

Report on Monitoring Anti-Trafficking Policies in Albania (2019)

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LIST OF ABBREVIATIONS:

NRM - National Referral Mechanism for Victims and Potential Victims of Human Trafficking

RAC - Regional Anti-Trafficking Committees

SOP - Standard Operating Procedures

CPUs - Child Protection Units

RA - Responsible Authority

ADS - American Department of State

G / SPIF - Group / Structure Responsible for Formal Identification

UN United Nations organizations

CoE - Council of Europe

NCATS - National Coalition of Anti-Trafficking Shelters

MI - Ministry of Interior

MJ - Ministry of Justice

SSS - State Social Service

VT - Victims of trafficking

PVT - Potential victim of trafficking

ONATC Office of the National Anti-Trafficking Coordinator

CLCI - Center for Legal and Civic Initiatives

CC - Criminal Code

CPC - The code of the Penal procedures

PART I: BACKGROUND, PURPOSE, AND METHODOLOGY OF THE REPORT

1. Introduction

1. The report on the monitoring of Anti-Trafficking policies in Albania has been prepared within the framework of the project "Balkans Act Now" BAN III implemented by ASTRA, in cooperation with partner organizations in the region: International Solidarity Forum EMMAUS - Bosnia and Herzegovina; Women's Rights Center - Montenegro; Center for Legal and Civic Initiatives (CLCI) - Albania; Open Gate La Strada - Macedonia and the Dutch Helsinki Committee, with the support of the European Union.
2. The report focuses on monitoring the implementation of the National Action Plan for Combating Human Trafficking 2018–2020¹, legislation, and policies against trafficking in human beings by the Albanian state for the period January - December 2019.
3. This report is based on the instrument/methodology of monitoring and evaluating policies and practices against trafficking in human beings, adapted for the Albanian state through an extensive consultation process with Responsible institutions in the field, such as the Office of the Anti-Trafficking Coordinator, the Ministry of Justice, the Ministry of Health and Social Protection, the Police, the Prosecution, Non-Profit Organizations, as well as Reception and Reintegration Centers for victims of trafficking working in Albania.
4. The report is drafted to create a reporting model based on a monitoring methodology followed by other countries in the region, which will serve not only to monitor anti-trafficking policies in Albania in a given year but also to compare the data and standards that our country has followed in this area with other countries in the region that were involved in this project.
5. An important contribution to the drafting, consultation, and validation of the findings in this report was provided by the representatives of the Ministry of Interior, the Office of the National Anti-Trafficking Coordinator, the Ministry of Justice, the General Prosecutor's Office, the Bailiff's Office, member organizations of the National Anti-Trafficking Coalition in Albania, including the Psycho-Social Center "Vatra", the center "Different and Equal", "Another Vision" and the Center for Legal and Civic Initiatives. They have followed and consulted the process of monitoring the level of implementation of indicators, policies and anti-trafficking measures as well as assisted the follow-up of concrete cases of VT / PVT, to raise issues and draft valid recommendations for this report.
6. The report presents the findings of the monitoring and evaluation process of the Albanian state regarding the legal and factual situation of the identification, prosecution and protection of VT / PVT during the monitoring period for each of the following areas: a) Legal framework for criminalizing human trafficking, b)

¹Approved by Decision of the Council of Ministers no. 770, 26.12.2018 "On the approval of the national action plan for the fight against trafficking in persons 2018–2020"
Accessible at: <https://mb.gov.al/wp-content/uploads/2019/12/VKM-nr.-770-date-26.12.2018-Plani-Kombetar-i-Veprimit-2018-2020-1-1.pdf>

identification of victims of trafficking, c) protection of victims of trafficking, d) assistance and support for victims of trafficking e) compensation and remedy f) institutional framework, international coordination and cooperation as well as f) protection of data and privacy for victims of trafficking / PVT. Thus, the indicators of the monitoring methodology, covering each of the issues, were taken into account for structuring the report and orienting the analytical work.

7. The report analyzes the legal and political achievements, gaps and challenges in identifying and protecting victims of trafficking / PVT according to international standards and best practices in this area. It contains recommendations in terms of fulfilling the obligations of the Albanian government and public institutions at the central and local level, also in terms of improving the legal framework and policies, to increase the efficiency of institutional mechanisms for rapid identification of VT / PVT as well as protection and guarantee for complete access to rights or services of all categories and vulnerable groups, adults or children, domestic or foreign.
8. In the methodological plan for drafting the report, several meetings and interviews were held with representatives of various state institutions (Ministry of Justice, Prosecution, and Police). The latter was used based on the questions prepared by the working group, to collect data within their area of expertise in the institution. At the same time, data were collected as a result of the analysis of the reports prepared by the state in the areas covered by this report. To discuss and validate the preliminary data, the latter were consulted at the technical roundtable organized by the Office of the National Anti-Trafficking Coordinator in cooperation with CLCI, with the participation of representatives of the Ministry of Justice, General Prosecutor's Office, Police, Bailiff's Office as well as representatives of the Anti-Trafficking Coalition in Albania. The results of the roundtable discussion and recommendations sent by the participating institutions were reflected in the final draft of the report, shared with all referring institutions.
9. In drafting this report, the annual reports and special anti-trafficking bulletins prepared by the Ministry of Interior were taken into account, in the framework of monitoring the implementation of the action plan 'IMPLEMENTATION OF THE NATIONAL ACTION PLAN FOR THE FIGHT AGAINST HUMAN TRAFFICKING 2018-2020' and the Ministry of Health and Social Protection "On the implementation of the inter-institutional action plan for the implementation of UN Security Council Resolution 1325, "Women, Peace and Security" in Albania, 2018-2020".
10. Moreover, the report includes the analysis of practical cases followed by non-profit organizations, members of the National Anti-Trafficking Coalition in Albania, mainly from the center "Different and Equal", psycho-social center "Vatra", the center "Another Vision", as well as from the activity of the Center for Legal Civic Initiatives.
11. In order to have a better picture of the real situation in terms of progress analysis and identification of issues of concern, the report is based on published data of international institutions that monitor the implementation of international obligations and anti-trafficking policies in Albania, such as the Progress Report for Albania (2020), the US Department of State report on human trafficking in Albania (2020), the Third Assessment Report for Albania of the expert group on measures against trafficking in human beings GRETA (2020) as well as the report presented from the Albanian state before the CEDAW Committee (2020). These data have served as secondary sources that have been considered following the areas of this monitoring report.
12. Furthermore, the results of thematic technical roundtables of CLCI during the monitoring period within the areas covered by the report have served as a source of

information, as well as the data provided by the Institute of Statistics (INSTAT)² and the statistical yearbook of the Ministry of Justice.

13. The findings of the monitoring report will serve to create an overview of the state of the anti-trafficking regulatory framework in Albania during 2019 and especially regarding its implementation by all state actors involved in the process of identifying victims of trafficking, handling trafficking cases, and ensuring the protection of the rights of victims following international standards. Furthermore, the results of this report and especially the gaps that it will point out on anti-trafficking policies in Albania will serve as a starting point for improving not only the legal and sub-legal framework but also the system of intervention and interaction of all law enforcement institutions in Albania in the field of trafficking in human beings.

2. Purpose and objectives of the report

14. This Report will shed light on the results that have emerged from monitoring the implementation of the Anti-Trafficking Action Plan 2018-2020 based on the monitoring instrument. The main objective of this report is to assess the situation of the Albanian state regarding the national legal framework in the field of trafficking in human beings, to measure the compliance of this legal framework with international standards and policies, to explore the level of law enforcement and anti-trafficking policies by relevant institutions, to identify the achievements as well as to raise the most problematic issues in the field in terms of national structures. Summarized, these are the objectives of the monitoring report:

- *Evaluate the effectiveness of the Albanian legal framework in the field of trafficking in human beings*
- *Explore the level of progress and / or changes made by the Albanian state in the field of trafficking in human beings;*
- *Explore the level of cooperation and institutional coordination to identify and protect victims of trafficking in human beings;*
- *Identify legal / political problems and areas in the field of human trafficking as well as technical issues that need to be addressed in the future;*
- *Evaluate the quality of data collected based on monitoring indicators, identify indicators where data are missing and come up with recommendations on improving the data system in the field of trafficking and / or expanding the scope of the data to make it possible for a wider monitoring process in the coming years;*
- *Provide concrete recommendations on improving the legal framework, institutional cooperation and policies in the field of trafficking;*

15. The report also aims to create a reporting model that can be followed in the future by the Ministry of Interior and a data comparison system in the field of anti-trafficking policies between Albania and other countries involved in the project. Having a realistic monitoring overview of the implementation of state policies, based on national anti-trafficking indicators, as well as presenting the data obtained from the monitoring in Albania, we shall be able to compare them with the results of other countries in the region, in order to not only see the place that the Albanian state has within the region regarding the implementation of anti-trafficking policies, but especially to establish a coordination system with these countries,
16. Regarding all the above, we can say that the findings of this report will serve the Ministry of Interior, the Office of the Anti-Trafficking Coordinator and state actors

² INSTAT is the main institution responsible for producing official statistics in Albania.

involved in the system of identification and treatment of cases of trafficking, non-profit organizations in Albania that are active in the field of anti-trafficking, regional/international organizations working for the same purpose, as well as any person interested in the legal framework against trafficking in human beings in Albania and its implementation.

3. Summary of findings and recommendations

3.1 The report on monitoring Anti-Trafficking policies in Albania focuses on the implementation of legislation and policies against trafficking in human beings by the Albanian state for the period January - December 2019 based on the instrument/methodology of monitoring and evaluation of anti-trafficking policies and practices adapted to Albania.

3.2 The report presents the findings of the monitoring and evaluation process regarding the legal and factual situation of identification, prosecution and protection of VT / PVT during the monitoring period for each of the following areas: a) Legal framework for criminalizing human trafficking, b) identification of victims of trafficking, c) protection of victims of trafficking, d) assistance and support for victims of trafficking e) compensation and remuneration f) institutional framework, international coordination and cooperation as well as f) protection of data and private life for victims of trafficking / PVT.

3.3 The report analyzes legal and policy achievements, gaps and challenges in identifying and protecting victims of trafficking / PVT according to international standards and best practices on the field. It contains recommendations on fulfilling the obligations of the Albanian government and public institutions at the central and local level, in terms of improving the legal framework and policies to increase the efficiency of institutional mechanisms for rapid identification of VT / PVT, as well as protection and guarantee of full access to rights or services for all categories and vulnerable groups, adults or children, domestic or foreign.

A. Analysis of the Albanian legal framework in the field of trafficking in human beings: Compliance with international standards

1. The national legal framework in the field of trafficking in human beings generally reflects international standards. Recent changes in the framework of the justice reform have improved the anti-trafficking legal framework, focusing on ensuring the prevention, protection and prosecution of trafficking cases, mainly on the institutional challenges for the proper implementation of the legal framework. However, the existence of special provisions in various laws of the field of trafficking in human beings, highlighted the lack of a special framework law for protecting the victims of trafficking, which could better unify and coordinate all laws in the field.
2. Moreover, in contrast to the provisions of the Palermo Convention and international definitions, which in the notion "trafficking in human beings" include both adults and children, in the case of the Albanian Criminal Code there are two separate articles (110 / a and 128 / b) that essentially differ only concerning the subject being affected, i.e. whether he/she is an adult or a child.
3. The lack of a special article on trafficking in human beings has led to other problems of the legal framework. If in relation to adult trafficking the absence of the importance of consent in committing the offense of trafficking is not expressly provided for, the

provisions on child trafficking do not mention the punishment of "internal trafficking".

4. **Towards the legal framework that enables the tracing, seizure and confiscation of assets obtained from crimes related to human trafficking, it is worth mentioning the amendments of the Law No. 85/2020** in the Law no. 10 192, 3.12.2009, "On the prevention of organized crime, trafficking, corruption and other crimes through preventive measures against property". The amendments brought by this law complemented the legal framework for the confiscation of crime products. However, the lack of a legal framework aimed at unjustified wealth is still a noticeable gap.
5. The punishment measures provided for acts of trafficking in human beings are almost in line with the international framework. However, the revision of the criminal legislation in terms of including the concept of prohibition of punishment for the victim of trafficking still remains a problem.

B. Identification of victims of trafficking

1. The procedures for identifying victims of trafficking in Albania (DCM no. 499/2018) are designed in line with international instruments that address issues of prevention and fight against human trafficking and reflect the recommendations given by international organizations.
2. However, work remains to be done for harmonizing the PVT concept with international acts and to include the notion of the Presumed Victim of Trafficking as a replacement for the PVT in the SOP, in order to avoid misinterpretation in case of international cooperation.
3. In 2019, over 90% of the identified victims are Albanian citizens and over 65% are children. Almost 78% of PVTs / VTs are female. The same trend in percentage continues in 2020, despite the lower number of victims identified (65). The identification of victims of trafficking is done in state institutions, involved in identifying VT / PVT, and mobile units, which include a representative of the State Police and a child protection officer.
4. Referring to the identification of victims from different social groups, work is still needed to strengthen the capacity of the state labor inspectorate concerning the identification of victims of forced labor and cases of forced begging, mainly among unaccompanied children, street children or children crossing borders for begging. While, regarding the identification of PVT / VT on migratory routes, the border police structures are already trained and have the necessary information on the identification of PVT migrants and in addition, they give information about the rights and services provided according to the legislation in force. In 2019 we had 2 PVT cases identified as asylum seekers.
5. Regarding investigation and prosecution, there is a problem of limiting / stopping the proceedings by the prosecution due to pressure from family members or the reluctance of the victim himself. Even more problematic is the case where victims of trafficking are forced to change their statement at the prosecutor's office or court denying their exploitation due to intimidation, threats from traffickers, their relatives or the perpetrators' lawyers.

C. Protection of victims of trafficking

1. The Albanian legal framework is drafted based on minimum protection standards provided in Article 12 of the EC Convention, regarding guarantees of the protection measures for VT / PVT. The amendments to the Criminal Procedures Code of 2017, provided for a new position of the victim in the criminal process. Following the changes, the victim of the criminal offense is now a party of the criminal proceedings and has procedural rights, giving her an active role in them.
2. In addition to the newly provided rights for victims of crime in general, victims of trafficking in human beings also have rights specifically provided to them. The victim has the right to seek prosecution, psychological assistance, the right to free counseling and legal services, to be advised in a language he/she understands, to be assisted in cases of victims with disabilities, to choose his/her defense attorney, to seek time for the state of proceedings, to be informed if the perpetrator is released.
3. The legal provision of the right of victims of trafficking to be excluded from court fees and to be compensated is of great importance. However, the implementation of these provisions remains an identified problem. By 2020, only three VT / PVT cases have sought their right to be remunerated with the help of NGOs. The required prepayment in the amount of 1% of the value remains a concern in the case of exercising this right. Moreover, even when winning their right before the court, the problem has been non-execution of the decision, which has led to a lack of receiving factual compensation by the victim.
4. Concerning health rights, health care legislation also guarantees compulsory health care coverage for victims of trafficking. The provision of the same right for potential victims of trafficking is lacking.³ However, in practice, through the Responsible Authority in support of the Ministry of Health and Social Protection, the process of obtaining a health card and check-up by the family doctor for VTs / PVTs has been continuously facilitated, regardless of status. The law also provides victims of trafficking with the right to economic assistance. However, economic assistance of 3000 ALL per month is insufficient even for the vital needs of victims.
5. In terms of vulnerable categories, worrying issues remain a lack of services for victims of trafficking with mental health problems. **VT / PVT service centers do not have a 24-hour or part-time psychiatric staff, which has led to the refusal of hospitalizing people with mental health problems.** In this regard, it is necessary to create a specific center for these categories and real financial empowerment of the families of victims with mental health problems, in order for them to take care of their children.

D. Assistance and support for victims of trafficking

³ Law 141/2014 dated 23.10.2014 for amendments to law no. 10383 dated 24.02.2011 "On compulsory health care insurance in the Republic of Albania".

1. Support/assistance for victims of trafficking is mainly covered by State Budget funds. For 2019, a fund of ALL 28,320,466 million was disbursed from the state budget for social workers providing services in residential centers and food funds for cases of trafficking. For all VTs / PVTs identified and referred during the monitoring period, a complete package of services was provided by NCATS shelters in cooperation with other institutions as well as based on needs assessment. Data obtained from shelters providing VT / PVT services show that there have been cases where victims have been offered alternative accommodation due to specific needs.
2. The report showed that children identified as VT / PVT require an even greater commitment from the Albanian state given the more vulnerable status they have within the VT / PVT framework. From the moment of identification, the average time that an alleged VT child received shelter and other assistance was 1-2 days. Children identified as victims are housed and receive financial assistance at specialized anti-trafficking centers. They also benefit from age-appropriate services.
3. Referring to legal aid and assistance, it is worth mentioning the legal initiative undertaken by the MoJ in 2017, to make some changes in the organic law on free legal aid. Existing law no. 10039/2008, was repealed following the entry into force of law no. 111/2017, which introduced a new system of free legal aid. Referring to the changes, VTs / PVTs have the right to receive it in the form of primary legal aid, secondary legal aid, as well as through exemption from payment of court fees and court costs, and exemption from the obligation to prepay the fee for the execution of the decision.
4. However, in practical terms, during 2019 no VT / PVT received free primary or secondary legal aid. Meanwhile, from the data for 2020, it results that 33 cases of VT / PVT have received free primary legal aid from NGOs authorized by the MoJ for this purpose. While out of 146 cases registered at this directorate regarding the benefit of secondary legal aid, no case belongs to VT / PVT.

F. Institutional framework, including capacities, coordination and international cooperation.

1. The institutional framework in the field of anti-trafficking policies at both central and local levels is complete in accordance with international and functional standards. It is headed by the National Anti-Trafficking Coordinator. The Anti-Trafficking and Asylum Directorate has been established at the Ministry of Interior as a special structure that exercises competencies in the implementation and monitoring of anti-trafficking policies in Albania. The State Committee for Combating Human Trafficking has been functional since 2002. At the local level, Regional Committees for Combating Human Trafficking have been established and are functional in each region.

2. Furthermore, the National Coalition of Anti-Trafficking Shelters is functional at the central level. At the international level, the Albanian government has signed cooperation agreements and additional protocols to intensify cooperation in the fight against trafficking in human beings with other countries.

3. During the monitored period, the Albanian state has increased its capacities about conducting joint investigations of anti-trafficking offenses in cooperation with other states. In 2019, the Albanian police arrested 12 traffickers at the request of the French, German, Greek, and Italian authorities. Also during the same period, the Albanian government has waited for 4 extraditions of persons suspected of involvement in trafficking from Germany, Greece, Italy, and the Netherlands. At the same time, the Albanian authorities have continued joint investigations with the Italian authorities. Increasing cooperation with international partners remains important in this regard, aiming to exchange information on the criminal activity of Albanian citizens, both victims or perpetrators.

G. Protection of data and privacy of victims / potential victims of trafficking

1. There is a broad normative legal and sub-legal framework for guaranteeing the right to privacy and protection of personal data in practice. DCM No. 499, 29.08.2019 "On the approval of standard operating procedures for the protection of victims and potential victims of trafficking" was drafted in accordance with the Council of Europe Convention for the Protection of Individuals concerning Automatic Processing of Personal Data. The protection of the data and privacy of juvenile victims is done following the provisions of the Juvenile Justice Code.

2. At the institutional level, the national authority for data protection of the VT / PVT has been established in the capacity of the Commissioner for the right to information and protection of personal data. At the same time, the SIVET database on victims of trafficking has been set up and is operational, as part of a database integrated into the TIMS system, which is the only official source for statistics on victims / potential victims of trafficking. The VT / PVT database is managed by the Office of the National Anti-Trafficking Coordinator and operates under legal provisions for the protection of personal data.

3. However, despite the existence of the legal framework in force and the possibility of initiating criminal proceedings in case of publication of information leading to the identification of victims of trafficking by the media or others, even during the period covered by this report there are concerns from NGOs regarding publishing in the media of VT / PVT cases revealing their figure and/or identity, which increases the risk for the continuation of normal life, protection of health and life and their integration in society.

1. ANALYSIS OF THE ALBANIAN LEGAL FRAMEWORK IN THE FIELD OF TRAFFICKING IN HUMAN BEINGS: COMPLIANCE WITH INTERNATIONAL STANDARDS (INDICATORS AA1-27).

1.1 Background

1.11 This part of the report focuses on the compatibility of Albanian legislation and the strategic framework in the field of trafficking in human beings with other International and European acts issued for this purpose.

1.12 Specifically, the analysis of the Albanian legal framework is done in terms of its level of compliance with:

- United Nations Convention against Transnational Organized Crime, the Palermo Protocol together with the two protocols:
 - Protocol Against Smuggling of Migrants by Land, Air and Sea and
 - Protocol on the Prevention, Suppression, and Punishment of Human Trafficking, especially Women and Children.⁴
- Council of Europe Convention on Action against Trafficking in Human Beings, Warsaw Convention.⁵

1.13 The legal framework analyzed is limited to the level of inclusion of international standards, sanctioned in the above-mentioned conventions as part of:

- Criminal Code of the Republic of Albania⁶
- Code of Criminal Procedures in the Republic of Albania⁷
- Juvenile Criminal Justice Code
- Law no. 22/2018 “On Social Housing”
- Law No. 111/2017 “On legal aid guaranteed by the state”
- Law no. 9669, 18.12.2006 “On measures against domestic violence”
- Law no. 18/2017 “On the rights and protection of children”
- National Action Plan for Combating Human Trafficking 2018-2020⁸.

1.14 The issues that regulate the provision of "human trafficking" as a criminal offense and the ways it is punished are regulated respectively in the Criminal Code⁹ and the Code of Criminal Procedures of the Republic of Albania¹⁰. Both laws were last updated in 2017 in the framework of the reform in the justice system in Albania.

⁴ Ratified by the Albanian state with law No. 8920 dated 11.07.2002 “On the ratification of the UN Convention against International Organized Crime and its two additional protocols.

⁵ Ratified by the Albanian state with law No. 9662 dated 20.11.2006 "On the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings".

⁶ Approved by law No. 7895, dated 27.01.1995 (updated 2017)

⁷ Approved by law No. 7905, dated 21.03.1995 (updated 2017)

⁸ Approved by Decision of the Council of Ministers no. 770 dated 26.12.2018.

⁹ Approved by law No. 7895, dated 27.01.1995 (updated 2017)

¹⁰ Approved by law No. 7905, dated 21.03.1995 (updated 2017)

1.15 What can be noticed in the general legislative plan is the fact that despite the changes that have been made in each of the above laws, we have not yet reached a legal initiative by the Council of Ministers or members of the Albanian Parliament to draft a framework law for the protection of victims of trafficking,¹¹ which could better unite and coordinate all the above-mentioned acts in the field of trafficking in human beings.

1.16 However, despite the lack of a special law, we can say that the national legal framework in the field of trafficking in HB generally reflects international standards. Recent changes have best improved the anti-trafficking legal framework, focusing on ensuring the prevention, protection, and prosecution of trafficking cases, mainly on institutional challenges for the proper implementation of the legal framework.

1.2 The concept of trafficking in human beings, means of human trafficking¹²

1.21 The Council of Europe Convention “On measures against Trafficking in Human Beings” provides the concepts of human trafficking “*recruitment, transportation, transfer, accommodation or exploitation of persons*”.¹³ For the purpose of this Convention, *exploitation shall include, as a minimum, the exploitation for prostitution, other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, or the removal of organs*.

1.22 Referring to the inclusion of this concept in the Albanian criminal legislation, **Article 110/a** of the Criminal Code (CC) of the Republic of Albania provides for “Trafficking in adults”. Meanwhile, Article 128/b of the criminal code sanctions “Trafficking in children” as a criminal offense.

1.23 The criminal offense of human trafficking provided by Article 110/a of the CC is part of Section VII with regards to criminal offenses against the freedom of persons. As such, it is distinguished from the criminal offenses against secrecy and state borders provided for in Articles 297 CC and 298 CC which explicitly sanction “Illegal crossing of the state border” and “Assistance in illegal border crossing”¹⁴. The crime of human trafficking is also distinguished from crimes against state authority or criminal offenses against public order and security. We conclude the same regarding the difference between criminal offenses against morality and dignity, such as prostitution (Article 113 CC) or exploitation of prostitution (Article 114 CC). In each of these cases, in order to classify the exploitation of prostitution as part of human trafficking, the means used according to its definition would have to be verified.¹⁵

1.24 Comparative analysis between national provisions and international conventions shows that:

-National provisions regarding “means of trafficking” are fully in line with Article 4/a of the EC Convention.^{16 17}

¹¹ See also the study conducted by “Different and Equal” “On the need to draft a special law for the protection of victims of trafficking” (2019)

¹² See indicators A2 / 3

¹³ Article 4a of the Council of Europe Convention on Action against Trafficking in Human Beings.

¹⁴ Indicator A.13

¹⁵ Indicator A.13

¹⁶ Article 4a of the Council of Europe Convention on Action against Trafficking in Human Beings.

¹⁷ Indicator A.3

- Likewise, Article 128 / b CC punishes the offense of child trafficking in all cases, without mentioning any of the means of trafficking found in the provision on trafficking in adults, thus reflecting the spirit of Directive 2011/66, according to which “when trafficking involves a child then the perpetrator should always be punished even if none of the means of trafficking has been used.”¹⁸
- The definition that criminal law has given to trafficking in adults does not yet explicitly contain the lack of importance of giving consent for classification or not as a criminal offense, an obligation provided for in the UN convention.¹⁹
- Also concerning the definitions of both provisions on trafficking in human beings (Articles 110 / a and 128 / b) it is worth noting the fact that while in the case of adults both external and internal trafficking is expressly provided, in the case of child trafficking, the predictability of the punishment for internal trafficking is lacking.

1.26 International definitions do not make any distinction between trafficking in adults or children as it is the case with the Albanian Criminal Code, in which there are two separate articles (110 / a and 128 / b) which essentially differ only regarding the affected subject, so whether it is an adult or a child. In contrast, the Palermo Convention refers to the term "trafficking in human beings", which includes both adults and children. Given that the concept of trafficking is the same regardless of the subject affected as well as to avoid multiple interferences in the provisions of our criminal code and ambiguities in the content of repeated provisions, it would be important to complete the process initiated by the Ministry of Interior/Justice related to the **amending of Articles 128/b and 110/a of the Criminal Code on trafficking, to include both categories in a single article (adults and children)** thus reflecting the changes needed to sanction domestic child trafficking. Following the Palermo Convention, committing the criminal offense of trafficking against minors/children would be considered as an aggravating circumstance, which could be followed by the application of more severe sanctions in this case.

1.27 Attention should also be paid to the limited scope of the vulnerability of victims of trafficking provided for in Article 110/a of the Criminal Code compared to the concept of "vulnerable position" sanctioned in Directive 2011/36/EU of the European Parliament and the Council adopted on 5 April 2011 "On the prevention and fight against trafficking in human beings and the protection of victims of trafficking". Instead of the term “vulnerable position” the Albanian legislator used the term “social, physical or mental condition” (Article 110 / a). For the purposes of Directive 2011/36/EU of the European Parliament and the Council, the position of vulnerability implies a situation in which the person concerned has no real or acceptable alternative but to be subjected to abuse.²⁰ In the context of this directive, in particular, the concept of vulnerable persons should include children, but other conditions related to the victim status such as gender, pregnancy, health status, or disability may also be considered.²¹ *The inclusion of these situations in the definition provided by Article 110/a of the Criminal Code will also*

¹⁸ Indicator A.16

¹⁹ Indicator A15.

²⁰ Directive 2011/36 / EU of the European Parliament and of the Council adopted on 5 April 2011 "On the prevention and fight against trafficking in human beings and the protection of victims of trafficking" Article 2/2.

²¹ Directive 2011/36 / EU of the European Parliament and of the Council adopted on 5 April 2011 "On preventing and combating trafficking in human beings and protection of victims of trafficking" paragraph 12 / preamble.

reflect the intention of the Albanian legislator regarding the determination of higher criminal sentences if trafficking is committed, for example, against women (Article 110 / a / paragraph 2) or children. (Article 128 / b).

1.3 Criminal offenses related to human trafficking

1.31 In addition to human trafficking, the Albanian legal framework provides for other related offenses.²² This approach specifically reflects the compatibility of national legislation with the EU Anti-Trafficking Directive (Directive 2011/36/EU) which, taking into account recent developments in the phenomenon of trafficking in human beings, includes a broader concept of what is considered trafficking in HB such as slavery, forced labor, coercion of persons to beg, sexual exploitation, trafficking of persons for organ removal as well as other forms such as forced abortion or forced marriage, in case they fulfill elements of the criminal offense of trafficking in persons.²³ Each of these related offenses is provided in the Criminal Code.²⁴ Also, the CC expressly provides for "Benefit or use of services provided by trafficked persons" (Article 110/b) and "Actions that facilitate trafficking" (Article 110/c) as criminal offenses.²⁵

1.32 However, same as other offenses related to human trafficking, the Convention also provides for aggravated economic exploitation of adults as well as the economic exploitation of children under 18 years of age.²⁶ If we analyze the legal provisions of the Criminal Code concerning these two offenses, we note that, while in the case of children CC has provided a special provision (in addition to that of child trafficking), Article 124 / b "Abuse of a minor²⁷", in the case of adults, economic exploitation is included within the meaning of adult trafficking, without having a special provision regarding debt obligation. Moreover, even in the case of the provision on trafficking in persons (Article 110 / a) of the CC, the "severe" form of economic exploitation is not foreseen.

1.33 Referring to the legal framework that enables the tracing, seizure, and confiscation of assets arising from crimes related to human trafficking, it is worth mentioning the amendments adopted by Law No. 85/2020 for Law no. 10 192, 3.12.2009, "On the prevention of organized crime, trafficking, corruption and other crimes through preventive measures against property".

The legal changes in Albania during this period have been evidenced by the European Commission in the framework of the Progress Report for Albania

²² See indicators A5 - A10

²³ Directive 2011/36 / EU of the European Parliament and of the Council adopted on 5 April 2011 "On the prevention and fight against trafficking in human beings and the protection of victims of trafficking" paragraph 11 / preamble.

²⁴ Criminal Code articles: 110 / a, 128 / b, 114,114 / 2,117,130.

²⁵ Indicator A17 / 18.

²⁶ Indicator A 11/12.

²⁷ Physical or psychological abuse of a minor by the parents, sister, brother, grandfather, grandmother, legal guardian or any person who is obliged to care for him is punishable by imprisonment of three months to two years. Forcing, exploiting, pushing or using a minor to work, to earn an income, to beg or to commit acts that impair his mental and / or physical development, or his education, is punishable by imprisonment of two to in five years. When the offense has caused serious damage to health or the death of a minor, it is punishable by imprisonment of ten to twenty years.

presented in October 2020. According to it, in December 2019, Albania adopted additional measures to prevent trafficking in human beings, in particular by increasing the control of the state police over juveniles leaving the country. The Commission notes the adoption of a special package in January 2020 introducing temporary preventive measures to increase the country's capacity to fight organized crime and terrorism (otherwise known as the "get what you can" package, or KÇK). Measures include the possibility of labeling assets through seizure and confiscation, restricting the movements of suspected criminals and their economic activities. The package enables the Special Prosecution to use new investigative tools and provides for changes in the anti-mafia law, the law "On State Police", the law on seized property, the CC, and CPC²⁸. Taking the above changes into account, the European Commission has concluded that Albania currently has a consolidated legal framework for the confiscation of the proceeds of crime. What is still evidenced as a gap is the lack of a legal framework aimed at unjustified wealth, e.g. regarding the introduction of the concept of prolonged confiscation and lawful financial ceilings in terms of cash transactions, the admissibility of "suspicious transaction reports" as evidence before the court, and the establishment of a central bank account register.²⁹

1.4 Punishment measures related to trafficking in human beings and compliance with international standards

1.41 The main forms of punishment provided in the Albanian Criminal Code are:³⁰

- a) life imprisonment
- b) imprisonment
- c) fine³¹

1.42 The severity of the penalties imposed for criminal offenses against human trafficking (Article 110 / a / b / c and Article 128 / b of the Criminal Code) is comparable to the penalties provided for other criminal offenses that are part of the same categories of offenses against the freedom of the person. "Adult trafficking" is punishable by imprisonment of eight to fifteen years. Whereas, if this offense is committed against vulnerable persons such as women or children then the punishment provided is more severe³² following the principle of proportionality.

1.43 Also under this principle, it is worth emphasizing the concept of "aggravating position" of the subject in committing the offense of trafficking, which is also accompanied by an increase in the sentence. Thus, in the case of trafficking committed in cooperation, more than once or when the trafficking is accompanied by ill-treatment or coercion with physical or psychological violence against the injured party, or the offense has serious consequences for his/her health or endangers his/her life, then the provided measure of punishment is not less than fifteen years. While in the same line with all the above-mentioned offenses in the case of trafficking, the legislator provides

²⁸ European Commission, Progress Report for Albania, October 2020, p. 39.

²⁹ European Commission, Progress Report for Albania, October 2020, p. 39.

³⁰ Analysis of indicator A1.

³¹ Criminal Code of the Republic of Albania, Article 29 "Main Sentences"

³² From ten to fifteen in the case of trafficking in women and from ten to twenty years when the offense is committed against children.

for the measure of life imprisonment in case death of the victim results from it. Another aggravating circumstance that increases the punishment provided in the Criminal Code is its commission through the use of state function or public service which, if proven, increases the previous punishment by ¼.

1.44 We can therefore assess that the pursuit of such policy for sentencing generally reflects the spirit of the Council of Europe, which in the Anti-Trafficking Convention provides as aggravating circumstances: trafficking of children, when the life of the victim is at risk, when performed by a civil servant on his / her duties or when performed within the framework of a criminal organization.³³ ³⁴Likewise, this policy of punishment, which in our reasoning reflects the notion of efficiency in terms of committing the offense - the consequences that come from its commission provided by Directive 2011/36/EU according to which when the crime is committed in certain circumstances, for example, against vulnerable persons then the sentence should be more severe. The same situation is foreseen in case the offense is particularly serious, for example when the victim's life is at risk or the offense has involved serious forms of violence such as torture, violent use of narcotics, rape or other forms of psychological, physical or sexual violence. In all these cases the directive provides that these circumstances be considered as aggravating and are reflected in the sentence.³⁵

1.45 *However, even within these two provisions, there are cases when the legislator has not properly provided for the application of the sentence increase in aggravating circumstances. Thus, although the organization, management or financing of human trafficking is considered an aggravating circumstance, the sentence is not only unchanged but otherwise, it is predicted to be lower (from seven to fifteen years). While in the case of Article 128 / b this circumstance is provided with the same punishment as child trafficking itself.*

1.46 *In terms of taking preventive measures, the Albanian state has approved the Law no. 10192, 3.12.2009 "On the prevention of organized crime, trafficking, corruption and other crimes through preventive measures against property" updated in 2017, which provides for the confiscation or seizure of assets as a result of the criminal offense of trafficking adults / children.³⁶*

1.47 The investigation and prosecution of trafficking in human beings (adults and children), as part of serious crimes also due to the sentence, was within the competence of the Serious Crimes Prosecution and the Serious Crimes Court.³⁷ While, with the changes of 2017 in the Code of Criminal Procedures, both of these offenses will be in the substantive jurisdiction of the district courts, a change that in the reasoning of experts is not considered in accordance with the standards provided in the UN Convention, which defines acts of trafficking in human beings as serious crimes.³⁸ This change has also

³³ Council of Europe Convention on Action against Trafficking in Human Beings, Article 24 "Aggravating circumstances".

³⁴ See also United States Department of State. 2019 Trafficking in Persons Report: Albania where it is underlined that the punishment measures imposed in the Albanian criminal law are severe compared to that of similar crimes such as rape.

³⁵ Directive 2011/36 / EU of the European Parliament and of the Council adopted on 5 April 2011 "On preventing and combating trafficking in human beings and protection of victims of trafficking" paragraph 12 / preamble.

³⁶ Indicator A.19.

³⁷ Former Article 75 / a of the Code of Criminal Procedure.

³⁸ See also the Center "Different and Equal" (2019) "Study report on the need to draft a special law for the protection of victims of trafficking in Albania", pp. 46-7.

brought practical difficulties and delays in reviewing cases of 2018/19 due to the incompetence declared by the Serious Crimes Prosecution in relation to the District Prosecutions.³⁹

1.5 Jurisdiction over the criminal offenses of trafficking defined in the Albanian criminal and procedural law and the definition of “trafficking in human beings” as an extraditable criminal offense.⁴⁰

1.51 The implementation of the Albanian criminal law for offenses committed by Albanian and foreign citizens is referred to in the general part of the Criminal Code (Articles 5-7 and 11). In the meaning of these articles, the Albanian criminal legislation is applied in the entire territory of the Albanian state. The criminal law of the Republic of Albania applies to criminal offenses committed by Albanian citizens within its territory. In case of committing crimes by an Albanian citizen in the territory of another state, the criminal law of the Republic of Albania operates when the crime is simultaneously punishable and until a final decision has been given to it by a foreign court. The above principle is general and does not explicitly refer to the act of trafficking in persons. In the case of offenses committed against an Albanian citizen, the CC expressly provides for the application of the Albanian criminal law in the case when foreign citizens have committed human trafficking outside of Albania. (Article 7 CC). Regarding extradition, based on Article 11 of the CC it is observed that trafficking does not belong to the category of criminal offenses for which extradition is prohibited. Such prohibitions are made only for acts with a political or military object.

1.6 Lack of provision in the Albanian legislation on the punishment of victims of trafficking as well as the provision for their release from detention. (indicator A22-23)

1.61 Article 52 / a CC “Exemption or reduction of punishment for collaborators of justice and victims” provides in the second paragraph that the victim of criminal offenses, related to human trafficking, may benefit from exemption from punishment for criminal offenses during the period of trafficking and to the extent that he/she was obliged to commit those illegal acts or omissions”. In the case of victims of trafficking, the provision applies only in cases of co-operation or reporting. Victims of trafficking should not be punished or prosecuted for illegal acts when they are forced or as a result of the act of trafficking. In practice, from the data of the centers of the National Anti-Trafficking Coalition (Psycho-Social center "Vatra" and Different and Equal) there have been cases where victims have been prosecuted for prostitution even though they had been victims of trafficking. The victims were also prosecuted for theft while they were forced to commit that crime. In such cases, VT / PVT have also served prison sentences. Impunity for trafficked persons is a very important standard, with a special provision in the Council of Europe Convention against Trafficking. It is just as important as VT / PVT serving prison sentences and to expressly provide the obligation to release victims of trafficking from detention.

³⁹ In the two cases analyzed by "Vatra" and "Different and Equal" this legal change has brought problems in reviewing the cases of victims of trafficking.

⁴⁰ Indicator A 20/21.

Recommendations towards the Group Aa Indicator:

- *It is necessary to draft a framework law against trafficking in human beings (Study Reference "Different and Equal" (2019))*
- *The notion of vulnerability provided in Articles 110 / a CC should be extended to other criteria related to age, gender, health status, physical and / or mental disability.*
- *It is necessary to apply the concept of "aggravating position" in relation to the provisions of the punishment for organizing, directing or financing the human trafficking.*
- *It is necessary to review the provisions of the CC in order to distinguish the offense of "trafficking in adults" and "severe economic exploitation" of adults as well as to explicitly provide in the CC the lack of importance of giving consent for the effect of trafficking in adults.*
- *The criminal code should include the concept of prohibition of punishment for a victim of trafficking within Article 52 / a CC in accordance with the EC Convention.*
- *It is important to take measures for the analysis and revision of Articles 128 / b and 110 / a of the Criminal Code, on trafficking, to include in a single article the trafficking of adults and minors and to include the trafficking of children in the aggravating circumstances of committing CO as well as the definition in the legislation of the meaning of "compulsory services" within the forms of exploitation.*

2. IDENTIFICATION OF VICTIMS OF TRAFFICKING: FINDINGS OF THE ALBANIAN STATE.

Identification of victims of trafficking / legal framework and results for 2019

2.1 The identification of victims of trafficking in Albania is based on Decision No. 499, 29.8.2018 "On the approval of standard action procedures for the protection of victims and potential victims of trafficking" (SOP). This decision clearly provides for the forms of identification of victims of trafficking (initial and formal identification) as well as the responsible bodies in charge of the identification task. The procedures are designed in line with the international instruments that address the issues of prevention and fight against trafficking, and reflect the recommendations of international organizations, such as: UN, US DoS, CoE, IOM, OSCE, UNICEF, ICMPD, UNODC.⁴¹

2.2 Regarding the initial identification, the SOPs define the Border Police (green and blue) as the institution responsible for conducting the identification within the Republic of Albania. Meanwhile, in the territory of the country, the agencies responsible for initial identification are state and non-state agencies, including: NCATS, social care centers for people in need, organizations with assistance programs for people in need, regional offices of the state social service, state police structures, state labor inspectorate, schools and educational institutions, health care institutions, social service structures in the municipality. Outside the territory of the Republic of Albania, the agencies / institutions responsible for the identification of potential victims of trafficking with Albanian citizenship, are the diplomatic representatives of the country, as well as other agencies working on this field⁴².

2.3 While the body responsible for formal identification is the Group / Structure Responsible for Formal Identification in the borders and territory of the Republic of Albania (G/SPIF): established (ad hoc) structure that conducts formal interviews of persons identified as potential victims of trafficking, consisting of a State Police Officer of the Section for Combating Illegal Trafficking (SLKTP) and the Child Protection Officer/CPU in the municipality / administrative unit for each juvenile case, and a state social worker of the regional social service office (SORSS) for adults.⁴³ For each of the above institutions the SOP clearly defines the indicators needed to identify adult VT / PVT and / or children as well as the steps to be followed in each case. For formal identification, the tool used is formal interview and consultation with the Responsible Authority.

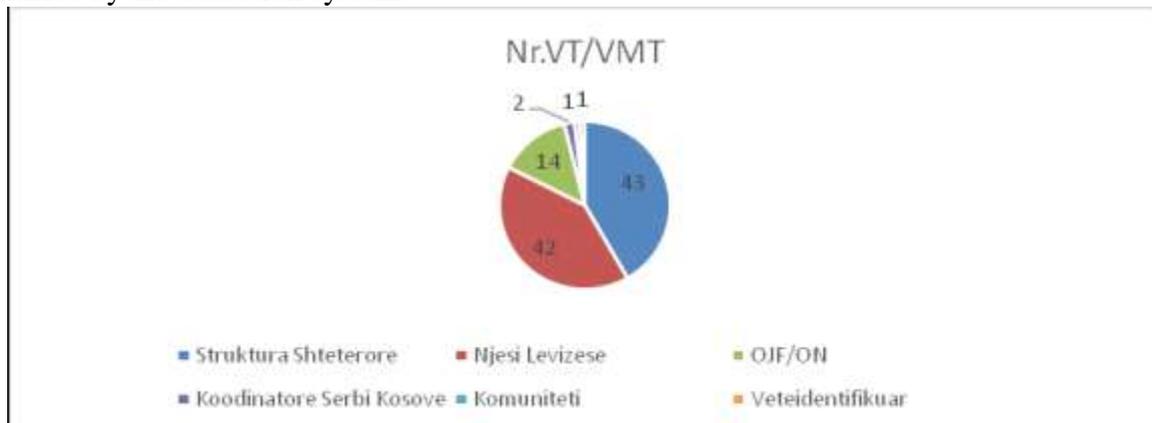
⁴¹ Nr. 499, 29.8.2018 On the approval of standard action procedures for the protection of victims and potential victims of trafficking, p. 4.

⁴² Nr. 499, 29.8.2018 On the approval of standard action procedures for the protection of victims and potential victims of trafficking, p.18.

⁴³ Nr. 499, 29.8.2018 On the approval of standard action procedures for the protection of victims and potential victims of trafficking, p. 60.

2.4 The concept of “Potential Victim of Trafficking” (PVT) is explicitly defined in DCM no. 499, 29.8.2018 “On the approval of standard action procedures for the protection of victims and potential victims of trafficking”. Within this act, PVT is the person, for whom, the agencies / institutions responsible for initial identification, based on indicators / special circumstances of the case, in which, at least three or more elements constitute reasonable suspicion that the person may have been trafficked. In the international context, the above entities that have not been formally identified by the responsible bodies are considered as presumed victims of trafficking. While in international references PVT are those vulnerable groups who may be at risk of becoming VT in the future.⁴⁴ Even if we refer to GRETA reports for Albania, the term used in the sense of PVT according to our legal framework is "presumed victim of trafficking". In this regard, it is important to include in the SOP the notion of the Presumed Victim of Trafficking as a replacement for the PVT in order to avoid misinterpretation in case of international cooperation.

Based on the data of the US DoS report for 2019, state institutions involved in the identification of VT / PVT have found 43 out of 103 victims in total registered for 2019. 42 Victims have been identified by officers of mobile units, 14 PVT / VT were identified by NGOs and international organizations, 2 by the coordinator Serbia and Kosovo, 1 by the community and 1 victim was self-identified. Regarding the identification of PVT / VT on migratory routes, border police structures are already trained and have the necessary information on the identification of PVT migrants. Only in 2019 we had 2 PVT cases identified as asylum seekers. About child victims, it remains necessary to increase the capacity of the state labor inspectorate to identify victims of forced labor, mainly among unaccompanied children, street children or children crossing borders for begging.⁴⁵ It is interesting to mention the fact that during 2019, 2 potential victims of trafficking were identified by the education system.



Graph: Number of VT / PVT identified during 2019 according to identification structures

⁴⁴ See the difference between PVT and Presumed Victims of trafficking: OSCE (2011) Trafficking in Human Beings: Identification of Potential and Presumed Victims A Community Policing Approach or Office for Democratic Institutions and Human Rights, National Referral Mechanisms. Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook, Warsaw, 2004

⁴⁵ US Department of State (2020) Human Trafficking Report: Albania

2.5 Out of the total number of 103 VT / PVT during 2019, 96 have been identified by state authorities, non-governmental organizations and mobile units as potential Victims of trafficking and 7 as official Victims of Trafficking. Out of them, 6 victims were foreigners and 97 Albanian. 93 cases were considered as cases of internal trafficking. Out of the total PVT / VT, 36 were adults and 67 children, while 80 were females and 23 males. In the case of juvenile victims there is no data on cases where juveniles were considered adults during identification or complained about being considered juvenile PVT. The main distribution of cases was Elbasan (27), Tirana (23), Vlora (16), Korca (5), Dibra (5), Berat (4), Durrës (3), Kukës (3) and Fier (2).

Data on the identification of victims of trafficking January-December 2019	103 PVT / VT	
	Sex	
	Men No/%	Female No/%
	23/22%	80/78%
	Age	
	Adults No. /%	Children No /%
	36/35%	67/65%
	Nationality	
	Albanian No. /%	Foreigners No /%
	97/94%	6/6%
	Status	
VT Nr /%	PVT Nr /%	
7/7%	96/93%	

Source: US Department of State (2020)

2.6 Meanwhile, according to the sources of the centers of the National Anti-Trafficking Coalition for 2020, it results that 84 PVTs have been identified during the period January - December 2020. 5 persons have been identified as official victims of trafficking. In total, out of 84 VT / PVT, 28 were adults and 56 children, 22 were males and 62 females. Only 3 victims were identified as foreign PVT / VT during this period, while 81 victims were Albanian citizens.⁴⁶

2.7 Regarding the form of exploitation, according to the US State Department (US DoS) and the GRETA report, at least 80% of the victims are subject to sex trafficking and only 20%

⁴⁶ The source of the collected data is the National Office of the Anti-Trafficking Coordinator, referred by the Psycho-Social Center "Vatra"

of them are subject to forced labor and forced begging.⁴⁷ Women are trafficked more for sexual exploitation, while men for forced labor or begging. The bodies responsible for identifying the forms of exploitation, in this case, are the police as well as the labor inspectorate. However, according to DoS, these bodies lack the training to identify victims of forced labor by age group or gender.⁴⁸ Also regarding the responsible authority for identifying victims of exploitation for forced labor, we can say that there is no separate body for identifying only male or female victims. (see indicator B.18 / 19). In our case, the Labor Inspectorate acts as a single body that will have to collect data on these indicators.

2.8 Regarding the investigation and prosecution of trafficking offenses, we can say that during 2019 the State Police has investigated 41 cases with 62 suspects, of which 34 cases with 45 suspects were related to adult trafficking and 7 cases with 17 suspects were linked to child trafficking. In the same period during 2019, the General Prosecution Office registered a total of 19 proceedings under Article 110/a CC with eight defendants/persons under investigation and 6 proceedings related to child trafficking (Article 128 / b) and sent for trial three cases with 3 defendants. (1 for adult trafficking and 2 for child trafficking).⁴⁹ For the monitoring period (2019) official reports do not indicate any cases of senior officials suspected of being involved in trafficking in human beings or who have been in some way collaborators with traffickers.⁵⁰

2.9 The protection of the rights of victims of trafficking is guaranteed during the prosecution phase. In all cases of children who have appeared to testify before the prosecutor, their interrogation by the appropriate prosecutor and the presence of a psychologist has been ensured. VT / PVT are informed in advance of their rights and of all legal, administrative, and judicial proceedings.^{51 52}

2.10 Based on the data of shelters that provide services for VT / PVT, during 2019 there were several cases where the prosecution was limited in the exercise of its duty / detained due to family members or reluctance of the victim. Thus, the information received from the center "Different and Equal", shows that during 2019 there was 1 case of a child (near the center) who was forced by her mother to withdraw the lawsuit after the threats of abusers for revenge. After the location was discovered, the case was transferred to a high-security center and further legal proceedings continued. Cases of VT being forced to withdraw the lawsuit have also been noted in circumstances where the victim's relatives are involved in trafficking. Such was the case identified by the lawyers of the center "Different and Equal" during 2019, for exploitation of a minor by her family. In this case, the mother intervened so that the daughter withdrew the lawsuit against the father and brother. The minor victim, in this case, was supported by the psychologist and the lawyer

⁴⁷ United States Department of State, (2020) Trafficking in Persons Report: Albania,

⁴⁸ Ibid.

⁴⁹ Indicators A.27

⁵⁰ Indicator A.25

⁵¹ Indicator A.32 / 33/34.

⁵² Information obtained according to the data of lawyers of the Center "Different and Equal" who were present at the meetings of VT / PVT with prosecutors.

of the Center to continue the proceedings and to be represented in court.⁵³ Likewise, the Psycho-Social Center "Vatra" claims that there have been cases when victims of trafficking have changed their statements in the prosecutor's office or court denying their exploitation.⁵⁴ This is because they were intimidated, threatened by traffickers, their relatives, or the traffickers' lawyers. Also in many cases, the victims are under pressure from family members to change their testimony, since there have been death threats.

2.11 Referring to court statistics, during 2019, 5 citizens were convicted by the Court in total, three were convicted of adult trafficking and 2 of child trafficking. The sentence for adult traffickers was 7 years and 6 months, 10 and 17 years imprisonment, respectively, while both cases of child trafficking were punished by 15 years imprisonment.⁵⁵ In all cases, according to the information received from the shelters providing services for VT / PVT and the reports of the National Anti-Trafficking Coordinator, the courts have respected the principle of non-discrimination by offering all parties equal opportunities and rights.⁵⁶ Moreover, the trials were conducted respecting the protection measures of victim-witnesses. Thus, during 2019, 1 case was identified followed by QND where the juvenile victim used video evidence, to not face the defendant and 2 other cases were asked in advance by the judges whether they want to face the defendant or not. Both times, the court upheld the victims' decisions.⁵⁷

2.12 The same situation does not occur in the case of adult VT / PVT. In the cases followed by the psycho-social center "Vatra", there was evidence of refusal to use audiovisual media by the court forcing the victim to testify at the same court session with the defendants. In this case, the court did not take into account the request of the center's lawyers to enable the taking of evidence through audiovisual means, which in practice has brought problems in terms of changing the evidence of VT / PVT, due to fear from the presence of persons who have exploited them. The average length of the trial of human trafficking cases according to the NGOs that followed the proceedings ranged from one to 3 years⁵⁸.

2.13 During the monitoring period covered by this report, there were no cases of victims convicted of engaging in illegal activities that they were required to carry out under the orders from perpetrators.⁵⁹

2.14 Referring to the structures of investigation and prosecution of cases of human trafficking, it is worth mentioning that at the level of the state police, there is an Anti-Trafficking structure responsible for investigating all cases of human trafficking. Meanwhile at the prosecution and court level, after the 2017 changes, the SPAK will investigate trafficking cases if they are categorized as organized crime while district prosecutors will continue to prosecute cases in the absence of elements of organized

⁵³ Indicator A.36

⁵⁴ Out of 10 cases monitored by the Vatra center for 2019-2020, at least in 1 case the change of VT's testimony was verified.

⁵⁵ United States Department of State, (2020) Human Trafficking Report: Albania

⁵⁶ Indicator A.39

⁵⁷ Indicator A.40. (according to QNB data)

⁵⁸ Indicator A.52

⁵⁹ Indicator A.41.

crime. According to DoS, the monitoring by international structures and NGOs has identified the lack of capacity for district prosecutors to investigate this category of criminal offenses and to successfully prosecute trafficking cases.⁶⁰

2.15 Also despite the efforts of the Office of the National Coordinator, NGOs, and international organizations to train Referral bodies during 2019, the monitoring shows the need for better knowledge of their SOPs and protection measures for victims. It is necessary to have complete statistics on the training of professionals, the number of trainings as well as the total number of training beneficiaries in each case.

Recommendations regarding the identification of VT / PVT:

Recommendations:

- Performing the identification respecting all the procedural steps of the SOP, regardless of the report to the prosecution.*
- Determination of special indicators related to VT and PVT necessary for the collection of statistics in the statistical plan;*
- Compilation of statistics regarding the total staff number of the Responsible Authority, who have received training from the Office of the Anti-Trafficking Coordinator throughout the year;*
- Increasing the capacities of the employees at the labor inspectorate on the identification of victims of exploitation and forced labor.*
- Expansion of the training circle with the responsible structures in all territorial units of the Republic of Albania as well as the training of specialists in border areas, asylum, diplomats regarding the identification of victims of trafficking.*
- Creation of a data system on PVT / VT identification accessible by all structures of the Responsible Authority and taking measures to eliminate duplication of data between police structures, prosecution or court.*
- Inclusion in the SOP of the concept of a presumed victim of trafficking instead of a Potential Victim of Trafficking.*
- Increasing the capacities of the bodies of investigation and prosecution for cases of trafficking in human beings to distinguish the elements of various criminal offenses in this category and to accurately qualify the criminal offense of trafficking.*
- Maintaining data regarding the number of witnesses in the process, the number of cases detained by the prosecution due to the withdrawal of the VT / PVT, the number of cases involving foreign nationals.*

⁶⁰ Ibid.

3. PROTECTION OF VICTIMS OF TRAFFICKING: FINDINGS OF ALBANIA DURING 2019

3.1 Legal protection for victims of trafficking

3.11 Albanian legislation provides for the protection of victims of trafficking in several acts. The SOPs clearly define the difference between VT and PVT, with regards to the existence of at least three or more elements that based on the indicators/circumstances of the case, constitute a suspicion to the responsible authority that the person may have been trafficked. SOPs also determine the format of the interview for both adults and children. It is very important to quickly identify VT / PVT because they may be subjects in need of specialized help and support services, which aim at the reintegration and full physical, social, or psychological recovery of the victim. The Albanian legal framework is drafted in line with the minimal protection standards provided for in Article 12 of the CoE Convention.⁶¹ As part of the protection measures of a legal nature, referred to in specific laws, we can mention:

- a) *The right to receive free legal aid*⁶²
- b) *The right to benefit from the protection program of witnesses and collaborators of justice*⁶³
- c) *The right to benefit from the economic assistance scheme after leaving the social care institution until their employment*⁶⁴
- d) *The right of VT / PVT to be accommodated in special residential centers;*
- e) *Foreign victims of trafficking are entitled to type "C" work permits for business purposes, to be employed, self-employed, or for vocational training*⁶⁵
- f) *Protection of the identity and privacy of VT / PVT*^{66 67}

3.12 In addition to these rights, the Criminal Procedures Code of the Republic of Albania recognizes the possibility for the victim of a criminal offense to seek

⁶¹ The Council of Europe Convention on Action against Trafficking in Human Beings provides for minimum standards for the protection of VT/PVT measures: adequate and safe housing; - psychological help; - material assistance; - access to urgent medical treatment; - translation and interpretation services as needed; - counseling and information, in particular as regards their legal rights and procedures, in a language they understand; - legal aid and free legal aid according to specific conditions; - access to the labor market, training and vocational education, and - access to children's education, taking into account the safety of the victim and the needs for protection

⁶² Law no.111 / 2017 "On legal aid guaranteed by the state"

⁶³ Law No. 10173 dated 22.10.2009 "On the protection of witnesses and collaborators of justice", see Article 12

⁶⁴ Law no. 10252, dated 11.03.2010, "On some additions to law no. 9355, dated 10.03.2005 "On social assistance and services", article 1

⁶⁵ Law No. 9959, dated 17.7.2008 "On foreigners", Article 60.

⁶⁶ Law "On personal data protection"

⁶⁷ Law No. 108/2014 "On the State Police"; Juvenile Criminal Justice Code, Article 21/4.

compensation for damages and to be admitted as a civil plaintiff in criminal proceedings.⁶⁸

3.13 Amendments to the Code of Criminal Procedures provided for a new position of the victim in criminal proceedings⁶⁹. In contrast to the previous position, the victim of the criminal offense is already a party to the criminal proceedings and has procedural rights that give her an active role in this process.

3.14 In addition to the newly provided rights for victims of crime in general (Article 58), victims of trafficking also have specific rights provided for them (58 / b)⁷⁰. The victim has the right to seek prosecution, psychological assistance, the right to free counseling and legal services, to be advised in a language she understands, to be assisted in the case of victims with disabilities, to choose the defense, to seek information on the state of the proceedings, to be informed of the release of the trafficker. Article 58 / b sanctioned the rights of the sexually abused victim and the victim of trafficking by enabling them to be questioned without delay by a same-sex police officer, the right not to answer private questions, and the right to be questioned using audiovisual means.

3.15 The provision in the law of the right of victims of trafficking to be excluded from court costs and the right of victims to be compensated is of great importance. Article 37 of law no. 10 192, 3.12.2009 "On the prevention of organized crime, trafficking, corruption and other crimes through preventive measures against property" provides for the creation of a special fund for the prevention of crime which serves, among others, for the compensation of victims of organized crime and trafficking to the extent determined by a court decision. However, the implementation of these provisions remains a problem. By 2020, only three VT / PVT cases have sought the right to be remunerated with the help of NGOs. The pre-payment of 1% of the value remains a concern in the case of exercising this right. Moreover, even when won before the court, the problem has been the non-execution of the decision, which has led to the lack of receiving factual compensation by the victim.

3.16 Concerning health rights, healthcare legislation also guarantees compulsory health care coverage for victims of trafficking. The provision of this same right for potential victims of trafficking is lacking.⁷¹ However, in practice, through the Responsible Authority in support of the Ministry of Health and Social Protection, the process of obtaining a health card and care by the respective family doctor for all VT / PVT has

⁶⁸ Criminal Procedures Code, Article 58/1 / g.

⁶⁹ Aurela Anastasi. RIGHTS OF VICTIMS OF HUMAN TRAFFICKING IN CRIMINAL PROCEEDINGS (Article 58, 58 / b of the Code of Criminal Procedure), published in "Commentary on criminal offenses of trafficking in human beings, Rights of victims of trafficking during criminal proceedings" OSCE Presence in Albania 2017, p. 51- 61, valid at: <https://www.osce.org/sq/presence-in-albania/373351?download=true>

⁷⁰ ditto

⁷¹ Law 141/2014, 23.10.2014 for amendments to law no. 10383, 24.02.2011 "On compulsory health care insurance in the Republic of Albania".

been continuously facilitated, regardless of status. The law provides victims of trafficking with the right to economic assistance. However, economic assistance of 3000 ALL per month is insufficient even for the vital needs of victims of trafficking.

3.17 It is interesting to mention that the legal framework provides rights for victims regardless of whether or not they have acquired the status of a victim of trafficking. The witness protection program was launched in 2005. Before 2005, victims facing a real risk were placed under the protection of international institutions. Vatra Psycho-Social Center with the support and cooperation of international institutions before 2005 helped to include 8 victims of human trafficking (one of them had children) in protection programs and also another one in 2009. Meanwhile after 2005, with the adoption of the new law, the obligation for protection passed to the Albanian government. During 2005-2020 only two victims (one assisted by the Psycho-Social Center "Vatra" and the other from "Different and Equal") were involved in these protection programs and they have relocated to EU countries after the identity change.

3.18 Likewise, of particular importance, is the provision for protection, shelter and material assistance for child victims. In this regard, it is worth mentioning the center "Another Vision" which specializes in the treatment of children, victims of trafficking as well as other centers for the treatment of minors over 15 years or children of victims of trafficking. The legal framework guarantees medical assistance for them, access to vocational education and training services; Children may be allowed to work part-time 4 hours in private businesses.

3.19 The legal framework also provides for adequate protection and support for victims during the period under review. All four shelters providing direct VT / PVT services are protected. The National Reception Center for Victims of Trafficking (Linza) is protected by the state police while the other three shelters are protected by private police, in order to prevent any possible threat from the perpetrators.

3.20 However, some issues remain unresolved, i.e. lack of services for victims of trafficking with mental health problems. VT / PVT service centers do not have a 24-hour or part-time psychiatric staff, which has led to the refusal to hospitalize people with mental health problems. This issue brings the need to create specific centers for these categories and real financial empowerment for the families of victims with mental health problems, in order to take care of them.

3.21 A very difficult case is the trafficking of minors to be exploited for begging. Minors in this case are exploited by parents for reasons of extreme economic needs. The detention and punishment of parents in these cases creates many difficulties for the juveniles, who have to be placed in special centers for their reception and care.

3.2 Monitoring results on protection provided for VT / PVT (2019)⁷²

3.21 According to a report on trafficking in human beings published by the US Department of State, it turns out that only one Victim of Trafficking cooperated with law enforcement institutions during 2019, after being offered special protection by the

⁷² Group of indicators C

Witness and Collaborators of Justice Protection program. Meanwhile, in official reports there is no data on the protection of victims after the end of the trial.⁷³

3.22 Based on the SOP, the VT / PVT receives support, protection and security even if they did not cooperate with the police or other law enforcement officers. The only measure related to cooperation with the judiciary and reporting is the possibility of exemption or reduction of punishment as provided in the Criminal Code (Article 52 / a).

3.23 There are no data/cases during this period that indicate the departure/insecurity of victims of trafficking after a period of 6 or 12 months after contacting the organization. Also, there is no data on cases that were formally provided with safeguards during the investigation. No victims for 2019 have received protection regarding physical custody, reallocation or change of identity.

3.24 Referring to the support of VT / PVT during the period of reflection and recovery it is worth emphasizing that in terms of our legal framework, the reflection period for VT / PVT is three months. From the official data provided by the psycho-social center "Vatra", during 2019 there is 1 case whose residence permit was renewed 2 times during the year. While during 2020 there were three other cases (from Nigeria, the Philippines and Gambia) that were also offered the same protection. Meanwhile, regarding the protection provided during the reflection period, it results that during 2019-2020, 5 VT / PVT were assisted with all necessary services.

3.25 During 2019, 6 VT / PVT were returned to Albania⁷⁴. All of them returned with the assistance of the Responsible Authorities of both countries as well as civil society organizations in the destination countries and Albania. According to the SOPs, the consular staff should be involved in the assisted return of cases, but the monitoring shows that, although there were 6 assisted return cases they were made through NGOs in cooperation with the Responsible Authority in the Ministry of Interior, lacking the involvement of consular staff. Assisted returns are made following Standard Operating Procedures. Before returning, the risk assessment has always been done and in the case of minors, the family assessment has also been conducted. For all these cases, immediately after returning to Albania, a complete package of reintegration services is offered based on the specific needs of everyone. The lack of indicators on "forced repatriations" and VTs deported from destination countries in the MoI Action Plan makes it impossible to monitor these indicators for the purpose of this report. (indicator C.46).

3.3 Child protection - victims of trafficking / potential victims of trafficking

⁷³ Even from the information received from the shelters that support victims of trafficking, there is no such measure during 2019.

⁷⁴ The victims have returned from Germany (1); United Kingdom (2); France (1); Serbia (1); Denmark (1) and a case from Albania to Kosovo.

3.31 In particular, the Albanian legal framework provides extended protection concerning VT / PVT children for protecting their best interests, their reintegration into society and to take measures for the provision of educational, social, medical services, etc.⁷⁵ Based on Law 18/2017 "On the rights of children" the Albanian government in cooperation with several organizations has adopted the DCM necessary to guarantee the protection of children.⁷⁶ Also in the framework of protection and assistance of VT / PVT, DCM no. 707 "On changes and additions to the decision no. 107, 10.2.2010, of the Council of Ministers, "On the publication, printing, distribution and sale of textbooks of the pre-university education system", was approved on 26.08.2015, providing free books for child victims of trafficking.

3.32 For 2019, 23 children received services as VT / PVT cases at the specialized center "Another Vision". Meanwhile, the total number of child victims who have received services in 4 shelters that treat victims of trafficking, but also in IPH or families during this period has been 85. Their identification is based on the SOP for the identification and referral of victims of trafficking. Financial support is provided only to child victims housed in state anti-trafficking centers and NGOs. Children who have been identified as VT / PVT have been exploited mainly for begging. However, there have also been cases of sexual exploitation. In all cases, the service provided to children is in accordance with their age and special needs.

3.34 However, despite the protection provided to VT / PVT children, data are still lacking regarding: a) unaccompanied children identified as victims who have been assigned a guardian; b) children victims of trafficking whose family has not been found for a reasonable period from the time of their identification, c) children receiving legal advice and d) the number of child victims/witnesses during the proceedings; e) child victims who are housed in non-specialized institutions for the treatment of children. In order to have a complete picture of VT/PVT children, it is necessary to reformulate the indicators at the national level, adding both the evaluation and data collection concerning the indicators that are part of the Adapted Monitoring Instrument for Albania.

3.4 Protection of Foreign Victims:

3.41 For foreign victims, Article 54 of Law 108/2013 "On foreigners" provides for the possibility of issuing a residence permit for victims of trafficking in human beings. According to this article, the local authority responsible for the border and migration

⁷⁵ See in particular Law No. 18/2017 "On the rights of children and protection of children", Criminal Justice Code for Juveniles, DCM 499, 29.08.2018" On the approval of the SOP and the protection of potential victims of trafficking".

⁷⁶ DCM No. 54, 31.01.2018 "On the Rules of operation of the National Council for the Rights and Protection of the Child"; DCM No. 91, 14.02.2018 "On Procedures for control and imposing sanctions by the State Agency for the Rights and Protection of the Child"; DCM No. 148, 13.03.2018 "On the Determination of the Rules of Cooperation between the Advisory and Institutional Coordination Mechanisms, Structures for the Rights and Protection of the Child and Non-Profit Organizations, for the Realization of National and Local Policies and for the Neighborhood Protection Services of the Child "; DCM No. 353, 12.6.2018 "On the Rules of Functioning of the Cross-cutting Technical Group for Child Protection at the municipalities and Administrative Units".

provides the foreigner with a temporary residence permit type "A", for 3 months, regardless of his / her willingness to cooperate with justice, when there are motives to believe that the foreigner is a victim or potential victim of trafficking, identified as such by the structures responsible for identifying and referring victims of trafficking. During the recovery and reflection period, victims or potential victims of trafficking enjoy all the rights and services that victims of trafficking receive, according to the Albanian legislation in force.

3.42 From the official report of the National Anti-Trafficking Coordinator it results that for 2019 the voluntary return was assisted for 6 foreign VTs / PVTs, while for 2020 there was only 1 case. Travel costs were covered by the organizations that have identified the cases.

3.43 There are no reported cases during 2019 regarding the number of foreign victims who have returned involuntarily or forced from the monitoring country to their country of origin. There are also no data reported for 2019 regarding cases of foreign victims of trafficking, whose return to their country of origin has been delayed due to the actions or inactions of officials of their country of origin. No cases have been reported by foreign victims for being unsafe in the place where they were sheltered. There is no case where a trafficking victim has been denied a residence permit.

3.34 In a case attended by the Center "Different and Equal", although referred to since 2017, the institutions have cooperated in the protection of foreign victims. In the case of the Romanian citizen M.P., the Directorate of Border and Migration has been cooperating in securing her a residence permit and its continuous renewal; The National Employment Service through the Migration Office has facilitated the procedures for securing M a work permit in Albania and the answer came in a very short time (5 days from the application); The Romanian Embassy in the Republic of Albania has assisted M in obtaining a 1-year passport and in cooperation with the Romanian authorities is facilitating the procedure of obtaining a 10-year passport.

Recommendations regarding the set of indicators C

- *The need to reformulate Article 52 / a of the CPC to enable VT / PVT to benefit from the reduction or exemption from the sentence even in the absence of a report or cooperation with the judiciary*
- *Equal treatment of VT / PVT is needed in relation to the protection of legal rights provided*
- *The need for amendments to the law "On health care in the Republic of Albania" in order to enable mandatory health care coverage for PVT.*
- *Taking special measures to protect VT / PVT from retaliation or threats of traffickers during the investigation / trial process*
- *Increasing the cooperation of the Responsible Authority with the consular bodies regarding the assisted return of VT / PVT;*
- *Review of indicators related to VT / PVT child protection: number of child witnesses, number of children interviewed, number of children suspected of VF, gender of VT / PVT children, age of VT / PVT children, the form of exploitation of VT / PVT children.*

4. ASSISTANCE AND SUPPORT FOR VICTIMS OF TRAFFICKING: FINDINGS OF ALBANIA FOR 2019

4.1 General assistance for victims of trafficking

4.1 The Albanian legal framework provides clearly defined rights about VT / PVT, through criminal procedural legislation and special laws. Their support/assistance is mainly covered by State Budget funds. For 2019, the fund of ALL 28,320,466 was disbursed from the state budget, for the payments of 29 social workers, who provide services in residential centers, and food funds for cases of trafficking in the Region of Vlora, Tirana and Elbasan, through non-public organizations "Another Vision", "Vatra", and Different Equals ". Specifically:

1. Organization "Different and equal" - 2,306,800 ALL food fund
6,747,687 ALL salary fund (9 employees)
2. Organization "Another Vision" - 2,190,000 ALL food fund
5,792,615 ALL salary fund (8 employees)
3. Center "Vatra" - 2,307,800 ALL food fund
- 8,976,564 ALL salary fund (12 employees)

It is important to mention the fact that with the funding of the British Embassy, from January 2020 onwards, the three anti-trafficking shelters are also offering financial assistance remotely. This intervention was realized through individual plans designed based on needs assessment. Victims are provided with assistance on a case-by-case basis in the family or rented apartments.

4.2 For all VT / PVT identified and referred during 2019-20, a complete package of services has been provided by the shelters of NCATS in cooperation with other institutions based on the needs assessment. According to the standards of social care for victims of trafficking, in each case an immediate needs assessment should be done as soon as possible and within two weeks the general needs of the case and the child should be assessed (if the victim is accompanied by a child). According to the US DoS report, during 2019 the NCATS centers and the government-supported 115 VT / PVT services including food, psycho-social assistance, legal counseling, health care, education services, employment services, child victim support, financial support, long-term accommodation, social activities, professional training, etc.⁷⁷

4.3 Specifically, during 2019 the following persons have received the full package of services:

- 55 VT / PVT were equipped with health cards;
- 57 VT / PVT were housed in rented apartments;
- 89 VT / PVT were enrolled in school and have attended classes;
- 52 VT / PVT have received vocational training;
- 54 VT / PVT were employed through the mediation of 3 non-public centers that provide services for VT / PVT.

⁷⁷ Report on Human Trafficking, 2020, DoS, p. 69.

4.4 Meanwhile, there is no data during 2019 for victims who have reported that they do not have safe and adequate housing. All cases identified by NCATS are housed in shelters, rented apartments, or near their families. In some cases, children have been placed in residential care institutions, dependent on the State Social Service.

4.5 From the data received from the shelters that provide services for VT / PVT, it results that there have been cases when victims have been offered alternative accommodation according to their specific needs such as the cases when VT / PVT are referred to other centers due to age, security problems, etc. Moreover, cases that have passed the crisis stage have been sent to alternative shelters such as apartments supported by organizations or the municipality. There have also been cases of juveniles with mental health problems who have been housed in more appropriate accommodation facilities according to their specific needs.

4.6 Referring to the appropriate material assistance for victims of trafficking, although during the reporting period there are no official data showing lack of financial support for VT / PVT, NGOs have stated the low number of identified VT / PVT during the period covered by this report (especially 2020). As a result of the low number of identified victims, there may be VTs / PVTs who have not been provided with adequate assistance due to non-identification by the responsible authorities.

4.7 Regarding the medical assistance of victims of trafficking, it is worth mentioning that according to the legal framework in force, all VT / PVT benefit from free health care and must be provided with a health card. However, during 2019, only 55/103 victims received this service. Furthermore, the problem identified by NCATS remains the possibility of providing medical or community service for VTs / PVTs who have mental disorders, especially in the case of victims who are in more serious situations due to various psychoses they have. Within this category, there have been cases when victims who are legally obliged to receive medical services have expressed resistance or have refused to receive this service.

4.2 Assistance and support for child victims

4.21 During the period 2019-2020 covered by this report, children identified as VT / PVT account for almost 65% of the total number of victims (67/2019 and 56/2020). Children identified as VT / PVT require an even greater commitment on the part of the Albanian state given the more vulnerable status they have within the VT / PVT framework. From the moment of identification, the average time for an alleged VT child to receive accommodation and assistance is 1-2 days. Children identified as victims are housed and receive financial support at specialized anti-trafficking centers. All sheltered children benefit from this support. At the moment of leaving the facility, the assistance continues by addressing the child for free state services from the PMF. In all centers, the service for this category is provided according to age.

4.22 In this respect, the specialized center for juveniles is only "Another Vision", which during the monitoring period has provided services for 23 VT & PVT children during 2019 and 19 children during 2020. All children have received psycho-counseling services from this center appropriate for their age. The rest of them, 44 for 2019 and 37 for 2020, were assisted by the Center "Different and Equal" and the psycho-social center "Vatra".

4.23 Statistical data on the placement of child victims in foster families are missing during this period. At the same time, there is no evidence that child victims have been placed in non-specialized centers.

4.24 Children categorized as PVT and VT have received proper medical care since, at the time of categorization, they are referred and receive services in anti-trafficking shelters. Almost over 80% of the children identified during 2019 and 2020 as PVTs from all mobile units were of school age but barely attended it. Identified children were referred to shelter services or receive distance services according to the level of risk. All children identified as PVT during 2019 and 2020 have returned to school. Children over the age of 16 were enrolled and attended vocational courses (7 in total, of whom 6 are housed and receiving services at 'Another Vision' and 1 case is being offered family service).

4.25 VT / PVT children enjoy in addition to general rights for each VT / PVT, the right to:

- a) be accompanied by a person trusted by them;*
- b) maintaining the confidentiality of personal data;*
- c) to request, through the representative, that the trial take place without the presence of the public.*

4.3 Free legal aid and legal assistance

4.31 Victims of violence and trafficking are a vulnerable category for whom the law provides special protection ensuring that their physical, moral, psychological, sexual, social or economic integrity is not violated.

4.32 In 2017, the Ministry of Justice took the legal initiative to make changes to the organic law governing the free legal aid system. The existing law no. 10039/2008, was repealed following the entry into force of law no. 111/2017, which introduced a new system of free legal aid.

4.33 VT / PVT are entitled to receive free legal aid in the form of primary and secondary legal aid, as well as through exemption from payment of court fees and the fee of the execution order. The adoption of this law is considered an achievement in the framework of guaranteeing protection for VT / PVT.

4.34 In order to strengthen access to justice through the law on Legal Aid, the Ministry of Justice during 2019-2020 prepared bylaws to implement it, giving special importance to the provision of free legal aid to women, who were victims of domestic violence and trafficking. From 2018, special categories, regardless of their income or assets, will also benefit: victims of domestic violence; sexually abused victims, or trafficked human beings or juvenile victims.

4.35 According to Law 111/2017, victims of trafficking can benefit:

1. Primary legal aid, which consists of the following:

- Information regarding the legal system of the Republic of Albania, normative acts in force, the rights and obligations of the subjects of law and the methods for exercising these rights in the judicial and extrajudicial process;
- Legal advice;
- Advising on mediation procedures and alternative dispute resolution;

- Assistance in drafting and compiling the necessary documents to set the state administration in motion or to seek secondary legal assistance;
- Representation before administrative bodies;
- Providing all other forms of necessary legal support that do not constitute secondary legal aid.

2. Secondary legal aid, which consists of the following:

- Compilation of acts necessary to set the court in motion;
- Providing counseling, representation and protection before the court in administrative, civil, and criminal cases, for which compulsory protection does not apply, according to the provisions of criminal procedural legislation.

4.36 It is also important to mention the completion of the authorization process by the Ministry of Justice for law clinics and NGOs that can provide free legal aid services. In 2020, eight legal aid centers were set up by this Ministry with the assistance of UNDP in Lushnja, Durres, Tirana, Pogradec, Gjirokastra, Lezha, Shkodra and Vlora, and 12 non-profit organizations were authorized to provide this service.

4.37 Authorized NGO ‘Different and Equal’ is the only organization that deals mainly with the protection of potential victims of trafficking and has reported monthly cases specifically related to trafficking (For the period September-November 2020, 31 cases from this NGO and 2 cases from 2 other NGOs were treated)

4.37 Meanwhile, the Directorate of Free Legal Aid has also entered into cooperation agreements with 10 law clinics at Higher Education Institutions.

4.38 It is also important to provide in law the possibility for victims, who have benefited from secondary legal aid, to be able to benefit exemption from:

- *Payment of court fees and costs (costs for witnesses, experts, translators);*
- *Prepayment of the execution fee for the decision at the state judicial bailiff service.*

4.39 In statistical terms we can say that, from the data available to the Directorate of Free Legal Aid, it results that during 2019 no VT / PVT has received free primary or secondary legal aid. Meanwhile, from the data of 2020, it results that 33 cases of VT / PVT have received free primary legal aid from NGOs authorized by the MoJ for this purpose. While out of 146 cases registered regarding the benefit of secondary legal aid, no case belongs to VT / PVT.

4.5 Compensation of victims of trafficking, practical cases

4.51 Compensation of victims of trafficking is one of the rights provided in civil and criminal legislation and can be sought in civil and criminal courts against the perpetrator of the criminal offense (Article 61 "Civil lawsuit in criminal proceedings", Code of Criminal Procedures; Articles 640 onwards of the Civil Code of the Republic of Albania).

4.52 The Albanian state has not established a general compensation fund to pay victims of crime, to which victims of trafficking may have access after the conviction of a perpetrator, regardless of whether the victim resides in the country.

4.53 Moreover, the Albanian state has not set up any specific compensation fund to make payments to victims of trafficking, regardless of whether the person suspected of trafficking has been prosecuted or convicted. The legislation has provided for victims to seek

compensation in criminal proceedings where the defendant is being tried through a civil lawsuit in criminal proceedings.

4.54 It has resulted from practice that there are very few cases when victims of trafficking in human beings claim this right through civil or criminal litigation. The Center for Legal Civic Initiatives (CLCI) has a very long experience in guiding victims and guaranteeing this right. Thus, in the exercise of their functional duties, CLCI lawyers have represented the case of the victim of trafficking V.P. She has been advised about her rights to be compensated during the prosecution phase of the perpetrator, for committing human trafficking in cooperation. She did not exercise this right at this procedural stage but at the end of the whole process, as the defendant (trafficker) was convicted by a final decision.

4.55 The victim of trafficking, based on Article 608 of the Civil Code is entitled to claim moral and material damage caused by the trafficker. In this case, CLCI requested from the Court the acceptance of the claim and the obligation of the trafficker to compensate the victim in the maximum value of 6,640,992.6 ALL determined by the forensic expert. The court decided to accept the victim's plea by compensating her for property and non-property damage.

Problems identified during the VP civil litigation followed by the CLCI

4.56 One of the main problems that the center encountered in this process (before the changes that all legislation underwent as a result of the justice reform) is guaranteeing access to the justice system.

4.57 The right to be represented by a lawyer. There are currently no lawyers who have the necessary specialization to provide free legal services they need (to represent the victim in all judicial and non-judicial proceedings). Mostly, lawyers of non-profit organizations are the only professionals who have the right expertise to work with victims of trafficking following the standards. This issue will be improved by the implementation of the new law on legal aid guaranteed by the state, which requires initial and ongoing training of lawyers.

4.58 Exemption from fees and expenses for experts. In the process above the court did not take any intermediate decision to exclude the victim from the payment of the act or the expenses of psychologists and forensic experts, it mostly sought the help of experts to carry out this case free of charge. We also think that the new state-guaranteed legal aid law has provided the exemption from expert expenses and the Directorate of Free Legal Aid has a special fund for this. During the process, it was noticed that the experts summoned by the Court, especially the psychologist did not have the education and the right training to make a report on a victim of trafficking, and often during the interviews, the victim has been re-victimised. Since the new state-guaranteed legal aid law has provided for a well-defined procedure and a court decision to exempt from fees and costs for experts, we think that for victims seeking compensation, this legal provision will be more effective. The victim also has the right to appeal against the court decision on exemption from fees and expenses for experts.

4.58 Another problem identified in these processes is the issue of evidence, as the burden of proof stands on the plaintiff (victim). The lack of cooperation and responses from state

institutions to prove the damage to health was identified. Even after a series of letters to doctors and laboratories, where the victim performed regular checks and visits, we had no response. However in these cases, the final decision, the expert reports are sufficient evidence for the court to give a decision in favor of the victim of trafficking.

The issue of trafficking, the execution of the final decision

4.59 The second case is about efforts to enable the execution of a final civil decision that has compensated a victim of trafficking, D.S. The lawyers of the Center for Legal Civic Initiatives have followed all legal procedures to enable the execution of the decision by addressing the State Bailiff's Office, a private bailiff's office, the Agency for the Administration of Seized and Confiscated Assets, the Ministry of Finance and Economy.

4.60 By Decision no., Date 19.02.2010 of the Court of the Tirana Judicial District, it was decided that the citizen AA, as the perpetrator, be obliged to compensate the victim of trafficking in the amount of 40,000 (forty thousand) EUR as non-pecuniary damage. This Decision was also accompanied by the Execution Order.

Pursuant to this decision, as well as based on Article 11 et seq. of Law no. 10192, 03.12.2009 "On the prevention and combating of organized crime and trafficking through preventive measures against property", the institution in charge of execution is the Agency for Administration of Seized Assets. This institution has confiscated the property of citizen A.A. since 2009, and consequently, the execution of the decision of the Tirana Judicial District Court in favor of the victim D.S has not been reached yet.

4.61 Based on law no. 70/2017, 27.04.2017, which amended Law no.10192, 03.12.2009 "On the prevention and combating of organized crime, trafficking, corruption and other crimes through preventive measures against property", the category of persons who are entitled to receive compensation from the Special Fund for the Prevention of Crime, also includes the victims of organized crime and trafficking, to the extent determined by a court decision.

Article 37/2 (ç) of this law provides as follows:

2.This fund serves for:

ç) compensation of victims of organized crime and trafficking to the extent determined by a court decision"

4.62 According to this Law, as well as the Execution Order, CLCI has requested from the Agency for the Administration of Seized and Confiscated Assets, to take immediate measures to implement the execution of the decision by the Tirana Judicial District Court, with the object of moral and material compensation, for a victim of trafficking. This agency has responded negatively to this request claiming that they have no right to execute decisions related to the compensation of victims of trafficking.

4.63 Based on law no. 34/2019 "On the administration of seized and confiscated assets" a new way has been defined and a new procedure will make it possible for the execution of

final decisions. The purpose of this law is the good administration and the most efficient, effective, and economic use of the assets seized and confiscated by the judiciary and by order of the Minister responsible for finance, the return of illegally acquired assets to the community, and financial compensation of crime victims.

4.64 This law determines the rules, procedures and administrative structure for the administration of seized and confiscated assets by the judiciary or by administrative orders, according to the provisions of the Albanian legislation in force.

4.65 The law will apply to: assets seized and confiscated by a decision of the competent court, according to the provisions of the legislation in force for the prevention and combating of organized crime, trafficking and corruption; assets, for which the measure of preventive sequestration has been imposed, according to the provisions of the Code of Criminal Procedures, and those confiscated by a decision of the competent court, according to the provisions of the Criminal Code, which are the product of criminal offenses.

4.66 Regarding the above, a problem found during the prosecution of these cases is related to the execution of final decisions of the Courts regarding the compensation of VT, a problem that came as a result of the inaction of the Agency for Administration of Seized Assets.

Recommendations regarding the set of indicators D and E:

- Training of lawyers and experts to specialize in the treatment of VT / PVT to avoid their re-victimization
- Establishment of a general compensation fund to pay victims of crime, to which victims of trafficking may have access after the conviction of the perpetrator, regardless of whether the victim resides in the country.
- Establishment of a specific compensation fund to pay victims of trafficking, regardless of whether the person suspected of trafficking has been prosecuted or convicted, and the establishment of a state compensation scheme for victims of trafficking.
- Implementation of the measure of exemption from court fees and costs for VT / PVT
- Taking measures for the execution of final decisions for compensation of VT / PVT
- Monitor the process of compensation of victims of trafficking and establish a data system regarding the number of compensation requests and their results.
- Assessment of the preliminary situation by the state police and social service for women and girls exploited in prostitution and providing opportunities for rehabilitation and reintegration, in order to prevent the punishment of victims along with traffickers.
- Amend the Code of Criminal Procedures to include in the competence of the SPAK all THB issues, as well as to guarantee victim compensation
- Establishment of a unified data system on criminal trafficking cases

5. INSTITUTIONAL FRAMEWORK, INCLUDING CAPACITY, COORDINATION AND INTERNATIONAL COOPERATION.

Institutional framework, national and international cooperation and coordination

5.1 The institutional framework in the field of anti-trafficking policies is headed by the National Anti-Trafficking Coordinator, led by the Deputy Minister of Interior. The Ministry of Interior has established the Directorate of Anti-Trafficking and Asylum as a special structure that operates competencies in the implementation and monitoring of anti-trafficking policies in Albania. The State Committee for Combating Trafficking in Human Beings was established and functions per Decision No. 8, 5.1.2002 "On the establishment of the State Committee for Combating Trafficking in Human Beings". The State Committee for Combating Human Trafficking has the responsibility to react against trafficking, through the National Task Force on Human Trafficking (including all state or non-state stakeholders related to anti-trafficking), under the coordination of the Office of the National Anti-Trafficking Coordinator.

At the local level, based on the Prime Minister's Order no. 6, 26.01.2017, have been established the Regional Committees for Combating Human Trafficking and are functioning in every region.

5.2 Meanwhile, the responsible authority in this field is the structure established by the joint instruction no. 3799, 8.7.2014 "On the establishment of the responsible authority for the identification, referral, protection and reintegration of victims / potential victims of trafficking", consisting of representatives of the signatory ministries, as well as a representative of the National Coalition of Anti-Trafficking Shelters. The Responsible Authority is the essential structure that sets in motion the National Referral Mechanism for the identification, referral, protection, and reintegration of victims / potential victims of trafficking.

5.3 At the level of specific structures, the Office of the National Coordinator has as its main task the coordination of anti-trafficking efforts at the national level and beyond in the direction of 4 main pillars: Prevention, protection and assistance to victims / potential victims of trafficking, prosecution of traffickers and persons involved in it, as well as partnerships between state institutions, independent state ones, as well as local and international organizations, and active partners in anti-trafficking efforts. At the level of investigation and prosecution, the State Police has specialized anti-trafficking structures. However, the budget of these structures does not function as a separate item in the state police budget.

5.4 Also, decision no. 499, 29.8.2018 "On the approval of SOPs for the protection of victims / potential victims of trafficking" clearly defines the responsible institutions that are involved in the process of identification and protection of VT / PVT. According to this DCM, the responsible agency/institution for formal identification is the responsible group/structure for formal identification in the borders and the territory of the Republic

of Albania, set up ad-hoc that conducts formal interviews of persons identified as potential victims of trafficking, composed by a State Police Officer of the Section for Combating Illegal Trafficking (SLKTP) and the Child Protection Officer / CPU in the municipality / administrative unit for each juvenile case and a state social worker of the regional state social service office (SORSS) for adults.

- 5.5 Members of the National Referral Mechanism meet 4 times a year. During 2019, 4 NRM meetings were held, which have discussed the problems encountered and institutional commitment of each NRM member in a coordinated manner to enhance efforts and results in the field of anti-trafficking policies on identification and referral of victims / potential victims of trafficking and implementation of standard operating procedures for the protection of VT / PVT. Each meeting is attended by 13 permanent participants of the NRM and 3-4 invited international institutions.
- 5.6 An important role in the functioning of the National Referral Mechanism is played by civil society organizations that provide services in the field of prevention and fight against trafficking in human beings and protection of VT / PVT. There are currently 8 organizations participating in the NRM. However, the number of NGOs applying to join the NRM is always increasing. Only during 2019, three new organizations Caritas, CRCA, and NISMA have applied to join this mechanism. This indicates a high involvement of NGOs in the NRM (8 out of 13 members by 2019). Of all the organizations involved, three have a formal role and responsibility in the national anti-trafficking system and in supporting victims: "Different and Equal", the Psycho-Social Center "Vatra" and the organization "Another Vision".
- 5.7 Regarding the identification and protection of juvenile victims, during the reporting period, five juvenile interview rooms were set up at Police Station No. 5 in Tirana, Kamza, Lezha, Kurbin and Korca. Two of these rooms were set up during 2019 by NISMA-ARSIS and one room was set up during 2020 by UNICEF with the support of the British Embassy. According to Order No. 413, 05.04.2019 of the Director of State Police, the standard operating procedures of the structures for identification, protection and referral of PVT must be applied in all local police directorates. According to this order, all judicial police officers investigating trafficking in persons at the central and local levels should participate in specialized training for this purpose. From the collected data by the organization "Different and equal" only during 2019, 32 trainings were conducted by police structures throughout the country with the participation of 2036 police officers.
- 5.8 Specialized trainings were also conducted for the structures of Investigation of Illegal Trafficking in DVP and the Prosecution for Serious Crimes. During 2019, 132 employees of these structures were trained on "Improving the implementation of NRMs for the identification and referral of VT / PVT and "Standard Operating Procedures" and "Proactive investigations as a trend human trafficking".

- 5.9 The Department for Border and Migration has trained a total of 41 staff members on anti-trafficking issues, of whom 23 people have been trained by FRONTEX and the Security Academy on combating trafficking in human beings and another 18 have been trained by IOM in regarding the identification of vulnerable groups in mixed migratory flows.
- 5.10 In the same period, the School of Magistrates has organized several training activities related to trafficking in human beings, prosecution and trial of criminal offenses, trafficking in human beings and legal changes in this area, in which 24 prosecutors have participated.
- 5.11 Also, ONAC in cooperation with the Tirana Prosecutor's Office, the Court for Serious Crimes and the Department for Border and Migration in the General Directorate of Tirana Police has trained over 31 employees during this period regarding investigations into migration-related crimes and multidisciplinary victim-oriented approaches.
- 5.12 In addition to state bodies and structures, specialized trainings have been conducted by civil society organizations operating in the field of anti-trafficking policies. Thus, during 2019, the organization "Different and Equal" has trained 194 employees of law enforcement agencies in the regions of Tirana, Fier, Elbasan, Dibra, Kukes and Korca regarding the legal framework against trafficking and legal changes adopted as part of justice reform.
- 5.13 Trainings were also conducted for the category of social workers, psychologists or employees of the Regional Directorates of the State Social Service that treat victims of trafficking. Only during 2019 109 employees were trained from ONAC in cooperation with the organization "Different and Equal" and 142 employees from ONAC in cooperation with the Psycho-Social Center "Vatra".
- 5.14 At the level of formal cooperation agreements between CSOs that provide services to victims of trafficking and one or more relevant state institutions that have information about victims of trafficking or that deal with the referral of victims as well as the functioning of the NRM, the agreement of cooperation is drafted for the Functioning of the National Referral Mechanism for Victims and Potential Victims of Trafficking in Persons (NRM), dated 15.06.2012.
- 5.15 Meanwhile, at the level of international cooperation, the Albanian government has signed cooperation agreements and additional protocols with other countries for intensifying cooperation in the fight against human trafficking, such as: Law no. 9544, 29.05.2006 "On the ratification of the Agreement between the Council of Ministers of the Republic of Albania and the Government of the Hellenic Republic, on the Protection and Assistance for Child Victims of Trafficking"; Additional Protocol on the Intensification of Cooperation in the Fight against Human Trafficking and on the Improvement of the Identification, Notification, Referral and Voluntary Return of Assisted Victims or Potential Victims of Trafficking between Albania and Montenegro in Supplement to the Agreement between the Council of Ministers of the Republic of Albania and the Government of the Republic of Montenegro, for cooperation against

organized crime, terrorism, illegal trafficking and other illegal activities (2014); Additional Protocol for the fight against trafficking in persons between the Republic of Albania and the Republic of Kosovo (2012); Memorandum of Cooperation between Albania and the United Kingdom “On the intensification of cooperation in the fight against trafficking in human beings on the improvement, notification, referral and return of victims of trafficking” (2014) or the Additional Protocol between Albania and Macedonia “On the intensification of cooperation in the fight against trafficking in human beings on the improvement, notification, referral and return of victims of trafficking”(2006).

5.16 Based on the agreements and protocols outlined above, it is worth noting that the Albanian state has increased its capacity to conduct joint investigations into anti-trafficking offenses in cooperation with other states. In 2019, according to the DASH report for Albania, the Albanian state police arrested 12 traffickers at the request of the French, German, Greek and Italian authorities. Also during the same period, the Albanian government has received 4 extraditions of suspected persons for involvement in human trafficking from Germany, Greece, Italy and the Netherlands. At the same time, the Albanian authorities continue joint investigations with the Italian authorities. Important in this regard remains the increase of cooperation with international partners, to exchange information about criminal activity exercised in destination countries where Albanian citizens are subject to criminal offenses. This cooperation should consist in initiating joint investigations and recording criminal proceedings for criminal offenses, subject to anti-trafficking structures.

Recommendations regarding the set of indicators F

- Regarding the protection of VT / PVT, low figures are still being reported, which reiterates the need for training in the field of trafficking in human beings, to clarify the role and function of health services staff, for the actions and support they provide for VT / PVT.
- Increase cooperation with the SPAK for the investigation of criminal offenses and the pursuit of delegated duties, in relation to registered criminal proceedings.
- Strengthening coordination at the local level;
- Increase cooperation with international partners, in order to exchange information regarding criminal activity exercised in countries of destination where Albanian citizens are injured or subject to criminal offenses
- Establishment of an independent Special Rapporteur for directing, coordinating and monitoring anti-trafficking policies;
- Strengthen the NRM and the responsible structures through increasing the capacities of specialized employees and allocating adequate funds for the normal functioning of the NRM.

6. PROTECTION OF DATA AND PRIVATE LIFE OF VICTIMS / POTENTIAL VICTIMS OF TRAFFICKING

6.1 The protection of the personal data and privacy of victims / potential victims of trafficking is one of the basic rights of the VT / PVT which relates not only to the protection of the victim's identity itself but also to the protection of life or health from the consequences of identification. There is a broad normative legal and sub-legal framework to guarantee this right in practice. The protection of personal data and private life is regulated by law no. 9887, 10.3.2008 "On the protection of personal data" amended by law no. 48/2012, as well as from the standards provided in the DCM no. 499, 29.08.2019 "On the approval of standard action procedures for the protection of victims and potential victims of trafficking" and instruction no.316, 10.2.2010 of the Minister of Labor, Social Affairs and Equal Opportunities "On the implementation of standards of social care services in residential centers for trafficked persons or at risk of trafficking."

6.1 In this context it is worth mentioning the fact that the above-mentioned DCM no.499 refers as a legal basis and is drafted following the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data. Standard operating procedures also provide for the obligation of the translator to complete and sign the statement of confidentiality regarding the data that translators become aware of from the VT / PVT due to the translation of their statements or documents containing the data.

6.2 The SOPs also define the right of VTs / PVTs to be informed about the protection of their data as well as their right to authorize or not to share the data collected with organizations or institutions that assist in compliance with the law as well as the sharing of non-personalized data (which do not reveal the identity of the victims) collected during the interview, with law enforcement structures to assist other persons in need as well as to preserve and be used following the law, for the purposes of studies contributing to the fight against trafficking in human beings. For this purpose, the SOPs determine the format of the permission for sharing the collected data which must be completed and signed by the VT / PVT herself during the interview for identification.

6.3 While the guideline no.316, 10.2.2010 of the Minister of Labor, Social Affairs and Equal Opportunities "On the implementation of standards of social care services in residential centers for trafficked persons or at risk of trafficking" defines as part of the standards of its rules and responsibilities regarding the "Personal data of the beneficiary and the manner of their management". Following this instruction, for each beneficiary (VT / PVT) the service provider must keep an individual file that contains personal data of VT / PVT collected from interviews/meetings as well as any other document that may reveal the identity or VT / PVT location, health information, VT / PVT family data, etc. All such data is considered confidential and must be administered under the law on personal data protection. For this purpose, each shelter registers the beneficiary in the database with a special identification code.

6.4 Concerning juvenile victims, the protection of data and privacy will have to be done following the provisions of the Code for Juvenile Justice, Article 21 "Protection of the privacy of minors" and the standards provided in the DCM No. 499 on the approval of standard operating procedures in the case of juvenile victims.

6.5 At the institutional level, Albania has established the national authority for personal data protection of VT / PVT in the capacity of the Commissioner for the right to information and protection of personal data. At the same time, the SIVET database on victims of trafficking has been set up and is operational, as part of a database integrated into the TIMS system, which is the only official source for statistics on victims / potential victims of trafficking. Also, the VT / PVT database is managed by the Office of the National Anti-Trafficking Coordinator and operates in accordance with legal provisions for the protection of personal data.

6.6 However, despite the existence of the legal framework in force and the possibility of initiating prosecution in case of publication of information leading to the identification of victims of trafficking by the media or others, even during the period covered by this report, concerns continue to be raised by the centers of the National Anti-Trafficking Coalition regarding the publication in the media of VT / PVT cases revealing their image and/or identity. Publication of this information increases the risk for the continuation of normal life, protection of health and life and integration of VT / PVT in society.

Recommendations regarding the group of indicators G

- The need for training of social workers, translators, journalists or media representatives in Albania regarding the legal framework for personal data protection VT / PVT;
- The need for training of employees involved in the formal identification of VT / PVT regarding data protection rights and their meaning;
- Taking measures to punish the media in case of publication of personal data of VT / PVT;
- Increasing the role of the Commissioner for the protection of personal data and the right to information for the initiation of investigation procedures and prosecution of cases of violation of the rights of VT / PVT due to the publication of personal data;
- Strengthening the SIVET data system and dividing the VT / PVT data according to the types and forms of use

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- 2012 Directive 2012/29 / EU of the European Parliament and of the Council of 25 October 2012 Setting Minimum Standards on the Rights, Protection and Protection of Victims of Crime and Replacing Council Framework Decision 2001/220 / JHA
- E Council of Europe Convention on Action against Trafficking in Human Beings, ratified by law no. 9642, dated 20.11.2006
- E Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, ratified by the Albanian Parliament with law no. 10 071, dated 09.02.2009
- A United Nations Convention against Transnational Organized Crime, ratified by law no. 8920, dated 11.07.2002 "On the ratification of the" United Nations Convention against Transnational Organized Crime "and its two additional protocols"

National normative acts

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- Criminal Code of the Republic of Albania
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- Law no. 37/2017, dated 30.03.2017, "Juvenile Justice Code"
- Law no. 9205, dated 15.03.2004 "On the protection of witnesses and collaborators of justice", amended by law no. 10 173, dated 22.10.2009 and law no. 32/2017, dated 30.03.2017
- Law no. 9936 dated 26.06.2008 "On the Management of the Budget System in the Republic of Albania" amended
- Law no.70 / 2017, dated 27.04.2017, which amended the Law no.10192 dated 03.12.2009 "On the prevention and combating on organized crime, trafficking, corruption and other crimes
- through preventive measures against property ”,
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- Law No. 9959, dated 17.7.2008 "On foreigners"
- Law "On personal data protection"
- Law No. 108/2014 "On the State Police"
- Juvenile Criminal Justice Code

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- Decision no. 707, dated 26.08.2015 "On some changes and additions to the decision no. 107, dated 10.02.2010, of the Council of Ministers, "On the publication, printing, distribution and sale of textbooks of the pre-university education system", as amended
- Decision no. 499, dated 29.8.2018 "On the approval of standard action procedures for the protection of victims and potential victims of trafficking"
- DCM No. 54, dt. 31.01.2018 "On the Rules of operation of the National Council for the Rights and Protection of the Child";
- DCM No. 91, dt. 14.02.2018 "On Procedures for conducting control and imposing sanctions by the State Agency for the Rights and Protection of the Child";
- DCM No. 148, dated 13.03.2018 "On Determining the Rules of Cooperation between Advisory and Institutional Coordination Mechanisms, Structures for the Rights and Protection of the Child and Non-Profit Organizations, for the Implementation of National and Local Policies and for Services Child Protection ";
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