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Trafficking in Persons Report 2010 - Albania

ALBANIA (Tier 2)

Albania is a source country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor, including the forced begging of children. Albanian victims are subjected to conditions of forced labor and sex trafficking within Albania and Greece, Italy, Macedonia, Kosovo, and Western Europe. Approximately half of the victims referred for care within the country in 2009 were Albanian; these were primarily women and girls subjected to conditions of forced prostitution in hotels and private residences in Tirana, Durrës, and Vlora. Children were primarily exploited for begging and other forms of forced labor. There is evidence that Albanian men have been subjected to conditions of forced labor in the agricultural sector of Greece and other neighboring countries.

The Government of Albania does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued to improve its capacity to identify, protect, and reintegrate trafficking victims. It also successfully prosecuted some sex trafficking offenders, leading to significant penalties imposed on them during the reporting period. In March 2009, the government approved an amendment to the Social Assistance law which will provide victims of trafficking with the same social benefits accorded to other at-risk groups in Albania and provide government funding for shelters. The government continues to track and analyze trafficking trends through a nationwide database. Government officials have increased public attention to trafficking in Albania. There were serious concerns, however, about protection for victims who testified against their traffickers. The government did not vigorously prosecute labor trafficking offenders and did not adequately address trafficking-related complicity. Lack of political will and cooperation in some key government agencies hampered the government's overall ability to vigorously prosecute all forms of trafficking.

Recommendations for Albania: Ensure proactive identification of persons exploited within Albania's sex trade and labor sectors, and intensify partnerships with NGOs to increase detection and referral of all trafficking victims; improve the safety of victims who cooperate as court witnesses by more vigorously implementing the witness protection law for such victims and follow through on plans to create a victim-witness advocate within the Prosecutor General's office; consider establishing a general fund for victim protection and reintegration using assets seized by the Serious Crimes Court from convicted trafficking offenders; finalize the draft law that provides reintegration assistance to victims after they leave a shelter and assistance to shelters; improve identification, protection and specialized services for child trafficking victims; aggressively prosecute labor trafficking offenders and law enforcement officials who are complicit in human trafficking; and continue to improve data collection and analysis efforts in tracking investigations, prosecutions, and convictions.

Prosecution

The Government of Albania sustained its anti-trafficking law enforcement efforts during the reporting period. Albania criminally prohibits sex and labor trafficking through its penal code, which prescribes penalties of 5 to 15 years' imprisonment. These penalties are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape. The State Police and Serious Crimes Prosecution division reported investigating a combined 35 suspected traffickers in 2009. The government prosecuted 31 suspected trafficking offenders in 2009, convicting 11 of them; this contrasts with 26 trafficking offenders convicted in 2008 and seven in 2007. All of the prosecutions and convictions involved sex trafficking of women or children. In 2009, sentences imposed on convicted trafficking offenders ranged from 5 to 16 years' imprisonment. Pervasive corruption in all levels and sectors of Albanian society seriously hampered the government's ability to address its human trafficking problem, according to local observers. While there were no prosecutions of trafficking-related complicity initiated, the Supreme Court overturned convictions of traffickers in two cases in 2009, raising concerns regarding the court's impartiality. In January 2009, the government reported it doubled the number of police investigators to investigate trafficking. The Serious Crimes Court successfully seized and confiscated \$268,115 in traffickers' assets and property in 2009. The government, in partnership with other relevant stakeholders, continued its routine anti-trafficking training for police recruits, in-service police personnel, and other front-line responders in 2009. The government also continued its anti-trafficking training for 200 judges, prosecutors, and judicial police officers.

Protection

The Government of Albania took some steps to improve its efforts to identify and protect victims of trafficking victims in 2009. The government implemented its National Referral Mechanism and conducted meetings with relevant stakeholders to improve its functioning. It identified 94 victims of trafficking in 2009, compared with 108 in 2008. The government's one shelter assisted 24 victims and NGOs assisted 70 during the reporting period. In 2009, the government provided free professional training to 38 victims, provided 11 with micro-credit loans to start private businesses, and integrated five victims into schools. In January 2010, it approved a draft law to provide social assistance to trafficking victims bridging the time that they leave the shelters until they find employment. NGO-managed shelters continued to rely primarily on international donor funds in order to provide comprehensive services to trafficking victims. The government continued to fund and operate a reception center that housed both victims of trafficking and irregular foreign migrants identified within Albanian territory; however, victims' freedom of movement is often restricted in this high-security center. The government did not penalize victims for unlawful acts committed in connection with their being trafficked and, under law, it offered legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution, though no victims were granted such legal alternatives during the reporting period.

The government encouraged victims to participate in investigations and prosecutions of trafficking offenders; however, victims often refused to testify, or they changed their testimony as a result of intimidation from traffickers or fear of intimidation. In some cases in 2009, the police offered no protections to trafficking victims when testifying against their traffickers, forcing victims to rely exclusively on NGOs for protection. In 2009, one victim witness received asylum in another country due to ongoing threats from the trafficker to her and her family and concerns that the government could not adequately protect her. The General Prosecutor's office did not request witness protection for victims of trafficking in 2009.

Prevention

The Government of Albania sustained partnerships with international organizations in order to implement anti-trafficking prevention activities aimed at informing the public and vulnerable groups about trafficking. The National Coordinator's office continued to manage regional anti-trafficking working groups comprised of relevant stakeholders in

2009. These working groups, however, reportedly do not always include civil society actors and they did not efficiently address trafficking cases brought to their attention. The government continued to fund the national toll-free, 24-hour hotline for victims and potential victims of trafficking. In November 2009, the government passed legislation to improve the registration process for new births and individuals in the Roma community; previous cumbersome procedures rendered unregistered Albanians and ethnic Roma highly vulnerable to trafficking.
