**“Input from Mary Ward Loreto Albania for the Report of the United Nations Special Rapporteur on trafficking in persons, especially women and children**

Trafficking in human beings is related to gender based violence. Therefore, the non-punishment principle follows the implementation of the national and international laws and conventions on Human Trafficking, based on that of Organized crime, Gender Based Violence, and Child Protection.

Women and children are mostly subject to human trafficking in Albania because they are in a position of vulnerability to becoming victims of trafficking and exploitation. Traffickers choose their targets according to the level of vulnerability. This includes situations of poverty, patriarchal mentality, domestic violence, level of protection, and cultural differences. Women are mainly trafficked for sexual exploitation, forced prostitution, and forced labour. Children are mainly trafficked for street begging, for the purpose of sexual exploitation, and child labour.

In August, 2018, the Albanian government agreed upon and published the new Standard Operating Procedures. These aim for the identification, referral and protection of the victims and presumed victims of trafficking (SOP). This document provides the agencies with the instruments that are helpful for the initial and then formal identification interviews as well as for assisting the voluntary return of the victims to the country of origin. This is in consideration of the risk level before assisting their return. NGOs are now entrusted with the right to conduct the initial identification of presumed/victims of THB. The SOPs recognize the cases who are unaware of their position as trafficked and exploitation victims. The SOPs also recognise the cases who are aware of but do not refer to it due to various reasons. These reasons may be related to safety concerns or the inability to escape out of the traffickers circle. When dealing with cases who are minors, the document keeps in focus the protection of children. This is an important development which has contributed to the non-punishment principle. It requires a careful assessment of the case from a specialized and multi-disciplinary perspective, followed by protection, legal assistance, and reintegration programs, implemented by National Referral Mechanism, Social Services, and NGOs.

The non-punishment principle for victims of trafficking and exploitation forced into unlawful acts, committed under a trafficking situation, is previewed in the Criminal Code of Republic of Albania: article 52 for the exception of minors from criminal prosecution; article 52/a that foresees the alleviation of the condemnation for the victims, and victims who cooperate with the justice system, or the exception of the victim from the criminal charges.

Mary Ward Loreto is providing reintegration support to a case of a young adult who has been recruited by a prostitution group in her early adulthood and then forced to offer sexual services to their clients. She succeeded in reporting this to the police who investigated the case and arrested the group. The police carried out a very careful evaluation of the case and formally identified the young adult as a victim of trafficking. The police considered all the elements of her vulnerability and the non-punishment principle, and referred her for protection to NGOs. This part of the process provides her with evidence for the court session. This evidence will reduce the chances for her to be liable under criminal laws for illegal prostitution.

Despite this particular example of good practice, during the work in women’s prison, Mary Ward Loreto has come across cases who have been condemned for prostitution and/or additional crimes committed under the pressure and threats of their controllers/traffickers. They have been caught in action or after an organized investigation, and their case has immediately passed to criminal prosecution process without initial identification for PVOT and VOT. Consequently, the non-punishment principle has not been applied.

Many victims are unlikely to report trafficking due to fear from the traffickers, and they take on the responsibility for the unlawful acts committed under the control of these people. Consequently, the traffickers do not face the justice system.

In order to provide a better implementation of the laws and policies on anti-trafficking, it is necessary to establish a monitoring process for the implementation of the law and the work to tackle trafficking in human beings. Organizations in Albania, working in the field of human rights and anti-trafficking, are lobbying for a National Rapporteur on trafficking in persons, as giving added value to the anti-trafficking policies.