

RESEARCH REPORT ON THIRD COUNTRY NATIONAL TRAFFICKING VICTIMS IN ALBANIA

Inter-Agency Referral System (IARS) Project for Return and Reintegration Assistance to Victims of Trafficking



April 2001

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I. Executive Summary

The plight of third country women trafficked through Albania for the purposes of sexual exploitation, despite representing one of the most disturbing realities today, has received little, if no, research due to a virtual lack of first hand statistics and information on the victims and the conditions of trafficking. The aim of this report is to describe the experience of these women, raise issues arising from those experiences and provide conclusions for action.

The Inter-Agency Referral System (IARS) project assisted and interviewed 125 women. Of these, the majority were from Moldova and Romania. They had been recruited into the trafficking network through a number of means, including job offers. Over half the recruiters were female, and the victims knew the majority of these recruiters. 18% of the group were kidnapped. Most were abused en route, with 32% having suffered rape and 72% being confined against their will by the traffickers.

From their home countries they transited through Yugoslavia. 93% of them entered Albania through Montenegro via the northern town of Shkodra. About 10% of the group claimed police officers were directly involved (in some form) in the trafficking process while in Albania.

What follows is a digest of the information received from extended interviews of the victims who have entered the IARS project. Unfortunately, it appears that the number of those who received assistance is a small fraction of those who in fact pass through Albania. While it is recognised that the number of victims assisted by the IARS project represents some positive co-operation between the project and the Albanian Government, nevertheless, analysis of these stories raises serious concerns that should be addressed. It is also recognised that this analysis, based on the 125 cases, constitutes a small sample pool – thus, conclusions cannot be drawn on the overall trafficking figures in and through Albania.

The report concludes that traffickers in Albania can operate with a high level of impunity and that the Albanian authorities must act immediately to ensure that more comprehensive and effective efforts are made to prevent the trade and prosecute the criminals involved in it, and not the victims. It must also be noted that the trafficking trade correlates significantly with a prevalence of poverty and lack of economic opportunities in countries of origin – thus, girls and women are lured into trafficking due to a strong sense of hopelessness. This applies to Albania as a source country of trafficking victims along with Moldova and Romania, the two countries with the highest number of beneficiaries from the IARS project.

Considering the evidence presented from the testimonies of these victims, along with experiences encountered in the implementation of the IARS project, it can be observed that Albania is not fully complying with its international obligations in the fight against trafficking. The report also makes some recommendations targeting the Albanian Government and the international community that would ensure that Albania complies with international standards in tackling the trafficking phenomena.

II. Introduction

During the year 2000, the International Organisation for Migration (IOM) and the International Catholic Migration Commission (ICMC) implemented the Inter-Agency Referral System (IARS) project to assist third country national trafficking victims in Albania who voluntarily wished to return to their respective home countries. By the end of the year, 125 trafficking victims had been sheltered in ICMC safe houses and were either returned or were pending return by IOM. Reintegration assistance for each returnee was provided, to the extent possible, in line with their respective needs.

The following report will profile the IARS third country national trafficking victim caseload based on extensive interviews conducted in Albania. From those profiles and additional information derived from IARS project activities, the report highlights the *prominent realities* involved in the trafficking of third country nationals to/through Albania and identifies *priority issues* that require attention if any headway is to be made in Albania.

III. IARS Referrals and Caseload

During 2000, 165 third country national trafficking victims were referred to the IARS project. Case referrals came from 22 different police commissariats in Albania, UNHCR, the Romanian Embassy in Tirana, OSCE Field Stations, Albanian families who temporarily hosted women that had escaped from traffickers, Save the Children Moldova, CARITAS, the Italian Interforce police, the Ukraine Embassy in Athens, and, in one particularly compelling case, from the customer of one woman who recognised she was being forced to work as a prostitute.

Of the 165 referred girls and women, 137 expressed their desire to voluntarily return to their home countries and were subsequently moved to ICMC shelters. Of the 137 who entered the shelters, 12 decided to forfeit any assistance and were released.

Nationality and Age of Third Country Nationals

The table at appendix one details the 125 returned and pending third country national cases, by countries of origin as of 31 December 2000. A further 4 women were referred to the IARS project by OSCE in Shkodra in January 2001, 3 Moldovans and one Romanian. Unfortunately, despite having expressed their desire to return to their home countries, these women were released to an unknown destination by the Shkodra police. Their information is therefore not included in the total figure.

The overwhelming majority of the group are Moldovan or Romanian (91%). Other nationalities include Ukrainians (4%), Bulgarians (3%) and Russians (2%). 81% are under the age of 24 and 13% of the total are children under the age of 17.

Educational and Social Backgrounds

A surprising 12% of the victims declared themselves to be professionally or vocationally trained, with another 6% possessing university degrees. 74% had either a high school education or completed middle school. The remainder had only primary education or did not provide information regarding their educational background. This general profile is reflected in the victims' previous work experience, with 88% of those who declared an occupation having been employed in agricultural, waitressing or blue-collar activities. The group included two in the teaching profession, one nurse and an accountant.

62% of the women were from urban areas, the remainder originated from the countryside. Most of the women interviewed were single (62%). 34% had children in their home countries, of which 21% were single parents.

Means of Recruitment

Recruitment methods include informal networks, introductions through friends or people who claim to facilitate travel. Advertisements for such agencies are to be found in Romanian and Moldovan newspapers. Where the identity of the original recruiter or first contact was known, 52% were female. 50% of the recruiters were relatives, friends or acquaintances.

The reasons for going abroad varied. Three quarters (73%) hoped to find a job, reflective perhaps of poor economic conditions at home. Prostitution was declared as a reason for going abroad by 6%. In half of these cases, the victims answered advertisements in the press. Once told the nature of the work, these women opted to accept the offer, believing that they could escape their handlers upon arrival in the destination country.

In those cases where there was a false job promise, the common pitch in Moldova was that the woman would be taken to Yugoslavia to get a visa for Italy. Only when they actually entered Yugoslavia did their real fate become clear.

In Romania the same basic patterns existed. Recruitment, however, had a stronger base in the 'bar culture', with a higher percentage of women introduced to traffickers in bars or actually working in bars as waitresses before being lured into the trafficking network with false job promises.

18% of the victims had no wish to go abroad for any reason, but were kidnapped. After agreeing to undertake agricultural work in Romania, 4 Moldovan women were kidnapped. Other forms of kidnap included being snatched off the street and pulled into a car, or kidnapped after invitations to parties.

IV. Transport and Transit Experiences

Routes to and through Albania

The most common routes are Iasi-Timisoara (where the Hotel Central is a common transit point)-Oravita-Moldova Noua and then into Yugoslavia, commonly crossing the river by boat. It is usually in Yugoslavia that serious abuse begins (see below), although there are cases where the girls are bought and sold within Romania itself.

Within Yugoslavia the girls, having been formed into small groups of 2-9, proceed either to Belgrade, passing through Pozerovac (often considered to be Marko Milosevic's 'patch'), or straight to Montenegro. Within Yugoslavia trading houses were mentioned in Novo Sad and Belgrade. In these establishments, girls are paraded in front of potential buyers and inspected. They are often forced to strip, after which they are bought. At least 4 of these cases passed through two of these trading houses. The vast majority (93%) of the women transited through Montenegro and entered Albania via Shkodra.

The prices depend on the woman, with younger women generally commanding higher prices. Two women reported being sold for \$650-750 on the Romanian/Yugoslav border. By the time a woman has arrived into Montenegro for trade into Albania the price has risen to \$1000-1500. Within Albania, trafficking victims may be traded two to three times en route to Vlora.

Upon arrival into Italy, prices double. Reputedly a 'young virgin' can command prices of up to \$10,000 in Italy.

Other routes used into Albania involved the Lake Ohrid area.

It is particularly striking that no less than 93% had entered Albania via Shkodra, the majority of those via the Shkodra Lake. 6 cases actually passed through a border checkpoint and were not assisted or even stopped by the border police. Relatively few of the women (19 cases within one year) were apprehended in Shkodra and reported to the IARS Project. In addition to those 19 cases, 4 women, referred to the IARS project in January 2001, were 'deported' by the Shkodra police before they could be taken into the project despite having requested assistance.

For a full breakdown of the trafficking routes from the various source countries see appendix two.

Destination Countries

Italy was the most favoured intended destination country (54%). Western Europe was named by 10% of the women, Greece by 7% and Turkey by 6%. Only 4% favoured Yugoslavia.

18%, as indicated earlier, were kidnapped and did not wish to leave at all.

Rape and Abuse

A major element of the conditioning process is the 'breaking' of women – the great majority of whom did not consent to their new role as prostitutes. This is achieved through various forms of abuse, including rape.

Almost the entire group experienced some form of abuse during their transit to Albania and in Albania itself. 32% were raped, 33% underwent forced prostitution and 30% were beaten. Needless to say this is aside from the abuse inherent in the trafficking process and being bought and sold often several times.

The effect this treatment has on the women can be assessed from the fact that 4 women attempted suicide in the shelter, and two received psychiatric care for suicide attempts prior to entry into the shelter. In addition, 9 women in the program have undergone psychiatric treatment for post-traumatic stress.

Furthermore, 42% of the women were found to have sexually transmitted diseases.

Treatment of Victims by Albanian Authorities

10% of the women witnessed some form of police involvement in the trafficking and conditioning process. This is a disturbing specific trend. Indeed, one disturbing general trend is that the project has, overall, had fewer referrals than expected.

At present no direct evidence indicates that the police authorities are active in the trade itself. However, there is some evidence from Albanian returnees from Italy that certain elements of the police either passively or actively connive with traffickers, releasing women into their hands. There is no reason at all to assume that the same practice does not occur with third country nationals. They are all worth a lot of money.

93% of the women referred to the IARS project passed through Shkodra or the Shkodra area. In view of the predominance of Shkodra as a transit point, it is surprising that special efforts have evidently not been concentrated in that area. On the contrary, in 4 cases referred in late January by the OSCE to IOM and ICMC, it appears that the Shkodra

police may have been instrumental in the re-trafficking of these women who had requested assistance in returning home. Despite a Ministry of Public Order investigation, the whereabouts of the women is still unknown.

Two separate women reported having a police escort in the Shkodra area as they transited through Shkodra. Another was allegedly transported, bought and sold by a policeman in Shkodra. Several cases report moving through police checkpoints in the Shkodra area after crossing into Albania. One reported being confined in a policeman's house in Lezhe.

In view of the clear predominance of the use of the Shkodra region as a transit area, one might be led to expect that particular attention be directed to the interdiction of this trade. With a one two-lane road from Shkodra to all points South it might be expected that there be efforts made to provide effective checkpoints. This has not been the case. Of the women who were trafficked through Shkodra and referred to the IARS project, only about 20% were apprehended in Shkodra itself.

Only one of the women who was accepted into the project has been involved in any kind of case against traffickers. One reason for this is the very few arrests of traffickers.

In December 2000, the Albanian Government began its anti-trafficking 'Operation Eagle'. Despite this, no arrests were made of those who were suspected of having a controlling or major interest in the trade in women. According to OSCE figures, 7 men were arrested for offences linked with trafficking of women during this operation. They were assessed to be 'freelancers' or 'low level operators'. At the time of writing, there was no evidence that any had been punished.

V. Issues

Lack of Shelter Provision

Outside of the IARS project, no organised shelter or return system for trafficked third country nationals exists in Albania. This is also the case for Albanian victims of trafficking. Further reflecting the above circumstances, no shelter or orderly return mechanisms exist in Albania for trafficked women and girls who do not voluntarily wish to return home or enter the IARS project. As a result, most of these women are held in police commissariats for inconsistent periods of time, then simply released – again, a reality that, in most cases, effectively re-enters them into the trafficking network.

Disappointing Level of Referrals

While 22 different police commissariats referred detained trafficked women to the IARS project, anecdotal evidence and information points toward the fact that not all detained trafficked third country national females are being routinely referred for screening. While the IARS project has provided return and reintegration assistance for 125 trafficking victims who volunteered to return home after escaping from trafficking

networks or arrested for illegal entry into Albania, IOM and ICMC are of the view that this number reflects a small percentage, it is estimated that perhaps only 15 to 30 percent of the potential beneficiaries.

However, due to the nature of human trafficking and the limited data collection capacity of the Albanian Government, no reliable statistics exist on the number of third country national girls and women trafficked through Albania each year.

Lack of National Capacity and Will

The current trafficking situation in regards to the Albanian authorities reflects several potential circumstances: lack of local police capacity to shelter and process trafficking victims; insufficient communication and co-ordination structures linking police commissariats; localised police corruption and/or collaboration with traffickers; and lack of sensitivity amongst local police commissariats to the plight and human rights of trafficking victims.

On a bilateral level, the co-operation between Albania and Italy in patrolling the coast is reported to be good. According to Italian sources, this co-operation is producing some results in reducing the flows across the Adriatic. According to the Albanian Border Police, 40 boats were apprehended and confiscated in 2000. However, a speed boat owner claims, 'In Vlora district alone there are 10-15 speedboats that leave nightly when the weather is good. On average they carry between 30-40 passengers.'¹ This would suggest that smuggling and trafficking of both third country nationals and Albanians continues almost unabated.

As previously stated, the low number of cases referred to the IARS project and the deficiency in proper trafficking statistics, unfortunately, can also be used as an opportunity to diminish the true picture of the trafficking problem.

Although there is no government shelter catering to third country victims, the IARS project serves that function. However, no shelter exists for Albanian nationals. This is an area that IOM and ICMC are actively developing, but the Albanian government should recognise its responsibility and be given the capacity to provide this service in the near future.

Evidence of Passive or Active Police Complicity

10% of the women reported involvement or complicity on the part of police. This is dealt with in detail above, but included collusion on the part of the police, extending even to giving traffickers and their cargo a police escort.

During 2000, Albania's Ministry of Public Order issued two directives alerting police commissariats to the existence of the IARS project and the referral process. Despite this

¹ Save the Children Report, *Child Trafficking in Albania*, March 2001

co-operation, reports were received by OSCE Field Stations of detained third country females either being (on the accounts of the police) deported to the nearest land border or simply released – both actions that more often than not result in the person being pulled right back into the trafficking network. Further reports were received from several women of policemen being involved directly in the trafficking itself.

Lack of a Co-ordinated Balkan Response

Conspicuous in its absence has been any co-ordinated response from the transit and source countries to match the highly organised co-ordinated and effective networks of the traffickers themselves. This is despite the publication of the highly detailed and constructive Stability Pact for South Eastern Europe guidelines for the development of National Plans of Action.² Until such transnational co-operation takes shape, trafficking will continue in its current form. The co-operation currently in place between Italy and Albania in the specific issue of the interdiction of maritime smuggling, with some improvement, particularly in the development of an innovative and comprehensive international victim protection mechanism, could potentially stand as a model for co-operation in the entire region.

Criminalisation of Victims

In July 2000, the Parliamentary Assembly of the OSCE urgently appealed to participating states to ensure that 'victims of trafficking do not face undue prosecution as a result of having been trafficked'. In an open letter to the Albanian General Prosecutor, the International Helsinki Federation urged the prosecutor to direct the fight against trafficking towards the traffickers rather than the victim. Albania must act in order to reverse this policy of criminalising the victim rather than the trafficker. The suggestions of the International Helsinki Federation and the OSCE that this policy be reversed must be adopted.

Lack of Reliable Data

It is disturbing that this report, along with the Save the Children report on trafficking of children, are the first efforts made by international organisations that contain any form of *reliable* statistics on trafficking in Albania. There must be comprehensive and accurate collection and collation of statistics on this issue; to determine its true extent and assess the means required in countering it. Currently, statistics provided by the Government are not desegregated to distinguish between victims of trafficking and irregular migrants based on age, sex and country of origin. Furthermore, there is no way to distinguish between those who are prosecuted for trafficking, or for different elements of the offence and those who are prosecuted for prostitution itself or illegal border crossing. For example, the most recent figures from the Border Police claim that '37 people have been penalised in 2000 on charges of illegal trafficking, 10 in Fier, 22 in Vlora, 5 in Shkodra.'³ First, the definition of 'penalised' is not clear – whether this infers arrest, prosecution,

² See www.stabilitypact.org

³ Government of Albania, Border Police Official Statistics, 2000

conviction, or all the above. Whether these people are women or men, trafficked women, speedboat drivers, guards or those suspected of involvement in some aspect of the drugs or weapons trade is not specified. According to OSCE, although some arrests have been made, there has certainly not been anything like this number (37 reported by Border Police) prosecuted and punished for *trafficking in women* in these areas (Fier, Vlora, Shkodra). Again, it is also worrying that only 5 arrests were made in Shkodra, an area already indicated to have the highest trafficking transport/transit activity in Albania. This clearly reflects an area of further capacity building for the Albanian Government.

VI. Conclusion and Recommendations

Albania does not exist in a legal vacuum. It has signed and ratified many international legal conventions, covenants and treaties. Indeed the first international instrument that Albania ratified in 1922 was concerned with the issue of trafficking.

Trafficking is a Human Rights issue and a crime under Albanian law. Indeed in March 2001, amendments were made to the criminal code rendering trafficking itself a crime. Under the existing law, the constituent elements of trafficking are already crimes.

Under the Statute of the International Criminal Court it is classified as a 'Crime against Humanity'. Under international law, omission is as culpable as commission. This applies with Yugoslavia and other transit countries as much as for Albania.

The results of the research appears to corroborate that the manner in which Albania is dealing with trafficking raises serious international legal questions. Specifically, its failure to make credible attempts to fight trafficking, such as lack of proper policing in the Shkodra area, particularly the one two lane highway leading south, provision of shelter and appropriate care for its victims, and the appointment of a Government trafficking focal point. Customary International law requires countries to deal with serious breaches in international instruments with 'due diligence'.

'States must prevent, investigate and punish any violation of rights recognised by the convention...an illegal act which violates Human Rights and which is initially not directly imputable to a state (for example because it is an act of a private individual or because the person responsible has not been identified) can lead to international responsibility of the state, *not because of the act itself but because of the lack of due diligence to prevent the violation or to respond to it as required by the convention.*'⁴

The experience of the 125 women interviewed on the IARS project tends to indicate that the test of due diligence has yet to be passed.

⁴ From Velasquez Rodriguez Case 1988

Some recommendations to assist Albania to begin to approach the requisite standards are:

(1) Despite lobbying by the International Helsinki Federation and the OSCE there is a trend in Albania towards the criminalisation of the victim and not the trafficker. In one case, 5 women have been held in custody in excess of 7 months on allegations of prostitution. Despite a direct intervention by the International Helsinki Foundation and OSCE, they remain in custody. More trafficked women have been arrested, charged and tried than traffickers over the last 9 months. There must be a concerted effort to prevent trafficking and punish the criminals. An adequate legal mechanism is in place in Albania – all that is required is the will and means to implement it. This must include a forceful and sincere effort **to catch and prosecute traffickers** ensuring that the punishment is sufficient to act as a genuine deterrent, including the interdiction of their routes. This trend can be reversed in large part through the:

- Establishment of a special counter trafficking police unit
- Effective patrolling of frequently used routes, particularly the Shkodra area and the one two lane highway from Shkodra leading south
- Frequent and visible patrolling of ‘hot spots’, such as hotels, bars, discos commonly known by locals for trafficking activities
- Development of pro-active and modern investigative techniques
- Provision of forms of incentives to police in their successful arrest of traffickers – an important factor since the average police officer earns approximately \$100 a month
- Institute a system of investigation and punishment of police deemed to be in collusion with traffickers

(2) The Albanian Government should be provided with the capacity to guarantee full protection to detained third country and Albanian trafficking victims, including the establishment of **sheltering services and a witness protection program**. This would not only guarantee protection of and confidentiality to victims who are willing to testify in court, but significantly enhance the successful prosecution of the traffickers. This is especially crucial for Albanian nationals since they would require increased assurances of protection and confidentiality because they are already in their home country and considering the strength of the Albanian trafficking network. Confidentiality is even more important for Albanian victims due to fear of stigmatisation and labelling as ‘prostitutes’, which obviously would hinder any real opportunity for reintegration into Albanian society. Furthermore, the Albanian Government can benefit from the victim protection and return mechanisms established through the IARS project.

(3) There should be a **co-ordinated national response** to the issue. This must include the overdue appointment of a Government co-ordinator on trafficking. Hitherto, trafficking has not received sufficient attention from the Albanian Government. The appointment of such an officer would enable progress to be made at the intra-regional

level, particularly in the context of the Palermo Protocol and the Stability Pact National Plan of Action.

(4) Considering that 73% of the cases attempted to leave their countries due to lack of employment opportunities, along with similar reasons reflected in the Save the Children report on trafficking of Albanian nationals, an equal level of resources and attention by both the Governments and the international donor community must be devoted to the **development of the social service sector** and creation of viable economic opportunities in respective countries, especially in high-risk areas, rather than solely focusing on law enforcement. Furthermore, the enhancement of these areas would encourage effective reintegration of victims upon return – this is especially apparent for Albanian nationals.

(5) As mentioned earlier, in order to fully understand the nature of the trafficking trade and develop migration-monitoring mechanisms, the Albanian Government needs to develop the capacity to collect, analyse and disseminate proper **national migration statistics**.

In conclusion, it appears that there is a general lack of capacity to control irregular migration and this is reflected in the Government of Albania's trafficking response. Many of the above recommendations can be addressed by the Albanian Government through the Stability Pact National Action Plan. However, that would require political will on their part. Furthermore, once the Government attempts remedies, serious international support must be realised in order for the Government to realistically follow through on its counter trafficking strategies. Without that, the Albanian Government cannot make tangible changes.

The international community, particularly Western Europe, must also recognise it's own culpability in this horrific trade since it obviously would not exist without a strong demand or market in those countries. Therefore, these receiving countries must make concerted effort in educating and sensitising their public to comprehend the true nature of the trafficking business, including taking proactive measures to prevent the usage of trafficked victims for prostitution.

Albania, unfortunately, has some way to go. Trafficking of women remains a very serious problem. Currently, Albania is a country where traffickers operate with a high degree of impunity, with a low risk of arrest and prosecution. While Albania seeks to advance overall reform, bringing it closer to Europe, priority should be placed on the protection of trafficked girls and women in accordance with international human rights standards. Since the trafficking trade has a strong regional dimension, the Albanian Government should not work in isolation and needs to develop close co-operation with countries in the region to combine efforts in combating the trafficking trade. This is a situation that cannot be allowed to continue and the international community must support any serious efforts made by the Albanian Government to counter this trade.

APPENDICES

Appendix One

Source countries broken down by age.

Country	Cases	Age Group			
		13-17	18-24	25-30	30
MOLDOVA	71	7	52	11	1
ROMANIA	42	9	26	6	1
UKRAINE	5		2	1	2
BULGARIA	4		3	1	
RUSSIA	3		2	1	
TOTAL	125	16	85	20	4
%		13	68	16	3

Appendix Two

Routes to Albania broken down by country of origin

From Moldova

- Moldova/Romania/FRY/into Albania via Shkodra area crossing points – 66 cases (93%)
 - via Shkodra Lake by boat – 48 cases (73%)
 - via mountainous region by walking – 16 cases (24%)
 - via road/border checkpoint – 2 cases (3%)
- Moldova/Romania/Bulgaria/Macedonia/into Albania via Lake Ohrid area – 5 cases (7%)

From Romania

- Romania/FRY/into Albania via Shkodra area crossing points – 39 cases (93%)
 - via Shkodra Lake by boat – 16 cases (41%)
 - via mountainous region by walking – 19 cases (49%)
 - via road/border checkpoint – 4 cases (10%)
- Romania/Bulgaria/Macedonia/into Albania via Lake Ohrid area – 2 cases (4.8%)
- Romania/Bulgaria/Macedonia/Greece/into Albania via mountainous area – 1 case (2.2%)

From Bulgaria

- Bulgaria/Macedonia/into Albania via Lake Ohrid area – 4 cases (100%)

From Ukraine

- Ukraine/Moldova/Romania/FRY/into Albania via Shkodra land border – 2 cases (40%)
- Ukraine/Hungary/FRY/into Albania via Shkodra area crossing points – 3 cases (60%)
 - via Shkodra Lake by boat – 2 cases (67%)
 - via mountainous region by walking – 1 case (33%)

From Russia

- In Turkey (working illegally)/Deported to Moldova/Romania/FRY/into Albania via Shkodra area crossing points (exact crossing points – unknown) – 2 Cases (66%)
- In Turkey (working illegally)/Deported to Bulgaria/Macedonia/ into Albania via Pogradec area – 1 case (33%)