



REPUBLIC OF ALBANIA

Ministry of Interior

Prot. no. 3394/4, date: 17. 05. 2006

Ministry of Foreign Affairs

Prot. no. 7590, date: 24. 05. 2006

Ministry of Labor, Social Affairs and Equal Opportunities

Prot. no. 1192, date: 19. 05. 2006

### JOINT ORDER

#### **“On the establishment of Responsible Authority for protection and assistance to victims of trafficking and the assignment of duties to the institutions involved in this process”**

Pursuant to Point 4, Article 102 of the Constitution, to Section 3, Article 7 of the Agreement between Government of Hellenic Republic and Council of Ministers of Republic of Albania on protection and assistance to child victims of trafficking, to National Strategy of Combating Traffic in Humans and Protection of Child Victims of Trafficking and to the Agreement on Establishment of National Referral Mechanism, the Ministry of Interior, Ministry of Labour, Social Affairs and Equal Opportunities and Ministry of Foreign Affairs, which perform a major role in the prevention and fight against trafficking in humans, willing to ensure a constructive cooperation between themselves and due to commitments that derive from the above documents,

#### **WE ORDER:**

1. The establishment of Responsible Authority to guarantee protection and assistance to victims, potential victims and persons under the risk of trafficking (Responsible Authority), and the definition of the duties of institutions involved in this process.

The purpose of the establishment of Responsible Authority will be the coordination and monitoring of the process of referral for assistance, protection, reintegration of victims and potential victims of trafficking, and the registration and periodic reporting of data with regard to cases of trafficking referred to organisations and other institutions.

2. The Responsible Authority is made up of, at least, two representatives from the responsible state structures of the three ministries participating in this joint order, respectively, Ministry of Interior, Ministry of Labour, Social Affairs and Equal Opportunities and Ministry of Foreign Affairs.

The respective persons shall be designated by the respective Minister in accordance with the proposal made by members of the State Committee of Combating Traffic in Humans, in compliance with the duties they have in the framework of this order. Details on positions, location, email addresses, telephone numbers of members of Responsible Authority (including contact numbers outside the working hours) are attached to this order as an appendix).

Ministry of Interior shall be the leading institution in the framework of Responsible Authority, in relation to:

- a. the organisation of regular and ad hoc meetings, based on the needs of the members of Responsible Authority, international organisations and NGO's – partners to National Referral Mechanism;
- b. the coordination and building up of records and database of Responsible Authority, together with other ministries – members of Responsible Authority, and
- c. the coordination of activity for drawing up periodic reports of Responsible Authority, based on the requirement of this joint order.

3. The functions and duties of Responsible Authority are:

i) General functions:

- a. coordinate and supervise together with government and non-government structures in

- Albania the identification and referral for assistance and reintegration of victims and potential victims of trafficking;
- b. coordinate, together with respective structures in the destination countries, the identification, the process of assisted and voluntary return, and referral of victims and potential victims of trafficking with Albanian nationality;
  - c. coordinate the protection and assisted return of victims and potential victims of trafficking with foreign nationality who are identified in Albania;
  - d. build up and update a database for referred victims, report regularly to National Anti-Trafficking Coordinator about gathered data and hold regular meetings with government and non-government parties of National Referral Mechanism.
  - e. guarantee, in compliance with the legislation in force and duties described in this order, the respect of the rights of victims, potential victims and persons under the risk of trafficking along the entire procedure, and protection of confidentiality.
- ii) The concrete duties of Responsible Authority are:
- a. Coordinate and supervise the activity in all the phases of the identification, return, reception, initial accommodation process, family location and reunion with it, and long-term integration of victims and potential victims of trafficking;
  - b. Cooperate with all government and non-government structures in Albania and counterpart Responsible Authorities for the identification of victims and potential victims of trafficking;
  - c. Ensure an expedite interview, respecting the rights of the interviewee, in accordance with his age and gender;
  - d. Ensure the registration of every identified victim on a separate register and start a personal file, where steps taken for assistance and integration are recorded, and establish an electronic database for such a purpose. The data shall be retained in compliance with the law on protection of personal information and such information shall be exchanged with interested parties in compliance with such requirements;
  - e. Ensure, through a report, the assessment of the needs and situation of victims and potential victims of trafficking, and the socio-economic situation of their families, potential risks and chances for their integration;
  - f. Ensure that the assessment report is conducted by a multi-disciplinary team, appointed for such a purpose by this Responsible Authority, which will be made up of representatives from Regional Anti-Trafficking Committees, State Social Services at a regional level, regional police anti-trafficking structures, social workers of NGO's with which the Responsible Authority has made agreements and exercise their activity in the area of victim's family etc;
  - g. Ensure an expedite referral of victims and potential victims of trafficking to service providers based on their age, gender and needs;
  - h. Ensure the return of child victims and potential victims of trafficking to their parents or their placement under guardianship (reception centres, child care residential centres or foster families);
  - i. Refer and accept referrals from all sources of cases of victims of trafficking, to social structures and centres established for such a purpose at a local level, and establish cooperation links for following up and assisting the victims by means of Regional Anti-Trafficking Committees;
  - j. Inform Regional Anti-Trafficking Committees about referred cases or cases which need to be referred within their territorial jurisdiction and monitor through reports and periodic visits the progress of integration and the situation of victims after reunion with the family, placement under guardianship or any other way of integration;
  - k. Coordinate the activity with counterpart Responsible Authorities, international organisations, Albanian and foreign embassies for the assisted return of foreign victims and potential victims of trafficking to their countries of origin, after a suitable period of reflection and a period of

stay as long as to enable their cooperation with law enforcement authorities or a court trial, in accordance with their own will.

l. Provide all parties involved in this process, Albanian and foreign government and non-government partners, with its official contact information, including telephone, fax numbers and email addresses.

m. Assist in the establishment of a free-toll phone line for victims of trafficking and their families, which will operate in the centre and regions;

n. Monitor, through reports and periodic visits, the progress of the integration and situation of the victims and potential victims of trafficking after reunion with the family, placement under guardianship or any other form of integration;

o. Ensure cooperation with counterpart Responsible Authorities for the placement of victims and potential victims of trafficking in a third country and keep relevant documents and a database for such a purpose;

p. Report, in accordance with commitments taken, at least once a quarter, to Deputy Minister of Interior - National Anti-Trafficking Coordinator on the figures and status of referred and handled victims of trafficking and potential victims, which appear in its official database, fully protecting the victims' identities;

q. Assist, by reporting data, the National Anti-Trafficking Coordinator in the analysis of trends of trafficking in humans in the country and abroad, in the identification of deficiencies in legislation, policies and in their implementation, based on problems observed during the follow up, in order to improve policies and laws which affect trafficking in humans.

#### 4. Specific duties of Ministry of Interior:

a. Draw up special procedures for identifying and interviewing potential victims in border checkpoints, in accordance with their age and gender, and refer them to the Responsible Authority;

b. Ensure initial reception of victims and potential victims of trafficking in accordance with all standards, age and gender of the person;

c. Make the necessary verifications for identifying victims and potential victims of trafficking, whose return is notified beforehand by Responsible Authority, foreign counterparts and NGO's;

d. Ensure that anti-trafficking structures make the necessary verifications for identifying and receiving them at any case;

e. Ensure that during initial reception, when victims and potential victims of trafficking have needs to be fulfilled, qualified medical staff provides them with medical aid;

f. Notify Responsible Authority on all cases directly referred by foreign counterparts and NGO's with regard to assisted or proposed returns;

g. Ensure the presence of a psychologist or social worker during the interview and avoid repeated interviewing and the confrontation of the victim with the trafficker;

h. Ensure that the interview is conducted by police officers trained for this purpose, under suitable circumstances and in full compliance with human rights, based on national legislation and international standards;

i. Ensure that during the interviews of children, a legal defender is present, besides the anti-trafficking structures trained for such a purpose and the psychologist;

j. Ensure that interviews to foreign victims be conducted in a language they master well;

k. Refer the case to the prosecutor's office if the elements of a criminal act are ascertained during the interview;

l. Guarantee security during the transport of victims and potential victims of trafficking from the location of interview (border checkpoint, police directorate), to their families, reception centres, caretaking families, in

accordance with findings from the assessment of their needs, opportunities and will;

m. Cooperate with Responsible Authority and structures it has appointed to conduct the assessment of needs and opportunities for integration, analysing and assessing the security level of the family environment, to determine whether the latter is safe and proper for the victim's return;

n. Undertake concrete steps to identify victims of trafficking within the country and potential victims, as well, and ensure their protection;

o. Ensure that when a child victim of trafficking is interviewed, the parent, caretaker or legal defender be present during the whole process, besides the anti-trafficking police officer trained for such a purpose and the psychologist;

p. Take measures to provide foreign victims of trafficking with temporary residence permits, and other necessary measures to return them to their countries of origin;

q. Guarantee security during the transport of victims from regional police directorates to their families, National Reception Centre for Victims of Trafficking (NRCVT) or any other reception centres etc.;

r. Ensure that anti-trafficking structures assist in the escorting of victims or potential victims of trafficking to the respective districts, in order to carry out further procedural actions;

s. Cooperate with other involved parties and Responsible Authority in order to analyse and assess the security level of the family environment, to determine whether the latter is safe and proper for the victim's return;

t. Provide assistance for guaranteeing the security of victims, social workers and the entire NRCVT personnel, reception centres for victims of trafficking and other organisations when they request so and police see it necessary;

u. Guarantee, in cases of child victims of trafficking, the escorting to centres for victims of trafficking when the child has no family, caretaker or a proper social environment for his own protection; it should be considered that children from the same family should be placed in the same location;

v. Keep records, also in electronic format, for all cases of victims and potential victims of trafficking, who have been identified and assisted, complying with the legal requirements on protection of personal information. Such data shall be handed over to Responsible Authority, which inserts them in its electronic database;

w. Report on a quarterly basis to Responsible Authority and National Anti-Trafficking Coordinator through Directorate of Combat against Organised Crime and Witness Protection, by presenting statistics containing figures on victims and pertinent to their status, who have been assisted by police structures, and analyse trends of human trafficking during the said period;

x. Provide witness-victims with physical protection in a court trial, in compliance with the legislation in force;

y. Take measures that during the investigation of criminal cases of child trafficking, child victims be interviewed only when necessary;

z. Start investigations and take necessary measures to prevent the trafficking of victims of these cases, when NGO or other sources inform that there is evidence on trafficking or re-trafficking;

aa. Provide safe transport and other security measures, based on the needs of victims who collaborate with police and prosecutor's office and/or have pressed criminal charges against their traffickers, protecting them until these cases are over;

bb. Take measures, together with foreign counterparts, to identify victims and potential victims of trafficking with foreign nationality;

cc. Perform its role in the process of repatriation of foreign victims of trafficking in cooperation with other involved institutions;

##### 5. Specific duties of Ministry of Labour, Social Affairs and Equal Opportunities:

a. In cooperation with Responsible Authority, make referrals to Reception Centres and supporting organisations to secure sheltering and services for all victims of trafficking of human beings;

- b. In cooperation with all involved players, provide initial accommodation and protection of all victims of trafficking, who have been identified or returned to Albania from third countries;
- c. Provide, through representatives of Regional Offices of State Social Service and in cooperation with local NGO's, trained social workers for assisting in the initial reception and interviewing of all victims and potential victims at all border checkpoints and regional police directorates;
- d. Ensure, in cooperation with Regional Anti-Trafficking Committees and NGO's, the identification of the immediate needs of the victims and potential victims of trafficking and give recommendations on the referral, also on grounds of the above needs;
- e. Escort, in cooperation with other parties in this order, victims and potential victims of trafficking during the transport from the location of the interview to their families, reception centres, foster care families, also in accordance with the outcome of the assessment of needs and opportunities;
- f. Provide accommodation in NRCVT and other nearby reception centres for victims of trafficking who are to participate in court proceedings and when this is necessary to ensure their security;
- g. Provide accommodation in NRCVT and assistance for victims and potential victims of trafficking of foreign nationality, in accordance with their will, age, gender and standards in place;
- h. Contribute in cases referred by Responsible Authority for the assessment of socio-economic situation of the families of victims and potential victims of trafficking, and the opportunities of their integration, by participating in the redaction of the evaluation report through the Regional Office of State Social Service and in cooperation with other involved parties;
- i. Promote and enable the inclusion in educational, professional formation/training, employment programmes and other social services, based on the needs and interests of the victims themselves, in the benefit of long-term rehabilitation and social integration of the victims themselves and potential victims of trafficking, by means of referrals to state agencies, Regional Anti-Trafficking Committees, Local Action Committees against Child Labour, other social structures, NGO's and other players who deliver such services, for their long-term and social integration;
- j. Facilitate contacts between victims of trafficking, placed in Reception Centres or Assistance Organisations, and their families and intermediate, based on the case, for reunion with the family, if this serves their social reintegration and assist, as well, in the process of the reintegration of victims in society;
- k. Identify foster families at a local level, enabling the placement under guardianship of juvenile victims when parents are not able to provide the required care and when this is considered suitable, in compliance with national legislation and international standards.
- l. Monitor the way service is provided to victims of trafficking by reception centres for victims of trafficking and other organisations which provide them with services, in accordance with the approved standards and the legislation in force;
- m. Follow up constantly the integration process of victims of trafficking in cooperation with regional offices of State Social Service and Regional Anti-Trafficking Committees, and periodically inform, with regard to the above, the Responsible Authority until the integration process of the victim is considered complete by the latter;
- n. Request immediate intervention by police structures in probable cases of re-trafficking or exploitation;
- o. Ensure that victims and potential victims of trafficking be informed on their rights, available services and steps taken by the authorities;
- p. Ensure, in cooperation with schools and NGO's at a local level, that efforts are made with vulnerable families, informing them about human trafficking in human beings and assist these families to prevent them being victimised by trafficking.

#### 6. Specific duties of Ministry of Foreign Affairs:

- a. Notify the Responsible Authority and parties involved in this process about all referred cases of victims of trafficking, identified by foreign counterparts and NGO's, diplomatic missions of the Albanian state in destination countries of victims of trafficking; cases originating from requests of family members to find a victim of trafficking; and cases referred from all information sources in the country and abroad, in relation to the status of proposed voluntary or non-voluntary return procedures of victims, potential victims or persons

under the risk of trafficking of Albanian nationality;

b. Facilitate contacts, through its diplomatic missions abroad, between the Albanian Responsible Authority and counterpart Responsible Authorities in the destination countries, with regard to the status of voluntary return procedures of victims and potential victims of trafficking of Albanian nationality;

c. Cooperate with the Responsible Authority for the identification and facilitation of the assisted return of victims and potential victims of trafficking of Albanian nationality;

d. Cooperate with the Responsible Authority and its foreign counterparts for identifying and facilitating the assisted return of victims and potential victims of trafficking of foreign nationality.

e. Train its officials in Albanian embassies and consulates in the main destination countries on how to provide consular services and counselling to victims, potential victims or persons under the risk of trafficking of Albanian nationality;

f. Publish for Albanian and foreign citizens, who are in need of assistance and protection, telephone, fax numbers and email addresses of the Albanian embassies and consulates in the countries of destination;

6. The members of Responsible Authority shall convene at least once a month and whenever necessary for business reasons and shall chair once a quarter meetings with all government and non-government parties to National Referral Mechanism.

7. When this order comes into force, all measures for the establishment and completion with the necessary infrastructure, logistics and funding shall be taken in the respective directorates of these institutions in order to handle referrals of all victims of trafficking, and to carry out all other functions of coordination and reporting, which are required by this order.

The authorities of Ministry of Interior, Ministry of Labour, Social Affairs and Equal Opportunities and Ministry of Foreign Affairs may handle in a more detailed fashion issues of mutual interest, besides what is envisaged in this order, through joint agreements which they may make for such a purpose.

This order comes into force immediately.

**Minister of Interior**

**Sokol OLLDASHI**

**Minister of Foreign Affairs**

**Besnik MUSTAJ**

**Minister of Labour, Social Affairs and Equal Opportunities**

**Koço BARKA**