

2023 Trafficking in Persons Report: Albania

ALBANIA (Tier 2)

The Government of Albania does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared with the previous reporting period, considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Albania remained on Tier 2. These efforts included investigating more suspected traffickers and adopting new screening procedures to identify trafficking victims in irregular migration flows. The government established four support centers that offered general psycho-social support, legal assistance, and family assistance and signed cooperation agreements with higher education institutions to expand legal assistance for victims. However, the government did not meet the minimum standards in several key areas. The government did not convict any traffickers and identified fewer victims. The government continued to inconsistently implement screening efforts for vulnerable populations – particularly migrants, asylum-seekers, Romani and Balkan-Egyptian communities, and children – and mobile victim identification units (MIU) remained underfunded and understaffed despite identifying most of the victims every year. The government lacked resources for reintegration efforts for victims, anti-trafficking coordinating bodies continued to not meet, and the government-run hotline continued to not function.

PRIORITIZED RECOMMENDATIONS:

- Vigorously investigate and prosecute trafficking crimes and convict traffickers – including complicit officials – under Articles 110(a) and 128(b) of the criminal code, rather than lesser offenses when possible.
- Seek adequate penalties for convicted traffickers, which should involve significant prison terms, and train judges at all levels of the judiciary to take the severity of trafficking into account when issuing sentences.
- Improve the sustainability of, and law enforcement participation in, MIUs.
- Increase efforts to screen vulnerable populations and train police, labor inspectors, and other front-line officials on proactive identification of victims.
- Institutionalize and provide training for law enforcement, prosecutors, and judges on investigating and prosecuting trafficking cases, including guidance on issues of consent and coercion in the context of labor and sex trafficking.
- Continue to increase funding and create funding mechanisms that allocate adequate financial and other resources on a consistent and regular basis to the NGO-run shelters for trafficking victims.
- Expand the jurisdiction of labor inspectors to inspect businesses that are not legally registered.
- Increase reintegration services, including access to mental health services for victims and education for child victims.
- Implement victim-centered approaches and victim-witness protection measures during investigations, prosecutions, and court proceedings.
- Train judges on restitution in criminal cases, establish procedures to seize assets from traffickers, and create effective methods to allocate restitution in a timely manner.
- Integrate Romani groups into decision-making processes regarding victim protection.
- Reinstate the government-run anti-trafficking hotline and incorporate hotline numbers in awareness campaigns.

PROSECUTION

The government decreased law enforcement efforts. Articles 110(a) and 128(b) of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of eight to 15 years' imprisonment for a trafficking offense involving an adult victim, and ten to 20 years' imprisonment for an offense involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The Albanian State Police (ASP) investigated 85 new cases with 112 suspects, an increase compared with 61 cases with 27 suspects in 2021; 71 suspects for sex trafficking and 41 suspects for unspecified forms of trafficking. The ASP investigated no suspects for "knowingly soliciting or patronizing a sex trafficking victim to perform a commercial sex act," the same as in 2021. The General Prosecution Office (GPO) prosecuted 54 cases with eight defendants, compared with 60 cases with 19 defendants in 2021. Separately, the Special Structure against Corruption and Organized Crime (SPAK) initiated two new investigations and continued to investigate two cases initiated and registered in 2021. Of the four investigations, SPAK referred one to court for dismissal and merged two investigations, resulting in two active investigations. Courts did not convict any traffickers, a significant decrease compared with 11 traffickers in 2021, but the same as no convictions in 2020. In past years, judges sentenced some traffickers to lenient sentences, such as probation which undercut efforts to hold traffickers accountable, weakened deterrence, created potential security and safety concerns for victims, and was not equal to the seriousness of the crime. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking crimes. In 2021, the government permanently dismissed a police officer for "prostitution and maintaining a brothel" and, in 2020, the government suspended five police officials, including the Director of the Border and Emigration Directorate of Tirana and three chiefs of units, after media reported a story alleging their complicity in an organized trafficking operation. The Tirana Regional Court dismissed charges for the police officers, but the police authorities disciplined the Border and Emigration Director with a temporary downgrade in rank and disciplinary procedures were ongoing against the other three officers at the end of the reporting period.

ASP's Criminal Police Department Directorate of Investigations of Narcotics and Trafficking maintained an Anti-Trafficking Unit, which investigated trafficking in persons in addition to drug and contraband trafficking. Each of ASP's 12 regional directorates also maintained a section that investigated trafficking. The government continued judicial reforms that changed prosecutorial jurisdiction for trafficking cases; SPAK and the Special Court of Appeals on Corruption and Organized Crime have jurisdiction over trafficking cases related to organized crime, while GPO and district courts prosecuted trafficking cases without an organized crime nexus. However, GRETA, prosecutors, and other observers reported district prosecutors did not have the specialized experience and capacity to prosecute trafficking cases successfully. GRETA and observers reported authorities confused overlapping elements of "exploitation of prostitution" and trafficking and at times applied the lesser charge because it required less specialization and time or due to the false belief that trafficking crimes required a transnational element. Similarly, some authorities prosecuted defendants with "disgraceful acts against minors," "sexual harassment," or "sexual intercourse with violence" instead of trafficking. Limited resources, capacity, and reports of constant turnover within law enforcement created additional obstacles to maintaining capacity to investigate trafficking, including a lack of resources to investigate trafficking through virtual means. The government maintained institutionalized training programs at the School of Magistrates for judges, prosecutors, and judicial police. The government, in cooperation with NGOs and international organizations, trained police officers, judges, prosecutors, and victim coordinators on various anti-trafficking issues. The government received two extradition requests from foreign authorities and GPO sent 26 rogatory letters and received 22 rogatory letters from foreign authorities.

PROTECTION

The government increased victim protection efforts. The government and NGOs identified 110 potential victims and two official victims, a decrease compared with 154 potential victims and five official victims in 2021. Of these, 61 were potential sex trafficking victims; 35 potential labor trafficking victims, including 26 forced begging victims; and 14 potential victims of forced criminality. Thirty-two of the victims were women, four men, 48 girls, and 26 boys; there were two foreign victims from Syria and one victim from Kosovo. The government maintained a multidisciplinary NRM with SOPs for identifying and referring victims to services, though observers reported it only met once in 2022 resulting in limited coordination. Law enforcement and state social services conducted joint interviews for potential victims who voluntarily requested official victim status. The law provided equal services for both potential and officially recognized victims. MIUs in nine regions, consisting of social workers from NGOs and police officers, identified most of the victims every year, but the units' sustainability was uncertain due to the lack of permanent staff and resources; MIUs identified 75 potential victims (126 in 2021). Experts reported police did not participate consistently in the MIUs despite signing an MOU that formalized their participation and law enforcement rarely initiated investigations when civil society identified a potential victim. Observers continued to report border police lacked resources, interpreters, and knowledge to screen consistently or implement SOPs for migrants and asylum-seekers. However, the government adopted new screening procedures to identify trafficking victims in irregular migration flows. As in previous years, ASP did not screen individuals in commercial sex for indicators of trafficking during raids and investigations of commercial sex establishments, and the Labor Inspectorate lacked the training to identify forced labor victims. Law enforcement justified cases of potential domestic servitude and forced labor in forced marriages involving Romani and Balkan-Egyptian communities as traditional cultural practices and customs. Due to inconsistent screening procedures and as it had reported in previous years, the government may have detained or deported some potential victims, including women in commercial sex, migrants, and asylum-seekers.

The government operated one specialized shelter and supported three specialized NGO-run shelters. The government allocated 22.7 million leks (\$213,150) to NGO-run shelters to support staff salaries, compared with 22 million leks (\$206,570) in 2021. The government provided an additional 7.2 million leks (\$67,610) for food support to NGO-run shelters, compared with 6.8 million leks (\$63,850) in 2021. The government allocated 20.1 million leks (\$188,730) to the government-run shelter, compared with 20.9 million leks (\$196,240) in 2021. The government also transferred 22.08 million leks (\$207,320) from a fund of seized criminal assets to NGOs and the government-run shelter for victim support services, a significant increase compared with 10.2 million leks (\$95,780) in 2021. Although the government increased resources to NGO-run shelters in 2022 and 2021, NGO-run shelters continued to operate under financial constraints and relied on outside sources for operating costs. The government denied the shelters' request for increased funding to enable standard overtime or weekend/holiday pay or to increase staff salaries above minimum wage to assist with retaining and attracting staff. NGO-run shelters reported no funding delays from the government, as in previous years. However, experts reported the bidding process for social programs with municipal governments was not transparent and that no funds were dispersed to shelters due to municipal governments not considering support services for trafficking victims a priority.

The four specialized shelters constituted the National Coalition of Anti-Trafficking Shelters (NCATS); victims who required services not available in one shelter were referred to another shelter within the coalition. NCATS and the government provided food, mental health counseling, legal assistance, health care, educational services, employment services, assistance to victims' children, financial support, long-term accommodation, social activities, vocational training, and post-reintegration follow-up; NCATS and the government supported all official and potential victims in both 2022 and 2021. NCATS maintained the total capacity to accommodate 71 potential and official victims, including 10 children. One NGO-run shelter provided specialized services for

victims younger than the age of 18 and rented apartments for male victims, where they received assistance from NGOs. NGO-run shelters allowed adult victims to leave the shelter voluntarily; the state-run shelter required victims to receive permission from the shelter director for their security. Observers reported the shelters in the NCATS had professional staff and quality care despite funding limitations and the government reported good cooperation between NCATS and government institutions. The government also provided general support through two centers for victims of violence, including trafficking victims, and established four general support centers that offered psycho-social support, legal assistance, and family assistance. However, experts reported a lack of resources for long-term care, employment, and other reintegration efforts, particularly for child victims and victims with children. The government and NGOs provided vocational training for 50 victims and National Employment Services offices prioritized jobseekers from vulnerable groups, including trafficking victims; 73 victims registered with the employment office for employment opportunities, 46 of which obtained work. The government also supported 25 victims that participated in an internship program to start small businesses and enrolled 10 victims into an economic assistance program that dispersed 9,000 leks (\$85) per month. Foreign victims had access to the same services as domestic victims; the law provided foreign victims a three-month “reflection period” with temporary residency status and authorization to work for up to two years. The government provided no residency statuses and repatriated no victims.

The government reported five victims cooperated in investigations and prosecutions and 80 victims received legal assistance. District courts lacked equipment to allow remote testimony, but SPAK possessed equipment that allowed testimony via video conferences, though it did not record how often it was used. Victims who testified against traffickers had access to the witness protection program; no victims participated in the program in 2022 or 2021. The government reported interviews and testimonies took place in the presence of a psychologist and prosecutors separated victims and defendants during trials to prevent re-traumatization. The government maintained the Development Center for Criminal Justice for Minors with four part-time prosecutors, a judicial police officer responsible for child protection in criminal proceedings, and five child friendly interview rooms. Twenty-two victim assistance coordinators provided legal assistance and guided victims in accessing services; the government appointed victim assistance coordinators to all victims assisting in prosecutions. The government signed cooperation agreements with higher education institutions to add to a list of professionals that provided pro bono legal assistance to victims; however, observers reported lawyers did not always have knowledge on victims’ rights, courts did not consistently use victim-centered techniques, and the government often did not provide victims with necessary legal documents. Victims could obtain restitution through criminal proceedings or compensation through civil suits. However, judges generally rejected restitution in criminal proceedings and civil suits required victims to submit new testimonies, causing re-traumatization. Additionally, civil courts dismissed or closed civil suits if criminal courts dropped the case or acquitted the defendant. Courts granted compensation to only two victims in cases from 2010 and 2018 but did not disburse compensation to the victims – the case from 2018 remained under appeal.

PREVENTION

The government decreased efforts to prevent trafficking. The national coordinator led the Office of the National Anti-Trafficking Coordinator (ONAC) and overall anti-trafficking efforts. The State Committee against Trafficking in Persons, composed of relevant ministry representatives, was responsible for monitoring and implementing various anti-trafficking efforts; the State Committee did not meet in 2022 or 2021. The government also maintained the National Anti-Trafficking Task Force, composed of ministry officials, civil society representatives, and other participants that monitored the NRM; the NRM met once in both 2022 and 2021. The government implemented the 2021-2023 NAP and allocated 412.6 million leks (\$3,874,000) for its implementation. ONAC produced a report assessing the implementation of the NAP but did not publish or share its findings. Civil society observers reported limited government coordination efforts to prevent

trafficking. Twelve regional anti-trafficking committees, comprising local officials and NGOs, worked on local victim assistance and referral mechanisms. The Advisory Board of Victims of Trafficking consisted of three survivors that provided recommendations on anti-trafficking efforts and participated in awareness campaigns. Observers reported the Advisory Board was more active in 2022 due to funding from a foreign donor. The government, sometimes in cooperation with NGOs and international organizations, conducted awareness campaigns for students, government officials, the public, and teachers. The government maintained a legal framework for regulating and licensing private sector employers and recruitment agencies, including prohibiting worker-paid recruitment fees. However, labor inspectors did not have authority to inspect informal work activities, including unregistered businesses. Law on public procurement disqualified companies – including administrative personnel, leadership, or supervisory bodies – convicted of trafficking or exploitation of children from competition for public contracts. The government's anti-trafficking's hotline had not functioned since 2020 and the government did not report making efforts to operationalize or manage it. The government did not make efforts to reduce the demand for commercial sex.

TRAFFICKING PROFILE:

As reported over the past five years, human traffickers exploit domestic and foreign victims in Albania, and traffickers exploit victims from Albania abroad. Traffickers exploit Albanian women and children in sex trafficking and forced labor within the country, especially during tourist season. Traffickers use false promises such as marriage or employment offers to exploit victims in sex trafficking. Traffickers commonly force children to beg or perform other types of compelled labor, such as selling small items, and also force children into criminality, including burglary and narcotics distribution. Traffickers exploit Albanian children, mainly from the Romani and Balkan-Egyptian communities, for seasonal work and forced begging. Isolated reports state traffickers exploit children through forced labor in cannabis fields in Albania and some traffickers are likely involved in drug trafficking. Traffickers exploit Albanian victims in sex trafficking in countries across Europe, particularly Belgium, Germany, Greece, Italy, Kosovo, the Netherlands, North Macedonia, Norway, Switzerland, and the United Kingdom (UK). Albanian migrants who seek employment in Western Europe are vulnerable to exploitation in forced labor and forced criminality, particularly in the UK. Foreign victims from European countries, the Gambia, and the Philippines are exploited in sex trafficking and forced labor in Albania. Traffickers adapt operations to the impacts of the pandemic and shift recruitment and advertisement tactics to online means, particularly social media. Migrants, asylum-seekers, and refugees traveling, being smuggled, or voluntarily resettled in Albania, particularly women and unaccompanied children, are vulnerable to trafficking. Experts report children with mental and physical disabilities were increasingly vulnerable to trafficking.