PSYCHO-SOCIAL CENTRE "VATRA"

ALBANIA

POSITION AND RIGHTS OF VICTIMS IN CRIMINAL PROCEEDINGS

Analysis of judicial practice in human trafficking cases for 2021 – 2023

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I. Introduction

This report presents an analysis of judicial practices related to human trafficking in Albania, drawing on data from twenty-nine court decisions issued between 2021 and 2023. This report, prepared by the Psycho-Social Center – VATRA, has been conducted in the framework of the project: **"SPOT ON! State accountability for Prosecution of Human Trafficking Off/On"** and assesses the effectiveness of judicial practices addressing trafficking in human beings, at the intersection with key areas including the position and rights of victims, adequacy of sanctions imposed on perpetrators and the incorporation of gender sensitivity approaches, among others.

The examination of de facto conditions and challenges in the adjudication of human trafficking cases against international standards, is grounded in data extracted from eighteen first instance court decisions and eleven Supreme Court decisions, specific to the following criminal offenses under the Albanian Criminal Code (hereafter: CC):

- Trafficking in persons (CC Article 110/a)
- Trafficking of minors (CC Article 128/b)
- Exploitation of prostitution (CC Article 114)

Before delving into the analysis, it is worth noting the evolution of the country's legislative framework in the field of human trafficking, as well as international standards guiding its development.

Generally speaking, Albania demonstrates moderate preparedness in combatting human trafficking through legislative and policy framework. The country has ratified several international treaties which have informed its legislative and policy framework for preventing and combatting trafficking in human beings, including the UN Palermo Protocol and the Council of Europe Convention on Action against trafficking in human beings.[1] In addition, as a State party to the European Convention on Human Rights (ECHR), Albania is bound by its provisions and the jurisprudence of the European Court of Human Rights, which ought to influence judicial practices.

To meet its EU accession requirements, Albania is required to align its legal framework with the EU acquis, including Directive 2011/36/EU on preventing and combatting trafficking in

[1] See: The United Nations Convention against Transnational Organized Crime and two supplementary protocols namely the *Protocol Against the Smuggling of Migrants by Land, Air, and Sea and the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), ratified by Law No 8920 dated* 11.07.2002.; Council of Europe Convention on Action Against Trafficking in Human Beings, ratified by Albania with Law No 9642, dated 20.11.2006.; The European Convention on the Compensation of Victims of Violent Crimes, ratified by Albania through Law No 9265, dated 29.7.2004.

human beings.[2] As noted by the 2024 European Commission Report on Albania, the country's legal framework is only partially aligned with the EU acquis, and further amendments are necessary to ensure full compliance with the EU Anti-Trafficking Directive 2011/36/EU.[3]

Although the Albanian Constitution does not explicitly prohibit human trafficking, it enshrines fundamental human rights protections, including dignity, prohibition of forced labor and protection against child exploitation.[4] Importantly, Article 116 and 122 of the Constitution of the Republic of Albania[5] establish that ratified international agreements are an integral part of the domestic legal system. They are binding and directly applicable unless their implementation requires adoption of specific legislation. Such agreements take precedence over domestic laws and normative acts issued by the Council of Ministers, while remaining subordinate to the Constitution. In the event of conflict between a ratified international agreement and domestic legislation, the international norm prevails.

Originally criminalized through the 2001 amendments to the Criminal Code[6], trafficking in human beings has been further addressed through legislative reforms in 2004, 2008 and 2013.[7] These amendments further aligned Criminal Code provisions with international standards by refining the definitions of trafficking offenses, specifying forms, means, and purposes and strengthening victim protection measures and introducing stricter sanctions and special protection for women and children. Importantly, the 2008 amendments[8] enhanced protection of children, by criminalizing caregiver abuse (Article 124/b) and the use of minors in pornography (Article 117). Additionally, "sale" was added as a form of trafficking under Article 128/b on "Trafficking of minors". Currently, a new Criminal Code is planned for approval within 2026.[9]

[2] As amended by Directive (EU) 2024/1712 on 13 June 2024. Available here.; Other EU acquis of relevance here are: Directive 2012/29/EU on establishing minimum standards on the rights, support and protection of victims of crime. (Victims' Rights Directive); Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (Employers Sanctions Directive).
[3] European Commission 2024 Report – Albania. p. 42. Available here.
[4] See Article 3 of the Constitution of Albania, which establishes that "[…] the dignity, rights and freedoms of the person […] are the foundations of this state [Albania] which has the obligation to respect and protect them." In addition, Article 26 prohibits forced labor, except in specific cases such as when executing a court decision, performing military service, or addressing state of war, emergency or natural disaster, that threatens the lives of the people. Article 54, paragraph 3, further emphasizes protection of children, stating their right to be shielded from exploitation and work that endangers their health, moral, or normal development.; See also: Supreme Court Decision of the Penal College. No. 00-2022-1679 Decision (217), para. 15.1. Available here.
[5] See Article 116 and 122 of the Constitution of the Republic of Albania. Available here.
[6] Criminal Code of the Republic of Albania, approved by Law No 7895 dated on 27.01.1995, as amended by Law No 8733 dated on 24.01.2001.
[7] In response to the 2012 Recommendations of the Group of Experts on Action against Trafficking in Human Beings (GRETA), the Criminal Code was further amended by Law No 144 dated 2.05.2013.
[8] Law No 9859 dated 21.01.2008
[9] Council of Ministers Decision No 736 On the Approval of the Rule of Law Roadmap, dated 13.12.2023. See Chapter 24 – Fight against organized crime, IV.5 Traffickign in human beings. Available here.; See also the National European Integration Plan 2024-2026 which states that a new Criminal Code is planned for approval to align it with EU directives in the field of criminal law.; See also: GRETA. Fourth evaluation round: Reply from Albania to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties. Available here.

With regards to the Criminal Procedure Code, the amendments introduced with Law No 35/2017 are of particular importance, as they enhanced victims' rights and procedural safeguards, while protecting against re-victimization.[10]

Jurisdictional competence over trafficking cases is clarified by Law No. 35/2017, granting authority to general prosecution and courts, except in cases involving organized crime, which fall under the jurisdiction of the Special Prosecution Office and the Special Court against Corruption and Organized Crime (Article 75/a).

The Juvenile Justice Code, adopted through Law No. 37/2017, established special rights for minors who are victims of criminal offenses, ensuring their best interest in line with constitutional and international standards.

Law No 97/2016 governing the organization and functioning of the prosecution in the Republic of Albania mandates that each prosecutor's office is required to provide necessary services for individuals recognized as having special status under CPC. While the law does not specifically identify child victims, victims of sexual abuse, and trafficking victims, these groups are explicitly recognized in the CPC as requiring special treatment compared to other victims of criminal offenses.

The law also requires that each prosecutor's office includes at least one coordinator tasked with coordinating actions and ensuring the dignified treatment of victims with special status. These responsibilities are further detailed in the General Guideline of the Prosecutor General and specify the procedures that prosecutors, judicial police officers, and other prosecution employees must follow when interacting with victims and witnesses of criminal offenses. The General Guideline aligns national practices with ratified international instruments and standards, including Victims' Rights Directive 2012/29/EU, and Council Directive 2004/80/EC on crime victims' compensation.

Law No 10 192,[11] as amended, "On the prevention and fight against organized crime and trafficking through preventive measures against property" is another significant tool in combating trafficking. Commonly referred to as the "preventive law" or "anti-mafia law", this Law establishes, under Article 37, a special fund for crime prevention and legal education. The objective of the law is provision of assistance to crime victims. However, its implementation is hindered by legislative ambiguities regarding victim compensation mechanisms and accessibility.

Other laws reinforce Albania's anti-trafficking framework including Law No. 111/2017 on Granting State Guaranteed Legal Aid and Law No. 18/2017 on the Rights and Protection of the Child.

[10] Group of Experts on Action Against Trafficking in Human Beings (GRETA). Third Evaluation Round – Albania. Access to justice and effective remedies for victims of trafficking in human beings. GRETA(2020)09. p. 9. Available here. The report acknowledges Article 9/a of the Criminal Procedure Code strengthens the position of victims of criminal offences, as it provides for the obligation to involve victims as parties to the criminal proceedings, but also mandating public authorities to ensure victims are treated with respect for their human dignity and protected from re-victimization while exercising their guaranteed rights under CPC.

[11] Law No 10 192, dated 3.12.2009, as amended by Law No 24/2014, dated 20.3.2014, Law No 70/2017, dated 27.4.2017, Law No 34/2019, dated 17.6.2019, Law No 85/2020, dated 2.7.2020. Available here.

The 2024–2025 National Action Plan for the Fight Against Human Trafficking is implemented by state structures and civil society actors, with the Ministry of Interior monitoring its progress.[12] The Action plan ultimately aims to reinforce crime prevention, victim protection and institutional cooperation to combat organized crime and human trafficking. It aims to reduce the threat and impact of organized crime by strengthening legal framework and enhancing law enforcement capacities, including inter-institutional coordination. The Action plan seeks to enhance professionalism within law enforcement and justice institutions to improve victim identification and assistance. A key component is the coordination of domestic and international efforts to assist vulnerable communities, ensuring targeted interventions.

There are specific mechanisms in place to ensure prevention and protection, and inter-institutional coordination and cooperation.

The National Referral Mechanism (NRM) serves as key pillar for the functioning of all aspects from prevention, legal assistance and representation, to rehabilitation capacities and economic and social integration of the victim.[13] The government maintains a multidisciplinary NRM with standard operating procedures for identifying and referring victims to services. Yet, the 2024 European Commission report, mentions Albanian authorities need to strengthen their capacities to detect, investigate and prosecute traffickers of human beings and fully implement the National Referral Mechanism for victims of trafficking.[14] In addition, Albanian State Police continues to have issues with screening individuals, while the Labor Inspectorate lacks training to identify victims. Adding to this, the 2024 US Department of State report on trafficking in persons observes that the Office of the National Anti-Trafficking Coordinator has made limited coordination efforts, and the State Committee against Trafficking in Persons, composed of relevant ministry representatives, and which is responsible for monitoring and implementing various anti-trafficking efforts, has not met since 2021.[15]

Reviewing the recommendations of international monitoring bodies brings to light several key issues, which are further explored in the report through the analysis of court decisions. The Group of Experts on Action Against Trafficking in Human Beings (GRETA), in its

[12] See: National Action Plan for the Fight against Human Trafficking 2024-2025. Available here.; Of relevance is also: The National Strategy for Gender Equality 2021-2030, approved by the Council of Ministers Decision No. 400, dated 30.6.2021 in one of the strategic goals related to the reduction of all forms of harmful practices, gender-based violence and domestic violence, aims to empower women, young people and girls from all groups, to have full control, to decide freely and responsibly on issues related to sexual and reproductive health. Also, another measure has been provided regarding the strengthening of the capacities of professionals, the judiciary to implement the improved legal framework, to support girls at risk and to prevent early child marriages.; See also The National Agenda for Children's Rights 2012-2026, approved by Council of Ministers Decision No 659, dated 03.11.2021. One of the main strategic pillars included "Elimination of all forms of violence, exploitation, abuse and harmful practices", provides measures, which aim for children to grow up in a supportive environment, with positive practices of parenting that protect them from violence and abuse.

[13] European Commission. 2024 Report – Albania. p. 43. The report states that Albanian authorities need to strengthen their capacities to detect, investigate and prosecute traffickers of human beings and fully implement the National Referral Mechanism for victims of trafficking.

[14] European Commission. 2024 Report – Albania. p. 43. Available here.

[15] US Department of State. Office to Monitor and Combat Trafficking in Persons. 2024 Trafficking in Persons Report – Albania. Available here.

third evolution round report of 2020[16] expressed concerns regarding the persistently low conviction rates for human trafficking offenses in Albania. GRETA urged Albanian authorities to proactively investigate human trafficking cases, and to utilize special investigation and financial techniques to collect evidence. The report further emphasized the need for specialized training for prosecutors and judges to ensure proper case handling, preventing re-qualification of trafficking offenses as lesser crimes with lighter penalties, so that they lead to effective, proportionate and dissuasive sanctions.

Echoing these concerns, the 2024 Report[17] of the US Department of State - Office to Monitor and Combat Trafficking acknowledged that while the country is making significant progress, it does not fully meet the minimum standards for elimination of trafficking. The report reiterated the need for intensified investigations and prosecutions of trafficking crimes, urging authorities to charge traffickers – including complicit officials – under the appropriate Articles 110/a and 128/b of the Criminal Code rather than resorting to lesser offenses. Moreover, the report stressed the importance of courts imposing strict penalties, including a substantial prison sentence, and providing judges with specialized training to adequately consider the severity of trafficking offenses during sentencing. The report recommends specialized police and prosecutors also receive advanced victim-centered training.

Consistent with these findings, the 2023 and 2024 European Commission reports also highlight the ongoing deficiencies in the consistency of victim-centered approach of investigations and prosecutions. These reports emphasize the need to promote a gender-responsive approach to access to justice for victims and strengthen the capacity of authorities to effectively investigate and prosecute trafficking cases.[18]

While Albania has demonstrated moderate preparedness in combatting human trafficking through legislative and policy framework and established mechanisms, this analysis – informed also by international monitoring bodies' observations and recommendations – reveals persistent challenges in the practical application and interpretation of relevant laws, as well as the consistent application of a victim-centered approach within the judicial process.

In the subsequent chapter, this study will delve into the core objectives guiding the research, acknowledge its (inherent) limitations, and delineate the methodology employed in the analysis of court decisions. This analysis will encompass a broad spectrum of data obtained from the judgments, including their classification, a comparative examination of trafficking in human beings versus exploitation for prostitution charges, and an assessment of the position and rights of victims within the legal process. Further sections will scrutinize procedure (ir) regularities, the implementation of a victim-centered approach, respect for victim privacy, representation in proceedings, compensation awarded to victims, the adequacy of sanctions imposed on perpetrators, and the presence of gender sensitivity in the judicial reasoning and legal writing. Finally, the study will present concluding remarks and a detailed case analysis.

[16] Group of Experts on Action Against Trafficking in Human Beings (GRETA). Third Evaluation Round – Albania. Access to justice and effective remedies for victims of trafficking in human beings. GRETA(2020)09. p. 5. Available here.
[17] US Department of State. Office to Monitor and Combat Trafficking in Persons. 2024 Trafficking in Persons Report – Albania. Available here.
[18] European Commission. 2023 and 2024 Report – Albania.

II. Goals and methodology of the analysis

Through a systematic review of court decisions, the study seeks to provide an evidence-based assessment regarding the protection of victims' rights and efficiency of justice in handling and adjudication on cases of such sensitive nature.

The analysis is structured around key indicators that provide a framework for evaluating:

Human Rights Protections
The analysis evaluated the rights of victims to be upheld during court proceedings, reflecting Albania's adherence to international and domestic human rights obligations, including principles of dignity, equality, and access to justice.

Effectiveness of the Justice System
By examining court decisions, this analysis provides insights into the justice system's capacity to address trafficking cases correctly and adhering to the principle of proportionality and legal certainty, and clarity.

Victim Protection and Support
The study assesses the adequacy and effectiveness of measures designed to protect and support victims throughout the legal process, including safeguarding privacy, preventing re-victimization, and ensuring access to compensation and psychosocial assistance.

Accountability of Perpetrators
The addresses the justice system's capacity to hold traffickers accountable through effective investigations, prosecutions, and the imposition of proportionate penalties.

Indicators of Discrimination and Gender Sensitivity
The treatment of victims in trafficking cases often intersects with broader issues of discrimination, particularly gender-based discrimination. The analysis therefore tries to evaluate the extent to which the judiciary applies a gender-sensitive approach, addressing the specific vulnerabilities and experiences of women and children, who constitute a significant proportion of trafficking victims.

The analysis encompasses a total of twenty-nine court decisions in criminal proceedings spanning 2021 – 2023, sourced from six courts of first instance (18 decisions) and the Supreme Court (11 decisions).

In accordance with the Law 119/2014 on Access to Information, as amended, the Psycho-Social Center – VATRA sent formal requests for information to 13 courts of first instance of the General Jurisdiction in Albania (Tirana, Durres, Vlore, Fier, Shkoder, Lezhe, Kukes, Diber, Korce, Gjirokaster, Sarande, Berat and Elbasan), the Special Court of First Instance

against corruption and organized crime, the Court of Appeal of General Jurisdiction, the Special Court of Appeal against corruption and organized crime, and the Supreme Court. The courts were asked to provide court decisions from 2021 – 2023 related to: trafficking of persons (CC Article 110/a), Trafficking of minors (CC Article 128/b) and Exploitation of prostitution (CC Article 114/a)

Between September and November 2024, project staff collected available court decisions via email and official mail.

In total, 43 court decisions were collected. After preliminary analysis, 8 decisions predated 2021 and were excluded from analysis, 4 decisions were merely case registration notifications, 1 Supreme Court decision was excluded due to lack of data, and 1 decision was outside the scope of this analysis. To this end, a total of 29 court decisions were considered eligible for the analysis.

Based on good practices shared during the Regional Workshop[19], the project staff developed a database for data collection and processing, establishing key indicators for both qualitative and quantitative analysis. The project staff deployed the necessary expertise (legal expert and social scientist) to ensure data collection and analysis.

To summarize, the quantitative data analysis includes the duration of court proceedings, court instance, type of trafficking (internal/cross-border), type of exploitation, data on the classification of the case, number of indictment persons, data on sanctions, sex of perpetrator and victims, age of victims. The analysis also provides insights into victims' profiles and recruitment methods. With regards to qualitative analysis of the data, the analysis focuses primarily on the position and rights of the victims, adequacy of sanctions and classification of judgements.

This analysis is conducted in accordance with established European and international human rights standards, including the UN Palermo Protocol and the Council of Europe Convention on Action Against Trafficking in Human Beings, as well as jurisprudence of the European Court of Human Rights. The findings of this study aim to provide actionable recommendations for combating human trafficking and the protection of victims' rights.

[19] The Regional Workshop took place during 16-18 September 2024, in Belgrade Serbia. The aim of the workshop was to transfer knowledge and methodology for conducting legal analysis on the position of human trafficking victims in criminal proceedings.

III. Data obtained from analysis of judgments

General data

Jurisdictional competence over trafficking cases are clarified by Law No 35/2017, granting authority to general prosecution and courts, except in cases involving organized crime, which fall under the jurisdiction of the Special Prosecution Office and the Special Court against Corruption and Organized Crime.[20]

Decisions during 2021 – 2023

As indicated, a total of twenty-nine court decisions covering three years 2021-2023 are subject of this analysis. From these, 18 are decisions of courts of first instance of general jurisdiction, and 11 are decisions of Supreme Court.

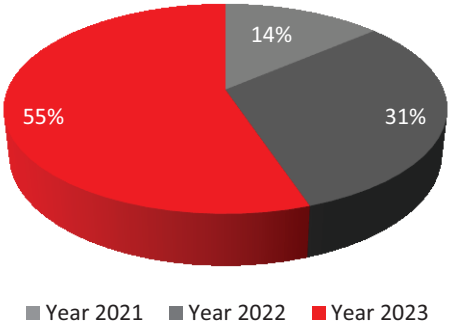

Figure 1 Decisions per calendar year

In 2021, there have been 4 decisions, followed by 9 decisions in 2022, and 16 decisions in 2023. As seen, there is an increase in a number of decisions per year, however, this factor alone is not indicative of an improvement in the efficiency of justice.[21] The duration of these cases varied significantly, which may be reflecting differences in procedural complexities, as well as judicial efficiency, yet this remains unclear from the text of the court decision.

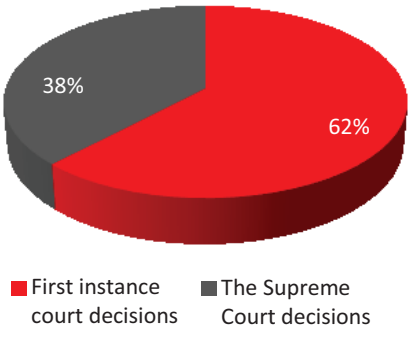

Figure 2 Decision by court instance

Out of twenty-nine court decisions for analysis, 1 case extended over four years, 2 cases took five years, and six cases took six years before final decision of Supreme Court was issued. The remaining twenty cases pertain mainly to first instance courts (to be precise, 18 first instance courts, and 2 Supreme Court decisions), and were concluded within one year (4 first instance court decisions), and with some resolved within the same calendar year (14 first instance court decisions and 2 Supreme Court decisions).

[20] See Law No 35/2017, Article 75/a.

[21] Group of Experts on Action Against Trafficking in Human Beings (GRETA). Third Evaluation Round – Albania. Access to justice and effective remedies for victims of trafficking in human beings. GRETA(2020)09. p. 75-76 on statistics of presumed victims and identified victims of human trafficking. Available here.

Internal vs cross-border trafficking

Internal trafficking, where victims are moved within the country from rural to urban areas or between different regions continues in Albania. From the analyzed court decisions, 48% are cases of cross-border trafficking, and 52% are cases of internal trafficking.[22]

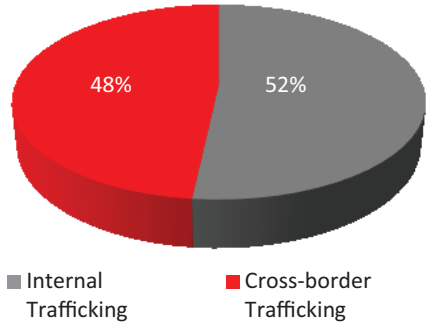

Figure 3 Type of trafficking

High-risk groups

The most vulnerable group for victimization, both for exploitation of prostitution and other forms of exploitation, continues to be women (79%). The analysis shows that women and children victims of trafficking (out of 11 cases of child trafficking, 10 victims are female and 1 is male) are the main high-risk groups.[23]

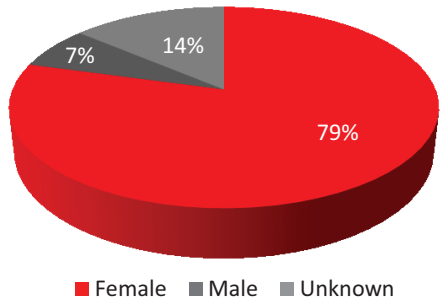

Figure 4 Sex of victim

In 45% of the cases the victims were adults, followed by 38% of the cases where the victim was a child. In 14% of the cases for analysis the victims were a group of adults and children, and in 3% of the cases, it is not possible to understand from the text of the decision.

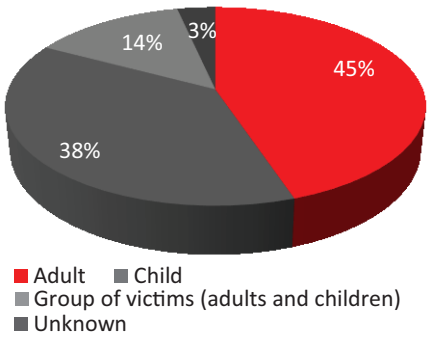

Figure 5 Data on victims of trafficking

Victim vulnerability status

Out of the twenty-nine cases, in 9 of them the victim was an unaccompanied minor, unprotected or has been subject to exploitation since an early age (in three out of nine cases the child has been exploited since the age of 15). The analysis shows that in 6 cases the victim was economically vulnerable, and in 6 other cases the victim was either a young mother with children, divorced, a widow, or pregnant with the perpetrator, had a low educational background, and unemployed. In 1 case the victim was a refugee, and for the remaining 7 cases there is no data provided in the text of the decision regarding the victim vulnerability status.

[22] European Commission. 2023 Report – Albania. The report notes that Albania remains a country of origin, transit and destination of trafficking in human beings. Albanian women and children are subject to trafficking mostly for sexual exploitation to neighboring countries and EU Member States.; See also for further information: GRETA. Fourth evaluation round: Reply from Albania to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties. Available here.

[23] EC report 2024. According to international organizations, in 2023, children made up 66% of all potential and actual victims of human trafficking, 65% of whom were girls, mostly from Roma and Egyptian communities. P 40. Available here.

Recruitment Methods

Traffickers often exploit emotional relationships with their victims, using tactics such as false promises of marriage, job opportunities, and a better life, as well as taking advantage of victims' vulnerable socio-economic situations. Among the 29 court decisions analyzed, 4 do not provide any information on the recruitment methods used, 1 of them is not applicable for this analysis, while in 24 cases, it is evident that perpetrators leveraged gender norms, deceiving victims through fake marriage proposals or fraudulent job offers.

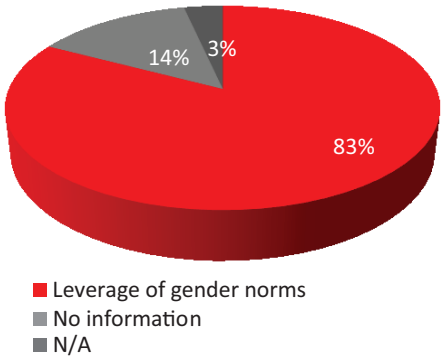

Figure 6 Recruitment methods

While traffickers have increasingly turned to social media, mobile apps, and online platforms to recruit victims and advertise commercial sex, this trend is only partially reflected in the analyzed cases. Specifically, two cases involved the use of Instagram for communication, whereas in most instances, perpetrators initiated contact through acquaintances ("friends of friends") or via direct phone communication, including calls and text messages.

General data on defendants and decisions

Across the 29 court decisions analyzed, a total of 53 individuals were accused, with 34 defendants appearing before first instance courts of general jurisdiction, and 19 defendants reaching the third-instance proceedings before the Supreme Court.

Regarding the classification of criminal offense, 10 defendants are charged under the Article 110/a of the Criminal Code, namely trafficking in persons; 10 defendants within Article 128/b of the Criminal Code, trafficking of minors; 21 defendants within Article 114 of the Criminal Code, exploitation for Prostitution, and 12 defendants under other related criminal offenses, such as the Article 113 of Criminal Code on prostitution, and Article 115 of Criminal Code on maintaining premises for prostitution, and combined (cross-cutting) criminal offenses.

First Instance court decisions

In the 18 verdicts of the Courts of First Instance of the General Jurisdiction, there are a total of 34 defendants. 2 of them were accused for the criminal offense "Trafficking of minors" Article 128/b of the Criminal Code. 4 were accused for the criminal offense "Trafficking in persons" Article 110/a CC., and 26 are accused of the criminal offense "Exploitation for Prostitution" Article 114/a CC, Article 113 on prostitution, and on maintaining premises for prostitution under Article 115 CC.

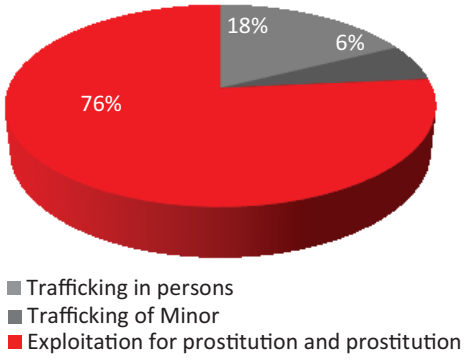

Figure 7 Data on defendants based on type of offense

The accused persons were 26 men and 8 women. 1 woman was accused of trafficking of minors (CC Article 128/b), and 2 women for exploitation of prostitution (CC Article114).

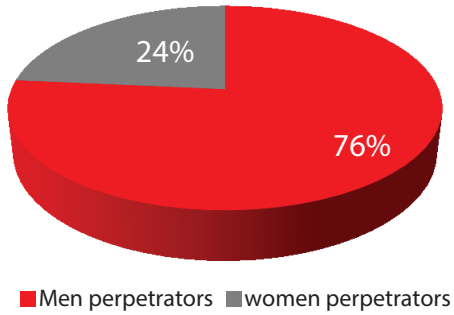

Figure 8 Sex of defendants

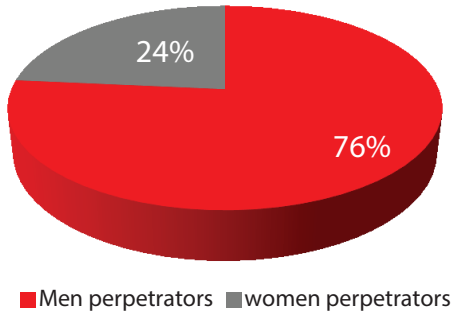

Figure 9 Conviction status data

Furthermore, 26 male defendants have been charged as following: 1 for the criminal offense trafficking of minors, 4 for trafficking in persons, and 21 for the criminal offense exploitation of prostitution, prostitution and maintaining premises for prostitution, and combined (cross-cutting) criminal offences. Regarding the age, the perpetrators range from 23 to 69 years old, with the most common age group being between 23 and 35 years old.

Analysis of first instance court decisions shows 22 were found guilty. 2 persons were found guilty for the criminal offense of trafficking of minors (Article 128/8), while the case was dismissed for 4 persons for the criminal offence trafficking in persons (Article 110/a).
Meanwhile, 20 persons were found guilty for exploitation for prostitution, prostitution, and maintaining premises for prostitution, while for 7 accused persons, the case was dismissed.

Additionally to Article 114(2) of the Criminal Code on exploitation of prostitution, 2 persons were found guilty for the criminal offense maintaining prostitution premises; one person for the criminal offense under Article 76 CC on intentional murder, Article 110/2 CC on unlawful deprivation of liberty, and Article 278(2) of the Criminal Code on "Production and illegal possession of weapons", 1person for the criminal offense under Article 180(1) of the Criminal Code, namely "Concealment of income". As shown, out of 34 accused persons, 65% of the defendants were found guilty, and for 35% of them the case was dismissed.

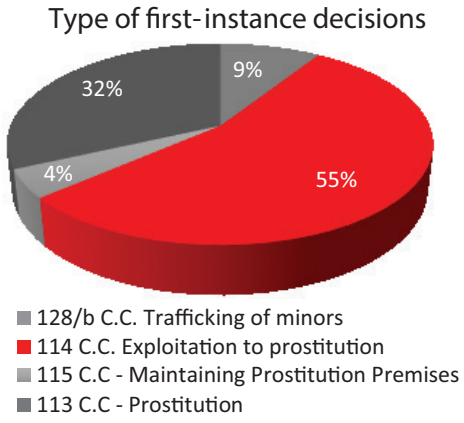

Figure 10 Data on first-instance court decision

In 53% of the analyzed court decisions, no information is provided on the defendant's criminal history regarding prior conviction(s), which count as an aggravating circumstance under Article 50 of the Criminal Code. Among the cases where data is available, 23% of defendants had prior convictions, 18% had no previous convictions, and 6% had been subject to prior investigations. This lack of comprehensive documentation raises concerns about transparency and the thorough assessment of defendants' backgrounds in judicial proceedings.

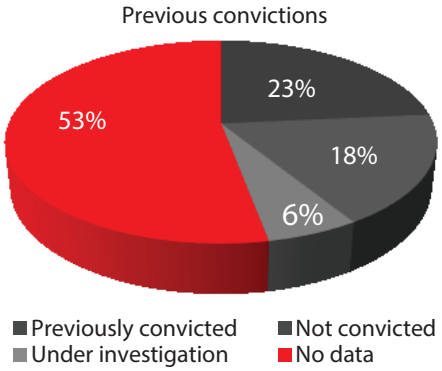

Figure 11 Perpetrators' background check

Data on the marital and family status of the perpetrators indicates that 9 were married or cohabiting, 6 were unmarried or divorced, and for 19, no information is available. Regarding educational background, 6 perpetrators had no education or had not completed primary school, 3 had completed compulsory education, 2 had finished secondary school, and 1 had obtained a university degree. However, for 22 perpetrators, no educational data was recorded. These gaps in available data highlight shortcomings in court records, limiting a comprehensive understanding of the perpetrators' social and educational profiles.

The analysis of first-instance court decisions (detailed in Annex 1) reveals that among all convicted cases, 12 defendants received prison sentences, 1 was placed under house arrest, and 9 were required to report to the Probation Office. Regarding convictions under Article 128/b on "Trafficking of Minors," only one perpetrator (male) was sentenced to prison, while one perpetrator (female) was ordered to report to the Probation Office. Additionally, 8 other cases involving the obligation to report to the Probation Office were linked to offenses under Article 114 ("Exploitation of Prostitution"), Article 113 ("Prostitution"), and Article 115 ("Maintenance of Premises for Prostitution").

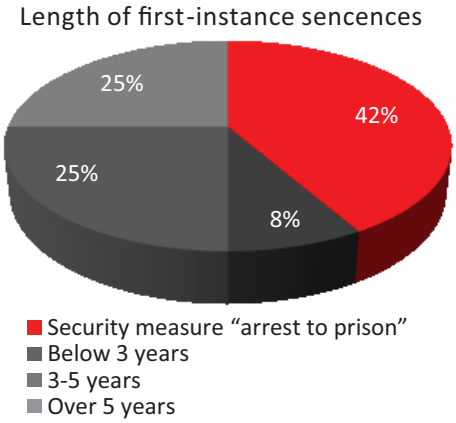

Figure 12 Length of sentence (first instance courts)

Regarding the length of prison sentences across all crimes—whether as an effective prison sentence or as a security measure – the data shows that the longest individual sentence imposed was 20 years, while the shortest was 3 years and 4 months, with an average sentence length of 4 years.

In terms of cumulative sentencing, the longest combined sentence was 13 years and 4 months, while the shortest was 2 years and 4 months. The security measure "arrest to prison" was applied to 5 perpetrators (42%). Additionally, sentences of less than 3 years were imposed in 8% of cases (1 perpetrator), sentences between 3 and 5 years in 25% of cases (3 perpetrators), and sentences exceeding 5 years were also applied in 25% of cases (3 perpetrators).

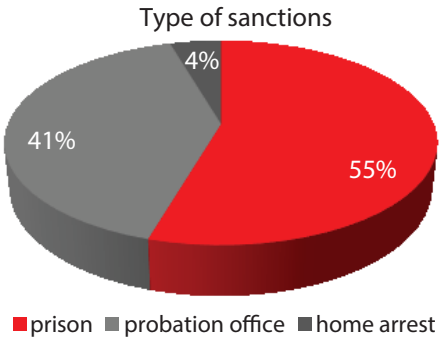

Figure 13 Type of sanction on perpetrators

The analysis reveals that 12 out of 34 defendants received one-third reduction in their prison sentence, under Article 406 of the Criminal Procedure Code. Statistically, the defendants were evenly split between 50% male and 50% female. The decisions indicate that 11 out of these 12 defendants (5 male and 6 female) formally requested a summary judgment under Article 403 of the Criminal Procedure Code. Consequently, the

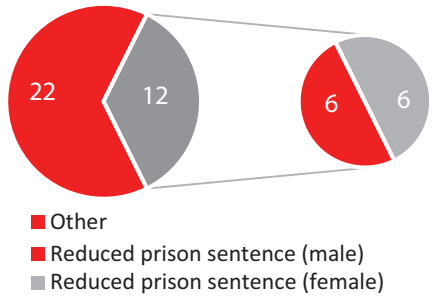

Figure 14 Data on reduced prison sentence

Court granted them a one-third sentence reduction in line with Article 406 of the Criminal Procedure Code. However, for one male defendant, the reasoning behind the sentence reduction is unclear based on the available information, and there is no indication that the defendant filed the request for a summary judgment under Article 403 of the Criminal Procedure Code. In none of the cases analyzed was a plea agreement reached.

Supreme Court decisions

In total, 11 decisions of the Supreme Court were analyzed.

All Supreme Court decisions from 2021 to 2023 were appeals concerning individuals convicted by the first-instance Court of Serious Crimes. The appellants sought a review of their sentence or acquittal by the Court of Appeal of Serious Crimes. The cases being appealed were all ruled prior to year 2017. The Supreme Court did not accept any of these appeals, leaving the decisions made by the Courts of First Instance and the Court of Appeal of Serious Crimes in place.

It is important to note that following judicial reforms in 2017, the Court of Serious Crimes was merged into the Special Court against Corruption and Organized Crime. All human trafficking offenses, unless committed by organized criminal groups, are adjudicated in the 13 Courts of First Instance of General Jurisdiction across Albania. Only cases involving trafficking by organized criminal groups are handled by the Special Court.

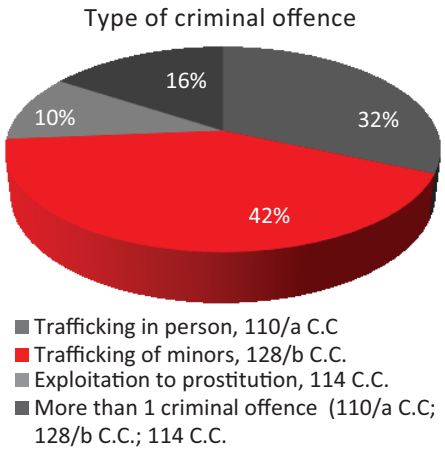

Figure 15 Data on Supreme Court decisions

Following the analysis, from a total of 11 decisions, 19 people have been charged: 6 people have been charged under Article 110/a “Trafficking in persons”; 8 people under Article 128/b “Trafficking of minors”; 2 people under Article 114 “Exploitation for prostitution”. In addition, 3 people have been accused of 3 criminal offenses as following: under Article 110/a on “Trafficking of persons”; Article 128/b on “Trafficking of minors” and Article 114 on “Exploitation for prostitution”.

In addition to the above criminal offenses, 7 people were also sentenced as follows: 1 person under Article 278/4 of the Criminal Code for unauthorized production and possession of military weapons and ammunition, and Article 279/1 for the production, maintenance, buying or selling cold weapons without a permit. Furthermore, 3 persons were charged under Article 198/2 of the Criminal Code for passport forgery; 1 person under Article 100/a/2 on “Sexual relations with minors with violence” in collaboration; 1 person under Article 76 on “Intentional murder”; and 1 person under Article 283/1 for the “Production and sale of narcotics”.

Position and the right of victims: a victim-centered approach (or lack thereof)

When addressing the position and rights of victims of human trafficking, the UN Palermo Protocol and the Council of Europe Convention on action against human trafficking are of key importance. In addition, Directive 2011/36/EU specifically addresses the right of trafficking victims, and Directive 2012/29/EU established minimum standards for the support, assistance, protection and position of victims of crime during criminal proceedings.

Amendments of the Criminal Procedure Code with the Law No 35/2017 enhanced victims' rights and procedural safeguards, while protecting against re-victimization.[24] Article 58, Article 58/a and 58/b of the CPC grant special rights to vulnerable victims, including child victims, victims of sexual abuse and victims of human trafficking. More specifically, Article 58/1/b of the Criminal Procedure Code recognizes victims' rights to medical care, psychological assistance, counseling, and other necessary services. Having said that, public authorities have a duty not only to ensure the dignified treatment and protection of victims but also to guarantee the effective exercise of these rights. The analyzed court decisions do not provide any information demonstrating the de facto application of the relevant legal provisions.

Article 340 of the CPC provides for closed-door court hearings when it is necessary to ensure witness protection.[25] The CPC also provides for the right to be heard through audio-visual means, as well as the availability of a witness protection programme.[26] The questioning of victims of trafficking through audiovisual means may be carried out in accordance with Article 361/8 of the CPC, which expressly provides for the right of victims of trafficking crimes to request to be questioned as witnesses through these audio and audiovisual means. Following Article 361/a of the CPC on questioning of the minor witness, child witnesses under 14 are questioned without the judge or parties present, typically through audiovisual means, in the presence of a psychologist or any other expert, and with parents allowed if it serves the best interest of the child (Article 361/a/1 CPC). Victims aged between 14-18 are questioned by the presiding judge, with special case to protect their mental well-being (Article 361/a/2). If a minor's statements were recorded during the investigation they can be used as evidence in court with the defense's consent or if questioning is deemed harmful to the psychological state of the child by an expert (Article 361/a/4).

[24] Group of Experts on Action Against Trafficking in Human Beings (GRETA). Third Evaluation Round – Albania. Access to justice and effective remedies for victims of trafficking in human beings. GRETA (2020)09. Available here. Note that, light of implementing GRETA's recommendations the 'Standard Operating Procedures (hereinafter referred to as SOPs) for the identification and referral of victims/potential victims of trafficking', were approved by Decision of the Council of Ministers (DCM) No 582, dated 27/07/2011. DCM No 582 was repealed by the Council of Ministers Decision No 499, dated 29.8.2018 "On the approval of standard operating procedures for the protection of victims and potential victims of trafficking".; See Article 9/a of the Criminal Procedure Code establishes the obligation to treat victims with respect and human dignity and to protect them from re-victimization while exercising their rights.

[25] Group of Experts on Action Against Trafficking in Human Beings (GRETA). Third Evaluation Round – Albania. Access to justice and effective remedies for victims of trafficking in human beings. GRETA (2020)09. Available here.

[26] See for more detailed observations: Group of Experts on Action Against Trafficking in Human Beings (GRETA). Third Evaluation Round – Albania. Access to justice and effective remedies for victims of trafficking in human beings. GRETA (2020)09. Available here.

Article 52/a of the Criminal Code provides the exemption of the victim of trafficking from punishment or the reduction of their sentence, based on the circumstances of the case and to the degree that the victim has been forced to engage in criminal acts. It is important to note that 5 of the female defendants are direct victims of exploitation for prostitution and have been charged with the criminal offense prostitution, under Article 113 of the CC. This raises concerns about the effective implementation of the non-punishment principle as recognized by international standards, including the Council of Europe Convention on Action against Trafficking in Human Beings (Article 26) and EU Directive 2011/36 (Article 8). This principle aims to protect victims of trafficking from wrongful prosecution or conviction and stands as key element to ensuring a victim-centered approach in combating human trafficking and safeguarding victim's rights.

Following the adoption of Law 111/2017 "On legal aid guaranteed by the state", a package of by-laws that regulate in detail free legal aid guaranteed by the state was approved. Article 11/b of Law 111/2017 provides that potential victims of trafficking/trafficking victims are provided with direct access to justice, considering them as a special category that benefits from free legal aid through primary legal assistance, secondary legal aid and exemption from the payment of court fees and expenses[27]

The analysis of the court decisions, as elaborated below, shows that there is a noticeable absence of a victim-centered approach within the judicial process. With concern, it is observed that decisions lack elements that would ensure the victim's voice is heard or that their rights are safeguarded in a meaningful way, and that the specific needs of victims of trafficking are met.

Procedure regularities and victim representation

In all twenty-nine cases there is no information provided about the victims' representation by a legal representative, as mandated by the law. In 1 case the victim was requested to attend the court proceedings but did not do so. In this case it is not possible to understand from the court decisions whether absence is due to intimidation, fear or trauma or any other reasons.

In 2 cases the victims were treated similarly to perpetrator, despite evidence showing that they were being exploited, particularly in the context of prostitution. This suggest that there is a gap in the understanding and application of a holistic approach to justice that recognizes the vulnerability of the victim, prioritizes the protection of dignity, and ensures empowerment of the victim alongside the pursuit of legal accountability.

Following the analysis of court decisions, there is lack of information regarding the procedural safeguards and specialized methods of hearing designed to mitigate psychological harm and prevent re-traumatization. There is no indication that victims were offered the option to testify remotely via video link, use protective screens, or employ other measures to avoid direct visual contact with the accused.

[27] See: UNWOMEN. (2024). Information sheet – Information regarding the drafting the report on trafficking of women and girls. Available here.

While Albania has ratified the Istanbul Convention, the analyzed decisions do not reflect compliance with the obligation to protect victims. This implies that criminal justice authorities must place the victim at the center of all interventions, acting with a gender-sensitive approach to violence and prioritizing the rights and safety of the victim in all measures. Authorities must also ensure a non-discriminatory stance and an approach that is oriented toward the needs and rights of the victims. In this regard, the legal representation of victims is a matter closely linked to due process. The absence of clear references to this aspect in the decisions raises doubts about the fairness of the proceedings.

Victim privacy

Protection of victim privacy is another important aspect of human-centered approach, ensuring that sensitive information is safeguarded throughout the legal process. Such protection is fundamental to maintaining the dignity of the victim and preventing secondary victimization such as further psychological distress, retaliation or public shaming. In this regard, Article 6 of the UN Palermo Protocol and Article 11 of the Council of Europe Convention on Action against Trafficking in Human Beings provide key international standards.

In Albania, the entire procedure, from the identification of a victim or potential victim of trafficking to the conclusion of judicial proceedings related to trafficking, must be conducted in compliance with the principle of confidentiality. Standard operating procedures[28] require all individuals involved in this process—including interpreters, interviewers, social workers, and law enforcement officers—to sign a confidentiality agreement. This requirement is directly linked to respecting and protecting the victims' right to privacy and their identity.[29] All personal data collected and processed during the identification and referral process must be stored and used in accordance with the legal requirements set forth by Albania's data protection law.

From the analysis of twenty-nine court decisions, in 22 out of 29 cases reviewed, the text of the court decision discloses sensitive information about the victims, including identifiable details such as their names, parents' credentials, dates of birth, places they have rented, addresses, or other personal data. It is important that compliance with international standards is ensured in respect to protection of personal data of victims, in order to prevent repeat victimization or intimidation, retaliation or other actions that could threaten their physical, social and psychological well-being at risk.

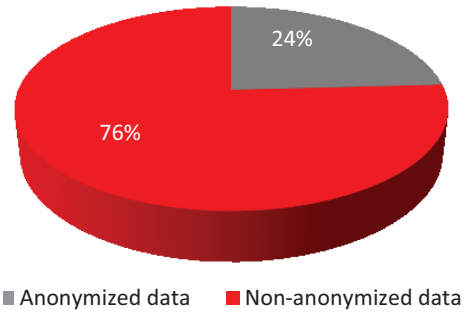

Figure 16 Protection of privacy

[28] The Standard Operating Procedures for the protection of victims and potential victims of trafficking establish the obligation for every individual involved at any stage of victim support to ensure secure and ethical communication. This must be carried out in accordance with the principles of non-harm, physical safety, confidentiality, non-discrimination, clear and comprehensible communication, tolerance, and other relevant ethical standards.

[29] This is in line with Article 11 of the Council of Europe Convention on Action Against Trafficking in Human Beings; and Directive 2012/29/BE, Article 8 and Article 9.

Compensation of victims

The legal framework foresees a special fund dedicated to compensating victims of trafficking in human beings. Law No. 70/2017 [30]amending Law No. 10192 "On the prevention and fight against organized crime and trafficking through preventive measures against property", commonly referred to as the "preventive law" or "anti-mafia law", and establishes a special fund for crime prevention (Article 37). In an effort to make the compensation scheme effective through the special fund, Law No. 34/2019 "On the Administration of Seized and Confiscated Assets" was adopted.

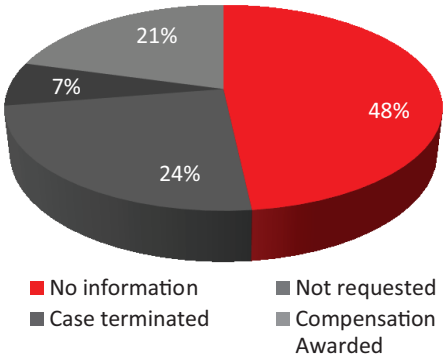

Figure 17 Data on victim compensation

Regarding victim compensation (both, material and moral), the analysis of the twenty-nine decisions reveals significant gaps in the provision of compensation and the documentation of such efforts. In 21 cases, no information is provided regarding this. It is not clear whether this is related to a general lack of awareness of their right to seek compensation (material and moral) or an absence of adequate legal support and representation to facilitate such requests.[31] In 2 cases, the proceedings were terminated due to a lack of evidence. In the remaining 6 cases, the court awarded compensation specifically for the costs associated with the judicial proceedings.

The analysis indicates a limited scope of reparation including for the victim's emotional and psychological, as well as social suffering, in line with Article 16 of EU Directive 2012/29, Article 17 of EU Directive 2011/36 and Law No 10 192, as amended, "On the prevention and fight against organized crime and trafficking through preventive measures against property" specifically Article 37/2 paragraph c and ç.[32] The issue of compensation for victims of trafficking remains a persistent concern and an unfulfilled standard. Neither the civil lawsuit mechanism within criminal proceedings nor the state compensation scheme, as provided by law, has proven to be effective.[33]

[30] Law No 70/2017 available here.; For further information on legal framework see also: Psycho-Social Centre – VATRA. (2021). Study on Compliance of the Albanian legal framework with the Acquis Communautaire in the area of the fight against trafficking in human beings. Available here.

[31] See also the Law No. 111/2017 on Granting State Guaranteed Legal Aid. Victims of human trafficking are considered as a special category exempt from court fees and expenses at any stage of criminal proceedings (Article 12). Article 25, which, in reference to secondary legal aid, provides for exemptions from: a) payment of general and special fees, according to the provisions of the law on court fees in the Republic of Albania; b) payment of court expenses (expenses for witnesses, experts, translators and for the examination of objects or on-site examination), according to the provisions of procedural legislation; c) the obligation to prepay the fee for the execution of the execution order at the state judicial bailiff service.

[32] For a more detailed analysis on compensation of victims of trafficking see: Boksi.A, Mandro.A. (2021). Compatibility of the Albanian legal framework with the Acquis Communautaire of the European Union in the field of the fight against trafficking in human beings. Publisher: VATRA.

[33] See: ASTRA. (2024). Country Info Brief – Albania: Trafficking in Human Beings. Available here.

IV. Issues of importance for judicial practice

Classification of judgments

Trafficking in human beings vs. Exploitation of prostitution

The analysis of decisions raises concerns regarding the classification of offenses in judicial practice. Out of the twenty-nine court decisions examined, in 15 cases there are elements that show of a possible incorrect application of Article 114 of the Criminal Code (exploitation of prostitution) instead of legal qualification under trafficking of human beings (Article 110/a CC) or child trafficking provisions (Article 128/b CC).

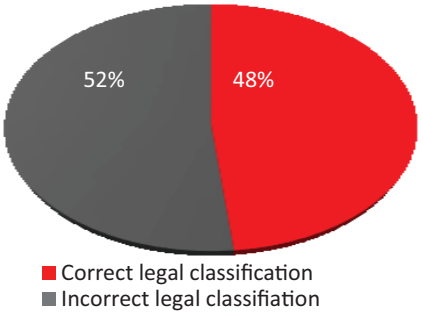

Figure 18 Possible (in)correct legal classification

The wrongful classification of judgment is noted as a matter of concern also in a number of international reports, including the 2024 Report of the US Department of State – Office to Monitor and Combat Trafficking, as well as GRETA 2020 Third Evaluation Report for Albania. These reports reiterate the need to prosecute trafficking of human beings under the appropriate provisions and to not resort to lesser offenses.[34] In light of international standards, failure to properly classify such offenses could potentially constitute a violation of Article 6 of the European Convention on Human Rights (ECHR), which guarantees the right to a fair trial, and it may also raise concerns under Article 13 of the ECHR, which ensures the right to an effective remedy. In line with Article 3 of the Palermo Protocol there is need to ensure that trafficking should be conceptualized as a distinct phenomenon, albeit closely linked to exploitation. Following this, in itself the definition of trafficking encompasses a list of exploitative purposes, including but not limited to: the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, or the removal of organs.

A closer examination of the case elements indicated that 7 cases should have been classified as child trafficking under Article 128/b of the Criminal Code. It is noted with concern that in two (out of 7) cases, proceedings were

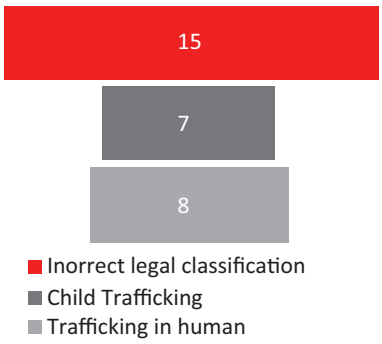

Figure 19 Analysis of legal classification per type of exploitation

[34] US Department of State. Office to Monitor and Combat Trafficking in Persons. 2024 Trafficking in Persons Report – Albania. Available here.; See also: Group of Experts on Action Against Trafficking in Human Beings (GRETA). Third Evaluation Round – Albania. Access to justice and effective remedies for victims of trafficking in human beings. GRETA (2020)09. p. 5. Available here.

terminated due to an alleged lack of evidence. In one case the child had been sold by their parents before birth, thus demonstrating a clear instance of child trafficking.

In addition, 8 cases should have been classified as trafficking in human beings given the presence of those elements that define trafficking in line with Article 110/a of the Criminal Code, including coercion into prostitution, deception and abuse of vulnerability.

This misclassification has direct legal consequences, leading to inappropriate sentencing (lower sentencing if classified under Article 114 exploitation of prostitution), reduced legal protections for victims and diminished accountability for perpetrators.

The classification of criminal offenses under different legal provisions of the Criminal Code (provisions not related to trafficking), is seen as a general issue of great concern. This is highlighted by the Penal College of the Supreme Court in its Unifying Decision No 217/2022,[35] in an effort to clarify legal provisions and ensure their uniform interpretation and application, resolve judicial inconsistencies and serve as precedent for future cases.
The Penal College of the Supreme Court examined key legal issues related to the criminal offense of human trafficking and its judicial interpretation.

One of the primary issues addressed was the legal distinction between exploitation of prostitution (Article 114 of the Criminal Code) and trafficking in adults (Article 110/a CC), particularly when the purpose of trafficking is sexual exploitation.

The Penal College of the Supreme Court emphasized that the fundamental distinction between these offenses lies in the victim's consent and free will. In cases of trafficking in adults, the victim's consent or willingness to engage in prostitution or any other form of exploitation is legally irrelevant, provided that one of the coercive means enumerated under Article 110/a – recruitment, transportation, transfer through usage of fraud, deception, force, or abuse of vulnerability, giving or receiving of payments or benefits to achieve the consent of a person who controls another person, for the purpose of exploiting the prostitution of others or other forms of sexual exploitation etc. —was used to achieve the exploitative purpose.

Conversely, in cases of trafficking in minors, the legal qualification of the offense is not contingent on the means used by the trafficker. The Penal College of the Supreme Court underscored that, under Albanian law and international standards, the use of force, coercion, or deception is not required to establish the crime of child trafficking. Moreover, the will or consent of the minor victim to the intended exploitation is legally inconsequential, regardless of the circumstances under which it was expressed. This aligns with international

[35] Supreme Court Decision of the Penal College. No. 00-2022-1679 Decision (217), para. 15.1. Available here.; See also: General Guideline of the General Prosecutor No 6/23.7.2024 on the effective investigation and prosecution of criminal offences against trafficking in persons, aims to ensure efficient investigation and prosecution of cases of trafficking in persons, effective protection of rights of victims and protection of human rights, and issuing of measures/sanctions that are effective, proportional and preventive. The General Guideline aligns national practices with ratified international instruments and standards, including Victims' Rights Directive 2012/29/EU, and Council Directive 2004/80/EC. Available here.

legal instruments, including the Palermo Protocol and the Council of Europe Convention on Action against Trafficking in Human Beings, which establish that a child's consent is never a defense in cases of human trafficking.

To note, the Supreme Court Penal College held that the criminal offenses punishing trafficking in human beings (adults or minors) do not necessarily require the occurrence of a criminal consequence in order for it to be considered committed. When the substantive criminal law provides for qualifying circumstances related to the occurrence of a concrete consequence, then the criminal offense of trafficking in human beings will be treated as a substantive criminal offense (this is related to the verification of the consequence).

Legal reasoning and writing

There is an overall lack of clear legal reasoning and drafting of court decisions, which directly impacts the clarity and depth of available case information. The absence of well-documented judicial reasoning makes it difficult to assess whether courts are applying legal standards and principles, such as proportionality and victim protection.

Out of the 29 court decisions analyzed, only 9 explicitly reference the European Convention on Human Rights (ECHR) and the jurisprudence of the European Court of Human Rights (ECtHR), primarily in relation to Article 6 which guarantees the right to a fair trial. These references appear in 5 first-instance court decisions and 4 Supreme Court rulings.[36]

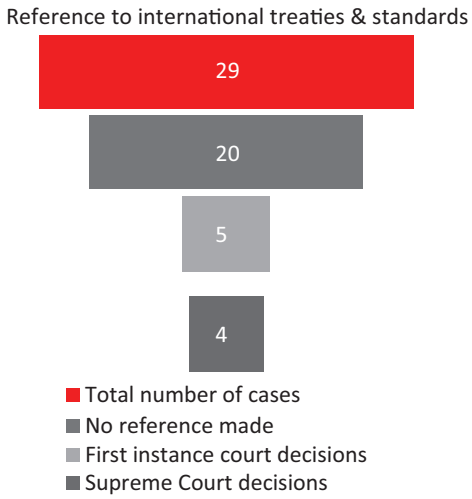

Figure 20 Reference to international treaties and standards

[36] Incorporation of reference to international standards is highly encouraged in the initial and continuous training program of the Albanian School for Magistrate dedicated to judges and prosecutors, as a mean to enhance their legal reasoning process and knowledge.

V. Concluding remarks

Key observations

Key observations and data from the court decisions, including information on the position and rights of victims can be summarized as following:

- There has been an almost equal distribution among cases of internal trafficking (48%) and cross border trafficking (52%).
- Women continue to be a high-risk group, making up for 79% of the victims.
- Out of 11 cases of child trafficking, in 9 cases the victim was an unaccompanied minor, unprotected or had been subject to exploitation since an early age – specifically, in three out of nine cases the child has been exploited since the age of 15.
- Across the 29 court decisions analyzed, a total of 53 individuals were accused.
- In the 18 verdicts of the Courts of First Instance of the General Jurisdiction, there are a total of 34 defendants – 26 men and 8 women. 22 of them were found guilty – 2 for trafficking of minors, and 20 for exploitation to prostitution.
- The analysis of first-instance court decisions (detailed in Annex 1) reveals that among all convicted cases, 12 defendants received prison sentences, 1 was placed under house arrest, and 9 were required to report to the Probation Office.
- Among the cases where data is available, 23% of defendants had prior convictions, 18% had no previous convictions, and 6% had been subject to prior investigations.
- The data shows that the longest individual sentence imposed was 20 years, while the shortest was 3 years and 4 months, with an average sentence length of 4 years.
- From a total of 11 Supreme Court decisions, 19 people have been charged: 6 people have been charged under Article 110/a “Trafficking in persons”; 8 people under Article 128/b “Trafficking of minors”; 2 people under Article 114 “Exploitation for prostitution”.
- In 25 out of 29 court decisions, it is evident that perpetrators leveraged gender norms, deceiving victims through fake marriage proposals or fraudulent job offers.

A matter of serious concern remains the incorrect classification of offenses (48%). Out of 29 cases, 7 cases should have been classified as child trafficking, and 8 cases should have been classified as trafficking in human beings. This may have implications on the right to a fair trial and access to rehabilitation and reintegration opportunities.

There is an overall lack of clear legal reasoning and drafting of court decisions, which directly impacts the clarity and depth of available case information. The absence of well-documented judicial reasoning makes it difficult to assess whether courts are applying legal standards and principles, such as proportionality and victim protection. Having said that, there is no information in the text of court decisions on the position and rights of the victims, including

their right to be heard. The court does not provide for any information on rehabilitation possibilities for the victim, does not take special consideration of their vulnerable status.

Following this, it should be highlighted that failure to adopt trauma-informed practices raises serious concerns about the accessibility and victim-centeredness of the legal process, highlighting the need for alignment with international standards, including the Palermo Protocol (Article 6) and the Council of Europe Convention on Action against Trafficking in Human Beings (Article 12, 15 and 28), which emphasize the importance of victim protection and procedural accommodations.

Only in 6 cases the court rewarded compensation for the costs associated to judicial proceedings. In 14 cases, no information is provided regarding the compensation of victims, leaving the issue of victim reparation unclear or unaddressed in the judicial records. In 7 cases, the victim did not request compensation, which may reflect either a lack of awareness of their right to seek compensation or an absence of adequate support to facilitate such requests.

There is an urging need to apply a victim-centered approach in accordance with international standards so that the status of victim is protected and secondary victimization and traumatization is avoided. Privacy protection remains a matter of concern – with sensitive data easily retrieved from texts of 22 out of 29 court decisions.

Recommendations

Training and capacity building
Provide specialized training for judges, prosecutors, and law enforcement on the proper classification of trafficking and exploitation-related offenses.

Strengthen judicial reasoning and legal drafting capacities of the judiciary.

Provide continuous training on international standards and best international practices.

Legislative
Ensure implementation of Law No. 70/2017 regarding is not hindered by legislative ambiguities regarding victim compensation mechanisms and accessibility.

Revise the Criminal Code of the Republic of Albania to refer to internal trafficking.

Revise the Criminal Code to foresee provision on criminalizing the trafficking of minors for illegal adoption, in line with Directive 2011/36/EU.

VI. Appendix 1: Data on first instance court decisions

No	Criminal Offence	Gender	Stipulated sentence	Imposed sentence / sanction	Cumulative sentence
1	114/2 C.C – Exploitation to prostitution	Male	7 – 15 years of imprisonment	7 years – 1/3 of the sentence – finally 4 years and 8 eight months of imprisonment	
2	114/2 C.C – Exploitation to prostitution	Male	7 – 15 years of imprisonment	7 years – 1/3 of the sentence – finally 4 years and 8 eight months of imprisonment	
3	113/2 C.C – Prostitution	Male	with a fine or imprisonment up to three years	"Obligation to appear in Probation office"	
4	113/1 C.C – Prostitution	Female	with a fine or imprisonment up to three years	Security measure "home arrest"	
5	114/2 C.C – Exploitation to prostitution	Male	7 – 15 years of imprisonment	Security measure « prison arrest »	
6	114/2 C.C – Exploitation to prostitution	Male	7 – 15 years of imprisonment	Security measure « prison arrest »	
7	114/2 C.C – Exploitation to prostitution	Male	7 – 15 years of imprisonment	Security measure « prison arrest »	
8	113/1 C.C – Prostitution	Woman	with a fine or imprisonment up to three years	"Obligation to appear to Probation office"	
9	114 C.C. – Exploitation to prostitution	Male	2- 5 years of imprisonment	Security measure "prison arrest"	
10	114 C.C – Exploitation to prostitution	Male	2- 5 years of imprisonment	Security measure "prison arrest"	
11	128/b C.C – Trafficking of minors – Left in the attempt	Male	10-20 years of imprisonment	5 years of imprisonment In the application of Article 406 of the Penal Code, 1/3 of the sentence is deducted and ultimately the defendant is sentenced to 3 years and 4 months imprisonment	

12	128/b C.C – Trafficking of minors – Left in the attempt	Female	10-20 years of imprisonment	4 years of imprisonment. In the application of Article 406 of the Penal Code, 1/3 of the sentence is deducted and ultimately the defendant is sentenced to 2 years and 8 months imprisonment. In application of Article 59 of the Penal Code, the suspension of execution by imprisonment for the remaining unserved part of the sentence, for the defendant for a period of 2 (two) years starting from the day after the announcement of the decision, during which period the defendant must keep in contact with the Probation Service Local Office and must not commit another criminal act.	
13	114/2 C.C – Exploitation to prostitution	Male	7 – 15 years of imprisonment	7 years imprisonment	
14	114/2 C.C – Exploitation to prostitution 115 C.C – Maintaining Prostitution Premises	Male	7 – 15 years of imprisonment with a fine or imprisonment up to three years	8 years imprisonment 1 year imprisonment	9 years – In the application of Article 406 of the Penal Code, 1/3 of the sentence is deducted and ultimately the defendant is sentenced to 6 years imprisonment.
15	113/1 C.C – Prostitution	Female	with a fine or imprisonment up to three years	2 years of presentation to the Local Office of the Probation Service	
16	113/1 C.C – Prostitution	Female	with a fine or imprisonment up to three years	1 year and four months of presentation to the Local Office of the Probation Service	

17	114/1 C.C – Exploitation to prostitution 115 C.C – Maintaining Prostitution Premises	Male	2- 5 years of imprisonment with a fine or imprisonment up to three years	2 years and 2 months imprisonment 1 year and 6 months imprisonment	3 years and 6 months – 1/3 of the sentence – finally 2 years and 4 months
18	113 C.C – Prostitution	Male	with a fine or imprisonment up to three years	9 months imprisonment – 1/3 of the sentence – finally 1 year presentation to the Local Office of the Probation Service	
19	113 C.C – Prostitution	Female	with a fine or imprisonment up to three years	2 years obligation to appear in the Local Office of the Probation Service	
20	114/2 C.C – Exploitation to prostitution 115 C.C – Maintaining Prostitution Premises	Female	7 – 15 years of imprisonment with a fine or imprisonment up to three years	7 years and 6 months imprisonment 2 years imprisonment	7 years and 6 months of imprisonment – 1/3 of the sentence – Finally 5 years of imprisonment Pursuant to Article 59 of the Criminal Code, the court decides the suspension of Imprisonment by putting the defendant on probation for a term of 5 (five) years
21	115 C.C – Maintaining Prostitution Premises 180/1 C.C – Concealment of income	Male	with a fine or imprisonment up to three years imprisonment from one to 3 years	4 years imprisonment 3 years imprisonment	6 years of imprisonment – 1/3 of the sentence – finally 4 years of imprisonment Pursuant to Article 59 of the Criminal Code, the court decides the suspension of Imprisonment by putting the defendant on probation for a term of 5 (five) years

22	76 C.C – Intentional murder 110/2 C.C Unlawful deprivation of liberty 114/2 C.C - Exploitation to prostitution 278/2 C.C. Production and illegal possession of weapons	Male	10-20 years of imprisonment 3-7 years of imprisonment with a fine or imprisonment up to three years imprisonment from one to 3 years	17 years imprisonment 4 years imprisonment 8 years imprisonment 3 years imprisonment	20 years - In the application of Article 406 of the Penal Code, 1/3 of the sentence is deducted and ultimately the defendant is sentenced to 13 years and 4 months of imprisonment

VII. Appendix 2:
Data on decisions issued by Supreme Court

No	Criminal Offence	Gender	Stipulated sentence	Imposed sentence / sanction	Cumulative sentence
1	128/b C.C - Trafficking of minors, in collaboration	Male	10-20 years of imprisonment	15 years and 6 months imprisonment	In the application of Article 406 of the Criminal Code, sentenced to 10 years and 4 months.
2	128/b C.C - Trafficking of minors, in collaboration	Male	10-20 years of imprisonment	15 years imprisonment	In the application of Article 406 of the Criminal Code, sentenced to 10 years
3	114/2 C.C - Exercise of prostitution	Male	7 – 15 years of imprisonment	7 years in prison under aggravating circumstances using violence and threats.	
4	110/a/4 C.C « Trafficking in person » in collaboration, repeated.	Male	No less than 15 years	20 years of imprisonment	In application of Article 406, 1/3 of the sentence is deducted. Finally being sentenced to 13 years and 4 months in prison.
5	110/a/4 C.C « Trafficking in person » in collaboration 128/b C.C. – “Trafficking of minors” in collaboration 114/2 C.C – “Exploitation to Prostitution” in collaboration	Male	No less than 15 years 10-20 years of imprisonment 7 – 15 years of imprisonment	15 years of imprisonment 16 years of imprisonment 8 years of imprisonment	In application of Article 406, 1/3 of the sentence is deducted. Finally being sentenced to 12 years in prison.

6	128/b C.C. – “Trafficking of minors” in collaboration 114/2 C.C – “Exploitation to Prostitution” in collaboration	Male	10-20 years of imprisonment 7 – 15 years of imprisonment	15 years of imprisonment 7 years of imprisonment	In application of Article 406, 1/3 of the sentence is deducted. Finally being sentenced to 10 years in prison.
7	110/a/4 C.C « Trafficking in person » in collaboration 128/b C.C. – “Trafficking of minors” in collaboration 114/2 C.C – “Exploitation to Prostitution” in collaboration 278/4 C.C. - “Unauthorized production and possession of military weapons and ammunition” 279/1 C.C - “Production, maintenance, buying or selling cold weapons without a permit”	Male	No less than 15 years 10-20 years of imprisonment 7 – 15 years of imprisonment Fine or up to 2 years of imprisonment Fine or up to 3 years of imprisonment	15 years of imprisonment 15 years of imprisonment 4 years of imprisonment 3 months imprisonment 6 months imprisonment	In application of Article 406, 1/3 of the sentence is deducted. Finally being sentenced to 10 years and 8 months in prison.
8	128/b/3 C.C. – “Trafficking of minors” in collaboration	Female	10-20 years of imprisonment	15 years of imprisonment	

9	128/b/3 C.C. – “Trafficking of minors” in collaboration 198/2 C.C. - “Passport forgery”	Male	10-20 years of imprisonment 6 months – 4 years of imprisonment	16 years of imprisonment 1 year of imprisonment	In application of Article 406, 1/3 of the sentence is deducted. Finally being sentenced to 16 years of imprisonment
10	128/b/3 C.C. – “Trafficking of minors” in collaboration 189/2 C.C. - “Passport forgery”	Male	10-20 years of imprisonment 6 months – 4 years of imprisonment	15 years of imprisonment 1 year of imprisonment	In application of Article 406, 1/3 of the sentence is deducted. Finally being sentenced to 15 years of imprisonment
11	128/b/3 C.C. – “Trafficking of minors” in collaboration 189/2 C.C. - “Passport forgery”	Male	10-20 years of imprisonment 6 months – 4 years of imprisonment	16 years of imprisonment 1 year of imprisonment	In application of Article 406, 1/3 of the sentence is deducted. Finally being sentenced to 16 years of imprisonment
12	110/a/4 C.C.- « Trafficking in person » in aggravating circumstances	Male	No less than 15 years	16 years of imprisonment	In application of Article 406, 1/3 of the sentence is deducted. Finally being sentenced to 8 years of imprisonment
13	114/2 C.C. – “Exploitation to Prostitution” in aggravating circumstances, in collaboration 100/a/2 C.C. - “Sexual relations with minors with violence” in collaboration	Female	7 – 15 years of imprisonment 15 – 20 years of imprisonment	7 years of imprisonment 15 years of imprisonment	Pursuant to Article 55 of the Penal Code, finally imposed a sentence of 17 Years of imprisonment.

14	110/a/2 C.C.- « Trafficking in person » in collaboration	Male	7-15 years of imprisonment	10 years of imprisonment	In application of Article 406, 1/3 of the sentence is deducted. Finally being sentenced to 6 years and 8 months of imprisonment
15	110/a/3 C.C.- « Trafficking in person » in collaboration, accompanied by physical abuse and violence 76 C.C. - “Intentional murder”	Male	No less than 15 years 10-20 years of imprisonment	17 years of imprisonment 15 years of imprisonment	In merging the sentences, based on Article 55 of the Criminal Code, the defendant is finally sentenced to 25 years of imprisonment
16	110/a/4 C.C.- « Trafficking in person » in collaboration,	Male	No less than 15 years	15 years of imprisonment	
17	110/a/4 C.C.- « Trafficking in person » in collaboration,	Male	No less than 15 years	15 years of imprisonment	
18	128/b/3 C.C - Trafficking of minors	Male	10-20 years of imprisonment	15 years of imprisonment	The case is currently in the Court of Appeal of the Jurisdiction General with another judicial body
19	128/b/1 C.C - Trafficking of minors 283 C.C.- “Production and sale of narcotics”	Male	10-20 years of imprisonment 5-10 years of imprisonment	11 years of imprisonment 5 years of imprisonment	Consolidation of punishments pursuant to Article 55 of the Criminal Code, the punishment of the defendant, eventually with a single sentence of 11 years imprisonment.

VIII. Appendix 3: Research limitations

The report provides a comprehensive analysis to the extent that the available data allows. Having said that, several of limitations must be acknowledged.

Judicial drafting and reasoning
Shortcomings in judicial reasoning and drafting lead to a lack of detailed information, making it difficult to analyze the factors influencing legal decisions, assess the consistency of judicial interpretation, ensure legal certainty, and identify broader trends in trafficking-related cases.

There is a scarcity of detailed case information in available court decisions. In many instances, the case files either lack comprehensive factual backgrounds, or fail to provide sufficient context to fully understand the nuances of the case.

In addition, the research was limited in its ability to fully assess the representation of trafficking victims in the judicial process. Information regarding how victims are involved, or represented during court proceedings is lacking.

This lack of data hinders the study's ability to offer a complete and nuanced picture based solely on court decisions. To supplement this gap, the analysis integrates, where appropriate, information from other sources, including international monitoring bodies reports, which provide additional perspectives on the situation.

Delays in response
Official requests for information were sent by the the project staff end-July 2024, to 13 courts of first instance of the General Jurisdiction in Albania, the Special Court of First Instance against corruption and organized crime, the Court of Appeal of General Jurisdiction,[37] the Special Court of Appeal against corruption and organized crime, and the Supreme Court. The project staff managed to collect answers during September – November 2024.

Low response rate
Of the courts contacted, only six provided court decisions upon request. Five courts indicated that they had no records of court decisions for the requested criminal offenses during the specified period, and no response was received from six other courts. This low response rate further limited the breadth of the data available for analysis, preventing a more representative overview of trafficking-related judicial practices.

[37] After 2023, Albania has only one Court of Appeal of General Jurisdiction.

Despite these limitations, the research still offers valuable insights, with the understanding that the findings are based on the available data. It is important to note that the legal reasoning and drafting capacities of the judiciary could play a key role in addressing these limitations in the future.

It is important to recognize the legal reasoning and drafting capacities of the judiciary, which may play a role for addressing these limitations in the future.