

ALBANIA: Tier 2

The Government of Albania does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore Albania remained on Tier 2. The government increased funding for victim protection, and identified and assisted more victims. The government, in cooperation with NGOs, reactivated mobile identification units in three regions and strengthened child protection within the criminal justice system. The government also admitted one victim into the witness protection program. However, the government did not meet minimum standards in several key areas. The government continued to penalize victims for unlawful acts committed as a direct result of being subjected to human trafficking. The government reported fewer prosecutions and convictions, and authorities continued to investigate and prosecute some traffickers for the lesser crime of exploitation of prostitution. The government delayed funding to NGO-run shelters and did not consistently apply victim-centered investigations and prosecutions. Police did not consistently identify trafficking victims among individuals in prostitution, and the labor inspectorate lacked the training to identify victims of forced labor. Identification efforts for forced begging remained inadequate, particularly among unaccompanied children, street children, and children moving across the borders for begging.

RECOMMENDATIONS FOR ALBANIA

Implement the law that exempts victims from penalties for unlawful acts committed as a direct result of being subjected to trafficking, particularly sex trafficking victims exploited in prostitution; vigorously investigate, prosecute, and convict traffickers—including complicit officials—under article 110(a) and 128(b); train investigators, prosecutors, and judges on victim-centered approaches to trafficking cases and increase victim protection from threats and intimidation during court proceedings; continue to train law enforcement, prosecutors, and judicial officials, particularly district prosecutors, on investigating, prosecuting, and trying trafficking cases, including guidance on overlapping elements of exploitation of prostitution and trafficking; allocate adequate funding and resources on a consistent and regular basis to the government-run and NGO-run shelters for trafficking victims; improve the sustainability of mobile identification units; train police, labor inspectors, and other front-line officials on proactive identification of victims and increase efforts to screen children for signs of trafficking; and adopt a national action plan and allocate sufficient resources to the plan.

PROSECUTION

The government decreased law enforcement efforts. Articles 110(a) and 128(b) of the criminal code criminalized sex and labor trafficking and prescribed penalties of five to 15 years imprisonment and a fine between two million lek (\$18,080) and five million lek (\$45,210), which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The state police investigated 69 cases with 80 suspects (69 cases with 69 suspects in 2016); 22 of these suspects in 2017 were investigated for child trafficking (22 in 2016) and 58 for adult trafficking (47 in 2016). The Serious Crimes Prosecutor's Office (SCPO) prosecuted five defendants (18 in 2016); two of these suspects were prosecuted for child trafficking (nine in 2016) and three for adult trafficking (nine in 2016). Courts convicted seven traffickers (24 in 2016); one trafficker was convicted for child trafficking (11 in 2016) and six for adult trafficking (13 in 2016). All convicted traffickers received prison sentences, which ranged between eight years and eight months to 17 years.

Authorities continued to investigate and prosecute some traffickers for the lesser crime of exploitation of prostitution. Authorities reported the confusion between overlapping elements of exploitation of prostitution and trafficking and at times applied the lesser charge because it required less specialization and time, or due to the false belief that trafficking crimes required a transnational element. The government enacted judicial reforms that will eventually change court jurisdiction for trafficking cases; cases not related to organized crime will soon fall from the Serious Crimes Court to district courts, but authorities reported district prosecutors did not have the experience and capacity to adequately prosecute trafficking cases. The government operated a closed case task force to review successful and unsuccessful trafficking cases; so far the task force has only reviewed two cases. Observers reported limited resources and constant turnover within law enforcement created obstacles in maintaining capacity to investigate trafficking. The government, at times in cooperation with civil society, trained 20 police officers; 100 employees of local law enforcement; 40 border police officers; and 127 judges, prosecutors, and judicial police officers. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses; however, official complicity and corruption were significant concerns. The government signed extradition agreements with the United Kingdom and Northern Ireland and conducted joint investigations with Italian and Spanish law enforcement.

PROTECTION

The government maintained victim protection efforts. The government and NGOs identified 105 potential trafficking victims (95 in 2016). Of these, 49 were adults and 56 were children (51 adults and 44 children in 2016), 80 were female and 25 were male (84 females and 11 males in 2016), and nine were foreigners (eight in 2016). Seventy-nine were identified as potential victims and 26 officially identified as victims (62 potential victims and 33 officially identified victims in 2016). A multi-disciplinary national referral mechanism (NRM) provided standard operating procedures (SOPs) for identifying and referring victims to services. The government, with the support of NGOs, reactivated mobile identification units in three regions, but the unit's sustainability was uncertain due to a lack of permanent staff, formalization, and resources; mobile identification units identified 26 potential victims. Additionally, the government referred 60 potential victims, civil society referred 16, and three self-identified. Observers reported police did not consistently identify trafficking victims among individuals in prostitution and the labor inspectorate lacked the training to identify victims of forced labor. Similarly, identification efforts for forced begging remained inadequate, particularly among unaccompanied children, street children, and children moving across the borders for begging. First responders referred potential trafficking victims to law enforcement and state social services who conducted a joint interview and provided official victim status. The law provided equal services for both potential victims and officially recognized victims.

The government operated one specialized shelter and supported three specialized NGO-run shelters. The government provided 20.2 million lek (\$182,640) to NGO-run shelters to support 29 staff salaries, compared to 15.3 million lek (\$138,340) to support 24 staff salaries in 2016. The government used 4.7 million lek (\$42,500) in 2016 and 2017 from the special fund of seized criminal assets to support services. The government provided 5.5 million lek (\$49,730) for food support to NGO-run shelters, compared to 1.8 million lek (\$16,280) in 2016. However, the government reorganized the Ministry of Social Welfare and Youth and State Social Services into the new Ministry of Health and Social Care, which contributed to delays in funding, including funding for staff salaries and food support. NGO-run shelters operated under financial constraints and relied on outside sources for operating costs; government financial mechanisms intended to partially fund these shelters remained complicated. The four shelters comprised the National Coalition of Anti-trafficking Shelters (NCATS) and victims who required services not available in

one shelter were referred to another shelter within the coalition. The NCATS provided assistance to trafficking victims, including food, counseling, legal assistance, medical care, educational services, employment services, assistance to victims' children, financial support, long-term accommodation, social activities, vocational training, and post-reintegration follow-up. The government provided free vocational training, textbooks for child victims, and health cards that provided free access to health care; however, the government offered limited reintegration support and did not provide funding for reintegration services. Experts reported first responders often referred individuals that were not trafficking victims to the government-run shelter, including individuals with mental health issues or victims of other crimes. NGO-run shelters supported 71 trafficking victims and potential victims (75 in 2016) and the state-run shelter supported 30 (30 in 2016). NGO-run shelters allowed adult victims to leave the shelter voluntarily, but the state-run shelter required victims to seek approval from the director of the shelter. One NGO-run shelter provided specialized services for child victims under the age of 18 and male victims were provided with rented apartments, where they received assistance from NGOs. Foreign victims had access to the same services as domestic victims and the law provided foreign victims a three-month reflection period with temporary residency status and authorization to work for up to two years. The government granted residency to six foreign victims in 2017 (none in 2016). Observers reported professional staff and good quality of care at the shelters in the NCATS but reported low staff levels at the government-run shelter after staff were transferred to the domestic violence center and the facility required renovations.

The government penalized one victim for an unlawful act committed as a direct result of being subjected to trafficking; as in similar cases in past years, authorities convicted an officially identified trafficking victim for prostitution and sentenced her to eight months of probation. The government may have deported, detained, or restricted freedom of movement of some trafficking victims due to inadequate identification efforts. SCPO possessed equipment that allowed testimony via video conferences and victims who testified against traffickers had access to the witness protection program; one trafficking victim participated in the program. The government adopted several laws strengthening child protection within the criminal justice system, such as the participation of a psychologist in criminal proceedings involving children. Twenty-three trafficking victims cooperated with law enforcement in investigations and prosecutions; however, the government did

not consistently apply victim-centered investigations and prosecutions. Law enforcement did not consistently offer sufficient security and support, victims and their families received threats during court proceedings, and some victims appeared in front of their traffickers in court proceedings, causing re-traumatization. Victims could obtain restitution from the government or file civil suits against traffickers; no victim had ever received restitution. The law provided repatriation assistance to Albanians citizens identified abroad; four potential victims were repatriated from Germany, Kosovo, the Netherlands, and Norway (none in 2017).

PREVENTION

The government increased efforts to prevent trafficking. The government allocated 5.7 million lek (\$51,540) to the Office of the National Anti-Trafficking Coordinator (ONAC) in 2016 and 2017. The national action plan expired in December 2017, but ONAC, in cooperation with an international organization, convened three meetings with stakeholders to begin developing a new plan. ONAC continued to publish regular activity reports on its website and held four meetings with stakeholders involved in the NRM. Observers reported prosecutors rarely attended NRM meetings. Twelve regional anti-trafficking committees (RATC) comprising local officials and NGOs worked on prevention and victim assistance. The prime minister issued an order to strengthen the RATCs by mandating the government agencies required to participate, including social services, law enforcement, labor inspectors, and health representatives. ONAC and national anti-trafficking coordinators from Montenegro and Kosovo signed a joint declaration ensuring the application of a unified SOP for victim protection and assisted voluntary repatriation. ONAC, in cooperation with civil society, conducted a month long awareness campaign and separate awareness campaigns targeting students and teachers. ONAC also conducted informative meetings with representatives from the Romani and Balkan Egyptian communities. The hotline received six calls that were trafficking-related and referred to law enforcement. The government did not make efforts to regulate or punish labor recruiters for illegal practices that increase migrants' vulnerability to exploitation abroad. Labor inspectors did not have authority to inspect informal work activities, including unregistered businesses. The government conducted awareness campaigns on sex tourism but did not take steps to reduce demand for forced labor. The government provided anti-trafficking guidance for its diplomatic personnel, and the national

coordinator briefed Albanian diplomats stationed in nine cities on human trafficking regulations.

TRAFFICKING PROFILE

As reported over the past five years, Albania is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Albanian women and children are subject to sex trafficking and forced labor within the country, especially during tourist season. Traffickers use false promises such as marriage or employment offers to force victims into sex trafficking. Traffickers increasingly use social media to recruit victims. Children are commonly forced to beg or perform other types of compelled labor such as selling small items. Albanian children, mainly from the Romani community, are exploited regionally for seasonal work. There were also instances of children forced to work in cannabis fields in Albania and some traffickers are likely involved in drug trafficking. Albanian victims are subject to sex trafficking in countries across Europe, particularly Kosovo, Greece, Italy, Belgium, Germany, Switzerland, Macedonia, Norway, the Netherlands, and the United Kingdom. NGOs report an increase in the number of Albanian children subjected to forced labor in Kosovo and the United Kingdom. Foreign victims from European countries and the Philippines were subjected to sex trafficking and forced labor in Albania. Irregular migrants from Asia are employed as domestic workers by wealthy families where they are vulnerable to domestic servitude. Middle Eastern, Central Asian, and African migrants transit Albania to reach Western Europe and are vulnerable to trafficking.