

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



**Recommendation CP(2012)1
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Albania**

*adopted at the 7th meeting of the Committee of the Parties
on 30 January 2012*

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

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

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

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

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

Having examined the Report concerning the implementation of the Convention by Albania, adopted by GRETA at its 11th meeting (20-23 September 2011) in the framework of the first evaluation round;

Having examined the comments of the Albanian Government on the GRETA Report, submitted on 1 December 2011;

Welcoming the measures to combat trafficking in human beings taken by the Albanian authorities, and in particular:

- the setting up of the Office of the National Co-ordinator for the Fight against Trafficking in Human Beings;
- the adoption of multiannual strategies and action plans aimed at covering all aspects of the fight against trafficking in human beings;
- the establishment of a national referral mechanism for improving identification of and assistance to victims of trafficking;
- the efforts to raise awareness on trafficking in human beings and to train relevant professionals;

- the co-operation with non-governmental organisations to provide assistance to victims of trafficking and the setting up of a National Reception Centre for Victims of Trafficking;

Taking note of the areas where further action is required in order to improve the implementation of the Convention by Albania, in particular:

- stepping up measures aimed at preventing trafficking in human beings, through raising public awareness on the question of gender equality and the principle of non-discrimination, and by fostering access to education and jobs for groups vulnerable to trafficking;
- improving the identification of victims of trafficking, in particular men, foreign nationals and victims of national trafficking;
- ensuring that all assistance measures provided for in law are guaranteed in practice, notably by providing adequate financing to non-governmental organisations acting as service providers;
- ensuring that victims of trafficking can effectively exercise their right to compensation;
- stepping up efforts to co-operate with destination countries regarding the repatriation of victims of trafficking;
- reinforcing measures for protecting victims of trafficking, with due regard to the special situation of children, regardless of whether victims have agreed to participate in judicial proceedings.
- ensuring that the legislation related to the confiscation of proceeds from trafficking offences is enforced.

1. Recommends that the Government of Albania implement the proposals of GRETA listed in Appendix I to the Report concerning the implementation of the Convention by Albania (see addendum);
2. Requests the Government of Albania to inform the Committee of the Parties of the measures taken to comply with this recommendation by 30 January 2014;
3. Invites the Government of Albania to continue the ongoing dialogue and co-operation with GRETA and to keep GRETA informed of the measures taken in response to its proposals.

Addendum

List of GRETA's proposals concerning the implementation of the Convention by Albania

Comprehensive approach and co-ordination

1. GRETA invites the Albanian authorities to increase their efforts to co-ordinate action against trafficking at national level and to ensure that a comprehensive approach is taken, in particular by reinforcing action against trafficking in men and trafficking within Albania.
2. GRETA also encourages the Albanian authorities to reinforce co-ordination with relevant local authorities of rural and remote areas, with a view to ensuring that all aspects of THB and all regions of Albania are integrated in the efforts undertaken to combat THB.
3. GRETA invites the Albanian authorities to introduce, in addition to the governmental reports on the implementation of the national anti-trafficking strategies, a periodic independent evaluation of these strategies and other anti-trafficking activities, as a tool for assessing the impact of these activities and for planning future policies and measures to combat THB.

Data collection and research

4. GRETA welcomes the setting up of a data collection mechanism on THB by the Albanian authorities, which enables the compiling of statistical information and allows its disaggregation (concerning gender, age, type of exploitation, country of destination, etc.). GRETA considers that the Albanian authorities should pursue their efforts in improving the collection of statistical data on arrests, prosecutions and convictions for the offence of THB convictions and penalties related to trafficking offences and on the situation of the victim of THB in judicial proceedings. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection.
5. GRETA considers that the Albanian authorities should carry out and support research on THB-related issues as an important source of information for future policy measures. Areas where research is needed include national trafficking, trafficking in men and trafficking for the purpose of labour exploitation.

International co-operation

6. GRETA considers that the Albanian authorities should step up their efforts to reinforce co-operation with neighbouring countries and trafficking destination countries in the areas of prevention, protection of victims and prosecution of perpetrators of trafficking, on the basis of existing mechanisms and by introducing further procedures wherever this proves necessary.

Measures to raise awareness and discourage demand

7. GRETA considers that future actions in the area of awareness raising and education should be designed in the light of the assessment of previous measures, on the basis of research, and be focused on the needs identified. Measures should be taken to combat stereotypes and neglect towards groups vulnerable to THB, in particular women and members of the Roma and Egyptian communities. The Albanian authorities should also continue to raise public awareness on the question of equality between women and men and the principle of non-discrimination, in order to better combat the marginalisation of groups vulnerable to THB.

Social, economic and other initiatives for groups vulnerable to THB

8. While welcoming the efforts made by the Albanian authorities to prevent trafficking, GRETA considers that these efforts should be stepped up as part of a long-term approach aimed at tackling the root causes of trafficking such as poverty and school drop-out.

9. GRETA urges the Albanian authorities to step up trafficking prevention measures geared to fostering access to education and jobs for vulnerable groups, particularly women and members of the Roma and Egyptian communities.

10. GRETA also considers that the Albanian authorities should pursue their efforts to strengthen the protection of children, particularly through the recording of all children in the civil status register. Municipal child protection units should be set up in all municipalities as provided for in law, and the staff of those units should be trained in the prevention of child trafficking.

Measures to enable legal migration

11. GRETA considers that the Albanian authorities should step up their efforts to provide initial and on-going training for consular staff on identification and referral of victims and potential victims of THB. The authorities should also continue to build public awareness of the dangers of transnational trafficking.

Border measures to prevent THB

12. GRETA considers that the Albanian authorities should reinforce measures at land borders to prevent and detect trafficking in both Albanian and foreign persons.

Identification of victims of trafficking in human beings

13. GRETA considers that the Albanian authorities should pursue their efforts to identify victims of trafficking, by ensuring that the norms and procedures are duly followed by all the actors concerned. In particular, the Albanian authorities should seek to improve the identification of certain categories of victims, namely adult men, victims of national trafficking and foreigners. The authorities should also strengthen co-operation with destination and transit countries, in order to improve identification of Albanian victims abroad and the consequent measures of assistance to be provided to such victims.

Assistance to victims

14. GRETA urges the Albanian authorities to ensure that all assistance measures for victims of THB provided for by law are guaranteed in practice. When assistance is delegated to NGOs as service providers, the State has an obligation to provide adequate financing and to ensure the quality of the service delivered by the NGOs.

Recovery and reflection period and residence permits

15. GRETA encourages the Albanian authorities to clarify and reinforce the legal arrangements governing the recovery and reflection period by enshrining them in law.

Compensation and legal redress

16. GRETA urges the Albanian authorities to ensure that victims of trafficking actually benefit from the free legal assistance to which they are entitled.

17. GRETA considers that the Albanian authorities should take steps to ensure that victims of trafficking can effectively exercise their right to compensation from the perpetrators by taking measures to facilitate the relevant procedures.

18. Further, GRETA urges the Albanian authorities to assess the mechanism for State compensation to victims of trafficking, with a view to taking any necessary additional measures to guarantee such compensation, as required in Article 15(4) of the Convention.

Repatriation and return of victims

19. GRETA urges the Albanian authorities to step up their efforts to co-operate with destination countries regarding the repatriation of victims or presumed victims of trafficking. Particular attention must be paid to the situation of Albanian children taken to Kosovo* for the purpose of exploitation of begging or other forms of exploitation.

Substantive criminal law

20. GRETA considers that the Albanian authorities should undertake an in-depth analysis of the implementation of trafficking-related provisions of the CC in order to identify the shortcomings and points on which clarification is needed (for example regarding the distinction between trafficking offences for the purpose of sexual exploitation and exploitation of prostitution with aggravating circumstances).

21. GRETA considers that the possibility of criminalising the knowing use of services of a victim of trafficking should be given close consideration.

22. GRETA invites the Albanian authorities to adopt measures establishing as criminal offences the fact of retaining, removing, concealing, damaging or destroying travel and identity documents when committed intentionally and for the purpose of enabling THB as required by Article 20(c) of the Convention.

23. GRETA considers that the Albanian authorities should examine the reasons why no legal entities have been punished for trafficking-related acts to date and, in the light of their findings, take the necessary measures to ensure that the liability of legal entities can be acted upon in practice.

Non-punishment provision applicable to victims of THB

24. GRETA considers that the Albanian authorities should take measures to assess the implementation by the judicial and other relevant authorities of Article 26 of the Convention on the non-punishment of victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so. The authorities should be prepared to review on the basis of such an assessment the content and/or the application of the relevant internal provisions with a view to addressing any shortcoming identified.

Investigations, prosecutions and procedural law

25. GRETA considers that the Albanian authorities should reinforce the training of police officers, prosecutors and judges with regard to the phenomenon of national trafficking, so that national trafficking offences are duly prosecuted.

26. Furthermore, GRETA considers that the Albanian authorities should closely monitor the implementation of the 2009 Law on the Prevention of and Fight against Organised Crime and Trafficking through Preventive Measures against Assets, and ensure that it is effectively enforced.

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

Protection of witnesses and victims

27. GRETA urges the Albanian authorities to reinforce measures for protecting victims of trafficking, with due regard to the special situation of child victims, regardless of whether or not they have agreed to participate in judicial proceedings. For those who agree to co-operate, the authorities should ensure that full use is made of the special protection programme provided for, in order to afford victims maximum protection.