



**International Convention on the  
Protection of the Rights of  
All Migrant Workers and  
Members of Their Families**

Distr.: General  
5 November 2010

Original: English

---

**Committee on the Protection of the Rights of All  
Migrant Workers and Members of Their Families  
Thirteenth session**

22 November - 3 December 2010

**Written replies by the Government of Albania to the list of  
issues (CMW/C/ALB/Q/1) to be taken up in connection with  
the consideration of the initial report of Albania  
(CMW/C/ALB/1)\***

[27 August 2010]

**I. General information**

**Reply to the issues raised in paragraph 1 of the list of issues (CMW/C/ALB/Q/1)**

1. As we had the opportunity to address it extensively in the National Report, the abroad migration phenomenon of Albanian people is complex. It was first conditioned by the extremely poor economic situation inherited from the past regime and consequently the movement of Albanian nationals outside the country's borders was the only way to escape from poverty. These were the reasons that made approximately one third of the Albanian population, capable of working; emigrate chiefly to the neighboring countries of Italy and Greece, but also to other European Union (EU) countries or the USA.

2. In the ensuing years, the Albanian state made all the necessary attempts to identify the number of Albanian nationals abroad, but up until now this has not been possible. The continuous requests of the diplomatic or consular representatives of the Republic of Albania in Europe, concerning the identification of Albanian nationals, have received the same answer: the data on the identity, labor status, etc, are issues protected by the privacy law of these countries and as such they cannot be provided without the consent of the given national to the authorities of the state, whose citizenship he/she has.

---

\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

**Reply to the issues raised in paragraph 2 of the list of issues**

3. Law No. 9959, dated 17.07.2008 “On foreigners” was the product of an inter-ministerial working group, composed of representatives of the Ministry of Foreign Affairs, Ministry of Integration, Ministry of Interior as well as Ministry of Labor, Social Affairs and Equal Opportunities.

4. The issues to be regulated by this law are based on the EU community law as well as on the commitments undertaken by the Albanian state in the framework of the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. As compared with the previous law, this Law presents some improvements especially in terms of:

(a) The state authorities exercising powers on foreigners are clearly stipulated in the documents the “foreign national” must be equipped with, in case of his employment, stay or entry also;

(b) The rules of legitimate entry and stay of all the foreigner’s family members;

(c) Rights and obligations of foreigners;

(d) Cases of refusal to renew the temporary stay permit as well as the procedure of the complaint to the refusal;

(e) The right of foreigners to be employed, self-employed and to conduct trade or remunerated activities in the Republic of Albania;

(f) Coercive measures to be taken against foreigners who have violated the legal norms of entry and stay in the Republic of Albania;

(g) Powers and competences of the Border and Migration Police to gather, save and process personal data as well as keeping the evidence for the purpose of supervising foreigners in accordance with EU standards.

**Reply to the issues raised in paragraph 3 of the list of issues**

5. Article 122 of the Constitution of the Republic of Albania sanctions that any international agreement ratified by the Assembly becomes part of the domestic legislation after its publication in the Official Journal. In continuation, the second paragraph of article 122 of the Constitution lays down the relation between international agreements ratified by the Assembly and domestic law. This relation favors the international law (ratified conventions) over the national law since it states that “...an international agreement ratified by law, prevails over the domestic laws that are not compatible with it” (article 122/2).

6. We do not possess data on the number of cases when Albanian courts have directly enforced the provisions of the Convention, since these data are not included in the sections of the forms on the basis of which the courts provide the Office of Statistics and Bibliography in the Ministry of Justice with statistical data on the number of tried cases.

**Reply to the issues raised in paragraph 4 of the list of issues**

7. As mentioned above, the Convention is part of the domestic legislation. It establishes some rights and freedoms for the stateless persons or refugees. Article 16/1 of the Constitution of the Republic of Albania states that “The fundamental rights and freedoms as well as obligations envisaged in the Constitution for the Albanian nationals are equally applicable to foreign nationals and stateless persons in the territory of the Republic of Albania, save for the cases when the Constitution connects the exercise of certain freedoms and rights in a special way with the Albanian citizenship.”

8. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is part of Albanian legislation and is self-applicable. In issuing legal acts and by-laws, central and local bodies have taken into account the stipulations of this Convention.

**Reply to the issues raised in paragraph 5 of the list of issues**

9. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was ratified by the Assembly of the Republic of Albania by virtue of Law No. 9703, dated 02.07.2007. This Convention was published in Albanian language in the Official Journal No. 47 of 2007.

10. Especially, the obligations arising from this Convention were taken into account by the Working Group that drafted the Law No. 9959, dated 17.07.2008, "On foreigners". Since the entry into force of this law as well as with the issuance of by-laws for its implementation and enforcement, the Ministry of Interior and the Ministry of Labor, Social Affairs and Equal Opportunities have organized trainings of their structures at the central and local levels, concerning the obligations arising out of the Convention and the Law "On foreigners". The training sessions were mainly focused on social workers and Border Police structures.

**Reply to the issues raised in paragraph 6 of the list of issues**

11. We do not possess any information about the involvement of non-governmental associations in the implementation and enforcement of the Convention.

## **II. Information relating to articles of the Convention**

**Reply to the issues raised in paragraph 7 of the list of issues**

12. The administrative mechanisms that deal with the review and assessment of complaints of migrant workers and members of their families, pursuant to the Law "On foreigners" are:

- (a) The Regional Border and Migration Directorate;
- (b) The Border and Migration Department in the Police Directorate General;
- (c) The Migration Policies Directorate in the Ministry of Labor, Social Affairs and Equal Opportunities.

13. Migrant workers or members of their families are entitled to address a complaint against the annulment decision or refusal of work permit or stay permit, respectively to the Minister of Labor or the Minister of Interior. After reviewing and assessing the complaint, the minister renders the decision, against which the foreigner may lodge an appeal with the court of his residence or registration place (or his family members). The appeal must be lodged with the court not later than 15 days from receiving the notification of the minister's decision.

14. If an expulsion order has been issued against migrant workers or members of their families for the causes provided for by the law (including foreigners found to be without documents or an illegitimate stay), they are entitled to lodge an appeal within 30 days against the decision of the Regional Border and Migration Directorate with the Border and Migration Department in the Police Directorate General. The latter has the obligation to settle the case within 5 days. If the foreign national does not agree with this decision, he is entitled to address the first instance court within 10 days from receiving the notification.

15. Pursuant to article 90 of the Law “On foreigners”, the court is entitled to decide on the amount of compensation in favor of the foreign national.

16. The Office of Statistics and Bibliography near the Ministry of Justice does not possess data concerning the restoration of breached rights of migrant workers and their families, since these data are not included in the forms’ sections.

**Reply to the issues raised in paragraph 8 of the list of issues**

17. The National Strategy for the Integrated Border Management and its Action Plan were approved by virtue of the Decision of the Council of Ministers No. 668, dated 29.07.2007, whereas the updating of the Action Plan was approved by virtue of the Decision of the Council of Ministers No. 1021, dated 14.10.2009.

18. In the course of drawing up this Strategy, the EU recommendations on Western Balkans, in the framework of the Integrated Border Management and Regulation (EC) No. 562, of 2006, “On the establishment of a Community Code on the rules governing the movement of persons across borders”, were taken into account.

19. This Strategy is implemented by some agencies and concretely speaking: Migration and Border Police, Customs Service, Veterinary and Phytosanitary Service. With a view to following up and monitoring this Strategy, by Order of Prime Minister No. 137, dated 23.08.2007, an Inter-Ministerial Group for the Monitoring and Implementation of the National Strategy for the Integrated Border Management was established.

**Reply to the issues raised in paragraph 9 of the list of issues**

20. As we had the opportunity to address it in the report (CMW/C/ALB/1, paras. 366-370), the Albanian legislation does not recognize the right to private or public entities to seize identity documents or travel documents from migrant workers. Exclusively, such a measure is allowed only in case the forceful expulsion of the foreigner from the Albanian territory has been decided, and in such a situation, the seizure of documents can take place only upon the approval of the Minister of Interior.

21. Migrant workers are entitled to submit a request to the court for the annulment of a decision that prejudices their rights (be it even the right of non-seizure of their documents). Such a right arises from both article 42 of the Constitution and articles 21 and 22 of the Convention (which, as we have highlighted before, are part of the domestic legislation).

**Reply to the issues raised in paragraph 10 of the list of issues**

22. The consular service of the Republic of Albania in foreign countries bases its activity on the Vienna Convention on Consular Relations, Consular Law and other legal acts and by-laws. The aim of this service is to guarantee an effective protection of the rights of Albanian nationals, pursuant to international acts and the laws of the country where the Albanian Consulate conducts its activity. The Albanian consuls, before undertaking their duty, go through a preliminary period, where, among others, they become acquainted with international rules of the protection of rights of Albanian workers abroad.

23. As far as emigrant workers and their families are concerned, generally speaking they are informed of the legal guarantees they enjoy in terms of their right to file a complaint with a court against the detainment or expulsion act as well as the court itself guarantees protection to the emigrant and his family, in case he does not possess the necessary financial means, assigning an ex-officio attorney to him.

**Reply to the issues raised in paragraph 11 of the list of issues**

24. Pursuant to article 6 of the Law No. 7703, dated 11.05.1993, "On social insurance in the Republic of Albania", social insurance protects obligatorily all the citizens who are economically active in Albania, in case of the reduction of their income, due to pregnancy, old age, invalidity or loss of the bread winner of the family.

25. Social insurance also provides obligatory protection to all the employed persons in case of the reduction of their income, due to temporary disability caused by diseases, work accidents, vocational diseases and unemployment.

26. The Council of Ministers may decide on other areas of protection, exemptions even for *seasonal or temporary workers*. Migrant workers are treated like all the other employed persons.

27. Also, pursuant to article 7 of the Law "On social insurance in the Republic of Albania", social insurance provides protection to:

(a) Albanian nationals, stateless persons, former Albanian nationals who live abroad, in accordance with conventions, bilateral agreements and the Regulation of Social Insurance Institute;

(b) Foreign nationals and stateless persons that work in Albania.

28. Thus, migrant workers in Albania are obliged to contribute to the social insurance scheme in order to benefit from the said scheme.

29. Pursuant to the same law on social insurance, article 23, point 4, in the branch of the benefit of temporary disability, the benefit period for migrant workers both seasonal and temporary, who have been employed for at least 3 months during the last 12 months, is up to 75 days.

30. Seasonal migrant workers do not encounter any limitations in terms of benefits from health care, if they have been insured. In case these persons have not been insured, they have to pay for health service.

31. As regards the social protection of emigrants who work and live abroad and foreign workers who work in Albania, actually, there exists only one bilateral agreement with the Republic of Turkey, which entered into force in February 2005.

32. The conclusion of bilateral agreements in the field of social protection with countries with more emigrants such as Italy, Greece, etc. is the priority of the Albanian Government. As an expression of the political will of the Albanian Government and the Italian Government, it is being worked at the technical level for the drawing up of a Bilateral Agreement in the field of social insurance, so that it can be signed afterwards. Also, a Cooperation Protocol has been signed between the social insurance institutions of the two countries, respectively ISSH and INPS.

33. Also, work is under way on the renewal of the bilateral agreements in the field of social protection with the regional countries such as Romania and Bulgaria, since the new legislative developments in the respective countries have rendered the old agreements practically inapplicable. The negotiations with Romania and Hungary have commenced, with a few rounds having taken already place, and soon it is being expected to complete the rest of the articles of the draft-agreement. Similar practices are under way with competent institutions in Belgium, Canada, USA, etc.

**Reply to the issues raised in paragraph 12 of the list of issues**

34. Pursuant to Law No. 7879, dated 13.10.1994, "On health insurance in the Republic of Albania", foreign nationals who are employed in Albania have to be insured on the basis

of contributions. Insured in this way, they benefit from the service of primary health care, the medications on the reimbursable list, as it is applied to Albanian nationals as well. We should highlight that health insurance is personal, which means that not all the family members are automatically insured if only the head of the family pays the contributions. In order for the foreign national to benefit from this health care scheme, he must be equipped with a health card, which proves the payment of periodical sums in favor of the benefit of this service. In addition to the health card, the foreigner must possess an identity document as well as the confirmation that he has been registered with a family doctor. If the foreign worker does not possess any of these documents, he can have access to health care service only in return for a payment. In case of emergencies, the foreign nationals are entitled to benefit from the emergency service, like the Albanian nationals, regardless of the status of their stay in Albania.

**Reply to the issues raised in paragraph 13 of the list of issues**

35. Referring to article 57 of the Constitution of the Republic of Albania, everyone enjoys the right to be educated. Further on, point 5 of this article states that "... the nine-year obligatory education and the general high education in public schools is provided free of charge". This means that the children of migrant workers enjoy the right to be educated free of charge in the schools of public education for 12 years (9 years of elementary education and 3 years of high education).

36. The statistical data available to the Ministry of Education and Science evidence the number of foreign students attending Albanian schools, but they do not indicate how many of them are children of migrant workers. Concretely speaking, in terms of the academic year 2009-2010, 68 students are attending the elementary schools, 10 students are attending high schools and 1,398 students are attending university.

**Reply to the issues raised in paragraph 14 of the list of issues**

37. In terms of this question, we do not possess any information other than that which we have provided in paragraphs 409-411 of the initial report.

**Reply to the issues raised in paragraph 15 of the list of issues**

38. The Albanian Government, mainly through the Ministry of Labor, Social Affairs and Equal Opportunities has used diversified ways to acquaint Albanian nationals who wish to emigrate with the rights they are entitled to pursuant to this Convention or various international acts. Thus, this Ministry has already prepared the manuals "Regular employment in Italy", "Regular employment in Greece" (the greatest number of Albanian emigrants abroad is found in these two countries), and the manual "Regular employment in the United Kingdom and Canada" is at its final stage of preparation.

39. Also, on the Internet link of this Ministry (<http://www.mpcs.gov.al>) a special section "Migration" has been set up, via which both Albanian and foreign nationals can obtain information about the Albanian and international legislation on migration. An important part of above mentioned information concerns the articles of the Convention.

**Reply to the issues raised in paragraph 16 of the list of issues**

40. Migrant workers equipped with regular stay documents in the territory of the Republic of Albania enjoy the right to assemble in associations for any legitimate purposes. This right of theirs arises out of article 46 of the Constitution of Albania. Likewise, the migrant workers are entitled to assemble in trade unions as well. This right is guaranteed by article 10 of the Labor Code.

**Reply to the issues raised in paragraph 17 of the list of issues**

41. Pursuant to article 45 of the Constitution, any Albanian national who has attained 18 years of age enjoys the right to elect and be elected. This right is enjoyed by all the Albanian migrant workers wherever they are. Pursuant to point 2 of article 46 of the Electoral Code, all Albanian nationals, who on the elections day have attained the age of 18, are registered with the electors lists, regardless of the fact they live within or outside the Albanian territory. As regards the practical implementation of this right, the Electoral Code stipulates that this right can be exercised only if the migrant worker on the elections day is found within the Albanian territory. This means that the Code does not recognize the right of setting up polling stations outside the territory of the Republic of Albania.

**Reply to the issues raised in paragraph 18 of the list of issues**

42. In terms of this issue, we do not possess any information other than that submitted in paragraphs 432-437.

**Reply to the issues raised in paragraph 19 of the list of issues**

43. The legal and institutional framework requested in terms of this issue, was completely provided in paragraphs 446-458 of the initial report. Based on the data available to the Ministry of Interior, as a result of family reunions until July of 2010, 338 foreign nationals are staying and working in the Albanian territory.

**Reply to the issues raised in paragraph 20 of the list of issues**

44. Albanian legislation does not envisage any fiscal facility concerning the remittances of Albanian workers who live and work abroad. The following table shows data obtained from the Bank of Albania, concerning the annual influxes of remittances. The items of this table are expressed in million of Euros.

<i>Description of indicator</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Remittances	774	802	937	952	833	781

**Reply to the issues raised in paragraph 21 of the list of issues**

45. Pursuant to Law No. 9599, dated 17.07.2008 "On foreigners", article 50, Work permit for seasonal workers of "A/PS" type:

(a) The seasonal worker is given a work permit, for a six-month term, for each calendar year, for regions, employers, occupations and work contracts with a stipulated time limit, provided that he must not have a continuous residence in the Republic of Albania and to return to his country of origin after the termination of the work contract;

(b) Applications for seasonal jobs are regulated by means of bilateral agreements between the Republic of Albania and other countries;

(c) In the following calendar year, the employer may submit requests for work permits as a seasonal worker for the same foreign national, provided that an obligatory interruption of six-month time period has taken place.

46. Pursuant to article 53, Work permits for cross-border employment of "A/NK" type:

(a) The foreign national is given a work permit for cross-border employment, provided that he returns to his permanent residence, every day or at least one day per week, maintaining his residence in the country of his origin;

(b) In absence of bilateral or multilateral agreements, the foreigner who is equipped with a work permit of “A/NK” type is subject to the domestic legislation on social protection.

47. From the commencement of the implementation and enforcement of this law, 13 persons have been equipped with this type of work permit.

**Reply to the issues raised in paragraph 22 of the list of issues**

48. In terms of this question, we do not possess any information other than that submitted in paragraphs 508-516.

**Reply to the issues raised in paragraph 23 of the list of issues**

49. Starting from 2007 and on, a number of Albanian emigrants have been returned by the police authorities of neighbouring countries, and the figures concerning this process are reflected in the following table:

<i>States</i>	<i>Year 2007</i>	<i>Year 2008</i>	<i>Year 2009</i>
Greece	63,795	69,101	62,639
Montenegro	16	15	26
Macedonia	157	537	617

50. In the framework of the implementation of the Strategy for the reintegration of emigrant workers returned from neighbouring countries, by way of the Decision of Council of Ministers No. 461, dated 09.06.2010, the Action Plan was approved, which makes this Strategy applicable. In this framework, all the employees of Border Crossing Points have become acquainted with this material, since they have been provided with all the information concerning the way of treatment of returned emigrants, social, health and food care, etc. that should be demonstrated to them.

51. All the returned people go through interviewing and at the termination of this procedure they are equipped with a leaflet which acquaints them with all their rights and gives information of who they should address for their further reintegration.

52. With regard to the treatment of this category of emigrants, Albania has signed agreements with Montenegro, Kosovo, Macedonia and is under the process of negotiating a protocol with Greece.

**Reply to the issues raised in paragraph 24 of the list of issues**

53. The statistical data concerning the emigrant workers returned from neighbouring countries were reported in the answer to question 23. In terms of migrant workers deported from the Albanian territory, their number starting from 2007 has been as follows:

<i>Year 2007</i>	<i>Year 2008</i>	<i>Year 2009</i>
14	69	25

54. In addition to bilateral or multilateral agreements given in paragraph 214 of the report, the Albanian Government has also signed several re-admission agreements, which among others, address the repatriation of Albanian nationals who have entered or stay irregularly in the territory of other states; and concretely speaking there have been signed re-admission agreements with Italy (1997), Switzerland (2000), Hungary (2001), Belgium (2001), Romania (2002), Bulgaria (2002), Germany (2002), Croatia (2003), Great Britain (2003), Macedonia (2004), European Union (2005), Denmark (2008), Iceland (2008),



Norway (2009), Bosnia and Herzegovina (2009), Montenegro (2009). All the re-admission agreements have taken into account the EU recommendations in this respect, which means also the criteria established in this Convention.

#### **Reply to the issues raised in paragraph 25 of the list of issues**

55. Fighting against trafficking in human beings and in this framework trafficking in emigrant workers as well, is a complex phenomenon. As such, it dictates the taking of legal, organizational, and structural measures, which, on one hand, should minimize the factors that promote the trafficking, and on the other hand should reintegrate its victims into their normal life.

56. A very important document in this respect is also “The National Strategy for the fight against trafficking in human beings” and its Action Plan 2008-2010. In the framework of this Strategy, important measures have been taken for the prevention of trafficking. In this respect, it has been worked with vulnerable groups, mainly with young people and the unemployed, those who have dropped out of school, etc.

57. An important part of this Strategy is also the protection and reintegration of trafficking victims. To serve this purpose, four reception centers financed by various donors and state budget are operational. Starting from 2010, the trafficking victims, in addition to social services offered in the course of their accommodation, will also benefit from an amount of economic aid/assistance after leaving the institution.

58. In the course of 2009, 82 victims were employed and reintegrated as well as other 39 victims went through vocational training. The State Police has taken a series of organizational measures with a view to preventing and fighting in due time the phenomenon of trafficking. Concretely speaking, the personnel of the sector against traffics has doubled, 270 police officers have been trained, as well as 200 judges, prosecutors and judicial police officers have attended training sessions.

59. Domestic legislation has witnessed significant legal amendments. These amendments have aimed at preventing and fighting in due time the phenomenon of trafficking and further on at toughening the amount of punishment for the perpetrators of criminal offenses related to trafficking.

60. Obvious improvement during the reporting period was witnessed in respect of international cooperation. Concretely speaking, in this respect, the number of contact officers has increased and actually there are such in Britain, Italy, Greece, Kosovo, Turkey, Belgium, Romania, Holland, USA and France.

#### **Reply to the issues raised in paragraph 26 of the list of issues**

61. Trafficking in children is one of the ugliest forms of the violation of the rights of children. With a view to preventing this phenomenon, the Government has drafted documents (Strategies), thanks to the implementation of which, the phenomenon of the trafficking in children has been substantially reduced. Given the fact that this phenomenon had mainly affected Roma children, the attention was focused chiefly on this community. The basic documents that serve to the fight against trafficking in children are: the National Strategy for the Fight against Trafficking in Human Beings (2008-2010) as well as the complementary document “National strategy for the fight against trafficking in children and protection of children who are victims of trafficking”, as components of the Inter-Sectoral Strategy for the Fight against Organized Crime, Traffics and Terrorism (2007-2013). These documents were approved by way of Decision No. 1083, dated 23.07.2008 of the Council of Ministers.

62. Some of the main measures taken in this respect are:

(a) Extension of programs encouraging children to attend school, as for example by offering school texts free of charge to the students of elementary education coming from families that receive economic and social assistance (benefits); working with special programs with children who risk dropping out of school; promoting a non-punitive treatment and education, but offering one which is at the best interests of the children; by offering the psychological service in schools, etc, with a view to reducing to zero the school drop-out rate;

(b) Improvement of programs/curricula of vocational education. In the framework of these programs, 121 persons from Roma community, 38 victims of trafficking (girls and women) as well as 62 orphans have received vocational training free of charge in public centers of vocational training;

(c) Facilitation of the registration of the birth act with the offices of civil registry has enabled the registration of 7,000 children, whose term of the birth declaration had already expired;

(d) Organization of awareness raising and informing campaigns concerning the trafficking in human beings. The awareness raising campaigns have aimed at informing and raising the awareness of children of age-groups 7-14 years, of young people, as well as of other vulnerable groups;

(e) Organization on October 20, 2009 of the Interactive Theater for Children “I travel...alone”, the first of its kind in the region’s countries, which was attended by 4,000 students of ages from 7-12 years during the period of time October 20- November 13, 2009;

(f) Thematic meetings with students of nine-year schools of the age-group of 8-14 years, where issues related to trafficking, regular migration, domestic violence and respect and observance of the rights of children were discussed. These meetings took place also in Tirana and Elbasan, including about 6,000 students from 25 schools, 20 schools in Tirana and 5 schools in Elbasan.

(g) Undertaking of concrete actions and activities to withdraw the children from work, their reintegration and prevention of child labor. With a view to monitoring child labor, the Committees of the Local Action against Child Labor have been set up in 5 municipalities, respectively in Tirana, Korça, Berat, Elbasan and Shkodra.

63. In terms of statistical data concerning the trafficking in children, the situation is presented as follows:

<i>Years</i>	<i>Evidenced altogether</i>	<i>Trafficking in persons</i>	<i>Trafficking in females</i>	<i>Trafficking in children</i>	<i>Perpetrators</i>
2005	53	5	39	9	78
2006	51	6	41	4	67
2007	33	4	22	7	32
2008	29	-	24	5	26
2009	14	2	8	4	17
2009	14	2	8	4	17

Source: Statistics of Ministry of Interior

**Reply to the issues raised in paragraph 27 of the list of issues**

64. The Coordinating Structures established for the prevention, offering of assistance and protection of persons at risk of trafficking are as follows.

**1. At the national level**

65. *The State Committee for the Fight against Trafficking in Human Beings* is responsible for drawing up and implementing anti-traffic measures as well as for their continuous monitoring, assessing and reviewing, with the assistance of the National Coordinator, ZKKA and National Task-Force on Anti-Traffic.

66. *Anti-Traffic National Coordinator*- The Office of the National Coordinator for the Fight against Trafficking in Human Beings (ZKKA), set up in the Ministry of Interior is the key point for the coordination of all the anti-traffic attempts in the country. This Office is the authority that coordinates the anti-traffic attempts in the country, as well as that which gathers, at periodical intervals information and data on cases related to the phenomenon of trafficking etc.

67. The tasks of the Office of the National Coordinator are: (a) to offer technical support to the State Committee for the Fight against Trafficking in Human Beings, Anti-Traffic National Coordinator as well as to the National Task-Force for the anti-trafficking in human beings; (b) to provide assistance in the implementation of all activities; (c) to coordinate and manage all activities, in the framework of exchanging, monitoring, reporting of data and information. To support the Office, the Anti-Traffic Unit was set up in the Ministry of Interior.

68. *Anti-Traffic Unit in the Ministry of Interior*- By order of the Prime Minister, No. 203, dated 19.12.2005, the Anti-Traffic Unit was set up, under the subordination of the Anti-Traffic National Coordinator, the Deputy Minister of Interior. The tasks of the Anti-Traffic Unit are:

(a) To monitor the institutions entrusted with the implementation of the National Strategy for the Fight against Trafficking in Human Beings;

(b) To coordinate the work with these institutions, providing information and data related to this issue, concerning this phenomenon etc.

69. For the purpose of protecting the Victims of Trafficking or persons at risk of trafficking the following have been established.

70. *National Task-Force on Anti-Trafficking*- The tasks of the National Task-Force are the drawing up, implementation and periodical assessment of the anti-traffic measures (strategy and action plan), under the responsibility of the State Committee for the Fight against Trafficking in Human Beings and the Anti-Traffic National Coordinator and the technical support by ZKKA. These tasks include: periodical assessments of the situation in the country (based on regional assessments), national standards; definition of policies and procedures and monitoring of their implementation, setting of national priorities and drafting of the program, budgeting, frequent meetings (at least every three months). The members of the Anti-Traffic National Task-Force are all anti-traffic stakeholders at the technical level, including representatives of state authorities, Prosecutor's General Office, Regional Anti-Traffic Committees, NGOs, Training Institutes, and other involved stakeholders as well.

71. *Referral National Mechanism for the Victims of Trafficking*. On July 18, 2005, the Cooperation Agreement was signed for the Establishment of the Referral National Mechanism for the Identification and Improved Assistance to the Victims of Trafficking in Human Beings. The Agreement was signed by authorities of the Ministry of Labor and Social Affairs (Directorate General of State Social Service; National Reception Center for the Victims of Trafficking), Ministry of Interior (Directorate General of State Police), Ministry of Foreign Affairs (Directorate of Consular Services), "Hearth/Vatra" NGO, "Another Vision/Tjetër Vizion" NGO and the International Organization for Migration (IOM). The Agreement is open for signature by other parties as well, including NGO centers.

72. The signatories are requested to comply with the participation criteria defined in the Agreement. It stipulates a clear cooperation framework between the key stakeholders in the fight against trafficking in human beings; it sets forth the responsibilities that the involved parties have in terms of the identification, referral, accommodation, assistance and rehabilitation of the victims of trafficking.

73. The essence of the agreement is the establishment of a functional national network between some state and non-state agencies, concretely the police, social service, diplomatic and consular service, as well as the reception and rehabilitation centers for the victims of trafficking, to enable thus the identification, safety, referral, protection and rehabilitation of the victims of trafficking in the country. The State Social Service is part of the National Referral Mechanism for the reception, assistance and rehabilitation of the repatriated victims of trafficking.

74. *Responsible Authority* - By Joint Order of the Ministry of Interior, the Minister of Labor, Social Affairs and Equal Opportunities and the Minister of Foreign Affairs, No. 1192, dated 19.05.2006, the Responsible Authority was set up, which serves as the coordinator of the National Referral Mechanism for the protection and assistance to victims of trafficking and the definition of the tasks of the institutions involved in this process.

75. The Responsible Authority is composed of two representatives from the three ministries involved whose direct function is the identification, investigation, referral, protection and assistance to victims of trafficking. The contents of the group of the Responsible Authority with representatives from the police structures, representatives of social services, representatives of Consular Directorate, intend at making the decisions taken on the cases followed up by the Responsible Authority obtain a multi-disciplinary solution. The main duty of the Authority is the coordination of the referral process for the assistance, preliminary protection and long-term rehabilitation for all victims of trafficking, in close cooperation with other institutions involved and public and non-public centers that offer services to the victims of trafficking. The aim of the establishment of this authority is the registration and periodical reporting of data on cases of trafficking referred to other organizations and institutions.

76. The Responsible Authority co-ordinates, processes and reports the necessary actions of all the structures involved in the agreement (NRM) which perform tasks and offer services to the victims or potential victims of trafficking. The Responsible Authority has the obligation to cooperate with all the structures within and outside Albania for the identification of victims, as well as to ensure that all the services provided to the victim take into account the respect and observance of the rights of the victim as well as the victim's best interests. The Responsible Authority has the responsibility of registering and periodically reporting the data on the referred cases of trafficking.

## **2. At the regional level**

77. *Regional Anti-Traffic Committees*- By Order of the Prime Minister No. 139, dated 19.06.2006, The Regional Committees for the Fight against Trafficking in Human Beings were set up in 12 counties (*qarks*) of the country. The Regional Anti-Traffic Committees play a very important role in the assessment of the vulnerable groups, identification of cases of potential victims of trafficking, prevention of this phenomenon etc. These committees are composed of key local stakeholders, such as for example representatives of regional police directorates, social, educational, health services, local government etc.

78. The Committees have also a working group at the technical level "Technical Anti-Traffic Table" with representatives of all structures involved in the Committee (regional directorates of state social service; regional labor directorates; offices of social care, in municipality/commune; the Chief of the anti-traffic sector of the county (*qark*) police, regional directorates of State Intelligence Service; regional educational directorates;

Inspector of reproduction health (mother and child); representative of the county's prosecutor's office; representatives of NGOs). The Committees should play an important role in the prevention of this phenomenon through definition of vulnerable categories, establishment of protection networks for these categories, especially for children as well as the protection and rehabilitation of victims of trafficking by means of institutions at the county (qark) level.

### 3. At the municipality/commune level

79. *Offices of economic assistance and social care/Protection Units*- These offices ensure the identification, referral and assistance for persons at risk and trafficked persons, as appropriately as possible; manage and document the cases; chair the local multi-disciplinary group/ local and liaison referral mechanism with all the members, ensure the drafting of Operational Standard Procedures (OSP); cooperate with other Protection and Social Assistance Units, with the Regional Committees and the Responsible Authority; regularly report to the Responsible Authority and Regional Committees/ ZKKA, refer problems and unordinary cases to the relevant level, represent the municipality/commune in the Regional Anti-Traffic Committee.

80. The members are: Contact Point(s) for (a) protection of children; (b) gender equality; (c) domestic violence; (d) trafficking in human beings; as well as a social worker (an employee assigned to follow up the case) in every municipality/commune.

### 4. At the interregional level

81. *Transnational Referral Mechanism (TRM)* - Transnational Referral Mechanism (TRM) is a cooperation agreement between the region's countries, in respect of cross-border transfer and care for the victims of trafficking, functioning of an efficient system of identification, referral, protection and assistance for the victims of trafficking. The primary aims of the TRM include:

(a) A joint official agreement on the strategies for a secure and supportive movement of the victims of trafficking between the countries of destination, transit and /or origin;

(b) Standard operational procedures for an effective and secure transnational referral of the victims of trafficking, to the attention of a number of necessary services;

(c) Mechanisms of monitoring and assessment of TRM.

82. The Transnational Referral Mechanism is a means of identification, referral and protection of the victims of trafficking between the state borders, a transnational network of mechanisms at the service and support of the victims of trafficking, enabling and standardizing the interstate and cross-border cooperation and dialogue of police authorities and supporting ones for the victims of trafficking, for the quick exchange of information in respect of identification, investigation and return of the victims of trafficking between countries, in the framework of "Program to Support the Development of Transnational Referral Mechanisms (TRM) for Trafficked Persons in the South-Eastern Europe".

83. *The National Reception Center of Victims of Trafficking*- The National Reception Center of Victims of Trafficking (NRCVT) was set up in July 2003 for the reception, accommodation and rehabilitation of the victims of trafficking, a very important institution subordinate to the Ministry of Labor, Social Affairs and Equal Opportunities (MLSAEO)/ State Social Service. NRCVT enables accommodation and offers general assistance for trafficked women, girls and children, and women, girls and children who are at risk of being trafficked. NRCVT assists the reception, accommodation, rehabilitation, referral for the integration and repatriation (when the beneficiaries are foreign nationals), for three main target groups: (a) trafficked women and girls and women and girls who are at risk of

being trafficked; (b) Trafficked children and children who are at risk of being trafficked; (c) victims and potential victims of foreign trafficking.

84. The Ministry of Labor, Social Affairs and Equal Opportunities, since 2003, has established and financed regularly a center to assist the reception and reintegration of the victims of trafficking, both Albanian and foreign. The Center has a capacity of 100 persons.

85. With a view to improving the quality of the services provided to the victims of trafficking, the Ministry of Labor, Social Affairs and Equal Opportunities in cooperation with other stakeholders in 2007 drafted the Standards for the social care services approved by way of Decision of Council of Ministers No. 195, dated 11.04.2007 (Official Journal: year 2007, No. 50, page 1302, publication date: 02.05.2007). This document highlights the importance of the responsibility of service providers to protect the dignity of the receivers of the service and to treat them respectfully. Standards are a good starting point in order to improve the reintegration services offered to the victims, since the focus is on the rights and privacy of the beneficiaries of these services.

86. The Service Inspectorate set up near the State Social Service (SSS) / Ministry of Labor, Social Affairs and Equal Opportunities, periodically inspects and monitors the implementation of these standards.

**Reply to the issues raised in paragraph 28 of the list of issues**

87. From the information obtained from the competent bodies, the employment of foreign workers that are non-documented does not constitute a worrying phenomenon and as such, for the time being no specific regulation is envisaged for these categories of emigrants.