

A TYPOLOGY OF CHILD TRAFFICKING CASES IN ALBANIA



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A typology of child trafficking in Albania

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The views expressed in this publication are those of the authors and do not necessarily represent the official position of the OSCE Presence in Albania.

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Acknowledgements

This report is dedicated to children described in it, who deserve to live their lives with dignity and care and who rely on our joint efforts to ensure it for them.

We wish that this report will contribute in improving a fragile but steadily growing child protection system in Albania that prevents all types of abuse of children's rights and protects the children at risk and victims of trafficking and exploitation.

Special thanks go to Dr Aidan McQuade who developed the structure of the report and of the database. His unique expertise and thoughtful analysis set the tone for the development of this report and provided a backbone for the authors, Ms Juliana Rexha, National Anti-Trafficking Officer of the OSCE Presence in Albania and Ms

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Executive Summary

This study is based upon the review of 45 cases of potential victims of child trafficking - 31 girls and 14 boys.

The data was collected by Child Protection Workers (CPWs) during the period 2016-2019. The selected period coincides with the Organization of Security and Co-operation in Europe (OSCE) Presence in Albania work to support Albanian institutions to address child trafficking through a child protection framework.

Of the 45 cases examined, 39 had been identified by authorities as potential victims of child trafficking. These cases suggest that trafficking for sexual exploitation, particularly through work in Albania's nightclubs and entertainment industry, is a principle trafficking risk for girls, and trafficking for forced begging and criminal activity is a principle trafficking risk for boys. While third parties are often involved in this trafficking, there are some instances identified where trafficking is being facilitated or tolerated by the child's parents.

The majority of the cases examined in this study – 41 out of 45 – had no international aspect to them. Rather they represented risks of child trafficking or exploitation wholly within the borders of Albania. This indicates the need for law reform in Albania to recognise trafficking as a domestic as well as an international phenomenon.

The study also finds significant evidence of co-ordination of state actors responsible for child protection in initial response to the identified cases: a multi-stakeholder approach on case management was undertaken in 41 out of 45 cases.

However, the study also found significant problems regarding the case management.

For example, of the 39 cases identified as potential cases of child trafficking only one was formally and conclusively identified as child trafficking. Furthermore, in 11 cases the exploitation continued even after the identification of the child as a potential victim of trafficking. Of these 11 cases, eight were cases of girls being sexually exploited, hence left in the hands of their traffickers in spite of the identified risks. Such egregious failures may be a result of systemic gender bias, a matter that requires further research and, if necessary, urgent solution.

In other words this study found a lack of explicit decision making regarding trafficking identification, lack of follow up of criminal investigations, and worrying lapses in provision of sufficiently robust child protection measures. Furthermore, this study found a poor standard of record keeping and reporting.

Hence, these findings indicate that there is still a considerable need for the strengthening of child protection systems in Albania, particularly in co-ordination and follow-up on child trafficking cases.

The report recommends greater strengthening of child protection systems through increased training for key stakeholders, including law enforcement, child protection workers and schools. There is also a need for improved and co-ordinated data gathering and reporting systems, and more effective co-ordination of child protection actors to ensure follow up investigations and robust child protection in line with extant law and policy.

Finally, there is a need for increased provision of specialized care for children who have been traumatised as a result of trafficking, including specialized services for child addiction.

ACRONYMS

CPU	Child Protection Unit
CPW	Child Protection Worker
NRM	National Referral Mechanism
ONAC	Office of the National Anti-Trafficking Co-ordinator
OSCE	Organization for Security and Co-operation in Europe
ODIHR	OSCE's Office for Democratic Institutions and Human Rights
SARPC	State Agency for the Rights and Protection of the Child
SOPs	Standard Operating Procedures

GLOSSARY

Term	Meaning
Assessment	A two-step process, consisting of initial and complete assessment. It is conducted by the CPW/CPU. The initial assessment is the rapid assessment of the level of risk, basic needs and necessary services that the child may require. It is conducted possibly within 24 hours and no later than 48 hours from receiving notification about the case. The comprehensive assessment is carried out in every case of a child who needs protection, aiming to provide a comprehensive assessment of the risk level and to collect all the information needed to design the Individual Protection Plan. <i>See: "The Procedures for the referral and case management, design and content of the individual protection plan, financing its implementation and protection measures", Council of Ministers' Decision No. 578, dated 3.10.2018.</i>
Best interest of the child	The right of the child to have a sound physical, mental, moral, spiritual and social development and to enjoy an appropriate family and social life suitable for the child. <i>See Law 18/2017 "On the rights and protection of the child".</i>
Case management	The methodology that ensures, step by step, the continuous and effective provision of help for the children in need for protection and which aims to promote the protection of the child's rights and wellbeing. <i>See: "The Procedures for the referral and case management, design and content of the individual protection plan, financing its implementation and protection measures", Council of Ministers' Decision No. 578, dated 3.10.2018.</i>
Child	Child is any person under 18 years of age. <i>See Law 18/2017 "On the rights and protection of the child".</i>
Child in need of protection	The person under 18 years of age, irrespective of having the capacity to act, according to the legislation in force, who may be a victim of abuse, neglect, exploitation, discrimination, violence or any criminal activity, and also the individual under the age of criminal responsibility, who is alleged to have committed or accused of the commission of a criminal offence, and the children in conflict with the law. <i>See Law 18/2017 "On the rights and protection of the child".</i>
Child protection	The prevention of and response to violence, abuse, exploitation and neglect of the child, including kidnapping, sexual abuse, trafficking and child labour. <i>See Law 18/2017 "On the rights and protection of the child".</i>
Formal identification	Identification of a person as victim of trafficking, carried out exclusively by the Group/Responsible Structure for Formal Identification (G/RSFI), on the basis of the formal interview format. In the case of children, (G/RSFI), is composed by one police officer from the anti-trafficking sector of the police and the CPW/CPU. <i>See "Standard Operating Procedures for the Protection of Victims and Potential Victims of Trafficking", decision of the Council of Ministers, No. 499, dated 29.8.2018.</i>

Identification and first reaction	The action undertaken by the state and non-state institutions' staff responsible for the protection of trafficked persons at the border and within the Albanian territory, which define whether a person, child or adult, is a potential victim of trafficking. The means for the initial identification are the indicators and the interview: in case the person's behaviours and appearance shows elements included in the indicators' list, the person undergoes a preliminary interview. <i>See "Standard Operating Procedures for the Protection of Victims and Potential Victims of Trafficking", decision of the Council of Ministers, No. 499, dated 29.8.2018.</i>
Individual Protection Plan	The plan consisting of certain actions which aims to protect the child and prevent the violation of her/his integrity, guarantees the rights, wellbeing, health and development, by supporting the family and the child to implement this plan, when this is in the best interest of the child. <i>See: "The Procedures for the referral and case management, design and content of the individual protection plan, financing its implementation and protection measures", Council of Ministers' Decision No. 578, dated 3.10.2018.</i>
Integrated child protection system	Entire set of legal acts, political acts and necessary services, in all fields, particularly those of social welfare, education, health, security and justice, in order to prevent and respond to risks posed during their enforcement. The responsible institutions take concrete measures aiming at co-operation, division of responsibilities and co-ordination among all the governmental agencies, local government bodies, public and non-public service providers, community groups, including the case referral system, as components of the child protection system. <i>See Law 18/2017 "On the rights and protection of the child".</i>
Potential victim of trafficking	A person for whom there are reasonable grounds to believe that he or she is likely to have been trafficked, but who has not (yet) been formally identified as such by the authorities. <i>See "Standard Operating Procedures for the Protection of Victims and Potential Victims of Trafficking", decision of the Council of Ministers, No. 499, dated 29.8.2018.</i>
Standard Operating Procedures (SOPs)	<i>Procedures approved by the Council of Ministers Decision No. 499, dated 29.8.2018, which provide for the sector related and multi-agency actions to identify, refer and assist potential and victims of trafficking in Albania, including children and adults.</i>
Trafficking indicators	Describing elements of the trafficking process which reflect the effects/consequences of trafficking on Albanian or foreign citizens. The indicators are provided separately for children and adults. <i>See "Standard Operating Procedures for the Protection of Victims and Potential Victims of Trafficking", decision of the Council of Ministers, No. 499, dated 29.8.2018.</i>
Unaccompanied child	The child separated by both parents or other relatives and who is not being cared of by an adult person. <i>See Law 18/2017 "On the rights and protection of the child".</i>

Victim of trafficking in human beings	Any person subject to trafficking in human beings, as defined in Article 3 of <i>Protocol to Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime</i> .
Violence against the child	Any intentional act or omission through which any form of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse is caused.

1.0 Introduction

Sexual and labour exploitation of children can result in serious, lifelong consequences for their physical and psychological development. Hence, states have the duty to guarantee and promote the protection of the children's rights and to provide adequate protection to the child victims of trafficking. Moreover, children victims of trafficking and exploitation have special needs and present additional challenges for the child protection professionals and law enforcement agencies.

Albania has established a national legal and institutional framework based on the principle of “*best interest of the child*” approach in the prevention, protection, investigation, and prosecution of child trafficking and exploitation offences. This, together with the updated Standard Operating Procedures (SOPs) for the Identification, Referral and Assistance of Victims of Trafficking, constitute a solid legal basis that encourages multi-agency co-operation to combat all forms of child trafficking and exploitation.

This report presents findings from data collected in the course of the support provided by the Organization for Security and Co-operation in Europe (OSCE) Presence in Albania to the central and local level institutions responsible for addressing child trafficking and exploitation in Albania. This support was provided within the context of the broad national child protection system. The report aims to provide an evidence-based insight into child trafficking and exploitation in Albania and the implications of this for law, policy and practice relating to child rights and child protection.

This report aims to better understand how Albania's child protection system works as it relates to potential victims of child trafficking. It is based on the detailed data from 45 cases reported by the Child Protection Units from eleven municipalities across Albania. The cases were selected from those collected by the State Agency for the Rights and Protection of the Child in the framework of the support provided by the OSCE Presence in Albania because they demonstrate strong evidence of child trafficking.

1.1 Some definitions

In accordance with international law, the Albanian law defines a child as a person below the age of 18. The minimum working age in Albania is 16, except during the vacation period when children over 15 may be employed in “light” work.

According to the international conventions, ratified by Albania, “child labour” as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development is defined as unacceptable. It refers to work that: is mentally, physically, socially or morally dangerous and harmful to children; and interferes with their schooling by: depriving them of the opportunity to attend school; obliging them to leave school prematurely; or requiring them to attempt to combine school attendance with excessively long and heavy work.

Child trafficking is the “*recruitment, transportation, transfer, harbouring or receipt*”

of a child for the purposes of “exploitation”. Whether this occurs internationally or domestically is irrelevant to the definition. It should be noted that, unlike adult trafficking, the “means” used to render a child into a situation of exploitation are irrelevant. Furthermore, children cannot consent to their exploitation.

The “Palermo Protocol” to *“Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children”* defines “exploitation” as, “at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”¹ Hence, child trafficking relates to a set of abuses that are somewhat more specific, and frequently more egregious, than more widespread cases of unacceptable child labour. Furthermore, child trafficking may occur in a family context if the level of exploitation meets the description set out in the Palermo Protocol.

Article 3 of the International Labour Organization (ILO) Convention 182 defines the worst forms of child labour as comprising:

“(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;

“(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;

“(c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;

“(d) 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.”

The ILO definition therefore has considerable overlap with the definition of exploitation in the “Palermo” protocol. However, this definition adds the explicit articulation of “illicit activities” as a “worst form of child labour”. Hence, for comprehensiveness sake, this research will include the use of children in illicit activities as an additional category of exploitation sufficient to meet the standards of child trafficking.

¹ From the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children — the “Palermo Protocol” - <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx> - accessed 12 Aug 2019

Figure 1 summarises the key definitions:

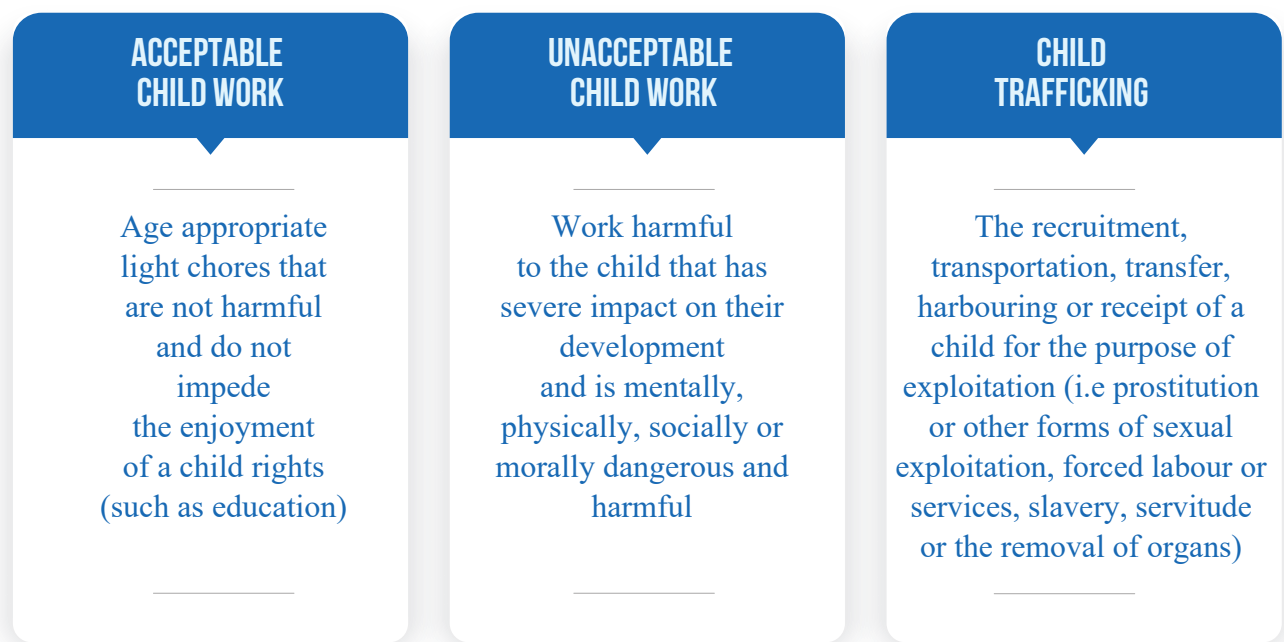


Figure 1: Acceptable child work, unacceptable child labour and child trafficking

2.0 Methodology

The report is based on the data collected by Child Protection Workers (CPWs) during the period 2016-2019 for children classified as potential or actual victims of trafficking according to the definition set out in the Albanian Standard Operating Procedures (SOPs). The selected period coincides with the Organization of Security and Co-operation in Europe (OSCE) Presence in Albania work to support the Albanian institutions to address child trafficking through a child protection framework.

During this period, the OSCE Presence in Albania provided technical expertise and support to a dedicated co-ordinator within the State Agency for the Rights and Protection of the Child (SARPC). The SARPC supervised the work of the CPWs and collected child protection related data, in the framework of the legal responsibilities of the SARPC.

The data provided by the CPWs was subsequently shared with the Office of the National Anti-Trafficking Co-ordinator (ONAC), which verified the status of investigation of each case through the Regional Police Directorates.

For this research the records relating to a total

of 45 children were examined. Of these 31 were girls and 14 boys.

For all the cases concerned, we tried to gather detailed information about the profile of the children, based on their personal and family background; the push and pull factors such as the education level, social-economic conditions and other vulnerability factors, gender and age. Based on the Child Protection Worker (CPW) reports, this report analyses the types of child exploitation encountered in each case using the framework of international law as it relates to child labour including its worst form, and child trafficking.

This research also explores the role and functioning of extant child protection structures and processes in Albania, in particular in relation to child protection workers, police, state and NGO-run social services and schools. These individuals and agencies are entrusted by the Albanian state to ensure immediate and long-term assistance for potential and identified child victims of trafficking. This report reviews how well they meet the standards and expectations set in Albanian law and policy.

3.0 Sample overview

3.1 Gender

As noted above, of the 45 cases analysed, 31 or 68.8%, were girls and 14 or 31.1%, were boys.

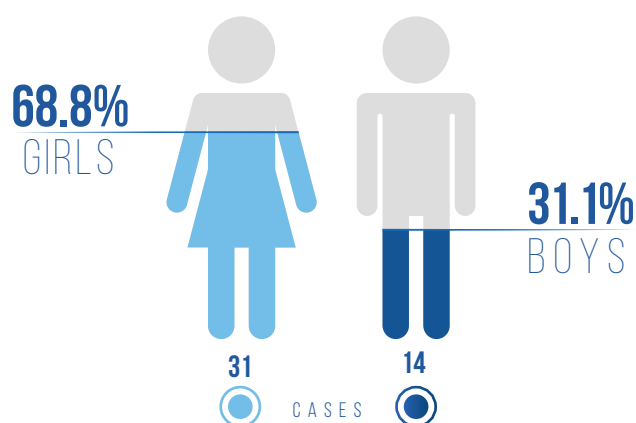


Figure 2: Gender breakdown in the study

The cases demonstrate clear gender division. Girls are overwhelmingly at risk of sexual exploitation while the principle trafficking risk for boys seems to be forced begging and criminality.

Around 70 % of the girls whose cases were reviewed in this study show indicators of risk of sexual exploitation by adults. Around half of the cases of boys reviewed in this study indicated exploitation for begging, with a third of the male cases also involved in criminal activities such as theft and drug distribution. There were no

indicators of boys being sexually exploited in the cases reviewed.

3.2 Age

Of the analysed cases, the age of the girls at time of identification ranged from 12 to 17, with the majority, 29 out of 31, or 93% aged 14-16 years old.

The boys identified in this research were aged from 11 to 16 years old, with six of the 14 (43%) identified age between 14 to 16 years old. In one case, an infant of less than a year, whose mother suffered from mental health illness, was identified by the Border Police while “unknown persons” were attempting to send the baby to Greece for illegal adoption.

In other words, these cases suggest that it is adolescent children who are most at risk of trafficking in Albania, and lack the parental control and the provision of services from the state structures becomes more difficult.



CASE STUDY

“A” is a 14 years old boy who was caught stealing by the police. He told to a child protection worker that he was forced by an adult person who used him to distribute and use drugs. The CPW followed the case closely. “A” is no longer on the streets and is now attending school. The family has been provided with food and economic aid. His mother was referred for employment.

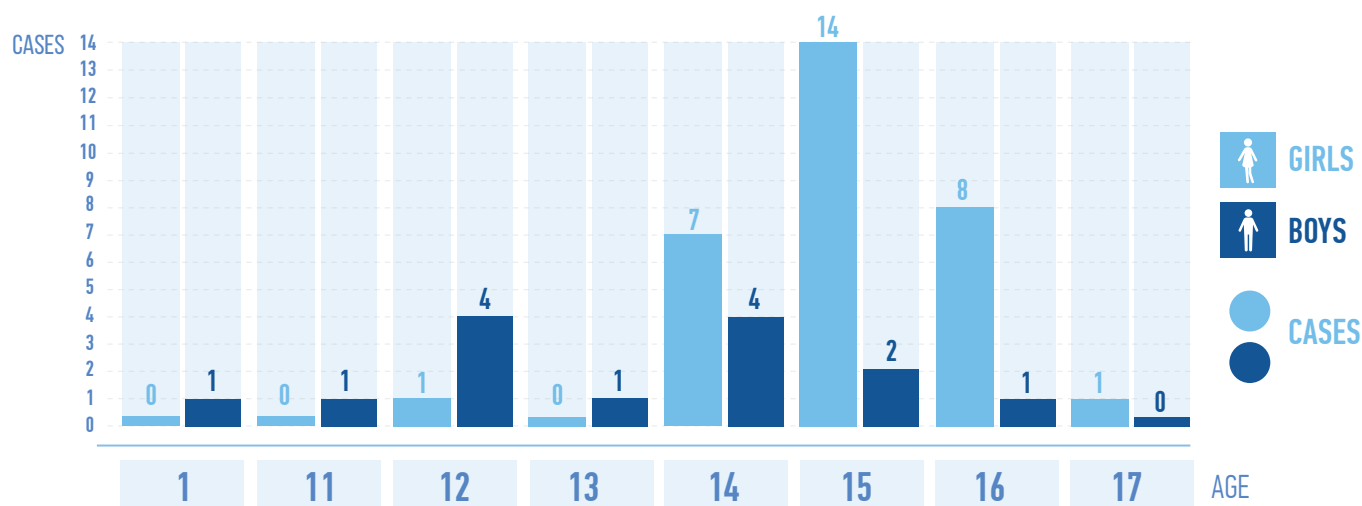


Figure 3: Age breakdown in the study

3.3 Geography

Regarding the geographical distribution of the examined cases, they refer to the municipalities of Tirana, Shkodra, Korca, Bulqiza, Durrës, Elbasan, Kukës, Kamëz, Krujë, Kavajë, Lezhë. Tirana has the highest number of boys and also of girls with 51% of cases identified. It should be highlighted that the increased number of the identified cases in Tirana municipality may be the result of the establishment of eleven field teams to identify children in the street situation.

The municipalities supported by the OSCE Presence² constitute the bulk of the cases nationwide based on the data of the year 2015 Study of Children in Street Situations³ and the annual reports of the Office of the Albanian National Anti-Trafficking Co-ordinator.

Out of the 45 cases, 11 children were identified outside their municipality of origin. Only four of the cases had international aspects with at least part of the child's exploitation occurring outside Albania.

This is an important point for the Albanian national authorities to note. In spite of the clear evidence from this study that a significant portion of trafficking in relation to Albania is wholly internal to the country, the Albanian Criminal Code⁴ still defines child trafficking as a form of the transnational crime. There must be explicit recognition of in-country trafficking as a major issue and therefore strengthening of the Criminal Code to recognise this.

With regards to the cases with international aspects: one related to a girl from Kosovo⁵ who was trafficked for sexual exploitation in Albania but was identified by Korça Border and Migration Directorate. A second case related to a girl who, at the age of 14, was trafficked to North Macedonia for forced marriage. A third case concerned a boy trafficked for illegal adoption. The fourth case related to a boy who had been trafficked to North Macedonia for forced begging suggesting that regional co-ordination remains important in tackling trafficking.

² Tirana, Durrës, Shkodër, Elbasan, Bulqizë, Korca, Vlora.

³ https://resourcecentre.savethechildren.net/node/8217/pdf/final_research_report_english.pdf

⁴ Article 128/b, "Trafficking of minors".

⁵ All references to Kosovo in this text, whether to the territory, institutions or population, should be understood in full compliance with the United Nations Security Council Resolution 1244.

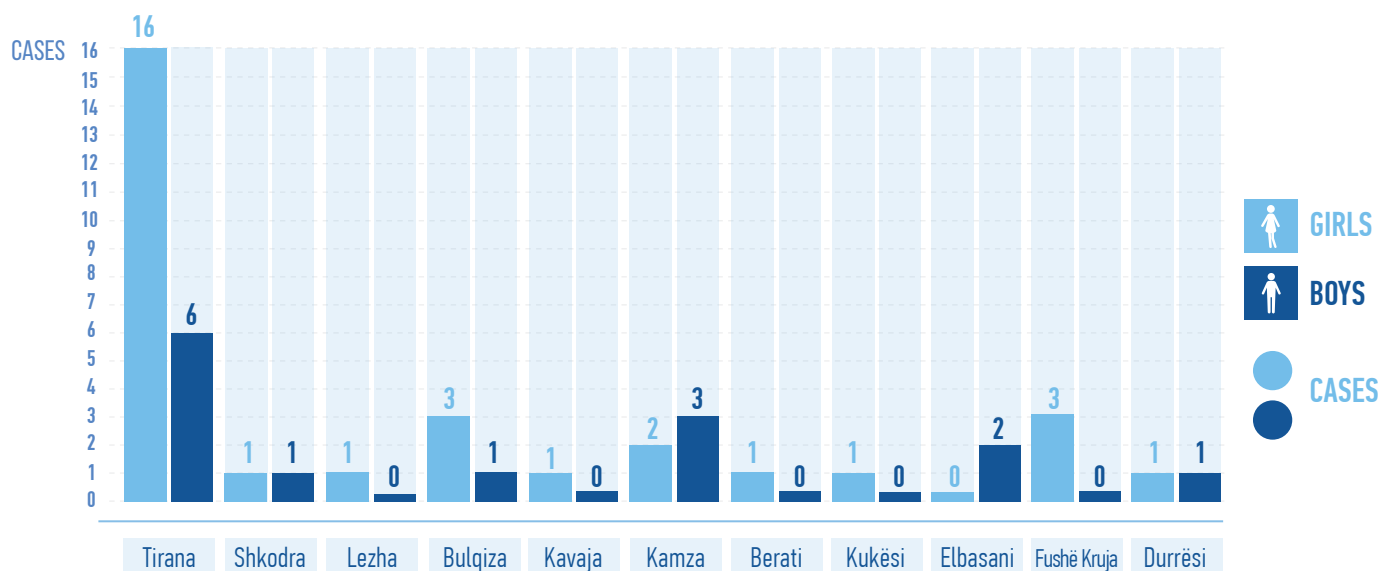


Figure 4: Cases by municipality

3.4 School attendance

From the data gathered, 67.7% of the girls identified and 78.5% of the boys have dropped out of school.

The role of the schools reporting children's drop out is widely recognized as an effective early warning and a child trafficking prevention tool.

Since the approval of the law “*On the rights and protection of the child*”, schools are obligated to report to and co-ordinate with the Child Protection Units regarding children who are at risk of or have already abandoned school.

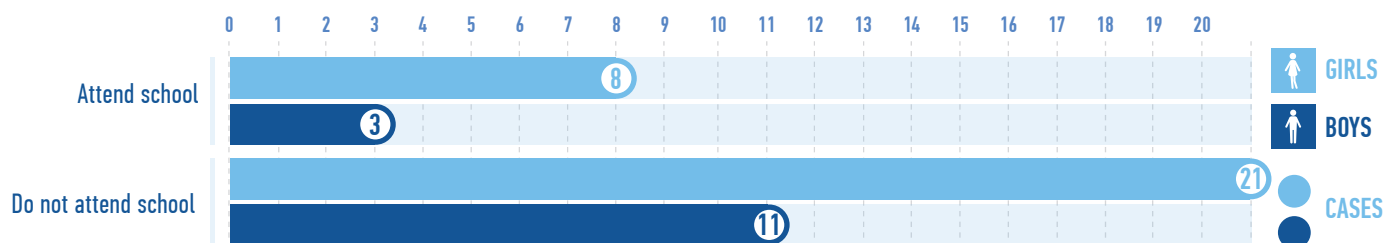


Figure 5: School Attendance



CASE STUDY

Z. and E. are brothers of respectively 12 and 14 years of age from Shkodra. Their parents are separated and the children changed several schools due to the constant changes from living with one parent or the other. Considering that during the stay with the father they were living on the streets most of the time, the court gave legal custody to the mother. Nevertheless, both children have been living in street situations in Tirana for at least 3 years. They are exploited in begging and in different criminal activities. Both are drug users.

3.5 Use of alcohol and narcotics

While the use of alcohol and narcotics is harmful to the children's health, it also presents additional risks for themselves, their families and the community. Different studies show that the use of alcohol or various drugs by teenagers has a range of risk factors that affect their education, notably crime, unwanted pregnancy and depression. In the study, 19.3% of girls and 42 % of boys were identified as drug or alcohol users.

This heightens their vulnerability and helps exploiters to keep them under control.

Addressing the specific needs of these children who are also users of alcohol, narcotics and/or who present mental health issues, is currently extremely challenging for the system due to the lack of specialised services for this target group.

4.1 Girls and sexual exploitation

Nightclubs

Eighteen (18) of the cases reviewed involved girls working in nightclubs. Of these, six, all aged under 16, were also involved in some form of sexual activities. All, except one of these six were recognized as potential victims of trafficking – and the review of the cases suggests all six were indeed potential victims of trafficking. However, it is not at all clear from the extant records whether there was any formal criminal investigation of trafficking in these cases, nor if there was any

investigation of the businesses where these girls worked and exploitation may have occurred.

Understanding the type of work that the young girls performed in nightclubs was a challenging task due to the “hidden work situations” in which they were involved. The cases reported by the CPW indicate that the girls’ work included singing, dancing and waitressing. However, some also stated explicitly in interview that they had been sexually exploited.



CASE STUDY

F. is a 16 years old girl from Tirana, but identified as a potential victim of trafficking in Shkodra, in 2016 and referred to a Tirana Child Protection Worker.

She had left her family home and shared a rented apartment with friends in Tirana. During the interview with the Child Protection Worker, she gave indications that she was sexually exploited while working as waitress in a nightclub. At the time of identification, she stated that she had been sexually abused by her father.

Before moving to the rented apartment, she stayed away from her parental home most of the time, in the company of groups or individuals suspected to be involved in illicit activities. She is the eldest of five children, one of whom had died. The family lived in extremely poor conditions, relying on aid from social services.

After being identified as potential victims of trafficking, F was transferred to a NGO-run shelter for victims of trafficking, outside Tirana. Since her referral, the Child Protection Worker has had no information on the investigation of the traffickers.

The Albanian law⁶, in conformity with the Recommendation 190(1999) of the ILO Convention No. 182, acknowledges that it should be regarded as **unacceptable child labour** for children to “*work under particularly difficult conditions such as work for long hours or during the night.*”

their trafficking for sexual exploitation.

Living away from home

Girls leaving the family home or staying away from home for long period is a well-known indicator of sexual exploitation possibly

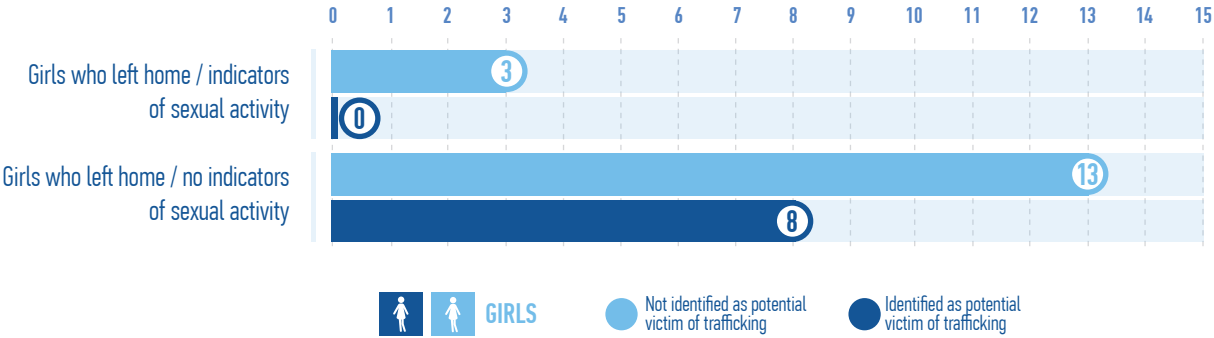


Figure 6: Living away from home



CASE STUDY

E., a 15 years old girl, is meant to live with her mother in Tirana but appears to be completely out of parental control. She repeatedly leaves home and stays with adult men who are suspected to be trafficking her. In 2018 she was classified as potential victim of trafficking. The case has been closely followed by a child protection worker through family visits, referral to the specialised NGOs for psychological treatment and sheltering which she has refused to take. There has not yet been a full investigation of the case.

In no circumstances in Albanian law is night work permissible for persons under 18 years of age. And this research confirms what the local institutions have long suspected: that work in nightclubs is particularly hazardous for girls and can lead to

amounting to trafficking⁷. We found 16 (out of 31 girls in total) reported cases of girls who have left or frequently abandoned home, 8 of whom were classified as potential victims of trafficking.

⁶ In March 2019, the Council of Ministers, with the technical support of the OSCE Presence in Albania, passed a decision on the protection of children from economic exploitation, creating procedures for the identification and referral of child labour cases from the Labour Inspectorate to Child Protection Units. To bolster its implementation, the OSCE Presence in Albania provided to the State Labour Inspectorate a methodology for the labour inspectors on how to monitor children’s work and co-ordinate with the appropriate institutions, such as police and child protection workers, when they suspect child labour. Additionally, the Presence supported the development of a National Action Plan for the protection of children from economic exploitation, which the Ministry of Health and Social Protection signed in October 2019.

⁷ This indicator is among the child trafficking indicators included in the Albanian Standard Operating Procedures for Potential and Victims of Trafficking

Summary

In the cases of suspected sexual exploitation, those girls who have been classified as potential victims of trafficking were identified by a joint group of police and child protection workers. Nevertheless, CPW has stated that they are aware of only one case for criminal investigation ongoing against the possible traffickers.

Albania has developed advanced labour legislation to prohibit child labour. Nevertheless, stronger efforts are required to prevent the worst forms of child labour, particularly relating to night time work as in the cases above, while also detecting and prosecuting those who use, offer or procure children for prostitution.

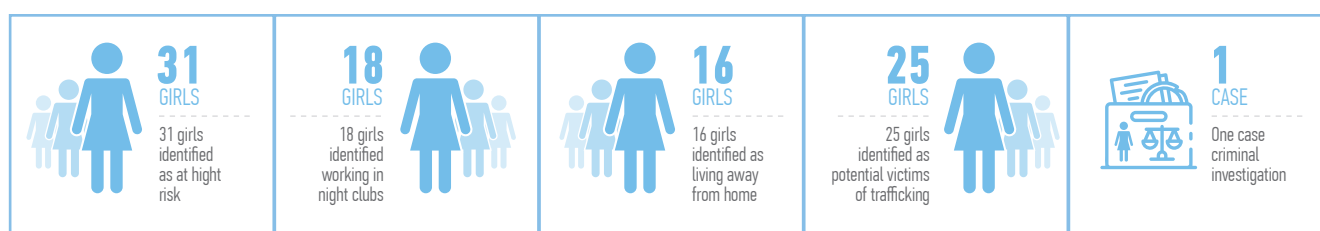


Figure 7: Summarising the review of girls' cases

4.2 Begging and petty crime

EUROPOL Report of 2014 describes child trafficking for the purpose of criminal activity: *“Child trafficking for exploitation in forced criminal activities and forced begging” highlights that Children are one of the most vulnerable groups targeted for the trafficking in human beings (THB). Organised crime groups (OCGs) choose to traffic children as they can be easily recruited and quickly replaced. OCGs can also maintain child victims relatively cheaply and discreetly. The exploitation of children violates the human rights of children; to have a safe childhood in their family setting, to receive education, to have time to play and to be protected from exploitation”*⁸.

We found 13 cases of children involved in begging – 12 boys and one girl. All were still living with their families, and all had dropped out of school. Another boy, involved principally in drug dealing, also fitted this pattern: he lived with his family and had also dropped out of school.

Eight of these 14 children were also exploited by third parties and used in criminal activities, such as theft and drugs dealing.

Children working on the streets, for begging or criminality, tend to work long hours and at night while exposed to physical and psychological risks and abuse.

⁸ Europol (2014) Intelligence Notification, Child trafficking for exploitation in forced criminal activities and forced begging. https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/child_trafficking_for_exploitation_in_forced_criminal_activities.pdf



CASE STUDY

R. 16 years old, lives in Tirana. The girl is abandoned by her parents and lives with her grandmother, who has suffered continuous violence from the 16-year old. During the interview, she admitted that she had been exploited by someone with the purpose of prostitution and has committed over 60 thefts in the stores. R spent almost a year in one shelter for victims of trafficking and two months in another shelter. The girl returned at grandmother's, where she was provided with psychological support, food packages and was enrolled at school. R. refused to co-operate with the police and to receive the services offered. Based on the information provided by the Child Protection Worker, girl continues to be exploited.

Those cases where no third party was involved, where the begging was encouraged and controlled within a family context, this certainly constitutes the worst form of child labour as it represents “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.”

The research shows that in the majority of cases child begging was forced or encouraged by their parents or legal guardians. These cases may well fall into the category of forced labour⁹ as “work or service which is exacted ... under the menace

of any penalty” and they represent “the use, procuring or offering of a child for illicit activities”. Hence, these cases also likely constitute child trafficking.

For this reason, the eight cases of forced criminality identified in this research of a child involved in drug dealing almost certainly represent child trafficking. Five of these children were also identified as using drugs or alcohol, presenting additional challenges for their protection and reintegration as a result of the lack of tailored services for such children.



Figure 8: Summarising the cases involving begging and petty crime

⁹ ILO Convention No. 29 on Forced Labour (1930).



CASE STUDY

L. is a boy of 12 years old who begs in Tirana. His parents are jobless in Tirana, in very difficult socio-economic conditions. The child declared that his father is violent and that he often gets beaten by him. At the time of the identification on the street in 2018, he was found in a state of intoxication. The Child Protection Worker stated that he stays in the company of an adult male, known as the trafficker of several young boys for begging.

During a joint interview by the police, state social services and the child protection unit, L became aggressive every time his family was mentioned, presenting high levels of emotional stress. He repeatedly asked that his family should not be informed because he feared further physical abuse. He did not want to return to his family.

The authorities classified him as potential victim of trafficking and he was referred for assistance at Tirana orphanage. The case was reported to the Prosecution Office.

4.3 Additional abuses

As noted above, one case, an infant of less than a year, whose mother suffered from mental health illness, was identified by the Border Police while “unknown persons” were attempting to send the baby to Greece for illegal adoption. The baby was returned to the mother, in spite of her lack of ability to take care of the baby and was supported with basic needs and free legal aid for some months until the mother left the town.

While it is positive to highlight the effective referral mechanism that took place as well as the multi-agency response in this case, with the case being evaluated by the multi-disciplinary group, this case also raises concerns as to the appropriateness of the services provided considering the mother’s inability to look after the child.

While this case dates back to 2016, that is before the law “*On the rights and protection*

of the child”, which links the principle of “*best interest of the child*” also with the parent’s ability to look after the child, the fact that the mother “left town”, hence evading the supervision of the Child Protection Worker, does still raise questions. Particularly about the police and social services modes of working together and capacity to follow-up complex cases with appropriate consideration of the best-interest of the child.

In addition, a case of forced marriage of a 13 year old girl was identified and one of forced betrothal were identified. The forced marriage case would certainly represent a case of child trafficking but again there is no evidence of criminal proceedings against the man to whom the girl was married. The case of forced betrothal is more unclear: while forcing a girl to become engaged to another is certainly a violation of her freedom of choice it is not clear that there was exploitation to a level sufficient to constituted trafficking in this case.

As noted above, the means used to traffic a child are irrelevant for the legal definition of the child trafficking offence. However, to better understand the realities of child trafficking in Albania, and to help identify better preventative and protective measures for children, this research has sought to identify from the reviewed cases, the means by which adults have trafficked children into situations of exploitation.

The UN Office of Drugs and Crime identifies three categories of vulnerability: personal, situational and circumstantial¹⁰.

It is axiomatic that traffickers abuse the personal vulnerability of the children they exploit¹¹. This personal vulnerability can also be exacerbated by the child's situational and circumstantial vulnerabilities. For example, a child may be in a foreign country and hence socially or linguistically isolated (situational vulnerability). Or the child may be from an impoverished family (circumstantial vulnerability).

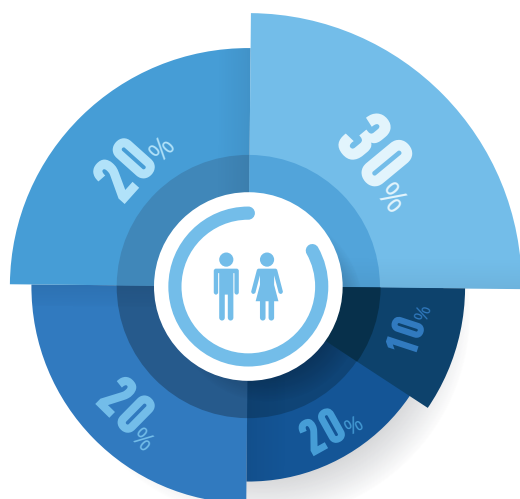
5.1 Exploiting personal vulnerability: gender

As noted above, 31 cases involve girls from 13 to 16 years old, 24 of whom were classified by the authorities as potential victims of trafficking. Based on the cases files, at least 26 % of the girls have experienced physical violence. In each of the 31 cases, we have found elements of parental neglect, abuse, domestic violence, forced and early marriage, violence from boyfriends or possible traffickers. It is a well-known fact that violence increases the girls and women's vulnerability to trafficking by lowering their self-esteem. Moreover, the attempts to leave the abusive family environments can further exacerbate their vulnerability to trafficking.

Elements of threat, force, and violence were more prominent in the reports concerning the cases of girls trafficked for sexual exploitation and less explicit in the cases of boys in forced begging. However, the lack of clear indicators of threat and force is likely due to the lack of proactive investigations rather than non-existence. In at least 2 cases, boys of respectively 12 and 15 years old, declared to the child protection worker that they had been beaten by parent or the legal guardian to force them to beg.

¹⁰ https://www.unodc.org/documents/human-trafficking/2012/UNODC_2012_Guidance_Note_-_Abuse_of_a_Position_of_Vulnerability_E.pdf - accessed 25 Mar 2020

¹¹ The Explanatory Report of the Council of Europe Convention on action against Trafficking in Human Beings, describes abuse of a position of vulnerability as *"abuse of any situation in which the person involved has no real and acceptable alternative to submitting to the abuse. The vulnerability may be of any kind, whether physical, psychological, emotional, family-related, social or economic. The situation might, for example, involve insecurity or illegality of the victim's administrative status, economic dependence or fragile health. In short, the situation can be any state of hardship in which a human being is impelled to accept being exploited. Persons abusing in such a situation flagrantly infringe human rights and violate human dignity and integrity, which no one can validly renounce."*



- 3 Cases Domestic violence
- 1 Case Sexually abused by father
- 2 Cases Violence by boyfriend
- 2 Cases Forced marriage
- 2 Cases Girls using domestic violence again parent / guardian

Figure 9: Gender as a vulnerability factor



CASE STUDY

A is a 15 years old girl from Lezha, who lived in very difficult socio-economic conditions with her family. In 2017, she started staying away from home for days, staying in the company of unknown men. She dropped out of school, got pregnant and delivered a baby whose father is not known.

She was recruited and employed in a nightclub where she was allegedly exploited for prostitution purposes. Eventually she was formally interviewed in the presence of the Police Officer, Regional Social Service and a child protection worker from which she was identified as a potential victim of trafficking.

5.2 Exploiting situational vulnerability: drugs and alcohol dependence

In five cases of boys exploited by gang members for thefts and drugs dealing, were addicted to drugs and alcohol. While there was no investigation as to the link of alcohol and drug addiction with trafficking, this is a possible means used by the traffickers to increase their control over the children.

The Albanian Public Health Institute defines alcohol among the depressant drugs, which

“slows down the function of the body, including the messages from and to the brain”¹². So it is also possible that in some instances alcohol is used by children as a coping mechanism to help them deal with their difficult circumstances.

Leslie (2011)¹³ in her study regarding prostitution and the request for sexual services, found that girls trafficked into sexual exploitation between

12 (ISHP) “Drugs and its consequences on the youth” http://www.ishp.gov.al/multimedia/botime/broshure_droga.pdf

13 Leslie, B.(2011) The John next door, Vol.158, Issue4

the age of 12 and 14, frequently had drugs dependencies and other mental health problems. This was echoed in the findings of this research which found frequent cases of potentially trafficked girls' use of alcohol, especially among the cases employed as dancers in the night clubs and suspected of being sexually trafficked.

The information recorded in relation to these cases frequently does not make a clear distinction between the substances used by the potentially trafficked children, their degree of dependency and, most importantly, the steps taken to treat these children.

The treatment of drugs addiction and mental health remain a challenge for the protection system due to the lack of dedicated services and the lack of information for the steps to be taken in regard to the cases.

The National Protocol for the Treatment of the Disorders of Drugs Use in Albania (2018) designates one specialized centre near the University Hospital Center "Mother Teresa", with a capacity of 20 beds. The mental health services do not offer treatment of drug use, except in the cases when the abuse is associated with psychiatric problems.¹⁴



CASE STUDY

"M", a 14 years old girl from Tirana, was found in a village in the south of Albania. She lived with an older boy, had mental problems and dependency from the alcohol.

After the initial interview, she was identified as potential victim of trafficking. Although she presented strong trafficking indicators, including suspicions for prostitution exploitation, hidden work as dancer, movements from Tirana to the village and the use of violence from the partner she was not formally identified as a victim of trafficking. However, she was referred to a shelter for victims of trafficking, but refused to go to the center and left together with her sister.

¹⁴ Sulaj et al. (2018) National Protocol for the Treatment of Disorders by the Use of Substances in Albania

5.3 Exploiting circumstantial vulnerability: poverty

The exploitation of circumstantial vulnerability was observed in this study in particular in relation to the cases of children begging or working to generate income for their very poor families. In these cases, the children's circumstances could be exacerbated further by the lack of parental care or forms of domestic violence.

It is well recognised that there are strong links between unacceptable child labour and families' financial constraints, social disadvantages. This study indicates that there are also strong links between the poverty of families and child trafficking.

Alleviating poverty to ensure family living standards and income to make it unnecessary to have recourse to the economic activity of children is among the key recommendations of the International Labour Organization (ILO) in addressing unacceptable child labour¹⁵.

However, the specifics of the cases described

above suggest a high level of challenge and complexity associated with the cases in which children are trafficked while remaining in the family context.

The extremely poor socio-economic situation of the families was recognised by child protection workers as a push factor in all the petty crime/begging cases. That children are rendered into such circumstances by adults who are meant to protect them could be viewed as a considerable betrayal of the child's trust. Further, life on the streets exposes children to the acquaintance of adults who may exploit them further.

Under international law definition, these cases constitute the worst forms of child labour and possible child trafficking. However, under the Albanian Criminal Code such cases could be categorised under the Article 124/b "Maltreatment of minors", punishable from 2 to 5 years of imprisonment.



CASE STUDY

E XH, a boy of 15 years old from Tirana lives with his disabled father in extremely difficult economic condition. His mother abandoned him years ago and has never contacted him.

E XH presents mental and behaviour disorders. He has been in street situations for 4 years, begging, selling drugs, stealing and occasionally working in car washes. After his assessment, which included a mental health assessment, he was placed in Shkodra orphanage and then in Elbasan shelter, from where he escaped. The boy now lives with his father in Durres and his case is monitored by a child protection worker.

¹⁵ R146 – ILO Minimum Age Recommendation, 1973 (No. 146)

OSCE highlights that locating and identifying trafficked persons is a fundamental problem in all anti-trafficking strategies. For a variety of reasons, those caught up in human trafficking often do not want to reveal their status or experiences to state authorities. Frequently, victims fear violent retaliation by traffickers. Because victims of trafficking are often reluctant initially to identify themselves as such, the term “presumed trafficked persons” is generally used to describe persons who are likely to be victims of trafficking and who should therefore come under the general scope of anti-trafficking programmes and services¹⁷.

Of the cases reviewed in this study 39 were classified by authorities as potential victims of trafficking, and six cases were not classified with trafficking elements.

The anti-trafficking SOPs define the steps from each institution for the purpose of initial or formal identification of a potential and a victim of trafficking, hence creating the opportunity for an effective protection system.

According to the SOPs the identification is two-step process:

“Identification and Initial Response”:

this is the set of actions to be taken by the state and non-state institutions responsible for the protection of trafficked persons across the borders and within the territory of the Republic of Albania. It relates to both local and central agencies, and sets out the process to determine that a minor or adult is a potential victim of trafficking in persons. Initial identification tools are based on indicators and interviews: if the person’s behaviour and appearance have elements that are included in the list of indicators, then the person passes to the initial interview.

“Formal Identification”:

this is the identification of a person as a victim of trafficking, conducted only by the Group/Structure Responsible for the Formal Identification (G/SRFI), based on the formal interview format included in this document. The only means of formal identification are these formal/official interviews.

With regard to the identification of the victims or potential victims of trafficking, in this study 87 % of the cases are identified as **potential victims of trafficking**.

Below we will discuss about the identification method of the cases.

¹⁶ Full title: the National Referral Mechanism for the identification, referral and assistance of potential victims of trafficking

¹⁷ OSCE/ODIHR “National Referral Mechanisms. Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook. 2005.

POTENTIAL AND IDENTIFIED VICTIMS OF TRAFFICKING

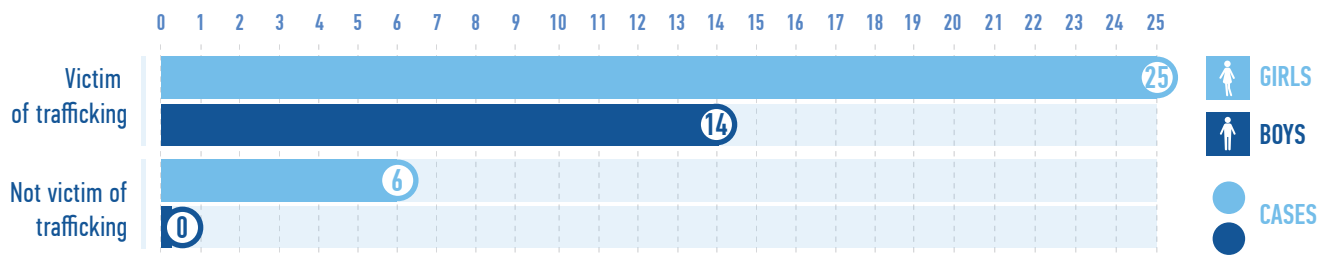


Figure 10: Summarising identification

CASES REPORTED BY:

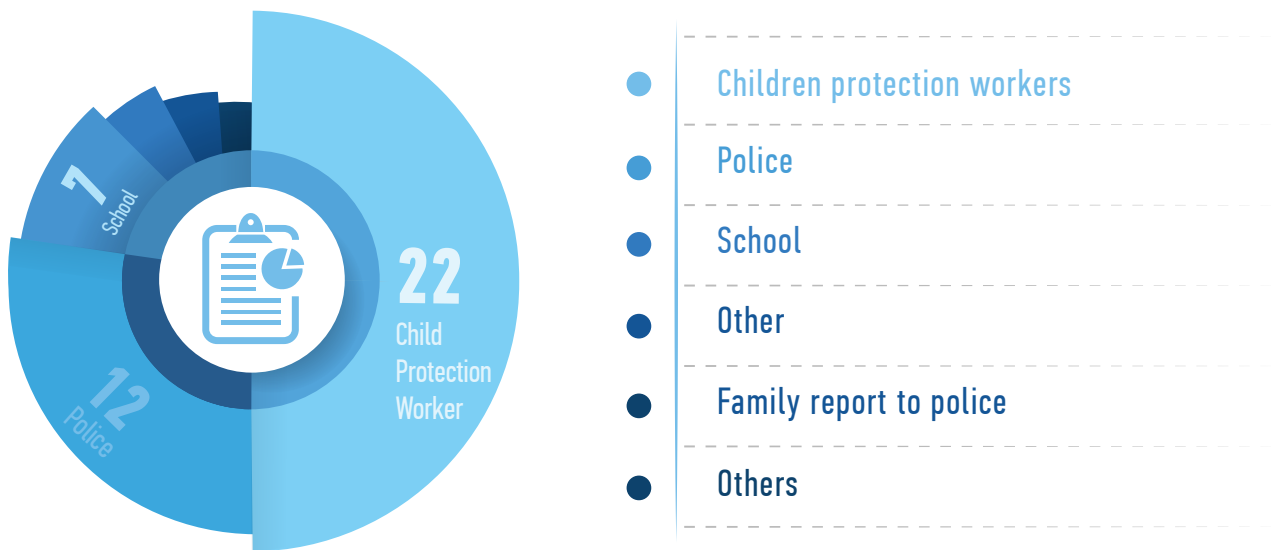


Figure 11: Identification sources

As noted in the table above, 22 out of 45 cases were first reported by the Child Protection Workers, followed by police, schools and families. According to the anti-trafficking SOPs, the joint teams composed of police and CPW conducted the initial interviews, concluding that 39 cases were potential victims of trafficking.

The SOPs designate the CPW as part of the responsible group for the formal identification of victims. However, it appears that in some cases this identification is also carried out in the presence of State Social Service representatives. The formal interview has only one purpose: “... determining whether the person is trafficked, through the collection and analysis of information provided by the person himself”.

Except for one case in 2016, the formal interview did not lead to the “formal” identification of the

child as a victim of trafficking. Moreover, the reports were not provided in the format of the anti-trafficking SOPs, which is the obligatory format for the children potential victims of trafficking.

While acknowledging that the identification of a victim of trafficking is a complex and lengthy endeavour, the high gap between the Potential Victims and Actual Victims of Child trafficking raises concerns as to the effective multi-agency commitment and proactive law-enforcement efforts. OSCE/ODIHR National Referral Mechanism Handbook highlights that “a trafficked person can only be conclusively identified as such if the distinct elements of the crime of trafficking have been detected. This may require time because of the complexity of the crime of trafficking and the vulnerable status of trafficked persons suffering from post-traumatic stress disorder”.

7.0 Child protection efforts

OSCE highlights that in the context of trafficking in human beings, protection refers to the processes of protecting adults or children from further harm (starting from withdrawal from the hands of traffickers), providing them with appropriate assistance to recover from whatever harm they have suffered and to restart their lives, and to get access to an appropriate remedy, either through the courts or otherwise.¹⁸

The children's rights approach is the overriding principles in the Albanian recently developed child protection legislation which highlights that the best interest of the child is the primary consideration in all actions affecting children.¹⁹

In relation to the cases examined in this study, we have considered the efforts undertaken towards the best interests of the children by the extant child protection structures and systems. The report considers if the processes have ensured the best-interest of the child approach in providing immediate and durable solutions to children at risk and victims of trafficking.

The limited information available makes it challenging to draw conclusions on the

effectiveness of the child protection measures.

However, such a lack of information strongly suggests a lack of co-ordination among institutions to enable a protective environment for children at risk and victims of trafficking.

7.1 Immediate protection

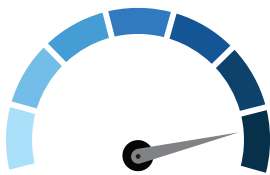
The risk assessment, which is the starting point for the case management procedures, is elaborated in detail in the Albanian child protection framework²⁰. When it comes to the particular context of child trafficking, the risk assessment includes **a security assessment as well as a need assessment** of the child and the family. According to the risk level, the security and needs assessments determine the decision to be taken for the child by the multi-sectorial group. The decision must take into consideration the child's safety and best interest to be returned or not to the family, whether the child is to be provided with alternative care, or to be followed with education and social support in the family context.

¹⁸ OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings. "Child Trafficking and Child Protection: Ensuring that Child Protection Mechanisms Protect the Rights and Meet the Needs of Child Victims of Human Trafficking", page 18.

¹⁹ Law No.18/2017 "On the rights and protection of the child". Article 5, "General Principles".

²⁰ Decision of Council of Ministers No. 578, dated 3.10.2018 "On the procedures for the case referral and management, design, content, funding and implementation of the individual protection plan; implementation of the protection measures".

The case management procedures²¹ envisage the following types of risk:



Very high (immediate) risk

A situation in which at the time of identification the child is found without self-defence skills and if left in the present circumstances, without any protection intervention or health care, may die, get injured or badly wounded, become sexually abused, trafficked or become prey of other maltreatments that are stipulated as criminal offences in the Criminal Code. In these cases the intervention must be urgent and ensure the child's removal from the dangerous situation.



High risk

A situation in which unless protection measures are taken, the child risks being badly injured, or become subject to various and continues forms of abuse, or to suffer damages that cause permanent incapacities, or to suffer serious risks to the wellbeing.



Medium risk

A situation in which there is no information that the child is or was at risk of severe damage, but unless protective measures are taken, the child may suffer damages or abuse. An intervention to protect or offer services to the child is necessary.



Low risk

A situation in which the child is relatively safe, does not suffer damage as a result of abuse and is able to defend herself/himself. Nevertheless, risk factors are present and the child may become prey of abuse, violence, negligence or exploitation, unless measures are taken to offer respect and access to the rights or unless services are provided.

²¹ Ibid.

Based on the definition of the risk levels, the following risk assessments, 29 children were considered at “high risk” and 15 at “very high risk (immediate) risk”²².

efforts to secure assistance for the child and the family. Remarkably, 8 out of the 11 cases are girls sexually exploited, hence still in the hands of their traffickers.



Figure 12: Case classification by risk factor

On a positive note, a multi-stakeholder approach, as defined by the Decision of Council of Ministers on case management procedures was undertaken in 41 out of 45 cases²³.

Taking into consideration the best interest of the child approach based on which a child must be removed immediately from the exploitative situation, we noted **that in 11 cases the exploitation continued even at the post-identification phase, in spite of the CPW**

In this context, negative gender bias could have influenced the effectiveness of the investigation efforts, leading to the continuation of the exploitation. This particular negligence requires a deeper analysis, which is not the scope of this research. In one case, the CPW stated to have been threatened by the suspected traffickers of the girl. Presumably, a weak risk assessment led to the continuation of the exploitation.

IMMEDIATE REMOVAL FROM HARMFUL AND EXPLOITATIVE SITUATIONS

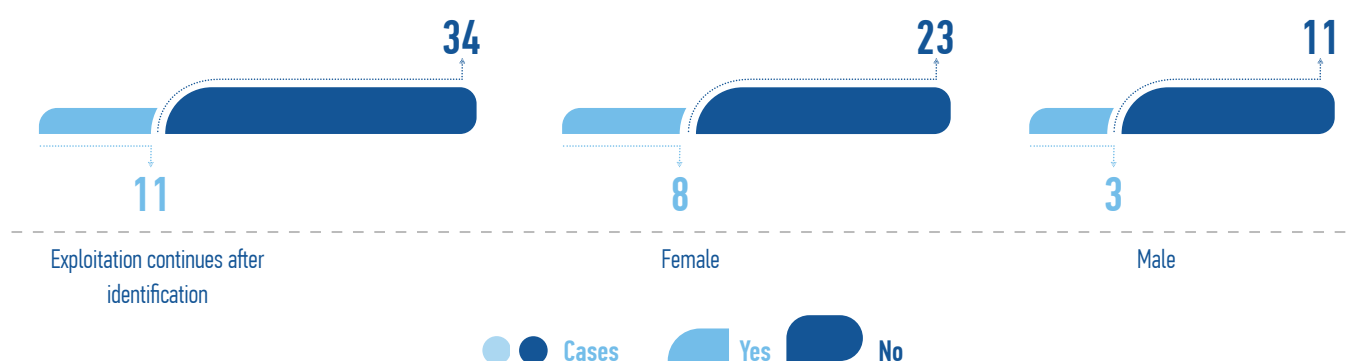


Figure 13: Failures in child protection

²² One case was managed before the entry into force of the new child protection legislation.

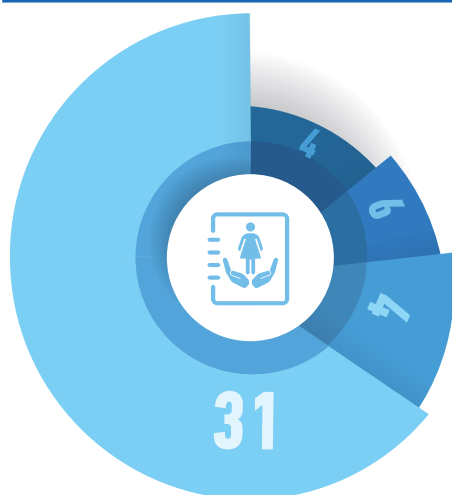
²³ Decision of Council of Ministers No. 578, dated 3.10.2018 “On the procedures for the case referral and management, design, content, funding and implementation of the individual protection plan; implementation of the protection measures”, article 8.

7.2 Protection orders

Child protection workers (CPW) are faced with serious decisions at the initial identification stage and during the full assessment of the child's situation. Based on the initial and complete assessments, the CPW is the case manager who must ensure that the child at risk of victim of trafficking is provided with emergency assistance and long-term support, based on an Individual Protection Plan.

The protection measures envisaged in the case management procedures²⁴ include:

- **Emergency protection order** - the child is in high and immediate risk due to abuse, exploitation, negligence; is abandoned at birth or below the age of 16; has no parental control;
- **Placement in alternative care** - cannot be under the care of any relative; alternative care is the best interest; it is the ultimate resort.
- **Specialised monitoring in the family context** - can be treated in the family context



The situation of the protection order for the analyzed cases is presented in the following chart:

As noted on the chart, the majority of cases, 31 out of 45, have not been treated with a protection order, raising concern about the efficacy of the protection measures applied to ensure basic care, safe accommodation and most importantly protection from the traffickers and abusers.

Although the report does not focus on the quality of all efforts undertaken by the CPWs directly and through the multi-disciplinary teams, some cases demonstrate that unconventional and not recommended procedures were taken, which do not promote the best interest of the child.

For instance, a mother with mental health issues was caught in the attempt of trafficking her 1-year-old to Greece for illegal adoption. After the identification, the baby was returned to the mother. The assistance package included food and medication assistance. The multidisciplinary team decided police surveillance for the mother, who changed location and was lost track of.

In all the cases of the girls performing “hidden

PROTECTION ORDERS

- Emergency protection order
- Protection order placement in residential institution
- Protection order family-based follow up
- No protection order

Figure 14: Summarising protection orders

²⁴ Ibid, articles 18-20.

work” and suspected of being sexually trafficked/ or exploited, it is impossible to find out about the trafficking situation and assistance provided, due to the lack of a complete risk and needs assessment.

The access to services is another major concern.

Firstly, the lack of residential centres for boys identified as potential victims of trafficking, in particular those above the age of 14 who manifest drugs and alcohol addictions. They are a difficult target group for the shelters’ staff, requiring specialised services and continuous adjustment of the Individual Protection Plan

Conclusions and Recommendations

This review of cases, including consideration of the available information and the manner in which the children involved have been dealt with by those responsible for their protection, leads to a number of conclusions.

Much of Albania's law and policy provides a strong basis for effective response to child trafficking within a broader child protection framework. However, the evidence examined in this study suggests that the full potential of this child protection framework is not being realised due to unsatisfactory implementation by the key actors responsible for child protection. This is problematic as the evidence examined indicates that there is significant trafficking of children within and beyond the borders of Albania.

Work in nightclubs leads to considerable risks of trafficking for sexual exploitation for girls.

In spite of strong child trafficking indicators and formal interviews, a trend to avoid the classification as victim of trafficking is observed with only one out of 39 cases of potential trafficking formally identified.

Another serious concern is that for the 11 cases identified as potential victims of trafficking, eight of them female potential victims of child sexual exploitation, had indications to suggest continued exploitation post this identification.

The formal interviews for trafficking identification do not appear to be conducted according to the approved formats, which could indicate that the child protection workers and the child protection structures in general are not familiar with the anti-trafficking processes and procedures.

This study found incompatible reporting mechanisms amongst key child protection actors and a yet-to-be built unified child protection database is yet to be built. The absence of these provides a considerable constraint on establishing effective child protection systems.

The Child Protection Implementation Plans generally lack information on the law-enforcement efforts to investigate suspected traffickers, with only one case of criminal investigation identified subsequent to designation of a child as a potential victim of trafficking.

There is evidence that frequently child protection workers who, by legal definition are responsible for all aspects of case management, lose track of the cases once they have been referred to the shelters or other social services. Hence the flow of information between the shelters and CPW needs to be constant and formalized.

- Children forced to commit criminal activities are treated as offenders rather than victims of trafficking and of abuse.
- Gender biases likely influence lack of proactive investigations, in particular in the cases of trafficking of girls of sexual exploitation.
- There are no dedicated services for children suffering drugs and alcohol addictions.

To respond to these issues, the following recommendations are made:



Training

- Enhance the knowledge and capacities of child protections workers (CPWs) about child trafficking indicators and processes;
- Encourage joint training workshops among the law-enforcement, child protection and social structures on child trafficking and child labour issues;
- Extend training to the border police, community policing officers, prosecutors and judges;
- Raise awareness among law-enforcement officers on the victim status of children exploited for criminal activities, including addressing the ‘non-punishment’ provision;
- Provide awareness-raising sessions to schools on the risks of trafficking;



Child Protection System

- Strengthen the monitoring plans for children placed in alternative care;
- Enforce the co-operation among police, labour inspectors and child protection workers to detect, refer and investigate child labour;
- Improve and unify data collection tools disaggregated by sex, age group, type of exploitation, branch of economic activity, school attendance and geographical location;
- Establish specific reintegration programs for children victims of trafficking with mental illnesses and drugs/alcohol addictions;



Future research

While it is clear from the analysis that children are forced to commit different types of crime, such as burglaries, robberies, shoplifting, drugs distribution, it is unclear from the information available what are the principle means used by the traffickers to exercise obedience and manipulate the children, the profile of traffickers, and how they target these children;

Hence, more research into the types of child abuse and violence in Albania that lead to child trafficking could give greater insight into necessary identification and protection measures;

Similarly, further study into the factors leading to the girls abandoning families could provide insight into the strategies necessary to protect this particular vulnerable group from trafficking;

Study of the dual effect of gender in child trafficking, analysing gender as a vulnerability factor and as a bias leading to negligence to investigate and prosecute child trafficking, especially of young girls trafficked for sexual exploitation.