

2012 Trafficking in Persons Report – Albania (June 20, 2012)

ALBANIA (Tier 2)

Albania is primarily a source country for men, women, and children subjected to sex trafficking and forced labor, including the forced begging of children. Albanian women and children continue to be subjected to sex trafficking within the country. Albanian victims are subjected to conditions of forced labor and sex trafficking in Greece, Italy, Macedonia, Kosovo, Serbia, and throughout Western Europe. Authorities reported finding trafficking victims from Greece and Ukraine in Albania during the year. Children were exploited for commercial sex, forced begging, and forced criminality, such as burglary and drug distribution; girls were also subjected to prostitution or forced labor after arranged marriage. There is evidence that Albanian men are subjected to forced labor in agriculture in Greece and other neighboring countries. Re-trafficking of Albanian victims continued to be a problem.

The Government of Albania does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government increased its capacity to proactively identify trafficking victims, used its witness protection program to protect a trafficking victim, and provided short-term funding for NGOs to help victims. However, the government's overall lack of sustained funding to anti-trafficking NGOs resulted in temporary closure of a shelter during the year, negatively impacting victim assistance. Moreover, widespread corruption, particularly among the judiciary, continued to hamper overall anti-trafficking efforts.

Recommendations for Albania: Proactively implement the new standard operating procedures on victim identification to increase the scope of victims identified in Albania; ensure adequate funding for NGOs providing critical victim assistance; ensure a victim-centered approach to victim identification by not conditioning victim status on victims' roles in criminal investigations; expand the focus of care to ensure more community-based services for victims' reintegration, and empower survivors and help reduce the stigma associated with trafficking; continue to take steps to increase victim-witness protection for victims who may be willing to cooperate with law enforcement; vigorously pursue cases of trafficking occurring within the country; and proactively investigate trafficking-related complicity of government officials.

Prosecution

The Government of Albania sustained its anti-trafficking law enforcement efforts over the last year, though it convicted fewer trafficking offenders than during the previous year. Albania

criminally prohibits sex and labor trafficking through articles 110(a), 128(b), and 114(b) of its criminal code, which prescribe penalties from five to 15 years' imprisonment. These penalties are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape. The Serious Crimes Prosecution division reported investigating 27 human trafficking suspects in 2011, compared with 29 suspects investigated in 2010. During the past year, the Serious Crimes Court prosecuted five suspected trafficking offenders; all five prosecutions resulted in convictions in 2011, compared with 11 convictions in 2010. Penalties imposed on the five convicted offenders ranged from fines to 15 years' imprisonment. The government continued its criminal investigation into a labor trafficking case initiated in 2010, but it has yet to formally charge any suspects. NGOs praised the victim-sensitive response from prosecutors appointed to trafficking cases during the year, including their referral of victims to care. According to a 2011 report on Albania produced by the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA), the Albanian government's official recognition of the need to increase the response to internal trafficking has yet to lead to tangible actions. Pervasive corruption in all levels and sectors of Albanian society continued to seriously affect the government's ability to address its human trafficking problem. The government did not report taking any law enforcement action against trafficking-related complicity in 2011.

Protection

The Government of Albania made some notable progress in strengthening its capacity to identify and protect victims of trafficking in 2011. The government's lack of sustained funding to NGOs, however, resulted in the temporary closure of one shelter during the reporting period. In the last year, the government reported identifying 84 new trafficking victims via the national referral mechanism, compared with 97 trafficking victims identified in 2010. NGOs reported assisting a total of 132 trafficking victims throughout the year. In July 2011, the government approved victim-centered standard operating procedures (SOPs) in collaboration with civil society to improve identification of trafficking victims and their referral to care. Although the new SOPs separated trafficking victims' status from their willingness to press charges against their traffickers, NGOs noted cases in which police and social workers granted victim status only after the victims agreed to formally participate in proceedings against their traffickers.

For the first time, the Albanian government disbursed funding to NGOs for the provision of shelter services to trafficking victims, providing the equivalent of approximately \$9,775 to three NGOs. The government ended its previous policy of requiring government social workers' presence during NGO-conducted victim identification interviews as a precondition for funding. The NGO funding was limited to food expenses; some potential trafficking victims needing this benefit were not entitled to it. Due to lack of sustained funding, one of these NGOs was forced to

close its shelter temporarily during the year, diminishing victim assistance in an area of the country with a critical need for services. The government continued, however, to fully fund and operate a reception center that housed both victims of trafficking and undocumented foreign migrants; victims' freedom of movement was often restricted in this center. Furthermore, the center lacked the capacity to provide comprehensive reintegration assistance to victims. Some NGOs reported officials' preference to refer trafficking victims to the reception center rather than NGO shelters; more than half of all newly identified victims in 2011 were assisted in this facility. The government did not penalize identified victims for unlawful acts committed in connection with their being trafficked; however, the Albanian criminal code currently does not prohibit this from occurring. Country experts expressed concern that local police did not recognize child trafficking within the country and instead treated such cases as "exploitation of prostitution" or "child maltreatment." Albania's anti-trafficking law provides immigration relief as an alternative to the removal of foreign victims to countries where they may face hardship or retribution, although the government did not grant this to any foreign victims in 2011. The government encouraged victims to participate in investigations and prosecutions of trafficking offenders. Victims who pursued cases against their traffickers continued to be at risk from retribution, and there was often a need for witness protection after a trial commenced. During the year, 28 trafficking victims assisted law enforcement officials in the investigation stage and two trafficking victims testified during trial; notably, the government enrolled one of these victims in its witness protection program. The government reported it provided five trafficking victims with financial stipends in order to assist with their reintegration after they left a shelter. The government conducted four trainings for law enforcement and other front-line responders on its newly adopted victim identification and referral procedures in 2011.

Prevention

Albania sustained its efforts to prevent trafficking in persons during the year, although it continued to rely primarily on international donors to fund anti-trafficking awareness campaigns. The government continued to monitor its anti-trafficking efforts via its national anti-trafficking coordinator's office, which helped launch in 2011 a donor-funded national campaign entitled "Childhood is Not Exploitation for Work," which targeted schools and at-risk children to raise awareness about forced labor among the public and teachers. During the year, the national coordinator's office took steps to facilitate the registration of unregistered children, who are especially vulnerable to trafficking in Albania. The government continued to fund the national, toll-free, 24-hour hotline for victims and potential victims of trafficking. The government made no discernible efforts to address demand for commercial sex acts.