



COUNTRY OPERATIONS PLAN

Country: Albania

Planning Year: 2004

COUNTRY OPERATIONS PLAN ALBANIA 2004

Part I: Executive Committee Summary

(a) Context and Beneficiary Population

Political Context

The Republic of Albania is a parliamentary democracy with a population of about three and a half million persons. The last parliamentary elections were held in June 2001 and have resulted in a left wing government, led by the Socialist Party.

Albania's foreign policy focuses on entering the European Union and NATO. Her NATO application was turned down in November 2002 at the Prague summit but the alliance kept the door open, and the prospect for membership is a source of pressure for reform. The EU started preliminary negotiations with Albania on a Stabilisation and Association Agreement on 31 January 2003. European Commission has said it would include commitments to human rights, democracy, a market economy, free trade and the fight against crime and corruption. Meanwhile the EU has committed itself to a three-year assistance program worth Euro 144 million for promotion of democracy and stability through support to the judiciary and public administration.

Key social issues are organized crime and corruption and poverty, particularly in rural areas. The EU has warned that Albania must do more to fight organized crime, corruption and trafficking to remain on track for eventual membership. The government has responded with a series of highly publicised anti-trafficking measures. The real challenge of the government, however, is to deprive organized crime of its powerful backers in Tirana.

The Economy

The growth rate has remained high since the fall of communism¹. Inflation has been contained, and the currency is stable largely due to migrant workers' remittances. The telecommunication sector has expanded and infrastructure in the Centre and the South of the country has improved considerably.

Primary governmental budgetary expenditure in 2003 will be on education and public health, in compliance with the poverty reduction strategy the government signed in 2001 with the IMF and the World Bank. Direct foreign investment appears to have slowed in 2002, deterred by weak infrastructure, old technology, the fiscal burden, weak implementation of legislation and insufficient financial services for the private sector.²

Albania is a country of rich resources, but persistent power cuts, uneven investments mainly concentrated in Central Albania (Tirana, Durrës), outdated production facilities and a lack of government incentives and development policies have led to a high dependency on imports, mainly from Italy and Greece. As a result of uneven investments, unemployment rates, particularly outside Tirana are high. The booming construction industry provides the main employment opportunity for qualified labour. An estimated 50% of GDP is generated from illegal activities ranging from human and drug trafficking to the smuggling of cars and cigarettes.

According to the latest report issued by the Human Development Promotion Centre in Tirana, four out of five rural inhabitants live in deep poverty. The report also highlights the fact that poor inhabitants of rural areas are much poorer than needy families in urban areas. A rudimentary state welfare system,

¹ e.g. 7,8% in 2000, and 7,3% in 2001.

² Cf, Albania, State of the Nation 2003, ICG, March 2003 page 5

'economic assistance' can only insufficiently compensate for the lack of employment opportunities and de-industrialization in most parts of Albania. The Northeast of Albania has seen the highest depopulation in the past ten years due to extreme poverty coupled with environmental degradation. This has resulted in a concentration of people from that region in urban areas in Central Albania seeking better economic prospects.

The UN country team's Common Country Assessment³ identified the following priorities in 2001: poverty alleviation and economic security, gender, environment, weak institutions, corruption, migration/emigration, trafficking in human beings, arms and drugs, and infrastructure.

Security situation

The security situation in Albania remains somewhat volatile. The security phases in Albania are phase I in the cities of Tirana, Kruja, Durrës and Kavaja; phase III remains in the rest of the country.

The main risks for UN staff in Albania are:

- Road accidents;
- Armed hijackings, roadblocks and hold-ups in remote areas;
- Blood feud killings (being in the wrong place at the wrong time);

Although Albania has the status of Family Duty Station – category C - the educational system has not reached an acceptable level yet, and hospitals do not offer adequate facilities. Should staff members or their family members encounter serious health problems, medical evacuation is necessary.

Living conditions have been marked by chronic shortage of electricity resulting in shortage of water. Sports facilities and recreation activities are very limited.

Protection Issues

In 2004, BO Tirana's activities will consolidate the work of the asylum institutions with a view to having a fully functional system in place, operating within internationally recognised standards. At the same time, BO Tirana will seek to increase its co-ordination with other UNHCR Offices in the region, as well as with local actors, notably in the relevant government and state structures, and with major international stakeholders on asylum and migration matters in Albania.

Issues of asylum are intrinsically entangled with issues of clandestine migration in Albania, a country at the gates of an enlarged European Union. UNHCR should act as a catalyst in further strengthening the "three-pronged approach" developed by BO Tirana in 2000 in collaboration with IOM and OSCE. Within its mandate UNHCR will continue to collaborate with international organisations and governmental authorities to, *inter alia*, ensure access to the respective systems and programmes in place for populations of concern (asylum seekers, irregular migrants, victims of trafficking) through the pre-screening procedure. Following an instruction by the Ministry of Public Order in February 2001, referrals of intercepted foreigners to pre-screening teams come from Police Commissariats. Preliminary discussions among partner organisations with the European Council strongly suggest extending pre-screening activities to borders, so-called 'buffer zones', and to airports and ports to avert risks of involuntary return of asylum seekers. The planned extension of the pre-screening is likely to happen in the second half of 2003 and be an operational challenge in ensuring access to the asylum procedure in an environment where control mechanisms are otherwise being reinforced.

BO Tirana will thus contribute to the implementation of the *Agenda for Protection*, notably with regard to ensuring protection of refugees within broader migration movements. Through the results of its pre-screening activities, BO Tirana hopes to contribute to the reduction of irregular secondary movements, an issue which remains a major challenge in the European context. Finally, through the co-ordination of

³ Albanian Center for Economic Research, Tirana, June 2002

activities, particularly in the context of the pre-screening, BO Tirana will continue to foster the dialogue and co-operation between UNHCR and IOM, also among the Agenda's objectives.

BO Tirana will also have to closely monitor and intervene in the refugee status determination procedure, both in its administrative and judicial components. At present, this procedure is deficient in procedural terms. UNHCR's rights and duties in RSD procedure, institutionalised in the Asylum Law, include being present in all hearings and refugee status determination meetings in both administrative instances and providing written recommendations upon request from the OFR. It is expected that in the second semester of 2003 the Minister of Local Power and Decentralisation will approve an administrative instruction on the Refugee Status Determination procedure, which has been drafted by the Task Force for the implementation of the asylum procedure. This instrument will continue to provide guidance to OFR staff conducting RSD. It will, as hitherto, require considerable input by BO Tirana to bring the administrative practices of the OFR up to standard, both in terms of substance and of procedure.

BO Tirana will provide minimal assistance to asylum seekers during their status determination. A reception centre for asylum seekers will be handed over to the government, which is expected to assume responsibility for its management, once the rehabilitation undertaken by UNHCR between 2001 and 2003 is completed.

BO Tirana will assist in and advise the government on the search for durable solutions for recognised refugees. Considering the economic and social situation in Albania, the prospects of sustainable local integration of persons of non-ethnic Albanian origin granted asylum will remain poor in 2004, unless BO Tirana provides targeted support to facilitate the integration and self reliance for persons granted asylum. The implementation of the Law on Local Integration and Family Reunion may improve future prospects by granting work permits, access to education and health care. Nevertheless, the granting of access to basic social services is only a first step, and will not suffice to achieve integration. Monitoring of protection and assistance-related matters will be necessary, as well as training of the OFR management staff.

BO Tirana in 2004 will assume a more prominent role in advancing UNHCR perspectives and policies in the context of the Stabilisation and Association process. BO Tirana will continue its participation in other local and international initiatives (e.g. the International Consortium and the SP MARRI).

The inter-ministerial Task Force for the Implementation of the Asylum System has proven a most valuable tool of co-ordinating asylum-related issues in Albania. By end of 2003, it can be assumed that the drafting of laws and by-laws will be completed. However, since not all of these acts will be approved by that time BO Tirana will continue lobbying for their implementation. In addition, the Task Force will continue its work with the periodic update of the Asylum National Action Plan and to co-ordinate authorities and international organisations in implementing the asylum structures filling the gaps identified. In this connection, should the Regional CARDS Programme on Asylum be effectively launched in 2004, the Task Force appears to be well placed to assume the role of co-ordinating the implementation and further harmonisation of the asylum system in Albania in the wider context of the Stabilisation and Association Process. The secretariat is largely integrated in BO Tirana structures.

UNHCR's Role

UNHCR provides support to the Government in developing an asylum system in Albania. Direct support is provided to the Office for Refugees (OFR), which includes financial assistance and the provision of expertise. Support to the OFR also encompasses the rehabilitation of a reception facility for asylum seekers. UNHCR participates in the inter-ministerial Task Force for the Implementation of the Asylum System, notably through the work of its Secretariat and the provision of expertise, inter alia, in the drafting/review of the National Actin Plan and in the drafting of legal acts.

UNHCR will have a role to play in the further implementation of a national asylum system in the context of the negotiations towards a Stabilisation and Association Agreement, which were formally

opened in January 2003. In 2004, UNHCR will play a stronger advocacy role in ensuring international protection of persons in need within a co-ordinated management of the interface of asylum and migration by all relevant partners in Albania.

Furthermore, BO Tirana identified a need to strengthen its dialogue with regional offices in Southeastern Europe and in the Western Balkans on asylum and migration policies, to increase the exchange of information on migratory flows, and to harmonise its responses. Similarly, dialogue with relevant governmental departments needs to be reinforced to increase UNHCR's impact on the formulation and implementation of state policies pertaining to asylum and migration. In this regard, BO Tirana is positively noting current steps to transfer the OFR to the Ministry of Public Order to improve co-ordination between asylum and migration matters within the Government of Albania and with its neighbours.

Lastly, shelter (collective and individual shelter for families), health care, legal assistance, education and vocational training to refugees and asylum seekers is currently provided by UNHCR implementing partners, but efforts will continue to gradually hand over responsibilities to the Office for Refugees.

Policy Issues

In the past years UNHCR BO Tirana has focused its attention on assisting the government to develop a full-fledged asylum system. The constitutive elements of such an asylum system in its three components of pre-procedure (access to asylum), procedure (refugee status determination) and post procedure (notably local integration) are expected to be laid down both in terms of legislation and of institutions by the end of 2003. Hence, 2004 and 2005 appear in principle as years of implementation.

In 2004 BO Tirana will continue its support to the Governmental Office for Refugees (OFR), thus enabling this body to fulfil its legal mandate, *inter alia*, of deciding on asylum applications in first administrative instance and co-ordinating governmental bodies for the protection and assistance to asylum seekers and refugees. In particular, BO Tirana will support the government in the following priority areas.

- ◆ Financial and managerial support will be given to the OFR in ensuring that reception conditions in the Babrru Reception Centre are according to internationally recognised standards. Training will be provided to the OFR staff responsible for the management of the Reception Centre for Asylum Seekers.
- ◆ BO Tirana will continue to work towards improving the skills of OFR staff through both formal and on-the-job training. In particular this training will be provided to bring the refugee status determination procedure up to international standards both in procedural and substantial terms. BO Tirana will continue to play a role, institutionalized in the Law on Asylum, in hearings and in refugee status determination meetings.
- ◆ BO Tirana will continue to support the training of police officers delivered in 2002-2003. In particular, co-ordination between OFR and police officers concerning access to asylum will be improved.

BO Tirana will seek to increase the access to asylum in Albania by actively promoting and undertaking the pre-screening of irregular foreigners both within country and in the border points. Until now, the pre-screening mechanism is only including foreigners intercepted within Albania, while border points are excluded. UNHCR and its partners in pre-screening propose the extension of the pre-screening to foreigners intercepted at the borders, in so-called 'buffer zones' and at ports. It is expected that the Government will agree to the extension of the pre-screening in the second semester of 2003. Hence, in 2004 considerable efforts will have to be made, both to increase the skills and knowledge of Border Police on asylum by training, and to actually pre-screen foreigners both within the country and at the borders to ensure access to asylum.

The Law on integration and family reunion of persons granted asylum in the Republic of Albania marks a significant development in the implementation of the asylum system. It was approved by the Albanian Parliament on 3 July 2003. This law regulates the procedures for education, employment, health and social care, housing and family reunion of the person granted asylum in Albania.

In 2004 the governmental authorities will not be yet in a position to provide assistance to asylum seekers and persons granted protection, particularly towards their local integration, which will remain elusive for refugees of non-ethnic Albanian background. UNHCR will therefore still have to support them.

Overview of Beneficiary Population / Theme

UNHCR's programme focus in 2004 is contained in a single theme, i.e. to further develop and strengthen the implementation of the national asylum system in close collaboration with the Government of Albania, IOM and OSCE. This programme will entail pre-procedural activities involving a planned extension of pre-screening of irregular migrants to border points, activities pertaining to improve procedural activities (RSD done by the Office for Refugees), and post-procedural activities. Post-RSD support will include the provision of basic assistance to needy refugees geared towards finding durable solutions.

Theme : Strengthening of the Asylum System in Albania.

This theme will address capacity building for a sustainable governmental asylum system, from pre-procedural issues, through the RSD procedure, to post procedural matters. The country programme will also provide material support to refugees and asylum seekers, as the national system is not yet capable of doing so. Durable solutions will thus have to be sought in local integration, as well as in some cases resettlement.

Selected Programme Goals and Objectives:

Name of theme: Strengthening of the National Asylum System
Main goal: Recognised refugees and asylum seekers benefit from a functioning national asylum system according to international standards.

Principal objectives	Related outputs
<ul style="list-style-type: none"> • BO Tirana contributes to a regional approach by a closer co-operation with UNHCR offices and partners in the region, and with relevant ministries/departments within the Government of Albania. • Persons in need of international protection have access to asylum both in-country and at border points. • Persons granted asylum can exercise their legal rights in Albania. • Needy asylum seekers/refugees are assisted. 	<ul style="list-style-type: none"> • Links with the GoA have been established to keep abreast with government policies in regard to irregular foreigners, including asylum seekers and refugees. • Dialogue with UNHCR Offices in the region is reinforced. • BO Tirana has a visible impact upon the asylum component of the Stabilisation and Association Process. • Situation at the border is monitored by UNHCR and partners. • Pre-screening activities are extended to border points. • Albanian police is trained in respect to pre-screening mechanisms and know how to use available resources. • Reception facilities for asylum seekers are managed by the OFR. • RSD is conducted within legal timeframe and up to legal standards. • Mechanisms to implement the Law on Integration are established. • OFR collaborates with line ministries (Health, Education, Labour and Social Affairs). • Resettlement claims of eligible persons are fairly processed. • Family reunification is possible. • Asylum seekers are assisted with shelter, food and clothing if/when in need. • Recognized refugees are assisted to become self reliant.