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2020 Trafficking in Persons Report: Albania

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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 to the previous reporting period; therefore Albania remained on Tier 2. These efforts included sentencing convicted traffickers to significant prison terms, identifying more victims, and providing robust training for relevant officials. The government, in cooperation with civil society, also set up the Advisory Board of Victims of Trafficking, consisting of three survivors, and increased victim assistance in criminal proceedings by establishing the Development Center for Criminal Justice for Minors and hiring additional victim assistance coordinators. However, the government did not meet the minimum standards in several key areas. The government convicted five traffickers in both 2018 and 2019, the lowest number of convictions since 2014. The government lacked screening efforts for

vulnerable populations—particularly migrants, asylum-seekers, individuals in commercial sex, and children—and authorities did not consistently participate in mobile victim identification units. The government continued to delay funding for NGO-run shelters, and social services lacked resources for long-term care and reintegration efforts, particularly for child victims and victims with children.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers—including complicit officials—under Articles 110(a) and 128(b) of the criminal code. • 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 judicial officials, particularly district prosecutors, on investigating and prosecuting trafficking cases, including guidance on issues of consent and coercion in the context of labor and sex trafficking. • Create funding mechanisms that allocate adequate funding and resources on a consistent and regular basis to the government-run and NGO-run shelters for trafficking victims. • Expand the jurisdiction of labor inspectors to inspect businesses that are not legally registered. • Improve the sustainability of, and law enforcement participation in, mobile trafficking victim identification units. • Increase reintegration services, including access to education for child victims. • Implement victim-centered approaches and victim-witness protection measures during investigation, prosecution, and court proceedings.

PROSECUTION

The government maintained 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 41 cases with 62 suspects (38 cases with 51 suspects in 2018) —34 cases with 45 suspects for adult trafficking (30 cases with 42 suspects in 2018) and seven cases with 17 suspects for child trafficking (eight cases with nine suspects in 2018). The ASP also investigated two suspects for knowingly soliciting or patronizing a sex

trafficking victim to perform a commercial sex act (three in 2018). The General Prosecution Office (GPO) investigated 19 new cases with eight defendants for adult trafficking (17 new cases with five defendants in 2018) and six new cases for child trafficking (12 cases in 2018). GPO prosecuted three cases with three defendants (two cases with six defendants in 2018), one defendant for adult trafficking (three in 2018) and two defendants for child trafficking (three in 2018). Courts convicted five traffickers (five in 2018), three for adult trafficking (one in 2018) and two for child trafficking (four in 2018). Judges sentenced three traffickers convicted of adult trafficking to seven years and six months' imprisonment, 10 years' imprisonment, and 17 years' imprisonment, respectively; two child traffickers were sentenced to 15 years' imprisonment. In 2018, one trafficker received two years and eight months' imprisonment for adult trafficking, and four traffickers received sentences from six years and eight months to 18 years for child trafficking. The appeals court reviewed and confirmed decisions on three traffickers (five in 2018).

ASP 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; the Special Anticorruption Prosecution (SPAK) and the Special Court of Appeals on Corruption and Organized Crime acquired jurisdiction over trafficking cases related to organized crime, while district courts prosecuted trafficking cases without an organized crime nexus. However, prosecutors and observers reported district prosecutors did not have the specialized experience and capacity to prosecute trafficking cases successfully. Authorities reported confusion between 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 and constant turnover within law enforcement created additional obstacles to maintaining capacity to investigate trafficking. The government, at times in cooperation with NGOs and international organizations, trained police officers, judges, district prosecutors, and victim coordinators on various anti-trafficking issues. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses; however, NGOs reported some instances of official complicity and corruption. ASP arrested 12 suspected sex traffickers on the behalf of French, German, Greek, and Italian authorities. The government received four suspects

extradited from Germany, Greece, Italy, and the Netherlands and continued a joint investigation with Italian authorities.

PROTECTION

The government increased victim protection efforts. The government and NGOs identified 96 potential victims and seven officially recognized victims (93 potential victims and two officially recognized victims in 2018). Of these, 36 were adults and 67 were minors (28 adults and 67 minors in 2018); 80 were female and 23 were male (60 females and 35 males in 2018); six were foreign victims (one in 2018); and 65 were victims of sex trafficking, 37 of forced labor, and one of forced marriage for the purpose of domestic servitude. In 2018, the government did not provide details about the type of exploitation for all officially recognized and potential victims, but at least 36 were subjected to sex trafficking, 25 to forced labor, 27 to forced begging, and three to forced marriage for the purpose of domestic servitude in 2018. The government maintained a multidisciplinary national referral mechanism (NRM) and updated 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 determine officially recognized victim status. The law provided equal services for both potential and officially recognized victims. NGOs identified the majority of victims; the government identified 43 of the 103 officially recognized and potential victims (33 in 2018), including 42 identified by officials participating in mobile identification units. NGOs, with the support of the government, maintained mobile victim identification units consisting of social workers and police in three regions, but the units' sustainability was uncertain due to the lack of permanent staff, formalization, and resources. Mobile victim identification units identified 42 potential victims (51 potential victims in 2018). Experts reported police did not participate consistently in the mobile victim identification units despite signing a memorandum of understanding that formalized their participation. Experts also stated that law enforcement rarely initiated cases when civil society identified a potential victim, but ASP noted that definitional differences with civil society on what constituted trafficking caused obstacles in identification. Observers continued to report that authorities did not consistently screen or implement SOPs for migrants and asylum-seekers and that police did not screen individuals in commercial sex for indicators of trafficking during raids and investigations of commercial sex establishments. The Labor Inspectorate lacked the training to identify victims of forced labor, and

identification of forced begging remained inadequate, particularly among unaccompanied children, street children, and children crossing borders for begging.

The government operated one specialized shelter and supported three specialized NGO-run shelters. The government allocated 21.5 million leks (\$184,630) to NGO-run shelters to support 29 staff salaries, compared with 21.6 million leks (\$185,490) to support 29 staff salaries in 2018. The government provided an additional 6.8 million leks (\$58,390) for food support to NGO-run shelters, compared with 5.2 million leks (\$44,650) in 2018. The government allocated 20.9 million leks (\$179,480) to the government-run shelter, compared with 22.5 million leks (\$193,220) in 2018. The government did not transfer resources to a fund of seized criminal assets for victim support services in 2018 or 2019. Funding for NGO-run shelters steadily increased over the past four years, but NGO-run shelters continued to operate under financial constraints and relied on outside sources for operating costs. Additionally, funding delays hindered shelter operations, and the government decentralized funding mechanisms for all social programs to municipal governments in 2019. Municipality grants prioritized NGOs that provided local assistance rather than the national scope needed for trafficking shelters, and experts alleged solicitation and bidding procedures at the municipal level were rife with corruption. The four 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 115 officially recognized and potential victims (78 in 2018), 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. The government provided vocational training for 45 officially recognized and potential victims; however, experts reported a lack of resources for long-term care and reintegration efforts, particularly for child victims and victims with children. For example, the Ministry of Health and Social Protection did not approve funds for the government-run shelter to hire a part-time teacher for victims unable to attend school. Similarly, the government provided free textbooks to children in "social economic difficulties," but the definition of that phrase did not explicitly include trafficking victims, and some regional directorates of the Ministry of Education used that omission to exclude child victims from receiving free textbooks. 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 under 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. Experts reported first responders referred some individuals who were not trafficking victims to the government-run shelter, including individuals with mental health issues, migrants, and victims of other crimes. 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 granted or renewed residency to one foreign victim (seven in 2018).

Unlike previous years, the government did not knowingly penalize victims, but it may have penalized some trafficking victims unknowingly due to inadequate identification efforts. Fourteen victims cooperated with law enforcement in investigations and prosecutions (five in 2017); however, the government did not consistently apply a victim-centered approach in investigations and prosecutions. In previous years, law enforcement did not consistently offer sufficient security and support, and victims and their families received threats during court proceedings. SPAK possessed equipment that allowed testimony via video conferences, which was used in one case (the Serious Crimes Court used one in 2018). Victims who testified against traffickers had access to the witness protection program; one victim participated in the program (none in 2018). The government established 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 hired an additional 19 victim assistance coordinators for a total of 24, who provided legal assistance and guided victims in accessing services. Prosecutors did not seek restitution in criminal cases; no victims received restitution. Applicable law allowed victims to pursue compensation through civil suits. Authorities assisted in the voluntary repatriation of six Albanian victims (three in 2018). The government also repatriated a foreign victim to Kosovo (two in 2018).

PREVENTION

The government increased efforts to prevent trafficking. The government continued implementation of the 2018-2020 national action plan and allocated 488.9 million leks (\$4.2 million) for its implementation. The government allocated 9.5 million leks (\$81.58.) to the Office of the National Anti-Trafficking Coordinator (ONAC), compared with 11.9

million leks (\$102,190) in 2018. ONAC, in cooperation with an international organization, produced a report assessing anti-trafficking efforts in Albania and published periodic reports on its website. The government maintained a multidisciplinary working group and a separate task force to develop and monitor anti-trafficking policies. Twelve regional anti-trafficking committees comprising local officials and NGOs worked on prevention and victim assistance. NCATS and ONAC signed a memorandum of understanding, which set up the Advisory Board of Victims of Trafficking consisting of three survivors; the board met twice in 2019. ONAC held four meetings with stakeholders involved in the NRM but, as in previous years, observers reported prosecutors rarely attended NRM meetings.

ONAC, in cooperation with civil society, conducted awareness campaigns for students, teachers, and the general public. The government also conducted informational meetings with representatives from the Romani and Balkan Egyptian communities. The government did not make efforts to regulate or punish labor recruiters for illegal practices that increased migrants' vulnerability to exploitation abroad. Labor inspectors did not have authority to inspect informal work activities, including unregistered businesses. The government drafted amendments to the law on public procurement to disqualify companies—including administrative personnel, leadership, or supervisory bodies—convicted of trafficking or exploitation of children from the competition for public contracts. The State Police Directorate's hotline received 11 calls but none were trafficking-related calls (three trafficking-related calls in 2018). The government did not take steps 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 force victims into sex trafficking. Children are commonly forced to beg or perform other types of compelled labor, such as selling small items. 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 Kosovo, Greece, Italy, Belgium, Germany, Switzerland, North Macedonia, Norway, the Netherlands, and the UK. Albanian migrants who seek employment in Western Europe face forced labor and forced criminality, particularly in the UK. Foreign victims from European countries and the Philippines are exploited in sex trafficking and forced labor in Albania. Irregular migrants from Asia are employed as domestic workers by wealthy families and are vulnerable to domestic servitude. Middle Eastern, Central Asian, and African migrants transit Albania to reach Western Europe and are vulnerable to trafficking.

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