

Albania (Tier 2)

The Government of Albania does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Albania remained on Tier 2. These efforts included updating standard operating procedures (SOPs) for victim identification and referral, allocating funding for victim coordinators in every prosecution office starting in 2019, and institutionalizing training on trafficking within the Border and Migration Police (BMP). The government also doubled the budget for the Office of the National Anti-Trafficking Coordinator (ONAC) and adopted the 2018-2020 national action plan. However, the government did not meet the minimum standards in several key areas. The government continued to investigate, prosecute, and convict fewer cases, leading to the lowest level of reported law enforcement actions in four years. Additionally, the government lacked proactive identification efforts and law enforcement, in particular, did not consistently participate in mobile victim identification units or consistently screen vulnerable populations. The government continued to delay funding for NGO-run shelters and did not consistently apply victim-centered approaches to investigations and prosecutions.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers—including complicit officials—under Articles 110(a) and 128(b) of the criminal code. • Institutionalize and provide training for 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. • Increase efforts to screen vulnerable populations and train police, labor inspectors, and other front-line officials on proactive identification of victims. • Create funding mechanisms that allocate adequate funding and resources on a consistent and regular basis to the government-run and NGO-run shelters for trafficking victims. • Expand the jurisdiction of labor inspectors to inspect businesses that are not legally registered. • Improve the sustainability of, and law enforcement participation in, mobile trafficking victim identification units. • Increase reintegration services, including access to education

for child victims. • Implement victim-centered approaches and victim-witness protection measures during court proceedings.

PROSECUTION

The government decreased law enforcement efforts. Articles 110(a) and 128(b) of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of eight to 15 years' imprisonment for a trafficking offense involving an adult victim, and ten to 20 years' imprisonment for an offense involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The Albanian State Police (ASP) investigated 38 trafficking cases with 51 suspects (69 cases with 80 suspects in 2017); nine of these suspects were investigated for child trafficking (22 in 2017) and 42 for adult trafficking (58 in 2017). The ASP also investigated three suspects for knowingly soliciting or patronizing a sex trafficking victim to perform a commercial sex act (none in 2017). The Serious Crimes Prosecutor's Office (SCPO) prosecuted two cases with six defendants (five cases with five defendants in 2017); three of these defendants were prosecuted for child trafficking (two in 2017) and three for adult trafficking (three in 2017). Courts convicted five traffickers (seven in 2017); four for child trafficking (one in 2018) and one for adult trafficking (six in 2017). All convicted traffickers received prison sentences; one trafficker received two years and eight months for adult trafficking and four traffickers received sentences between six years and eight months to eighteen years for child trafficking. The appeals court reviewed and confirmed decisions on five traffickers.

ASP maintained an Anti-Trafficking Unit, which investigated trafficking in persons in addition to drug and contraband trafficking. The government continued judicial reforms that will eventually change court jurisdiction for trafficking cases, including transferring cases not related to organized crime from the Serious Crimes Court to district courts. However, SCPO reported district prosecutors did not have the experience and capacity to prosecute adequately trafficking cases. Authorities reported 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. Limited resources and constant turnover within law

enforcement created additional obstacles in maintaining capacity to investigate trafficking. NGOs reported improved cooperation with law enforcement and prosecutors. The BMP institutionalized anti-trafficking training and the government, at times in cooperation with civil society, trained 59 police officers, 53 judges, 119 district prosecutors, and three Supreme Court inspectors. 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. ASP arrested 20 suspected sex traffickers on behalf of Italian and Greek authorities. The government signed a memorandum of understanding with Bulgarian prosecutors and extradited three suspects, one each to Greece, Kosovo, and Hungary.

PROTECTION

The government maintained victim protection efforts. The government and NGOs identified 95 official and potential victims (105 in 2017). Of these, 28 were adults and 67 were minors (49 adults and 56 children in 2017), 60 were female and 35 male (80 female and 25 male in 2017), and one was foreign (nine foreign victims in 2017). Authorities identified 93 as potential victims and two as official victims (79 potential victims and 26 official victims in 2017). The government could not provide details about the type of exploitation for all official and potential victims but at least 36 were subjected to sex trafficking, 25 to forced labor, and 27 to forced begging. The government maintained a multi-disciplinary national referral mechanism (NRM) and updated SOPs for identifying and referring victims to services. First responders referred potential victims to law enforcement and state social services who conducted joint interviews to determine official victim status. The law provided equal services for both potential and officially recognized victims. NGOs identified the majority of victims; the government identified only 33 of the 95 official and potential victims (60 in 2017), including only five identified by law enforcement (11 in 2017). NGOs, with the support of the government, maintained mobile victim identification units consisting of social workers and police in three regions, but the units' sustainability was uncertain due to the lack of permanent staff, formalization, and resources. Mobile victim identification units identified 51 potential victims (26 in 2017). Experts reported police did not participate consistently in the mobile victim identification units despite signing a memorandum of understanding that formalized their

participation. Law enforcement rarely initiated cases when civil society identified a potential victim, but ASP noted definitional differences with civil society on what constituted trafficking caused obstacles in identification. BMP updated internal SOPs on identification and developed daily reporting requirements on trafficking victims; however, BMP could not consistently screen migrants due to increased migrant flows and a lack of BMP officers and interpreters. Observers continued to report police did not consistently screen individuals for potential involvement in prostitution during raids and investigations on commercial sex establishments 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 crossing borders for begging.

The government operated one specialized shelter and supported three specialized NGO-run shelters. The government allocated 21.6 million *leks* (\$201,770) to NGO-run shelters to support 29 staff salaries, compared to 20.2 million *leks* (\$188,700) to support 29 staff salaries in 2017. The government provided an additional 5.2 million *leks* (\$48,580) for food support to NGO-run shelters, compared to 5.5 million *leks* (\$51,380) in 2017. The government allocated 22.5 million *leks* (\$210,180) to the government-run shelter, compared to 22.2 million *leks* (\$207,380) in 2017. The government did not transfer resources to a fund of seized criminal assets for support services, compared to 4.7 million *leks* (\$43,900) in 2017. Funding for NGO-run shelters steadily increased over the past four years; however, continued funding delays hindered shelter operations and the government decentralized funding mechanisms for all social programs to municipal governments starting in 2019. Municipality grants prioritized NGOs providing local assistance rather than the national scope needed for trafficking shelters, and experts alleged solicitation and bidding procedures at the municipal level were rife with nepotism and corruption. NGO-run shelters operated under financial constraints and relied on outside sources for operating costs. The four shelters constituted 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. NCATS and the government provided assistance to 78 official and potential victims (101 in 2017), including food, mental health 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. Local Employment Offices collaborated with private businesses and NGOs to provide access to training and employment for trafficking victims. The government provided free health care but access to education for child victims was inadequate. For example, the Ministry of Health and Social Protection did not approve funds for the government-run shelter to hire a part-time teacher for victims unable to attend school. Similarly, the government provided free textbooks to children in "social economic difficulties," which did not explicitly include trafficking victims, and some regional directorates of the Ministry of Education used that omission to exclude child victims from receiving free textbooks. NGO-run shelters allowed adult victims to leave the shelter voluntarily; the state-run shelter required victims to notify the shelter director of their whereabouts in order to assist in their protection. One NGO-run shelter provided specialized services for victims younger than the age of 18 and rented apartments for male victims, where they received assistance from NGOs. Observers reported professional staff and good quality of care at the shelters in the NCATS. Experts reported first responders referred some individuals who were not trafficking victims to the government-run shelter, including individuals with mental health issues, migrants, and victims of other crimes. 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 or renewed residency to seven foreign victims (six in 2017).

Unlike some previous years, the government did not knowingly penalize victims, but may have penalized some trafficking victims due to inadequate identification efforts. Five victims cooperated with law enforcement in investigations and prosecutions (23 in 2017); however, the government did not consistently apply a victim-centered approach to investigations and prosecutions. Law enforcement did not consistently offer sufficient security and support, and victims and their families received threats during court proceedings. SCPO possessed equipment that allowed testimony via video conferences, which was used in one case. Victims who testified against traffickers had access to the witness protection program; none participated in the program (one in 2017). Local police improved implementation of child-specific procedures, including consistently involving social workers and

psychologists when taking official statements from children. The government issued implementing legislation on providing free legal aid and funded victim coordinators in every prosecution office starting in 2019; prosecution offices hired five victim coordinators. Victims could obtain restitution from the government or file civil suits against traffickers; no victims have received restitution. The law provided repatriation assistance to Albanian citizen victims identified abroad; authorities assisted in the voluntary repatriation of three Albanian victims from Germany, Portugal, and the UK (four in 2017). The government also repatriated foreign victims, including one from Kosovo and one from North Macedonia.

PREVENTION

The government increased efforts to prevent trafficking. The government adopted the 2018-2020 national action plan and committed 488.9 million *leks* (\$4.57 million) for its implementation. The government allocated 11.9 million *leks* (\$111,160) to ONAC, compared to 5.7 million *leks* (\$53,250) in both 2016 and 2017. Observers reported ONAC coordinated anti-trafficking efforts but faced internal and external challenges. The government maintained a multi-disciplinary working group and a separate task force to develop and monitor anti-trafficking policies. Twelve regional anti-trafficking committees comprising local officials and NGOs worked on prevention and victim assistance. ONAC had not published regular activity reports on its website since 2017 but held four meetings with stakeholders involved in the NRM. Observers reported prosecutors rarely attended NRM meetings. ONAC, in cooperation with civil society, conducted awareness campaigns for students, teachers, and the general public. ONAC also conducted informational meetings with representatives from the Romani and Balkan Egyptian communities. 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 State Police Directorate's hotline received three trafficking-related calls, which were referred to the appropriate authorities. The government did not take steps to reduce demand for commercial sex or forced labor.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Albania, and traffickers exploit victims from Albania abroad. 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. Children are commonly forced to beg or perform other types of compelled labor such as selling small items. Albanian children, mainly from the Romani and Balkan-Egyptian communities, are exploited regionally for seasonal work and forced begging. There are also instances of forced child labor 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, North Macedonia, Norway, the Netherlands, and the UK. NGOs report an increase in the number of Albanian children subjected to forced labor in Kosovo and the UK. Albanian migrants who seek employment in Western Europe face forced labor and forced criminality. 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 and vulnerable to domestic servitude. Middle Eastern, Central Asian, and African migrants transit Albania to reach Western Europe and are vulnerable to trafficking.