

## **Trafficking and organised crime in Albania**

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*This paper is for information purposes only and is not legal advice. If you are affected by the issues raised in this paper, please seek advice from a solicitor, barrister or immigration adviser.*

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## **Introduction**

1. Many Albanian asylum claims are based on having been trafficked in the past by an organised criminal gang, and fearing re-trafficking on return, either by the same or different traffickers. Others are based on fear of organised criminal gangs more broadly, for example because of a debt owed to illegal moneylenders. This paper is intended to provide a practical toolkit for asylum lawyers who are challenging Home Office decisions in such cases.
2. This is an expanded and updated revision of a paper first published in May 2024 and previously updated in February 2025. This revision takes into account version 16.0 of the Home Office Country Policy and Information Note (CPIN) on trafficking, published in July 2024, and version 3.0 of the CPIN on actors of protection, published in February 2025.

## **Legal context and use of evidence**

3. At present, many Albanian asylum claims are being certified as clearly unfounded under section 94 of the Nationality, Immigration and Asylum Act 2002. Lawyers who have taken on a case post-certification, and are seeking to challenge the certification by judicial review, will be aware that the evidence considered in the judicial review challenge will be limited to that which was before the Home Office at the date of decision. In such cases, the Home Office relies on its Country Policy and Information Notes (CPINs).
4. It is important to note that a CPIN consists of two parts. The first part contains a statement of the Home Office's policy, while the second part contains a summary of country information from various sources. As the Tribunal explained in *AAR (OLF - MB confirmed) Ethiopia CG* [2022] UKUT 00001 (IAC):

*“COI reports, including the country information element of CPINs, whether originating from this country or from European countries such as Denmark, the Netherlands, Norway and Sweden, are not themselves evidence but identify the position adopted by a government department. They serve two other functions. They set out, in summary form, evidence from other sources. To that extent they might be secondary, or even tertiary, sources of information. They may also serve to reflect the policy position of the relevant government.”*

5. Therefore, in reading a CPIN, practitioners should never take the policy summary in the CPIN at face value. They should always look at the country background sources cited in the CPIN, and see whether those sources support the Home Office's conclusions. As we set out below, the Home Office routinely fails to have regard to country background sources cited in the CPINs that undermine its view. When a claim has been certified on

the basis of a CPIN, but the Home Office has failed to consider country sources cited in the CPIN that undercut its conclusions, this is a public law error and should be robustly challenged on judicial review.

6. In certification cases, lawyers should keep in mind that a claim being “clearly unfounded” means “so clearly without substance that it was bound to fail” (*Thangarasa and Yogathas* [2002] UKHL 36). If any reasonable doubt exists as to whether the claim may succeed then it is not clearly unfounded (*ZT (Kosovo)* [2009] UKHL 6). In considering certification, the individual’s claim must be taken at its highest. As the Court of Appeal held in *SP (Albania)* [2019] EWCA Civ 951: “If there is material provided by the appellant, including [their] answers during interview, which is capable of being objectively well founded and sufficient to establish a claim but which is not accepted by the Secretary of State, then an opportunity to have that evidence tested before a judge of the First-tier Tribunal should be provided i.e. certification by the Secretary of State would not be appropriate.”
7. Lawyers representing an Albanian asylum-seeker at the initial claim, fresh claim or appeal stages are in a different position. They can and should adduce further country background evidence in support of their client’s case, beyond that cited in the CPINs. In this paper, we refer to some further evidence that is not contained in the CPINs, which lawyers may find useful in preparing representations and appeal bundles. Where we have referred to evidence that is not cited in the CPINs, we have clearly indicated this.

### **The Home Office says my client would not be at risk of re-trafficking**

#### ***Evidence in the CPINs***

8. As the CPIN on trafficking<sup>1</sup> acknowledges at [3.2.2]-[3.2.4], the starting point for evaluating risks of trafficking for women and girls is the case of *TD and AD (Trafficked women)* CG [2016] UKUT 92 (IAC) which gives the following Country Guidance:

*“a) It is not possible to set out a typical profile of trafficked women from Albania: trafficked women come from all areas of the country and from varied social backgrounds.*

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<sup>1</sup> All references to the CPIN on trafficking are to ‘Country Policy and Information Note: Albania: Human trafficking,’ version 16.0, July 2024.

<https://assets.publishing.service.gov.uk/media/66910584ab418ab05559244c/ALB+CPIN+Human+trafficking.pdf>

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

*c) Some women are lured to leave Albania with false promises of relationships or work. Others may seek out traffickers in order to facilitate their departure from Albania and their establishment in prostitution abroad. Although such women cannot be said to have left Albania against their will, where they have fallen under the control of traffickers for the purpose of exploitation there is likely to be considerable violence within the relationships and a lack of freedom: such women are victims of trafficking.*

*d) In the past few years the Albanian government has made significant efforts to improve its response to trafficking. This includes widening the scope of legislation, publishing the Standard Operating Procedures, implementing an effective National Referral Mechanism, appointing a new Anti-trafficking Co-ordinator, and providing training to law enforcement officials. There is in general a Horvath-standard sufficiency of protection, but it will not be effective in every case. When considering whether or not there is a sufficiency of protection for a victim of trafficking her particular circumstances must be considered.*

*e) There is now in place a reception and reintegration programme for victims of trafficking. Returning victims of trafficking are able to stay in a shelter on arrival, and in 'heavy cases' may be able to stay there for up to 2 years. During this initial period after return victims of trafficking are supported and protected. Unless the individual has particular vulnerabilities such as physical or mental health issues, this option cannot generally be said to be unreasonable; whether it is must be determined on a case by case basis.*

*f) Once asked to leave the shelter a victim of trafficking can live on her own. In doing so she will face significant challenges including, but not limited to, stigma, isolation, financial hardship and uncertainty, a sense of physical insecurity and the subjective fear of being found either by their families or former traffickers. Some women will have the capacity to negotiate these challenges without undue hardship. There will however be victims of trafficking with characteristics, such as mental illness or psychological scarring, for whom living alone in these*

*circumstances would not be reasonable. Whether a particular appellant falls into that category will call for a careful assessment of all the circumstances.*

*g) Re-trafficking is a reality. Whether that risk exists for an individual claimant will turn in part on the factors that led to the initial trafficking, and on her personal circumstances, including her background, age, and her willingness and ability to seek help from the authorities. For a proportion of victims of trafficking, their situations may mean that they are especially vulnerable to re-trafficking, or being forced into other exploitative situations.*

*h) Trafficked women from Albania may well be members of a particular social group on that account alone. Whether they are at risk of persecution on account of such membership and whether they will be able to access sufficiency of protection from the authorities will depend upon their individual circumstances including but not limited to the following:*

- 1) The social status and economic standing of her family*
- 2) The level of education of the victim of trafficking or her family*
- 3) The victim of trafficking's state of health, particularly her mental health*
- 4) The presence of an illegitimate child*
- 5) The area of origin*
- 6) Age*
- 7) What support network will be available.”*

9. The Home Office Fact-Finding Mission (FFM) report on trafficking, which is cited in the July 2024 CPIN, provides relevant evidence about the risk factors for trafficking. Terre des Hommes told the FFM team that *“At present domestic violence (DV) is one of the most vulnerable situations associated with trafficking. Also if people have disabilities in the family, alcohol, mental health (MH) issues or physical issues. The economic situation is an issue too. Plus dysfunctional families (violent) and single headed households, and children who have dropped out of school. Not everyone that has these vulnerabilities are at risk, but if they have two or more, then yes.”*<sup>2</sup> Mary Ward Loreto Foundation similarly told the FFM team *“Albania is safe to live in if you are not vulnerable. If you are vulnerable and poor you are not safe...”*<sup>3</sup>. This provides support for the contention that those

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<sup>2</sup> Home Office, ‘Report of a fact-finding mission: Albania: Human trafficking,’ December 2022, p 91. [https://assets.publishing.service.gov.uk/media/639744dfe90e077c26bd5714/ALB\\_FFM\\_report\\_on\\_human\\_trafficking.pdf](https://assets.publishing.service.gov.uk/media/639744dfe90e077c26bd5714/ALB_FFM_report_on_human_trafficking.pdf)

<sup>3</sup> Ibid, p 95.

trafficked men and boys who display the *TD and AD* risk factors are at risk of re-trafficking.

10. In a 2024 report by Asylos that is cited in the July 2024 trafficking CPIN, Different and Equal, an NGO working with trafficking victims, identified the following factors as risk factors for trafficking:

*“Based on [our] experience, regarding the profile of victims of trafficking, we can say that there are several factors that affect their vulnerability and increase the risk of being exploited and falling prey to trafficking [...]*

*Regarding gender: we can say that girls are more at risk than boys in terms of their recruitment and exploitation.*

*Age: is another factor because mainly young people and children are at risk, whom traffickers deceive and recruit more easily in various ways. For example, promises of marriage, promises of employment, seduction by means of gifts or significant payments in income. Traffickers use the misuse of social networks by young people and children to deceive and recruit them.*

*Family: Mostly victims of trafficking come from families with severe social and dysfunctional problems. The composition of families with many members, alcoholic parents, violent, addicted to narcotic substances, families with one parent or they may also be orphans, negligent parents, parents with low education or no education at all, unemployed parents or parents who have problems with their mental health. Here we can also mention early marriages. Families who are homeless and in very difficult economic conditions.*

*Education: The education of the victims is mostly at very low levels and in some cases they haven't gone to school. This makes them more vulnerable to trafficking because they lack information on how to protect themselves or seek help if they feel threatened.*

*Ethnicity: Some of the victims are from the Roma and Egyptian communities, which are very vulnerable communities for a number of factors.*

*Their place of birth/residence: Mostly the victims of trafficking are residents who have lived in deep areas of Albania where there has been a significant lack of socio-economic services or live in peripheral and informal areas of large cities in communities with acute social problems where poverty and unemployment are very high levels.*

*Occupation: Employment is important because being unemployed and with little income increases the risk of being recruited by traffickers.*

*[...] mental health: People with mental health problems are the most at risk because they are easier to manipulate and more vulnerable due to their vulnerability in relation to mental health*

*Domestic or gender-based violence: Also, violence is a factor that greatly affects their vulnerability to trafficking, because due to violence, adults and children often end up in street situations and are included by traffickers in exploitation networks.”<sup>4</sup>*

11. Several Asylos interviewees identified poverty and unemployment as key risk factors for trafficking<sup>5</sup> and re-trafficking.<sup>6</sup>
12. The July 2024 CPIN appears to acknowledge the relevance of the *TD and AD* risk factors to men and boys, not just women and girls. Although it asserts at [3.3.1] that *“In general, male victims of trafficking are not at real risk of serious harm or persecution,”* it goes on to say at [3.3.4] that, while *“the available evidence does not indicate that men and boys who have been trafficked to the UK will be at risk of serious harm on return for that reason alone,”* *“[w]hether they face a risk of such treatment will depend on their personal circumstances, such as their age, education, skills and employability, area of origin, health or disability, availability of a support network, and the intent and reach of their traffickers”*. This broadly reflects the risk factors in *TD and AD*.
13. The CPIN goes on to state at [4.6.1] *“the state is willing and able to provide effective protection to male victims of trafficking”*. However, lawyers should keep in mind that the Tribunal in *TD and AD* made clear that the *TD and AD* risk factors are relevant not only to whether a victim will face a risk of re-trafficking, but also to *“whether they will be able to access sufficiency of protection from the authorities”* (limb (h) of the Country Guidance). It follows that, if a boy or man exhibits the risk factors in *TD and AD*, he will not be sufficiently protected against the risks of re-trafficking.
14. Despite this, Home Office refusal letters in trafficking cases frequently fail to apply *TD and AD*, or to consider whether the risk factors in *TD and AD* apply to the applicant. A failure to apply *TD and AD* to a trafficking case is obviously wrong in law, and should be robustly challenged.
15. The July 2024 trafficking CPIN asserts at [3.2.1]: *“The risk of re-trafficking is small; sources suggest that 2% to 5% of trafficking victims are either re-trafficked or have simply left the reintegration programme.”* This claim should be considered with caution. The sources for these figures appear to be [8.5.9], where the NGO Tjeter Vizion (which only accommodates children: see [11.2.3]) claims that 6 of the 117 people it supported in the

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<sup>4</sup> Asylos, ‘Albania: Trafficking,’ 2024, p 46

<https://www.asylos.eu/Handlers/Download.ashx?IDMF=e65ff9df-9c97-4b85-905d-30a181a05872>

<sup>5</sup> Ibid, pp 47-48

<sup>6</sup> Ibid, pp 158-160

past 2 years have been re-trafficked in that period, and [8.5.11], where the NGO Vatra claims that only 2% of the victims it supports “*tell us they don’t want any more contact*” and may have been re-trafficked. These statistics, even if they are reliable, are for the small numbers of trafficking victims supported by two specific NGOs. They do not claim to reflect, and do not necessarily reflect, the risk of re-trafficking for trafficking victims generally.

### ***Further evidence not cited in the CPINs***

16. A 2019 report by Asylos and Asylum Research Centre on trafficking of men and boys, which was cited in previous trafficking CPINs but is no longer cited in the July 2024 CPIN, found that risk factors similar to those in *TD and AD* applied to men and boys. That report found that the risk factors for men and boys included poverty, low education, suffering from physical or mental disabilities, domestic violence and/or sexual abuse within the family or a pre-existing blood feud, being LGBT, and for children, being Roma or Egyptian or homeless.<sup>7</sup> Criminal groups “*identify the most vulnerable boys those that have no family support - those that are in immediate need to make some sort of living*”.<sup>8</sup>

### **The Home Office says my client would have a sufficiency of protection**

#### ***Evidence in the CPINs***

17. In refusal letters, the Home Office commonly cites its February 2025 CPIN on actors of protection.<sup>9</sup> That CPIN asserts in the policy summary that protection is generally available in Albania ([2.3.1]). However, as with all CPINs, practitioners should look not at the policy summary, but at the country sources cited in the CPIN.

18. The compilation of country evidence in the CPIN is a mixed bag, and much of it does not support the view that there is effective protection in Albania. In particular, it shows that there has been a degradation in access to justice due to a severe shortage of judiciary, as well as continuing issues regarding police integrity, effectiveness and competence. Legal aid is also generally not available (see sections *i* and *o*).

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<sup>7</sup> Asylos and Asylum Research Centre, ‘Albania: Trafficked boys and young men,’ May 2019, pp 16-26 <https://www.asylos.eu/Handlers/Download.ashx?IDMF=b49e66a6-a777-47da-90f7-b2fcc14946fa>

<sup>8</sup> Ibid, p 36.

<sup>9</sup> All references to the actors of protection CPIN are to ‘Country Policy and Information Note: Albania: Actors of protection,’ version 3.0, February 2025 <https://www.gov.uk/government/publications/albania-country-policy-and-information-notes/country-policy-and-information-note-actors-of-protection-albania-february-2025-accessible>



- a. [5.2.4] quotes the European Commission’s 2023 report on Albania, giving the total numbers of police (which are said to be lower than the EU average). The 2022 report cited in the previous CPIN stated: *“Staff rotations are frequent, affecting the ASP operational capacity. After the transfer of some of the former Serious Crime Prosecution Office’s competences to local prosecution offices, judicial police officers need further training to investigate, in particular on financial crime, money laundering and illicit trafficking offences. Albania should provide the relevant institutions with adequate resources in order to ensure continuity in the fight against organised crime.”* The 2023 report instead states, after the police numbers quoted in the CPIN: *“ASP committed to addressing the high turnover of its staff. After the transfer of responsibility for money laundering, terrorism financing, financial crimes and property investigations from the former Serious Crime Prosecution Offices to the District Prosecution Offices, prosecutors and judicial police officers need more training”*.<sup>10</sup> This passage is mildly critical of the police, and does not support the argument that they are able to provide effective protection.
- b. The 2024 EC report on Albania, which is also cited in [5.2.4] and [5.4.7], has several passages criticising the Albanian State Police:
- i. *“The state police remain highly vulnerable to corruption, and accountability remains weak, despite some anti-corruption efforts. An integrity verification process within the police, including the compulsory declaration on the use by police staff of specific encrypted tools to communicate with organised crime groups, was introduced as of December 2023, following revelations that showed a high level of criminal infiltration and corruption in police ranks. In 2023, the Police Oversight Agency continued to receive a high number of complaints (over 5000), resulting in 95 disciplinary investigations and 342 individuals referred to prosecution”*.<sup>11</sup>
  - ii. *“Enforcement by police of protection orders remains inefficient, resulting in impunity of violence. The weak accountability of police in handling cases of violence against women is a concern”*.<sup>12</sup>

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<sup>10</sup> European Commission, *Albania 2023 Report*, 8<sup>th</sup> November 2023, p. 42.

[https://enlargement.ec.europa.eu/document/download/ea0a4b05-683f-4b9c-b7ff-4615a5fffd0b\\_en?filename=SWD\\_2023\\_690%20Albania%20report.pdf](https://enlargement.ec.europa.eu/document/download/ea0a4b05-683f-4b9c-b7ff-4615a5fffd0b_en?filename=SWD_2023_690%20Albania%20report.pdf)

<sup>11</sup> European Commission, *Albania 2024 Report*, 30 October 2024, pp. 33-34.

[https://enlargement.ec.europa.eu/document/download/a8eec3f9-b2ec-4cb1-8748-9058854dbc68\\_en?filename=Albania%20Report%202024.pdf](https://enlargement.ec.europa.eu/document/download/a8eec3f9-b2ec-4cb1-8748-9058854dbc68_en?filename=Albania%20Report%202024.pdf)

<sup>12</sup> *Ibid.*, p. 39.

- iii. *“Financial investigations do not systematically accompany criminal proceedings from the beginning, and their effectiveness remains limited. The police and prosecutors’ financial investigation techniques needs to be improved”*.<sup>13</sup>
  - iv. *“Challenges persist in the capacity of Border and Migration Police to identify and refer people who could be in need of international protection. The Directorate for Asylum, Foreigners and Citizenship needs more technical capacity to assess asylum cases and make well-informed decisions”*.<sup>14</sup>
- c. [5.2.5] is a quote from the US State Department Overseas Advisory Council (OSAC) Country Security Report for Albania which goes on to state:

*“Corruption and barriers to information sharing among government agencies, insufficient intra-agency coordination, and a poorly functioning judicial system continue to hinder Albania’s law enforcement efforts at all levels... Once Albania establishes the Special Anti-Corruption and Organized Crime Structure (SPAK), jurisdiction over terrorism cases involving an organized group will fall under SPAK purview. District prosecution offices will prosecute all other [counter-terrorism] CT cases. Law enforcement services cooperate extensively with INTERPOL and other international law enforcement bodies.*

*‘... Police now have a visible presence throughout Tirana and other larger Albanian cities, although their response is often delayed due to limited resources and manpower. Police tend to respond more rapidly to reports from members of the international community.*

*‘The Albanian government is trying to make a concerted effort to improve the country’s law enforcement capabilities, particularly in the areas of counterterrorism and organized crime. Corruption and lack of resources within the police present continual challenges.’ [emphases added]*

- d. [5.2.6] and [5.4.4] quote from a 2024 report by Global Initiative Against Transnational Organized Crime. [5.4.5] quotes this report, stating: *“The process for recruiting new officers and civilian personnel in the state police is regulated by law. However, there is a perception that the process is far from meritocratic and political interference in the hiring and promotion of police officers remains*

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<sup>13</sup> Ibid., p. 43.

<sup>14</sup> Ibid., p. 48.

*an issue*". This report also contains several unquoted passages critical of the Albanian police and judiciary:

- i. *"Efforts to reform the police have been made during the last few years. In 2018, Albania passed Law no.12/2018 'On the transitional and periodic evaluation of employees of the State Police, Guard of the Republic of Albania and [the Service for Internal Affairs and Complaints], in the Ministry of Internal Affairs', colloquially known as the vetting process law. The law initially proposed to vet all police personnel, but changes were made later that reduced the scope to 300 high-ranking officials. The aim of the law is to strengthen integrity within the police but vetting has progressed rather slowly, with only 66 personnel having been processed as late as 2022. Vesting the Agency for Oversight of the Police with this responsibility has also cast doubt on the impartiality of the process and interference from politics".<sup>15</sup>*
- ii. *"Though Albania has made some improvements, corruption is still prevalent in all branches of government. National strategies against organized crime and corruption, and risk assessments made by government institutions have not been implemented properly due to a lack of monitoring and political will. Meanwhile the problem is exacerbated by political interference in the legal process, underfunding law enforcement agencies, a lack of institutional capacity and issues with inter-agency collaboration. As our case study below (a violent assault in Kruje in 2023) demonstrates, the combination of action and inaction by the state police and other institutions in investigating criminal networks connected with politicians is symptomatic of the major challenges involved in combating corruption and organized crime in Albania".<sup>16</sup>*
- iii. *"In the long term, the purpose of the new [judicial] vetting process was to ensure the proper functioning of the rule of law, the independence of the judicial system, as well as to strengthen public trust and confidence in the judiciary. However, in the short term, the vetting process led to an unprecedented wave of resignations and dismissals by the Independent Qualification Commission, dramatically reducing the number of active judges. This prompted the need for mass replacements and left the*

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<sup>15</sup> Global Initiative, eds. Uglješa (Ugi) Zvekić, Ioannis Vlassis, *Integrity and Independence of Criminal Justice Institutions in the Western Balkans*, November 2024, p. 16.

<sup>16</sup> Ibid.

*Constitutional and High courts effectively inoperable. It also introduced an air of professional uncertainty that, instead of enhancing a transparent and efficient judicial system, contributed to abuse of office. In fact, the unforeseen difficulties during the implementation of the vetting process resulted in a paralysis of the judicial institutions (Constitutional Court and Supreme Court) for over two years, and the issue of excessively long judicial proceedings might end up before the European Court of Human Rights”.<sup>17</sup>*

- iv. *“Investigation confidentiality: this guarantees the effectiveness of investigative procedures. Protecting the principles of presumed innocence and the right to private life, both in relation to the person under investigation and the victim of the crime, should be fundamental for the justice system and the media in realizing the public’s right to information. But, in practice, cases show quite the opposite”.<sup>18</sup>*
  
- v. *“In 2021, SPAK issued warrants for the arrest of two prosecutors – named in official documents as SH, a prosecutor at the Court of First Instance in Saranda, and EK, a senior prosecutor attached to the Court of First Instance in Kukes. Both were accused of corruption offences under Article 319/ç of the Criminal Code. Internal investigations and interceptions of communications had revealed that prosecutor SH had dropped charges against a defendant, a member of a group of narcotics traffickers, after receiving a large sum of money from the sister of the defendant. The HPC suspended both prosecutors from office. “Prosecutor SH was found guilty by the Special Court of Appeal for Corruption and Organised Crime and was convicted to imprisonment for three years for passive corruption, as provided for in Article 319/ç, and six months for concealment of assets, as foreseen in Article 257/a/2 of the Criminal Code. The High Prosecutorial Council decided on the dismissal of the prosecutor. 177 Meanwhile, EK was filmed taking money from the brother of a person under investigation for drug possession. Upon final decision of the Special Court of Appeal for Corruption and Organised Crime, EK was found guilty and convicted to imprisonment for two years and four months for passive corruption, as provided for in Article 319/ç of the Criminal Code”.<sup>19</sup>*

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<sup>17</sup> Ibid., p. 45.

<sup>18</sup> Ibid., p. 46.

<sup>19</sup> Ibid., p. 48.

- vi. [7.2.4] also quotes from this report thus: *“The Special Anti-Corruption Structure (SPAK) has scope to deal with the corruption of high-level officials, including those in the state police, and the ombudsman office can refer abuse of power cases to the prosecution. These control mechanisms operate under a sound legal framework, but political interference remains a concern...”*.
- e. Similarly, [5.4.1] is a quote from the 2023 US State Department Human Rights Report which states: *“Police corruption was a problem and was most prevalent among front-line police”*.
- f. [5.5.1-3] quote from this same report, focusing on conditions in detention: *“While the law gave detainees the right to prompt access to an attorney at public expense, the ombudsman reported instances of interrogations taking place without the presence of legal counsel”; “In April [2023] a detained Roma man remained in custody in the Tirana Local Police Directorate for almost five days after falling seriously ill before being transferred to a hospital, where he later died”; “Police could detain without arresting a suspect for a period not exceeding 10 hours, but the ombudsman reported several procedural irregularities that led to the detention of individuals for longer than 10 hours without being arrested”*.
- g. However, the report also states, regarding law enforcement in Albania:<sup>20</sup>
  - i. *“Criminal proceedings were delayed, due in part to shortages of judges and prosecutors. Limited material resources, lack of space, poor court-calendar management, insufficient staff, and the failure of attorneys and witnesses to appear also prevented the court system from adjudicating cases in a timely fashion.”*
  - ii. *“Streha reported LGBTQI+ individuals underreported targeted violence to police or the Commission for Protection from Discrimination due to fear of being outed, lack of trust in the institutions, and fear for their own safety. Streha reported a case of police informing hostile family members of a transgender person’s whereabouts after the person sought police protection”*.

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<sup>20</sup> All following quotations are from US Department of State, ‘2023 Country Reports on Human Rights Practices: Albania’. <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/albania/>

- iii. *“Corruption existed in all branches and levels of government, including through public procurement and public-private partnerships, although authorities made progress during the year in combatting corruption and ending impunity”.*
  
- h. [5.4.2] quotes the 2023 Freedom House ‘Nations in Transit’ report, stating: *“law enforcement agencies are still unable to function independently, and are under the influence of politicians and organized crime networks, as observed in multiple cases during 2023”.* In addition, the report states:<sup>21</sup>
  - i. *“Access to justice has worsened, with experts claiming it now takes over three and a half years to commence or complete proceedings due to a lack of magistrates. Since the 2017 reform, the judicial system has failed to attract new recruits and is on the verge of collapse”.*
  
  - ii. *“In 2023, several cases demonstrated how organized crime networks infiltrated law enforcement, the judiciary, and groups of politicians in Albania, and how those criminal outfits operated freely outside the law”.*
  
  - iii. *“The Kuvendi voted in July to adopt the new judicial map, which will be implemented by July 2023. While international actors who championed judicial reform in Albania praised the new map, it has been heavily criticized by numerous lawyers’ associations and CSOs, such as the Albanian Helsinki Committee, for failing to include local actors in the consultation process. These groups also claim that reducing the number of courts will damage citizens’ access to justice and increase the cost of the judicial process since some citizens will have to travel over 200 kilometers to reach a court under the new plans.”*
  
  - iv. *“Since 2017, a new vetting process put into place under US and EU pressure has resulted in the dismissal of about half of Albania’s judges and prosecutors, primarily because they could not justify their wealth. However, local observers have criticized the process in recent years for failing to follow due process, saying that authorities are cutting corners by dismissing judges and prosecutors without sufficient reasons in order to meet the December 2024 deadline set by the government for completion of the vetting process. Critics also say the process does not take into account the fact that half of the Albanian economy is informal, making it*

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<sup>21</sup> All following quotations are from Freedom House, ‘Nations in Transit – Albania’, 2024. <https://freedomhouse.org/country/albania/nations-transit/2024>

*impossible to show every financial record and transaction. ... However, Albania has a poor history of enforcing European Court of Human Rights rulings, and both domestic and foreign observers have serious concerns about the country's commitment to respecting human rights, and particularly the right to a fair trial. Additionally, the International Monitoring Operation, a body appointed by the European Commission to oversee the vetting process as part of EU membership proceedings, had warned earlier in April that any attempt by Albania's High Council of Prosecutors to reinstate another dismissed former prosecutor, Besnik Cani, could jeopardize the application of the vetting process over isolated errors; Cani had previously won a partial victory after challenging his dismissal in the European Court of Human Rights".*

- v. [6.5.14] quotes this report thus: *"Constitutional guarantees of due process are upheld inconsistently. Trial procedures can be affected by corruption and are sometimes closed to the public"*.
- vi. The 2024 Freedom in the World report cited elsewhere in the CPIN adds: *"Reports of police abuse of detainees continue. Prison inmates suffer from poor living conditions and inadequate medical treatment",* and also *"Domestic violence is widespread. Police are poorly equipped to handle cases of domestic violence or spousal rape, which is often not understood to be a crime".*<sup>22</sup>
- i. [6.2.5], [6.2.6] and [6.3.3] quote the CEPEJ report regarding the locations of courts, but this report also contains important unquoted information that shows the shortcomings of the Albanian justice system, which appears to be approaching crisis.
  - i. The disposition time of civil and commercial cases was 462 days in the first instance. For administrative cases, the disposition time was 229 days in the first instance, and 5326 days in the second. For criminal cases, averaging together severe, misdemeanour and minor cases, the disposition time is 124 days in the first instance and 365 in the second.<sup>23</sup>

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<sup>22</sup> Freedom House, 'Freedom in the World – Albania', 2024.

<https://freedomhouse.org/country/albania/freedom-world/2024>

<sup>23</sup> European Commission for the Efficiency of Justice (CEPEJ), 'Towards a better evaluation of the results of judicial reform efforts in the Western Balkans – "DASHBOARD Western Balkans" - Part 2 (A) - Beneficiary profile – Albania', 9 July 2024, p. 2. <https://rm.coe.int/albania-deliverable-2/1680b2722b>

- ii. The clearance rate, despite attempts to increase the number of judges, is well below 100% for all courts, meaning that pending case backlogs have continued to increase during 2023.<sup>24</sup>
- iii. This is especially the case with criminal cases being heard in the second instance, where clearance rates are 63% for severe charges and 48% for misdemeanours. As a result of this, the disposition time for criminal cases in the second instance is extremely high.
- iv. The number of professional judges has decreased by 23% since 2019.<sup>25</sup> The number of prosecutors is now 208, decreased by 28% since 2019.<sup>26</sup>
- v. There were 10,295 severe and misdemeanour first instance criminal cases resolved in 2023,<sup>27</sup> but legal aid was only granted in 401 criminal cases, only 46 of which were heard in court.<sup>28</sup> This implies that the vast majority of Albanians do not have access to legal aid in criminal legal proceedings, hampering access to justice. This is despite the positive spin which [6.6.1] places on the state of legal aid in Albania, by selectively quoting the CEPEJ report to show the increase in overall legal aid since 2019.
- vi. Out of 52,912 non-criminal first instance cases resolved in 2023,<sup>29</sup> legal aid was only granted in 7,336 cases, of which only 683 went to court.<sup>30</sup> This implies that it is difficult to access justice in contexts of holding state authorities to account.
- vii. [6.6.3] is a spotlight on a specific legal aid project, funded by the Austrian government, which accounts for roughly half of the people who received legal aid according to CEPEJ's statistics above.
- j. [6.3.2] quotes Freedom House in saying: *“Access to justice has worsened, with experts claiming it now takes over three and a half years to commence or complete proceedings due to a lack of magistrates. Since the 2017 reform, the judicial system has failed to attract new recruits and is on the verge of collapse. While 26 new magistrates will graduate in 2023, the prospective number is*

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<sup>24</sup> Ibid.

<sup>25</sup> Ibid., p. 8.

<sup>26</sup> Ibid., p. 11.

<sup>27</sup> Ibid., p. 18.

<sup>28</sup> Ibid., p. 28.

<sup>29</sup> Ibid., p. 17.

<sup>30</sup> Ibid., p. 28.



*insufficient to run the system at full capacity for another five years, further eroding public trust in Albania's justice system".*

- k. [6.3.4] quotes the European Commission in saying: *"The justice system's efficiency needs to be improved. Efficiency continued to be negatively affected by challenges including the increased length of proceedings and a high backlog of cases, notably at the Court of Appeal and the Administrative Appeal Court. The annual intake of magistrates by the School of Magistrates is still insufficient. The codes of procedure are hampered by formalities and do not provide adequate tools to address the high backlog. Serious delays are experienced with the legal deadlines on publishing the reasoned decisions by courts"*.
- i. [6.3.5-6.3.8] are further quotes from this report; [6.4.6] quotes a somewhat negative passage of this report: *"The independence and impartiality of the judiciary is satisfactory in the higher-level courts, including courts of appeal, and needs to be improved in the courts of first instance. Concerns remain about attempted interference and pressure on the judicial system from public officials and politicians. During the reporting period, two serious incidents were recorded against magistrates, who were promptly placed under protection. Several public political attacks, inappropriate language and threats have been directed at magistrates. The self-governing institutions have effectively reacted to such incidents"*.
- ii. However, the report also states the following about the Albanian judiciary, which is unquoted in the CPIN:<sup>31</sup>
- iii. *"Despite strong legal safeguards, merit-based appointments and career development are weakened in practice by the HPC's failure to evaluate prosecutors and the HJC's slow pace of qualitative evaluations for judges. The continued use of transfers as an alternative to promotions is a serious concern"*.
- iv. *"The limited number of judges at several courts, coupled with the lack of an integrated case management system, leads to a worrying situation where the random allocation of cases is not widely applied in courts and is not applied at all in prosecutors' offices"*.

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<sup>31</sup> The following quotes are from European Commission, *Albania 2024 Report*, 30 October 2024, pp. 29-30. [https://enlargement.ec.europa.eu/document/download/a8eec3f9-b2ec-4cb1-8748-9058854dbc68\\_en?filename=Albania%20Report%202024.pdf](https://enlargement.ec.europa.eu/document/download/a8eec3f9-b2ec-4cb1-8748-9058854dbc68_en?filename=Albania%20Report%202024.pdf)

- v. *“The quality of justice needs to be improved. Even though the comprehensive justice reform has seen some progress. Challenges persist, in particular, with: (i) the quality of initial and continuous training; (ii) the consistency of case law; (iii) the high number of judicial vacancies and insufficient amount of court staff; (iv) the lack of a modern integrated electronic case management system in courts and prosecution offices; (v) the quality of indictments and decisions; (vi) the quality of court infrastructure, including the security of court buildings; and (vii) the poor consistency and reliability of statistical data”.*
- vi. [6.4.6] also quotes from this report thus: *“Concerns remain about attempted political interference and pressure on the judicial system and shortcomings in the merit-based appointments of non-magistrate members of the High Judicial Council (HJC) and the High Prosecutorial Council (HPC) and their integrity”.*
- l. [6.4.3] quotes the US State Department’s 2023 Human Rights Report, stating: *“Although the constitution provided for an independent judiciary, political pressure, intimidation... [and] corruption... prevented the judiciary from functioning fully, independently, and efficiently. ... The ombudsman assessed the judiciary made progress toward establishing a more independent system but added more resources were needed.’ The report did not provide specific details on the extent to which these factors impacted the judiciary’s effectiveness”.* However, other sources the CPIN has cited, such as the CEPEJ and EC reports, provides greater detail and corroborates this account.
- m. [6.4.5] quotes Freedom House’s 2024 Freedom in the World report in saying: *“Corruption is pervasive, and the European Union (EU) has repeatedly called for rigorous implementation of antigraft measures, particularly for corruption within the judiciary.”*
- n. [6.5.13] quotes the US State Department report on human rights thus: *“Citizens complained of lack of transparency in investigations, significant delays in proceedings, and unfair court decisions”.*
- o. [6.6.1] quotes Freedom House in saying: *“Although the state is supposed to offer free legal aid, legal counsel is not always provided to those who cannot afford their own. A number of local NGOs offer free legal aid for those affected.”* However, the low rates of legal aid, especially in criminal cases, seen in section *i* imply that even with NGO support there is not sufficient legal aid. [6.6.4]

selectively quotes the EC 2024 Albania report, stating: *“The legal framework for legal aid is comprehensive, and primary and secondary legal aid are delivered at central and local levels”*. This passage goes on to say: *“However, shortcomings remain regarding sufficient budget and coordination”*.<sup>32</sup>

- p. [7.2.2] quotes the Freedom House Nations in Transit report, speaking about SPAK (special anti-corruption prosecution team), thus: *“SPAK, in collaboration with other law enforcement agencies, was able to bring down a powerful organized crime network operating in the cities of Tirana, Shkodra, and Kukës in July 2023, arresting police officers, prosecutors, and businesspeople for involvement with the criminal group. A similar powerful organized crime network operating in the cities of Elbasan and Lushnjë, which allegedly had free reign due to its close ties with law enforcement and the judiciary, was brought down by SPAK in September 2023. SPAK prosecutors have been threatened with their lives since the crackdown on these organized crime networks, and local observers have called for increased security for the SPAK’s magistrates”*. However, the CPIN does not quote the following section indicating potential limitations on the effectiveness of SPAK in reducing corruption: *“there has been a growing campaign of disinformation by media establishment outlets and senior political figures in both the government and the opposition to discredit SPAK’s work. Furthermore, there have been physical and verbal threats directed at SPAK judges and prosecutors and their family members. This negative response has underscored the reality that SPAK cannot combat corruption at the highest levels on its own”*.<sup>33</sup>
- q. [7.2.5] contains the following quote from the EC Albania 2024 report: *“Overall, corruption remains a serious concern and preventive efforts have had a limited impact. The adoption of a broad criminal amnesty law led to 40 individuals convicted by SPAK courts and being fully pardoned and 65 others having their sentence reduced, which raises concerns...”*.
- r. [7.3.2] explains that Freedom House has increased its opinion of Albania’s judicial independence considerably as a result of the judicial vetting process.
- s. [7.4.2] and [7.4.3] quote as authoritative articles from *Gazeta Tema*, characterising this as a *“politically unrelated daily newspaper published in Tirana”*. However, Media Ownership Monitor (Albania) shows that *Gazeta Tema*

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<sup>32</sup> European Commission, *Albania 2024 Report*, 30 October 2024, p. 41.

[https://enlargement.ec.europa.eu/document/download/a8eec3f9-b2ec-4cb1-8748-9058854dbc68\\_en?filename=Albania%20Report%202024.pdf](https://enlargement.ec.europa.eu/document/download/a8eec3f9-b2ec-4cb1-8748-9058854dbc68_en?filename=Albania%20Report%202024.pdf)

<sup>33</sup> Freedom House, ‘Nations in Transit – Albania’, 2024.

<https://freedomhouse.org/country/albania/nations-transit/2024>

is wholly owned by Mero Baze, who was a “*formidable critic*” of the previous Sali Berisha government and faced violence for his coverage of an oil refinery privatisation in 2009. He is now “*widely perceived as a supporter of the ... government of the Prime Minister Edi Rama*”.<sup>34</sup> This suggests that the Home Office has not correctly assessed the political neutrality of this source.

- t. [8.1.1]-[8.1.4] is generic background information about the office of the Ombudsman; it says nothing about the Ombudsman’s effectiveness as an agent of state protection. Crucially, it also acknowledges that the Ombudsman’s office “*lacked the power to enforce decisions*” [8.1.4]. In addition, [8.1.5] quotes the following from the EC Albania 2024 report: “*Effective enforcement of human rights is challenging ... Blockages, delays and the politicisation of the parliamentary appointment of the Ombudsperson remains a concern and need to be urgently addressed. Overall, the implementation rate of the recommendations issued by the Ombudsperson remains low*”. It is therefore difficult to see how the Ombudsman’s office could be an effective agent of protection for individuals fearing criminal violence.

19. The overall picture is of a country where corruption is pervasive, where the judicial system is slow and inefficient, and where the available avenues of redress are limited. Lawyers should therefore robustly challenge refusal letters that rely on the actors of protection CPIN to argue that there is a sufficiency of protection against trafficking or organised crime.

20. Home Office refusal letters also often fail to consider evidence, contained in sources that are cited in the July 2024 trafficking CPIN and well-known to the Home Office, suggesting that there are pervasive corrupt links between the authorities and criminal gangs, which undermine state protection.

21. Balkan Investigative Reporting Network (BIRN) Albania told the Home Office FFM team “*Another thing that is generally accepted, even by high officials and the current (Albanian) Prime Minister (PM), is people that have been engaged in human trafficking (HT) or drug trafficking have gone into politics,*” and refers to a former Mayor of Kavaje who was responsible for gang rape in Italy, as well as the former Minister of the Interior Saimir Tahiri who had “*facilitated his cousins for drug trafficking in Italy.*” When asked whether a person fearing an organised criminal gang could get protection from the

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<sup>34</sup> Balkan Investigative Reporting Network, ‘Mero Baze’, *Media Ownership Monitor Albania 2023*.  
<https://albania.mom-gmr.org/en/owners/individual-owners/detail/owner/owner/show/mero-baze-2/>

police, BIRN said *“If you’re asking will it be sufficient, no, in my opinion.”*<sup>35</sup> This provides further support for the view that, given the strong links between organised crime and politicians in Albania, those who fear trafficking gangs will not be adequately protected by the state.

22. A study by Klea Ramaj of trafficking victims returned to Albania, which is cited in the July 2024 CPIN, similarly states: *“...victims’ sense of safety is highly related to their reintegration. A recurrent theme in the interviews was the risk of reprisals from the victims’ traffickers: “In my opinion, safety and security issues are among the main problems during the entire reintegration process. Even when the trafficker [is] imprisoned, threats do not seem to stop”... Trafficking victims were protected by special security forces while living in the organizations’ shelters. Hence, in those cases, threats were mainly directed toward professionals or the victim’s family members. The reasons behind the lack of measures taken against the traffickers were tied both to the complexity of trafficking cases and to Albania’s weak judicial system.”* Ramaj goes on to note that *“corruption in the Albanian justice system is very widespread.”*<sup>36</sup>

23. Ramaj also notes: *“Many victims provide false confessions and claim that they have not been trafficked or exploited. They also refuse to name the individuals who have accompanied them outside the country”... There might be several reasons behind the victims’ reluctance to truthfully confess to Albanian police. While practitioners mentioned the psychological resistances to the traumatic past, threats from the trafficker, or fear of retaliation, another factor that might have pushed victims into falsely confessing might be related to a lack of trust toward Albanian authorities, due to the latter’s potential stigmatizing comments or involvement in corruptive affairs. The U.S. Department of State (2020) points to instances of Albanian government employees complicit in trafficking cases.”*<sup>37</sup>

24. Different and Equal told Asylos in 2024 that *“Although trainings have been developed and there are special structures, the Police does not properly respect service standards and does not provide sufficient security for victims of trafficking. In most cases, the police is also the first contact with victims of trafficking, and as the survivors of trafficking say, there is a lack of human treatment and care from the police. A factor that affects this direction is the fact that there is no stability in the police structures. Many employees who have been trained to work with victims of trafficking are replaced by other*

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<sup>35</sup> Home Office, ‘Report of a fact-finding mission: Albania: Human trafficking,’ December 2022, pp 103-106.

<sup>36</sup> Klea Ramaj (2021) The Aftermath of Human Trafficking: Exploring the Albanian Victims’ Return, Rehabilitation, and Reintegration Challenges, *Journal of Human Trafficking*, *Journal of Human Trafficking*, 7 May 2021 <https://www.tandfonline.com/doi/full/10.1080/23322705.2021.1920823>

<sup>37</sup> Ibid.

employees without experience.”<sup>38</sup> They added that “Justice institutions, including the Courts, the Prosecutor’s Office and the Police, continue to have a mentality and behaviour oriented towards the perpetrator and less towards the victim.”<sup>39</sup>

25. Even when parts of the system function, deficiencies in other parts of the system can prevent effective protection. For example, UNICEF told Asylos that the police “is very active,” but added that “we don’t work very closely with the judiciary... what we know is that it’s very slow to process”.<sup>40</sup> Even those who expressed positive views about the police tempered their remarks. An unusually positive view about police effectiveness was expressed to Asylos by Anxhela Bruci of Arise Albania, who claimed “In terms of protecting victims of human trafficking, the police has been effective when was called by the NGOs, for example, on cases where they’ve identified potential victims of human trafficking or when they needed to provide a specific order to protect the victim. For example, based on the severity of danger that a victim of human trafficking might be in, they can be given a specific order of protection by the police and then be placed in a high-security safe shelter to be protected by possible threats of the traffickers or even family members in cases where there is a high stigma and also safety concerns by the family members.”<sup>41</sup> Ms Bruci did not say how often this had occurred or how long such protection was provided for. But Ms Bruci also stated that the legislation in place for protecting victims “hasn’t been effective,” that in terms of prosecuting traffickers the legislation “has not been very effective because of challenges in the judicial system,” and that there are “extremely low conviction rates” for human trafficking.<sup>42</sup> The transcript of Ms Bruci’s interview might also suggest that she may have censored herself when asked about corruption in state institutions: when asked “is there evidence of ties between trafficking gangs and politicians or other public officials?” she said “Well, that’s a tricky one because here now, I’m recorded” (possibly implying that she was not able to speak candidly on the record) before going on to say that there were “no official reports” of corruption but that “when the police is part of the government, it’s very difficult for them to prove that”.<sup>43</sup>

26. Different and Equal, an NGO working with trafficking victims, told Asylos: “The level of corruption in Albania remains a concern and directly affects any aspect of the life of citizens, including the victims of trafficking.”<sup>44</sup> Anta Brachou described the judiciary as “the most corrupted link,” and said that “when I spoke to the traffickers or the alleged

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<sup>38</sup> Asylos, ‘Albania: Trafficking,’ 2024, Annexes, p 14

<sup>39</sup> Ibid.

<sup>40</sup> Ibid, p 83

<sup>41</sup> Ibid, p 131

<sup>42</sup> Ibid, pp 130-132

<sup>43</sup> Ibid, pp 134-135

<sup>44</sup> Asylos, ‘Albania: Trafficking,’ p 164

traffickers, that's what they pointed towards. That it's very corrupt, usually the ones that should be on trial or should go through these legal proceedings are exonerated immediately, and then it's the little soldiers, if you want that, are caught, which are then used for statistics because statistics would look good."<sup>45</sup> A representative of Terre des hommes, an organisation involved in anti-trafficking efforts, said "everybody knows where the brothel is [...] there are underaged girls down there. And because the pimp running the brothel is part of the big extended family running multiple illegal activities in the same region, I very much doubt that the police don't know. It might be corruption, it might not be corruption in terms of bribing and money involved. For sure, there is power involved... the power of the organized crime in Albania is if you don't have the police to follow the case, to collect the facts, then the investigation assessments are very, very poor. You'll have one case brought to the court for the last two to three years."<sup>46</sup> They added "These are people with guns. These are people with money. If they don't buy you, they can kill you. And they are present and running the whole region and running many municipalities. And like that, you have it all over the country. In most of the main cities, you'll have it like that."<sup>47</sup> Although some other representatives of Albanian NGOs interviewed by Asylos denied personal experience of corruption,<sup>48</sup> these denials must be viewed with caution. It is plausible that NGOs which cooperate closely with state authorities would be reticent about speaking openly about corruption.<sup>49</sup> As highlighted in the previous paragraph, one NGO representative said: "Well, that's a tricky one because here now, I'm recorded" when asked about corrupt links between officials and trafficking gangs.

27. Albania's ongoing judicial reforms have caused delays in the judicial process, and do not appear to have been effective in ensuring protection against traffickers. Ana Majko, Executive Director of Initiative for Social Change ARSIS, an organisation which provides social care and protection services to victims of trafficking, told Asylos in 2024: "the court proceedings delay very long because we had vetting process for the law judicial reform, so a vetting process for all the judges and prosecutors. And this has impacted the overall process because we have a few number of judges and prosecutors available for the court proceedings. And this has delayed a lot of the process not only for the victims of trafficking; for all the cases. And how it impacts is that one court proceeding can go for three or four years."<sup>50</sup> Dr Anta Brachou, a post-doctoral researcher who has provided support and advocacy to women victims of trafficking, told Asylos in 2023 that "quite a lot of judges and other judiciary personnel have been removed, but that doesn't

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<sup>45</sup> Ibid, p 168

<sup>46</sup> Ibid, p 166

<sup>47</sup> Asylos, 'Albania: Trafficking,' 2024, Annexes, p 71

<sup>48</sup> Asylos, 'Albania: Trafficking,' 2024, pp 164-168

<sup>49</sup> See mention of self-censorship later in this paper.

<sup>50</sup> Asylos, 'Albania: Trafficking,' 2024, p 138

*necessarily mean that things have been solved. There are those that have been removed and then they're are [sic] still lingering in the background. And I think it's probably the most corrupted link that is also very much detrimental because that's where people look for justice, and they never get it or it takes ages." She added "when I spoke to the traffickers or the alleged traffickers [as part of p.h.D fieldwork conducted between 2018 – 2020], that's what they pointed towards. That it's very corrupt, usually the ones that should be on trial or should go through these legal proceedings are exonerated immediately, and then it's the little soldiers, if you want that, are caught, which are then used for statistics because statistics would look good."*<sup>51</sup>

28. The evaluation of the UNICEF programme, "Transforming National Response to Human Trafficking in and from Albania" (discussed in more detail later in this paper), is quoted at [10.6.8]-[10.6.9] admitting that it is "too early" to measure the success of the programme in improving the justice system's response to trafficking:

*"Under the aegis of the [UNICEF] Programme [on Transforming the National Response to Human Trafficking in and from Albania], one focus was on strengthening the justice system's ability to investigate human trafficking cases and prosecute and convict human traffickers. It is too early to measure the effectiveness of this initiative because it was interrupted by the COVID19 pandemic and the package of support planned to the justice sector was postponed by one-and-a-half years. In addition, there have been recent justice system reforms that affect which courts have jurisdiction over human trafficking cases. One respondent explained that "Before the justice reform, there was an attorney of serious crimes with dedicated prosecutors [who prosecuted human trafficking cases], but with the justice reforms, cases of human trafficking are handled at the local level."...*

*'Measuring the effectiveness of the Programme's [on Transforming the National Response to Human Trafficking in and from Albania] ability to strengthen the justice system's response to human trafficking requires time. In particular, time is required for the police to investigate a human trafficking case and build a case for prosecution, while public prosecutors need time to file charges and prosecute the traffickers, and court proceedings can take a significant amount of time. If human trafficking cases are not fast-tracked by the court system they can take several years to prosecute. Therefore, it is not until human trafficking cases are pushed through the justice system pipeline that we will be able to understand whether*

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<sup>51</sup> Ibid, p 139



*the system has been strengthened and improved, and where gaps, challenges and barriers remain that need to be addressed.”<sup>52</sup>*

29. The 2023 US State Department report on Trafficking in Persons, which is cited in the July 2024 CPIN, shows that the gap between legislation and implementation on trafficking in Albania continues to be large. Overall, the State Department considered that *“the government decreased law enforcement efforts”*.<sup>53</sup>

a. In terms of criminal enforcement:

- i. There were zero convictions of traffickers in 2020 and 2022, and eleven in 2021.<sup>54</sup>
- ii. In past years, judges sentenced some traffickers to lenient sentences such as probation.<sup>55</sup>
- iii. No criminal investigations have been made regarding government employees complicit in human trafficking; however, one police officer was dismissed in 2021 for running a brothel, and in 2020, five senior police officials (including the Director of the Border and Emigration Directorate of Tirana) were suspended *“after media reported a story alleging their complicity in an organized trafficking operation”*. Criminal charges were dismissed against these officials, but the Director of the Border was given a ‘temporary downgrade in rank’.<sup>56</sup>
- iv. District prosecutors, who have jurisdiction over trafficking cases without an organised crime element, *“did not have the specialized experience and capacity to prosecute trafficking cases successfully. GRETA and observers reported authorities confused overlapping elements of ‘exploitation of prostitution’ [a lesser charge] and trafficking and at times applied the lesser charge because it required less specialization and time or due to the false belief that trafficking crimes required a transnational element”*.

b. In terms of identifying potential victims of trafficking:

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<sup>52</sup> UNICEF, ‘Evaluation of the Programme on Transforming the National Response to Human Trafficking in and from Albania, 2019–2022,’ November 2022, p 39

<https://www.unicef.org/albania/reports/2022-human-trafficking-evaluation>

<sup>53</sup> United States Department of State, ‘2023 Trafficking in Persons Report: Albania’, June 2023

<https://www.state.gov/reports/2023-trafficking-in-persons-report/albania/>

<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

- i. Multidisciplinary panels consisting of social workers from NGOs and police officers identified 110 potential victims and only 2 official victims of trafficking in 2022. Police reportedly did not consistently participate in these panels and *“law enforcement rarely initiated investigations when civil society identified a potential victim”*.<sup>57</sup> Similarly, Terre des Hommes, an anti-trafficking organisation, told Asylos in 2024 *“the National Referral Mechanism [...] by law should collect on a quarterly basis. Sometimes it does gather on quarterly basis, sometimes it doesn’t...”*<sup>58</sup>
- ii. Due to *“inconsistent screening procedures”* among law enforcement and the Labor Inspectorate, potential trafficking victims might be detained or deported, including sex workers, migrants and asylum seekers. Law enforcement interpreted some cases of potential domestic servitude and forced labor in Romani or Balkan-Egyptian forced marriages as traditional cultural practices.<sup>59</sup>
- iii. The government’s anti-trafficking hotline has not functioned since 2020 and no attempt has been made to restore it.<sup>60</sup>
- iv. Labour inspectors do not have authority to inspect unregistered businesses or informal work relationships.<sup>61</sup>

30. According to the US Department of State, no victims of trafficking were entered into the witness protection programme in 2021 or 2022,<sup>62</sup> which is concerning due to the *“little emphasis”* given to confidentiality in Albanian civil society regarding victims of trafficking.<sup>63</sup> As Anxhela Bruci of Arise Albania told Asylos, *“the high rates of corruption that might exist within the prosecution system or the involvement of some traffickers having connections with police officers or within the judicial system might make victims not even want to be part of this witness protection scheme or program because they will*

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<sup>57</sup> United States Department of State, ‘2023 Trafficking in Persons Report: Albania’, June 2023.

<sup>58</sup> Asylos, ‘Albania: Trafficking,’ 2024, p 96

<sup>59</sup> United States Department of State, ‘2023 Trafficking in Persons Report: Albania’, June 2023.

<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

<sup>63</sup> University of Bedfordshire, ‘Vulnerability to human trafficking: A study of Vietnam, Albania, Nigeria and the UK,’ October 2017, p 9 <https://www.antislaverycommissioner.co.uk/media/1263/vulnerability-to-human-trafficking-albania.pdf> This source was cited in previous trafficking CPINs, but is absent from the current trafficking CPIN.

*feel very exposed and not believe that their identities will be kept safe*".<sup>64</sup> Her evidence was that only 2 victims had benefited from the programme in the last 5 years.<sup>65</sup>

31. Further, according to the same source, victims of trafficking lack access to justice. Lawyers reportedly did not have sufficient knowledge of victims' rights; victims were often not provided with necessary legal documents by government; restitution in criminal proceedings is generally rejected and civil suits were dismissed if criminal courts dropped the case or acquitted the defendant. Victims of trafficking seeking restitution through civil suits need to submit fresh testimony, "causing re-traumatization". Only two victims of trafficking have been granted compensation, in cases from 2010 and 2018, but in neither case has compensation been disbursed to the victims.<sup>66</sup>
32. [7.3.20] of the July 2024 trafficking CPIN quotes the European Commission's 2023 report in Albania as stating: "Implementation of the 2021-2023 national action plan on the fight against human trafficking should be supported by adequate funding and better coordination." However, it does not include the important context from the rest of this paragraph:

*"The identification of potential victims remains inadequate within Albanian territory and among vulnerable migrants entering the country and those accommodated in reception centres. Implementation of the 2021-2023 national action plan on the fight against human trafficking should be supported by adequate funding and better coordination. NGO-run shelters remain underfunded. Investigations and prosecutions are not conducted consistently with a focus on the victim. A gender-responsive approach to access to justice for victims should be promoted. Anti-trafficking efforts should increase, in particular by strengthening the capacity of border police to identify and refer to the prosecution service cases of trafficking and by strengthening the child protection system. Successful reintegration remains difficult because the state's core protection, care and social services are insufficient."*<sup>67</sup>

33. Overall, therefore, the evidence paints a picture of widespread corruption and significant deficiencies in the systems of protection. Although some efforts have been made by the Albanian authorities, they fall short of providing adequate protection for those victims who exhibit the *TD and AD* risk factors.

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<sup>64</sup> Asylos, 'Albania: Trafficking,' 2024, p 140

<sup>65</sup> Ibid, p 106

<sup>66</sup> United States Department of State, '2023 Trafficking in Persons Report: Albania', June 2023.

<sup>67</sup> European Commission Albania 2023 Report, p 46 [https://enlargement.ec.europa.eu/system/files/2023-11/SWD\\_2023\\_690%20Albania%20report.pdf](https://enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_690%20Albania%20report.pdf)

34. As the above evidence is contained in sources cited in the actors of protection or trafficking CPINs, it is plainly incumbent on the Home Office to consider it in deciding asylum claims. This evidence is relevant not only to trafficking claims, but to any claim involving fear of a criminal gang, since it goes to the issue of whether a criminal gang would be able to exert influence over the police and state. A failure to take it into account in a refusal letter should be robustly challenged.

***Further evidence not cited in the CPINs***

35. The Home Office has relied heavily on the efforts of the Albanian authorities to fight corruption. However, there are numerous sources not cited in the CPINs which cast serious doubt on the effectiveness of these reforms.

36. The previous CPIN on Actors of Protection (v2.0, 2022) cited a 2015 Immigration and Refugee Board of Canada response. It conspicuously fails to quote other aspects of that report which indicate widespread police corruption and misconduct:

*“Sources state that corruption persists within the ASP (IDM 7 Jan. 2015, 174; US 25 June 2015, 7). Sources report that low salaries for police officers remains a factor influencing corruption in police practices (PECOB 2013; US 8 May 2015, 4), despite the government having increased the ASP's pay rate (ibid., 3). The US Department of State's Country Reports on Human Rights Practices for 2014 states that, in addition to low pay, "poor motivation and leadership," as well as a "lack of diversity in the workforce" exacerbate the issue of police corruption (ibid. 25 June 2015, 6-7). The same source states that there are "widespread reports that police sometimes accepted bribes in return for not issuing citations or not entering personal information into crime databases" (ibid., 19). According to a survey conducted by the Institute for Democracy and Mediation (IDM), an Albanian NGO that works to promote democracy and sustainable development (IDM n.d.), in which 1,100 Albanian nationally-selected respondents over the age of 18 were interviewed, 32 percent of respondents indicated that they had been asked by police to pay a bribe, and 31 percent of respondents indicated that they had paid a bribe to a police officer (ibid. 7 Jan. 2015, 15, 174).*

*According to Freedom House, "[p]olice reportedly engage in abuse of suspects during arrest and interrogation" (2015). In a report published in 2014 on the situation of detained people in Albania, the Albanian Helsinki Committee (AHC), a human rights organization that conducts monitoring on police institutions in Albania, similarly notes that individuals arrested or detained by police have been exposed to psychological and physical violence and that the AHC "is aware of cases of alleged mistreatment and torture" by police (AHC Dec. 2015, 5, 19). After conducting prison visits across Albania from May to December 2014, the AHC noted that the police stations of Berat, Vlora, Saranda, Tropoja, as well as police*

*stations no.1 and no.3 of Tirana were the "most problematic" in terms of problems of alleged violence against respondents during police interrogation (ibid., 19). Country Reports 2014 further reports that there were "occasional instances when police detained persons for questioning for inordinate lengths of time without formally arresting them" (US 25 June 2015, 8). According to the 2015 survey carried out by IDM about police corruption in Albania, 18 percent of public citizen respondents stated that, in their view, police use excessive force "very often" (IDM 7 Jan. 2015, 83, 152)."*<sup>68</sup>

37. The previous Actors of Protection CPIN (v2.0, 2022) quoted a report by the Institute for Democracy and Mediation, an Albanian think tank. However, the quote failed to note that that report contains the results of a survey of the Albanian public about police corruption, which showed that 70% of respondents thought that police corruption was either "very widespread" or "widespread",<sup>69</sup> 89% agreed that "there are corrupt police officers in the State Police",<sup>70</sup> 27% had offered a bribe to the police in the last 12 months, and 34% had been asked to pay a bribe.<sup>71</sup> Of those who had offered a bribe, 85% said that the officer accepted it.<sup>72</sup> This is empirical evidence that corruption is in fact extremely widespread.

38. The Asylos/ARC 2019 report (which, as above, is no longer cited in the July 2024 trafficking CPIN, although it was cited in previous trafficking CPINs) makes clear that corruption and improper influence in the legal system is a major issue:

*"Judges accepts bribes to make decisions against the law because they think it is a chance for them to profit from the situation. They also for personal interests like family relations or people they know, make decisions against the law. The legal system remains the most corrupt in the country and does not seem to be improved even under the so-called reform of the system. [...] There are different forms of bribes I would say. Cash money in big amounts is one, offering land properties, expensive apartments in the capital city, villa and houses at the beach area, expensive vehicles, jewelry, etc. [...] The trafficker -*

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<sup>68</sup> Canada: Immigration and Refugee Board of Canada, Albania: The Albanian State Police (ASP), including its structure and locations; police corruption; police misconduct; procedures to submit a complaint against police and responsiveness to complaints (2011-2015), 15 September 2015 <https://www.refworld.org/docid/560b90284.html>

<sup>69</sup> Institute for Democracy and Mediation, Police Integrity and Corruption in Albania, 2020, p 29 [https://idmalbania.org/wp-content/uploads/2021/11/Police-Integrity-Report\\_3-1.pdf/](https://idmalbania.org/wp-content/uploads/2021/11/Police-Integrity-Report_3-1.pdf/)

<sup>70</sup> Ibid, p 30

<sup>71</sup> Ibid, p 45

<sup>72</sup> Ibid, s 50

*paying under the table lots of money to stop the process - and in this case it is hard to continue with the prosecution.”*

*Source: Professor Dr. Edlira Haxhiymeri, interview record, January 2019*

*“I’ve even had discussions with officials and NGOs who work in Albania about this issue [the implementation gap between legislation and practice] who have acknowledged that there is a history of direct links between officials in Albanian government and police and traffickers. Some people have been prosecuted. Some individuals known to have been involved or had historic involvement, are still in positions of authority in Albania currently. So it’s my viewpoint that this makes it very difficult to have robust response to these issues.*

*Source: Anonymous source 3, interview record, 2019*

*“[...] the only people who get justice are those who have more money and better connections. That means that if you are a vulnerable victim, a really vulnerable trafficking victim, and you’re up against somebody who is a big organized crime boss with lots of money, you have no chance because this person can bribe whomever, and they have the connections too. You are basically excluded from justice, regardless of what is on paper, it happens really subtly. It happens in the way in which certain things are submitted or not, so*

*it’s very difficult to put your hand on where the problem really is because, if you observe, say, a court case, it looks all fabulous, but some of the things may not have been even admitted as evidence or witnesses or what-not. There are also real threats and stuff. So corruption is the big issue of whether somebody can actually have fair access to justice and protection.”*

*Source: Dr Schwandner-Sievers, Bournemouth University, interview record, February 2019*

*“The guy who is directing everything is always outside because he is always in collaboration with the officers or the judge and this is the biggest problem that we have in implementation of the law regarding trafficking. We know big source of money, and they always achieve corrupting the people they want. The impact is they have no hope, no trust in institutions and usually they over accept the fact they are...so they re-enter the world of trafficking or they end up in prison.”*

*Source: Mr Alfred Matoshi, Mary Ward Loreto Foundation, interview record, January 2019*

*“I do think there is an endemic problem with direct relationships between law enforcement and criminal networks in Albania. It comes up so consistently in the accounts of boys and young men that I work with that I find it very hard to believe that that’s not the case.*

*I think it also leads to a culture where boys and young men believe that they cannot rely on or access state support. I think that’s one of the reasons that they leave the country. It also leads to people feeling powerless to escape networks as they see them to be very well connected and they generally don’t believe that*

*relocating to other areas will be enough to prevent them from being at risk again.”*

*Source: James Simmonds-Read, Service Manager at The Children’s Society, interview record, February 2019”<sup>73</sup>*

39. The Asylos/ARC report highlights evidence of police officers and prosecutors taking bribes to botch evidence, dismiss criminal proceedings and create unnecessary delays.<sup>74</sup>

40. The discourse around corruption in Albania is highly politicised:

a. As Giuliana Prato wrote in 2013:

*“In postcommunist Albania, proved cases of corruption and (often unsubstantiated) accusations of corruption have become the means for political opponents to exclude each other from power. Perversely, however, the alleged ‘corruption’ of one party also becomes the raison d’être of the other party.”<sup>75</sup>*

b. This means that the designed effectiveness of measures against corruption is often limited. For example, researcher Blendi Kasjiu noted that Edi Rama’s 2015 anti-corruption strategy had no provisions regarding *“lobbying, state capture, or phenomena such as revolving doors between public and private sectors”*.<sup>76</sup> The prosecution and trial of corruption cases are still fraught with political interference despite the long and slow process of judicial reform, according to Transparency International in 2021, with *“a culture and a practice of impunity or soft sentencing when it comes to the level of punishment of grand corruption in Albania”*.<sup>77</sup> That report goes on to state: *“The last decade has seen a strengthening of the partnership between politics, business and organised crime which has reached its zenith in the last few years... The cooperation between political parties, public officials and organised criminal groups for the purchasing of votes in local and general elections in exchange for favoured access to public*

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<sup>73</sup> Asylos and Asylum Research Centre, ‘Albania: Trafficked boys and young men,’ May 2019, pp 83-84

<sup>74</sup> Ibid, p 87.

<sup>75</sup> Giuliana Prato, ‘Corruption between Public and Private Moralities: The Albanian Case in a Comparative Perspective’, *Human Affairs*, vol. 23 (2013), 196-211, p 200 <https://www.anthrojournal-urbanities.com/wp-content/uploads/2017/05/9-Giuliana-B.-Prato.pdf>

<sup>76</sup> Blendi Kasjiu, ‘The Ideological Malleability of Corruption: A Comparative Analysis of Official Corruption Discourses in Albania and Colombia, 2010-2017’, *South East Europe*, Vol. 66, No. 3 (2018), 299-324, p 308

[https://www.researchgate.net/publication/327601060\\_The\\_Ideological\\_Malleability\\_of\\_Corruption\\_A\\_Comparative\\_Analysis\\_of\\_Official\\_Corruption\\_Discourses\\_in\\_Albania\\_and\\_Colombia\\_2010-2017](https://www.researchgate.net/publication/327601060_The_Ideological_Malleability_of_Corruption_A_Comparative_Analysis_of_Official_Corruption_Discourses_in_Albania_and_Colombia_2010-2017)

<sup>77</sup> Transparency International, *Deconstructing State Capture in Albania* (2021), p 15

[https://idmalbania.org/wp-content/uploads/2021/11/2021\\_Report\\_DeconstructingStateCaptureAlbania\\_English.pdf](https://idmalbania.org/wp-content/uploads/2021/11/2021_Report_DeconstructingStateCaptureAlbania_English.pdf)

*institutions has severely crippled the integrity of the electoral process.”<sup>78</sup> This would seem to justify considerable scepticism when considering claims from the Albanian government regarding the reduction of corruption during the premiership of Edi Rama.*

41. This politicisation means that gestures towards reducing corruption in law enforcement are frequently disruptive and ineffective:

a. Researcher Stephan Hensell described in 2012 how the politicisation of police impacted its functioning:

*“The recruitment of the police in Albania was determined by dynamics in the political field. Here, the competition between the two largest parties, the Democratic Party of Albania (Partia Demokratike e Shqipërisë, PD) and the Socialist Party of Albania (Partia Socialiste e Shqipërisë, PS), which had alternately formed the government since 1992, played a decisive role. Both parties regarded all positions in the administration as domains over which they could dispose freely and practised job patronage among their party members as well as relatives and friends of members of the political elite.*

*“Thus, with a change of government, shifts in the architecture of clientelistic networks resulted, which entailed a change of personnel in the public sector and in the administration. Because the client chains reached deeply into the apparatus, such shifts often took on the dimensions of an outright cleansing campaign. Hence, the Interior Ministry also predominantly followed the logic of party patronage. Changing governments always had a direct impact on the police apparatus and involved new appointments, transfers and dismissals of personnel ... The result was an extremely limited continuity of personnel. Constant transfers and dismissals caused the perpetual rotation of personnel.”<sup>79</sup>*

b. This rotation of staff and political interference in the functioning of the Albanian State Police continues to take place. Former Albanian State Police Commissioner Munyr Muça said in 2023 that *“How many bosses and directors [of police] are incriminated and with files! They have bars, luxury cars and imagine me or many police officers like us, who are honest, we have no bread to eat”*. He alleged that there was interference in the selection of Chief Commissioners in 2018. Investigative Network Albania understood this to be part of a process of political interference with the appointment of chief commissioners and directors of

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<sup>78</sup> Ibid, p 34

<sup>79</sup> Stephan Hensell, ‘The Patrimonial Logic of the Police in Eastern Europe’, *Europe-Asia Studies*, Vol. 64, No. 5 (2012), 811-833, pp. 818-820.



police. Another senior police officer, Emiliano Nuhu, described how he “*escaped and sought asylum under conditions of real danger. After recording the denunciation of Xisiela Maluku against Rexhep Rraja (son of the former deputy of the SP, Rrahman Rraja), he was convinced that some of his colleagues were recording the reports and were not on the side of the citizens. Nuhu claims that the whistleblower was threatened in the office of one of the officers and the same thing happened to him.*” In addition, “*the annual reports, studied by INA MEDIA, show that every year an average of 350 to 400 officers are released from duty, who are replaced by the annual and growing number of student recruits*”, with only 9,632 police officers of a nominal 10,599 on duty. There were three restructurings of the State Police between February 2018 and October 2021 alone (during the period Ardi Veliu was Director).<sup>80</sup> These disruptions have a severe impact on operational efficiency of the Albanian police. INA also highlighted police officers’ concerns over leaks of sensitive data.<sup>81</sup>

42. Notably, Investigative Network Albania also reported in 2023 that data from the State Police’s Total Information Management System (TIMS) had been illegally copied, after Ervin Muca, a man already under investigation for “*the scandal of publishing salary data of Albanian citizens,*” had been appointed by the Minister of the Interior as Director of the IT Department in the State Police, bypassing and violating various laws governing appointments to this position.<sup>82</sup>

43. Similarly, the new vetting process introduced for the Albanian judiciary has been of doubtful effectiveness:

- a. The vetting process has progressed slowly, creating a crisis in access to justice. The Supreme Court alone had a backlog of over 30,000 cases which have been waiting for years to be heard, according to Transparency International in 2021.<sup>83</sup>
- b. Close family members (e.g. children, spouses) of judges and prosecutors who resigned before the vetting process could conclude, or were found guilty of corruption offenses, have not been prevented from being accepted into the School of Magistrates (training at which is part of the process of being appointed

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<sup>80</sup> Investigative Network Albania, ‘The State Police, in 10 Years: Debts, Betrayals, Confessions and Documents’, 15 July 2023 <https://ina.media/en/2023/07/15/policia-e-shtetit-ne-10-vjet-borxhe-tradhti-rrefime-dhe-dokumente/>

<sup>81</sup> Ibid.

<sup>82</sup> Investigative Network Albania, ‘How illegal appointments resulted in the breach of the TIMS system,’ 30 December 2023 <https://ina.media/en/2023/12/30/si-u-shkelen-ligjet-per-emerimet-qe-rezultuan-ne-thyerjen-e-sistemit-tims/>

<sup>83</sup> Transparency International, *Deconstructing State Capture in Albania* (2021), p. 8.

as a judge in Albania). A judge and prosecutor who pre-emptively resigned rather than undergo vetting have been appointed as lecturers at this institution.<sup>84</sup>

- c. Bribery continues among the judiciary, with a district judge found in 2019 to have accepted a bribe and asked for sexual favours from a party in a case he was administering, and only being dismissed from his position two years later.<sup>85</sup>

44. The 2024 United States Department of State Trafficking in Persons Report states that *“The government decreased some law enforcement efforts”* and goes on to state:

*“Courts did not convict any traffickers for the second consecutive year, compared with 11 convictions in 2021. In past years, judges sentenced some traffickers to lenient sentences, such as probation, which undercut efforts to hold traffickers accountable, weakened deterrence, created potential security and safety concerns for victims, and was not equivalent to the graveness of the crime. The government did not report any new investigations, prosecutions, or convictions of government employees complicit in human trafficking crimes; however, corruption and official complicity in trafficking crimes remained concerns.”<sup>86</sup>*

45. State protection against trafficking is undermined by several factors:

- a. There is evidence of law enforcement being complicit in border crime rings. Despite the structural factors listed above that strongly discourage serious criminal investigations of human trafficking, arrests of border guards were made in September 2018.<sup>87</sup> Two prosecutors, including one who headed anti-trafficking operations, were arrested in July 2021 by a joint Albanian-Italian task force

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<sup>84</sup> Investigative Network Albania, ‘Family members of dismissed judges and prosecutors replace them in the justice system, magistrates who resigned not to undergo the vetting process, appointed as educators for future generations’, 10 January 2024. <https://ina.media/en/2024/01/10/familjaret-e-gjyqtareve-dhe-te-prokuroreve-te-shkarkuar-zene-vendin-e-tyre-ne-sistemin-e-drejtise-te-dorehequrit-gjate-vetingut-pedagoge-te-magjistrateve-te-rinj/>

<sup>85</sup> ‘Took bribes and asked for sexual favours, HJC fires Fier judge’, *Politiko*, 11 October 2021.

<https://politiko.al/english/e-tjera/mori-ryshfet-dhe-kerkoi-favore-uale-klgj-shkarkon-nga-detyra-gjyqtar-i445351>

<sup>86</sup> United States Department of State, ‘2024 Trafficking in Persons Report’, 2024

<https://www.state.gov/reports/2024-trafficking-in-persons-report/albania/>

<sup>87</sup> ‘Police arrest two Rinas border police officers, part of human trafficking ring’, *Tirana Times*, 30 September 2018. <https://www.tiranatimes.com/?p=138675>

investigating massive international money laundering, corruption and drug crimes.<sup>88</sup>

- b. Convicted traffickers are able to reoffend, such as a man arrested in Tirana in December 2023 for trafficking despite having a previous criminal offence for that same crime.<sup>89</sup>
- c. In the words of one trafficking victim speaking to a researcher in 2016: *“Those trials were...come and go every time the government changed, the chief of the police was changed...We got really frustrated...ten years following the court...Tension ...The psychological tension was big...Such a psychological pressure. The guy, after ten years after changes of government and so on, he got the decision of court for seven years in prison, but it was never served”*.<sup>90</sup> This suggests that political disruption to the police (as discussed above) can cause disruption to the prosecution of trafficking cases, putting victims at risk of re-traumatisation and harm from their traffickers.
- d. Due to the risk of re-traumatisation and low rates of prosecution, *“it is the practice of shelter staff interviewed throughout the countries studied [including Albania] to not ask anything about the past, and only work with what the women themselves decide to share”*. This makes it harder to identify potential victims of trafficking and prosecute traffickers.<sup>91</sup>
- e. The State Department’s report of poor training among prosecutors<sup>92</sup> is especially concerning since, in the words of Meshkovska et al., *“The initial contacts with the*

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<sup>88</sup> ‘Prosecutors, police and public officials involved / Criminal trafficking and corruption network hit, 38 arrested’, *Politiko*, 2 July 2021. <https://politiko.al/english/e-tjera/te-perfshire-prokurore-police-dhe-zyrtare-publike-goditet-rrjeti-ina-i439028>; ‘International operation / Prosecutor Maksim Sota arrested, head of anti-trafficking department and two others’, *Politiko*, 2 July 2021. <https://politiko.al/english/e-tjera/operacioni-nderkombetar-arrestohet-prokurori-maksim-sota-shefi-i-i-sekto-i439029>

<sup>89</sup> Kristo Kote, ‘Man arrested on human trafficking charges’, *Albanian Daily News*, 17 December 2023. <https://albaniandailynews.com/news/tirana-young-man-arrested-on-human-trafficking-charges--1>

<sup>90</sup> Biljana Meshkovska, Nikola Mickovski, Arjan E R Bos, Melissa Siegel, ‘Trafficking of Women for Sexual Exploitation in Europe: Prosecution, trials and their impact’, *Anti-Trafficking Review*, no. 6 (2016), 71-90, p. 73. <https://antitraffickingreview.org/index.php/atrjournal/issue/view/14>

<sup>91</sup> *Ibid*, p. 74.

<sup>92</sup> United States Department of State, ‘2024 Trafficking in Persons Report’, 2024: *“GRETA, prosecutors, and other observers reported ASP and district prosecutors did not have the specialized experience and capacity to investigate and prosecute trafficking cases. GRETA, OSCE, and other observers reported authorities conflated overlapping elements of “exploitation of prostitution” and sex trafficking and, at times, used the charge with a lesser burden of proof, also resulting in lesser penalties, because it required less specialization and time or because of the false belief that trafficking crimes required a transnational element. Similarly, some authorities prosecuted*

*victim after identification are crucial. It is in these times of fear and low trust that those in touch with the victim must take special care to assure victims that they are not to be blamed for what happened, that they are the ones whose rights have been violated". Their 2016 interviews with victims of trafficking and service providers paint a similar picture, suggesting that judges and prosecutors "say that they are independent. So they are a little bit cold about the victims ... According to the shelter coordinator, a possible reason for this behaviour could be persistent misunderstanding about what trafficking is, as well as what the victims have gone through".<sup>93</sup>*

- f. When both the traffickers and the victims are from the same local area, the family of the traffickers may be able to apply pressure to the victim. As one Albanian trafficking victim stated: *"His family came, and they put pressure on her, offered her money in order to withdraw the report, but how can she withdraw the report, otherwise she could be punished by the law so you know, it was a real war.... We were obsessed. When somebody was coming and knocked at the door, policeman or the policeman of the periphery.... We were obsessed. That is why I said, let's move from here, because we will die".<sup>94</sup>*
- g. A trafficking victim reported being required to pay *"in advance 5% of this amount requested to the government"* to file a civil compensation claim against a trafficker.<sup>95</sup>

46. In relation to the reticence of some sources to discuss corruption openly, it should be noted that self-censorship is widespread in Albania.<sup>96</sup>

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*defendants with "disgraceful acts against minors," "sexual harassment," or "sexual intercourse with violence" instead of trafficking. Limited personnel and financial resources and reports of constant turnover of law enforcement created additional obstacles in maintaining capacity to investigate trafficking, including a lack of resources to investigate organized crime cases and/or cases facilitated by virtual means."*

<sup>93</sup> Biljana Meshkovska, Nikola Mickovski, Arjan E R Bos , Melissa Siegel, 'Trafficking of Women for Sexual Exploitation in Europe: Prosecution, trials and their impact', *Anti-Trafficking Review*, no. 6 (2016), 71-90, p. 75.

<sup>94</sup> *Ibid*, p. 77.

<sup>95</sup> *Ibid*, p. 78.

<sup>96</sup> A 2015 study by Balkan Investigative Reporting Network (BIRN) found that self-censorship among Albanian journalists was widespread, and that organised crime was one of the topics where self-censorship was prevalent: BIRN, 'A Blind Eye on News: Self-Censorship in the Albanian Media,' 2015 <https://birn.eu.com/wp-content/uploads/2017/05/Report-on-self-censorship-in-the-Albanian-media.pdf> It would not be surprising to see similar self-censorship among representatives of NGOs which work closely with the Albanian State.

47. Overall, therefore, the evidence suggests that there continue to be serious weaknesses in the protection provided by the Albanian state against trafficking and organised crime.

### ***The decision in AD v Sweden***

48. The European Court of Human Rights decision in *AD and others v Sweden*, application no 22283/21, 7 May 2024 is sometimes cited by the Home Office in support of the contention that there is a sufficiency of protection in Albania. For the avoidance of doubt, nothing in that case undermines the analysis above, for the following reasons:

- a. First, the findings of fact in that case do not bind the Home Office or the First-tier or Upper Tribunals. It is not the function of the Strasbourg Court to give Country Guidance. As the UT held in *AMM and others (conflict; humanitarian crisis; returnees; FGM) Somalia CG* [2011] UKUT 00445 (IAC) at [122], “*whilst the Strasbourg Court’s guidance as to the general approach to evidence is part of its jurisprudence, to be followed by United Kingdom courts and tribunals to the extent demanded by the House of Lords and Supreme Court authorities, the weighing of the evidence and the conclusions as to the relative weight to be placed on the items of evidence are ultimately matters for the tribunal. Whilst the factual finding the Strasbourg Court has made as a result of applying its own guidance is something to which the domestic tribunal must have regard, the tribunal is not bound to reach the same finding.*”
- b. Second, the evidence considered by the Strasbourg Court at [39]-[44] is much more limited than that considered in this paper.
- c. Third, the policy element of the actors of protection CPIN was clearly treated by the Strasbourg Court as a source of evidence in its own right ([42]). There was no analysis of the sources on which that policy assessment was based. It is not open to the First-tier or Upper Tribunal to adopt a similar approach. As is clear from *Roba supra* at [84]-[85], CPINs are not themselves evidence, although the country information element (as opposed to the policy element) can be a secondary or tertiary source of evidence. Taking the policy element of the CPIN as evidence in its own right, while not engaging with the underlying sources in that CPIN, is therefore an erroneous approach in UK law. It has been explained above why the sources in that CPIN do not in fact support the Home Office’s assessment.
- d. Fourth, even if *AD* is right, it is distinguishable from cases of trafficking. *AD* was not a trafficking case, it does not address risks of re-trafficking or protection against trafficking, and it does not compel departure from the carefully reasoned and comprehensive findings in *TD and AD*.

## The Home Office says my client would benefit from shelters/reintegration assistance

### **Evidence in the CPINs**

49. The sources contained in the July 2024 trafficking CPIN also give serious cause for concern about the effectiveness of the reintegration assistance offered to trafficking victims. Again, a failure to consider this evidence in a refusal letter should be robustly challenged.
50. Critically, the support provided by the Government for victims of trafficking is inadequate to meet their basic needs. Multiple sources in the Home Office FFM report state that the financial support provided by the Government is only ALL 9,000 (around EUR 80) per month and that this amount is not enough to live on.<sup>97</sup> UNICEF states that, although there is housing support in some municipalities, it has stagnated and in some cases support is not being implemented.<sup>98</sup> Similarly, a UNICEF report cited in the CPIN notes that, in relation to the ALL 9,000 per month in economic assistance, *“few survivors are accessing this economic assistance. The main reasons are that applying for economic assistance is time-consuming, the amount of such assistance is low, and the survivors may face discrimination from frontline professionals when applying for assistance.”*<sup>99</sup>
51. Shelter capacity is detailed at [11.2.1]-[11.2.4] of the CPIN. There are three shelters for women and children: Different and Equal, which has space for 15 women and 3 children; Tjeter Vizion, which has space for 9 girls and 9 boys; and Vatra, which has space for 12 women with their children and 20 girls. There are no shelters for adult men, but Different and Equal has capacity to support 25 men and boys in accommodation outside the shelter, and Vatra has capacity to support 5 men. Notably, [11.2.12] of the CPIN quotes the CEDAW Committee referring to *“the lack of adequately funded inclusive and accessible shelters for victims of trafficking,”* and [11.2.13] quotes the European Commission stating that *“NGO-run shelters remain underfunded”*.
52. Although accommodation is available for a small number of trafficking victims, as above, that does not mean that the available services actually provide adequate protection against re-trafficking for vulnerable victims who display the *TD and AD* risk factors.

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<sup>97</sup> Home Office, ‘Report of a fact-finding mission: Albania: Human trafficking,’ December 2022, pp 18 and 64; see also p 11 where UNICEF confirms that the support provided ‘is only \$90 USD a month and does not even cover basic living costs’, and p 22 where the OSCE confirms that ‘government support is very low’.

<sup>98</sup> Ibid, p 11.

<sup>99</sup> Deanna Davy, Economic reintegration of trafficking survivors in Albania, UNICEF, July 2022, p 11 <https://www.unicef.org/albania/media/5356/file/Economic%20reintegration%20of%20trafficking%20survivors%20in%20Albania.pdf>

Different and Equal told the FFM team that trafficking survivors with mental health problems are at high risk of re-trafficking:

*“Q. Those who have left the service, what might increase their risk of being re-trafficked?”*

*A. If their stay in the shelter was short, the risk is higher. To recover from trauma needs a long time. The risk is very high. And cases with mental health issues, they are at high risk. Sometimes we have cases where we could not find a solution in the system so we supported them for a long time, so it’s not easy.”<sup>100</sup>*

53. Terre des Hommes, another implementing partner for the UNICEF programme, told the FFM team:

*“Q. Are there any barriers to long term reintegration?”*

*A. Yes there are. Because although we claim that we have a well-developed national referral mechanism (NRM) with the responsible authority at the centre to manage assessment of VOT adults and children, and rights and protection of children, in real terms all of the work is actually done by the NGOs. The state claim they have a case management system in place, they do not, they have a case management approach but it is not systemised as it should be. Long term integration happens at a community level, not at the shelter, it has to happen in the community. Some types of service are not available or accessible. Sometimes they don’t exist at all...*

*Q. Albania has a framework for reintegration but are there budget concerns?*

*A. Albania has a developed framework. NGOs know about case management and long term integration, there are hundreds of manuals. But do the state institutions know? They just ask the NGOs to do the job and take the credit. I have been implementing regional protection for the last 5 years and now writing a proposal. Right now looking at the reality of Balkan counties and compared to other countries, the government of Albania is doing better, but of course it’s never enough.*

*It’s not even half of the funding that is needed for reintegration. So they may do better than neighbouring countries, but they barely reaching half of the financing.”<sup>101</sup>*

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<sup>100</sup> Home Office, ‘Report of a fact-finding mission: Albania: Human trafficking,’ December 2022, p 20.

<sup>101</sup> Ibid, p 92.

54. A study conducted by Deanna Davy for UNICEF on economic reintegration of trafficking survivors evaluated the effectiveness of reintegration support. It found:

*“At the society level, a key challenge for survivors in accessing decent employment is that there are few decent work opportunities for survivors in Albania. The unemployment rate in Albania is increasing, and is particularly high among young people. Prior to the COVID-19 pandemic, the rate had been steadily decreasing. However, it is thought that the pandemic reversed any gains. The recent literature highlights that, in a climate of increasing unemployment, trafficking survivors’ chances of finding gainful employment are small. The chances of such a person finding employment cannot be expected to be higher than for other unemployed people, which are very low anyway...”*

*Another individual-level factor is that some survivors suffer ongoing trauma, which reduces their ability to maintain employment...*

*Another key challenge at the community level for survivors in sustaining employment is the one of stigma. Both survivors and key informants reported that a survivor may mention to a colleague that they have been trafficked, leading to the survivor being stigmatised by their colleagues and feeling so discriminated against that they are forced to quit their new job...*

*At the society level, a key challenge in sustaining employment is that, in some cases, the pay is too small for the survivors to pay their rent and other essentials. This appears to be problematic in cities such as Tirana where rent is the highest in Albania. Consequently, survivors may quit their new job to pursue other training and employment opportunities.*

*Also at this level, interviews conducted for the present study identified that not all survivors find employment after registering with [the National Agency for Employment and Skills]. Many wait for a long time after submitting their application for employment support through the agency, and may wait many more months before being offered work. This finding also aligns with the literature where scholars argue that while unemployed trafficking survivors have the right to register as jobseekers at NAES, the service is a time-consuming and demotivating process for trafficking survivors, who often wait many months to find a job, leading to financial instability and reversing any mental health gains.*



*This study identified that as a result of the long NAES waiting times, many survivors opt to find employment through word of mouth or other channels.”<sup>102</sup>*

55. In relation to support with starting a business, the study found:

*“There are, however, also many challenges facing survivors starting and maintaining their own business, including, but certainly not limited to survivors’ lack of business nous, lack of start-up capital, business competition, and discrimination. Many of these challenges are at individual, community and society levels.*

*At the individual level, despite the business management and other training that survivors receive prior to starting their own business, the first few weeks of a new business can be very daunting...*

*Also at the community level, a key challenge for survivors who want to start their own business is lack of start-up capital. When a business can be run from home, the survivor only requires a small amount of capital to purchase equipment and materials. However, survivors may not have the money to purchase even these items. For those who need to rent an office or other space in which to conduct their business, more start-up capital is required. Lack of capital is particularly problematic for survivors who wish to live and run their business in major cities such as Tirana, where rent and other costs are higher...*

*At the society level, a challenge for survivors starting their own business is competition. Despite market assessments being undertaken, after starting a business, the survivor may face stiff competition and few customers. Furthermore, even for businesses with some customers, the income generated may not be enough to sustain them...*

*The study identified that some of the self-employment challenges are unique to trafficking survivors. For example, the survivors cannot conduct a business from home where customers (strangers) come to the house for business purposes. While running a hairdressing or nail technical business from home might appear straightforward, having strangers entering their home might create worries for safety and security...*

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<sup>102</sup> Deanna Davy, Economic reintegration of trafficking survivors in Albania, UNICEF, July 2022, pp 36-37 <https://www.unicef.org/albania/reports/economic-reintegration-trafficking-survivors-albania>

*Trafficking survivors are also unique in that they are unable to take out loans as easily as other individuals. They may have been deceived into exploitative labour previously because of an artificial debt or be aware that taking on a loan might make them vulnerable to exploitative employment in order to service the loan. Thus, if a survivor's business is failing, they would normally consider alternative income generation that does not involve borrowing money from banks or individuals."*<sup>103</sup>

56. Similarly, Klea Ramaj's study found:

*"Vocational training helped victims develop skills in cooking, tailoring, babysitting, hairdressing, or coffee machine repairing. Nevertheless, the income generated in these sectors is equal to Albania's minimum wage, which, as argued by most interviewees, is insufficient to cover basic living costs without external support. Ergo, the economic situation for trafficking victims not accommodated or financially supported by their families after leaving the shelter was particularly challenging...*

*Besides limited financial resources and pragmatic obstacles, long-term reintegration was negatively influenced by a lack of economic sustainability and exploitative working conditions. Most practitioners stipulated that for trafficking victims, building a healthy lifestyle was highly associated with financial steadiness. Nevertheless, employment was often unstable due to factors related to the employers' unwillingness to support victims' professional development or to the sporadic nature of the private businesses in which victims would find employment. According to the interviewees, trafficking victims were mainly employed as manual workers in sweatshops with poor working conditions: "Victims work unreasonable hours for a low wage and often have no rights to paid holidays. In some cases, victims were fired because they had to skip a day from work due to illness" (SW2). Such adverse working conditions coupled with the victims' trauma and existent low self-esteem further discouraged and demotivated them. Therefore, the victims' experiences in the Albanian job market can be considered as a form of secondary victimization...*

*...most professionals stated that escaping miserable economic conditions was the primary reason for re-trafficking: "Accommodation and employment are crucial.*

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<sup>103</sup> Ibid, pp 40-42

*If victims don't have enough financial resources, if they don't have a place where to sleep, in a short time they will re-fall prey to traffickers" ..."*<sup>104</sup>

57. Even if a victim is able to find work, they may not make enough money to live on. The Mary Ward Loreto Foundation told the FFM team that the minimum wage is ALL 33,000 (EUR 300) while the cheapest rent is EUR 200 to 250 per month, making it *"almost impossible to live... moving into starvation level really."* The Foundation adds that *"...that is for people in good jobs working in call centres. Call centres are the biggest employers for the youth. Wages in factories are even less – in sweat shops you earn 150 euro a month. But there is no alternative. And in the south they are not even declaring employees so they are not protected and recruited on the black market."*<sup>105</sup> Ramaj similarly states: *"long-term reintegration was negatively influenced by a lack of economic sustainability and exploitative working conditions... trafficking victims were mainly employed as manual workers in sweatshops with poor working conditions"*.<sup>106</sup>

58. Further evidence suggests that victims of trafficking do not receive sufficient state aid. According to the US Department of State's 2023 Trafficking in Persons report, only 10 trafficking victims were enrolled during the year onto a direct economic assistance programme that provides ALL 9,000 (96.36 USD at the time of writing) per month.<sup>107</sup> This amount is not enough to live on: Ana Majko of NISMA ARSIS described it to Asylos as *"nothing"* and said *"it's quite impossible to live"* on this amount.<sup>108</sup> Anxhela Bruci of Arise Albania similarly said *"a victim of human trafficking is entitled to 9000 lek per month, which is, I think, £70 pounds per month, where the cost of surviving in Albania at the moment would be around £350. And we do see that the support being available from these social protection systems is not very effective to protect actual victims of human trafficking"*.<sup>109</sup> This is significant because, as multiple interlocutors told Asylos, unemployment and poverty are key risk factors for trafficking<sup>110</sup> and re-trafficking.<sup>111</sup>

59. As Anxhela Bruci of Arise Albania, an anti-trafficking organisation, told Asylos in 2024: *"I have noticed, based on my experience working with survivors that economic*

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<sup>104</sup> Klea Ramaj (2021) The Aftermath of Human Trafficking: Exploring the Albanian Victims' Return, Rehabilitation, and Reintegration Challenges, Journal of Human Trafficking, *Journal of Human Trafficking*, 7 May 2021

<sup>105</sup> Home Office, 'Report of a fact-finding mission: Albania: Human trafficking,' December 2022, p 96.

<sup>106</sup> Klea Ramaj (2021) The Aftermath of Human Trafficking: Exploring the Albanian Victims' Return, Rehabilitation, and Reintegration Challenges, Journal of Human Trafficking, *Journal of Human Trafficking*, 7 May 2021

<sup>107</sup> United States Department of State, '2023 Trafficking in Persons Report: Albania', June 2023

<sup>108</sup> Asylos, 'Albania: Trafficking,' 2024, p 223

<sup>109</sup> Ibid, p 224

<sup>110</sup> Ibid, pp 46-48

<sup>111</sup> Ibid, pp 158-160

*reintegration is not effective. I haven't seen a high effectiveness in economic reintegration. And this is not because the willingness lacks from the perspective of NGOs, but it's the current conditions in the labour market in Albania and the weak social protection support that victims receive from the state, which makes the economic reintegration process of survivors challenging,*"<sup>112</sup> Similarly, as Anta Brachou said, *"Whatever services are there, very small organization with very little resources, they are doing great work; but what happens once they leave those services is the problem because we don't have a welfare system as in the UK."*<sup>113</sup>

60. Different and Equal, which provides reintegration services, admitted that *"Treatment and referral of beneficiaries with mental health problems is still an issue that creates lots of difficulties. The challenge is the lack of alternatives for long term accommodation and care for the VoT with serious mental health problems due to the gaps in the system."*<sup>114</sup>

61. Multiple interviewees in the Asylos report described high rates of youth unemployment in Albania.<sup>115</sup> As stated above, even if a victim is able to find work, they may not be able to support themselves financially. Klea Ramaj told Asylos, *"vocational training helped victims develop skills in cooking, tailoring, babysitting, hairdressing, or coffee machine repairing. Nevertheless, the income generated in these sectors is equal to Albania's minimum wage, which, according to most practitioners, is insufficient to cover basic living costs without external support. Ergo, the economic situation for trafficking victims who were not accommodated or financially supported by their families after leaving the shelter was particularly challenging: "Let's make a quick calculation. The salary of someone who has finished a professional training course is €200. The rent of an apartment is at the minimum €150. How are victims supposed to feed themselves with €50 per month?"... The cost of living in Albania is much higher when compared to what one earns through a minimal wage."*<sup>116</sup>

62. Although Anxhela Bruci of Arise Albania told Asylos that trafficking survivors can access up to a year's rental assistance from the municipality, she explained that a number of official documents must be provided for this application and that it also costs money to get the documents notarised.<sup>117</sup> A beneficiary of this assistance told Asylos *"regarding the bonus for the rent I receive from the municipality, they are not correct with the payments, sometimes they do not transfer money in time, and sometimes they do not transfer the exact amount. This is a big challenge because you don't feel economically*

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<sup>112</sup> Ibid, p 187

<sup>113</sup> Ibid, p 232

<sup>114</sup> Asylos, 'Albania: Trafficking,' 2024, Annexes, p 20

<sup>115</sup> Ibid, pp 42, 58, 75, 106, 139

<sup>116</sup> Ibid, p 58

<sup>117</sup> Asylos, 'Albania: Trafficking,' 2024, pp 197-198

*secure and you will have problems with the owner of the property. [...] Another difficulty is finding someone that agrees to make an official contract for the rent of the apartment. You must have someone you know to help you with this part.*<sup>118</sup> The latter comment might imply that landlords may expect victims to provide a guarantor before renting an apartment to them.<sup>119</sup> Vatra Psycho-Social Center also told Asylos that there was *“a lack of financial resources and services for the reintegration of victims,”* that there are *“a lot of criteria... and a lot of administrative documents”* to access housing assistance, and that *“it is not always granted”*.<sup>120</sup> They went on to say *“it is very difficult to benefit by this housing scheme”*.<sup>121</sup>

63. Further evidence of the difficulty of economic reintegration is provided by [12.1.22] of the July 2024 CPIN, which quotes the European Commission saying *“Successful reintegration remains difficult because the state’s core protection, care and social services are insufficient”*.

64. [7.3.4] to [7.3.12] of the July 2024 CPIN consists of new material, which was not in the previous March 2024 CPIN, characterising the UK Home Office-funded UNICEF-led programme, *“Transforming National Response to Human Trafficking in and from Albania”*:

- a. The CPIN quotes (at [7.3.9]-[7.3.11]) UNICEF’s evaluation of this project. However, when quoting that *“[respondents] scored the programme 8.9 on a 10-point scale where 1 was unimportant and 10, very important”*, this lacked the context that no actual beneficiaries were among the respondents. Instead, the evaluation sought to elicit the experiences of beneficiaries by surveying field workers and service providers,<sup>122</sup> both of whom may reasonably be expected to stress the importance of a programme which supported their funding and employment.
- b. In addition, the programme only primarily operated in four counties of Albania (Dibër, Kukës, Shkodër and Tiranë) and the respondents came from these

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<sup>118</sup> Ibid, p 220

<sup>119</sup> Different and Equal stated in response to a follow-up question: *“Referring to this, the official notarized contract is required to complete the documents to benefit from the lease bonus (one of the municipality’s housing programs). Many apartment owners do not want to make this contract for various reasons, and for this reason the beneficiaries encounter difficulties in completing the documents to benefit from the housing programs in the municipality where they live. During this period the rent of the apartment is paid by the organization (D&E).”* Asylos, ‘Albania: Trafficking’, 2024, Annexes, p 27.

<sup>120</sup> Asylos, ‘Albania: Trafficking,’ 2024, p 221

<sup>121</sup> Ibid, p 222

<sup>122</sup> UNICEF, ‘Evaluation of the Programme on Transforming the National Response to Human Trafficking in and from Albania, 2019–2022,’ November 2022, pp 25-26  
<https://www.unicef.org/albania/reports/2022-human-trafficking-evaluation>

counties. Three additional counties, Elbasan, Korçë and Vlorë, also benefited from the programme, but were not the main focus of its activities.<sup>123</sup>

- c. At [7.3.8], it is stated that “23,910 beneficiaries have received services” as a result of the programme. However, this figure does not break down how many beneficiaries received each type of service. UNICEF’s January 2024 Programme Brief (which is not itself cited in the CPIN) confirms that in 2023, the programme provided 3,345 people with “messages on human trafficking prevention” and 805 with “a life skill development programme”, but only 69 potential victims of trafficking have been identified, and only 306 have received additional support services not provided by existing community, municipal or emergency services. The programme did, however, connect 908 at-risk people with social and community services, and 801 with the emergency services.<sup>124</sup> However, the quoting of an overall figure undifferentiated by the service received creates a misleading impression that many more victims of trafficking or those at risk of trafficking are receiving additional kinds of support from the programme than they are. Self-evidently, “messages on human trafficking prevention” are unlikely, in isolation, to provide adequate protection to the most vulnerable victims.
- d. The project evaluation acknowledges, in a passage not quoted in the CPIN:

*“The Programme faced various challenges and barriers to effectiveness. For one, it was difficult to get regional and municipal authorities from different sectors to cooperate, coordinate and collaborate to meet the needs of PV/VoTs and their families. In each of the project counties, challenges faced included lack of trust and disagreements among agencies, fragmentation and work undertaken in silos, different expectations at different levels of government and across agencies and organizations, coordination and collaboration at a low priority, absence of consensus, highly centralized and bureaucratic structure of government entities, lack of sufficient resources to combat human trafficking, ineffective leadership, and high staff turnover.*

*For these reasons, municipalities were unable to deliver a comprehensive package of essential services to PV/VoTs and at-risk families and children to address their multiple deprivations and needs.”<sup>125</sup>*

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<sup>123</sup> Ibid, p iv

<sup>124</sup> UNICEF, ‘Transforming National Response to Human Trafficking in and from Albania – Programme Brief’, January 2024

<sup>125</sup> UNICEF, ‘Evaluation of the Programme on Transforming the National Response to Human Trafficking in and from Albania, 2019–2022,’ November 2022, pp vi-vii. See also pp 43-45 where these points are expanded upon.

- e. The project evaluation makes note of its limitations, which has not been noted by the CPIN:

*“It is notable, however, that there are service provision gaps that remain at the municipal level that the Programme has not addressed. Some of these gaps are reflected in the challenges or barriers that women face when it comes to securing and maintaining employment, particularly in rural and remote areas. These challenges or barriers include lack of transportation, day-care and kindergarten services, appropriate working time schedules for women with children, and services for the elderly, for whom women are often responsible for caring within the family. Some women leave their jobs because they have to take care of their children or elderly relatives.”<sup>126</sup>*

- f. The evaluation went on to acknowledge that municipal stakeholders *“understood that a three-year programme cannot fully address the root causes of such trafficking that include poverty, unemployment and low levels of development and education, which are pervasive in the target counties.”<sup>127</sup>* Again, this passage is not quoted in the CPIN.

- g. In addition, the evaluation acknowledges that the number of people employed by the programme has *“not been that high”*:

*“To date, although the number of people employed by the Programme has not been that high, it is a beginning and people are gaining employment skills, and youth are provided with 21<sup>st</sup> century skills. UNICEF identified this as one of the biggest lessons learned from the Programme”.*<sup>128</sup> This is quoted at [12.4.9]. The evidence, therefore, does not suggest that the programme has been successful in overcoming the major barriers, detailed above, to trafficking victims finding secure and adequately paid employment.

- h. Consistently with other evidence, the evaluation acknowledges the role of poverty in undermining anti-trafficking efforts:

*“Poverty is another factor. One implementing partner explained, “Poverty is always a risk, and inflation is putting families more at risk because the poverty increases and changes every day. They [families] are heading further and further*

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<sup>126</sup> Ibid, p 28.

<sup>127</sup> Ibid, p 33.

<sup>128</sup> Ibid, pp 37-38.

*into extreme poverty, and when we come to extreme poverty we might take decisions that are not always the best ones.” There is also the risk that PV/VoTs who have been economically empowered by the programme and have created a start-up business may have to “close their business, if they don’t have the possibility to maintain it because of the taxes in Albania.””<sup>129</sup>*

65. [12.4.10] also quotes UNICEF’s evaluation of the programme, stating that *“249 families have shown reduced vulnerabilities to human trafficking and 367 adolescents (including 147 boys and 220 girls) used the knowledge and skills gained to prevent human trafficking. In addition, 1,369 adolescents were empowered through the Programme”*.<sup>130</sup>

- a. This is an unclear metric – it does not describe the ways in which the families are less vulnerable to human trafficking or what it means by adolescents preventing human trafficking.
- b. The evaluation also goes on to acknowledge in the same paragraph *“These results, however, can be fragile given the high rates of unemployment in the target counties and the economic insecurity that many families face, particularly in light of the economic crisis caused by the global pandemic and its impact on the country’s economy.”*<sup>131</sup>

66. [12.1.23]-[12.1.24] are quotations from another new source, correspondence dated February 2024 from the British Embassy in Tirana:

- a. [12.1.23] states: *“Reintegration support provision for returning Albanian nationals has been in operation since July 2023. Publicity materials have also been published and made accessible to all returning individuals for wider awareness of available services. As of 31 December 2023, 140 Albanian nationals have taken up the offer of reintegration support following return”*.
- b. No information regarding what this reintegration support entails, and no evaluation of the success in the reintegration of these 140 has been provided.
- c. This correspondence contains several statements about reintegration services, including:
  - i. *“The [Modern Slavery Fund] programme is funding three primary service providers who have the capacity to provide assistance to 250 survivors at*

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<sup>129</sup> Ibid, p 51.

<sup>130</sup> Ibid, p 38.

<sup>131</sup> Ibid.



any given time. Between January and December 2023, 216 survivors and their dependents received comprehensive services (156 survivors; 60 dependents)". This suggests that these services are nearly at capacity.

- ii. "In the period from January-December 2023, the programme has supported 130 individuals at risk and at high risk with entrepreneurial/employment skills, 12 of whom started their own businesses". This is not a very high rate of uptake, nor does it imply anything regarding the current or future financial wellbeing of these 130 individuals.
- iii. "[T]he programme also included online mental health and counselling services through [www.nukjvetem.al](http://www.nukjvetem.al), provided to approximately 1000 individuals/year. Between January-December 2023, 921 individuals (343 males, 578 females) have accessed this service." Online counselling services are not necessarily sufficient or appropriate for those who have experienced significant trauma.<sup>132</sup> A medico-legal report about an individual asylum seeker might seek to address this. This statement is quoted at [12.5.13].

- d. [12.1.24] talks about the creation of a leaflet in English and Albanian with information about the theoretical availability of social services in Albania. This is unlikely in itself to address the systemic deficiencies, quoted above, with the provision of services.

67. Therefore, the weight of the evidence indicates that economic reintegration for vulnerable trafficking survivors is extremely difficult, and that the services provided by the Albanian state and NGOs are not adequate to overcome the problems faced by the most vulnerable survivors. This is a critical issue, because, as set out above, poverty and economic vulnerability are key drivers of trafficking, and traffickers prey on the most economically vulnerable people. Ramaj states: "most professionals stated that escaping miserable economic conditions was the primary reason for re-trafficking," and quoted an interviewee as saying: "Accommodation and employment are crucial. If victims don't have enough financial resources, if they don't have a place where to sleep, in a short time they will re-fall prey to traffickers." She concludes that "reintegration was impeded by a lack of financial stability, exploitative working conditions, difficulties in accessing justice,

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<sup>132</sup> Indeed, one municipal stakeholder reportedly told UNICEF that, during the pandemic, "I did not find online counselling effective": UNICEF, 'Evaluation of the Programme on Transforming the National Response to Human Trafficking in and from Albania, 2019–2022,' November 2022, p 49.

*a lack of state social services, and a weak bureaucratic system.*<sup>133</sup> This corroborates the view of Dr Edlira Haxhiymeri in the Asylos/ARC report (which, as above, is no longer quoted in the July 2024 CPIN) that traffickers *“identify the most vulnerable boys those that have no family support - those that are in immediate need to make some sort of living”*.<sup>134</sup>

68. In summary, the evidence in the trafficking CPIN does not demonstrate that the available assistance would be sufficient to avoid a risk of re-trafficking for vulnerable victims who display the *TD and AD* risk factors.

#### **Further evidence not cited in the CPINs**

69. The US Department of State’s 2024 Trafficking in Persons Report, which is not cited in the July 2024 CPIN, illustrates that there continue to be problems:

*“...experts reported a lack of resources for long-term care, employment, and other reintegration efforts, particularly for child victims and victims with children. For example, municipal governments rarely provided housing for victims because of a long list of requirements, and service providers faced obstacles in renting short-term apartments for victims because of the preference of landlords to only sign long-term leases. The government and NGOs provided vocational training for 43 victims and National Employment Services offices prioritized jobseekers from vulnerable groups, including trafficking victims; 50 victims registered with the employment office for employment opportunities, 28 of which obtained work. The government also supported five victims to start small businesses and enrolled 14 victims into an economic assistance program that dispersed 9,900 leks (\$100) per month.”*<sup>135</sup>

70. Therefore, it remains the case that take-up of social assistance is low (likely because of the extremely low amount provided, as detailed above), municipal and NGO housing assistance are limited, and there is a *“lack of resources for long-term care, employment, and other reintegration efforts”*. Although 28 victims were apparently helped to obtain work, the report does not assist as to whether they were able to obtain work that was sufficiently well-paid to support themselves adequately and avoid the risk of being re-trafficked.

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<sup>133</sup> Klea Ramaj (2021) The Aftermath of Human Trafficking: Exploring the Albanian Victims’ Return, Rehabilitation, and Reintegration Challenges, *Journal of Human Trafficking*, *Journal of Human Trafficking*, 7 May 2021

<sup>134</sup> Asylos and Asylum Research Centre, ‘Albania: Trafficked boys and young men,’ May 2019, p 36.

<sup>135</sup> United States Department of State, ‘2024 Trafficking in Persons Report’, 2024

## **The Home Office says my client can relocate internally**

### ***Evidence in the CPINs***

71. In refusal letters, the Home Office routinely fails to have regard to Country Guidance case law and country background evidence which clearly shows that a person cannot avoid a sufficiently determined persecutor by relocating internally. The Upper Tribunal held in *AM and BM (Trafficked women) Albania CG* [2010] UKUT 80 (IAC):

*“186. [...] Moreover we would emphasise that, as stated above, Albania is a country with a relatively small population. Dr Schwandner-Sievers refers to common socio-cultural conduct in which every person was socially positioned. We note the comment that the Director of the Anti-Government Unit, Ms Irena Targa, made to Dr Schwandner-Sievers that:*

*“Family relations are that strong in Albania, you have to live here to understand this is no fairy tale, how important family links are. A brother might even have trafficked his sister or killed her because she was trafficked, but the relationship is very strong. This is such a small country; it is not possible to live somewhere without being known. The family is so close. For us it is easier to identify everyone immediately. As soon as someone says their surname we know – the police scan the population. Once the name is mentioned, it depends on the family, but they come here from anywhere they can”.*

*187. We consider therefore that Albania is a country where there is a real fear that traffickers might well be able to trace those who have escaped from them or indeed those whom they fear might expose them. Whether such persons would be motivated to do so is, of course, another matter, as we have discussed above. It is therefore a country where, at least, internal relocation is problematical for the victim of trafficking. To that should be added the difficulties for a single woman to reintegrate into a society where the family is the principal unit for welfare and mutual support as well as, it appears, the channel through which employment is most often obtained. We have therefore concluded that internal relocation is unlikely to be effective for most victims of trafficking who have a well founded fear of persecution in their home area, although once again we consider that it is important to consider each case on an individual basis.”*

72. Similarly, it accepted in *BF (Tirana - gay men) Albania CG* [2019] UKUT 93 (IAC) at [181]:

*“We accept Ms Young's evidence that a person's whereabouts may become known in Tirana by word of mouth. Albania is a relatively small country and we accept as entirely plausible that a person might be traced via family or other connections being made on enquiry in Tirana. Whether that would occur would depend on the family being motivated to make such enquiries (which motivation would probably depend on an awareness that the person may be living there) and the extent of its hostility. That is a question for determination on the evidence in each case.*

73. Caritas told the Home Office FFM team that *“We are a very small country, we all know each other. It might not be the same trafficker, but someone from within the same network.”*<sup>136</sup> AWEN told the Home Office FFM team that *“It is difficult. Albania is very small and it is easy for the traffickers to find what they're looking for. There is less possibility to reintegrate and have a normal life.”*<sup>137</sup> Although Tjeter Vizion stated that *“it is not so easy for the victims to be located by traffickers,”* this opinion stands in contrast to the other available evidence, including other sources in the Home Office FFM report. Further, Tjeter Vizion did not suggest that relocation would bring safety; they went on to state that *“it is not always the same trafficker so some VOT are re-trafficked, but not always by the same person.”*<sup>138</sup>

74. As UNICEF told Asylos in 2024, *“Albania is a very small country and everybody knows everyone. So I think, it's very difficult for someone to relocate to a place where nobody else would know where they are, basically. It's very [...] small country and a place where everybody knows everyone, or everybody knows someone who knows someone. [...] we don't have a lot of information on internal relocation, but [...] we have some cases of re-trafficked persons, people who returned to Albania and they moved to a different location or near a city and then they were re-trafficked. Most of the cases that we have documented from re-trafficking fit [...] into this category.”*<sup>139</sup> Anta Brachou similarly told Asylos that *““If it is a victim of trafficking who has escaped a genuine trafficking experience or situation in Albania, the idea of internal relocation is very much impossible just because of how small the country is”.*<sup>140</sup>

75. Stephanie Schwandner-Sievers, the expert whose views were given significant weight in *AM and BM*, similarly said:

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<sup>136</sup> Home Office, ‘Report of a fact-finding mission: Albania: Human trafficking,’ December 2022, p 51

<sup>137</sup> Ibid, p 38

<sup>138</sup> Ibid, p 28

<sup>139</sup> Asylos, ‘Albania: Trafficking,’ 2024, p 151

<sup>140</sup> Ibid, pp 152-153

*“The relocation. Okay. So the problem with relocation in Albania is that society works in ways where you are as an individual always socially located. What family you are from, even through your grandparents, good family, bad family, the biography, the history of the family. So you’re literally asked upon a first encounter, who’s your dad, who’s your family, what is your family? And people would know. So you can’t really easily pretend to be from another family. Because it’s always complex socially, and it’s based on the social knowledge. This is how you can find people, and so why it’s so difficult to hide. But also, how you have a network of support. So those people who are outside this network of support are by the same logic absolutely left to destitution. Yeah. But you can be found exactly because you will stick out like a sore thumb if you are there. And a woman on her own being dropped into somewhere where you have such social networks, a family, and then also friends that you make from school, etc., etc. People know each other. It’s very personalized knowledge in Albania [...] If you have fled an exploitative situation, and the traffickers are worried that you might seek judicial redress [...] you’re under a particular criminal threat to be found. So they can use those social networks to trace you down fairly easily.”<sup>141</sup>*

76. There are also risks of trafficking victims’ personal data being leaked. When asked about internal relocation, UNICEF told the Home Office FFM team that *“Cyber-attacks released everyone’s personal data.”*<sup>142</sup>

77. In some refusal letters the Home Office relies upon *MB (Internal relocation - burden of proof) Albania* [2019] UKUT 392 (IAC). This reliance is misplaced, because *MB* is not a Country Guidance case and was not reported for what it says about Albanian country conditions. In any event, the only live issue in *MB* was whether internal relocation would be unreasonable, as opposed to unsafe (see [6]-[7]) and so it has nothing to say about whether a person can be traced by their persecutors elsewhere in Albania.

#### **Further evidence not cited in the CPINs**

78. Stephanie Schwandner-Sievers, whose evidence was accepted in *AM and BM*, elaborated on the same view in the 2019 Asylos/ARC report on trafficking of boys and men (which, as mentioned above, is no longer cited in the July 2024 CPIN):

*“...no, you can’t anonymously live in Albania—that is very different from London or from Bristol or any UK city—because it’s such a small country and because also for cultural reasons, the ways in which people situate you socially. You encounter somebody and you meet somebody, and any social contact you*

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<sup>141</sup> Ibid, p 153

<sup>142</sup> Ibid, p 13

*make you are defined as a person through where you are from and who your family is. It is almost a ritual; it is a ritual rhetoric. When you meet someone, you ask "How's your father? How's your mother?" And you ask that if you know the father and mother. There also is this very big trope of a good or a bad family. It's very common in Middle Eastern societies, and prevalent in Albania as well, where it was reinforced during the Communist rule in particular. Albania is an incredibly small society. Also, you have very clear social organization with rules such as post-marital virilocal residence still very common. Society is organised patrilineally. This means that you can relate always somebody through their patrilineage. "Who's your father?" Mother's family now matters as well, but you are always judged in terms of whether you are from a good or bad family through your parents' lineages...*

*There is no anonymous living such as in Europe's large cities. What chance do you have to reintegrate into a society, without your family, where everything is reliant on family? Just being given a rented flat in a city without pre-existing social contacts would make you very conspicuous and attract attention and suspicion."<sup>143</sup>*

79. There is also evidence that personal data is inadequately protected in Albania. A 2018 University of Bedfordshire study (no longer cited in the July 2024 CPIN, but cited in previous CPINs) stated, *"It appears that there is little emphasis given to data protection, confidentiality and anonymity for people who have experienced trafficking across a broad range of sectors within Albania."*<sup>144</sup>

## **Conclusion**

80. The evidence is clear that corruption undermines state protection against trafficking and organised crime in Albania, and that an internal relocation alternative is not available for those who are being pursued by a sufficiently determined persecutor. Those victims of trafficking who exhibit the risk factors identified in *TD and AD* (including men and boys) will be at risk of re-trafficking on return, and will not have a sufficiency of protection or an internal relocation alternative. Further, even in the absence of trafficking, those who fear organised criminal gangs are unlikely to be able to avail themselves of sufficient state protection, or to avoid their problems by relocating.

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<sup>143</sup> Asylos and Asylum Research Centre, 'Albania: Trafficked boys and young men,' May 2019, pp 159-160

<sup>144</sup> University of Bedfordshire, 'Vulnerability to human trafficking: A study of Vietnam, Albania, Nigeria and the UK,' October 2017, p 9