

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

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

CP(2014)1

**Report submitted by the Albanian authorities  
on measures taken to comply with  
Committee of the Parties Recommendation CP(2012)1  
on the implementation  
of the Council of Europe Convention  
on Action against Trafficking in Human Beings**

Received on 29 January 2014



### Comments from Anti-trafficking Unit on GREAT Recommendations (no. 1-27)

NO.	RECOMMENDATIONS	COMMENTS
1.	<p>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.</p>	<p><b>DONE:</b>  As we have previously stated since the year 2005, the Albanian government has established:</p> <ul style="list-style-type: none"> <li>- the Office of the National Coordinator for the Fight against Trafficking in Persons (coordinates and monitors anti-trafficking activities at the national level);</li> <li>- the Responsible Authority (body that monitors the implementation of the SOPs on the identification and referral of potential/victims of trafficking and deals with case management of special TIP cases-RA). At present we are reviewing the duties and membership of the RA. The reviewing process will result in amendments and additions of the current Order that establishes the RA;</li> <li>- in the year 2002 was established the State Committee in the Fight against Trafficking in Persons chaired by the Minister of Interior (sets the anti-trafficking agenda). At present we are reviewing the duties and membership of the State Committee. The reviewing process will result in amendments and additions of the current Decision that establishes the Committee;</li> <li>- in the year 2012, the National Anti-Trafficking Task Force was established (a panel of anti-trafficking experts, local and central authorities, and NGOs). The Task Force meets periodically.</li> </ul> <p>With the appointment of the new National Coordinator steps have been taken to strengthen the functioning of the National Referral Mechanism and the Responsible Authority. Meetings between parties are more frequent.  More concretely:</p>

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		<p>In the year 2012, the Anti-trafficking Unit reviewed and amended the "Cooperation Agreement to Establish a National Referral Mechanism for the Enhanced Identification of and Assistance to Victims of Human Trafficking" (NRM), with the aim of identifying, referring, protecting, assisting and reintegrating trafficking victims. Amendments aimed at increasing cooperation between the GOA and civil society. The new NRM was enacted on June 15<sup>th</sup>, 2012, and Ministry of Health, Ministry of Education and Science, General Prosecutor's Office, and World Vision are the new Parties to NRM.</p> <p>On October 29<sup>th</sup>, 2013, a consultative meeting was held with the 13 members of the NRM on highlighting the importance of the functioning of this mechanism, responsibilities of each member in the proper and timely identification and referral to assistance of the victims/potential victims of trafficking, a process already standardized with the Standard Operating Procedures adopted in July 2011 with a Decision of the Council of Ministers. The establishment of the NRM Task Force is an important development in the process of giving the Mechanism a new dimension. The last meeting of the NRM Task Force meeting took place on December 9<sup>th</sup>.</p> <p>Since January 2010, according to the Order of the General Director of the State Police, <i>monthly meetings are institutionalized on the coordination of the work between the central and local antitrafficking structures within the State Police on combating trafficking in persons</i> and identification of victims of trafficking. In the meeting held on December 2<sup>nd</sup>, the National Antitrafficking Coordinator highlighted the importance of the coordination between these structures aiming at the better identification and referral of trafficking cases in Albania, especially internal trafficking where trafficking of children for begging, forced labor is concerning.</p> <p>The National Antitrafficking Coordinator has proposed the establishment of</p>

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		<p>a Task Force between the Serious Crimes Prosecutor's Office, Serious Crimes Court and State Police in order to strengthen the cooperation between these bodies and discuss concrete cases of trafficking in persons. On December 19<sup>th</sup> the National Coordinator organized a meeting with the Chair of the Serious Crimes Court, the Head of Serious Crimes Prosecution Office and the Director of State Police to discuss the ways of establishing a task force between the above mentioned institutions that will strengthen institutional cooperation and give recommendations.</p> <p>On November 15<sup>th</sup> and December 23<sup>rd</sup> the National Antitrafficking Coordinator held meetings with members of the civil society, to discuss potential ways of cooperation between governmental and non-governmental agencies The cooperation and coordination with the civil society aims at creating a board/think tank/network of antitrafficking civil society organizations.</p> <p><u>On the action-plan:</u></p> <p>In the new action plan that the ATU and its partners are drafting, one of the main objectives that are foreseen is the prevention and prosecution of trafficking in men and internal trafficking. Through the trainings for police, prosecutors and judges, ATU has aimed at increasing information and knowledge of proactive investigation techniques, for the identification of new cases of trafficking, in particular internal trafficking for exploitation of labour, begging etc. In the trainings that the ATU and its partners have conducted on the implementation of the <i>standard operating procedures for the identification and referral of victims/potential victims of trafficking</i> adopted in July 2011, strong emphasis is given to the identification and referral indicators that target potential exploited men.</p>

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2.	<p>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.</p>	<p><b>DONE AND ONGOING:</b></p> <p>Since the year 2006 the Regional Anti-trafficking Committees coordinate and monitor TIP activities at the local level. They are established in the 12 districts (qarks) of Albania.</p> <p>Training with RATCs were organized throughout the year 2013, on March 27<sup>th</sup>, 2013 in Elbasan a training was organized with the participation of representatives from three RATCs of Elbasan, Korça and Berat. The training aimed in sharing best practices of RATCs between each other's and proactive identification of cases of internal trafficking, focusing on new forms of trafficking and child trafficking. The selection of these prefectures was made based on similarities in the issues they face with the organization of their anti-trafficking activities as well as their geographical situation.</p> <p>Most Committees since October 2013 have new members; the new staff is holding meetings and is exchanging data periodically with the ATU. In the local level, a special importance is given to strengthening the Regional Antitrafficking Committees aiming at their better functioning with regard to prevention of trafficking. Activities will be designed through the identification of the priority concerns in the regional level, as well as through evaluating the situation and definition of the specific needs within the region.</p> <p>On November 26<sup>th</sup>, 2013, the National Antitrafficking Coordinator organized an informative meeting with the Prefects of the 12 regions of Albania on their important role as Chairs of the Regional Antitrafficking Committees.</p> <p>On November 14<sup>th</sup>, 2013, the National Antitrafficking Coordinator supported by IOM organized a meeting with the Regional Antitrafficking Committees of Vlora, Gjirokastra and Fier in Vlora. On December, meetings have been</p>

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		held by Regional Antitrafficking Committees of Gjirokastra, Shkodra, Lezha dhe Tirana. The next meeting will take place in Shkodra on January 31st 2014.
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.	<p><b>DONE AND ONGOING:</b></p> <p>In Albania it is the Office of the National Coordinator that is obliged to compile reports on the implementation of the national anti-trafficking strategies. Various civil society organizations draft reports that extensively analyze the anti-trafficking situation in the country.</p> <p>As previously mentioned the National Antitrafficking Coordinator is endorsing the establishment of an advisory board with the participation of civil society organizations. The Board will evaluate the antitrafficking situation and will give recommendations periodically.</p>
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.	<p><b>DONE:</b></p> <p>Since 2008, ONAC established a victim focused database, which is further updated every year. Currently, ONAC is working intensively to fully upgrade the software and facilitate data entry.</p> <p>The database is in full compliance with personal data protection and confidentiality legislation.</p> <p><b>ONGOING:</b></p> <p>ONAC is working on 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.</p>

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5.	<p>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.</p>	<p><b>ONGOING:</b></p> <p>ONAC has been an active participant in the study that “ARSIS” (children focused NGO) is conducting on the situation of street children in Albania. The study is aimed at understanding the magnitude of the phenomena of children in street situation in Albania and identifying the elements of the child/family protection system to be reinforced through a qualitative and quantitative analysis.</p> <p>The ONAC was part of the ICMPD project “Capacity Building for Combating Trafficking for Labor Exploitation”, December 2011-April 2013. The purpose of this project is to increase the capacity of relevant national actors to investigate and prosecute crimes of trafficking for labor exploitation purposes, to raise the awareness and to train labor inspectors as well as other actors on the identification and referral of victims of trafficking for labor exploitation. At the end of this project, each participant country will be supplied with the training curricula as well as a practical booklet of good practices and lessons learned, to be used as a reference point for the trainees and their colleagues.</p> <p>Research studies are a very important part of the work of ONAC, the new antitrafficking action plan will give emphasis to activities that cover study and research.</p>
6.	<p>GRETA considers that the Albanian authorities should step up their efforts to reinforce cooperation 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.</p>	<p><b>ONGOING:</b></p> <p>ONAC led the process of drafting of the Additional Cooperation Protocol between Albania and Kosova on the “Intensification of cooperation in the fight against trafficking in human beings and for improving the identification, notification, referral and assisted voluntary return of victims, as well as o potential victims, especially children victims”, which was signed</p>



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		<p>in Pristina, on June 12, 2012. This Additional Protocol complements the Agreement between the Government of Albania and the Government of Republic of Kosova on "Police Border Cooperation" signed in Pristina on 6<sup>th</sup> of October, 2009. Albania has a similar protocol with Macedonia and an Agreement with Greece.</p> <p>Following the good practice of the cross border protocols signed in the previous years; a cooperation protocol is being drafted between the Albanian National Antitrafficking Coordinator and the Montenegro counterpart on setting forth the standards on information exchange and referral of possible cases of trafficking, prostitution and/or illegal migration.</p> <p>Albania is party to a project launched by Slovenia on the functioning of <b>the Joint Investigative Teams (JITs)</b>.</p>
7.	<p>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.</p>	<p><b>ONGOING:</b></p> <p>ONAC has conducted several activities in the area of prevention with the focus on:</p> <ul style="list-style-type: none"> <li>• <b><u>Awareness campaigns;</u></b> <ul style="list-style-type: none"> <li>- In the frame of <i>the European Day against Trafficking in Persons – on October 19<sup>th</sup>, 2013 was organized the conference "Stop Trafficking! Together we can do more!"</i> with the participation of the highest officials in the country. In the conference it was very clearly articulated the serious commitment on antitrafficking efforts in a national scale, supporting mutual initiatives in the frame of the respective priority agendas.</li> <li>- ONAC, in cooperation with Vatra Psychosocial Shelter, have</li> </ul> </li> </ul>

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		<p>prepared three materials (booklet, leaflet, and poster) with the motto "Ask and get informed", in order to raise awareness on issues of trafficking in persons. They target and include information for two specific groups:</p> <ul style="list-style-type: none"> <li>a) Police officers on how to carry out their task toward victims/potential victims of trafficking</li> <li>a. B.Victims/potential victims of trafficking on how to know and ask for their rights.</li> </ul> <ul style="list-style-type: none"> <li>• ONAC, in close cooperation with "Different and Equal", have organized awareness raising activities in the frame of "Respect for victims' rights in Albania- End the stigma" project during 2012-2013. Central part of these activities is "This is my story" fotonovelette, a true history of a victim of trafficking, published in 1000 copies, aiming to raise awareness of trafficking in persons and stigma that accompanies the victims themselves:</li> </ul> <p><i>workshop with high school students - Lezhë</i> on February 6 2013, February 13<sup>th</sup> 2013, February 20<sup>th</sup> 2013; <i>forums with community - Durrës</i> on April 10<sup>th</sup> 2013, April 18<sup>th</sup> 2013 ,April 24<sup>th</sup> 2013 ; <i>forums with community - Berat</i> on May 8<sup>th</sup> 2013, May 15<sup>th</sup> 2013, May 22<sup>nd</sup> 2013 ; <i>forums with community - Lezha</i> on March 4<sup>th</sup> 2013, March 11<sup>th</sup> 2013, May 18<sup>th</sup> 2013; <i>workshop with employers - Durrës</i> on April 17<sup>th</sup> 2013 , <i>workshop with employers - Lezha</i> on June 12 2013. On November 19<sup>th</sup>, in the district of Lezha, a meeting was organized with officials from employment offices, employers and representatives from civil society.</p> <p>On December 2<sup>nd</sup>, 2013, the Antitrafficking National Coordinator organized a</p>

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		<p>meeting with the students and lecturers of the Social Sciences Faculty on respecting the rights of the victims of trafficking with the slogan "Let's end stigma!" This was a meeting organized in the forum format in order to give awareness raising messages for the victims, as well as to establish cooperation bridges for combating trafficking in persons between the state stakeholders and the future social workers and administrators for a joint action assisting victims of trafficking. A similar informative meeting was held with students of Faculty of Law in April 2013.</p> <ul style="list-style-type: none"> <li>• <u><i>Stronger involvement of the community in identifying and reporting cases of trafficking-Using technology to enhance identification;</i></u></li> </ul> <p>On October 19th, 2013 the <i>Ministry of Internal Affairs, Vodafone Albania Foundation and World Vision</i> signed the <i>Memorandum of Understanding on the launching of the "Addressing Trafficking in Persons through Mobile Technology Solutions"</i>. Through this project an App on smartphones "Report and Save" will aim 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.</p>
8.	Social, economic, and other initiatives for groups vulnerable to THB should be stepped up as a part of a long-term approach aimed at tackling the root causes of trafficking, such as poverty and school drop-outs.	<p><b>ONGOING:</b></p> <p>In accordance with <i>Albanian Employment and Vocational Strategy 2007-2013</i>, the Government supports and will continue to support the employment of all vulnerable groups, such as females of particular groups (including females victims of trafficking), Roma and Egyptian communities, emigrants and youth employed for the first time.</p>
9.	Albanian authorities should step up trafficking prevention measures geared to fostering access to education and jobs for vulnerable groups, particularly women and members	

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	of Roma and Egyptian community.	<p>Through the governmental employment programs-employment offices 74 persons from the Roma community have been employed in the year 2013.</p> <p>In accordance with the <i>National Program of Zero School Abandonment 2009-2013</i>, the Government aims at eliminating the number of school drop-outs, especially of those children belonging to vulnerable groups, such as Roma community.</p> <p>The Government of Albania fosters access to education of children of vulnerable groups through providing all textbooks of pre-university system for free (<i>Decision of Council of Ministers No. 170, date 10.02.2010</i>).</p>
10.	<p>Albanian authorities should pursue their efforts to strengthen the protection of children, particularly through recording all children in the civil status register. Municipal child protection units should be set up in all municipalities as provided for in the law and the staff should be trained in the prevention of child trafficking.</p>	<p><b>ONGOING:</b></p> <p>The Law “On the Civil Status” amended in 2009 aimed at eliminating the number of unregistered cases in the civil status register. In full compliance with this law,</p> <ul style="list-style-type: none"> <li>• the Ministry of Interior has approved in 2012 a bylaw to reduce to zero the number of unregistered children. ONAC continued to lead the process of amending and facilitating the registration of unregistered children. The Interior Minister issued the Guideline No. 07 date 10.01.2012 on “Approval of procedures and record sheets to be filled in by the State Police and Municipality/Municipality Unit/Commune representatives for the found unregistered children”.</li> <li>• the Ministry of Health has improved the “Certificate-Assistance at birth” document, requiring more personal information from the mother for a better evidence of children’s birth.</li> </ul>

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		<ul style="list-style-type: none"> <li>a joint agreement has been signed between the Ministry of Interior, the Ministry of Foreign Affairs and “Free Legal Service Tirana” center to create shorter procedures and timelines for the registration of children born outside the territory of Albania.</li> </ul> <p>During year 2012, 270 children were registered.</p> <p>During year 2013, 212 children were registered.</p> <p>To date there have been established 12 Child Rights Units at district (qark) level and over 170 Child Protection Units at the municipal/commune level and their staff is taking different trainings.</p> <p>Different and Equal in cooperation with local authorities in Tirana is working on establishing CPUs in every administrative unit in Tirana.</p> <p>In February 10<sup>th</sup>-11<sup>th</sup>, ONAC and TAIEX will organize an workshop on fight against trafficking of children and strengthening childhood protection. Members of CPUs and CRUs, police officers that handle child protection will participate.</p>
11.	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 continue to build public awareness of the dangers of transnational trafficking.	<p><b>ONGOING:</b></p> <p>The Government provided training for members of its consular staff during the years 2012-2013, providing information on THB and specific tasks the staff is responsible for according to Standard Operating Procedures on Identification, Referral and Assistance of Victims/Potential Victims of Trafficking (SOPs). This document is provided to all diplomatic staff and they are instructed to comply to its content where applicable.</p>

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		<p>The Ministry of Foreign Affairs website<sup>1</sup> provides information for consular staff on what to do when an Albanian citizen is in a trafficking situation outside the country. Also to aid consular staff in fulfilling their tasks at best, a Manual was drafted and issued to all staff. Topics on trafficking have been covered.</p> <p>During the year 2013 ONAC has seen an increasing attention of consular staff on potential trafficking or exploitation cases. According to the SOPs, some of the Albanian embassies have referred cases of potential victims of trafficking to the Responsible Authority and together with the later, they have made possible the voluntary assisted return of the respective victims.</p>
12.	Albanian authorities should reinforce measures at land borders to prevent and detect trafficking in both Albanian and foreign persons.	<p><b>ONGOING:</b></p> <p>The Border Police staff is being trained on how to identify a potential victim and a victim of THB in accordance with SOPs, which provide specific steps and instructions on how to identify, refer and assist them at land borders.</p> <p>The Law “On the foreigners” has been amended in 2013 ensuring specific rights for foreign victims/potential victims of trafficking.</p> <p>Laminated cards with primary and secondary indicators on identifying victims/potential victims of trafficking are produced and are issued in the Border Crossing Points and the Regional Police Directorates aiming at enhancing the initial identification of the potential victims of trafficking, assisting the law enforcement stakeholders. On December an inspection was conducted in border crossing points, the inspections were on the implementation of the SOPs on identification and referral of</p>

<sup>1</sup> [http://www.mfa.gov.al/index.php?option=com\\_content&view=article&id=7361%3Ambrojtja-dhe-asistenca-konsullore-ndaj-shtetasve-shqiptare&catid=96%3Asherbime-konsullore&Itemid=79&lang=sq](http://www.mfa.gov.al/index.php?option=com_content&view=article&id=7361%3Ambrojtja-dhe-asistenca-konsullore-ndaj-shtetasve-shqiptare&catid=96%3Asherbime-konsullore&Itemid=79&lang=sq)

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		victims/potential victims of trafficking. Inspections will continue throughout year 2014.
13.	<p>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 improve the identification of certain categories of victims, namely adult men, national and foreign victims of trafficking.</p> <p>The authorities should strengthen cooperation with destination and transit countries.</p>	<p><b>DONE AND ONGOING:</b></p> <p>- <i>Description of the process of identification and referral in Albania:</i></p> <p>Every victim/potential victim of trafficking in Albania is identified according to the SOPs for the Identification and Referral of Victims/Potential Victims of Trafficking According to SOPs enforced in the year 2011, the identification process is divided in two stages: initial and formal identification. Victims of trafficking can be identified within the country, at the border and abroad.</p> <p>The initial identification can involve any individual and agency, governmental or nongovernmental within the country. To assist the process of initial identification there are set indicators of trafficking which are descriptive elements of the trafficking process that reflect TIP. Indicators are divided into two categories: primary trafficking indicators and secondary trafficking indicators. These indicators have been made available to facilitate the process. If the situation of a child or adult indicates one or more primary indicators as components of trafficking and some secondary indicators that may be interpreted as consequences of the trafficking process, the person is considered a potential victim of trafficking.</p> <p>Formal identification of victims of trafficking is the process of identification of a person as a victim of trafficking, conducted only by the Group/Structure Responsible for Formal Identification (G/SRFI) on the basis of the formal interview. The formal identification process allows for an in depth assessment of the needs of the person who is a victim of trafficking for</p>

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		<p>assistance and protection, provides the VoTs with information on assistance, provided for the collection of information and initiation of investigations for the punishment of traffickers. The formal interview is conducted separately from filing a report to law enforcement. The formal interview is conducted at the SFAIT police of the respective regional police directorate.</p> <p>The document of SOPs was published in December 2011 and distributed to Police (central and local offices), SSS (central and local offices), regional directorates of public health, regional directorates of labor inspectorate, and regional directorates of education, other copies will be reprinted. To facilitate the understanding and use of the SOPs, ONAC in cooperation with IOM, compiled 8 explanatory brochures for all the above mentioned agencies (4000 copies).</p> <p><i>Trainings on SOPs:</i> A number of trainings related to SOPs have taken place during year 2012 and year 2013 and will continue throughout the year 2014. 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.</p> <p>After the first round of trainings on SOP-s in the 12 qarks trainings were replicated for the Ministry of Health, State Social Service and Antitrafficking Police during 2013. These training were provided by ONAC and IOM:</p> <p><i>Education:</i> Trainings on awareness-raising for elementary and high school directors, teachers, and school psychologists in urban and rural areas organized in 2012-2013. The aim of these trainings was the introduction of their responsibilities to identify and refer potential victims of trafficking,</p>



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		<p>reporting tasks, and measures to take to prevent human trafficking. During January 2013 trainings were organized in Kukës, Korça, Fier, Shkodra, Tirana, Gjirokastra, Berat and approximately 245 school teachers and directors participated in them.</p> <p><i>Health providers:</i> The training for public and private health care practitioners was organized on May 8<sup>th</sup>, 2013. 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 14 public and private health care practitioners.</p> <p><i>Labor inspectors:</i> the General Inspector of the State Labor Inspectorate and their counter trafficking focal points organized on 8 July 2013, a training in Tirana. All the participants were labor inspectors from Tirana. In total there were 15 labor inspectors. Topics ranged from-What could the labor inspectors do and what their specific role is? How they can identify and refer these cases and the importance of the need for these labor inspectors to be pro-active in identification were within the most interested points of discussions for the participants.</p> <p>In the same light, starting with Tirana, as the biggest region where the main problems are encountered with regard to labor and sexual exploitation are encountered, a joint working plan is established between the Tirana Police Directorate, State Labor Inspectorate and Tirana Regional Taxation Directorate under the auspices of the National Antitrafficking Coordinator. Prevention of trafficking is aimed to be achieved through actions against illegality and informality and the timely identification of the possible exploitative situation</p> <ul style="list-style-type: none"> <li>• <i>Establishment of 3 mobile units in Tirana, Elbasan and Vlora</i></li> </ul> <p>To enhance the proactivity of the members of the NRM, especially shelter assistance providers, to increase the efficiency of the NRM through the expansion of cooperation, to promote and facilitate the functioning of the NRM and facilitate the application of the Standard Operating Procedures for the Identification and Referral</p>

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		<p><i>of Victims of Trafficking and Potential Victims of Trafficking (SOP) approved with Council of Ministers' decision No. 582, date 27.7.2011, three <b>Mobile Units</b> were established in year 2013 composed of 2 social workers each from the National Antitrafficking Shelters Coalition ("Të Ndryshëm dhe Të Barabartë" in Tirana, "Tjetër Vizion" in Elbasan and "Vatra" in Vlora). These mobile units conduct the initial identification of victims of trafficking. In November 2013, the cooperation with the police was enhanced with the cooperation agreements signed between the Regional Police Directorates and the abovementioned shelters.</i></p> <p>Mobile Units (MUs) are established in the framework of the project "Strengthening Albania's efforts towards an effective and sustainable response to trafficking in persons (TIP)" funded by U.S. Department of State - J/TIP Office and implemented by the International Organization for Migration (IOM) in partnership with ONAC and the Albanian National Coalition of Anti-trafficking Shelters (NCATS).</p> <p><b>Mobile Units initial identifications: 38</b></p> <p>The Government of Albania has signed joint agreement with the Government of Kosovo and Macedonia and Greece to ensure a better identification and an improved assistance to respective victims of trafficking, especially children.</p> <p>Albania has participated in "Transnational Referral Mechanisms for Trafficked Persons in South Eastern Europe" and "Transnational Referral Mechanisms for Trafficked Persons in Europe" projects and enhanced its cooperation with participating countries.</p>
14.	Albanian authorities should ensure that all assistance measures to victims of THB provided for by law are	<b>ONGOING:</b>

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	<p>guaranteed in practice. The State should provide adequate financing to NGOs and ensure the quality of their services.</p>	<p>The Office of the National Anti-trafficking Coordinator (ONAC) monitors action against human trafficking at the national level and accounts for the implementation of all anti-trafficking measures to the government. ONAC receives continuous feedback on how these measures are guaranteed in practice.</p> <p>The Government provides financing to NGOs within the frame of the “Social Protection Program” provided for by the law No. 10252, date 11.03.2010. These NGOs are accountable to Albanian Government which monitors and evaluates whether the services provided are in full compliance with the Social Services’ approved standards.</p> <p>Funds Planned for 2012-2013</p> <p>In the project budget of the year (mid- term) 2012-2013 in the Social Protection Program for victims of trafficking and potential victims of trafficking, children victims of trafficking included, is planned:</p> <ul style="list-style-type: none"> <li>➤ The anticipated fond for the National Receptive Center of Victims of Trafficking (salaries, social insurance, food, health service and dental service etc.) is 18 000 000 lekë (≈ € 128 500) .</li> <li>➤ The fund for the providers of services of social care for victims of trafficking/potential victims of trafficking is 5.110.000 lekë (≈ € 36 500).</li> <li>➤ The fund for the inclusion of Victims of Trafficking in the scheme of economic aid is 540 000 lekë (≈ € 3 800) .</li> </ul> <p>The actualization of funds for year 2013</p> <p>The actualization of funds in the Social Protection Program for the year 2013 victims of trafficking/potential victims of trafficking, child victims of trafficking included is:</p>

No.	RECOMMENDATIONS	COMMENTS
		<ul style="list-style-type: none"> <li>➤ For the year 2013 in the National Receptive Center of Victims of Trafficking have been allocated/actualized 18 240 000 lekë (≈ €130 200) from the state budget, social protection program.</li> <li>➤ The fund of 5.110.000 lekë (≈ € 36 500) planned for the social operators ("Tjetër Vizion", "Të ndryshëm dhe të Barabartë", "Tjetër Vizion") has not been allocated. As follows we inform you why the fund has not been opened by the Ministry of Social Welfare and Youth: <ul style="list-style-type: none"> <li>○ In accordance with Article 4, Law no. 10252, date 11.03.2010 "On some amendments to the Law 9355, and in accordance to Law no. 10355, "On the 2013 Annual Budget", and the instruction of the Ministry of Finance "On the implementation of the state budget for the year 2013" the previous Ministry of Labor has not transferred funds (for food) in the "Social Protection" Program for the beneficiaries Victims of Trafficking that receive social services by the social service providers: "Tjetër Vizion", "Të Ndryshëm dhe të Barabartë", "Vatra". This comes as the result of the absence of requests for funds for the year 2013 and the lack of demonstration of actualization of funds for the year 2012 by Elbasan Municipality, Municipality Unit no. 10 Tirana and Vlora Municipality at the Directorate of Budget Planning in the Ministry of Social Welfare and Youth.</li> </ul> </li> <li>➤ For the period January-December 2013 the number of victims of trafficking that have received economic aid is 30 benefiteres (Victims</li> </ul>

No.	RECOMMENDATIONS	COMMENTS
		<p>of trafficking) with a fund of 1 080 000 lekë (≈€ 27 000)</p> <p>Funds planned for 2013-2014</p> <p>In the program of Social Protection in the mid-term Project-budget 2013-2014 for the fight against trafficking of human beings is planned a fund of 22.535.000 lekë (≈€160 000). In this fund are marked: Management and administration of the National Receptive Center of Victims of Trafficking, Economic Aid for Victims of trafficking that leave the institution and the fund for food for social care providers. (“Të Ndryshëm Të Barabartë”, “Tjetër Vizion”, Vatra Vlorë”).</p> <p>In the project budget for the year 2013-2014 in the Social Protection program for the product Victim of Trafficking, Potential Victim of Trafficking, where children victims of trafficking are included the following activities have been foreseen:</p> <ul style="list-style-type: none"> <li>➤ The fund for the NRCVT is 19 000 000 lekë (≈ €135 700).</li> <li>➤ The fund (food fund) for private operators that offer services for social care services for victims of trafficking potential victims of trafficking (“Tjetër Vizion”, “Të Ndryshëm and Të Barabartë” and “Vatra”) is 2 757 200 lekë (≈ €19 600).</li> <li>➤ The fund for Economic Aid payment for victims of trafficking is 780 000 lekë (≈ €5 500).</li> </ul> <p>As it can be seen above, compared with the year 2013, in 2014 for the NRCVT have been planned 1 000 000 lekë more (≈ €7 000), and the fund for Economic Aid payment in the measure of 240 000 lekë (≈ €1 700) more than the year 2013.</p> <p>For the children-victims of trafficking we don’t have a special product in the program of Social Protection but they are included in the product “Children in need” where there are included children-victims of trafficking, children</p>

No.	RECOMMENDATIONS	COMMENTS
		<p>biologically orphan, children socially orphan, street children etc.  For detailed information we are informing as it follows:  The program on children care services is part of the program of Social Protection for which the Ministry besides legislation drafting, strategy drafting, and service monitoring plans also funds other activities with source the state budget. According the schemes of the Social Protection children benefit from:</p> <p>1. Payment for special needs:  17.786 children*9500 lekë/month*12 months = 2 miliard lekë (≈ €14 200 000)</p> <p>1.1Payment for children caregivers:  4600*9500 lekë/month *12 months = 524 million lek  (≈ €3 700 000)</p> <p>2. Economic Aid:  196.000 children*700 lekë/month*12 months =1.64 miliard lekë (≈ €7 200 000)</p> <p>2.1 Foster care:  2.1. Foster care:  78 children *9000 lekë/month *12 months = 8.4 million lekë (≈ €600 000)</p> <p>2.1.2Expenses for education:  65 children *25000 = 1.6 million lekë (≈ €11 000)</p> <p>3. Services for social care:  Offered for 400 children in residential care and 174 in daily care. Financial expenses in 17 centers for social care consist in the following marks: food, accommodation, clothing, dental care, medical care, education, expenses for personnel etc. The total of expenses is 300 million lekë (≈ €2 140 000) from which 218 million (≈ €1 550 000) for salaries and social insurances and 82 million lekë (≈ €585 000) for operational expenses for the year 2013.  The total fund for the Social Protection program is 4.474 million lekë (or 4,4 miliard lekë ≈ € 31 900 000).</p>

No.	RECOMMENDATIONS	COMMENTS
		<p>In Albania, four shelters provide services for victims/potential victims of trafficking in persons, foreign or domestic, children, male or female. One of the shelters is a state run shelter, the National Reception Center for Victims of Trafficking in Tirana, which is a high security national shelter that offers residential social care services to VoTs under direct supervision of the Directorate General of State Social Service; the other three are operated by NGOs, respectively: Different &amp; Equal (Tirana), Tjeter Vizion (Elbasan), Vatra (Vlora). The shelters have trained staff and they guarantee the safety of the victims. Also all shelters have specialized programs for the rehabilitation and reintegration of the victims/potential victims of trafficking. The plan of services for the VoTs is individualized to the needs of the victim. The plan covers:</p> <ul style="list-style-type: none"> <li>• <i>Accommodation</i> - (provided by the shelter);</li> <li>• <i>Psycho-social assistance/counseling</i> - (provided by the shelter's psychologists);</li> <li>• <i>Legal Assistance</i> - (provided jointly by the shelter's legal office with government agencies support and legal aid NGOs);</li> <li>• <i>Medical Assistance</i> - ((provided jointly by the shelter's doctor with government agencies support);</li> <li>• <i>Education</i> - (provided by the government's programs);</li> <li>• <i>Employment</i> - (provided by the government's programs);</li>   <li>• <i>Assistance for the children of the beneficiaries</i> - (provided by the shelter);</li>   <li>• <i>Financial support</i> - (provided by the government's social protection program since the year 2010 Article 4 of the Law No. 10252, date 11.03.2010 "On some amendments of the Law No.</li> </ul>

No.	RECOMMENDATIONS	COMMENTS
		<p>9355”);</p> <ul style="list-style-type: none"> <li>• <i>Social activities outside the shelter</i> - (provided by the shelter);</li> <li>• <i>Occupational activities</i> - (provided by the shelter in cooperation with local government’s programs);</li> <li>• <i>Reunion with families</i> - (mediated by the shelter);</li> <li>• <i>Monitoring and follow up of cases</i> - (provided by the shelter).</li> </ul> <p>The National Reception Center for Victims of Trafficking has signed cooperation agreements with the University Hospital in Tirana, the Public Health Institute, as well as the Center for Integrated Legal Practices and Services to guarantee professional health care to VoTs.</p>
15.	GRETA encourages the Albanian authorities to clarify and reinforce the legal arrangements governing the recovery and reflection period by enshrining them in law.	<p><b>DONE:</b></p> <p>Implemented with the new Law no. 108/2013 on Foreigners as of March 2013. (Article 54 “Issuing of Residence Permit for victims of human trafficking”) <i>See Appendix for the full text of the article.</i></p>
16.	GRETA urges the Albanian authorities to ensure that victims of trafficking actually benefit from the free legal assistance to which they are entitled.	<p><b>DONE:</b></p> <p>The law “On legal Aid”</p> <p>The State Legal Aid Commission implements the state policy in providing legal assistance in accordance with the law no. 10039/2008 as amended.</p> <p>On May 2013 the Assembly of the Republic of Albania has adopted the law no. 143/2013 “on Amendments to the law no. 10039 dated 22.12.2008 “On</p>



No.	RECOMMENDATIONS	COMMENTS
		<p>legal aid". The law provides significant changes in the context of increasing access to justice for victims of domestic violence and victims of trafficking.</p> <p>According to article 4 of the law no. 143/2013, 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.</p> <p>The State Commission on Legal Aid has approved the sub-legal acts, which provide a more detailed regulation with regard to priorities in relation to the provision of the state legal aid.</p>
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. CP (2012)15	<p><b>ONGOING:</b></p> <p>In 2012, a multiagency working group has been set up under the lead of Ministry of Justice, and it is working on some amendments to the Criminal Proceedings Code (CPC). In this frame, the Office of the National Coordinator for the Fight against Human Trafficking has drafted some amendments with regard to CPC articles concerning the right of victims of THB to take part as a party in criminal proceedings and seek compensation from the perpetrator through a civil claim in a criminal trial (articles 58-68 CPC). This will insure the right of a victim of human trafficking to compensation from the perpetrators.</p> <p>Moreover, in accordance with the so-called anti- mafia law, in 2013 a special state fund has been earmarked from which NGOs supporting victims of human trafficking have benefited through filing applications for grants.</p>
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.	<p>Please, see recommendation no.26 below for more details.</p>

No.	RECOMMENDATIONS	COMMENTS
19.	<p>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.</p> <p>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.</p>	<p><b>ONGOING:</b></p> <p>Albania has continued its cooperation with main destination countries for human trafficking such as Italy, Germany, Belgium, the Netherlands, Italy, UK, Switzerland and Spain, etc., as well as with the countries of the Balkan region. Law enforcement agencies continue to exchange information on regular basis on cases related to THB with countries considered as transit or destination countries for Albanian victims of THB.</p> <p>In addition, Albanian consular services overseas play an important role in liaising with responsible authorities in destination countries concerning identification and referral of potential cases of THB. The consular service coordinates the whole process of identification and referral of THB cases identified beyond the borders of Albania in full compliance with multi-and bilateral agreements and the Standard Operating Procedures on the Identification and Referral of Victims/Potential Victims of Human Trafficking.</p> <p>As per strengthening cooperation with neighboring countries, in June, 2012 Albania signed an additional protocol with Kosovo on stepping up efforts against trafficking in persons, and improving identification, notification, referral and assisted voluntary return of victims and presumed victims of human trafficking, especially children". The protocol pays particular attention to children trafficked and aims at intensifying cooperation between Albania and Kosovo as a destination country. A similar one has been drafted with Montenegro in December 2013, and will be negotiated and signed within March 2014.</p> <p>As regards the international investigation of the transnational organized crime, Albania is party to a project launched by Slovenia on the functioning of the Joint Investigative Teams (JITs).</p>

No.	RECOMMENDATIONS	COMMENTS
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).	<p><b>DONE:</b></p> <p>The discrepancies between these two articles are resolved with approval of law no. 144/2013 on some amendments and supplements to the law no 7895, date 27.01.1995 on Criminal Code of the Republic of Albania, amended, adopted by the Albanian Parliament on May 2nd, 2013.</p> <p>Article 114/b CC on exploitation of prostitution with aggravating circumstances was abrogated with this law and Article 110/a CC “trafficking in adults” was amended with law no. 144/2013 mentioned above 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. <i>See Appendix for full text of the article</i></p> <p>Moreover, the National Anti-trafficking Coordinator shared with the Head of the Serious Crimes Prosecution, the Head of the Serious Crimes Court and the General Director of the State Police the establishment of a Task Force in order to strengthen the cooperation between these bodies and discuss concrete cases of THB. The Task Force will issue recommendations on how to improve the investigation and trial of THB cases.</p>
21.	GRETA considers that the possibility of criminalising the knowing use of services of a victim of trafficking should be given close consideration.	<p><b>DONE:</b></p> <p>The Albanian Criminal Procedures Code (CPC) and the Criminal Code (CC) has gone through some extensive revision concerning victim’s access to justice, including the victim’s right to legal representation in penal proceedings by a qualified defense lawyer; THB provisions, including some necessary changes in the CC that guarantee non prosecution and conviction of the 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</p>

No.	RECOMMENDATIONS	COMMENTS
		<p>services. As per the latter, a new article, article 110/b CC was added with law no. 144/2013 on some amendments and supplements to the law no 7895, date 27.01.1995 on Criminal Code of the Republic of Albania, amended, adopted by the Albanian Parliament on May 2nd, 2013, stipulating criminalization of the use of services of THB victims and of those who profit from their services, and is punishable with imprisonment from 2 -5 years. <i>See Appendix for full text of the article.</i></p>
22.	<p>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.</p>	<p><b>DONE:</b></p> <p>The Criminal Code amended<sup>2</sup> see above.</p>
23.	<p>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.</p>	<p><b>ONGOING:</b></p> <p>Based on the recent data form Police and Prosecutions Office, the traffickers act as individuals and their criminal activities is not connected to legal entities. But recently Albania has undertaken several steps in order to monitor the activities of labour markets and businesses. The Labour Inspectorate is part of the responsible structures for the implementation of SOP moreover on November 12, 2013, the DM held a meeting with the State Labor Inspectorate and the Director of Tirana Police Directorate in order to establish a joint working plan of interventions. The working plan was adopted by the abovementioned parties as well as the Directorate of Taxes in the Ministry of Finances under the auspices of the NC on 19/11/2013.</p> <p>The most recent action on raising awareness among the business community was the training held on the 22<sup>nd</sup> of January with the support of IOM.</p>

<sup>2</sup> Law no. 144/2013 – article 27

No.	RECOMMENDATIONS	COMMENTS
		Training focused on bringing to the Albanian Travel Association and other agencies from the private sector to play a more active role on identification of potential cases of THB and reporting such cases to responsible state authorities. Another similar initiative was undertaken with OSCE targeting State Labor Inspectorate and its structures at the local level to cooperate with law enforcement and other involved stakeholders in the initial identification of potential VoTs.
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.	<p><b>DONE:</b></p> <p>With regard to the legal measures in this respect see above. (The Criminal Code amended<sup>3</sup>.) Moreover, non-punishment of VOTs for prostitution was discussed during the training on the 9th of October, 2013 organized in Shkoder by ONAC and IOM between police, prosecutors and judges. During this training the trainers have specifically dealt with the newly added articles of the CC (including the specific one on non-punishment, article no. 52/a).</p> <p>Deputy Minister has continuously highlighted in every meeting and training held with the police, prosecution and judges that the special attention needs to be placed on proper implementation of the new articles. Moreover, ASP must have a victim sensitive approach.</p>
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	<p><b>ONGOING:</b></p> <p>Every year Albanian authorities organize joint training activities<sup>4</sup> with police, prosecutors and judges with regard to different THB issues, including</p>

<sup>3</sup> Law no. 144/2013 – article 7

<sup>4</sup> During 2012 in collaboration with School of Magistrates have been organised 5 specific training activities for THB phenomenon, including issues of investigation of national trafficking. In this trainings have been participated 114 police officers, prosecutors and judges.

No.	RECOMMENDATIONS	COMMENTS
	prosecuted.	<p>topics of prosecuting traffickers who deals with national trafficking. In order to clarify and to better understand this kind of criminal offence the CC has been amended<sup>5</sup>.</p> <p>More concretely, the latest joint training was held on October 9th, 2013, in Shkodra, with the judicial police, prosecutors and judges for a better coordination and cooperation between these structures in order to guarantee the identification, referral, investigation and successful judging of trafficking cases. The next one is foreseen to be organized on March 21<sup>st</sup>, in Korça.</p> <p>Whilst a national conference was held on January 23<sup>rd</sup>, 2014 in Tirana with the support of OSCE Presence in Albania on issues related to investigation and trial of cases of human trafficking. This conference was chaired by the National Anti-trafficking Coordinator and brought together key actors from the Police, Prosecution and Courts of Serious Crimes, and IOs, NGOs who shared the lattes developments and concerns in the field of identification, proactive investigation and trial of THB cases.</p> <p>The next coming joint training is planned to be organized on 10-11 February, 2014 in Tirana by TAIEX in coordination with the Office of the National Anti-trafficking Coordinator on investigation of child trafficking and strengthening childhood protection. The target group of the training are 40 participants from Police, Prosecution, Justice System, civil society organizations, National Coalition of Shelters, etc.</p>
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	<p><b>ONGOING:</b></p> <p>According to Ministry of Finance during 2012 as a result of successfully implementation of this Law<sup>6</sup>, have been confiscated in total 141.360.169 ALL or 1,009,715 Euro assets (cars, real estate, bank account and businesses).</p>

<sup>5</sup> Law no. 144/2013 – article 26

No.	RECOMMENDATIONS	COMMENTS
	<p>Measures against Assets, and ensure that it is effectively enforced. Protection of witnesses and victims.</p>	<p>In 2013 a special fund of approximately € 157,000 has been earmarked for the state program for the prevention of criminality as foreseen by the law of 2009 the so-called Anti-mafia law. The agencies that benefited directly from this fund were the General Directorate of State Police and the General Prosecutor's Office respectively 4 milion Lekë each ( ≈ € 28570 ). Whilst, from 14 milion Lekë (€ 100 000) earmarked for supporting NGOs that assist victims of trafficking, 7 milion lekë (€ 50 000) were allocated to the Agency for the Support of the Civil Society and another 7 milion lekë (€ 50 000) are available for funding applications from NGOs.</p> <p>As per the witness protection program, in 2011 a new amendment to the Witness Protection Law has reduced the minimum indictment time from 7 to 4 years, allowing for a wider range of criminal offences that qualify under this Law.</p> <p>For 2012 there is one case of victim of trafficking included in the protection program.</p>
27.	<p>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</p>	<p><b>ONGOING:</b></p> <p>There is an opened discussion for improving Criminal Procedural Code in order to increase the access of the victims to justice. Ministry of Justice is working based on multidisciplinary approach process for identifying the necessary interventions. Part of this process in the working groups have been representatives from NGO-s focused on child protection issues and</p>

<sup>6</sup> Law No. 10192, date 3.12.2009 "On the Prevention and Fight against Organized Crime and Trafficking through preventive measures against assets".

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No.	RECOMMENDATIONS	COMMENTS
	afford victims maximum protection.	representatives from National Office against THB. During 2013, there has been amended several laws <sup>7</sup> which improve the situation of victims of trafficking in order to ensure for them the appropriate protection without any grounds of conditions.

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<sup>7</sup> Law no. 108/2013 “On Foreigners”; Laws no. 143/2013 “For some changes on the Law no. 1039 dt. 22.12.2008 “On legal aid”, and Law no. 144/2013 “Amendments on Criminal Code”.



## APPENDIX

**Law no. 144/2013 “On some amendments and supplements to the Criminal Code”****Article 8**

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

**“Article 52/a**

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

The person who promises or gives rewards or other benefits, according to specifications in the section which foresees the criminal offences of corruption or the criminal offence foreseen in article 328 of this Code, may enjoy exclusion from serving the sentence or a reduction of the sentence, in the event the person reports and gives assistance during the criminal proceedings of these offences. When issuing the decision, the court shall also consider the time when the report is filed, and the occurrence, or not, of the consequences of the offence.

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.”.

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 organisations, 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 favour.

**Article 27**

Article 110/a shall be amended as follows:

- a) The title of the article shall be amended as follows:  
“Trafficking of adult persons”

b) In the first paragraph the words “is punishable by imprisonment from five to fifteen years and a fine from two million to five million lekë” shall be replaced by the words “...both within and beyond the territory of the Republic of Albania, shall be punishable by imprisonment from eight to fifteen years”

c) after the first paragraph, the following paragraph shall be added:  
“If such offence is committed against an adult female person , it shall punishable by ten to fifteen years imprisonment”

ç) The third paragraph shall be amended as follows:  
“When such offence is committed in collaboration, more than once, accompanied by maltreatment and making the victim commit various actions through the use of physical or psychological violence, causing serious consequences to health or threatening his life, is punishable by imprisonment of no less than fifteen years.

#### **Article 28**

Articles 110/b and 110/c shall be added after article 110/a, as follows:

#### **“Article 110/b**

Benefit from or use of services provided by trafficked persons

Benefit from or use of services provided by trafficked persons, or services which are the object of exploitation of trafficking, being aware that the person is trafficked, shall be punishable by two to five years of imprisonment.

When this offence is committed against a minor, it shall be punishable by three to seven years of imprisonment.

#### **“Article 110/c**

#### **Actions facilitating trafficking**

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 criminal offence and shall be punishable by two to five years of imprisonment.

The same offence, when committed in collaboration, more than once, or is committed by the person who has the task to issue the ID card, passport, visa, or the travel document, or has enabled trafficking of children, shall be punishable by four to eight years of imprisonment.

The same offence, if it results in serious consequences, shall be punishable by not less than five years of imprisonment.”

### **Article 29**

Article 114 shall be amended as follows:

#### **“Article 114 Exploitation of prostitution**

Encouragement, mediation, or receipt of compensation for exercising prostitution shall be punishable by two to five years of imprisonment.

When the same offence is committed with minors, with some persons, with persons who are close kin, close kin of the spouse, who have custodial relationships or availing themselves of their official relationship, or when committed in collaboration or more than once, or by state and public officials, shall be punishable by seven to fifteen years imprisonment.”

### **Article 49 Abrogation**

1. Letter ‘c’ of article 79, **Article 114/a, 114/b**, 245/2 and 284/b shall be abrogated.
2. In articles 78, 83/a, 83/b, 109, 109/b, 110/a, 124/a, 128/b, 135, 143/b, 164/a, 164/b, 186, 189, 197/a, 230/a, 230/b, 230/c, 230/ç, 230/d, 244, 244/a, 245, 245/1, 248, 248/a, 259, 259/a, 260, 287, 287/a, 287/b, 298, 312, 319, 319/a, 319/b, 319c, 319/ç, 319/d, 319/dh, 319/e, 326, 326/a and 331, the part that envisages punishment by fine as main punishment in addition to imprisonment, shall be abrogated.

**Law no. 108/2013 “On Foreigners”**

### **Article 54**

### Issuing of residence permit for victims of trafficking in human beings

1. The local authority responsible for border and migration shall issue type “A” temporary residence permit for a 3-month validity period to any alien, regardless of his/her will to collaborate with justice, if there are reasonable grounds to believe that the alien is a victim or potential victim of trafficking identified as such by the structures responsible for identification and referral of victims of trafficking. Such residence permit is issued to the victim or potential victim of trafficking in order to recover, and to be treated because of the physical and mental conditions, so as to have a well-informed decision on cooperation with the justice authorities.
2. The victim or potential victim of trafficking, during the recovery and reflection period shall enjoy all the rights and services entitled to the victims of trafficking according to the Albanian legislation in force.
3. The residence permit issued for the recovery and reflection period may be revoked if it is proved that the victim or potential victim of trafficking has acquired or claimed this status unfairly, has actively restored relationship, voluntarily and/or own initiative, with persons suspected of trafficking in human beings, or if it considered that his/her stay in the territory constitutes a threat to national security. Revocation of the residence permit for the period of recovery and reflection is communicated to the victim or potential victim of trafficking in written form, in a language of his/her understanding, by informing him/her of the reasons of the cancellation, except for the case when the residence permit is interrupted for national security reasons.
4. The local department responsible for border and migration, shall issue type “B” residence permit to the victims of trafficking in the Republic of Albania, identified as such by the structures responsible for identification and referral of victims of trafficking, in either one or the other, or in both following situations:
  - a) the competent authority deems that his/her stay is necessary because of the social and personal situation;
  - b) the competent authority deems that his/her stay is necessary for the purpose of collaboration with the justice authorities during criminal investigation or proceedings.
5. The issue of residence permit shall not be limited to the existence of the sufficient financial means of the victim to cover expenses during the period of stay or to the lack of identification documents of the victim or potential victim of trafficking.