

ALBANIA

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I. Introduction

Albania, with a population of 3.2 million people, located southwest of the Balkan Peninsula, was one of the least known countries in Europe. Being under the totalitarian communist regime from 1944 until 1991, the country was isolated from the rest of the world. Since the fall of the communist government, Albania is in social, political and economic transition. The geographic position of Albania, as a gateway to eastern countries, transformed it to a transit country to the west, for foreign citizens such as Kurds, Chinese, Romanians, Moldavians, etc. In that context, Albania is not only a country of origin, but also a transit country for women from Moldova, Russia, Romania, Bulgaria, etc., trafficked to western countries. Because of the complex nature of the human trafficking phenomenon, the secrecy of the activity and the lack of information, it is difficult to track its development through time and define with accuracy the real number of trafficked women for prostitution purposes. According to the U.S. State Department Annual Trafficking in Persons Report, released on 05.06.2006, Albania maintained a Tier 2 placement, having moved up from Tier 3 in 2002.

A sensitive part of the human trafficking phenomenon is the trafficking of children for criminal purposes, e.g. begging and stealing. Trafficking in children for the sale of organs is another disconcerting form of human trafficking. In this report Albania is primarily defined as a country of origin for trafficked women and children for the purposes of sexual exploitation and forced labour. Victims are trafficked to Greece and Italy, with many of them being trafficked onwards to the United Kingdom, France, Belgium, Norway, Germany, and the Netherlands. Internal trafficking within Albania and re-trafficking of Albanian victims to other countries remained a problem in 2005. Reports of Roma and Egyptian children trafficked for forced labour or begging persist.

II. National Legal Framework

A. National law

Albania has adopted anti-trafficking legislation in order to deal with human trafficking. Law 8733 of 24.01.2001 specifies that 'trafficking in human beings, trafficking in women for prostitution, trafficking in children with the purpose of material pro-

fit or any other profit is punished by five to twenty years of imprisonment or life imprisonment'. Article 110/a deals with human trafficking; article 114/b with trafficking in women for prostitution purposes and article 128/b with trafficking in children. According to this law, the punishment for trafficking is increased and a new definition of trafficking, in line with the Palermo Protocol definition, is also introduced.

'Trafficking in Persons' shall mean the recruitment, transportation, transfer, harbouring, or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or the giving and receiving of payments or benefits to achieve the consent of persons having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery servitude or the removal of organs.

Since June 2001, under Albanian legislation all trafficked men, women and children, are considered victims of trafficking and are not punished, even in case they have committed a criminal act linked to being victims of trafficking, such as prostitution, illegal border crossing, etc. Since then, a number of female prostitutes and trafficked children have been helped to escape and none of them has been criminally prosecuted.

Among the legislative changes introduced, aiming at enhancing the prevention of and the fight against trafficking in human beings, the Council of Ministers approved the amendment of article 298 of the Penal Code, in order to effectively deal with trafficking in human beings. It also approved the Moratorium for Navigation Means² which has the purpose to organise the operation 'Calm Sea'.

B. Bilateral/regional agreements

- The Republic of Albania has signed Agreements on the re-admission of persons at the border and permission of transit passage, with the following countries: the Republic of Italy (11.09.1997); the Swiss Federal Council (02.02.2000); the Republic of Hungary (20.03.2001), the Kingdom of Belgium (17.04.2002), the Republic of Bulgaria (07.06.2002), the

² This is a three year Moratorium for Navigation Means with the purpose to prevent the trafficking by sea.

Republic of Romania (07.06.2002), the United Kingdom of Great Britain and Northern Ireland (15.10.2003, entered into force on 16.08.2005), the Republic of Croatia (28.01.2003, entered into force on 15.06.2005) and the European Council (14.04.2005).

- An Agreement was signed on 27.02.2006, between the Government of the Republic of Albania and the Government of the Republic of Greece, on the repatriation of unaccompanied minors, victims of trafficking, and on their further protection.
- The Implementation Protocol of the Agreement with the EU and Benelux States (Belgium, Luxemburg, Netherlands), was signed on 09.06.2005.
- An Agreement between the Council of Ministers of the Republic of Albania and the Swiss Federal Council on police cooperation in the fight against crime, was signed on 21.09.2005.

C. National Action Plan

The Strategic Frame and the National Action Plan for the fight against Trafficking in Human Beings 2005-2007 were based on the experiences and lessons learned from all national institutions responsible for the implementation of the National Strategy for Anti-Trafficking 2001-2004 and from the final governmental draft of the Action National Plan covering the period from 2003 to 2004. The aim of this final Plan, as well as the National Action Plan of 2003-2004, is to consolidate the progress made from the drafting period of the Albanian Anti-Trafficking National Strategy 2000-2001, and at the same time to develop new legal and institutional methods, adapted to the changing character of the phenomenon of trafficking, and to develop systematic, accurate and verifiable statistical methods to assess the results.

The Action Plan of 2005-2007 addresses Albanian needs in the following main fields:

- Enquiry and penal investigation of crimes of trafficking;
- Support and protection of victims and witnesses;
- Prevention of trafficking and re-trafficking;
- Establishing a coordinative framework.

III. General Framework

A. Capacity building

In acknowledgement of the key-role of the Police, special curricula regarding human trafficking are included in the educational programme of the Police Academy. Training courses have been carried out in Albania and abroad and also regional meetings have been organised to discuss anti-trafficking issues, with the participation of the police, the prosecutor and other court representatives.

Training courses are organised for all police employees throughout the country, aiming at offering legal and psychological assistance to children, witnesses and victims of trafficking, both current and potential ones. General training courses on the human rights of victims of trafficking take place for all employees of the Prosecutor's Office and the Courts. Special training courses are organised for female police staff and female employees of the Prosecutor's Office and the Courts discharging special duties relating to victims of trafficking.

At the local level, Prime-ministerial Order 139 of 19 June 2006, foresees, the set-up of Regional Committees Against Trafficking in Human Beings. These committees, chaired by respective Prefects, are composed by representatives of Regional Police Departments, educational departments, representatives from the local government and social services, the Prosecutor's Office, regional offices of State Information Services, etc. Training courses and workshops have been organised, in respect of the functioning of Anti-trafficking Committees at the local level, playing an important role in the prevention and fight against this phenomenon.

The Albanian Ministry of Foreign Affairs, with the aim of expanding its role in the fight against the human trafficking phenomenon and enhancing its cooperation with respective authorities in the main destination countries, undertakes measures aimed at the training and instruction of its consular employees both at Tirana and at its various missions abroad. The training focuses on providing assistance to victims of trafficking. The Ministry, for the organization of these training modules, cooperates closely with the Academy of Diplomacy, but also seeks the assistance of other governmental and non-governmental institutions.

IOM is working to enhance the state structure capacities, represented by National Employment Offices, to provide information on legal ways of emigration, on various activities against trafficking and on return and re-integration services for returned emigrants (trafficked victims included). It has also organised training sessions for the personnel of the employment offices in six selected regions in Albania.

B. Analysis, research and monitoring mechanisms

Political and technical level structures play an important role in the monitoring of strategy implementation. In this context, the State Committee of the Fight against Trafficking in Human Beings has been established. It is chaired by the Minister of Interior and is composed by representatives of central institutions, of a high political level, responsible for the prevention and fight against human trafficking in their respective areas. A National Coordinator, the Vice Minister of Interior Office for Anti-Trafficking, was appointed as a key actor for the smooth coordination of anti-trafficking efforts at the national and international level. With the Prime-ministerial Order 203 of 19.12.2005, an Anti-Trafficking Unit was also set up, with the aim to support the existing structures for the prevention and the fight against human trafficking. Its main duties are:

- Monitoring the activities of the institutions charged with the implementation of the National Strategy;
- Coordinating the duties of these institutions;
- Collecting Information and Data for every individual case of trafficking.

The Government established a Responsible Authority as a National Referral Mechanism (RNM) for cases of trafficked victims at the national level in order to ensure their protection. It signs agreements with Responsible Authorities on RNM in neighbouring countries, such as the Former Yugoslav Republic of Macedonia, Kosovo and Montenegro, as well as with RNM authorities in destination countries, like Italy, Germany and England.

Moreover, the Ministries of Interior, Foreign Affairs and Labour, as well as the various Centres for the Protection of Trafficked Victims have established a database where staff registers cases of deported, referred and protected victims in Albania.

C. Cooperation and networking at the regional and national levels

Close cooperation has been established between the National Reception Centre of Victims of Trafficking (NRCVT), previously known as the Linza Centre, the Ministry of Interior, the State Police (Anti-Trafficking Offices and Border Police), and the Prosecutor's Office for case referral, penal process initiation and victims' protection. In this framework, a special registration procedure was created for Victims of Trafficking and for providing assistance to them. The Ministry of Labour, Social Affairs and Equal Opportunities will cooperate closely with the authority responsible for keeping this special register.

The cooperation between the Ministry of Labour Social Affairs and Equal Opportunities (MoLSAEO) and civil society in combating trafficking of human beings has improved in the field of support, protection and rehabilitation of victims of trafficking and their families. MoLSAEO is cooperating with NGOs which offer preventive, supportive, rehabilitating and reintegrating services. Cooperation agreements between local and international NGOs, involved in the fight against human trafficking will soon be drafted, defining the obligations and responsibilities of such partnerships, especially in the sharing of information and their role in reporting such violations.

D. Mobilization of resources

Funds for anti-trafficking activities are provided by the State and obtained also from other sources through NGO fundraising efforts.

The primary international organization active in the region is the OSCE. Specifically, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) is at the forefront of international efforts to combat and prevent trafficking in persons. OSCE field missions play a vital role in carrying out anti-trafficking activities in host countries.

The Council of Europe and International Organization for Migration (IOM) are active in the areas of prevention, assistance, and protection. UN agencies include the United Nations Office of the High Commissioner for Human Rights, United Nations Children's Fund (UNICEF), United Nations Population Fund, United Nations High Commissioner for Refugees, United Nations Development Fund for Women, United Nations Development Pro-

gramme, United Nations Interregional Crime and Justice Research Institute, and United Nations Office on Drugs and Crime. Other organizations are the International Labour Organization, International Centre for Migration Policy Development, and Europol.

USAID with its programmes and foreign governments like Norway, Greece, Netherlands, Germany, Sweden, etc., also support the overall efforts for effective prevention, assistance and protection of victims of trafficking.

IV. Implementation of Anti-Trafficking Laws

A. Prevention and awareness

Important preventive measures and educational programmes are being carried out in Albania with the financial support of the Government. Media and other information methods are used in order to efficiently inform the population, especially women, children and other vulnerable target groups. In order to enhance a good inter-institutional cooperation, working meetings are organised with the participation of NGOs, CAAHT, ICPMD, USAID, IOM, Religious Communities, the Coalition 'Union against Children Trafficking'. Within the above framework the following activities have been organised:

- Documentaries on trafficking broadcasted on national and local TV channels;
- Periodical publications in the 'Mësuesi' newspaper and daily press;
- Awareness and prevention campaigns throughout rural areas of different regions.

The Linza Centre with the support of IOM has prepared and delivered bilingual leaflets (in Albanian and in English). Similar activities have been undertaken by other NGOs with the support of donors. The MFA contributes in the preparation of anti-trafficking leaflets and their distribution to destination/transit countries. These leaflets are published by NGOs in two languages. Within the framework of the prevention of trafficking, especially the trafficking of vulnerable groups, the Ministry of Education and Sciences issued on 29.03.2006 Guideline no 6 for the registration in schools of Roma students not provided with birth certificates.

All State institutions and NGOs working with children organise seminars, deliver information materials to families with social problems, low education level and to the Roma community.

It should be stressed that so far nearly 600 students and 200 women of vulnerable communities have been informed on the phenomenon and the dangers it presents. Activities against trafficking are included into school annual plans and the education plans of each class. Additionally, in cooperation with UNICEF, training of teachers working with immobilised students will be organised. To support these activities, visits and meetings are organised between regional officials of the Ministries of Education and Science. An evaluation mechanism is created to measure the effectiveness and the impact of such activities. This mechanism is expected to contribute to the consolidation of successful models of trafficking prevention in regional schools.

Order 34 of 08.12.2004, for the implementation of the project 'Second Chance', actively promotes the education of students who have dropped out of school. Similarly, free of charge courses in public professional education centres are provided to trafficked married and unmarried women following Order 394 of 23.02.2004 for fees on professional education system, issued by the Ministry of Labour, Social Affairs and Equal Opportunities.

Study tours and mutual experience exchanges are organised among representatives of the Ministry of Education and Science, and IOM Missions in Albania, the Former Yugoslav Republic of Macedonia and Kosovo. National Employment Services and Regional Employment Offices offer labour information and direction towards registered unemployed jobseekers. NGOs offer training courses and social businesses cooperate closely with the above offices. There are three Employment Encouragement Programmes implemented, through which, approximately 500 women with social problems were employed, (of whom 217 from poor families, 86 Roma women, 54 single mothers, 100 mothers of many children etc).

The second phase of the regional project 'ILO-Migrant': Employment possibility, professional education and migration politics measures for the prevention and decreasing of women trafficking in Albania, Moldova and the Ukraine has begun. The project aims, among others, at allocating micro-credits for private enterprises of former victims of trafficking in

order to assist their re-integration, and at preventing and protecting potential victims of trafficking.

In order to decrease the danger of trafficking, the Government aims at raising public awareness on the regular ways of migration. The new draft law on migration regarding the provision of information on the risks involved in irregular migration includes some special provisions for the prevention of trafficking.

Comment

Several activities are organised by NGOs working in the field of human trafficking. However, better coordination of these activities is needed.

B. Protection and assistance

The Reintegration Centre opened in mid-February 2002 with the aim of providing temporary protection, medical and psychosocial counselling, return and reintegration assistance to Albanian victims of trafficking. Its activities focus mainly on referral and screening of beneficiaries, short and medium term accommodation in preparation of family reunification or independent living and reintegration assistance to victims, including education and training, as well as employment placement assistance, and capacity building of the local organizations working in the field.

In July 2003, the Government initiated the operation of the National Reception Centre of Victims of Trafficking (NRCVT) for adult and child victims, previously known as the Linza Centre. The National Reception Centre is established in the framework of the National Strategies against Trafficking of Human Beings and Children and is an institution operating under the State Social Services and (MoLSAEO), in close cooperation with the Ministry of Interior and the IOM.

The implementation of a comprehensive method for the protection of victims is another important priority. The National Accommodation Centre for Victims of Trafficking (NACVT) paid special attention to the improvement of the quality of rehabilitation and continues to offer good services toward three target groups:

- Trafficked women (married or single), or in danger of being trafficked;

- Unsociable children and in danger of being trafficked;
- Irregular migrants.

NACVT staff cooperates closely with various institutions involved in victims' referral, e.g. border checkpoints and the police commissariats, in order to provide accommodation to victims. In all cases the Centre's staff conducts interviews, based on a questionnaire drafted with the help of international donors. Additionally it also conducts a needs assessment.

The Centre established good cooperation practices among the police and prosecution employees. For instance, at all border checkpoints the border police officers interview returning deportees in order to identify and protect potential trafficking victims.

NACVT is also working on raising awareness of victims of trafficking in order to help them denounce their traffickers and on providing information on their rights. According to the law on the protection of witnesses and collaborators of Justice, the Centre continues to assist trafficked victims who have denounced their traffickers and may need protection, even after the conclusion of the trial.

During 2005, 127 persons were accommodated and assisted (116 new cases and 11 carried over from 2004). 15 of them have denounced their traffickers. In six cases the trial concluded in favour of the victims and three cases are still pending. A database is established in NRCVT, Social State Services and in the MoLSAEO, which is being continuously updated. The police made ad hoc referrals to the NGO shelter Vatra in Vlora. In most cases, police screened victims at police stations before referring them to shelters.

Under the auspices of the pertinent authorities and in cooperation with all the parties involved a free of charge nationwide helpline was established. It assists victims to denounce cases of trafficking and provides support to persons needing help and to persons possessing trafficking related information.

The Council of Ministers Decision 564 of 12.08.2005 on licensing social services providers authorises NGOs to provide social services to target groups in need. Until now, there are nearly 30 licensed NGOs, offering preventive and supportive rehabilitation and re-integration services. NGOs with the most important impact in the field of preventive, supportive, rehabilitating and reintegrating services are: Vatra Centre, Another Vi-

sion, Different and Equal, International Social Service, Terre des Hommes, Help for Children, Ballsh Communitare Centre, International Catholic Commission for Emigration, Save the Children, Legal Clinic for Infants, International Social Service, Useful to Albanian Women, Strehëza International Organization for Migration, Consultation line for women, Albanian Centre for the Protection of Children Rights, Coalition of the NGOs 'Together Against Children Trafficking'.

C. Prosecution

One of the main anti-trafficking objectives is to increase the penal investigation of cases and the convictions of traffickers. This has been achieved by enhancing cooperation between the Police Authorities and the Prosecution Office. The implementation of a comprehensive method for the protection of victims, testifying against their traffickers has also been a priority.

The new Law on Witnesses Protection aims at ensuring the legal, physical and personal identity protection, for all the victims/witnesses in criminal proceedings, regardless of their participation in the Witnesses Protection Programme. The Ministry of Justice, in cooperation with the General Prosecutor's Office, the Ministry of Interior and the Ministry of Finance has drafted the bylaws of the law on witness protection. In this framework, a witness protection sector has been established within the Organised Crime Directorate at the Ministry of Interior.

In the field of judicial enforcement, an important step is the initiation of the process aimed at providing the Court of Serious Crimes with necessary technical information for the protection and security of victims of trafficking. With that in mind, victims can give evidence as witnesses, through 'video conference'. Following this process, important steps are undertaken to protect the identities of all victims/witnesses during the judicial procedure and to revise the compensation scheme for such victims from the confiscated assets.

With reference to the statistics regarding the programme of witness protection, it can be said that:

- During 2005, 11 witnesses have been provided with special protection measures, including relocation. In addition, temporary protection measures, lasting one month, have been applied in relation to 15 witnesses. In respect of human traf-

ficking there has been one case of witness protection relocation.

- During 2005, nine witnesses victims of trafficking have cooperated with Police Departments and have denounced their traffickers, opening the way for criminal prosecution.

The adoption of the Law on foreigners is under process. This law will include provisions for temporary residence permits of victims of trafficking, in accordance with international standards. The Emigration Sector in collaboration with the border police enables the distribution of these permissions.

V. BEST PRACTICES

All organizations working on the issue of child trafficking, together with representatives of the government and international organizations formed an Albanian inter-NGO coalition against trafficking in persons called All Together against Child Trafficking. BKTF-Albania runs the Operational Network and Advocacy against Child Trafficking-ONACT aimed at reducing the vulnerability of children in Albania to trafficking by promoting effective services, networks, and research.

VI. DEFICIENCIES

- The witness protection legislation is not being fully implemented.
- There are many difficulties in the process of the identification of the trafficked persons.

VII. NEEDS ASSESSMENT

Taking into account the deficiencies and comments contained in this report and the need for improvement of the situation, a list of recommendations is provided below.

RECOMMENDATIONS

1. Institutional, structural, and organizational changes should be made in the field of combating human trafficking.
2. Social conditions need to be improved, especially in order to decrease poverty rates, aiming at countering the exposure of vulnerable social groups to human trafficking.
3. Assistance to victims of trafficking should be increased, mainly by developing integration programmes.

4. Public awareness efforts should be organised and intensified.
5. Anti-trafficking capacities should be improved and increased.
6. Collaboration between all active actors in the field, both in the country and abroad, should be strengthened. Coordination between NGO's and international organizations should also improve.

LIST OF ABBREVIATIONS

BKTF	Albanian Coalition against Child Trafficking
CAAHT	Coordinated Action against Human Trafficking
ILO	International Labour Organization
IOM	International Organization for Migration
ICPMD	International Centre for Migration Policy Development
MFA	Ministry of Foreign Affairs
MoLSAEO	Ministry of Labour, Social Affairs and Equal Opportunities
NACVT	National Accommodation Centre for Victims of Trafficking
NRCVT	National Reception Centre of Victims of Trafficking
RNM	Referring National Mechanism
USAID	United States Agency for International Development
UNICEF	United Nations Children's Fund

