Mechanisms against violence and trafficking

United Nations Support to Social Inclusion in Albania Programme

August 2015

Tirana, Albania
United Nations Support to Social Inclusion in Albania Programme

Mechanisms against violence and trafficking

Synergies and synergy developments

August 2015
Tirana, Albania
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Tirana, August 2015
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### A. ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>AWMP</td>
<td>Alliance of Women MPs</td>
</tr>
<tr>
<td>A/IRII</td>
<td>Agencies / Institutions Responsible for Initial Identification of Victims of Trafficking</td>
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<tr>
<td>RA</td>
<td>Responsible Authority</td>
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<tr>
<td>ARSIS</td>
<td>Social Organization for Supporting Youth</td>
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<tr>
<td>AWEN(^1)</td>
<td>Albanian Women’s Empowerment Network</td>
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<tr>
<td>U.S. DOS</td>
<td>U.S. Department of State</td>
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<tr>
<td>D&amp;E</td>
<td>Different &amp; Equal</td>
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<tr>
<td>GDSP</td>
<td>General Directory of State Police</td>
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<tr>
<td>RDBM</td>
<td>Regional Directory of Border and Migration</td>
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<tr>
<td>RED</td>
<td>Regional Education Directory</td>
</tr>
<tr>
<td>DV</td>
<td>Domestic Violence</td>
</tr>
<tr>
<td>G/SRFI</td>
<td>Group/Structure Responsible for Formal Identification</td>
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<tr>
<td>JDC</td>
<td>Judicial District Court</td>
</tr>
<tr>
<td>A/IRII</td>
<td>Agencies/Institutions Responsible for Initial Identification</td>
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<tr>
<td>IOM</td>
<td>International Organization for Migration</td>
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<tr>
<td>INSTAT</td>
<td>National Institute of Statistics</td>
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<tr>
<td>ICMPD</td>
<td>International Center for Migration Policy Development</td>
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<tr>
<td>CPU</td>
<td>Child Protection Unit</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<tr>
<td>CRC</td>
<td>United Nations Convention for the Rights of the Child</td>
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<tr>
<td>CoE</td>
<td>Council of Europe</td>
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<tr>
<td>RATC</td>
<td>Regional Anti-Trafficking Committees</td>
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<td>NCATS</td>
<td>National Coalition of Antitrafficking Shelters</td>
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<td>SCLA</td>
<td>State Commission for Legal Aid</td>
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<tr>
<td>MoI</td>
<td>Ministry of Interior</td>
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<tr>
<td>MFA</td>
<td>Ministry of Foreign Affairs</td>
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<tr>
<td>MoJ</td>
<td>Ministry of Justice</td>
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<tr>
<td>MSWY</td>
<td>Ministry of Social Welfare and Youth</td>
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<tr>
<td>UNOHCHR</td>
<td>UN Office of the High Commissioner for Human Rights</td>
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<tr>
<td>UNO</td>
<td>United Nations Organization</td>
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<tr>
<td>OSCE</td>
<td>Organization for Security and Cooperation in Europe</td>
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<tr>
<td>DRR</td>
<td>Diplomatic Representations of the Republic of Albania</td>
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<tr>
<td>SOP</td>
<td>Standard Operating Procedures for the Identification and Referral of Victims/ Potential Victims of Trafficking</td>
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<tr>
<td>BCP</td>
<td>Border Crossing Point</td>
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<tr>
<td>CLCI</td>
<td>Center for Legal Civic Initiatives</td>
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<tr>
<td>GADC</td>
<td>Gender Alliance for Development Center</td>
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<tr>
<td>NRCVT</td>
<td>National Reception Centre for Victims of Trafficking</td>
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<tr>
<td>CTVDV</td>
<td>Centre of Treatment for Victims of Domestic Violence</td>
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<tr>
<td>SHWG</td>
<td>Shelter for Women and Girls</td>
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<tr>
<td>PSFIT</td>
<td>Police Sector of the Fight against Illegal Trafficking</td>
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<tr>
<td>NAGVT</td>
<td>Network Against Gender Violence and Trafficking(^2)</td>
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2 Includes Counselling Line for Women and Girls, Refleksione Association, Shelter for Women and Girls (the Shelter), Centre for Legal Civic Initiatives and Gender Alliance for Development Centre
<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>SSS</td>
<td>State Social Service</td>
</tr>
<tr>
<td>TV</td>
<td>Other Vision, Elbasan</td>
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<tr>
<td>UNICEF</td>
<td>United Nations Children’s Fund</td>
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<tr>
<td>UNODC</td>
<td>United Nations Office for Drugs and Crime</td>
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<td>PO</td>
<td>Protection Order</td>
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<tr>
<td>IPO</td>
<td>Immediate Protection Order</td>
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<tr>
<td>UNICEF</td>
<td>United Nations Children’s Fund</td>
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<td>UNTF³</td>
<td>United Nations Trust Fund to Eliminate Violence against Women</td>
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<tr>
<td>VATRA</td>
<td>Psycho-social Centre “Vatra”, Vlore</td>
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<tr>
<td>VoT</td>
<td>Victim of Trafficking</td>
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<tr>
<td>PVoT</td>
<td>Potential Victim of Trafficking</td>
</tr>
<tr>
<td>ONATC</td>
<td>Office of the National Anti-Trafficking Coordinator</td>
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<tr>
<td>RSSSO</td>
<td>Regional State Social Service Office</td>
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³ United Nations Trust Fund to Eliminate Violence Against Women
B. PURPOSE AND METHODS USED

The International Organization for Migration (IOM) has considerable experience in cooperation with anti-trafficking actors involved in the identification, referral of and assistance for victims of trafficking. Information collected in the course of the implementation of projects and focused on creating a profile of victims of trafficking has continuously provided situations and signs that domestic violence is one of the main characteristics of the vulnerability of individuals to trafficking and re-trafficking. In the communication and cooperation on certain cases between service providers for victims of trafficking, in most cases, the determination whether a person is a victim of violence (VoV) or a victim of trafficking (VoT) has been seen as unimportant compared to the need for intervention and assistance; however, in some cases, this definition has been considered so important as to delay or obstruct the provision of necessary assistance or cause misunderstanding and miscommunication between structures.

The reasons and need for synergy has also been addressed in developed countries. For instance, in 2013, Dr. Marylouise Kelley, Director of Domestic Violence Prevention and Service Program⁴ writes that this synergy between domestic violence service providers and stakeholders working to prevent and respond to human trafficking is a partnership that has long been needed.⁵ According to Dr. Kelley, both domestic violence and trafficking of women and girls are abuse of power; although victims come from a variety of situations and backgrounds, the most affected communities are those with less access to services. Both victims of trafficking and of violence are a byproduct of the culture of violence toward women. It is customary for victims of trafficking to have been coerced into sex or labor by intimate partners who use violence and the threat of violence. Advocates in both the domestic violence and human trafficking fields observe that the survivors they encounter have endured multiple dimensions of abuse through emotional, verbal, physical and sexual violence, and economic exploitation. According to Dr. Kelley, a domestic violence survivor seeking refuge in a shelter or someone who calls the national violence hotline may also be a victim of trafficking.

According to the Commissioner for Protection from Discrimination, the concept of trafficking itself is different from the concept of domestic violence, but in both cases, consequences are truly severe, both for victims of trafficking and for victims of domestic violence.⁶

According to the report of the NEXUS Institute⁷ there are at least three points of intersections/vulnerability created by domestic violence that are used and might end up in trafficking: 1) Domestic violence may act as a push factor that ultimately results in trafficking. The urgency of escape may enhance risk; and/or 2) Domestic violence may erode an individual’s self-esteem and self-confidence, thereby increasing vulnerability to traffickers; and/or 3) Domestic violence may force children’s absence from school at an early age, or lead to trouble in school or to the child’s engaging in other risky, dangerous or self-defeating behavior, lowering job prospects at home, and increasing their vulnerability to trafficking.

The Istanbul Convention recalls the Convention on Action against Trafficking in Human Beings and recognizes that the violence against women is a manifestation of historically unequal power relations between women and men, which have led to domination over, and discrimination against, women by men and to the prevention of the full advancement of women. The Convention recognizes also that the violence against women has a structural nature, it is a gender-based violence, and it is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.⁸

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⁴ Family Violence Prevention & Services Program Director
⁶ Commissioner for Protection from Discrimination, Decision no. 9, dated 11.05.2012
⁷ Stephen Warnath, Nexus Institute, Examining the intersections between trafficking in Persons and domestic Violence, June 2007
A high percentage of the victims of trafficking in Albania have suffered domestic abuse and violence. According to NCAT report, 81.01 % of the new cases, identified and treated during the reporting period had trafficking experiences prior to trafficking, 21.51 had only emotional/psychological violence and 7.59 had sexual abuse experiences.

Both evaluation of the needs and treatment of victims have seen the need for relationships: The IOM Manual on assistance for victims of trafficking,⁹ says “Health risks and needs of trafficked persons can be identified by looking at other vulnerable groups, such as: migrants and refugees, persons who have experienced violence, torture, sexual abuse, childhood physical and/or sexual abuse, prostitutes, including child prostitutes, exploited laborers.”

Some of the rehabilitation and reintegration programs for victims of trafficking are intentionally or accidentally dual or mixed – they help both victims of trafficking and of violence; however, the mixing of services is a solution in the circumstances of limited resources for which providers are still unsure: there has not yet been an exploration of the kinds of services offered by dual programs or single-focus programs, of their challenges and achievements, of facts and opinions whether and how this practice may be turned into a norm, thus ensuring at the same time both services for the spectrum of similar needs and specialized services for special needs.

According to the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of power¹⁰ “Victims” means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power. Inclusion of trafficking,¹¹ and of domestic violence¹² in the Penal Code, as a result, automatically makes persons “victims of crime” and increasingly more, in actions and communications, victims of trafficking and victims of violence are being referred to with a more general term “victims of crime.”

The Strategy of the Fight against Trafficking in Persons and the Action Plan 2014-2017 is already an integral part of the Cross-Sector Strategy for the Fight against Organized Crime, Illegal Trafficking and Terrorism.¹³ The establishment at different times of mechanisms for the identification, referral and assistance for victims of trafficking¹⁴ and violence,¹⁵ the drafting and renewal of strategies focused on victims of violence and trafficking, naturally has led to the development of awareness and responsibilities of actors vis-à-vis victims, as well as increasing solidarity among actors to explore and draw lessons from the processes of identification, referral and assistance within the mechanisms as well as to plan and implement together more inclusive solutions and interventions.

The evaluation of the synergy of mechanisms was undertaken in order to further explore and support this awareness and solidarity: to help actors of both mechanisms, of violence and trafficking, to recognize

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¹⁰ UN, United Nations General Assembly Resolution 40/34, November 29, 1985
¹¹ 110/a Trafficking of adults, added by law no. 8733, dated 24.1.2001, article 28
¹² 130/a Domestic violence, added by law no. 23/2012, dated 1.3.2012
¹⁵ Decision of the Council of Ministers no. 334, dated 07.02.2011 “On the mechanism for coordinating work for the referral of cases of domestic violence and its proceedings.”
their responsibilities and challenges, to identify ways to improve the functioning of each mechanism as well as to create an agenda of joint work in order to increase effectiveness in the identification, referral of and assistance for victims and the prevention of re-victimization. Therefore, the evaluation employed two meanings of synergy: (a) current effectiveness of each mechanism: compatibility between needs for services and the services provided (b) current and potential effectiveness of interaction between the mechanisms.

The information that was collected is of a mainly qualitative character and the approach was to encourage the participation, discussion and contribution of structures involved in the functioning of both mechanisms and individual victims of trafficking and of violence. The employed methods included: (1) review of documents, (2) consultations/discussions and (3) written or face to face semi-structured interviews.

The review of documents focused on legal provisions on domestic violence and trafficking, the responsibilities of state structures or agencies, research conducted regarding both phenomena/crimes, particularly with regard to the assistance of and challenges of responsible structures at the central and local level in handling cases of domestic violence and of trafficking in persons.

Based on a review of the main documents and research studies on both fields, in December 2014, the project consultant compiled the evaluation methodology. The draft methodology suggested that some of the issues on which the evaluation needed to collect information and recommendations were those of concern for both mechanisms: identification of victims, preservation of confidentiality, detailed duties of stakeholders in mechanisms, monitoring of their roles and duties, reporting, relations of the victim with the violator, exploiter or trafficker and the impact on identification and assistance, support for judicial processes, available assistance, aspects concerning children, etc. The topics of the main interests determined structure of the interviews and categories of the potential interviewees. Five interview formats were compiled: 1. For professionals involved more in the mechanism against domestic violence, 2) for professionals involved more in the mechanism against trafficking, 3) for professionals involved in policy making and monitoring of the two mechanisms, 4) for victims of violence, 5) for victims of trafficking. The main rubrics of interviews included the process for the identification of victims as such, general opinions and recommendations on the functioning of mechanisms, specific duties in local mechanisms and challenges, resources for addressing emergency and long-term needs of victims, as well as recommendations for interaction between mechanisms.

In order to reach consensus on common issues to be explored, identify informants, and consolidate the content of interviews, the draft methodology was consulted by two seminars held on January 20, 2015 and February 17, 2015, where 34 and 33 persons respectively attended.

The formats of interviews were sent by e-mail to participants of the consultative meeting of February 17. With the help of specialists at the General Directory of State Police, written interviews were distributed to specialists in the districts. A total of 18 individuals – 8 police officers, specialists for the protection of minors and domestic violence, 2 police officers who are specialists on trafficking, 8 persons who provide social services for victims of violence and of trafficking – responded to the written interviews / questionnaires.

Face to face interviews were conducted with a total of 23 individuals: 4 former victims of domestic violence, 6 former victims of trafficking, 5 employees who are providers of social services for victims of violence and of trafficking, 3 employees of law enforcement/police, and 5 employees who work on drafting policies and monitoring the two mechanisms.

16 Interview formats are in the Annexes
C. DEFINITIONS AND BASIC CONCEPTS

“Abuse of a position of vulnerability” 1. Any situation in which the person involved believes he or she has no real and acceptable alternative; 2. Taking advantage of the vulnerable position a person is placed in as a result of having entered the country illegally, pregnancy, mental disease or disability, reduced capacity to form judgments by virtue of being a child, etc..17

“Violence” is any action or inaction of a person toward another person that causes the violation of the physical, moral, psychological, sexual, social and economic integrity.18

“Domestic violence” is any act of violence committed between persons who are or have been in family relations.19

“Violence toward women” any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.20

“A violator in the cases of the exercise of violence in family relations” is the person sued to relevant authorities for the exercise of violence in family relations.21

“National Council on Gender Equality” is an advisory body established by order of the Prime Minister, upon proposal by the minister covering issues of gender equality. Its makeup is approved on the basis of equal gender representation. It is headed by the minister who covers issues of gender equality and includes ten representatives assigned by the Government and three by the civil society.22

“Regional mechanisms against trafficking” Regional mechanisms against trafficking consist of Regional Committees for the Fight Against Trafficking in human beings and technical round tables established by order of the Prime Minister no. 139, dated 19.06.2006. According to the Order, these regional committees for the fight against trafficking in human beings, women and children, have been established to oversee and coordinate government and non-government actions, at the regional level, for the prevention of this phenomenon, in support of victims of trafficking. The committees include: the prefect of the district as chairperson, and members are the mayor of the municipality, the director of the regional directory of state social services, the regional director of employment, the director of the directory of regional police, the regional director of IS, the director of the regional education directory, the director of the public health directory. Invited to participate in these committees are also the district prosecutor, civil society representatives, at the regional level, as well as representatives from other organizations and agencies, when deemed necessary by members of the committee and depending on issues to be discussed. The members of the committee assign technical persons from their relevant sectors and thus create the regional technical anti-trafficking round table. The Technical Round Table functions to identify primary problems, at the regional level, to implement national anti-trafficking strategies, in accordance with measures envisioned for every institution, to collect and exchange data, identify, refer, and resolve concrete cases, present problems and solutions, determine actions necessary to prevent trafficking and protect families, groups, persons, and children at actual or potential risk of being trafficked, as well as to

18 Item 1, article 3 of the Law no. 9669, dated 18.12.2006 “On measures against violence in family relations”
19 Item 2, article 3 of the Law no. 9669, dated 18.12.2006 “On measures against violence in family relations”
20 United Nations Declaration for the Elimination of Violence toward Women
21 Article 3, item 5, Law no. 9669, dated 18.12.2006 “On measures against violence in family relations”
22 Law no. 9970, dated 24.7.2008 On Gender Equality in Albania, article 11
oversee the implementation of local anti-trafficking duties in accordance with the specific duties of every agency represented in the committee.

“Local mechanisms for children” according to Council of Ministers’ Decision (CMD) No. 265 dated 12.04.2012 “On the Establishment and Functioning of the Mechanism for the Coordination of Work between Responsible Authorities for the Referral and the manner of its functioning,” the mechanism for coordinating work for the referral of children at risk shall consist of:

a. Steering Committee “For the coordination of work between responsible state authorities, at the local level, for the referral of children at risk,”
b. Technical Multi-disciplinary Group,
c. Children’s Rights Unit at the county level,
d. Child Protection Unit at the municipality/commune level.

The Steering Committee “For the coordination of work between responsible state authorities, at the local level, for the referral of children at risk,” functions at every County Council. It is chaired by the Chairperson of the County Council, and its members are:

- Director of the Regional Police Directory,
- Director of the Technical Round Table of Anti-Trafficking Committees,
- Director of the Regional Education Directory,
- Director of the Regional Public Health Directory,
- Director of the Regional Directory of State Social Services,
- Chairpersons of municipalities/communes of the district,
- Director of the structure for social services at the municipality/commune,
- Director of the children’s rights unit in the county,
- Employee for Child Protection at the municipality/commune,
- Representative of police structure,
- Representative of Regional Social Service,
- Representative of the Regional Education Directory,
- Administrator of economic aid and social services of the municipality/commune where the child lives.

According to the CMD, the Regional Multi-disciplinary Group is an ad hoc group that functions at the municipality/commune, is summoned based on initial evaluation, is headed by the Director/Person Responsible for social services at the municipality/commune, and consists of:

- Employee for Child Protection at the municipality/commune,
- Representative of police structure,
- Representative of the Regional Social Service,
- Representative of the Regional Education Directory,
- Administrator of economic aid and social services of the municipality/commune where the child lives,
- Parents/legal custodians of the child,
- Coordinator of RED psychologists,
- School psychologist,
- Health specialists,
- Kindergarten or school teacher of the child.

“Local mechanisms for cases of domestic violence:” According to CMD No. 334, dated 17.2.2011 “On the mechanism for the coordination of work for the referral of cases of domestic violence and its functioning,” the mechanism for the coordination of work for the referral of domestic violence cases consists of:

a. Steering committees for the coordination of the activity of institutions of responsible authorities, at the local level, and the referral of domestic violence cases;
b. Technical multi-disciplinary committees;
c. Local coordinators for the referral of domestic violence cases.

The Steering Committees are chaired by the Mayor and consist of the:

- Representative of the police structure;
- Representative of the judicial district court;
- Representative of the district prosecutor’s office;
- Representative of the regional education directory;
- Representative of the Public Health Directory;
- Head of the municipality’s structure for social services;
- Representative of the commune’s structure for social services;
- Representative of the bailiff’s office;
- Representative of the prefecture;
- Chairmen of communes in the administrative territory whose center that municipality is;
- Representative of the relevant employment office;
- Heads of non-profit organizations that deal with issues of domestic violence;
- Heads of centers/shelters established for victims of domestic violence in the local government unit or county in whose jurisdiction these units fall;
- Representatives of religious institutions that may provide services for domestic violence victims;

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Head of the district’s chamber of advocates.

According to the same CMD, a decision of the steering committee for the coordination of the activity of institutions of responsible authorities, at the local level, at the referral of domestic violence cases, establishes the technical inter-disciplinary team, with technical representatives of institutions represented in this committee, representatives of the child protection unit and local employees for gender equality at the local government unit, as well as professionals (lawyers, psychologists, etc.) which have these duties: a) follow the case and fulfill the needs of victims, ensuring their connection with appropriate services; b) coordinate and supervise the provision of services; c) case management; d) convey data for concrete cases to the head of the technical multi-disciplinary team; d) monitor and report to the steering committee for the coordination of the activity of institutions of responsible authorities, at the local level, and the referral of domestic violence cases, ensuring that the secrecy of victims’ personal data is preserved.

A local coordinator is assigned at every municipality for the referral of domestic violence cases and that person is the representative of the social services office at that local government unit; aside from case management, the person also leads the work of the technical multi-disciplinary team, takes the initiative and organizes meetings of this team, as well as informs about its work the steering committee for the coordination of the activity of institutions at the local level and the referral of domestic violence cases.

“Economic assistance” is the support in money granted to families and individuals in need, according to definitions provided in this law.

“Employee working on gender equality issues” is the central or local public administration employee who has special training and knowledge in the area of gender equality and devotes his/her work time to achieving gender equality and gender mainstreaming in the sector or territory that he/she covers. Local government bodies appoint one or several local employees who deal with gender equality issues in their staffs.

“Social services” is the entirety of services offered to individuals and groups in need who are not able to afford, with their own resources, their vital needs for the preservation, development and rehabilitation of personal opportunities to overcome emergency or chronic needs.

“Social community services” are all the types of social services, public and non-public, that are conducted at the local level in the territory under the jurisdiction of the municipality or commune.

“Social work,” professional activity based on practice and an academic discipline that promotes social change, development and cohesion as well as the empowerment and independence of people.

“Social worker,” a regulated profession that is exercised in the social work field, at the macro, meso and micro level, at the service of individuals, families, groups, communities, institutions of the national and local level in the public and private system.

“Trafficking in adult persons” the recruitment, transportation, transfer, harboring or receipt of persons through 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 related.

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24 Law no. 10 399, dated 17.3.2011 “On some changes and additions to Law no. 9355, dated 10.3.2005 “On social assistance and services”
26 Law no. 9970, dated 24.7.2008 On Gender Equality in Albania
27 Law no. 9355, dated 10.3.2005 “On social assistance and services”
28 Law no. 9355, dated 10.3.2005 “On social assistance and services”
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13

to achieve the consent of a person having control over another person for the purpose of exploitation of the prostitution of others and other forms of sexual exploitation, forced labor or services, slavery and practices similar to slavery, servitude or the removal of organs, as well as other forms of exploitation, in and out of the territory of Albania.

“Trafficking of minors” is the recruitment, sale, transportation, transfer, harboring or receipt of minors for the purpose of exploitation of prostitution or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs, as well as other forms of exploitation.

“Immediate protection order” is the temporary order issued by court ruling, valid until the issuance of the protection order by court ruling. The order shall have effect no more than 20 days and is valid until the verification of this order through another court hearing, which shall be held within 20 days from the receipt of the first order. The review of the request for the issuance of the IPO shall be conducted within 48 hours from the receipt of the request in cases when the person being violated is an adult and within 24 hours for minors. The request suit for the issuance of the IPO shall be completed in the cases when the violator poses a direct and immediate threat to the safety, health or wellbeing of the victim and other members of his/her family. The direct and immediate threat represents the main reason for the completion of an IPO. Only when that precondition exists shall the request suit for the issuance of the IPO be completed; otherwise the request suit for the issuance of the PO shall be completed.

“Protection order” is the order issued by court decision that envisions protection measures for the victim. The Judicial District Court reviews the request for the issuance of the PO within 15 days upon accepting the request. The request suit for the issuance of the PO is fulfilled in cases when the threat to the health, safety and wellbeing of the victim is not immediate.

“Victim in cases of use of violence in family relations” is the person on whom violence has been exercised through the action or inaction of another person, which has caused the violation of the physical, moral, psychological, sexual, social and economic integrity.
D. FINDINGS

D.1 Synergies between needs and measures and services in the mechanism against trafficking and received recommendations

- National Referral Mechanism and a general opinion about its functioning

In July 2005, a Cooperation Agreement was signed for the Establishment of a Referral Mechanism for the Identification and Improved Assistance for Victims of Trafficking in Human Beings. The Agreement was signed between the Ministry of Labor and Social Affairs / General Directory of the State Social Service, the National Receiving Center for Victims of Trafficking, the Ministry of Public Order/ General Directory of State Police, the Ministry of Foreign Affairs/ Consular Directory, the non-profit organization “Vatra” Psycho-Social Center in Vlorë, the non-profit organization “Other Vision” in Elbasan and the International Organization for Migration-Tirana.

In June 2012, a Cooperation Agreement for the Functioning of the National Referral Mechanism for Victims and Potential Victims of Trafficking in Persons was signed to regulate the functioning of the National Referral Mechanism for the identification, referral, protection and improved assistance for victims/potential victims of trafficking in persons. This agreement was signed between the Ministry of Interior, the Ministry of Foreign Affairs, the Ministry of Education and Science, the Ministry of health, the Ministry of Labor, Social Affairs and Equal Opportunities, the Prosecutor General’s Office, the International Organization for Migration (IOM) – Tirana, the international organization “Different & Equal,” the National Receiving Center for Victims of Trafficking – Tirana, the non-profit organization “Vatra” Psycho-social Center in Vlorë, and the non-profit organization “Other Vision” in Elbasan.

According to article 3 of the Agreement, its purpose is the identification, referral, protection, assistance and reintegration of victims or potential victims of trafficking; ensuring the implementation of Standard Operating Procedures for the Identification and Referral of victims/potential victims of trafficking; improvement and strengthening of partnership of state and non-state actors for the identification, referral, protection and assistance for victims or potential victims of trafficking; fulfillment of all obligations below as part of a common national purpose to coordinate against trafficking in persons, increased public awareness, and fulfillment of the social and moral duty to support the reintegration of victims of trafficking.

By Joint Instruction No. 3799, dated 8.7.2014 “On the Establishment of the Responsible Authority for the Identification, Referral, Protection and Reintegration of Victims/potential victims of trafficking,” the Responsible Authority (RA) leads the implementation of the National Referral Mechanism with regard to all cases of victims/potential victims of trafficking that have been identified and referred on the basis of this mechanism, in accordance with Standard Operating Procedures. The RA consists of: the Director of the Anti-Trafficking Unit – chairperson, representative from the Sector against Illegal Trafficking, General State Police Directory – member, 1 representative from the Department of Borders and Migration, 1 representative from the State Social Service – member, 1 representative from the Ministry of Social Welfare and Youth – member, 1 representative from the Ministry of Health – member, 1 representative from the Ministry of Education and Sports – member, Chair of the NCATS – member.

37 Article 1 of the Agreement
38 Council of Ministers’ Decision no. 582m dated 27.7.2011 “On the Approval of Standard Operating Procedures for the Identification and Referral of Victims/Potential Victims of Trafficking” (SOP)
39 Of the Minister of Interior, Minister of Education and Sports, Minister of Foreign Affairs, Minister of health, Minister of Social Welfare and Youth
According to the European Commission Progress Report in 2014, the national referral mechanism has improved and coordination of important actors and authorities has increased.

Respondents to this evaluation say the mechanisms functions generally well and connect this to the early prioritization of the fight against trafficking, the early assignment of a special national coordinator, and the definition of specific duties for the identification referral and assistance for both levels, the national and the local one. However, in their opinion, there are challenges that mainly related to:

- The still limited distribution of the weight of identification and protection: more on shelters, police and the state social service;

“**At present, the other structures too have begun to become familiar with the legal obligations they have to respond to a victim of trafficking. For instance, through the Employment Directory, we have managed to employ victims of trafficking. The Educational Directory responds as we have cases of high school girls who have disappeared for several days... we are working well with psychologists about making these cases known the moment a girl leaves the school, as she may be a potential victim of trafficking, so that they may notify the Responsible Authority immediately...**” - social services provider

- Failure to carry out duties and obligations undertaken in the NRM by some of the members/not being active, especially in terms of resolving cases – the prosecutor’s office is particularly mentioned;

“The prosecutor’s office is not active at all although there are some issues that have to do precisely with the prosecutor’s office” - social services provider

- Lack of alternative services for some categories of victims of trafficking: minors, males, persons with mental health issues, etc.;

“There’s nothing I can say; what is the mechanism doing for the woman who has been in centers for years – has a little child, has mental health problems, the family doesn’t want her. The issue is that the mechanism do something for these people, for the victims; these are the actual victims.” - social services provider

- Problems with the functioning of the SIVET database;

- The social services providers do not have access to this database, nevertheless, from their


41 According to NRM 2012, the duties of the Prosecutor General’s Office – Serious Crimes Prosecutor’s Office, per item 2, include “assign a permanent representative of the Serious Crimes Prosecutor’s Office as a contact point for the National Referral Mechanism. The person assigned will participate regularly in meetings of the RA and the NRM Task Force”

42 These are cases that are of concern for service providers and that have been discussed for a long time by the Responsible Authority
practice they know that the database has not produced reports so far and its functioning has problems.

“It should have generated reports by now” (social services provider)

“The database was established in 2008 but has always had problems with functioning, both in technically and in terms of the human resources assigned with inserting data and generating reports” (social services provider)

- Lack of knowledge of SOPs by structures in the field and in some cases even in coordination and monitoring structures such as the RA – due to long absences or personnel reshuffles;

“We want to be clearer with regard to standard procedures because we have read it ourselves and we have not been given any training as to what to do with all the cases that we receive” (police officer)

- Failure to implement SOPs in some cases: police focus more on the referral of cases to the prosecutor’s office than on identification of and assistance for victims as well as lack of recognition of identification as a measurable task of police;

“Police brings the victim when it is done doing its own tasks; they won’t release the victim until they get their report” (social services provider)

“The work we do for the identification of victims should be recognized the same as the work we do on referrals or information obtained during the month. It is not at all recognized and the monthly performance analysis doesn’t even count it as work we’ve done. I have raised this several times as a problem but it has not been taken into consideration; they only want statistics on arrests and referrals” (police officer)

- Types of exploitation more likely to be identified or more likely to not be identified and the reasons for these

The identification of victims of trafficking by NRM members should be conducted in accordance with Standard Operating Procedures approved by Council of Ministers’ Decision No. 582, dated 27.7.2011 “On the Approval of Standard Operating Procedures for the Identification and Referral of Victims/ Potential Victims of Trafficking” (SOP). At the very start of these procedures, it is stated that the main purpose of the procedures is the identification and referral at the proper time and in the proper manner of victims of trafficking, whether adult or minor, for all types of exploitation, domestic or international trafficking, whether related or not to organized crime. SOPs envision situations in which our country, Albania, or certain areas of the country are used or may be used as places for recruitment, transit, and destination for the exploitation of trafficked Albanian and foreign persons as well as situations in which the trafficked persons of Albanian citizenship, or estimated to be of Albanian citizenship, are outside the territory of the Republic of Albania. Besides, SOPs envision situations in which the victims are conscious of the exploitation or are not conscious of it: cannot consider their own situation as trafficking.

To ensure identification as early as possible by as many actors as possible of immediate intervention to assist the victim, to not condition assistance with cooperation with law enforcement authorities, etc., the process is divided into initial identification of the potential victim and the formal identification of the victim of trafficking.

According to SOPs, the initial identification of victims of trafficking is the entirety of actions undertaken by state and non-state institutions at the borders and inside the territory of the Republic of Albania, which enables the determination whether a person, minor or adult, is a potential victim of trafficking in human beings. These actions should include at least: 1. evaluation of the situation of persons against trafficking indicators, 2. collection and analysis of initial information on the process of the trafficking of the person, 3. informing the person of his/her rights and assistance available to potential victims of trafficking and victims of trafficking and how to access such assistance, 4. provision of assistance.
The primary duties for initial identification and referral are borne by the state agency with the most possibilities to evaluate the situation of the victim and interfere for protection: at the border, it is the primary duty of the Border and Migration Police; in the territory, it is the primary duty of shelters for victims of trafficking, social care centers for persons in need, organizations that have assistance programs for persons in need, social service offices in the regions, State Police structures, the labor inspectorate, the employment offices, regional education directories/ regional education offices, regional health directories, child protection units; outside the territory, responsibility is shared between the Responsible Authority and employees of diplomatic representations of the Republic of Albania. SOPs provide primary and secondary indicators that employees should refer to in order to ensure correct identification.

According to SOPs, formal identification of victims at the border and inside the territory of the Republic of Albania is the identification of a person as a victim of trafficking, conducted only by the Group/Structure Responsible for Formal Identification (G/SRFI) on the basis of the format of the formal interview included in this document. Formal identification should achieve at least: 1. the determination whether the person is a victim of trafficking, through the collection and analysis of information provided by the person himself/herself; 2. enhanced evaluation of the needs of the person who is a victim of trafficking for assistance and protection; 3. provision of instructions and ensuring the trafficked person’s access to appropriate and safe assistance, 4. collection of information and initiation of investigations for the punishment of traffickers. The formal interview and all other actions conducted to determine the status of the person vis-à-vis trafficking is conducted at the earliest time possible upon identification of the person as a potential victim of trafficking in human beings. The formal interview is conducted separately in time from the criminal referral. Even if the person wishes to file a criminal referral, the formal interview is in no case interrupted to obtain this referral but rather another time is scheduled.

The G/SRFI is made up of one state police officer of the section for the fight against illegal trafficking (SFAIT) and one state social worker of the regional state social service office (RSSSO) who carry out their legally established duties in the region/county where the person to be formally identified is located. The identification process has been schematically presented in the SOP.43

43 See figures below
Graphic 1: Identification of victims initiated at the border

Initial Identification:
Border and Migration Police considers that the person is a presumed victim (PVT)

G/SRFI at the border region is notified for formal identification

G/SPIF informs PVT for the purpose of the formal interview

Necessary conditions exist and the presumed victim (PVT) wishes to be interviewed

Necessary conditions do not exist on the presumed victim (PVT) does not wish to be interviewed

RA is notified about the needs and choices of the PVT and transportation and necessary assistance is coordinated

State and non state institutions provide rehabilitation/reintegration assistance / Assistance for PVT and VT

PVT is interviewed by the G/SRFI at the region where he/she is receiving assistance

PVT wishes to be identified formally

Police officer of the SFATP at the region where the VT is receiving assistance makes necessary arrangements for filing a report at a second time the person wishes to file such a report
According to the Strategy for the Fight against Trafficking in Persons and the Action Plan 2014-2017, Albania remains mainly a country of origin for the trafficking of men, women and children who are subjected to exploitation for prostitution and forced labor. Many Albanian victims, mainly women (adult and minor) are subjected to exploitation for prostitution inside the country and in neighboring countries and beyond, especially in Belgium, France, Germany, Ireland, Italy, Netherlands, Switzerland and the United Kingdom (victims often accept fake offers for employment as waiters, bar tenders, dancers or signers, especially in Kosovo, Greece and Macedonia or are trafficked through deceit by the “boyfriend”). According to the Strategy, domestic trafficking of minors and adults has increased general trafficking figures in Albania.

The evaluation was informed that during 2014, there is a considerable increase (by 31.5%) of identification, referral and assistance for adult and children victims of trafficking: from 95 victims in 2013 to 125 during 2014.  

The review of documents shows that police plays the main role for the identification of victims of trafficking in Albania.

44  In the victims' profile, there is a constant number of about 90 for several years
trafficking.45 The role of all police structures46 in identification, besides SOPs, is now defined also in article 17 “Duties” of the Law no. 108/2014 “On State Police,” which establishes that the State Police identifies, protects and refers for assistance to relevant authorities the victims of trafficking in persons and of domestic violence, especially minors and women.

“I did not know there was a special police for trafficking; had I known, I would have gone directly there and not be caught by this regional police” - victim of trafficking

This evaluation was informed that the implementation of SOPs is accompanied by some initiatives to increase the proactiveness of stakeholders in identification, in order to identify different kinds of exploitation, to encourage requests for assistance/self-identification of victims, such as: mobile units in the cities of Vlorë, Tiranë and Elbasan,47 joint police-labor inspectorate and services operations,48 smartphone application “Report! Save!” the free national hotline116006. We were also informed about efforts and coordination between the Tirana mobile unit with the initiative in Tirana to identify and protect street children, which encompasses the cooperation of State Police, the Child Protection Agency, the State Social Service and ARSIS.

Types of exploitation most likely to be identified are reportedly sexual exploitation/for prostitution and increasingly trafficking for forced labor. For police officers, sexual exploitation is more widespread and therefore more likely to be identified. According to one of the social service providers, the reason is that there is necessarily much greater exposure in the cases of exploitation of prostitution; for someone else, it is the lack of practice and preparation to identify other cases of exploitation:

“... on other forms, given that they have no knowledge, the person “may walk right in front of their eyes” and they can’t identify him/her” social service provider

One of the informants from the level of policy making and monitoring is of the following opinion:

“I do not think that the only widespread form is that of the sexual exploitation, forced labour exploitation is probably more but is less visible and less known to law enforcement workers, I do think that it is identification lacking her. Another issue that I think is worth discussing and tackling, is the fact that many families consider that a minor who is 14 years old has to work and support the family”

The impact of denouncing traffickers in identification, expressed in responses for the general functioning of the mechanism, is also seen in the perspective of social service provider employees:

“Types of exploitations most likely to be discovered are those cases that demand to file a criminal referral. If they do not make a referral or if there is no criminal referral for persons abusing the victims or attempt to do so, identification may not be easy.”

In one of the face to face interviews, one of the social service providers who was interviewed to explore the issue said:

“No, the criminal referral is not important for us; not for us as social services, but for police it is a main thing. I had one case three years ago; it was thought the girl was part of a large trafficking network

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45 IOM, Profile of situations of victims of trafficking and efforts for social inclusion
46 Not only the anti-trafficking section
47 According to the Strategy for the Fight against Trafficking in Persons and the Action Plan 2014-2017, only during the period June 2013-July 2014, mobile units have identified 85 potential victims, which is an approximate figure to the general number of victims/potential victims identified during 2011-2013

48 Agreement “On procedures for cooperation for the identification of cases of forced labor and trafficking for the purpose of labor exploitation,” signed on October 21, 2014, between the National Anti-Trafficking Coordinator, the General Director of SILSS and the General Director of State Police.
and police officers (I’ll never forget it), the deputy director of police who had no right at all to be in that
interview, showed up there and without knowing my position started yelling at her, “You will tell the
truth about who they are!” I kicked him out; I told him I won’t let you pressure her… In general, it doesn’t
happen anymore… Maybe they’re more aware” - social services provider

SOPs provide formats for the identification of children and adults and SOP formal interview formats provide
special sections that should be used for the identification of different types of exploitation without making
a distinction between females and males. Both initial identification and formal identification envision two
situations: situations when the person is conscious of the abuse, exploitation/ trafficking and the situation
when he/she is not conscious. According to respondents, with the invalidation of the previous article of the
Penal Code “trafficking in women,” it was expected that the identification of males and the identification
of other types of exploitation would grow. However, categories most likely to be left out of identification
are: exploitation of males, exploitation of males and females for labor, exploitation of persons with mental
disabilities, forced early marriages, exploitation of minors especially for robbery or other criminal offenses.

According to two respondents who were social service providers, the main reason for the exclusion /
leaving out of all categories is the wrong concept that identification for police means obtaining statements
and referrals, and “referral” means referral of the case to the prosecutor’s office. One of them said, “They
won’t do anything else before they do this.49” Another respondent said that it is necessary to also review
SOP indicators: “situations have changed, free movement without visas changes the situation at the
border, there are more foreigners who transit through Albania and whom we’re not looking at carefully.”

With regard to exploitation for labor, the main reason that is given is the inability to distinguish between
forced labor and the “usual” characteristics of labor: labor that is not paid properly, lack of contracts,
failure to declare employees.

Sexual exploitation mentioned as a category most likely to be identified is also mentioned as a category left
out of identification because the victims “only come when there is no longer an interest by the trafficker.”50
are conscious but do not have any other way to secure a living or remain in that situation because their
parents or family members do not undertake any action to bring them out of the situation. According to
a respondent:

“The parents, happy with the money that their children bring home – although there is some level of
information that they are exploited for prostitution – are happy with the money and do not give out
information or criminal referrals regarding the victims of trafficking” - police officer

Fear of revenge or lack of awareness for victimizations also leads to persons remaining out of identification:
“the fear of trafficked persons to speak and file criminal reports because they are convinced the criminal
proceedings will never end and the traffickers will not be punished, so fear of revenge is another reason
to not report cases” - police officer

“In some cases, victims do not understand or do not accept they are victims: lack of trust on the law
enforcement authorities; lack of information they have on the phenomenon and their rights” - social
services providers

Police officers respond that identification is difficult because of the difficulty to distinguish whether article
124/b of the Penal Code maltreatment of a minor51 or article 128/b trafficking of minors52 should be applied.

49 Obtaining statements, criminal referrals
50 Police officer
51 Physical or psychological maltreatment of the minor by parents, the sister, brother, grandfather, grandmother, legal custo-
dian or any other person obliged to care for him/her, shall be punishable by three months to two years of imprisonment.
Forcing, exploiting, persuading or using the minor to work, to secure income, to beg or commit acts that harm his/her
mental and/or physical development, or his/her education, shall be punishable by two to five years of imprisonment. When
the offense has caused serious damage to the health or death of the minor, it is punishable by ten to twenty years of im-
prisonment.
52 the recruitment, transportation, transfer, harboring or receipt of persons through the threat or use of force or other
“Minors now are not being identified either as victims of trafficking or as maltreated; they are saying they go out to beg themselves, or they hide; they don’t want to have anything to do even with social workers”

– social service provider

Another difficulty in the informed identification of children is the non-inclusion of domestic trafficking in the definition of trafficking in minors in the review of the Penal Code.53

One such issue is raised also by the European Commission Progress Report, “Despite amendments to the Criminal Procedure Code in 2013 to criminalize internal trafficking of adults, no such cases have been investigated to date. These amendments do not cover the internal trafficking of minors. A comprehensive, multi-disciplinary and victim-oriented approach to trafficking in human beings is not yet in place and identification of victims needs to be improved. Further action is needed to improve the coordination and referral mechanism and ensure that victims, especially minors, have unhindered access to assistance, support and protection, including reintegration upon return.”

According to respondents, in part of the cases, the person is identified as a potential victim of trafficking, but the referral the police make to the district prosecutor’s office is as “exploitation of prostitution”

According to a respondent from among social service providers “our legislation has a definition for the victim of trafficking but it does not contain any definition of the victim of the exploitation of prostitution; the individual is referred to us as a potential victim of trafficking but in communications with the prosecutor’s office and in referrals there, the person is considered a violator of the law, an exerciser of prostitution; the violator who should be considered a trafficker is considered an exploiter of prostitution”

The improvement of interviewing conditions reportedly increases the identification of victims of trafficking. The two-year project, October 2014-October 2016 for the empowerment of capacities of Albanian government institutions in protection of victims of trafficking, a project of Albanian Caritas and CRS (Catholic Relief Services –American Caritas), funded by the U.S. Department of State’s Office on Trafficking in Persons (J-TIP) will help build / rebuild two interview rooms in the border crossing points of Morinë and Hani Hotit/Muriqan. Interview rooms will be friendly and contain necessary materials and commodities in order for victims/potential victims of trafficking to feel protected until the completion of the interview and referral process.55

According to Maria Grazia Giammarinaro, Special OSCE Representative and Coordinator for the Fight against Trafficking in Human Beings “we must work with national authorities and civil society organizations to strengthen strategies for the identification of victims – including in detention facilities.”

53 See definitions above referring to the Penal Code


55 http://caritasalbania.org/?p=1371

56 OSCE, Office of the Special Representative and Coordinator for the Fight against Trafficking in Human Beings, Recommendations for Policies and Legislation toward the effective implementation of the principle of non-punishment of victims of trafficking, in consultation with the Team of experts of the Alliance against Trafficking in Persons
According to a study commissioned by USAID, 57 specialized units or other law enforcement agencies should routinely visit and conduct interviews in places where trafficked men are often mistakenly directed, such as detention facilities and prisons.

According to some respondents, the difficulties in identification of adult victims of trafficking are raised by lack of definition of vulnerability and abuse of vulnerability in the legislation. The term “benefiting from social physical or psychological condition” is stated as one of the means in Article 110/a of the Penal Code58 but there is no explanation of what specific social physical or psychological condition it refers to. The second paragraph of the article takes into consideration gender: “when this act is committed against an adult female person, it’s punishment is jail from ten up to fifteen years”

According to one of the respondents, defining the vulnerability position would better help the identification and would facilitate the implementation of the article 110/b “Benefiting from or using services offered by trafficked persons”

According to Directive 2011/36/EU of the European Parliament and of the Council59 A position of vulnerability means a situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved.

Sipas UNODC-sé60 “the notion of vulnerability – although not explicitly abuse of vulnerability, is also raised in the recital to EU Trafficking Directive 2011/36/EU in the context of penalties: When the offence is committed in certain circumstances, for example against a particularly vulnerable victim, the penalty should be more severe. In the context of this Directive, particularly vulnerable persons should include at least all children. Other factors that could be taken into account when assessing the vulnerability of a victim include, for example, gender, pregnancy, state of health and disability”

**Recommendations**

- Conduct of identification in accordance with SOPs – unconditioned by victim’s report/denunciation;
- Support for the sustainability of the functioning of mobile units for the identification of victims of trafficking and street children;
- Promotion of the 116006 national line and other forms of self-identification;
- Undertake the initiative to make necessary amendments to the Criminal Code and the Criminal Procedure Code in order to punish internal trafficking of minors and avoid the risk of punishment for victims of trafficking;
- Conduct of identification of VoT cases exploited also for other purposes other than the purpose of sexual exploitation;
- Training of Labor and Services Inspectorate on cases of forced labour;
- Inclusion in the SOPs of an interview format (beside the indicators) to be used from border police for identification of foreign victims of trafficking;
- Evaluation and improvement of trafficking indicators at least once a year;
- Structured and continuous monitoring of the actors defined responsible for identification;
- Provision of formal definition of vulnerability and abuse of vulnerability;

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58 First paragraph of the article
Inter-institutional coordination and cross-sector activities at the government level, as well as between the Government, NPOs and IOs are one of the principles on which the latest anti-trafficking strategy relies. According to the Strategy, “Considering the complexity of trafficking in persons, anti-trafficking activity should function in an “inter-disciplinary” manner, that is uniting the knowledge and expertise of different disciplines by creating “cross-sector” interventions that include all sectors of society (such as law enforcement, judiciary, labor market, education, etc.)”

According to the NRM, the main partners of the mechanism should be the structures of the Ministry of Interior, of the Ministry of Foreign Affairs, of the Ministry of Education and Science, of the Ministry of Health, of the Ministry of Labor and Social Affairs and Equal Opportunities (presently the Ministry of Social Welfare and Youth), of the Prosecutor General’s Office, of the International Organization for Migration (IOM) – Tirana, of the International Organization “World Vision” – Tirana, the “Arisis” Non-profit Organization – Tirana, of the “Different & Equal” non-profit Organization, of the National Receiving Center for Victims of Trafficking – Tirana, of the “Vatra” Psycho-social Center non-profit organization – Vlorë, of the non-profit Organization “Other Vision” – Elbasan.

Social services providers mention as effective partners the Police and the Ministry of Interior/ National Anti-Trafficking Coordinator, centers of care for victims of trafficking, SSS, and regional social services offices. Likewise, police officers in the districts consider effective mainly their supervisors in the GDSP, centers of care for victims of trafficking, and regional state social service offices.

Other partnerships mentioned as effective at the local level in the area of reintegration of victims include employment offices, education offices or directories.

Among active central institutions is the Ministry of Health, which has not yet “facilitated any concrete solution for cases of mental health problems” - social service provider

Among the ineffective partners is the Prosecutor’s Office:

“The prosecutor’s office only responds when it needs us. At other times, they won’t even answer their phones” (service provider)

“The court and prosecutor’s office remain neutral when it comes to helping a victim of trafficking and this is happening quite often recently” – social services provider

It was informed that the mobile units had close collaboration with child protection units

**Recommendations**

- Inclusion of the Ministry of Justice in the NRM;
- Inclusion of the representatives of the State Agency for Protection of Child Rights in the responsible Authority;
- Monitoring of fulfillment of duties by NRM members;
- Monitoring of fulfillment of SOP obligations by grass root structures;
- Strengthening of the collaboration of the NRM members with child protectin units to increase identification of child victims and for their contribution in reintegration of child victims

**Impact of victims’ cooperation with law enforcement authorities regarding access to assistance and obtaining assistance**

61 Which are your closest most effective partners with regard to the duties you have in the mechanism and why? Which partners are not effective/ helpful and why?

62 One of the informants expresses that “they are the only ones that help us with their consultations and concrete actions, no other one”

63 Andikon bashkipunimi i viktimave me autoritetet e zbatimit tek akesite tek ndihma? (3.21) Në sa raste vikimat bëjne kallzim penal për trafikantin, dhe a ndikan kjo në identifikimin dhe trajtimin e tyre? (3.22) A ndikajnë marrëdhëniet e dhunuesit me viktimën në qasjen tuaj dhe si pikërisht?
According to the Declaration of Fundamental Principles of Justice for Victims of Crimes and Abuse of Power “Victims of Crime” means that the persons individually or collectively, have suffered physical or mental injury, emotional suffering, economic loss, or serious harm to their fundamental rights, through action or inaction that is in violation of criminal laws in force in Member Countries, including those laws that envision criminal abuse of power. A person may be considered a victim independently from whether the violator has been identified, apprehended, proceeded against or sentenced and in spite of family relations between the violator and the victim. The term “victim” includes also, every time it is needed, the immediate family or dependent persons, of the direct victim and persons who have suffered injuries by intervening to save the victim or to prevent victimization.

During the consultation of the report, one of the social services providers stated:

“This is so true and fair: consider children who are present when their parents are psychologically or physically violated, children get a real psychological shock or trauma, regardless they are not direct objects, they should be called and treated like victims”

One of the basic principles of the treatment of victims reflected in the SOP is the non-conditioning of assistance with cooperation with law enforcement authorities. To that end, according to the SOP, “The formal interview is conducted separately in time from the criminal report. Even if the person wishes to file a criminal referral, the formal interview is not interrupted in any case to obtain this referral; rather, another time is scheduled for the it.” According to article 284 of the Penal Procedure Code, the “Complaint,” criminal prosecution of the trafficking may start even without the complaint of the injured person. According to Article 52/a, paragraph 2, of the Criminal Code, the person injured by the criminal offenses, which are related to the trafficking of the person, may benefit from exemption from punishment for the commission of criminal actions during the trafficking period and to the extent he/she was forced to commit those actions. The exemption from punishment for actions punishable by law when they are committed at the time and under the effect of the trafficker is one of the principles in the SOPs.

Collected information shows that referral to assistance of individuals who come into contact with officers of the police sector against trafficking is done independently from whether these persons collaborate with law enforcement authorities.

According to a respondent from the service providers, “police makes the referral, writes “potential victim: the distinction between a potential victim and a victim of trafficking is whether the person has filed a criminal report; when the person does not, the person is a potential victim.” According to respondents, there are even cases when the victim has filed a criminal referral and still the conclusion of the formal interview reads “potential victim.”

According to service providers, in some cases, the victim has been asked by the police officer for a long time, and then a social worker has been summoned.

According to another respondent, “The fact that only in one case has investigation and criminal prosecution has been initiated by the prosecutor’s office without a complaint by the victim/person harmed by the criminal offense, and in all other cases investigations have only been initiated after the victims’ statement has been obtained, means that collaboration has an impact on the victim’s safety” – social service provider.

Another concern raised by service providers is the referral of cases as potential victims that are under investigation for the exercise of prostitution. According to two respondents from among service providers, the police “say one thing when it refers the case to us and does another thing with prosecutors” – social service provider.

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64 Për veprat penale të parashikuara nga nenet 89, 102 paragrafi i parë, 105, 106, 130, 239, 240, 241, 243, 264, 275 dhe 318 të Kodit Penal, ndjekja penale mund të fillojë vetëm me ankimin e të dëmtuarit, i cili mund ta tërheqë atë në çdo fazë të procedimit.
65 referuar nenit 307 të Kodit Penal viktima ka detyrimin për t’iu përgjigjur pyetjeve sepse ka dijeni për një vepër penale
66 Reportedly initiated by a Serious Crimes Prosecutor
The relations of the trafficker with the victims are reportedly of fear from violence or revenge of him/her, family relations, affection relations, hope of “protection” relations, of dependence for basic shelter and survival, for drugs or alcohol, for facilitating procedures, transport, etc...

“There have been cases when maybe someone else filed a criminal referral against them, the police found them, and the victim refused to talk to us to give out his name because maybe she loved him” social service provider

According to respondents from police ranks, it is difficult to discover the real nature of the relationship and to identify the elements of exploitation, especially when the only way to apprehend traffickers is the victim’s “apprehension red handed” and the sole person who may have information is the victim.

According to Arqile Koca, one of the most difficult questions and problems encountered in criminal proceedings against a trafficker is “She had the opportunity to file a criminal report. Why did she not do that? Is she really a victim and did not file a report because her psyche was deformed, under the trafficker’s violence, or is she in a civilian contract with him to generate benefits from the exercise of prostitution?” According to the researcher, continued and warm contact with victims of trafficking, the transfer of confidence in justice, personal and family, as good as possible and prejudice-free cooperation with NPOs, could provide a response.67

**Recommendations**

- Previous processes of cooperation should be promoted to serve as a good practice and model to encourage cooperation for other cases;
- Sensitize and make victims aware of their rights and compensation;
- Avoid long investigations, and frequent encounters in court hearings with traffickers;
- Support the victim even after the criminal report is filed;
- Apply inclusion in witness protection program.
- Provide victims a complete and special assistance package for employment, health assistance, education, etc. even when they are in families.

**Detailing duties regarding roles in the mechanism** and expected developments to affect specific duties70

The collected information suggests that there is a need for detailing and separating more clearly the duties prescribed in the SOP and NRM. With regard to detailing duties, respondents say there is a need to provide greater detail on the duties and responsibilities of community assistance or in case of threats to victims. Interviewees in basic structures have connected “Latest developments that affect or will affect your duties with regard to trafficking” to territorial reform and have said the division of duties in the mechanism is on the county level and, as a result, will not be affected.

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67 Arqile Koca, Comparative criminology and procedural Legal-Criminal Review on trafficking in human beings, Tiranë 2006, Publisher: Konica

68 See also: Different & Equal, “Research on cases of victims of trafficking’s cooperation with law enforcement authorities”

69 1.10 What are your specific duties with regard to the mechanism against trafficking, what are your actions? 1.11 Where are your duties detailed and are they sufficiently detailed?

70 1.12 What are the latest activities, developments that affect or will affect your duties with regard to trafficking?
Recommendations

• Determine responsibility for transportation costs (police, SSS, centers);
• Draft instructions on police of the sector against trafficking about how to react when receiving a request for immediate intervention;
• Draft instructions on how to conduct coordination and monitoring of cases in communities;
• Determine more clearly police duties when the victim is in the community;
• Determine more clearly how field structures should communicate with the Responsible Authority;
• Determine more clearly how to react in cases of persons not victims of trafficking but still persons that have needs and rights to protection;
• Reflect institutional obligations of NRM members in the terms of reference for employees / structures in the field;

• Overlapping of roles, duties within the mechanism, with other mechanisms

Other local coordinating mechanisms include the child protection mechanism and the mechanism against domestic violence.

According to respondents, there is some kind of overlapping in written prescriptions regarding the participation of the same actors in technical round tables or multi-disciplinary groups; however, more disturbing is reportedly the overburdening of RSSSO social workers because of the failure so far to establish structures for the protection of children and of domestic violence victims in communes.

“X Municipality allegedly has a mechanism against violence that has never really existed; it functions on paper; I’m part of it, just like I’m part of the child protection unit. There’s a violated child who is in need: I can’t say that it’s not my primary duty, I’m obliged to manage it” (social service provider)

“It is a ‘one man show’ there’s only a state social worker who does everything; sometimes, there’s also an employee in the municipality who has no idea what to do” (social service provider)

“Social administrators of communes come here to my office and I tell them what they need to do to pursue protection orders, to communicate with area police inspectors, to provide economic assistance to victims of violence” (social service provider)

Recommendations

• Evaluate the workload of social workers of RSSSO with managing violence cases and cases of children at risk;
• Clearly determine the duties for management of cases of violence, trafficking, children at risk, and monitor the implementation of duties for case management;
• Create a coordinator’s position or a coordination unit at the county level, where case managers would be deposited/ the person/ the unit knows who is managing each of the cases;

• Functioning of RATC and Technical Round Tables

71 3.6 Is there an overlapping of structures, roles, duties within the mechanism, with other mechanisms? What are those precisely and what is the impact of overlapping? 3.7 How does this affect your work and how can it be avoided?
72 One person doing everything
73 Do you participate in the meetings of the Technical Round Table of the Regional Anti-Trafficking Committees? What is the main purpose of the RATCs? Should there be changes of RATC’s role, why and what kind of changes? What is the role of the technical round table? How many times have you requested a meeting of the technical round table? How many cases have been addressed by the technical round table so far? What do you consider an achievements of the technical round table? What do you consider barriers to the functioning of the technical round table? What do you recommend should be done to improve the functioning of the technical round table?
This evaluation was informed that with the drafting of SOPs, technical round tables in the counties somewhat lost the function of case management.

“It is necessary to reconceive regional committees and technical round tables; it has been a long time since they were established...Their very focus makes exceptions of the persons they assist because they were established with a focus on trafficking in women and children” - social service provider

“We have addressed cases with some members of the technical round table depending on the case needs, not with the entire round table... We are somewhat skeptical that the technical round table would gather for case management; for us, the discussion of cases with members of the Responsible Authority seems more functional” - social service provider

“In terms of roles, only two main actors have engaged in case management, police and social services; the rest have only been there to fill the table seats... I have asked for public health persistently because some of the victims’ girls have had emergency needs for public health care; they should come themselves, because it is their duty, not because we beg them in a friendly way on the phone” - social service provider

For some of the interviewees, the work of technical round tables only focuses on technical people’s reports from social services and police and from centers or organizations that have projects in the region; this is often the case because participants are not informed or they do not engage completely:

“...It is usually us and the police that have the main role because we present the reports about what has been done, especially when we have concrete cases; for instance, we have had this case in this meeting and in the following meeting we report what was done to resolve that case” –social service provider

According to respondents, no technical round tables are organized in the county of Tirana because there has been no technical secretary for a long time.

**Recommendations**

- Review the role of RATC and technical round tables in order to cover the needs of victims that stay or return to community;
- Establish indicators for the performance of RATC and the technical round tables and monitor the functioning of technical round tables by the National Coordinator and the Anti-Trafficking Unit/ Directorate;
- RATC should prepare annual plans;
- RATC should focus more on initial identification of cases in the territory;
- Participating in the RATC should be the district prosecutor – although trafficking is referred to the Serious Crimes Prosecutor’s Office, representative from the labor inspectorate, and border police;
- Train members of technical round tables about the duties they have;
- Limit the change of persons participating in the technical round tables.

- **Direct and indirect ways to contact victims of trafficking**

Service providers and police officers state that the most frequent way of contact is through the police: victims go to police or are found by police.

In June 2013, with IOM support, in cooperation with ATU and State Police, the Vatra Psycho-Social Center, Other Vision and Different & Equal established three mobile units with two social workers each operating in the cities of Vlorë, Elbasan and Tiránë, targeting namely vulnerable families and women and children victims of violence (Vlorë), members of the Roma and Egyptian communities (Elbasan), families receiving economic welfare payments and families with single parents such as the areas of Bathore, Jordan Misja Street, Bregu i Lumit, Laprakë (Tiránë). To get to the victims, the units used leaflets,

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74 In how many cases have you been directly contacted by a victim of trafficking last year? How many cases have been identified and referred by others (police, organizations)? Which are the ways in which victims come into contact with you? How can victims’ contact with you be increased?

75 In January 2014, IOM finalized the Methodology of Work and Functioning of the Mobile Units.
meetings with community groups / focus groups, activities of partner organizations operating in the area, direct assistance to resolve problems with registration, professional training, shelter, employment, etc.. Reportedly, the creation of mobile units has increased proactiveness in contacting victims.

According to the January – December 2014 report by the National Coordinator for the Fight against Trafficking in Persons for the Implementation of the Strategy against Trafficking in Persons and the Action Plan 2014-2017, from June 2014, through mobile telephony technology, communities participate in identifying and referring trafficking cases through the national hotline 116 006 and the “Report! Save!” application.76

According to the Report, from the introduction of the hotline 116 006 and the “Report! Save!” application, a total of 765 calls and 400 text messages have been sent to the company VodafoneAlbania, 40 calls and 23 text messages from PLUS, 150 calls and 73 text messages from AMC. According to the Report, before the introduction of this hotline, the previous national hotline against trafficking in persons 0800 12 12 did not manage to fulfill its purpose also because it could only be accessed through fixed telephony numbers.

According to respondents, the 116 006 is not a help line and the primary responsible persons for the line are police officers, which discourages victims to contact through this line.

Recommendations

- Intensify the work of mobile units themselves and funding to extend them to other places;
- Inform about the focus on assistance found in standard operating procedures;
- Increase information about national hotline 116006 and the “Report! Save!” application;
- Attach the 116006 hotline to an organization that is a member of the NRM and provide professional counseling for persons who contact through it;
- Replication in other cities of the initiative for children in street situation

- Information tools about victims’ rights

One of the concerns expressed by respondents is that there is no knowledge about resources and alternatives of assistance for victims. One of the respondents from among social service providers said:

“I guarantee you that they don’t know them, especially state institutions, because organizations manage to find one another. In fact, all state and non-state institutions and not just organizations should be aware of the existence of centers and services offered for VoTs and PVoTs in order to refer these cases that appear before these institutions” - social service provider

During the evaluation it was informed for efforts to inform on the role of the antitrafficking actors:

“We have, in fact, shown the operation of our department in the local media, specifically in the area of trafficking operation, plus, we have created and a series of workshops, and soon, on March 18 we have one, where I have invited all social actors that work directly on the ground to show them our office operation, operation on the basis of standard procedures, show them how, a girl in case of need can be addressed “ – social service providers / regional sss

Another concern expressed during the collection of information is that very often, the media that should be the primary source of informing public opinion lean more toward scoops and sensation and the use of words that “arouse associations of morals rather than of rights” -service provider

Another concern expressed during the collection of information is the lack of funding to organize awareness meetings in remote areas where victims are recruited.

76 The report clarifies that the National line is accessible by any fixed or mobile telephony number and is offered free for the public to report suspected cases of trafficking while the “Report! Save!” application may be downloaded for free from the GooglePlay Store and is compatible with Android telephones.

77 (3.18) What information tools do you have about victims’ rights? (3.19) What are the difficulties regarding informing victims? (3.20) What would you recommend to improve/fulfill this function/need?
According to trafficking victims’ legal assistance specialists, Albanian legislation contains no obligation for the police, prosecutors or judges to inform victims of violent crimes, in particular victims of trafficking on their legal rights from the moment of denunciation, investigation and trial.

### Recommendations

- Organize meetings with groups considered “vulnerable” to trafficking;
- More promotion in the media about rights and assistance;
- Produce and distribute informative materials about the assistance;
- Legal provisions with regard to informing victims about the rights at the time of denunciation, investigation and trial of the case

- Roles and assistance regarding the investigation of traffickers and judicial processes

By article 2 of law no. 8279, dated 15.1.1998, the Penal Code has an addition of 284/ b“Assistance in discovering crimes,” which has been invalidated by law 144/2013, dated 2.5.2013, the adjudication of trafficking cases is a competence of the Serious Crimes Court.

One of the interviewees, law enforcement specialist, said: The Declaration of Fundamental Principles of Justice for Victims of Crime and Abuse of Power, approved in the United Nations General Assembly is the fundamental international act that defines the rights of victims and procedures for remuneration of damages to them; it promotes some of their rights as actions up to justice bodies and fair treatment to them, which indicates legal assistance and timely notification for all procedural aspects, restitution of property, remuneration of damages, reinstatement of rights, etc., compensation by the state when the perpetrator’s financial means are insufficient for that, etc. Likewise, the United Nations Convention against International Organized Crime and its additional Protocol, referred to as the Palermo Protocol for the prevention, suppression and punishment of trafficking in persons, particularly women and children, sanction the obligation of state parties, depending on national law, to enable that the stances and concerns of victims are made known and taken into consideration during appropriate phases of investigation procedures.

Article 6, paragraph 2 of the Protocol sanctions the obligation of state parties to provide assistance for victims of trafficking through such measures that assure victims of trafficking in appropriate cases, information regarding judicial procedures, assistance to present their concerns and problems and that these are taken into consideration in appropriate stages of criminal proceedings against perpetrators of these offenses, in a manner not prejudicial to the right of the defense.

According to article 28 of the CoE Convention, the victim should be guaranteed the right to protect against potential retaliation or intimidation, in particular during and after the investigation and prosecution of perpetrators. This right, if necessary, is valid for persons who report criminal offenses of trafficking in persons or who collaborate with investigation or criminal proceeding authorities, as well as witnesses who provide testimony or, if necessary, their family members. Protection may include physical protection, relocation, identity change and assistance in obtaining jobs. With regard to children, the article determines special protection measures in the highest interest of the child.

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78. (3.23 How do you help victims with regard to courts? (3.24) In how many cases have you accompanied victims of trafficking to court and what has been your role? (3.25) Is this a duty/function, service? (3.26) Do you regularly receive requests for appearance in court or orders issued by courts and do you regularly give them to the victims? (3.27) What do you do in cases of violations of court orders? (3.29) Do traffickers get the deserved punishment? (3.30) Do victims get what is requested by the court?

79. article 48


The situation appears different in Albanian criminal legislation. Our system is an accusatory one, i.e. centered on the perpetrator of the criminal offense and the sole goals of criminal sanctions are the apprehension of the perpetrator, the prevention of the commission of criminal offenses by others, and the rehabilitation of the perpetrator through the penitentiary system. The restitution and compensation of the victim are not goals of criminal sanctions. In its general part, the Albanian Criminal Code does not recognize the term “victim” because this part focuses mainly on the general concepts of crime, criminal responsibility and criminal sanctions, while the particular part of the Code has to do with concrete criminal offenses. This means that the victim is not presented as a special and independent subject of criminal law; as such, it is not legitimized as a party in the criminal process as is the prosecutor’s office, the defendant and the court.

The evaluation was informed that almost all the cases that have assisted the NRCVT had denounced their traffickers.

According to Article 2 “Scope” of the law “On the protection of witnesses and collaborators of justice”, the provisions of the Law are applicable in the context of criminal proceedings for crimes committed intentionally, for which the law provides for imprisonment not less than 4 years, at a minimum, and the danger of these crimes and their perpetrators must be such as to justify such expenditures necessary for the protection of one or several persons. And according to Article 3 “Definitions” “situation of risk” is the current situation, concrete and serious, due to which the life and health are at risk, as a result of the testimony of the witness or collaborator of justice in criminal proceedings for offenses provided in this law.

The evaluation found that in practice, for victims of trafficking that receive services in centers when in judicial processes of a criminal type, the victim is accompanied to court by the prosecutor and the entire process is focused on proving the guilt of the trafficker. The protective aspect of these processes is confined to the punishment of the trafficker, but with rare exceptions, respondents to this evaluation are of the opinion that trials last too long and traffickers do not get the sentence they deserve.

Based on collected information, it results that the positive aspect in these circumstances is that there is no conditioning of the assistance in centers with going through the court. In some cases, the form to protect the victim in community is to exploit the opportunity that the law provides regarding domestic violence.

“Forunately, for victims of trafficking, there is no need for any protection order when we take them to centers, but if a victim of trafficking has had a relationship with a partner or needs to obtain a protection order and if the person wishes to return to the family and says that she is afraid of this person, we help them obtain the protection order” - social service provider

Chapter II of the Criminal Procedure Code “Becoming aware of the criminal offense” details obligations of public servants, medical personnel and citizens to refer criminal offenses. According to article 281 “Public servants referring offenses” 1. Public employees who during the exercise of their duty or because of their functions or services become aware of a criminal offense that is prosecuted by the initiative of the prosecutor, are obliged to make a referral in writing even when the person the criminal offense is attributed to is not specified. 2. The referral is presented to the prosecutor or a judicial police officer.

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83 Sandër Simoni “Treatment of victims of trafficking as witnesses during judicial process. Legal opportunities for compensating victims of trafficking and the need for legal changes. Problems encountered in judicial practice.” Tirana, February 2013
85 In cases of domestic violence, with regard to accommodation in public residential centers, victims of violence should have a protection order
86 According to article 284 of the CPC “Complaint” for criminal offenses envisioned by articles 89, 102 paragraph one, 105, 106, 130, 239, 240, 241, 243, 264, 275 and 318 of the Criminal Code, criminal prosecution may only be initiated by a complaint of the damaged party who may withdraw it at any phase of the proceedings.
3. When during a civilian or administrative proceeding, a fact is discovered that represents a criminal offense that is prosecutable by the initiative of the prosecutor, the relevant body shall present a referral to the prosecutor. 4. The referral shall contain the essential elements of the fact, the sources of the evidence, the generalities, place of residence and anything else useful for identifying the person that the fact is attributed to, the damaged person and those who are in a position to explain the circumstances of the fact. According to article 282 “Referral by medical personnel” 1. Medical personnel obliged by law to file a referral should submit it within forty eight hours and submit it to the prosecutor or any judicial police officer of the place where he/she made the intervention or provided assistance and, when delays pose risks, to the closest judicial police officer. 2. Referral by medical personnel shall indicate show the person who assistance was given to and, when possible, the generalities, place of residence, and anything else that will help identify that person, as well as the circumstances of the fact, the tools it was committed with, and the consequences it has caused. 3. When some persons have given their medical assistance for the same case, all are obliged to file a referral, with the right to compile and sign a single act. According to article 283 “Referral by citizens” 1. Any person who has become aware of a criminal offense that is prosecutable by the prosecutor’s initiative must refer it. In cases specified by law, the referral is compulsory. 2. The referral is filed with a prosecutor or a judicial police officer orally or in writing, personally or through a representative. 3. Anonymous referrals may not be used, except for cases prescribed by article 195.

According to the law, exempted from having to testify in a criminal trial process shall be the relatives of the defendant, the spouse on facts learned from the defendant during married life, the spouse separated from the defendant, the one living with the defendant or who has lived with the defendant, the one in an adoption relationship with the defendant; also exempted from having to testify in a criminal trial process in order to preserve professional secrets shall be the following persons: representatives of religious faiths whose statuses are not in contravention of the Albanian juridical order, lawyers, legal representatives and notaries, medical doctors, surgeons, pharmacists, gynecologists and anyone exercising a health profession and those exercising other professions whom the law acknowledges the right to not testify on what is related to professional secrets.

According to respondents, in many cases, victims of trafficking were exploited by their own family members or relatives, and the referral or submission of testimony against them leads to serious consequences in relation to family members and relatives.

As mentioned above, we found that investigations began upon the prosecutor ’s initiative only in one case; in all other cases, investigations and criminal prosecution began on the basis of victims’ statements and referrals.

According to respondents, there have been cases when the life and rights of the victim and even of other beneficiaries have been endangered and violated during the investigation process:

“In one case, the victim told me that she kept a wire during the time she was in the shelter” -social service provider

According to the law and courts "Any person who has suffered material damages from the criminal offense or his/her heirs may file a civil lawsuit in the criminal process against the defendant or the civil defendant to demand the reinstatement of assets and remuneration of damages." This links compensation closely with the identification of the trafficker and the criminal process against him/her. According to respondents, there has only been one case of a ruling to remunerate damages, which is yet to be executed.

The establishment of instruments necessary for the remuneration and compensation for victims of trafficking is considered one of the areas that the anti-trafficking strategy 2014-2017 seeks to improve.

87 Hiding assets upon bankruptcy
88 http://gjykataelbasan.gov.al/Procesi-Penal.php
89 http://gjykataelbasan.gov.al/Procesi-Penal.php
### Recommendations

- **Informing about rights, especially the right to demand criminal prosecution of the trafficker and the obligation of authorities to initiate the case by their own initiative;**
- **Initiating criminal cases against traffickers by initiative, without the need for the victim to file a referral or to testify;**
- **Real risk assessment, documentation and risk management for the victim during the investigation;**
- **Caring for respect for life, rights of the victim herself/himself and of the care staff;**
- **Review of models, legislation of other countries, e.g. Kosovo, regarding compensation of victims.**

### Problems of victims with the law and their solution\(^91\)

A review of legislation and practice for this evaluation suggests that victims of trafficking may be exempted from punishment but not from criminal prosecution.

With amendments in 2013\(^92\) to the Criminal Code, the person who is a victim of trafficking may benefit exemption from punishment “for the commission of criminal offenses during the period of trafficking and to the extent the person has been obliged to commit the illegal action or inaction.” Also in 2013, amendments were made to the Criminal Procedure Code\(^93\) that do not refer to this added article of the Criminal Code and do not contain specific provisions on criminal prosecution of victims.

According to Maria Grazia Giammarinaro, Special Representative and Coordinator of the OSCE for the fight against trafficking in human beings “data so far confirm that victims of TIP are often punished (among others through administrative detention and fines) and are criminally prosecuted throughout the OSCE region for crimes committed as a direct result of their trafficking, such as violations regarding immigration, the use of fake documents, and cultivation of drugs.”\(^94\)

According to the Criminal Code, article 114 “Exploitation of prostitution,” “The encouragement, mediation, or receipt of compensation for exercising prostitution shall be punishable by two to five years of imprisonment. When the same offense is committed with minors, with some persons, with persons who are close kin, close kin of the spouse, who have custodial relationships or availing themselves of their official relationship, or when committed in collaboration or more than once, or by state and public officials, shall be punishable by seven to fifteen years of imprisonment.”

According to respondents, exploitation of prostitution is a criminal offense that, as described in the Criminal Code, is similar to trafficking. While there is a definition of the victim of trafficking, there is no definition for the victim of exploitation of prostitution or “exploited.” As a result, it is at the discretion of law enforcement officers whether they arrest the exploited person as a victim or just as someone who exercises prostitution.

In practice, the exploitation of prostitution has been distinguished from trafficking only in the referral of cases to the prosecutor’s office. The 2014 report of the National Anti-Trafficking Coordinator, the criminal offense of the exploitation of prostitution ranks first in referrals from police, Sector for Illegal Trafficking. According to the report, during the period January – December 2014, the Sector for Illegal Trafficking

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\(^90\) For such situations, the law in Kosovo envisions: full compensation when the defendant has not been identified, has not been criminally prosecuted or has not been sentenced.

\(^91\) (3.28) Do victims have problems with the law (are sentenced) and how do you resolve these problems?


\(^94\) OSCE, Office of the Special Representative and Coordinator for the Fight against Trafficking in Human Beings, Recommendations for Policies and Legislation toward the effective implementation of the principle of non-punishment of victims of trafficking, in consultation with the Team of experts of the Alliance against Trafficking in Persons
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has referred a total of 120 criminal offenses, of which 54 cases of trafficking in persons (45 for trafficking of adults and 9 for trafficking of minors), 4 cases for the criminal offense of “Maintaining premises for prostitution,” 62 cases for the criminal offense of “exploitation of prostitution.”

The main problem raised by respondents is the issue of the investigation and sentencing of victims for the exercise of prostitution. According to social service providers, in the majority of cases referred for assistance, police referrals to the prosecutor’s office are in district prosecutor’s offices for “exploitation of prostitution.” As a result, even when referred to as potential victims for assistance, the victims are under investigation and risk punishment for the exercise of prostitution.

**Recommendations**

- Detailed prescription in the Criminal Procedure Code of procedures for the initiation and cessation of criminal prosecution for victims of trafficking;
- Abrogation of article 114 “Exploitation of prostitution” in the Criminal Code;
- Concordance between referral of the criminal case against the trafficker and the referral of the victim;
- Develop and disseminate clear guidance to police regarding the referral of cases, the Serious Crimes Prosecution

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**Procedures, references used to measure and manage risk**

According to SOPs, during the initial identification process, if the employees of agencies that conduct the initial identification deem that they do not have the possibility to conduct a proper evaluation and intervene immediately and safely to stop the trafficking of the person, the agency/institution (A/IRII) immediately notifies the nearest police SFATP officer, requesting intervention to verify the situation and protect the person. SOP annexes make available a request format for the trafficking structure. According to respondents from social services, such a practice of requesting immediate intervention has been pursued, but standardization of police actions when receiving such a request is yet to be resolved.

According to SOPs, measurement and categorization of risk level (low, moderate, high) to the potential victim or victim of trafficking is one of the functions of the formal interview and the reasoning for determining the level of risk is based on the assessment of the psychological and physical condition that may pose a risk during travel, receipt or acceptance to a residential center or family/community, risks deriving from persons implicated in the trafficking process and risks related to contact and/or collaboration with law enforcement agencies.

According to service providers, risk assessment is done by law enforcement structures: police prosecutor’s office.

“We are not always confident because in some cases, risk appears higher than the structures evaluate. The Formal Identification Group also in many cases does not determine risk level in the format of concluding with or without a formal interview. In fact, in some cases we have tried to negotiate with the case prosecutor for them to be included in the Witness Protection Service and they have not agreed.”

-Social services provider

For the largest part of respondents, full security measures for victims are only undertaken in care centers “unless she doesn’t want to protect herself.”

According to information gathered in the assessment, with the exception of a shelter which is located near the police station, all other centers for victims of trafficking have physical security storage: state center by state police and two other police centers contracted private security companies.
The only measure is that we are in contact with police especially during the period when girls return to the families, we are in contact with area police to monitor. Usually, the moment they are equipped with protection orders, one copy of such orders goes to area police. However, since these victims are not aware of the law, at the moment the order is obtained, we inform them of their rights in case they have problems with violence again and how it may recur. There is room for improvement as someone closer to the community is needed, for instance we don’t have any civil society to provide support.

According to Article 28, paragraph 4 of the Convention of the Council of Europe: “Each Party shall adopt such legislative or other measures as may be necessary to provide, when necessary, appropriate protection from potential retaliation or intimidation in particular during and after investigation and prosecution of perpetrators, for members of groups, foundations, associations or non-governmental organisations which carry out the activities set out in Article 27, paragraph 397 in particular during and after investigation and prosecution of perpetrators.

Service providers mentioned cases when they themselves have been threatened and felt in danger.

“I have a person here; she knows I was a social worker of that girl and you have no idea what pressure she makes every time she sees me in town; he knows I’m that person; he got out of jail after three months. In my opinion, he should have been convicted” - social service provider

### Recommendations

- Standardize the manner of proceedings to manage requests for immediate interventions – RA;
- The police and prosecutor’s office should conduct risk assessment and inform service providers and victims themselves of the level of real risk;
- Police, not social service providers, should accompany the victim to the prosecutor’s office;
- Prosecutors must initiate procedures of applying witness protection program for victims of trafficking who have high security problems;

#### Actions and special measures for children victims, including custody

In December 2014, the Council of Ministers decided on some important changes to CMD 425, dated 27.06.2012 “On the establishment of criteria and documentation necessary for the admission of persons in residential, public and non-public social care institutions.” These important changes included the increase of the eligible child age for admission to children’s homes up to 18 years old. Chapter IV of the CMD “Criteria, documentation and the initiative to accommodate victims of trafficking and potential victims of trafficking in social care institutions” did not undergo changes. This chapter does not include any specification regarding the length of stay of the child in the centers.

According to item 1, the following are admitted to social care institutions: a) trafficked children or children at risk of trafficking; b) persons above 18 years of age, identified as victims of trafficking or potential victims of trafficking; c) foreign persons, identified as victims of trafficking or potential victims of trafficking. According to item 2, documentation to be filled out for the accommodation of victims of trafficking and potential victims of trafficking in social care institutions includes: a) declaration of admission signed by the beneficiary; b) statement of confidentiality for interpreters (when the victim/potential victim of trafficking is a foreign citizen; c) informed permission for formal interview; ç) format of conclusion of formal interview; d) format of conclusion without a formal interview (for repatriated victims/potential 97 any group, foundation, association or non-governmental organisations which aims at fighting trafficking in human beings or protection of human rights

98 (3.33) What are your actions or special measures, challenges when the victim is a child? (3.34) How can child treatment be improved? (3.37) What are the problems with child custody, how are they resolved and how may they be resolved?

99 These changes are not yet reflected in the version available on the SSS official website http://www.sherbimisocial.gov.al/procedura-e-pranimit-ne-ipsh/. According to a service provider “we working in the field and facing people have to do this too” and according to another “it is not my job, I need to get a letter”

100 Children “at risk of being trafficked” are not recognized as a category in SOPs drafted one year before the CMD.
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victims) dh) declaration of informed decision for assistance; e) request for social-economic and safety evaluation for voluntary return (for repatriated victims/potential victims); é) report on family situation assessment before the assisted voluntary return; f) process-verbal of referral by regional office social worker and anti-trafficking officer; g) authorization of parents/custodian for assisted return of the minor; gj) authorization of parents/custodian for the travel of the minor. According to item 3, those who may take the initiative for the accommodation of victims and potential victims of trafficking in social care institutions are: a) parents or custodians of a minor; b) the adult person himself/herself; c) State Social Service, at the central and local level; Ç) social administrator of the local government unit; d) State police and law enforcement agencies (such as prosecutor’s office and court); dh) responsible authority; e) domestic or foreign NPOs; ë) Albanian embassy and consulate of the respective country that the victim or potential victim of trafficking comes from.

“We have had cases of the victim being a child, there has been cooperation with the family, assisting the family initially, looking at the capacity of the family, how much the family can be a part together with us to help this child, organizing also with other actors. We have had cases of minor girls whose families have not been supportive of them, but when we settled them in a center, they came back and said they agreed”

-speech service provider

Every service provided to them is based on the highest interest of the child. We get the parent’s approval for any service offered and any plan made for and with him/her.

-speech service provider

Social service providers say that at present, the most disturbing issue is the lack of alternatives to assistance for children victims, the non-functioning of foster care programs.

It can be improved because I do not think it is reasonable that a child goes to a center, which leaves much to be desired regarding the empowerment of the family, since we don’t have access to direct support for these families; these are up to the local government and communes and have not functioned. What is empowerment? Empowerment means helping them find jobs for a better life and we don’t have access.

“Children need specific conditions and closed centers do not have capacities for children’s education”

-speech service provider

Pre-University Education Law 69/2012 does not specify the situations in which it’s not the parents but a guardian taking care of the child.

Recommendations
• Develop the program of foster care, identify and train foster care families for trafficked children;
• Assign state teachers- funding studying of the children victims in residential centres;
• Take supportive measures for families of trafficked children besides direct assistance to the child;
• Special actions and measures for children of victims?

Service providers have noticed a rising number of children of victims of trafficking and particularly minors. According to service providers in centers supported by TVRP, children of victims are beneficiaries of all services provided based on their needs.

In case the victim has a child, the case requires special support and treatment, double as much or triple as much: providing a proper environment, health service; registration in day care center, kindergarten or school, registration in civil registry offices, psycho-social counseling, different training courses depending on their age, entertainment activities, courses on parenting skills for their mothers (parenting classes, first aid classes, etc.)...Social services providers

101 (3.35) What are your actions with regard to victims’ children? (3.36) How can the treatment of victims’ children be improved?
102 The program supported by King Baudouin Foundation.
According to service providers, children of victims are not considered a category that needs special attention or protection:

“These children aren’t even counted; nobody looks for them in statistics, not for funds; there are no special funds” - social service provider

For one of the service providers, it is a challenge that there is no specific program for the treatment of victims’ children.

During the evaluation, we were informed about some cases when children of victims were placed in children’s care centers, public and private ones.

I brought the child to an orphanage the second day he was born. I did not breastfeed him and I continued not to, although the orphanage was very close to the shelter I was staying. I wanted to start to work, I left him there to get a job, gain some money, and get him back but I could not. The child became two years there - victim of trafficking

Under Article 17 “Education at home” of the pre-university education law\textsuperscript{103}, education at home is provided in special cases, for all grades of basic education, or for some of them and the Minister determines specific cases, criteria and procedures for such education. State centre for victims of trafficking informed that, because it cannot offer education services, it admits only children up to 6 years old accompanied by their mothers.

**Recommendation**

- Enable the facilitation of receiving different services: registration in day care centers, kindergartens, etc.
- Compilation of a program/ specific guidelines for treatment of victims’ children based on the best models and practices;
- Collect and analyze information on number of these children, problems, needs, and issues related to their treatment;
- Treat children of victims as a special category not as secondary beneficiaries

According to Standards, the personal files of beneficiaries should contain basic documentation, which includes: the Contract/Declaration of information and acceptance of service; Process-verbals of the referral; the Declaration of accommodation; the preliminary interview conducted during the first contact with the beneficiary; the Assessment report; the Individual assistance plan by the service provider complete with current information; the completed interview; the Confidentiality statement; any other kind of document of communication with other institutions that have to do with services being provided to the case and support documents that proves the beneficiary’s signed permission and receipt of information; the Custody document granted to the service provider if the beneficiary is a child; a Medical file that contains examinations and current treatment; a Record of the use of these documents; other notes of visits, discussions, etc. According to the Standards, the service provider preserves a well maintained electronic or system or a safe for keeping data.

For respondents from residential service providers, the creation and maintenance of files is an obligation monitored by the Inspectorate and all conditions for the preservation of these files have been created; practice is to maintain one file for the case and one file or sub-file for medical examinations and treatment.

For respondents from non-residential service providers, there is a practice of creating and preserving files for potential victims of trafficking or victims of trafficking but there is no written standard for their contents or preservation.

\textsuperscript{103} Law 69/2012 on Pre-University Education System in Albania

\textsuperscript{104} (3.38) Do you maintain a file on every case? What are the challenges to that? What would you recommend for the improvement/fulfillment of this function?
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“For trafficking cases, yes, in general, based on those procedures that are specifically fulfilled by us, we keep them” - social services provider

For police officers, materials on the victim are not inventoried:

“I have the cases highlighted in a dossier I have created but not inventoried like other operational materials” (police officers)

**Recommendation**

- Establishing standards for establishing and maintaining victims’ files for cases handled by the regional offices of the SSS;
- The standardization of the content of the files for residential centres, taking into account the provisions of SOP;
- Inventarization from the police of the documents related to their actions for identification referral and protection of trafficking victims;

- Protocols for preserving confidentiality and privacy and conditions for their preservation

According to Standards for residential care, persons who should have access to data include staff of service providers that care directly for the beneficiary in question, the beneficiary, legal institutions (police and justice bodies). Data should be preserved in a safe, drawer with a key, password-protected database, etc.).

*Privacy and confidentiality are the most important parts of the development or integration process.* - social services provider

*Every member of the organization’s staff has signed a confidentiality declaration. In the center’s premises, yes.* - Social service provider

According to interviewees from police ranks: “Conditions leave much to be desired because we do not always have the opportunity to communicate or interview persons without the presence of others” “we try to be as confidential as possible in the circumstances we work in.”

Police officers use the term “police information,” which is the entirety of data and facts that are secured by police as a function of the exercise of its activities to preserve public order and security, as well as prevent criminal offenses, as well as the term “classified information,” which is any knowledge that may be communicated or documented, in spite of form, and that is under the control of state structures and is classified according to legislation in force.

Per article 5/b “Prohibition to publish the act” of law 2.11.2000, “On the organization and functioning of judicial police,” judicial police applies the rules of legislation in force regarding the prohibition of the publication of acts that document procedural actions as well as any other information deriving from them.

The issue of confidentiality and privacy is closely linked with the safety of victims of trafficking. According to respondents, residential centers take all measures to preserve confidentiality and privacy, but it happens that victims themselves do share information with one another.

Another issue is that of collecting unnecessary information for the purposes of the assistance or procedure. One of the interviewed victims of trafficking said:

“The police officer began asking me for things that he did not need for anything, so many times..., tens of people came in and out of there, and I had to start from scratch.”

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105 (3.39) Do you have a protocol/ reference instructions to preserve confidentiality? (3.40) Do you have physical conditions for the preservation of confidentiality, privacy during contact/the process?

106 Law no. 108/2014 “On State Police”

107 Changed by Law no. 10 301, dated 15.07.2010
One other highlighted issue is that of the impact that cooperation of assisted victims of trafficking in centers has on the privacy of other victims/beneficiaries in centers. One of the victims of trafficking informed us that she kept a wire during her stay in the center.

**Recommendations**

- Secure conditions for confidentiality and privacy for victims of trafficking during the process of their interview/identification;
- Inform victims of trafficking for legal obligations regarding sharing information and the degree of sharing information;
- Draft a protocol for the preservation of confidentiality in offering services outside residential centers – all employees, not just those of centers, should sign the confidentiality declaration;
- Sensitize victims about the importance of preserving information;
- The unification of procedures and the amount of information that is shared with donors and used for visibility;
- NRM members, AP, should develop and adhere to clear and strict procedures regarding the communication on the cases.

**Database and its use**

According to SOPs, “The private life and identity of potential victims of trafficking and victims of trafficking shall be protected in any case. The exchange of data of the person who is a victim or potential victim of trafficking shall be done by the informed permission of the person himself/herself and only to the degree that matches the purpose for which this exchange of data is being done. The personal data of trafficked persons shall be preserved and used in accordance with the Council of Europe Convention for the Protection of Individuals with regard to the Automatic Processing of Personal Data, Law No. 9887, dated 10.03.2008, “On the protection of personal data,” and other acts of Albanian legislation in force.”

According to Law no. 9887, dated 10.03.2008, “On the protection of personal data,” it is forbidden to process data that disclose the racial or ethnic background, political beliefs, membership in trade unions, religious or philosophical faith, criminal records and the health and sexual life. Item 2 of the article says that the processing of sensitive data is only done if: a) the subject has granted consent; b) it is in the vital interest of the subject of the data or another person and the subject of the data is physically or mentally unable to grant his/her own consent; c) it is authorized by the responsible authority for an important public interest; ç) it is related to data that have been made openly public by the subject of the data or is necessary to exercise or protect a legal right; d) data is sought for purposes of preemptive medicine, medical diagnosing, health care insurance, curing, management of health care services and their use is conducted by medical personnel or other persons who have the obligation to preserve secrecy; e) data is processed by non-profit political, philosophical, religious or trade union organizations, for purposes of their legal activity, only for members, sponsors or other persons who have a connection to their activity. Such data is not made known to a third party, without the consent of the subject of the data, except for cases when it is otherwise prescribed in the law; ē) the processing is necessary to fulfill a legal obligation and the specific rights of controllers in the area of employment, in accordance with the Labor Code. According to item 3 of the law, the processing of sensitive data, in different circumstances than those set in item 2 of this article, is regulated by decision of the Council of Ministers, only for the purpose of important public interests, under appropriate protections.

According to Decision no. 6, dated 05.08.2013 of the Commissioner for the Protection of Personal Data “On the establishment of detailed regulations for securing personal data,” every employee who processes such sensitive data shall sign the “Confidentiality Statement,” according to the model attached to this decision.

108 (3.42) Do you have an electronic database on cases? Is it used and how?
110 According to the same law, these are considered “sensitive data”
According to the order of the Prime Minister for Regional Anti-Trafficking Committees, 2006, the technical table set up in the region should maintain records in an electronic database, communicate them to the Regional Committee and through it to the National Anti-Trafficking Coordinator.

There are presently two databases, the SIVET database and the NCATC database.

According to the National Coordinator for the Fight Against Trafficking in Persons[111] “in September 2008, the Database on Victims of Trafficking, administered by the Responsible Authority, has been made functional. The joint reporting table includes 4 rubrics: (1) detailed generalities, (2) manner of identification, (3) background of the exploitation, (4) treatment in the Center. The database on victims of trafficking enables the processing of accurate data about the trafficking of human beings, with data from police, the state social service, centers where services are received, and the consular directory. It has been integrated into TIMS[112] and is the official statistical resource for trafficked persons in Albania.”

According to the Instruction of the Ministry of Interior, Ministry of Foreign Affairs, the Ministry of Education and Sports, the Ministry of Health and the Ministry of Social Welfare and Youth of 08.07.2014 “On the establishment of the Responsible Authority for the Identification, Protection and Reintegration of Victims/potential victims of trafficking” it is the responsibility of the Responsible Authority to input data into the SIVET database.

According to respondents, the SIVET database has improved considerably and has the potential to monitor actions and results of the identification and assistance for victims of trafficking. A RA coordinator assigned as a secretary has assumed the duty to input data into the database and informs the RA on the progress of cases that have been referred to the RA.[113]

The NCATC database has been established in the context of support by the program “Strengthening Anti-Trafficking capacities in Albania,” funded by USAID in 2012. The database includes data about every case assisted by NCATC. The information includes data from the moment of identification, referral and assistance and facilitates the process of referral from one service provider to another. The goal of the database is to improve the collection, analysis and monitoring of data on cases assisted by NCATC and to facilitate the production of reports in real time by NCATC.

According to respondents, although efforts have been made, none of the databases functions to produce reports.

**Recommendations**

- **Victims of trafficking should be informed about the existence of the database, its goals and their permission should be obtained to include their data therein;**
- **The database should also include the coordination of assistance and the provision of community assistance – to serve as an instrument for case management;**
- **Review procedures for processing data in view of Decision no. 6, dated 05.08.2013, Decision no. 2, dated 10.3.2010 and other decisions by the Commissioner for the Protection of Personal Data;**
- **The SIVET database should serve to avoid the burden of reporting by identifying agencies;**

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[112] Total Information Management System

[113] A RA regulation has been drafted to establish this task
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- **Monitoring and monitoring standards**\(^{114}\)

According to the law on the Ombudsman,\(^{115}\) the Ombudsman or persons authorized by him have the right to enter any time and without limitation or prior authorization, but notifying the head of the institution, in all institutions of the public administration, prisons, places where police or prosecutors hold persons who have been accompanied, detained or arrested, in state institutions, psychiatric hospitals, asylums, child homes, and any other place where there is data and deems that the possibility exists for the violation of human rights and freedoms.

According to the law “On the civil servant,”\(^{116}\) exercising his competences, the Commissioner for Civil Service: a) conducts a full administrative investigation, according to the Code of Administrative Procedures; b) requests and obtains from institutions any information necessary for carrying out his duties; c) inspects files and every document regarding the administration of civil service; ç) seeks, upon his initiative or upon request, the testimony of any employee or official of the institution; d) reviews and inspects every administration practice in every institution that employs civil servants.\(^{117}\)

As signatories of the NRM, the Ministry of Interior, Ministry of Foreign Affairs, Ministry of Education and Science, Ministry of Health, Ministry of Social Welfare and Youth, the Prosecutor General’s Office, the International Organization for Migration (IOM) – Tirana, the international organization World Vision – Tiranë, the non-profit organization “Arsis” – Tiranë, the non-profit organization “Different & Equal,” the National Receiving Center for Victims of Trafficking – Tiranë, the non-profit psycho-social organization “Vatra” – Vlorë, and the non-profit organization “Other Vision” – Elbasan, should be monitored for the implementation of obligations of the agreement by the Task Force for the Agreement, which is run by the National Coordinator Against Trafficking in Persons and consists of a senior representative of each of the signatories of the Agreement.\(^{118}\)

According to the law on Judicial Police,\(^{119}\) Judicial Police exercises its functions under the authority of the prosecutor for the assignment of cases that should be investigated with priority, concrete actions to be undertaken, as well as the necessary length of investigations. Prosecutor’s offices and courts make available the personnel of sanctions and may make use of every service of Judicial Police.

According to the Instruction of the Ministry of Interior, Ministry of Foreign Affairs, Ministry of Education and Sports, Ministry of Health and the Ministry of Social Welfare and Youth of 08.07.2014 “For the establishment of the Responsible Authority for the Identification, Protection and Reintegration of victims/potential victims of trafficking,” the RA leads the implementation of the NRM with regard to all cases of victims/potential victims of trafficking identified and referred on the basis of this mechanism, in accordance with the SOPs and reports once a month to the National Coordinator.

According to order of the Prime Minister no. 139, dated 19.06.2006 “For the creation of regional committees for the fight against trafficking in human beings,” the chairperson – prefect – reports on behalf of the regional committee to the Deputy Minister of Interior on issues of the fight against trafficking, on achievements and measures against trafficking at the county level, at least quarterly, and the technical secretariat is responsible for the communication of data on work indicators and data on concrete cases to the RA and the NATC.

Providers of residential services for victims of trafficking are monitored by the SILSS on the basis of

\(^{114}\) (3.41) Who monitors your actions, services and on the basis of what standards? (3.54) Do you prepare monthly, quarterly and annual reports and for whom? (3.55) What would you recommend to improve/fulfill this function?

\(^{115}\) Law No. 8454, dated 4.2.1999, completed by law no. 8600, dated 10.04.2000, amended by law no. 9398, dated 12.05.2005


\(^{117}\) According to article 3, the police officer and the external service employee are civil servants, whom this law applies to, as long as it otherwise prescribed by the previous law

\(^{118}\) Article 8 of the NRM

\(^{119}\) Article 4 “dependence of Judicial Police,” according to amendments by law no. 10 301, dated 15.07.2010
standards for social services and standards of social care services in residential centers for trafficked persons or persons at risk of being trafficked.

The SSS also has a Directory for Monitoring Social Services that focuses on monitoring standards of social services in social care institutions that accommodate persons in need: children, elderly, disabled persons, victims of violence and trafficking, as well as the implementation of new models of services within institutions with a view to improving their quality.

According to SSS, a new evaluation methodology was used for the first time in 2014 – the point system that enables the monitoring not only of service indicators according to specific target groups, but also compares the fulfillment of standards at different time periods.

Residential service providers from NPOs participated in the drafting of standards of care for victims of trafficking. The Vatra Psycho-social Center in Vlorë, Other Vision in Elbasan, and Different & Equal have contributed to drafting documents and instructions for reintegration services for victims of trafficking and the monitoring of such services; they also refer to them for internal monitoring of victims’ reintegration.

We were informed that with the new law “On the Order of Social Workers in the Republic of Albania” another monitoring unit is added: the Commission for Professional Disciplinary Adjudication. The goals in the new draft law include the protection of clients from the potential misuse of the profession by the social worker, through continued supervision of the implementation of ethical and professional standards in order to ensure moral and professional integrity by them.

In practice, monitoring of social services reportedly includes inspections or monitoring as well as reporting to donors and state institutions. According to a social service provider:

We submit reports every month, every six months and every year for the ONATC and SSS, an annual report for MSWY, quarterly reports for RSSSOs, reports for donors, report for the U.S. Embassy for TIP Report, etc.

We have given data for the drafting of the NATC report but have not yet seen the report produced by the office (social service provider)

The instructions on the implementation of national standards for social care for trafficked persons or persons at risk of being trafficked in residential centers provide guidance for inspectors: a) inspect only with regard to compliance with published standards; b) train inspectors to be sensitive to beneficiaries; c) inform beneficiaries about the purpose of the inspection; d) ensure voluntary participation; e) concentrate only on questions related to the assistance process; f) don’t be judgmental; g) do not advise beneficiaries; h) encourage beneficiaries to ask questions; i) coordinate inspections with different agencies.

According to SOPs, every identification, referral or assistance should be made known to the RA. SOPs include performance indicators and documentation requirements that seek to guide the monitoring of identification, referral or assistance. According to respondents, reports from those institutions that are obliged to inform about identification and referral, feed the SIVET database, only overburden employees and create extra work for the verification of data.

Beside the burden of reporting, during the evaluation we were informed about some other issues regarding monitoring, such as: a) failure to comply with standards of social services by state employees themselves; b) lack of standards for assistance/ reintegration in community / families of victims of trafficking.

120 CMD 658, 17.10.2005
121 SSS Report 2014, during 2014, the Receiving Center for Victims of Traffickin in Linzë was reportedly monitored during 2014
123 NPO
124 Lack of keeping and preserving files of cases by SSS employees has been mentioned
trafficking and monitoring community assistance; c) lack of knowledge of specifics of assistance for victims of trafficking by monitors themselves; d) lack of an independent monitoring unit, an alternative report on the completion of duties by independent institutions.

According to respondents, a good tool to monitor are the National Coordinator’s annual progress reports on the implementation of anti-trafficking strategies and independent and effective measurement and monitoring tools are the annual reports of the US State Department and GRETA reports and other reports, however it is necessary to have an independent monitoring unit in the country. According to respondents, NEXUS Institute has very good guidelines for monitoring re/integration programs of victims of trafficking.

### Recommendations

- Use the database as a monitoring tool to avoid the burden of reports;
- Give NRM members equal access to NATC reports;
- Make police aware of the role it has in the identification and assistance for victims of trafficking to balance the role of identification and apprehension of traffickers;
- Make the prosecutor’s office aware of the obligations it has per the mechanism and monitor prosecutors’ actions;
- Clarify the role of SILSS against SSS monitoring;
- Create an independent unit/entity to monitor and produce reports for the fulfillment of anti-trafficking obligations by state institutions/ produce alternative reports;

### Exchange of information and types of exchange

The very NRM agreement has a specific article about the principles of the parties and specifically the principle of protection of personal data, and in the same article has an item about copyright: “All parties shall guarantee copyright on materials produced by the Parties. The use, reproduction, alteration, publication and dissemination of materials shall only be done by permission of the party that produced the material;” the article includes only one specific provision on the kind and degree of exchange of information that the parties may exchange with one another, that of exchanges between police and the prosecutor’s office. Article 5 “Engagements of parties,” item B), the Prosecutor General’s Office – Serious Crimes Prosecutor’s Office says that the Serious Crimes’ Prosecutor’s Office engages “to secure, in cooperation with police, mutual exchange of information, in order for cases to be pursued continually and for information on them to be complete and accurate, through a system that is a counterpart of the Database on Victims of Trafficking.”

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125 During the review of documents, we found that at least one of the addresses of the residential care centers for victims of trafficking is on the official website of the SILSS: see list of social care institutions under SILSS supervision http://inspektoriatipunes.gov.al/wp-content/uploads/2014/02/Lista-e-Institucioneve-te-Kujdesit-Shoqeror-nen-sup-ISHPSHSH.pdf

126 According to, National Referral Mechanisms, Joining Efforts to Protect the Rights of Trafficked Persons A Practical Handbook, tw OSCE ODIHR, “Shadow reports” by NGOs and others to UN treaty-monitoring bodies should help the needs assessment and drafting of the NRM;

127 Group of Experts on Action against Trafficking in Human Beings, responsible for monitoring of the Council of Europe Convention on Action against Trafficking in Human Beings

128 The Global Slavery Index of Walk Free Foundation


130 Dutch National Reporter was mentioned as a good model

131 (3.43) Do you receive information from other institutions/structures and what kind of information? (3.44) What would you recommend to improve obtaining information?

132 Article 4 of the NRM

133 Personal data of trafficked persons will be preserved and used in accordance with law no 9887, date 10.03.2008, “On the protection of personal data,” and other acts of Albanian legislation in force.
The cooperation agreement for the creation and functioning of the interactive coalition of shelters in support and for the protection of victims of trafficking, signed on 27.02.2008 refers to the NRM of 2005 indicates the exchange of information but does not provide details about it.

Respondents to the evaluation from among service providers refer to the SOPs, standards and the Instruction on the implementation of national standards for social care for trafficked persons or persons at risk of being trafficked in residential centers (Instructions) with regard to the exchange of information. SOPs provide instructions about informing the RA for the identification, referral and assistance for every case. Detailed guidelines on communication with the RA are also provided in the “Instruction.” Unlike SOP requirements, according to the Instructions, only in certain cases may someone address the RA: “There may be many cases for which no sustainable solutions may be found by the service providers or the usual referral process. These may include children without safe families to return to, persons with physical and mental disabilities, drug addicts, or other complicated cases. In these cases, service providers should contact the Responsible Authority and ask for their assistance to find a sustainable solution for the individual.”

The main issues related to the exchange of information raised by social service providers include the uncertainty of police officers and the state social service that conducts the identification: the suspicion that they are just legal offenders, as well as the lack of information of service providers to refer to regarding the process of investigation and criminal prosecution of the victims themselves for prostitution. In one case, one of the state social service providers involved in identification said:

If one case is in the first phases of identification, we need to be careful in the referral process.

Another issue that was raised is the lack of regulations for the exchange of information with the prosecutor's office.

According to article 6 “Public Relations” of law no. 8737, dated 12.2.2001 134 “On the organization and functioning of the prosecutor’s office in the Republic of Albania” amended,” the prosecutor’s office lets public opinion know of its activities 135 and the prosecutor’s office is not allowed to disclose information that harm the process of investigation, the dignity and privacy of individuals, the rights of children and public moral.

According to DCM 330, dated 28.05.2014 “On the adoption of the Roadmap for the priorities recommended by the European Commission, 2013” 136 for priority No. 4: To take decisive measures in the fight against organized crime, including the creation of a solid history (track record) with investigations, mainly prosecutions and convictions, it is provided “Strengthening interagency coordination in the fight against organized crime” with specific measure 2.1.2: improving the exchange of data between law enforcement agencies in the fight against organized crime by taking first steps to building a secure platform for the exchange of these data and to this aim, the establishment of an interagency task force (working group) who will conduct the review of the legal framework, assessment of existing databases, assessment of the access to the database of each institution, between law enforcement agencies in the fight against organized crime and regarding the latest, the completion by the prosecution of the national registers, in which the Prosecution seeks access.

The exchange of information is one of the forms of cooperation and coordination of parties established in the NCATC coalition. 137 The basic principles of the agreement state that NCATC will collaborate and

135 Paragraph 1 of the article
136 Official Gazette No.84, dated 10 June 2014
137 Cooperation agreement for the creation and functioning of the Interactive Coalition of shelters, in support and for the protection of victims of trafficking in Albania, signed on February 27, 2008, between the Other Vision association, the Vatra psycho-social center, the Different & Equal association, the Multi-functional community center in Gjirokastër and the Receiving shelter for victims of trafficking.
coordinate “through accompanying referred cases with initial information on the personal background of the trafficking, psycho-emotional status, etc...”

We were told that for the exchange of data for statistical purposes there is a model in a Council of Ministers Decision no. 262, dated 12.04.2012 “On the kinds, manner of exchange and processing of information statistical data requested by the Agency and responsible state structures at the central and local level.”

We also found that although for the most part of cases, the exchange of information is done electronically and that there is a specific law on the electronic exchange of data, there is no reference to this law in the NRM or SOPs.

During the collection of information for this evaluation, the Responsible Authority was in the process of drafting its regulation. According to respondents, the regulation includes details for actions and measures to be undertaken by RA members for the exchange of information.

**Recommendations**

- **Determine the degree and kind of information that the prosecutor’s office should share/exchange with service providers to ensure the wellbeing of victims.**

- **Capacity building**

Capacity building in the case of the anti-trafficking mechanism involves a broad array of actions and professions. During the evaluation, we found that actors consistently coordinate with the National Anti-Trafficking Coordinator on capacity building.

The obligation for building capacities is included in the standards of residential care: according to standard no. 6, the structure, number of employees, education and their skills are appropriate for meeting the needs of service beneficiaries, which makes it possible to preserve the quality and effectiveness in offered services. The institution secures continued training and professional growth for its staff.

According to article 38 of law no. 152/2013 “On the civil servant,” the civil servant has the right to improve professional skills through continued training funded by public funds, foreign donors or personal income.

According to article 6, the “Mission” of the law “On the order of social workers in the Republic of Albania” is the competence of the Order to contribute, as an interested party, in cooperation with responsible institutions, to ensure the highest standards and the best practices in education and ethical, professional and scientific training of the social worker and other professions of social work.

We were informed about the several years of contribution by the Trafficking Victims Reintegration Program, supported by the King Boudouin Foundation, to developing the capacities of partner organizations in Albania – Other Vision, Vatra Psycho-Social Center and Different & Equal.

According to respondents, the specific need for training should and could be measured against the implementation of SOPs; however, there is still no structured official assessment of SOP implementation. Respondents also noted that while there are clear references about the obligations of Regional State Social Service Offices, to date, the management of cases in community has been conducted by organizations.

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138 This refers to the State Agency for the Protection of Children’s Rights
139 Law no. 10 273 dated 29.4.2010, On the electronic document, official gazette 58/2010
140 (3.45) How many training programs did you attend last year? (3.46) How many training programs did you organize last year? (3.47) What would you recommend to improve/fulfill this function? (3.48) How many information publications have you collaborated for last year? (3.49) What would you recommend to improve/fulfill this function?
141 Report of the National Anti-Trafficking Coordinator 2014 provides a detailed overview of activities for building the capacities of anti-trafficking actors for the identification, referral and protection of victims of trafficking.
that offer shelter for victims of trafficking – Other Vision, Different & Equal, Vatra Psycho-social Center, which refer to the TVRP.

**Recommendations**

- Structured monitoring of the SOP implementation and evidencing of needs for training;
- Continue coordination by National Coordinator of activities to build actors’ capacities;
- Extend training to staff of Child Protection Units in municipalities and communes;
- Draft procedures to manage cases in communities and respective training;

**Cooperation**

We were informed about the proposal by the National Coordinator to establish a Task Force between the Serious Crimes Prosecutor’s Office, the Serious Crimes Court and the State Police as well as some meetings of the Coordinator with the heads of these institutions in order to improve the investigation and adjudication of trafficking in persons’ cases.

We were also informed about intensified international cooperation: in December 2014, the Interior Minister of the Republic of Albania signed with the UK Minister of Internal Affairs the Memorandum of Understanding “On the intensification of cooperation in the fight against trafficking in human beings on the improvement of identification, notification referral and assisted voluntary return of victims/potential victims of trafficking in human beings” and also in December 2014, an additional protocol was signed in Tirana with the Republic of Montenegro on “The intensification of cooperation in the fight against trafficking in human beings and the improvement of identification, notification, referral and assisted voluntary return of victims/potential victims of trafficking.”

According to the SOP, the employees of diplomatic missions of the Republic of Albania have specific tasks of identification, referral and assistance to Albanian victims of trafficking that are realized through close cooperation with the authorities of the countries of transit or destination. The SOP-s do not yet have specifications regarding the identification by our own diplomatic representations of foreign victims of trafficking who come into contact with them.

According to article 27, item 2, of the Council of Europe Convention, every party should secure that victims of a criminal offense in the territory of a party different from where they live, may submit a complaint to competent authorities of their country. The competent authority the request is filed with, to the extent that it has no competence on this aspect, will convey it without delay to the competent authority of the party in whose territory the offense is committed.

During the evaluation, we were not informed of any case in which such an obligation had been applied.

**Recommendations**

- Increase proactivity of our diplomatic representations to contact and cooperate with the authorities of the countries of destination, transit and origine;
- Explore the legislation and practice to develop a cooperation platform in protection of the rights of the Albanian victims are not identified and assisted as such in the countries of destination and transit;

**Available assistance services**

144 (3.50) How many agreements did you draft last year? (3.51) What would you recommend to improve/fulfill this function? (3.52) What protocols or informal relations of cooperation have you identified as successful? (3.53) What would you recommend to improve/fulfill this function?

145 3.56 Which are the direct services that you may offer for victims in your area? (type of services, deadlines, criteria for admission non-admission, geographical coverage) 3.57 Do you have a list of organizations or professionals who offer services and do you update it and based on what? 3.58 In how many cases have you been able to secure: shelter, free legal aid...? 3.59 What are the difficulties in securing assistance? 3.60 What would you recommend to improve securing assistance?
According to the Council of Europe Convention ratified by Albania, independently from whether the victims are prepared to collaborate in investigations or become witnesses, they have the right to obtain: appropriate and safe shelter, psychological help, material assistance, access to emergency medical treatment, translation and interpretation services, counseling and information, assistance during criminal processes, access to the labor market, professional training and education.146

According to Standards for Social Care Services for Trafficked Persons or at Risk of Being Trafficked in residential centers,147 the residential center provides at least these services: accommodation, shelter, clothes and food; medical assistance; psychological services; legal assistance, occupational activities, professional periodical training, referrals for reintegration, preservation or physical security 24 hours, care, translation for foreign beneficiaries.148

The table below gives in a summarize manner the references in legislation regarding assistance available to informed victims of trafficking.149

<table>
<thead>
<tr>
<th>Kind of available assistance</th>
<th>Specific reference in legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriate and safe shelter</td>
<td>Cooperation agreement for the creation and functioning of the Interactive Coalition of Shelters, in support and protection of victims of trafficking in Albania, February 27, 2008; Standards for social care services for trafficked persons or at risk of being trafficked in residential centers, CMD no. 195, 11.04.2007; Cooperation agreement for the functioning of the national referral mechanism for victims and potential victims of trafficking in persons, June 2012; Social Care Program</td>
</tr>
<tr>
<td>Psychological assistance</td>
<td>Standards for social care services for trafficked persons or at risk of being trafficked in residential centers, CMD no. 195, 11.04.2007</td>
</tr>
<tr>
<td>Material assistance</td>
<td>Council of Ministers Decision “On some changes and additions to decision no. 114, dated 31.01.2007 of the Council of Ministers “On the definition of the level of contributions of persons placed in public social care residential institutions,” December 2014</td>
</tr>
<tr>
<td>Access to emergent treatment</td>
<td>Law no. 108/2014 “On state police”; Cooperation agreement on functioning of the National Referral Mechanism for victims of trafficking and potential victims of trafficking in persons, June 2012</td>
</tr>
<tr>
<td>Translation for foreign victims</td>
<td>DCM No.582, dated 27.7.2011 “For the Approval of Standard Operating Procedures for Identification and Referral of Victims/ Potential Victims of Trafficking”</td>
</tr>
</tbody>
</table>

146 [http://www.coe.int/t/dghl/monitoring/trafficking/Leaflets/Victims/ALB_victims.pdf](http://www.coe.int/t/dghl/monitoring/trafficking/Leaflets/Victims/ALB_victims.pdf)
147 CMD no. 195, date datw 11.04.2007
149 References and practice are detailed below in emergency assistance and reintegration
<table>
<thead>
<tr>
<th>Mechanisms against violence and trafficking</th>
<th>Synergies and synergy developments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legalization of stay/residence permit for foreign victims</td>
<td>Law no. 108/2013 dated 28.3.2013 “On the foreigners”</td>
</tr>
<tr>
<td>Assistance for return to place of origin (foreign and Albanian)</td>
<td>DCM No.582, dated 27.7.2011 “On the Approval of Standard Operating Procedures for Identification and Referral of Victims/ Potential Victims of Trafficking”</td>
</tr>
<tr>
<td>Special assistance for children of victims including custody</td>
<td>DCM No.582, dated 27.7.2011 “For the Approval of Standard Operating Procedures for Identification and Referral of Victims/ Potential Victims of Trafficking”</td>
</tr>
<tr>
<td>Legal assistance during criminal processes</td>
<td>Law 69/2012 “On the pre-university education system in the Republic of Albania”</td>
</tr>
<tr>
<td>Education and professional training</td>
<td>Law 69/2012 “On the pre-university education system in the Republic of Albania”</td>
</tr>
<tr>
<td>Housing</td>
<td>Law no. 9232, dated 13.05.2004 “On social programs for the housing of inhabitants of urban areas”</td>
</tr>
</tbody>
</table>

**Emergency interventions**

According to article 6 “Definitions of the Law No. 108/2014 “On State Police,” “accompaniment” is the sending of the citizen to police premises, in health institutions, rehabilitation centers, to the custodian or responsible person, to the ordering institution or other institutions with or without his/her will, according to definitions made in articles 109 and 122, item 1, of this law.

One of the respondents, responding to the question about physical and human capacities for emergency and longterm interventions to assist victims said that these are “medium” and “poor” respectively. During the evaluation, we were informed of difficulties of police officers and state social service employees for the receipt and treatment of victims at the first moments of meeting them.

_We have problems with where to accommodate them, when we ask them, we can’t even surpass deadlines; we have problems finding immediate shelter for cases of male victims - police officer Cases should not be managed in late night hours- social services provider_  
_Initially, we give them human support, fulfilling the minimal needs that the case may have, such as food, hospital, any kind of need the person may have. Expenses are covered from our pocket and that of police; it’s not like there is a fund for this. I remember when we received a drugged girl who had been caught by police…, she wasn’t from… at all and when they brought her there, she passed out; I’ll never forget_  

150 Official Gazzette no. 48, dated 5 April 2013, Article 33 “Types of Residence permits”, Article 53 “Issuing of residence permits for humanitarian cases”, Article 54 “Issuing of the residence permits for victims of trafficking in human beings”  
151 Official Gazzette no. 48, dated 5 April 2013, Article 33 “Types of Residence permits”, Article 53 “Issuing of residence permits for humanitarian cases”, Article 54 “Issuing of the residence permits for victims of trafficking in human beings”  
152 (4.1) **What are the difficulties/challenges you encounter for emergency interventions? What are your recommendations to improve/facilitate emergency interventions?**
that day – we had to do mouth to mouth resuscitation; then, we carried her to the vehicle to take her for a serum. In fact, the girl hadn’t eaten for three days and then, after taking a serum and everything... In general, the first question we ask is: Do you need water, food, anything else... social service provider

We were informed that for a long time, there has been a discussion about setting up accommodation centers in the north, Shkodër and Kukës, but nothing concrete has been done yet.

None of the respondents provided any information regarding the dispatch of victims to forensic experts.

Recommendations

- Improve victims’ receiving premises;
- Give funds for food and basic needs;
- Include in the practice the evaluation of victim’s harm by a forensic expert.

- Long-term interventions/ reintegration

According to research by Different & Equal, the factors that influence a successful reintegration according to service providers include the family environment and community, cooperation between institutions for the provision of reintegration services, treatment of difficult cases, compatibility of offered services with victims’ needs, information on services, sustainability in funding shelters, education, professional training and employment of victims, psycho-social counseling, financial aid, health services, legal protection. From the perspective of service beneficiaries/ victims of trafficking, the factors with an impact include appropriate and safe shelter, professional situation and employment, education and professional development, economic situation, physical and psychological well-being, safety, social context (family and social relations, access to services and opportunities, perception of successful reintegration and motivation for a better future.)

According to the same research, the cost of integration of an individual victim of trafficking varies from one case to another; the research study estimates that the cost of one case, including direct and indirect costs, goes up to 889,228 Lekë.

According to a study by NEXUS Institute for IOM, there is very little information not only about how trafficking of males occurs and how it is experienced, but also about what may be done in practical terms to address it in terms of prevention, protection and penalization.

In the context of the Reintegration Program for Victims of Trafficking funded by King Baudouin Foundation and Deutche Gesellshaft für Internationale Zusammenarbeit, a conceptual framework and a reintegration practice has been created and implemented in Albania that leads the reintegration work of the organizations Different & Equal, the Vatra Psycho-social Center in Vlorë, and Other Vision in Elbasan.

These organizations offer reintegration assistance for victims of trafficking in three phases: Phase #1: Intervention in a crisis situation and accommodation; Phase #2: Transit phase that includes semi-independent living; and Phase #3: Reintegration and social inclusion. According to one respondent from these organizations: A full package of reintegration services is offered for beneficiaries of the reintegration program, such as: shelter, safety and reintegration plan; immediate medical assistance; negotiation/mediation with the family; psychological evaluation and counseling; legal support and assistance; assistance for registration/continued schooling; professional training; social activities; counseling and

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153 See above at identification
154 Cilat janë nevojat afatgjatë të viktimave që evidentoni gjatë punës tuaj? A mendoni se plotësohen, si dhe pse? Cilat janë rekombandimet tuaja për përmirësimin e përpunshmërisë së nevojave me shërbimet?
155 Different & Equal, Study on the social- economical reintegration of trafficking victims in Albania, June 2009
156 IOM Global Database Thematic Research Series, Trafficking of men- a trend less considered -The case of Belarus and Ukraine, Geneva 2008
157 German Development Cooperation Agency
assistance for employment; financial support for shelter; information on services available in community and necessary contact/map of services; labor programs that create incomes; assistance and support for the children of victims of trafficking; monitoring and following up program beneficiaries. Besides direct assistance with beneficiaries, the organization has worked with and supported the family’s victim – for instance, the children of the beneficiary, assistance for the parent of a minor to find work, family counseling, etc. Services are provided for all cases throughout Albania and there are no limitations by geographic areas. ...We have built a map of services and institutions or other service providers in communities that we give out to all beneficiaries after they come out of the shelter. This map is updated time after time with new services offered in communities.

- **Accommodation/shelter, clothing and food**

Victims of trafficking may be accommodated and receive the services envisioned in the standards in four residential centers: the National Receiving Center for victims of trafficking (NRCVoT), the shelter of the “Vatra” psycho-social center in Vlorë, the Reintegration Center of Different & Equal and the center of the “Other Vision” association.

Admission criteria for victims of trafficking in residential centers have been determined mainly on the basis of SOPs. According to the Council of Ministers Decision of 27.06.2012, “For the definition of criteria and documentation necessary for the admission of persons in residential, public and non-public, institutions of social care,” the initiative for the placement of victims and potential victims of trafficking is undertaken by: a) parents or custodians of the minor; b) the adult person himself/herself; c) State Social Service, at the central and local level; ç) social administrator of the local government unit; d) state police and law enforcement agencies (such as the prosecutor’s office, the court); dh) responsible authority; e) domestic or foreign NPOs; ë) Albanian embassy and consulate of the respective country the victim and potential victim of trafficking comes from. According to this decision, admitted to social care institutions shall be: a) trafficked children or children at risk of being trafficked; b) persons above 18, identified as victims of trafficking or potential victims of trafficking; c) foreign persons, identified as victims of trafficking or potential victims of trafficking. The admission documentation should include: a) statement of admission signed by the beneficiary; b) statement of confidentiality for interpreters (when the victim/potential victim of trafficking is a foreign citizen); c) informed permit for formal interview; ç) format of conclusion of formal interview; d) format of conclusion without a formal interview (for potential victims of trafficking); dh) statement of informed decision for assistance; e) request for social-economic evaluation and the security of voluntary return (for repatriated victims/potential victims); ë) report of evaluation of family situation before the assisted voluntary return; f) process-verbals of referral by the social worker of regional office and the anti-trafficking employee; gj) authorization of parents/custodian for the assisted return of the minor; gj) authorization of parents/custodian for the travel of the minor.

As may be noticed, documentation required by the CMD also includes unnecessary documents for admission in a residential institution, or there are requests for documentation that do not match the referral and identification system defined in the SOP; meanwhile, there are lacking specifications for important documents, such as the RA notification for the identification of the potential victim, the statement of admission of assistance/placement in the institution by the foreign person (or custodian) in a language he/she understands, etc.

*Services are available for all cases referred to our organization. Difficulties are financial ones; there are difficulties with certain services that are lacking in Albania; there is bureaucracy in institutions, mainly state ones, for the provision of certain assistance - social service provider.*

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158 Established by CMD no. 589, date 28.08.2003,
159 Chapter IV: Criteria, documentation and initiative for placement in social care institutions of victims of trafficking and potential victims of trafficking
160 The victim may be placed in a private residential center and assistance organizations as a potential victim and the assistance organizations may simply notify the RA
Lack of opportunities for ensuring long-term accommodation for this vulnerable group; lack of alternatives for long-term accommodation of cases with mental health problems - social service provider

Except for the NCRVoT, which is funded entirely by the state budget, the other three residential centers are funded by foreign donors. In its first and third call for project proposals, the Civil Society Support Agency (CCSA)\textsuperscript{161} invited interested NPOs to submit concept ideas focusing/covering areas of the fight against trafficking in human beings and the treatment of victims, against domestic violence and violence against children. Although it is the primary target of their work and they are known for their contribution against trafficking, none of the NCATC, although they applied in accordance with the rules of calls for proposals, has ever been funded by the CCSA.\textsuperscript{162}

They did not bring me immediately here, they took me first me to another center in another city, where I stayed 10 days and then they brought me in Tirana, they moved me because the center there was closed, there were no funds they told me - victim of trafficking

In 2011, based on earlier changes to the law on economic aid, on law no. 10355, dated 2.12.2010 “On the budget for 2011,” and on the instruction of the Minister of Finance,\textsuperscript{163} the Minister of Social Affairs stipulated the criteria for the use of the undistributed fund of social welfare for 2011.\textsuperscript{164} According to the latter “Support from the undistributed fund of social welfare for unplanned residential or community social services, for children, persons with disabilities, the elderly, youth and women in need, is only used for food, payments and social insurance contributions of professionals that directly provide services for clients, such as: day care center teachers, social workers, psychologists, medical doctors, nurses.”

According to collected information, Vatra Psycho-social Center, Different & Equal, and Other Vision were supported by this fund in 2011 only for food for primary beneficiaries, not for the staff.

According to the report of the National Coordinator, for 2014, the National Center for the Receipt of Victims of Trafficking, received 19 770 000 Lekë from the state budget, the social protection program; social operators “Vatra,” “Different & Equal” and “Other Vision” were allocated the fund (food) of 2 079 000 Lekë.

In December 2014, the Council of Ministers decided to make changes and additions to CMD no. 114, dated 31.1.2007, to change the lives of victims/potential victims of trafficking in public residential institutions. According to the decision, the victims/potential victims of trafficking, as well as victims of domestic violence, who have no incomes and are placed in public residential institutions will receive 3,000 Lekë per month.\textsuperscript{165}

According to respondents, this is a positive step toward ensuring that victims of trafficking may collect money during their stay in the center or use them as they see fit; however, it is a violation of the principle of equal treatment and penalization of decisions of victims of trafficking – it is only received by those victims that choose to stay in a state residential center.

Article 37 of the Anti-mafia law\textsuperscript{166} “Special fund for the prevention of criminality” says that the fund is

\textsuperscript{161} The agency has been established and functions in accordance with law no. 10093, dated 09.03.2009 “On the organization and functioning of the Civil Society Support Agency” http://www.amschc.gov.al/web/thirrje/01/

\textsuperscript{162} In the first call, the selected winner was the Albanian Center for Scientific Social-Economic Research (ACSeR), with the project “Exploitation of victims of trafficking: implications, challenges and saving Albanian victims from slavery,” funded with 3.471.000 Lekë

\textsuperscript{163} No. 4, dated 27.01.2011 “On the implementation of the state budget for 2011”

\textsuperscript{164} Instruction no. 4, dated 2.03.2011

\textsuperscript{165} Council of Ministers Decision “On some changes and additions to decision no. 114, dated 31.01.2007 of the Council of Ministers “On establishing the level of contributions for persons placed in public social care residential institutions,” December 2014

used to: a) improve the functioning of criminal justice, by directing assets administered by the Prosecutor General’s Office and the Ministry of Justice; b) improve preliminary criminal investigations of organized crime and develop programs for witnesses and justice collaborators, by directing assets administered by the ministry covering issues of public order; c) provision of assistance to victims of organized crime and of violence and the encouragement of social programs for these categories, by directing assets under the administration of the ministry that covers social issues. It also says that, aside from central institutions, beneficiaries of funding of projects for the prevention of criminality may be: a) local government units where confiscated immovable properties are located; b) non-profit organizations whose activity covers social, cultural and health rehabilitation of groups in need, especially those affected or endangered by crime, including therapeutic organizations and centers, rehabilitation and re-capacitation centers for users of narcotic substances, as well as rehabilitation centers for victims of trafficking in human beings that carry out such activities in the last three years from the submission of the request.

According to Instruction no. 11, dated 31.3.2015, of the Minister of Finance “On the definition of rules and procedures for the funding of projects by the special fund for the prevention of criminality,” organizations may submit to the Agency for the Administration of Sequestered and Confiscated Assets the request for funding from the Special Fund for the Prevention of Criminality.

According to respondents, the source of support for the rehabilitation of victims may and should be individual remuneration. According to article 58, “The rights of the person harmed by the criminal offense” of the Criminal Procedure Code (CPC), the person harmed by the criminal offenses and its heirs, have the right to request the prosecution of the perpetrator and the remuneration of damages. The damaged person who does not have juridical capacity to act shall exercise the rights recognized by law through his/her legal representative and the damaged person has the right to submit requests to the prosecution body and to request to obtain evidence. When the request is not accepted by the prosecutor, the person shall have the right to file a complaint to the court within 5 days upon receipt of the notification. According to article 61 of the CPC “Civil suit in the criminal process,” the person who has suffered a material damage from the criminal offense or his/her heirs may file a civil lawsuit in the criminal process against the defendant or the civil defendant, to demand the restitution of property and the remuneration of damages. According to article 62 of the CPC, “The deadline for the legitimation of the civil petitioner,” the legitimation of the civil petitioner may be conducted by the prosecution body until the trial hearings have not begun, and the deadline prescribed by paragraph 1 may not be extended. By request of the parties or upon its own initiative, the court may decide to separate the civil suit and send it to the civil court if its adjudication makes difficult or delays the criminal process.

According to respondents, there has only been one case in which the court has decided on remuneration, but this decision is yet to be executed.

• **Medical assistance**

According to information, assistance for health is offered in all residential centers.


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169 Paragraph 1
170 Paragraph 2
171 Paragraph 3
173 Paragraph 1
174 Paragraph 2
175 Paragraph 3
Mechanisms against violence and trafficking
Synergies and synergy developments

insurance also covers the following categories of persons who are economically inactive, whose payment of contributions is covered by the State Budget or other resources prescribed by law: letter “ë” is added following letter “e” and it contains “victims of trafficking, according to identification made by structures of the Ministry of Interior.”

According to respondents, the specification “according to identification made by the Ministry of Interior” has been done without consultation with the RA and providers of residential care services for victims of trafficking and is seen as excluding for potential victims of trafficking/ is not in compliance with the principles and system of identification that has been established in the SOP: 1. Potential victims identified by Agencies/ Institutions Responsible for Initial Identification A/IRII and victims of trafficking identified by the Group/Structure responsible for formal identification, consisting of one state social worker and one police officer should be treated without any difference, and 2. The formal identification of victims is a process assisted and with the involvement of police officers, the state social service and, depending on cases, of organizations that assist victims. However, we were informed that pursuant to the law, the Responsible Authority headed by the Director of the Anti-trafficking Unit at the Ministry of Interior, has collected from service providers a complete list of potential victims/ victims of trafficking who will be provided free health care in the places they live in.

- **Psychological services**

All centers offer psychosocial counseling services. According to all interviewed victims of trafficking, psychological counseling and emotional support along with caring for their children is one of the most important components of assistance.

- **Assistance during criminal processes**

According to the Council of Europe Convention, article 27, item 3, every party, through legislative or other measures, in accordance with conditions envisioned by its domestic legislation, shall ensure any non-government group, foundation, association or organization that seeks to fight the trafficking of human beings or the protection of human rights, the opportunity to assist/support the victim, with her/his approval during the criminal process, with regard to the offense defined according to article 18 of this convention.\(^\text{176}\)

In Albania, victims of human trafficking, has only the position of the witness in criminal proceeding, the prosecution and the judgment authority do not have the obligation to secure him/her a lawyer.\(^\text{177}\)

Decision No.. 330, dated 28.05.2014 “On the adoption of the Roadmap for the priorities recommended by the European Commission, 2013”\(^\text{178}\)provides for the addition of prosecutors in the Serious Crimes Prosecutor’s Office and their training in specific areas.

The staff of the residential centre accompanied me in every meeting: with prosecutors, with police, everywhere- victim of trafficking

- **Legal assistance for civil cases**

On April 1, 2011, the Commission for legal assistance and the Commissioner for Protection from Discrimination signed an agreement that seeks effective protection from discrimination or any other form of behavior that encourages discrimination through the provision of priority legal assistance.\(^\text{179}\)

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176 Law no. 9642, dated 20.11.2006 “On the ratification of the Council of Europe Convention ‘Measures against Trafficking of Human Beings”

177 See also above, under collaboration of the victims

178 Official Gazette no.84, dated 10 June 2014

According to article 13, “Criteria for benefiting legal aid” of law no. 10039, dated 22.12.2008 “On legal aid” amended, victims of domestic violence or victims of trafficking in human beings have the right to benefit legal aid for judicial cases related to them. The table below provides the steps related to the request for legal aid according to the amendments to law 77/2014:

**Article 16, “Submission of the request and documentation to benefit legal aid”**

1. The request for the provision of legal assistance, in the form of representation in court, for a civil or administrative case, should be presented personally by the petitioner or his/her representative, authorized by a legal authorization, to the State Committee for Legal Assistance.

2. Persons who seek to benefit from legal assistance, according to item 1 of this article should prove that they meet one or some of the criteria prescribed in this law, attaching relevant documentation to the request for the provision of legal assistance.

3. Persons who declare that they are included in social protection programs and minors are exempted from the obligation to present accompanying documentation, according to specifications in item 2 of this article. In this case, the State Committee for Legal Assistance collaborates with responsible institutions to secure necessary documentation.

4. The request to provide legal assistance, in the form of exemption from the tax on acts, as well as of expenses necessary for notifications or other judicial services, should be presented personally by the petitioner or his/her representative, who has a legal authorization. The request for the provision of legal assistance in other forms, envisioned in article 12 of this law is not subjected to any form. It may be presented even verbally to the person authorized for the provision of legal assistance or for assigning the provider of this assistance.

5. In cases when the provision of legal assistance is an emergency, verification whether criteria are met may be done at a later moment and the legal assistance is provided immediately. The person benefiting legal assistance, according to this provision, has the obligations envisioned in article 16/1 and in article 14 of the law. The State Committee for Legal Assistance is tasked with determining on a case-by-case basis the conditions of emergency.

6. The request form, accompanying documents and detailed regulations, pursuant to the above items of this provision, shall be established by the State Committee for Legal Assistance.

Change the Criminal Procedure Code to improve access to justice for victims of trafficking is foreseen in DCM. 330, dated 28.05.2014 “On the adoption of the Roadmap for the priorities recommended by the European Commission, 2013”.

The DCM No.330, dated 28.05.2014 “On the adoption of the Roadmap for the priorities recommended by the European Commission, 2013” foresees also the approval of the amendments in Law No. 10039, dated 22.12.2008 “On legal assistance”, as amended, in order to increase transparency, efficiency, objectivity and trust in the legal aid system, as well as resolving problems encountered during implementation.

- **Financial assistance**

According to article 5 of law no. 10 399, dated 17.3.2011 “On some changes and additions to law no. 9355, dated 10.3.2005 “On social assistance and services,” beneficiaries of financial aid shall be: 1.

180 Victims are included through amendments by law 143/2013

181 According to article 16/1, the person who benefits legal assistance has the obligation to collaborate with the State Commission for Legal Assistance, provide truthful information, for which legal assistance has been requested, and ensure in a timely manner any information on the circumstances and conditions that have changed the cause for the provision of assistance. 2. Failure to comply with item 6 of this article by the person receiving legal assistance for civil or administrative cases is a cause for immediate interruption of such legal assistance.

182 Official Gazette no.84, dated 10 June 2014

183 Official Gazette no.84, dated 10 June 2014
Children in need; 2. Orphans who are not in institutions; 3. Parents with more than 2 children born at the same time, belonging to families in need; 4. Victims of trafficking, upon exit from social care institutions until the moment of their employment; 5. Victims of domestic violence, for the period of validity of the protection order or the immediate protection order.” As may be noticed, according to this law, for victims of trafficking, access to “financial aid” is conditioned by the stay in social care institutions.

**Assistance for return**

Article 16 of the Council of Europe Convention “Repatriation and Return of Victims” requires that every party/state approve legislative or other measures to create repatriation programs.

SOPs provide a detailed description of the steps to be followed and the resources to be used for voluntary return assistance to victims in Albania or in the country of origin.

According to the Law on Foreigners, Article 108 “voluntary execution of the removal order” the Responsible local authority for border and migration gives priority to the victims' voluntary execution of the order to return their country of origine. According to informants of the evaluation, return of Albanian victims of trafficking is a process, in which the state does not contribute financially, and as for the return of foreign victims, in those very few cases, the financial contribution has come from the IOM, after a long process of verification and procedures.

According to the Strategy for the Fight against Trafficking in Persons and the Action Plan 2014-2017 “The return from abroad and assistance for reintegration of Albanian citizens who have been trafficked, identified or unidentified as victims of trafficking, also represents an issue that is to be addressed, first as a humanitarian challenge to enable victims to rebuild their lives and reintegrate in society, but also to prevent their re-trafficking or that trafficked persons become traffickers, a phenomenon that is still present.”

**Professional training**

According to the National Employment Service, in line with an order of the Minister of SWY, the categories that benefit free of charge professional courses from the Regional Public Vocational Training Directorates are unemployed job seekers registered in the employment offices that include: members of Roma community, trafficked girls and women, persons who have suffered imprisonment, orphans issued this status, persons with disabilities, and returning migrants with economic problems.

**Employment**

According to a research study of Different & Equal, organizations in Italy offered as a good practice for the reintegration of victims the generation of incomes realized mainly through the establishment of social businesses.

According of the D&E research, it is indispensable to conduct inspections to see whether the private business makes any attempts to unjustly exploit the work of girls and children.

**Housing**

Victims of trafficking may not benefit directly/nominally from social programs. According to article 5 “Criteria for selecting beneficiaries” of the law no. 9232, dated 13.05.2004 “On social housing programs”

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184 Law No.108/2013, datw 28.03.2013 “ On the foreigners”, Official Gazette No. 48, 5 April 2013
185 http://www.kerkojpune.gov.al/kurse-profesionale/
186 Different & Equal, Study on social economic reintegration of victims of trafficking in Albania, June 2009
187 Different & Equal, Study on social economic reintegration of victims of trafficking in Albania, June 2009
amended, the selection of benefiting families is done according to a point system, that evaluates: a) conditions of housing, based on which priority is given to families that: i) do not possess a house; ii) live in houses that risk collapsing, iii) live in overcrowded houses, according to definitions and norms in force, iv) are left or risk to be left homeless, as a result of natural disasters or the execution of a judicial ruling. B) family conditions on the basis of which priority is given the following cases: i) single parent families that have child responsibilities; ii) the elderly who have reached the pension age and are no selected for housing in public social care institutions; iii) families with more than four children; iv) young couples of a total age up to 60 years; c) Social conditions, on the basis of which priority is given to the following cases: i) persons with disabilities according to definitions by decision of the Council of Ministers for these categories, ii) persons who have the status of orphans from the moment of exit from social care centers until 30 years of age, iii) returned emigrant, emigrant worker, iv) families of police fallen on the line of duty; v) victims of domestic violence.

The long-term needs of victims of trafficking include: housing, care services for their children, provision of alternatives for victims with mental health problems, foster care for minor victims, mentoring, compensation and in some cases health care. Long-term housing remains a major problem.

Recommendations

- Review CMD 425 to harmonize it with SOP duties, to fix terminology/ exclude persons at risk of being trafficked, specify requirements for documentation, non-discrimination on the basis of selection of institution, public or private, inclusion of acceptance statement in the language of the victim;
- Review of SOP to include all aspects of socio-economic re/integration, as part of the overall review of the current SOPs provided in the Strategy against trafficking and other actions envisaged in the draft National Action Plan for Social and Economic Empowerment of the Victims;
- Non-conditioning of the economic aid of victim with the stay in residential centres;
- Non-discrimination of the victim based on his/her choice to be assisted in a state or nfp organization.

D.2 Synergies between needs and measures and services in the mechanism against domestic violence and recommendations

- General opinion on the functioning of the mechanism against violence

The National Mechanism against Violence involves cooperation at three levels: 1. between central government institutions, 2. Between central government institutions and local government institutions, and 3. Between central and local government institutions and independent institutions and civil society organizations. According to respondents, “there is one central mechanism and as many local mechanisms as there are local government units” or “there is only mechanism at the local level.” The basis for interaction is the law no. 9669, dated 18.12.2006 “On measures against violence in family relations” and the Council of Ministers Decision no. 334, dated 17.2.2011 “On the mechanism of coordination of work for the referral of domestic violence cases and its proceedings.” The law and the CMD focus on referral and protection of victims of domestic violence; in 2012, the Criminal Code saw the addition of article 130/a “Domestic violence,” which was amended by law 133/2013, dated 2.5.2013, article 33 focused on the punishment of violators.
By law, the Main Responsible Authority for the implementation of its provisions is the Ministry of Labor, Social Affairs and Equal Opportunities\(^\text{193}\) and other Responsible Authorities are: local government units, Ministry of Interior, Ministry of health, Ministry of Justice and the Ministry of Education and Science.\(^\text{194}\)

The main responsibilities of the Main Responsible Authority include: a) drafting and implementation of national strategies and programs in the area of protection of and care for victims of domestic violence; b) funding or co-funding projects that seek to protect and consolidate the family and care toward victims of domestic violence; c) supporting the establishment of support structures and the entire necessary infrastructure for meeting all needs of persons violated in family relations, including financial assistance and medical and social services, per legislation in force; ç) organization of training courses about domestic violence with social service employees attached to every local government unit, public order police structures and employees of NPOs licensed to provide social services; d) maintenance of statistical data on the level of domestic violence; dh) support and oversight of the creation of rehabilitation centers for victims of domestic violence; e) support and oversight of the establishment of rehabilitation centers for those causing domestic violence; ē) licensing of different NPOs that will provide social services for victims and violators; f) taking of measures to educate the new generation with the mentality and rules of good conduct and prohibition of domestic violence; g) taking of measures to create centers for raising children who have been violated or when their parents commit acts of violence against one another; gj) establishment of a national social care service center for victims of domestic violence.

The main responsibilities of the Ministry of Interior include: a. creation of special sectors for the prevention of and fight against domestic violence at police directories; b. training of police officers that will address domestic violence cases.

Pursuant to the law, the Department for Public Safety, which supervises the Directory of Order and Public Safety, which includes the Sector for Protection of Minors and Domestic Violence, has been established at the General Directory of State Police. The sector defines and follows measures that State Police should undertake for the prevention and reduction of domestic violence and the treatment of its victims, based on an analysis of the situation and collected statistical data. In order to develop common analyses, training of police officers, the prevention and reduction of domestic violence, treatment of domestic violence cases, the Sector collaborates with other sectors such as in the Ministry of Social Welfare and youth, the Ministry of Justice, the Ministry of Health, and different organizations that address cases of domestic violence and their victims.

At the county level, in Police Directories, this is covered by a specialist who follows and coordinates the work of the police commissariat with regard to issues of criminal offenses related to domestic violence in the county. The specialist plays the role of liaison between commissariats for handling criminal offenses that have to do with domestic violence and informs the Sector for the protection of minors and domestic violence in the Directory of Order and Security in the Public Safety Department. The specialist collaborates with local health, education, local government, prosecution and court bodies, as well as with NPOs operating in their territories for conducting analyses, holding meetings and undertaking joint actions for one purpose – prevention and reduction of domestic violence, treatment of domestic violence cases at the regional level.

The main responsibilities of the Ministry of Health, according to the law, are to create the proper cohabitant or former cohabitant, kin or in-law of the perpetrator of the criminal offense, leading to the violation of the physical, psychosocial and economic harm is punishable by up to two years of imprisonment. Serious threats of murder or serious injury against the person who is a spouse, former spouse, cohabitant or former cohabitant, kin or in-law of the perpetrator of the criminal offense, leading to the violation of his psychological integrity, is punishable by up to three years of imprisonment. Intentional injury against the person who is a spouse, former spouse, cohabitant or former cohabitant, kin or in-law of the perpetrator of the criminal offense who has caused temporary incapacitation for work of longer than nine days is punishable by up to five years of imprisonment. The same offenses, committed in a repeated manner or in the presence of children are punishable by one up to five years of imprisonment”

\(^{193}\) Now Ministry of Social Welfare and Youth

\(^{194}\) Law on domestic violence
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capacities for offering medical assistance for domestic violence in emergency services and in health centers in municipalities and communes: a) to provide at every time medical and psychological assistance for domestic violence victims; b) to conduct at any time necessary examinations in relevant public health institutions; c) to highlight domestic violence cases in relevant medical documentation approved by the Ministry of Health; ç) to equip the victim with the relevant medical report; d) to refer and guide the victim to other support and protection services against domestic violence.

By law, the responsibilities of the Ministry of Justice are: a) train forensic experts to recognize, diagnose, asses and report domestic violence and acts of violence against children; b) train bailiffs in their duty to execute protection orders immediately, ensure their implementation in accordance with article 23, item 6 of the law and to undertake all relevant actions; c) fund free legal defense according to prescriptions of the law and secure a given number of trained lawyers who could provide such assistance.

By law, the Ministry of Education: a) drafts school curricula for middle and higher education institutions on rules of conduct in families; b) drafts school texts and other complementary materials to educate students with the mentality of prohibiting violence in family relations.

According to the law in question, local government bodies have the duty to: a) engage in creating social service structures for domestic violence cases; b) establish a 24-hour hotline that will then create connections with local units, police, medical emergencies, and NPOs thus enacting coordination among them; c) establish social and rehabilitation centers for victims and violators and coordinate work with existing ones, giving priority to specialized centers in relevant areas.

The second National Strategy on Gender Equality, Reduction of Gender-Based Violence and Domestic Violence for 2011-2015 and its action plan were drafted during 2010. The strategy sought the continuation of efforts and initiatives undertaken during the implementation of the first national strategy for gender equality and domestic violence 2007-2010 and those of the UN Joint Program for Gender Equality. The implementation of the strategy was expected to generate further improvement of the legal framework on gender-based violence with harsher punishing measures for these acts of violence, as well as the improvement of capacities of public authorities and justice bodies to improve their reactions toward highlighted cases of gender-based violence and domestic violence. According to respondents, many of the measures envisioned in the strategy have been implemented.

According to CMD no. 334, the Mechanism for the coordination of work to refer domestic violence cases consists of: a) steering committees for the coordination of the activity of responsible authorities at the local level, and the referral of domestic violence cases; b) technical multi-disciplinary teams; c) local coordinators for the referral of domestic violence cases.

During the discussion of the draft methodology, one of the participants suggested that one of the main indicators for the measurement of the functioning of mechanisms is the number of cases that mechanisms identify and assist and, according to the European Commission Progress Report, the reported number of domestic violence cases has increased.195

In her remarks to the Parliamentary Sub-Committee on Issues of Minors, Gender Equality and Domestic Violence, the director of the State Social Service Ms. Etleva Bisha raised the issue of the functioning of the mechanism: "The functioning of the mechanism for the referral of domestic violence cases is essential. This mechanism is entirely local and unfortunately functions in very few cases. It is evident from the lack of coordinated local reaction even in cases coming to the National Center and in the fact that during 2014, the Social Service itself has managed 125 domestic violence cases, precisely because local reaction was lacking."

Different respondents provided these clarifications about their opinions:

The mechanism of violence at the central level is actually functional, in the sense that it has been reorganized; the National Gender Equality Council was set up and that is the highest advisory body on gender equality and violence; contact points have been established in all ministries, in the Prime Minister’s office and in the public administration department, so, at the central level, this is reorganized. With regard to the local government, understandably the mechanism is generally at the local government; it is set up and headed by mayors and this mostly has to do with the awareness of these mayors, the role they have and the obligation after all, according to law, for violence victims. We have mechanisms that function very well. Understandably, the mechanisms that function very well are those mechanisms that have seen most support from the central government and international bodies, in this case UNDP. There are other mechanisms that started off well and continued as long as a pilot project lasted, but then vanished as soon as the project concluded. There are also efforts of other new mechanisms to create or re-get a handle of things. Specialist of monitoring & policy drafting

This mechanism needs improvements. It is inexistent in the outskirts of our county. The lack of services at the local level, the lack of emergency centers, the lack of financial means to support domestic violence victims or witnesses cause a lot of difficulty in supporting them. - police officer

The Steering Committee against Domestic Violence has been established in the municipality and it functions regularly, but the mechanism for the referral of cases is still a challenge as not all actors are involved or undertake their respective responsibilities. - police officer

The local government should take more responsibilities; it has been passive in this regard to date; with the new territorial division, we hope it will assume more responsibilities. - police officer

The mechanism for the referral of violence functions but it is a fragile mechanism that needs to be strengthened. The main burden in this mechanism is left on 2-3 actors and the rest are passive. The police, social service and less so the other actors. There is a need for all actors to take equal responsibilities. - police officer

The way the mechanism functions is very good; we have had no problems so far. There should be more awareness though as on the basis of that citizens’ awareness, sensitization and trust in the police, reporting of cases to the police has increased. - police officer

The mechanism for violence exists and functions. The challenge for the future remains the identification of problems as early as possible and the prevention of acts of violence. – social service provider

These cases are sent to the police gates. In fact, to treat violence cases, we should have the engagement of local government offices, the court, the prosecutor’s office, different NPOs; all these should engage on the basis of the current law as actors to follow the cases. - police officer

The mechanism is very important in the coordination, management and possibly the fast and efficient solution of violence cases and the coordination of work between the members of the technical multi-disciplinary group. Often, some key actors do not participate in the meetings of the technical group and the frequent replacement of specialists makes group work challenging. - social service provider

For the multi-disciplinary group, rotation is a major problem because specialists of institutions are the ones that make up the technical group. For instance, at the end of 2013 and the beginning of 2014, the mechanism in Tirana could not meet because the employment office did not have anyone, the educational directory did not send anyone, people in the police were changed 2-3 times…” - social service provider

- Types of violence most probable to be identified or left out of identification and the reasons
The forms of domestic violence, according to INSTAT Albania,\(^\text{197}\) include emotional abuse, psychological abuse, physical violence, sexual violence. Emotional abuse—destroying the feeling of self-esteem and/or self-confidence of an individual. This may include constant criticism, humiliation, scorn of a person's skills, name-calling, degradation, harming someone's relations with his/her children. Psychological abuse—causing fear through scare, threat of physical harm to self, partner, children or family of partner or friends; threat of abandonment, killing of pets and destruction of property, threats of taking custody of children, violent isolation from family, friends, school and/or work and denial of opportunity for money or economic support. Physical violence—involves but is not limited to: scratching, pushing, hitting, grabbing, beating, asphyxiating, pinching, poking, hair-pulling, arm-twisting, slapping, burning, cutting and suffocating. Physical violence may involve the use of the physical size and strength of a person, coercion or guns (e.g. handgun, knife or other object) to obtain and preserve control over the other person. Physical violence often causes some forms of harm or injury and may even cause death. Sexual violence—involves the imposition, forcing or attempt to force sexual contact or behavior without the person's consent. Sexual abuse includes but is not limited to marital rape, assaults on sexual parts of the body, forcing to have sex after the use of physical violence or the treatment of the person in a sexually humiliating manner. Sexual abuse is committed by intimate partners and family members within the marriage context, love and family relationships. Types of domestic violence against children by a family member according to INSTAT Albania\(^\text{198}\) include physical violence: hitting with items, slapping, punching, kicking, burning by cigarette or something else, and Psychological abuse: threat by weapon or knife.

Also according to INSTAT Albania,\(^\text{199}\) the types of domestic violence against women by the husband/intimate partner are: emotional abuse: jealousy or anger if you’re seen speaking to other men; accuses you of betrayal; doubts your loyalty to him; shouts and offends you; says or does things to humiliate you before others; ignores you; speaks to you in a way to make you feel bad or worthless. Psychological abuse: does not give you money; does not allow you to see your friends; limits your contact with your family; insists to know where you are at all times.

In their research study, Luarasi et al.(2013) note that there is no exception of persons who fall pretty to domestic violence on the basis of education, social status, etc. In their opinion, victims of violence are “...women and girls of all ages, social and educational groups or different professions.”\(^\text{200}\) According to L. Rama, the conclusion of the project “Development of a sustainable system for addressing violence toward women” showed that about 60% of women surveyed in Albania reported that they experienced violence in their life. According to a study conducted with INSTAT in 2013, 6.9% of women reported to have been physically violated by other family members since they were 15.\(^\text{201}\)

According to the General Directory of Police, the age of domestic violence victims varies from children to the elderly. The most affected areas are: Tirana, with 1/3\(^\text{rd}\) of reported cases, because of the concentration of population, and then Durrës and Korçë in terms of reports. According to this source, Dibër, Gjirokastër and Kukës have the lowest number of reporting, not because there is no violence, but because of the mentality to not report.\(^\text{202}\) 192 repeated cases came to re-report only during the first six months of 2014.\(^\text{203}\)

We were informed by specialists of the Protection of Minors & Domestic Violence in the police directories of the districts of Tirana, Elbasan, Fier, Gjirokastër, Korçë, Kukës, Lezhë and Vlorë. The number of cases

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\(^\text{200}\) Luarasi et al (2013) Research on victims of domestic violence and sexual assaults

\(^\text{201}\) Harr (2013) Domestic violence in Albania, National population-based review, 2013

\(^\text{202}\) “Pasdite në Top Channel,” November 25, 2014, Silvana Alimadhi

\(^\text{203}\) “Pasdite në Top Channel,” November 25, 2014, Silvana Alimadhi
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Information obtained from this source is presented in the table below:

<table>
<thead>
<tr>
<th>County</th>
<th>Main/Prevailing ages of violated persons</th>
<th>Sex</th>
<th>Place of residence</th>
<th>Most frequent type of violence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tiranë</td>
<td>30-35</td>
<td>Female</td>
<td>Tiranë</td>
<td>Physical and psychological</td>
</tr>
<tr>
<td>Elbasan</td>
<td>30-50</td>
<td>Female in 169 of 271</td>
<td>In the city in 117 of 271</td>
<td>Physical and psychological</td>
</tr>
<tr>
<td>Fier</td>
<td>Above 18</td>
<td>Over 50% female</td>
<td>Mainly in rural areas</td>
<td>Physical accompanied by psychological</td>
</tr>
<tr>
<td>Gjirokastër</td>
<td>Only one case under 18</td>
<td>Female in 70 of 93</td>
<td>In the villages in 10 of 93</td>
<td>Physical and psychological</td>
</tr>
<tr>
<td>Korçë</td>
<td>25-50</td>
<td>362 injured females and 141 injured males</td>
<td>280 injured in the city and 223 injured in villages</td>
<td>Physical and psychological</td>
</tr>
<tr>
<td>Kukës</td>
<td>30-50</td>
<td>Females in 63 or 66</td>
<td>20 in the city</td>
<td>Physical and psychological</td>
</tr>
<tr>
<td>Lezhë</td>
<td>Over 25</td>
<td>90% female</td>
<td>60% in the village</td>
<td>Physical and psychological</td>
</tr>
<tr>
<td>Vlorë</td>
<td>25-40</td>
<td>Female</td>
<td>City</td>
<td>Physical and psychological</td>
</tr>
</tbody>
</table>

In monitoring judicial decisions, the AWEN network found that the police rank first as the institution where domestic violence victims report the violence. According to the report, the reasons are first, although there are cases of non-profit organization advocates raising concerns about the effective reaction of police toward domestic violence cases, there appears to be an increased trust of communities in police, especially among domestic violence victims; second, this body continues to be perceived by victims as the body that provides security for the domestic violence victim during the judicial process for the review of the request to issue a IPO/PO and its execution; third, the police enables evidence for the violence experienced by the victim by facilitating the process of proving it in court, in cases of issuance of the IPO/PO.205

The review of documents and interviews included the topic of specific categories most likely to be left out of identification and assistance and the reasons.206

The review of documents suggested that males might be a category that is left out of identification. According to a 2010 study in the United States (US), by Centers for Disease Control and the Department of Justice, in the 12 months before the research, more men than women had been victims of physical violence by an intimate partner and over 40% of serious physical violence was on males.207

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204 This figure does not represent the entire county, but the cases followed directly by the county police directory specialist; other specialists inform on cases in which they have coordinated and supported cases directed to district commissariats.


206 1.6 Which are the categories most likely to be left out of identification and assistance and why? And 3.17 What are the difficulties of identifying a victim of violence, trafficking?

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study\textsuperscript{208} found that more than 1 in 3 women (35.6\%) and more than 1 in 4 men (28.5\%) have experienced rape, physical violence, and/or stalking\textsuperscript{209} by an intimate partner during their lives.

An increase in the number of males suffering domestic violence and brought under protection from state institutions is also noticed in neighboring countries.\textsuperscript{210}

The comparison of figures of persons injured by criminal offenses in Albania\textsuperscript{211} suggests that through the years, the number of males injured by domestic violence is about 3 to 5 times lower than the number of females, but it is constantly rising. Thus, in 2010, there were 1660 injured females and 338 injured males; in 2011, there were 1779 injured females and 402 injured males; in 2012, there were 2036 injured females and 490 injured males; in 2013, there were 2346 injured females and 674 injured males.

According to respondents, the cause for such a figure and rise and the profile of violators have not been studied yet, but as in the case of females, there may be an increase in reporting because of higher awareness and provided protection. According to researcher Fatos Tarifa, “until now, or until a few years ago, the prevailing mentality in the Albanian society was the one that the woman was a sexual object for the man, worthy only of fulfilling his desires and such a mentality has lost a lot of terrain in our days: the society is undergoing profound and fast transformation, which does not spare any kind of social relationship or field of life, nor family relations, including the most intimate ones, nor sexual ethics and behavior of today’s Albanians.”\textsuperscript{212}

According to local coordinators, there is a scarce number of males violated by females and encounters more situations of other males being the violators:

“I have had violated males, but there are few ones who are violated by women. Usually, when an immediate protection order is issued, it has to do with a conflict between two brothers, a father and a son, i.e. family relations rather than intimate partners.”

We were also informed of cases when males have received the protection order although they have never been violated by women, but simply as a countermeasure or to further violate the victim.

We have cases of violated women, kicked out of the house, and the husband has requested protection against her; the court issued the protection order for a violated woman. (social service provider)

According to the AWEN report,\textsuperscript{213} “the monitoring of judicial decisions on the issuance of IPO/PO in judicial district courts indicates an increase in the number of cases of violence between parents and children, as well as parents and daughters in law.”

According to respondents, the number of male victims of domestic violence may be higher but their reporting of violence is low because of the mentality.

“Of course there are many more males who are violated by women but because of the mentality, they are ashamed because a male is a male; he’s the stronger sex and the female is the weaker sex; they don’t want to appear inferior in the eyes of others; it happens within their home walls and they don’t report it” - local coordinator

\textsuperscript{209} stalking
\textsuperscript{210} http://www.ina-online.net/index.php?news=19512?print&&&&output_type=txt.
\textsuperscript{211} Data obtained from “Females and Males in Albania 2014,” primary source, General Directory of State Police
\textsuperscript{212} http://www.gazetadita.al/dhuna-ne-familje-seksi-dhe-ndryshimi-social/ posted on July 20, 2013
“The male category is less affected by the phenomenon of violence and maybe this category is withdrawn and remains silent sometimes, but specialists of local institutions have never neglected providing relevant assistance.” - local coordinator

The categories most mentioned by officers of the police sector against domestic violence and the protection of minors in the districts are Roma families, Egyptian families and children from divorced families. One of the employees says that the reasons behind the Roma community are “the conditions they live in and non-cooperation with police.”

In terms of age, we were informed that women after the first 10 years of marriage are usually left out of identification/reporting:

“Women who seek more assistance are women in their first 10 years of marriage. Then, they either get used and survive or we have to do with the age group that has not been caught by the sensitization and awareness and they just live with it.” – social service provider

“I was afraid of marriage, I would say better not marry, my father mistreated my mother and my brothers did not respond, my parents had had that relationship ever since they were married, had become normal” - survivors of domestic violence

With regard to types of violence that police officers mention as remaining unidentified are psychological violence, sexual violence and economic violence. In most cases, employees link the difficulty of identification with the difficulty “to prove this kind of violence.” In their opinion, psychological violence is more difficult to identify because: “forms of violence are not direct and are more difficult to report;” “assistance for those is more difficult.” Sexual violence is unidentified because “the abused persons find it more difficult to report this kind of abuse, shut down, feel or have been threatened in different forms, etc.”

According to social service providers, sexual violence is difficult to identify/report especially among married women.

“Married women, women in formal relations, do not admit having experienced sexual abuse, no way.”

In their opinion, economic violence is the least mentioned and is only encountered when the physically violated woman walks out of the house:

“In our days, economic violence has been added; we don’t mention it much but we have women who have contributed even 20 years to the family and they get out with nothing in their pocket, nothing to buy anything, not even personal items.”

Non-reporting of violence by victims and the social circles around him/her is an issue that has been often addressed in research studies. According to Haarr (2013), Albanians are inclined to view domestic violence a private, family issue and a normal part of marital and family life. Since domestic violence often takes place behind closed doors and is not discussed, admitted or addressed openly in the Albanian society, victims usually suffer in silence. According to the same author, domestic violence toward women is not a new phenomenon in Albania; it is deeply rooted back in patriarchal traditions and customs (e.g., rigid gender roles and identities, patriarchal authority, respect for the code of honor and of shame, and control of several generations within the family) that have shaped the Albanian society for a long time and the forty years of communist regime in Albania did not entirely eliminate these deeply rooted patriarchal attitudes, including even those linked with the Kanun of Lek Dukagjini, which was used in some areas of Albania. In fact, men and women in some areas of Albania still refer to the Kanun to explain attitudes and views on gender roles and patriarchal authority, including the right of the husband to “punish” the wife, who is considered his property.215

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214 No physical violence “All cases reported as physical violence are accompanied by psychological violence”
In the “Study on victims of the crime of domestic violence and sexual assault”\textsuperscript{216} it is found that there is a banalization of the phenomenon of violence in the society, including what is called domestic violence. According to the research, the banalization of the phenomenon of violence indicates the collective belief that the violence is an inevitable companion of society. According to the research, acceptance of the fatality of violence in the society not only increases its presence in the family, but also considerably reduces the degree of its public reporting and resistance to domestic violence phenomena.

In the manual of the Gender Alliance for Development Center, the reasons for the reporting /non-reporting of violence are related both to the victim’s position and to the positioning of the system/responsible authorities: “In many cases, violence is not reported and the reasons for not reporting violence vary, such as: fear of victims from the potential increase of violence or other consequences because of retaliation; feeling powerless to correct the situation and secure their own and their children’s future; lack of trust mainly in responsible structures such as courts; insecurity for the preservation of confidentiality by referral structures; feelings of shame related to dignity and reputation in the society and the extended family; denial of violence by the victim, psychological dependence and feelings of love for the violator; society’s archaic mentality that often accepts violence as a given in marital relations, etc.”\textsuperscript{217}

According to respondents, the difficulties of identification, and as a result leaving out of assistance different categories related to the way the mechanism is set up and functions; these may be classified into: a) setup of mechanisms and projects only in cities/ urban centers and b) reactive rather than proactive attitude of institutions/ self-reporting of violence by the victim, c) the position/ assistance that the mechanism provides to the victim during and after the reporting.

a) establishment of mechanisms and projects only in the cities/ urban centers

According to L. Rama, “the phenomenon of violence is mainly rural but is also encountered in urban areas; however, projects, for the sake of truth, are almost entirely focused on urban areas and that is one of the main problems, related also to the lack of funds. This is the reason we think the project needs to be reframed to become appropriate for replication in all the new local units that will be created.”\textsuperscript{218}

b) reactive rather than proactive attitude of institutions – self-reporting of violence by the victim

According to an interviewee from the group of policy drafters and monitoring, “it is not possible to identify them all; that would be utopia and I think so for many reasons. First, because the society is not yet made aware to that degree as to understand that according to the law, you are allowed to report it if you hear your neighbor using violence in his family and the police to take its steps. In the case of Fier, with the man killing his wife as soon as he came out of prison, nobody knew because she was isolated. There is nobody to blame because the case had never been reported to police or to the social coordinator of the municipality she lived in. In that case, it was the obligation of her family members or the community that knew her, an obligation of the links in the chain of the actors; for instance, one of the children was problematic: if the school psychologist, the teacher, had begun to function... The school psychologist or social worker or a teacher could tell from a child if there is violence in the family. A professional has many ways of telling, whether the child says it or not.”

“I didn’t speak out; I was shut to myself, isolated; how can anyone know if I don’t speak out? I really had a trouble and wanted great help but when nobody knew... maybe they knew from afar, like, he doesn’t let his wife out; they don’t treat wives well. I was there together with my brother in law, we were two in laws; the brother in law did the same thing. When you don’t speak out, you’ll put up with it. If someone else


\textsuperscript{217} Gender Alliance for Development Center, Manual, How to respond to gender violence, with special focus on Albanian State Police on the basis of the law on measures... http://www.cp-project.al/wp-content/uploads/2014/01/MANU-ALI_GADC.pdf

\textsuperscript{218} http://www.kohajone.org/index.php/aktualitet/item/2635-linda-rama-shqiperia-ka-njohur-regres-ne-dhunen-ndaj-grave
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doesn’t want his own life, why should I interfere? He was like a savage man, you know, got angry... he set the rules from the start, you won’t go there, you won’t speak to this guy. There’s also our mentality, that is, for the sake of the world, why should I get separated for little things; I’ll put up with it, we’ll have kids, maybe he’ll change; he didn’t change, he got worse. He kept me locked and I would not go anywhere, not even for groceries.”—domestic violence survivor

After a big fight, police came to our home notified by neighbors. I couldn’t take it anymore; I tried to leave with the daughter and he’d drag me on the stairs. Even when police showed up, he didn’t want to let me go.”— domestic violence survivor

There’s a difference with the victim of trafficking. Violence victims will show up themselves for assistance; we don’t go out for identification. We receive their requests for assistance. —social service provider

c) position/assistance that the mechanism provides to the victim during and after the reporting.

When you tell her, let me accompany you to the police commissariat, let’s fill out the lawsuit, the neighborhood inspector knows people here; some do cheat; you explain to her that police will do this and the court will do that, “no, no, I won’t send my husband to jail” —local coordinator

According to respondents, in most cases violence is generated by difficult economic situations and the economic and housing situation of victims mostly worsens rather than improves after identification.

What do you do to a woman who is on the street with her children? ...Ok, we give her the emotional, psychological, health, and professional training part... As far as the labor market, to be frank, we lie to ourselves because when a woman walks out of the center, she works in the dark and does so with an extremely low salary. If she wants to be far from the abuser, she’ll need to go rent a house in Tiranë, and even if it is in the farthest corner of the city, it is going to cost 20,000 Lekë, which is what her monthly salary is... It is a problem; we have scarce resources for services. —social service provider

I stayed together with my daughter for two days in the police station. That detention room seemed the safest place in the world in those moments. The police called my father and brother who promised to take me with them; but the moment we walked out of the police station, they started all over again – go back as we can’t bring you home; we’re ashamed, etc. There was no way I could agree; if I went back, he’d kill me. I stayed for a few days at my aunt’s house and then police sent me to “…who accommodated for three days at their center and sent me to the shelter of violated women in Tirana. —domestic violence victim

I went to the police because I had heard from some women that there’s a center that keeps girls; I said I want to go to a center because I have problems at home and they asked why I hadn’t gone to my city in X. I said I didn’t because I had no trust. There were some there who knew my uncle and they said, stay here and we will accommodate you and I said I wanted to speak to their boss. That night I slept at the police commissariat. The next day, this woman chief showed up and I said I want to speak to the boss, I want to make a statement; they said this and that. When I began to raise my voice, they put me in a cell. They knew my uncle so they said I had to go back home to my family; they thought, she’s fourteen, who knows what it is, maybe she’s lying, what do I know... I went there by myself; all I wanted to do was a statement but they wouldn’t let me; I raised my voice about it and it was thrown in a cell. Only some police officers asked, informally, why I wouldn’t go home, but not a statement as I know what that is. I told them what had happened with my father and brother and again they wouldn’t... They knew people, knew my uncle; one of the police officers knew him, was friends with him. —domestic violence survivor

“There are cases when the women file the report and the police officer tells them – let’s go together to your husband... She comes here and it’s dangerous but she won’t file a report because she thinks, for instance, if I go to police, they’ll make fun of me, they’ll tell my husband, especially in small areas”—social service provider
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Recommendations

- Know better and get informed about sexual violence, economic violence;
- Collect profound data/information regarding domestic violence on boys and men, type of violence, kind of relations;
- Information about duties to increase proactiveness of institutions and referrals to local coordinators;
- Effective and ineffective partners in the mechanism

Effective partners, according to police officers, include local coordinators in social services in municipalities, regional state social services, education directories, primary health care workers, and NPOs where these exist and operate. The judiciary, bailiff’s office and employment offices are mentioned as ineffective partners.

For local coordinators, the main and effective partners are the police, while views differ on the courts:

“It is the police and the court; they are my right side, I mean, social services too, at the pace it should be in the cooperation. We work together because the social services has its contact points in other cities as well, it is more informed and more updated about what happens in residential centers; it is more informed about them.” - Social service provider, local coordinator

“District police, district employment directory, state social service, hospital center, primary health care directory, child protection unit. All these structures are involved in the common work to prevent and reduce domestic and community violence” - Social service provider, local coordinator

- Impact of victims’ collaboration with authorities on their access to assistance and assistance

The contact and cooperation of domestic violence victims with law enforcement authorities intends 1. Reporting of violence and seeking protection/recognition as a victim, and 2. Criminal prosecution of violators.

A review of statistical data civil cases/issuance of protection orders provides that, from January to July 5, 2015 in the District Court of Tirana has been a total of 366 cases, 21 were carried over from the previous period, 344 were new and 1 came after breaching.

The statistics of criminal cases/domestic violence (130 / a) of Tirana court provide that for the same same period, there were a total of 231 cases: 15 carried over cases and 49 new ones related to paragraph 4 of the article “committed repeatedly, or in the presence of children”; 10 carried over and 17 new cases related to paragraph 3 “that caused temporary incapacity to work for more than nine days”; 6 carried over and 7 new cases related to paragraph 2 “serious threat to murder, or injury heavy ... with the violation of his psychological integrity”; 34 carried over and 93 new cases related to paragraph 1 “beating as well as any other violent act ... with damaging effect on the physical, psycho-social and economic integrity”.

According to a local coordinator less than 30% do actually file a criminal report against the perpetrator.

Most of the police officers responded positively to the question

219 Which are your most effective partners regarding your duties in the mechanism and why? Which partners are not effective/helpful and why?
220 Only one case is mentioned
221 Does victims’ collaboration with law enforcement authorities influence access to assistance? (3.21) In how many cases do victims file a criminal referral for the violator and does this influence their identification and treatment? (3.22) Do the violator’s relations with the victim influence your approach and how?
222 http://www.gjykatatirana.gov.al/
223 It is not very clear whether it has been understood as cooperation to obtain protection orders, for the criminal pros-
Mechanisms against violence and trafficking
Synergies and synergy developments

enforcement authorities influence access to assistance?” One of them said, “Of course it does, the better this collaboration, the easier it is to gain assistance.”

For service providers, collaboration influences the assistance program/ intervention planning. One of them says:

“The victim’s data and the violator’s data determine the way in which we may proceed further.” During the collection of information, we found that contact with law enforcement authorities is inevitable and conditioning in the case of domestic violence cases. According to respondents, collaboration with law enforcement authorities for the criminal prosecution of perpetrators is not a condition for assistance, but in order to be helped by public institutions, the victim needs to be recognized by the court as a victim of violence – be equipped with a protection order or an immediate protection order.

“To get economic aid, the victim must be equipped with a PO; for the victim to be admitted to the national shelter for domestic violence victims, she needs to be equipped with a PO; in order to get free legal aid, she needs to be equipped with a PO, etc.” social service provider

“We are very careful here. Compared to the state public shelter, they won’t admit them without a protection order because they are afraid of abuse; we admit them. Why do we admit them? Our philosophy is that when a wife decides to denounce her husband, in Albanian culture, she doesn’t do it in the first experience and I don’t have to tell her – look, if you don’t denounce him, I won’t give you the service. The rest of our service is also awareness, education, so that she comes to a point where she says stop to violence in all forms. She needs support and we take her and admit her without her denouncing the husband. At the end of our treatment, she may say – look, I will go give it another try; it is her right to do so. We are not in a position to say – you came here; you can’t go back to your husband now. We don’t encourage divorce either. Why? Because in many cases it has functioned; she has gone back to the family and the husband’s brother, father, mother, sister have come, have taken the woman and said – if he continues, he’ll have to deal with me, not with you; it has changed now. In Albania, the informal part functions and should be exploited. We can’t go outside the culture. She comes to request help; we’re there to give her help.” social services provider

According to article 13 of the law on domestic violence, the request for an immediate protection order may be presented by: a) the victim; b) the victim’s legal representative or lawyer; c) police/prosecutor’s office; ç) the person with whom the victim has a family relationship; d) representatives of the social services office at the municipality or commune where the victim lives permanently or temporarily and who are aware of the use of violence; dh) centers and services for the protection and rehabilitation of domestic violence victims, recognized/licensed by MOLSAEO; e) persons who are legally responsible for children.224

According to the law, in case the request is submitted by the police/prosecutor’s office, the withdrawal of the victim from the process does not lead to non-adjudication of the initiated case.

During the collection of information, we were not able to specify which are the actors that lead in supporting victims to draft request-suits, but we were informed that the database might produce such a figure.

According to this law, protection against domestic violence is secured by the court in the form of immediate protection orders and protection orders. Immediate orders may include from a to h, while protection orders may include all of the below: a) by ordering immediately the sued person (violator) to not commit or threaten to commit domestic violence acts as prescribed in article 3 or as labeled in the order; b) by ordering immediately the sued person (violator) to not harm, harass, contact or communicate directly or indirectly with the victim or members of the victim’s family as prescribed in article 3 or as labeled in

224 Amendments to this article were made by law 103292010
the order; c) by immediately removing the sued person (violator) from the residence for a defined period of time by court order and prohibiting the person’s re-entry in the residence without court authorization; ç) by immediately stopping the sued person (violator) to get closer than a given distance to the victim of the victim’s family members as prescribed in article 3, item 3 or as labeled in the order; d) by immediately prohibiting the sued person (violator) to get close to the home, workplace, residence of family of origin or home of the future couple or other persons and especially children’s school, or places the victim mostly goes to except for when visits are for business reasons; dh) by immediately placing the victim/s and minors in temporary shelter keeping in every case the highest interest of the child; e) by confining or prohibiting the sued person (violator) to meet with the child of the victim according to acceptable conditions; f) by prohibiting the sued person (violator) to enter or stay in the temporary or permanent place of residence of the victim, or any part of it, in spite of ownership titles or possession of the violator; g) by ordering a person authorized by the court (public order officer or judicial bailiff officer) to accompany the victim or the sued person (violator) to the residence of the victim and to oversee the removal of personal belongings; h) by ordering law enforcement bodies to sequester any weapon belonging to the violator during the inspection or to order the violator to deliver any weapon belonging to him; i) by ordering the sued person (violator) to allow the victim to possess the residence that the violator and the victim use together or any part of it; j) by ordering the sued person (violator) to pay the rent of the permanent or temporary residence of the victim and the alimony for the victim, children or other persons of the family he is responsible for; k) as long as the protection order is in force, the treatment of wealth shall be done in accordance with the Family Code, articles 57-58 and 60; l) by passing to the victim the right of temporary custody over the children and by stripping the sued person (violator) temporarily of his parental responsibility; ll) by deciding and by ordering depending on the case (up to the court) the intervention of social services, public or private, of the place of residence or in organizations that seek to support and receive domestic violence victims; m) by ordering the sued person (violator) to make a periodic payment to persons they lived with who, because of the above measures, remain deprived of living means. In order to ensure payment, the court may decide that the amount is disbursed by the employer to the beneficiary. Such a decision represents an executive title; n) by including the domestic violence victim in a rehabilitation program; nj) by ordering the sued person (violator) to participate in rehabilitation programs; if the sued person (violator) is ordered to attend a rehabilitation program, the responsible persons for the program are asked to report every week to the court whether the violator attends and participates in it. If the sued person (violator) does not attend, then by request of the subjects envisioned by article 13 of this law, the court summons him and implements relevant provisions of the Criminal Code on obstruction of the execution of court rulings.

With regard to access to protection secured by court rulings, respondents say that challenges have to do with the subject that presents the suit-request, the preparation of a well-detailed suit, the accompaniment of the victim to court, the recognition and sensitivity by the judges, with the support for the victim to secure evidence, with the motivation of victims to continue with protection orders, with following the implementation of orders by authorities, with the support they receive to resolve issues deriving from violence, divorce, child custody, house ownership, etc...

I am a social worker and I became a lawyer because I had to; I've filled so many request-suits; I've even become a psychologist although I'm not one. -local coordinator

Is the request-suit well-detailed? That depends; there have been endless training programs, and that depends too; there is no assistance and then this goes on to the access to justice through free legal aid, because there are costs, although the law says there are zero costs; it is not just the protection order, but the violence victim also moves through other cycles of justice, which means divorce, division of assets, parental obligations, etc., etc. All these have large costs; if there’s a child, there needs to be at least an evaluation by a psychologist to not mention others, tariffs..., often covered by associations, but that’s a major cost, and there’s the division of wealth, and then other parts; it’s not just the protection order.- policy drafting, monitoring

One of the recommendations issued by AWEN is to increase the role of the coordination and referral mechanism for domestic violence cases in the process of proving violence in family relations by easing the
burden of victims to present evidence to the court about suffered violence.\textsuperscript{225}

According to the UN Declaration on the Basic Principles of Justice for Victims of Crime and Abuse of Power, “Victims of crime” shall mean persons who individually or collectively have suffered injuries, including physical or mental, emotional distress, economic loss, or profound harm of their fundamental rights, through action or inaction that is in violation of criminal laws in Member Countries, including those laws that envision criminal abuse of power. According to the Declaration, a person may be considered a victim independently from whether the violator has been identified, apprehended, prosecuted or convicted and independently from family relations between the violator and the victim. The term ‘victim’ includes immediate family or dependents, of the direct victim and persons who suffered injuries by intervening to save the victim or to prevent the victimization.\textsuperscript{226}

With regard to obligations of state parties, the Declaration stresses that states should ensure that crime victims have access to justice and fair treatment, return to prior condition, compensation and assistance.\textsuperscript{227}

According to article 18, item 4 of the Istanbul Convention,\textsuperscript{228} ensuring services does not depend on the willingness of the victim to press charges or to testify against the perpetrator of a criminal offense.

Before the entry into force of article 130/a of the Criminal Code,\textsuperscript{229} criminal proceedings of domestic violence were referred to depending on cases: article 76, “Intentional murder;” article 84, “Threat;” article 85 “Careless murder;” article 88 “Serious intentional injury;” article 89 “light intentional injury;” article 90 “other intentional injury;” article 100 “sexual or homosexual relations with minors;” article 101 “sexual or homosexual relations with minors of 14-18 years by force;” article 102 “sexual relations with adult women by force;” article 102/a “homosexual relations with adults by force;” article 103 “sexual and homosexual relations with persons unable to defend themselves,” article 104 “sexual or homosexual relations by the threat of the use of violence;” article 105 “sexual or homosexual relations through abuse of office,” article 106 “sexual or homosexual relations with persons who are related or under custody,” article 107 “sexual or homosexual relations in public places;” article 107/a “sexual violence,” article 108 “shameful acts,” article 110 “illegal deprivation of liberty,” article 112 “violation of residence,” article 114 “exploitation of prostitution,” article 128/b “trafficking of minors,” article 124/b “maltreatment of minors,” article 127 “unlawfully taking a child,” article 150 “destruction of property,” article 320 “obstruction of execution of court rulings;” article 321 “actions in contravention of the court ruling.”

According to article 284 of the Criminal Procedure Code, the “Complaint,” for criminal offenses prescribed by articles 89, 102 paragraph one, 105, 106, 130, 239, 240, 241, 243, 264, 275 and 318 of the Criminal Code, the criminal prosecution may only begin with the complaint of the injured party who may withdraw it at any phase of the proceedings. The complaint is done by the injured party with the prosecutor or judicial police officer through a statement, which personally or through a special representative, demonstrates the will to proceed with regard to a fact that the law prescribes as a criminal offense...” Article 130/a that was added by law 23/2012,\textsuperscript{230} is not included in article 284 of the Criminal Procedure Code in offenses followed by complaints. As a result, according to legislation in force, in order for criminal prosecution of the violator to begin, the victim/damaged person of the criminal offense should file a complaint.\textsuperscript{231}


\textsuperscript{227} For more information on the obligations of state parties according to the Declaration, see the table at Annexes

\textsuperscript{228} Convention of the Council of Europe for the prevention and combat of violence toward women and domestic violence

\textsuperscript{229} Starting from 2012, with the introduction of article 130/a in the Criminal Code, see above.


\textsuperscript{231} Article 130/a is a criminal offense whose last paragraph has been changed by law no. 144/2013
To the question: Do victims collaborate with law enforcement authorities for the punishment of violators?

One of the respondents replied as follows:

“In most cases, they collaborate but there are also many cases when they withdraw for many reasons. We have withdrawal from the criminal lawsuit, the return of violators; it depends on many factors, factors that she couldn’t be rehabilitated, she can’t do anything because she has to return to the cycle of violence for the sake of the children...etc., etc... and many factors come into play here.”

Some of the respondents are of the opinion that the criminal prosecution of the violator for domestic violence should begin independently from whether the victim files a complaint or not. According to one of them “this way we continue to treat violence as an issue inside the family.”

According to respondents, usually, there is a criminal process against the violator when protection orders are violated. We were also informed that there are cases when criminal court rulings for violators are in violation of the decision for a protection order of the civil court. One of the interviewed domestic violence victims said:

“I got a protection order, I also pressed charges, but then I withdrew because the court put him in house arrest.”

- Detailed duties regarding roles in the mechanism and expected developments that will affect specific duties

According to respondents from social service providers, the law on domestic violence and CMD establish in a very detailed way the obligations of central and local institutions that make up the mechanism. However, in one case, one of the respondents from among local coordinators said that it would be very helpful if there were a protocol for the management of domestic violence cases similar to the child protection protocol.

According to respondents from among police who responded to the question, the mentioned duties include protection of minors.

Coordination of actions with all partners to help domestic violence victims. Assistance and verification of cases handled by police officers at regional police commissariats on the proper treatment, provision of assistance and referral to institutions or NPOs, depending on the violence victims’ needs. Creation of trust in violence victims, with regard to protection offered by police pursuant to law no. 9669 dated 18.12.2006 on measures against domestic violence and article 130/a of the Criminal Code “Domestic violence.” Provide immediate legal assistance to the victim (draft request-suit, obtain criminal referral, etc.). Provide psychological assistance with a psychologist present to assist the case. Accommodate in a day or permanent center if there is an actual threat to life and there is no opportunity for housing. Refer the case to the local coordinator against domestic violence. Refer the case with concrete suggestions about assistance to be given during treatment in the meeting of the multi-disciplinary team. If the case contains elements of trafficking, apply SOPs for cases of potential trafficking violence and address anti-trafficking office.

Our duties are defined in the decision on the mechanism for coordination of work for the referral of cases of domestic violence cases no. 334, dated 17.02.2011, law on domestic violence no 9669, dated 18.12.2006, on orders and instructions that establish the functional duties of our structure, etc.

232 According to item 3/c of article 17, the final court ruling on the issuance of the protection order contains the notification that the violation of the protection order issued by court ruling represents a criminal offense in the meaning of article 320 of the Criminal Code (obstruction of the execution of court rulings) article 320/a (non-execution of court ruling without legitimate cause)

233 1.10 Which are your specific duties with regard to the mechanism against violence, which are your actions? 1.11 Where are your duties detailed and are they sufficiently detailed?

234 1.12 Which are the latest activities, developments that affect or will affect your duties with regard to the CMD on violence?
Inform commissariats about orders and instructions coming from the center, drafting annual plans and implement and pursue them according to duties and deadlines established in these plans that are sent to commissariats. Coordination and reporting to technical group of prefecture on problems they address every month. Maintain continued contact with district’s social service offices that assist every time through the psychologist and social worker on cases of domestic violence and child abandonment; coordinate work for every case for commissariats on physical or psychological violence cases and minor protection issues by following cases; sensitization in city’s schools on reporting domestic violence and violence toward school students; report monthly and quarterly on events to the GDSP.

Assist sector chief on all cases having to deal with protection of minors and victims of domestic violence and with the prevention of all criminal offenses toward them. Establish and preserve effective work relations in the coordination of activities for administrative and operational support that help short-term and long-term goals for the protection of minors and domestic violence. Ensure organization and oversight on the collection and processing and analysis of criminal information as a function of preventing crimes against minors and domestic violence. Establish collaboration connections with other state institutions and different non-profit organizations that provide services in this regard. Follow the implementation of duties deriving from action plans, plans of measures, orders, instructions, rogatory, reminders, etc. of the RPD and GDP. Maintain statistical evidences, conduct analyses and prepare periodical reports on tendencies of the evolution of criminality by and toward minors and domestic violence.

Coordination of actions with all partners in order to help domestic violence victims. Assistance and verification of cases handled by police officers at regional police commissariats on the proper treatment, provision of assistance and referral to institutions or depending on the violence victims’ needs. Creation of trust in violence victims, with regard to protection offered by police pursuant to law no. 9669 dated 18.12.2006 on measures against domestic violence and article 130/a of the Criminal Code “Domestic violence.”

Identification of domestic violence cases, their legal treatment and referral of cases for solution of problem to other institutions that have obligations by law regarding domestic violence, the Criminal Code, CMD, orders, instructions. Coordinate cases between state institutions, NPOs with cooperation agreements.

My duties are detailed in the manual of job descriptions of essential functions for the investigation of unresolved crimes and the protection of minors and domestic violence, at the central and local level, approved by Order of the General Director of Police no. 44, dated 31.01.2013 “On the approval of job descriptions and responsibilities for essential functions for the investigation of unresolved crimes at the central and local level.”

Sensitize communities of rural areas, the Egyptian and Roma communities, the communities of school youth, the community of men.

None of the respondents from police ranks mentioned any changes\textsuperscript{235} that would affect their duties or the implementation of their duties.

We were informed that with the new territorial division, municipalities plan to assume responsibilities for surrounding communes as well.

We are on the eve of the administrative division and we expect positive developments... If you’ve noticed, the mechanism against violence is established by municipalities and communes, but we haven’t had any positive cases from communes because there are no elements of the multi-disciplinary team there. It is easier when it is established in the municipality and especially in the bigger ones where the court chief justice is, where the prosecutor’s office is, where there is a police commissariat, an employment office, etc. etc. With the new division, responsibilities will be bigger even for surrounding communes. As soon as the new administrative division is done, the first thing we do will be reorganization; for the moment, we’re working on what we have now. There are positive cases, e.g. municipalities such as Korçë, Elbasan,

\textsuperscript{235} For instance, as a result of Administrative-Territorial Reform
Durrës, these are doing well with referrals. Tirana, because of its specifics, is super big; there are the mini-municipalities too, but this part has been covered in Tiranë because there are many organizations operating here.

Such a plan is “scary” for local coordinators against violence in bigger municipalities. According to one of the interviewees “I’m already swamped; imagine when the communes are added!”

I’m a bit scared by the part of administrative reform because with the growth of the unit territory, contacts of the population at risk will with assistance services, whether established in local government units, or other protection institutions, such as the police, court, etc., etc... What happens at present? We have social service employees, in municipalities and in communes, but also the coordinating liaisons with communities, former village elders; in fact, what happened is that these did not play their role throughout this time, to cover the service of identifying population at risk, which is what they are paid for; so violence coordinators will send information to offices and offices will verify, complete information and refer them to services, one mentally ill person, one disabled person, a family in economic hardship, etc., etc. This has not functioned. What has happened is that the two sides stayed in their offices, as it often happens, the social service office deals only with distributing economic aid. There’s also the specialist on violence there, also for child protection, etc., all are piled up in one office; they don’t leave their offices. On the other hand, when the case knocks on the door, they’ve referred them. I see this difficulty growing immensely because the number of the population will grow but the distance will be bigger too; there are two factors that influence this: the population will no longer go there because it is far and they do not move so cases will be aggravating I’m afraid. Social service provider

**Recommendations**

- Increase capacities for managing violence cases: add staff, make transport available;
- Specify the duties and responsibilities in the job descriptions of specialists of member institutions
  Adding necessary services for the treatment of various forms of gender-based violence, or domestic violence and adoption of these services and the existing ones for all groups can be victims of violence (persons with disabilities, the elderly, ... etc)
- Develop a case management protocol for cases of domestic violence modeled after child protection protocol and conduct training to use this protocol

- **Overlapping of roles, duties within the mechanism, with other mechanisms**

None of the police officers who responded to the evaluation thought that there is overlapping of roles and duties. For some of them, it is important that assigned duties are carried out.

“I do not think that there is overlapping, but there needs to be more engagement and coordination of all institutions that the law charges for the treatment of domestic violence cases”

“Failure of institutions assigned by law to coordinate and to take responsibilities has a great impact on our work. Police loses too much time on resolving cases because not all actors assume their responsibilities”

For service providers, meetings of different focus with the same local actors are a burden and not efficient:

“It is the mechanism for the management of cases of children at risk and cases of trafficking in human beings. I do not participate in meetings on trafficking that I’ve been invited to recently; maybe if there was an integration of these three main links, it would be a more efficient solution for joint work between actors. Some meetings are held in a month with the same actors; it would be better to hold a meeting where cases are addressed jointly (local coordinator against violence)
Recommendations

- Meetings with synchronized agenda at managerial level in the county or region: steering committees for cases of domestic violence, the regional anti-trafficking committees and the steering committees “for the coordination of work between state authorities responsible, at local level, for the referral of children at risk”;
- Adding staff, both state and municipal social services;
- Clarify job descriptions of participants in technical or multidisciplinary groups;

- Functioning of Steering Committees and technical multi-disciplinary teams

None of the police officers that responded mentioned a need to change the role of Steering Committees or of technical multi-disciplinary teams. Their statements about the role of the SCs and the TMTs match the roles described in CMD 334. They suggest an increased activation of members to provide more complete services for victims.

We participate in SC meetings although they are scarce. The main role is to treat cases of violence and problems that emerge, coordination between institutions. I think there is no need for changes to the role but rather a need for greater engagement of all institutions to assume and exercise responsibilities pursuant to legal acts.

I do not participate in SC meetings because based on the function I have, I am not a member of it. I do participate in meetings of the multi-disciplinary group.

The role of the SC is organizational and supervisory of the work of the technical multi-disciplinary team. There don’t have to be changes to its role.

The role of TMTs is to address and resolve the cases that emerge. I think there’s no need for changes.

The TMT is a team of professionals that functions at the municipality and gets together to respond to a specific problem. This structure is efficient particularly for addressing and treating the different needs of victims, whereby every member, depending on the situation, plays a key role. I think no changes should be made to the role of the multi-disciplinary group, but the responsibility and capacities of every member should be boosted so that cases are referred to the group and collaboration is always sought. An unreferred case is a missing service for the victim.

The TMT has representatives of institutions that may help the domestic violence victim – social services, educational directory, employment office, health services, etc. Thus, the group provides the victim with proper and legitimate assistance and it provides comprehensive assistance. I don’t think changes should be made; the actors are the right ones, but could be urged to provide more adequate assistance.

One of the respondents from social services pointed out that the State Social Service is not represented in the Steering Committees. The same respondent noted that the functioning of technical teams is obstructed by the lack of resources and recommended:

Support for local governments to cover emergency needs of victims and logistics support for gender equality and domestic violence employees.

According to decision no. 334, dated 17.02.2011, “On the mechanism for the coordination of work for the...
referral of domestic violence cases and the manner of its proceedings,” the TMT should meet, review the case and draft a joint intervention plan for every case on which the local coordinator is notified.239

Decision 334 does not include any prescription regarding the participation of the violence victim herself/himself in the process of drafting the intervention plan, nevertheless it does not exclude victims’ participation.

The UNDP compiled platform clearly states the importance of participation of the victim in this process.240

The obligation of TMT members to preserve the secret appears in Law no. 10329 “On some additions and amendments to Law 9669, dated 18.12.2006 “On measures against domestic violence” amended.241

According to information, the frequency of meetings of the multi-disciplinary team varies a lot, but does not coincide with the number of cases. One of the local coordinators said:

“The technical multi-disciplinary group met every two or three months, depending on cases.”242

Recommendations

- Strengthen accountability for SC and TMT, enforce periodical reporting according to law;
- Technical multi-disciplinary teams should meet to draft long-term intervention plans for each case;
- Members of technical groups should act quickly; establish deadlines for meeting obligations;
- Carry out obligation of members of technical multi-disciplinary team to report information on cases to the local coordinator;242

- Direct and indirect ways of contacting domestic violence cases243

According to article 24 of the Istanbul Convention “Telephone helplines”, “Parties shall take the necessary legislative or other measures to set up state-wide round-the-clock (24/7) telephone helplines free of charge to provide advice to callers, confidentially or with due regard for their anonymity, in relation to all forms of violence covered by the scope of this Convention.

According to one of the respondents from residential centres, specific counseling lines, telephone numbers of various organizations and the police are the key contacts and source of referrals of cases of domestic violence. However, unlike the police, the counselling lines are informed be dependent on various projects of the organizations and therefore inconsistently available. 245

According to the research by the Counseling Line for Women and Girls,246 sources of information on domestic violence are primarily the media, then face to face communication of victims with groups or...
circles of friends. According to the study, communication and debating on these issues in specialized consultations organized by specialized associations or institutions, is scarce.

In order to improve outreach tools, first there’s a need for the professional upgrade of all links of the system. For me, a psychologist in a school should be able to identify even a potential victim of trafficking, even a violence issue, even bullying problems, and so on. Second, there needs to be an open mind on the part of all actors so they don’t say – look, my duty goes up to here – but rather collaborate with all other actors on cases.

**Recommendations**

- Public awareness about the symptoms of domestic violence;
  Organizing informal meetings in areas affected by domestic violence - especially rural areas
  Extension of counselling lines throughout the territory;

- Tools for informing about victims’ rights? 247

According to the law on legal aid, article 12/1 “Domestic legal clinics,”248 giving information on the legal system in the Republic of Albania, on normative acts in force, rights and obligations of subjects of the law, the way for individuals to exercise rights in judicial and extra-judicial processes, as well as the provision of assistance in drafting legal documents or other forms of counseling of groups in need is done through domestic legal clinics.

In fact, information on assistance, on victims’ rights is provided, by the local administrator and coordinator and should continue to become an information campaign not only on assistance but all kinds of services and rights that a violence victim could have. Media and community meetings should play a very big role, as they did some years ago; with these, there’s more access and you can give out a wide variety of information, whether on family planning, sexual education, violence, trafficking, employment, assistance for everything; if they are done, they work, the rest of the world uses them. This is a challenge but it yields results.

There’s already an idea to do an online hotline for victims to denounce through; can you imagine a victim of violence in a family where the husband won’t let her remove the hijab from her head would have internet at home, in the middle of the field, a paralyzed old woman, with children, etc… Let’s talk a bit with our feet on the ground. It’s too pretty to be true, in the sense that we will open a page now and you will report on it. This could be a solution for instance to identify community persons (…) who do not wish to be identified; it is one of the ways to see what the numbers are. The violence victim who lives in those conditions won’t have the possibility to report violence in this form.

In relation to the difficulties on informing the victims, one of the local coordinators responded:

It is not always that the victims can be present in the community information sessions because they are not allowed to be present, they not always absorb the information: being under the influence of fear and in dilemma to report the perpetrator. They do not always know to tell if they are violated, in particular they are not able to tell when they are abused psychologically and economically because these are less distinct, identifiable forms.

According to a respondent “Increasing the role, the functioning of the mechanism is a tool to improve information.” According to a local coordinator, a large part of the victims receive information from one another: “now they know I’m here and they come straight to me.”

247 (3.18) What information tools do you have on victims’ rights? (3.19) What are the difficulties regarding information for victims? (3.20) What do you recommend to improve/fulfill this function/need?

Mechanisms against violence and trafficking
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**Recommendations**

- *Increase functioning of the mechanisms;*
- *Promoting the role of local coordinators;*
- *Strengthening of “peer to peer” networks;*
- *Information on different types of violence;*
- *Continuous and not campaign based information*

**Roles and assistance regarding investigations and judicial processes**

“He was sentenced to 2 years but only did 6 months in detention and that counted as 1 year, then we did another trial so he would be sentenced for the year he’d avoided, but he wasn’t sentenced” (domestic violence victim)

According to Amnesty International, domestic violence in Albania remained widespread and survivors rarely received justice.\(^{250}\)

The law on domestic violence gives a key role to court rulings in the application of victims’ rights and protection. This law and CMD 334 assigns to social services employees of local units, violence coordinators, police, prosecutor’s office and bailiff’s offices key roles in the preparation of request-suits, in accompanying victims, in the execution of court rulings, etc.

According to CMD 334, Steering Committees should include representatives from law enforcement agencies: police, prosecutor’s office, district court, chamber of lawyers. The local coordinator should serve as liaison with courts,\(^{251}\) accompany domestic violence victims to court, police, ensure the preservation of copies of court rulings, ensure that victims receive requests to appear in court.

Social service office employees at local government units and the police have an important role to play in securing evidence for the judicial process according to article 15 “Evidence in the judicial process” of Law no. 9669, dated 18.12.2006.

According to the report of AWEN in 2013, in some of the judicial districts, police accompanied the victim in cases when it deemed that the victim’s life was in danger but that practice is not consolidated in all districts that were the subject of monitoring.\(^{252}\)

According to the same report,\(^{253}\) there is no case of police or the prosecutor’s office to have filed a public lawsuit against the violator, as prescribed in article 13 of law no. 9669, dated 18.12.2006, “On measures against domestic violence,” with regard to subjects that have the right to request a protection order. This right that the law against domestic violence recognizes to police and the prosecutor’s office with regard

\(^{249}\)(3.23) How do you help victims with regard to courts? (3.24) In how many cases did you accompany victims of trafficking to court and what was your role? (3.25) Is this a duty/function, service? (3.26) Do you regularly receive requests to appear in court, or orders issued by the court and do you give them to victims just as regularly? (3.27) What do you do in case of violation of court rulings? (3.29) Do violators get the deserved sentence? (3.30) Do victims get what is requested by the court?


\(^{251}\) Item 10/c of CMD 334


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...to the presentation of the request for a protection order for the adult victim has not been implemented; thus, we have a high percentage of cessation decisions as a result of the failure of the petitioner to appear in the process or the petitioner’s withdrawal from the charges. The exercise of the right to public charges by the police and the prosecutor’s office would contribute to increasing the responsibility of violators for committed acts because in this case, when the request is presented by police or the prosecutor’s office, the withdrawal of the victim from the process does not lead as a result to non-adjudication of the initiated case. Data indicate the need to continue training programs for police and prosecutors in order to raise their awareness for the use of this right to pressing public charges; that would enable protection from domestic violence, in spite of the victim’s withdrawal. According to the monitoring, there is still work to be done for a more active role of Social Service Offices in municipalities and communes and of non-profit organizations to present requests for the issuance of immediate protection orders and protection orders for minors.254

With regard to courts, the monitoring found that “There were cases when judicial district courts, although they accepted the request for the issuance of the PO, they did not establish the deadlines for the effect of the PO, thus placing victims at risk.”255

According to VOA, punishment for violators was strengthened in the Criminal Code; courts increased protection orders up to 1900, but they remain only on paper; the victims aren’t really protected and 2/3 of them withdraw the charges. According to the interview of Eljona Kulluri, head of the National Association of Social Workers to VOA “Research shows that even those ladies who go to court feel unprotected to take the processes to the end; they are powerless and threatened to lose everything.”256

According to Amnesty International, in June 2014, the High Council of Justice published a review of cases of domestic violence cases in 38 courts and recommended amendments to the law and practice of courts. The review found that criminal proceedings were slow and that courts violated legal deadlines for the review of protection orders and the issuance of decisions. About 3094 domestic violence incidents were reported to police by the end of September 2014 and a little more than one third of these reports ended with criminal prosecution. Until the end of September, 1882 women had requested protection orders from the civil court; however, in the Tiranë District Court, for instance, more than two thirds of applications for protection orders had been withdrawn or discontinued. Often, issued protection orders had not been executed.257

According to Start newspaper, the HCJ report258 says that usually police, after referring the case to court, withdraws and doesn’t act any more. The judiciary itself also has problems for not respecting procedural deadlines and drops the case after three hearings in which the injured party has not shown up. With regard to deadlines and the principle of judicial economy, the conclusion of the judicial process in three hearings is wrong. Another key point is the dropping of the judicial process because of the absence of the injured person. Often, this leads to a recurrence of domestic violence cases. HCJ says that the integrated electronic management system of cases is not appropriate for their specific registration. HCJ inspections have been conducted in 28 courts, including those of first instance and of appeals. In total, a total of 1227

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258 Official HCJ page was not accessible during the drafting of this report
judicial decisions have been inspected, and 84 of them have been found taken in violation of the law and criminal procedures.

According to AWEN, “The lack of free legal aid is one of the main barriers to the smooth conduct of an effective judicial process for violence victims, which are left alone and without legal protection... Defense with a free lawyer would have a considerable impact on reducing the number of dropped cases, the taking of efficient measures, and the respect for fast deadlines of the adjudication.”

According to AWEN “In order to enable free legal aid for victims of domestic violence, better implementation of the law “on legal aid” is required, through the role of the State Committee on Legal Aid and the contracting by this Committee of non-profit organizations that offer free legal aid for victims. AWEN thinks that the cost in time and money of applying for free legal aid should be replaced by faster procedures that offer free legal aid for victims of domestic violence. According to AWEN, this would enable the offering of free legal aid by lawyers of non-profit organizations, not only good professionals who guarantee the quality of legal service but also lawyers who are trained on issues of gender-based violence, particularly domestic violence. According to AWEN, the approach of non-profit organizations that offer legal services to the State Committee on Legal Aid by raising the need for offering this important service for domestic violence victims is very important.

With the amendment of the law no. 10039, dated 22.12.2008 “On legal aid,” namely amendments to article 13 of this law, victims of trafficking and violence are specifically included in “Persons eligible to benefiting legal aid.” The addition says: in order for the person to benefit legal aid, the person needs to prove that: i) is included in social protection programs or meets the conditions to be included in them; or ii) is a victim of domestic violence or a victim of trafficking in persons, for judicial matters related to them. This article has an exception for minors: “Minors, for whom defense in the criminal proceeding and in adjudication is compulsory by law, also benefit this aid.”

According to the amendment, judicial costs too are included in the types of assistance; article 11 is amended to read: “Legal aid includes exemption of the individual from paying the tax on acts, as well as expenses necessary for notifications or other judicial services, in civil and administrative processes.” According to article 12, amended, “Forms of providing legal aid,” legal aid is provided through: a) securing information, provision of counseling and explanations for legal matters, direct interviews or distance communication; b) completion of legal acts; c) continued counseling for persons who appear in court themselves; ç) representation before administrative bodies; d) defense and representation of the interests of the suspect, the accused and the injured person in the criminal process; dh) defense and representation of interests of persons in civil or administrative cases; and e) exemption from paying the tax on acts and necessary expenses for notifications or other judicial services in civil and administrative judicial processes.

With the addition of article 21/1 “Exemption from the payment of the tax on acts,” exemption is at the discretion of the State Committee on Legal Aid and the Court; according to item 2 of this article “the request for exemption from paying the tax on acts and expenses necessary for notifications or other judicial services is a submission of the person who requests the legal aid to the State Committee on Legal Aid and the Court, as well as the expenses necessary for notifications or other judicial services.” According to Article 21/1, the request shall be submitted to the State Committee on Legal Aid and the Court, as well as the expenses necessary for notifications or other judicial services.

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263 Item 2 of the article

264 Articles of the Civil Procedure Code regulate this: article 102 – Content of judicial spending, article 103, article 104 Determination, article 105 prepayment of judicial expenses

265 Added with the amendment of the law
services, is reviewed by the State committee on Legal Aid within 10 days from receipt of the request. If the State Committee on Legal Aid does not express an opinion within 10 days from receipt of the request or decides to reject the request for exemption from paying the tax on acts and other necessary expenses for notifications or other judicial services, the court, when it deems that the conditions are met for benefiting legal aid, according to letter “c” of item 1 of article 13 of this law, during preparatory actions, decides to exempt the petitioner from paying the tax on acts.

According to an interviewed non-public service provider, centers cooperate with CLCI:

“We do legal counseling with them; we don’t have legal specialists inside; they do legal informing, they do support, starting from the request to press charges, request for divorce, for problems of child custody, assets... Our women are vulnerable, the ones who come to the shelter, because there are also tens of others who are violated but resolve the problem themselves because they have power, they have money; instead the ones here only have their hands in their pockets.”

According to the same interviewee:

“What should be said is that the court treats these women as vulnerable; in most cases, they are doomed to lose the case. They do not get child custody... This happens because they have no money to pay to lawyer... The center’s lawyer goes there but the lawyer has nothing to share there. The lawyer gives and takes there to make the process succeed. So underground, it’s not like they win the process... CLCI are free providers. The lawyers who work there are funded by the project, not the state. According to law, victims should go to the ministry to file a request and wait for the ministry to issue an order to grant a free lawyer for defense, but this is a very long procedure. They can’t wait. They choose to go to the Center for Legal Civic Initiatives, which we have had a long relationship with and every service is free; the problem is how they end. There are judicial processes that last for years.”

Another issue raised during the evaluation, is the issue of execution of court orders. According to DCM. 334 the technical team determined by the Steering Committee has technical representatives of institutions represented in the SC, thus the representatives from court execution / bailiff’s office. In practice, victims of domestic violence need to open a file in the bailiff’s office, where they should deposit the protection orders: victims can choose to deposit their files in private offices—against fees or in state offices—without charge, and it often happens that victims do not know the procedure. Review of documents informs that a total of 22 executive offices, but during the evaluation, it was not possible to gather information about the size of executive offices, therefore no conclusion could be reached on match between needs and services. One of the survivors of domestic violence interviewed informed however that her former spouse corrupted executive office employees and they did not respond to her requests. One of the local coordinators interviewed said:

The court, the prosecution and execution offices did not ever delegate a representative to be part of the coordination and management, and referral of cases of violence, or at least be participants in the meetings of the technical group.”

Recommendations

- Immediate appointment of a state attorney / legal advocate of the victim, to help the local coordinators and avoid delays in the application for legal aid;
- Evaluation of the performance of the executive offices for the execution of court decisions in cases of domestic violence;
- Assign the pursuit of the implementation of protection orders, exclusively to the state execution office.

266 Joint instruction of the Minister of Finance and Minister of Justice no. 33, dated 29.12.2014 “On the definition of the service tariff for actions and services of the judicial administration and Ministry of Justice, Prosecutor’s Office and Notary”
Mechanisms against violence and trafficking
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• **Problems of the victims with the law and their resolution**

In general, respondents do not mention cases of problems of victims themselves with the law who have been investigated or sentenced, except for the cases when they perpetrators were issued protection orders.

• **Procedures, referrals used to measure and manage risk**

According to the law on violence “Responsible authorities use reasonable means to protect the victim and prevent the continuation of violence through: a) informing the victim or her escort of the measures that will be taken according to the law in force and the institutions she may turn to; b) informing the victim or her escort regarding existing social services and accompaniment in relevant centers and institutions; c) securing transportation for the victim and her escort to health or social service centers; d) making available a police officer in cases of life threats.”

With regard to measuring risk, respondents refer generally to the event, incident, interviews before the completion of the protection order, the content of the protection order, incidents of violation of protection orders by the violator and behavior of the victim vis-à-vis program rules and the violator.

“We have the measurement of the risk to domestic violence victims because you have the violation of the protection order, violation in the home, etc.”

“At the moment the victim is placed at the center, she does not maintain contact with the violator as she is equipped with a PO or IPO and there are penalizations if contact occurs. If the victim returns to the violator, that’s entirely her personal decision”

“The happening that has taken place and their history when they show up at the police allows you to measure risk, even if the case is a recurring one; that shows the level of threat.”

With regard to risk management, respondents refer to the issuance as soon as possible of the protection order, accompaniment, establishment of a trust relationship with the victim, identification and presentation with employees who may get there faster, placement of the victim in a center, following the implementation of protection orders, maintaining contact with parties in conflict.

“We try to be credible, to get full information from victims.”

“Several measures are taken to avoid risk: relevant documents are drafted very quickly, is accompanied by order inspector to court, is accommodated in centers if necessary, get in touch with other actors to provide psychological, economic assistance.”

“Completion of protection order and accommodation of victims in emergency centers”

Managing security in residential centers should be done according to standards. These stipulate that: the service provider conducts a full and professional evaluation of the security of internal premises and external premises where the beneficiaries will be sheltered, before deciding to open the center; that the service provider has continued relations with the nearest police post office to ensure protection in emergency situations; that the provider train employees on security issues and relevant measures to ensure security in cases that pose a risk to beneficiaries and the staff; that the provider send to the Health Insurance Institute the address and location of the center and the list of beneficiaries that will need health services.

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267 (3.28) Do victims have problems with the law (were sentenced) and how do you resolve these problems?

268 (3.31) What are the procedures, referrals that you use for measuring risk to victims and are you confident with them? (3.32) What measures do you take to avoid risk and how may they be improved?

According to a residential service provider, the measures that should be taken are also in the regulations for the functioning of the center.

“Standard measures are included in the regulations for the functioning of the center and the accompaniment of victims in movements outside the center with employees and a vehicle”

Reportedly, the main challenge for risk management is the lack of safe shelter and the lack of treatment for violators.

What is the opinion about measures they take – in this case, it’s the police that should follow up, it’s the area inspector... There’s a lot of room for discussion here; what happens in the conditions when the victim lives in a large family, not just a husband-wife-children family, but the mother in law, father in law, brother in law, etc.; we have such cases and that means that if the victim should be away from the violator but is obliged to live with the father in law, with the parents of the violator. Something needs to be done with protection orders; it’s not only us that have this problem, other places have it too. This is not a solution; get the protection order and put the person in the shelter, remove the victim. This is not a solution – why should the victim leave? The violator should leave the house.

Look, I don’t think the solution is accommodation in a center. It’s not a solution. The municipality hasn’t set up a center yet, a safe apartment; but even if it had, I wouldn’t prefer to put victims there. They have children; children need to go to school; they need their friends, their relatives, grandparents, even the father, although a violator. We need to take into consideration children’s rights too.

Interviewees from service providers mention cases when they have been at risk by protecting the victim.

Recommendations

• Development and implementation of concrete programs for the treatment of offenders in each local unit / inclusion of provisions to the mechanism;
• Establishment of accommodation and emergency centres in local communities;

• Special actions and measures for children victims, including custody

In December 2014, the Council of Ministers decided on some important amendments to CMD 425 of 27.06.2012 “On the definition of criteria and documentation necessary for the admission of persons in residential, public and non-public, social care institutions.” According to these amendments, “admitted to the social care institutions for domestic violence victims shall be admitted children 0-18 years old who have been violated at home, accompanied by the mother or unaccompanied by parents, identified by responsible structures as victims of domestic violence. For boys above 18 years old, upon conduct of psychosocial evaluation.”

Practically, one of the respondents informs that:

The children who are accepted are those up to 18 accompanied by mothers, only those of female sex, as for males those up to 12-14 (depending on child’s physical development), because the residential centers are primarily for abused women and girls. This is yet another reason that makes it difficult to accommodate women victims of domestic violence in shelters, regardless of the degree of risk from the abuser.

According to AWEN monitoring, third persons damaged in family relations are children, but the percentage of cases seeking protection for children through a request for the issuance of the IPO/PO is very low. The monitoring found that subjects assigned by law to protect the rights of minors from violence in family

270 (3.33) What are your actions of special measures, challenges when the victim is a child? (3.34) How may children’s treatment be improved? (3.37)What are the problems with child custody, how are and how may they be resolved?
relations have not exercised these rights in favor of children.271

Reportedly, the situation was the same during this evaluation:

“There aren’t many cases of children victims, unaccompanied by children. We have had some cases that we temporarily placed and gave treatment to at the shelter that was for both women and children and then were transferred to the children’s home; it is best if they are treated in a better environment. They have their specifics; they don’t have the same treatment as violated children, orphans; but more or less, that’s what has been done.”

The criteria, indicators and instructions for “Standards of Social Care Services for victims of domestic violence in Public and Non-public residential centers”272 require: “Specialized services for children, by age group, should be offered. Staff should include persons specialized and assigned to work with children. Contract signed by parent in the file; action plan in child’s file.”

According to interviewees, “procedures are the same, but responsibilities and difficulties are much greater, especially when the child is unaccompanied.” In their opinion, the treatment of children victims may be improved by increasing the number of staff specialized in child treatment and improvement of interviewing and communication with children victims: “questioning should be more child-friendly”

The respondents inform for collaboration with child protection units:

“If the victim is a child, then the child protection unit is contacted, to manage the case, then an action plan is developed with all other actors based on the immediate basic needs of the child. The child is issued a immediate protection order within 24 hours and is offered free legal assistance”

We were informed on an effective collaboration, in Tirana, between ARSIS and police commissariats to offer psychological assistance during interviews with children.

**Recommendations**

- **Creation of non-residential alternatives for child victims of domestic violence;**

- **Special actions and measures for children of victims**273

According to Article 2 of Law 9914/2008 “On some additions to the Law no. 9669, dated 18.12.2006 “On Measures against Violence in family relationships” 274 the Article 6 of the basic Law “Principal Duties Responsible Authority is added with two other characters: f) measures to educate the young generation with the mentality and the rules of good behavior, as well as with the prohibition of domestic violence, and g) taking measures for the establishment of child-rearing centers, who have suffered violence or whose parents have committed violence acts against each other.

The criteria, indicators and instructions for “Standards of Social Care Services for victims of domestic violence in Public and Non-public residential centers”275 require that when the beneficiary is a mother

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273 (3.35) What are your actions with regard to victims’ children? (3.36) How may the treatment of victims’ children be improved?

274 Official Gazette No. 76, dated 28.05.2008.

with a child, the child lives in the same room with the mother after a medical and psychosocial evaluation has been done for the beneficiary to participate in the program administration by taking care of own needs, i.e. being responsible for her space, her children, cooking, cleaning, child care, etc., personally or in a group with other beneficiaries.

*Children’s victims receive services. In the shelter, let’s say, they have responsible persons, children in pre-K, in school and are accompanied to school in a vehicle. The same thing happens with NPO centers, e.g. center ... provides services for children, takes them to school, day care center, at least in the shelter, which I know.* - policy making & monitoring

According to respondents, the enrollment of victims’ children in nurseries and kindergardens remains a problem

*It is very difficult; to enroll children in nurseries and kindergardens, the answer is only in August, while the needs of the victims can be at any time of year.* - social services provider

Regarding the custody of the children of the victims, one of the informants from social service providers said:

*As a matter of fact, in order not to have problems with the perpetrator, because when a woman flees with the children, they can accuse us, kidnapping their children. Of course he is violent, not that sophisticated to think that, but there are some that do so, for example the case from Durres the one that made headlines because he accused the shelter, while it was his wife that had taken away the children. We take care that when a woman seeks protection order, the protection order be for children as well, so in addition to the mother the names of the children are included as well. This protects us from the perpetrator in legal terms.*

**Recommendations**

- Facilitate the enrollment of children of victims of violence in kindergartens and nurseries at any time

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Standards of Social Care Services for victims of domestic violence in Public and Non-public residential centers require that the file is confidential and is only seen by the beneficiary and the social worker or center administrator; only randomly selected numbers should be used to identify the beneficiary; for children, numbers, e.g. 1, 2… of the parent, should be used instead of initials. With regard to the content of the file, it is required that it contain the police report on the evidencing and treatment of the case; the order issued by the court for the placement of the beneficiary in the institution as well as other documents deemed appropriate to identify the beneficiary as a domestic violence victim. It is also required that if the beneficiary has not been visited by a medical doctor, admission papers should contain a body map and, if necessary, photographs of injuries, which may be used at a later stage. With regard to access of the beneficiary to the file, standards note: the beneficiary may be given the opportunity to look at the file, unless the staff decides and has the administrator’s consent that this would be harmful.

According to service providers of residential centers, this obligation is abided by, but it is necessary to increase the number of case manager personnel.

*Every person has a personal file, with a relevant code, but the number of case managers, social workers, should be increased.*

*The file contains the interview with the victim, the template with all the data of the victim and the perpetrator, a photocopy of identity card, and any other documents necessary as the case may be, an IPO, PO, divorce decision, the forensic examination report, the claim for IPO.* - Local coordinator

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276 (3.38) Do you keep a file on every case? What are the challenges with that? What would you recommend to improve/fulfill this function?
According to interviewed local coordinators, there is no such prescription in the CMD and there should be guidelines about the content of files.

### Recommendations

- **Clear provisions for the content of the file to the local coordinators, including documentation of the assistance provided by them, as well as by the technical multidisciplinary group for case management;**
- **Supporting local coordinators with the logistics of creating and maintaining separate files for cases**
- **Protocols for preserving confidentiality and secrecy and conditions for their preservation**

Normally, they are preserved in shelters because that’s their standard. With regard to the process of identification and assistance, it depends; personally, I’ve seen people who are public, meaning PMs for example, who have declared the great work that they are doing and have even mentioned victims’ names, in the media, in parliamentary committee meetings, etc. This is total lack of ethics; there’s also the other part, that the PM is not responsible for what he says. I’m talking about the higher level as it is a recent concern; now that there is this great thirst of MPs against violence... In the meeting I’ve had, I’ve asked that at least professionally, let’s be correct; especially when we go out in the media where public impact is much greater for the things we say. The media makes us public, doesn’t preserve our anonymity and often becomes one of the main violators, unintentionally. No matter what sources they use, the primary source is the police, the police officer; the media should have such control that the victim doesn’t come out with the name, that no data is given out, because the media can destroy you entirely; our problem has been the media.

**Monitoring & policy making**

There are points that are treated according to standards, but not real protocol. We have the conditions for preserving confidentiality - local coordinator

The 2014 report of the National Anti-Trafficking Coordinator informs about the creation, in the contest of a joint project with UN WOMEN for “The Prevention and Treatment of Violence toward Women and Girls in Albania” of the Media Forum and the publication of a Manual on reporting cases of trafficking and of violence toward women and girls. According to the report, the purpose of the manual is to sensitize the media so that its professionals will report properly and professionally cases of trafficking and of domestic violence toward women and girls as well as contribute to increasing the level of knowledge about this issue in the society.

### Recommendations

- **Development of the protocol of confidentiality and privacy of the victims**
- **Database and its use**

According to one of the respondents who contributed to reviewing of the first draft of this report, “the idea for a systemic collection of the data and reporting of domestic violence cases at the local level was born together with the design of the first project implemented by the network against gender violence and trafficking with the support of UNTF in 2007-2009, as a way to address the lack of statistics on domestic violence cases and the database was created and started to be used in different municipalities.

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277 See above at the need for protocols for the treatment of violence victims in communities.

278 (3.39) Do you have a referral protocol/guidelines that preserves confidentiality? (3.40) Do you have physical conditions for preserving confidentiality, privacy during contact/the process?

279 According to the report, the manual was created for use during training with journalists and for publication and dissemination beyond to journalists and students of the journalism department

280 (3.42) Do you have an electronic database on cases? Is it used and how?
supported by UNDP and UNTF. 281 Council of Ministers Decision no. 334, dated 17.02.2011 282 clarified the procedures for collection of the data and reporting of domestic violence cases. With the request of the Ministry of Social Welfare and Youth (MSWY) and support of UNDP, the database became a national web-based system that supplies the MSWY with plenty of data for drafting policies and is expected to increase monitoring and continued further improvement of the Coordination and Referral Mechanism.

The system’s monitoring capacity is confirmed by another respondent at the level of monitoring and policy drafting that was interviewed:

“The data that the online system collects: ‘At the responsible authority, it may be clearly seen that the case has been referred for the first time by the local coordinator at the municipality who has then passed it to police, then service from the psychologist was received, a protection order was issued or not, there’s data on family status, disability status, ethnicity, whether the person is Roma or Egyptian, has children or not, what services the person is receiving’

According to the European Commission’s Progress Report, the online system for reporting gender violence cases has been launched but is operational in only 29 municipalities. 283

Also according to interviewees, the system is very good but the challenge remains with how much it will be used by all municipalities.

For one of the interviewees from the residential centres, the fact that the system does not bring any benefit to the victims is a problem in itself:

Telling the truth, it is just a show because no one inserts data in it. We consider it as an achievement, we tell we have a database, but start the counting with me, I am on of those who do not insert data in there, because I should first get permission from the woman, and the moment I tell her I will insert her data she starts worrying, etc.. She has enough troubles; I do not intend to impose more. And then, what’s her benefit if I, as a service provider insert the data

**Recommendations**

- Extending the system in all created municipalities;
- Participation of the residential centers for victims of violence in inserting data into the system;
- Reviewing the data collection and use of the database to coordinate and intervene for the protection of individual cases;

**Monitoring and monitoring standards** 284

Monitoring of the functioning of the mechanism is regulated by MOLSAEO 285 Instruction no. 1220, dated 27.5.2010 “On the definition of the evaluation and monitoring of indicators on gender equality and violence toward women, including domestic violence, oversight, their collection and processing.” 286

281 According to the Strategic Platform for Coordination of the Community Against Domestic Violence (UNDP, 2009), the main initiative of this intervention is to pilot the development and implementation of integrated and sustainable local systems for referral for women who are victims of domestic violence, as well as providing a response to the lack of data collection and reporting of domestic violence through a strategy and a well-structured monitoring process to track domestic violence cases, its distribution, demographics and referral service reactions.

282 On the National Mechanism for the Coordination of Work and the Referral of Cases of Domestic Violence and the Manner of its Proceedings


284 (3.41) Who monitors your actions, services and based on what standards? (3.54) Do you prepare monthly, quarterly and annual reports and for whom? (3.55) What would you recommend to improve/fulfill this function?

285 Today MSWY

286 Official Gazette 78/2010
As mentioned above, MSWY monitoring is helped by the functioning of the online database and by the comparison and completion of such data with information collected periodically according to Instruction 1220, especially by police in the places where the online system doesn’t work:

“There’s a difference, let’s say, between cases generated by this system because they don’t operate out of all municipalities, because these coordinators who work there only refer to municipality cases, while we say, in total, as an institution, we refer to data from State Police, because the State Police collects data even on cases from rural areas: there’s a very big difference if you look at the figures from the database and the reporting forms.”\(^{287}\) - monitoring & policy drafter

According to decision no. 334, dated 17.2.2011, Steering Committees evaluate the work of the technical multi-disciplinary team relying on information and periodical reports submitted by the team on every case and they take decisions on improving its functioning.

According to article 6 of the Istanbul Convention, the group of experts for action against violence against women and domestic violence \(^ {289}\) is set up to monitor the Convention’s implementation by its state parties. This group consists of a minimum of 10 and a maximum of 15 members, ensuring geographical and gender balance and multi-disciplinary expertise, is elected by the Committee of Parties from candidates nominated by them for a 4-year term and renewable only once and conduct visits to state parties. According to the CoE, the 10 members of GREVIO were elected in 2015 and the group includes Ms. Iris Luarasi from Albania.\(^ {291}\)

Residential centers for domestic violence victims are monitored by the Inspectorate of Labor and Social Services on the basis of Standards for Social Care services for victims of domestic violence, in public and non-public residential centers, approved by decision of the Council of Ministers no. 505 on 13.7.2011.

According to respondents from residential centers, their activity is also monitored by the State Social Service and the Ombudsman.

### Recommendations

- Establishing standards / indicators of reintegration of the victims in community/ families;
- Monitoring of case management, and the support provided
- Available assistance services \(^ {292}\)

In reality, services in the context of assistance toward domestic violence, on the basis of the law “On measures against domestic violence” are administered by municipalities and communes. However, in the case of the extension of the social service project in some communes and municipalities, there may be agreements by basic local units for a local service to be managed on the county level. This fits better not only with the nature of the county as a coordinator of projects that go beyond the boundaries of a single basic unit, but also with local taxes because it is not compulsory or correct that the contributions of local

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\(^{287}\) The Ministry of Interior and General Directory of State Police submit indicators according to form ¾ of the instruction: number of registered cases of domestic violence, by kind, sex, age, education level, employment status, civil status, citizenship, minority status, residence, number of actions conducted by state police officers to protect domestic violence victims such as counseling, petitions for protection orders, referrals to prosecutor’s office (urban/rural).

\(^{288}\) Council of Europe Convention on preventing and combating violence against women and domestic violence, Istanbul, 11.V.2011 Chapter IX, Article6, Group of experts for action against violence against women and domestic violence

\(^{289}\) GREVIO

\(^{290}\) Two members from one country are not allowed

\(^{291}\) http://www.coe.int/t/DGHL/STANDARDSETTING/CONVENTION-VIOLENCE/GREVIO_en.asp

\(^{292}\) 3.56 What direct services can you offer to victims in your area? (kind of services, deadlines, criteria for accepting/not accepting, geographic coverage) 3.57 Do you have a list of organizations or professionals who offer services and do you update it and on what basis? 3.58 In how many cases were you able to secure: shelter, free legal aid...? 3.59 What are the difficulties in securing assistance? 3.60 What would you recommend to improve securing assistance?
taxpayers of a basic local unit support services extending beyond that unit.\textsuperscript{293}

A 2013 analysis of the legal framework on NPO funding found that there is no detailed legal basis that would support purely and directly the contracting, delegating and procurement of NPOs for social services by local government bodies.\textsuperscript{294}

- **Emergency assistance services**


According to respondents, emergency intervention is the housing of the victim away from the violator, which is practically impossible for the majority of cases due to the lack of centers:

“There are deficiencies in terms of emergency services, which means housing as that’s the emergency one; it is our priority but one other thing is that by law, it is the obligation of the commune and municipality to establish rehabilitation centers while we don’t have any such. The law on (domestic) violence says that rehabilitation centers are an obligation of the local government, the municipality, the commune, so in this context, according to the law on residential services, we are obliged to have a service for each target; and we do have a service but this is very little for the population and for violence cases so our push is to collaborate, encourage local government about what we can do”—monitoring & policy drafting

“There is no crisis center for domestic violence victims and there is no treatment center for violators” – social service provider, local coordinator

“There needs to be a local budget that addresses and ensures emergency interventions…” social service provider, local coordinator

“moving the victim out of the family house is not a solution- social service provider

“What should be noted is that, to us, the family remains, willing or not, the main source of support and survival. Efforts to remove victims from their environment carries big risks, and makes it very difficult to rehabilitate them, and I fear that all our structures do not keep this in mind, and do very little work with the family, thinking that they might create a new building outside family. It is of course true that the family environment has its own difficulties, because there is the risk within, but in our conditions it is the most long-term sustainable source of rehabilitation”

“Shelter for abused women and girls” opened in 1998 as part of the “National Network against Gender Violence and Human Trafficking,” and a project of the “Refleksione” women association’s project. Since then, the shelter has functioned regularly becoming an active partner in the area of women’s rights. The shelter has offered direct services for domestic violence victims and is involved in lobbying, advocacy, research and education for the broader public at the same time.

Amendments to Law no. 9669, dated 18.12.2006 “On measures against domestic violence” by Law no. 10329, dated 30.09.2010, provide some additional guarantees for domestic violence victims. One of the most important amendments was the establishment of a national center of social care services for domestic violence victims, which provides accommodation and specialized assistance for the category of domestic violence victims.

\textsuperscript{293} Aurela Anastasi, Report, Main findings, 2013 “ANALYSIS OF THE LEGAL FRAMEWORK ON THE SUBCONTRACTING NPOs BY CENTRAL AND LOCAL BODIES, FOR DOMESTIC VIOLENCE SERVICES http://www.qag-al.org/ËEB/publikime/kontraktimi_ojf.pdf

\textsuperscript{294} The same source
With changes made by the Council of Ministers in December 2014 to CMD 425, dated 27.06.2012 “On the definition of criteria and documentation necessary for the admission of persons to residential public and non-public social care institution,” documentation to be completed for the placement of domestic violence victims in social care institutions should include the protection order/immediate protection order when the initiative for the placement of domestic violence victims in social care institutions is undertaken by girls and women, victims of domestic violence.

According to the information for this assessment, shelters admitting victims of violence without protection order are the center of Women’s Forum in Elbasan and the Shelter for Women and Girls in Tirana. According to the official website of the Forum, the day center offers shelter from a few hours to 2-3 days, pending issuance of the immediate protection order and transfer to another shelter. According to its official website, the conditions of admission include that: “Faced with two women who represent the same level of difficulty, priority is given to pregnant women, women with young children, in bad health condition, with severe economic hardship or who lack of support from family of origin.”

In connection to the emergent accommodation in a shelter, it is informed that the lack of specialized assessment of mental condition of the victim poses a problem:

“It has happened to us, she has come in an emergency situation, we have not been able to evaluate, we’ve got her in, because the police brought her to our door, but as she had mental health problems she became a risk for the whole group inside.”

**Recommendations**

- Establishment of the crisis / emergency centres for victims of domestic violence; Establishment of offenders’ treatment centers;
- Continuous training of technical group specialists in particular district police, area inspectors who are the focal points for the referral of cases;
- Long-term assistance services

According to respondents from the social services, in general, the cases appear with numerous social-economic difficulties and need shelter and employment.

“provision of medical help, employment and housing (after receiving services in residential centers) for victims and their children remains very difficult, as almost all the cases are not equipped with health certificates, or have them in health centers where are residents. Funds for visits, tests, therapies are very limited in residential centres. Employment remains difficult as the regional employment offices offer limited jobs, even through the employment promotion program which is applied mainly in tailoring, or shoe factories, despite the opportunities, or training for this target group” -Social service provider

According to article 5 of law no. 10 399, dated 17.3.2011 “On some amendments and additions to law no. 9355, dated 10.3.2005 “On social aid and services,” victims of domestic violence are beneficiaries of economic aid for the period of validity of the protection order or the immediate protection order, i.e. access to “economic aid” is conditioned by protection orders issued by the court.

According to decision no. 376, dated 11.6.2014 “On some amendments and additions to decision no. 787, dated 14.12.2005, of the Council of Ministers “On the definition of criteria, procedures and level of economic aid” amended, after item 23/1, a new item 23/2 is added and it reads: “23/2. The wife has the right to withdraw and get a hold of economic aid.”

According to the respondents, the economic aid is very low and not enough to cover basic needs of the family. According to the decision no. 376, dated 11.6.2014, incomes from economic aid would be according to the table below:

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295 [http://www.forumigruaselbasan.org/sq/qendra-ditore-e-kujdesit/]
<table>
<thead>
<tr>
<th>For family member above working age and single spouses</th>
<th>For spouses</th>
<th>For every other family member, in work age,</th>
<th>For every other family member, under work age (until 18 years)</th>
<th>Total calculated per family of two spouses and two children, one 10 years old and one 5 years old</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,600</td>
<td>3,200</td>
<td>600</td>
<td>700^296</td>
<td>4,600 ±400</td>
</tr>
</tbody>
</table>

According to Minister Veliaj, 2/3rd of the employment encouragement fund goes to women’s employment, especially in rural areas and especially disabled ones.297

Regarding employment, informants estimate that there are tremendous difficulties in finding jobs. Sipas një ofrueseje të shërbime sociale: “Në tregun e punës për hir të së vërtetës ne gënjejmë veten, sepse një grua që del nga një qendër, me gjithë bashkëpunimin në mekanizëm, apo punon në të zezë dhe punon me pagë jashtëzakonisht të ulët” According to a social service provider: “In the labor market for the sake of truth we deceive ourselves, because a woman who leaves the shelter, with all the cooperation in the mechanism, she works “in black”, and works with extremely low wage”

Sipas një informantej tjetër: “Kërkohet ndërhyrja e institucioneve shtetërore, pranë biznesit privat për detyrimin e këtij të fundit të punësimit të këtë raste rastev në përputhje me nevojat e tyre (ditët e javës dhe orare kur ka shërbime në institucionet përkatëse të përkuqjesjes të fëmijëve e tyre)”

According to another respondent: “State institutions’ intervention is required here, check on private businesses, how they fulfill the obligation to employ these cases in accordance with their needs and rights: (week days and timetables when there are services of care for their children) “

Sipas një koordinatorej vendore nevojat për ndihmë afatgjatë të viktimave të dhunës, nevojat për punësim :“Mund të plotësohen sepse janë të realizueshme në bashkëpunimin me të gjitha institucionet e përfshirë në këtë pjesë të rastës te përputhje me nevojat e tyre të fëmijëve, për shkak të angazhimit të tyre në familje me mirërritjen dhe edukimin e fëmijëve të tyre nuk i kryejnë qofte, ndërkohë apo qoftë edhe punësimin”

According to a local coordinator, the long-term assistance needs of victims of domestic violence, and the employment needs, “can be met because they are realizable in cooperation with all institutions involved in this issue but some of the cases, due to their involvement in the family: the upbringing and education of their children, they do not pursue professional courses or employment”

Po, punonjesja e… më tha që ekzistonin dy mundësi për mua, varej se ku kishte vend. Yes, the staff of … told me that there were two possibilities for me, it depended on where they had room. Në fakt u tremba kur më thanë që mund të më çonin në X. Për mua vendosja në Y ishte mundësia më e mirë, për faktin që mendoja se Y ofronte më shumë mundësi punësimi. I was actually scared when they said that could bring me city X. City Y was the best place for me, I thought that city Y offered more employment opportunities.

– E mbijetuar e dhunës në familje. - survivor of domestic violence.

Viktimat e dhunës në familje mund të përfitojnë drejtpërdrejtë/nominalisht nga programet sociale të strehimit 1 Victims of domestic violence can directly / nominally benefit from social housing programs.298

Megjithatë, sipas një vlerësimi të kryer në vitin 2014, 2 programet sociale të strehimit tërheqin familjet me të ardhura mesatare 6 deri në 8 herë më të larta se nivel i varfërësitë.Sipas të njëjtët vlerësimi, shpërndarja e programeve të qeverisë, përfshirë edhe shpërndarjen e banesave sociale, mbështetet kryesisht në lidhjet

296 For those family members who are children and prove that they attend compulsory 9-year education until the age of 16, they receive an addition of 300 (three hundred) Lekë during the school year. For those family members who are children and prove they have been vaccinated according to the vaccination schedule, they receive an addition of 100 (one hundred) Lekë per each vaccine done.”

297 Erion Veliaj http://www.bing.com/videos/search?q=mekanizmi+i+dhunës+shqiperi&FORM=VIRE8#vieë=detail&mid=2E9E9244B4BD723F1122E9E9244B4BD723F112

298 Law No. 9232, dated 13.05.2004 “On the Social Housing Programs” amended, victims of domestic violence are incuded in cases given priority
personale.

However, according to an assessment conducted in 2014, social housing programs attract families with income of 6 to 8 times higher than the poverty level. According to the same assessment, the distribution of government programs, including the distribution of social houses, relies heavily on personal connections. For the Albanian ordinary citizen, this means that to get things done, he/she must rely on personal connections with those in power, and if there is no such connection, he/she must suffer discrimination and exclusion.

Për qytetarin e zakonshëm shqiptar, kjo do të thotë se ai duhet të mbështetet në lidhjet personale me personat në pushtet për të mbaruar punë, dhe në rast se nuk ka lidhje të tilla duhet të vuajë diskriminimin dhe përjashtimin. For the Albanian ordinary citizen, this means that to get things done, he/she must rely on personal connections with those in power, and if there is no such connection, he/she must suffer discrimination and exclusion.

According to a respondent from the centers that help victims of domestic violence: “The care centers that assist victims of domestic violence do not have sufficient funds for assisting these cases in apartments or other alternative accommodations. This is Deri diku është zgjidhur nëpërmyjet bashkëpunimit me organizata të tjera, por është bërë i mundur vetëm në numër dhe kufizuar rasteve. Somehow solved through cooperation with other organizations, but it has become possible only for a limited number of cases.”

Vlerësimi u informua se në rehabilitimin dhe ri/integrimin e ektimave të dhunës në familje, ndryshëm nga ektima e trafikimit është në funksion dhe përdoret shumë tradita e mbështetja nga familja: The evaluation was informed that for the rehabilitation and re/integration of victims of domestic violence, different from that of victims of trafficking, the traditional family support is more available and is often used:

“ ka ardhur vëlëi i burrit,babai i burrit,ka ardhur nëna ,ka ardhur motra,e kanë marrë gruan dhe i kanë thënë,nëse ai vazhdon,ai ka punë me mua jo me ty dhe ka ndryshuar.Në Shqipëri pjesa informale funksionon,dhe duhet shfrytëzuar,nu nuk mund të dalim jashtë kulturës.” (ofrues/e shërbimesh shoqërore) “The husband’s brother came, his father, his mother, his sister came, they took the woman aside and said, if he continues, he will not deal with you, he will have to deal with me, and the situation has changed. In Albania, the informal support functions and should be used we can not ignore our culture.” - social services provider

Recommendations

• Hartimi i një programi mbështetje që të përfshijnë periudhën e rinTEGRimit pas që ndërmit në qendra rezidenciale; Develop a support program that include reintegration period after stay in residential centers;

• Mbështetja me trajtimi shëndetësi i viktimit të truar, të ndihme , i sigurimit të perëndimit të shëndetës së vitimit; Support the medical treatment of the victim regardless the fact they have paid medical insurance or not;

• Monitorimi/inspektimi i bizneseve/ punësve për të ndihmuar në ndarjen e rrezikut të shfrytëzimit; Monitoring / inspection of businesses to avoid risk of exploitation

E. CURRENT SYNERGIES BETWEEN THE MECHANISMS AND RECOMMENDATIONS

Actors of both mechanisms and survivors of domestic violence and trafficking were asked about the opinion that had in relation to the current status of cooperation between the two mechanisms and their recommendations for cooperation to resolve issues of concern to both. Recommendations regarding cooperation between the two mechanisms have been limited and mainly in the field of prevention, information on rights, building capacities of the identifying structures to identify both categories of victims, holistic and multidisciplinary assessment of the needs in joint groups and focusing on the families, planning and implementation of family-focused interventions. The recommendations came in the form of joint activities, establishment of units with dual focus, and in the form of replication of working models generated by each.

In general, the respondents were reluctant to suggest merging/fusion of the mechanisms for the different ways the responsibilities are structured and different location patterns they have: the anti-trafficking mechanism as a responsibility mainly of the central government and anti-domestic violence mechanism as a responsibility mainly of the local government. One other important reason given is that the application of the territorial reform will create a new map of the distribution of needs and services, which should be studied in detail before any specification of the job descriptions of employees of social services takes place. However, the most prominent recommendations regarding ways of joining/bonding/merging of two mechanisms are:

- **Drafting a frame law/bill for victims of crime that includes the responsibilities of the institutions, the rights of the victims, the services and access to services for both victims of trafficking and victims of domestic violence;**
- **Establishment in the Ministry of Justice of a Special Unit of Victims’ Advocates: for both victims of trafficking and victims of domestic violence;**
- **Establishment of emergency and rehabilitation centers that work for both categories of victims;**
- **Elaborating in the law of the obligation to report domestic violence and trafficking;**
- **Extending the use of the application “Report, Rescue” and the national anti-trafficking line for use by victims of domestic violence;**
- **Merging of technical groups at the local level in a single case managers’ unit that maintains specialized assistance to specific groups;**
- **Creating alternative care services for abused and trafficked children;**
- **Conditioning the compilation and application of information campaigns with tackling both types of crimes and violence in general;**
- **Determination of a minimum period and trauma recovery protocol for victims of crimes including the use of psychotherapy services;**

**General Operation of the mechanisms in central and local level**

The prevailing opinion is that both on papers and in practice, at regional/county, or local government/municipalities, communes level, the mechanisms have and maintain strong and helping links between each other, through daily contacts of police, state social service workers, local coordinators, labor offices and civil society organizations where they are open/ready to assist both categories of victims. In terms of cooperation at central level, the informants are of the opinion that in general they operate as separate.
As informed earlier, separately for each of the mechanisms, in order to improve their functioning, both need to:

a) Secure active involvement with clearly defined tasks for identification and protection of the victims from other stakeholders besides police and municipality or state social workers;

b) Recognize and implement all the responsibilities by all actors involved in the mechanisms;

c) Budget and provide concrete assistance to the needs of the victims in their communities;

d) Establish appropriate assistance alternatives for special categories of victims, children, men;

According to informants, both mechanisms actors must work in joint activities such as: explaining and promoting the two mechanisms and child protection mechanism, especially in the areas the victims come from; defining objectives, indicators, case management tasks, from identification to rehabilitation and re/integration thereof; designing and implementing of projects that have effects on the functioning of the two mechanisms; creating nuclei of professionals at local/municipality level, focused on family issues, lobbying of both actors with the central government to increase funding for victims of domestic violence;

With regard to replication of models, it is recommended: the appointment of a National Coordinator Anti-Domestic Violence similar to National Anti-Trafficking Coordinator.

- Identification and referral of trafficking and domestic violence victims and the reach out means

There are in practice experiences of identification and treatment of both, victims of domestic violence and victims of trafficking by the same actors, regional offices of state social service and by organizations such as psycho-social center “Vatra” in Vlora, the center “Another Vision” in Elbasan, Different & Equal, and ARSIS. In both cases, in the anti-trafficking mechanism, and in anti-domestic violence mechanism there are types and categories of violence and exploitation which remain outside identification. For both categories it’s strongly noted that the victim’s psychological state, conditions and methods of interview are essential to the identification and referral. For both categories lack of support and logistics hinders proactivity in identifying and reaching affected remote areas. For both categories, the main structure of the identification is the police. For actors of both mechanisms there is concern regarding the lack of financial means to develop awareness raising activities on domestic violence-trafficking-domestic violence cycle in a steady and structured way and not just during the weeks against violence or trafficking.

According to respondents, with the support of the above-mentioned organizations with expertise in both mechanisms, the experts of both parties should synchronize their agendas for activities such as: awareness raising lead by experts on both fields, to: make the actors, especially at the level of communes-social administrators, area police inspectors, health and education workers use their contacts to properly identify and refer different types of domestic violence, trafficking and exploitation; learning more about victims’ reactions to violence and communication and interview techniques; creating physical conditions for victims’ interviewing; ensuring the presence of psychologists in the interviews; providing logistical support for social workers to reach areas where victims live/ can be identified; including promotion of the rights of victims of violence and trafficking in every meeting or activity agenda of the mechanisms.

In terms of replication of each other’s models it is recommended: replication by the mechanism against domestic violence of the proactive methods of identification and referral of the anti-trafficking mechanism: the mobile units, national telephone line and mobile application.300

300 See also above, the recommendation for extending their use to victims of domestic violence as well
• **Effective Partnerships**

For actors of both mechanisms that informed the evaluation, effective partnerships are considered those that focus on directly help referral, rehabilitation and reintegration of victims and those in which the parties have clearly defined responsibilities and the steps to be followed up to full rehabilitation of victims.

The following are informed as joint activities that can enhance the effectiveness of the partnerships: *drafting cooperation agreements at the local level with focus on helping both categories, the establishment of units with focus on the protection of both victims - trafficking and domestic violence victims’ advocate units.*

In terms of replication of each other’s models it is recommended: *Drafting and signing of a national agreement on coordination against domestic violence after the NRM model against trafficking; development of standard operating procedures for identification and referral of victims of violence after the SOP model.*

• **Victims’ collaboration with law enforcement for prosecution of perpetrators**

According to respondents of both mechanisms, it is necessary to increase the collaboration of the victims for penalization of offenders, increase the responsibility of central and local institutions and service providers to: make the victims aware of the crime that has happened against them, and press charges against perpetrators on their initiative / without the victim having to file a compliant and carry the burden of proof her/himself. In their opinions regarding the capacity to provide legal assistance to victims, both parties inform that the resources for professional legal assistance are scarce compared to the needs, and the procedures of application to Legal Aid Commission, do not respond to the situation and needs of the victims.

Regarding joint activities of the two mechanisms which could increase cooperation for punishment of traffickers and abusers, the respondents recommend that: *both parties analyze and eventually replicate the Kosovo model of the Office of Advocates for Victims of Trafficking and Violence at the Prosecutor’s Office; Joint Lobbying for amendments to the Criminal Procedure Code regarding the investigation and punishment of traffickers and abusers.*

• **Risk assessments and measures to avoid risks**

Informants of the two parties are of the opinion that the assessment and management of the risks posed on both the victims and those who help him/her, including service providers or family members, need to be further elaborated and guided in the mechanisms provisions. Both sides raised the question of consciousness of the victims about the risks they have, the risk that comes from communication, or the relationship of the victims with the violators or traffickers, or risk that comes from victims sharing experiences amongst them.

As a joint activity, the informants suggest: *the establishment of a joint working group with the support of organizations that have helped the two categories of victims and children at risk to determine levels of risk to victims and standard steps to be taken by the institutions and service providers to reduce the risk, analyzing and replicating existing practices of organizations to make victims aware about the risks.*

• **Treatment of child victims**

Treatment of unaccompanied child victims only in residential settings remains a challenge for players of both mechanisms. Some of the evaluation informants expressed that they were willing to contribute to the identification and the training / capacity building of foster families. Professional communication with child victims, is an area informed as lacking.
In terms of joint activities it is recommended that: *actors of both mechanisms contribute in functioning of foster care service and training of foster families; trainings on child interviewing and child care are conducted with the participation of organizations, institutions dealing with children's rights and child protection.*

- **Treatment of victims’ children**

For both parties victims’ children are at risk of neglect and abuse from not only the abusers and traffickers, but also from their own mothers, who have problems that need treatment, or lack of positive child-rearing models. According to informants in many cases, it is other people looking after the children, other victims or organization staff. In some organizations for both categories, parenting training programs are offered that can be modified and replicated. Both parties are challenged by the lack of opportunities to have children enrolled in nurseries or kindergartens at a schedule that matches the working hours of their parents.

As a joint activity it was recommended: *the two mechanisms stakeholders to develop a specific treatment program for children of the victims.*

- **Emergency interventions**

For both categories, the main problem is the immediate safe accommodation and meeting basic needs until an emergency protection order is issued, or the person is interviewed/identified.

The Annex 3 of NCATS report 301 provides an extract from the study “Methods and Models for mixing services for victims of domestic violence and trafficking in people in Europe & Euroasia” 302 writing that it is possible, and at times advisable, to mix services for victims of domestic violence and trafficking. According to the study it is important to maintain an individualized approach, case assessments and assistance plan for each of the beneficiary. According to it, when there are mixed services there is need for specific programs for specific groups to address specific needs and any decisions surrounding the mixing of services require careful attention to some key issues and considerations such as 1. Considering program objectives and organizational approach, 2. Assessing whether it is a cost effective and efficient approach, 3. Ensuring cultural and contextual sensitivity, 4. Providing adequate and appropriate training, sensitization, and supervision for all staff, 5. Considering the clients’ profiles, experiences, behaviors, and needs.

Information gathered during the assessment shows that in line with the measures recommended by the above-mentioned study, “Different & Equal”, Psychosocial Centre” Vatra “and” Other Vision “, have traditionally received referrals of both victims and based on each case evaluation and helped a number of them in the same shelter.

Otherwise, the public centers, are created with specialized focus and held these two categories strictly separated. Sipas informacionit nga QKPVT: According to information from the NRCVT:

“The only time NRCVT assisted a victim of domestic violence was when the centre for domestic violence accommodated a case that was difficult to differentiate whether she was a victim of trafficking or victim of domestic violence”

Respondents from residential service providers, take the same stance regarding the accommodation of victims of trafficking and violence in the same center. Providers of residential services for victims of violence, consider that they do not have sufficient capacities to assist victims of trafficking and do not

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301 NCATS, Report on the contribution of the NCATS to the identification and assistance for trafficking victims October 2009 - September 2010

consider it appropriate, to assist them in one place.

 Trafficking victims interviewed for this assessment, who had been assisted in the same shelter with victims of domestic violence (5 out of 6 interviewed) have had a positive opinion about this experience. As reasons / factors that made them feel positively about it they prioritize the fact that they were and are victims of domestic violence, establishment of clear rules of privacy, confidentiality and respect for each other.

 “Why should I have a problem with that? My husband did beat me and trafficked me”

 “She is like a mother to me, she gave me heart, told me that things will not always go the same way, she spoke to me about my future when I would have my own children and they would be my support”

 Two of the four victims of domestic violence victims interviewed were assisted together in the same shelter with the victims of trafficking. Both said they were feeling well and that they felt compassion for the trafficked girls they were assisted with. The two others who are not helped in the same shelter expressed positively:

 “If I could, I would help her with everything she needs. From emotional support to material support”

 Survivor of domestic violence

 As a joint activity related to emergency interventions it was recommended: the establishment of a working group with experts from organizations that assist both groups to examine in depth cases of emergency interventions and draft a protocol / standards of treatment in emergency centres that can be applied for both categories of victims; lobbying by both groups of stakeholders for the establishment of emergency centers.

 Regarding the recommended replication of models, it was recommended: Including the assessment of the condition and injuries of the victims of trafficking by forensic doctors.

• Long-term assistance - Reintegration

 As mentioned above, the informants focused on each group informed the main challenges of long-term reintegration being housing, employment, family or community attitudes, that lead to re-victimization of the cycle: domestic violence- trafficking-domestic violence. It was informed that while for the victims of trafficking there are indicators of successful reintegration and a well-structured reintegration program applied by Psychosocial Centre “Vatra”, Another Vision and Different & Equal in communities where the victims live, such indicators and reintegration programs are missing for victims of domestic violence. It was also informed the design, in early 2015, of the plan for social and economic empowerment of victims of trafficking and efforts by UNIFEM and IOM to build the capacities of organizations that help victims of violence and award grants for re-integration of victims of domestic violence.

 As joint activities informants recommended: the continuation of the exchange of experience among organizations and institutions that assist both groups to develop indicators of rehabilitation and re-integration of victims of domestic violence; state calculating and budgeting of reintegration support for victims from both groups including financial support for mentoring the victims during the process of reintegration; Inclusion of the families in reintegration assistance; foreseeing and providing of additional specific support for victims with disabilities.
F. ANNEXES

1 Ligji Nr.9232, datë 13.05.2004 “Për Programet Sociale të Strehimit” Structure of interviews

For employees Focus mechanism against violence

Name of person responding to request for information........................
Place..........................................................
Structure & Position in the structure :.................................
Role of structure in mechanisms:
   a) Against trafficking
   b) Against violence
Rubric 1. General & specific role and duties
Total number of cases handled by structure for 2014:.............................
Typology/categories of cases ......................................................
Total number of trafficking cases handled by structure for 2014:....................
Total number of violence cases handled by structure for 2014:..........................
Of these, on trafficking: main ages ...... sex., place of residence, ................type of
exploitation,........., type of recruitment. ..................................
Of these, on violence: main ages ...... sex., place of residence, ...., type of violence......
1.1 If there were no cases of trafficking handled by the structure, what was the reason?
1.2 If there were no cases of violence handled by the structure, what was the reason?
1.3 How many cases of domestic violence did you manage personally last year?
1.4 What is your overall opinion about the functioning of the violence mechanism and why? (which are
   the challenges)
1.5 What kinds of abuse are most likely to be identified and why?
1.6 What are the categories most likely to be left out of identification and assistance, why?
1.7 Who are your closest most effective partners regarding your duties in the mechanism (CMD) and
   why (NPO and state structures)?
1.8 Which partners are not effective/helpful and why?
1.9 Does victims’ collaboration with law enforcement authorities affect access to assistance?
1.10 Which are your specific duties vis-à-vis the mechanism against violence/ what are your actions?
1.11 Where are your duties detailed and are they sufficiently detailed?
1.12 Which are the latest activities, developments that affect or will affect your duties with regard to
   the CMD on violence?
Rubric 2: Opinions on resolving the case (interviewed case if pertinent/ rubric is optional)303
2. How do you think it helped?
2.2 What were the positive achievements in this case ?
2.3 What were the barriers to assistance/smooth proceeding of the case?
2.4 Is there contact presently? Why not, or why is there?
2.5 Is there information whether case is being assisted/ what situation is case in?
Rubric 3: Functions within local mechanisms
3.1 Do you participate in SC or multi-disciplinary group meetings?
3.2 What is SC’s main role?
3.3 Should changes be made to the SC role, why and what changes?
3.4 What is the role of the multi-disciplinary group?
3.5 Should changes be made to the role of the multi-disciplinary group, why and what changes?

303 If permission has been granted by interviewed victims
3.6 Is there overlapping of structures, roles, duties within the mechanism, with other mechanisms? What precisely and what impact does overlapping have?
3.7 How does this affect your work and how can it be avoided?
3.8 How many times have you requested a meeting of the multi-disciplinary group?
3.9 How many cases were handled by the multi-disciplinary group so far?
3.10 What do you consider achievements of the multi-disciplinary group?
3.11 What do you consider barriers to the functioning of the multi-disciplinary group?
3.12 What do you recommend to improve the functioning of the multi-disciplinary group?
3.13 In how many cases have you been contacted directly by a domestic violence victim last year?
3.14 How many cases have been identified and referred by others (police, organizations)?
3.15 Which are the ways in which victims come into contact with you?
3.16 How can victims’ contact with you be increased?
3.17 What are the difficulties for identifying a violence victim?
3.18 What information tools do you have on victims’ rights?
3.19 What are the difficulties with regard to informing victims?
3.20 What would you recommend to improve/fulfill this function/need?
3.21 In how many cases do victims press charges against the violator and does that affect their identification and treatment?
3.22 Do violator’s relations with the victim affect your approach and how exactly?
3.23 How do you help victims with the courts?
3.24 In how many cases did you accompany victims to court and what was your role?
3.25 Is that a duty/function, service?
3.26 Do you get requests for appearance in court or orders issued by the court regularly and do you give them just as regularly to the victims?
3.27 What do you do in cases of violation of court orders?
3.28 Do victims have problems with the law (were sentenced) and how do you resolve these problems?
3.29 Do violators get deserved sentences?
3.30 Do victims get what the court demands?
3.31 What are the procedures, references that you use to measure risk to victims and do you feel confident about them?
3.32 What measures do you take to avoid risk and how can they be improved?
3.33 What are your actions or special measures, challenges when the victim is a child?
3.34 How can child treatment be improved?
3.35 What are your actions regarding victims’ children?
3.36 How can the treatment of victims’ children be improved?
3.37 What are the problems with child custody and how are and how can they be resolved?
3.38 Do you keep a file on each case? What are the challenges with that? What would you recommend to improve/fulfill this function?
3.39 Do you have a referral protocol/instructions to preserve confidentiality?
3.40 Do you have the physical conditions for preserving confidentiality, privacy during contact/the process?
3.41 Who monitors your actions, services and on the basis of what standards?
3.42 Do you have an electronic database for cases? Is it used and how?
3.43 Do you receive information from other institutions/structures and what kind of information?
3.44 What would you recommend to improve obtaining information?
3.45 How many training courses did you attend last year?
3.46 How many training courses did you organize last year for the multi-disciplinary group or other personnel?
3.47 What would you recommend to improve/fulfill this function?
3.48 On how many information publications did you cooperate last year?
3.49 What would you recommend to improve/fulfill this function?
3.50 How many agreements did you draft last year?
3.51 What would you recommend to improve/fulfill this function?
3.52 What protocols or informal relations for cooperation have you identified as successful?
3.53 What would you recommend to improve/fulfill this function?
3.54 Do you prepare monthly, quarterly and annual reports on this?
3.55 What would you recommend to improve/fulfill this function?
3.56 Which are the direct services you can offer for victims in your area? (types of services, deadlines/emergency or long-term, criteria for acceptance/non-acceptance, geographic coverage)
3.57 Do you have a list of organizations or professionals who provide services, do you update it and on what basis?
3.58 In how many cases were you able to provide: housing, free legal aid?...
3.59 What are the difficulties in ensuring assistance?
3.60 What would you recommend to improve ensuring assistance?

Rubric 4. Compatibility/synergy of services with immediate and long-term needs of victims of violence
4.1 What are the difficulties/challenges you encounter for emergency interventions?
4.2 What are your recommendations for improvement/facilitation of emergency interventions?
4.3 What are the victims' long-term needs that you highlight during your work?
4.4 Do you think they are met and why?
4.5 What are your recommendations to improve the compatibility of needs with services?

Rubric 5. Synergy with the mechanism against trafficking
5.1 Have you ever attended meetings, events related to trafficking? (technical round table of the Regional Anti-Trafficking Committee) What were the benefits?
5.2 Were you involved in the identification, referral and assistance for victims of trafficking and what did you do concretely?
5.3 What role do you think you could play in the identification, referral and assistance for victims of trafficking?
5.4 What would help you engage more in the identification, referral and assistance for victims of trafficking?
5.5 Could you suggest an activity: legislation change, joint project that would enhance relations between the two mechanisms/the effectiveness of both?

For Employees: Focus mechanism against trafficking

Name of person responding to request for information....................
Place...............................................
Structure & Position in structure :..............................................
Role of structure in mechanisms:
c) Against Trafficking
d) Against Violence

Rubric 1. General on the role and specific duties
Total number of cases handled by the structure in 2014:............................
Typology/categories of cases ........................................................
Of these, on trafficking: main ages ......, sex ......, place of residence ......, kind of exploitation ......, type of recruitment
Of these, on violence: main ages......, sex ......, place of residence ......, type of violence......
1.1 If there were no trafficking cases handled by the structure, what was the reason?
1.2 If there were no violence cases handled by the structure, what was the reason?
1.3 How many trafficking cases did you manage personally last year?
1.4 What is your overall opinion about the functioning of the trafficking mechanism and why? (what are the challenges)
1.5 What kinds of exploitation are more likely to be identified and why?
1.6 Which are the categories most likely to fall out of identification and assistance and why?
1.7 Which are your closest most effective partners with regard to your duties in the mechanism and why?
1.8 Which partners are not effective/helpful and why?
1.9 Does victims’ collaboration with law enforcement authorities affect access to assistance?
1.10 What are your specific duties regarding the mechanism against trafficking and what are your actions?
1.11 Where are your duties detailed and are they sufficiently detailed?
1.12 What are the latest activities, developments that affect or will affect your duties with regard to trafficking?

Rubric 2: Opinions on the solution of the case (interviewed case if relevant/rubric is optional)
2.1 How do you think it helped?
2.2 What were the positive achievements in this case?
2.3 What were the barriers for assistance/smooth conduct of the case?
2.4 Is there contact presently? Why not or why is there?
2.5 Is there information whether it receives assistance/what situation is it in?

Rubric 3: Functions within local mechanisms
3.1 Do you participate in meetings of the technical round table of the Regional Anti-Trafficking Committee (RATC)?
3.2 What is the main role of RATC?
3.3 Should changes be made to the role of RATC? Why and what changes?
3.4 What is the role of the technical round table?
3.5 Should changes be made to the role of technical round tables? Why and what changes?
3.6 Is there overlapping of structures, roles and duties within the mechanism, with other mechanisms? What precisely and what is the impact of the overlapping?
3.7 How does this affect your work and how may it be avoided?
3.8 How many times did you ask for the technical round table to meet?
3.9 How many cases have been addressed by the technical round table so far?
3.10 What do you consider achievements of the technical round table?
3.11 What do you consider barriers to the functioning of the technical round table?
3.12 What do you recommend for the improvement of the functioning of the technical round table?
3.13 In how many cases were you contacted directly by a victim of trafficking last week?
3.14 How many cases were identified and referred by others to you (police, organizations)?
3.15 What are the ways in which victims come into contact with you?
3.16 What are the ways in which victims come into contact with you?
3.17 What are the difficulties in identifying a victim of trafficking?
3.18 What information tools do you have about victims’ rights?
3.19 What are the difficulties regarding informing victims?
3.20 What would you recommend to improve/fulfill this function/need?
3.21 In how many cases do victims press charges against the trafficker and does that affect their identification and treatment?
3.22 Do the violator’s relations with the victim affect your approach and how?
3.23 How do you help victims with regard to the courts?
3.24 In how many cases did you accompany victims of trafficking to court and what was your role?
3.25 Is this a duty/function, service?
3.26 Do you regularly receive requests for appearance in court or orders issued by the court and do you share them just as regularly with the victims?
3.27 What do you do in cases of violations of courts’ rulings?
3.28 Do victims have problems with the law (were sentenced) and how do you resolve these problems?
3.29 Do traffickers get the deserved sentence?
3.30 Do victims get what the court demands?
3.31 What are the procedures, referrals you use to measure risk to victims and are you confident about them?

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Mechanisms against violence and trafficking
Synergies and synergy developments

3.32 What measures do you take to avoid risk and how may they be improved?
3.33 What are your actions or special measures when the victim is a child?
3.34 How may children’s treatment be improved?
3.35 What are your actions regarding victims’ children?
3.36 How may the treatment of victims’ children be improved?
3.37 What are the problems with child custody, how are and how may they be resolved?
3.38 Do you keep a file for every case? What are the challenges with that? What would you recommend to improve/fulfill this function?
3.39 Do you have a referral protocol/instructions to preserve confidentiality?
3.40 Do you have the physical conditions for preserving confidentiality/privacy during contact/the process?
3.41 Who monitors your actions, services and based on what standards?
3.42 Do you have an electronic database for cases? Is it used and how?
3.43 Do you receive information from other institutions/structures and what kind of information?
3.44 What would you recommend to improve taking of information?
3.45 How many training programs did you participate in last year?
3.46 How many training programs did you organize last year?
3.47 What would you recommend to improve/fulfill this function?
3.48 How many information publications did you collaborate in last year?
3.49 What would you recommend to improve/fulfill this function?
3.50 How many agreements did you draft last year?
3.51 What would you recommend to improve/fulfill this function?
3.52 What cooperation protocols or informal relations have you identified as successful?
3.53 What would you recommend to improve/fulfill this function?
3.54 Do you prepare monthly, quarterly and annual reports about this?
3.55 What would you recommend to improve/fulfill this function?
3.56 Which are the direct services you could provide to victims in your area? (kind of services, deadlines, criteria for acceptance/non-acceptance, geographic coverage)
3.57 Do you have a list of organizations or professionals that offer services, do you update it and on what basis?
3.58 In how many cases were you able to ensure: housing, free legal aid...?
3.59 What are the difficulties with ensuring assistance?
3.60 What would you recommend to improve ensuring assistance?

Rubric 4. Compatibility/synergy of services with immediate and long-term needs of victims of trafficking
1.1 What are the difficulties/challenges you encounter for emergency interventions?
1.2 What are your recommendations to improve/facilitate emergency interventions?
1.3 What are the long-term needs of victims that you highlight during your work?
1.4 Do you think they are met, how and why?
1.6 What are your recommendations for improving the compatibility of needs with services?

Rubric 5. Synergy with the mechanism against violence
1.1 Did you ever participate in meetings, events related to violence? (multi-disciplinary group, etc.) and what were the benefits?
1.2 Were you involved in the identification, referral and assistance for victims of violence and what did you do precisely?
1.3 What role do you think you could play in the identification, referral and assistance for victims of violence?
1.4 What would help you engage more in the identification, referral and assistance for victims of violence?
1.5 Could you suggest an activity: change of legislation, joint project that would enhance relations between the two mechanisms/ the effectiveness of both?
For employees/ central institutions and organizations (ministries, organizations working throughout the country)

Data on the position of the interviewee
Name of person responding to the request for information: 
Structure & Position in the structure: 
Role of the structure in the mechanisms:
  a) Against Trafficking
  b) Against Violence

What do you think about the overall functioning of mechanisms, what are the main achievements or challenges?

What is your opinion about the current status and your recommendation for cooperation between the mechanisms on issues (table)

<table>
<thead>
<tr>
<th>Issue</th>
<th>Opinion</th>
<th>Recommendation for cooperation between mechanisms (agenda)</th>
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<tbody>
<tr>
<td>Functioning of structures at the central and local level</td>
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<td>Identification of victims</td>
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<td>Outreach tools</td>
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<td>Informing, quantity and kind of information given to victims</td>
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<td>Cooperation of victims with law enforcement authorities for the punishment of violators, traffickers</td>
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<td>Risk assessment and measures taken to avoid risk to victims</td>
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<td>Treatment of children victims</td>
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<td>Treatment of victims’ children</td>
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<td>Privacy and confidentiality</td>
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<td>Reports and statistical data</td>
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<td>Physical and human capacities for identification</td>
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<tr>
<td>Monitoring of processes and services</td>
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<td>Others identified</td>
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G. REFERENCES


IOM (2007), Handbook on Direct Assistance for Victims of Trafficking

Luarasi, Iris, Guga, Artan, Pilika, Anita, Gadeshi Elvana, Linja e Këshillimit për Gra dhe Vajza, (2013)
Studim për vitimtat e dhcpë në familje dhe sulmeve seksuale,
http://cp-project.al/AAShqip26shtator.pdf

Surtees, Rebecca and Somach, Susan (2008) Methods and models for mixing services for victims of


UNODC, (2012) Issue Paper - Abuse of a Position of Vulnerability and other “means” within the

Warnath, Stephen (2007) Examining the Intersections between Trafficking in Persons and Domestic

United Nations General Assembly (1993) Declaration on the Elimination of Violence against Women,
http://www.un-documents.net/a48r104.htm