

UNITED NATIONS INTERIM ADMINISTRATION MISSION IN KOSOVO



Combating Human Trafficking in Kosovo

Strategy & Commitment

May 2004



COMBATING HUMAN TRAFFICKING IN KOSOVO:
STRATEGY & COMMITMENT

TABLE OF CONTENTS

I. DEFINING THE PROBLEM	3
II. COMBATING HUMAN TRAFFICKING.....	6
1. Addressing human trafficking in the overall fight against organised crime.....	6
2. 'Zero tolerance' enforcement against traffickers.....	8
3. Strong human rights framework to protect and assist victims.....	12
4. Strict enforcement against UNMIK staff violating the code of conduct.....	17
5. Regional approach for the fight against human trafficking.....	19
6. Sustainability through local involvement in a multi-dimensional approach...	21
III. CONTINUING PROBLEMS IN COUNTER TRAFFICKING ACTIVITIES AND OPPORTUNITIES FOR STRATEGIC INITIATIVE.....	25
IV. REVIEW OF RECOMMENDATIONS MADE BY AMNESTY INTERNATIONAL.....	28

I

Defining the problem of human trafficking in Kosovo

The effects of conflict, post-conflict environment and the political transition that have characterised South East and Eastern Europe over the past decade, have resulted in significant political, social and cultural upheaval. These changes appear to have worsened the already unequal power relationship between men and women through the increase in poverty, high unemployment in general and among women in particular. Society's economic and professional discrimination against women is a major factor in the widespread trafficking of women from these countries.

In Kosovo 98% of all victims trafficked are from South East and Eastern Europe. At the present time most of the women are entering Kosovo through Serbia. In Belgrade and other cities in Serbia markets are organized to accommodate the sale of women and girls to potential buyers from Kosovo. Many women report being beaten and raped there as part of the enslavement process. Threats are made against their families at home, to control them. The price of a young woman is anywhere from €750 to 2500¹. The "owner" then considers this her debt to him. The owner may supply clothing appropriate to the role she is forced into, then force her to service clients who pay on average €75 per hour. Most of the time, the victims are not paid, live in filthy conditions, and are maintained on very poor diets. They are also frequently guarded or imprisoned to prevent escape. Within this organized group of traffickers, the offenders are both Albanian and Serbian and cooperate well in this kind of criminal activity².

Profile of victims

Moldova and Romania provide the bulk of trafficked victims coming into Kosovo. Police database³ shows the following victims profiles by nationality:

53%	Moldovan
23%	Romanian
13%	Ukrainian
5%	Bulgarian
3%	Albanian
2%	Kosovar
1%	Russian

Age profile of victims of trafficking (Note – these are not registered potential victims of trafficking but victims actually rescued by TPIU):

¹ UNMIK Police Annual Report 2001

² UNMIK Police Annual Report 2000

³ Presentation by Robert Pedlow, Deputy Commissioner (Crime) UNMIK Police at the Conference on Organised Crime and Trafficking, Wilton Park London, November 2003.

- 12% Between the age of 14 and 17 years
- 59% Between the age of 18 and 24 years
- 22% Between the age of 25 and 30 years
- 7% Over 30 years of age

Methods of recruitment

Methods of recruitment of victims are varied and depend on the modus operandi of the criminals and their organisations. In Kosovo, the victims that are detected through bar checks (68%) or who have escaped from their captors (32%) have provided police with information on the circumstances leading to their victimisation. Based on this information, the following methods of recruitment are indicated⁴:

- 79% False job promises
- 8% Kidnapping
- 8% False travel arrangements
- 3% False marriage proposal
- 2% False invitation

In many cases, the trafficker or recruiter was known to the victim and in some cases was a member of the victim's family. The traffickers seek to exploit the desire for a better life and to this end focus on women and children who are searching for new opportunities abroad on account of difficult economic and social conditions at home. A small number of women are fully aware that they are migrating to work as prostitutes. However, they are unaware of the extent to which they will be indebted, intimidated, exploited and controlled.

Methods of transportation⁵

Traffickers use a variety of methods to bring victims from their country of recruitment to Kosovo. These are:

- 73% Covertly smuggled in vehicles, containers, trains or on foot;
- 16% Overtly brought in by presentation of bona fide travel documents or passports;
- 11% Overtly brought in by presentation of forged or stolen travel documents or passports.

Entry points into Kosovo:

- 62% Serbia
- 22% Former Yugoslav Republic of Macedonia (FYROM)

⁴ Presentation by Robert Pedlow, Deputy Commissioner (Crime) UNMIK Police at the Conference on Organised Crime and Trafficking, Wilton Park London, November 2003.

⁵ *ibid.*

- 6% By air
- 5% Montenegro
- 5% Albania

Mechanism of exploitation

In Kosovo, many of the victims are bought and sold several times and the fundamental aim of the criminal is to earn as much money as they can through long-term exploitation. This requires them to 'protect their investment', that is, to ensure the victim will continue to work as instructed and not try to escape. To this end the criminal needs to exercise continuous control over the victim and as such uses many different mechanisms during exploitation. These include⁶:

1. Debt bondage
2. Isolation
3. Use of violence and fear
4. Threat of reprisals against family members
5. Psychological imprisonment and physical abuse

Although these mechanisms are used in isolation, in the majority of cases it is found that a combination of these are used in order to create a condition of actual or psychological imprisonment of the victims.

Criminal organisation

There are two levels of organised crime activities relating to the trafficking of women in Kosovo. The first is the informal networks which traditionally exist in the form of small groups of individuals within families and ethnic communities. Strong family ties and 'codes of silence' make it difficult for police to gather intelligence information on their activities.

The second are the formal organised crime groups that control every aspect of trafficking from recruitment and transport to the management of the premises where exploitation takes place. These larger scale crime groups are linked to other organised criminals through South East and Eastern Europe. Using efficient lines of interaction and communication they have developed areas of responsibility and mutual cooperation. As trafficking is a global business, these clandestine criminal groups are tightly structured typically along clan or family lines, hard to infiltrate, enduring and are usually involved in other forms of organised crime.

⁶ Presentation by Robert Pedlow, Deputy Commissioner (Crime) UNMIK Police at the Conference on Organised Crime and Trafficking, Wilton Park London, November 2003.

II Combating Human Trafficking in Kosovo

Overview of UNMIK's strategy

From the outset of its mission, UNMIK recognized both the organized crime and human rights dimensions of the problem. It developed a policy of “zero tolerance” on trafficking in human beings with an array of programmes to prevent, investigate and prosecute the crime and assist and protect victims of trafficking. In establishing and carrying out its activities, UNMIK has adopted a concerted, multi-dimensional and coordinated approach that takes into account the multifaceted and complex nature of trafficking in human beings. It has also sought to include all stakeholders in Kosovo, including the police, justice, health and social services departments; UN agencies, other organizations such as the International Organization for Migration (IOM) and Non Governmental Organizations (NGOs).

The essential elements of UNMIK's approach to address the problem of human trafficking may be listed as follows:-

1. Prioritizing the issue of human trafficking in the overall fight against organised crime;
2. 'Zero tolerance' enforcement against traffickers and pimps;
3. Strong human rights framework to protect and assist victims;
4. Strict enforcement against UNMIK staff violating the code of conduct in this respect;
5. Regional approach to addressing the problem of human trafficking within the framework of international cooperation;
6. Sustainability through local involvement in a multi-dimensional approach.

Each of these elements of UNMIK's approach are outlined separately in the following pages.

I. Addressing human trafficking in the overall fight against organised crime

As a part of the overall fight against organized crime, the issue of human trafficking has been high priority as the most visible element of organized crime that provides steady resources to operators and also because of the strong human dimension of the problem where trafficked women are treated as slaves.

In addressing organised crime, one of the biggest challenges for police is understanding the structure of organised crime groups, mapping the scope of the problem, identifying the regional criminal networks and then integrating the regional and cultural factors into the problem solving process. In addition, even where police may have solid intelligence information on the organisers and organisations involved in criminality, for a successful prosecution there has to be evidence to substantiate the allegations (and, in

particular, witnesses willing to testify despite the dangers of reprisal or other extraneous factors).

To provide the law enforcement authorities with effective institutional and legal means to address the problem of human trafficking, two initiatives were taken by UNMIK during 2000 - 2001:

1. In October 2000, UNMIK Police established a specialised Unit called the 'Trafficking and Prostitution Investigation Unit' (TPIU) to address this criminal enterprise. By December 2000 all police regions in Kosovo had a dedicated TPIU officer. The mission statement of TPIU reflects its central focus and a clear distinction between 'voluntary prostitution' and 'trafficked victims': *"The TPIU is a group of investigators with the task of investigations into the criminal aspects of Prostitution and Trafficking in humans. It is the sole responsibility of the unit to gather intelligence information, investigate the crime of Prostitution and Trafficking in humans and to separate the criminal element from the victimized of this crime. It is the goal of the unit to prosecute the criminals and to facilitate assistance to the victims. It is also the goal of this unit to present to the criminal justice system of Kosovo the most prosecutable criminal cases possible. This ensures that the victims receive help and the criminals are prosecuted."*
2. On 12 January 2001, pursuant to the authority vested in it under UN Security Council resolution 1244 (1999), UNMIK promulgated a special Regulation⁷ providing for the *"Prosecution and punishment of perpetrators of the crime of trafficking in persons and related criminal acts, and the assistance and protection of victims of trafficking and related criminal acts."* In addition to creating stiffer penalties for human trafficking related offences and confiscation of property of traffickers, this Regulation also creates a framework for providing protection and assistance to victims of trafficking that includes legal representation, counselling and temporary secure housing.

UNMIK has enacted several other legal instruments that are essential to the fight against organized crime including human trafficking. These include UNMIK Regulations on the prohibition of unauthorised border/boundary crossing⁸, on the protection of injured parties and witnesses in criminal proceedings⁹, on cooperative witnesses¹⁰, on measures against organised crime¹¹, on covert and technical measures of surveillance and investigation¹² and on the use in criminal proceedings of written records of interviews

⁷ UNMIK Regulation No. 2001/4 of 12 January 2001 *On the Prohibition of Trafficking in Persons in Kosovo*.

⁸ UNMIK Regulation No. 2001/10 of 15 May 2001 *On the Prohibition of Unauthorized Border/Boundary Crossings*.

⁹ UNMIK Regulation No. 2001/20 of 20 September 2001 *On the Protection of Injured Parties and Witnesses in Criminal Proceedings* (amended by UNMIK Regulation No. 2002/1 of 24 January 2002).

¹⁰ UNMIK Regulation No. 2001/21 of 20 September 2001 *On Co-operative Witnesses* (amended by UNMIK Regulation No. 2002/2 of 24 January 2002).

¹¹ UNMIK Regulation 2001/22 of 20 September 2001 *On Measures Against Organised Crime*.

¹² UNMIK Regulation No. 2002/6 of 18 March 2002 *On Covert and Technical Measures of Surveillance and Investigation*.

conducted by law enforcement authorities¹³. Relevant provisions of these UNMIK Regulations have been incorporated in the Provisional Criminal Code and Provisional Criminal Procedure Code of Kosovo that entered into force on 6 April 2004.

The Trafficking and Prostitution Investigation Unit (TPIU), although regionalized in deployments, is controlled centrally at the UNMIK Police Main Headquarters. Centralization enhances coordination in investigations, its benefits being most notable in the case of large operations where cooperation between all regional TPIU's has created a systematic and structured approach towards mutual support. Additionally, this has facilitated integration of TPIU into the overall anti-organised crime establishment of UNMIK Police that incorporates other specialised units. Sharing of intelligence between TPIU, the Central Intelligence Unit (CIU) and the Kosovo Organized Crime Bureau (KOCB) has enhanced the ability to track movement of key organized crime operators and enables joint regional operations and other investigations by the specialized investigation units in Kosovo.

II. 'Zero tolerance' enforcement against traffickers and pimps

The second aspect of UNMIK's approach has been aggressive Police actions against trafficking and prostitution.

Sound legal base¹⁴:

UNMIK's Regulation¹⁵ on trafficking provides the legal basis for specifically prosecuting this crime by laying down a comprehensive definition of the offence of "trafficking in persons" to include the recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. This includes, but is not limited to, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

In the case of child victims, the regulation provides that the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve the use of any of the above means for achieving that exploitation.

¹³ UNMIK Regulation No. 2002/7 of 28 March 2002 *On the Use in Criminal Proceedings of Written Records of Interviews Conducted by Law Enforcement Authorities*.

¹⁴ All relevant provisions introduced by the UNMIK Regulations discussed in the text have been consolidated into the new Provisional Criminal Code and Provisional Criminal Procedure Code of Kosovo which came into effect on 6 April 2004.

¹⁵ UNMIK Regulation 2001/4 of 12 January 2001 *On the Prohibition of Trafficking in Persons in Kosovo*.

Very stringent punishments are provided: A person engaging in trafficking in persons is liable upon conviction to a penalty of up to 12 years' imprisonment and up to 15 years if the victim is under the age of 18 years. Organizing a group of persons for the purpose of committing the crime invites imprisonment of up to 20 years.

Intentional withholding of a person's personal identification documents or passport by an employer, manager, contractor or employment agent, also constitutes a criminal act. This provision of the UNMIK regulation specifically addresses a common modus operandi of human traffickers.

Further, the Regulation criminalizes the facilitation of trafficking even if it is through negligence. Moreover, any person who uses or procures the sexual services of a person with the knowledge that that person is a victim of trafficking in persons commits a criminal act and shall be liable upon conviction to a penalty of up to 5 years' imprisonment. This could extend up to 10 years' imprisonment where the victim is under the age of 18 years.

Specialised enforcement unit:

A **standard operating procedure**¹⁶ is in place for the five regional TPIU Units. The SOP defines the specific responsibilities of TPIU as follows:-

1. Effectively gather intelligence and enhance the already established database.
2. Develop information. Including information received from informants, victims, surveillance and other methods of data gathering.
3. Identify and assist victims of trafficking.
4. Identify establishments where trafficking/prostitution activities are occurring – place on the UNMIK Off Limits List and collect sufficient evidence to substantiate the closure of said premises.
5. Identify traffickers and other criminal parties responsible for the exploitation of persons.
6. Collate substantive evidence to charge the criminals involved in this activity and assist the courts with successful prosecutions.

The Trafficking and Prostitution Investigation Unit (TPIU) has adopted an innovative method for keeping a close watch on potential victims of trafficking and forced prostitution. The TPIU registers foreign women working in various businesses across Kosovo and maintains regular contact with them while also informing them of ways to seek refuge with police in case of need. This serves as a protection against potential exploitation of these women at the hands of their employers.

Since the beginning of 2003 until April 2004, as a result of TPIU investigations, registration of foreign persons, uniform patrol vehicle stops, KFOR and Border Police patrols 1,261 names were entered in the TPIU database.

¹⁶ TPIU end of the year report 2003.

TPIU statistics from Jan 2003 to April 2004¹⁷

	PRISTINA	GNJILANE	PRIZREN	PEJA	MITROVICA	TOTAL
Persons Registered	127	750	214	131	39	1261
Victims Assisted	20	31	15	14	3	83
Trafficking cases	12	21	25	12	5	75
Prostitution	4	0	29	6	6	45
Checks/raids etc.	301	400	914	923	215	2753

Raids and closures

The trafficking regulation¹⁸ provides another unique tool that has proved very useful for police enforcement against human traffickers. The regulation lays down that property used in or resulting from the commission of trafficking in persons or other criminal acts under the regulation may be confiscated in accordance with the applicable law. Where there are grounds for suspicion that an establishment, operating legally or illegally, is involved in, or is knowingly associated with trafficking in persons or other criminal acts under the present regulation, an investigating judge may, upon the recommendation of the public prosecutor, issue an order for the closing of such establishment.

During 2003, TPIU carried out a total of 2,047 raids, operations and bar checks on premises where trafficking in persons and/or prostitution activities were suspected. As a result of TPIU investigations, numerous establishments in Kosovo have been identified for inclusion in the 'Off Limits List'¹⁹ or closed.

Establishments or premises closed down in 2003 as a result of TPIU investigations²⁰:

REGION	ESTABLISHMENTS CLOSED
Pristina	7
Gnjilane	3
Pec	4
Mitrovica	7
Prizren	36
TOTAL	57

¹⁷ Provided by Paul Hume from TPIU HQ.

¹⁸ Section 6 of UNMIK Regulation No. 2001/4 of 12 January 2001 *On the Prohibition of Trafficking in Persons in Kosovo*.

¹⁹ UNMIK Police Directive for Off Limits Premises issued by Police Commissioner Christopher Albiston on 31 January 2001.

²⁰ TPIU end of year report 2003.

TPIU arrests in 2003²¹

The TPIU raids and investigations resulted in the following arrests during the year 2003. These are categorized by the nature of offences for which arrests were made.

OFFENCE	NUMBERS
Prostitution	33
Possession of false documents	6
Solicitation/procurement of prostitution	19
Pimping	11
TOTAL	69

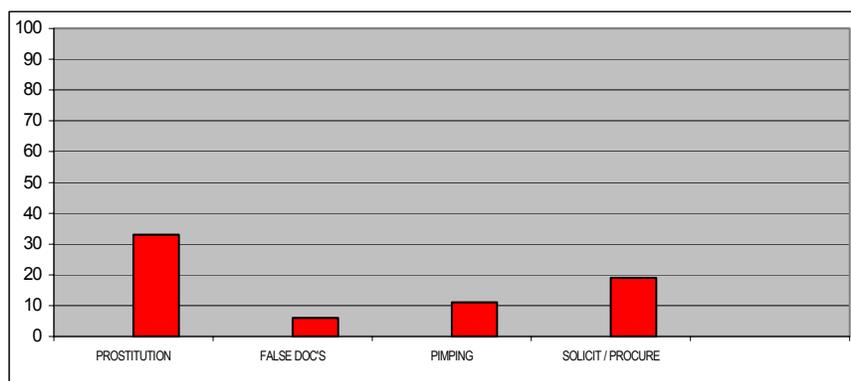


Fig – Number of arrests by offence, 2003

Following the raids and arrests made by TPIU in the different regions of Kosovo, a total of 60 charges of trafficking were laid in 2003²²:

STATUS	CHARGES	CONVICTION	RELEASE	BEFORE COURTS
Pristina	11	3	7	1
Gnjilane	18	6	4	8
Pec	11	2	2	7
Mitrovica	5	1	2	2
Prizren *	15	4	3	8
TOTAL	60	17	18	26

²¹ TPIU end of year report 2003.

²² TPIU end of the year report 2003.

Border control

TPIU works closely with UNMIK Border Police to intercept human traffickers at the various crossing points along the international border and administrative boundary line. Border Police contacts TPIU Main Headquarters when an officer identifies a woman under what might be considered “questionable circumstances”. With the use of Lotus Notes Data Base, information is quickly shared between the two units on the status of the party in question. TPIU assigns officers to assist with investigations at various border points.

III. Strong human rights framework to protect and assist victims

UNMIK’s policy has been to ensure proper assistance and rehabilitation to victims of trafficking. To ensure this, UNMIK has put in place a sound legal and institutional framework based on European and other international standards and adopted a multi-agency approach incorporating, besides the ‘Trafficking and Prostitution Investigation Unit’ (TPIU) of UNMIK Police and the ‘Victims Advocacy and Assistance Unit’ (VAAU) of UNMIK Department of Justice, other organizations like the Organisation for Security and Cooperation in Europe (OSCE), the International Organisation for Migration (IOM), the Inter-Ministerial Working Group including the Prime Minister’s Office and four other ministries of the Kosovo Government, as well as several non-governmental organizations working in this field in Kosovo.

The legal framework for protection and assistance of victims of human trafficking is instituted in the trafficking regulation²³ that comprehensively addresses the human rights concerns of victims in the process of investigation, prosecution and rehabilitation undertaken by law enforcement as well as victims assistance and shelter agencies.

The regulation stipulates that a person is not criminally responsible for prostitution or illegal entry, presence or work in Kosovo if that person provides evidence that supports a reasonable belief that he or she was the victim of trafficking²⁴. The TPIU as a rule treats the women intercepted during raids first and foremost as victims. The mission statement of TPIU requires it to “separate the criminal elements from the victimised of this crime²⁵”. TPIU report that it is extremely rare to encounter an underage female employee during raids and bar checks and in all cases where one has been identified social workers have been notified. In cases where an underage victim has been identified she has been immediately removed to a shelter and the suspects have been arrested.

The trafficking regulation lays down that law enforcement officers shall advise persons who are suspected victims of trafficking at the earliest available opportunity of

²³ UNMIK Regulation No. 2001/4 of 12 January 2001 *On the Prohibition of Trafficking in Persons in Kosovo*.

²⁴ Section 8 of UNMIK Regulation No. 2001/4 of 12 January 2001 *On the Prohibition of Trafficking in Persons in Kosovo*.

²⁵ TPIU mission statement, page 9 of this report.

their right to request the services and facilities set out in the regulation and shall contact the appropriate persons to arrange the requested assistance²⁶.

The trafficking regulation further requires that the SRSG shall appoint a Victim Assistance Coordinator²⁷ who shall be responsible for coordinating the implementation of the regulation, particularly the provisions relating to assistance to victims of trafficking. The Victim Assistance Coordinator shall liaise with the relevant law enforcement authorities, international and non-governmental or other organisations, and administrative departments as necessary.

Accordingly, in the beginning of 2002 the Department of Justice created a specialised 'Victims Advocacy and Assistance Unit' (VAAU) to represent victims' interests within a criminal justice system. The specific mandate of VAAU is to institutionalize crime victims' rights and provide them with advocacy and assistance. The advocacy component of the Unit's work focuses on establishing a network of Victims' Advocates (VA) throughout the province to support victims in their involvement with the justice system; the assistance component focuses on providing resources for victims. The Unit is particularly active on trafficking issues.

In a comprehensive approach to address the victims' needs, the trafficking regulation details the types of services²⁸ that shall be provided to a victim of trafficking. These include:

- (a) free interpreting services in the language of their choice;
- (b) free legal counsel in relation to trafficking issues (criminal or civil);
- (c) temporary safe housing, psychological, medical and social welfare assistance as may be necessary to provide for their needs; and
- (d) such other services as shall be specified in an administrative direction²⁹.

Furthermore, the services and facilities for the assistance of victims of trafficking shall be available to such victims, regardless of any charges of prostitution or of illegal entry, presence or work in Kosovo that may be pending against them³⁰.

In accordance with the provisions of the regulation, TPIU informs victims of their rights and affords them necessary assistance through the concerned agencies:

"All females are always initially treated and interviewed as victims. They are provided with a translator fluent in their language to ensure proper and effective communication.

²⁶ Section 10.3 of UNMIK Regulation 2001/4 of 12 January 2001 *On the Prohibition of Trafficking in Persons in Kosovo*.

²⁷ Section 9 *ibid*.

²⁸ Section 10 of UNMIK Regulation No. 2001/4 of 12 January 2001 *On the Prohibition of Trafficking in Persons in Kosovo*.

²⁹ The Administrative Direction has gone through several drafts involving intensive consultations with all concerned agencies including the OSCE, IOM and Amnesty International, and is in the course of being finalised prior to promulgation. Even in the absence of this Administrative Direction, all the services listed above are offered to victims of trafficking through UNMIK's focal point, the VAAU, in coordination with other agencies.

³⁰ Section 10.2 of UNMIK Regulation No. 2001/4 of 12 January 2001 *On the Prohibition of Trafficking in Persons in Kosovo*.

They are informed about the assistance program, which can be provided immediately. TPIU investigators are familiar with the sensitive nature of these crimes and number one priority remains providing assistance to the victims of trafficking. The only instance when a female is charged with a criminal offence is when the female insists that she is not a victim of trafficking and sufficient evidence indicates a criminal offence has occurred³¹. An example is a case from Prizren involving a Bulgarian woman who was convicted for prostitution following a TPIU undercover operation. During the interview with TPIU initially she stated that she was not a victim. According to the evidence indicating her involvement in prostitution, she was sent to the Lipljan detention center. Subsequently, on her request TPIU investigators once again interviewed her. This time she identified herself as a victim of trafficking. Based on her statement and the evidence that she provided to TPIU the bar owner and his brother were arrested³².”

During 2003, TPIU arranged for assistance for 70 victims of trafficking, while 34 victims were repatriated to their home countries. Such assistance is coordinated through the Victims Advocacy and Assistance Unit (VAAU) of the Department of Justice, OSCE, IOM and several other NGOs working in Kosovo. The problem TPIU encounters in this regard is that in some cases even those whom TPIU identifies as victims of trafficking refuse all offers of assistance.

Victims assisted by TPIU during 2003³³:

REGION	VICTIMS ASSISTED
Pristina	17
Prizren	12
Gnjilane	25
Mitrovica	3
Pec	13
Total	70

31 In cases where women are held as detainees, their rights are ensured, among others, by specific provisions of UNMIK Regulation No. 2001/28 of 11 October 2001 *On the Rights of Persons Arrested by Law Enforcement Authorities*.

32 Irinel Cocos, Head of TPIU in a statement dated 15 May 2004.

33 TPIU end of the year report 2003.

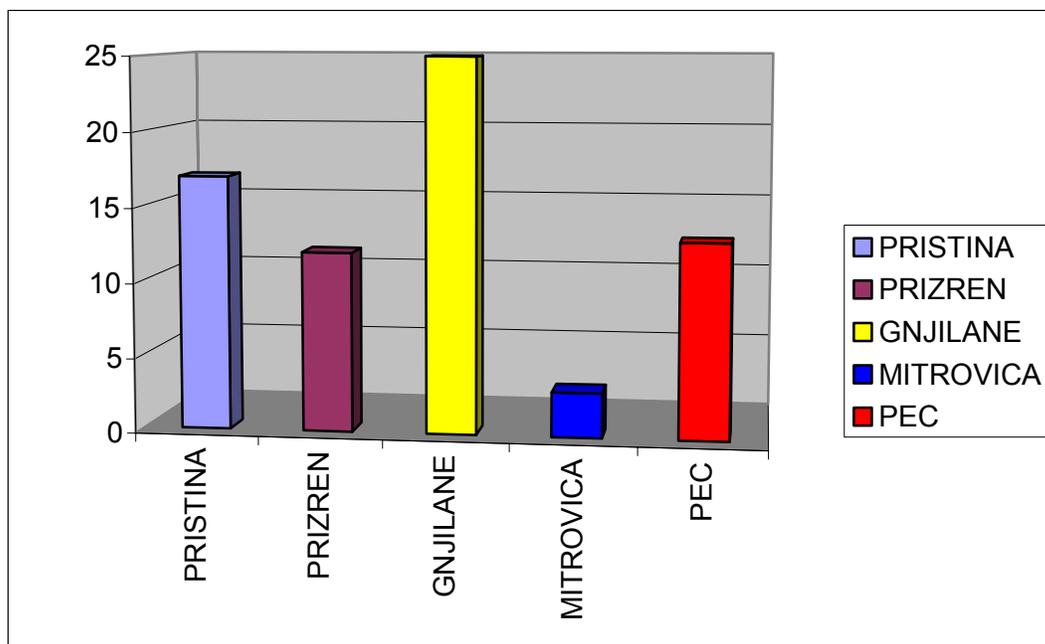


Fig – Victims assisted by TPIU during 2003

Victims repatriated by TPIU during 2003 (profile by nationality)³⁴:

NATIONALITY	NUMBER REPATRIATED
Moldovan	13
Ukrainian	5
Albanian	4
Bulgarian	3
Romanian	3
Serbian	1
Macedonian	1
Unknown	4
TOTAL	34

Since most of these victims can speak only their native languages, TPIU ensures that each regional unit has at least one officer with Romanian, Bulgarian, Ukrainian or Russian language skills to facilitate communication with victims.

The trafficking regulation prohibits forced repatriation of victims where they are under threat of persecution in their home country³⁵. Further, the regulation guarantees

³⁴ TPIU end of year report 2003.

³⁵ Section 12.1 of UNMIK Regulation No. 2001/4 *On the Prohibition of Trafficking in Persons in Kosovo* states that if a victim of trafficking expresses a wish to not be returned to her or his country of citizenship or previous habitual residence based on a claim of persecution, such a claim shall be evaluated by the

protection afforded to refugees and asylum-seekers under international refugee law and international human rights law³⁶. Moreover, a conviction for prostitution or a conviction for illegal entry, presence or work in Kosovo shall not be the basis for deportation if the person who is to be deported is a victim of trafficking³⁷.

Significantly, the regulation lays down that the taking of a statement by a law enforcement officer or investigating judge shall in no way inhibit or delay the voluntary repatriation of an alleged victim of trafficking³⁸.

Pursuant to the provisions of the trafficking regulation, the Victims Advocacy and Assistance Unit (VAAU) of the Department of Justice routinely provides every victim referred to it with a Victims Advocate who provides the victim with information on her rights, on the workings of the criminal and civil law in Kosovo, and accompanies the victim during court proceedings. Where necessary, a legal representative is assigned to victims from the VAAU roster of lawyers who are paid out of VAAU's budget.

The VAAU offers victims other forms of assistance including interpretation, psychological, medical and shelter assistance. An Interim Secure Facility (ISF) has been established by TPIU and VAAU to provide victims of trafficking, who do not wish to be repatriated or are not sure about their next course of action, an opportunity to reflect and make an informed decision about what they want to do next. The shelter also offers training and educational services and includes a nurse, two lawyers and a teacher as part of its staff. By March 2004, ISF had provided shelter to 19 victims of trafficking.

To protect the rights of the victims during trial, the trafficking regulation provides that the court may permit the alleged victims and witnesses to present their evidence in camera or by electronic or other special means, as the court sees fit³⁹. Further, the regulation prohibits a defendant charged with trafficking to introduce evidence of the alleged character or personal history of the alleged victim except where the judge is convinced that the evidence is of such relevance, and its omission would be so prejudicial to the defendant, as to result in a miscarriage of justice for the defendant if not allowed to be introduced⁴⁰.

appropriate authority, pursuant to the applicable law, who may determine that the victim may be granted residence in Kosovo or such other assistance as deemed appropriate.

³⁶ Section 12.2 *ibid* stipulates that nothing in the present regulation shall affect the protection afforded to refugees and asylum-seekers under international refugee law and international human rights law, in particular, compliance with the principle of non-refoulement as set forth in Article 33 of the 1951 Convention on the Status of Refugees.

³⁷ Section 11 *ibid*.

³⁸ Section 5 *ibid*.

³⁹ Section 7.4 of UNMIK Regulation No. 2001/4 *On the Prohibition of Trafficking in Persons in Kosovo* 12 January 2001.

⁴⁰ Section 7 *ibid* states: Except with the leave of the president of the panel of judges, it shall not be permissible for a defendant charged with a criminal act under the present regulation to introduce evidence of the alleged character or personal history of the alleged victim. A defendant may petition the president of the panel of judges to allow the introduction of evidence of the alleged character or personal history of the alleged victim. Upon receiving such petition, the president of the panel of judges shall conduct a hearing in camera during which the defendant and the prosecution shall have the opportunity to be heard. Following

IV. Strict enforcement against UNMIK staff violating the code of conduct⁴¹

This is achieved through resolute personnel policies and practices against trafficking. UNMIK proactively advises its staff against engaging in activities related to trafficking, including frequenting premises identified by UNMIK police as places in which prostitution is suspected. In order to ensure that its staff members are fully informed of the problem in Kosovo, UNMIK conducts a number of awareness raising activities and declares ‘Off Limits’⁴² for staff members, businesses that are suspected of indulging in prostitution.

The United Nations Charter requires that all personnel ‘must maintain the highest standards of integrity and conduct in exercising their official duties in the country in which they are serving.’ It further states that UN personnel must not abuse or exploit individual members of the local population, in particular women and children.

UNMIK is resolved to ensure that its staff abide by appropriate standards of conduct as outlined in the UN Charter. A list of ‘Off Limits Premises’⁴³ is produced at the end of each month and disseminated throughout UNMIK and OSCE. Disciplinary action against any UNMIK staff found in the premises is strictly enforced irrespective of whether the concerned individual was actually indulging in sexual activities or otherwise.

UNMIK staff are required to make themselves aware of the establishments on this list and to ensure that they do not attend at any of them for any reason except for official duty purposes.

the hearing in camera, the president of the panel of judges shall only grant leave to introduce evidence of the alleged character or personal history of the alleged victim if satisfied that the evidence is of such relevance, and its omission would be so prejudicial to the defendant, as to result in a miscarriage of justice for the defendant if not allowed to be introduced. In such cases, the president of the panel shall establish the limits within which such evidence or questions may be introduced.

⁴¹ Refer SRSB Directive No. 04/04 of 8 March 2004 on UNMIK Policy on Sexual Exploitation and Sexual Abuse, UNMIK Information Circular No. 29 of 15 October 2002 on Prostitution and Trafficking in Persons in Kosovo and UNMIK Information Circular No. 06/2001 of 18 February 2001 on Prostitution and Trafficking in Persons in Kosovo.

⁴² UNMIK Police Directive for Off Limits Premises issued by Police Commissioner Christopher Albiston on 31 January 2001 is distributed by UN Security to all UNMIK staff members for compliance.

⁴³ The ‘off limits list’ has sometimes been misunderstood by outside agencies to reflect the number of establishments where trafficking and forced prostitution are known to be occurring. This is not the case. The ‘off limits list’ is based on suspicion of prostitution (not necessarily with trafficked women) in such establishments that are fronted as legitimate businesses, even where Police do not have enough evidence to establish that suspicion for initiating prosecution or enforcing closure. As a precautionary measure UNMIK staff are barred from visiting these premises that **may** be involved in the sex-industry. The fact that the number of premises on the ‘off limits list’ has increased over the years is not necessarily a reflection of a proportionate increase in trafficking and prostitution in Kosovo. It does however reflect the considerable increase over the period since 1999 in police resources dedicated to the fight against organized crime (and human trafficking in particular) especially since the formation of TPIU, as well as the cumulative effect of TPIU’s evidence-gathering against establishments.

Currently a list of 204 off-limits premises is in circulation. These are establishments suspected of involvement in prostitution but fronted as legitimate businesses so that police is unable to move for their closure.

UNMIK investigates all allegations of breach of these rules by UNMIK staff, and disciplinary action is taken where appropriate. Each police contingent is made aware of these strict rules during orientation training on arrival in the mission.

Since the beginning of 2002 until April 2004, during raids and bar checks TPIU has found 52 KFOR soldiers, 3 international police and 8 international civilians from various agencies in 'off limits premises'. The KFOR soldiers were handed over to the Military Police and the civilian staff to their respective departments for further investigation and appropriate disciplinary action. In accordance with the UNMIK Police regulations, the international police officers were repatriated to their home countries. It will be noted that the numbers of internationals involved would not appear to support Amnesty International's contention that 20% of the customers of trafficked women come from the international community.

Criminal proceedings

Where the alleged conduct by an international staff member amounts to a criminal offence, the matter is referred to the UNMIK Department of Justice for assessment. If there are sufficient grounds to conduct an investigation, then an assessment of whether this should be handled by an international or local prosecutor is made. UNMIK personnel are only immune from legal process in respect of acts performed by them "in their official capacity". It is UNMIK policy to request the Secretary General to waive the immunity of international staff members suspected of committing criminal offences within the scope of their duties. In all cases in which UNMIK requested a waiver of immunity, it was promptly granted by the Secretary General. To date, no such case has involved trafficking or any other related offence. Should any UNMIK personnel be suspected of engaging or facilitating in trafficking in women or children or be suspected of using the services of a woman that they knew was trafficked, a waiver of immunity would automatically be requested.

Contractors

All allegations against contractors of UNMIK are investigated just as thoroughly as against international staff members.

In February 2004, during joint KFOR and UNMIK raids in Ferizaj, two international contract employees were found inside Off Limits establishments. Although the men were not engaged in any type of sexual activity, they were immediately detained by KFOR, terminated from their employment, and repatriated to their home countries⁴⁴.

V. Regional approach for the fight against human trafficking

Another dimension of UNMIK's approach has been to address this regional phenomenon within the framework of international cooperation. This has been achieved through bilateral agreements with neighbouring jurisdictions as well as through multi-lateral forums for cooperation:

Southeast European Cooperative Initiative (SECI)

UNMIK works closely with the Southeast European Cooperative Initiative (SECI) on trans-border and regional initiatives in the fight against trafficking. UNMIK actively participates in SECI operations designed to coordinate investigation efforts into trafficking in human beings in the region.

The SECI Crime Centre in Bucharest aims to serve as a coordinating hub for the transmission of information on crimes and criminals from one signatory state to another. The states include Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Hungary, Moldova, Romania, Serbia and Montenegro, Slovenia, the former Yugoslav Republic of Macedonia, Turkey and.

The issues targeted by SECI relate directly to the TPIU mandate, specifically: identifying, arresting and prosecuting those that participate in the trafficking of persons for the purposes of prostitution/exploitation; the return/repatriation of victims and the development of policy pertaining to the "deportation" of those found to be in possession of false documents.

Liaison with this organization has been established and positive results have already been achieved through the development of communication channels and sharing of information. TPIU has initiated direct contact with police from the participating SECI states to share intelligence relating to human trafficking.

Stability Pact for South Eastern Europe

In collaboration with IOM, the Stability Pact Task Force on Trafficking in Human Beings contacted TPIU in October 2001 requesting assistance with the creation of a comprehensive programme for training, exchange and co-operation to address trafficking in human beings in southeastern Europe.

TPIU contributed to the elaboration of comprehensive national and regional action plans to combat trafficking in human beings and in particular, for training, exchange and co-operation, containing an overall strategy, identified gaps/needs and suggested measures to overcome them.

TPIU submitted results along with the International Centre for Migration Policy Development (ICMPD), International Migration Policy Programme (IMP) and Southeast European Co-operative Initiative (SECI) in an effort to create a comprehensive action plan.

In collaboration with the Stability Pact Task Force on Trafficking in Human Beings, UNMIK has been involved in evolving a comprehensive strategy to combat trafficking in human beings and has been engaged in regional training, exchange and cooperation plans. To this end UNMIK, along with other South Eastern European countries, has signed the 'Statement on Commitments for Legislation of the Status of Trafficked Persons'⁴⁵.

On 10 December 2003, UNMIK joined other South Eastern European countries in signing a joint 'Statement on Commitments on Victims/Witness Protection and Child Trafficking'⁴⁶. This commits UNMIK and other signatories to take specific measures

⁴⁵ Signed in Tirana (Albania) on 11 December 2002, the '*Statement on Commitments for Legislation of the Status of Trafficked Persons*' constitutes an agreement among signatories:

- to improve identification of trafficked persons in order to rescue them from exploitation and assist and protect them;
- to refrain from immediately expelling possible victims of trafficking, due to their unlawful entry into the country and to irregular residence and/or labour status;
- to refer possible victims of trafficking to shelters, providing them with social assistance, health care, counselling and legal advice as to their situation and options;
- to entitle possible victims of trafficking to remain on the state's territory and to grant them a recuperation period of up to 3 months during which they can stabilize and re-orientate themselves;
- to request the responsible authorities to investigate and establish the facts without delay in order to legalise the status of trafficked persons;
- to issue a temporary residence permit for victims of trafficking until the completion of legal proceedings, in the event the victim of trafficking is willing to testify, or whenever appropriate;
- to further develop witness protection programs;
- to take special measures in relation to the protection of trafficked children, such as the appointment of a guardian to ensure that actions taken are in the best interest of the child.

⁴⁶ Signed in Sofia (Bulgaria) on 10 December 2003, the '*Statement on Commitments on Victims/Witness Protection and Child Trafficking*' is a commitment from the signatories:

- to further develop pertinent laws on victim/witness protection and to implement them consistently with a view to guaranteeing the safety of the victim/witness as long as required;
- to enact and implement procedures to protect victim/witnesses from re-traumatization at trial based upon intimidation or unnecessary confrontation with the offenders;
- to implement procedural rights such as: testimony by video conferencing, hearing in camera, audio/video recording of statement, temporary exclusion of defendant, contempt provisions, relocation of the trial;
- to ensure victim-witness' access to independent and competent legal representation and advice prior to and during court proceedings;
- to assure that the victim/witness will be informed of developments during the investigation and court proceedings and upon the trafficker's release after serving his sentence;
- to institutionalize cooperation between governmental authorities and local NGOs in victim/witness protection;
- to develop and implement mechanisms and procedures for continuous risk assessment;
- to seek enactment of regional/international agreements of temporary and/or permanent relocation of victim/witnesses.

Towards child trafficking, the signatories agreed:

- to develop and adopt minimum standards for the treatment of child victims of trafficking based upon the guidelines developed by UNICEF in accordance with other International and Non-Governmental Organisations;
- to systematically collect data on child trafficking;

directed at protecting the rights and human dignity of victims and witnesses of human and child trafficking.

Bilateral Police Cooperation Agreements

UNMIK has signed police cooperation agreements with all its neighbours, Serbia/ Union of Serbia and Montenegro⁴⁷, Albania⁴⁸, FYROM⁴⁹ and Montenegro⁵⁰. This reinforces cooperation in the fight against cross-border organized crime and in particular trafficking in human beings. An UNMIK/Serbian sub-committee on organised crime meets regularly to share information with the aim of improving enforcement against organised criminal networks.

VI. Sustainability through local involvement in a multi-dimensional approach

Human trafficking is a multi-dimensional problem with many dimensions and inter-related causes ranging from organized crime, poverty, education level and gender issues, amongst others. This necessitates a multi-dimensional response spanning several government functions, including social welfare, law-enforcement, justice, public services, culture, health and education.

The law enforcement aspects are addressed primarily through UNMIK Pillar I (Police and Justice Pillar), which retains responsibilities for police and justice functions.

The Provisional Institutions of Self-Government have also sought to respond to the growing phenomenon of trafficking in persons in Kosovo. As a first step they appointed an Interministerial Coordinator to Combat Trafficking in Human Beings and shortly afterwards established an Inter-Ministerial Working Group to Combat Trafficking in Human Beings. The Group drew representation from:

1. The Prime Minister's Office,
2. Ministry of Education, Science and Technology,
3. Ministry of Culture, Sports and non-residential issues,
4. Ministry of Social Welfare and Labour,
5. Ministry of Health, and
6. Ministry of Public Services.

-
- to take all necessary measures to establish effective procedures for the rapid integration of child trafficking victims;
 - to adapt special referral procedures to assist and protect trafficked children involving all relevant institutions, agencies and authorities.

⁴⁷ Memorandum of Understanding on Police Cooperation between Serbia, Federal Republic of Yugoslavia (now State Union of Serbia and Montenegro) and UNMIK signed in May 2002.

⁴⁸ Memorandum of Understanding on Police Cooperation between Albania and UNMIK signed in September 2002.

⁴⁹ Memorandum of Understanding on Police Cooperation between FYROM and UNMIK signed in November 2002.

⁵⁰ Memorandum of Understanding on Police Cooperation between Montenegro and UNMIK signed in October 2003.

Head of UNMIK's VAAU is also a member of the Group, to ensure optimum coordination of efforts between UNMIK and PISG.

The 'Terms of Reference' of the Working Group are as follows:

1. To coordinate and create policies and draft strategies for combating trafficking in human beings in Kosovo;
2. To prepare a Kosovo action plan to combat trafficking in human beings;
3. To develop strategies, including legislation for preventing trafficking in human beings;
4. To coordinate activities for the implementation of the Kosovo Action Plan to Combat Trafficking in Human Beings;
5. To ensure coordination of efforts of different authorities within and outside the government of Kosovo;
6. To research and analyse different aspects of trafficking in human beings in Kosovo; and
7. To work with others in raising awareness on the issue of trafficking in human beings in Kosovo.

These terms of reference were officially approved by the Kosovo Government in a meeting held on 8 October 2003.

Following this, an international conference⁵¹ was held in Pristina from 20 to 22 October 2003, bringing together UNMIK, the Office of the Prime Minister, inter-governmental organizations such as the International Organization for Migration (IOM) and Non-Governmental Organizations such as Save the Children, Center for Protection of Women and Children (CPWC) and United Methodist Committee on Relief (UMCOR).

The conference was attended by more than three hundred participants from both government and non-governmental entities who formulated recommendations for future activities on trafficking in human beings.

Kosovo Action Plan

Following the conference, the PISG 'Inter-Ministerial Working Group to Combat Trafficking in Human Beings', with the close cooperation of UNMIK, launched the initiative to develop a Kosovo Action Plan to Combat Trafficking in Human Beings.

The action plan will set clear time lines for implementation and clearly define the roles and responsibilities of the various actors in the fight against trafficking in human beings. The plan will also incorporate a monitoring mechanism for its implementation.

The aims of the Kosovo Action Plan are as follows:-

1. Reduce the occurrence of trafficking in human beings in Kosovo;
2. Increase the incidence of identification and punishment of human traffickers;

⁵¹ Kosovo Conference to Combat Trafficking in Human Beings, Pristina, 20-22 October 2003.

3. Increase the incidence of identification and provision of assistance to victims of trafficking in Kosovo; and
4. Create a coordinated mechanism for assistance and support for victims of trafficking from the time of their identification to the time they are fully reintegrated into society.

The Working Group proposes to hold a four-day retreat for key government officials from various ministries, during which they will specifically focus on drafting an action plan. The plan will reflect the various ministries' commitment and roles in trafficking and will endeavour to harmonize their roles and responsibilities. In order to ensure broad acceptance and effective participation in the drafting process it is proposed to invite an expert to facilitate and ensure completion of the drafting of the action plan. Other stakeholders in trafficking will also be invited as observers.

Awareness raising activities

A number of UNMIK entities undertake awareness-raising activities directed towards governmental officials. Of particular importance are sensitivity trainings for the judiciary and police. In this effort, UNMIK's Pillar I works closely with the Organization for Security and Cooperation in Europe (OSCE).

VAAU has been advertising a "hotline" for victims of trafficking on local Kosovo TV. In order to make this more effective, VAAU in close cooperation with UNMIK's Division of Public Information (DPI) and the UN Office on Drugs and Crime (UNODC) is finalizing a video spot developed earlier by UNODC that will also include a "hotline" for victims of trafficking in Kosovo. These will be broadcast on Kosovan TV as part of a broader campaign to increase identification of victims of trafficking.

VAAU has also been developing an awareness raising program with a Kosovan NGO targeted towards 10-14 year-olds. The intention is to deliver the message of potential dangerous situations by using interactive art forms, primarily theater.

Involvement of Kosovo Police Service

UNMIK Police recognises that ultimately the initiatives in the fight against trafficking and prostitution can be sustainable only if the local Kosovo Police Service (KPS) is sensitised and trained to effectively address this crime. To this end, the KPS are being increasingly associated in the investigations and operations relating to the crime. TPIU already has approximately 50% of its strength from the KPS.

All KPS officers now receive a minimum of six hours of training on the subject of human trafficking and prostitution at the KPS training school in Vushtrri/Vucitrn. TPIU is also assisting in the development of a comprehensive training course for KPS who wish to pursue a career in the TPIU. The pilot training schemes have been completed in 2003 and a regular course is to be established in 2004. Recently, in conjunction with the

Stability Pact, a pilot one-week training course was conducted in the KPS School in Vushtrii/Vucitrn.

In an effort to inform UNMIK personnel of the TPIU mandate and standard operating procedure, a power point presentation has been created. This presentation is made on a weekly basis to Border Police and Customs officials. Recently this presentation has also been incorporated into the training curriculum for the KPS School and the Civpol training centre. Through such additional training it is hoped that there will be more consistency in the reporting of suspected victims, establishments and criminal activity of this nature throughout Kosovo.

III

Continuing Problems in Counter-Trafficking Activities and Opportunities for Strategic Initiative

While UNMIK has achieved significant strides in efforts to eradicate human trafficking within Kosovo, many opportunities remain for stronger action. Kosovo will have to build its knowledge base on the incidence and patterns of trafficking within its borders. In order to do this, UNMIK will need to identify resources for enhancing investigations that include intelligence gathering, undercover operations and surveillance. These measures will have to be reinforced with awareness-raising activities for the public and the judiciary to improve identification of victims as well as traffickers while at the same time increasing understanding and appreciation of the plight of victims by the judiciary and prosecutors, to improve the effectiveness of law enforcement actions.

Further, despite UNMIK's initiative to establish an Interim Secure Facility for victims of trafficking, a comprehensive support system for victims of trafficking is still far from achieved. For sustainability and long-term support for victims more resources need to be identified. For this, UNMIK will need to continue to coordinate its efforts with those of other governmental organizations and NGOs' both from within and outside Kosovo to ensure that victims receive long-term support and are successfully reintegrated into society.

Also, UNMIK will need to cooperate in the developing regional and global efforts of eradicating this phenomenon from the region. This will require a number of initiatives, including:

1. Within the framework of police cooperation agreements, promoting formal cross border relationships with law-enforcement authorities in neighbouring jurisdictions for intelligence gathering, information sharing and prosecutions;
2. Participating in, and developing a regional approach to witness protection and assistance; and
3. Incorporating the principles and recommendations set out in various European documents, especially in relation to victim identification, return and reintegration as well as migration policies and practices.

Some of the difficulties identified by UNMIK Police in effectively addressing the crime of trafficking and prostitution are⁵²:

1. Kosovo is a male dominated society and many, including some of the courts, do not recognize this as a major crime. There needs to be a change in the attitude of civil society and public support for a change in this attitude.

⁵² Presentation by Robert Pedlow, Deputy Commissioner (Crime) UNMIK Police at the Conference on Organised Crime and Trafficking, Wilton Park London, November 2003.

2. A code of silence exists within the communities that makes it difficult to get to the heart of the problem and gather good intelligence information. We need to develop further operational and technical approaches to improve this situation.
3. The organised criminals operate within a climate of threat and fear to prevent witnesses from coming forward. We need to engender a greater sense of civic responsibility, courage amongst the citizens and develop greater capacity for an effective witness protection programme.
4. There is a lack of awareness of what is really going on amongst the government, the judiciary, the community, the trafficked and potential victims. An awareness campaign is therefore needed to generate greater sensitivity to the problem among the various sections of Kosovo society.
5. There is lack of ownership and leadership by some of the stakeholders and the political institutions in particular. More pressure should be brought on those in government to take up this issue.
6. Communication and collaborative operational links with the neighbouring police forces could be more effective. Although effective forums have been established with some countries, others need to be developed further.
7. There are specialised training needs for judges, prosecutors and police officers in this specific area. There is also a need to consider delivering training on a joint, multi-agency basis.

Accordingly, UNMIK has identified the following key strategic activities for its future anti-trafficking efforts for the immediate and foreseeable future:

Prevention

1. Improve knowledge base of the incidence and patterns of trafficking in Kosovo so as to develop sound policies and practices for prevention and eradication of the phenomenon.
2. Work in coordination with the NGO sector in conducting a public awareness campaign on sensitivity and proper identification of victims that is targeted towards relevant groups, such as potential victims and key institutional actors; including, policymakers, prosecutors, judges and police, UNMIK personnel and the international community in Kosovo.
3. Fully implement UNMIK Regulation No. 2001/4 “on the Prohibition of Trafficking in human beings in Kosovo” with particular reference to the closure of premises, confiscation of property and reparation to victims.

Investigation and Prosecution

4. Intensify and make “mandatory” the existing program of training for prosecutors, judges and police officers on correct and appropriate implementation of the UNMIK Regulation No. 2001/4 and provisions made in the new Provisional Criminal Code and Provisional Criminal Procedure Code of Kosovo that came into effect from 6 April 2004.
5. Improve surveillance and intelligence gathering by TPIU while maintaining close judicial supervision over use of technical measures of surveillance to ensure that the rights of individuals are not violated in the process.

6. Establish a “Whistle Blowing Hotline” and a victims’ support hotline for trafficking cases.
7. Establish regional co-operation between Kosovo and sending countries in order to improve identification of victims, information sharing, intelligence gathering and prosecutions.

Assistance and protection:

8. Promulgate the Administrative Direction on Trafficking to allow for the formal appointment of a Victims’ Assistance Coordinator and the implementation of the protection and support framework for victims of trafficking.
9. Continue to ensure adequate secure and accessible shelter for victims, and encourage enhanced cooperation of victims with investigators.
10. Identify resources for external funding for both the Victims’ Reparation Fund and the Witness Protection Program to facilitate victims’ reintegration into society and enable protection measures for trafficking cases, respectively.
11. Establish regional cooperation for protection and reintegration of trafficking victims, with appropriate measures for protection of vulnerable groups (this applies particularly to minors and physically and mentally handicapped victims.)
12. Identify and secure support for the introduction of structures for the re-integration of domestic trafficking victims.

Overall, UNMIK has made substantial progress in building structures to combat trafficking, some of which are still in their early stages of development. At the same time, UNMIK recognizes that much work remains to be done, especially in the areas of crime prevention as well as assistance and protection of victims. UNMIK is committed to focusing its efforts in this direction in the immediate future.

IV.

Review of Recommendations made by Amnesty International

The fundamental principle underlying UNMIK's approach to the problem of human trafficking has been the recognition that problems of this nature cannot be effectively addressed solely as a law and order issue. The essentially socio-economic genesis of the problem and its multi-dimensional as well as trans-national nature necessitate a more comprehensive approach involving multi-disciplinary governmental and non-governmental bodies. Ultimately, it is only through the active involvement of civil society that the problem can be effectively and sustainably addressed.

The phenomenon needs to be tackled both on the demand and supply ends. These involve a number of inter-related causes ranging from organized crime, poverty, education level, gender issues and so on. This necessitates a multi-dimensional response spanning several government functions including social welfare, law-enforcement, justice, public services, culture, health and education, as well as non-governmental initiatives directed at addressing the social and economic causes for the crime.

As such, from the outset UNMIK has sought close working relationship with other international and non-governmental organisations working in the area of trafficking and prostitution. Several reports and recommendations made by such bodies from time to time have been taken into account and have helped improve UNMIK's response mechanism in the field. It is in this context that UNMIK views the latest report from Amnesty International titled 'Does that mean I have rights?: Protecting the human rights of women and girls trafficked for forced prostitution in Kosovo' launched on 6 May 2004 in Pristina, Kosovo.

Amnesty International's report itself acknowledges several aspects of the progress made in UNMIK's efforts at addressing the crime in Kosovo. Unfortunately, the focus in public presentation of the report on instances from 1999-2000, and the situation that prevailed in the immediate post-conflict environment, have created a misleading impression in some quarters that the same situation continues today. Certain general allegations made in Amnesty International's Press Release on the launch of the report, such as the statements that "the international community is responsible for the growth of a sex-industry based on the abuse of trafficked women" and that "UNMIK, KFOR and PISG have failed to protect and respect the human rights of these women", are at variance with the more detailed findings of Amnesty International contained in its report and are certainly not borne out by the facts on the ground today. Accordingly, UNMIK has conveyed these concerns in a letter addressed to Amnesty International.

These and other inconsistencies in the report notwithstanding, UNMIK acknowledges the initiative of Amnesty International in highlighting the human rights aspects of human trafficking and forced prostitution. UNMIK also shares the concern of Amnesty International that trafficking and prostitution remains a major problem in Kosovo and the Balkans as a whole. In its endeavour to continue its efforts to eradicate

this crime from Kosovo, UNMIK hopes to benefit from the recommendations made by Amnesty International to the extent these may be useful and practicable.

While a more detailed review of the recommendations, particularly those pertaining to suggested amendments in the law, continue, based on a preliminary review of the recommendations, the following comments are appended below each of the points raised in Amnesty International's report:

(Note – **AI** = recommendations made by Amnesty International; **Comments** = UNMIK's comments on the recommendations.)

1. Recommendations to UNMIK and KFOR

i. **AI:** *UNMIK and KFOR to implement the provisions of their respective codes of conduct.*

Comments: UNMIK already vigorously enforces its codes of conduct in this regard. (refer page 17-18 of this report).

ii. **AI:** *UNMIK to ensure that the "Off-Limits List" is regularly distributed to all personnel, and that the provisions of the UNMIK Code of Conduct with regard to the off-limits list are robustly enforced and that the Special Measures outlined in the UN Secretary-General's bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse are strictly enforced.*

Comments: The Off-Limits List is already regularly distributed via lotus notes to all UNMIK staff. UNMIK staff has an obligation to make themselves aware of the establishments on this list and to ensure that they do not attend at any of them for any reason apart from strictly duty purposes. Any violation invites strict disciplinary measures. (refer page 17-18 of this report).

iii. **AI:** *UNMIK to amend Regulation 2000/47 On the Status, Privileges and Immunities for KFOR and UNMIK and their Personnel in Kosovo. Jurisdiction "of respective sending states" should be extended to other jurisdictions, including Kosovo, for investigation and prosecution of alleged human rights abuses by KFOR personnel, including against trafficked women and girls. Furthermore, in order to ensure consistency, the decision to waive immunity should be taken by the UN Secretary-General rather than by the commanders of the respective national contingents.*

Comments: Neither the Secretary-General, nor UNMIK and the judicial system in Kosovo have any authority over KFOR personnel and it is therefore not possible to act on this recommendation. However, UNMIK will approach prosecution offices within the military contingents in order to encourage them to work more closely with prosecutors and police from Kosovo in order to effectively prosecute suspects from KFOR believed to be involved in trafficking of women and children.

iv. **AI:** *UNMIK and KFOR to ensure that all allegations of contraventions of the applicable codes of conduct by international staff and personnel be promptly, independently and impartially investigated, and where reasonable suspicion exists of a criminal offence under Sections 2 and 4 of the Trafficking Regulation, the immunity*

of the suspect should be lifted and they should be subjected to disciplinary and/or criminal proceedings in Kosovo, with full access to international legal safeguards.

Comments: All allegations of serious criminal offences (which would include any allegation of trafficking) committed by international staff are investigated and referred to the Department of Justice for assessment. If there are sufficient grounds to conduct an investigation, then an assessment of whether this should be handled by an international or local prosecutor is made. Should any UNMIK personnel be suspected of engaging or facilitating in trafficking in women or children or be suspected of using the services of a woman that they knew was trafficked, a waiver of immunity would in all cases be requested from the Secretary General. Furthermore, all allegations of non-criminal misconduct (such as attending premises on the “Off Limits” List) are investigated administratively and appropriate disciplinary action taken if substantiated. The relevant figures have been given in the body of this report. It will be noted that the small numbers of internationals involved does not support AI’s conclusion that 20% of the customers of trafficked women come from the international community.

- v. **AI:** *UNMIK and KFOR to ensure that all contractors working for them, including police officers supplied by private companies, are made fully and regularly aware of the UN Code of Conduct and the Trafficking Regulation, and that they will also be subjected to investigation and prosecution in Kosovo for alleged human rights abuses, including under the Trafficking Regulation, where there is reasonable suspicion that they may have committed a criminal offence.*

Comments: All allegations against contractors of UNMIK are investigated thoroughly. Should there be a reasonable suspicion that a contractor has committed an offence of trafficking, he or she will be as vigorously investigated and prosecuted as any other international working in Kosovo.

2. Protection of the rights of trafficked women and girls - recommendations to UNMIK and the PISG:

- i. **AI:** *To ensure that all elements of the (Kosovo) Plan of Action ensure the protection of the human rights of trafficked women and girls;*
- ii. **AI:** *To cooperate in urgently developing and implementing the Plan of Action, ensuring commitment to the plan by representatives of all relevant UNMIK Departments and relevant Ministries and Departments within the PISG;*
- iii. **AI:** *To fully involve all relevant domestic NGOs, international NGOs and the IOM in the design and implementation of the Plan of Action;*
- iv. **AI:** *To ensure that provisions of the plan are sustainable through capacity-building, training and the provision of adequate resources, in particular, to seek to guarantee funding for shelter provision for both internally and externally trafficked women and girls.*

Comments: As discussed in the text above, UNMIK has been working closely with the Prime Minister's Office to commence the process of developing the Kosovo Action Plan. This process will involve all relevant PISG ministries as well as UNMIK and relevant stakeholders. UNMIK accepts AI’s recommendation.

2.1 Prevention of trafficking – recommendations to UNMIK and the PISG:

- i. *AI: Commission a comprehensive program of research into the current social and economic status of young women and girls in Kosovo, identifying factors which make young women vulnerable to trafficking, and including both qualitative and quantitative data. Such research should enable the design and implementation of targeted policies in conjunction with relevant IGOs, NGOs, and within the broad framework of the Kosovo Action Plan for the Achievement of Gender Equality.*
- ii. *AI: Take steps to ensure that objective information on both the dangers of trafficking, and on legal channels of migration is available to women and girls, also including through TV, radio and print media;*
- iii. *AI: Pending the final status of Kosovo, to collaborate in the preparation of reports to the CRC and CEDAW. To prepare reports as required by the Stability Pact Task Force on Trafficking in Human Beings and Regional Clearing Point.*

Comments: Significant work has been undertaken in Kosovo at the initiative of UNMIK and other stake holders to research into the problem of trafficking in women and to find ways to address it. UNMIK would welcome further initiatives of this nature from international and non-governmental agencies.

In collaboration with the Stability Pact Task Force on Trafficking in Human Beings, UNMIK has been involved in evolving a comprehensive strategy to combat trafficking in human beings and has been engaged in regional training, exchange and cooperation plans.

2.2 Addressing demand – the Kosovo Plan of Action should include

- i. *AI: Specific awareness-raising strategies aimed at men in both the local and the international community, to ensure that they are made fully aware of the abuses suffered by trafficked women, and of the consequences – including criminal proceedings under the Trafficking Regulation – of their use of the services of trafficked women;*
- ii. *AI: In addition to the recommendations made to UNMIK, (above) with respect to the prosecution of members of the international community suspected of knowingly using the services of trafficked women, Amnesty International also encourages the TPIU to vigorously pursue the prosecution of local men knowingly using the services of trafficked women.*

Comments: UNMIK agrees that awareness-raising strategies aimed at men in both the local and international community should be implemented to ensure that they are aware of the abuses suffered by trafficked women. As mentioned above, UNMIK is involved in the drafting of the Kosovo Action Plan with the Kosovo Government and other stakeholders and would favour incorporation of these recommendations in the plan.

UNMIK also agrees that any men using the services of trafficked women should be prosecuted vigorously. However, according to Article 139(5) of the Provisional

Criminal Code of Kosovo, an individual using the sexual services of a trafficking victim can only be prosecuted if the individual **knew** that the woman was a victim of trafficking. In accordance with AI's recommendation, UNMIK will review the possibility of reforming the Provisional Criminal Code to include those who "ought to have known" that the person was a victim of trafficking.

2.3 Investigation

- i. *AI: Sufficient funding and other resources, including where necessary, additional personnel and funding for undercover surveillance operations and equipment is made available to the TPIU.*

Comments: Undercover work is already frequently carried out by investigators from TPIU itself. Additional funding would be particularly useful to increase the capacity for interception of telecommunications.

- ii. *AI: In interviewing women for the registration process, and in subsequent visits to bars, the TPIU should ensure that all interviews are held in confidence, out of the sight and hearing of other staff or "owners" of bars, so that women are provided with the opportunity to identify themselves as being trafficked and that measures may be taken to immediately remove them from danger of further abuse and violations.*

Comments: UNMIK agrees and already complies with this recommendation. It is TPIU practice to conduct interviews so that any influence or intimidation by the owners of the coffee bars is minimized.

- iii. *AI: The TPIU be provided with sufficient resources to be able to immediately remove any children or girls believed to be under the age of 18, and reasonably suspected to have been trafficked, from premises in which they are working in forced prostitution, and that sufficient provision is made for their reception and assistance.*

Comments: TPIU reports that it is extremely rare to encounter an underage female employee during raids and bar checks and in all cases where one has been identified social workers have been notified. In cases where an underage victim has been identified she has been immediately removed to a shelter and the suspects have been arrested.

- iv. *AI: Secure funding for the provision of suitable premises at all regional police headquarters for the reception and interview of all victims of violence against women, including trafficked women and girls.*

Comments: UNMIK agrees that better facilities by way of rooms for interviewing victims are required. The TPIU has been requesting such facilities and OSCE too raised this problem on their human rights report last year. Recently such facility has been made available for TPIU in Pristina region. This facility is a result of the joint work of TPIU and VAAU towards establishment of Comfort Suites in all regions of Kosovo. The comfort suites are intended to serve as safe and non-threatening environment for victims of trafficking as well as victims of other gender-based crimes. UNMIK continues its efforts to upgrade facilities against severe resource constraints.

2.4 The rights of trafficked women – TPIU should

- i. **AI:** *Ensure that all trafficked women and children detained by law enforcement officers are fully informed of their rights and how to access them, including the rights to independent legal counsel and an independent and impartial interpreter, as well as information about all of the options available to them.*

Comments: UNMIK ensures that such rights are protected. Refer page 12-16 of this report.

- ii. **AI:** *Develop more sensitive strategies to ensure the identification of trafficked women and children by both the TPIU and other UNMIK police, and members of the KPS, including during the registration process.*

Comments: UNMIK agrees that there is room for improvement in our strategies and these are continually being reviewed. UNMIK would welcome specific recommendations from outside expert bodies in this regard.

- iii. **AI:** *Recruit more female officers competent in appropriate languages.*

Comments: UNMIK agrees that there should be interpreters available to victims of trafficking who speak the same language, but UNMIK does not agree that more police officers competent in the appropriate languages need to be recruited. What is more important to fighting trafficking in Kosovo is that officers with backgrounds in either organized crime or sexual crimes be recruited into TPIU. This is necessary so that the structures of these trafficking rings are better investigated and so that interviews of victims be carried out by officers with knowledge of and experience in sexual crimes. In addition, officers with backgrounds in areas involving crimes of a sexual nature may be better able to put a trafficking victim at ease and obtain a coherent and effective statement from her.

More *target specific recruiting* for this role would no doubt benefit TPIU. However, UNMIK is constrained to select investigators from among those officers who are deployed by their sending states to the mission. Additionally, some contingents have a policy restricting working in TPIU. For example, Russian officers are not allowed to work in TPIU by order of their government. Since most of the victims can speak just Romanian or Serbian, TPIU ensures that each regional unit has at least one officer with Romanian, Bulgarian, Ukrainian or Russian language skills to facilitate communication with victims. Besides, VAAU maintains a pool of interpreters with relevant language skills, e.g. Russian, Romanian, Turkish and Ukrainian.

- iv. **AI:** *Aim to ensure that through sensitive questioning, trafficked women are not criminalized for status or other offences, but that their rights, including to the presumption of innocence, to counsel and to interpreters, are respected.*

Comments: UNMIK ensures that such rights are protected. Refer page 12-16 of this report. The women recovered from such establishments are treated by TPIU first and foremost as victims.

- v. **AI:** *In conjunction with OSCE VASS, IOM, CPWC, ISF and other support agencies to explore possibilities to ensure that women are only interviewed once to establish if they are victims of trafficking, as recommended by the Council of Europe Council of Minister.*

Comments: UNMIK agrees with the recommendation that victims of trafficking should only be interviewed once, by TPIU, before they are brought to court. Our understanding is that presently victims are interviewed by TPIU and then are interviewed occasionally by the OSCE and almost always by IOM. The victims are then brought to court where they are interviewed again. UNMIK recommends that IOM rely on the statement taken by TPIU to make its assessment of whether an individual is actually a victim of trafficking and that the victims not be re-interviewed by IOM about the actual events involving them being trafficked. If a victim's psychological well-being needs to be explored then this is acceptable. However, victims should not be re-interviewed by IOM regarding the details of how they were trafficked.

If a victim is not willing to speak to officers from TPIU or to a prosecutor, we would recommend that IOM ask a victim if she is willing to provide information regarding the individuals who trafficked her on an anonymous basis. Even though this victim would not testify in court, the information supplied by her could be used as a basis for gathering more evidence against the alleged traffickers.

- vi. **AI:** *Ensure that the need to investigate and prosecute traffickers does not compromise the protection and respect of the rights of trafficked women and girls.*

Comments: UNMIK ensures that such rights are protected. Refer page 12-16 of this report.

AI(not numbered): *The new Criminal Procedure Code be amended to ensure that trafficked women are not treated as criminal suspects, but as victims of human rights violations.*

Comments: The provisions of the Trafficking Regulation pertaining to the protection of victims remain in force pursuant to Article 554(1) of the Provisional Criminal Procedure Code.

2.4 The rights of trafficked children

- i. **AI:** *Ensure that the Ministry of Social Welfare, in conjunction with the TPIU, domestic NGOs, IOM and Save the Children agree a Standard Operating Procedure (SOP) which will ensure that the rights of all internally and externally trafficked children are respected and protected, and taking into account the UNICEF Guidelines for Protection of the Rights of Children Victims of Trafficking in Southeastern Europe;*
- ii. **AI:** *Ensure that children are not detained by law enforcement authorities, and ensure the appointment, where necessary, of a legal guardian to protect the best interests of the child, in addition to the appointment of competent legal counsel;*

- iii. *AI: Strengthen the Centres for Social Work, by providing appropriate training to social workers to increase their capacity, expertise and ability to provide support to children who have been trafficked;*
- iv. *AI: Ensure that other measures for the protection of children respect the provisions of the UNICEF Guidelines for Protection of the Rights of Children Victims of Trafficking in Southeastern Europe;*
- v. *AI: Incorporate the Optional Protocol to the Children's Convention into applicable law in Kosovo.*

Comments: UNMIK agrees generally with all of the recommendations under this section and would add that UNMIK is considering providing special training to investigators, particularly KPS, on how to handle children who are victims of trafficking and sex crimes. This would involve in part, learning how to elicit information from children at the earliest opportunity after the crime was allegedly committed and recording that statement in a fashion where it may be used in court if the child is unable to testify. A child may be too traumatized to testify in court and young children in particular, may not have clear recollections of events once a case finally reaches the trial stage. Clear and coherent statements taken shortly after the crime has been committed, without any coaching or interference from the investigator, can become crucial pieces of evidence at a trial.

UNICEF is finalizing a report on child trafficking in Kosovo, that will explore the causes, likely situations as well as quality of assistance and protection. Once the report is finished, the stakeholders in the provision of assistance to victims of trafficking will meet to explore ways of remedying concerns identified by the report.

Kosovo now has a child protection home specialized in providing care for minor victims of trafficking. The home is operated by an international NGO under the auspices of the Ministry of Labour and Social Services. The opening of this specialized home was advocated by both UNMIK and other interested international organisations and NGOs.

2.6 Assistance and support

Amnesty International urges UNMIK to amend the current draft of the Administrative Directive to the Trafficking Regulation to ensure that:

- i. *AI: Trafficked women and children are provided with immediate access to assistance and support without having to apply for such assistance; that such assistance is coordinated, but not decided, by the Victim Assistance Coordinator, so that trafficked women may have access to all the rights afforded to victims of human rights abuses;*
- ii. *AI: Particular provision is made to protect the best interests of children who have been trafficked;*

Comments: The Administrative Direction that was drafted in consultation with all stakeholders, was withheld just before promulgation in order to take into account concerns raised by IOM and supported by Amnesty International in line with the above recommendation. Currently the draft is being reviewed to incorporate the necessary changes.

The organization also urges the Department of Social Welfare, relevant NGOs and the IOM and other participants in the shelter assistance working group:

- iii. **AI:** To agree and implement, as a priority, a Standard Operating Procedure for internally trafficked women;
- iv. **AI:** To ensure that all strategies for support and reintegration respect the agency of trafficked women, and assist them in reclaiming and asserting their rights.

Comments: There are applicable SOPs for direct assistance to external victims of trafficking. Negotiations between relevant parties are under way to amend these SOPs to include PISG, as well as Victims Advocates from VAAU as foreseen by the new Criminal Codes. After the completion of these SOPs, the involved parties will continue their work on SOPs for internal victims of trafficking.

2.8 The right to reparation including compensation

- i. **AI:** Implement the Administrative Directive to the Trafficking Regulation to ensure that trafficked women and children are guaranteed their rights to reparation, including compensation, outside of a judicial process;
- ii. **AI:** Ensure that appropriate funds are available for assistance and reparation to all women and children who have been trafficked in Kosovo;
- iii. **AI:** Ensure that all women are made aware that they may also, as part of the criminal or civil proceedings, lodge criminal or civil claims against their traffickers, and to provide them with access to free legal advice and an independent interpreter during such proceedings; to ensure that they continue to provide protection during such proceedings.

Comments: The right to reparation including compensation will be covered comprehensively in the Administrative Direction currently being drafted (see above) and the concerned agencies will be required to inform the victims of those rights and afford them necessary protection.

2.9 Access to justice

- i. **AI:** Training is provided to both international and local prosecutors and the judiciary, to ensure that they are fully informed of the provisions of the Trafficking Regulation, and the nature and the range of human rights abuses to which trafficked women and girls are subjected.

Comments: UNMIK agrees and the Kosovo Judicial Institute has recently initiated such training sessions for local judges and prosecutors in which representatives from the UNMIK Department of Justice have participated. Further training programs are planned to include information on the kind of abuses suffered by victims of trafficking and how these abuses may affect their ability to testify in court.

- ii. **AI:** Consideration is given to eliciting the opinion and testimony in proceedings of expert witnesses, with expertise on trafficking and in working with victims of trafficking.

Comments: UNMIK agrees that consideration should be given more often to calling expert testimony during trials from individuals with expertise in trafficking issues.

iii. *AI: Legal assistance is provided to all victims of internal and external trafficking, including for the purpose of obtaining reparation.*

Comments: VAAU routinely provides necessary legal assistance to victims of internal and external trafficking

2.10 Witness protection

i. *AI: To ensure that the provisions of Regulation 2001/20, (Articles 168-174 of the Criminal Code of Kosovo) are enforced in trafficking cases, and that this legislation is amended to criminalize any interference with or intimidation of witnesses or their families.*

Comments: Note that Articles 309 and 310 of the Provisional Criminal Code criminalise the obstruction of evidence and intimidation during criminal proceedings for organised crime. UNMIK will consider in consultation with relevant stakeholders whether any further legislative provision is necessary.

ii. *AI: To amend UNMIK Regulation 2001/20 (Article 168-174 of the Provisional Criminal Code of Kosovo), making it mandatory for judges to inform witnesses in trafficking proceedings of the protection measures to which they are entitled.*

Comments: UNMIK agrees upon the importance of ensuring that all practicable steps are taken to ensure that victims of trafficking are fully informed about available protective measures. UNMIK will consider this recommendation with relevant stakeholders with a view to appropriate legislative reforms.

iii. *AI: To consider the introduction into the new Criminal Code of Kosovo of special measures for the provision of testimony by victim witnesses, which protect their rights, but do not compromise the defendant's right to a fair trial, ensuring that trafficked women may be able provide testimony, admissible in trial proceedings, prior to any repatriation process.*

Comments: UNMIK will consider this recommendation together with relevant stakeholders with a view to appropriate legislative reform.

iv. *AI: To allocate, from within the Kosovo Consolidated Budget or through donors, adequate funding for the provision of a dedicated witness protection facility for trafficked women both within Kosovo and, when necessary, following trial in third countries.*

Comments: UNMIK is committed to working with donors to improve adequate funding for witness protection. The text above describes UNMIK's actions to establish the Interim Secure Facility which is available to victims of trafficking whether or not they are also witnesses. UNMIK also continues to try to secure the agreement of third countries for the resettlement of witnesses after trial, but so far has had little success in persuading countries to do so.

v. *AI: In making decisions about whether to release a person convicted of trafficking on bail pending appeal, due regard is had for the safety and protection of victims, their families and other witnesses.*

Comments: UNMIK will consider this recommendation with relevant stakeholders with a view to appropriate legislative reform.

2.11 The right to temporary and long-term protection

- i. *Recognizing that there is a range of ways in which the crime of trafficking needs to be addressed, Amnesty International calls on the responsible authorities in Kosovo, and in other destination countries, to actively explore ways in which legal migration could be expanded to minimize the risk of being trafficked;*
- ii. *The organization also urges UNMIK and the PISG to consider other solutions for trafficked women, including long-term protection in Kosovo, where feasible and, where necessary, resettlement to third countries.*
- iii. *Immediately implement the provisions of the Tirana Agreement, so that externally trafficked women may be granted a three-month temporary stay in Kosovo.*
- iv. *Develop procedures, in conjunction with the ISF and other providers, to ensure that women are given adequate or reasonable time for reflection, of at least three months, in which to decide their future;*
- v. *Recognizing that under current shelter security regimes, a temporary stay would in effect condemn trafficked women to a period of detention and might so fail to resolve the issue of involuntary return, Inter-Agency Trafficking Working Group should be empowered to explore alternative possibilities, including by exchanging information with NGOs in relevant countries, for the provision of secure and safe accommodation outside of a secure shelter environment.*

Comments: UNMIK agrees that victims of trafficking should be allowed shelter for longer periods of time in Kosovo and be given adequate time for reflection before they are repatriated by IOM. It is our understanding that currently IOM repatriates most victims after about a month of their first being brought to the attention of IOM. In many cases, this is not adequate time for the case to be investigated by the police and for court hearings against the traffickers to be initiated. It is crucial to obtain evidence from the victim as soon after the offence as possible as this is when her memory will be most fresh. Also by recording the victim's evidence at an investigation, it may negate the need to recall her at trial. In addition, IOM needs to better inform prosecutors of when victims are going to be repatriated and for firm dates to be provided to ensure that a victim's testimony is heard before she returns home.

UNMIK regulation on trafficking provides for 3-monthly temporary stay in Kosovo for externally trafficked women and the same facility is extended by UNMIK's Interim Secure Facility (ISF). In the absence of a visa regime in Kosovo where permits of stay cannot be issued and hence requested, victims of trafficking can actually legally stay in Kosovo as long as they wish, unlike in other areas where they get deported from the country because of invalid visas or permits of stay
