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Building the Evidence Base for Effective  
Antislavery Governance

# Albania Country Profile

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# About this report

This report was prepared by Dr Ana Valverde-Cano (Rights Lab Research Fellow in Antislavery Law and Policy), Dr Katarina Schwarz (Rights Lab Associate Director), and Dr Daniel Ogunniyi (Rights Lab Research Fellow).

The report is based primarily on research conducted from 2020-2021 and may not therefore consider more recent emerging evidence.

# About the project

The report was produced to support the research project ‘Building the Evidence Base for Effective Antislavery Governance in the UK and the Top 20 UK Source Countries’, funded by the Modern Slavery and Human Rights Policy and Evidence Centre. The research team consisted of Dr Katarina Schwarz (Rights Lab, University of Nottingham), Dr Ana Valverde-Cano (Rights Lab), Dr Daniel Ogunniyi (Rights Lab), Alexandra Williams-Woods (CSIS, University of Liverpool), and Prof Jean Allain (Wilberforce Institute, University of Hull).

The **Rights Lab** is a University of Nottingham “Beacon of Excellence” and home to the world’s largest and leading group of modern slavery researchers. Through its five research programmes, impact team, and INSPIRE project, the Rights Lab is underpinning antislavery with an advanced research agenda, collaborating with civil society, business, and government, and elevating survivor-informed research as a key part of knowledge production to help end slavery.

The **Wilberforce Institute** at the University of Hull aims to advance fundamental knowledge of slavery and emancipation, informing policy, business practice and public debate at local, national and international levels. The Wilberforce Institute brings together experts in humanities, law and social sciences to help tackle this global problem head on.

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# 1. Overview of antislavery in Albania

## 1.1. The Walk Free Foundation’s Global Slavery<sup>1</sup>

	Vulnerability		Prevalence			Government response		
	Ranking <sup>2</sup>	Score <sup>3</sup>	Ranking <sup>4</sup>	Absolute <sup>5</sup>	/1000 <sup>6</sup>	Ranking <sup>7</sup>	Score	Rating <sup>8</sup>
<b>2013</b>	<b>112</b> /162	40.9	<b>51</b> /162	11,000	3.60	-	-	-
<b>2014</b>	<b>100</b> /167	46.3	<b>83</b> /167	10,000	3.60	<b>63</b> /167	42.7 /100	CCC
<b>2016</b>	<b>97</b> /167	35.7	<b>37</b> /167	8,600	2.95	<b>28</b> /161	54.34 /100	BB
<b>2018</b>	<b>90</b> /167	45.2	<b>43</b> /167	20,000	6.87	<b>23</b> /162	59.9 /100	BB
<b>2019</b>	-	-	-	-	-	<b>42</b> /183	58.7 /100	6

2018 classification as ‘net sending’ or ‘net receiving’: **sending**

Although the nature of modern slavery makes measuring the phenomenon an inherently difficult task, the Walk Free Foundation’s Global Slavery Index (GSI) aims to provide the ‘best available data and information about the scale and regional distribution of modern slavery’.<sup>9</sup> This includes **national prevalence estimates** of the number of people experiencing modern slavery in each country, calculated on the basis of a predictive model that accounts for individual and country-level risk factors.

National prevalence estimates are analysed in the context of results of Walk Free’s **Vulnerability Model**. This model uses ‘statistical testing and processes to identify the factors that explain or predict the prevalence of modern slavery’.<sup>10</sup> The 2018 Vulnerability Model features five factors, made up of 23 distinct variables: governance issues, lack of basic needs, inequality, disenfranchised groups, and effects of conflict.

Walk Free also tracks **government responses** to modern slavery, tracking government efforts across five milestones: (1) survivors of slavery are identified and supported to exit and remain out of slavery; (2) criminal justice mechanisms function effectively to prevent modern slavery; (3) coordination occurs at the national and regional level, and governments are held to account

<sup>1</sup> Walk Free Foundation, ‘The Global Slavery Index 2013’ (2013), available [here](#); ‘The Global Slavery Index 2014’ (2014), available [here](#); ‘The Global Slavery Index 2016’ (2016), available [here](#); ‘The Global Slavery Index 2018’ (2018), available [here](#) accessed 03 November 2020.

<sup>2</sup> Note: a higher ranking (closer to 1) indicates high vulnerability relative to other countries

<sup>3</sup> Note: a higher score indicates increased vulnerability to modern slavery, with a median country score of 47.28 in 2018

<sup>4</sup> Note: a higher ranking (closer to 1) indicates a high number of people experiencing modern slavery per 1000 in the overall population relative to other countries.

<sup>5</sup> Note: absolute prevalence measures the estimated number of people experiencing modern slavery in the country

<sup>6</sup> Note: prevalence /1000 measures the number of people estimated to experience modern slavery per 1000 people in the overall population

<sup>7</sup> Note: a higher ranking (closer to 1) indicates better government responses to modern slavery relative to other countries.

<sup>8</sup> Note: government response ratings are broken into scoring bands, with an A rating representing the strongest government response to modern slavery (with a score of 70-79.9), followed by BBB (60-69.9), BB (50-59.9), B (40-49.9), CCC (30-39.9), CC (20-29.9), C (10-19.9), and D (<0-9.9)

<sup>9</sup> Walk Free Foundation, ‘Global Findings’ (2018), available [here](#).

<sup>10</sup> Walk Free Foundation, ‘Methodology: Vulnerability’ (2018), available [here](#).

for their response; (4) risk factors such as attitudes, social systems, and institutions that enable modern slavery are addressed; and (5) government and business stop sourcing goods and services produced by forced labour.<sup>11</sup>

It should be noted that the scope, methodology, and sources underpinning GSI findings has changed over the years. This means that data between different reporting years is not directly comparable.

## 1.2. TIP Rankings 2001-2020<sup>12</sup>



The TIP Report ranks countries into one of four tiers, as mandated by the Victims of Trafficking and Violence Protection Act 2000 (TVPA). A country's ranking is based on an assessment of the government's efforts to address trafficking in persons, rather than on the extent of trafficking within the country and considers government action against the TVPA's minimum standards.<sup>13</sup>

**Tier 1:** countries whose governments fully meet the TVPA's minimum standards for the elimination of trafficking. To maintain a Tier 1 ranking, the country must continue to make progress in its anti-trafficking efforts each year.

**Tier 2:** countries whose governments do not fully meet the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards.

**Tier 2 Watch List:** countries whose governments do not fully meet the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards, and for which:

- the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;
- there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecution, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials; or
- the determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional steps over the next year.

**Tier 3:** Countries whose governments do not fully meet the TVPA's minimum standards and are not making significant efforts to do so. Countries ranked as Tier 3 may be subjected to restrictions on non-humanitarian, non-trade foreign assistance from the US. Impositions of such restrictions are determined by the President.<sup>14</sup>

<sup>11</sup> Walk Free Foundation, 'Methodology: Government Response' (2018), available [here](#).

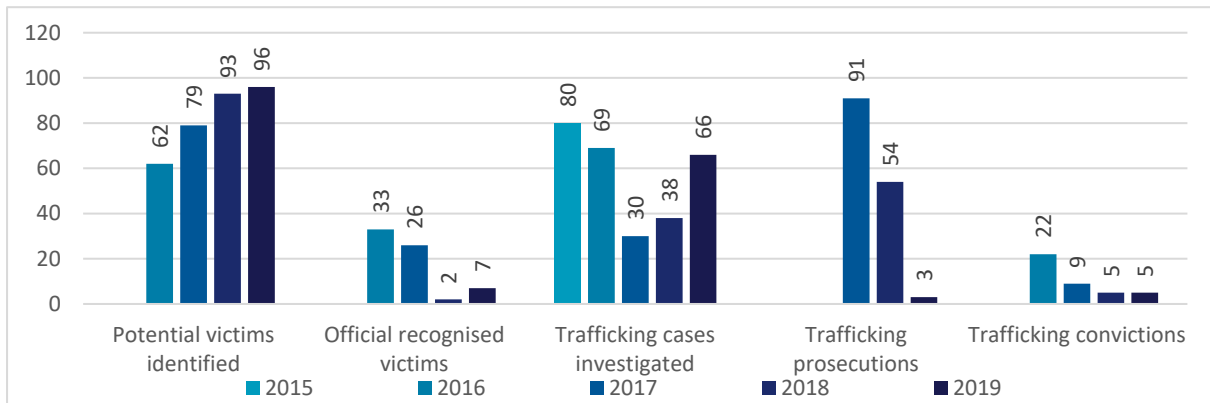
<sup>12</sup> US Department of State, '2020 Trafficking in Persons Report' (2020), available [here](#); (2019) available [here](#); (2018), available [here](#); (2017), available [here](#); (2016), available [here](#); (2015), available [here](#); (2014), available [here](#); (2013), available [here](#); (2012), available [here](#); (2011), available [here](#); (2010), available [here](#); (2009), available [here](#); (2008), available [here](#); (2007), available [here](#); (2006), available [here](#); (2005), available [here](#); (2004), available [here](#); (2003), available [here](#); (2002), available [here](#); (2001), available [here](#).

<sup>13</sup> Minimum standards for the elimination of trafficking are found in section 108, Victims of Trafficking and Violence Protection Act 2000 (United States), available [here](#).

<sup>14</sup> See further US Department of State (2020), above n 12, 40-41.

In the first year of TIP reporting, Albania was rated Tier 3. Despite having taken some steps to combat trafficking, its efforts were noted to be hampered by corruption and limited resourcing. In 2002, Albania improved to a Tier 2 rating—recognising that the Government was making significant efforts to comply with the minimum standards established in the TVPA, although it was not yet fully compliant. Albania has generally maintained this position up to the present. However, in 2008 and 2013 it dropped to the Tier 2 Watchlist. This drop was associated with a failure by the government to increase efforts upon the previous year, decreases in the number of investigations, prosecutions and convictions, removal of effective national anti-trafficking coordinating leaving the national coordinator's office without the authority to convene interagency meetings, inconsistent assistance to child victims of trafficking, and continued prosecution of victims for unlawful acts that were a direct result of the victims being subjected to sex trafficking.

### 1.3. Quantitative measures on anti-trafficking governance<sup>15</sup>



Measure	Year	Qty	Source
Potential trafficking victims identified	2019	96 <sup>16</sup>	[1]
Potential trafficking victims identified	2018	93 <sup>17</sup>	[4]
Potential trafficking victims identified	2017	79 <sup>18</sup>	[4]
Potential trafficking victims identified	2016	62 <sup>19</sup>	[4]
Officially recognised trafficking victims	2019	7	[1]
Officially recognised trafficking victims	2018	2	[4]
Officially recognised trafficking victims	2017	26	[4]
Officially recognised trafficking victims	2016	33	[4]
Officially recognised and potential child victims of trafficking	2019	67	[1]
Officially recognised and potential child victims of trafficking identified	2018	67	[4]
Officially recognised and potential child victims of trafficking	2017	56	[4]
Officially recognised and potential child victims of trafficking	2016	44	[4]
Trafficking cases reported	Jan-Sept 2017	77	[8]
Trafficking cases investigated	2019	66 <sup>20</sup>	[1]

<sup>15</sup> Sources:

[1] US Department of State (2020), above n 12.

[2] Walk Free Foundation, 'Country Data: Albania' (United Nation, 2018), available [here](#).

[3] Commission (EU), 'Albania 2019 Report' COM(2019) 260 final, 29 May 2019, available [here](#).

[4] GRETA (Council of Europe), 'Reply from Albania to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties' GRETA(2018)26\_Rep\_Albania, 20 June 2020, available [here](#).

[5] US Department of State, '2019 Country Reports on Human Rights Practices: Albania' (2019), available [here](#).

[6] ECRI (Council of Europe), 'ECRI Report on Albania' (June 2020), available [here](#).

[7] US Bureau of International Labour Affairs, '2018 Findings on the Worst Forms of Child Labor: Albania' (US Department of Labour, 2018), available [here](#).

[8] UK Home Office, 'Report of a Home Office Fact-Finding Mission Albania' (2018), available [here](#).

[9] US Department of State (2017), above n 12.

[10] GRETA (Council of Europe), 'Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Albania. Second Evaluation Round' GRETA(2016)6, 3 June 2016, available [here](#).

[11] UNODC, 'Global Report on Trafficking in Persons 2020: Country Profile Central and South-Eastern Europe' (2021), available [here](#).

<sup>16</sup> From which 80 were female and 23 were male; 6 were foreign victims. Regarding the type of exploitation, 65 were victims of sex trafficking, 37 of forced labour, and one of forced marriage for the purpose of domestic servitude.

<sup>17</sup> From which 60 were females, 35 were males and there was one foreigner victim. Regarding the type of exploitation, 36 were victims of sex trafficking, 25 of forced labour, 27 to forced begging and three to forced marriage for the purpose of domestic servitude.

<sup>18</sup> From which 80 were female, 25 were men; 9 were foreigners. Regarding the type of exploitation, 54 were subjected to sexual exploitation, and 2 were recruited for committing low criminal offences.

<sup>19</sup> From which 84 were female, 11 were men; 8 were foreigners.

<sup>20</sup> 41 by the Albanian State Police (ASP) and 25 by the General Prosecution Office (GPO).



Trafficking cases investigated	2018	38	[1]
Trafficking cases investigated	2017	30	[3]
Trafficking cases investigated	2016	69	[9]
Trafficking cases investigated	2015	80	[9]
Child trafficking cases investigated	2019	13	[1]
Child trafficking cases investigated	2018	20	[1]
Trafficking cases prosecuted	2019	3	[1]
Trafficking cases prosecuted	2018	54	[11]
Trafficking cases prosecuted	2017	91	[11]
Trafficking proceedings	2018	21	[3]
Trafficking proceedings	2017	30	[3]
Traffickers convicted	2019	5 <sup>21</sup>	[1]
Traffickers convicted	2018	5 <sup>22</sup>	[1]
Trafficking convictions	2018	3	[3]
Trafficking convictions	2017	9	[3]
Trafficking convictions	2016	22	[8]
Traffickers of children convicted	2019	2 <sup>23</sup>	[1]
Traffickers of children convicted	2018	4 <sup>24</sup>	[1]
Confirmation of convictions by appeals court	2019	3	[1]
Trafficking victims with a residence permit granted or renewed	2019	1	[1]
Trafficking victims with a residence permit granted or renewed	2018	7 <sup>25</sup>	[4] [1]
Number of trafficking victims who were granted a residence permit	2017	6	[4]
Trafficking victim repatriation	2019	1	[1]
Amount allocated for specialised shelters	2019	\$422,500 <sup>26</sup>	[1]
Trafficking victims granted compensation	2018	0	[4]
Trafficking victim repatriation	2018	2	[1]
Corruption cases reported	2018	92 <sup>27</sup>	[5]
Corruption convictions	2018	291	[3]
Asylum applications	2018	4,386 <sup>28</sup>	[6]
Amount allocated for the 2018-2020 Action plan	2018	\$4.57 million	[1]
Amount allocated for specialised shelters	2018	\$423,360 <sup>29</sup>	[1]
Government funding for shelters	2016	\$169,231	[9]
Labour Inspectorate funding	2018	\$1,804,272	[7]
Labour Inspectorate funding	2017	\$1,427,636	[7]
Number of labour inspectors	2018	112	[7]
Number of labour inspectors	2017	112	[7]

<sup>21</sup> Judges sentenced three traffickers convicted of adult trafficking to seven years and six months' imprisonment, 10 years' imprisonment, and 17 years' imprisonment, respectively.

<sup>22</sup> One trafficker convicted of adult trafficking received two years and eight months' imprisonment.

<sup>23</sup> The two child traffickers were sentenced to 15 years' imprisonment.

<sup>24</sup> They received sentences from six years and eight months to 18 years for child trafficking.

<sup>25</sup> Only renewals of residence permit type A "Humanitarian".

<sup>26</sup> The government allocated 21.5 million leks (\$184,630) to NGO-run shelters to support 29 staff salaries, with an additional 6.8 million leks (\$58,390) for food support. Furthermore, the government allocated 20.9 million leks (\$179,480) to the government-run shelter.

<sup>27</sup> Between January and June, the prosecutor general's office registered 63 new cases of corruption and the Department of Administration, Transparency, and Anticorruption has investigated 29 cases.

<sup>28</sup> Only 1% subsequently appeared for their hearings with the Albanian asylum authorities. 3 persons were granted refugee status and 13 subsidiary protection.

<sup>29</sup> The government allocated 28.4 million leks (\$230,140) to NGO-run shelters, and 22.5 million leks (\$193,220) to the government-run shelter.

Police Officers trained	2016	20	[9]
Judges trained	2016	75	[9]
Workers without an employment contract	2015	4,431	[10]

#### 1.4. Statistics on children’s work and education<sup>30</sup>

	Age	Percent
Working (% and population)	5 to 14	4.6 (23,665)
Working children by sector	5 to 14	
Agriculture		87.5
Industry		2.9
Services		9.6
Attending School (%)	5 to 14	92.5
Combining Work and School (%)	7 to 14	5.2
Primary Completion Rate (%)		106.7

A significant percentage of children in Albania enter into employment before reaching the age of 14, and many are engaged in the worst forms of child labour, including in sexual exploitation, forced begging, mining chromium, and illicit activities. Children also perform dangerous tasks in agriculture. Internal child trafficking and forced begging have increased in recent years, particularly during the tourist season. Street children,

especially those from Roma and Balkan Egyptian communities, are particularly vulnerable to becoming victims of human trafficking.

<sup>30</sup> US Bureau of International Labour Affairs, ‘2018 Findings on the Worst Forms of Child Labor: Albania’ (US Department of Labour, 2018), available [here](#).

## 2. Treaty commitments<sup>31</sup>

Instrument	Ratification
1926 Slavery Convention	2 July 1957
1953 Protocol to the Slavery Convention	N/A
1930 Forced Labour Convention	25 June 1957
1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery	6 November 1958
1957 Abolition of Forced Labour Convention	27 February 1997
1966 International Covenant on Civil and Political Rights (ICCPR)	4 October 1991
1966 Optional Protocol to the ICCPR	4 October 2007
1990 Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	5 June 2007
1990 Convention on the Rights of the Child (CRC)	27 February 1992
1998 Rome Statute of the International Criminal Court	31 January 2003
1999 Worst Forms of Child Labour Convention	02 August 2001
2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children	21 August 2002
2000 Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	5 February 2008
2000 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict	9 December 2008
2011 Domestic Workers Convention	N/A
1926 Slavery Convention	2 July 1957
<b>Regional and bilateral instruments</b>	
1950 European Convention for the Protection of Human Rights and Fundamental Freedoms	2 October 1996
2005 Council of Europe Convention on Action against Trafficking in Human Beings	6 February 2007
2005 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism	6 February 2007
2015 Council of Europe Convention against Trafficking in Human Organs	25 March 2015
2014 Bilateral agreement with Montenegro: Additional Protocol on the stepping up of co-operation in combating trafficking in human beings and improvement of identification, notification, referral and assisted voluntary returns of victims and potential victims of trafficking in human beings.	2014
<b>Key International Commitments</b>	
1948 Universal Declaration of Human Rights	
1985 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power	
2005 UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law	
2015 UN Sustainable Development Goals (5.3, 8.7)	
2017 Call to Action to End Forced Labour, Modern Slavery and Human Trafficking	

<sup>31</sup> UN Treaty ratification information sourced from UN Treaty Collection available [here](#); ILO Convention ratifications available [here](#); Rome Statute ratification status available [here](#). Membership data on the 2017 Call to Action is found at Delta8.7, 'Call to Action' available [here](#), accessed 03 November 2020.

2018 European Border and Coast Guard Status Agreement with the EU

Voted in favour of the 2018 AGNU Resolution 73/195 "Global Compact for Safe, Orderly and Regular Migration"

## 3. General country context

### 3.1. Constitutional structure<sup>32</sup>

The Republic of Albania operates a multiparty, unitary, parliamentary democracy system with a unicameral legislature.<sup>33</sup> The unicameral Parliament (Assembly) is vested with legislative authority, and elects both the Prime Minister and the President. The Prime Minister is chosen from the leading party in Parliament and selects the Council of Ministers (cabinet). He or she heads the government, while the President has limited executive power.<sup>34</sup> Judicial power in Albania is exercised by the High Court, which is the highest court of appeal, as well as various appeal and district courts.<sup>35</sup> Albania also has a Constitutional Court, which does not belong to the judicial power and serves as the guardian of the supremacy of the Constitution.<sup>36</sup> The territory is divided into 12 administrative counties with their own council and administration (Articles 108-117 of the 1988 Constitution).

Regarding its legal system, Albania is Civil Law country influenced by the Napoleonic Code.<sup>37</sup> However, in northern rural areas customary law known as the "Code of Leke" is still present.<sup>38</sup> Under Article 122 of the Albanian Constitution, international treaties ratified by Albania form part of the country's internal legal system and are directly applied, except in cases where the adoption of a law is required to implement them. An international treaty ratified by law takes precedence over national laws incompatible with that treaty.

### 3.2. Political context

Albanian's current President, Ilir Meta, was elected into office in 2017 to serve a five-year term, while Edi Rama became Prime Minister for the second time in 2017, following the victory of the Socialist Party of Albania.<sup>39</sup> Although the OSCE observation mission for 2017 elections reported that fundamental freedoms were respected, it further noted the 'continued politicisation of election related bodies and institutions as well as widespread allegations of vote-buying and pressure on voters detracted from public trust in the electoral process'.<sup>40</sup> The last 2019 local elections took place against a background of a political and institutional crisis, stemming from long-standing antagonism between the governing Socialist Party (SP) and the opposition Democratic Party (DP), which tried to boycott the elections.<sup>41</sup> In this context of polarisation, the Assembly's work has been negatively affected, to the extent that Members of

<sup>32</sup> See an unofficial English translation of Albania's Constitution [here](#), accessed 03 November 2020.

<sup>33</sup> US Department of State, '2019 Country Reports on Human Rights Practices: Albania' (2019), available [here](#).

<sup>34</sup> Article 89 Albanian Constitution 1998

<sup>35</sup> Law No. 8436 on the Organisation of the Judicial Power in the Republic of Albania 1998.

<sup>36</sup> Evis Alimehmet, 'The Evolution of the Constitutional System in Albania' (2011) 3 *Academicus International Scientific Journal* 164, 170, available [here](#).

<sup>37</sup> Enkeleda Olldashi, 'Codification and Legal Sources in the Albanian Legal System: Comparative Approach to Legal Systems' (2018) 17 *Academicus International Scientific Journal* 36, 38, available [here](#).

<sup>38</sup> Central Intelligence Agency, 'The World Factbook', available [here](#).

<sup>39</sup> National Democratic Institut, 'Albania's June 2017 Parliamentary Elections' (2017), available [here](#).

<sup>40</sup> OSCE, 'Republic of Albania Parliamentary Elections 2017. OSCE/ODIHR Election Observation Mission Final Report' (2017), 1, available [here](#); US Department of State, above n 33, 14, and Commission (EU), 'Albania 2019 Report' (Communication) (2019) 260 final, 6, available [here](#).

<sup>41</sup> OSCE, above n 40, 8.

Parliament from opposition parties relinquished their mandate *en bloc* in February 2019.<sup>42</sup>

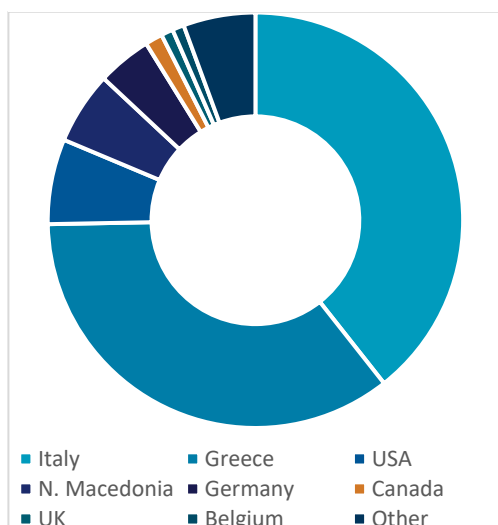
In 2009, Albania presented its application for membership of the European Union, and gained the candidate status in 2014. To date, EU-Albania negotiations are still taking place and the government remains committed to the EU integration process.

### 3.3. Migration profile

Albania has one of the world's highest emigration rates relative to its approximately 3 million population:<sup>43</sup> at mid-2019 the country's emigrant population was estimated to be 1.2 million, while the number of international migrants residing in the country estimated at 49,200 (1.7% of the total population).<sup>44</sup> During the last three decades, overall emigration from Albania has been quite dynamic. After the collapse of the socialist regime in 1990, thousands of Albanians fled the country in subsequent waves of migration to Western Europe.<sup>45</sup> The approval of visa liberalisation between Albania and the European Union in 2010 prompted and facilitated the regular entry of Albanian citizens into EU countries. However, it did not necessarily mean that they were allowed to remain. The majority of Albanian migrants have settled in Greece (approximately 600,000) and Italy (500,000). The estimated 150,000 remaining have settled largely in Canada, France, Germany, Switzerland, the United Kingdom, and the United States.<sup>46</sup> A trend of unaccompanied minors seeking asylum in the EU has also been identified, especially through neighbouring countries such as Italy.<sup>47</sup>

Albania remains primarily a country of origin for victims of trafficking, and to a lesser extent it is also a destination and transit country.<sup>48</sup> In Albania, it is estimated that more than 5000 women have been victims of trafficking in the past decade,<sup>49</sup> and it has ranked among the top 10 countries of victims within Europe several years in a row.<sup>50</sup> According to statistical information provided by the Office of the National Anti-trafficking Co-ordinator, the number

Albanian migrant stock in top destination countries (mid-2019)



<sup>42</sup> Commission (EU), above n 40, 6.

<sup>43</sup> Migration Policy Institute, 'Albania' (2020), available [here](#).

<sup>44</sup> Migration Data Portal (2019), available [here](#).

<sup>45</sup> In 1991, 1997, 1999 and 2015. In line with subsequent crisis, such as the collapse of a pyramid savings scheme in 1997 and the movement of people following the armed conflict in Kosovo. See also Migration Policy Institute, 'Lack of Opportunities and Family Pressures Drive Unaccompanied Minor Migration from Albania to Italy' (2019), available [here](#). See also Patricia Hynes et al, "'Vulnerability" to human trafficking: a study of Viet Nam, Albania and the UK' (IOM, University of Bedfordshire and IASR, 2018), 7, available [here](#).

<sup>46</sup> In Greece, Albanians are by far the largest immigrant group, while in Italy they constitute the second largest immigrant group after Romanians. See Migration Policy Institute, 'Embracing Emigration: The Migration-Development Nexus in Albania' (2015), available [here](#).

<sup>47</sup> Migration Policy Institute, above n 45. See also Aleksandra Bogdani, 'Albanian Minors Risk Everything to Escape Poverty Trap' *Balkan Insight* (12 February 2018), available [here](#). The majority of these migrants have come from Afghanistan (79,700 or 39%), Syria (19,300), Somalia (13,200), Eritrea (11,600), Iraq (9,100), Albania (3,100) and Russia (2,700). See Philip Connor and Jens Manuel Krogstad, 'Europe Sees Rise in Unaccompanied Minors Seeking Asylum, with Almost Half from Afghanistan' (Pew Research Centre, 2016), available [here](#); Eurostat (EU), 'Asylum Applicants Considered to be Unaccompanied Minors – Annual Data' (2016), available [here](#).

<sup>48</sup> US Department of State (2020), above n 12, 68; GRETA (Council of Europe), 'Reply from Albania to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties' (GRETA(2018)26\_Rep\_Albania, 20 June 2019), 33, available [here](#).

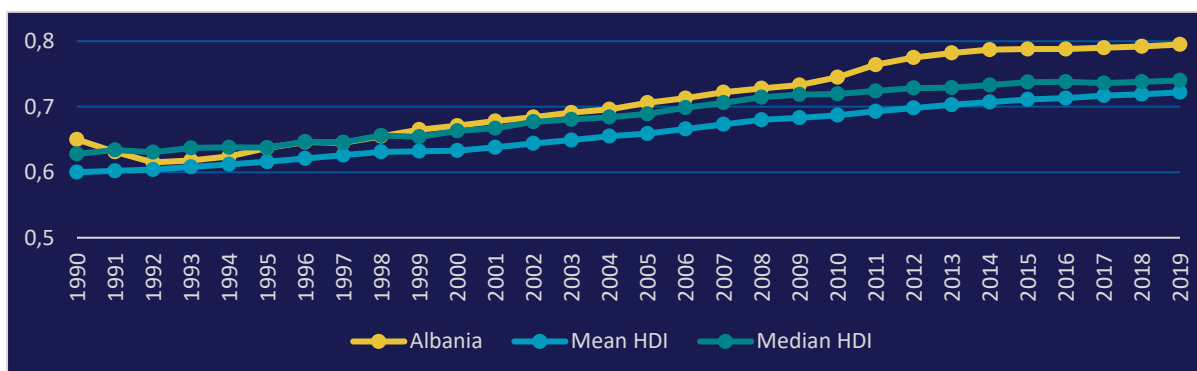
<sup>49</sup> Human Rights Watch, 'World Report 2011' (2011).

<sup>50</sup> Eurostat (EU), 'Europe in Figures' (2016), available [here](#). Also Albina Balidemaj, 'Human Rights Legislation in Albania: the case of human trafficking' (2019) 23 *The International Journal of Human Rights* 1300, 1304.

of potential victims and victims of human trafficking identified per year was as follows: 95 in 2016, including 44 children; 105 in 2017, including 56 children; 95 in 2018, including 67 children; and 103 in 2019, including 67 children.<sup>51</sup> The vast majority of the victims were Albanian. As regards transnational trafficking, the main countries of destination of Albanian victims were Italy, Greece, Kosovo, Germany, Switzerland and the United Kingdom.<sup>52</sup> The authorities acknowledge that Albania is also becoming a country of transit as the flow of asylum seekers and migrants, including unaccompanied minors, is increasing and there may well be victims of trafficking among this mixed migration flow.<sup>53</sup>

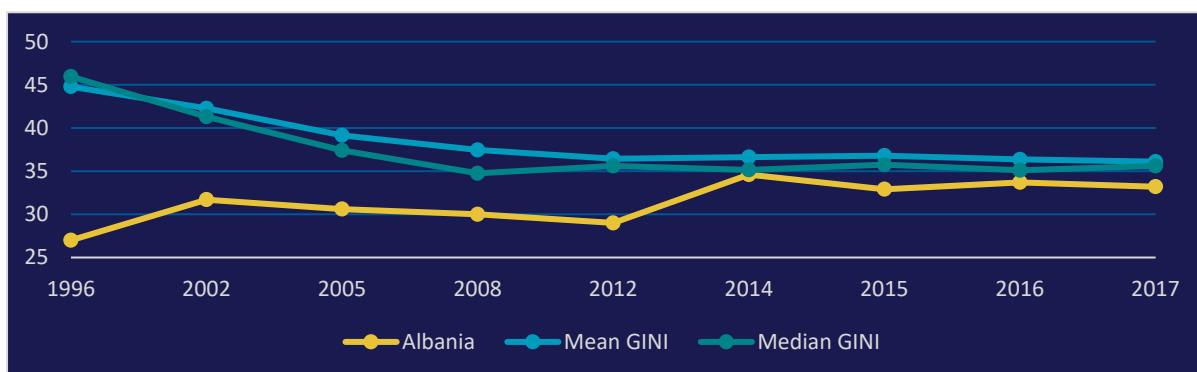
### 3.4. Development profile

#### 3.4.1. Human Development Index<sup>54</sup>



The Human Development Index (HDI) measures average life expectancy, level of education and income for each country in the world. Each country is given a score between 0 and 1 - the closer a country gets to 1, the more developed it is.<sup>55</sup> Albania's scores place it in the 'High Human Development' grouping. Albania has consistently demonstrated a higher HDI score than the global mean, and since 1999 has also exceeded the global median and making notable improvements relative to global averages from 2010-2012.

#### 3.4.2. GINI Co-efficient<sup>56</sup>



Gini index measures the extent to which income distribution or consumption expenditure

<sup>51</sup> US Department of State (2020), above n 12, 68.

<sup>52</sup> GRETA (Council of Europe), 'Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Albania. Second Evaluation Round' (GRETA(2016)6, 3 June 2016), 7, available [here](#).

<sup>53</sup> Ibid, 7.

<sup>54</sup> UNDP, 'Country Profile- Albania' (2019), available [here](#).

<sup>55</sup> UNDP, 'Human Development Reports', available [here](#).

<sup>56</sup> World Bank, 'GINI Index – Albania', available [here](#). Mean and median calculations sourced from The World Bank Development Research Group, 'GINI Index (World Bank Estimate)' (*The World Bank*), available [here](#).

among individuals or households within an economy deviates from a perfectly equal distribution. A Gini index of 0 represents perfect equality, while an index of 100 implies perfect inequality.<sup>57</sup> For all years for which GINI data for Albania is available, the country has demonstrated scores lower than the global average, indicating greater equality in Albania relative to global norms. However, while global averages gradually decreased from 1996 to 2017, inequality in Albania has increased over time, bringing the country closer to the global averages from 2014 onwards. .

### 3.4.3. Albania Sustainable Development Goals<sup>58</sup>

Year	Rank	Score
2020	68	70.82
2019	60	70.3
2018	62	68.9
2017	63	68.9
2016	68	60.8

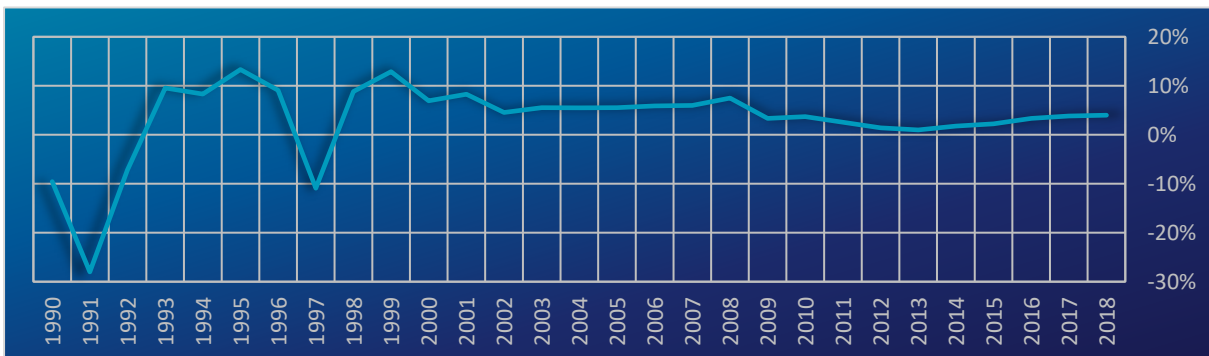
The Sustainable Development Reports assess implementation of, and progress towards, the 2015 UN Sustainable Development Goals. The SDG Index and Dashboards summarise countries' current performance and trends across the 17 SDGs. All SDGs are weighted equally in the index. Changing indicators, data, and methodology used to determine rankings and scores mean that SDG index results are not comparable over time.<sup>59</sup>

### 3.4.4. GDP Rates

GDP per capita (current US\$)<sup>60</sup>



### GDP Growth Rate



<sup>57</sup> World Bank, 'Metadata Glossary', available [here](#).

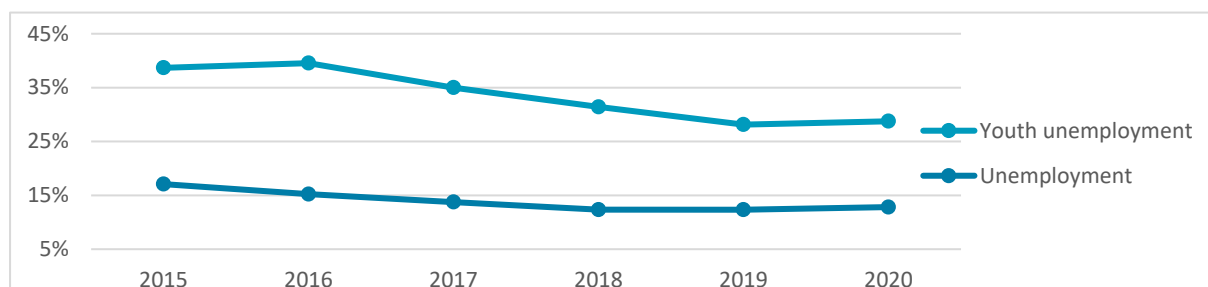
<sup>58</sup> Republic of Albania, 'Voluntary National Review on Sustainable Development Goals' (2018), available [here](#).

<sup>59</sup> Bertelsmann Stiftung and Sustainable Development Solutions Network, 'Sustainable Development Report 2019' (June 2019), 19.

<sup>60</sup> World Bank, 'GDP per capita (current US\$) – Albania' (2019), available [here](#).



### 3.4.5. Other relevant indicators<sup>61</sup>



## 3.5. Albania’s human rights record

Albania has ratified most of the international human rights instrument and has made efforts to strengthen the institutional mechanisms to ensure its protection—particularly regarding the fight against human trafficking—with the overarching priority of access to the European Union.<sup>62</sup> However, significant human rights issues persist, including restrictions on free expression and the press, blood feud killings;<sup>63</sup> discrimination against LGBTI groups;<sup>64</sup> police abuse; hate speech in public discourse; and pervasive corruption in all branches of government and municipal institutions.<sup>65</sup> Amidst an environment of impunity, prosecution and conviction of middle and high-ranking officials who commit abuses has been reported to be sporadic and inconsistent. Persons holding positions of power such as politicians, judges, or business people are often able to avoid prosecution.<sup>66</sup> Such corruption may cause the State to become ‘fragile’ and incapable of delivering crucial public goods such as safety, security and other basic services. In such fragile States, criminal groups can undertake different activities, such as human trafficking, and infiltrate the legitimate economy through corruption of its agents.<sup>67</sup>

Despite some progress in improving access to standardised public services for Roma and Egyptian minorities, it has been reported that these populations still face widespread discrimination and barriers in their access to adequate housing, education, health care, birth registration, freedom of movement and employment.<sup>68</sup>

Gender stereotypes and gender-related harmful practices, such as child or arranged marriages, and killings or other crimes committed in the name of so-called honour, persist in Albania. The school enrolment rate of girls remains lower than that of boys, and the dropout rate among girls—especially girls from minority groups—in secondary education is disproportionately high. Gender-based violence is noted to be prevalent, fostered by a low rate of reporting of cases, insufficient implementation of the national referral mechanism, an insufficient number

<sup>61</sup> Statista, ‘Unemployment rate from 1999 to 2020’, available [here](#); ‘Youth unemployment rate in Albania in 2019’, available [here](#).

<sup>62</sup> Besim Kelmendi, ‘Preventing Human Trafficking in the Western Balkans—A Particular Review in Albania, Kosovo and Serbia’ (2015) 6 *Mediterranean Journal of Social Sciences* 61.

<sup>63</sup> CEDAW, ‘Concluding observations on the fourth periodic report of Albania’ CEDAW/C/ALB/CO/4, 25 July 2016, paras 41–42, available [here](#).

<sup>64</sup> In spite of the legal developments to promote non-discrimination, discrimination against lesbian, gay, bisexual, transgender and intersex persons persisted, including denial of their right to marry and have a family, or their right to access to high quality sexual and reproductive health services. See OHCHR, ‘Compilation on Albania’ A/HRC/WG.6/33/ALB/2, 22 February 2019, 2, available [here](#).

<sup>65</sup> *Ibid*, US Department of State (2020), above n 12.

<sup>66</sup> US Department of State (2019), above n 12; Commission (EU), above n 40. Transparency International, ‘National Integrity System Assessment Albania 2016’ (2016), available [here](#).

<sup>67</sup> Shahrzad Fouladvand and Tony Ward, ‘Human Trafficking, Vulnerability and the State’ (2019) 83 *The Journal of Criminal Law* 39, 44.

<sup>68</sup> OHCHR, above n 64, 6.

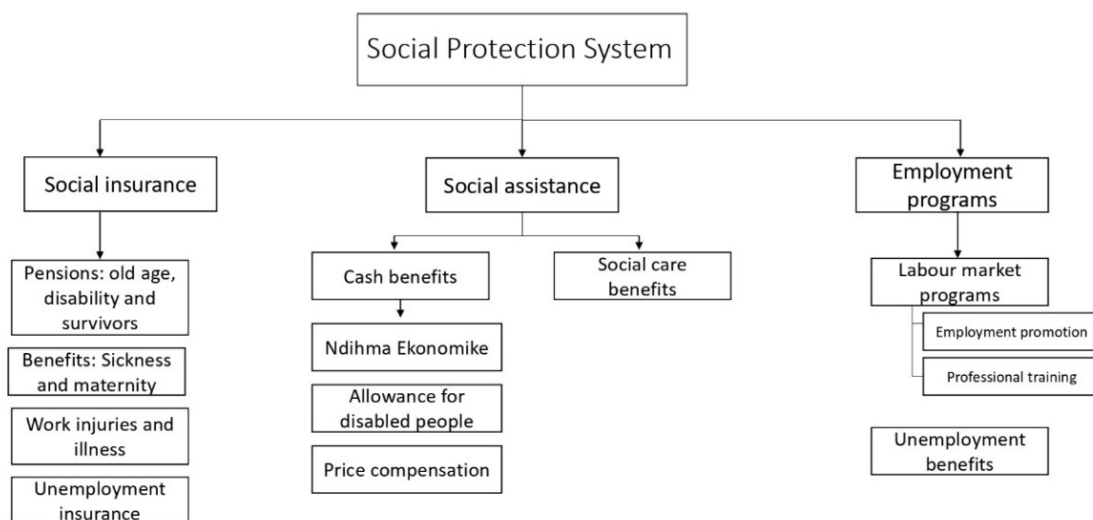


of shelters for victims of gender-based violence, and frequent failures to enforce protection orders and emergency protection orders.<sup>69</sup> Women from disadvantaged groups or rural areas face additional barriers to accessing services.<sup>70</sup>

Most child labour is reported to occur in the informal sector, for instance, in begging, gathering recyclable metals and plastic, small-scale agricultural harvesting, or mining. The number of children engaged in street-related activities (such as begging or selling items) increases during summer, particularly around tourist areas. While the law prohibits the exploitation of children for begging, police generally have not enforced it.<sup>71</sup> The UNHCR has reported deficiencies in the application of the asylum system and the unsuitability of the Karrec migrant detention centre, particularly for families and children.<sup>72</sup>

### 3.6. Social support systems

Since the enactment of Law no. 7703/1993 in Albania, social protection is provided through three main programs: social insurance, social assistance, and employment assistance. They



provide coverage to almost half of the population.<sup>73</sup>

Social insurance is mainly based on: (1) a contributory social insurance scheme; and (2) tax-funded social assistance and labour market programmes. However, capacities in managing social protection and the quality of services provided still require improvement and development.<sup>74</sup> By and large, Albania’s overall social protection spending is significantly lower than the EU average, although it more than doubled between 2005 and 2016. In 2016, Albania spent 9.4% of its GDP on social protection, compared to the European average of 28%.<sup>75</sup>

The Albanian social insurance scheme covers old-age, disability and survivor pensions; sickness and maternity allowances; benefits derived from work injuries and work-related illnesses; and

<sup>69</sup> CEDAW, above n 63, para 22.

<sup>70</sup> Ibid, 6.

<sup>71</sup> US Department of State, above n 33.

<sup>72</sup> Ibid.

<sup>73</sup> European Social Policy Network (EU), ‘Thematic Report on Financing social protection Albania’ (2019), 4, available [here](#).

<sup>74</sup> ILO, ‘Social Protection: Albania’ (2015), available [here](#).

<sup>75</sup> European Social Policy Network (EU), above n 73, 4.

unemployment insurance.<sup>76</sup> Only a small portion of the unemployed are eligible for unemployment insurance benefits because only those who have paid social contributions during their last year of employment can access benefits.<sup>77</sup> Health care in Albania has gone through numerous reforms, resulting in the implementation of a mandatory health insurance coverage. Law No. 141/2014 entitles victims of trafficking to free access to health care.<sup>78</sup>

Social assistance in Albania includes three cash social assistance programmes and a programme of social care services.<sup>79</sup> The cash social assistance programmes are: (1) a targeted poverty benefit in cash (called *ndihma ekonomike* or economic aid); (2) a regular monthly allowance to those with disabilities that are congenital or acquired while children or students; and (3) compensation paid to pensioners and their families. These programmes are delivered by the social assistance sections in municipalities and communes and monitored and evaluated by the State Social Services at the national level.<sup>80</sup> Over time, the relative balance of the two programmes has shifted significantly in favour of disability benefit spending, which is three times greater than spending on poverty.<sup>81</sup>

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<sup>76</sup> The US Social Security website provides information about maternity leave and other types of social security payment in Albania in 2016: US Social Security Administration, 'Social Security Programs throughout the World: Albania' (2016), available [here](#). See also United Nations Development Programme, 'Human Development Indicators', available [here](#); UK Home Office, 'Country Policy and Information Note Albania: Trafficking of women for sexual exploitation' (2020), 73, available [here](#).

<sup>77</sup> For further information about unemployment benefit, see US Social Security Administration, above n 77.

<sup>78</sup> GRETA (Council of Europe), above n 52, para 111.

<sup>79</sup> UNICEF, 'Social protection', available [here](#).

<sup>80</sup> ILO, above n 73.

<sup>81</sup> European Social Policy Network (EU), above n 73, 4.

## 4. National modern slavery context

### 4.1. Modern slavery profile

Albania is a country of source and destination for trafficking. Human traffickers exploit domestic and foreign victims in Albania, and victims from Albania abroad.<sup>82</sup> As stated by Albanian authorities in their 2019 Reply to GRETA's Questionnaire, Albania continues to be a source and destination country for women, girls, men, and children subjected to trafficking for sexual exploitation, begging, forced labour or for committing illegal acts, especially during tourist season. The most commonly employed forms of recruitment by traffickers have been fraud, deception, and abuse of power, of trust or of a position of vulnerability of the victim, through resorting to false promises of marriage, job, accommodation, food and protection. Recruitment by family members, boyfriends, or cohabitants is also recorded as common in Albania.<sup>83</sup> Young women in particular are frequently recruited for trafficking by members of their own families and often know their traffickers.<sup>84</sup>

The most common form of exploitation of women and girls in Albania is reported to be forced prostitution and other forms of sexual exploitation. While victims are typically aged 18 to 25,<sup>85</sup> the most vulnerable age group is 14 to 17 years old, and the most common victim profile is a girl with divorced parents, without support or in economic and health difficulties.<sup>86</sup> On the other hand, the number of men identified as victims of trafficking for the purpose of slavery, servitude or forced labour has risen, partly as a result of the informal economy and the job shortages in Albania.<sup>87</sup> Children under 14 proliferate in forced begging, especially from Roma and Egyptian communities.<sup>88</sup> Children are also commonly forced to perform labour such as seasonal work or selling small items, and instances of forced child labour in cannabis fields have also been recorded in Albania.<sup>89</sup> Within Roma and Egyptian communities cases of forced girl marriages have also been identified, although they were not formally identified as victims of trafficking within the period 2012-2015.<sup>90</sup> All potential victims of trafficking for prostitution and begging were also exploited or attempted to be exploited abroad, mainly in Western Europe but also in the countries of the region (Kosovo and Macedonia).<sup>91</sup> Although the vast majority of victims were national, foreign victims from European countries and the Philippines were subjected to sex trafficking and forced labour in Albania. Irregular migrants from Asia are employed as domestic workers by wealthy families and vulnerable to domestic servitude.<sup>92</sup>

Traffickers are generally Albanian citizens who use family, social, and intimate relationships with the victims. Particularly, parents and close relatives engaged in exploitation for begging.

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<sup>82</sup> US Department of State (2020), above n 12, 68.

<sup>83</sup> GRETA (Council of Europe), above n 52, 33.

<sup>84</sup> Patricia Hynes et al, above n 45, 19.

<sup>85</sup> Based on studies at centres serving trafficked women, most women trafficked for sexual purposes range from age 13 to 25, while others have been recruited at ages younger than 13. See CEDAW, 'The 2010 Shadow Report on the Implementation of the CEDAW Convention in Albania' (2010), available [here](#).

<sup>86</sup> GRETA (Council of Europe), above n 48, 34.

<sup>87</sup> GRETA (Council of Europe), above n 52, 7. While in 2010 all identified victims were female, the number of identified male victims was 22 in 2015; 11 in 2016; 25 in 2017 and 35 in 2018.

<sup>88</sup> As stated by the Albanian authorities, this information is based on the cases identified by the police structures 2015-2018. See GRETA (Council of Europe), above n 48, 33-34.

<sup>89</sup> US Department of State (2020), above n 12, 70.

<sup>90</sup> GRETA (Council of Europe), above n 52, 7.

<sup>91</sup> GRETA (Council of Europe), above n 48, 34.

<sup>92</sup> US Department of State (2020), above n 12, 70.

Regarding the recruitment method, a common technique is the so-called “lover-boy phenomenon”, where men seduce women and girls and force them into prostitution.<sup>93</sup> Traffickers contact potential victims, mostly through social networks such as Facebook, Instagram, or Snapchat, and create intimate relationships. Then, by means of coercion or deception (for example, by offering engagement or marriage, or promising a better life), they end up forced into prostitution. If fraudulent techniques do not give results, they resort to psychological and physical violence. One of the most common job offers is ballerinas in bars, inside or outside Albania, mainly in the border countries, such as Kosovo and Macedonia. For legal or illegal border crossing, victims are generally instructed by the traffickers who do not accompany them, but there are cases in which they travel together.<sup>94</sup>

Albanian nationals who migrate seeking employment in Western Europe face forced labour and forced criminality. NGOs report an increase in the number of Albanian children subjected to forced labour in Kosovo and the UK. Furthermore, Albanian victims are subject to sex trafficking in countries across Europe, particularly Kosovo, Greece, Italy, Belgium, Germany, Switzerland, North Macedonia, Norway, the Netherlands, and the UK.<sup>95</sup> It is important to note that transnational human trafficking and organised crime are deeply entrenched. In January 2016, EU Observer reported that “Thousands of women and girls have been trafficked from Albania alone to western Europe as sex slaves in the last two decades. Well-organised criminal gangs control trafficking, sometimes with the complicity of the victims' own family members, and launder profits by buying property back in Albania”.<sup>96</sup> They are often ‘poly-criminals’, not only involved in organised immigration crime and human trafficking, but also trafficking of drugs and firearms, and often violent and serious organised crime.<sup>97</sup>

## 4.2. Causes and drivers of modern slavery and transnational trafficking

Causes or drivers of human trafficking and modern slavery are multiple and overlapping.<sup>98</sup> As highlighted by the report of the University of Bedfordshire/IOM, there are different risk factors which increase vulnerability. These factors are structured into five levels (individual, household and family, community, structural and situational) interacting with each other, creating the conditions for exploitation and modern slavery to emerge.<sup>99</sup>

At the individual level, variables such as **poverty, other economic factors, low levels of education, mental health issues, forced marriage arrangements, and limited options for safe and legal migration** reportedly play an important role. As a consequence of structural imbalances, being a woman or belonging to Roma or Egyptian communities are potential risk factors operating at the individual level.<sup>100</sup> Recruitment methods are often related to close personal and family ties. For example, young women are frequently recruited for trafficking by members of their own families and will often know their traffickers.<sup>101</sup> Therefore, there are also risk factors at household and family level and the community level.

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<sup>93</sup> GRETA (Council of Europe), above n 52, 7.

<sup>94</sup> GRETA (Council of Europe), above n 48, 34

<sup>95</sup> US Department of State (2019), above n 12, 63, 64.

<sup>96</sup> Lindita Cela, ‘Albanian women trafficked in EU: abused, rejected, abandoned’, *EU Observer*, 25 January 2016, available [here](#).

<sup>97</sup> UK Home Office, above n 76, 20.

<sup>98</sup> See Enkeleida Tahiraj, ‘Understanding Trafficking of Girls and Women from Albania’ (Working Paper) (Shpresa Programme, 2017).

<sup>99</sup> Patricia Hynes et al, above n 45, 15 ff.

<sup>100</sup> UK Home Office, above n 76, 8.

<sup>101</sup> Patricia Hynes et al, above n 45, 19.

At the structural level, Albania has a 'macho male' culture with deep rooted patriarchal values where traditionally women are not regarded as the equal of men.<sup>102</sup> Furthermore, a perverted understanding of the *Kanun* (a medieval codification of Albanian customary law) has been used by Albanian traffickers to justify a complete devaluation of the position of women.<sup>103</sup>

**Gender imbalances within society have been outlined as a key factor for understanding trafficking** within Albania, including domestic, intimate partner, and sexual violence.<sup>104</sup> This can arise from household/family and community level imbalances that are reinforced at the structural level. "Families exercise considerable authority over young women in terms of betrothal and marriage, making it difficult for women to exercise choice, and resulting in women being trapped into prostitution [...] At the same time, women often lack access to the education and employment that would enable them to avoid exploitation".<sup>105</sup> Typically, women are more likely to be trafficked after being tricked into marriage or duped with promises of jobs or education.

The **ethnic Roma and Egyptian populations in Albania have a history of stigma and discrimination**, which has resulted in their experiencing greater economic pressures and heightened vulnerability to different types of exploitation, including trafficking.<sup>106</sup>

Human trafficking in and from Albania is intrinsically linked to the post-1991 waves of migration and the **transition from a centralised state-led economy to a market economy**. During the communist rule, emigration was banned and internal mobility tightly controlled. After the collapse of the socialist regime in 1990, thousands of Albanians fled the country. During this period new routes for migration were established and an Albanian diaspora emerged. This transition appears to be a cause of vulnerability to human trafficking at a structural level.<sup>107</sup> In this regard, "hope" and being willing to take "risks" to find better economic and social circumstances are key factors relating to migration and human trafficking within Albania.<sup>108</sup> This particularly affects unaccompanied minors.<sup>109</sup>

**The socio-economic situation** in the country contributes to trafficking. The economic growth of recent years has been uneven: some regions of the country have remained economically deprived, thus fuelling internal migration from rural to urban areas, from the rural North to the Centre and South of the country (e.g. Tirana, Durrës, Elbasan and Vlora). The new communities formed as a consequence of internal migration are especially vulnerable to human trafficking because of poor community cohesion and support. These economic disparities have also fostered international migration of Albanian nationals, often via irregular channels, with the risks of falling prey to trafficking.<sup>110</sup>

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<sup>102</sup> Importantly, there was only one conviction in 2013. UK Home Office, 'Report of a Home Office Fact-Finding Mission Albania' (2018), 10, available [here](#).

<sup>103</sup> Shahrzad Fouladvand and Tony Ward, above n 67, 48; Jana Arsovska, 'Understanding a "Culture of Violence and Crime": The Kanun of Lek Dukagjini and the Rise of the Albanian Sexual-Slavery Rackets' (2006) 14 *Crime, Criminal Law and Criminal Justice in Europe* 161.

<sup>104</sup> Patricia Hynes et al., above n 45, 7; Bektishi, Venera, Eglantina Gjermeni, and Mary Van Hook, 'Modern day slavery: sex trafficking in Albania' (2012), 32 *International Journal of Sociology* 480, 480-494.

<sup>105</sup> Patricia Hynes et al, above n 45, 20.

<sup>106</sup> Ibid, 19.

<sup>107</sup> Patricia Hynes et al, above n 45, 7. See also Erka Caro, 'Winners or Losers? The Adjustment Strategies of Rural-to-Urban Migrants in Tirana, Albania' (2013), 39 *Journal of Ethnic & Migration Studies* 501, 501-519.

<sup>108</sup> Patricia Hynes et al, above n 45, 7.

<sup>109</sup> Migration Policy Institute, above n 45

<sup>110</sup> The National Strategy on the Fight Against Trafficking of Human Beings and the Trafficking of Children 2014-2017, 10

### 4.3. Particularly vulnerable groups

**The Roma and Egyptian communities** are groups that have traditionally experienced discrimination in Albania, with low social integration and education levels.<sup>111</sup> Discrimination against these groups is reflected in the location of their communities, often experiencing geographic (as well as social) marginalisation and living outskirts of villages.<sup>112</sup> Lack of access to basic health and education services also affect these communities, making them more vulnerable to exploitation and trafficking. Material deprivation and poverty, particularly in rural areas, also influences vulnerability to modern slavery, placing extreme economic pressure on families that may result in individuals trafficking or exploiting members of their own family.<sup>113</sup> Roma and Egyptian communities are also particularly vulnerable to trafficking for the purpose of labour exploitation, as they are often employed in the informal economy.<sup>114</sup>

Regarding child trafficking and child labour, internal child trafficking and forced begging in Albania has increased in recent years, particularly during the tourist season. Due to this fact, and in some cases because they lack of adult supervision, "**street children, especially those from Egyptian and Roma communities**, are at the greatest risk of becoming victims of human trafficking".<sup>115</sup> Previously, the US Department of Labour had noted that children were trafficked internally in Albania and abroad to neighbouring and European Union countries for commercial sexual exploitation and forced labour, including forced begging. Furthermore, since the law prohibits the prosecution of children younger than 14 for burglary, criminal gangs at times used displaced children to burglarise homes. Vulnerability of **children** to child and forced marriage was also connected to the lack of enforcement of the legal minimum age for marriage at 18. Underage marriages were reported to occur mostly in rural areas and within Romani communities.<sup>116</sup>

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<sup>111</sup> Patricia Hynes et al, above n 45, 19.

<sup>112</sup> Ibid. See also Marjana Meshi et al, 'Study on the social economic reintegration of victims of trafficking in Albania' (Different and Equal Publication, 2009), available [here](#).

<sup>113</sup> Ibid.

<sup>114</sup> GRETA (Council of Europe), above n 52, 14.

<sup>115</sup> US Bureau of International Labour Affairs, above n 30; US Department of State, above n 33

<sup>116</sup> US Department of State, above n 33.

## 5. Antislavery governance frameworks

### 5.1. Legislative measures

#### 5.1.1. Albania's Constitution 1998<sup>117</sup>

Article 122 of the Albanian Constitution envisages the primacy of ratified international norms over national laws which are incompatible with them. Once an international treaty is ratified, it becomes part of the country's internal legal system and must be directly applied, except when it is not self-executing and its application requires the adoption of a law. Accordingly, the Albanian authorities have pointed out that the Council of Europe Anti-Trafficking Convention is part of the internal legal system and takes precedence over any law or administrative regulations that would be incompatible with it.<sup>118</sup>

Article 60 of the Constitution establishes the Ombudsman Institution (People's Advocate), which is a constitutional guarantee for the protection of the rights and freedoms of the individual, Albanian citizens, foreigners, regular or non-regular residents, refugees and stateless persons who are in the territory of the Republic of Albania, by unlawful and irregular acts or inactions of public administration bodies.<sup>119</sup>

Article 54 protects children from undertaking any work which 'could damage his health and morals or endanger his life or normal development', especially under the minimum age for child labour.

#### 5.1.2. Albania's Criminal Code 1995<sup>120</sup>

**Human trafficking** constitutes an offence under Albania's Criminal Code (CC). Article 110(a), recently amended, states:

Recruitment, transportation, transfer, concealment or reception of persons through threat or use of force or other forms of coercion, kidnapping, fraud, abuse of office or taking advantage of social, physical or psychological condition or the giving or receipt of payments or benefits in order to get the consent of a person who controls another person, with the purpose of exploitation of prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or similar forms to slavery, putting in use or transplantation of organs, as well as other forms of exploitation, both within and beyond the territory of the Republic of Albania, shall be punishable by imprisonment from eight to fifteen years.

When such offence is committed against an adult female person, it shall be punishable by imprisonment of from ten to fifteen years.

The organisation, management and financing of the trafficking of persons is punished with imprisonment of from seven to fifteen years.

When such offence is committed in collaboration, more than once, accompanied with maltreatment and forcing the victim to commit various actions through the use of

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<sup>117</sup> See unofficial translation [here](#).

<sup>118</sup> GRETA (UE), 'Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Albania. First Evaluation Report' (GRETA(2011)22, 2 December 2011), 10.

<sup>119</sup> The Ombudsman has been awarded 'A' status by the Global Alliance of National Human Rights Institutions since 2014. See Commission (EU), above n 40, 23.

<sup>120</sup> See unofficial translation [here](#).



physical or psychological violence, causing serious consequences to the health or threatening his life, is punishable by imprisonment of no less than fifteen years.

When the offence as a consequence has caused the death of the victim, it is punished by imprisonment of no less than twenty years or with life imprisonment.

When the criminal offence is committed through the utilization of a state function or public service, the punishment of imprisonment is increased by one fourth of the punishment given.

Article 110(b) of the CC criminalises the use of services of a victim of trafficking, with the knowledge that the person has been trafficked. The punishment is imprisonment of two to five years, which is of three to seven years if the offence is committed against a minor. Article also 52(a) envisages a non-punishment provision for victims of trafficking".<sup>121</sup>

**Child trafficking** is separately envisioned in Article 128(b) CC:

Recruitment, sale, transport, transfer, hiding or reception of minors with the purpose of exploitation for prostitution or other forms of sexual exploitation, forced labour of service, slavery or forms similar to slavery, putting in use or transplanting organs, as well as other forms of exploitation, shall be punishable by ten to twenty years of imprisonment.

Organisation, management and financing of the trafficking of minors is punished with imprisonment of from ten to twenty years.

When this crime is committed in collaboration or more than once, or is accompanied with the maltreatment and forcing of the victim through physical or psychological violence to commit various actions, or bring serious consequences to health, it is punished with imprisonment of no less than fifteen years.

When the offence as a consequence has brought about the death of the victim it is punished with imprisonment of no less than twenty years or with life imprisonment.

When the criminal offence is committed through the utilization of a state function or public service, the punishment of imprisonment is increased by one fourth of the punishment given

Both Articles 110(a) and 128(b) of the CC contain open-ended lists of types of exploitation. Although human trafficking for the purposes of forced criminality and forced begging are not specifically mentioned, the Albanian authorities have specifically indicated that they are covered by these provisions.<sup>122</sup>

**Forced marriage** is envisaged as 'criminal misdemeanour' and criminalised under Article 130 of the CC:

Coercing or obstructing the initiation or continuation of cohabitation, or coercion to enter into or dissolve the marriage, shall constitute a criminal misdemeanour and is punishable with a fine or imprisonment up to three months. Intentional request to an adult or child to leave the territory of the Republic of Albania for purposes of obliging him to enter into marriage, shall constitute a criminal misdemeanour and is punishable

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<sup>121</sup> However, as the 2020 TIP Report notes: 'government did not knowingly penalize victims, but it may have penalized some trafficking victims unknowingly due to inadequate identification efforts': US Department of State (2020), above n 12, 69.

<sup>122</sup> GRETA (Council of Europe), above n 52, para. 153.



with a fine or imprisonment up to three months.

**Mistreating of minors**, including subjecting them to exploitation and begging, is prohibited under Article 124(b):

Physical or psychological abuse of a minor by his or her parents, sister, brother, grandfather, grandmother, legal guardian or any person who is obliged to take care of the minor, shall be punished by imprisonment of three months to two years. Coercing, exploitation, encouragement, or use of a minor to work, to obtain income, to beg, or to perform actions that damage his/her mental and/or physical development, or education, shall be punishable by two to five years of imprisonment. Where from the offence is caused severe health damage or the death of the minor, it is punishable by ten to twenty years of imprisonment.

#### 5.1.3. Criminal Procedure Code 1993<sup>123</sup>

In addition to the general rights of the victim envisioned in Article 58, minor and trafficking victims are provided with additional safeguards in Articles 58/a and 58/b, including producing evidence before trial, or presenting testimony through the use of audio-visual media.

#### 5.1.4. Law No. 108 on Foreigners 2013<sup>124</sup>

Law No. 108 on Foreigners establishes the right to stay of foreign victims of trafficking, and in particular their right to a recovery and reflection period and a residence permit. Pursuant to Article 54(1), a recovery and reflection period is granted up to three months when there are sufficient grounds to believe that a foreign national is a victim or potential victim of trafficking. Article 54(2) lists the range of rights and services to which such victims are entitled under Albanian legislation during the recovery and reflection period. According to Article 54(4) border and migration authorities shall issue residence permits to foreign nationals who have been identified as victims of trafficking by the competent bodies on either or both of the following grounds: a) owing to their social situation and personal circumstances; b) owing to their co-operation with the judicial authorities in connection with the criminal investigation and prosecution.

#### 5.1.5. Law No. 1012 on the Prevention and Punishment of Organised Crime 2009

Law No. 1012 of 2009 set up the Confiscated Assets Agency, which seizes assets derived from certain criminal activities, including trafficking.

Additionally, pursuant to Law 70/2017 reform, Article 37(2) establishes a Special State Fund for Preventing Criminality, which is accessible to victims of organised crime and trafficking. Article 32 also deals with the 'use of movable property and money' confiscated as the first compensation for victims of organised crime and trafficking.<sup>125</sup>

#### 5.1.6. Children protection laws

Law 18/2017 on the Rights and Protection of the Child aims to establish: rights and access to rights; concrete and effective mechanisms that guarantee the effective realization of these rights; special care for children; and an integrated child protection system. It brings an integrated approach with concrete protection measures to be taken by responsible structures

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<sup>123</sup> Amended by Law 35/2017. See GRETA (Council of Europe), above n 48.

<sup>124</sup> See unofficial translation [here](#).

<sup>125</sup> Ibid, 9

to prevent, rehabilitate, or protect a child subjected to violence, abuse, neglect, or at risk of such.

Albania has adopted the Decision of the Council of Ministers No. 54 to regulate the functioning of the National Council for the Rights and Protection of the Child and enable the Council to undertake actions in line with the United Nations Convention on the Rights of the Child.<sup>126</sup> The Decision of the Council of Ministers No. 353 was also adopted to regulate the functioning of a cross-sectoral technical group to adequately address child protection needs.<sup>127</sup>

#### 5.1.7. Law No. 108 on the State Police 2014

The Law on the State Police provides for additional safeguards for victims of trafficking, particularly children. According to Article 14(g), protection of victims of trafficking is one of the priority tasks of the National Police. Article 17(g) stipulates that 'the Police identifies, protects and refers for assistance to responsible authorities of victims of trafficking and of domestic violence, especially women and children'. Further, Article 123 provides for measures to protect unaccompanied minors and children who have run away from home.

#### 5.1.8. Law No. 10173 on the Protection of Witnesses and Persons Collaborating with Justice 2009

The Witness Protection Directorate is tasked with protecting witnesses, persons collaborating with justice, and persons in their entourage.<sup>128</sup>

#### 5.1.9. Law No. 111 on Granting State Aid 2017

Article 11 of the Law on Granting State Aid, which deals with the special categories of legal aid beneficiaries, includes victims of trafficking in human beings at every stage of criminal proceedings, regardless of their income or wealth.

#### 5.1.10. Standard Operating Procedures (SOPs)

By the 2018 Decision of the Council of Ministers (DCM) No. 499, 'On the Adoption of Standard Action Procedures for Protection of Victims and Potential Victims of Trafficking', Standard Action Procedures (SOPs) were adopted for the protection of victims and potential victims of trafficking. SOPs are the basic document for identifying, referring, protecting, and assisting victims and potential victims of trafficking. The purpose of the SOPs approval is to protect, including timely and appropriate identification of potential victims of trafficking, whether adults or minors, Albanians, foreigners or stateless persons, for all types of exploitation, internal or international trafficking, whether or not linked to organised crime.<sup>129</sup>

#### 5.1.11. Core Labour Standards

The main pieces of legislation governing the employment relationship in Albania are the Labour Code and the Law on Civil Servants. Other labour standards include: Law No. 10237/2010 on Security and Health and Work; Law No. 9634/2006 on Work Inspection; Law No. 7703/1993 on Social Insurance in the Republic of Albania; Law No. 10383/2011 on

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<sup>126</sup> Government of Albania, 'On Rules of Functioning of the Technical, Subsequential Group on the Protection of Children, by Municipalities and Administrative Units' (12 June 2018), available [here](#).

<sup>127</sup> US Bureau of International Labour Affairs, above n 30, 3

<sup>128</sup> GRETA (Council of Europe), above n 52, 36

<sup>129</sup> GRETA (Council of Europe), above n 48, 37. See also UK Home Office, above n 103, 32-33. As noted by the US 2019 TIP, 'BMP [Border and Migration Police] updated internal SOPs [standard operating procedures] on identification and developed daily reporting requirements on trafficking victims; however, BMP could not consistently screen migrants due to increased migrant flows and a lack of BMP officers and interpreters', US Department of State (2019), above n 12, 62.

Obligatory Health Care Insurance in the Republic of Albania; Law No. 10221/2010 on Protection Against Discrimination; Law No. 9970/2008 on Gender Equality; and other secondary legislation such as decision of the Council of ministers and various instructions or orders issues. Despite a variety of legislative frameworks, Albania's labour enforcement efforts have been reported to be insufficient to adequately tackle the challenges of modern slavery and exploitation. As noted in the EU's Albania 2019 Report, "Labour inspectorate capacity and performance need to further be strengthened and the labour inspectorates should develop effective training of inspectors. Child labour remains a concern, with more effective measures needed to prevent it. There is also a need to strengthen the system of monitoring child labour".<sup>130</sup>

Regarding laws and regulations on child labour, Albania is reported to meet international standards except for 'Prohibition of Using Children in Illicit Activities'. The US Department of State has noted "the law in Albania does not explicitly prohibit using, procuring, or offering children under age 18 for illicit activities, including in the production and trafficking of drugs." Article 129 of the Criminal Code only prohibits inducing or encouraging children under age 14 to participate in criminality. In addition, although Albania has a list of activities in which light work may be permitted, it does not limit the number of hours for light work.<sup>131</sup>

Article 8 of the Labour Code prohibits forced labour following the ILO Forced Labour Convention standards:

- (1) All forms of compulsory labour are prohibited.
- (2) With compulsory or forced labour is meant any job or service imposed on the individual against his/her will, threatening him/her through whatever punishment.

Prohibited is the use of compulsory labour as:

- a) a coercive measure or sanction against persons that have or air beliefs running contrary to the ruling political, economic and social order;
  - b) a method of mobilization or exploitation of labour force for the purpose of economic development;
  - c) a disciplinary measure at work;
  - d) a punishment for having participated in a strike;
  - e) a measure of racial, social, national or religious discrimination.
- (3) The following are not considered to be compulsory labor:
    - a) any job or service imposed on the basis of the law on the Armed Forces of the Republic of Albania, which are designed to serve activities of purely military character;
    - b) any job or service imposed on the individual as a punishment determined by the court and during which the person is not put at the service of the citizens or private juridical persons, except for the cases provided for in paragraph 2 of this Article.
    - c) any job imposed in case of war or because of forces majeure, natural

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<sup>130</sup> Commission (EU), above n 40, 79.

<sup>131</sup> US Bureau of International Labour Affairs, above n 30, 3.

calamities, especially in case of fire, floods, starvation, earthquakes, epidemics and under all circumstances threatening life or normal living conditions of the entire population or of one part of it.

It also refers to the employment of juveniles in the following Articles:

#### Article 98

(1) The employment of juveniles under the age of 16 is prohibited. This prohibition does not apply to juveniles from 14 to 16 years of age, when they are employed during the holidays from school, provided that this employment doesn't harm their health and growing up.

(2) Juveniles from 14 to 16 years of age may become subject to vocational advice and training in accordance with the rules set by decision of the Council of Ministers.

#### Article 99

(1) Juveniles between 16 and 18 years of age may be given easy jobs that do not harm their health and growing up.

(2) The Council of Ministers defines the easy jobs and sets specific rules for the maximum duration and conditions of performing the job.<sup>132</sup>

#### 5.1.12. Law No. 10454 on the Transplantation of Cells, Tissues and Organs 2012

The Law on the Transplantation of Cells, Tissues and Organs stipulates that donors and recipients must give their consent and must be related. Donations must be validated by an independent ethics council of the Ministry of Health, made up of representatives of hospitals and the public health foundation, with the latter having to cover the costs of transplantation. Under the law, staff directly responsible for transplants cannot sit on the ethics council.<sup>133</sup>

#### 5.1.13. Law No. 121 on Social Services 2016

The Law on Social Services defines specialised services for certain groups of victims, including victims of human trafficking.

#### 5.1.14. Law No. 22 on Social Housing 2018

The Law on Social Housing expands support for certain groups of victims as beneficiaries of housing, including victims of trafficking.

## 5.2. National policies and plans

### 5.2.1. National Action Plan for Combating Trafficking in Persons (2018–2020)

In 2018, the Government adopted the National Action Plan for Combating Trafficking in Persons and committed 488.9 million leks (\$4.2 million) for its implementation.<sup>134</sup> The activities envisaged in the National Action Plan are intended to improve the functioning of a comprehensive system through the strengthening of the identification, protection, and reintegration of trafficking victims.<sup>135</sup> The government had previously adopted The National Strategy on the Fight Against Trafficking of Human Beings and the Trafficking of Children

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<sup>132</sup> Unofficial translation available [here](#).

<sup>133</sup> See GRETA (Council of Europe), above n 52, 19.

<sup>134</sup> US Department of State (2019), above n 12, 63

<sup>135</sup> GRETA (Council of Europe), above n 48, 37

2014-2017.<sup>136</sup>

#### 5.2.2. Action Plan for the Social Economic Reintegration of Women and Girl Victims of Trafficking (2018-2020)

The National Action Plan for Combatting Trafficking also includes the Action Plan for the Social Economic Reintegration of Women and Girl Victims of Trafficking (2018–2020), with the aim of reintegrating female trafficking victims by increasing resources available, and providing education and social services to combat future forced labour and human trafficking.<sup>137</sup>

#### 5.2.3. Albanian National Agenda for Children’s Rights (2017-2020)

The Albanian National Agenda for Children’s Rights aims to protect and promote children’s rights by supporting physical and psychosocial development, and the social inclusion of children. Objectives include improving children’s access to services and enhancing legal and institutional mechanisms for child protection.<sup>138</sup>

#### 5.2.4. National Action Plan for Roma and Balkan Egyptian Community Reintegration (2016–2020)

The National Action Plan for Roma and Balkan Egyptian Community Reintegration (2016–2020) aims to provide Roma and Balkan Egyptian children with full access to education, reduce discrimination, enhance social inclusion, and promote intercultural dialogue between different actors in the community.<sup>139</sup>

#### 5.2.5. Other relevant policies

Other relevant national policies include: the National Strategy for the Diaspora for 2018–2024 and its action plan; the National Strategy on Gender Equality for 2016–2020 and its action plan; the Social Housing Strategy for 2016– 2025; the National Strategy for Employment and Skills for 2014–2020 and its action plan; and the Common Strategy on Fighting Organised Crime, Illicit Trafficking and Terrorism for 2013–2020 and its action plan.

### 5.3. National institutions and inter-departmental coordination

The following mechanisms and organisms constitute the anti-trafficking institutional framework:

- **The National Referral Mechanism (NRM)**, set up in 2005, is a formal cooperation framework between state and non-state institutions for the identification, referral and protection of victims and possible victims of trafficking. It includes: the police and other law enforcement agencies; NGOs, social services, and frontline actors; diplomatic and consular services; and international organisations such as the International Organisation for Migration (IOM).<sup>140</sup> It has been positively assessed by the IOM.<sup>141</sup>
- The **National Anti-Trafficking Task Force** was set up in 2012 pursuant to the revised NRM. Its aim is to monitor implementation of the NRM with a view to improving

<sup>136</sup> Government of Albania, ‘2018-2020 National Action Plan for Combating Trafficking in Persons’ (26 December 2018), available [here](#).

<sup>137</sup> Government of Albania, ‘Action Plan for the Social Economic Reintegration of Women and Girl Victims of Trafficking (2018–2020)’, available [here](#). See also US Bureau of International Labour Affairs, above n 30, 7.

<sup>138</sup> Government of Albania, ‘The Albanian National Agenda for Children’s Rights (2017–2020)’ (26 April 2017), available [here](#).

<sup>139</sup> Government of Albania, ‘National Action Plan for Integration of Roma and Balkan Egyptians in the Republic of Albania (2016-2020)’, 23 December 2015, available [here](#); GRETA (Council of Europe), above n 52, 54.

<sup>140</sup> GRETA (Council of Europe), above n 48, 36

<sup>141</sup> UK Home Office, above n 103, 35

identification and referral to assistance for victims, as well as co-ordination between different stakeholders.<sup>142</sup>

- The **National Anti-Trafficking Coordinator** (Deputy Minister of Interior) leads all anti-trafficking efforts in the country. It leads data collection for the National Database for Human Trafficking Victims/Potential Victims, and monitors the twelve regional anti-human trafficking committees that carry out local action plans in cooperation with civil society partners. It also leads a Task Force which includes the Serious Crimes Prosecution Office and the Albanian State Police.<sup>143</sup>
- The **State Committee for the Fight against Trafficking in Human Beings** is a multidisciplinary working group in charge of harmonising anti-trafficking policies and goals. The State Committee is chaired by the Minister of Interior and comprised of Deputy Minister level representatives from various Ministries.

## 5.4. Investigation and prosecution

Since 2013, there has been an increase in trafficking sentences by the Serious Crimes Court in Albania. In 2013, there was one conviction, compared to 22 in 2016.<sup>144</sup> In 2019, the Anti-Trafficking Unit of the Albanian State Police (ASP) investigated 41 cases with 62 suspects, compared to 38 cases with 51 suspects in 2018. The majority of these cases related to trafficking of adults (34 cases with 45 suspects in 2019, and 30 cases with 42 suspects in 2018), although seven cases with 17 suspects involved child trafficking in 2019, and eight cases with nine suspects in 2018. Investigations were also conducted by the General Prosecution Office (GPO), which investigated 19 new cases with eight defendants for adult trafficking six new cases for child trafficking (compared to 17 adult cases and 12 child cases in 2018).

In 2019, the GPO prosecuted three cases with three defendants, compared to two cases with six defendants in 2018—one defendant for adult trafficking and two defendants for child trafficking (compared to three in each in 2018). Courts convicted five traffickers in each year in 2018 and 2019, with three for adult trafficking in 2019 and one in 2018, and the remaining for child trafficking. The three sentences for trafficking offences convicted levied in 2019 ranged from 7.5 to 17 years' imprisonment in 2019. These sentences were more severe than the previous year, when the shortest sentence was for two years and eight months' imprisonment (for adult trafficking), although the highest sentence in 2018 was for 18 years' imprisonment (for child trafficking).<sup>145</sup>

The 2018 Home Office Fact Finding Mission Report reflects concerns expressed by various sources about the judiciary, police and other frontline actors' response to victims of trafficking in Albania, especially regarding the police's focus on arrests targets rather than victims' referral and identification.<sup>146</sup> Additionally, misidentification of crimes affects convictions, since "there is often an over focus on one specific offence and trafficking is sometimes not properly identified".<sup>147</sup> Evidence further suggests that police participation in mobile victim identification units in Albania is inconsistent, despite their participation being formalised in a memorandum of understanding. Reports also suggested that law enforcement rarely initiated cases when

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<sup>142</sup> GRETA (Council of Europe), above n 52, 8.

<sup>143</sup> US Bureau of International Labour Affairs, above n 30, 6

<sup>144</sup> UK Home Office, above n 103, 39.

<sup>145</sup> US Department of State (2020), above n 12, 68.

<sup>146</sup> UK Home Office, above n 103, 27, 33.

<sup>147</sup> Ibid, 34.



civil society organisations identified potential victims, screening and implementation of SOPs for migrants and asylum-seekers by officials was limited, and “police did not screen individuals in commercial sex for indicators of trafficking during raids and investigations of commercial sex establishments”.<sup>148</sup> Limited resources and constant turnover were also reported to interfere with trafficking investigation, and the European Commission’s has called on Albania to strengthen its criminal justice system and step up efforts to prevent trafficking in human beings.<sup>149</sup> On the other hand, the European Commission recognised an improvement in the cooperation between the police and prosecutors, and a simplifications of administrative procedures.<sup>150</sup>

Investigation and identification of modern slavery and labour trafficking by the Labour Inspectorate is reported to be insufficient, as a result of lack of training. This was particularly noted in relation to forced begging, particularly of unaccompanied children, street children, and children crossing borders for begging.<sup>151</sup>

## 5.5. Victim support and assistance frameworks

The national social assistance infrastructure in Albania provides support and assistance for victims of trafficking at various levels: they are an eligible category for obtaining free legal aid,<sup>152</sup> social housing,<sup>153</sup> other economic help,<sup>154</sup> free health care,<sup>155</sup> and education and training.<sup>156</sup> Four shelters constitute the National Coalition of Anti-Trafficking Shelters (NCATS), which provided assistance to 115 officially recognized and potential victims of trafficking in 2019 (78 in 2018),<sup>157</sup> including food, safe accommodation, medical assistance, free legal assistance, mental health care, mediation with families, education and vocational training, employment services, socio-cultural activities, temporary accommodation in rented facilities, and post-reintegration follow-up.<sup>158</sup> The government provided 20.9 million leks (\$179,480) to the state-run shelter in 2019, a decrease from 22.5 million leks (\$193,220) in 2018. It also allocated 21.5 million leks (\$184,630) to NGO-run shelters to support 29 staff salaries a decrease from 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, an increase compared to 5.2 million leks (\$44,650) in 2018. Unlike previous years, the government did not transfer resources to a fund of seized criminal assets for victim support services in 2018 or 2019.<sup>159</sup>

Although funding for NGO-run shelters has steadily increased over the past four years, the 2020 US TIP Report indicates that they continue to operate under financial constraints and relied on outside sources for operating costs.<sup>160</sup> Experts also reported a lack of resources for long-term care and reintegration efforts for child victims and victims with children. Funding

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<sup>148</sup> Ibid.

<sup>149</sup> Commission (EU), above n 40, 35-36. See also UK Home Office, above n 103, 27.

<sup>150</sup> Ibid, 35

<sup>151</sup> US Department of State (2020), above n 12.

<sup>152</sup> Law No. 111/2017 and Article 58 Criminal Procedure Code.

<sup>153</sup> UK Home Office, above n 103, 52

<sup>154</sup> Under Law No. 2039/2011, every victim leaving a shelter must in principle receive a certain amount of money.

<sup>155</sup> Law No. 141/2014.

<sup>156</sup> UK Home Office, above n above n 77, 54-55.

<sup>157</sup> Sources expressed concern about the focus being on the number of cases identified rather than those who are not, and that numbers were not being recorded adequately. See UK Home Office above n 103, 31.

<sup>158</sup> See UK Home Office, above n 77, 41.

<sup>159</sup> US Department of State (2020), above n 12, 69

<sup>160</sup> Ibid.

priorities or delays also hampered victim protection, including municipality grants prioritising NGOs providing local assistance over those of the national scope needed for trafficking shelters. Municipal solicitation and bidding procedures were also allegedly rife with corruption.<sup>161</sup> Other social assistance measures were also reported to be inadequate<sup>162</sup> or inaccessible to victims and potential victims of trafficking.<sup>163</sup>

In addition to the NRM, the Office of Victims Assistance was created in January 2016 to focus on different categories of victims, including trafficking victims or victims of violence or sexual exploitation.<sup>164</sup> The National Contact Line (Report! Save!) was also launched, intended to facilitate the reporting of suspected cases of trafficking.<sup>165</sup>

## 5.6. Training and capacity-building for responders

The 2019 Albania's Response to the GRETA Questionnaire provides detailed information about training and capacity-building activities for responders in Albania.<sup>166</sup> From 2017-2018, NGOs in cooperation with the government organised 8 trainings targeting 37 prosecutors, 41 police officers and 82 employees of the local police directorates to increase the knowledge and skills of law enforcement agencies. During 2018-2019, 4 trainings were organised by local anti-trafficking committees for representatives from the prosecution, police department, state social services, child protection units, NGO lawyers, and social workers.<sup>167</sup> The OSCE Unit of Albania and the Border and Migration Police have also provided training sessions to officers and law enforcement agencies.<sup>168</sup>

UN agencies have invested considerably in the training of the police and judiciary in Albania.<sup>169</sup> The latter group is identified as potentially the most inefficient part of the system, and sometimes implicated in corruption.<sup>170</sup>

## 5.7. Public awareness raising

Various awareness-raising activities have been implemented in Albania, addressing either the general public and vulnerable groups, including national awareness days, TV spots, and the operation of a free nation-wide hotline 116006.<sup>171</sup> A detailed compilation of public awareness raising activities can be found in Albania's Response to GRETA Questionnaire.<sup>172</sup>

## 5.8. Efforts to address vulnerabilities and drivers

The Albanian government has spearheaded a series of legislative initiatives for enhancing

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<sup>161</sup> Ibid.

<sup>162</sup> As stated by GRETA, 'The authorities acknowledge that this amount is not enough to enable victims to lead independent lives. Only victims who have been accommodated in the shelters receive such benefits and according to NGOs, victims are reluctant to collect the benefits from the relevant local authorities departments because of the stigma attached to victims of THB'. See GRETA (Council of Europe), above n 52, 24.

<sup>163</sup> For instance, in accessing to social housing. See CEDAW, above n 63

<sup>164</sup> UK Home Office, above n 103, 22

<sup>165</sup> UK Home Office, above n 77, 50

<sup>166</sup> See, extensively, GRETA (Council of Europe), above n 48, 11 to 19.

<sup>167</sup> Ibid, 12.

<sup>168</sup> US Department of State (2019), above n 12, 62. See also GRETA (Council of Europe), above n 48, 12.

<sup>169</sup> UK Home Office, above n 77, 35.

<sup>170</sup> Ibid, 34.

<sup>171</sup> See GRETA (Council of Europe), above n 48, 44.

<sup>172</sup> Ibid, 38-44.



protection of vulnerable groups:

- Law No. 18/2017 on the Rights and Protection of the Child has extended the scope of children's rights, with a focus on strengthening their protection from violence, abuse, exploitation and neglect;
- In addition to the 2008 Law on Gender Equality in Society, Albania has significantly improved its legal framework with the 2018 Law on Measures against Violence in Family Relations and the implementation of the National Strategy on Gender Equality and Action Plan 2016–2020;
- The 2017 Law on the Protection of National Minorities enhanced the legal framework on respect for and protection of national minorities;
- Albania has made amendments to Law 129/2009 on Civil Status Law, addressing the causes of non-registration at birth and statelessness;
- The Law on Protection against Discrimination has widened protection against discrimination on the basis of sexual orientation;<sup>173</sup>
- Albanian law provides repatriation assistance to Albanian citizen victims identified abroad.<sup>174</sup>

## 5.9. Frameworks for international coordination

Albania has concluded agreements concerning the fight against trafficking with several neighbouring countries and some of the main destination countries for trafficking of Albanian victims, including Greece, Macedonia, Kosovo, Montenegro. In addition, Albania is actively participating in various regional initiatives, such as MARRI and SEE Police Cooperation Convention, with the aim of further enhancing identification of victims or potential victims of human trafficking.<sup>175</sup> Meetings held by the Office of the National Anti-Trafficking Co-ordinator with Montenegro's authorities in 2014 resulted in the signing of an additional protocol on the "Stepping up of co-operation in combating trafficking in human beings and improvement of identification, notification, referral and assisted voluntary returns of victims and potential victims of trafficking in human beings".<sup>176</sup> This Protocol supplements the Agreement between the Council of Ministers of Republic of Albania and the Government of Republic of Montenegro on cooperation in the field of organised crime, terrorism, illicit trafficking and other illegal activities. Following the additional protocol, a Joint Declaration was signed between the National Coordinators of Albania, Kosovo and Montenegro to unify the standards of operating procedures.<sup>177</sup>

A Memorandum of Understanding was signed on 4 December 2014 with the United Kingdom, with a view to improving identification, referral and assisted return of victims and potential victims of trafficking.<sup>178</sup> Albania has also ratified the Police Co-operation Convention for South-East Europe,<sup>179</sup> and has concluded an agreement on strategic and operational co-operation with Europol in 2014 paving the way for exchanges of information with member

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<sup>173</sup> See OHCHR, above n 64, 2.

<sup>174</sup> See US Department of State (2020), above n 12, 69. Authorities assisted in the voluntary repatriation of six Albanian victims (three in 2018).

<sup>175</sup> GRETA (Council of Europe), above n 48, 46

<sup>176</sup> GRETA (Council of Europe), above n 52, 37

<sup>177</sup> GRETA (Council of Europe), above n 48, 46

<sup>178</sup> GRETA (Council of Europe), above n 52, 37. See also GRETA (Council of Europe), above n 48, 46

<sup>179</sup> Police Cooperation Convention for Southeast Europe Secretariat, available [here](#).

countries and others having signed an agreement.<sup>180</sup>

## 5.10. Key challenges to effective antislavery governance

In view of the above, the areas remaining as key challenges for the implementation of an effective antislavery framework are:

- **Corruption and organised crime**, which foster a culture of impunity: infiltration by organised crime groups and the corruption of public officials in Albania may contribute to State fragility, which results in failures in delivering crucial public goods such as safety, security, and other basic services.<sup>181</sup>
- **Poverty**: poverty creates a breeding ground for vulnerability to emerge. On the other side of the coin, it can turn men and women to smugglers or traffickers, as a way of escaping from extreme poverty.<sup>182</sup>
- **Structural imbalances**: gender abuse and social exclusion, especially among Roma and Egyptian communities, are also major contributors to vulnerability.<sup>183</sup>

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<sup>180</sup> Europol, 'Operational Agreements' (2013), available [here](#).

<sup>181</sup> Shahzad Fouladvand and Tony Ward, above n 67, 44.

<sup>182</sup> Ibid, 52

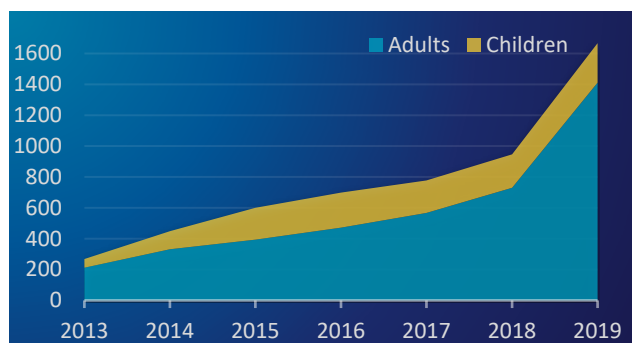
<sup>183</sup> Gloria La Cava and Rafaella Nanetti, 'Albania: Filling the Vulnerability Gap' (World Bank Technical Paper no. 460, 2000), 1, available [here](#).

## 6. Experiences of modern slavery of Albanian nationals in the UK

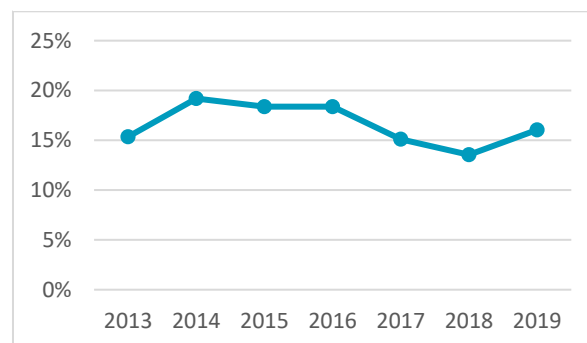
### 6.1. Albanian nationals in the UK National Referral Mechanism

Albanian nationals have consistently been in the top three nationalities represented in UK National Referral Mechanism referrals from 2013-2019, and has often been the top country of origin for potential victims referred into the NRM. From 2013-2019, Albanian nationals represented 14%-19% of total annual referrals. The number of Albanian nationals referred into the NRM has steadily increased year by year, rising from 268 potential victims referred in 2013, to 1705 referrals in 2019. Adults have always made up the majority of Albanian nationals in the NRM, with between 56 (2013) and 256 (2019) Albanian nationals referred who were minors at the time of their exploitation from 2013-2019.<sup>184</sup> As a proportion of Albanian nationals

Number of Albanian nationals referred into the NRM by age at time of exploitation



Proportion of potential victims referred into the NRM that are Albanian nationals



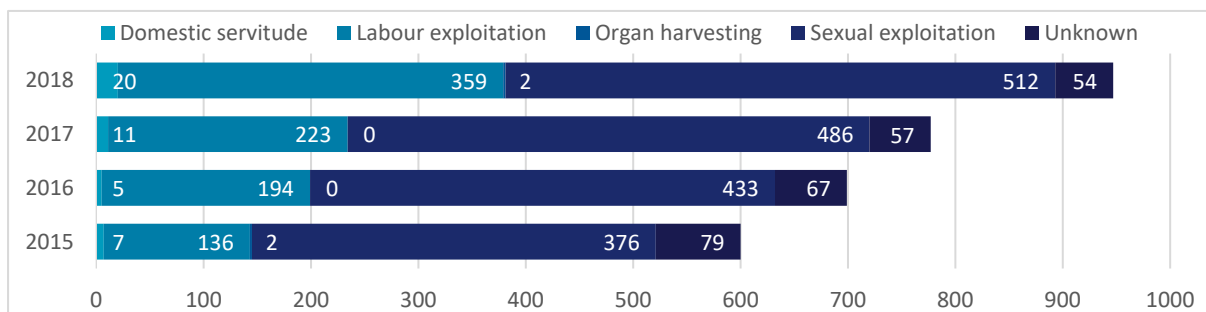
referred, people exploited as minors range from 15% (2019) to 34% (2015). While the total number of Albanian referrals has increased over time, the proportion of referrals that are Albanian nationals has remained relatively steady.

Sexual exploitation is the most commonly recorded form of exploitation reported for Albanian nationals referred into the NRM, representing between 54% (2018) and 63% (2015 and 2017) of cases annually. This is followed by labour exploitation, representing 23% (2015) to 38% (2018) of cases. A relatively small proportion of Albanian potential victims are recorded as having experienced domestic servitude, and four were recorded as potential victims of trafficking for organ harvesting (two in 2015, and two in 2018). While gender data was not disaggregated by nationality from 2015-2019, NRM reports included such data in the 2013 and 2014 reports. In these years, the majority of Albanian nationals referred into the UK NRM were female (87% in 2013 and 78% in 2014)—consistent with the trend of victims of sexual

<sup>184</sup> Home Office, 'National Referral Mechanism Statistics UK: End of Year Summary 2019: Data tables' 2<sup>nd</sup> edn available [here](#); National Crime Agency, 'National Referral Mechanism Statistics – End of Year Summary 2018' (2019) available [here](#); National Crime Agency, 'National Referral Mechanism Statistics – End of Year Summary 2017' (2018) available [here](#); National Crime Agency, 'National Referral Mechanism Statistics – End of Year Summary 2016' (2017) available [here](#); National Crime Agency, 'National Referral Mechanism Statistics – End of Year Summary 2015' (2016) available [here](#); National Crime Agency, 'National Referral Mechanism Statistics – End of Year Summary 2014' (2015) available [here](#); National Crime Agency, 'United Kingdom Human Trafficking Centre: National Referral Mechanism Statistics 2013' (2014) available [here](#).

exploitation being majority female.

Number of Polish nationals referred into the NRM by exploitation type<sup>185</sup>



## 6.2. Typical journeys from Albania to the UK for trafficking victims

As it is shown in the 2019 IOM/University of Bedfordshire’s analysis on vulnerabilities of Albanian victims to trafficking, victims who were trafficked from Albania to the UK were often exploited in another European country. Both key informants and trafficked persons in the study suggested that “most Albanians trafficked to the UK travel across land and sea with ferry journeys made from Albania to Italy and then a ferry journey from France to the UK”.<sup>186</sup> Further, while people might not have to pay significant sums of money upfront, quickly after arrival in the country of destination they may be told that they owe a debt for the cost of the journey, which is subsequently used as a means for exploiting them.<sup>187</sup>

Trafficking journeys from Albania to the UK are often influenced by deception, with ostensibly “rational decision making” at the beginning of the journey from Albania encumbered by “limited or unreliable information about costs, length, dangers, legal requirements, alternatives, or situation en route and at destination.”<sup>188</sup> Journeys can become increasingly precarious as they progress, and individuals experience rapidly changing vulnerabilities in transit. These are noted to include “violence, extortion, abuse, exploitation, lack of food or water and social exclusion, and sometimes death” with risks and harms tending to “increase over time while capacities to mitigate or resist them reduces, as people become increasingly dependent on others that can cause them harm, when communication and access to support is limited and debts increase”.<sup>189</sup>

## 6.3. Experiences of exploitation in the UK

There is a lack of reliable data about the specific experiences of exploitation of Albanian nationals in the UK. The majority of adult potential victims from Albania (67%) are recorded as having been sexually exploited,<sup>190</sup> although the possibility of extrapolating this to the wider, unreported victim population is limited. Further, an increase in the number of trafficked children from Albania who were subjected to forced labour in building sites or for criminal

<sup>185</sup> Ibid. Note that exploitation type data is not disaggregated by nationality in the 2013, 2014, or 2019 data and these years are therefore excluded.

<sup>186</sup> Patricia Hynes et al, “Between Two Fires”: Understanding Vulnerabilities and the Support Needs of People from Albania, Viet Nam and Nigeria who have experienced Human Trafficking into the UK” (IOM, University of Bedfordshire and IASR, 2019), 74, available [here](#).

<sup>187</sup> Ibid, 67.

<sup>188</sup> Ibid, 10.

<sup>189</sup> Ibid.

<sup>190</sup> UK Home Office, ‘2019 UK Annual Report on Modern Slavery’ (October 2019), 10, available [here](#).

activities has been highlighted.<sup>191</sup> Further research and data is required to understand the experiences of Albanian national victims of modern slavery in the UK, and to determine whether these experiences are significantly shaped by victims' nationality.

#### 6.4. Consequent effects of trafficking on survivors

Human trafficking exerts psychological effects on survivors that persist after intervention, and even after community reintegration. Effects include anxiety, depression, alienation, disorientation, aggression, suicidal ideation, attention deficit, and posttraumatic stress disorder (PTSD). In this context, community supports and coping mechanisms may mitigate these effects.<sup>192</sup> Qualitative research regarding Albanian victims trafficked into the UK suggests that trauma makes the disclosure of maltreatment notoriously difficult, "particularly if there is any form of social stigma attached to experiences, for example sexual abuse".<sup>193</sup> Rehabilitation, empowerment and reintegration into society also constitute a challenge, although appropriate support can be "the beginning of a success".<sup>194</sup> A key finding in the IOM/Bedfordshire study is that given the continuum of violence and abuse, high levels of trauma are subsequent. Victims therefore require greater support around mental health than is currently available.<sup>195</sup>

#### 6.5. Particular needs, requirements, and considerations for support and engagement

Vulnerability to trafficking is influenced by overlapping and interconnected risk factors, operating at different personal and social levels, which may vary from country to country. To build on prevention work in Albania, it is necessary to combine immediate anti-trafficking work alongside longer term interventions. Apart from the need for structural changes, such as eliminating violence against women and children and supporting developments in the rule of law, particular needs have been identified. For instance, the importance of 'seeking justice', especially in contexts of family's rejection or abandonment, have been stressed, as have processes that allow people to 'feel safe' and 'believed', awareness-raising activities in remote communities, adequate opportunities for victims of trafficking to be supported, both in the short and long-term, mental health assistance, and institutional trust-building in the NRM process amongst Albanian communities. These activities have been characterised as crucial for survivors' "longer-term ability to restore trust in their everyday lives".<sup>196</sup>

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<sup>191</sup> Jaime Doward, 'Surge in Albanian child slaves trafficked to Britain' *The Guardian* (17 October 2015), available [here](#).

<sup>192</sup> See David Okech, Nathan Hansen, Waylon Howard, John K. Anarfi and Abigail C. Burns, 'Social Support, Dysfunctional Coping, and Community Reintegration as Predictors of PTSD Among Human Trafficking Survivors', (2018) 44 *Behavioral Medicine* 209, 209-218; and Asefch Haileselassie Reda, 'An investigation into the experiences of female victims of trafficking in Ethiopia', (2018) 11 *African and Black Diaspora: An International Journal* 87.

<sup>193</sup> Patricia Hynes et al, above n 186, 83.

<sup>194</sup> *Ibid*, 93.

<sup>195</sup> *Ibid*, 103.

<sup>196</sup> *Ibid*, 115-116.

## 7. The impact of COVID-19

### 7.1. The Government's response to COVID-19

Since detecting its first COVID case on March 8th, and due to its proximity and close links to Italy, Albania adopted some of the toughest restrictive measures in Europe in response to the COVID-19 crisis. The state of emergency, which enabled the government to use extended powers for three months, ended on 23 June 2020. As of May 2020, the Government started the de-confinement process. Borders were progressively reopened from 01 June and touristic activities (under health and safety protocols) were restarted.<sup>197</sup>

The Government of Albania has devoted \$65 million for the most immediate needs of the disadvantaged part of the population, for small businesses, and for the potential unemployment.<sup>198</sup> The OSCE report on the Albanian response to the COVID-19 crisis details the measures adopted with the aim of supporting the population:<sup>199</sup>

- **Unemployment benefits** were doubled during the pandemic. As of 20 April, from the expanded economic package, 176,000 families were planned to receive 40,000 leks [\$365.46] during the COVID-19 pandemic. This was to include 100,000 employees from small businesses affected by the situation, 66,000 employees from large businesses and 10,000 employees from the tourism sector. Businesses that did not apply for their employees were to be fined.
- **Support for vulnerable groups:** Persons receiving social assistance were to receive double the amount during the pandemic. The payment of rent was postponed for the months of April and May for small businesses, families that have stopped working due to the COVID-19 situation, and students that moved back home during the pandemic.
- **Support for education:** Albania developed a range of televised courses for primary and secondary students airing on national TV channels. Distance learning was also available via online platforms. The
- **Punishment for breaching restrictions:** Parliament also adopted on April 18th amendments to the Criminal Code, legislating harsh punishments for those breaching the lockdown or quarantine requirements.<sup>200</sup>

### 7.2. The impact of COVID-19 on workers and modern slavery victims

Albania was recently hit by earthquakes, which took a toll on physical infrastructure. Combined with this, the economic slowdown associated with COVID-19 may be particularly harmful to Albania's economy. This will add additional burden to its budgets, already stretched by efforts to counter the damaging economic effects of the coronavirus outbreak. Furthermore, all currencies in the Western Balkans have depreciated since the outset of the COVID-19 crisis, but the Albanian LEK has been the worst hit. As the OECD Report on Western Balkans explains, "The depreciation of local currencies directly affects enterprises' ability to make payments

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<sup>197</sup> All measures taken by the Albanian government are available here: OECD, 'The COVID-19 crisis in Albania' (2020), available [here](#). Albania opened land borders on June 1st, resumed maritime passenger transport on June 22nd with no requirements for quarantine for incoming visitors. See International Monetary Fund, 'Policy responses to COVID-19' (2020), available [here](#).

<sup>198</sup> OECD, 'COVID-19 crisis response in South East European economies' (2020), available [here](#).

<sup>199</sup> Ibid, 5

<sup>200</sup> See International Monetary Fund, above n 197.

denominated in foreign currency, which is especially problematic for the Western Balkans as foreign exchange denominated loans represent 58% of all loans (excluding Kosovo and Montenegro)".<sup>201</sup> To address Albania's urgent balance of payments need, the IMF approved \$190.5 million (US) in financial assistance under the Rapid Financing Instrument.<sup>202</sup> Taking into account the already high levels of poverty and informal economy,<sup>203</sup> the COVID-19 crisis will likely disproportionately affect a large number of people belonging to vulnerable groups. The economic restraints also limit the margins of action of the government of Albania.

More specifically, Roma in Albania have been disproportionately affected by lockdown measures implemented by the Government. The European Roma Rights Centre reported that have been indirectly discriminated against by the State's emergency financial measures because they are aimed at workers in the formal sector. Taking into account that Roma people proliferate within the informal sectors, they were *de facto* excluded from this scheme.<sup>204</sup>

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<sup>201</sup> OECD, above n 198 5.

<sup>202</sup> See International Monetary Fund, above n 197.

<sup>203</sup> About 36.2% of GDP over the period 1996-2012. Merita Boka and Giuseppe Torluccio, 'Informal Economy in Albania', (2013) 2 *Academic Journal of Interdisciplinary Studies* 212, 220.

<sup>204</sup> Bernard Rorke and Jonathan Lee (European Roma Rights Centre), 'Roma Rights in the time of COVID' (September 2020), 5-6.