



Refugee Documentation Centre (Ireland)  
LEGAL AID BOARD

## **Albania - Researched and compiled by the Refugee Documentation Centre of Ireland on Thursday 1 & Friday 2 December 2016**

### **Information since April 2015 on police effectiveness vis-à-vis victims of rape/sexual assault/physical assault; information since April 2015 on how the Ombudsman's Office deals with complaints about the police**

A document issued by the *European Commission* in November 2016 states:

“Domestic violence remained a serious concern. In 2015, 3 886 cases of domestic violence and other crimes in families were reported by the police, with 2 148 resulting in protection orders. In 1 300 cases of domestic violence, criminal proceedings were initiated and sent for prosecution. 74 % of domestic violence victims were women, which illustrates the gender dimension of violence” (European Commission (9 November 2016) *Albania 2016 Report*, p.66).

This report also states:

“On the promotion and enforcement of human rights, the Ombudsman continued to actively promote the rights of vulnerable groups. In 2015, out of 349 recommendations addressed, 160 recommendations were accepted, 68 remained without reply and 54 were refused, while the rest were under review. The work of the Ombudsman’s Office continued to be limited by lack of funding and personnel, and the resources of its central and local offices need to be enhanced to ensure that they can function satisfactorily. In 2016, its budget allocation was slightly increased, allowing for the recruitment of Commissioners on Children’s Rights and on the Prevention of Torture. However, the two commissioners are yet to be appointed, either due to an insufficient number of candidates or their failure to meet the legal requirements. Most complaints submitted to the Ombudsman’s Office continued to relate to social rights, mainly healthcare, pension issues, employment, education and housing and the failure of the state administration to act within the legal deadlines provided by law...On prevention of torture and ill-treatment, the national preventive mechanism conducted 130 inspections and monitoring visits in 2015. The resulting 67 recommendations were acknowledged and most of them were addressed. In 2015, the national preventive mechanism and the Ombudsman’s Office handled 42 complaints about disproportionate use of force and violence by police officers and prison guards, of which 10 were found to have valid grounds. These cases are still under investigation” (European Commission (9 November 2016) *Albania 2016 Report*, p.63).

It is also pointed out in this report that:

“The police underwent profound organisational changes to modernise its structures and modus operandi. The new police organisational structure was adopted in December in line with the new administrative division of the country. 12 local police directorates, 50 police commissariats and 15 police stations have been foreseen in the reform. The fight against internal corruption continued. The number of disciplinary proceedings in 2015 was 172, compared to 153 in 2014. The police still experiences corruption and political pressure, hindering in-depth investigation of organised crime” (ibid, p.73).

In November 2016 a publication issued by the *European Asylum Support Office* points out that:

“The People’s Advocate’s recommendations on the implementation of the CEDAW Convention focus on, among other issues, a faster procedure for issuing protection orders in favour of women, additional safe shelters and more free legal aid...” (European Asylum Support Office (November 2016) *Albania Country Focus*, p.38).

In June 2016 the *Gender Alliance for Development Centre* notes:

“According to official statistics domestic violence reports have considerably increased since 2010, or at least cases denounced has seen a spike in recent years. Although civil society, GADC included, conduct training with police officers and other official's part of the referral system on how to deal with domestic violence there are several problems that influence sustainability and efficiency of such trainings such as frequent dismissals and changes in police forces and other actors in the public institutions. Law enforcement remain also a problematic area” (Gender Alliance for Development Centre (10 June 2016) *Shadow Report to the Committee on the Elimination of Discrimination against Women*).

A report released in April 2016 by the *United States Department of State* reviewing events of the preceding year notes that:

“During the year the ombudsman also processed complaints against police officers, mainly relating to problems with arrests and detention. The ombudsman, through the national mechanism for the prevention of torture, reported increased implementation of his recommendations related to mistreatment” (United States Department of State (13 April 2016) *2015 Country Reports on Human Rights Practices: Albania*).

This report also notes that:

“The law includes provisions on sexual assault and sexual harassment and makes the criminalization of spousal rape explicit. The government did not enforce the law effectively. Victims rarely reported spousal abuse, and officials did not prosecute spousal rape. The concept of spousal rape was not well established, and authorities and the public often did not consider it a crime. Domestic violence against women, including spousal abuse, remained a serious problem. Police often did not have the training or capacity to deal effectively with domestic violence cases” (ibid).

A report issued in 2016 by the *Institute for Democracy and Mediation* notes that:

“Ombudsman reports show that the culture of use of physical force or psychological violence on the part of police officers is still predominant...” (Institute for Democracy and Mediation (2016) *Police Integrity and Corruption in Albania, 2.0*, p.42).

A document released in 2016 by *Bertelsmann Stiftung* points out that:

“The office of the Ombudsman is the main domestic human rights institution. The new ombudsman elected in 2011 has taken an increasingly proactive active role in monitoring the situation of human rights and state accountability on the issue. His intervention relates to areas of property issues, police abuse, undue length of judiciary proceedings, non-enforcement of judgments in civil cases, inadequate

conditions in prisons and living conditions for the Roma minority” (Bertelsmann Stiftung (2016) *BTI 2016; Albania Country Report, 2016*, p.12).

No further information on these issues could be found among sources available to the RDC.

## References

Bertelsmann Stiftung (2016) *BTI 2016; Albania Country Report, 2016*  
<http://ecoi.net/doc/320231>

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European Asylum Support Office (November 2016) *Albania Country Focus*  
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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

## Sources Consulted

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BBC News  
Electronic Immigration Network  
European Country of Origin Information Network  
Freedom House  
Google  
Human Rights Watch  
Immigration and Refugee Board of Canada  
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