**Country Policy and Information Note**

Albania: Actors of protection

Version 1.0

December 2021

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](#_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](https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-11-asylum) / Article 3 of the [European Convention on Human Rights (ECHR)](https://www.echr.coe.int/Pages/home.aspx?p=basictexts&c=)
* 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](https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-11-asylum)
* 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](https://www.legislation.gov.uk/ukpga/2002/41/section/94).

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)](http://www.refworld.org/docid/48493f7f2.html), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation’s (ACCORD), [Researching Country Origin Information – Training Manual,](https://www.coi-training.net/researching-coi/) 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](#_Version_control_and) 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](https://ukhomeoffice.sharepoint.com/sites/PROC975/SharedDocuments/Countries/Bangladesh/CPINs/Bangladesh-Actors%20of%20protection-CPIN-v1.0(draft).docx#_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](mailto:cipu@homeoffice.gov.uk).

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](https://www.gov.uk/government/organisations/independent-chief-inspector-of-borders-and-immigration/about/research) (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](https://www.gov.uk/government/organisations/independent-chief-inspector-of-borders-and-immigration/about/research#reviews).

Contents

[Assessment 6](#_Toc90294021)

[1. Introduction 6](#_Toc90294022)

[1.1 Scope of this note 6](#_Toc90294023)

[2. Consideration of issues 6](#_Toc90294024)

[2.1 Credibility 6](#_Toc90294025)

[2.2 Exclusion 7](#_Toc90294026)

[2.3 Protection 7](#_Toc90294027)

[Country information 11](#_Toc90294028)

[3. Crime statistics 11](#_Toc90294029)

[3.1 Year 2020 11](#_Toc90294030)

[4. State security apparatus 11](#_Toc90294031)

[4.1 The police 11](#_Toc90294032)

[4.2 State Intelligence Service 14](#_Toc90294033)

[4.3 Action to address organised crime 14](#_Toc90294034)

[4.4 Corruption 16](#_Toc90294035)

[4.5 Effectiveness of state security 16](#_Toc90294036)

[4.6 Accountability and impunity 17](#_Toc90294037)

[5. Criminal justice system 18](#_Toc90294038)

[5.1 Penal code 18](#_Toc90294039)

[5.2 Arrest procedures 18](#_Toc90294040)

[6. Rule of law and the judiciary 19](#_Toc90294041)

[6.1 Judiciary, courts and legal system 19](#_Toc90294042)

[6.2 Independence of the judiciary 23](#_Toc90294043)

[6.3 Access to justice and right to a fair trial 25](#_Toc90294044)

[6.4 Access to legal aid 25](#_Toc90294045)

[6.5 Witness protection 26](#_Toc90294046)

[7. Human rights violations 26](#_Toc90294047)

[7.1 Arbitrary arrest and detention 26](#_Toc90294048)

[7.2 Torture and ill-treatment 26](#_Toc90294049)

[7.3 Abductions and enforced disappearances 28](#_Toc90294050)

[7.4 Extrajudicial killings and excessive use of force 28](#_Toc90294051)

[7.5 Avenues of redress 29](#_Toc90294052)

[Terms of Reference 30](#_Toc90294053)

[Bibliography 31](#_Toc90294054)

[Sources cited 31](#_Toc90294055)

[Sources consulted but not cited 32](#_Toc90294056)

[Version control 33](#_Toc90294057)

# Assessment

Updated: 3 December 2021

## Introduction

### Scope of this note

* + 1. Whether, in general, a person at risk of persecution and/or serious harm from non-state actors and/or rogue state actors is able to obtain effective state protection.

[Back to Contents](#contents)

## Consideration of issues

### Credibility

* + 1. For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](https://www.gov.uk/government/publications/considering-asylum-claims-and-assessing-credibility-instruction).
    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](https://www.gov.uk/government/publications/visa-matches-handling-asylum-claims-from-uk-visa-applicants-instruction)).
    3. Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](https://www.gov.uk/government/publications/language-analysis-instruction)).

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Decision makers should question the person carefully to establish the following points at interview. These are not exhaustive or prescriptive, but are considered key to making an effective decision on this type of claim:

* Has the person sought protection from the authorities? If not, why not?
* If the person sought protection, from which state agency and what was the outcome?
* If the person sought protection, what documentary evidence do they have (e.g. police report)?
* What steps did they take if the authorities didn’t respond?
* If the person wasn’t satisfied with the response from the authorities, did they approach the Ombudsman? If so, what was the result? If they didn’t approach the Ombudsman, why was this?
* Has the person experienced any issues when seeking protection from the authorities in the past?
* Did the person approach a hunan rights organisation / NGO for assistance?

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[Back to Contents](#contents)

### Exclusion

* + 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. 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).
    3. For further guidance, see the Asylum Instruction on [Exclusion under Articles 1F and 33(2) of the Refugee Convention](https://www.gov.uk/government/publications/asylum-instruction-exclusion-article-1f-of-the-refugee-convention), [Humanitarian Protection](https://www.gov.uk/government/publications/humanitarian-protection-instruction) and the instruction on [Restricted Leave](https://www.gov.uk/government/publications/restricted-leave-asylum-casework-instruction).

**Official – sensitive: Start of section**

Decision makers must consider referring these cases to Special Cases Unit.

For more information see the guidance on [Special Cases Unit cases](https://horizon.fcos.gsi.gov.uk/file-wrapper/what-special-cases-unit-case-wiascuc-guidance) and the [SCU referral form](https://horizon.fcos.gsi.gov.uk/file-wrapper/scu-referral-form).

**Official – sensitive: End of section**

[Back to Contents](#contents)

### Protection

* + 1. Where the person has a well-founded fear of persecution or serious harm from the state, they are unlikely to be able to avail themselves of the protection of the authorities.
    2. Where the person has a well-founded fear of persecution from non-state actors, including ‘rogue’ state actors, decision makers must assess whether the state can provide sufficient protection.
    3. The Albanian police force is functioning effectively. The 2014 Law on State Police sets out the duties of the police, which include the protection of people’s life, health and personal property; the prevention, detection and investigation of crime; and the identification, protection and referral for assistance of those who are victims of trafficking and domestic violence, especially juveniles and women. The same law sets out the principles which the police must follow; these principles include respect for human rights and non-discrimination. Police numbers are sufficient, with 260 police officers per 100,000 people; this compared with an average of 199 police officers per 100,000 people in England and Wales in 2018. The police now have a visible presence in Tirana and other larger cities (see [The police](#_Ministry_of_Interior)).
    4. Challenges for the police force include corruption and a lack of equipment. However, the authorities continued to address these problems by taking steps to tackle corruption and improving police facilities and vehicles (see [Effectiveness of state security](#_Effectiveness_of_state)).
    5. There are avenues of redress for police misconduct, if required; these include the Complaint and Internal Affairs Service under the Ministry of Interior, which is responsible for guaranteeing an accountable, democratic and transparent police service for the community and for establishing an effective complaint system, which will encourage citizens to report police misconduct, and the Professional Standards Department in the Police State Directorate, which also deals with the investigation of complaints about the police. In addition, oversight is exercised by the Parliament and by independent institutions, including the Ombudsman, Supreme State Audit, and Commissioner for the Protection of Personal Data. Although there continue to be reports of impunity for police misconduct, the government worked to address this by increasing the use of camera evidence to document and prosecute misconduct. The Service for Internal Affairs and Complaints recorded an increase in the number of investigations, prosecutions, and sanctions against officers for criminal and administrative violations. Furthermore, by 2021, 45 out of 300 high-level officials within the police, Guard of the Republic (which protects senior state officials and foreign dignitaries) and Service for Internal Affairs and Complaints had been vetted, which led to one dismissal and one resignation. The vetting process is seen as vital for restoring public confidence in both the police and the justice system (see [Accountability and impunity](#_Accountability_and_impunity_1)).
    6. Albania has made good progress in addressing organised crime; steps have been taken to deal with money laundering, drug trafficking, terrorism and corruption. The Special Anti-Corruption and Organised Crime structure (SPAK) is operational; this consists of a Special Prosecution Office, a National Bureau of Investigation and First and Second Instance Anti-Corruption and Organised Crime Courts. In 2020, there were 181 police investigations into organised crime; this involved 802 suspects and led to the dismantling of 35 criminal groups, the arrest of 125 members of criminal groups, and the seizure of assets and bank accounts worth about £12,819,000. Also in 2020, the Special Prosecution Office initiated 200 criminal proceedings; 42 of these were for organised crime and 158 were for corruption. Furthermore, in 2020, there were 630 proceedings for trafficking of narcotics, persons, weapons and ammunition, and money laundering, which led to the arrest of 709 suspects. Although great progress has been made, areas for improvement include the need for a more proactive and systematic approach and improved access to technology for police and prosecutors (see [Action to address organised crime](#_Action_to_address)).
    7. Although some issues remain to be addressed, Albania has a functioning judicial system. In 2020, Albania had 307 full-time judges and 300 full-time prosecutors; this is equivalent to 10.8 per 100,000 citizens and 10.5 per 100,000 citizens respectively (the European averges are 21 judges and 12 prosecutors per 100,000 citizens). The Albanian Institute of Statistics reported that, in the year 2020, a total of 32,736 criminal offences were committed; in the same year, 27,852 criminal proceedings were registered and 25,295 criminal proceedings were completed, whether dismissed, suspended, or sent to court for trial (see [Judiciary, courts and legal system](#_Judiciary,_courts_and) and [Year 2020](#_Year_2020)).
    8. Between 2018 and 2020, the average salary of judges and of prosecutors increased significantly by 40% and 73% respectively, which was viewed as a positive development. Corruption within the judiciary can still be an issue. However, the vetting of judges and prosecutors is continuing, with 437 decisions made by September 2021. 62% of cases processed so far have resulted in dismissals and terminations due to unexplained assets. The High Justice Inspector has been performing effectively, with an increase in staff and budget and an allocation of additional premises. Additionally, the quality of training at the School of Magistrates has improved. Court infrastructure needs to be improved, as does efficiency within the judicial system; this is due to the length of proceedings, a low clearance rate and a high backlog. The caseload for each judge is several times higher than the European average. However, steps have been taken to improve efficiency (see [Judiciary, courts and legal system](#_Judiciary,_courts_and) and [Independence of the judiciary](#_Independence_of_the)).
    9. There are strong legal guarantees for independence and impartiality for magistrates. However, political pressure, corruption, intimidation and a lack of resources sometimes interfere with judicial independence and efficiency and lead to an inconsistent application of the law. Court hearings are often closed to the public. The random allocation of cases, to ensure fairness, is yet to be implemented. However, a number of international organisations are sponsoring and supervising work to establish independence for the judiciary. Audio recording equipment is now being used as a measure to assist in addressing concerns. As regards work to address organised crime, low-level and middle-level officials have been prosecuted, which is a positive development; however, judicial independence is yet to be tested in prosecuting more senior officials (see [Independence of the judiciary](#_Independence_of_the)).
    10. The law provides for the right to a fair and public trial without undue delay. Defendants are presumed innocent until proved guilty. By law, defendants must be informed promptly of the charges against them and free interpretation and legal assistance are provided, if required. Defendants have a right of appeal. The government generally respects these rights, although trials are not always public and access to lawyers can be difficult at times. Few individuals benefit from the statutory right to free legal aid, but the government took steps during 2020 to address this issue. The witness protection programme is working satisfactorily, with 19 witness protection operations performed in 2020 (see [Right to a fair trial](#_Right_to_a), [Access to legal aid](#_Access_to_legal) and [Witness protection](#_Witness_protection)).
    11. There are no reports of disappearances carried out by, or on behalf of, the government. Arbitrary arrest and detention are forbidden by law and the government generally respects this prohibition. However, there have been occasions when the police have detained individuals for a long time without formally arresting them, instances of law enforcement authorities not informing detainees immediately of their rights and the charges against them, and examples of detainees being interrogated without the presence of a lawyer (see [Abductions and enforced disappearances](#_Abductions_and_enforced) and [Arbitrary arrest and detention](#_Arbitrary_arrest_and)).
    12. While the constitution and law prohibit torture and physical abuse, there have been allegations that police and prison guards sometimes beat and abuse suspects and prisoners, usually in police stations. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment visited Albania in November 2018. The delegation were informed by most of those interviewed that they had been treated correctly whilst in police custody. However, there was a significant number of allegations of recent physical ill-treatment of criminal suspects by police officers, most of which involved physical ill-treatment. In some cases, medical reports confirmed injuries consistent with the allegations made. In addition, the Ombudsman found that police used excessive force when arresting protestors taking part in rallies, primarily in Tirana (see [Torture and ill-treatment](#_Torture_and_ill-treatment)).
    13. In December 2020, state police shot and killed a man in Tirana who was violating a COVID-19 curfew. The officer responsible was arrested and an investigation is underway. Military law enforcement conduct investigations of killings by the armed forces (see [Extrajudicial killings and excessive use of force](#_Extrajudicial_killings_and)).
    14. The Office of the Ombudsman is authorised by law to monitor prisons and detention centres. It lacks funding and sufficient staff numbers. It may initiate an investigation either due to complaints received or on its own initiative. The Ombudsman’s annual reports are reviewed by parliament. Those who have exhausted remedies in domestic courts can appeal to the European Court of Human Rights (ECtHR). However, the authorities did not always en force ECtHR rulings, especially those concerning the right to a fair trial, and the number of cases before the ECtHR increased during 2020 (see [Avenues of redress](#_Avenue_of_redress)).
    15. Regulation 4(2) of the [The Refugee or Person in Need of International Protection (Qualification) Regulations 2006](http://www.legislation.gov.uk/uksi/2006/2525/contents/made) states, ‘Protection shall be regarded as generally provided when the actors [of protection] take reasonable steps to prevent the persecution or suffering of serious harm by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and the person … has access to such protection.’ The standard of protection to be applied is not one that eliminates all risk to its citizens. It is sufficient that a country has a system of criminal law which makes attacks by non-State actors (or ‘rogue’ state actors) punishable and that there is a reasonable willingness and ability to enforce the law.
    16. The state protection provided in Albania will in general meet the requirements of the test set out above. Decision makers need to consider each case on its facts, taking full account of the particular circumstances and profile of the person and any past persecution. The onus is on the person to demonstrate why they would not be able to seek and obtain state protection.
    17. See the following Country Policy and Informaton Notes for information about state protection for specific groups: [Albania: Human trafficking](https://www.gov.uk/government/publications/albania-country-policy-and-information-notes), [Albania: Blood feuds](https://www.gov.uk/government/publications/albania-country-policy-and-information-notes), [Albania: Sexual orientation and gender identity](https://www.gov.uk/government/publications/albania-country-policy-and-information-notes), [Albania: Domestic abuse and violence against women](https://www.gov.uk/government/publications/albania-country-policy-and-information-notes), [Albania: Roma and Balkan Egyptians](https://www.gov.uk/government/publications/albania-country-policy-and-information-notes).
    18. For further guidance on assessing the availability of state protection, see the instruction on [Assessing Credibility and Refugee Status](https://www.gov.uk/government/publications/considering-asylum-claims-and-assessing-credibility-instruction).

[Back to Contents](#contents)

# Country information

Section 3 updated: 9 December 2021

## Crime statistics

### Year 2020

* + 1. The Albanian Institute of Statistics, INSTAT, published a report entitled ‘Crime and Criminal Justice Statistics, 2020,’ which recorded a total of 32,736 criminal offenses in the year 2020[[1]](#footnote-2).
    2. The report noted 40,956 perpetrators in the year 2020. To reach this figure, perpetrators are counted for each crime they are suspected of having committed (i.e. they are counted twice if they are suspected of having 2 crimes, etc). However, the number of perpetrators is 35,213 if each perpetrator is counted once[[2]](#footnote-3).
    3. The report noted that in the year 2020, the total number of registered criminal proceedings was 27,852. From 25,295 completed criminal proceedings, 23.4% of them were terminated (dismissed), 37.2% were suspended and 39.4% were sent to court for trial[[3]](#footnote-4).

[Back to Contents](#contents)

Section 4 updated: 9 December 2021

## State security apparatus

### The police

* + 1. In a periodic report covering events between 2014 and 2021 which was produced by the Albanian State, submitted to the Committee on Economic, Social and Cultural Rights (CESCR), and received by the CESCR on 2 September 2021, the following information was documented. It is worth noting that the information in this report was drafted by coordinating and including the contribution of central institutions like the Ministry of Justice and General Directorate of the State Police:

‘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.[[4]](#footnote-5)

* + 1. The same report documented 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.”;

‘…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.”’ [[5]](#footnote-6)

* + 1. The same report also provided information on the training of law enforcement personnel:

‘…The legislation on justice reform has made the continuing training of prosecutors and judicial police officers mandatory. Law no. 96/2016 “On the status of judges and prosecutors in the Republic of Albania”, provides that the magistrate has the right and obligation to participate in continuing education programs, to propose training topics and to cooperate with the Prosecution Council, in order to improve training programs. Continuing education is organized by the School of Magistrates or by every training institution at national or international level recognized by the Prosecution Council… Central and independent institutions, such as the Ministry of Interior, the Ministry of Justice, the General Directorate of State Police, the School of Magistrates, etc., have developed training on the recognition and implementation of international conventions or the legal framework on human rights, according to areas.’[[6]](#footnote-7)

* + 1. With regards to the security apparatus and framework of preventing and combating the phenomenon of trafficking in human beings, the report stated:

‘the structures Against Illegal Trafficking have worked to: increase the number of proactive investigations, increase the early identification of victims of trafficking and potential victims of trafficking, and take protective measures and treat them, according to Standard Operating Procedures for the Protection of Victims and Potential Victims of Trafficking; improve the database of victims/potential victims of trafficking for case registration, tracking and monitoring; increase the professional skills of police officers of local anti-trafficking structures, through the organization of ongoing training, in particular on the implementation of “Standard Operating Procedures for the Protection of Victims and Potential Victims of Trafficking”, as well as on the pro-active investigation techniques of criminal offenses of trafficking in persons.’[[7]](#footnote-8)

* + 1. The United States Department of State Human Rights Report 2020, published in March 2021 (USSD HR Report 2020), stated: ‘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. The Guard of the Republic protects senior state officials, foreign dignitaries, and certain state properties.’[[8]](#footnote-9)
    2. In the Albania 2021 Report, published in October 2021, the European Commission stated, ‘The Albanian State Police (ASP) has a total of 11,802 employees, equivalent to 260 officers per 100,000 inhabitants, compared with an EU average of 326 (Eurostat, 2017). In 2020, a significant increase of 587 police officers was added to the staff of the ASP to strengthen its operational capacities, while in 2021 the increase was 157 police officers. Staff rotations are frequent, affecting the ASP operational capacity.’[[9]](#footnote-10) For the purpose of comparison, the number of police officers per 100,000 people in England and Wales was 199 in 2018[[10]](#footnote-11).

[Back to Contents](#contents)

### State Intelligence Service

* + 1. The Albanian State Intelligence Service website stated:

‘In 1998, with Law no. 8391, date 28.10.1998, the Assembly of the Republic of Albania, decided: Article 1 National Intelligence Service (SHIK) is an intelligence service responsible for national security, which operates in compliance with the Constitution and the laws of the Republic of Albania. By virtue of this law, SHIK is transformed from an operational targeting and tracking/investigative service into an intelligence service with no executive powers. In 1999, upon the Decision nr. 61, date 22.11.1999, of the Constitutional Court of Albania, the National Intelligence Service (SHIK) changed its name into State Intelligence Service, (referred to in Albanian as SHISH).’[[11]](#footnote-12)

* + 1. The USSD HR Report 2020 stated: ‘The State Intelligence Service is responsible to the prime minister, gathers information, and carries out foreign intelligence and counterintelligence activities.’[[12]](#footnote-13)
    2. Further information is available on the [State Intelligence Service website](https://www.shish.gov.al/en/index.html).

[Back to Contents](#contents)

### Action to address organised crime

* + 1. The Albania 2021 Report, published by the European Commission (EC) on 19 October 2021, found that good progress had been made in addressing organised crime:

‘Albania has some level of preparation in the fight against organised crime. It made good progress to meet last year’s recommendations. It achieved tangible results in the fight against organised crime, including by stepping up cooperation with EU Members States and Europol … The country continued to implement the Financial Action Task Force (FATF) Action Plan to improve effectiveness in the field of anti-money laundering and the package of temporary preventive measures to boost its capacity to counter criminal organisations (Operation Force of Law) throughout the year. Exchange of qualitative information and joint police operations involving international partners further intensified. Albania has continued to show its commitment to counter the production and trafficking of drugs, as air monitoring by EU member state law enforcement services has continued. The new specialised system against organised crime and corruption enables reinforced cooperation between police and prosecution services. Financial investigations need to accompany systematically criminal proceedings. Efforts need to continue to increase the number of prosecutions and final convictions, especially at high level. Albania adopted a new national cross-sector counter-terrorism strategy and action plan in December 2020 and made very good progress in implementing the bilateral arrangement with the EU on operationalising the Joint Action Plan on counter-terrorism for the Western Balkans. More efforts are needed to tackle cybercrime, trafficking in human beings and money laundering cases.’[[13]](#footnote-14)

* + 1. The same report noted, ‘The Special Anti-corruption and Organised Crime Structure (SPAK) comprising the Special Prosecution Office (SPO), and the National Bureau of Investigation (NBI), as well as the First and Second Instance Anti-Corruption and Organised Crime Courts (SPAK Courts) are operational. In March 2021, the Assembly adopted amendments to the SPAK law, extending its jurisdiction to all terrorism offences, reinforcing its focus on high-level corruption and introducing targeted career development measures.’[[14]](#footnote-15)
    2. The report added:

‘Notable progress was made in the fight against organised crime... The implementation of the package of temporary preventive measures to enhance Albania’s capacity to counter criminal organisations (Operation Force of Law) continued throughout the year. In 2020, this resulted in 181 police operations involving 802 suspects (of whom 630 were arrested/detained, 82 wanted and 85 investigated at large). 35 criminal groups were dismantled (an increase of 46% compared to 2019), 125 members of criminal groups were arrested and almost 15 million EUR [approximately £12,819,000] worth of assets and bank accounts were seized. The Special Prosecution Office (SPO) initiated 200 criminal proceedings – 42 for organised crime and 158 for corruption – in 2020. During the same period, 39 criminal procedures for corruption and 16 procedures for organised crime were sent to trial.’[[15]](#footnote-16)

* + 1. The report continued:

‘On domestic operational capacity, legal and institutional reforms have strengthened the capacities of the ASP’s Operational Directorate, which is responsible for special investigative measures throughout the country. During 2020 proactive investigations were conducted using special investigative tools in the framework of 630 proceedings for trafficking of narcotics, persons, weapons and ammunition, including also money laundering and other related crimes under the competence of the district prosecution offices, resulting in i.a., arrests/detention of 709 suspected persons. To further increase the efficiency of investigation a cooperation agreement between the Special Prosecution Office and the Prosecutor General was signed in December 2020, with view to unify some inter-institutional administrative and procedural activities. Albania should continue to use and develop the use of special investigation techniques and proactive investigations…

‘Law enforcement authorities’ response to organised crime, notably the investigation of large criminal networks, needs to be more proactive and systematic. Special task force police and prosecutors 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. An instruction of the Prosecutor General foresees the technical modalities for using currently connected registers databases and connecting further law enforcement agencies in future.’[[16]](#footnote-17)

[Back to Contents](#contents)

### Corruption

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See country of origin response on [Albania: Corruption within the government and the police](https://ukhomeoffice.sharepoint.com/sites/BICSGuidance/SitePages/country-of-origin-(coi)-responses-general-(alb).aspx).

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[Back to Contents](#contents)

### Effectiveness of state security

* + 1. The USSD HR Report 2020 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.’[[17]](#footnote-18)
    2. The United States Overseas Security Advisory Council (OSAC) 2020 Crime & Safety Report stated:

‘Police now have a visible presence throughout Tirana and other larger Albanian cities; however, 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. One concern regarding police performance is their low salaries and the resulting potential for corruption…

‘The Albanian Government appears to be making 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 ongoing challenges.’[[18]](#footnote-19)

* + 1. See [Corruption and organised crime](#_Corruption_and_organised) for further information about police effectiveness.

[Back to Contents](#contents)

### Accountability and impunity

* + 1. In May 2016, POINTPULSE noted potential avenues of redress for police misconduct:

‘In order to ensure police accountability and integrity, there are internal and external mechanisms of control and oversight.

‘In terms of external control, the key institution is the Complaint and Internal Affairs Service under the Ministry of Interior. The basic mission of this institution is “to guarantee an accountable, democratic, and transparent police service to the community.” This body is also responsible for the establishment of an effective complaint system, which will encourage citizens to report on police misconduct.

‘Moreover, the Professional Standards Department (PSD) in the Police State Directorate plays an important role as an internal control mechanism in the police organization and investigation of the citizens’ complaints against police employees. When it comes to investigations, this department is supposed to work closely with the Complaint and Internal Affairs Service.

‘On the other hand, oversight is exercised by the Parliament, by independent institutions and the public.

‘The Parliament plays a specific role because it is the only institution that approves the budget and adopts laws that regulate the activity of the police. It also has the authority to oversee the enforcement and implementation of the laws. The Parliament must conduct regular hearing sessions with various stakeholders and exercise its institutional power to undertake measures that improve transparency and accountability of the police.

‘In addition, independent institutions, such as Ombudsman, Supreme State Audit, Commissioner for the Protection of Personal Data, etc., have an important role in investigating cases that relate to the abuse of the fundamental human rights.’[[19]](#footnote-20)

* + 1. The USSD HR Report 2020 added: ‘Impunity for police misconduct remained a problem, although the government made greater efforts to address it by increasing the use of camera evidence to document and prosecute police misconduct. The SIAC [Service for Internal Affairs and Complaints] recorded an increase in the number of investigations, prosecutions, and sanctions against officers for criminal and administrative violations.’[[20]](#footnote-21)
    2. In the Albania 2021 Report, published by the European Commission in October 2021, noted, ‘45 out of 300 high level officials of the State Police, Guard of the Republic and Service for Internal Affairs and Complaints (SIAC) were vetted, leading so far to one dismissal and one resignation. The vetting process and its results remain crucial to restore public trust in the judiciary and law enforcement bodies of the State.’[[21]](#footnote-22)

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See also the [COIR response on corruption within the government and the police](https://ukhomeoffice.sharepoint.com/sites/BICSGuidance/SitePages/country-of-origin-(coi)-responses-general-(alb).aspx).

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[Back to Contents](#contents)

Section 5 updated: 2 December 2021

## Criminal justice system

### Penal code

* + 1. The 1995 [Penal Code of Albania](https://www.wipo.int/edocs/lexdocs/laws/en/al/al037en.pdf) provides details of the various criminal laws in force and provides details of the penalties for committing criminal offences[[22]](#footnote-23).

[Back to Contents](#contents)

### Arrest procedures

* + 1. The USSD HR Report 2020 stated:

‘The law requires that, except for arrests made during the commission of a crime, police arrest a suspect on criminal grounds with a warrant issued by a judge and based on sufficient evidence. There were no reports of secret arrests. By law, police must immediately inform a prosecutor of an arrest. The prosecutor may release the suspect or petition the court within 48 hours to hold the individual further. A court must also decide within 48 hours whether to place a suspect in detention, require bail, prohibit travel, or require the defendant to report regularly to police. Prosecutors requested, and courts ordered, detention in many criminal cases, although courts sometimes denied prosecutors’ requests for detention of well connected, high-profile defendants.

‘By law and based on a prosecutor’s request, the court has 72 hours to review pretrial detention status of a court-ordered arrest. Police may detain rather than formally arrest a suspect for a period not exceeding 10 hours…

‘The constitution requires authorities to inform detainees immediately of their rights and the charges against them. Law enforcement authorities did not always respect this requirement. The law provides for bail and a system is operational; police frequently release detainees without bail, on the condition that they report regularly to the police station.’[[23]](#footnote-24)

* + 1. The same report stated:

‘Protests against the municipality of Tirana’s demolition of the National Theater on May 17 resulted in 64 arrests, charged with disobeying law enforcement and participating in illegal gatherings (violating curfew imposed to counter the spread of COVID-19). The constitution requires authorities to inform detainees immediately of their rights and the charges against them. Law enforcement authorities did not always respect this requirement. The law provides for bail and a system is operational; police frequently release detainees without bail, on the condition that they report regularly to the police station. Courts also often ordered suspects to report to police or prosecutors on a weekly basis. While the law gives detainees the right to prompt access to an attorney, at public expense if necessary, NGOs reported interrogations often took place without the presence of a lawyer. Authorities placed many suspects under house arrest, often at their own request, because they would receive credit for time served if convicted.’[[24]](#footnote-25)

* + 1. The Council of Europe Report to the Albanian Government on the visit to Albania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) between 20 to 30 November 2018 stated:

‘11. The general legal framework governing the deprivation of liberty of persons by the police has remained unchanged since the CPT’s last visit. It is recalled that a person suspected of having committed a criminal offence can be held by the police on their own authority for up to 24 hours. Within that period, the case must be referred to the prosecutor who shall bring it to the attention of the competent judge within 48 hours of apprehension. The judge then has a further 48 hours in which to hold a hearing to decide on whether to remand in custody the person concerned.

‘Further, persons may also be deprived of their liberty by the police for identification purposes, for a period not exceeding twelve hours. In addition, under the Law on the State Police, the police may hold a person, for up to ten hours, in the following cases: for the supervision of a minor for the purposes of education or of escorting him/her to a competent body, or when a person is the carrier of a contagious disease or mentally incompetent and dangerous to society.’[[25]](#footnote-26)

[Back to Contents](#contents)

Section 6 updated: 13 December 2021

## Rule of law and the judiciary

### Judiciary, courts and legal system

* + 1. 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.’[[26]](#footnote-27)

* + 1. The New York University School of Law website provided the following information about the structure of the Albanian legal system:

‘1. The Constitutional Court

‘…The Constitutional Court interprets the compatibility of international agreements with the mandates of the Constitution prior to their ratification; verifies compliance with the Constitution in legislative acts passed by local, regional and central government bodies; and adjudicates individual citizens’ claims of constitutional rights breaches and violations…

‘3.3. The Supreme Court

‘…It is the highest court of appeals and functions as a cassation court over the decisions issued by the lower appellate courts…

‘3.4. Courts of Appeal

‘Courts of Appeal sit in six different regions of the country and review appeals of decisions issued by Courts of First Instance.

‘3.5. Courts of First Instance

‘The Courts of First Instance preside according to rules of the Codes of Civil Procedure and Criminal Procedure, where the composition of the judges’ panel is also defined…

‘3.6. Courts of Felonies

‘…Courts of Felonies and Courts of Appeal of Felonies are part of the judicial system and try felonies, as defined by law, in Courts of the First and Second Instance…

‘3.7. Military Courts

‘…Military Courts try military cases and they use panels of three judges.’[[27]](#footnote-28)

* + 1. The European Commission (EC) Staff Working Document, Albania 2021 Report, stated:

‘Albania had 307 full-time judges (10.8 per 100,000 inhabitants) and 300 full-time prosecutors (10.5 per 100,000 inhabitants) in 2020. According to the European Commission for the Efficiency of Justice (CEPEJ), the European averages are 21 judges/12 prosecutors per 100,000 inhabitants. The 2020 budgetary allocation for the judicial system was EUR 44 million [approximately £37,118,400.00]. This amounts to EUR 14.5 [approximately £12.23] per inhabitant. The self-governance justice institutions and the vetting process are supported by a EUR 12 million [approximately £10,123,200.00] budgetary plan. Court infrastructure remains poor overall and future budget allocations need to address the pressing needs of the judicial institutions with more determination. Between 2018 and 2020, the average salary of judges and of prosecutors increased significantly by 40% and 73% respectively, which is a very positive development.

‘Court activity is monitored through quarterly reporting of the courts and data is made public in the annual reports of HPC [High Prosecutorial Council] and HJC [High Judicial Council].’[[28]](#footnote-29)

* + 1. The same report noted:

‘The temporary re-evaluation of all judges and prosecutors (vetting process) has advanced steadily, continuing to deliver tangible results … As of 15 September 2021 the vetting institutions had completed 437 cases at first instance, including all priority files. Of the 437 decisions, 298 are final (i.e. after appeal). Overall, 62 % of the vetting files processed so far have resulted in dismissals and terminations largely due to resignations by the assessees. The vetting institutions are expected to continue to refer to the prosecution services all cases where there are indications of criminal offences.’[[29]](#footnote-30)

* + 1. The report further noted issues of accountability for judges:

‘The High Justice Inspector (HJI) has been fully performing its functions during the reporting period, notably by initiating and conducting disciplinary investigations against magistrates. Additional staff, premises and an increased budget has been allocated to HJI. The recruitment of additional inspectors is still required, as well as targeted measures to address the backlog of cases and allow the HJI to perform regular thematic inspections. During the reporting period, HJI has received 3,054 complaints of which 1 347 were inherited from the previous Inspectorate. HJI has handled 173 complaints and started eight investigations.’[[30]](#footnote-31)

* + 1. The report also noted an improvement in training for judges:

‘The quality of initial and continuous training at the School of Magistrates (SoM) has improved. The HPC [High Prosecutorial Council] and HJC [High Judicial Council], in cooperation with the SoM, have approved the training calendar for the academic year 2020-2021. The periodic evaluation of judges and prosecutors takes into account the continuous training of judges and prosecutors and includes assessments provided by the SoM. The SoM should simplify the application process for its continuous training activities. Further efforts are needed from the SoM to reinforce its academic staff and to ensure competitive and transparent recruitment procedures. The SoM should focus on further improvements to the quality of methodology and diversity of the substance of initial and continuous training. … The SoM should take a more pro-active role in coordination of donors and CSOs’ assistance. In 2020, 19 judges, two prosecutors and 12 legal assistants graduated the SoM. The SoM is an observer of the European Judicial Training Network (EJTN). It should benefit more proactively of the EJTNs activities and from the expertise within the network.’[[31]](#footnote-32)

* + 1. The report further noted issues concerning efficiency of the judicial system:

‘On 23 March 2021, the Assembly adopted amendments to 10 laws aimed to further strengthen the efficiency of the justice system and facilitate a better functioning of the courts, in line with EU standards. …

‘Efficiency of the judicial system has been affected by the length of proceedings, low clearance rate and high backlog. Appeal courts have a high number of inherited cases and judicial vacancies, with only 40 out of 78 appeal judges in office. A new judicial map must be urgently adopted and implemented to re-distribute judges and resources within the judicial system. The average lengths for a case at appeal level is 998 days for criminal cases and 1742 for civil and commercial cases. … However, following the new appointments to the High Court, the clearance rate increased considerably by 46% compared to the last year. … In July 2020, the High Court adopted guidelines for the reduction of backlog and increase of efficiency for the High Court. …

‘The collection and reporting of judicial statistical data has improved but further efforts are required.’[[32]](#footnote-33)

* + 1. A report prepared by a group of civil society organizations in Albania, namely the Albanian Helsinki Committee (AHC), Civil Rights Defenders (CRD), the Institute for Political Studies (IPS), Balkan Investigative Reporting Network in Albania (BIRN Albania), Center for Legal Civic Initiatives, Civic Initiatives (CLCI), and the Tirana Legal Aid Society (TLAS), which was published in January 2021, stated:

‘The new legal framework of the justice system in Albania has been conceived under the spirit of international standards and best practices that aim at strengthening the independence and impartiality of the judiciary and justice in general. However, as a result of the political climate in the country, its implementation in practice remains a challenge, also due to difficulties for finding candidates for the new justice institutions that meet the criteria and enjoy high moral and professional integrity, but also due to difficulties to have specialized human resources that facilitate the work of the new justice system officials…

‘…After almost 2 years of delay, in December 2018, two new constitutional and independent justice institutions were established, the HPC and HJC, responsible for governing the prosecutorial and justice systems respectively. In spite of results of the work that these two Councils have achieved to date, the not so few challenges and difficulties they have encountered in the first two years of their work, there is a need to improve the level of transparency to the public, to increase trust in the responsibility and accountability of these institutions, and to accelerate the pace of work in order to respond to the vacancies in the prosecutorial and judicial systems.

‘At present, the judicial and/or prosecutorial system face (i) a lack of human resources due to the transitory re-evaluation process; (ii) an increase in the number of cases from year to year; (iii) a caseload per judge that is several times higher than the European norm per year; and (iv) an increase in the backlog of cases.

‘The foundations of the new justice system institutions, although about four years and a half have passed since the approval of the constitutional amendments, are not yet complete. The country does not have a functional Constitutional Court since 2018; the National Bureau of Investigation, which is expected to fight corruption and organized crime, is not yet complete with investigators (in process); the High Court (the highest institution exercising judicial power in the Republic of Albania) cannot fully exercise its functions because it has 3 of 17 needed members which, among other things, creates delays in access to and delivery of justice. The High Justice Inspector, the newest justice institution created with a delay of three years in January this year, is in the process of administration and initial review of a considerable number of complaints (1339) regarding the activity of judges/prosecutors that have been carried over through the years. The HJI functions with limited capacities due to vacancies of inspectors and difficulties of an objective character encountered in recruiting inspectors from among judges and prosecutors but also from outside the system.’[[33]](#footnote-34)

[Back to Contents](#contents)

### Independence of the judiciary

* + 1. The USSD HR Report 2020 stated:

‘Although the constitution provides for an independent judiciary, political pressure, intimidation, widespread corruption, and limited resources sometimes prevented the judiciary from functioning independently and efficiently. Court hearings were often not open to the public. Court security officers frequently refused to admit observers to hearings and routinely telephoned the presiding judge to ask whether to admit an individual seeking to attend a hearing…

‘The politicization of past appointments to the Supreme Court and Constitutional Court at times threatened to undermine the independence and integrity of these institutions.’[[34]](#footnote-35)

* + 1. The same report further referred to corruption and political interference in the judiciary, stating that ‘These factors undermined the judiciary’s authority, contributed to controversial court decisions, and led to an inconsistent application of civil law. Courts have taken steps to address the issue by using audio recording equipment.’[[35]](#footnote-36)
    2. The Bertelsmann Stiftung Transformation Index (BTI) 2020 Albania Country Report stated that ‘Establishing an independent judiciary has been a target of constant reform efforts, most of which sponsored and supervised by a dense field of international organizations working in the field of rule of law – OSCE, Council of Europe (CoE) and EU, among many others.’[[36]](#footnote-37)
    3. The Albania 2021 Report, published by the European Commission in October 2021, noted that:

‘The legal and institutional framework put in place by the 2016 justice reform ensures strong independence and impartiality guarantees for magistrates. However, attempted internal and external interference with the judicial system continues to remain an issue of concern. Integrity and judge-craft should continue to remain the focus of training of magistrates. The random allocation of cases within the prosecution system still remains to be implemented as a matter of priority. Decisive and swift steps need to be taken towards the rollout of a new integrated case management system, to increase the efficiency and transparency of the justice system.’[[37]](#footnote-38)

* + 1. The same report noted, ‘The system for recruiting, selecting, appointing, transferring and dismissing judges and prosecutors is managed exclusively by the self-governing institutions of the judiciary. Constitutional and legal changes have reduced political influence during the appointment process, ensuring a merit-based career system.’[[38]](#footnote-39)
    2. The Bertelsmann Stiftung Transformation Index (BTI) 2020 Albania Country Report stated: ‘Officeholders who break the law and engage in corruption are generally not prosecuted. The political patronage networks within the judiciary have helped to cover up and even facilitate widespread abuses of public office, including within judicial ranks.’[[39]](#footnote-40)
    3. The Freedom House ‘Freedom in the World 2021’ report stated:

‘Corruption in the judiciary remains a serious problem, and convictions of high-ranking judges for corruption and abuse of power are historically rare.

‘In 2016, the parliament approved a variety of reforms designed to boost the judiciary’s independence and capacity, including the evaluation of current and prospective judges and prosecutors based on their professionalism, moral integrity, and independence by an international team of career judges and prosecutors, called the Independent Qualification Commission (IQC). Vetting processes are ongoing and were praised by the European Commission in a March 2020 report; in 2020, judges were dismissed or resigned due to their unexplained assets.’[[40]](#footnote-41)

* + 1. The Freedom House ‘Nations in Transit 2021’ report stated:

‘Despite progress with judicial reform, new judicial institutions—most notably, the Special Court against Corruption (SPAK)—have not yet restored public trust in the judiciary. While SPAK’s decisive work in prosecuting organized crime in cooperation with foreign law enforcement agencies and its progress in prosecuting low- and middle-level officials are steps in the right direction, judicial independence is yet to be tested in grand corruption cases.’[[41]](#footnote-42)

* + 1. See also the [COIR response on corruption within the government and the police](https://ukhomeoffice.sharepoint.com/sites/BICSGuidance/SitePages/country-of-origin-(coi)-responses-general-(alb).aspx) for further information on this subject.

[Back to Contents](#contents)

### Access to justice and right to a fair trial

* + 1. The USSD HR Report 2020 stated:

‘The constitution and law provide for the right to a fair and public trial without undue delay. The law presumes defendants to be innocent until proven guilty. It provides for defendants to be informed promptly and in detail of the charges against them, with free interpretation as necessary. Defendants have the right to be present at their trial and to consult an attorney. If they cannot afford one, an attorney is to be provided at public expense. The law provides defendants adequate time and facilities to prepare a defense and access to interpretation free of charge. Defendants have the right to confront witnesses against them and to present witnesses and evidence in their defense. Defendants may not be compelled to testify or confess guilt. Defendants have the right to appeal. 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.’[[42]](#footnote-43)

* + 1. The Freedom House ‘Freedom in the World 2021’ report 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. Legal counsel is not always provided to those that cannot afford their own.’[[43]](#footnote-44)
    2. The following documents provide further information about access to justice:

[Access to Justice 2019, Albania (worldjusticeproject.org)](https://worldjusticeproject.org/sites/default/files/documents/Access-to-Justice-2019-Albania.pdf)

[Justice for All Project, Fact Sheet, Albania (U.S. Agency for International Development)](https://www.usaid.gov/albania/news-information/fact-sheets/fact-sheet-support-justice-reform)

* + 1. See also [Access to legal aid](#_Access_to_legal) for further information on this subject.

[Back to Contents](#contents)

### Access to legal aid

* + 1. A periodic report covering events between 2014 and 2021 which was produced by the Albanian State, and submitted to and received by the CESCR on 2 September 2021, documented that:

‘…Law no. 111/2017 “On state-guaranteed legal aid, has entered into force on date 1.6.2018, and its aim is the establishment of a legal, consolidated system in regards to providing free legal aid for all individuals in the justice system, and the guarantee of equal access as well as offering of services of legal aid in a professional, qualitative, efficient and effective way… Law no. 111/2017, guarantees free legal aid for special categories: victims of domestic violence, of sexual abuse, of human trafficking, minors in conflict with the law, children in institutions of social care, persons whose rights have been violated through an action or lack of action that constitutes discrimination etc.

‘This law has strengthened the access to justice by providing legal opportunities to all the beneficiaries categories as determined by this law, to have free legal aid, despite of their incomes or wealth, including the persons whose right have been violated through an action or lack of action that constitutes discrimination, based on the decision of the competent body, according to the effective legislation for protection from discrimination.’[[44]](#footnote-45)

* + 1. The USSD HR Report 2020 stated: ‘Despite the statutory right to free legal aid in civil cases, NGOs reported that very few individuals benefitted from this during the year. The Ministry of Justice established the Free Legal Aid Directorate, law clinics at state universities, an online platform during the COVID-19 pandemic, and a telephone line to request free legal aid to address these issues.’[[45]](#footnote-46)
    2. See also the Country Policy and Information Note on [Albania: Human trafficking](https://ukhomeoffice.sharepoint.com/sites/BICSGuidance/SitePages/albania.aspx) for further information on this subject.

[Back to Contents](#contents)

### Witness protection

* + 1. The European Commission (EC) Staff Working Document, Albania 2021 Report, stated that the witness protection programme had worked ‘satisfactorily,’ with 19 witness protection operations performed in 2020, compared to 20 in 2019[[46]](#footnote-47).

[Back to Contents](#contents)

Section 7 updated: 2 December 2021

## Human rights violations

### Arbitrary arrest and detention

* + 1. The USSD HR Report 2020 stated: ‘The constitution and law prohibit arbitrary arrest and detention. Although the government generally observed these prohibitions, there were instances when police detained persons for questioning for inordinate lengths of time without formally arresting them.’[[47]](#footnote-48)

[Back to Contents](#contents)

### Torture and ill-treatment

* + 1. The Council of Europe Report to the Albanian Government on the visit to Albania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 20 to 30 November 2018 stated:

‘13. In the course of the visit, the delegation interviewed a large number of persons who were or had recently been in police custody. The majority of them indicated that they had been treated correctly by the police. Further, no allegations of physical ill-treatment were received in respect of police officers performing custodial tasks in police detention facilities.

‘However, the delegation received a significant number of allegations of recent physical ill-treatment of criminal suspects by police officers. Most of these allegations concerned use of excessive force at the time of, or immediately following, apprehension (e.g. after the person concerned had been handcuffed). A number of such allegations also related to ill-treatment inflicted during transportation and/or at the time of initial questioning on police premises, apparently with a view to extracting a confession or obtaining information or as a punishment. The alleged ill-treatment consisted essentially of slaps, punches, kicks, blows with a hard object (e.g. a chair leg) and excessively tight handcuffing. Further, several persons alleged ill-treatment of a psychological nature (such as threats of physical ill-treatment) as well as verbal abuse.

‘In some cases, the medical examination of the persons concerned and/or the consultation of medical files by the delegation revealed injuries which were consistent with the allegations of ill-treatment made.’[[48]](#footnote-49)

* + 1. The USSD HR Report 2020 stated:

‘While the constitution and law prohibit [torture and physical abuse], there were allegations that police and prison guards sometimes beat and abused suspects and prisoners, usually in police stations.

‘In the September 2019 report on its most recent visit in 2018 to a number of the country’s prisons and detention centers, the Council of Europe’s Committee for the Prevention of Torture reported receiving a significant number of allegations of mistreatment of criminal suspects by police officers. Most allegations involved use of excessive force at the time of, or immediately following, apprehension. Several allegations also concerned mistreatment during transport or initial questioning, apparently to extract a confession, obtain information, or as punishment. The alleged mistreatment consisted of slaps, punches, kicks, blows with a hard object, and excessively tight handcuffing…

‘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.’[[49]](#footnote-50)

* + 1. The same report noted, ‘The ombudsman reported that police used excessive force when arresting protesters who took part in rallies, mainly in Tirana. The ombudsman received several complaints of excessive use of force and injuries from tear gas during those protests and referred one case for prosecution.’[[50]](#footnote-51)

[Back to Contents](#contents)

### Abductions and enforced disappearances

* + 1. The USSD HR Report 2020 stated: ‘There were no reports of disappearances by or on behalf of government authorities.’[[51]](#footnote-52)

[Back to Contents](#contents)

### Extrajudicial killings and excessive use of force

* + 1. The USSD HR Report 2020 stated:

‘On December 8 [2020], State Police shot and killed a man in Tirana who was violating a COVID-19 curfew. The officer who shot him was arrested and a prosecutor is investigating 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.’[[52]](#footnote-53)

* + 1. The Exit News report, ‘Crime Bombs, Police Violence, Increased State Pressure: Threats Against Albanian Media Freedom in 2020,’ dated 23 December 2020, stated:

‘2020 was not a good year for the relationship between journalists and the police. 2019 saw journalists being gassed and assaulted during the Opposition-led anti-government protests, but this year saw a continuation and exacerbation of the situation.

‘In December, a 25-year-old man, Klodian Rasha was shot and killed by a policeman. The murder sparked six days of protests in Tirana and other cities in the country. During the protests, four on-duty journalists were arrested, detained, and reportedly mistreated. Xhoi Malesia, an anchor at Ora News said he was arrested, beaten, and made to sign a statement he didn’t write as a condition of release. Editor-in-Chief of Koha Jone was arrested while reporting on police brutality against young protestors. He was handcuffed, detained, and reported being hit on the head and back…

‘Also detained was Syri.net journalist Aldo Mustafa who said he was physically attacked by a police officer and prevented from filming the protests.

‘Other journalists and photojournalists reported injury from teargas, pepper spray, and water cannons. Some also had damaged equipment…

‘In May [2020], following the demolition of the National Theatre, Editor of Politiko.al Alfred Lela was violently arrested while reporting on the protests. The police claimed he “wasn’t on duty” at the time. He was released without charge. But reported he was assaulted and verbally insulted by the police.

‘Exit New’s illustrator Diversanti was in the Theatre at the time the demolition started and was removed and arrested with force, by special forces who stormed the building. He was released without charge but reported the use of violence and excessive force by officers carrying semi-automatic weapons.’[[53]](#footnote-54)

[Back to Contents](#contents)

### Avenues of redress

* + 1. The USSD HR Report 2020 noted:

‘The Office of the Ombudsman is the main independent institution for promoting and enforcing human rights. It is authorized by law to monitor and report on prisons and detention centers. The office may initiate an investigation based on complaints or on its own authority. Although the ombudsman lacked the power to enforce decisions, it acted as a monitor of human rights violations.

‘The Office of the Ombudsman was underfunded and understaffed.

‘The Assembly [parliament] has committees on legal issues, public administration, and human rights, which review the annual report of the Office of the Ombudsman. The committee was engaged and effective in legislative matters.’[[54]](#footnote-55)

* + 1. The same report noted:

‘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, especially those concerning the right to a fair trial. The Office of the Ombudsman expressed its concern about the increasing number of cases before the ECHR, the country’s low rate of compliance with judicial decisions, and the failure to execute the final rulings of courts and the ECHR.’[[55]](#footnote-56)

[Back to Contents](#contents)

# 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](#_Country_information_1). 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:

* Security apparatus
  + Ministry of Interior
  + The police
  + State intelligence service
  + Armed forces
  + Effectiveness
  + Corruption
  + Accountability and impunity
* Human rights violations
  + Torture and ill-treatment
  + Abductions and disappearances
  + Extra-judicial killings
  + Excessive use of force
  + Arbitrary arrest and detention
* Criminal justice system
  + Penal code
  + Death penalty
* Rule of law and the judiciary
  + Structure
  + Independence
  + Effectiveness
  + Fair trial
  + Legal aid
  + Arrest procedures

[Back to Contents](#contents)

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[Back to Contents](#contents)

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[Back to Contents](#contents)

# Version control

Clearance

Below is information on when this note was cleared:

* version **1.0**
* valid from **13 December 2021**

**Official – sensitive: Start of section**

* this version approved by: **Martin Stares, Head of Unit for CPIT**
* approved on: **8 December 2021**

**Official – sensitive: End of section**

Changes from last version of this note

This is the first version of this Country Policy and Information Note in this format.

[Back to Contents](#contents)

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