



This project is funded by
the European Union



REPUBLIKA E SHQIPËRIE
MINISTRIA E BRENDSHME



QENDRA E SHËRBIMEVE
DHE PRAKTIKAVE LIGJORE TË INTEGRUARA
CENTRE OF INTEGRATED LEGAL SERVICES AND PRACTICES

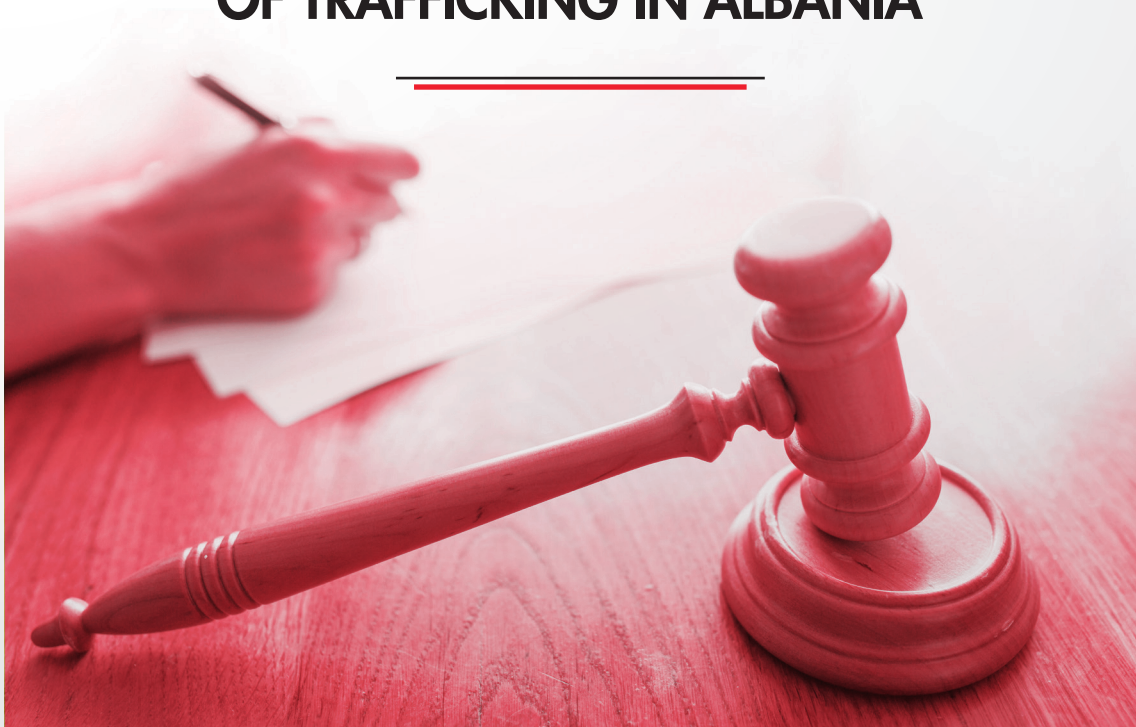


Save the Children



DIFFERENT & EQUAL
TE NDRYSHËM & TE BARABARTË

STUDY REPORT ON THE NEED OF DRAFTING A SPECIAL LAW FOR THE PROTECTION OF VICTIMS OF TRAFFICKING IN ALBANIA





This project is funded by
the European Union



REPUBLIKA E SHQËRIKUT
MINISTRIA E BRENDSHME



QENDRA E SHËRBYEMEVE
DHE PRAKTIKAVE LIGJORE TË INTEGRUARA
CENTRE OF INTEGRATED LEGAL SERVICES AND PRACTICES



Save the Children



DIFFERENT & EQUAL
TE NDRYSHEM & TE BARABARTE

STUDY REPORT ON THE NEED OF DRAFTING A SPECIAL LAW FOR THE PROTECTION OF VICTIMS OF TRAFFICKING IN ALBANIA



TIRANË, 2019

Experts:

Mr. Sandër SIMONI

Mrs. Anila TRIMI

This study report was developed by the "Different & Equal" organization in the framework of the project ***"Justice is a true story when victims become the first worry"***, part of the project grant scheme ***"Civic Engagement for a Functional Judiciary System and Access to Justice in Albania"***, financed by the European Union and implemented by Save the Children in partnership with the Centre for Integrated Legal Services and Practices.

The content of this report does not necessarily reflect the official opinion of the European Union, Save the Children and the Center for Integrated Legal Services and Practices.

TABLE OF CONTENTS

| | |
|---|----|
| 1. Preamble..... | 5 |
| 2. List of acronyms..... | 9 |
| 3. Introduction..... | 11 |
| 4. Methodology..... | 15 |
| 5. Coordination..... | 16 |
| 6. Protection..... | 19 |
| 7. Prevention..... | 27 |
| 8. Prosecution..... | 31 |
| 9. International practice in drafting special laws..... | 58 |
| Experience in the United States of America..... | 58 |
| Experience in United Kingdom..... | 62 |
| Experience in Kosovo..... | 66 |
| 10. Conclusions / Recommendations..... | 68 |
| 11. Bibliography..... | 76 |

PREAMBLE

The idea of drafting a special law on the protection of the victims of trafficking was discussed earlier and there were various opinions in favor and against this initiative. There have been some positive developments in recent years in improving legislation addressing the rights of victims of criminal offenses in general, including the position of victims of trafficking. In the framework of the Justice Reform are adopted some laws that regulate special aspects of access to justice, including some specific laws on specific fields and categories, such as the organic laws of justice institutions (law reform package), Law on the Protection of Children Rights, Juvenile Justice Code, amendments to the law on measures against domestic violence, some other laws on the social service reform, etc. This indicates that we already have a consolidated practice of legal initiatives that regulate the protection of specific categories.

On this basis, during the drafting of the National Action Plan for the Fight against Trafficking in Persons - DCM no. 770, dated 26.12.2018, it was proposed and made part of the measures of this Action Plan the need for an in-depth analysis for the drafting of a specific law on the protection of victims of trafficking. Specifically, in Chapter 1 of Prosecution **activity 1. (a).6.**, the measure involving the ***“Establishment of an ad hoc group for conducting an in-depth analysis and evaluation on the need for a separate law focusing on protection of victims / potential victim of trafficking”*** has been provided for.

To promote this process, in close cooperation with the Office of the National Coordinator against Human Trafficking (ONAC), Organization “Different & Equal” included in its objectives the support of ONAC on the establishment of this group and facilitating the process by engaging two other experienced experts in this

field. This activity was implemented within the project *"Justice is a true story when victims become the first worry"*, implemented by the Organization "Different & Equal", as part of the project grant scheme *"The Civic Engagement for a Functional Judiciary System and Access to Justice in Albania"*, financed by the European Union and implemented by Save the Children in partnership with the Centre for Integrated Legal Services and Practices.

Having faith that applying a pro-victims approach and establishing an integrated system for the protection of victims of trafficking, based on a special law would be the best solution, we are grateful for the donor support to facilitate the Office of the National Anti-Trafficking Coordinator (ONAC) for the establishment of the *ad hoc* group (activity cited above). ONAC has been a strategic partner for the development of this project and in this spirit, will continue cooperation in formalizing the initiative for drafting this law in cooperation with other institutions and agencies involved in the fight against human trafficking.

The initiative to make such an assessment comes at a time when legal arguments have been added to draft a special law on the protection of victims of trafficking. We refer herein to justice reform and the subsequent legal changes during this process.

Also, the topic of the latest Questionnaire of the Group of Experts on Action against Trafficking in Human Beings (GRETA), responsible for assessing the implementation of the Council of Europe Convention on Actions against Trafficking in Human Beings is focused on taking measures to undertake actual steps to improve access to justice and effective means for the protection of victims of trafficking.

What is also recommended by international acts (UN Convention against Organized Crime, Council of Europe Convention on Action against Trafficking in Human Beings) and EU Directives is a pro-victim center approach strategy in case of victims of trafficking.

Looking at this process from the point of view of the protection of victims of trafficking and in proportion to the needs and consequences that they have compared with other categories, the drafting of a special law on their protection becomes necessary.

The study report has been prepared by two experts with long experience in the field of fight against trafficking in human beings and is also enriched with the contribution of the *ad hoc* group set up for the implementation of the National Action Plan for the Fight against Trafficking in Persons– DCM no. 770, dated 26.12.2018 for conducting an in-depth analysis and evaluation of the need for a special law focused on the protection of victims/potential victims of trafficking (mentioned above). Part of the group were representatives of key institutions and agencies engaged in the fight against trafficking and the protection of victims of trafficking as follows:

Working group members:

| | |
|------------------------|-------------------|
| 1. Adela Hodaj | ONAC – MOI |
| 2. Adnand Kosova | GPO |
| 3. Alketa Gaxha | IOM |
| 4. Anila Trimi | Expert |
| 5. Artan Syziu | MJ |
| 6. Brikena Puka | VATRA |
| 7. Eglantina Osmanlli | AASCA |
| 8. Emanuela Tollozhina | MHSP |
| 9. Ilirjan Balla | GDSP |
| 10. Ilirjana Oldashi | SCC |
| 11. Ina Zhupa | ONAC – MOI |
| 12. Iris Hodaj | ONAC – MOI |
| 13. Julia Done | ONAC – MOI |
| 14. Juliana Rexha | OSCE |
| 15. Lira Kolasi | MOI |
| 16. Luljeta Qose | TV |

| | |
|----------------------|---------------------------|
| 17. Mariana Meshi | D&E |
| 18. Milaim Demnushaj | D&E |
| 19. Mimoza Qyra | ONAC – MOI |
| 20. Sandër Simoni | SCC/expert |
| 21. Sokol Shehu | AASCA |
| 22. Suela Asllani | NRCVT |
| 23. Valbona Lenja | Independent expert |
| 24. Xhilda Papajani | MHSP |

We would like to thank the two experts, the members of the working group, The Office of the National Coordinator and all other collaborators who contributed in preparation of this study report.

Special thanks go also to Save the Children and CILSP who supported us in every step of the implementation of this project, funded by the European Union.

Mariana Meshi

Executive Director
Organization "Different & Equal"

LIST OF ACRONYMS

| | |
|----------------|---|
| AASCA | - Agency for Administration of Sequestered and Confiscated Assets |
| RA | - Responsible Authority |
| EU | - European Union |
| D&E | - Organization "Different & Equal" |
| GJEDNJ | - European Court of Human Rights |
| SCC | - Serious Crimes Court |
| GRETA | - Group of Experts on Action against Trafficking in Human Beings |
| ICCPR | - International Covenant on Civil and Political Rights |
| IOM | - International Organization for Migration |
| CoE | - Council of Europe |
| NC | - National Coordinator |
| NCATS | - National Coalition of Anti-Trafficking Shelters |
| CM | - Council of Ministers |
| CC | - Criminal Code |
| CPC | - Criminal Procedure Code |
| MESY | - Ministry of Education, Sport and Youth |
| MOI | - Ministry of Interior |
| MJ | - Ministry of Justice |
| NRM | - National Referral Mechanism |
| MHSP | - Ministry of Health and Social Protection |
| OHCHR | - Office of the High Commissioner for Human Rights |
| UN | - United Nations Organization |
| CILSP | - Center for Integrated Legal Services and Practices |
| OSCE | - Organization for Security and Co-operation in Europe |
| EP | - European Parliament |
| GPO | - General Prosecutor's Office |
| SP | - State Police |
| SOP | - Standard Operating Procedure |
| NRCVT | - National Reception Center for Victims of Trafficking |
| SCH | - Save the Children |
| USA | - United States of America |
| TiP | - Trafficking in Persons |
| TV | - Organization "Tjetër Vizion (Another Vision)" |
| VT | - Victims of Trafficking |
| Vatra | - Psychosocial Center "Vatra" |

INTRODUCTION

This report aims to highlight the need for a special law in Albania with a focus on preventing trafficking in persons and protecting victims / potential victims of trafficking, based on an analysis of domestic legislation and international practices in this field. The need for drafting a special law on the Fight against human trafficking has been mentioned in various Reports of Institutions^[1] and International Organizations^[2]. Other international reports that assess the steps undertaken by the Albanian government in the field of fighting trafficking in persons and identifying victims and protecting them, as well as the annual reports of the Directorate for Anti-Trafficking and Migration and other reports of organizations that assist victims of trafficking in the country, still identify the need to pay a special attention to this form of human rights violation. Despite efforts made by both state institutions and civil society organizations, Albania remains “ an origin country, transit and destination for men, women and children for the purpose of sexual or labor exploitation^[3]”

[1] The need to draft a special law on fight against human trafficking has been part of the recommendations of the Office of the National Coordinator for the Fight against Trafficking in Human Beings - Report for 2012, p.5 <https://mb.gov.al/raporte-mbi-zbatimin-e-strategjive-dhe-planeve-kombetare-te-veprimit/>

[2] Recommendation of OSCE presented in the “Assessment Report on the compatibility of Albanian legislation with the Council of Europe Convention on Action against Trafficking in Human Beings”, published by the OSCE Office in Albania in March 2011. Government of Albania and United Nations Program of Cooperation 2012-2016, on page 69, Outcome 4.1: The rights of disadvantaged individuals and groups are equally ensured through legislation, inclusive policies, social protection mechanisms and special Indicator 4: Number of legal acts addressing issues related to trafficking in human beings and children, **Target: 1 inclusive bill law on Anti-Trafficking** <http://www.un.org.al/sites/default/files/GoA-UN-Cooperation-ProgrammeSIGNED.pdf>

[3] TiP report 2019, p.69.

In analyzing the need to have a special law on the protection of victims of trafficking, we first need to analyze the level of our Anti-Trafficking legislation and the extent to which it covers the entirety of international standards for the prevention of trafficking, identification, protection, rehabilitation and reintegration, regardless of whether they cooperate with law enforcement agencies, special treatment of victims of trafficking, their compensation and the fulfillment of legal procedural guarantees during the prosecution phase, the investigation of these offenses and their trial.

Albanian legislation has evolved over time in this regard and we can already say that we have a considerable standard at the legislative level for victims of trafficking, while there may be a need for a special law regarding the protection of victims, their children and the prevention of the trafficking phenomenon, the enslavement and forced begging, protection of victims outside criminal proceedings and in cases where they do not cooperate with law enforcement agencies, providing them the status of victim or potential victim of trafficking, referral process, reintegration, compensation through an effective legal instrument, as a direct compensation mechanism, and paying the significant importance to the rights of victims of trafficking guaranteed by laws during the investigation or trial phase.

We are mentioning in advance that despite recent interventions in criminal procedural legislation, the issue of compensation for victims of trafficking remains a missing standard, as both the instrument of civil lawsuit in the criminal process and the compensation under the state scheme provided by the anti-mafia law, again, the compensation for victims of trafficking remains an unfulfilled right.

As preliminary conclusions, we are highlighting the fact that the standards of treatment of victims of trafficking, as well as guaranteed elements of protection are separated in different levels of international acts, constitutional level, Criminal Code and Criminal Procedure Code, as well as separate laws and bylaws.

As a member of UN and the Council of Europe, the Conventions are an integral part of our legislation and here we will highlight;

1. United Nations Convention against International Organized Crime, Palermo Protocol^[4], which includes the internationally recognized definition of trafficking. The Palermo protocol contains two of its complementary protocols:
 - Protocol Against the Smuggling of Migrants by Land, Sea and Air.
 - Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.
1. Council of Europe Convention on Action against Trafficking in Human Beings, Warsaw Convention^[5].

An National Action Plan for the Fight against Trafficking in Persons has also been adopted within the framework of OSCE^[6], dealing with protection of the victims, non-criminalization of trafficked persons for trafficking-related offenses, *establishment of National Referral Mechanisms and developing Guidelines for accurate identification, information and protection of the victims of trafficking, providing protection, rehabilitation and reintegration of trafficked children*. Such an enforcement mechanism in our country foreseen at the level of a by-law related to the adoption

[4] This Convention and its two protocols have been ratified by the Albanian Parliament through Law no. 8920, dated 11.07.2002 "On the ratification of the UN Convention against International Organized Crime" and its two additional protocols.

[5] Council of Europe Convention "On action against trafficking in human beings", ratified by the Albanian Parliament with Law no. 9642, dated 20.11.2006.

[6] Decision of the OSCE Permanent Council, no.557, PC.DEC/557, July 24, 2003, appendix to the Plan - OSCE Permanent Council Decision no.685, PC.DEC/685, July 7, 2005.

of the National Strategy against Trafficking^[7] and recently even the National Action Plan for the Fight against Trafficking in Persons 2018-2020^[8].

European law has further developed the standard of treatment of victims of trafficking, protection and prevention by a series of acts such as CoE Decisions, Directives, Recommendations, etc. The ECHR jurisprudence on the other hand, every day, suggests to CoE domestic legislation the fulfillment of both positive and negative obligations for the protection of victims of trafficking. The basic guarantees and spirit of some of these acts are reflected in recent amendments to the Criminal Procedure Code by law no. 35/2017. However, additional standards are needed to meet the standards required by international acts.

Criminal and procedural legislation guarantees protection during litigation, but it is the system of referral laws that fills the missing legislative aspect especially for protection, prevention outside criminal proceedings and compensation.

Albania lacks a coordinating and monitoring authority over the actions of state institutions and organizations that assist victims or advocate for their rights, authority which until 2017 was exercised by the Deputy Minister of Interior under the responsibility of the Ministry of Interior.

[7] Anti-Trafficking Strategy and Action Plan 2014 - 2017, DCM no. 663, dated 17.07.2013 and DCM no.814, dated 26.11.2014.

[8] DCM no.770, dated 26.12.2018 on the adoption of the National Action Plan for the Fight against Trafficking in Human Beings.

METHODOLOGY

In order to conduct this analysis on the needs for a special law for the protection of victims of trafficking, initially, have been studied all laws and bylaws that regulates the process of victim identification, protection, rehabilitation and reintegration, as well as in the process of prosecution and investigation.

Also, by aiming to adopt international best practices where there are special laws for the protection of victims of trafficking, the United States of America's law of protection of the victims of trafficking (as amended) was reviewed, the law of modern slavery of United Kingdom and the law on preventing and fighting trafficking in persons in Kosovo.

The findings of this report were discussed at all three meetings organized with the *ad hoc* group to assess the need to draft a special law on the protection of victims of trafficking. This group has been set up pursuant to Decision no. 770, dated 26.12.2018 of the Council of Ministers "On the Adoption of the National Action Plan for the Fight against Trafficking in Persons 2018-2020", which provides for the achievement of the first strategic objective related to prosecution in point 1 (a) 6: *"establishment of an ad hoc group for conducting an in-depth analysis and evaluation of the need for a special law focusing on the protection of victims / potential victims of trafficking"*.^[9]

[9] Prosecution; activity 1(a)6; DCM No. 770, dated 26.12.2018, "On the adoption of the National Action Plan for the Fight against Trafficking in Persons 2018-2020"

COORDINATION

The Ministry of Interior, through the Deputy Minister of Interior, since 2005 has played one of the most important roles, at the position of National Coordinator of Anti-Trafficking. Efforts to coordinate work between state institutions and civil society organizations have also been materialized with the Cooperation Agreement on the functioning of the National Referral Mechanism (NRM)^[10] for victims and potential victims of trafficking. The agreement clearly stipulates the duties of each party according to the field of responsibility for intervening to identify and protect victims of trafficking. Article 7 of the agreement defines the role of the Responsible Authority as the structure that guides the implementation of the agreement and Article 8 "Monitoring and coordination of the agreement" refers the National Coordinator as the institution reporting periodically on its progress and the role of the Anti-Trafficking Unit as the technical secretariat of the Task Force monitoring this agreement.

Notwithstanding the above provisions, Albanian legislation lacks the designation of a coordinating authority, the Deputy Minister of Interior who is currently exercising the role of the National Coordinator. In the paragraph III, of the decision of the Council of Ministers no. 942, dated 9.10.2013^[11], "On determining the scope of state responsibility of the Ministry of Internal Affairs", was designated as an area of responsibility for monitoring and cooperating with the institutions in charge of implementing action in the fight against trafficking in human beings, entrusting the Ministry of Interior the coordination in this area. Decision of the Council of Ministers no. 502, dated 13.09.2017 "On determining the scope

[10] Cooperation Agreement on the functioning of the NRM for victims and potential victims of trafficking in persons, http://mb.gov.al/wp-content/uploads/2018/01/mkr_shqip.pdf

[11] DCM no. 942, dated 09.10.2013 "On determining the scope of state responsibility of the Ministry of Internal Affairs", <https://mb.gov.al/vendim-nr-942-date-9-10-2013-per-percaktimin-e-fushes-se-pergjegjesise-shteterore-te-ministrise-se-puneve-te-brendshme/>

of state responsibility of the Ministry of Interior", the decision which has abrogated the above-mentioned decision, did not determined monitoring and coordination in the context of trafficking in human beings as an area of responsibility.

In addition, with the amendments to the legislation, the Anti-Trafficking Unit whose functions were defined in Decision no. 203, dated 19.12.2005 "On functioning of the Anti-Trafficking Unit", no longer exists, due to structural changes and the field of responsibility of the Ministry of Interior over the years.

Considering the importance of the Office of the National Coordinator in undertaking various initiatives in the field of prevention and protection of victims of trafficking should be a separate spending unit, and should have clearly defined the composition and functional tasks of this structure. Unfortunately, the role of ONAC it not regulated and it looks impossible to happen due to the structural organization of the Ministry of Interior, which does not even stipulate it in the area of responsibility. Law no. 9936, dated 26.06.2008 "On the management of the budget system in the Republic of Albania", as amended by paragraph 5 of Article 3 provides for: *"Central government units" are the units of executive, legislative and judicial power, established by the Constitution, by Law or by the Council of Ministers Decision, that fulfill the functions of central government as their primary activity.*

As discussed above, the National Coordinator is not a unit created by law or by Council of Ministers Decision and therefore cannot be attributed a specific budget.

Decision no. 150, dated 20.03.2019, "On the methodology of calculating funds for financing social care services", has defined the methodology of financing from the central budget on a continuous basis for new services at local level, which can best fulfill the functions specified in this law, to fulfill the functions of local government dedicated to protecting victims and potential victims of trafficking.

The need to determine the coordinating authority, the National Coordinator, its functional tasks, and the dedicated budget should be stipulated by law, including herein reporting on actions taken by the Albanian government in the fight against human trafficking and the protection of victims. Such a stipulation in the law would increase the efficiency and cooperation of all state institutions and civil society, as well as would facilitate and improve all steps to fight the phenomenon and also the protection of victims and potential victims of trafficking.

The State Committee for the Fight against Trafficking in Human Beings established by the Council of Ministers Decision no. 8, dated 05.01.2002, as amended, is headed by the Minister of Interior, consists of political representatives of different levels, is responsible for implementing the commitments of the National Strategy for the Fight against Trafficking in Human Beings as well as implementing the decisions and instructions of the Minister of Interior, at the same time Chairman of the State Committee against Trafficking in Human Beings. The Committee assesses the level of implementation of the Strategy, proposes and takes further actions to achieve the objectives of the Strategy. Referring to the functions designated, the Committee drafts not only the policies in this area, but also monitors and implements them. There is clearly a conflict of interest between the Minister of the Interior as an institution and the Chairman of the State Committee, who is the Minister of the Interior.

PROTECTION

Albanian legislation provides for in various acts the protection issues of victims of trafficking. There is a need to define the support provided to victims, and this support should be actual and specific. Council of Europe Convention "On Action for the Fight against trafficking in human beings" establishes the obligation of the parties to adopt legislative or other actions, as necessary, to assist victims in their physical, psychological and social recovery. **The rehabilitation of these victims should determine the possibility to benefit from protection programs, to promote employment, to attend vocational education, etc. (actual actions provided for by law).**

Victims and potential victims of trafficking are treated as a special category, the disadvantaged jobseekers in the labor market, of law no. 15/2019 "On Promotion of Employment". Despite being a separate category of law, specific programs have not yet been defined for them. According to the provisions stipulated on paragraph 3 of Article 11 of the law, "Employment promotion programs are implemented and administered by the institution responsible for employment and skills, in cooperation with other public institutions responsible for economic development and qualification, as well as in cooperation with the private sector and civil society organizations".

Law no. 65/2016 "On social enterprises", aims to regulate the activity of social enterprises, on the purpose of protecting and social inclusion of vulnerable groups, for whom is not provided for a definition in this law. In the paragraph 2/k, of the decision no. 56, dated 31.01.2018 "On defining specific categories of disadvantaged groups", *"women and girls victims / potential victims of trafficking, exploitation and domestic violence"* are the only beneficiary category, excluding and discriminating boys/men as victims or potential victims of trafficking.

Unlike victims of domestic violence, who receive financial assistance for *"the period of validity of the protection order or immediate protection order, that is not covered by social care institutions"*^[12], for victims of trafficking this assistance is provided *"after leaving social care institutions until they are employed"*. There is no legal provision regarding their treatment during the period passed in social care institutions, as this treatment is not provided if victims do not receive treatment at the center, but benefit community care services.

Decision no. 707, dated 26.08.2015 "For some changes and additions to Decision no. 107, dated 10.02.2010, of the Council of Ministers, "On publishing, printing, distributing and selling textbooks of the pre-university education system", as amended, has defined primary school-age children identified as victims / potential victims of trafficking as categories that receive 100% funding of textbooks from the Ministry of Education, Sport and Youth. No paragraph in this decision identifies as a special category the children of the victims of trafficking or those victims who shall need education, but their age does not correspond to that of mandatory basic education.

"6.9. The purchase price of basic education textbooks is 100% covered by the budget of the Ministry of Education and Sport:

a) Primary school-age children, victims of trafficking who receive help and assistance from the National Reception Center for Victims of Trafficking, the National Center on Domestic Violence and the National Transit Emergency Center, upon official request for quantities of required textbooks.

Primary school-age children who enjoy the status of victim / potential victim of trafficking in accordance with Decision no. 582, dated 27.07.2011, of the Council of Ministers, "On adopting standard operating procedures for identifying and referring victims / potential victims of trafficking".

[12] Article 5 of Law no.9355, dated 10.03.2005 "On social assistance and services"

Another problematic issue is in the paragraph 6.11 of this decision, which sets out how to proceed by relating the enjoyment of this right to receiving assistance at a public residential social care institution. *"Textbooks for children in grades 1 to 9 who are beneficiaries of public residential social care institutions, at the National Reception Center for Victims of Trafficking, the National Center on Domestic Violence and the National Transit Emergency Center, the price of their purchase shall be 100% covered by the budget of the Ministry of Education and Sports. The relevant school directorates, where these pupils learn, should coordinate the work with the directorates of the above-mentioned institutions and submit to the regional education directorates / relevant educational offices the list of pupils belonging to this category, within March of each year. The distribution method of the textbooks for this category of pupils shall be determined by instruction of the Ministry of Education and Sport."*^[13]

Law no. 141/2014 "For some additions to law no. 10383, dated 24.2.2011, "On compulsory health care insurance in the Republic of Albania ", as amended, has defined as categories covered by compulsory health insurance: *"victims of trafficking, according to the identification carried out by the structures of the Ministry of Interior"*,^[14] their contributions are paid and financed by the State Budget or other sources provided by law. As seen in this law, this coverage is limited only to the category of victims of trafficking, not including potential victims of trafficking, but it also does not provide a precise definition of their identification.

Standard Operating Procedures for the identification, referral and protection of victims and potential victims of trafficking provide

[13] Decision no. 707, dated 26.08.2015 "On some amendments and additions to Decision no. 107, dated 10.02.2010, of the Council of Ministers, "for publishing, printing, distributing and selling textbooks of the pre-university education system", as amended.

[14] Article 1 of Law no. 141/2014 for some additions to law no. 10383, dated 24.02.2011, "On compulsory health care insurance in the Republic of Albania", as amended.

for the manner and authorities responsible for the initial and formal identification of victims of trafficking, a process which also marks the beginning of the provision of assistance and protection services. Considering that these authorities are decision-maker, therefore, the administrative acts they issue are rebuttable.

Paragraphs 22 and 23 of Decision no. 518, dated 04.09.2018 "On community and residential social care services, the criteria, procedures to profit these services and the amount of personal expenses for the beneficiaries of organized service" are in contradiction with DCM no. 499, dated 29.08.2018 "On adopting standard operating procedures for the protection of victims and potential victims of trafficking", for the fact that referral of victim / potential victim of trafficking to a center is made as soon as possible with the highest interest of victims or potential victims of trafficking. Paragraphs 22 and 23 of Decision no. 518 sets out the procedure for referral to a residential center setting also a deadline for the application to be approved, a procedure which should not be followed for this category, given the legal references.

"22. Coordination of support and referral to social care services at local, regional and central level. For services at the regional and central level the referral decision is taken jointly with the SSS (State Social Services).

23. Apart from victims of domestic violence, victims of trafficking and potential victims of trafficking, for individuals and families in need, the decision to provide the requested service is made within one month of the date of the request by:

a) Council of the Municipality, when the requested service operates in the territory of the respective municipality where the individual or family in need resides, based on the proposal of the structure responsible for social care services at the municipality;

b) District Council, in case the requested service is included in

the territory of the district where the service applicant resides, based on a proposal from the Council of Municipality covering the regional territory;

c) General Directorate of State Social Service, in cases when there is no residential service provided for the needs of the individual in the territory of the municipality and the district where the applicant resides.”^[15]

Services provided for victims are offered to both Albanian and foreign nationals, who are entitled to a residence permit as a separate category of Law No. 74/2016 “On Foreigners”. This law has been aligned with Council Directive 2004/81/CoE of April 29, 2004 “On the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities”, and Article 54 provides for the issuance of a residence permit for victims of trafficking in human beings, a foreign victim of trafficking in the Republic of Albania, “notwithstanding his or her willingness to cooperate with justice, where there are reasonable grounds to believe that the foreign is a victim or potential victim of trafficking, identified as such by the structures responsible for identifying and referring victims of trafficking.

This residence permit is issued to the victim or potential victim of trafficking for the purpose of recovering himself or herself, as well as being treated physically and mentally for making a well-informed decision to cooperate or not with the justice authorities, identified as such by the structures responsible for identifying and referring victims of trafficking in one of two following situations or in both of them:

a) considers that her / his attitude is necessary due to social and personal situation;

[15] Decision no. 518, dated 04.09.2018 “On community and residential social care services, the criteria, procedures to profit these services and the amount of personal expenses for the beneficiaries of organized service”

b) considers that his or her position is necessary for the purpose of co-operating with the justice authorities during the investigation or prosecution;

During the recovery and reflection period, victims or potential victims of trafficking benefit all the rights and services that victims of trafficking benefit, under applicable Albanian legislation”.

In all of the above-mentioned cases, victims of trafficking or potential victims of trafficking shall be determined by an act of assessment made by the responsible state authorities, whose powers should be set out in the law, as well as the acts entitled to issue and to unify the procedure in order to achieve a fair decision-making by the responsible authority for issuing the residence permit.

D.H. v. Finland (no. 30815/09), June 28, 2011
(strike-out decision)

*The applicant, a Somali national born in 1992, arrived by boat in Italy in November 2007. He was running away from Mogadishu where he claimed he had been forced to join the army after the collapse of the country’s administrative structures and where he risked his life at the hand of the Ethiopian troops who aimed at capturing and killing young Somali soldiers. The Italian authorities left him in the streets of Rome in the winter of 2007, without any help or resources. He was constantly hungry and cold, physically and verbally abused in the streets, even by the police in Milano where he looked for help. Eventually, **he was trafficked to Finland, where he applied for asylum which was refused in February 2010.** The applicant complained that if returned back to Italy, he would risk inhuman or degrading treatment contrary to Article 3 of the Convention, particularly as he was an unaccompanied minor.*

The Court struck the application out of its list of cases, pursuant to Article 37 (striking out applications) of the Convention, as

it noted that the applicant had been granted a continuous residence permit in Finland and that he was no longer subject to an expulsion order. The Court thus considered that the matter giving rise to the complaints in the case had been resolved.

O.G.O. v. the United Kingdom (no. 1395/12), February 18, 2014
(strike-out decision)

The applicant, a Nigerian national, who claimed to be a victim of human trafficking, complained that her expulsion to Nigeria would expose her to a real risk of re-trafficking. The Court decided to strike the application out of its list of cases, pursuant to Article 37 (striking out applications) of the Convention, noting that the applicant was no longer at risk of being removed as she had been granted refugee status and an indefinite leave to remain in the United Kingdom. Moreover, the United Kingdom authorities had accepted that she had been a victim of trafficking.

The fragmentation of victims' rights or actions to be taken to fight the phenomenon, but also to protect victims, often results in missing services, difficulties in interpreting the rights and obligations of state institutions towards them.

Above all, proposing a separate law would be the appropriate legal instrument, defining it as the obligation to identify potential victims and victims of trafficking, which would then support the draw up of standard operating procedures, it should also designate the responsible authority of second instance for administrative appeal of the groups performing the initial and formal identification. It should also determine whether there should be a second instance authority for administrative appeal or should proceed with direct appeal to the court. The time limit for filing an appeal to the competent court should be set by law. The deadlines should be determined in the analysis of the procedural deadlines from the moment of administrative and judicial appeal, hereupon, in

accordance with the Code of Administrative Procedures. The law should also specify the effects that the administrative act of initial and formal identification shall have.

Another shortcoming identified is the lack of anticipation of the establishment and functioning of the "Database of Victims of Trafficking" by the responsible authority in order to better manage cases and analyze the trend of trafficking in the country.

PREVENTION

By law no. 9644, dated 20.12.2006, was ratified the Council of Europe Convention "On measures against trafficking in human beings", which sets out the obligation of the Parties to take action to establish or strengthen national coordination between the various bodies responsible for preventing and fighting trafficking in human beings, while providing for some actual measures in this field, which come as obligations to the Parties:

- To establish and / or strengthen effective policies and programs to prevent trafficking in human beings by means of research, information, awareness and education campaigns, social initiatives, and economic and training programs, especially for persons sensitive to trafficking and professionals interested in the issue of trafficking in human beings;
- To promote a human rights-based approach and use any other gender-related approach related to children, into the development, implementation and evaluation of policies and programs;
- To undertake the necessary action, where necessary, to ensure that migration is lawfully carried out, especially through the publication of accurate information by the relevant offices, on the conditions enabling lawful entry and residence in its territory.

In addition, Directive 2011/36/EU of the European Parliament and of the Council of Europe of April 5, 2011, "On the prevention and fighting of trafficking in human beings and the protection of victims, and the replacement of Council Framework Decision 2002/629/JHA" in Article 18 of the Convention sets out the actions that Member States must take to prevent any form of trafficking in persons, from reducing the requirements

leading to the exploitation or use of the internet as a new tool for recruiting victims of trafficking. Regarding the addressing of the application, in the Albanian Criminal Code with the law no. 144, dated 02.05.2013, was added a new provision, Article 110/b that criminalizes the request for services provided by victims of trafficking.

Article 110/b “Benefit or use of services provided by trafficked persons” provides for that:

Benefiting or using services provided by trafficked persons, or services subject to trafficking, knowing that the person is trafficked, is punishable by two to five years of imprisonment.

When this offense is committed against a child, the sentence of imprisonment is from three to seven years.

The Council of Europe Convention on the prevention and fight the violence against women and domestic violence, ratified by Albania, in its Article 11, also stipulates that the Parties shall take the necessary legislative and other action to prevent all forms of violence covered by the object of this Convention by any natural or legal person.

Both of these conventions, as well as Directive 2011/36, require that action to prevent trafficking and violence must be defined in law and in proportion with the needs, by including non-profit organizations, other similar organizations and other elements of civil society, engaged in the prevention of trafficking in human beings and the protection of victims and potential victims of trafficking.

The European Court of Human Rights has also noted in its decisions the obligation of states to take action to prevent trafficking and punish its perpetrators.

Chowdury and others v. Greece (March 30, 2017)

The applicants – 42 Bangladesh nationals – were recruited in Athens and other parts of Greece between the end of 2012 and early 2013, without a Greek work permit, to work at the main strawberry farm in Manolada. Their employers failed to pay the applicants' wages and their salaries. Victims were obliged to work in difficult physical conditions under the supervision of armed guards. The applicants alleged that they had been subjected to forced or compulsory labor. They further submitted that the State was under an obligation to prevent their being subjected to human trafficking, to adopt preventive measures for that purpose and to punish the employers.

*The Court found that there had been a violation of Article 4/2 (prohibition of forced labor) of the Convention, finding that the applicants had not received effective protection from the Greek State. The Court noted, in particular, that the applicants' situation was at the position of victim of human trafficking and forced labor and specified that labor exploitation was in the context of trafficking in human beings. **The Court also found that the State had failed in its obligations to prevent the situation of human trafficking, to protect the victims, to conduct an effective investigation into the offenses committed and to punish those responsible for the trafficking.***

Referring to the above, despite the obligations stipulated by the Conventions, judicial practices, etc., Albanian legislation lacks actual legislative provision (in law level) to prevent trafficking in human beings which would also derive the preventive actions and activities that we find in the Strategy or action Plans (bylaw level).

Law no. 10192, dated 03.12.2009 "On preventing and fighting organized crime, trafficking, corruption and other crimes through

preventive measures against assets”^[16], Article 37 provides for the establishment of a special fund for the prevention of crime. Paragraph 2 of this Article provides that: - 2. *This fund serves for: a) improving the functioning of criminal justice by using assets under the administration of the General Prosecutor’s Office, the Special Prosecutor’s Office and the Ministry of Justice; b) improving preliminary criminal investigations of organized crime and developing witness protection programs and justice collaborators, targeting assets under the administration of the ministry that covers matters of the public security; c) ensuring protection for victims of organized crime, as well as promoting social programs for these categories, by using assets under the administration of the ministry covering social affairs. ç) Compensation of the victims of organized crime and trafficking to the extent determined by court decision.* Despite the goodwill expressed in the law, there is still a lack of clarity in the legislation regarding the implementation of this provision as well as a lack of a mechanism for directly applying compensation to victims through this fund.

[16] Law no. 10192, dated 03.12.2019 “On preventing and fighting organized crime, trafficking, corruption and other crimes through preventive measures against assets” (amended by law no. 24/2014, dated 20.03.2014, no. 70/2017, dated 27.04.2017)

PROSECUTION

Amendments to our criminal and procedural laws

Criminal and procedural laws have changed in terms of adopting “victimology” as a concept. With the amendments in the criminal legislation in 2013^[17], in Article 52/a of the CC, the term “*victim*” is included for the first time, providing for the exemption or reduction of the sentence for victims of trafficking under which persons injured by the offense related to trafficking in persons may benefit from the sentence for committing offenses during the period of trafficking and to the extent that they have been forced to commit those unlawful actions or inactions.

Criminal Code with 2013 amendments^[18] has made significant interventions in relation to the protection of the victim from criminal offenses both in the cases of homicide, sexual offenses, and criminal offenses of trafficking in human beings. Thus, in relation to categories of persons that enjoy the right of protection, the Criminal Code also includes the current cohabitating partner or ex-partner, while in sex crimes they provide greater protection for one’s dignity against threatening, degrading or offensive acts that may constitute sexual harassment. While Article 110 on trafficking in persons already includes trafficking within the territory of the country, a concept recognized by the Council of Europe Convention against Trafficking.

Albanian procedural legislation has gone through some amendments^[19] and now the victim of trafficking is a procedural

[17] Law no. 144/2013 “On some amendments to the law no. 7895, dated 27.01.1995, “Criminal Code of the Republic of Albania”.

[18] Law no. 144 /2013 ‘On some amendments to the law no. 7895, dated 27.01.1995 ‘Criminal Code of the Republic of Albania, as amended.

[19] Referring to the amendments made to law no. 35/2017 “On some

subject with certain procedural rights upon which the proceeding authorities must fulfill a variety of obligations. The Criminal Procedure Code has sanctioned the positive obligation of public bodies to ensure that victims of crime are treated with respect for their human dignity and protected from harm, while exercising their rights^[20]. The obligation to participate as a party in the process of the criminal offence of the victim has been provided to guarantee its access to the criminal process in reference to the determination of the EU Framework Decision on the status of victims in criminal proceedings of 15.03.2001.

The figure of "injured of criminal offenses" has now been replaced with the term "victim" and that of "indictment injured" with the term "indictment victim", giving relevant definitions and adjustments to these entities in accordance with the March 15, 2001 Framework Decision on the attitude of victims in criminal proceedings, as well as Directive 2012/29/EU substitute this decision.

- Article 58 has been completely reformulated^[21] and after that the Articles 58/a and 58/b have been added, in which minor victim and sexually abused victim or subject to trafficking^[22] are provided for as special figures. In these two cases, it has been provided for that the victim also has certain special rights related to her/his particular qualities;
- Article 59/a is added, which provides for the case of multiple victims of criminal offenses, in order to avoid delaying the process for this reason, by guaranteeing their representation by the same defense attorney in cases where there is no obstacle;

amendments to the law no. 7905, dated 21.03.1995, Criminal Procedure Code of the Republic of Albania"

[20] Article 9/a of Criminal Procedure Code "The rights of the victim from criminal offense"

[21] Article 58 of Criminal Procedure Code, as amended by law no.35/2017

[22] Except for the stipulated rights.

- Article 60 provides in detail the content of the indictment victim's application, in order to facilitate the development of a normal judicial process;
- It also stipulates that the civil lawsuit in the criminal process only be filed can by the victim or her/his heirs.

This new positioning of the victim and the capacity of their effective procedural rights in our procedural legislation comes as an obligation to implement the UN Conventions^[23] and the Council of Europe^[24] in which we have adhered as a country and are part of the domestic legislation, cited above in this research, but also in recognition and preceding the adoption of European legislation in the spirit of other EU framework acts.

International standards regarding the treatment criminal offenses of trafficking and the treatment of victims

International standards include obligations to respect victims of trafficking, with a particular focus on minors, and require victims to be protected and treated in accordance with human principles of protection and guarantee of life, health and their personality while prosecuting these offenses, in order to rehabilitate them.

International standards consist of international norms at the level of the United Nations, international norms of the Council of Europe and international norms at EU level such as Framework Decisions, Directives and Recommendations. The acts in EU level are not mandatory, but they are recommendable as they follow the spirit of European legislation where Albania is progressing to be member in the near future. In addition to the two international legal acts mentioned above, we are also listing a number of other acts, such as:

[23] The United Nations Convention against Organized Crime and its two additional protocols, ratified by law no. 8920, dated 11.07.2002

[24] Council of Europe Convention "On Action against Trafficking in Human Beings", ratified by Law no. 9642, dated 20.11.2006

- Statement of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by Resolution 40/34 of November 1985 of the United Nations General Assembly. Besides the definition of the meaning of the term “victim”^[25] this document also promotes some of their rights such as having access to justice bodies and getting fair treatment (which includes, inter alia, legal assistance and timely notification of all procedural aspects), restitution (restitution of property, compensation of damages, restoration of rights, etc.), compensation (provided by the state when the finances means of the perpetrator are insufficient) etc.
- Council of Europe Convention “*On the compensation of victims of violent crimes*”^[26], did not result an effective international norm because its ratification by Council of Europe member states required a long time.
- The privacy and identity of trafficked persons are protected (Article 6 (1) Prot. of the UN on Trafficking; Article 11 of the CoE Convention on Trafficking; Article 17 ICCPR; OHCHR Recommended Principles; Instruction 6 and 5(8). This includes setting standards for the protection of personal data and encouraging the media to protect the privacy and identity of victims. (*Article 11 of the CoE Convention on Trafficking.*).
- The identities of victims of trafficking are not publicly disclosed and their privacy is respected and protected by all possible means, taking into account the indicted person’s right to a fair trial. Trafficked persons shall be given advance warnings of the difficulties encountered while protecting their identities and shall not be given false and unrealistic expectations about the authorities’ ability regarding the case. (*OHCHR Recommended Principles, Instruction 6.6*).

[25] Declaration of Fundamental Principles of Justice for Victims of Crime and Abuse of Power adopted at the United Nations General Assembly in 1985.

[26] Drawn up in Strasbourg on 24.11.1983 and ratified by our state by law no. 9265, dated 29.07.2004

- Trafficked persons are provided with advice and information on their legal rights, judicial and administrative proceedings related to them, in a language they understand as well as on the concerns that shall be presented and considered during the criminal process (Article 6(2) Prot. of the UN on Trafficking; Article 12 of the CoE Convention on Trafficking; OHCHR Recommended Principles; Instruction 6 (5); *Statement of Basic Principles of Justice for Victims of Crime and Abuse of Power*, paragraph 8).
- Trafficked persons are provided with legal assistance and other types of support in any criminal or civil lawsuit against traffickers. (*OHCHR Recommended Principles*, Instruction 6(5).
- Trafficked persons taken as witnesses (and when needed also to family members), are provided with effective protection against harm, threats, intimidation or vengeance by traffickers or related persons, during the investigation and trial process or at any time necessary for the safety of the person. This may include giving testimony in order to protect their safety (e.g., via communication, video), identifying a safe place in the country of destination, protecting identity during legal processes and identifying opportunities for continued residence, resettlement or repatriation (Article 25 of Prot. of the UN on Trafficking, Article 28 of the CoE Convention on Trafficking; *OHCHR Recommended Principles*, Instruction 6.4.10 and 5.8).
- The status of any legal proceedings related to the victim of trafficking shall be taken into consideration in any decision on repatriation (Article 8(2) of Prot. of the UN on Trafficking, Article 16 of the CoE Convention on Trafficking).
- Legal procedures in which trafficked persons are involved, do not influence their rights, dignity or physical and psychological well-being. (*OHCHR Recommended Principles*, Instruction 6.4).

- Action takes into account the age, gender, and special needs of the victim of trafficking (Article 6(4) of Prot. of the UN on Trafficking). Minor victims are given special protection, bearing in mind the best interests of the child (Article 28 of the CoE Convention on Trafficking).
- As Recommendation acts should be taken into account *"The framework of the decision dated 15.03.2001 of the EU Council on the position of victims in criminal proceedings, in which it is stipulated that – "States should consider whether domestic laws and procedures are appropriate and responsible for victims of trafficking, and encourage their compensation."* Recommendation no. 8511 of the Committee of Ministers of the CoE *"On the position of the injured party in the context of criminal proceedings"* stipulates that *"a criminal court must rule compensation for the injured person by the offense. Existing restrictions and technical barriers leading to the non-realization of such a right shall be removed. Compensation should be a priority in the case of an alternative sentence and the court should pay attention to the need for compensation."*
- *"Recommendation no. 8721 of the Committee of Ministers of the CoE "On victim assistance and prevention of discrimination" adds that "States should assess the extent of insurance coverage by private or public insurance schemes for the efficient insurance of victims according to their needs."*
- Recommendation no. 9713 of the CoE *"Concerning witness intimidation and protection rights"* it also stipulates that *"... action that should be taken for the treatment of witnesses especially in cases of domestic crime"*.
- Directive 2011/36/EU of the European Parliament and of the Council, dated April 5, 2011 on preventing and fighting trafficking in human beings and protecting victims of trafficking, and substitution of the Council Framework Decision 2002/629/JHA.

- Directive 2012/29/ EU of the European Parliament and of the Council, dated October 25, 2012 "Setting Minimum Standards on the Rights, Support and Protection of Crime Victims and Substituting the Council Framework Decision 2001/220/JHA"

Cases against Cyprus and Russia, January 7, 2010

The applicant was the father of a young girl who died in Cyprus where she went to work in March 2001. He complained that Cypriot police failed to protect his daughter from trafficking while she was still alive and to punish those responsible for her death. He also complained about the failure of the Russian authorities in investigating his daughter's trafficking case and her subsequent death, as well as in taking action to protect her from the risk of being trafficked.

The European Court of Human Rights noted that, like slavery, the trafficking in human beings, by their nature and purpose of exploitation, was based on the exercise of the attached rights of ownership; treated human beings as commodities that could be bought and sold and these people were also forced to work; this meant close observation of the activities of the victims, whose movements were often limited; and included the use of violence and threats against victims. Therefore, the Court stated that Article 4 of the European Convention on Human Rights (prohibition of slavery and forced labor) does not permit trafficking, concluding that there has been a violation by Cyprus of the fulfillment of the positive obligations arising from the Article 4 of the Convention in two paragraphs:

- *First, its failure to create an adequate legal and administrative framework to fight trafficking as a result of the existing visa regime for working on the roads.*

- Second, the police's failure to take action to protect the applicant's daughter from trafficking, despite the circumstances that lead to a reasonable suspicion that she may have been a victim of trafficking. The court stated that there had also been a violation of Article 4 of the Convention by Russia for failing to investigate how and where the applicant's daughter had been recruited and, especially in taking steps to identify those involved in her recruitment or methods of recruitment that were used. The Court further stated that there had been a violation of Article 2 (right to life) of the Convention by Cyprus because of the failure of the Cypriot authorities to effectively investigate the death of the applicant's daughter.

F.A. v. The United Kingdom (no. 20658/11), September 10, 2013
(decision on the admissibility)

The applicant, a Ghanaian national, alleged that she had been trafficked to the United Kingdom and forced into prostitution. She complained in particular that her removal to Ghana would put her at risk of falling into the hands of her former traffickers or into the hands of new traffickers. She further alleged that, as she had been infected with HIV in the United Kingdom as a direct result of trafficking and sexual exploitation, the State was under a positive obligation to allow her to remain in the United Kingdom to access the necessary medical treatment.

The Court declared the applicant's complaints under Articles 3 (prohibition of inhuman or degrading treatment) and 4 (prohibition of slavery and forced labor) inadmissible.

It noted in particular that the applicant could have raised all of her Convention complaints referred to an appeal to the Upper Tribunal. By not applying for permission to appeal to the Upper Tribunal, she had failed to meet the requirements of Article 35/1 (admissibility criteria) of the Convention.

J. and Others v. Austria, (No. 58216/12), January 17, 2017

This case concerned the Austrian authorities' investigation into an allegation of human trafficking. The applicants, two Filipino nationals, who had gone to work both as a couple to the United Arab Emirates, alleged that their employers had taken their passports away from them and exploited them. They claimed that this treatment had continued during a short stay in Vienna, during the stay at their employers, until the moment they finally managed to leave. Following a criminal complaint filed by the applicants against their employers in Austria, the authorities found that they did not have jurisdiction over the alleged offenses committed abroad and decided to close the investigation for the applicants' case concerning the events in Austria. The applicants maintained that they had been subjected to forced labor and human trafficking, and the Austrian authorities had failed to carry out an effective and exhaustive investigation into their allegations. They argued in particular that what had happened to them in Austria could not be viewed in isolation, and the Austrian authorities had a duty under international law to investigate also those events, which had occurred abroad.

The Court, founded that the Austrian authorities had complied with their duty to protect the applicants as (potential) victims of human trafficking, held that there had been no violation of Article 4 (prohibition of forced labor) and no violation of Article 3 (prohibition of inhuman or degrading treatment) of the Convention. It notably noted that there had been no obligation under the Convention to investigate the plaintiffs' recruitment in the Philippines or their alleged exploitation in the United Arab Emirates, states which, pursuant to Article 4 of the Convention, are not bound to provide universal jurisdiction over trafficking offenses committed abroad.

This decision shall become final in the circumstances stipulated in Article 44/2 (final decisions) of the European Convention on Human Rights.

Turning to the case in Austria, the Court concluded that the authorities had taken all steps, which could have reasonably been expected in the situation. The applicants, supported by a government-funded NGO, had been interviewed by trained police officers, had been granted residence and work permits in order to legalize their stay in Austria, and a personal data disclosure ban had been imposed for their protection. Moreover, the investigation into the applicants' allegations about their stay in Vienna had been sufficient and the authorities' performed well, given the facts of the case and the evidence available, had been reasonable. Any further steps in the case – such as confronting the applicants' employers – would not have had any reasonable prospect of success, as no mutual legal assistance agreement existed between Austria and the United Arab Emirates, and as the applicants had only turned to the police approximately one year after the trafficking happened, when their employers had long left the country.

L.R. v. The United Kingdom, (No. 49113/09), June 14, 2011
(strike-out decision)

The applicant claimed that she had been trafficked to the United Kingdom from Italy by an Albanian man who forced her into prostitution in a night club taking to her all the money. She escaped and started living in a safe secret shelter. She claimed that removing her from the United Kingdom to Albania would expose her to a risk of being treated in violation of Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment).

This decision shall be final in the circumstances stipulated in Article 44/2 of the Convention.

Focusing specifically on the last two acts, not every aspect of them finds reference in our procedural, material or specific legislation.

Thus, the Directive 2011/36/EU of the European Parliament and of the Council of April 5, 2011, on preventing and fighting trafficking in human beings and protecting victims of trafficking, and substitution of the Council Framework Decision 2002/629/JHA, provides clear descriptive definitions regarding trafficking, its victims, their arrival, and the special category of children, on forced labor as a form of slavery, on the residence permits for the victims of trafficking issues by third-country's and what are the minimum structures with pre-set tasks in Anti-Trafficking mechanisms.

In a separate provision this Directive in its Article 12 requires:

1. there should be no unnecessary repetition of interview and court hearings;
2. there should be no visual contact between the victim and the perpetrator;
3. to avoid giving evidence at an open hearing;
4. to avoid unnecessary questions regarding personal life.

In particular, the directive provides for schemes of protection, assistance, prevention and especially for unaccompanied child victims, etc.

L.E. v. Greece, (no. 71545/12), January 21, 2016

The case concerned to a complaint by a Nigerian national who was forced into prostitution in Greece.

Officially recognized as a victim of human trafficking for the purpose of sexual exploitation, the applicant had nonetheless been required to wait more than nine months after informing the authorities of her situation before the justice system granted her that status.

She specifically presented the Greek State's failure to comply with its obligations pursuant to Article 4 of the Convention (prohibition of slavery and forced labor) caused a violation of this provision.

The Court observed that there had been a violation of Article 4 of the Convention (prohibition of slavery and forced labor). The Court found that the effectiveness of the preliminary inquiry and subsequent investigation of the case had been compromised by a number of shortcomings. With regard to the administrative and judicial proceedings, the Court also noted multiple delays and failings with regard to the Greek State's procedural obligations.

The Court also found that there had been a violation of Article 6/1 of the Convention (the right for a fair process within a reasonable time), that the length of the proceedings in question had been excessive for one level of jurisdiction and did not meet the "reasonable time" requirement. Finally, the Court considered that there had been a violation of Article 13 of the Convention (the right to an effective remedy) because of the lack of a domestic remedy by which the applicant could have exercised her right to a hearing within one reasonable time.

The concept of trafficking in Albanian criminal legislation

Our criminal legislation has reflected the spirit of international norms cited above by fulfilling their obligation to qualify as a criminal offense the trafficking in human beings.^[27] It is also important to remember that the obligation in the Trafficking Protocol to classify trafficking in human beings as criminal offence does not require the domestic law to use the same expression to define it, as the definition of trafficking in human beings. Instead, it is best to have internal legislation drafted in a way that is consistent with your country's domestic legal framework, provided it contains a combination of constituent elements that are contained in the definition.

[27] Obligation deriving from Article 5 of the Additional Protocol to the Trafficking, part of the UN Convention.

Our Criminal Code has been updated for disposition that regulates the criminal offenses of trafficking in human beings^[28], but basically it contains almost *mot a mot* the definition given by the Palermo Protocol and the Warsaw Convention. Our Criminal Code provides for as forms of trafficking in human beings the trafficking of emigrants, women for prostitution and as a separate form of the trafficking of children. “*Trafficking in adult persons*”, Article 110/a of Criminal Code^[29] and “*Trafficking of minors*”, Article 128 of Criminal Code.

According to **Article 110/a of Criminal Code “Trafficking in adult persons”** defines that:

The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation of prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs, and other forms of exploitation , both within and outside of 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 from ten to fifteen years.

[28] Article 110/a, “Trafficking in adult persons” (Added by law 8733, dated 24.1.2001; amended by law no. 9188, dated 12.02.2004; amended the title, the words in the first and the third paragraph and added the second paragraph by law no. 144, dated 02.05.2013; repealed the part that provides for the fine as a main punishment, along with the punishment of imprisonment, by law no. 144/2013, dated 02.05.2013)

[29] By law no. 144/2013 the offense of “Trafficking of Women”, Article 114/b was repealed, including the trafficking of women in Article 110/a of Criminal Code.

The organization, management and financing of the trafficking in persons is punished with imprisonment 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 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 punishable 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 ($\frac{1}{4}$) one fourth of the punishment given. The following articles 110/b and 110/c^[30] have criminalized the benefit of services provided by trafficked persons as well as actions facilitating trafficking.

Referring to the amendments made to the Criminal Code ^[31] in 2013, the trafficking provisions, as in Article 110/a and 128/b, did not apply the increase of punishment for aggravating

[30] Added by law no. 144/2013, dated 02.05.2013. The benefit or use of services provided by trafficked persons, or services subject to trafficking, knowing that the person is trafficked, is punishable by imprisonment of two to five years. When this offense is committed against a child, the perpetrator is sentenced to three to seven years of imprisonment. "Forging, possessing or securing identity documents, passports, visas or other travel documents or their possession, removal, concealment, damage or destruction, which have served the purpose of trafficking in adult persons but without the knowledge of this fact constitutes a criminal offense and is punishable two to five years of imprisonment. The same offense, when committed in co-operation more than once, or committed by a person responsible for issuing an identity card, passport, visa or travel document, or facilitating the trafficking of children, is punishable by four to eight years of imprisonment.

[31] By law no.144/2013, Criminal Code.

circumstances. It seems to be more of a mistake at the time of writing the articles, but it actually produces serious effects on its application. And on the third paragraph of Article 110/a^[32] is explained further that a milder sentence is applied even though we are in aggravating circumstances. Consequently, both provisions need to be revised to make appropriate amendments.

Article 128/b “Trafficking of minors” stipulates that:

Recruitment, sale, transport, transfer, hiding or reception of minors with the purpose of exploitation for prostitution or other forms of sexual exploitation, forced labor or services, 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.

Organization, management and financing of the trafficking of minors is punished with imprisonment 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 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 $\frac{1}{4}$ (one fourth) of the punishment given.

[32] Article 110/a of CC third paragraph: - “The organization, management and financing of trafficking in persons are punishable by seven to fifteen years of imprisonment”

The criminal offenses of trafficking in human beings were under the jurisdiction of the investigation and adjudication of special institutions set up in 2004^[33], Prosecutor's Office for Serious Crimes and Serious Crimes Court, considering these offences at the same level as those of organized crime.

Article 75/a of Criminal Procedure Code provided for that criminal offenses "*Trafficking in adult persons*", article 110/a of CC^[34] and "*Trafficking of minors*", article 128 of the CC were the subject matter of the Serious Crimes Court. This provision was in line with the national strategy against trafficking in human beings^[35] and a consolidated investigative and judicial practice in the treatment of these offenses, in particular in the treatment of victims of trafficking.

With the latest amendments to the Criminal Procedure Code^[36] *the offenses of trafficking in human beings (trafficking in adult persons as well as that of trafficking of minors)* where included are under the competences of the district courts of general jurisdiction.^[37] Our opinion and that of some experts in the field, as well as the National Coalition of Anti-Trafficking Shelters, has been that the Court against Corruption and Organized Crime should have the same subject-matter jurisdiction as the Court of Serious Crimes including criminal offenses of trafficking in human beings, weapons, narcotics as well as terrorist acts. This opinion is in line with international acts at

[33] Law no. 9110, dated 24.07.2003 "On the organization and functioning of the courts for serious crimes"

[34] By law no.144/2013, the offense of "Trafficking in women", Article 114/b was repealed, including trafficking of women to the Article 110/a of CC.

[35] Strategy for the fight against trafficking in persons and action plan 2014 – 2017, DCM no. 663 dated 17.07.2013 and DCM no. 814, dated 26.11.2014.

[36] Law no. 35/2017 "On some amendments to the law no. 7905, dated 21.03.1995 "Code of Criminal Procedure of the Republic of Albania"

[37] According to the transitional provisions of law no. 35/2017, the articles regulating jurisdiction become applicable with the establishment of the Special Court against Anticorruption and Organized Crime, and until then human trafficking cases and minors will be tried by the Serious Crimes Court

the UN level and those of the Council of Europe considering these offences as organized by the nature of criminality. UN Convention “*On the fight against international organized crime*”, gives the concept of *serious crime* (in reference to Article 2, paragraph b) of the Palermo Protocol, describes trafficking in human beings, migrants, women for prostitution and children as a form of organized crime^[38]). The current tribunal practice of these cases by the Serious Crimes Court has made it possible to apply a uniform standard on the treatment of victims, the application of justice collaborators, protected witnesses, remote interrogation and the implementation of an adequate criminal policy against the perpetrators of these criminal offenses.

For both the pre-investigation and pre-trial judge, in cases where they have a request to provide evidence, the statements of a trafficking victim, should be careful in assessing the criteria on which the claim is based, as this category of witnesses is the weakest category of persons to be subjected to pressure, psychological violence, but also the very environment or the fact that they are involved in a proceeding as witnesses affects.

The CPC explicitly provides that the victim has the following rights:

- to have medical assistance, psychological assistance, counseling and other services provided by authorities, organizations;^[39]
- to have a defense lawyer available, at the same time being exempt from paying any costs for obtaining the acts and court fees for filing a claim related to the victim’s status;
- to file an appeal to the court against the prosecutor’s decision, for not starting a proceeding and to the decision of the prosecutor or judge of the preliminary hearing to dismiss the charge or case;

[38] Additional Protocols 1 and 2 to the UN Convention against Organized Crime”.

[39] Article 58 of CCP “The rights of criminal offense victim”

- to seek compensation for damages and be admitted as a civil plaintiff in the criminal process;
- to be invited to the preliminary hearing and the first hearing;
- to be heard by the court, even when neither party has called for her/him to be a witness.

The victim who has no ability to act legally, he/she can exercise her/his rights through her/his legal representative or guardian, unless this is not in the interest of the victim. If there is a conflict between the interests of the victim and those of the legal representative or legal guardian, the court appoints a special guardian in accordance with the provisions of the Family Code. The victim's heirs have the rights provided in article 58 of CPC^[40]. If the victim's heir is a minor, he/she is represented by a legal guardian.

Implementation of these provisions shall give rise to a discussion as to who will be the legal heir and whether reference should be made to the provisions of the Civil Code based on the order of preference. There may also rise a discussion as to whether the victim should depend, in any case, on the inheritance line. This is because there may be persons in a very close relationship with the victim as well as legal heirs of high preference who may have cut off the connection with the victim. The term "heirs" procedurally facilitates the investigation and trial phase, but in fact any family member may be considered as such.

In particular, the CCP has expressed and established the rights of the victim of sexually abused and the victim of trafficking in human beings^[41]. In addition to the rights provided for in the Articles 58 and 58/a, of this Code, victim of sexually abused and the victim of trafficking are also eligible:

[40] The rights provided for in "a", "e", "ë", "f", "g" and "i", of the paragraph 1, of Article 58 of CCP.

[41] Article 58/b of the Code, added with law no. 35/2017.

- to refuse to answer questions about privacy that is clearly unrelated to the offense;
- to request to be heard through audiovisual means, as provided for in this Code^[42].

For minor victims of the offense of trafficking or sexual exploitation, the Code has specifically provided for the rights and guarantees recognized by the Lanzarote Convention^[43], according to which the child victim of trafficking is eligible:

- to be accompanied by a person he/she trusts;
- of confidentiality of personal data;
- to request, through the representative, that the trial be conducted without the presence of the public.^[44]

The court should treat **the minor victim** of the criminal offenses considering age, personality and other circumstances, in order to avoid the harmful consequences for its future development and education. If the victim is likely to be a minor and the age of the victim is unknown, it is presumed that the victim is a minor.

[42] These rights reflect the rights guaranteed to victims by the Palermo, Warsaw Convention, Council of Europe Convention. *"On action against trafficking in human beings"*, ratified by law no. 9642, dated 20.11.2006, in particular from Recommendation no. (85) 11- Council of Europe, EU Framework Decision on the Status of Victims of Criminal Proceedings of 15.03.2001, Directive 2011/36/EU of the European Parliament and of the Council of April 5, 2011, on preventing and fighting trafficking in human beings and protecting victims of trafficking, and substitution of the Council Framework Decision 2002/629/JHA, Directive 2012/29/ EU of the European Parliament and of the Council of October 25, 2012 "Establishing Minimum Standards on the Rights, Support and Protection of Crime Victims and Substituting the Council Framework Decision 2001/220/JHA".

[43] Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse Ratified by the Albanian Parliament with Law no. 10 071, dated 09.02.2009.

[44] Letters a, b, c of the first paragraph of Article 58/a of the CC.

The Code further provides for the possibility of using as evidence the interrogation of the minor during the investigation phase. The minor victim shall be interrogated without delay by specialized persons for this purpose. Where possible and appropriate, the conversation shall be recorded by audiovisual means in accordance with the provisions of this Code. This record may be used as evidence in criminal proceedings and assessed together with other evidence, according to the criteria provided for in paragraph 4 of Article 361/a of this Code. When the minor victim is under 14, the conversation takes place in appropriate environment for the child. This is provided for by the Juvenile Justice Code ^[45], which in its Articles 39, 41 provided for special rules for the interrogation of a minor victim or witness, and a minor victim of sexual exploitation and sexual violence.

About the **notification of the victim** to the hearing as well as the notification of the defendant, the Code has already provided for alternative ways of sending notification. According to recent amendments^[46], the notification of the victim shall be the same as the first notification of the defendant at large, a reference in the performance of the notification under Article 140 of the CPC^[47] and when this is not possible to find the address of the victim are, notification shall be made by depositing the act with the Registrar. This is understandable since in the case of victims of trafficking, notification cannot be made public through the advertisement as it is for the defendant at large under paragraph 5 of Article 140 of the CPC, because such a way of exposing him to the public. Also, in the case of victims of trafficking, for the same reason Article 138 of the CPC, which provides for notification of victims through public announcement cannot be applied, as this mode of notification refers to the case where we have a large number victims with material or health (non-material) damages and not the case of victims of trafficking.

[45] Law no. 37/2017, dated 30.03.2017 "Juvenile Justice Code", which entered into force on January 1, 2018.

[46] Article 137 of CCP, as amended by law no.35/2017.

[47] First notification to the defendant shall be in large.

Procedure for trial of trafficking offenses should protect the victim, and in particular the minor victim, from the re-victimization and exposure of privacy or details that prejudice on his/her personality and integrity.^[48] The court may order that the trial be held behind closed doors when publicity violates social morals, when deemed necessary for the testimony of the minor, or the victim himself seeks to have the trial behind closed doors.^[49] Whereas the main trial is always held behind closed doors when the minors are the perpetrators of such a crime, or when adult defendants are charged with committing criminal offenses against the minors as a victim, regardless of the victim's age at trial.^[50]

Concerning the **development of a closed-door trial**, the victim or the minor victim's representative may request that the process be held behind closed doors, even if only for a part of the process. It is always proceeded with closed doors when the injured person is a minor. This provision is of great systematic and practical importance. Above all, the introduction of new provisions, which are not necessarily on the sexual context, as trafficking may be aimed at forced labor or domestic servitude - means that *la ratio* of the norm is not the most necessary protection of the injured person because his sexuality is implicated in the commission of the offense. Actually, *la ratio* is to seek the necessary protection of the victim's personal life, when personal goods get prejudiced by offense, which extend to a wider range, including personal freedom, freedom of self-determination both in the sexual context and more generally, when that is, the person has been the subject

[48] Council of Europe Convention "On action against trafficking in human beings", ratified by law no. 9642, dated 20.11.2006, Directive 2012/29/ EU of the European Parliament and of the Council of October 25, 2012 "Establishing Minimum Standards on the Rights, Support and Protection of Crime Victims and Substituting the Council Framework Decision 2001/220/JHA".

[49] Article 340 of CPC, paragraph 1 letters a, c, d.

[50] United Nations Standard Minimum Rules for the Administration of Juvenile Justice (*The Beijing Rules 1985*). United Nations Guidelines for the Prevention of Juvenile Delinquency (*Riyadh Instructions*)

of such injury that it has violated his self-esteem and his sense of self-value. In this situation, publicity itself can be an aggravating factor of the consequences of violence.

From a practical point of view, the injured person should always be informed at the first contact with judicial authority because of his or her right to request that the debate or part thereof - *typically his/her testimony* - to be held with closed doors. The judge or the presiding judge shall then assess in a non-coercive manner the existence of the circumstances for such a decision. This according to *Council of Europe Recommendation no.85 (2011)*^[51]. In any case, this right is in balance with the accused person's right to guarantee equality of weapons in the process.

Accused defendants and their defense attorneys always contested the requests to hold the trial at closed doors at the Serious Crimes Court, because they sought to confront victims in the courtroom. In some cases, the defendants and their defense attorneys have left the courtroom in protest of the court accepting the request to hold a closed-door hearing.

One disadvantage during the judgment of trafficking cases is the lack of knowledge or acceptance of international standards of defense attorneys regarding the treatment of victims of trafficking provided for by UN and EU international norms, which are part of our domestic legislation, but were not yet reflected in procedural legislation. Therefore, the provision of these rights, including that of requiring the victim himself or herself, or his/her representative for closed-door hearing, or using as evidence of audiovisual testimony during investigations, assists judges for the implementation in practice of the standards cited above.

[51] Information and public relations policies in the context of the instruction and adjudication of criminal offenses should take into account the need to protect the victim from any publicity that may prejudice his or her private life or dignity. If the type of offense, particular status, situation or personal safety of the injured party requires special protection, the pre-sentence criminal proceedings must be held behind closed doors and the dissemination of the victim's personal data should be subject to coercive appropriate restraint".

Presence of the victim of trafficking in trial and her/his interrogation as a witness in trial

During the hearing of the case, the victim of trafficking may attend the court hearing in the position of the victim of the criminal offence^[52], participating in the process as a witness when her/his interrogation is required. Interrogating a victim of trafficking as a witness, and especially when he/she is a minor, is the most delicate part of the process. When the testimony of a witness/victim of trafficking is obtained during a preliminary investigation, or at a preliminary hearing, the situation is simpler as the record of securing the evidence is read in court. The presence of the victim of trafficking as a witness at the hearing requires the completion of certain components related to security, escorting, positioning her/him in the courtroom.

The victim of trafficking can be interrogated through **audio or audio-video system** pursuant to Article 361 paragraph 8 of CPC.^[53] This is accomplished by video conferencing or by interrogation the witness, the victim, from a reserved room, but close to the courtroom, an environment in which she/he has no direct contact with the defendant, the attorney and the public. These measures are taken in order to ensure the protection of witnesses, victims of trafficking from serious threats by defendants and other persons during the interrogation process, which create serious difficulties in establishing guilt and conviction. The courtrooms at the Serious Crimes Court are designed to answer such a question by videoconferencing, placing the witness in a courtroom, or outside a courtroom, or by audio connection to a separate room but close to the courtroom. This way of interrogation through audio or audiovisual connection has been successfully practiced in litigation

[52] Pursuant to Article 58 paragraph 1 letter h, the victim has the right to be invited by the court at the first hearing.

[53] Victims of sexual offenses, trafficking offenses or offenses committed within the family, when requested, may be questioned as witnesses through audio and audiovisual tools.

in the SCR.^[54] In such a case, the presiding judge shall verify the presence of the witness/victim and a secretary shall keep a record of the witness's premises meantime. The record shall be attached to the main record of the hearing or audio recording.

According to paragraph 7 of Article 361 CPC, the interrogation of a witness/victim at a distance can be done within the territory, or abroad via videoconference. The law defines that during this remote interrogation, the rules of international agreements and the provisions of our Criminal Procedure Code must be followed. The witness/victim of trafficking is interrogated through an audiovisual connection and the person authorized by the Court stays in the place where s/he is located and identifies him/her, as well as taking care of the proper conduct of the interrogation and the implementation of protective measures. These actions are transcribed in the record.

In cases where the victim of trafficked **chooses to be present during the trial** and to be questioned in the presence of the defendant, the court must consider the following measures:

- Victim of trafficking/witnessing should be accompanied by police officers, social workers or psychologists, possibly with same gender^[55]. In cases where the victim is accommodated in the reception centers for victims of trafficking, the possibility of assisting them in escorting is easier as the court orders the shelter to accompany the victim by staff.

[54] See decision no. 77, dated 19.07.2017 of the Court of First Instance for Serious Crimes, charged by the defendant LM accused for the criminal offense of "*Trafficking of minors*" article 128/b/3 of the CC describing the manner of questioning by videoconferencing from an internal room of the juvenile court/trafficking victim AF.

[55] Directive 2012/29/ EU of the European Parliament and of the Council of October 25, 2012 "Establishment Minimum Standards on the Rights, Support and Protection of Crime Victims and Substituting the Council Framework Decision 2001/220/JHA

- She/he is escorted to court premises by an entrance that is not accessible to the public and escorted to a special room dedicated for witnesses (the witness room), always accompanied by a social worker or psychologist^[56], where stands until the court clerk calls her to appear for interrogation.
- The victim/witness is positioned in courtroom so that the accused/defendant is within a reasonable distance so that s/he does not feel intimidated or under psychological pressure by facing the defendant.^[57]
- The Court is careful not to use questions, gestures, conduct, intonations to cause psychological pressure, intimidation, privacy exposure or insulting and denigrating the victim of trafficking, who is presented as a victim, when he/she is questioned by the parties, prosecutor, lawyer or defendant.

According to Article 361/b of the CPC,^[58] where the victim of trafficking is a protected witness and has benefited from the witness protection program, she/he may be questioned using specific interrogation techniques, including the interrogation in distance and concealing identity. The law *"On the protection of witnesses and collaborators of justice"*^[59] provides in details the conditions where a victim could be part of witness protection program^[60],

[56] Letter b) of Article 58 of the CCP.

[57] The courtrooms at the Serious Crimes Court provide this component as they have sufficient distance to the place where the victim is positioned.

[58] Special interrogation techniques.

[59] Law No. 9205, dated 15.03.2004 "On the protection of witnesses and collaborators of justice", amended by law no. 10 173, dated 22.10.2009 and law no. 32/2017, dated 30.03.2017.

[60] *"The witness of justice"* is the person to whom special protection measures are applied, who, in the capacity of a witness or injured person, notices or testifies of facts and circumstances that are the subject of evidence in a criminal proceeding for the offenses provided for in paragraph 7 of this Article (including trafficking offenses). Victims of trafficking can often appear in this procedural position.

such as the obligation of special administrative bodies to take special protective, physical and technical measures, in the place where the protected person resides, as well as while moving, including those for fulfilling obligations to justice authorities. Article 361/b of CPC provides the rules in case of changing the identity of the witness interrogated by the court. In this case Court orders the appropriate measures for the procedures for knowing the identity or inspection of the person accused, including the order or compulsory accompaniment of the victim to fulfill this obligation. Part of the protection measures that can be ordered from the court are those dealing with the concealment of all records that would reveal the identity of the injured party or witness, measures to conceal the features or physical description of witnesses, holding public hearings behind closed doors.

So far, there have been no cases of granting this status to victims of trafficking at the Serious Crimes Court, but anyway when they were witnesses, during the provision of evidence or testimony they were accompanied by police officers to the Court assisted by civil society activists or various organizations active in the field.

Interrogation of minor victim of trafficking

In addition to the rules outlined above, the interrogation of a minor victim of trafficking in human beings, criminal procedural law and juvenile justice has already provided for new rules to provide maximum guarantees for ensuring the effectiveness of the testimony, but most importantly, the appropriate treatment of the minor. The Juvenile Justice Code provides the definition of "*minor*", "*minor victims*", "*re-victimization*" and also "*the highest interest of the minor*"^[61].

[61] Article 3 "Definitions". The Juvenile Justice Code adopted by law no. 37/2017.

Article 361 of the CPC already provides for special rules for the interrogation of a minor.^[62] The interrogation of a *minor/victim* of trafficking, under the age of 14, is done without the presence of the judge or the parties in the premises where s/he is located, and is carried out through audio or audiovisual connections. The question is asked through a psychologist, educator, etc.

Whereas the interrogation of the minor victim over 14 is led by the chair judge of Court hearing, who in our first instance case corresponds to the judge of the case, making sure to avoid the harmful effects on his health, so not to be impressed or emotionally strained during the interrogation.

If the defendant and the defense attorney give their consent and the minor is heard during the investigation and his statements are recorded under paragraph 4 of Article 58/a of the CPC, the testimony can be used as evidence in the trial. The Juvenile Justice Code^[63], Articles 39, 41 provides for special rules for the interrogation of a minor victim or witness, and a minor victim of sexual exploitation and sexual violence.

[62] Article 361 of CCP "Interrogation of minors 2, amended by law no.35/2017.

[63] Law no. 37, dated 30.03.2017 "Juvenile Justice Code", which entered into force on January 1, 2018.

INTERNATIONAL PRACTICE IN DRAFTING SPECIAL LAWS

A. Experience in the United States of America

Federal Laws on Anti-Trafficking

Law “On Protection of Victims of Trafficking” of the year 2000^[64], is the first federal law to address trafficking in persons with a particular focus on the international dimension of the phenomenon. It has as a *“purpose at fighting trafficking in persons, as a form of modern slavery, whose victims are mainly women and children, to ensure fair and effective punishment of traffickers, and to protect victims”*^[65].

The law has a three-pillar approach, which includes prevention through international programs and a state monitoring program, protection through the introduction of T-type visas and services for foreign victims, and prosecution through new federal crimes. This act has been further updated with some changes over the years 2003, 2005, 2008, 2013 and 2015, which emphasizes the protection for local victims, and strengthened the role of the Office of Trafficking in Persons at the State Department.

A special section is devoted to defining the forms of exploitation, the mode of recruitment, the victim, the standards of action taken to fight against trafficking, the authorities, the inter-institutional task

[64] <https://www.govinfo.gov/content/pkg/PLAW-106publ386/pdf/PLAW-106publ386.pdf>

[65] Sec. 102. Purposes and Findings, Division A-Trafficking Victims Protection Act of 2000, <https://www.govinfo.gov/content/pkg/PLAW-106publ386/pdf/PLAW-106publ386.pdf>

force for monitoring and fighting trafficking, and giving assistance to victims of trafficking.

PREVENTION

- Establishment of the Office for Monitoring and Fight against Trafficking within the State Department, which is required to report on the ranking of states for Anti-Trafficking efforts. The president can impose sanctions on countries that make no effort in this area.
- Creating public awareness and information programs, as well as international economic development programs to assist potential victims.
- Creating a federal task force to assist in the implementation of the Law on the Protection of Victims of Trafficking.

PROTECTION

- Providing protection and assistance to foreign victims of trafficking, granting them and their family members access to the Federal Witness Protection Program, as well as other state and federal benefits similar to those of refugees. Benefits include education, health care, training and other social services programs.
- Informing victims of trafficking about their rights and translation services.
- Establishing T-visas, which allow victims of trafficking to become temporary residents in the USA, and then permanent residents after three years. Some close family members can also be included. The T-visa is also granted to:
 1. Victims "of the worst forms of trafficking";
 2. That are physically in the USA due to trafficking;
 3. Those who are part of assisting in the investigation and prosecution of trafficking offenses;
 4. Those who would suffer extreme consequences (minors not included);

Prosecution - Prosecution strengthening and conviction of traffickers

- Recognizes trafficking as a federal crime by imposing severe penalties.
- Introduces new offenses of forced labor; trafficking as slavery, forced domestic services, or forced labor; trafficking for the purpose of exploitation of prostitution, as well as criminalizing the attempt to engage in this criminal offense.
- Orders indemnification/compensation to victims.

Compulsory indemnification

“(a) Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalties authorized by law, the court shall order indemnification for any violation under this chapter.

“(b)(1) The indemnity order under this section requires the perpetrator to pay to the victim (through the appropriate court mechanism) the full amount of the victim’s losses, as determined by the court under paragraph (3) of this subsection.

“(2) An indemnification order under this Article shall be issued and enforced pursuant to the Article 3664 in the same manner as the order under Article 3663A.

“(3) As used in this subsection, the term “full amount of victim’s losses” has the same meaning as provided in Article 2259 (b) (3) and in addition, the defendant must include the income or gross value of the services, or the work of the victim, or the value of the work of the victim guaranteed under the minimum wage and the guarantees for overtime work of the Equal Labor Standards Act (29 USC 201 et seq.)”^[66]

[66] 1593. Mandatory restitution, Trafficking Victims Protection Act of 2000 <https://www.govinfo.gov/content/pkg/PLAw-106publ386/pdf/PLAw-106publ386.pdf>

In addition, the law was updated with a number of changes and improvements aimed at strengthening the fight against trafficking in persons by taking measures against new forms of phenomenon, involving institutions in identifying victims, providing specific funding for assistance programs, etc.

The 2003 amendments, among other things, authorized a \$200 million fund to fight against trafficking in persons. What was most important was the expansion of the circle of people receiving social support with family members of the victim.

The 2003 amendments also set out the obligation for the General Prosecutor to report to the Congress on US government Anti-Trafficking activities.

In 2005, the amendments address, inter alia, the creation of a pilot program for the placement of minor victims of domestic violence or trafficking in residential centers as well as prevention programs for sex tourism.

The amendments in 2008 focused primarily on labor exploitation, requiring the Department of Labor to prevent US citizens from using slave or child labor products and child exploitation as soldiers. The amendments also included the financial benefit of trafficking in persons.

Preventing Sex Trafficking and Strengthening Families Act, 2014

Preventing Sex Trafficking and Strengthening Families Act, 2014 seeks to reduce sex trafficking of young people into the system "Foster Care".

The part of this special law on sex trafficking requires the child welfare system to improve its response to trafficking, identifying young people who are victims of sex trafficking, or those at risk for sex trafficking, providing appropriate services to young people

who have been sexually trafficked, report missing children to the National Center for missing and exploited children, and develop protocols to locate missing or departed children, and identify the circumstances they faced when leaving care, including identifying whether they were victims of trafficking.

Further, state child welfare agencies are required to report to law enforcement authorities on cases of sex trafficking and to provide/ensure information regarding victims of sex trafficking, or at-risk youth, to the U.S. Department of Health and Human Services, which will then report these cases to Congress.

Justice for Victims of Trafficking Act, 2015^[67]

Justice for Victims of Trafficking Act improves the US response to human trafficking and contains a number of changes that strengthen victim services.

The amendments through this act also focused on empowering survivors of trafficking by setting up the United States Counseling Board on Trafficking in Persons, whose term ends in September 2020. This board advises and makes recommendations to the Group of Politicians created by the 2000 Law “On the Protection of Victims of Trafficking” and the Task Force on Monitoring and Fighting Trafficking in Persons.

B. Experience in United Kingdom

In 2015 the British Parliament passed the law “On Modern Slavery”^[68], which took effect in July 2015. Prior to its adoption, trafficking was dealt with in various statutes, which included:

[67] <https://www.congress.gov/bill/114th-congress/senate-bill/178>

[68] http://www.legislation.gov.uk/ukpga/2015/30/pdfs/ukpga_20150030_en.pdf

- Law "On Citizenship, Immigration and Asylum" - criminalizing trafficking in persons for prostitution;
- Law "On Sexual Crimes", 2003 – criminalizing trafficking in all forms of sexual exploitation;
- Law "On Asylum and Immigration" – criminalizing trafficking in persons for any purpose, including forced labor;
- Law "On Justice and Investigation", 2009 – criminalizing forcing someone to perform forced labor.

The new law of 2015 is divided into seven sections and repeals the offenses set forth in the acts mentioned above.

- The first part clarifies the existing criminal offenses of slavery and trafficking in persons by providing relevant definitions for the criminal offense, its meaning and types of exploitation and the determination of penalties.
- The second part provides for the issuance of two new civil preventive orders: the Preventive Order on Slavery and Trafficking; and the order on the risk of slavery and trafficking.

Prevention of Trafficking and Slavery Orders

(1) The court may issue an order to prevent trafficking and slavery against a person ("the defendant") when dealing with the defendant in relation to:

- (a) punishment for slavery or trafficking in persons;*
- (b) when the defendant is found not guilty of the criminal offense of slavery or trafficking in persons for which s/he is charged due to disabilities;*
- (c) when the defendant is found to be disabled and has committed the crime of slavery or trafficking in persons for which he is charged;*

(2) The court can only make a decision only if it is convinced that:

(a) there is a risk that the defendant may commit an act of slavery or trafficking in persons; and

(b) it is necessary to issue an order on the purpose of the protection of persons in general, or special persons, from physical or psychological harm likely to occur if the defendant has committed such a criminal offense.

Orders for the risk of slavery and trafficking

(1) The court may issue an Order on the Risk of Slavery and Trafficking against a person (the "Defendant") on the basis of a request by:

(a) a chief of police;

(b) an immigration officer; or

(c) Director General of the National Crime Agency ("General Directorate").

(2) The court can only issue the Order if it is proven that the defendant has acted in a manner that implies that:

(a) there is a risk that the defendant will commit a criminal offense of slavery or trafficking in persons; and

(b) it is necessary to issue an order on the purpose of the protection of persons in general, or special persons, from physical or psychological harm likely to occur if the defendant has committed such a criminal offense.^[69]

- The third part defines the competencies for the naval forces in relation to ships.
- The fourth part provides for the establishment of the Office of the Independent Anti-Slavery Commissioner, and defines the functions of the Commissioner.

[69] Part 2, Prevention orders, http://www.legislation.gov.uk/ukpga/2015/30/pdfs/ukpga_20150030_en.pdf

- The fifth part presents a number of actions focusing on victim support and protection, including the mandate of protection for victims of trafficking and slavery, as well as specific actions for witnesses in litigation.

Guidelines for identifying and supporting victims

(1) The Secretary of State shall issue instructions to public authorities and other persons whom the Secretary of State considers appropriate, which are:

(a) indicators that a person may be a victim of slavery or trafficking in persons;

(b) measures to provide assistance and support to persons who are reasonably suspected of being victims of slavery or trafficking in persons;

(c) measures to determine whether there is reasonable suspicion that a person may be a victim of slavery or trafficking in persons;

(2) The Secretary of State may, from time to time, review guidelines issued under subsection (1).

(3) The Secretary of State shall ensure that instructions issued or revised under this section are published in a manner deemed appropriate by the Secretary of State.^[70]

- The sixth part provides for the obligation of some businesses to inform about the steps taken to eliminate slavery and trafficking in both their business and their suppliers.
- The seventh part provides for the Secretary of State's obligation to publish a report on the role of the Licensing Authority and other general matters of this Act.

[70] Paragraph 49, Modern Slavery Act; http://www.legislation.gov.uk/ukpga/2015/30/pdfs/ukpga_20150030_en.pdf

C. Experience in Kosovo

Law “On prevention and fighting trafficking in human beings and protection of victims of trafficking”

This law aims at preventing and fighting trafficking in persons, protecting victims of trafficking, providing services as well as national and international cooperation in the fight against this phenomenon.

- The first part of the law provides definitions of both the criminal offense and the supposed victims of trafficking, as well as a set of terms used for this phenomenon.
- The second part of the law provides for authorities to prevent and fight the phenomenon and to protect victims. Article 8 of the law stipulates the appointment and the powers of the national coordinator against trafficking in human beings.
- The third part of the law focuses on the investigation and prosecution, clarifying both the elements of the criminal offense of trafficking, the methods of investigation and the ways of exercising criminal prosecution. This section also sets out the powers for identifying and protecting victims, as well as their exclusion from criminal responsibility, an obligation which also derives from the Council of Europe Convention on Action against Trafficking in Human Beings”.
- The fourth part focuses on assisting and protecting victims of trafficking, reintegration, and supporting centers that provide services to this category. This section guides and clarifies all steps taken to address rights since identification, the role of diplomatic missions in countries of destination and the voluntary assisted return of foreign victims.
- In the fifth part, the law is dedicated to preventing and fighting

trafficking in minors, and the seventh part describes the types and ways victims of trafficking receive indemnification.

In all three practices referred to, the legislator has paid attention to all the steps that need to be taken to prevent and fight trafficking in persons, protect victims and coordinate actions in this field.

Each of the laws defines the state authority that coordinates Anti-Trafficking actions in the country, defines the rights and obligations, a practice that does not currently exist in Albania.

The acts also, through their definitions of both the criminal offense of trafficking in persons and the forms of exploitation, the manner in which they are committed, facilitate the understanding and application of the law in practice.

CONCLUSIONS / RECOMMENDATIONS

A preliminary analysis conducted by the organization “Different & Equal” identified some of the advantages of a special law for the protection of victims of trafficking:

- It serves as a framework law integrating and complementing all actions to protect victims of trafficking, prevent and fight trafficking in human beings, giving better solution to the lack of reference to various acts regulating specific aspects of the Anti-Trafficking field;
- It serves as an instrument to guarantee effective protection with a pro-victim approach;
- It clearly defines the responsible structures and mechanisms for the protection of victims of trafficking and highlights the many efforts and actions taken in this regard;
- It improves coordination of efforts, structures and mechanisms in protecting victims of trafficking, preventing and fighting trafficking in human beings;
- It serves to create a state compensation scheme for victims of trafficking and fills legal gaps in compensation through litigation;
- It provides better protection for victims of trafficking, by promoting and enhancing their cooperation with law enforcement agencies, which directly affects the progress of investigating and adjudicating cases related to trafficking in human beings;
- It improves the process of formal identification of victims of trafficking, as it promotes pro-active identification and self-identification of victims themselves;

- It also resolves the situation of determining the status of victims of trafficking, providing for an administrative and judicial appeal mechanism that is missing and is not even resolved in standard operating procedures;

Reflecting also the recommendations and suggestions of *ad hoc*^[71] group we believe that the proposed law should be in accordance with international standards and should contain clear legal definitions and adjusted with the Albanian context, including:

- *purposes and objectives of the law;*
- *key principles for protecting victims of trafficking, preventing and fighting trafficking in human beings;*
- *entities provided for by the law on protection of victims of trafficking, prevention and fight against trafficking in human beings;*
- *competencies of the entities involved;*
- *shelters for support and assistance;*
- *cooperation of public service institutions with non-profit organizations and centers providing social rehabilitation services and protection for victims / potential victims of trafficking;*
- *obligations of diplomatic missions and consular offices, assistance to child victims of trafficking;*
- *State guarantees for victims of human trafficking, international co-operation in the fight against trafficking;*

[71] Implemented by DCM no. 770, dated 26.12.2018, **activity 1(a) 6**, to **“Establish an ad hoc group to conduct an in-depth analysis and evaluation of the need for a special law focusing on the protection of victims / potential victims of trafficking”**.

A law focusing on the protection of victims of trafficking shall:

- ✓ consolidate and clarify law enforcement authorities on the steps they need to take to fight, prevent trafficking in persons and protect victims of trafficking;
- ✓ establish the institution of national coordinator and define its competences and role in coordinating Anti-Trafficking actions, at national and international level, as well as its accountability;
- ✓ establish a mechanism for the direct compensation of victims of trafficking;
- ✓ clarify how to obtain the status of “victim of trafficking”, and determine the authority to grant such status, as well as the right to appeal the administrative act.

As for the above, we recommend that this law has the purpose to define the legal provisions for the responsibilities and powers of the competent authorities in relation to:

1. National Anti-Trafficking Coordinator, its designation as a separate budget unit and the obligation to report on steps the Albanian government is taking to protect victims of trafficking, children or their families, and to fight and prevent trafficking in persons.
2. Responsible authorities at central and local level and their mandatory training to handle cases since their initial identification.
3. Preventing and fighting trafficking in persons in all forms, such as sexual exploitation, illegal immigration, including labor exploitation and forced begging or any other form that it appears.
4. Protecting victims of trafficking, their children, or family members, securing their rights such as legal assistance, medical care, psychosocial support, providing compensation

to all persons who are alleged to be, or who are identified as, trafficked through an access to human rights in full compliance with international standards.

5. National and international cooperation to prevent and fight trafficking in persons.

This law would make it possible to provide definitions for:

- Trafficking;
- Forms of trafficking / exploitation;
- Victims of trafficking;
- Potential victims of trafficking;
- Vulnerability;
- Rehabilitation;
- Reintegration;
- Relatives of the victim;
- Trafficked or exploited minors;
- Forced and labor exploitation;
- Clandestine immigration or smuggling of emigrants;
- Illegal adoption;
- Forced marriage;
- Exploitation of the victim.^[72]

Or defining all the responsible authorities for fighting and preventing the phenomenon, as well as protecting victims starting from:

- Council of Ministers and relevant Ministries;
- National Anti-Trafficking Coordinator;
- Office of the National Anti-Trafficking Coordinator;

[72] Keep in mind that this is not an exhaustive list

- National Referral Mechanism;
- Task Force;
- Non-profit organizations and their role;
- Defenders for victims of trafficking;
- Local government;
- Educational or health institutions.^[73]

The law should list the authorities for preventing and fighting trafficking in persons and protecting victims of trafficking by listing them in the executive, legislative, judicial and prosecutorial bodies, organizing them within the meaning of the national Anti-Trafficking authority.

Having such a law would make it possible for the National Anti-Trafficking Coordinator and the National Referral Mechanism to find a legal definition, defines the duties and competencies.

The law shall define the modalities of action and what should be done to prevent and fight it, designating the concrete actions that authorities must take such as initial or formal identification, institutional coordination, education, training, information, the duties and forced actions taken by police officers, local government, justice institutions, labor inspectors, social and health care workers, consular offices, etc.

The law should provide for all the preparatory actions and elements for the prosecution, focusing on proactive actions, joint investigation teams, or identify offenses related to trafficking.

The law should stipulate provisions regarding the identification of victims of trafficking, the granting of status and the forms of appeal of the administrative act.

[73] Keep in mind that this is not an exhaustive list

Exemption from criminal liability is provided by the CC in its Article 52/a, but the law may list actions that should be exempted from the criminal liability for the victims of trafficking such as:

- Illegal entry and exit;
- Securing or using forged documents;
- Or other acts of involvement in other illegal activities, such as possession of narcotics, etc., emphasizing that this involvement must be a direct consequence of the trafficking situation.

The law shall determine the liability of legal persons when the persons act on their behalf, or when the lack of supervision or control has resulted in trafficking.

The law may designate certain provisions on treatment during investigations and trials similar to those provided for in the Directive 2011/36/ EU of the European Parliament and of the Council, of April 5, 2011 "On the Prevention and Fight against Trafficking in Human Beings and the Protection of Victims of this Trafficking" and substitution of the Council Framework Decision 2002/629/JHA. These acts provide clear descriptive definitions regarding trafficking, victims of trafficking, their protection, especially for children, on forced labor as a form of slavery, the residence permits of victims of trafficking from third countries and a more well-determined structures, tasks, responsibilities and minimum standards in Anti-Trafficking mechanisms.

Article 12 of the Directive stipulates:

- No unnecessary repetition of interview and court hearings;
- No visual contact between the victim and the perpetrator;
- Avoidance of giving testimony in open court;
- Avoidance of unnecessary questions about privacy;

In particular, the directive provides for a scheme of protection, assistance, prevention and especially for unaccompanied child victims etc.

Article 12 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse provides for specific legislative actions that each Party must take: *“Each Party shall take the necessary legislative or other measures to ensure that the confidentiality rules imposed by internal law on certain professionals called upon to work in contact with children do not constitute as an obstacle to the possibility, for those professionals for reporting to the responsible services for child protection any situation where they have reasonable grounds for believing that a child is a victim of sexual exploitation or sexual abuse”*.

The law should specifically provide for:

- Duties and Responsibilities of the National Anti-Trafficking Coordinator;
- Assistance and protection for victims of trafficking;
- Treatment of child trafficking victims as well as children of trafficking victims and their families as a separate chapter in the law;
- Closure of facilities and businesses that are involved and enable trafficking in persons, or that benefit from the work of victims of trafficking;
- Protection of personal data and privacy;
- Protection of victims or witnesses;
- Rehabilitation and reintegration of victims;
- Protection and support of centers providing assistance/shelter to VoT/ PVoT;
- Vocational training to the VoT;
- Information on the procedure for obtaining a residence permit;
- Reflection period for victims and witnesses of trafficking in persons;
- Services provided since the moment of identification;

- Attitude of victims and witnesses of trafficking;
- Assisted voluntary return for VoT/PVoT;
- International cooperation on assisted voluntary return;
- Providing assistance and protection to VoT/PVoT by diplomatic missions and consular offices;
- The role of organizations;
- General provisions concerning the assistance and protection of child victims;
- Specific principles of the fight against child trafficking:
 - Presumption of age;
 - Voluntary assisted return of child victims;
 - Providing assistance and protection;
- Resolving the compensation issue;
- Types of compensation:
 - Compensation ordered by the Court;
 - Compensation Orders;
 - State compensation;
 - Compensation for child victims;
 - State compensation claim;
- Cooperation between authorities;
- Issuance of bylaws;
- Entry into force.

BIBLIOGRAPHY

International normative acts

- ▶ *Declaration of Fundamental Principles of Justice for Victims of Crime and Abuse of Power adopted by the United Nations General Assembly in the year 1985*
- ▶ *Directive 2011/36/ EU of the European Parliament and of the Council, of April 5, 2011, on preventing and fighting trafficking in human beings and protecting victims of such trafficking, and substituting the Council Framework Decision 2002/629/JHA*
- ▶ *Directive 2012/29/ EU of the European Parliament and of the Council, of October 25, 2012 Establishing Minimum Standards on the Rights, Support and Protection of Crime Victims and Substituting the Council Framework Decision 2001/220/JHA*
- ▶ *Council of Europe Convention on Action against Trafficking in Human Beings, ratified by Law no. 9642, dated 20.11.2006*
- ▶ *Council of Europe Convention on the "Protection of Children against Sexual Exploitation and Sexual Abuse"*
- ▶ *Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse Ratified by the Albanian Parliament with Law no. 10 071, dated 09.02.2009*
- ▶ *United Nations Convention Against International Organized Crime, ratified by law no. 8920, dated 11.07.2002 "On the Ratification of the United Nations Convention against International Organized Crime" and its two additional protocols"*
- ▶ *EU Framework Decision on the Status of Victims in Criminal Proceedings, dated 15.03.2001*

National normative acts

- ▶ *Criminal Procedure Code of the Republic of Albania, as amended by law no. 35/2017*
- ▶ *Criminal Code of the Republic of Albania*
- ▶ *Law no. 141/2014, for some additions to law no. 10383, dated 24.02.2011, "On Compulsory Health Insurance in the Republic of Albania", as amended*
- ▶ *Law no. 37/2017, dated 30.03.2017, "Juvenile Justice Code"*
- ▶ *Law no. 9205, dated 15.03.2004 "For the protection of witnesses and collaborators of justice", amended by law no. 10 173, dated 22.10.2009 and law no.32/2017, dated 30.03.2017*
- ▶ *Law no.9936 dated 26.06.2008 "On the Management of the Budgetary System in the Republic of Albania", as amended*
- ▶ *Law on Prevention and Fighting Trafficking in Human Beings and Protection of Victims of Trafficking (Kosovo)*
- ▶ *Decision no. 518, dated 04.09.2018 "On community and residential social care services, the criteria, procedures for their benefit and the amount of personal expenses for the beneficiaries of organized service"*
- ▶ *Decision no. 707, dated 26.08.2015 "On some changes and additions to Decision no. 107, dated 10.02.2010, of the Council of Ministers, "On publishing, printing, distributing and selling textbooks of the pre-university education system", as amended*

Materials from the Internet

- ▶ *Draft basic principles and guidelines on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms (1997).* URL: www.unhchr.ch
- ▶ http://www.legislation.gov.uk/ukpga/2015/30/pdfs/ukpga_20150030_en.pdf
- ▶ *Justice for Victims of trafficking act 2015* <https://www.congress.gov/bill/114th-congress/senate-bill/178>
- ▶ *Modern Slavery Act*
- ▶ *The UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985).* URL: <http://www.unhchr.ch>
- ▶ *Decisions of the Serious Crimes Court and the Supreme Court* www.gjkr.gov.al
- ▶ www.gjykataelarte.gov.al

**STUDY REPORT
ON THE NEED OF DRAFTING A SPECIAL
LAW FOR THE PROTECTION OF VICTIMS
OF TRAFFICKING IN ALBANIA**



This study report was developed by
the Center "Different & Equal"