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Ministry of Internal Affairs

Autoriteti Kombëtar kundër Trafikimit me Njerëz/

Nacijonalni Organ protiv Trgovine Ljudima/

National Authority against Trafficking in Human Beings

**NATIONAL STRATEGY AGAINST TRAFFICKING IN HUMAN BEINGS IN
KOSOVO**

2015-2019

Pristina, March 2015

National Strategy against Trafficking in Human Beings 2015-2019

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List of abbreviations

IDHT	Investigations Directorate of Human Trafficking
MED	Municipal Education Directorate
DLSW	Directorates of Labor and Social Welfare
DSW	Department of Social Welfare
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
IMG	Inter-Ministerial Group
ICITAP	International Criminal Investigative Training Assistance Program
KJI	Kosovo Judicial Institute
ILECU	The International Law Enforcement Cooperation Unit
ILO	International Labour Organization
IO	International Organization
IOM	International Organization for Migration
KPI	The Kosovo Police Inspectorate
KJC	Kosovo Judicial Council
NATC	National Anti-Trafficking Coordinator
KP	The Kosovo Police
KPC	Kosovo Prosecutorial Council
MLGA	Ministry of Local Government Administration
MEST	The Ministry of Education, Science and Technology
MJ	The Ministry of Justice
MCYS	The Ministry of Culture, Youth and Sport
MIA	The Ministry of Internal Affairs
MLSW	The Ministry of Labour and Social Welfare
MH	The Ministry of Health
TRM	Transnational Referral Mechanism
M&E	Monitoring and Evaluation
NGO	Non-governmental Organization
OSCE	Organization for Security and Co-operation in Europe
CSA	Center for Social Affairs
CPVPT	Center for Protecting Victims and Preventing Trafficking

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SP	State Prosecutor
SOP	Standard Operating Procedure
RAE	Roma, Ashkali dhe Egyptian
HHCH	Hope and Homes for Children
SATHB	The Secretariat Against Trafficking in human beings
NSAP	National Strategy and Action Plan
MSCVT	Minimum Standards of Care for Victims of Trafficking
STSH	Safe Temporary Shelter
USA	United States of America
TDH	Terre des Hommes
HT	Human Trafficking
EBLI	Executive Body of the Labour Inspectorate
UNDP	United Nations Development Programme
PVT	Potential Victims of Trafficking
TV	Trafficking Victims
EUO	The European Union Office
OPM	The Office of the Prime Minister
VAAO	Victim's Advocacy and Assistance Office

I. Executive Summary

The phenomenon of Organized Crime entails a variety of challenges for Kosovar society in general and in particular for the mechanisms of the state. On one side Organized Crime is a profitable activity for criminals but on the other hand is one of the main challenges for our state and society. As a distinctive form of organized crime, the trafficking in human beings as one of the modern forms of slavery poses a threat to Kosovar society, especially given the recent trends of increasing number of domestic victims. This trend is increasing since 2005, especially in recent years which at the same time presents a challenge for the whole domestic system against human trafficking.

National Strategy against Trafficking in Human Beings is a strategic document that establishes policies and measures that should be undertaken against this negative phenomenon. This strategic document, which derives from the priorities set by the Government of the Republic of Kosovo in combating all forms of organized crime, presents specific strategic goals and objectives clearly defined qualitatively and quantitatively, which are based on public measures and activities to rely on the institutional and financial manner, and that can be verified through a detailed monitoring and evaluation process.

The strategic approach which was built to combat trafficking in human beings is based on to date experience, namely the policies undertaken by the institutions of the Republic of Kosovo as well as the evaluation of the Strategy and Action Plan against Trafficking in Human Beings 2011-2014. In order to build a long-term vision for combating this phenomenon, the drafting of this Strategy was also based on advanced policy of the European Union, and other international agencies that deal with this area.

The purpose of this strategy and action plan is to strengthen institutional and the entire Kosovar society efforts in preventing and combating trafficking in human beings, always taking into account the recommendations of international organizations reports, the European Commission reports and local and international partners from the private sector and civil society, with the common aim and goal, that preventing, combating, eradicating the criminal phenomena such as trafficking in human beings, which violate the Kosovar society, our neighbors and many countries of the world.

The Strategy and Action Plan to Combat Trafficking in Human Beings reflects the the strategic objectives in full compliance with the EU Strategy for the Eradication of Trafficking in Human Beings 2012-2016 of June 2012 and addressing problems at the local and regional context. Consequently objectives and measures set out in these strategic documents inter-relate with 5 (five) EU priorities for addressing the issue of trafficking in human beings. These priorities are as follows:

1. Identification, protection and assistance to victims of trafficking;
2. Intensification of the prevention of human trafficking;
3. Increase of prosecutions against traffickers;

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4. Strengthening the co-operation and coordination between key stakeholders and policy coherence;
5. Increase of knowledge and effective response to new concerns associated with all forms of human trafficking.

The strategy provides a legislative and institutional framework for preventing and combating trafficking in human beings, by defining roles and responsibilities of institutions in accordance with the objectives of the strategy. This strategic document reflects the current state, trends and undertaken policies at regional and European level by providing strategic objectives and concrete measures that are achievable in terms of budget, human resources and ensure the coherence of development and implementation of strategic policies at the national level.

This strategy consists of two main parts, respectively the strategy document and action plan for implementation of the strategy which is attached as an appendix. The strategy is structured in seven chapters based on Administrative Instruction No. 02/2012¹, which establishes the criteria for the initiation, drafting and adoption of strategic documents.

In the introductory part of the strategy are presented aspects of the interconnection of this strategy with Government priorities and the need for its drafting. In the methodological part are reflected key ministries and institutions involved in the drafting of the document, as well as the role of international organizations or civil society organizations in its drafting. This section also presents the approach of co-operation and coordination with all these stakeholders, and stakeholders who were consulted during the drafting process.

The analytical part of the strategy contains evaluations of the current situation of human trafficking in the Republic of Kosovo, based on the Strategy 2011-2014 evaluation reports, the European Commission reports, State Department, and other local and international organizations. This part was also drafted through direct consultations with all relevant stakeholders involved in combating, preventing, identifying and protecting victims of human trafficking.

The vision built within this strategy aims to address numerous problems with which our society, but also other countries's society face, where inhuman treatment of victims of trafficking for purposes of sexual exploitation but also for other purposes are continuously increased. This strategy aims to improve the legal and institutional environment, to strengthen the local and international co-operation for the purpose of prevention, prosecution and protection of victims of trafficking. By implementing this vision we will have a society where human trafficking will remain a part of the past and that Kosovo will be a country of high human security, with high gender emancipation and inclusive society.

The main aim of the strategy will be ***the Co-ordination of preventive actions and the fight against human trafficking in order to reduce the cases of trafficking to a minimum in***

¹ Administrative Instruction Udhëzimi 02/2012 for procedures, criteria and the methodology for preparing and drafting the strategic documents and their implementation plan: http://ëëë.kryeministri-ks.net/repository/docs/Draft_Udhezimi_Administrativ_Per_Strategjite_FINAL_2012_2_.pdf

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Kosovo, and coordination for the provision of quality services to victims of trafficking aiming to return their dignity and preventing their re-trafficking.

The strategic framework was drafted based on analyzes and evaluation of the current situation and the needs for addressing relevant problems in this area. Based on the consensus of all participating institutions in the drafting process of the strategy, the National Strategy against Trafficking in Human Beings 2015-2019 consists of four strategic objectives:

- 1. Advancement of the prevention of human trafficking through information, awareness and education of the society in general, and in particular vulnerable groups about the consequences of trafficking and involvement in trafficking activities*
- 2. Continuous strengthening of the system of identification, protection, assistance and reintegration of victims of trafficking through sustainable programs of the social inclusion*
- 3. Efficient criminal prosecution of cases of human trafficking by increasing the efficiency of the mechanisms for detecting and prosecuting traffickers*
- 4. Strengthening the international and local cooperation for a strengthened partnership towards trafficking in human beings*

II. Introduction

The drafting of the Strategy and Action Plan against Trafficking in Human Beings 2015-2019 is an obligation that derives from determined priorities of the Republic of Kosovo institutions to prevent and combat organized crime and all forms of it. Human trafficking is a worrying phenomenon for more than a decade in Kosovo, a phenomenon which has evolved and changed its format and trends.

The Republic of Kosovo institutions are addressing human trafficking with more seriousness and commitment. In the beginning the main focus was to create stable structures and mechanisms to effectively combat human trafficking and provision of services for the protection and rehabilitation of victims of trafficking. Then, the focus was to facilitate the work of these mechanisms through improved legal and effective policies to successfully combat trafficking. With all created mechanisms, supported and facilitated by a good legal basis and other policies, it remains that with this National Strategy to further work on the entire functioning of this mechanism. This will be initially achieved with the aim of preventing trafficking, and later in the investigation and prosecution of traffickers, providing quality and dignified services for victims of trafficking as well as improving the co-operation at national and international level in combating this phenomenon.

The drafting of the Strategy and Action Plan against Trafficking in Human Beings is fully in line with the strategic documents of the Government of the Republic of Kosovo, and in line with reforms that are being undertaken in the context of the process of European integration and liberalization dialogue for the European Union visa and other international obligations. The Government Program 2011-2014 has foreseen combating and reducing crime rates, among others through the strengthening of institutional capacity by the purpose of preventing and combating of organized crime and in particular that of human trafficking. Another priority in the government program is to strengthen co-operation with neighboring and European countries as well as European and international mechanisms for the law implementation in order to harmonize the actions and ensuring uniform approach in addressing the problem of human trafficking.

In the same way this area is treated also by other strategic documents, such as the Medium Term Priority Policies Statement 2014-2016 and Medium Term Expenditure Framework; Action Plan for Negotiation of the Stabilisation and Association Agreement; and the Annual Work Plan of the Government. The drafting of the Strategy is also done in full compliance with European Union Strategy for the eradication of human trafficking 2012-2016.

The strategy is also based on the Law on preventing and combating trafficking in human beings and protecting victims of trafficking, which addresses all forms of human trafficking, whether national or transnational, and whether or not connected with organized crime including acts committed for the purpose of exploitation of the victims while they contain elements of human trafficking.

III. Methodology

The drafting of the National Strategy against Trafficking in Human Beings 2015-2019 was preceded by comprehensive assessment regarding implementation of the Strategy and Action Plan 2011-2014. Also, all relevant international mechanisms reports were analyzed in details such as the U.S. State Department, European Commission, OSCE, civil society, etc.

The drafting process of the Strategy is coordinated by the National Anti-Trafficking Coordinator Office. Inter-ministerial Working Group, international partners, civil society and other stakeholders are involved in a comprehensive and detailed assessment of the the strategy against trafficking in human beings 2011-2014 (Annex II - Stakeholders involved in the drafting of the Strategy). The working group has been working on analyzing the current situation, identification of challenges that must be addressed with this strategy and by proposing objectives and measures that will improve the efficiency of the institutions involved in the implementation with the aim of preventing and combating human trafficking, always being aware of the transnational aspect that this phenomenon entails.

In the drafting process local expert were engaged to facilitate the the evaluation process of the current situation and the drafting of the document. In this context a special contribution have given the United Nations Program for Development (UNDP) and the German Agency for International Cooperation and Development (GIZ). The last one supported the National Coordinator Office through securing funds to develop the final draft of the strategy.

IV. Background

The current situation analysis

Human trafficking is a violation of human rights of persons affected and this is one of the most aggressive forms of organized crime, which tries to encroach Kosovo's society. Human dignity is ranked as one of the basic human values in the highest legal act, the Constitution of the Republic of Kosovo. Therefore, the institutions of the Republic of Kosovo are committed to take all the positive necessary measures to effectively ensure this value and in addition, to protect the people of Kosovo from the negative phenomenon of human trafficking and at the same time protect and promote the human rights for all trafficking victims, regardless of race, ethnicity or gender.

Human trafficking is a serious crime that often has implications with which states can not address them individually. As a result, human trafficking appears to be a complex transnational phenomenon that has its roots in the vulnerability towards poverty, lack of democratic culture, gender inequality and violence against women, conflict and post-conflict situations, lack of social integration, lack of and employment opportunities, lack of access to education, child labor and discrimination.²

Kosovo was once a place of origin, destination and transit.³ Whereas now remains mainly a country of origin and transit for trafficking victims for purposes of sexual exploitation and with an increase in the number of minor victims.⁴ Based on the statistical data of the Kosovo Police, tendencies of human trafficking in Kosovo indicate that this criminal phenomenon is more focused on internal trafficking (by criminal groups within Kosovo) and as a result we have more local trafficking victims. Statistics of the identified trafficking victims are indicators of increased domestic trafficking victims, especially since 2005 and culminating in 2011 where were identified 35 Kosovar trafficking victims, while the victims with the origin from Moldova, Ukraine, Russia, Romania, Bulgaria have declined since 2007, with the exception of 2012 where were identified 22 trafficking victims from Moldova.⁵ This trend of identified trafficking victims continued also during the 2013 where in total have been identified 52 trafficking victims.

The most vulnerable groups to human trafficking are women and especially children whose number has increased in recent years. The majority of cases are trafficked for the purpose of sexual exploitation, but every year more and more concentration of institutions of the Republic of Kosovo is focused on the identification of various forms of trafficking, especially those related to the exploitation of children for beggary and forced labor. Progress Report 2013 for Kosovo highlights the fact that 'child trafficking and exploitation of children for begging purposes remains high'.

² EU Strategy towards the eradication of Trafficking in Human Beings 2012-2016.

³ Progress Report 2010 for Kosovo.

⁴ Progress Report for Kosovo, October 2013, page 51.

⁵ State Migration Strategy and Action Plan 2013-2018, page 22.

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Trafficking in human beings is in itself a complex phenomenon and difficult to deal with, while traffickers always try to find new ways to continue their activity.

Undertaken measures in combating the trafficking

According to the progress report of the National Strategy against human trafficking 2011-2014, the Government of Kosovo's efforts for the adoption of legislation in line with European best practices and ongoing support mechanisms, such as structures against trafficking within the MIA, as well as the continuous increase in capacities of Kosovo institutions involved in the development and implementation of the strategic framework in this field shows that considerable efforts have been made. The agenda of the Government of Kosovo towards this phenomenon is developed from the perspective of human rights, based on the fact that the approach built towards the phenomenon of human trafficking is considered as a violation of fundamental human rights.⁶

The Government of Kosovo considers trafficking in human beings as a global phenomenon that must be addressed by a global approach. Therefore, by this strategy, the Government of Kosovo will continue to establish bilateral agreements with other countries to combat this phenomenon and will continue to work on membership and participation in international mechanisms to combat human trafficking, which is reflected as human exploitation transnational. Kosovo and Albania have signed a protocol on co-operation in the identification, referral and to facilitate the voluntary return of trafficking victims with particular emphasis on the trafficking victims. Such co-operation agreement was also signed between Kosovo and Montenegro on 25 April 2014.

It is anticipated that the international co-operation is the main key to combat organized crime, and in this context, numerous signed agreements for co-operation with neighboring states and Europe have given the expected results. Strategic and operational co-operation in the field of law enforcement with regional countries and member countries of the EU also functions in a non-formal basis. Regarding the international co-operation, there are a great number of co-operation agreements with different countries. ILECU has set a good foundation of co-operation with other countries as well as international institutions. Despite the signing of several co-operation agreements with individual countries, the lack of direct communication with institutions such as INTERPOL and EUROPOL pose obstacles for the KP in fighting various forms of crime.

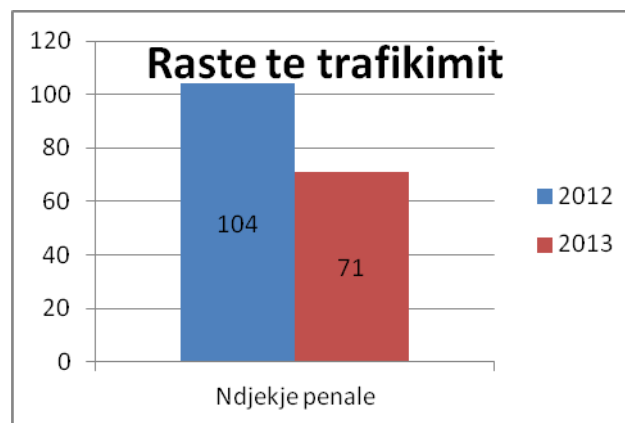
The Kosovo government through relevant institutional mechanisms and support of international partners and local non-governmental sector has made a remarkable progress in the area of anti-trafficking. The Criminal Code and Criminal Procedure Code that have entered into force in January 2013 have toughened the penalty policy for traffickers, they have penalized the use of services of trafficking victims and have including the forced beggary as a trafficking offense. Further, Kosovo is among the few countries that has a particular law for preventing and combating trafficking in human beings and protecting victims of human trafficking, which entered into force on September 2013 and the purpose of this law is to define the legal provisions whereby, competent local authorities are given the

⁶National Strategy Progress Report 2011-2014 for the year 2013.

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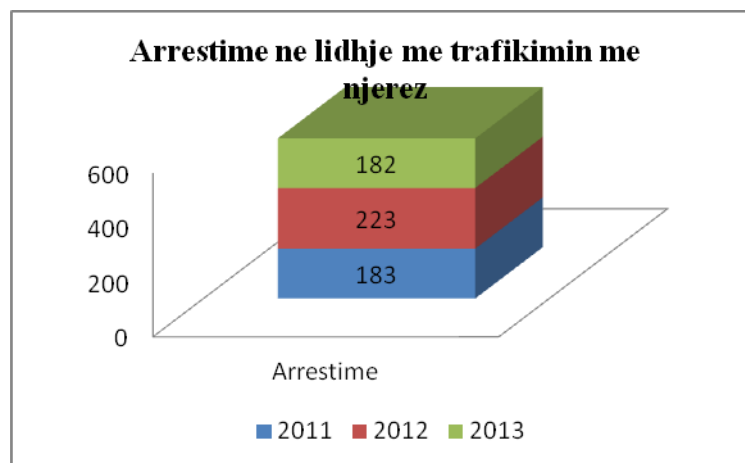
rights, duties and responsibilities, to prevent and combat human trafficking in all its forms, protection of trafficking victims, including the provision of rights, such as legal aid, medical assistance, psychosocial support, ensuring compensation and other rights, for all persons who are supposed to be or identified as trafficked, regardless of age, gender, religion or nationality, through an approach based on human rights with particular emphasis on children's rights.

In terms of prosecution, the Kosovo Police has initiated 104 new investigations of the trafficking nature in 2012, 100 cases have been forwarded to the Prosecutor's Office in 2012, while in 2013 the Kosovo Police dealt with 71 criminal cases related with prostitution, human trafficking and enabling prostitution.



Source: The Kosovo Police

Based on the statistics of the Kosovo Police it is noticed the growing trend of arrests of persons involved in human trafficking, where in 2011 183 people were arrested, in 2012 223 people were arrested and during 2013 182 people were arrested. While in 2012 were prosecuted 31 new cases compared with 22 cases in 2011.



Source: The Kosovo Police

There is also a slight increase in terms of convictions by courts thereby convicting 41 traffickers of them in 2012, compared with 37 of them convicted in 2011. Despite the fact of the prosecution trends growth and arrest of the persons and criminal groups dealing with human trafficking, the conviction rate for cases of child trafficking and exploitation of

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children for purposes of beggary remains low.⁷ Trends on increased exploitation of children for beggary purposes remain a concern for the region, especially for children from Albania who are being exploited for purposes of beggary in Kosovo.

Cases filed in the Prosecutor Office based on criminal offenses ⁸	2012	2013
Human trafficking	34	38
Facilitation of prostitution	27	18
Exercising prostitution	37	15
Other criminal offenses	4	17
Total	102	88

Victims protection

Protection of trafficking victims remains a challenge for the institutions of the Republic of Kosovo despite of the fact that some progress was made on the creation of appropriate conditions for the provision of protection measures, housing and reintegration of trafficking victims. Co-operation and contribution of civil society organizations is of particular importance, especially those that provide specialized services and expertise in dealing with this vulnerable problematic. The Government of the Republic of Kosovo has supported cases of protection and reintegration of trafficking victims in 2012 and has provided support to 43 trafficking victims, while in 2013 has provided support to 52 trafficking victims.

A particular progress regarding the protection of trafficking victims is the review of standard operating procedures to reflect changes made on the new penal code, especially for police officers and social workers on relation to the referral of trafficking victims after their identification. The Ministry of Justice is drafting the Draft Law on the Compensation of Crime Victims through which the program for the compensation of crime victims will be functionalized and the same one is in accordance with Council Directive 2004/80/EC of the 29 April 2004 concerning the compensation of crime victims. Despite the advances that have been made in the implementation of the the Strategy against Trafficking in Human Beings 2011-2014 in terms of protection and reintegration of trafficking victims, inter-ministerial working group has identified issues and gaps that must be addressed by the strategy 2015-2019 and that are related with respect to consolidation mechanisms for the identifying trafficking victims as well as a full functioning referral mechanisms for the victims and those for protection, assistance and reintegration.

⁷ Progress Report 2013 for Kosovo, October 2013.

⁸ Progress Report 2013 for National Strategy against Trafficking in Human Beings 2011 - 2014

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Preventive measures

Preventive measures such as media information campaigns and awareness, various debates that aim informing the general public, in particular for vulnerable groups to trafficking, have been special focus the office of the national anti-trafficking coordinator with the support of international organizations OSCE, UNDP as well as non-governmental organizations which have given a special contribution. From the monitoring and evaluation report of the national strategy and action plan against trafficking in human beings 2011-2014 it turns out that 45.83% of planned activities have been implemented or are being implemented while 20.83 of activities have not yet begun to be implemented. This proves the fact that the Trafficking in Human Beings Strategy 2015-2019 should aim to strengthen the prevention component through awareness and information activities and by involving more none-institutional stakeholders.

V. Strategic Framework

A. Vision

- *A society where human trafficking is part of the past*
- *Kosovo, a country with high human security, gender emancipation and inclusive society*

B. Mission Statement

Coordination of preventive actions and combat against trafficking in human beings in order to reduce the cases of trafficking in Kosovo to a minimum, as well as coordination for providing quality services to trafficking victims aiming to return their dignity and prevent their re-trafficking

C. Strategic Objectives

Strategic Objective 1

Advancement of the prevention of human trafficking through information, awareness and education of society in general, and in particular vulnerable groups about the consequences of trafficking and involvement in trafficking activities

Strategic Objective 2

Continuous strengthening of the system of identification, protection, assistance and reintegration of trafficking victims through sustainable programs of social inclusion

Strategic Objective 3

Increase of the efficiency of the investigation and prosecution of human trafficking cases by strengthening the mechanisms for law enforcement

Strategic Objective 4

Strengthening the co-operation and coordination in international and local level for the prevention, prosecution, protection and reintegration of trafficking victims

D. Specific Objectives

In this section will be presented specific objectives which are foreseen to achieve strategic objectives within the National Strategy against Trafficking in Human Rights.

1. Advancement of the prevention of human trafficking through information, awareness and education of society in general, and in particular vulnerable groups about the consequences of trafficking and involvement in trafficking activities

Specific Objectives

- 1.1. Awareness, education and information on the overall issue of human trafficking, including legal sanctions;
- 1.2. Completion of the educational curriculum with additional information on the prevention of human trafficking;
- 1.3. The inclusion of vulnerable groups in education and non-formal education;
- 1.4. Awareness of media institutions on elaboration and proper addressing of issue of trafficking;
- 1.5. Capacity building of civil society in the prevention of trafficking;

2. Continuous strengthening of the system of identification, protection, assistance and reintegration of trafficking victims through sustainable programs of social inclusion

Specific Objectives

- 2.1. Advancement of the methodology for early identification and referral of persons at risk of trafficking;
- 2.2. Strengthening the sustainable and long-term services for trafficking victims;
- 2.3. Ensuring the implementation of legislation for the identification, protection and reintegration of trafficking victims;
- 2.4. To ensure the financial sustainability for institutions that provide services to trafficking victims;
- 2.5. Strengthening the long-term reintegration services

3. Increase of the efficiency of the investigation and prosecution of human trafficking cases by strengthening the mechanisms for law enforcement

Specific Objectives

- 3.1. Analysis of human trafficking at the state level to identify threats, trends, problems and risks in the field of human trafficking;
- 3.2. Strengthening the capacity of law enforcement institutions for efficient investigation of trafficking cases;
- 3.3. Capacity building for detection of human trafficking cases;

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- 3.4. Increase of the institutional efficiency in confiscation of property acquired by criminal offense;
- 3.5. Improvement of the prosecutorial and judicial system in dealing with the priority of human trafficking cases.

4. Strengthening the co-operation and coordination in international and local level for the prevention, prosecution, protection and reintegration of trafficking victims

Specific Objectives

- 4.1. Improving the inter-institutional co-operation and coordination and community prevention and referral of human trafficking cases
- 4.2. Strengthening the inter-institutional co-operation at all levels in the field of protection and reintegration
- 4.3. Inter-institutional coordination and co-operation in the investigation and prosecution of trafficking cases;
- 4.4. Strengthening the inter-institutional co-operation and coordination
- 4.5. Harmonization of legislation and capacity building in conformity to EU standards;
- 4.6. Membership of Kosovo institutions in international mechanisms

VI. Implementation

In order to implement the strategic objectives which are related to the identification, protection, assistance and reintegration of victims, Government of the Republic of Kosovo in accordance with the Legislative Strategy 2014 has finalized the Draft for the Compensation of Victims of Crime, which enables the creation of the Program for the Compensation of Victims of Crime and the same one is in accordance with Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims. Adoption and implementation of this law will guarantee the financial stability for the implementation of policies aimed at the protection, assistance and reintegration of trafficking victims by the institutions responsible for various services and will affect the increase of institutional efficiency and accountability towards obligations emerging from this strategy.

In accordance with recent legal changes made, in particular with the adoption of the new Law on preventing and combating trafficking in human beings and protection of human trafficking victims, which entered into force in September 2013 were also revised Standard Operating Procedures (SOP) for foreign and domestic victims and minimum Standards for the care of trafficking victims. National Strategy against Trafficking in Human Beings 2015-2019 aims to implement these revised standard operating procedures to increase the efficiency of institutions and other partners towards referral of trafficking victims, providing protection, assistance and appropriate conditions for sustainable re-integration as the main purpose of inclusion of trafficking victims in society and normal and dignified life.

Another measure that is equally important that this Strategy aims to achieve is ensuring stable funding for the financing of shelters for trafficking victims. In this regard, close co-operation with non-governmental sector represents the basic condition for achieving the desired results.

In addition to the legal framework, institutions that deal directly with the provision of services to trafficking victims function under the operational mechanisms that are empowered by the new Law on preventing and combating trafficking in human beings and protection of trafficking victims. These documents are Standard Operating Procedures (SOP) for foreign and domestic victims (revised in 2013) and minimum Standards for the care of trafficking victims. These two documents were approved and implemented in full coordination by all actors involved in the identification, protection, and referral of human trafficking victims.

A foreseen program to be established by this Law establishes the right to compensation, benefit procedures, competent authorities such as the Crime Victim Compensation Commission, then the benefit procedures in cross-border situations, funding of the national Program for compensating crime victims etc.

The Government of the Republic of Kosovo aims to advance the regional and international co-operation in combating human trafficking, in particular taking into account the cross-border and trans-national nature of organized crime and serious crime of the trafficking in human beings nature. In this regard Kosovo signed the protocol on co-operation in the

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identification, referral and facilitated voluntary return of trafficking victims with special emphasis on trafficking victims with Albania and lastly with Montenegro. Also in terms of objectives related to the prosecution of traffickers with persons, is functionalized the International Law Enforcement Cooperation Unit (ILECU) within the Kosovo Police, which has the regional and international co-operation mandate. Despite limitations that Kosovo has in the area of international co-operation, local agencies for law enforcement are identifying opportunities for operational co-operation with international organizations and European agencies for law enforcement, whereas strategic goal under the persecution of traffickers remains

VII. Recommended Approach

To build a more coherent approach for the implementation of the Strategy and Action Plan, it should be considered the evaluations of the previous strategy, the recommendations of the international assessment mechanisms, recommendations for activities that are planned in the Strategy for eradication of human trafficking 2012-2016 . In this way the Government of Kosovo, respectively the National Authority against Trafficking should take into account for each objective the building of a strong partnership with all national and international actors.

In order to prevent trafficking is recommended the continuation of awareness campaigns, particularly aimed at marginalized groups and communities. Moreover, it is required that activities that address human trafficking go beyond raising awareness as a prevention form. This can be achieved by empowering families who are at risk of trafficking, in which enter families whose children have left school to work as a mean of survival, single parent families, minorities, etc.

As it addressed through the Action Plan for implementation of the Strategy 2015-2019, another way to strengthen the efforts to prevent trafficking is the greater addressing of this phenomenon by the educational institutions. Thereby it is recommended that further enrichment of educational programs with the necessary information to prevent trafficking to be done as soon as possible and implementation of these programs. Teacher training is also another area of particular importance, in particular with regard to a better communication of information of programs to children. Increase of efforts and opportunities for involvement of trafficking victims in higher education, as a way for their sustainable re-integration. This can be achieved through various scholarship opportunities by local and international institutions.

In order to build a comprehensive approach for prevention of the trafficking it should also be given attention to inclusion and facilitating access of vulnerable groups at risk of trafficking in non-formal education.

National Authority and responsible institutions based on the international experiences, should consider and intensify efforts of addressing the identification of child pornography and undertaking measures for the prevention of this phenomenon. In this context parents' awareness on the increase of the parental control regarding the use of social networks and the

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Internet in general by the children, as well as be informed about risks of child pornography, trafficking and recruitment through the internet.

As another mean that has been shown as effective in other cases, should be implemented measures that aim at reducing the demand for sexual services and demand for labor exploitation. For this, the efforts must be increased and information related to legal sanctions dealing with involvement in human trafficking as a form of reducing the demand.

In order to inform and facilitate access to all the stakeholders involved, but also the citizens regarding the policies and legislation against human trafficking, the official site should be operational as soon as possible for the work of the National Authority.

Other forms to increase efforts to prevent and combat trafficking include: mobilizing civil society and community on prevention, identification and support for the reintegration of trafficking victims; capacity building activities, awareness and building a sense of the various institutions responsible (government and non-governmental) in the identification and reporting of suspected cases of trafficking; further strengthening of referral mechanisms, national and transnational; Increase of efforts for a better co-operation in regional and international level; Integration of Kosovo institutions in international mechanisms that deal exclusively with human trafficking; Improved management and compilation of data that are coherent among all law enforcement institutions and categorization of these data according to trafficking form; Signing and implementation of co-operation agreements with other countries.

Another very important area that should be given priority in the medium term is to support the sustainability process of shelters and services that are provided to trafficking victims. Also, the provision of funding for reintegration services constitutes another very important area.

Co-operation and coordination of institutions in all pillars of the issue of trafficking in human beings will have a special treatment in this strategy. Thus, it is recommended to increase efforts for enabling a better coordination between all institutions involved, whether on the field of prevention, identification or protection, prosecution, etc.

VIII. Legal and Institutional Framework

International Legal Framework

This strategy as well as supporting documents are drafted by respecting a number of international documents and conventions that aim at protecting human rights and preventing and combating human trafficking. In the past two decades, the number of regional and international instruments relevant for trafficking has significantly increased. While many international and regional instruments for human rights, as well as treaties on co-operation and security sector reforms containing relevant articles regarding trafficking, only those instruments that are directly related to trafficking were included in this analysis of the legal framework.

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In the framework of international law, the United Nations Protocol to Prevent, Suppress and Punish Trafficking in persons, with special emphasis on women and children ⁹, which supplements the Convention against Transnational Organized Crime marks the most inclusive instrument of the international community regarding human trafficking in its modern forms. Throughout the 19th and 20th century were developed a great number of international agreements in terms of preventing and combating the exploitation of people. Despite the fact that often aimed a limited category of persons, these treaties have shaped the development of the international law in this area and explain the direction which has taken the Trafficking in Persons Protocol.

Besides the Protocol mentioned above, international law includes a number of international legal instruments that identify, define and describe the various forms of exploitation, including all forms emphasized in Trafficking in Persons Protocol. Convention on the Elimination of the All Forms of Discrimination against Women requires from States to take all appropriate measures to suppress all forms of trafficking against women and exploitation of women for prostitution.

The European Union Instruments

Trafficking in human beings constitutes a violation of human rights, and as such this phenomenon affects marginalized groups such as women and children in particular. The European Union has set clear objectives aiming at the protection of the these groups and the prevention and combating this phenomenon, particularly through strengthening co-operation and coordination between police and judicial authorities of the member states. In this way, the EU has introduced a framework that includes common provisions in order to address certain issues, such as criminalization and punishment or aggravating circumstances in cases of human trafficking. The EU actions are based on instruments that determine its objectives and priorities, but also are integrated into a broader context of protection against violence, sexual tourism and child pornography.

The new Directive of the European Union defines regulation for identification and sanctioning of the crimes related to human trafficking. Under the Directive, acts which constitute serious violations related to trafficking include: recruitment, transportation, transfer, harboring or receipt of persons, including exchange or control over these persons for purposes of exploitation.

Domestic Legal Framework

In relation to international legal framework, Kosovo addresses the issue of combating, and prevention and protection of trafficking victims in two directions, respectively through the implementation of the EU criteria and approximation of legislation in this field and secondly through the Constitution of the Republic of Kosovo where all international conventions enter into force automatically. International conventions have not been ratified by the Assembly of Kosovo specifically, but enter into force in accordance with the Constitution of the Republic of Kosovo, Article 22, page 6.

⁹ Protocol 2000

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The government of Kosovo through relevant institutional mechanisms and support of international partners and non-governmental local sector has made significant progress in the areas of the anti-trafficking. Criminal Code and Criminal Procedure Code that entered into force in January 2013 have toughened punitive policy for traffickers, they penalized the use of the services of trafficking victims and included forced beggary as a trafficking offense.

Further, Kosovo is among the few countries that has a special law for preventing and combating trafficking in human beings and protecting victims of human trafficking, which entered into force in September 2013 and the purpose of this law is to define the legal provisions whereby, competent local authorities are given the rights, obligations and responsibilities, to prevent and combat trafficking in all its forms, protection of trafficking victims, including ensuring the rights, legal aid, medical assistance, psycho-social support, ensuring compensation and other rights to all persons who are supposed to be or identified as trafficked, regardless of age, gender, religion or nationality, through an approach based on human rights and with particular emphasis on children's rights.

Operational Mechanisms

In addition to the legal framework, institutions that deal directly with the provision of services to trafficking victims function under the operational mechanisms that have been strengthened by the new Law on preventing and combating trafficking in human beings and protection of trafficking victims. These documents are Standard Operating Procedures (SOP) for foreign and domestic victims (revised in 2013) and minimum Standards for care of trafficking victims. These two documents were approved and implemented in full coordination by all stakeholders involved in the identification, protection, and referral of human trafficking victims.

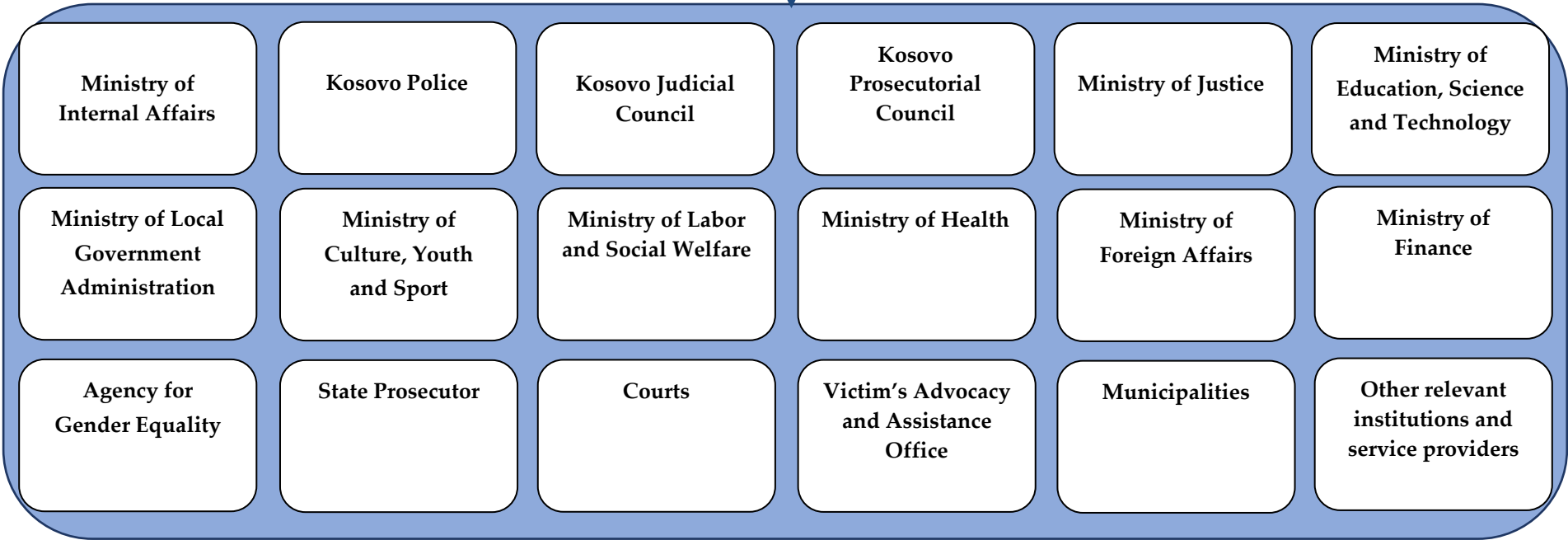
Institutional Framework

According to the law on preventing and combating trafficking in human beings and protection of trafficking victims competent authorities for prevention and combating of human trafficking, and providing assistance and protection of trafficked victims include a large number of institutions and mechanisms. To give a better overview of all relevant mechanisms involved in the implementation of policies against human trafficking below will be described all responsible institutions in this field which are defined by Law no. 04/1-218 for prevention and combating human trafficking and protection of trafficking victims.

NATIONAL COORDINATOR



**The Secretariat Against
Trafficking in Human Beings**



Local and international institutions that report to the National Authority

Ministry of Internal Affairs is the responsible institution for drafting and implementation of state policies against human trafficking.

Kosovo Police—through Trafficking in human beings Sector, works in crime and trafficking offenses prevention, protection of trafficking victims and prosecution of perpetrators of the creation and presentation of evidence to the prosecutor.

Prosecution and Courts, are responsible institutions for the prosecution of traffickers, their adequate punishment for non-discriminatory treatment of victims before and during the trial, confiscation of property and assets acquired through the offense of trafficking. They ensure the implementation of the legislation on compensation for trafficking victims. Also within the State Prosecutor Office functions Victim's Advocacy and Assistance Office, provides legal assistance and shelter for trafficking victims.

Ministry of Labor and Social Welfare, through its professional institutions in the field of social welfare, labor and employment, social policies implements policies and provides services for long-term protection and reintegration of trafficking victims.

Ministry of Education, Science and Technology has an important role in the area of prevention of trafficking by providing education within its programs, or various extracurricular activities program.

Ministry of Culture, Youth and Sport through the Program for the Prevention of Trafficking in human beings provides training and awareness activities to prevent trafficking and for NGOs and non-formal groups.

Ministry of Local Government Administration—Has a role in the coordination of anti-trafficking activities in relation to municipalities, and represents municipalities within the National Authority for Trafficking in human beings

Agency for Gender Equality— based on the Gender Equality Law is responsible for drafting and implementation of policies related to preventing domestic violence and human trafficking;

Any service provider within these institutions, which based on this Law or any other relevant law is authorized to deal with the prevention and combating of human trafficking and providing assistance and protection of trafficked victims. In the institutional context, an important role against human trafficking have played international partner institutions and local NGOs.

National Authority against Trafficking in Human Beings is another mechanism which determines the Law no. 04/1-218 and consists of all the authorities defined in Article 6 of the Law on the Prevention and Combating of Trafficking in Human Beings and Protection of Trafficking Victims, and other relevant state institutions, including representatives of local government service providers and NGOs.

National Authority within the National Strategy and Action Plan against Trafficking in Human Beings, standard operating procedures for trafficking victims, minimum standards of care for trafficking victims and all other relevant documents defines the duties and responsibilities of each institution in preventing and combating trafficking in human beings and protecting victims, to enable effective and efficient combating of human trafficking and providing assistance and protection to trafficking victims in Kosovo, as defined by the legislative mandate of each institution. The National Authority submits to the Government

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the report on its activities, on a periodic basis, but not less than once a year, and upon request. At any other time the central institutions of the state can seek information from the National Authority regarding compliance with the legislation on preventing and combating trafficking in human beings and protection of trafficking victims, as well as in the implementation of the National Strategy and Action Plan against human trafficking .

The government appoints a *National Coordinator against Trafficking in Human Beings*, who leads the National Authority. Coordinator constantly co-operates with authorities defined above, and with other law enforcement authorities, in order to prevent and combat human trafficking and protect trafficking victims. Coordinator with the support of the Secretariat for Monitoring and Evaluation of National Strategy, which functions within the Ministry of Internal Affairs develops, coordinates and monitors the implementation of the national referral mechanism to ensure proper identification, referral, assistance and protection of trafficking victims with humans, including child victims, and to ensure that they receive adequate assistance while protecting their human rights.

The Secretariate against Trafficking in Human Beings is responsible to gather information and data from other institutions for the implementation of the national strategy against trafficking, as well as analysis and evaluation of those information. Prepares analytical reports for the National Coordinator where monitors and evaluates the performance of activities emerging from the strategy's action plan; Proposes changes and improvements in the system and national strategy's mechanisms through the National Coordinator as well as advises him for the steps that should be taken towards the implementation of the strategy. Stimulates the increase of transparency of state institutions' activity involved in the National Strategy against Trafficking, collaborating with other institutions and civil society and provides administrative and technical services for inter-institutional group of the strategy.

IX. Monitoring and Evaluation

The process of implementing the National Strategy against Trafficking in Human Beings 2015-2019 will be the process of achieving strategic objectives and measures set out in the Plan of Action. Monitoring and evaluation will be used to follow up the implementation of the strategy, to measure the level of implementation of its objectives, especially the implementation of certain activities in the process.

The implementation of the National Strategy against Trafficking in Human Beings 2011-2014 was monitored through regular reports despite the fact that there was not a proper system of monitoring and evaluation. In 2012 with the support of international partners was developed a monitoring and evaluation system under the 'ripple model' a system which measures the impact of the activities carried out on several levels and uses measuring indicators for overall progress based on the importance of objectives completed, and the same system will be used for monitoring and evaluation of the National Strategy against Trafficking in Human Beings 2015-2019.

Monitoring and evaluation system includes all responsible institutions for the implementation of the objectives foreseen in the Strategy and Action Plan.

Ministry of Internal Affairs as a carrier and in the quality of the National Anti-Trafficking Coordinator has in its organizational structure the Secretariat against Trafficking which has the task of monitoring and evaluating the strategy. Office of the National Anti-Trafficking Coordinator at the end of each year prepares a report on the extent of realization of the objectives and activities which publishes and makes it known to all government and non-governmental stakeholders.

Ministries participating in the working group as MLSW, MH, MCYS, MEST, MLGA as well as KP, KJC and KPC will be responsible for monitoring and evaluating activities that are carrier institutions. These institutions will report on a quarterly basis and more frequently upon the request of the National Coordinator.

IX. Funding of the Strategy and action plan

For the implementation of the Strategy and Action Plan there will be no enormous budgetary implications from the Kosovo's budget. Funding of measures for implementation of the strategy will include operating funds within the respective institutions through support of development partners.

The action plan includes the financial aspects of all actions foreseen for the implementation of the strategy.

X. Appendix 1 – Action Plan for Implementation of the Strategy