

IN THE IMMIGRATION APPEAL TRIBUNAL

VD (Trafficking) Albania CG [2004] UKIAT 00115

Heard at: Field House
Heard on: 4th May 2004
Date typed: 4th May 2004
Date promulgated: 26th May 2004

Before:

MR. P. R. LANE (VICE PRESIDENT)
MS. D. K. GILL (VICE PRESIDENT)
MISS J. GRIMMETT

Between:

Appellant

And

The Secretary of State for the Home Department

Respondent

DETERMINATION AND REASONS

Representation:

For the Appellant: Ms. V. Prais, of the Immigration Advisory Service (IAS).
For the Respondent: Mr. G. Phillips, Senior Home Office Presenting Officer.

1. The Appellant (a national of Albania, whose date of birth has been given variously as 3rd May 1974 (according to the completed form ICD.1989 04/03 and the witness statement dated 10th May 2003) and 5th March 1974 (according to the Notice of appeal) has appealed, with leave, against the determination of Ms. C. A. Parker, an Adjudicator, who (following a hearing on 10th September 2003 at Taylor House) dismissed her appeal under section 82(1) of the Nationality, Immigration and Asylum Act 2002 (the 2002 Act) on asylum and human rights grounds against the Respondent's decision of 10th May 2003 to refuse leave to enter the United Kingdom.
2. The Appellant arrived in the United Kingdom on 17th April 2003. She claimed asylum on arrival. In the "Reasons for refusal" letter dated 7th May 2003, the Respondent certified that her asylum and human rights claims were ones to which section 94(3) of the 2002 Act applies and he further certified that he was not satisfied that her asylum and human rights claims were not clearly unfounded. The certification meant that the provisions of section 94(2) applied, so that the Appellant did not

have an in-country right of appeal on asylum and human rights grounds. The Appellant was removed on 10th July 2003 to Tirana in Albania (and not Poland, as stated at paragraph 5 of the Determination). The Notice of appeal was lodged on her behalf by the IAS on 11th August 2003.

3. This Determination is being reported because in it we consider:

(a) whether it is reasonably likely that an individual would be trafficked in Albania.

Our consideration of this issue is set out at paragraphs 15(a) to (g) below.

(b) whether there is in general a sufficiency of protection for women who may be at risk of being trafficked.

Our consideration of this issue is set out at paragraphs 16.1 to 16.3 below.

(c) the Tribunal's reasoning in [2003] UKIAT 00023 K (Albania) (see paragraphs 17.1 to 17.3 below).

4. The basis of the Appellant's asylum and human rights claims: The Appellant's claim centres around a blood feud and the trafficking of women in Albania. The blood feud arose after her father had killed one Gezim Faruku who was a member of the Kolaj clan and who, with two associates, had earlier threatened the Appellant and demanded that she remove the names of a number of families from the electoral list in the run-up to the 1997 elections. Mr. Faruku had also tried to rape her on another occasion. Her father was subsequently arrested in connection with the death of Mr. Faruku and sentenced to 18 years' imprisonment. Mr. Faruku's death triggered the blood feud. Most of the Appellant's cousins and uncles have been killed. Mr. Faruku's nephew has threatened to kill all of the Appellant's family "according to tradition". The Appellant last spoke to her sister on 28th November 2002. Her sister has since disappeared. The Appellant believes that her sister may have been forced into prostitution. The Appellant was kidnapped on 11th February 2003 by two people, who took her by car in the direction of Macedonia. She was taken to a hotel on the border, where she was held with three other girls. On 23rd March 2003, she was introduced to an older man who proposed marriage to her. She pleaded ill-health and he left her. She was then raped by one of the kidnappers, who said that she had lost them a lot of money. She later escaped by climbing out of a second floor bathroom window and descending down a drain pipe. Her cousin then arranged an agent to bring her to the United Kingdom.

5.1 The Adjudicator's Determination: The Adjudicator did not accept that the Appellant had a genuine subjective fear on account of the blood feud. The Adjudicator also rejected the Appellant's claim that her sister had disappeared or been murdered. Although the Adjudicator appeared

to accept that a number of the Appellant's male relatives were killed and her father was serving a long prison sentence, she considered that, if members of the Kolaj clan were intent upon killing the Appellant, they would have done so during the six years she remained in Albania. Furthermore, she considered that state protection would be available to the Appellant. She found that it was not reasonably likely that the Appellant would face persecution on return on account of the blood feud. These findings have not been challenged.

5.2 With regard to the Appellant's claim to be at risk of trafficking, the Adjudicator noted that this was a problem in Albania but she did not consider it reasonably likely that this would happen to the Appellant. She also noted that the authorities in Albania are keen to take measures to address trafficking and she considered that the Appellant would be able to avail herself of state protection. These are the findings which are challenged in the grounds of application.

6. **The grounds of application assert:**

(a) that the Adjudicator had failed to identify the objective evidence upon which she relied in making her findings as to the Appellant's fear of being trafficked. It is asserted that the objective evidence shows that trafficked women are not afforded "adequate sufficiency of protection" and that the police are tacitly involved in the trafficking of women.

(b) that the Adjudicator had failed to have regard to the case of K (Albania) [2003] UKIAT 00023, where (it is asserted) the Tribunal had found that sufficient protection is not available to trafficked women in Albania.

7. At the hearing before us, it transpired that the IAS had not been able to make contact with the Appellant for some considerable time - i.e. from before her departure from the United Kingdom. We enquired whether, in the circumstances, the IAS were instructed to continue representing the Appellant. Ms. Prais informed us that she felt able to make submissions to us, as clients held at Oakington detention centre (where the Appellant was held prior to her departure) are generally informed that the IAS would continue to act unless instructions are received to the contrary. On this basis, we heard submissions on the Appellant's behalf.

8. **Documents:** We list here the documents to which we were referred and which we have considered in this appeal:

Documents delivered on the Appellant's behalf:

(a) The IAS Research Analysis dated 13th April 2004, entitled: "Albania: Trafficking, Blood Feuds".

(b) The Determination of the Tribunal in [2003] UKIAT 00023 K (Albania).

- (c) The European Commission's "Albania: Stabilisation and Association Report 2004" dated 30th March 2004.
- (d) A joint UNICEF, UNOHCHR, OSCE-ODIHR report dated November 2003, entitled: "2003 Update on Situation and Responses to Trafficking in Human Beings in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, The Former Yugoslav Republic of Macedonia, Moldova, Serbia and Montenegro, including the United Nations Administered Province of Kosovo, and Romania". We have before us an extract of this report (pages 1 to 52 thereof).
- (e) The report of the U.S. Department of State on Albania dated 11th June 2003, entitled: "Trafficking of Persons Report".
- (f) An undated report by Anti-Slavery International, entitled: "Trafficking world-wide and in Albania". This report appears to have been produced in 2003.
- (g) The U.S. Department of State Country Report on Human Rights in Albania for 2003, dated 25th February 2004.
- (h) The U.S. Department of State Country Report on Human Rights in Albania for 2002, dated 31st March 2003. We have before us an extract of this report – i.e. the section on women and the trafficking of persons.
- (i) The CIPU Report dated October 2003. We have before us the following extracts of this report: paragraphs 6.42 to 6.55 and paragraphs 6.108 to 6.121.
- (j) An article published on the "Guardian Unlimited" Website which is dated 5th November 2003 and which is entitled: "Janie's secret".

We also have a "Schedule of Essential Reading", which sets out key passages from the documents we have referred to above.

Document delivered on the Respondent's behalf:

- (k) The CIPU report on Albania dated October 2003.

9.1 Ms. Prais informed us that it was not the Appellant's case that, as a young woman in Albania, she would be at risk of being trafficked – i.e. the Appellant was not basing her asylum and human rights claims on the general risk women in Albania face of being trafficked. Nor is it the Appellant's case that any surviving male relatives would wish to subject her to trafficking. Indeed, on the evidence accepted by the Adjudicator, there was no reason to suppose that this would happen. The Appellant's case is that, as she has already been trafficked in the past, she would be at real risk of being trafficked again and she would have difficulties receiving sufficient protection and shelter. In response to our enquiry as to whether there was any information about the men or the group responsible for abducting the Appellant, Ms. Prais referred us to paragraphs 12 to 15 of the Appellant's statement dated 10th May 2003. The Appellant was kidnapped by two men and taken to an hotel at the border where she was kept with other girls from Moldova. She was told

by one girl who was also being held that the girls were to be sold to old men for marriage.

- 9.2 Ms. Prais referred us to the objective material, which we deal with below. She accepted that the Albanian authorities are making efforts, including passing relevant legislation, to address the problem of women being trafficked in Albania. However, in her submission, the steps taken were inadequate. She submitted that any protection which would be available to the Appellant would be insufficient. The objective evidence also shows that the police are tacitly involved in the trafficking of women. Women who are trafficked are also subject to significant stigmatisation from their families and society, according to paragraph 6.119 of the CIPU report.
10. In response, Mr. Phillips submitted that the Albanian authorities have been successful in combating the problem of women trafficking in Albania. Mr. Phillips referred us to paragraphs 6.110 to 6.120 of the CIPU report and submitted that the Adjudicator's finding that there is no real risk that the Appellant would be trafficked is sustainable.
11. Ms. Prais accepted that the Albanian authorities were making efforts. The point is that such steps as have been taken are inadequate.
12. We reserved our determination.

Determination and reasons

13. We have decided to dismiss this appeal. We now give our reasons for doing so.
14. Albania is both a source and a transit country for the trafficking of women. Paragraph 6.108 of the CIPU Report describes Albania as a "significant point of origin". According to the Anti-Slavery International Report (page 77 of the Appellant's bundle), the trafficking of women and children became a major issue in Albanian from the 1990s, reaching its peak in the mid to late-1990s. Section 6.f of the 2003 USSD report of Albania gives a fair summary of the problem of trafficking in Albania, the Government's response to it and the existence of corruption within the police which adds to the problem. We quote extracts from Section 6.f:

f. Trafficking in Persons

The law criminalizes trafficking in persons and provides penalties for traffickers; however, trafficking in persons, particularly women and children, remained a problem. Police corruption and involvement in trafficking was a problem.

A 2001 Criminal Code amendment introduced specific articles on trafficking that set the following penalties: Trafficking in persons (5 to 15 years in prison); trafficking of women for prostitution (7 to 15 years in prison); and trafficking in minors (15 to 20 years in prison). The lack of prosecution of traffickers remained a problem; however, police and prosecutors claimed to have dismantled 28 trafficking groups during the year. Traffickers who were arrested often were

released because of insufficient evidence, and, if prosecuted, they often were charged for lesser crimes or were given less than the minimum sentence for trafficking.

In September, a regional anti-trafficking sweep called Mirage II, resulted in 125 arrests for various forms of trafficking, prostitution, and smuggling.

The absence of a witness protection program impeded the Government's ability to build strong cases against traffickers, Victims often did not identify themselves as trafficked persons and were unwilling to testify due to fear of retribution from traffickers and distrust of the police. Cooperation between the police and prosecutors remained weak. During the year, the Government established an Organized Crime Task Force to handle high profile and sensitive organized crime and trafficking cases. Through the Task Force training and international technical assistance, police and prosecutors received training for better coordination to gather evidence, solve cases, and convict criminals.

..... the number of Albanians and third-country nationals subjected to trafficking to other countries decreased.

..... Trafficked Albanians increasingly fell into the 12 to 18-year-old age group. Roma and Egyptian communities were particularly vulnerable due to poverty and illiteracy.

..... Both Albanian and foreign women trafficked by Albanian organized crime networks were abused, tortured, and raped.

Due to the poor economic situation, men and women from organized criminal groups lured many women and young girls from all over the country by promising them jobs in Italy and Greece. Some men, primarily in the north of the country, also married women and girls under false pretenses [sic] and took them abroad as prostitutes. Other forms of recruitment included promises of marriage, and, to a lesser extent, the selling of victims to traffickers by family members or neighbors or kidnapping, including from orphanages.

The police often were involved directly or indirectly in trafficking. Few police officers, and no other government officials, were prosecuted for trafficking during the year. Lawyers and judges were also manipulated and bribed, permitting traffickers to buy their way out of punishment if arrested. During the year, the Ministry of Public Order's Anti-Trafficking Unit within the Organized Crime Sub-Directorate and the Office of Internal Control paid particular attention to police involvement in human trafficking; the Office of Internal Control investigated 266 cases of police involvement in all forms of trafficking. Many of these cases resulted in suspensions or dismissals, and a growing number of police officials implicated in trafficking cases faced arrest and prosecution.

In December, police arrested several servicemen on suspicion of raping and trafficking a 16-year-old girl.

Police treatment of trafficked women continued to improve during the year. Most police stopped treating trafficked women as criminals rather than victims and routinely referred them to local and international NGOs for assistance. Foreign women who were detained at times lacked translation services or were not given a choice of lawyers.

Victims of trafficking often faced significant stigmatization from their families and society. Several NGOs were active in addressing victims' needs. The IOM operated a reintegration center in Tirana that provided counseling [sic] and medical services, job training, and some legal assistance. The IOM also cooperated with the OSCE to relocate outside of the country those victims whose

safety was at risk. In July, the Government opened a shelter outside Tirana for trafficking victims, offering assistance ranging from psychological counseling [sic] to medical treatment. With the assistance of the IOM, the Government processed 15 repatriation cases during the year and 13 of these women were returned to their home countries by year's end. Government services available to trafficking victims remained limited.

The Vlora Anti-Trafficking Center, which opened in 2001, had not [sic] become fully operational, although, in September, it was used as a command post for Mirage II. In December, the Government signed a memorandum of understanding with Greece, Germany, and Italy to turn the Vlora Anti-Trafficking Center into a fully operational tool in the fight against all forms of illegal trafficking from and through the country. National and international NGOs carried out most of the country's trafficking awareness campaigns

15. Having given this general picture, we now consider whether it is reasonably likely that a particular individual would become a victim of trafficking. The mere fact that trafficking is a problem of some concern for Albania does not mean that it is reasonably likely that a particular individual would be at risk of being trafficked. In determining whether it is reasonably likely that a particular individual would be at risk of being trafficked, we considered the following evidence:

- (a) First, we considered the evidence as to overall numbers of victims. The UNICEF/UNOHCHR/OSCE/ODIHR report (page 55 of the Appellant's bundle) states that the number of victims of trafficking from Albania is unknown. In 2001, official sources indicated that 100,000 Albanian women and girls were trafficked to Western European and other Balkan countries over the previous ten years. However, a year later, another official document stated that about 6,000 Albanian women and girls had been trafficked abroad for sexual exploitation. According to footnote 73 on page 55 of the Appellant's bundle, the second figure has been quoted by Vera Lesko in their report entitled: "Girls and Trafficking: Research into Trafficking in Human Beings for the year 2002". The figure given in this report is, in turn, obtained from a Report of the Anti-Trafficking Unit of the Ministry of Public Order. It is not clear what period this figure of 6,000 relates to but its placing in the report would suggest that it relates to the same 10-year period.
- (b) The fact that there is such a disparity in the numbers given in the UNICEF/UNOHCHR/OSCE/ODIHR report of the total number of victims is a reflection of the difficulty in obtaining reliable statistics. We are mindful of this difficulty, but we also note that the U.S. Department of State "Trafficking in Persons Report" (page 73 of the Appellant's bundle) states that the Ministry of Public Order completed a "significant study" indicating that more than 5,000 Albanian women and girls were trafficked into prostitution in the last decade. It is reasonable to infer that the statistics upon which this estimate of "more than 5,000" is based show that the total figure is less than 6,000 – otherwise, the report would refer to an estimate of "more than 6,000". We therefore proceed on the basis that the

statistics on which this estimate is based show that the total figure is less than 6,000 over a ten-year period. This equates to a figure of less than 600 victims per year. When one allows for the fact that this 10-year period spans the mid-1990s when the problem of trafficking is said to have peaked, the current total yearly number falls further. We are of the view that the description of the report of the Ministry of Public Order in the U.S. Department of State report as a “significant study” suggests that appropriate weight can be given to the numbers given in the Ministry of Justice Report, albeit that we are mindful that even this figure may be an under-representation of the problem.

- (c) The parties before us endeavoured to draw our attention to the size of the “at-risk” population – i.e. the numbers of women/girls who are potentially at risk of being trafficked. There were no such figures available in the documents before us. Our attention was however drawn to the total population of Albanian, which the CIPU report gives as 3.09 million (paragraph 2.1 of the CIPU report).
- (d) Paragraphs 6.110 and 6.111 give an idea of those persons who are potentially at risk of being trafficked. These paragraphs state:

6.110 Trafficked Albanians increasingly fell into the 14- to 17-year-old age group; according to the AHRG, 25 percent of Albanian trafficking victims were minors. Italian census figures in 2000 showed that there were more than 900 children (girls ages 14 to 18) who worked as prostitutes in Italy. The press reported several cases involving minors who were victims of trafficking throughout the year. Such children often were bought from families and in a few cases kidnapped. The Centre for the Protection of Children's Rights (CRCA) reported that more than 2,000 children between the ages of 13 and 18 were involved in prostitution rings.

6.111 Due to the poor economic situation, many women and young girls from all over the country - particularly Berat, Fier, Lushnje, Shkoder, and Vlora were lured by men and women from organised criminal groups who promised them jobs in Italy and Greece. Some men, primarily in the north of the country, also married women and girls under false pretences and took them abroad as prostitutes. Other forms of recruitment included promises of marriage, and to a lesser extent, the selling of victims to traffickers by family members, or kidnapping, including from orphanages.

(our emphasis)

- (e) The following points emerge from these paragraphs. Firstly, victims are increasingly 14 to 17-year-olds. Secondly, we have an idea of the methods employed by groups involved in trafficking to gain their victims. The picture is that potential victims are largely lured by promises of jobs abroad. Some men, primarily in the north, also married women and girls under false pretences and then took the women or girls abroad as prostitutes. Both of these methods of “recruitment” suggest that the victim is tricked into giving her consent to being taken away. The selling of victims to traffickers by family members, or kidnapping, is said to occur “to a lesser extent”.

(f) We are of the view that the figures we have referred to in subparagraphs (a), (b) and (c) above do not show that it is reasonably likely that any particular individual is at real risk of being trafficked in Albania. Young girls are more likely to be at risk, but this does not mean that even they are reasonably likely to be at risk. Furthermore, as the CIPU report states, the main method of recruitment involves some consent being given by the victim, albeit that such consent is obtained by trickery. If an individual claimant does not allow herself to be tricked into giving her consent to being taken away, then the risk of being trafficked becomes very remote or speculative. Accordingly, we are of the view that, absent particular features in a case (such as, for example, where a claimant's family members have sold the claimant to a trafficker or where, on credible evidence, it is accepted that an individual who has already been trafficked is at real risk of being pursued by the same group on return), 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.

(g) It is often asserted on behalf of claimants that the fact that an individual has already been abducted and trafficked in the past means that it is reasonably likely that the individual would again be abducted and trafficked. To the extent that this assertion is based on the general risk of abduction for the purposes of trafficking, we are satisfied that there is no real risk that an individual would be re-abducted simply because she was abducted previously. The position might be different if, for example, there is credible evidence that the group responsible for the first abduction have shown an interest in the individual's whereabouts since she left their captivity or are found credibly to have some interest to pursue the individual.

16.1 Insofar as the issue of sufficiency of protection is concerned, we accept that there is evidence of police corruption and complicity in trafficking. Section 6.f of the USSD Report for 2003, as well as the other documents in the Appellant's bundle, show that the police were often involved directly or indirectly in trafficking and that few police officers (and no other government officials) were prosecuted for trafficking during 2003. Further, Section 6.f of the USSD Report states also that lawyers and judges were manipulated and bribed, permitting traffickers to buy their way out of punishment, if arrested. It also states that there is a lack of prosecution of traffickers; that traffickers who were arrested were often released because of insufficient evidence and, if prosecuted, often charged for lesser crimes or given less than the minimum sentence for trafficking; and, that the absence of a witness protection programme impedes the Government's ability to prosecute appropriately. However, we also noted that Section 6.f of the 2003 USSD Report refers to:

- the 2001 amendment to the Criminal Code;

- that, during the year 2003, the Ministry of Public Order's Anti-Trafficking Unit within the Organised Crime Sub-Directorate and the Office of Internal Control paid particular attention to police involvement in human trafficking;
- that the Office of Internal Control investigated 266 cases of police involvement in all forms of trafficking. Many of these cases resulted in suspensions or dismissals, and a growing number of police officials implicated in trafficking cases faced arrest and prosecution.
- In December, police arrested several servicemen on suspicion of raping and trafficking a 16-year-old girl.

16.2 We acknowledge that victims of trafficking often face significant stigmatisation from their families and society. The Albanian Government has taken some steps to help trafficked victims. For example, the Vlora Anti-Trafficking Center was opened in 2001, although it has not become fully operational. In December 2003, the Government signed a memorandum of understanding with Greece, Germany, and Italy to turn the Vlora Anti-Trafficking Center into a fully operational tool in the fight against all forms of illegal trafficking from and through the country. Whilst we accept that government services available to trafficked victims remained limited, several NGOs were active in addressing victims' needs. We noted that:

- The IOM operated a reintegration centre in Tirana which provided counselling and medical services, job training, and some legal assistance; and
- In July, the Government opened a shelter outside Tirana for trafficking victims, offering assistance ranging from psychological counselling to medical treatment.

16.3 The Anti-Slavery International report (page 78 of the Appellant's bundle) states that the number of victims is reported to have fallen recently due, in part, to "aggressive government policy", including the stricter policing of the coast between Albania and Italy. Although this report attributes the fall in the number of victims to "aggressive government policy", other reports refer to steps being inadequate, whilst acknowledging that steps are being taken by the government. For example the USSD Department of State "Trafficking in Persons Report" (page 73 of the Appellant's bundle) refers to inadequate conviction and sentencing rates, with most defendants released due to lack of evidence, or ultimately charged with lesser crimes. On the other hand, the Joint UNICEF/UNOHCR/OSCE/ODIHR report (page 53 of the Appellant's bundle) refers to "remarkable progress" having been made in combating trafficking. We conclude, from the totality of the evidence before us, that the "remarkable progress" made by the Albanian authorities has to be seen against the backdrop of the situation which existed in the 1990s – in other words, the progress is remarkable when seen against the very bad situation which then existed. Whilst we accept that the present situation is capable of further improvement, we are satisfied, on the

totality of the evidence before us, that there is in general a sufficiency of protection against trafficking in Albania.

17.1 In [2003] 00023 K (Albania), the claimant had been sold by her family to a man for a substantial sum of money. In that case, the Tribunal was satisfied that this man was “a criminal thug who will be much displeased at having been deprived of his investment (namely the appellant) for which he paid a substantial sum to the appellant’s family” (see paragraph 9 of the Determination in that case). The Tribunal concluded that, if the claimant returned to Albania, the man would pursue her and would subject her to Article 3 ill-treatment. The Tribunal also found of particular significance the passages in the CPU Report regarding the “kanun” (see paragraph 12 of the Determination in that case). At paragraph 10 of the Determination, the Tribunal quoted from paragraph 6.50 of the CIPU Report dated April 2003, which describes the “kanun” as follows:

Many men, especially those from the north eastern part of the country, still follow the traditional code known as the ‘kanun’, in which women are considered and treated as chattel. Under the kanun, a woman’s duty is to serve her husband, and to be subordinate to him in all matters..... The kanun “law” which is not recognised by the Albanian Government, also states that it is acceptable to kidnap young women for brides. This practice continues in some areas of the north east.

17.2 It should also be noted that, in that particular case, the claimant was from the north eastern part of Albania and that her family had sold her to the man in question ostensibly for marriage but in reality so that he could sell her on for prostitution. The claimant and the man in question had taken the first steps towards marriage but they were never legally married (see paragraph 3 of the Determination). It is evident, from the Tribunal’s reliance on the “kanun” as being of “particular significance” that the Tribunal considered that her situation was analogous to that of a married woman (i.e. married to a trafficker) and that the “kanun law” would apply to her.

17.3 Accordingly, the Tribunal’s decision in [2003] UKIAT 00023 K (Albania) 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.

18.1 Turning now to the facts of the instant appeal, we have already given our reasons above for concluding that it is not reasonably likely that a particular individual is at risk of abduction or re-abduction. We note that the Appellant was abducted by a group involved in trafficking. The fact that the group was an organised group is evidenced by the fact that the Appellant was taken to an hotel where three other girls were being held. The Appellant was not sold by her family to a trafficker. There is therefore no question of any remaining members of her family handing her over to her former abductors. Furthermore, the fact that she had not been sold to her former abductors also distinguishes this case from

the claimant in the [2003] UKIAT 00023 K (Albania) case. We recognise that one of the Appellant's captors had told her that her refusal to marry a man who had been brought to her had cost them US Dollars 6,000 (paragraph 14 of the Appellant's statement dated 10th May 2003). However, this does not mean the group would pursue her. It might have been otherwise if they had "bought" her in the first place. Given that the Appellant did not know the two men who had abducted her (see paragraph 2 of her statement), there is no reason to suppose that she would come across them and/or their associates again, even if she were to return to her home area of Burrel. Accordingly, there is nothing in the Appellant's circumstances or the circumstances relating to her previous abduction which have a material bearing on any risk of re-abduction now. The risk she faces of being abducted is the general risk faced by females in Albania.

- 18.2 It must be noted that the Appellant was nearly 28 years old when she was abducted by the traffickers. Given what we have said about the much younger age group which is increasingly the main source of interest to traffickers, what happened to the Appellant has to be viewed as an unusual occurrence, and not one which shows that women of her age are at real risk. Given that she is now 30 years old, the risk of any such abduction must be even less.
- 18.3 The Appellant's male relatives have been killed, except for the cousin she referred to in paragraph 15 of her statement. It would appear, from page A22 of the statutory appeal bundle, that this cousin is male. We do not know whether the Appellant would be able to live with this cousin. We therefore acknowledge that the Appellant would in all likelihood be living as a lone female without male protection. However, there is nothing in the objective evidence which suggests that lone females are at greater risk of abduction. In all of the circumstances, we are satisfied that the risk of the Appellant being re-abducted by traffickers is remote, and falls below that of a reasonable likelihood. There can be no guarantees but we are satisfied that the risk does not reach the low standard of a reasonable likelihood.
- 18.4 We acknowledge that the objective evidence shows that victims of trafficking are "often subject to significant stigmatisation from their families and society". However, we are not satisfied that any such stigmatisation would amount to persecution or treatment in breach of Article 3.
- 18.5 Given our conclusions above, the internal flight option is not relevant. However, if the Appellant wished to avoid any problems in Burrel, it is open to her to live somewhere else, such as Tirana, where she would be safe and where it would not be unduly harsh for her to live.
19. For all of the above reasons, we are satisfied that the Adjudicator's findings that the Appellant is not reasonably likely to be subjected to treatment amounting to persecution or in breach of her rights under

Article 3 of the ECHR in Albania is safe, and is fully sustainable on the evidence.

Decision

The appeal is DISMISSED.

Ms. D. K. GILL
VICE PRESIDENT