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Reply from Albania
to the Questionnaire for the evaluation of the implementation
of the Council of Europe Convention on Action against
Trafficking in Human Beings by the Parties

Second evaluation round
(Reply submitted on 24 February 2015)

The Albanian authorities have agreed to the publication of this reply.

Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings, 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 based.

GRETA has decided that the second evaluation round of the Convention will start on 15 May 2014. For the second evaluation round, GRETA has adopted a questionnaire to be sent to all states parties which have undergone the first round of evaluation, following a timetable approved by GRETA. States parties are requested to transmit to GRETA a reply to this questionnaire within five months from the date it was sent.

Following a first round of monitoring, which provided an overview of the implementation of the Convention by each state party, GRETA has decided to examine during the second evaluation round 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 this new 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. GRETA has selected provisions of the Convention which are mainly related to these issues.

The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. The reply to the questionnaire should contain all the relevant information on the implementation of the Convention since GRETA's first evaluation report. Particular emphasis should be put on the practice and impact of legislative and other measures taken. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's first evaluation report.

States parties should provide copies or extracts of relevant legislation, regulations and case law mentioned in the reply to the questionnaire (as an appendix to the reply). These copies/extracts should be supplied in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

A. Follow-up questions

1. Please provide information on developments since GRETA's first evaluation report on your country in the following areas:

- **the main forms of trafficking in human beings (THB) and emerging trends observed in your country (for example, any new types or sectors of exploitation, recruitment methods, countries of origin or destination of the victims);**

The main forms of human trafficking, encountered during the investigation and trailed cases, are women trafficking and trafficking in minors for prostitution purposes. There have been cases of trafficking in minors for the purpose of begging but in small numbers (we are talking about investigated and adjudicated cases). Regarding to the types of exploitation is ascertained that recently the Kosovo's version, where young girls are seduced to go there because of the proximity of the territory, and the promise to work as waitresses or singers. Recruitment methods remained the same, but it happens that in some cases, the victims of trafficking agree with the fact to be exploited. Albania remains a country of origin and as destination countries continue to remain neighboring countries, such as Italy, Greece and Kosovo and also Germany and Switzerland.

- **any changes in your country's laws and regulations relevant to action against THB;**

Amendments made to the Criminal have had their impact in the prevention of trafficking. Main provisions in combating trafficking in persons are articles 110/a "Trafficking in adult persons" and 128/b "Trafficking in minors" of the Criminal Code, which were enacted immediately after the signing of the Palermo Protocol. Article 114/a of CC on "Exploitation of prostitution under aggravating circumstances" and article 114/b "Trafficking in Women" were abrogated with the law passed in 2013 thus no longer concur with trafficking articles and avoiding any confusion in the legal qualification of these offences. Article 110/b of CC "Trafficking in persons" name was changed into "Trafficking of adult persons". The new article on trafficking of adult persons was amended distinguishing internal trafficking from cross-border trafficking putting thus an end to the legal disputes concerning this article implementation for internal trafficking cases as well. Following the new legal changes to the CC in 2013, a new article guarantees the non-punishment of victims of trafficking for their involvement in criminal activities which they have been compelled to commit as a direct consequence of being subjected to THB, as well as the criminalization of receiving the victim's services. (Article 52/a Paragraph (II) of the CC). Also, criminalization of the use of services of THB victims and of those who profit from their services is now provided for in article 110/b of CC s added in 2013, and is punishable with imprisonment from 2 -5 years. In addition, article 110/c of CC also added in 2013 "Actions facilitating trafficking" stipulates that forgery, possession, or provision of identity cards, passports, visas or other travel documents, or their retaining, removal, hiding, damaging or destruction in order to enable trafficking of persons over 18 years of age shall constitute a criminal offence and shall be punishable by 2-5 years of imprisonment.

- **the institutional framework for action against THB, in particular: any changes in respect of the composition and functions of the bodies responsible for coordinating national action against THB, the involvement of NGOs in coordinating bodies, the entities specialized in the fight against THB, and the establishment of a national rapporteur or other mechanism for monitoring the implementation of anti-trafficking strategies, policies and activities;**

- A good cooperation follows with all institutions to fight trafficking, as the state police as well as with NGOs. A special emphasis is paid to the first moment of identification of a victim of trafficking and to the reporting of the case by the state police. Over this situation depending on the condition of the victim, are taken the measures to accommodate the victim in shelters with the presence of a psychologist or social worker.
- The Office of the National Coordinator for Combating Trafficking in Persons, which coordinates and monitors the anti-trafficking activities at the national level, continues to work very well. The members of the Responsible Authorities have been increased after the new agreements of the National Referral Mechanism.
- In 2012, the Task Force of National Anti-Trafficking was established, (a panel of the anti-trafficking experts, central and local authorities, and NGOs). This Task Force meets periodically.
- Albania remains an a source country for women, girls, men, and children subjected to trafficking for sexual exploitation, begging, forced labor or committing illegal acts (mostly minors). Most common forms of trafficking by traffickers are: false promises of marriage, false promises of jobs, marriage, exploitation of situations / week conditions / fraud. There have been also identified that social networks like Facebook are used more and more by child traffickers.
- The government provided trainings for the regional and central staff of Social Services during the period 2012-2013, providing information on specific tasks of social workers in the fight against trafficking in human beings. The staff of SSS and MMSR is responsible for the implementation of specific tasks for the Standard Operating Procedures for Identification, Referral and Assistance to Victims / potential Victims of Trafficking. This document is provided for all the social services staff, to state institutions and NGOs involved in the fight against human trafficking.
- Each victim / victim of trafficking in Albania has been identified by SOP for the identification and referral of victims / potential victims of trafficking according to SOP approved by DCM nr.582, date 27.07.2011. The identification process is divided into two phases:
 - Initial identification and
 - Formal identification.

Victims of trafficking can be identified domestically, on the border and outside the country. Initial identification may include every individual and agency, governmental or nongovernmental internally. To help the process of initial identification they are primary and secondary indications of trafficking, which are the descriptive elements of the trafficking process that reflect TIP. These indicators are available to facilitate the process for the identification of VT / VMT. If the situation of a child or adult shows one or more than the primary indicators as the trafficking components and some secondary indicators, that can be interpreted as a consequence of a trafficking process, and the person is considered potential victim of trafficking.

- Formal identification of victims of trafficking is the process of identifying a person as a victim of trafficking, conducted only by the Group / Structure Responsible for formal identification (social worker and the employee of the State Social Service Sector Combating Illicit Trafficking in the Directorate of State Police based on a formal interview.
- The evaluation of the needs for assistance and protection of the person who is a victim of trafficking, provides for the VoT / PVoT information on assistance that will be provided to the victim. Formal interview is conducted separately from the submission of the report for the law enforcement to detect traffickers.

- The SOPs document was published in December 2011 and the brochures for the social worker is distributed on the 12 districts to the social workers involved in the fight against human trafficking.
 - **an overview of the current national strategy and/or action plan to combat trafficking in human beings (duration, objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results).**

Albania is making a determined effort to fight organized crime and human trafficking. For better coordinated actions in the fight against human trafficking in Albania it has been drafted the Strategy for the Fight against Human Trafficking and Action Plan for 2014-2017, which is being monitored by the Office of the National Anti-trafficking Coordinator and implemented from relevant structures set up specifically for this purpose from the highest political level, technical level and operational one. In the fight against this phenomenon the main focus has been on the 4Ps:

- ❖ Prosecution of trafficking in persons offences and punishment of the traffickers,
- ❖ Protection of victims of trafficking,
- ❖ Prevention of trafficking and re-trafficking;
- ❖ Partnership.

All these directions have been reflected and translated into concrete objectives and measures for every institution of the central governmental administration, independent state institutions and other actors of civil society and international organizations that are involved in the fight against this phenomenon in Albania.

Among the concrete measures taken, a great importance have been put on continuous improvement of the legal framework in line with the international standards and improvement of institutional infrastructure for an effective fight against trafficking in persons.

The State Anti-trafficking Committee was expanded in June 2014 with four new members, for a better, improved functioning whilst providing at the same time the necessary capacities, commitment and will to vigorously fight trafficking in persons. It is the most important means at the political level and it is tasked with defining strategic priorities that shape anti-trafficking action in Albania.

The National Task Force against Human Trafficking (TF) was established for the first time on 11.11.2013 in accordance with revised NRM and is responsible for monitoring effective implementation of NRM. It is chaired by the National Anti-trafficking Coordinator and is comprised of high level representatives of its signatory parties.

The referral structure at the central level known as the Responsible Authority, comprised of representatives from police, social services, health, education and consular authorities has also been expanded to for better coordination the referral for initial assistance, protection and rehabilitation of victims of trafficking throughout the country. The Responsible Authority operates as a National Referral Mechanism (NRM) for cases of victims of trafficking, at national and local levels. The aim of the NRM is to identify and protect every victim of trafficking exploited internally or externally.

In terms of improved services for victims of trafficking and better protection in 2014 for the first time, victims of trafficking are provided with free health service. Based on the latest amendments to the law on Social Insurances Funds, the Fund covers cost for medicaments, medical checks and medical treatments in hospitals either private or public, contracted by the Fund for all victims

of trafficking. Victims of trafficking are considered as an in-need group. The approximate number of victims foreseen to benefit from this service is 200 and they will be able to continue benefiting from free medical care even after leaving the economic aid scheme. Also, the new law as of July 2014 "On State Police" offers additional legal guarantees for better protection and support to victims of trafficking, in particular children. This law, amongst the tasks of the state police, provides in article 17 (g), identification, protection and referral for assistance to relevant authorities of victims of trafficking. Whereas in article 123, measures to be taken by state police are specified to protect minors, by holding state police officials directly responsible for assisting and referring, when deemed necessary, abandoned or children who have run away from their homes. In addition, the National Coordinator is working together with the Ministry of Finance toward effective implementation of Anti-mafia Law with regard to supporting the National Coalition of Anti-trafficking Shelters.

Another important step towards the consolidation regional and transnational cooperation in order to identify and refer in time victims and potential victims of trafficking, the office of the National Coordinator has organized bilateral cross-border meetings with immediate neighboring countries, such as Kosovo and Montenegro. The meetings with Montenegrin counterparts in 2014 resulted in signing of an additional protocol on "Intensifying Cooperation in the Fight against Trafficking in Persons and on the Enhanced Identification, Notification, Referral and Voluntary Assisted Return of Victims and Potential Victims of Trafficking."

The very latest development in this direction is the Memorandum of Understanding with UK, drafted in early 2014 and signed on the 4th of December 2014 in London by the Albanian Minister of Internal Affairs and his British counterpart with the aim to enhance cooperation between the Responsible Authorities of two countries. The purpose of this agreement is to intensify the mutual efforts in the framework of fighting human trafficking in response to the new tendencies of this phenomenon, information sharing and cooperation, joint assistance regarding the identification, referral, and protection of victims of trafficking, as well as assisted return of victims/potential victims of trafficking, including the investigation of traffickers operating in the two countries.

This institutionalized cross-border cooperation shows at the same time a solid and good will of the government for good neighboring policies and joint actions and undertakings in combating trafficking in human beings.

- With the adoption of Law No. 141/2014, for "Some additions to the law nr.10383 date 24.02.2011," On Compulsory Health in the Republic of Albania "amended", the issue of health care benefits for VoTs was solved, as in Article 5 of law nr.10383, date 24.02.2011, "On compulsory insurance of health care in the Republic of Albania", as amended, next to letter "e" was made an extension with the letter "ë", with the following content:

ë) Victims of trafficking, according to the identification made by the structures of the Ministry of Interior.

The above prediction includes victims of trafficking in the category of inactive persons, whose health care is covered by the State Budget.

Also, this category can profit from the predictions of DCM nr.762, date 11/12 2014 for "The way of the Organization and Attendance of Mental Health Care for Persons who are in residential care institutions".

B. Cross-cutting questions

Gender equality (Articles 1.1.b, 5.3 and 17)

2. What specific measures are taken in your country to address the gender dimension of THB and incorporate gender equality into the policies to prevent and combat THB and

to protect and promote the rights of victims, including through the empowerment of women and girls?

Regarding to legal provisions in Section 110 / a of the Criminal Code it is about victims of trafficking who may be female or male. In that way the abrogation of Article 114 / b of the Criminal Code the Law No. 144/2013 brings a totally equal approach regarding gender.

Measures taken regarding the legislation from the year 2012-2013 on gender equality issues are as follows:

The most important legal Amendment is the prediction of the domestic violence as a criminal offense in the Criminal Code of the Republic of Albania. With the changes made to the Criminal Code, the Law No. 23, date 01.03.2012 "On some amendments on Law no 7895, date 27.01.1995" Criminal Code of Republic of Albania ", as amended, domestic violence is predicted as a criminal offense in Article 130 / a, which provides forms of violence, measures and circle of the subjects protected under this article.

Also the amendments includes systematic psychological and economic abuse.

With the Law No. 104/2012 date 11.08.2012 was ratified by the Albanian Parliament, the Council of Europe Convention "On prevention and combating violence against women and the domestic violence". With the ratification of this Convention Albania once again expresses commitment to further cooperation in regional and international level against gender-based violence and domestic violence, as well as legislative measures, political and executive to fight against the phenomenon.

DCM. 465 date 16.07.2012 "On gender integration on the medium term budget program". With this decision now all the central institutions starting from 2013 will plan their budgets including measurable targets for gender equality.

With DCM. 425 date 27.06.2012 have been approved "The criteria and the documentation needed for the admission of persons in residential institutions, public and private social welfare". In Chapter V for victims of domestic violence were the criteria for the placement in residential social care.

The DCM No.27 date 16.01.2012 "On the promotion of employment of women jobseekers from special groups". The program aims to promote Albanian leaders and managers to hire unemployed women job seekers from vulnerable groups that have difficulties to access in the labor market. This support consists of funding the amount of social security obligations and any employee (under these programs) shall be paid four official minimum wage per year.

While for 2014, the main achievements on the field of gender equality and reducing gender-based violence and domestic violence, are:

- Increasing women's access to financial resources, through the passage unto her the right of withdrawal of assistance.
- Focus groups of women who suffer of multiple discrimination (women with disabilities, Roma women or Egyptian ones, etc.) and planning and improvement of services necessary to them.
- Support with additional subsidies for each child attending compulsory education to all children and families vaccinated of the financial assistance scheme.
- Promotion of training and professional qualification of young women by offering free training to unemployed girls under the age of 25 years.
- Establishing and making functional the electronic system of the database for the domestic violence cases.
- Fulfilment of obligations related to the implementation of the key international instruments for women's rights and gender equality: delivery in due time the Report for the implementation of the Beijing+20 Platform for Action, draft the 4th report of National Periodic Convention

Implementation on the Elimination of All Forms of Discrimination against Women (2010-2014), etc.

- Advancing on issues of gender budgeting, in implementation of The DCM no. 465/2012 "Gender Integration on the medium term budget program"
- Approval of the Action Plan in support of women entrepreneurs (2014-2020), and the establishment of the fund in support of women entrepreneurs, with total value of 26,500,000 ALL for an implementation period of 4 years.
- Supporting women on rural areas through the approval of Guidelines No.4 / 2014 "On the procedures and manner of administration of the fund program for agriculture and Rural Development", under which on competitive criteria on 15 of the 21 schemes, it's defined the benefit of 5 more points if applicants will be women.

The implementation of the principle of gender equality in the selection criteria during the competition procedures for public administration employees, through the approval of The DCM No. 143/2014 "On procedures for recruitment, selection, probation period, parallel movement and promotion for civilian employees _ of the executive category, low and middle level management ". In paragraph 13, Chapter 4 "competition" is determined the ranking by equal points: a) First, if one of the candidates is included in the category of persons with disabilities; b) If different genders is chosen first one that belongs to the less represented gender. c) When you can not apply the above alternatives by drawing lots¹

Non-discrimination (Article 3)

3. What measures are taken to ensure that trafficked persons who are members of ethnic minorities have access to the rights specified in the Convention?

All the rights of trafficked persons called otherwise harmed by the offense are provided in the CCP and are the same for all social strata.

4. What specific measures are taken to ensure that trafficked persons who are irregular migrants or migrant workers are identified as victims of THB and have access to the rights provided for in the Convention?

All the rights of trafficked persons called otherwise harmed by the offense are provided in the CCP and are the same for all social strata.

5. What measures exist to ensure that male victims of trafficking are identified and provided with assistance and protection, including safe accommodation, as provided by the Convention?

Even in the range of legal provisions and concrete measures as male victims as well as female victims have the same treatment. For their accommodation there is collaboration with various NGOs.

In implementation of DCM. 589 date 28.8.2003 "On the establishment and make operational of the Reception Center for Victims of Trafficking" under the administration of the State Social Service, Ministry of Social Welfare and Youth, at the center are treated victims of trafficking, Albanian and foreign women, children and illegal immigrants who pass through Albania. The center is composed of two separate buildings where in a building are treated women and girls victims / potential victims of trafficking and at the other one are treated male victims of trafficking. The center is residential social care institution.

Training of relevant professionals (Articles 10 and 29)

¹ This point comes in line with Article 22 of the LGE "Temporary special measures in working relationships"

6. Please describe how the needs for training of professionals in the area of action against THB are identified and met, with an indication of the categories of staff that receive such training, whether the training is obligatory or optional, the content and focus of the training, and the funding provided for training activities. If the impact of training has been assessed, please provide details.

The trainings for the actors involved, included prosecution and judicial police officers. There have been trainings inside and outside the country, funded by foreign assistance and internal funding. The content of the trainings aimed not only the study of the doctrine but also its adaptation in practice.

The identification of the needs for training in the field of trafficking in persons in compliance with the needs of the departments to train their staff, even those who have been recently added to the structure or to update their information. Training plan is made on an annual basis in cooperation with the Police Training Center.

In each Regional Directorate of Border and Migration in the beginning of each year is made the planning of trainings based on changes in personnel and on procedures changes or improvements. All these needs of RDBM are collected in the Department of Border and Migration and is compiled a draft annual training program, which is approved by the Director General of State Police.

If during the year follows substantial changes or improvements in procedures to make the training useful, or displaying specific topics where the staff should be trained, there is added an appropriate training within the annual program.

Also, the assessments made for the standards of BMP stations or in RDBM, they point out the specific deficiencies on issues of anti - trafficking. In such cases BM Department's annual program, adds the necessary trainings, approved by the General Director.

At the annual training program are added trainings recommended by the international partners when they asses necessary that the trainings will raise standards, or will match with the level of trainings of our employees with those of Schengen / EU.

Ministry of Social Welfare and Youth in the framework of realization of objectives of the National Action Plan 2011-2013 in cooperation with national and international actors have taken a series of measures to increase the capacity of subordinate institutions as SSS, State Labour Inspectorate and Social Services and the National Employment Service:

- Ministry of Social Welfare and Youth in cooperation with ONAC and IOM has addressed the need to improve the capacity, through trainings, of the State Social Service employees. For social workers of Social Service Regional Offices have been organized two training seminars "Community Reintegration Services for Victims of Trafficking in Albania", organized by USAID and IOM on 12 March 2013 in Tirana and "The best practices of the approach to trainings on trafficking in persons, organized by this office, KKSAT and IOM, on 14 November 2013 in Vlora. Also, the Regional Office of Social Services, of Shkodra has organized trainings in municipalities for the fight against human trafficking, where participants are familiar with SOPs and the manner of their use.
- ONAC, in cooperation with the National Employment Service and the Regional Directorate of Employment organized workshops in "Increasing the (re) integration of victims of trafficking in the formal labor market in Albania" with the participation of key partners by the State Agencies, representatives from various businesses and NGOs.
- On July 8, 2013, in Tirana, in cooperation with the OSCE and the State Labour Inspectorate was organized the first training for inspectors of SLI. All of the participants were inspectors of the State Labour Inspectorate of Tirana. In total 15 people attended (2 women and 13 men). The focus of the training was their specific role and their importance of being proactive in identifying the victims / victims of trafficking.

A number of trainings related to SOPs have taken place **during year 2014** and will continue throughout the year 2015. All actors involved in the process of identification, referral and assistance of victims and potential victims of THB are being trained in order to appropriately identify, refer and assist victims in full compliance with the rights they are entitled to. Part of these trainings is an increased focus on the identification of male victims of trafficking as well as national victims.

- *Police*: On May 12, 2014 ONAC organized in the Police Education Center a training session on “*Standard Operating Procedures and victim interviewing in accordance with the SOPs*” where in some 30 participants attended from regional directorates of SSS, and SFAITH in 12 regional police directorates. Topics that was discussed in the training included efficient implementation of legislation and procedures on identification and referral, as well as raising awareness on prevention and protection of VoT/PVoTs.
- *Health providers*: The training for public and private health care practitioners was organized on 23rd of April 2014, in Shkodra on “*Identification and referral of victims of trafficking*”. The focus was to improve identification of victims by health care professionals who are most likely to come in contact with potential victims of trafficking. The training was attended by 25 public and private health care practitioners (10 males and 10 females).
- *Labor inspectors*: ONAC supported by IOM organized on 3rd of July, 2014, a training in Vlora. Participants were 20 labor inspectors from the State Labor Inspectorate. The focus of the training was on proactive identification and referral of cases of trafficking in persons for labor exploitation with a special emphasis on male and child exploitation.

Special measures concerning children (Articles 5, 10, 11, 12, 14, 15, 16, 28 and 30)

Regarding the registration of children , we can say that about 99 % of children are born with the assistance of health professionals. Every birth is registered in the relevant maternities and parents are provided with a form birth certificate after leaving the institution which serves for the registration of newborns in civil registry, according to the family residence.

Meanwhile, children's access to health care is free, guaranteed by law. Compulsory health insurance covers children up to age 18 who are categorized as an economically inactive group. The payment of contributions is funded by the State Budget (Law on Compulsory Health Care in Albania , as amended). Other legal provisions regulating health care for children are also foreseen in the law on public health, mental health and reproductive health law.

Also please refer to question nr.10, section “i”.

7. Please describe whether and how trafficking in children is specifically addressed in your country. If there are institutions responsible for taking the lead in combating trafficking in children and a specific national referral mechanism for child victims of trafficking, please provide details.

- According to prosecution, the trafficking of minors is provided as a separate character of the criminal offense under Article 128 / b of the Criminal Code. This specific prediction was made considering the age of the victim of trafficking and the importance of the treatment represented in this cases.
- Starting from the fact that local educational units (RED / EO) are not sufficiently involved in the trainings of victims of trafficking which are in school age, persons in charge of the

RED / EAs to protect children from violence and abuse, should become an active part of child protection units, established in the local government units (municipalities / communes). For this purpose, MES , in the Guidelines Nr.23 date 08.08.2014 "For the academic year 2014-2015 in Secondary Education" Chapter II point 1 / b), has established that the RED / EO should provide: the active participation of representatives of their units created near the municipalities / communes to protect children from violence and abuse.

- A Cooperation Agreement was signed between the Ministry of Internal Affairs and Ministry of Social Welfare and Youth on **17.09.2014** "For the identification and protection of children on street situation". Aiming the joint institutional efforts undertaken to prevent and protect, as a guarantee for the development and welfare of children on street situation, who are most vulnerable and live in unacceptable physical, social and psychological conditions, becoming the subject of various forms of violence, abuse and exploitation;
- A Task Force was set up in view of children who live, work, beg and are exploited on the street, addressing effectively, protection and promotion of child care on street situations. This initiative is being undertaken as an inter-institutional cooperation between the Ministry of Social Welfare and Youth, Ministry of Internal Affairs/Office of the National Anti-trafficking Coordinator, Regional Police Directorate of Tirana, State Social Service, Agency for Protection of Children's Rights, Municipality of Tirana, Education, Health, Employment and Justice agencies, as well as a group of organizations with expertise in providing services for children at risk, in street situation and their families. The State Agency for Protection of Children's Rights leads and coordinates activities in the frame of this initiative and the Action Plan on street children phenomenon as well as coordinating actions between CRU-s (children's rights unit) at the national level, while at the regional and local level, coordination and referral of cases are addressed by the team - task force. This task complies with current law No.10347 date 04.11.2010 on "Protection of Children's Rights" and at the same time sets in action the resources that the Agency has to coordinate and allocate a task force for this purpose at the level of State Social Service (providing and linking the initiative with all the services that are offered as at local and regional level) .

Also please refer to question No.1 fourth paragraph about the Strategy for Combating Trafficking in Human Beings and Action Plan 2014-2017.

8. What practical measures are taken to reduce children's vulnerability to trafficking and create a protective environment² for them, including through:

- a. ensuring registration of all children at birth, in particular from socially vulnerable groups;**

Please refer to question no.6, second paragraph.

- b. raising awareness of THB through education;**

² The concept of a protective environment, as promoted by UNICEF, has eight key components:

- protecting children's rights from adverse attitudes, traditions, customs, behavior and practices;
- government commitment to and protection and realization of children's rights;
- open discussion of, and engagement with, child protection issues;
- drawing up and enforcing protective legislation;
- the capacity of those dealing and in contact with children, families and communities to protect children;
- children's life skills, knowledge and participation;
- putting in place a system for monitoring and reporting abuse cases;
- programs and services to enable child victims of trafficking to recover and reintegrate.

On curriculums of the pre-university educational institutions there is room to tackle educational and awareness topics and modules _ on the issues of human trafficking. On the free learning _ classes or extracurricular activities, problems related to trafficking are treated, are organized various awareness activities. On October 2014, the public educational institutions actively were involved to the national week of anti-trafficking in human beings. The plan drafted by the responsible institutions, contained several activities that took place in schools with student participation and educational leadership at the regional level.

c. training professionals working with children.

On all the trainings for human trafficking developed by BMP, a section training is dedicated to trafficking of minors.

The child protection system in Albania is defined in the Law No. 10347 "For the protection of children for the child rights". The institutional mechanisms on central and local level, coordinate the work for the protection of children rights.

On the central level:

- The National Council for the Protection of Children Rights
- Minister that coordinates the work on child protection rights issues.
- State Agency for Protection of Child Rights

On the local level:

- The unit for the Rights of the Child at district level.
- The unit for the Rights of the Child at municipality / community.

The State Agency for the Protection of Child Rights, an institution under the MSWY monitors and coordinates the work between institutions at central and local level to obtain law enforcement and policies to protect children's rights in the country.

Law Nr.10347 date 04.11.2010 sanctions the establishment of Children Right Units in every region of Albania. CRUs operate as part of the administrative structure of the District and they are currently present in all regions of the country (12).

From previous cooperation the CRU results that they have a significant role on deciding the issue of children's rights on the agenda of regional and district policies and encouraging municipalities / communes to establish the child protection unit.

The Child Protection Unit (CPU) in municipality / communes operates within the administrative structure of the municipality / commune as a special unit or of the structures charged with the social issues. There are currently 170 of CPUs in municipality / communes and has been covered 44% of the territory. CPUs task is to:

- a) Evaluate and continuously monitor the situation of the families of children at risk, until the child is considered "not at risk";
- b) To identify and co-ordinate, in a multidisciplinary manner, protection, referral and analysis of cases in the territory of the municipality / commune;

CPU is responsible for the coordination of representatives of local level institutions and NGOs for the case management of the child "at risk".

Until now from the monitoring, it results that all local stakeholders evaluate the role of the CPUs, as the main structure where are referred for prosecution the cases of children at risk. The efficiency of the CPUs is limited due to limited resources and technical and financial as well as professional limited capacity of CPUs itself but also to the members of the multidisciplinary group to take into protection a child.

Considering that the establishment of the CPU is the first step, the most important and necessary, from where begins the implementation of the law or child protection, SAPCR organized meetings with local functionaries, awareness activities and has consistently

encouraged CRUs in parishes to influence the decision of mayors / communes to evaluate the establishment of CPU as a legal obligation, but also as a necessity for the support of the children and communities that they represent.

Until now from the monitoring, _ it results that all local stakeholders evaluate the role of the CPU, as the main structure where are referred for prosecution the cases of children at risk. The efficiency of the CPU is limited due to limited resources and technical and financial as well as professional limited capacity to perform their tasks.

Based on Article 37 of the Law "On the Rights of the Child" SAPCR has the responsibility to organize training activities, awareness for the public administration employees for the protection and children rights .

During November 2012- May 2013 SAPCR in collaboration with UNICEF organized a 2-day training in the 12 regions of the country, about recognition, awareness of stakeholders at the local level regarding the new national policies for the realization of children rights.

The training has transmitted knowledge on the Action Plan for Children 2012-2015, social inclusion policies for vulnerable children, the Law "On Protection of Children Rights, and 5 bylaws in its implementation. Training has been focused in the local administration.

In all the 12 districts were trained 430 persons in total, of which:

- 265 representatives of regional institutions, such as the District Directorate of Public Health, Regional Directorate of Education ,Regional Social Services Regional Police Directorate, Labour Offices, Prefectures.
- 90 CPUs
- 75 representatives from NGOs that provide services for children in the community.

During December 2013 in collaboration with TLAS , SAPCR organized a training with CPUs and the health personnel, primary health care in five regions of the country. There have been trained over 120 people.

9. Please explain what methods are used to verify the age of a presumed victim of trafficking where the age is uncertain and there are reasons to believe that the person is a child. Would such a person be presumed to be a child until the age verification is completed?

- Even though there have been no such cases in the prosecution for serious crimes, until the confirmation of the exact age, is presumed that the person is a child.
- The verification of age of the alleged victim is made according to the cases of_ the civil service of the RA, as well as through the exchange of information with the international counterparts when the minor is a foreign citizen.
- In implementation of Article 3 of Law no. 10347 date 04.11.2010 "On protection of the rights of the child" when the age of the person is not defined, but there are reasons to presume that the person is a child, this person is a child until his age is defined completely.
- With DCM nr.582date 27.07.2011 have been approved the Standard Operation Procedures for the identification and referral of victims / potential victims of trafficking. In these procedures, there is a guideline for determining the age of the victim / potential victim of trafficking. (Annex 9.23, page 119 the SOPs).

10. What steps are taken in your country to ensure that the rights of the child and his/her best interests³ are duly taken into consideration, in particular when it comes to:

a. identification of child victims of trafficking;

Please refer to Question No. 7, and the question No.1 fourth paragraph.

b. appointing a legal guardian, organization or authority which shall act in the best interest of unaccompanied minors identified as victims of trafficking;

Please refer to question No. 10, paragraph "i", question No. 8, paragraph "c", question 6, second paragraph.

c. locating the child's family;

This procedure is performed by the SSS (State Social Service) in cooperation with the CPUs (child protection units).

d. ensuring that the identity or details allowing the identification of a child victim of trafficking are not made publicly known through the media or by any other means;

On Order No. 219 date 18.03.2008 of the General Director of State Police "For the communication of the structures of the State Police with public and media" as amended in paragraph 7 , among other things the publication of generalities of those who are affected by criminal acts is prohibited .

Also in paragraph 6 of this order, it was determined that any information made public should be carried out in accordance with the norms set for professional secrecy, of the investigation and the protection of personal data, must not affect the privacy and dignity of persons and must respect the presumption of innocence.

Failure of the definitions in this order by the police constitutes a disciplinary offense.

e. access to appropriate and secure accommodation, education and health care;

Victims of trafficking and trafficked persons which return home and those who are in school age who are treated under the Action Plan of the National Strategy for the reintegration of returned Albanian citizens;

After verification and certification of the level of their studies , are included in the system, as assisted at RED / EO and school by a special committee of teachers which facilitate their integration in a certain class, creating them the possibility to overcome various difficulties mainly related with the derecognition on the proper level of the Albanian language

MES, in absence of a special instruction for RED / EO and schools, will add a point in the guidance of the school year for a special treatment of children who are victims of trafficking

Also please refer for more details to the question No.1, fourth paragraph

f. issuing residence permits for child victims of trafficking;

³ "The best interests of the child" means that any situation should be looked at from the child's own perspective, seeking to take the child's views into consideration and with the objective of ensuring that his/her rights are respected. Any decision concerning a child should therefore be guided by what is objectively best for that child, given her/his age and maturity.

This is provided in Article 54 of the Law no. 108/2013 "On Foreigners", " Issue of residence permit to victims of human trafficking" as follows:

1. *The local authority responsible for the border and migration provides with a temporary residence permit type "A" for a 3-month period, the foreigner, despite of he's/her will to cooperate with the justice, when there are reasonable grounds to believe that the foreigner is a victim or potential victim of trafficking, identified as such by the structures responsible for the identification and referral of victims of trafficking This permit is given to the victim or potential victim of trafficking in order to recover, and be treated according to the physical and mental conditions for receiving a well informed decision whether or not to cooperate with the law enforcement agencies.*
 2. *During the period of recovery and reflection, victims or potential victims of trafficking have all the rights and services who benefit the victims of trafficking, according to Albanian legislation*
 3. *The residence permit, issued for the period of the recovery and reflection, may be revoked if it is proved that the victim or potential victim of trafficking has acquired or pretended this status unfairly, has restored actively, voluntarily and / or with his/her initiative relations with the persons suspected of human trafficking or is considered that the attitude of his / her in the territory represents danger to the national security Revocation of the residence permit for the recovery phase and reflection period is communicated to the victim or potential victim of trafficking in written form, in a language he / she understands, informing him of the reasons for the revocation, unless the residence permit is interrupted for reasons of national security.*
 4. *The local authority responsible for the border and migration provides residence permit type "B" to the foreigner victim of trafficking in Albania, identified as such by the structures responsible for the identification and referral of victims of trafficking, on one or other of the two following situations or on both of these situations: a) estimates that the stance of his / her is needed because of the social and personal situation; b) estimates that the stance of his / her is necessary for the purpose of cooperating with the judicial authorities in investigation or criminal proceedings.*
 5. *The granting of a residence permit is not conditional on the existence of sufficient financial means of the victim to cover the costs for the time or the lack of identification documents of the victim or potential victim of trafficking.*
- g. providing counselling and information in a language that the child can understand, legal assistance and free legal aid prior, during and after legal proceedings, including to claim compensation;**

This is provided in the Code of Criminal Procedure of Albania, article 361/5 as follows:

Article 361/5 of the CPC

Questioning of the witnesses (Added item "7" with the law nr.9276, dated 16.09.2004)

"5." The question of witness minors can be done by the chief judge, with the claims and objections of the parties. The Chief judge may be assisted by a minors family member or by a specialist of the field of child education. When it is deemed that a direct question of the minor does not hurt his psychological state, the chief judge orders that the question

should proceed under the provisions of paragraphs 1 and 2. The order can be revoked during questioning.

- h. carrying out best interests determination, including risk assessment, prior to any decision on the return of child victims to their country of origin, and ensuring the child's safe return in accordance with the best interests of the child;**

Please refer to question No. 10, paragraph "i" below

i. special protection measures for children.

Aiming to improve the situation of children, the Ministry of Social Welfare and Youth in cooperation with the Ministry of Internal Affairs, in cooperation with the responsible central and local institutions and NGOs have developed and are implementing the initiative "Help for Families and Children in street situations" An important link is the local government cooperation, which have been set up Child Protection Units (CPU)

This initiative aims to protect children from all forms of abuse, exploitation and neglect, through a full approach, integrated and coordinated inter-sectoral intervention for child protection and empowerment of their families. A cooperation agreement was signed between the Ministry of Social Welfare and the Ministry of Internal Affairs.

The creation of Task Force aims to coordinate the institutions in the framework of the initiative. The nucleus or the Secretariat of the Task Force, is chaired by the coordinator (deputy director of SSS) and is composed of SAPCR and SSS. It is located near the SSS and has a coordinating function of all field teams and other stakeholders needed.

On 5 units of Tirana, have been set up field squads consisting of Child Protection Worker on local units, of NGO social worker which has experience on the field work (until now ARSIS, SHKEJ, FSS, Centre for children on street situation) assisted when necessary by police. Field squads have been assisted and accompanied by the nucleus staff of the Task Force. In the Draft Procedural Guidelines, of the children in street situation, are determined the procedures and steps to follow by the professionals in identification, referral and management of these cases, and in particular includes the work of CPUs, police, State Social Service and social workers of NGOs.

For the proper functioning of the process were drafted tripartite agreements between the Agency, the mayoral and organizations that support CPU-s on the field. So far, agreements have been signed by all organizations and 6 local units, respectively units No. 1, 2, 3, 5, 6, 9, 10. And the other units are in process of signing.

In the framework of the Initiative have been provided trainings for **45 professionals** regarding street children, including Child Protection Units in Tirana, police officers and civil society organizations, which have been part of field squads.

An awareness campaign is being undertaken every week to raise awareness among citizens on the phenomenon of exploitation of children in street situations and their awareness to denounce this phenomenon.

Results until now:

- The number of cases identified: Total in all units identified 69 families (136 children).
- According to the units have been identified this number of households on street situation:

Unit No	No of Families
1	2
2	4
5	31

9	6
10	15
11	11
Total	69

- On treatment (management) are a total of 19 families, which are being offered these services:

- a) counseling, provision of services from day care centers;
- b) registration of children on schools, kindergartens, nurseries;
- c) equipment with certificate;
- d) vaccination of children;
- e) transfer of documents;
- f) food packages;
- g) application for economic assistance;
- h) intervention for medical assistance.
- i) referral and mediation for employment in the Employment Office.

- 50 other families were contacted, informed for the rights of children, are referred to the day center services of the organizations. Some of them are accompanied directly from the squad to the day centers, some of them will go later on.

- 8 families refused the treatment and services offered.

- In total 9 children are accommodated in institutions and 2 are in the process.

Some achievements in framework of the initiative:

- a) According of service provision, continuous counselling and cases management 9 families and 38 children have been monitored , they are no longer in street situation.
- b) It's drafted a name list with 35 children names identified in street situation, that has been forwarded to the CPUs/NGOs for their registration. From 35 children's, 31 of them are registered in school. (Numbers from Education Directorate, identified from the field squads.)
- c) Numbers from CPUs for registration in schools, 30 children, 1 in process
- d) There are 7 vacant positions in the nursery, in process of registration 3 children till now.
- e) 8 children were registered in kindergarten, two children are in process of registration, for payment obstacles.

Cooperation with the State Police:

Signing the agreement on the framework of the initiative between the two ministries MSWY and MPB will make possible the further continuation of cooperation with the police and clarification of the mechanism for the coordination of work. The implementation of this Agreement will continue with the drafting of institutional Guidelines for institutions involved in the identification, referral and case management.

It will enhance the cooperation with the police in these directions:

The police intervention will be necessary in the late evening hours, in cases of children's that are alone in street situation, or exploited for begging and other jobs.

In September, they are 2 cases where the persons were accompanied to the police station for exploiting children in street situations. This has an impact on the availability of the other families to receive services.

- In cases when the field squads identify unaccompanied or accompanied children on street situation, they contact the police in that moment.

- Stable contact points will be placed with police officers who will provide and coordinate immediate participation and several police officers in all cases will be contacted by of the field squads. Both parties can contact each other, police will have the numbers of employees of child protection units and field squads, and vice versa. So terrain and police teams will have a very close cooperation. The police and the field squads will have a good cooperation.
- The collaboration will consist in sharing the information regarding cases witch should be prosecuted. The files supplemented by CPUs, contain all the consulting, support offered by the field squads to the families. In case if, after the intervention, the families continue to exploit children in the street, this cases will be reported to the police for prosecution.
- A very important point of cooperation will be the exchange of information between police and social workers to easily create verification and control of administrative data for families in street situations.

Registrations in the nursery / kindergartens / school:

From the information sent to the secretariat of the Task Force by employees of CPU and organizations for the registration of children in street situations in nurseries / kindergarten / school for the academic year 2014-2015 resulted:

- Children recorded in school: 30 children
- Children back to school after abandonment: 2 children
- Children recorded in kindergarten: 8 children
- Children in kindergarten registration process: 2 children
- Children registered in nurseries: 1 child
- Children in the registration process for the nurseries: 4 children

Street children registered in school are equipped with books, bags and didactic package assisted by CPU and organizations.

During the registration process street children in the nurseries / kindergarten / school, employees of child protection units and organizations are faced with these issues as follows:

In nurseries / kindergarten:

- a) Registration in the nursery / kindergarten is problematic for reasons of filling the accommodating capacity of the nursery and kindergartens on the rate of number of children and they refuse the registration of other children. (Exc. In Kombinat there is only one kindergarten available).
- b) Registration of children in the nursery are made in implementation of DMC date 01.07.2004 according to local units that have the nursery requested on their territory. Also must be submitted the documents necessary as personal certificate of the child issued by municipal unit that has the jurisdiction on kindergarten, and residential certificate.
- c) c) Most of these families in street situation, are resident in a Municipality unit while they are registered in another municipality unit and this brings obstacles in the registration of children in the nursery.
- d) From the identifications made by the field squads for families/children in street situations resulted that some of these families live in municipalities like Kashar, Vaqarr, Artificial Lake, where not only there are no public nurseries but they're also residents of municipalities and they don't receive service of the public nurseries of Tirana Municipality.
- e) e) Parents must take care of children regarding the hygiene when they send him to the nursery / kindergarten / school because otherwise this is a problem for the parents of the other children.

At school:

-
- a) Once the child is registered we face problems regarding the abandonment and the unregularly attendance, and it gives us difficulties in registration of other children because the school directors bring obstacles to the registration of children if they don't attend school regularly.
 - b) Even in case when the registration of Roma children was made successfully, there have been cases when the schoolbooks (free) for Roma and Egyptian children, were not equipped with this schoolbooks. Therefore the Order for the distribution of free textbooks for these children, was not implemented. We like a Nucleus, addressed the problem and we had a collaboration with the Education Directorate of Tirana to resolve cases referred. The implementation of the Order would allow a problem of this nature.

The problems encountered in providing healthcare services:

In the vaccination of children, CPU and organization workers have not encountered problems in child vaccination, but there are some children that have passed the appropriate age to be vaccinated.

Current cooperation with institutions in the registration of children in nurseries / kindergarten / school:

In the framework of the Initiative "For families and street children" the institutions have been cooperative, facilitating us the process of registration of children in nurseries / kindergartens / schools.

Registrations at the Regional Directorate of the National Employment Service, Tirana:

Cooperation with the Office of Labor has been continuous.

So far were registered 6 persons under the Labor Office initiative, while 3 others have previously been registered. Through this, was given the opportunity for employment for three women, one in tailoring, one in a patisserie and one as sanitary in a restaurant.

H.Z worked for about 3 weeks in the tailoring and left work saying that could not do that , while L.D refused to go because it was far from home and it was in shifts. D.L accepted the job but it was far from the place of residence and will be seen another employment opportunity closer to his residence.

It was possible a meeting with the director of the Office of Labor, and the persons registered at the employment office to enter to the employment promotion program. At the meeting showed up just two persons who were clarified about the program but they refused because of the very low payment. For those who were not present at the meeting will be given the opportunity to participate as soon as possible in the employment promotion programs. Seeing that their abilities are limited to work, we would require the access to employment in the cleaning sector.

We consider necessary the establishment of a transitional program for preparation for employment for adults in street situation.

Also please refer to question no.7.

11. What practical measures are taken in your country to identify victims of trafficking among unaccompanied foreign minors, including asylum seekers? What measures are taken to prevent their disappearance? Have there been cases of non-voluntary return of child victims of trafficking?

The State police (Border and Migration Department), under the category of foreign citizens either minors or unaccompanied minors, works on the basis of Law No. 108/2013 "For Foreigners" and the Standard Operating Procedures BMP, approved by Order of the General Director of Police no. 851, date 03.08.2009, as amended by Order no. 1146date 07.08.2014, the Director General

of Police "On some amendments in the Order no. 851, dated 03.08.2009 "On approval of Standard Operating Procedures for Border and Migration" in which is predicted the new procedure for "The selection of irregular foreigners".

Based on statistics generated from the selection process has not resulted to have victims of trafficking among foreign minor children.

At the point "dh" of Article 113 of the Law on Foreigners (category of persons not deported) is defined "It is not a subject of an order for deportation a foreigner unaccompanied minor, if the country of origin, another country or from other institutions is not guaranteed a family reunification or adequate health care "

During the period 2010 - 2014 there were no cases of unaccompanied foreign minors ; There were also no cases of ascertainment of non-voluntary return of child victims of trafficking.

Also please refer to question 10 point "f".

12. What programmes and services exist in your country for the (re)integration of child victims of trafficking? What solutions are provided if the reintegration of the child into his/her family is not in the child's best interests?

Please refer to question No.10.

C. Questions related to specific articles

Definitions (Article 4)

13. Have any difficulties been experienced in your country in identifying and prosecuting cases on the ground of trafficking for the purpose of forced labour or services, slavery and practices similar to slavery or servitude? If so, please provide details.

There have been problems. Most of them are encountered at the moment of the identification of cases from the police and as a measurement criteria, serves the referral offenses in prosecution. Even during the execution of the offense, there have been problems that are related mostly when collecting the necessary evidence.

In many cases, since that Albania is a country of origin for victims of trafficking, the evidence are located in the territory of another state, it is necessary to wait the letter rogatory which lasts in time.

14. How does your country's law define "abuse of a position of vulnerability" and what are the criteria for evaluating the vulnerability of a person subjected to THB? Please provide any relevant examples where the means used in THB offences involved an abuse of a position of vulnerability.

All the categories of victims of trafficking our criminal legislation treats them as harmed by the offense and for the nature of the offenses committed to their own detriment, this category is characterized by their vulnerability. To pass the weakness of their position and to prevent abuse of this position, victims of trafficking are questioned in the presence of a psychologist, and when they are minors may be interrogated in the presence of a parent or legal guardian.

15. To what extent does your country's law recognise the relevance of forced marriage and illegal adoption to THB offences? Please provide any examples from case law where forced marriage and illegal adoption were considered in the context of THB.

Article 130

**Forcing or impeding to cohabit or to align or divorce
(Amended Article by Law 144/2013date 05.02.2013, Article 32)**

Forcing or obstruction to start or continue cohabitation, or coercion to align or divorce constitutes a criminal offense and is punishable by fine or imprisonment up to three months.
Intentional request against an adult or child to go outside the territory of the Republic of Albania, to its obligation to marriage, represents a criminal offense and is punishable by fine or imprisonment up to three months.

16. Can forced begging be considered as a purpose of THB according to your country's law? Have there been any cases of child trafficking for forced begging with the involvement of the child's family or legal guardian?

Forced begging is one of the forms used for the purposes of trafficking in human beings under our criminal legislation. Articles related to trafficking predict on their content "and any other form", including all the forms used for the purpose of trafficking. During this year the General Prosecutors Office investigated a case, where one children with disabilities was forced to beg.

17. Can the exploitation of criminal activities be considered as a purpose of THB according to your country's law? Please provide any examples from case law.

The content of provisions on trafficking does not include 'use of criminal activities', as a direct form of trafficking, but these provisions provide 'all the other forms', which includes this form.

Prevention of THB (Article 5)

18. Is the impact of awareness-raising campaigns and other measures to prevent THB evaluated and how are the results taken into account? Please provide copies of any impact evaluation reports.

- A mobile application "Report! Save!" is the newest means to addressing trafficking in persons through Mobile Technology Solutions. This App on smartphones aims at raising public awareness on trafficking in persons issues, increasing the partnership with the community on prevention and combating trafficking in persons, increasing the number of the initial identification of the potential victims of trafficking, as well as the quick access to assistance and information.
- Establishment of 3 mobile units comprised of two social workers and a police officer each in the qarks of Tirana, Elbasan and Vlora aiming at increased initial identifications of potential victims of trafficking and to bolster their access to services. The target groups in Elbasan are Roma and Egyptians, in Tirana are families in economic aid and families with one family head. In Vlora are poor families and women and children victims of domestic violence. During the year 2014 by the Mobile Units have been identified 94 potential victims of trafficking, out of which 40 are adults and 54 are minors. Mostly, victims are trafficked for sexual purposes and forced begging.

Regarding to the MU-s, this practice helped the CRU-s (child right units) to improve their procedures in the field work.

- Legal provisions described in the first paragraph of this material, involve persons in the contingent of inactive VoTs persons _ , making the health insurance mandatory for them to be covered by the state budget. Being recognized by the system as _ persons, this category can access in any moment, under the existing regulatory framework, health

services (at primary, secondary and tertiary care service), based on the reference system.

19. How does your country promote and fund research on THB and use its results in the development of anti-trafficking policy? Please provide examples of recent research.

ONAC produces annual periodic reports based on the Strategy and Action Plan In addition to other reports , which serve as a basis in the formulation of policies and strategies and national action plans in the field (THB). These reports are published on the official website of the Ministry of Internal Affairs. ONAC also drafts quarterly bulletins since 2013, as well has created a database called SIVET, for the victims of trafficking.

20. How do your country's migration legislation and policies seek to prevent THB by enabling lawful migration?

On Law 108/2013 "For foreigners", points 4 and 5 in Article 54, "The issuance of residence permits for the victims of human trafficking", is quoted:

4) The local responsible authority for the border and migration provides residence permit type "B" the foreigner victim of trafficking in Albania, identified as such by the responsible structures for the identification and referral of victims of trafficking, in one or another of the two following situations or in both of these situations:

a) evaluates that the stance of his / her is necessary because of the social and personal situation;

b) estimates that the stance of his / her necessary for the purpose of cooperating with justice authorities in investigations or criminal proceedings.

5) The granting of a residence permit is not conditional on the existence of sufficient financial means to the victim to cover the costs for the time or the lack of the identification documents of the victim or potential victim of trafficking.

21. Please describe the measures taken in your country to prevent THB for the purpose of the removal of organs, and in particular:

- a. the legislation and regulations on organ transplantation and removal of organs, including requirements for the living donation procedure (information/consent, evaluation/selection, follow-up and registry) and criteria for authorizing centers for living donation;**

Regarding the transplantation, have been approved this regulatory acts:

- Law no. 10454 date 21.7. 2011 "On the transplantation of tissues, cells and organs in the Republic of Albania", as amended.

Based on this law in our country is permitted the transplant of organs of living donors who can be family members (family members who can donate are defined in the law);

- The Regulation nr.416date 11.10.2011 "On the approval of the regulation on procedures for import and export of the tissues, cells and organs of human origin for transplantation purposes";
- DCM No. 617date 12.09.2012 for "The criteria for the opening and closing of tissue, cell and organ banks ";
- DCM nr.206 date 03.13.2013 for the "The criteria for the opening and closing of the transplant centers".

- b. the institution(s) in charge of overseeing and monitoring the medical care and recovery of donors and recipients and managing or supervising any waiting lists for organ transplantations;**

The institution that follows and monitors the medical care of the kidney receiver (kidney transplant) and that prepares and manages the waiting list for kidney transplant is the Nephrology Service, University Hospital Center "Mother Theresa" Tirana.

- c. the guidance and training provided to relevant professionals to prevent this form of THB, to report cases and to identify and assist victims.**

Please refer to question No.1 fourth paragraph and question No.18.

Measures to discourage the demand (Article 6)

- 22. What preventive measures to discourage demand that fosters different forms of exploitation has your country adopted, in particular in the areas of:**

- a. educational programmes;**

The Office of the Coordinator for National Anti-Trafficking, in collaboration with its state and non-state partners, has continued implementation and application of educational programs, mainly with employees of 9-year level and secondary level education system. For children and youth awareness on trafficking and prevention of this phenomenon, curriculum topics on trafficking of persons are introduced into the basic education, including forms of trafficking, causes, trends, consequences and measures for the prevention of the phenomenon, child protection issues, children's rights, gender equality, domestic violence and sexual education.

Continues the support for education of needy students based on DCM. 170, dated 10.02.2010 "On the publication, printing, distribution and sale of textbooks to the system of pre-university education", a decision which provides coverage of 100% of the purchase price of textbooks. During the reporting period, all students belonging to vulnerable groups, according to DCM, were provided free textbook.

The Office of the National Anti-Trafficking Coordinator, in collaboration with the Ministry of Education and Science, following the awareness of children and young people for trafficking and prevention of this phenomenon, in 2011, have to enrich the basic education curriculum, placing the subject citizenship and human trafficking topics, including issues of child protection, children's rights, gender equality, domestic violence and sexual education. Specifically, it is thought that these issues be included in the subject of Citizenship.

The Institute of the Educational Development has published anti-trafficking training modules, elimination of school dropout, etc. where are trained over 500 teachers, including the staff of the orphanages.

- a. information campaigns and involvement of the media;**

The Albanian government, and especially ONAC, through awareness campaigns, informs and involves the public on trafficking, identification of potential victims of trafficking and their prevention. Activities for the prevention of human trafficking have included mass of people in general, as well as the most vulnerable groups such as children, young people, marginalized groups etc. For this purpose manuals, leaflets, brochures for prevention of trafficking and

regular migration are published and distributed, and television commercials, documentaries, television and radio programs are realized for information and awareness. What is more, within the framework of awareness, a number of programs are organized with electronic and printing media about proper reporting of cases of trafficking of persons.

On the European Anti-Trafficking Day, the Office of the National Anti-Trafficking Coordinator, supported by partners such as national organizations, international institutions and civil society which all contribute to combating and preventing trafficking of persons, organized activities and national conferences with themes different. In 2014, for the first time was organized from 18 - 24 October 2014, the "Anti-Trafficking week" with activities for sensibilization and awareness for the prevention of trafficking of persons. The activities during this week were as following:

- 14 awareness activities in cities, in 9-year level schools, in secondary schools, as well as in community centers in the cities of Tirana, Vlora, Korca, Gjirokastra, Durrës, Elbasan, etc;
- 12 discussion forums at local level for issues of trafficking of persons and children in particular, with members of the Regional Anti-trafficking Committee, with community members, students and middle school level students in the districts of Kukës, Gjirokastra, Shkodra, Korça, and Dibër;
- 9 exhibitions ; transportable exhibitions with works of victims of trafficking, such as paintings, essays and photographs of high school level students and 9-year-old in the cities of Shkodra, Durrës, Rrëshen, Vlorë, Tirana, Lac, etc;
- 1 roundtable and 2 conferences were held in Tirana, Vlora and Korça;
- 12 informational stands with awareness raising materials were presented in 9-year level and middle level schools in Tirana, Durrës, Sukth, Kukës, Dibra, Vlorë, Fier, Berat, etc;

- 5 informational stands were set up, where the students of the Faculty of Social Sciences distributed awareness materials, posters, leaflets, brochures, etc., in Kamëz, Kinostudio and Paskuqan;
- 10 programs and TV shows, with the necessary space of TV time, were dedicated for the National Coordinator and experts, to discuss the measures undertaken and future projects on preventing and combating trafficking of persons;
- 5 TV spots were presented, during the "Week of Anti-Trafficking", in national and local TV stations where messages for awareness and prevention were spotted against the phenomenon of trafficking;
- 2 billboards , 6 citylights and 24 digital screens were distributed at border points, bars and restaurants.

In terms of stronger involvement of the community in identifying and reporting cases of trafficking by using technology, on June 16, 2014, the Ministry of Internal Affairs and ONAC in cooperation with WorldVision and Vodafone Albania Foundation, signed a Memorandum of Understanding in the Introductory Conference of the National line 116 006 and the Application of "Report! Save! ", with the presence of the Prime Minister of Albania, the Minister of Internal Affairs, Ambassadors of the Diplomatic Representation in Albania, as well as heads of institutions and partners in the initiative.

Albania is among the first countries in the region that brings the novelty of using mobile technology to prevent trafficking of persons. Through the implementation of these two instruments, the community is offered a way to simply and quickly report cases of trafficking or suspected as being such. Citizens can anonymously send a short message, which goes immediately and simultaneously to 6 various public officials who are members of the Responsible Authority for the Identification, Referral and Protection of Victims / Potential Victims of Trafficking; furthermore they can call for free, number 116 006. The National telephonic line 116 006 is used to report cases of trafficking or those suspected ones; it is provided free of charge and can be dialed from any landline or mobile phone. The call goes immediately to the operating room of the General Directorate of State Police, and the Application "Report! Save!" can be downloaded for free from GooglePlayStore.

ONAC, in collaboration with KKSAT and UN Women, prepared and distributed awareness materials such as calendars with pictures of victims of trafficking assisted in the center "Different and Equal", leaflets promoting Line 116 006 and calendars with pictures of high school students taken during the week Anti-trafficking.

b. legislation (including in the areas of public procurement, disclosure requirements and anti-corruption);

Based on the recommendations of our partners, the improvement and the completion of the legal framework on human trafficking, has been a priority of ONAC.

Some of the most important changes are those in the Penal Code adopted in May 2013, as the Law no. 144/2013 "On Amendments to the Law no. 7895, dated 27.1.1995", the "Penal Code of the Republic of Albania", as amended. Article 114 / b of the Penal Code for the exploitation of prostitution in aggravate circumstances and Article 114/ b "Trafficking of women" are repealed, so these acts do not compete with those of trafficking of persons. In addition, Article 110 / a "Trafficking of persons" of the Penal Code was changed to "Trafficking of adults" and already contains the difference between internal trafficking and that of cross-border, using well-defined internal trafficking.

In accordance with the recommendations of the EU and CoE, by this same law, in Article 110 / b of the Penal Code, the criminalization of the use of services of victims of trafficking and those who benefit from their services is presented, a crime sentenced with 2 -5 years imprisonment. While the new article 110 / c of the Penal Code "Actions that facilitate trafficking", predicts that counterfeiting, possession, or provision of identity cards, passports, visas or other travel documents, or possessing, removing, concealing, damaging or destruction of them in order to facilitate trafficking of persons over 18, is a criminal offense punishable by two to five years imprisonment.

With these amendments to the Penal Code, this law is already complete, but still needs some clarifications and further improvements in some of its provisions on trafficking offenses and other offenses related to, which, as predicted in the Strategy, are determined to be completed in second four-months of 2015.

c. involvement of the private sector.

The Albanian government has in its policy foundation the employment of women and young people, and in particular, women's groups with deep social problems, including trafficked women. It applies some programs of assistance and boosts employment and vocational training programs.

In relation to the improvement of the level of employment, the government has taken a series of measures for the employment of women and is currently implementing Decision no. 27, dated 01.11.2012 "On the program of encouraging the employment of women from special groups", as amended, which stipulates that the respective employment office :

a. funds the employer with a monthly financing in the amount up to 100 percent of contributions to the obligatory social and health insurance (part of the employer's contribution), provided that the duration of the employment contract to be not less than one year. This funding is made by the employment office in the relevant branch of taxes, according to the proper procedures.

b. funds the employee involved in this program up to four salaries, up to 100 percent of the minimum wage in the country level, in the fifth and the sixth and eleventh and twelfth month of the contract; while the employer finances for the other months.

Females from special groups are considered:

- females unemployed for a long period (registered as unemployed and as job seekers of more than one year);
- women who benefit from the programs of income support;
- trafficked women;

- females over 50 years;
- Roma women;
- women with disabilities;
- young mothers(giving birth to a child without a legal partner);
- divorced women with social problems;
- women who return from migration with economic problems.

By implementing this program, for the period January - December 2014, from special groups, 105 unemployed women job seekers are employed.

The program to promote employment of unemployed job seekers with aggravated economic situation, and the Decision of the Council of the Ministers no. 48, dated 16.01.2008 "For the amount and eligibility criteria of the program of promoting employment of job seekers, with aggravated economic situation", as amended, aims to integrate in the labor market unemployed job seekers in aggravated economic situation. By implementing this program, for 2014, a total 2,206 unemployed job seekers with aggravated economic situation are employed.

The Professional Training Program

For the period January - December 2014, at the Regional Directorates of the Public Vocational Training, nationwide, 27 unemployed job seekers are registered with the employment offices, to attend courses offered free, including victims of trafficking who are certified in tailoring profession, secretary, cooking and hairdressing etc.

During 2014, nationally, 58 unemployed job seekers of trafficked women were registered in the employment offices, and they have benefited from employment services, counseling and job orientation and profession services, offered by the administrative staff of these institutions for this target group

ONAC, in cooperation with IOM, organized on January 22 and September 12, awareness training with tour operators and other agencies of the private sector on initial identification of the trafficking of persons, the primary indicators of trafficking and the referring of the cases to the authorities.

ONAC in cooperation with the OSCE, within the undergoing period, have been taking an initiative similar to the State Inspectorate of Labour and Social Services and its structures at the local level, which aims at the active involvement of business in the prevention of trafficking through early identification and referral for assistance to the services of the victims of trafficking.

23. Please describe the measures taken in your country to prevent trafficking for forced labour or services, *inter alia*, by means of labour inspection and labour administration, monitoring of recruitment and temporary work agencies, and monitoring of supply chains.

The National Anti-trafficking Committee was expanded by Order of the Prime Minister, nr.179, dated 08.19.2014 "On establishment of the State Committee against trafficking in persons, including the Ministry of Economic Development, Trade and Enterprise, Ministry of Urban Development and Tourism, Ministry of Integration European and Ministry of Energy and Industry. The inclusion of these ministries on the committee will bring prevention and identification of victims and potential victims of trafficking.

The Albanian government has taken concrete steps to monitor the activity of the labor market and business with the aim of early identification of possible cases of labor exploitation, or other illegal purposes. One of the main structures in the identification process is the Labour Inspectorate as one of the main structures implementing PSV-s. Meetings with representatives of the State Labour Inspectorate, Director of Tirana District Police Department of Taxation and Finance Ministry are organized to develop joint work plans for intervention. The aim of this initiative is to prevent trafficking through actions against illegality and informality and timely identification of potential situations of exploitation.

To address forced labor and domestic trafficking, ONAC with the OSCE Presence in Albania, has implemented a project on the exploitation of labor in Albania, which was focused on enhancing the capacity of labor inspectors through training specially built for them and promoting social responsibility of the business companies. For this, a memorandum of understanding was developed between the National Anti-Trafficking Coordinator, The General Directorate of State Police and The State Labour Inspectorate for the identification of cases of forced labor and trafficking for the purpose of labor exploitation of others, which was signed on 21 October 2014 at the Ministry of interior under the National Anti-Trafficking Week.

ONAC in cooperation with IOM, in the context of building the capacity of state inspectorate staff, on 3 July 2014 in Vlora, organized a training with representatives of the State Labour Inspectorate. The focus of the training was the implementation of the SOPs on the proactive identification and referral of cases of trafficking of persons exploited at work, mainly focused on the identification of men and children. The number of trained persons was 20 inspectors from the State Labour Inspectorate

Border measures (Article 7)

24. Please describe the specific measures taken in your country to strengthen the capacities of border guards to prevent and combat THB, in particular as regards:

- a. identification of possible victims of THB in the context of border control;**
- b. identification of possible perpetrators of THB offences;**
- c. gathering of first-line information from victims and perpetrators;**
- d. identification of vulnerable persons in need of international protection among possible victims of trafficking.**

To identify victims of trafficking of persons, by the Department of Border and Migration held periodic training for interviewers, controllers, and shift responsible persons on duty and investigation immigration officers.

The training sessions consist in the acquisition of Standard Operating Procedures for the identification and referral of victims / potential victims of trafficking, for the acquisition of advanced models of interviews to identify victims / potential victims, mainly according to the manuals of FRONTEX and the acquisition of Standard Work Procedures of Border and Migration Police, where actions for unaccompanied children and primary and secondary indicators identification of trafficking cases are defined.

Both in training of BMP, as well as in training developed in collaboration with the Sector Against Illegal Trafficking, investigation specialists of Borders and Migration are trained, be it for the identification of victims and perpetrators, and for their prosecution, as well.

In addition to training that have been dedicated to the anti-trafficking, there have been training with employees BMP (investigation, migration and stations staff) for the implementation of the Law on Asylum, its changes and international standards in this field.

In the Basic Course of BMP, there are topics intended for asylum, international law on refugees and asylum, and human trafficking.

25. What measures have been taken to ensure that the personnel employed by commercial carriers, including airline attendants and staff working on other means of transportation by land and sea, are able to detect possible victims of THB and inform relevant bodies in due course?

The cooperation of structures with transport companies and the staff of airline and land travel companies has been constant and friendly. Interaction and sharing of information is done uninterruptedly and constantly. For 2015, joint activities are projected, such as information

dissemination tools, meetings and training on the identification and referral of potential victims of trafficking, exchange of experience, best practices division, etc

26. What measures have been taken to promote co-operation between border control agencies as regards the establishment and maintenance of direct channels of communication? How have these channels been used for detecting transnational THB? Please provide examples of cases in which these channels were used and any difficulties encountered by border control agencies in this context.

Cooperation between the agencies in the application of border control related to the creation and maintenance of direct channels of communication has been uninterrupted, constant and with commitment of all parties.

General Directorate of State Police and the Department of Border and Migration within IBM, cooperates with law enforcement structures within the agency, other agencies and counterparts neighboring agencies. More frequent cooperation in the field of anti-trafficking is with Illicit Trafficking Sector Directorate General of Police, and regarding the daily dynamics, cooperation with the Customs Service (SHD) is more intensive. Until now there are no cases of identification of victims or perpetrators of human trafficking as a result of cooperation with Customs Service.

During the following period, in order to orientate Customs Service, a common risk analysis between Border Police and Migration will be developed, where trafficking will be given a special section to better orient Customs Service to this phenomenon.

The Directorate of Border and Migration, for 2015, has projected training with employees of CS and DBM, for the informing of the customs service on trafficking, identification and referral of victims of trafficking based on the SOP

Identification of the victims (Article 10)

27. Is there a national referral mechanism (NRM) or an equivalent system for identification and referral to assistance of victims of trafficking, both nationals and foreigners, for any form of exploitation? If so, please specify the bodies involved in it and their responsibilities. If an NRM existed in your country at the time of the first evaluation, please indicate any changes that have been made to it in the meantime.

On June 12, 2012, "Cooperation Agreement on the Functioning of the National Referral Mechanism for victims / potential victims of trafficking was revised (NRM). The purpose of this Agreement is the identification, referral, protection, improved assistance to victims / potential victims of trafficking and their reintegration. NRM was expanded with new members; important stakeholders such as the Ministry of Health, Ministry of Education and Science (MAS), GPO, ARSIS and WorldVision, attached to previous members as the Ministry of Internal Affairs, Ministry of Foreign Affairs, Ministry of Social Welfare and Youth, National Reception Centre for Victims of Trafficking, the organization "Different & Equal", psycho-social centre "VATRA" and the association "Another Vision".

National Referral Mechanism (NRM) is revitalized through the establishment of the Task Force of NRM, which sets in motion the entire mechanism to ensure the monitoring of its implementation and coordination of inter-institutional action in NRM members. This Task Force was set up for the first time in November 2013.

For a more proactive identification and referral of victims / potential victims of trafficking, Joint Instruction of the Minister of Internal Affairs, Education and Sports, Health, Foreign Affairs and National Coalition of Anti-trafficking Centres, no. 3799, dated 07.08.2014, for the establishment of the Responsible Authority for the identification, referral, protection and reintegration of victims / potential victims of trafficking, was signed. With the signing of this Instruction, the Responsible Authority adjusts its role and tasks with standard operating procedures, with NRM revised in 2012, and the current situation of trafficking.

28. Are there any formalised indicators for the identification of victims of THB for different forms of exploitation and how is their use by different professionals ensured in practice in your country?

The Standard Operating Procedures (SOPs) were approved by DCM. 582 dated 27.07.2011 "On approval of the Standard Operating Procedures (SOP-s) for the Identification and Referral of Victims / Potential Victims of Trafficking ". SOPs are the basic document on which actions are performed for identification and referral of victims / potential victims of trafficking, including the provision of a package of services for victims of trafikimit. The process of identification is divided into two stages: initial identification and formal identification. Victims of trafficking can be identified within a state, on the border and outside the borders. In PSV, primary and secondary indicators that serve to evaluate a trafficking victim or potential victim of trafficking are designated. In cases of potential victims of trafficking, a conclusion format is filled in without formal interview and this format is filled in by every employee which contacts or evaluates such a case, always based on SAP.

29. What is considered as "reasonable grounds" to believe that a person is a victim of THB and which bodies have competence to identify victims upon "reasonable grounds"? Please provide examples from practice.

According to the Standard Procedures of Action, sector specialists of illegal traffic at the District Police Directorate and social workers of the Regional Directorate of State Social Services, who are obliged to organize a formal interview according to the format (for adult / child) defined in PSV, are responsible individuals who decide on the status of victims. Formal identification process is a thorough assessment of the needs for assistance and protection to a person who is a victim of trafficking. All references to victims of trafficking are made, based on formal interview format (Annex 9.4)

30. What measures are taken in your country to encourage self-identification of victims of THB?

A variety of awareness activities are organized in community. ONAC, in collaboration with national and international organizations, members of the National Coalition of Anti-trafficking organized various activities with students, parents, teachers, students of different areas on trafficking issues. Leaflets, brochures and other information materials were distributed during workshops, forums, etc., mainly in the "Week of Anti-trafficking".

Regional Anti-Trafficking Committees (ARCs), as the main local structures for the prevention and identification of potential victims of trafficking, identification of the primary problems at the regional level, as well as for the evaluation of the situation and the determination of the specific needs of the county, have organized regular orientation meetings with the prefects of the regions, and with members of the technical tables and community members. During the reporting period, regular meetings of IO are organized in the main regions of the country. Training, orientation meetings with members of the IO's and Technical Roundtable aimed at the orientation for the accomplishment of specific tasks of the Technical Roundtable and that of the Committee, as well as the identification of the problems according to the respective regions.

Line Presentation 116,006 and Application "Report! Save! is one of the elements to encourage self-identification of victims of trafficking.

The Office of the National Anti-Trafficking Coordinator in cooperation with the Peace Corps and the organization "Different and Equal", on 11-12 February 2015, organized training of trainers "Educating the community on issues of trafficking of persons", attended by over 50 people, representatives of state institutions at the local level, experts in the field; the latter, during the

period from March to October, will organize training sessions with the community in the 12 regions. These trainings will bring community awareness on trafficking, as well as an increase of self-identification of potential victims of trafficking.

31. What measures are taken in your country to identify victims of THB during the examination of asylum applications and during return of persons whose applications are rejected? How is communication ensured between the authorities responsible for identification of victims of trafficking and immigration and asylum authorities when there are reasonable grounds to believe that a person who is irregularly staying in the country is a victim of trafficking?

The identification of victims of trafficking and communication between migration and asylum authorities, when examining applications for asylum and during the return of persons, works on the basis of the Guidelines for the Implementation of Standard Operating Procedures for the Identification and Referral of Victims of Trafficking and Potential Victims Trafficking and on the basis of the Order of the Director General of State Police No. 1146, dated 08.07.2014 "On some amendments to the order No. 51, dated 03.08.2009" "On the approval of Standard Operating Procedures for Border and Migration".

In terms of taking measures and capacity building, supported by the National Office of UNHCR Tirana, personnel of migration services that deal directly with the selection process is trained. Specialized personnel (admission specialist / interview) in the Closed Centre Kareç, based on possible difficulties in the field during the selection process, takes more detailed interviews case by case, with foreign nationals who are accommodated in this center. In certain cases, these interviews have enabled interviewed citizens to be categorized from "illegal foreigners" to "asylum seekers" and move to the Center of asylum.

Protection of private life (Article 11)

32. What measures are taken by relevant professionals to protect the confidentiality of information and protect the personal life and identity of victims of THB, including as regards storing of their personal data? Are there any conflicts of interest between professional ethics, on the one hand, and the obligation to report an offence, on the other hand? If so, how are these conflicts resolved in practice?

The Law no. 108/2014 "On the State Police" in Article 127 "Security and confidentiality" defines the obligation to maintain the confidentiality of police officers who have access to personal information collected, stored and processed by the police.

In a case when it appears that there are problems of life or health of the victims of trafficking, the victim of trafficking enters the witness protection, under the law for the protection of witnesses. In other cases where victims of trafficking give consent to be accommodated in reception centers, accommodation, food, clothing and shelter daily activities are provided, and their life is secured.

Assistance to victims (Article 12)

33. When assistance to victims is provided by non-state actors, how do your country's authorities ensure compliance with the obligations under Article 12 of the Convention, in particular when it comes to:

- a. funding;

The four Shelters which provide assistance to victims of trafficking, every year receive funds from the state budget for meeting the nutritional needs of victims of trafficking who are accommodated in shelters, based on the Law no. 10252, dated 11. 03. 2010, "On assistance and social services".

In the Defense program, in the draft medium-term budget 2013-2014, was designed a fund of 22,535,000 AL for the product of trafficking of persons.

This fund (for food) for non-public operators "Different and Equal", "Another Vision" and Psycho-Social Centre "Vatra", for 2014 is 2,757,200 AL. The fund for economic aid packages for victims of trafficking is 780,000 AL. The budget for the National Reception Centre for Victims of Trafficking for 2014 was 19.77 million AL, compared to 18.24 million in 2013. Social Assistance Fund is 900 000 AL, compared to 540 000 AL in 2013.

In the defense program in the draft medium-term budget 2015-2017, for 2015 a fund of 37.5 million is provided. The fund (for food) for non-public operators "Different and Equal", "Another Vision" and Psycho-Social Centre "Vatra" is approximately 3.6 million.

The Albanian Government appreciates and supports the efforts and assistance of the centers in the fight against trafficking of persons and in their protection and reintegration into society. Center "Another Vision" was awarded a fund of 10 million AL by the Albanian government for the protection, assistance and reintegration of child victims and children at risk.

With the adoption of Law No. 141/2014 on "Some additions to the law nr.10383, dated 24.02.2011," On Compulsory Health Care in the Republic of Albania "amended", the issue of health care benefits for trafficked victims was solved, because in Article 5 of law nr.10383, dated 24.02.2011, "On compulsory insurance of health care in the Republic of Albania", as amended, following the letter "e" an extra letter "ë" was added "Victims of trafficking ", according to the identification the Interior Ministry. The above forecast includes victims of trafficking in the category of inactive persons, whose health care is covered by the state budget. Also, this category can benefit from the provisions of DCM nr.762, dated 11/12 2014 for "The way of the Organisation and Delivery of Mental Health Care for Persons who are accommodated in Residential Institutions of Social Care.

b. victim's safety and protection;

For the safety and security of victims and potential victims of trafficking, shelters have cooperated with the Police Directorate (Anti-trafficking units), the Directorate General of Police and Prosecution of Serious Crimes.

c. standards of assistance and their implementation in practice;

Shelters continue to operate and provide services to victims of trafficking based on Standards for Social Care for Victims of Trafficking or Victims at Risk of Trafficking in residential centers.

d. access to medical treatment, psychological assistance, counselling and information;

These types of services continued to be provided by organizations through their multidisciplinary teams or through specialized medical clinics which have contacted NGOs to provide medical services to victims of trafficking.

e. translation and interpretation, where appropriate?

In cases where victims of trafficking are foreign citizens, besides other services, such as medical assistance, psychosocial, legal, shelter, protection, security, and service, they receive language

translation service by providing interpreters and translators based on a list approved by the Ministry of Justice

34. What specific measures are taken to ensure that the provision of assistance to victims of THB who have been issued a residence permit for the purpose of their cooperation in the investigation or criminal proceedings is not made conditional on their willingness to act as a witness?

In Article 52 / A of the Penal Code, (Law no. 144/2013 "On Amendments to the Law no. 7895, dated 27.1.1995" Code of the Republic of Albania ", amended) second paragraph, impunity for victims of trafficking is provided for their involvement in criminal activities which they were forced to perform as a direct consequence of being a victim of trafficking.

35. What accommodation is available for victims of THB (women, men and children) and how is it adapted to the victims' needs?

There are four centers which provide services to victims / potential victims of trafficking, foreign or domestic, child, male or female. National Reception Centre for Victims of Trafficking in Tirana (NRC), is a shelter of high national security which provides residential social care services for victims of trafficking under the direct supervision of the General Directorate of State Social Service, but three other service providers are non-public and namely: Different and Equal (Tirana), Another Vision (Elbasan), Vatra (Vlora). Shelters have a highly trained staff to ensure the safety of victims. Also all shelters have specialized programs for rehabilitation and reintegration of victims / potential victims of trafficking. The plan of services to victims of trafficking is individualized to the needs of the victim.

- The plan covers:
 - Accommodation - (offered by the shelter);
 - assistance / psycho-social counseling
 - Legal Assistance - (awarded jointly by the legal office of shelter with government agencies and supported by legal aid of NGOs);
 - Medical assistance - (offered jointly by the doctor at the shelter with government agencies to support health);
 - Education - (offered by government programs);
 - Employment - (offered by government programs);
 - Assistance to the children of the beneficiary persons - (provided by shelters);
 - Financial support - (offered by the government in the Social Protection Programme since 2010 , based on the Article 4 of the law nr.10.252, dated 03.11.2010 "On Amendments to the Law No. 9355");
 - Social activities outside the shelter - (provided by shelters);
 - Work activities - (offered by the shelter in cooperation with local government programs);
 - Joining the families - (mediated by the shelter);
 - Monitoring and tracking of cases - (offered by the shelter and the Regional Directorate of Social Services).

Most of trafficked victims can not return to their cities of origin, because of their security problems, mentality, social stigma and rejection by their families. The assistance provided for beneficiaries during this first phase consists in identifying and addressing (assistance given to her and her child if she has a child with her) emergency medical needs, psychological needs and preparing the case for other steps of reintegration process. The National Coalition of Anti-Trafficking shelters provides shelter to protect the beneficiaries that have begun to make a significant transition to "normal life". Adults are also supported to create their economic independence, for example: after finishing their professional course and have managed to keep a job for a certain time, they leave the shelter to join the protected apartments, subsidized by the organizations. For the juveniles, placing in foster families and alternative care settings is facilitated. The organisations monitor the progress of beneficiaries in these semi-family

residencies and care-offering families by providing regular psycho-social assistance. The support given to these cases in the last phase, has to do with their empowerment and the gradual removal from the program.

36. What measures are taken to ensure that services are provided to victims on a consensual and informed basis?

The members of the Coalition include beneficiaries from the very beginning of the program, as an essential part of the reintegration process. After entry of the cases in the program, they sign the statement of entry where their rights and obligations and services provided for them are explained, and emphasis is put on the fact that the program is followed after a decision of free will is reached. Beneficiary needs assessment and then reintegration plans are met with the participation of the beneficiaries themselves. Services and activities are evaluated by the beneficiaries through direct interviews of staff, state social service inspectors, as well as fulfilling customer satisfaction format. KKSAT coalition shelters ensure the participation and involvement of beneficiaries in the program in order to ensure that services are appropriate and meet the needs of beneficiaries. Meetings with beneficiaries in order to recognize their needs, finding new alternatives and sharing ideas are organized.

37. Is there any follow-up provided after the termination of assistance programmes? Can victims continue to receive assistance, where necessary and taking into account their specific needs resulting from the type of exploitation (including the removal of organs), after the termination of criminal proceedings, and if so what type of assistance?

Duration of the beneficiaries of the reintegration program depends on the cases at hand. Some categories of beneficiaries, victims of trafficking, need to be assisted in this program for a longer time than others. These categories are:

- o juvenile cases (victims of trafficking);
- o cases which have denounced the traffickers;
- o cases that entered the program accompanied by their children and
- o cases with mental health problems.

Thus, the duration of the cases in the reintegration program is from 2 to 5 years, depending on individual cases.

Recovery and reflection period (Article 13)

38. Please specify in which cases a recovery and reflection period can be granted and who is entitled to it (nationals, foreign nationals). Please describe the procedure for granting a recovery and reflection period, the assistance and protection provided during this period, and any difficulties encountered in practice.

Based on the Standard Operating Procedures and Standards for Social Care for Victims of Trafficking or Victims at Risk of Trafficking in residential centers, social workers and psychologists make psychological evaluation and provide advice to beneficiaries. Psychosocial counseling for the beneficiaries plays a key role in the restoration, construction and attendance of reintegration plans.

Residence permit (Article 14)

39. If there is a provision in your country's law that provides for the possibility of issuing a residence permit owing to the victim's personal situation, how is this interpreted in practice? Please provide examples.

The Act which allows the issuance of residence permits is the Law no. 108/2013 "For foreigners", which in Article 54, "The residence permit issued to victims of trafficking in human beings", criteria, categories benefiting residence, type of permit, deadlines etc., are defined, namely:

1. The local authority responsible for the border and migration provides to the foreigner a temporary residence permit type "A" for a three-month period, regardless of the will of him / her to cooperate with justice, when there are reasonable grounds to believe that the foreigner is a victim or potential victim of trafficking, identified as such by the structures responsible for the identification and referral of victims of trafficking. This permit is given to the victim or potential victim of trafficking in order to recover, and be treated according to the physical and mental conditions for obtaining an informed decision whether or not to cooperate with law enforcement agencies.

2. During the period of recovery and reflection, victims or potential victims of trafficking, enjoy all the rights and services that benefit victims of trafficking, according to the Albanian legislation in force.

3. The residence permit, issued for the period of recovery and reflection, may be revoked if it is proved that the victims or potential victims of trafficking has won or has claimed this status unfairly, and has restored actively, voluntarily with/or without initiative her/his relationship with persons suspected of human trafficking or is considered that the attitude of his / her in the territory constitutes a danger to national security. Revocation of residence permit for recovery and reflection period is communicated to the victim or potential victim of trafficking in writing, in a language that he/she understands, informing him/her of the reasons for the revocation, with the exclusion of the cases when the residence permit is interrupted for reasons of national security.

4. The local authority responsible for the border and migration provides residence permit type "B" the foreign victim of trafficking in Albania, identified as such by the structures responsible for the identification and referral of victims of trafficking, in one or two of the following situations or in both of these situations:

- a) estimates that his/her residence is necessary because of the social and personal situation;
- b) estimates that his/her residence is necessary for the purpose of cooperating with judicial authorities in investigation or criminal proceedings.

5. The granting of a residence permit is not conditioned by the existence of sufficient financial means of the victim to cover the costs for the time of residing or the lack of identification documents of the victim or potential victim of trafficking.

During 2013, there was one case of a Ukrainian citizen, who is treated with a residence permit type A (only with the right of residing) and has been accommodated in the National Reception Center for Victims of Trafficking.

40. When a residence permit is issued for the purpose of co-operation with the competent authorities, how is "co-operation" interpreted and what does it consist of in practice?

Referred to the Law 108/2013 "For foreigners", in Article 53, paragraph 1 / ç , treatment with a residence permit on humanitarian grounds is specified in cases when the foreigner (a) cooperates with the competent or judiciary authorities, which implies cooperation in identifying the traffickers, or persons who assist trafficking of the victims.

41. What measures are taken to ensure that a residence permit is provided to victims of THB in compliance with the obligation under Article 12.6, which states that the assistance to a victim of trafficking should not be made conditional on his or her willingness to act as a witness?

Based to the SOPs, the permit of residence is not conditioned by the victim's willingness to act as a witness.

Compensation and legal redress (Article 15)

42. Please indicate any measures taken since the first evaluation report to promote effective compensation of victims of THB, in particular when it comes to:

- a. **access to information on the relevant judicial and administrative proceedings in a language the victim can understand;**
- b. **access to free legal assistance and legal aid during investigations and court proceedings;**
- c. **compensation from the perpetrator;**
- d. **compensation from the state;**
- e. **compensation for unpaid wages to victims of trafficking.**

It is envisaged as one of the rights of a victim of trafficking, the right to be informed about the process and its progress. This right includes the right to receive copies of acts during this process.

During the investigative and judicial process for victims of trafficking who have applied for protection was appointed defense is mainly by the decision of the proceeding body, as in the stage of investigation as well as en phase of trial.

According to Article 61 of the Code of Criminal Procedure, victims of trafficking, has the right to search the compensation by the perpetrator to exercise this right through the establishment of the civil suit on the basis of which requires ransom bull. This claim can be raised within the criminal or and in a separate process.

Furthermore, the National Coordinator is now a member of the Interstate Advisory Committee of Experts for Measures against Organized Crime, established in the framework of the Anti-mafia Law. NC together with the Ministry of Finance has worked on enhanced services for victims of trafficking through supporting shelters with projects. So, during 2014 the Office sent a request for expression of interest to the Coalition of Anti-trafficking shelters to identify their needs that could be met with confiscated assets.

The compensation of victims of trafficking, by realized, based on law no. 10192, date 03.12.2009 "On Prevention and Suppression of Organised Crime and Trafficking through preventive measures against property.

43. What specific measures are taken to make available the assets of traffickers to provide compensation (for example, effective financial investigations resulting in seizure of assets of perpetrators with the view to their confiscation)?

The compensation of victims of trafficking according to the juridical Albanian system (article 122 of the Constitution of Albania) first is guaranteed by the implementation of conventions and other International Instruments, which, at the moment of ratification by the Albanian Parliament, are directly applicable and prevail the internal legislation. Another legal instrument, apart from the Council of Europe Convention on THB, that is part of the internal legislation is also the European Convention "On compensation of Victims of Violent Crime", which Albania has ratified with the law Nr. 9265, date 29.07.2004.

According to the Albanian legislation, there are means by which the victim may obtain restitution. The Criminal Procedure Code of Albania (CPC) - articles 61 -68 stipulate that the VoT has the right to request compensation through the civil suit in the penal process. The Civil Code of the Republic of Albania - articles 625 and 644, stipulate that the VoT has the right to be compensated when they have been subjected to damage or have been morally harmed.

Also, the Law no. 10192, date 3.12.2009 "On the prevention and striking of organized crime and trafficking through preventive measures against the property", provides another means by which the VoTs may obtain restitution through a State Compensation Scheme. This law foresees the establishment of a Special Fund on preventing organized crime. This fund uses as source, the seized and confiscated assets (assets are seized and confiscated upon the decision of Court). The special Fund is designated for social purposes, including rehabilitation and integration of victims of trafficking (Article 37/2-c). Article 37/3-b stipulates that from this fund benefit also NGOs, including the shelters. The decision making body for the designation on the use of these assets is the Advisory Interagency Committee on the Measures against Organized Crime. This Committee makes suggestions to the Minister of Finance on the destination of the Special Funds. The Committee has established a working agenda and a body of rules. The Committee holds meeting periodically.

In 2014 as foreseen in the Anti-Mafia Law it was established the Special Fund for Prevention of Criminality in the amount of 25.000.000 ALL. As stipulated in Art. 37 point 3/b of the Anti-Mafia Law, the Fund will serve for supporting projects on capacity building of law enforcement agencies (prosecution and police) as well as projects supporting NGOs that assist victims of human trafficking. The Special Fund will be implemented in 2015 year's budget.

Data on assets forfeited and confiscated as proceeds of crimes in 2014:

- Seized assets - 17 of a total value of 58 542 000 ALL
- Confiscated assets – 3 of a total value of 37 341 000 ALL

Furthermore, the National Coordinator is now a member of the Interstate Advisory Committee of Experts for Measures against Organized Crime, established in the framework of the Anti-mafia Law. NC together with the Ministry of Finance has worked on enhanced services for victims of trafficking through supporting shelters with projects funded by the Special Fund. So, during 2014 the Coalition of Anti-trafficking shelters have been assisted with materials and other useful appliances that were confiscated assets. Also, in 2014 as foreseen in the Anti-Mafia Law it was established the Special Fund for Prevention of Criminality in the amount of 25.000.000 ALL. As stipulated in Art. 37 point 3/b of the Anti-Mafia Law, the Fund will serve for supporting projects on capacity building of law enforcement agencies (prosecution and police) as well as projects supporting NGOs that assist victims of human trafficking. The Special Fund will be actualized in 2015 year's budget.

The adoption of the Anti-mafia law was followed by the drafting and approval of a series of other legal acts subsidizing its implementation, such as:

- Order of the Minister of Interior no. 372/6 dated 26.01.2010 "On approval of the organizational structure and limits of the General Directorate of State Police" with which was created the sector for the Investigation of Criminal Assets within the Directorate against Narcotics and Illicit Trafficking in the Department against Organized Crimes and Serious Crimes.
- Order of the Minister of Interior no. 200, dated 16.06.2010 on reorganization of the State Police which led to increased personnel for investigation of criminal assets and setting up similar structures at the local level in all Regional Police Departments.
- Order no. 106, dated 18.05.2010 of the General Prosecutor on coordination of actions and cooperation between district prosecutor's offices and the Office of Serious Crimes Prosecutor.
- Order no. 259/8 dated 19.03.2010 of the Chief Prosecutor for Serious Crimes "On the implementation of Law no. 10192, dated 03.12.2009 "On preventing and combating organized crime and trafficking through measures against property".

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- Guidelines for the investigation of corruption and financial crime, in order to unify the activities of the police structures in financial investigations, which was drafted by experts of PACA Project (Project against corruption in Albania).
 - The setting up and functioning of the Interagency Advisory Committee of Experts on Action against Organized Crime was set up and functions.

Legal acts adopted on proper functioning of the Agency for Administration of Seized and Confiscated Assets:

- Decision of the Council of Ministers no. 314, dated 05.05.2012 "On the organization, competencies and functioning of the Agency for Administration of Seized and Confiscated assets and determining the remuneration of third persons in the administration of the assets".
- Decision of the Council of Ministers no. 563, dated 14.07.2012 "On detailed rules and procedures on cooperation with the bailiff service with the Agency of Administration of Seized and Confiscated Assets and relevant payments for bailiff service".
- Decision of the Council of Ministers no. 632, dated 23.07.2012 "On evaluation criteria, methods and procedures on conveyance or deposition with confiscated assets, pursuant to Law no. 10192 ".

In 2011, pursuant to Law no. 10192, dated 03.12.2009 was drafted in cooperation with experts from PAMECA a manual for police on investigation of criminal assets to assist.

For proper functioning of the Agency for the Administration of Seized and Confiscated Assets were drafted and approved the following:

- With Internal Order no. 192, dated 25.01.2011 of the chief administrator has been approved the Regulation "On the administration of official documents of the Agency of Administration of Seized and Confiscated Assets".
- With an order of the Minister of Finance no. 19, no. 14.02.2011 was approved the Regulation "On the organization of work in the Agency of Administration Seized and Confiscated Assets" which clearly defines the duties and responsibilities of all Agency employees.
- On 01.06.2011 was approved the Agency's Code of Ethics, which sets the rules of ethics for all employees of Agency of Administration of Seized and Confiscated Assets (AAPSK).
- On 05.10.2011 has been approved Decision of Council of Ministers no. 687 "For the organization, competencies and functioning of the Agency for the administration of the seized and confiscated assets, and on the administration of assets seized and confiscated".

For 2012, pursuant to Law no. 10192 dated 03.12.2009 were approved the following:

- Order no. 87, dated 20.02.2012 of the Director General of Police on "Standard procedures for the investigation of criminal assets" which is binding for all police structures at the central and local level tasked with investigation of the criminal offenses subject to the Anti-mafia law.
- Order no. 364, dated 08.06.2012 of the Director General of State Police on enhanced coordination between police structures in the investigation of criminal assets, which assigns specific tasks for each police structure.

44. Is there a possibility for victims of THB to claim damages and compensation in the country of destination after their return to the country of origin? Please provide any relevant examples.

According to the Albanian legislation, there are means by which the victim may obtain restitution. The Criminal Procedure Code of Albania (CPC) - articles 61 -68 stipulate that the VoT has the right to request compensation through the civil suit in the penal process. The Civil Code of the Republic of Albania - articles 625 and 644, stipulate that the VoT has the right to be compensated when they have subjected to damage or have been morally harmed.

Also, the Law no. 10192, date 3.12.2009 "On the prevention and striking of organized crime and trafficking through preventive measures against the property", provides another means by which the VoTs may obtain restitution through a State Compensation Scheme. This law foresees the establishment of a Special Fund on preventing organized crime. This fund uses as source, the seized and confiscated assets (assets are seized and confiscated upon the decision of Court). The special Fund is designated for social purposes, including rehabilitation and integration of victims of trafficking (Article 37/2-c). Article 37/3-b stipulates that from this fund benefit also NGOs, including the shelters. The decision making body for the designation on the use of these assets is the Advisory Interagency Committee on the Measures against Organized Crime. This Committee makes suggestions to the Minister of Finance on the destination of the Special Funds. The Committee has established a working agenda and a body of rules. The Committee holds meeting periodically.

Also the Albanian legislation guarantees legal assistance for the categories of persons who need this service including victims of trafficking, as foreseen in the Laws no. 143/2013 "For some changes on the Law no. 10039 date 22.12.2008 "On legal aid". The Law on Legal Aid amended in May [2013], introduces possible exemptions from judicial fees for victims of trafficking and domestic violence, and establishes local legal aid offices. According to article 4 of the Law, people who need to protect their rights, through the filing of the petition, but did not have enough money to pay tax on acts and necessary expenses for notices or other court services, to obtain legal assistance must certify that are involved in social protection programs or eligible to be included in them or are victims of domestic violence or a victim of human trafficking, for the litigation related. According to article 11 of the law the legal assistance from the state is provided by authorized lawyers on the form of primary and secondary legal assistance. The primary legal assistance mainly deals with providing information on the legal system of the Republic of Albania, meanwhile the secondary legal assistance provides for counseling services, representation and legal protection on penal, civil and administrative proceedings.

In 2014 as foreseen in the Anti-Mafia Law it was established the Special Fund for Prevention of Criminality in the amount of 25.000.000 ALL. As stipulated in Art. 37 point 3/b of the Anti-Mafia Law, the Fund will serve for supporting projects on capacity building of law enforcement agencies (prosecution and police) as well as projects supporting NGOs that assist victims of human trafficking. The Special Fund will be implemented in 2015 year's budget.

Data on assets forfeited and confiscated as proceeds of crimes in 2014:

- Seized assets - 17 of a total value of 58 542 000 ALL
- Confiscated assets – 3 of a total value of 37 341 000 ALL

Repatriation and return of victims (Article 16)

45. What steps are taken to ensure that the return of victims of THB from your country to another country is carried out preferably voluntarily and in full observance of the duty

to ensure their rights, safety and dignity, including the obligation not to return a person to a country where his or her human rights are at risk of being violated (*non-refoulement* principle)? How is risk assessment carried out when deciding upon return and repatriation of victims of THB? What is the procedure and what are the modalities of co-operation with the authorities of the receiving state?

The document on which are foreseen measures for the repatriation and return of the victims of trafficking is National Referral Mechanism (NRM), which in its article 3 foresees the cooperation of the institutions for the initial reception, protection and medical and social assistance for the actual, supposed or possible victims of human trafficking inside or outside Albania through setting up of a NRM, which will regulate the obligations and cooperation between all parties involved in identification and referring, accommodation and help, reunion with the family, voluntary return and long term reintegration of victims of trafficking. Apart from other structures which are party to this agreement, the Ministry of Foreign Affairs (MFA), which according to article 5/D- point 1 and 3 of this agreement is responsible for the notification of the national "Responsible Authority" on all cases referred to them previously from foreign counterparts and NGO-s concerning the status and the volunteer or non-volunteer return proposed of Albanian victims or suspected victims of trafficking. Moreover, MFA and Department of Border and Migration (DBM) collaborate with the authority of the reception country to help on identification, protection and facilitating the return of actual, supposed and possible victims of human trafficking. On the case of volunteer assisted return of victims of trafficking, Albania closely collaborates with the counterpart authorities of other countries as well as with International Organizations, such as IOM in case of Albania, and different NGO-s which assist in the return of the victims of trafficking. The most important steps in this regard are as follows:

- Establishing contacts and passing of the full information from on the cases from the authorities of the transit and destination countries to the authorities of the country of origin;
- Conducting a risk analyses (on legal and social aspect) in the country of origin;
- Preparation of a preliminary plan to ensure all services and help for the victims, based on his/her needs;
- The authorities of the country of transit/destination take measures for the transportation and escort of the victim to the place where will be taken into care from the authorities of the country of origin;
- After the complete of the immediate needs and taking into consideration the will of the victim and the risk analyses the accommodation is done at the family or in one of the centers for victims of trafficking.

Specific aspects of volunteer return of victims of trafficking are foreseen as well in the following acts:

1. The law no 108/2013 "On Foreigners" adopted on 28.3.2013 provides for a better protection for foreign victims of trafficking. In article 72 of this law having to do with the volunteer execution of the deport order is foreseen that if the foreigner declares that will leave voluntarily from the countries territory the Border and Migration Police will not execute the deport order. In this case priority is given to the volunteer return, especially for specific categories including victims of trafficking who want to return to their country of origin. The Border and Migration Police in collaboration with international organizations undertake joint programs to ensure the financial means and suitable conditions to enable the return of foreigners.
2. *Law No. 9466, date 23.1.2006 "On ratification of Readmission Agreement between Albania and the European Community"*. This agreement regulates specific aspects of return of persons from countries of European Union. Article 11 point 1 of this agreement which has to do with "Modalities of transfer and means of transport" foresees that before

returning a person, the Albanian competent authority and the member country previously agree in writing with the date of transfer, place of entry, the possible escort and other information that deal with the transferring. This agreement regulates the procedure for readmission and return of persons by clearly defining the criteria and the conditions that they have to fulfill this goal.

3. *Law Nr. 9544, date 29.5.2006 "On the ratification of the Agreement between the Council of Ministers of the Republic of Albania and the Government of the Republic of Greece, on the Protection and Assistance of Children Victims of Trafficking"*. With this agreement the parts have agreed on taking measures fighting child trafficking to ensure assisted repatriation and return to the countries of origin (article 14 of the agreement). Concretely, after identification of the case exchange of information is done between the Responsible Authorities of the implementation of the agreement, the recipient party takes measures to evaluate the risks and finding better alternatives for the accommodation for the child and always taking into consideration the highest interest of the child and if he/she wants to return, the assisted return is conducted. After the ratification of the agreement from the Greek side as well, has started the successful implementation and from August 2009, the first repatriation have been conducted according to the above agreement.

Albanian citizens, identified as victims of trafficking, are entitled to all services provided to victims in accordance with Albanian anti-trafficking and social protection legislation, regardless of the fact that they have been identified within Albania or overseas. Albanian victims who were repatriated have had access to the assistance and have been provided with all the services based on their needs. The services have been provided by the four shelters, members of NCATS where each case was referred.

46. Has any victim of trafficking who is a citizen or permanent resident of your country been returned against their will? If yes, what steps, if any, were taken to assist them after their return?

All victims of human trafficking who have been identified as such by a host country are returned to Albania on a voluntary basis.

Based on the practice of the Prosecution Office, in case when the status of the victim of trafficking is granted to a repatriated person, this person continues to have the same status and be treated based on it. The victim of trafficking shall be accommodated in a reception and reintegration shelter for specialized services. Afterwards, the victim of trafficking shall be interviewed and the legal proceedings of the case shall be initiated in collaboration with the competent authorities of the country that has granted the status of victim to the person. The recognition of the victim as such is done based on victim's declaration as well as on other information received by the country that has granted the status. All repatriated persons that enter Albanian territory as victims of trafficking benefit all available services foreseen by Albanian legislation.

Corporate liability (Article 22)

47. Have there been any developments in your country's law regarding corporate liability for THB offences? Does corporate liability apply to legal persons involved in THB for the purpose of forced labour or services, including by their sub-contractors throughout the supply chain? Please provide examples of any relevant cases and the sanctions imposed.

In terms of the legal obligations arising from Article 22 of the CoE Convention on criminal liability of legal persons, the Albanian legal framework is complete and in accordance with it. To be

specific, Article 45 of the Albanian Criminal Code and the Law no. 9754, dated 14.06.2007 "On the Penal Liability of Legal Persons" provides for criminal responsibility of legal persons (excluding state institutions) for criminal offences committed in the name and on behalf of organisms and their representatives. According to the content of the Article 45, natural persons, who have committed or collaborated in commission of the same criminal offences, are not exempted from penal liability.

The Criminal Code and the above mentioned law defines that the legal person is held criminally responsible for all committed criminal acts (hence for THB) on behalf of his name or in his benefit by bodies or its representatives; on behalf of or in his benefit by a person who is under the authority of the person representing, leading and administering the legal person or on behalf of or in his benefit, because of the lack of supervision and control by the person who is directing, representing and administering the legal person. The law foresees that the organism and the representative of the legal person that acts in the name or on behalf of the legal person is any natural person responsible for representing, directing, administering or monitoring of the activity and structures of the legal person.

So far there have been no cases recorded of involvement of legal persons in offences of trafficking in persons.

Aggravating circumstances (Article 24)

48. Have there been any prosecutions and convictions for THB with the aggravating circumstance of involvement of public officials in the exercise of their functions? Please provide any relevant examples.

There are no identified cases of government officials investigated, prosecuted and convicted for involvement in trafficking in persons. Whilst, during 2014 the Internal Control Service within the MoIA has sent to the Prosecutor's Office 3 denunciations for 4 police officials on charges of criminal activities linked to TIP such as "Assistance to illicit border crossing" and "Abuse of power" foreseen in article 298 and 248 of Albanian Criminal Code. Two cases are being further investigated by the prosecution office, whilst 1 of these cases has been trialed at the District court (in first instance). The police officer was found guilty by the Court of first Instance and indicted on charge of abuse of power with 6 months imprisonment, as foreseen in article 248 of the Criminal Code.

On the other hand no cases of involvement of diplomats in trafficking of persons were recorded during the reporting period.

Non-punishment provision (Article 26)

49. Is the non-punishment provision incorporated in law and/or prosecution guidelines? If so, please provide the relevant texts. Please give details, including references to case law where relevant, of cases where the non-punishment principle has been applied and the outcome of such cases.

Identified victims of trafficking are not detained, arrested or placed in protective custody. This is foreseen in the Albanian Criminal Code as per May, 2013 with Law 114/2013.

On May the 2nd, 2013 the Assembly of the Republic of Albania enacted a new law no. 144/2013 "On certain amendments to Law no.7895, dated 27.1.1995 "Criminal Code of the Republic of Albania", as amended. Article 114/b of CC on exploitation of prostitution under aggravating circumstances and article 114/b "Trafficking in Women" were abrogated with the above mentioned law thus no longer concur with trafficking articles. Article 110/a of CC "Trafficking in

persons" name was changed into "Trafficking of adult persons". The new article on trafficking of adult persons was amended distinguishing internal trafficking from cross-border trafficking putting thus an end to the legal disputes concerning this article implementation for internal trafficking cases as well.

Specifically the content of the new and/or amended articles is as follows:

Article 8

Article 52/a with the following content, was added after article 52 with:

"Article 52/a

Exclusion from serving the sentence or reduction of the sentence for collaborators of justice and victims

Paragraph (II) of this article provides: The victim of criminal offences related to trafficking in human beings, may enjoy exclusion from the sentence for committing criminal offences during the trafficking period and to the extent the person had been obliged to commit the illegal actions or lack of actions. "

Paragraph (III) of this article provides: The person sentenced for one of the criminal offences related to trafficking of narcotics, arms or munitions, trafficking in human beings or criminal offences committed by criminal organizations, who collaborates and assists the criminal prosecuting authorities in fighting against them, or, where appropriate, in identifying the other persons who commit such crimes, cannot be sentenced for a period of more than half of the sentence foreseen for the offence committed by him/her. In particular cases, the person may be excluded from such sentence when mitigating circumstances are in his favor.

Ex parte and ex officio applications (Article 27 in conjunction with Article 1.1.b)

50. Does your country's law provide for the possibility of investigating a THB case in your country if the offence was committed on your territory, but the complaint was submitted in the country of residence of a foreign victim of THB? Please provide any relevant examples.

The system of criminal prosecution in Albania is mandatory. In this regard, the prosecutor, as the single authority of criminal prosecution has the legal obligation to initiate a criminal proceeding when notified on a commitment of a criminal offence. It is not important the source that notifies the prosecutor on the crime but the existence of reasonable doubt for the commitment of the criminal offence. Criminal prosecution for criminal offences related to THB is mainly done by the prosecutor. The Article 24/3 of the Criminal Procedure Code "Duties of the prosecutor" foresees that "When a complaint or authorization is not necessary for (initiating) proceedings, criminal prosecution shall be exercised ex-officio." Judicial police, on its initiative, must get notice of criminal offences related to THB and conduct preliminary actions. Article 30/1 of the Criminal Procedure Code "Judicial police functions" foresees that "Judicial police must also ex officio, receive notice of criminal offences, prevent further consequences, search for their authors, conduct investigations and gather everything that serves the application of the criminal law."

On the other hand, article 280 of the Criminal Procedure Code (CPC) foresees that the prosecutor and the police receive notice of criminal offences *ex-officio* and through notice of others. The article 283 of CPC foresees that "Any person that has information on a criminal offence prosecuted ex-officio must lodge a criminal report of it". In case of THB, the notification of judicial police is more often done by lodging of a criminal report by citizens, mostly by the injured, victims of trafficking, operative data, as well as by other agencies and subjects, including media.

Thus, it may be stated that a criminal proceeding of THB can be initiated on lodging a criminal report by the victim and ex-officio by the prosecutor.

51. Please describe the measures taken in your country to ensure compliance with the obligation of effective investigation into THB cases, in particular as regards:

a. setting up specialised investigation units and the number of staff involved;

An important role in the fight against organized crime in general and trafficking in persons in particular, play the specialized operational structures of the *State Police*.

At the Directorate General of State Police, it has been established the *Directorate against Organized Crime*, where one of the most important sectors is the *Sector against Illicit Trafficking*, with a special focus on trafficking in persons. Sections against Illicit Trafficking also operate at every Police Directorate in 12 regions/*qarks* of Albania and they coordinate and control activities aiming at preventing and combating this phenomenon.

Among the most important organizational measures taken in these last past years has been the establishment of specialized structures such as *the Court on Serious Crimes* and *Prosecutor's Office for Serious Crimes* in 2004. These are two competent authorities for investigation and trial of cases of trafficking in human beings as well as another 39 serious crimes. In the Serious Crimes' Prosecutor's Office there is a specific section tasked with investigation of human trafficking offences composed of 3 prosecutors and 4 judicial police officers. The prosecutors and JP of this section is well trained on investigation of human trafficking and other related criminal offences.

The high rate of convictions reported gives credibility to this institution and people seem to trust this court, as well as the Prosecutor's Office for Serious Crimes, the specialized branch of the Prosecutor's Office competent for investigating cases of trafficking in human beings. Despite the disadvantage of being just one Court and one Prosecutor's Office for serious crimes for the whole country, these institutions seem to be more efficient and credible in prosecuting traffickers.

b. exchange of information with, and obtaining evidence from, other parties;

The Criminal Procedures Code (Chapter II and Sections I and II) and the Law no. 10 193, date 03.12.2009 'On jurisdictional relations with foreign authorities in criminal matters' lay down the provisions on the letter rogatory for information exchange between judicial authorities of different countries. In addition, approval of Law no. 8498, date 10.6.1999 'On ratification of the European Convention on Mutual Assistance in Criminal Matters' and its additional Protocol' as part of the domestic legislation aimed at improving the judicial inter-institutional relations.

The above mentioned laws stipulate the procedures of information exchange between the Albanian judicial authorities and the authorities of other countries in compliance with the aforementioned Convention for the investigation and proceedings of THB.

Information can be provided spontaneously beyond the standard procedure based on the principal of reciprocity and with a request to the General Prosecutor's Office following the route below:

- The Liaison Office of the foreign embassy in Albania submits to the Foreign Affairs Directorate of the General Prosecutor's Office a request for information concerning criminal cases investigated by another country's law enforcement authority. This information may assist in initiating or ending an investigation or proceeding;

- The directorate for Foreign Affairs at the General Prosecutor's Office (GPO) refers the requesting authority's information request to the competent prosecutor's office, which sends the requested information directly to the Liaison Office of the foreign embassy or to the Directorate for Foreign Affairs at GPO.

In practice it is also applied the online information exchange. Following this, an official request (the rogatory letter) is then sent through the Ministry of Justice for mutual legal assistance in criminal matters, which follows the standard procedure of information exchange. The rogatory letter is the main tool for inquiring evidence in a foreign country. Articles 509-511 of the Albanian Criminal Procedure Code foresee that the request for evidence is presented to the foreign authorities via rogatory letter. According to these legal provisions, the Prosecutor's Office or the Court has the right to send the rogatory letter to the Ministry of Justice in Albania; the Ministry then forwards the request to the respective foreign Ministry of Justice. The latter sends the request to the competent judicial authority.

- c. use of special investigative techniques (such as informants, cover agents, wire-tapping, controlled deliveries), with an indication of how their use is regulated and whether they can also be applied in cases not related to organised crime;

Law enforcement have successfully been using special investigative techniques to trafficking and smuggling lines, groups or individuals. Among these methods we could mention; surveillance, recording, photo taking, phone tapping and infiltrated police. These methods are applied during investigation of THB offences when considered necessary and possible. The main methods used in investigation of human trafficking cases are wiretapping and surveillance. These methods are also applied in cases not related to organized crime and their use is foreseen in Section IV/3 of the Criminal Procedure Code. In the case of THB offences there is no legal barrier for their use because all legal criteria set forth in the CPC are met, i.e. minimum sentence imposed 7 years imprisonment as for tapping.

- d. investigation of THB offences committed through the Internet, including the possibility of blocking websites which are used to facilitate the recruitment of trafficking victims or the dissemination of child pornography;

The Serious Crimes Prosecution Office and the Police has investigated cases when social networks have been used as means for recruitment of young girls and it appears that these cases are considered on the increase.

- e. financial investigations to disrupt criminal money flows and ensure asset recovery;

Please refer to section E below on statistics and data

- f. use of joint investigation teams (JITs).

Albania has ratified the Convention on International Police Cooperation in Southeastern Europe, so-called Vienna Convention of 2006, but an amendment to the Albanian Criminal Procedure Code is necessary for the implementation of the Convention which will initially permit and then provide for the establishment of Joint Investigation Teams. In this regard, the Ministry of Internal Affairs together with the Ministry of Justice is working on establishing a joint multiagency working group to draft the new proposal for amending the CPC that would enable use of JITs.

52. Have you had any cases or suspected cases of THB for the purpose of the removal of organs? How did investigations take place in such cases and what special investigation techniques were used?

There have been no cases of trafficking for the purpose of organ removal reported/investigated by law enforcement.

Protection of victims, witnesses and collaborators with the judicial authorities (Article 28)

53. What measures are taken to protect victims, witnesses and NGOs assisting victims during criminal proceedings from potential retaliation or intimidation during the investigation and during and after the criminal proceedings? In how many cases have special protection measures been used in respect of victims and witnesses of THB? Please specify any difficulties in providing victim/witness protection and creating a safe environment for their participation in investigations and court proceedings.

The Cooperation Agreement on NRM obliges the General Prosecutor's Office - Serious Crimes Prosecutor's Office to provide efficient protection to victims/potential victims of trafficking. The prosecutors must inform victims on their rights, also they must assist the Police in facilitating the process of identification, referral and protection of victims of trafficking. The prosecutor must ensure not only the protection of the victim but also ensure the cooperation of the victim with justice, but it should be emphasized the fact that victims are not obliged to cooperate and that the assistance offered to them is unconditional. In 2012 there have been implemented special protection measures (witness protection) for 1 VoT (female).

All law enforcement structures as well as other agencies (NGO-s and shelters) in their work with VoT are guided by the principle of confidentiality regarding the data of VoT. All service providers have the obligation to abide by "*The Standards of Social Care Services for Trafficked Persons or at Risk of Trafficking in Residential Canters*" approved by the Decision of the Council of Ministers No.195, date 11.04.2007.

Police, Prosecution Office and Courts pay a special attention on the protection of victim's identity and safety based on specific laws that regulate the protection of the identity and data of crime victim, including THB.

Physical and data protection is proportionate with the risk level. In case the victim accepts to cooperate with authorities, s/he can benefit special protection guaranteed by the new Law No. 10173, date 22.10.2009 "*On the Protection of Justice Collaborators and Protected Witnesses*". This law regulates the specific measures, the means and procedures for the protection of witnesses and collaborators of justice. It is the General Prosecutor's Office that presents the request for special protection to the Directorate of Witness Protection in Police. Besides this law, there are also other legal instruments that offer protection such as:

➤ *Criminal Procedural Code*

- **Article 361/7-** The witness may be asked in distance in or outside the country via audio-visual connections abiding by the rules of international agreements and provisions of Criminal Code. This is a way to avoid contact with the victim and to protect the victim from revenge of others participants in criminal proceedings.
- **Article 361/5-** Witnesses under age of 18 can be asked by the chairman regarding the requests and objections of parties. The chairman may be assisted by a relative of the juvenile or by a specialist in child/juvenile related areas (psychologist). This is a rule that

forbids the accused or his/her attorney to directly question the juvenile in order to avoid negatively affecting the juvenile's psychological condition.

- **Article 316/b-** When there are reasonable grounds to believe that the person may be subject to violence or threatening, the court may proceed with the pre-trial admissions of evidence during the preliminary investigations. Considering the complexity of investigations of these criminal acts, the application of pre-trial admissions of evidence in cases of THB shortens the time the VoT is involved in criminal proceedings.
- **Article 340, first paragraph/c/ç** "Cases of closed hearings" foresees that the court may proceed with closed hearings when it is necessary to protect the witnesses or when questioning of the juveniles.

➤ Law No. 9110 date 24.07.2003 "On the Organization of Serious Crime Court"

- Article 7 foresees that the court proceeds with closed hearings when it is in the interest of protection of participants in proceedings.
- Article 8 foresees that the witness may be asked in the presence of the accused and his/her attorney but with no visual contact; without letting them know the identity of the victim.

Apart from the above provisions, there is a specific law which object is the defining of the rules for the legal protection and processing of personal data:

➤ Law No. 9887, date 10.03.2008 "On protection of Personal data", amended

In Article 6, point "2" stipulates:

2. *"The processing of the personal data in the frame of preventing and prosecuting a criminal offence against public order and other offences in the field of criminal law as well as protection and national security is conducted by the official authorities defined by law.*

In article 27, point "1" and "3" it is stipulated:

1. *"The controller or the processor takes suitable organizing and technical measures to protect the personal details from illegal destruction, accidental, accidental loss, to protect access or unauthorized distribution from unauthorized individuals especially when the processing of the data is conducted in network, as well as from any other form of illegal processing..."*
3. *"Recorded data is not used for purposes other than those for which it was recorded. It is forbidden the knowing of the data registered on files for a different purpose from that of entering data. This rule shall not apply when the data is used to guarantee national security, public safety, prevention and investigation of a criminal offense, or prosecution of its authors, or for breach of ethics for regulated professions".*

54. What other measures are taken to promote the participation of victims and witnesses in criminal proceedings and to give testimonies which accurately reflect their experiences and assist courts in establishing the truth? Can a victim of THB be assisted

by a social worker, psychologist and/or NGO representative during the investigation and court hearings?

Through the legal aid governmental programs victims of trafficking, unable to self-finance legal representation can obtain legal representation from the government to file civil suits. All four shelters assist the victims with their legal proceedings, and closely collaborate with the Serious Crimes Prosecution Office or District Prosecutor's Offices in the interest of the victim.

Since, 2013 the Albanian legislation guarantees legal assistance for the categories of persons in need of this service, including victims of trafficking, as foreseen in the Law no. 143/2013 "For some changes to the Law no. 10039 date 22.12.2008 "On legal aid". The Law on Legal Aid amended in May [2013], introduces possible exemptions from judicial fees for victims of trafficking and domestic violence, and establishes local legal aid offices. According to article 4 of the Law, people who need to protect their rights, through the filing of the petition, but did not have enough money to pay tax on acts and necessary expenses for notices or other court services, to obtain legal assistance must certify that are benefit from social protection programs or are eligible to be included in them or are victims of domestic violence or of human trafficking, for the litigation related. According to article 11 of this law the legal assistance from the state is provided by authorized lawyers on the form of primary and secondary legal assistance. The primary legal assistance mainly deals with providing information on the legal system of the Republic of Albania, meanwhile the secondary legal assistance provides for counselling services, representation and legal protection on penal, civil and administrative proceedings.

NGOs (through their social workers) and psychologists can support and assist victims of trafficking during and after legal proceedings. In cases when a juvenile will testify during a legal proceeding, the Criminal Procedures Code (CPC) foresees that the chairman can ask a juvenile in the presence of a relative or a specialist in child/juvenile related areas (a psychologist), in order to avoid damaging questions for the psychological condition of the child (Article 361/5 of CPC). Meanwhile in the case when the victim has raised a civil suit according to article 61 of CPC with the attribute of protecting the civil interest of the victim, a lawyer could be present in the proceedings.

As for representatives of NGOs in support of victims of trafficking, they can take part in the proceedings. In practice law enforcement collaborate closely with representatives of NGOs and shelters that offer services for victims of trafficking by providing the necessary access during the proceedings aiming on an effective protection for victims of trafficking.

Jurisdiction (Article 31)

55. Please outline the measures taken by your country to establish and exercise jurisdiction over the offences set out in the Convention, in particular with regard to offences committed outside the jurisdiction of the state (including in cases where your national is a victim of THB committed abroad).

The Criminal Procedure Code of Albania regulates the jurisdictional relations with foreign authorities, including extradition, rogatory letters and the execution of criminal verdicts.

The provisions that regulate the jurisdictional relations with foreign authorities apply to all criminal offences, including the offence of trafficking in human beings. Therefore, the Albanian legislation does not regulate with special provisions the international cooperation with regard to THB, but in these cases are applicable the general provisions that regulate relations with foreign authorities.

The main tool for inquiring evidence in a foreign country is the rogatory letter. Articles 509-511 of the Albanian Criminal Procedure Code foresee that the request for evidence is presented to the foreign authorities via rogatory letter. According to these legal provisions, the Prosecutor's Office or the Court has the right to send the rogatory letter to the Ministry of Justice in Albania; the Ministry then forwards the request to the respective foreign Ministry of Justice. The latter sends the request to the competent judicial authority.

International co-operation (Article 32)

56. Please provide examples of international co-operation initiatives with other states in preventing and combating THB, as well as an assessment of the impact of such initiatives, including any difficulties you have experienced in this area. Please also indicate any bilateral or multilateral agreements concluded by your country concerning mutual legal assistance and how such assistance is provided in the absence of an agreement.

Albania is engaged in bilateral agreements in the area of counter trafficking signed with different neighbouring countries including: Greece, FYROM, Kosova, Montenegro and some of the main destination countries for trafficking of Albanian victims. Moreover, Albania is actively participating in a number of regional initiatives, such as MARRI, SEE Police Cooperation Convention, etc. these initiatives have enhanced collaboration in terms of timely information sharing and proper identification of victims or potential victims of human beings.

Since June 2014 it has entered into force the operational and strategic cooperation agreement with Europol, which allows the exchange of personal data with all Member States and third countries that have the same cooperation agreement with Europol. Identification of trafficking trends and profiles, involved criminal groups and organizations is made possible through the analytical data gathered.

New agreements signed in the field of organized crime and human trafficking are as follows:

Cooperation Agreement between the Ministry of Justice of the Republic of Albania and the Ministry of Justice of the Republic of Kosova on striking at organized crime, corruption and human trafficking. Moreover an agreement in the field of security has already been drafted and is soon to be signed between the two countries.

An Operational Protocol between the General Directorate of State Police of the Ministry of Internal Affairs of Albania and the Public Security Department of the Ministry of Interior of the Republic of Italy on enhanced operational cooperation to prevent and combat various forms of crime and to search and capture fugitives of common interest was signed on 01/30/2014 in Rome, Italy. The Parties set up an Italian - Albanian task force for the efficient implementation of the Protocol.

Agreement between the Government of the Republic of Albania and the Government of the Federal Republic of Germany on cooperation in the field of security, signed on 31st of May 2013.

Agreement between the Government of the Republic of Albania and the Government of the Slovak Republic on cooperation in the fight against organized crime, terrorism, illicit trafficking and other illegal activities.

Cooperation Agreement between the Government of Republic of Albania and the Government of the Republic of Croatia on police cooperation signed on January 20th, 2014 in Tirana.

Measures related to endangered or missing persons (Article 33)

57. What measures are envisaged in your country to transmit information to another party concerning a victim, witness or collaborator with the judicial authorities in a THB case, who your authorities believe is in immediate danger on the territory of another party? What protection measures are envisaged for such persons, should another party to the Convention inform you about their presence on your territory? Please provide examples from practice.

Information can be provided spontaneously beyond the standard procedure based on the principle of reciprocity. The Liaison Officers, MFA and the Foreign Affairs Directorate of the General Prosecutor's Office can process such information and refer it to the National Referral Mechanism. NRM through the Responsible Authority will take the necessary actions as per the Standard Operating Procedures on Identification, Referral and Protection of Victims of Human Trafficking and the provisions of the Law on Witness Protection. A risk assessment will be performed by the state police together with the social services who will draft an intervention plan accordingly.

58. Has an early warning system for missing children been introduced in your country and is the harmonised European telephone number for missing children available? What other measures are there for early signalling to other countries about endangered and/or missing children?

The ALO 116 – Albanian National Child Helpline, is the only nation-wide, free of charge, counselling and referral phone service for children. It communicates with children by the following numbers: 116 (National Child Helpline), 116-111 (pan-European Child Helpline) and 116-000 (National Centre for Missing Children).

ALO 116 – Child Help Line (ANCH), is a national service that aims to help the children through phone counselling and the referral of the cases to the governmental and non-governmental institutions that provide services for the children. ALO 116 was opened on 1 June 2009. Since then ALO 116 has consolidated its position as a referral service for the intended target group also for partners who are part of the child protection system in Albania. ALO 116 is supported by UNICEF- Albania and is implemented by Children's Human Rights Centre of Albania (CRCA).

At ALO 116 children and parents can obtain information and report cases of missing children, to report cases of violence and abuse of children in the family, school or community; seek advice on inter-personal relationships between children or be informed about health or economic assistance. Every child has free access to the services of ANCH (Albanian National Child Helpline).

At ALO 116 comes on average about 400 calls / day, or approximately 16-17 calls every hour, referral calls last in average of 10-12 minutes; the duration of consulting calls is 22-25 minutes. The service is used mostly by children between 9-18 years. Young people between 19-20 years of age also call the Helpline for counselling. A considerable number of calls are also made from parents or other persons who care about children.

ALO 116 service as a very frequent service, issued as needed and categorizing some key issues and channelling them into separate lines for service seekers. In this context, the number 116-111 is the number Pan European Number for Children in Albania, where every European child who is in Albania can call it. Also, an Albanian child can call from one of the European countries to seek help and can be assisted by ALO 116 using our contacts with partners in European countries.

As one of the newest members of the Global Missing Children's Network ALO 116, in November 2010, made available and the number 116-000 for missing children. This service is made

possible through the cooperation and institutional agreement with the General Directorate of the State Police, as a responsible authority in the country that operates in case of missing children.

Has your country concluded any agreements or taken any other measures to reinforce co-operation with other countries in the search for missing people, in particular children, where your authorities have reasonable grounds to believe that missing children may be victims of trafficking or are at risk of becoming victims of trafficking?

In 2006 Albanian Assembly passed the Law no. 9544, "On the ratification of the Agreement between the Council of Ministers of the Republic of Albania and the Government of the Republic of Greece, on the Protection and Assistance of Children Victims of Trafficking". This agreement was the first of this kind in the region, and a very important document concerning prevention, protection and integration of the Albanian children victims of trafficking. After Greece ratified the Agreement, in 2008, both countries have started the successful implementation of the above-mentioned agreement.

The Office of the National Coordinator has worked extensively in drafting and signing regional bilateral agreements focusing on intensification of regional cooperation in the field of THB. Positive steps were taken towards the consolidation of the Translational Referral Mechanism, in order to identify and refer in time victims and potential victims of trafficking. Cross border meetings started in May 2007 with the first meeting with the Macedonian authorities, which resulted in the successful signing ceremony of an Additional Cooperation Protocol. The meetings followed with Kosova in 2012 and Montenegro in 2014 resulting in signing of additional protocols on "Intensifying Cooperation in the Fight against Trafficking in Persons and on the Enhanced Identification, Notification, Referral and Voluntary Assisted Return of Victims and Potential Victims of Trafficking", with a special focus on children in the case of Kosova.

Co-operation with civil society (Article 35)

59. What steps are taken by your country to encourage state authorities and public officials to co-operate with NGOs and other civil society organisations, including trade unions, so as to involve them in the elaboration and implementation of anti-trafficking policies, programs and other initiatives to prevent THB? Please provide information on any memoranda of understanding or other agreements concluded between public bodies and NGOs in this field.

NGOs specialized in assisting and advocating for victims of trafficking are full members in the Albanian National Referral Mechanism since 2005 and since 2014 they are also members of the Responsible Authority for the Identification and Referral of Victims and Potential Victims of THB. The representatives of these agencies are invited to all the events and discussions related to human trafficking in Albania.

Any civil society organization in Albania registered to provide residential care, operating in conformity with Albanian Law and which fulfills the conditions prescribed by the Ministry of Social Welfare and Youth or other State Institutions, may submit a request for membership to the National Referral Mechanism and to the National Coordinator. The Office of the National Coordinator then coordinates and facilitates with all the parties of the NRM Agreement for the assessment of the request. All modifications and amendments of the Agreement are made in writing with the consent of all parties.

The cooperation and coordination with the civil society aiming at creating a Consultative Group of anti-trafficking civil society organization is another important step towards strengthening the cooperation in the national level. The National Coordinator intensified efforts to build a strong partnership with civil society. On November 15th and December 23rd 2013 the National

Coordinator held meetings with members of the civil society, to discuss potential ways of cooperation between governmental and non-governmental agencies. This cooperation aimed at formalizing the collaboration in the form of a Consultative Group of Anti-trafficking civil society organizations. Some NGOs answered to the request of the NC for the submission of expression of *interest forms* to ONAC for participation in the Consultative Group. The Consultative Group will conduct independent evaluations and give recommendations to ONAC.

Relationship with other international instruments (Article 40)

60. Please indicate any agreements concluded by your country in accordance with Article 40.2 of the Convention.

- On June 12th 2012 was signed the additional protocol of cooperation with Kosova “On Intensifying Cooperation in the Fight against Trafficking in Persons and on the Enhanced Identification, Notification, Referral and Voluntary Assisted Return of Victims and Potential Victims of Trafficking, especially Children”. This Additional Protocol comes to supplement the Agreement between the Council of Ministers of the Republic of Albania and the Government of the Republic of Kosovo “On Police Cross-border Cooperation” signed in Pristina on 06.10.2009. The Additional Protocol regulates specific aspects of the bilateral cooperation with a specific child approach. To ensure the implementation of this Protocol on time a trilateral meeting was conducted between Albania-Kosova-Montenegro where the authorities of the three countries discussed on the efficient means of cooperation in the prevention and the fight against trafficking in persons for the enhancement of identification, notification, referral and voluntary assisted return of victims and potential victims of trafficking. The two-day meeting took place on March 27-28, 2014 in Prishtina. In conclusion of the meeting recommendations were drafted on the full implementation of the Protocol.
- On December 8th, 2014 was signed the Addition Protocol of Cooperation between the National Anti-trafficking Coordinators of Albania and Montenegro on the fight against trafficking in persons and the enhancement of identification, notification, referral and voluntary assisted return of victims and potential victims of trafficking following several bilateral meetings held in Tirana and Podgorica. This protocol supplements the Agreement between the Council of Ministers of Republic of Albania and the Government of Republic of Montenegro on cooperation in the field of organized crime, terrorism, illicit trafficking and other illegal activities, which was approved with the Council of Ministers Decision No. 483, date 16.7.2004 guaranteeing institutionalized exchange of information and cooperation for investigation of crimes on both sides of the border;
- The very latest development in this direction is the Memorandum of Understanding with UK, drafted in early 2014 and signed on the 4th of December 2014 in London by the Albanian Minister of Internal Affairs and his British counterpart with the aim to enhance cooperation between the Responsible Authorities of two countries. The purpose of this agreement is to intensify the mutual efforts in the framework of fighting human trafficking in response to the new tendencies of this phenomenon, information sharing and cooperation, joint assistance regarding the identification, referral, and protection of victims of trafficking, as well as assisted return of victims/potential victims of trafficking, including the investigation of traffickers operating in the two countries.

This institutionalized cross-border cooperation shows at the same time a solid and good will of the government for good neighbouring policies and joint actions and undertakings in combating trafficking in human beings.

61. Please provide details of cases where victims or possible victims of THB have been granted refugee status or subsidiary/complementary protection.

There have been no cases where victims/potential victims of THB were granted refugee status. The Police are obliged by law to offer initial assistance to the victims and potential victims of trafficking according to their needs during initial reception, in particular at border crossing points, for the fulfillment of immediate needs like medical assistance, water, food, clothing etc. The police are obliged to ensure that all persons identified as potential victims of trafficking are interviewed as soon as possible and in accordance with their needs as victims. The Police ensures safe transportation and other security measures, according to the needs of the victims who cooperate with the justice and/or have pressed criminal charges against their traffickers until the conclusion of these criminal procedures or even further on. These obligations arise from the "Strategy for the Reintegration of Albanian returnees" for 2010-2015 as well as the Standard operating Procedures for Identification and Referral of Victims/Potential Victims of THB (SOPs).

Foreign victims/ potential victims of THB according to domestic legislation have the same rights as Albanian victims. All four shelters in Albania provide services for potential victims of trafficking or victims of trafficking, foreign or domestic, children or adults, male or female.

D. Final questions

62. Which bodies and organisations contributed to responding to this questionnaire?

The questionnaire was filled out by the Office of the National Coordinator for Anti-trafficking in close collaboration with the Ministry of Internal Affairs; Ministry of Justice; Ministry of Health, Ministry of Social Welfare and Youth; Ministry of Education and Sports; Ministry of Foreign Affairs; Ministry of Finance, Albanian State Police; the National Center for the Reception of Victims of Trafficking; General Prosecutor's Office; First Instance of Serious Crimes Court, Court of Appellate, High Court; international partner organizations, NGOs and the four shelters for victims/potential victims of human trafficking namely, "Vatra" located in Vlora, "Different and Equal" located in Tirana, "Another Vision" located in Elbasan and National State Reception Center for Victims of Human Trafficking. The majority of the agencies that provided assistance with the replies are members of the National Referral Mechanism.

63. Who was responsible for co-ordinating and collecting the replies to this questionnaire?

The Office of the National Coordinator on the Fight against Trafficking in Human Beings (THB), in the Albanian Ministry of Internal Affairs, is the responsible body for coordinating and collecting the replies to this questionnaire. The National Coordinator for the Fight against THB is Ms. Elona GJEBREA (HOXHA), also Deputy Minister of Internal Affairs. Ms. Gjebrea is the contact person appointed by Albania to liaise with GRETA.

E. Statistics on THB (per year, starting with 2010)

Number of victims identified in the sense of having been recognised by a state institution or mandated NGO as deserving any of the rights or entitlements to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).

In year 2014, **125 victims/potential victims** of trafficking have been accommodated and assisted in shelters

- Data on VoTs/PVoTs identified for the first time in 2014 disaggregated:

Data on VoT/PVoT identified in 2014	Status	
	VoT	PVoT
	37	88
	Age group	
	Adults	Children
	63	62
	Sex	
	Male	Female
	17	108
	Nationality	
	Albanian	Foreigner
	123	2

In year 2013 **95 victims/potential victims** of trafficking have been accommodated and assisted in shelters.

These victims were identified by various entities, governmental or non-governmental.

Number of presumed victims whom the competent authorities had “reasonable grounds” to believe were victims of THB (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them). Please clarify whether this number includes victims who were formally identified or is an additional number.

According to SCPO

In 2010 were registered 3 children victims of trafficking

In 2012 were registered 6 female victims of trafficking

In 2013 were registered 4 children victims of trafficking and

In first 9 months of 2014 were registered 5 victims of trafficking.

Number of victims granted a recovery and reflection period (if possible, disaggregated by sex, age, nationality, form of exploitation).

From 2010 – 2014 were registered 12 victims of trafficking.

Number of victims who received assistance (if possible, disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).

From 2010 – 2014 were registered 13 victims of trafficking.

Number of victims who were granted a residence permit, with an indication of the type of the permit and its duration (if possible, disaggregated by sex, age, nationality, form of exploitation).

From the period 2010-2014 : 5 victims of trafficking.

2 males and 3 females.

3 of them have a Philippine citizenship, 1 British citizenship and 1 with Ukrainian citizenship.

The type of the permit : "A".

The form of exploitation is mainly "forced labor" and "sexual exploitation".

Number of victims given refugee status and subsidiary/complementary protection.

N/A

Number of victims who claimed compensation and who received compensation (if possible, disaggregated by sex, age, nationality, form of exploitation), with an indication of whether the compensation was provided by the perpetrator or the state, and the amount awarded.

The compensation of the victims realized through the assistance performed by the state budget.

This sum is provided from the economic assistance and the assistance given to the centers from funds allocated for the public and non-public operators.

Number of victims repatriated to your country (if possible, disaggregated by sex, age, country of destination, form of exploitation).

In total they are 11 cases of repatriated victims to our country.

Countries of destination : Germany, UK, Italy, Sweden, Norway, Kosovo.

Their age: 18 - 44 years.

Form of exploitation: mainly "sexual exploitation".

Number of victims repatriated from your country to another country (if possible, disaggregated by sex, age, nationality, form of exploitation).

In total they are 13 cases of victims repatriated from our country to another country.

Their nationality: Filipinos, Kosovo, Ukrainian, Italian, Russian, Greek, Bulgarian.

Number of investigations into THB cases

➤ Data from the State Police on THB cases⁴:

YEAR 2014						
Criminal Offences	Identified	Authors	Arrested	At large	Wanted	Detained
Trafficking in minors	9	9	1	7	-	1
Trafficking in persons	45	59	5	50	4	-
Total	54	68	6	57	4	1

⁴ With reference to the amendments made to CC in 2013, THB is considered a criminal offence under Art. 110/a and 128/b of the CC. Until 2013 the criminalization of THB offences was stipulated under three separate articles, art.110/a, 114/b and 128/b of the CC.

	over					competence	
71	25	46	7	1	15	4	4

Year 2013

The Serious Crimes Prosecution Office has investigated 42 cases of THB (articles 114/b, 128/b, 110/a of CP), out of which 10 carried over from previous years and 32 new cases were recorded and investigated in 2013.

The number of investigated perpetrators was 24, 3 of whom were sent for trial. There was no reported case when convicted traffickers have not received trial by imprisonment. Special protection measures (protection of witness) have been applied for 1 VoT (female).

Year 2012

The Serious Crimes Prosecution Office investigated 30 cases out of which 13 were new cases and 17 cases were carried over from previous years (2009-2011). Out of 13 new cases investigated and prosecuted during 2012, 12 cases were for trafficking in females (art.114/b of CC) and 1 cases were for trafficking in persons (art. 110/a of CC). In 2012 the number of persons investigated for THB was 11. All cases registered with the SCPO were referred by the State Police and are disaggregated as follows:

- 24 criminal proceedings (12 carried over from previous years and 12 new registered in 2012) for trafficking in females, art. 114/b of CC;
- 3 criminal proceedings carried over from previous for the criminal offence of trafficking in minors, art. 128/b of CC;
- 3 criminal proceedings (2 of them carried over and 1 new) for the criminal offence of trafficking in persons, art. 110/a of CC.

Year 2011

Data from Serious Crimes Prosecutor's Office (SCPO) on THB cases for 2011

In the Serious Crimes Prosecutor's Office (SCPO) there were registered and investigated **28 criminal proceedings** dealing with trafficking in persons **cases (art. 114/b, 128/b, 110/a of CC). 7 of these cases were new** registered during 2011 and **21** from previous years (2009-2010). According to the articles of CC the data are as follow:

- 20 proceedings for the criminal offence "trafficking in women" – art. 114/b of CC;
- 7 proceedings for the criminal offence "trafficking in minors" – art. 128/b of CC.
- 1 proceedings for the criminal offence "trafficking in person" – art. 110/a of CC;
- For all the TIP cases (28 criminal proceeding) investigated from SCPO have been registered in total **27 perpetrators. Among them 5 are prosecuted.**

➤ *Data from SCPO for criminal proceedings (send to trial, under investigation, dismissed and suspended) during January - December 2011*

- 2 proceedings for the criminal offence "trafficking in minors" – art. 128/b of CC were send to trial;

- 6 proceedings for the criminal offence (4 for “trafficking in women” – art. 114/b and 2 “trafficking in minors” – art. 128/b of CC have been dismissed;
- 1 proceedings for the criminal offence “trafficking in women” – art. 114/b of CC has been suspended;
- 6 proceedings for the criminal offence “trafficking in women” – art. 114/b of CC have been decided out of competences on subject matters;
- 13 proceedings for the criminal offence (1 for trafficking in persons – art 110/a, 9 for “trafficking in women” – art. 114/b and 3 for “trafficking in minors” – art. 128/b of CC were under investigation.

Year 2010

In the course of 2010, the office of the Prosecution for Serious Crimes registered 39 criminal proceedings related to trafficking of human beings (*art. 114/b, 128/b, 110/a of CC*) of which 28 were new cases registered in 2010, and 11 existing cases from previous years. The data disaggregated as follows:

- 20 cases for the criminal offence of “Trafficking of females - article 114/b of CC;
- 2 cases for the criminal offence of “Trafficking of persons” - article 110/a of CC;
- 6 cases for the criminal offence of “Trafficking of minors” - 128/b of CC.

Data related to criminal proceedings (*articles 114/b, 128/b, 110/a*) for pending carried over cases from 2008-2009 are as follows:

- 9 proceedings for the criminal offence of “Trafficking of women” - article 114/b of CC;
- 2 proceedings for the criminal offence of “Trafficking of minors” - article 128/b of CC.

For these offences the overall number of persons under investigation and prosecuted for THB was 29.

Number of convictions for THB resulting in penalties involving deprivation of liberty, with an indication of the duration of the penalty and whether effectively enforced or suspended.

Year 2014

➤ *Data from the Serious Crimes Court of First Instance (SCFI) for 2014*

During 2014, 11 new cases were tried before the Serious Crimes Court of First Instance (SCFI)

- 5 cases for the crime of “Trafficking of adult persons” – Art. 110/a/4 of CC
- 1 case for the crime of “Trafficking of adult persons” – Art. 110/a/2 of CC
- 4 cases for the crime of “Trafficking of minors” – Art. 128/b/3 of CC
- 1 case for the crime of “Trafficking of minors” – Art. 128/b/1 of CC

Whilst 3 cases were carried over from previous years, out of which:

- 1 case for “Trafficking of adult persons” – Art. 110/a of CC
- 1 case for “Trafficking of women” – Art. 114/b/3 of CC
- 1 case for “Exploitation of prostitution under aggravating circumstances”- Art. 114/a/5 of CC, which was overturned by court of appeals.

During 2014, in total 9 defendants were convicted for TIP and other crimes related to TIP, out of whom 2 defendants were convicted for 2 crimes at the same time, 1 person for exploitation of prostitution under aggravating circumstances and trafficking of minors with 11 years and 4 months imprisonment, and 1 person for trafficking in adult persons and trafficking of minors convicted with 12 -years imprisonment. Whilst, for 1 other defendant charged with trafficking of minors cases is still being trialled.

➤ *Data from the Court of Appeal for Serious Crimes for 2014*

The overall number of cases brought before the SSCA was 5 out of which 3 were new cases and 2 were carried over from year 2013. From the new cases, for one case (Article 114 / b / 3 of CC with three defendants) the court has decided to leave in force the decision, for the second cases (Article 114 / a / 5 , 114 / b / 2 of the CC) with one defendant, has decided to annul the decision and dismiss the case, while for the third case (Art. 128/b/3 of the CC with three defendants), the court decided to sustain the decision of the court of first instance. Regarding the 2 cases carried over from 2013, for one case (Article 114/b/3 with 2 defendants) the court has decided to sustain the decision of the court of first instance, while for the second case (Article 114/b/2 of CC with two defendants) the court decided in favor of one of the defendants the annulment of the decision and dismissed the case.

➤ *Data from the Supreme Court for 2014*

No cases on trafficking in persons, art. 110/a of CC were brought for judgment before the SC. For trafficking in females, art. 114/b of CC there were 3 new cases and 5 carried over from previous years. 2 cases were trialed and 3 other are waiting to be trialed before the SC. For 3 cases the SC has turned down the appeal. For the criminal offence of trafficking in minors of art.128/b of CC, in 2014 there have been no new cases and only 1 case carried over from previous years. On 1 case the Supreme Court has turned down the appeal.

Year 2013

➤ *Data from the First Instance of Serious Crimes Court for 2013*

For 1 case of trafficking in persons, art. 110/a of CC the trial was carried over in 2014 and for 1 case carried over from 2012 with 2 perpetrators, the court rulings sentenced the perpetrators with 10-25 years imprisonment. In all, this court has ruled on 2 cases of trafficking. 5 victims of trafficking have testified.

During the year 2013 no case of THB was judged at the Court of Appeal for Serious Crimes.

➤ *Data from the Supreme Court for 2012*

For art.114 / b of CC "Trafficking in women" there are 2 new cases and 12 others carried over from 2012. Out of 14, 6 have been proved, 6 are being tried and 2 were not accepted.

For 128/b of CC "Trafficking in minors" there are 5 cases from previous years, out of which 2 cases have been trialled, 1 is still being trialled and 2 others were not turned down.

Year 2012

➤ *Data from the First Instance of Serious Crimes Court for 2012*

- 2 cases were trialled on trafficking in females, art. 114/b of CC;
- In year 2012, only 1 new case was registered on trafficking in females, art. 114/b CC.;
- 2 cases were being trialled, 1 for trafficking in persons, art. 110/a of CC and 1 for trafficking in females, art. 114/b of CC;
- For 2 cases the court rulings indicted the 2 defendants on charges of trafficking in females under art. 114/b of CC. The perpetrators were sentenced one with 10 years imprisonment and 4 million ALL fine and the other with 15 years imprisonment and 6 million ALL fine.

➤ *Data from the Court of Appeal for Serious Crimes for 2012*

The overall number of cases in 2012 was 6 (5 registered for the first time in year 2012 and only 1 case was carried over from year 2011) for trafficking in females under art.114/b of CC. There were no cases trialled for trafficking in persons or trafficking in minors in 2012.

For 5 cases the SCCA has completed the trial and for 4 of them has decided to uphold the decision of the court of first instance, while for 1 case decided to refuse the appeal. The four cases that were tried resulted in conviction of 7 defendants. The sentences imposed by the SCCA do not defer from those imposed by the SCCFI and are as follows:

- 1 person sentenced with 10 years imprisonment;
- 4 persons sentenced with 10 years imprisonment and 4 million ALL fine;
- 1 person sentenced with 15 years imprisonment and 6 million ALL fine;
- 1 person sentenced with 16 years imprisonment.

Data from the Supreme Court for year 2012

The overall number of cases trialled on THB was 24.

- 16 cases for trafficking in females, art. 114/b of CC (out of which, 8 were new registered in 2012 and 8 carried over from year 2011). Out of these for 5 cases the court has ruled and 11 cases are still to be trialled;
- 8 cases for trafficking in minors, art. 128/b of CC (out of which 2 were new cases registered in 2012 and 6 were carried over from 2011). Out of these for 2 cases the court has ruled while the other cases were under trial.

The number of persons convicted for THB and the sentence imposed as follows:

- 35 sentenced for trafficking in females – art. 114/b of CC;
- 15 sentenced for trafficking in minors – art. 128/b of CC;
- 1 sentenced for trafficking in persons – art. 110/a of CC.

Year 2011

Data from the First Instance of Serious Crimes Court (FISCC) on THB cases for 2011

During 2011, the First Instance of Serious Crimes Court (FISCC) has tried 13 TIP cases, 3 of them registered in 2011, and 10 from previous years. During 2011 the FISCC has finished the trial for 11 cases with a final decision. The data according the tried cases are as follow:

- For 7 of this cases the verdict of FISCC remains in effect from the Appellate Court for Serious Crimes (ACSC);
- 3 cases are in trial in ACSC;
- 1 case has been sent back for retrial to the FISC, which actually is in trial in High Court;
- 2 cases are actually in trial.
- For all the cases mentioned below have resulted in total 18 persons to be tried.
- For 6 cases (5 for ‘trafficking in women’ – art. 114/b and 1 ‘trafficking in minors’ – art. 128/b) has finished the trial with a final decision, in which have been found guilty and convicted 6 persons (one for each case) from 10 to 15 years imprisonment and fine from 4 to 6 million ALL or 37.983 to 56.960 \$
- For the criminal offence ‘Trafficking in persons’ – article 110/a of CC there is no case registered for the period January-December 2011.

During 2011, only one case is registered by FISCC with the subject of sequestration and confiscation of assets of citizen’s accused for trafficking in persons. Based on the decision No. 14, date 14.12.2011 of the FISCC, there have been confiscated the assets of two citizens suspected for TIP and their collaborators, whom are under investigation in Greece for several criminal offences such as: ‘Creation of criminal organizations, trafficking in persons for exploitation of prostitution, money laundering, etc. Based on the law No. 10192, dated 3.12.2009 ‘On prevention and striking organized crime and trafficking through preventive measures against assets’ from those citizens have been confiscated bank accounts, including their interests in total 2 576 510 Euro and 967 \$ USD. Actually, this case is in trial in the Appellate Court for Serious Crimes in Tirana. Also, during 2011, the State Police has registered in total 661 criminal offences of illicit trafficking for which have been confiscated 11.17 milliard ALL (the value of confiscated assets) and 7.5 million euro confiscated for money laundering.

Data from the First Instance of Serious Crimes Court (FISCC) on THB cases for 2011

During 2011 the Appellate Court for Serious Crimes (ACSC) reviewed 12 TIP cases. For all the tried cases the decisions of ACSC concluded as follow:

- For 7 cases remain in force the same decision ‘Verdict’ taken from the first instance court;
- For 1 case has been decided the revocation of the verdict of FISC and the case was dismissed;
- For 2 cases has changed the sanction (*decrease the penalty*) for convicted persons (*one for each case - from 13 to 11 years imprisonment and for the other person from 15 years imprisonment and 6 million ALL to 7 years imprisonment and 4 million ALL*);
- For 1 case has been sent for trial in Constitutional Court;
- For 1 case 1 has been decided the revocation of the verdict of FISC and sent back for retrial.

Data from the Supreme Court on THB cases for 2011

According to the information taken from the Supreme Court results that during 2011 there have been treated in total 17 TIP cases:

- 11 cases for ‘trafficking in women’ – art. 114/b of CC (from which, 6 were new, registered during 2011 and 5 from previous year - 2010). From all the cases mentioned above during 2011 has been tried only one, for two cases have been decided in the Counseling Room the disapproval of the recourse and 8 cases are waiting for trial;

- 6 cases for “trafficking in minors” – art. 128/b of CC (from which, 4 were new, registered during 2011 and 2 from previous year – 2010). All the cases are in Counseling Room of the Supreme Court. Only for one case the Counseling Room has decided for the disapproval of the recourse, and the other 5 cases are waiting for trial.

Year 2010

The First Instance Court for Serious Crimes has handled 19 cases related to trafficking of human beings, of which 8 are new cases, 10 are pending carried cases from 2009 and 1 case for re-trial. In the course of 2010, 7 cases were adjudicated, and for 1 case the procedural documents were returned to the Prosecution, and 11 other cases are still being tried. These cases have involved in trial 27 persons. In the carried cases 11 persons were punished with 7 – 15 years of prison depending, and penalties/fines varying from 3 - 4 million ALL or 29.411 – 39.215 \$ (USD). According to the legal qualification of the criminal acts, this is the division:

- 3 cases for the criminal offence of “Trafficking in minors” - article 128/b of the penal code;
- 15 cases for the criminal offence of “Trafficking in females” - article 114/b of the penal code (4 cases were recorded during December 2010) involving 21 persons brought to trial;
- In 1 case, with three plaintiffs there has been a change in the legal qualification in the “Exploitation for prostitution in aggravating circumstances” according to articles 114/a, 5 and 6 of the Penal Code.

The information obtained from the Appellate Court for Serious Crimes indicates that in the course of 2010, this court has handled a total of 9 cases related to trafficking of human beings (8 new cases registered during 2010 and 1 pending carried case from 2009). 7 cases were adjudicated and 2 are pending trial. The court verdicts have concluded by leaving in force the court rulings of the first instance court (for 4 cases), turned down the appeal for 2 cases and only in one of the cases for 2 of the 4 perpetrators of the criminal offence there has been a change in the legal qualification of the criminal offence from article 114/b to 109/a of the Criminal Code “Kidnapping or holding hostage under reasoning circumstances” which consequently led to reduced prison time from 10 to 5 years. These data lead to the conclusion that for the trialed cases related to trafficking of human beings, different courts of different instances have issued unified verdicts.

Number of judgments resulting in the confiscation of assets.

In most suspicious cases that the General Directorate for the Prevention of Money Laundering (GDPML) refers to Police or Prosecution Office, it is presented a detailed financial analysis and conclusions that:

- Circulated funds have not had legal resources;
- Financial operations have had obvious abnormalities;
- The economic-legal purpose has been convincingly suspicious, having significant similarities with internationally recognized typologies, since it is not possible to identify the criminal offence which produces such criminal income.

Below the references for the years 2011-2013

Year	2011	2012	2013
Referred to Police	160	171	248

Referred to Prosecution Office	51	34	35
TOTAL	211	205	283

However, based on the data collected from reporting subjects, law enforcement agencies and open sources, during 2013 we managed to establish the connection with the origin of the criminal product for 87 referred cases. In all, there is a total of 141.360.169 ALL or 1,009,715 Euro in assets (vehicles, real estate, bank accounts and businesses).

Out of these cases, for 4 of them the deed of origin has been the exploitation of prostitution.

Import to highlight is the establishment of a particular fund in 2013 based on anti-mafia law, with an amount of approximately € 157,000. Agencies that have benefited directly from this fund were the General Directorate of State Police, General Prosecutor's Office, receiving respectively about 4 million ALL each. While the amount of 14 million ALL, was scheduled to be given in support of NGOs that support and treat victims/potential victims of trafficking. Other 7 million ALL were allocated to the Agency for Supporting Civil Society and 7 million more for different applications by NGOs.

In more detailed in 2011, only one case is registered by FISCC with the subject of sequestration and confiscation of assets of citizen's accused for trafficking in persons. Based on the decision No. 14, date 14.12.2011 of the FISCC, there have been confiscated the assets of two citizens suspected for TIP and their collaborators, whom are under investigation in Greece for several criminal offences such as: "Creation of criminal organizations, trafficking in persons for exploitation of prostitution, money laundering, etc. Based on the law No. 10192, dated 3.12.2009 "On prevention and striking organized crime and trafficking through preventive measures against assets" from those citizens have been confiscated bank accounts, including their interests in total 2 576 510 Euro and 967 \$ USD. The State Police registered in total 661 criminal offences of illicit trafficking for which have been confiscated 11.17 milliard ALL (the value of confiscated assets) and 7.5 million euro confiscated for money laundering.

The Financial Intelligence Unit in the General Directorate of Prevention of Money Laundering (D.P.P.P.P) in the course of 2010 had referred a total of 185 cases of financial investigation to the law enforcement agencies for further investigation. Out of these cases, 8 were related to the criminal offence of trafficking of human beings. Also, during the same year, GDPML had carried financial investigations for 274 cases, for which it required the cooperation of the law enforcement agencies (prosecution and the State Police). In many of these cases the scope of investigation was also related to criminal activities of the nature of trafficking of human beings.

Number of judgments resulting in the closure of a business or an establishment which was being used to carry out THB.

See above

Number of convictions for the use of services of a victim of THB.

After the amendments made to the Criminal Code with the law 144/2013 use of serviced of a victim of THB is considered a crime and is sanctioned in article 110/b of CC.

The statistical data shows that 1 criminal proceeding has started in 2014 under this article of the CC.