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# **ToR for National AT Coordinator / Office of the National AT Coordinator**

## **"Moving Forward:**

Promoting Greater Efficiency and Effectiveness  
in the Fight against Trafficking in Human Beings  
in Kosovo"



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# ToR for National AT Coordinator / Office of the National AT Coordinator



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**“MOVING FORWARD: PROMOTING GREATER EFFICIENCY AND  
EFFECTIVENESS IN THE FIGHT AGAINST TRAFFICKING IN HUMAN  
BEINGS IN KOSOVO”**

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## LIST OF ABBREVIATIONS

Abbreviation	Meaning
ToR	Terms of Reference
NATC	National Anti-Trafficking Coordinator
ONATC	Office of the National Anti-Trafficking Coordinator
AT	Anti-Trafficking
KMOP	Family and Childcare Centre
NRM	National Referral Mechanism
SOP	Standard Operating Procedures
THB	Trafficking in Human Beings
EPLO	European Public Law Organization
PVPT	Centre for Protection of Victims and Prevention of Trafficking in Human Beings
IOM	International Organization for Migration
MIA	Ministry of Internal Affairs
ToT	Training of Trainers

## 1. INTRODUCTION

Trafficking in Human Beings has been recognized as a form of organized crime integrally linked with various other forms, endangering the national security and economy of each country. Combatting trafficking in human beings is one of the key priorities of the Kosovo government, and all efforts of the Kosovo government towards this are outlined in the National Strategy against Trafficking in Human Beings in Kosovo 2015-2019. This strategy is coordinated, implemented and monitored by the National Authority against trafficking in human beings, which is chaired by the National Anti-Trafficking Coordinator.

This deliverable was prepared in the framework of an EU funded project "Moving Forward"<sup>1</sup>, aiming to determine the needs as well as analyse the limitations of the ToR of NATC in the successful implementation of the National Strategy and Action Plan against Trafficking in Human Beings (THB) 2015-2019 as well as in the functioning of the National Referral Mechanism (NRM) and Standard Operating Procedures' (SOP) implementation, while also presenting recommendations for improvement. It outlines a review of the current Terms of Reference (ToR) for the National Anti-Trafficking Coordinator (NATC) and Office of the National Anti-Trafficking Coordinator (ONATC) as mandated by the Law No. 04/L-218 on Preventing and Combatting Trafficking in Human Beings and Protecting Victims of Trafficking.

The initial plan regarding this deliverable was to official establish the Terms of References of the ONATC (AT Secretariat) and accordingly work towards their formalization, considering that to the project team's knowledge such ToR does not exist. However, following several consultations with the beneficiary after the completion of the project inception phase, it was considered more appropriate to base this work on the applicable legislation, considering that the Law no. 04/L-218 outlines the mandate for NATC and in extension his Office (ONATC, also known as Secretariat). Hence, the project team prolonged the analysis and drafting period for this activity so that a comprehensive analysis can be conducted regarding the mandate of the NATC/ONATC itself (as outlined in the Law) coupled with the analysis of structures and organization of similar authorities in the region, in order to come up with useful recommendations for better internal regulation of the Secretariat.

An analysis of the current mandate of NATC is presented in Section 2.a below, followed by the analysis of the structures of similar authorities in neighbouring countries, namely Albania, Macedonia and Serbia (Section 3).

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## 2. BACKGROUND INFORMATION ON NATC/ONATC IN KOSOVO

The structure of the NATC and the corresponding Office (ONATC) was introduced in October 2003 at the same time when the first Inter-ministerial working group against trafficking in human beings in Kosovo was established at the national level. The appointment of the Chairman of the Anti-Trafficking working group was delegated to the Office for Good Governance under the Prime Minister's Office. The working group was mandated to draft for the first time the Report on the situation of trafficking in human beings in the Republic of Kosovo. By December 2004, the National Secretariat for the Coordinator against Trafficking in Human Beings was established by the Office of the Prime minister of Kosovo.

By May 2005, the Government of Kosovo appointed the Director of the Office for Good Governance as the *National Coordinator for Anti-trafficking* in Republic of Kosovo and the first mandate of the NATC/ONATC was formalized based on the article 9.3.16 of the UNMIK Regulation no. 2001/9 of the Constitutional Framework/ Provisional Governmental Institutions of Kosovo article 1 of UNMIK Regulation no.2001/19.

By the decision of the Prime Minister No. 29, in April 2008, the Office of the Prime minister of Kosovo appointed the Deputy-Minister of Internal Affairs to be Kosovo's National Anti-Trafficking Coordinator.

Law no. 04 / L-218, establishes the mechanism of National Anti-Trafficking Authority that consists of all the institutions defined in Article 6 of the Law on Prevention and Combating Trafficking in Persons and the Protection of Trafficked Victims, as well as other relevant state institutions, including representatives of local service providers both governmental and non-governmental organizations. The National Authority, within the National Strategy and Action Plan against Trafficking in Persons, standard operating procedures for victims of trafficking, minimum standards of care for victims of trafficking and all other relevant documents defines the duties and responsibilities of each institution in preventing and combatting THB and protecting victims to enable the effective fight against human trafficking and timely and efficient assistance to and protection of VoT in Kosovo, as defined by the legislative mandate of each institution. Institutions who are members of the Authority include the Ministry of Internal Affairs, Kosovo Police, Ministry of Justice, Courts, State Attorney, Ministry of Labour and Social Welfare, Ministry of Health, Ministry of Education, Science and Technology, civil society, donors, etc. The Authority meets periodically and based on ad-hoc needs. There are sub-groups established and organized depending on the nature of issues explored or discussed.

### a. Tasks and responsibilities of NATC/ONATC

For the purposes of this deliverable, we will go through each of the outlined tasks and try to breakdown what this implies for ONATC and what the requirements are for successful completion of that task.

Pursuant to Article 8 of Law no. 04 / L-218, adopted in September 2013, it is the task of the Government of Kosovo to appoint the National Anti-Trafficking Coordinator, who chairs the National Authority, and



regularly cooperates with the members of the National Authority for the purpose of preventing and combatting trafficking in human beings and protection of victims of trafficking. The tasks and responsibilities of the NATC and his Office are provided in general terms in *Article 8* of the abovementioned Law.

The table below, column to the left presents sections of Article 8 outlining the responsibilities of NATC/ONATC, whereas column to the right presents the observations and where necessary, recommendations of the project team. For easier reference, the reader should note that some sub-articles of Article 8 are clear and well-defined, and although no concrete recommendations are deemed necessary, a further detailed and elaborated description of particular tasks is provided. In other cases, recommendations for modification are presented as needed.

<i>As stipulated in the Law...</i>	<i>Project team observations and recommendations</i>
Article 8.3: the Coordinator, and the National Strategies Monitoring and Evaluation Secretariat ( <i>now known as ONATC</i> ), shall develop, coordinate and monitor the implementation of the National Referral Mechanism (NRM). According to the Law, the NRM is defined as a co-operative framework through which state institutions fulfil the obligations to protect and promote the rights of victims of trafficking and to coordinate their efforts in a strategic partnership with civil society. This task of the NATC/ONATC is explained in the provision and clearly assigns the main responsibility for implementation of NRM to the NATC and his Office.	<p>1. The first part states that the Office, under the coordination of the NATC, is responsible to <i>Develop the NRM</i>. For the purposes of understanding this task better, we propose outlining in detail “what” Develop the NRM means internally for ONATC, i.e.</p> <ul style="list-style-type: none"> <li>• undertaking a comprehensive assessment of the nature and extent of human trafficking in the country through review of available data and statistics,</li> <li>• review of the national situation,</li> <li>• analysis of existing instruments and mechanisms,</li> <li>• assessment of legal framework,</li> <li>• assessment of involved actors and structures.</li> </ul> <p>This assessment is undertaken in order to have a comprehensive overview of the needs and the situation; to determine conditions, requirement and potential actors; and also to define potential role and responsibilities within the NRM, so that a specific NRM structure can be developed accordingly.</p> <p>This implies that the ONATC needs to have internal analytical and research expertise to be able to fulfil the required task with quality and efficiency.</p> <p>2. The second part states that the Office, under the coordination of the NATC, is responsible to <i>Coordinate the NRM</i>, which implies that ONATC is the focal point for coordinating all action in regards to NRM. . For the purposes of understanding this task better, we propose</p>

	<p>outlining in detail “what” Coordinate the NRM means internally for ONATC, i.e.</p> <ol style="list-style-type: none"> <li>a. organizing regular coordination meetings with the National Authority, as well as regular (half-year or yearly) meetings/ roundtable discussions together with all major actors involved in responding to trafficking;</li> <li>b. establishing networks among local, regional and national structures to allow for efficient information dissemination and feedback mechanisms;</li> <li>c. establishing cooperation agreements with government and non-government agencies involved in the referral process;</li> <li>d. ensuring communication on regular basis with other stakeholders on issues relating to the NRMs design and development;</li> <li>e. collecting regular updates on the existing support and protection services;</li> <li>f. and last but not least, ensuring fulfilment of capacity building and training requirements. This last point is particularly important in terms of reinforcing the stakeholders’ capacity to understand and address human trafficking. To ensure this, ONATC is responsible to undertake Assessment of Capacity Building Needs, and consequently design and deliver training for different types of stakeholders.</li> </ol> <p>3. This again implies that ONATC needs specific capacities- organizational, staff capacities, communication, etc.- to be able to coordinate all these tasks and specific expertise to develop and deliver capacity building actions. The last part states that the Office, under the coordination of the NATC, is responsible <i>to monitor the implementation of the NRM</i>, which is detailed to proper identification, referral, assistance and protection of victims of trafficking, including child victims, and to ensure that they receive adequate assistance by protecting their human rights. For the purposes of understanding this task better, we propose outlining in detail “what” Coordinate the NRM means internally for ONATC, i.e.</p> <ul style="list-style-type: none"> <li>• regular monitoring and evaluation of the</li> </ul>
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	<p>implementation of the NRM</p> <ul style="list-style-type: none"> <li>• organization of regular meetings to evaluate progress on identification and protection of victims (review of potential delays, problem areas, steps and measures that have been completed, etc.),</li> <li>• use the data and observations from the monitoring and evaluation to prepare proposals for any necessary adaptation to the NRM.</li> </ul> <p>establishment of an internal control mechanism to be managed by the ONATC that would lay the basis for effective reporting on the country's obligations.</p>
<p>Article 8.4 of the Law, states that it is the responsibility of the Government to ensure sufficient financial and human resources for the Coordinator, National Authority and Secretariat to carry out the following activities:</p>	
<p>Article 8.4.1: coordinating the implementation of this Law, including drafting of administrative instructions, regulations, and other sub-legal acts to be endorsed by the Government;</p>	<p>This is a very general and wide task that nonetheless requires special expertise. It is our observation that this task is too ambitious for ONATC and its out of the scope of their work.</p> <p>We would propose that internally the task is attributed to legal department in the Ministry and/or other Government structures, whereas the role of ONATC is narrowed to "provision of information, inputs, expertise and/or recommendations for the implementation of the law and for drafting of administrative instructions, regulations and other sub-legal acts to be endorsed by the government. The responsibility of ONATC at this point would be to inform the decision-making in this regard, not be responsible for the overall coordination of this process.</p>
<p>Article 8.4.2.: drafting and continuous implementation of the National Strategy and Action Plan, which shall contain a comprehensive package of measures for preventing and combatting trafficking in human beings, as well as for coordinating and monitoring its implementation;</p>	<p>This is a task described in detail and specific to the National Strategy and Action Plan. However, as it stands now, it implies that this is a direct responsibility of ONATC. The process of drafting the Strategy and Action Plan is a participatory process involving the whole National Authority and other relevant stakeholder, and coordinated by the ONATC. In this case, ONATC should focus on coordinating the process of drafting and continuous implementation of the strategy and propose changes and improvements to the National Strategy system and mechanisms, as well advising on the steps</p>

	<p>to be taken towards the implementation of the Strategy, This implies that the ONATC coordinate the process and follow implementation through regular data gathering and monitoring, and based on that, provide input for changes and improvements.</p>
<p>Article 8.4.3: promoting researches and determining procedures to analyse the degree, nature and new forms of both local and cross-border trafficking, as well as identification of best practices for preventing and combatting trafficking in human beings and reintegration of victims of trafficking, including collection of information on the number of victims disaggregated according to gender and other data important to analyse the scale, nature and the form of trafficking;</p>	<p>This article is rather a combination of several tasks.</p> <p>The first part of the article focuses on promoting and carrying out research studies on trends, situation, identification of best practices and combatting trafficking in human beings and reintegration of victims of trafficking- is an important part of ONATCs general tasks of following the situation of implementation of NRMs as well as serving as an advisory body to the government of necessary policies and legal acts to be drafted. The facilitation and promotion of THB related studies in cooperation with donors, national and international organisations, research institutes and other relevant stakeholders is also an essential task to be considered by ONATC. As stated elsewhere in this document, this would imply increased capacity, analytical skills and expertise within ONATC to carry out research studies. And since this is proposed to be a regular task of ONATC, outsourcing is not considered feasible. Rather employment of professional research profile staff is highly recommended.</p> <p>The second part of the article implies the administration and maintenance of a Data Management System for collection of information on the different indicators specified by the action plan, aggregated to specific measures in order to analyse the scale, nature, form and trends of trafficking. Evidence-based policy making through the collection and analyses of data is considered to be one of the most important tasks of ONATC.</p>
<p>Article 8.4.4: facilitating cooperation between authorities and various governmental stakeholders and among governmental and nongovernmental stakeholders, including labour inspectors, Kosovo Chamber of Commerce and</p>	<p>This is a well-defined task. We propose that an additional sentence is added to define "how" can this be achieved i.e. facilitating cooperation.... through:</p> <ul style="list-style-type: none"> <li>• organising regular coordination meetings/ roundtable discussions together with all major actors involved,</li> <li>• ensuring regular and efficient information sharing and</li> </ul>

other relevant parties of the labour market;	<p>dissemination,</p> <ul style="list-style-type: none"> <li>• ensuring communication on regular basis with other stakeholders;</li> <li>• organizing joint events,</li> </ul> <p>liaising between stakeholder, etc.</p>
Article 8.4.5: facilitating cooperation between the countries of origin, transit and destination	<p>Same as the point above- we propose that an additional sentence is added to define “how” this can be achieved i.e. facilitating cooperation .... through:</p> <ul style="list-style-type: none"> <li>• maintaining regular communication with the Offices of the National Coordinators in countries of origin, transit and destinations;</li> <li>• sharing data, information, action plans between countries;</li> </ul> <p>organizing joint events- conferences, seminars, marking of international days, face-to-face meetings at least once a year.</p>
Article 8.4.6: acting as a focal point for national institutions and other state and non-state parties, as well as international bodies, in regards to Government’s efforts against trafficking in human beings	<p>This is a well-defined task, although the task is considered to be expected by ONATC by default, and we observed that it doesn’t need to be stipulated as an individual task. It could be provided as general information, rather than being specified as a separate article.</p>
Article 8.4.7: ensuring that anti-trafficking measures are in line with existing norms and international human rights standards that are envisaged with the Constitution of the Republic of Kosovo and other relevant laws.	<p>This is a well-defined task, although we would propose that it is not specified as a separate article, rather integrated in the article on the development and implementation of the Strategy, or the general article on the implementation of the NRMs.</p> <p>Although considered a responsibility of ONATC by default, still its considered necessary to have it stipulated in the Law.</p>

One of the main outcomes of Kosovo’s long-standing engagement in the fight against human trafficking are the Standard Operating Procedures for Trafficked Persons in Kosovo (SOPs), first drafted in 2004 and later revised and adopted in 2013. The approved Standard Operating Procedures for Trafficked Persons in Kosovo (SOPs) provide guidance for all stakeholders involved, from the initial referral up to the civil or criminal proceedings, and as such they guide state and non-state anti-trafficking actors on how to ensure

proper protection and assistance to potential/ presumed victims. The coordination, monitoring and reporting activities on the implementation of the SOPs is a responsibility of ONATC, however they are not stipulated in the Law, therefore we would propose a separate internal section on the coordination, monitoring and reporting activities on the implementation of the SOPs .

The recommendations provided in the table above, serve to further detail the work of ONATC and provide the basis for the development of an internal regulation or "How-To" Guideline within ONATC for better understanding of what each article stipulates, how this can be done and how best to distribute the tasks and responsibilities within the Secretariat.

As it is evident, there are a great number of tasks to be carried out, most of which are professional and tailored to specific qualifications required to be able to successfully complete the task. Besides the fact that the number and profile of staff in ONATC is not sufficient to carry out these tasks, as outlined previously, the Government of Kosovo appoints the Deputy Minister of the Ministry of Internal Affairs (MIA)-as the NATC, covering other tasks besides being NATC.

There are similarities with this practice in the Region, in terms that the main responsibility for Anti-trafficking actions is with the Deputy Minister, however this position is followed by professional positions that ensure the implementation of the tasks and responsibilities. Besides this, the position of the Deputy Minister is a political position, and this might potentially be a threat to commitment to the implementation of the strategy and action plan and the sustainability of the actions acquired by the Office and the Authority due to changes in the political arena stemming from elections, specifically with Kosovo, facing frequent elections and government changes.

### 3. FUNCTIONING OF THE NATC OFFICES IN THE REGION

An analysis of the organization and structure of similar authorities in neighbouring countries, namely Albania, Macedonia and Serbia. The countries were selected due to proximity with Kosovo and frequent cooperation on anti-trafficking issues.

It was observed that all of these countries, including Kosovo have developed National Strategies and Action Plans against THB and are part of a wider network of stakeholders combatting trafficking in human beings. Each state has established an inter-ministerial authority/body at a strategic level, which is comprised of representatives of different relevant ministries and other stakeholders. The main obligations and responsibilities of these inter-ministerial bodies include:

- overall monitoring of the situation of trafficking in human beings in their country and in the region;
- coordination of all national as well as regional anti-trafficking actions;
- development and implementation of national anti-trafficking strategies and action plans; and
- cooperation and coordination with relevant stakeholder.

Below we briefly present the structures organized in three neighbouring countries, as per information available to access online and offline.

#### a. Albania

The Office of NATC in Albania, similarly to Kosovo, is part of the Ministry of Internal Affairs, and the position is held by the Deputy Minister. As an Office it was established and operationalised in 2005, with the aim to coordinate and monitor the implementation of the National Strategies on combatting trafficking in persons. A look at the tasks and responsibilities of the National Coordinator reveal similarities to the one of Kosovo, namely to:

- prepare the National Strategy for the Fight against Human Trafficking and the National Strategy for the Fight against Child Trafficking in close consultation with shelter organizations and other civil society groups;
- monitor the activity of the institutions charged with implementing the National Strategy for Combatting Trafficking in Human Beings;
- monitor the implementation of the National Referral Mechanism, which identifies, protects and assists victim;
- coordinate the National Taskforce, Regional Committees and Coalition of Shelters;
- manage the Database for Victims of Trafficking and submit summary reports to the Government;
- follow-up and report to the Government on all issues related to trafficking;
- Propose legislative amendments or specific allocations of funds in the state budget;

- Encourage increased transparency of the activity of state institutions with the aim of raise awareness in this field, cooperating with other institutions and civil society on these issues.

Although the general tasks and responsibilities are similar to the NATC in Kosovo, there are major differences in structuring and functioning of the office. The position is held by the deputy minister of MIA in Albania as well, however the Office of NATC employs a full-time Director of the Anti-trafficking Unit, who is supported by 4 coordinators with different job descriptions depending on the field they cover. The position of the Director is held by a person not from a political background, but rather a professional profile with proved education and experience in anti-trafficking issues. In Albania, the person in this position has been active since mid-2013.

The other difference, is that ONATC in Albania also coordinates regional and municipal structures in combatting human trafficking. The Regional Committees for the fight against trafficking in Human Beings were created in 2006 in order to monitor and coordinate the work of all partners (state institutions and NGOs) at the regional level, including the Regional Directorate of State Social Services, the Regional Anti-Trafficking Police, the Regional Education Directorate and the Regional Health Directorate. At the municipal level, there are the Child Protection Units (CPU) composed of child protection specialists that belong to the social assistance and services agency of the municipalities. The regional and local actors are an active part of the drafting of the Strategy and Action Plan for Combatting Human Trafficking, as well as the Strategy and Action Plan for Fight against Child Trafficking, as in Albania there is a specific strategy for children. As per the requirements of the strategy, they periodically report to ONATC in Albania on developments in their territories.

ONATC in Albania regularly publish a quarterly journal with information on the activities of the office and relevant data gathered and analysed.

These are considered good practices to be taken into consideration for the functioning and the structuring of the ONATC Office in Kosovo.

## b. Macedonia

In Macedonia, the Office of the National Co-ordinator was established in 2005 located within the Ministry of Labour and Social Policy with the aim of providing technical and logistic support to the National Commission for Fight against Trafficking in Human Beings and Illegal Migration. The National Co-ordinator is State Secretary at the Ministry of Interior. However, the National Commission, which is the inter-ministerial body composed of 17 representatives from institutions, international organizations and civil society, is the overall executive body. The government just recently in April 2017, appointed a national rapporteur, who is responsible for reporting and monitoring the implementation of anti-trafficking policies. The government also appointed a national coordinator in August 2017, who now heads the National Commission and coordinates anti-trafficking efforts. The terms of reference for the Coordinator were not found therefore not presented in this deliverable.



However, something that is considered a good practice is that the National Commission in Macedonia formed a subgroup to combat child trafficking in order to meet the challenges of child trafficking in terms of prevention, protection and prosecution. Similar groupings have been formulated in the case of Kosovo in the past but their results/impact was not considered very relevant and effective.

The working group is composed of state institutions such as the Ministry of Interior, the Ministry of Education and Science, the Ministry of Labour and Social Affairs, the Ombudsman, international organizations and civil society organizations.

Also, the commission has established three local anti-trafficking commissions, in three different locations around Macedonia. These local commissions have their own local action plans for anti-trafficking, and periodically report to the National Commission on their implementations. Reports and assessments are not made available to the public.

The establishment of the local anti-trafficking commissions is considered a good practice that could be taken into consideration by the ONATC in Kosovo. Otherwise, the Anti-Trafficking Mechanisms in Kosovo are considered to be more advanced than in Macedonia.

### c. Serbia

The National Referral Mechanism in Serbia was primarily determined by the Strategy for Combatting Human Trafficking as well as by mutual agreements of relevant actors. The mechanism is composed of two levels – the strategic and the operational.

The strategic level consists of the following: The Council for Combatting Trafficking in Persons, established by the Government of Serbia is comprised at the level of Ministers of relevant Ministries. The Council coordinates all national and regional activities in combatting human trafficking, considers reports of relevant bodies of the international community, opinions and proposes measures to implement the recommendations received from international bodies. The National Coordinator for fight against trafficking in human beings was appointed in 2002 and leads the Advisory Board of the Republic for Combatting Trafficking in Human Beings. This Board was established in 2004 and is composed of the national coordinator with his associates, heads of the groups of the national team and the representatives of the international organisations.

The operational level involves judicial bodies and police, agency for the coordination of the protection of victims of trafficking in human beings, centres for social work, specialised non-governmental and international organisations. The Agency for the coordination of the protection of victims of trafficking in human beings is the coordination centre of the National Referral Mechanism.

The operation in two levels is considered a good practice that could be taken into account by the ONATC.

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## 4. CONCLUSIONS AND RECOMMENDATIONS

Kosovo developed a number of policy approaches to combatting trafficking including the appointment of the National Anti-Trafficking Coordinator as of 2008, foreseen also to act as the National Rapporteur against Trafficking in Human Beings.

To-date, the Government of Kosovo appointed Deputy-Ministers of Internal Affairs as National Coordinators. This requirement was initially foreseen under the first Kosovo Strategy and Action Plan against Trafficking in Human Beings 2008-2011. The Law on Anti-Trafficking further states that the appointment of the Coordinator needs to come by the government, with the National Strategies Monitoring and Evaluation Secretariat operating under the Ministry of Internal Affairs. Other scope of its responsibilities includes chairing of the National Authority against Trafficking in Human Beings and ensuring the implementation of National Referral Mechanisms.

The mandate of the NATC/ONATC is outlined by Law and at this point difficult to change; there are some shortcomings identified also by the office itself that we might be able to address in order to ensure a smoother functioning of the Office and consequently support the implementation of the Strategy and Action Plan against THB.

Many of the tasks assigned to the NATC require knowledge and skills that can be attributed to a professional profile with proven education and experience in the area of Anti-trafficking, namely tasks dealing with ability to analyse the situation and the needs to inform the Strategy, analysis of actions and their impact, identification of best practices, monitoring of implementation of practices, etc.

Previous assessment conducted by KMOP on the training needs assessment of the ONATC, revealed that the national coordinator and his team, although tasked with the drafting and monitoring the implementation of the AT Strategy and Action Plan need further knowledge and skills in strategy development and planning. Similarly, as one of the main tasks of the office is to monitor, evaluate and prepare data analysis and analytical reports, with the difficulties currently faced in monitoring the implementation of the strategy, specifically for the periodical assessment of the achievement of objectives and results, they need further qualifications to be able to successfully perform these tasks. The same has been identified for coordination of action with stakeholder.

Although many efforts have been undertaken to ensure capacity building of ONATC, the actions have not been sustainable, and this is partly because of the position of NATC having changed due to changes in the governance of Kosovo, but also because of a large number of tasks assigned to a small group of people working in the ONATC.

Having looked at the structure and functioning of the AT offices in the region, the following is recommended:

### INTERNAL FUNCTIONING

- For the purposes of shared understanding of the tasks and responsibilities of ONATC, an internal regulation or "How-To" Guideline is drafted by ONATC (using also the recommendations

provided in the table above and in this section). This regulation or guideline should clearly specify what each article stipulates, how this can be done and how best to distribute the tasks and responsibilities within the Secretariat.

It would be advisable that the structure of the regulation follows a logic that breaks down the tasks arising from each of the articles under 8.4 in the Law, explaining ways how the tasks may be undertaken (including type and frequency of activities). It is also recommended that the regulation outlines a division of tasks and responsibilities between different staff members of the Secretariat, presenting also their required professional profile and job description as well.

- Within the Internal Regulation, it is also recommended that the tasks of the NATC, ONATC and National Authority are separated and not stipulated under one section, as it stands now with Article 8.3 of the Law, to ensure transparency and efficiency of actions. Article 7 clearly specifies the responsibilities of the National Authority;
- One of the specific tasks of the ONATC should be to encourage increased transparency of the activity of state institutions involved in the National Strategy against Trafficking, however almost no information is found or available regarding the operations of the ONATC. Specific tasks for public information and communications should be assigned to a specific person in ONATC to ensure that information is provided on the status quo of implementation of actions from the National Plan and most importantly, to ensure increased transparency and accountability towards beneficiaries, stakeholders and duty bearers. This should be reflected in the internal regulation as well.

**HUMAN RESOURCES:** The position of NATC as mandated by Law is assigned to the Deputy Minister. In order to ensure quality and sustainability in the functioning of the office, it is recommended that the overall coordination and reporting remain as tasks of the NATC, but additionally a *Director of the Office* is appointed to take over the professional tasks. This is a practice in Albania and according to the website of MIA in Albania; the inclusion of this position has given the office an improved and well-functioning dimension that has impacted all aspects of the coordination in the war against THB.

- o The position of the Director of the Office requires the following job profile:
  - *Master degree with a minimum of five years' experience working with victims of human trafficking*
  - *Excellent knowledge and understanding of the issues of Domestic and Foreign Human Trafficking, including legislation, policies, strategies and trends*
  - *Working knowledge of social services, public benefits, and health care systems.*
  - *Knowledge of the functions of community organizations and related human services.*
  - *Excellent organizational and documentation management skills.*
  - *Ability to communicate effectively, both verbally and in writing.*

- If an additional Director of the Office is appointed, that the responsibilities of NATC as per our proposal and practices from the region would be to:
  - *lead the implementation of the National Strategy and Action Plan for the Fight against Human Trafficking*
  - *lead and coordinate the National Anti-trafficking Authority (call for periodic meetings and chair the meeting)*
  - *follow the implementation of the National Referral Mechanism*
  - *follow-up and report to the Government on all issues related to trafficking*
  - *ensure that anti-trafficking measures are in line with existing norms and international human rights standards that are envisaged with the Constitution of the Republic of Kosovo and other relevant laws*
  - *propose legislative amendments or specific allocations of funds in the state budget.*
  - *actively cooperate with countries of origin, transit and destination*
  - *encourage increased transparency of the activity of state institutions with the aim of raising awareness*
  - *Act as the National Reporter based on information received from assessments of trends in trafficking in human and measurements of the results of anti-trafficking actions in close cooperation with relevant civil society organisations active in this field.*
- The current staff of the ONATC has specific profiles for specific actions of the MIA, however looking at the terms of reference of the office, it would be advisable that ONATC dedicates a specific position to one responsible for strategic planning and implementation, and one responsible for monitoring and evaluation of the actions. This would largely support NATC and ONATC in designing the National Strategies and Action Plans (including those at local levels or specific to children), and also to manage mechanisms for data analysis, monitoring and evaluation of actions. It would also ensure improved decision-making for relevance, effectiveness and quality, better performance management and improved and more qualitative reports to be submitted by ONATC to the Government of Kosovo and beyond.

STRUCTURE and COORDINATION: As good practices from the region show, the ONATC could establish a specific division for the protection of child victims of trafficking as a specific category that requires special attention. Each municipality in Kosovo operates a child protection unit within Centres for Social Welfare (as case managers based on SOPs) that attend to cases of trafficked children or children at risk of trafficking. Creating coordination mechanisms between these units and the ONATC could largely improve the prevention and protection mechanisms for at-risk children.

- The ONATC should establish regional and local branches to support the monitoring of the actions and overall AT situation in the country, as well as monitoring of the implementation of the SOPs. This would be particularly beneficial for ease of data gathering, but also for overall flow of information and coordination of actions in all levels.

## 5. References

1. Law no. 04/L-218 on preventing and combatting trafficking in human beings and protecting victims of trafficking- Kosovo Government
2. National Anti-Trafficking Strategy 2015-2019
3. National Anti-Trafficking Action Plan 2015- 2019
4. Review of the National Anti-trafficking Action Plan 2017
5. Rapid Assessment and Recommendations Paper- KMOP 2017
6. Evaluation of the child rights monitoring system in Kosovo 2009-2015- UNICEF
7. The EU requirements for Kosovo: the fight against trafficking in persons- KIPRED 2015
8. Guidelines for the development and implementation of a Comprehensive National Anti-Trafficking response- International Centre for Migration Policy development- Vienna 2006
9. The US State Government website- Office to monitor and combat trafficking in persons- 2017 Trafficking in Persons Report (Kosovo, Albania, Macedonia, Serbia, Croatia)
10. Official Website- Government of Albania
11. Official Website- Government of Macedonia
12. Official Website- Government of Serbia