



Ministria e Brendshme  
Kordinatori Kombëtar kundër  
Trafikimit të Njerëz



# Ministry of Foreign Affairs and Diplomatic Missions of the Republic of Albania in support of Victims of Trafficking and Potential Victims of Trafficking

Manual for the Implementation of  
Standard Operating Procedures for the  
Identification and Referral of Victims of  
Trafficking and Potential Victims of  
Trafficking



## FOREWORD

*In July 2011, the Government of Albania approved an important document in the fight against trafficking in human beings, “Standard Operation Procedures for the identification and referral of victims and potential victims of trafficking (SOP).”*

*Pursuant to the implementation of obligations deriving from this important instrument for the identification and protection of victims of trafficking, the Office of the National Anti-Trafficking Coordinator (ONATC), and the International Organization for Migration (IOM), through consultant Ms. Valona Lenja, in the context of the project funded by USAID “Strengthening Albanian Anti-Trafficking Capacities,” have undertaken the publication of a series of eight brochures, with this one being one of them.*

*Each of the brochures seeks to help a certain group of professionals to take advantage of the possibilities offered by the SOPs and use their skills and experience to create, together, an environment where the law is implemented and the rights of victims of trafficking are respected.*

*Contribution to the preparation of the brochures included that by specialists from different and indispensable areas for the system of the identification and protection of victims of trafficking.*

*Representatives of the Consular Directory at the Ministry of Foreign Affairs contributed to the preparation of this brochure.*

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### NOTE

The views of the author expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the U.S. Government and/or the International Organization for Migration (IOM).

## Abbreviations

**A/IRII:** Agencies/ Institutions Responsible for Initial Identification

**RA:** Responsible Authority for the Protection of and Assistance to the Victims of Trafficking. It is a structure established through the joint order of the Minister of Interior, Minister of Foreign Affairs, and the Minister of Labor, Social Affairs, and Equal Opportunities “For the establishment of the Responsible Authority for the protection of and assistance to the victims of trafficking and the definition of duties of institutions involved in this process” of 19.05.2006. The Responsible Authority consists of two representatives of the signatory ministries of the Order for its establishment. The general functions of the Responsible Authority, according to this Order, are:

- a) coordinate and supervise with government and non-government structures in Albania, the identification and referral for assistance and reintegration of victims and potential victims of trafficking;
- b) coordinate with relevant structures in destination countries the identification, voluntary return, and referral of victims and potential victims of trafficking of Albanian citizenship;
- c) coordinate the protection and assisted return of victims and potential victims of trafficking of foreign citizenship identified in Albania;
- d) build and update a database of referred victims, report regularly to the National Anti-Trafficking Coordinator about data collected and hold regular meetings with government and non-government parties of the National Referral Mechanism.

**NRM:** Cooperation Agreement for the Functioning of the National Referral Mechanism for Victims and Potential Victims of Trafficking, signed also by the Ministry of Foreign Affairs on June 15, 2012.

**SOPs:** Standard Operating Procedures

## EXPLANATIONS

### ➤ Trafficking in human beings/persons:

Trafficking in human beings is: *“The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include 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”*

Considering the above definition, the key elements of trafficking in persons are:

1. **Activity** – recruitment, transportation, transfer, harboring and receipt of persons;
2. **Methods** – threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over

<sup>1</sup> Law no. 9188, dated 12.2.2004, “On some additions and amendments to Law no. 7895, dated 27.1.1995 ‘Penal Code of Albania,’ amended, article 110/a.

another person;

3. **Purpose** – exploitation of a person according to the ways listed in article 110/a of the Penal Code or Article 3 of the Palermo Protocol.<sup>2</sup>

### ➤ What is a victim of trafficking?

According to letter “e” of article 4, Law No. 9642, dated 20.11.2006 “On the ratification of the Council of Europe Convention ‘On measures against trafficking in human beings,’ a Victim of Trafficking in human beings is a person who is the target of trafficking in human beings.

### ➤ Why is it important to identify victims of trafficking?

*Only correct identification gives victims of trafficking the possibility to benefit the services they are entitled to.*

Trafficking in persons is an extreme violation of human rights. As such, any failure to discover the committed crime and to identify the victims of trafficking creates the environment necessary for the continuation of the crime and other crimes and the denial of victims’ access to justice. All anti-trafficking actors in Albania and in the world attach special significance to the correct and speedy identification of victims of trafficking because victims of trafficking:

- need specialized assistance and protection;
- most probably have acute physical and mental health problems that irregular migrants or smuggled persons do not have;

<sup>2</sup> Law no. 9188, dated 12.2.2004, “On some additions and amendments to Law no. 7895, dated 27.1.1995’ Penal Code of Albania,’ amended, article 110/a.

- suffered from severe and serious most probably are presently in danger;
- need special necessary measures to manage risk both toward them and the personnel of assistance personnel of organizations helping them.

### Difference between trafficking and related crimes

Problems most encountered in the identification of victims of trafficking that should be avoided is the failure to differentiate between trafficking and the exercise and/or exploitation of prostitution, or assistance to illegal border crossing (smuggling) 3.

Trafficking is enslavement. Trafficking refers to all actions that consist in harboring and using an individual for forced services. The essence of trafficking is the forms of enslavement and not the elements of recruitment, movement, hiding, transfer (i.e. elements of movement).

All persons involved in the recruitment, transportation, harboring, receipt, or keeping of the person in an enslaving situation are involved in trafficking. If a person is kept in prostitution through psychological manipulation, physical force, deceit...; he/she is a victim of trafficking. When a person is forced, violated or deceived, or is kept forcefully in prostitution, this person is a victim of trafficking, even if the person initially entered into prostitution upon his/her free will.

<sup>3</sup> Precisely the difference between articles 110a and 114a, 298 of the Penal Code of the Republic of Albania

The following table outlines a summary of elements that make the difference between these criminal offences.<sup>4</sup>

<b>Trafficking in persons Articles 110/114 b/128 b of the PC</b>	<b>Assistance for illegal border crossing Article 298 of the PC</b>
Crime against the person.	Crime against the state.
Conducted, among others, also through crossborder transportation.	Conducted only through crossborder
Continued exploitation of the victim.	Ensuring profits in exchange for ensuring illegal entry into another country.
Exploitation relationship continues to maximize profits.	Upon entrance of the illegal emigrant into the desired country, the relationship smuggler – smuggled person ends.
Conducted without the consent/approval of the victim.	Conducted with the free will of the smuggled person.
Conducted to protect human rights.	Conducted to protect the integrity of state borders.

<b>Victim of Trafficking Person</b>	<b>Person Exercising Prostitution</b>
The person (female, male, minor or adult) conducts, among others, sexual relations for payment, obliged by force, held by force, coerced or deceived, not upon free will or choice. Pushing the person may include physical or psychological elements.	The person (adult female and male) conducts sexual relations for payment not obliged by force, not kept by force, coerced or deceived, but with his/her full free will and choice. <sup>9</sup>

<sup>4</sup> ICMPD. Guidelines for the Development and Implementation of a Comprehensive National Antitrafficking Response. ICMPD, 2006

<sup>5</sup> In the case of minors, this definition does not apply. A child who conducts sexual relations for payment is a victim of trafficking.

## GENERAL ETHICAL AND SAFETY PRINCIPLES IN RELATIONS WITH VICTIMS OF TRAFFICKING

According to Guidelines of the United Nations High Commissioner for Human Rights and Trafficking in Human Beings “The rights of trafficked persons should be at the center of all efforts to prevent and combat trafficking, to protect, assist and compensate victims”.

The following ethical and safety principles in relation to victims of trafficking, integrated into the SOPs, are:

### *For trafficked girls and women*<sup>6</sup>

**Do no harm:** treat each woman and the situation as if the potential for harm is extreme until there is evidence to the contrary. Do not undertake any interview that will make a woman’s situation worse in the short term or longer term.

**Know your subject and assess the risks:** learn the risks associated with trafficking and each woman’s case before undertaking an interview.

**Prepare referral information – do not make promises that you cannot fulfill:** be prepared to provide information in a woman’s native language and the local language about appropriate legal, health, shelter, social support and security services, and to help with referral if requested.

**Adequately select and prepare interpreters and co-workers:** weigh the risks and benefits associated with employing interpreters, co-workers, or others, and develop adequate methods for screening and training.

<sup>6</sup> Source: World Health Organization

**Ensure anonymity and confidentiality:** protect a respondent's identity and confidentiality throughout the entire interview process – from the moment she is contacted through the time the details of her case are made public.

**Get informed consent:** make certain that each respondent clearly understands the content and purpose of the interview, the intended use of the information and her right not to answer questions, her right to terminate the interview at any time, and her right to put restrictions on how the information is used.

**Listen to and respect each woman's assessment of her situation and risks to her safety:** recognize that each woman will have different concerns, and that the way she views her concerns may be different from how others might assess them.

**Do not re-traumatize a woman:** do not ask questions intended to provoke an emotionally charged response. Be prepared to respond to a woman's distress and highlight her strengths.

**Be prepared for emergency intervention:** be prepared to respond if a woman says she is in imminent danger.

***For trafficked minors.***

The rights of minors envisioned in the Convention on Rights of the Child represent the principles of all actions with trafficked

minors. Below are some of them considered key:

**Recognize and protect the best interests of the child:** in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, or legislative bodies, the best interests of the child shall be a primary consideration<sup>7</sup>.

**Do not discriminate children:** respect and ensure the rights set forth in the present Convention to each child without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic, or social origin, property, disability, birth or other status<sup>8</sup>.

**Recognize and respect the right of the child to be heard and considered in all matters related to the child:** assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child<sup>9</sup>.

**Respect the right of the child to privacy:** no child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honor and reputation<sup>10</sup>.

<sup>7</sup> Article 3.1 Convention on the Rights of the Child.

<sup>8</sup> Article 2 Convention on the Rights of the Child.

<sup>9</sup> Article 12 Convention on the Rights of the Child.

<sup>10</sup> Article 16 Convention on the Rights of the Child.

## SPECIFIC DUTIES OF THE MINISTRY OF FOREIGN AFFAIRS AND DIPLOMATIC AND CONSULAR REPRESENTATIONS

SOPs contain specific duties for the Ministry of Foreign Affairs and Diplomatic and Consular Representations in every step of the process of identification, referral, and rehabilitation and integration or reintegration for victims/ potential victims of trafficking, whether minor or adult, Albanian citizens.

Below is an outline of these duties:



*Primary Role*



*Supporting Role*

Structures they operate in	Duties of the Ministry of Foreign Affairs and Diplomatic and Consular Representations				
	Identification and referral		Assistance for voluntary return rehabilitation and re/ integration		
	Initial	Formal	Return	Integratio n <sup>11</sup>	Reintegrati on
Ministry of Foreign Affairs Consular Directory					
Diplomatic and Consular Representati					

<sup>11</sup> Integration vs. reintegration: Integration indicates assistance to integrate in the receiving country or another country; reintegration indicates assistance to reintegrate in the country of origin/ Albania

Standard operating procedures divide identification outside the territory of the RoA into two main moments: **initial** and **formal identification**.



*Employees of diplomatic and consular representations are primarily responsible for initial identification and referral outside the territory*

1. According to procedures, the purpose of **initial identification** outside the territory is:

**For minors:** Identify potential minor Albanian victims, request support from structures of identification and protection of victims of trafficking in the receiving country such as police structures, etc., in order to save them from trafficking and exploitation. Avoid their punishment and penalization. Notify the Responsible Authority (members of the Responsible Authority in the MFA) and activate further entities for the return of minor potential victims of trafficking, if they so wish and if their well-being is not jeopardized.

**For adults:** Identify potential adult Albanian victims, request cooperation from structures of identification and protection of victims of trafficking in the receiving country such as police structures, etc., in order to save them from trafficking and exploitation. Avoid their punishment and penalization. Ensure meeting their basic needs, notify the Responsible Authority (members of the Responsible Authority in the MFA) and activate further entities for the return of minor potential victims of trafficking, if they so wish and if their well-being is not jeopardized.



*The MFA, in its capacity as member of the Responsible Authority, is primarily responsible for formal identification and referral outside the territory.*

2. According to procedures, the purpose of **formal identification** outside the territory is:

**For minors:** Identify Albanian minor victims of trafficking, cooperate with structures for the identification and protection of victims of trafficking in the receiving country in order to save minors from trafficking and exploitation. Avoid the punishment and penalization of minor victims and activate further entities for the return of minor potential victims or victims of trafficking, if they so wish and if their well-being is not jeopardized.

**For adults:** Identify Albanian adult victims of trafficking, cooperated with counterpart assisting structures, police structures, etc., in the receiving country in order to save them from trafficking and exploitation. Avoid their punishment and penalization and activate further entities for the return of victims of trafficking, if they so wish and if their well-being is not jeopardized.

**How should diplomatic and consular representations act for correct identification, referral, and assistance for victims of trafficking?**

*Know legislation of the receiving country on trafficking in persons and authorities in the receiving country that are responsible for the identification, referral, and protection of victims of trafficking*

Because most countries, like Albania, have ratified the Palermo

Protocol/ Optional Protocol of the UN Convention against Transnational Organized Crime for the Prevention, Suppression, and Punishment of Trafficking in Persons, Particularly Women and Minors, most countries have special legal provisions for trafficking in persons.

It is particularly important to learn how the principle of non-penalization of victims of trafficking and forced non-return is implemented.

**In order to become familiar specifically with the legal framework on human rights and the rights of victims of trafficking in European countries, representations may visit: <http://ec.europa.eu/anti-trafficking/index.action>**

***Know the dimensions of the phenomenon both in the country of residence and in Albania***

Trafficking in persons is a hidden crime. Methods employed by traffickers are sophisticated and always changing. It is important to know that whether receiving countries are countries of origin, destination, or transit, which the most vulnerable groups to exploitation are, which the most vulnerable jobs to exploitation are, and what types of exploitation exist in every country, etc.

**The fastest update on knowledge about trafficking in persons in Albania and the world may be done by visiting the websites of the U.S. Department of state: [www.state.gov](http://www.state.gov) and the Council of Europe: Trafficking in Persons (TIP) Report, or Human Rights Trafficking in Human Beings-GRETA.**

***Use the rights and opportunities offered by the Vienna Convention on Consular Relations.***

The 1967 Vienna Convention on Consular Relations is

a multilateral international legal agreement. It defines the roles, rights, and duties of consular officers in carrying out their duties in receiving countries.

Some of these rights and responsibilities are important for consular activities to assist victims of trafficking. Below under “Annexes” there are some references to the Vienna Convention, important for the identification and referral of victims of trafficking, which were taken into consideration in drafting the SOPs.

*Exploit every opportunity for contact with Albanian migrants to identify and assist Albanian citizen potential victims of trafficking, using the indicators available in the SOP document.*

SOPs require that initial identification is conducted through the evaluation of information obtained from interviews for purposes of consular services, by individuals or state or non-state assistance agencies in the receiving countries vis-à-vis trafficking indicators. Potential contact situations may be those such as when talking to persons coming to the Representation for passports, various documents, assistance to return home, and when receiving telephone calls from victims or their family members, etc.

The assessment of a person’s situation vis-à-vis SOPs should be also conducted when Representations contact various organizations seeking assistance for Albanian citizens in need.

The indicators to be used in consular posts are the same as those for identification in the territory of the Republic of Albania.

SOPs require that if the situation of a minor or adult person displays one or more primary indicators as elements of trafficking and some secondary indicators that may be interpreted as

consequences of the process of trafficking, the person shall be considered a potential victim of trafficking/ a person that may have been trafficked or is being trafficked.

*The SOPs draw attention to the fact that all state and non-state institutions responsible for the initial identification of victims of trafficking should not consider these indicators an exhausting list of the appearance of trafficking and its consequences, but rather use their professional judgment and continuously refresh their knowledge about any trends in the appearance of trafficking and its effects on persons in the communities they work in.*

**Primary and secondary indicators for initial identification are:**



**Primary indicators for minors:**

- The minor states that he/she was misused, abused, threatened, exploited and is happy to have come into contact with persons/authorities that provide assistance and indicates he/she seeks assistance;
- The minor has marks on the body (e.g., bruises) indicating physical or sexual violence against him/her;
- The begging minor always has an adult around him/her watching over him/her;
- The minor sells or works;
- The minor has no contact with his/her family and has no related person caring for him/her;
- The minor has been brought to the site / city or region

by an adult or older person not related to him/her;

- The minor is unregistered, stays with adult persons whom he/she is not related to;
- The minor is in the company of persons who exploit or traffick minors;
- The minor does not have a stable place of residence;
- The minor sleeps on the street.

***Secondary indicators for minors:***



- The minor goes to places known for illegal activities (distribution of drugs, exercise of prostitution, exchange of stolen goods, etc.);
- The minor was caught stealing;
- The begging minor seems neglected: is malnourished, dressed inappropriately for his/her age or weather conditions;
- The minor has an undesired pregnancy;
- The minor suffers from sexually transmitted diseases;
- There is data or information that the minor has been seen in places known to be used for sexual exploitation of children, begging, forced labor, or other places inappropriate for his/her age;
- The minor has left behind in his/her home / care place clothes

are unusual for the minor (inappropriate for the age, borrowed from older persons);

- There is information that the minor receives calls or letters from adults outside the usual circle or usual social contacts;
- There is data that adults behaving or acting suspiciously hang around the minor's place of residence;
- The minor stays out of the residence, alone in late night hours;
- The minor has a much older boyfriend/girlfriend;
- The minor has large unjustifiable amounts of cash;
- The minor has been missing/ absent for a long time but has no information about what happened;
- The minor in a street situation has visible signs of neglect and abandonment;
  - The minor has returned after an absence, with a different look, which did not come from the legal custodian or parents.

***Primary indicators for adults:***

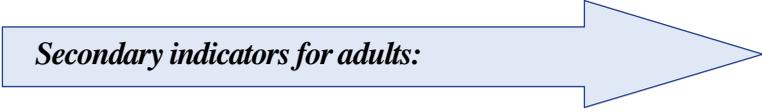


- The person states he/she was exploited and seeks help;
- The person came into an exploitation situation through

abduction or a promise that resulted fake;

- The person is obliged to remain in a situation of exploitation due to threats and violence against him/her or persons close to him/her;
- The person has no control over his/her life: movement, shelter, use of income are guided and controlled by others;
- The person's transport, shelter, employment, were arranged by persons who are known to be or on whom there is information that they are traffickers or exploiters.

***Secondary indicators for adults:***



- The conditions the person worked/ works in were harmful for his/her health and life;
- The person's job and school was arranged by a person who has business relations with his/her employer;
- The person was not allowed to choose his/her shelter;
- The person pays the employer a large and unjustifiable amount for his/her shelter;
- The person is hiding from authorities due to the irregular status of his/her job;
- The person has no access to health care.

***React sensibly to the attitude of victims of trafficking toward identification and provision of assistance.***

Consular service officers should be aware that victims of trafficking rarely identify themselves as victims of trafficking because:

- From fear that they may be stigmatized;
- They may be unaware of their rights and of what trafficking means, or that what happened to them is trafficking;
- They may have feelings of guilt or shame about their exploitation situation;
- They may fear revenge against them and their family members;
- They may be dependent upon their abusers;
- They may view their situation as "better" than unemployment, violence, poverty, or other problems they might have had before;
- They may fear that authorities of the receiving country do not treat them as victims but rather as offenders of the law and therefore imprison, fine, penalize them or deport them for use of fake documents, irregular stay, etc.

Furthermore, consular service officers should be aware that, in some cases, offers of assistance may be viewed suspiciously or may not be welcomed by victims of trafficking. In many cases, victims had no experience of unconditional assistance and therefore may not trust them either. The trafficked person may not be in a psychological condition as to understand and accept assistance.

However, in all circumstances, the persons should be made aware of the violations committed against them, be informed about sources and conditions of assistance in Albania and in the receiving country, and be offered necessary and possible assistance from the Representation, which consults the Responsible Authority (MFA).

It is up to the trafficked person to choose or refuse the offered assistance.

***Recognize and support the right of victims of trafficking for an application for stay in the receiving country and return to the country of origin.***

Legislation of many countries recognizes and applies such rights of victims of trafficking as:

- Right to return to country of origin;
- Right to safe and voluntary return;
- Right to not be deported and right to receive legal aid;
- Right to have a regular residence status;
- Special right of minor victims of trafficking;
- Right to be protected against re-victimization (non-penalization, non-imprisonment, non-discrimination, protection against revenge and re-trafficking);
- Right to request asylum;
- Right to compensation;
- Right to alternatives to return to country of origin.

***Follow the steps for identification, referral, and return according to SOP document.***

SOPs guide step by step the actions to be undertaken for the identification, referral, and protection of victims/potential victims of trafficking of Albanian citizenship who are outside Albania.

### **Actions/Steps for minors**

**SOPs require the identification of trafficked minors as a first step.** Any information that officers of diplomatic and consular representations obtain from contact with a minor, his/her relatives, other minors or various sources that indicate that the minor is in difficulty or in need, they should analyze carefully to see whether there are trafficking indicators such as the ones in the list of indicators above in the brochure. If the information contains one or more primary indicators and secondary indicators, the minor should be considered a potential victim of trafficking.

**If it is concluded that the minor is a potential victim of trafficking, or if the authorities of the receiving country find that a minor is a victim of trafficking in human beings,** the above officers should notify in the fastest manner possible, initially verbally (by telephone) and within two days in writing, the Responsible Authority/ MFA that a minor potential victim has been identified or that there is information from authorities of the receiving country that a minor is a potential victim of trafficking, a victim of trafficking, or a minor at risk of trafficking. The verbal and written notification should contain at least the information required by Annex 9.12 of the SOPs, which is provided below in the “Annexes” part.

**Beside the assessment that the minor is a potential victim of trafficking, obtained information should also be assessed whether there is an involvement of the parents or custodians in trafficking.** The assessment of whether the parents or custodians are involved in trafficking should guide any contact with the minor and decisions taken in his/her interest. Such information should be conveyed to the Responsible Authority (MFA).

If the minor’s parent or legal custodian who is not involved in trafficking is in the receiving country, a meeting should be organized

with him/her, discuss the minor's needs, and find a solution for the good of the minor. If the parent or legal custodian of the minor who is not involved in trafficking is in fact in Albania, the notification for the Responsible Authority (MFA) should request that the RA contact the minor's parent or custodian in Albania.

If there is information that the minor's parent or legal custodian is involved in trafficking and is in the receiving country, the consular officer should arrange a separate meeting with the minor and assess the minor's needs and a solution for the good of the minor. If the minor's parent or legal custodian who is involved in trafficking is in Albania, notification for the Responsible Authority (MFA) should inform about circumstances of the parent's involvement in trafficking.

**Officers should make an assessment of the minor's expectations for assistance and protection, find a temporary and immediate solution for the minor's settlement in a safe environment, and convey information about the assessment and the solution to the Responsible Authority (MFA).**

*If the information indicates that there should be an immediate intervention to stop the minor's exploitation and his/her settlement in a safe and appropriate environment, officers should contact immediately the authorities of the receiving country and act in support of steps by authorities of the receiving country to protect the minor.*



**Officers should collect and offer the minor (and his/her parent or custodian who is not involved in trafficking) information about possibilities for assistance and protection in accordance with the assessed needs, both in Albania and in the receiving country, and take a decision in the highest interests of the minor.**

For most countries, the minor identified as a victim of trafficking by relevant local authorities has the right to remain in the receiving country and receive the necessary services as a victim of trafficking. These services and their terms should be known by the consular officer and made known to the minor and parent or custodian in order for them to decide whether it is better for them to return or remain in the receiving country. The minor identified by the diplomatic or consular Representation as a potential victim of trafficking or reported to the Representation by authorities of the receiving country as a victim of trafficking, potential victim of trafficking, or at risk of trafficking, has the right to return to the country of origin/ Albania if he/she so wishes.

If the minor prefers to return to his/her family in Albania, the Responsible Authority (MFA) shall request Regional state Social Service Offices in Albania the conduct of an assessment of the social-economic situation and the risk for the minor's return. This assessment shall be forwarded by the Responsible Authority (MFA) to the Representation and it shall be used there to find a solution in the interest of the minor with regard to the return.

**The consular service officer should take care during the time of the necessary evaluations that the minor is settled in a safe and appropriate environment.**

If the minor is not in a safe and appropriate environment for minor victims, during the time that such evaluations are made, officers should ensure the settlement of the minor in a safe environment through official contacts.

Meanwhile, the consular officer should visit the premises where the minor is staying or contact the institution or agency that is accommodating or assisting the minor to make sure that he/she is receiving the necessary services.

**The minor's return should be supported if the assessments and the decision are positive and safe for the return/ is in the highest interests of the minor.**

To that end, information should be exchanged with the Responsible Authority (MFA) and the institution assisting the minor, with regard to arranging the return, ensuring particularly to:

- issue and equip him/her with the necessary travel documents (??LP, authorization by parent/custodian, etc.);
- ensure his/her accompaniment during travel;
- equip him/her with copies of evaluations/medical examinations or treatment received in the receiving country;
- any other document that ensures the continuation of assistance for the minor.

**When assessments indicate that the return is unsafe/ is not in the best interests of the minor, the protection of the minor should be ensured in the receiving country and the Responsible Authority (MFA) be informed regularly about the minor's protection there.**

The Albanian Representation should contact support authorities in the receiving country and request that an appropriate and long-term solution be found for the minor in the receiving country. It should regularly, every 6 months, draft and submit to the Responsible Authority (MFA) reports on assistance for the minor in the receiving country until the minor reaches the age of 18 years old.

**Actions/steps for adults**

**SOPs request as a first step the identification of trafficked adults.**

Any information officers of diplomatic and consular representations obtain from contact with a person, his/her relatives, other persons or

or various sources that indicate that the person is in difficulty or in need, they should analyze carefully to see whether there are trafficking indicators such as the ones in the list of indicators above in the brochure. If the information contains one or more primary indicators and secondary indicators, the person should be considered a potential victim of trafficking.

**If it is concluded that the person is a potential victim of trafficking, or if the authorities of the receiving country find that a person of Albanian citizenship is a victim of trafficking in human beings,** the above officers should notify in the fastest manner possible, initially verbally (by telephone) and within two days in writing, the Responsible Authority/ MFA that a potential victim has been identified or that there is information from authorities of the receiving country that a person is a potential victim of trafficking, a victim of trafficking, or a person at risk of trafficking. The verbal and written notification should contain at least the information required by Annex 9.12 of the SOPs, which is provided below in the "Annexes" part.

**Officers should make an assessment of the person's needs and expectations for assistance and protection, find a temporary and immediate solution for his/her settlement in a safe environment, and convey information about the assessment and the solution to the Responsible Authority (MFA).**

If collected information indicates that there should be an immediate intervention to stop the exploitation of the person and the person identified by the Representation agrees, authorities of the receiving country should be contacted immediately or the person should be put in contact with them and actions for the person's protection should be supported.

If the person does not wish to be identified by/to authorities of the receiving country but generally needs assistance and could be

accommodated in various assistance programs/institutions, the Representation should support finding temporary and appropriate accommodation.

**Officers should collect and offer the person information about possibilities for assistance and protection in accordance with the assessed needs, both in Albania and in the receiving country, and take a decision in the interest of the person.**

For most countries, victims of trafficking have the right to remain in the receiving country and receive the necessary services as a victim of trafficking. These services and their terms should be known by the consular officer and made known to potential victims of trafficking in order for them to decide whether it is better for them to return or remain in the receiving country. Persons identified by the Representation as a potential victim of trafficking or reported as victims of trafficking, potential victim of trafficking, or at risk of trafficking, have the right to return to the country of origin/ Albania if they so wish.

If the person wishes to return to the family in Albania, he/she may submit a request to the Responsible Authority (MFA) (fill out the request for return form). If the person wishes for an assessment of the situation before the return, the Responsible Authority (MFA) shall request from Regional state Social Service Offices an evaluation of the social-economic situation and risks to the person's return. The evaluation shall be forwarded by the Responsible Authority to the Representation, which shall use it to help the person take a decision regarding his/her return.

**The consular service officer should take care during the time of the necessary evaluations that the person is settled in a safe and appropriate environment.**

If the person is not in a safe and appropriate environment, during the time that such evaluations are made, officers should ensure the settlement of the person in a safe environment through official contacts.

Meanwhile, the consular officer should visit the premises where the person is staying or contact the institution or agency that is accommodating or assisting the person to make sure that he/she is receiving the necessary services

**The person's return, if assessments and the decision are positive and safe for the return, should be supported.**

For this purpose, information should be exchanged with the Responsible Authority (MFA) and the institution assisting the person, on arrangements for the return, ensuring particularly to:

- issue and equip him/her with the necessary travel documents (LP, authorization by the custodian if he/she has one such, etc.);
- equip him/her with copies of evaluations/medical examinations or treatments received in the receiving country;
- issue any other document that ensures the continuation of assistance for the person in Albania.

**When assessments indicate that the return is unsafe, protection of and assistance for the person should be ensured, in accordance with the receiving country's legislation, and the Responsible Authority (MFA) be informed about steps undertaken.**

The Albanian Representation should contact support authorities in the receiving country and support the person regarding:

- residence permit;
- work permit;
- vocational training and employment;
- non-penalization for violations during trafficking process;
- services victims of trafficking are entitled to in receiving country.

***Document actions and exchange information  
in accordance with SOPs***

Below under Annexes, you may find some SOP formats, adapted for this brochure, needed by diplomatic and consular Representations for the document of identification, referral, and assisted voluntary return.

This part only provides some explanations on documentation that should be used.

SOPs require that anytime an institution or organization identifies a potential victim of trafficking, it should notify immediately verbally (by telephone) the Responsible Authority (MFA) and within two days from the verbal notification, the Authority should be notified in writing.

The document proving that the process of identification was conducted properly by the Representation is the notification in writing of the Responsible Authority (MFA), Annex 9.12 in SOPs.

The document that proves the person seeks assistance from the Responsible Authority for voluntary return is Annex 9.16.

The document proving that the Representation supports the request for voluntary return is Annex 9.17.

The document that proves the Regional Social Service Office conducted the assessment in Albania and whether the return is considered safe and appropriate is Annex 9.19.

The document proving the parent or custodian gave authorization for assisted return is Annex 9.20.

The document proving the parent or custodian gave an authorization for travel is Annex 9.21.

**In spite of whether the Representation identified cases of trafficked Albanian citizens and, besides these documents, every diplomatic or consular Representation** should have a list of updated information about authorities that conduct identification and provide protection for minor victims of trafficking or potential victims of trafficking in the receiving country. The Annexes include a list of information sources for institutions of identification and protection of victims of trafficking in some countries in Europe.

Representations should draft and preserve any other type of document that proves efforts were made to assess the situation and interventions were made to save the person when there were suspicions or when information was obtained about an Albanian citizen having been trafficked.

<p><b>Annex 9.12</b></p> <p><b>FORMAT OF INITIAL WRITTEN NOTIFICATION TO THE RA FOR THE IDENTIFICATION OF AND ASSISTANCE FOR PRESUMED VICTIMS OF TRAFFICKING</b></p> <p>Date of notification:</p> <p>Name of the person that did the identification:</p> <p>Name of the Agency/structure he/she works in: (in whose capacity, he/she made the identification):</p> <p>Address and phone number where the person may be contacted:</p> <p>Circumstances in which he/she came into contact with the presumed victim:</p> <p><b><i>Data on the presumed victim:</i></b></p> <p>Name Family Name:</p> <p>Age:</p> <p>Place of Residence:</p> <p>If a child, names of parents:</p> <p>If a child, name of the legal custodian if it is not the parent:</p> <p>Basis on which the conclusion that the person is a presumed victim was reached (elements from the list of indicators)</p> <p>What first assistance was provided to the presumed victim?</p> <p>Was the person who is considered a presumed victim asked whether he/she wishes to come into contact with the police, give a formal interview?</p> <p>What did the person say about the formal interview?</p> <p>If the person wishes to do a formal interview, how may he/she be contacted (best time for a formal interview)?</p> <p>What kind of assistance is being given to the person by the organization/structure that did the identification?</p> <p>What other assistance is requested of the RA for the person?</p> <p>Name, family name, and signature of the employee</p> <p>Name, family name, signature of senior official/monitor</p>	<p><b>Annex 9.16</b></p> <p><b>REQUEST TO THE RA FOR ASSISTANCE FOR RETURNING TO THE PLACE OF ORIGIN</b></p> <p>I, ....., date of birth....., place of birth ..... father’s name....., mother’s name ..... of..... citizenship, with ID ..... currently living at the address ....., request Albanian Authorities assistance to return to my place of origin, at the address .....</p> <p>Adults: I also request / do not request that a social economic assessment and one on safety during the return is done</p> <p>I authorize (the institution/ agency) ....., to present this request and declare that I agree with the definition of the agency about my situation and have been acquainted with the contents of the documents that the (institution/agency) deem necessary to attach in support of my request.</p> <p>Name, family name, signature, and date, by the requester .....</p> <p>Name, family name, signature of the parent/legal custodian.....</p> <p>Name, family name, and signature of the translator of the request .....</p>
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**Annex 9.17**

**INFORMATION TO THE RA IN SUPPORT OF THE REQUEST FOR ASSISTED VOLUNTARY RETURN**

Name of the agency providing the information in support of the request for assisted return:

Address and contacts:

Name, family name of the person on whom the information is provided:

Who identified the person as trafficked:

Did the person collaborate with law enforcement authorities and how:

Where is the person requesting to return currently accommodated:

Where does the person wish to live upon his return: the family, will live independently, or placed at a shelter/residence:

Should someone wait for the person:

What kind of specific assistance will the person need upon his return:

Family address and contact information if the person is a child:

Address and contact information on the legal custodian if the person is a child:

Does the person possess information about where the trafficker/traffickers are:

What recommendations are there for the assessment of preparations for the return:

Were efforts, other contacts made to assist the person to return:

Other comments and suggestions:

Date and signature

**Annex 9.18**

**REQUEST FOR SOCIAL ECONOMIC AND SAFETY EVALUATION BEFORE THE VOLUNTARY RETURN**

To: Regional Social Service Office of .....

CC: Head of the State Social Service .....

Source of request to the RA for the return of the victim/presumed victim;

RA meeting references on the case;

Data on the situation of the victim/presumed victim;

Name, family name, date of birth, place of birth/address of the family where he/she is returning, name and family name of parents/legal custodians, contact information;

Brief background on the trafficking, including data on involved persons from the community or relatives/trafficking agents (if any);

Data on the location of trafficker/traffickers if the RA possesses it;

Current needs and what the person expects/wishes to do upon return to the family;

Remarks and recommendations on ensuring safety, confidentiality, and privacy during the conduct of the evaluation;

Documents required to be attached to the evaluation report;

Expected deadline for the submission of the evaluation report;

Method and means of communication/contact with the RA in case of need for clarifications;

Name, family name, and contact of the RA member submitting the request

Date:

**Annex 9.19****REPORT ON THE FAMILY SITUATION AND RISK ASSESSMENT BEFORE THE ASSISTED VOLUNTARY RETURN****To: Responsible Authority/RA Member who filed the request****CC: Head of the State Social Service**

Date:

Location:

Protocol No.:

Name, family name of the RSSSO social worker that conducted the evaluation:

Structure he/she works under:

Contact (tel, fax, e-mail):

Official address:

Date of RA request for the evaluation:

Name, family name of the person on whom the evaluation was done:

Date of birth:

Address where the person wishes to return to:

Persons contacted for the evaluation, dates, and places of contact:

1. From the family:
2. From the police (SFATP, area inspector):
3. Assistance organizations:
4. Other:

Family set up:

Family income and source of income:

Family's living conditions:

Family's housing conditions:

Circumstances of leaving the family/family's version:

Family contact and relations with the person upon departure:

Problems during the person's absence:

Does the family agree for the person to return to the family:

What could the family offer to the person if he/she returned:

Family's assistance needs to support the person in the family:

Community possibilities to support the person upon his/her return:

Potential risks to the safety of the person and family if the person returns / what the community thinks (family, law enforcement agencies) about the trafficker/traffickers' location and threat:

To what extent the person's needs and desires will be met upon his/her return to the family:

Sources of assistance the person can turn to for assistance upon his/her return:

Conclusions of the evaluation on the safety and viability of the return:

Premises where the person wishes to return to are safe and appropriate/ can meet the person's needs for safety and protection

Premises where the person wishes to return are unsafe and/or inappropriate/ can meet the person's needs for safety and protection

Suggestions of the evaluator on the arrangement of the return, rehabilitation, and reintegration of the person.

Attached documents: authorization by the parent/legal custodian for the assisted return of the child

Name, family name, and signature of the RSSSO evaluator:

Name, family name, and signature of the RSSSO head:

**Annex 9.20**

**AUTHORIZATION BY THE PARENT/LEGAL CUSTODIAN FOR THE ASSISTED RETURN OF THE CHILD**

I ..... (name, family name), born in.....(place of birth), on....., of..... citizenship, currently resident in ....., passport number / identification document no..... issued by ....., on....., valid until....., in the capacity of the parent (legal custodian) of ....., authorize the Responsible Authority to assist my child ..... (name, family name), born in .....(place of birth) on....., of..... citizenship, currently located in..... to return to his/her family at the address .....

or be temporarily housed in the social care institution .....

Attached is the family certificate (or custody document) and a copy of my identification document. I also declare that I am willing to provide information and undertake the necessary action to ensure the safe return and well-being of my child.

Signature and date by parent/legal custodian

Signature and date by interpreter (if any)

**Annex 9.21**

**AUTHORIZATION BY THE PARENTS/LEGAL CUSTODIAN FOR THE TRAVEL OF THE CHILD**

The undersigned,  
Name, family name:  
Citizenship:  
Passport no.:  
Date of issue:  
Issued by:  
Valid until:  
Address and phone no.:

The undersigned  
Name, family name:  
Citizenship:  
Passport no.:  
Date of issue:  
Issued by:  
Valid until:  
Address and phone no.:

Authorize that our child

Full name of the child:

Born on:  
City/Country:  
Passport no.:  
Date of issue:  
Issued by:  
Valid until:  
Currently located in:

Travels from.....to....., accompanied by....., identification document no. ...., who is (title)..... on date / / . The child will be received by ..... on (date) ....., at (time).....

Authorization signed on the date / / 2010 at ..... by

Signature

Signature

\_\_\_\_\_  
Name, family name, and signature of the translator of the authorization, if any

## Annexes

### Annex 2. References from the Vienna Convention on Consular Relations

#### Article 5, Consular Functions:

**item (a)** ... consist in protecting in the receiving state the interests of the sending state (Albania, in this case) and of its nationals, both individuals and bodies corporate, within the limits permitted by international law;

**item (ç)**... consist in issuing passports and travel documents to nationals of the sending state, and visas or appropriate documents to persons wishing to travel to the sending state;

**item (d)**... consist in helping and assisting nationals, both individuals and corporate bodies, of the sending state;

**item (e)**... consists in acting as notary and civil registrar and in capacities of a similar kind, and performing certain functions of an administrative nature, provided that there is nothing contrary thereto in the laws and regulations of the receiving state;;

**item (f)**... consists in safeguarding, within the limits imposed by the laws and regulations of the receiving state, the interests of minors and other persons lacking full capacity who are nationals of the sending state, particularly where any guardianship or trusteeship is required with respect to such persons;

**item (g)**... subject to the practices and procedures obtaining in the receiving state, representing or arranging appropriate representation for nationals of the sending state before the tribunals and other authorities of the receiving state, for the purpose of obtaining, in accordance with the laws and regulations of the receiving state,

provisional measures for the preservation of the rights and interests of these nationals, where, because of absence or any other reason, such nationals are unable at the proper time to assume the defense of their rights and interests;

**item (m)**... performing any other functions entrusted to a consular post by the sending state which are not prohibited by the laws and regulations of the receiving state or to which no objection is taken by the receiving state or which are referred to in the international agreements in force between the sending state and the receiving state;

#### Article 36, Communication and contacts with nationals of the sending state

With a view to facilitating the exercise of consular functions relating to nationals of the sending state:

**Item (a)**... consular officers shall be free to communicate with nationals of the sending state and to have access to them. Nationals of the sending state shall have the same freedom with respect to communication with and access to consular officers of the sending State.

**Item (b)**... if he so requests (national of the sending state), the competent authorities of the receiving state shall, without delay, inform the consular post of the sending state if, within its consular district, a national of that state is arrested or committed to prison or to custody pending trial or is detained in any other manner. Any communication addressed to the consular post by the person arrested, in prison, custody or detention shall be forwarded by the said authorities without delay. The said authorities shall inform the person concerned without delay of his rights under this subparagraph;

**Item (c)**... consular officers shall have the right to visit a national of the sending state who is in prison, custody or detention,

to converse and correspond with him and to arrange for his legal representation. They shall also have the right to visit any national of the sending state who is in prison, custody or detention in their district in pursuance of a judgement. Nevertheless, consular officers shall refrain from taking action on behalf of a national who is in prison, custody or detention if he expressly opposes such action;

**Article 37, Information in cases of deaths, guardianship or trusteeship, wrecks and air accidents**

If the relevant information is available to the competent authorities of the receiving State, such authorities shall have the duty:

**item (a)...** in the case of the death of a national of the sending state, to inform without delay the consular post in whose district the death occurred;

**item (b)...** to inform the competent consular post without delay of any case where the appointment of a guardian or trustee appears to be in the interests of a minor or other person lacking full capacity who is a national of the sending state.

**Annex 3. List of some institutions and agencies in Europe**

BELGIUM	Payoke Tel: 0032(0)3/201.16.90 Fax: 0032(0)3/233.23.24 Email: admin@payoke.be Web: www.payoke.be
	IOM – BELGJIKË Tel: 00 32 2 282 45 60 Fax: 00 32 2 230 07 63 Email: mrfbrussels@iom.int

GERMANY	Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, Division 403 Tel: +49 (0) 30 18 55 50 Email: 403@bmfsfj.bund.de Website: www.bmfsfj.bund.de
	Federal Ministry for Labor and Social Affairs Division VIb4 Tel: +49 (0) 30 18 52 70 Fax: +49 (0) 30 18 527 51 04 Email: vib4@bmas.bund.de Website: www.bmas.de
DENMARK	Danish Centre against Human trafficking Tel: +45 72 42 38 23 (weekdays 9.00–16.00) Hotline: +45 7 020 2550 (Every day 8.00–18.00) Fax: +45 72 423 709 Email: cmm@servicestyrelsen.dk website: www.centermodmenneskehandel.dk
SWEDEN	National Support Operations Against Prostitution and Human Trafficking (NMT) and Office of the National Coordinator against Human Trafficking, Stockholm County Administrative Board Email: info@nmtsverige.se Web: www.nmtsverige.se Tel: +46 (0)8 785 40 20 Brottsofferjouren – Victim of Crime Helpline Tel: 0200 21 20 19 (only operational nationally) Email: riks@boj.se Web: www.boj.se

