



# EASO Country of Origin Information Report

## Albania Country Focus



November 2016





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## Disclaimer

This report was written according to the EASO COI Report Methodology (2012)<sup>(1)</sup>. It is based on carefully selected sources of information. All sources used are referenced. To the extent possible, and unless otherwise stated, all information presented, except for undisputed or obvious facts, has been cross-checked.

The information contained in this report has been researched, evaluated and analysed with utmost care. However, this document does not claim to be exhaustive. If a particular event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist.

Furthermore, this report is not conclusive as to the determination or merit of any particular claim to refugee status or asylum. Terminology used should not be regarded as indicative of a particular legal position.

‘Refugee’, ‘risk’ and similar terminology are used as a generic terminology and not as legally defined in the EU Asylum Acquis and the Geneva Convention.

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The target audience are asylum caseworkers, COI researchers, policymakers and decision-making authorities.

The drafting of this report was finalised on 14 September 2016. Any event taking place after this date is not included in this report. An exception to this cut-off date was made for the European Commission’s Communication on EU Enlargement Policy issued 9 November 2016, the main findings of which were incorporated in this report.

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<sup>(1)</sup> The EASO methodology is largely based on the Common EU Guidelines for processing Country of Origin Information (COI), 2008, and can be downloaded from the EASO COI Portal: <https://coi.easo.europa.eu/administration/easo/PLib/EASO%20COI%20Report%20Methodology.pdf>.



## Glossary and Abbreviations

|                                                  |                                                                                    |
|--------------------------------------------------|------------------------------------------------------------------------------------|
| AIMS                                             | <i>Agjencia e Inteligjencës dhe Sigurisë së Mbrojtjes</i>                          |
| CEDAW                                            | UN Committee on the Elimination of Discrimination Against Women                    |
| CPD                                              | Commissioner for Protection against Discrimination                                 |
| DISA                                             | Defence Intelligence and Security Agency                                           |
| EC                                               | European Commission                                                                |
| EURALIUS                                         | European Assistance Mission to the Albanian Justice System                         |
| <i>Gjykata e Rretit Gjyqësor</i>                 | District Court                                                                     |
| <i>Gjykata të Faktit</i>                         | Factual Court                                                                      |
| <i>Gjykata Apeli</i>                             | Courts of Appeal                                                                   |
| <i>Gjykatë Apeli ushtarake</i>                   | Military Court of Appeal                                                           |
| <i>Gjykatën e Lartë</i>                          | High Council                                                                       |
| <i>Gjykata Administrative</i>                    | Administrative Court                                                               |
| <i>Gjykata Administrative e Apelit</i>           | Administrative Court of Appeal                                                     |
| GRETA                                            | Council of Europe's Group of Experts on Action against Trafficking in Human Beings |
| HSC                                              | High State Control                                                                 |
| IDAHO                                            | international day against homophobia, transphobia and biphobia                     |
| IS                                               | Islamic State                                                                      |
| <i>Kolegji Administrativ i Gjykatës së Lartë</i> | Administrative Panel of the High Council                                           |
| LGBTI                                            | Lesbian, gay, bisexual, transgender and intersex persons                           |
| OPCAT                                            | Convention against Torture and Other Cruel, Inhuman and Degrading Treatment        |
| OSCE                                             | Organisation for Security and Co-operation in Europe                               |
| ODIHR                                            | OSCE Office for Democratic Institutions and Human Rights                           |
| MSI                                              | Media Sustainability Index                                                         |
| NATO                                             | North Atlantic Treaty organisation                                                 |
| NGO                                              | Non-Governmental Organisation                                                      |
| NPM                                              | National Mechanism for Torture Prevention                                          |
| SHISH                                            | <i>Shërbimi Informativ i Shtetit</i>                                               |
| SIGI                                             | Social Institutions and Gender Index                                               |
| SGV                                              | Sexual and gender-based violence                                                   |

US/USA

Unites States of America

USSR

Union of Socialist Soviet Republics

## Introduction

This Country Focus report on Albania is written at the request of both the European Parliament and the European Council for general background information and more detailed information relevant for international protection status determination and for the assessment of the applicability of the safe country of origin concept to Albania. For the designation of safe countries of origin, Annex I of the Asylum Procedures Directive foresees that:

‘A country is considered as a safe country of origin where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution as defined in Article 9 of Directive 2011/95/EU, no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict.’<sup>(2)</sup>

In addition, ‘account shall be taken, *inter alia*, of the extent to which protection is provided against persecution or mistreatment’<sup>(3)</sup>. The Albania Country Focus at hand covers the most important information needs related to the above-mentioned criteria for safe country of origin designation, namely state structure, socio-political landscape, rule of law and state protection, security situation and human rights situation. The [Terms of Reference](#) can be found at the end of the report.

The report aims at providing an objective and neutral information base (without assessment or policy recommendations) that will allow for more informed policy discussions. It should be noted that the situation of third country nationals in Albania (including person transiting through Albania or seeking international protection in Albania) does not fall within the scope of this report.

## Methodology

- Defining the Terms of Reference

The Terms of Reference have been defined on 8 April 2016 taking into account feedback from the EASO Country of Origin Information (COI) Strategic Network.

- Drafting process

The report was co-drafted by Country of Origin Information (COI) specialists from The Netherlands and EASO, as listed under the [Acknowledgments](#) section. The drafting of this report was finalised on 14 September 2016. An exception to this cut-off date was made for the European Commission’s Communication on EU Enlargement Policy<sup>(4)</sup> issued 9 November 2016, the main findings of which were incorporated in this report.

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<sup>(2)</sup> Council of Europe, Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), 29 June 2013.

<sup>(3)</sup> Council of Europe, Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), 29 June 2013.

<sup>(4)</sup> EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016.

- Quality control

In order to ensure that the authors respected the EASO COI Report Methodology, a review was carried out by COI specialists from the countries listed as reviewers in the [Acknowledgements](#) section.

All comments made by the reviewers were taken into consideration and most of them were implemented in the final draft of this report.

## Map Albania <sup>(5)</sup>



<sup>(5)</sup> UN (United Nations), Map No. 3769 Rev. 7. June 2012.

## 1. State structure

### 1.1 Introduction

After World War II, Albania, under President Enver Hoxha, allied itself with the Union of Socialist Soviet Republics (USSR) (until 1960) and with China (until 1978) <sup>(6)</sup>, and remained isolated until its transition to parliamentary democracy after 1990. General elections in 1992 ended 47 years of communist rule <sup>(7)</sup>.

The transition has been called ‘challenging’ as the government was confronted with ‘high unemployment, widespread corruption, dilapidated infrastructure, powerful organized crime networks, and combative political opponents’ <sup>(8)</sup>.

According to the Bertelsmann Stiftung’s Transition Index 2016 (BTI), mismanagement and autocratic rule had disastrous consequences in 1997 when massive pyramid schemes, boosted by money laundering and contraband, collapsed and ‘swallowed up the meagre savings of two-thirds of Albanese families and around one-third of GDP’. State institutions were violently attacked and state structures almost collapsed <sup>(9)</sup>.

After this, Albania, regarded as a ‘weak state’ requiring international monitoring and supervision, was substantially assisted by international organisations to strengthen weak state institutions and stabilise its political infrastructure. The 1998 Constitution was a result of such large-scale international interventions and assistance. In the subsequent years, especially after the 2005 elections, a range of political and governance reforms were initiated. After four rejected applications between 2009 and 2013, Albania was accepted as a candidate for EU member in June 2014 <sup>(10)</sup>. According to the International Research & Exchanges Board (IREX), its EU integration process stagnated in 2015 <sup>(11)</sup>.

The European Commission (EC) in its Communication on EU Enlargement Strategy 2016 (further referred to as EC Communication 2016), assessed Albania’s progress towards ‘fulfilling all of the five key priorities for the opening of accession negotiations, and subject to credible and tangible progress in the implementation of the justice reform, in particular the re-evaluation of judges and prosecutors (vetting)’, and recommends ‘opening accession negotiations with Albania’ <sup>(12)</sup>.

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<sup>(6)</sup> CIA, The World Factbook, Albania, updated 25 July 2016.

<sup>(7)</sup> BBC News, Country profile: Albania, 23 February 2016.

<sup>(8)</sup> CIA, The World Factbook, Albania, updated 25 July 2016.

<sup>(9)</sup> BTI, Albania Country Report, 2016, pp. 2-5.

<sup>(10)</sup> BTI, Albania Country Report, 2016, pp. 2-5; Delegation of the European Union to Albania, Albania and the EU, 18 July 2016.

<sup>(11)</sup> IREX, Europe & Eurasia Media Sustainability Index 2016 – Albania.

<sup>(12)</sup> EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016, p. 12.

## 1.2 Constitution

The Constitution of the Republic of Albania was approved by the Assembly on 21 October 1998, adopted by referendum on 22 November 1998, promulgated on 28 November 1998 and amended in January 2007 <sup>(13)</sup> and again in 2015 <sup>(14)</sup>.

Article 1 declares that Albania is a parliamentary republic. Article 7 of the Constitution envisages the 'separation and balancing of legislative, executive and judicial powers' <sup>(15)</sup>.

The legal system is a civil law system. In the northern rural areas, customary law known as the "Code of Leke" still plays an active role, as mentioned in the CIA World Factbook <sup>(16)</sup>.

## 1.3 Executive branch

### 1.3.1 President

The president <sup>(17)</sup> is chosen by the parliament for a maximum of two five-year periods. The president does not hold executive powers but is head of the military (Art. 92 of the Constitution stipulates: 'he grants the highest military ranks according to law' <sup>(18)</sup>) and, according to Freedom House, 'plays an important role in selecting senior judges'. On 24 July 2012 the then Minister of Interior Bujar Nishani was sworn in as president <sup>(19)</sup>.

### 1.3.2 Government

The prime minister is appointed by presidential decree on the proposal of the majority party or coalition in parliament which agrees to form a cabinet. The cabinet of ministers is proposed by the prime minister, nominated by the president, and approved by the Assembly <sup>(20)</sup>. The cabinet consists of 20 ministers plus the prime minister <sup>(21)</sup>.

Since 10 September 2013, Prime Minister Edi Rama (Socialist Party of Albania) has been head of government with Niko Peleshi as Deputy Prime Minister <sup>(22)</sup>. The government is formed by a coalition called *Rilindje* (Renaissance) with the Socialist Party of Albania (SP – 65 seats), and Socialist Movement for Integration (SMI – 16 seats) as the main parties <sup>(23)</sup>.

The new SP-SMI majority government has to work with an administration and a president from the opposite side of the political spectrum. BTI noted that the president Nishani (DP) vetoed most of the government's legal initiatives 'including the crucial Law on Administrative Territorial Reform' <sup>(24)</sup>.

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<sup>(13)</sup> Republic of Albania, 1998 Constitution of the Republic of Albania, Text approved by referendum on 22 November 1998 and amended on 13 January 2007.

<sup>(14)</sup> CIA, The World Factbook, Albania, updated 25 July 2016.

<sup>(15)</sup> Republic of Albania, 1998 Constitution of the Republic of Albania, Text approved by referendum on 22 November 1998 and amended on 13 January 2007.

<sup>(16)</sup> CIA, The World Factbook, Albania, updated 25 July 2016.

<sup>(17)</sup> Institution of the President of the Republic of Albania, Bujar Nishani – Jetëshkrim, n.d..

<sup>(18)</sup> Republic of Albania, 1998 Constitution of the Republic of Albania, Text approved by referendum on 22 November 1998 and amended on 13 January 2007.

<sup>(19)</sup> Freedom House, Freedom in the World 2015 – Albania, n.d.

<sup>(20)</sup> CIA, The World Factbook, Albania, updated 25 July 2016; Election Guide – Democratic Assistance & Election News, Republic of Albania, n.d.

<sup>(21)</sup> Prime Minister's office, Ministers of the Government, n.d.

<sup>(22)</sup> Prime Minister's office, Edi RAMA, Prime minister, n.d.

<sup>(23)</sup> European Forum for Democracy and Solidarity, Albania, last update 14 July 2014.

<sup>(24)</sup> BTI, Albania Country Report, 2016, p. 10.

## 1.4 Legislative branch: Assembly

Albania has a unicameral Assembly (*Kuvendi i Shqipërisë*), consisting of 140 seats. The members are directly elected in multi-seat constituencies by proportional representation vote for 4-year periods <sup>(25)</sup>. There are 12 multi-member constituencies (bodies of voters who vote their own representatives to parliament), corresponding to the 12 administrative regions in Albania. Within any constituency, parties must meet a threshold of 3 % of the votes; pre-election coalitions must meet a threshold of 5 % <sup>(26)</sup>.

The last parliamentary election was held on 23 June 2013 with a voter turnout of 53 % (the next is to be held in 2017) <sup>(27)</sup>. For more information, see [2.3 Elections](#).

The legislative process in Albania is laid down in the 1998 Constitution. The council of ministers (the cabinet), as well as each MP and '20,000 electors' (voters, not further specified how these persons are chosen) are entitled to draft bills. A draft law is voted on three times: 1) in principle, 2) article by article, and 3) in its entirety <sup>(28)</sup>.

Votes normally require a simple majority. In specific cases, a three-fifth majority of all members of parliament is needed, as specified in the constitution:

- 'the laws for the organization and operation of the institutions contemplated by the Constitution;
- the law on citizenship;
- the law on general and local elections;
- the law on referenda;
- the codes;
- the law on the state of emergency;
- the law on the status of public functionaries;
- the law on amnesty;
- the law on administrative divisions of the Republic' <sup>(29)</sup>.

The president has the right to return a law for re-consideration once. However, according to the constitution, such a decision has no effect when a majority of all the members of the Assembly vote against it. The president promulgates an approved law within 20 days of its submission. The law enters into force within 15 days after its publication in the Official Journal; however, in cases of necessity and emergency, a law can enter into force immediately after it is made known publicly <sup>(30)</sup>.

In practice, however, President Nishani (DP) has vetoed many new laws proposed by the 2013 elected SP-SMI government because of the sharply polarised political situation, as assessed by Bertelsmann Transformation Index (BTI) <sup>(31)</sup>.

The EC Communication 2015 reported that 'in December 2014, the parliament adopted a resolution outlining the basis for the ruling majority and the main opposition party to engage

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<sup>(25)</sup> CIA, The World Factbook, Albania, updated 25 July 2016.

<sup>(26)</sup> Election Guide – Democratic Assistance & Election News, Republic of Albania, n.d..

<sup>(27)</sup> Election Guide – Democratic Assistance & Election News, Republic of Albania, n.d..

<sup>(28)</sup> Republic of Albania, 1998 Constitution of the Republic of Albania, Text approved by referendum on 22 November 1998 and amended on 13 January 2007, artt. 81-84.

<sup>(29)</sup> Republic of Albania, 1998 Constitution of the Republic of Albania, Text approved by referendum on 22 November 1998 and amended on 13 January 2007, artt. 81-84.

<sup>(30)</sup> Republic of Albania, 1998 Constitution of the Republic of Albania, Text approved by referendum on 22 November 1998 and amended on 13 January 2007, artt. 81-84.

<sup>(31)</sup> BTI, Albania Country Report, 2016, p. 10.



in a continuous constructive political dialogue. This ended a six-month parliamentary boycott by the main opposition party' <sup>(32)</sup>.

## 1.5 Administration

The basic local government units as defined in the Constitution (art. 108) are communes or municipalities and regions (consisting of several local units with shared economic and social ties and common interests). The communes/municipalities are governed by local councils headed by a mayor, which all are elected every four years by direct general and secret ballot. The local units have an independent budget and are self-governing through their respective bodies and local referendums <sup>(33)</sup>.

Regional councils are formed by delegations of municipality/commune councils and all mayors. The region is the unit 'where regional policies are made and implemented and where they are harmonized with policies of the state' <sup>(34)</sup>.

There are 12 regions in Albania: Berat, Dibër, Durrës, Elbasan, Fier, Gjirokastrë, Korçë, Kukës, Lezhë, Shkodër, Tirana, Vlorë <sup>(35)</sup>.

As regards public administration, according to BTI, after the 2012 election of President Nishani (DP) most leaders of constitutional institutions were replaced along political lines <sup>(36)</sup>. This risk of politisation was also flagged in the 2016 EC Communication:

'As concerns public administration reform, Albania is moderately prepared. Comprehensive reform strategies and the new Code of Administrative Procedures were adopted. However, efforts are needed to achieve the objective of a professional and depoliticised public administration, to increase the financial and administrative capacity of local government units and to ensure effective implementation of the civil service law at local level' <sup>(37)</sup>.

Albania receives support for its public administration reforms in the framework of the Instrument for Pre-Accession Assistance (IPA II, 2014-2020) <sup>(38)</sup>.

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<sup>(32)</sup> EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, EU Enlargement strategy, COM(2015) 611 final, 10 November 2015, p. 23.

<sup>(33)</sup> Republic of Albania, 1998 Constitution of the Republic of Albania, Text approved by referendum on 22 November 1998 and amended on 13 January 2007, artt. 108-115.

<sup>(34)</sup> Republic of Albania, 1998 Constitution of the Republic of Albania, Text approved by referendum on 22 November 1998 and amended on 13 January 2007, artt. 108-115.

<sup>(35)</sup> Republic of Albania – Parliament, By Regions, n.d..

<sup>(36)</sup> BTI, Albania Country Report, 2016, p. 10.

<sup>(37)</sup> EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016, p. 23.

<sup>(38)</sup> EC, Instrument for Pre-Accession Assistance (IPA II) 2014-2020, Albania, Support to public administration reform, 2015.

## 2. Socio-political landscape

### 2.1 General

Albania has traditionally been a tribally organised society. In the northern part of the country tribal structures have partially survived the communist era <sup>(39)</sup>.

Starting in 1996, the collapse of the pyramid ‘investment’ schemes that had become widely popular in post-independence Albania resulted in major economic and political disorder and an almost total loss of law and order <sup>(40)</sup>. In response, international peacekeeping forces intervened in 1997 to restore law and order <sup>(41)</sup>. In 1999 the Kosovo war prompted the migration of more than 400,000 ethnic Albanians from Kosovo to Albania <sup>(42)</sup>. In 2009, Albania became a member of NATO <sup>(43)</sup> and in 2014 became an official candidate for accession to the European Union <sup>(44)</sup>.

According to the World Bank, the GDP per capita for 2015 was USD 3,965 <sup>(45)</sup>. In recent years approximately 8 % of the GDP constituted of remittances sent to family in Albania <sup>(46)</sup>.

### 2.2 Political parties

Political parties can be freely created, provided they adhere to democratic principles. The constitution explicitly forbids ‘Political parties and other organizations, the programs and activity of which are based on totalitarian methods, which incite and support racial, religious, regional or ethnic hatred, which use violence to take power or influence state policy, as well as those with a secret character’ <sup>(47)</sup>.

The following are the main political parties in Albania <sup>(48)</sup>:

- The *Partia Demokratike e Shqipërisë* [Democratic Party of Albania] is a centre-right party that was founded in 1991. It is led by the former Prime Minister Sali Berisha.
- The *Partia Socialiste e Shqipërisë* [Socialist Party of Albania] is a centre-left, social democratic party. It was founded from the remnants of the former communist party after its dissolution in 1991. Until 2005 it was led by Fatos Nano and since then by Edi Rama.
- The *Lëvizja Socialiste për Integrim* [Socialist Movement for Integration] formed in 2004 as a splinter of the PS. It describes itself as centre-left and is organised around the personality of its leader Ilir Meta.
- The *Partia Drejtësi, Integrim dhe Unitet* [Party for Justice, Integration and Unity] aims to promote the interests of ethnic Albanians, both in Albania and abroad.
- The *Partia Republikane e Shqipërisë* [Republican Party of Albania] is a right-wing party.
- The *Partia Bashkimi për të Drejtat e Njeriut* [Unity for Human Rights Party] represents the ethnic Greek minority. It was founded in 1992. Since 2002 it has been led by Vangjel Dule.

<sup>(39)</sup> Kaser, Karl, *Patriarchy After Patriarchy*, 2008.

<sup>(40)</sup> Finance & Development, *The rise and fall of Albania's pyramid schemes*, March 2000.

<sup>(41)</sup> Marchio, Riccardo., “Operation Alba”: a European approach to peace support operations in the Balkan, 2000.

<sup>(42)</sup> UNHCR, *Global report 1999, 2000*, pp. 321-325.

<sup>(43)</sup> NATO, *NATO's relations with Albania*, 28 August 2014.

<sup>(44)</sup> European Commission, *European neighbourhood policy and enlargement negotiations; Albania*, 3 March 2016 (update).

<sup>(45)</sup> World Bank (the), *GDP per capita*, n.d.,

<sup>(46)</sup> World Bank (the), *Personal remittances, received (% of GDP)*, n.d.

<sup>(47)</sup> Republic of Albania, *1998 Constitution of the Republic of Albania*, Text approved by referendum on 22 November 1998 and amended on 13 January 2007, art. 9.

<sup>(48)</sup> European Forum for Democracy and Solidarity, *Albania*, last updated 14 July 2014 ; Balkan Insight, *Key Political Parties in Albania*, 27 September 2010.

- The *Partia Demokristiane e Shqipërisë* [Christian Democratic Party of Albania] represents the Christian minority.

## 2.3 Elections

### 2.3.1 1991 to 2005

The communists won the Constitutional Assembly elections of 31 March 1991, the first multi-party elections since the Hoxha-era <sup>(49)</sup>. The next parliamentary elections, on 22 March 1992, were won by the Democratic Party <sup>(50)</sup>. Sali Berisha was appointed as President of Albania. His presidency lasted until the parliamentary elections of 29 June 1997 <sup>(51)</sup> when the Socialist Party, after obtaining 101 out of 151 seats, assumed power <sup>(52)</sup>. Rexhep Meidani was subsequently elected as President of Albania <sup>(53)</sup>.

The parliamentary elections of the 24 June 2001 resulted in 73 out of 140 seats for the Socialist Party. The OSCE assessed these elections as free and fair <sup>(54)</sup>.

### 2.3.2 Parliamentary elections 2005

The next parliamentary elections were held on 3 July 2005. The Democratic Party obtained 56 seats, the Socialist Party 42 <sup>(55)</sup>.

The OSCE/ODIHR Election Observation Mission Report states that these elections only partially complied with international standards. In many cases polling stations 'did not have sufficient respect for correct procedures, particularly regarding the use of ink to prevent multiple voting, the secrecy of the vote and the checking of voters' identity.' There were incidents of election intimidation and attempted 'vote buying' of minorities, in particular among Roma <sup>(56)</sup>.

### 2.3.3 Parliamentary elections 2009

The parliamentary elections of 28 June 2009 gave 68 seats to the Democratic Party and 65 seats to the Socialist Party from a total of 140 <sup>(57)</sup>. These two parties formed a coalition government <sup>(58)</sup>.

The OSCE/ODIHR Election Observation Mission Report states that these elections met most OSCE commitments. All 34 parties contesting these elections were able to campaign freely throughout the country <sup>(59)</sup>.

The report states that the DP misused its government power for campaign purposes. Public-sector workers were pressured to attend meetings or refrain from activities with another party under the threat of losing their jobs. The Government repeatedly used official events for campaign purposes <sup>(60)</sup>.

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<sup>(49)</sup> IPU, Albania Parliamentary Chamber: Kuvendi Popullor, elections held in 1991, n.d.

<sup>(50)</sup> IPU, Albania Parliamentary Chamber: Kuvendi Popullor, elections held in 1992, n.d.

<sup>(51)</sup> Vera Stojarová and Peter Emerson, Party Politics in the Western Balkans, chapter 12.

<sup>(52)</sup> IPU, Albania Parliamentary Chamber: Kuvendi Popullor, elections held in 1997, n.d.

<sup>(53)</sup> Institution of the President of the Republic of Albania, Prof. Dr. Rexhep Meidani, n.d.

<sup>(54)</sup> OSCE, Albania, Parliamentary Elections, 24 June - 19 August 2001: Final Report, 11 October 2001.

<sup>(55)</sup> IPU, Albania Kuvendi (Parliament), elections in 2005.

<sup>(56)</sup> OSCE, Albania, Parliamentary Elections, 3 July 2005: Final Report, 8 November 2005.

<sup>(57)</sup> IPU, Albania Kuvendi (Parliament), elections in 2009, n.d.

<sup>(58)</sup> Encyclopaedia Britannica, Albania in 2009, n.d.

<sup>(59)</sup> OSCE, Albania, Parliamentary Elections, 28 June 2009: Final Report, 14 September 2009, p. 2.

<sup>(60)</sup> OSCE, Albania, Parliamentary Elections, 28 June 2009: Final Report, 14 September 2009, p. 13.

One member of the Greek minority from the Human Rights Union Party was elected, as were Greek representatives from the DP and SP lists <sup>(61)</sup>.

The report continues:

‘Observers assessed voting positively in 92 per cent of voting centers visited but noted a number of procedural violations. In particular, inking procedures were not always followed [...]. Other serious problems included widespread family voting, cases of proxy voting, series of seemingly identical signatures on the voter list, the same person “assisting” more than one voter, attempts to influence voters, and pressure on voters or election officials <sup>(62)</sup>. There was no evidence of irregular counting or manipulation of results, and no major irregularities at the [counting stations], apart from the blockage of the count in some [counting stations]’<sup>(63)</sup>.

### 2.3.4 Parliamentary elections 2013

The Parliamentary elections of 23 June 2013 had the following results (nr of seats): <sup>(64)</sup>

|                                                                                                  |    |
|--------------------------------------------------------------------------------------------------|----|
| - <i>Socialist Party of Albania / Partia Socialiste (PS)</i>                                     | 65 |
| - <i>Democratic Party of Albania / Partia Demokratike (PD)</i>                                   | 50 |
| - <i>Socialist Movement for Integration / Lëvizja Socialiste për Integrim (LSI)</i>              | 16 |
| - <i>Republican Party of Albania / Partia Republikane (PR)</i>                                   | 3  |
| - <i>Unity for Human Rights Party / Partia Bashkimi për të Drejtat e Njeriut (PBDNJ)</i>         | 4  |
| - <i>Party for Justice, Integration and Unity/Partia për Drejtësi Integrim dhe Unitet (PDIU)</i> | 0  |
| - <i>Red and Black Alliance (AK) / Aleanca Kuq e Zi</i>                                          | 0  |
| - <i>New Democratic Spirit (FRD) / Fryma e Re Demokratike</i>                                    | 0  |
| - <i>Independent(s): Independents</i>                                                            | 0  |

The winner was the *Aleanca për Shqipërinë Europiane* [Alliance for a European Albania] consisting of the Socialist Party (PS) with 65 seats and the Socialist Movement for Integration (LSI) with 16 seats <sup>(65)</sup>. Edi Rama (PS) was subsequently appointed Prime Minister <sup>(66)</sup>.

The Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe (OSCE/ODIHR) in its Election Observation Mission Report writes that DP and SP misused their government power for campaign purposes by using public vehicles and official buildings and by pressuring public servants to campaign or vote in a certain way. There were allegations of vote-buying<sup>(67)</sup>.

The OSCE report continues:

‘Effective legal remedy and due process to resolve election-related grievances were not adequately guaranteed nor provided to electoral stakeholders. In key cases, adjudicative bodies declined consideration of complaints or exceeded their jurisdiction. In some instances, the Electoral College improperly assumed the CEC’s administrative responsibilities and discretionary powers. Electoral contestants rarely used available dispute resolution mechanisms due to a purported lack of confidence in the legal system and a culture of opting for political deals’ <sup>(68)</sup>.

<sup>(61)</sup> OSCE, Albania, Parliamentary Elections, 28 June 2009: Final Report, 14 September 2009, p. 19.

<sup>(62)</sup> OSCE, Albania, Parliamentary Elections, 28 June 2009: Final Report, 14 September 2009, p. 3.

<sup>(63)</sup> OSCE, Albania, Parliamentary Elections, 28 June 2009: Final Report, 14 September 2009, p. 4.

<sup>(64)</sup> Election Guide – Democratic Assistance & Election News, Republic of Albania, n.d.

<sup>(65)</sup> IPU, Albania Kuvendi (Parliament), last elections, n.d.

<sup>(66)</sup> Institution of the President of the Republic of Albania, President Nishani decrees the appointment of Mr. Edi Rama as Prime Minister, 10 September 2013.

<sup>(67)</sup> OSCE, Albania, Parliamentary Elections, 23 June 2013: Final Report, 10 October 2013, p. 2.

<sup>(68)</sup> OSCE, Albania, Parliamentary Elections, 23 June 2013: Final Report, 10 October 2013, p. 3.

According to the report, instances of group/family voting and inconsistent implementation of some procedures compromised the voting process <sup>(69)</sup>.

The EC Communications 2015 expressed its concern about the election process, in particular 'the impartiality and professionalism of the electoral authorities and the overall politicisation of the electoral process [which] have yet to be addressed' <sup>(70)</sup>.

The EC Communication 2016 recommended: 'Albania is expected to adopt in due time amendments to the electoral code and related reforms. These should address in particular the lack of impartiality and professionalism of the electoral administration' <sup>(71)</sup>.

### 2.3.5 Local elections 2015

The local elections in June 2015 were conducted without major incidents, according to the EC Communication 2015 <sup>(72)</sup>. The local elections reaffirmed the political domination of the left-wing government as the coalition parties won 45 out of 60 mayoral seats <sup>(73)</sup>.

## 2.4 Civil society

After the transition to democracy from the authoritarian regime, under which civil society organisations were prohibited, the number of NGOs and civil society groups has increased. Western donor aid policies encourage civic participation and the promotion of democratic values. BTI estimates a total of about 1,600 NGOs operate in Albania of which only 150-200 are active. Some NGOs are successful in different sectors, such as advocacy and monitoring. Due to a strong political influence, a weak civic tradition and a heavy dependence on foreign donations, many NGOs are often based in the capital, have close relations with politics (e.g., staff shifting from NGOs to politics and vice versa) and focus more on the financiers' interest than on society, as noted by BTI <sup>(74)</sup>.

Several sources indicate that civil society in Albania functions problematically. The main cause for this is the low level of civic engagement <sup>(75)</sup>.

The civil society Index analytical country report (CIVICUS) for Albania concluded in 2010 that '[t]he low levels of membership and volunteerism in civic organisations signals indifference amongst Albanian citizens towards civic engagement and civil society in general'. It was assumed that some Albanians associate the public sphere in general, and volunteerism in particular, with the communist era <sup>(76)</sup>. Freedom House concluded in 2015 that '[o]verall, most organizations have limited interaction with the groups of society they strive to represent' <sup>(77)</sup>.

<sup>(69)</sup> OSCE, Albania, Parliamentary Elections, 23 June 2013: Final Report, 10 October 2013, p. 3.

<sup>(70)</sup> EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, EU Enlargement strategy, COM(2015) 611 final, 10 November 2015, p. 23.

<sup>(71)</sup> EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016, p. 24.

<sup>(72)</sup> EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, EU Enlargement strategy, COM(2015) 611 final, 10 November 2015, p. 23.

<sup>(73)</sup> Freedom House, Freedom in the World 2015 – Albania, n.d..

<sup>(74)</sup> BTI (Bertelsmann Transformation Index), Albania Country Report, 2016, p. 12.

<sup>(75)</sup> Kovaci, Klevica, 'Democracy in Albania: shortcomings of civil society in democratization due to the communist regime's legacy', 25 November 2014; TACSO, Civil society organizations in Albania, n.d.; Civicus, Civil society profile: Albania, n.d.

<sup>(76)</sup> IDM (Institute for Democracy and Mediation) and Civicus, Civil society index for Albania, 2010, pp. 7, 15.

<sup>(77)</sup> Freedom house, Nations in Transit 2014: Democratization from Central Europe to Eurasia, 2015, p. 54.

The two biggest trade unions are Konfederata e Sindikatave të Shqipërisë (Confederation of Trade Unions of Albania), which had 105,000 members in 2013 and Bashkimi i Sindikatave të Pavarura të Shqipërisë (Union of Independent Trade Unions of Albania), which had 85,000 members in 2013. Together they represent about 90 percent of the trade union members in Albania <sup>(78)</sup>.

The EC Communication 2016 reported: ‘Adoption of the law establishing the national council for civil society provided the framework for more structured consultations with civil society organisations’ <sup>(79)</sup>.

## 2.5 Media

The number of media outlets is high, according to the IREX MSI index 2016 <sup>(80)</sup>, and there is a great diversity of media.

Freedom of expression is legally guaranteed and freely exercised in the country but media outlets often display a strong political bias and their reporting is influenced by the economic or political interests of their owners <sup>(81)</sup>. Freedom House notes that the sharp rivalry between the largest political parties, PS and PD, and the close interests between businesses, media and politics is reflected in the media as well. Most media are biased toward either the PS or the PD and there is hardly any independent news media in Albania, according to Freedom House. Journalists easily lose their jobs and can be the subject of court cases, intimidation and sometimes even physical assaults <sup>(82)</sup>.

See also [5.2.1 Freedom of expression](#) and [5.4.2 Journalists and media](#).

### 2.5.1 Newspapers

There are no accurate circulation figures available for newspapers. Albania has the lowest daily newspaper circulation per capita in Europe, despite having the highest number of newspapers per capita in Europe <sup>(83)</sup>.

### 2.5.2 Television and radio

The major national television broadcasters are the publicly run Radio Televizioni Shqiptar [Radio Television Albania] and the commercial TV channels Top Channel and TV Klan. There are also several local TV stations <sup>(84)</sup>.

The major national radio broadcasters are Radio Televizioni Shqiptar and the commercial channels Top Albania Radio and +2 Radio <sup>(85)</sup>.

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<sup>(78)</sup> Friedrich Ebert Stiftung, Annual Review 2012 on Labour Relations and Social Dialogue in South East Europe: Albania, January 2013, p. 13.

<sup>(79)</sup> EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016, p. 24.

<sup>(80)</sup> IREX, Europe & Eurasia Media Sustainability Index 2016 – Albania, n.d..

<sup>(81)</sup> Freedom House, Nations in Transit 2015; Albania, p. 49.

<sup>(82)</sup> Freedom House, Freedom in the World 2015 – Albania, n.d.

<sup>(83)</sup> UNESCO, Gazetaria profesionale vete-rregullimi dhe media të Reja, dilema të vjetra në Europën jug-lindore dhe Turqi, 2010, p. 53.

<sup>(84)</sup> PECOB (Portal on central eastern and Balkan Europe), Albanian radio and television channels, n.d.

<sup>(85)</sup> BBC (British Broadcasting Corporation), Albania profile – Media, 20 March 2015.

### 2.5.2 Internet

Internet usage has risen from less than 1 % in 2000 to 63.25 % in 2015 <sup>(86)</sup>. It is estimated that in 2015, per 100 inhabitants, there were 7.6 broadband subscriptions <sup>(87)</sup>.

Facebook is the most important social network in Albania. In January 2015 there were approximately 1.34 million Facebook users and 73 % of them were between 18 and 34 years old <sup>(88)</sup>.

The IREX MSI index 2016 notes:

‘A recent phenomenon is the large penetration of media (newspapers, television stations, radio stations) through applications in mobile telephony, which also results from the rapid spread of Internet technology. It can safely be said that online media outlets are the only variety of media that continue to expand, with every newspaper or television station adding a web version’ <sup>(89)</sup>.

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<sup>(86)</sup> ITU, Metadata of Percentage of Individuals using the Internet, n.d.

<sup>(87)</sup> ITU, Fixed broadband subscriptions, n.d.

<sup>(88)</sup> Albanian media institute, Internet development and social media in Albania, 2015, pp. 17-18.

<sup>(89)</sup> IREX, Europe & Eurasia Media Sustainability Index 2016 – Albania, n.d..

### 3. Rule of Law and State Protection

Albania scores 0.52 out of 1.0 on the 2015 Rule of Law Index. Denmark scores highest with 1.0, Venezuela lowest with 0.32. Compared to other countries in the group ‘Eastern Europe and Central Asia’ its score is relatively weak on ‘absence of corruption’ <sup>(90)</sup>.

#### 3.1 Police

The aforementioned events of 1996 and 1997 (see [1.1 Introduction](#) and [2.1 General](#)) led to the disintegration of the Albanian police <sup>(91)</sup>. The police force has since been rebuilt and restructured <sup>(92)</sup>.

According to Pointpulse, a network of seven CSOs monitoring police integrity in law enforcement agencies, the Albanian Police force’s activities are regulated by ‘a package of legal and sub-regulatory acts adopted during 1998-2008. The fundamental law that regulates the organisation and functioning of the police in Albania is the Law on State Police and the Strategy on Public Order 2015–2020 and Action Plan 2015–2017’ <sup>(93)</sup>.

The US Department of State (US DoS) reports that police functioning needs improvement:

‘Police did not always enforce the law equally. Personal associations, political or criminal connections, poor infrastructure, lack of equipment, or inadequate supervision often influenced enforcement of laws. Low salaries, poor motivation and leadership, and a lack of diversity in the workforce contributed to continued corruption and unprofessional behavior’ <sup>(94)</sup>.

NGOs and the ombudsman noted inadequate recordkeeping in some institutions, particularly in small or rural police stations <sup>(95)</sup>.

The US DoS writes that law enforcement capabilities ‘continue to improve’, notably in the areas of counter-narcotics and training to prevent organised crime, and that the police have a ‘visible presence’ throughout Tirana and other large cities. However, their response time is often poor due to limited resources and manpower <sup>(96)</sup>.

According to Pointpulse, the State Police has 10,998 police officers - 1 police officer for 398 residents <sup>(97)</sup>.

The locations of each of the 12 Regional Police Directorates and their respective Commissariats are as follows:

- Berat District: Berat, Kuçovë, Skrapar
- Diber District: Dibër, Mat, Bulqizë
- Durres District: Durrës, Shijak, Krujë
- Elbasan District: Elbasan, Librazhd, Gramsh, Peqin
- Fier District: Fier, Lushnjë, Mallakastër
- Gjirokaster District: Gjirokastër, Permet, Tepelenë
- Korçe District: Korçë, Pogradec, Ersekë, Devoll

<sup>(90)</sup> World Justice project, Rule of law index, 2015.

<sup>(91)</sup> Pointpulse, Police in Albania - Backgrounder, n.d.

<sup>(92)</sup> Mobekk, E. ‘Police Reform in South East Europe: An Analysis of the Stability Pact SelfAssessment Studies’, 2005.

<sup>(93)</sup> Pointpulse, Police in Albania- Backgrounder, n.d.

<sup>(94)</sup> US DoS, Country Report on Human Rights Practices for 2015, Albania, 13 April 2016.

<sup>(95)</sup> US DoS, Country Report on Human Rights Practices for 2015, Albania, 13 April 2016.

<sup>(96)</sup> US DoS, Albania 2016 Crime and Safety Report, 10 May 2016.

<sup>(97)</sup> Pointpulse, Police in Albania- Backgrounder, n.d.



- Kukes District: Kukes, Tropoje, Has
- Lezhe District: Lezhë, Mirditë, Kurbin
- Shkoder District: Shkodër, Pukë, M.Madhe
- Tirane District: Nr.1, Nr. 2, Nr. 3, Nr. 4, Nr. 5, Nr. 6, Road Police, Kavajë
- Vlore District: Vlorë, Sarandë, Delvinë <sup>(98)</sup>.

Officially, persons directly related to a crime, such as victims or witnesses, are entitled to a copy of a police report. Third parties, such as non-governmental organisations, are also entitled to obtain copies, but with the personal or sensitive data erased. In practice, however, police reports are 'difficult to obtain even by the attorneys that represent clients before the police or the prosecutor or the court' <sup>(99)</sup>.

Citizens may submit complaints about the police to the Internal Control Service, which operates under the authority of the Ministry of the Interior or to the Professional Standards Department, an office within the Albanian police. Complaints can be made in person or by telephone <sup>(100)</sup>. There is also an anti-corruption web portal where citizens can report misconduct, including misconduct by the police <sup>(101)</sup>.

## 3.2 Army

The Albanian military consists of land, naval and air forces. In 2015 Albania spent 0.85 % of its GDP on the military <sup>(102)</sup>.

Albania ended conscription in 2010. The voluntary recruitment age is 18 <sup>(103)</sup>.

It officially became a NATO member on 1 April 2009 <sup>(104)</sup>.

The website of the Albanian army has an English-language section where information can be found on its structure and configuration: <http://www.aaf.mil.al/english/index.php>.

## 3.3 Intelligence/Security forces

The *Shërbimi Informativ i Shtetit* [SHISH] is the national intelligence service <sup>(105)</sup>.

According to US DoS, 'The State Intelligence Service gathers information, carries out foreign intelligence and counterintelligence activities, and is responsible to the prime minister' <sup>(106)</sup>.

There is a separate military intelligence service, subordinate to the Ministry of Defense, called *Agjencia e Inteligjencës dhe Sigurisë së Mbrojtjes* (AISM) or Defence Intelligence and Security Agency (DISA) <sup>(107)</sup>.

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<sup>(98)</sup> Interpol, State Police, n.d.

<sup>(99)</sup> IRB, Albania: Procedures to obtain a police report; whether a police report can be obtained from abroad through a proxy; if so, requirements and procedures, 21 August 2015.

<sup>(100)</sup> Institute for Democracy and Mediation (IDM), Police Integrity and Corruption in Albania, p. 68.

<sup>(101)</sup> Guardian (the), Albania makes headway in battle to beat corruption and improve its image, 26 June 2015.

<sup>(102)</sup> CIA, The world factbook – Albania, updated 27 July 2016.

<sup>(103)</sup> EBCO (European Bureau for Conscientious Objection), Albania, n.d.

<sup>(104)</sup> NATO, NATO's relations with Albania, 28 August 2014.

<sup>(105)</sup> Shërbimi Informativ i Shtetit, Mirëserdhët në faqen e internetit të SHISH [Welcome to the website of SIS], n.d.

<sup>(106)</sup> US DoS, Country Report on Human Rights Practices for 2015, Albania, 13 April 2016.

<sup>(107)</sup> AISM (Agjencia e Inteligjencës dhe Sigurisë së Mbrojtjes / Defence Intelligence and Security Agency (DISA) [website], n.d.

The US State Department reports that civilian authorities generally maintained effective control over the SHISH, although officials periodically used state resources for personal gain and members of the security forces committed abuses <sup>(108)</sup>.

### 3.4 Corruption / fight against organised crime

#### 3.4.1 Corruption

According to the US DoS 2015, corruption is pervasive in all branches of government, particularly within the judicial and health-care systems <sup>(109)</sup>. Albania scored 36 out of 100 (0 meaning highly corrupt, 100 meaning very clean) in the 2015 corruption perceptions index <sup>(110)</sup>. In a recent poll, 49.6 % of the 1,000 respondents indicated having been asked to give a bribe in the last year and 40.2 % indicated having given a bribe <sup>(111)</sup>.

The US State Department reports:

‘The government has mechanisms to investigate and punish abuse and corruption. The government’s Service for Internal Affairs and Complaints conducted audits, responded to complaints, and carried out investigations with increased emphasis on human rights, prison conditions, and adherence to standard operating procedures. This office fielded 472 complaints and forwarded 110 cases of alleged police misconduct to prosecutors during the first six months of the year. During the year the ombudsman also processed complaints against police officers, mainly relating to problems with arrests and detention. The ombudsman, through the national mechanism for the prevention of torture, reported increased implementation of his recommendations related to mistreatment. [...]

While individuals and organizations may seek civil remedies for human rights violations, courts were susceptible to corruption, inefficiency, intimidation, and political tampering. Judges held many court hearings in their offices, demonstrating a lack of professionalism and providing opportunities for corruption. These factors undermined the judiciary’s authority, contributed to controversial court decisions, and led to an inconsistent application of civil law. Persons who have exhausted remedies in domestic courts could appeal to the ECHR.

During the year authorities took a number of measures to deal with corruption and made some progress. Prosecutors made significant progress in pursuing low-level public corruption, but prosecution of higher-level crimes remained elusive due to investigators’ fear of retribution, a general lack of resources, and corruption within the judiciary itself. Police installed camera systems in police patrol vehicles with the result that officers refused bribes more often, citing the increased surveillance’ <sup>(112)</sup>.

The government launched several actions to fight corruption, tax evasion and the informal economy (such as the massive illegal cannabis production). In December 2015, a law on decriminalisation was adopted preventing convicted criminals from holding public office. The law is meant to help in the fight against corruption and enhance the public’s confidence in institutions <sup>(113)</sup>.

<sup>(108)</sup> US DoS, Country Report on Human Rights Practices for 2015, Albania, 13 April 2016.

<sup>(109)</sup> US DoS, Country Report on Human Rights Practices for 2015, Albania, 13 April 2016.

<sup>(110)</sup> Transparency international, Corruption perceptions index 2015, n.d.

<sup>(111)</sup> ACER (Albanian center for economic research)/SELDI (South-East Europe Leadership for Development and Integrity), Corruption assessment report Albania, 2016, p. 14.

<sup>(112)</sup> US DoS, Country Report on Human Rights Practices for 2015, Albania, 13 April 2016.

<sup>(113)</sup> Freedom House, Freedom in the World 2015 – Albania, n.d.

The EC Communication 2015 reported that a new anticorruption strategy and action plan were adopted but that corruption remained widespread, adding: 'The independence of institutions involved in the fight against corruption needs to be enhanced, as they remain vulnerable to political pressure and other undue influence' <sup>(114)</sup>.

The EC Communication 2016 reported that a law on the protection of whistle-blowers was adopted. Prosecutors and police gained increased access to national electronic public registries, with a view to exchanging sensitive information and increasing the efficiency of investigations' <sup>(115)</sup>. A 'solid track record of investigations, prosecutions and convictions', as recommended in the previous year, has not yet been established, according to the EC: 'More efforts are needed to tackle corruption at high level. Proactive investigations, systematic risk assessments and inter-institutional cooperation need to be improved. Corruption remains prevalent in many areas and continues to be a serious problem' <sup>(116)</sup>.

### 3.4.2 Links between politics and crime

Investigation, prosecution and conviction in corruption cases increasingly occurs, although still in limited cases. On 6 January 2016, a law came into force that obliges politicians and civil servants to report past criminal investigations into them <sup>(117)</sup>. A newspaper report from 23 May 2016 indicates that by that time one minister, 10 members of Parliament and five mayors had reported having been the subject of criminal investigations or convictions <sup>(118)</sup>.

On 31 March 2016 the chief of the Albanian police resigned and two Albanian Interpol officials were arrested after it emerged that an extradition request issued by Belgium for an Albanian lawmaker belonging to the ruling coalition had been suppressed <sup>(119)</sup>.

### 3.4.3 Fight against organised crime

Albania has reached 'some level of preparation in the fight against organised crime', according to the EC Communication 2016 <sup>(120)</sup>. Its conclusions and recommendations are similar to those in 2015, although some progress whad been made, 'in particular on identifying and destroying cannabis plantations. The police was modernised and international police cooperation intensified, especially with Europol.' However, the EC added:

'(...) cooperation between police and prosecution needs to be further strengthened to dismantle criminal networks more effectively. The number of final convictions in organised crimes cases is still low, marking only a slight increase in recent years. Financial investigations related to organised criminal groups are not used

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<sup>(114)</sup> EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, EU Enlargement strategy, COM(2015) 611 final, 10 November 2015, p. 23.

<sup>(115)</sup> EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016, p. 24.

<sup>(116)</sup> EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016, p. 24.

<sup>(117)</sup> Balkan insight, Albanian MPs Face Criminal Records Quizzing, 9 February 2016.

<sup>(118)</sup> Balkan insight, Albanian Officials Reveal Past Crime Convictions, 23 May 2016.

<sup>(119)</sup> Reuters, Albanian police chief quits, Interpol officers arrested, 31 March 2015.

<sup>(120)</sup> EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016, p. 25.

systematically and effectively. The track record of freezing and confiscating illegally acquired assets remains very low' <sup>(121)</sup>.

Useful information about the nature of organised crime in Albania can be found in the report 'Organised crime: Threat Assessment in Albania'. This report concludes:

'Albanian organized crime groups [...]are involved mostly in trafficking of narcotics, mainly cannabis. They also are involved in drug trafficking, such as heroin and cocaine, toward neighboring countries, with European Union countries being the destination. Sporadic groups are involved in trafficking of arms with Montenegro and Kosovo. Unreported extortions as well as the use of explosives, contract killings or 'un-authored' ones for the elimination of opponents, 'market rebalancing,' or control of territory, are considered disturbing. [...]

Extortions of businesses are considered very disturbing. Sources state that fines on large businesses are not reported to the prosecutor's office. This is explained by the lack of trust in justice bodies by businessmen and their fear of retaliation. On the other hand, it is thought that organized crime invests to corrupt the police and prosecutor's office. We notice that many of the cases brought to court on organized crime in recent years are interpreted as simple collaborations, or even committed by separate individuals. This is a clear indicator of the low level of investigations. The increase of payments mainly by businesses, but also by powerful criminal organizations, for contract killings has led to their sophistication. [...]

The work of law enforcement bodies is made more difficult by the observance by criminal organizations of the so-called 'code of silence' and the use of psychological violence instead of physical violence or the use of 'partnership with the victim' <sup>(122)</sup>.

## 3.5 Judiciary

### 3.5.1 Courts system

The Albanian judiciary has a website, only in Albanian, containing information on its structure. According to this source, the Albanian courts system consists of the following levels:

- 29 Courts of first instance, officially called *Gjykata e Rretit Gjyqësor* (district court), but colloquially called *Gjykata të Faktit* (Factual Court); these can be subdivided into normal first instance courts and first instance courts 'for serious crimes'.
- 6 Courts of Appeal (*Gjykata Apeli*) and one Military Court of Appeal (*Gjykatë Apeli ushtarake*)
- The High Council (*Gjykatën e Lartë*) <sup>(123)</sup>

The Courts of Appeal are competent for appeals against decisions made by the Courts of first instance. All levels have special branches for administrative conflicts, called the *Gjykata Administrative*, *Gjykata Administrative e Apelit* and the *Kolegji Administrativ i Gjykatës së Lartë* <sup>(124)</sup>.

<sup>(121)</sup> EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016, p. 25.

<sup>(122)</sup> Zhilla, Fabian and Besfort Lamallari, *Organised crime: Threat Assessment in Albania*, 2015.

<sup>(123)</sup> Gjykatat e Republikës së Shqipëresë, MIRËSEVINI [Welcome], n.d.

<sup>(124)</sup> Gjykatat e Republikës së Shqipëresë, MIRËSEVINI [Welcome], n.d.

The website of the first instance court for serious crimes shows a graphic overview of the abovementioned system <sup>(125)</sup>. English-language information about the structure of the Albanian judiciary can also be found on the website [comrava.com](http://comrava.com) <sup>(126)</sup>.

### 3.5.2 Integrity of courts

The head of the EURALIUS Mission (European Assistance Mission to the Albanian Justice System) in Albania declared in an interview on 26 May 2014:

‘The justice system has continued to deteriorate in this last 4 years in Albania. [...] I think that the whole judicial system in Albania is corrupt. In the Albanian judicial system, the fact that you know somebody or you pay, is understood as something normal. Lawyers give money to judges, judges demand money, and even prosecutors take money. [...] All measures taken in the last years are good, but they are just a façade. [...]’ <sup>(127)</sup>.

A report delivered on 8 June 2015 by a commission of the Albanian parliament reached similar conclusions. The report mentions that judges pay bribes to move courts from poorer to richer places that have more potential to collect bribes <sup>(128)</sup>.

The EC Communications 2015 commented similarly: ‘Substantial shortcomings in the judicial system remain regarding independence and accountability of judges and prosecutors, enforcement of decisions, inter-institutional cooperation, and the administration of justice which remains slow’ <sup>(129)</sup>.

The Albanian Parliament, in cooperation with the EC Commission for Democracy through law (Venice Commission), drafted the constitutional reform of the judiciary <sup>(130)</sup>. On 22 July 2016, the parliament adopted a first package of judicial reforms aimed at eradicating corruption from the judiciary <sup>(131)</sup>.

The package is a first step towards establishment of a parallel system of reevaluation of all judges and prosecutors and of a special court and prosecution office that will judge, investigate and prosecute high officials suspected of corruption. Follow-up packages of legislation are to follow later in 2016 <sup>(132)</sup>. The adoption of these amendments was welcomed by the EC’s High Representative <sup>(133)</sup>.

The EC Communications 2016 concluded:

‘In the rule of law area, overall, there have been efforts to modernise legal frameworks and infrastructure. (...) Pivotal constitutional amendments were unanimously adopted in July 2016, launching a thorough and comprehensive reform process of the judicial system. (...) This paves the way for a comprehensive and

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<sup>(126)</sup> Comrava.com, Albania courts, n.d.

<sup>(127)</sup> Infocip.org, “The whole judicial system in Albania is corrupt”. Chief of EURALIUS reveals the truth for VOA / VIDEO interview in English (full length), n.d.

<sup>(128)</sup> Balkan insight, Albanian Justice System Slammed as Totally Corrupt, 9 June 2015.

<sup>(129)</sup> EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, EU Enlargement strategy, COM(2015) 611 final, 10 November 2015, p. 23.

<sup>(130)</sup> CoE-Venice Commission, Final Opinion on the revised draft constitutional amendments on the Judiciary (15 January 2016) of Albania, adopted by the Venice Commission at its 106th Plenary Session (Venice, 11-12 March 2016) (CDL-AD(2016)009-e), 14 March 2016, p. 19.

<sup>(131)</sup> Deutsche Welle, Albania passes key judicial reform for EU membership, 22 July 2016.

<sup>(132)</sup> Vorpsi, Ara, Albanian parliament approved the new constitutional reform on justice system, 27 July 2016.

<sup>(133)</sup> EC, Statement by High Representative/Vice-President Federica Mogherini and Commissioner Johannes Hahn on the adoption of judicial reform in Albania, 26 July 2016.

thorough justice reform. Work on related implementing legislation also advanced: a law on the re-evaluation (vetting) of judges, prosecutors and legal advisors, as well as a set of key laws providing for the institutional reorganisation of the judicial structures were adopted. In addition, around 40 other legislative texts are at various stages of preparation. Further progress is needed to adopt and implement this legislation. Administration of justice continued to be slow and inefficient; corruption remained prevalent across the sector' <sup>(134)</sup>.

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<sup>(134)</sup> EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016, p. 12.

## 4. Security situation

The general security situation in Albania is relatively stable, according to information from the US Overseas Security Advisory Council (OSAC). Although crime (especially by organised groups) remains a matter of great concern, violent crime (murder, attempted murder, robberies by force, armed robberies), has been decreasing in the past five years. Efforts to combat the illegal weapons and drugs trade are quite successful, although organised criminal groups still operate. Street crime is common in urban areas, particularly at night. Burglaries, theft and domestic violence are on the increase <sup>(135)</sup>.

The OSAC report mentions the ‘alarmingly high’ use of (remotely-detonated) explosives in vehicles and private residences; several explosions occurred in 2015, targeting specific individuals connected with business, criminal or political activities. The massive illegal production of cannabis in southern Albania is closely linked to the use of violence and is a significant security threat <sup>(136)</sup>.

As regards regional security, the EC Communication 2016 concluded that ‘Albania has continued to have a constructive and proactive role in regional cooperation and maintains good neighbourly relations in line with its commitments under the Stabilisation and Association Agreement’ <sup>(137)</sup>.

The Security Sector Reform Resource Centre (a project of the Canada-based Centre for Security Governance (CSG)) in its Country Snapshot of Albania assesses the main security priorities of Albania as ‘battling endemic criminal activity. Alongside criminal activity, many reforms and initiatives focus on crime across institutions in the government and public services, which includes but is not limited to the police, tax authorities, border control, and medical services’ <sup>(138)</sup>. It identifies the following main challenges:

- **Regional Dynamics and Pressures:** The regional dynamics of the Western Balkans are important from a security perspective. The declaration of independence of Kosovo and memories of the late 1990s conflicts still mars diplomatic relations between countries in the region. However, tensions have cooled down in the past decade and Albania is not likely to face military clashes, due to its connections with the EU (...).
- **Endemic Crime:** Since the lawlessness and chaos that followed the fall of communism, crime and organized crime rates are high in Albania. Acting as a hub for international crime, Albania is often cited for having porous borders for drug, weapon, and human trafficking (...).
- **Corruption:** Corruption is extremely common in Albania, with 57.1 percent of individuals declaring the experience of at least one form of corruption in 2009 (...). Corruption drastically weakens the efficacy of government institutions and further disrupts the stability of Albania, due to widespread distrust of public institutions’ <sup>139</sup>.

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<sup>(135)</sup> OSAC, Albania 2016 Crime & Safety Report, 10 May 2016.

<sup>(136)</sup> OSAC, Albania 2016 Crime & Safety Report, 10 May 2016.

<sup>(137)</sup> EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016, p. 25.

<sup>(138)</sup> SSR Resource Centre, Country Snapshot: Albania, n.d

<sup>(139)</sup> SSR Resource Centre, Country Snapshot: Albania, n.d

In 2007, the Albanian government amended the criminal code (Chapter VII, Acts of Terrorist Intention) to punish Albanians who fight abroad with a maximum prison sentence of 10 years <sup>(140)</sup>.

The OSAC report mentions the increased threat posed by various Albanian fighters travelling to Syria and Iraq and returning to the Balkan region and to Albania. In 2014, police arrested nine people from a group recruiting individuals to fight in Syria, of whom two were imams at mosques on the outskirts of Tirana who preached an extreme version of Islam <sup>(141)</sup>. They were allegedly recruiting people to fight with radical Islamists in Syria <sup>(142)</sup>.

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<sup>(140)</sup> Republic of Albania, Law No. 7895, dated 27 January 1995, Criminal Code of the Republic of Albania, last amended 2/7/2016, compiled on 29 July 2016.

<sup>(141)</sup> OSAC, Albania 2016 Crime & Safety Report, 10 May 2016.

<sup>(142)</sup> Freedom House, Freedom in the World 2015 – Albania, n.d.



## 5. Human rights situation

### 5.1 Legal context and institutional framework

The constitution (Part Two--Fundamental Human Rights And Freedoms) guarantees fundamental human rights such as freedom of expression, information, religion, movement, assembly, and respect for civil rights <sup>(143)</sup>.

The Office of the Ombudsman (in Albanian legal texts called 'The People's Advocate') is the main national human rights institution. The legal basis is laid down in the 1998 Constitution (Art. 60-63), and more specific in the Law No. 8454 *On the People's Advocate Institution* <sup>(144)</sup> adopted by the Albanian Parliament on 4 February 1999. The People's Advocate is elected by a three-fifths majority of all members of the Assembly for 5 years with the right of re-election. The functionary is independent in the exercise of his duties and enjoys the immunity of a judge of the High Court <sup>(145)</sup>.

The Ombudsman is very active and proactive in monitoring the Albanian human rights situation and insisting on state accountability. He has been active on property issues, police abuse, lengthy judicial proceedings, the lack of enforcing judgments in civil cases, poor prison conditions and poor living conditions for the Roma <sup>(146)</sup>.

As of 3 January 2008, the Ombudsman was also assigned the task of National Mechanism for Prevention of Torture (NPM), initiated by approval of Law no. 9094, dated 3 July 2003, *On the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment (OPCAT)*. Under the OPCAT, the Ombudsman regularly inspects all public institutions where the freedom of the individual is limited, such as prisons, psychiatric and infectious-disease hospitals, military bases and units and centres for illegal migrants and trafficked persons <sup>(147)</sup>.

### 5.2 General situation

The EC Communication 2016 concluded that 'the legal framework for the protection of human rights is broadly in line with European standards. Albania has ratified most international human rights conventions. However, enforcement of human rights protection mechanisms remains to be strengthened'. The EC mentioned the following areas in which progress was needed: freedom of expression, property registration, situation of Roma and Egyptians, women and children <sup>(148)</sup>.

#### 5.2.1 Freedom of expression and information

The constitution guarantees freedom of expression and information <sup>(149)</sup>. In September 2015, a new law on Freedom of Information was came into force. It aims to 'accelerate the process of requests and complaints, fine officials who improperly deny requests, and create a

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<sup>(143)</sup> Republic of Albania, 1998 Constitution of the Republic of Albania, Text approved by referendum on 22 November 1998 and amended on 13 January 2007, Part 2.

<sup>(144)</sup> Republic of Albania, Law no. 8454, dated 4 February 1999, On the People's Advocate, 4 February 1999.

<sup>(145)</sup> Republic of Albania, Law no. 8454, dated 4 February 1999, On the People's Advocate, 4 February 1999.

<sup>(146)</sup> BTI, Albania Country Report, 2016, p. 12.

<sup>(147)</sup> Avocati I Popullit, National Mechanism for Prevention of Torture, n.d..

<sup>(148)</sup> EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016, p. 25.

<sup>(149)</sup> Republic of Albania, 1998 Constitution of the Republic of Albania, Text approved by referendum on 22 November 1998 and amended on 13 January 2007, artt. 22, 23.

commission to monitor and coordinate compliance'. Civil society groups praised this new law <sup>(150)</sup>.

The EC Communication 2016 assessed:

'As regards freedom of expression, Albania has some level of preparation / is moderately prepared. The overall environment is conducive to the freedom of expression, but better implementation of the legislation is needed. The independence of the regulatory authority and public broadcaster must be further strengthened, and transparency of state advertising in the media remains to be enhanced' <sup>(151)</sup>.

On the Europe & Eurasia Media Sustainability Index (MSI) of the International Research & Exchanges Board (IREX), which analyses the conditions for independent media in 80 countries across the world, Albania scores on average 2.55 (on a range from 0-4) which is explained as 'Near sustainability':

'Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable'.

Albania scores highest of all Western Balkan countries on the IREX MSI index <sup>(152)</sup>.

The IREX MSI index also notes: 'Newspapers, magazines, radio stations, and television stations continue to feel the weight and consequences of economic crisis, which silently erodes their independence. (...) Online media appear to be the only area of growth and expansion' <sup>(153)</sup>.

In 2015 the government proposed a law punishing the already existing crime 'defamation against a high or elected state official' by imprisonment of up to three years. Until then, defamation and libel had been only punishable by fine, not by imprisonment. In the view of the Albanian media which had demanded defamation to be decriminalised the proposed law represented a large step backwards. The reactions by media and civil society against the amendment were so strong that the government was forced to withdraw it <sup>(154)</sup>.

Amnesty International warned: 'Media independence was compromised by self-censorship, government pressure on media outlets and threats against journalists'. One journalist received police protection after a death threat believed to be from Islamic State (IS) after her investigations into IS recruitment in Albania. Other journalists fled the country and sought asylum in the EU <sup>(155)</sup>.

See also [5.4.2 Journalists and media](#).

### 5.2.2 Freedom of religion

The constitution guarantees freedom of religion, which, according to Freedom House is generally upheld in practice. Freedom House noted that in a public mass on September 2014,

<sup>(150)</sup> Freedom House, Freedom in the World 2015 – Albania, n.d.

<sup>(151)</sup> EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016, p. 25.

<sup>(152)</sup> IREX, Europe & Eurasia Media Sustainability Index 2016 – Albania, n.d.

<sup>(153)</sup> IREX, Europe & Eurasia Media Sustainability Index 2016 – Albania, p. 3.

<sup>(154)</sup> IREX, Europe & Eurasia Media Sustainability Index 2016 – Albania, p. 5.

<sup>(155)</sup> Amnesty International, Annual Report 2015/16 – Albania, 24 February 2016.

attended by up to 300,000 Muslims and Christians, Pope Francis praised Albania's religious tolerance <sup>(156)</sup>.

### 5.2.3 Freedom of association and assembly

These rights are guaranteed in the constitution (art. 48) and generally respected, according to Freedom House. NGOs function without restrictions, although they are under heavy political influence. Demonstrations and protests by opposition parties and civic groups are held peacefully and usually without problems <sup>(157)</sup>.

A number of demonstrations and political protests have been held in 2014-15 without major incidents <sup>(158)</sup>.

However, a peaceful demonstration in May 2015 to encourage citizens not to leave Albania and to solve the problem of electricity debts, was ended by police force described as 'excessive' and arrests of the organisers. The organiser, a civil society activist, was convicted for organising an illegal assembly and inciting violence 'against the constitutional order' <sup>(159)</sup>.

### 5.2.4 Freedom of torture

In 2013, the Ombudsman requested the prosecution of 13 police officers on substantial allegations of torture. This was fewer cases than in 2012. The public prosecutor considered two of these cases to be torture. This was assessed by BTI as 'an increase of legal actions compared to previous years' <sup>(160)</sup>.

Freedom House in its 2015 report describes cases of suspects being assaulted by the police during arrests and interrogation <sup>(161)</sup>.

In 2015, the NPM, via the Ombudsman, handled 131 complaints, amongst others on disproportionate use of force and violence by police officers and prison guards. There were several allegations of cases of torture and physical and psychological abuse to citizens by police employees especially 'in Police Commissariats no. 2 and 5 in Tirana, at the DLP Tirana, at the Police Commissariat Pogradec and at the Police Commissariat Shkodra', according to the People's Advocate's Annual report 2015 <sup>(162)</sup>.

### 5.2.5 Detention

Freedom House reports that living conditions in prisons are very poor. Prison staff and police commanders are allegedly involved in corruption <sup>(163)</sup>. The People's Advocate's Annual report 2015 reported 'Excessively degrading physical condition in several detention centers (...) with even more degraded conditions as a consequence of continuous overcrowding and lack of investments', recommending the immediate closure of these centers. Prisons are largely overcrowded (on average 25% above capacity) and understaffed. Health care provisions in prisons are inadequate <sup>(164)</sup>.

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<sup>(156)</sup> Freedom House, Freedom in the World 2015 – Albania, n.d.

<sup>(157)</sup> Freedom House, Freedom in the World 2015 – Albania, n.d.

<sup>(158)</sup> European Commission, Working Document ALBANIA 2015 REPORT, 10 November 2015, p. 58; Freedom House, Freedom in the World 2016 – Albania, n.d...

<sup>(159)</sup> Amnesty International, Annual Report – Albania 2015/2016, n.d.

<sup>(160)</sup> BTI (Bertelsmann Transformation Index), Albania Country Report, 2016, p. 13.

<sup>(161)</sup> Freedom House, Freedom in the World 2015 – Albania, n.d.

<sup>(162)</sup> People's Advocate, Annual report on the activity of the People's Advocate, 1 January–31 December 2015, February 2016, p. 16.

<sup>(163)</sup> Freedom House, Freedom in the World 2015 – Albania, n.d.

<sup>(164)</sup> People's Advocate, Annual report on the activity of the People's Advocate, 1 January–31 December 2015, February 2016, p. 25.

According to the UN Committee on the Elimination of Discrimination Against Women (CEDAW) ‘women detained in penitentiary institutions face difficulties in meeting their children hosted in social care institutions and in gaining access to products for basic needs, such as hygiene products’ <sup>(165)</sup>.

## 5.3 Specific groups

### 5.3.1 Ethnic and religious minorities

The Constitution guarantees equality and non-discrimination ‘for reasons such as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic condition, education, social status, or parentage’ (art. 18) <sup>(166)</sup>. Art.20 adds:

‘Persons who belong to national minorities exercise the human rights and freedoms in full equality before the law. They have the right freely to express, without prohibition or compulsion, their ethnic, cultural, religious and linguistic belonging. They have the right to preserve and develop them, to study and to be taught in their mother tongue, and to unite in organizations and associations for the protection of their interests and identity’ <sup>(167)</sup>.

Albania has legal regulations to protect vulnerable groups against discrimination (such as a 2010 law forbidding discrimination on race, sexual orientation and gender identity, among others) but these rules are, according to Freedom House, not adequately implemented <sup>(168)</sup>.

The Commissioner for Protection against Discrimination (CPD) handles an increasing number of discrimination complaints; in 2015, 288 cases and 180 inquiries. The CPD also conducts awareness-raising activities, training and education, and promotes media coverage ‘as a tool in the fight against discrimination’ <sup>(169)</sup>.

Roma and Egyptians are the minority groups with the poorest living conditions, facing discrimination and severe poverty, lack of education and a lot of forced child labour<sup>170</sup>. They face severe discrimination in the education, health care, employment and housing sectors. Many Roma and Egyptian children are living on the streets <sup>(171)</sup>.

The EC Communication 2016 reported: ‘Living conditions for Roma and Egyptians need to be improved. Additional efforts are needed to develop a track record of anti-discrimination cases’ <sup>(172)</sup>.

Amnesty International reports that ‘many Roma and Egyptians, as well as young people leaving social care, failed to meet the income threshold required to access social housing. Many Roma were unable to regularize their homes under the 2014 Law on Legalisation,

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<sup>(165)</sup> CEDAW, List of issues and questions in relation to the fourth periodic report of Albania, 27 November 2015, CEDAW/C/ALB/Q/4.

<sup>(166)</sup> Republic of Albania, 1998 Constitution of the Republic of Albania, Text approved by referendum on 22 November 1998 and amended on 13 January 2007.

<sup>(167)</sup> Republic of Albania, 1998 Constitution of the Republic of Albania, Text approved by referendum on 22 November 1998 and amended on 13 January 2007.

<sup>(168)</sup> Freedom House, Freedom in the World 2015 – Albania, n.d.

<sup>(169)</sup> Equinet (European Directory of Equality Bodies), Albania: Commissioner for the Protection from Discrimination, n.d.

<sup>(170)</sup> BTI, Albania Country Report, 2016, p. 12.

<sup>(171)</sup> Freedom House, Freedom in the World 2015 – Albania, n.d..

<sup>(172)</sup> EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016, p. 25.

Urbanisation and Integration of Illegal Constructions, which allows ‘illegal constructions’ to be demolished’<sup>(173)</sup>.

Since 2014 several forced evictions have occurred. In July 2015, about 70 Roma and other families were forcefully evicted and had their homes demolished by the National Institution for the Protection of Territory, due to the construction of a ring road. As compensation, the government paid several families a two-year rental subsidy and opened a new Emergency Transitory Center. However, civil society and human rights organisations expressed concerns that the minorities had not been notified in time on the eviction<sup>(174)</sup>. In a February 2016 letter, the Council of Europe's Human Rights Commissioner Nils Muiznieks criticised the Albanese government for forced evictions of Roma and Egyptian families in the past few years without offering them alternative accommodation and called for a respect of human rights. As a result of such evictions, families did not know where to go and lingered around their previous sites while being prevented from building makeshift homes<sup>(175)</sup>.

### 5.3.2 Journalists and media

2015 saw a number of incidents and crimes against journalists, although less than previous years, as was noted in the IREX MSI index 2016. However, the campaign for local elections in May 2015 evoked a peak in incidents against journalists, such as intimidation, aggressive (even death) threats and ‘violating journalists’ personal freedom’; kidnapping was also mentioned<sup>(176)</sup>. Perpetrators were politicians, parliament members but also criminal groups opposing investigations into illegal activities. In 2015, about 40 court cases on defamation were initiated against journalists or media. In half of the cases the plaintiffs abandoned the trial while in the remaining cases most of the court decisions favoured the media<sup>(177)</sup>.

Albania scored 82 on the 2016 World Press Freedom Index of Reporters without Borders (RSF). RSF summarized:

‘Can do better. (...) Defamation has been punishable by fines rather than imprisonment since 2012. Despite the freedom of information laws adopted in 1999 and 2014, access to state-held information continues to be limited and the broadcast media regulatory authority, the AMA, is politicized’<sup>(178)</sup>.

Several human rights organisations expressed concern about the increasing censorship and self-censorship among journalists, as a result of the links between media, business and politics. Government pressure on media outlets and threats against journalists further compromise freedom of expression and media<sup>(179)</sup>.

As mentioned earlier, after investigations into recruitment by IS in Albania a journalist received death threats and was protected by the police. Amnesty International noted: ‘Several other journalists sought asylum in the EU and Norway on the basis that the authorities were unable to protect them’<sup>(180)</sup>.

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<sup>(173)</sup> Amnesty International, Annual Report – Albania 2015/2016.

<sup>(174)</sup> Amnesty International, Annual Report – Albania 2015/2016; Freedom House, Freedom in the World 2015 – Albania, n.d..

<sup>(175)</sup> Balkan Insight, Balkans Told to Stop Forcible Evicting Roma, 18 February 2016.

<sup>(176)</sup> See also Freedom House, Freedom in the World 2015 – Albania, n.d..

<sup>(177)</sup> IREX (International Research & Exchanges Board), Europe & Eurasia Media Sustainability Index 2016 – Albania, n.d. pp. 6-7.

<sup>(178)</sup> RSF (Reporters without Borders), Albania – the road to the EU is long, n.d..

<sup>(179)</sup> Freedom House, Freedom in the World 2015 – Albania, n.d..

<sup>(180)</sup> Amnesty International, Annual Report – Albania 2015/2016, n.d..

### 5.3.3 Victims of blood feuds

The blood-feud phenomenon in Albania dates back centuries to the customary law Kanun of Lek Dukagjin, a code regulating communal life as well as private matters. During the regime of Enver Hoxha, the blood feud was outlawed and harshly punished. However, the collapse of the regime in early 1990s, combined with the absence of a functioning state, especially in the remote northern areas, left space for the revival of revenge killings <sup>(181)</sup>.

A side effect of blood feuds is the fate of threatened families who remain in isolation for quite a long time to avoid violence. This also affects children who cannot go to school. In 2013 there were reportedly 67 self-isolated families due to blood feuds and 33 children, most of them in the northern areas, who could not attend school as a result <sup>(182)</sup>.

Cases of blood feuds still occasionally occur, mainly in the rural northern areas of Albania <sup>(183)</sup>. The parliament adopted a resolution and recommendations to end blood feuds following a special report by the Ombudsman. Recommendations included a coordination council on blood feuds, education and social programmes in the affected areas and increased police investigations, and investments to prevent conflicts <sup>(184)</sup>.

Statistics on blood-feud cases vary considerably according to sources and are therefore very hard to assess <sup>(185)</sup>. In 2013, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions concluded that the phenomenon had decreased steadily. In 2010, 2011 and 2012, there were 10 cases or less, compared to 33, 12, and 13 murders in 2001, 2002 and 2003, respectively <sup>(186)</sup>. But the problem had not yet been eliminated. The Rapporteur found that killings ‘continue to occur in part due to a tendency of the judiciary to impose lighter sentences on perpetrators, despite the fact that the Criminal Code of Albania provides for serious penalties for blood feud murder or threat’ <sup>(187)</sup>. The Albanian Helsinki Committee reported that in 2015 no deaths had occurred due to blood feuds <sup>(188)</sup>. In a special report on blood feuds (2013) the Ombudsman also mentioned no more than 5 cases per year in 2010, 2011 and 2012, although non-governmental organisations presented higher figures <sup>(189)</sup>.

Successive Albanian governments have taken measures to eliminate blood feuds and revenge killings. The Criminal code was amended in 2013 or 2014 and includes lifetime penalties for blood-feud murders (Article 78/a-Murder for blood feud, Article 83/a, Article 83/b–Incitement for blood feud) <sup>(190)</sup>.

<sup>(181)</sup> Institution of Ombudsman, Special Report on Blood Feud Phenomenon, 2013; UK Home Office, Country Information and Guidance, Albania: Blood feuds, 6 July 2016 [source: Foreign and Commonwealth Office (FCO) letter from the British Embassy Tirana, 17 February 2016].

<sup>(182)</sup> Institution of Ombudsman, Special Report on Blood Feud Phenomenon, 2013; UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, Addendum Albania (A/HRC/23/47/Add.4), 23 April 2013, par. 10-16.

<sup>(183)</sup> BTI (Bertelsmann Transformation Index), Albania Country Report, 2016, p. 13.

<sup>(184)</sup> Institution of Ombudsman, Special Report on Blood Feud Phenomenon, 2013, p. 23; People’s Advocate, The Declaration of the People’s Advocate, Mr. Igli Totozani, on the Occasion of International Human Rights Day, 10 December 2015.

<sup>(185)</sup> For an overview of reported numbers by various sources, see IRB, Albania: Statistics on blood feuds; state protection and support services available to those affected by blood feuds, including whether individuals have been prosecuted for blood feud-related crimes (2010-2015), 10 September 2015, ALB105255.E.

<sup>(186)</sup> Institution of Ombudsman, Special Report on Blood Feud Phenomenon, 2013, p. 7.

<sup>(187)</sup> UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, Addendum Albania (A/HRC/23/47/Add.4), 23 April 2013, par. 10-16.

<sup>(188)</sup> Albanian Helsinki Committee. Report on the situation of respect for human rights in Albania for 2015, December 2015, p. 11.

<sup>(189)</sup> Institution of Ombudsman, Special Report on Blood Feud Phenomenon, 2013.

<sup>(190)</sup> Republic of Albania, Law No. 7895, dated 27 January 1995, Criminal Code of the Republic of Albania, last amended 2/7/ 2016, compiled on 29 July 2016, artt. 78a, 83b.

### 5.3.4 Women

The constitution guarantees equal rights for men and women under family law, property law, and in the judicial system. The practice is different, however, as noted by the US Dos 2015 report on Albania. Women are paid less and under-represented in the highest professional levels. In many communities women experience discrimination based on traditional norms that women are subordinate to men <sup>(191)</sup>.

Women have equal Inheritance rights to men, although the Social Institutions and Gender Index indicates that, in practice, women rarely inherit property, either as wives or as daughters. Upon marriage, a woman is considered part of her husband's family, so her family will pass property to the males in order to keep it within the family <sup>(192)</sup>.

The UN Committee on the Elimination of Discrimination Against Women (CEDAW) points out that the state has frequently failed to execute court decisions, 'which in particular affects women in cases of divorce, obtaining children's alimony and reinstatement to employment' <sup>(193)</sup>.

Women are under-represented in politics and business, according to Freedom House. However, the new cabinet includes eight women, including the first female defence minister <sup>(194)</sup>. The electoral code was amended in April 2015 requiring 50 % gender quota (gender alternation in every second name) so that in nearly half of the municipal council candidates were women. As a result the percentage of female mayors increased substantially after the local elections in June 2015, from 1.31 % in 2011 to 14.7 % <sup>(195)</sup>.

In the Social Institutions and Gender Index (SIGI) for 2014, Albania scores lowest of all states in Eastern Europe and Central Asia, particularly in the category 'Son bias' (fertility preferences, implying a very high level of female foetuses aborted and a high number of 'missing women', i.e. a shortfall in the number of women in the male/female sex ratio compared to the sex ratio at birth) and, to a lesser extent, 'restricted physical integrity' (restrictions on women's control over their bodies including physical integrity and reproductive autonomy), 'restricted sources and assets' and 'restricted civil liberties' <sup>(196)</sup>.

### Sexual and gender-based violence (SGV)

In a 2013 research carried out by the national institute for statistics (INSTAT), 59 % of the women interviewed said they had been victims of domestic violence in a marriage or intimate relationship during their life, whereas 53 % of them were currently (within the 12 months prior to the interview) experiencing domestic violence. Domestic violence affects women differently depending on their education and age, kind of work, and marital status. Perpetrators are often direct family members or partners <sup>(197)</sup>.

In 2012 the Criminal Code was amended to include domestic violence and stalking (art. 130/a resp. 121/a) and to increase punishment for murder of a family partner to 20 years or life imprisonment (art. 79/c). In 2013 spousal rape and spousal sexual violence were introduced

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<sup>(191)</sup> US Department of State, Country Report on Human Rights Practices for 2015, Albania, 13 April 2016.

<sup>(192)</sup> SIGI (Social Institutions and Gender Index), Country Profile Albania, 2014.

<sup>(193)</sup> CEDAW (UN Committee on the Elimination of Discrimination Against Women), List of issues and questions in relation to the fourth periodic report of Albania, 27 November 2015, CEDAW/C/ALB/Q/4, p. 2.

<sup>(194)</sup> Prime Minister's office, n.d.; Freedom House, Freedom in the World 2016 – Albania, n.d..

<sup>(195)</sup> Freedom House, Freedom in the World 2015 – Albania, n.d.

<sup>(196)</sup> SIGI (Social Institutions and Gender Index), Country Profile Albania, 2014; SIGI (Social Institutions and Gender Index), 2014 Synthesis report, 2014, pp. 35-36, 63.

<sup>(197)</sup> INSTAT (National Institute of Statistics), Domestic Violence in Albania, National population-based Survey, November 2013, p. 14.

as criminal offenses punishable by 3-10 years imprisonment (15 years maximum for rape of girls aged 14-18 and those under 14 (art. 102) <sup>(198)</sup>).

However, according to the US DoS 2015 report, the government does not effectively enforce the law <sup>(199)</sup>. The EC Communication 2016 also concluded that ‘Institutional mechanisms to protect the rights of the child and to tackle gender-based violence remain poor’<sup>(200)</sup>.

According to police reports cited by Amnesty International (AI), 1,696 cases of domestic violence were reported in the first half year of 2015 which led to 993 requests for civil protection orders. AI further noted:

‘Of 406 requests submitted to courts in the capital Tirana between January and August, only 118 were granted, with 251 applicants withdrawing their application, or not attending court due to pressure from their abusers or family members. In Tirana between January and June, defendants were convicted of family violence in 185 out of 190 prosecutions; most had pleaded guilty’ <sup>(201)</sup>.

The UNDP Gender Equality programme (2012-2016) supports lawmakers and civil groups in the implementation of gender equality and human rights, provides awareness-raising activities and specific training to civil servants, police, judges and health workers, among others. It also provides technical assistance to independent institutions such as the CPD and the People’s Advocate, resulting in a rising number of complaints on discrimination court cases (288 in 2015) and decisions handled by the CPD <sup>(202)</sup>.

The People’s Advocate’s recommendations on the implementation of the CEDAW Convention focus on, among other issues, a faster procedure for issuing protection orders in favour of women, additional safe shelters and more free legal aid <sup>(203)</sup>. The government has introduced several measures to address the needs of victims of SGV, such as capacity building and awareness training for police <sup>(204)</sup>.

### 5.3.5 Children

Albania has one of the youngest populations in Europe, according to UNICEF: about 1 million of the population of 2.8 million are under 19. Although many children benefit from the political stability, and growing economic prospects including improved education, health care and leisure facilities, many other minors do not have such a chance. UNICEF identifies as main threats for Albanian children:

- Growing disparities;
- Social exclusion and discrimination;
- Violence, abuse exploitation and neglect;
- Domestic violence;
- Lack of access to quality services (health and education);
- Malnutrition <sup>(205)</sup>.

<sup>(198)</sup> Republic of Albania, Law No. 7895, dated 27 January 1995, Criminal Code of the Republic of Albania, last amended 2/7/ 2016, compiled on 29 July 2016.

<sup>(199)</sup> US Department of State, Country Report on Human Rights Practices for 2015, Albania, 13 April 2016.

<sup>(200)</sup> EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016, p. 25.

<sup>(201)</sup> Amnesty International, Annual Report – Albania 2015/2016, n.d.

<sup>(202)</sup> UNDP in Albania, Gender Equality and Gender-Based Violence Programme, n.d..

<sup>(203)</sup> People’s Advocate (The), Report On The Implementation of CEDAW Convention In Albania Prepared by the People’s Advocate, 2015.

<sup>(204)</sup> United Nations in Albania, Response Needed Towards Violence Against Women and Girls, 21 April 2015.

<sup>(205)</sup> UNICEF, Situation of children, Albania n.d..



According to a survey on “Reforming economic aid: from survival to investment in poverty reduction”, about 23 % of families with children up to 18 years old live below the line of absolute poverty, with 10 % living below the line of extreme poverty <sup>(206)</sup>.

The EC Communication 2016 reported: ‘The legislation on juvenile justice remains to be brought in line with international standards’ <sup>(207)</sup>.

### **Early or child marriages**

The average age of marriage is 24 for women and 28-30 for men. Marriages involving under-age spouses are not registered <sup>(208)</sup>. According to the Family code <sup>(209)</sup>, the minimum legal age for men and women is 18 years. The first instance court may give permission to a marriage at a lower age (no minimum age mentioned) ‘for matters of importance’ – at the discretion of the court. However, sexual intercourse with an under-14 is considered a criminal offence <sup>(210)</sup>.

Early marriages occur mostly – but not exclusively - among Roma and Egyptian communities, mostly the more marginalised ones <sup>(211)</sup>. Specific research on child marriages among the Roma communities (2015) reveals that this is a long-standing and common phenomenon, rooted not only in poverty but in specific values, morals and beliefs related to honour <sup>(212)</sup>. Once they have their menarche, Roma girls are considered women who are ready to marry and must do so soon. Parents are concerned that if their pubertal daughters start dating they may lose their virginity out of wedlock and thus lose the family’s honour. Girls step into an arranged marriage at an age of 12-14. Boys also marry early, at 14-16 years of age. Another form of child marriage is elopement, when the young couple decides to marry without their parents’ approval. Roma marriages are seldom registered, nor are the children born out of child marriages <sup>(213)</sup>.

Child marriages also occur within some impoverished communities of the Albanian majority in remote mountainous areas ‘where a patriarchal mentality meets poverty’, according to UNFPA. This mostly refers to girls, usually those who have dropped out of school, as outlined in the SIGI Country Profile for Albania. Many girls in these remote areas leave school aged 12-13 to do domestic work and to be prepared for (an arranged) marriage. They are engaged at 13-15 years of age and marry soon after. Boys leave school as well to work but marry at a much later age, between their mid-20s and early 30s <sup>(214)</sup>.

### **Child labour**

Up to 2,500 children, mostly Roma and Egyptian, are living and working on the streets. the US DoS Trafficking in Persons (TIP) report concludes: ‘Children, including those of Romani or

<sup>(206)</sup> UNICEF et al. Reforming Economic Aid: from Survival to Investment in Poverty Reduction, November 2011.

<sup>(207)</sup> EC, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM(2016) 715 final, 9 November 2016, p. 25.

<sup>(208)</sup> SIGI (Social Institutions and Gender Index), Country Profile Albania, 2014, pp. 1-2; UNFPA, Child Marriage in Albania (Overview), October 2012, p. 8.

<sup>(209)</sup> Republic of Albania, Family code of Albania, Law number 9062, adopted May 8, 2003 [unofficial translation by Chemonics International Inc, January 2004].

<sup>(210)</sup> UNFPA, Child Marriage in Albania (Overview), October 2012; Republic of Albania, Law No. 7895, dated 27 January 1995, Criminal Code of the Republic of Albania, last amended 2/7/ 2016, compiled on 29 July 2016.

<sup>(211)</sup> SIGI (Social Institutions and Gender Index), Country Profile Albania, 2014, pp. 1-2.

<sup>(212)</sup> UNFPA, Child Marriage in Albania (Overview), October 2012, p. 4.

<sup>(213)</sup> UNFPA, Child Marriage in Albania (Overview), October 2012, pp. 5-6. For more information on Roma marriages, see Observatory for Children’s Rights, Child marriage in Albania - Specific view to Roma Community, February 2015.

<sup>(214)</sup> UNFPA, Child Marriage in Albania (Overview), October 2012.

Balkan Egyptian ethnicity, are subjected to forced begging and other forms of compelled labor in Albania and neighboring countries; girls are vulnerable to child sex trafficking’ <sup>(215)</sup>.

### 5.3.6 Lesbian, gay, bisexual, transgender and intersex persons (LGBTI)

Albania legalised same-sex relations on 20 January 1995. However, the Constitution of the Republic of Albania offers no specific protection to LGBTI people, according to the LGBTI Equal Rights Association for Western Balkans and Turkey (ERA). Article 18 states: ‘1. All are equal before the law. 2. No one may be unjustly discriminated against for reasons such as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic condition, education, social status, or parentage’ <sup>(216)</sup>. ERA pointed, however to the fact that the grounds for prohibition of discrimination in article 18 are not exhaustive (‘such as..’) <sup>(217)</sup>. ERA commented on the issue of same-sex marriages:

‘While the Albanian Constitution recognizes that “everyone has the rights to marriage” the Family Law of Albania prohibits gay marriage and there is no legal recognition for same sex unions. LGBT organizations in the country have asked the Albanian government to recognize same-sex couples and their right to enter into civil unions. The request has been to amend articles 163 and 164 of the Family Code to allow for gender neutral cohabitation and to recognize the rights of same-sex couples in related to property, inheritance and health/social insurance. Until now the Albanian government has failed to approve this request and take it to Parliament’ <sup>(218)</sup>.

In 2010 a law against discrimination based on, among other reasons, race, sexual orientation and gender identity (SOGI), was put into effect. The law ‘explicitly promotes equal access to employment, education, goods and services, health services and housing’ <sup>(219)</sup>. Additionally, a 2013 reform of the criminal code includes protection against hate crimes and hate speech based on SOGI <sup>(220)</sup>.

In May 2015, parliament adopted ‘with an overwhelming majority’ <sup>(221)</sup> a resolution entitled ‘On Protection of Rights and Freedoms of persons belonging to the LGBT community in Albania’. The resolution called for an action plan with legislative amendments, policy reforms and other measures such as awareness training for teachers and police officers. The Ombudsman was made responsible for the monitoring of this action plan <sup>(222)</sup>. The National Action plan, for which the government held a large consultative meeting with LGBTI organisations in July 2015, has yet to be launched <sup>(223)</sup>. The Albanian government is supportive of LGBTI rights, according to HRW <sup>(224)</sup>. Albania was one of the signatories of the joint statement of Ministers of the region at the May 2015 IDAHO forum <sup>(225)</sup>.

The second gay pride in Tirana was held in June 2015 without major incidents – and when incidents occurred the police protected the participants <sup>(226)</sup>. The first shelter for LGBTI, run

<sup>(215)</sup> US DoS, Trafficking in Persons report 2016 – Albania, 30 June 2016.

<sup>(216)</sup> Republic of Albania, 1998 Constitution of the Republic of Albania, Text approved by referendum on 22 November 1998 and amended on 13 January 2007..

<sup>(217)</sup> ERA (LGBTI Equal Rights Association for Western Balkans and Turkey), Albania, 28 April 2016.

<sup>(218)</sup> ERA (LGBTI Equal Rights Association for Western Balkans and Turkey), Albania, 28 April 2016.

<sup>(219)</sup> ERA (LGBTI Equal Rights Association for Western Balkans and Turkey), Albania, 28 April 2016.

<sup>(220)</sup> Freedom House, Freedom in the World 2015 – Albania, n.d.

<sup>(221)</sup> HRW, Dispatches: Albania Signals a Positive Step on LGBT Rights, 8 May 2015.

<sup>(222)</sup> Pink Embassy, Albanian parliament approves historical resolution in support of LGBTI rights, 6 May 2015.

<sup>(223)</sup> ERA (LGBTI Equal Rights Association for Western Balkans and Turkey), Albania, 28 April 2016.

<sup>(224)</sup> HRW, Dispatches: Albania Signals a Positive Step on LGBT Rights, 8 May 2015.

<sup>(225)</sup> IDAHO Forum 2015 Joint Statement, 11 May 2015.

<sup>(226)</sup> ERA (LGBTI Equal Rights Association for Western Balkans and Turkey), Albania, 28 April 2016.

by two LGBTI NGOs and offering eight places for evicted young LGBTI, was opened in Tirana in December 2014 <sup>(227)</sup>.

Despite the recent legal reforms and action plans protecting LGBTI, Freedom House remarks that 'bias against gay and transgender people remains strong in practice' <sup>(228)</sup>. The UK Home Office Country information and Policy Guidance report (August 2016) concludes on the basis of several sources:

'Albania remains a conservative society in which homophobic attitudes persist – particularly in northern areas of the country. There have been incidents of LGBT people in Albania being subject to intolerance, discrimination, physical and psychological violence, job loss, evictions, threats and possible rejection from their families <sup>(229)</sup>.

The LGBTI organisation ERA notes:

'Since 2010 with the adoption of the non-discrimination law and the organized work of LGBT CSO's the situation has changed drastically. Public debate over this topic has been very present and Albanian government has made significant efforts in the inclusion and protection of LGBT people. Despite these changes, homophobic and transphobic sentiments remain very high and a culture of heteronormativity and patriarchy is still pervasive. High ranking politicians have often made scandalous remarks against LGBT people. Following reactions and recommendations from civil society, government officials and equality bodies however, cases of hate speech from high ranking officials in the country have been much rare' <sup>(230)</sup>.

In 2015 there were no serious violent incidents against LGBTI, according to the Albanian Helsinki Committee. However, it added: 'the awareness of the general public regarding the specifics of the citizens of this community, remains low, due to the taboos that exist and the minimal treatment of the problem at a social level' <sup>(231)</sup>.

### 5.3.7 Trafficked persons

Albania is a source and destination country for men, women, and children subjected to sex trafficking and forced labour, according to the US State Department's Trafficking in Persons report for 2016. Sex trafficking of Albanian women and children occurs mostly within Albania; trafficked persons for forced labour are sent more often to neighbouring countries in the Balkans and Greece. Children, often from Roma and Egyptian communities, are forced to beg <sup>(232)</sup>.

The government does not fully meet the minimum standards for the elimination of trafficking but has made significant progress, according to the US DoS Trafficking Report 2016. Articles 110(a) and 128(b) of the criminal code prohibit sex and labour trafficking, punishable by 8-15 years' imprisonment. However, the government reduced funding to the estate-run shelter for trafficked persons and although psychological, medical and reintegration services improved, they were still insufficient. Government funding of NGO-led shelters was also insufficient <sup>(233)</sup>. The US DoS report on Trafficking in Persons 2016 further noted: 'The government

<sup>(227)</sup> ERA (LGBTI Equal Rights Association for Western Balkans and Turkey), Albania, 28 April 2016.

<sup>(228)</sup> Freedom House, Freedom in the World 2015 – Albania, n.d.

<sup>(229)</sup> UK Home Office, Country information and Policy Guidance, Albania: Sexual orientation and gender Identity, August 2016, p. 6; ERA (LGBTI Equal Rights Association for Western Balkans and Turkey), Albania, 28 April 2016.

<sup>(230)</sup> ERA (LGBTI Equal Rights Association for Western Balkans and Turkey), Albania, 28 April 2016.

<sup>(231)</sup> Albanian Helsinki Committee, Report on the situation of respect for human rights in Albania for 2015, December 2015, p 33.

<sup>(232)</sup> US DoS, Trafficking in Persons report 2016, Albania, 30 June 2016, p. 4.

<sup>(233)</sup> US DoS, Trafficking in Persons report 2016, Albania, 30 June 2016, p. 4.

continued to investigate and punish victims for unlawful acts committed as a result of being subjected to trafficking, although the law exempts victims from punishment for crimes committed as a result of their exploitation' <sup>(234)</sup>.

The Organization for Security and Co-operation in Europe (OSCE) Presence in Albania works closely with state authorities and civil society to particularly address the protection of children from trafficking and exploitation. In 2014-15, the OSCE Presence in Albania supported the government and state protection organisations with several anti-trafficking activities focusing on: regulations on victim assistance, an Action Plan for the identification and protection of children in street situations, a Code of Conduct on the Employment of Persons below 18, joint police and labour inspection teams for the identification of trafficking for labour exploitation cases, training anti-trafficking and border police <sup>(235)</sup>.

The government is improving its law enforcement efforts against human trafficking, according to the US DoS report on Trafficking in Persons 2016:

'The Serious Crimes Prosecutor's Office investigated 25 suspected traffickers in 2015, a decrease from 39 suspects in 2014. The state police also investigated 90 suspected traffickers during the reporting period. The government prosecuted 15 defendants in 2015, a decrease from 18 prosecuted in 2014. (...) Courts convicted 11 traffickers, an increase from nine in 2014. All convicted traffickers received prison sentences between 6-17 years' <sup>(236)</sup>.

The Albania Helsinki Committee urged the government to better address trafficking of children or forced labour through preventive measures and punishment for those responsible. Awareness training should be enhanced, in particular among the Roma and Egyptian communities on the importance of education of children <sup>(237)</sup>.

The Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) in its second evaluation on Albania (June 2016), mentions progress in several areas, such as the legal framework, harsher punishments and other legal provisions. However, improvement is needed, according to GRETA, 'by combating gender based violence and discrimination, and discouraging demand for the services of trafficked persons for all forms of exploitation' <sup>(238)</sup>. The authorities are further urged to reinforce the proactive identification of child victims of trafficking, in particular among street children, children in residential social care institutions and Roma children. More efforts are also needed during border controls to identify possible trafficking, with particular attention to unaccompanied children <sup>(239)</sup>.

### 5.3.8 Returnees

A survey analysing the main characteristics of the reintegration of returned migrants to Albania in 2013, in the wake of the economic and financial crisis of 2009, concluded that the number of returnees to Albania (mainly from Greece and Italy) increased between 2009-2013. A total of 133,544 Albanians returned in this period (98,414 men and 35,130 women). Most returns were voluntarily and were mainly caused by a loss of jobs in Greece and Italy. The

<sup>(234)</sup> US DoS, Trafficking in Persons report 2016, Albania, 30 June 2016, p. 4.

<sup>(235)</sup> OSCE (Organization for Security and Co-operation in Europe), 2014-15 Report of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, 2015, p. 25.

<sup>(236)</sup> US DoS, Trafficking in Persons report 2016, Albania, 30 June 2016, p. 4.

<sup>(237)</sup> Albanian Helsinki Committee, Report on the situation of respect for human rights in Albania for 2015, December 2015, p 32.

<sup>(238)</sup> GRETA, Report concerning the implementation of the Council of Europe convention on action against trafficking in human beings by Albania, Second Evaluation Round, adopted on 11 March 2016, 3 June 2016.

<sup>(239)</sup> GRETA, Report concerning the implementation of the Council of Europe convention on action against trafficking in human beings by Albania, Second Evaluation Round, adopted on 11 March 2016, 3 June 2016.

survey indicates that 'the lack of reintegration opportunities in Albania may serve as a push factor for returnees to re-migrate' <sup>(240)</sup>. Reintegration services are essential for 'successful' returnees – however, most of the interviewees think that these services should be improved. More than 43 % are unaware of the existence of re-integration services <sup>(241)</sup>.

During a round table on "Reintegration of Young Asylum Seekers in the Albanian Education System" on 25 May 2016 in Tirana, the need for reintegration of young returned asylum seekers in the education system was discussed <sup>(242)</sup>. A policy paper for this round table describes the challenge of reintegration for returned asylum seekers, in particular youngsters, and the lack of facilitating programmes and concrete initiatives for integration of youngsters into the educational system and/or the labour market. Recommendations for government and institutions include:

'the creation and continuous monitoring of a database on the profile of young returned asylum seekers, their incorporation in policy documents and support action plans as a category with specific needs, design of sustainable programs, creation of instructional programs adapted to needs, and capacity building for relevant stakeholders in implementing these initiatives' <sup>(243)</sup>.

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<sup>(240)</sup> INSTAT (Albanian Institute of Statistics)/IOM (Office of the International Organization for Migration), Return Migration and Reintegration in Albania, 2013, 2014, p. 57.

<sup>(241)</sup> INSTAT (Albanian Institute of Statistics)/IOM (Office of the International Organization for Migration), Return Migration and Reintegration in Albania, 2013, 2014, p. 52.

<sup>(242)</sup> RRPP (Regional Research Promotion Programma) - Western Balkans, Round table on "Reintegration of Young Asylum Seekers in the Albanian Education System" is held on 25 May in Tirana, Albania, n.d..

<sup>(243)</sup> Sidita Dibra, Irma Semini, Marsela Allmuca, Reintegration of Young Asylum Seekers in the Albanian Education System, Policy Paper for Round Table on "Reintegration of Young Asylum Seekers in the Albanian Education System" on 25 May 2016 in Tirana, Albania, n.d.

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## Terms of Reference

**Acknowledgments**

**Disclaimer**

**Abbreviations and acronyms**

**Introduction/Context**

**Map**

### **1. State structure**

- 1.1 Constitution
- 1.2 Executive branch
  - President
  - Government
- 1.3 Legislative branch
  - Parliament (assembly, senate?)
- 1.4 Administration

### **2. Socio-political landscape**

- 2.1 Political parties
- 2.2 Elections
- 2.3 Opposition/ Armed groups
- 2.4 Civil society (ngo's, freedom of speech, freedom of assembly and association, labour rights and conditions)
- 2.5 Media (TV, radio, newspapers, internet)

### **3. Rule of Law and State Protection**

3.1. Law enforcement (include information about: Capacity to protect civilians; Corruption; Abuse of power; accountability mechanisms to deal with these issues - where relevant)

- 3.1.1 Police
- 3.1.2 Army
- 3.1.3 Intelligence/Security forces
- 3.1.4 Corruption / fight against organised crime

3.2 Judiciary (include information about: Capacity to protect civilians; Corruption; Abuse of power; Internal mechanisms to deal with these issues - where relevant)

- 3.2.1 Courts system (state courts, religious courts, military courts, etc.)

Capacity and Judicial integrity

### **4. Security situation (general, regional)**

- 4.1 Short description of the (regional) situation



- 4.2 Amount/ Level of violence (chronology of main incidents)
- 4.3 Actors in the conflict (security forces, armed opposition groups)
- 4.4 Areas of control/influence
- 4.5 Impact of the violence to the population

## **5. Human rights situation**

- 5.1 Legal context (relevant legislation: constitution, treaties, citizenship, etc.)
- 5.2 General situation (arbitrary arrests, detention, torture, disappearances, situation in detention facilities, deportation/refoulement)
- 5.3 Specific groups (e.g., ethnic/religious minorities, journalists, human rights defenders, children, women, LGBT, victims of trafficking, returnees, etc.)

## **6. Reintegration of returnees**

### **Bibliography**

### **Terms of Reference**



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