



**Upper Tribunal  
(Immigration and Asylum Chamber)**

TD and AD (Trafficked women) CG [2016] UKUT 00092 (IAC)

**Heard at Manchester  
On 30 April, 6 May and 3 June 2015**

**Determination Promulgated**

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**Before**

**UPPER TRIBUNAL JUDGE DAWSON  
DEPUTY UPPER TRIBUNAL JUDGE BRUCE**

**Between**

**TD (1<sup>ST</sup> APPELLANT)  
AD (2<sup>ND</sup> APPELLANT)  
(ANONYMITY DIRECTION MADE)**

Appellants

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellants: Miss S Khan, instructed by Ison Harrison Solicitors  
Miss R Frantzis, instructed by Bankfield Heath Solicitors  
For the Respondent: Mr S Whitwell, Senior Presenting Officer

*Much of the guidance given in AM & BM (Trafficked women) Albania CG [2010] UKUT 00080 (IAC) is maintained. Where that guidance has been amended or supplemented by this decision it has been highlighted in bold:*

- "a) It is not possible to set out a typical profile of trafficked women from Albania: trafficked women come from all areas of the country and from varied social backgrounds.*

- b) *Much of Albanian society is governed by a strict code of honour which not only means that trafficked women would have very considerable difficulty in reintegrating into their home areas on return but also will affect their ability to relocate internally. Those who have children outside marriage are particularly vulnerable. In extreme cases the close relatives of the trafficked woman may refuse to have the trafficked woman's child return with her and could force her to abandon the child.*
- c) *Some women are lured to leave Albania with false promises of relationships or work. Others may seek out traffickers in order to facilitate their departure from Albania and their establishment in prostitution abroad. Although such women cannot be said to have left Albania against their will, where they have fallen under the control of traffickers for the purpose of exploitation there is likely to be considerable violence within the relationships and a lack of freedom: such women are victims of trafficking.*
- d) *In the past few years the Albanian government has made significant efforts to improve its response to trafficking. This includes widening the scope of legislation, publishing the Standard Operating Procedures, implementing an effective National Referral Mechanism, appointing a new Anti-trafficking Co-ordinator, and providing training to law enforcement officials. There is in general a Horvath-standard sufficiency of protection, but it will not be effective in every case. When considering whether or not there is a sufficiency of protection for a victim of trafficking her particular circumstances must be considered.*
- e) *There is now in place a reception and reintegration programme for victims of trafficking. Returning victims of trafficking are able to stay in a shelter on arrival, and in 'heavy cases' may be able to stay there for up to 2 years. During this initial period after return victims of trafficking are supported and protected. Unless the individual has particular vulnerabilities such as physical or mental health issues, this option cannot generally be said to be unreasonable; whether it is must be determined on a case by case basis.*
- f) *Once asked to leave the shelter a victim of trafficking can live on her own. In doing so she will face significant challenges including, but not limited to, stigma, isolation, financial hardship and uncertainty, a sense of physical insecurity and the subjective fear of being found either by their families or former traffickers. Some women will have the capacity to negotiate these challenges without undue hardship. There will however be victims of trafficking with characteristics, such as mental illness or psychological scarring, for whom living alone in these circumstances would not be reasonable. Whether a particular appellant falls into that category will call for a careful assessment of all the circumstances.*
- g) *Re-trafficking is a reality. Whether that risk exists for an individual claimant will turn in part on the factors that led to the initial trafficking,*

*and on her personal circumstances, including her background, age, and her willingness and ability to seek help from the authorities. For a proportion of victims of trafficking, their situations may mean that they are especially vulnerable to re-trafficking, or being forced into other exploitative situations.*

*h) Trafficked women from Albania may well be members of a particular social group on that account alone. Whether they are at risk of persecution on account of such membership and whether they will be able to access sufficiency of protection from the authorities will depend upon their individual circumstances including but not limited to the following:*

- 1) The social status and economic standing of her family*
- 2) The level of education of the victim of trafficking or her family*
- 3) The victim of trafficking's state of health, particularly her mental health*
- 4) The presence of an illegitimate child*
- 5) The area of origin*
- 6) Age*
- 7) **What support network will be available.***

## DECISION AND REASONS

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### ABBREVIATIONS

The following abbreviations are used in this determination:

ARA	Albanian Responsible Authority for Anti-Trafficking
CA	Competent Authority
CARE	Coordinated Approach for the Reintegration of Victims of Trafficking
CIG	Country Information and Guidance
COIR	Country of Origin Information Report
EEA	European Economic Area
FCO	Foreign and Commonwealth Office
IOM	International Organisation for Migration
NCATS	National Coalition of Anti-Trafficking Shelters
NGO	Non-governmental organisation
NCRVT	National Reception Centre for Victims of Trafficking (“the Linza centre”)
NRM	National Referral Mechanism
OGN	Operational Guidance Note
OSCE	Organisation for Security and Cooperation in Europe
PVOT	Potential Victim of Trafficking
RAVT	IOM project ‘Reintegrating Victims of Trafficking’
SOP	Standard Operating Procedures for the Identification and referral of victims of trafficking and potential victims of trafficking, applied by the Office of the National Co-ordinator on Combating Trafficking in Persons in Albania
TIP	Trafficking in Persons Report published annually by the United States’ State Department
UKHTC	United Kingdom Human Trafficking Centre (part of the National Crime Agency)
UN	United Nations
VOT	Victim of trafficking
WAVE	Women Against Violence in Europe

## INTRODUCTION

1. This decision to which we have both contributed is in two parts. The first considers the availability or otherwise of a safe internal flight for women who have been trafficked for the purpose of sexual exploitation. This involves an assessment of the re-integration services offered by the Albanian State, NGO and civil society organisations to such an individual.
2. The second part is specific to the appellants who are two women from Albania who have been trafficked for sexual exploitation. They have both been found to be at risk of persecution in their home areas. It is accepted by the Secretary of State that they are unable to re-join their families or look to them for support if returned. The dispute for them that arises is whether it would be unduly harsh for them to relocate in Albania and whether they would be vulnerable to re-exploitation taking account of our general conclusions and matters specific to the appellants.
3. The Upper Tribunal last considered the issues relating to the return of trafficked women in *AM & BM (Trafficked women) Albania* CG [2010] UKUT 00080 (IAC) following hearings in February and May 2009. Its findings were summarised in the following headnote:
  - a) *It is not possible to set out a typical profile of trafficked women from Albania: trafficked women come from all areas of the country and from varied social backgrounds.*
  - b) *At its worst the psychological damage inflicted on a victim of trafficking can lead to difficulties in reintegrating into Albanian society and has implications on whether or not it is possible for the victim of trafficking, should she fear persecution in her own area, to relocate.*
  - c) *Much of Albanian society is governed by a strict code of honour which not only means that trafficked women would have very considerable difficulty in reintegrating into their home areas on return but also will affect their ability to relocate internally. Those who have children outside marriage are particularly vulnerable. In extreme cases the close relatives of the trafficked woman may refuse to have the trafficked woman's child return with her and could force her to abandon the child.*
  - d) *Those that see themselves outside society, for example, divorced or abandoned women, or others who wish to live abroad, may seek out traffickers in order to facilitate their departure from Albania and their establishment in prostitution abroad. Although such women are not "trafficked women" in the sense that they have not been abducted against their will, there is likely to be considerable violence within the relationships and the psychological affect of that violence may lead to a situation where the pressures which they are under and the lack of freedom they are under means that such women should be treated as trafficked women.*
  - e) *The Albanian Government and authorities are taking steps to protect trafficked women who return but such steps are not always effective. When considering whether or not there is a sufficiency of protection for a trafficked woman who is to be returned her particular circumstances must be considered. Not all trafficked women returning to*

*Albania will be unable to access the arrangements and facilities available to enable successful re-integration.*

*f) Trafficked women from Albania may well be members of a particular social group on that account alone. Whether they are at risk of persecution on account of such membership and whether they will be able to access sufficiency of protection from the authorities will depend upon their individual circumstances including but not limited to the following:*

- 1) The social status and economic standing of the trafficked woman's family.*
- 2) The level of education of the trafficked woman or her family.*
- 3) The trafficked woman's state of health, particularly her mental health.*
- 4) The presence of an illegitimate child.*
- 5) The area of origin of the trafficked woman's family.*
- 6) The trafficked woman's age."*

4. The Secretary of State contends that since that case was heard there has been progress by the Albanian government in the detection of trafficking and the support of its victims; it is further said that the support victims of trafficking ("VOTs") now receive from the IOM and NGOs provides safety and support to the extent that it would not be unreasonable nor unduly harsh to expect the women to relocate away from their families. On this basis their protection claims were refused. The First-tier Tribunal (First-tier Tribunal Judge Saffer) heard the appeals against the Secretary of State's decisions on 8 August 2014. In separate decisions he dismissed the appeals on asylum grounds, grounds under Council Directive 2004/83/EC (the Qualification Directive) and human rights grounds. Essentially he concluded that the appellants would be able to internally relocate within Albania. This would be initially within the shelters available and the support framework provided by the IOM in their return and reintegration package. They could thereafter seek protection if needed from the authorities in the light of the significant changes the judge considered have recently occurred.
5. Error of law was found by the Upper Tribunal in these decisions. In summary this was on the basis that inadequate reasons had been given for departure from country guidance. The 'error of law' decision of Upper Tribunal Judges Dawson and Rintoul can be found at Appendix A. The matter was set down with directions with a view to giving updated country guidance. A list of issues was formulated to provide a framework for our decision making. In essence, the agreed issues included an evaluation of the effectiveness of the IOM return and reintegration packages, and to what extent they might assist returning VOTs in the short and long term. Those packages are time limited; we were not invited to consider how a VOT might fare on return absent such resources. To that extent, the guidance we give is confined to those measures being in place on return.
6. During the course of the hearing the appellants were granted permission without objection to rely on additional grounds under Article 4 of the Anti-Trafficking Convention. It had been initially conceded that neither appellant could meet the requirements of the Immigration Rules, including paragraph 276ADE. Their altered position was that the "very significant obstacles" test in paragraph 276ADE(v)

would, in these cases, be founded on the same facts as the “unduly harsh” test under the Refugee Convention: for that reason they could not logically eschew one and not the other.

## THE EVIDENCE

7. The appellants relied on the evidence of two country experts: Professor Edlira Haxhiymeri, Professor of Social Work and Social Policy Department, Faculty of Social Sciences, University of Tirana, and Robert Chenciner, a recognised expert on the former Soviet states and Eastern Europe. Their reports are based in part on questions the parties had posed. Dr Haxhiymeri gave evidence by telephone from Albania, and due to time constraints, her cross-examination was based partly on questions previously notified by Mr Whitwell. Robert Chenciner was not called to give oral evidence.
8. In addition, we heard evidence from Miss Rachel Mullan-Feroze of Ashiana, a UK based NGO offering assistance to VOTs and from Dr Roxane Agnew-Davies, a Consultant Clinical Psychologist, who gave evidence by telephone from France. She too answered questions posed in advance by Mr Whitwell, as well as responding to direct cross-examination. Dr Agnew-Davies offered her general observations about the psychological sequelae of trafficking as well as providing her assessment of each individual appellant. The latter is considered in part two. In respect of the former we note that the evidence is the same as that given by Dr Agnew-Davies to the Tribunal in *AM & BM*; we have not therefore reproduced it here.
9. We were also provided with extensive documentary material, a list of which is set out in the index at Appendix B. Since much of this documentary evidence was not contested we have not summarised all that is before us. There are however three documents that were particularly relied upon by the representatives – and the expert witnesses – as providing up to date analysis and statistics on the position of VOT in Albania. The first is the January 2015 report published by IOM under the auspices of the United Nations Programme *Support to Social Inclusion in Albania: Profile of the situation of trafficking victims and efforts for social inclusion* (“the UNP report”). The second is the *Needs Assessment: Human Trafficking in the Western Balkans* (“the Needs Assessment”) produced by the Research Communication Group on behalf of IOM. The third is the US State Department *Trafficking in Persons Report* for 2014 (“the TIP”), published by the Office to Monitor and Combat Trafficking in Persons.
10. Each report refers to procedures put in place by the Albanian government as set out in the *Standard Operating Procedures for the Identification and Referral of Victims of Trafficking and Potential Victims of Trafficking* (“the SOP”) amended and approved in July 2011. We were also provided with some very recent information by IOM with which we begin.

11. The IOM is an inter-governmental organisation whose stated commitment is to the principal that humane and orderly migration benefits both migrants and society. As the “leading global organisation for migration”, IOM works with migrants, governments and its partners in the international community. Its work includes the facilitation of reintegration and safe return for migrants, and supporting the efforts of the international community to combat trafficking in persons. IOM offices include locations in Tirana and London, and we were provided with information from both.
12. IOM has provided evidence about the nature of its resettlement package currently offered to Albanian VOTs. Known as the *Reintegrating Albanian Victims of Trafficking* programme (RAVT), its aims are set out in an IOM information leaflet thus:

“[to help VOTs]...resettle in a humane and sustainable way that mitigates the risk of re-trafficking. The programme is stated to be entirely voluntary and is designed with the victim of trafficking at the centre of the process in order to empower them through the decision-making procedure”.

13. VOTs who are interested in returning to Albania can be referred to RAVT by the Salvation Army and its sub-contractors, UKHTC, Home Office or Poppy Project. The referred VOT is asked to complete a “Screening and Assistance Interview Form”. We were provided with one of these forms. The interview process begins with detailed assessment of the individual concerned, covering her level of education, work experience, family situation, health, how she came to be trafficked and by whom, whether there are any risk factors in respect of re-trafficking and the nature of the work she was forced to undertake. There is also an enquiry whether there are any special factors relating to return, whether the applicant requires pre-departure assistance and the degree of transit and reception assistance required. Finally the nature of the reintegration package is addressed.
14. Despite being time limited, the “tailored” package described in the IOM literature is at the heart of the appeals before us, and we have been told that it has featured in a number of refusal letters served on Albanian VOTs. IOM have sought to clarify the position in a *Written Statement on: Reintegrating Albanian Victims of Human Trafficking Project* issued on 26th March 2015 (“the Statement”) setting out the nature of the project in more detail. This document was sent to the First Appellant’s solicitors under cover of an email from Jennifer Dew of the IOM in the UK who wrote:

“IOM feels that this project should have no bearing on an asylum decision as it cannot address individual fears of persecution, threats to life or freedom in Albania, and it cannot provide protection from potential danger. Furthermore it is important to underline the fact that this is a voluntary return project which means that an individual must be making an informed decision that return is right for them. If a victim of trafficking does not wish to sign the voluntary declaration form they will not be eligible for the project and IOM would not be able to provide them with any integration assistance”.



15. The Statement also gives the following additional details about RAVT. The programme is available to adult Albanian VOTs who have been accepted into the UK NRM, having received either a 'Reasonable Grounds' or 'Conclusive Grounds' decision from the Competent Authority. If an individual does not wish to go through the NRM, but there are still indicators of trafficking, she may be admitted; this would be decided on a case-by-case basis. Again, the voluntary nature of the programme is underlined. The first step is that the VOT is asked to sign a declaration of voluntary return: if she does not wish to sign this form she will not be eligible for the project and the IOM are unable to provide her with any assistance. The Statement notes:

"The decision to return home is very complex and usually involves a number of different factors, ranging from the trafficking experience and associated psychological issues, to personal aspirations and family support networks. To date, two Albanian victims of trafficking have received assistance through this project: the first had a positive reasonable grounds decision and the second had a positive conclusive grounds decision. In both cases the victims of trafficking had family support networks in Albania and felt that returning home was the right, and safe, choice for them."

16. Once the decision is made, and the form completed, the IOM's Standard Operating Procedures (SOPs) stipulate that a risk assessment must be carried out. This begins with a general risk assessment, which will look at the current scale of trafficking in Albania and whether any attempt has made been made by traffickers to contact the VOT or her family. If general risks are found, a specific risk assessment is conducted. If the level of risk is deemed "unacceptable", or if the individual herself considers that she is in danger, she will not be eligible for the project.
17. Once a VOT is accepted into the programme, arrangements are made for departure. The IOM UK co-ordinates with Refugee Action who will make the travel arrangements. IOM Albania will inform the Albanian Responsible Authority for Anti-trafficking (ARA) who will meet the VOT on arrival in Tirana. IOM Albania then work with the returnee to develop and implement their reintegration plan, including accessing training, education, or developing a business plan. They provide all assistance in kind; there is no cash provision. The maximum provided for is £2100 per case and it can be spent on:
- Temporary accommodation
  - Education
  - Vocational training
  - Start-up business activity
  - Employment subsidiary salary
  - Medical support
  - Childcare

18. Following the Statement there ensued correspondence between the IOM, the FCO and the Home Office. On the 30<sup>th</sup> April 2015 Clarissa Azkoul, the IOM UK Chief of

Mission wrote to Mr Glyn Williams, Director of Immigration and Border Policy. Ms Azkoul cites paragraph 1.1.14 of the September 2014 CIG (which gives a summary of the RAVT project) and states that it has come to her attention that this section of the CIG is still being relied upon in refusal letters, and the project is being portrayed as a 'protection measure'. This is despite the IOM raising its concerns about it during meetings on at least four occasions and in email correspondence dating back to September 2014. The concerns expressed are that the project cannot, and was never intended to, offer any protection. Second, RAVT assistance is only available to voluntary returnees: "the form is signed following an information session with the individual victim of trafficking to ensure that the decision to receive assistance under the project is indeed voluntary and made without undue coercion". Third, IOM considers that paragraph 1.1.14 of the CIG is inaccurate where it states that returnees are "normally transferred to the secure National Reception Centre for Victims of Trafficking, guarded by special police 24/7". Ms Azkoul points out that this is not what has happened in any of the, now 3, individuals who have returned from the UK under the project.

19. Assistance is also offered by way of a £750 in-kind temporary accommodation grant. She asks that the Home Office urgently review and amend the CIG paragraph in question and concludes by emphasising again, that there must be a "clear desire" on the part of the VOT to receive reintegration support.
20. Mr Williams responded by email. He agreed that the package does not in itself provide protection, and clarifies that the CIG was not intended to indicate otherwise. The Home Office position is that the existence of the shelters, and the IOM package, are amongst a number of factors relevant to the question of protection. The Home Office recognise that the programme is voluntary, and that VOT cannot be compelled to use it: the CIG has been amended to reflect this. That said, Mr Williams continued:

"However, as I am sure you can appreciate, the Home Office has a clear responsibility to ensure effective immigration control. Making sure that the asylum route is reserved for people who have a "well-founded fear of being persecuted" under the UN Refugee Convention is an important part of that responsibility. As part of that, we must consider whether the individual will be at risk on return; that includes the availability of a supported return and reintegration package in considering whether effective protection can be sought on return and so whether, if the applicant is fearful, that fear is well-founded. This does not compel victims to use this or any other voluntary returns package but the availability of support and protection, whether assisted by the IOM or not, is a factor that may be taken into account when considering an asylum application. It is also worth noting that the CIG makes clear that asylum decision-makers must take account of the individual circumstances of each case, and so cannot justify a blanket approach to refusals; the paragraph which refers to the IOM package is directly followed by one emphasising this point and listing the various individual factors decision-makers must consider"

21. As to Ms Azkoul's concerns about the inaccuracy of the CIG, Mr Williams agrees that the term "normally" should be deleted and indicates that the CIG can be amended so as to make it explicit that the shelter is state-run.

22. The email exchange between Ms Azkoul and Mr Williams also addresses when the RAVT project is due to end. It was initially funded until the 30 April 2015, and in her letter of the same date Ms Azkoul had referred to this as adding urgency to the IOM's concerns. Mr Williams for his part appears to have considered it settled that the funding was to extend to the 30 September 2015; in a further letter of 29 May 2015 Ms Azkoul agrees this to be the case, with an end-date of 30 June 2015 for new entrants, in order that there is sufficient time remaining to deliver the assistance before the funding runs out. A letter dated 23rd April 2015 from Nick Miller of the Foreign and Commonwealth Office 'Returns and Reintegration Fund' states that the FCO have agreed funding for RAVT until the 30 September 2015. On the question of funding Mr Williams makes the following observations:

"We remain very concerned about the lack of take-up of this project, given the public funds we have invested in it. As we have discussed with you at previous meetings, we accept that demand may always be limited given that many victims may not wish to return. However, we strongly believe that there is more to be done in how this package is communicated to victims. To date, the literature provided to victims and opportunities for discussion or seeking further information appear to have been minimal. Information on the project has been provided to victims at one remove from IOM, by support providers who are not party to our contract with you and do not necessarily have a stake in explaining or promoting the project".

23. That was the extent of the evidence we were given in respect of RAVT. During the first day of hearing Mr Whitworth alerted us to the Respondent's proposal to make submissions about another IOM promoted package, known as CARE: 'Coordinated Approach for the Reintegration of Victims of Trafficking'. This is a project similar to RAVT, jointly funded by the IOM, the FCO, the French Ministry of Foreign Affairs and other partners. It was due to run for 24 months from the 2<sup>nd</sup> September 2013. Its aim is to provide a sustainable reintegration package for returned VOTs from Austria, France, the UK, Cyprus, Portugal and Spain. This was the extent of the information we were given about CARE, which appears to operate along the same lines as RAVT.

*Standard Operating Procedures [SOP] for the Identification and Referral of Victims of Trafficking*

24. The SOP is described by the Albanian Office of the National Coordinator on Combating Trafficking in Persons, under the auspices of the Ministry of Interior, as having been 'updated and improved' in 2011, when the document was published. The SOP comprises a detailed checklist for stakeholders dealing with VOTs identified in-country as well as arriving at Albania's borders: it gives step-by-step guidance on what to do, whom to contact and inform, and what steps to take next. It is advanced as a comprehensive document that forms an important part of the Albanian government's efforts to improve its response to trafficking and expand the scope of the National Referral Mechanism (NRM). It claims to set a gold standard for the treatment of potential VOTs (PVOTs).

25. The SOP states that on arrival the returnee is interviewed and advised about her rights and the assistance available. Even if the returnee declines assistance the Responsible Authority is informed about her arrival. The initial interview is conducted by a Border and Migration Police Officer and it takes about 30 minutes. Food and drink should be provided, and if the returnee needs medical assistance, she should be taken to the nearest health centre. If in that initial interview it appears to the officer that trafficking indicators are present the PVOT is to be taken to “appropriate premises” for the interview to continue. This further interview takes no more than an hour. If the conclusion is that the interviewee is a PVOT the Border and Migration police must immediately inform their counterparts from the ‘Sector of the Fight Against Illegal Trafficking’ (SFAIF). An in-depth assessment is then made, with the PVOT being informed of the assistance that might be available to her. This would include information being gathered with a view to prosecuting her traffickers. The assessment of needs is conducted by the police officer and a social worker, and a copy of their conclusions is passed to the shelter where the PVOT is placed. The shelter will then stay in touch with the social worker and advise them about any developments. If there is perceived to be any risk to the PVOT in getting to the shelter she is to be accompanied by a police officer. If the PVOT refuses to go to a shelter she must be given information about available services in the area that she is returning to; the social services department in that area will be informed about her arrival.
26. In respect of Albanians voluntarily returning to the country having been identified abroad as PVOT, the SOP states that efforts should be made to identify any health needs prior to arrival. The socio-economic assessment is made in accordance with the on-arrival procedures set out above. If the PVOT wishes to return to her own community/family a local social worker will co-ordinate this. The PVOT will be provided with an up to date list of assistance available to her there, and her social worker will contact any relevant organisations to introduce the PVOT. There will be an assessment of the family before the assisted return is facilitated. This will be conducted by a social worker who will contact and interview the PVOT’s family. If it appears that the PVOT or her family are at risk from traffickers the police will be immediately notified and intervention requested. After the PVOT returns home the social worker continues to monitor her situation and will immediately notify the Responsible Authority if there is any change in circumstance or risk assessment. There is no time limit on the support offered by the social worker. If it is found that the well-being of the PVOT is being compromised in her home situation, immediate action must be taken to find an appropriate solution.

*The UNP Report and the Needs Assessment*

27. The January 2015 report produced under the auspices of the UNP contains actual case-studies, produced very recently, of VOTs attempting to reintegrate in Albania. It also contains direct quotes from other actors ‘on the ground’ such as representatives of NGOs. Unfortunately the document suffers from poor translation into English;

nevertheless it is comprehensible. The Needs Assessment was published in 2014. It is based on research conducted between September 2013 and March 2014 into human trafficking in Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia. As such its conclusions are more generic, although we note that many more stakeholders were consulted in respect of Albania than any other country in the study, and that much of the text does specifically refer to Albania. It reveals that the authors spoke directly to stakeholders including VOTs themselves and those working to find reintegration solutions for them.

28. Both reports were produced in conjunction with the IOM. We deal with them together simply because thematically they address many of the same issues. They cover a wide range of issues but for the purpose of this determination, there are four areas of interest: how VOTs gain access to assistance through the NRM, what is offered in the shelters, whether VOTs remain at risk of trafficking once they have entered the NRM, and how VOTs manage once they have left the shelters.
29. The Albanian NRM is identified in the Needs Assessment as the only “highly operational” NRM in the Western Balkans. Multiple informants to that research describe the NRM as “working well and a good example” with effective communication between the social services, the authorities and the NGOs. The UNP report notes that VOT are brought into the NRM through a variety of sources, including civil society organisations, social services, and counselling services in Europe, but by far the largest source of referrals in Albania comes from the police. Different & Equal are cited as recording seven cases brought during 2013 in which it was the prosecutors who attached the status “VOT” to the victims. Both reports do however note shortcomings in the identification and referral process. Partly because there are key actors who are not yet involved, such as labour inspectors, and partly through the reluctance of VOTs to be identified. The UNP cites a survey conducted by the IOM in 2013-2014 which found that 38% respondents reported that they would be deterred from coming forward because of the “type and quality” of assistance on offer.
30. NCATS is the National Coalition of Anti-Trafficking Shelters, comprising the NCRVT government shelter in Linza, Tirana, and the three NGO-funded shelters Tjeter Vizion (‘Another Vision’) in Elbasan, Different & Equal in Tirana, and Vatra in Vlore. The UNP report states that the three NGO shelters apply a re-integration approach in stages: first, crisis intervention and reception at a shelter; second, the reintegration stage supporting semi-independent living and third, reintegration and social inclusion. The range of services can include “safe accommodation and good living conditions, safe transportation, individual assistance plans, food, clothes, medical examinations and treatments, as well as provision of care in case of hospitalisation, health information, psychosocial counselling, employment counselling and facilitation, reintegration grants, support for the return to school and studies, social and cultural activities, vocational training and care during pregnancy, as well as for the child”. The Needs Assessment adds that VOTs are offered a choice of which shelter to enter, although those with any safety concerns are encouraged to enter the

NRCVT state-run facility. At the date of the UNP report there was found to be sufficient capacity in the shelters to meet demand: NRCVT can accommodate up to 100 persons, Different & Equal 15, Vatra 20, Tjeter Vision 34. The report goes on to note that “such capacity is not sustainable” because of funding issues.

31. The UNP report examines the cases of ten VOT as they attempt to reintegrate into Albanian society. Eight are women. Two had previously been trafficked, having already been in one of the “relevant shelters”. This accords with the findings of the NCATS report which found “Previous trafficking remains a key vulnerability factor. Hence, 16 new cases of trafficking (18%) referred to NCATS during the reporting period have been identified previously and accommodated in Coalition Shelters”. The National Anti-Trafficking Co-ordinator reports that in the year prior to the UNP report being compiled there was an increased response to trafficking by law enforcement officials. In both 2012 and 2013 there were only 2 convictions but in 2014 there were 10; during the reporting period from September 2013 there were a further 60 referrals to the Serious Crimes Prosecutor, including 58 for the offence of “exploitation for prostitution”. Both the UNP and the Needs Assessment indicate that service providers working in the field express scepticism about official figures, suggesting that these do not accurately reflect the scale of the problem in Albania. The Needs Assessment further notes that the majority of reports and key informants mention corruption – in the form of complicity between local officials and police with traffickers – as a major barrier to combating trafficking.
32. All eight of the female VOT featured in the UNP report had received some kind of education or training whilst in a shelter. Three had trained as hairdressers, three had taken a culinary course and one had done tailoring. One, a minor, had been supported to go back to school. This training had resulted in work for five of the women. Two had been employed by an NGO, but their position was precarious due to funding issues; one was living with family members and the other was living in shared accommodation, trying to pay the rent on an income of 10,000 Lek per month<sup>1</sup>. One described herself as “highly skilful” in her work as a chef for a private organisation; she was able to pay the rent on an apartment herself. One was also living alone but expressed concern about how she would meet the rent because she did not think her employment secure. The fifth was “very confident” and good at hairdressing; she was living with her mother.
33. In respect of long-term support the gaps in provision “featured prominently” in the research conducted for the Needs Assessment. Although one informant suggested that “protection and assistance services to people who have experienced trafficking (foreign and domestic) upon exit from the shelters are zero”<sup>2</sup> most people interviewed highlighted the major problem as being the lack of employment support. This in turn leads to difficulties in living independently. Of the eight women in the UNP case-studies four went to live with family members, three paid rent independently and one wished to go back to the shelter. All reported that it is very

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<sup>1</sup> At the time of the UNP report in January 2015 this equated to approximately €70

<sup>2</sup> page 158

difficult to pay rent alone. There is no legal provision to give priority to VOT in the allocation of social housing. There is a social housing programme which seeks, *inter alia*, to provide for single parent families, but at the time that the UNP research was undertaken “no single person had benefitted” from such programmes. The experience of women who did find work after leaving the shelters was varied: three were in unsecure, low paid employment (as a chef, a cleaner and a part-time distributor) whilst two described themselves as “confident and skilful” in their respective employment as a chef and in “aesthetics”. The report summarises the position in the following terms,

“The data received from the interviews are confirmed by the service providers. The high unemployment rate has driven people to accept any kind of job, having no social insurance and very low wages. Some reports show that in Elbasan, there have been tens of cases of women in need and victims of trafficking who have accepted all sorts of jobs. Employment offices’ offers are limited and are associated with problems relating to working hours, days off, very low salaries which cannot substantiate a safe re-integration.

According to the interviews with the service providers, maximum efforts are made to create jobs within the organisations, given that they are sensitive to the special needs of victims, but these possibilities are very limited and depend hugely on funds. What the service providers give as a recommendation based on their experience, is establishment of social businesses”

34. The Needs Assessment conclusion is framed in similar terms, and highlights the risks carried with such low levels of economic security:

“At the same time it was noted in Albania that even where cases were able to find employment, low income jobs often meant that they could not afford to meet their basic living costs. This highlights a crucial point made in one report (Balkan Act Now 2013) that most victims are returning to the same place facing the same problems that they had before they were trafficked. In particular, lack of economic opportunities motivated many people who get caught in trafficking networks to have migrated in the first place. Their situation has not generally altered upon their return, and may even be exacerbated by costs incurred through their migration. Thus, long-term reintegration brings challenges for which adequate solutions have generally not been identified and implemented”.

*The 2014 Trafficking in Persons (TIP) report*

35. The TIP report is a document produced annually by the United States State Department who describe it as “the US Government’s principal diplomatic tool to engage foreign governments on human trafficking. It is the world’s most comprehensive resource of governmental anti-human trafficking efforts and reflects the US Government’s commitment to global leadership on this key human rights and law enforcement issue”. The authors of the Albanian chapter consulted with relevant ministries within the Albanian government and representatives of NGOs. They also had regard to other human rights reports. The report contains statistics on matters such as prosecutions and training.

36. Albania remains a source and destination country for trafficking in persons for the purpose of sexual exploitation and forced labour. In each year since 2009 the United States government has classified it as a 'Tier 2' country, placing it in a category with countries as diverse as Afghanistan and Portugal. 'Tier 2' status means that the State Department has concluded that Albania is making significant efforts to comply with the minimum standards set out in the relevant US legislation, the Trafficking Victims Protection Act. The exception was in 2013 when Albania was placed on the 'Tier 2 Watch List' for the following reasons:

a) the *absolute number* of victims of severe forms of trafficking is very significant or is significantly increasing;

b) there is a failure to provide evidence of *increasing efforts* to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecution, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials; or

c) the determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on *commitments by the country to take additional steps over the next year*.

37. In 2014 Albania returned to 'Tier 2':

The Government of Albania does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In October 2013, the government appointed a new national anti-trafficking coordinator, who in December initiated the development of a special taskforce to improve coordination among police, prosecutors, and judges. Albanian law enforcement improved its understanding of a victim-centered approach to human trafficking, though further training is still needed to improve their operating effectiveness in identifying cases and leading them through prosecution. The government increased the number of victims identified, but prosecuted and convicted a small number of trafficking offenders. The government did not fund the NGO shelters that provided services to victims of trafficking. Victims received inadequate mental health services at the state-run shelter, and medical care staff needed training.

38. The TIP states that in the reporting period 2013 to 2014 Albania increased its anti-trafficking law enforcement efforts and improved its criminal law by increasing sentences and creating new offences. In 2013 there were 24 cases investigated, compared to only 11 in 2012. One case was brought to trial, which had not concluded at the date of the TIP report. In 2012 two defendants were successfully prosecuted and received sentences of 15 years' imprisonment. During 2013, the government trained 57 judges, prosecutors, and police officers on investigation and prosecution of traffickers, and on victim identification and protection. The government increased the number of judicial police and special prosecutors assigned to trafficking cases from three to seven during the reporting period. In December 2013, the national anti-trafficking coordinator initiated the development of a special taskforce to improve coordination among police, prosecutors, and judges. NGOs reported that police, prosecutors, and judges demonstrated improved understanding of a victim-centered



approach to human trafficking, though further training is still needed. Corruption and high rates of turnover continued to be an issue within the police force, which hampered the efficacy of training. The government did not report any investigations or prosecutions of government officials allegedly complicit in human trafficking offences during the year.

39. There was an increase in the identification of VOT and their referral to the appropriate services. In the reporting period 95 VOT were identified, and 93 received assistance in either an NGO or government shelter. Although there was some financial provision for VOTs (approximately \$10,000), there was a failure to fund NGO shelters and \$50,000 that had been allocated to provide them with food failed to materialize. Bureaucratic hurdles prevented victims from accessing free healthcare that had previously been approved by the government and VOTs had to pay for their own medical expenses. During the reporting period the NGOs reported improved operation of the NRM and there was a substantial increase in special mobile units formed to identify child VOTs. The problems in the shelters is summarised as follows:

“Victim advocates and NGOs reported that the state-run shelter lacked human, physical, and financial resources for longer-term care of victims of trafficking, including health, education, and employment services. Victim advocates reported that psychological services offered at the state-run shelter were inadequate and medical staff required further training. NGOs reported that victims were punished as a direct result of being in human trafficking situations. In 2012, at least three victims of sex trafficking were convicted of prostitution. In one case, the court issued both a conviction against the defendant for trafficking in persons, and simultaneously convicted the victim for prostitution. Lack of training and the high rate of turnover among prosecutors was a challenge to progress on this problem”.

40. The TIP states that in October 2013, shortly after taking office, the new government appointed a National Anti-Trafficking Coordinator with a budget of approximately \$50,000. Further funds were made available to local government and there is some evidence of regional committees being active in addressing trafficking. NGOs assisted with capacity building and training, but more is needed.

*Professor Edlira Haxhiymeri*

41. Professor Edlira Haxhiymeri is a Professor of Social Work in the Social Policy Department, Faculty of Social Sciences, in the University of Tirana. In addition she is the executive director of the “Shelter for Battered Women and Girls” in that city, a post she has held since 1998. She has worked for almost 25 years in the field of gender based abuse and is the author of numerous reports, papers, political documents and research on abuse against women and children in Albania. She has contributed to training professionals including police officers, judges, prosecutors, health workers, teachers, psychologists and social workers on dealing with all forms of gender based abuse and has contributed to the drafting of national documents

with regard to combating and minimising violence against women and girls. She is the co-author of the National Standards for Social Services for Victims of Domestic Violence.

42. Her report begins with an introduction followed by answers to 25 questions to which the Secretary of State contributed and finishes with conclusions on the general situation as well as the specific circumstances of the appellant. Professor Haxhiymeri gave her evidence by telephone amplified through a loudspeaker.
43. She was questioned in cross-examination on her past activities. Observing that she was, in parts of her report, critical of the Albanian government's efforts to combat trafficking, Mr Whitwell drew the Tribunal's attention to the fact that Professor Haxhiymeri had at one time been a member of the ruling Socialist Party and that during that period she had publicly called for the resignation of the current Prime Minister Edi Rama. Professor Haxhiymeri accepted that she had called for Edi Rama to resign, but that was before he became Prime Minister, and the call was in respect of his position as leader of the Party. She said that she is principally an academic with 33 years of experience in teaching and research. She had only been involved in politics for two years; she withdrew after finding it was "not for her". She stated that she had been critical of all leaders in Albania because of their failure to address social problems. She describes her stance towards Edi Rama as "critical but not hostile".
44. The following key points emerge from Professor Haxhiymeri's evidence. Where appropriate we have quoted her directly:
  - (a) When a woman returned by the UK authorities arrives in Albania the SOP indicates that she will be met at the border point by a police officer (possibly female), a social worker and a representative from an NGO. The returnee will be asked to fill in a questionnaire which could be followed by identification procedures and it remains to be decided whether the returnee will be identified as a victim of trafficking or not.
  - (b) There is a distinction between the shelters run by the NGOs, and the NRCVT at Linza. The latter is on the outskirts of Tirana and is protected by guards 24 hours a day. It has a capacity for 100 beds although she understands the current occupation is 20. Many of these are women from other countries who have either been trafficked to, or transited, Albania: there are for instance women from Ukraine and Moldova there. It is run by a staff of a professional and "political" background.
  - (c) Being a public centre funded by public funds and under the Ministry of Welfare and Youth it is affected by any political change. This was illustrated by events at the end of 2013 when following a new government coming into office the staff were suspended. The director and other professionals were fired. It took some months for new staff to be appointed. This means that the centre is not stable, since its staff are highly affected by political rotation. For instance, today

only two of the twenty or so staff there are the same as last year. Such changes do not happen in the NGO shelters which have a professional profile.

- (d) She has not recently visited Linza. There is concern over disturbing the residents. It is a long procedure to get permission; she does however meet with the staff and director regularly. She accepted there was no real evidence that any of the women there had fallen into the hands of traffickers but she knew VOT preferred not to go there as it was far away on the outskirts. There was a need to walk for twenty minutes to get the bus in an isolated mountain area and the bus journey to the centre of Tirana is another 20 to 30 minutes. The VOTs are always accompanied if they make this journey, since walking alone in this undeveloped area is highly dangerous. There is a high risk of being caught by traffickers.
- (e) Through cooperation with her shelter and the Linza Centre she and her staff have come to know the staff there. There are not enough social workers, psychologists or educators. Most of the current staff have an "economic background". The quality and professionalism of the staff remains a problem with all the public centres. With Linza being located on the outskirts she observes it is impossible for any of the girls to continue their normal life from there and have to be accompanied in order to reach the city and other services. Any girls with high risk will go there and when they move out of the shelter they are still unprepared to face "the reality" The majority of victims who wish to enter the NGO centres have a different profile. Despite the 24 hour guarding, it is hard to say that it was a safe place as the building is very easily identified. It has for instance, appeared on Albanian television a number of times.
- (f) It is considered that a six month stay at Linza will normally be long enough for a VOT. It may be as short as three months. The assessment is made case by case. Pregnant women, those with newly born babies, or those who are at high risk of being hunted by traffickers would be permitted a longer stay but in no case would it be more than two years. With reference to the second appellant, who has a 9 month-old baby, her case would be considered a "heavy" case and the assessment would be ongoing.
- (g) As to other shelters she refers to three NGO shelters which cooperate with the government's Linza Shelter being "Another Vision in Elbasan with a capacity of eight to ten persons at a time, Different and Equal in Tirana with a capacity of 20 to 25 persons and Vatra in Vlora, Southern Albania, with nearly the same capacity. In addition ARSIS is a new centre for children that have experienced trafficking and it is in Tirana". She has visited the centre in Vlore once and Different & Equal several times, the last being in October 2014. She has not been to ARSIS but members of her staff have.

45. In Professor Haxhiymeri's opinion the shelters have, during the past few years, tried to enrich the scope of services but the effect of their intervention "does not seem to last long". At the beginning of their activity they were offering mainly psycho-social

support, shelter, nutrition and medical treatment. Nowadays programmes for vocational training, employment and housing are established. As to the training of staff, some are social workers but are not specialised in dealing with mental health. There is one psychologist but he or she is not trained in dealing with mental health problems. They are trained in counselling but not in therapy. Most mental health patients are treated by doctors with “medical treatments”, that is to say, they prescribe medication. When asked about this, she explained that there are no staff equipped to deliver “deep” psychological treatment. Some will provide basic counselling but this is not always available. Generally speaking where reports refer to “mental health provision” in the shelters they are talking about medication, in the form of anti-depressants.

46. In respect of women with children, children are permitted to enter the shelters and they will usually share a room with their mothers. VOTs with babies find it “impossible” to attend courses. Thus she concludes that “the facilities in all centres for treating victims of trafficking remain poor”. The women there are isolated and the buildings are poorly furnished. There is no space for privacy. She illustrates her point by quoting from some of the beneficiary interviews in the Needs Assessment. When questioned Professor Haxhiymeri acknowledged that in the NGO shelters women can receive free childcare for 3-4 months.
47. Professor Haxhiymeri could find no official data regarding the number of VOT using shelters between 2010 and to date. She reiterates that the situation of victims who cannot be reunited with their families is more difficult than the other cases and states that “the process of integration becomes almost impossible” as family support is a key factor. According to the regulations at the centres victims can stay six to twelve months. Exceptions are made for more demanding cases, described as “heavy” but the time limit is no more than two years. The government has not funded NGO shelters that provide services to victims to trafficking. These are wholly reliant on support by foreign donors. No public funds have gone to the NGO sector offering services for victims so far.
48. The real problem with the shelters, as far as Professor Haxhiymeri is concerned, is that none have a programme for long-term intervention. Housing is only supported for three to six months. After this, victims do not have enough means to pay the rent themselves. The employment offered there is in her view, a short-term intervention.
49. Turning to the prospects for the VOT once she leaves the shelter, Professor Haxhiymeri’s evidence was as follows:
  - (a) She considers that the six characteristics identified as significant by the Tribunal in *AM & BM* are still important. Of great relevance is the degree of education of the VOT: most VOTs had an elementary level education or less and as such they could hardly find decent paid jobs. Mothers of illegitimate children are not well received in social groups and find it difficult to work long hours to make the money needed to cover living expenses. It is difficult for them to leave children in institutions because they know they will not be well treated and supported.

Professor Haxhiymeri accepts that VOT can receive some support from authorities in the country but this in no way helps them to start “a new and honest life”.

- (b) The majority of uneducated people can expect to receive a wage of up to €150 per month whereas rents are on average €200. Although there were no official statistics to support these estimates Professor Haxhiymeri bases them on her own experience of trying to resettle victims of domestic violence. Workers at her shelter have found it very difficult to find suitable housing in Tirana for less than €200 and she is aware from the feedback of those who have been housed that they find it very difficult to pay the rent because their wages do not cover it. They also have to pay for all their other expenses on top. Because of the lack of employment in Albania, many people try to get any kind of work without asking about conditions and this raises the risk of abuse and exploitation. VOTs face a higher risk as they have to deal with the situation by themselves. These references to rental costs relate to the private sector. There are no public housing services. When she was asked about the social housing referred to in the UNP report she was incredulous: it has never functioned. There were two to three blocks built in 2007/08 and nobody had entered them to this day. There is no financial support to pay for childcare. The support provided, is then, superficial: it does not allow the VOT to make enough money to cover her needs.
  - (c) Upon exit from the shelters VOTs received “zero support” for their employment and housing problems. When asked about this she referred to the statement to the same effect in the Needs Assessment. Although she agreed with Mr Whitwell that that report did not specifically relate that assessment to Albania (the Needs Assessment pertaining to a number of countries in the Western Balkans), she said that in her experience it was an accurate assessment.
  - (d) VOTs from the North of Albania, the fact that they have no family to support or protect them in the city, and that they are so easily identifiable by their accent, makes them especially vulnerable to criminal groups.
50. As to mental health care and treatment in Albania, Professor Haxhiymeri refers to the section of the UNP report dealing with social inclusion which includes reference to the Health Insurance Fund. In an interview given for a newspaper in June 2014 the Health Insurance Fund director said that there were about 200 women and girls who would receive free medical service and get a health card without paying a penny. She believes this to cover health treatment in general and that nothing is provided for mental health care and treatment. Whilst VOTs receive free mental health treatment in the shelters the quality is very low; once the VOT leaves the shelter she will be given a health care card but this does not cover all services. This creates a risk of suffering from mental health problems without treatment.
51. A further problem lies in the isolation of the VOT once she leaves the shelter. The family remains of central importance in Albanian society and women such as VOTs

or victims of domestic violence who live alone stand out. Being a single woman is always a factor that attracts unwanted attention. For instance harassment in the workplace is something which occurs, but is less likely to happen to women who have the protection of a family around them. Although there is no data or recent research on the situation for single women who return to Albania and live alone, in Professor Haxhiymeri's experience they are "in most cases considered as abandoned from their families because they are 'kurva' (whores). This label carries a lot of hate, discrimination and risk of exclusion. They are not welcomed in social groups. Even when employed, people try to stay away from them. Employers try to exploit them by making them work long hours, harder and pay them less." Professor Haxhiymeri observes that such individuals do not make a lot of money but sometimes "it is enough to survive".

52. Whilst these problems are faced by all single women the position for women from Northern Albania is exacerbated by the very traditional culture there. In her view young women in Northern Albania face a high risk of being trafficked because of their lack of proper education, social isolation, arranged marriages and limited living resources. Girls in Northern Albania experience higher levels of abuse within their family which sometimes influences their decision to run away with the first man they meet. This does not mean that those from the southern part of the country do not face a risk of trafficking; risks arise in isolated areas because of a lack of resources or the vulnerability of the family, for example the presence of no men or an unmarried mother.
53. As to the application of the *Kanun*, Professor Haxhiymeri acknowledges that she can "hardly find written evidence to justify it" but explains that it is a silent phenomenon. She accepts that old *Kanun* is not mentioned frequently but those norms and rules are still alive: it might be taboo to discuss it but it is simply "part of our lives". For instance girls might be forced into marriage with someone in a remote rural area, or to a "handicapped husband", or with someone living in rural and remote areas. Women who have been exploited through trafficking are treated in the same way as women who have committed adultery: it means that they will have violated the honour of the family and every male in the family reserves the right to punish them with death. During the last twenty years Albania has experienced a high level of internal migration. People from rural regions to urban and suburban areas brought with them their culture and norms. Because of this the majority of the population remain under the influence of traditional culture and consequently women having experienced prostitution or being trafficked are treated as *kurva* ("whores"). They are rejected and stigmatised. The possibility for integration remains very low to "zero". The situation of a mother with a child born out of wedlock is even more difficult. The child would be "pushed, ignored, despised, discriminated, insulted, offended and excluded from and in every social group". As to the fear of VOTs that they will be found by their families, Professor Haxhiymeri underlined that Albania is a small country characterised by extended kinship networks.
54. In respect of the efforts made by the Albanian authorities, Professor Haxhiymeri recognises that progress has been made. She adopts the formulation of the TIP to

state that in her opinion the government of Albania does not fully comply with the minimum standards for the elimination of trafficking, but it is making significant efforts to do so. Some of the main laws have been improved and the SOP implemented. The national coordinator of the Unity Against Human Trafficking is active. The NRM is enriched with new partners and she agrees with the contributors to the Needs Assessment that is in a “good example” for other countries in the region. The National Committee against Human Trafficking and its units in different regions are also operational. That said, Professor Haxhiymeri expresses deep reservations about the depth and strength of the changes being made.

55. She does not, for instance, believe that the government has backed its public statements of intent with actual money. She believes that many of the politicians making positive statements are doing so only because of the “pressure of the international community”:

“In previous years I have witnessed as a result of my personal experience of working with victims of abuse that those previously asking for shelter and protection in Albania were supported with a small amount of money and cash. This is not the case anymore because the new government cancelled the amendment and excluded this group from accessing the support. Also, the governmental support for non public agencies that offer services to victims of abuse became non-existent. Whilst in reality interventions are not happening, the propaganda is increased”.

56. Whilst she acknowledges that legislation has been expanded and improved she is critical of the measures taken to actually enforce it. The legal procedures for compensation of the VOT do not seem to function or be implemented fairly. Although the lawyers and judges are reported to take a more victim-centred approach during trials they still need training and legal support to function professionally. There have been attempts by NGOs to engage in capacity building and training of officials but these are gains that are at risk of being lost due to the new administrative reform which brings about a new division of Albanian territory.
57. In her view, the biggest problem remains police corruption. Professor Haxhiymeri believes collaboration between traffickers and the police to be an ongoing risk factor. She refers to cases of police offices collaborating with traffickers for financial profit and helping to identify repatriated VOTs. There is no official data to prove this but whilst working with victims of domestic violence she has become aware of several cases of collaboration between police officers and offenders. For instance during the first months of 2015 two police officers were arrested for having collaborated with traffickers. As to societal attitude, Professor Haxhiymeri acknowledges that no data or research exists to assess the attitudes of Albanian police to VOTs and she relies again on personal experience. Despite what might be said and written about the situation improving, Albania “stands out world wide” because of corruption, bribery and organised crime. There is no official evidence to prove that police are complicit in trafficking, but again relying on her personal and professional experience in everyday life she would say this is a fact.

58. From her experience in working with victims of domestic violence and attempts to relocate them to other cities, Professor Haxhiymeri considers without doubt that they can be re-trafficked either by their former traffickers or by new ones. She concludes in her opinion that “relocation of the victims of trafficking in other areas is impossible” and the findings of the Tribunal in *AM & BM* remain “current”.
59. Professor Haxhiymeri was unable to give us any information about CARE as it was not a programme that she is familiar with.

*Mr Robert Chenciner*

60. Mr Chenciner is a Member of the Senior Common Room of St Antony’s College, Oxford and has been an Honorary Member of the Russian Academy of Science, Daghestan Filial, since 1991. His principal area of study is the Eastern Caucasus. His first report in these appeals is dated 15<sup>th</sup> April 2015. In response to some written questions from Mr Whitwell he provided an addendum dated 26<sup>th</sup> May 2015. We did not hear live evidence from Mr Chenciner. In October 2014 he visited Albania for a week. He travelled across the country and met with various agencies and individuals concerned with human rights. These included representatives of the OSCE, IOM and USAid who were working with VOTs. In addition to VOTs returned to Albania from abroad these agencies are concerned with the protection of women trafficked for sexual exploitation and children subject to forced labour within Albania itself.
61. In October 2014 he met with Genci Pjetri of the IOM in Tirana. Mr Pjetri said that the IOM has been working with VOTs in Albania for over 20 years, their current project being funded by the UK FCO. Their aim is to assist voluntary returnees. They publicise the project through contact with organisations in the UK such as the Poppy Project and the Salvation Army. They are neither able nor willing to put pressure on VOTs. If a VOT expresses an interest in returning to Albania, the IOM facilitates various relevant ministries there are six ministries involved – to make discreet enquiries with the woman’s family or other concerned people to find out if they can safely take her back and how to avoid the risk of her being re-trafficked.
62. Mr Pjetri said that there had been “many” enquiries about the return package but only one specific referral. The case was dealt with within 24 hours. The woman was interviewed by trained female workers and was then reunited with her family. She is living outside of Tirana. With regard to asylum seeking VOTs in the UK the project would not apply: that is because at that stage the VOT would not wish to return home and so would not be a voluntary returnee. Mr Pjetri told Mr Chenciner that the Home Office had misinterpreted the scope of the project in that they have been relying on it in asylum refusal letters. Mr Chenciner concludes that the project should continue because it can provide a satisfactory outcome for the few voluntary returnees who represent part of the group of VOTs.
63. In respect of the capacity of shelters for VOTs Mr Chenciner states:



“There are about 90 places for women and children, both children of the women who are VOTs and children who are VOT themselves, in secretly located shelters in Albania. A few stay for years but most are short and medium term, there were no available figures on any limits on the length of stay. It was not apparent that there were any criteria for how long a VOT could stay in the shelters. Acute VOTs have been rescued from active attack; and about half of the total are potential victims. One shelter in Elbasan has funding problems and has less than 10 VOTs; Vatra NGO in Flora has about 30 plus children; in Tirana another is about the same size as Vatra; lastly the state run emergency shelter has funding difficulties and is virtually running down. In general there has been a shift of emphasis among foreign donor groups over the past 4-5 years to concentrate on helping children as a relatively more vulnerable group than women VOTs.

Day centres are mainly for children and call centres such as the ‘129’ police line does not usually elicit a response unless violence is taking place.

With regard to the treatment of women VOTs by police, while there are likely to have been instances of stigma and unpleasantness, by and large it appears that the years of training have in some measure started to change attitudes. However another problem for the aid agencies is that Albania has a coalition government where as many people as possible must be rewarded by ministerial and ministerial team appointments. The result is frequent changes in personnel so that it is difficult for a team to take possession of a project or complete training and consolidation”

Mr Chenciner adds that the “state-sponsored shelter is underfunded” and that there is only limited accommodation available in the four shelters available, what provision there is usually being taken up by women fleeing domestic violence.

64. Mr Chenciner also met with a representative of USAid. He was told that they are funding, along with other partners, a project to improve the identification, referral and protection of VOTs. Concerns about how VOTs are referred for care persist, notwithstanding the efforts of civil society and the Albanian government. The project is being delivered by Vatra, Different & Equal and Tjeter Vizion, which will co-ordinate it. To the same end USAid are also the co-funders of the new ‘app’ which allows members of the public to quickly report suspected cases of trafficking.
65. Mr Chenciner was asked to comment on the issues that women VOTs might face trying to integrate into Albanian society without the support of their families. He references anthropological studies<sup>3</sup> to offer the following opinion:

“With regard to government support, it is virtually non-existent. The family is the main economic unit in Albania, from subsistence farming in rural areas to bribing the authorities for required documentation, to obtaining rare jobs usually from the main employer the state. The family income is also often supplemented by one or two members who remit earnings as migrant workers both legal and illegal in Italy Greece and other parts of Europe...”

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<sup>3</sup> De Waal, C in Pichler, R ed. (2014) *Legacy and Change: Albanian Transformation from Multidisciplinary Perspectives* at 123

66. This is in the context of Albania being one of the poorest places Mr Chenciner has seen in his travels in the Balkans and Eastern Europe. A woman away from the relative security of her family might be able to get casual work as a seamstress, waitress or cleaner but the situation is still “extremely difficult”, as acknowledged in *AM & BM*. She would be vulnerable to sexual harassment, and according to the US State Department report would not be able to register for social services support without risking her family finding out where she is: “corrupt police who would pass on the information to vengeful male family members who perceive that the trafficked victim has stained family honour”. The difficulties of managing in low paid, informal sector employment means that women are vulnerable to being forced into prostitution. Overall Mr Chenciner agrees with the findings of the Tribunal in *AM & BM*.
67. As evidence of police corruption Mr Chenciner refers to a report published in January 2015 by the Institute for Democracy and Mediation (IDM) and funded by the Dutch Foreign Office<sup>4</sup>, which he summarises as finding that citizens are viewed as an “opportunity to extort bribes”. There is impunity at all levels, and that 36% of public respondents in that study reported bribing the police “very often”. The conclusions of the IDM are that there continues to be high levels of corruption in Albanian society in general. Dr Chenciner reports the anecdotal evidence of his respondents during his trip in October 2014: “I also asked everyone if the police were trusted – emphatic no – and/or corrupt – emphatic yes”. Women face the additional hurdle of the police acting in conformity with traditional patriarchal norms. For instance, a common narrative concerning domestic violence is that police are called by neighbours to a noisy and severe beating, whereupon the man is arrested and placed in the cells overnight. He is then released the next day. He is unlikely to be charged since there are no witnesses, and the victim herself needs him to be at home earning money. The police view such matters as private, family affairs. For the same reason they are very unlikely to become involved in an issue where a family’s honour is deemed to have been violated. There were no direct reports of police collusion with traffickers but Mr Chenciner notes that prosecutions are rare, and that the IDM do refer to instances of police involvement with organised crime, which he infers must include trafficking. The IDM report contains “much evidence” of corrupt border guards. Mr Chenciner relays an incident he himself witnessed during his trip which he believed was a man bribing a border guard.
68. In his first report Mr Chenciner notes that the 2014 TIP report “promotes” Albania from “Tier 2 watch list” to “Tier 2”. He states that this was because they had appointed an anti-trafficking co-ordinator with a budget of \$50,000. In his additional questions Mr Whitwell sought to clarify if this was the sole reason for the promotion. In response Mr Chenciner acknowledged that it is more complicated than that, but that the appointment, and the budget allocation, were indeed the main improvements identified in the TIP report.

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<sup>4</sup> Institute for Democracy and Mediation (2015) *Police Integrity and Corruption in Albania*

Ms Rachel Mullen-Feroze

69. Rachel Mullan-Feroze is the Service Manager at Ashiana, Sheffield<sup>5</sup>. She has worked with women who have experienced abuse or trauma for over 23 years. She currently manages Ashiana's trafficking project, which in the past 12 months has received a large increase in the number of referrals for Albanian PVOT. At the time of her report on the 13<sup>th</sup> April 2015 Ashiana was supporting 32 Albanian women. One of them is the First Appellant.
70. In her oral and written evidence Ms Mullan-Feroze states that Ashiana support and promote the *voluntary* return of VOTs who are in a position to make an informed choice. Ashiana are 'sub-contracted' by the Salvation Army who hold the national trafficking contract with the Home Office and it is part of their contractual obligation to explain all of the options to their clients. In that capacity, and through her own extensive contact with the IOM on this matter, she has developed an understanding of the two alternative routes to resettlement facilitated by the IOM.
71. The first is through the Albanian NRM. The VOT must consent to entering the NRM and once she does, it is up to the Albanian authorities whether they recognise her as a PVOT/VOT: they do not automatically accept the decisions of the UK NRM, the Home Office, or the Tribunal. A Conclusive Grounds decision does not hold any weight, and although the Albanian NRM would not seek to "revoke" recognition by the UK authorities as such, they make up their own minds. She was told this during telephone contact with IOM representatives including Jennifer Dew, during February 2015. The VOT would be met at the airport by the Albanian police and a social worker. She would usually be escorted to the National Reception Centre for Victims of Trafficking whilst her claim was investigated. This centre has 24 hour police protection. IOM confirmed that the goal of the centre would ultimately be the VOT reintegration with her family. To date, no VOT had returned to Albania from the UK to take up this route. She expresses some concern about the danger of individual police officers contacting women's family members without consent, and cites evidence to this effect found in the May 2013 OGN, itself a reference to the 2011 COIR.
72. The second option is the "socio-economic assessment route". This in essence amounts to supporting VOTs to reintegrate with their family upon return, without recourse to the shelters. The VOT must consent to the IOM and/or Albanian police contacting her family or she will not be eligible for this assistance. She would go

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<sup>5</sup> Ashiana is a charity which supports women from BME and refugee communities who have experienced domestic abuse, including forced marriage and "honour" based violence, or who have been trafficked to the UK for the purpose of domestic slavery or sexual exploitation. Access to the trafficking project at Ashiana is contingent upon a woman being given a positive Reasonable Grounds decision by the CA and their support is focused on enabling a woman to access her rights and entitlements under the Council of Europe Convention on Action Against Trafficking in Human Beings.

straight home, and be offered some in-kind assistance by the IOM, such as meeting medical expenses. She might not meet a representative face to face but would be expected to maintain telephone contact after her arrival in Albania. The two women who have returned to Albania voluntarily since the start of the project have taken this route and Ms Mullen-Feroze has been told that they were both keen to go home and be with their families. She said that their reintegration does appear to have been successful. The first woman returned in September 2014, the second in November 2014.

73. In setting out that evidence Ms Mullan-Feroze makes two further points. First, it is Ashiana's position, based on their contact with the IOM, that the RAVT project is entirely voluntary. Secondly it is her belief, based on her personal contact with representatives of the Albanian embassy in the UK, that the Albanian government are not so concerned with assisting VOTs as they might claim.
74. In respect of the first, Ms Mullan-Feroze explained that Ashiana has real concerns about the way that the Home Office appears to have been relying on the RAVT package as a reason to refuse women asylum. She has seen for herself women being told about it at the beginning of asylum interviews. Ashiana has raised this with the IOM, and directly with the Home Office who have indicated that they are reviewing procedures. The IOM have repeatedly told Ashiana that this is not a package intended to offer protection, and that it is entirely voluntary. Their view is that it cannot logically be relied upon during the asylum process. That said she acknowledged that it is part of Ashiana's contractual obligation with the Salvation Army (who currently hold the national trafficking contract from the Home Office) to inform women about their choices, and this would include the RAVT package. Ashiana has leaflets about it in their offices and they do explain to their clients that it is an option, should they wish to avail themselves of it. So far none of Ashiana's client group has taken it up.
75. As for the willingness of the Albanian government to work with VOTs Ms Mullan-Feroze expressed scepticism. On the 11<sup>th</sup> February 2015 she was one of about 16 stakeholders who attended a meeting at the Albanian Embassy organised by the Human Trafficking Foundation. Also present were representatives of the IOM, the police, solicitors, Albanian and UK NGOs and consular staff. It was her observation that the embassy staff were "very clear" in their assertions about trafficking in Albania. They did not accept that there was a significant problem, stated that the majority of asylum claims in the UK - concerning trafficking and blood feuds - are probably false and that the system here is open to abuse. The principle concern appeared to be that such claims "create a bad impression of Albanians". The Consul also said that if individual details about claimants could be disclosed the Albanian government would take steps to check the facts. Others present at the meeting were moved to point out that there would be confidentiality issues with such an approach. Ms Mullan-Feroze was left with the impression that the efforts of the Albanian authorities to address trafficking is hampered by a "culture of disbelief" and that their main focus is protecting the reputation of Albania. In response to cross-

examination she confirmed that she could not say with any certainty that such views were widely held across the Albanian government, but since the staff at the embassy could be assumed to be speaking on behalf of the government that was what she had inferred.

## OUR CONCLUSIONS ON THE EVIDENCE

76. We have considered all of the evidence in the round; what follows is our evaluation of the core evidence relied upon by the parties. As will become clear, three reports assumed particular significance: the UNP, the Needs Assessment and the TIP. In varying respects the evidence of the expert witnesses was consonant with these reports.

*Professor Haxhiymeri*

77. Professor Haxhiymeri does not work with VOTs herself, but rather formed her view on the issues in this appeal through the lens of her own involvement in dealing with victims of domestic violence. It is of course open to her as an expert to rely on that long experience, and we accept that there may be many parallels between the two groups: where such similarities exist her evidence was helpful, for instance in respect of the difficulties single women face in finding and paying for secure accommodation. In light of the fact that she has actually visited some of the NGO shelters and has regular contact with their staff we have attached weight to her analysis of the services they are able to offer, for instance in respect of mental health. However it was also apparent that in other respects her knowledge directly relating to the current circumstances of VOTs was limited. For instance, she had not visited the Linza shelter for some years and she was not aware of provision such as that provided by the CARE programme. In the absence of direct knowledge Professor Haxhiymeri relied on generalisations: her evidence that women in the Linza shelter face a real risk of being caught by traffickers if they ventured outside was not supported by a single example of this ever happening. Similarly her concerns about political appointments at Linza was not supported by any illustration as to why this might be to the resident's detriment. Whilst we were not persuaded by the Respondent's suggestion that Professor Haxhiymeri had a political axe to grind, we were left with the impression that her perspective lacks detachment and underpinning by suitable material; rather it was one formed after many years of campaigning for the rights of abused women, and women generally, in Albania. This is perhaps why her analysis of the prospects for women trying to live on their own was considerably bleaker than the other evidence might suggest. For instance, notwithstanding her recognition of the varied services provided by the shelters, there is no analysis of the potential gain which the time spent in the shelter may bring about; her apparently blanket condemnation of police corruption did not appear to take account of her own evidence of police co-operation with her organisation in cases involving domestic violence. She relies on the evidence of recent prosecutions of the police as supporting her view on corruption, yet no consideration is given to

the possibility that such prosecutions might indicate a willingness to address the problem. Professor Haxhiymeri's view of how matters are evolving in Albania is bound up with her long campaign as women's rights activist and does not, without more, persuade us that her thinking is a complete and reliable assessment of the current situation for VOTs.

*Mr Chenciner*

78. Mr Chenciner spent one week in Albania for the purpose of his report. We appreciate that he was only instructed late in the day, but this very short trip unfortunately left him with very little time to conduct research; he was not, for instance, able to meet with a representative of one of the shelters as hoped. That the report lacks clarity in a number of respects may be attributed to these time constraints. We found it difficult, for instance, to work out what commentary was that of Mr Chenciner, and what was a direct quote from Mr Pjetri. The information that Mr Chenciner supplied in respect of capacity in the shelters did not tally with the figures we were shown anywhere else; it was not evident from the report whether these were obtained in his meeting with Mr Pjetri or from other sources. Nor were we assisted by the great volume of background information drawn from Mr Chenciner's experience of other countries. Whilst there may be similarities between Albania and other Eastern European countries, in particular those formerly in the Soviet bloc, we were concerned in these appeals with specifics. Where we did find his report to be useful was in his analysis of recent academic research that we may not otherwise have been referred to, for instance in respect of anthropological studies on the family in Albania, and on the extent of police corruption.

*Ms Mullen-Feroze*

79. Ms Mullen-Feroze was not tendered as an expert, but rather as a witness of fact as to her meeting at the Albanian embassy, and in her dealings with the IOM. We have no doubt that she gave an honest account of her meeting at the embassy, but we are unable to accept her analysis of it, namely that the Albanian authorities as a whole intend only to pay 'lip service' to tackling the problem of trafficking. That conclusion does not sit well with other, well-researched and documented evidence before us. Albania is a country emerging from a difficult past, with divergent strands of tradition, culture and politics. It is in those circumstances unlikely that every Albanian in a position of authority, be it ambassador or border guard, will hold the same views. We were however grateful to Ms Mullen-Feroze for her insights into how the RAVT package has operated thus far, and the extent to which it is promoted to potential returnees. It is part of her job to be able to communicate what the package entails directly to VOTs in the UK; as such she was able to explain the details to us with clarity.

80. Having made those general observations about those witnesses, we set out our findings. We begin with those matters that are the least controversial, that is to say that the evidence about them is largely consistent.

#### *The NRM*

81. We can say with certainty that there is a framework for the identification, referral and assistance of VOTs returning to Albania. It is clear that the Albanian government has in place a functioning NRM into which all returning VOTs will be considered for referral. The returnee will be met on arrival, interviewed by police and social workers, offered medical assistance if necessary, and safely transported to her chosen residence. Where that residence is depends upon her circumstances; if she has opted to go back to her family the Albanian authorities will undertake checks to ensure that this is the safe and right choice for her. If she is taken to a shelter, on-going assistance can be delivered there. In recent years the mechanism has been enriched and expanded by the inclusion of no fewer than six government Ministries in its operation. That the Albanian NRM functions well is acknowledged by Professor Haxhiymeri, Mr Chenciner and the “multiple respondents” from civil society who contributed towards the Needs Assessment research. The Albanian NRM is identified in that report as “working well and a good example” to other countries in the Western Balkans, and the efforts to train relevant staff delivering services under the NRM are singled out for praise in the 2014 TIP Report. The existence and relative success of the NRM is one of the factors that has led the US State Department to reinstate Albania into their ‘Tier 2’ classification.

#### *The Shelters*

82. In addition to the state shelter at Linza, Tirana there are three shelters working with adult, female VOTs in Albania. These are Tjeter Vizion in Elbasan (Central Albania), Different and Equal in Tirana, and Vatra in Vlore. These three NGO shelters suffer from precarious funding. The NCRVT is reported to suffer from difficulties in the training and retention of staff. The overall quality of the services on offer may vary; we are told however, that these shelters do provide VOT and PVOT with assistance and basic amenities, which can, but will not always, include safe accommodation and transportation, individual assistance plans, food, childcare, medical examinations and treatments (as well as fees in the case of hospitalisation) employment counselling, further education, vocational training, psycho-social counselling, reintegration grants and micro-finance loans. The IOM programmes are based on the availability of these various shelters to returning VOTs and it is on that basis that we have considered their suitability for the purposes of internal relocation.

#### *RAVT and Strategies for Reintegration*

83. At the date we heard these appeals the UK government was funding a reintegration programme implemented by the IOM in Tirana, referred to herein as RAVT. This is a voluntary programme, designed to “empower” the VOT and place her at the centre of the decision-making process. A VOT will only be eligible if the IOM are satisfied that she is making an informed and consensual decision to return to Albania. The IOM do not consider it appropriate, in that context, that the Home Office rely upon the existence of the package in order to refuse VOTs asylum. In his closing submissions Mr Whitwell adopted the comments made by Mr Williams, Director of Immigration and Border Policy, in his email to the IOM. Noting the UK government’s responsibility to preserve the integrity of the asylum system he said:

“As part of that, we must consider whether the individual will be at risk on return; that includes the availability of a supported return and reintegration package in considering whether effective protection can be sought on return and so whether, if the applicant is fearful, that fear is well-founded. This does not compel victims to use this or any other voluntary returns package but the availability of support and protection, whether assisted by the IOM or not, is a factor that may be taken into account when considering an asylum application....”

84. The Respondent is correct in her submission that as a matter of law a claimant is not in need of international protection if there is a part of her country of origin where there is not a real risk of persecution, and where she can reasonably be expected to stay: see *AN & SS* (Tamils - Colombo - risk?) Sri Lanka CG [2008] UKAIT 00063. IOM consistently and unambiguously state that VOTs will only be considered *eligible* for RAVT (and as we understood it parallel programmes such as CARE) if return to Albania is voluntary. It follows that analysis of whether an individual can reasonably refuse to avail herself of such intervention will depend upon the facts and must be decided on a case by case basis.

85. The decision must be made “without undue coercion”. For women who do choose to enter this process, there is a careful and detailed assessment of their individual needs, concerns and circumstances; all of this will be considered when the return package is formulated. For those women who do wish to take this option, there are two alternative pathways to reintegration back into Albanian society. The first, described by Ms Mullan-Feroze as the “socio-economic” pathway, is in essence, return to the natal family with some in-kind assistance for things such as medical bills. We are told that the two women who have availed themselves of the assistance of the IOM since the programme began both took this option. Ms Mullan-Feroze was told that both were keen to go home and that for them, this has been a success. It is likely that these women will continue to face, in the long-term, the same socio-economic challenges as many other Albanian women living in impoverished families. They will do so with the burden of their past experiences weighing upon them, and they may face stigma and discrimination from certain individuals in society. However if they have the financial and emotional support of their families this can be the “right, and safe, choice for them”. As Mr Chenciner puts it, for those who have this option available to them, it can result in a “satisfactory outcome”.



86. The socio-economic pathway may not however be available to all VOTs. There will be some women for whom it is not possible to return to their families. For persons in such categories the 'return options' are limited to whether they wish to return to Albania and fend for themselves, or whether to apply to enter the Albanian NRM and receive the assistance of the IOM and/or the relevant shelter. It has not been suggested before us that the first option would, for the vast majority of female VOTs, be reasonable. The focus of the evidence before us has been the second pathway to reintegration.
87. Women taking that option are, in accordance with the SOP, met on arrival and transported directly to one of the four shelters. If it is considered that there is any risk posed to either her or a family member, it is likely that she will be placed at the government shelter in Linza, which has a guard. She will be allowed to stay in that shelter for anything between 3 months and 2 years.
88. Because of a lack of evidence, we are unable to make a finding on the quality or quantity of assistance provided to returning VOTs by the CARE package. It is surprising that neither party had much idea about this aspect bearing in mind the scope of this appeal. From what we can tell, it appears to be a very similar programme to, and running in tandem with, RAVT.
89. The evidence on the above matters is broadly consistent. The areas of dispute between the parties arising in respect of this initial period of resettlement within the shelters concerned (i) safety, including the risk of re-trafficking, (ii) the capacity of the shelters (iii) the quality of the care on offer in the shelters, and (iv) how well the support provided equips the VOT for life on leaving the shelter.

*Risk whilst living in a shelter*

90. In respect of safety, three discrete risks were identified by the representatives for the appellants.
91. The first concerns the fear, expressed in trenchant terms by Mr Chenciner, that individual police officers or local officials will betray the confidence of the VOT and tell "vengeful" male family members her whereabouts. The motivation for doing so might be conformity with societal norms, the belief that a single young woman should not be living separately from her family; alternatively it might simply be corruption. The former was a matter canvassed in AM & BM in the accepted evidence of Dr Schwandner-Sievers:

79. She gave information relating to procedures on return stating that when a single woman was returned the border police would interview her to check whether or not she was a victim of trafficking. The border police had made it clear to her that it would not be possible for a woman to hide her identity. The border police would be likely to contact the families of a victim of trafficking, because belief in the family was so strong the families would be contacted in any event

despite the case that trafficking often was from families where abuse had occurred. The border police would contact the home police who would contact the family and the border police had stated the families could be at the airport within three hours. It would depend on the police whether or not they would accept a woman's plea that they should not contact her family. If a woman objected to the border police returning her to her family they would suspect she was a victim of trafficking and she would be offered a place in the Linza shelter or possibly at Different and Equal which was also in Tirana..."

92. We have heard uncontested evidence that the family unit remains of great socio-economic importance in Albania. As such it is the norm for young women to remain part of their father's household until such time that they are married. This is a pattern reinforced by culture and religious tradition; Mr Chenciner gives the example of the man who has beaten his wife being released without charge after a 'cooling off'. In that context it is understandable that the first port of call for individual police officers, social workers or NGO staff would be the returning VOT's family; that is where she is presumed to belong. However we also bear in mind that the professionals involved in applying the SOP have received specialist training and have been given very specific procedures to follow, none of which include contacting a woman's family against her will. Dr Schwandner-Sievers conducted her research in 2008. Whilst we do not discount the possibility that the risk she identified may still be true of individual officers, and that many professionals working within the context of the NRM would prefer ultimately, to see the VOT resettled with her family, this must be balanced against the improvements there have been in the approach to VOTs in general, and in returning entrants to the NRM in particular. For instance it was clear from the UNP report that the vast majority of referrals into the NRM were from police stations in Albania; these women were being taken to shelters not sent home to their fathers. We were shown no recent evidence of that practice. It did not, for instance, feature in the detailed evidence given to Mr Chenciner by Genci Pjetri about on-arrival procedure. NGOs consulted for the TIP research reported that "police, prosecutors and judges demonstrated improved understanding of a victim-centred approach to human trafficking".
93. There is however consistent evidence in respect of corruption. The Needs Assessment records that the majority of reports and respondents to that research cited corruption - in the form of complicity between local police/officials and traffickers - as a "major barrier" to combating trafficking. Mr Chenciner refers to the report by the Institute for Democracy and Mediation concerning the pervasive and persistent problem of "a high level" of corruption in Albanian society. That 2015 report found that 36% of public respondents admitted to bribing the police "very often". Professor Haxhiymeri offered her anecdotal evidence that in her experience over the years she has come across several cases of police officers collaborating with perpetrators of domestic violence. The only prosecutions she was aware of took place in the early part of 2015 when two police officers were arrested for working with traffickers. This accords with the findings in the - earlier - TIP report that although corruption continues to be highlighted as an issue, there were no investigations of government officials complicit in trafficking offenses between 2013 and 2014. The

TIP also acknowledges that in 2014 the continuing problem of corruption has “hampered the efficacy of training”.

94. Corruption is, by its very nature, hidden and not susceptible to audit. The fact that two officers have been recently prosecuted is a positive sign that whilst corruption is apparently widespread it is not so endemic that prosecutions cannot be successfully brought. It does however remain a serious problem, not least in the minds of the Albanian public who after many decades of living with bribery as a way of life may find it difficult to see any change. In this regard we accept the evidence that for many VOTs there is a fear that they will have to pay the police off –with either money or sexual favours. That subjective fear, whether it is well founded in respect of an individual officer or not, can impact upon personal decisions about whether to enter the NRM. We accept that there may be a number of officers who remain susceptible to bribery. We accept that there may be some individual officers who hold “traditional” and misogynistic views about how women should behave. In the absence of any hard data we are however unable to find that this is a general, objective real risk to all women entering the NRM.
95. The second aspect of safety relates to the risk of re-trafficking by the same individual or gang who exploited the VOT originally. This is clearly not a fanciful notion, since it remains part of the risk assessment carried out by the Albanian police and social work departments within the framework of the NRM, and in that conducted by the IOM. The Linza shelter is, we are told, “guarded 24/7”. We accept that these actors on the ground must have had in the past some objective experience of this danger, otherwise it would not feature as it does, for instance, in the SOP. We note the evidence given in *AM & BM* to the effect that many VOTs remain under the control of their traffickers and that if returned to Albania contact may be re-established. Women who are condemned by society as *kurova* may see little alternative to returning to their former “work”<sup>6</sup>. There is however a complete lack of data on the phenomenon of women being abducted from or nearby shelters by waiting traffickers. We have no doubt that had there been instances of women disappearing from shelters over the past few years this would feature in the evidence. What evidence we have about re-trafficking would appear to be confined to the risk once the VOT leaves the shelter, and we return to this matter below.
96. The third area of concern was that the VOTs are “marked” as women without protection who have already been forced into prostitution, and as such are vulnerable to the attentions of new traffickers, or simply predatory men looking to exploit and abuse them. Professor Haxhiymeri described the Linza shelter as “isolated” and a long way from the centre of town. In response to questions she clarified that it is about 40 minutes (half walking, half by bus) to Tirana town centre. We accept her evidence that the centre has featured on Albanian television and that the local population know what the centre is. We accept that there may be some hostility towards, or prurient interest in the women living there from local people; it

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<sup>6</sup> Paragraph 212 of *AM & BM*

may be for this reason that VOTs are always accompanied if they leave the Linza shelter. This is unpleasant, and could no doubt be frightening and threatening, especially for a woman who has experienced sexual violence. We note the accepted evidence of Dr Schwandner-Sievers in *AM & BM* that men “haunt” the shelters<sup>7</sup>; there is however no evidence before us of “new” traffickers having targeted women in Linza. As implied in *AM & BM*, the *modus operandi* of traffickers has always been to target the naïve or desperate. Professor Haxhiymeri told us that the disturbing pattern emerging in that context is towards younger women. It seems unlikely that women under the active protection of the shelters and the police would be the ones most at risk. Again, if there is a real risk of re-trafficking it may be once the VOT has left the shelter, and we consider this below.

#### *Services Available Within the Shelters*

97. Whilst we have been given a lot of information ‘on paper’ about the assistance offered by the IOM, CARE and the shelters, there was a lack of precise evidence about how these services are actually delivered. For instance we are told by the Needs Assessment, the UNP and IOM that ‘childcare’ is on offer. Professor Haxhiymeri agreed that some support was provided. We were however told little about the extent and quality of that childcare. Does it mean that a VOT can leave her baby with another VOT whilst she goes to the bathroom? Does it mean that there is a crèche where she can leave her child for a substantial period of the day whilst she attends vocational training or counselling? These are not trivial considerations. Without reliable information about the extent and quality of the services on offer it is not easy to draw any detailed conclusions about what gain the VOT might derive from her time in a shelter.
98. We can say with certainty that accommodation is provided. Professor Haxhiymeri describes the conditions in the Linza shelter, when she visited it some years ago, as “poor” and makes the point that the women then had little privacy. We do note that other victim advocates and respondents from NGOs expressed similar concerns to the authors of the TIP report; although this is to be contrasted with the conclusions in the UNP report in which the accommodation is described as “good”. We heard various figures about capacity, and the uptake of places. The consistent theme of that evidence was that there is room in the shelters, none of which appear, at any stage, to have been full. We are therefore satisfied that for as long as there is funding, there will be capacity, and that there will be basic, safe accommodation offered to any returning VOT who wishes to avail herself of it.
99. We can say with certainty that other basic amenities such as food, drink and heating are provided. A number of the sources refer to the government’s failure to make good on a promise to give the three NGO shelters a reported \$50,000 in order to feed VOTs but in the absence of any evidence to the contrary we are satisfied that the shelters managed to provide food from other sources: if women were starving in the

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<sup>7</sup> *ibid*, paragraph 63

shelters we consider that this would have been given prominence in the evidence before us.

100. As to healthcare the UNP report states that women receive “medical examinations and treatment” and that the costs of hospital visits are covered. Women are also provided with “psycho-social counselling”. In contrast the TIP report – covering the same period - records that the mental health services in the Linza shelter are “inadequate”, that medical staff need training and that the funds allocated to pay for VOTs medical expenses were never in fact released, resulting in VOTs having to pay their own bills. It is not explained in what way the provision that does exist is “inadequate”. When we asked Professor Haxhiymeri about this she drew a distinction between “psycho-social counselling” and actual mental health therapy. She explained that the workers in the shelters are not medically qualified and are only trained to deliver basic counselling. The treatment referred to in, for instance the UNP report, is confined to the dispensing of medication. Her conclusion is that whilst free mental health care is available in the shelters, the quality is very low. In giving this evidence Professor Haxhiymeri again drew on her own experience but we note that she has actually visited at least two of these shelters herself and that her evidence accords with the information provided in the TIP report.
101. Taking all of the evidence in the round we are satisfied that there is a basic level of healthcare provided in the shelters, but that there must remain concerns about the quality and extent of it, particularly in relation to mental health treatment. On the evidence before us, such care is limited to the prescription of anti-depressants and where available, counselling by shelter staff who have no formal training in psychiatry or psychology.
102. The shelters also aim to provide the VOTs with some foundation upon which to start their new life. Various referred to in the sources as “vocational training”, “education”, “individual assistance” and “employment counselling” we consider this under the general umbrella of ‘help’. Concerns about the quality of such help are expressed by contributors – NGO staff, victim advocates and VOTs themselves - to the UNP report, the Needs Assessment and the TIP. Professor Haxhiymeri acknowledges that VOTs do receive support in the shelters, and that over the past few years the NGOs in particular have sought to “enrich” their services; she however expresses concern that the measures taken are “superficial” and that the effects “do not seem to last long”.
103. The most detailed evidence about these services is to be found in the UNP report, which provides case-studies of ten VOTs, eight of whom are female. That reveals that all of these women (and girls) received some kind of vocational training (cooking, tailoring, hairdressing) or further education in a shelter. Although there is little by way of detail about the quality or duration of the courses offered we are satisfied that such courses are generally available. It is unclear whether VOTs are given a choice about whether they take a course, or about its content, nor to what extent that those with childcare responsibilities are able to benefit from these provisions.

104. In summary we are satisfied that the shelters aim to offer more than security, board and lodging. They attempt to enable VOTs to deal with the effects of their trafficking and to help them face a future in society. As to the efficacy of these efforts, there is limited direct evidence, but what we were shown, we consider below.

*Life Outside the Shelters*

105. It was the consistent evidence of the IOM, the UNP, the Needs Assessment, Mr Chenciner, Professor Haxhiymeri and Ms Mullan-Feroze that once admitted to a shelter, a VOT will be aware that it is time limited. No VOT entering a shelter is given an exit date, but her departure date is determined following an assessment. We are not told to what the degree it will be influenced by her own wishes. There is a 'maximum spend' in each case of £2100, which is to cover the stay in the shelter as well as reintegration 'on the outside': all VOTs are aware that they cannot be accommodated and supported indefinitely. At some point, the VOT must either return to her family, or set out on her own if that option is not available, and it is in this latter endeavour, the parties agree, that she would face her greatest challenge.
106. All of the evidence before us indicates that in this period women face numerous obstacles, that include, but are not limited to: financial hardship, difficulty in finding secure employment and housing, poverty, discrimination and stigma (pertaining to the VOT as well as any children she might have), isolation and no, or severely restricted, access to mental health services. As will be seen below it is argued on behalf of the appellants that the cumulative effect of such factors renders internal flight as unreasonable for many VOTs; it is further argued that the vulnerability of a VOT at this point places her at an unacceptably high risk of re-trafficking or other harm.
107. We do not accept that it is, in general, "impossible" for a woman to live on her own in Tirana, as asserted by Professor Haxhiymeri. She refers in her evidence to her own organisation resettling survivors of domestic violence in the city, living alone or with their children. The case studies in the UNP report reveal that five of the eight women entered into employment after leaving the shelter, and of these three were living apart from family members, for instance 'T' who is paying her own rent, working for a private employer as a chef and who describes herself as "confident and highly skilful".
108. Such women have been able to live alone in Tirana; women who have been able to put the skills they have acquired in the shelters to good use, and even to flourish in their new vocations. For these women, there will be a meaningful net gain from packages such as that offered by the IOM: the skills they have developed, sometimes with the support of a loan or grant, has given them economic security and the ability to survive away from their families.

109. For less resilient or adaptable women however, the path to financial independence is not so straightforward. Professor Haxhiymeri describes the assistance offered by the shelters, the Albanian government or the IOM as “superficial” and stressed that such training packages rarely help women in the long run. The problem she identifies is that women in Albania tend to find work in the low-skilled, informal sector where employment is not secure or protected, and where wages rarely keep up with the costs of living: this is the “grey economy” discussed in *AM & BM*<sup>8</sup>. All of the evidence supports a finding that the financial constraints make survival in the cities difficult: we accept Professor Haxhiymeri’s evidence of her personal experience of trying to find accommodation for survivors of domestic violence. Workers at her NGO typically find that the cost of basic accommodation in Tirana, even in the outskirts, is €200 per month whereas a woman working in those conditions will typically earn no more than €150. The respondents to the research consistently reported that it is “very difficult” to live alone because of the financial constraints women face, in particular in staying in employment and in paying rent. The UNP report confirms that there is no provision for VOTs to have access to social housing, and that they are therefore forced to rent in the private sector. The high unemployment rate means that people are forced to take “any kind of job”. The Needs Assessment succinctly summarises this situation: “most victims are returning to the same place, facing the same problems that they had before they were trafficked”. The difference now being that they must face such daily grind whilst living with the physical, psychological and social consequences of that experience.
110. At paragraphs 147-151 of *AM & BM*, the Tribunal considered the evidence of Dr Agnew-Davies in respect of the psychological effects of trafficking. We adopt and underline the view expressed in that case that in all claims it is important to consider the circumstances of the individual, including her strength, age, and psychological make-up. For VOTs who have been through extreme traumatic experiences it is not difficult to see how they are likely to suffer psychological consequences such as complex PTSD. The VOT may suffer lasting physical damage as a result of her experiences. These are important factors which must be considered when assessing whether internal flight is reasonable for any individual VOT. Whilst the evidence relating to psychological support services for VOTs once they have left the shelters suggests some availability, that it is undoubtedly patchy and in many cases wholly inadequate as we have observed above. An individual, because of her condition, may have difficulty in accessing or engaging with such services that do exist. She may be required to pay for mental health care, increasing her financial burden. These are all matters relevant to the consideration of whether internal flight is reasonably available.
111. As to the social consequences of a past trafficking experience we note the findings in *AM & BM* about social exclusion of women labelled as *kurva*, in the context of the tenacity of Northern Albanian traditions. It might be thought that the increased migration from the countryside to the cities might lead to a weakening in such belief

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<sup>8</sup> See for instance paragraph 156

systems, as extended families leave the land and break down into smaller, more independent units. Surprisingly we were shown no evidence to that effect, and in fact it was suggested by Professor Haxhiymeri that such migration – primarily from North to South – has had the opposite effect, of transporting conservative Geg social mores into the more liberal south. The importance of the family unit as a social and economic construct was emphasised in all the evidence before us. We accept her evidence that women living on their own are immediately identifiable as being on the ‘outside’; even if the details of their history are not known, work colleagues and neighbours may view them with some suspicion. In some cases that suspicion will escalate to open prejudice and hostility. We therefore find no reason to depart from the general conclusions on this matter drawn by the Tribunal in *AM & BM*. Women living on their own are likely to be socially distinct. Whilst discrimination and stigma certainly exist they will not generally constitute persecutory “serious harm” or breach Article 3, but this it nevertheless a factor to be considered cumulatively when assessing whether internal flight is reasonable for any given appellant.

112. It is against this background that all of the witnesses, and the civil society respondents to the UNP Report and the Needs Assessment, expressed concern about the risk of VOTs being re-trafficked during this critical phase of their reintegration. We share this concern. Women who are socially isolated and suffering from the consequences of their past experiences are already vulnerable; where they are placed under the additional strain of financial hardship this can render them even more susceptible to the advances of those who would seek to exploit them. The UNP report cites an NCATS audit in which it is acknowledged that 18% of the cases referred in the reporting period – a total of 16 women – had previously been trafficked and had been through the shelters at least once already. The same is said of two of the eight women who constituted the case-studies in the UNP report. It must therefore be the case that for some women, the period after they leave the shelters can be risky. Whether an individual appellant can demonstrate that she faces such a real risk must be determined on the facts, having regard to her personal circumstances and her age.

## **THE LEGAL FRAMEWORK**

### *Sufficiency of Protection*

113. Article 7 of the Qualification Directive provides:

1. Protection can be provided by:

(a) the State; or

(b) parties or organisations, including international organisations, controlling the State or a substantial part of the territory of the State.

2. Protection is generally provided when the actors mentioned in paragraph 1 take reasonable steps to prevent the persecution or suffering of serious harm, *inter alia*, by operating an effective legal system for the detection, prosecution and



punishment of acts constituting persecution or serious harm, and the applicant has access to such protection.

3. When assessing whether an international organisation controls a State or a substantial part of its territory and provides protection as described in paragraph 2, Member States shall take into account any guidance which may be provided in relevant Council acts.

114. These minimum standards reflect the approach taken in our own domestic jurisprudence: see Horvath v Secretary of State for the Home Department [2000] UKHL 37, Noune v Secretary of State for the Home Department [2000] EWCA Civ 306 and Bagdanavicius v Secretary of State for the Home Department [2003] EWCA Civ 1605, Bagdanavicius v Secretary of State for the Home Department [2005] UKHL 38, AW (sufficiency of protection) Pakistan [2011] UKUT 31(IAC). The principles set down in these cases are distilled by Auld LJ in the Court of Appeal's decision in Bagdanavicius as follows. Sufficiency of state protection means a willingness and ability on the part of the receiving state to provide through its legal system a reasonable level of protection from ill-treatment. The effectiveness of the system provided is to be judged normally by its systemic ability to deter and/or to prevent the form of persecution of which there is a risk, not just punishment of it after the event. Notwithstanding systemic sufficiency of state protection in the receiving state, a claimant may still have a well-founded fear of persecution if she can show that its authorities know or ought to know of circumstances particular to her case giving rise to her fear, but are unlikely to provide the additional protection her particular circumstances reasonably require.

#### *Internal Relocation*

115. Article 8 of the Qualification Directive reads:

1. As part of the assessment of the application for international protection, Member States may determine that an applicant is not in need of international protection if in a part of the country of origin there is no well-founded fear of being persecuted or no real risk of suffering serious harm and the applicant can reasonably be expected to stay in that part of the country.
2. In examining whether a part of the country of origin is in accordance with paragraph 1, Member States shall at the time of taking the decision on the application have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the applicant.
3. Paragraph 1 may apply notwithstanding technical obstacles to return to the country of origin.

116. In Secretary of State for the Home Department v AH (Sudan) [2007] UKHL 49 the House of Lords make clear that the question of whether internal flight is "reasonable" is not to be equated with the test under Article 3 ECHR. Lord Bingham

refers [at 5] to his own guidance in Januzi v Secretary of State for the Home Department [2006] UKHL 5:

“In paragraph 21 of my opinion in Januzi I summarised the correct approach to the problem of internal relocation in terms with which all my noble and learned friends agreed:

‘The decision-maker, taking account of all relevant circumstances pertaining to the claimant and his country of origin, must decide whether it is reasonable to expect the claimant to relocate or whether it would be unduly harsh to expect him to do so....There is, as Simon Brown LJ aptly observed in Svazas v Secretary of State for the Home Department, [2002] 1 WLR 1891, para 55, a spectrum of cases. The decision-maker must do his best to decide, on such material as is available, where on the spectrum the particular case falls... All must depend on a fair assessment of the relevant facts’.

Although specifically directed to a secondary issue in the case, these observations are plainly of general application. It is not easy to see how the rule could be more simply or clearly expressed. It is, or should be, evidence that the enquiry must be directed to the situation of the particular applicant, whose age, gender, experience, health, skills and family ties may all be very relevant. There is no warrant for excluding, or giving priority to, consideration of the applicant’s way of life in the place of persecution. There is no warrant for excluding, or giving priority to consideration of conditions generally prevailing in the home country. I do not underestimate the difficulty of making decisions in some cases. But the difficulty lies in applying the test, not in expressing it. The humanitarian object of the Refugee Convention is to secure a reasonable measure of protection for those with a well-founded fear of persecution in their home country or some part of it; it is not to procure a general levelling-up of living standards around the world, desirable though of course that is.”

117. At 20 Baroness Hale cites with approval the UNHCR view that the test is whether the individual will be able to live a “relatively normal life without undue hardship”, itself a formulation approved by their Lordships in Januzi<sup>9</sup>:

“As the UNHCR put it in their very helpful intervention in this case:

‘...the correct approach when considering the reasonableness of IRA [internal relocation alternative] is to assess all the circumstances of the individual’s case holistically and with specific reference to the individual’s personal circumstances (including past persecution or fear thereof, psychological and health condition, family and social situation, and survival capacities). This assessment is to be made in the context of the conditions in the place of relocation (including basic human rights, security conditions, socio-economic conditions, accommodation, access to health care facilities), in order to determine the impact on that individual of settling in the proposed place of relocation and whether the individual could live a relatively normal life without undue hardship’.

I do not understand there to be any difference between this approach and that commended by Lord Bingham in paragraph 5 of his opinion. Very little, apart from the conditions in the country to which the claimant has fled, is ruled out.”

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<sup>9</sup> See for instance Lord Hope of Craighead at 47.

118. The assessment on the individual characteristics of the claimant must include her personal history, and its relevance in the society in which she is relocating. See for instance VNM v Secretary of State for the Home Department [2006] EWCA Civ 47 [per Wilson LJ at 25]:

“it is obvious that the reasonableness of her relocation in a different part of Kenya requires consideration of the practicability of her settling elsewhere; consideration of her ability convincingly to present to those in her new milieu a false history relating to herself and to her daughter, including the latter’s paternity, and a false explanation for their arrival there; and, in the light of her substantial psychological vulnerability, consideration of her ability to sustain beyond the short term a reasonable life for them both on that false basis”.

## COUNTRY GUIDANCE

119. The decision in *AM & BM* is now over six years old. The matter in issue in these appeals was to what extent recent measures taken by the Albanian government and others might have improved the situation for female VOTs seeking internal flight. Our remit was therefore narrower than that of the Tribunal in *AM & BM* and we find that much of the guidance in that decision should remain undisturbed. Where we have amended or supplemented that guidance in respect of internal flight, our findings are highlighted in bold below. We add that the only other part of the country guidance in *AM & BM* which we have found necessary to amend was subparagraph (c) of the headnote. The country guidance is as follows:

- “a) It is not possible to set out a typical profile of trafficked women from Albania: trafficked women come from all areas of the country and from varied social backgrounds.
- b) Much of Albanian society is governed by a strict code of honour which not only means that trafficked women would have very considerable difficulty in reintegrating into their home areas on return but also will affect their ability to relocate internally. Those who have children outside marriage are particularly vulnerable. In extreme cases the close relatives of the trafficked woman may refuse to have the trafficked woman’s child return with her and could force her to abandon the child.
- c) **Some women are lured to leave Albania with false promises of relationships or work. Others may seek out traffickers in order to facilitate their departure from Albania and their establishment in prostitution abroad. Although such women cannot be said to have left Albania against their will, where they have fallen under the control of traffickers for the purpose of exploitation there is likely to be considerable violence within the relationships and a lack of freedom: such women are victims of trafficking.**

- d) In the past few years the Albanian government has made significant efforts to improve its response to trafficking. This includes widening the scope of legislation, publishing the Standard Operating Procedures, implementing an effective National Referral Mechanism, appointing a new Anti-trafficking Co-ordinator, and providing training to law enforcement officials. There is in general a *Horvath*-standard sufficiency of protection, but it will not be effective in every case. When considering whether or not there is a sufficiency of protection for a victim of trafficking her particular circumstances must be considered.
- e) There is now in place a reception and reintegration programme for victims of trafficking. Returning victims of trafficking are able to stay in a shelter on arrival, and in 'heavy cases' may be able to stay there for up to 2 years. During this initial period after return victims of trafficking are supported and protected. Unless the individual has particular vulnerabilities such as physical or mental health issues, this option cannot generally be said to be unreasonable; whether it is must be determined on a case by case basis.
- f) Once asked to leave the shelter a victim of trafficking can live on her own. In doing so she will face significant challenges including, but not limited to, stigma, isolation, financial hardship and uncertainty, a sense of physical insecurity and the subjective fear of being found either by their families or former traffickers. Some women will have the capacity to negotiate these challenges without undue hardship. There will however be victims of trafficking with characteristics, such as mental illness or psychological scarring, for whom living alone in these circumstances would not be reasonable. Whether a particular appellant falls into that category will call for a careful assessment of all the circumstances.
- g) Re-trafficking is a reality. Whether that risk exists for an individual claimant will turn in part on the factors that led to the initial trafficking, and on her personal circumstances, including her background, age, and her willingness and ability to seek help from the authorities. For a proportion of victims of trafficking, their situations may mean that they are especially vulnerable to re-trafficking, or being forced into other exploitative situations.
- h) Trafficked women from Albania may well be members of a particular social group on that account alone. Whether they are at risk of persecution on account of such membership and whether they will be able to access sufficiency of protection from the authorities will depend upon their individual circumstances including but not limited to the following:
- 1) The social status and economic standing of her family

- 2) The level of education of the victim of trafficking or her family
- 3) The victim of trafficking's state of health, particularly her mental health
- 4) The presence of an illegitimate child
- 5) The area of origin
- 6) Age
- 7) **What support network will be available.**

### **The Individual Appellants**

120. Both Appellants have been found to be VOTs. Each has disclosed a history of rape and exploitation, compounded by rejection by their families. This evidence is accepted. It forms the basis of our decision in the individual claims, set out below. We first address the issues that were common to both appeals.

*Dr Agnew-Davies*

121. Neither appellant presented the First-tier Tribunal with medical evidence. On the facts that he had found, Judge Saffer nevertheless inferred that in each case it would be "inconceivable, given the appalling level and period of ill treatment that she would not have suffered some form of psychological harm". That this is so has now been evidenced in two detailed reports by Dr Roxane Agnew-Davies.

122. Dr Agnew-Davies is a Clinical Psychologist who specialises in the impact of violence on women's mental health. She has been working with victims of physical and sexual abuse for over 25 years. She is presently the Director of Domestic Violence Training Limited, her own limited company. She provides training to other health professionals on how to work with victims of abuse. She is an honorary research fellow at the University of Bristol. Recent research projects she has run have been funded by the university and the Department of Health. She has in the past had NHS contracts; the last one was with St George's Hospital in London. She was formerly the Head of Psychological Services for Women at Refuge, the national charity for women escaping domestic violence. She has provided evidence to the Tribunal in numerous appeals including *AM & BM*, and she has been accepted as an expert witness by the High Court and Court of Appeal.

123. Dr Agnew-Davies saw each appellant for a single consultation of a little over four hours. She conducted a semi-structured interview and administered a number of psychological tests<sup>10</sup> and where available had regard to the relevant health records and documentation. She appends all the diagnostic criteria applied, the relevant

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<sup>10</sup> Clinical Outcomes of Routine Evaluation (CORE), Beck Anxiety Inventory, Beck Depression Inventory (II), Trauma Symptom Inventory and the Beck Suicide Scales

tests, and the transcript of her interview to her report. She has applied the terms of the Istanbul Protocol. Further to her lengthy report we were given the opportunity to hear live telephone evidence from Dr Agnew-Davies.

124. A matter arose during the hearing as to the weight that could be attached to Dr Agnew-Davies' conclusions. Mr Whitwell questioned why she had been selective in her application of the *Trauma Symptom Inventory*, one of the diagnostic tools used in her report. She did not ask the questions from the scales measuring Sexual Concerns and Dysfunctional Sexual Behaviour, because "these items are often found offensive and distressing by victims of sexual abuse without, in my experience, helping contribute to a formulation"<sup>11</sup>. Mr Whitwell wanted to know whether it would be standard practice to omit these questions. Dr Agnew-Davies explained that between 2000 and 2004 she and a colleague conducted research for Refuge. Looking at a study group of 500 women they found that these particular questions caused distress, and were in fact unnecessary. She has adopted the practice of omitting them since then. This data has been published. She has spoken publicly about her findings and has delivered training in conjunction with a Professor at the Institute of Psychiatry. No-one has challenged their conclusions. She acknowledged that other mental health professionals leaving these particular questions out were usually people that she had trained, but explained that it is not at all unusual for clinicians to tailor the questions asked depending on the patient.
125. We are grateful to Mr Whitwell for his thorough and thoughtful cross-examination of Dr Agnew Davies, and to Dr Agnew-Davies herself for making herself available to give live evidence. We have taken into account that these are reports written after a single consultation, but we are nevertheless satisfied that they are evidence that we can attach significant weight to. That is because Dr Agnew-Davies is a professional applying objective tests, she is an expert in her field, and because the conclusions she reaches are entirely consonant with the accepted facts.

#### *Private Life*

126. The appellants had, at the outset of these appeals, conceded that they could not meet the requirements of paragraph 276ADE(1)(vi). This provides that leave to remain should be granted where the applicant can show that she:

(vi) ..is aged 18 years or above, has lived continuously in the UK for less than 20 years (discounting any period of imprisonment) but there would be very significant obstacles to the applicant's integration into the country to which he would have to go if required to leave the UK

Upon reflection this concession was withdrawn. That was because the relevant test, contained at sub-paragraph (vi) of the Rule, would in these cases be determined with reference to precisely the same facts relied upon to show internal flight would be

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<sup>11</sup> See for instance paragraph 3.7.1 of the report related to the first appellant

‘unduly harsh’. This was not, as we understood it, acceptance that as a matter of law the test of ‘very significant obstacles to integration’ is to be equated with ‘unduly harsh’; it is simply that in these particular cases the outcome of both would be the same.

### *Obligations to VOTs*

127. Ms Khan submitted that in both cases the Secretary of State has failed in her duty towards the appellants, both now recognised as VOTs.
128. It is accepted that the United Kingdom has an international obligation to provide VOTs with assistance for their physical, psychological and social recovery. This arises under the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (the Palermo Protocol), the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT)<sup>12</sup>, more recently under Directive 2011/36/EU of the European Parliament.
129. Article 6 of the Palermo Protocol provides:

“2. Each State Party shall ensure that its domestic legal or administrative system contains measures that provide to victims of trafficking in persons, in appropriate cases:

...

3. Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons ...”

130. ECAT provides, in similar terms:

#### Article 12 – Assistance to victims

1 Each Party shall adopt such legislative or other measures as may be necessary to assist victims in their physical, psychological and social recovery. ...

2 Each Party shall take due account of the victim’s safety and protection needs”.

...

#### Article 14 – Residence permit

1 Each Party shall issue a renewable residence permit to victims, in one or other of the two following situations or in both:

a the competent authority considers that their stay is necessary owing to their personal situation”;

131. These obligations have been recognized by the courts as binding: see for instance Hounga v Allen & Anor [2014] UKSC 47, EK (Article 4 ECHR: Anti-Trafficking

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<sup>12</sup> UK Signed this on the 23 March 2007, ratified it on the 17 December 2008 and it came into force in the UK on the 1 April 2009

Convention) Tanzania [2013] UKUT 00313. The government discharges these obligations primarily through operation of the NRM. The Respondent's Discretionary Leave to Remain Policy provides:

"4.5 Trafficking cases

Where the UK Competent Authority has conclusively identified the applicant as a victim of trafficking and the personal circumstances of the case are so compelling that a grant of leave is considered appropriate, DL should be granted. The period of leave will depend on the individual facts of the case but must not be less than 12 months and 1 day and normally no more than 30 months (2.5 years). The minimum period of leave ensures that a victim of trafficking who is refused asylum but granted DL has a right of appeal against the rejection of their asylum claim by virtue of Section 83(1)(b) of the Nationality, Immigration and Asylum Act 2002".

132. That these obligations exist, and that they must be met, was not in dispute. The question raised by Ms Khan is the extent to which they impose an ongoing duty of review on the Secretary of State. She accepts that at the date of decision the Secretary of State was not aware of the material that is before us today. There was at that time no finding of fact that the women had been trafficked, no conclusive grounds decisions and no evidence from Dr Agnew-Davies. Nonetheless Ms Khan submits that the decisions to refuse leave have now been shown to be 'not in accordance with the law'. The obligations to provide for their physical, psychological and social recovery do not, she submits, depend on the information being provided prior to the date of decision.
133. Mr Whitwell accepts that where such information is made available to the Respondent, a review should, and will, take place. The second appellant has written to request such a review (on the 8<sup>th</sup> May 2015) and when the respondent looks again at her case the new material, including the findings of Judge Saffer and the report of Dr Agnew-Davies, will be taken into account. Mr Whitwell submits that this does not mean that the original decisions to refuse can be said to be 'not in accordance with the law' for failure to meet any of the relevant obligations under international anti-trafficking agreements, since none of that material was available to the respondent at the date of that decision.
134. The UK government is obliged to comply with its international commitments. Where, as in the case of the second appellant, new material is subsequently brought to the respondent's attention, we agree that a review should take place. This does not however mean that the existence of new material is capable of retrospectively rendering the original decision unlawful. In the present case it is accepted that the first appellant has not directly submitted any new material to the Secretary of State for her consideration. The second appellant has, in the course of the proceedings before us, done so. Mr Whitwell indicated that should her appeal be dismissed on asylum grounds, her case will be actively reviewed. We are satisfied that this approach complies with the UK's obligations, and in the present circumstances, no benefit can be accrued to the appellants by any declaration or direction by the Tribunal.



135. We would add that we heard some argument about who is to bring new information and evidence to the Secretary of State's attention. We were referred to various policy statements suggesting that such referrals can only be made by actors such as the 'first responder' or the 'support provider'. There is a risk, where such policy documents exist, of the parties adhering to them so literally so as to lose sight of all common sense. If a referral is made by a 'first responder' or a 'support provider' that is all well and good. That does not prevent any other professional, be it a legal representative, social worker or doctor, bringing any pertinent matters to the respondent's attention; where such a referral is received, outwith the framework in the respondent's policy, the international obligations are engaged.

*The first appellant*

*Agreed Facts*

136. The facts as found by First-tier Tribunal Saffer and agreed between the parties in respect of the first appellant are as follows:

- i) She is an Albanian national born in 1988.
- ii) She was born in a village in Northern Albania. Before leaving Albania that is where she lived with her parents, brother and five sisters. Her parents and siblings still live there.
- iii) The first appellant's father is employed as a security guard and her siblings are unemployed. She is from a poor economic background.
- iv) Her family are "strict Muslims".
- v) The first appellant attended school for 8 years at primary level until the age of 14. She then remained at home. Her movements were restricted by her family. The first appellant was not allowed to study or work thereafter.
- vi) In October 2013 the first appellant met a man (the trafficker) who was visiting his cousin who lived locally to her. The first appellant began a secret relationship with him. They communicated using a mobile phone provided by him. The first appellant met the trafficker at his cousin's house every fortnight and she spoke to him on the phone every day.
- vii) The relationship was discovered by the first appellant's father and brother. She was beaten severely by her father and brother. The first appellant managed to run away when her mother and sister intervened to assist her. She believes her father and brother would have killed her had they not been restrained.

- viii) The trafficker collected the first appellant took her to a flat in Tirana where she was kept confined. He told the first appellant that her family were looking for her and wanted to kill her. She was kept in the flat for 1 month after which she was forced to work as a prostitute in the flat. She was forced to have non-consensual sexual intercourse with numerous men under the immediate and real threat of physical violence. During this period she was raped between 2 and 5 times a day for 6 weeks (between 80 and 200 times).
- ix) The first appellant planned to kill herself twice by jumping off the balcony but was stopped by the trafficker.
- x) She was allowed to speak to her sister once on the telephone. Her sister told her that her family knew she was working as a prostitute and that her brother would kill her if she returned home.
- xi) The trafficker arranged to obtain an official passport for the first appellant and has kept it.
- xii) The trafficker, and another man, then drove the first appellant in a car for a week before being put in the back of a lorry. He told her that there were two or three other girls in the back of the lorry. The trafficker told the first appellant that he expected her to have sex with 'clients' in the UK too. The lorry arrived in the UK.
- xiii) The first appellant will not return to Albania voluntarily.
- xiv) She has no access to family support and cannot return to her home area.

#### *Medical Evidence*

137. Dr Agnew-Davies had one clinical consultation with the first appellant which lasted for four hours and ten minutes. Her report is dated 14<sup>th</sup> April 2015. The first appellant told Dr Agnew-Davies that before "all of this" she weighed 68 kilos. She now weighs 57. She eats little and sometimes goes for three days before she eats again. She suffers from "terrible" headaches and cannot sleep at night. She told Dr Agnew-Davies that she feels panic or terror "most of the time". During the course of their consultation the first appellant was variously observed to be distressed, shaking and at times "barely able to breathe". Dr Agnew-Davies noted that as they completed the Beck Depression Inventory the first appellant presented unusually severe symptoms of motor retardation: "any movement at all seemed to be an effort".
138. In summary the report concludes that the first appellant exceeds the clinical threshold for at least eight of the nine symptom clusters associated with Major Depressive Disorder; she also meets the diagnostic criteria for chronic and complex PTSD.

139. The first appellant told Dr Agnew-Davies that she has twice attempted suicide in the past. She tried to jump from a balcony whilst under control of her trafficker but he prevented her from doing so. Since her arrival in the UK she has taken an overdose of paracetamol. At present she expresses a weak will to live and a moderate to strong wish to die. That is because her reasons for wanting to die outweigh the reasons for staying alive. She thinks about it continually and has considered ways of doing it, but has not worked out the details. She repeatedly stated that she is frightened and convinced that she will be killed by her father, brother or trafficker if she is returned to Albania. Mr Whitwell asked Dr Agnew-Davies to clarify whether (as it appeared from the interview summary in the report) the first appellant had not volunteered that she had taken an overdose, and had in fact only disclosed that when prompted. Dr Agnew-Davies confirmed that she had asked the direct question, but stated that this is perfectly standard. Persons contemplating suicide very rarely spontaneously reveal their intentions – it would almost always emerge through direct questioning.
140. As to the diagnosis of Major Depressive Disorder<sup>13</sup> two separate tests showed the first appellant's ratings to fall into the severe range, to a degree not found in 99% of the population. At present she presents a moderate risk of suicide. She has found numerous reasons to kill herself, but none if any to offset the risk, for instance attachment to family or religious belief. Dr Agnew-Davies does not believe that this diagnosis adequately captures the "fear and interpersonal problems" that the first appellant presented. She therefore also considered the criteria for a diagnosis of Post-Traumatic Stress Disorder. The first appellant exhibits all of the core symptoms of intrusion, avoidance, negative cognition/mood and arousal (anxiety/fear). The high ratings found in respect of each of these symptoms leads Dr Agnew-Davies to diagnose Complex PTSD: the first appellant also exhibits altered affect regulation, altered levels of consciousness, altered perception of self, altered perceptions of the perpetrator(s), altered world view and altered relationships with others. In respect of this latter criteria Dr Agnew-Davies expresses "serious concerns" about the first appellant's "capacity to function socially or interpersonally". She describes the first appellant as "one of the most isolated people I have encountered in my work over the last 15 years". The first appellant is not fit to work or give evidence. Dr Agnew-Davies does not think that the first appellant should be living alone without being monitored by statutory mental health services. All of this is highly consistent with Dr Agnew-Davies' experience of other women who have survived sexual and physical abuse and with the account given by the first appellant herself.
141. The first appellant was prescribed a two week course of Citalopram in August 2014 but has not sought any further medication. Dr Agnew-Davies notes that she was shown correspondence from the first appellant's doctor's surgery indicating that a number of appointments were rearranged. Because of her concerns about the first

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<sup>13</sup> As defined by the American Psychiatric Association (DSM-V)

appellant's current condition she recommends and requests that her report is sent to the GP.

142. In respect of causation Dr Agnew-Davies notes the first appellant's evidence that she grew up in a strict and controlling family where she experienced physical abuse (being beaten by her father and brother), neglect and emotional abuse. She witnessed domestic violence against her mother. Research shows that when one type of abuse is experienced and/or if the abuse involves terror and captivity, the risk of developing problematic complex PTSD is increased, especially where the first abuse occurs before the age of 13. The first appellant described a restricted childhood in a controlling, violent home where she was resigned to the idea of growing up to forced marriage. She describes her strict Muslim father and brother as "fanatics". In her oral evidence Dr Agnew-Davies confirmed that she has heard similar accounts of abuse in childhood from other Albanian VOTs. Dr Agnew-Davies does not believe that these early experiences fully account for her condition, but they are likely to have contributed to her own powerlessness, helplessness and lack of self-worth. They are secondary to the trauma caused by the trafficking. Dr Agnew-Davies further considers whether the serious assault by the first appellant's father and brother (when they discovered her relationship with the trafficker) could itself have led to her current condition. Dr Agnew-Davies believes it to be a factor, but not one that could in itself have caused these symptoms. For instance, if the relationship had turned into a loving intimate partnership as the first appellant had hoped, her symptoms may over time have ameliorated. The severity and complexity of the first appellant's symptoms are highly consistent with a history of repeated sexual abuse by different perpetrators over time<sup>14</sup>. Her lack of certainty over her immigration status and her poverty in childhood could be aggravating, but not causal factors. It is not possible to accurately weigh the relative impacts of any specific incident, but only to consider the cumulative impacts.
143. Dr Agnew-Davies states that traumatised victims often present with physical symptoms and this is most likely where the victim is reluctant or unable to speak about her experience. The first appellant reports a number of neurological and physiological problems all highly congruent with her history of sexual abuse. Dr Agnew-Davies notes that she has only ever seen the heightened sensitivity to noise exhibited by the first appellant in other victims of trafficking for sexual exploitation. Dr Agnew-Davies has considered the possibility that the first appellant is exaggerating or feigning her symptoms, and discounted it. The symptoms of complex PTSD are difficult, if not impossible, to fake. In Dr Agnew-Davies professional opinion her psychological presentation was *typical* of a history of abuse (her emphasis).
144. Dr Agnew-Davies concludes her report by considering how each of the first appellant's symptoms clusters might impact on her capacity to cope and keep herself from harm. She finds:

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<sup>14</sup> Dr Agnew-Davies cites research by Herman (1992), Van der Volk & Fisler (1995), Jones et al (2001) and Mechanic (2004)

- i) The first appellant experiences unusually severe levels of *intrusion* in the form of memories, flashbacks and nightmares. Her cognitive ability to make decisions to promote safety or manage a situation is grossly impaired. Whilst experiencing intrusions to this degree the first appellant is ill-equipped to cope practically or emotionally with situations of threat;
- ii) The first appellant reacts against her intrusive thoughts by *avoidance*. She actively tries to defend herself against these memories by avoiding them. This means that she is highly unlikely to seek help; these efforts to avoid being overwhelmed by traumatic memories paradoxically increases her isolation and impede her recovery;
- iii) The first appellant *dissociates* to a clinically significant extent. This is an unconscious reaction which is highly likely to render her passive. She may appear apathetic or paralysed: this is part of a well-established pattern amongst victims of repeated trauma and it can impede efforts to escape situations of danger;
- iv) The first appellant is in a generally heightened state of fear. These *arousal* symptoms are very deleterious to her already fragile mental health and aggravate her tendency to isolate herself, which in turn aggravates her symptoms;
- v) As a function of her depression she lacks energy, motivation and initiative and is more prone to contemplating suicide;
- vi) Complex PTSD encompasses a range of severe interpersonal disturbances that render a trauma victim at a greater risk of exploitation. She remains vulnerable to being led into, and then trapped within, abusive situations because she may well resort to a well-established pattern of fear and obedience. It is very difficult for the first appellant to hide her symptoms and disturbed behaviours: unscrupulous others could identify and exploit this.

145. At present the first appellant is not receiving any treatment. About half of adults who suffer from PTSD can recover within about three months. Others may suffer symptoms for as long as 50 years. In cases where there are overlapping diagnoses of PTSD and Major Depressive Disorder relapse is far more likely; a complex presentation is associated with a more complex and longer term recovery. Dr Agnew-Davies believes that the first appellant is extremely unlikely to show a spontaneous improvement. The first appellant is in need of active intervention from home-based statutory mental health services to manage her suicidal ideas and acute symptoms. Any substantive recovery would only be possible in the long term:

“[The first appellant] really needs trauma-focused and specialist treatment. However, trauma focused therapy can only *start* when the sufferer feels safe in

their environment, to a degree sufficient to withstand the emotional intensity of re-exposure to trauma and cognitive re-processing...in effect, it is not possible to start rebuilding the burning house until the fire has been put out”

146. In the UK the approved treatment would involve medication prescribed in conjunction with psychological therapy. To be successful this process would need to occur in a non-threatening environment with clinicians that the patient can trust. That would include social security: “it is well established that social security is a significant predictor of recovery, while isolation is likely to cause a deterioration in mental health”. In this regard Dr Agnew-Davies states:

“If the outcome of proceedings was that [the first appellant] was to return to Albania, I think her mental health would significantly deteriorate and that her suicidal ideation would significantly increase. I cannot predict the speed or rate that her suicidal impulses will increase but I anticipate that there is a high risk she will attempt suicide immediately if notified that she was to be removed and would continue to present a high risk on return, making repeated attempts if unsuccessful. My opinion is based on the assessment of current suicide risk, [the first appellant]s beliefs about Albania, her fear for her life or of being re-trafficked, as well as of social rejection from the village”

*The first appellant: Our Findings*

147. Our decision in the re-making of the first appellant’s appeal is as follows.
148. The first appellant does not wish to return to Albania. She is not therefore eligible for the assistance offered by the IOM through the RAVT programme. She would however still receive the assistance offered by the Albanian government through the operation of the NRM, which could include referral to a shelter. We were shown no evidence that entry into the NRM is only available to those making a voluntary return. The question is whether it is reasonable, in all the circumstances, that she avail herself of this option.
149. We have accepted that the NRM functions well and that that border officers are now expected to implement the SOP. This does not include an option to contact the returning VOTs family against her will. The evidence before us does not disclose a general objective risk that officials will act outwith that framework. We find that if returned to Albania the likely outcome for the first appellant would be that she would be met on arrival, processed and taken to one of the four shelters. She would there be provided with accommodation, food and at least basic healthcare. She may have access to counselling provided by a non-medically qualified member of staff. She will be offered some form of vocational training such as a hairdressing or cookery course. Having had regard to the medical evidence we have serious doubts about the first appellant’s ability to engage with, or benefit from, such a course. We note Dr Agnew-Davies’ opinion that she is not currently fit to work. There are no features of the first appellant’s case which would indicate that she would be treated

as a “heavy case”. It is therefore likely that she will be required to leave the shelter after 3-6 months.

150. The socio-economic challenges to the first appellant at this point are likely to be substantial. She has some basic education, having left school at 14, but would be presenting to prospective employers at the age of 27 with no experience at all of working in Albania bar her brief period of vocational training in the shelter. The best-case scenario would be that she would be employed by an NGO but as we have heard, these jobs are few and far between and share the same financial insecurity as the organisations themselves. The likelihood would be that she would have to find non-skilled low paid employment in the ‘grey economy’.
151. The assessment made by Dr Agnew-Davies indicates two risks to the first appellant at this juncture: internal and external. The internal challenge is that the first appellant is suffering from such profound mental distress that she is unable to function ‘normally’. She suffers from such levels of fear and anxiety that her illness manifests itself as physical symptoms such as shaking, pain, and difficulty breathing. She is not at present fit to work. She has expressed an intention to kill herself should she be returned to Albania, the risk of which is assessed to be “high”. Dr Agnew-Davies observed that she was one of the most “isolated” people she has met in 15 years of working with victims of abuse. In these circumstances we are satisfied that the first appellant would face substantial difficulty in finding or keeping employment, and in turn accommodation. She would be living with the constant subjective fear of discovery by her family – in such a small country not a fanciful threat. These internal challenges in turn give rise to external risks. Dr Agnew-Davies has set out with clarity why the first appellant’s condition would impair her ability to function normally within society and to protect herself from potential danger. She suffers symptoms of intrusion, and in turn avoidance, to such a profound degree that “her cognitive ability to make decisions to promote safety or manage a situation is grossly impaired”. In short, she would appear to the world outside as someone with serious mental health problems. Dr Agnew-Davies states that it would be “very difficult for the first appellant to hide her symptoms and disturbed behaviours” and concludes from this that “unscrupulous others could identify and exploit this”. We agree with that assessment. The nature and extent of the first appellant’s illness would severely limit her ability to function. Left to fend for herself she would suffer profound mental distress and her ability to protect herself from danger would be severely compromised.
152. We bear in mind Mr Whitwell’s point that the target age group for traffickers is late teens/early twenties, and that this would reduce the risk presented to the first appellant. We have however also had regard to the figures in the UNP Needs Assessment. Approximately 20% of the VOTs that featured in that study, and in the NCATS annual report, had been re-trafficked having been through the shelters once before. We find that someone with the particular vulnerabilities that Dr Agnew-Davies has identified in the first appellant would be reasonably likely to fall within

that group: we are satisfied that the least likely to be able to cope on their own will be the ones most likely to fall prey to the traffickers.

153. Even if we are wrong about the risk of re-trafficking we are satisfied that for the reasons set out above the first appellant would be unable to live a “reasonable” or “relatively normal” life without undue hardship should she live on her own in Albania. For that reason there is no safe internal relocation option available to this appellant; her removal would therefore be a breach of the Refugee Convention and Article 3 ECHR. She has shown that there would be very significant obstacles to her integration into Albanian society and so also qualifies for leave to remain under paragraph 276ADE of the Immigration Rules.
154. In the circumstances we have not considered it necessary to assess the risk of suicide should the first appellant be forcibly removed from the United Kingdom.

### *The second appellant*

#### *Agreed Facts*

155. The facts as found by First-tier Tribunal Judge Saffer and agreed between the parties in respect of the second appellant are as follows:
- i) The second appellant is an Albanian national born in 1991. She was born in North Albania.
  - ii) Her family originate from Dukagjin, an area in the middle of the Alps in Albania which was ruled by the famous Kanuni i Leke Dukagjinit. Her father came down from the mountains to make a life working on the agricultural land.
  - iii) The second appellant comes from a poor economic background.
  - iv) The second appellant’s father has very strict traditional beliefs and did not believe that women and girls should be educated. Hence she was prevented from attending school after completing the seven compulsory years of primary education.
  - v) The second appellant met a man (her trafficker) in Albania and entered into a relationship with him. The trafficker spent 7 months in jail in Albania during their 10 month courtship. The second appellant left Albania on 15<sup>th</sup> September 2013 using her own passport and went to Italy and then Belgium.
  - vi) The day after they arrived in Belgium, the second appellant was forced by the trafficker to work as a sex slave. She was forced to have non-consensual sexual intercourse with numerous men under the immediate and real threat of physical violence. She was raped 4 or 5 times a day for 8 weeks.



- vii) The second appellant escaped from a brothel in Belgium. She arrived in the UK on 21<sup>st</sup> January 2014 after being hidden in a lorry.
- viii) The second appellant has a son who was born in June 2014 in the United Kingdom. The father of her son is not known.
- ix) The second appellant has no access to family support. It is accepted that she faces a real risk of serious harm should she be returned to her father's home. Additionally, return there would place her back in the area from where she was trafficked and where traffickers may still operate.
- x) The second appellant describes herself as having lived a sheltered life in Albania and she has been told by others that she presents as younger than her years. She says that she speaks with a distinctive Northern dialect.
- xi) The second appellant does not wish to return to Albania.

#### *Medical Evidence*

156. Dr Agnew-Davies saw the second appellant on one occasion for four hours and interviewed her with the assistance of an interpreter. She records that the second appellant "pinched her arm and wrung her fingers" during the interview; her eyes were sad and her expression was pained. She was frequently tearful and at points her voice became uneven and her breathing ragged.
157. Her conclusions are that the second appellant presents with a highly complex and chronic form of PTSD. The majority of her trauma-related symptoms are related to her trafficking experience, but she did have a number prior to her trafficking experience as a function of oppression by her father: she attempted suicide in her teens. She also suffers from chronic Major Depressive Disorder of moderate severity. The report notes that the diagnostic scales show her to be in the 'severe' range - for instance the results of the Trauma Symptoms Inventory indicate more severe distress than found in 97% of the population - but Dr Agnew-Davies has modified the results to 'moderate' because of the second appellant's commitment to, and engagement with, her son. Similarly her risk of suicide is currently deemed to be low, as a function of caring for her son in a secure and supported environment. Dr Agnew-Davies however cautions that it could rapidly escalate if she anticipated that they would be returned to Albania:

"In my professional opinion, [the second appellant] is rendered especially vulnerable by her mental illness and by her conviction that she and her son will be found and killed if they are returned to Albania. At this stage in her recovery, she is ill-equipped to cope with any major change, especially one which removes her from her sense of safety and support network in the UK. In my opinion, her

conviction that she would much prefer to commit suicide is convincing and on which I think it highly likely that she would act.”

158. The second appellant described to Dr Agnew-Davies suffering from symptoms including intrusive memories and feeling constantly scared. When she tries to sleep at night she is startled by what she thinks is someone knocking on her window: in fact there is no-one there. The only night she can recall sleeping soundly was when she had called the police and they had reassured her that they were patrolling the area and that there was no-one around. She finds it impossible to relax and is haunted by thoughts such as “them” finding her and killing her son in front of her. It is the thought of being captured which makes her contemplate suicide most often. She feels shame, and is afraid of her family: “I am a spoiled woman now and I will be forever judged as a bad woman”. Her physiological symptoms include insomnia, numbness, constant headaches and fatigue. Asked whether she stays away from certain people or places she said

“...some day probably three months ago I saw someone who looked like [the man] and I froze. I couldn’t do anything. I couldn’t go forwards or backwards. I just froze and then I felt bad after that. I just wanted somewhere to sit. I didn’t have any energy left in my body”.

159. Dr Agnew-Davies believes that the symptoms suffered by the second appellant are primarily a function of her trafficking experience, but that they are complicated by her childhood attachments. The second appellant described her father as “controlling and oppressive” and that she had frequently witnessed him beating her mother. Although Dr Agnew-Davies has no current concerns about this history impacting on the second appellant’s ability to parent her son, she believes that her conditions, if left untreated, will have adverse implications for the long-term psychological health and well-being of her son. In oral evidence Dr Agnew-Davies was asked to comment on a note made on the second appellant’s antenatal notes by a midwife to the effect that there had been no domestic violence in her family home. Dr Agnew-Davies was unable to comment on that specific note but said that it did not surprise her since she had in fact worked on a randomised trial in which deficiencies had been found in primary care notes, in particular a failure to capture domestic violence. She has worked on a programme to redesign the questions that are asked and it is now being rolled out across the country.

160. As with the first appellant, Dr Agnew-Davies finds evidence of all four symptom clusters associated with PTSD. In respect of each she records:

- i) The second appellant suffers *intrusion* more severely than 99% of the population. She describes being plagued by inescapable memories and thoughts, including flashbacks and nightmares. These intrusions can trigger suicidal thoughts.
- ii) The second appellant’s symptoms of *avoidance* exceeded those found in 90% of the population, a result just below the clinical threshold. Dr Agnew-Davies believes that this is because her level of intrusion is so high she is unable to

defend against traumatic recollections. She generally manages to avoid these thoughts whilst caring for her son, but is overwhelmed by them when he sleeps.

- iii) In addition to conscious avoidance many victims of complex trauma experience an involuntary response known as *dissociation*. This is a sub-conscious detachment from the present situation in which a victim can become trapped and immersed in isolated recall and/or flashbacks. The second appellant exhibits a level of dissociation not found in 99% of the population. The 'freeze' response she described when seeing someone who looked like her trafficker is a "classic symptom of PTSD in the aftermath of trauma"
- iv) Dr Agnew-Davies found evidence of entrenched negative cognitions. The second appellant experiences persistent self-blame and shame.
- v) The second appellant exhibited physical signs of arousal during the interview when she was in a high state of agitation and there were marked changes in her rate and depth of breathing. She was seen to tremble and fidget. She experiences hot flushes and sweating even where the room temperature has remained constant. Of these Dr Agnew-Davies observed: "the physiological changes that I observed are beyond any kind of wilful control and are responses of the sympathetic branch of the nervous system (i.e. responses geared towards fight/flight/freeze responses in situations of danger)".

161. Dr Agnew-Davies specifically considers whether it is possible that the second appellant is feigning her symptoms. She does not believe this to be the case. Many of the physiological symptoms were witnessed, not just described, and Dr Agnew-Davies has substantial experience in assessing such claims. For instance when she managed the UK national domestic violence helpline she trained staff to detect women who were falsely claiming to be abused in order to secure accommodation. The second appellant's responses were highly congruent over a number of standardised tests. In conclusion Dr Agnew-Davies finds that she is suffering from severe symptoms of chronic complex PTSD, complicated by her depressive disorder. These conditions cause her significant distress and impair her social functioning.

162. Of particular concern is the second appellant's high level of dissociation. This unconscious reaction can make her appear "apathetic or paralysed in a psychological state long known as 'learned helplessness'. This state has grave implications because it can impede efforts to escape situations of danger in future...she is likely to follow orders in a disembodied, dissociated state irrespective of her conscious will". Further "she remains vulnerable to being led into and trapped within abusive relationships because she can easily lapse into a well-established pattern of fear and obedience, with hopelessness about the possibility of escape:

"...it is extremely common that victims of childhood abuse and trafficking learn to comply with, not to resist, perpetrators to reduce the risk of further violence". Moreover she cannot easily hide her symptoms, which puts her at greater psychosocial

vulnerability because unscrupulous others could identify and exploit her fear and compliance”

163. Dr Agnew-Davies identifies two positive factors in her assessment of the second appellant. The first is the presence of her son: “her devotion to her son and her determination to protect him increase her resilience and offset her symptomatology”. The second is that her condition has shown some improvement. During the course of her pregnancy the second appellant accessed regular medical support. Her GP recorded her symptoms of headaches, gynaecological and urinary tract infections, and observed that she appeared tearful, worried and slept badly. This led her to refer the second appellant for counselling. This started in October 2014 and led to an improvement in her self-care. She was provided with coping strategies to deal with some of her symptoms. The counsellor’s notes accord with Dr Agnew-Davies assessment in respect of her son: “caring for her son was not just important in giving her life a purpose but served to distract [the second appellant] from intrusive, painful memories, at least during the day”. Although the second appellant is still heavily dependent upon support Dr Agnew-Davies finds that the medical, counselling and other interventions by authorities have had a positive impact upon her. She is making stable and significant progress. Against these positive findings Dr Agnew-Davies sounds two notes of caution. These gains are dependent upon the second appellant feeling secure, and any interruption or threat to that security will quickly lead to a deterioration in her mental health and her ability to care for her son. The second is that the counselling is not in itself going to enable her to recover: she still suffers from a clinically significant co-morbid psychiatric disorder and as such requires further, substantial and long-term treatment. Her symptoms, including fear, self-neglect and suicidal ideation, are “barely under control”.
164. Dr Agnew-Davies is unequivocal in her assessment of the second appellant’s prognosis should she be returned to Albania. Her intrusive memories are much more likely to be triggered there, and her symptoms of disassociation mean that it is highly likely that she will “freeze” rather than take adaptive action if confronted with danger. Her psychological profile severely reduces her capacity to cope, and any deterioration thereof would negatively impact on her capacity to parent her son. Dr Agnew-Davies does not believe that she is fit to work or live independently without a long-term support package such as that available to her in the UK.

#### *Our Findings*

165. We re-make the decision in the second appellant’s appeal as follows.
166. The second appellant does not wish to return to Albania. Like the first appellant she is not therefore eligible for the IOM package, but we are satisfied that she would gain entry into the Albanian NRM and be referred to a shelter.

167. She and her son would there be provided with accommodation, food and basic healthcare. She may have access to counselling provided by a non-medically qualified member of staff. She will be offered some form of vocational training such as a hairdressing or cookery course, and although we are unable to make confident findings about the quality or quantity of it, she would be offered some childcare to enable her to attend these classes. We are satisfied that the second appellant would be able to engage with these services. She has demonstrated that ability in the UK where she has benefitted from medical care, ante-natal provision and counselling. Her son gives her the positive motivation to take part. Because she has a young child it is likely that she will be treated as a “heavy” case. Her stay in the shelter could be as long as 2 years. She may therefore gain substantially from her time there. In that length of time she could make friends, gain contacts and learn a skill to a relatively high standard.
168. The practical support offered by the shelter to a mother like the second appellant is a positive feature of the efforts of the Albanian government. For some women in her position the net gain made in the shelter will be of sufficient value to ensure that she can ‘make it on her own’ once she leaves. However our assessment must focus on her particular characteristics and circumstances of as set out in the accepted facts and the findings of Dr Agnew-Davies.
169. The second appellant presents with a highly complex and chronic form of PTSD as well as chronic Major Depressive Disorder. Her symptoms manifest in an external, physiological way, as well as causing her internal pain. For instance in their consultation, in a safe, welcoming and secure environment in the UK, she was observed to be tearful, shaking, sweating and experiencing changes in breathing. She described to Dr Agnew-Davies how she ‘froze’ and became paralysed when she saw someone who looked like her trafficker. These are indications that although she has made progress since her arrival in the UK, the second appellant remains a highly vulnerable individual. Dr Agnew-Davies believes that her conditions will stop improving should she be removed from the security of the UK; in fact they are likely to deteriorate.
170. These symptoms seriously compromise the second appellant’s ability to cope, and to parent her son without long-term support. Even in the UK she continues to suffer from intrusive memories, particularly at night when her son is asleep and the distraction he gives her during daylight hours is removed. This leads to serious concerns about the risk that the second appellant would attempt suicide should she be returned to Albania, or perceive a threat that she and her son would be found:

“...in my opinion, her conviction that she would much prefer to commit suicide is convincing and on which I think it highly likely that she would act.”

She credibly describes being haunted by thoughts that “they” will find her and kill her son in front of her. We accept that these fears are far more likely to overwhelm her in a flat in Tirana than they are likely to do in the UK.

171. Even with a relatively long stay in the shelter the second appellant will, at some point, be required to leave and live on her own. As we have found, this is not impossible, even for a woman with a child. Professor Haxhiymeri told us about survivors of domestic violence that her organisation has helped to relocate away from their families. The second appellant is however likely to face significant social and practical obstacles. There will be the same difficulties that the first appellant will face in finding and keeping employment well paid enough to secure accommodation. In the second appellant's case she faces the additional hurdle of paying for childcare. She and her son will face the social stigma of living without their wider family. We accept that even in the urban setting of Tirana this small family unit will be likely to raise questions. This will feed into the subjective fear that the second appellant already holds about being found by her family, or her former traffickers. In this regard we recall the thoughtful conclusions of Wilson LJ in *VMN* that when assessing the reasonableness of internal flight for a single mother consideration must be given to:

“...her ability convincingly to present to those in her new milieu a false history relating to herself and to her daughter, including the latter's paternity, and a false explanation for their arrival there; and, in the light of her substantial psychological vulnerability, consideration of her ability to sustain beyond the short term a reasonable life for them both on that false basis”.

172. Having taken all of those factors into account we conclude that internal flight is not a reasonable option for the second appellant and her son. Although she has shown a degree of resilience, driven by her impulse to be there for her child, we are far from satisfied that she will be able to cope upon return to Albania. Dr Agnew-Davies has found her symptoms, including fear, self-neglect and suicidal ideation, to be “barely under control”. There is likely to be a significant deterioration in her condition should she be returned to an environment where she believes she and her son to be at risk. The distress that this will cause will be alleviated to some degree by the support offered by a shelter, but on the evidence before us she is unlikely to receive mental health treatment to the standard and efficacy required in her particular circumstances.

173. We therefore allow the appeal of the second appellant on asylum grounds and Article 3 ECHR. In the alternative she qualifies for leave to remain under paragraph 276ADE because there are very significant obstacles to her integration in Albania. Again, we have not considered it necessary to address the discrete issue raised as to a possible violation of Article 3 arising from the risk of suicide.

## DECISIONS

174. The appeals of both appellants are allowed on asylum grounds.

175. Neither appellant is entitled to humanitarian protection because they are refugees.

176. The appeals of both appellants are allowed on human rights grounds.

Signed

Date

Upper Tribunal Judge Dawson

#### NOTICE OF DECISION

The appeals are allowed on asylum grounds.

#### **Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008**

Unless and until a Tribunal or court directs otherwise, the appellants are granted anonymity. No report of these proceedings shall directly or indirectly identify them or any member of their family. This direction applies both to the appellants and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed

Date

Upper Tribunal Judge Dawson

#### **TO THE RESPONDENT FEE AWARD**

No fee is paid or payable and therefore there can be no fee award.

Signed

Date

Upper Tribunal Judge Dawson

Appendix A - Error of Law Decision



Upper Tribunal  
(Immigration and Asylum Chamber)

THE IMMIGRATION ACTS

Heard at Field House  
On 16 December 2014

Determination Promulgated

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Before

UPPER TRIBUNAL JUDGE DAWSON  
UPPER TRIBUNAL JUDGE RINTOUL

Between

T D (1<sup>ST</sup> APPELLANT)  
A D (2<sup>ND</sup> APPELLANT)

Appellants

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellants: Miss S Khan, Counsel (1<sup>st</sup> appellant)  
Miss F Daley, Counsel (2<sup>nd</sup> appellant)  
For the Respondent: Mr Whitwell, Home Office Presenting Officer

DECISION ON ERROR OF LAW



1. The first appellant is a citizen of Albania born on 15 March 1998. The second appellant is also a citizen of Albania, born on 31 December 1991. Their appeals were heard by Judge Saffer on 8 August 2014 and in each case he dismissed the appeals against the decisions in respect of each appellant to remove her from the United Kingdom as an illegal entrant made on 23 June 2014 and 20 May 2014 respectively, those decisions being consequent upon the decisions to refuse their claims for asylum.

2. It is not at this stage necessary to set out the appellants' case in detail; it is sufficient to note that in both cases the appellants were trafficked from Albania, forced into prostitution, and subjected to a significant amount of sexual violence. In both cases threats were made to them by their families and Judge Saffer found that they would be at risk in their home areas in north Albania.

3. The respondent argues that in both cases there would be sufficient police protection and support in Albania; that the appellants could relocate; and, that it would be reasonable to expect them so to do, the fact that the second appellant has a young child notwithstanding.

4. Judge Saffer dismissed the appeals on asylum and on human rights grounds. Having set out paragraphs 1.1.9 to 1.1.14 of the respondent's Operational Guidance Note of July 2014 he concluded:-

- i. that the situation in Albania had changed significantly since the decision in **AM and BM (Trafficked women) Albania CG [2010] UKUT 80 (IAC)**;
- ii. that the appellants would be able to internally relocate initially to the shelters available and within the support framework provided; and, seek police protection;
- iii. that there was no risk that they would be tracked down in either case by those who had formerly tricked them into prostitution or by their families; nor was he satisfied that they would be forced to work again as prostitutes or re-trafficked given the package of support protection; that they would given such professional psychological support as required.

5. Both appellants sought permission to appeal on the ground that Judge Saffer had erred in failing to give sufficient reasons for departing from **AM and BM**; and, that he erred with regard to the evidence upon which he did rely, as set out in the OGN; and, that he had not properly considered the specific circumstances of either appellant in judging whether, on the basis of the new evidence, they would not be at risk on return to Albania.

6. Permission to appeal was granted in both cases by First-tier Tribunal Judge Andrew who stated:

“The grounds complain that the judge did not follow the country guidance case of **AM and BM (Trafficked women) Albania CG [2010] UKUT 80**. That he had not ..... because he took note of the OGN in July 2014. This is a policy document

and not country information. I accept that there is any arguable material error of law in the determination.”

7. We consider, having heard submissions from all three representatives, that while Judge Saffer was entitled to take the Operational Guidance Note into account, there is insufficient indication that he took into account that this is in part a policy document produced by the respondent setting out her view of the risks on return to Albania; in addition the document seeks to give guidance to caseworkers.

8. The OGN is clearly addressed to decision makers within the Home Office and whilst we accept that as Mr Whitwell submitted, it is open to the Secretary of State through guidance notes to give instructions to her caseworkers as to how they should reach decisions, it does not necessarily follow that she can submit that this guidance should be followed by the Tribunal, nor did Mr Whitwell make such a submission. Indeed, had Judge Saffer actually read the document as a whole, he would have realised that the respondent accepts that AM & BM is still good law and expressly requires at 1.1.15 a careful analysis of individual circumstances.

9. It cannot be discerned from the determination that Judge Saffer engaged with the evidence set out in section 2 to 7 of the OGN, much of which is critical of the facilities offered to those who have been trafficked rather than the policy summary as set out in his determination. There is insufficient indication in his determination of any nuanced fact-specific consideration as to how the changes, and indeed in the systems of protection put in place by the Albanian government of for that matter funded by the British government would be suitable for either appellant. That changes were afoot was a matter considered in AM & BM but rather than engage with that decision and give sufficient reasons for departing from it, Judge Saffer simply chose not to follow it. That is an error of law. It is unlawful for a First-tier Tribunal Judge to seek not to follow a Country Guidance case on the basis not of evidence but of a gloss placed on background evidence by one party to adversarial proceedings.

10. Accordingly, for these reasons, we are satisfied that the decision of Judge Saffer involved the making of an error of law. We therefore set them aside.

11. It is our view the guidance of these appeals are suitable for country guidance and accordingly, they will be listed for Case Management Review on 15 January in Manchester before Upper Tribunal Judge Dawson when a decision will be made as to the future conduct of these appeals and directions given.

Signed

Date: 31 December 2014

Upper Tribunal Judge Rintoul

## Appendix B - Documents and Reports before the Upper Tribunal

### Expert Reports before the Upper Tribunal with Supplementary Country Documents

#### Dr Haxhiymeri Report:

<u>Date</u>	<u>Source</u>	<u>Description</u>
17 April 2015	<i>Dr Edlira Haxhiymeri</i>	Report for TD (Albania) and AD (Albania)
January 2015	<i>International Organisation for Migration (IOM)</i>	United Nations Programme 'Support to Social Inclusion in Albania' - Profile of the Situation of trafficking victims and efforts for social inclusion
2014	<i>Produced for the International Organisation for Migration by the Research Communication Group</i>	Human Trafficking in the Western Balkans, Needs Assessment, IOM Development Fund
2009	<i>Centre For Legal Civic Initiatives</i>	Report on "The development and implementation of the Albanian legislation to combat human trafficking in human beings, with a focus on the protection of rights of victims of trafficking"
2013	<i>Different &amp; Equal</i>	Annual Report
10 April 2015	<i>Stop Corruption Website</i>	Link: <a href="http://www.stopkorrupsionit.al/">http://www.stopkorrupsionit.al/</a>
10 April 2015	<i>Transparency International Website</i>	Link: <a href="http://www.transparency.org/cpi2014/results">www.transparency.org/cpi2014/results</a>

#### Dr Robert Chenciner Report:

<u>Date</u>	<u>Source</u>	<u>Description</u>
15 April 2015	<i>Robert Chenciner</i>	Final Report
2014	<i>Tjeter Vizion, AssistiMPACT (EU funded website)</i>	Project title: Improvement of identification referral and protection of victims of trafficking through the activities of Mobile Unit,
24 June 2014	<i>World Vision</i>	New smartphone app, hotline make reporting human trafficking possible for more Albanians
27 March 2015	<i>Qendra sociale " Vatra" / Psycho-Social Centre "Vatra"</i>	Netzkraft Movement: Topics - Women's policy / social policy / disabled persons / aid organisation
07 January 15	<i>Institute for Democracy and Mediation (IDM)</i>	Police Integrity and Corruption in Albania
30 April 2014	<i>Immigration and Refugee Board of Canada</i>	Responses to Information Requests: Albania - Domestic violence, including

		legislation, state protection and support services available to victims
<b>12 April 2015</b>	<i>Radio Free Europe Radio Liberty</i>	How Long Can You Keep A Secret? For Kosovo's Wartime Rape Victims, The Answer Is: Maybe Forever
<b>2006</b>	<i>International Migration Outlook</i>	PART III International Migrant Remittances and their Role in Development
<b>10 October 13</b>	<i>Office for Democratic Institutions and Human Rights</i>	Albania, Parliamentary Elections, 23 June 2013 Final Report
<b>11 June 2007</b>	<i>Council of the European Union</i>	2807th Justice and Home affairs Council meeting: 12 and 13 June 2007 - International multi-criminal mafia activity: Council conclusions setting EU priorities for fight against organized crime based on the 2007 organised crime threat assessment
<b>7 September 1999</b>	<i>The Guardian - UK news</i>	Albanian mafia targets Britain
<b>10 March 13</b>	<i>There Must be Justice</i>	SHAPE OF THE ALBANIAN ORGANIZED CRIME: Albanian Mafia Clan Keljmendi List
<b>16 October 2012</b>	<i>International Business Times</i>	Tip Of The Iceberg: French Police Arrest Albanian Heroin Traffickers, But Balkan Criminal Gangs Tighten Grip Across Europe
<b>10 January 2013</b>	<i>Digital Journal</i>	Organised Albanian crime destabilising Greece
<b>16 October 2013</b>	<i>Osservatorio Balcani e Caucaso - Italian journal</i>	The Albanian mafia under investigation
<b>11 December 2013</b>	<i>Independent Balkan News Agency</i>	Clashes between government and opposition on the figures of criminality in Albania
<b>23 June 2014</b>	<i>The World Post</i>	Police Destroy Over 40 Tons Of Marijuana In Lawless Albanian Village
<b>16 June 2014</b>	<i>Daily Mail Online</i>	Albanian drug dealers torched £3.bn of cannabis in Lazarat to destroy evidence
<b>27 April 2011</b>	<i>Haaretz - leading Israeli newspaper, via Underground Serbian Cafe</i>	Israeli sex trafficker linked to the Albanian mafia sentenced to 18 years in Russia
<b>01 July 2009</b>	<i>South Wales Argus</i>	Jail for Newport sex traffickers who sold woman for £2000
<b>11 April 2012</b>	<i>The Independent</i>	Albanian murder suspect arrested
<b>27 June 2011</b>	<i>Refworld</i>	2011 Trafficking in Persons Report: Albania (Tier 2), Country narratives
<b>04 June 2008</b>	<i>Refworld</i>	Trafficking in Persons Report 2008 - Albania (Tier 2 Watch list)
<b>19 June 2013</b>	<i>Refworld</i>	2013 Trafficking in Persons (TIP) Report: Albania (Tier 2, Watch List), Country narratives
<b>19 June 2014</b>	<i>US Department of State</i>	Trafficking in Persons Report 2014 Albania
<b>27 February 2014</b>	<i>US Department of State</i>	2013 Human Rights Reports: Albania

2004	<i>International Centre for Minority Studies and Intercultural Relations (IMIR)</i>	The Kanun in present day Albania, Kosovo, and Montenegro
29 April 2012	<i>Violence is not our Culture</i>	Albania: Virginité pressures bring women to the operating table
18 September 2014	<i>Balkan Insight</i>	Albanians See Police as Corrupt, Surveys Say
25 March 2015	<i>Institute for Democracy and Mediation: OSCE Network</i>	Representative Profile
19 April 2013	<i>US Department of State</i>	Country Reports on Human Rights Practices for 2012: Albania
2 January 2012	<i>Regional Anti-Corruption Initiative: Southeast European Times</i>	In Albania, an underfunded healthcare system leads to bribery
4 December 2014	<i>Albania by Europe-cities</i>	Healthcare in Albania ( <a href="http://www.europe-cities.com">www.europe-cities.com</a> )
2006	<i>World Health Organisation (WHO) / Ministry of Health Albania</i>	WHO-AIMS Report on Mental Health system in Albania
24 September 2013	<i>Travel.state.gov / US - US Consular information for travellers</i>	Medical facilities and health information

#### Country Documents before the Upper Tribunal:

<u>Date</u>	<u>Source</u>	<u>Description</u>
<b>Undated</b>		
<b>Undated</b>	<i>International Organisation for Migration (IOM)</i>	Reintegrating Albanian Victims of Human Trafficking, Package Information
<b>Undated</b>	<i>International Organisation for Migration (IOM)</i>	Information Sheet
<b>Undated</b>	<i>International Organisation for Migration (IOM)</i>	Victim of Trafficking: Interview Assessment Form
<b>2011</b>		
<b>2011</b>	<i>Ministry of Interior: Office of the National Coordinator on Combating Trafficking Persons</i>	Standard Operating Procedures for the Identification and Referral of Victims of Trafficking and Potential Victims of Trafficking
<b>2011</b>	<i>WAVE Report</i>	Albania extract
<b>2012</b>		
<b>12 February 2012</b>	<i>SIT Graduate Institute / SIT Study Abroad: SIT Digital Collections</i>	Unlocking the Roots of Stigma Towards Victims of Trafficking in Albania

<b>2013</b>		
<b>February 2013</b>	<i>European Scientific Journal (Vol. 9, No. 4 ISSN: 1857-7881)</i>	Trafficking in Human Beings: Paradigms of a Successful Reintegration into Society (Albanian Case)
<b>1 May 2013</b>	<i>UK Home Office</i>	Operational Guidance Note Albania
<b>2014</b>		
<b>2014</b>	<i>OSCE Office for Democratic Institutions and Human Rights (ODIHR)</i>	Guiding Principles on Human Rights in the Return of Trafficked Persons
<b>29 January 2014</b>	<i>Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings</i>	Report submitted by the Albanian authorities on measures taken to comply Committee of the Parties Recommendation CP (2012) 1 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings
<b>21 May 2014</b>	<i>ABC News</i>	Albanian Girls Trafficked For Sex, Albanian Girls Kidnapped, Devoured Into a World of Prostitution
<b>16 June 2014</b>	<i>Net Hope</i>	Helping Albanians Report Trafficking and Save Lives
<b>19 June 2014</b>	<i>US Department of State</i>	Trafficking in Persons Report 2014 Albania
<b>20 June 2014</b>	<i>Embassy of the United States Tirana, Albania</i>	Time to End the Shame of Modern Slavery in Albania
<b>17 July 2014</b>	<i>UK Home Office</i>	Country Information and Guidance Albania - Trafficking
<b>19 September 14</b>	<i>Home Office</i>	Country Information and Guidance - Albania: Trafficking
<b>26 September 14</b>	<i>Mary Ward Loreto Foundation</i>	Albania Hope, United Religious Against Trafficking (URAT) - 3 month report (September 2013 - March 2014)
<b>30 September 2014</b>	<i>National Crime Agency (NCA)</i>	Strategic Assessment: The Nature & Scale of Human Trafficking in 2013
<b>October 2014</b>	<i>European Commission</i>	Albania Progress Report, Enlargement Strategy
<b>2015</b>		
<b>19 February 2015</b>	<i>British Embassy Tirana</i>	Letter: Albania: Trafficking: National Reception Centre / IOM
<b>25 February 2015</b>	<i>Amnesty International</i>	Amnesty International Report 2014/15 Albania
<b>March 2015</b>	<i>Foreign &amp; Commonwealth Office</i>	Human Rights & Democracy: The 2014 Foreign & Commonwealth Office Report
<b>March 2015</b>	<i>Women Against Violence Europe (WAVE)</i>	WAVE Report 2014: Specialized Women's Support Services and New Tools for Combating Gender-based Violence in Europe [Country Profile - Albania]

<b>26 March 2015</b>	<i>International Organisation for Migration (IOM)</i>	Email and Written Statement on Reintegrating Albanian Victims of Human Trafficking Project
<b>22 April 2015</b>	<i>International Organisation for Migration (IOM)</i>	Emails and Additional Evidence (including: Reintegrating Albanian Victims of Human Trafficking November 2013 – April 2015; European Commission/IOM, coordinated approach for the reintegration of Victims of Trafficking (CARE); IOM information on CARE; IOM, Counter Trafficking; and Gewaltfreileben on CARE.