



Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings

Recommendation CP(2016)1 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Albania

*adopted at the 18th meeting of the Committee of the Parties
on 23 May 2016*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as “the Convention”), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Albania on 6 February 2007;

Recalling Committee of the Parties’ Recommendation CP(2012)1 of 30 January 2012 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Albania and the report of the Albanian authorities on measures taken to comply with this recommendation, submitted on 29 January 2014;

Having examined the second report concerning the implementation of the Convention by Albania, adopted by GRETA at its 25th meeting (7-11 March 2016), as well as the comments of the Albanian Government received on 20 May 2016;

1. Welcomes the progress made since the first round of evaluation in the following areas:
 - the further development of the legal framework for combating trafficking in human beings, through the adoption of an expanded definition of trafficking in human beings, an expanded list of aggravating circumstances, increased penalties for human trafficking, and a legal provision criminalising acts relating to travel and identity documents committed for the purpose of enabling human trafficking;
 - the adoption of a legal provision setting out the non-punishment of victims of trafficking for offences committed as a result of their being trafficked;
 - the adoption of specific legal provisions concerning the recovery and reflection period 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;

- the closer 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), and further engaging NGOs in the development and implementation of anti-trafficking policies and the identification of victims of trafficking;
- the signing of an agreement between the National Anti-Trafficking Co-ordinator, the Labour Inspectorate and the Police to address trafficking for the purpose of forced labour;
- the efforts made to provide training to relevant professionals, in partnership with NGOs and international organisations, and to expand the categories of staff targeted;
- the steps taken in the area of prevention, including general awareness-raising activities and campaigns targeting children in schools, and initiatives to reduce the vulnerability of women, including by promoting their economic inclusion;
- the adoption of Standardised Operating Procedures for the identification and referral of victims of trafficking, formalising the functioning of the National Referral Mechanism (NRM) and providing differentiated procedures for identifying children.

2. Recommends that the Albanian authorities take measures to address the following issues for immediate action identified in GRETA's report:

- prevent and detect cases of trafficking in human beings during border controls, paying particular attention to unaccompanied children;
- ensure the timely identification of victims of trafficking in human beings, in particular by:
 - ensuring that the Standardised Operating Procedures for the identification and referral of victims of trafficking are complied with by the police and other actors concerned;
 - providing the necessary funding enabling the regional mobile teams to be reactivated and new ones created to cover the whole territory of the country;
 - increasing efforts to proactively detect victims of trafficking for the purpose of labour exploitation;
 - strengthening 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;
- provide adequate funding for the assistance to victims of trafficking in order to enable NGOs to comply with the standards of assistance;
- improve the identification of child victims of trafficking, in particular by:
 - reinforcing the proactive identification of child victims of trafficking, particularly among children in street situation;
 - urgently initiating 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;

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- reviewing the application of the guardianship system for child victims of trafficking and paying increased attention to children who are trafficked by their parents or other family members;
 - ensuring that there is a shelter providing adapted services for child victims of human trafficking above 16 years of age, in line with the best interests of the child;
 - introducing a procedure for identifying victims of THB among unaccompanied foreign children.
- facilitate and guarantee access to compensation for victims of trafficking in human beings, in particular by:
 - reviewing the criminal and civil procedures regarding compensation from perpetrators with a view to improving their effectiveness;
 - ensuring that victims of human trafficking are systematically informed of their right to claim compensation and the procedures to be followed;
 - enabling victims of human trafficking 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 human trafficking, regardless of their nationality and immigration status;
 - ensure that human trafficking cases are investigated proactively, prosecuted successfully, and lead to effective, proportionate and dissuasive sanctions, including by:
 - identifying gaps in the investigation and prosecution of human trafficking cases;
 - sensitising prosecutors and judges to the rights of victims of human trafficking and developing further their specialisation to deal with human trafficking cases and apply the provisions criminalising trafficking in human beings;
 - continuing to prosecute in disciplinary and criminal proceedings any police officer or official involved in cases of trafficking;
 - 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.
3. Requests the Government of Albania to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by **23 May 2017**.
4. Recommends that the Government of Albania takes measures to implement the further conclusions of GRETA's second evaluation report.
5. Invites the Government of Albania to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.