

## **ARC and DCR comments on the EASO Country of Origin Information Report on Albania, November 2016**

July 2017

Asylum Research Consultancy (ARC) and the Dutch Council for Refugees (DCR) welcome the EASO Country of Origin Information (COI) publication on: [Albania, Country Focus, November 2016](#) [hereafter the Albania report].

We note that it was compiled at the request of both the European Parliament and the European Council in order to provide them with “general background information and more detailed information relevant for international protection status determination and for the assessment of the applicability of the safe country of origin concept to Albania”.<sup>1</sup> This request forms part of EASO’s envisaged new role as the European Union Agency for Asylum [hereafter the EU Agency for Asylum] to assist the Commission in regularly reviewing the situation in third countries which are included in the common EU list of safe countries of origin as stipulated in the European Commission’s ‘Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010’ [from now on proposed regulation].<sup>2</sup>

Under Article 11 (2) of the proposed regulation “The Agency shall, at the request of the Commission, provide it with information on specific third countries which could be considered for inclusion in the common EU list of safe countries of origin in accordance with Regulation (EU) No XXX/XXX”.<sup>3</sup> Article 48 intends for “civil society organisations and relevant competent bodies operating in the field of asylum policy” to “maintain a close dialogue” with the EU Agency for Asylum through the “exchange of information and sharing of knowledge” via the Consultative Forum in order to “assist the Executive Director and the Management Board in matters covered by this Regulation”.<sup>4</sup> Consequently, we hope that this commentary and its recommendations by two active members of EASO’s current Consultative Forum will be taken into account when drafting such country reports in future. This is of particular

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<sup>1</sup> EASO, [Albania Country Focus](#), November 2016, Introduction, page 9

<sup>2</sup> See European Commission, [Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Asylum and repealing Regulation \(EU\) No 439/2010](#), 4 May 2016

<sup>3</sup> European Commission, [Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Asylum and repealing Regulation \(EU\) No 439/2010](#), 4 May 2016, Article 11 (2)

<sup>4</sup> European Commission, [Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Asylum and repealing Regulation \(EU\) No 439/2010](#), 4 May 2016, Article 48 (1) and 48 (2)

importance given the current lack of consultation on the Terms of Reference, drafting and quality review process of EASO COI products by civil society and other relevant bodies, especially in light of EASO's enhanced role as "a centre for gathering relevant, reliable, accurate and up-to-date information on countries of origin" as stipulated in the proposed regulation.<sup>5</sup>

With this context in mind, ARC and the DCR would like to emphasise ECRE's previously made recommendation in relation to the EU Agency for Asylum's envisaged role of publishing 'Common Analysis on country of origin information' and expand it to also relate to COI reports produced to assist a country to be included in the common EU list of safe countries of origin.<sup>6</sup> We therefore urge EASO and the future EU Agency for Asylum to **establish an Independent Expert Panel on Country of Origin Information to advise the EU Agency for Asylum and the Executive Director on matters of methodology, review the quality of COI reports and other COI products of the EU Agency for Asylum and provide advice to the Executive Director prior to the adoption and revision of common analysis or when submitting COI reports to the European Commission. The Independent Expert Panel should consist of academic country-specific experts, COI researchers, representatives of the judiciary, expert NGOs and UNHCR, and be appointed by the Executive Director, following a public call for expression of interest.**

Our comments are based on an initial reading of the Albania report and start off by presenting some general observations and recommendations, before focusing on chapter '5. Human Rights situation':

- 5.1 Legal context and institutional framework
- 5.2.1 Freedom of expression and information
  - 5.2.2 Freedom of religion
  - 5.2.3 Freedom of association and assembly
  - 5.2.4 Freedom of torture
    - 5.2.5 Detention
- 5.3 Specific Groups
  - 5.3.1 Ethnic and religious minorities
  - 5.3.2 Journalists and media.
  - 5.3.3 Victims of blood feuds
  - 5.3.4 Women
  - 5.3.5. Children
  - 5.3.6 Lesbian, gay, bisexual, transgender and intersex persons (LGBTI)
  - 5.3.7 Trafficked persons

This commentary is purely an assessment of the methodology used to compile the Albania report and the COI contained in it. It does not represent our views on the concept of 'Safe Countries of Origin' in general nor specifically in relation to Albania.

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<sup>5</sup>See European Commission, [Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Asylum and repealing Regulation \(EU\) No 439/2010](#), 4 May 2016, Article 8 (1)

<sup>6</sup>See ECRE, [ECRE Comments on the Commission Proposal for a Regulation on the European Union Agency for Asylum and repealing Regulation \(EU\) No 439/2010 COM\(2016\) 271](#), July 2016, 2. *Assessment of the situation in countries of origin and guidance on its application in asylum procedures*, page 10

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## **A. General observations and recommendations**

### **1. Methodology**

#### **1.1 Terms of Reference**

The Terms of Reference for this Albania report cover the pertinent issues necessary for an assessment whether a country can be designated as a 'safe country of origin' as stipulated in the EU Asylum Procedures Directive.<sup>7</sup>

#### **1.2 Review process**

It is appreciated that different Member States were involved in the drafting and review process of the report together with EASO. As stated in previous commentaries we made on EASO COI reports, we too would have welcomed the opportunity to submit our comments in advance of the report's final publication as well as be given the opportunity to review the Terms of Reference as well as the draft report. In general, it would be welcomed if external reviewers with an expertise on Albania would be involved in the review process in the future.

#### **1.3 Reference period**

The initial collecting of information and drafting of the report took place between April and July 2016. No reports beyond the cut off date were found amongst the consulted sources. It is further welcomed that one additional report included post cut-off date was clearly identified, namely the November 2016 European Commission's 'Communication on EU Enlargement Policy' report<sup>8</sup>.

#### **1.4 Presentation of COI**

As our previous responses to EASO consultations and comments on EASO Work Plans have indicated, we are particularly interested in the EASO COI methodology.<sup>9</sup>

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<sup>7</sup>See Council of Europe, [Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection](#), 26 June 2016, Article 37 (1), Article 38, and Annex I

<sup>8</sup>See European Commission, [Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM\(2016\) 715 final](#), 9 November 2016

<sup>9</sup>See Asylum Research Consultancy/Dutch Council for Refugees, [Comments on the EASO Country of Origin Information report methodology](#), November 2012

Surprisingly, some prominent annual human rights reports, such as Freedom House's 'Freedom in the World 2016' report, were referenced as "n.d." i.e 'no date' when in fact the actual date of publication can be easily Googled or found via [www.ecoi.net](http://www.ecoi.net) or on [www.refworld.org](http://www.refworld.org). For example Freedom House's 'Freedom in the World 2016: Albania' chapter was published on 7 March 2016. Some reports such as the 'Civicus, Civil Society Profile: Albania' were also referenced as "n.d.". Upon opening the report through the link provided in the bibliography, the header of the report reads 'State of civil society 2011'. We recommend to include the reporting year in the references even if no precise publication date can be found for indication of the currency of the information.

Incidences were found where the wrong annual report was attributed to the information included. See for example (emphasis added):

EASO Albania report

[...] 3.4.3 Fight against organised crime

Albania has reached 'some level of preparation in the fight against organised crime', according to the EC Communication 2016 (120). **Its conclusions and recommendations are similar to those in 2015, although some progress whad [sic] been made, 'in particular on identifying and destroying cannabis plantations. The police was modernised and international police cooperation intensified, especially with Europol.'**[...]

The Albania report compares the European Commission report of 2016 to that of 2015 without referencing the 2015 report in the relevant footnote.

## 2. Use of COI

2.1 It is appreciated that an exception to the cut off date for the reference period was made for the European Commission report of 9 November. However, it has been observed that in many cases where reference was made to this report the only information included was from the executive summary while more specific information is included in the body of the report. We have furthermore noted that while the European Commission reports on a broad range of human rights abuses, the information is not incorporated in each section in 'Chapter 5 Human Rights Situation' in the Albania report. For example sections '5.2.2 Freedom of religion' and '5.3.2. Journalists and Media' do not contain any reference to the European Commission report despite such information being available.

2.2 Several sources dealing with a range of human rights issues on Albania have been cited, but not all information available in the original source has been included. Amongst these reports are:

- Albanian Helsinki Committee, [Report on the situation of respect for human rights in Albania for 2015](#), December 2015;
- Ombudsman/People's Advocate, [\(The\) Annual report on the activity of the People's Advocate, 1 January–31 December 2015](#), February 2016;
- US DoS (Department of State), [Country Report on Human Rights Practices for 2015, Albania](#), 13 April 2016 [Please note that in March 2017 the latest annual report was published covering the year 2016. It can be accessed [here](#)]

2.3 The Albania report frequently relies on annual reports of amongst others Amnesty International and Freedom House in which the events of the year are heavily summarised. It is recommended that reference to more thematic reports and newspaper articles be made instead, which provide more detailed information about the human rights situation. Below is a (non-exhaustive) list of such sources that were available during the reference period of the Albania report:

- Albanian Helsinki Committee, [Report on the main findings on the local elections, June 21 2015](#), 22 June 2015
- Albanian Helsinki Committee, [Report on the situation of human rights of persons deprived of liberty in state police stations in detention and prisons as well as in psychiatric hospitals; the monitoring was conducted during July 2015 - January 2016](#), January 2016
- Amnesty International, [Albania: 44 Roma families desperately need adequate housing, not forced eviction \[EUR 11/2644/2015\]](#), 13 October 2015
- Balkan Insight, [Leaked OSCE Document Names 'Corrupt' Albanian MPs](#), 15 September 2015
- Balkan Insight, [Self-Censorship Rampant in Albanian Media, Study Says](#), 3 December 2015
- Council of Europe - European Commission against Racism and Intolerance, [ECRI Report on Albania \(fifth monitoring cycle\); Adopted on 19 March 2015; Published on 9 June 2015 \[CRI\(201 5\)18\]](#), 9 June 2015
- Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, [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 Treat](#), 3 March 2016
- Council of Europe, Group of Experts on Action against Trafficking in Human Beings, [Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Albania; Second Evaluation Round \[GRETA\(2016\)6\]](#), 3 June 2016
- Council of Europe, Group of States Against Corruption, [Fourth Evaluation Round; Corruption prevention in respect of members of parliament, judges and prosecutors; Compliance Report Albania \[GrecoRC4\(2016\)6\]](#), 15 April 2016
- European Centre for Minority Issues (ECMI), [Inclusion of Roma children in Albania's education system: Rhetoric or reality?](#), 29 September 2015
- Government of Albania, [Response of the Albanian Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) on its visit to Albania from 4 to 14 February 2014 \[CPT/Inf \(2016\) 7\]](#), 3 March 2016
- Organization for Security and Cooperation in Europe (OSCE), [Albania, Local Elections, 21 June 2015: Final Report](#), 8 September 2015

2.4 In some instances reference was made to secondary sources where the relevant primary source was available.

EASO Albania report

[...] 5.3.1 Ethnic and religious minorities [...]

In a February 2016 letter, the Council of Europe's Human Rights Commissioner Nils Muiznieks criticised the Albanese government for forced evictions of Roma and Egyptian families in the past few years without offering them alternative accommodation and called for a respect of human rights. As a result of such evictions, families did not know where to go and lingered around their previous sites while being prevented from building makeshift homes (175)

(175) Balkan Insight, [Balkans Told to Stop Forcible Evicting Roma](#), 18 February 2016.

In this instance the Albania report refers to an article in Balkan Insight in which a letter of the Council of Europe's (CoE) Human Rights Commissioner was mentioned. The letter itself can easily be found on the CoE's website<sup>10</sup> and contains important information and reference to amongst others Ombudsman reports and CoE Committee of Ministers resolutions which have not been included in section '5.3.1. Ethnic and Religious Minorities' or anywhere else in the Albania Report [for an analysis of additional relevant country information for this section, please refer below to [5.3.1 Ethnic and Religious Minorities](#)].

## **B. Section specific observations and recommendations**

In the following section the information contained in section '5. Human Rights situation' of the Albania Report is reviewed per subsection. Specifically we looked at whether the section presented a full picture of the human rights situation, by identifying gaps and evaluating information in omitted reports for additional information.

### **Section 5.1 Legal context and institutional framework**

Information included in this subsection on the Ombudsman emphasises the duties and election process but fails to address the limitations of this particular institution. Whilst information from the US Department States was included elsewhere in the Albania report it failed to include the following useful information exemplifying the limitations the Ombudsman faced:

- [US Department of State: Country Report on Human Rights Practices 2015 - Albania, 13 April 2016](#)<sup>11</sup>  
[...] Although the ombudsman lacked the power to enforce decisions, he acted as a monitor for human rights violations. The Office of the Ombudsman was underfunded and understaffed. The ombudsman reported to the parliament annually, but although the parliament distributed copies of some of the ombudsman's annual and special reports or posted them online, it rarely discussed the reports in plenary or committee sessions. The parliament consulted the ombudsman institution on draft laws directly affecting or involving it but generally did so at the last minute.  
[...] There is a parliamentary committee on legal issues, public administration, and human rights. The parliament approved a few laws aimed at addressing human rights problems and resolutions addressing lesbian, gay, bisexual, transgender, and intersex (LGBTI) issues and blood feuds. [...]

#### **Section 5.2.1 Freedom of expression and information**

The Albania Report references the Europe & Eurasia Media Sustainability Index. This index provides an overview of how sustainable countries' media in Europe and Eurasia are on a five-point scale from

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<sup>10</sup>See Council of Europe, Commissioner for Human Rights, [Letter from the Council of Europe Commissioner, Nils Muižnieks, to Ms Eglantina GJERMENI, Minister for Urban Development of Albania, concerning evictions of Roma](#), 16 February 2016

<sup>11</sup> Please note that in March 2017 the latest annual report was published covering the year 2016. It can be accessed [here](#).

‘Unsustainable’ to ‘Sustainable’. The block quote included in the Albania report is the general description of the category ‘Near Sustainability’ Albania fits into:

EASO Albania report

[...] 5.2.1 Freedom of expression and information [...]

On the Europe & Eurasia Media Sustainability Index (MSI) of the International Research & Exchanges Board (IREX), which analyses the conditions for independent media in 80 countries across the world, Albania scores on average 2.55 (on a range from 0-4) which is explained as ‘Near sustainability’:

‘Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable’.

However, additional information that would have been relevant to include in this section and that can be found in the Europe & Eurasia Media Sustainability Index was not added:

- [International Research and Exchange Board \(IREX\), EUROPE & EURASIA MEDIA SUSTAINABILITY INDEX 2016: Albania, April 2016](#)<sup>12</sup>

[...] With few positive strides to report in the media realm, the MSI score remains virtually the same as the 2015 study. Newspapers, magazines, radio stations, and television stations continue to feel the weight and consequences of economic crisis, which silently erodes their independence. The panelists[sic] also report problems with media regulators and with the public television station. Online media appear to be the only area of growth and expansion [...]

The panelists[sic] generally concurred that crimes against journalists occur infrequently but mentioned a few instances—often in the form of pressure and threats from criminal groups, maltreatment by police, and offenses by government officials or politicians [...]

Statements by the Union of Albanian Journalists (UGSH) offer a more complete record of attacks on journalists in 2015. For example, in January 2015, the UGSH’s Gjirokastra branch issued a statement criticizing the director of the local radio and television broadcaster for repeatedly violating journalists’ personal freedom. In another statement, in February 2015, the Union denounced what it considered the offensive behavior of Prime Minister Edi Rama against TV Klan journalist Erisa Zyka. [...]

### **Section 5.2.2 Freedom of religion**

The Albania Report only includes one source which mentions that freedom of religion is generally upheld. However, for example the US Department of State report on International Religious Freedom, which has not been included in this report, mentions several complaints on the basis of religious affiliation, including claims regarding the return or restitution of seized property of religious groups, and reports on some incidents of societal discrimination:

- [US Department of State, 2014 Report on International Religious Freedom - Albania, 14 October 2015](#)<sup>13</sup>

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<sup>12</sup> Please note that in June 2017 the latest annual report was published covering the year 2016. It can be accessed [here](#).

<sup>13</sup> Please note that in August 2016 the latest annual report was published covering the year 2015. It can be accessed [here](#).

[...] During the year, three additional complaints of discrimination on the basis of religious affiliation were made to the Commissioner for Protection from Discrimination. In one case, involving an allegation by a female employee of the postal service that she had been dismissed from her job because she regularly took time from her job to pray at a mosque, the commissioner ruled the employee's dismissal had not been based on her religious beliefs, but on deficiencies in her job performance. The commissioner dismissed the second case, involving a professor's allegation he was banned from teaching because of his religious beliefs, because it had been filed after the statute of limitations had expired. The third case, involving a prosecutor's complaint he had been transferred from the District Prosecutor's Office of Dibra because of his religious beliefs, remained under investigation.

The government continued to address both preexisting and new claims from religious groups regarding the return or restitution of property seized during the former communist era; however, many property claims remained unresolved. The State Agency for the Restitution and Compensation of Property was required by law to give priority to properties owned by religious groups, but religious groups reported progress was slow. In some cases, the government provided land grants in lieu of property restitution. Administrative and legal challenges related to ownership claims made property restitution difficult for individuals and organizations, including religious groups. During the year the government completed the return of four properties to the Orthodox Church through the restitution process. The government also restored one property to the Catholic Church, and compensated the Muslim community in Shkoder for one property. Hundreds of other claims by religious communities remained unresolved. The Orthodox Church reported they had claims involving 890 buildings and properties still pending with the government, including more than 50 church properties converted to military installations. [...]

Because religion and ethnicity are closely linked in some cases, it is difficult to categorize some incidents as being solely based on religious identity. Archbishop Anastasios, the head of the Autocephalous Orthodox Church of Tirana, Durres and all Albania, faced some societal criticism directed at his Greek origin and nationality [...]

### **Section 5.2.3 Freedom of association and assembly**

Additional information found in the report of the Albanian Helsinki Committee, of which excerpts have been included elsewhere in the Albania report, highlights that the right to freedom of association is not always correctly understood and respected by police officers:

- [Albanian Helsinki Committee, Report on the situation of respect for human rights in Albania for 2015, December 2015](#)<sup>14</sup>

[...] 10. RESPECT FOR THE RIGHT TO ORGANIZE AND FREEDOM TO RALLY

According to the Progress Report: "The country has reached a certain level of respect in terms of freedom of expression." Over the past year there is some progress made towards expression and appreciation of the public towards policies that enforce the state authorities. The report further states that the Constitution and relevant legislation is in accordance with international law on human rights, guaranteeing individual freedoms. The conditions, in general, are largely favorable to the exercise of freedom of expression, but a better implementation of legislation is needed. Freedom of assembly and organization is respected in general. A number of peaceful protests and political demonstrations took place without causing major incidents."

In November 2015, in a university premise, as we mentioned above, the Prime Minister was hit with eggs by some students that belonged to the Movement for the University. Immediately some of them were

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<sup>14</sup> Please note that in April 2017 the latest annual report was published covering the year 2016. It can be accessed [here](#).

accompanied by the police and prosecution procedures were initiated while they were not kept detained, for the offense of "The contradiction of the police officer". Some of the students have claimed that violence was exerted against them and therefore complained to the Ombudsman and AHC. They underwent a forensic expertise to validate their claims of suffering violence, while they have claimed that in making the statements in Tirana's RPD, physical and psychological violence was exerted against them. They were also prevented to access and to enjoy medical examination.

The case of the protest of some citizens from Kukës, also shows that not all police officers have the right understanding concerning the right of public manifestation that citizens enjoy. Progress has been made regarding the right to organize, in terms of its exercise, as well as from the standpoint of freedom of action of NGOs. According to a research conducted by the organization "Partners Albania" it is ascertained that freedom of organization is guaranteed to everyone and practiced, generally freely without significant intervention control by the state authorities. [...]

#### **Section 5.2.4 Freedom of torture and 5.2.5 Detention**

With regard to torture the following excerpt from the Ombudsman annual report is included:

##### EASO Albania report

[...] 5.2.4 Freedom of torture [...]

In 2015, the NPM, via the Ombudsman, handled 131 complaints, amongst others on disproportionate use of force and violence by police officers and prison guards. There were several allegations of cases of torture and physical and psychological abuse to citizens by police employees especially 'in Police Commissariats no. 2 and 5 in Tirana, at the DLP Tirana, at the Police Commissariat Pogradec and at the Police Commissariat Shkodra', according to the People's Advocate's Annual report 2015 [...]

However, further detailed information included in the same report regarding torture claims made in 2015 should have been included too:

- [Republic of Albania People's Advocate, Annual Report on the Activity of the People's Advocate, 1st January – 31 December Year 2015, February 2016](#)

[...] 3.5 The cases of torture, abuse and violence in the police units as well as in penitentiary institutions [...]

During 2015, 42 cases of complaint were administered to the State Police authorities about the exercise of physical force by its employees during the escort, in flagrante delicto, detention or during interrogation in police units. Some of these cases have been made public through media, which has received the cases in different ways and forms, such as directly, through videos made with mobile phones by the relatives of the violated persons or bystanders, cases which have been considered and examined by Institution of the People's Advocate. 10 out of the completed cases were considered in favor of complainants, 26 cases were considered as unfair and 4 cases were considered as beyond the jurisdiction.

In cases where the exercise of violence against citizens by police officers has been proved, Institution of the People's Advocate has made the relevant recommendations addressed to prosecution bodies to initiate an investigation for committing the criminal offense of "torture" and "arbitrary actions". In total, 9 recommendations were made for the initiation of investigations, of which 1 case for the offense of "torture" and 8 cases for the offense of "arbitrary actions". Recommendation has been addressed to police management structures for 1 case, seeking the disciplinary measure. Of the recommendations made to initiate an investigation, 8 cases were accepted and 1 case has not yet been addressed. [...]

Furthermore, limited information is included on the use of ill-treatment especially in police detention and the conditions in detention which have been described as potentially constituting inhuman treatment, as reported for example by the following reports, which have been cited elsewhere in the Albania report:

- [European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM\(2016\) 715 final, 9 November 2016](#)

[...] As regards the prison system, the release of 968 prisoners following the January 2016 amnesty law considerably reduced the number of inmates. However, overcrowding remains an issue and risks amounting to inhuman and degrading treatment. [...]

The confidentiality of inmates' conversations with visitors, and adequate health and hygiene standards remain to be secured. Serious concerns remained over the lack of a medical institute and appropriate healthcare services for detainees with mental illnesses. Mentally ill detainees continued to be kept in inadequate conditions in the Kruja prison hospital. [...]

Corruption in the prison system remains a serious concern [...]

- [US Department of State, Country Report on Human Rights Practices 2015 - Albania, 13 April 2016](#)

[...] While the constitution and law prohibit such actions, police and prison guards sometimes beat and abused suspects and detainees. Through September the police internal control service received 50 complaints of police abuse and corruption. Through September the ombudsman received 150 complaints from detainees alleging that police officers physically abused, unlawfully detained, illegally searched, or unlawfully fined them; violated their privacy; or failed to give them needed information. Nearly one-third alleged physical abuse. The ombudsman's investigation of a number of the allegations found more than half were justified. The Albanian Helsinki Committee (AHC) also reported that police sometimes used excessive force [...]

Overcrowded facilities and denial of medical treatment were serious problems. The AHC reported that conditions in certain detention facilities were so poor as to constitute inhuman treatment. AHC research conducted among inmates through July showed the majority of complaints were of police abuse, poor living conditions, psychological abuse by prison staff or other inmates, interference with private correspondence with family members, unresponsiveness to prisoner complaints and requests, and delayed transfer of detainees from police stations to detention facilities.

The prison population overall averaged 24 percent larger than the design capacity of prison facilities. Overcrowding was especially serious in pretrial detention centers. Conditions in prison and detention centers for women were generally better than those for men.

Guards and other prisoners mistreated prisoners and detainees, threatening their lives and health. The ombudsman and nongovernmental organizations (NGOs) reported that authorities detained convicted persons suffering from mental health problems in ordinary prisons, where access to mental health care was wholly inadequate. The government reported seven deaths in prison through September; five were from natural causes and two from suicide.

Prison and detention center conditions varied significantly by age and type of facility. The AHC identified problems in both new and old constructions, however, such as dampness in cells, lack of bedding materials, and inconsistent water supply. Conditions in facilities operated by the Ministry of Interior, such as police stations and temporary detention facilities, were completely inadequate, except for regional facilities in Tirana, Durrës, Gjirokaster, and Korça, which the government reconstructed in 2014. In some cases detention facilities were unheated during the winter. Some lacked basic hygienic amenities, such as showers or sinks, were cramped, afforded limited access to toilets, and had little or no ventilation, natural light, or beds and benches. The government did not make a sufficient capital investment in police infrastructure, including detention facilities, over the previous decade. The Ministry of Justice managed the prisons. The ombudsman reported poor living conditions in many facilities. Conditions in both older

facilities and some new ones were unhygienic and often lacked many basic amenities, including access to potable water, sanitation, ventilation, lighting, and health care. The ombudsman and the AHC reported detainees and prisoners did not have adequate access to medical examinations and other services. Unhygienic facilities posed a particular danger for those with mental health needs [...]

- [Amnesty International, The State of the World's Human Rights 2015/2016, 23 March 2016](#)<sup>15</sup>  
[...] Albania [...]  
[...] Torture and other ill-treatment  
Ill-treatment of suspects in police stations was widespread; police and medical staff failed in their duty to report such incidents. In July, the Ombudsperson reported on chronic overcrowding and inadequate conditions and health care in places of detention. [...]
- [Albanian Helsinki Committee, Report on the situation of human rights in Albania for 2015, December 2015](#)  
[...] Respect for the legal rights of persons deprived of liberty, despite the improvements observed, in the police stations, prisons and detention are manifested serious shortcomings regarding the respect of the rights of persons deprived of their liberty. In some cases, there are instances of violence perpetrated by police officers. The accompanied were not granted the procedural guarantees at the time of detention. Some detention facilities are in deplorable condition to that degree that may constitute inhuman or degrading treatment of the people held there.  
Although new prisons were opened, overcrowding in the prison system has reached high levels exceeding 30% on average over the existing capacity, due to the escalation of criminal policies of the governing majority. Several government legal initiatives have provided for stronger legal sanctions with prison sentence, considering it the best legal remedy to prevent and punish offenses. Violation of the rights of prisoners and detainees has been caused also by the absence of a proper health service, lack of appropriate social and rehabilitative activities, by the low quality of food, poor hygiene, disrespect of their personal rights, etc. The allegations of violence were less compared to those from a year ago, but the persons deprived of their liberty have raised allegations of corruption by senior prison staff. A specific case in this regard was that of the director of the Korça Prison against whom was taken the measure of dismissal from office and the starting of the penal procedure. [...]

The following two thematic reports not included in the Albania report but available at the time of drafting the report also provided information on human rights abuses in detention:

- 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 4 to 14 February 2014](#), 3 March 2016
- Albanian Helsinki Committee, [Report on the situation of human rights of persons deprived of liberty in state police stations in detention and prisons as well as in psychiatric hospitals; the monitoring was conducted during July 2015 - January 2016](#), January 2016

### **Section 5.3.1 Ethnic and religious minorities**

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<sup>15</sup> Please note that in February 2017 the latest annual report was published covering the year 2016/2017. It can be accessed [here](#).

In the last paragraph of this sub-section no clear distinction is made between information provided by the Council of Europe's Human Rights Commissioner, reported on in the Balkan Insight article, and events witnessed by the newspaper Balkan Insight<sup>16</sup> [information from Balkan Insight emphasised]:

EASO Albania report

[...] 5.3.1 Ethnic and religious minorities [...]

In a February 2016 letter, the Council of Europe's Human Rights Commissioner Nils Muiznieks criticised the Albanese [sic] government for forced evictions of Roma and Egyptian families in the past few years without offering them alternative accommodation and called for a respect of human rights. **As a result of such evictions, families did not know where to go and lingered around their previous sites while being prevented from building makeshift homes**(175) [...]

Furthermore, as in other sub-sections certain sources included elsewhere in the Albania report have not been included in this particular sub-section despite the fact of containing useful information:

- [Republic of Albania People's Advocate, Annual Report on the Activity of the People's Advocate, 1st January – 31 December Year 2015, February 2016](#)

[...] CHAPTER 1 Executive summary - Opinions and recommendations on the situation of human rights in Albania in 2015 [...]

Problems concerning Roma Minority [...]

Our social system (housing, registration of civil status, the benefit of economic assistance, education, employment, vocational training, health care and any benefits that this system provides to its citizens), accepts formally these individuals, but in fact it excludes them [...]

In any case, the situation of these communities has not improved after relocation, but it has been aggravated, by not resolving the previous housing problems about the families of these communities, but aggravating them [...]

3.12 The right to education [...]

This situation of segregation due to race constitutes a violation of the right of Roma community to education, in an allinclusive and qualitative education. The right to education is a constitutional right which Roma must enjoy as all Albanian citizens and with the same quality. The situation is that they present a unique case of segregation in schools, with 100 % of students from Roma and Egyptian communities in the city of Korca. For these two issues, there were addressed recommendations to the Ministry of Education and Sports for taking measures for the disgregation of the students of these communities [...]

3.16. Consumer protection [...]

The situation is problematic for consumers mainly members of the Roma community, who in addition to the extremely poor living conditions are faced with shortage in potable water supply. [...]

- [US Department of State, Country Report on Human Rights Practices 2015 - Albania, 13 April 2016](#)

[...] There were reports of significant discrimination against members of the Romani and Balkan-Egyptian communities, including in housing, employment, health care, and education. Some schools resisted accepting Romani and Balkan-Egyptian students, particularly if they appeared to be poor. A few cities provided free meals and transportation to Roma students, but local NGOs reported that this often led to

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<sup>16</sup>See Balkan Insight, [Balkans Told to Stop Forcible Evicting Roma](#), 16 February 2016

segregation by grouping Roma children together in one school, and that educational levels, discipline, and infrastructure at such schools were substandard. Many mixed schools that accepted Romani students marginalized them in the classroom, sometimes by physically setting them apart from other students [...] NGOs criticized the lack of legal safeguards against eviction and demolition of Roma camps included in the law on property legalization. Evictions and demolitions continued during the year and disproportionately affected Romani families. Financial support promised by the government was generally insufficient. High housing prices and a general reluctance to rent to Romani families made it difficult for them to find alternative housing, and many decided to seek asylum in Germany [...]

The following two thematic reports not included in the Albania report but available at the time of drafting the report also provided additional useful information on national minorities in Albania:

- Albanian Ombudsman, [\*SPECIAL REPORT \(Displacement of Roma/Egyptian community established in the area of Artificial Lake, Tirana\)\*](#), 15 August 2015
- Council of Europe: Committee of Ministers, [\*Resolution CM/ResCMN\(2014\)1 on the implementation of the Framework Convention for the Protection of National Minorities by Albania\*](#), 12 February 2014

### **Section 5.3.2 Journalists and media**

This sub-section fails to include information that can be found in the European Commission report of 9 November 2016, included elsewhere in the Albania report, which reports amongst others on the situation of journalists and the media in general:

- [European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM\(2016\) 715 final, 9 November 2016](#)  
[...] As regards freedom of expression, two cases of physical assaults against journalists were reported and followed up by the prosecution in 2016. Media outlets reported some cases of alleged intimidation against journalists, although it has yet to be confirmed whether these were triggered by journalistic work or private and business interests [...]  
The media continued to be used as a tool to promote political and private interests [...]

The following two sources, which provide a useful overview of the media climate in Albania were not included in the Albania report although they were available at the time of drafting the report:

- Balkan Insight, [\*Self-Censorship in Albania's Media Worries MEPs\*](#), 22 March 2016
- Balkan Insight, [\*Self-Censorship Rampant in Albanian Media, Study Says\*](#), 3 December 2015

### **Section 5.3.3 Victims of blood feuds**

The excerpt from the 2013 Ombudsman report on blood feuds in the Albania report should have been supplemented with more recent information with regard to the follow up of the resolution and recommendations:

EASO Albania report

[...] 5.3.3 Victims of blood feuds [...]

The parliament adopted a resolution and recommendations to end blood feuds following a special report by the Ombudsman. Recommendations included a coordination council on blood feuds, education and social programmes in the affected areas and increased police investigations, and investments to prevent conflicts [...]

Such information, for example, can be found in the European Commission report of November 2016, included elsewhere in the Albania report, where it is stated that these recommendations still need follow up:

- [European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2016 Communication on EU Enlargement Policy, COM\(2016\) 715 final, 9 November 2016](#)

[...] As regards right to life, the March 2015 parliament resolution and recommendations on blood feuds still require follow up. The Coordination Council has to be reactivated. [...]

With regards to the prevalence of blood feuds, the Albania report states that these vary considerably and refers to one source in which several statistics are considered:

EASO Albania report

[...] 5.3.3 Victims of blood feuds [...]

Statistics on blood-feud cases vary considerably according to sources and are therefore very hard to assess (185)

(185) For an overview of reported numbers by various sources, see IRB, Albania: Statistics on blood feuds; state protection and support services available to those affected by blood feuds, including whether individuals have been prosecuted for blood feud-related crimes (2010-2015), 10 September 2015, ALB105255.E.

However, in the Albania report itself, only the 2013 statistics from the UN Special Rapporteur and the 2015 statistics from the Ombudsman report are mentioned (emphasis added):

EASO Albania report

[...] 5.3.3 Victims of blood feuds [...]

**In 2013, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions concluded that the phenomenon had decreased steadily. In 2010, 2011 and 2012, there were 10 cases or less, compared to 33, 12, and 13 murders in 2001, 2002 and 2003, respectively (186).** But the problem had not yet been eliminated. The Rapporteur found that killings ‘continue to occur in part due to a tendency of the judiciary to impose lighter sentences on perpetrators, despite the fact that the Criminal Code of Albania provides for serious penalties for blood feud murder or threat’ (187). The Albanian Helsinki Committee reported that in 2015 no deaths had occurred due to blood feuds (188). In a special report on blood feuds (2013) the Ombudsman also mentioned no more than 5 cases per year in 2010, 2011 and 2012, although non-governmental organisations presented higher figures (189). [...]

**(186) Institution of Ombudsman, Special Report on Blood Feud Phenomenon, 2013, p. 7.**

(187) UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, Addendum Albania (A/HRC/23/47/Add.4), 23 April 2013, par. 10-16.

(188) Albanian Helsinki Committee. Report on the situation of respect for human rights in Albania for 2015, December 2015, p. 11.

(189) Institution of Ombudsman, Special Report on Blood Feud Phenomenon, 2013.

We would have appreciated a full overview of diverging statistics, as has been done in the EASO Pakistan report of 2016.<sup>17</sup>

Furthermore, in the paragraph on the blood feud statistics footnote (186) refers to the 'Institution of Ombudsman' while mentioning statistics from the UN Special Rapporteur. However, no mention of the UN Special Rapporteur could be found in the Ombudsman's report. The information referred to was ultimately found in the report UN Special Rapporteur's report on extrajudicial, summary or arbitrary executions Addendum 4.

Additional information found in the report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions would have been useful to see included in this subsection:

- [UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Addendum: Follow-up to country recommendations: Albania, 23 April 2013, A/HRC/23/47/Add.4](#)

[...] III. Killings related to blood feuds

10. [...] The Special Rapporteur found at the time of his visit that, while the killings had decreased steadily, the phenomenon had not yet been eliminated. It had particularly negative consequences on the families of the murderer, who often chose to isolate themselves for fear of lethal reprisal. [...]

A. Continued occurrence of blood feud killings

12. At present, blood feuds and related killings appear to still occur in Albania and constitute an issue of concern. The lack of comprehensive and fully reliable statistical data renders it difficult to refer to concrete figures of the current scope of the phenomenon and analyse its dynamics. In parallel, information received from various sources confirms that such killings still affect the population in some parts of the country, in particular in the northern areas of Albania. Some families still opt for self-isolation due to fear of reprisal [...]

14. [...] However, it is unclear to the Special Rapporteur to what extent the statistical data provided on cases in courts reflect the actual situation of blood feud-related killings in the country. He recalls in this regard the comments made by his predecessor on the challenges to accurately define the extent of the phenomenon, due to the parallel use of several differing definitions and the fragmentation of statistical data, as well as to the possible underreporting by both affected families and officials. [...]

16. The Special Rapporteur received further information that current blood feud killings sometimes no longer follow the traditional pattern established by the Kanun rules, which reportedly authorize the killing of male members of a family, and strictly forbid killing women and children. In the current context, following a conflict situation, there are cases where a person may feel vindicated in killing the other individual or any member of his family, including women and children. In this regard, the Special Rapporteur notes with concern the reported killing, in a blood feud, of a 14-year-old girl in May 2012 [...]

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<sup>17</sup> See EASO, [EASO Country of Origin Information Report: Pakistan, Security situation](#), July 2016, 1.5.2. *Civilian population*, p. 32

### Section 5.3.4 Women

The Albania report refers to Freedom House's annual report regarding the (under)representation of women in politics. Whilst the Albania report notes that eight women are represented in the cabinet, the original source, Freedom House, cites six (emphasis added):

EASO Albania report

[...] 5.3.4 Women [...]

Women are under-represented in politics and business, according to Freedom House. However, the new cabinet includes **eight women**, including the first female defence minister (194).

(194) Prime Minister's office, n.d.; Freedom House, Freedom in the World 2016 – Albania, n.d..

- [Freedom House, Freedom in the World 2016 – Albania, 7 March 2016](#)<sup>18</sup>  
[...] G. Personal Autonomy and Individual Rights: 9 / 16 [...]  
Women are underrepresented in politics and business, though the new cabinet appointed in 2013 included **a record six women**, including the first female defense minister [...]

The following paragraph was attributed to the Freedom House 2015 'Freedom in the World' report. However, the information could not be traced back to the mentioned report and instead was found in a different report by the same publisher, namely the report 'Nations in Transit':

EASO Albania report

[...] 5.3.4 Women [...]

[...]The electoral code was amended in April 2015 requiring 50 % gender quota (gender alternation in every second name) so that in nearly half of the municipal council candidates were women. As a result the percentage of female mayors increased substantially after the local elections in June 2015, from 1.31 % in 2011 to 14.7 % (195).

(195) Freedom House, Freedom in the World 2015 – Albania, n.d.

- [Freedom House, Nations in Transit 2016: Albania, 15 April 2016](#)<sup>19</sup>  
[...] Electoral process [...]  
Owing to the new 50 percent gender quota requirement set in the Electoral Code following its April amendment, the percentage of female mayors increased significantly, from 1.31 percent after the 2011 local elections to 14.7 percent [...]

### Section 5.3.5. Children

Early or child marriages

Additional information found in a source used extensively in this sub-section but from January 2014

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<sup>18</sup> Please note that in March 2017 the latest annual report was published covering the year 2016. It can be accessed [here](#).

<sup>19</sup> Please note that in April 2017 the latest annual report was published covering the year 2016. It can be accessed [here](#).

instead of October 2012 reported on the legal status of child marriage in the criminal code as follows:

➤ [UNFPA, Child Marriage in Albania \(Overview\), January 2014](#)

[...] The Criminal Code does not criminalise child marriage. There is one reference made to 'Forcing [...] to commence or continue cohabitation [...] which is punishable by a fine or up to three months of imprisonment' [...]

### Child Labour

Only one source is included providing limited information on the issue of 'child labour'. UNICEF's 'Child Notice Albania' which is referenced elsewhere in the section on children, contains several paragraphs of relevant information:

➤ [UNICEF, Child Notice Albania, July 2015](#)

Summary [...]

Nearly one in five children from 5-14 years old work and some engage in the worst forms of child labour, particularly forced begging [...]

244. Labour Inspectorate data for 2014 shows that 264 children between 16-18 years worked in the formal sector. Most (92.4%) had completed only basic education.

245. In 2010 CRCA reported that 50,000 children worked at least part-time as street sellers, beggars, in farming, drug dealing, car washing, mining, shoe polishing, and textiles manufacture. The children were as young as four to five years old. In the ten years up to 2012, according to UNICEF Albania, 12 per cent of children laboured (boys 14.4%; girls 9.4%). In 2013 the Albanian Union of Education said that about 60 per cent of children drop out of school to take up work.

246. A 2012 INSTAT report found that 57,000 children (8.2% of those between 5-17 years old) were economically active. 0.2 per cent of the children aged 12-14 years old, and 1.9 per cent of children aged 15-17 years old, are exclusively engaged in economic activities. Children aged 5-13 years - who should not work at all - comprise 28.5 per cent of working children. Of all child labourers, most (around 80%) work in agriculture, and are usually unpaid because they labour in their family farms.

247. Around 700 children have been identified begging in Tirana, on their own or with family members in 2014. In August 2014 for instance, the media reported the arrest of a 30-year-old man who had forced his five-year old son into begging. The man explained that he had four children, was sick, had no income and received no economic aid, hence the need to make his son beg.

248. Apart from poverty alone, reasons (each of which may link to underlying poverty) why children work include: • Living in one parent families. • Having disabled family members. • Living with parents addicted to alcohol and/or other drugs. • Being far from a school with no means of access, other than on foot. • Discrimination, especially if from an ethnic minority, causing parents to believe that their children are safer living and/or working in street situations.

249. Children are also used for begging in neighbouring countries (e.g. Kosovo and Greece). NGOs report that, in practice, when such children are caught and returned to Albania, their best interests are not considered, and no protection or reintegration measures offered, especially in the cases of exploitation by their own family. This puts the children at risk of continued exploitation.

250. In Lazarat village (Gjirokaster district) 312 children were found to be employed in marijuana processing in 2013. There are recent police reports of children becoming involved in sex work but none of children taking part in pornography (see 7.2 Numbers). From all sources consulted, there are no reports of debt bondage. [...]

261. The UNCRC 2012 findings were concerned about the insufficient measures in place to address the situation of children living and/or working in street situations, some of whom experience the worst forms of exploitation (eg. through begging). They are extremely marginalised, at increased risk of trafficking and

sexual exploitation, and may be homeless. The Committee was concerned, too, that these children might be treated as offenders. Children living and/or working in street situations also have high mortality rates due to malnutrition and homelessness. Albanian children are also sometimes returned from Kosovo, following police round-ups of beggars there. [...]

2.6.2 There are no shelters that specifically offer services to children living and/or working in street situations. Other kinds of shelter, managed by the government and by NGOs, may assist these children as needed. For instance, in Tirana there are several organisations (ARSIS, FBSH/DN, Save the Children etc.) with shelters or day centres that can accommodate them. ARSIS manages an emergency shelter (with accommodation for up to 72 hours) for children and mothers assessed to be at immediate risk. Outside Tirana, the services are very limited [...]

Furthermore, the following thematic report published in the reference period was not included:

- [US Department of Labor, 2014 Findings on the Worst Forms of Child Labor - Part V: Country Profiles - Albania, 30 September 2015](#)<sup>20</sup>

### **Section 5.3.6 Lesbian, gay, bisexual, transgender and intersex persons (LGBTI)**

While the Albania report references Freedom House to state:

EASO Albania report

[...] 5.3.6 Lesbian, gay, bisexual, transgender and intersex persons (LGBTI) [...]

Additionally, a 2013 reform of the criminal code includes protection against hate crimes and hate speech based on SOGI [...]

It does not include the sentence in the same report about the situation in practice:

- [Freedom House, Freedom in the World 2016 – Albania, 7 March 2016](#)  
[...] However, bias against gay and transgender people remains strong in practice. [...]

Furthermore, the following excerpt from the U.S. Department of State annual report included elsewhere in the Albania report was not included, which however provided additional information on recent challenges to LGBTI individuals:

- [US Department of State, Country Report on Human Rights Practices 2015 - Albania, 13 April 2016](#)  
[...] The law prohibits discrimination on the basis of sexual orientation, including in employment (see section 7.d.). During the year the government's Commissioner for the Protection against Discrimination received several complaints from LGBTI individuals and organizations. Enforcement of the law was generally weak.  
Sexual orientation and gender identity are among the classes protected by the country's hate-crime law. Despite the law and the government's formal support for LGBTI rights, homophobic attitudes persisted in private and public life. Public officials sometimes made homophobic statements. NGOs reported an increase in families evicting LGBTI persons from their homes during the year. Since 2014 the first shelter

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<sup>20</sup> Please note that in September 2016 the latest annual report was published covering the year 2015. It can be accessed [here](#).

for evicted LGBTI person accommodated eight individuals. The NGOs Aleanca and ProLGBT opened it in 2014 [...]

In addition, information found in the public domain available at the time of compiling the EASO report point to the fact that LGBTI persons suffer from domestic violence:

- [Aleanca LGBT, ProLGBT, ILGA-Europe and ERA, Contribution from Aleanca LGBT, ProLGBT, ILGA-Europe and ERA for Albania's Report 2016, Updated 1 June 2016](#)

[...] Domestic violence

Domestic violence remains an issue for the LGBTI community. Cases of domestic violence are very common. In 2015, 15 cases of domestic violence were reported to Aleanca, mostly involving psychological violence from parents who felt that their child might be gay or lesbian. In six cases, members of the community reported that they had experienced physical violence because their family had found out they were LGBT. Aleanca has supported victims of such violence, either through providing psychological support or by providing shelter at STREHA. In several cases, Aleanca also collaborated with other NGOs that operate in Albania. In general, reports from community members to Aleanca indicate that people who experience violence in public are usually young men aged 17 to 35 years. Almost all violence in public is targeted towards men who are more stereotypically gay and towards trans people. Lesbians face discrimination in public only when their sexual orientation or gender identity is more visible. Most face verbal violence, but physical violence is also common. [...]

- [Historia IME, Training of Police officers on LGBTI issues, 28 March 2015](#)

Dennis, 21 years old, did not have an easy life with his family in a city in the south of Albania. One afternoon, his father took a kitchen knife and followed him around the home, threatening him because he couldn't stand anymore his son's sexual orientation. Denis managed to get refuge in the bathroom and waited there in panic for the help of his older brother. His brother housed him in a friend's house that night and in the morning he accompanied him to Tirana.

On the first Monday of January 2015, Denis arrived in the LGBTI shelter in Tirana only with what he was wearing.

Such stories of extreme violence in families, violence which in most of the cases are not reported, served to LGBTI activists to illustrate their first training that they had with the elite police squad "Eagle" in Tirana, in the framework of a project that the organization "ProLGBT" developed with the help of Swedish Support for the State Police and of the government of Sweden. [...]

The most flagrant violence against LGBTI occurs in ... family!

Karaj and Pinderi explained that the biggest challenge is to address the domestic violence.

"The violence against LGBTI is unreported because unfortunately, the most part of it is exercised directly by the family members. The family is presumed to be the most safe, and yet it can be the most violent place for many of the members of our community," said Pinderi which together with Karaj and Mrs.VjollcaMecaj of the Albanian Helsinki Committee have just published a manual for police on LGBTI issues, supported by the Small Projects program of Swedish Support for the State Police. [...]

### **Section 5.3.7 Trafficked persons**

Due to the strong links with exploitation and the position of Roma and child labour, we recommend that internal linkages to the respective sections (section 5.3.1 and section 5.3.4) in the report be made.