

## **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.

## Legal context and use of evidence

2. 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).
3. 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."*

4. 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.
5. 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."

6. 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. This includes, but is not limited to, a recent 2024 report on trafficking in Albania published by Asylos, which is not yet reflected in the CPINs. 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*

7. 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.*

*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*

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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 15.0, March 2024

<https://assets.publishing.service.gov.uk/media/65fb1797703c42001a58f0ff/ALB+CPIN+Human+trafficking.pdf>

Although this CPIN was updated in March 2024, the March 2024 version is almost identical to the previous February 2023 version.

*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.”*

8. Although *TD and AD* relates to women and girls, a 2019 report by Asylos and Asylum Research Centre, which is a source heavily cited in the CPIN, found that similar risk factors 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>2</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>3</sup>

9. The Home Office Fact-Finding Mission (FFM) report on trafficking provides further support for this. 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*

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<sup>2</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>3</sup> *Ibid.*, p 36.

*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>4</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>5</sup> This provides further support for the contention that those trafficked men and boys who display the *TD and AD* risk factors are at risk of re-trafficking.

10. The CPIN appears to acknowledge this. 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*.
11. 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.
12. 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.

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

13. Different and Equal, an NGO working with trafficking victims, identified the following factors to Asylos 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 [...]*

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<sup>4</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>5</sup> *Ibid.*, p 95.

*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>6</sup>*

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<sup>6</sup> Asylos, 'Albania: Trafficking,' 2024, p 46 <https://www.asylos.eu/Handlers/Download.ashx?!DMF=e65ff9df-9c97-4b85-905d-30a181a05872>

14. Several Asylos interviewees identified poverty and unemployment as key risk factors for trafficking<sup>7</sup> and re-trafficking.<sup>8</sup>

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

*Evidence in the CPINs*

15. In refusal letters, the Home Office commonly cites its 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.

16. 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:

- a. [5.1.1]-[5.1.2] and [5.2.3] quote the Albanian Government's periodic report to the Committee for Economic, Social and Cultural Rights. This represents the view of the Albanian Government, and is not an independent or impartial source.
- b. [5.2.2] quotes the European Commission's 2022 report on Albania, giving the total numbers of police (which are said to be lower than the EU average), and states *"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."* This passage is mildly critical of the police, and does not support the argument that they are able to provide effective protection.
- c. [5.2.4] cites 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;*

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<sup>7</sup> Ibid, pp 47-48

<sup>8</sup> Ibid, pp 158-160

<sup>9</sup> All references to the actors of protection CPIN are to 'Country Policy and Information Note: Albania: Actors of protection,' version 2.0, December 2022

[https://assets.publishing.service.gov.uk/media/63ac245ad3bf7f7c1534fdcf/ALB\\_CPIN\\_Actors\\_of\\_Protection.pdf](https://assets.publishing.service.gov.uk/media/63ac245ad3bf7f7c1534fdcf/ALB_CPIN_Actors_of_Protection.pdf)

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>10</sup>

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<sup>10</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>

- d. [5.3.1] is a quote from the US State Department Overseas Advisory Council (OSAC) Country Security Report for Albania which states:

*“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]*

- e. Similarly, [5.3.2] is a quote from the US State Department Human Rights Report which states:

*“Police did not always enforce the law equitably. Personal associations, political or criminal connections, deficient infrastructure, lack of equipment, and inadequate supervision often influenced law enforcement. Authorities continued to address these problems by renovating police facilities, upgrading vehicles, and publicly highlighting anticorruption measures. The government established a system for vetting security officials and, as of November 2019, had completed vetting 32 high-level police and SIAC leaders.”* [emphasis added]

- f. Self-evidently, this does not present a particularly positive picture of the police, and indeed indicates that their efforts are hindered by corruption.
- g. [5.4.1] does say that *“The government made greater efforts to address police impunity, most notably in the single case of excessive use of deadly force,”* but does not assert that such efforts have successfully combated corruption within

the police or made the police effective in tackling organised crime. It goes on to talk about the conviction of a police officer for homicide after he shot a COVID curfew violator in 2020, but that is of little relevance to the question of whether the police provide adequate protection against organised crime.

- h. [5.4.2] states *“The EC report 2022 noted that, ‘Of the 300 high-level officials of the state police, Guard of the Republic and Service for Internal Affairs and Complaints (SIAC) 66 were vetted, leading so far to 6 dismissals and 7 resignations. The vetting process remains crucial to restore public trust in the judiciary and the law enforcement bodies of the state.’* This shows that only 66 out of 300 high-level officials had been vetted at time of writing, and says nothing about vetting of middle- or low-ranking officials. This does not, therefore, give cause for confidence in the police.
- i. [6.3.1] quotes the US State Department in saying *“Although the constitution provides for an independent judiciary, political pressure, intimidation, corruption, and limited resources prevented the judiciary from functioning fully, independently, and efficiently.”*
- j. [6.3.2] quotes Freedom House in saying *“the vetting process for judges and prosecutors, which is the main component of the justice reform yet has moved at a snail’s pace... This delay has created additional legal, social, and political challenges, especially regarding access to justice, as nearly 35,000 cases are pending adjudication in courts... due to the lack of magistrates”*. Although not quoted, that report also adds *“The vetting process delay and mounting number of cases waiting to be adjudicated have created distrust and a lack of confidence in the newly reformed justice system.”*<sup>11</sup>
- k. [6.3.3] quotes the European Commission in saying *“The length of proceedings, the low clearance rate and the high number of unresolved cases continue to affect the efficiency of the judicial system. Appeal courts continue to have a high number of inherited cases and are affected by the high number of judicial vacancies, with only 30 out of 78 appeal judges in office. Albania adopted a new judicial map as per the legal requirements, following... The average length for a case at appeal level is 893 days. However, at the Tirana Appeal Court, the average length for a criminal case is 5 820 days.”*

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<sup>11</sup> Freedom House, Nations in Transit Report 2022 – Albania <https://freedomhouse.org/country/albania/nations-transit/2022>

- l. [6.4.1] quotes Freedom House’s 2022 Freedom in the World report in saying *“Constitutional guarantees of due process are upheld inconsistently. Trial procedures can be affected by corruption within the judicial system and are sometimes closed to the public.”*
- m. [6.6.1] quotes Freedom House in saying *“the underfunded courts are subject to political pressure and influence, and public trust in judicial institutions is low. Corruption in the judiciary remains a serious problem, and convictions of high-ranking judges for corruption and abuse of power are historically rare.”*
- n. [6.7.1] quotes the European Commission in saying that the High Justice Inspector, although *“fully operational,” “continued to be understaffed and could not reduce the accumulated backlog”*.
- o. [6.7.2] quotes the US State Department in saying *“The Office of the Ombudsman expressed concern about the country’s low rate of compliance with judicial decisions and its failure to execute the final rulings of courts and the ECHR.”*
- p. [8.1.1] quotes the US State Department’s Overseas Security Advisory Council in saying *“Organized crime has a noted impact on Albania, which hosts a network of criminal organizations involved in drug trafficking, extortion, bribery, money laundering, prostitution, and human trafficking”*.
- q. [8.1.2]-[8.1.6] quote various passages from the European Commission’s 2022 report on Albania, but fail to note that that report also states *“Despite some progress, increased efforts and political commitment in fighting corruption, it remains an area of serious concern. Overall, corruption is prevalent in many areas of public and business life.”*<sup>12</sup>
- r. [9.1.1] to [9.1.5] likewise contain much material that suggest a lack of adequate protection, such as the US State Department’s evidence that *“Corruption was pervasive in all branches of government, and officials frequently engaged in corrupt practices with impunity”* and Freedom House’s evidence that *“Corruption is pervasive”*. Although it describes efforts made by the Albanian authorities to combat corruption, it does not contain evidence that such measures have been effective at improving state protection in practice.

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<sup>12</sup> European Commission 2022 Albania Report, p 22 [https://neighbourhood-enlargement.ec.europa.eu/document/download/dde85556-8061-41f3-ba0c-5e921158bc53\\_en?filename=Albania%20Report%202022.pdf](https://neighbourhood-enlargement.ec.europa.eu/document/download/dde85556-8061-41f3-ba0c-5e921158bc53_en?filename=Albania%20Report%202022.pdf)

- s. Notably, [9.1.2]-[9.1.3] quote a report by the Institute for Democracy and Mediation, an Albanian think tank. However, these paragraphs fail 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>13</sup> 89% agreed that “there are corrupt police officers in the State Police”,<sup>14</sup> 27% had offered a bribe to the police in the last 12 months, and 34% had been asked to pay a bribe.<sup>15</sup> Of those who had offered a bribe, 85% said that the officer accepted it.<sup>16</sup> This is empirical evidence that corruption is in fact extremely widespread.
- t. [10.1.1] 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”. It is therefore difficult to see how the Ombudsman’s office could be an effective agent of protection for individuals fearing criminal violence.

17. 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.

18. Home Office refusal letters also often fail to consider evidence, contained in sources that are cited in the 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.

19. The Asylus/ARC report 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.*

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<sup>13</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>14</sup> Ibid., p 30

<sup>15</sup> Ibid., p 45

<sup>16</sup> Ibid., s 50

*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 - 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>17</sup>*

20. The Asylors/ARC report highlights evidence of police officers and prosecutors taking bribes to botch evidence, dismiss criminal proceedings and create unnecessary delays.<sup>18</sup>
21. Again, the Home Office FFM report provides further support for this. Balkan Investigative Reporting Network (BIRN) Albania told the 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 police, BIRN said *“If you’re asking will it be sufficient, no, in my opinion.”<sup>19</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 one of the CPIN’s sources, similarly states *“...victims’ sense of safety is highly related to their reintegration.*

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<sup>17</sup> Asylors and Asylum Research Centre, ‘Albania: Trafficked boys and young men,’ May 2019, pp 83-84

<sup>18</sup> Ibid., p 87.

<sup>19</sup> Home Office, ‘Report of a fact-finding mission: Albania: Human trafficking,’ December 2022, pp 103-106.

*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>20</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>21</sup>*

24. As this evidence is all contained in sources cited in the trafficking CPIN, 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*

25. 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.

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

a. As Giuliana Prato wrote in 2013:

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<sup>20</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>21</sup> Ibid.

*“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>22</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>23</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>24</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 institutions has severely crippled the integrity of the electoral process.”*<sup>25</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.

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

- c. 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*

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<sup>22</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>23</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>24</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)

<sup>25</sup> *Ibid.*, p 34

*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>26</sup>

- d. 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 *"so many chief [commissioner]s and directors [of police] are involved in criminal activities and have files... They have businesses, luxurious cars, and imagine me or many honest policemen like me who struggle to make ends meet"*. 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 police. Another senior police officer, Emiliano Nuhu, described how he *"fled and sought asylum under real danger conditions. After registering Xhisuela Maloku's complaint against Rexhep Rraja (the son of former Socialist Party deputy Rrahman Rraja), he became 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, *"annual reports studied by INA MEDIA show that an average of 350 to 400 personnel are discharged from duty each year, who are replaced by an increasing number of recruits, such as students"*, 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>27</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>28</sup>

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<sup>26</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.

<sup>27</sup> Investigative Network Albania, 'The State Police, in 10 Years: Debts, Betrayals, Confessions and Documents', 15 July 2023 <https://ina.media/?p=7258&lang=en>

<sup>28</sup> Ibid.

28. 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 a *"scandal involving the publication of the 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>29</sup>

29. 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>30</sup>
- b. 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>31</sup>
- c. 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 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>32</sup>

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<sup>29</sup> Investigative Network Albania, 'How illegal appointments resulted in the breach of the TIMS system,' 30 December 2023 <https://ina.media/?p=7713&lang=en>

<sup>30</sup> Transparency International, *Deconstructing State Capture in Albania* (2021), p. 8.

<sup>31</sup> Asylos, 'Albania: Trafficking,' 2024, p 138

<sup>32</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/?p=7733&lang=en>

- d. 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>33</sup>
- e. Dr Anta Brachou, a post-doctoral researcher who has provided support and advocacy to women victims of trafficking, told Asylos in 2023 *“quite a lot of judges and other judiciary personnel have been removed, but that doesn’t 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>34</sup>

30. The 2023 US State Department report on Trafficking in Persons 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>35</sup>

a. In terms of criminal enforcement:

- i. There were zero convictions of traffickers in 2020 and 2022, and eleven in 2021.<sup>36</sup>
- ii. In past years, judges sentenced some traffickers to lenient sentences such as probation.<sup>37</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

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<sup>33</sup> ‘Took bribes and asked for sexual favors, 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>34</sup> Asylos, ‘Albania: Trafficking,’ 2024, p 139

<sup>35</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>36</sup> Ibid.

<sup>37</sup> Ibid.

dismissed against these officials, but the Director of the Border was given a 'temporary downgrade in rank'.<sup>38</sup> Local news clarifies that the officer dismissed in 2021 was a Chief Inspector and that the charges included 'having sex with a 13-year-old minor in facilities adapted for prostitution'.<sup>39</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:

- 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>40</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>41</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>42</sup>
- iii. The government's anti-trafficking hotline has not functioned since 2020 and no attempt has been made to restore it.<sup>43</sup>
- iv. Labour inspectors do not have authority to inspect unregistered businesses or informal work relationships.<sup>44</sup>

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<sup>38</sup> Ibid.

<sup>39</sup> 'Albania: New cases of sexual harassment of minors', *Politiko*, 19 November 2021.

<https://politiko.al/english/e-tjera/shqiperi-raste-te-reja-te-ngacmimeve-uale-ndaj-te-miturve-i448066>

<sup>40</sup> United States Department of State, '2023 Trafficking in Persons Report: Albania', June 2023.

<sup>41</sup> Asylos, 'Albania: Trafficking,' 2024, p 96

<sup>42</sup> United States Department of State, '2023 Trafficking in Persons Report: Albania', June 2023.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

31. According to the US Department of State, no victims of trafficking were entered into the witness protection programme in 2021 or 2022,<sup>45</sup> which is concerning due to the “little emphasis” given to confidentiality in Albanian civil society regarding victims of trafficking.<sup>46</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 feel very exposed and not believe that their identities will be kept safe*”.<sup>47</sup> Her evidence was that only 2 victims had benefited from the programme in the last 5 years.<sup>48</sup>
32. 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>49</sup>
33. 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, as noted above.<sup>50</sup> Two prosecutors, including one who headed anti-trafficking operations, were arrested in July 2021 by a joint Albanian-Italian task force investigating massive international money laundering, corruption and drug crimes.<sup>51</sup>

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<sup>45</sup> Ibid.

<sup>46</sup> University of Bedfordshire, ‘Vulnerability to human trafficking: A study of Vietnam, Albania, Nigeria and the UK,’ October 2017, p 9 (a source also cited in the trafficking CPIN)  
<https://www.antislaverycommissioner.co.uk/media/1263/vulnerability-to-human-trafficking-albania.pdf>

<sup>47</sup> Asylos, ‘Albania: Trafficking,’ 2024, p 140

<sup>48</sup> Ibid., p 106

<sup>49</sup> United States Department of State, ‘2023 Trafficking in Persons Report: Albania’, June 2023.

<sup>50</sup> ‘Police arrest two Rinas border police officers, part of human trafficking ring’, *Tirana Times*, 30 September 2018. <https://www.tiranatimes.com/?p=138675>

<sup>51</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>

- 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>52</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>53</sup> This suggests that political disruption to the police (see [27] 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>54</sup>
- e. The State Department’s report of poor training among prosecutors<sup>55</sup> is especially concerning since, in the words of Meshkovska et al., *“The initial contacts with the 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*

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<sup>52</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>53</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>54</sup> *Ibid.*, p. 74.

<sup>55</sup> United States Department of State, ‘2023 Trafficking in Persons Report: Albania’, June 2023: *“The government continued judicial reforms that changed prosecutorial jurisdiction for trafficking cases; SPAK and the Special Court of Appeals on Corruption and Organized Crime have jurisdiction over trafficking cases related to organized crime, while GPO and district courts prosecuted trafficking cases without an organized crime nexus. However, GRETA, prosecutors, and other observers reported district prosecutors 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” 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. Similarly, some authorities prosecuted defendants with “disgraceful acts against minors,” “sexual harassment,” or “sexual intercourse with violence” instead of trafficking. Limited resources, capacity, and reports of constant turnover within law enforcement created additional obstacles to maintaining capacity to investigate trafficking, including a lack of resources to investigate trafficking through virtual means.”*

*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>56</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>57</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>58</sup>

34. Different and Equal told Asylos, *“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 employees without experience.”*<sup>59</sup> This accords with the evidence set out above about high personnel turnover in the State Police. 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>60</sup>

35. 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>61</sup> Even those who expressed positive views about the police

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<sup>56</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>57</sup> *Ibid.*, p. 77.

<sup>58</sup> *Ibid.*, p. 78.

<sup>59</sup> Asylos, ‘Albania: Trafficking,’ 2024, Annexes, p 14

<sup>60</sup> *Ibid.*

<sup>61</sup> *Ibid.*, p 83

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>62</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>63</sup> The transcript of Ms Bruci's interview also suggests 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”* (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>64</sup>

36. 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>65</sup> Anta Brachou described the judiciary as *“the most corrupted link,”* and said that *“when I spoke to the traffickers or the alleged 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>66</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.*

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<sup>62</sup> Ibid, p 131

<sup>63</sup> Ibid, pp 130-132

<sup>64</sup> Ibid, pp 134-135

<sup>65</sup> Asylos, 'Albania: Trafficking,' p 164

<sup>66</sup> Ibid, p 168

*You'll have one case brought to the court for the last two to three years.*<sup>67</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>68</sup> Although some other representatives of Albanian NGOs interviewed by Asyls denied personal experience of corruption,<sup>69</sup> these denials must be viewed with caution. In a country where self-censorship is widespread,<sup>70</sup> it is plausible that NGOs which cooperate closely with state authorities would be reticent about speaking openly about corruption. 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.

37. 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 Home Office says my client would benefit from shelters/reintegration assistance

#### *Evidence in the CPINs*

38. The sources contained in the 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.

39. 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>71</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>72</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*

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<sup>67</sup> Ibid, p 166

<sup>68</sup> Asyls, 'Albania: Trafficking,' 2024, Annexes, p 71

<sup>69</sup> Asyls, 'Albania: Trafficking,' 2024, pp 164-168

<sup>70</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.

<sup>71</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>72</sup> Ibid., p 11.

*time-consuming, the amount of such assistance is low, and the survivors may face discrimination from frontline professionals when applying for assistance.”<sup>73</sup>*

40. There is some provision of shelters for women and children, which is detailed in evidence gathered by the British Embassy at Annex A of the CPIN. Significantly, there are no shelters for adult male victims, although there is a limited amount of support. Vatra Psycho-Social Center and Tjeter Vizion do not appear to accommodate adult male victims.<sup>74</sup> Different and Equal does provide various forms of support for adult male victims, including rented apartments. It told the British Embassy that it is currently supporting 8 adult males.<sup>75</sup> Key Adviser is an employment agency which provides support in finding employment.<sup>76</sup> There is no suggestion that Key Adviser provides accommodation.

41. However, that does not mean that these services actually provide adequate protection against re-trafficking for vulnerable victims with serious mental health problems, low employability and limited coping skills. 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>77</sup>*

42. 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*

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<sup>73</sup> UNICEF, ‘Economic reintegration of trafficking survivors in Albania,’ July 2022, p 11

<https://www.unicef.org/albania/media/5356/file/Economic%20reintegration%20of%20trafficking%20survivors%20in%20Albania.pdf>

<sup>74</sup> Tjeter Vizion’s shelter is for minors, although it does have two emergency beds for adults: Home Office, ‘Report of a fact-finding mission: Albania: Human trafficking,’ December 2022, pp 24-25. It confirmed to the British Embassy that it was not supporting any adult males: CPIN on trafficking, pp 99-100. Vatra told the British Embassy, in relation to adult males, ‘we don’t provide’: CPIN on trafficking, p 106. Confusingly Vatra does report that it is currently supporting one adult male in accommodation outside the shelter, but no details are given: *ibid.*

<sup>75</sup> CPIN on trafficking, at pp 95-96.

<sup>76</sup> Home Office, ‘Report of a fact-finding mission: Albania: Human trafficking,’ December 2022, pp 98-101.

<sup>77</sup> Home Office, ‘Report of a fact-finding mission: Albania: Human trafficking,’ December 2022, p 20.

*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>78</sup>*

43. 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...*

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<sup>78</sup> Home Office, 'Report of a fact-finding mission: Albania: Human trafficking,' December 2022, p 92.

*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>79</sup>*

44. 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,*

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<sup>79</sup> Deanna Davy, Economic reintegration of trafficking survivors in Albania, UNICEF, July 2022  
<https://www.unicef.org/albania/reports/economic-reintegration-trafficking-survivors-albania>

*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...*

*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>80</sup>*

45. 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...*

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<sup>80</sup> Ibid.

*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. 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>81</sup>*

46. 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>82</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>83</sup>

47. The lack of adequate financial support 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 men and boys. Ramaj states *"most professionals stated*

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<sup>81</sup> Klea Ramaj (2021) The Aftermath of Human Trafficking: Exploring the Albanian Victims' Return, Rehabilitation, and Reintegration Challenges, *Journal of Human Trafficking*, 7 May 2021

<sup>82</sup> Home Office, 'Report of a fact-finding mission: Albania: Human trafficking,' December 2022, p 96.

<sup>83</sup> Klea Ramaj (2021) The Aftermath of Human Trafficking: Exploring the Albanian Victims' Return, Rehabilitation, and Reintegration Challenges, *Journal of Human Trafficking*, 7 May 2021

*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, a lack of state social services, and a weak bureaucratic system.”*<sup>84</sup> This corroborates the view of Dr Edlira Haxhiymeri in the Asylos/ARC report 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>85</sup>

48. The letter at Annex A also makes reference at [6(iii)] to a Home Office initiative:

*“ii. Reintegration: £11.1m in grant funding for financial years 22/23- 24/25 (£3.7m per year) across ten priority countries, including Albania. The programme will be accessible to all forms of returns (both voluntary and enforced) and will include services such as:*

*a. pre-departure information;*

*b. a ‘meet and greet’ service on arrival at the airport;*

*c. access to temporary accommodation prior to any onward journey to a final destination;*

*d. signposting to existing local services;*

*e. support with redocumentation/identification;*

*f. and job counselling and additional support with accessing the labour market.”*<sup>86</sup>

49. Little detail is given about this programme. Although a minor update to the CPIN was made in March 2024, the letter at Annex A was not updated, and so we are not provided with any information about whether this programme has been implemented effectively. But even taking the claims of the British Embassy at their highest, £3.7 million per year divided across 10 countries would seem to be a small sum, in contrast with the £3.5 million already invested by the Home Office in the UNICEF programme in Albania alone. Even if delivered effectively, the services described would not seem likely to alleviate the problems highlighted above with long-term employment, housing and reintegration. For example, as set out above, *“job counselling and additional support with accessing the labour market”* is already available from various NGOs, but vulnerable victims still face significant barriers to finding work and supporting themselves. Similarly, *“access to temporary accommodation prior to any onward journey to a final destination”* does not alleviate the problem of being unable to afford long-term housing, and *“pre-departure*

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<sup>84</sup> Ibid.

<sup>85</sup> Asylos and Asylum Research Centre, ‘Albania: Trafficked boys and young men,’ May 2019, p 36.

<sup>86</sup> CPIN on trafficking, p 85.

*information*” and *“signposting to existing local services”* do not alleviate the gaps in existing local services.

50. Therefore, the evidence in the trafficking CPIN does not suggest 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*

51. 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>87</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>88</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>89</sup> This is significant because, as multiple interlocutors told Asylos, unemployment and poverty are key risk factors for trafficking<sup>90</sup> and re-trafficking.<sup>91</sup>

52. As Anxhela Bruci of Arise Albania, an anti-trafficking organisation, told Asylos, *“I have noticed, based on my experience working with survivors that economic 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>92</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>93</sup>

53. 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*

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<sup>87</sup> United States Department of State, ‘2023 Trafficking in Persons Report: Albania’, June 2023

<sup>88</sup> Asylos, ‘Albania: Trafficking,’ 2024, p 223

<sup>89</sup> Ibid, p 224

<sup>90</sup> Ibid, pp 46-48

<sup>91</sup> Ibid, pp 158-160

<sup>92</sup> Ibid, p 187

<sup>93</sup> Ibid, p 232

*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>94</sup>*

54. Multiple interviewees in the Asylos report described high rates of youth unemployment in Albania.<sup>95</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?” (SW4). The cost of living in Albania is much higher when compared to what one earns through a minimal wage.”<sup>96</sup>*

55. 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>97</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 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>98</sup>* The latter comment implies that landlords may expect victims to provide a guarantor before renting an apartment to them.<sup>99</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*

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<sup>94</sup> Asylos, ‘Albania: Trafficking,’ 2024, Annexes, p 20

<sup>95</sup> Ibid, pp 42, 58, 75, 106, 139

<sup>96</sup> Ibid., p 58

<sup>97</sup> Asylos, ‘Albania: Trafficking,’ 2024, pp 197-198

<sup>98</sup> Ibid, p 220

<sup>99</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.

*always granted*".<sup>100</sup> They went on to say "it is very difficult to benefit by this housing scheme".<sup>101</sup>

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

#### *Evidence in the CPINs*

56. 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*

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<sup>100</sup> Asylos, 'Albania: Trafficking,' 2024, p 221

<sup>101</sup> Ibid, p 222

*of persecution in their home area, although once again we consider that it is important to consider each case on an individual basis.”*

57. Similarly, it accepted in *BF (Tirana - gay men) Albania CG* [2019] UKUT 93 (IAC) at [181] (Applicant’s Bundle, page 374):

*“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.*

58. Stephanie Schwandner-Sievers, whose evidence was accepted in *AM and BM*, elaborated on the same view in the Asylos/ARC report (which, as mentioned above, is heavily cited in the Respondent’s 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 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>102</sup>

59. Again, the Home Office's own evidence corroborates this. 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>103</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>104</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>105</sup>

60. 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>106</sup> This is consistent with previous evidence that personal data is inadequately protected in Albania. As a 2018 University of Bedfordshire study 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>107</sup>

61. 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*

62. There is also further evidence that internal relocation is not feasible. As UNICEF told Asylos, *"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,*

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<sup>102</sup> Asylos and Asylum Research Centre, 'Albania: Trafficked boys and young men,' May 2019, pp 159-160

<sup>103</sup> Home Office, 'Report of a fact-finding mission: Albania: Human trafficking,' December 2022, p 51

<sup>104</sup> *Ibid*, p 38

<sup>105</sup> *Ibid*, p 28

<sup>106</sup> *Ibid*, p 13

<sup>107</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-humantrafficking-albania.pdf>

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>108</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>109</sup>

63. Stephanie Schwandner-Sievers similarly said:

*“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>110</sup>*

## Conclusion

64. 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

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<sup>108</sup> Asylos, 'Albania: Trafficking,' 2024, p 151

<sup>109</sup> Ibid, pp 152-153

<sup>110</sup> Ibid, p 153

fear organised criminal gangs are unlikely to be able to avail themselves of sufficient state protection, or to avoid their problems by relocating.