

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



CP(2017)14

Report submitted by the Albanian authorities  
on measures taken to comply with  
Committee of the Parties Recommendation  
CP(2016)1 on the implementation  
of the Council of Europe Convention  
on Action against Trafficking in Human Beings

Second evaluation round

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

- prevent and detect cases of trafficking in human beings during border controls, paying particular attention to unaccompanied children:

Border and Migration Police has done a lot of work regarding prevention and identification of potential victims of trafficking, paying particular attention to minors and unaccompanied minors who cross the border unaccompanied by their parents or legal guardians. In any case of minors, Standard Working Procedures of border and migration require the minor to be accompanied by an adult; either by parents themselves or an adult authorized in a written form by parents or legal guardian (notarial declaration).

When there is reasonable ground to believe that there is a case of human trafficking, based on the indicators foreseen at the SOP-s for the identification and referral of the VoT/PVoT-s, Border and Migration Police immediately refers the case to the Sector for the Investigation of Illicit Trafficking for a more detailed investigation.

For 2016 Border and Migration Police identified 15 potential victims of trafficking out of which 11 were minors.

- ensure the timely identification of victims of trafficking in human beings, in particular by:
  - ensuring that the Standardised Operating Procedures for the identification and referral of victims of trafficking are complied with by the police and other actors concerned;

Identification of potential victims and victims of trafficking is considered as the most important phase of the protection and assistance process. Therefore, as we have already reported a number of multi institutional trainings have been conducted on the identification and referral of the victims and potential victims of trafficking as well as on the coordination mechanisms.

Members of the National Referral Mechanism and those of the Responsible Authority coordinate and exchange information with all the state and non-state stakeholders involved in the process of identification, referral and protection of the victims and potential victims of trafficking.

For 2016, state institutions identified and referred for protection 80 VoT/PvoT-s , while 12 VoT-s/PvoT are identified and referred from non state structures and 3 VoT/PvoT-s were self identified. To be highlighted is the fact that 1 VoT is identified for the Consular Service of the Ministry of Foreign Affairs.

- providing the necessary funding enabling the regional mobile teams to be reactivated and new ones created to cover the whole territory of the country:

Based on the Cooperation Agreement between the Ministry of Internal Affairs, Ministry of the Social Welfare and Youth and the Ministry of Education and Sport, as well as on the Action Plan "For the identification and protection of the children in street situation" (2015 – 2017) municipalities have compiled and adopted local action plans for the protection of children from exploitation and forced labour. By the end of 2016, 26 field units were active in the territory playing a key role in the identification of children potential victims of trafficking.

These field units, during January 2016 – April 2017 identified 583 children in street situation out of which 2 were identified as victims of trafficking and 5 were potential victims of trafficking.

For a better implementation of the Agreement, the National Anti-trafficking Coordinator in close cooperation with the State Police, Tirana Municipality and the State Agency for Protection and the Rights of the Children, during March – May 2017, organized common meetings to identify and address problems appeared in practice.

- increasing efforts to proactively detect victims of trafficking for the purpose of labour exploitation:

Pursuant to the MOU between the National Anti-trafficking Coordinator, General Directorate of the State Police and State Labour Inspectorate and Social Services “For the identification of cases of forced labour and trafficking for the exploitation of others job” (signed in 2014), central and local working groups have been established. During 2016 several meetings have been organized as well common operations have been conducted between the State Police and State Labour Inspectorate and Social Services in Call Centre-s, SPA and night clubs.

- provide adequate funding for the assistance to victims of trafficking in order to enable NGOs to comply with the standards of assistance:

During 2015, 12 social workers of the NGO run shelters (Vatra and Another Vision shelters) were paid by state budget, while for 2016 there was an increase, 24 social workers in total were paid by state budget (“Different and Equal”, “Vatra” and “Another Vision”).

In 2016 the state fund allocated to NGO run shelters was as follows:

- “Vatra” shelter 7 635 367 ALL,
- “Another Vision” 6 769 002 ALL,
- “Different and Equal” 6 473 439 ALL.

- improve the identification of child victims of trafficking, in particular by:
  - reinforcing the proactive identification of child victims of trafficking, particularly among children in street situation;

Refer to *“providing the necessary funding enabling the regional mobile teams to be reactivated and new ones created to cover the whole territory of the country”*:

- urgently initiating consultations with destination countries with a view to putting into place effective mechanisms for identifying children at risk to be re-trafficked, effective reporting on such cases to the consular or diplomatic missions of Albania, and the provision of adequate assistance and protection:

Pursuant to the additional protocols respectively with the Republic of Kosovo and with Montenegro, “On intensifying cooperation to combat trafficking in persons and for the improvement of identification, notification, and assisted voluntary return of the victims/potential victims of trafficking, especially children”, the National Anti-trafficking Coordinators of Albania, Montenegro and Kosovo, after several consultative meetings during 2016, adopted unified

forms for the identification, referral, assisted voluntary return and protection of VoT/PVoT-s with a special focus on the protection of children in the move.

Moreover, pursuant to the MOU between the State Secretary for the Internal Department of the United Kingdom and the Ministry of Internal Affairs for the Republic of Albania "On intensifying cooperation to combat trafficking in human beings, for the improvement of identification, notification, referral and assisted voluntary return of VoT/PVoT-s" a number of meetings have been organized with the respective authorities to address problems in the application of the MOU.

- reviewing the application of the guardianship system for child victims of trafficking and paying increased attention to children who are trafficked by their parents or other family members:

Law no 9062 date 08.05.2003 "Code of Family" provides legal dispositions on the guardianship for minors (article 263) for foster family (article 266) and guardianship in care institutions (article 271).

- ensuring that there is a shelter providing adapted services for child victims of human trafficking above 16 years of age, in line with the best interests of the child:

There are four shelters, one is the state run shelter and three NGO run shelters that offer services for VoT/PVoT-s. One of the shelters (Another Vision shelter) offers specialized services only for minors while the others assist adult and minors from 14- 18 years of age.

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

The Office of the National Anti-trafficking Coordinator have sent to the Ministry of Justice proposals for some amendments in the Criminal Code and Criminal Procedural Code that aim improvement of the dispositions that deal with human trafficking, access of the victims in the justice system where compensation is included.

For 2016, pursuant to the Anti-Mafia Law, National Reception Centre for Victims of Trafficking received a fund of 2,2 million ALL; the NGO run shelter "Different and Equal" received 2.5 million ALL from the fund of sized criminal assets.

- ensure that human trafficking cases are investigated proactively, prosecuted successfully, and lead to effective, proportionate and dissuasive sanctions, including by:
  - identifying gaps in the investigation and prosecution of human trafficking cases;
  - sensitising prosecutors and judges to the rights of victims of human trafficking and developing further their specialisation to deal with human trafficking cases and apply the provisions criminalising trafficking in human beings;
  - continuing to prosecute in disciplinary and criminal proceedings any police officer or official involved in cases of trafficking;

Pursuant to the MOU between the National Anti-trafficking Coordinator, State Police and General Prosecutor "For the establishment of the Task Force for integrated analyse of the non-initiated and dismissed case of human trafficking", the task force is established and is analysing a number of cases. They will come with a report and concrete recommendations to improve the investigation.

- ensure that full use is made of existing measures to protect victims of human trafficking from potential retaliation or intimidation before, during and after criminal proceedings.

Criminal legislation in power, the National Strategy against Trafficking in Persons and the Action Plan 2014-2017 (adopted with the DCM no. 814, date 26.11.2014), and the SOP-s foresee objectives and measures to protect and assist victims of trafficking, before, during and after penal process until reintegration.

4. Recommends that the Government of Albania takes measures to implement the further conclusions of GRETA's second evaluation report.

5. Invites the Government of Albania to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.

The Ministry of Internal Affairs/ National Anti-Trafficking Coordinator are committed to translate the GRETA recommendations in working plans and activities in protection, assistance and reintegration of victims and potential victims of trafficking.