



# EVALUATION REPORT

## ALBANIA

### Third evaluation round

#### **GRETA**

Group of Experts  
on Action against  
Trafficking  
in Human Beings

Access to justice  
and effective remedies  
for victims of trafficking  
in human beings

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## Executive summary

Since the second evaluation round of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, Albanian legislation has been amended to strengthen the rights and position of victims of criminal offences. The National Action Plan for Combating Trafficking in Human Beings 2018-2020 contains activities intended to improve the identification, protection and reintegration of victims and is supported by a dedicated budget. Further, the Standard Operating Procedures for the identification and referral to assistance of victims of trafficking were updated in 2018. A Victim Advisory Board was set up by the Office of the National Anti-Trafficking Co-ordinator (ONAC), involving survivors of human trafficking.

Albania remains primarily a country of origin for victims of human trafficking. The vast majority of victims identified in the period 2015-2019 were Albanian women and girls trafficked abroad for the purpose of sexual exploitation. Traffickers increasingly use social networks to recruit victims through fake job offers. The number of victims of internal trafficking has been on the rise, in particular as regards children trafficked for the purpose of sexual exploitation and exploitation of begging. Children from the Roma and Egyptian communities are at a heightened risk of being trafficked. Despite Albania has become a transit country for refugees and other migrants since 2017, no victims of human trafficking have been identified among asylum seekers.

The focus of the third evaluation round of the Convention being on trafficking victims' access to justice and effective remedies, the report analyses in detail the implementation of provisions of the Convention establishing substantive and procedural obligations relevant to this topic.

Pursuant to the 2017 amendments to the Code of Criminal Procedure, among the primary rights of victims of criminal offences is the right to information with a view to ensuring access to the criminal process. GRETA considers that all professionals who are in contact with victims of trafficking must be trained on how to provide information on rights to traumatised victims who may have difficulties in adequately understanding and analysing the information before taking a decision.

Law No. 1112017 "On Granting State-Guaranteed Legal Aid" included victims of human trafficking among the beneficiaries of legal aid regardless of their legal status or type of exploitation. However, there is a lack of lawyers specialised to represent victims of trafficking. GRETA urges the Albanian authorities to strengthen their efforts to facilitate and guarantee access to justice for victims of human trafficking by ensuring that they receive specialised legal assistance and free legal aid at an early stage. Accredited training should be provided to lawyers representing victims of human trafficking.

The National Reception Centre for Victims of Trafficking received funding for the implementation of a project aimed at providing educational and occupational activities to victims of trafficking and social ventures were set up to give employment opportunities to trafficked women and girls. While welcoming these measures, GRETA considers that the Albanian authorities should strengthen effective access to the labour market for victims of trafficking and their economic and social inclusion.

Victims of trafficking can claim compensation for damages as a civil claimant in criminal proceedings, as well as in a separate civil procedure. In the reporting period, there has been only one criminal court decision on compensation of a victim of trafficking, but the perpetrator appealed. The adoption of Law No. 34/2019 "On Administration of Seized and Confiscated Assets" aims to improve the administration of seized and confiscated assets and the compensation of crime victims through the creation of a special compensation fund. However, there is still no functioning state compensation scheme available to victims of trafficking. GRETA urges the Albanian authorities to make efforts to facilitate and guarantee victims' access to compensation, in particular by ensuring that the collection of evidence about the harm the victim has suffered is part of the criminal investigations and by making full use of the legislation on the freezing and forfeiture of assets to secure compensation for victims of human trafficking.

GRETA is concerned by the low number of convictions for human trafficking and urges the Albanian authorities to take additional measures to ensure that human trafficking cases are investigated proactively, regardless of whether a complaint regarding the crime has been submitted, and making use of special investigation techniques and financial investigations in order to gather evidence. The authorities must provide training and encourage the specialisation of prosecutors and judges to deal with human trafficking cases, ensuring that they are not re-qualified as other offences which carry lighter penalties, and that they lead to effective, proportionate and dissuasive sanctions.

GRETA welcomes the existence of a specialised unit for investigating cases of human trafficking within the Criminal Police Department, as well as the setting up of the Special Prosecution Office against Corruption and Organised Crime. However, GRETA is concerned that prosecutors at First Instance Prosecutor's Offices lack training and specialisation to deal with trafficking cases, the majority of which will fall within their jurisdiction, with consequent weakening of the criminal justice response to human trafficking. GRETA considers that the Albanian authorities should ensure that there are specialised prosecutors trained to deal with human trafficking cases, as well as encouraging the training a specialisation of judges.

Albanian legislation contains a specific non-punishment provision. However, GRETA was informed of cases of women who were possible victims of trafficking, but were not identified as such and were convicted for engaging in prostitution. GRETA considers that the Albanian authorities should continue to ensure the application of the non-punishment principle in practice.

The protection of victims and witnesses of human trafficking is guaranteed by provisions in the Code of Criminal Procedure, including the right to be heard through audio-visual means, as well as the availability of a witness protection programme. GRETA considers that the Albanian authorities should take additional steps to ensure that victims and witnesses of trafficking, as well as their family members, are provided with effective and appropriate protection from potential retaliation or intimidation.

GRETA welcomes legislative amendments with respect to protection measures for child victims, including amendments to the Juvenile Justice Code and Law 18/2017 "On the Rights and Protection of the Child", and considers that the Albanian authorities should ensure that child victims of human trafficking are afforded special protection measures in practice, including in the context of interviews with respect to the competencies of the professionals present and the environment in which the interviews are conducted.

Taking note of reports of continuous discrimination against women and girls belonging to disadvantaged or marginalised groups, GRETA considers that the Albanian authorities should promote a gender-responsive approach to access to justice for victims of human trafficking, including through gender mainstreaming and training, and to adopt a gender-sensitive approach in the system for the identification of victims.

The report also examines progress made on the implementation of previous GRETA recommendations on selected topics. GRETA is concerned by the low number of identifications and prosecutions of human trafficking for the purpose of labour exploitation and urges the Albanian authorities to increase their efforts to proactively detect victims in this context, including by training labour inspectors and other relevant professionals. Further, GRETA considers that the Albanian authorities should strengthen their efforts in the area of prevention of child trafficking, sensitising and training child protection professionals across the country, and paying increased attention to the link between human trafficking in children and the use of ICT.

GRETA welcomes the efforts made in improving the proactive approach to identification through the setting up of mobile units in three regions of the country. However, GRETA urges the Albanian authorities to take further steps to improve identification of victims of human trafficking by ensuring that the identification of presumed victims of trafficking is not influenced by their capacity or willingness to co-operate in the criminal investigation, and by paying increased attention to detecting victims of trafficking amongst asylum seekers and migrants, including persons placed in immigration detention centres. The authorities must also provide adequate funding for assistance to victims of trafficking, including male victims.

## Preamble

The Group of Experts on Action against Trafficking in Human Beings (GRETA) was established pursuant to Article 36 of the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention"), which entered into force on 1 February 2008. GRETA is responsible for monitoring the implementation of the Convention by the parties and for drawing up reports evaluating the measures taken by each party.

In accordance with Article 38, paragraph 1, of the Convention, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions of the Convention on which the evaluation procedure is based.

The first round of monitoring of the Convention provided an overview of its implementation by State Parties. The second evaluation round of the Convention examined the impact of legislative, policy and practical measures on the prevention of trafficking in human beings, the protection of the rights of victims of trafficking, and the prosecution of traffickers, paying particular attention to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking.

GRETA has decided that the third evaluation round of the Convention will focus on trafficking victims' access to justice and effective remedies, which is essential for victims' rehabilitation and reinstatement of rights and reflects a victim-centred and human-rights based approach to the fight against human trafficking. A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic, in particular articles 12, 15, 23, 26, 27, 28, 29, 30 and 32.

Access to justice and effective remedies is contingent on the fulfilment of a number of preconditions, including prompt and accurate identification of victims of trafficking, the provision of a recovery and reflection period, the availability of material, psychological, medical and legal assistance, access to translation and interpretation, when appropriate, regularisation of the victim's stay, the right to seek and enjoy asylum, and full respect for the principle of *non-refoulement*. These preconditions, corresponding to various provisions of the Convention, have been examined at length during the first and second evaluation rounds of monitoring of the Convention. Consequently, GRETA has decided to ask each State Party for an update on the implementation of GRETA's previous recommendations on selected topics through a separate country-specific part of the questionnaire. GRETA's findings and analysis of these topics are presented in a separate chapter.

## I. Introduction

1. The Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”) entered into force for Albania on 1 February 2008. GRETA’s first evaluation report<sup>1</sup> on Albania was published on 2 December 2011, and the second evaluation report<sup>2</sup> on 3 June 2016.
2. On the basis of GRETA’s second report, on 23 May 2016 the Committee of the Parties to the Convention adopted a recommendation to the Albanian authorities, requesting them to inform the Committee within a one-year period of measures taken to comply with the recommendation. The report submitted by the Albanian authorities was considered at the 21st meeting of the Committee of the Parties (13 October 2017), and was made public.<sup>3</sup> Subsequently, on 9 February 2018, the Albanian authorities submitted additional information as a follow-up to their report sent in reply to the Committee of the Parties’ recommendation.
3. On 20 February 2019, GRETA launched the third round of evaluation of the Convention in respect of Albania by sending the questionnaire for this round to the Albanian authorities. The deadline for submitting the reply to the questionnaire was 20 June 2019 and the authorities’ reply was received on 20 June 2019.<sup>4</sup>
4. In preparation of the present report, GRETA used the reply to the third-round questionnaire by the Albanian authorities, the above-mentioned report and additional information submitted by them in reply to the Committee of the Parties’ recommendation, and information received from civil society. An evaluation visit to Albania took place from 23 to 27 September 2019 in order to hold meetings with relevant governmental and non-governmental actors, collect additional information and examine the practical implementation of adopted measures. The visit was carried out by a delegation composed of:
  - Mr Mihai Șerban, member of GRETA;
  - Ms Dorothea Winkler, member of GRETA;
  - Ms Evgenia Giakoumopoulou, Administrator in the Secretariat of the Convention.
5. During the visit, the GRETA delegation met Ms Rovena Voda, Deputy Minister of the Interior and National Co-ordinator for the Fight against Trafficking in Human Beings, and officials from relevant ministries and agencies, in particular the Office of the National Anti-Trafficking Co-ordinator, the Directorate against Narcotics and Illicit Trafficking, the Directorate of Economic and Financial Crime, the Directorate for the Protection of Witnesses and Justice Collaborators, the Department for Border and Migration, the State Social Services, the State Agency for the Rights and Protection of Children, and the State Labour Inspectorate. In addition, meetings were held with representatives of the General Prosecutor’s Office, the Serious Crimes Prosecutor’s Office, the First Instance Court for Serious Crimes, the Agency for the Administration of Sequestered or Confiscated Assets, and the School of Magistrates. The delegation also met with Ms Erinda Ballanca, Ombudsperson.
6. Further, the GRETA delegation met Mr Zenel Kuçana, Head of the District of Kukës, and members of the Regional Anti-Trafficking Committee and the Anti-Trafficking Technical Roundtable of Kukës, including representatives of the local police, border police, social services and child protection services.

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<sup>1</sup> [GRETA\(2011\)22, 1st evaluation report of GRETA on Albania](#)

<sup>2</sup> [GRETA\(2016\)6, 2nd evaluation report of GRETA on Albania](#)

<sup>3</sup> [CP\(2017\)14, Report submitted by the Albanian authorities on measures taken to comply with Committee of the Parties Recommendation CP\(2016\)1](#)

<sup>4</sup> <https://rm.coe.int/greta-2018-26-alb-rep-en/168097fa81>

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7. During the visit, the GRETA delegation met representatives of non-governmental organisations, as well as lawyers representing victims of trafficking. Discussions were also held with representatives of the International Labour Organization (ILO), the International Organization for Migration (IOM), the Organization for Security and Co-operation in Europe (OSCE) and the United Nations High Commissioner for Refugees (UNHCR).
  8. In the course of the visit, the GRETA delegation visited the National Reception Centre for Victims of Trafficking and the National Reception Centre for Asylum Seekers in Tirana, as well as a NGO-run community centre in Kukës.
  9. The list of the national authorities, NGOs and other organisations with which the delegation held consultations is set out in the appendix to this report. GRETA is grateful for the information provided by them.
  10. GRETA wishes to place on record the co-operation provided by the Albanian authorities and in particular by Ms Rovena Voda, Deputy Minister of the Interior, National Co-ordinator for the Fight against Trafficking in Human Beings, and Ms Julia Done, Director of Antitrafficking and Migration, Ministry of Interior.
  11. The draft version of the present report was approved by GRETA at its 37th meeting (29 June to 3 July 2020) and was submitted to the Albanian authorities for comments. The authorities' comments were received on 14 September 2020 and were taken into account by GRETA when adopting the final report. The report covers the situation up to 9 October 2020; developments since that date are not taken into account in the following analysis and conclusions. GRETA's conclusions and proposals for action are summarised in Appendix 1.



## II. Overview of the current situation and trends in the area of trafficking in human beings in Albania

12. Albania is primarily a source country for victims of trafficking in human beings (THB), but also to some extent a country of destination. According to statistical information provided by the Office of the National Anti-trafficking Co-ordinator (ONAC), the number of victims of THB per year was as follows: 109 in 2015 (71 presumed and 38 identified victims),<sup>5</sup> including 48 children; 95 in 2016 (62 presumed and 33 identified victims), including 44 children; 105 in 2017 (79 presumed and 26 identified victims), including 56 children; 95 in 2018 (93 presumed and two identified victims), including 67 children; and 103 in 2019, including 67 children.<sup>6</sup> The majority of the victims were women and girls trafficked for the purpose of sexual exploitation, but there were also victims of trafficking for the purpose of forced begging, forced criminality and forced marriage. The vast majority of the victims were Albanian citizens exploited abroad, mainly in Western Europe (Belgium, Germany, Italy, Switzerland, Norway, the Netherlands, United Kingdom) and neighbouring countries (Kosovo\*, Greece, North Macedonia). There were four foreign nationals identified as victims in 2015, eight in 2016, nine in 2017, one in 2018, and six in 2019.<sup>7</sup> The number of victims of internal trafficking has been on the rise, notably as regards children trafficked for the purpose of sexual exploitation and exploitation of begging during the tourist season.<sup>8</sup> There were 105 cases of internal trafficking in 2015, 94 in 2016, 102 in 2017, 89 in 2018, and 93 in 2019.

13. The proportion of child victims of trafficking remains high (around 48%). Children are mainly exploited in begging by their parents or close relatives, or trafficked for the purpose of committing criminal activities, including work on cannabis farms in Albania. Children from the Roma and Egyptian<sup>9</sup> communities are particularly vulnerable to trafficking and exploitation. There has been an increase in the number of Albanian children subjected to forced labour in Kosovo\* and the UK. Some Albanian children who travelled with their parents to the Netherlands, France and Germany were reportedly left there unaccompanied and vulnerable to exploitation.<sup>10</sup>

14. Traffickers increasingly use social networks, such as Facebook, Instagram or Snapchat, to recruit victims through fake job offers, abusing their position of vulnerability. Traffickers are generally Albanian citizens, who often form intimate relationships with the victims, exploiting their emotional attachment, but sometimes also resort to physical and psychological violence.

15. Since 2017, Albania has become a transit country for refugees and migrants following the Southern Balkan route. According to UNHCR, in 2018, there was a five-fold increase in arrivals (5,730) and a 14-time increase in asylum requests (4,378).<sup>11</sup> However, only an estimated 1% of asylum seekers remain in Albania. No victims of THB have been identified among asylum seekers.

<sup>5</sup> The distinction between presumed victims and victims of human trafficking corresponds to the initial and formal identification as part of the National Referral Mechanism, see GRETA(2016)6, Second evaluation report on Albania, paragraph 90.

<sup>6</sup> By way of comparison, in the period covered by the previous GRETA report, there were 97 victims in 2010, 84 in 2011, 92 in 2012, 95 in 2013, and 125 in 2015.

\* 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.

<sup>7</sup> The victims originated from Afghanistan, Philippines, North Macedonia, Kosovo\*, Belarus, Republic of Moldova, Italy, Nigeria, Romania.

<sup>8</sup> See GRETA's second report on Albania, paragraph 14.

<sup>9</sup> The "Egyptians" are an Albanian-speaking community living in Albania whose members define themselves by their ethnic origin and historical roots as descendants of Egyptians, their traditions and cultural heritage. This group, comparable to Roma in certain respects, wishes to be recognised as an ethnic group distinct from Roma (see Advisory Committee of the Framework Convention for the Protection of National Minorities, Second opinion on Albania, 2008, paragraphs 41-46).

<sup>10</sup> Report by Dunja Mijatović, Commissioner for Human Rights of the Council of Europe, following her visit to Albania from 21 to 25 May 2018.

<sup>11</sup> 45% of arrivals (2,552) and 48% of asylum-seekers (2,114) were from Syria, followed by Pakistan, Iraq, Palestine and Algeria.

### **III. Developments in the institutional and policy framework for action against human trafficking**

16. Since the second evaluation by GRETA, a number of laws and implementing regulations have been adopted or amended, notably in the context of the judicial reform process, in particular Law No. 97/2016 on the Organisation and Functioning of the Prosecutor's Office,<sup>12</sup> Law No. 37/2017 on the Criminal Justice Code for Juveniles, Law No. 18/2017 on the Rights and Protection of the Child,<sup>13</sup> Law No. 111/2017 on Granting State Guaranteed Legal Aid,<sup>14</sup> Law No. 70/2017 amending Law No. 10192 "On the prevention and fight against organised crime and trafficking through preventive measures against property", as well as Law No. 35/2017 amending the Criminal Procedure Code (CPC). As regards the latter, the rights and position of victims of criminal offences have been strengthened, in particular through the addition of Article 9/a, which provides for the obligation to involve victims as parties to criminal proceedings. Further, Article 58 of the CPC was reformulated and Articles 58/a and 58/b were added, foreseeing special rights for child victims, victims of sexual abuse and victims of human trafficking (see paragraph 96). Moreover, Article 340 of the CPC provides for closed-door court hearings when it is necessary to protect witnesses (for more details, see paragraph 96).

17. In addition, Law No. 13/2020 "On some changes and additions to Law No. 108/2013 on Foreigners" has been approved. The authorities were in the process of amending Council of Ministers Decision No. 85 of 12 February 2014 "On defining the criteria, documentation and procedure for issuing, refusing and revoking a work permit, intra-company transfers of type A/TN".

18. The Standard Operating Procedures (SOPs) related to the implementation of the National Referral Mechanism (NRM), in force since 2011, were revised and approved by Council of Ministers Decision No. 499 of 29 August 2018. The purpose of the SOPs is to ensure the identification and referral of victims of trafficking, for different types of exploitation, whether or not linked to organised crime. In 2018, two new members representing civil society were added to the NRM: the Mary Ward Loreto Foundation and Terre des Hommes.

19. The institutional framework related to action against THB has remained mostly unchanged. The National Anti-Trafficking Coordinator is a Deputy Minister of the Interior and is supported by the Office of the National Anti-Trafficking Co-ordinator (ONAC).

20. The State Committee for the Fight against Trafficking in Human Beings continues to co-ordinate anti-trafficking policy. It is chaired by the Minister of the Interior and comprises the Deputy Ministers of the Interior, Education and Sport, Social Welfare and Youth, Foreign Affairs, Health, Justice, Finance, Economic Development, Trade and Enterprise, Energy and Industry, Defence, and European Integration, as well as the State Police, the General Prosecutor's Office, and the State Intelligence Service. Representatives from the Shelters Coalition and civil society partners are invited to participate in the State Committee's meetings.

21. Regional Anti-Trafficking Committees operate in the country's 12 regions. During the reporting period, they were active in addressing THB issues, through local action plans. The delegation met with the Kukes Regional Anti-Trafficking Committee, which meets every three months, and is assisted by an expert roundtable.

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<sup>12</sup> The necessary by-laws have been adopted and are being implemented, including General Instruction No. 6 of 20 November 2018 on Property Investigation, Sequestration and Confiscation of Proceeds of Criminal Offences and General Instruction No. 5 of 26 October 2018 on Guaranteeing Assistance to Victims and Witnesses of Criminal Offences".

<sup>13</sup> This law entered into force in June 2017, and all 18 bylaws pursuant to this law have been approved.

<sup>14</sup> This law entered into force on 1 June 2018; two bylaws are still expected to be adopted.

22. The National Action Plan for Combating Trafficking in Human Beings 2018-2020 was adopted in 2018. It contains activities intended to improve the identification, protection and reintegration of trafficking victims. The government has allocated a budget of 488.9 million ALL (approximately 3.9 million Euros) for the implementation of these activities. According to the breakdown of the budget provided by the authorities, 87.1% of the activities are funded by the State budget; 157 million ALL were allocated in 2018, 165,6 million ALL in 2019, and 166,2 million ALL in 2020.

23. The implementation of the National Action Plan is monitored by the State Committee via the National Anti-Trafficking Co-ordinator. The ONAC has sent a letter to all institutions responsible for activities under the National Action Plan, requesting their input on the implementation of activities, and at the time of writing, ONAC was in the process of drafting a monitoring report on the implementation of the National Action Plan.

24. GRETA notes that Article 29 of the Convention makes a clear distinction between National Co-ordination and National Rapporteur. In GRETA's view, the key features of National Rapporteurs' mechanisms in the sense of Article 29, paragraph 4, of the Convention,<sup>15</sup> should be the ability to critically monitor the efforts and effectiveness of all state institutions, including national co-ordinators, and to that end maintain a constant exchange with civil society, the research community and other relevant stakeholders. The human rights-based approach to anti-trafficking policies advocated by the Convention requires adequate monitoring and evaluation. A structural separation between monitoring and executive functions promotes an objective evaluation of the implementation of anti-human trafficking legislation, policy and activities, identification of lacunae and shortcomings, and the formulation of comprehensive legal and policy recommendations.<sup>16</sup> In order to ensure effective monitoring of anti-trafficking activities, within the framework of the Balkans Act Now-BAN II regional project, funded by the European Union, the Ministry of the Interior, in co-operation with the Centre for Legal Civic Initiatives (CLCI), held several meetings in 2019 to advocate for the establishment of the institution of National Rapporteur. During a meeting held on 10-11 September 2020, the National Rapporteur of the Netherlands participated in an exchange of good practices. **GRETA welcomes the steps taken and considers that the Albanian authorities should pursue their efforts towards establishing an independent National Rapporteur or designate another mechanism as an independent organisational entity with a view to ensuring effective monitoring of the anti-trafficking activities of state institutions and making recommendations to persons and institutions concerned.**

25. GRETA was informed that following the second evaluation, a Victim Advisory Board was set up by the ONAC,<sup>17</sup> involving survivors of THB who provide input on the design of awareness-raising campaigns. The Board consists of three survivors of THB who meet periodically and make recommendations, for example concerning the design of awareness-raising campaigns, police interviews of victims, and the treatment of victims during court proceedings. Members of the Victim Advisory Board contribute on a voluntary basis, but are reimbursed for any costs incurred.

<sup>15</sup> "Each Party shall consider appointing National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements."

<sup>16</sup> In this context, see also the Summary report on the Consultative Meeting on Strengthening Partnerships with National Rapporteurs on Trafficking in Persons and Equivalent Mechanisms organised by the UN Special Rapporteur on trafficking in persons, especially women and children, in Berlin, 23-24 May 2013.

<sup>17</sup> An agreement was signed between the ONAC and the National Coalition of Anti-Trafficking Shelters "On the establishment and functioning of the Victim Advisory Board" to regulate the Board and to establish and operate a comprehensive counselling mechanism with an active role of victims of trafficking.

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26. Albania has been undergoing a comprehensive judicial reform initiated in 2014 aimed at strengthening the judicial system's independence, increasing the system's effectiveness and the public trust in justice. The judicial reform has involved the comprehensive transitional re-evaluation of all judges and prosecutors (vetting), with a view to fighting corruption in the judiciary (see also paragraph 139). This included the establishment of the Special Anti-Corruption and Organised Crime Structure (SPAK), composed of a Special Prosecution Office (SPO) and the National Bureau of Investigations (NBI). The Anti-Corruption and Organised Crime Courts have also been established. Law No. 12/2018 extended the vetting process to the State Police. The Service for Internal Affairs and Complaints will conduct the vetting process for entities outside the competence of the External Evaluation Commission.

27. GRETA further takes note of the increased responsibilities of the State Agency for the Rights and Protection of the Child, which operates under the Ministry of Health and Social Protection in accordance with Law No. 18/2017 on the Rights and Protection of the Child. This agency is responsible for children placed under protection, which means that all child victims of trafficking and children at risk of being victims of trafficking must be referred to it. The agency is responsible for co-ordinating all stakeholders involved in child protection, including monitoring of staff and the rehabilitation of children (see also paragraph 149).

## IV. Access to justice and effective remedies for victims of human trafficking

### 1. Introduction

28. Victims of human trafficking, by virtue of their status as victims of crime and victims of human rights violations, have the right to access to justice and effective remedies for any harm committed against them. These rights must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of parties to the Convention, irrespective of their immigration status or presence on the national territory, and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

29. The right to effective remedies is a reflection of the human-rights based approach underpinning the Convention. Regardless of whether a State is implicated in the trafficking or directly responsible for the harm, the positive obligations arising from international human rights law require States to facilitate and guarantee effective access to remedies if they have failed to take reasonable steps to prevent human trafficking, protect potential or actual victims of trafficking, and effectively investigate trafficking offences.<sup>18</sup>

30. According to the Basic Principles on the Right to an Effective Remedy for Victims of Trafficking in Persons,<sup>19</sup> the right to an effective remedy is considered to include restitution,<sup>20</sup> compensation,<sup>21</sup> rehabilitation,<sup>22</sup> satisfaction<sup>23</sup> and guarantees of non-repetition.<sup>24</sup> All victims of trafficking require access to appropriate and effective remedies, starting with access to justice. The provision of effective remedies serves multiple purposes. The remedy of compensation, for instance, for any injury, loss or harm sustained, can provide critical support in victims' recovery and empowerment, help their social inclusion and prevent re-victimisation. The remedy of rehabilitation can similarly help in the victims' recovery and social inclusion. Of relevance in this respect is also the 1985 United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, which outlines the main steps to be taken to improve access to justice, and fair treatment, restitution, compensation and social assistance for victims of crime.<sup>25</sup>

<sup>18</sup> *Rantsev v. Cyprus and Russia*, application no. 25965/04, judgment of 7 January 2010; *L.E. v. Greece*, application No. 71545/12, judgment of 21 January 2016; *Chowdury and Others v. Greece*, application No. 21884/15, judgement 30 March 2017; *S.M. v. Croatia*, application No. 60561/14, Grand Chamber judgment 25 June 2020.

<sup>19</sup> UN General Assembly, Basic principles on the right to an effective remedy for victims of trafficking in persons, Annex to the Report by the Special Rapporteur on trafficking in persons, especially women and children, 28 July 2014, A/69/33797.

<sup>20</sup> Restitution includes restoration of liberty, including release of the victim from detention; enjoyment of human rights and family life, including reunification and contact with family members; safe and voluntary repatriation; temporary or permanent residence status, refugee status, complementary/subsidiary protection or third-country resettlement; recognition of the victim's legal identity and citizenship; restoration of the victim's employment; assistance and support to facilitate social integration or reintegration; return of property, such as identify and travel documents and other personal belongings.

<sup>21</sup> Compensation may cover damages for physical or mental harm; damages for lost opportunities, including employment, education and social benefits; reimbursement of costs of necessary transportation, child care or temporary housing; material damages and loss of earnings; moral or non-material damages; reimbursement of legal fees and other costs relating to the participation of the victim in the criminal justice process; reimbursement of costs incurred for legal, medical or other assistance.

<sup>22</sup> Rehabilitation includes medical and psychological care, legal and social services, shelter, counselling and linguistic support, independently of the capacity or willingness of the victims to co-operate in legal proceedings.

<sup>23</sup> Satisfaction includes effective measures aimed at the cessation of continuing violations; verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety, privacy and other interests of the victims of their families; an official declaration or a judicial decision restoring the dignity, reputation and rights of the victim; public apologies; judicial and administrative sanction against the perpetrators.

<sup>24</sup> Guarantees of non-repetition include ensuring the effective investigation, prosecution and sanctioning of traffickers; all measures necessary to protect victims from re-trafficking; providing or strengthening training of relevant officials; strengthening the independence of the judiciary; modifying practices that cause, sustain or promote tolerance to trafficking, including gender-based discrimination and situations of conflict and post-conflict; effectively addressing the root causes of trafficking; promoting codes of conduct and ethical norms for public and private actors; protecting legal, medical and other professionals and human rights defenders who assist victims.

<sup>25</sup> United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Adopted by General Assembly resolution 40/34 of 29 November 1985, available at: [https://www.unicef-irc.org/portfolios/documents/472\\_un-declaration-crime.htm](https://www.unicef-irc.org/portfolios/documents/472_un-declaration-crime.htm)

31. The Convention provides specifically for the substantive right of victims of trafficking to compensation and legal redress, as well as for a number of procedural rights necessary to ensure access to these entitlements. These include the rights to be identified as a victim of trafficking, to be granted a recovery and reflection period, as well as a residence permit (to enable a victim to remain in the country and seek access to remedies), and to receive counselling, information, legal assistance and free legal aid. Another important procedural right is provided by the non-punishment provision of the Convention (Article 26), according to which victims of human trafficking must not be imposed penalties for their involvement in unlawful activities committed while they were being trafficked. Further, the Convention requires State Parties to enable the seizure and confirmation of the assets of traffickers, which could be used to fund State compensation schemes for victims.

32. Children need special support to access remedies, the best interests of the child being the primary consideration in all actions concerning trafficked children. The appointment of legal guardians to represent unaccompanied or separated children plays a vital role in enabling child victims of trafficking to access justice and remedies. Further, facilitating family reunification can be an important element of restitution.<sup>26</sup>

33. Civil society, including NGOs, trade unions, diaspora organisations and employer organisations, plays a vital role in enabling victims of THB to claim compensation and other remedies.<sup>27</sup> In this context, reference should be made to the international projects COMP.ACT - European Action on Compensation for Trafficked Persons<sup>28</sup> and Justice at Last - European Action for Compensation of Victims of Crime,<sup>29</sup> which aim to enhance access to compensation for trafficked persons.

34. The private sector should also play a role in enabling access to, as well as providing, remedies for trafficked persons, in accordance with the UN 'Protect, Respect and Remedy' Framework and the United Nations Guiding Principles on Business and Human Rights.<sup>30</sup> The role of businesses includes steps to ensure that their supply chains are free of trafficked labour, as well as the adoption and implementation of measures to facilitate access to remedies for victims for any harm that occurs. Further, businesses have the potential to help trafficked persons regain economic autonomy.<sup>31</sup> States should therefore ensure that business enterprises implicated in human trafficking are held responsible, and take steps to reduce barriers that could lead to a denial of access to remedies.

35. Because human trafficking is often a transnational crime, effective international co-operation is essential for fulfilling the obligations with regard to the right to justice and effective remedies. This includes co-operation in tracing and seizing criminal assets, and in returning confiscated proceeds for the purpose of compensation.

## 2. Right to information (Articles 12 and 15)

36. Victims who are no longer under their traffickers' control generally find themselves in a position of great insecurity and vulnerability. Two common features of victims' situation are helplessness and submissiveness to the traffickers, due to fear and lack of information about how to address their situation. Article 12, paragraph 1, sub-paragraph d, of the Convention provides that victims are to be given counselling and information, in particular as regards their legal rights and the services available to them, in a language that they understand. Further, pursuant to Article 15, paragraph 1, of the Convention, Parties must ensure that victims have access, as from their first contact with the competent authorities, to information on relevant judicial and administrative proceedings, in a language they can understand.

<sup>26</sup> UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pp. 7-8. Available at: [http://icat.network/sites/default/files/publications/documents/Ebook%20ENG\\_0.pdf](http://icat.network/sites/default/files/publications/documents/Ebook%20ENG_0.pdf)

<sup>27</sup> OSCE Compensation for Trafficked and Exploited Persons in the OSCE Region, 2008, pp. 48-53.

<sup>28</sup> <http://www.compactproject.org/>

<sup>29</sup> <http://lastradainternational.org/about-lsi/projects/justice-at-last>

<sup>30</sup> United Nations Guiding Principles on Business and Human Rights, implementing the UN 'Protect, Respect and Remedy' Framework, Doc. A/HRC/17/31 (2011).

<sup>31</sup> UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pp. 8-9.

37. The information that victims of trafficking must be provided with deals with essential matters, including availability of protection and assistance arrangements, the various options open to the victim, the risks they run, the requirements for legalising their presence in the Party's territory, the various possible forms of legal redress, how the criminal-law system operates (including the consequences of an investigation or trial, the length of a trial, witnesses' duties, the possibilities of obtaining compensation from persons found guilty of offences or from other persons or entities, and the chances of a judgment being fully and effectively enforced). The information and counselling should enable victims to evaluate their situation and make an informed choice from the various possibilities open to them.<sup>32</sup>

38. Many victims do not speak, or barely speak, the language of the country they have been brought to for exploitation. Ignorance of the language adds to their isolation and is one of the factors preventing them from claiming their rights. The provision of translation and interpretation, where needed, is an essential measure for guaranteeing access to rights, which is a prerequisite for access to justice. GRETA has stressed the need for ensuring the availability, quality and independence of interpreters.<sup>33</sup>

39. According to the Albanian authorities, changes made to the CPC in 2017 in the context of the judicial reform have significantly improved the position of victims.<sup>34</sup> Pursuant to Article 58 of the CPC, among the primary rights of the victim of a criminal offence is the right to information, to ensure access to the criminal process. This right of the victim is related to the obligation of the prosecutor to make available the requested information, unless the principle of investigative secrecy is violated.<sup>35</sup>

40. In accordance with General Prosecutor's Instruction No. 5/2018, the role of the prosecutor includes providing the conditions for the effective exercise of the rights of the victims,<sup>36</sup> *inter alia*, the provision of information by the prosecutor, the investigator and/or the victim co-ordinator (see paragraph 95), regarding the rights guaranteed by the law.<sup>37</sup>

41. In addition, the amended CPC provides that the victim of a criminal offence has the right to seek, at any time, information on the state of the proceedings, to be acquainted with the acts and evidence, without prejudice to the principle of investigative secrecy, and to be informed of the arrest of the accused and their release.<sup>38</sup>

42. Article 58 of the CPC also provides for the right of victims to be assisted by an interpreter. General Prosecutor's Instruction No. 5/2018 contains a provision stipulating that a victim who does not know Albanian has the right to be informed about the conduct of the proceedings in a language he/she understands. The prosecutor or judicial police officer are responsible for assigning an interpreter and the costs are covered by the state.<sup>39</sup>

<sup>32</sup> See Explanatory Report on the Convention, paragraphs 160-162.

<sup>33</sup> See GRETA's 8th General Report.

<sup>34</sup> The victim of a criminal offence has the right to be informed about the arrest of the person suspected of committing the offence, as well as their release under any of the conditions set forth in the CPC. The victim also has the right to be informed about the conduct of the investigation and the trial. This right is also reflected in the other provisions of the CPC, in which the lawmaker has determined the obligation of the appropriate proceeding authority to notify the victim of the commencement, continuation and termination of the criminal proceeding. Thus, in Article 291, paragraph 2 the law provides for the obligation of the prosecutor to immediately notify the victim in case of non-initiation of the proceeding, while Article 326, paragraph 3, of the CPC provides for the obligation to notify the victim or the person who has made the denunciation, of the decision to suspend the investigation. Likewise, Article 328, paragraph 2, of the CPC provides for the obligation of the prosecutor to notify within five days the victim of the offence of the decision to dismiss the charge or the case. In addition, the court has the obligation to notify the victim of the criminal offence so that they may attend the preliminary hearing (Article 332/a) and the trial of the case (Article 333), and communicate the final decision when the victim is not present at the trial.

<sup>35</sup> This right is further detailed in Article 279a of the CPC, according to which the prosecutor may refuse information to the victim if the interest of preserving the secrecy of the investigation exceeds the victim's interest, the defendant's interest exceeds the victim's interest, or the victim has not yet been examined as a witness.

<sup>36</sup> Article 8 of the Instruction.

<sup>37</sup> Article 24 and 47 of the Instruction.

<sup>38</sup> Article 58 of the CPC, as amended.

<sup>39</sup> Article 8 of the CPC.

43. During the evaluation visit, the GRETA delegation was informed by staff of the reception centres for victims of THB visited that, in practice, information on rights is provided by the lawyers and social workers at the centres. Leaflets on the rights of victims of trafficking are available in several languages. The leaflets of the Reception Centre for Victims of THB are available only in hard copy, while the leaflets of the organisation "Different and Equal" are available online.<sup>40</sup>

**44. GRETA considers that the Albanian authorities should strengthen the capacity of law enforcement and relevant professionals to inform presumed victims and formally identified victims of trafficking regarding their rights, the services available and how to access them, as well as the implications of being identified as a victim of trafficking. All professionals who are in contact with victims of THB must be trained on how to provide information on rights to traumatised victims who may have difficulties in adequately understanding and analysing the information before taking a decision. Victims should also be informed of any significant change in circumstances, including arrests, media coverage, change in charges or discontinuation of the proceedings.**

### **3. Legal assistance and free legal aid (Article 15)**

45. Article 15(2) of the Convention obliges Parties to provide in their internal law for the right of victims of trafficking to legal assistance and free legal aid. As court and administrative procedure is often very complex, legal assistance is necessary for victims to be able to claim their rights. It is for each Party to decide the requirements for obtaining such free legal aid. Parties must have regard not only to Article 15(2) of the Convention, but also to Article 6 of the ECHR. Even though Article 6(3)(c) of the ECHR provides for free assistance from an officially appointed lawyer only in criminal proceedings, European Court of Human Rights case-law<sup>41</sup> also recognises, in certain circumstances, the right to free legal assistance in a civil matter on the basis of Article 6(1) of the ECHR. Thus, even in the absence of legislation granting free legal assistance in civil matters, it is for the courts to assess whether, in the interest of justice, an applicant who is without financial means should be granted legal assistance if unable to afford a lawyer.

46. GRETA's reports highlight the value of a lawyer being appointed as soon as there are reasonable grounds for believing that a person is a victim of trafficking, before the person makes an official statement and/or decides whether to co-operate with the authorities. Early access to legal assistance is also important to enable victims to take civil actions for compensation and redress.<sup>42</sup>

47. In its second report, GRETA took note of the adoption of Law No. 143/2013 in May 2013, amending Law No. 10039/2008 on Legal Assistance, but was concerned that, in practice, few victims of THB benefited from legal assistance. A new Law No. 1112017 "On Granting State-Guaranteed Legal Aid" entered into force on 1 June 2018. Article 11 of this law defines the beneficiaries of legal aid regardless of their income or wealth, including victims of trafficking in human beings. GRETA was informed that, according to the legislation in force, all victims, including foreign victims, have access to legal assistance, regardless of their status or type of exploitation.

<sup>40</sup> [www.differentandequal.org](http://www.differentandequal.org)

<sup>41</sup> *Airey v. Ireland* judgment, 9 October 1979.

<sup>42</sup> See GRETA's 8th General Report.



48. There are two types of legal aid: primary (including the provision of information on the legal system, rights and obligations, counselling, advice on mediation procedures and alternative dispute solution, assistance in drafting documents, and representation before administrative bodies) and secondary (which covers the provision of legal services for the drafting of acts setting the court proceedings, and representation in administrative, civil and criminal proceedings, which is provided by lawyers included in a list approved by the National Chamber of Lawyers). It is the obligation of the prosecutor or judicial police officer to inform the victim of the above categories regarding the right to free legal aid and provide information on the process of benefiting from this assistance.<sup>43</sup>

49. The Directorate of Free Legal Aid was set up within the Ministry of Justice in the framework of the implementation of Law No. 111/2017. Its organisation was approved by Prime Minister Order No. 59 of 25 March 2019 "On the approval of the structure and organisation of the Free Legal Aid Directorate".

50. The legal aid provided by the State is covered by funds allocated to the Ministry of Justice under the annual projected budget submitted by the Ministry of Finance.

51. Each year, the Albanian Chamber of Advocacy establishes a list of lawyers providing free legal aid services and submits it to the Ministry of Justice. The Albanian Chamber of Advocacy ensures, to the extent possible, the involvement of lawyers of all specialties and levels, and takes into consideration gender balance. This list is published on the official website of the National Chamber of Lawyers.<sup>44</sup>

52. Victims of trafficking who are provided with support by one of the specialised centres are assisted throughout the criminal proceedings by lawyers employed by the centre (see paragraph 70). However, there is reportedly a lack of lawyers trained and specialised to represent victims of THB, which impedes the effective access of victims of trafficking to justice and, in particular, compensation (see paragraphs 69-73). GRETA was informed that the NGO "Different and Equal" is working on the setting up of a network of lawyers interested in being trained to represent victims of THB.

53. The recent amendments to the CPC provide for the right of the victim to be exempted from the payment of any expenses for obtaining court acts and fees for filing a lawsuit, related to the status of the victim of a criminal offence. In order to benefit from this right, the victim should submit the request to be exempted from payment of the court fees at the same time as filing the lawsuit.

**54. GRETA urges the Albanian authorities to strengthen their 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.**

#### **4. Psychological assistance (Article 12)**

55. Human trafficking and exploitation may have serious psychological and physical consequences for the victims, including mental health problems and loss of self-esteem. Psychological assistance is needed to help victims of trafficking deal with the trauma they have been through, and to achieve a sustained recovery and social inclusion. Some victims require long-term therapeutic attention due to the violence they have suffered. Every victim of trafficking should have the availability of a clinical assessment tailored to include an evaluation of their particular readiness for therapy, conducted by an experienced clinician.<sup>45</sup>

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<sup>43</sup> Requests for primary legal assistance are presented before offices, organisations or legal aid clinics, and requests for secondary legal assistance are submitted to the competent court for the examination of the case on the merits.

<sup>44</sup> <http://www.dhka.org.al/>

<sup>45</sup> OSCE, *Trafficking in Human Beings Amounting to Torture and Other Forms of Ill-Treatment* (2013), Vienna, p.115.

56. The right to receive psychological assistance is enshrined in Article 58.1 (b) of the CPC and guaranteed to all victims of criminal offences. The Albanian authorities have indicated that, in view to their vulnerability, victims of trafficking are interviewed in the presence of a psychologist. The National Reception Centre for Victims of Trafficking and the three NGO-run shelters provide, *inter alia*, psychological assistance and psycho-social assistance. GRETA notes that psychological assistance appears to have been provided successfully in the context of criminal proceedings in the cases described in paragraph 87.

57. Psychologists are part of the multidisciplinary teams in the Reception Centre and the shelters. A psychological needs assessment is performed on the basis of which the multidisciplinary team drafts an assistance plan. The services include psycho-emotional relief, awareness of personal aspects, emotional management, help in changing behaviour, orientation and awareness in making effective decisions. Victims are offered individual and group therapy, and may take the form of cognitive-behavioural therapy or art therapy.

## **5. Access to work, vocational training and education (Article 12)**

58. Article 12, paragraph 4, of the Convention requires State Parties to enable victims of trafficking who are lawfully present in the country to have access to the labour market, vocational training and education. An important element of the recovery and successful social inclusion of trafficked persons is their economic empowerment, which can be achieved through job placement, microbusinesses and social enterprises.<sup>46</sup> GRETA has stressed the need to develop public-private partnerships with a view to creating appropriate work opportunities for victims of trafficking.<sup>47</sup>

59. In its second report on Albania, GRETA considered that the Albanian authorities should facilitate the reintegration of victims of trafficking by providing them with vocational training and access to the labour market, and by providing the social services responsible for assisting in their integration with adequate resources.

60. The National Reception Centre for Victims of Trafficking and the three NGO-run shelters provide rehabilitation services, including education, vocational training, coaching for employment, and services for economic empowerment. GRETA was informed that victims can attend a range of free professional courses at the Tirana Vocational Training Centres. In addition, the National Employment Service runs employment promotion programmes. According to the authorities, the National Referral Mechanism continuously assesses the needs and capacities of victims to be trained, and co-operates with the Work Offices and Professional Training Providers to ensure their qualification.

61. Further, Law No. 70/2017 "On the prevention and fight against organised crime, trafficking and corruption through preventive measures against property", known as the "Anti-mafia Law", foresees the creation of a special Fund for the Prevention of Organised Crime (see also paragraph 72), which is funded through confiscated criminal assets and can be used for social purposes, including the rehabilitation and integration of victims of trafficking (Article 37/2-c of Law No. 70/2017) and the support of NGOs and shelters (Article 37/3-b of Law No. 70/2017). The Albanian authorities informed GRETA that, pursuant to Minister of Finance Orders No. 9/1 and No. 9/2 "On the financing of projects and ways of using the Special Fund for the Prevention of Crime and legal education", the National Reception Centre for Victims of Trafficking received 2.2 million ALL in 2017-2018 for the project "Motivation and rehabilitation of victims of trafficking to improve the quality of life through educational and occupational activities in and outside the centre". The NGO "Action Plus" received 2.5 million ALL and the NGO "Different and Equal" also 2.5 million ALL. The project results included 26 awareness-raising activities for students and 10 for community members in the counties of Tirana and Lezhe. Further, 65 victims and their children were provided with reintegration assistance, 28 victims attended professional courses, 23 attended school, and 28 were employed.

<sup>46</sup> Rebecca Surtees, NEXUS Institute, *Re/integration of trafficked persons: supporting economic empowerment*, Issue paper No. 4, King Baudouin Foundation (2012).

<sup>47</sup> See GRETA's 8th General Report.

62. The Albanian authorities have also referred to the EU-funded project "C.A.U.S.E. - Confiscated Assets Used for Social Experiences", under which three social ventures were set up: "Social Crafting Garage - Saranda", which aims to create a stone craft workshop and give employment opportunities to trafficked women and girls; "KeBuono! Social Pastry: Legality, inclusion and awareness as an ingredient to a better community," which aims to improve the participation of people at risk of crime or crime victims, especially young women and girls, in the socio-economic life of the community in Fier; and "KinFolk Coffee Library - Social initiative as a measure to combat youth inclusion in crime in the city of Durres", which aims to transform confiscated property into a friendly environment for young people and engage them in social, cultural and educational activities.

**63. GRETA considers that the Albanian authorities should strengthen effective access to the labour market for victims of THB and their economic and social inclusion, through raising awareness among different employers, and the promotion of micro-businesses, social enterprises and public-private partnerships, including through state supported employment programmes, with a view to creating appropriate work opportunities for all victims of trafficking, including foreign nationals and persons from disadvantaged socio-economic backgrounds.**

## **6. Compensation (Article 15)**

64. Article 15(3) of the Convention establishes a right of victims to compensation. The compensation is pecuniary and covers both material injury (such as the cost of medical treatment) and non-material damage (the suffering experienced). However, even though it is the trafficker who is liable to compensate the victim, in practice there is rarely full compensation whether because the trafficker has not been found, has disappeared or has declared him/herself bankrupt. Article 15(4) therefore requires that Parties take steps to guarantee compensation of victims. The means of guaranteeing compensation are left to the Parties, which are responsible for establishing the legal basis of compensation, the administrative framework and the operational arrangements for compensation schemes. In this connection, Article 15(4) suggests setting up a compensation fund or introducing measures or programmes for social assistance to, and social integration of, victims that could be funded by assets of criminal origin. Of relevance in this respect is the European Convention on the Compensation of Victims of Violent Crimes, pursuant to which when compensation is not fully available from other sources the State shall contribute to compensate those who have sustained serious bodily injury or impairment of health directly attributable to an intentional crime of violence, as well as the dependents of persons who have died as a result of such crime, even if the offender cannot be prosecuted or punished.

65. Compensation fulfils multiple purposes: payment of reparation for injury, loss or harm caused by the offender, access to justice, empowerment of victims, as well as being seen as a form of punishment and deterrence of traffickers. As such, compensation plays a crucial role in the fight against human trafficking, not only as an instrument of restorative justice, but also by way of prevention and recognition by States of their failure to meet their human rights obligations.

66. Victims often leave the country where they were exploited at the end of the criminal proceedings. This creates obstacles to making civil claims for compensation, which in addition are associated with a number of other barriers, such as high costs, unavailability of free legal aid and victim-support services, as well as the claimant bearing the burden of proof of the amount of the damage. Therefore, state parties should consider adopting a procedure through which victims are entitled to obtain a decision on compensation by the offender as part of the criminal trial, within a reasonable time.

67. The right to compensation for victims of trafficking in Albania is regulated in the same way as for victims of other criminal offences, and allows for the victim to seek damages as a civil claimant in criminal proceedings (Article 58/1/g CPC). Articles 61 to 68 of the CPC define the conditions for a civil lawsuit in criminal proceedings.<sup>48</sup> Article 59/1 of the CPC provides that anyone who has been harmed by the offences provided for in Articles 90, 91, 92, 112(1), 119, 119b, 120, 121, 122, 125, 127 and 254 of the CC has the right to file a claim with the court, participate in trial as a party to substantiate the charge and seek the reward of damages. In order to ensure property restitution and compensation of damages, at the request of the civil plaintiff, the proceeding authority may decide to seize the property of the defendant or the person liable to pay damages (Article 63 of the CPC).

68. A victim may also claim material and moral damages in a separate civil procedure, according to Articles 608 and 625 of the Civil Code. Pursuant to Articles 640-647 of the Civil Code, compensation schemes, compensation claims, ways and criteria for the assignment of civil liability and non-physical damage are foreseen. Experts are involved in the process of determining the damage: a psychologist to assess moral damage and a forensic expert to assess physical damage. These experts have specific forms to determine the amount of damage caused to the victim. However, claiming compensation in a civil procedure is costly and time consuming and there are impediments to the execution of the compensation order (see paragraph 70).

69. In the reporting period, there has been only one criminal court decision on compensation of a victim of THB, issued by the Tirana District Court (No. 4432 of 16 May 2018), in which the victim was assisted by the NGO Different and Equal, in co-operation with the Centre for Legal and Civic Initiative. The victim was awarded € 44,000, but the perpetrator appealed.

70. In another case concerning a child victim of trafficking, the Centre for Legal and Civic Initiatives (CLCI) filed a civil lawsuit on behalf of the victim as part of the criminal proceedings, claiming compensation for material damages. The criminal court decided to separate the civil claim and submit it to a civil court. The civil court (Decision no. 1202 of 19 February 2010) ordered the offender to pay the victim compensation for moral damages of € 40,000. CLCI also tried to win compensation for the money the victim earned for the trafficker, but the civil court only awarded compensation for moral damage. The court decision was not enforced because the victim had no money to pay the taxes for the execution of the compensation order by the Bailiff Office and also because the offender's property had been confiscated by the state. GRETA is concerned by the fact that victims have to cover the costs related to the enforcement of court decisions concerning compensation and are not paid compensation from the confiscated assets of the offender as a matter of priority (see also paragraph 87).

71. GRETA was informed of the adoption of Law No. 34/2019 "On Administration of Seized and Confiscated Assets", the purpose of which is to improve the administration of seized and confiscated assets and the compensation of crime victims through the creation of a special compensation fund. According to updated information provided by the authorities, amendments to Law No. 34/2019 were in the process of approval by Parliament.

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<sup>48</sup> According to Article 61 of the CPC, "anyone who has suffered damage from a criminal offence or his/her heirs may file a civil action in the criminal proceedings against the defendant or the civil defendant, to request the return of the property and the compensation of the damage."

72. Law No. 70/2017 includes a procedure for the establishment of a special fund for the prevention of organised crime (Article 37), the use of this fund to provide assistance to victims of organised crime and violence and to promote social programmes, as well as for the compensation of victims. Article 29 of this law provides that assets confiscated by court order are transferred to state ownership. The final decision on confiscation of property is sent to the Agency for the Management of Confiscated Assets.<sup>49</sup> Article 32 of the law establishes that confiscated movable property and money should be used for the compensation for victims of organised crime and trafficking victims. The decisions of the court for the compensation of victims of trafficking are realised by the sale of previously seized movable or immovable property. No victims of THB have so far received state compensation in Albania and the mechanism set up by Law No. 70/2017 does not appear to be operational when it comes to victims of THB.

73. According to information provided by the Albanian authorities, training of judges and prosecutors is provided by the School of Magistrates, which in 2017 organised three training activities related to THB, involving 101 prosecutors, judges and judicial officers, as well as two training activities in January-February 2018, attended by 70 persons. The training covered, *inter alia*, the issue of victims' rights in criminal proceedings, and criminal procedural legislation related to seizure and confiscation of the property. Further, through a project funded by the US Embassy, four training sessions in October-December 2017 and two in January 2018 were organised by ONAC and the Psycho-social Centre Vatra, which were attended by 31 prosecutors, 31 judicial officers and 60 police officers. The training focused on the amendments to the CPC, access to justice, compensation of victims of trafficking, protection of victims before, during and after criminal proceedings, identification of victims and possible victims of trafficking according to the Standard Operating Procedures, as well as investigating other criminal offences related to trafficking in human beings such as exploitation of prostitution or child maltreatment.

74. GRETA is concerned that there is still no functioning state compensation scheme available to victims of THB. Moreover, no victims of THB have been paid compensation by perpetrators. **GRETA urges the Albanian authorities to make efforts to facilitate and guarantee access to compensation for victims of THB, 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;**
- **through training, encourage 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.**

<sup>49</sup> See GRETA's second report on Albania, paragraph 165.

## 7. Investigations, prosecutions, sanctions and measures (Articles 22, 23 and 27)

75. One of the purposes of the Convention is to ensure the effective investigation and prosecution of THB. Article 27(1) of the Convention establishes that the investigation or prosecution of THB offences must not depend on victims' reports. The aim is to avoid traffickers' subjecting victims to pressure and threats in attempts to deter them from complaining to the authorities. Pursuant to Article 27(2), if the competent authority with which the complaint has been lodged decides that it does not itself have jurisdiction in the matter, then it must forward the complaint without delay to the competent authority of the Party in whose territory the offence was committed. Further, under Article 27(3), each Party shall ensure to non-governmental organisations and other associations which aims at fighting trafficking in human beings or protection of human rights, the possibility to assist and/or support the victim with his or her consent during criminal proceedings concerning the offence of trafficking in human beings.

76. Article 23 requires Parties to match their action to the seriousness of the offences and lay down criminal penalties which are "effective, proportionate and dissuasive". Further, paragraph 3 of Article 23 places a general obligation on Parties to adopt appropriate legal instruments enabling them to confiscate or otherwise deprive offenders (e.g. by so called "civil" confiscation) of the instrumentalities and proceeds of human trafficking criminal offences. As trafficking in human beings is nearly always engaged in for financial profit, measures depriving offenders of assets linked to or resulting from the offence are an effective anti-crime weapon. The confiscation of criminal assets is crucial for reinforcing the effect of the penalty, as well as ensuring the payment of compensation to the victim. It requires as a prerequisite to detect, identify and seize the illegal assets at the time of the criminal investigations and to have adequate procedures to do so. The identified, seized and confiscated illegal profits of trafficking should be used to compensate victims of trafficking, directly or through a victim compensation fund.

77. Further, Article 22 of the Convention requires Parties to ensure that legal persons can be held liable for human trafficking offences committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person who has a leading position within the legal person. Liability under this article may be criminal, civil or administrative.

78. Article 110(a) of the Albanian CC prescribes penalties of eight to 15 years' imprisonment for a trafficking offense involving an adult victim, and Article 128(b) prescribes penalties of 10 to 20 years' imprisonment for an offense involving a child victim. These penalties are commensurate with those prescribed for other serious crimes, such as rape.

79. In its second report on Albania, GRETA noted that the number of convictions for THB was rather low<sup>50</sup> and urged the Albanian authorities to take measures to ensure that THB cases are investigated proactively, prosecuted successfully, and lead to effective, proportionate and dissuasive sanctions.

80. After the second evaluation, the Albanian authorities informed GRETA of the setting up of a Task Force for the purpose of analysing closed and unsolved cases, in the framework of the implementation of the Memorandum of Understanding between the National Co-ordinator for the Fight against Trafficking in Persons, the General Prosecutor's Office and the State Police. **GRETA would like to be kept informed of the release of the final report of the Task Force.**

81. GRETA was informed that, in 2015, there were 38 criminal proceedings registered by the Prosecutor's Office for trafficking in adults and 11 for child trafficking; in 2016, 18 for trafficking in adults and eight for child trafficking, as well as two cases of THB by criminal organisations; in 2017, 20 for trafficking in adults and six for child trafficking, as well as one case of THB by criminal organisations; in 2018, 12 for trafficking in adults and five for child trafficking; and in 2019, 19 for trafficking in adults and six for child trafficking.

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<sup>50</sup> See GRETA's second report on Albania, paragraph 169.

82. As regards convictions, in 2015, 10 men and one woman were convicted of THB by the Serious Crimes Court of First Instance; two of the sentences ranged from two to five years, three for five to 10 years, and six from 10 to 25 years. In 2016, 20 men and two women were convicted of THB; five of the sentences ranged from two to five years, five from five to 10 years, and 12 from 10 to 25 years. In 2017, seven men were convicted of THB; two of the sentences ranged from five to 10 years, and five from 10 to 25 years. In 2018, four men were convicted of THB; two of the sentences ranged from five to 10 years, and two from 10 to 25 years. The Appeal Court of Serious Crimes reviewed and confirmed decisions in THB cases concerning 13 men and one woman in 2015, 14 men in 2016, 5 men in 2017, and five men in 2018. The Supreme Court confirmed decisions concerning five men in 2016 and six men in 2017.

83. The Albanian authorities indicated that during the reporting period, there had been no cases of involvement of officials or consular or diplomatic staff in trafficking in human beings. According to information provided by the authorities on cases referred in the second GRETA report in which police officers were suspected of being involved in THB,<sup>51</sup> in 2014, the Internal Control Service at the Ministry of Interior referred to the Prosecutor's Office four police officers suspected of being involved in human trafficking, including facilitation of illegal border crossings and abuse of power. Two of these cases were under investigation by the Prosecutor's Office. In the third case, the police officer concerned was found guilty by the first instance court of abuse of power and sentenced to six months' imprisonment. The criminal proceedings against three police officers were terminated by the prosecution, as the facts were not established as a criminal offence, and the police officers continue their functions.

84. The Cybercrime Unit of the Criminal Police Department deals, *inter alia*, with cases of child online sexual exploitation. No such cases have been prosecuted as child trafficking.

85. GRETA welcomes the fact that the plea bargaining provided for in Articles 406/d to 406/f of the CPC is not permitted in cases of trafficking in human beings, as it is only possible for offences in respect of which the maximum sanction does not exceed seven years' imprisonment, whereas the maximum sanction for THB ranges from 15 years to life imprisonment.

86. Pursuant to Article 58 of the CPC, victims have the right, *inter alia*, to seek the criminal prosecution of the perpetrator and to appeal against the decision of the prosecutor not to initiate criminal proceedings, and the decision of the prosecutor or judge to drop the charges or close the case.

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<sup>51</sup> See GRETA's second report on Albania, paragraph 168.

87. By way of example, reference case be made to the following cases:

**"K.B. and K.K." case**

- **Trial court:** First Instance Court for Serious Crimes
- **File number:** nr.19/143
- **Time and duration of prosecution and main trial:** The case was registered at the Prosecutor's Office of the Tirana Serious Crimes Court on 27 March 2017 as criminal proceeding No.113, for the offence of "Trafficking in adults", provided by Article 110/a of the CC, upon referral of the Durres Police Local Directorate. The First Instance Court for Serious Crimes took the decision on 6 June 2019.
- **Victims:** Two Albanian women, 18 and 19 years old
- **Defendants:** There were originally three defendants, but during the trial, the court decided to separate the case of one defendant because he was in the process of being extradited to Albania and was not informed of the trial.
- **Charges:**
  - o Article 110/a/4 of the Criminal Code (trafficking in adults) for the first defendant
  - o Article 114/2 of the Criminal Code (exploitation of prostitution) for the second defendant
- **Type of exploitation:** Trafficking in human beings for the purpose of sexual exploitation and exploitation of prostitution.
  - o Both victims were recruited by the first defendant, who established intimate relationships with the victims and then convinced them to work in bars in Kosovo\* and in prostitution in Italy and France. The victims were also exploited for prostitution in premises owned by the second defendant in Albania. The victims lived in apartments rented by the first defendant and were under his supervision. They did not receive the money they earned.
- **Sentences:** The defendants were convicted respectively to 17 years of imprisonment for trafficking in adult persons, and to 7 years and 6 months of imprisonment for exploitation of prostitution. The sentence also included the confiscation and transfer in favour of the State of items that had served for committing the offence.
- **Legal assistance:** One of the victims was accommodated at the Vatra Psycho-social Centre, but it is not clear from the decision whether the victims received legal assistance or other services. The victims did not claim compensation.
- **Good practices:**
  - o Good cooperation to obtain information and evidence between countries such as Italy and France
  - o Collaboration between stakeholders such as state police and NGOs
- **Problems identified:**
  - o The court decision reveals other possible elements of trafficking, such as labour exploitation, that were not considered.
  - o Both victims earned considerable amounts of money for the trafficker, but this amount was not mentioned in the court decision, and no movable or immovable property of the defendants was seized.
  - o The court took almost one year to reach a decision. The whole process lasted about two years and three months from the moment of the offence was reported until the decision of the court.



**"M.L." case**

- **Trial court:** First Instance Court for Serious Crimes
- **File number:** Nr.25/162
- **Time and duration of prosecution and main trial:** The victim made a report to the police in May 2014. On 27 May 2014, the Prosecutor's Office of the Tirana District Court registered the case and initiated criminal proceedings for the offence of "exploitation of prostitution", pursuant to Article 114 of the CC. The case was registered in the court on 11 July 2017. The first court hearing took place on 27 July 2017 and the court took its decision on 30 May 2019.
- **Victim:** An Albanian woman born in 1998 (who was not an adult at the time the offence was reported)
- **Defendants:** three Albanian nationals (two males, one female)
- **Charges:**
  - o Article 128/b, paragraph, 3 of the CC (trafficking in children) for the male defendants
  - o Article 300 of the CC (failure to report a crime) for the female defendant
- **Type of exploitation:** Trafficking of children for the purpose of sexual exploitation
  - o The victim left her home in 2012, at the age of 14. She had lost her mother, and her father had been abusing her. When she arrived in Tirana, the police informed her sister, and she went to live with her. While there, she was exploited by her sister's flatmate.
  - o In June 2013, the victim left her sister's apartment and was placed by the police in the National Victim Reception Centre in Linza, from which she fled in December 2013. She met one of the defendants in a bar, who offered to accommodate her in the apartment of the other two defendants. Once there she was told that she had to prostitute herself as payment for the apartment. She was exploited until early February 2014. The victim did not receive the money she was earning.
  - o When she was informed that she would be sent to Greece for prostitution, she escaped and reported her situation to the police.
- **Sentences:** Both male defendants were sentenced to 15 years of imprisonment for trafficking a child. The female defendant was sentenced to one year of imprisonment for failure to report a crime. The procedural costs incurred in the preliminary investigation phase and during the trial are borne jointly by the defendants.
- **Legal assistance and other services provided to victim:**
  - o As the criminal offense under consideration occurred before the legal changes of the legislation, the victim had a witness status. The interview in court took place in the presence of a state lawyer and a psychologist.
  - o The victim entered the witness protection programme, following an agreement reached between her and the prosecutor on the case, upon request of the Prosecutor General's Office of the Serious Crimes Court to the Prosecutor General. In her capacity as protected witness, she appeared in court accompanied by the structures of the Directorate of Witness Protection and Justice Associates.
  - o Referred by the National Centre for Reception of Victims of Trafficking, the victim was included in the programmes provided by Vatra Psychosocial Centre.
- **Good practices:**
  - o The victim was granted the status of victim of trafficking and was referred to the Linza Centre for rehabilitation
  - o The victim was always questioned in the presence of a psychologist
  - o The collaboration between stakeholders such as the state police, the state shelter and NGOs was effective
  - o In the reasoning of the decision, the court referred not only to domestic law, but also to international acts
- **Problems identified**
  - o The victim reported to the police in May 2014, but the defendants were arrested only on 11 July 2016
  - o The long investigation resulted in a change in the pre-trial detention measure imposed on the two male defendants, which could have endangered the life of the victim and her family
  - o The victim was not interrogated separately from the defendants and the questions put to the victim during her questioning in the court further victimised her
  - o The court took almost two years to reach a decision
  - o The whole process lasted about five years from the moment of the denunciation until the decision of the court

88. GRETA is concerned by the low number of convictions for THB, and stresses that failure to convict traffickers, as well as the absence of effective, proportionate and dissuasive sanctions, undermines efforts to combat THB and guarantee victims' access to justice.

89. **GRETA urges the Albanian authorities to take additional measures to ensure that THB cases are investigated proactively, prosecuted effectively, and lead to effective, proportionate and dissuasive sanctions, in particular by:**

- **strengthening the proactive investigation of THB cases, regardless of whether a complaint regarding the crime has been submitted or not, and making use of special investigation techniques in order to gather evidence, and not have 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, thereby avoiding the risk of depriving victims of THB of access to protection and support;**
- **ensuring that THB prosecutions lead to effective, proportionate and dissuasive sanctions;**
- **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).<sup>52</sup>**

## **8. Non-punishment provision (Article 26)**

90. Pursuant to Article 26 of the Convention, Parties must provide for the possibility of not imposing penalties upon victims of THB for their involvement in unlawful activities, to the extent that they have been compelled to do so. As previously stressed by GRETA, the criminalisation of victims of THB not only contravenes the state's obligation to provide services and assistance to victims, but also discourages victims from coming forward and co-operating with law enforcement agencies, thereby also interfering with the state's obligation to investigate and prosecute those responsible for THB.<sup>53</sup> Furthermore, GRETA has noted that the absence of a specific provision on the non-punishment of victims of trafficking entails a risk of differential treatment, depending on the prosecutor in charge of the case.

91. As noted in GRETA's second report,<sup>54</sup> amendments were made to the CC in 2013 in light of GRETA's recommendation to include a specific non-punishment provision. Article 52/a of the CC provides that victims of THB may be exempted from punishment if they were forced to commit an illegal act or to refrain from action during the period in which they were trafficked. The Albanian authorities indicated that there was no criminal prosecution against victims of trafficking for their involvement in unlawful activities when they were compelled to do so. However, GRETA was informed of cases of women who were possible victims of THB, but were not identified as such and were convicted for engaging in prostitution, (the cases reportedly dated back to 2015-2016) and who were possibly victims of THB.

<sup>52</sup> <https://rm.coe.int/cepej-2018-26-en-rapport-calvez-regis-en-length-of-court-proceedings-e/16808ffc7b>

<sup>53</sup> See GRETA's 2nd General Report, paragraph 58.

<sup>54</sup> See GRETA's second report on Albania, paragraph 17.

92. **GRETA considers that the Albanian authorities should continue to ensure the application of the non-punishment principle in practice.<sup>55</sup> Occasions where victims are inappropriately prosecuted and later identified as victims of THB should be recorded and reported annually. This information will assist with training needs and identify frequency of where victims are forced to commit unlawful acts.**

### **9. Protection of victims and witnesses (Articles 28 and 30)**

93. Under Article 28 of the Convention, Parties must take the necessary measures to provide effective and appropriate protection from potential retaliation or intimidation to victims and witnesses of human trafficking, as well as to members of civil society organisations supporting victims during criminal proceedings and, where appropriate, to victims' family members. Intimidation of victims and witnesses is nearly always aimed at suppressing evidence against defendants. Effective protection can be of various types (physical protection, relocation, identity change...) and depends on the assessment of the risks that victims and witnesses run. In addition, Article 28(3) provides that a child victim shall be afforded special protection measures, taking into account the best interests of the child. Regarding the period during which the protection measures are to be provided, the Convention aims in a non-exhaustive manner at the period of investigation and of the proceedings or the period following them. The period in which protection measures have to be provided depends on the threats to the persons concerned. Moreover, because trafficking in human beings is often international and some countries are small, Article 28(5) encourages Parties to enter into agreements or arrangements with other countries so as to implement Article 28.

94. Further, Article 30 of the Convention requires Parties to adapt their judicial procedure so as to protect victims' privacy and ensure their safety, including special protection measures for child victims. While the measures provided for in Article 28 address extra-judicial protection, the measures referred to in Article 30 are concerned with the procedural measures to be introduced. The following means can be used, in accordance with the European Convention on Human Rights and the case-law of the European Court of Human Rights, to achieve the objectives of Article 30: non-public hearings, audio-visual technology, recordings of testimony, and anonymous testimony.

95. The General Prosecutor has approved General Instruction No. 5 of 26 October 2018, "On guaranteeing assistance to victims and witnesses of criminal offences", aimed at ensuring uniform application of the new CPC provisions. Article 21 of this instruction establishes the obligation of the prosecutor to provide the victim co-ordinator with the information needed to determine the appropriate services for the victim. Subsequently, the co-ordinator will provide the victim with information about the services available. An information brochure for victims of crime has been distributed to first instance prosecution offices and published on the website of the General Prosecutor's Office. In 2019, in the framework of the criminal justice system reform, the General Prosecutor's Office was granted an additional budget in order to create victim co-ordinators in all prosecution offices. GRETA was informed that there were already 28 co-ordinators working in the country, who are psychologists or social workers specifically appointed to inform victims of trafficking about their rights and to maintain contact with NGOs providing services. The duties of the victim co-ordinators are to provide procedural assistance to defendants and juvenile victims, to provide information to victims and witnesses, to refer victims to service providers and guarantee opportunities for the effective exercise of their rights, and to assist any participant in the proceedings who has a physical or mental incapacity to effectively exercise the right of access to the criminal justice system.

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<sup>55</sup> See OSCE, Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking, 2013, available at: <https://www.osce.org/secretariat/101002?download=true>

96. Articles 58a and 58b of the CPC guarantee the rights of child victims and sexually abused or trafficked persons. In order to ensure respect for the victims' right to safety, privacy and confidentiality during court proceedings, victims of THB are entitled under Article 58b of the CPC to refuse to answer questions about their private life, which are clearly irrelevant to the offence. Clause (c) of the provision provides for the right of victims of sexual offences and of THB to ask to be questioned by means of audio-visual equipment to avoid direct contact with the defendant. Victims of trafficking also have the right to be heard through audio-visual means, in accordance with Article 318 of the CPC. Article 279 of the CPC sets out the obligation to safeguard the secrecy of investigative actions and acts, while Article 340 provides for in-camera adjudication where necessary to protect the security of the witness. The Albanian authorities further indicated that the Serious Crimes Courts have taken appropriate protection measures when questioning the victims and/or witnesses in the trial, referring to Article 361, point 7, of the CPC, which defines the questioning of witnesses remotely (through audio-visual means). The publication, even partial, of data or documents related to the trial, when the latter is conducted behind closed doors, is prohibited. Violation of the above obligations is penalised by Article 295a of the CC (disclosure of acts or secret data).

97. GRETA was informed that one victim of trafficking supported by the Vatra Psycho-Social Centre had been included in the Witness Protection Programme. Staff of the Vatra Centre had requested this in light of the life-threatening risks to which the victim was exposed and the request was approved by the prosecutor. The proceedings ran from 2016 to 2018 (see paragraph 87). According to the Albanian authorities, there were also cases where victims were interviewed through video conference, but no cases where the identity of the victims was kept secret.

**98. GRETA considers that the Albanian authorities should take additional steps to ensure that victims and witnesses of human trafficking, as well as their family members, are provided with effective and appropriate protection from potential retaliation or intimidation, including by conducting regular risk assessment and by ensuring that specialised NGOs receive adequate funding for the purpose. This provision should be available for the families of Albanian victims who are identified abroad and who might be at risk of retaliation/intimidation by the perpetrators.**

## **10. Specialised authorities and co-ordinating bodies (Article 29)**

99. Under Article 29(1) of the Convention, Parties have to adopt the necessary measures to promote specialisation of persons or entities in anti-human-trafficking action and victim protection. Each country must have anti-trafficking specialists in sufficient numbers and endowed with appropriate resources. The staff of specialised authorities and coordinating bodies should, as far as possible, be composed of both women and men. To combat trafficking effectively and protect its victims, it is essential that proper training is provided to relevant officials.

100. In Albania, the State Police's Organised Crime Department has a specialised unit which investigates cases of THB in addition to drug and contraband trafficking. All police officers working in it have received training on the SOPs and co-operate with civil society in the identification of victims of THB. At local level, the investigation of THB cases is part of the functions of units specialised in THB and drug offences. GRETA was informed that there were 52 police officers specialised to work on THB cases at the central and local level.

101. In the framework of the judicial reform (see paragraph 26), the Special Prosecution Office against Corruption and Organised Crime (SPAC) was established on 19 December 2019. It is responsible for prosecuting offences committed by criminal organisations, terrorist organisations, armed gangs or structured criminal groups, as well as offences committed with the involvement of senior officials. The prosecution of THB offences which are not committed by a structured criminal group or criminal organisation is entrusted to First Instance Prosecutor's Offices with general jurisdiction. GRETA is concerned that prosecutors at First Instance Prosecutor's Offices lack training and specialisation to deal with THB cases, the majority of which will fall within their jurisdiction, with consequent weakening of the criminal justice response to THB.

102. Until December 2019, trafficking of human beings was under the jurisdiction of the Serious Crimes Courts. The Albanian authorities informed GRETA that while the vetting process of judges was ongoing, the Supreme Court had not been in a position to set up panels with the requisite number of judges. Vacancies in the judiciary have contributed to an increased backlog of cases.<sup>56</sup>

103. The Financial Intelligence Unit of the Ministry of Finance receives reports of suspicious transactions from financial institutions and sends financial disclosures to the Police and Prosecutor's Office. The Directorate for Economic and Financial Crimes, within the State Police, investigates money laundering, corruption and other economic and financial crimes. According to the authorities, every investigation into human trafficking by an organised crime group involves an investigation of criminal assets. The recovery of assets is regulated by the Anti-mafia Law, and the Interinstitutional committee of experts against organised crime and corruption, which is led by the Deputy Minister of Finance and comprises police officers, customs officers, prosecutors and bailiffs, decides where the confiscated assets will go.

104. The Albanian authorities have referred to a number of training activities organised during the reporting period, to ensure the implementation of the new legislation and SOPs. Several training activities were organised by the Vatra Centre in co-operation with the ONAC, targeting police officers and prosecutors, in the regions of Tirana, Berat, Gjirokastra, Kukes, Fier, Durrës, Vloora and Shkodra. Other training activities were organised by the Centre "Different and Equal" and Terres des Hommes.<sup>57</sup> These activities focused on practical aspects of providing assistance to victims of trafficking, the presence and status of victims in courts and legal remedies.

105. The School of Magistrates has organised capacity-building activities related to the protection of victims of organised crime and civil lawsuits in criminal proceedings (see also paragraph 73). In the period January-December 2018, in the framework of the continuous training programme for judges and prosecutors, the School of Magistrates organised six training activities focusing on the fight against trafficking in human beings.<sup>58</sup> Further, in 2017, OSCE, in co-operation with the School of Magistrates, organised three training sessions for about 60 judges and prosecutors in the districts of Tirana, Vloora and Shkodra regarding the rights of victims of trafficking in the criminal process.

106. In co-operation with the US Department of Security, OSCE organised for September 2019 a training on "Use of Information and Communication Technology in the Fight against Trafficking in Human Beings" for police officers and ONAC staff. Further, with the support of the US Embassy, ONAC, in co-operation with "Vatra", held training sessions for prosecutors and police officers in Durrës, Fier, Shkodra and Kukës on "Respecting the rights of victims of trafficking by local law enforcement institutions".

107. Moreover, staff of the Department for Border and Migration received training from FRONTEX, and took part in training on "Identifying vulnerable groups in mixed migration flows", organised by IOM.

108. GRETA was also informed that there was a frequent turnover of staff within the public administration, notably as regards law enforcement, which raises concerns as to the sustainability of training efforts.

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<sup>56</sup> [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/albania\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/albania_report_2020.pdf), p.23.

<sup>57</sup> See Albanian authorities' reply to GRETA's 3<sup>rd</sup> round questionnaire.

<sup>58</sup> By way of example, on 12 January 2018, a training was organised on the topic "Prevention and Punishment of Organised Crime, Trafficking in Human Beings, Corruption and Other Criminal Offences", involving 11 judges, 28 prosecutors and one inspector of the Supreme Court. On 7-8 February 2018, a training was organised for 19 prosecutors, a judge and two inspectors of the High Court. On 28 March 2018, a training on "Prevention and Punishment of Organised Crime, Trafficking in Human Beings, Corruption and Other Criminal Offences" was organised, involving three judges and 31 prosecutors. On 3-4 December 2018, a training was organised on the topic "Juvenile Victim in the Criminal Process", for 16 judges and 12 prosecutors.

109. GRETA welcomes the existence of a specialised unit to deal with the investigation of THB cases within the Criminal Police Department, as well as the setting up of the Special Prosecution Office against Corruption and Organised Crime (SPAC). **However, GRETA considers that the Albanian authorities should continue reinforcing these structures and ensure that there are specialised prosecutors trained to deal with THB cases, as well as encouraging the training a specialisation of judges.**

110. **Further, GRETA considers that the Albanian authorities should take additional steps to ensure that all relevant professional groups are regularly trained in preventing THB, identifying and interviewing victims, referring them to assistance and enabling them to effectively exercise their rights. The training should be embedded in the regular training curricula of different professional groups, including law enforcement officials, prosecutors, judges, lawyers, labour inspectors, social workers, child welfare staff, health-care staff, and diplomatic and consular staff.**

### **11. International co-operation (Article 32)**

111. Article 32 of the Convention requires parties to co-operate to the widest extent possible to prevent and combat THB, to protect and to provide assistance to victims, and to investigate and prosecute cases of THB. International co-operation between State Parties to the Convention is also essential for enabling access to effective remedies for victims of trafficking. Parties must co-operate with one another "to the widest extent possible". This principle requires them to provide extensive co-operation to one another and to minimise impediments to the smooth and rapid flow of information and evidence internationally. As regards international co-operation in criminal matters for the purposes of investigations or proceedings, the provisions of the Convention neither cancel nor replace the provisions of relevant international or regional instruments<sup>59</sup> on mutual legal assistance and extradition, reciprocal arrangements between Parties to such instruments and relevant provisions of domestic law concerning international co-operation.

112. In its second report, GRETA had considered that the authorities should amend Albanian legislation with a view to enable the setting up of joint investigation teams. No legislative changes have been made in this respect.

113. In 2018, Albania signed a co-operation agreement with Eurojust (entry into force on 1 November 2019). Albania has continued to engage in international co-operation in the investigation of THB cases, with the support of SELEC, INTERFORCE and INTERPOL. Moreover, Albania is participating in a number of regional initiatives, such as MARRI and the South-East Europe Police Co-operation Convention, which enhance collaboration and contribute to increasing the timely sharing of information and identification of victims of trafficking in human beings.

114. GRETA was informed of two major operations in THB cases involving international co-operation with France, Italy, Spain and other international stakeholders, which led to the arrests of 50 individuals in 2018 and 40 in 2019.

115. As regards requests for mutual legal assistance, Albanian authorities reported sending over 30 letters rogatory to other states in 2016 in the framework of criminal proceedings for THB, and in 2017, seven requests were to Belgium, Spain, France and Kosovo\*, two requests were sent to Italy and Norway, and two letters were sent to Spain in the framework of an investigation into trafficking of children. In 2018, eight requests were sent to Greece, Italy, Germany, Romania, North Macedonia and Spain in criminal proceedings related to THB. In 2019, Albania co-operated with Eurojust in 23 cases.

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<sup>59</sup> For example, the European Convention on Extradition, the European Convention on Mutual Assistance in Criminal Matters and its protocols, Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member states, the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.

116. Albania has concluded bilateral agreements in the area of counter-trafficking with neighbouring countries, including Greece, North Macedonia, Kosovo\* and Montenegro, as well as with some of the main countries of destination for Albanian victims, including the UK.<sup>60</sup> In accordance with the Additional Protocol "On Intensifying Co-operation in the Fight against Trafficking in Persons and on the Enhanced Identification, Notification, Referral and Voluntary Assisted Return of Victims and Potential Victims of Trafficking, especially Children" signed with Kosovo\* and Montenegro, a Joint Declaration was signed in December 2016 between the National Coordinators of Albania, Kosovo\* and Montenegro to unify their Standard Operating Procedures.

117. The Albanian authorities informed GRETA that the implementation of the Readmission Agreement with Greece was being reviewed with a view to drafting SOPs for the identification, referral and assistance of presumed victims and victims of trafficking, with a particular focus on children. Pursuant to the Agreement, a Memorandum of Understanding has been drafted, but has not yet been signed.

118. In February 2018, the regional project "Improving service delivery and awareness raising to combat human trafficking in the Balkans" was launched, funded by the US Department of State in co-operation with the NGO Terre des Hommes in Albania. This project aims at strengthening transnational co-operation between Albania, Montenegro, North Macedonia and Kosovo\* in identifying and assisting victims of trafficking, with a special focus on children. The results achieved so far from this project include the management of 23 cases of victims of trafficking and children in street situation.

119. A Memorandum of Understanding was signed in December 2014 with the United Kingdom, with a view to improving the identification, referral and assisted return of victims and potential victims of THB.<sup>61</sup> In its second report, GRETA noted that hundreds of children of Albanian origin had been detected as potential victims on THB in the United Kingdom and that the Albanian authorities were concerned about the lack of information provided by the UK authorities on whether these Albanian children were formally identified as victims of THB and what happened to them.<sup>62</sup> Similar concerns were voiced during the third evaluation visit of Albania, while the identification of Albanian child victims remains high in the UK (210 referrals to the NRM in 2017 and 217 in 2018).<sup>63</sup> In 2019, a project titled "Transforming national response to human trafficking in and from Albania" and funded by the UK government was launched, to contribute to the prevention and overall reduction in the prevalence of human trafficking in and from Albania. This project, led by UNICEF, in partnership with the OSCE presence in Albania, Terre des Homes, Different and Equal, Vatra and Tjeter Vizion, will run for 15 months, until the end of March 2021, and be implemented in 17 municipalities, in 4 regions (Tiranë, Shkodër, Dibër, and Kukës). It focuses on research and strategic communications, capacity-building of law enforcement and criminal justice professionals, service provision to victims and potential victims of trafficking (including emergency assistance and psychological support), and reintegration of victims and potential victims of trafficking through employment opportunities and engagement with the labour market.

**120. GRETA welcomes Albania's participation in multilateral and bilateral international co-operation in the fight against THB, and considers that the Albanian authorities should take legislative and other measures to strengthen international co-operation in the fight against THB, including by means of JITs, and ensure the protection of victims of THB.**

<sup>60</sup> See GRETA's second report on Albania, paragraphs 178-179.

<sup>61</sup> See GRETA's second report on Albania, paragraph 146.

<sup>62</sup> See GRETA's second report on Albania, paragraph 122.

<sup>63</sup> <https://www.nationalcrimeagency.gov.uk/>



## 12. Cross-cutting issues

### a. gender-sensitive criminal, civil, labour and administrative proceedings

121. As noted in CEDAW General recommendation No. 33 on women's access to justice, discrimination against women, based on gender stereotypes, stigma, harmful and patriarchal cultural norms and gender-based violence, which affects women in particular, has an adverse impact on the ability of women to gain access to justice on an equal basis with men.<sup>64</sup>

122. Women encounter obstacles with respect to access to justice within and outside the legal system. Some of these obstacles are of a legal or institutional nature, while others have socio-economic and cultural grounds. The legal and institutional barriers include discriminatory or insensitive legal frameworks including legal provisions that are explicitly discriminatory; gender blind provisions that do not take into account women's social position; and gaps in legislation concerning issues that disproportionately affect women. On the socio-economic level the obstacles include lack of awareness of one's legal rights and legal procedures or of how to access legal aid, which can stem from gender differences in educational levels, and access to information. A further obstacle may be the lack of financial resources, including the means to pay for legal representation, legal fees, judicial taxes, transportation to courts or child care.<sup>65</sup> Such obstacles, and remedies to them, are listed in a Council of Europe training manual for judges and prosecutors on ensuring women's access to justice, as well as in the publication "Women's Access to Justice: Guide for Legal Professionals".<sup>66</sup>

123. Bearing in mind that Article 27(1) of the Convention establishes that the investigation or prosecution of THB offences must not depend on victims' reports (see paragraph 75), GRETA notes that in its evaluation report on Albania, the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) underlined that "divergent interpretation of laws in Albania tend to do a disservice to victims and to deny them an effective access to justice, for instance by promoting a narrow interpretation of the offence of domestic violence or by introducing mandatory conciliation in the procedure applying to emergency barring orders. Thus, improved awareness amongst legal practitioners and judicial officials is needed as regards the fundamental principles which should guide any intervention in cases of violence against women, namely: the prime consideration for the victim's safety and the safety of her children; a human-rights based approach which views violence against women as a form of discrimination based on gender and a violation of women's right to live a life free of violence; and the need to avoid re-victimisation."<sup>67</sup>

124. In addition, GRETA takes note of the CEDAW conclusions of 2016 regarding Albania, in which CEDAW raised concerns about "continuous discrimination against and lack of appropriate legislation or measures for the protection of women and girls belonging to disadvantaged and marginalized groups, such as older women, Roma and Egyptian women, women with disabilities, migrant women, lesbian, bisexual and transgender women, women in detention, secluded women and asylum-seeking women, in particular as regards their access to education, health services, employment, housing and participation in public and political life."<sup>68</sup> GRETA is particularly concerned as women and girls belonging to disadvantaged or marginalised groups may find themselves in a position of vulnerability and are at a heightened risk of trafficking. Furthermore, CEDAW stressed that this population remains "unaware of their right to legal aid

<sup>64</sup> CEDAW General recommendation No. 33 on women's access to justice, paragraph 8, CEDAW/C/GC/33 of 3 August 2015, <https://undocs.org/pdf?symbol=en/CEDAW/C/GC/33>

<sup>65</sup> Council of Europe training manual for judges and prosecutors on ensuring women's access to justice, page 13 available at <https://rm.coe.int/training-manual-women-access-to-justice/16808d78c5>

<sup>66</sup> Available at: <https://rm.coe.int/factsheet-womens-access-to-justice/16808ff44e>

<sup>67</sup> Executive summary, GREVIO/Inf(2017)13, Evaluation report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, Albania

<sup>68</sup> CEDAW Conclusions 2016, paragraph 38.



and continue to face significant legal and practical barriers in gaining access to justice, which is reflected in the low number of complaints filed."<sup>69</sup>

**125. GRETA considers that the Albanian authorities should promote a gender-responsive approach to access to justice for victims of THB, including through gender mainstreaming and training, and to adopt a gender-sensitive approach in the system for the identification of victims of trafficking, including through allowing for the provision of interpreters and interviewers of the same sex as the presumed victim.<sup>70</sup>**

b. child-sensitive procedures for obtaining access to justice and remedies

126. On 1 January 2018, the Juvenile Justice Code (adopted on 30 March 2017) entered into force. It contains procedural rules regarding the investigation and prosecution of children, the judicial process, the execution of sentences, as well as child victims or witnesses of the offence. Furthermore, Law 18/2017 "On the Rights and Protection of the Child" aims at the establishment of an integrated child protection system, including mechanisms to guarantee access to special care for children and the effective realisation of their rights. According to the Albanian authorities, this seeks to ensure concrete protection measures to be taken by relevant structures vis-à-vis children subjected to violence, abuse or neglect. The implementation of this law is regulated through a series of Council of Minister decisions.<sup>71</sup>

127. Article 18, paragraph 1, of the Juvenile Justice Code requires the presence of a psychologist whenever a child is interviewed. A child-friendly environment should be provided, taking into account the specific needs of the child. The psychologist interviewing the child has to be trained and certified for the purpose. The Albanian authorities informed GRETA that not all police facilities were equipped with child-friendly interview rooms. Children under the age of 14 are not required to be present in court, and are instead represented by a child protection officer from the relevant municipality.

128. Moreover, Article 37 of the Juvenile Justice Code provides that the prosecutor, judicial police or relevant child protection unit shall take protective measures such as avoiding direct contact between a child victim or witness and the accused at all stages of the procedure, as well as any other protective measure considered appropriate. Further, Article 38 provides that all necessary measures must be taken to provide the child with information, either directly or through their legal representative, and that the information be delivered in an appropriate and understandable manner, including in cases where the child has a disability. Further, Article 45 provides that the court shall, if applicable, inform child victims and their legal representatives regarding the right to compensation for the damage caused.

129. Article 14 of Law 18/2017 "On the Rights and Protection of the Child" provides that the child has the right to seek and receive information regarding his/her well-being, education and physical and psychological development, and to have access to all registers where data is kept.

<sup>69</sup> CEDAW Conclusions 2016, paragraph 12.

<sup>70</sup> [ICAT's joint submission to CEDAW committee](#)

<sup>71</sup> VKM Nr. 54, dt. 31.01.2018 "On the Rules of Functioning of the National Council for the Rights and Protection of the Child"; VKM Nr. 91, dt. 14.02.2018 "On Procedures for Performing Controls and Decisions on Sanctions by the State Agency for the Rights and Protection of the Child"; DCM No.148, dated 13.03.2018 "On the Establishment of Rules of Co-operation between the Consultative and Institutional Coordination Mechanisms, the Rights and Protection Structures of the Child and Non-Profit Organizations, the Implementation of National and Local Policies, and the Necessary Services for Protection of the Child "; VKM Nr. 353, dt. 12.6.2018 "On the Rules of Functioning of the Multidisciplinary Technical Group for the Protection of Children in Municipalities and Administrative Units", which aims to establish rules for the organisation and functioning of the Cross-sectoral Child Protection Technology Group in Municipalities or Administrative Units, as well as for the co-operation and co-ordination of the work of the group members during the review, evaluation and decision-making in case management of children in need of protection; VKM Nr. 578, dated 3.10.2018 "Referral procedures and case management, design and content of individual protection plan, financing of expenditure for its implementation, and implementation of protection measures", the purpose of which is to define the rules and procedures for referral and case management of children in need of protection, the manner of drafting and content of the Individual Defence Plan, the financing of the expenditures for its implementation, and the implementation of the protection measures.

130. Pursuant to Section 13 of Council of Ministers Decision No. 111 of 6 March 2019 "On the Procedures and Rules for Returning and Repatriating Children", obtaining information from children is done with the assistance of a psychologist or an adult who knows well the child and is trusted by his/her, in a language that the child understands, through the provision of interpreters, and in accordance with the child's age and ability to understand.

131. GRETA welcomes the legislative amendments adopted by the Albanian authorities to ensure child-sensitive procedures. **GRETA considers that the Albanian authorities should ensure that child victims of THB are afforded special protection measures in practice, including in the context of interviews, both as regards the competencies of the professionals present and the environment in which the interviews are conducted, notably in child-friendly hearing rooms. In this context, GRETA refers to the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, which recommend that all professionals working with children receive necessary interdisciplinary training on the rights and needs of children.**<sup>72</sup>

c. role of businesses

132. In Albania, the Labour Code provides for a definition of forced labour (Article 8), as well as for sanctions in case of violations.<sup>73</sup> Labour inspectors have the right to impose sanctions in the course of field inspections when there is a reasonable suspicion of forced labour, notably in cases of absence of work contract or work permit, undeclared employees, or absence of social security coverage, unpaid work, as well as in cases of children performing work without the required authorisation by the State Labour Inspectorate.

133. GRETA was not informed of any specific initiatives to prevent and eradicate trafficking from companies' supply chains; neither did it receive information on engagement of businesses in supporting the rehabilitation and recovery of victims or in providing access to effective remedies.

134. **GRETA considers that the Albanian authorities should adopt legislation integrating the prevention of THB and labour exploitation in public procurement policies and promoting transparency in supply chains to enable scrutiny of companies' performance to prevent THB and labour exploitation.**

135. **Further, GRETA considers that the Albanian authorities should proactively engage with the private sector, in line with the UN Guiding Principles on Business and Human Rights<sup>74</sup> and Council of Europe Committee of Ministers Recommendation CM/Rec(2016)3 on human rights and business,<sup>75</sup> with a view to raising awareness of the important role and responsibility of businesses to prevent human trafficking in their supply chains, to support the rehabilitation and recovery of victims, and to provide access to effective remedies.**

<sup>72</sup> [Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice](#) (Adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers' Deputies).

<sup>73</sup> Articles 201-202 fo the Labour Code provide for fines in case of violation.

<sup>74</sup> [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

<sup>75</sup> [Recommendation CM/Rec\(2016\)3](#) of the Committee of Ministers to member States on human rights and business, adopted by the Committee of Ministers on 2 March 2016 at the 1249th meeting of the Ministers' Deputies.

d. measures to prevent and detect corruption

136. Trafficking in human beings may be engaged in by organised criminal groups, which use corruption to circumvent the law and money laundering to conceal their profits, but it can occur in other contexts. Consequently, other Council of Europe legal instruments are also relevant to combating human trafficking, in particular those designed to combat corruption, money laundering and cybercrime. The Council of Europe body with the main role to play in the fight against corruption is the Group of States against Corruption (GRECO). Its country reports are relevant in addressing structural shortcomings in preventing corruption, including potentially in a THB context.

137. According to GRECO's second compliance report on Albania, the vetting process referred to in paragraph 26 is being carried out on the basis of three criteria: asset assessment based on asset declarations, background check on possible contacts with persons involved in organised crime, and professional competences assessment with an evaluation of ethical and professional conduct, including breaches of professional ethics and delaying the judicial process.<sup>76</sup> A number of institutions are involved in this process, notably the HIDAACI and the Independent Qualification Commission, with the support of the High Council of Justice and the Prosecutor General's Office. Updates on the vetting process are published on the Independent Qualification Commission's website to ensure transparency. In the period January to December 2019, the Independent Qualification Commission issued 129 decisions, of which 48 concerned the dismissal of 28 judges, 19 prosecutors and one legal advisor. From 1 January to 24 June 2020, the Independent Qualification Commission issued 40 decisions, of which 13 concerned the dismissal of 11 judges and two prosecutors. According to the European Commission's 2020 progress report on Albania, the ongoing vetting of members of the judiciary as well as of the police are bringing results in the fight against corruption.<sup>77</sup> Of the more than 286 magistrates that underwent vetting, so far 62% have been dismissed from office, mostly for issues related to unjustified assets, or resigned. Among the high-ranking magistrates, eight out of nine Constitutional Court judges and 15 out of 18 High Court judges have been dismissed through the vetting or have resigned. The establishment of an Anti-corruption Task Force has increased the proactivity of administrative investigations and the creation of a dedicated Anti-corruption Directorate contributes to better performance on investigating, prosecuting and trying high-level corruption cases. The creation of a network of anti-corruption coordinators in 16 agencies in 2019 has also contributed to improving the effectiveness in the fight against corruption.

138. Albania adopted a new action plan 2020-2023 for the implementation of the Inter-sectoral Strategy against Corruption, as well as a new Law on the Administration of seized and confiscated assets.

139. According to the Albanian authorities, there have been no detected cases of public officials involved in trafficking in human beings (however, see the information in paragraph 80). At the same time, various interlocutors met during GRETA's evaluation visit referred to situations where corruption might take place, for example if a victim reports an offence to the police and the report is not registered because of family or other connections between police officers and traffickers.

**140. GRETA considers the Albanian authorities should include and effectively implement measures against corruption in a THB context in the general policies against corruption.**

<sup>76</sup> GRECO RC4(2018)4, Second compliance report, Albania, paragraph 46.

<sup>77</sup> For more details on the judicial reform, see [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/albania\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/albania_report_2020.pdf), p. 23 and following.

## V. Follow-up topics specific to Albania

### 1. Measures to prevent and combat trafficking for the purpose of labour exploitation

141. In its second report, GRETA called on the Albanian authorities to take further measures to raise awareness of the risks of human trafficking for the purpose of labour exploitation, aimed in particular at vulnerable groups, and to strengthen the monitoring of recruitment and temporary work agencies.

142. The Albanian authorities have organised a range of awareness-raising activities aimed at informing the general public as well as vulnerable groups, such as children, young people and members of minorities, about the risks of THB for the purpose of labour exploitation and how to detect possible victims. For this purpose, manuals, leaflets and brochures are published and distributed, and television and radio advertisements and programmes are produced.<sup>78</sup> By way of example, on 29 June 2018, the Ministry of Interior, in co-operation with the British Embassy in Tirana, held a conference at which Albania signed the "Call for Action" against forced labour, modern slavery and trafficking in human beings, a high-level political document bringing together the key commitments that countries have made through various international processes, in compliance with Agenda 2030 for the Sustainable Development Goals.

143. GRETA's second report referred to an agreement signed in October 2014 by the National Anti-Trafficking Co-ordinator, the Labour Inspectorate and the General Directorate of State Police, assigning the Labour Inspectorate a role in the proactive identification of victims of THB. However, GRETA was also informed that labour inspectors were not competent to inspect the grey economy, and noted a clear lack of resources and training with regard to THB. GRETA is particularly concerned by the fact that no victims of THB had been identified by labour inspectors at the time of the visit.

144. GRETA was informed of the adoption in 2018 of Council of Ministers Decision No. 101 "On the organisation and functioning of private employment agencies", according to which the State Labour Inspectorate and Social Services conduct periodic inspections to determine compliance of the activity of such agencies with the relevant legislation, and notify the Ministry of Health and Social Protection, which is responsible for issues of employment, when they detect violations. No presumed cases of THB have been detected in the framework of these p inspections.

145. Despite the above-mentioned measures, GRETA is concerned by the low number of identifications and prosecutions of THB for the purpose of labour exploitation. **GRETA urges the Albanian authorities to increase their efforts to proactively detect victims of trafficking for the purpose of labour exploitation, including by training labour inspectors and other relevant professionals (see also paragraph 112).**

### 2. Measures to prevent and combat child trafficking

146. In its second report on Albania, GRETA considered that the authorities should strengthen efforts in the area of prevention of child trafficking, paying particular attention to children placed in institutions and children from the Roma and Egyptian communities.

147. The Albanian authorities have referred to a series of awareness-raising and information activities for children and vulnerable groups. By way of example, on 14-16 June 2017, the Ministry of the Interior organised two information meetings with representatives of the Roma and Egyptian communities in the areas of Selita and Yzberisht in Tirana, together with the NGO ARSIS and the Child Protection Unit of the Municipality of Tirana. The purpose of the meetings was to raise awareness of the phenomenon of human trafficking, forms of trafficking, ways and indicators for identifying possible victims of trafficking, assistance, and reporting avenues such as national helpline 116006 and the free smartphone application *Raporto! Shpëto!* ("Report! Save!").

<sup>78</sup> For more details, see Albanian authorities' reply to GRETA's 3<sup>rd</sup> round questionnaire.

148. During 2018, amendments were made to the Law on Civil Status, and three guidelines were adopted by the Ministry of the Interior, to facilitate the registration of children. Additionally, the Minister of the Interior and the Minister of Health and Social Protection jointly approved an instruction for the registration of children at hospitals, as well as the birth registration procedure in the civil status office in cases where the child is not born in a hospital or is born abroad.

149. In 2018, the State Agency for the Rights and Protection of Children assisted 26 child victims or potential victims of trafficking, and 21 in the first six months of 2019. It is usually municipal child protection units that refer cases to the State Agency. The children are referred to the ONAC, which assesses each case together with the State Agency, decides whether assistance is needed and where to refer the child.

150. The State Agency for the Rights and Protection of the Child is the authority responsible for guaranteeing the functioning of the integrated protection system for unaccompanied children, inside and outside the territory of Albania. In cases where Albanian families leave their children abroad with the hope that the children will be able to obtain the nationality of the country and/or access education and work, the State Agency works with the families to find a solution but often has to place the children in shelters or foster families. Between 2015 and 2018, there were 1,225 cases of Albanian children returned, but the State Agency has assumed the responsibility over such children only since 2019, as prior to this it was the responsibility of the social services. Decision of the Council of Ministers No. 111 of 6 March 2019 "On procedures and rules for the return and repatriation of children" aims to guarantee the rights of unaccompanied children and provide them with the highest possible protection, through the creation of an integrated system of protection and efficient co-ordination of all state institutions and non-profit organisations. From the moment the Decision was adopted until December 2019, 33 children were returned, mainly from Sweden and Germany. The cases were referred for evaluation to child protection staff at the municipality or administrative unit where the family of the child to be repatriated resides. Repatriated children are generally male, and their age varies on average from 16 years and up. So far, most requests for repatriation of unaccompanied Albanian children have come from Germany, Sweden and Belgium. In the period January-June 2020, 41 requests were submitted (mostly by Germany) for the assessment of unaccompanied Albanian children and four children were repatriated.

151. According to UNHCR, as of January 2019, total of 155 children were identified as travelling unaccompanied.<sup>79</sup> In the period January-June 2020 at the Kakavija border crossing point 11 unaccompanied foreign children Palestine and Afghanistan were identified. They did not have identification documents with them and based on their statements they were presumed and treated as children. After receiving the emergency protection measure, the children were placed in the National Reception Centre for Asylum Seekers in Babrru.

152. During the third evaluation visit to Albania, several interlocutors raised concerns about the absence of an express reference to internal trafficking in Article 128/b CC, which criminalises trafficking of children (in contrast, Article 110/a of the CC, which criminalises trafficking of adults expressly refers to internal trafficking). As a result, it would appear that cases of internal trafficking of children are not prosecuted as such. Proposals have been made for changes to the CC, but have not yet been approved.

153. **GRETA considers that the Albanian authorities should strengthen their efforts in the area of prevention of child trafficking, using the results of research on new trends, sensitising and training child protection professionals across the country, and paying increased attention to the link between THB in children and the use of ICT.**

<sup>79</sup> <https://www.unhcr.org/see/wp-content/uploads/sites/57/2019/03/Fact-Sheet-UNHCR-Albania-Updated-31-January-2019.pdf>

### 3. Identification of victims of trafficking

154. The procedure for the identification of victims of THB, as explained in GRETA's second report on Albania, follows Standardised Operating Procedures (SOPs) for the identification and referral of victims and potential victims of trafficking, in force since December 2011, which constitute Albania's National Referral Mechanism (NRM).<sup>80</sup> The SOPs were updated in 2018 and specify the different actors involved in victim identification and their respective roles, and provide indicators for the identification of victims in different situations. There are two phases of identification: initial identification of presumed victims, which may be carried out by the police, border police, social services, labour inspectorate, regional education directorates, regional health directorates, municipal protection child units and civil society organisations, and formal identification by a group comprising a police officer and a social worker. A so-called "Responsible Authority", which comprised representatives of the Ministries of the Interior, Education and Sports, Health, and Foreign Affairs, as well as three NGOs, decides on the most complex cases of identification, including when Albanian victims have been identified abroad and returned to the country.

155. Following formal identification, victims are informed of their right to assistance and, if necessary, are accommodated in a shelter. There are no differences in the procedure for identification of victims of human trafficking among Albanian and foreign citizens. The provision of assistance is not conditional on the victim's co-operation with the investigation and prosecution, despite the continued encouragement of victims of trafficking to testify in criminal proceedings. However, during GRETA's evaluation visit, concerns were raised by various interlocutors that the police uses the identification interview to put pressure on victims to file reports against perpetrators. In addition, GRETA expressed concerns over the fact that only two victims were formally identified the authorities for 2018, out of the 95 presumed victims, raising questions as to possible delays or impediments in the procedure (see paragraph 12).

156. GRETA welcomes the efforts made in improving the proactive approach to identification through the setting up of mobile units in three regions of the country (Tirana, Vlora and Elbasan), which visit places where there are risks of trafficking, such as night clubs and begging hotspots. The mobile units are supposed to include NGO representatives and police officers, but the latter reportedly do not participate systematically in the work of the mobile units. At the beginning of 2020, three more new mobile units were set up in the regions of Shkodra, Kukës and Dibër. Mobile units operate in accordance with the Standard Operating Procedures for the protection of victims and potential victims of trafficking, as well as the specific Standards of Mobile Units. For the proper functioning of these units, co-operation agreements have been signed between the local Police Directorates and the National Coalition of Anti-Trafficking Shelters.

157. As noted in paragraph 15, Albania is a transit country for asylum seekers and refugees. According to the authorities, most migrants arriving in Albania have apparently already determined their destination, normally a Western European country, and close to 99% of asylum seekers *de facto* abandon the procedure within a few days of requesting asylum by leaving the reception centre and, presumably, Albania. In the period from 1 January 2018 to mid-August 2019, some 7,613 persons indicated their intention to seek asylum at the time of the pre-screening procedure at the border, but only 87 formally lodged an asylum application with the responsible authority.

<sup>80</sup> Council of Ministers Decision No. 582 of 27 July 2011.

158. A new Law on Asylum, drafted with the support of UNHCR and in close consultation with the EU, which includes victims of trafficking in human beings in the category of vulnerable persons, has been approved by the Council of Ministers and is undergoing approval by the National Assembly.

159. The Ministry of the Interior Instruction No. 293 of 2015 "On procedures for the treatment of foreign nationals illegally staying in the territory of the Republic of Albania" and Instruction No. 611 of 2015 relating to the procedures for the referral of cases from the border and migration authority to the authority for asylum seekers and refugees, both require the Border and Migration Police to register an asylum request through a pre-screening form and to refer the case immediately to the Directorate for Asylum and Citizenship. This pre-screening is considered to be the initial phase of the asylum procedure. Instruction No. 293 stipulates that, in accordance with the SOPs, the unit of the Border and Migration Police is obliged to refer cases of presumed victims of THB to the relevant anti-trafficking section within the regional police department.

160. However, there are a number of concerns with regard to the pre-screening asylum procedure. GRETA was informed that the pre-screening questionnaire is not always followed strictly: statements by asylum applicants are not always recorded, and there is a lack of interpretation services. In addition, registration of family links between persons arriving in a group is reportedly not always effectively ensured, thereby increasing the risks of not detecting unaccompanied and separated children or women at risk.

161. In order to address these gaps, the Ministry of the Interior and the Border and Migration Police are currently revising the pre-screening instruction, in consultation with UNHCR and OSCE. The aim is to be in full compliance with international and human rights law, as well as EU law and EU fundamental rights, and give a special focus to foreign unaccompanied and separated children and persons with vulnerabilities or specific needs, including presumed victims of trafficking. The pre-screening instruction will be jointly endorsed by the Ministry of the Interior and the Ministry of Health and Social Protection.

162. GRETA is concerned by information received during the evaluation visit about lack of co-ordination between the border police, the asylum authorities and the specialised anti-trafficking police unit, reflected in the lack of identification of victims of THB amongst migrants and asylum seekers. GRETA was informed that an asylum seeker from Gambia was identified as a possible victim of THB, but remained in the asylum seekers' reception centre as it was not possible to accommodate her in a specialised shelter. Based on the SOP, after conducting the formal interview, the person was evaluated as a presumed victim of THB and was sent to the centre "Different and Equal" in June 2020, where she continues to receive necessary assistance.

163. Furthermore, various interlocutors reported cases of push-backs of persons intercepted at the border with Greece without implementing the pre-screening procedure, as well as the lack of implementation by Greece of the EU-Albania Readmission Agreement, increasing the risk of returns carried out in breach of the guarantees foreseen in this Agreement (see also paragraph 119). GRETA stresses that push-backs negatively affect the detection of victims of THB amongst asylum seekers and migrants and raise grave concerns as regards Albania's compliance with certain obligations of the Convention, including the positive obligations to identify victims of trafficking and to refer them to assistance, and to conduct a pre-removal risk assessment to ensure compliance with the obligation of non-refoulement.



164. GRETA was informed that in 2017, following a 2015 report published by the Ombudsperson,<sup>81</sup> a delegate from this institution was assigned to monitor the human rights situation at Albania's southern border with Greece, notably the implementation of the pre-screening procedure by the Border and Migration Police. In 2018, this arrangement was extended to the northern border, and in 2019 also to the eastern border. This monitoring mechanism includes daily exchanges between the Ombudsperson's Office and the Border and Migration Police. In the role of the National Mechanism for the Prevention of Torture, the Ombudsperson's Institution continued to implement in 2019 the Co-operation Agreement signed with UNHCR within the framework of the joint project "Refugees and Asylum Seekers in South-Eastern European Countries". Besides the border area of Gjirokastra, Saranda and Përmet, the activity of the Ombudsperson was extended in the areas of Shkodra, Kukës, Korça and Bilisht. Pursuant to the guidelines of the Ombudsman institution and in co-operation with UNHCR, the experts were in contact with hundreds of migrants, informing them about their rights, interviewing them and monitoring the process of their identification performed by immigration staff, co-ordinating co-operation with the responsible structures in cases when medical assistance was necessary.<sup>82</sup>

165. GRETA was informed of two cases involving four persons who were asylum seekers and referred to the NRM. One of the cases involved three children who, with the involvement and support of UNHCR, were finally able to be reunited with their mother under the scheme of refugee family reunification in Sweden. In 2017, there was one person, and in 2018-2019, five persons, identified as presumed victims of trafficking during interviews conducted by UNHCR and/or NGOs working as partners of UNHCR. All were asylum seekers who, however, abandoned the asylum procedure in Albania shortly after making asylum applications and presumably left Albania.

166. **GRETA urges the Albanian authorities to take further steps to improve identification of victims of THB, notably by:**

- **ensuring that the identification of presumed trafficked persons is not influenced by the 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;**
- **ensure that pre-removal risk assessments prior to all forced removals from Albania fully assess risks of trafficking or re-trafficking on return, in compliance with the obligation of *non-refoulement*.**

<sup>81</sup> Available at: <https://www.avokatipopullit.gov.al/media/manager/website/reports/RAPORTI%202015.pdf>

<sup>82</sup> See the Ombudsman's web site:

<https://www.avokatipopullit.gov.al/media/manager/website/reports/Raporti%20Vjetor%202019%20-%20Avokati%20i%20Popullit.pdf>



#### 4. Assistance to victims of trafficking

167. As noted in GRETA's second report on Albania, there are two specialised shelters for women victims of THB, in Tirana (run by the NGO Different and Equal) and Vlora (run by the NGO Vatra), and a third one accommodating child victims in Elbasan (run by the NGO Another Vision). In addition, there is the National Reception Centre for Victims of Trafficking in Tirana,<sup>83</sup> under the Ministry of Social Affairs and Youth. Each shelter has a multidisciplinary supervision team, which includes social workers, a psychologist, a doctor, a teacher and a lawyer. The above-mentioned three shelters and the reception centre form the National Coalition of Shelters for Victims of THB meet each month to co-ordinate their activities and agree on a number of priorities each year. The coalition is a participant in the Responsible Authority of the NRM.

168. GRETA was informed that assistance was provided to a large extent through foreign funding to NGOs. In order to qualify for state funding for the provision of social services, NGOs have to submit joint project proposals together with the local authorities, on an annual basis, to the Ministry of Health and Social Protection. The provision of services to victims of THB by NGOs is made precarious by the fact that the application process is long (it may take several months), there is no guarantee that the funding will be continued the following year, and the local authorities are not always ready to participate in joint projects with NGOs.

169. GRETA welcomes the fact that, according to the SOPs, assistance is to be provided to all victims and presumed victims of trafficking regardless of their formal identification. However, recalling the recommendations made in the first and second report, **GRETA once again urges the Albanian authorities to:**

- **provide adequate funding for assistance to victims of trafficking in order to enable NGOs to comply with the required standards;**
- **provide shelter, accommodation and access to other assistance services to male victims of THB;**
- **facilitate 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.**

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<sup>83</sup> See GRETA's second report on Albania, paragraph 107.

## **Appendix 1 - List of GRETA's conclusions and proposals for action**

The position of the proposals for action in the text of the report is shown in parentheses.

### **Topics related to the third evaluation round of the Convention**

#### ***Right to information***

- GRETA considers that the Albanian authorities should strengthen the capacity of law enforcement and relevant professionals to inform presumed victims and formally identified victims of trafficking regarding their rights, the services available and how to access them, as well as the implications of being identified as a victim of trafficking. All professionals who are in contact with victims of THB must be trained on how to provide information on rights to traumatised victims who may have difficulties in adequately understanding and analysing the information before taking a decision. Victims should also be informed of any significant change in circumstances, including arrests, media coverage, change in charges or discontinuation of the proceedings (paragraph 44).

#### ***Legal assistance and free legal aid***

- GRETA urges the Albanian authorities to strengthen their 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).

#### ***Access to work, vocational training and education***

- GRETA considers that the Albanian authorities should strengthen effective access to the labour market for victims of THB and their economic and social inclusion, through raising awareness among different employers, and the promotion of micro-businesses, social enterprises and public-private partnerships, including through state supported employment programmes, with a view to creating appropriate work opportunities for all victims of trafficking, including foreign nationals and persons from disadvantaged socio-economic backgrounds (paragraph 63).

#### ***Compensation***

- GRETA urges the Albanian authorities to make efforts to facilitate and guarantee access to compensation for victims of THB, 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;

- through training, encourage 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).

### ***Investigations, prosecutions, sanctions and measures***

- GRETA urges the Albanian authorities to take additional measures to ensure that THB cases are investigated proactively, prosecuted effectively, and lead to effective, proportionate and dissuasive sanctions, in particular by:
  - strengthening the proactive investigation of THB cases, regardless of whether a complaint regarding the crime has been submitted or not, and making use of special investigation techniques in order to gather evidence, and not have 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, thereby avoiding the risk of depriving victims of THB of access to protection and support;
  - ensuring that THB prosecutions lead to effective, proportionate and dissuasive sanctions;
  - 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).

### ***Non-punishment provision***

- GRETA considers that the Albanian authorities should continue to ensure the application of the non-punishment principle in practice. Occasions where victims are inappropriately prosecuted and later identified as victims of THB should be recorded and reported annually. This information will assist with training needs and identify frequency of where victims are forced to commit unlawful acts (paragraph 92).

### ***Protection of victims and witnesses***

- GRETA considers that the Albanian authorities should take additional steps to ensure that victims and witnesses of human trafficking, as well as their family members, are provided with effective and appropriate protection from potential retaliation or intimidation, including by conducting regular risk assessment and by ensuring that specialised NGOs receive adequate funding for the purpose. This provision should be available for the families of Albanian victims who are identified abroad and who might be at risk of retaliation/intimidation by the perpetrators (paragraph 98).

### ***Specialised authorities and co-ordinating bodies***

- GRETA considers that the Albanian authorities should continue reinforcing these structures and ensure that there are specialised prosecutors trained to deal with THB cases, as well as encouraging the training a specialisation of judges (paragraph 109);

- GRETA considers that the Albanian authorities should take additional steps to ensure that all relevant professional groups are regularly trained in preventing THB, identifying and interviewing victims, referring them to assistance and enabling them to effectively exercise their rights. The training should be embedded in the regular training curricula of different professional groups, including law enforcement officials, prosecutors, judges, lawyers, labour inspectors, social workers, child welfare staff, health-care staff, and diplomatic and consular staff (paragraph 110).

### ***International co-operation***

- GRETA welcomes Albania's participation in multilateral and bilateral international co-operation in the fight against THB, and considers that the Albanian authorities should take legislative and other measures to strengthen international co-operation in the fight against THB, including by means of JITs, and ensure the protection of victims of THB (paragraph 120).

### ***Gender-sensitive criminal, civil, labour and administrative proceedings***

- GRETA considers that the Albanian authorities should promote a gender-responsive approach to access to justice for victims of THB, including through gender mainstreaming and training, and to adopt a gender-sensitive approach in the system for the identification of victims of trafficking, including through allowing for the provision of interpreters and interviewers of the same sex as the presumed victim (paragraph 125).

### ***Child-sensitive procedures for obtaining access to justice and remedies***

- GRETA considers that the Albanian authorities should ensure that child victims of THB are afforded special protection measures in practice, including in the context of interviews, both as regards the competencies of the professionals present and the environment in which the interviews are conducted, notably in child-friendly hearing rooms. In this context, GRETA refers to the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, which recommend that all professionals working with children receive necessary interdisciplinary training on the rights and needs of children (paragraph 131).

### ***Role of businesses***

- GRETA considers that the Albanian authorities should adopt legislation integrating the prevention of THB and labour exploitation in public procurement policies and promoting transparency in supply chains to enable scrutiny of companies' performance to prevent THB and labour exploitation (paragraph 134);
- GRETA considers that the Albanian authorities should proactively engage with the private sector, in line with the UN Guiding Principles on Business and Human Rights and Council of Europe Committee of Ministers Recommendation CM/Rec(2016)3 on human rights and business, with a view to raising awareness of the important role and responsibility of businesses to prevent human trafficking in their supply chains, to support the rehabilitation and recovery of victims, and to provide access to effective remedies (paragraph 135).

### ***Measures to prevent and detect corruption***

- GRETA considers that the Albanian authorities should include and effectively implement measures against corruption in a THB context in the general policies against corruption (paragraph 140).

## **Follow-up topics specific to Albania**

### ***Developments in the institutional and policy framework for action against human trafficking***

- GRETA welcomes the steps taken and considers that the Albanian authorities should pursue their efforts towards establishing an independent National Rapporteur or designate another mechanism as an independent organisational entity with a view to ensuring effective monitoring of the anti-trafficking activities of state institutions and making recommendations to persons and institutions concerned (paragraph 24).

### ***Measures to prevent and combat trafficking for the purpose of labour exploitation***

- GRETA urges the Albanian authorities to increase their efforts to proactively detect victims of trafficking for the purpose of labour exploitation, including by training labour inspectors and other relevant professionals (paragraph 145).

### ***Measures to prevent and combat child trafficking***

- GRETA considers that the Albanian authorities should strengthen their efforts in the area of prevention of child trafficking, using the results of research on new trends, sensitising and training child protection professionals across the country, and paying increased attention to the link between THB in children and the use of ICT (paragraph 153).

### ***Identification of victims of trafficking***

- GRETA urges the Albanian authorities to take further steps to improve identification of victims of THB, notably by:
  - ensuring that the identification of presumed trafficked persons is not influenced by the 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 pre-removal risk assessments prior to all forced removals from Bulgaria fully assess risks of trafficking or re-trafficking on return, in compliance with the obligation of non-refoulement (paragraph 166).

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***Assistance to victims of trafficking***

- GRETA once again urges the Albanian authorities to:
  - provide adequate funding for assistance to victims of trafficking in order to enable NGOs to comply with the required standards;
  - provide shelter, accommodation and access to other assistance services to male victims of THB;
  - facilitate 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).

## **Appendix 2 - List of public bodies, intergovernmental organisations and civil society actors with which GRETA held consultations**

### **Public bodies**

- Ministry of the Interior
  - Ms Rovena Voda, Deputy Minister of the Interior and National Co-ordinator for the Fight against Trafficking in Human Beings
  - Directorate against Narcotics and Illicit Trafficking
  - Directorate of Economic and Financial Crime
  - Directorate for the Protection of Witnesses and Justice Collaborators
  - Department for Border and Migration
- Ministry of Health and Social Protection
  - State Social Services
  - State Agency for the Rights and Protection of Children
- State Labour Inspectorate
- General Prosecutor's Office
- Serious Crimes Prosecutor's Office
- First Instance Court for Serious Crimes
- Agency for the Administration of Sequestered or Confiscated Assets
- School of Magistrates
- Ms Erinda Ballanca, Ombudsperson
- Mr Zenel Kuçana, Head of the District of Kukës
- Members of the Regional Anti-Trafficking Committee and the Anti-Trafficking Technical Roundtable of Kukës

### **Intergovernmental organisations**

- International Labour Organization (ILO)
- International Organization for Migration (IOM)
- Organization for Security and Co-operation in Europe (OSCE)
- United Nations High Commissioner for Refugees (UNHCR)

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**Civil society organisations**

- Albanian National Child Helpline
- Centre for Legal Civic Initiatives (CCI)
- Children's Rights Centre of Albania (CRCA)
- Different and Equal
- Help for Children Foundation (Ndihmë për Fëmijët, NPF)
- Initiative ARSIS
- Kukës Community Centre
- Mary Ward Loreto Foundation
- Network of NGOs to combat child trafficking BKTf "Together against THB"
- Qendra Psiko-Sociale Vatra
- "Refleksione" Association
- Romani Bahxt
- Terre des Hommes
- Tirana Legal Aid Society (TLAS)
- Tjeter Vizion (Another Vision)
- World Vision



## **Government's comments**

### **The following comments do not form part of GRETA's analysis concerning the situation in Albania**

GRETA engaged in a dialogue with the Albanian authorities on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version.

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the Albanian authorities on 22 October 2020 and invited them to submit any final comments. The comments of the Albanian authorities, submitted on 3 December 2020, are reproduced hereafter.



REPUBLIKA E SHQIPËRISË  
MINISTRIA E BRENDSHME

GENERAL REGULATORY AND COMPLIANCE DIRECTORATE FOR PUBLIC  
ORDER AND SECURITY

**Ms. Petya Nestorova**  
**Executive Secretary**  
**Of the Council of Europe**  
**Convention on Action**  
**Against Trafficking in Human Beings**

Dear Ms. Nestorova,

We would like to thank very much for your letter dated October 22<sup>nd</sup> 2020, transmitting the final GRETA Report, concerning the implementation of the Convention on Action against Trafficking in Human Beings in Albania.

Albania would therefore especially like to thank the delegation of GRETA that came to Albania composed of Mr. Mihai Serban, Ms. Dorothea Winkler, Ms. Evgenia Giakomopoulou and of course yourself for the cooperation during the third evaluation process and as regards the report you have provided, we do not have any comments.

Thanking you for your collaboration, we express our availability to address the recommendations of the report.

Sincerely,

Silvana Banushi

**General Director of Regulatory and Compliance Directorate for Public Order and Security**  
**Ministry of Interior**  
**ALBANIA**