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Trafficking in Persons Report 2017 - Country Narratives - Albania

ALBANIA: Tier 2

The Government of Albania does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Albania remained on Tier 2. The government demonstrated increasing efforts by prosecuting and convicting more traffickers and using for the first time its “special fund” towards victim protection from assets seized from traffickers. The government increased funding to the Office of the National Anti-Trafficking Coordinator (ONAC) and regularly convened stakeholders of the national referral mechanism and national anti-trafficking committee. However, the government did not meet minimum standards in several key areas. Police continued to illustrate a limited understanding of human trafficking and failed in some cases to identify trafficking victims among individuals involved in forced prostitution or domestic servitude. The government investigated two victims and punished one victim for unlawful acts committed as a result of being subjected to trafficking, although the law exempts victims from punishment for crimes committed as a result of their exploitation.

RECOMMENDATIONS FOR ALBANIA

Implement the law that exempts victims from penalties for unlawful acts committed as a direct result of being subjected to trafficking, particularly sex trafficking victims exploited in prostitution; train police, labor inspectors, and other front-line officials on proactive identification of victims; continue to vigorously investigate, prosecute, and convict traffickers under article 110(a) and 128 (b); establish sustainable funding mechanisms for mobile units operated by law enforcement and civil society groups to identify victims; increase protection for victims from threats and intimidation during court proceedings by facilitating participation in the witness protection program and expanding training for prosecutors dealing with victim witnesses; increase funding to NGO-run shelters for trafficking victims and provide funding on a regular basis; improve the capacity of border and migration police to screen irregular migrants for trafficking indicators; and increase efforts to screen street children for signs of trafficking.

PROSECUTION

The government maintained anti-trafficking law enforcement efforts. Articles 110(a) and 128(b) of the criminal code prohibit sex and labor trafficking and prescribe penalties of eight to 15 years imprisonment; these are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape. The state police investigated 69 cases with 69 suspected traffickers in 2016, compared to 80 cases with 90 suspects in 2015. The government did not disaggregate law enforcement data to demonstrate efforts against sex trafficking and forced labor, but did track whether the victims were adults or children. Twenty-one of these suspects in 2016 were investigated for child trafficking and 48 for adult trafficking. The Serious Crimes Prosecutor’s Office prosecuted 18 suspected traffickers, compared to 15 in 2015. Nine of these suspects were prosecuted for child trafficking, compared to two suspects in 2015. Courts convicted 24 traffickers, compared to 11 in 2015. Eleven of these traffickers were convicted for child trafficking, and 13 for adult trafficking. All convicted traffickers received prison sentences, which ranged from two to 25 years. Authorities continued to prosecute some traffickers for the lesser crime of exploitation of prostitution. Authorities reported the 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. Traffickers charged with exploitation of prostitution could receive lighter penalties than those charged with sex trafficking.

In 2016, the government trained 75 judges and 20 police officers on investigation and prosecution of traffickers and victim protection. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses. Transnational law enforcement efforts increased. The government cooperated in two joint investigations with Italian and Spanish law enforcement. In 2016, eight Albanians were arrested in the Netherlands, Germany, Greece, and Italy for suspected involvement in trafficking; three of these suspects were extradited to Albania. Albania extradited eight suspected foreign traffickers to Italy, Macedonia, and Moldova.

PROTECTION

The government maintained victim protection efforts. The government and NGOs identified 95 trafficking victims and potential trafficking victims, compared to 109 in 2015. Of these, 55 were adults and 44 were children (61 adults and 48 children in 2015), 11 were male and 84 were female (22 male victims and 87 female victims in 2015), and eight were foreigners (four foreign victims in 2015). Sixty-two were identified as potential victims and 33 officially identified as victims, a status provided after a joint interview held by representatives from both law enforcement and state social services. The law guaranteed equal services for both potential victims and officially recognized victims.

Three specialized NGO-run shelters and one state-run shelter provided assistance to trafficking victims, including food, counseling, legal assistance, medical 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 supported 75 trafficking victims and potential victims and the state-run shelter supported 30, of which 10 were from 2015. The government provided 21.7 million leks (\$169,231) to the state-run shelter, a decrease from 23,970,000 leks (\$186,900) in 2015. The government provided 15.3 million leks (\$119,093) to NGO-run shelters to support 24 staff salaries, an increase from 10 million leks (\$77,972) to support 12 staff salaries in 2015. For the first time, the government added 4.7 million leks (\$36,647) to the budget from seized criminal assets to fund reintegration and support services. Food support for NGO-run shelters decreased to 1.8 million leks (\$14,035) from 3 million leks (\$23,392) in 2015. NGO-run shelters continued to operate under financial constraints and relied on outside sources for operating costs. Financial mechanisms used to fund these shelters annually remained complicated and open to manipulation by local governments. Government funding for the three NGO-run shelters was delayed by two months and one shelter never received funding for food. NGO-run shelters allowed adult victims to leave the shelter voluntarily, but the state-run shelter required victims to seek approval from the director of the shelter. The government provided free vocational training, textbooks for child victims, and health cards that provided free access to health care. Only one NGO-run shelter provided specialized services for child victims under the age of 16. Male victims were provided with rented apartments, where they received assistance from NGOs. Foreign victims had access to the same services as domestic victims, including legal assistance.

First responders followed a standard operating procedure for identifying and referring victims to services; however, the government deactivated mobile identification units because international donors no longer provided support and the government lacked the funds to continue the units. NGOs reported law enforcement jailed victims for unlawful acts committed as a direct result of being subjected to human trafficking. For example, a female trafficking victim was convicted of prostitution and sentenced to 16 months imprisonment, of which she served nine months. Another victim was sentenced to 18 months probation but won her case on appeal. NGOs reported police often associated trafficking with movement and were unlikely to identify victims recruited and exploited in the same region of the country. Observers reported cases of border guards and immigration officials not carrying out standard screening procedures. The government, in cooperation with an international organization, trained 388 officials in 12 regions on victim identification, referral, and assistance. The law provided foreign victims a three-month reflection period with temporary residency status and authorization to work for up to two years, although the government had yet to grant this status to a victim. Victims could obtain restitution from the government or file civil suits against traffickers; three victims filed for compensation but their cases were still pending during the reporting period. Observers reported threats were made to victims and their families during court proceedings. Courts allowed testimony via video conferences and victims who testified against traffickers had access to the witness protection program, but no trafficking victims participated in the program.

PREVENTION

The government increased efforts to prevent trafficking. The government increased funding for the ONAC to 5.7 million leks (\$44,444) from 5.2 million leks (\$40,546) in 2015. The government adopted a revised national action plan after an assessment by ONAC in cooperation with an international organization. ONAC continued to publish regular activity reports on its website and convened stakeholders involved in the national referral mechanism. Twelve regional anti-trafficking committees (RATC) comprised of local officials and NGOs worked on prevention and victim assistance. The prime minister issued an order to strengthen the RATC by formalizing reporting, establishing deadlines, and increasing local awareness-raising efforts. ONAC and national anti-trafficking coordinators from Montenegro and Kosovo signed a joint declaration ensuring the application of a unified standard operating procedure for victim protection and assisted voluntary repatriation. The government sponsored awareness campaigns on exploitative labor practices; an international organization reported only 28 of 47 private employment agencies were operating legally. ONAC trained over 1,000 government workers, judges, prosecutors, and civil society partners on trafficking issues. The government did not make efforts to reduce the demand for commercial sex. The government provided anti-trafficking guidance for its diplomatic personnel, and the national coordinator briefed Albanian diplomats stationed in nine cities on human trafficking regulations.

TRAFFICKING PROFILE

As reported over the past five years, Albania is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Albanian women and children are subjected to 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. Traffickers increasingly use social media to recruit victims. Children are commonly forced to beg or perform other types of compelled labor such as selling small items. Albanian children, mainly from the Romani community, are exploited in Turkey for seasonal work. There were also instances of children forced to work in cannabis fields in Albania and some traffickers are likely involved in drug trafficking. Albanian victims are subjected to sex trafficking in countries across Europe, particularly Kosovo, Greece, Italy, and the United Kingdom. NGOs report an increase in the number of Albanian children subjected to forced labor in Kosovo and the United Kingdom. Foreign victims from European countries, Philippines, and Nigeria were subjected to sex trafficking and forced labor in Albania. Irregular migrants from Asia are increasingly employed as domestic workers by wealthy families where they 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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