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KOSOVO ACTION PLAN TO COMBAT TRAFFICKING IN HUMAN BEINGS
Supporting Framework
17 May 2005¹

¹ The Action Plan was drafted in the three official languages of Kosovo in Albanian, Serbian and English. In case of disagreement the version in Albanian is considered final. The AP version in the English language has not been edited.

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FOREWORD

Advisory Office of Good Governance, Office of the Prime Minister, as branch of the Executive agencies of the Provisional Institutions of Self-Government in Kosovo, mandated for monitoring and advising ministries, drafting and recommending policies in the area of good governance, Human Rights, Equal Opportunities and Gender Issues, and mandated to advise and recommend the Prime Minister of Kosovo and ministries has had a key role in guiding activities on combating trafficking in human beings under the PISG structure up to date.

Since its initial set up in March 2002 AOGG has had a proactive approach in addressing the issue of counter trafficking in Kosovo, within the scope of the transferred powers excluding the police and justice pillar that even in 2005 remain under the reserved powers of the SRSG.

Based on numerous activities that have been undertaken by UNMIK and PISG in combating trafficking as the promulgation of the UNMIK Regulation 2001/04 on Prohibition of Trafficking with Persons in Kosovo, promulgating the Provisional Criminal Code of Kosovo, setting up institutional mechanisms for offering assistance and protection to victims of trafficking through the Victim Advocacy and Assistance Unit within the Department of Justice, support to shelters for assisting child victims of trafficking by the Ministry of Labour and Social Welfare, etc the PISG has identified a need for better coordination amongst all stakeholders involved in counter-trafficking through drafting the Kosovo Action Plan.

Accordingly, the AOGG initiated the creation of the Inter-Ministerial Group to Combat Trafficking in Human Beings in Kosovo approved by the Council of Ministers decision and effective from October 2003 in order to create the inter-institutional coordination mechanism for coordination of policies and future activities of PISG and UNMIK as well as other agencies involved in counter trafficking.

Furthermore, the AOGG supported by agencies such as Save the Children, UNICEF, Centre for Protection of Women and Children, OSCE, UNMIK and IOM, in October 2003 AOGG

organized the Kosovo Conference to Combat Trafficking with the purpose of getting all institutions together and starting the drafting of a wide strategy and action plan of Kosovo.

Subsequent to these activities of AOGG supported by the OSCE Mission in Kosovo, IOM and UNMIK Pillar I a workshop for drafting the Kosovo Action Plan to was held in Prizren on 20 -24 June 2004.

After a numerous consultation, suggestions and comments on the first draft of the Action Plan, led by AOGG the second draft was reviewed and drafted during December 2004 and January, February and March 2005. The final draft of the Action Plan was compiled in April 2005.

Also, on 27 and 28 April 2005, AOGG and UMCOR co-led the Workshop against trafficking held in Ohrid, Macedonia. 50 participants from PISG, UNMIK, Government Inter-Organizations and local and international NGO's involved in combating trafficking participated. This workshop, inter alia, aimed at strengthening relations among governmental and non-governmental actors as well as served as a forum to offer comments and suggestions regarding the Kosovo National Action Plan for Combating Trafficking in Human Beings.

As part of numerous consultations Kosovo Action Plan was presented to the public and relevant agencies in the sphere of combating trafficking through public debates organized by AOGG on 9 May, where more than 35 participants discussed and offered opinions for the Action Plan.

Finally, the Action Plan serves as a concrete strategy of the PISG and Kosovo government for addressing such a severe human rights violation of trafficking in human beings and in accordance the PISG plans to provide constant support to its implementation and protection of victims of trafficking.

ACKNOWLEDGEMENTS

The Kosovo Action Plan to Combat Trafficking is a result of the Kosovo Inter-Ministerial Working Group to combat trafficking in human beings lead by the Advisory Office on Good Governance, Human Rights, Equal Opportunities and Gender Issues (AOGG), Office of Prime Minister of Kosovo and was consisted of representatives of ministries of Provisional Institutions of Self-Government (PISG) represented by Ministry of Labour and Social Welfare (MLSW), Ministry of Youth, Culture and Sports (MYCS), Ministry of Education, Science and Technology (MEST), Ministry of Health (MH), Ministry of Public Services (MPS) and UNMIK Department of Justice, UNMIK Police, local and international judiciary representatives in Kosovo.

Other UNMIK agencies, international organisations and NGOs also participated in supporting the process of drafting the Kosovo Action Plan, such as the Organisation for Security and Cooperation in Europe (OSCE) Mission in Kosovo, International Organisation for Migration (IOM), UNICEF, Office of Gender Affairs (UNMIK), Centre to Protect Victims and Prevent Trafficking in Human Beings in Prishtina (PVPT), Centre for Protection of Women and Children (CPWC), Save the Children, Hope and Homes for Children, Centre for Women and Children in Prizren, etc.²

The drafting of the Action Plan was carried out in several phases, starting from June 2004 and finalised in April 2005.

The AOGG, Office of Prime Minister of Kosovo (OPM), wishes to thank all those individuals and organizations that have contributed in the preparation of the Kosovo Action Plan to Combat Trafficking in Human Beings in Kosovo. We thank the entire working group, the international organisations and the NGOs for the assistance given for the drafting of this Action Plan.

In particular the AOGG wishes to thank members of the working group that has supported the drafting and review of the Action Plan in several or continuous support

² The full list of approximately 50 participants of working groups on Protection, Prevention and Prosecution can be obtained from AOGG.

such as Ruchira Gupta, Annette Williams, Gerda Theurman, Michael Robinson, Dolor Tozaj, Baerbel Uhl (external consultants) and members of the drafting committee working group: Habit Hajredini (Chair of the Working Group and PISG Anti-Trafficking Coordinator), Andrea Wojtak (UNMIK Pillar I Anti-Trafficking Coordinator), Sadete Demaj (Senior Human Rights Officer, AOGG), Ariana Qosaj-Mustafa (OSCE Advisor on Human Rights and Gender Issues within AOGG), Tihana Leko (Head of Victim Advocacy and Support Section-Department of Justice), Jennifer Chase (Senior Human Rights Adviser of OSCE Mission in Kosovo), Alma Begicevic (Human Rights Adviser, OSCE Mission in Kosovo), Nicoleta Munteanu (Consultant of the Counter-Trafficking Unit of IOM office in Kosovo), Tatiana Sullini (former Project Manager of CTU, IOM), Hera Shanaj (Project Manager of CTU, IOM), Monica Gutierrez (UNICEF), Belkize Ferri – Dedolli (Executive Director of NGO PVPT, Prishtina)

The AOGG wishes to acknowledge amongst other the financial support of the OSCE Mission in Kosovo and IOM towards the preparation of the Action Plan.

ABBREVIATIONS

PISG: Provisional Institutions of Self Government

AOGG: Advisory Office on Good Governance, Human Rights, Equal Opportunities and Gender Issues

OPM: Office of the Prime Minister

UNMIK: United Nations Mission in Kosovo

DoJ: Department of Justice

VAAU: Victim Advocacy and Assistance Unit

IOM: International Organization for Migration

OSCE: Organization for Security and Cooperation in Europe

MEST: Ministry of Education, Science and Technology

MLSW: Ministry of Labour and Social Welfare

MH: Ministry of Health

MCYS: Ministry of Culture, Youth and Sports

MPS: Ministry of Public Services

ISP: Institute of Social Policy

CSW: Centres for Social Work

ILO: International Labour Organisation

IPEC: International Programme on the Elimination of Child Labour

IGO's: Inter Governmental Organisations

NGO's: Non Governmental Organisations

GO's: Governmental Organisations

DAS: Kosovo Direct Assistance Group to Victims of Trafficking

ISF: Interim Secure Facility

ICDMP: International Centre for the Development of Migration Policies

EXECUTIVE SUMMARY

The purpose of this Action Plan 2005-2007 is to consolidate progress made, whilst also developing and implementing new international legislative and law enforcement approaches to meet the changing nature of the trafficking phenomenon, and more systematic and credible statistical data for measuring output and success.

The Office of the Prime Minister of the Provisional Institutions of Self-Government in Kosovo under the initiative of the AOGG and support of OSCE, UNMIK and IOM, organized several meetings to develop a three year Action Plan to Combat Trafficking in Human Beings.

As a follow up to AOGG counter-trafficking activities the office participated in the Kosovo Conference to Combat Trafficking in Human Beings which was organized in Prishtinë/Priština, by the AOGG, UNMIK Pillar I: Police and Justice, UNMIK Pillar III: OSCE, UNICEF, IOM, Save the Children, and Centre for Protection of Women and Children on 20-22 October 2003, in order to raise awareness of the local population as to the magnitude of the problem and to develop recommendations to draft a Kosovo Action Plan. Participants in the Conference included representatives from the government, law enforcement, judicial sector, social service providers, international and local NGOs, who were actively engaged in working groups during two days.

Subsequent to these activities, the AOGG, chaired by the Director of the Office for Good Governance, Human Rights, Equal Opportunities and Gender Issues and supported by UNMIK Pillar I: Police and Justice, the UNMIK Pillar III: Institution Building; OSCE, IOM and UNICEF organized a three-day working session for drafting the Kosovo Action Plan in Prizren 20 -24 June 2004. Experts were hired to guide 100 participants in working groups in the areas of Prosecution, Protection and Prevention. The aim was to develop a KAP from a multi-agency approach, that was both “victim-centered” and from a human rights conceptual framework. This unique approach highlights the AOGG’s interest in engaging all of the actors who work towards eradicating trafficking in creating a practical and effective Kosovo Plan.

As a result of further meetings held and the work of the drafting committee working groups, matrixes on Prevention, Protection and Prosecution based on 3 P's were developed through retreat and regular meetings until April 2005.

The Plan is based on the definition of human trafficking on Article 3 of the UN protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children and the applicable law in Kosovo³ and it is foreseen to be a living, dynamic document and should be reviewed and modified periodically based on then current needs and context.

INTRODUCTION

Post conflict and transitional environment followed with changes in governing structures, socio-economic problems, war trauma and still undefined status of the region caused that Kosovo, became an arena for different criminal activities. Lack of legal and executive mechanisms for impediment of illegal cross-bordering transient of goods and humans has contributed to the problem of organised crime that took international dimensions. Many analyses and data provided by local and international agencies, indicate that Kosovo is currently a country of origin, transit and destination, as well as of internal trafficking of human beings, in particular girls and women.

³ "Trafficking in persons" shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of 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. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs; (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used; (c) The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article; d) "Child" shall mean any person less than eighteen years of age. For the definition used in the applicable law in Kosovo also see UNMIK Regulation 2003/25 on the Provisional Criminal Code of Kosovo, Article 139 paragraph 8 (1).

In majority of the cases reported, sexual exploitation is main purpose of trafficking in and out of Kosovo. These trafficking activities, of non-Kosovar victims, have been identified as a serious concern of violation of human rights since 1999. Only until very recently it has been recognised that Kosovo is also country of origin for victims of trafficking (VOT's) that raise serious social concern bearing in mind elevation of economic problems⁴.

Traffickers change trafficking routes very often and adapt very quickly to new trends, demands and law enforcement reaction. Lack of experience and coordination within local and international agencies and institutions in dealing with this new phenomenon of trafficking, also latest improvement in coordination between stakeholders has contributed in slow response to the problem. Even though there is relatively small number of VOT's reported, there are concerns that this is an under reported crime that needs immediate response.

Foreign VOT's statistics indicate that they are mainly from countries in Eastern Europe and where different routes were used to enter Kosovo. Kosovo is still mainly a receiving or transit country for VOT. However, there are indications that trafficking of foreign VOT's is decreasing and on the other hand numbers of locally recruited VOT's, deported mainly to western countries or internally trafficked, are escalating rapidly. This problem is more severe if we know the fact that a high percentage of assisted local victims are minors.

Efficiency of referral system for VOT as well as the reintegration efforts has been put on question in different occasions. Lack of coordination between different stakeholders and current duality of mandates between UNMIK Pillar I on Police and Justice on one hand

⁴ From December 1999 until present, assistance has been provided to over 450 victims of trafficking by IOM only: foreign and Kosovar. The assistance provided by IOM included but was not limited to: safe shelter, medical care, psychological assistance and counseling, travel arrangements, as well as documentation, educational and vocational assistance. Alarming figures are also provided by other agencies such as the Centre to Protect Women and Children, Hope and Homes for Children. However, the data provided in the introduction part do not reflect official position of the PISG and additionally the Action Plan during 2005-2007 foresees conducting a wide survey for assessing the situation of trafficking in Kosovo lead by AOGG of the PISG.

and on the other hand the transferred mandate of PISG has created a gap and do not correspond with needs and services provided. Criteria used for identification of VOT's and referral thereof, has been one of the concerns of identification much smaller numbers of VOT's from assumed numbers.

Under UNMIK Regulation 2001/09, on a Constitutional Framework for Provisional Self-Government in Kosovo different international legal instruments are directly applicable under Kosovo legislation such as: Universal Declaration on Human Rights; the Convention on the Elimination of All Forms of Discrimination Against Women; the Convention on the Rights of the Child; the European Convention for the Protection of Human Rights and Fundamental Freedoms.

From the legal aspect there are also few national codes and regulations that legally regulates this phenomena; UNMIK Regulation 2001/4 on Prohibition of Trafficking in Persons in Kosovo promulgated in January 2001, Administrative Direction Nr. 2005/03 on Implementing UNMIK Regulation 2001/04 on appointment of the Victim Assistance Coordinator within Department of Justice and the Provisional Criminal Code and Criminal Procedure Code of Kosovo with specific chapters addressing the crime of Trafficking supplementing and in accordance with the UNMIK Regulation 2001/04.

ACTION PLAN COMPONENTS

The Action Plan follows a structure based on international and EU standards, particularly, a draft model endorsed in May 2004 by all countries of the SEE region as part of the EU CARDS project "Enhancement of Implementation Strategies for National Anti-Trafficking Action Plans in SEE countries" developed by the International Center for Migration Policy Development (ICMPD). Additionally, the Action Plan has taken into account "UNICEF/Stability Pact guidelines for the protection of the rights of children victims of trafficking."

It consists of a framework to counter human trafficking in Kosovo, which is followed by detailed and thorough statements and guidelines specifically focusing on the levels of 1) Prevention; 2) Protection; and 3) Prosecution. In addition, the document stipulates the parameters of time-bound activities, the responsibilities of the engaged actors/institutions, indicators for evaluating and monitoring results and proposals of possible funding needs for its implementation by the Kosovo Consolidated Budget and donor agencies.

The AOGG after the approval of the Action Plan will organise a donor conference intended to ensure government and donor agencies support for its implementation.

The main principles of the Action Plan are based on:

- Government ownership,
- Civil society participation,
- Human rights based treatment of victims;
- Interdisciplinary coordination at ministerial and local level, and between government, IO's and NGOs;
- Evaluation and sustainability.

The leading role will be undertaken by AOGG, through reporting, analyzing and determining of the measures for its progress.

The National Co-ordinator to Combat Trafficking in Human Beings (Director of AOGG) will be supported by a Secretariat and the Kosovo Team to Combat Trafficking (Inter-Institutional Group), to implement the activities foreseen under the Action Plan. The agreement reached on the establishment of a Secretariat to AOGG in support of Anti-Trafficking Coordinator and the Working Group, as part of partner organisations contributions such as IOM's support to the refinement of the local Kosovar institutions engaged in combating trafficking and the development of the Terms of Reference for the Kosovo Team to Combat Trafficking through creation of the Inter-Institutional Working Group suggested by the Council of Europe Expert supported by OSCE Mission in Kosovo consultancy will aim to improve coordination of all stake-holders and support the implementation of the Kosovo Action Plan to Combat Trafficking.

The current assistance to victims of trafficking is organized by various agencies, which is usually in cooperation among the UNMIK Pillar I Victim Advocacy and Support Section of Department of Justice, UN Police, OSCE, IOM and a network of local and international NGOs. This is done on the basis of standard operating procedures (SOPs) developed in 2000, updated in 2004 and effective as of December 6, 2004. The amended SOPs, established to regulate the assistance of cases of internationally trafficked victims, include the newly involved partners, specifically, the UNMIK Department of Justice, Victim Advocacy and Assistance Unit (VAAU) and the Ministry of Labor and Social Welfare (MLSW), local and international NGO's.

From January 2005 on, regular meetings (twice per month) have been held to draft the SOPs for local victims, in order to set up the referral system and primary roles and responsibilities of each of the agencies involved in the counter trafficking issue.

Prevention framework:

1. Awareness on consequences of trafficking and laws related to trafficking
2. Reduction in demand to trafficking
3. Vulnerability reduction to trafficking

Protection framework:

1. Victim assistance and social protection including standard measures for victim identification
2. Cooperation among all actors dealing with protection to ensure integrated assistance to survivors and victims of trafficking (Health, education, housing, psychological, financial assistance)
3. Reintegration/Social inclusion with special needs of repatriated victims addressed during reintegration process
4. Victim/Witness Protection and Judicial treatment of victims

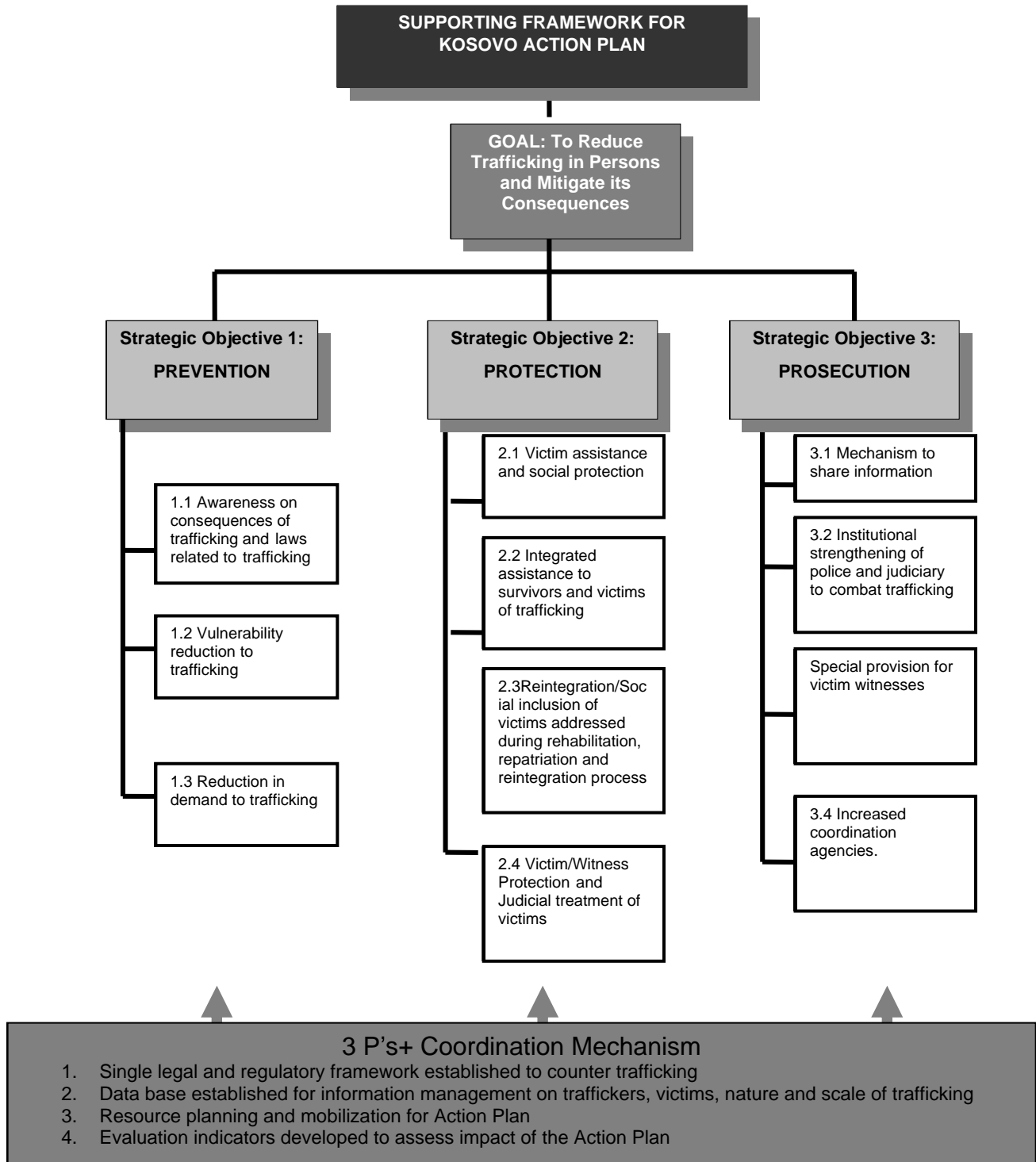
Prosecution framework:

1. Mechanism to share and gather information between NGOs, police and other law enforcement agencies for the prosecution of offenders and traffickers
2. Institutional strengthening of police and judiciary to combat trafficking
3. Special provisions for Victims-witnesses
4. Increased coordination among agencies.

SUPPORTING FRAMEWORK

In order to ensure the successful compliance and implementation of the Action Plan, the Kosovo Action Plan proposes to develop and clearly specify mechanisms and structures for Reporting, Monitoring, Reviewing and Evaluating of the planned goals and activities. The Action Plan proposes the development of monitoring mechanisms based on the collection and analysis of information, aimed at assessing the progress and performance of the plan; actors responsible as well as time line for monitoring. In this conjunction a reporting system is proposed including responsibility and timeline of reporting.

PROPOSED STRUCTURE:



Following this, AOGG, also, worked with the members of the working group during the drafting of the Action Plan and in the drafting of terms of responsibilities for the Kosovo Team, respectively re-reviewing of the description of Inter-ministerial Group responsibilities into an Inter-Institutional Group led by the National Coordinator and as support to the AOGG Coordinator.

Kosovo Team for Combating Trafficking (Inter-Institutional Group) shall comprise the inter-ministerial working group members including the present members of PISG and UNMIK as well as the new proposed ministries like Ministry of Finance and Economy, Ministry of Local Government, Ministry of Returns and Communities and Ministry of Trade and Industry, plus two representatives of local NGO's and advisory organizations like OSCE, IOM, UNICEF, etc. Member will be reviewed and assessed depending on the need and the approval by AOGG. All regular members including NGO's shall have decision-making power within the Inter-Institutional Group.

The Kosovo Team builds its work on a multidisciplinary and cross sector approach complementing the Kosovo Action Plan. The Ministries will appoint a representative in order to coordinate on a regular basis with other stakeholders of the Kosovo Action Plan.

The Kosovo Team will be chaired by the National Coordinator of the AOGG and regular status meetings will be called in by the National Coordinator.

During the first meeting, upon the approval of the Kosovo Action Plan to Combat Trafficking by the Kosovo government the Kosovo Team shall decide on scheduling meetings on regular basis, operational procedures of the work, setting a list of priorities, calling in for ad hoc working groups and other procedure related activities with the Action Plan.

The work of the Kosovo Team and the National Coordinator (Director of the Advisory Office on Good Governance) will be assisted by the Secretariat funded by IOM. Inter alia, the Secretariat shall assist the National coordinator to prepare regular status meetings and similar events, to support the National Coordinator and the Kosovo Team on research and assessment exercises, to support the National Coordinator and the

Kosovo Team to compile a summary of all programs against trafficking and respective activities in Kosovo as well as to support the National Coordinator and the Kosovo Team to carry out other administrative tasks.

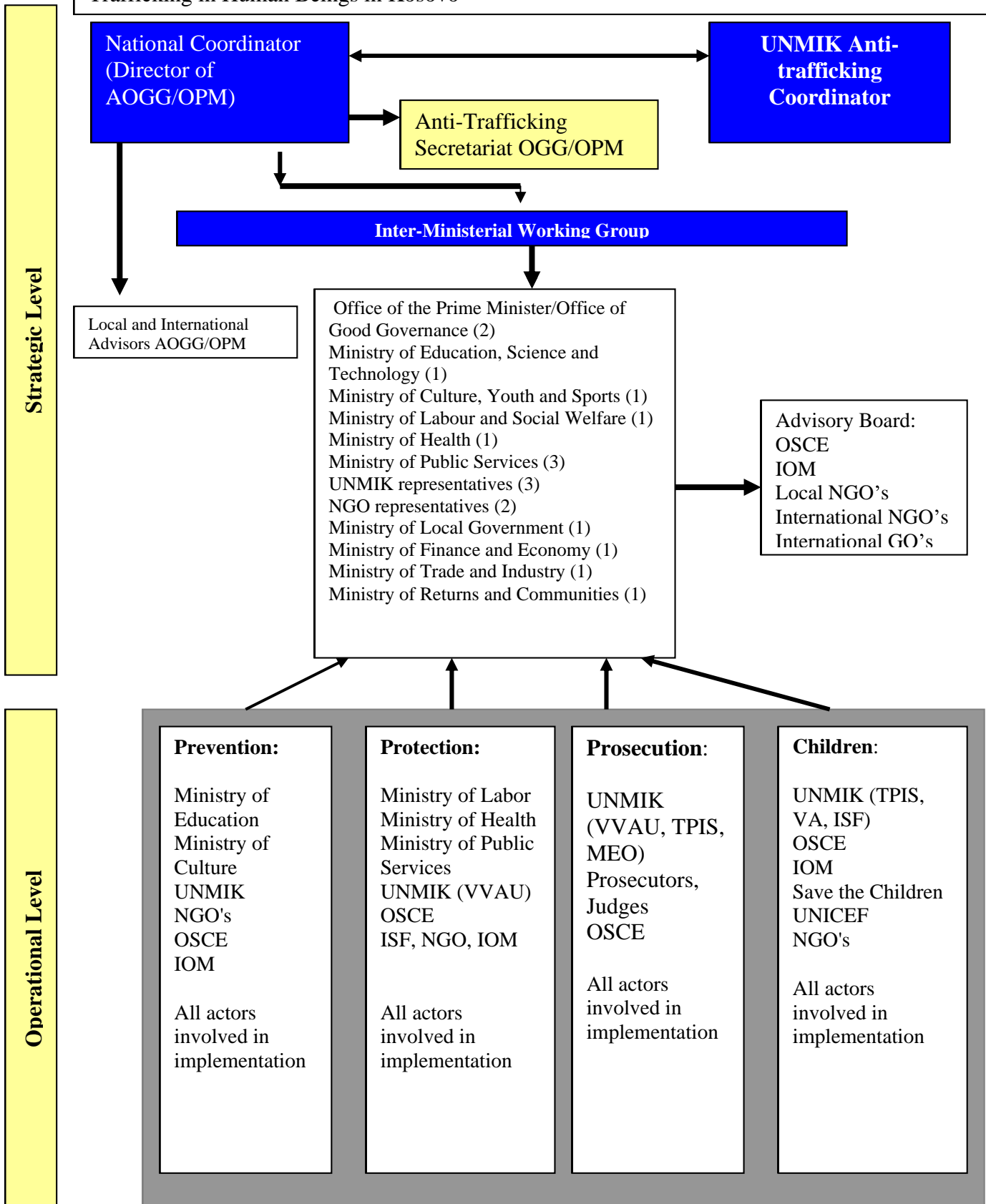
Activities of the Kosovo Team

The substantial work of the Kosovo Team will be targeted at following points:

1. Implementation of the Kosovo Action Plan
 2. Supporting of reporting, monitoring, reviewing and evaluating the Action Plan.
 3. Supervises and ensures cooperation concerning the Budget for the implementation of the Action Plan
-
1. Upon the approval of the Kosovo Action Plan by the Council of Ministers of PISG, and the terms of responsibilities of the Kosovo Team, by PM, AOGG and the Kosovo Team will appoint leading and responsible actors for implementing the respective components specifying budget and financial support of each agency as well as adopting detailed benchmarks and timeframes for the implementation. The Kosovo Team will assess the achievements of the Action Plan during the regular status meetings on every six months bases regular review and ad hoc groups called in by the National Anti-Trafficking Coordinator. \
 2. The monitoring, review and evaluation will be done from the perspective of effectiveness, impact, efficiency and sustainability in accordance to ICMPD monitoring and review guidelines. The structure of the coordination mechanism proposed below will also be used for reporting, monitoring, review and evaluation of the Kosovo Action Plan (Annex).
 3. Kosovo Action Plan envisages to be supported in the process of implementation by the Kosovo Consolidated Budget as well as by other potential donators. The budget described under the Action Plan matrix gives approximate explanations of

the budget, in general figures, to be ensured for the implementation of the Plan. Once the Action Plan is approved, AOGG will organize, with the support of foreign agencies, a Donor Conference, for the allocation of budget for the implementation of the Plan as well as will draft the request for the support needed by donators on certain projects.

Organizational Chart of the Coordinating, Monitoring and Implementing Mechanism against Trafficking in Human Beings in Kosovo



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