

**Aurela Anastasi**  
**Executive Director**  
**Centre for Legal Civic Initiatives**

I would like to identify some of the main issues related with access of victims of trafficking to compensation in Albania. The Albanian legislation establishes legal mechanisms for compensation to be paid either through a civil or a criminal process. The civil process enables a victim to claim compensation not only for material, but even for moral damages. Since 2004, when the Law on Prevention and Fight against Organized Crime entered into force, there is also, at least theoretically, the possibility of compensating the victims in an administrative way by using the income created from confiscated criminal assets. This, however, is not yet done.

Thanks to the co-operation between NGOs and the responsible state bodies, there has recently been a social and professional movement for a better understanding of compensation, as a significant element of justice. This element is reflected in the Government Strategy against Trafficking in Human Beings. This movement aims at overturning the old traditional concepts of 'honour and life' being two things that money can not buy.

Unfortunately, there is still a wrong concept among law professionals about justice being made in turn. They think that they should first deal with, and punish the perpetrators, and only then think about compensating the victims. Extensive training and discussion with law professionals has actually given some results. They have been followed by some compensation claims made by the victims, who have been encouraged and supported by NGOs and the interest groups.

However, cases of victims claiming compensation for damages inflicted by criminal offences in general, and trafficking in particular, are still very few. This is because the victims of trafficking need more support and safety. They are often afraid to exercise their right to compensation, or any other rights. Certain gaps in the Albanian legislation

prevent them from being informed about the right to compensation, or their right to free legal advice. Therefore, the Albanian law needs to be amended in order to include such rights, and in order to clearly specify which of the Albanian state bodies is responsible for informing the victims of such rights. In this context, it is also necessary for the Albanian legislation to enshrine the right to free legal assistance, and to allow such assistance to extend to victims' representation. This would increase the chances of victims to claim and receive compensation for damages suffered. The lack of an advocate *ex officio* weakens the position of victims in criminal proceedings and reduces their chances of being informed about their right to compensation. It is also important that the victims are exempt from the court taxes (the fixed tax on court cases + a certain percentage of the amount claimed through a criminal process), which constitutes a serious obstacle to claiming compensation.

We, as non-governmental organizations operating in this field, do our best to take advantage of every gap in the law to interpret it in favor of the victims. Thus, we have tried to provide the victims with free legal assistance based on a recently approved Law on Legal Assistance, which specifies the mechanisms to be used by the state to provide free legal assistance to people with no income.

The free legal assistance is particularly needed during the execution of the court compensation decisions. The victims also have an active role to play, but they need support. Monitoring the execution of court decisions, we have found that some cases remain unexecuted, simply because the victims fail to participate in the process.

This movement needs to be accompanied not only by amendments to domestic law and acts, but also by extensive training and education of law professionals, in order to strengthen their capacities and develop their professionalism. In this context, it would be very useful to draft guidelines, and orientation schemes, and to train those responsible on implementing them. Finally, I would like to emphasize once again that strengthening the element of compensation in making justice, makes justice more effective.

Thank you!