**Call for input for the Special Rapporteur’s report on*“contemporary forms of slavery as affecting persons belonging to ethnic, religious and linguistic minority communities”,*to be presented to the 51st session of the Human Rights Council in September 2022. Questionnaire available**[**here**](https://www.ohchr.org/EN/Issues/Slavery/SRSlavery/Pages/SRSlaveryIndex.aspx)**. Deadline 20 February 2022.**

<https://www.ohchr.org/EN/Issues/Slavery/SRSlavery/Pages/minority-communities.aspx>

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## Call for input to report on contemporary forms of slavery as affecting persons belonging to ethnic, religious and linguistic minority communities

**Deadline:**

20 February 2022

**Issued by:**

Special Rapporteur on contemporary forms of slavery, including its causes and consequences

**Purpose:**

To inform the report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, to the 51st session of the Human Rights Council

### Background

The Special Rapporteur will focus his next thematic report to be submitted to the 51st Session of the Human Rights Council on the protection of minorities from contemporary forms of slavery. For the purpose of the report, he will examine the experiences of persons belonging to ethnic, religious and linguistic minority communities discriminated on the basis of work and descent. The Special Rapporteur will also examine the situation of migrant workers as most tend to belong to minority ethnic communities.

### Objectives of the report

The report aims to assess to what extent persons belonging to ethnic, religious and linguistic minority communities are subjected to contemporary forms of slavery such as forced labour, bonded labour, worst forms of child labour, sexual slavery, domestic servitude, servile forms of marriage or descent-based slavery. The report also aims at identifying best practices in preventing/addressing contemporary forms of slavery affecting persons belonging to minority communities while it will also highlight persisting protection gaps. On that basis, the report will provide practical recommendations on how to better protect persons belonging to minority communities from contemporary forms of slavery.

### Key questions and types of input sought

1. Is there evidence of minorities being subjected to contemporary forms of slavery (e.g. forced labour, bonded labour, forced/child marriage, descent/caste-based slavery and related practices) in your country/community? If so, please provide information relating to the profiles of victims and the nature and extent of their exploitation and abuse. What additional traits and characteristics, including gender, age, sexual orientation and disabilities, have made them more vulnerable?

**Response:** In an overview, Albania is part of the countries that have taken concrete actions and marked results in the fight against trafficking in human beings (contemporary forms of slavery). Albania has ratified several international acts related to the fight against trafficking in human beings and smuggling, including the United Nations Convention against Transnational Organized Crime[[1]](#footnote-1), and two of its Protocols, the Council of Europe Convention on Action against Trafficking in Human Beings[[2]](#footnote-2), as well as a number of other international acts that have served as a basis and reference for improving the domestic legal framework.

As in other countries, the vulnerable groups including children, minorities (Roma and Egyptian minorities), groups with economic difficulties and social problems, immigrants, women’s and girls, and young people remain the most at risk of trafficking in Albania.

Regarding the question for the profile of the most vulnerable groups subjected to contemporary forms of slavery we would single out the Roma minority. There are no data on trafficking for religious reasons but there are cases of trafficking of foreigners and migrants that are related to linguistic elements.

Related to Roma minority 25% of the cases (including minors and adults) assisted at D&E program are from Roma community during 2021. They are exploited for sexual services (female victims), forced begging, committing criminal acts such as distributing drugs or stealing (minor male victims).

Foreigners and migrants remain a group endangered by trafficking, considering the increasing number of migrants who use Albania as a transit country to EU countries. In recent years there are data on the increase in the number not only of Albanians who emigrate abroad but also of foreign migrants who come to Albania for various reasons. For this purpose, the National Strategy on Migration and Action Plan 2019-2022[[3]](#footnote-3) has been approved, which represents an important step towards the accomplishment of the national and international commitments of the Government of Albania in the field of migration. Referring to this document Albania remains predominantly a country of emigration. The phenomenon of migration in Albania is also associated with some problems and factors that affect the aggravation of the situation such as: Increased demand and movement to other countries, mainly in developed countries; Growing perception that there is no perspective in the country and the solution remains to go abroad; Difficulties in concluding various procedures on migration issues for cases referred to the State Institutions responsible for migration issues, as well as diplomatic missions for foreign nationals. Migrants remain the most vulnerable category to be exploited and trafficked by criminal groups. Migration affects all genders but a gender approach helps us to properly address the phenomenon. A typical example is the situation of women and girls who are victims of domestic violence who in an effort to escape violence or even for a better economic solution seek to emigrate, risking their future even more. Divorced women seek the permission of the other parent to emigrate with their children, risking their children in this case.

1. What types of personal, situational and structural factors push minorities into contemporary forms of slavery in your country/community?

**Response:** The majority of the victims of contemporary forms of slavery that comes from Roma community have comes from dysfunctional family relationships. Their parents were violent, negligent, expel their children from home and in most cases had a low level of education. They had low-income families where one of the parents or both are unemployed. The structure of the households and their size are also characterized by more cohabitation between generation and a higher number of members. In most of the cases parents are separated or divorced and having conflicting relationship with stepfather or stepmother was the reason to escape from home. Sexual abuse, incest from family members. *“I was sexually abused by my stepfather, and when I told my mom what had happened to me, she didn’t believe me and even told me that I was mad...”* Besa, 19 years old. Early marriages, child labour and mobility, may also render Roma children more vulnerable to trafficking. Such practices make parents less aware of the risks and the problems when children are expected to work to contribute to the family income instead of regularly attending school. Entrusting a child to a relative, friend or acquaintance who promises to find him/her work, may appear acceptable to parents who are unaware of the actual conditions that will be encountered in a foreign country.

1. Are there wider political, economic, social, religious and cultural factors making persons belonging to minorities vulnerable to these practices?

**Response:** Roma people face every day with discrimination and exclusion in many spheres of life. Unemployment is particularly high among this community, and those who are employed occupy most often low paid positions. Poverty is widespread and many people do not have access to necessities such as electricity or even clean water. Poverty and living conditions directly affect the Roma and Egyptian children’s opportunities for education

1. What has your government done at the local, national, or regional levels to protect minorities from being subjected to contemporary forms of slavery in your country? Please share examples.

**Response:** The Action Plan for the Integration of Roma and Egyptians 2016-2020, focuses in particular on objectives and activities in education, employment and vocational training, health care and social protection, housing and urban integration, as well as civil registration and access to justice. The Ministry of Health and Social Protection has updated the measures and is following the process based on the New Plan for the Inclusion of Roma and Egyptians 2021-2025. At the local level, local development plans for the Roma and Egyptian minorities have been approved in some municipalities of the country, which address priority areas for the inclusion and integration of these minorities such as: employment, housing, health, service delivery, social protection and civil registration. Based on the National Action Plan for the Integration of Roma and Egyptians in the Republic of Albania 2016–2020”, 34 the number of Roma teachers and educators increased by 5 per cent in 2017 compared to the first evaluation in 2013 when the number was 93. In March 2019, the Albanian Parliament approved Law No. 15/2019 on Employment Promotion Programs. The law introduces a specific programs for self-employment, which addresses several segments among the Roma and Egyptian population who are engaged in informal economic activities or who are interested in developing a small business. **953** youth Roma and Egyptians were employed by Regional Employment offices including the individuals who participated in Employment Promotion Programs and those who are employed through mediation of the Regional Employment Directorates. A new Law on Social Housing was approved by Parliament in May 2018, addressing shortcomings in the field of housing and forced eviction. The law requires a quota of five percent of housing to be reserved for the most vulnerable members of the Roma and Egyptian communities.

1. What have non-governmental entities, including businesses and educational institutions, done to provide equal access to decent work and quality education in your country? Please share examples.

**Response:** A variety of measures undertaken the recent years, including compulsory education enrolment of Roma children  of age 7–15 years, free textbooks and transportation, home visits, assistance with homework, language lessons and workshops for parents, have contributed to increasing the number of Roma children who attend school. NGOs have raised the activities and awareness campaigns among Roma parents about the need to enrol their children in compulsory education.

1. What has been the role of civil society organisations, faith-based organisations, trade unions, and human rights defenders in protecting minorities from being subjected to contemporary forms of slavery? Please share examples.

**Response:** The Organisation “Different & Equal” provide a full package of reintegration assistance to women and girls victims of trafficking (including beneficiaries form Roma Community and other vulnerable groups) through three phases 1) initial crisis intervention in Shelter, 2) stabilisation and transition and 3) social inclusion and reintegration. A full package of reintegration services D&E offered at each of these three stages to VoT, including shelter and community services. The package of services includes: Accommodation, security, and reintegration plan; Immediate medical assistance; Intermediation/facilitation with the family of origin; Assessment and psycho-social counselling; Support and legal assistance; Assistance to register and attend schooling; Professional training; Social activities; Mentoring; Counselling and support for employment; Financial support and long term accommodation; Information on available services in the community and respective contact information; Employment programs aiming to create jobs; Assistance and support for the children of the victims of trafficking; Monitoring and ongoing follow up of the beneficiaries of the program.

1. What has been the impact of the COVID-19 pandemic on minorities, including the related adopted measures and its social or economic effects with regard to contemporary forms of slavery? What actions has your government taken to protect them?

**Response:** Considering the impact of the COVID-19, it is difficult to understand the complexity of contemporary forms of slavery, but there is a fact accepted by all that trafficking of human beings mostly affects vulnerable groups and those areas where the action of Institutions is not effective. Dealing with COVID-19, Institutions have reduced the vigilance and resources for other problems such as contemporary forms of slavery. NGOs in Albania reports for tripling of the number of calls for cases of domestic violence during the pandemic situation. According to the World Bank, in April 2020, Albania has had the highest unemployment rate of 25% in Western Balkans. We know that increasing of domestic violence, poverty, unemployment, lockdown of schools and other socio-economic problems created by COVID\_19, have a direct impact on contemporary forms of slavery, especially for the vulnerable groups such as Roma Community.

Concerning the situation caused by COVID -19 D&E has taken some special measures based on the instructions and bylaws acts of the Government for security and safeguarding policy for shelter, all the beneficiaries and the staff.

1. What are persisting obstacles/challenges in preventing minorities from being subjected to contemporary forms of slavery? What mechanisms exist in your country to report instances of contemporary forms of slavery as affecting members of minorities? How actively are such mechanisms used by members of minorities and to what extent have they been able to access justice and remedies? What are the main obstacles/challenges in this regard?

**Response:** Albania also has an institutional framework at central and local level that addresses the fight against trafficking in human beings, including trafficking of vulnerable groups (including Roma community, foreigners and and migrants). The government has drafted specific strategies and action plans for the fight against human trafficking. Regarding the protection of victims of trafficking, Albania has a National Referral Mechanism[[4]](#footnote-4) (NRM) established by a cooperation agreement between the main responsible Institutions, NGOs and International Organizations that provide services to victims of trafficking, including 4 residential shelters for victims (3 of them managed by NGOs). This Cooperation Agreement regulates the functioning of the National Referral Mechanism for the identification, referral, protection, and improved assistance to victims / potential victims of trafficking. To ensure the implementation of this mechanism, standard operating procedures have been approved, recently revised in 2018. This document provides for 3 different situations of identification and referral of trafficking cases, in the territory, at the border and abroad, which regulates in detail the procedures applied for referring cases of foreigners and migrant. Currently, there is no hierarchical structure in the country for the protection of victims of trafficking but there are several support mechanisms such as: Responsible Authority, the Office of the National Anti-Trafficking Coordinator, the Task Force for Anti-Trafficking, the State Anti-Trafficking Committee, the Regional Anti-Trafficking Committees and the Shelter Coalition. All this structure help in the functioning and implementation of the NRM.

1. What mechanisms exist in your country to report instances of contemporary forms of slavery as affecting members of minorities? How actively are such mechanisms used by members of minorities and to what extent have they been able to access justice and remedies? What are the main obstacles/challenges in this regard?

**Response:** In recent years, Albania has undertaken an important reform so cold “Justice Reform” that has had its impact on the fight against trafficking in human beings. During the justice reform, some legal changes were made that improve the position of the victims, but unfortunately the reform as a whole has not produced results in terms of criminal prosecution. The situation becomes even more complicated when it comes to more access for victims belonging to marginalized groups including the Roma community and foreigners.

Specifically related to trafficking in human beings, the news amendment on Criminal Procedural Code related to the changes of competencies for the prosecution of cases on Trafficking in human beings and the shortcomings created by the vetting process of judges and prosecutors have also reduced the number of cases investigated and tried *(see the data above referred to the TIP Report 2021).* Regarding prosecution, Albania applies a severe policy against trafficking in human beings. Punishments for these offenses are regulated in the Criminal Code, Article 110/a "Trafficking in adults", and Article 128 /b "Trafficking in children", These articles and other supplementary provisions provide for penalties in case of trafficking ranging from 8 to 15 years imprisonment and the sentence shall be increased to 25 years and life imprisonment in the event of the death of the victim.

Despite the measures taken, referring to the reports of International Institutions, the situation of trafficking in human beings remains problematic. According to the latest report of the State Department[[5]](#footnote-5) *"The Government of Albania does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so"*. Referring to this report the government did not meet the minimum standards in several key areas. The government did not convict any traffickers, identified fewer victims, and reduced resources to NGO-run shelters. The government lacked screening efforts for vulnerable populations — particularly migrants, asylum-seekers, individuals in commercial sex, and children — and mobile victim identification units (MIU) remained underfunded and staffed despite identifying most of the victims every year. During 2020, The Albanian State Police (ASP) investigated 31 cases with 32 suspects (41 cases with 62 suspects in 2019); 22 cases with 27 suspects for adult trafficking and nine cases with five suspects for child trafficking. The General Prosecution Office (GPO) investigated 43 cases with 16 defendants (25 cases with eight defendants in 2019); 30 cases with four defendants for adult trafficking and 13 cases with 12 defendants for child trafficking. GPO prosecuted two cases with 12 defendants (three cases with three defendants in 2019); one defendant for adult trafficking and eleven defendants for child trafficking. Courts did not convict any traffickers (five in 2019). The appeals court reviewed and confirmed decisions on three traffickers (three in 2019).

The European Commission Report 2021 for Albania[[6]](#footnote-6) noted that more efforts are needed to tackle cybercrime, trafficking in human beings and money laundering cases. This report states that during 2020 were registered 66 cases on trafficking in human beings, but compare to the data published on statistical yearbook of the Ministry of Justice it result only one person convicted for trafficking in human beings.

Regarding to effective remedies, unfortunately, in Albania, still do not have a single case of being compensated as a victim of trafficking. Meanwhile, it should be said that despite the efforts made, there is still no alternative out-of-court mechanism that enables the compensation of victims of trafficking. Compensation to victims of trafficking through litigation is complex due to the procedures required by civil litigation in criminal proceedings. As a rule, the Court decides on the separation of the civil lawsuit from the criminal process. Civil proceedings take longer than criminal proceedings and may impede the progress of criminal proceedings. It results from the practice that in the civil lawsuit for compensation is required the involvement of the victim to prove the damage caused by putting her/him again in front of the perpetrator. In Albania there are only two cases assisted by D&E in cooperation with the CLCI (Center for Legal Initiatives) that have managed to win lawsuits for compensation as victims of trafficking, one case in 2010 and another case in 2018 and none of them has not been executed.

1. What recommendations do you wish to propose in order to effectively address these ongoing challenges and protect minorities from contemporary forms of slavery?

**Response:** The list of laws and legal acts that regulate various aspects of the fight against trafficking is long, but Albania still does not have a special law on the fight against trafficking, a need that has already been identified and accepted by all the Institutions. The Organization “Different & Equal” suggestion for a specific anti-trafficking law, focused on the protection of victims of trafficking. It is confirmed that the initiative of D&E for drafting a new law against human trafficking is included in the New National Action Plan against Human Trafficking (2021-2023) as one of the main measures in the section of drafting and changing legislation.

Based on a study report conducted by the organization “Different & Equal” [[7]](#footnote-7) there are identified several advantages of the initiative for a special law focused on the protection of victims of trafficking such as:  It serves as a basic law integrating and complementing all actions to protect victims of trafficking;  It serves as an instrument to guarantee effective protection with a pro-victim approach considering special measures for vulnerable groups;  It improves coordination of efforts, structures and mechanisms in protecting victims of trafficking, preventing and fighting trafficking in human beings;  It serves to create a state compensation scheme for victims of trafficking and fills legal gaps in compensation through litigation;  It provides better protection for victims of trafficking, by promoting and enhancing their cooperation with law enforcement agencies;  It improves the process of formal identification of victims of trafficking, as it promotes pro-active identification and self-identification of victims themselves; It also resolves the situation of determining the status of victims of trafficking, providing for an administrative and judicial appeal mechanism that is missing and is not even resolved in standard operating procedures.

### How and where to submit inputs

Input may be sent via e-mail, fax or postal mail by 20 February 2022.

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| **E-mail address:** | [ohchr-srslavery@un.org](mailto:ohchr-srslavery@un.org) |
| **E-mail subject line:** | Input for report of the SR on slavery to the 51st session of the HRC |
| **Fax:** | + 41 22 917 90 08 |
| **Word limit:** | 2000 words |
| **File format:** | Word, PDF |
| **Accepted languages:** | English, French, Spanish |

### How inputs will be used

Submissions will be published on this page unless confidentiality is requested for particular submissions.

1. Law no. 8920, dated 11.7.2002, "On the ratification of the United Nations Convention against Transnational Organized Crime and its two additional protocols" [↑](#footnote-ref-1)
2. Law no. 9642, dated 20.11.2006 "On the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings" [↑](#footnote-ref-2)
3. National Strategy on Migration and Action Plan 2019-2022 of the Republic of Albania, approved by the Council of Ministers by Decision no. 400, dated 19.6.2019 “On the adoption of the National Strategy on Migration and the Action Plan 2019-2022”. [↑](#footnote-ref-3)
4. Cooperation Agreement on the Functioning of the National Referral Mechanism for Victims and Potential Victims of Trafficking in Persons between the Ministry of Interior, the Ministry of Foreign Affairs, the Ministry of Education and Science, the Ministry of Health, the Ministry of Labor, Social Affairs and Equal Opportunities, General Prosecutor's Office, International Organization for Migration (IOM) - Tirana, The International Organization “World Vision”, Non-Profit Organization "Arsis", Non-Profit Organization" Different & Equal ", National Reception Center for Victims of Trafficking, Psycho Social Center "Vatra", Vlora, Non-profit organization "Tjetër Vizion", Elbasan, dated 15.06.2012. [↑](#footnote-ref-4)
5. Tip Report 2021 - https://www.state.gov/reports/2021-trafficking-in-persons-report/albania/ [↑](#footnote-ref-5)
6. European Commission Report for Albania 2021, published on October 19, 2021 [↑](#footnote-ref-6)
7. http://differentandequal.org/en/raport-studimor-mbi-nevojen-e-hartimit-te-nje-ligji-te-vecante-per-mbrojtjen-e-viktimave-te-trafikimit-ne-shqiperi/ [↑](#footnote-ref-7)