Home Office

# Country Information and Guidance

## Albania: Background information, including actors of protection, and internal relocation

**Version 1.0**

**August 2015**

# Preface

This document provides general, background information to Home Office decision makers to provide the context for considering specific types of protection-based claims from nationals of Albania.

Where applicable, it must be read alongside the other country information and guidance material for that country, available at: https://www.gov.uk/government/publications/albania-country-information-and-guidance

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

## Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the Common EU [European Union] Guidelines for Processing Country of Origin Information (COI), dated April 2008, and the European Asylum Support Office's research guidelines, Country of Origin Information report methodology, dated July 2012.

## Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please e-mail us.

## 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 make recommendations to him about the content of the Home Office's COI material. 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.

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Information about the IAGCI's work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's website at http://icinspector.independent.gov.uk/country-information-reviews/

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# Guidance

Date Updated: 21 August 2015

## 1. Introduction

### 1.1 Summary of Issues to Consider

1.1.1 In general, are those at risk able to seek effective protection?

1.1.2 In general, are those at risk able to internally relocate?

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## 2. Consideration of Issues

### 2.1 In general, are those at risk able to seek effective protection?

2.1.1 The Ministry of Interior oversees the police with the state police being the main organisation responsible for internal security while the Republican Guard has responsibility for protection of high level state officials, foreign dignitaries and certain state properties. The State Intelligence Service (SHISH) gathers information and carries out foreign intelligence and counter intelligence activities (see Security Apparatus).

2.1.2 There is a fully functioning police and judicial system. Civilian authorities generally maintain effective control over the police, Republican Guard, armed forces and SHISH, although periodically there are instances of corruption and of members of the security forces having committed abuses. Poor infrastructure, lack of equipment, inadequate supervision, contribute to continued corruption and unprofessional behaviour. Impunity remains a serious problem, although the government has made greater efforts to address this. The government has mechanisms to investigate and punish police abuse and corruption and reportedly carry out investigations and provide redress. (see Security Apparatus and Corruption).

2.1.3 While there is an established independent judicial system across the country the functioning of the judicial system continues to be affected by politicisation, intimidation, limited accountability, poor inter-institutional cooperation, insufficient resources, lengthy proceedings and backlogs. Corruption in the Albanian judicial system is reported to be widespread and the judiciary suffers from policies pressure and interference. Access to justice is limited for the less well off due to high judicial fees (see Judiciary and Corruption).

2.1.4 If the person's fear is of ill treatment/persecution at the hands of the state itself they would not be able to avail themselves of the protection of the authorities.

2.1.5 In general Albanian authorities are able and willing to provide protection to a person fearing non state agents or rogue state agents; however this is dependent on the particular circumstances of the case and profile of the person. Each case must be determined on its own facts. The onus is on the applicant to demonstrate that the state is not willing and able to provide effective protection.

2.1.6 For the factors to be considered and further information on assessing the availability of state protection, see section 8.1 of the Asylum Instruction on Assessing Credibility and Refugee Status and Gender Issues in the Asylum Claim.

2.1.7 See also Country Information and Guidance on Albania: Blood Feuds; Albania: Sexual Orientation and Gender Identity; Albania:Minority Ethnic Groups; and Albania: Trafficking

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## 2.2 In general, are those at risk able to internally relocate?

2.2.1 The constitution and law provide for freedom of internal and external movement, and the government generally respects these rights. Internal migrants must transfer their civil registration to their new community of residence and must prove that they are legally domiciled to allow access to essential Government services. Some citizens lack formal registration, particularly Roma and Balkan-Egyptians and while the law does not prohibit their registration, it can sometimes be difficult to complete. There are no legal restrictions on women's freedom of movement in Albania, but in reality, women may have to seek permission from their husbands or family before travelling within Albania. (see Freedom of Movement).

2.2.2 In general where the threat is from non state agents internal relocation to another area of Albania is likely to be a viable option but will depend on the nature and origin of the threat as well as the personal circumstances of the person.

2.2.3 Decision makers must give careful consideration to the relevance and reasonableness of internal relocation on the facts of each case taking full account of the individual circumstances of the particular person.

2.2.4 For the factors to be considered and further information on considering internal relocation, see section 8.2 of the Asylum Instruction on Assessing Credibility and Refugee Status and Gender Issues in the Asylum Claim.

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# Country Information

Date Updated: 21 August 2015

## 3. History

3.1.1 For an overview of Albania's recent history see the BBC's Albania Profile, timeline of key events.[1].

3.1.2 More detailed information on Albania's history can be found on The Federal Research Program of the Library of Congress: A Country Study: Albania [2] and also at Eurodocs History of Albania: Primary Documents. [3]

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## 4. Geography and demography

4.1.1 Albania is a unitary state composed of 12 counties (qarku), 36 districts (rrethe), 309 communes (komuna) and 65 municipalities (bashkia). [4] Its capital is Tirana. [5] See also Annex A: Maps of Albania.

4.1.2 The population of Albania is approximately 3,020,209 (July 2014 est.). Ethnic groups comprise Albanian 82.6 percent, Greek 0.9 percent, others 1 percent (including Vlach, Roma (Gypsy), Macedonian, Montenegrin, and Egyptian) and unspecified, 15.5 percent (2011 est.) The main languages spoken are: Albanian 98.8 percent (official - derived from the Tosk dialect), Greek 0.5 percent, others 0.6 percent (including Macedonian, Roma, Vlach, Turkish, Italian, and Serbo-Croatian) and unspecified 0.1 percent (2011 est.). [6]

4.1.3 All mosques and churches were closed in 1967 and religious observances prohibited. From November 1990, religious freedoms were at first very gradually permitted, and finally the constitutional principles were changed and religious freedom guaranteed. Religions followed are: Muslim 56.7 percent, Roman Catholic 10 percent, Orthodox 6.8 percent, atheist 2.5 percent, Bektashi (a Sufi order) 2.1 percent, other 5.7 per cent and unspecified 16.2 per cent. [7] (2011 estimate?)

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[1] BBC News Europe, 'Albania Profile', 18 March 2015, http://www.bbc.co.uk/news/world-europe-17679574, Date accessed: 20 July 2015.
[2] US Library of Congress, Federal Research Division, 'A Country Study: Albania', 27 July 2010, http://lcweb2.loc.gov/frd/cs/altoc.html, Date accessed 02 January 2015.
[3] Eurodocs, History of Albania: Primary Documents, 08 January 2015. http://eudocs.lib.byu.edu/index.php/History_of_Albania:_Primary_Documents#Albania:_Until_the_19th_century, Date accessed: 12 January 2015.
[4] International Institute of Administrative Sciences, 'IIAS Knowledge Portal on Public Administration', http://www.pa-knowledge.org/profiles/member-countries/country-profile-albania/ Date accessed 22 April 2015.
[5] CIA World Factbook, Albania (people and society) , 21 April 2015, https://www.cia.gov/library/publications/the-world-factbook/geos/al.html, Date accessed 22 April 2015.
[6] CIA World Factbook, Albania (people and society) , 21 April 2015, https://www.cia.gov/library/publications/the-world-factbook/geos/al.html, Date accessed 22 April 2015.
[7] CIA World Factbook, Albania (people and society) , 21 April 2015, https://www.cia.gov/library/publications/the-world-factbook/geos/al.html, Date accessed 22 April 2015.

4.1.4 See also Country of origin information and guidance report: minority ethnic groups, Albania, 14 November 2014, for further background information.

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# 5. Economy

5.1.1 The CIA World Factbook, updated on 9 July 2015, recorded that:

'Albania, a formerly closed, centrally-planned state, is a developing country with a modern open-market economy. Albania managed to weather the first waves of the global financial crisis but, more recently, its negative effects have put some pressure on the Albanian economy, resulting in a significant economic slowdown. […] Remittances, a significant catalyst for economic growth, declined from 12-15 percent of GDP before the 2008 financial crisis to 5.7 percent of GDP in 2014, mostly from Albanians residing in Greece and Italy.

'The agricultural sector, which accounts for almost half of employment but only about one-fifth of GDP, is limited primarily to small family operations and subsistence farming, because of a lack of modern equipment, unclear property rights, and the prevalence of small, inefficient plots of land.

'Complex tax codes and licensing requirements, a weak judicial system, poor enforcement of contracts and property issues, and antiquated infrastructure contribute to Albania's poor business environment and makes attracting foreign investment more difficult. […] with help from international donors, the government is taking steps to improve the poor national road and rail network, a long-standing barrier to sustained economic growth.' [(8)]

5.1.2 The European Commission, in its Albania 2014 Progress Report, dated 08 October 2014, generally evaluated the economy in the following terms:

'Albania preserved macroeconomic stability, proceeded with arrears clearance and took steps to improve tax administration and collection. However, economic growth slowed further and the current account deficit remains large, reflecting weak competitiveness. The budget deficit exceeded the target in 2013 and the high level of public debt increased further restricting the fiscal room for manoeuvre. Inflation remained low, which allowed monetary easing to continue, but this did not translate into credit growth due to the high level of non-performing loans in commercial banks. Unemployment is high and the informal economy remains widespread.' [(9)]

5.1.3 In its current Albania Overview, The World Bank, stated that:

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[8] CIA World Factbook, 'Albania: Economy – overview', updated on 9 July 2015, https://www.cia.gov/library/publications/the-world-factbook/geos/al.html, Date accessed 21 April 2015.
[9] European Commission, 'Albania Progress Report', Summary of findings of the 2014 Progress Report on Albania (p3), October 2014, http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-albania-progress-report_en.pdf, Date accessed: 15 January 2015.

‘Albania is a middle-income country that has made enormous strides in establishing a credible, multi-party democracy and market economy over the last two decades. […] Albania has generally been able to maintain positive growth rates and financial stability, despite the ongoing economic crisis.

‘Before the global financial crisis, Albania was one of the fastest-growing economies in Europe, […] However, after 2008 average growth halved and macroeconomic imbalances in the public and external sectors emerged. The pace of growth was also mirrored in poverty and unemployment: between 2002 and 2008, poverty in the country fell by half (to about 12.4 percent) but in 2012 it increased again to 14.3 percent. Unemployment increased from 12.5 percent in 2008 to 16.9 percent in 2013, with youth unemployment reaching 26.9 percent.

‘Albania’s labor market has undergone some dramatic shifts over the last decade, contributing to productivity growth. Formal non-agricultural employment in the private sector more than doubled between 1999 and 2013, fuelled largely by foreign investment. Emigration and urbanization brought a structural shift away from agriculture and toward industry and service, allowing the economy to begin producing a variety of services - ranging from banking to telecommunications and tourism. Despite this shift, agriculture remains one of the largest and most important sectors in Albania.’ (10)

5.1.4 For the current exchange rate for Sterling (GBP) and Albanian Lek see: OANDA Currency Converter. (11)

5.1.5 Further background on the economy can be found in the BTI 2014 — Albania Country Report, 2014. (12)

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## 6. Constitution

6.1.1 The World Intellectual Property Organization (WIPO) noted that:

‘The Constitution of the Republic of Albania was adopted by the Parliament on November 22, 1998 and last amended by the Law 9904 of April 21, 2008. It enshrines democratic values and establishes a national, sovereign, independent, unitary and indivisible state.

‘As the fundamental law of Republic of Albania, the Constitution specifies the structure of the government of Albania, the rights and duties of the country's citizens, the procedure for passing laws and defines Albania as a parliamentary republic based on the separation and balancing of legislative,

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[10] The World Bank, ‘Albania Overview’, http://www.worldbank.org/en/country/albania/overview, undated, Date accessed: 12 January 2015.
[11] OANDA Currency Converter, http://www.oanda.com/currency/converter/ Date accessed: 13 August 2015.
[12] Bertelsmann Stiftung, ‘BTI 2014 — Albania Country Report’. Gütersloh: Bertelsmann Stiftung, 2014, (p16), 2014, http://www.bti-project.de/uploads/tx_itao_download/BTI_2014_Albania.pdf, Date accessed: 12 January 2015.

executive and judicial powers (Article 7). The unicameral Parliament represents the legislative branch. The executive branch is represented by the President as Chief of State, Prime Minister as the Head of Government and the Council of Ministers. The judicial branch is composed by the Constitutional Court, Supreme Court and multiple Appeal and District Courts.' [13]

6.1.2 A full text of the constitution can be viewed at Albanian Constitution.([14])

## 7. Political System

7.1.1 Ernst & Young Global Limited (EY Albania), in its guide and profile, Doing business in Albania, 2014, gave the following overview of the political system.

'Albania is a parliamentary republic. Integration into the European Union and NATO has been the ultimate goal of all the post-communist governments in Albania. The major priorities of the current government are thorough reform of the legal system, fast and stable growth of the economy, development of the education, health, sports and culture to reach the EU standards, ensuring national prosperity and EU membership.

'The head of state in Albania is the President of the Republic. The President is elected to a 5-year term by the Albanian Assembly by secret ballot, requiring more than 60 per cent of the votes of all deputies. The President has the power to guarantee observation of the constitution and all laws, act as commander in chief of the armed forces, exercise the duties of the Assembly of the Republic of Albania when the Assembly is not in session, and appoint the prime minister.

'Executive power rests with the Council of Ministers (the Government). The prime minister is appointed by the President; ministers are nominated by the President on the basis of the prime minister's proposal. The Assembly must give final approval of the composition of the government. The government is responsible for carrying out both foreign and domestic policies. It directs and controls the activities of the ministries and other state organs.

'Current political leaders:

President: Bujar Nishani (since July 2012) - Democratic Party

Prime Minister: Edi Rama (since September 2013) - Socialist Party

Next election dates:

Presidential election: 2017;

Parliamentary election: 2017

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[13] World Intellectual Property Organization (WIPO), Albania, Constitution of the Republic of Albania, , undated, http://www.wipo.int/wipolex/en/details.jsp?id=9481 Date accessed 30 January 2015.
[14] World Intellectual Property Organization (WIPO), 'Albania, Constitution of the Republic of Albania', undated, http://www.wipo.int/wipolex/en/details.jsp?id=9481, Date accessed 30 January 2015.

‘The Albanian Assembly (Kuvendi i Shqipërisë) is the lawmaking body in Albania. It is composed of 140 deputies, who are elected through a proportional system. Parliamentary elections are held at least every four years. The Assembly has the power to decide the direction of domestic and foreign policy; approve or amend the constitution; declare war on another state; ratify or annul international treaties; elect the President of the Republic, Attorney General and his or her deputies, provide consent to the election of members of the Supreme Court by the President; and control the activity of state radio and television, state news agency and other official information media.’ [15]

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# 8. Security Apparatus

## 8.1 Overview

8.1.1 The US State Department 2014 Human Rights Report: Albania (USSD Report 2014), published on 25 June 2015, stated:

‘The Ministry of Interior oversees the State Police and the Republican Guard. The State Police are the main organization responsible for internal security. The Republican Guard protects senior state officials, foreign dignitaries, and certain state properties. The Ministry of Defense oversees the armed forces, which also assist the population in times of humanitarian need. The State Intelligence Service (SHISH) gathers information and carries out foreign intelligence and counterintelligence activities.

‘Civilian authorities generally maintained effective control over the police, Republican Guard, armed forces, and SHISH, although periodically state resources were used for personal gain and members of the security forces committed abuses.’ [16]

## 8.2 Police

8.2.1 Interpol describes the Albanian police as follows:

‘The Albanian State Police is the national police and law enforcement agency which operates throughout the Republic of Albania. The General Director is the highest administrative, technical, and operational authority in the State Police, which sits structurally in the Ministry of Interior. The General Directorate of State Police is made up of the following departments:

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[15] Ernst & Young Global Limited (EY Albania), ‘Doing business in Albania’, 2014, General overview (p.7), http://www.ey.com/Publication/vwLUAssets/Doing_business_in_Albania_2014/$FILE/EY-doing-business-in-albania-2014.pdf, Date accessed 18 May 2105.

[16] US State Department, Country Reports on Human Rights for 2014: Albania, (Section 1d), 25 June 2015, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236492, Date accessed 26 June 2015.

Organized and Serious Crimes; Public Security; Border and Migration; Support Services; Police Training. [17]

8.2.2 The US State Department 2014 Human Rights Report: Albania (USSD Report 2014), published on 25 June 2015, stated that the:

'Police did not always enforce the law equally. Personal associations, political or criminal connections, poor infrastructure, lack of equipment, or inadequate supervision often influenced enforcement of laws. Low salaries, poor motivation and leadership, and a lack of diversity in the workforce contributed to continued corruption and unprofessional behavior. Impunity remained a serious problem, although the government made greater efforts to address it. Police corruption was a problem.

'The government has mechanisms to investigate and punish abuse and corruption. The government's Internal Control Service conducted audits, responded to complaints, and carried out investigations with increased emphasis on human rights, prison conditions, and adherence to standard operating procedures. During the year the ombudsman processed complaints against police officers, mainly relating to problems with arrests and detention. As of September the ombudsman had received 103 complaints and investigated or provided counsel in response to 70. The ombudsman, through the national mechanism for the prevention of torture, reported increased implementation of his recommendations related to mistreatment.' [18]

8.2.3 The same report noted that:

'The European Commission reported that during the year the government increased police salaries and instituted an open competition for new recruits. Through August authorities hired 400 new female police recruits. In June police carried out a successful operation against a major drug-producing zone. In contrast to similar efforts in the past, police demonstrated improved professionalism by taking gunfire from the criminals and overwhelming the culprits without injuring either suspects or civilians.' [19]

8.2.4 In its November 2014 report to CEDAW the Government of Albania reported with regards to the state police that 'Of 9508 employees, 1003 are women (10.5 percent).' [20]

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[17] Interpol. Albania State Police, http://www.interpol.int/Member-countries/Europe/Albania, Date accessed: 15 January 2015.
[18] US State Department, 'Country Reports on Human Rights for 2014: Albania', (Section 1d), 25 June 2015, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236492, Date accessed: 18 April 2015.
[19] US State Department, 'Country Reports on Human Rights for 2014: Albania', (Section 1d), 25 June 2015, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236492, Date accessed: 18 April 2015.
[20] Government of Albania, Consideration of reports submitted by States parties under article 18 of the Convention; Fourth periodic report of States parties due in 2014; Albania [CEDAW/C/ALB/4], 25 November 2014, (Paragraph 94) http://www.ecoi.net/file_upload/1930_1417620831_cedaw-c-alb-4-7078-e.pdf date accessed 20 July 2015

8.2.5 The 2014 U.S. Department of State report on Terrorism considers that 'Corruption, combined with a poorly functioning judicial system, continued to hinder Albania's law enforcement efforts.' [21]

8.2.6 According to the 2014 Albanian Helsinki Committee report, 'There is a need for increase investments and capacities in the tracking and investigating processes in order to better use forensic evidence and not resort only to evidence of witnesses, who for a wide variety of reasons, in some cases have been insufficient for proving the guilt of the defendants.' [22]

8.2.7 A June 2015 Balkan Insight article notes that an expert panel summoned by parliament's Commission on Justice Sector Reform stated that 'corruption is seen a "normal" way to deliver justice at all levels of the system, from police to prosecutors and judges. The report states that Justice Police Officers often accept bribes to botch evidence, while prosecutors take bribes to dismiss criminal proceedings and judges take bribes to cause unnecessary delays.' [23]

## Police abuses

8.2.8 Freedom House, in the Freedom in the World 2015: Albania report, dated 28 January 2015, stated that:

'Police reportedly engage in abuse of suspects during arrest and interrogation. Prison inmates suffer from poor living conditions and lack of adequate medical treatment. The PS [Socialist Party] government has replaced a number of prison officials and police commanders, and disbanded several police units, to combat corruption and rising crime rates. The opposition criticized a number of the new appointees, and a leaked December 2013 document from the State Intelligence Service—headed by a nominee of the former government—indicated that the agency was investigating appointees for any criminal connections, an activity that allegedly went beyond the agency's mandate.' [24]

8.2.9 The 2014 U.S. Department of State report noted that:

'The most significant human rights problems were pervasive corruption in all branches of government, particularly within the judicial and health-care systems, and domestic violence and discrimination against women. Other human rights problems included police beating and otherwise mistreating suspects during detention and interrogation, sometimes to elicit confessions;

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[21] US Department of State: Country Report on Terrorism 2014 - Chapter 2 - Albania, June 2015 http://www.ecoi.net/local_link/305899/429237_en.html date accessed 21 July 2015

[22] Albanian Helsinki Committee, Report on the situation of respect for human rights in Albania during 2014, December 2014 Executive Summary p.10 http://www.ahc.org.al/web/images/publikime/en/Humane_Rights_Report_2014.pdf date accessed 21 July 2015

[23] Balkan Insight, Albanian Justice System Slammed as Totally Corrupt, 9 June 2015 http://www.balkaninsight.com/en/article/judges-in-albania-pays-up-to-300-000-for-their-positions-report-says date accessed: 20 July 2015

[24] Freedom House, 'Freedom in the World 2015: Albania', 28 January 2015, https://freedomhouse.org/report/freedom-world/2015/albania, Date accessed 18 May 2015.

occasionally prolonged police detention without charge; substandard prison conditions; and an inefficient judiciary subject to political pressure and corruption. […] Impunity remained a problem. Prosecution and conviction of officials who committed abuses remained sporadic and inconsistent, although the government intensified its efforts to investigate officials suspected of such offenses. Government officials and politicians, as well as judges and those with powerful business interests, often were able to avoid prosecution. Some lower-level officials were punished for abuses. The government initiated investigations of some high-level officials, but the prosecution later dropped the cases.'[25]

8.2.10 The same source further noted that:

'The Office of the Ombudsman is the main governmental institution for promoting and enforcing human rights. The Ombudsman's Office has the authority to inspect detention and prison facilities. It may initiate an investigation in some cases where a victim is unable to come forward to do so. Although the ombudsman lacked the power to enforce decisions, he acted as a monitor for human rights violations. The ombudsman reports to the parliament annually. While the parliament distributed copies of some of the ombudsman's special reports or posted them online, it generally did not formally discuss the reports in plenary or committee sessions. The parliament consulted the Ombudsman's Office at the last minute on draft laws directly affecting the institution. The ombudsman institution was underfunded.' [26]

8.2.11 The Council of Europe - Parliamentary Assembly reported in September 2014 that:

'The Assembly welcomes the efforts of the authorities to improve prison conditions and reduce overcrowding. However, it is deeply concerned by reports of ill-treatment of detainees by the police during questioning and by the appalling conditions in detention facilities in police establishments. It calls on the Albanian authorities to urgently remedy this situation.' [27]

8.2.12 In its annual report for 2014/5 Amnesty International notes that 'Impunity for cases of torture and other ill-treatment continued.'[28]

## State response to violence against women

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[25] US State Department, 'Country Reports on Human Rights for 2014: Albania', (Executive summary), 25 June 2015, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236492, Date accessed 21 July 2015.

[26] US State Department, 'Country Reports on Human Rights for 2014: Albania', (Section 5), 25 June 2015, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236492, Date accessed 21 July 2015.

[27] The Council of Europe - Parliamentary Assembly, The honouring of obligations and commitments by Albania [Doc. 13586], 2 September 2014, para 12 http://www.ecoi.net/file_upload/1226_1409652833_xrefviewpdfalbania.pdf date accessed 21 July 2015

[28] Amnesty International, Amnesty International Report 2014/15 - Albania, 25 February 2015 https://www.amnesty.org/en/countries/europe-and-central-asia/albania/report-albania/ Date accessed: 21 July 2015.

8.2.13 According to the 2014 U.S. Department of State report, 'Police often did not have the training or capacity to deal effectively with domestic violence cases.' [29]

8.2.14 In its annual report for 2014/5 Amnesty International noted that:

> 'Domestic violence remained widespread and survivors rarely received justice. […] In June the High Council of Justice published a review of domestic violence cases in 38 courts, and recommended changes to the law and court practice. They found that criminal proceedings were slow and that courts violated procedural deadlines for reviewing protection orders and issuing decisions. Some 3,094 incidents of domestic violence were reported to the police by the end of September, with women accounting for the majority of the victims. Just over a third (1,292) of these reports resulted in criminal proceedings. By the end of September, 1,882 women had sought protection orders in civil proceedings; however, in the Tirana District Court, for example, more than two-thirds of applications for protection orders were withdrawn or discontinued. Where protection orders were issued they were often not enforced.' [30]

8.2.15 A response from the Immigration and Refugee Board of Canada, Albania: Domestic violence, including legislation, state protection and support services available to victims (2011- April 2014), 30 April 2014, illustrates action by the police to provide protection to women involved in domestic violence. [31]

## 8.3 Military service

8.3.1 The Albanian military is 'an entirely professional volunteer force'. [32]

8.3.2 According to the CIA World Fact Book, updated 18 May 2015, the following is applicable:

Military service age and obligation: 19 is the legal minimum age for voluntary military service; 18 is the legal minimum age in case of general/partial compulsory mobilization (2012)

Manpower available for military service: males age 16-49: 731,111, females age 16-49: 780,216 (2010 estimate)

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[29] US State Department, 'Country Reports on Human Rights for 2014: Albania', (Section 6), 25 June 2015, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236492, Date accessed: 21 July 2015.

[30] Amnesty International, Amnesty International Report 2014/15 - Albania, 25 February 2015 https://www.amnesty.org/en/countries/europe-and-central-asia/albania/report-albania/ Date accessed: 21 July 2015.

[31] Immigration and Refugee Board of Canada, Albania: Domestic violence, including legislation, state protection and support services available to victims (2011-April 2014), 30 April 2014, ALB104859.E , : http://www.refworld.org/docid/537db1d64.html, Date accessed 14 July 2015

[32] Republic of Albania, 'Armed Forces', undated, http://www.aaf.mil.al/english/index.php/politikat-e-rekrutimit/72-politikat-e-rekrutimit-te-ushtareve-profesioniste, Date accessed 18 May 2015.

‘Manpower fit for military service:  males age 16-49: 622,379 females age 16-49: 660,715 (2010 estimate)

‘Manpower reaching militarily significant age annually: male: 31,986 female: 29,533 (2010 estimate)’ [33]

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## 9. Judiciary

9.1.1 The US State Department, Country Reports on Human Rights for 2014: Albania, 25 June  2015, stated that:

‘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 particular hearing. Some agencies exhibited a pattern of disregard for court orders. The politicization of appointments to the Supreme Court and Constitutional Court threatened to undermine the independence and integrity of these institutions.’ [34]

9.1.2 The EBRD (European Bank for Reconstruction and Development), in a report, Commercial Laws of Albania, January 2013, An Assessment by the EBRD, dated January 2013, stated that:

‘The Constitutional Court is the guarantor of constitutional provisions and is the ultimate interpreting authority for such provisions. It also has responsibility for the common competence of deciding on the compatibility of laws, international agreements and regulatory acts issued by state agencies relating to the Constitution. In addition, the Court acts as the final judicial instance for citizen’s complaints regarding the violation of their constitutional rights.’ [35]

9.1.3 The report continued:

‘The judicial system of Albania comprises trial courts (of first instance), courts of appeal and the Supreme Court. Trial courts hear a variety of cases in the first instance (civil, commercial, criminal and administrative). There are six appellate courts of general jurisdiction that try appeals against the decisions of the trial courts and sit in panels consisting of three judges. The

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[33] The CIA World Factbook, ‘Albania’, (Military) updated on 18 May 2015, https://www.cia.gov/library/publications/the-world-factbook/geos/al.html, Date accessed 18 May 2015.
[34] US State Department, ‘Country Reports on Human Rights for 2014: Albania', (Section 1e), 25 June 2015, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236492, Date accessed: 18 April 2015.

[35] European Bank for Reconstruction and Development (EBRD), Commercial Laws of Albania, ‘An Assessment by the EBRD’, January 2013,  (2.1 Constitution and courts p.4) http://www.ebrd.com/cs/Satellite?c=Content&cid=1395239073513&pagename=EBRD%2FContent%2FDownloadDocument, Date accessed: 18 May 2015.

Supreme Court has jurisdiction in the first instance for certain cases established by law and hears appeals against the decisions of the lower courts. The Supreme Court also issues guidelines for purposes of unification and harmonisation of judicial practices.' [36]

See the Albanian judicial map for a geographical breakdown.

9.1.4 The report also noted that:

'Despite a number of measures and initiatives undertaken in recent years, the system lacks the required level of efficiency. Improvement of the judicial system is one of the key requirements established by the EU for accession, a fact which continues to drive local interest in judicial reform.' [37]

9.1.5 The European Commission, in its Albania 2014 Progress Report, dated 08 October 2014, noted that:

'In January [2014], Albania sought the support of the Venice Commission for a comprehensive and inclusive structural reform of the judicial system. Engagement with the Venice Commission must continue in order to comprehensively address concerns relating to the independence, accountability and professionalism of the judiciary. This should be fully reflected in the new judicial strategy for 2014-20 which is being prepared. The functioning of the judicial system continues to be affected by politicisation, limited accountability, poor inter-institutional cooperation, insufficient resources, lengthy proceedings and backlogs. Corruption in the judiciary also remains a concern.' [38]

9.1.6 An article from Balkan Insight, Albania's Corrupt Judges Protect Each Other From the Law, dated 09 April 2015, discussed the issue in relation to the judiciary. It reported that 'Albania's justice system is widely perceived as corrupt and many local and international actors accuse the HCJ [High Council of Justice, the governing body for the judicial system in Albania] of doing little to reform the system. Minutes of HCJ meetings during the last two years, obtained by BIRN, show the Council often turns a blind eye to judges' misdeeds.' [39]

## 9.2 Independence

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[36] European Bank for Reconstruction and Development (EBRD), Commercial Laws of Albania, An Assessment by the EBRD, January 2013, (2.1 Constitution and courts p.4) http://www.ebrd.com/cs/Satellite?c=Content&cid=1395239073513&pagename=EBRD%2FContent%2FDownloadDocument, Date accessed: 18 May 2015.

[37] European Bank for Reconstruction and Development (EBRD), Commercial Laws of Albania, An Assessment by the EBRD, January 2013, (2.1 Constitution and courts p.4) http://www.ebrd.com/cs/Satellite?c=Content&cid=1395239073513&pagename=EBRD%2FContent%2FDownloadDocument, Date accessed: 18 May 2015.

[38] European Commission, 'Albania Progress Report', (4.23. Chapter 23: Judiciary and fundamental rights p39), October 2014, http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-albania-progress-report_en.pdf, Date accessed: 15 January 2015.

[39] Balkan Insight, 'Albania's Corrupt Judges Protect Each Other From the Law', 09 April 2015, http://www.balkaninsight.com/en/article/albania-s-judges-protect-each-other-from-the-law, Date accessed 18 May 2015.

9.2.1 Freedom House, in the report Nations in Transit 2014: Albania, dated 12 June 2014, noted that:

'Albania's judicial system suffers from chronic political interference, funding difficulties, and corruption. In 2013, the parliament-appointed High Council of Justice (HCJ) interfered in the election process for the head of Albania's School of Magistrates, a hitherto largely independent body providing training for judges and prosecutors.

'Albanian legislation guarantees judicial independence for first-instance trial and appeals courts but provides ample space for politics to influence the Supreme and Constitutional courts. Judges on these high-level courts are appointed by the president and approved with a simple majority vote by the parliament. During their respective terms, President Bujar Nishani and his predecessor Bamir Topi both clashed with the parliamentary majority over judges' nominations, leading to lengthy judicial vacancies on the Supreme and Constitutional courts and political, rather than merit-based, promotions within the judiciary. […]

'Albania continues to adopt judicial reforms prescribed by the European Commission, though implementation lags behind. The most important reform introduced in 2013 was the adoption of the Law on the Supreme Court in May, which allowed for the implementation of the 2012 Law on Administrative Courts. As a result, new administrative courts are being introduced for the first time in Albanian judicial history, which should reduce the overall workload of existing courts while providing faster and better procedures to address disputes filed against public institutions, especially those dealing with finance or taxation. In addition, the new law provides "stricter conditions and criteria" for judicial selection and imposes a restriction that limits the number of non-judiciary members of the Supreme Court to a maximum of 25 percent.' [40]

9.2.2 Freedom House, in the Freedom in the World 2015: Albania report, dated 28 January 2015, stated that:

'[…] the underfunded courts are subject to political pressure and influence. President Nishani faced disagreement with the parliamentary majority over high-level judicial nominations during 2014. Before the 2013 change in government, he had appointed a number of senior judges who were seen as PD [Democratic Party] allies. The justice minister retains the power to open or close judicial disciplinary procedures, an arrangement that has drawn criticism from the Council of Europe and the EU. The NGO Res Publica in February 2014 accused judges of failing to use their authority to postpone pretrial payment of legal fees for poor plaintiffs in most cases, effectively denying them access to the justice system. Traditional tribal law and revenge killings remain a problem in parts of the north.' [41]

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[40] Freedom House, 'Nations in Transit 2014: Albania', 12 June 2014, https://freedomhouse.org/report/nations-transit/2014/albania ,Date accessed 18 May 2015.
[41] Freedom House, 'Freedom in the World 2015: Albania', 28 January 2015, https://freedomhouse.org/report/freedom-world/2015/albania, Date accessed 18 May 2015.

9.2.3 The Council of Europe - Parliamentary Assembly reported in September 2014 that:

'The Assembly is concerned that, despite numerous reforms, the independence and impartiality of the judiciary is not sufficiently ensured and that it continues to suffer from political pressure and interference. Further comprehensive reforms, including changes to the Constitution, to ensure the independence of the judiciary and an efficient administration of justice are urgently needed and should be a priority for the authorities.' [42]

9.2.4 The European Commission, in its Albania 2014 Progress Report, dated 8 October 2014, noted that:

'Regarding the independence and impartiality of the judiciary, no measures were taken towards integrating the High Court into the judicial system. The status of the High Court and the process of appointing its members remain of concern in terms of possible politicisation, as long as the relevant constitutional provisions are not amended. The independence and impartiality of the High Court is still not fully guaranteed. Since January, parliament has rejected presidential decrees appointing three members of the High Court and the seats concerned have yet to be filled. In July, the Constitutional Court repealed some of last year's amendments to the Law on the High Court providing for stricter criteria for the selection of judges and aimed at increasing the court's professionalism. […] Magistrates still do not have adequate working and security conditions. Protection for judges against threats and pressure remains inadequate. Hearings continue to be held on occasion in judge's offices, which allows for the exercise of undue influence.'[43]

9.2.5 A June 2015 Balkan Insight article notes that an expert panel summoned by parliament's Commission on Justice Sector Reform 'delivered a damning report on the courts in Albania, saying corruption is widespread at all levels. […]The report says judges pay between €100,000 to €300,000 to the High Council of Justice, the body that nominates judges, to get their posts, or to move to better positions within the system. It is the first time that an official report has given credibility to reports of judges paying huge bribes to move from courts in poor areas to urban centers where the economy is more developed and where the potential to collect bribes from people awaiting justice is correspondingly higher.'[44]

## 9.3 Fair trial

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[42] The Council of Europe - Parliamentary Assembly, The honouring of obligations and commitments by Albania [Doc. 13586], 2 September 2014, para 8 http://www.ecoi.net/file_upload/1226_1409652833_xrefviewpdfalbania.pdf date accessed 21 July 2015

[43] European Commission, 'Albania Progress Report', October 2014, (4.23. Chapter 23: Judiciary and fundamental rights p 40-41), http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-albania-progress-report_en.pdf, Date accessed: 20 July 2015.

[44] Balkan Insight, Albanian Justice System Slammed as Totally Corrupt, 9 June 2015 http://www.balkaninsight.com/en/article/judges-in-albania-pays-up-to-300-000-for-their-positions-report-says date accessed: 20 July 2015

9.3.1 The USSD Report 2014 stated that:

'The law presumes defendants to be innocent until convicted. It provides for defendants to be informed promptly and in detail of the charges, with free interpretation as necessary, and to have a fair and public trial without undue delay. The court system does not provide for jury trials. Defendants have the right to consult an attorney and to have one provided at public expense if they cannot afford one. The law provides defendants adequate time and facilities to prepare a defense and the right to access government-held evidence. 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 a lawyer was at times problematic. Despite the statutory right to free legal aid, NGOs reported that very few individuals benefitted from the law during the year.[…] While individuals and organizations may seek civil remedies for human rights violations, courts were susceptible to corruption, inefficiency, intimidation, and political tampering. Judges held many court hearings in their offices, demonstrating a lack of professionalism and providing opportunities for corruption. These factors undermined the judiciary's authority, contributed to controversial court decisions, and led to an inconsistent application of civil law.' [45]

9.3.2 Fair Trials International, [Fair Trials is a human rights organisation that works to uphold fair trial rights, according to internationally recognised standards of justice] in Defence Rights in Albania, dated 26 March 2014, reported that:

'A number of reports expressed concerns about lengthy pre-trial detention in Albania, during which most detainees were not informed of their rights, did not receive timely access to a lawyer and were not always brought before a judge within the constitutional time periods. The facilities of pre-trial detention have been criticized by international organisations and NGOs for being poorly maintained and allowing police officers to coerce and ill-treat detainees. Police officers have been reported to arbitrarily arrest and detain people in Albania, due not only to widespread corruption across the country but also because there is no mechanism in place holding authorities accountable.' [46]

9.3.3 The same source, discussed the Right to a Fair Trial in Albania and noted that violation findings by the ECtHR of Article 6 of the European Convention on Human Rights (criminal cases only) between 2009 and 2014, showed that Albania was held in violation of Article 6 in four cases. Those cases

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[45] US State Department, Country Reports on Human Rights for 2014: Albania, (Section 1e), 25 June 2015, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236492, Date accessed 26 June 2015.

[46] Fair Trials International, 'Defence Rights in Albania', 26 March 2014, http://www.fairtrials.org/publications/defence-rights-in-albania/, Date accessed 18 May 2015.

found a violation of Article 6(1), the right to a fair public hearing within a reasonable time by an independent and impartial tribunal. (47)

9.3.4 It continued:

'The area of greatest concern related to the absence of legal aid and legal advice in spite of recent reform. In many cases, officers have failed to inform defendants of their right to free legal advice and questioned them without the presence of a lawyer. A number of reports drew the attention to a lack of infrastructure within the judicial system, leading to many cases being held in the judge's office as opposed to taking place in open court. The structural problems generate further delays and inconsistencies within the Court, increasing the number of lengthy trial proceedings. Despite reports underlining the progress being undertaken relating to reducing corruption, political interference, bribes and bias towards the prosecution amongst judges, Albania still has a long way to go before ensuring that judges are independent, efficient and accountable.' (48)

9.3.5 The European Commission, in its Albania 2014 Progress Report, dated 8 October 2014, noted that:

'The backlog of cases has increased by 7 percent (32 972 cases pending before district and appeal courts in January 2013, as compared to 30 972 cases in January 2012) and remains an issue of concern. […] As regards access to justice, the functioning of the State Commission for Legal Aid should be improved and recent provisions on Legal Aid providing for the establishment of regional legal aid offices implemented. Judicial fees deter many citizens and application procedures are too cumbersome. Free legal aid continues to be provided mainly by non-governmental organisations with donor funding.' (49)

9.3.6 According to the 2014 Albanian Helsinki Committee report:

'There are no visible changes with regard to perception of corruption in judicial activities, or with regard to the speed of trial processes, unjustified procrastination of judicial processes, respect for deadlines for the publication of decisions, communication with parties on trial, etc. We have noticed lack of respect for deadlines by the Administrative Courts, which appear very overburdened. […] With regard to the provision of free legal services, it appears that lawyers assigned by the court and the prosecutor's office, because of the low payment, do not always carry out their defense duties with high professionalism.' (50)

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[47] Fair Trials International, 'Defence Rights in Albania', 26 March 2014, http://www.fairtrials.org/publications/defence-rights-in-albania/, Date accessed 18 May 2015.
[48] Fair Trials International, 'Defence Rights in Albania', 26 March 2014, http://www.fairtrials.org/publications/defence-rights-in-albania/, Date accessed 18 May 2015.
[49] European Commission, 'Albania Progress Report', October 2014, (4.23. Chapter 23: Judiciary and fundamental rights p 40-1), http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-albania-progress-report_en.pdf, Date accessed: 20 July 2015.
[50] Albanian Helsinki Committee, Report on the situation of respect for human rights in Albania during 2014, December 2014 Executive Summary p.9

9.3.7 A June 2015 Balkan Insight article notes that an expert panel summoned by parliament's Commission on Justice Sector Reform stated that 'corruption is seen a "normal" way to deliver justice at all levels of the system, from police to prosecutors and judges.' [51]

[see 10. Corruption for details]

9.3.8 A response from the Immigration and Refugee Board of Canada, Albania: Domestic violence, including legislation, state protection and support services available to victims (2011- April 2014), 30 April 2014 noted that 'the UN Special Rapporteur's report stated that perpetrators of domestic violence are "often not properly prosecuted and punished by the courts" (ibid. 23 Apr. 2013, para. 44). The same source indicated that prosecutors and judges often view domestic violence as a "private family matter" (ibid.).' ([52])

9.3.9 The World Law Guide provides access to a selection of Albanian legislation in English, and the International Labour Organisation website, NATLEX, provides access to national labour, social security and related human rights legislation in French, English and Albanian. In addition, the GlobaLex initiative at New York University has published a guide to researching the Albanian legal system and the U.S. Law Library of Congress and the World Legal Information Institute provide a selection of links to legal and governmental resources. [53]

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## 10. Corruption

10.1.1 The US State Department, Country Report on Human Rights for 2014: Albania, published 25 June 2015, stated that:

'The law provides criminal penalties for corruption by officials, and during the year parliament introduced stricter penalties as part of the government's wider anticorruption efforts. The government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Corruption was pervasive in all branches of government. From January through June, joint investigative units (JIUs), multiagency units that investigate and prosecute public corruption and other financial crimes, began 762 new investigations and sent 131 cases to court. Trials involving 129 cases concluded, resulting in guilty verdicts for 183 defendants and dismissals for 26. As of June court proceedings continued involving 289 defendants. […]

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http://www.ahc.org.al/web/images/publikime/en/Humane_Rights_Report_2014.pdf date accessed 21 July 2015

[51] Balkan Insight, Albanian Justice System Slammed as Totally Corrupt, 9 June 2015 http://www.balkaninsight.com/en/article/judges-in-albania-pays-up-to-300-000-for-their-positions-report-says date accessed: 20 July 2015

[52] Immigration and Refugee Board of Canada, Albania: Domestic violence, including legislation, state protection and support services available to victims (2011-April 2014), 30 April 2014, ALB104859.E , : http://www.refworld.org/docid/537db1d64.html, Date accessed 21 July 2015

[53] The World Law Guide, 'Legislation Albania', Updated 12 March 2010, http://www.lexadin.nl/wlg/legis/nofr/eur/lxwealb.htm, Updated 12 March 2010, Date accessed 18 May 2015.

‘In November 2013 the government assigned overall coordination of anticorruption activities to a newly created National Coordinator on Anticorruption, whose office oversees a network of anticorruption focal points in all the line ministries, in independent institutions, and at the local level. A restructured Unit on Internal Administrative Control and Anticorruption focused only on internal administrative control.

‘Corruption was a problem among police, and authorities took measures to combat it. Although the government’s Internal Control Service investigated and referred for prosecution a significantly higher number of police officers during the year than in 2013, courts convicted few of them. The government made efforts to address widespread reports that police sometimes accepted bribes in return for not issuing citations or not entering personal information into crime databases. […] The government also carried out a national public awareness campaign against bribery.

‘The Office of the Prosecutor General, working through JIUs, handled prosecutions. There were eight JIUs in the nation’s largest cities. They made significant progress in pursuing low-level public corruption, but prosecution of higher-level crimes remained elusive due to investigators’ fear of retribution, a general lack of resources, and judicial corruption. […]

‘In June responsibility for corruption cases involving high-level government officials, as well as judges, prosecutors, justice officials, and locally elected representatives, was transferred to the Serious Crimes Prosecution Office and the serious crimes courts. Anticorruption enforcement agencies did not actively and sustainably collaborate with civil society in most cases but did cooperate in selective instances that international actors brought to their attention, many times at the request of civil society. They had sufficient resources.’ [54]

10.1.2 Freedom House, in the Freedom in the World – Albania (2015) report, dated 28 January 2015, stated that:

‘Corruption is pervasive, and the EU has repeatedly called for rigorous implementation of antigraft measures. Convictions of high-ranking officials and judges for corruption and abuse of power remain rare. Between July and September 2014, nearly 20 central bank employees, including the governor and inspector general, were arrested for alleged negligence that allowed the theft of some $6.6 million [£4,232,560, (OANDA Currency Converter-13 August 2015)] over four years. Also during 2014, the PD repeatedly unearthed the criminal records of PS politicians and appointees in a bid to discredit the government. A PS lawmaker resigned in November over her son’s alleged criminal activity, and a deputy environment minister was fired in December for allegedly failing to pay her power bills.

‘An EU progress report issued in June praised many anticorruption steps taken under the PS government since January, including the enactment of

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[54] US State Department, Country Reports on Human Rights for 2014: Albania, (Section 4), 25 June 2015, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236492, Date accessed 26 June 2015.

new civil service legislation, the finalization of a national anticorruption strategy, and adoption of amendments to strengthen rules on asset disclosure and conflicts of interest for public officials. A newly appointed inspector for monitoring assets and conflicts of interest pledged aggressive investigations in February; by late October, his agency had filed charges against 16 officials. The EU report emphasized the need for Albania to follow through with prosecutions for corruption, particularly among high-level officials.' [55]

10.1.3 Albania was ranked 110 out of 175 countries and territories surveyed in Transparency International's 2014 Corruption Perceptions Index. [56]

10.1.4 Freedom House in its Nations in Transit 2014 – Albania, 10 June 2014, stated that:

'Corruption remains a major obstacle to democratization and the EU integration process. The government took steps to identify cases of corruption in 2013, but most of these efforts yielded poor results due to a lack of political will and institutional enforcement. Well-known public cases against high-level officials and politicians from the governing majority and the opposition were taken to court during the year and were still being processed at year's end. New anticorruption strategies and legislative reform have also been proposed. Albania's corruption rating remains unchanged at 5.25.' [57]

Freedom House ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. [58]

10.1.5 There has been some progress in tackling corruption. The Albanian Center for Economic Research (ACER), in its 'Corruption Assessment Report 2014: Albania' noted that:

'During the last three years in Albania, there have been some general developments with relevance to anticorruption, listed as below:

In 2012, there were adopted some constitutional amendments limiting the immunity of judges;

In March 2014, amendments to the Code of Criminal Procedure implementing the 2012 constitutional changes on restrictions to the immunities enjoyed by judges, MPs and other senior officials were approved;

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[55] Freedom House, 'Freedom in the World 2015: Albania', 28 January 2015, https://freedomhouse.org/report/freedom-world/2015/albania, Date accessed 19 June 2015.
[56] Transparency International, 'Corruption Perceptions Index (2014), 03 December 2014, http://files.transparency.org/content/download/1856/12434/file/2014_CPIBrochure_EN.pdf, Date accessed 19 January 2015.
[57] Freedom House, 'Nations in Transit 2014: Albania', 10 June 2014, https://freedomhouse.org/report/nations-transit/2014/albania#.VOcgAPmUnMo, Date accessed 19 January 2015.
[58] Freedom House, 'Nations in Transit 2014: Albania', 10 June 2014, https://freedomhouse.org/report/nations-transit/2014/albania#.VOcgAPmUnMo, Date accessed 19 January 2015.

The Central Election Commission adopted a Decision in January 2012, to increase transparency;

In November 2013, a National Coordinator for Anti-corruption (NCAC) was appointed to coordinate the activities of state bodies and independent institutions, both at central and local level;

In March, 2014 it was approved the Draft-Law with amendments to the law "For the Prevention and Fight Against Organized Crime" or better known as "Anti-Mafia" law, where the main change is the inclusion of "corruption" within the scope of this Law;

The new Civil Service Law (CSL) became effective on 26 February 2014 and its secondary legislation was adopted in time for its entry into force on 1 April;

On September, 2014, it was created a new body called The Investigation section for corruption and property, in the Heavy Crimes Prosecution which aims to investigate the cases of corruption of judges, prosecutors and senior officials;

The new law on access to information has been adopted in September, 2014.' [59]

10.1.6 However the Council of Europe - Parliamentary Assembly reported in September 2014 that:

'The persistent and endemic corruption at all levels of Albanian society undermines the country's democratic and socio-economic development and is a major concern of the Assembly. In this respect, the Assembly regrets that, despite a recent increase in prosecutions, most indicators show that corruption has actually been increasing instead of diminishing in recent years, which indicates that measures and strategies to fight corruption have until now achieved only limited results.' [60]

10.1.7 The European Commission in its 'Report from the Commission to the Council and the European Parliament on Albania's progress in the fight against corruption and organised crime and in the judicial reform', dated 04 June 2014, stated that:

'Albania has continued to implement and consolidate its EU-related reform measures, in particular those relating to candidate status. There has been continued political will to act decisively in the prevention and fight against corruption and structural reforms testify to an all-encompassing approach including a wide range of institutions. Important legislative reforms have been introduced in the fight against organised crime and investigations have

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[59] Albanian Center for Economic Research (ACER), 'Corruption Assessment Report 2014: Albania', 2014, Key Points p.8 http://www.acer.org.al/images/ACER_Report_En.pdf, Date accessed: 18 January 2015.

[60] 9.2.3 The Council of Europe - Parliamentary Assembly, The honouring of obligations and commitments by Albania [Doc. 13586], 2 September 2014, para 9 http://www.ecoi.net/file_upload/1226_1409652833_xrefviewpdfalbania.pdf date accessed 21 July 2015

yielded positive results in the fight against drug trafficking and other areas of serious and organised crime. Albania has demonstrated its commitment to judicial reform, notably by working with the Venice Commission to improve the independence, accountability and professionalism of the system.' [61]

10.1.8 The European Commission, in its Albania 2014 Progress Report, dated 08 October 2014, noted that:

'The government has shown political will to act decisively in the prevention and fight against corruption. The legislative framework was strengthened and policy coordination and monitoring at central level improved. A National Anti-Corruption Coordinator was appointed and a network of anti-corruption focal points was established in all line ministries. However, corruption is prevalent in many areas, including the judiciary and law enforcement, and remains a particularly serious problem.

'In November [2013], the Minister of State for Local Government was appointed as the National Anti-Corruption Coordinator and a network of anti-corruption focal points was established in all line ministries. […] As regards the legal anti-corruption framework, in March, amendments to the Criminal Procedure Code transferred the jurisdiction of cases involving active and passive corruption by judges, prosecutors, justice officials, high-level state officials and locally elected representatives to the Serious Crimes Prosecution Office and the Serious Crimes Court. […] The Law on the State Police was amended in September, to provide for the creation of a National Bureau of Investigation, tasked with investigating corruption-related offences.' [62]

10.1.9 The report continued:

'The number of investigations of cases of active and passive corruption, including corruption by public officials, has increased. The number of corruption cases referred to the prosecution by the State Police increased by 33 percent in the period from October 2013 to June 2014, compared to the same period in the previous year. Convictions by District Courts decreased by 5 percent in the same period, while convictions by appeal courts increased by 23 percent. Six corruption investigations within the judicial system are ongoing. Regarding high state and locally elected officials, five cases involving 25 defendants are pending before the court and four cases are being investigated for abuse of office and other related allegations.

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[61] European Commission, 'Report from the Commission to the Council and the European Parliament on Albania's progress in the fight against corruption and organised crime and in the judicial reform', 04 June 2014, (6. Conclusion p.10) http://ec.europa.eu/enlargement/pdf/key_documents/2014/al_report_june_2014.pdf, Date accessed: 18 January 2015.

[62] European Commission, 'Albania Progress Report', (Summary of findings of the 2014 Progress Report on Albania (p.2 and Anti-corruption policy p43), October 2014, http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-albania-progress-report_en.pdf, Date accessed: 15 January 2015.

However, investigations continue to be reactive, rather than proactive, and the number of final convictions remains low at all levels.' [63]

10.1.10 Specific information on Police corruption can be found in a report from the Institute for Democracy and Mediation, 'Police Integrity and Corruption in Albania, 2014.' The report found that:

'Similar to other sectors, corruption of police in Albania has been widespread and the police are perceived by the public as one of the institutions with the highest level of corruption in the country. Irrespective of efforts made to address this phenomenon among the police, principally through amendments to the legislation and enhancement of institutional capacities, results indicate that police corruption is still persistent. […] Overall, the anticorruption reforms in the police have been ineffective. In the first instance, the reforms have been fractional and have focused on apparent issues of the moment without producing long-term and sustainable solutions. They have aimed at legal amendments, but have fallen short of reflecting the dimension of social and political environment. […] The number of investigated and punished police officers is very low; the number of senior officials investigated and punished for corruption is almost insignificant. Likewise, the number of officials admonished with disciplinary measures for misconduct or other administratively condemnable wrongdoings is quite low. The high corruption and impunity have brought about a decline in the trust of the public and police officers in the anticorruption system. The number of complaints filed by the public against police officers engaged in corruption or violating the rules is very low. Similarly, the number of instances of reporting by polices officers, who are legally bound to report violations of their peers, is inconsiderable' [64]

10.1.11 For further information see the Council of Europe - Group of States Against Corruption report 'Fourth Evaluation Round; Corruption Prevention In Respect Of Members Of Parliament, Judges And Prosecutors'. [65]

10.1.12 A general assessment of corruption in the West Balkans, including Albania, can be found in the Southeast Europe Leadership for Development and Integrity (SELDI) report, 'Anti-Corruption Reloaded: Assessment of Southeast Europe, 2014'. [66] A general overview of business corruption in

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[63] European Commission, 'Albania Progress Report', (Anti-corruption policy p43), October 2014, http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-albania-progress-report_en.pdf, Date accessed: 15 January 2015.

[64] Institute for Democracy and Mediation, 'Police Integrity and Corruption in Albania', 2014, Executive Summary p. 8-12 http://idmalbania.org/?p=4136 , Date accessed: 18 January 2015.

[65] Council of Europe - Group of States Against Corruption, Fourth Evaluation Round; Corruption Prevention In Respect Of Members Of Parliament, Judges And Prosecutors [Greco Eval IV Rep (2013) 9E], 27 June 2014 http://www.ecoi.net/file_upload/1830_1404812892_grecoeval4-2013-9-albania-en.pdf date accessed 21 July 2015

[66] Southeast Europe Leadership for Development and Integrity (SELDI), 'Anti-Corruption Reloaded: Assessment of Southeast Europe', 2014, http://www.csd.bg/artShow.php?id=17121, Date accessed: 18 January 2015.

Albania can be found at GAN Integrity Solutions, The Business Anti-Corruption Portal, Business Corruption in Albania, June 2014. [67]

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## 11. Citizenship and nationality

11.1.1 Albanian citizenship is determined according to the Law on Albanian Citizenship, No. 8389, dated 5 August 1998. [68]

11.1.2 The 2014 U.S. Department of State report noted that:

'An individual acquires citizenship by birth within the country's territory or from a citizen parent. Parents are encouraged to register the birth of a child in a timely manner. To incentivize early registration, the law provides for a monetary reward for parents who register their children within 60 days of birth. Often, however, authorities did not disburse the reward. There were no reports of discrimination in birth registration, but residency requirements for registration made it more difficult for many Romani and Balkan-Egyptian parents without legally documented places of residence to register their children and to access some government services that were dependent on registration. According to the domestic NGO Children's Rights Center of Albania (CRCA), children born to internal migrants or those returning from abroad frequently had no birth certificates or other legal documentation and as a result were unable to attend school. This was particularly a problem for Romani families, in which couples often married young and failed to register the birth of their children.' [69]

11.1.3 The EUDO Citizenship Observatory Country Report: Albania, revised and updated November 2012, noted that:

'The present citizenship legislation in Albania reflects the country's attempts to democratise and achieve EU membership. Some of the main principles of the European Convention on Nationality, which it ratified in 2002, including the obligation to reduce and eliminate statelessness, are incorporated into the new citizenship law.' [70]

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[67] GAN Integrity Solutions, The Business Anti-Corruption Portal, 'Business Corruption in Albania, June 2014', http://www.business-anti-corruption.com/country-profiles/europe-central-asia/albania/show-all.aspx, Date accessed: 18 January 2015.
[68] Legislationonline.org, Law on Albanian Citizenship, http://www.legislationline.org/documents/action/popup/id/6645, Date accessed 22 May 2015.
[69] US State Department, Country Reports on Human Rights for 2014: Albania, (Section 2d), 25 June 2015, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236492, date accessed 20 July 2015
[70] The University of Edinburgh, School of Law, 'The Europeanisation of Citizenship in the Successor States of the Former Yugoslavia (CITSEE), Country Report: Albania', (Revised and updated November 2012), http://eudo-citizenship.eu/docs/CountryReports/Albania.pdf, Date accessed 18 May 2015.

## 12. Freedom of movement

12.1.1 The US State Department 2014 Human Rights Report: Albania (USSD Report 2014), published on 25 June 2015, stated:

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government at times cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern, although police refused to allow the UNHCR to monitor the processing, detention, and deportation of some migrants.

'Individuals moving within the country must transfer their civil registration to their new community of residence in order to receive government services and prove they are domiciled legally through property ownership, a property rental agreement, or utility bills. Many persons could not provide this proof and thus lacked access to public services. [The Council of Ministers issued a decision, No. 184 dated 20 March 2003, in order to assist the process of registration.It allows the head of the family, in the absence of suitable documentation, to prove the new residency by a certificate issued by the local administrator or mayor attesting that he lives in the respective location. Such certificate is issued upon verification in loco of the residence.] Other citizens lacked formal registration in the communities where they resided, particularly Roma and Balkan-Egyptians. The law does not prohibit their registration, but it was often difficult to complete. The government reduced some requirements for registration during the year in order to reduce the burden on marginalized populations, such as Roma and Balkan-Egyptians.' (71)

12.1.2 Freedom House reports in its 'Freedom in the World 2015' report that 'Albanians generally enjoy freedom of movement and choice of residence or employment, though criminal activity and practices related to traditional honor codes limit these rights in some areas.' (72)

12.1.3 According to the 2014 OECD Social Institutions and Gender Index:

'There are no legal restrictions on women's access to public space in Albania, either within the country or abroad. The Article 38 of the Constitution guarantees every Albanian citizen (regardless of gender) the right to travel freely within the country, apply for a passport, and to choose where to live. […] The official Convention on the Elimination of all forms of Discrimination against Women (CEDAW) report notes that women may have

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[71] US State Department, Country Reports on Human Rights for 2014: Albania, (Section 2d), 25 June 2015, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236492, Date accessed 18 May 2015.
[72] Freedom House, 'Freedom in the World 2015: Albania', 28 January 2015, https://freedomhouse.org/report/freedom-world/2015/albania, Date accessed 20 July 2015.

to seek permission from their husbands or family before travelling within Albania or abroad, placing effective de facto limits on their access to public space and freedom of movement. The CEDAW report states that in rural areas in particular, married women report needing to seek their husband's permission before leaving the house (except in cases of medical emergency).' [73]

12.1.4 In its November 2014 report to CEDAW the Government of Albania reported that whilst everyone enjoys freedom of movement 'Experience on the ground shows that the implementation of these rights in practice can be difficult – choosing a place of domicile or freedom of movement are limited by a number of cultural and socio-economic factors that affect women's lives, especially of those from certain groups (rural women, Roma and Balkan-Egyptian women, disabled women, etc.)'.[74]

See also Country of origin information and guidance report: blood feuds, Albania, June 2014 for the potential impact on ethnic minority groups' freedom of movement.

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# 13. Exit and return

### Visa liberalisation

13.1.1 The Australia: Refugee Review Tribunal, in a report dated 16 June 2011, provided background on the rights of Albanian citizens under the Schengen Agreement to enter and reside in Schengen Agreement countries. It explains that Albania is not included in the Schengen area. However, Albanian citizens who hold biometric passports were granted visa-free travel within Schengen zone countries as of 15 December 2010. Multiple entries are permitted, as long as the total period of stay does not exceed three months within a six month period. […] The visa exemption does not provide Albanian citizens with the right to work or settle in any of the Schengen countries [75]

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[73] OECD Social Institutions and Gender Index, Gender Equality and Social Institutions in Albania 2014, Restricted civil liberties, 2015, http://genderindex.org/country/albania#_ftn91, Date accessed 20 May 2015.

[74] Government of Albania, Consideration of reports submitted by States parties under article 18 of the Convention; Fourth periodic report of States parties due in 2014; Albania [CEDAW/C/ALB/4], 25 November 2014, Paragraph 180 http://www.ecoi.net/file_upload/1930_1417620831_cedaw-c-alb-4-7078-e.pdf date accessed 20 July 2015

[75] Australia: Refugee Review Tribunal, 'Albania: 1. What rights do Albanian citizens have under the Schengen Agreement to enter and reside in Schengen Agreement countries? 2. What steps do Albanian citizens need to take to avail themselves of any such rights? 3. Can Albanian citizens avail themselves of such rights if: (a) they do not have Albanian passports; or (b) their Albanian passports have expired? 4. What are the Schengen Agreement countries? 5. Do any of those countries afford Albanian citizens the ability to reside for a period greater than three months? If so, what steps does an Albanian citizen need to take to take advantage of this?', ALB38907, 16 June 2011, http://www.refworld.org/docid/4e521a962.html, Date accessed 15 January 2015.

13.1.2 The European Commission, in its Albania 2014 Progress Report, dated 8 October 2014, noted that:

'Visa liberalisation for Albanian citizens travelling to the Schengen area has been in force since December 2010. As part of the monitoring mechanism in place since visa liberalisation, the Commission has been regularly assessing the progress made by the country in implementing reforms introduced under the visa roadmap. The monitoring mechanism also includes an alert mechanism to prevent abuses, coordinated by Frontex. The Commission has regularly submitted its post-visa liberalisation monitoring reports to the European Parliament and the Council. […] A visa-waiver suspension mechanism entered into force in January 2014. On this basis, EU Member States can request the Commission, in an emergency situation and as a measure of last resort, to examine the possibility of temporarily suspending the visa waiver for third-country nationals. A readmission agreement between the European Union and Albania has been in force since 2006.'[76]

13.1.3 The latest report from the Commission to the European Parliament and the Council, Fifth Report on the Post-Visa Liberalisation Monitoring for the Western Balkan Countries, was published on 25 February 2015. The report provided an overview of the development of the post-visa liberalisation monitoring mechanism, reviews the functioning of the visa-free travel scheme and recommends reforms to prevent the recurrence of the problems that have beset this scheme since 2010. [77].

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## 14. Passports and ID cards

14.1.1 In 2008 the government undertook a programme in which new biometric ID cards [78] were issued to all citizens 16 years old and over. Applications for new biometric passports [79] were then processed from January 2009 onwards. This was in response to document security concerns which affected ease of travel abroad. Borders were closed, visa processes were

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[76] European Commission, 'Albania Progress Report', (1.2. Relations between the EU and Albania p4), October 2014, http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-albania-progress-report_en.pdf, Date accessed: 20 July 2015.
[77] European Commission, 'Report from the Commission to the European Parliament and the Council, Fifth Report on the Post-Visa Liberalisation Monitoring for the Western Balkan Countries in accordance with the Commission Statement of 8 November 2010, COM(2015) 58 final', 25 February 2015, http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/docs/20150225_5th_post-visa_liberalisation_report_with_western_balkan_countries_en.pdf, Date accessed: 15 June 2015.
[78] Canada: Immigration and Refugee Board of Canada, 'Albania: The biometric identity card; its appearance, use and the biometric data stored on it; requirements and procedures to obtain a biometric identity card within Albania; whether it can be replaced and renewed from abroad, including requirements and procedures', 22 September 2011, ALB103817.E, available at: http://www.refworld.org/docid/4f5f1e0b2.html, Date accessed 21 May 2015.
[79] Canada: Immigration and Refugee Board of Canada, 'Albania: The biometric passport; its appearance and biometric data stored on it; requirements and procedures to obtain a biometric passport from within Albania; whether it can be replaced or renewed from abroad', 28 September 2011, ALB103818.E, http://www.refworld.org/docid/4f5f1c642.html, Date accessed 21 May 2015.

long and only a selection of people would travel outside Albania. Corruption was also an issue. This issue also impacted on the country's integration aspirations in relation to the European Union. [80]

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## 15. Forged and fraudulently obtained official documents

15.1.1 The Immigration and Refugee Board of Canada (IRB) noted in a Response to Information Request (RIR), dated 16 October 2006, that:

'In October 2005, the Albanian Telegraphic Agency (ATA) reported the takedown of a "mega laboratory" in Albania that was forging various travel documents, including passports and visas, as well as American Green Cards, unspecified ID cards, bank cards and telephone cards. During the raid about 1,000 passports from 29 countries, including Canada, the United States, and Australia were confiscated. Additionally, a number of border passage stamps for Greece and Italy were found, as well as stamps from the Albanian consulate in Washington, other unnamed Albanian ministries, and entry and exit stamps for Rinas Airport (ibid.). The Associated Press (AP) also reported that the same police operation involved the arrest of nine individuals, including four Tirana airport law enforcement agents, three other airport officials and two tourism agency owners who were all charged for forging travel documents and selling them to prospective illegal migrants.' [81]

15.1.2 The introduction of biometric passports and ID cards has gone some way to counter the production of forged and fraudulent documents but as an article in Balkan Insight, dated 20 September 2013, highlighted it remains a problem. The article, Albanian Police Bust Forgery Workshop, stated that:

During the search of the Tirana home of one of the suspects, Azem Tahiri, police sequestered 16 high-end printing and offset machines that were used to produce fake documents. Tahiri was arrested in Greece on September 12, together with Panajot Bare and Eduard Zeneli, who were in possession of high-quality forged documents."During their arrest, Greek officers found identity cards from different EU countries, Schengen visas, passports and borders stamps," Tirana police said in a statement. According to the preliminary investigation, police believe Tahiri produced forged documents in his home and smuggled them into Greece where they were sold.' [82]

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[80] Aleat Identity Services, 'The Albanian ID Card and Biometric Passport – Our Success Story', 2014, https://www.aleat.al/en/news-two, Date accessed 21 May 2015.

[81] Immigration and Refugee Board of Canada, Albania: Availability of fraudulent identity documents, including incidents where individuals were detained for using these false documents and government measures designed to address this situation (2005-September 2006), http://www.unhcr.org/refworld/country,,IRBC,,ALB,4562d8b62,45f147dfa,0.html Date accessed 15 June 2015

[82] Balkan Insight, Albanian Police Bust Forgery Workshop, 20 September 2013, http://www.balkaninsight.com/en/article/albania-police-bust-forgery-workshop,Date accessed 15 June 2015

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## Annex A: Maps of Albania

A comprehensive collection of maps, relating to Albania, covering provinces, cities, history, geography, culture, political and physical topics can be found at the following. Maps of World: Albania [83] and the Perry-Castañeda Library Map Collection. [84]

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[83] Maps of World: Albania, http://www.mapsofworld.com/albania/google-map.html, Date accessed 07 May 2015.
[84] The University of Texas at Austin, Perry-Castañeda Library Map Collection: Albania Maps, http://www.lib.utexas.edu/maps/albania.html, Date accessed 07 May 2015.

# Version Control and Contacts

## Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email the Country Policy and Information Team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance, Rules and Forms Team.

## Clearance

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