Home Office

Country Information and Guidance

Albania: Trafficking

09 September 2015

Preface

This document provides guidance to Home Office decision makers on handling claims made by nationals/residents of – as well as country of origin information (COI) about – Albania. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether - in the event of a claim being refused - it is likely to be certifiable as 'clearly unfounded' under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Within this instruction, links to specific guidance are those on the Home Office's internal system. Public versions of these documents are available at https://www.gov.uk/immigration-operational-guidance/asylum-policy.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the Common EU [European Union] Guidelines for Processing Country of Origin Information (COI), dated April 2008, and the European Asylum Support Office's research guidelines, Country of Origin Information report methodology, dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please email: CPI@homeoffice.gsi.gov.uk.

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office's COI material. The IAGCI welcomes feedback on the Home Office's COI material. Information about the IAGCI's work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's website at http://icinspector.independent.gov.uk/country-information-reviews/

It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

IAGCI may be contacted at:

Independent Chief Inspector of Borders and Immigration,
5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN.
Email: chiefinspectorukba@icinspector.gsi.gov.uk
Website: http://icinspector.independent.gov.uk/country-information-reviews

Contents

Preface

	Paragraphs
Trafficking	
Guidance	1.0
Basis of claim	1.1
Specific issues	1.1.1
Consideration of issues	1.1.2
Information	2.0
Overview	2.1
Trafficking routes	2.2
Prosecution	2.3
Legislation	2.4
Implementation	2.5
Assistance to victims of trafficking (VoTs)	2.6

Context

Annex A: Map of Albania	
Annex B: Caselaw AM and BM (Trafficked women) Albania CG [2010] UKUT 80 (IAC) (18 February 2010) VD (Trafficking) Albania CG [2004] UKIAT 00115 (26 May 2004)	

1. Guidance

Updated 09 September 2015

1.1 Basis of claim

1.1.1 Risk of –

(a) being trafficked;

(b) being retrafficked;

(c) harm/mistreatment from those who trafficked them or other non state actors, if returned to Albania.

See caselaw VD

Specific issues

- Is the person accepted as being a victim of trafficking?
- Do victims of trafficking from Albania form a particular social group (PSG)?
- Is the person at real risk of being re-trafficked or, harmed/mistreated by traffickers or other non state actors?
- Are those at risk able to seek effective protection?
- Are those at risk able to internally relocate within Albania?

See Asylum Instructions on Considering the asylum claim and assessing credibility

See country information

Consideration of issues

Is the person accepted as being a victim of trafficking?

1.1.2 Only trained specialists in the UK's designated competent authorities can decide whether or not there are reasonable grounds to accept the person as a victim of trafficking. Therefore, if it has not already been done, decision makers dealing with the asylum claim must make an appropriate referral to the National Referral Mechanism (NRM). The case will then be routed to a 'competent authority'.

See Victims of human trafficking: competent authority guidance

See Asylum Instruction Considering the asylum claim and assessing credibility.

Do victims of trafficking for sexual exploitation form a particular social group (PSG)?

1.1.3 In the country guidance case of AM and BM (February 2010) the Upper Tribunal concluded that trafficked **women** from Albania are a particular social group [para 166]. This is because they share a common characteristic that cannot be changed and they have a distinct identity in Albania which is perceived as being different by the surrounding society.

Is the person at real risk of being re-trafficked or, harmed/mistreated by traffickers or other non state actors?

1.1.4 In AM and BM (February 2010), the Upper Tribunal considered the available evidence on the risk of re-trafficking and found that

it is extremely difficult to reach any clear conclusions about the number of women who are re-trafficked let alone the number who are re-trafficked against their will, particularly given that the figures of re-trafficked women using the shelters is high but that they may well not be a representative group. All that can be concluded is that there is evidence that some victims of trafficking have been re-trafficked and that of those re-trafficked some are forcibly re-trafficked against their will [para 145].

See Caselaw

See country information

1.1.5 The Tribunal went on to note that there is a wide range of ways in which women are trafficked from Albania and there is evidence that women who have worked abroad may wish to return to what they consider to be a preferable way of life to living in poverty in Albania. The Tribunal accepted that there may be some women who return to traffickers voluntarily because they wish to leave Albania, possibly because they feel that their position is so compromised there as ""kurva"" [those who would be considered to be of loose morals within the context of the standards of behaviour which were expected of Albanian women] that it would only be outside Albania they would be able to find a husband. [para 146].

See Asylum Instruction Considering the asylum claim and assessing credibility and, where appropriate, Gender Issues in the Asylum Claim

See country information

Fear of rejection from family

1.1.6 The Tribunal in AM and BM also found that there will be cases where families reject the victim of trafficking. If a victim of trafficking has a child there would be cases where a family would not accept the child back as it would be a visible reminder of the fact that their daughter or sister was "unclean". In extreme cases children can be abandoned. There is evidence that in the past honour killings have taken place when a daughter or sister is considered to have dishonoured the family by her conduct even though she was the victim of rape. However, the evidence indicates that such "honour" killings are now very rare indeed [para 153 -154].

See Caselaw

Are those at risk able to seek effective protection?

1.1.7 There are Government programmes for the re-integration of the victims of trafficking. There is training for police and judges and officers at the borders. There have also been the prosecutions of those involved in trafficking.

See Asylum Instructions on Considering the asylum claim and assessing credibility

1.1.8 In the country guidance case of AM and BM (February 2010) the Upper Tribunal found that while the Albanian Government and authorities have taken steps to protect trafficked women who return, such steps have not always been fully effective. The Upper Tribunal stated that when considering whether or not there is a sufficiency of state protection for a trafficked woman who is to be returned, her particular circumstances must be considered. Not all trafficked women returning to Albania will be unable to access the arrangements and facilities available to enable successful re-integration (headnote e.).

See country information

See Caselaw

1.1.9 However, since 2010, the Albanian Government has made significant efforts to fight human trafficking and has created legislative, organisational and operational frameworks in the areas of investigation, prosecution, protection and prevention.

See country information

1.1.10 During 2013 the government increased anti-trafficking law enforcement efforts, improved its legislation for criminal offences, and sufficiently punished convicted offenders. In 2013, the criminal code was amended to strengthen its anti-trafficking provisions, including by raising the minimum sentence for trafficking of adults from five to eight years' imprisonment and increasing the sentences for trafficking of minors (from seven-15 years to 10-20 years); adding internal trafficking as a criminal offence; and criminalising facilitating trafficking by forging, removing, damaging, or otherwise manipulating identity documents and criminalising benefiting from or using the services of a trafficked person.

1.1.11 The government, in cooperation with NGOs, trained regional anti-trafficking committee members, government officials, social service workers, police, school teachers, and labour inspectors on implementing victim identification and referral procedures. During 2013 the government also increased the number of judicial police and special prosecutors assigned to trafficking cases. In October 2013, the government appointed a new national anti-trafficking coordinator, who in December 2013 initiated the development of a special taskforce to improve coordination among police, prosecutors, and judges.

See country information

1.1.12 The government has also increased anti-trafficking protection efforts by increasing identification and referral of trafficking victims to appropriate services, and by providing financial assistance to victims. The government encourages victims to participate in investigations and prosecutions of trafficking offenders by providing victim and/or witnesses access to social workers and psychologists during trials. The Serious Crimes Prosecution Office in Tirana is the only office that employs a victim-witness coordinator but victims outside Tirana also have access to this service.

See country information

1.1.13 There are a number of non governmental organisations in Albania who are active in trafficking issues and can potentially assist the person to avail themselves of the protection of the state. There is one state-run shelter for victims of trafficking. It provides limited services, but works in collaboration with NGOs to meet the needs of victims. There are three shelters operated by NGOs which provide comprehensive services including psychological care, legal assistance, medical care, reintegration services, and assistance for victims' children.

See Asylum Instructions on Considering the asylum claim and assessing credibility

1.1.14 Victims of trafficking voluntarily returning from the UK to Albania, including those with children, can if they choose, be accommodated in the state-run secure National Reception Centre for Victims of Trafficking, guarded by special police 24/7.

The centre offers on site accommodation, health, psycho-social, legal and rehabilitation assistance for victims (and their children). This is a state facility but advised by the International Organisation for Migration and funded in part by UNICEF and the Austrian Development Cooperation.

1.1.15 Decision makers must take particular account of the individual circumstances relating to the case and consider whether there are good reasons that effective protection available from either state or non-state entities could not be accessed. Factors to be taken into account include:

See country information

(i) the social status and economic standing of the trafficked persons family;
(ii) the level of education of the trafficked person or their family;
(iii) the trafficked persons state of health, particularly their mental health;
(iv) the presence of an illegitimate child, particularly in regards to women;
(v) the area of origin of the trafficked persons family;
(vi) the trafficked persons age;
(vii) the influence of traffickers;
(viii) the result of previous attempts to access protection; and
(ix) what support network (friends/family) will be available to the applicant on return.

1.1.16 When considering whether persons who are accepted as being victims of trafficking should also qualify for asylum, decision makers should consider carefully the potential protection and reintegration remedies available in Albania. They should also be prepared to explore any reasons given by the applicant as to why they would be unable to benefit from such arrangements.

Are those at risk able to internally relocate within Albania?

1.1.17 Decision makers must make a case-specific assessment of the particular profile of the person, the nature of the threat and how far it would extend and whether it would be unduly harsh to expect them to relocate.

1.1.18 The onus is on the person to demonstrate why they believe they would be unable to relocate to a specific town/city to mitigate any risk. Tirana, for example, is a city of some 400,000 inhabitants and there are services available there specifically tailored to ensure the safety and re-integration of victims of trafficking.

See Asylum Instruction on Internal Relocation

Policy summary

Although trafficking continues to be a problem in Albania, the Albanian Government has made significant efforts in recent years to fight human trafficking and has created legislative, organisational and operational frameworks in the areas of

investigation, prosecution, protection and prevention.

In general, the Albanian government government now provides effective protection for victims of trafficking. A person from Albania is unlikely to qualify for a grant of asylum or humanitarian protection on the basis of a human trafficking claim unless they can demonstrate why these arrangements would not be able to assist them.

Female victims of trafficking in Albania are members of a particular social group. However, establishing such membership will not be sufficient for recognition as a refugee. The question to be addressed in each case will be whether a particular person will face a real risk of persecution on account of their membership of such a group.

Where a claim falls to be refused, it must be considered for certification under section 94 of the Nationality, Immigration and Asylum Act 2002 as Albania is listed as a designated state. However, the claim must be considered on its individual merits to determine whether it is clearly unfounded.

Return to contents

See asylum process guidance on Non suspensive appeals certification under section 94 of the NIA Act 2002

2. Information

Updated 09 September 2015

2.1 Overview

2.1.1 The Council of Europe, G R E T A, Group of Experts on Action against Trafficking in Human Beings Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Albania, dated 02 December 2011, stated that:

> 'As indicated by the Albanian authorities, Albania is a country of origin for victims of trafficking in human beings (THB). Although Albania used to be a country of transit, according to the Albanian authorities, this is no longer the case. No foreign victims of THB have been identified in the last three years. The Albanian authorities have identified 108 victims of trafficking in 2008 (89 women and 19 children), 94 in 2009 (72 women and 22 children), and 97 (83 women and 14 children) in 2010. No men have been identified as victims of trafficking. All the victims of THB identified to date have been Albanian nationals, the great majority of them being victims of transnational trafficking, mainly for the purpose of sexual exploitation. The main destinations have been Italy, Greece and Kosovo. Only one victim of labour exploitation was identified in 2010. However, there have also been cases of national trafficking (i.e. within Albania), a phenomenon which is reportedly on the increase, particularly in connection with migration from rural areas to towns and seasonal migration to places of tourism (trafficking of women for the purpose of sexual exploitation and children for the purpose of sexual exploitation and/or exploitation of begging).' [1]

2.1.2 The US Department of State Trafficking in Persons Report 2014 (USSD TIP Report 2014): Albania, published on 20 June 2014, stated that:

> 'Albania is a source and destination country for men, women, and children subjected to sex trafficking and forced labor. Albanian women and child victims are primarily subjected to sex trafficking within Albania and in Greece, Italy, Macedonia, Kosovo, Belgium, Netherlands, Germany, Switzerland, Ireland, and the United Kingdom. Criminal groups fraudulently recruit women with offers of employment in waitressing, bartending, dancing, or singing in neighboring countries, specifically in Kosovo, Greece, and Macedonia, and subject them to sex trafficking. Victims from the Philippines and Albania were subjected to forced labor in Albania. There is an increasing problem of Albanian children, often of the Roma ethnicity, being subjected to forced begging and other forms of compelled labor in Greece, Kosovo, and within Albania. Some Albanian girls are subjected to sex trafficking or forced labor following arranged marriages.' [2]

---

[1] Council of Europe, G R E T A, Group of Experts on Action against Trafficking in Human Beings, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Albania, 2 December 2011 (p2) http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Reports/GRETA_2011_22_FGR_ALB_en.pdf date accessed 07 May 2014

[2] United States Department of State, 2014 Trafficking in Persons Report - Albania, 20 June 2014 (p1) http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226665.htm date accessed 23 June 2014

2.1.3 The Serious Organised Crime Agency (SOCA) [as it was known at the time], in a report, UKHTC: A Strategic Assessment on the Nature and Scale of Human Trafficking in 2012, dated August 2013, stated, in regard to Albanian trafficking to the UK, that:

> 'There was an increase of 69 (182 percent) in potential victims of trafficking from Albania compared to those encountered during 2011 from 38 to 107. Of the 107 potential victims encountered in 2012, 82 (77 percent) reported having been sexually exploited, 85 (79 percent) were adults and 22 (21 percent) children. Of those reporting sexual exploitation, the majority (72, 88 percent) were adults, with 10 (12 percent) being children. [3]
>
> 'In 2011, 31 potential victims from Albania reported that they had been sexually exploited compared to 82 in 2012. There is little information on how travel to the UK was arranged or paid for but in many cases alleged exploitation occurred before the potential victim arrived in the UK. [4]
>
> 'Of the Albanian females who reported they had been sexually exploited, the most common recruitment method reported was that they met a male, a romantic relationship developed and the female was offered a better life or marriage in a different country. On arrival, they reported this male sexually exploited them. In many cases, they stated the sexual exploitation occurred in Albania, Italy, Greece or Belgium and they escaped this exploitation and travelled to the UK for safety.' [5]

2.2 Trafficking Routes

2.2.1 The Protection Project, in its report A Human Rights Report on Trafficking in Persons, Especially Women and Children, 5 October 2010 stated that:

> '… In the last few years, Albania has increasingly become a transit country for men, women, and children, recruited into the trafficking chain, coming from Eastern Europe. In 2007, Greece was reported as the main destination for trafficked victims transited, from or through, Albania. The traffickers primarily use land routes and falsified documents to transfer their victims across borders. Kidnapping and deception of young women and girls for commercial sexual exploitation remains the main "recruiting" method used by traffickers. Once transported to the destination country, they are forced into prostitution and are brutally abused. The trafficking in children to Greece can be divided in trafficking for sexual exploitation and begging related forms of labor.'[6]

2.2.2 The report continued:

> 'Due to its vicinity to Western Europe, especially Greece and Italy, and its proximity to North Eastern bordering countries, Albania has been used as a main trafficking route

[3] Serious Organised Crime Agency- Intelligence assessment, UKHTC: A Strategic Assessment on the Nature and Scale of Human Trafficking in 2012, August 2013 (p7) http://www.ecpat.org.uk/sites/default/files/ext-6538_ukhtc_strategic_assesssment_on_human_trafficking_2012_v1.01.pdf date accessed 07 May 2014

[4] Serious Organised Crime Agency- Intelligence assessment, UKHTC: A Strategic Assessment on the Nature and Scale of Human Trafficking in 2012, August 2013 (p10) http://www.ecpat.org.uk/sites/default/files/ext-6538_ukhtc_strategic_assesssment_on_human_trafficking_2012_v1.01.pdf date accessed 07 May 2014

[5] Serious Organised Crime Agency- Intelligence assessment, UKHTC: A Strategic Assessment on the Nature and Scale of Human Trafficking in 2012, August 2013 (p12) http://www.ecpat.org.uk/sites/default/files/ext-6538_ukhtc_strategic_assesssment_on_human_trafficking_2012_v1.01.pdf date accessed 07 May 2014

[6] The Protection Project, A Human Rights Report on Trafficking in Persons, Especially Women and Children, 5 October 2010 http://www.protectionproject.org/wp-content/uploads/2010/09/Albania.pdf date accessed 07 May 2014

and hub for traffickers.… Other common factors contributing to trafficking in persons in Albania are economic disparity, inadequate border control, widespread corruption, and lack of opportunities and education for young people, particularly women. The poverty—especially in rural areas—has created a sense of desperation and hopelessness among young women and girls, making them vulnerable to the false promises and deception used by traffickers.' [7]

2.3 Prosecution

2.3.1 The US Department of State Trafficking in Persons Report 2014 (USSD TIP Report 2014): Albania, published on 20 June 2014, stated that:

'The Government of Albania increased anti-trafficking law enforcement efforts over the last year, improved its legislation for criminal offenses, and sufficiently punished convicted offenders. Albania's criminal code prohibits sex and labor trafficking under Articles 110(a) and 128(b), which prescribe penalties of eight to 15 years' imprisonment. These penalties are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape. In 2013, the criminal code was amended to strengthen its anti-trafficking provisions, including by raising the minimum sentence for trafficking of adults from five to eight years' imprisonment and increasing the sentences for trafficking of minors (from seven-15 years to 10-20 years); adding internal trafficking as a criminal offense; and criminalizing facilitating trafficking by forging, removing, damaging, or otherwise manipulating identity documents; as well as benefiting from or using the services of a trafficked person.

2.3.2 The same report stated that:

'The Serious Crimes Prosecutor's Office reported investigating 24 suspected human traffickers in 2013, compared with cases involving 11 suspects in 2012, but did not disaggregate data to demonstrate that it made efforts against both sex trafficking and forced labor. One case went to trial during the year in which three alleged traffickers were charged under Article 110(a), which remained pending at the close of the reporting period. The remaining cases were either dropped, are still under investigation, or are in pre-trial procedures. In 2012, the government reported convicting two defendants and dismissing the prosecutions of two others. The Serious Crimes Court convicted two offenders for trafficking in persons, each sentenced to 15 years' imprisonment, the same number of convictions as were achieved in 2012. Prosecutors reopened for investigation a case of two Albanian men who claimed they were trafficked to Equatorial Guinea for forced labor.

2.3.3 And that

'Albanian law enforcement officials coordinated with police on a trafficking investigation in Italy, Germany, and Switzerland, resulting in the arrest of five traffickers in Albania. During 2013, the government trained 57 judges, prosecutors, and police officers on investigation and prosecution of traffickers, and on victim identification and protection. The government increased the number of judicial police and special prosecutors assigned to trafficking cases from three to seven during the reporting period. In December 2013, the national anti-trafficking coordinator initiated the development of a special taskforce to improve coordination among police,

[7] The Protection Project, A Human Rights Report on Trafficking in Persons, Especially Women and Children, 5 October 2010 http://www.protectionproject.org/wp-content/uploads/2010/09/Albania.pdf date accessed 07 May 2014

prosecutors, and judges. NGOs reported that police, prosecutors, and judges demonstrated improved understanding of a victim-centered approach to human trafficking, though further training is still needed. Corruption and high rates of turnover continued to be an issue within the police force, which hampered the efficacy of training. The government did not report any investigations or prosecutions of government officials allegedly complicit in human trafficking offenses during the year.' [8]

2.3.4 The European Commission, Albania 2013 Progress Report, Enlargement Strategy and Main Challenges 2013-2014 dated 16 October 2013, stated that:

'The number of convictions in corruption and in money laundering cases has increased, as has the number of investigations into the trafficking of people and drugs.'[9]

2.4 Legislation

2.4.1 The Protection Project, A Human Rights Report on Trafficking in Persons, Especially Women and Children, 5 October 2010 noted that:

'The Criminal Code (CC) of the Republic of Albania, which was enacted in a consolidated version in 2004, recognizes trafficking in persons as a criminal offense. Article 110/1 defines trafficking as 'Recruitment, transport, transfer, hiding, or reception of persons through threat or the use of force or other forms of compulsion, 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 services or work, slavery or forms similar to slavery, putting to use or transplanting organs, as well as other forms of exploitation.'

'The exploitation of children for labor, begging, or other forced services are also criminalized under the 2004 Criminal Code. Exploiting a child to forced labor or similar occupation is a criminal act and is punished by imprisonment for a term up to one year and a fine ranging from 50 thousand to 1 million lek [£284 - £5683]. [10] This article also criminalizes the sale of a child as means for organ donation, or illegal adoption, for purposes of profit. The crime is punished by imprisonment of up to 7 years.' [11]

2.4.2 The Council of Europe, G R E T A, Group of Experts on Action against Trafficking in Human Beings Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Albania, dated 02 December 2011, stated that:

---

[8] United States Department of State, 2014 Trafficking in Persons Report - Albania, 20 June 2014 (p2) http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226665.htm date accessed 23 June 2014

[9] European Commission, Commission Staff Working Document, Albania 2013 Progress Report accompanying the document Communication from the Commission to the European Parliament and the Council Enlargement Strategy and Main Challenges 2013-2014 {com(2013) 700 final} 16 October 2013 http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/brochures/albania_2013.pdf date accessed 07 May 2014

[10] XE Currency Converter http://www.xe.com/ date accessed 01 July 2014

[11] The Protection Project, A Human Rights Report on Trafficking in Persons, Especially Women and Children, 5 October 2010 http://www.protectionproject.org/wp-content/uploads/2010/09/Albania.pdf date accessed 07 May 2014

‘GRETA considers that the Albanian authorities should undertake an in-depth analysis of the implementation of trafficking-related provisions of the CC in order to identify the shortcomings and points on which clarification is needed (for example regarding the distinction between trafficking offences for the purpose of sexual exploitation and exploitation of prostitution with aggravating circumstances) and that the possibility of criminalising the knowing use of services of a victim of trafficking should be given close consideration.’ [12]

2.4.3 The Albanian government, in the Council of Europe, Report submitted by the Albanian authorities on measures taken to comply with Committee of the Parties Recommendation CP(2012)1 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, 29 January 2014, stated that:

‘The discrepancies between these two articles are resolved with approval of law no. 144/2013 on some amendments and supplements to the law no 7895, date 27.01.1995 on Criminal Code of the Republic of Albania, amended, adopted by the Albanian Parliament on May 2nd, 2013.

‘Article 114/b CC on exploitation of prostitution with aggravating circumstances was abrogated with this law and Article 110/a CC “trafficking in adults” was amended with law no. 144/2013 mentioned above distinguishing internal trafficking from cross-border trafficking putting thus an end to the legal disputes concerning this article implementation for internal trafficking cases as well.’ See Appendix for full text of the article.’ [13]

2.4.4 The report continued:

‘The Albanian Criminal Procedures Code (CPC) and the Criminal Code (CC) has gone through some extensive revision concerning victim’s access to justice, including the victim’s right to legal representation in penal proceedings by a qualified defense lawyer; THB provisions, including some necessary changes in the CC that guarantee non prosecution and conviction of the victims of trafficking for their involvement in criminal activities which they have been compelled to commit as a direct consequence of being subjected to THB, as well as the criminalization of receiving the victim’s services. As per the latter, a new article, article 110/b CC was added with law no. 144/2013 on some amendments and supplements to the law no 7895, date 27.01.1995 on Criminal Code of the Republic of Albania, amended, adopted by the Albanian Parliament on May 2nd, 2013, stipulating criminalization of the use of services of THB victims and of those who profit from their services, and is punishable with imprisonment from 2 -5 years.’ See Appendix for full text of the article. [14]

---

[12] Council of Europe, G R E T A, Group of Experts on Action against Trafficking in Human Beings, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Albania, 02 December 2011 (p44) http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Reports/GRETA_2011_22_FGR_ALB_en.pdf date accessed 07 May 2014

[13] Council of Europe, Report submitted by the Albanian authorities on measures taken to comply with Committee of the Parties Recommendation CP(2012)1 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, 29 January 2014 (p27) http://www.coe.int/t/dghl/monitoring/trafficking/Docs/CommitteeParties/Reply_REC/CP_2014_1_RR_ALB_en.pdf date accessed 07 May 2014

[14] Council of Europe, Report submitted by the Albanian authorities on measures taken to comply with Committee of the Parties Recommendation CP(2012)1 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, 29 January 2014 (p27)

2.4.5 Albania has also signed and ratified international conventions relating to human trafficking. Background information is discussed in an European Scientific Journal report of February 2013, Trafficking in Human Beings: Paradigms of a Successful Reintegration into Society. [15]

2.5 Implementation

2.5.1 The Council of Europe (G R E T A) Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Albania, First evaluation round, Strasbourg, 2 December 2011, reported that:

'As mentioned above (paragraph 25), the First Instance Court for Serious Crimes has been competent for the offences of trafficking in persons, women and minors since 2004. A total of four prosecutors are assigned to the Prosecutor's Office of this court and two of them form part of a unit specialised in prosecuting THB offences. A specialised judicial officer has been appointed to serve as a victims' co-ordinator. The Albanian authorities indicated that this number of specialised prosecutors and judges is adequate in view of the quantity of cases currently coming before the court (an average of 12 to 18 cases concerning THB per year) and as long as the number of cases does not significantly increase.

'The Albanian authorities have indicated that in 2008, 19 sets of proceedings were opened and 16 convictions were handed down for THB, and in 2009, 24 sets of proceedings were opened and seven convictions were handed down. All the sentences handed down were followed by custodial sentences. According to the Albanian authorities, in 2010 the police identified 37 cases of THB, 25 more than in 2009, and the Serious Crime Prosecution Office initiated criminal proceedings in 39 cases, 15 more than in the previous year. In 2010, the First Instance Court for Serious Crimes tried 19 cases related to THB and reached a decision on seven out of them resulting in the conviction of 11 persons.

'The specialisation of prosecutors and judges of the First Instance Court for Serious Crimes makes it possible to train them in protection and assistance for victims. Action against trafficking has formed part of the initial training of prosecutors and judges since 2003. Courses are also available in this area within the framework of further training. The judges and prosecutors assigned to the First Instance Court for Serious Crimes and the Prosecutor's Office attached to it receive specialised training on the offences covered, including trafficking. Basic police training includes modules on trafficking: of the 324 training courses organised in 2010 for chief inspectors for example, 27 were dedicated to action against trafficking. Occasionally, multidisciplinary training sessions are organised on the theme of trafficking, bringing together judges and doctors, for example. However, prosecutors and judges must be made aware of the phenomenon of national trafficking (see paragraph 59), and the need to prosecute these acts as such and as energetically as transnational trafficking.' [16]

---

http://www.coe.int/t/dghl/monitoring/trafficking/Docs/CommitteeParties/Reply_REC/CP_2014_1_RR_ALB_en.pdf date accessed 07 May 2014

[15] European Scientific Journal, February 2013 edition vol.9, No.4, Trafficking in Human Beings: Paradigms of a Successful Reintegration into Society (Albanian Case) http://www.eujournal.org/index.php/esj/article/view/769 date accessed 07 May 2014

[16] Council of Europe, G R E T A, Group of Experts on Action against Trafficking in Human Beings, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Albania, 02 December 2011 (p38)

See section: Prosecution for recent information on prosecutions.

2.5.3 The US Department of State Trafficking in Persons Report 2014 (USSD TIP Report 2014): Albania, published on 20 June 2014, observed that:

'In October 2013, the government appointed a new national anti-trafficking coordinator, who in December initiated the development of a special taskforce to improve coordination among police, prosecutors, and judges. Albanian law enforcement improved its understanding of a victim-centered approach to human trafficking, though further training is still needed to improve their operating effectiveness in identifying cases and leading them through prosecution. The government increased the number of victims identified, but prosecuted and convicted a small number of trafficking offenders. The government did not fund the NGO shelters that provided services to victims of trafficking. Victims received inadequate mental health services at the state-run shelter, and medical care staff needed training.' [17]

2.6 Assistance to victims of trafficking (VoTs)

2.6.1 The US Department of State Trafficking in Persons Report 2014 (USSD TIP Report 2014): Albania, published on 20 June 2014, stated that:

'The government increased anti-trafficking protection efforts by increasing identification and referral of trafficking victims to appropriate services, and by providing financial assistance to victims during the reporting period; however, bureaucratic hurdles prevented victims from accessing free healthcare that had previously been approved by the government. The government did not provide funding to NGO shelters. During the reporting period, the government reported that 95 victims of trafficking were identified in Albania; 92 were identified in 2012. Of these, 55 victims were identified and referred by the government in 2013, compared with 42 victims referred by the government in 2012. A total of 93 victims received care in state-run and NGO shelters; 27 victims were accommodated in the state-run shelter exclusively for trafficking victims. Of the 95 victims identified, 43 were child victims of trafficking. Twenty-one identified victims were subjected to labor trafficking.

2.6.2 It went on to state that

'The state-run shelter received the equivalent of approximately $182,000 in government funding. It provided limited services, but worked in collaboration with NGOs to meet the needs of victims. The government allocated the equivalent of approximately $50,000 to NGO shelters strictly for food expenses, but failed to disburse these funds. NGOs reported improved involvement of civil society partners and the government in the national referral mechanism.

2.6.3 And that

In 2013, law enforcement and social worker child protection units increased to 165 from 65 in 2012; the units have a direct role in identifying child victims of trafficking and ensuring their protection. In 2013, the government, in cooperation with police directorates and NGOs, established three joint mobile identification units, each

---

http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Reports/GRETA_2011_22_FGR_ALB_en.pdf date accessed 07 May 2014

[17] United States Department of State, 2014 Trafficking in Persons Report - Albania, 20 June 2014 (p1) http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226665.htm date accessed 23 June 2014

consisting of police and two NGO social workers; the units searched local communities for potential victims of trafficking.

'The government allocated and disbursed the equivalent of approximately $10,000 in financial support to 30 victims of trafficking. Victim advocates and NGOs reported that the state-run shelter lacked human, physical, and financial resources for longer-term care of victims of trafficking, including health, education, and employment services. Victim advocates reported that psychological services offered at the state-run shelter were inadequate and medical staff required further training. NGOs reported that victims were punished as a direct result of being in human trafficking situations. In 2012, at least three victims of sex trafficking were convicted of prostitution. In one case, the court issued both a conviction against the defendant for trafficking in persons, and simultaneously convicted the victim for prostitution. Lack of training and the high rate of turnover among prosecutors was a challenge to progress on this problem.' [18] '… [However] Under the new amendments, victims are now exempt from punishment for offenses committed during or as a result of being trafficked.' [19]

See Section: Legislation.

2.6.4 The Council of Europe (G R E T A) Report of 02 December 2011 reported that:

'Since 2004, if a victim of trafficking agrees to co-operate with the authorities, they may benefit from special protection, recently reinforced by Law No. 10/173 of 22 October 2009 on the Protection of Witnesses and Persons Collaborating with Justice. This special protection may include measures such as new identities, changes in place of residence, etc. …. In the view of the NGOs involved in protecting victims of trafficking, the special protection programme for victims of trafficking should be applied more often, given the real danger they face. This would facilitate prosecutions and give victims better protection.' [20]

See also paragraph 2.6.12

2.6.5 With regards to the prevention of trafficking, the USSD TIP Report 2014 noted that:

'The Government of Albania increased efforts to prevent trafficking in persons during the year. In October 2013, shortly after taking office, the government appointed a new national anti-trafficking coordinator. For the first time, the government designated a separate budget for the national anti-trafficking coordinator's office of the equivalent of approximately $50,000. The government also allocated funds for the regional anti-trafficking committees to address trafficking issues in local districts. The national coordinator was successful in restarting the 12 previously dormant committees around the country. During the reporting period, the committees were active in addressing trafficking issues in their districts through establishing local action plans and conducting various meetings in cooperation with civil society partners. The government, in cooperation with NGOs, trained regional anti-trafficking committee

[18] United States Department of State, 2014 Trafficking in Persons Report - Albania, 20 June 2014 (p3) http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226665.htm date accessed 23 June 2014
[19] United States Department of State, 2014 Trafficking in Persons Report - Albania, 20 June 2014 (p3) http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226665.htm date accessed 23 June 2014

[20] Council of Europe, G R E T A, Group of Experts on Action against Trafficking in Human Beings, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Albania, 02 December 2011 (p39) http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Reports/GRETA_2011_22_FGR_ALB_en.pdf date accessed 07 May 2014

members, government officials, social service workers, police, school teachers, and labor inspectors on implementing victim identification and referral procedures. Nevertheless, regional anti-trafficking committees and local officials continue to need further training and development.' [21]

2.6.6 In regard to the situation concerning trafficked women who have returned or, been returned, to Albania, in 'Trafficking and Human Rights: European and Asia-Pacific Perspectives' 30 September 2010: Edited by Leslie Holmes, Chapter 6. 'Between Social Opprobrium and Repeat Trafficking: Chances and Choices of Albanian Women Deported from the UK' by Stephanie Schwandner- Sievers stated that:

'Available figures and estimates regarding the Albanian trafficking issue sometimes appear to be stretched in opposite directions, according to conflicting political or other interests and sometimes to moralising attitudes that often bear little relation to the actual situation of transnational Albanian trafficking victims and sex workers. However, stereotypical attitudes, image anxieties and politically driven estimates can have a profound effect on the situation of those attempting to extricate themselves from their predicament and hoping to be given protection by the authorities back home after trafficking episodes. They can also be symptomatic of deeper problems, such as weak governance, that may affect the likelihood of protection. In particular, in Albania – as with many other countries – there still exists a problem of social 'shame' that causes discomfort within families, in wider society, and even on the national level, resulting in a preference for silence over open discussion of the serious issues …' [22]

2.6.7 The same publication continued:

'…the effects of deeply culturally embedded familism and corresponding stigma for Albanian women outside family protection and control, which effectively trap them in a 'social opprobrium' that renders the question of 'willing' or 'voluntary' retrafficking redundant. The notion of victimhood in relation to trafficked women appears as the result of modernisation processes in Albania. Attitudes informed by cultural 'shame' that both criminalise and direct the blame onto the 'whores' themselves, regardless of a history of coercion or consensus, are still ubiquitous in wider social attitudes.

'Yet because of the prevalence of engrained corruption in conjunction with cultural familism there appear, so far, to be no alternative forms of societal or state protection and security options available to trafficked persons after their return to Albania – other than family reintegration. This is seen by all Albanian stakeholders in the anti-trafficking fight, as well as by the women themselves, as the only long-term option apart from remarriage or success in the asylum system.' [23]

2.6.8 The European Commission, Albania 2013 Progress Report, Enlargement Strategy and Main Challenges 2013-2014 dated 16 October 2013, stated that:

---

[21] United States Department of State, 2014 Trafficking in Persons Report - Albania, 20 June 2014 (p4) http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226665.htm date accessed 23 June 2014

[22] International Research Centre on Social Minorities, http://www.ircsmngo.com/ 6. Between Social Opprobrium and Repeat Trafficking: choices and chances of Albanian women deported from the UK, Stephanie Schwandner-Sievers', extract from 'Human Trafficking, Human Rights and Non-Standard Migration: Australian, European and South-East Asian Perspectives'. Cheltenham: Leslie Holmes (ed.), Edward Elgar, published 30 September 2010 (Hard copy only) date accessed 07 May 2014

[23] International Research Centre on Social Minorities, http://www.ircsm.org/index.htm 6. Between Social Opprobrium and Repeat Trafficking: choices and chances of Albanian women deported from the UK, Stephanie Schwandner-Sievers', extract from 'Human Trafficking, Human Rights and Non-Standard Migration: Australian, European and South-East Asian Perspectives'. Cheltenham: Leslie Holmes (ed.), Edward Elgar, published 30 September 2010 (Hard copy only) date accessed 07 May 2014

‘Criminal Code amendments addressed the issue of internal trafficking in human beings, and criminalised the use of victims’ services. Cooperation between prosecution officials, police and the judiciary on trafficking has been stepped up. … Albania remains a source country for trafficking in adults and minors, including forced begging by children. The issue requires better coordination between law enforcement agencies and social services. Cultivation and trafficking of cannabis remains a serious threat.’ [24]

And

‘As regards access to justice, the Law on legal aid was amended in May [2013], introducing possible exemptions from judicial fees for victims of trafficking and domestic violence, and establishing local legal aid offices.’ [25]

2.6.9 The European Commission, Albania 2013 Progress Report, Enlargement Strategy and Main Challenges 2013-2014 dated 16 October 2013, stated that:

‘With regard to the fight against trafficking in human beings, recent amendments to the Criminal Code address the issue of internal trafficking, and criminalise the use of services of the victims. The Office of the National Anti-Trafficking Coordinator (ONATC) was actively engaged within the joint working group established between the Ministry of Interior, the General Prosecutor’s Office and the Ministry of Justice to discuss concrete trafficking cases in order to improve investigations and trial proceedings. Further strengthening of the ONATC is required. Police investigations and the use of special investigative means against trafficking in adults and minors show a positive trend. Yet, Albania remains a source country for trafficked adults and minors, including forced begging of children. Internal trafficking remains a concern and proactive investigations need to be further stepped up.’ [26]

‘A comprehensive, multidisciplinary and victim-oriented approach to trafficking in human beings still needs to be developed and the identification of victims needs to be improved. Albanian authorities should strengthen the coordination and referral mechanism and ensure that victims have unhindered access to assistance, support and protection, including re-integration upon return. It is essential that efforts on prevention and addressing demand of trafficking in human beings be stepped up. Transposition of international conventions relating to the fight against human trafficking should be completed.’ [27]

---

[24] Council of Europe, Report submitted by the Albanian authorities on measures taken to comply with Committee of the Parties Recommendation CP(2012)1 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, 29 January 2014 (p10) http://www.coe.int/t/dghl/monitoring/trafficking/Docs/CommitteeParties/Reply_REC/CP_2014_1_RR_ALB_en.pdf date accessed 07 May 2014

[25] Council of Europe, Report submitted by the Albanian authorities on measures taken to comply with Committee of the Parties Recommendation CP(2012)1 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, 29 January 2014 (p40) http://www.coe.int/t/dghl/monitoring/trafficking/Docs/CommitteeParties/Reply_REC/CP_2014_1_RR_ALB_en.pdf date accessed 07 May 2014

[26] Council of Europe, Report submitted by the Albanian authorities on measures taken to comply with Committee of the Parties Recommendation CP(2012)1 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, 29 January 2014 (p49) http://www.coe.int/t/dghl/monitoring/trafficking/Docs/CommitteeParties/Reply_REC/CP_2014_1_RR_ALB_en.pdf date accessed 07 May 2014

[27] Council of Europe, Report submitted by the Albanian authorities on measures taken to comply with Committee of the Parties Recommendation CP(2012)1 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, 29 January 2014 (p49)

2.6.10 A Report on the contribution of the National Coalition of Anti-Trafficking Shelters (NCATS) in Albania to the identification and assistance for victims of trafficking (October 2009 – September 2010), published in 2013, discussed the situation regarding trafficking in Albania. It provided background on the situation prior to and during trafficking, available NCATS Assistance and information on the main aspects of the work of NCATS:

'1. Efforts for the identification, referral, and rehabilitation and reintegration assistance for victims of trafficking;

2. Efforts to enhance inter-institutional cooperation and capacity building for the identification, referral, and assistance for victims of trafficking;

3. Efforts for fundraising for the continued provision and delivery of assistance for victims of trafficking.' [28]

2.6.11 The Albanian government, in the Council of Europe, Report submitted by the Albanian authorities on measures taken to comply with Committee of the Parties Recommendation CP(2012)1 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, January 2014 stated that:

'In Albania, four shelters provide services for victims/potential victims of trafficking in persons, foreign or domestic, children, male or female. One of the shelters is a state run shelter, the National Reception Center for Victims of Trafficking in Tirana, which is a high security national shelter that offers residential social care services to VoTs under direct supervision of the Directorate General of State Social Service; the other three are operated by NGOs, respectively: Different & Equal (Tirana), Tjeter Vizion (Elbasan), Vatra (Vlora). The shelters have trained staff and they guarantee the safety of the victims. Also all shelters have specialized programs for the rehabilitation and reintegration of the victims/potential victims of trafficking. The plan of services for the VoTs is individualized to the needs of the victim.

'The plan covers:

Accommodation - (provided by the shelter);

Psycho-social assistance/counselling - (provided by the shelter's psychologists);

Legal Assistance - (provided jointly by the shelter's legal office with government agencies support and legal aid NGOs);

Medical Assistance - ((provided jointly by the shelter's doctor with government agencies support);

Education - (provided by the government's programs);

Employment - (provided by the government's programs);

Assistance for the children of the beneficiaries - (provided by the shelter);

---

http://www.coe.int/t/dghl/monitoring/trafficking/Docs/CommitteeParties/Reply_REC/CP_2014_1_RR_ALB_en.pdf date accessed 07 May 2014

[28] International Organization for Migration (IOM), National Coalition of Anti−Traffic king Shelters (NCATS), Report on the contribution of the NCATS to the identification and assistance for victims of trafficking, October 2009 − September 2010, 04 February 2013 http://publications.iom.int/bookstore/free/Report_NCATS_Oct2009toSep2010.pdf date accessed 07 May 2014

Financial support - (provided by the government's social protection program since the year 2010 Article 4 of the Law No. 10252, date 11.03.2010 "On some amendments of the Law No. 9355");

Social activities outside the shelter - (provided by the shelter);

Occupational activities - (provided by the shelter in cooperation with local government's programs);

Reunion with families - (mediated by the shelter);

Monitoring and follow up of cases - (provided by the shelter).

The National Reception Center for Victims of Trafficking has signed cooperation agreements with the University Hospital in Tirana, the Public Health Institute, as well as the Center for Integrated Legal Practices and Services to guarantee professional health care to VoTs.' [29]

2.6.12 With regards to shelters, the USSD TIP Report 2014 noted that:

'The three shelters that were operated by NGOs provided comprehensive services to include: psychological care, legal assistance, medical care, reintegration services, and assistance for victims' children. Male victims of trafficking were provided with accommodations in apartments. There were no specialized shelters for child victims of trafficking. The government approved access to free healthcare for victims of trafficking in 2012; however, bureaucratic hurdles prevented victims from accessing government-approved free healthcare, and victims or NGOs often had to pay for services during the reporting period. The government encouraged victims to participate in investigations and prosecutions of trafficking offenders by providing victim-witnesses access to social workers and psychologists during trials. The Serious Crimes Prosecution Office in Tirana is the only office that employs a victim-witness coordinator. Victims outside Tirana had access to this service; however, local prosecutors lacked training on how to effectively work with victim witnesses. In 2013, one victim of trafficking was provided with witness protection. As an alternative to removal for foreign trafficking victims, Albania's anti-trafficking law provides a two-year reflection period with temporary residency status, and the opportunity to apply for permanent residency after five years in the country, as well as authorization to work. In practice, the government has yet to grant this status to a victim. There were no reports of victims being detained or otherwise penalized for unlawful acts committed as a result of their being trafficked. Under the new amendments, victims are now exempt from punishment for offenses committed during or as a result of being trafficked.' [30].

2.6.13 A European Scientific Journal report of February 2013, Trafficking in Human Beings: Paradigms of a Successful Reintegration into Society, February 2013, provides further

[29] Council of Europe, Report submitted by the Albanian authorities on measures taken to comply with Committee of the Parties Recommendation CP(2012)1 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, 29 January 2014 (p23) http://www.coe.int/t/dghl/monitoring/trafficking/Docs/CommitteeParties/Reply_REC/CP_2014_1_RR_ALB_en.pdf date accessed 07 May 2014

[30] United States Department of State, 2014 Trafficking in Persons Report - Albania, 20 June 2014 (p3) http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226665.htm date accessed 23 June 2014

background relating to the process of the reintegration of victims of trafficking in society. [31]

Return to contents

[31] European Scientific Journal, February 2013 edition vol.9, No.4, Trafficking in Human Beings: Paradigms of a Successful Reintegration into Society (Albanian Case) http://www.eujournal.org/index.php/esj/article/view/769 date accessed 07 May 2014

Annex A: Map of Albania

1.3 Map of Albania, dated 2013, extracted from Mapsofworld.com. [32]

Return to contents

[32] Maps of World, Political Map of Albania, updated on 23 March 2013, http://www.mapsofworld.com/albania/ date accessed 07 May 2014

Annex B: Caselaw

VD (Trafficking) Albania CG [2004] UKIAT 00115 (26 May 2004)

The IAT considered whether in general it is likely that an individual would be trafficked, and found that it is not reasonably likely that an individual Albanian girl or woman would be at risk of being trafficked even if the individual falls within the 14 to 17 year old age group. The tribunal also considered whether there is in general a sufficiency of protection for women who may be at risk of being trafficked and held that in the totality of evidence before them that there is in general a sufficiency of protection against trafficking in Albania.

AM and BM (Trafficked women) Albania CG [2010] UKUT 80 (IAC) (18 February 2010)

In this country guidance case the Upper Tribunal found that:

(a) It is not possible to set out a typical profile of trafficked women from Albania: trafficked women come from all areas of the country and from varied social backgrounds.

(b) At its worst the psychological damage inflicted on a victim of trafficking can lead to difficulties in reintegrating into Albanian society and has implications on whether or not it is possible for the victim of trafficking, should she fear persecution in her own area, to relocate.

(c) Much of Albanian society is governed by a strict code of honour which not only means that trafficked women would have very considerable difficulty in reintegrating into their home areas on return but also will affect their ability to relocate internally. Those who have children outside marriage are particularly vulnerable. In extreme cases the close relatives of the trafficked woman may refuse to have the trafficked woman's child return with her and could force her to abandon the child.

(d) Those that see themselves outside society, for example, divorced or abandoned women, or others who wish to live abroad, may seek out traffickers in order to facilitate their departure from Albania and their establishment in prostitution abroad. Although such women are not "trafficked women" in the sense that they have not been abducted against their will, there is likely to be considerable violence within the relationships and the psychological affect of that violence may lead to a situation where the pressures which they are under and the lack of freedom they are under means that such women should be treated as trafficked women.

(e) The Albanian Government and authorities are taking steps to protect trafficked women who return but such steps are not always effective. When considering whether or not there is a sufficiency of protection for a trafficked woman who is to be returned her particular circumstances must be considered. Not all trafficked women returning to Albania will be unable to access the arrangements and facilities available to enable successful re-integration.

(f) Trafficked women from Albania may well be members of a particular social group on that account alone. Whether they are at risk of persecution on account of such membership and whether they will be able to access sufficiency of protection from the authorities will depend upon their individual circumstances including but not limited to the following: 1)The social status and economic standing of the trafficked woman's family. 2) The level of education of the trafficked woman or her family. 3) The trafficked woman's state of health, particularly her mental health. 4) The presence of an illegitimate child. 5) The area of origin of the trafficked woman's family. 6) The trafficked woman's age.

Return to contents