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2022 Trafficking in Persons Report: Albania

OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

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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 on its anti-trafficking capacity; therefore Albania remained on Tier 2. These efforts included investigating more cases and prosecuting and convicting significantly more traffickers. The government identified more victims and increased resources to NGO-run shelters. The government adopted the 2021-2023 National Action Plan (NAP) and allocated resources to the NAP. However, the government did not meet the minimum standards in several key areas. Official complicity in trafficking crimes remained a concern, with the government reporting no prosecutions or convictions of officials despite serious allegations and the government dismissing a police officer from his position. The government continued to inconsistently implement screening efforts for vulnerable populations—particularly undocumented 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 long-term care, employment, and other reintegration efforts for survivors, and the government-run hotline continued to not function.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers—including complicit officials—under Articles 110(a) and 128(b) of the criminal code.

Sentence convicted traffickers to prison terms consistent with prescribed penalties 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, mobile trafficking victim identification units.

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 investigation, prosecution, 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 increased 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 10 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 61 cases with 27 suspects (15 suspects for adult trafficking and 12 suspects for child trafficking), compared with 31 cases with 32 suspects in 2020. The ASP investigated no suspects for "knowingly soliciting or patronizing a sex trafficking victim to perform a commercial sex act," compared with four in 2020. The General Prosecution Office (GPO) prosecuted 60 cases with 19 defendants (six defendants for adult trafficking and 13 defendants for child trafficking), an increase compared with two cases with 12 defendants in 2020. Separately, the Special Structure against Corruption and Organized Crime (SPAK) prosecuted two new cases and continued two cases from previous years. Courts convicted 11 traffickers, a significant increase compared with no convictions in 2020; all traffickers were convicted for child trafficking. Judges sentenced five traffickers with imprisonment between eight years and 25 years and two traffickers with imprisonment between two years and eight years; four traffickers received probation. Lenient sentences, such as probation, undercut efforts to hold traffickers accountable, weakened deterrence, created potential security and safety concerns for victims, and were not equal to the seriousness of the crime. Observers reported continued delays in court proceedings due to the pandemic.

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. 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. 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, mainly in cooperation with NGOs and international organizations, trained police officers, judges, prosecutors, labor inspectors, and victim coordinators on various anti-trafficking issues. The government reported permanently dismissing 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 government conducted an investigation into the officers involved, which is reportedly still under investigation by the Tirana Prosecution Office. The government extradited a suspected trafficker from North Macedonia and appointed a liaison prosecutor to the EU. GPO sent nine rogatory letters and received four rogatory letters from foreign authorities.

PROTECTION

The government increased victim protection efforts. The government and NGOs identified 154 potential victims and five official victims, compared with 81 potential victims and five official victims in 2020. Of these, 61 were sex trafficking victims, 65 forced labor victims, and 33 victims of multiple types of exploitation; 99 were female, and 60 were male; 112 were children, and 47 were adults; and three were foreign victims, two from Romania and one from Serbia. The government maintained a multidisciplinary national referral mechanism (NRM) with standard operating procedures (SOPs) for identifying and referring victims to services. First responders referred potential victims to law enforcement and state social services, which conducted joint interviews to officially recognize victims. The law provided equal services for both potential and officially recognized victims. MIUs in eight 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, formalization, and resources; MIUs identified 126 potential victims (45 in 2020). Experts reported police did not participate consistently in the MIUs despite signing a memorandum of understanding that formalized their participation. Experts also stated law enforcement rarely initiated cases when civil society identified a potential victim, but ASP noted that definitional differences with civil society regarding what constituted trafficking caused obstacles in identification. Observers continued to report border police lacked resources, interpreters, and knowledge to screen consistently or implement SOPs for undocumented migrants and asylum seekers. 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 victims of forced labor. 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.

The government operated one specialized shelter and supported three specialized NGO-run shelters. The government allocated 22 million leks (\$207,650) to NGO-run shelters to support 30 staff salaries, compared with 17.6 million leks (\$166,120) in 2020. The government provided an additional 6.8 million leks (\$64,180) for food support to NGO-run shelters in 2021 and 2020. The government allocated 20.9 million leks (\$197,260) to the government-run shelter, compared with 29.3 million leks (\$276,550) in 2020. The government also transferred 10.2 million leks (\$96,270) to a fund of seized criminal assets for victim support services, compared with 4.6 million leks (\$43,420) in 2020. Although the government increased resources to NGO-run shelters in 2021, NGO-run shelters continued to operate under financial constraints and relied on outside sources for operating costs. 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.

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 assistance to all official and potential victims in both 2021 and 2020, including 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. 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. One NGO-run shelter provided specialized services for victims younger than the age of 18 and rented apartments for male victims, where they received assistance from NGOs. Observers reported the shelters in the NCATS had professional staff and good quality of care, and the government reported good cooperation between NCATS and government institutions. The government and NGOs provided vocational training for 109 victims; however, experts reported a lack of resources for long-term care, employment, and other reintegration efforts, particularly for child victims and victims with children. National Employment Services offices prioritized jobseekers from vulnerable groups, including trafficking victims; 43 victims registered with the employment office for employment opportunities. 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 did not provide any temporary residency statuses but repatriated two victims to Romania.

Due to a lack of formal identification procedures and as it had reported in previous years, the government may have detained or deported some potential victims, including women in commercial sex, irregular migrants, and asylum seekers. The government reported five victims cooperated in investigations and prosecutions and received legal assistance. SPAK possessed equipment that allowed testimony via video conferences, though it did not record how often it was used (one case in 2020). Victims who testified against traffickers had access to the witness protection program, though no victims participated in the program. 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 and a judicial police officer responsible for child protection in criminal proceedings. The government maintained 22 victim assistance coordinators who provided legal assistance and guided victims in accessing services; the government appointed victim assistance coordinators to all victims assisting in prosecutions. 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 increased 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, monitored and implemented various anti-trafficking efforts, though it did not meet in 2021. The government also maintained the National Anti-trafficking Task Force, composed of ministry officials, civil society representatives, and other participants who monitored the NRM; the NRM met once. The government drafted and adopted the NAP and allocated 412.6 million leks (\$3.9 million) for its implementation. ONAC produced a report assessing the implementation of the NAP but did not publish periodic newsletters on anti-trafficking activities in 2021. Twelve regional anti-trafficking committees comprising local officials and NGOs worked on local victim assistance and referrals mechanisms. The Advisory Board of Victims of Trafficking consisted of three survivors who provided recommendations on anti-trafficking efforts and participated in awareness campaigns, but the board remained inactive due to the pandemic. The government, in cooperation with civil society, conducted

awareness campaigns for schoolchildren, students, government officials, and the public. The government maintained a legal framework for regulating and licensing private sector employers and recruitment agencies, including prohibiting worker-paid recruitment fees; the labor inspectorate investigated one recruitment agency operating without a license and two foreign businesses operating without health and social insurance. 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 did not function in 2021 or 2020. 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 stated that 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. Undocumented 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.

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