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**STRATEGIC APPLICATION OF INTERNATIONAL LEGAL
FRAMEWORK IN NATIONAL EFFORTS TO COMBAT ORGANIZED
CRIME – *CASE STUDY: TOWARDS AN EFFECTIVE REMEDY
FOR PROTECTION AND ASSISTANCE OF VICTIMS OF MODERN
FORMS OF SLAVERY IN ALBANIA***

SUMMARY

Every year, millions of people of all races, sexes or generations worldwide end up in the hands of traffickers, who abduct or sell them into various forms of slavery. The trafficking of human beings for a variety of exploitative purposes is a global phenomenon that represents local or international organized criminal act with huge consequences on the overall well-being, safety and human rights of its victims. While the degree of human trafficking activity varies from region to region and state to state, no country in the world is immune to this profound human rights abuse activity that is, in most cases, directed against women and children in particular. The turmoil of the political and social events following the break up of the communist regimes in Albania and surrounding region, in early 1990s, caused a steep rise in the number and the complexity of the organized crime activities, which compounded with weakening of traditional family ties and economic breakdown, created a fertile ground for exploitation of the most vulnerable members of the society - human trafficking.

The local, national and international actors have joined hands to fight against this challenge. This fight picked up a significant momentum and

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gained systemic dimensions with the adoption of Albania's National Anti-trafficking strategy 2001-2004, which was approved in 2000/1. Following this event, many new legislative and institutional approaches both at the national, local and civil society levels, have been utilized to address this challenge and stop trafficking of human beings in Albania. Albania is still a source country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor, including the forced begging of children. European Union Heads of Mission to Albania adopted the statement, in June 2010, that Albania is no longer considered a major country of transit, but domestic trafficking of women for prostitution is reported to be on the increase. Addressing human trafficking and ensuring prevention and protection of people at risk is an ongoing process that requires constant reflection, changes in approaches and betterment of systems and resources in order to address the ever-changing nature of the phenomena.

This paper examines the theoretical, legal and practical framework for anti-trafficking action on Albania, with a special focus on children and provides examples and tips for effective utilization of the existing mechanisms and available resources in country. The problem of trafficking in persons, whether at the national or local level, can only be addressed effectively on the basis of comprehensive strategies that utilize human rights and take into account the transnational and national nature of the problem, the many associated criminal activities, the frequent involvement of organized criminal groups and the profound pain, fear and damage suffered by the victims.

To that end, in the development of this document, we analyzed existing National referral Mechanism and provided a critical review on National Plan of Action to combat trafficking in children in Albania. In addition, an assessment of the national law and emerging practices in Albania, in light of core international standards on related issues, is conducted and best practice examples from other countries in the region are included. For the research on this specific topic available Albanian – national and international literature that deals with issues of rule of law, human rights, slavery, migration, security, international law and relations, human trafficking and child protection will be consulted. In addition to that, scientific researches and studies on gender-based violence, annual reports of the specialized United Nations agencies, reports of the local and international NGOs independent socio-economic analysis of the countries in transition, the national anti-trafficking strategy for Albania and in other countries in

Western Balkan region, the legal framework for human trafficking, judicial practice, newspaper articles, internet resources, conferences etc.) will be presented in this assessment. Finally, documented statement and experience of the victims of trafficking who were interviewed during the author's field study research will be taken into consideration in finalizing the recommendations on the development of, human rights victim centralized, approach to combat phenomena of modern slavery.

INTRODUCTION

To establish the basis for analysis and ensure a comprehensive coverage under this paper, we had to address some basic premises such as the definition of human trafficking and more specifically – child trafficking. Defining human trafficking is not only challenging in the context of Albania, but is rather a global issue. There are significant differences in legal definitions of trafficking and recognitions of its forms globally. The definitions vary based on whether states apply security or human rights prism to addressing human trafficking issues. Security perspective focuses on organized crime and illegal migration, while the human rights angle looks at the victim protection and prevention. The security perspective is often more prominent and can result in a failure to recognize all forms of trafficking in human beings and inadequate focus on providing assistance and protection to victims of trafficking.¹

The root of this problem lies in the fact that the Convention Against Transnational Organized Crime and its two additional protocols related to the trafficking and irregular entrance of immigrants: *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children* and *Protocol Against the Smuggling of Migrants by Land, Sea and Air* are not primarily human rights instruments.² As such, the Protocol is an instrument for facilitation of cooperation between states to combat organize crime, rather than to protect or give restitution to the victims of crime.³

¹ E. Nurkić Kačapor, *The role of the State in securing human rights and protection of victims of organized crime and human trafficking*, University of Zenica, July 2009.

² As such, it does not accentuate the human rights approach and is rather in favor of the States tendency to approach trafficking from a security perspective and identify all illegal migrants under the provisions and definitions of the Protocol Against the Smuggling of Migrants by Land, Sea and Air. This connection between trafficking and the threat of irregular migration has have made it difficult to persuade governments to place individuals and their rights at the center of this debate

³ B. Anderson/R. Andrijasevic, *Sex, slaves, and citizens, the politics of antitrafficking*, retrieved from: http://leicester.academia.edu/RutvicaAndrijasevic/Papers/478100/Sex_slaves_and_citizens_the_politics_of_anti-trafficking, last time visited, September 2011.

The Protocol fails to provide a definition of exploitation as it only briefly touches on it, by including an illustrative list of forms of exploitation. For example, although a most frequent bi-product of human trafficking, sexual exploitation, while included in the list, is not defined in the Protocol or any other international legal document. For other forms of exploitation, definitions can be found in other international legal instruments.⁴

Trafficking in Persons Protocol has tried to provide a more balanced view and allow a comprehensive definition of trafficking that goes beyond trafficking for the purpose of sexual exploitation and include conditions of forced labor, servitude, slavery-like practices and slavery. This made it possible to include trafficking into different forms of forced labor or for the purpose of removal of organs and has inevitably expanded the perspective on who is at risk of trafficking to include all persons and categorize women and children as especially vulnerable to this form of victimization.⁵

Thus, *What is a common definition of trafficking in children in the local context in Albania?* While for most service providers, sex trafficking and labor trafficking appeared well - understood, domestic servitude and servile marriage were harder, for programs, to identify and classify as trafficking. Our field research showed that an expanded definition is warranted that includes more aspects of exploitation, such as child labor and street children. Recent data, gathered by NGO coalition in Albania and shared during the awareness raising campaign on child labor in southern Albanian Municipality of Vlore, showed that 12% of all Albanian children (which means more than 120.000 children) are exploited in different forms of servitude. Respondents from local civil society equated domestic trafficking in children with prostitution by a pimp. However, this was not commonly shared among all stakeholders and additional synchronization of the definition is needed to ensure protection of street working and street living children and youth. There remained confusion within street outreach programs and basic center programs around do their beneficiaries qualify as victims of trafficking or not. Clearly, the dynamics of human trafficking and ultimately the definition of domestic trafficking were not well understood by all those coming in contact with potential victims, pointing to the implementation challenges for those working to combat human trafficking.

Researchers and lawmakers however, agreed on the premise that trafficking is always made up of both movement and (the intention of)

⁴ UNODC: Toolkit to combat trafficking in person, Vienna, 2006.

⁵ *Ibid.*

exploitation. If there is only movement and no (intent of) exploitation, then this is not trafficking. If there is exploitation, but no movement, then this is not trafficking either. If a child is hired for a job before reaching a legal working age, this is considered to be '*child labor*'. When they are employed in hazardous⁶ or other exploitative circumstances, such as slavery and slavery-like situations, in commercial sexual exploitation or illicit activities, they are in a worst form of child labor – which qualifies as trafficking.⁷

When these definitions are applied in the context of Albania, any person below 18 years of age, who is found laboring in the worst form of child labor, is considered a victim of child trafficking. Consequently, given the legal working age limitations, all children under 15 should not be in regular work, and children under 13 should not even do light work, according to ILO Convention No. 138 on the minimum age of employment.

1. Strategic framework - National Mechanism and Standard Operating Procedures for Referral and Support of Trafficked Persons in Albania

The practice of trafficking of human beings constitutes serious violation of the victims' human rights, enshrined in international law and the Universal Declaration on Human Rights (UDHR). Those violations include, but are not limited to violation of the human right to dignity and integrity, the right to freedom of movement and even the right to life. In addition, the victims of trafficking suffer the level of physical and psychological damage inflicted by the trafficking crime, that is so severe and enduring that it is not medically possible to ever completely restore the victims to full physical and mental health.⁸

The long and short-term effects of the trafficking experiences and the social and emotional scars it imparts on the victim, children in particular, demand coordinated, multi-sectorial approaches and a range of care and protection mechanisms to help the victim overcome this experience and lead fulfilling lives.

⁶ Hazardous work - according to the Worst Forms of Child Labor Convention, 1999 (No.182) - is "work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children". Each country defines hazardous work, with government, workers' and employers' organizations in consultation developing a list of sectors (for example underground mining) or tasks (for example zhandling loads over 10 kilos) that constitute hazardous work.

⁷ ILO: *Training manual to fight trafficking on children for labor, sexual and other forms of exploitation*, Italy, 2009.

⁸ ICMPD: *Trafficking in Human Beings*, Vienna: Chapter II - Core Material, Training for law enforcement institutions, December 2002, pp. 6.

1.1. National Referral Mechanism

A National Referral Mechanism (hereinafter: NRM) is a framework for cooperation among anti-trafficking actors to protect and promote the human rights of victims of trafficking. The NRM provides a coordinating mechanism and allows for formation of strategic partnerships between the state actors and civil society.⁹ By doing so, an NRM classifies referral resources, clarifies referral procedures and enables effective protection of the human rights of trafficked persons and provision of comprehensive services. In addition, NRMs can help identify gaps in services and contribute to policy improvements and creation of a more positive legal framework for protection (e.g. witness protection, protection of privacy, residence and repatriation regulations, compensation etc.) .

Well-developed NRMs are a good basis for establishment of the national plans of action and can provide grounds for identification of attainable goals and targets against which effectiveness of the anti-trafficking response can be measured.

Albania made a significant progress towards establishing a solid framework for a comprehensive national anti-trafficking effort by introducing the cooperation agreement to establish a National Referral Mechanism for the enhanced identification of victims of trafficking (VOT) and assistance to VOT. This document was introduced by the Council of Ministers – Office of the Minister of State for Coordination and has been signed between Ministry of Labor and Social Affairs/General Directorate of State Social Services, National Reception Centre for VOT, Ministry of Public Order/General Directorate of State Police, Ministry of Foreign Affairs/Consular Directorate, NGO “VATRA”- Vlora, NGO “TJETER VIZION”, Elbasan and International Organization for Migration-IOM Tirana Office in 2005.

The Albanian National Referral Mechanism follows the international guidance and shows evidence of best practice examples for the development of good NRMs, based on the principles for development of national referral mechanisms recommended by OSCE/ODIHR, in 2004, namely:

1. Protecting the rights of trafficked persons is the first priority of all anti-trafficking measures.
2. The measures work on the basis of a broad definition of trafficking in order to create the necessary conditions for support to victims of diffe-

⁹ OSCE ODHR: *National Referral Mechanism, Joining Efforts to Protect the Rights of Trafficked Persons*, A Practical Handbook, 2004.

rent forms of human trafficking.

3. Support and protection services should be available to all trafficked persons.
4. The mechanisms for support and protection include a wide range of specialized services addressing the specific needs of each victim.
5. The successful prosecution is achieved through the implementation of a support mechanism based on the protection of the human rights of the victims.
6. Combating trafficking in human beings requires a multidisciplinary and cross-sector approach, involving all relevant actors from government and civil society.
7. The establishment of structures for combating human trafficking should build upon existing national capacity in order to foster ownership and sustainability.
8. The roles and responsibilities of all actors involved in the mechanism are clearly defined and described. Transparency of procedures is ensured.
9. NRM provides for an effective regional and international cooperation to combat trafficking and assist its victims.
10. The implementation of NRM as part of an overall democratization process ensures its accountability and legitimacy.

All provisions and recommendations in the NRM are in accordance with the national legislation concerning the situation of trafficked persons and their needs and provides basic definitions, principles and guidelines for regulating the obligations of and cooperation amongst all Parties involved in the identification and referral, accommodation and assistance, family reunification, voluntary return and long-term re-integration of victims.¹⁰

The Albanian NRM recognizes heightened vulnerability of children in its context to exploitation, and it calls for an enhanced protection and assistance provided to identified, presumed or potential child victims, and demands implementation of specific measures for their assistance and protection within the framework of the signed Agreement.¹¹

However, Albanian government, like many other governments in the region, is faced with a challenge to ensure that the National mechanism

¹⁰ Republic of Albania, Office of the Minister Of State for Coordination: Cooperation Agreement for NRM, Article 3: Purpose of the Agreement, 2005.

¹¹ Republic of Albania, Office of the Minister Of State for Coordination: Cooperation Agreement for NRM, Article 3: Purpose of the Agreement, 2005.

for referral and support of trafficked persons continues to be a relevant document over time. Albanian government must find an effective way to keep the NRM as a loving, open and dynamic framework which should change in accordance with any changes in national legislation, new developments in the forms and methods of exploitation, new risk groups and regions, the evolving needs of the victims and other shifting parameters of this phenomena.

To respond to this challenge, the Albanian government has started the process of formulation, consultation and launching of the new cooperation agreement to improve existing National Referral Mechanism. In that sense, with intention to involve some new respective governmental structures (Ministry of Education and Science representative in particular) within NRM framework is a huge step forward to ensure a more comprehensive national effort to combat trafficking in human beings in its routes. This document is still being developed at the time of the writing of this paper and should be officially enacted before the end of the 2011.

1.2. Standard Operating Procedures

Standard operating procedures for Albanian anti-trafficking effort are in the early stages of its development. Office of the national Coordinator (ONAC) and IOM have been collaborating on formulation, consultation and launching of the Standard Operating Procedures (SOP) for the Identification and Referral of the Victims of Trafficking.¹² The very first draft was developed back in March 2010. Both entities were committed to using transparent and inclusive approach throughout the whole process of SOP development.¹³ At the time of the writing of this paper, ONAC is working on incorporating feedback and other proposed changes by the different anti-trafficking stakeholders. The final document will be officially enacted by the end of the 2011.

The National Anti-trafficking Strategy and the Administrative Order helped to establish the Regional Committees in the Fight Against Human trafficking (RATC) in Albania.¹⁴ RATCs are very important regional level actors with the role to ensure that national anti-trafficking standards, and

¹² Ministry of Interior, ONAC: Report for the implementation of the national strategy for the fight against trafficking in human beings FY 2010, Tirana, February 2011, p.p.22 .

¹³ According to the feedback received from the most of the interviewed local Anti-trafficking stakeholders, NGO representatives in particular.

¹⁴ CATH Project: Section Coordination tool: available online at: http://www.caaht.com/III_Coordination_opt.pdf.

victim-based and human-rights-based approaches are implemented at regional, municipal and communal level.

Members of the Regional Anti-Trafficking Committees (Technical Tables and Technical Secretariat)¹⁵ are: The Prefect, the Deputy Prefect, the Chairman of the Regional Council, the Mayor of the central Municipality of the Qark, the Regional Office of the ONAC, 16 State Social Services, the Regional Employment Office, the Regional Police Directorate incl. Anti-Trafficking Police, the Regional Director of the State Informative Service, the Regional Education Directorate, the Regional Public, Health Directorate, the Social Assistance and Protection Offices (incl. CPUs) in Municipalities and Communes, the District's Prosecution Office, as well as NGOs.¹⁶

1.3. National Action Plan for the fight against trafficking in children and protection of children victims of trafficking 2011-2013 in Albania - Critical Review

The Council of Ministers of Republic of Albania adopted the additional document "Plan of Action (hereinafter: PA) on the fight against child trafficking and the Protection of Children victims of trafficking" as a part of the National Plan of Action on combating trafficking in persons in Albania¹⁷. The Albanian PA follows international guidance for protection of the rights of child victims of trafficking, includes a legal definition and the seven general protection principles¹⁸ from UNICEF's Guidelines for Protection of the Rights of Child Victims of Trafficking.¹⁹

However, the PA does not sufficiently integrate the standards for good practice with respect to protection and assistance of child victims of trafficking from initial identification up until the final integration and recovery of the child, which are also included in the Guidelines. These are a set of specific measures and legal basis for development of the National Plan of Action for combatting child trafficking as an important part of the

¹⁵ Regional Anti-trafficking Committee comprises two main entities; the committee, made up heads of regional directories; and the technical table with technical specialist of these directories.

¹⁶ Ministry of Interior, ONAC: National strategy for combatting trafficking in human beings, 2008-201-, available online at: <http://www.protectionproject.org/wp-content/uploads/2010/11/NAP-Albania-2008-2010.pdf>.

¹⁷ Council of Ministers, Decision No. 142, February 23rd 2011.

¹⁸ Rights of the Child, Best interest of the Child, Right to Non-discrimination, respect for the Views of the Child, Right to Information, Right to Confidentiality, Right to be Protected.

¹⁹ These guidelines have been developed on the basis of relevant international and regional human rights instruments and provide a straightforward account of the policies and practices required to implement and protect the rights of child victims of trafficking.

UN Guidelines for Protection of the Rights of Child Victims of Trafficking provide additional guidance to Governments and State actors, international organizations and NGOs, in developing procedures for special protection measures of child victims of trafficking. There is a conventional right granted to each individual State to decide on the scope and the form of application of provisions of international standards. However, given that the government of Albania has already made a significant effort to harmonize domestic laws with international standards and interpretation of their provisions, it is highly recommended that these be incorporate in the new SOP, as well as any other additional international legal framework recommendations on child trafficking that are incorporated in the current Albanian PA. The PA should recognize *de iure* and introduce *de facto* in the international standards for operation procedures on child trafficking cases covering the whole spectrum of services, including: identification procedure, appointment of guardian, questioning, interviews and initial action, referral and coordination/cooperation between different stakeholders, interim care and protection, regularization of the status, individual case assessment and identification of a durable solutions, access to justice, victim-witness security and protection, training, applicable international convention and other human rights instruments and guidelines including European regional instruments. This will clarify the procedures and establish standards against which the measures can be identified and to ensure tracking of progress and quality assurance. This, in turn, could be a very important tool for the State Child Protection Agency and CP units to monitor and evaluate the overall anti-trafficking actions according to results-based methodology framework developed in that regards.

Albanian Government has also made a significant progress in recognizing the internal forms of trafficking and has official recognized a problem of the internal trafficking and cases of internal child trafficking within its territorial jurisdiction²⁰. In the 2010, relevant governmental institutions and agencies started with promoting a relevant anti-trafficking Code of Conduct in Tourism. Also, in 2010, was launched the draft National Albanian Guidelines for elimination of worst forms of child labor.²¹

For the first time, within its PA, Albanian Government expressed a full willingness of the Albanian agencies to mobilize all resources available to create and put in place comprehensive mechanisms, to guide and train all its human resources to fully implement foreseen activities in this Action

²⁰ Interview held with NGO representative, August 2011.

²¹ ONAC, 2010 *Implementation Report*, Tirana, February 2011.

Plan, particular in the arena of²²:

1. Criminal prosecution

Strategic Goal: Increasing the number of successful criminal prosecutions and identification of new cases of internal and trans-national trafficking for all forms of exploitation of children, in particular labor and begging exploitation, and making sure the criminal proceedings are appropriate and sensible towards children, while guarantying the best **(8 related new activities and sub set of activities)**

Resources: Existing resources

2. Protection and Assistance for Children Victims of Trafficking

Strategic Goal: Ensuring identification, referral, provision of protection and re-integration services for children victims of trafficking **(5 related new activities and sub set of activities)**

Resources: Existing resources

3. Prevention

Strategic Goal I: Improving capacities of boarder police staff, in order to identify at the boarder, children potential victims of trafficking- either accompanied or not accompanied – and establishing a system of referral and appropriate protection for these children, following their identification by the boarder police **(3 related new activities and sub set of activities)**

Resources: Existing resources

Strategic Goal II: Continuing to strengthen formal and *ad hoc* cooperation for prevention of child trafficking, and the protection of children victims of trafficking with peer authorities of neighboring countries and national child protection structures, international organizations and NGOs in these countries police **(3 related new activities and sub set of activities)**

Resources: Existing resources

²² National Action Plan for the fight against trafficking in children and protection of children victims of trafficking 2011-2013 in Albania, Tirana, February 2011.

Strategic Goal III: Improving the capacities of governmental and non-governmental agencies to identify within the country's territory children who are potential victims of trafficking ***(2 related new activities and sub set of activities)***

Resources: Existing resources

Strategic Goal IV: Rising awareness of society regarding trafficking of children ***(5 related new activities and sub set of activities)***

Resources: Existing resources

Strategic Goal V: Cross-national institutionalization of children protection units, as part of an integrated system of social assistance and child protection, in order to identify and prevent potential cases of child trafficking and exploitation ***(7 related new activities and sub set of activities)***

Resources: Existing resources

Strategic Goal VI: Growing social inclusion of children and youth, by promoting education and life skills, in addition to community development ***(7 related new activities and sub set of activities)***

Resources: Existing resources

This is evidence for the conclusion included in the Trafficking in Persons Report for FY 2010, published by the US Department of State – Office to monitor and combat trafficking in person, that “*The Government of Albania does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so.*” Despite the inclusion of the legal framework and declarative support, the Albanian government has not been in a position to allocate additional financial and human resources to ensure full implementation of planned activities and relay only to “existing resources”. An identical anti-trafficking financial structure from previous years is included within this framework despite expanded focus on internal child trafficking. The fact that no additional resources are made to deal with this added mandate, opens many doubts and questions the success of the strategy in years to come.

Although the anti-trafficking effort in Albania has a great potential in terms of availability of actors, human capacity and an intervention framework, a paradigm shift is still necessary in how interventions are planned, implemented and evaluated. Improvement in donor coordination is imperative to avoid duplication of efforts and creation of parallel, un-

sustainable systems and structures, which will contribute to more effective aid to Albania in this sector in particular.

There are examples of excellent practices that can be found throughout the country and along the intervention cycle. There is an evidence of extraordinary capacity, knowledge and commitment of staff of some government institutions and NGOs active in combating trafficking in human beings which is visible through extraordinary examples of trafficking prevention, rescue and reintegration of victims of trafficking (hereinafter: VOT) in the Albanian society, Albania is in the unique position in Eastern Europe to introduce this new approach through its anti-trafficking programming. However, to bring this to the next level, anti-trafficking agencies follow different approaches based on their understanding of effective programming, which in turn is based upon their own case studies and anecdotal evidence from programs and rarely on evidence based recommendations. An additional shift in the development assistance architecture is warranted. One of the remaining major challenges, that hinders the fight against human trafficking and impedes the development of targeted policies, is the lack of comparable and comprehensive statistical knowledge. The collection of human trafficking data has only recently moved into the fore of state representatives, practitioners' researchers work as the potential missing link connecting the many aspects of inclusive policies needed to combat the crime. Despite numerous publications on human trafficking, statistical data on various aspects of human trafficking is still inadequate and fragmented resulting in large uncertainties about the magnitude of the problem, the victims, the traffickers and the trafficking process. The extensive qualitative information on human trafficking is undermined by the lack of quantitative data (ILO 2008: 5). Unless donors, researchers and practitioners are to join hands, the knowledge gained through research and practice will remain pocketed and will not bring program effectiveness to the needed level. As a consequence of deficient and inaccurate data collection, the development of a comprehensive understanding of the complexities of human trafficking and the interplay of factors contributing to it is hampered. This prevents learning from the design and implementation of policies and programs and limits evidence-based improvements in existing practice to effectively fight against trafficking and protect victims.²³

²³ Council Of the Baltic sea States: Task Force Against Trafficking in Human Beings-HARD DATA, 2011.

2. Legal framework - Law and Emerging Practice in Albania in Light of Core International Standards

The manifestations of trafficking of humans have evolved significantly over time. While in early 90's, the typical case involved cross-boarder trafficking and sale of, mainly a young female victim, into sexual exploitation circles, today this victim is likely to be under the age of 18 and trafficked within the borders of its own country²⁴. Single or small groups of individuals, increasingly, carry out the crime. The nature of the "business" has changed, from large transnational organized crime groups, towards smaller enterprises consisting of local predators that choose their victims among their own community members.

This requires a dynamic legal and criminal justice systems that are reflective and nimble enough to adapt quickly to changing patterns. The international community is making every effort to stay ahead of this process and is working towards relevant and adequate international laws. National governments need to stay on track with these changes and ensure adequate resources for analyzing and continuously assessing the appropriateness of their internal criminal legislation and the justice systems to ensure that they are able to sanction effectively offences of trafficking in human beings.

Government of Albania is closely collaborating with the international actors and working towards synchronization of its laws with international standards and recommendations. Hence in February of 2008, the European Convention on Action against Trafficking in Human Beings ("ECATHB") entered into force in Albania.²⁵ Another important document that was developed and adopted in Albania are the principles of law relevant to responses from the criminal justice sector to the crime of trafficking in human beings, developed by the European Court of Human Rights. Following this, the government of Albania has revised its State Action Plan for Combating Trafficking in Human Beings in Albania for period 2011-2013 to reflect this guidance. Hence, the *Prosecution and Criminal Justice* section of the document calls upon all concerned actors to *increase the number of successful prosecutions, and of the appropriate measures of punishment related to all forms of trafficking in human beings in the country and abroad*. This is incorporated within the framework of more than 40

²⁴ Council Of Europe, Status of ECATHB Convention ratification, available online at: http://www.coe.int/t/dg2/trafficking/campaign/Docs/Profiles/ALBANIAProfile_en.asp.

²⁵ Council Of Europe, Status of ECATHB Convention ratification, available online at: http://www.coe.int/t/dg2/trafficking/campaign/Docs/Profiles/ALBANIAProfile_en.asp.

different activities and sub set of activities planned to be implemented at all levels of the governmental response to this phenomena.

The government of Albania sustained its anti-trafficking law enforcement efforts in previous years. However, Albania is criticized for its failure to vigorously prosecute labor trafficking offenders and address adequately trafficking-related complicity. “Lack of political will and cooperation in some key government agencies, hampered the government’s overall ability to vigorously prosecute all forms of trafficking.”²⁶

For the purpose of this paper, author will analyze some aspects of the law and emerging practice in Albania in light of core international standards regarding coordination of the system and effective investigations, qualification of the criminal conduct, and sentencing and aggravating circumstances.

2.1. Co-ordination of the System and Effective Investigations

European Convention against Trafficking in Human Beings (ECTAB) is a leading treaty, which articulates a common understanding, and minimum standards in terms of what European criminal justice actors are expected to do and achieve. In the context of this, the document stipulates activities to facilitate investigations leading to satisfaction from the victim’s perspective without infringing on the rights of suspects. ECATHB also serves the purpose of guiding and improving international co-operation in investigating trafficking crimes.

In terms of substantive State obligations, there is a general requirement that investigations into human rights violations be effective. The ECATHB underlines the need for efficient cooperation between prosecutors and law enforcement agencies on the one hand, and within different branches of the law enforcement on the other hand.²⁷

Hence, in Article 29, the Convention requests from States that those responsible for enforcing legislation in this field are specialized and that the system is coordinated.²⁸ Implementation of this article requires a syste-

²⁶ More information available online at: <http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm>.

²⁷ See, e.g., *Siliadin v. France*, 2006-43 Eur. Ct. H.R. 16, 112 (2005): “Protection of human beings from slavery, servitude and forced or compulsory labor . . . [is] one of the fundamental values of democratic societies” and “no derogation from it is permissible”.

²⁸ ECATHB, *supra* note 2, Art. 7.6, stating, for example, that “Parties shall strengthen co-operation among border control agencies by, inter alia, establishing and maintaining direct channels of communication”. Explanatory report on the Council of Europe Convention on Action against trafficking in Human Beings 42

matic approach to capacity building at all levels of legislative branches and law enforcement to ensure that every court, prosecutor's office and police unit have among their staff sufficient expertise in the form of specialized staff in the field of trafficking to adequately raise to the challenge.

The Convention also stipulates that all investigations should be carried out taking into account traumatic experiences that the victims were subjected to. However, practices from Albania, as well as other jurisdictions in the region, have shown that the systems often rely heavily on victims' ability or willingness to testify against perpetrators, which puts additional pressure on the victim in the process.²⁹ To highlight the importance of this issue, Article 27 of the Convention requests that State parties: *Ensure that investigations into or prosecution of offences established in accordance with this Convention shall not be dependent upon the report or accusation made by a victim, at least when the offence was committed in whole or in part on its territory.* This draws on other positive laws and rules concerning special investigative measures in other treaties that would apply in this case to give the Court tools to grant special permissions for additional measures in the process of prosecution for serious crimes. These special measures are intended to support evidence gathering to reduce reliance on the testimony of the victim. OSCE in *Trafficking of Human Beings and Responses of the Domestic Criminal Justice Systems* suggest that these special measures may include "covertly watching persons without audio surveillance, intercepting telecommunications and other means that can circumvent limited access to witnesses"³⁰.

Government of Albania amplified its anti-trafficking law enforcement efforts over the last several years. The State Police and Serious Crimes Prosecution division reported investigating a combined 35 suspected traffickers in 2009. The government prosecuted 31 suspected trafficking offenders in 2009, convicting 11 of them; this contrasts with 26 trafficking offenders convicted in 2008 and seven in 2007. All of the prosecutions and convictions involved sex trafficking of women or children. While there

(2005), available at: http://www.coe.int/T/E/human_rights/trafficking/PDF_Conv_197_Trafficking_E.pdf: "Article 5 . . . makes it a requirement to coordinate all the sectors whose action is essential in preventing and combating trafficking, such as the agencies with social, police, migration, customs, judicial or administrative responsibilities, nongovernmental organizations, other organizations with relevant responsibilities and other elements of civil society."

²⁹ Ministry of Interior, ONAC, *National Action Plan for the fight against trafficking in human beings*, Strategic Goal# 1, section- Indicators: . . . number of victims testifying, number of court procedures that support the victims with validate evidence, February 2011, p.p. 10.

³⁰ OSCE: *Trafficking of Human Beings and Responses of the Domestic Criminal Justice Systems*, June 2009.

were no prosecutions of trafficking-related complicity initiated, the Supreme Court overturned convictions of traffickers in two cases in 2009, raising concerns regarding the court's impartiality. In January 2009, the government reported it doubled the number of police investigators to investigate trafficking.³¹

Our field research has shown that there is a high approval rate among the NGOs representatives dealing with the direct assistance to the victims of modern slavery, of the efforts made by the Albanian Serious Crimes Prosecution Office (SCPO). SCPOs actions and a creation a specific unit to handle all trafficking in women cases, assigning two female prosecutors to the task are seen as a very big step forward. The creation of the unit with the support of the USG, and especially the assignment of victim/witness advocates, satisfies one of the recommendations in the State Department's Trafficking in Persons Report on Albania FY 2009.³²

Albanian Parliament adopted a law in 2010 to protect witnesses and a law to fight criminal organizations involved in trafficking. In the same year, the Parliament also published the Transnational Referral Mechanism for Victims of Trafficking – a document that sets procedures for international cooperation and quality assistance to victims. However, according to the available public information from the Parliament and from the feedback received from local stakeholders during the field research, no document of that kind has been published yet. Albanian respective Government representatives participated in the few regional workshop organized by ICMPD (International Centre for Migration Policy Development), working together with other colleagues from the region on the initiative to develop the Transnational Referral Mechanism for Victims of Trafficking.

2.2. Qualification of the Criminal Conduct

The Palermo Protocol defined trafficking in human beings in 2000. Using the same components in its definition of trafficking, however, the ECATHB explicitly criminalizes internal trafficking in human beings and regards organized criminality as an aggravating circumstance. International law interprets offences carried out by a group of three or more persons that act in concert over a period of time for the purpose of profit as - organized crime. Hence, Article 4 of the ECATHB defines trafficking in human beings as a composite crime, consisting of three main compo-

³¹ More information available online at: <http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm>.

³² More information available online at: <http://www.state.gov/p/eur/rls/rpt/seedfy10/156891.htm>.

nents: action, means and purpose. This created conditions for inclusion of some cases that were traditionally not considered trafficking into the framework. In other words, the law would recognize a cumulative effect of a range of human rights violations to amount to trafficking in human beings over time.

For this to be the case, there need to be several required components:³³

i) Recruitment, transportation, transfer, harboring or receipt of persons.

ii) Means by which the act is carried out, consisting of: The threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person.

iii) Special exploitative purpose of the act committed, including: At a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs³⁴. This creates a paradigm shift in the legal framework as it makes the crime of purposive exploitation punishable by law even when no provision from exploitation was achieved.

In order to ensure special measures and tighter protection of children, the international law has special provisions under which children are automatically regarded as vulnerable in their relationship with perpetrators and consent is deemed irrelevant. This is in accordance with International Law Association's stand on this issue which stipulates that "a child should never be regarded as consenting to exploitation"³⁵ The ILA takes this even further ensuring protection of children from slavery and trafficking, even when the transfer was conducted by their parents: "Any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labor."³⁶

³³ Adapted for this purpose from the Council Of Europe, Status of ECATHB Convention ratification, available online at: http://www.coe.int/t/dg2/trafficking/campaign/Docs/Profiles/ALBANIAProfile_en.asp.

³⁴ Council of Europe noted in its explanatory report on Action against trafficking in Human Beings 42 (2005) that this could include recruitment by threat of force of a person with the purpose of exploiting an individual for prostitution is an offence of trafficking in human beings.

³⁵ International Law Association, Berlin Conference (2004), Committee On Feminism And International Law.

³⁶ International Law Association, Berlin Conference (2004), Committee On Feminism And International Law.

Regarding substantive obligations assumed by the legislatures of Albania, Article 18 of ECATHB states: *Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct contained in Article 4 of this Convention, when committed intentionally.* Under this provision, Albanian government has discretion in designing domestic laws and other arrangements that would ensure that the results are delivered under this article.

However, while these legal provisions are necessary and a step in a positive direction in criminalizing trafficking, they also create openings for possible miss-interpretation and malpractice. The universal principle of equality before the law needs to be preserved and all legal cases under suspected trafficking in human beings charges must be carefully examined to ensure that factual circumstances are well established and treated in accordance with the same laws and standards. Trafficking in humans constitutes a serious crime and a legal system needs to have a standard approach in how it qualifies a cumulative set of acts as human trafficking to ensure that at other times such acts are not classified as less serious.

The government of Albania recognizes the need for constant improvements of the legal regulatory base against all form of trafficking in human beings and related crimes, and close collaboration with the international community to ensure compliance with international standards. This is also one of the specific objectives of the current National Plan of Action to combat trafficking in human beings. To fulfill the goal of this objective and ensure implementation of Council of Europe Convention on measures against trafficking in human beings, Albanian government is planning two more actions in next two years:

- a) Drafting of a full – fledged study related to the regulatory legal framework in the fight against trafficking in human beings and
- b) Based on the results/outcomes of the above-mentioned study, undertaking of the legal initiatives in the fight against trafficking in human beings or improving the sub – legislation and specific articles of anti-trafficking legislation.³⁷

According to the local anti-trafficking stakeholders, one of the laws that need to be amended in Albania is the Criminal Code of Albania³⁸.

In particular the Article: 124/b, which will regulate “*Abuse and explo-*

³⁷ Ministry of Interior, ONAC, National Action Plan for the fight against trafficking in human beings, February 2011, p.p. 18.

³⁸ Available online at: <http://www.hidaa.gov.al/english/laws/penal%20code.pdf>.

itation of a minor". Our field research revealed some disagreement with this statement and additional discussions with law enforcement stakeholders yielded, perhaps, a more valuable proposal which, in draft version, stated that: "Maltreatment and physical or psychological abuse of minors, by person who is obliged to care for minor, shall be punished with imprisonment from three months to two years. Use of minors as a tool or object to exercise begging, should be punishable by imprisonment up to two years and with the fine from fifty thousand to one hundred thousand Leke.³⁹ Exploitations of minors for labor, sexual services with an intent to gain income, or performance of other actions that impair the mental and/or its physical and/ or moral integrity of a child, should be punishable by 2 to 6 years and fine of five hundred thousand to million Leke. When the exploitation act caused serious damage to health or death of the minor, perpetrator shall be punished with imprisonment from fifteen to twenty-five years.

In the context of Albania, the laws must be approved with the qualified majority of votes (some majority threshold as required for the approval of the Penal Code) rather than the simply majority held by the coalition party in power. With the composition of the parliament at present, this means that the votes of the opposition party would have been required in order to adopt certain changes in the law concerning the trafficking related articles. However the opposition party disapproved the draft of the certain numbers of laws, after approved by the simply majority this year. In order to make the required changes in the legislation, it would be necessary to amend the formulation and the content of certain numbers of articles in the current penal code related to the laws passed in near past (like law concerning the money laundering issues etc.), but with the current crisis in the Parliament, changes of the Penal Code will need to wait some better times.

Our background and literature review revealed that the "Modern Law against trafficking in person" which was developed in 2009 on the request of the General assembly of United Nations to the Secretary General might aid Albanian stakeholders in this process and ensure continuous dialogue. The modern law serves a dual purpose to facilitate and help systematize provision of legislative assistance by UNODC (United Nations Office on Drugs and Crime) as well as facilitate review and amendment of existing legislation and adoption of new legislation by States themselves. The Modern Law is highly adaptable customizable to ensure easy application

³⁹ Albanian currency; exchange rate for September 2011: 1 USD= 103.12 LEK.

in various contexts.⁴⁰ The discussion on this legislation in Albania could build on the provisions of the Chapter II, which only contains definitions of terms that are specific to trafficking in persons. General terms are not included, as they should already be incorporated in the national law (with all national variations possible). These terms include “accomplice”, “aiding and abetting”, “attempt”, “conspiracy”, “falsified identity document”, “legal person” and “structured group”. This law was to assist States in implementing the provisions contained in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing that Convention.⁴¹

2.3. Sentencing and Aggravating Circumstances

Criminal procedure following conviction includes sentencing and imprisonment. Appropriate and adequate sanctions for trafficking in human beings are essential to both ensure justice and also show the extent of the punishment for such crime that might deter others from acting. The society relies upon the criminal justice system to determine sentences and demonstrate the extent of condemnation of trafficking in human beings in a given context.

International law leaves ample space to the States to determine the level of punishment for human trafficking. Hence, the ECATHB does not provide recommended levels of punishment (number of years of imprisonment), but calls on that States to ensure that appropriate measures be determined in their legislation to reflect the gravity and seriousness of the crime. More specifically, the Article 23 of the treaty calls upon State parties to: *Adopt such legislative and other measures as may be necessary to ensure that the criminal offences . . . are punishable by effective, proportionate and dissuasive sanctions.*⁴² This technically means that the States must ensure that following the conviction; the perpetrator must be unable to continue to organize or benefit from trafficking activities. This implies imprisonment. The proportionality clause serves the purpose of ensuring that the crime be reviewed with an eye on the severity and that appropriate scale of punitive measures be developed and used to ensure commensurate penalties. These measures should also be weighted against other serious crimes and appropriate measures established.

⁴⁰ Available online at: [http://www.unodc.org/documents/human trafficking/ UNODC _Model_ Law _ on _ Trafficking_in_Persons.pdf](http://www.unodc.org/documents/human%20trafficking/UNODC_Model_Law_on_Trafficking_in_Persons.pdf) .

⁴¹ UNODCP: *Modern law against trafficking in person*, Vienna, 2009.

⁴² See, e.g., *Siliadin v. France*, 2006-43 Eur. Ct. H.R. 16, 112 (2005): “Protection of human beings from slavery, servitude and forced or compulsory labor . . . [is] one of the fundamental values of democratic societies” and “no derogation from it is permissible.”

To specify this further, ECATHB stipulates four “aggravating circumstances” that must be taken into account both in law and as they apply to individual cases under Article 24. This ensures further weighting in the sentencing process to ensure adequate higher punishment for cases that involve exploitation of children as well as exploitation with harmful effects on victims (hazards could include physical, emotional or life-threatening conditions by intent or pure negligence.⁴³ The list is not exhaustive, but should be regarded as a minimum.

In regards to the penalty policy in Albania, a number of international human rights mechanisms have pointed out that there are certain challenges in this field. However, significant progress has been made as evident in the recently published US Government TIP Report, which states that “*Albania criminally prohibits sex and labor trafficking through its penal code, which prescribes penalties of 5 to 15 years’ imprisonment. These penalties are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape.*”

3. Rights to an Effective Remedy - Concluding Remarks

A significant acceleration of anti-trafficking efforts in Albania is notable, especially over the last two years, to identify indicators of the minimum obligations of States in the realization of the *Rights to an effective remedy* victim of trafficking. There were a number of formal and non-formal forums, round tables, conferences that were organized by different institutions that were designed to fulfill this scope. One such example is the involvement of the Special Rapporteur on trafficking in persons,⁴⁴ especially women and children, who launched an online discussion forum to solicit inputs from experts and stakeholders on the “draft basic principles on the right to an effective remedy”.⁴⁵

Challenges in ensuring effective remedy are not unique to Albania, they are shared across countries in the region. To provide a useful summary of the recommendations generated through the above-mentioned forums, author has grouped key elements in the following categories:

- Drawing on various international, regional and national instruments,

⁴³ *Ibid.*

⁴⁴ UN.GIFT.HUB website (<http://www.ungift.org/knowledgehub/>), the Special Rapporteur on trafficking in persons, especially women and children, Ms. Joy Ngozi Ezeilo, February 2nd to February 21st 201.

⁴⁵ These principles are intended to serve as a useful guidance for States and practitioners on the content and scope of the right to an effective remedy for trafficked persons.

the Principals should underline all protection policy and remedies to protect the rights of trafficking victims

- There is no one appropriate form of remedy. Remedy may vary from a case to case given the unique circumstances and needs. A “one size fits all” approach is not applicable, as “individuals will be affected in very different ways and their recovery and reintegration will differ depending on their experiences, background, resilience, support network and environment. Some may just need access to universal/generic services while others will require specialist support”.
- The rehabilitation/recovery is one of the essential components of the right to an effective remedy. In this should include a comprehensive care package that goes beyond financial support.
- Integrating gender perspectives in determining tailored made remedies are imperative. Gender based exclusion and discrimination are common in the region. These conditions contribute to victimization of certain categories and are equally important to consider in determining appropriate remedial actions.
- The identification and formal recognition of trafficked persons status a critical is an pre-requisite to ensure one’s right to a remedy. In that sense, special attention should be given to the provision of remedial action, especially in the case of internal trafficking to ensure that cases are not misidentified.
- Careful consideration should be given in determining appropriate reintegration and restitution mechanism. Very often, returning a victim to its pre-slavery condition may mean subjecting them to retaliation or re-trafficking.
- The effective remedies with regard to rehabilitation/recovery and reintegration should build upon inner capacities and resiliency of the victim. The best results are achieved when a person’s core capacities are developed further, rather than assumed as minimal or non-existent. In the process of determining the placement and reintegration process, victim’s views should be carefully taken into account.
- The remedy of “reintegration assistance” for victims, particularly children, should ensure the following: prevent stigmatization; ensure education; training and employment; provide legal support; ensure medical/health care; create access to social services and psychological services;
- To ensure effective remedial action, adequate financial resources will need to be made available. This could take a form of *Trafficked Person*

Compensation Fund.

- Each stakeholder in the process plays a key role along the continuum of anti-trafficking effort. Given their sensitive position due to lack of sustainable funding streams, NGOs and civil society should be officially and recognized as adding value. This would facilitate the community connections and help build trust.

The government and civil society in Albania have joined hands and made significant strides towards forming a unified front for addressing the complex issue of trafficking in human beings. However, given the constantly changing nature and complexity of the problem, especially concerning children, and a reality of scarce financial and human resources, much of the challenge still remains to be tackled. The systems that are put in place need to adapt to the changing circumstances and allow for a nimble and well-coordinated action. Duplication of and sustainability of established systems and structures, remain to be one of the major challenges to effective aid to Albania as well. Although there is evidence of great expertise capital and lots of good practice examples, additional inputs are needed to increase an overall body of knowledge across sectors, ensure programmatic rigor and introduce industry standards to measure progress.

The lack of good quantitative measures for the output and outcome value created by anti-trafficking efforts makes it difficult to justify the need for and the effect of investments made. Without a common system, it is hard to establish what is the value added by programs and where and how should the interventions be channeled in order to improve the effects. To create a paradigm shift in how anti-trafficking efforts are planned and implemented, it is imperative to establish parameters for good care and support. Consequently, in order to track the progress and impact of services and interventions, indicators and targets need to be established and reported on across agencies. This would contribute to systematic assessment of the response and allow for evidence-based improvements and decision-making. What is visible in current practice is that, in the best effort to provide good programming, various government entities, service providers and/or donor agencies follow different approaches based on their understanding of effective programming. This is often based on their own anecdotal evidence from experience or learning acquired through assessments and studies and rarely on evidence based recommendations. Researchers on the other hand have done a lot to document the extent of the issue and its effect on the wellbeing and the future prospects for the victims, but these findings often do not filter down to practice, as

there is no systematic way for this learning to loop back into the programming. Hence, a complete and radical shift in the development assistance architecture is warranted. Unless donors, researchers and practitioners join hands, the knowledge gained through research and practice will remain pocketed and will not bring program effectiveness to the needed level.

STRATEŠKA PRIMJENA MEĐUNARODNOG PRAVNOG OKVIRA U SKLOPU NACIONALNIH NAPORA ZA BORBU PROTIV ORGANIZOVANOG KRIMINALA - ANALIZA SLUČAJA: KA DJELOTVORNOM PRAVNOM LIJEKU ZA ZAŠTITU I POMOĆ ŽRTVAMA MODERNIH OBLIKA ROPSTVA U ALBANIJU

SAŽETAK

Svake godine, milioni ljudi svih rasa, spolova ili generacija širom svijeta završe u rukama trgovaca ljudima koji ih otimaju ili prodaju u različite oblike ropstva. Trgovina ljudima u razne eksploatacijske svrhe je globalni fenomen koji predstavlja lokalno ili međunarodno organizovano krivično djelo sa značajnim posljedicama po sveukupnu dobrobit, bezbjednost i ljudska prava žrtava. Iako stepen aktivnosti trgovine ljudima varira od regiona do regiona i od države do države, nijedna država u svijetu nije imuna na aktivnosti koje dovode do teškog kršenja ljudskih prava, a koje su u većini slučajeva usmjerene protiv žena i djece posebno. Burna politička i društvena događanja koja su uslijedila poslije raspada komunističkih režima u Albaniji i okolnom regionu, početkom 1990-tih godina, dovela su do porasta broja i složenosti aktivnosti organizovanog kriminala, koje se dodatno usložnjavaju slabljenjem tradicionalnih porodičnih veza i ekonomskim slomom, što je sve stvorilo plodno tlo za eksploataciju najranjivijih članova društva – trgovinu ljudima.

Lokalni, nacionalni i međunarodni akteri udružili su snage u borbi protiv ovog izazova. Ova borba je dobila značajan zamah i sistemske dimenzije usvajanjem Državne strategije za borbu protiv trgovine ljudima 2001-2004 u Albaniji, koja je odobrena u januaru 2000. godine. Nakon ovog događaja, mnogi novi zakonodavni i institucionalni pristupi, kako na nacionalnom i lokalnom, tako i na nivou civilnog društva, su iskorišteni kao odgovor na ovaj izazov i zaustavljanje trgovine ljudima u Albaniji. Albanija je još uvijek izvor muškaraca, žena i djece koji su izloženi trgovini ljudima, naročito prisilnoj prostituciji i prisilnom radu, uključujući prisilno prosjaćenje djece. Šefovi misije Evropske Unije u Albaniji usvojili su izjavu, u junu 2010. godine, u kojoj stoji da se Albanija više ne smatra glavnom tranzitnom državom, ali da je uočeno povećanje domaće trgovine ženama. Poduzimanje aktivnosti u odnosu na trgovinu ljudima i obezbjeđiva-

nje prevencije i zaštite rizičnih skupina ljudi je kontinuiran proces, koji zahtijeva stalno promišljanje, promjene u pristupu i poboljšanje sistema i resursa, kako bi se uzela u obzir promjenjiva priroda ovog fenomena.

Ovaj rad ispituje teoretski, pravni i praktični okvir za aktivnosti borbe protiv trgovine ljudima u Albaniji, sa posebnim akcentom na djecu, te pruža primjere i savjete za efikasno korištenje postojećih mehanizama i dotupnih resursa u državi. Problem trgovine ljudima, bez obzira da li ga posmatramo na nacionalnom ili lokalnom nivou, može se efikasno tretirati samo na osnovu sveobuhvatne strategije koja koristi ljudska prava i uzima u obzir transnacionalnu i nacionalnu prirodu ovog problema, mnoge povezane kriminalne aktivnosti, čestu umiješanost organizovanih kriminalnih grupa i istinsku bol, strah i štetu koju doživljavaju žrtve.

U tu svrhu, prilikom pisanja rada, analizirali smo Nacionalne referalne mehanizme i pružali kritički osvrt na Nacionalni plan aktivnosti borbe protiv trgovine djecom u Albaniji. Pored toga, vrši se procjena nacionalnog prava i nove prakse u Albaniji, u svjetlu osnovnih međunarodnih standarda o odnosnim pitanjima, uključivanjem primjera najbolje prakse iz drugih država u regionu. Za istraživanje ove specifične teme, bit će konsultovana albanska - nacionalna i međunarodna literatura koja se bavi pitanjima vladavine prava, ljudskih prava, ropstva, migracije, bezbjednosti, međunarodnog prava i odnosa, trgovine ljudima i zaštite djece. Pored toga, u radu će biti predstavljena naučna istraživanja i studije o rodno zasnovanom nasilju, godišnji izvještaji specijaliziranih agencija UN-a, izvještaji lokalnih i međunarodnih nevladinih organizacija, nezavisne društveno-ekonomske analize zemalja u tranziciji, nacionalna strategija za borbu protiv trgovine ljudima u Albaniji i u drugim državama zapadnog Balkana, pravni okvir za trgovinu ljudima, sudska praksa, novinski članci, internet izvori, konferencije, itd. Na kraju, uzet će se u obzir dokumentovane izjave i iskustva žrtava trgovine ljudima, koje su intervjuisane tokom autorovog istraživanja, kako bi se finalizirale preporuke o razvoju pristupa borbi protiv fenomena savremenog ropstva, koji stavlja ljudska prava žrtava u prvi plan.