

TRAFFICKING IN HUMAN BEINGS: PARADIGMS OF A SUCCESSFUL REINTEGRATION INTO SOCIETY (ALBANIAN CASE)

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Abstract

Protection of human rights and reintegration of trafficked people is central to efforts made by governments around the globe aiming to prevent, combat, protect, assist, provide, and reintegrate victims of trafficking in social life.

European Union and the United States represent main stakeholders against trafficking in human beings. In cooperation with the Council of Europe, the EU supports judicial reform, border control, customs management, improving the capacity of police to defeat organized crime and terrorism as well as simultaneously developing the capacity and institutions for the rehabilitation and reintegration of trafficking victims.

Albania has also signed and ratified international conventions and has made changes to the criminalization of human trafficking in the national criminal legislation.

A special focus is shown in the social services in the rehabilitation and reintegration of victims of trafficking. Palermo Protocol²⁹ emphasizes two important elements in relation to human trafficking. First he states the effective prevention of trafficking through prosecution of traffickers and secondly protection of human rights and victim assistance to ensure their rehabilitation and reintegration into society.

Reintegration refers to the process of recovery and socio-economic inclusion of individuals after a trafficking experience. Reintegration involves putting in a safe environment, access to

²⁹ Palermo Protocols are three protocols adopted by the United Nations in 2000 in Palermo, Italy, together with the Convention against organized crime. They are:
Protocol to Prevent, Suppress and Punish Human Trafficking, especially Women and Children;
Protocol against the Smuggling of Migrants by Land, Sea and Air;
Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.
<http://www.unodc.org/unodc/en/treaties/CTOC/index.html>

a reasonable standard of living, opportunities for personal and economic development, and access to social and emotional support.

Keywords: Human Trafficking, reintegration, social work, social services

Introduction

Trafficking has reached enormous levels around the globe. Women, children and men trafficked into the international trade of sex for purposes of prostitution, sex tourism and other commercial sexual services and forced labor situations. Practice may take other forms, including child abduction and recruitment into government forces or rebel armies, selling women and children as slaves, the use of children as street beggar and arm laborers.

In many cases, victims do not have immigration documents or have provided false documents by the traffickers. In most cases the victims lose their network of support to families and friends, thus becoming more vulnerable to traffickers' threats. Victims may also be exposed to a range of health concerns, including domestic violence, alcoholism, psychological problems, HIV/AIDS and other sexually transmitted diseases. Victims in these situations have difficulty breaking out of violence and often are not oriented or where to go for help. Victims may decide not to approach the authorities for fear of being imprisoned or sent back to their countries of origin.

Estimated that the number of trafficking victims worldwide is about 27 million people. About 800 000 is the number of people trafficked into the international borders each year.³⁰ About 50% of international victims are children. About 80% of international female victims are girls.³¹ About 70% of trafficked women are exploited in the sex market. This means that 30% of women are involved in the labor market.³² About 362 is the number of sites identified as affected by trafficking, of which 127 are countries of origin, 98 transit countries and 137 destination countries.³³ Most victims are trafficked around the age of 18-24 years.³⁴ A total of 1.2 million children are trafficked every year.³⁵ Many victims of trafficking have at least secondary education.³⁶ 52% of recruiters are male, 42% are women and 6% are men and women. In 54% of cases the recruiter was a foreign person for victims,

³⁰ U.S. Department of Justice, Report to Congress from Attorney General John Ashcroft on U.S. Government Efforts to Combat Human Trafficking in Fiscal Year 2003:2004.

³¹ U.S. Department of State, Human Trafficking Report: 2007

³² U.S. Department of Justice, Assessment of U.S. Government Activities to Combat Human Trafficking: 2004

³³ UN Office on Drugs and Crime, Human Trafficking: Global Patterns: April 2006

³⁴ International Organization for Migration, Counter-Trafficking Database, 78 Countries, 1999-2006 (1999)

³⁵ UNICEF, UK Child Trafficking Information Sheet (January 2003)

³⁶ International Labor Organization, Forced Labor Statistics Factsheet (2007)

in 46% of cases the recruiter was a close person of the victim. Most of the suspects involved in trafficking are nationals of the country where the process of trafficking occurs.³⁷

Meanwhile, according to UNODC³⁸ report on "human trafficking"³⁹, the most common form of trafficking in human beings (79%) is for sexual exploitation. Victims of sexual exploitation are mainly women and girls. In 30% of the countries that provided information about the gender of traffickers, women make up the largest proportion of traffickers. In some parts of the world, women trafficking women is the norm. From the second most common human trafficking is forced labor (18%). Worldwide, almost 20% of all trafficking victims are children.

The phenomenon of human trafficking in Albania has its origins after 1990 with the change of political system in Albania. Driven by the desire for a better lifestyle Albanian citizens began to immigrate to different countries of the world and a part of them will fall prey to organized crime networks. Among the factors that led to the birth and growth of human trafficking in Albania were: high levels of corruption in the justice system, lack of information, reduction of the system of values, the strong links between criminal groups and politics, low education level, weakening of the role of state in preserving order and management of borders, geographical position between East and West, economic hardship, lack of legislation.

The main transnational issues of Albania are: increasingly active transshipment point for Southwest Asian opiates, hashish, and cannabis transiting the Balkan route and - to a lesser extent - cocaine from South America destined for Western Europe; limited opium and expanding cannabis production; ethnic Albanian narcotrafficking organizations active and expanding in Europe; vulnerable to money laundering associated with regional trafficking in narcotics, arms, contraband, and illegal aliens.⁴⁰

Main Text

A review of State Department Report 2011 on human beings trafficking in Albania.⁴¹

The State Department Report ranks Albania in the second group (Tier 2)⁴². According to the report:

³⁷ International Organization for Migration, Counter-Trafficking Database, 78 Countries, 1999-2006 (1999)

³⁸ United Nations Office on Drugs and Crime.

³⁹ <http://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html>

⁴⁰ <https://www.cia.gov/library/publications/the-world-factbook/geos/al.html>

⁴¹ <http://www.state.gov/documents/organization/142981.pdf>

⁴² Tier 2 watch list Countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards AND: A) The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; b) There is a failure to provide evidence of increasing efforts to combat severe forms of human trafficking from the previous year;

"Albania is a source country for men, women, and children subjected to human trafficking, specifically forced prostitution and forced labor, including forced begging children. Albanian victims are subjected to conditions of forced labor and sex trafficking within Albania and Greece, Italy, Macedonia, Kosovo, and Western Europe. About half of the victims referred for care within the country in 2009 were Albanians, these were mainly women and girls subjected to conditions of forced prostitution in hotels and private apartments in Tirana, Durres and Vlora.

Children are mainly used for begging and other forms of forced labor. There is evidence that Albanian men are subjected to conditions of forced labor in the agricultural sector in Greece and other neighboring countries.

... government has continued to improve its capacity to identify, protect and reintegrate victims of trafficking. It also has prosecuted successfully, some sexual trafficking offenders ... In March 2009, the government approved a change in social welfare law that would provide victims of the same social benefits accorded to other groups at risk and provide government funding for shelters. The government continues to follow and analyze trends in trafficking through a national database.

Recommendations for Albania. The report recommends that Albania should "provide proactive identification of persons exploited in the sex trade, and labor sectors, and intensify partnerships with NGOs to increase detection and referral of all victims of trafficking, improve the safety of victims to cooperate as witnesses in court by law enforcement witness protection consider creating a general fund to protect and reintegrate victims using assets seized by the Serious Crimes Court, the convicted for trafficking, to finalize a bill that provides assistance for the reintegration of the victims after they leave a shelter and provide assistance housing, improve the identification, protection and specialized services for child victims of trafficking; to fight aggressively working traffickers and law enforcement officials involved in human trafficking, and continue to improve data collection and efforts to analyze the investigation, prosecution and punishment."

Protection. According to the report "the government of Albania has taken some steps to improve its efforts to identify and protect victims of trafficking in 2009 ... The government implemented the National Referral Mechanisms and organized meetings with interested parties to improve its functioning. It identified 94 victims of trafficking in 2009, compared

c) The determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.

with 108 in 2008. State shelters assisted 24 victims and assisted 70 NGO-s during the reporting period. In 2009, the government provided free vocational training for the 38 victims, 11 micro-loans provided to businesses, and integrated five victims in schools. In January 2010, approved a bill to provide social assistance to victims of trafficking to minimize the time from the moment they leave the shelters until they find work. "

Prevention. According to the report "The Albanian government supported partnership with international organizations to implement anti-trafficking prevention activities aimed at informing the public and vulnerable groups of trafficking.

The government continued to fund free phone line, 24 hours, for victims and potential victims of trafficking. In November 2009, the government passed legislation to improve the registration process for new births and individuals in the Roma community, the previous procedures do unregistered Albanians and Roma groups highly vulnerable to trafficking. "

A review of State Department Report 2012 on human beings trafficking in Albania.⁴³

Albania is primarily a source country for men, women, and children subjected to sex trafficking and forced labor, including the forced begging of children. Albanian women and children continue to be subjected to sex trafficking within the country.

Albanian victims are subjected to conditions of forced labor and sex trafficking in Greece, Italy, Macedonia, Kosovo, Serbia, and throughout Western Europe. Authorities reported finding trafficking victims from Greece and Ukraine in Albania during the year. Children were exploited for commercial sex, forced begging, and forced criminality, such as burglary and drug distribution; girls were also subjected to prostitution or forced labor after arranged marriage. There is evidence that Albanian men are subjected to forced labor in agriculture in Greece and other neighboring countries. Re-trafficking of Albanian victims continued to be a problem.

The Government of Albania does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government increased its capacity to proactively identify trafficking victims, used its witness protection program to protect a trafficking victim, and provided short-term funding for NGOs to help victims. However, the government's overall lack of sustained funding to anti-trafficking NGOs resulted in temporary closure of a shelter during the year, negatively impacting victim assistance. Moreover, widespread corruption, particularly among the judiciary, continued to hamper overall anti-trafficking efforts.

⁴³ <http://www.state.gov/documents/organization/192594.pdf>

Recommendations for Albania: Proactively implement the new standard operating procedures on victim identification to increase the scope of victims identified in Albania; ensure adequate funding for NGOs providing critical victim assistance; ensure a victim-centered approach to victim identification by not conditioning victim status on victims' roles in criminal investigations; expand the focus of care to ensure more community-based services for victims' reintegration, and empower survivors and help reduce the stigma associated with trafficking; continue to take steps to increase victim witness protection for victims who may be willing to cooperate with law enforcement; vigorously pursue cases of trafficking occurring within the country; and proactively investigate trafficking-related complicity of government officials.

Protection: The Government of Albania made some notable progress in strengthening its capacity to identify and protect victims of trafficking in 2011. The government's lack of sustained funding to NGOs, however, resulted in the temporary closure of one shelter during the reporting period. In the last year, the government reported identifying 84 new trafficking victims via the national referral mechanism, compared with 97 trafficking victims identified in 2010. NGOs reported assisting a total of 132 trafficking victims throughout the year. In July 2011, the government approved victim-centered standard operating procedures (SOPs) in collaboration with civil society to improve identification of trafficking victims and their referral to care. Although the new SOPs separated trafficking victims' status from their willingness to press charges against their traffickers, NGOs noted cases in which police and social workers granted victim status only after the victims agreed to formally participate in proceedings against their traffickers.

For the first time, the Albanian government disbursed funding to NGOs for the provision of shelter services to trafficking victims, providing the equivalent of approximately \$9,775 to three NGOs. The government ended its previous policy of requiring government social workers' presence during NGO conducted victim identification interviews as a precondition for funding.

The NGO funding was limited to food expenses; some potential trafficking victims needing this benefit were not entitled to it. Due to lack of sustained funding, one of these NGOs was forced to close its shelter temporarily during the year, diminishing victim assistance in an area of the country with a critical need for services. The government continued, however, to fully fund and operate a reception center that housed both victims of trafficking and undocumented foreign migrants; victims' freedom of movement was often

restricted in this center. Furthermore, the center lacked the capacity to provide comprehensive reintegration assistance to victims.

Some NGOs reported officials' preference to refer trafficking victims to the reception center rather than NGO shelters; more than half of all newly identified victims in 2011 were assisted in this facility. The government did not penalize identified victims for unlawful acts committed in connection with their being trafficked; however, the Albanian criminal code currently does not prohibit this from occurring. Country experts expressed concern that local police did not recognize child trafficking within the country and instead treated such cases as "exploitation of prostitution" or "child maltreatment." Albania's anti-trafficking law provides immigration relief as an alternative to the removal of foreign victims to countries where they may face hardship or retribution, although the government did not grant this to any foreign victims in 2011. The government encouraged victims to participate in investigations and prosecutions of trafficking offenders. Victims who pursued cases against their traffickers continued to be at risk from retribution, and there was often a need for witness protection after a trial commenced. During the year, 28 trafficking victims assisted law enforcement officials in the investigation stage and two trafficking victims testified during trial; notably, the government enrolled one of these victims in its witness protection program. The government reported it provided five trafficking victims with financial stipends in order to assist with their reintegration after they left a shelter.

The government conducted four trainings for law enforcement and other front-line responders on its newly adopted victim identification and referral procedures in 2011.

Prevention: Albania sustained its efforts to prevent human trafficking during the year, although it continued to rely primarily on international donors to fund anti-trafficking awareness campaigns. The government continued to monitor its anti-trafficking efforts via its national anti-trafficking coordinator's office, which helped launch in 2011 a donor-funded national campaign entitled "Childhood is Not Exploitation for Work," which targeted schools and at-risk children to raise awareness about forced labor among the public and teachers. During the year, the national coordinator's office took steps to facilitate the registration of unregistered children, who are especially vulnerable to trafficking in Albania. The government continued to fund the national, toll-free, 24-hour hotline for victims and potential victims of trafficking. The government made no discernible efforts to address demand for commercial sex acts.⁴⁴

⁴⁴ <http://www.state.gov/documents/organization/192594.pdf>

Statistics on human trafficking in Albania

Offense act	Events	Authors	Arrested	Stopped	Free condition	Wanted
Trafficking in Human Beings year 2005						
Trafficking in children	7	7	5	1	1	-
Trafficking in women	13	13	2	1	9	1
Trafficking in people	2	3	-	-	2	1
Total	22	23	7	2	12	2
Trafficking in Human Beings year 2006						
Trafficking in children	2	4	3	-	1	1
Trafficking in women	25	28	12	-	7	9
Trafficking in people	-	-	-	-	-	-
Total	27	32	15	-	8	10
Trafficking in Human Beings year 2007						
Trafficking in children	7	7	5	1	1	-
Trafficking in women	13	13	2	1	9	1
Trafficking in people	2	3	-	-	2	1
Total	22	23	7	2	12	2
Trafficking in Human Beings year 2008						
Trafficking in women	24	19	2	11	3	3
Trafficking in children	5	7	2	3	2	0
Total	29	26	4	14	5	3
Trafficking in Human Beings year 2009						
Trafficking in children	4	4	-	4	-	-
Trafficking in women	8	9	1	4	1	3
Trafficking in people	2	4	-	4	-	-
Total	14	17	1	12	1	3
Trafficking in Human Beings 2010						
Trafficking in women	33	45	5	3	34	3
Trafficking in people	3	3	-	-	3	-
Trafficking in children	1	3	3	-	-	-
Total	37	51	8	3	37	3
Trafficking in Human Beings 2011						
Trafficking in women	17	24	8	3	11	2
Trafficking in children	6	10	2	-	7	1
Total	23	34	10	3	18	3
Trafficking in Human Beings January-September 2012						
Trafficking in women	21	23	5	-	16	2
Trafficking in people	1	1	-	1	1	
Trafficking in children	2	2	-	-	1	
Total	24	26	5	1	18	2

Table 1: Trafficking in Human Beings since 2005-2010⁴⁵⁴⁵ Source: Ministry of Interior of the Republic of Albania.

Legislation on “Trafficking In Human Beings”

International legislation on “Trafficking in Human Beings”

The most reputable and instruments of international law defining, preventing, and prosecuting human trafficking are the United Nations Convention against Transnational Organized Crime and its two related protocols: the United Nations Protocol to Prevent, Suppress, and Punish Human Trafficking, Especially Women and Children, and the United Nations Protocol against the Smuggling of Migrants by Land, Sea, and Air, which entered into force in 2003-2004. In support of enforcing these instruments, the UNODC established the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) in 2007.

The European Union has set targets to prevent and fight against organized crime. This is defined in the Treaty on European Union, consolidated in the Treaty of Amsterdam Article 29 of Title VI "Provisions on police and judicial cooperation in criminal matters" which includes human trafficking in the indicative list of types of crime "organized or otherwise, "who must fight through a closer cooperation with police, judicial or other competent authorities of the government.

Council of Europe adopted on 3 May 2005 the “European Convention Against Trafficking in Human Beings”, a legal document binding on all its member countries. New convention focus is "to protect the rights of victims and respect for human rights, and aims at the same time, establishing a balance between human rights and criminal acts."

The Council of Europe Convention is a comprehensive treaty which aims (three Ps) (Chapter I /Article 1):⁴⁶

- a. to prevent and combat trafficking in human beings, while guaranteeing gender equality;
- b. to protect the human rights of the victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, while guaranteeing gender equality, as well as to ensure effective investigation and prosecution;
- c. to promote international cooperation on action against trafficking in human beings.

Definition of “Trafficking in human beings” Article 4⁴⁷

- a. "Trafficking in human beings" shall mean 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

⁴⁶ http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Convntn/CETS197_en.asp#TopOfPage

⁴⁷ http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Convntn/CETS197_en.asp#TopOfPage

person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs;

b. The consent of a victim of “trafficking in human beings” to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

c. The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered "trafficking in human beings" even if this does not involve any of the means set forth in subparagraph (a) of this article;

d. "Child" shall mean any person under eighteen years of age;

International conventions and protocols ratified and signed by the Albanian government:

UN Protocol to Prevent, Suppress & Punish human Trafficking	ILO Convention 182, Elimination of Worst Forms of Child Labor	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	Optional Protocol to the Convention on the Rights of the Child in Armed Conflict	ILO Convention 29, Forced Labour	ILO Convention 105, Abolition of Forced Labour
Signed / Ratification, Accession (a), or Acceptance (A)	Ratified	Ratification, Accession (a)	Ratification, Accession (a)	Ratified	Ratified

Table 2: Conventions and Protocols signed and ratified by Albania⁴⁸

Albanian legislation and definition of Trafficking in Human Beings

Protocol to Prevent, Suppress and Punish Human Trafficking⁴⁹, Article 3, paragraph (a) defines Human Trafficking as "transfer, recruitment, transportation, housing or reception of persons by threat or use of force or other forms other coercion, abduction, fraud, deception, abuse of power or of position of vulnerability or the giving or receiving of payments or benefits to achieve consent of a person having control over another person, for purposes of exploitation.

Exploitation shall include at a minimum, the exploitation of prostitution or other forms of sexual exploitation, bonded labor or services, or practices similar to slavery, servitude or the removal of organs."⁵⁰

⁴⁸ <http://www.state.gov/g/tip/rls/tiprpt/2011/164235.htm>

⁴⁹ Protocol to Prevent, Suppress and Punish Human Trafficking, Especially Women and Children

⁵⁰ www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf

Albanian Criminal Code provides sanctions for "criminal acts" related directly or indirectly with human trafficking, women and children. This includes offenses such as aid for illegal border crossing, use, financing and leasing of premises for prostitution, kidnapping of persons and children, endangering a person's life being associated with suffering physical or psychological, beatings, rape, theft of identity documents, falsification of identification documents like passports, visas etc.. Criminal Code of the Republic of Albania on trafficking provides these definitions:

Human trafficking⁵¹

The recruitment, transportation, transfer, harboring or receipt of persons by threat or use of force or other forms of coercion, abduction, fraud, abuse of duty or taking advantage of social, physical or psychic or giving or receiving of payments or benefits to achieve the consent of the person who controls another person, the purpose of exploitation of prostitution of others or other forms of sexual exploitation, labor or services bound to slavery or forms similar to slavery, the introducing or transplanting organs and other forms of exploitation, be punished with imprisonment from five to fifteen years and with fine from two million to five million.

Organization, management and financing of the trafficking of persons sentenced to imprisonment from seven to fifteen years and a fine of four million to six million.

When this work is carried out in collaboration or more than once, or associated with the mistreatment and physical or psychological violence against the victim, to perform various actions, or causes serious health consequences, is punished with imprisonment of not less than fifteen years and a fine of six million to eight million.

When the act lead to the death of the victim, is punished with imprisonment of not less than twenty years or life imprisonment and a fine of seven million to ten million. When the offense is committed through the use of state function or public service, imprisonment and fines increased by $\frac{1}{4}$ of the sentence imposed.

Trafficking in women⁵²

The recruitment, transportation, transfer, harboring or receipt of women through the threat or use of force or other forms of coercion, abduction, fraud, abuse of duty or taking advantage of social, physical or psychological or giving or receiving of payments or benefits to achieve the consent of a person who controls another person, the purpose of exploitation of

⁵¹ Section VII of the Criminal Offences Against the Person freedom Section 110/a (Amended by Law no. 9188, dated 12.2.2004, Article 1)

⁵² Section VII of the Criminal Offences Against the Person freedom Section 114/b (Amended by Law no. 9188, dated 12.2.2004, Article 2)

prostitution of others or other forms of sexual exploitation, labor or forced services, slavery or forms similar to slavery, use or transplantation of organs and other forms of exploitation, be punished with imprisonment from seven to fifteen years and a fine of three million to six million Lek⁵³.

Organization, management and financing of the trafficking of women sentenced to imprisonment from ten to fifteen years and a fine of five million to seven million.

When this work is carried out in collaboration or more than once, or associated with the mistreatment and physical or psychological violence against the victim, to perform various actions, or causes serious health consequences, is punished with imprisonment of not less than fifteen years and a fine of six million to eight million.

When the act lead to the death of the victim, is punishable by imprisonment of not less than twenty years or life imprisonment and a fine of seven million to ten million.

When the offense is committed through the use of state function or public service, imprisonment and fines increased by $\frac{1}{4}$ of the sentence imposed.

Trafficking in minors⁵⁴

The recruitment, transportation, transfer, harboring or receipt of minors to exploitation of prostitution or other forms of sexual exploitation, forced labor or services, slavery or forms similar to slavery, introducing or transplanting bodies, and other forms of exploitation, punishable by imprisonment from seven to fifteen years and a fine of four million to six million.

Organization, management and financing of the trafficking of minors is punished by ten to twenty years and a fine of six million to eight million.

When this work is carried out in collaboration or more than once, or associated with maltreatment and physical violence to the victim or psychological, to perform various actions, or causes serious health consequences, is punished with imprisonment of not less than fifteen years and a fine of six million to eight million.

When the act lead to the death of the victim, is punished with imprisonment of not less than twenty years or life imprisonment and a fine of eight million to ten million.

When the offense is committed through the use of state function or public service, imprisonment and fines increased by $\frac{1}{4}$ of the sentence imposed.

⁵³ Official currency of Albania.

⁵⁴ Section IX offenses against children, marriage and family Article 128 / b (Amended by Law 9188, dated 12.2.2004, Article 3)

Human trafficking is defined as such in the Criminal Code and a number of laws and legal acts that meet the legal framework for fighting organized crime in general and trafficking in human beings in particular. There is a broad-based legislation concerning the fight against trafficking in human beings that, one, the most important changes made in the legal framework can be mentioned:

Law no. 7895, dated 27/01/1995 "Criminal Code", which consistently have been several changes made by adding new offenses figure largely in the fight against organized crime.

Law no.7905, dated 21/03/1995 "Criminal Procedure Code of the Republic of Albania", which are made changes and improvements in connection with the criminal prosecution of perpetrators and application of techniques and special methods of investigation.

Law no. 8920 dated 11/07/2002 "On the Ratification of the United Nations Convention against Transnational Organized Crime and its two additional protocols, the Palermo Protocol, the 2000" "To prevent, suppress and punish human trafficking, especially women and children, supplementing the UN Convention "Against Transnational Organized Crime."

Law no. 9284, dated 30/09/2004 "To prevent and fight organized crime."

Law no. 9188, dated 12/02/2004, "On some amendments to Law no. 7895, dated, 27/01/1995, Criminal Code of the Republic of Albania, as amended."

Law no. 9642, dated, 20/11/2006, through which was ratified by the Albanian Parliament and the Council of Europe Convention "On Measures against Trafficking in Human Beings".

Law no. 9686, dated, 26/02/2007, by which the amendments to Article 298 of the Criminal Code, "Help for illegal crossing of borders", which includes elements of the crime of human smuggling.

Law no. 9859, dated, 21/01/2008, "On some amendments to Law No. 7895, dated, 27/01/1995," Criminal Code of the Republic of Albania - changed ". More specifically, sections added are: a) Article 124/b, "abuse of minors", which among other things condemns the phenomenon of exploitation of children for forced labor, begging and other services required, b) addition of a paragraph in Article 117 "pornography", which treats pornography to minors; c) additions to Article 128/b, "Trafficking in minors", where the law not only penalizes the recruitment, harboring, reception, etc., but also selling minors.

National strategy to combat trafficking in human beings 2008-2010⁵⁵

Guiding principles of the Strategy are as follows:

- The main responsibility of the Government;
- Participation of civil society;
- Treatment of victims based on human rights;
- Inter-disciplinary coordination and inter-sectorial action at government level, and between government and NGO-s;
- Systematic assessment and durability.

Process Of Reintegration Of Victims Of Trafficking In Society

Reintegration refers to the process of recovery and socio-economic inclusion of individuals after a trafficking experience. Reintegration involves putting in a safe environment, access to a reasonable standard of living, opportunities for personal and economic development, and access to social and emotional support. Reintegration involves turning the victim into the family of origin/community of origin or integration into a new place, depending on the needs and interests of the victim. The process of reintegration aims to make a safe, dignified and enduring entry of the victim in society and normal life. Reintegration assistance for victims of trafficking can include a wide range of services, from assistance for housing in the center or in another country, medical care and psychological, social and legal counseling, introduction to the school and professional training.

In Section 2, Article 6, "Protecting victims of human trafficking", the Protocol (Protocol to prevent suppress and punish human trafficking, especially women and children)⁵⁶ defines the obligation of States Parties to this Protocol to provide assistance and protection to victims of trafficking in 6 main areas:

First, the protection of privacy and identity of victims of trafficking.

Second, measures to provide victims of trafficking, in appropriate cases:

- a. Information on relevant court and administrative proceedings;
- b. Assistance to enable the display of their views and concerns and review the appropriate stages of criminal proceedings against offenders, in a manner not detrimental to the rights of defense.

Third, in the implementation of measures to ensure physical healing, psychological and social victims of human trafficking, including, in appropriate cases, cooperation with

⁵⁵ <http://www.dsd.gov.al>

⁵⁶ http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf

non-governmental organizations, other relevant organizations and other elements of civil society, and in particular, the provision of:

- a. Adequate housing;
- b. Advice and information, in particular as regards their legal rights;
- c. Medical, psychological and material, and
- d. Employment, education and training opportunities.

Fourth, the commitment of States Parties to consider in implementing the provisions of this section, age, gender and special needs of victims of trafficking, in particular the special needs of children, including appropriate housing, education and care.

Fifth, to ensure the physical safety of victims of human trafficking.

Sixth, each State Party shall ensure that the domestic legal system to take measures that offer victims of human trafficking the possibility of obtaining compensation for damage suffered.

The assistance offered to the trafficking victims according to The Council of Europe Convention, Article 12 – Assistance to victims,⁵⁷ is:

- a. standards of living capable of ensuring their subsistence, through such measures as: appropriate and secure accommodation, psychological and material assistance;
- b. access to emergency medical treatment;
- c. translation and interpretation services, when appropriate;
- d. counseling and information, in particular as regards their legal rights and the services available to them, in a language that they can understand;
- e. assistance to enable their rights and interests to be presented and considered at appropriate stages of criminal proceedings against offenders;
- f. access to education for children.

Factors affecting the re-integration process

The state institutions

Sometimes reintegration assistance for trafficking victims is given directly by the state structures. Reintegration support for victims provided by the state, often takes the form of social and employment counseling, training courses, assistance for health, and various forms of protection of the re-introduction to school. The way a state defines addresses and implements the problem of human trafficking has a direct effect on their status and their treatment in society.

⁵⁷ http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Convntn/CETS197_en.asp#TopOfPage

Among the structures of the fight against trafficking in human beings may be mentioned:

1. State Committee for Combating Trafficking in Human Beings;
2. Office of National Coordinator for Anti-Trafficking;
3. Anti-Trafficking Unit;
4. The authority responsible for protecting and assisting victims of trafficking;
5. Regional Committees against human trafficking;
6. Department of Defense Witnesses and Special People;
7. General Directorate of State Police (Criminal Investigation Department).
8. Establish sectors of Juvenile Protection and Domestic Violence in the police departments in counties;

Community attitude

A prerequisite for the re-integration is the existence of a tolerant and all inclusive. The attitude of society towards the victims of trafficking depends heavily on its past historical, cultural and political.

Civil society organizations

Non-governmental organizations and religious groups play an important role in providing information and services for trafficked women.

In Albania, there is a network of national and international Organizations and NGO-s focused on the protection, rehabilitation and reintegration of trafficking victims into society. Among those mentioned: IOM, UNICEF, UNHCR, OSCE, USAID, Soros Foundation, "Hearth" Center, "Tjetër Vizion" ("Another Vision"), "Different and Equal", "Shërbimi Social Ndërkombëtar" ("International Social Service"), "Terre des Homes", "Ndihmë për Fëmijët" ("Help for Children"), "Qendra Komunitare Ballsh" ("Ballsh Community Center"), "Komisioni Ndërkombëtar Katolik për Migracionin" ("International Catholic Migration Commission"), "Save the Children", "Klinika Ligjore për të Miturit" ("Legal Clinic for Minors"), "Në dobi të gruas" ("In the interests of women"), "Strehëzat" ("Shelters"), "International Organization for Migration", "Linja e këshillimit për gra dhe vajza" ("Advice line for women and girls"), "Qendra Shqiptare për Mbrojtjen e të Drejtave të Fëmijëve" ("Albanian Centre for the Protection of the Rights of the Child"), and the NGO coalition "Bashkë kundër trafikimit të fëmijëve" ("Together against child trafficking").

According to the services they perform can be listed as follows:

- Housing and psychosocial services
- Medical assistance

- Legal and administrative services;
- Ensure security and protection of witnesses
- Ongoing support and monitoring;
- Covering all emergency needs that is the beneficiary, such as food, clothing, vocational training and employment to assist women victims of trafficking, or those who are at risk.
- Vocational rehabilitation and integration activities, return and reunion with family and where possible the pursuit of the victims even after leaving the Center.
- Support to find work;
- Information campaigns;
- Re-integration into school;

The individual

Although the environment plays an important role in a successful individual reintegration is he/she who determines the success of the reintegration process. It depends on personal characteristics, social background, personality, age, education level, religion, culture and motivation to stabilize the situation.

Paradigms Of Work With Victims Of Trafficking

According to the training manual IOM, there are three conceptual models needed for assessment and intervention in daily practice in the context of anti-trafficking assistance:

1. Ecological model of assessment and intervention;
2. Model nursing process of assessment and intervention;
3. Elements of crisis intervention;⁵⁸

Ecological systems perspective⁵⁹

Perspective of ecological systems (ecosystems) is a framework for assessment and intervention. It observes human behavior in micro and macro social environment. Interconnectedness between humans and the environment is bidirectional route and interactive humans affect environment and the environment affects people.

Carel B. Germain & Alex Gitterman provide seven basic concepts of ecosystems perspective:

1. Transactions understood as ongoing mutual exchanges between the individual and the environment.

⁵⁸ E. Gjermani. I. Taga. I. Tahsini. M. Meshi. Mediaprint 2008. Doracak i ofruesve të shërbimeve për mbrojtjen e viktimave të trafikimit. Tiranë 2008. Faqe 54

⁵⁹ I. Tahsini. Modele dhe shprehi të punës sociale me familjen. Faqe 16-17.

2. The concept of living stress refers to person-environment relationships which can be positive and negative. Can be positive when the stresses are an affordable challenge for people or negative when they overcome individual's ability to cope.
3. The concept of coping refers to the individual making the adjustment as a form of internal stress response.
4. Habitat refers to the place where the person or family lives.
5. Niche, who refers to the individual's status in the community.
6. Connectivity is based on theories of attachment, summarizing the ideas on social loneliness and emotional isolation.
7. Adjustments are active processes, dynamic and creative. They are ecosystems that people build to best meet their physical and psychological needs.

Nursing process model⁶⁰

From all of the theoretical models, the nursing process perspective is one that has the largest combination of daily practice to work with cases in the field of care for victims of trafficking. There are three main reasons for this. First, nursing process offers a broader view of care, which includes physical, mental and social wellbeing of the person. Secondly, as the art and science, contemporary nursing provides standards and specific knowledge to complete the process of care, from the present until death. Third nursing process offers some of the most comprehensive framework for learning specific skills assessment and intervention to trafficked persons.

In essence the nursing process is a step by step guide for care and requires the implementation of the following tasks:

Evaluation: during the evaluation phase, the worker should collect and review information to obtain all the facts necessary to determine the health status of victims of trafficking and to describe its strong points and his problems.

Diagnosis: After mastering the necessary facts, the employee is ready to analyze data to identify strengths, as well as actual and potential problems. The employee must decide which problem can be solved or alleviated immediately through direct intervention, independent and which interventions should be initiated and/or described by employees other qualified (reference network).

⁶⁰ E. Gjermeni. I. Taga. I. Tahsini. M. Meshi. Mediaprint 2008. Doracak i ofruesve të shërbimeve për mbrojtjen e viktimave të trafikimit. Tiranë 2008. Faqe 54-55.

Planning: after identifying the strengths and problems of the person can be started the work on the case, with the specific task of developing an action plan that will reduce or eliminate the problems and promote development.

Implementation: the worker must evaluate and determine how well the plan worked and whether there are any changes to it.

The individual and the situational assessment⁶¹

Individual assessment, which focuses on factors directly related to the victim.

Assessment of situation refers to the condition in which the victim, e.g. particular situation and socio-economic reintegration support infrastructure in place and/or region in which the victim is returned.

Individual assessment

The individual must be conducted by persons who are familiar with the case of the victim. This may include an employee organization that provides services, a social worker or psychologist. These persons should evaluate alternatives to successful reintegration and reinsertion into society of any victim, based on the following criteria:

- The needs of the victim, which may include physical, psychological, psychiatric, legal, social and economic;
- Special needs of the victim, individual desires for alternatives or special reintegration services that may be possible or not;
- Exploit opportunities to be a victim when in special circumstances relating, for example, age, gender, level of education or work experience;
- The level of intrinsic motivation of the victim;

Situation assessment

The individual must be accompanied by an assessment of the situation. This evaluation is performed by social workers who know best when the victim, as well as region or country of origin of the victim. The social worker assesses the possibilities for reintegration based on two criteria:

- Options that can utilize the person to be re-integrated.
- The connection is proposed to aid the reintegration of the victim's particular situation.

Typology Of Centers That Provide Services For Reintegration

Residential centers

Enable the stay of victims of trafficking for a short time, which are shelters, or even for a longer time, reintegration centers which provide support for long-term reintegration.

⁶¹ E. Gjermeni. I. Taga. I. Tahsini. M. Meshi. Mediaprint 2008. Doracak i ofruesve të shërbimeve për mbrojtjen e viktimave të trafikimit. Tiranë 2008. Faqe 55-56.

Non-residential services

These services can also offer day care centers through which are established in several cities as by NGO-s and state institutions.

Re-Integration Plan

By virtue of the individual and the state of the victim can be designed a comprehensive plan for re-integration. In developing the plan of re-integration victims are helped to set realistic goals that not only suit the needs, abilities and personal qualifications, but also offers opportunities to country, region and residence, which will be re-integration. The format of the re-integration plan usually includes the following components taken, as appropriate:

- Counseling;
- Mediation/joining the family;
- Health/Medical;
- Financial (grants for resettlement, family support grants, subordinates);
- Legal;
- Education/vocational training/practice;
- Activities that bring revenue;
- Safety;

Counseling⁶²

Counseling should be offered only by properly trained personnel. The consultants should be well prepared for counseling sessions to victims of trafficking. This includes examination of the victim's file before any counseling session. If necessary, the counselor should consult with other service providers or employees of the center housing for victims who are at the center on the progress made by the individual being assisted and special needs (i.e., translation or special care).

The counselor must devote sufficient time sessions to give the victim time to discuss their concerns freely and have enough time to assess progress victims made, and to explore practical solutions and next steps.

The extent and type of issues addressed in counseling sessions depends on the condition, experience, circumstances, cultural background, age, gender and needs of victims of trafficking. In general, short-term interventions that focus on becoming the leading and most realistic needs of the person concerned.

⁶² E. Gjermani. I. Taga. I. Tahsini. M. Meshi. Mediaprint. Doracak i ofruesve të shërbimeve për mbrojtjen e viktimave të trafikimit. Tiranë 2008. Faqe 55-56.

For most of victims, counseling sessions deal with problem solving strategies and coping mechanisms and the problems associated with the following matters which constitute the main concern for the victim:

- The restoration of emotional stability and physical wellbeing.
- Personal safety and protection, and of persons of the family, from traffickers.
- Avoiding criminal penalties and other sanctions.
- Cooperation with law enforcement agencies in legal proceedings against traffickers.
- The need to contact family members and return to the community.
- Response available from family and community members for absence and the possible return of victims of trafficking.
- Time needed to complete the documentation, administrative documents and the necessary legal procedures.
- Where and with whom they will live.

Principles of counseling

Victims should be given help and support for:

- The competencies established or rebuilt, coping mechanisms and decision-making skills;
- To develop resources to realize their own potential to be developed;
- To formulate practical solutions according to their needs and individual circumstances

The social worker

The social worker provides counseling to shelter residents, organizes and monitors the care and services provided under plans drawn up individual cases with other care providers.

An example list of possible responsibilities for social worker / consultant is given below:

- Develop first meeting with the victim and guides for the shelter.
- Ensure that residents understand and accept the services offered by shelters.
- Identify the immediate and secondary needs of the victim.
- Develop plans for special services to individual cases, along with residents, employees of the center and other care providers.
- Makes appropriate referrals to other organizations that provide services.
- Accompanies residents to their meetings with service providers, whenever necessary or requested by residents.
- Studies of specific cases and monitors the progress of residents during their stay at the shelter.

- Take part in determining the date of leaving the shelter, and referral services in the following.
- Insert and deals with the departure procedures residents and ensure that residents understand the procedures and referrals.
- Where is the country of transit or destination, stands ready to communicate with service providers in the country of origin and receive a quarterly report on the progress of the resident after leaving.
- If located in the country of origin, monitors individual cases and provides convenient report for a period of six months after leaving the occupant of the center.
- Participate in weekly staff meetings and staff meetings for individual cases.

Stages To Achieve The Reintegration

Support for the reintegration of victims of trafficking accomplished in three phases:

Phase I - Initial Support (Accommodation in a center or other non-residential opportunities).

Phase II – Mid-term support (semi-independent life for the beneficiaries in the apartments).

Phase III – Long-term support (independent life for the beneficiaries).⁶³

Phase I - Initial assistance with accommodation deals primarily in residential accommodation where provided, shelter, clothing, food, medical assistance, psychological services, legal assistance, vocational training, storage and physical security 24 hours, family mediation, periodic telephone communication, family meetings, translation for foreign beneficiaries, other transportation services, referrals to alternative long-term reintegration. Assistance in this first stage is offered in all of the Albanian centers.

Phase II – mid-term support (semi-independent life for the beneficiaries).

Support victims of trafficking in the center also offer support after they leave the shelter through housing support, which may be harboring in rented apartments.

Phase III - long-term support (independent life for the beneficiary).

The last phase of the program is achieved when a case is ready to live independently.

The support consists of:

- Providing reintegration assistance through the use of family / community;
- Information on services and resources available in the community, the necessary contacts / map of services;

⁶³ E. Gjermeni. I. Taga. I. Tahsini. M. Meshi. Mediaprint. Doracak i ofruesve të shërbimeve për mbrojtjen e viktimave të trafikimit. Tiranë 2008. Faqe 79.

- Assistance cases for creating and strengthening relationships with community welfare institutions where he/she lives;
- Monitoring and subsequent prosecution.

Monitoring and follow-up⁶⁴

Monitoring is further prosecution of trafficking victims in order to ensure that the reintegration process is going well and assisted the case if there is a need or are facing any difficulties.

Monitoring and tracking of the case is in order to:

- Check if the victim of trafficking continues to be in family when it is back in the family (prevents re-trafficking);
- To observe that the family provides support to returnees;
- To seek community feedback;
- For cases that are living independently (e.g. apartments) to consider how well is going;
- To provide emotional support, training opportunities and employment where appropriate;
- Listen to the experiences and plans;
- Identify who is experiencing difficulties;
- The victims of trafficking should be informed about issues that concern;
- The measured somewhat how safe the case is;

Follow-up visits provide feedback on program aspects that require improvement. They offer opportunity to assess progress and results of assistance, problems encountered, necessary adjustments etc.

Proactively implement the new standard operating procedures on victim identification to increase the scope of victims identified in Albania; ensure adequate funding for NGOs providing critical victim assistance; ensure a victim-centered approach to victim identification by not conditioning victim status on victims' roles in criminal investigations; expand the focus of care to ensure more community-based services for victims' reintegration, and empower survivors and help reduce the stigma associated with trafficking; continue to take steps to increase victim witness protection for victims who may be willing to cooperate with law enforcement; vigorously pursue cases of trafficking occurring within the country; and proactively investigate trafficking-related complicity of government officials.

⁶⁴ E. Gjermani. I. Taga. I. Tahsini. M. Meshi. Mediaprint. Doracak i ofruesve të shërbimeve për mbrojtjen e viktimave të trafikimit. Tiranë 2008. Faqe 81.

Conclusion

The economic and politic stability and sustainability is a factor that is usually considered to be most influential within the reintegration process. A poor economic situation has often contributed to trafficking in the first place and reintegration becomes more difficult when these economic risk factors are still in place. The political situation affects the effectiveness of social institutions. The main focus should be on:

- Compensation of victims of trafficking.
- Support for service providers.
- Sustainability in funding programs that support reintegration.
- Creation of opportunities for education of this group in the labor market adjustment.
- Central or local government must meet the housing needs of victims.
- The opportunity to acquire a profession which is marketable on the market and that enables them economic independence.

A poor health situation as a result of trafficking can lead to more urgent financial needs, or even more tragic, leave traces of trafficking that are impossible to erase. The main focus should be on:

- Free health service for the group of victims of trafficking.

Proactively implement the new standard operating procedures on victim identification to increase the scope of victims identified in Albania:

- Training of teachers to be able to identify potential victims of trafficking.
- For a sustainable reintegration of victims of trafficking work of social workers should also focus on monitoring and subsequent tracking of these cases.
- For a sustainable reintegration of victims of trafficking organizations should also focus on monitoring and subsequent tracking of these cases during the reintegration process.

The social environment into which a victim of trafficking is reintegrated plays a major role in their economic, health, but also psychological situations. Reintegration is to a great extent dependent on the way family relations and as well as relations in the larger social environment are able to support and cope with victims of trafficking. This is again partly dependent on individual characteristics and behavior of the victim of trafficking, for reintegration also often requires a certain re-adaptation on the side of the person who is reintegrated. Where issues of social acceptance and individual re-adaptation are not properly addressed, stigmatization can become a dominant force of condemnation affecting a victim of trafficking in such negative ways that some feel pushed back into their old situation.

These different issues regarding reintegration need to be approached from different perspectives, which although different may complement each other. When considered from the point of view of the individual, reintegration is influenced by their feelings of shame and low self-esteem, dissatisfaction with life and unfulfilled responsibilities regarding economic contributions for the family. From the point of view of the family, considerations regarding family relations, family honor, but also expectations regarding economic contributions on the part of children play an important role in the reintegration process. The point of view of the larger social environment is related to concerns regarding bad or modern influences, incorrect behavior and contagion, which can lead to gossip and social stigmatization with regard to victims of trafficking.

Another dominant perspective is that of the organizations that are working in the area of reintegration. However, not all factors influencing the reintegration of a victim of trafficking can be controlled through external support. Most importantly, victims of trafficking themselves need to be convinced of the need for and usefulness of such support and therefore need to be able to make a choice on their own behalf, something not all were able to do in the same way or degree before being trafficked. If such choice is not taken into serious consideration and support is simply given without being adapted to the individual circumstances, chances are high that they will return to their former situation. Reintegration of those without support will require more effort and consideration by the victims as well as their family environment and therefore could become more sustainable.

References:

Albanian Penal Code.

Arsovska J. Trafficking in and Smuggling of People from/via Albania: Past and Present Criminal Developments

Dana L. Marion. Unlocking the Roots of Stigma Towards Victims of Trafficking in Albania
Gjermani. E. Shblu (2004). Shprehi në Praktikën e Punës Sociale.

Gjermani. E. Taga I, Tahsini I & M. Meshi. Tiranë 2008. Mediaprint. Doracak i ofruesve të shërbimeve për mbrojtjen e viktimave të trafikimit.

Medicine, Daphne Program of the EU. London: 2003

Miria, Silvana, Marjana Bello and Blerta Bodinaku. Survey on violence against women and trafficking in rural areas of Lezha district. Funded by ECHO in partnership with Counseling Center for Women and Girls and INTERSOS, April 2000.

MJEDA S. Research Report on Trafficking Situation in Albania

Protocol to Prevent, Suppress and Punish Human Trafficking, especially Women and Children.

Protocol against the Smuggling of Migrants by Land, Sea and Air.

Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against.

Sokoli L. & Ilia Gëdeshi. Tiranë 2006. IS & Rinia. Trafikimi, rasti i Shqipërisë.

Tahsini I. Modele dhe Shprehi të Punës me Familjen. Faqe 16-17.

The Human Trafficking Report 2011.

The Council of Europe Convention.

Transnational Organized Crime.

WHO ethical and safety recommendations for interviewing trafficked women. WHO, London School of Hygiene and Tropical National strategy to combat trafficking in human beings 2008-2010.

<https://www.cia.gov>

<http://www.coe.int>

<http://www.dsd.gov.al>

<http://www.state.gov>

<http://www.uncjin.org/>