

# COUNTRY INFORMATION BULLETIN

## Serbia and Montenegro (Kosovo) 4/2004

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### Trafficking of People in Kosovo

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**1.1.** This Bulletin has been produced by the Country Information & Policy Unit, Immigration & Nationality Directorate, Home Office from information about Kosovo obtained from recognised sources. **It does not contain any Home Office opinion or policy.**

**1.2.** This Bulletin has been prepared for background purposes for those involved in the asylum / human rights determination process. The information it identifies is not exhaustive. It concentrates on the issues most commonly raised in asylum / human rights claims made in the United Kingdom.

**1.3.** The Bulletin is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

**1.4.** This Bulletin is intended to cover information about people trafficking in and through Kosovo, and the response of UNMIK and other authorities, as well as the activities of International Non-Governmental Organisations (INGOs) and local Non-Governmental Organisations (NGOs).

### 2. The Trafficking Problem in Kosovo

**2.1.** According to the US State Department report for 2003, Kosovo has until recently been a recipient and transit country for the trafficking of people.[2c](p.41) Sources agree that the majority of trafficking is of women and minors for involvement in the sex industries. One source (Amnesty International, in its May 2004 report, “*So does that mean I have rights? protecting the human rights of women and girls trafficked for forced prostitution in Kosovo.*”[3]) suggests that Kosovo became a recipient country after the establishment of UN forces in Kosovo after the 1999 war. [3](p.6ff).

**2.2.** A recent development mentioned by sources, particularly the SEERIGHTS (South East European Regional Initiative against Human Trafficking) initiative in their 2002/2003 annual report is the emergence of a large internal component within the Kosovo sex industry, particularly girls under the age of 18. [38a](sect.2.3.2, p.2; sect 2.4.) From the growth of local recruitment, AI quoting the International Organization for Migration (IOM) suggests that Kosovo may be developing into a source country for trafficking women for the purposes of prostitution. [3j](p 19.)

**2.3.** There are no comprehensive numbers of people trafficked to and in Kosovo according to the US State Department report for 2003 [2c](p.42.), and no numbers of people trafficked out of Kosovo. From statistics collated by local NGOs over three years (2000-2003), 271 Victims of Trafficking (VoTs) have been interviewed and so identified from raids of premises. [2c](p.41.) The SEERIGHT report for 2002/2003 states 339 cases assisted by IOM from September 2001 to November 2002. [38a](Sect.1, p.1)

**2.4.** Typically, from the foreign national cases documented by the IOM in 2002, in their Situation reports of 2000-2002, one-third of women trafficked into and around Kosovo are mothers, of whom four/fifths are the sole providers for their children. Less than ten percent of all women trafficked are in a stable relationship. Over eighty percent of trafficked women brought into Kosovo entered willingly, but were misled as to the nature of employment promised by recruiters.[41b](p.4,6.)

**2.5.** The IOM figures suggest the beginnings of an internal recruitment phenomena in 2001 / 2002, handling a number of Kosovan cases in that period. .[41c](p.19.) The increase in IOM internal case figures may be due to inter-agency policy changes, as suggested by the US State Department report for 2003 [2c](p.42). (**See below, 4.2**)

**2.6.** Source countries for trafficking into Kosovo include Romania, Moldova, Ukraine, and to a lesser extent Bulgaria. Moldova, according to UNMIK (in the report *Combating Human Trafficking in Kosovo*, May 2004), is the source country of about half the foreign persons trafficked for forced prostitution in Kosovo [19h](p.3). Other East European and Balkan countries are represented in cases documented by the IOM. [41c](p.19.)

**2.7.** As it is illegal, the size of Kosovo sex industry is hard to gauge and fluctuates, with many establishments hiding forced prostitution activities (e.g. Miami Beach Club, Pristina champagne sales, outline by Amnesty International (AI) in the May 2004 report.) [3j](p.12) AI has further stated in the May 2004 report that:-

‘Although the development of trafficking can be attributed to the presence of the international community, the sex industry has subsequently developed to serve a wider client-base. Over the past three years it has increasingly served the local community, which both the IOM and the CPWC estimate now make up around 80 per cent of the clientele.’ [3j](p.7)

**2.8.** Likewise trafficking is hard to gauge: according to the AI report of May 2004, ‘The illegal, organized and clandestine nature of trafficking, along with the silencing of trafficked women through coercion, violence and fear, make it impossible to accurately estimate the full extent of the trafficking industry in Kosovo.’ [3j](p.2) The AI report of May 2004 is the first report to mention the growth of trafficking of women from Kosovo to other destinations:-

‘Kosovar Albanian, Serb and Romani women and girls also face a growing risk of being trafficked abroad. At the time of writing [circa May 2004] their main destination is the predominantly ethnic Albanian areas of Macedonia, where the TPIU, IOM and CPWC report young women

being transferred or re-trafficked from Kosovo. However, internally trafficked young women also report being offered work in Italy, and it would appear that they are increasingly being trafficked, via Albania, into Italy and other parts of western Europe.’ [3j](pp18,19.)

‘By May 2003, some 17 Kosovar women had reportedly been repatriated to Kosovo. Of nine, who were assisted by the IOM, three had been trafficked to Macedonia, two to Italy, one to Belgium and one to the United Kingdom.’ [3j](p 19.)

### **3. Kosovo Authorities / UNMIK response to trafficking issues**

**3.1.** The SEE RIGHTS (South East European Regional Initiative against Human Trafficking) initiative, a collaboration of the OSCE ODIHR, UNHCR, and UNICEF, has maintained reports since 2001 to date on trafficking issues in Kosovo. (The 2001/2002 and the 2002/2003 reports on Trafficking in Kosovo are available on the SEERIGHTS website at [www.seerights.org](http://www.seerights.org). The 2002/2003 is also source[38a]. Section 2.1. of the 2002/2003 report outlines the Kosovo Plan of Action on trafficking, detailing the relations between the Kosovo Provisional Institutions and Self-Government (PISGs), the international community, the UNMIK Police and Justice Pillar, and Kosovo OSCE (who had responsibility for anti-trafficking activities until 2002), concluding that handover to Kosovan authorities was still in a protracted state of affairs. [38a](sect.2.1, p.1-2)

**3.2.** The main policing operation is through the UNMIK CivPol unit, the Trafficking and Prostitution Investigation Unit (TPIU). According to UNMIK, in their May 2004 report, TPIU works regionally through five deployments, but is controlled centrally at UNMIK Police Main Headquarters, and works in conjunction with other specialist arms of UNMIK CivPol. [19h](p.8)

**3.3.** Penalties and remedies are outlined by IOM in their 2002/2003 report. Trafficking is illegal in Kosovo, under UNMIK Regulation 2001/4. The trafficking of a person is an offence punishable by imprisonment for five to twenty years (depending on circumstances); withholding a person’s documentation is punishable by between six months and five years; to use the “services” of a victim of trafficking, three months to five years.[41b](p.2)

**3.4.** According to the US State Department report for 2003, ‘The numbers of reported trafficking victims increased since last year. However, statistics were often imprecise and unreliable, since CPWC, the IOM, and TPIU relied upon different definitions of trafficking, employed uneven statistical analysis, and overlapped in data collection.’ [2c](p.42) However, UNMIK TPIU has announced the following statistics in relation to its actions against traffickers:-

- 2753 raids / checks by TPIU in period January 2003 to April 2004 (19h)(p.10)
- 204 premises listed as “off limits” to UNMIK / KFOR / Contractor staff to date (May 2004) (19h)(p.17,18)
- 83 premises closed since yr 2000( to end yr 2003) [2c](p.41) 57 premises closed in period January 2003 to April 2004 (19h)(p.10)
- Database of 1,848 women and 510 men suspected of involvement in trafficking or VoTs listed since yr 2000[2c](p.41)
- 83 VoTs directly assisted by TPIU in period January 2003 to April 2004 (19h)(p.10)
- 60 trafficking cases brought to the courts in yr 2003, and 140 since yr 2000 [2c](p.41) 75 cases of trafficking prepared and brought by TPIU in period January 2003 to April 2004 (19h)(p.10)

- 69 related charges brought in yr 2003 [2c](p.41) ; 45 cases of prostitution brought by TPIU in period January 2003 to April 2004 (19h)(p.10)

**3.5.** The prosecution rate is held to be low, by the US State Department, which in its 2003 report, highlights a sophistication in criminal organisations that avoids direct linkage between VoTs and senior criminals; the lack of an effective witness protection scheme; and inadequate training for judicial personnel. [2c](p.41)

**3.6.** A number of NGOs, most notably expressed in the Amnesty International (AI) Report on the Kosovo sex industry published May 2004 [3j], are concerned about the implication of KFOR and other international community personnel in the industry's clientele. AI allege that the large troop presence feeds into the trafficking problem, quoting an IOM official in 2000 that "The large international presence in Kosovo itself makes this trafficking possible." (Pasquale Lupoli) [3j](p.6). Further, AI suggests that KFOR, UNMIK and their contractors are immune from prosecution, granted by UNMIK Regulation 2000/47 [3j](p.7/8).

**3.7.** UNMIK, in a responding report published May 2004 [19h], retorted that there were strong internal procedures covering activities of UNMIK, KFOR and contractor staff; that anything that amounted to a criminal charge was directed to the UNMIK Department of Justice for assessment; and UNMIK actively punishes all staff including contractors found in "off limits" premises, even if they have not committed a crime. [19h](p.17,18)

#### **4. Returns, resettlement, and longer term remedies.**

**4.1.** IOM Counter-Trafficking Unit in Kosovo has adopted and developed the wider IOM Counter-Trafficking programme, as stated in the September 2003 IOM report on psychological support to Victims of Trafficking (VoTs). It is in turn part of IOM's Return and Reintegration Project in the Balkans. [41d](p.1) VoTs are assisted on a psychosocial level in three main ways: contextualisation and prevention; analysis of experience; and equipping with tools to deal with the experience through counselling. [41d](p.3) The IOM Kosovo Counselling Programme began in September 2001. [41d](p.18) The results of the programme are stated by IOM in their reports' conclusion as a necessary beneficial first step towards reintegration: 'The beneficiaries begin to focus on plans for their future, including their professional careers and personal lives; accordingly, they are often more open to accepting support and participating in reintegration activities in their home countries.' [41d](p.22) It is focussed on the foreign national VoTs who have been detained and referred to the IOM in Kosovo, but also assists internal Kosovo VoTs; the US State Department report for 2003 states that in 2003, the IOM assisted 58 VoTs including 17 Kosovan locals. [2c](p.42)

**4.2.** The SEERIGHTS report states that the United Methodist Committee on Relief (UMCOR) runs a shelter, assisting 80 VoTs in 2002. The shelter has been operating since July 2000. Its intake is mainly IOM cases involving foreign nationals who are not involved as witnesses in trafficking cases (i.e. would not attract danger to the shelter). UNMIK has since March 2003 operated a separate Interim Secure Facility for cases deemed too risky for the UMCOR shelter. [38a](sect.2.3.2, p.2)

**4.3.** SEERIGHTS also report that the Center for Protection of Women and Children (CPWC) is the main local NGO operating with VoTs, though it has a wider brief and its caseload figures include Kosovan victims of domestic abuse. Until 2002, it worked as the recipient of internal VoT cases, with the IOM working primarily with foreign national VoTs.

CPWC states that 81 percent of its VoT caseload is with girls under the age of 18; that over 80 percent of its VoT caseload is from Kosovo; over 98 percent of Kosovo VoTs that it assists are ethnic Albanian. [38a](sect.2.3.2, p.2; sect 2.4.)

CIPU

25/6/04

## **Reference to Sources**

(Numbering is contiguous with the CIPU Serbia and Montenegro Country Report, April 2004)

**[2c]** US State Department, Bureau of Democracy, Human Rights and Labor Country Report on Human Rights Practices: Serbia and Montenegro; report for 2003, dated 25 February 2004

**[3j]** Amnesty International, 6 May 2004, *“So does that mean I have rights?” protecting the human rights of women and girls trafficked for forced prostitution in Kosovo*. (60 pages) at <http://www.amnesty.org/library/Index/ENGEUR700102004>

**[19h]** UNMIK, Combating Human Trafficking in Kosovo: Strategy and Commitment, May 2004.

**[38a]** SEERIGHTS, at [www.seerights.org](http://www.seerights.org) Kosovo section, various pagings.

### **[41] International Organisation for Migration (IOM)**

**[41b]** IOM Counter-Trafficking Unit Kosovo, Situation Report 2000-2002.

**[41c]** IOM Counter-Trafficking Unit Kosovo, Situation Report 2002-2003. (May 2003)

**[41d]** IOM Counter-Trafficking Unit Kosovo, A General Review of the Psychological Support and Services Provided to Victims of Trafficking, September 2003.

**[57a]** OSCE main website, Anti-trafficking report, with Council of Europe, 27 November 2003

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## **ANNEX A: Trafficking of women in Kosovo: Key Passages.**

1. *From US State Department Report for 2003, publ. Feb. 2004 pp. 35:-*

### **Women**

Violence against women, including rape and a high level of domestic violence, remained a serious and persistent problem. The Center for Protection of Women and Children (CPWC), a local NGO, estimated that it received approximately 5,400 requests for assistance from victims of violence during the year. Domestic violence is illegal, and applicable penalties include incarceration for periods of 6 months to 5 years. In May, UNMIK passed a regulation on Protection Against Domestic Violence which prohibits all kinds of threats and acts of domestic violence, while setting up conditions for victim's protection, such as a prohibition on the approaching distance to the victim, and the legislation and procedure on the regular and emergency court protection orders. The regulation also deals with the authority in charge of implementing the protection order and its responsibilities, including arrests, while setting up protection order violation limits of fines from \$250 to \$2,500 (200 to 2,000 euros) or imprisonment of up to 6 months. This change in the law led to several successful court cases and resulted in court-ordered protection for several families at risk of domestic violence. Formal complaints to authorities alleging domestic violence increased significantly during the year, as did prosecutions. However, due to the traditionally male-dominated society, domestic abuse of women was not uncommon, and few victims of spousal abuse filed complaints with the authorities. The KPS School included special training segments on domestic violence and rape in its curriculum.

Rape was underreported significantly due to the cultural stigma attached to victims and their families. Spousal rape was not specifically addressed by law. Tradition generally prevented discussion of the topic of rape among ethnic Albanians, since, in some communities, the act is seen as dishonorable to the entire family. During the year, police registered 82 cases of rape and 45 cases of sexual assault, representing an increase in the number of reported cases in 2002.

The law prohibits prostitution; it is a misdemeanor subject to a 30-day sentence.

Prostitutes who were not trafficking victims were released with a warning if it was their first contact with the police.

Kosovo served increasingly as a transit point and destination for trafficking in women for the purpose of prostitution (see Section 6.f.).

There were no governmental agencies dedicated to dealing with family violence; however, there were four shelters to assist victims of domestic violence and trafficking, two were run by local NGOs and two were run by international NGOs (see Section 6.f.). Several domestic and international NGOs pursued activities to assist women; however, they were constrained by a tradition of silence about domestic violence, sexual abuse, and rape.

Women have the same legal rights as men, but traditionally not the same social status, which affected their treatment within the legal system. On October 23, the Kosovo Assembly approved in principle a law of gender equality, which was the first law initiated by an Assembly committee, the Committee on Gender Affairs, rather than by the Government.

UNMIK's Office of Gender Affairs coordinated gender issues throughout all UNMIK offices. It appointed Municipal Gender Officers (MGOs) in each municipality to act as public advisors on gender affairs; 26 of the MGOs were Albanian and four were Serbs. Gender focal points, individuals appointed to coordinate among ministries on gender issues, were also established in six ministries, while the process was underway for the rest. There was also an office of gender issues in the Office of the Prime Minister.

Relatively few women obtained upper-level management positions in commerce or government, although there was no legal restriction on their doing so. There was no specific law against sexual harassment. Traditional patriarchal ideas of gender roles continued to subject women to discrimination. In some rural areas, women often had little effective ability to make decisions involving their children or to exercise control over property. While women and men legally have equal rights to inherit property, family property customarily passes only to men. Albanian widows, particularly in rural areas, risked losing custody of their children due to a custom requiring children and property to pass to the deceased father's family, while the widow returns to her birth family. The presence of international organizations made many jobs available to women. UNMIK police and the OSCE continued an aggressive campaign to recruit women for the KPS, in which they made up about 15 percent. Approximately 210 out of 3,000 active duty KPC members were women (7 percent). Women were increasingly active in politics. Several women also served as heads of domestic NGOs. Nonetheless, while more women than before had jobs, very few had risen to senior levels. Few women occupied decision-making positions in the KPS or other government organizations. Unemployment, estimated at 60 percent, was higher for women; approximately 70 percent of women in Kosovo were registered as unemployed.

*From US State Department Report for 2003, pp.41-43:-*

#### Trafficking in Persons

UNMIK regulations specifically prohibit all forms of trafficking in persons; however, trafficking of women and children remained a serious problem. During the year, one international police officer was arrested for suspicion of child prostitution and slavery; however, there was no known evidence of official involvement in trafficking.

Trafficking in persons is a crime punishable by 2 to 20 years in prison under UNMIK regulations, which also provide for victim assistance. A client engaging in sex with a victim of trafficking may be sentenced for up to 5 years in prison, while sex with a trafficked minor is a criminal offense carrying penalties of up to 10 years in prison.

UNMIK actively investigated cases of trafficking during the year, and police raided several brothels and nightclubs on almost a weekly basis. The Trafficking and Prostitution Investigation Unit (TPIU) of UNMIK CIVPOL provided a coordinated law enforcement response against trafficking through investigations and counter-trafficking police operations, such as raids against suspected brothels, while local KPS officers provided most of the undercover police work. Since its creation in 2000, TPIU has carried out several thousand counter-trafficking operations, brought over 140 charges on trafficking in human beings, closed 83 premises, and created a database of 1,848 women and 510 men who were suspected of involvement in trafficking. During the year, TPIU conducted 2,047 raids or checks and assisted 70 victims of trafficking. At year's end, there were 200 establishments on UNMIK's list of off limits premises, with 70 percent of those in Prizren and Gnjilane, both close to the border with Macedonia and Albania.

According to TPIU, of 60 trafficking cases in the courts during the year, 26 were ongoing at year's end. Of those completed, the courts acquitted 18 and convicted 17, only one of which resulted in the maximum sentence of 5 years, while all others resulted in sentences of 3 to 6 months. There were also arrests for trafficking-related offenses, including 33 for prostitution, 19 for solicitation of prostitution, 11 for pimping, and 6 for possession of false documents. UNMIK lacked bilateral extradition treaties, so there was no such cooperation with other countries.

A significant problem in anti-trafficking efforts was the low number of prosecutions and convictions, and short sentences for traffickers; this resulted in a lack of cooperation from victims. Victims' rights groups often successfully persuaded victims to return to their



homes without waiting to testify against their traffickers, which undermined effective prosecutions. Other factors that contributed to the low number of prosecutions included the increasing sophistication of organized crime efforts to avoid direct links between the victims and senior crime figures, lack of a witness protection program, and inadequate training for judicial personnel.

The numbers of reported trafficking victims increased since last year. However, statistics were often imprecise and unreliable, since CPWC, the IOM, and TPIU relied upon different definitions of trafficking, employed uneven statistical analysis, and overlapped in data collection. CPWC estimated that it responded to approximately 180 cases of trafficking during the year, 80 percent of which were internally trafficked. The IOM assisted 58 victims, including 17 locals. TPIU worked with both of these organizations and others to assist a combined total of 70 local and international victims.

Kosovo was a source, transit point, and destination for trafficked persons; internal trafficking was a problem as well. As in previous years, the vast majority of trafficked women and children in Kosovo were from Eastern Europe. According to the IOM, over 50 percent of victims trafficked into Kosovo from abroad were from Moldova, 22 percent from Romania, 13 percent from Ukraine, and the rest from Bulgaria, Albania, Russia, and Serbia, while just under 5 percent were originally from Kosovo. Evidence suggested that trafficking was often the result of a coordinated effort between Kosovo Serb and Kosovo Albanian organized crime elements, with Serbia acting as a particularly active transit hub for the transfer of trafficked victims from Eastern Europe into and through Kosovo. Serbia was the entry point into Kosovo for 59 percent of trafficking victims, Macedonia for 21 percent, and Albania for 5 percent. Women from Moldova have also been trafficked into Kosovo through Austria and Switzerland. Some women were trafficked through Kosovo to Macedonia, Albania, Italy, and other Western European destinations. Less than half of the victims traveled with passports, and 70 percent reported crossing borders illegally at least once.

The number of Kosovo victims of trafficking assisted by the IOM Counter Trafficking Unit has consistently increased since 2000, leading to an average of three cases reported per month. This was partly due to increased awareness as well as increased willingness to report the cases to the referral system. The cases of local victims of trafficking assisted in the past 2 years by IOM Kosovo indicated that a large number of the victims were minors (62 percent), particularly young girls between the ages of 13 and 15; the youngest reported victim was 12 years old. The overall number of cases involving minors was increasing; local children and young girls from rural areas were particularly at risk of being trafficked, as were those from urban areas plagued with a high level of poverty, unemployment, and illiteracy (61 percent).

Based on interviews with 271 trafficking victims over the past 3 years, approximately 80 percent of the clients of women trafficked for prostitution were locals, while approximately 20 percent were internationals; however, there were no comprehensive figures on this issue. According to the IOM, the presence of a large international community in Kosovo contributed to an increase in the number of brothels involved in trafficking; however, women rescued from the brothels often reported that the majority of their clientele were locals. While there have been cases of internationals involved in trafficking they were few in number; the international community presence supported trafficking more indirectly than directly, by bringing money into the economy that was spent by locals on prostitution. Most trafficking in Kosovo was conducted for the purpose of sexual exploitation, but some victims were also subjected to forced labor. Approximately 90 percent of victims were lured into migrating illegally with false job promises or false invitations abroad, while 9 percent were initially forced or kidnapped. According to an IOM report released in September, prior

abuse in the family and financial hardship were the strongest determining factors for potential victims of trafficking. Among victims of trafficking, 70 percent were poor and over 80 percent lacked a high school education. Trafficked victims worked in the sex industry, primarily in brothels and nightclubs, and increasingly in private residences. Less than 5 percent reported that they were aware that they would be working in the sex industry when they accepted employment offers. Methods of trafficking increased in sophistication and complexity. Women were less likely to be held by force or physically threatened, but often were paid more after they were trafficked to Kosovo than they could make in their country of origin. Prostitution no longer took place in the bars and brothels, but at the separate premises, such as private apartments. Many trafficking victims were able to make enough money, often approximately \$375 to \$500 (300 to 400 euros) per month, to send remittances to their families in their countries of origin. Many women who were initially victims of trafficking claimed they were engaged in consensual prostitution and refused assistance. They were then either released by police or convicted on prostitution charges with minimal sentences.

Commercial sexual exploitation of children was not a widespread problem in the past; however, there were cases of trafficking victims as young as 12 years old during the year. On June 9, UNMIK police arrested four suspects, three Kosovo Albanians and one international police officer, in Peje/Pec municipality on suspicion of involvement in a child prostitution and slavery conspiracy. One of the Kosovo Albanians involved in the case committed suicide, and the CIVPOL officer was released pending trial. Almost 60 percent of victims were between the ages 18 and 24, and 12 percent were minors. During the year, the IOM assisted a 15-year-old boy who was being trafficked through Kosovo. While the IOM has never directly come into contact with cases of trafficking in children for organs, it believes this practice may have occurred.

Trafficking victims reported that they were regularly subjected to physical violence, rape, denial of access to health care, and confiscation of their travel and identity documents. Victims were often found in poor health and psychological condition, with as many as 80 percent exhibiting health problems directly resulting from sexual exploitation. Victims reported being physically abused in 78 percent of cases examined by the IOM.

Internationals caught involved in prostitution or entering bars on an UNMIK's list of off-limits premises were returned to their host countries. There were no cases of internationals caught in the act of soliciting or engaging in prostitution, but several were found in suspected premises and sent home, including five KFOR soldiers in Mitrovica, and a CIVPOL police commander sent home from Pristina in March.

There was no evidence of corruption or bribery in trafficking prosecutions; witness cooperation and threats were more significant factors. Some local prosecutors reported instances in which the same lawyer represented an accused trafficker and the victim. The Kosovo Judicial and Prosecutorial Council, which hears disciplinary complaints against local judges and prosecutors, brought 14 disciplinary procedures since 2000, but only 5 during the year, mostly for ethics violations and neglect of responsibilities; corruption charges were not common.

UNMIK and the OSCE, PISG ministries, international organizations, and NGOs shared responsibility for combating trafficking and assisting victims. The UNMIK Victims' Advocacy and Assistance Unit (VAAU) worked with victims of trafficking and other crimes to assist them in accessing the criminal justice system and coordinated victim support. Victims of trafficking who chose assistance were referred by TPIU through OSCE regional officers to one of two organizations. International victims were referred to the IOM, which runs a shelter through the NGO United Methodist Committee on Relief. Domestic victims were referred to the CPWC, which ran a shelter and provided a variety of services for victims, such as counseling and job training. There was also an Interim Secure Facility open to all victims of trafficking and domestic violence while they waited to testify in court.

or considered whether to seek additional assistance.

Several international agencies and NGOs established programs to assist the victims of trafficking with material support to return to their countries of origin or homes. While UNMIK, the OSCE, and the IOM did not directly provide shelter for domestic victims, they worked with local and international NGOs, such as UMCOR and CPWC to provide these services. In addition, CPWC conducted awareness programs in schools and communities. In early January, CPWC's offices were burglarized and computers with confidential information were taken, potentially putting victims at risk; the crime had not been solved by year's end.

Protection for victims of trafficking made considerable progress in recent years. Since prostitution is illegal and many of the trafficked women were in the country without documentation, victims often failed to report their traffickers due to fear of arrest. However, UNMIK regulation provides a defense for victims of trafficking against criminal charges of prostitution and illegal entry, while the law provides a prohibition against deportation of trafficked persons due to a conviction of prostitution or illegal entry. UNMIK did not provide any official residency status to victims. Those who did not accept assistance from the IOM were released, but if they continued to work as prostitutes, they were subject to re-arrest, short jail sentences, and deportation.

There was significant success in disseminating the view that women who were the victims of trafficking should not be prosecuted for prostitution nor subjected to deportation orders. However, a few local judges sometimes incorrectly sentenced trafficking victims to jail, contrary to the law, which provides for their partial immunity. Judges issued deportation orders against some women for lack of proper documentation.

During the year, the IOM worked closely with the PISG, particularly the Office of the Prime Minister, the Ministry of Labor and Social Welfare, and the Ministry of Health to increase local awareness of the phenomenon of trafficking, and to encourage engagement in counteracting the problem. The IOM also offered training on trafficking to instructors engaged in rule of law development programs. The IOM continued an awareness campaign directed at Kosovo NGOs involved in human rights and women's issues, and a public campaign to discourage the use of commercial sex services by Kosovo men and international staff. The IOM also released a report on psychological support and services for victims of trafficking.

## **2. From the AI news release to the Report *"So does that mean I have rights?" Protecting the human rights of women and girls trafficked for forced prostitution in Kosovo:-***

Despite some positive measures by the authorities to combat trafficking in Kosovo, trafficked women and girls are often still treated as criminals - prosecuted for being unlawfully in Kosovo, or charged with prostitution following raids by UNMIK police. When arrested, the women and girls are not given the basic rights guaranteed to all detainees. They are not informed about their rights, they are not allowed access to a lawyer and girls are often interviewed without a legal guardian present.

Amnesty International found that the UN Interim Mission in Kosovo (UNMIK), the NATO-led international military force in Kosovo (KFOR), and the Provisional Institutions of Self-Government in Kosovo (PISG) have failed to protect and respect the human rights of these women and girls.

Members of the international community are estimated to constitute 20 per cent of the people using trafficked women and girls and they generate a significant part of the industry's income.

"It is outrageous that the very same people who are there to protect these women and girls are using their position and exploiting them instead - and they are getting away with it. It has devastating effects on these girls' and women's lives," said Amnesty International.

Amnesty International is particularly concerned that girls under 18 make up between 15 and 20 per cent of the women working in bars. They are suspected of having been trafficked for forced prostitution. Instead of removing these girls, registered by UNMIK, they are left in the bars, subject to further human rights abuses, including being raped and beaten.

Although trafficked women and girls are able to receive assistance from local NGOs and international organizations, Amnesty International is concerned that UNMIK have failed to implement an administrative directive that would guarantee them access to redress and reparation. The organization also reports that few women receive the long-term protection they need, such as witness protection for those prepared to testify in proceedings against their traffickers.

"Trafficking of women and girls in Kosovo and other post-conflict situations will never end as long as the perpetrators go free and as long as civilian and military personnel are allowed to commit human rights violations with impunity," said the organization.

Amnesty International calls on the Kosovo authorities, including UNMIK and PISG, to implement measures to end the trafficking of women and girls to, from and within Kosovo for forced prostitution. The authorities should also ensure that measures are taken to protect victims of trafficking, and to afford them the right to redress and reparation for the human rights abuses they have suffered.

The organization also called on the UN and NATO to implement measures to ensure that any members of military and civilian peacekeeping forces suspected of criminal offences associated with trafficking are brought to justice.

3. *from CIPU SaM Country Report, April 2004:-*

**K.6.94.** As noted in the US State Department report for 2003, Kosovo is a destination and transit point for trafficking of women for prostitution. [2c](p.42) The sex industry in Kosovo itself has also grown considerably in the post conflict years, according to the Balkan Crisis Report (dated 13 September 2002). [43m] In 2003, there was, according to the US State Department report for 2003, "significant success" in disseminating the view that women who were the victims of trafficking should not be subject to prosecution as prostitutes or subject to deportation orders. [2c](p.43)

[end]