



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

**Recommendation CP/Rec(2020)06  
on the implementation of the Council of Europe Convention  
on Action against Trafficking in Human Beings  
by Albania**

*adopted at the 27th meeting of the Committee of the Parties  
on 4 December 2020*

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

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

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

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

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

Recalling Committee of the Parties' Recommendation CP(2016)1 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Albania and the report of the Albanian authorities on measures taken to comply with this recommendation, submitted on 13 June 2017;

Having examined the third report concerning the implementation of the Convention by Albania, adopted by GRETA at its 37th meeting (29 June – 3 July 2020), as well as the comments of the Albanian Government received on 3 December 2020;

Bearing in mind the focus of the third evaluation round of the Convention on access to justice and effective remedies for victims of trafficking;

Considering the conclusions and proposals contained in chapter V of GRETA's third report on follow-up topics specific to Albania;

Welcoming the measures taken and progress achieved by the Albanian authorities in implementing the Convention, and in particular:

- the legislative amendments strengthening the rights and position of victims of criminal offences and foreseeing special rights for child victims, victims of sexual abuse and victims of human trafficking;
- the adoption of the National Action Plan for Combating Trafficking in Human Beings 2018-2020, the implementation of which is supported by a dedicated budget;

- the existence of a specialised unit to deal with the investigation of human trafficking offences within the Criminal Police Department, as well as the setting up of the Special Prosecution Office against Corruption and Organised Crime;
- the revision of the Standard Operating Procedures related to the implementation of the National Referral Mechanism (NRM);
- the efforts made in improving the proactive approach to victim identification through the setting up of mobile units which visit places where there are risks of trafficking;
- the active engagement in international co-operation in the fight against trafficking in human beings (THB).

A. Recommends that the Government of Albania take measures to address the following issues for immediate action<sup>1</sup> identified in GRETA's report:

1. strengthen efforts to facilitate and guarantee access to justice for victims of THB by ensuring that they receive specialised legal assistance and free legal aid at an early stage. A specialised lawyer should be appointed as soon as there are reasonable grounds for believing that a person is a victim of human trafficking, before the person concerned has to decide whether or not to co-operate with the authorities and/or make an official statement. Accredited training should be provided to lawyers representing victims of THB (paragraph 54);
2. make efforts to facilitate and guarantee access to compensation for victims of THB, both from perpetrators and the State, in particular by:
  - ensuring that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim, is part of the criminal investigations with a view to supporting future compensation claims;
  - making full use of the legislation on the freezing and forfeiture of assets to secure compensation for victims of THB.
  - building the capacity of lawyers to support victims in claiming compensation;
  - encouraging prosecutors and judges to use all the possibilities the law offers them to uphold victims' compensation claims;
  - using the special fund for the compensation of victims of trafficking;
  - relieving the victims of responsibility of paying taxes for the execution of compensation order (paragraph 74);
3. take additional measures to ensure that THB cases are investigated proactively, prosecuted effectively, and lead to effective, proportionate and dissuasive sanctions, in particular by:
  - investigating THB cases regardless of whether a complaint regarding the crime has been submitted or not, making use of special investigation techniques in order to gather evidence, and not having to exclusively rely on testimony by victims;
  - strengthening the conduct of financial investigations in THB cases;
  - providing training and encouraging the specialisation of prosecutors and judges to deal with human trafficking cases and to ensure that they are not re-qualified as other offences which carry lighter penalties;
  - ensuring that THB prosecutions lead to effective, proportionate and dissuasive sanctions;

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<sup>1</sup> The number of the paragraph setting out GRETA's proposals in the report is indicated in brackets.

- ensuring that the length of court proceedings is reasonable, in line with the case-law of the European Court of Human Rights (Article 6 §1) and the standards set by the European Commission for the Efficiency of Justice (CEPEJ) (paragraph 89);
4. increase efforts to proactively detect victims of trafficking for the purpose of labour exploitation, including by training labour inspectors and other relevant professionals (paragraph 145);
  5. take further steps to improve the identification of victims of trafficking, in particular by:
    - ensuring that the identification of presumed victims of THB is not influenced by their capacity or willingness to co-operate in any criminal investigation;
    - paying increased attention to detecting victims of trafficking amongst asylum seekers and migrants, including persons placed in immigration detention centres. In this context, training on the identification of victims of trafficking should be provided to border and migration police officers, customs officers, asylum officials, and staff of reception centres and immigration detention centres, including medical staff;
    - systematically informing asylum seekers, in a language they can understand, about their rights in the framework of the asylum procedure, and the legal rights and the services available to victims of trafficking;
    - ensuring that risk assessments prior to any forced removals from Albania fully assess risks of trafficking or re-trafficking on return, in compliance with the obligation of *non-refoulement* (paragraph 166);
  6. strengthen the provision of assistance to victims of trafficking, in particular by:
    - providing adequate funding for assistance to victims of trafficking in order to enable NGOs to comply with the required standards;
    - providing shelter, accommodation and access to other services to male victims of THB;
    - facilitating the reintegration of victims of THB, by providing them with vocational training and access to the labour market, and by strengthening the capacity and resources of the social services responsible for assisting in their integration (paragraph 169).

B. Recommends that the Albanian authorities take measures to implement the other proposals for action listed in Appendix 1 of GRETA's third evaluation report.

C. Requests the Government of Albania to report to the Committee of the Parties on the measures taken to comply with this recommendation by **4 December 2022**.

D. 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.