to return to her family. The case has been concluded successfully, while the CPWC still monitors the victim through contacts with the CSW and the victim's family.
- **Advocacy at health institutions:** The CPWC has provided support to one minor pregnant victim at the Gynaecological Obstetric Clinic.

VI. DEFICIENCIES

- Lack of institutions to provide **long term rehabilitation programmes**, especially for victims who suffer from serious psychological trauma;
- **Lack of an effective witness protection system**;
- **Lack of funds** for the establishment of an advanced National Referral System;
- Difficulties in **accurate identification** and treatment of victims of trafficking;

VII. NEEDS ASSESSMENT

Taking into account the deficiencies and comments contained in this report, and the need for improvement of the situation, a list of recommendations is provided below.

RECOMMENDATIONS

1. A unified **system** of **data collection** should be developed among all actors assisting trafficked victims, in order to obtain a reliable picture of numbers and trends and facilitate exchange of information.
2. The **participation** of women and children in **awareness raising** initiatives on gender equality and women's and children's rights should be reinforced.

3. The stipulation of **equal opportunities for girls** to education and the labour market is imperative, in order for them not to depend on family members or third persons who might take advantage of their vulnerability.
4. Better **support structures for girls and women**, who are victims of sexually related crimes should be established.
5. Taking into consideration that Kosovo is going through a transitional period, during which the risk of trafficking of human beings is higher, **more rigorous border control** and **closer cooperation** among countries of SE Europe is required for the prevention of this phenomenon.
6. An effective **witness protection system** should be established in order to guarantee the right of the victims/ witnesses.

LIST OF ABBREVIATIONS

AOGG	Advisory Office of Good Governance
CARDS	EU funded Programme for Community Assistance for Reconstruction, Development and Stabilization
CCFD	Comité Catholique contre la Faim et pour le Développement
CPWC	Centre for Protection of Women and Children
CSW	Centres for Social Work
DOC	Financial Investigation Section
DoJ	Department of Justice
ICMPD	International Centre for Migration Policy Development
ILO	International Labour Organization
IOM	International Organization for Migration
IPEC	International Programme for the Elimination of Child Labour
ISF	Interim Secure Facility
KCB	Kosovo Consolidated Budget
KFOR	Kosovo Peacekeeping Force
KJI	Kosovo Judicial Institutions
KPS	Kosovo Police Service
KPS/HTIU	Kosovo Police Service/Human Trafficking Investigation Unit
MEST	Ministry of Education, Science and Technology
MLSW	Ministry of Labour and Social Welfare
MoJ	Ministry of Justice
MPS	Department of Judicial Administration
NATO	North Atlantic Treaty Organization
NOVIB	International Organization for the Elimination of Poverty
ODIHR	OSCE's Office for Democratic Institutions and Human Rights
OGG	Office of Good Governance
OLA	Office of Legal Support
OSCE	Organization for Security and Cooperation in Europe

OPM	Office of the Prime Minister
OPPK	Office of the Public Prosecutor of Kosovo
PVPT	Shelter for Foreign Victims of Trafficking and Forced Prostitution
SOPs	Standard Operating Procedures
SRSG	Security Representative of the Secretary General
TPIU	Trafficking and Prostitution Investigation Unit
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNICEF	United Nations Children’s Fund
UNIFEM	United Nations Development Fund for Women
UNMIK	United Nations Mission in Kosovo
VAAU	Victim Advocacy and Assistance Unit

