



Fight against Trafficking in Human Beings and Organised Crime – Phase 2 (THB/IFS/2)

Assessment of the National and Transnational Referral Mechanism for Victims of Trafficking in Albania

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Acronyms

AT	Anti-trafficking
CC	Criminal Code
EC	European Commission
EF	Expertise France
EU	European Union
FIIAPP	Fundación Internacional y para Iberoamérica de Administración y Políticas Públicas
G/SRFI	Group/Structure Responsible for Formal Identification
ICITAP	International Criminal Investigative Training Assistance Program
ICMPD	International Centre for Migration Policy Development
IcSP	Instrument contributing to Stability and Peace
IfS	Instrument for Stability
IOM	International Organisation for Migration
GRETA	Group of Experts on Action against Trafficking in Human Beings
NAP	National Action Plan
NCATS	National Coalition of Anti-trafficking Shelters
NGO	Non-governmental organisation
NRM	National Referral Mechanism
ONAC	Office of the National Anti-Trafficking Coordinator
OPDAT	Office of Overseas Prosecutorial Development, Assistance and Training
PAMECA	Police Assistance Mission of the European Community to Albania
RA	Responsible Authority
RACs	Regional Anti-Trafficking Committees
SFAIT	Sector of the Fight Against Illicit Trafficking
SOPs	Standard Operating Procedures
THB	trafficking in human beings
TRM	Transnational Referral Mechanism
USAID	United States Agency for International Development
VoT	Victim of trafficking

Introduction

The following assessment of Albania's capacity to refer (potential) victims of trafficking was drafted in the framework of the project *Fight against Trafficking in Human Beings and Organised Crime – Phase 2* (THB/IFS/2) implemented by ICMPD (International Centre for Migration Policy Development) in cooperation with EF (Expertise France) and FIIAPP (International Foundation of Administration and Public Policies of Spain). The project targets Albania, Azerbaijan, Bosnia and Herzegovina, Moldova, Pakistan and Turkey and is implemented in the framework of the Instrument contributing to Stability and Peace (IcSP), which succeeds the Instrument for Stability (IfS) and is one of the key external assistance instruments that enable the European Union (EU) to take a lead in helping to prevent and respond to actual or emerging crises around the world. Building on the achievements of the project *Fight against Trafficking in Human Beings – Phase 1* implemented in Azerbaijan, Bosnia and Herzegovina, Moldova and Turkey from January 2013 to September 2014, the project seeks to contribute to the prevention of and fight against transnational organised crime, particularly in relation to trafficking in human beings (THB), by providing the participating countries with policy, legal and technical expertise and knowledge.

The 36-month THB/IFS/2 project was launched in September 2014 and applies a three-step approach to enhance counter-trafficking measures in the participating countries as follows:

Component 1: Support for the setting up or improvement of victim-centred referral systems

- Research to assess the participating countries' current capacity to refer (potential) victims of trafficking;
- Revise/develop and improve the national and transnational referral mechanism in each participating country;
- Training for relevant stakeholders in the participating countries on the revised national and transnational referral mechanisms.

Component 2: Capacity building on THB data collection, analysis and information sharing (tailor-made follow-up actions to the project's first phase)

- Research to assess the needs of the two new project countries Albania and Pakistan, which did not participate in the first project phase, in the areas of data collection, analysis, information exchange, law enforcement cooperation and awareness on THB;
- Continue and consolidate previous activities carried out in the project's first phase in the areas of data collection, analysis, information exchange, law enforcement cooperation and awareness on THB and replicate activities, when relevant, in Albania and Pakistan.

Component 3: Transnational partnerships: platform for improved coordination, cooperation and policy coherence

- Increase the capacity of anti-trafficking stakeholders in the project countries to cooperate and coordinate with their relevant counterparts in EU Member States through targeted expert support in the framework of transnational workshops.

The following assessment is part of project component 1, which aims at enhancing national and transnational referral mechanisms for (potential) victims of trafficking in human beings in the six project countries according to international human rights standards and harmonized procedures. Applying a participatory multi-agency approach as described in ICMPD's *Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons and Cooperation Beyond Borders: Development of Transnational Referral Mechanisms for Trafficked Persons* and taking into account the lessons learnt from establishing TRMs in South-Eastern Europe in the period 2006-2012 in the framework of the USAID-funded *Programme to Support the Development of Transnational Referral Mechanisms for Trafficked Persons in*

South-Eastern Europe and follow-up initiative *Enhancing Transnational Cooperation on Trafficking Cases in South-Eastern Europe* (TRM-II), this component builds on already existing structures in the project countries as well as identified good practices in EU Member States and focuses on the revision/development of standardised procedures for victim referral.

An assessment of the needs and capacity of each country participating in the project with regard to victim services and referral structures currently in place is the first activity under component 1, followed by an update/revision of the countries' referral procedures based on the assessment results. Where referral procedures do not exist, steps will be taken to create them in accordance with international human rights standards focusing on victims' needs. Anti-trafficking stakeholders involved in the referral of (potential) victims will then re-evaluate the currently existing procedures in a series of national and transnational multi-agency workshops. The re-evaluation shall be guided by the principle of who needs to do what when and how, and will define an improved set of standardized procedures to be implemented by all relevant actors.

With regard to Albania, the information gathered and analysed in the framework of the assessment was taken from the following sources:

- desk research, using data from already existing reports¹;
- interviews with anti-trafficking stakeholders conducted in 2011 during an assessment carried out in the framework of the USAID-funded project *Enhancing Transnational Cooperation on Trafficking Cases in South-Eastern Europe* (TRM-II) implemented by ICMPD in 2010-2012;
- information gathered by the Project Coordinator and Lead Expert, Mr. Steve Harvey, during his assessment mission to Albania on 20-23 February 2015;
- Input provided by local NGO representatives on issues related to victims' rights in response to a questionnaire developed and disseminated by ICMPD in spring 2015.

In line with the objectives of the above-mentioned THB/IFS/2 project, the purpose of the assessment was to assess Albania's capacity to refer (potential) victims at the national and transnational level as well as available victim support services, including a review of the rights of victims. The results and recommendations of this analysis are intended to serve as guidance for the relevant local stakeholders and experts supporting them in improving victim referral in Albania.

More detailed information and the most recent statistical data on anti-trafficking activities and victim assistance in Albania in 2014, which go beyond the scope of the current report, are provided in the annexed *Report on the Implementation of the Fight Strategy against Trafficking in Persons and Action Plan 2014-2017* published by the Office of the Anti-trafficking Coordinator in March 2015.

¹ See reference section for more details.

1. Trafficking in Human Beings in Albania – A Brief Overview

Albania is a source country for trafficked adults and minors, including children forced into begging. According to the US Department of State², besides internal trafficking within Albania, the main destination countries for persons trafficked from Albania are Greece, Italy, the former Yugoslav Republic of Macedonia, Kosovo³, Belgium, Netherlands, Germany, Switzerland, Ireland and the United Kingdom.

Albania ratified the *Protocol to prevent, suppress and punish trafficking in persons, especially women and children*, supplementing the *United Nations Convention against Transnational Organised Crime* in 2002 and the *Council of Europe Convention on Action against Trafficking in Human Beings* in 2007. In 2005, the Office of the National Coordinator for the Fight against Trafficking in Human Beings responsible for coordinating all anti-trafficking activities within Albania was set up and a national referral mechanism was established. In the period 2006-2009 Albania established a Transnational Referral Mechanism in the framework of the *Programme to Support the Development of Transnational Referral Mechanisms for Trafficked Persons in South-Eastern Europe* funded by USAID and implemented by ICMPD.

According to the *Report on the Implementation of the Fight Strategy against Trafficking in Persons and Action Plan 2014-2017* published by the Office of the National Anti-Trafficking Coordinator in March 2015, the Albanian government and the Ministry of Interior consider the fight against trafficking in human beings a high priority issue and the areas, in which concrete measures haven been taken and significant achievements have been made in the past year, are listed as follows:

- improving the legal framework and its compliance with international law;
- increasing the capacities of anti-trafficking structures;
- improving the processes for identifying victims through a pro-active approach and the process of their reintegration into society;
- preventing human trafficking by increasing public awareness;
- intensifying regional and international cooperation in the fight against trafficking.⁴

Numerous anti-trafficking activities have been carried out in Albania in the past years, which are described in detail in the above-mentioned report. During the period January – December 2014, the Sector for Illegal Trafficking of the Albanian State Police referred 120 criminal offences in total, of which 54 were cases of trafficking in persons (9 cases of trafficking in minors and 45 cases of trafficking in adults), 2 cases more than in 2013. 125 victims and potential victims of trafficking were identified, referred and assisted in 2014, compared to 95 in 2013. Out of these 63 were adults, 11 more than in 2013, and 62 were minors, 19 more than in 2013.⁵

According to the latest reports from the US Department of State and GRETA (Council of Europe Group of Experts on Action against Trafficking in Human Beings), improvements in the area of victim identification, referral and training are recommended as law enforcement officials were reported to continue to miss opportunities to identify and refer victims to services using standard operating procedures. Training for police and officials at the local level on standard operating procedures as well as for officials in child protection units is recommended to

² U.S. Department of State, *Trafficking in Persons Report 2014*, p. 70.

³ Under USCR1244

⁴ Republic of Albania, Ministry of Internal Affairs, National Coordinator for the Issues of Fight against Trafficking in Persons, *Report on the Implementation of the Fight Strategy against Trafficking in Persons and Action Plan 2014-2017*, p. 3.

⁵ Republic of Albania, Ministry of Internal Affairs, National Coordinator for the Issues of Fight against Trafficking in Persons, *Report on the Implementation of the Fight Strategy against Trafficking in Persons and Action Plan 2014-2017*, p. 10, 16.

increase knowledge on the phenomenon as well as proper implementation of referral procedures taking into account the specific needs of victims. In addition, coordination between the relevant anti-trafficking stakeholders needs to be improved both at the national and transnational level.⁶

Albania's current National Action Plan (NAP) to Combat THB covering the period 2014-2017 reflects the above-mentioned gaps and focuses on the revision and improvement of the existing standard operating procedures for victim referral, special measures for child victims as well as training for anti-trafficking stakeholders. As the majority of the activities foreseen in the Action Plan match the objectives of the THB/IFS/2 activities foreseen in Albania, the THB/IFS/2 project will be directly linked to the country's NAP to support the local authorities as much as possible in their anti-trafficking initiatives planned for 2014-2017. More specifically, the project foresees to support the following NAP activities:

- 1.(b).6: Ensure close cooperation on THB between different structures within the police;
- 1.(a).2: Ensure a functional mechanism to implement the SOPs for the identification and protection of victims, and re-integration assistance;
- 1.(b).2.3: Implement specialized training of border and migration employees on the treatment of children;
- 1.(e).2.: Strengthen bilateral and international law enforcement co-operation on THB;
- 1.(b).1.2: Offer (re-)training to members of the Responsible Authority and NRM Group Members;
- 1.(b).1.3: Train regional and local stakeholders who offer services and are in contact with vulnerable groups on human trafficking and the SOPs;
- 1.(d).2.3: Intensify bilateral and international cooperation on identification, referral and protection of victims;

⁶ U.S. Department of State, *Trafficking in Persons Report 2014*, p. 70f, European Commission, *Albania Progress Report 2013*, p. 48, 49 and GRETA, *Report concerning the implementation of the CoE Convention on Action against Trafficking in Albania*, 2011.

2. Anti-trafficking Structures and Referral Mechanisms in Albania

2.1. Anti-trafficking Structures

The main anti-trafficking structures currently in place in Albania are:

- a. the State Committee for Combating Trafficking in Human Beings;
- b. the National Anti-trafficking Task-force;
- c. the Office of the National Coordinator for the Fight against Trafficking in Persons;
- d. the Responsible Authority for the National Referral Mechanism for Victims of Trafficking;
- e. the Regional Anti-trafficking Committees.

a. The State Committee for Combating Trafficking in Human Beings was created following the Council of Ministers' Decision nr. 8, dated 05/01/2002, which has since been amended. According to the Decision, the State Committee is headed by the Minister of Interior and consists of Deputy Ministers of line ministries and the head of the State Informative Service. Representatives of the civil society are invited to participate in its meetings. The members of the Committee are responsible at a political level for the effective implementation of the National AT Strategies according to the fields they are mandated for.

b. The National AT Task Force consists of technical level representatives from relevant institutions. Members of the Task Force are assigned with ensuring the delivery of national AT strategies/NAPs activities in line with the objectives assigned to their institutions. The AT Task Force is comprised of representatives of the General Prosecution Office, judiciary and police, of the Regional AT Committees and NGOs engaged in the fight against THB. The Task-Force is accountable to the National State Committee for the tasks they are in charge of.

c. The Office of the National AT Coordinator (ONAC) leads the activity of the Anti-trafficking Unit at the Ministry of Interior, as well as the National AT Task Force. He/she is in charge of the overall coordination of all actors, state and non-state agencies involved in the AT response. The NATC prepares official reports for the government on the in-country trafficking situation, makes assessments and proposals for issues to be addressed and policies to be adopted. The NATC also coordinates assistance provided by international donors in support of anti-trafficking efforts and ensures it is channelled to complement the set priorities, goals and objectives of AT strategies/NAPs.

d. To ensure a full and effective functioning of the NRM, activities were carried out to establish a **Responsible Authority (RA)**. The RA was created in May 2006 following a Joint Order "On the establishment of Responsible Authority for protection and assistance to victims of trafficking and the assignment of duties to the institutions involved in this process". The joint order was issued by three ministries, the Ministry of Interior, of Foreign Affairs and of Labour, Social Affairs and Equal Opportunities. The order stipulates the establishment of a joint office with dedicated and trained staff (two representatives from each ministry), whose main tasks are; to enhance internal coordination and cooperation through team-building efforts; to design a case management/tracking system; to operate the victim-centred database; to identify financing sources; to help develop/revise the Standard Operating Procedures (SOPs), with clear division of tasks and assignment of responsibilities to individual actors at national and regional levels.

The Joint Order recognises the Ministry of Interior as the leading institution, in relation to:

- organisation of regular and ad-hoc meetings, based on the needs of the members of the Responsible Authority, international organisations and NGOs – partners to the National Referral Mechanism;
- coordination and building up of the records and database of the Responsible Authority, together with other ministries – members of the Responsible Authority;
- coordination of the activity for drawing up periodic reports of the Responsible Authority, based on the requirement of this joint order;
- revision of the NRM Cooperation Agreement and implementation to ensure its relevance;
- regulation of cooperation of and division of tasks between the Responsible Authority and Regional AT Committees;
- management of the database for victims, as part of the Total Information Management System (TIMS), installed in all border crossing points.

In 2005, building on the existing anti-trafficking efforts undertaken, the Albanian government, upon the initiative of the Office of the National AT Coordinator (ONAC) drafted a Cooperation Agreement for the Creation of the **National Referral Mechanism for Identification and Improved Assistance to Victims of Trafficking in Persons** (18/07/2005). The whole consultation process leading to the Cooperation Agreement was assisted by civil society and supported by international partners.

The development of a National Referral Mechanism (NRM) is a crucial anti-trafficking measure needed to ensure, first and foremost, that the human rights of trafficked persons are protected and observed. It is a necessary instrument for state and non-state officials to identify and implement measures against trafficking in human beings on a national level, observing a human-rights centred approach. The NRM is a working tool that can be revisited and amended accordingly to reflect the findings and suggestions from its implementers, (potential) victims of trafficking among others, which might arise during its operation.

The main purpose of the Cooperation Agreement is to enhance inter-agency coordination on the initial reception, protection and medical/social assistance provided to victims and presumed or potential victims of human trafficking in or from Albania. Formal agreements were subsequently elaborated between state authorities/agencies and international and local organizations in support of this. However, the cooperation between all actors involved has yet to be formalized on all levels. Terms of reference do not exist for each actor. Therefore, the different actors have different views and perspectives on their roles and responsibilities which generally seem to be unclear, as NGOs and the government maintain different perspectives on trafficking.

e. On 19/06/2006, following a Prime Ministerial Order “On Establishment of Regional Anti-Trafficking Committees for the Fight against Trafficking in Human Beings”, twelve **Regional Anti-Trafficking Committees** (RACs) were established at district level. The RACs are conceived as *working groups composed of representatives from local level structures* such as the Regional Social Services, the Regional Directorates for Employment, Social Services Departments at the municipal levels, Regional Anti-trafficking Police Directorates, Regional Intelligence Services; Regional Directorates of Education, Prosecutors’ Office, Public Health Services and local NGOs. These Committees were tasked with the creation and implementation of local referral and preventive mechanisms and protective measures for victims of trafficking and vulnerable groups at risk. These Committees are set up to assist the law enforcement agencies to identify victims and potential victims of trafficking and provide them with immediate protection and support. In addition to identifying, referring and protecting victims of trafficking,

the Local Committees are also tasked with monitoring the trafficking situation in their region and identifying any measures that may be necessary to take to combat this crime.

2.2. National Referral Mechanism

Starting from 2013, the National Referral Mechanism (NRM) has been revitalised, with the reviving of the Task Force, of the RACs and intensification of activities on prevention and awareness-raising. As part of efforts to improve referral procedures, three mobile units were established in three main cities of the country, Tirana, Elbasan and Vlora, resulting in increased identification of victims and potential victims.

Moreover, the **State Anti-trafficking Committee**, dormant since July 2011, began its re-functioning in response to the need for a more effective approach to the problem of human trafficking in Albania, touched upon in the respective documents of the international partners (EC and US State Department). In this spirit, on 19/06/2014 a new Order of the Prime Minister No. 179, "*On the establishment of State Committee against Trafficking of Persons*", entered into force. The order mandates an increased role and responsibilities for the State Committee, considered necessary to adapt to changing THB dynamics and reflect the vision of the new government to fight human trafficking. The State Committee was expanded to include new members, such as: the Ministry of European Integration, the Ministry of Urban Development and Tourism, the Ministry of Economic Development, Trade and Entrepreneurship, as well as the Ministry of Energy and Industry. The changes aimed at expanding the membership of the Committee and clarifying the role and responsibilities of each actor to ensure efficient coordination and that the necessary capacity, engagement and resolve are deployed in the fight against trafficking in persons in Albania. The State Anti-trafficking Committee is the most important platform at the political level and it is tasked with defining strategic priorities that shape the anti-trafficking action in Albania.

The **new National Task Force against Human Trafficking**, established on 11/11/2013 in accordance with the revised NRM, is a working group set up between the Serious Crimes Prosecution, Serious Crimes Court and State Police to strengthen cooperation between these bodies and to analyse trafficking cases. It is also endowed with the responsibility to monitor the effective implementation of the NRM and is comprised of high level representatives of its signatory parties. The ONAC, supported by the International Criminal Investigative Training Assistance Program (ICITAP), developed the terms of reference for the Task Force members, which were further discussed with the heads of the State Police, Serious Crimes Court, ICITAP, the Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT), and the Police Assistance Mission of the European Community to Albania (PAMECA).

On 08/07/2014, a Joint Guideline, nr. 3799, was issued on the how the **Responsible Authority and National Referral Mechanism** should perform. It redefines their functions in line with the revised agreement of the NRM signed on 15/06/2012, and the SOPs developed for Identification and Referral of (potential) victims of trafficking, adopted by the Council of Ministers' Decision, nr. 852, dated 27/07/2011. The Joint Guideline, amongst other issues, expanded Responsible Authority membership to include the Ministry of Education and Sports, Ministry of Health, and the National Coalition of AT Shelters. The purpose of this expansion was to further ensure an efficient response to identified cases of trafficking by engaging the required national structures and capacities in the formal identification and protection process for every victim of trafficking exploited, within or outside Albania.

In December 2011, the Office of the National Anti-Trafficking Coordinator (ONAC) published the "Standard Operation Procedures for Identification and Referral of Victims of Trafficking". These Standard Operating Procedures (SOPs) were developed under the NRM by the ONAC office with the support of the IOM implemented project, "Reinforcement of the Albanian Capacities against Trafficking in Persons", a USAID funded initiative. Copies of the SOPs were distributed

to Albanian law enforcement agencies throughout the country and made available on the Ministry of Interior website.

Development and implementation of the **National Anti-trafficking Strategies**, accompanied by the respective **National Action Plans**, has been at the centre of the Albanian government's anti-trafficking response and a continuous exercise of the ONAC. The first AT National Strategy/National Action Plan ran from 2001 to 2004, and was followed by NS/NAPs for 2005-2007, 2008-2010, 2011-2013, and 2014-2017.

The three mobile units have continued their work and met periodically to discuss problems encountered during their field work. From June 2013 when these units were established, through to April 2014, there were a number of potential victims of trafficking identified:

- Tirana: 19 cases (12 adults and 7 minors)
- Elbasan: 22 cases (15 adults and 7 minors)
- Vlora: 16 cases (minors)

The MoI and the ONAC, supported by "World Vision", an international humanitarian organisation, and Vodafone Albania Foundation launched a **National Helpline 116 006** and **mobile application "Report! Save!"**

Both of these initiatives provide members of the public with a simple way of reporting cases of trafficking or suspected cases. Using the "Report! Save!" Application, citizens may send a short text message which reaches six different public officials simultaneously, members of the Responsible Authority for the identification, referral and protection of (potential) victims of trafficking. Members of the public may also call the national helpline 116 006 for free to refer real of suspected cases of trafficking. The call immediately reaches the operative unit of the State Police. Albania is among the first countries in the region to begin using mobile technology to prevent trafficking in human beings.

2.3. Transnational Referral Mechanism

The concept of the transnational referral of victims of trafficking was formally introduced in Albania via three related regional projects; the "*Programme to Support the Development of Transnational Referral Mechanisms (TRM) for Trafficked Persons in South-Eastern Europe*" funded by USAID (2006 – 2009); the project "*Development of a Transnational Referral Mechanism for Victims of Trafficking between Countries of Origin and Destination (TRM-EU)*" funded by the European Commission (2008-2010); and the project "*Enhancing Transnational Cooperation on Trafficking Cases in South-Eastern Europe (TRM-II)*" funded by USAID (2010-2012).⁷

The implementation of these projects contributed to:

- strengthening the participating countries' mechanisms for information exchange between the main anti-trafficking actors both at the operational and policy making level through a number of local and joint transnational trainings, regular multilateral and bilateral meetings in the region and beyond;
- developing guidance documents, Standard Operating Procedures and reporting templates for facilitation of transnational cooperation at the operational level between countries of destination, origin and transit;
- building counter-trafficking partnerships between countries in the European Union (EU) and South-Eastern Europe.

⁷ For more information on the projects see http://www.icmpd.org/Completed-Projects.1677.0.html?&cHash=c3317f8298&tx_wscontentpagebrowser_pi1%5Bpage%5D=3.

A TRM monitoring tool was developed and introduced as one of the outputs of these projects. The monitoring tool was developed in order to assess how the guidelines were assimilated and what procedures for identification and assistance to the victims should be applied. Although respective documentation and guidelines were produced and endorsed, it currently appears that the application of the TRM SOPs are no longer being monitored.

In light of recent developments, the need has arisen to revisit the TRM, the transnational/ bilateral referral mechanisms and the respective SOPs. Recent developments that make revision of the TRM recommended include the lifting of the Schengen visa regime for Albania, the development of new irregular migration routes/practices in the region, in parallel with issues raised by destination countries for improving assistance to identified/potential victims, including their integration-reintegration upon return. Revision of the TRM guidelines and respective SOPs may include:

- review of legal frameworks of the interested countries with a view to generating improved knowledge and command of national legal structures;
- examination of possibility to align THB legislation and SOPs between and among the most affected countries (also seen as one of the priorities for countries in their EU integration process);
- formalising the TRM SOPs into legally binding instruments;
- formalising (also via cooperation agreements) the routing of timely information/data exchange;
- refreshment/establishment of formal contact lists for all pillars of the TRM SOPs;
- capacity building of actors that are directly involved in or mandated to ensure implementation of the TRM and related SOPs;
- development of unified reporting and/or referral templates and case documentation.

TRM and bilateral border police cooperation agreements

Albania is striving to improve cross-border police cooperation with neighbouring countries for identification, referral and protection of potential victims and victims of trafficking as well as to intensify exchange of police information. In addition to the border police cooperation agreements already signed with the former **Yugoslav Republic of Macedonia** and **Kosovo**⁸, Albania signed an additional protocol with the **Republic of Montenegro** on “*Intensification of Cooperation in the Fight against Trafficking in Human Beings and Improvement of Identification, Reporting, Referral and Assisted Voluntary Return of Potential Victims and Victims of Trafficking*” on 08/12/2014. The protocol was signed pursuant to the Agreement reached between the Council of Ministers of both Albania and Montenegro on cooperation in combating organised crime, terrorism, trafficking and other illegal activities.

In the framework of the existing bilateral Cross-Border Police Cooperation Agreement between Albania and **Kosovo**⁹, several meetings have taken place between the countries’ respective police authorities since the beginning of 2014. The purpose of these meetings was to pursue revitalisation of the additional protocol to the Police Cooperation Agreement on “*Intensification of Cooperation for Fight against Trafficking in Persons and Improvement of Identification, Notification, Referral and Voluntary Assisted Return of Victims and Potential Victims of Trafficking, of Children in particular*”. The meetings identified existing gaps in the implementation of the protocol provisions, specifically in the areas of information exchange, the identification of (potential) victims and their referral and assistance by the assigned bodies. The parties agreed to revisit the contact rosters, as an immediate solution to facilitate information

⁸ Under USCR1244

⁹ Under USCR1244

exchange on (potential) trafficking cases, as well as to develop a unified reporting template for these cases.

3. Legal Framework

International law

- Universal Declaration of Human Rights (UDHR), 1948
- Council of Europe Convention for the Protection of Individuals with regard to the Automatic Processing of Personal Data, 1981
- United Nations Convention on the Rights of the Child, 1990
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2002¹⁰
- European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950¹¹
- UN Convention against Transnational Organized Crime / "Additional Protocol on "Prevention, suppression and punishment of trafficking of persons, especially women and children", 2000¹².
- UN Convention against Transnational Organized Crime / "Protocol against the Smuggling of Migrants by Land, Road, Air and Sea", 2000¹³
- Council of Europe Convention on 'Action against Trafficking of Human Beings", 2005¹⁴
- Vienna Convention on Consular Relations, as of 24/04/1963

Domestic Law

- Constitution of the Republic of Albania¹⁵
- Criminal Code and Criminal Procedure Code
- Civil Code and Code of Civil Procedure
- Family Code

Primary Legislation

- Law no. 7895, date 27/01/1995 "On the Criminal Code of the Republic of Albania";
- Law no. 8733, date 24/01/2001 "On some additions and amendments to the Criminal Code";

¹⁰ Ratified by the Parliament of Albania by Law No. 9834, dated 22/11/2007 "on the Accession of the Republic of Albania in the Optional Protocoll of the UN Convention of "Children's Rights", Sale of the Children, Prostitution and Pornography of the Children", Official Gazette No.165, Published in 2007.

¹¹ Ratified by the Parliament of Albania by Law No. 8137, dated 31/7/1996 "On the ratification of the European Convention for the Protection of Fundamental Human Rights and Freedoms", Official Gazzette No. 20, Published in 1996.

¹² Law no. 8920, dated 11/07/2002, Official Gazette no. 41, July 2002.

¹³ https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-b&chapter=18&lang=en

¹⁴ Ratified by the Parliament of Albania by Law No.9642, dated 20/11/2006 "On the ratification of the Council of Europe Convention "on the measures against the Trafficking of Human Beings", Official gazette no. 132, Published in 2006

¹⁵ For the complete text of the Constitution of the Republic of Albania, please see <http://ëëë.president.al/shqip/kushtetuta.asp>

- Law no. 8920, date 11/07/2002, “On the ratification of the United Nations Convention against Transnational Organized Crime and its two supplementing protocols”;
- Law no. 9188 12/02/2004, additions to the Criminal Code have introduced the criminal offence of trafficking in women and trafficking in minors. The law introduces new definitions for trafficking offences in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;
- Law no. 9187, date 12/02/2004 “On Amendments to the Criminal Procedure Code regarding the use of the special investigative means such as: interceptions, infiltrated agents, etc., used for the investigation of organized crime including trafficking in persons;
- Law no. 9205, date 15/03/2004 “On Protection of Witnesses and Collaborators of Justice”;
- Law no. 9284, date 30/09/2004 “On Preventing and Striking at Organized Crime”, which provides the penal sanctions as well as the asset confiscation of the criminals;
- Law no. 9355, dated 10/03/2005 “On Social Assistance and Services”. By this law, the municipalities have the authority to finance NGO services with revenues from the central budget;
- Law no. 9509, date 03/04/2006 “On the Moratorium of vessels and boats”;
- Law no. 9544, date 29/05/2006 “On the ratification of the Agreement between the Council of Ministers of the Republic of Albania and the Government of the Republic of Greece, on the Protection and Assistance of Children Victims of Trafficking”;
- Law no. 9642, date 20/11/2006 “On ratification of the Council of Europe Convention “On Action against Trafficking in Human Beings”;
- Law No. 9668, date 18/12/2006, “On Migration of Albanian Citizens for Motives of Employment”. Several articles of this law deal with the prevention of trafficking in human beings and facilitate re-integration in the employment market;
- Law no. 9686, date 26/02/2007 “On Amendment to Article 298 of Criminal Code” Assistance for Illegal Borders Crossing”;
- Law no. 9833, date 22/11/2007 “On the adhering of Republic of Albania in the Optional Protocol to the UN Convention on the Rights of the Child on the involvement of children in armed conflict”;
- Law no. 9834, date 22/11/2007 “On the adhering of Republic of Albania in the Optional Protocol to the UN Convention on the Rights of the Child on the sale of children, child prostitution and child pornography”;
- Law no. 9749, dated 04/06/2007 “On State Police”
- Law no. 9859, date 21/01/2008 “On some supplements and amendments to the Criminal Code” the articles added are Article 124/b, “Ill-treatment of children” that among others criminalizes the phenomenon of child exploitation for forced labour, begging, and other forced services; the paragraph that was added in article 117 “Pornography” regarding the pornography of minors as well as adding in article 128/b “Trafficking in children” that criminalizes by law not only the recruitment, hiding, reception of children but also their selling;
- Law No. 10,129, dated 11/05/2009 on the Civil Status
- Law no. 10192 dated 03/12/2009 on the Prevention of and Fight against Organized Crime and Trafficking through preventive measures against Assets
- Law No. 10 173, dated 22/10/2009 on the Protection of Witnesses and Persons collaborating with justice

- Law no. 10347 dated 11/2010 on the Protection of Child Rights
- Law no. 10301, dated 15/07/2010 on the organization and functioning of the judicial police (as amended by Law no. 9241, dated 10/06/2004)
- Law No. 10 399, dated 17/03/2011, amending the Law no. 9355, date 10/03/2005 "On social assistance and services"
- Law no. 23/2012 for some amendments to Law no. 7895, dated 27/01/1995 "Criminal Code of the Republic of Albania"
- Law no. 108/2013 on Foreigners
- Law no. 144/2013, dated 02/05/2013 "On certain amendments to Law no.7895, dated 27/01/1995 "Criminal Code of the Republic of Albania":

- Article 114/a of CC on exploitation of prostitution under aggravating circumstances and article 114/b "Trafficking in Women" were abrogated with the above-mentioned law thus no longer concur with trafficking articles.

- Article 110/a of CC "Trafficking in persons": the name was changed into "Trafficking of adult persons". The amended new article distinguishes internal trafficking from cross-border trafficking putting thus an end to the legal disputes concerning this applicability of this article for internal trafficking cases as well.

- Addition of a new article guaranteeing the non-prosecution of victims of trafficking for their involvement in criminal activities, which they have been compelled to commit as a direct consequence of being subjected to trafficking (Article 52/a Paragraph (II)).

- Addition of article 110/b CC on "Benefit from or use of services provided by trafficked persons", stipulating criminalization of the knowing use of services of victims of trafficking and of those who profit from their services, punishable with imprisonment from 2 -5 years.

- Addition of article 110/c CC on "Actions facilitating trafficking" stipulating that the forgery, possession or provision of identity cards, passports, visas or other travel documents, or their retaining, removal, hiding, damaging or destruction in order to enable trafficking of persons over 18 years of age shall constitute a criminal offence and shall be punishable by two to five years of imprisonment.

- Law no. 143/2013 of May 2013 "on Amendments to the law no. 10039 dated 22/12/2008 "On legal aid" regulating and facilitating the granting of free legal aid to victims of domestic violence and victims of trafficking.

With approval of the new law no. 108/2014 "On State Police" additional legal guarantees are provided for better protection and support to victims of trafficking, in particular children.

This law, amongst the tasks of the state police, provides in article 17 (g), identification, protection and referral for assistance to relevant authorities of victims of trafficking. Whereas in article 123, measures to be taken by state police are specified to protect minors, by holding state police officials directly responsible for assisting and referring, when deemed necessary, abandoned or runaway children.

Secondary legislation

- Council of Ministers' Decision no. 171, date 11/02/2005 "On the Approval of the National Strategy against Trafficking in Children and the Protection of Child Victims of Trafficking, and an Annex to the Decision no. 8, dated 5.01.2002 of the Council of Ministers, "On the Creation of State Committee for the Fight against Trafficking in Human Beings";
- Council of Ministers' Decision no. 564 dated 12/08/2005, "On Licensing Social Service Providers";

- Council of Ministers Order no, 25, date 22/02/2005 “On the Approval of Plan of Action for the period 2005-2007 in compliance with the National Strategy for the Fight Against Trafficking in Human Beings”;
 - Cooperation Agreement, date 18/07/2005 to Establish a National Referral Mechanism for the Enhanced Identification of and Assistance to Victims of Trafficking Between Ministry of Labour and Social Affairs/ General Directorate of State Social Services, National Reception Center for Victims of Trafficking, Ministry of Public Order/ General Directorate of State Police, Ministry of Foreign Affairs/ Consular Directorate, “Vatra” Non-Profit Organization, Vlora, “Tjeter Vizion” non-Profit Organization, Elbasan and International Organization for Migration-Tirana
 - Council of Ministers’ Order no. 203, date 19/12/2005 “On the Functioning of the Anti-trafficking Unit”;
 - The Minister of Interior’s Order no. 282 date 13/02/2006 “On Installation of Toll-free Phone Numbers for Denouncing Corruption and the Procedures for Carrying out this Activity in the Structures of Ministry of Interior for the Directorate of Internal Control”;
 - Ministry of Education and Science Guideline no. 6, dated 29.03.2006 “On registration of Roma children at school who do not have birth certificates”;
 - Prime Ministers Order no. 139, date 19/06/2006 “On the Establishment of the Regional Anti-trafficking Committees;
 - Joint Order no 1192, date 19/05/2006 of the Minister of Interior, Minister of Foreign Affairs and Minister of Labor, Social Affairs and Equal Opportunities on the establishment of Responsible Authority for the National Referral Mechanism;
 - Cooperation Agreement of the Joint Technical Team, September 20th 2006, “On Child Rights” between representatives of the state institutions (Ministry of Interior, MOLSAEO, Ministry of Education and Science, People’s Advocate), NGOs and donors who are committed to the protection and respect of child rights;
 - Decision of the Council of Ministers no. 632 “On the employment of the job seeking unemployed women”;
 - Order no. 645 dated 20/03/2006 “On Priorities of Employment Promotion Program for 2006”;
 - Order no. 782, dated 04/04/2006 “On Tariffs of Professional Formation System”;
- According to this Order, certain groups of people, including trafficked women and girls, are exempt from paying registration tariffs to attend professional training courses for unemployed jobseekers registered in employment offices;
- General Director of Police Duty Order no. 714 dated 03/11/2006 “On procedures carried out with the Albanian and foreign citizens returned from other countries”. It outlines the duties of officers from Border and Migration Police and the Sector for the Fight against Illegal Trafficking in handling returned persons, identified as victims of trafficking, and the measures to be taken;
 - Council of Ministers’ Decision no. 195, date 11/04/2007, “Standards of Social Services for Trafficking Victims or at Risk of Trafficking Persons in Residential Care”;
 - General Directorate of State Police Duty Order no. 871, dated 27/12/2007 “On procedures to be carried out for the interviewing of foreign and Albanian nationals returned from other countries”;
 - General Directorate of State Police Duty Order no. 865, date 26/12/2007 “On the data entry on the database for victims of trafficking”.

4. Victim Referral in Albania

4.1. National Referral Mechanism

In Albania victims are supposed to be identified and referred according to the country's *Standard Operating Procedures for the Identification and Referral of Trafficked Persons* established in 2010. The procedures were drafted to enforce the National Anti-trafficking Strategy 2008-2010 and its Action Plan and provide guidance on various aspects of victim referral and identification, both within and outside the territory of Albania. More specifically, the document covers the following procedures:

Procedures at the border:

- Initial identification and referral of potential minor victims at the border, incl. a list of indicators
- Initial identification and referral of potential adult victims at the border, incl. a list of indicators
- Formal identification and referral of adults referred from border crossing points
- Formal identification and referral of minors referred from border crossing points

Procedures within the territory of Albania:

- Initial identification and referral of potential minor victims within Albania, incl. indicators
- Initial identification and referral of potential adult victims within Albania, incl. indicators
- Formal identification and referral of potential minor victims within Albania
- Formal identification and referral of potential adult victims within Albania
- Organisation of voluntary return to the country of origin of trafficked persons of foreign nationality: Management of rehabilitation, integration and reintegration of victims of trafficking in the community/family (for cases that were not accommodated in residential centres)

Procedures outside the territory of Albania:

- Identification and referral of victims or potential victims outside Albania
- Facilitation of identification and assistance to Albanian trafficked persons
- Organisation of voluntary return to Albania of victims of Albanian nationality
- Assessment of social-economic and security situation prior to the return of Albanian victims of trafficking

In the *Report submitted by the Albanian authorities on measures taken to comply with Committee of the Parties Recommendation CP(2012)1 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings* the Albanian authorities describe the process of identification and referral in Albania and the government's efforts to improve victim identification as follows:

“Every victim/potential victim of trafficking in Albania is identified according to the SOPs *for the Identification and Referral of Victims/Potential Victims of Trafficking*. According to SOPs enforced in the year 2011, the identification process is divided in two stages: initial and formal identification. Victims of trafficking can be identified within the country, at the border and abroad. The initial identification can involve any individual and agency, governmental or nongovernmental within the country. To assist the process of initial identification there are set indicators of trafficking which are descriptive elements of the trafficking process that reflect trafficking in persons. Indicators are divided into two categories: primary trafficking indicators

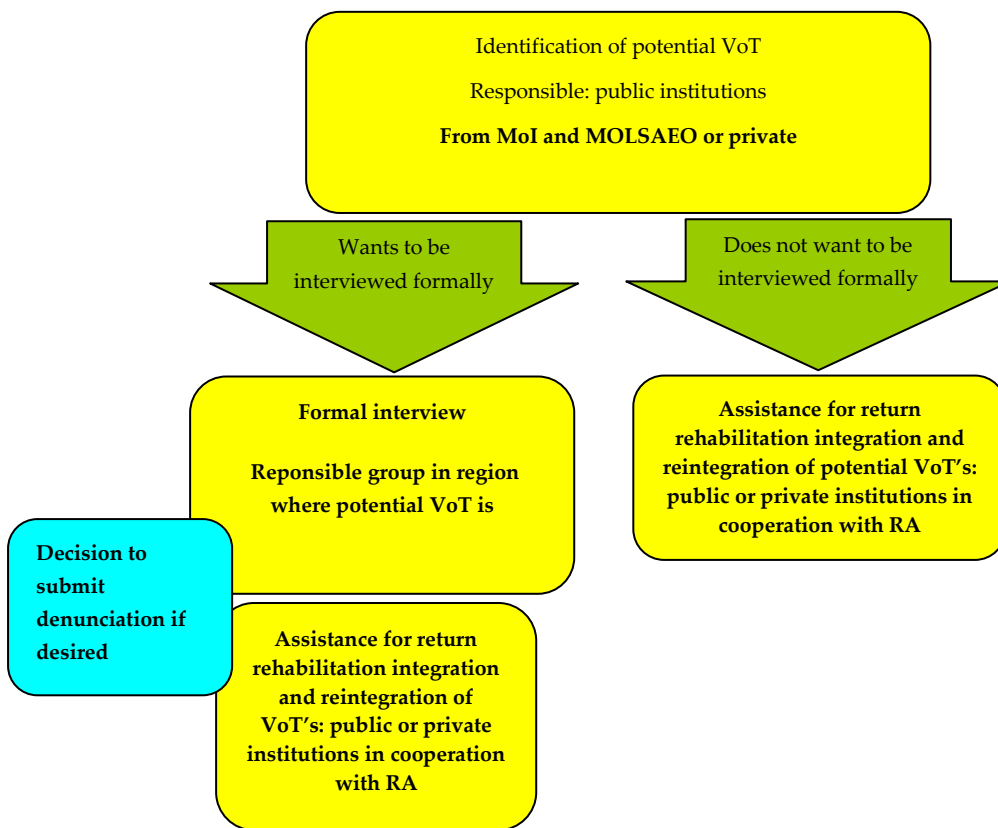
and secondary trafficking indicators. These indicators have been made available to facilitate the process. If the situation of a child or adult indicates one or more primary indicators as components of trafficking and some secondary indicators that may be interpreted as consequences of the trafficking process, the person is considered a potential victim of trafficking.

Formal identification of victims of trafficking is the process of identification of a person as a victim of trafficking, conducted only by the Group/Structure Responsible for Formal Identification (G/SRFI) on the basis of the formal interview. The formal identification process allows for an in-depth assessment of the needs of the person who is a victim of trafficking for assistance and protection, provides the victims of trafficking with information on assistance, provided for the collection of information and initiation of investigations for the punishment of traffickers. The formal interview is conducted separately from filing a report to law enforcement. The formal interview is conducted at the SFAIT [Sector of the Fight Against Illicit Trafficking] police of the respective regional police directorate.

The document of SOPs was published in December 2011 and distributed to Police (central and local offices), SSS [State Social Service] (central and local offices), regional directorates of public health, regional directorates of labor inspectorate, and regional directorates of education, other copies will be reprinted. To facilitate the understanding and use of the SOPs, ONAC in cooperation with IOM, compiled 8 explanatory brochures for all the above mentioned agencies (4000 copies).”¹⁶

¹⁶ CoE, *Report submitted by the Albanian authorities on measures taken to comply with Committee of the Parties Recommendation CP(2012)1 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings*, p. 15f.

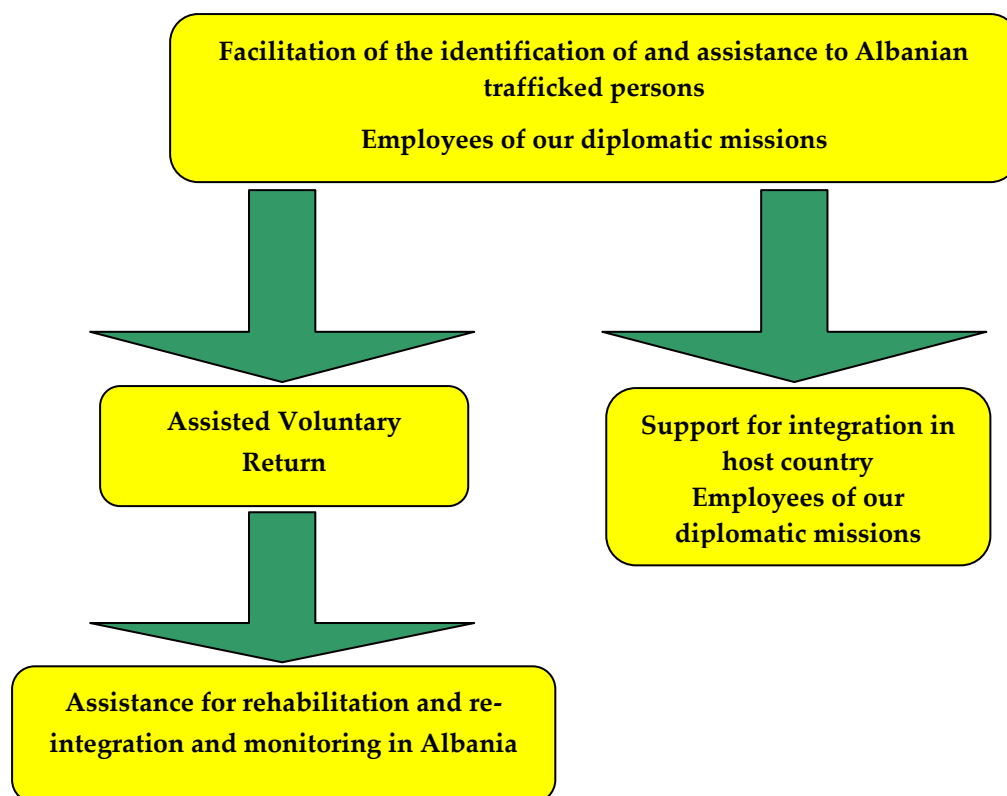
Identification within the territory of Albania



Graphic representation of the identification procedures within the country in Albania's *Standard Operating Procedures for the Identification and Referral of Trafficked Persons*.¹⁷

¹⁷ *Standard Operating Procedures for the Identification and Referral of Trafficked Persons*, 2010, p. 30.

Identification outside the territory of Albania



Graphic representation of the identification procedures outside the territory of Albania in Albania's *Standard Operating Procedures for the Identification and Referral of Trafficked Persons*.¹⁸

With regard to training initiatives related to victim identification and referral, the following information was provided by the Albanian authorities:

"A number of trainings related to SOPs have taken place during year 2012 and year 2013 and will continue throughout the year 2014. All actors involved in the process of identification, referral and assistance of victims and potential victims of THB are being trained in order to appropriately identify, refer and assist victims in full compliance with the rights they are entitled to. Part of these trainings is an increased focus on the identification of male victims of trafficking as well as national victims.

After the first round of trainings on SOPs in the 12 "qarks" [counties] trainings were replicated for the Ministry of Health, State Social Service and Anti-trafficking Police during 2013. These training were provided by ONAC and IOM:

Education: Trainings on awareness-raising for elementary and high school directors, teachers, and school psychologists in urban and rural areas [was] organized in 2012-2013. The aim of these trainings was the introduction of their responsibilities to identify and refer potential victims of trafficking, reporting tasks, and measures to take to prevent human trafficking. During January 2013 trainings were organized in Kukës, Korça, Fier, Shkodra, Tirana, Gjirokastra, Berat and approximately 245 school teachers and directors participated in them.

¹⁸ *Ibid*, p. 46.

Health providers: The training for public and private health care practitioners was organized on May 8th, 2013. The focus was to improve identification of victims by health care professionals who are most likely to come in contact with potential victims of trafficking. The training was attended by 14 public and private health care practitioners.

Labour inspectors: the General Inspector of the State Labour Inspectorate and their counter trafficking focal points organized on 8 July 2013, a training in Tirana. All the participants were labour inspectors from Tirana. In total there were 15 labour inspectors. Topics ranged from- What could the labour inspectors do and what their specific role is? How they can identify and refer these cases and the importance of the need for these labour inspectors to be pro-active in identification were the most interesting points of discussions for the participants.”¹⁹

4.2. Transnational Referral Mechanism

As mentioned above, Albania developed a transnational referral mechanism in the framework of three regional projects implemented by the International Centre for Migration Policy Development (ICMPD); the “*Programme to Support the Development of Transnational Referral Mechanisms (TRM) for Trafficked Persons in South-Eastern Europe* funded by USAID (2006 – 2009); the project “*Development of a Transnational Referral Mechanism for Victims of Trafficking between Countries of Origin and Destination (TRM-EU)* funded by the European Commission (2008-2010); and the project “*Enhancing Transnational Cooperation on Trafficking Cases in South-Eastern Europe (TRM-II)* funded by USAID (2010- 2012). The transnational referral mechanism consists of a set of standard operating procedures based on ICMPD’s *Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons*.

These procedures are aligned with the above-mentioned national referral mechanism and cover the following stages of the referral process:

1. Identification;
2. First assistance;
3. Rehabilitation and reintegration;
4. Voluntary return, legal residence and resettlement in a third country;
5. Criminal procedures and compensation claims.

Each of the five sections describes a set of measures, which answer the following questions:

- What measures should be implemented;
- When should the measures be implemented;
- Who will be responsible for implementation of these measures; and
- How will the measures be implemented and the governmental and civil society organisations cooperate.

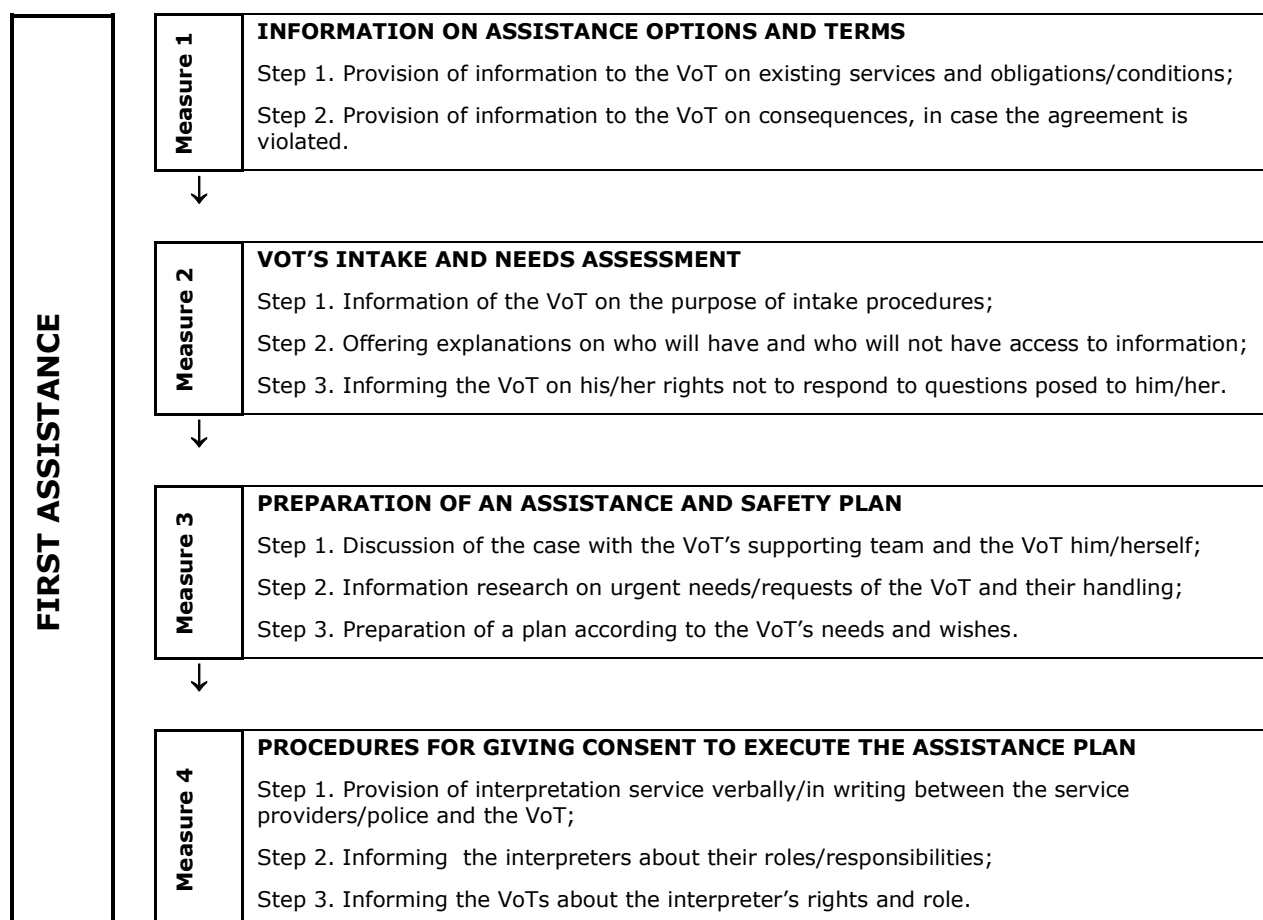
In addition, a contact list of anti-trafficking actors involved in victim referral in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Kosovo²⁰, the former Yugoslav Republic of Macedonia, Moldova, Montenegro, Serbia and Romania is provided to facilitate direct cooperation with counterparts in South-Eastern Europe.

The procedures and measures described in Albania’s *Guidelines on Standard Operating Procedures for Implementation of the Transnational Referral Mechanism for Victims of Trafficking*, i.e. the TRM, are very comprehensive and address different forms of trafficking. Special measures for minors are emphasized throughout the document, but trafficking for the purpose of begging or illicit activities is not mentioned in the document.

¹⁹ CoE, *Report submitted by the Albanian authorities on measures taken to comply with Committee of the Parties Recommendation CP(2012)1 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings*, p. 16.

²⁰ Under USCR1244

Example of measures foreseen under *Standard Operating Procedure 2: First Assistance* according to Albania's TRM:



Graphic representation of *Standard Operating Procedure 2: First Assistance* in Albania's *Guidelines on Standard Operating Procedures for Implementation of the Transnational Referral Mechanism for Victims of Trafficking*

Each measure is explained in detail and references to the relevant national laws are made. In addition, sample forms/templates are provided to facilitate administrative procedures and contribute to more efficient referral, for example, with regard to risk assessment.

Example of how individual measures are described in the TRM: SOP 2: First Assistance, measure 3²¹:

MEASURE 3: PREPARATION OF ASSISTANCE AND SAFETY PLAN

WHAT does it mean: the assistance and safety plan is a clear and detailed description of the steps proposed for the victim's caretaking. Generally speaking, this plan is a working mediation plan.

WHEN: once the intake procedures are completed.

WHO: the case manager, the VoT and the multi-disciplinary supporting team.

HOW: the case manager discusses the individual's case with the victim's supporting group and with the victim him/herself and prepares a plan according to the needs and wishes of the VoT, as well as according to the possibilities of the services provider. At the end of this process, the consent of the VoT is again

²¹ Guidelines on Standard Operating Procedures for Implementation of the Transnational Referral Mechanism for Victims of Trafficking, p. 51-52.

assured.²² In the cases of children, the plan is prepared according to the assessment of their guardian together with the social services, in the best interests of the child.

Communication should include discussions on:

- what are the current needs and wishes of the VoT for the future;
- information on ways his/her case will be further dealt with by the supporting team;
- shelter location;
- timing of the next meeting;
- what should be done in case of safety problems;
- needs for psycho-social assistance and available options.

Practice – pursuant to Standard 2, the responsible social worker in the residential centre will be the person to whom all reports and concerns regarding the beneficiary of the assistance are directed. The service provider appoints a social worker/case manager to a VoT (services beneficiary).

The multi-disciplinary team of professionals (which includes, but is not limited to: social worker, psychologist, educator, doctor and lawyer) develops a plan for the assessment of all needs of the beneficiary within a two-week period from identification, exception made in cases of emergency and the possibilities of the service provider. At the end of this process, the VoT's consent is ensured.

Note: in the cases of foreign children, there should be foreseen procedures to share information on the child with the responsible authorities of the country of origin of the child in question. Information sharing with others should be conducted in order to assist the authorities of the country of origin of the child to initiate the process of finding a durable solution for the child when he/she is returned to his/her home country.

Example of template provided under SOP 2, measure 2: Assessment of caretaking and needs of the victim:

Caretaking and risk assessment criteria			
PERSONAL DATA FILE			
No.	Data	National	Foreigner
1	Personal file number to correspond to the number/code assigned to the victim of trafficking in the database for victims of trafficking.		
2	Nationality.		
3	Place of residence.		
4	Date of birth.		
5	Spoken language.		
BASIC NEEDS			
No.	Data	National	Foreigner
	Accommodation requirements.		
	Food requirements.		

²² Albanian National Strategy on Social Services 2005-2010, Standard 2: Needs assessment and caretaking plan for the beneficiary; ratified by Council of Ministers's Decision, nr. 195, dt. 11.4.2007.

	Clothing requirements.		
	Medical check-ups and medical assistance.		
	Communication with the family/relatives.		
RISK ASSESSMENT			
No.	Data	National	Foreigner
1	Current concerns related to safety.		
2	Past concerns related to safety (time period)].		
3	Individuals who present a risk for the person's safety.		
4	Concerns about family members or friends.		
5	Locations that might be unsafe to go or visit.		
6	If has been followed by someone in the past (time period)].		
HEALTH NEEDS			
No.	Data	National	Foreigner
1	Headaches, other neurological problems.		
2	Serious medical problems that cause desperation or anxiety.		
3	Past or present injuries.		
4	Serious stress or tension.		
5	Mental diseases.		
6	Conditions that endanger the life (heart symptoms, epilepsy, asthma).		
7	Difficulties in understanding.		
LEGAL/ADMINISTRATIVE NEEDS			
No.	Data	National	Foreigner
1	Legal representation, counselling and assistance to be offered for issuance of documents.		

4.3. Challenges in Victim Referral

In summary, the NRM and TRM SOPs provide detailed guidance on how (potential) victims of trafficking should be referred. The documents refer to trafficking for the purpose of sexual exploitation and labour exploitation, but other forms of trafficking, such as for the purpose of begging or illicit activities, are not mentioned. Both NRM and TRM procedures differentiate between adult and minor victims and specifically highlight the need for special measures for children. There is no distinction between male and female adult victims, but assistance is provided to both female and male victims. Support for male victims is limited, but in 2014 the NGO Different & Equal assisted 18 male victims and potential victims of trafficking.²³

Based on the information provided in the NRM and TRM SOP documents, in Albania (potential) victims should be referred according to clear guidelines and procedures and the actors involved should be fully aware of what their responsibilities are. Victims should receive immediate assistance and their rights should be protected. Looking at recent assessment reports²⁴ and statements from anti-trafficking stakeholders, however, it seems that in reality this is not the case. Even though comprehensive measures are in place on paper, the practical implementation of the SOPs remains a challenge.

According to the latest EC progress report, despite increased efforts in the area of prevention and identification of victims and potential victims, internal trafficking remains a concern in Albania. Although amendments were made to the Criminal Procedure Code in 2013 to criminalise internal trafficking of adults, no such cases have been investigated yet and the amendments do not cover the internal trafficking of minors. In addition, the EC reports that

*A comprehensive, multidisciplinary and victim-oriented approach to trafficking in human beings is not yet in place and identification of victims needs to be improved. Further action is needed to improve the coordination and referral mechanism and ensure that victims, especially minors, have unhindered access to assistance, support and protection, including re-integration upon return. [...] Albania should fully transpose the standards set up in the Palermo Convention and relevant EU Directives into the Albanian Criminal Code and Criminal Procedure Code in order to ensure the efficiency of investigations and the protection and compensation of victims.*²⁵

The US Department of State's Trafficking in Persons Reports from 2014 and 2015 portray a similar picture and highlights gaps in the area of victim assistance and identification. More specifically, they recommend that Albania takes steps to ensure victims have access to victim-specific assistance, support and protection, and to increase victim identification, mainly through targeted training for various stakeholders, such as police, prosecutors, judges, labour inspectors, officials in child protection units and medical staff of the state-run shelter. The services offered by the state-run shelter are considered inadequate while the three NGO-run shelters are reported to provide comprehensive services to victims, including psychological care, legal assistance, medical care, reintegration services, and assistance for victims' children.²⁶

Also IOM's latest needs assessment conducted in the Western Balkans in 2013, covering Albania, Bosnia and Herzegovina, Kosovo²⁷, the former Yugoslav Republic of Macedonia,

²³ Republic of Albania, Ministry of Internal Affairs, National Coordinator for the Issues of Fight against Trafficking in Persons, *Report on the Implementation of the Fight Strategy against Trafficking in Persons and Action Plan 2014-2017*, March 2015

²⁴ See reports mentioned below and listed in the reference section.

²⁵ European Commission, *Albania Progress Report*, October 2014, p. 53.

²⁶ U.S. Department of State, *Trafficking in Persons Report 2014*, p. 70f. and U.S. Department of State, *Trafficking in Persons Report 2015*, p. 65f.

²⁷ Under UNSC1244

Montenegro and Serbia, identified gaps in victim referral throughout the region. According to the responses collected in 37 interviews with anti-trafficking stakeholders throughout the region, nine of which were conducted in Albania, the NRMs and TRMs in the region are considered “not fully functional.”²⁸ High staff turnover and lack of institutionalisation are mentioned as likely causes, especially with regard to the TRM. Concerning challenges in victim referral, the report recommends the following:

- Victim identification: Improve the border police capacity to detect and identify trafficked persons, especially adult men and cases of internal trafficking, raise the awareness of labour inspectors on the phenomenon of trafficking in human beings
- Victim support and reintegration: Provide more services to all cases, not just those who have experienced sexual exploitation; provide more community-based/non-shelter alternatives for those people who do not wish, or would not benefit from, placement in shelters; develop and implement dedicated support services for child victims of trafficking. Improve the quality of services by (1) developing standards and certification for organisations providing support, including in shelters, (2) monitoring new and existing standards, and (3) collecting and using appropriate feedback mechanisms; deliver long-term, sustainable reintegration support for all cases, including access to local and national social protection systems and support.
- National and international cooperation: Increase cooperation and coordination among national actors responding to trafficking in persons; strengthen international cooperation through improved implementation and institutionalization of the regional TRM; strengthen cross-border cooperation and joint investigation teams.
- Criminal justice processes: Strengthen the capacity of criminal justice actors; introduce specific articles in the criminal procedures code on victims compensation and establish a special state fund to compensate people who have experienced trafficking.
- Government commitment and resource allocation: Provide adequate state funds to ensure the quality of services.
- Attitudes that hinder the response to trafficking in persons: Increase the victims’ awareness/understanding that they are victims of a crime and are not guilty of what has happened to them; incorporate activities to address attitudes that hinder the response to trafficking into specialised trainings for all actors involved in identification, prosecution, assistance and protection to persons experiencing exploitation, awareness raising campaigns and skills building workshops.²⁹

With regard to anti-trafficking legislation in Albania, as mentioned above, in 2013 law no. 144/2013 “On some amendment to criminal code” improved the criminal code by recognizing both transnational and national trafficking of human beings under paragraph 1 in Art 110/a “Trafficking of adult persons.” Art 128/b “Trafficking of minors” was not amended, however, which leads to a situation where trafficking of minors within the territory of Albania is not recognized as trafficking in human beings because no international borders are crossed.

The latest IOM report on Mechanisms against Violence and Trafficking in Albania provides a testimony of a social worker that illustrates the current situation: “*Minors now are not identified either as victims of trafficking or as maltreated; they are saying they go out to beg themselves, or they hide; they don’t want to have anything to do even with social workers*”.³⁰

An in-depth analysis of the legislative framework would go beyond the scope of this report, but the report *On Legal Assessment on Trafficking of Human Beings* drafted in the framework of

²⁸ IOM, *Needs Assessment: Human Trafficking in the Western Balkans*, 2014, p. 64.

²⁹ IOM, *Needs Assessment: Human Trafficking in the Western Balkans*, 2014, p. 85ff.

³⁰ IOM, *Mechanisms against Violence and Trafficking- Synergies and Synergy Developments*, 2015,p.22

the EU-funded project *Consolidation of Law Enforcement Capacities in Albania - PAMECA IV* assesses the Albanian legal framework relevant to trafficking in human beings in detail and recommends the following amendments³¹:

- The provisions on THB in the Criminal Code should be amended in order to provide for a single offence of THB, with clear and simpler definition and wording, for better understanding and application. It should be included under chapter VII “Criminal offence against the freedom of the person” of the Criminal Code and transpose all the obligations deriving from international instruments and relevant Conventions, especially regarding the consent of victims;
- Art 52/a of the Criminal Code should be amended in order to protect victims of trafficking from criminal prosecution for offences committed during trafficking period;
- The Art 62 of the CPC should be amended in order to recognise victims of trafficking as parties in criminal proceedings and ensure the right of compensation for them;
- Art 158 of the CPC should be amended in order to make it clear that it does not apply to victims of crimes;
- Art 316 CPC should be amended in order to make it easier for prosecutors to secure the testimony of vulnerable witnesses such as victims of trafficking;
- Better cooperation should be ensured between district prosecution offices and SCPO [Serious Crimes Prosecution Office] and between regional police offices and SCPO [Serious Crimes Prosecution Office] in order to identify better cases of THB;
- Joint training should be organised for prosecutors and judicial police on the investigation of THB in order to improve their skills and professional capacities.

³¹ Francesco Ciardi, *Report on Legal Assessment on Trafficking in Human Beings*, May 2014, p.16.

5. Victims' Rights in Albania

“The treatment of victims/potential victims of trafficking should be based on human rights; it should not be criminalizing but victim oriented” - Article 4/1 of the Cooperation Agreement for the Functioning of the National Referral Mechanism of Victims and Potential Victims of Trafficking in Persons.

The following chapter takes a closer look at victims' rights in Albania based on the publication *EU Rights of Victims of Trafficking in Human Beings*, which provides an overview of victims' rights based on EU legislation in line with the *EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016* (Priority A: Identifying, protecting and assisting victims of trafficking, Action 4: Provision of Information on the rights of victims). In order to collect information on whether the basic rights of victims are ensured during the implementation of measures of the national referral mechanism in Albania, as mentioned in the introductory part of this report, ICMPD developed a questionnaire and disseminated it among relevant Albanian stakeholders. In addition, the Albanian *Standard Operating Procedures for the Identification and Referral of Trafficked Persons* and *Guidelines on Standard Operating Procedures for Implementation of the Transnational Referral Mechanism for Victims of Trafficking* were reviewed and international reports on Albania's progress in the fight against human trafficking were taken into consideration as well. Detailed information and statistical data on victim assistance and support provided in Albania in the past years can be found in the annexed *Report on the Implementation of the Fight Strategy against Trafficking in Persons and Action Plan 2014-2017* published by the Office of the Anti-Trafficking Coordinator in March 2015.

5.1. Right to Assistance and Support

According to Albanian anti-trafficking law victims are entitled to assistance and support before, during and after the conclusion of the criminal proceedings. This assistance is not conditional on victims' willingness to cooperate in the criminal investigation, prosecution or trial. The assistance should be confidential, free of charge and should meet the individual victim's needs. A reflection period is granted, as well as interpretation for foreign victims, in order to ensure the best interest of the victim. According to the Standard Operating Procedures (SOPs) of the National Referral Mechanism (NRM) for victims of human trafficking, these services are provided by the **National Coalition of Anti-trafficking Shelters (NCATS)** and the **State Social Service**.

There are four shelters for victims of THB in Albania. Three of them are operated by NGOs – **Different & Equal** in Tirana, **Tjeter Vizion** in Elbasan and **Vatra** in Vlora. The fourth shelter is the state-run **National Reception Centre for Victims of Trafficking** in Tirana. The shelters that are members of the NCATS coalition provide a full package of reintegration assistance services to victims of trafficking:

- Accommodation, security, and reintegration plan;
- Immediate medical assistance;
- Intermediation/facilitation of the communication with the family/relatives;
- Psycho-social assessment and counselling;
- Legal support;
- Assistance to continue education – registration and support to attend school;
- Vocational training;

- Employment counselling and support in finding jobs;
- Financial support and long term accommodation;
- Information on available services in the community;
- Assistance and support for the children of the victims of trafficking;
- Monitoring and ongoing follow up of the beneficiaries of the assistance programmes.

According to the NRM SOPs, the protection and reintegration services that all victims of THB receive are strictly in accordance with their individual needs and are provided free of charge by the shelters. When needed, interpretation and translation services for foreign victims are provided by the shelters and by Border and Migration Police through the Ministry of Justice.

The Albanian legislation stipulates that every victim or potential victim of Albanian or foreign origin is granted a reflection and recovery period. **Law no. 108/2013 “On Foreigners”** (adopted on 28.3.2013) provides measures for better protection of foreign victims of trafficking. Article 53/b (Issuance of residence permit on humanitarian grounds) and Article 54 (Issuance of residence permits for victims of trafficking in human beings) arrange the procedures for issuing a residence permit for the duration of a **reflection period of 3 months**. A **residence permit** for a longer period can be granted if the victim needs long-term protection. In both cases the arrangement of the residence permit **is not** conditional upon collaboration of the victim with the law enforcement authorities.

The special measures for protection of foreign victims of human trafficking are in compliance with the *United Nations Convention against Transnational Organized Crime* and the *Council of Europe Convention on Action against Trafficking in Human Beings*.

During the reflection and recovery period, victims receive psycho-social counselling to reduce the trauma, to stabilise their emotional condition, physical and psychological wellbeing.

According to the EC Progress report on Albania³², anti-trafficking legislation in Albania should be forced into action with special emphasis on victims of internal trafficking. The identification and support of those victims is still a challenge to the authorities. Another area where further actions are needed is the implementation of the special protection measures for minor victims of trafficking. According to the information gathered through the interviews, only one of the shelters provides a separate space (separate room) for the accommodation of children.

5.2. Right to Protection

According to Albanian legislation, victims of trafficking have the right to be protected before, during and after the criminal proceedings. Victims’ **personal data** must be collected, processed and stored according to the relevant data protection laws.

The Office of the National Anti-Trafficking Coordinator (ONAC) manages a Database for Victims of Trafficking. The Database is part of the Total Information Management System (TIMS), which guarantees case information. The database complies with the national regulations on confidentiality and protection of sensitive information.

³² European Commission, *Albania Progress Report*, October 2014, p. 53.

The Law "On protection of Personal data" approved by the Decision of the Council of Ministers no. 9887, dated 10.03.2008 determines the rules for the legal protection and processing of personal data. According to Article 6, the processing of the personal data is conducted by the official authorities defined by law. In Article 27, point 1 and "3" it reads: - *"1. The controller or the processor shall take appropriate organizational and technical measures in order to protect personal data from unlawful or accidental destruction, accidental loss, from access or disclosure to unauthorized persons, especially when the processing of data takes place in a network, as well as from any other unlawful form of processing.....3. The documented data may not be used for other purposes incompatible with the purpose of collection. Acquaintance with or processing of the data registered in files for a purpose other than the right to enter the data shall be prohibited. This rule shall not apply when the data are used with the purpose of prevention or prosecution of a criminal offence."*

THB victims are entitled to receive **free legal counselling** and legal representation in the court. Albanian Law no. 143/2013 for Changes of the Law on Legal Aid guarantees legal assistance for different categories of persons who need this service, including victims of trafficking. The law introduces *possible* exemptions from judicial fees for victims of trafficking and domestic violence, and establishes local legal aid offices.

Article 4 of the Law provides the possibility for a victim of domestic violence or a victim of human trafficking to receive free legal assistance in case this person is involved in social protection programmes. The legal assistance is provided by authorized state lawyers. The primary legal assistance provides information to the victim on the legal system in Albania and the rights that the person has. The secondary legal assistance consists of counselling services, representation and legal protection during penal, civil and administrative proceedings.

The NGO members of NCATS provide legal assistance through the lawyer of the organisation or in collaboration with other legal assistance organisations (e.g. The Centre for Legal and Civic Initiatives).

During the court proceedings, the victims receive information about the latest developments in direct meetings with the prosecutors, via the mediation of the NGO Different & Equal, or via the respective law enforcement structures.

Victims of THB are entitled under certain conditions to specific measures that ensure the victim's right to protection. The unnecessary repetition of interviews/ interrogations during the investigation and trial is to be avoided. The visual contact between the victim and the perpetrator is not a necessary part of the court trial and the victim can testify via video conference.

Another measure that ensures victims' protection makes it possible for THB victims to benefit from special witness protection measures during and after the trial proceedings. Victims' physical protection and data protection are proportionate with the assessed level of risk. Special protection and security is offered to the witness victims that enter Witness Protection Program in accordance with the Law on Protection of Justice Collaborators and Protected Witnesses.

Criminal Procedural Code stipulate on this kind of protection as well:

Article 361/7- The witness may be asked from a distance in or outside of the country via audio-visual connections according to the rules of international agreements and provisions of Criminal Code. This is a way to avoid contact with the victim and to protect her from possible revenge of the trafficker.

Article 361/5- Witnesses under age of 18 can be asked by a judge regarding the requests and objections of parties. The judge may be assisted by a relative of the juvenile or by a specialist in child/juvenile related areas (psychologist). This rule forbids the accused or his/her attorney to question directly the juvenile in order to avoid the negative impact that such situation might have on the psychological condition of the juvenile.

Article 316/b- When there are reasonable grounds to believe that the person may be a subject to violence or to threat of violence, the court may proceed with the pre-trial admissions of evidence during the preliminary investigations. Considering the complexity of investigations of these criminal acts, the application of pre-trial admissions of evidence in cases of THB shortens the time the victim is involved in the criminal proceedings.

Article 340, 1 paragraph "Cases of closed hearings" foresees that the court may proceed with closed hearings when it is necessary to protect the witnesses or when questioning the juveniles.

According to the information provided by the Albanian stakeholders in the framework of this assessment, the number of cases where special security measures are taken in order to prevent the re-victimisation and to avoid additional traumatising of the victim is increasing. However, there is still a need to train more prosecutors and judges on the specificities of THB trials as well as the specificities of THB victims as court witnesses. There was only one case of a THB victim enrolled in the special protection programme in 2012.

5.3. Right to Compensation

All victims of THB are entitled to receive information and access to existing compensation schemes for victims of violent crimes. According to the Albanian legislation, the prosecutor of serious crimes or the legal advisor informs the victim about her/his right to receive compensation. There are several possibilities for this:

Civil Lawsuit - The Criminal Procedure Code of Albania, Articles 61 -68 stipulates that the victim has the right to request compensation through a **civil lawsuit** in the penal process.

The Civil Code of the Republic of Albania - Articles 625 and 644, stipulates that victims are entitled to be compensated when subjected to damage or have been morally harmed.

However there is only one case (in 2011) where a victim of THB was granted compensation.

State Compensation Scheme - Law no. 10192, on the Prevention and Striking of Organized Crime and Trafficking through Preventive Measures against the Property, provides another means by which the victims may obtain compensation through a State Compensation Scheme. This law foresees the establishment of a **Special Fund on Preventing Organised Crime**. The fund is replenished by confiscated criminal assets seized by order of the court. The decision making body for the designation on the use of these assets is the Advisory Interagency Committee on Measures against Organised Crime. This Committee makes suggestions to the Minister of Finance on the usage of the fund.

The fund is designated for social purposes, including rehabilitation and integration of victims of trafficking (Article 37/2-c). There is no clear information if victims of THB were granted compensation through this fund. However, the same Law (Article 37/3) provides a possibility for NGOs, including shelters, to benefit from this fund through projects ensuring the sustainability

of their services for victims of human trafficking. In 2014, the Coalition of Anti-trafficking Shelters was assisted with materials and other useful goods from confiscated criminal assets.

Another fund, part of the Anti-mafia Law, was established in 2013. Its name is **Special Fund for Prevention of Criminality** and consists of 25,000,000 ALL (approx. 180,000 EUR). The fund is a direct reaction to GRETA's recommendation that "... *the Albanian authorities should take steps to ensure that victims of trafficking can effectively exercise their right to compensation from the perpetrators by taking measures to facilitate the relevant procedures.* (CP (2012) 1 5)³³. Art.37, point 3/b of the Anti-Mafia Law stipulates that the Fund will serve for supporting projects on capacity building of law enforcement agencies (prosecution and police) as well as projects supporting NGOs that assist victims of human trafficking.

5.4. Right to Reintegration

All THB victims are entitled to long-term reintegration programmes. The support aims at victims' education, vocational training, employment and medical condition, in order to support their social inclusion and functioning.

The Albanian legislation allows financing of services for groups in need (incl. victims of trafficking) from local governments' funds. The Ministry of Social Welfare and Youth provides funds to the municipalities for community social services. The shelters that offer residential services for victims of trafficking can profit from those delegated budgets. NGOs can apply with projects and compete for the funds.

Shelter members of NCATS provide a full package of reintegration assistance to adult and minor victims of human trafficking. The available services are divided into three phases:

1) Initial crisis intervention in the shelter

The initial assistance for victims of trafficking is primarily focused on providing accommodation for victims of trafficking in the residential centre. Victims are provided with basic needs and crisis services - e.g. accommodation, housing, clothing, feeding, medical assistance, psychological assistance, protection and 24 hours security, family mediation, as well as preparation for the next stages of the reintegration process (vocational training, etc.). During this phase, the victim, together with the multidisciplinary professional team designs her/his individual reintegration plan. There are cases when female victims are accompanied in the shelter by their children. Assistance is provided for these children as well.

2) Stabilisation and transition phase

Protected housing is provided. Adults are supported toward their economic independence - e.g. after completing vocational training and maintaining a job for some time, they move out of the shelter and into protected apartments, subsidised by the organisations. The law provides a possibility for minors to be placed in foster families and alternative care settings. The personnel monitor the victims' progress and provide regular psycho-social assistance.

3) Social inclusion and reintegration.

The support in this phase aims to empower victims to gradually leave the programme. This support consists of offering reintegration assistance to the family and community where the beneficiary resides; information on resources and services available in the community, assistance to the victims in strengthening relationships with the support institutions in the

³³ Council of Europe, *Report submitted by the Albanian authorities on measures taken to comply with Committee of the Parties Recommendation CP(2012)1 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings*, p. 25.

community in which they live; and regular case monitoring and follow-up. In addition to working directly with victims, services can also be provided to victim's families and dependents.

The reintegration measures in the NRM SOPs provide a very detailed description of each step of the re-integration process. However, some areas need more action and implementation. According to the information provided by the Albanian stakeholders in the framework of this assessment, the accommodation of minors in foster families is a challenge when it comes to real actions.

Another reported challenge is long-term monitoring of cases. When the victim goes back to his/her family environment, staying in contact with him/her becomes difficult as does maintaining an overview of his/her post-traumatic coping and the reintegration process in general.

5.5. Right to Safe Return

All victims of THB of foreign origin are entitled to assisted voluntary and safe return to their home countries or another third country. In cases that present a high risk to the victim, they are entitled to reside in the country under specific circumstances.

The Albanian Police are obliged by law to offer initial assistance to victims and potential victims of trafficking according to their immediate needs during the initial identification (in particular at the border crossing points). This includes medical assistance, water, food, clothing etc. The Police are obliged to ensure that all persons identified as potential victims of trafficking are interviewed as soon as possible and in accordance with their needs as victims.

According to the Albanian Law, a foreign victim of human trafficking receives the same guarantees and assistance as a domestic victim of trafficking. In addition, the Albanian legislation grants a recovery and reflection period to every foreign victim or potential victim of trafficking.

Foreign victims have the same access to care as domestic trafficking victims. They are assisted with accommodation in a shelter and provided with all services mentioned above. Foreign victims receive support when applying for temporary residence permit. Interpretation and translation services are provided as necessary. In 2014, the return of victims was facilitated in cooperation with IOM Albania's "Safe Return" Programme.

5.6. Special Measures for Child Victims of Trafficking

The protection measures for child victims of THB foreseen in the Albanian National Strategy and Action Plan against THB are consistent with the best interest of the child. The assessment of the best interest is done according to **domestic and international child protection standards**.

In cases when the child's parents are no longer able to take care of the child or were involved in the exploitation of the child themselves, a guardian is appointed to the child.

Children are interviewed in special adapted premises in police commissariats and in the presence of a psychologist.

During the assessment mission to Albania a representative of the First Instance Court for Serious Crimes in Tirana pointed out that there is a need to improve the legislation regarding child trafficking and specifically the internal trafficking of human beings (as mentioned above in *5.1. Right to Assistance and Support*). At this moment any case of child victims trafficked within the borders of the country for the purposes of sexual exploitation is considered as a case of prostitution and therefore the approach to the victim is as of a suspect of a crime.

When child victims of THB testify during the legal proceedings, the Criminal Procedures Code (CPC) foresees that the judge can ask the presence of a relative or a child psychologist, in

order to avoid questions that might harm the child (Article 361/5 of CPC). In case of a raised civil lawsuit, a lawyer could be appointed and present in the proceedings as well.

Only one member of the Shelter Coalition (**Tjeter Vizion** in Elbasan) provides services for child victims of trafficking and accommodates them in separate premises within the shelter. Usually this is the first option to refer minor victims of THB. Because of the lack of resources, victims between 16 and 18 years of age are accommodated together with the adult trafficking victims but in a separate living space. They are provided with different services, including educational services appropriate for their age.

There are **Day-care Centres** for children operating in towns of Tiranë, Korçë, Elbasan, Berat, Shkodër, Durrës, Vlorë, Lezhë and Fier. These centres offer psychological and social assistance, medical assistance, education, food, legal support for registration in the civil registry, support for the families.

Albanian legislation provides the possibility for minor victims of THB to be accommodated in **foster families** or **alternative care settings**. These services are facilitated by local non-governmental organisations. However, according to the information provided by NGOs in the framework of this assessment, there is no actual implementation of such services.

6. Conclusions and Recommendations

The existing SOPs on victim referral in Albania are very comprehensive and describe all aspects of the referral process in detail. They do not cover all forms of trafficking, however, and are not always implemented in practice. Recent reports and meetings with Albanian anti-trafficking stakeholders during the assessment mission on 20-23 February 2015 confirmed that law enforcement officials generally do not comply with the SOPs. Very high staff turnover among police officers and prosecutors leads to serious gaps in victim referral because anti-trafficking knowledge and expertise is not handed over to new colleagues. During the assessment mission, for example, only international and non-governmental actors in Albania seemed to be fully aware of the SOPs and promoted their implementation.

With regard to the different professional groups involved in victim referral, during the assessment mission, governmental, non-governmental and international stakeholders identified similar gaps. They all reported a need for improved inter-agency cooperation and a lack of skills among police officers, especially with regard to interview techniques and obtaining written testimony. A representative of the Chief Prosecutor's Office also identified the need to improve identification of potential victims by increasing the awareness of indicators and conducting joint training for police and prosecutors on proactive intelligence-led investigations. Several international reports confirm this perception, as illustrated in the chapters above.

Based on the information collected in the framework of this assessment, the following actions are recommended to improve victim referral in Albania:

- Revise the existing SOPs to:
 - a. ensure applicability to all relevant forms of trafficking and responsible actors and
 - b. make them more user friendly, building on previous efforts, such as the brochures for different professional groups produced by the ONAC in cooperation with IOM.
- Promote the SOPs and increase awareness among anti-trafficking stakeholders involved in the referral of trafficked persons through training initiatives,
- Include SOP awareness and implementation in all training initiatives on trafficking in human beings, especially at training institutions for law enforcement;
- Involve the relevant training institutions in training on trafficking in human beings and SOPs to ensure sustainability and counteract institutional memory loss due to high staff turnover within governmental agencies;
- Conduct specialized basic training for different target groups involved in victim identification and referral, such as operational border management officials, police officers and their managers, labour inspectorate personnel, prosecutors and new judges;
- Conduct specialized advanced training for police counter-trafficking units, specialist prosecutors and judges and interview teams, e.g. training on interview techniques, identification of and responding to child victims;
- In order to ensure the right to assistance and support of all victims of trafficking, more efforts should be put in identifying cases of internal trafficking of human beings;
- In order to ensure the right of compensation to all victims of trafficking, the relevant authorities should be encouraged to more effectively "advertise" among victims the opportunities for compensation provided by the Civil Code, the State Compensation Fund and the Special Fund on Preventing Organised Crime. The administrative

requirements (whenever necessary) should be changed in order to make the application procedures more accessible to victims.

- Further efforts should be taken to improve the identification of minor victims of trafficking and establish specific supporting services, such as accommodation in a separate specialised shelter. Identification of and responding to child victims of trafficking requires specialist input and dedicated counter-trafficking teams should be consulted in all cases involving child victims. The measure of accommodating minors in foster families, provided by the Albanian legislation, is a good example of ensuring children's safe reintegration and its implementation into practice should be pursued further.
- Long-term monitoring of trafficking cases should be encouraged. More efforts should be put in keeping the contact with the victim for at least 6 months so the care providers can follow the victims' reintegration in their social environment and personal development. This measure should ensure individuals wellbeing and should prevent the possibility of a subsequent involvement in a human trafficking situation.
- Mapping or recording the identification and/or referral of trafficked victims and the dissemination of this information to competent authorities will provide a more complete understanding of where victims of trafficking may be encountered and lead to more effective identification. This objective would promote inter-agency cooperation.

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