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Ex-Post Evaluation Report
on the
Administrative Instruction GRK - No. 10/2017 on the List of Indicators for
Formal Identification of Victims of Trafficking in Human Beings

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1.Ex-Post Evaluation Report on the Administrative Instruction GRK - No. 10/2017 on the List of Indicators for Formal Identification of Victims of Trafficking in Human Beings, approved by Decision of the Government of the Republic of Kosovo No.24/180 da. 27.12.2023

EXECUTIVE SUMMARY

1. Human trafficking is a direct violation of human rights. The purpose of trafficking is the control and exploitation of vulnerable victims, through the use of threats, force, deception or kidnapping. From human trafficking, traffickers mainly benefit from the sexual and labor exploitation of trafficking victims, who are most often individuals with limited education or financial resources. In this regard, the elimination of human trafficking is inevitably an important but long-term process, which requires the elimination of the root causes of the problem (such as gender inequality, poverty, minority rights, education and health care) and the deactivation of criminal networks.
2. One of the most important activities in the process of combating human trafficking is the identification of victims. In this regard, the official identification in the Republic of Kosovo is defined by Article 12, paragraph 1, of Law No. 04/L-218 on Preventing and Combating Trafficking in Human Beings and Protecting Victims of Trafficking, which determines that the official identification of victims of human trafficking is done by the relevant units of the Police, Prosecution, Victim Defenders and Centers for Social work. However, in order for the identification procedure to be carried out successfully, it is considered necessary to define and harmonize the indicators for identification, which differ depending on the situation in which the victim is. The list of indicators in question is regulated by Administrative Instruction GRK-No. 10/2017 on the List of Indicators for Formal Identification of Victims of Trafficking in Human Beings (hereinafter "Administrative Instruction"), which is the subject of this ex-post evaluation.
3. Due to the importance of the successful and effective identification of victims of human trafficking in the Republic of Kosovo, the Ministry of Justice has established the working group for the ex-post evaluation of the Administrative Instruction.
4. The purpose of this ex-post evaluation is to identify shortcomings and propose relevant recommendations for the proper implementation of the List of Indicators, and the inclusion of new groups of indicators related to new trends in the field of the fight against human trafficking. Furthermore, the report aims to serve as a basis for the further improvement of the prevention of human trafficking in the Republic of Kosovo as one of the most important segments of human rights protection.

5. In order to achieve the above-mentioned goal, in accordance with the ex-post evaluation guidelines set out in the Manual on Ex-Post Evaluation of Legal Acts,¹ the working group has been defined in the "**Implementation and Compliance Assessment**" method as one of three types of ex-post evaluation. This is for the purpose of evaluating the implementation of the List of Indicators determined by the Administrative Instruction. In addition to assessing the implementation, the working group has also assessed the level of compliance of the Administrative Instruction with other legislation in force in the field of identification of victims of human trafficking.
6. In summary, the report highlights the importance of including new indicators that will focus on new trends in human trafficking, such as online recruitment and exploitation of trafficking victims, as well as human trafficking among irregular migrants and asylum seekers. Also, since several international reports show that in the Republic of Kosovo, there is a real risk of an increased presence of child trafficking, especially for the purposes of forced begging, the report recommends strengthening the indicators related to the exploitation of children for forced marriage and/or for forced begging. In its conclusion, the report provides recommendations for corrective actions related to the List of Indicators. More specifically, this report recommends how to harmonize the relevant List of Indicators with other lists of indicators related to the identification of victims of human trafficking, and how to guide the relevant institutions in their implementation.

I. INTRODUCTION

I.1. Context of evaluation

7. A number of international reports have emphasized the need to take the necessary steps to identify victims of human trafficking. Specifically, GRETA (Group of Experts on Action against Trafficking in Human Beings responsible for monitoring the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the parties) in the second evaluation report for the Republic of Kosovo (2021), has requested by state authorities to take further steps to ensure timely identification of trafficking victims. This should be done by promoting multi-agency involvement in victim identification, and ensuring that all professionals who may come into contact with victims receive systematic and ongoing training. Furthermore, GRETA has expressed the opinion that the Kosovo authorities should also make efforts to increase the capacity of social workers, to proactively identify victims of trafficking and to strengthen measures to identify victims, among irregular migrants and asylum seekers. In addition, GRETA has requested from the Kosovo authorities to strengthen the proactive identification of child victims of trafficking, to review the application of

¹ Manual on Ex-Post Evaluation of Legal Acts was approved at the 145th Meeting of the Government, with Decision No. 07/145, dated 07.06.2023.

the guardianship system, to pay more attention to children who are trafficked by their parents or family members, and to introduce a procedure for the identification of victims of human beings among unaccompanied foreign children.

8. In the GRETA annex, TIP (Trafficking in Humans Annual Report issued by the US Department of State), has requested from the institutions of the Republic of Kosovo to undertake further efforts to effectively identify children who are exploited for the purposes of forced begging.
9. Based on these findings, which highlight the real risk of the increase in the number of trafficked children, especially for the purpose of forced begging, the Ministry of Justice has initiated the Ex-Post evaluation of the Administrative Instruction. Following this, a working group was established, chaired by the Ministry of Justice and composed of representatives of key institutions in the field of human trafficking prevention, such as the Office of the Prime Minister, the Kosovo Police, the Prosecutor's Office, the Ministry of Internal Affairs, Office of the National Coordinator Against Human Trafficking, Office for Victim Protection, Center for Social Work, Ministry of Education, Science, Technology and Innovation and Ministry of Health.

I.2. Purpose and scope of the evaluation

10. The purpose of this ex-post evaluation report is to identify the main challenges in the field of identification of victims of human trafficking and the challenges of the institutions responsible for the official identification of victims in accordance with the List of Indicators defined in the Administrative Instruction. The report also aims to assess the level of mutual cooperation of the relevant bodies, including the establishment of cooperation with other bodies that may also participate in the identification of victims.
11. Further, the Report proposes relevant recommendations for the proper implementation of the List of Indicators, and the inclusion of new groups of indicators related to new trends in the field of the fight against human trafficking, including concrete proposals on how to harmonize the corresponding List of indicators with other indicators that are currently in force. In addition, the report aims to serve as a basis for the future improvement of the system of prohibiting human trafficking in the Republic of Kosovo, as one of the most important segments of the protection of human rights.
12. In this regard, the ex-post evaluation of the Administrative Instruction is considered an essential tool in identifying the level of implementation, the challenges encountered during its implementation, as well as the measures to be taken to improve the implementation of the List. At the same time, this report is the first official and concrete document that concisely highlights the problems in the implementation of this List of

Indicators and as such, constitutes an important step in the development and harmonization of the system for combating human trafficking in Republic of Kosovo.

13. Regarding the scope of this ex-post evaluation, the working group has evaluated the entire list of indicators, that is, the Administrative Instruction as a whole, from its entry into force until now. Specifically, the aspect of harmonizing the List of Indicators with the latest trends in the field of the fight against human trafficking has been evaluated. Removing unnecessary indicators, conducting training sessions for the bodies responsible for the implementation of the List of Indicators and improving the coordination of activities between the implementing bodies were considered.

II. DESCRIPTION OF THE SUB-LEGAL ACT AND THE APPLIED METHODOLOGY

II.1. Description of the sub-legal act to be evaluated

14. As it was already emphasized in the introduction, formal identification in the Republic of Kosovo is defined by Article 12, paragraph 1 of Law No. 04/L-218 on the Preventing and Combating Trafficking in Human Beings and Protecting Victims of Trafficking, which states that the Official identification of victims of trafficking in human beings is done by the respective Police units, Prosecution, Victim Advocate and centers for social work based on Article 5 of this Law, when they have grounded doubt for believing that a certain person is a victim of trafficking, in line with the Standard Operating Procedures developed by the respective authorities.
15. Also, article 12, paragraph 2 of Law No. 04/L-218, defines that the Ministry of Justice, in cooperation with respective authorities, drafts the indicators' list regarding trafficking in human beings, with the aim to facilitate identification of victims by police, criminal, judicial and social authorities that might be in contact with the victims or potential victims of trafficking. Indicators' list is adopted by the Government of the Republic of Kosovo.
16. Article 12, paragraph 3 of Law No. 04/L-218, states that Upon proposal of the Ministry of Internal Affairs, the Ministry of Foreign Affairs and the Ministry of Labour and Social Welfare issue specific instructions for consular services, border police and labour inspectors with the aim of early identification of victims of trafficking.
17. Following this, the Administrative Instruction GRK - No. 10/2017 on the List of Indicators for Formal Identification of Victims of Trafficking in Human Beings was issued, which is the subject of this ex-post evaluation. This administrative instruction sets out the list of possible indicators to facilitate the identification of victims by police,

criminal, judicial and social authorities who may be in contact with victims or potential victims of human trafficking.

18. Since there is no data on whether a regulatory impact assessment was done before the issuance of the Administrative Instruction, the goals of this list of indicators can be determined by analysing the List itself.

19. In this regard, the main purpose of the List of Indicators regarding the main elements of the criminal offense of human trafficking (acts, means and purpose) is to enable and improve the formal identification of victims of human trafficking by the relevant authorities.

20. The identification indicators in the given list are categorized based on the elements of the criminal offense of human trafficking as defined by Law No. 04/L-218 and the Criminal Code. The indicators in question contain the following elements:

- **Actions:** recruitment, transportation, transfer, harbouring or reception of persons;
- **Means:** threat, use of force, other forms of coercion, abduction, fraud, deception, abuse of power or position of vulnerability, giving or receiving payments or benefits to obtain the consent of a person who has control over another person;
- **Purpose of exploitation:** includes, but is not limited to, prostitution, pornography or other forms of sexual exploitation, begging, forced or compulsory labor or services, slavery or practices similar to slavery or removal of organs;

21. The indicators of the **actions** are defined by articles 5-7, as follows:

21.1 Since the initial stage and the initial action of the human trafficking process is the recruitment of victims, Article 5 of the Administrative Instruction defines the indicators of recruitment, which is carried out in two ways, with complete and partial fraud.

21.2 Furthermore, Article 6 of the Instruction defines the second phase of human trafficking, which is the transportation of the victim to the destination. According to the article in question, the transport across the border may be legal or illegal and the victim may pass through several countries. Also, some victims travel without a passport because they have been told that there is no real need for one or that they will get it later, or if they do have a passport, it is often taken by the trafficker. The latter already places the victim in a dependent relationship with the traffickers.

21.3 Article 7 defines the indicators of harbouring and receiving. At this stage, the personal documents of the victim are taken and the control over the victim is established. The housing conditions of the victims are the main indicator that a person

may be trafficked. The traffickers offer shelter to the victims but not good conditions in the country where they live. If people live and sleep in the premises where they work and have adequate living conditions, these are very strong indicators of human trafficking.

22. The indicators of the **means** of trafficking are determined by articles 9-14, as follows:

22.1 Article 8 of the Directive lists the threat indicators. The main purpose of the threat is to cause fear, anxiety, insecurity and personal risk in the victim of human trafficking and in such circumstances, the victim would be even more vulnerable to exploitation.

22.2 Article 9 contains the indicators of the use of force. At this stage, the indicators become easier to recognize, as there are also external signs of injuries to the victims, such as burns, head injuries and concussions, bruises, cuts and scrapes, and broken bones.

22.3 Article 10 contains indicators of forms of coercion, restriction of movement, isolation, retention of documents or kidnapping. Coercion consists in the application of force or threats directed at the victim of human trafficking, so that the victim becomes an object of exploitation, while the restriction of movement and isolation is carried out by placing various physical barriers and controlling the spaces where the victim is located.

22.4 Further, Article 11 defines the indicators of fraud. The latter is characterized by misrepresentation or concealment of facts with the aim of deceiving the victim, so that the victim, once deceived, can be exploited.

22.5 Next, Article 12 of the Directive defines the indicators of abuse of power, authority or position of vulnerability. Abuse of power, authority or position is most often characterized by the exploitation of the victim of human trafficking by the person who was supposed to protect them, most often by family members.

22.6 Furthermore, Article 13 defines the indicator of withholding wages as one of the means of trafficking. This stage is very close to the stage of exploitation because the victim is not given adequate compensation (or at all) for his/her work, which obviously constitutes exploitation.

22.7 As a last resort defined in Article 14 of the Directive is the giving or receiving of payments or benefits to obtain the consent of a person who has control over another person.

23. Indicators of the **purpose** of trafficking are regulated by articles 15-19 of the Instruction, with the content as follows:

23.1 Article 15 defines the indicators of the purpose of sexual exploitation, which is also the most common form of exploitation of victims of human trafficking.

23.2 Article 16 contains the indicators of trafficking for exploitation for forced labor, as an increasing, even dominant form of exploitation of victims of trafficking in some countries.

23.3 Indicators of trafficking for the purpose of exploitation for begging are defined in Article 17.

23.4 Article 18 of the Directive defines the indicators of trafficking for the purpose of exploitation for domestic slavery.

23.5 Finally, Article 19 contains indicators of trafficking for the purpose of removal of organs.

24. Finally, the indicators related to specific elements are:

- Trafficking Indicators for identification of exploited children; and
- Indicators of children under potential risk of trafficking.

25. The special indicators from paragraph 24 are determined by articles 21 and 22 of the Administrative Instruction. In this regard, Article 21 defines the indicators for the identification of a trafficked child, while Article 22 defines the indicators of children at possible risk of trafficking.

II.3. Methodology

26. This ex-post evaluation report was drawn up by the working group chaired by the Ministry of Justice and composed of representatives of other competent institutions in the field of prevention of human trafficking. The working group is supported with expertise in the legal field and in the field of preventing human trafficking, from the EUKOJUST Project, funded by the European Union.

27. During the drafting of the report, the working group was focused on the use of the analysis method, which is based on the evaluation of the success in the implementation of the relevant indicators, and their compatibility with the current dynamics of the field. Through this methodology, the working group has identified the main challenges regarding the necessity of mutual harmonization of the acts that define the indicators for the identification of victims of human trafficking.

28. In order to draft the report, the working group has analysed data extracted from two sources:

- (i) **Primary sources:** legislation in force in the field of identification of victims of human trafficking;
- (ii) **Secondary sources:** reports and other documents from local and international institutions and organizations dealing with the fight against human trafficking,

especially the identification of victims of human trafficking as well as meetings with these institutions to collect the necessary data.

29. In the framework of secondary sources, data and information have been collected from meetings held with representatives from relevant institutions such as: the Office of the National Coordinator Against Human Trafficking, the Ministry of Justice, the Directorate for the Investigation of Trafficking with Human beings, the Kosovo Police, Ministry of Health, Centers for Social Work and Office for Victim Protection.
30. In addition, the reports of relevant international organizations were consulted on the effectiveness of identifying victims of human trafficking. This is in order to evaluate the success of the implementation of indicators for the identification of victims of human trafficking.
31. Furthermore, in order to find the necessary information, a questionnaire was prepared, which was first sent to the main actors in the field of implementation of the list of trafficking indicators, and then discussed during the aforementioned high level meetings. The questionnaire contains questions from the field of effectiveness, importance and inconsistency of the indicators defined in the Administrative Instruction.
32. As it was pointed out, the questionnaire was sent to the aforementioned institutions, but the working group only received answers from some of them. The latter has minimized the contribution of the questionnaire in the preparation of the report. Thus, with such a small number of completed questionnaires, it is very difficult to assess the level of knowledge of the implementers on the content of the List of Indicators.
33. In addition to this questionnaire, it is important to note that the US Embassy in Kosovo has also drafted a similar questionnaire in order to evaluate the implementation of the list of indicators. From the official data, it appears that a total of 30 respondents have completed the questionnaire. Of this number, 26 were from the implementing institutions (10 from the police units, 5 from the prosecution, 7 from the defenders of the victims and 4 from the Center for Social Work). Also, the data show that 73.33% of the respondents stated to fully know the list of indicators, while 44.83% of the respondents had the opportunity to implement the List of Indicators in practice. The latter shows that 55.17% of the respondents did not follow the practice of the List of Indicators.
34. Finally, it is worth noting that during the drafting of this ex-post evaluation report, the working group encountered challenges related to the lack of necessary statistical data for victims identified according to the elements on which the indicators are based.

III. EVALUATION RESULTS

Rationale

35. The list of indicators for the system of the fight against human trafficking, defined in the Administrative Instruction is extremely important, especially considering the reason below:

35.1 Victim identification is a process that contains a series of interactions, through which an individual is identified as a victim of trafficking by relevant stakeholders. Identification can be proactive when relevant institutions (practitioners) identify trafficking victims during their work. Identification is rarely responsive when an individual self-identifies as a victim of trafficking and seeks help. Child identification processes require contacting and involving the relevant authorities for child protection (social workers) and the implementation of a series of protective measures and specific approaches. Formal identification is the formal determination that a person is a victim of trafficking, leading to voluntary referral for assistance, protection, reintegration and legal assistance.

Harmonization

36. During the evaluation, it was found that another list of indicators defined in Administrative Instruction No. 01/2014 for early identification of victims of trafficking with human beings from the Consular Services, the Border Police and the Labor Inspectorate is in place. So, all the bodies that implement the indicators defined in the GRK Administrative Instruction - No. 10/2017 are responsible for the same activity also within the Administrative Instruction No. 01/2014. Including the tasks and responsibilities of their implementers in a single document can ensure efficient mutual cooperation and coordination of all agencies in the Republic of Kosovo, responsible for identifying victims of human trafficking.

37. Also, it is worth noting that in addition to the Law and the Administrative Instruction mentioned above, there are also several relevant acts and documents that regulate the identification of victims of human trafficking in the Republic of Kosovo, such as:

37.1 Standard operating procedures for trafficked persons in Kosovo;

37.2 National Strategy Against Trafficking in Human Beings in Kosovo 2022-2026;

37.3 Action Plan for the implementation of the National Strategy Against Trafficking in Human Beings in Kosovo 2022-2024;

37.4 Administrative Instruction No. 01/2014 for early identification of victims of trafficking with human beings from the Consular Services, the Border Police and the Labor Inspectorate;

37.5 Health Indicators and Guidelines for Health Professionals to Improve Identification and Referral of Victims and Potential Victims of Trafficking in the Western Balkans.

Applicability

38. From the official statistics on the number of identified victims of human trafficking in the Republic of Kosovo during the period 2015-2022, it results that since 2017, when the Administrative Instruction was approved, the number of identified victims of human trafficking has not increased, but a decrease has been observed, compared to the number of victims identified before the approval of the relevant indicators.

39. By years, a total of:

- 30 victims in 2015;
- 36 victims in 2016;
- 32 victims in 2017;
- 15 victims in 2018;
- 26 victims in 2019;
- 17 victims in 2020;
- 22 victims in 2021 and
- 21 victims in 2022,

have been identified.

40. The statistical data show that the vast majority of identified victims (135) in the Republic of Kosovo since 2015 are women, mainly victims of sexual exploitation, which takes place in private homes and nightclubs. Due to the significance of sexual exploitation in the total number of cases of human trafficking, it is important that the indicators defined in Article 15 are clearly defined.

41. Further, as regards the indicators of trafficking for exploitation for forced labor under Article 16, according to the data, it appears that men constitute the majority of identified victims of trafficking for employment motives in various sectors such as agriculture, construction, hospitality and fishing. On the other hand, women are victims of trafficking for labor exploitation, often in a more isolated environment

of domestic and care work. In the Republic of Kosovo since 2015, 31 victims of human trafficking for the purpose of forced labor have been identified. Since the increasing presence of labor exploitation of victims of human trafficking is evident, it would be recommended to review the relevant indicators and involve labor inspectors to implement them.

42. Regarding the indicators of victims of trafficking for the purpose of begging, defined in Article 17, it has been estimated that many of the children begging on the street are forced beggars, that is, victims of human trafficking. Therefore, the implementation of indicators in this area should be carefully monitored.
43. In relation to Article 18, it is worth noting that domestic slavery in the family is a form of trafficking in human beings which is extremely difficult to detect because the exploitation of the victims takes place in private residences. As a result, the indicators for identifying this form of trafficking should be defined very clearly and focus on the characteristics of this form of trafficking.
44. Regarding the indicators from Article 19, victims of trafficking for the purpose of organ removal are often recruited from vulnerable groups, for example, those living in extreme poverty. Issues of consent and exploitation related to organ removal are complicated by the fact that victims often consent to the removal of their organs, and may even receive the agreed payment for them. Therefore, the indicators in this category of exploitation should be adapted to the fact that victims of this type of exploitation are often aware that they will be exploited. However, the sensitive situation in which they are, makes them fall prey to exploitation.
45. On the other hand, regarding the specific indicators of child trafficking, it is worth emphasizing that both girls and boys are vulnerable to child trafficking. Children may be placed in dangerous and/or illegal situations, including slavery, domestic work, sexual exploitation or prostitution and drug dealing. They suffer violence, exploitation and abuse, ending up in forced labour, forced marriage, prostitution, begging and armed recruitment. Due to the particular risk of children entering the human trafficking chain and the high demand for their services, these indicators should be implemented as efficiently as possible so that as many children as possible are protected from human trafficking in Kosovo.
46. In addition to the reports and statistical data, for the purposes of assessing the importance and applicability of this list, as mentioned above, meetings were held with the relevant institutions, where, among other things, questions were raised regarding its implementation in practice. Thus:

46.1 In the meeting with the Kosovo Police,² it was confirmed that the police officers are familiar with the contents of the List of Indicators and that they apply them when identifying victims of human trafficking, but it is not possible to assess to what extent this list has influenced the success of identifying victims of human trafficking.

46.2 In the meeting with the Center for Social Work,³ it was concluded that social workers, together with the Police and state prosecutors, conduct regular training in the field of victim identification. From the information received at the meeting, it can be seen that there is a significant problem with the specialization of social workers for cases of human trafficking, since for each individual case of human trafficking, an *ad hoc* social worker is assigned, who is available in any given time.

46.3 In the meeting with the Office of the Victims Advocacy, it was said that the List of Indicators is implemented by the Police and that the victims' advocates do not have much information about their content.⁴

46.4 The working group held a meeting with the Office of the National Coordinator against Human Trafficking,⁵ where they addressed the methods and time periods for the preparation of reports for the implementation of the National Strategy Against Trafficking in Human Beings in Kosovo and the separations of duties between the competent institutions in the field of identification of victims of trafficking. During this meeting, it was concluded that the cooperation between the Office of the National Coordinator Against Human Trafficking and the Ministry of Justice should be intensified.

46.5 The meeting with the Ministry of Health was also held,⁶ where the List of Indicators for the Identification of Victims of Trafficking in Human Beings, intended for employees in the health sector, was presented.

47. Finally, as it was also emphasized in the "rationale" section, some of the implementing institutions, such as the Victims Advocacy, are not sufficiently familiar with the content of the indicators for identifying victims of trafficking, which makes it difficult to evaluate of their implementation in practice. At the same time, there is a lack of cooperation at the appropriate level between the actors involved in the fight against human trafficking.

² Meetings with the Kosovo Police, the Human Trafficking Directorate, held on April 20, 2023 and May 23, 2023;

³ The meeting with the Center for Social Work, held on May 23, 2023;

⁴ Meeting with the Victims Advocacy held on April 20, 2023;

⁵ Meeting with the Office of the National Coordinator Against Human Trafficking held on April 20, 2023;

⁶ Meeting with the Ministry of Health, held on May 23, 2023.

IV. CONCLUSIONS AND RECOMMENDATIONS

After analysing the List of Indicators for the Official Identification of Victims of Trafficking in Human Beings, in the light of other legislation in force in Kosovo, as well as reports of international organizations, the following conclusions were reached:

IV.1. Conclusions on implementation

48. The official statistics on the number of victims identified in the Republic of Kosovo from 2015 to 2022 show that since the adoption of this List of Indicators in 2017, the number of identified victims of human trafficking has not increased; on the contrary, there is a decrease compared to the number of victims identified before the approval of the said list. However, according to several international reports (GRETA and TIP reports), the Republic of Kosovo still faces a real risk of increased child trafficking, especially for the purpose of forced begging.
49. As mentioned above, the official identification of victims of human trafficking is carried out by the Police, the Prosecutor's Office, the Victims' Defender and the Centers for Social Work, and therefore, the aforementioned institutions are also responsible for the implementation of this List of Indicators.
50. It is considered very important to assess the level of knowledge of the bodies responsible for the content of the list of indicators. From the meetings held with the bodies responsible for the implementation of these indicators, it has emerged that there are significant shortcomings in the level of their knowledge about the content of the relevant List of Indicators. Specifically:
 - 50.1 It turns out that the employees of the Kosovo Police, Directorate for Human Trafficking, as the most important body in the process of identifying victims of human trafficking, are well and adequately informed about the content of the List of Indicators and have regular workshops and training for their implementation;
 - 50.2 The employees of the Centers for Social Work are also familiar with this list of indicators; however, the main problem of the Centers for Social Work in the implementation of these indicators is that the social welfare system does not have social workers specialized in cases of human trafficking. Currently, social workers are assigned to human trafficking cases regardless of their knowledge and specialization in the field. So, it is possible that a social worker with insufficient experience and knowledge about the phenomenon of human trafficking is assigned to a specific case of trafficking.

50.3 Employees of the Victims' Advocacy Office, although they provide legal assistance to identified victims of human trafficking, do not have sufficient knowledge of this list of indicators and its application in practice.

50.4 Based on the annual TIP report mentioned earlier (Annual Report on Trafficking in Human Beings issued by the US State Department), the institutions of the Republic of Kosovo should undertake further efforts to effectively identify children who are exploited for the purposes of forced begging. Thus, it is clear that implementation in this area needs to be carefully monitored. Also, since these victims of human trafficking are minors and have been used for the purposes of forced begging, it is imperative that social workers whose scope includes the protection of children and minors be informed of the content of these indicators.

50.5 Consequently, without social workers specialized in cases of human trafficking, there is a great risk that social workers who do not have sufficient professional experience or knowledge to identify victims of human trafficking will participate in the process of identifying the victims.

51. In addition to the proper knowledge of the indicators, for the successful implementation of individual documents in the field of anti-trafficking, such as the list, the mutual cooperation of the authorities engaged in the implementation of the list is essential. This means their cooperation with the Office of the National Coordinator against human trafficking, as the central coordinating body in the field against human trafficking. However, this assessment shows that the proper cooperation between the actors involved in the prevention and combating of human trafficking has not been established.

IV.2. Conclusions on importance

52. The List of Indicators is one of the tools available to implementers (Police units, Prosecutor's Office, Victims' Advocates and Center for Social Work) for the successful and effective identification of victims of human trafficking.

53. Hence, the list of indicators is a practical tool that can facilitate the identification of trafficking victims by the responsible authorities. However, it should be borne in mind that indicators are not the only tools that guarantee the successful identification of victims of human trafficking. For the identification of victims, other means are also important, such as the various criminal police investigations that are undertaken when there is a suspicion that a certain person is preparing to commit or has committed the criminal offense of human trafficking.

54. Therefore, the presence or absence of these indicators does not prove or confirm the existence of human trafficking. In view of this, implementers should use them carefully

and keep in mind that this is only the first step before a full identification of trafficking victims.

55. Consequently, the indicators in question are limited to only one segment of the fight against human trafficking, i.e., victim identification. So, it should be noted that they do not provide an overall picture of the quality of the system for combating human trafficking in a given country.
56. Finally, the list of indicators that is the object of this ex-post evaluation is correctly systematized and methodologically elaborated. The indicators are based on the elements of the criminal offense of human trafficking specified and described in Law No. 04/L-218 on Victims of Trafficking and in the Criminal Code of the Republic of Kosovo, which are divided into actions, means and purposes of exploitation. In this way, by determining the indicators based on the elements of the description and definition of the criminal offense of trafficking in human beings, the prerequisites have been met that none of the segments or phases of trafficking in which the victims are found, whether they are the action, the means or the purpose of exploitation, remain outside the scope of the indicators.

IV.3. Conclusions on harmonization

57. As mentioned above, in addition to Administrative Instruction No. 10/2017, another list of indicators is defined by Instruction 01/2014. In contrast, the indicators according to Administrative Instruction 10/2017 are based on the elements of the criminal offense of human trafficking specified in Law No. 04/L-218 on preventing and combating trafficking in human beings and protecting victims of trafficking and the Criminal Code. The same are divided into actions, means and purposes of trafficking. Whereas, the indicators according to Administrative Instruction No. 01/2014 on the scope of work of the Consular Service, the Border Police and the Labor Inspectorate, a part of the indicators is also based on the forms of exploitation (sexual, labor, domestic slavery).
58. Precisely because of the fact that all the implementing bodies of the indicators according to Administrative Instruction (GRK) No. 10/2017 and Administrative Instruction No. 01/2014 are responsible for the same activity, it is recommended that both Lists of Indicators be included in a single document, to allow mutual cooperation and coordination of all bodies in the Republic of Kosovo charged with the identification of victims of trafficking in human beings.

RECOMMENDATIONS

Based on the above-mentioned findings, this *ex-post evaluation report* offers the following

recommendations:

59. Recommendations on implementation

- 59.1 Organize continuous trainings on the content and implementation in practice of the List of Indicators for the Formal Identification of Victims of Trafficking in Human Beings for victim advocates due to insufficient knowledge of the List of Indicators by implementers;
- 59.2 Continue holding workshops and trainings for police officers and state prosecutors for the implementation of the List of Indicators in practice;
- 59.3 Appoint specialized social workers for cases of human trafficking and the identification of these indicators, since currently social workers are assigned to cases of human trafficking regardless of their knowledge and specialization on human trafficking;
- 59.4 Include labor inspectors in joint training with other implementing institutions (Police, Prosecutor's Office, Victims' Advocates and Centers for Social Work) for the practical implementation of the List of Indicators due to the increase in the number of victims of human trafficking who are exploited for work, globally and regionally;
- 59.5 The Office of the National Coordinator Against Human Trafficking should prepare annual reports with statistics of victims identified according to the elements on which the indicators are based (*actions, means and purpose of exploitation*);
- 59.6 Revise the indicators for the trafficking of persons who are used for begging because it has been estimated that there is a significant presence of this form of exploitation in Kosovo;
- 59.7 Include new sets of indicators, such as non-payment of wages and post-exploitation trafficking indicators, which are covered or replicated by other indicators;
- 59.8 Ensure a better coordination of activities between the implementing institutions and the Office of the National Coordinator against Human Trafficking during the application of the indicators and to improve the communication and exchange of data between the implementers.
- 59.9 Continuously prepare such statistical reports as this would make the evaluation of these indicators more direct considering that interim reports on the implementation of the List of Indicators, which could at least provide statistical data on the number of identified victims of human trafficking for each set of indicators, are not available.

60. Recommendations on relevance

- 60.1 Review the indicators related to the field of exploitation of children in general and the exploitation of children for the purpose of forced begging in particular;
- 60.2 Complement the list of indicators with a new set of indicators that focus on the latest trends in human trafficking, such as recruitment and online exploitation of victims of trafficking;
- 60.3 Add new sets of indicators aimed at identifying victims of trafficking among illegal immigrants and asylum seekers;
- 60.4 As human trafficking is a very dynamic field, it is recommended that the indicators match the latest dynamics in this field.
- 60.5 Avoid the repetition of some indicators, such as indicators of withholding wages and indicators of trafficking after the stage of exploitation, which are covered by or overlapped with some other indicators, such as indicators of labor exploitation. Therefore, it is not necessary for these or similar indicators to be listed more than once.

61. Recommendations on harmonization

Harmonize/merge the List of Indicators from Administrative Instruction No. 01/2014 on Early Identification of Victims of Trafficking in Human Beings by the Consular Services, the Border Police and the Labor Inspectorate with the list of Administrative Instruction (GRK) No. 10/2017 on the list of indicators for formal identification of victims of trafficking in human beings so that all the lists of indicators and their implementers are included in a single document.