

“INNOCENT SMILES”



TRAFFICKING IN PERSONS REPORT IN THE ALBANIAN ROMA COMMUNITY

AMARO DROM – JUNE 2005

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This booklet is published under the framework of the struggle that Amaro Drom with the support of Minority Rights Group International is doing in order to prevent trafficking phenomenon in the Albanian Roma community.

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Skënder VELIU
Amaro Drom Union
PRESIDENT

The Albanian Roma Union “Amaro Drom” is a non- governmental, non- profit and non- political organization. It operates throughout the territory of the Republic of Albania, in all regions where the Roma community lives.

The mission of the Union is:

- The protection of identity and rights of Roma community in Albania;
- The update of the level of education of Roma community;
- The improvement of socio- economic conditions;
- The integration of this community in the majority society.

The Roma minority living in Albania dates back to earlier times; they have come to Albania about 600 years ago. The number of the population of this minority varies from 120 to 150 thousand inhabitants.

This community used to lead a nomad lifestyle, but it already lives in specific quarters or in most of the cases it shares the same areas with the majority society.

The Roma community lives under very difficult economic- social conditions. The unemployment, education, housing, public health, infrastructure and many other problems are faced by this minority. Given this sensitive and vital phenomena, different phenomena out of Roma culture and traditions are manifested within the Roma community. According to the information and sources of “Amaro Drom”, the phenomenon of “trafficking” is too sensitive.

It is quite dangerous for the Albanian society and even more dangerous for the Roma community. For this reason, different NGO-s, public and international institutions continue to conduct a strict fight against trafficking.

Our appeal to the Albanian society:

- Far from trafficking of children, girls and young women. None can be rich upon the blood and honor of our children and sisters.

An appeal to public institutions, police and justice bodies and the Albanian government:

- Have no mercy for anyone who sells the blood and honor of our sisters for making money.

The message of “Amaro Drom” is “STOP Trafficking.

Alma TAFANI
LAWYER

The collapse of the communist regime in the late nineties paved the way for the recognition, protection and observation of human rights and fundamental freedoms of Albanian people in general and fostered tangible information on the ethnic and cultural communities that in fact existed in Albania. However, just like other issues related to human rights and fundamental freedoms, they were totally ignored. The period of democratic changes, the integration in Europe and beyond required not only the formal commitment of the Albanian governments to sign significant agreements with the Council of Europe, but they were of mandatory character in terms of the recognition of the factual situation and assuming of responsibilities and specific obligations. The recognition, identification and afterwards the institutionalization of freedoms and rights of citizens in general and of minorities in particular were interlinked with concrete tasks in the meaning of legal sanctioning (the chapter of Rights and Freedoms was sanctioned in the Constitution of the year 1998). The policies of both left wing and right wing governments that have run the state these fifteen years have striven to exert a positive impact on the righteous and responsible understanding of state's commitments, as a guarantee of rights and freedoms of citizens and the creation of necessary legal infrastructure to the benefit and in protection of lifestyle of these communities and the provision of facilitating conditions for the integration of that part in the Albanian society.

The efforts of the Albanian state have enjoyed the considerable support of the civil society, whose contribution has been more fruitful and more concrete. Yet, in spite of the achievements reported to the benefit of the Greek and Macedonian minorities and to a certain extent of the Egyptian one, the Roma minority has been and continues to be the one receiving the least support. It is the most neglected and consequently the most exposed to the phenomena of crime and trafficking.

In addition to the role of the state, which has certainly the main responsibility, the civil society plays a sustainable role investing continuing efforts to the establishment of a favorable climate in support of minorities living and working in Albania. The civil society visibly influences the protection and observation of the rights of minorities, communities and cultural ethnic groups. It facilitates the establishment of a positive climate, having a direct knowledge of the complexity of issues of Roma minority; often through the representation of the civil society- it is hard for the government to adjust an indifferent attitude. However, it should be stressed that the lack of traditional democratic culture and instable and disturbing developments in the Albanian political arena, as well as the lack of a steady economy have been some factors which in the majority of cases have distracted attention from efforts to achieve such positive goals for a comprehensive framework of the total observation of human rights and fundamental freedoms of Roma community.

The Albanian society, in its ongoing efforts to consolidate the rule of law with the aim of the protection of human rights and fundamental freedoms of private citizens should attach the same importance to human rights and fundamental freedoms of Roma community living within the territory of the Albanian state. Otherwise, the lack of care and attention towards this community would undoubtedly represent a potential risk to this community including the form of trafficking of human beings, which constitutes one of the major challenges of the Albanian society.

Blerina GJEKA

PROJECT COORDINATOR

The trafficking in persons is a worldwide phenomenon, involving almost all countries serving as places of origin, transit or destination. This phenomenon seems to affect the entire world and there is no strategy to prevent or uproot it from the modern society, even though different actors have invested numerous efforts.

The trafficking of human being includes: recruitment, transportation, transfer, hiding or reception of persons through menaces or exercise of violence or other forms of coercion, abduction, fraud, abuse of duty, profits from the social, physical or psychic status or the exchange of payments or profits to obtain the consent of a person controlling another person, for the purposes of exploitation of prostitution of other persons or other forms of sexual exploitation, work or mandatory services of slavery and forms similar to the slavery, use or transplanting of organs and other forms of exploitation¹

Trafficking in Persons is considered the modern form of SLAVERY.

ALBANIA is lined up among origin, transit or destination countries for the purposes of temporary trafficking. The main forms of trafficking include the ones for prostitution and children begging basically in Italy and Greece. After that, many victims are transferred to Belgium, France, Switzerland and Great Britain.

VICTIMS: The trafficking persons mainly belong to the weakest groups of the society: poor and uneducated individuals, the repressed and neglected groups of the society, emigrants bearing no legal documents, young people leaving home or having serious problems.

However, even educated people from different ethnic groups and social strata become prey of trafficking. The traffickers of human beings “hunt” individuals of these groups because they are often prone to be controlled more easily and on the other hand are less protected by law. The victims are trapped through different methods.

Most often violence is exercised against them and in other cases false promises are made for job positions, marriage or a better living in foreign countries.

According to the estimations approximately 800,000 men, women, and children are trafficked across international borders each year, approximately 80% are women and girls and up to 50% are minors.²

TRAFFICKERS: Individuals, families or organized criminal groups use people of threatened social groups: young women and men or children. Taking advantage of their vulnerable situation, high level of unemployment, miserable economic

situation, lack of knowledge and information, periods of transition and wars, difficulties to integrate into the developed countries, corruption, deterioration of social values and misuse of the proper legislation, the traffickers of human beings, organized or not, have built THE BIGGEST INDUSTRY OF THE EXPLOITATION OF PEOPLE throughout the world. That occurs because the work as “slaves” and prostitutes generate high, quick and steady profits from the same victims and do not require investment for maintaining them.

It has a criminal nature and represents a threat to the public health and economic growth, because it stimulates corruption, social degradation and most importantly it constitutes a VIOLATION OF HUMAN RIGHTS.

¹ United Nations Convention against Transnational Organized Crime, Supplemental Protocol to Prevent, Suppress and Punish Trafficking in Persons.

² Trafficking in Persons Report (June 2005) U.S. Department of State.

II. Introduction of the Albanian Roma Minority

Beside the other minorities, in Albania do live Roma community, which officially is considered a linguistic minority. This community of people settled in Albania during a period ranging from the XIII century until the XV one.

There are approximately 1000 years since the ancestors of roma left their motherland India and started their migration, which dispersed them all over the world over the centuries. Even though they established a peaceful attitude while settling in Albania more than 600 years ago, they still lack a spirit of normal coexistence with their co-natives. This is due to the indifferent approach concerning their situation, prejudices and discrimination towards Roma people. They feel discriminated. Although this discrimination is not direct, it has led to the self-isolation of Roma people. There are approximately 120 thousand Roma inhabitants in Albania. Anyhow, there are no accurate records in this regard. Roma population is basically settled in Tirana, Elbasan, Durrës, Berat, Fier, Korçë, Vlorë, Fush Kruja, Gjirokastër etc. There are four Roma family groups: Meckar, Kallbuxhi, Kurtof and Cergar.

Roma Situation in Albania

Regarding their current situation in Albania, the indexes of the level of poverty, illiteracy, unemployment and trafficking are appalling. Although there is limited data, unemployment rates among Romani communities are reportedly disproportionately high: if the national unemployment average is put at 18%, among Romani communities unemployment rates may be as high as 90%. In some towns, unemployment among Roma is estimated at 100%, as for example in Gjirokastra and Delvina. 92% of roma consider finding a job as a difficult challenge.³ Until the years 1965-1967 most of Roma people led a nomad life, but after that period, they began to settle in permanent dwellings. Most of Roma people have provided comfortable and safe houses for their families, but some communities live in plastic or board barracks, where the electricity, potable water and other minimum living conditions are not available. Roma families encounter many difficulties in their social life. The scarce employment opportunities and the very low salaries force Roma people to immigrate in the neighboring countries, in order to have a better life. The immigration is usually illegal and the movement is often clandestine. The immigration encourages the divorce, the deterioration of traditions and culture, the prostitution of Roma females, the trafficking of Roma children and the abuse of their rights.

Situation of the Roma Children in Albania

Most of Roma children are illiterate. Some of the factors influencing this situation are the linguistic difficulties they encounter at the first grade of elementary school, the poverty in their families, the long distance dwellings from school and the wrong mentality of their parents. The low educational level is the most serious problem, impeding the integration of this community towards the majority society (64% of roma belonging to the age-group 7-20 years old are illiterate and 40% of roma from 20-40 years old are illiterate. 67% of roma families cannot afford to buy the books for their children)⁴. If Roma children have no possibility to complete a certain educational level, it means that their future is in danger. When adults, the children with no education are offered to do ordinary jobs, such as cleaning streets at night or during the day, begging or collecting cans.

³ World Bank Study, Hermine De Soto and Ilir Gedeshi.

⁴ World Bank Study, Hermine De Soto and Ilir Gedeshi.

Situation of the Roma Women in Albania

The Roma woman is a victim of the deep patriarchal mentality dating back to the Albanian past. This mentality leads to the low esteem towards them in daily life and in society. That is not all. Roma women are twice discriminated as they are victims of family violence, maltreated by their husbands or fathers. On the other hand, they are the most discriminated group of the society. Another serious problem is the lack of self-esteem, the lack of self-awareness with respect to their own positive values, the lack of confidence in the potentials and the opportunities they have while working out various problems, as they are supposed to be the protectors and conveyers of Roma culture and traditions, etc.

Roma women have the lowest age of marriage compared with the other ethnic groups or the Albanian majority. Even though Roma parents are aware about the risks of the early age marriages, the traditions and customs are stronger than they are. The young marriage brings health problems about the girls, and the young and numerous families that they create are fragile and under the risk of divorce.

III. The Research and its Objectives

The Union of Albanian Roma “Amaro Drom”, with the support of Minority Rights Group International launched the implementation of the project “Combined efforts against the phenomenon of trafficking of human beings in Roma community”. In the framework of this project, during May 2005, a study research was practically undertaken and its main objectives were:

- ❑ Collection of concrete information on the phenomenon of trafficking in different regions of the country;
- ❑ A study of the level of informing of the community on trafficking and its causes and consequences.

IV. Legal basis

The observations are based on the requirements of the Albanian legislation such as:

- The Constitution of the Republic of Albania
- The Code of Criminal Procedure
- The Criminal Code
- The law “On the protection of witnesses and collaborators of justice” No 9205 dated 15. 03. 2004
- The Convention “On the fight against international organized crime”
- The Law “On the prevention and fight of organized crime” No 9284 dated 30.09. 2004
- International Conventions on Human Rights.

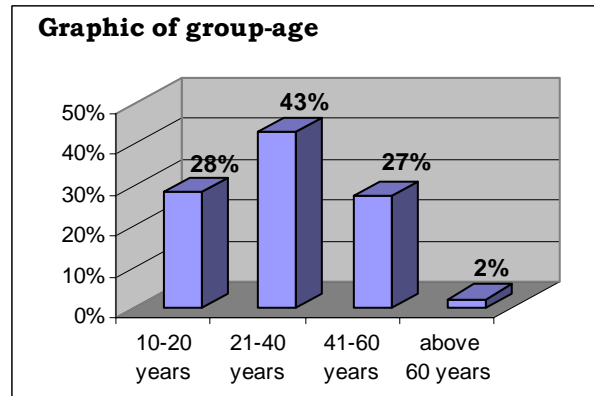
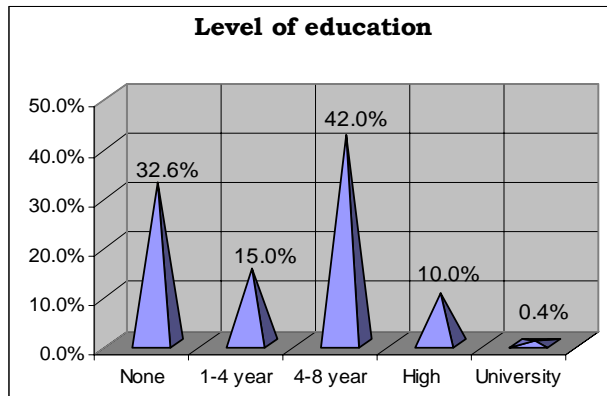
V. Methodology

The Union of Albanian Roma “Amaro Drom” with the support of Minority Rights Group International undertook a research on the collection of concrete information on the study of the level of informing of the community on trafficking, its causes and consequences in different regions of the country. The research was conducted in eleven Roma Albanian communities. Detailed information on the issue of trafficking in Roma community was extracted out of 250 collected interviews.

VI. The places where the survey was extended

The survey was extended in the Roma communities of Morava (Berat), Elbasan, Novosel (Vlore), Kuçove, Korçe, Baltez (Fier), Shkozet (Durrës), Levan (Fier), Grabian (Lushnje), Tirane and Saver (Lushnje) and Roma organizations: Amaro Drom (Tirane), Romano Kham (Tirane), Alba Rom (Durrës), Gruaja Rome e se Nesermes (Roma women of the future) {Tirane} and Romano Drom (Fushe Kruje).

250 persons were interviewed in eleven communities (54% females and 46% males). The interviewed people belonged to different age groups and educational levels.

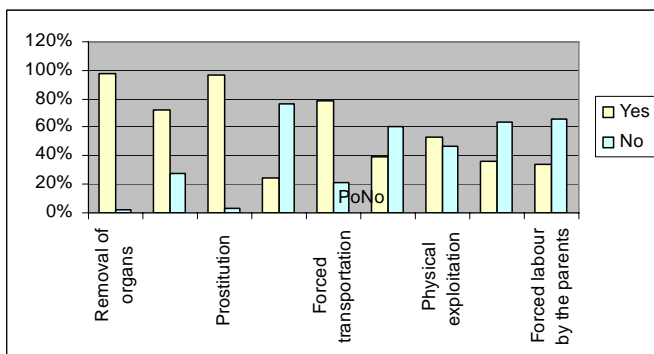
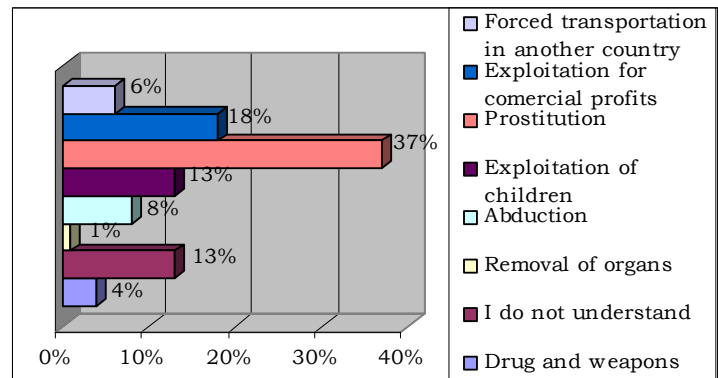


The study reported that most of the educated persons belonged to the age group 20- 50 years, demonstrating a higher level of school attendance by Roma population during the period of dictatorship, where the elementary and secondary education was mandatory and in cases of non-attendance of children at school, parents were punished to fines and other restrictive measures.

VII. Surveys in Roma communities and reported problems

1. Recognition of the term and the phenomenon of “TRAFFICKING”

According to the survey, the majority of Roma people identify the term “trafficking” with prostitution of females, selling of children and other human beings; 8% of people define this term as abduction and 6% as a forced leaving in another country. However, 13 % of them do not understand this term at all, making them even more sensitive to this phenomenon.



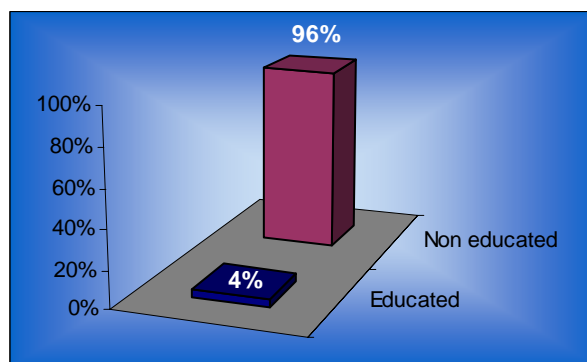
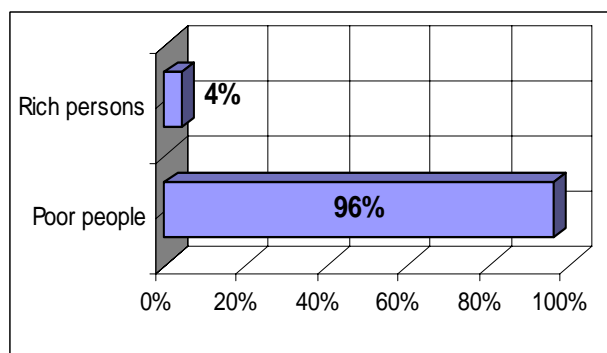
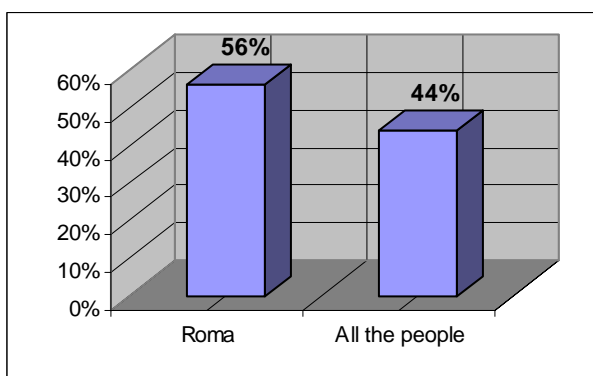
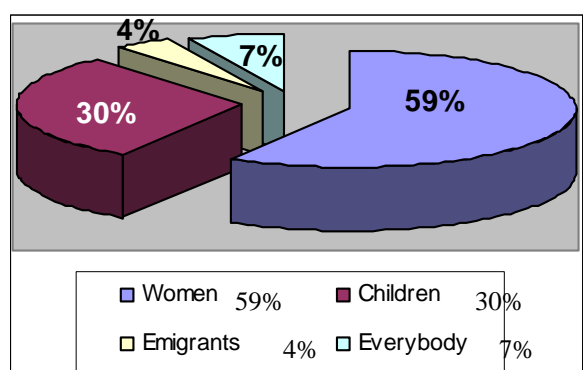
Analysis: The majority part recognize as part of trafficking the prostitution, the selling/removal of organs, the forced transportation to another country and the physical exploitation. Although they admit that the compulsory work is trafficking, 66% of them say that the work dictated by parents is not trafficking. At the end we may say that many people understand the

term/phenomenon of “trafficking”, but they are not aware of or do not want to accept that they themselves may be involved in it: mothers who send their children to work abroad (singing in the streets and begging) think they offer an opportunity of living to their children. Divorced women who fall prey of criminal networks and different families forcing their children to work as illegal immigrants think this is the only opportunity to survive. The prostitution and other forms of trafficking contribute to the increase of poverty, even though they are used as instruments of affording poverty (when other mechanisms are not available or when they do not meet the basic family needs).

Conclusion: The term or the phenomenon of “trafficking: is known by a majority part of the Roma community, but they are not aware of this phenomenon and do not have any knowledge of its consequences. It shows the low level of their recognition, information and education.

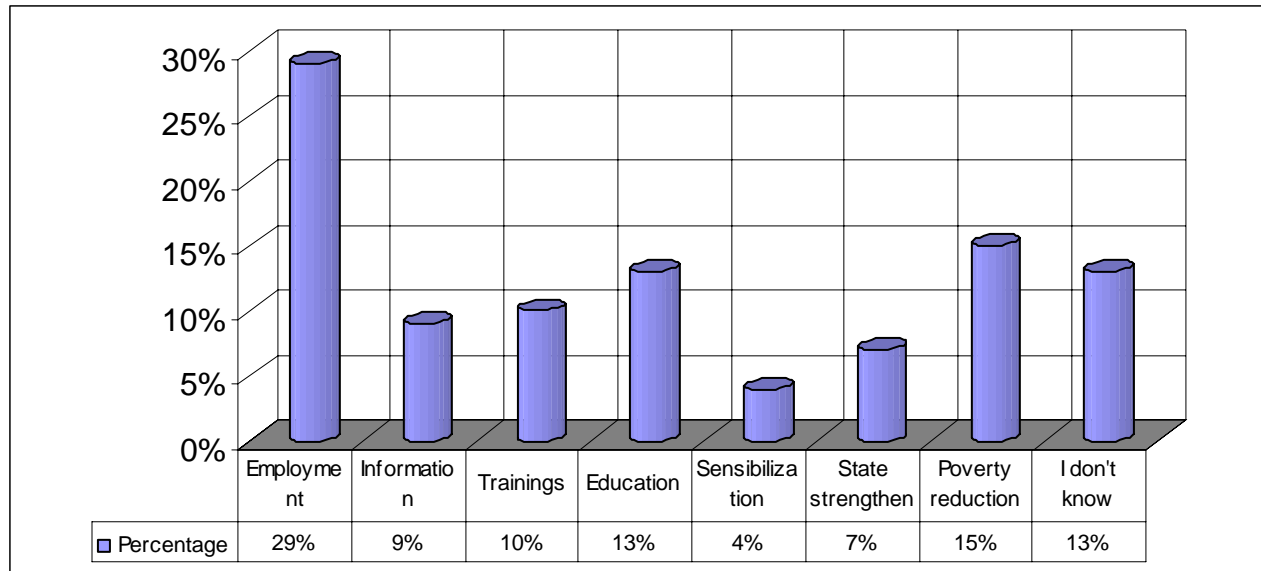
Suggestion: The sensibilization of Roma community on the recognition, information on the phenomenon of “trafficking” is quite necessary. The awareness of this community should be performed through the conduct of awareness- raising seminars, distribution of posters, community meetings and legal assistance for each reported concrete case.

2. The groups most affected by this phenomenon



Trafficking, being a widespread phenomenon in the Roma community, where the level of poverty is too high and the educational level is too low, requires as a major and primary task of the community, of Roma organizations and other national and international bodies, the fight for the prevention of this phenomenon.

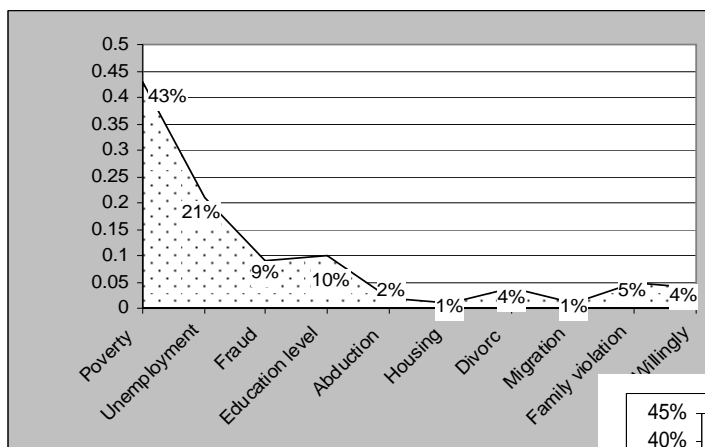
The members of this community think that the phenomenon of trafficking may be prevented by involving Roma people in employment programs, training sessions and meetings on the recognition of this phenomenon by the community members, the reduction of poverty, the strengthening of state and update of educational level.



Suggestion: The Albanian state should draft employment programs, applying the “National Strategy for the Improvement of living conditions of Roma minority”, which shall decrease to a certain extent the trafficking of people of this community.

3. Trafficking for sexual exploitation and the potential ways of trafficking

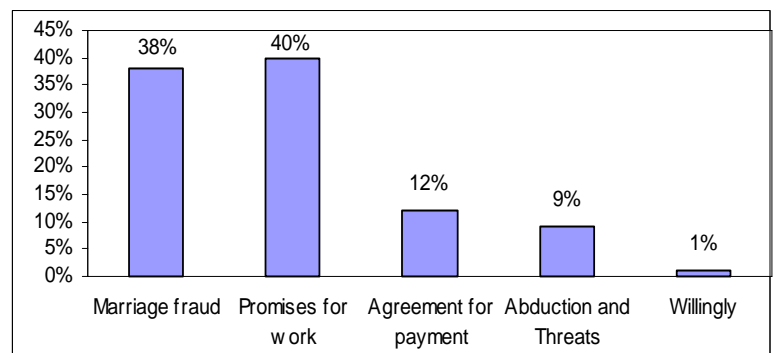
Trafficking for sexual exploitation dominates compared with the other forms of trafficking. The low level of unemployment and the high level of poverty, the difficulties for legal migration in the developed countries, corruption and the low condemnation of traffickers, gender and ethnic discrimination and the geographical position besides the seas and the borderline near developed countries such as Italy and Greece are the main causes of trafficking in Albania. In the roma community according to the datas, the main causes of trafficking in prostitution are: poverty, unemployment, fraud (promises for marriage, employment and better life abroad), ignorance concerning the consequences, as well as violence in the family and divorce.



conditions waiting for them: absolute control, systematic violence, having no money, no contacts with the relatives or friends, inhuman conditions and degradation of human values.

The most common ways that traffickers use to approach the victims are:

- Promises for employment;
- Fraud about marriage and better life abroad;
- Agreement for payment;
- 9% of the victims are forced to go by threats and abductions;
- 1% start willingly because they do not know the real



The best part of the members of the roma community think that the community must be active against this phenomenon and they say Yes to the question “Should victims of trafficking be helped or they choose their fate themselves?”, but many of them seek the solution in different factors outside their community.

A. victim of trafficking who tells her story

- It was 2002. At that time I was seventeen years old. I fell in love with a white young man. He deceived me, promising a safe future, even “marriage” ceremony and stuff like that. It didn’t happen that way as I felt prey of trafficking, being sold to a friend of his from Korca.

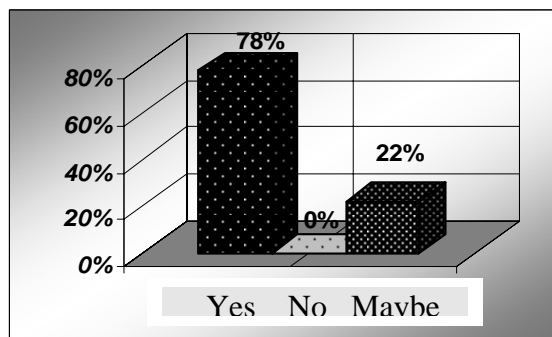
“It was winter and an icy weather. We departed to Greece at night, as we had to go there illegally. I was tired and terrified by the long walk in mountainous footpaths; without being aware of what was happening to me. What I understood was that it was cold and I was missing my family, even though I last saw them only two days ago. When I reached the place of trafficking, started the long torturing and overwhelming pain. I didn’t want. They beat me with the pants’ belt. They forced me to stay under icy water. They let me outdoors tied with a rope forcing me to exercise that profession. It was even more painful when I strived to leave somewhere else, but it was impossible.

They had located “protectors” everywhere. I remember when one of them tore my hair so hard that he gave me a tuft of hair in my hand. In the course of time my tears became even colder. An enormous hatred started to emerge deep down myself. I sold my body for four years. I was released from this agony, if I can say so, when a client of mine not less than 25 years of age, saw in my body the signs caused by the beating with the pants’ belt. He stopped the sexual intercourse immediately and swore before me that he would never have sex with a prostitute. Thanks to him I am presently free, but my freedom is cursed. That entire story left serious consequences in my life.

My body has already lost all the required energies. My mind deteriorates from time to time because of past tortures and pain. I am capable of nothing. I cannot report the persons who traffick me because I am afraid of my family.

- I wish only one thing: God, please don’t abandon me and give me strength to overcome that situation as I feel miserable.

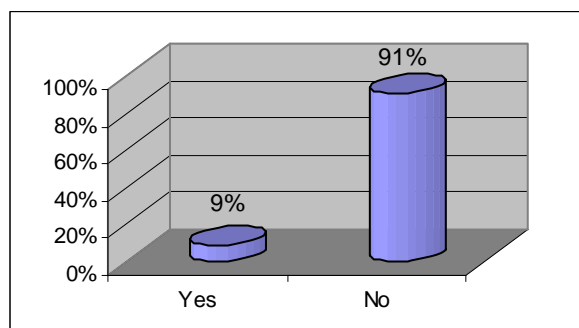
In cases of trafficking the community itself should be active, which means in case that a member of the community is trafficked, the community should report in the policy and should give social, economic, juridical and psycho-moral support to the victim. This community should ask stronger measures and punishment for the traffickers.



Suggestions:

- Long-term projects and sensitizing campaigns are indispensable for the social, economical, psycho-moral and juridical protection of the victims of trafficking.
- Sensitizing campaigns should be done in order to break the mentality of the roma community that consider it very difficult to accept a victim in their community.

Do you have information about discharge centres in Albania?

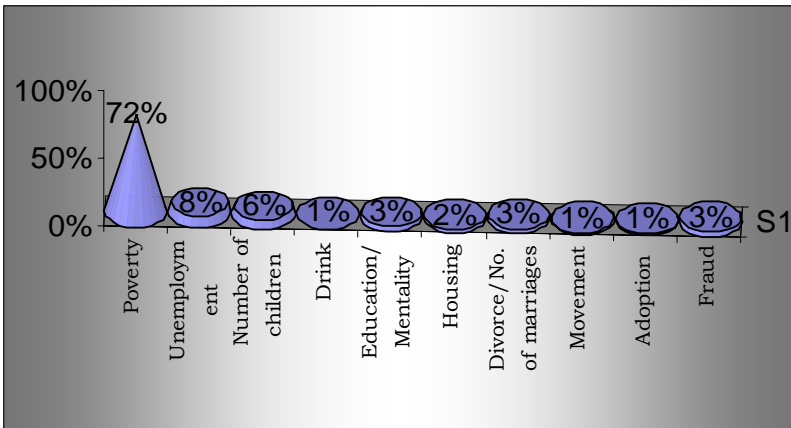


4. Trafficking of children and the potential ways of trafficking

There are different forms of the exploitation of children such as mandatory slavery work, housework, begging, donation of organs, adoption, marriages, commercial sexual exploitation and illicit trafficking.

The main reasons of the trafficking of Roma children are as follows:

- Low economic level
- High level of unemployment
- Extensive number of children and movements
- Difficult conditions of accommodation
- Lack of information regarding the risk of trafficking, forms of recruitment.
- Adoptions and fraud
- Divorce and frequent marriages



Tirana. A kid called Cherry, an orphan reared by his grandmother (his parents were dead) lived in a Roma quarter. He played accordion from early morning to late evening. One day a car with three persons inside kidnapped the boy. His grandmother deposited an indictment but the boy was not found. He continues to play music in the streets of Athens, under the strict supervision of his tutors.

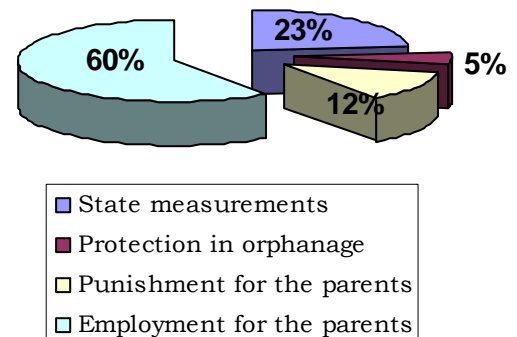
The parents made an agreement with an egyptian boy and gave him one of their children to begg in Greece. They live in extremely bad conditions. There are many other cases of child trafficking in Korca, but in all cases they are obliged by their parents because of poverty and unemployment.

60% of the community members think that the phenomenon of begging children in the street may be prohibited by creating vacancies for parents, 23% suppose that the state must intervene, 12 % sustain the idea of taking punitive measures against the parents and 5% think that the begging children should be sheltered at orphan homes.

*Immigration and lack of proper documents*⁵

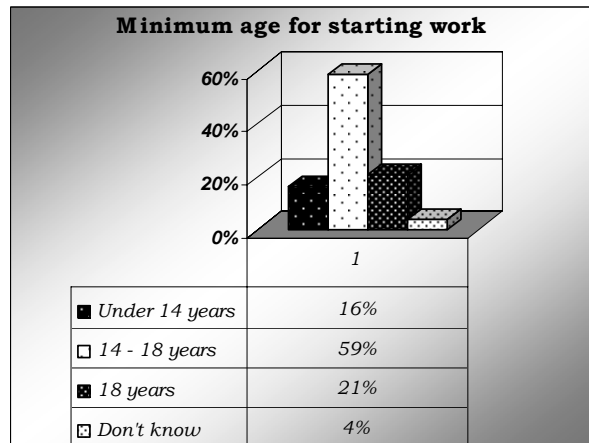
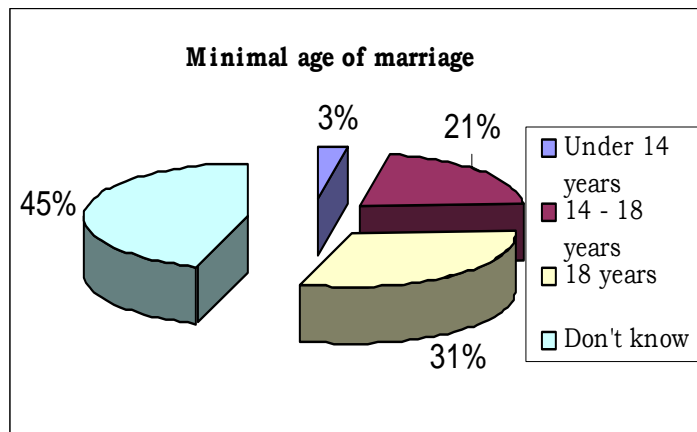
There are numerous barriers in helping children who work and are exploited in the street of Greece. The lack of documentation of the immigrants is an important element. The police or the social workers of Arsis have often found it hard to distinguish if the person accompanying the child was his parent or the tutor, when they had no identification means. The worst thing is that even in Albania, Roma children and families often prove not to be registered in the registry office.

Begging of children in the streets

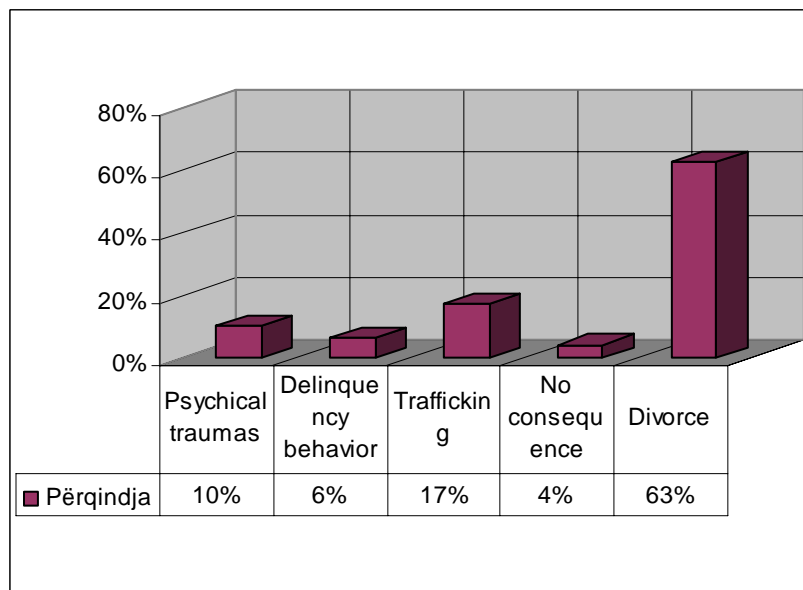


⁵ Meeting with the representatives of the Greek Organization ARSIS, headquarters of Terre des Hommes, Korca

According to the survey, the community is not informed on the minimum age of marriage. 45 % of Roma population has no idea which is the minimum age of marriage. Alternatively, the community is more aware of the minimum age for starting work.



5. The consequences of domestic violence



Trafficking should not be mistaken for goods smuggling, drug and weapon smuggling or illegal immigration.

6. The role of MEDIA in promoting or prohibiting the phenomenon

One of the most effective methods for the prevention of the phenomena of trafficking is media, which should play a significant role in preventing this phenomenon by informing and educating a bulk number of people about this phenomenon.

In this context, media is often vulnerable and does not pay due attention to this phenomena. On the contrary, a visible lack of documentaries about the phenomenon is noted. Above all, the dazzling manifestation of life in western countries further promotes this phenomenon.

7. The control of victims and relevant consequences

There are numerous victims who are exploited in Albania, but most of them after being recruited, are transited in other countries, where their exploitation becomes easier due to the lack of documentation (illegal), language barriers, lack of knowledge and socialization, employment difficulties, being far from their families and confusion due to numerous movements in unknown places.

The control of victims is conducted through different ways, from the easiest to the macabre ones:

- Frauds and false promises for marriage “after paying off the debts”
- Sending some money to the families
- Buying expensive clothes or offering dinners in interesting places
- Suppressing of feelings and humiliating actions
- Physical and social isolation
- Taking their identification documents so as to keep them under an illegal status
- Threats and menaces to the family people and relatives
- Violence against other victims to serve them as a lesson
- Physical, psychic and sexual individual or collective violence.
- Murder of victims which rebel, as a lesson for the other ones
- Drugging or murder of the victims.

The consequences of trafficking are serious and affect all areas of life of the victims.

8. Cases of trafficking

1 - Help me to find my daughter, Syela

When I was an immigrant in Greece in 1997, my wife called me on the phone, terrified, because unknown people threatened her with guns to take our daughter, Syela. I came back in Albania within three days, but it was too late. We have gathered data that our daughter was trafficked in Greece and then in Italy. In Italy, the police arrested and put to jail the two trafficking people. They told me that my daughter was under the custody of an organization. I received a phone call in 1999 ensuring me that my daughter was safe and sound, but six years have passed and I have not received any notice of my daughter. I do not know where to address and what to do. I live with the only hope to find my daughter, Syela Myrteli.



2 – Interview prepared by Ramazan Mile, journalist.

- I was 16 years old and at that time crazy in love with a young boy. The city where I was living was small and boring, except for the love of my boyfriend there was nothing interesting in my life.

It was afternoon, when He proposed me to go together to Italy. At the beginning I did not accept but He insisted. "It's very easy"- he told me. "I have a close cousin there, who promised to help us. I didn't agree in the beginning, but the love for him was stronger than me, so I followed him. My family was a problem, but he had the remedy, we would call them when arriving in Italy, when everything would be finished. We left our town in a van and went to the coastal city of Vlora in order to depart in speedboats. We stayed for two days in a

house in the suburbs of the city, my boyfriend told me to be patient because we had to wait until the speedboats gather a group of people and depart.

It was a really dark night, without moon "without witnesses". The tides of the sea were strong. Good bless us someone told when the engine started to howl. The speedboat started the trip. We were 24 persons in the speedboat. I was close to my boyfriend terrified and scared. I was wearing only a shirt and I was shivering all the time because it was cold and I was scared.

The trip lasted one hour and some minutes and we noticed the lights of the neighbour country. The speedboat stopped 100-150 m far from the coast. The conductor took the money and told us to swim towards the coast. The water was cold, I didn't know what to do and my boyfriend took me from the arm and helped me to move through the sea. With a lot of efforts I managed to get in the shore, tired and wet. He kissed me and told that we were safe. 200m away a van was waiting for us and the driver made signal with lights. Quickly, we have no time - shouted the driver in Albanian. I don't remember for how many time we traveled, maybe 1 or 2 hours and then the driver brought us to an old, three floor hotel with a small bar in the first floor. The bar was almost empty, except for two persons smoking in table near the corner. My boyfriend ordered two strong alcoholic drinks and after drinking the half of its glass, he told me to drink mine. I hesitated because I never drank alcoholics. He took me from my arm and screamed me "drink it, it will warm you up" The persons in the other table glanced curiously. I got the glass shivering and drank it, tears in my eyes but I started to feel warmer after that long trip.

He discussed something with the women of the bar, took a key, caught me from my arm as I was almost slipping and we went to a room in the third floor. I didn't mind the commodity of the room, I just noticed two beds together, I changed the cloths and went to sleep immediately. When I woke up in the morning my boyfriend was disappeared and I noticed that I wasn't in the same room. I found a letter and some food on the table. My boyfriend went to meet his cousin and he wriited me not to live the room until he would get back. I waited terrified for two days and then he came back together with one boy, whom he presented as his cousin. The other boy, "the cousin" was looking at me as I was an animal for sale "mmm, she is good" murmured him and we shook hands.

- Prepare yourself, we will move to another place, told him.

We took a midnight train and traveled for 6 hours to a big city, with a lot of traffick, crowded and noisy.

We took a taxi and went to a house that his cousin had rented. We had only two day away from my country and I noticed an obvious change in the behavior of my boyfriend, his eyes had a cold expression. Even though I felt sad I continue to love him deeply and my love was above all the other things. It was sublime. The taxi stopped in front of an old house with three floors and a big fenced garden. We went in the second floor and the cousin knocked three times in a door. A 20 years old girl opened the door.

This girl will sleep with you, ordered the cousin of my boyfriend.

As you like, replied the girl.

The cousin opened his wallet and gave some money to the girl, ordering her to go shopping with me, these cloths are not suitable for the job she is going to do, spoke him.

I looked worried to by boyfriend. He gave me a smile and I tranquilized.

We went shopping. I was walking silently together with the strange girl. We went in different shops because the girl was looking for sexy clothes even though I didnot like them. But what to do when you are just a poor, miserable guest, you have to accept any thing for mercy.

When we returned home we found the boys waiting for us at our room. My boyfriend told me to try the new clothes. *I cannot in front of your cousin*

OK, we will come later, prepare...

They came after 30 minutes and stared at me as I was coming from another planet. After two days you will start to work – told my boyfriend.

- What kind of job, what do I do...

- We will go to dinner together and discuss everything told my boyfriend.

At 22.00 my roommate went out. We went to a beautiful restaurant. He was changed and a sign of happiness was obvious in his eyes although I felt sad inside of me. Suddenly he touched my hand and told me. Do you know how much did our trip cost to me+

- No, you never told me anything about that

- I have a lot of debts, we will work together and will save money and pay them. It is just a piece of cake. You will start to work together with the girl that stays at your room. My cousin made a lot of money with her. You will have to work only for a certain period and after that we will see what we can do to arrange our life.

- What does she do? I asked sceptically.

- Don't be stupid... the job that every clandestine girl does. In the beginning I thought it was just a nightmare. That was the man I was in love with... I abandoned my family for him...

I prefer to die better than to do that job. I love you...

Well than eat your love... You will do what I say and the discussion is finished, OK.

I noticed anger and determination in his eyes and I was scared. We returned home. I knew that I could not sleep, but I went to bed.

- You won't sleep without promising me that you will work in the street, spoke him with anger.

- I better die than do it

- Die then - told him and gave me a strong punch in my face.

My nose and lips started to bleed. I started to cry. He took the pillow and put it in my face, pushing it with his knees. I couldn't breathe, I almost fainted. I heard a voice « Hey man... No, Idiot, what are you doing. If you kill her what do we earn... we don't need her dead». He pushed him away.

- I will kill this bitch... told my boyfriend in a language he never used with me.

I was laying halfdead bleeding. I don't know for how long I stayed like that. My roommate came later and she just through me a pitiful look, but she didn't say nothing. None disturbed me until the next day at night. The girl slept all day long. I eat nothing, nobody brought me to eat. But this wasn't a problem... I was just worried about what would happen when my boyfriend would return. He came soon after the girl went to do her job.

- What you decided – asked him with a tough voice. Are you ready to start or you still want to die.

- I don't want to live...

- As you like, told him and he kicked me on the stomach. I felt down in my knees, but he caught me from the back and crashed my head on the floor. I fainted.

This torture continued for 3 days, the fourth one he burned my breast with cigarettes and threatened me to kill my brother, which I love very much.

I was scared and he was determined to do it. I accepted to work like that. He smiled and kissed me in my bleeding front, a cold kiss...

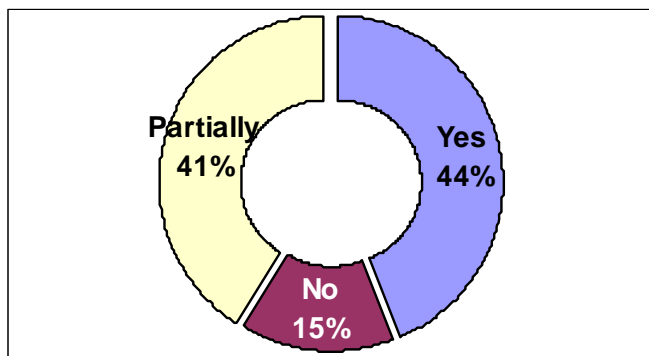
After some days when I felt better I went in the streets together with the other girl. She was watching me all the time, because she had experience. The first day I avoided everyone, but I couldn't continue like that because my « boyfriend» wanted money and I had nothing what to do but work. He wanted me to bring a certain amount of money each night, in case I didn't complete that sum he had a beautiful rubber belt ready to use on my naked body (it was made of rubber in order not to leave signs). I was exercising a profession that do not only kill the body but also the spirit and the mind. I had contacts with all kind of man: old and young persons, adults, adolescents, different colors, nationalities and races...

I continued for several years, until he was found dead in another city of Italy. I never learned the cause of his death. I returned in Albania and now I have a good job and I feel free. And I am also lucky; I am engaged with a man twice as old as I. We will get married very soon.

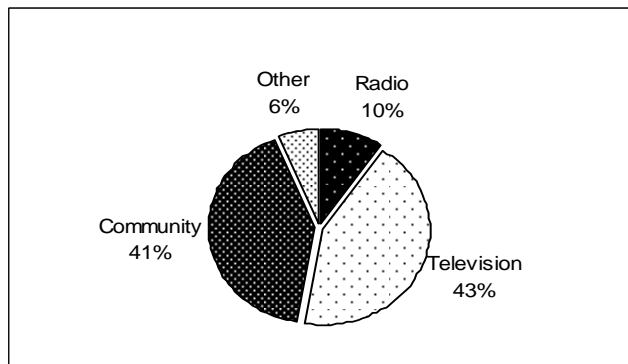
9. The phenomenon and protection by law

It turned out from the survey that trafficking is a well known phenomenon in the community, demonstrating that the Roma community has witnessed several cases of trafficking. We must underline that the community strives to minimize these cases. The Roma community is informed on trafficking also by the visual media, thus indicating an update of its level and the access of media to this community.

Are you informed on the phenomenon of trafficking in your area?

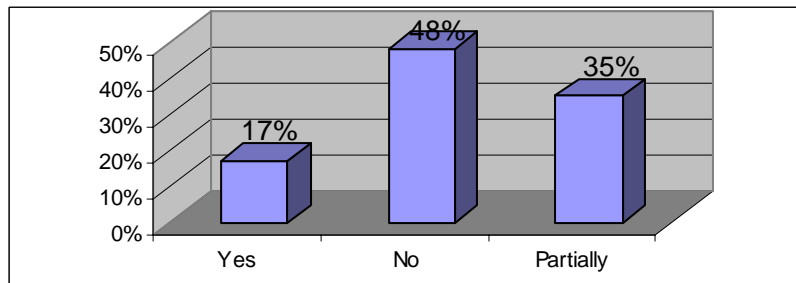


Who has informed you?

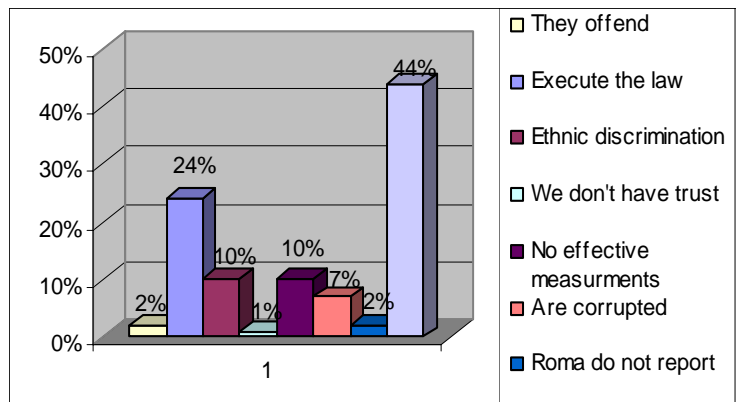


10. To what extent is the Roma community familiar with the law on trafficking?

Analysis: Almost 17 % of Roma community is familiar with the Albanian legislation. In cases of trafficking, not properly knowing the law, this community is not aware of the way how to find legal remedies. The victims of Roma community, having no knowledge of the



law cannot address to public institutions to protect themselves. According to the survey, only in three cases, the victims of Roma community referred to the law, lodging a denouncement in the Prosecutor's Office and claiming criminal prosecution for the trafficking people who



have abused with them.

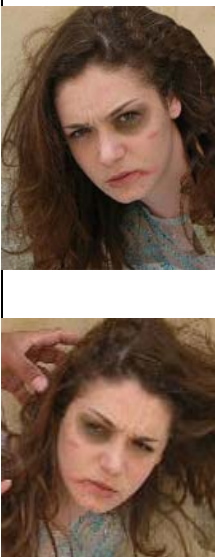
According to the survey of the questionnaires, the Roma community does not trust police bodies and legal system.

Suggestion: The state police should make more extensive preventive and effective efforts for the Roma community, in order to

strengthen the trust of this community in police. The non governmental Roma and non Roma organizations should do sensibilizing work in the community in order to establish cooperation between police bodies and the community. These organizations should inform the community on the role and the work carried out by the police, inviting state police experts in different meetings.

N. village of Vlora:

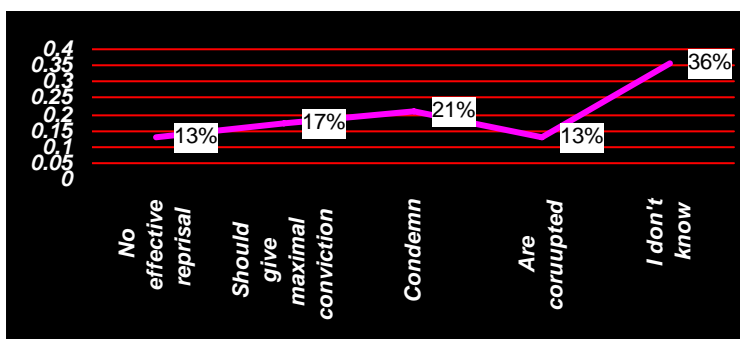
A group of young men from Vlora kidnapped the daughter of my uncle at 17 years of age. We know that she is in Italy. She has not kept in touch with her family, which has constantly looked for her. They only know that she is in Italy. We are aware of the persons that have kidnapped her, but we can't face them. We haven't deposited any indictment and we do not intend to deposit any, as we are afraid of those people and there is none who can protect us...



K. city in the south-west of the country: I have a 24 year old daughter. A white young man from Tirana deceived her seven years ago. He promised to her many things: marriage, a safe economic situation and so on. That man sold my daughter to another man from Fier. She was forced to prostitute herself. She worked for four years in Italy and then she returned in Albania. She suffers from a mental disease because of crucial maltreatments inflicted to her. We have not lodged any indictment in this regard and we do not intend to lodge any. The girl is supposed to be in that aggravated state. If we deposit an indictment, we are afraid they can take revenge on us and kill all of us. We live in fear.

What do you think about the legal authorities as regards the cases of denouncement or trial?

The majority of Roma community (about 36%) is not aware of the denouncements of Roma victims about trafficking issues, without knowing if the trafficking people are punished or not.



Another part of the Roma population thinks that law must function properly and that the trafficking people should be punished at the maximum term claimed by law, requesting that the courts should not be bribed by the trafficking people.

11. Suggestions

- Strengthening of the state and antitrafficking law enforcement by the state police
- Furthering the reconnaissance power of the police to prevent trafficking
- Cooperation between different organizations tasked in their mission to recognize the rights and legislation for the prevention of the phenomenon of trafficking, cooperation with the Ministry of Public Order and different order police structures, cooperation with People's Advocate to stop and prevent the phenomenon of trafficking within Roma community.

- Cooperation among all Roma organizations in Albania with other Roma organizations abroad, for exchanging information regarding the trafficking of Roma population in those countries, the identification of relevant cases and taking legal actions and protecting the respective Roma victims.
- Special importance should be attached to the cooperation with Roma organizations in Greece and Italy for preventing the phenomenon of trafficking, particularly of Roma children.
- Given the three said recommendations, it is urgent to establish a national and regional network for exchanging information, concrete cases, administering relevant legal assistance and so on.

VIII. The Albanian legislation regarding the trafficking of minors and women

The protection of rights of minorities is sanctioned in the Albanian legislation in the Constitution of the Republic of Albania.

Albanian has formally fulfilled all the international commitments that had undertaken with regard to the protection of national minorities, as one of the most crucial obligations in the framework of the integration of Albania in the European Union.

Our governments have made and continue to make all the possible institutional efforts to respect what they themselves have signed- the European Convention on Human Rights and Fundamental Freedoms. The core of human rights- the respect for each human life and the protection of human dignity are essential elements available in the philosophy of the right. The human rights cannot be bought, cannot be won, cannot be inherited, they are “inalienable”, as no one has the right to deprive someone of these rights, to affect them either on a temporary basis, without having a legitimate reason.

It is related to their universality, as the backbones where the human society is built. Hence, no one can be discriminated, irrespective of race, color, sex, language, religion, national or social background, property, birth status or any other status.

Human rights are linked with the relations between individuals and the state. They monitor and regulate the exercise of the power of state on individuals; they give freedom to individuals in relation to the state and ask from citizens to meet human needs, in accordance with the law. They are meant as the most significant components in determining the level of democracy of a certain country. Human rights are vital to the community

Civil and Political rights

They comprise the right of life, the prohibition of torture and maltreatment, the right and freedom of living, the right and freedom of expression and opinion, the rights and freedoms of consciousness and religion and the right of freedom for peaceful rally. These rights are the pillars of the democratic societies and have a direct impact on the practical aspects of the community.

Economic, social and cultural rights

This framework of rights and freedoms involves the right of social insurance, the right of employment, the right of education and the right to participate in the life of the community.

On minors’ trafficking

Considering the Albanian reality, the trafficking of children has proliferated for many years and that is not only sporadically manifested, but as the judicial practice has shown, it is presented as a new type of progressively increasing organized crime.

According to the experience to date, we may admit that two of the most visible orientations of minors' trafficking are as follows:

1. Minors' trafficking with the aim of financial profit or any other type of profit (article 110/a and 128/b of the Criminal Code).
2. Minors' trafficking aiming at the movement, transportation of underage females, often under the effect of violence, menaces, fraud, aiming at financial profit or any other type of profit (article 114/b of the Criminal Code).

Most importantly, both of these manifestations are part of the same criminal act, affecting and seriously spoiling the core of human rights, where the trafficked minor is subject to different forms of restriction or exploitation, such as prostitution, illegal work and so on.

The articles 110/a, 114/b and 128/b mention the term "trafficking", where the definition of this term is explicitly forwarded in the Protocol of the year 1999 of the Council of Europe "On the prevention and punishment of trafficking of human beings", article 3).

'All acts such as recruitment, transportation or movement of persons within and out of country for financial profits or other profits through fraud and violence or menaces using violence, abusing the authority or superior position for putting someone against his will or through the bond of debt or under other forms in making use of signatory situations, in the form of prostitution or compulsory work, imply trafficking".

The most important problem in this aspect is certainly the issue of trafficking of minors, provided for in the Albanian Criminal Code (article 110/a, 114/b, 128/b), implying:

- **First:** a trafficking conducted in complicity shall mean the trafficking of person with profit aims.
- **Secondly:** trafficking conducted more than once means its conduct in two or more cases.
- **Thirdly:** regarding the concept of grave consequences for the health, the consequence of trafficking shall imply any physical or psychic damage manifested in different forms, which are specified by the forensic doctor.

This phenomenon represents a serious threat to Roma population, which is put at a considerable risk by this criminal phenomenon.

The United Nations approved on 20 November 1989 a Convention on children's and young people's rights, which entails all the rights enjoyed by children all over the world.

On 26 January 1990, it was signed by sixty-one countries. The signing of this convention is perceived as the goodwill of a country to treat the ratification of the document seriously.

The Convention entered into force on 2 September 1990. This convention is ratified even by Albania, making its strict enforcement for the Albanian state and country mandatory, like in other countries that have signed and ratified this basically important document.

The states that have ratified this convention should obligatorily take all necessary measures in order to make the laws and rules of their country compatible with the core of this convention.

The state should make all the possible efforts to ensure the exercise of rights specified by the Convention and to be responsible before the international community, in case it doesn't comply with these obligations. The countries ratifying the Convention are obliged to take care that the rights contained in the Convention shall be recognized in the first place by the governments, as stipulated duties and responsibilities and to be further conveyed to the public, as well as to give a report on a regular basis on the ways and efforts toward their observation. They, namely the governments of signatory states, are obliged as a rule to give a direct report to the Committee on Children's Rights and international organizations such as UNICEF; UNESCO may be present, when the committee examines each report.

The careful drafting of the Convention allows different cultural, political and economic realities in specific countries. Acting in this way, the Convention supplemented the Statement on Child's Rights, which says "the humankind has the obligation to the child to give him the best".

General principles of the Convention regarding the issue of children's maltreatment

The Convention is divided in the eight following sections.

1. General measures on the implementation. This section contains the description of measures taken by state parties to harmonize the national law with the Convention on the Protection of Children's Rights. It describes the mechanisms how the convention shall be implemented by state countries and in what way the population shall be informed on the articles of the convention.
2. The second part is the definition of the child, who would be considered a child, the age etc. The basic element is the definition of the term "child", which consists in that every human being under 18 years of age is considered a child, so for the ones who have not reached the maturity. The convention is applied for all children, irrespective of their race, sex, language and nationality or the social and ethnic background, religion or political conviction, any disability of theirs or any other type of situation.

(Article 1) The lack of discrimination and obligation, where children who have been subject to discrimination or restriction, due to their family situation, activity, convictions or their religion, have the right to be protected by the state.

(Article 2) The Convention does not give any definition of the term maltreatment, but it pays special attention to the protection of children from maltreatments and abuses stipulated in the articles 19, 34, 39. In treating children, it is necessary that the best interest of children should be considered, implying that the courts, social authorities and other types of authorities, when taking decisions related to children, should take into consideration their highest interests.

(Article 3) The convention has involved new concepts such as drug abuse and other forms of exploitation, leaving a specific article on the protection of children from all types of exploitation forms, which have not been foreseen in the Convention.

Sexual abuse, Article 34

Where the convention for the first time determines the forms of violence:

- Compulsion and restriction of children in illegal sexual activities
- Exploitation for prostitution purposes or illegal sexual practices
- Exploitation for production of materials of pornographic character.

According to the Convention, the States are obliged to protect children and young people from any type of sexual abuse or any type of exploitation that affects their health and welfare.

Selling, trading and abduction of children (article 35)

This article forces the states to take necessary measures and cooperate with each other to prevent from abduction, selling or trading of children.

Other forms of exploitation (article 36)

The Convention takes into account the protection of all children from different types of exploitation, which have not been mentioned in the previous articles.

Torture and deprivation of liberty (article 37)

The child may not be subject to torture and other forms of antihuman punishments or maltreatments

Death penalty and life imprisonment are not applied against children. The deprivation of liberty, prohibition, arrest of children should be made in accordance with the law. They have the right to meet their relatives through correspondence and visits.

IX. Legal aspect of the phenomenon of trafficking

The fight that Albania has to make against organized crime is certainly one of the most important requirements of the international factor. The concern on the existence of this phenomenon has forced the main institutions of the American state to react more strongly. The concerns transmitted by the most important European institutions have also been in the same wavelength, as the said phenomenon is generally manifested in the former dictatorial countries, but the curve of its development in Albania is too high. That's why this phenomenon has taken a considerable place in the legal literature sources.

The Criminal Code has broadly included specific legal provisions on the crime of trafficking of human beings. One of the most crucial elements in the fight against trafficking is the strict criminal policy that the institutions charged by the law of the Albanian state should apply, as well as a good and balanced coordination of all powers against this phenomenon, such as the executive power, the legal and the media. Regarding the theoretical plan, we may say that serious steps have been taken ahead for the approximation of the Albanian criminal legislation to the International Conventions and the recommendations of the Council of Europe.

The amendments of the Criminal Code during the period 2003- 2004 are related to the issues of fight against illicit traffics, foreseeing also the structured criminal groups, for the commission of one or more criminal offenses, in order to obtain financial and non- financial profits. The supplements and changes in the Criminal Code aim at the fight against trafficking of human beings and are provided for in the article 110/a, trafficking of young women under the article 114/b, whereas the trafficking of minors is referred to in the article 128/b. The new amendments of the Criminal Code, the legal provisions on the trafficking of human beings, females and minors foresee as particularly qualified circumstances of the crime:

- When the offense leads to the death of the injured party.
- When the offense is committed through the abuse of public function or service.

The duties of the criminal procedural legislation are as follows:

- To ensure a fair proceeding
- Equal and non- faulty legal proceeding
- Protection of personal freedoms and lawful rights and interests of citizens.
- Contribution to the strengthening of legal order and the enforcement of the constitution and state's laws, provided for in the article 1 of the Code of Criminal Procedure.

The sixth chapter of the Code of Criminal Procedure, the article 58 foresees that:

1. The person affected by the criminal offense has the right to ask the proceeding of the guilty persons and the compensation of the damage (financial and moral)
2. The impaired person that has no legal capacity to act, exercises the rights recognized by law through his legal representative.

The article 287 of the Criminal Code has been amended in accordance with the law No 9086 dated 19. 06. 2003 for the prevention of criminal offenses and fight against criminality in the meaning of trafficking of human beings.

It has foreseen the “clearance of products obtained by the commission of criminal offense”. The assets and wealth of gang protectors are fought by means of this legal provision. It is considered a product obtained by the commission of the criminal offense.

X. The prevention of the phenomenon of trafficking within Roma community

Informing Roma community on the role and the prevention of the phenomenon of trafficking

The Roma community has the right to be informed on the phenomenon of trafficking, the means and methods used by the gang protectors for recruiting young women and children of this community.

Taking into consideration that this community generally does not show any interest in the area of education, it does not take active part in the social and political activity of the country, finds it even harder to have knowledge of this phenomenon and to avoid potential consequences.

In this context, Roma organizations should play an important role. Their basic mission should be the awareness of Roma community to get acquainted with the Albanian legislation and different international Conventions, related to human rights and the way of the implementation of their protection.

They should create a positive climate regarding the sensibilization of the community of the risks it is exposed to, being unprotected from the risk displayed in the form of the crime of trafficking and to offer social services to the victims of trafficking (such a case is reported in Berat).

The Roma organizations must:

1. Draft social programs
2. Find suitable forms for the identification of cases of abuses or maltreatments
3. Report such cases
4. Draft programs on the treatment and continuous monitoring of maltreated children.

Suggestions and recommendations

1. Albania is one of the countries recognizing and promoting rights of minorities and ethnic communities living in Albania. Albania has a legal framework, which has been improved so as to comply with the Framework Convention on the Protection of National Minorities.
We recommend that in application of the legal framework regarding the rights of linguistic Roma community, the direct participation of their representatives in the economic- social and political activity in Albania is attached primary importance. The lack of a thorough and clear definition of the notion “minority” has caused difficulties in terms of the precise definition of the ones that should be treated as minorities in Albania and has left spaces for different legal interpretations. Since only 120.000 Roma people are registered as inhabitants, they are still not considered a minority, but solely as a linguistic minority.
2. We think and propose that amendments in the Albanian legislation on the protection of Roma minority from trafficking should be added in the Criminal Code in the article 110/a “Trafficking of human beings”, as an aggravating circumstance: when this offense is committed against a person because of differences of ethnic background.
3. The Albanian state is highly responsible for the right of education of Roma community in its own native language. It can be achieved after a careful and serious study, reporting such necessary indicators related to the total number of the members of this community and based on the identified number of people belonging to Roma minorities, concrete policies should be drafted.
The Albanian state should pay due attention to them, creating the minimum opportunity of the establishment of schools in Roma language, as one of the minorities living in Albania. Once more, it is highlighted the necessity of the accurate registration of this community and of all other communities living in Albania. If all of these goals were attained, the phenomenon of trafficking of Roma ethnic group would not be progressively increasing as it has increased in reality, but it would be decreasing, as it is noted in the Albanian population.
4. The majority of organizations representing Roma communities have in general inadequate capacities. As a rule they lacked initiative, consequently, they haven’t been as powerful as they should be. In this regard, we suppose that harder efforts should be made, in order to make them critical groups in relation to the state bodies, which are responsible for the guaranteeing of the rights of minorities.

In this framework, we should stress out that the civil Roma society has offered contribution and should be more consistent especially to this community, in terms of its efforts for the identification and creation of concrete spaces for the acquaintance with the human rights and fundamental freedoms of the community and the continuing efforts that should be made for their integration in the democracy we are building.

ANNEX 1:

Psycho-social evaluative questions of trafficking in persons phenomenon.

1. Age: – years
2. Gender F M
3. Community:
4. Education:
5. What do you understand with the word TRAFFICKING in persons?
6. According to your opinion, who are the most affected groups by this phenomenon? Why?
 - Women Children Emigrants Everybody Why:
 - Minorities All the Albanians Why:
 - Poor people Rich persons Why:
 - Noteducated people Educated persons Why:
7. A futet në trafikim:
 - Removal of organs: YES NO
 - Forced labour: YES NO
 - Prostitution: YES NO
 - Marriage at early age: YES NO
 - Forced Transportation in other countries: YES NO
 - Physical violence: YES NO
 - Physical exploitation: YES NO
 - Work in black: YES NO
 - Forced labour from the parents: YES NO
8. Do you have information concerning the minimum age allowed for marriage?
 YES JO
9. According to your opinion, what is the best age for a children/young person to start work?
10. Which are the consequences of family violence?
11. Do you know where to go in case you face any form of trafficking in persons?
12. According to your opinion, which are the main causes that females can be victims of trafficking?
13. According to your opinion, which are the main causes that children are sometimes sold by their parents?
14. How do you consider the case of a child begging on the streets?
15. According to your opinion what are the most common methods that victims use to approach the victims?
16. Do you have information about rehabilitation centers in Albania?
17. Have you heard about other sensitizing campaigns against human trafficking?
18. Do you think that victims of trafficking must be helped or they chosed themselves their destiny?
19. Which are the less safe ways of migration:
 - Marriage with a man that you do not know well
 - Travelling with fols documents
 - Working abroad with persons you know

- Giving children for work abroad
- Clandestine trip to other countries

20. Have you heard for cases of trafficking in persons in your community (can you tell us the story without mentioning name: who, why, how, what were the consequences)?

21. Comments:

Questionnaire for the Organisations

Organiation:

Place:

1. What initiatives have your organisation taken in order to prevent trafficking in persons?
2. What were the main activities? (Advocacy, sensibilization, study, prevention, rehabilitation or trainings etc).
3. Does a coordination between the government and civil society exist when talking about the war against trafficking in persons?
4. What is the role of media in the prevention of trafficking phenomenon?
5. According to your opinion, which are the main causes that couse victims of prostitution in your communtiy?
6. According to your opinion what are the main couses that some parents sell their own children?
7. Is there any campaign against trafficking done in your community? When? By whom?
8. Which is the economical position of the roma community in your zone?
9. What is the employment situation in your community?
10. According to you, which are the most effective methods of traffick prevention?

ANNEX 2:

Legal evaluative questions of the trafficking in persons phenomenon

Place _____

Age _____

Education _____

1. Are you informed about trafficking phenomenon in your zone?

Yes _____

No _____

Partially _____

2. By whom are you informed?

Radio _____

Televisioni _____

Community _____

Other _____

3. Do you know the law on trafficking?

Yes _____
No _____
Partially _____

4. Do you think that trafficking in persons is widespread in your zone?

Yes _____
No _____
Partially _____

5. How many cases are reported in the judiciary bodies?

One _____
More than one _____
None _____

6. Do you think that trafficking for prostitution is widespread in your zone?

Yes _____
No _____

7. How many cases are reported?

One _____
More than one _____
None _____

8. Do you think that trafficking of children is widespread in your zone for:

exploitation _____
prostitution _____
removal of organs _____
other _____

9. How many cases are reported?

One _____
More than one _____
None _____

10. What would you consider not appropriate in the attitude and words of the police and judiciary employees in case you report or reported cases of trafficking in persons?

Give 3 suggestions.

11. How were solved from the police bodies these cases?

Sent in the courts _____
Detained _____
Other _____

12. What do you think about the courts officials in these cases? Give three suggestions.

13. What are the causes of this phenomenon? Give three suggestions.

14. Do you think that it is important that the community must stay active in cases of this phenomenon?

Yes _____
No _____
Maybe _____

15. According to your opinion what are the most effective methods to prevent this phenomenon. Give three suggestions.

16. Comments: _____

Annex 3: Scheme of child trafficking prevention

