



Home Office

Country Policy and Information Note

Albania: Actors of Protection

Version 2.0

December 2022

Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the [Introduction](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into 2 parts: (1) an assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note - that is information in the COI section; refugee/human rights laws and policies; and applicable caselaw - by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- a person is reasonably likely to face a real risk of persecution or serious harm
- that the general humanitarian situation is so severe that there are substantial grounds for believing that there is a real risk of serious harm because conditions amount to inhuman or degrading treatment as within [paragraphs 339C and 339CA\(iii\) of the Immigration Rules](#) / Article 3 of the [European Convention on Human Rights \(ECHR\)](#)
- that the security situation is such that there are substantial grounds for believing there is a real risk of serious harm because there exists a serious and individual threat to a civilian's life or person by reason of indiscriminate violence in a situation of international or internal armed conflict as within [paragraphs 339C and 339CA\(iv\) of the Immigration Rules](#)
- a person is able to obtain protection from the state (or quasi state bodies)
- a person is reasonably able to relocate within a country or territory
- a claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- if a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under [section 94 of the Nationality, Immigration and Asylum Act 2002](#).

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual](#), 2013. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate and balanced, which is compared and contrasted where appropriate so that a comprehensive and up-to-date picture is provided of the issues relevant to this note at the time of publication.

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote. Full details of all sources cited and consulted in compiling the note are listed alphabetically in the bibliography.

Feedback

Our goal is to provide accurate, reliable and up-to-date COI and clear guidance. We welcome feedback on how to improve our products. If you would like to comment on this note, please email the [Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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Assessment

Updated on 2 December 2022

1. Introduction

1.1 Scope of this note

- 1.1.1 Whether, in general, those with a well-founded fear of persecution or serious harm from non-state actors can seek effective state protection.

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1.2 -

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2. Consideration of issues

2.1 Credibility

- 2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 In cases where there are doubts surrounding a person's claimed place of origin, decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Exclusion

- 2.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 2.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).
- 2.2.3 For guidance on exclusion and restricted leave, see the Asylum Instruction on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and the instruction on [Restricted Leave](#).

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2.3 Protection

- 2.3.1 In general, protection is available. The government has taken reasonable steps to prevent persecution by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution, which is accessible to people resident in Albania. However, decision makers need to consider each case on its facts, with the onus on the person to demonstrate why they would not be able to obtain protection.
- 2.3.2 While the Upper Tribunal (UT) of the Immigration and Asylum Chamber and its predecessors have not considered whether protection exists in general, the UT has held in a number of reported cases that the government is willing and able to provide protection for a variety of particular groups:
- in the case of [DM](#), heard on 15 March 2004 and promulgated on 1 April 2004, the Immigration Appeal Tribunal (IAT) held that there was sufficiency of protection available to women suffering domestic violence (see paragraphs 16 and 18)
 - in the case of [XM](#), heard on 21 May 2004 and promulgated on 2 July 2004, the IAT held ‘the Government of Albania is both able and willing to provide adequate protection for the Appellant [as a victim of extortion].’ (paragraph 30)
 - in the country guidance (CG) case of [TD and AD](#), heard on 3 June 2015, promulgated on 9 February 2016, which considered risks faced by female victims of trafficking, the UT held ‘... 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.’ (paragraph 119d)

- in the CG case of [BF](#), heard 23 October 2018 and promulgated on 29 March 2019, the UT held, ‘There exists in Tirana a generally effective system of protection should an openly gay man face a risk of harm in that city or from elsewhere in Albania.’ (paragraph 251(iv))
- 2.3.3 The available country evidence at the time of writing indicates that the caselaw above continues to be applicable (i.e. that protection is generally available) (See [country information](#) and the Country Policy and Information Notes, [Albania: Human trafficking](#), [Albania: Blood feuds](#), [Albania: Sexual orientation and gender identity](#) and [Albania: Domestic abuse and violence against women](#)).
 - 2.3.4 Albania has a set of laws in place, including the penal code, to prevent and punish criminal acts and violations of fundamental rights ([Legal rights](#)).
 - 2.3.5 The State Police are primarily responsible for internal security. The 2014 Law on State Police sets out the duties of the police, which include the protection of persons and the prevention of crime, and indicates the principles which the police must follow, including respect for human rights and non-discrimination. There are 260 police officers per 100,000 people (by contrast, there was an average of 225 police officers per 100,000 people in England and Wales in 2021). Challenges for the police include limited resources, corruption, and police impunity; the authorities are actively addressing these issues, with an increase in investigations and sanctions in 2021 and the vetting of high-level police officers (see [Crime and punishment statistics](#), [Police](#) and [Corruption](#)).
 - 2.3.6 While there are some reports of abuse, wrongdoing and inefficiency, this is not indicative of a police system which is unwilling or unable to offer protection. The government has introduced measures to combat corruption in the police, including vetting senior officers, while the Ministry of Interior’s Service for Internal Affairs and Complaints investigated complaints of police abuse and corruption. Additionally, the Office of the Ombudsman monitors and reports on prisons and detention centres and investigates complaints from citizens (see [Corruption](#), [Human rights violations](#) and [Ombudsman – oversight of human rights violations](#)).
 - 2.3.7 The United States Department of State Overseas Security Advisory Council noted in 2021 that organised crime is a significant issue in terms of drug trafficking, human trafficking, prostitution, extortion, bribery and money laundering. However, the European Commission considered that the Specialised Structure for Anti-Corruption and Organised Crime is functioning and progress is being made in combating organised crime. The European Commission found that further progress was required in prosecuting those in positions of power and addressing human trafficking and money laundering, amongst other issues (see [Organised crime and government action](#)).
 - 2.1.1 There is a functioning judicial system, with the European Commission assessing that good progress had been made in justice reform. Due process guarantees are appropriate, with the right to a fair and public trial without delay and the presumption of innocence until proven guilty, amongst others, and the government generally respects these rights. Free legal aid is

available and the witness protection programme is functioning satisfactorily (see [Judiciary](#) and [Witness protection](#)).

- 2.1.2 The European Commission considered that there are challenges for the judicial system, including lengthy proceedings and a low clearance rate; however, progress is being made to accelerate the number of cases being heard and determined. Sources note there continues to be corruption within the system; however, the government continued to vet judges and prosecutors, dismissing those with unexplained wealth or links to organised crime. The European Commission reported that the ongoing judicial reforms are reducing political influence in the judicial system (see [Judiciary](#) and [Corruption](#)),
- 2.3.8 For further guidance on assessing state protection, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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Country information

This section was updated on 1 December 2022

3 Legal rights

- 3.1.1 The Constitution sets out provisions to protect basic rights and regulate aspects of the state, including the High Courts¹. The Penal Code provides details of the various criminal laws in force and the penalties for committing criminal offences².

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This section was updated on 1 December 2022

4 Crime and punishment statistics

- 4.1.1 The Albanian Institute of Statistics (INSTAT) published a report entitled 'Crime and Criminal Justice Statistics, 2021,' which recorded a total of 35,175 criminal offenses in the year 2021, an increase of 7.5% on 2020. This figure amounted to 125.1 criminal offences per 10,000 inhabitants in 2021, compared to 115.4 in 2020³.
- 4.1.2 The INSTAT report further noted that the total number of registered criminal proceedings by the authorities – where a criminal investigation has been started - was 28,349 in 2021, an increase of 1.8% on 2020. Of the 25,688 completed, 23.3% were terminated (the prosecutor asked the court to dismiss the case), 34.7% were suspended ('the perpetrator was not recognized' or serious illness of the perpetrator prevents further investigation) and 42% were sent to court for trial⁴.
- 4.1.3 The INSTAT report also stated that in 2021 there were '... 4,956 prisoners, 7.4 % more prisoners, compared to 2020. In relation to the population, in 2021 there are 18 inmates per 10 thousand inhabitants, from 16 prisoners in the year 2020. Most prisoners are male persons, who account for 98.7% of the total number of prisoners.'⁵
- 4.1.4 The [UN Office on Drugs and Crime website](#) provides a range of statistics covering drugs; homicide; sexual offences; prisons, prosecutions and convictions for bribery, intentional homicide and rape; firearms trafficking; and trafficking provided by the Albanian government.

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This section was updated on 1 December 2022

5 Police

5.1 Legal framework

- 5.1.1 In a periodic report covering events between 2014 and 2021, the Albanian government submitted to the United Nations Committee on Economic, Social

¹ Government of Albania, '[Constitution of the Republic of Albania](#)', 1998 (amended in 2007)

² Government of Albania, '[Penal Code of Albania](#)', 1995

³ INSTAT, '[Crime and criminal justice statistics, 2021](#)' (page 1), 5 May 2022

⁴ INSTAT, '[Crime and criminal justice statistics, 2021](#)' (page 4 and 8), 5 May 2022

⁵ INSTAT, '[Crime and criminal justice statistics, 2021](#)' (page 6), 5 May 2022

and Cultural Rights (CESCR) on 2 September 2021 (CESCR report 2021):

‘Legal and sub-legal framework that regulates the activity of the State Police constitutes and guarantees respecting of freedom and human rights, equal treatment and without discrimination despite of gender, race, color, language, religion, ethnicity, political, religious, philosophical convictions, sexual orientation, economical, educational, social situation, parentage belonging. Law no. 108 dated 31.07.2014 “On the State Police” determines the fundamental principles directing the activity of the Police in particular: nondiscrimination and respect of the fundamental freedoms and human rights. In article 115 it is guaranteed the right of the escorted, detained and arrested persons to file a request/complaint in regards to the attitude, treatment, conditions of treatment, conduct of staff of the police, the violation and abuses committed against them. In article 133 the rules for the use of force by the Police are determined.’⁶

5.1.2 The CESCR report 2021 provided information on the protection of the rights of the persons detained from the Police:

‘... Law no. 108.2014 “On State Police”, amended, foresees: the right to present a request/complaint verbally or by writing to the directors of the police or other state institutions from every person detained, pre-detained or arrested in the premises of the police office as well as every other citizen related to the conduct and police actions, as well as the obligation of the police to file, treat, resolve and send a response to the person who presented the request/complaint.

‘... It is drafted and implemented the standard procedure of the work for the treatment and safety of the persons detained/arrested in the premises of the police office and the resolving of their requests/complaints. Part of the standard procedure for treatment of the persons detained/arrested are the rules on evidencing, treatment and resolving of the requests/complaints presented by the pre-detained, detained and arrested persons. In 2019 the Order no.925, dated 18.07.2019 is approved “On approval of the standard procedure of work: “Treatment and safety of the persons arrested/taken into custody in the premises of the State Police, evidencing and resolving of their requests/complaints.” As well standard procedures of work “On technical rules of escorting into the Premises of State Police are approved with the order no.938, dated 24.07.2017 of the General Director of the State Police.

‘...During the period 2019- ongoing, General Directorate of State Police has issued a number of administrative acts:

‘... Notice no. 3582, dated 02.05. 2019 “On implementation of the rules and standard procedures for treatment and safety of the persons taken into custody, arrested or detained, in the premises of local units of the police.”;

‘... Notice of General Director of the State Police (GDSP) no. 5669/2, dated 15.08.2019 “On human rights respecting during use of force in fulfillment of the legal duties and responsibilities of State Police.”;

⁶ Govt of Albania, [Fourth periodic report....](#), 3 November 2021

‘... Letter of Request of the General Director of the State Police no. 5126, dated 15.08.2019 “On prevention and elimination of the discriminating conduct that affect their dignity.”;

‘... Letter of Request of the General Director of the State Police, no. 6104/3, dated 02.09.2019 “On acknowledging the report and implementing of the recommendation of the European Committee for Prevention of Torture for respecting and guaranteeing of the rights of the persons deprived of their freedom in the premises of State Police”;

‘... Letter of Request of the General Director of the State Police no. 278/1, dated 15.01.2020 “On the correct implementation of law and respect of the human rights, in particular of the rights of the children, during execution of the police procedural actions from the staff of State Police.”;

‘... Notice no. 1449/2, dated 02.03.2020 “On implementation of the rules and standard procedures for safety and treatment of the arrested/taken into custody and detained in the premises of police units.”;

‘In point 80 of the draft-report it is suggested to add the following administrative acts as well:

‘... Letter of Request of the General Director of the State Police no. 4641/2 dated 26.08.2020 “On escorting/taken into custody of the persons, respecting and guaranteeing of their rights in the premises of State Police, pursuant to legal and sub-legal acts;

‘... Notice of the General Director of the State Police, no.293, dated 16.02.2021 “On respecting and guaranteeing of the rights of the persons when taken into custody, detention or arrest in the premises of State Police, as well as the right of organization, participation and peaceful demonstration of the minors.”’⁷

- 5.1.3 See also [Corruption](#) for the vetting of police to combat corruption.

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5.2 Structure and organisation

- 5.2.1 The United States Department of State’s Human Rights Report for Albania covering the year 2021 (USSD HR Report 2021) explained that ‘The Ministry of Interior oversees the Guard of the Republic and the State Police, which includes the Border and Migration Police. The State Police are primarily responsible for internal security.’⁸

- 5.2.2 The European Commission’s Albania October 2022 Report, covering events between June 2021 and June 2022 (the ‘EC Albania Report 2022’) stated:

‘The Albanian State Police (ASP) has a total of 11,804 officers, equivalent to 260 officers per 100,000 inhabitants, compared with an EU average of 333 per 100,000 inhabitants (Eurostat, 2018-2020) [or around 225 officers per

⁷ Govt of Albania, [Fourth periodic report...](#), 3 November 2021

⁸ USSD, [HR Report 2021: Albania](#) (Exec. Summary), 12 April 2022

100,000 in England and Wales⁹¹⁰¹¹]. 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.¹²

- 5.2.3 The CESC report 2021 noted training of law enforcement personnel, stating, '...The legislation on justice reform has made the continuing training of prosecutors and judicial police officers mandatory... Central and independent institutions, such as ... the General Directorate of State Police ... have developed training on the recognition and implementation of international conventions or the legal framework on human rights, according to areas.'¹³
- 5.2.4 For more on the police's structure and organisation, see the Immigration and Refugee Board of Canada's response, ALB105256.E, '[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.

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5.3 Effectiveness

- 5.3.1 The USSD Overseas Advisory Council (OSAC) Country Security Report for Albania dated October 2021 stated:
- '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.'¹⁴

⁹ UK Home Office, '[Police workforce, England and Wales...](#)', 30 March 2022

¹⁰ UK Office for National Statistics, '[Population and household estimates...](#)', 28 June 2022

¹¹ UK Home Office data for number of full time equivalent police officers to the end of March 2021 was just over 135,000 in England and Wales'; the Census 2021 data estimated that there just under 60million people in England and Wales as of March 2021

¹² EC, [Albania Report 2022](#) (page 39), 12 October 2022 2

¹³ Govt of Albania, [Fourth periodic report...](#), 3 November 2021

¹⁴ OSAC, [Albania Country Security Report](#), 22 October 2021

5.3.2 The USSD HR Report 2021 stated:

‘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.’¹⁵

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5.4 Accountability and impunity

5.4.1 The USSD HR Report 2021 stated:

‘The government made greater efforts to address police impunity, most notably in the single case of excessive use of deadly force. The SIAC [Ministry of Interior’s Service for Internal Affairs and Complaints] recorded an increase in the number of investigations, prosecutions, and sanctions against officers for criminal and administrative violations. The December 2020 deadly police shooting of a COVID curfew violator who fled arrest led to widespread protests, some violent. The officer involved was arrested soon after the shooting and was convicted of homicide in July, receiving a 10-year prison sentence, reduced from 15 years due to his guilty plea.’¹⁶

5.4.2 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.’¹⁷

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5.5 Human rights violations

5.5.1 The USSD HR Report 2021 noted that the ‘[c]ivilian authorities maintained effective control over the security forces.... [however] [t]here were some allegations of abuses by members of the security forces.’¹⁸ However, the reference to ‘some’ allegations of abuse is not an indication that abuse took place in general.

5.5.2 The USSD HR Report 2021 stated:

‘While the constitution and law prohibit such actions, there were allegations that police sometimes abused suspects and prisoners. For example, the Albanian Helsinki Committee (AHC) reported a case of physical abuse of a minor while in police detention. Medical staff did not report the corroborating physical examination showing bruising to the head and arm to the prosecutor’s office. Responding to the incident, the general director of police mandated training focused on criminal procedural rights of juveniles...

¹⁵ USSD, [HR Report 2021: Albania](#) (section 4), 12 April 2022

¹⁶ USSD, [HR Report 2021: Albania](#) (section 1.c), 12 April 2022

¹⁷ EC, [Albania Report 2022](#) (page 23), 12 October 2022

¹⁸ USSD, [HR Report 2021: Albania](#) (Executive summary), 12 April 2022

Ministry of Interior's Service for Internal Affairs and Complaints (SIAC) received complaints of police abuse and corruption that led to investigations of police actions. The Office of the Ombudsman, an independent, constitutional entity that serves as a watchdog over the government, reported that most cases of alleged physical or psychological abuse during the year occurred during arrest and interrogation, especially in cases of public protest.¹⁹

5.5.3 The USSD HR Report 2021 also noted:

'In December 2020, State Police shot and killed a man in Tirana who was violating a COVID-19 curfew. The officer who shot him was arrested, tried, and convicted for the killing. The minister of internal affairs resigned following protests in response to the killing. There were no other reports that the government or its agents committed arbitrary or unlawful killings. Civilian law enforcement agencies such as the State Police investigated whether civilian security force killings were justifiable and pursued prosecutions for civilian agencies. Military law enforcement conducted investigations of killings by the armed forces.'²⁰

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This section was updated on 1 December 2022

6 Judiciary

6.1 Legal system, structure and budget

6.1.1 An undated entry on the New York University School of Law (NYUSL) website stated:

'Albania's legal system is a civil law one, modeled after the French law system. The Constitution has the highest legal authority followed by ratified international agreements, which prevail over domestic laws, and judicial acts issued by the executive branch. Lower court decisions and holdings do not confer or establish legal precedents. Judicial power in Albania is exercised through the courts of first instance, appeal courts and lastly, the Supreme Court, which has final appellate authority.'²¹

6.1.2 In the Albania Report 2022, the European Commission noted:

'Albania had 307 full-time judge positions (10.8 per 100,000 inhabitants) and 300 full-time prosecutor positions (10.5 per 100,000 inhabitants) in 2021. According to the European Commission for the Efficiency of Justice (CEPEJ), the European averages are 21 judges and 12 prosecutors per 100,000 inhabitants. The 2021 budgetary allocation for the judicial system was about EUR 40 million [just under £35million²²]. This amounts to EUR 14.5 [£12.62²³] per inhabitant. Court infrastructure remains poor overall and future budget allocations need to address with greater determination the pressing needs of the judicial institutions.'²⁴

¹⁹ USSD, [HR Report 2021: Albania](#) (Section 1.c), 12 April 2022

²⁰ USSD, [HR Report 2021: Albania](#) (Section 1.a), 12 April 2022

²¹ NYUSL, '[Update: Researching the Albanian Legal System](#)', July/August 2019

²² Xe Currency Converter, 1 EUR = 0.870423 GBP, 19 October 2022

²³ Xe Currency Converter, 1 EUR = 0.870423 GBP, 19 October 2022

²⁴ EC, [Albania Report 2022](#) (page 21), 12 October 2022

- 6.1.3 A European Commission for the Efficiency of Justice (CEPEJ) report of July 2021, 'HFII: Towards a better evaluation of the results of judicial reform efforts in the Western Balkans "DASHBOARD Western Balkans,"' based on information collected in 2020 (CEPEJ report 2020), noted:

'In 2020, Albania spent 41 359 048€ [just under £36million] as implemented Judicial System budget. Thus, it spent 14,53€ per inhabitant, which is remarkably less than the Western Balkans (WB) median of 37,8€. Albania had indeed the lowest budget per inhabitant in the region. In 2020, 56,9% was spent for all courts, 42,8% for prosecution services, 0,3% for legal aid. However, over the three-year period (2018 – 2020), Albania increased the budget spent for Courts, from 5,9€ per inhabitant in 2018 to 8,3€ in 2020 (compared to 2019, the budget allocated for courts was increased by 10,2%). Moreover, after the approval of the legal aid reform in 2018, Albania has channelled a higher amount of funds for legal aid (+109,8% in 2020 compared to 2019). The amount of budget coming from external donors is difficult to calculate. This is because funds are often allocated on projects that last longer than one year and involve not only justice system but also other areas. Furthermore, it is difficult to identify how much is directly or indirectly allocated to courts, prosecutor offices and legal aid. However, Albania was able to estimate the ratio between external donors funding and whole justice system budget, which was around 9%.²⁵

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6.2 Reform

- 6.2.1 The USSD HR Report 2021 observed:

'The government continued to implement an internationally monitored process to vet judges and prosecutors and dismiss those with unexplained wealth or ties to organized crime. As of September, 42 percent of the judges and prosecutors vetted had failed and been dismissed, 36 percent passed, and 22 percent resigned or retired. During the year the number of vetted Supreme Court judges grew to fill nine of the 19 seats on the court. Assignments of vetted judges were sufficient to establish administrative, civil, and penal colleges and allow courts to begin adjudicating cases. The Supreme Court, however, must have at least 10 judges to be able to elect the remaining three Constitutional Court judges....²⁶

- 6.2.2 The USSD further noted:

'The implementation of justice reform provisions led to a pause in normal disciplinary processes while the country established independent disciplinary bodies. From January through September 8, the country's High Justice Inspectorate received 875 complaints that resulted in the issuance of 740 decisions on archiving and 120 decisions on the verifications of complaints. It also administered 24 disciplinary investigations, nine of which were carried over from the previous Inspectorate at the High Judicial Council. The High Justice Inspectorate also submitted nine requests for disciplinary proceedings against magistrates to the High Judicial Council and High

²⁵ CEPEJ, 'HFII: Towards a better evaluation...' (page 2), 8 July 2021

²⁶ USSD, [HR Report 2021: Albania](#) (Section 1.e), 12 April 2022

Prosecutorial Council.²⁷

6.2.3 The EC Albania report 2022 considered:

‘Albania has some level of preparation/is moderately prepared in implementing the EU acquis and European standards in the area of the judiciary and fundamental rights. Good progress was made, in particular through continued implementation and consolidation of the comprehensive justice reform. There have been two additional appointments to the Constitutional Court, which further enhance the court’s ability to perform its mandate. The High Court has increased its efficiency with the appointment of six additional judges, and has started to reduce its backlog of cases and to unify the case-law. The vetting process for judicial appointments has continued to advance steadily. Operational efforts to fight corruption are delivering some results, including criminal proceedings and financial investigations in several high-level cases, which resulted in a few final convictions. These efforts need to continue and intensify. On fundamental rights, there was some progress in a number of areas, but efforts to implement policies should continue...

‘Albania is moderately prepared on the functioning of the judiciary. Good progress was made, with the continued implementation of justice reform. A time-limited constitutional extension of the term in office of the vetting bodies was adopted, thus ensuring uninterrupted and consistent continuation of the vetting process. To date, 64 % of the vetting dossiers processed have resulted in dismissals, resignations or termination of mandate of vetted magistrates. Following new appointments of judges, the High Court has reduced the backlog of cases for the first time in six years and reached the quorum to make appointments of judges to the Constitutional Court, proceeding with one such appointment. The Specialised Structure for Anti-Corruption and Organised Crime (SPAK) Court delivered several important decisions pertaining to high-level officials, including a former Minister of the Interior and a former Prosecutor General. Limited progress was made on the recommendation to improve the case management system and the legal training system, which has been pending for some years.’²⁸

6.2.4 See also [Corruption](#) for discussion of the vetting process.

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6.3 Effectiveness

6.3.1 The USSD HR Report 2021 observed: ‘Although the constitution provides for an independent judiciary, political pressure, intimidation, corruption, and limited resources prevented the judiciary from functioning fully, independently, and efficiently...’²⁹

6.3.2 Freedom House’s Nations in Transit report 2022, Albania, covering events in 2021, written by Dr Andi Hoxhaj, a lecturer at Warwick Law School, (FH NinT report 2021), and based on a range of sources, observed:

‘During the year, Albania’s judicial system continued the structural and

²⁷ USSD, [HR Report 2021: Albania](#) (Section 1.e), 12 April 2022

²⁸ EC, [Albania Report 2022](#) (p16 and 17), 12 October 2022

²⁹ USSD, [HR Report 2021: Albania](#) (Section 1.e), 12 April 2022

institutional changes begun in 2016, in particular, 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.'³⁰

6.3.3 With regard to the backlog of court cases, the USSD HR Report 2021 noted: 'As of July 31 [2021], the Supreme Court had a backlog of 36,608 cases pending adjudication.'³¹ While the EC Albania report 2022 noted:

'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.

'The courts with the highest backlog are the High Court, the Tirana District Court and the Administrative Court of Appeal. The latter has 18 415 cases, of which 9 938 are older than two years. The High Court has the highest backlog with over 35 822 cases, of which 27 843 are older than two years (77%). However, following the new appointments to the High Court, the clearance rate has increased considerably to 117% for criminal cases and 193% for administrative cases. The recruitment of new administrative and legal experts, the improvement of working methods and the increase of communication and transparency remain key tasks.'³²

6.3.4 In the Albania Report 2022 on EU enlargement, the European Commission's recommendations included:

- 'further advance the process of re-evaluating judges and prosecutors (vetting) and, where possible, increase the pace of procedures with due regards to the quality of the process;
- 'consolidate efforts to enhance the efficiency and transparency of all courts and prosecution offices, including through fast and decisive action to set up a modern Integrated Case Management System and with the rollout of a solid implementation plan for the new judicial map;
- 'continue to consolidate the capacity of the judicial system and its self-governing institutions, while making quality and efficiency improvements at the School of Magistrates.'³³

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6.4 Fair and public trial

6.4.1 In the Freedom in the World 2022 Report, covering events in 2021, Freedom

³⁰ FH, [NinT report 2021](#) (Judicial Framework and Independence), April 2022

³¹ USSD, [HR Report 2021: Albania](#) (Section 1.e), 12 April 2022

³² EC, [Albania Report 2022](#) (page 21), 12 October 2022

³³ EC, [Albania Report 2022](#) (page 17), 12 October 2022

House (FH report 2021) stated, '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.'³⁴

- 2.1.1 The USSD HR Report 2021 stated: 'The constitution and law provide for the right to a fair and public trial without undue delay... The government generally respected these rights, although trials were not always public and access to an attorney was at times problematic. To protect the rights of defendants and their access to the evidence against them, a prosecutor must petition a preliminary hearing judge and make a request to send the case to trial.'³⁵
- 6.4.2 The report added, 'Court hearings were generally open to the public unless COVID-19 restrictions did not allow for journalists or the public to enter court premises. In such cases, media submitted complaints to the court, which reviewed them on a case-by-case basis and generally allowed journalists and the public to attend hearings if the case was of interest to the general public.'³⁶

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6.5 Access to legal aid

6.5.1 The CEPEJ report 2020 stated:

'... following the approval of the legal aid law, the budget of legal aid was increased substantially to provide for primary and secondary legal aid.

'The Law on Legal Aid entered into force on 1 June 2018. It foresees a comprehensive system of Primary Legal Aid (out of court support), Secondary Legal Aid (representation by an advocate in a court procedure), exemption from court fees and court costs. Possible providers of primary legal aid are specially trained officers in primary legal aid service centers, NPOs, and Legal clinics. In 2020, 8 legal clinics were expected to be opened.

'This led to a significant increase in the number of cases granted with legal aid, from 270 cases in 2019 to 1 926 cases in 2020. However, the number of cases per 100.000 inhabitants (68) remained well below the [West Balkans] WB median (306).'³⁷

6.5.2 The FH report 2021 noted that 'Legal counsel is not always provided to those that cannot afford their own; however, a number of local NGOs offer free legal aid to those unable to access legal services through the state.'³⁸

6.5.3 The USSD HR Report 2021 stated:

'Despite having a statutory right to free legal aid in civil cases, NGOs reported that very few individuals benefitted from such aid during the year. To address the problem, the Ministry of Justice established the Free Legal Aid Directorate, law clinics at state universities, an online platform during the

³⁴ Freedom House, '[Freedom in the World 2022](#)' (Albania), 24 February 2022

³⁵ USSD, '[HR Report 2021: Albania](#)' (Section 1.e), 12 April 2022

³⁶ USSD, '[HR Report 2021: Albania](#)' (Section 1.e), 12 April 2022

³⁷ CEPEJ, '[HFII: Towards a better evaluation...](#)' (page 2), 8 July 2021

³⁸ Freedom House, '[Freedom in the World 2022](#)' (Albania), 24 February 2022

COVID-19 pandemic, and a telephone line to request free legal aid. The ongoing vetting process and legal mechanisms put in place by the high justice inspector to regulate the disciplining of judges also aimed to mitigate such problems.³⁹

6.5.4 The EC Albania report 2022 stated:

‘...the legal basis for free legal aid is complete and is being applied. Primary and secondary legal aid are delivered at central and local level. The number of people that have benefited from free legal aid has increased considerably since the approval of the law in 2017. Despite the legal framework on free legal aid and institutional set up to guarantee it, only few children benefit from legal aid compared with the number of children involved in criminal law, family and civil law and administrative law processes. The budget allocated for legal aid in 2021 amounted to EUR 547,696 [over £477,000], an increase of 31% against the previous year. The budget implemented in 2021 amounted to EUR 245,739 [over £214,000] (up from EUR 140,488 [over £122,000] in 2020). However, the dedicated state budget should be further increased to make the legal clinics fully functional.’⁴⁰

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6.6 Independence

2.1.1 The FH report 2021 noted: ‘The constitution provides for an independent judiciary, but 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.’⁴¹

6.6.1 The USSD HR Report 2021 stated that ‘Although the constitution provides for an independent judiciary, political pressure, intimidation, corruption, and limited resources prevented the judiciary from functioning fully, independently, and efficiently... the politicization of past appointments to the Supreme Court and Constitutional Court at times threatened to undermine the independence and integrity of these institutions.’⁴²

6.6.2 The report further noted that ‘While individuals and organizations may seek civil remedies for human rights violations, instances of judicial corruption, inefficiency, intimidation, and political tempering were reported. Courts took steps to address the problem by using audio-recording equipment.’⁴³

6.6.3 In the Albania Report 2022, the European Commission noted that ‘The system for recruiting, selecting, appointing, transferring, and dismissing judges and prosecutors is managed exclusively by the self-governing institutions of the judiciary. Continued implementation of judicial reform further reduced political influence throughout the appointment process, thus ensuring a merit-based career system.’⁴⁴

³⁹ USSD, [HR Report 2021: Albania](#) (Section 1.e), 12 April 2022

⁴⁰ EC, [Albania Report 2022](#) (page 36), 12 October 2022

⁴¹ Freedom House, [Freedom in the World 2022](#) (Albania), 24 February 2022

⁴² USSD, [HR Report 2021: Albania](#) (Section 1.e), 12 April 2022

⁴³ USSD, [HR Report 2021: Albania](#) (Section 1.e), 12 April 2022

⁴⁴ EC, [Albania Report 2022](#) (page 20), 12 October 2022

6.7 Avenues of redress

6.7.1 In the Albania Report 2022, the European Commission stated:

‘The High Justice Inspector (HJI) continued to be fully operational, initiating and conducting disciplinary investigations against magistrates. The HJI continued to be understaffed and could not reduce the accumulated backlog, despite the allocation of additional staff and premises, and an increased budget. The recruitment of additional inspectors and improvement of HJS’s capacity remain necessary. During the reporting period [June 2021 to June 2022], the HJI received 1,257 complaints. It processed 4,124 complaints in total and started 22 investigations, of which 17 resulted in disciplinary proceedings.’⁴⁵

6.7.2 The USSD HR Report 2021 stated:

‘Claimants who had exhausted remedies in domestic courts could appeal to the European Court of Human Rights (ECHR). In many cases, authorities did not enforce ECHR rulings. 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. The ombudsman cited the state attorney’s reporting that millions of euros in compensation had yet to be paid by the government to successful complainants.’⁴⁶

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7 Witness protection

7.1.1 In the Albania Report 2022, the European Commission reported that the witness protection programme had worked satisfactorily, with 24 witness protection operations performed in 2021, compared to 19 in 2020⁴⁷.

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8 Organised crime and government action

8.1.1 The USSD OSAC published a Country Security Report on Albania in October 2021 which noted that, ‘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.’⁴⁸

8.1.2 In the Albania 2022 Report, the European Commission stated:

‘The Specialised Structure for Anti-Corruption and Organised Crime (SPAK), comprising the Special Prosecution Office (SPO) and the National Bureau of Investigation (NBI), continued its operations. After a budget increase in 2021, the SPO now has 17 prosecutors in place, the recruitment of eight

⁴⁵ EC, [Albania Report 2022](#) (page 19), 12 October 2022

⁴⁶ USSD, [HR Report 2021: Albania](#) (Section 1.e), 12 April 2022

⁴⁷ EC, [Albania Report 2022](#) (page 43), 12 October 2022

⁴⁸ OSAC, [Albania Country Security Report](#), 22 October 2021

financial investigators is underway and the NBI reached its full operational capacity of 60 investigators after a second round of recruitment...

'Albania has some level of preparation in the fight against organised crime. It made some progress in meeting last year's recommendations... The country progressed steadily in the implementation of the Financial Action Task Force (FATF) Action Plan to improve effectiveness in the field of anti-money laundering, but Albania remained on the list of jurisdictions under increased monitoring. Financial investigations need to accompany systematically criminal proceedings. Albania adopted a new national cross-sector counter-terrorism strategy and action plan in December 2020.'⁴⁹

- 8.1.3 The report summarised progress made in dealing with organised crime by the Albanian state as follows:

'The country has some level of preparation in implementing the EU acquis in this area. Some progress was made in meeting last year's recommendations. The cooperation with EU Members States, Europol and Eurojust has remained strong and fruitful. Albania continued to show commitment to counter the production and trafficking of cannabis. Good progress was made with regards to the seizure and confiscation of assets linked to organised crime, and must continue in the future. Efforts also need to continue to ensure increased prosecutions and final convictions, especially at high-level. Countering cybercrime, trafficking in human beings and money laundering remain areas in which additional results are needed. All forms of child sexual abuse online should be criminalised and persecuted [sic, prosecuted]'.⁵⁰

- 8.1.4 The report also noted progress regarding the Specialised Anti-corruption and Organised Crime Structures:

'The Specialised Anti-corruption and Organised Crime Structures (SPAK) have started to build track record of investigations and convictions on organised crime with 48 new investigations and 128 convictions (for 418 persons) at first instance and 41 final convictions (116 persons) at appeal level in 2021. The Special Prosecution Office now has 17 prosecutors in place. NBI [National Bureau of Investigation] currently has access to five databases and has engaged in bilateral agreements to access nine additional ones by the end of 2022. This trend should continue and NBI should be given access to all databases bringing value to their investigations.

'The second batch of investigators for the National Bureau of Investigation ... – 32 individuals - have been selected and vetted. They completed their four months of initial training and took up duty in June 2022, thus filling the 60 positions of NBI investigators. NBI has signed a number of agreements with other law enforcement agencies allowing in particular access of NBI investigators to databases of the Albanian State Police and of the General Directorate for Taxation.'⁵¹

- 8.1.5 The EC Albania report 2022 also provided information about prosecutions

⁴⁹ EC, [Albania Report 2022](#) (page 4), 12 October 2022

⁵⁰ EC, [Albania Report 2022](#) (page 38), 12 October 2022

⁵¹ EC, [Albania Report 2022](#) (page 39), 12 October 2022

and convictions for organised crime:

‘Albania pursued its efforts towards building a track record on fighting organised crime. In 2021, there were 41 new cases referred to prosecution (up from 22 in 2020); 14 indictments for a structured criminal group in 2021 (against 15 in 2020) and 19 cases were closed with 75 persons with final convictions at appeal level (compared with 13 persons in 2020).

‘In 2021 the Special Prosecution Office (SPO) initiated 304 criminal proceedings – 92 for organised crime and 212 for corruption, which represents an increase of 50% compared with the year before. During the same period, 31 criminal procedures for corruption and 15 procedures for organised crime were sent to trial. 23 (against 94 defendants) convictions at first instance were reached by the special court and 52 (against 136 defendants) at appeal level in 2021.’⁵²

- 8.1.6 The same report observed, ‘Law enforcement authorities’ response to organised crime, notably the investigation of large criminal networks, needs to be more proactive and systematic. Special units within the police and prosecution have access to 40 national registers, but they still lack direct access to the electronic register of mobile phone subscribers and IP addresses from internet service providers.’⁵³

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9 Corruption

- 9.1.1 The USSD HR Report 2021 observed generally that ‘Corruption was pervasive in all branches of government, and officials frequently engaged in corrupt practices with impunity.’⁵⁴ Similarly, in its report covering events in 2021, FH noted: ‘Corruption is pervasive, and the EU has repeatedly called for rigorous implementation of antigraft measures, particularly for corruption within the judiciary.’⁵⁵ The FH NinT report 2021 explained: ‘According to Transparency International’s 2021 Corruption Perceptions Index, corruption continued to be a serious issue of concern in Albania, which dropped to 110th place out of 180 countries, falling six places compared to 2020. This negative perception was also identified in a national poll by Euronews Albania, which found that over 90 percent of Albanians perceive that corruption is widespread in the country.’⁵⁶
- 9.1.2 A report by the Institute for Democracy and Mediation, an Albanian think tank, sponsored by the Dutch government, ‘Police Integrity and Corruption in Albania 3.0’, 2020 (IDM report 2020), noted the following with regard to police corruption:
- ‘In 2017... a working group to conduct a comprehensive analysis of corruption within the structures of the State Police, the Republican Guard and the Service for Internal Affairs and Complaints Service (SIAC) [as

⁵² EC, [Albania Report 2022](#) (page 40), 12 October 2022

⁵³ EC, [Albania Report 2022](#) (page 41), 12 October 2022

⁵⁴ USSD, [HR Report 2021: Albania](#) (section 4), 12 April 2022

⁵⁵ FH, ‘[Freedom in the World](#)’ (Albania), February 2022

⁵⁶ FH, [NinT report 2021](#) (Corruption), April 2022

established]... Based on a full analysis of the situation, it proposed the introduction of police vetting as an anti-corruption instrument. The primary purpose of vetting in the State Police would be to guarantee and promote integrity, as well as increase professionalism, in the ranks of employees of Albanian agencies responsible for public order and safety... The evaluation process would be implemented by independent bodies and would be based on evaluating personal integrity, auditing personal assets and assessing the professionalism of police officers.

'This policy objective resulted in the adoption of Law no. 12/2018 "On the transitional and periodic evaluation of employees of the State Police, Guard of the Republic of Albania and SIAC, in the Ministry of Internal Affairs", which entered into force on 4 April 2018... Under the transitional phase of the process, the External Evaluation Committee (EEC) would first conduct the evaluation of high-ranking police officers, comprising almost 300 senior members of the State Police, Republican Guard and SIAC. With the legal changes adopted in August 2020, successfully vetted members of SIAC will then assist the EEC in the evaluation of 12,000 middle-and low-ranking employees. These provisions were anticipated by new legal changes to the operation of SIAC to enable it to carry out this task...

'This transitional evaluation of police officers has proceeded slowly, starting 9 months after the deadline. The delay has been due to the constitution of the evaluation bodies, the need to issue bylaws for the smooth running of the whole process, the capacity building of the members of the EEC and the Technical Secretariat, as well as establishing the necessary financial and logistical infrastructure for the process...

'Furthermore, a policy framework was established in Albania for preventing and combating corruption as well as strengthening the integrity of the State Police... The Public Order Strategy (POS) 2015–2020,¹⁰ is the main strategic document of the State Police in the anticorruption framework. The purpose of the POS is to reassess law enforcement and improve security standards in the country.'⁵⁷

9.1.3 The IDM report 2020 further observed: 'Practice so far has shown that, despite the many policy documents and adopted legislative reforms, the fight against corruption continues to be a key priority for Albania. However, these policy and legal frameworks should enable the State Police to fight corruption more effectively, by strengthening in particular the transparency, integrity and accountability of police officers in the country.'⁵⁸

9.1.4 Also on police corruption, the USSD HR Report 2021 noted:

'Police corruption remained a problem. Through August the [Service for Internal Affairs and Complaints] SIAC received 1,155 complaints which were within the jurisdiction of the service and entered them into the SIAC Case Management System. Most of the complaints alleged a failure to act, violation of standard operating procedures, abuse of office, arbitrary action, police bias, unfair fines, and passive corruption. SIAC referred to the prosecution 149 cases involving 215 officials. The Office of the Ombudsman

⁵⁷ IDM, '[Police integrity and corruption in Albania 3.0](#)' (pages 13 to 14), 28 January 2021

⁵⁸ IDM, '[Police integrity and corruption in Albania 3.0](#)' (page 15), 28 January 2021

also processed complaints against police officers, mainly concerning problems with arrests and detentions.⁵⁹

9.1.5 On judicial corruption, the FH report 2021 noted:

'In 2016, constitutional reforms established Albania's Special Anticorruption Structure (SPAK), which is tasked with investigating and prosecuting high-level corruption. In a process monitored by EU and US experts, the government has been vetting judges and prosecutors since 2018, so as to identify and prevent corruption in the justice system. An October 2021 European Commission report praised Albania's anticorruption efforts, specifically noting the success of the vetting mechanisms in reducing judicial corruption.'⁶⁰

9.1.6 While the USSD HR report 2021 observed:

'Through September, the Special Prosecution Office against Corruption and Organized Crime (SPAK) announced that it had opened investigations and brought charges against several public officials, including... judges and prosecutors, former and sitting judges of the Constitutional Court's Vetting Appeal's Chamber, former judges of the Supreme Court... As of September, one judge, two prosecutors... were indicted on abuse of office or corruption charges.

'The constitution requires judges and prosecutors to undergo vetting for unexplained wealth, ties to organized crime, and professional competence. The Independent Qualification Commission conducted vetting, and the Appeals Chamber reviewed contested decisions. The International Monitoring Operation, composed of international judicial experts, oversaw the process. As of November, 125 judges and prosecutors were dismissed, 103 confirmed, while 48 others had resigned rather than undergo vetting. As of July, 173 judges and prosecutors were dismissed, 148 confirmed, while 89 others had resigned or retired.'⁶¹

9.1.7 See also section the [Reform](#) of the judiciary above.

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10 Ombudsman – oversight of alleged human rights violations

10.1.1 The USSD HR Report 2021 stated:

'The Office of the Ombudsman is the main independent constitutional institution for promoting and enforcing human rights. It is authorized by law to monitor and report on prisons and detention centers and conduct administrative investigation of complaints from citizens. Although the Ombudsman's Office lacked the power to enforce decisions, it acted as a monitor of alleged human rights abuses, and institutions made efforts to meet its recommendations.

'The Assembly [parliament] has committees on legal issues, public administration, and human rights that review the annual report of the Office

⁵⁹ USSD, [HR Report 2021: Albania](#) (section 4), 12 April 2022

⁶⁰ Freedom House, '[Freedom in the World 2022](#)' (Albania), 24 February 2022

⁶¹ USSD, [HR Report 2021: Albania](#) (Section 4), 12 April 2022

of the Ombudsman. The committee was engaged and effective in legislative matters.’⁶²

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⁶² USSD, [HR Report 2021: Albania](#) (Section 5), 12 April 2022

Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToR, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Crime in Albania
- State security
 - Police
 - State Intelligence Service
 - Effectiveness of state security
 - Action to address organised crime
 - Corruption
 - Accountability and impunity
- The judiciary
 - Effectiveness of the legal system
 - Independence of the judiciary
 - Right to a fair trial
 - Access to legal aid
 - Witness protection
 - Avenues of redress
- Human rights violations
 - Arbitrary arrest
 - Torture and ill-treatment
 - Abductions by the state
 - Extrajudicial killing
 - Avenues of redress

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Bibliography

Sources cited

Albanian Institute of Statistics (INSTAT), [Crime and criminal justice statistics, 2021](#), 5 May 2022. Last accessed: 1 December 2022

Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, [Report to the Albanian Government on the ad hoc visit to Albania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) from 23 to 26 November 2021](#) [CPT/Inf (2022) 08], 26 April 2022. Last accessed: 1 December 2022

European Commission, [Albania Report 2022](#), 12 October 2022. Last accessed: 1 December 2022

European Commission for the Efficiency of Justice (CEPEJ), [HFII: Towards a better evaluation of the results of judicial reform efforts in the Western Balkans "DASHBOARD Western Balkans"](#), 8 July 2021. Last accessed: 1 December 2022

Freedom House,

[Freedom in the World 2022](#) (Albania), 24 February 2022. Last accessed: 19 October 2022

[Nations in Transit 2022 – Albania](#), April 2022. Last accessed: 1 December 2022

Government of Albania,

[Penal Code of Albania](#), 27 January 1995. Last accessed: 20 October 2022

[Fourth periodic report submitted by Albania under articles 16 and 17 of the Covenant, due in 2018](#), submitted to the UN Committee on Economic, Social and Cultural Rights on 2 September 2021, published 3 November 2021. Last accessed: 20 October 2022

[Third periodic report submitted by Albania under article 19 of the Convention](#), due in 2016, submitted to the UN Committee Against Torture on 19 July 2021 [CAT/C/ALB/3], published 5 April 2022. Last accessed: 20 October 2022

[Response of the Albanian Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) on its ad hoc visit to Albania from 23 to 26 November 2021](#), 13 July 2022. Last accessed: 20 October 2022

[Constitution of the Republic of Albania](#), 1998 (amended in 2007)

Institute for Democracy and Mediation, [Police integrity and corruption in Albania 3.0](#), 28 January 2021. Last accessed: 1 December 2022

New York University School of Law (NYUSL), [Update: Researching the Albanian Legal System](#), July/August 2019. Last accessed: 20 October 2022

UK Home Office, [Police workforce, England and Wales: 31 March 2021 second edition](#), 30 March 2022. Last accessed: 1 December 2022

UK Office for National Statistics, '[Population and household estimates, England and Wales: Census 2021](#)', 28 June 2022. Last accessed: 1 December 2022

US Department of State,

[Country Report on Human Rights Practices for 2021; Albania](#) (USSD HR Report 2021), 12 April 2022. Last accessed: 20 October 2022

Overseas Security Advisory Council (USSD OSAC), [Albania Country Security Report](#), 22 October 2021. Last accessed: 18 October 2022

Xe Currency Converter, 1 EUR = 0.870423 GBP, 19 October 2022

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Sources consulted but not cited

Albanian Helsinki Committee, [Home](#), no date. Last accessed: 20 October 2022

Amnesty International, [International report 2021/2022](#) (Albania), 29 March 2022. Last accessed: 20 October 2022

Balkan Insight, [Organised Crime](#), no date. Last accessed: 19 October 2022

Bertelsmann Stiftung, [Annual Report 2021](#) (Albania), 31 May 2022. Last accessed: 20 October 2022

Global Security, [Albanian Organized Crime](#), no date. Last accessed: 20 October 2022

US Central Intelligence Agency, [The World Factbook; Albania](#), 19 October 2022. Last accessed: 20 October 2022

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Version control

Clearance

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The information on this page has been removed as it is restricted for internal Home Office use.

Official – sensitive: End of section

Changes from last version of this note

Country information updated.

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