



OPERATIONAL GUIDANCE NOTE

ALBANIA

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1. Introduction

- 1.1** This document provides UKBA caseowners with guidance on the nature and handling of the most common types of claims received from nationals/residents of Albania, including whether claims are or are not likely to justify the granting of asylum, Humanitarian Protection or Discretionary Leave. Caseowners must refer to the relevant Asylum Instructions for further details of the policy on these areas.
- 1.2** Caseowners *must not* base decisions on the country of origin information in this guidance; it is included to provide context only and does not purport to be comprehensive. The conclusions in this guidance are based on the totality of the available evidence, not just the brief extracts contained herein, and caseowners must likewise take into account all available evidence. It is therefore essential that this guidance is read in conjunction with the relevant COI Service country of origin information and any other relevant information.

COI Service information is published on Horizon and on the internet at:

<http://www.homeoffice.gov.uk/policyandlaw/guidance/coi/>

- 1.3** Claims should be considered on an individual basis, but taking full account of the guidance contained in this document. In considering claims where the main applicant has dependent family members who are a part of his/her claim, account must be taken of the situation of all the dependent family members included in the claim in accordance with the Asylum Instruction on Article 8 ECHR. If, following consideration, a claim is to be refused, case owners should consider whether it can be certified as clearly unfounded under the case by case certification

power in section 94(2) of the Nationality Immigration and Asylum Act 2002. A claim will be clearly unfounded if it is so clearly without substance that it is bound to fail.

2. Country assessment

- 2.1** Caseowners should refer the relevant COI Service country of origin information material. An overview of the country situation including headline facts and figures about the population, capital city, currency as well as geography, recent history and current politics can also be found in the relevant FCO country profile at:

<http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/>

- 2.2** An overview of the human rights situation in certain countries can also be found in the FCO Annual Report on Human Rights which examines developments in countries where human rights issues are of greatest concern:

<http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/human-rights-report-2009>

2.3 Actors of protection.

- 2.3.1** Case owners must refer to the Asylum Policy Instruction on ‘considering the protection (asylum) claim’ and ‘assessing credibility’. To qualify for asylum, an individual not only needs to have a fear of persecution for a Convention reason, they must also be able to demonstrate that their fear of persecution is well founded and that they are unable, or unwilling because of their fear, to avail themselves of the protection of their home country. Case owners should also take into account whether or not the applicant has sought the protection of the authorities or the organisation controlling all or a substantial part of the State, any outcome of doing so or the reason for not doing so. Effective protection is generally provided when the authorities (or other organisation controlling all or a substantial part of the State) take reasonable steps to prevent the persecution or suffering of serious harm by for example operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and the applicant has access to such protection.
- 2.3.2** Security forces in Albania are divided into three main categories: the armed forces, police forces and security services. The police forces are composed of the Albanian State Police, which is the national police force, in charge of the maintenance of public order and the fight against crime; the Municipal Police Forces, which serves under the authority of local government entities and the Republican Guard which is a constabulary force tasked with protecting government property and dignitaries and which has military status and powers of arrest.¹
- 2.3.3** Local police units report to the Ministry of Interior and are the main force responsible for internal security. Despite improvements in law enforcement training and management, police did not consistently respect the human rights of citizens during the performance of their duty and were not fully accountable to the rule of law. In some instances, police impunity was a problem. Police officers did not enforce the law equally and an individual's political or criminal connections often influenced enforcement of laws. Low salaries contributed to continued corruption and unprofessional behaviour which remained impediments to the development of an effective civilian police force.²
- 2.3.4** The Border Police were responsible for the control of legal border crossing and for guarding the border. It was a constitutive part of the State Police. The Activity of the Border Police was based on the Constitution, in the law for the State Police, in international acts and agreements that

¹ European Commission – Commission Opinion on Albania's application for membership of the EU – 9 November 2010
http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/al_rapport_2010_en.pdf

² USSD 2010 - Section 1 <http://www.state.gov/documents/organization/160177.pdf>

regulated border issues and emigration. The Border Police had its own structure and workers, which were approved by the Minister of Public Order (Interior).³

- 2.3.5** The People's Advocate Ombudsman of the Republic of Albania was envisaged in Chapter VI of the Albanian Constitution approved in November 1998. Article 60 states that the People's Advocate defends the rights, freedoms and lawful interests of individuals from unlawful or improper actions or failures to act of the organs of public administration. The Parliament passed the Law on the People's Advocate in February 1999. The People's Advocate is elected by three-fifths of all members of the Assembly for a five year period, with the right of re-election. On the 16 February 2000 and the 17 February 2005 the Ombudsman was Dr Emir Dobjani. Since the 7 November 2010, the acting People's Advocate of Albania is Ms Florina Nuni.⁴
- 2.3.6** During 2010, the People's Advocate Ombudsman processed and completed complaints against police officers mainly on arrest and detention problems; the ombudsman resolved nearly one third in favour of the complaining citizen.⁵
- 2.3.7** The Albanian Helsinki Committee (AHC) and the Albanian Human Rights Group (AHRG) reported that police sometimes used excessive force or inhuman treatment. During 2010 the AHC reported that it received 10 complaints of mistreatment by police and prison staff. The majority of these complaints concerned unjustified stops by police, detention past legal deadlines, failure to make citizens aware of their rights when detained and poor conditions of detention centres. The AHC reported that conditions and treatment while in police custody were more problematic than in the prison system. According to the AHRG, police more often mistreated suspects at the time of arrest or initial detention. Roma, Balkan-Egyptians, and persons engaging in homosexual conduct were particularly vulnerable to police abuse. Police sometimes used threats and violence to extract confessions.⁶
- 2.3.8** The constitution provides for an independent judiciary; however, political pressure, intimidation, widespread corruption, and limited resources sometimes prevented the judiciary from functioning independently and efficiently. The politicisation of appointments to the High and Constitutional Courts threaten to undermine the independence and integrity of these courts.⁷
- 2.3.9** The judicial system is composed of district courts, the serious crimes court, military courts, and appellate courts. There is a High Court that hears appeals from the appellate courts, and a Constitutional Court that reviews cases involving constitutional interpretation and conflicts between branches of government and cases of individuals alleging denial of due process.⁸

2.4 Internal relocation

- 2.4.1** Caseowners must refer to the Asylum Policy Instructions on both internal relocation and gender issues in the asylum claim and apply the test set out in paragraph 3390 of the Immigration Rules. It is important to note that internal relocation can be relevant in both cases of state and non-state agents of persecution, but in the main it is likely to be most relevant in the context of acts of persecution by localised non-state agents. If there is a part of the country of return where the person would not have a well founded fear of being persecuted and the

³ Country Of Information Service (COIS) Report Albania March 2011 – Section 10 – Paragraph 10.07
<http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi/>

⁴ Article 60: Albanian Constitution <http://www.avokatipopullit.gov.al/English/Legal%20Basis.htm> and Republic of Albanian People's Advocate <http://www.avokatipopullit.gov.al/English/index.htm>

⁵ USSD 2010 – Section 1 <http://www.state.gov/documents/organization/160177.pdf>

⁶ USSD 2010 – Section 1 <http://www.state.gov/documents/organization/160177.pdf>

⁷ USSD 2010 – Section 1 <http://www.state.gov/documents/organization/160177.pdf>

⁸ COIS Report – Albania - March 2011 –Section 12 – Paragraph 12.02
<http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi/>

person can reasonably be expected to stay there, then they will not be eligible for a grant of asylum. Similarly, if there is a part of the country of return where the person would not face a real risk of suffering serious harm and they can reasonably be expected to stay there, then they will not be eligible for humanitarian protection. Both the general circumstances prevailing in that part of the country and the personal circumstances of the person concerned including any gender issues should be taken into account, but the fact that there may be technical obstacles to return, such as re-documentation problems, does not prevent internal relocation from being applied.

- 2.4.2** Very careful consideration must be given to whether internal relocation would be an effective way to avoid a real risk of ill-treatment/persecution at the hands of, tolerated by, or with the connivance of, state agents. If an applicant who faces a real risk of ill-treatment/persecution in their home area would be able to relocate to a part of the country where they would not be at real risk, whether from state or non-state actors, and it would not be unduly harsh to expect them to do so, then asylum or humanitarian protection should be refused.
- 2.4.3** Albania covers a total area of 28,748 sq km and has an estimated population of 3,002,859.⁹ Tiranë (Tirana) is the capital and other principal cities are Korçë (Koritsa), Durrës (Durazzo), Berat, Elbasan, Lushnjë, Shkodër (Scutari), Kavajë, Vlorë (Vlonë or Valona), Pogradec and Fier.¹⁰
- 2.4.4** The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation and the government generally respected these rights in practice. Internal migrants must transfer their civil registration to their new community of residence to receive government services and must prove they are legally domiciled through property ownership, a property rental agreement, or utility bills. Many persons could not provide this proof and therefore lacked access to essential services. Other citizens lacked formal registration in the communities in which they resided, particularly Roma and Balkan Egyptians. The law did not prohibit their registration but it was often difficult in practice to complete. The law prohibits forced exile and the government did not employ it.¹¹
- 2.4.5** It may be practical for applicants in some categories who may have a well-founded fear of persecution in one area to relocate to other parts of Albania where they would not have a well founded fear and, taking into account their personal circumstances, it would not be unduly harsh to expect them to do so.

2.5 Country Guidance Caselaw

AM and BM (Trafficked women) Albania CG [2010] UKUT 80 (IAC) It is not possible to set out a typical profile of trafficked women from Albania: trafficked women come from all areas of the country and from varied social backgrounds.

At its worst the psychological damage inflicted on a victim of trafficking can lead to difficulties in reintegrating into Albanian society and has implications on whether or not it is possible for the victim of trafficking, should she fear persecution in her own area, to relocate.

Much of Albanian society is governed by a strict code of honor which not only means that trafficked women would have very considerable difficulty in reintegrating into their home areas on return but also will affect their ability to relocate internally. Those who have children outside marriage are particularly vulnerable. In extreme cases the close relatives of the trafficked woman may refuse to have the trafficked woman's child return with her and could force her to abandon the child.

Those that see themselves outside society, for example, divorced or abandoned women, or others who wish to live abroad, may seek out traffickers in order to facilitate their departure from Albania and their

⁹ CIA – The World Factbook – Albania - Accessed 18 April 2012 <https://www.cia.gov/library/publications/the-world-factbook/geos/al.html>

¹⁰ COIS Report – Albania - March 2011 –Section 1 – Paragraph 1.01 <http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi>

¹¹ U.S Department of State (USSD) Human Rights Report 2010 – Section 2 <http://www.state.gov/documents/organization/160177.pdf>

establishment in prostitution abroad. Although such women are not “trafficked women” in the sense that they have not been abducted against their will, there is likely to be considerable violence within the relationships and the psychological affect of that violence may lead to a situation where the pressures which they are under and the lack of freedom they are under means that such women should be treated as trafficked women.

The Albanian Government and authorities are taking steps to protect trafficked women who return but such steps are not always effective. When considering whether or not there is a sufficiency of protection for a trafficked woman who is to be returned her particular circumstances must be considered. Not all trafficked women returning to Albania will be unable to access the arrangements and facilities available to enable successful re-integration.

Trafficked women from Albania may well be members of a particular social group on that account alone. Whether they are at risk of persecution on account of such membership and whether they will be able to access sufficiency of protection from the authorities will depend upon their individual circumstances including but not limited to the following: 1) The social status and economic standing of the trafficked woman's family. 2) The level of education of the trafficked woman or her family. 3) The trafficked woman's state of health, particularly her mental health. 4) The presence of an illegitimate child. 5) The area of origin of the trafficked woman's family. 6) The trafficked woman's age.

MK (Lesbians) Albania CG [2009] UKAIT 0003

(1) It cannot be said that without more there is a real risk that a woman without family support in Albania would suffer destitution amounting to inhuman or degrading treatment resulting in a breach of her rights under article 3 of the ECHR or persecution, but each case must be determined on its own facts.

(2) Although it is no longer illegal for consenting adults to have homosexual relations in private, homosexual men known to be members of gay associations and those who visit cruising areas in the centre of Tirana are likely to be harassed and on occasions ill-treated by the police and in individual cases homosexual men may be at risk of harm from members of their families.

(3) In general terms, lesbian women do not frequent cruising areas and do not join LGBT organisations. Therefore there is lacking the opportunity for them to be harassed or persecuted by the police.

(4) In general terms in Albania women of lesbian orientation are able to carry on lesbian relationships discreetly without attracting the risk of serious harm. A lesbian woman, whose sexual orientation becomes known, may be at risk of harm from members of her family, particularly if she is from a traditional family from the north of Albania, but each case must be determined on its merits. In such a case, however, it is likely that there would be an adequacy of state protection.

(5) In any particular case where the safety of the return of a lesbian woman to Albania is in issue, it will have to be determined whether she is likely to behave discreetly upon return and if so whether "discretion" is something that she can reasonably be expected to tolerate, in the light of all of the circumstances of the case, including the social norms and religious beliefs commonly held in Albania. Such a person will only establish a right to refugee status if she can establish that the apprehended violation of her fundamental rights is likely to attain a substantial level of seriousness.

SB Moldova (PSG – Protection Regulations – Reg 6) Moldova CG [2008] UKAIT 00002

The AIT found that “In order for a particular social group to exist, the group must have a distinct identity in the relevant society because it is perceived as being different by the surrounding society. We emphasise both that the particular social group must have a distinct identity as well as the requirement that the distinct identity of the group must arise because the group is perceived as being different by the surrounding society. Although it would not be necessary for the whole of a given society to perceive the group to be different from it, it is not necessary for us to lay any guidelines in this respect in this case

K (Sierra Leone) v SSHD [2006] UKHL Civ 46 (This caselaw refers to Sierra Leone but makes findings regarding Particular Social Groups (PSG))

(PSG - FGM) Women in Sierra Leone are a particular social group. They have the unchangeable characteristic of being in a socially inferior position to men. Furthermore, if this wide definition of a social group was not correct then an alternative definition would be intact women in Sierra Leone.

TB (Blood Feuds – Relevant Risk Factors) Albania CG [2004] UKIAT 00158 The tribunal found that a number of factors will be relevant in determining the nature of the risk on return:

- (a) whether the dispute can be characterised as a “blood feud” at all;
- (b) even if it can, then the extent to which its origins and development (if any) are to be regarded by Albanian society as falling within the classic principles of the Kanun;
- (c) the history of the feud, including the notoriety of the original killings and the numbers killed;

- (d) the past and likely future attitude of the police and other authorities;
- (e) the degree of commitment shown by the opposing family;
- (f) the time that has elapsed since the killing;
- (g) the ability of the opposing family to locate the alleged victim anywhere in Albania
- (h) that person's profile as a potential target for the blood feud; and
- (i) the prospects for eliminating the feud, whether by recourse to the payment of money, a reconciliation organisation or otherwise.

The tribunal noted that whilst it is plainly too early to say that any potential victim of a blood feud of the "classic type" can now look to the authorities for a sufficiency of protection...the governments initiatives are particularly likely to make themselves felt, in terms of institutional attitudes within Tirana itself.

VD (Trafficking) Albania CG [2004] UKIAT00115. The IAT considered whether in general it is likely that an individual would be trafficked, and found that it is not reasonably likely that an individual Albanian girl or woman would be at risk of being trafficked even if the individual falls within the 14 to 17 year old age group. The tribunal also considered whether there is in general a sufficiency of protection for women who may be at risk of being trafficked and held that in the totality of evidence before them that there is in general a sufficiency of protection against trafficking in Albania. The Tribunal noted the 2003 (at that time CG) case of **UKIAT 00023 K** (see below) but found that this turned on the particular facts of that case and should not be relied upon in support of the proposition that, in general terms, there is a real risk that a particular individual would become a victim of trafficking or that there is in general insufficient protection for trafficked victims.

DM (Sufficiency of Protection – PSG – Women – Domestic Violence) Albania CG [2004] UKIAT 00059 Heard on 15 March 2004, promulgated on the 1 April 2004.

The appellant fled Albania because her ex-boyfriend threatened to kill her. The police considered the threats. The IAT found that the Adjudicator was wrong to construe the judgments in **Shah & Islam v. Secretary of State for the Home Department [1999] Imm AR 283** as providing any broad basis for saying that women generally are to be regarded as capable of forming a particular social group for Refugee Convention purposes. **Shah & Islam** dealt with very specific circumstances under which it can be held that there is lack of sufficiency of protection for women generally in Pakistan. The situation in Albania is entirely different from that in Pakistan and there is no evidence to suggest that the position of women is actively undermined by the provision of law. The Tribunal found that there is sufficiency of protection for women in general and that their position in society is not actively undermined by the provision of law.

As regards sufficiency of protection the IAT referred to **Osman v UK [2002] 29 EHRR245** – and concluded that in connection with Article 2 one has to bear in mind the difficulties involved in policing modern society, the unpredictability of human conduct, and the operational choices which have to be made in terms of priorities and resources. An obligation to provide protection had to be interpreted in a way which does not impose an impossible or disproportionate burden on the authorities.

KOCI [2003] EWCA Civ 1507 The Court of Appeal found that whilst each case should be considered on its individual merits and conditions in Albania at the relevant time, the evidence at that time pointed towards protection being inadequate on the evidence of the individual case, "not merely as a generality in such cases but actually in his own specific case."

IM (Risk – Objective Evidence – Homosexuals) Albania CG [2003] UKIAT 00067 Heard 15 July 2003, promulgated 8 September 2003. After a review of the available, albeit limited, objective evidence the Tribunal had regard to the decriminalisation of homosexuality, the presence of an officially registered gay rights group and the almost entire absence of any reported ill-treatment of homosexuals in Albania since 1994. The IAT concluded that there was also no evidence to show that the police or the Albanian authorities ill-treat Gay men.

Skenderaj [C/2001/1336 promulgated 26 April 2002] the Court of Appeal held that families involved in the Blood Feud were not a distinct social group - the threat to Skenderaj was "a private matter" and his family was not regarded as a distinct group by Albanian society any more than most other families in the country. The critical factor in cases where a victim of non-state persecution is unwilling to seek state protection is not necessarily whether the state is able and willing to provide a sufficiency of protection to the *Horvath* standard, though in many cases it may be highly relevant to the victim's well-founded fear of persecution. The test is whether the potential victim's unwillingness to seek it flows from that fear.

3. **Main categories of claims**

- 3.1 This Section sets out the main types of asylum claim, human rights claim and humanitarian protection claim (whether explicit or implied) made by those entitled to reside in Albania. It also contains any common claims that may raise issues covered by the Asylum Instructions on Discretionary Leave. Where appropriate it provides guidance on whether or not an individual making a claim is likely to face a real risk of persecution, unlawful killing or torture or inhuman or degrading treatment/ punishment. It also provides guidance on whether or not sufficiency of protection is available in cases where the threat comes from a non-state actor; and whether or not internal relocation is an option. The law and policies on persecution, Humanitarian Protection, sufficiency of protection and internal relocation are set out in the relevant Asylum Instructions, but how these affect particular categories of claim are set out in the instructions below.
- 3.2 Each claim should be assessed to determine whether there are reasonable grounds for believing that the applicant would, if returned, face persecution for a Convention reason - i.e. due to their race, religion, nationality, membership of a particular social group or political opinion. The approach set out in Karanakaran should be followed when deciding how much weight to be given to the material provided in support of the claim (see the Asylum Policy Instruction on considering the protection (asylum) claim and assessing credibility).
- 3.3 If the applicant does not qualify for asylum, consideration should be given as to whether a grant of Humanitarian Protection is appropriate. If the applicant qualifies for neither asylum nor Humanitarian Protection, consideration should be given as to whether he/she qualifies for Discretionary Leave, either on the basis of the particular categories detailed in Section 4 or on their individual circumstances.
- 3.4 All Asylum Instructions can be accessed via the on the Horizon intranet site. The instructions are also published externally on the Home Office internet site at:

<http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi/>

3.5 **Credibility**

- 3.5.1 This guidance is not designed to cover issues of credibility. Caseowners will need to consider credibility issues based on all the information available to them. For guidance on credibility see the Asylum Policy Instruction on considering the protection (asylum) claim and assessing credibility. Caseowners must also ensure that each asylum application has been checked against previous UK visa applications. Where an asylum application has been biometrically matched to a previous visa application, details should already be in the Home Office file. In all other cases, the caseowner should satisfy themselves through CRS database checks that there is no match to a non-biometric visa. Asylum applications matched to visas should be investigated prior to the asylum interview, including obtaining the Visa Application Form (VAF) from the visa post that processed the application.

3.6 **Blood feuds**

- 3.6.1 Some claimants will apply for asylum or make a human rights claim based on ill-treatment amounting to persecution as a result of a 'blood feud'.
- 3.6.2 **Treatment.** Feuds and revenge killings began to resurface in the 1990s during Albania's transition from communism to democracy. These crimes reactivated the old *Kanuns* (traditional codes), specifically the *Leke Dukagjini Kanun*. The Albanian blood feud was a centuries old custom that draws on tribal tradition and customary law. A distinguishing feature of blood feuds from other crimes is that they are carried out publicly. Northern Albanians, in

particular, have respect for the *Kanun* and have passed it from generation to generation for hundreds of years. All blood feuds involve violations of honour.¹²

- 3.6.3** During 2010 there were continuing reports of societal killings, including both generational blood feud and revenge killings. Such killings sometimes involved criminal gangs. According to the Ministry of Interior (MOI), there were five blood feud-related killings during 2010. However, non-governmental organisations (NGOs) reported 55 blood feud-related killings during the year and fear of blood feud reprisals effectively imprisoned approximately 1,490 families in their homes. The Court of Serious Crimes tried blood feud cases and the law punished premeditated murder when committed for revenge or a blood feud.¹³ Article 78 of Albania's Criminal Code stated that homicide committed for interest, retaliation or blood feud was punished by not less than twenty-five years or life imprisonment. Article 83a, which was added to the Criminal Code in 2001 stated that serious threat of revenge or blood feud to a person or minor, causing them to stay isolated was punished by a fine or up to three years imprisonment. Sources indicated that there have been prosecutions in Albania for blood-feud-related murders.¹⁴
- 3.6.4** The National Reconciliation Committee, an Albanian non-profit organisation that works to eliminate the practice of blood feuds, estimated that 20,000 people had been ensnared by blood feuds since they resurfaced after the collapse of Communism in 1991, with 9,500 people killed and nearly 1,000 children deprived of schooling because they are locked indoors.¹⁵
- 3.6.5** Definition of honour was broad and may include: insults, property issues, trafficking of persons, accidental killings, murder, conflicts over water rights, being disrespectful of a woman and accusing a person of lying. The classic blood feud can only pass through the male bloodline. In modern blood feuds, it was reported that people no longer adhered to strict rules such as the minimum age requirement of 16 years. Women, traditionally exempt from blood feuds, were said to have become targets. The concept of pre-emptive strike allows an individual who believes a rival family was looking to take blood from his family to strike first by killing a male member of the rival family, thereby eliminating risk to himself and his family. In the case of the paid assassin, an individual who does not want to commit the actual murder paid a third party to carry out the killing. Many blood feuds took place in remote areas where people did not want to seek recourse through the legal system, predominantly in rural, northern areas but can reportedly also occur elsewhere although less commonly in urban areas.¹⁶
- 3.6.6** Blood feuds can be resolved by reconciliation through a third party who tries to find a settlement. One way to resolve a blood feud by mediation is to arrange a marriage of two members of the rival families. A blood feud can also be resolved through monetary compensation. An agreement of the offending party to move away and total forgiveness without any compensation are other possible solutions. Unless the injured party in a blood feud initiates forgiveness, calling on the services of a reconciliation committee was the only way to resolve a feud.¹⁷
- 3.6.7** There are a number of reconciliation committees in Albania. For example, the Committee of Nationwide Reconciliation (CNR) is an NGO that works towards encouraging the rule of law in Albania and discouraging the use of *Kanun* traditions. It has contacts with Albanian state organisations and conflict resolution groups and deals with national policy, arranges

¹² Canadian Refugee Board (IRB) Issue paper 'Albania Blood Feuds', May 2008

http://www.ecoi.net/file_upload/1684_1243258524_http-www2-irb-cisr-gc-ca-en-research-publications-index-e-htm.pdf

¹³ USSD 2010 – Section 1 <http://www.state.gov/g/drl/rls/hrrpt/2010/eap/154380.htm>

¹⁴ COIS Report Albania March 2011 - Section 9 – Paragraph 9.16

<http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi>

¹⁵ COIS Report Albania March 2011 – Section 9 – Paragraph 9.11

<http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi>

¹⁶ Canadian Refugee Board (IRB) Issue paper 'Albania Blood Feuds', May 2008

http://www.ecoi.net/file_upload/1684_1243258524_http-www2-irb-cisr-gc-ca-en-research-publications-index-e-htm.pdf

¹⁷ Canadian Refugee Board (IRB) Issue paper 'Albania Blood Feuds', May 2008

http://www.ecoi.net/file_upload/1684_1243258524_http-www2-irb-cisr-gc-ca-en-research-publications-index-e-htm.pdf

conferences and issues reports on blood feuds. An attestation letter was a document that confirms whether a blood feud occurred. The head of the CNR states that his organisation is the sole authorised provider of attestation letters.¹⁸ Several sources indicate that it may be possible to purchase attestation letters about involvement in blood feuds in Albania. The Honorary Research Fellow at Roehampton University stated that endemic corruption persisted in Albania, making it impossible to rule out the possibility that such letters could be purchased. The Professor at Indiana University-Purdue University Fort Wayne similarly noted that "almost anything can be bought or sold" in Albania, particularly documentation. However, the Chairman of the CNR stated that it was impossible to buy an attestation letter from his organisation because each was signed by the Chairman and identified by a unique code and protocol number.¹⁹

- 3.6.8** The number of blood feud killings have decreased due notably to better policing. Specific criminalisation of blood feuds and blood feud killings, the creation of specialised police units and the establishment of a high-level Coordination Committee have been important steps in this field. However, the incidence of these killings continued to result in the families concerned being self-isolated due to fear of reprisal and therefore depriving children of basic rights such as inclusive education. The government has taken measures to improve access to education of isolated children through its "second chance" programme. Additionally, several NGOs have been active in this field, providing support to affected families and contributing to an increased awareness of the need to eradicate this phenomenon.²⁰
- 3.6.9** Several sources indicate that statistics regarding blood feuds in Albania varied widely.²¹ According to the UN Special Rapporteur, Philip Alston, many government representatives and observers expressed concern that some NGOs were exaggerating the extent of the problem in order to secure funding and the Research Directorate stated that statistics were generally 'problematic' in Albania and often used for political reasons. The Special Rapporteur did compare statistics for blood-feud related murders, pointing out that in 2009 they ranged from one blood-feud murder identified by the Albanian government, over 30 claimed by an unnamed civil society group, to the 'hundreds' reported each year by the media. He expressed the opinion that the 'correct' number of killings was likely 'much closer' to the government figures.²²
- 3.6.10** The existence of a mentality which encouraged blood feuds was a continuing concern in Albania, warned the UN Special Rapporteur on extrajudicial killings. He stated that blood feud killings continued to have corrosive affects on society, especially the practice of self-isolation by families who feared revenge killings and a still widespread belief in the justness of collective punishment of innocent family members. However, according to the UN expert, the number of blood feud has decreased significantly over the past 5 years and civil society organisations and some media reports have clearly exaggerated the extent of blood feud killings. He urged the Government to conduct a survey and analysis of the blood feud phenomenon in Albania and take greater steps to facilitate reconciliation between families and emphasised the importance of education on human rights to tackle the main causes of blood feuds.²³

See also: [Actors of protection \(section 2.3 above\)](#)

[Internal relocation \(section 2.4 above\)](#)

¹⁸ Canadian Refugee Board (IRB) Issue paper 'Albania Blood Feuds', May 2008

http://www.ecoi.net/file_upload/1684_1243258524_http-www2-irb-cisr-gc-ca-en-research-publications-index-e-htm.pdf

¹⁹ UNHCR Refworld – Albania: Means by which reconciliation groups begin working on a case – October 2010

<http://www.unhcr.org/refworld/docid/4dd10f5f.html>

²⁰ European Commission – Analytical Report – 9 November 2010

http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/al_rapport_2010_en.pdf

²¹ COIS Report Albania March 2011 – Section 9 – Paragraph 9.07

<http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi>

²² UNHCR Refworld – Albania – Statistics On Blood Feuds – October 2010

<http://www.unhcr.org/refworld/country,...ALB.,4dd10ee72,0.html>

²³ United Nations Human Rights Council 23 February 2010 <http://reliefweb.int/node/346027>

Caselaw (section 2.5 above)

3.6.11 Conclusion. In general, the Albanian Government is able and willing to offer effective protection for its citizens who are the victims of a blood feud; however, there may be individual cases where the level of protection offered is, in practice, insufficient. The level of protection should be assessed on a case by case basis taking into account what the claimant did to seek protection and what response was received. Internal relocation may be appropriate in some cases.

3.6.12 The UNHCR consider that there may be some individuals who, because of the circumstances of their case, may be considered to be a Particular Social Group (PSG).²⁴ Where persecution is due to an act of an individual e.g. where there is an outstanding debt (as in Skenderaj [see caselaw section above](#)) then there will be no PSG. However if the persecution is purely on the basis of membership of a family, as in most blood feud cases and as in Fornah ([see caselaw section above](#)), then the applicant will be considered to be a member of a PSG. Where an applicant is able to demonstrate that the circumstances of their case result in them being a member of a PSG and where they are unable to seek sufficient protection from the government or relocate internally then a grant of asylum may be appropriate.

3.7 Organised crime

3.7.1 Some claimants will apply for asylum or make a human rights claim based on ill-treatment amounting to persecution at the hands of organised criminal gangs and that law enforcement agencies, such as the police, are not able to offer sufficient protection. Some claimants will claim that the police are linked to criminal gangs and that that they face unlawful arrest and detention.

3.7.2 Treatment. The current government has made the fight against high levels of organised crime and corruption a priority²⁵ and according to the MOI, police dismantled organised criminal groups during 2010. However, organised crime still remained a serious problem in Albania.²⁶

3.7.3 Organised crime was present in Albania and organised criminal activity occasionally resulted in violent confrontations between members of rival organisations. Armed crime continued to be more common in northern and north western Albania than in the rest of the country.²⁷

3.7.4 According to Europol, within the EU, Albanian speaking groups were active in the fields of cocaine, heroin, synthetic drug and cannabis trafficking. The financial resources of these groups have enabled them to interact with criminal organisations in source areas for illicit drugs, as well as to proactively identify new criminal opportunities. Some of their proceeds were reportedly destined for support organisations for the former Kosovo Liberation Army.²⁸

3.7.5 In the area of the fight against organised crime, Albania has established a legislative and institutional framework which was largely adequate. Reform of law enforcement authorities, as well as their adequate resources and equipment, contributed to counter this phenomenon.

²⁴ UNHCR position on claims for refugee status under the 1951 Convention relating to the Status of Refugees based on a fear of persecution due to an individual's membership of a family or clan engaged in a blood feud. <http://www.unhcr.org/cgi-bin/texis/vtx/home/opendoc.pdf?tbl=RSDLEGAL&id=44201a574>

²⁵ COIS Report Albania March 2011 - Section 8 – Paragraph 8.01

<http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi>

²⁶ USSD 2010 – Section 1 <http://www.state.gov/documents/organization/160177.pdf>

²⁷ U.S Department of State International Travel – Albania Country Specific Information – June 2011 http://travel.state.gov/travel/cis_pa_tw/cis/cis_1076.html#victim

²⁸ EUROPOL – EU Organised Crime Threat Assessment (OCTA) 2011 https://www.europol.europa.eu/sites/default/files/publications/octa_2011.pdf

However, according to the European Commission in their report of 2010, effective implementation of new legislation and the professionalism of new structures and systems were required to be further proven in practice. The Report continued that proactive investigation needs to be ensured and cases that have been successfully investigated need to be followed by convictions. Activities of organised crime groups in Albania, having an impact outside of the country remain an issue of serious concern. Further strengthening of co-operation at the international level was also necessary, including in particular with neighbouring countries.²⁹

- 3.7.6** In the field of police co-operation and the fight against organised crime, important measures have been taken in recent years. The legal framework has been enhanced, with a new law enabling effective seizure and confiscation of the illegal proceeds of crime. This Law entered into force in January 2010 together with the Law on protection of witnesses and informants.³⁰
- 3.7.7** A new police structure reflecting the priority given to organised crime investigations was in place since July 2010. Human resources have been relocated in order to increase the number of staff dealing with organised crime investigations and budgetary provision has been made for further investments. The introduction of joint investigative units to fight economic crime and corruption has proved effective. Efforts have been made to increase investigative capacity and a more pro-active and intelligence-led approach was promoted. According to the European Commission, common training with prosecution and other law enforcement agencies must continue in order to further strengthen operational co-operation between the police and prosecution and specialised training required further development, in particular on the international aspects of organised crime.³¹
- 3.7.8** The Joint Investigative Unit to Fight Economic Crime and Corruption (JIU) investigated and prosecuted public corruption and other financial crimes, although its ability to investigate and prosecute corrupt judges, members of parliament and other high officials was hampered by broad immunity from criminal prosecution granted by the constitution. The JIU was composed of the prosecutor general, the ministers of interior and finance, and the director of State Intelligence Service (SHISH). The JIU used a team structure to concentrate capacity and promote communication necessary for effective investigations and prosecutions. The JIU received direct referrals from citizens. During 2009 the JIU prosecuted two former mayors of a commune near Tirana for a property fraud scheme. They were convicted of corruption, money laundering and other charges along with three other officials and two citizens. The trial court imposed sentences ranging from 3 to 6 years in prison. However, the Court of Appeals subsequently reduced some of the charges and most of the sentences, cutting the longest sentence to 3 years.³²
- 3.7.9** The government prosecuted corrupt officials and managed complaints regarding corrupt police through the ombudsman and the Internal Control Service of the Albanian State Police. However, broad immunity provisions for judges, members of parliament, and other high level officials hindered the government's ability to prosecute high-level corruption. Immunity can only be lifted by parliament or by a High Council of Justice decision. The government's anti-corruption task force against organised crime co-ordinated anti-corruption activities. The prime minister was head of the task force that included several ministers and heads of independent state-owned agencies, such as the public electricity company and representatives of the police and intelligence organisations.³³

See also: [Actors of protection \(section 2.3 above\)](#)

²⁹ European Commission Progress Report Albania 2010

http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/al_rapport_2010_en.pdf

³⁰ European Commission Progress Report Albania 2010

http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/al_rapport_2010_en.pdf

³¹ European Commission Progress Report Albania 2010

http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/al_rapport_2010_en.pdf

³² COIS Report Albania March 2011 – Section 19 – Paragraph 19.03

<http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi>

³³ USSD 2010 – Section 4 <http://www.state.gov/documents/organization/160177.pdf>

[Internal relocation \(section 2.4 above\)](#)

[Caselaw \(section 2.5 above\)](#)

3.7.10 Conclusion. The Albanian authorities are making significant efforts to combat organised crime and corruption and, as a result, are able to provide sufficient protection in most cases. However, relatively high levels of organised crime remain within Albania and such protection may not be available in all cases particularly where the corruption of state officials is an issue. Internal relocation is likely to be available to individuals seeking to escape a localised threat from members of organised criminal gangs. A grant of asylum or Humanitarian Protection will not, therefore, generally be appropriate. However cases should only be certified as clearly unfounded where it is clear that in the individual case there is sufficiency of protection or that internal relocation is clearly available.

3.8 Involvement with opposition political parties

3.8.1 Some claimants will apply for asylum or make a human rights claim based on ill-treatment amounting to persecution at the hands of members of a rival political party.

3.8.2 Treatment. Albania is a parliamentary democracy. The Albanian Constitution was adopted by referendum on 22 November 1998 and came into effect shortly afterwards. The Constitution sets out the basis for an executive consisting of the President and Council of Ministers, a parliamentary assembly, and a judiciary including the Constitutional Court and High Court. The President was elected for a 5-year term by a three-fifths majority of Members of Parliament. No president may serve more than 2 terms in office. The current incumbent was President Bamir Topi who took over from President Alfred Moisiu in July 2007. The President was the constitutional Head of State but, in practice, had limited powers.³⁴

3.8.3 The Council of Ministers performed the main executive functions of government and includes the Prime Minister, the Deputy Prime Minister and line ministers. The Prime Minister was appointed by the President but must be approved by Parliament, and was usually the leader of the largest party in the governing coalition. The current Prime Minister is Sali Berisha.³⁵ The Parliamentary Assembly consists of 140 Members of Parliament, or 'deputies'. The Assembly was elected for a four-year term, by party-list proportional representation. The current governing coalition was led by the Democratic Party (DP), and the Opposition was led by the Socialist Party (SP).³⁶

3.8.4 Albania passed constitutional changes in April 2008 to create a new electoral system. The previous arrangement elected 100 constituency based MPs on a simple majority system and 40 MPs nationally on a proportional open list system. Now, replicating the Spanish system, there was a closed list proportional representation on a regional basis. This system was agreed by the two main parties, the Democratic Party and the Socialist Party and was used for the general elections on 28 June 2009.³⁷

3.8.5 The most recent general elections were held on 28 June 2009. Since that time however, the opposition Socialist Party and their allies refused Parliament, calling for an investigation into election irregularities, the opening of the ballot boxes or for the Prime Minister to step down. The government refused to accept the opposition's demands; the resulting stalemate has affected other bodies, such as the judiciary, as well as the wider reform programme.

³⁴ COIS Report Albania March 2011 Section 6 – Paragraph 6.01

<http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi>

³⁵ COIS Report Albania March 2011 Section 6 – Paragraph 6.01

<http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi>

³⁶ FCO Country Profile Albania – July 2011

<http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/europe/albania>

³⁷ FCO Country Profile Albania – July 2011

<http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/europe/albania>

Opposition MPs have now returned to debates in the Assembly, but continue to reject all votes.³⁸

- 3.8.6** The constitution and law provide citizens the right to change their government peacefully and citizens exercised this right in practice through periodic elections based on universal suffrage. Political parties operated without restriction or outside interference.³⁹

See also: [Actors of protection](#) (section 2.3 above)

[Internal relocation](#) (section 2.4 above)

[Caselaw](#) (section 2.5 above)

- 3.8.7 Conclusion.** Albania is a parliamentary democracy and political parties are able to register and contest elections. There is no evidence of persecution or a breach of Article 3 of the ECHR. Those claiming to face threats from political opponents should be able to seek protection from the authorities or internally relocate to escape a localised threat. Therefore, a claim based on fear of members of opposing political parties is unlikely to qualify for a grant of asylum or Humanitarian Protection and is likely to be clearly unfounded.

3.9 Trafficking of women

- 3.9.1** Some claimants will claim asylum or make human rights claim based on their fear of being trafficked or their fear of those who trafficked them if they return to Albania.
- 3.9.2 Treatment.** The law prohibits trafficking in persons for all purposes and provides penalties for traffickers, however, individuals and organised crime syndicates trafficked persons, particularly women and children, from and within the country.⁴⁰
- 3.9.3** Albania has predominantly turned into a country of origin for international trafficking in women and children rather than being a transit or destination country for foreign victims. Women were mainly trafficked for sexual exploitation and forced labour, whereas children were utilised in forced labour.⁴¹ Victims were trafficked primarily to Greece, but also to Italy, Macedonia, Kosovo, Spain, France, the United Kingdom and other West European countries as well as within the country.⁴² Recruitment was increasingly through fraud, by persons known to the victims, who make false job offers or marriage promises. Children continue to be primarily trafficked to Greece and increasingly by their parents or other family members.⁴³
- 3.9.4** The Government of Albania did not fully comply with the minimum standards for the elimination of trafficking, however, it was making significant efforts to do so. During 2010, the government took several specific steps to improve its overall anti-trafficking strategy. Specifically, the government allocated funds for NGOs and provided economic reintegration assistance directly to victims. The government also appointed a victim-witness coordinator and two specialised anti-trafficking prosecutors to improve the litigation of trafficking cases and treatment of victims who agreed to serve as state witnesses. These efforts portend well for future results. NGOs continued to report gaps in the implementation of the government's National Referral Mechanism (NRM). Further, widespread corruption, particularly within the

³⁸ FCO Country Profile Albania – July 2011

<http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/europe/albania>

³⁹ COIS Report Albania March 2011 - Section 6 <http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi>

⁴⁰ COIS Report Albania March 2011 – Section 26 – Paragraph 26.01

<http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi>

⁴¹ Republic of Albania – National Strategy on Combating Trafficking in Persons 2008 – 2010

<http://www.protectionproject.org/wp-content/uploads/2010/11/NAP-Albania-2008-2010.pdf>

⁴² COIS Report Albania March 2011 – Section 26 – Paragraph 26.05 & 26.06

<http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi>

⁴³ Republic of Albania – National Strategy on Combating Trafficking in Persons 2008 – 2010

<http://www.protectionproject.org/wp-content/uploads/2010/11/NAP-Albania-2008-2010.pdf>

judiciary, continued to obstruct overall anti-trafficking law enforcement and victim protection efforts.⁴⁴

- 3.9.5** In 2009, the government of Albania approved an amendment to the Social Assistance law which would provide victims of trafficking with the same social benefits given to other at-risk groups in Albania and provide government funding for shelters.⁴⁵
- 3.9.6** The Government of Albania increased its anti-trafficking law enforcement efforts in 2010. Albania criminally prohibits sex and labour trafficking through Articles 110(a), 128(b) and 114(b) of its Criminal Code, which imposed penalties of 5 to 15 years' imprisonment. These penalties were sufficiently stringent and went beyond those prescribed for other serious crimes, such as rape. In 2010, the State Police reported investigating 51 suspected trafficking offenders in 37 cases, all of whom were referred to court for prosecution. The Serious Crimes Prosecution division reported investigating 29 suspects and the Serious Crimes Court prosecuted 27 suspected trafficking offenders, resulting in 11 convictions in 2010, compared with the prosecution of 31 and conviction of 11 offenders in 2009. Penalties ranged from fines to 7 to 15 years' imprisonment. The government improved its response to labour trafficking by initiating a criminal investigation into one labour trafficking case in 2010. The government dedicated 40 anti-trafficking officers exclusively to human trafficking investigations in 2010, however, high staff turnover, particularly among female officers, continued to be a problem. The government, in partnership with NGOs, continued its pre-service and in-service anti-trafficking training, including interview techniques, for police recruits and workforce during 2010. The government also continued its anti-trafficking training for judges, prosecutors, and judicial police officers, training 113 judicial officials in 2010.⁴⁶
- 3.9.7** The Government of Albania improved its efforts to identify and protect victims of trafficking victims in 2010. NGOs and the government's shelter assisted 97 trafficking victims by means of the NRM in 2010. The NRM, generally recognised by Albanian stakeholders and international observers as an effective framework, continued to suffer from inadequate implementation by its signatories. During 2010, one government ministry avoided the NRM completely and attempted to unilaterally revoke the licenses of three of the NGO signatories providing shelter and assistance to trafficking victims. The Ministry rescinded this order after repeated interventions by the international community. These threatened closures damaged the trust and partnership between the government and civil society on trafficking victim protection issues. During 2010, the government finalised a law that provided reintegration assistance to victims, however, were yet to formally disburse promised funding to NGOs providing critical care and assistance to victims in shelters. The government continued to fund and operate a reception centre that accommodated both victims of trafficking and irregular foreign migrants identified within Albanian territory but it lacked the capacity to provide comprehensive reintegration assistance to the victims.
- 3.9.8** The government encouraged victims to participate in investigations and prosecutions of trafficking offenders. Victims, however, often refused to testify out of fear of retribution from traffickers. There was often a need for protection after a trial commences. In some cases, the police offered no protections to trafficking victims when testifying against their traffickers, forcing victims to rely exclusively on NGOs for protection. The General Prosecutor's office did not request witness protection for any victims of trafficking in 2010. To help improve protection, the Prosecutor General named a victim witness advocate to help serve the needs of the victims and two specialised prosecutors for trafficking cases.⁴⁷
- 3.9.9** Pervasive corruption in all levels and sectors of Albanian society continued to seriously affect the government's ability to address its human trafficking problem. The government did not report any investigations, prosecutions or convictions of trafficking in 2010.⁴⁸

⁴⁴ USSD Trafficking in Persons Report 2011 <http://www.state.gov/g/tip/rls/tiprpt/2011/164231.htm>

⁴⁵ USSD Trafficking in Persons Report 2010 http://www.unhcr.org/refworld/country,...ALB,,4c18840f20_0.html

⁴⁶ USSD Trafficking in Persons Report 2011 <http://www.state.gov/g/tip/rls/tiprpt/2011/164231.htm>

⁴⁷ USSD Trafficking in Persons Report 2011 <http://www.state.gov/g/tip/rls/tiprpt/2011/164231.htm>

⁴⁸ USSD Trafficking in Persons Report 2011 <http://www.state.gov/g/tip/rls/tiprpt/2011/164231.htm>

3.9.10 In February 2011, the government approved a new 2011-2013 national anti-trafficking strategy with input from civil society and continued to organise information and education campaigns to prevent trafficking. The government continued to monitor its anti-trafficking efforts by the use of its National Coordinator's office, which published an annual report on trafficking in October 2010, reflecting modest transparency in its anti-trafficking policies and activities. Regional anti-trafficking co-ordination groups were not fully functional, did not always include civil society, and lacked leadership and assistance. Lack of political determination and misunderstandings about trafficking in some government agencies continued to be a significant difficulty to the establishment of an institutionalised response to trafficking in Albania. The government continued to fund the national toll-free, 24-hour hotline for victims and potential victims of trafficking.⁴⁹

See also: [Actors of protection](#) (section 2.3 above)

[Internal relocation](#) (section 2.4 above)

[Caselaw](#) (section 2.5 above)

3.9.11 Conclusion. The Albanian government has made significant efforts in recent years to fight human trafficking and has created legislative, organisational and operational frameworks in the areas of investigation, prosecution, protection and prevention. Although trafficking continues to be a problem in Albania, the government has taken steps on several fronts to curb the activities of traffickers and to ensure that victims or potential victims can obtain protection from the authorities. There are a number of examples of the prosecution and conviction of traffickers with appropriate sentences. Whilst the Albanian government and authorities have taken steps to protect trafficked women who return such steps are not always effective. When considering whether or not there is a sufficiency of protection for a trafficked woman who is to be returned, caseowners must take full account of the claimants particular circumstances and other facts of the case. Not all trafficked women returning to Albania will be able to access the arrangements and facilities available to enable successful re-integration and as such some trafficked women may well be members of a PSG as stated in the case **AM and BM**. Where an applicant is able to demonstrate that they fall into this category a grant of asylum may be appropriate.

3.10 Victims of domestic violence

3.10.1 Some women claimants will apply for asylum or make a human rights claim based on ill-treatment amounting to persecution at the hands of members of their family due to domestic violence and that the authorities are not willing or able to offer sufficiency of protection.

3.10.2 Treatment. Domestic violence against women, including spousal abuse, remained a serious problem in 2010. During the year police reported cases of domestic violence and the government pressed charges in cases. The Department of Equal Opportunities at the Ministry of Labour, Social Affairs and Equal Opportunity covered women's issues, including domestic violence.⁵⁰

3.10.3 The physical integrity of Albanian women was inadequately protected. The Albanian Constitution does not contain any specific provisions regarding domestic violence, spousal rape, sexual harassment or female genital mutilation, although Albanian law does condemn these practices. Violence against women was very prevalent in Albania. Many men, especially in the northeast, still adhered to a traditional code known as *Kanun* that establishes the authority of men over women.⁵¹

⁴⁹ USSD Trafficking in Persons Report 2011 <http://www.state.gov/g/tip/rls/tiprpt/2011/164231.htm>

⁵⁰ USSD 2010 – Section 5 <http://www.state.gov/documents/organization/160177.pdf>

⁵¹ COIS Report Albania March 2011 – Section 24 - Paragraph 24.18
<http://www.ukba.homeoffice.gov/uk/policyandlaw/guidance/coi>

- 3.10.4** According to the UN Special Rapporteur in his report of March 2011, domestic violence was widespread in Albania and the violence was most often spousal abuse. Studies specific to Albania highlighted cultural factors, including a strong historic tradition of male dominance, the fact that domestic violence has long been considered to be a 'normal' private part of family life and that Albanian society has emphasised hierarchical family order and intergenerational control. The *kanun* was seen as contributing to a culture of disrespect for and violence against women because of its patriarchal approach and because it specifically approved violence, including beating for a disobedient wife.⁵² Reports received by the police reflect only a very small proportion of the true number of cases of domestic violence. The majority of women, particularly in rural areas, where it was forbidden to even talking about domestic violence, were still reluctant to report domestic violence to the authorities.⁵³ Women who were unemployed, less educated and living in rural areas were seen as more vulnerable to violence.⁵⁴
- 3.10.5** The Government, with the support of the United Nations, has developed a national strategy on gender equality and domestic violence which appraised State institutions dealing with domestic violence (2007-2010). It exposed failures of capacity, effectiveness, training and Record keeping on the part of public health and medical officials, the police and the judiciary. It proposed widespread reforms to enhance victim protection and the investigation and punishment of perpetrators, a judicial and police infrastructure to protect victims, enhanced Government/civil society co-operation to assist victims, specialised training for public health, police and judicial officials, an information-sharing etiquette and maintenance of reliable statistics.⁵⁵
- 3.10.6** The 2006 Law against Domestic Violence set up a network of authorities for protection, rehabilitation and prevention, establishing victim support structures and enhancing judicial protection measures for victims. Contributors have paid for training of police, court and other officials with special domestic violence police units being established and shelters have increasingly been supported. Education campaigns have been launched and civil society groups have executed an active mobilising role. The above-mentioned efforts have led to dramatic increases in the number of women reporting violence to police officials, of protection orders and of offenders prosecuted. Experts have also noted encouraging changes in official attitudes to domestic violence.⁵⁶
- 3.10.7** Attitudes however, did remain a major challenge, especially with regard to Government planning for programme initiatives.⁵⁷ The government did not fund specific programs to contest domestic violence or assist victims, although non-profit organisations offered support. NGOs reported that an estimated eight domestic violence hotlines operated. The hotlines, serving mainly the northern part of the country, each received approximately 25 calls per month from women reporting some form of violence. NGOs operated four shelters for battered women in Tirana, Vlora, Elbasan, and Gjirokaster. During 2010 NGOs and police noted a substantial increase in reports of domestic violence, primarily due to increased awareness of services and more trust in the police. According to government figures, there were 1,744 cases of domestic violence reported during 2010, compared with 1,063 in 2009. Frequently, the police did not have the training or capacity to deal with domestic violence cases, especially in rural areas but many police were increasingly willing to assist women but they often did not have the knowledge, resources or institutional support to

⁵² Report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions March 2011 http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_680.pdf

⁵³ COIS Report Albania March 2011 – Section 24 – Paragraph 24.24 <http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi>

⁵⁴ Report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions March 2011 http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_680.pdf

⁵⁵ Report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions March 2011 http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_680.pdf

⁵⁶ Report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions March 2011 http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_680.pdf

⁵⁷ Report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions March 2011 http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_680.pdf

do so effectively.⁵⁸ A new shelter in Tirana, refurbished by the United Nations Development Programme, has Government support but no agreed budget allocation although there has been assurance from the Government that funds were forthcoming.⁵⁹

- 3.10.8** The UN Special Rapporteur has suggested that more needs to be done by the Government and the Ministry of Justice to implement the provisions of the Domestic Violence Law and train lawyers to provide free legal representation of victims. The Ministry of Health must also assist health and medical officials to identify, record and provide services for victims and the media should be more responsible in its coverage of domestic violence.⁶⁰
- 3.10.9** The criminal code penalises rape, including spousal rape; however, victims rarely reported spousal abuse and officials did not prosecute spousal rape in practice. The concept of spousal rape was not well established and authorities and the public often did not consider it a crime. The law imposes penalties for rape and assault depending on the age of the victim. For rape of an adult, the prison term is 3 to 10 years; for rape of an adolescent between the ages of 14 and 18, the term is 5 to 15 years and for rape of a child under the age of 14, the sentence is 7 to 15 years.⁶¹
- 3.10.10** In many communities, particularly those in the northeast, women were subjected to societal discrimination as a result of traditional social norms that considered women to be subordinate to men. The law provides equal rights for men and women under family law, property law and in the judicial system. Women were not, in law or practice, excluded from any occupation, however, they were not well represented at the highest levels of their fields. The law mandates equal pay for equal work; however, the government and employers did not fully implement this provision.⁶²
- 3.10.11** The Osservatorio Balcani e Caucaso, an online news provider and research centre devoted to social and political change in South East Europe, stated in their report of 16 November 2011 that in 2006 Albania introduced a law on Measures for prevention of violence within families. This law was only passed in parliament following strong pressure from civilians including a petition signed by 20,000 people. The law covered two important aspects. Firstly, it defined which public institutions were competent in dealing with domestic violence and secondly it granted the magistracy the power to put “protective and restrictive measures” into action in favour of the victims and against the violators.⁶³

See also: [Actors of protection](#) (section 2.3 above)

[Internal relocation](#) (section 2.4 above)

[Caselaw](#) (section 2.5 above)

- 3.10.12 Conclusion.** There is societal discrimination and violence against women in Albania particularly in the north of the country and although in general the authorities are able and willing to offer sufficiency of protection, there may be individual cases in which the attitude of individual police officers may limit the protection offered. However, the Government has passed legislation that outlaws discrimination against women and women are not excluded from any employment or occupation. In addition, there are also a number of NGOs who work to promote women’s rights and campaign against discrimination and violence. Most claimants will be able to internally relocate to escape localised threats from members of their family.

⁵⁸ USSD 2010 Section 6 <http://www.state.gov/documents/organization/160177.pdf>

Report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions March 2011 http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_680.pdf

⁵⁹ Report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions March 2011 http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_680.pdf

⁶⁰ Report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions March 2011 http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_680.pdf

⁶¹ USSD 2010 Section 5 <http://www.state.gov/documents/organization/160177.pdf>

⁶² USSD 2010 Section 5 <http://www.state.gov/documents/organization/160177.pdf>

⁶³ Osservatorio Balcani e Caucaso – Domestic Violence in Albania – 16 November 2011

<http://www.balcanicaucaso.org/eng/Regions-and-countries/Albania/Domestic-violence-in-Albania-106487>

Therefore, in most cases a grant of asylum or Humanitarian Protection will not be appropriate and cases are likely to be clearly unfounded.

3.11 Gay men and lesbians

3.11.1 Some applicants may make an asylum and/or human rights claim based on ill-treatment amounting to persecution as gay men, lesbians, bisexual or transgender persons in Albania.

3.11.2 *Treatment.* Homosexuality in Albania was decriminalized in 1995 so Albanian gay or lesbian individuals cannot legally be imprisoned for their sexual orientation. However, according to media sources and human rights organisations there were high levels of homophobia in Albania⁶⁴ and the discrimination against homosexuals by law enforcement remained strong.⁶⁵ Lesbian, gay, bisexual and transgender (LGBT) issues in the Albanian society remained very sensitive and media sources report that the gay community has been primarily underground.⁶⁶ Although the Albanian Constitution guaranteed the rights and the freedom of every individual, the LGBT community was facing discrimination and intolerance. In February 2010 the law 'On the Protection from Discrimination' was adopted by the Albanian Parliament, which was a significant step forward for eliminating the discrimination in Albania. Nevertheless, complete implementation has yet to come and remains a concern for the civil society.⁶⁷

3.11.3 The Albanian parliament approved an anti-discrimination law on 4 February 2010 which protects Albanians from a number of forms of discrimination, including on the grounds of sexual orientation and gender identity. This law regulated the implementation of and respect for the principle of equality in connection with gender, race, colour, ethnicity, language, gender identity, sexual orientation, political, religious or philosophical beliefs, economic, education or social situation, pregnancy, parentage, parental responsibility, age, family or marital condition, civil status, residence, health status, genetic predispositions, restricted ability, affiliation with a particular group or for any other reason.⁶⁸

3.11.4 The law outlines detailed provisions for the protection from discrimination in employment, in education, and in the field of goods and services. The law called for the establishment of an independent, state-funded Commissioner for Protection from Discrimination who would assure the effective protection from discrimination and from every other form of conduct that incites discrimination. Sources indicate that the anti-discrimination legislation was unanimously approved by parliament and several sources reported that when the legislation was proposed in 2009 by the Prime Minister, he stated support for legalising same-sex marriage but this faced opposition from religious leaders.⁶⁹

3.11.5 According to the US State Report, there were no laws criminalising sexual orientation and the law does not differentiate between types of sexual relationships in Albania. There were LGBT organisations in the country and the groups operated without interference from police or other state actors. There were reports that individuals were beaten, employment terminated or subjected to discrimination due to their sexual orientation. Often these cases went unreported.

⁶⁴ UNHCR Refworld – Albania: Situation and Treatment of Homosexuals - 28 September 2010

<http://www.unhcr.org/refworld/country,...ALB,,4dd10e342,0.html>

⁶⁵ COIS Report Albania March 2011 - Section 22 – Paragraph 22.08

<http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi>

⁶⁶ UNHCR Refworld – Albania: Situation and Treatment of Homosexuals – 28 September 2010

<http://www.unhcr.org/refworld/country,...ALB,,4dd10e342,0.html>

⁶⁷ COIS Report Albania March 2011 – Section 22 – Paragraph 22.10

<http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi>

⁶⁸ UNHCR Refworld – Albania: Situation and Treatment of Homosexuals – 28 September 2010

<http://www.unhcr.org/refworld/country,...ALB,,4dd10e342,0.html>

⁶⁹ UNHCR Refworld – Albania: Situation and Treatment of Homosexuals – 28 September 2010

<http://www.unhcr.org/refworld/country,...ALB,,4dd10e342,0.html>

NGOs claimed that police routinely harassed LGBT persons and transgender sex workers.⁷⁰

- 3.11.6** According to the LGBT Rights Activist, services for LGBT people in Tirana were very limited and there were no social support or counsellors for people facing difficulty. There were no LGBT organisations outside Tirana and the current LGBT organisations had little capacity to do outreach beyond Tirana. The LGBT Rights Activist expressed the opinion that someone facing threats because of his or her sexual orientation would have difficulty finding security in a different region or city of Albania. In her view, Albania was a small country which was 'intensely social networked,' and people were identified by their accents and recognised through connections with their hometowns and families. She believed that it would be difficult for someone to remain anonymous and find a way to make a living, since unemployment was high and most jobs were found through social connections rather than based on merit. This information could not be corroborated by the sources consulted by the Research Directorate.⁷¹
- 3.11.7** According to the European Commission's Progress Report of the 17 October 2011, Albania was assessed to have made limited progress in implementing the antidiscrimination legislation. Although the office of the Commissioner for Protection from Discrimination had been established and some awareness raising actions had been carried out, the Commission considered that the awareness of the provisions of the law remained low, in particular amongst professional groups. The Commission noted that LGBT community in Albania became more visible but that visibility has not led to substantial improvements in the situation of LGBT people as they continue to suffer discrimination and violence. It also highlighted that homophobia was widespread in Albania including among public service professionals.⁷²

See also: [Actors of protection](#) (section 2.3 above)

[Internal relocation](#) (section 2.4 above)

[Caselaw](#) (section 2.5 above)

- 3.11.8 Conclusion.** Case owners must refer to the Asylum Instruction on sexual orientation and gender identity in the asylum claim.
- 3.11.9** There is societal discrimination against gay men in Albania and the police may not be able or willing to offer sufficient protection in all cases. However, this discrimination will generally not amount to persecution.
- 3.11.10** There are likely to be difficulties in finding safety through internal relocation. The law provides for freedom of movement within the country and Government generally respects this right in practice. However, in a country, where homophobic attitudes are prevalent across the country, it may not be a viable option to escape any ill treatment. In addition, the Supreme Court in the case of *HJ (Iran)* made the point that internal relocation is not the answer if it depends on the person concealing their sexual orientation in the proposed new location for fear of persecution.
- 3.11.11** If there is a real risk that a gay man, lesbian or bisexual sexual relationship or those perceived as such, has, or will, become known, the applicant would on return to Albania face a real risk of discrimination and violence, to the extent that this would amount to persecution. As gay men, lesbians and bisexuals in Albania may be considered to be members of a particular social group, they should be granted asylum.
- 3.11.12** However, if an individual chooses to live discreetly because he/she wants to avoid embarrassment or distress to her or his family and friends he/she will not be deemed to

⁷⁰ USSD 2010 Section 6 <http://www.state.gov/documents/organization/160177.pdf>

⁷¹ COIS Report Albania March 2011 - Section 22 – Paragraph 22.13
<http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi>

⁷² COIS Report Albania March 2011 - Section 22 – Paragraph 22.19
<http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi>

have a well founded fear of persecution and will not qualify for asylum. This is because he/she has adopted a lifestyle to cope with social pressures and not because he/she fears persecution due to her or his sexual orientation.

3.11.13 If an individual chooses to live discreetly because he/she fears persecution if he/she were to live as openly gay, lesbian or bisexual then he/she will have a well founded fear and should be granted asylum. It is important that gay, lesbian and bisexual people enjoy the right to live openly without fear of persecution. They should not be asked or be expected to live discreetly because of their well founded fear of persecution due to their sexual orientation.

3.12 Prison conditions

3.12.1 Applicants may claim that they cannot return to Albania due to the fact that there is a serious risk that they will be imprisoned on return and that prison conditions in Albania are so poor as to amount to torture or inhuman treatment or punishment.

3.12.2 The guidance in this section is concerned solely with whether prison conditions are such that they breach Article 3 of ECHR and warrant a grant of Humanitarian Protection. If imprisonment would be for a Refugee Convention reason, or in cases where for a Convention reason a prison sentence is extended above the norm, the asylum claim should be considered first before going on to consider whether prison conditions breach Article 3 if the asylum claim is refused.

3.12.3 *Consideration.* Prison conditions varied widely between prison facilities dating from the communist period and those opened after 1991. In the facilities dating from the communist period, concerns existed about adequate provisions for sanitation, ventilation, lighting, health care, and access to potable water. The government was taking steps to address these needs and slowly phase out the older facilities. Establishments opened after 1991 generally met international standards. Changes in the law establishing a probation system, usage of alternative sentencing guidelines and the construction of new prisons decreased overcrowding. The Albanian Helsinki Committee (AHC) reported during 2010 there was a general alleviation of prison overcrowding, largely due to probationary services. Prisons have obtained modernised medical equipment and additional medical staff. However, access to medical care was not always available. During the year the AHC found that infrastructure conditions in some of the police detention facilities were very troubling.⁷³

3.12.4 Prisoners and detainees have the right to meet relatives and meetings can occur up to four times per month for adults and up to eight times for juveniles. Prisoners and detainees are free to exercise their religion and some facilities have special places for religious services.⁷⁴

3.12.5 Prisoners and detainees were permitted to submit complaints to the People's Advocate Ombudsman. Every penal installation has a mailbox in which prisoners and detainees were entitled to submit complaints without censorship. The ombudsman reported that this service was functional. Prisoners and detainees were also entitled under the law to submit complaints to judicial and administrative authorities. Authorities investigated credible allegations of inhumane conditions and documented the results of such investigations, although the results were not always easily accessible to the general public. According to the government, in 2009 the government carried out over 350 inspections and investigations.⁷⁵

3.12.6 The government allowed local and international human rights groups, the media and others to monitor prison conditions. The law provides for an ombudsman to implement the National Mechanism for Torture Prevention. The ombudsman also monitored prison conditions and acted on prisoner complaints. The ombudsman found that several facilities lacked the

⁷³ USSD 2010 Section 1 <http://www.state.gov/documents/organization/160177.pdf>

⁷⁴ USSD 2010 Section 1 <http://www.state.gov/documents/organization/160177.pdf>

⁷⁵ USSD 2010 Section 1 <http://www.state.gov/documents/organization/160177.pdf>

appropriate infrastructure and found instances of overcrowding. The ombudsman investigated allegations of corruption within the prison system and found corruption to be a serious problem. However, the ombudsman's term in office ended in March, and the parliament was unable to appoint a new ombudsman, leaving a gap which hindered the functioning of this office.⁷⁶

3.12.7 Despite such progress, many problems remained. The ombudsperson carried out inspections in seven prisons and some 20 police stations and concludes that conditions in many were below national and international human rights standards for the detention of prisoners, despite an EC-funded programme for penitentiary reform. In a series of reports and recommendations to the relevant authorities, the ombudsperson drew attention in particular to overcrowding, lack of outdoor exercise, buildings in poor repair and poor hygiene and called for the closure of Burrel prison, a dilapidated remnant of Albania's communist past. The prison authorities reportedly replied that it could not be closed for at least two years until new prisons were built.⁷⁷

3.12.8 Conclusion. Whilst some prison conditions in Albania are poor, with overcrowding and a lack of food and medical care being particular problems, conditions are unlikely to reach the Article 3 threshold. Therefore, even where claimants can demonstrate a real risk of imprisonment on return to Albania, a grant of Humanitarian Protection will not generally be appropriate. However, the individual factors of each case should be considered to determine whether detention will cause a particular individual in his particular circumstances to suffer treatment contrary to Article 3, relevant factors being the likely length of detention, the likely type of detention facility, and the individual's age and state of health. Where in an individual case treatment does reach the Article 3 threshold a grant of Humanitarian Protection will be appropriate.

4. Discretionary Leave

4.1 Where an application for asylum and Humanitarian Protection falls to be refused there may be compelling reasons for granting Discretionary Leave (DL) to the individual concerned. (See Asylum Instructions on Discretionary Leave). Where the claim includes dependent family members consideration must also be given to the particular situation of those dependants in accordance with the Asylum Instructions on Article 8 ECHR.

4.2 With particular reference to Albania the types of claim which may raise the issue of whether or not it will be appropriate to grant DL are likely to fall within the following categories. Each case must be considered on its individual merits and membership of one of these groups should *not* imply an automatic grant of DL. There may be other specific circumstances related to the applicant, or dependent family members who are part of the claim, not covered by the categories below which warrant a grant of DL - see the Asylum Instructions on Discretionary Leave and the Asylum Instructions on Article 8 ECHR.

4.3 Minors claiming in their own right

4.3.1 Minors claiming in their own right who have not been granted asylum or HP can only be returned where (a) they have family to return to; or (b) there are adequate reception and care arrangements. At the moment we do not have sufficient information to be satisfied that there are adequate reception, support and care arrangements in place for minors with no family in Albania. Those who cannot be returned should, if they do not qualify for leave on any more favourable grounds, be granted Discretionary Leave for a period as set out in the relevant Asylum Instructions.

⁷⁶ USSD 2010 Section 1 <http://www.state.gov/documents/organization/160177.pdf>

⁷⁷ COIS Report Albania March 2011 - Section 14 – Paragraph 14.03
<http://www.ukba.homeoffice.gov/uk/policyandlaw/guidance/coi>

4.4 Medical treatment

- 4.4.1** Applicants may claim they cannot return to Albania due to a lack of specific medical treatment. See the IDI on Medical Treatment which sets out in detail the requirements for Article 3 and/or 8 to be engaged.
- 4.4.2** The health system in Albania was mainly public. The state was the major provider of health services, health promotion, prevention, diagnosis and treatment. The private sector, which was still developing, covers most of the pharmaceutical and dental services, as well as some clinics for highly specialised diagnosis, mostly in Tirana and one or two other major cities. The Ministry of Health (MoH) was the leader in health policy development and planning and in the implementation of health strategies.⁷⁸
- 4.4.3** Diagnostic and curative health services in Albania were organised in three levels: primary health care, secondary hospital services, and tertiary hospital services. The public health services were provided within the framework of primary health care and were co-ordinated and supervised by the Institute of Public Health. Other national health institutions that reported to the MoH and that provide specific services were: the National Centre for Blood Transfusion, the Centre for Child Development and Growth, the National Centre for the Quality, Safety and Accreditation of Health Institutions, the National Centre for Drug Control, the Centre the Continuing Education and the National Centre of Biomedical Engineering.⁷⁹
- 4.4.4** The Albania healthcare system had been adversely affected by the fall of communist rule, as the country suffered various setbacks. During the 1990's, Albania was affected by a period of political transition and conflicts, which had an impact on the country's infrastructure, with large scale destruction of healthcare facilities. When violence broke out in 1997, the provision of healthcare services across the country suffered badly, limiting healthcare to emergency care only, with a decline in immunisation programmes. In 1999, the fragile Albanian healthcare system had to cope with an influx of refugees from neighbouring Kosovo - which itself was undergoing internal conflict and strife - meeting the needs of patients from this country in addition to indigenous health requirements. The pressures arising hindered the progress in reforming the Albanian healthcare sector, which had begun to take shape after the change from communism. These factors have had a negative influence on the Albanian healthcare system which is still apparent today, limiting the scope for transition and development of the healthcare sector.⁸⁰
- 4.4.5** The standard of healthcare in Albania is generally very poor - particularly outside the capital Tirana - although privately run medical facilities in Tirana had been introduced and now offered patients better quality medical services within Albania. Outside the capital, the provision of healthcare services declined rapidly and the capability of medical facilities were limited to basic treatment. There was a notable absence of specialist treatment and medical supplies outside Tirana and the overall provision of accident and emergency care was restricted throughout the country.⁸¹
- 4.4.6** The main mission of the Primary Health Care (PHC) system in Albania is to ensure that the population has the best possible health conditions, in accordance with the main goal of the MoH, 'Health for All'. PHC services at the community level represented the first level of access to health care and the second level of health care was provided by hospitals. There were over forty public hospitals in the country, including 22 District Hospitals, 11 Regional

⁷⁸ COIS Report Albania March 2011 – Section 27 – Paragraph 27.01

<http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi>

⁷⁹ COIS Report Albania March 2011 – Section 27 – Paragraph 27.01

<http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi>

⁸⁰ COIS Report Albania March 2011 – Section 27 - Paragraph 27.03

<http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi>

⁸¹ COIS Report Albania March 2011 – Section 27 - Paragraph 27.03

<http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi>

Hospitals, 4 University Hospitals, 1 University Trauma Centre, 2 Psychiatric Hospitals and 1 National Centre for Child Development and Growth. With continuous support from both the government and contributors, hospital infrastructure and medical equipment and supplies have improved substantially in recent years.⁸²

- 4.4.7** The pharmaceutical service in Albania was mainly private. Essential parts of these services were: 3 local private manufacturers, 216 pharmaceutical warehouses, 1020 pharmacies, 210 pharmaceutical private agencies, 42 hospital pharmacies (which were the only ones that offer public service). This service aims to a rational usage of a number of effective drugs, safe and with high quality and to the availability and reasonable prices for all the population. Although this service is private, it is monitored rigorously from the Ministry of Health and National Centre of Drugs Control. Compared to the past, Albania has now a high number of registered drugs.⁸³
- 4.4.8** UNAIDS was present in Albania through the UN Theme Group on HIV/AIDS which was established in 2000. The Theme Group co-ordinated UNAIDS policies with country priorities and ensured that UNAIDS policies and best practices were adapted for Albanian needs and included in national policies and actions. Support was directed at HIV/AIDS national strategic planning, which resulted in the revision of the National Strategy on prevention of HIV/AIDS in Albania 2004-2010 which informed a new strategy 2009-2014, a law on HIV/AIDS prevention and the Technical Support Plan for HIV/AIDS in Albania.⁸⁴
- 4.4.9** Albania was a low prevalence country with 290 reported cases as of the end 2008. However, Albania could face a rapid spread of the virus. The Albanian Government, in close collaboration with the UN and other partners, worked to keep Albania a low HIV/AIDS prevalence country. UN technical and financial support to the Government were focused on technical assistance, capacity building and preventive programmes. Expertise included needs assessments, studies on bio-behavioral surveillance, reproductive health and also on support to resource mobilization. Albania receives financial support for prevention from the Global Fund Fifth Round and expertise was provided to the government for their new application. Improvement of surveillance and voluntary counselling and testing centres as well as awareness raising for risk groups required further support and attention.⁸⁵
- 4.4.10** During 2010 the ombudsman continued to inspect mental health institutions and found that whilst physical conditions in facilities in Vlora and Shkoder had improved, they were not in compliance with standards and remained understaffed. Inspections of the Tirana Psychiatric Hospital found that specific windows and doors needed to be replaced for safety reasons. The ombudsman regularly conducts inspections throughout Albania and recommended a major legal, organisational and budgetary review of the country's mental health care system. The admission and release of patients at mental health institutions was a problem due to lack of sufficient financial resources to provide adequate psychiatric evaluations.⁸⁶
- 4.4.11** The Article 3 threshold will not be reached in the majority of medical cases and a grant of Discretionary Leave will not usually be appropriate. Where a caseowner considers that the circumstances of the individual applicant and the situation in the country reach the threshold detailed in the IDI on Medical Treatment making removal contrary to Article 3 or 8, a grant of Discretionary Leave to remain will be appropriate. Such cases should always be referred to a Senior Caseworker for consideration prior to a grant of Discretionary Leave.

⁸² COIS Report Albania March 2011 – Section 27 - Paragraph 27.02

<http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi>

⁸³ COIS Report Albania March 2011 – Section 27 – Paragraph 27.05

<http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi>

⁸⁴ COIS Report Albania March 2011 – Section 27 – Paragraph 27.09

<http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi>

⁸⁵ COIS Report Albania March 2011 – Section 27 – Paragraph 27.09

<http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi>

⁸⁶ USSD 2010 – Section 6 <http://www.state.gov/documents/organization/160177.pdf>

5. Returns

- 5.1** There is no policy which precludes the enforced return to Albania of failed asylum seekers who have no legal basis of stay in the United Kingdom.
- 5.2** Factors that affect the practicality of return such as the difficulty or otherwise of obtaining a travel document should not be taken into account when considering the merits of an asylum or human rights claim. Where the claim includes dependent family members their situation on return should however be considered in line with the Immigration Rules, in particular paragraph 395C requires the consideration of all relevant factors known to the Secretary of State, and with regard to family members refers also to the factors listed in paragraphs 365-368 of the Immigration Rules.
- 5.3** Albanian nationals may return voluntarily to any region of Albania at any time in one of three ways: a) leaving the UK by themselves, where the applicant makes their own arrangements to leave the UK, b) leaving the UK through voluntary departure procedure, arranged through the UK Immigration service, or c) leaving the UK under one of the Assisted Voluntary Return (AVR) schemes.
- 5.4** The AVR scheme is implemented on behalf of the UK Border Agency by Refugee Action which will provide advice and help with obtaining any travel documents and booking flights, as well as organising reintegration assistance in Albania. The programme was established in 1999 and is open to those awaiting an asylum decision or the outcome of an appeal, as well as failed asylum seekers. Albanian nationals wishing to avail themselves of this opportunity for assisted return to Albania should be put in contact with Refugee Action. Details can be found on Refugee Action's website at:

www.refugee-action.org/ourwork/assistedvoluntaryreturn.aspx

Country Specific Litigation Team
Immigration Group
UK Border Agency
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