

For attention: Mr. Tomoya Obokata

Email: srslavery@ohchr.org

Special Rapporteur on Contemporary Forms of Slavery

Dear Mr. Tomoya Obokata,

**Submission on the Role of Organised Criminal Groups with regard to
Contemporary Forms of Slavery**

We attach our written submission in response to your call for input on the role of organised criminal groups with regard to contemporary forms of slavery.

Should you have any queries, please contact Tove van Lennep (tove@arisefdn.org)

Yours sincerely,

Tove van Lennep

Manager of Frontline Advocacy

Arise

Role of Organised Criminal Groups with regard to Contemporary Forms of Slavery in Albania

Eliza Baring, Arise Foundation

Arise is an NGO based in London and New York which supports grassroots efforts to prevent human trafficking and related forms of exploitation. We work in some of the most affected source communities to support frontline organisations and their networks to effectively and sustainably confront the issue of trafficking within their communities. To date, Arise has developed programmes in India, the Philippines, Eastern Europe, Brazil, Nigeria and Albania.

Arise's submission focuses on Albania and is based on interviews with frontline partners working to combat Albanian human trafficking domestically and internationally.

Interviewees:¹

Erion Prendi, Executive Director of [SHKEJ](#)

Sabjola Bregu, [Women at the Well](#)

[Nisma per Ndryshim Shoqeror ARSIS](#) (NISMA)

[Different & Equal](#) (D&E)

[Mary Ward Loreto Foundation](#) (MWL)

Terminology: 'human trafficking' is used interchangeably with 'modern slavery' in this report to refer to all contemporary forms of slavery.

1. Types of criminal groups involved in modern slavery

- a. Is there evidence of organised criminal groups engaging in modern slavery in Albania? If so, please provide information about these groups where possible.

A common response from interviewees was that there is a lack of shared, comprehensive data on organised criminal groups' involvement in human trafficking in Albania. Nevertheless, most qualified this by saying that human trafficking often requires extensive coordination within a network of traffickers.²

The interviewee from D&E explained that collaboration is required at each stage of trafficking (recruitment, transportation, exploitation). The interviewee from Women at the Well (Sabjola Bregu) reiterated this, emphasising the need for cooperation between traffickers in both source and

¹ Where interviewees requested that their names be left out of this report, only the name of the relevant organisation has been included.

² UN Convention against Transnational Organised Crime: an organised criminal group is "a structured group of three or more persons existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit."

destination countries when smuggling people across international borders. She was of the view that there are significant links between Albanian and British trafficking networks.³

Interviewees from NISMA and SHKEJ (Erion Prendi) reported regular sightings of groups of around 10 children begging at night in particular areas of Tirana. Both suspected higher-level criminal organisations were behind this, given the coordination apparent in the number and location of the children.

Prendi described Albanian criminal groups as “highly organised”. He explained that begging, and other street-level activities, are often their only observable operations. For organised criminal groups to remain effective, higher-level operations and organisation must remain unseen. The age of criminal responsibility (14 years old in Albania) means that children cannot be prosecuted. Exploiting children to carry out street-level activities insulates criminal groups from law enforcement.

Another interviewee from MWL stated that 64.7% of the 34 victims of human trafficking they worked with between 2017 and 2020 were recruited by Albanian organised criminal groups. The interviewee asserted that “the traffickers’ network is well consolidated”.

b. Do these groups operate domestically or internationally?

Interviewees reported both domestic and international organised criminal activity. Four of the five organisations spoken to (NISMA, MWL, SHKEJ, D&E) work with victims of trafficking in Albania. Women at the Well works internationally, supporting victims of trafficking from Albania in the UK. These victims are evidence of networks of traffickers within Albania, and between Albania and the UK.

72% of the 78 cases of possible/actual victims of trafficking D&E worked with in 2019 were trafficked within Albania. 28% were trafficked internationally.
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2. The nature and extent of criminal groups’ involvement in contemporary forms of slavery.

a. Prevalent vulnerabilities amongst Albania’s population that are exploited by traffickers:

Poverty:

The 2019 earthquake and the pandemic have increased poverty rates significantly.⁴ The minimum wage is €260/month, and the maximum amount of economic aid provided by the state is €25/person/month. In 2019 youth unemployment was at 26.99%,⁵ and the overall unemployment rate

³ Independent Anti-Slavery Commissioner, ‘Vulnerability’ to Human Trafficking: A Study of Vietnam, Albania, Nigeria and the UK (2017): there were 699 referrals to the UK Government’s National Referral Mechanism (NRM) in 2016.

⁴ The World Bank, ‘Albania Overview’, April 2021.

⁵ International Labour Organization, ‘Unemployment, Youth Total (% of labour force ages 15-24) (modelled ILO estimate) - Albania’, accessed at <https://data.worldbank.org/indicator/SL.UEM.1524.ZS?locations=AL&start=2018>

was 11.7% in 2020.⁶ Rural areas are particularly economically deprived, and are targeted by traffickers.⁷ Children in orphanages are also targets given their economic and social vulnerability.

Ethnic Minorities:

Roma and Egyptian communities face significant economic and social disadvantage. Education levels in Roma communities are very low, and housing conditions are poor.⁸ Unemployment in both groups is high.⁹ 44% of victims and potential victims of trafficking D&E worked with in 2020 were from the Roma community.¹⁰

Patriarchal norms:

Family honour has huge cultural importance in Albania, and families are often patriarchal. Arranged and forced marriages are common in some rural areas.¹¹¹² 77% of victims and possible victims of trafficking D&E worked with in 2020 were women. D&E also reported an increase in rates of domestic violence during the pandemic.

Age:

66% of the victims and possible victims of trafficking D&E worked with in 2020 were between 11 and 17 years old. D&E also reported increased vulnerability in children since the pandemic began due to a reduction in teaching hours and pressures in the home. These factors have resulted in children spending more time on the internet and/or in the street, where they are more easily targeted by organised criminal groups.

The interviewee from NISMA identified the increased financial and emotional pressures on families due to the pandemic as factors driving young people to seek independence outside the home. This means more time spent on the streets and greater vulnerability to being targeted by organised criminal groups.

Psychological vulnerability:

17% of the victims and possible victims of trafficking D&E worked with in 2020 had mental health problems. The interviewee from MWL observed that organised criminal groups targeted psychosocially and socially vulnerable women for recruitment into prostitution rings.

Covid-19 as an aggravator of all these vulnerabilities:

Bregu highlighted that the closure of schools and support services and increased strain on remaining resources since the pandemic has reduced the support available for vulnerable children. Lockdowns have also restricted the freedom of victims to flee and seek protection.

⁶ International Labour Organization, 'Unemployment, Total (% of total labour force) (modelled ILO estimate) - Albania', accessed at <https://data.worldbank.org/indicator/SL.UEM.TOTL.ZS?locations=AL/>

⁷ Interviewee from Nisma per Ndryshim Shoqeror ARSIS.

⁸ UNDP, "Roma and Egyptians in Albania: a socio-demographic and economic profile" (May 2015), pp. 3-4.

⁹ Ibid.

¹⁰ Different & Equal also cite the impact of one's social group as a key push factor behind 18% of the cases they have seen in 2020.

¹¹ Immigration and Refugee Board of Canada, 'Albania: Forced marriages of women, including those who are already married; state protection and resources provided to women who try to avoid marriage imposed on them (2010 - June 2015).'

¹² The interviewee from Nisma per Ndryshim Shoqeror ARSIS identified northern Albania as the region where arranged/forced marriages are most common.

Bregu argued that the pandemic has diverted attention away from trafficking. Whilst borders have been shut to people, goods have continued to move across them and people have continued to be smuggled via these trade routes.

“The most affected target [during the pandemic] remains women and girls from 16-25 years old, and children mainly from the Roma and Egyptian communities... [who] are mainly exploited for sex trafficking and forced labor”

b. Methods of recruitment

Forced marriage/”loving boy” scenario:

Bregu and the interviewee from MWL identified a common method of recruitment used by traffickers. Albanian men living abroad contact young women in Albania on social media platforms, making false promises of marriage, a better life and economic stability. Women who accept these proposals (often due to economic and social pressures) are then trafficked into prostitution. Forced or arranged marriage remains a cultural tradition in some regions, so these cases are not always identified as instances of human trafficking. The shame felt by families whose daughters are forced into prostitution also means many cases go unreported.¹³

Recruiting children from the street:

Prendi and the interviewee from NISMA spoke of children growing up in deprived households spending more time out of the home. They become targets for criminal groups, who recruit them from the street for begging or criminal activities.

Prendi spoke of members of criminal groups offering teenagers drugs in the street. When some develop drug dependency, criminal groups exploit them, forcing them to carry out crimes for them in return for drugs or money. Prendi reported a significant rise in the number of young people using cannabis in recent years. He suggested that criminal organisations are likely to be behind the significant quantities of cannabis being traded amongst the youth. Whilst the pandemic reduced the number of children on the street for a period, numbers have now returned to pre-pandemic levels.

Online Exploitation

The pandemic has reduced the number of hours children have been in school, and increased the amount of time they spend online.¹⁴ Prendi explained how children are being targeted by traffickers through online game chat rooms. SHKEJ has worked with 3 children in the last year who have been contacted by a trafficker in this way. There is little awareness of this phenomenon, particularly in Roma and Egyptian communities where parents are often not computer literate.

¹³ Mary Ward Loreto Foundation, ‘The Human Trafficking Situation in Albania’, 2021.

¹⁴ “Access to technology has increased during the pandemic, since most activities are now online. The rise of online learning for children has exposed them more to online traffickers” - Irena Kraja, Mary Ward Loreto Foundation

Statistics

D&E (2020): 15% of trafficking victims worked with were recruited through false promises of employment; 38% through exploitation of their vulnerable situation (inc. physical and/or mental health problems and children in institutions); 9% through exploitation by family members.

MWL: 11.8% of trafficking cases they worked with involved exploitation by family members; 8.8% of cases were recruited by traffickers in Kosovo, Serbia and Bosnia; 5.9% were Filipinos who were victims of forced labour, exploited by Albanian employers; 8.8% were recruited online.

c. Forms of modern slavery

Sexual exploitation and forced marriage:

Sexual exploitation (often through forced marriage) was identified by the interviewee from MWL as the main form of modern slavery in Albania. Women at the Well has supported 35 Albanian women in the UK who were trafficked for sexual exploitation over the last 2 years.

Forced begging:

Prendi and the interviewee from NISMA gave accounts of children begging in groups, likely orchestrated by organised criminal groups.

Forced labour and domestic servitude:

The interviewee from MWL cited forced labour and domestic servitude as common forms of modern slavery in Albania. MWL also drew attention to Filipinos who are being subjected to domestic servitude and forced labour in Albania.¹⁵

Criminal activities:

Forced criminality was identified by two interviewees (from MWL and D&E) as the most common form of modern slavery that Albanian men and boys are subjected to. Those trafficked to the UK become trapped in debt bondage to their smugglers.¹⁶ They are then forced to distribute drugs, or commit fraud or burglary for criminal gangs in the UK. This has reduced during the pandemic.

The interviewee from NISMA works with children on the street who are vulnerable to exploitation by organised criminal groups and forced into criminality (mostly drug distribution). The interviewee from D&E claimed that drug trafficking has become the focus of organised crime in recent years.

¹⁵ Mary Ward Loreto Foundation, 'The Human Trafficking Situation in Albania', 2021: more than 30 Filipinos have arrived in Albania in 2021, mostly via employment agencies to work in agriculture, manufacturing and as domestic workers. Employers then exploit them, refusing to pay them. These Filipinos lack recourse to justice. Given their legal entry into Albania, there has been a reluctance within law enforcement agencies to categorise them as victims of trafficking.

¹⁶ According to Sabjola Bregu from *Women at the Well*, smugglers charge between 15,000 and 20,000 GBP.

3. Legislative frameworks

a. Statutory frameworks criminalising activities of organised criminal groups

The Palermo Protocol/UN Convention “On the fight against international organised crime” categorises human trafficking as a form of organised crime.¹⁷

Law no.10192 “On preventing and fighting organized crime, trafficking, corruption and other crimes through preventative measures against assets”. Article 37, paragraph 2. b) sets out a legal requirement for funding for ‘improving preliminary criminal investigations of organized crime’.¹⁸

b. Legislative frameworks to combat modern slavery

The Palermo Protocol/UN Convention “On the fight against international organised crime” categorises human trafficking as a form of organised crime.¹⁹

Albanian Criminal Code Law no. 144 article 110/b makes it a criminal offence to solicit services provided by trafficking victims.²⁰

Law no. 9644 “On measures against trafficking in human beings” sets out obligations of parties to strengthen collaboration between relevant bodies, improve preventative policies and programs, ensure lawful migration and promote human rights.²¹

The Cooperation Agreement on the Functioning of the National Referral Mechanism (NRM)²² - legislation on coordination of anti-trafficking work between NGOs, law enforcement and government agencies.

However, D&E’s report argues that this legislation is not being implemented effectively. Legislation, protections and standards in the treatment of victims are split across different national and international laws. There is a lack of centralised monitoring and coordination of legislation and prosecution of human traffickers.²³ D&E have called for a specific and clearly demarcated role and budget for anti-trafficking work, specialised laws and specially trained prosecutors and police units.

Much of the legislation addressing human trafficking in Albania exists within legislative frameworks for organised criminal activity. As this report highlights, organised criminal gangs are often behind

¹⁷ Different & Equal, ‘Study Report on the Need of Drafting a Special Law for the Protection of Victims of Trafficking in Albania’, 2019, p. 47.

¹⁸ Different & Equal, ‘Study Report on the Need of Drafting a Special Law for the Protection of Victims of Trafficking in Albania’, 2019, p. 30.

¹⁹ Different & Equal, ‘Study Report on the Need of Drafting a Special Law for the Protection of Victims of Trafficking in Albania’, 2019, p. 47.

²⁰ Different & Equal, ‘Study Report on the Need of Drafting a Special Law for the Protection of Victims of Trafficking in Albania’, 2019, p. 28.

²¹ Ibid, p.27

²² Ibid, p.16.

²³ Ibid, p.12.

human trafficking. However, three interviewees (from NISMA, SHKEJ and D&E) highlighted a need for new laws, prosecutors and law enforcers specifically for human trafficking. These interviewees also pointed to a lack of funding for state-run services for trafficking victims. NGOs currently provide the majority of support services for victims and potential victims.

c. Witness protection

Article 37, paragraph 2 b) of Law no.10192: legal requirement for a fund to be used, in part, for developing programs and improving protections for witnesses and justice collaborators. However, according to D&E this has not yet been implemented effectively.²⁴

4. Victims'/survivors' access to justice and to remedies

a. Types of assistance provided to victims (legal, medical, social, financial)

The Criminal Procedural Code gives victims of human trafficking the right to medical and psychological support, to seek compensation, and exempts them from legal fees incurred by claiming victim status. Victims of human trafficking and sexual exploitation also have the right to refuse to answer personal questions unrelated to the offense, and to testify by video/phone, rather than in person.²⁵

The pandemic has placed additional strain on already limited services for victims.

b. Compensation for victims

Article 37, paragraph 2 ç) of Law no.10192 rules that funding should be set aside for compensation for the victims of organised crime and trafficking.²⁶ However, interviewees and reports from D&E²⁷ and MWL²⁸ claimed that victim compensation is not being implemented effectively.

c. Victim Identification

2020: the network of shelters for victims of trafficking in Albania reported 92 potential victims; the Albanian government identified 84.

²⁴ Ibid, p. 30.

²⁵ Ibid, pp. 47-9.

²⁶ Ibid, p. 30.

²⁷ "Despite the goodwill expressed in the law, there is still a lack of clarity in the legislation regarding the implementation of this provision as well as a lack of a mechanism for directly applying compensation to victims through this fund." Ibid, p.30.

²⁸ Mary Ward Loreto Foundation, 'The Human Trafficking Situation in Albania', 2021

Interviewees expressed concern about cases being under-reported. The 2020 TIP Report criticised the Albanian government's victim identification efforts.²⁹ MWL has indicated that the National Referral Mechanism (NRM) is reluctant to accept victim identifications conducted by NGOs and other civic organisations. Furthermore, victim identification has been hindered due to a reduction in the number of people accessing support services during the pandemic.

The lack of specialised prosecutors and legislation means that victims of trafficking are not always treated as such.³⁰

d. Non-punishment principle

According to the interviewee from D&E, the non-punishment principle³¹ is difficult to implement in practice, given the failures of victim identification. This interviewee described a case of a victim who had been forced into prostitution, prosecuted and sent to prison, but later referred to D&E as a victim of trafficking on her release.

Another interviewee from MWL also spoke to the criminalisation of prostitution in Albania. Some women who are exploited in this industry don't seek help for fear of prosecution.

The interviewee from D&E spoke of police subverting the non-punishment principle - threatening to charge victims of forced criminality if they fail to cooperate.

5. Key challenges in combating contemporary forms of slavery committed by organised criminal groups in Albania

- High levels of poverty, exacerbated by the pandemic, increasing vulnerability of individuals and communities to exploitation by organised criminal groups.
- Lack of legislation addressing modern slavery specifically³² and poor implementation of existing legislation.
- Lack of trained prosecutors and law enforcement agencies to deal with trafficking cases.
- Under-reporting of, and failure to identify victims and potential victims.

²⁹ 2020 Trafficking in Persons Report: Albania, accessed at <https://www.state.gov/reports/2020-trafficking-in-persons-report/albania/>

³⁰ The interviewee from D&E gave an example of a court ruling that a particular case was *not* a trafficking case because the victim had been recruited but not yet exploited.

³¹ Article 52 of the Albanian criminal code.

³² D&E have been researching and lobbying for a new law on human trafficking for three years. Despite the government seeming to be convinced of the problem, they have not made any significant steps to address it.

- Insufficient funding for long-term, multidimensional and bespoke support for victims and potential victims.³³

Recommendations

Recommendations for Albanian context:

- OHCHR should work with the Albanian government and civil society to ensure that their laws are implemented more effectively to improve prosecution and victim identification rates, as well as victim protection and support.
- OHCHR should work to ensure that the different elements of modern slavery in Albania are targeted in a coordinated and well-equipped manner.
- OHCHR should support training for prosecutors and law enforcement to ensure that they are equipped to effectively counter modern slavery.

Recommendation for wider context:

- OHCHR should prioritise supporting effective training of prosecutors and law enforcement, and should facilitate increased funding for existing services that have faced additional strain due to the pandemic.
- OHCHR should help create conditions for effective inter-governmental work in tackling modern slavery - a crime often perpetrated by organised criminal groups working internationally.

³³ An interviewee from NISMA's highlighted that victims often require years of support to deal with trauma associated with human trafficking, and suggested that support services should be integrated and long-term to address this.