



GRETA

GROUP OF EXPERTS
ON ACTION AGAINST
TRAFFICKING IN HUMAN BEINGS

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**Report concerning the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Albania**

SECOND EVALUATION ROUND

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Preamble

The Group of Experts on Action against Trafficking in Human Beings (GRETA) has been set up pursuant to Article 36 of the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention"), which entered into force on 1 February 2008. GRETA is composed of 15 independent and impartial experts coming from a variety of backgrounds, who have been selected on the basis of their professional experience in the areas covered by the Convention. The term of office of GRETA members is four years, renewable once.

GRETA is responsible for monitoring the implementation of the Convention by the parties and for drawing up reports evaluating the measures taken by each party. In accordance with Article 38, paragraph 1, of the Convention, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is to be based and defines the most appropriate means to carry out the evaluation. GRETA adopts a questionnaire for each evaluation round which serves as the basis for the evaluation and is addressed to all parties.

The first evaluation round was launched in February 2010 and the questionnaire for this round was sent to the parties according to a timetable adopted by GRETA, which reflected the time of entry into force of the Convention for each party. GRETA organised country visits to all parties in order to collect additional information and have direct meetings with relevant actors, both governmental and non-governmental.

Following the first round of monitoring, which provided an overview of the implementation of the Convention by each party, GRETA launched the second evaluation round of the Convention on 15 May 2014. During this new evaluation round, GRETA has decided to examine the impact of legislative, policy and practical measures on the prevention of trafficking, the protection of the rights of victims of trafficking, and the prosecution of traffickers. The adoption of a human rights-based approach to action against trafficking in human beings remains at the centre of the second evaluation round. In addition, particular attention is paid to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking. The questionnaire adopted by GRETA for the second evaluation round is sent to all parties which have undergone the first evaluation round, following a timetable approved by GRETA.

GRETA's reports are based on information gathered from a variety of sources and contain recommendations intended to strengthen the implementation of the Convention by the party concerned. In its recommendations, GRETA has adopted the use of three different verbs - "urge", "consider" and "invite" - which correspond to different levels of urgency of the recommended action for bringing the party's legislation and/or practice into compliance with the Convention. GRETA uses the verb "urge" when it assesses that the country's legislation or policy are not in compliance with the Convention, or when it finds that despite the existence of legal provisions and other measures, the implementation of an obligation of the Convention is lacking. In other situations, GRETA "considers" that it is necessary to make improvements in order to fully comply with an obligation of the Convention. By "inviting" a country to pursue its efforts in a given area, GRETA acknowledges that the authorities are on the right track.

As regards the procedure for the preparation of reports, GRETA examines a draft report on each party in a plenary session. The process of confidential dialogue with the national authorities allows the latter to submit, within two months, comments on GRETA's draft report with a view to providing additional information or correcting any possible factual errors. These comments are taken into account by GRETA when establishing its final report. The final report is adopted by GRETA in a plenary session and transmitted to the party concerned, which is invited to submit any final comments. At the expiry of the time-limit of one month GRETA's report, together with eventual comments by the party concerned, is made public and sent to the Committee of the Parties to the Convention.

I. Introduction

1. The first evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention") took place in 2010-2011. Following the receipt of Albania's reply to GRETA's first questionnaire on 31 August 2010, a country evaluation visit was organised from 31 January to 3 February 2011. The draft report on Albania was examined at GRETA's 10th meeting (21-24 June 2011) and the final report was adopted at GRETA's 11th meeting (20-23 September 2011). Following the receipt of the Albanian authorities' comments, GRETA's final report was published on 2 December 2011.¹

2. In its first report, GRETA welcomed the appointment of a National Ant-Trafficking Co-ordinator, the setting up of the National Anti-Trafficking Task Force and regional committees against human trafficking, and the establishment of a National Referral Mechanism for the identification and assistance of victims of trafficking in human beings (THB). However, GRETA found that prevention measures, including public awareness and access to education and employment of persons vulnerable to trafficking, had to be strengthened. It considered that the authorities had to improve the identification of victims of trafficking, in particular amongst men and foreign nationals, as well as victims of internal trafficking. GRETA also urged the authorities to guarantee in practice the assistance measures provided for by law, including through the adequate funding of NGOs running shelters for victims. Further, it stressed the need to ensure that victims of trafficking can exercise their right to compensation, and that the protection measures provided for in law are applied to them.

3. On the basis of GRETA's report, the Committee of the Parties to the Convention adopted a recommendation to the Albanian authorities on 30 January 2012, requesting them to report back on the measures taken to comply with this recommendation by 30 January 2014.² The report submitted by the Albanian authorities was considered at the 13th meeting of the Committee of the Parties (7 February 2014). The Committee of the Parties decided to transmit the authorities' report to GRETA for consideration and to make it public.³

4. On 3 June 2014, GRETA launched the second round of evaluation of the Convention in respect of Albania by sending the questionnaire for this round to the Albanian authorities. The deadline for submitting the reply to the questionnaire was 3 November 2014. Albania submitted its reply on 23 February 2015.⁴

5. In preparation of the present report, GRETA used the reply to the questionnaire by the Albanian authorities, the above-mentioned report submitted by them to the Committee of the Parties and information received from civil society. An evaluation visit to Albania took place from 1 to 5 June 2015 in order to hold meetings with relevant actors, collect additional information and examine the practical implementation of adopted measures. The visit was carried out by a delegation composed of:

- Mr Nicolas Le Coz, President of GRETA;
- Ms Vessela Banova, member of GRETA;
- Mr Gerald Dunn, Administrator in the Secretariat of the Convention.

¹ Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Albania, GRETA(2011)22, available at:

<http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680630c43>

² Recommendation CP(2011)1 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Albania, adopted at the 6th meeting of the Committee of the Parties on 26 September 2011, available at:

<http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680630bfd>

³ Available at:

<http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680630bfd>

⁴ Available at:

<http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680630c45>

6. During the visit, the GRETA delegation met Ms Elona Gjebrea Hoxha, Deputy Minister of the Interior and National Anti-trafficking Co-ordinator, and members of the State Committee for the Fight against Trafficking in Human Beings representing the ministries and public agencies concerned. It also met officials from the Serious Crime Prosecution Office, the Labour Inspectorate and the National Agency for the protection of children's rights. In addition, the delegation held talks with Ms Vasilika Hysi, Chair of the Sub-committee on Human Rights of the Albanian Parliament, and Mr Arben Shkempi, Deputy Ombudsman.
7. In addition to meetings in Tirana, the GRETA delegation travelled to Vlorë where it met members of the regional co-ordination body and representatives of the Vlorë District Prosecutor's Office.
8. Separate meetings were held with representatives of non-governmental organisations (NGOs) and representatives of the local offices of the International Organization for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR) and the International Labour Organisation (ILO).
9. In the course of the visit, the GRETA delegation visited the National Reception Centre for Victims of Trafficking in Tirana, as well as the shelter for victims of trafficking run by the NGO Different and Equal in Tirana and the shelter run by the NGO Vatra in Vlorë.
10. The list of the national authorities, NGOs and other organisations with which the delegation held consultations is set out in the Appendix to this report. GRETA is grateful for the information provided by them.
11. GRETA wishes to thank the Albanian authorities, in particular Ms Elona Gjebrea Hoxha, Deputy Minister of the Interior and National Anti-Trafficking Co-ordinator, and Ms Anila Trimi, Head of the Office of the National Anti-Trafficking Co-ordinator (ONAC), for the co-operation provided during the evaluation process.
12. The draft of the present report was approved by GRETA at its 24th meeting (16-20 November 2015) and was submitted to the Albanian authorities for comments. The authorities' comments were received on 22 February 2016 and have been taken into account by GRETA when considering and adopting the final report at its 25th meeting (7-11 March 2016). The final report covers the situation up to 11 March 2016; developments since that date are not taken into account in the following analysis and conclusions. The conclusions summarise the progress made since the first report, the issues which require immediate action and the other areas where further action is needed (see pages 39-44).

II. Main developments in the implementation of the Convention by Albania

1. Emerging trends in trafficking in human beings

13. Albania remains primarily a country of origin for victims of trafficking in human beings. According to statistical information provided by the Office of the National Anti-trafficking Co-ordinator (ONAC), the number of potential victims and victims⁵ of THB identified per year was as follows: 97 in 2010, including 14 children; 84 in 2011, including 39 children; 92 in 2012, including 26 children; 95 in 2013, including 43 children; 125 in 2014, including 62 children; and 109 in 2015, including 48 children. The vast majority of the victims were Albanian. There were 3 foreign nationals identified as victims in 2013, 2 in 2014, and 4 in 2015.

14. Following legislative changes in 2013 that resulted in express reference being made to internal trafficking in the definition of trafficking in human beings in the Criminal Code (CC), the number of identified victims of internal trafficking (i.e. within Albania) has risen above that of Albanian victims trafficked abroad. Internal trafficking is said to be linked to the rural exodus, with a surge in the number of female victims of trafficking for the purpose of sexual exploitation and child victims trafficked for the purpose of sexual exploitation and/or begging during the tourist season. As regards transnational trafficking, the main countries of destination of Albanian victims were Italy, Greece, Kosovo*, Germany, Switzerland and the United Kingdom. The authorities acknowledge that Albania is also becoming a country of transit as the flow of asylum seekers and migrants, including unaccompanied minors, is increasing and there may well be victims of trafficking among this mixed migration flow (see paragraph 98).

15. No breakdown into types of exploitation of the above figures is available, but GRETA was informed that the identified victims were mostly women and girls subjected to sexual exploitation. The authorities have referred to cases linked to the "lover-boy" phenomenon, where men seduce women and girls and then force them into prostitution. Other victims were initially offered jobs as waitresses, dancers or singers and were subsequently subjected to sexual exploitation. The number of men identified as victims of trafficking for the purpose of slavery, servitude or forced labour has risen, partly as a result of the informal economy and the job shortage in Albania. While in 2010 all identified victims were female, the number of identified male victims was 14 in 2013, 17 in 2014, and 22 in 2015.

16. The number of child victims, particularly of internal trafficking, has been on the increase. According to civil society, within the Roma and Egyptian communities,⁶ there are cases of forced marriages of girls, but none have been formally identified as victims of THB in the period 2012-2015. Children from Roma and Egyptian communities are being exploited for forced begging, but it is not clear from the statistical data whether any have been identified as victims of THB (see paragraph 123).

⁵ The distinction between "potential victims" and "victims" of human trafficking corresponds to the initial and formal identification as part of the National Referral Mechanism (see paragraph 90).

* All reference to Kosovo whether to the territory, institutions or population, in this report shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

⁶ The "Egyptians" are an Albanian-speaking community living in Albania whose members define themselves by their ethnic origin and historical roots as descendants of the Egyptians, their traditions and cultural heritage. This group, comparable to Roma in certain respects, wishes to be recognised as an ethnic group distinct from Roma (see the second opinion on Albania of the Advisory Committee of the Framework Convention for the Protection of National Minorities, 2008, paragraphs 41-46).

2. Developments in the legal framework

17. In its first report, GRETA made a number of recommendations related to the criminalisation of trafficking in human beings and asked the Albanian authorities to address shortcomings arising from the lack of harmonisation between certain legal provisions. As a follow-up to GRETA's recommendations, in 2013 several amendments were made to the Criminal Code (CC) which concerned the provisions on trafficking in human beings. Article 110/b concerning trafficking in women was repealed and Article 110/a now criminalises trafficking of adults, both men and women. The wording of Article 110/a has been amended to expressly refer to internal trafficking. Further, a new Article 110/b was added criminalising the use of the services of a victim of THB, with the knowledge that the person has been trafficked. Furthermore, penalties for human trafficking have been increased. Other amendments concerned the list of aggravating circumstances and the criminalisation of offences linked to travel and identity documents related to THB. Moreover, a new Article 52/a enshrines the principle of non-punishment of victims of THB for offences they are forced to commit while being trafficked.

18. Law No. 108/2013 on Foreigners, passed on 28 March 2013, has introduced changes with regard to the right of stay of foreign victims of trafficking, and in particular their right to a recovery and reflection period and a residence permit (see paragraphs 130 to 136).

19. Further, Law No. 10383/2001 on Compulsory Health Insurance has been amended by Law No. 141/2014 to provide for free-of-charge health care for victims of trafficking (see paragraph 111). Moreover, Law No. 10039/2008 on Legal Assistance was amended in May 2013 by Law No. 143/2013, intended, *inter alia*, to improve access to legal assistance for trafficking victims.

20. The above-mentioned legal developments are examined in greater detail in later parts of this report (see in particular paragraphs 150 to 159).

3. Developments in the institutional framework

21. The State Committee for the Fight against Trafficking in Human Beings, set up in 2002, continues to frame anti-trafficking policy. Chaired by the Minister of the Interior, its membership was enlarged in 2014 to include the Ministry of Economic Development, Trade and Enterprise, the Ministry of Urban Development and Tourism, the Ministry of European Integration, and the Ministry of Energy and Industry. According to the Albanian authorities, this development was part of the effort to take greater account at institutional level of trafficking for the purpose of labour exploitation.

22. GRETA notes that, between the departure of the previous National Anti-Trafficking Co-ordinator and the appointment of the current one in 2013, the post remained vacant for nearly a year. This situation jeopardised the continuity of co-ordination of the different institutions at national level. Since 2013, the Office of the National Anti-Trafficking Co-ordinator (ONAC), which comes under the Ministry of the Interior, has had its own budget allocation (see paragraph 29). ONAC is made up of the National Co-ordinator, a Head of Office, four administrators and an assistant.

23. The National Anti-Trafficking Task Force was set up in 2012 pursuant to the revised National Referral Mechanism (NRM). Its aim is to monitor implementation of the NRM with a view to improving the identification and referral to assistance of victims and co-ordination between different stakeholders. It is chaired by the National Anti-Trafficking Co-ordinator and comprises experts, representatives of national and local authorities and NGOs. The Task Force met once in 2013, twice in 2014 and three times in 2015. In 2014, the meetings focused on victims of trafficking with mental health problems, registration of children, and problems encountered by the National Coalition of Shelters for Victims of THB (see paragraph 101), mobile units and police contact points. In 2015, discussions related to, *inter alia*, the problems faced by NRM members, co-ordination of anti-trafficking actions, identification and referral of victims, and implementation of the Standardised Operating Procedures (SOPs).

24. Following a revision of the Co-operation Agreement establishing the National Referral Mechanism (NRM) in June 2012, several new entities are now involved in the NRM, notably the Ministry of Health, the Ministry of Education and Sciences, the Prosecutor General's Office and a new NGO, World Vision. Since July 2014, the Responsible Authority of the NRM, tasked, *inter alia*, with formally identifying victims of trafficking in complex cases, has included the Ministry of the Interior, the Ministry of Education and Sports, the Ministry of Health, the Ministry of Foreign Affairs and the National Coalition of Shelters for Victims of THB.

25. In October 2014, the National Anti-Trafficking Co-ordinator, the Director of the Labour Inspectorate and the Director General of the National Police signed an agreement on co-operation for identifying cases of forced labour and trafficking for the purpose of labour exploitation. The agreement provides for the setting up of mixed inspection groups at the national and local levels (see paragraph 97).

26. Furthermore, the National Anti-Trafficking Co-ordinator initiated the setting up of a working group bringing together representatives of the Serious Crime Prosecution Office and the National Police in order to strengthen co-operation between them. A Memorandum of Understanding "On the establishment of a task force on the integrated review of the cases of trafficking in persons that have been dropped or not started" between these partners was concluded in October 2015. The aim is to guarantee a multi-institutional approach, to perform an analysis of criminal legislation related to THB, and to strengthen institutional co-operation.

27. The regional anti-trafficking committees operating in each of the country's 12 regions have been increasingly involved in co-ordination of anti-trafficking activities and awareness-raising at the local level. The National Co-ordinator has organised meetings with prefects who chair them the regional anti-trafficking committees and training has been provided to their members. ONAC has consistently required from prefects to allocate a budget for the implementation of awareness activities in each region.

4. National Strategy and Action Plan

28. The National Strategy for the Fight against Trafficking in Human Beings for the period 2014-2017 and its Action Plan were approved by the Ministry of the Interior on 26 November 2014. The strategy identifies a number of issues, which are translated into specific objectives with an indication of the stakeholders responsible for implementing them, the deadline set and the source of funding, in particular:

- increase the number of prosecutions and convictions and guarantee victims' right to compensation;
- increase the number and speed of identifications of victims and improve assistance, protection and reintegration measures;
- make the NRM fully functional by improving implementation of the SOPs and extending it to the municipal level;
- prevent trafficking via socio-economic measures and awareness-raising;
- step up international co-operation;
- improve collection and management of data on trafficking in human beings;
- evaluate the anti-trafficking response;
- prevent and combat trafficking in children through reinforced child protection and application of existing standards and Standardised Operating Procedures.

29. The implementation of the National Strategy is monitored by the State Committee for the Fight against Trafficking in Human Beings, acting via the National Anti-Trafficking Coordinator and in conjunction with the National Anti-Trafficking Task Force. It is stipulated that each stakeholder must report to ONAC on the implementation of the Action Plan every four months. It is also envisaged that the implementation of the National Strategy will be assessed independently and/or internally by the Task Force. Each ministry allocates budgetary funds for the implementation of the Strategy and its Action Plan. For 2014 and 2015, the Ministry of Internal Affairs allocated a special budget for ONAC respectively in the amount of ALL 4.7 million (34 165 euros) and ALL 5.2 million (37 800 euros), which was mainly used in awareness-raising activities, such as the Anti-trafficking Week (2014), summer anti-trafficking campaigns, the Month against Trafficking in Persons (2015), and periodic meetings with regional anti-trafficking committees.

5. Training of relevant professionals

30. In its first report, while noting that a number of training courses had been organised by the Albanian authorities in collaboration with international organisations and civil society, GRETA stressed the need to reinforce training as regards the phenomenon of internal trafficking for bodies responsible for identifying victims and in order to ensure that internal trafficking offences are duly investigated, prosecuted and punished.

31. Numerous training sessions have been held on the National Referral Mechanism's Standardised Operating Procedures (SOPs) for the identification and referral of victims of THB, including on the identification of male victims. Similarly, the regional anti-trafficking committees, which are in charge of prevention and identification of potential victims at local level, have organised training for staff of the different entities represented in the committees. In 2012, ONAC and IOM held 12 multi-disciplinary trainings in each region, attended by about 500 people, on the implementation of the SOPs. The trainings were attended by representatives from the General Directorate of the State Police (anti-trafficking, border, minors), State Social Services, Regional Education Directorates, Regional Directorates of Public Health, the State Labour Inspectorate, NGOs and members of regional anti-trafficking committees. In 2014, more than 250 were trained people on the implementation of SOPs. In 2015, ONAC provided in co-operation with the State Police and OSCE, training sessions on improving the implementation of the NRM and the SOPs, in Shkodra, Kukës, Dibër, Lezhë, Elbasan, Fier, Vlora, Berat, Korça, Tirana, Gjirokastra and Durrës.

32. In 2012, in partnership with the Judicial Training College, five seminars were organised on the topic of THB, including internal trafficking, which were attended by 114 police officers, prosecutors and judges. Following the 2013 amendments to the CC, six training courses were organised for police officers from March to June 2014, with special emphasis on internal trafficking. In October 2013, ONAC organised a one-day training course in Shkodra in collaboration with IOM, part of which was devoted to the new non-punishment provision in the CC. In May 2014, ONAC organised a one-day seminar at the Police Training Centre on interviewing victims and the SOPs, attended by some 30 professionals.

33. Further, training for judges and prosecutors was organised with IOM in March 2014 in Korça, with emphasis on victims of THB, their reintegration and compensation; it was attended by 17 judges and prosecutors. In 2015, the Judicial Training College organised 12 training activities, each focused on a different aspect of human trafficking (including assistance to victims and victims' rights; changes to the CC; interviewing child victims of THB; THB as an organised crime; investigation into financial aspects of THB; confiscation of assets; protection of victims of THB).

34. Border guards receive regular training, in particular from the Borders and Migration Service, on the SOPs interviewing potential victims and trafficking in children. Training has also focused on the relevant legislation on asylum and international standards applicable in this field. Leaflets presenting a list of indicators for identifying victims of THB have been distributed at border checkpoints and regional police directorates. At the end of 2014, five joint training sessions were organised for border guards and staff from the National Police Unit for combatting Illegal Trafficking, bringing together 47 participants. A training session on identification was organised for 20 border guards in May 2015.

35. In its first report, GRETA considered that the Albanian authorities should step up their efforts to provide training for consular staff. The authorities have referred to training on identification of victims of THB and the SOPs held for consular staff in 2012-2013. The Consular Department of the Ministry of Foreign Affairs, in co-operation with ONAC, has informed Albanian diplomats posted abroad about their role as provided by the SOPs. The National Anti-Trafficking Co-ordinator has also held meetings with Albanian consulates to brief them on their role regarding the identification and referral of victims of trafficking (e.g. the consulates in Abu Dhabi, Belgium, France, Greece, Italy, Kosovo* and Sweden).

36. From January to November 2012, training sessions were organised in partnership with the OSCE for staff of the Labour Inspectorate in the country's 12 regions. In July 2013, the Labour Inspectorate ran a one-day training seminar on the identification of victims, attended by 15 labour inspectors from Tirana. Six training sessions were conducted by inspectors of the Regional Directorates of the Labour Inspectorate in order to increase capacity to deal with forced labour issues. Further, in July 2014, ONAC held a training course in Vlora, in collaboration with IOM, for 20 labour inspectors.

37. The Ministry of Social Affairs and Youth has organised training sessions for social services staff, in collaboration with the National Anti-Trafficking Co-ordinator and IOM. GRETA was informed that four sessions covering internal trafficking of children, the SOPs and case management had been run in 2014. Further, in March 2013, USAID and the IOM organised a day-long workshop in Tirana on victim reintegration services, and in November 2013, a one-day training session was organised by the National Coalition of shelters for victims of human trafficking and the IOM. In parallel, Shkodra regional social services office ran training sessions on trafficking in human beings in municipalities. In addition, with a view to rolling out an initiative focusing on street children run in Tirana (see paragraph 61) to three other regions, a training course on identifying trafficking victims among children living and working on the streets was organised for 62 staff working in child protection units, children's rights protection units, social services regional offices, municipal social services, local police and NGOs.

38. In May 2013, a training seminar on THB for public and private health sector professionals was attended by 14 people. In April 2014, another session was organised in Shkodra on the identification and referral of victims and attended by 25 public and private health sector professionals. In 2014, similar sessions were also organised in Tirana and Vlora.

39. In 2014 ONAC organised several seminars in collaboration with the National Employment Service and the Regional Directorate for Employment aimed at representatives of companies, state agencies and NGOs. Two training courses, attended by a total of 34 participants, were run by ONAC jointly with the IOM for travel agencies so that they play a more active role in identifying potential trafficking victims.

40. Training seminars on THB have also been organised for head teachers, teachers and school psychologists, in both urban and rural areas. Training took place in the towns of Kukës, Korça, Fier, Shkodra, Tirana, Gjirokastra and Berat in January 2013, with 245 teachers and head teachers participating in this training. The Institute for the development of education also organised workshops on THB aimed at both teachers and orphanage staff. Furthermore, from November 2012 to May 2013, the National Agency for the Protection of Children's Rights organised two-day workshops in collaboration with UNICEF in the 12 regions, training some 430 people, including representatives of regional-level institutions, members of child protection units and representatives of NGOs. Training more specifically geared to the topic of street children was provided for 45 professionals, including police officers, child protection units and civil society organisations.

41. GRETA welcomes the training provided to different categories of professionals, including judges. GRETA considers that the Albanian authorities should actively pursue their efforts to train and sensitise relevant professionals on human trafficking and victims' rights, in particular police officers, prosecutors, judges, health professionals, labour inspectors, social workers and consular and diplomatic staff. The training should be organised throughout the country and should aim, *inter alia*, at combating prejudices against victims of trafficking, improving their identification, increasing the number of prosecutions against traffickers and guaranteeing compensation for victims.

6. Data collection and research

42. In its first report, GRETA welcomed the setting up of a data collection mechanism on trafficking in human beings, while calling on the authorities to pursue their efforts in improving the collection of statistical data on arrests, prosecutions and convictions for the offence of THB.

43. A new database (SIVET) was introduced in 2014 with a view to collecting information on victims of THB from different sources, including the police and victim assistance services. This database is intended to enable the authority tasked with the formal identification of victims to manage each case and distinguish between potential victims, i.e. after initial identification, and victims who have been formally identified. There is a single person designated within the Office of the National Anti-Trafficking Co-ordinator (ONAC) to access and manage the database. Only members of the Responsible Authority of the NRM have access to certain data of victims. However, GRETA notes that the available statistics do not provide information on the types of exploitation, which is crucial to inform and adapt anti-trafficking action.

44. While acknowledging the steps taken to improve data collection, GRETA considers that the Albanian authorities should pursue their efforts to set up and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical data from all main actors on measures to protect and promote the rights of victims as well as on the investigation, prosecution, convictions and compensation in human trafficking cases. Statistics regarding victims should allow disaggregation concerning not only sex, age, country of origin and/or destination, but also type of exploitation. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection.

45. In its first report on Albania, GRETA considered that the Albanian authorities should carry out and support research on THB-related issues, including trafficking within Albania, trafficking in men and trafficking for the purpose of slavery, servitude and forced labour. Research in the area of THB is essentially initiated and carried out by NGOs and international organisations. By way of example, a research report on children on the move involved in street work in Albania and Kosovo* was published in 2014 as part of the Mario Project funded by the European Commission and the Oak Foundation.⁷ Further, a study was carried out in 2013-2014 by the NGOs Arsis and GFK, in partnership with UNICEF and the NGO Save the Children, on children in street situation.⁸ In 2015 ONAC conducted research on "Community knowledge of THB and how and where to report THB cases".

46. **GRETA considers that the Albanian authorities should conduct and support research on THB-related issues as an evidence base for future policy measures. Areas where research is needed in order to shed more light on the extent and nature of the problem of THB include internal trafficking, trafficking for the purpose of labour exploitation, and trafficking in men.**

III. Article-by-article findings

1. Prevention of trafficking in human beings

47. In its first evaluation report, while welcoming the measures taken by the Albanian authorities to prevent trafficking, GRETA considered that they should step up their efforts to tackle root causes, foster access to education and jobs for vulnerable groups, particularly women and members of the Roma and Egyptian communities, and strengthen the protection of children.

a. Measures to raise awareness of THB (Article 5)

48. ONAC has organised several initiatives to raise awareness of trafficking in human beings in collaboration with international organisations and NGOs. In 2012 and 2013, it combined efforts with the NGO Different and Equal on an awareness-raising project entitled "Respect for victims' rights in Albania - Stop stigmatisation". A photo-story based on the experience of a trafficking victim was published, with 1 000 copies printed, a workshop was run for schoolchildren in Lezhë, meetings with civil society organisations were organised in Durrës, Berat and Lezhë, and workshops were run for employers in Durrës and Lezhë.

49. Since 2013, the Albanian authorities have run awareness-raising activities each year to mark the EU Anti-Trafficking Day, 18 October. In 2014, the National Co-ordinator launched the "Week against trafficking in human beings" (18-24 October) in partnership with international organisations and NGOs. Numerous awareness-raising initiatives were organised, including the running of 17 stands to distribute information materials, and the broadcasting of 10 television programmes and five videos on trafficking in human beings.

50. The Ministry of the Interior has launched a mobile phone application ("Report and Save") in collaboration with the Vodafone Albania and the NGO World Vision. The application is geared to raising public awareness of trafficking and ensuring that victims are identified (see paragraph 94).

⁷ Vathi, Zana, *Children and Adolescents on the Move Involved in Street Work in Albania and Kosovo**: Transnational and Internal Patterns, Mario Project, November 2014.

⁸ *National Study on Children in Street Situation*, June 2014. Available at: www.unicef.org/albania/NationalStudy-children_in_street_situation-June2014.pdf

51. Information materials have been published by ONAC in collaboration with the National Coalition of anti-trafficking centres and UN Women, notably calendars and leaflets promoting the 116 006 hotline for reporting cases of trafficking. ONAC has also published information documents in conjunction with the NGO Vatra, such as booklets, leaflets and posters aimed at police officers and victims of THB.

52. GRETA considers that the Albanian authorities should continue and strengthen their efforts to raise awareness of THB for different types of exploitation, both internally and transnationally. Future actions in this area should be designed in the light of impact assessment of previous measures, focusing on the needs identified.

b. Measures to prevent THB for the purpose of labour exploitation (Article 5)

53. According to the Labour Inspectorate, the sectors most at risk of human trafficking and forced labour in Albania are agriculture, food processing, textiles, mining, construction, restaurants, hotels, entertainment, transport, domestic work as well as the informal economy.⁹ The Roma and Egyptian communities are groups which are particularly vulnerable to trafficking for the purpose of labour exploitation as they are often employed in the informal economy.

54. In 2012 and 2013, as part of the "Respect for victims' rights in Albania - Stop stigmatisation" project, ONAC ran one-day workshops on trafficking for forced labour aimed at employees and students in Lezhë, Durrës, Tirana and Berat in conjunction with the NGO Different and Equal. Working with the OSCE, ONAC has also set up initiatives aimed at involving companies in the prevention of trafficking. In 2012, these activities reached 74 employers and business representatives in Tirana, Elbasan and Vlora. In addition, awareness-raising activities were organised in 12 schools (with around 360 participants) and community forums in Tirana, Elbasan and Vlora (with 167 participants). In 2013, further activities were organised across the country as part of the same project: 16 workshops with high school students attended by 529 participants; nine community forums attended by 226 participants; and two workshops for employers attended by 48 participants.

55. The National Anti-Trafficking Co-ordinator has signed an agreement with the national police and the Labour Inspectorate on "Co-operation procedures on identifying cases of forced labour and trafficking and trafficking for labour exploitation", aimed at increasing prevention measures, proactive identification and protection of people trafficked for forced labour (see also paragraph 97).

56. The Albanian authorities have indicated having made efforts to have all workers in the informal economy entered into the social insurance scheme. During the tourist season from June to August 2015, the Labour Inspectorate conducted 667 inspections in hotels, bars and restaurants and identified 420 employees without social security. On the basis of the previously mentioned agreement, common inspections are conducted to identify potential victims exploited for forced labour.

⁹ In its 2015 report on Albania, paragraph 69, ECRI noted that "there are a number of occupational activities that are specific to the Roma, such as the collection of recyclable waste and the reselling of second-hand clothes. Although these activities are on the rise, they are confined to the black market economy, with all risks that this may involve, not the least health hazard and child labour". ECRI recommended that the authorities "ensure that the employment promotion programmes specifically address the situation of Roma and in particular the question of their informal employment, exploring the possibility of formalising Roma black economy jobs through the creation of social businesses schemes and the promotion of public-private partnerships at local level". Available at: www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Albania/ALB-CbC-V-2015-18-ENG.pdf

57. **With a view to preventing trafficking for the purpose of labour exploitation, GRETA considers that the Albanian authorities should take further measures to:**

- **organise activities aimed at raising awareness on the risks of human trafficking for the purpose of labour exploitation in Albania and abroad, aimed in particular at vulnerable groups.**
- **sensitise relevant officials, in particular labour inspectors, about THB for the purpose of labour exploitation and the rights of victims;**
- **strengthen the monitoring of recruitment and temporary work agencies;**
- **work closely with the private sector, in line with the Guiding Principles on Business and Human Rights.¹⁰**

c. **Measures to prevent trafficking in children (Article 5)**

58. In its first report, GRETA considered that the Albanian authorities should strengthen the protection of children, particularly through the recording of all children in the civil status register and awareness-raising measures, particularly in the Roma and Egyptian communities.

59. Since the introduction of Law No. 10347 of 2010 on the Protection of the Rights of the Child, several institutions have been tasked with protecting children's rights. At the central government level, the National Agency for the Protection of Children's Rights is responsible for monitoring and co-ordinating central and local institutions. At the regional level, children's rights units are present in each of the country's 12 regions. At the municipal level, child protection units are tasked with assessing and monitoring the families of vulnerable children and co-ordinating the work between local institutions and NGOs in respect of vulnerable children, including victims of trafficking. The existing 200 units do not cover the whole of the country's territory and the units' effectiveness is hampered by limited technical, financial and professional resources. GRETA was informed that the territorial reform, which involved merging municipalities, could result in units being closed down. The Albanian authorities have indicated that Law No. 10347 was being revised to strengthen the child protection system by establishing regular monitoring and control mechanisms for child protection units, and to ensure adequate budget allocation for them. **GRETA would like to be kept informed of the development of this reform.**

60. In 2012, the Ministry of the Interior adopted regulations aimed at reducing the number of unregistered children. It also signed an agreement with the Ministry of Foreign Affairs and the NGO Tirana Legal Aid Society (TLAS) to speed up procedures for registering Albanian children born outside the country's territory. However, GRETA was informed that the number of unregistered children had increased in 2014, partly as a result of numerous Albanians previously living in Italy or Greece returning to the country with their children. Furthermore, while most women gave birth in hospitals, where all new-born children are registered, the number of women giving birth elsewhere was put at several hundred. **GRETA considers that the Albanian authorities should continue their efforts to register children, particularly those born outside maternity units or abroad and/or returning to Albania without valid documentation.**

¹⁰

www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

61. The Ministry of the Interior and the Ministry of Social Affairs and Youth signed an agreement in 2014 with a view to identifying and protecting children in street situations.¹¹ A Task Force has been set up for this purpose in Tirana, combining the forces of those two ministries and other institutions such as ONAC, the National Agency for the Protection of Children's Rights, the Tirana regional police directorate and the social services. An initiative entitled "Help for Families and Children in street situations" has also been set up by the Ministry of the Interior and the Ministry of Social Affairs and Youth, in collaboration with other agencies and NGOs, with a view to providing interdisciplinary support for these children. In recent years, the municipal child protection units have identified 161 children in street situations; 63 children were removed from the streets and nine were placed in an institution. During the 2014-2015 school year, 30 children were enrolled in schools, eight in nursery schools and one in a day nursery. However, the authorities encountered difficulties in enrolling these children since their families were registered in other municipalities. Moreover, these children often dropped out of school.

62. School drop-out is a particular problem in the Roma and Egyptian communities and among children living in rural areas. A national programme, "Zero school drop-out", was adopted for the period 2009-2013. There are psycho-social structures working with schools and seeking to provide assistance to families so that their children remain at school. Other initiatives have involved summer schools, tutoring and free meals for children attending school. It was also planned to introduce financial aid to help families in precarious financial situations to cover the costs of the school year for their children.

63. Children placed in institutions form a particularly vulnerable group. The United Nations Committee of the Rights of the Child and Human Rights Committee have both expressed concern about the fact that children were placed in institutions because of their families' poverty and inability to support them, and that children have to leave institutions at the age of 15 and are left with no support from the state, living in poverty, marginalised and vulnerable to abuse and exploitation.¹² The Albanian authorities have indicated that Instruction No. 6 of 21 May 2014 "On the resettlement of children in residential social care institutions, public and private ones" states that children can stay in institutions until the age of 18. Furthermore the authorities have taken steps towards the de-institutionalisation of children and, to this effect, in 2015, 103 children left institutions and returned to their families and 67 adoptions were carried out. In this respect, special attention is paid to monitoring of applications for foster care by the local authorities, where 153 children are currently placed in foster families.

64. GRETA refers to the report by the UN Committee on the Rights of the Child on Albania according to which a large number of children are subjected to economic exploitation in Albania and some are involved in hazardous occupations.¹³ In the framework of the World Day against Child Labour on 12 June 2015, the State Agency for the Protection of Children's Rights, in co-operation with ONAC, the Ministry of Education and Sports, the International Labour Organization (ILO), the OSCE Presence in Albania, USAID and NGOs organised an awareness-raising campaign to protect children from labour exploitation and to encourage access to education. The campaign conveyed the message "No child labour and exploitation, but proper education".

65. Albania has had a hotline to report child abuse, ALO 116, since 2009. Callers to this free phone number can obtain advice and information, particularly on financial assistance and health care services. This line is said to receive around 400 calls a day. During the last four years ALO 116 has received 95 calls which concerned children at risk of trafficking.

¹¹ See National Study of Children in Street Situation in Albania, 2014, available at: www.unicef.org/albania/NationalStudy-children_in_street_situation-June2014.pdf

¹² Committee on the Rights of the Child, Concluding observations the combined second to fourth periodic reports of Albania, adopted by the Committee at its sixty-first session (17 September–5 October 2012), CRC/C/ALB/CO/2-4; Human Rights Committee, Concluding observations on the second periodic report of Albania, 22 August 2013, CCPR/C/ALB/CO/2.

¹³ Committee on the Rights of the Child, Concluding observations the combined second to fourth periodic reports of Albania, adopted by the Committee at its sixty-first session (17 September–5 October 2012), CRC/C/ALB/CO/2-4, paragraph 78.

66. ONAC has organised several initiatives to raise awareness of trafficking in human beings in collaboration with international organisations and NGOs. In 2012 and 2013, it combined efforts with the NGO Different and Equal on an awareness-raising project entitled "Respect for victims' rights in Albania - Stop stigmatisation". A photo-story based on the experience of a trafficking victim was published, with 1,000 copies printed, a workshop was run for schoolchildren in Lezhë, meetings with civil society organisations were organised in Durrës, Berat and Lezhë, and workshops were run for employers in Durrës and Lezhë.

67. Several awareness-raising campaigns have focused on child trafficking in recent years. In 2013, as part of the above-mentioned project "Respect for victims' rights in Albania - Stop stigmatisation", ONAC organised three one-day workshops for school children in Lezhë. In 2014, during the week against trafficking in human beings, 14 awareness-raising activities were organised in schools and community centres around the country, 12 meetings took place on the theme of THB in Kukës, Gjirokastra, Shkodra, Korça and Dibër, and nine roving exhibitions were set up in schools. In addition, trafficking awareness-raising workshops were incorporated in the school curriculum. In 2015, there were 10 discussion forums with students, school pupils and representatives of the governmental and non-governmental structures, exhibitions with pupils' drawings, and distribution of various information materials. A summer campaign was also organised in June-August 2015, including 13 awareness-raising activities in Tirana, Dibër, Kukës, Durrës, Korça, Lezhë, Berat, Elbasan and Fier; 11 discussion forums with members of the regional anti-trafficking committees and pupils of high schools in Gjirokastra, Elbasan, Korça, Kukës, Vloora and Dibër; 10 summer camps in Elbasan, Tirana, Durrës, Dibër, Berat and Fier, where 230 pupils of high and secondary schools.

68. GRETA considers that the Albanian authorities should strengthen their efforts in the area of prevention of child trafficking, in particular by sensitising and training child protection professionals across the country, raising awareness of children through education, and paying special attention to children placed in institutions and children from the Roma and Egyptian communities.

d. Social, economic and other initiatives for groups vulnerable to THB (Article 5)

69. The Albanian authorities have referred to a number of initiatives to advance gender equality and promote the economic inclusion of women. By way of example, a programme was launched in 2012 with a view to promoting access to employment of women belonging to vulnerable groups, which finances part of the wages and social contributions of the women participating in the programme. As a result, 105 women were able to obtain jobs in 2014. Another initiative consists in supporting women living in rural areas in the framework of Guidelines No. 4/2014 "On the procedures and manner of administration of the fund programme for agriculture and rural development".

70. The CC was amended in 2012 so as to criminalise domestic violence and Albania ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence ("Istanbul Convention") on 4 February 2013.

71. Other initiatives have included the provision of free training for unemployed women under 25 years of age, and the adoption of an Action Plan to support female entrepreneurs for the period 2014-2020. Finally, the principle of gender equality was incorporated in the recruitment criteria for public administration employees.

72. Notwithstanding these positive developments, the UN Human Rights Committee has noted with concern the continuing reports of domestic violence against women and has been particularly concerned at reports of ineffective police investigation into complaints of domestic violence, as well as the insufficient number of shelters for domestic violence victims.¹⁴

73. According to the UN Human Rights Committee, despite the adoption of the National Strategy for Roma and the Decade of Roma Inclusion (2010-2015), the Roma minority in Albania continues to face discrimination in accessing housing, employment, education and social services and participating in political life.¹⁵ For its part, the UN Committee on the Rights of the Child has noted with concern that various programmes and strategies in favour of Roma are seldom applied.¹⁶

74. GRETA welcomes the above-mentioned efforts to address the root causes of THB in Albania. However, GRETA notes that Albania remains a major source country of persons trafficked in Europe. **GRETA considers that the Albanian authorities should take vigorous measures to strengthen the prevention of THB, including through measures to:**

- **combat violence and discrimination against women and ensure gender equality;**
- **facilitate access for Roma and Egyptian communities to jobs, education, housing and public services.**

e. **Measures to prevent trafficking for the purpose of organ removal (Article 5)**

75. GRETA notes that while trafficking in human beings for the purpose of organ removal as defined by the Convention and organ trafficking as defined by Articles 4 to 8 of the Council of Europe Convention against Trafficking in Human Organs¹⁷ are distinct crimes, they share similar root causes, such as shortage of organs to meet demand for transplantation and poor economic and other conditions that put persons in a vulnerable position. Therefore, measures to prevent organ trafficking can help prevent trafficking for the purpose of organ removal and the reverse is also true. Among the necessary preventive measures, GRETA underlines the importance of a robust and transparent domestic system for the removal and transplantation of human organs and the need for training of health-care professionals. GRETA also stresses the importance of conducting a thorough investigation of each case where there is information or suspicion of trafficking for the purpose of organ removal, paying attention to the abuse of the vulnerability of the "donor" and ensuring that "donors" are treated as victims of trafficking in human beings.¹⁸

¹⁴ Human Rights Committee, Concluding observations on the second periodic report of Albania, CCPR/C/ALB/CO/2, paragraph 11, 22 August 2013. See also Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, A/HRC/23/47/Add.4, paragraphs. 30–51, 23 April 2013.

¹⁵ Ibid, CCPR/C/ALB/CO/2, paragraph 23. See also Committee on Economic, Social and Cultural Rights, Concluding observations on the combined second and third periodic reports of Albania, E/C.12/ALB/CO/2-3, paragraph 12, 18 December 2013.

¹⁶ Committee on the Rights of the Child, Concluding observations the combined second to fourth periodic reports of Albania, adopted by the Committee at its sixty-first session (17 September–5 October 2012), CRC/C/ALB/CO/2-4, paragraph 76.

¹⁷ Opened for signature in Santiago de Compostela on 25 March 2015.

¹⁸ See "Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs", Joint Council of Europe/United Nations Study (2009), in particular pages 55-56; "Trafficking in human beings for the purpose of organ removal in the OSCE region: Analysis and Finding", OSCE Occasional Paper No. 6 (2013).

76. In Albania, organ transplantation is governed by Law No. 10454 of 7 August 2012 on the Transplantation of Cells, Tissues and Organs.¹⁹ It stipulates that donors and recipients must give their consent and must be related. Donations must be validated by an independent ethics council of the Ministry of Health, made up of representatives of hospitals and the public health foundation, with the latter having to cover the costs of transplantation. Under the law, staff directly responsible for transplants cannot sit on the ethics council. Two decisions have been adopted by the Council of Ministers, one on the potential setting up of an organ bank as provided for in Law No. 10454 and the other on the functioning of establishments carrying out transplantations. In addition, there are Ministry of Health regulations governing the importing and exporting of organs.

77. A unit at the "Mother Theresa" hospital centre specialises in kidney transplants and keeps a transplant waiting list. With a few rare exceptions, transplantations are performed in private clinics, owing to a lack of trained staff in public hospitals, and the costs are covered by the aforementioned public health foundation. Other types of transplantations are carried out abroad.

78. The Albanian authorities have stated that no case of trafficking for the purpose of organ removal has been identified to date.

79. **GRETA considers that the Albanian authorities should ensure that, as part of their training, medical professionals involved in organ transplantations and other relevant professionals are sensitised about THB for the purpose of organ removal.**

f. **Measures to discourage demand (Article 6)**

80. Following the 2013 amendments to the CC, it is a criminal offence to knowingly use the services of a victim of THB (see also paragraph 156).

81. As noted in paragraph 14, trafficking and exploitation for different purposes of women, men and children within Albania has been on the rise and there have been more identified victims of internal trafficking than of transnational trafficking. The risks of human trafficking increase during the tourist season, including for the purpose of sexual exploitation and forced begging. As noted in paragraph 53, certain sectors of the economy, and in particular the informal economy, have been identified as representing a heightened risk of human trafficking for the purpose of forced labour.

82. **GRETA considers that the Albanian authorities should strengthen their efforts to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society and the private sector.**

g. **Border measures (Article 7)**

83. The SOPs specify the role and tasks of the border police in detecting victims of THB at the border. The Working Group on Border Surveillance is involved in the implementation of the SOPs. In 2014, the border police identified as potential victims of THB three Albanian women, aged from 19 to 23, who were returning to Albania. In 2015, the border police identified six potential victims, including one foreigner.

¹⁹ Albania signed the Council of Europe Convention against Trafficking in Human Organs on 25 March 2015.

84. The liberalisation of the visa regime with the EU has reportedly resulted in an increase in the number of border crossings. If border police officers suspect human trafficking, an initial interview takes place, followed by a second one if the suspicion is not allayed. The information received is logged in a database accessible at all border posts. Once border police officers have identified a victim of THB, the investigation is the task of the Anti-Trafficking Section of the National Police. GRETA refers to a recent report by Caritas, according to which organised criminal groups were taking migrants from Greece to Albania so that they would cross the sea to Italy.²⁰ GRETA stresses the importance of identifying potential victims of trafficking among migrants who are at particular risk of falling into the hands of traffickers.²¹

85. GRETA was informed that Albanian children from the Roma community continued to travel, unaccompanied or in the company of adults, to Kosovo* where they were exploited for begging (see also paragraph 123). Civil society organisations pointed out that children travelling on their own to Kosovo* could sometimes be younger than 15. There are a number of documents required for a child to cross the border unaccompanied by his/her parents, including a valid passport, a voluntary return declaration signed by the child and his/her guardian, and a statement from the child's parents certified by a notary. In cases where there are reasonable grounds to believe that a child is a victim, the child is separated from the adult with whom he/she is travelling and is interviewed in the presence of a social worker. Special interview rooms have been set up at the Murriqan and Durrës border crossings.

86. **GRETA urges the Albanian authorities to step up their efforts to prevent and detect cases of trafficking in human beings during border controls, paying particular attention to unaccompanied children.**

2. Measures to protect and promote the rights of victims, guaranteeing gender equality

a. Identification of victims (Article 10)

87. In its first evaluation report, GRETA stressed that the Albanian authorities should pursue their efforts to identify victims of trafficking by ensuring that established norms and procedures are duly followed by all the actors concerned, and by paying particular attention to the identification of victims of THB amongst men, foreign nationals and people trafficked within Albania. GRETA also asked the authorities to strengthen co-operation with destination and transit countries in order to improve the identification of Albanian victims abroad.

88. Since the first evaluation report, the functioning of the National Referral Mechanism (NRM) has been placed on a formal footing through the adoption of Standardised Operating Procedures (SOPs) for the identification and referral of victims and potential victims of trafficking, in force as of December 2011.²² The SOPs specify the different actors involved in victim identification and their respective roles, and provide indicators for the identification of victims in different situations.

89. A joint instruction for the setting up of the Responsible Authority for the NRM was adopted in July 2014 by the Ministries of the Interior, Education and Sports, Health and Foreign Affairs and the National Coalition of Shelters for Victims of THB, which includes three NGOs (see paragraph 101). In addition to exercising oversight over the NRM, the Responsible Authority decides on the most complex cases of identification and referral.

²⁰ Peyroux O., *Trafficking in Human Beings in Conflict and Post-Conflict Situation*, Progress Report, Caritas (2015).

²¹ 5th General Report on GRETA's activities, covering the period from 1 October 2014 to 31 December 2015.

²² Council of Ministers Decision No. 582 of 27 July 2011.

90. The SOPs describe two phases of identification: initial and formal identification. Initial identification of "potential victims" may be carried out by the police, border police, social services, labour inspectorate, regional education directorates, regional health directorates, municipal protection child units and civil society organisations. These actors are required to contact the group responsible for the formal identification of victims of THB, which comprises a police officer from the Anti-Trafficking Section and a social worker from the regional office of the social services. The group performing formal identification interviews the person referred to them as a potential victim, if necessary with the aid of an interpreter. The person has to consent to being formally identified as a victim of THB and must sign a confidentiality clause. Following formal identification, victims are informed of their right to assistance and, if necessary, are accommodated in a shelter.

91. According to ONAC's report on the implementation of the National Anti-trafficking Strategy published in March 2015, there have been cases where the police performed formal identification without the social services being involved. There have been cases of persons initially not identified the victims of THB, despite the presence of clear indicators, but a second assessment was performed as a result of which they were formally identified as such. According to the report, the education and health services have not identified any victims of THB.

92. Regarding the identification of Albanian victims abroad, the SOPs specify that diplomatic and consular staff are responsible for initial identification and the Ministry of Foreign Affairs representatives of the Responsible Authority, based in Tirana, are tasked with formal identification.

93. From June 2013 to October 2014, mobile teams were operating in Tirana, Elbasan and Vlora to improve initial identification of victims of THB. These mobile teams consisted of a police officer and two social workers from the three shelters managed by NGOs (Different and Equal in Tirana, Another Vision in Elbasan, and Vatra in Vlora). The mobile teams took a proactive approach by going to places where there were risks of trafficking, such as night clubs and begging hotspots, and also geared their efforts to vulnerable groups such as Roma and Egyptians communities, and children in a situation of vulnerability. In 2014, this action resulted in 94 potential victims (40 adults and 54 children) being identified. The operation of two of these mobile teams was suspended in October 2014, owing to a lack of funding, and only the Elbasan team was still operative at the time of the evaluation visit.

94. A free national hotline (116-006) has been set up to facilitate reporting of cases of THB, replacing the previous hotline which could only be dialled from land-line telephones. In addition, the authorities have recently launched a free smartphone application entitled *Raporto! Shpëto!* ("Report and save!") in conjunction with the Vodaphone Foundation, which enables people to send pre-filled text messages (such as: "I think I know a victim", "I think I am a victim", "I am a victim"), which are forwarded to the Responsible Authority and the aforementioned hotline. In 2014, 765 calls and 400 text messages were received.²³ There were 16 calls to refer victims in 2014 and 11 in 2015.

95. Suspected cases of labour exploitation of foreigners were reported to GRETA during the second evaluation visit. GRETA refers to ECRI's 2015 report on Albania, according to which there is a growing presence of irregular migrants of Asian origin employed as domestic workers by wealthy families in Tirana.²⁴ The Albanian authorities have indicated that out of four cases of potential foreign victims of trafficking detected in 2015, one concerned a person from the Philippines trafficked for forced labour.

²³ ONAC's annual report on implementation of the Anti-Trafficking Strategy 2014-2017.

²⁴ Available at: www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Albania/ALB-CbC-V-2015-18-ENG.pdf

96. The Labour Inspectorate employs 98 labour inspectors covering the country's 12 regions. GRETA was informed that due to their limited number, labour inspectors struggle to carry out the planned number of inspections and are still not sufficiently trained and aware of their role in detecting victims of THB. In 2014, the Labour Inspectorate detected 4 600 workers employed by 200 companies operating in the informal economy. In 2015, the Labour Inspectorate identified 4 431 workers without an employment contract.

97. The Labour Inspectorate has only recently joined anti-trafficking efforts and uses indicators for forced labour drawn up in collaboration with the IOM. In January 2014, an ad hoc joined group drawn from the Labour Inspectorate and Tirana police was set up to carry out spot-checks aimed at detecting and identifying victims of THB in night clubs. In October 2014, an agreement was signed by the National Anti-Trafficking Co-ordinator, the Labour Inspectorate and the General Directorate of State Police, assigning the Labour Inspectorate a role in the proactive identification of victims of THB. The agreement aims, among other things, to set up groups consisting of labour inspectors and police officers to carry out joint inspections in risk sectors on a more regular basis. A first group has already been set up at the central level; this group will be tasked with establishing an action plan and the dates of joint operations to be carried out by the regional mixed groups, each comprising two labour inspectors and two police officers. The regional mixed groups are to carry out 24 inspections a month and report back to the central group every quarter. The two labour inspectors involved in the regional mixed groups will have their workload adjusted accordingly. A few grey areas remain, however, particularly as to how information is to be passed on between the police and the Labour Inspectorate. At the time of the evaluation visit, no victims of THB had been identified by labour inspectors.

98. The National Anti-trafficking Strategy 2014-2017 recognises that Albania is a country of transit for migrants and asylum seekers from the Middle East and Africa, who may include victims of THB. However, no potential victims have been identified in the detention centre for irregular migrants in Kareç, nor in the centre for asylum seekers.

99. **GRETA urges the Albanian authorities to take further steps to ensure the timely identification of victims of THB, and in particular to:**

- **ensure that the Standardised Operating Procedures (SOPs) for the identification and referral of victims of trafficking are complied with by the police and all the other actors concerned;**
- **provide the necessary funding enabling the regional mobile teams to be reactivated and new ones created to cover the whole territory of the country;**
- **increase efforts to proactively detect victims of trafficking for the purpose of labour exploitation;**
- **strengthen measures to identify victims among irregular migrants and asylum seekers, particularly by raising the awareness of and providing training to staff working at the detention centre for irregular migrants and the centre for asylum seekers.**

b. **Assistance measures (Article 12)**

100. In its first evaluation report, GRETA commended the co-operation of the Albanian authorities with NGOs in the area of assistance to victims. GRETA considered that the authorities should ensure that victims benefit from all assistance measures envisaged by law, in particular by providing adequate financing and ensuring the quality of the services delivered by NGOs acting as service providers.

101. The number and location of shelters for victims of THB in Albania remain the same as at the time of the first evaluation: two are for women, in Tirana (run by the NGO Different and Equal) and Vlora (run by the NGO Vatra), and a third one accommodates child victims in Elbasan (run by the NGO Another Vision) In addition, there is the National Reception Centre for Victims of Trafficking in Tirana, under the Ministry of Social Affairs and Youth. Each shelter has a multidisciplinary supervision team, which includes social workers, a psychologist, a doctor, a teacher and a legal specialist. The three shelters and the reception centre form the National Coalition of Shelters for Victims of THB, which meets each month to co-ordinate their activities and agrees on a number of priorities each year. The coalition is a participant in the Responsible Authority of the NRM.

102. The assistance provided to victims of THB comprises three phases: (i) emergency accommodation in a shelter (for three to six months, but if necessary longer, depending on the victim's situation), medical care, counselling, a reintegration project, legal advice, therapeutic activities and vocational training; (ii) accommodation outside the shelter in rented flats under the supervision of NGO staff, usually after finding a job, with the shelter sometimes acting as a mediator with the family and community to which the victim may return; (iii) monitoring and support for reintegration, in conjunction with the social services.

103. The shelters in Tirana and Vlora have respectively 15 and 20 places, and the National Reception Centre for Victims of Trafficking currently has 15 places. A building previously used to accommodate irregular migrants was in the process of being refurbished at the time of the visit and it would provide a further 90 places. The shelters are intended chiefly for women, sometimes accompanied by their children, but girls aged over 16 are also accommodated.

104. The delegation visited the shelter run by the NGO Different and Equal in Tirana, which occupies an entire building at a secret address. During the visit, it housed nine women, two of them with a child. In addition, 30 victims were accommodated in flats rented by the NGO. The women assisted by the NGO Different and Equal are mostly victims of trafficking for the purpose of sexual exploitation. In addition to therapeutic activities, victims are offered a range of vocational training possibilities and foreign language courses.

105. The delegation also visited the shelter managed by the NGO Vatra, located in Vlora at a secret address. At the time of the visit, it accommodated nine female victims, seven of whom aged between 16 and 18. Another seven victims assisted by the NGO were accommodated outside the shelter and 25 others were in the reintegration phase. The vast majority of the victims had been sexually exploited abroad or in Albania. In addition to psycho-social support, victims are offered literacy classes, schooling and vocational training. The NGO Vatra supports victims in their integration into working life, by helping to fund their professional project.

106. There is no shelter for male victims of trafficking, but the NGO Different and Equal rents flats where such victims can be accommodated. They receive counselling, legal advice, medical services, vocational training and assistance with job-seeking. Eighteen male victims received such assistance in 2014. They were typically aged between 17 and 20, and had been trafficked for the purpose of forced begging, labour exploitation or sexual exploitation. Further, the NGO Vatra in Vlora provided accommodated in rented flats to three male victims who had been forced into begging or committing offences.

107. The delegation also visited the National Reception Centre for Victims of Trafficking. The shelter is located on the outskirts of Tirana and its security is ensured by the national police. Victims who have undergone formal identification and are assessed to be in a particularly dangerous situation are placed in this centre. It has two buildings, one of them currently undergoing works with a view to housing male victims. In the first six months of 2015, 10 people were accommodated in the centre. In addition to risk assessment, counselling, medical assistance and legal advice, the centre provides vocational training in partnership with the Ministry of Social Affairs and Youth, either within the shelter or outside it if the victim's safety is not compromised.

108. When a victim leaves the National Reception Centre for Victims of Trafficking, the regional welfare services draw up an individual reintegration plan. GRETA was informed that victims of THB enjoy priority access to jobs and are offered state-remunerated internships. Similarly, the NGO-run shelters seek the co-operation of employment agencies and potential employers to facilitate access to the labour market for victims of THB, which nevertheless remains difficult. The database referred to in paragraph 43 is updated to enable the different entities making up the Responsible Authority to track victims' progress and contribute to their reintegration. Civil society representatives pointed out that social services monitoring of the reintegration phase was inadequate, chiefly as a result of understaffing. Moreover, trafficked victims do not have priority access to social housing.

109. The number of victims of THB who received assistance was 74 in 2012, 95 in 2013, and 125 in 2014. The authorities believe that this increase is a result of the SOPs being better applied as time goes on.

110. Under Law No. 2039 of 17 March 2011, every victim leaving a shelter must in principle receive ALL 3 000 (21.50 euros) a month until they are able to find work. In 2015, a total of ALL 1 008 080 (7 250 euros) was spent on welfare benefits paid to 28 victims of THB. However, the authorities acknowledge that this amount is not enough to enable victims to lead independent lives. Only victims who have been accommodated in the shelters receive such benefits and according to NGOs, victims are reluctant to collect the benefits from the relevant local authorities departments because of the stigma attached to victims of THB.

111. At the end of 2014, Law No. 141/2014 amended Law No. 10383/2001 on Compulsory Health Insurance, entitling victims of THB to free access to health care. Victims must be issued with a card entitling them to free access to medical care provided outside shelters. This will, *inter alia*, enable victims suffering from psychiatric problems who cannot be cared for by the shelters to receive care and, if necessary, be hospitalised. The Ministry of the Interior is to draw up lists of beneficiaries to be forwarded to the Directorate General of Social Security, which will then contact the competent regional authorities. This legislative development has yet to be fully put into practice. The need to train medical staff coming into contact with victims of THB is acknowledged by the authorities, which have already launched a number of initiatives (see paragraph 38). In this context, NGOs have stressed the importance of guaranteeing the confidentiality of personal data of victims accessing public health care.

112. NGOs providing assistance to victims and the National Reception Centre for Victims of Trafficking have to comply with the social service care standards in residential centres for victims of trafficking or persons at risk from trafficking, set out in Council of Ministers Decision No. 195 of 11 April 2007, and the NRM Responsible Authority is tasked with ensuring compliance with these standards.

113. The National Reception Centre for Victims of Trafficking is entirely financed by the Ministry of Social Affairs and Youth. It was granted ALL 19 770 000 (142 190 euros) in 2014 and ALL 21 400 000 (153 840 euros) in 2015. The funding of the three shelters managed by NGOs hinges essentially on international donors. The State has been providing funding towards meals in the shelters since 2012, contributing ALL 2 079 000 (14 900 euros) in 2014 and ALL 2 555 000 (18 500 euros) in 2015. However, NGOs are suffering from a lack of resources. In 2015 the NGO Another Vision had to scale back its activities to cover only urgent cases for three months and staff worked unpaid. In December 2014, the Ministry of Social Affairs and Youth secured private funding of ALL 100 000 (715 euros) for the NGO Another Vision. In 2015, the Ministry granted ALL 13 million (93 500 euros) to the shelters managed by NGOs, to be allocated to them via local authority budgets. This has enabled two of the NGOs to fund six employees but the third one, in Tirana, had not received any grant by the time of the visit. In their comments to the draft GRETA report, the Albanian authorities indicated that in early 2016, measures were taken so that the three shelters could increase the number of social workers up to a total of 24 (eight of whom have been employed by the shelter run by the NGO Different and Equal in Tirana).

114. Recalling the recommendations made in the first report, GRETA urges once again the Albanian authorities to provide adequate funding for the assistance to victims of trafficking in order to enable NGOs to comply with the standards of assistance.

115. Furthermore, GRETA considers that the Albanian authorities should:

- **increase the number of places available in shelters to cater for the rise in identified victims, including male victims;**
- **facilitate the reintegration of victims of THB, by providing them with vocational training and access to the labour market, and by strengthening the capacity and resources of the social services responsible for assisting in their integration.**

116. While welcoming the progress made in providing victims of THB with access to public health care, GRETA considers that the Albanian authorities should ensure that this access is facilitated in practice, including by raising awareness amongst health care staff.

c. Identification of and assistance for child victims of trafficking (Articles 10 and 12)

117. The SOPs provide for a differentiated procedure for identifying children, taking account of their specific situation. Tailored identification criteria have been established, taking into account the possible involvement of the children's families in the trafficking and exploitation. The format of interviews carried out for the purpose of formal identification and arrangements for referral to reception facilities are also adjusted accordingly.

118. The mobile team run by the NGO Another Vision in Elbasan, which was the only one still operational at the time of the second evaluation visit, carries out outreach among vulnerable groups, in particular children in street situations, in order to detect potential victims, and liaises with the municipal child protection units and the police. In two years of operation, the mobile team has identified 33 potential child victims of THB aged between 3 and 17 years.

119. Further, following the setting up of a Task Force for children in street situations in Tirana (see paragraph 61), the partners involved, notably municipal child protection units, identified 15 child victims of trafficking for the purposes of forced begging and forced labour in 2015. There are plans to set up similar task forces in two other towns.

120. With regard to the accommodation of child victims of trafficking, as explained above, the shelters run by the NGOs Different and Equal and Vatra and the National Reception Centre for Victims of Trafficking can accommodate child victims of trafficking over 16 years of age. Younger children are assisted by the NGO Another Vision, which runs the only shelter specialising in the reception of child victims of THB, in Elbasan. The shelter can accommodate 34 children, divided between two residences. Assistance is provided in the shelter by a multidisciplinary team and children are enrolled in the local school as quickly as possible, even for short periods of time, and receive tailored support from teachers. Vocational training is organised for older children in conjunction with the authorities. The municipal child protection units are also involved in the reintegration process.

121. Generally speaking, in cases where children are identified as victims of THB, the child protection units seek first and foremost to find their families. The SOPs provide for procedures to remove children from exploitative situations within the family context and provide them with assistance tailored to their needs. The appointment of legal guardians requires cumbersome court proceedings, and the preferred approach is to take the child back to their family and support the family. In cases where parents appear to be involved in exploiting their children, the children are ultimately placed in orphanages as a more permanent solution. As noted above (see paragraph 63), children placed in institutions constitute a vulnerable group. The Albanian authorities have referred to several recent texts (Council of Ministers Decision No. 573 of 24 June 2015, on "Standards for the work of the Child Protection Units"; Joint Guideline No. 10 of 25 February 2015 on "Methods, forms of cooperation and intervention procedures to help children at risk for institutions and structures responsible for child protection"; Guideline No. 6 of 21 May 2014 on "The resettlement of children in public and private residential social care institutions"), which aim at improving care services for children under the responsibility of child protection units, particularly those placed in institutions.

122. In recent years, hundreds of children of Albanian origin have been detected as potential victims on THB in the United Kingdom.²⁵ The Albanian authorities have expressed concern about the lack of information provided by the UK authorities on whether these Albanian children were formally identified as victims of THB and what happened to them. There are reportedly plans to open a reception centre to accommodate child victims identified in the United Kingdom and sent back to Albania, but for the time being, hardly any such children have been returned.

123. Albanian NGOs continue to be contacted by the Kosovo* authorities with requests to take in charge unaccompanied Albanian children, mostly of Roma origin, who had been caught begging in Kosovo* and are brought back to the border with Albania. NGOs pointed to the lack of facilities at borders to temporary take in children brought back by the Kosovo* authorities.

124. While NGOs met during the second evaluation visit referred to cases of forced marriage of girls who were subsequently exploited sexually or through forced labour, the Albanian authorities have affirmed that no child victim of trafficking for forced marriage has been identified from 2012 to 2015. In some cases the girl's family apparently lodged a complaint but later withdrew it. The authorities have stated that, once a complaint has been lodged, an investigation must be carried out even if the complaint is subsequently withdrawn.

125. The Albanian authorities have indicated that no unaccompanied minors had been reported by the General Directorate of Border and Migration in the period 2011-2015.

²⁵ According to statistics of the UK NRM, in 2013, Albania was the third country origin of referrals of child victims with 56 minors (out of 268 referrals of Albanian victims), and was the top country of origin of referrals of child victims in 2014 with 117 children (out of 449 referrals of Albanian victims). For more information, please consult: www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics

126. Article 3 of Law No. 10347 on Protection of the Rights of the Child stipulates that, when a person's age is not established but there are reasons to believe that the person is a child, he or she is to be treated as such until their age is determined. The SOPs provide instructions for determining the age of victims based on physical appearance, psychological maturity, statements made by the victim and identity papers in their possession. If there is still uncertainty, two more checks are to be carried out: a medical examination by a health care professional, with the consent of the person concerned and their legal guardian, and contacting the embassy and other authorities competent for the apparent place of origin of the victim (region or another country). If doubts still persist over the victim's age, they must be considered as a child and protected as such.

127. **GRETA urges the Albanian authorities to:**

- **reinforce the proactive identification of child victims of trafficking, particularly among children in street situation;**
- **urgently initiate consultations with destination countries with a view to putting into place effective mechanisms for identifying children at risk to be re-trafficked, effective reporting on such cases to the consular or diplomatic missions of Albania, and the provision of adequate assistance and protection in accordance the Convention;**
- **review the application of the guardianship system for child victims of trafficking and pay increased attention to children who are trafficked by their parents or other family members, ensuring that proper risk assessment is conducted before returning such children to their parents;**
- **ensure that there is a shelter providing adapted services for child victims of THB above 16 years of age, in line with the best interests of the child;**
- **introduce a procedure for identifying victims of THB among unaccompanied foreign children.**

d. **Protection of private life (Article 11)**

128. Article 127 of Law No. 108/2014 on the National Police states that police officers have a duty to safeguard the confidentiality of all personal data collected, kept and processed by the police to which they have access.

129. The SIVET database set up to gather information on victims of THB from different sources (such as the police, NGOs, social services) is secure and all the information is entered into the database by a designated person from the Office of the National Anti-trafficking Co-ordinator (see paragraph 43). Only the Responsible Authority has access to the personal data of victims so that their situation and reintegration can be monitored.

e. **Recovery and reflection period (Article 13)**

130. In its first evaluation report, GRETA invited the Albanian authorities to clarify the recovery and reflection period in a legislative text.

131. Since GRETA's first evaluation, Law No. 108/2013 on Foreigners entered into force, Article 54(1) of which provides for the issue of a residence permit valid for three months where there are sufficient grounds to believe that a foreign national is a victim or potential victim of THB. It is specified that the permit is granted so that the victim can recover and take a decision as to whether to co-operate with the investigation and prosecution authorities. Article 54(2) of the Law on Foreigners specifies that during the recovery and reflection period victims and potential victims of trafficking will enjoy the full range of rights and services to which such victims are entitled under Albanian legislation. The residence permit is of "category A", i.e. it is for a fixed term and is not renewable.

132. Under Article 54(3) of the Law on Foreigners, the residence permit issued for the purpose of recovery and reflection may be withdrawn if it is ascertained that the permit-holder has falsely claimed trafficking victim status and has actively and voluntarily renewed contact with the suspected trafficker, or if his/her conduct constitutes a threat to national security. The person is notified of the withdrawal of the permit in writing, in a language he/she understands, and the reason for the withdrawal, unless it is a national security issue.

133. Whilst welcoming the introduction of a recovery and reflection period in Albanian legislation, GRETA invites the Albanian authorities to ensure that all victims of human trafficking are properly informed about their right to a recovery and reflection period and, for this purpose, that all police officers, prosecutors, labour inspectors, immigration officers and social workers are adequately trained and given clear guidance in this respect.

f. **Residence permit (Article 14)**

134. Law No. 108/2013 on Foreigners specifies, in Article 54(4), that the border and migration authorities shall issue a "category B" residence permit (i.e. without a fixed validity and renewable) to foreign nationals who have been identified as victims of THB by the competent bodies on either or both of the following grounds: a) owing to their social situation and personal circumstances; b) owing to their co-operation with the judicial authorities in connection with the criminal investigation and prosecution. Article 54(5) of the Law on Foreigners further stipulates that the granting of residence permit does not depend on the victim having sufficient resources to be able to remain or being in possession of identity documents.

135. According to information provided by the Albanian authorities, three foreign victims have been provided with residence permits pursuant to Article 54(4) of the Law on Foreigners.

136. GRETA welcomes the legal provisions in Albania enabling victims of THB to be granted a residence permit both on the basis of their personal situation and for the purpose of their co-operation in the investigation and prosecution. GRETA invites the Albanian authorities to ensure that victims of human trafficking are systematically informed about the right to a renewable residence permit and that all immigration officers are adequately trained and given clear guidance in this respect.

g. Compensation and legal remedies (Article 15)

137. In its first report, GRETA urged the Albanian authorities to assess the mechanism for State compensation to victims of THB, with a view to taking any necessary additional measures to guarantee access to such compensation. GRETA also considered that steps should be taken to ensure that victims of THB can effectively exercise their right to compensation from the perpetrators by taking measures to facilitate the relevant procedure. In this context, GRETA urged the authorities to ensure that victims of THB actually benefit from the free legal assistance to which they are entitled.

138. Law No. 10039/2008 on Legal Assistance was amended in May 2013 by Law No. 143/2013, one of the aims being to improve access to legal assistance for victims of THB. Under Article 4 of Law No. 143/2013, victims of THB who do not have sufficient resources to seek redress may be exempted from court costs and given free legal assistance. This assistance is provided by lawyers qualified to provide legal advice and represent victims in criminal, civil and administrative proceedings. The National Committee on Legal Assistance has the task of examining applications. However, according to civil society actors, in practice few victims of THB benefit from free legal assistance. Consequently, numerous costs (e.g. for the lodging of a complaint in relation to trafficking and certification by a notary of documents produced as evidence for example) are incurred even before the trial begins. Since the entry into the force of the amendments to above-mentioned Law No. 10039/2008, only one request by a victim of THB was submitted.

139. Pursuant to Articles 61 to 68 of the Code of Criminal Procedure, a victim may institute civil proceedings to obtain compensation from the perpetrator of an offence prosecuted under criminal law. Payment of compensation will depend on the outcome of the criminal trial. The Civil Code stipulates, in Article 625, that victims of THB, like other persons, are entitled to compensation for non-pecuniary damage suffered (including bodily harm).

140. There has been only one case of compensation awarded to a victim of THB, for the amount of 40 000 euros, by the first instance court in Tirana (decision No. 1202 of 19 February 2010) pursuant to Article 625 of the Civil Code. GRETA was informed that the compensation had not been paid to the victim as the trafficker was insolvent.

141. There is no State compensation scheme available to victims of THB in Albania. The Special State Fund for Preventing Criminality, set up pursuant to Law No. 10/192 of 3 December 2009 on Combating Organised Crime and Trafficking through Preventive Measures against Assets, and managed by the Confiscated Assets Agency (see paragraph 165) is not used to pay compensation to victims of THB. Money fed into this fund from confiscated assets is allocated to the general budget, public institutions and NGOs, including those providing assistance to victims of trafficking, which may submit project proposals for funding. Detailed allocation is proposed to the Ministry of Finance by a consultative body whose membership includes the Ministry of Finance, the Ministry of Justice, the Ministry of Social Affairs and Youth, the Judicial Administration Office, the police and the Confiscated Assets Agency. In 2013, the first fund amounted to ALL 7 million (50 000 euros), part of which was allocated to the National Reception Centre for Victims of Trafficking. In 2015, the funds to be redistributed stood at ALL 94 million (670 000 euros), of which ALL 10 million (71 930 euros) were allocated to all NGOs, including those dealing with THB.

142. **GRETA urges the Albanian authorities to adopt measures to facilitate and guarantee access to compensation for victims of THB, in particular by:**

- **reviewing the criminal and civil procedures regarding compensation from perpetrators with a view to improving their effectiveness;**
- **ensuring that victims of THB are systematically informed of their right to claim compensation and the procedures to be followed;**
- **enabling victims of THB to exercise their right to compensation by guaranteeing them effective access to legal assistance;**
- **strengthening the capacity of law practitioners to help victims claim compensation and incorporating the issue of compensation in the training programmes aimed at members of the law enforcement agencies and the judiciary;**
- **setting up a State compensation scheme accessible to victims of THB, regardless of their nationality and immigration status.**

h. **Repatriation and return of victims of THB (Article 16)**

143. In its first report, GRETA urged the Albanian authorities to step up their efforts to co-operate with destination countries regarding the repatriation of victims of THB.

144. The NRM specifies the procedures to be followed by different actors involved in the repatriation and return of victims of THB, both to Albania and from Albania to other countries (for further details, see the first report, paragraphs 145-150). Victims repatriated to Albania benefit from all the assistance measures available in the country.

145. Article 72 of Law No. 08/2013 on Foreigners states that, in the case of victims of THB, priority shall be given to voluntary returns if they are subject to an expulsion order. The border and migration police, in collaboration with international organisations, has set up joint programmes to ensure that adequate resources and suitable conditions are in place for the return of foreigners to their country of origin.

146. The Albanian authorities have referred to Law No. 9466 of 2006 on the Readmission Agreement between Albania and the European Community which lays down the criteria and conditions for return to the country of origin. In addition, an agreement concluded between Albania and Greece on the protection of and assistance for child victims of trafficking entered into force in 2009 and has resulted in the return of victims to Albania. Further, a Memorandum of Understanding was signed in December 2014 with the United Kingdom, with a view to improving the identification, referral and assisted return of victims and potential victims of THB.

147. In its first report, GRETA was concerned that not all the necessary precautions were taken for the safe return to Albania of Albanian children exploited in begging in Kosovo*. GRETA was informed that the Kosovo* authorities contacted Albanian NGOs directly, asking them to come and pick up groups of Albanian children brought back to the border, without the Albanian authorities being involved, despite there being a co-operation agreement concluded in 2012 with special emphasis on Albanian child victims of trafficking in Kosovo*.

148. From 2012 to 2015, there were 40 Albanians victims of trafficking repatriated to Albania. During the same period, 10 foreign victims were repatriated by Albania to other countries (four to the Philippines, two to the Russian Federation, one to Ukraine, one to Bulgaria, one to Greece, and one to Kosovo*).

149. **GRETA considers that the Albanian authorities should take additional steps to:**
- **ensure that the return of victims of trafficking is conducted with due regard for their rights, safety and dignity. This means informing victims about existing programmes, protecting them from re-victimisation and re-trafficking and, in the case of children, fully respecting the principle of the best interests of the child;**
 - **develop international co-operation in order to ensure proper risk assessment and safe return, as well as effective reintegration of victims of THB;**
 - **ensure compliance with the *non-refoulement* obligation under Article 40, paragraph 4, of the Convention.**

3. Substantive criminal law

a. Criminalisation of THB (Article 18)

150. Following the amendments made to the CC in 2013, trafficking in human beings is criminalised in Article 110/a and Article 128/b as follows:

“Article 110/a - Trafficking in adults

The recruitment, transport, transfer, hiding or reception of persons through threat or the use of force or other forms of compulsion, kidnapping, fraud, abuse of office, or taking advantage of social, physical or psychological condition, or giving or receipt of payments or benefits in order to get the consent of a person who controls another person, with the purpose of exploitation of prostitution of others or other forms of sexual exploitation, forced services or work, slavery or forms similar to slavery, putting to use or transplanting organs, as well as other forms of exploitation, within and beyond the territory of the Republic of Albania, shall be punishable by imprisonment from eight to 15 years.

If such offence is committed against an adult female, it shall be punishable by 10 to 15 years of imprisonment.

The organisation, management and financing of the trafficking of persons is punished with imprisonment of from seven to 15 years and with a fine of from four million to ALL six million.

When the offence is committed in collaboration, more than once, accompanied by maltreatment and making the victim commit various actions through the use of physical or psychological violence, causing serious consequences to health or threatening the victim’s life, it is punishable by imprisonment of no less than 15 years.

When the crime has brought about the death of the victim as a consequence, it is punished with imprisonment of no less than 20 years or with life imprisonment, as well as with a fine of from seven million to ALL 10 million.

When the crime is committed through the utilisation of a state function or public service, the punishment of imprisonment and the fines are increased by one fourth.”²⁶

“Article 128/b - Trafficking of children

The recruitment, sale, transport, transfer, hiding or reception of children with the purpose of exploitation for prostitution or other forms of sexual exploitation, forced services or work, slavery or forms similar to slavery, putting to use or transplanting organs, as well as other forms of exploitation, shall be punishable by 10 to 20 years of imprisonment.

The organisation, management and financing of the trafficking of children is punished with imprisonment of from 10 to 20 years.

When the crime is committed in collaboration or more than once, or is accompanied by maltreatment and making (coercing) the victim to commit various actions through physical or psychological force, or brings serious consequences to the victim's health, it is punished with imprisonment of no less than 15 years and with a fine of from ALL six to eight million.

When the crime has brought about the death of the victim as a consequence it is punished with imprisonment of no less than 20 years or with life imprisonment, as well as with a fine of from ALL eight to 10 million.

When the criminal crime is committed through the utilisation of a state function or public service, the punishment of imprisonment and the fines are increased by one fourth.²⁷

151. In its first report, GRETA drew attention to the risks of confusion between the provision criminalising trafficking in women (Article 114/b of the CC) and the provision criminalising "exploitation of prostitution with aggravating circumstances" (Article 114/a). To remedy the problem, Articles 114/a and 114/b of the CC have been repealed and a single Article 110/a on trafficking in adults now covers both men and women.

152. The sentences provided for in Articles 110/a and 128/b of the CC, where there are no aggravating circumstances, have been made harsher: from 8 to 15 years' imprisonment for trafficking in men, from 10 to 15 years' imprisonment for trafficking in women, and from 10 to 20 years' imprisonment for trafficking in children. The previous Article 114/b of the CC concerning trafficking in women has been repealed, but a specific reference to trafficking in women appears in Article 110/a with regard to the penalties incurred. The Albanian authorities have justified the harsher sanction for trafficking in women (from 10 to 15 years of imprisonment) compared to that for trafficking in men (from eight to 15 years of imprisonment) by the fact that women represent the majority of trafficked persons in Albania, noting that this aims to have positive effects in addressing gender-based violence. **While acknowledging the gender dimension of THB, in view of the non-discrimination principle enshrined in Article 3 of the Convention, GRETA invites the Albanian authorities to keep under review the effectiveness of the different penalties for trafficking in women and trafficking in men.**

153. Both Articles 110/a and 128/b of the CC contain open-ended lists of types of exploitation. The Albanian authorities have stated that while human trafficking for the purposes of forced criminality and forced begging are not specifically mentioned, they are covered by these provisions. Forced marriage is criminalised by Article 130 of the CC and the Albanian authorities have indicated that there had not been any cases of trafficking for the purpose of forced marriage to date.

154. Since the first evaluation, one aggravating circumstance has been added to Article 110/a of the CC, namely endangering the victim's life and causing the death of the victim, in line with GRETA's recommendation.

155. Moreover, following amendments in 2013, Article 110/c of the CC now criminalises the production, possession or supply of forged identity papers, passports, visas or other travel documents or the act of retaining, removing, concealing, damaging or destroying a travel or identity document for the purpose of enabling THB. Offenders are liable to between two and five years' imprisonment if the victim is over 18 years of age and between four and eight years' imprisonment if the victim is a minor or if the offence is repeatedly committed in collaboration with others. If the offence results in serious consequences, the sentence is to be no less than five years' imprisonment.

b. **Criminalisation of the use of services of a victim (Article 19)**

156. In its first report, GRETA invited the Albanian authorities to consider the possibility of criminalising the use of services of a victim of trafficking, with the knowledge that the person has been trafficked. In line with GRETA's recommendation, this provision was introduced in the CC in 2013, under Article 110/b, and is punishable by between two and five years' imprisonment. GRETA welcomes the adoption of this provision, but notes that it has not yet been applied.

c. **Corporate liability (Article 22)**

157. The legal situation has not changed since GRETA's first evaluation.²⁸ Law No. 9754/2007 on the Criminal Liability of Legal Entities stipulates that legal entities shall be subject to criminal prosecution for criminal offences committed on behalf of their organs and representatives, on behalf of or in favour of a person who represents, manages or administers the legal entity and is the hierarchical superior of the person who commits the offence, or on grounds of a lack of supervision and monitoring by the person who represents, manages or administers the legal entity. The organ and representative of the legal entity acting on its behalf are defined as any physical person tasked with representing, managing, administering or monitoring the activity and structures making up the legal entity.

158. The Albanian authorities have indicated that no criminal cases implicating legal entities in THB offences have been recorded to date. **GRETA considers that the Albanian authorities should examine the reasons why no legal entities have been punished for trafficking-related acts and, in the light of their findings, take the necessary measures to ensure that the criminal liability of legal entities can be acted upon in practice.**

d. **Non-punishment of victims of THB (Article 26)**

159. At the time of the first evaluation, there was no specific provision in Albanian law stipulating that victims of THB are not to be punished for their involvement in unlawful activities, to the extent that they have been compelled to do so. As noted in paragraph 17, in the light of GRETA's recommendation, amendments were made to the CC in 2013 to include a specific non-punishment provision pursuant to Article 26 of the Convention. Article 52/a of the CC provides that victims of THB may be exempted from punishment if they were forced to commit an illegal act or to refrain from action during the period in which they were trafficked. There is no case-law related to this provision.

160. **Whilst welcoming the adoption of a specific legal provision concerning the non-punishment of victims of trafficking for offences committed as a result of being trafficked, GRETA invites the Albanian authorities to ensure full compliance with this provision in practice by developing guidance for police officers and prosecutors on the implementation of the non-punishment provision.**

²⁸

See paragraph 161 of GRETA's first evaluation report on Albania, GRETA(2010)22.

4. Investigation, prosecution and procedural law

a. Measures related to ensuring effective investigations (Articles 1, 27 and 29)

161. The Police Anti-Trafficking Section, which comes under the Organised Crime Directorate, is competent for investigating THB cases but its jurisdiction extends beyond THB and covers other criminal offences such as trafficking in weapons, vehicles and artworks, as well as illegal border crossings. It comprises five staff members at central level and there are 12 units in each of the country's regions. There are also three police stations with a small THB team, located in areas far from the regional units (in Sarandë, Kavajë and Tropojë). The total staff of their units comprises 100 police officers. At both the central and regional levels, one person has particular responsibility for trafficking in human beings. The authorities informed GRETA that they intended to recruit 40 additional staff for the anti-trafficking units.

162. The Serious Crime Prosecution Office and the First Instance Court for Serious Crimes continue to be competent for cases of trafficking in human beings.

163. Special investigation techniques include phone tapping, video recording, physical surveillance measures, vehicle bugging, the use of GPS to follow suspects' vehicles in real time and the use of undercover agents. Infiltration via the Internet, in particular where a police officer poses as a victim, is also possible. All these measures require the authorisation of the Prosecutor's Office.²⁹

164. In order to take action against websites used to recruit persons for their exploitation, the Electronic and Postal Communications Authority (AKEP) can block suspect sites at the request of the authorities, in accordance with Article 15(e) of Law No 9918 of 19 May 2008 on Electronic Communications.

165. The Confiscated Assets Agency was set up in 2010 under Law No. 1012 of 2009 on the Prevention and Punishment of Organised Crime.³⁰ Trafficking in human beings is one of the offences covered by the Agency. The investigation of assets is separate from the criminal procedure and carried out in parallel to it. The assets seized are sold only once a final decision confirms their confiscation, which results in a certain depreciation of tangible assets and storage costs. In THB cases, the Agency sends a report on the assets seized to the Serious Crime Prosecutor's Office. GRETA was informed that there had been seizures and confiscations in THB cases, but no concrete figures were provided. In 2014, confiscation of traffickers' assets was ordered at first instance and confirmed on appeal, but the Supreme Court annulled the confiscation.

166. According to data provided by the State Police, the number of investigations related to THB was as follows: 22 in 2011, 30 in 2012, 54 in 2013, and 54 in 2014.

²⁹ Articles 294A, 294B, 221 of the Code of Criminal Procedure and Law No. 9157 of 4 December 2003 on eavesdropping and phone-tapping

³⁰ See findings of MONEYVAL in its report on Albania on 13 April 2011, pages 85 and following.

167. As regards prosecutions and convictions for THB, GRETA has been provided with several different sets of data – from the Serious Crimes Prosecutor’s Office, the First Instance Court for Serious Crimes, the Court of Appeal for Serious Crimes, and the Supreme Court – which are difficult to compare.³¹ Thus in 2012, the Serious Crimes Prosecution Office investigated 30 cases, out of which 13 were new and 17 were carried over from previous years. In 2012, the First Instance Court for Serious Crimes registered only one new case of trafficking in women and handed down sentences in two other cases of trafficking in women (respectively, 10 years of imprisonment and a fine of ALL 4 million, and 15 years of imprisonment and a fine of ALL 6 million). In 2013, the Serious Crimes Prosecution Office investigated 42 cases of THB, of which 10 were carried over from previous years and 32 were new cases. In the same year, the First Instance Court for Serious Crimes ruled on two cases of THB (in one of them the trial was carried over in 2014 and in the other the court sentenced two perpetrators). In 2014, the Serious Crimes Prosecutor’s Office investigated 71 cases of THB, out of which 25 were cases carried over from previous years and 46 were new cases. In the same year, 11 new cases were tried before the First Instance Court for Serious Crimes Court (including 5 cases concerning children) and 3 cases were carried over from previous years.

168. In 2014, the internal investigations service of the Ministry of the Interior submitted three reports to the Prosecutor’s Office implicating four police officers in offences related to trafficking in human beings, which included assistance for illegal border crossings and abuse of authority. Two of these cases are being investigated by the Prosecutor’s Office. In the third case, the police officer concerned was found guilty by the first instance court of abuse of authority and sentenced to six months in prison.

169. **GRETA notes that the number of convictions for THB is rather low and urges the Albanian authorities to take measures to ensure that THB cases are investigated proactively, prosecuted successfully, and lead to effective, proportionate and dissuasive sanctions, including by:**

- **identifying gaps in the investigation and prosecution of THB cases;**
- **sensitising prosecutors and judges to the rights of victims of THB and developing further their specialisation to deal with THB cases and apply the provisions criminalising THB;**
- **continuing to prosecute in disciplinary and criminal proceedings any police officer or official involved in cases of trafficking.**

170. **Further, recalling the obligation for Parties to the Convention to confiscate criminal assets linked to human trafficking, GRETA considers that the Albanian authorities should intensify their efforts to identify, seize and confiscate criminal assets generated by trafficking offences.**

³¹ See pp. 55-61 of Albania’s reply to GRETA’s questionnaire for the second evaluation round, available at: <http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680630c45>

b. **Protection of witnesses and victims (Articles 28 and 30)**

171. In its first report, GRETA urged the Albanian authorities to reinforce the application of measures to protect victims of THB regardless of whether they have agreed to participate in judicial proceedings.

172. The Witness Protection Directorate is tasked with protecting witnesses, persons collaborating with justice and persons in their entourage, in accordance with Law No. 10/173 of 22 October 2009 on the Protection of Witnesses and Persons Collaborating with Justice.³² The protection envisaged includes measures such as providing a new identity and change of residence. The decision to place a person in the protection programme is taken by a committee made up of the Deputy Minister of the Interior, an officer from the Serious Crimes Directorate of the police, a prosecutor from the Serious Crime Prosecutor's Office and a judge from the First Instance Court for Serious Crimes. In practice, this programme is still seldom used. Only one victim of THB benefited from this protection programme in 2012.

173. Witness protection measures envisaged in the Code of Criminal Procedure include the questioning of anonymous witnesses and/or witnesses in remote locations in Albania or abroad, the questioning of children in the presence of a relative or psychologist, the admissibility of evidence before proceedings begin, thus shortening the time in which the victim of trafficking is involved in the court procedure, and hearings in camera to protect witnesses, particularly minors.³³

174. The new Law on the National Police No. 108/2014 of 2014 provides for additional safeguards for victims of THB, especially children. Article 14(g) of this law establishes the protection of victims of trafficking as one of the tasks of the national police. Article 17/g stipulates that "the Police identifies, protects and refers for assistance to responsible authorities victims of trafficking and of domestic violence, especially women and children". Furthermore, Article 123 provides for measures to protect unaccompanied minors and children who have run away from home. Under the SOPs, those who come into contact with a potential victim are obliged to contact the anti-trafficking police units so that protection measures are taken without delay.

175. Recalling the recommendation made in its first report, GRETA once again urges the Albanian authorities to ensure that full use is made of existing measures to protect victims of human trafficking from potential retaliation or intimidation before, during and after criminal proceedings.

c. **Jurisdiction (Article 31)**

176. The Criminal Procedure Code (CPC) regulates the scope of the Albanian state's jurisdiction over criminal offences, including that of trafficking in human beings, in relation to other states. Article 77, paragraph 1, of the CPC stipulates that when an offence is entirely committed abroad, jurisdiction will be dependent on the offenders' residence, domicile or the place where they were arrested or gave themselves up. Albanian courts are competent when an Albanian citizen or a person having his/her habitual residence in Albania commits an offence of trafficking abroad, if there are no criminal proceedings initiated in that country for the same offence. The offence must be punishable in both countries and there should no final decision of a foreign court.

³² See paragraph 176 of GRETA's first evaluation report on Albania, GRETA(2010)22.

³³ See paragraph 177 of GRETA's first evaluation report on Albania, GRETA(2010)22.

5. International co-operation and co-operation with civil society

a. International co-operation (Article 32)

177. In its first report, GRETA considered that the Albanian authorities should step up their efforts to reinforce co-operation with neighbouring and destination countries in the fields of prevention, victim protection and prosecution of perpetrators of trafficking.

178. Albania has concluded agreements concerning victims of THB with neighbouring countries (Greece, Kosovo*, "the former Yugoslav Republic of Macedonia" and Montenegro) as well as Italy. However, according to civil society interlocutors, these agreements are not fully applied in practice. For example, reference was made to problems experienced when Albanian children are returned from Kosovo* (see paragraph 123). The Office of the National Anti-Trafficking Co-ordinator (ONAC) has organised bilateral talks with neighbouring countries such as Kosovo* and Montenegro. The meetings held with the Montenegrin authorities in 2014 resulted in the signing of an additional protocol on the "Stepping up of co-operation in combating trafficking in human beings and improvement of identification, notification, referral and assisted voluntary returns of victims and potential victims of trafficking in human beings".

179. A Memorandum of Understanding was signed on 4 December 2014 with the United Kingdom, with a view to improving identification, referral and assisted return of victims and potential victims of trafficking. This agreement is aimed at forging direct links between the competent authorities of both countries in order to quickly find suitable solutions for the cases of trafficking identified.

180. Albania has ratified the Police Co-operation Convention for South-East Europe but does not yet have a legal basis for setting up Joint Investigation Teams (JITs). Co-operation that has taken place to date has been via letters rogatory.

181. Albania has also concluded an agreement on strategic and operational co-operation with Europol in 2014 paving the way for exchanges of information with member countries and others having signed an agreement. Analysing this information makes it possible to identify trends in THB and trafficker profiles.

182. Albania has participated in projects run by the International Centre for Migration Policy Development (ICMPD) on the "Transnational Referral Mechanisms for Trafficked Persons in South-Eastern Europe" and the "Transnational Referral Mechanisms for Trafficked Persons in Europe", which have contributed to strengthening co-operation with the other countries participating in these projects.

183. **GRETA considers that the Albanian authorities should:**

- **pursue their efforts to encourage the implementation of international agreements on action against THB signed with neighbouring countries;**
- **amend their legislation so that joint investigation teams can be set up.**

b. **Co-operation with civil society (Article 35)**

184. As noted in the preceding sections, NGOs specialised in providing assistance to victims of trafficking have been full members of the NRM since 2005 and became members of the Responsible Authority in 2014 and are involved in the initial identification of victims of human trafficking.

185. The Albanian authorities have sought to associate specialised NGOs with the development of anti-trafficking policies. For this purpose, NGO representatives are invited to events and discussions on THB organised by ONAC. Furthermore, NGOs are also involved in efforts to train relevant professionals (see paragraphs 31-40).

186. In 2014 the National Anti-Trafficking Co-ordinator set up an advisory group of NGOs involved in action against THB in order to place collaboration with NGOs on a formal footing. This advisory group is expected to carry out independent assessments of action against trafficking and make recommendations to ONAC. The group has met eight times in 2014 and 2015.

187. In addition, in order to engage with the media sector, a Media Advisory Forum was established within the framework of a joint project with UN WOMEN on "Prevention and Treatment of Violence against Women and Girls in Albania". It brings together media professionals and, in 2014, its meetings addressed issues such as protecting the identity of trafficked persons and reporting cases of trafficking in the media.

188. As noted in paragraph 113, whilst there have been improvements, the sustained provision of funding for the running of the shelters managed by NGOs remains problematic.

189. **While welcoming developments since the first evaluation, GRETA invites the Albanian authorities to continue strengthening partnership with civil society. Particular attention should also be paid to involving Roma NGOs, trade unions and the private sector in the fight against THB.**

IV. Conclusions

190. Since the adoption of GRETA's first report on Albania in 2011, progress has been made in a number of areas.

191. The Albanian authorities have further developed the legal framework for combating trafficking in human beings, in line with GRETA's recommendations. The definition of human trafficking contained in the Criminal Code has been amended and now includes a specific reference to internal trafficking. The penalties have been made harsher and the list of aggravating circumstances has been expanded. Moreover, acts relating to travel and identify documents committed for the purpose of enabling human trafficking have been criminalised. Another welcome legal development is the adoption of a specific legal provision concerning the non-punishment of victims of trafficking for offences committed as a result of being trafficked.

192. GRETA also commends the inclusion in the Law on Foreigners of provisions concerning the recovery and reflection period for victims of trafficked and the granting of residence permits to victims of trafficking, both on the basis of their personal situation and to enable them to co-operate in the investigation and prosecution.

193. The Albanian authorities have strengthened the involvement of relevant stakeholders in anti-trafficking action, by enlarging the membership of the State Committee for the Fight against Human Trafficking and of the Responsible Authority of the National Referral Mechanism (NRM). With a view to addressing trafficking for the purpose of forced labour, an agreement on co-operation has been signed between the National Anti-trafficking Co-ordinator, the Labour Inspectorate and the Police.

194. The Albanian authorities have also made further efforts to engage NGOs in the development and implementation of anti-trafficking policies. Specialised NGOs are members of the Responsible Authority of the NRM and are involved in the identification of victims of trafficking, in addition to providing accommodation and other assistance to victims.

195. Efforts have been made to provide training to relevant professionals and to expand the categories of staff targeted. The training is often carried out in co-operation with NGOs and international organisations and, whenever possible, a multi-stakeholder approach is promoted.

196. In terms of prevention, a number of awareness-raising activities have been run in partnership with international organisations and NGOs. Several campaigns targeting specifically children have been organised in schools. A number of initiatives have also been taken to reduce the vulnerability of women to trafficking, including by promoting their economic inclusion.

197. Since the first evaluation report, the functioning of the National Referral Mechanism has been placed on a formal footing through the adoption of Standardised Operating Procedures (SOPs) for the identification and referral of victims and potential victims of trafficking. The SOPs provide for a differentiated procedure for identifying children, taking account of their specific situation.

198. However, despite the progress achieved, some issues give rise to concern. In this report, GRETA requests the Albanian authorities to take further action in a number of areas. The position of the recommendations in the text of the report is shown in brackets.

Issues for immediate action

- **GRETA urges the Albanian authorities to step up their efforts to prevent and detect cases of trafficking in human beings during border controls, paying particular attention to unaccompanied children (paragraph 86).**
- **GRETA urges the Albanian authorities to take further steps to ensure the timely identification of victims of THB, and in particular to:**
 - **ensure that the Standardised Operating Procedures (SOPs) for the identification and referral of victims of trafficking are complied with by the police and all the other actors concerned;**
 - **provide the necessary funding enabling the regional mobile teams to be reactivated and new ones created to cover the whole territory of the country;**
 - **increase efforts to proactively detect victims of trafficking for the purpose of labour exploitation;**
 - **strengthen measures to identify victims among irregular migrants and asylum seekers, particularly by raising the awareness of and providing training to staff working at the detention centre for irregular migrants and the centre for asylum seekers (paragraph 99).**
- **Recalling the recommendations made in the first report, GRETA urges once again the Albanian authorities to provide adequate funding for the assistance to victims of trafficking in order to enable NGOs to comply with the standards of assistance (paragraph 114).**
- **GRETA urges the Albanian authorities to:**
 - **reinforce the proactive identification of child victims of trafficking, particularly among children in street situation;**
 - **urgently initiate consultations with destination countries with a view to putting into place effective mechanisms for identifying children at risk to be re-trafficked, effective reporting on such cases to the consular or diplomatic missions of Albania, and the provision of adequate assistance and protection in accordance the Convention;**
 - **review the application of the guardianship system for child victims of trafficking and pay increased attention to children who are trafficked by their parents or other family members, ensuring that proper risk assessment is conducted before returning such children to their parents;**
 - **ensure that there is a shelter providing adapted services for child victims of THB above 16 years of age, in line with the best interests of the child;**
 - **introduce a procedure for identifying victims of THB among unaccompanied foreign children (paragraph 127).**

- **GRETA urges the Albanian authorities to adopt measures to facilitate and guarantee access to compensation for victims of THB, in particular by:**
 - reviewing the criminal and civil procedures regarding compensation from perpetrators with a view to improving their effectiveness;
 - ensuring that victims of THB are systematically informed of their right to claim compensation and the procedures to be followed;
 - enabling victims of THB to exercise their right to compensation by guaranteeing them effective access to legal assistance;
 - strengthening the capacity of law practitioners to help victims claim compensation and incorporating the issue of compensation in the training programmes aimed at members of the law enforcement agencies and the judiciary;
 - setting up a State compensation scheme accessible to victims of THB, regardless of their nationality and immigration status (paragraph 142).
- **GRETA notes that the number of convictions for THB is rather low and urges the Albanian authorities to take measures to ensure that THB cases are investigated proactively, prosecuted successfully, and lead to effective, proportionate and dissuasive sanctions, including by:**
 - identifying gaps in the investigation and prosecution of THB cases;
 - sensitising prosecutors and judges to the rights of victims of THB and developing further their specialisation to deal with THB cases and apply the provisions criminalising THB;
 - continuing to prosecute in disciplinary and criminal proceedings any police officer or official involved in cases of trafficking (paragraph 169).
- **Recalling the recommendation made in its first report, GRETA once again urges the Albanian authorities to ensure that full use is made of existing measures to protect victims of human trafficking from potential retaliation or intimidation before, during and after criminal proceedings (paragraph 175).**

Further conclusions:

- GRETA welcomes the training provided to different categories of professionals, including judges. GRETA considers that the Albanian authorities should actively pursue their efforts to train and sensitise relevant professionals on human trafficking and victims' rights, in particular police officers, prosecutors, judges, health professionals, labour inspectors, social workers and consular and diplomatic staff. The training should be organised throughout the country and should aim, inter alia, at combating prejudices against victims of trafficking, improving their identification, increasing the number of prosecutions against traffickers and guaranteeing compensation for victims (paragraph 41).
- While acknowledging the steps taken to improve data collection, GRETA considers that the Albanian authorities should pursue their efforts to set up and maintain a comprehensive and

coherent statistical system on trafficking in human beings by compiling reliable statistical data from all main actors on measures to protect and promote the rights of victims as well as on the investigation, prosecution, convictions and compensation in human trafficking cases. Statistics regarding victims should be collected from all main actors and allow disaggregation concerning not only sex, age, country of origin and/or destination, but also type of exploitation. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection (paragraph 44).

- GRETA considers that the Albanian authorities should conduct and support research on THB-related issues as an evidence base for future policy measures. Areas where research is needed in order to shed more light on the extent and nature of the problem of THB include internal trafficking, trafficking for the purpose of labour exploitation, and trafficking in men (paragraph 46).
- GRETA considers that the Albanian authorities should continue and strengthen their efforts to raise awareness of THB for different types of exploitation, both internally and transnationally. Future actions in this area should be designed in the light of impact assessment of previous measures, focusing on the needs identified (paragraph 52).
- With a view to preventing trafficking for the purpose of labour exploitation, GRETA considers that the Albanian authorities should take further measures to:
 - organise activities aimed at raising awareness on the risks of human trafficking for the purpose of labour exploitation in Albania and abroad, aimed in particular at vulnerable groups.
 - sensitise relevant officials, in particular labour inspectors, about THB for the purpose of labour exploitation and the rights of victims;
 - strengthen the monitoring of recruitment and temporary work agencies;
 - work closely with the private sector, in line with the Guiding Principles on Business and Human Rights (paragraph 57).
- GRETA considers that the Albanian authorities should continue their efforts to register children, particularly those born outside maternity units or abroad and/or returning to Albania without valid documentation (paragraph 60).
- GRETA considers that the Albanian authorities should strengthen their efforts in the area of prevention of child trafficking, in particular by sensitising and training child protection professionals across the country, raising awareness of children through education, and paying special attention to children placed in institutions and children from the Roma and Egyptian communities (paragraph 68).
- GRETA considers that the Albanian authorities should take vigorous measures to strengthen the prevention of THB, including through measures to:
 - combat violence and discrimination against women and ensure gender equality;
 - facilitate access for Roma and Egyptian communities to jobs, education, housing and public services (paragraph 74).

- GRETA considers that the Albanian authorities should ensure that, as part of their training, medical professionals involved in organ transplantations and other relevant professionals are sensitised about THB for the purpose of organ removal (paragraph 79).
- GRETA considers that the Albanian authorities should strengthen their efforts to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society and the private sector (paragraph 82).
- Furthermore, GRETA considers that the Albanian authorities should:
 - increase the number of places available in shelters to cater for the rise in identified victims, including male victims;
 - facilitate the reintegration of victims of THB, by providing them with vocational training and access to the labour market, and by strengthening the capacity and resources of the social services responsible for assisting in their integration (paragraph 115).
- While welcoming the progress made in providing victims of THB with access to public health care, GRETA considers that the Albanian authorities should ensure that this access is facilitated in practice, including by raising awareness amongst health care staff (paragraph 116).
- Whilst welcoming the introduction of a recovery and reflection period in Albanian legislation, GRETA invites the Albanian authorities to ensure that all victims of human trafficking are properly informed about their right to a recovery and reflection period and, for this purpose, that all police officers, prosecutors, labour inspectors, immigration officers and social workers are adequately trained and given clear guidance in this respect (paragraph 133).
- GRETA welcomes the legal provisions in Albania enabling victims of THB to be granted a residence permit both on the basis of their personal situation and for the purpose of their co-operation in the investigation and prosecution. GRETA invites the Albanian authorities to ensure that victims of human trafficking are systematically informed about the right to a renewable residence permit and that all immigration officers are adequately trained and given clear guidance in this respect (paragraph 136).
- GRETA considers that the Albanian authorities should take additional steps to:
 - ensure that the return of victims of trafficking is conducted with due regard for their rights, safety and dignity. This means informing victims about existing programmes, protecting them from re-victimisation and re-trafficking and, in the case of children, fully respecting the principle of the best interests of the child;
 - develop international co-operation in order to ensure proper risk assessment and safe return, as well as effective reintegration of victims of THB;
 - ensure compliance with the *non-refoulement* obligation under Article 40, paragraph 4, of the Convention (paragraph 149).
- While acknowledging the gender dimension of THB, in view of the non-discrimination principle enshrined in Article 3 of the Convention, GRETA invites the Albanian authorities to keep under review the effectiveness of the different penalties for trafficking in women and trafficking in men (paragraph 152).

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- GRETA considers that the Albanian authorities should examine the reasons why no legal entities have been punished for trafficking-related acts and, in the light of their findings, take the necessary measures to ensure that the criminal liability of legal entities can be acted upon in practice (paragraph 158).
 - Whilst welcoming the adoption of a specific legal provision concerning the non-punishment of victims of trafficking for offences committed as a result of being trafficked, GRETA invites the Albanian authorities to ensure full compliance with this provision in practice by developing guidance for police officers and prosecutors on the implementation of the non-punishment provision (paragraph 160).
 - Further, recalling the obligation for Parties to the Convention to confiscate criminal assets linked to human trafficking, GRETA considers that the Albanian authorities should intensify their efforts to identify, seize and confiscate criminal assets generated by trafficking offences (paragraph 170).
 - GRETA considers that the Albanian authorities should:
 - pursue their efforts to encourage the implementation of international agreements on action against THB signed with neighbouring countries;
 - amend their legislation so that joint investigation teams can be set up (paragraph 183).
 - While welcoming developments since the first evaluation, GRETA invites the Albanian authorities to continue strengthening partnership with civil society. Particular attention should also be paid to involving Roma NGOs, trade unions and the private sector in the fight against THB (paragraph 189).

Appendix

List of public bodies, intergovernmental organisations, non-governmental organisations and civil society actors with which GRETA held consultations

Public bodies

- Ministry of the Interior:
 - Ms Elona Gjebrea Hoxha, Deputy Minister of the Interior and National Anti-Trafficking Co-ordinator
 - Office of the National Anti-Trafficking Co-ordinator (ONAC)
 - Department of Organised and Serious Crimes
 - Border and Migration Department
 - Directorate for the Protection of Witnesses and Justice Collaborators
- Ministry of Social Affairs and Youth:
 - State Agency for the Protection of Children's Rights
- Ministry of Labour, Social Affairs and Equal Opportunities,
 - State Social Service
- Ministry of Finance:
 - Agency for the Administration of Seized and Confiscated Assets
- Ministry of Health
- Ministry of Education and Sport
- State Labour Inspectorate
- Serious Crimes Prosecutor's Office
- Regional Anti-Trafficking Co-ordination of Vlora
- Vlora District Prosecutor's Office
- Deputy Ombudsman
- National Assembly

Intergovernmental organisations

- International Organization for Migration (IOM)
- Office of the United Nations High Commissioner for Refugees (UNHCR)
- International Labour Organization (ILO)

NGOs and other civil society organisations

- Albania Hope (Mary Ward Loreto Foundation)
- ASIS (Social Organisation for the Support of Youth)
- Caritas Albania
- Centre for Legal Initiatives (CCI)
- Children's Human Rights Centre for Albania
- Coalition of NGOs to Combat Child Trafficking (BKTF)

- Different and Equal
- Tirana Legal Aid Society (TLAS)
- Help for Children Foundation (NPF)
- Romani Bahxt
- Save the Children Albania
- Terre des Hommes
- Tjeter Vizion (Another Vision)
- Vatra

Government's Comments

The following comments do not form part of GRETA's analysis concerning the situation in Albania

GRETA engaged in a dialogue with the Albanian authorities on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version.

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the Albanian authorities on 15 April 2016 and invited them to submit any final comments. The comments of the authorities of Albania, submitted on 20 May 2016, are reproduced hereafter.

| Nr. | Recommendation | |
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| 41/12 | <p>GRETA welcomes the training provided to different categories of professionals, including judges, but notes the absence of training on THB for labour inspectors. GRETA considers that the Albanian authorities should actively pursue their efforts to train and sensitise relevant professionals on human trafficking and victims' rights, in particular police officers, prosecutors, judges, health professionals, labour inspectors, social workers and consular and diplomatic staff. The training should be organised throughout the country and should aim, inter alia, at combating prejudices against victims of trafficking, improving their identification, increasing the number of prosecutions against traffickers and guaranteeing compensation for victims.</p> | <p>In 2015 labor inspectors participated in joint trainings on the implementation of the SOPs, cooperation with the CPU-s (Child Protection Units) and identification of Internal Trafficking.</p> <p>During 2015, the Directorate of Anti-Trafficking in cooperation with the State Police and the OSCE have developed training sessions on "Improving the implementation of the National Referral Mechanism for the Identification and Referral of Victims / Potential Victims of Trafficking, in accordance with Standard Operating Procedures ", respectively in Shkodra, April 28; Kukes, May 15; Debar, May 27; Lezha, June 4; Elbasan, June 11; Fier, September 22; Vlora, September 28; Berat, October 6; Korce, October 13; Tirana, October 26; Gjirokastra, October 21; Durres, October 21.</p> <p>During February- April 2016, the Directorate of Anti-trafficking, in cooperation with IOM and RA members, have developed 12 trainings in 12 regions of Albania, with the participation of 388 (in total) actors (SSS, Border Police, Anti trafficking Police, Public Order, Labor Inspectorate, School psychologists, NGOs) involved in the fight against trafficking in human beings, in accordance with Standard Operating Procedures respectively in Lezha 23 February; Shkodra 24 February; Elbasan 1st of March, 2nd of march in Korça, 9 March in Durrës; 11 March in Tirana; 16 March in Fieri, 17 March in Vlora; 29 March in Kukës; 30 March in Dibra; 6 April in Berat and 13 April in Gjirokastra.</p> |
| 44/12 | <p>While acknowledging the steps taken to improve data collection, GRETA considers that the Albanian authorities should pursue their efforts to set up and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical data from all main actors on measures to protect and promote the rights of victims as well as on</p> | <p>Each state and non-state institution part of the NRM collect data on human trafficking and report them to the ONAC. State police collects data on investigations initiated (active/proactive), and referred to the Prosecutor's office (district/ Serious crimes') police operations, number of perpetrators, arrested, detained, at large, and victims of trafficking (VoT) identified.</p> <p>General Prosecutor's Office also collects data on the cases registered, those sent to court, number of detainees etc.</p> <p>While ONAC itself manages the VoT-s Database, SIVET, which has data on the victims as follows: Personal Data (name, surname, DOB, POB, education etc), Initial or formal interview, Status (victim of trafficking (VoT) or potential victim of trafficking (PVoT), History of exploitation (from recruitment to country/ies of destination), Referral to a Shelter/ community, treatment in the shelter/community,</p> |

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| | <p>the investigation, prosecution, convictions and compensation in human trafficking cases. Statistics regarding victims should be collected from all main actors and allow disaggregation concerning not only sex, age, country of origin and/or destination, but also type of exploitation. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection.</p> | <p>The database has also a few data on the suspected trafficker and recruiter.</p> |
| 46/13 | <p>GRETA considers that the Albanian authorities should conduct and support research on THB-related issues as an evidence base for future policy measures. Areas where research is needed in order to shed more light on the extent and nature of the problem of THB include internal trafficking, trafficking for the purpose of labour exploitation, and trafficking in men.</p> | <p>ONAC in cooperation with IOM has undertaken several projects to identify various forms of exploitation, including trafficking in men and children, as well as practices of prevention and protection of victims exploited:</p> <p>Under the project "Support of the United Nations for Social Inclusion in Albania" program UNSSIA - funded by the Swiss Agency for Development and Cooperation and implemented by the UN Office in Albania, it was developed the "National Assessment Report - Synergies for Coordination and reference to existing mechanisms for women victims of trafficking and violence" (August 2015). http://www.punetebrendshme.gov.al/files/priorities_files/Mechanisms_against_violence_and_trafficking.pdf</p> <p>Furthermore in January 2015 was published "The profile of the victims of trafficking and social exclusion", with the support of the United Nations for Social Inclusion in Albania; http://publications.iom.int/system/files/pdf/social_inclusion_albania_en.pdf</p> <p>In the framework of the project of European Union, "Fight against trafficking in human beings and Organized Crime- Phase 2 (THB/IFS/2)", ICMPD has drafted the report "National and Transnational Referral Mechanism for Victims of Trafficking in Albania. 2015".</p> <p>In the framework of the month against trafficking in persons, October 2015, the ONAC conducted a research on "Citizens' knowledge on the phenomenon of trafficking in persons, Tirana, October 2015". This research was based in quantitative and qualitative interviews, structured and mid structured. 270 persons were interviewed.</p> |

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| 52/14 | <p>GRETA considers that the Albanian authorities should continue and strengthen their efforts to raise awareness of THB for different types of exploitation, both internally and transnationally. Future actions in this area should be designed in the light of impact assessment of previous measures, focusing on the needs identified.</p> | <p>During 2015, the National Anti-trafficking coordinator, launched two main awareness raising campaigns:</p> <p>The “Anti-trafficking Month” on October 1st 2015, part of the awareness raising activities, round tables, forums and workshops were also discussions on labor exploitation as a form of trafficking:</p> <ul style="list-style-type: none"> • 10 discussion forums with students, school pupils and representatives of the governmental and non-governmental structures; • 7 exhibitions with pupils’ paintings ; • Distribution of the awareness and informative materials: <ul style="list-style-type: none"> - 3000 photo-novels: “A broken dream” and “A new beginning”. - Over 5000 t-shirts and 5000 caps with the logo “Denounce-Save”. - Over 3000 leaflets of the Office of National Coordinator. - Around 2000 leaflets for the National Line “116006”. - Over 500 notebooks with awareness messages in their cover “Stop trafficking of children” - 180 pens with the line 116006; - 500 ecological bags with the logo of the national helpline 116006. <p>The summer campaign, which was organized during June – August 2015 and was mainly focused in public awareness raising on child trafficking, exploitation of children for begging and forced labour as well as exploitation of females for prostitution. But specifically regarding the measures taken on the prevention of human trafficking included in school curricula, during this campaign were organized:</p> <ul style="list-style-type: none"> - 13 awareness activities were held in towns, high schools and secondary schools, as well as in community centres in Tirana, Dibra, Kukës, Durrës, Korça, Lezha, Berat, Elbasan and Fier - 11 discussion forums in local level on issues of trafficking in persons and in particular children, with members of the Regional Anti-Trafficking Committee, with students and pupils of high schools in Gjirokastër, Elbasan, Korça, Kukës, Vlora, Dibra; - 2 competitions were developed in Vlora and there were distributed 480 awareness materials, such as leaflets, brochures and photo novels in schools, ports, bars and restaurants; <p>10 summer camps were established in the main cities such as: Elbasan, Tirana, Durres, Dibra, Berat, Fier, etc., where 230 pupils of high schools and secondary schools of these cities took part in;</p> <p>For 2016, there are organized several informative meetings with students as follows: On 22nd February meetings were organized in 9 schools in Tirana On 10th of March in 6 schools in Shkodra, and</p> |
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| | | <p>On 18th of April in 6 schools in Vlora. These meetings were attended by around 660 students, teachers, psychologists, etc.</p> |
| 57/15 | <p>With a view to preventing trafficking for the purpose of labour exploitation, GRETA considers that the Albanian authorities should take further measures to:</p> <ul style="list-style-type: none"> - organise activities aimed at raising awareness on the risks of human trafficking for the purpose of labour exploitation in Albania and abroad, aimed in particular at vulnerable groups. - sensitise relevant officials, in particular labour inspectors, about THB for the purpose of labour exploitation and the rights of victims; - strengthen the monitoring of recruitment and temporary work agencies; - work closely with the private sector, in line with the Guiding Principles on Business and Human Rights | <p>Please refer to recommendation no. 41/12 and 52/14</p> <p>On January 25, 2016 the Directorate of Anti-Trafficking in cooperation with the State Police organized a training with the participation of employees of the Local Police Directorate of Tirana regarding the recognition and implementation of the Memorandum of Cooperation between the Ministry of Interior, the State Police and the State Labour Inspectorate and Social Services "For identifying cases of labor exploitation and trafficking".</p> <p>Following the implementation of this measures, on February 25, ONAC in cooperation with SLI and State Police, established the central working group and appointed the regional working groups. An operation plan is drafted by both institutions which foresees joint actions for the identification of VoT/PVoT. The operations are foreseen to start by the end of June.</p> |

60/15

GRETA considers that the Albanian authorities should continue their efforts to register children, particularly those born outside maternity units or abroad and/or returning to Albania without valid documentation.

Children Registered, January-December 2015

| Type of legal case | Administrative solutions | Court Solution | Total |
|--------------------------------------|--------------------------|----------------|-------|
| Birth registrations | 299 | 216 | 515 |
| Maternity, Paternity, Custody | 64 | 191 | 255 |
| Total | 363 | 407 | 770 |

Furthermore the General Directorate for the Civil Registry in cooperation with TLAS organization have organized awareness raising activities on the stateless and unregistered births phenomenon. The activities are as follows:

Meetings with the community and schools

| | Date | Place | Beneficiaries | Delivery of leaflets, publications, information etc. |
|----|------------|------------|---------------|--|
| 1 | 13.01.2015 | Durrës | 50 | 100 |
| 2 | 24.02.2015 | Durrës | 68 | 120 |
| 3 | 10.02.2015 | Tiranë | 50 | 80 |
| 4 | 11.03.2015 | Fush-Krujë | 120 | 150 |
| 5 | 05.03.2015 | Shkodër | 100 | 120 |
| 6 | 06.03.2015 | Durrës | 50 | 120 |
| 7 | 28.04.2015 | Elbasan | 120 | 200 |
| 8 | 29.04.2015 | Fier | 50 | 90 |
| 9 | 18.05.2015 | Kavajë | 100 | 150 |
| 10 | 24.11.2015 | Elbasan | 100 | 200 |
| 11 | 04.12.2015 | Durrës | 50 | 100 |
| 12 | 16.12.2015 | Tiranë | 100 | 150 |
| | | 12 | 958 | 1580 |

| | | <ul style="list-style-type: none"> • Workshops <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th data-bbox="696 229 763 304">No</th> <th data-bbox="763 229 969 304">Date</th> <th data-bbox="969 229 1117 304">Place</th> <th data-bbox="1117 229 1323 304">No of Participants</th> <th data-bbox="1323 229 1957 304">Subject</th> </tr> </thead> <tbody> <tr> <td data-bbox="696 304 763 371">2</td> <td data-bbox="763 304 969 371">30.10.2015</td> <td data-bbox="969 304 1117 371">Shkodër</td> <td data-bbox="1117 304 1323 371">23</td> <td data-bbox="1323 304 1957 371">The role of local structures and community organisations to protect children's rights</td> </tr> <tr> <td data-bbox="696 371 763 438">3</td> <td data-bbox="763 371 969 438">26. 11.2015</td> <td data-bbox="969 371 1117 438">Durrës</td> <td data-bbox="1117 371 1323 438">29</td> <td data-bbox="1323 371 1957 438">The role of local structures and community organisations to protect children's rights</td> </tr> <tr> <td data-bbox="696 438 763 505">4</td> <td data-bbox="763 438 969 505">27. 11.2015</td> <td data-bbox="969 438 1117 505">Elbasan</td> <td data-bbox="1117 438 1323 505">25</td> <td data-bbox="1323 438 1957 505">The role of local structures and community organisations to protect children's rights</td> </tr> <tr> <td data-bbox="696 505 763 579">5</td> <td data-bbox="763 505 969 579">11. 12. 2015</td> <td data-bbox="969 505 1117 579">Kavajë</td> <td data-bbox="1117 505 1323 579">22</td> <td data-bbox="1323 505 1957 579">The role of local structures and community organisations to protect children's rights</td> </tr> </tbody> </table> | No | Date | Place | No of Participants | Subject | 2 | 30.10.2015 | Shkodër | 23 | The role of local structures and community organisations to protect children's rights | 3 | 26. 11.2015 | Durrës | 29 | The role of local structures and community organisations to protect children's rights | 4 | 27. 11.2015 | Elbasan | 25 | The role of local structures and community organisations to protect children's rights | 5 | 11. 12. 2015 | Kavajë | 22 | The role of local structures and community organisations to protect children's rights |
|-------|--|--|--------------------|---|-------|--------------------|---------|---|------------|---------|----|---|---|-------------|--------|----|---|---|-------------|---------|----|---|---|--------------|--------|----|---|
| No | Date | Place | No of Participants | Subject | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | 30.10.2015 | Shkodër | 23 | The role of local structures and community organisations to protect children's rights | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | 26. 11.2015 | Durrës | 29 | The role of local structures and community organisations to protect children's rights | | | | | | | | | | | | | | | | | | | | | | | |
| 4 | 27. 11.2015 | Elbasan | 25 | The role of local structures and community organisations to protect children's rights | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | 11. 12. 2015 | Kavajë | 22 | The role of local structures and community organisations to protect children's rights | | | | | | | | | | | | | | | | | | | | | | | |
| 68/17 | GRETA considers that the Albanian authorities should strengthen their efforts in the area of prevention of child trafficking, in particular by sensitising and training child protection professionals across the country, raising awareness of children through education, and paying special attention to children placed in institutions and children from the Roma and Egyptian communities. | <p>During May 2016, supported by OSCE, ONAC in cooperation with SAPCR, different NGOs, and CPUs are developing 4 trainings aiming the identification and referral of PVoT from CPUs and mobile units. The dates of the trainings are as follows:</p> <p>13 May - Fier 17 May - Durrës 18 May - Vlora 31 May - Elbasan</p> | | | | | | | | | | | | | | | | | | | | | | | | | |
| 74/18 | GRETA considers that the Albanian authorities should take vigorous measures to strengthen the prevention of THB, including through measures to: <ul style="list-style-type: none"> - combat violence and discrimination against women and ensure gender equality; - facilitate access for Roma and Egyptian communities to jobs, education, housing and public services. | <p>Please refer to 52/14</p> <p>On February 2016 was approved with a CMD, Action Plan for Social – Economic Reintegration of women and girls victims / potential victims of trafficking 2015- 2017, as an integral part of the National Strategy against Trafficking in Persons in Albania 2014 -2017. It covers the following areas of the socio economic reintegration of women and girls VoT and PvOt, namely:</p> <ul style="list-style-type: none"> • Economic empowerment, i.e. property rights, employment and vocational training; • Housing • Education • Social care services <p>The document includes a narrative part explaining the context and meaning of each of the above areas, and a matrix which outlines the objectives, outcomes, actions, baseline information, indicators to measure</p> | | | | | | | | | | | | | | | | | | | | | | | | | |

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| | | <p>progress of the intervention or action, responsible institutions and timeline.</p> <p>In December 2015 with the Decision of the Council of Ministers (DCM) No. 1072, was approved the National Action Plan for Roma and Egyptian Community reintegration, 2016-2020". This Action Plan is based in these principles:</p> <ul style="list-style-type: none"> • Encouragement of social inclusion • Using a targeted approach/ target for the treatment of specific cases of exclusion • Respecting differences • Emphasis on engaging Roma and Egyptians • Promoting cooperation between different actors • Promoting intersectoral connections • Measuring progress • Sensitizing on gender dimension <p>In December 2015, with the DCM No. 1071 was approved the National Strategy of Social Protection 2015 - 2020 and its Action Plan. This strategy aims at reforming the Social Protection Program through transformation of Financial Assistance into an active social reintegration scheme; revision of the rating system of persons with disabilities; intervention and reintegration of children in the family and community, showing special attention to social and biological orphans and integrated service delivery. The priority is to provide the necessary resources for the most vulnerable groups through the National Fund for Social Services and Regional Funds for Social Services as part of the Social Fund</p> |
| 79/19 | GRETA considers that the Albanian authorities should ensure that, as part of their training, medical professionals involved in organ transplantations and other relevant professionals are sensitised about THB for the purpose of organ removal. | <p>Please refer to recommendation 41/12.</p> <p>Regarding the organ transplantations, Albania has ratified the convention of Council of Europe, by Law No.150/2015 "Against trafficking in human organs". ONAC has initiated the work to amend the legislation accordingly.</p> |
| 86/20 | GRETA urges the Albanian authorities to step up their efforts to prevent and detect cases of trafficking in human beings during border controls, paying particular | <p>In March 2014, the SSS and the State Police, signed the Joint Order "On measures for the reception and social treatment of the unaccompanied minors returned / readmitted from other countries", aiming the coordination process for the assistance of the returned, unaccompanied children.</p> <p>Parties have adopted a unified format for the assessment of the returns (admitted) unaccompanied minors from other countries.</p> |

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| | <p>attention to unaccompanied children.</p> | <p>In May 12, 2016, for the first time in Albania was organized the Meeting of the National Anti-Trafficking Coordinators of South Eastern Europe where was discussed the situation of unaccompanied and separated children in South Eastern, European (SEE) countries; Identification of adequate protection measures, services and procedures catering for the needs of vulnerable children at the national and transnational level; Ways to increase international cooperation - gaps and needs, good practices to share in the SEE region and beyond.</p> <p>Under the project "Support of the Western Balkan countries for an effective response to the challenges posed by the migration of the unaccompanied minors" financed by the Development Fund of IOM and implemented by missions of IOM in the Western Balkans, in partnership with government authorities in these countries, in March 2015, in Tirana, was organized a workshop with senior representatives of the Ministries of Interior (departments of asylum, border and migration) and the Ministries responsible for the protection of children from Western Balkans countries, where were discussed common approaches and actions to the challenges posed by the migration of the unaccompanied minors, in accordance with the priorities and activities of the EU in the region.</p> |
| 99/22 | <p>GRETA urges the Albanian authorities to take further steps to ensure the timely identification of victims of THB, and in particular to:</p> <ul style="list-style-type: none"> - ensure that the Standardised Operating Procedures (SOPs) for the identification and referral of victims of trafficking are complied with by the police and all the other actors concerned; - provide the necessary funding enabling the regional mobile teams to be reactivated and new ones created to cover the whole territory of the country; - increase efforts to proactively detect victims of trafficking for the purpose of labour exploitation; - strengthen measures to identify | <p>During May 2016, supported by OSCE, ONAC in cooperation with SAPCR, different NGOs, CPUs are developing 4 trainings aiming the identification and referral of PVoT from CPUs and mobile units . The dates of the trainings are as follows:</p> <ul style="list-style-type: none"> 13 May - Fier 17 May - Durrës 18 May - Vlora 31 May - Elbasan <p>Please refer also to paragraph 3 of 41/12.</p> |

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| | victims among irregular migrants and asylum seekers, particularly by raising the awareness of and providing training to staff working at the detention centre for irregular migrants and the centre for asylum seekers. | |
| 114/25 | Recalling the recommendations made in the first report, GRETA urges once again the Albanian authorities to provide adequate funding for the assistance to victims of trafficking in order to enable NGOs to comply with the standards of assistance. | <p>The government continued to fully support ONAC and has put forward great efforts in increasing the funding and human resources of structures responsible for fighting TiP. ONAC continues to intensify its efforts to prevent TiP by using its special fund for awareness raising activities.</p> <p>The financial support for the non-public shelters was increased. For 2015, a fund of 2 555 000 ALL was allocated to “Other Vision”, “Different and Equal” and “Vatra” shelters. Also, Albanian government enabled the financial support for the employment of 12 social workers of “Vatra” and “Other Vision” shelters.</p> <p>In cooperation with the Czech Republic and the Council of Elbasan District, a fund of 9 000 Euro was allocated to support the “Mobile Units” in Elbasan during 2015.</p> <p>Ministry of Finance, through the Special Fund according to Order No. 30 dated June 17, 2013, has allocated an amount of 2,000,000 ALL for the National Reception Center for Victims of Trafficking.</p> <p>While for 2016 MSW&Y increased the financial support to cover the wages of 24 social workers of the three NGO run shelters (D&E, Vatra and Another Vision).</p> |
| 115/25 | <p>Furthermore, GRETA considers that the Albanian authorities should:</p> <ul style="list-style-type: none"> - increase the number of places available in shelters to cater for the rise in identified victims, including male victims; - facilitate the reintegration of victims of THB, by providing them with vocational training and access to the labour market, and by strengthening the capacity and resources of the social services | <p>Regarding the first recommendation, all the male victims of trafficking identified, are actually accommodated in the existing shelters (NGO’s) or rented apartments.</p> <p>As for the second one, please refer to comments at 74/18</p> |

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| | responsible for assisting in their integration. | |
| 116/25 | While welcoming the progress made in providing victims of THB with access to public health care, GRETA considers that the Albanian authorities should ensure that this access is facilitated in practice, including by raising awareness amongst health care staff. | <p>The health care staff, were part of the joint trainings regarding the initial identification based to the SOPs. Please refer to paragraph 3 of 41/12</p> <p>During 2015, 44 VoT / PVoT, were provided with health cards.</p> |
| 127/27 | <p>GRETA urges the Albanian authorities to:</p> <ul style="list-style-type: none"> - reinforce the proactive identification of child victims of trafficking, particularly among children in street situation; - urgently initiate consultations with destination countries with a view to putting into place effective mechanisms for identifying children at risk to be re-trafficked, effective reporting on such cases to the consular or diplomatic missions of Albania, and the provision of adequate assistance and protection in accordance the Convention; - review the application of the guardianship system for child victims of trafficking and pay increased attention to children who are trafficked by their parents or other family members, ensuring that proper risk assessment is conducted before returning such children to their parents; - ensure that there is a shelter | <p>According to the agreement in place on Street Children where ONAC is part, we have agreed for the mobile units for the street children to have as their TOR identification of PVoT. Therefor ONAC staff is training mobile units on the initial identification of PVoTs as per SOP-s.</p> <p>Please refer also to 99/22; 86/20 parag.2;</p> <p>Meanwhile we are working on the unification of the identification and referral procedures between Albania Kosovo and Montenegro, according to the respective cooperation protocols. On the 13th of June 2016 a trilateral meeting is foreseen to be organized in Pristina with the support of TDH and Save the Children.</p> <p>SOPs, foresee procedures for the initial and formal identification of minors, either nationals or foreigners, unaccompanied or not.</p> <p>With the aim to prevent trafficking, exploitation or abandonment of children in the destination countries, the Directorate General for Border and Migration signed an agreement with the Chamber of Notaries where is stipulated :</p> <p><i>“In case when the child is accompanied by one of his parents, he/she must be equipped with a notarial act by the other parent when crossing the border;</i></p> <p><i>In case the child in not accompanied by any of his parents, he/she must be equipped with a notarial act by both parents when crossing the border.”</i></p> |

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| | <p>providing adapted services for child victims of THB above 16 years of age, in line with the best interests of the child;</p> <ul style="list-style-type: none"> - introduce a procedure for identifying victims of THB among unaccompanied foreign children. | |
| 136/28 | <p>GRETA welcomes the legal provisions in Albania enabling victims of THB to be granted a residence permit both on the basis of their personal situation and for the purpose of their co-operation in the investigation and prosecution. GRETA invites the Albanian authorities to ensure that victims of human trafficking are systematically informed about the right to a renewable residence permit and that all immigration officers are adequately trained and given clear guidance in this respect.</p> | <p>During 2015 -2016; 5 PVoT/VoT in total were assisted either to get or renew a residence permit. 2 from “Another Vision ” 3 from D&E</p> |
| 142/30 | <p>GRETA urges the Albanian authorities to adopt measures to facilitate and guarantee access to compensation for victims of THB, in particular by:</p> <ul style="list-style-type: none"> - reviewing the criminal and civil procedures regarding compensation from perpetrators with a view to improving their effectiveness; - ensuring that victims of THB are systematically informed of their right to claim compensation and the procedures to be followed; | <p>Ministry of Finance, through the Special Fund according to Order No. 84 dated October 08, 2014, and No. 09 dated 18.01.2016, has allocated an amount of 5,000,000 ALL for the projects of NGOs who assist victims of crime, including VoTs. This fund will be distributed on the basis of project applications through the State Interagency Committee of Experts for the Measures against organized crime.</p> |

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| | <ul style="list-style-type: none"> - enabling victims of THB to exercise their right to compensation by guaranteeing them effective access to legal assistance; - strengthening the capacity of law practitioners to help victims claim compensation and incorporating the issue of compensation in the training programmes aimed at members of the law enforcement agencies and the judiciary; - setting up a State compensation scheme accessible to victims of THB, regardless of their nationality and immigration status. | |
| 149/31 | <p>GRETA considers that the Albanian authorities should take additional steps to:</p> <ul style="list-style-type: none"> - ensure that the return of victims of trafficking is conducted with due regard for their rights, safety and dignity. This means informing victims about existing programmes, protecting them from re-victimisation and re-trafficking and, in the case of children, fully respecting the principle of the best interests of the child; - develop international co-operation in order to ensure proper risk assessment and safe return, as well as effective reintegration of victims of THB; - ensure compliance with the non-refoulement obligation under Article 40, paragraph 4, of the Convention. | Please refer to 86/20 and 127/27 |

| 158/33 | GRETA considers that the Albanian authorities should examine the reasons why no legal entities have been punished for trafficking-related acts and, in the light of their findings, take the necessary measures to ensure that the criminal liability of legal entities can be acted upon in practice. | <p>During 2015 Albanian State Police has referred to the Prosecutor's office the following the criminal cases linked to trafficking in persons:</p> <table border="1" data-bbox="680 252 1948 440"> <thead> <tr> <th>Criminal offenses</th> <th>Evidenced</th> <th>Perpetrators</th> <th>Arrested</th> <th>At large</th> <th>Displaced</th> <th>Detained</th> </tr> </thead> <tbody> <tr> <td>Possession of premisses for prostitution</td> <td>23</td> <td>32</td> <td>12</td> <td>15</td> <td>1</td> <td>4</td> </tr> <tr> <td>Exploitation of Prostitution</td> <td>81</td> <td>96</td> <td>27</td> <td>41</td> <td>12</td> <td>16</td> </tr> <tr> <td>Total</td> <td>104</td> <td>128</td> <td>39</td> <td>56</td> <td>13</td> <td>20</td> </tr> </tbody> </table> | Criminal offenses | Evidenced | Perpetrators | Arrested | At large | Displaced | Detained | Possession of premisses for prostitution | 23 | 32 | 12 | 15 | 1 | 4 | Exploitation of Prostitution | 81 | 96 | 27 | 41 | 12 | 16 | Total | 104 | 128 | 39 | 56 | 13 | 20 |
|--|--|--|--------------------------|------------------|---------------------|-----------------|-----------------|------------------|-----------------|--|----|----|----|----|---|---|------------------------------|----|----|----|----|----|----|--------------|------------|------------|-----------|-----------|-----------|-----------|
| Criminal offenses | Evidenced | Perpetrators | Arrested | At large | Displaced | Detained | | | | | | | | | | | | | | | | | | | | | | | | |
| Possession of premisses for prostitution | 23 | 32 | 12 | 15 | 1 | 4 | | | | | | | | | | | | | | | | | | | | | | | | |
| Exploitation of Prostitution | 81 | 96 | 27 | 41 | 12 | 16 | | | | | | | | | | | | | | | | | | | | | | | | |
| Total | 104 | 128 | 39 | 56 | 13 | 20 | | | | | | | | | | | | | | | | | | | | | | | | |
| 169/35 | <p>GRETA notes that the number of convictions for THB is rather low and urges the Albanian authorities to take measures to ensure that THB cases are investigated proactively, prosecuted successfully, and lead to effective, proportionate and dissuasive sanctions, including by:</p> <ul style="list-style-type: none"> - identifying gaps in the investigation and prosecution of THB cases; - sensitising prosecutors and judges to the rights of victims of THB and developing further their specialisation to deal with THB cases and apply the provisions criminalising THB; - continuing to prosecute in disciplinary and criminal proceedings any police officer or official involved in cases of trafficking. | <p>In December 2015 was finalized a Memorandum of Understanding between the National Coordinator for Combating Trafficking in Persons, the General Prosecutor's Office and the State Police on " On the establishment of a task force on the integrated review of the cases of trafficking in persons that have been dropped or not started". The goal of this memorandum is to guarantee a multi-institutional approach in detailed examination and qualitative improvement of anti-trafficking actions, to perform an analysis of criminal legislation on issues of trafficking in persons, as well as to strengthen institutional cooperation between the different links of the Criminal Justice System.</p> <p>The working group assisted by PAMECA mission and ICITAP are reviewing the files and will produce a report with recommendations on the necessary improvements in domestic legislations and on investigations.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 175/36 | Recalling the recommendation made in its first report, GRETA once again urges the Albanian authorities to ensure that full use is | The Law No. 108/2014, Article 17 / g "On the State Police" stipulates that the State Police , " <i>identifies, protects and refers to assistance to the relevant authorities, victims of trafficking in persons and domestic violence, especially minors and women</i> ". | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| | <p>made of existing measures to protect victims of human trafficking from potential retaliation or intimidation before, during and after criminal proceedings.</p> | <p>Also, Article 123 of the same Law provides:</p> <p><i>Protective measures for the minors</i></p> <ol style="list-style-type: none"> 1. <i>The police employee takes the necessary measures to protect the children abandoned by their parents or who have abandoned their parent or custodian.</i> 2. <i>The police employee refers the case to the minor's protection unit to make an assessment of the minor.</i> 3. <i>The minor will be returned to his/her parent, custodian it results that the parents have not been involved in child abuse.</i> 4. <i>The minor is send to the minors care centre, when it results that he has been abused or abandoned by his parent or custodian.</i> 5. <i>The minor will be held in the police services as long as it is necessary, but no more than 10 hours. The conditions where the minor will be held should meet the minor's age and psychological needs.</i> 6. <i>The police employee cooperates with the minors social care centres to provide the necessary assistance to the minor.</i> |
| 183/37 | <p>GRETA considers that the Albanian authorities should:</p> <ul style="list-style-type: none"> - pursue their efforts to encourage the implementation of international agreements on action against THB signed with neighbouring countries; - amend their legislation so that joint investigation teams can be set up. | <p>In 12 May, 2016, was organized the Meeting of the National Anti-Trafficking Coordinators of South Eastern Europe where was discussed the situation of unaccompanied and separated children in South Eastern, European (SEE) countries; Identification of adequate protection measures, services and procedures catering for the needs of vulnerable children at the national and transnational level; Ways to increase international cooperation - gaps and needs, good practices to share in the SEE region and beyond.</p> <p>Please refer also to 127/27.</p> |