U.S. DEPARTMENT of STATE

Albania

Country Reports on Human Rights Practices - 2007
Released by the Bureau of Democracy, Human Rights, and Labor
March 11, 2008

The Republic of Albania is a parliamentary democracy with a population of approximately 3.6 million. Legislative authority is vested in the unicameral People's Assembly (parliament), which elects both the prime minister and the president. The prime minister heads the government, while the presidency is a largely ceremonial position with limited executive power. In July a new president was selected by parliament in an orderly transfer of power. In February local elections were held nationwide, with the presence of international election monitors. Civilian authorities generally maintained effective control over the security forces.

The government generally respected the human rights of its citizens; however, there were problems in some areas, including societal "blood feud" killings, security force abuse of prisoners and detainees, poor prison and pretrial detention conditions, police corruption and impunity, discrimination against women, children, and minorities, and human trafficking.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

Societal killings continued during the year, resulting from vigilante action (including both generational "blood feud" killings and revenge killings), criminal gangs, and organized crime.

Statistics vary on blood feud activity. According to the Interior Ministry, of the 96 murders during the year, two were related to blood feuds, with the number of blood feud killings dropping due to an increase in investigations. However, the Committee for National Reconciliation, a nongovernmental organization (NGO), continued to cite high levels of blood feud activity including over 1,000 families imprisoned in their homes for fear of blood feud reprisals against them. The tradition of blood feuds stems from a traditional code of honor that is still followed in only a few isolated communities. In February parliament approved amendments to the Criminal Code to criminalize blood feuds and made them punishable by a three-year sentence.

During the year an NGO-sponsored conference called on the government's Coordinating Council on the Fight Against Blood Feuds, which is headed by the president, to take a more proactive role in fighting blood feuds. The council held its first meeting this year.

The Court of Serious Crimes tried blood feud cases. Premeditated murder, when committed for revenge or a blood feud, is punishable by 20 years' or life imprisonment.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such actions; however, the police and prison guards sometimes beat and abused suspects and detainees. The Albanian Helsinki Committee (AHC) and the Albanian Human Rights Group (AHRG) reported that police sometimes used excessive force or inhumane treatment. According to the AHRG, most mistreatment took place at the time of arrest or initial detention. Roma, Balkan-Egyptians, and homosexuals were particularly vulnerable to police abuse.

In January the ombudsman investigated an abuse complaint by inmate Ardian Kokici that prison guards physically abused him during a cell inspection in the Rrogozhine Prison. The ombudsman verified obvious signs of physical violence on Kokici's body 10 days after the event. No action was taken against prison officials responsible for the abuse. The ombudsman had verified similar abuses in other prisons and recommended the redrafting of cell inspection regulations, which were missing in some prisons and substandard in others.

The Council of Europe's Committee for the Prevention of Torture published a report based on its 2006 inspection of the country's prisons and detention centers. The report detailed widespread inhuman treatment and physical abuse of prisoners and detainees, and indicated that little progress had been made in implementing longstanding recommendations. During the year there were reports that police in various localities, such as Korca and Vlora, beat and mistreated persons during arrest or while in pretrial detention.

Amnesty International (AI) reported allegations in March that police hit Dorian Leci on the head with a pistol butt and kicked and beat him as he was being arrested in Tirana. Leci filed a criminal complaint against a police officer, alleging the use of force, abuse of office, and torture. The prosecutor declined to open an investigation into the complaint and reportedly failed to inform Leci of this decision, as required by law. His case was at trial at year's end. The officer was dismissed from the police force.

In the alleged 2006 beating of Arben Belaj by Dritan Veizaj, a member of the Vlora police, Veizaj was suspended from duty pending the final outcome of a court investigation. His trial was underway at the end of the year.

As in past years, the police sometimes used threats, violence, and torture to extract confessions from minors.

During the year Bezim Mullai, a police officer who was charged for failure to follow correct procedures in connection with the suicide of 18-year-old Amarildo Perfundi, was found guilty of abuse of his office and sentenced to two years in prison. Perfundi took his life after being taken into custody and questioned by Mullai.

Prison and Detention Center Conditions

Prison conditions did not meet international standards. The government allowed independent monitoring of prison conditions by local and international human rights groups, the media, and others.

In an April inspection, the AHC found some improvements, but overall conditions remained poor and did not meet accepted standards. The committee noted serious problems with hygiene, overcrowding, air quality, insufficient resources, and access to medical care. The General Directorate of Prisons reported that there were 3,060 inmates in prisons designed for approximately 2,700 and 752 detainees in pretrial detention facilities designed for 671. In 2006 the prison in Pegin, which had a capacity of 650 prisoners, held 900, and some cells held 12 prisoners.

The General Directorate of Prisons acknowledged that physical abuse of prisoners and corruption of prison guards and officials remained a problem. In 2006, 178 guards and officials were dismissed for corruption or misconduct and charges were pending against five high-level prison officials for corruption.

The Ministry of Justice operated all prisons and pretrial detention facilities. According to the Ministry of Justice and the General Directorate of Prisons, the full transfer to the ministry of the administration of predetention centers was accomplished in July. During the year the AHC observed an improvement in conditions and treatment of prisoners, while problems of overcrowding, bad infrastructure, and unsanitary conditions persisted.

In addition to substandard facilities, local media reported the case of a 17-year-old detainee who was raped twice during the year by fellow prisoners in the Fier prison. According to media, the ombudsman initiated an investigation on the case but its conclusions were never made public.

In May the ombudsman's office recommended that the Ministry of Justice immediately reconstitute the Commission for the Execution of Prison Sentences at the General Directorate of Prisons. The commission, whose mandate includes verifying prisoner complaints, had been defunct since 2005.

The government permitted international human rights observers and domestic human rights monitors to visit both pretrial detention centers and prisons.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, there were some reports that police occasionally arbitrarily arrested and detained persons.

Role of the Police and Security Apparatus

Local police units reported to the Interior Ministry and were the main force responsible for internal security. The military has a special 90-person commando unit that operates in an antiterrorist role under the defense minister. The law allows the interior minister to request authority over this unit during a domestic crisis. The State Intelligence Service is responsible for both internal and external intelligence gathering and counterintelligence.

The overall performance of law enforcement remained weak. Unprofessional behavior and corruption remained major impediments to the development of an effective civilian police force.

Low salaries and widespread corruption throughout society made the police corruption difficult to combat. The government prosecuted corrupt officials and managed complaints regarding corrupt police through the ombudsman.

During the year the Office of Internal Control filed 159 reports with the prosecutor's office involving 221 police employees, of whom five were senior officers, 75 were midlevel and 141 were of lower rank. As a result, 85 police officers were awaiting trial on charges of corruption.

During the year the ombudsman received 274 general complaints from citizens against the police. At year's end, 233 complaints had been processed and the ombudsman concluded 82 in favor of the complaining citizen. These included 21 complaints of physical mistreatment.

Arrest and Detention

By law a police officer or prosecutor may order a suspect into custody. The constitution requires that detained persons must be informed immediately of the charges against them and of their rights, and a prosecutor must be notified immediately after police detain a suspect. Police generally followed these requirements. Within 48 hours of the arrest or detention, a suspect must appear before a judge; however, this right was often not respected. The judge has an additional 48 hours to determine whether the suspect should remain in detention.

A court may order detention in particularly serious cases that could pose a danger to society. Alternatively, a suspect may be placed under house arrest. Bail may be required if the judge believes that the accused may not appear for trial.

Legal counsel must be provided free of charge for indigent defendants; however, this right was not widely known, and police often failed to inform suspects of it. Access to legal information remained difficult for citizens; however, for the minority with Internet access, virtually all laws were available on-line free of charge, and there were several NGOs that provided free legal advice for those in need. During the year the AHC established a clinic to provide free legal advice and advocacy services for the indigent; however free legal services offered by the state bar association were considered inadequate, corrupt, and at times lacking in professionalism.

Following a formal complaint from a citizen, the ombudsman issued a recommendation for criminal proceedings against several Tirana police officers for illegal detention and mistreatment of three citizens who were detained beyond the legal time limit. The Office of the Prosecutor accepted this recommendation and initiated criminal proceedings.

The ombudsman also recommended criminal prosecution of four police officers in the Vlore district who were accused of illegally detaining and physically mistreating five citizens. The prosecutor had not accepted the case by year's end.

The law requires completion of pretrial investigations within three months for lesser crimes and within 12 months for more serious cases; however, a prosecutor may extend this period by additional three-month increments in difficult cases. While the law provides that the maximum length of pretrial detention should not exceed two years, lengthy pretrial detention often occurred as a result of delayed investigations, defense mistakes, or the failure of defense counsel to appear. In one case, in 2005 the AHRG reported that Elton Gerdhuqi had been wrongly detained in predetention facilities in Vlore for six years, throughout his initial trial and two appeals, in violation of the criminal procedure code. He has since been released to house arrest and is awaiting decision on a final appeal.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, political pressure, intimidation, widespread corruption, and limited resources sometimes prevented the judiciary from functioning independently and efficiently.

During the year the High Council of Justice removed one judge and reprimanded six others for incompetence or corruption.

The judicial system is composed of district courts, the serious crimes court, military courts, and appellate courts. There is both a High Court and Constitutional Court. The High Court hears appeals from both the district courts and the appellate courts. The Constitutional Court primarily reviews those cases involving constitutional interpretation and conflicts between branches of government and cases of individuals alleging denial of due process.

The president heads the High Council of Justice, which has authority to appoint, discipline, and dismiss district and appeals court judges. Judges who are dismissed have the right to appeal to the High Court. The high council includes the justice minister, the head of the High Court, nine judges of all levels selected by the National Judicial Conference, and three members selected by parliament.

In November parliament recommended for the second time that the president dismiss the prosecutor general for incompetence and corruption; the president dismissed the prosecutor general and appointed a new one the same month. A decision on the appeal of the dismissed prosecutor to the Constitutional Court was pending.

As in past years, police, prosecutors, and the judiciary continued to blame each other for failures that allowed criminals to avoid imprisonment. However, there were some improvements in cooperation, including the initiation in September of the Joint Investigative Unit, which brought together criminal investigators and prosecutors to work on specific cases. The unit showed early successes with the arrests of 13 government officials for corruption in the final three months of the year.

Trial Procedures

The constitution and law provide for the right to a speedy trial; however, limited material resources, lack of space, and insufficient and overworked staff prevented the court system from adjudicating cases in a timely fashion. Long case backlogs sometimes resulted in suspects being detained for longer than legal limits. The trial system does not provide for jury trials. Prosecutors and defense lawyers present cases to a judge or panel of judges, depending on the severity of the charge, and defendants have the right to all evidence that is presented to the judges. Defendants, witnesses, and others who do not speak Albanian are entitled to interpretation services. Defendants have the right to appeal decisions within 10 days. Defendants are legally presumed innocent until convicted.

During 2006 four trials were conducted in absentia, compared to 98 such trials in 2005.

In June the president, on the recommendation of the Ministry of Justice, created special divisions of the courts for minors, and the Ministry of Justice began establishing them at the courts in the main cities of Tirana, Durres, Shkoder, Vlore, Korce, and Gjirokaster. Prior to June the country had no juvenile justice system, and prosecutors frequently presented children's cases to judges who were not trained in juvenile justice.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedure and Remedies

The bailiff's office, which is part of the Justice Ministry, ensures that civil judgments are enforced. Many civil judgments, particularly property settlement cases, were not implemented because of strong social or political ramifications. For example, authorities did not enforce the court order awarding the building that housed the country's two main trade unions in Tirana to its rightful owner as determined by the court. In 2006 one individual won a case in the European Court of Human Rights against the government for failure to pay court-ordered restitution for seized property; restitution had not been paid by year's end.

Property Restitution

The restitution of property confiscated during the communist regime remained a significant problem. The annual report of the Ombudsman's Office noted that in 2006 a total of 125 complaints related to property compensation. Of these, 107 were fully examined and 19 were resolved in favor of the plaintiff. In 2005 the government established a fund of $3.6 million (300 million lek) to provide compensation to claimants.

According to the director of the Agency for the Return and Compensation of Property, the combined 2007-08 budget allocated by the government for property compensation was approximately $11 million. The total cost for the compensation of owners across the country was estimated at $3.5 billion. Since 1993 the government approved 50,000 decisions on property titles. Out of these, 1,000 enjoy the right to purchase objects built on their land.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions. Unlike in previous years, the government respected these prohibitions in practice.

Unlike in previous years, there were no reports of destruction of housing of the Roma or other minorities.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press, and while the government generally respected these rights, there were reports that the government and businesses exerted indirect pressure on the media. While the media was active and largely unrestrained, there were serious problems with the use of the media for political purposes.

Journalists practiced self-censorship.

In general individuals could criticize the government publicly or privately without reprisal; while there were no publicized attempts by the government to stifle criticism by individuals, there were cases of indirect pressure on the media.

Politicization of the media remained a concern. The polarization of media outlets into opposing camps became more pronounced during the year, worsening particularly during the February local election campaign. Publishers and newspaper owners continued to dictate news stories to serve their political and economic interests and sometimes blocked stories that ran counter to those interests. There was little transparency in the financing of the media.

At times political pressure, limited professionalism, and lack of finances constrained the independent print media. Political parties, trade unions, and various groups published their own newspapers or magazines independent of government influence. An estimated 200 publications were available, including daily and weekly newspapers, magazines, newsletters, and pamphlets.

According to official data, there were 64 private television stations and 44 private radio stations, but the actual number was reportedly larger. While stations generally operated free of direct government influence, most owners believed that the content of their broadcasts could influence government action toward their other businesses.

The public Albanian Radio and Television (RTSH) operated a national television channel and a national radio station. During the year the balance of coverage improved on public television. By law the government provides 50 percent of the station's budget, but limited resources hampered its ability to compete with private stations.

In 2005 the prime minister issued an order requiring that government officials use the right of reply rather than civil or criminal defamation suits against the media. There

were no cases of such suits during the year.

There were no reports that police or other officials physically abused journalists.

Political intimidation of the media persisted. Journalists continued to complain that publishers and editors censored their work either directly or indirectly in response to political and commercial pressures. Many journalists complained that their lack of employment contracts frequently hindered their ability to report objectively.

During the year parliament replaced political party representatives of the RTSH Steering Council and the National Council on Radio and Television (NCRT) with members drawn from civil society and the media, as recommended in 2006 by the opposition.

In the spring the NCRT selectively turned off the transmitters of stations reportedly critical of the government, which were broadcasting beyond their licensed areas.

During the year Top Channel TV, a leading television station that had been critical of the government, filed a suit against the Ministry of the Economy seeking implementation of its building lease or compensation. In 2006 the Council of Ministers passed a resolution to evict Top Channel TV from a state-owned building in central Tirana. Top Channel TV appealed, and the case remained unresolved in court at year's end.

In June the government conducted a tax audit of Top Channel TV, and assessed it with $14.1 million (1.17 billion lek) in fines and unpaid back taxes. The government claimed the inspection was for suspected tax evasion, although no other stations were inspected. On July 18, the general secretary of the Vienna-based South East Europe Media Organization (SEEMO) sent the speaker of parliament a letter criticizing the fine and stating that Albanian media organizations and SEEMO "believe that the government is using the taxation authorities to attack media independence." The letter noted that the fact the fine was applied against a media organization which had criticized the government "leads us to believe that the government is attempting to intimidate the Albanian media." Although legally the fine was still valid, there was no institutional effort to collect the fine. However, Top Channel's political and economic reporting became demonstrably less critical of the government.

Libel is a crime that may be punished with a prison sentence of up to two years and a fine. While Freedom House noted that in the past "suits against journalists for legitimate criticism" were common, there were no libel suits against the media reported after November 2006, when, according to a SEEMO report, an Albanian parliamentary committee sued TV Klan and an advertising agency under the criminal code for insulting and defaming public officials. SEEMO reported that the suit arose from a TV Klan report that tobacco companies had "bought" members of the parliamentary committee during the debate over the draft Law on Protection of Health Against Tobacco.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. Access to the Internet increased during the year but remained limited, particularly outside major urban areas.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events; however, government control over academic appointments and a culture of corruption in the education system undermined academic freedom. Students were sometimes required to bribe officials to matriculate or to pass exams.

During the year the government passed a law on higher education that empowers the minister of education to appoint university officials that were previously elected by the faculty and student body. University rectors charged that the law permitted government control over the university's management, including interfering with academic appointments; the government claimed that the law would curb corruption.

During the year the government passed legislation to reform the Academy of Sciences, a body of scientific scholars who conduct government-funded research. Opposition parties, NGOs, and academics claimed this was an attempt to influence the composition and views of the academy. The government claimed it was reforming and re-energizing the academy and also cited budget concerns.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly, and the government generally respected this right in practice.

The law requires organizers of gatherings in public places to notify police three days in advance; there were no reports that police denied such gatherings arbitrarily.

Unlike in previous years, there were no reports that police mistreated protesters.

No disciplinary action was taken against police who stood by while a government supporter physically assaulted a demonstrator in 2006.

Freedom of Association

The constitution and law provide for the right of association, and the government generally respected this right; however, the law prohibits the formation of any political party or organization that is nontransparent or secretive. There were no reports that this provision was used against any group during the year.

c. Freedom of Religion

The constitution and law provide for freedom of religion and the government generally respected this right.

The predominant religious communities, Sunni Muslim, Bektashi Muslim, Orthodox, and Roman Catholic, enjoyed a greater degree of official recognition (for example, national holidays) and social status than some other religious groups. The government does not require registration or licensing of religious groups.

As in previous years, the government continued to consider requests from all religious organizations to make restitution for religious properties and objects that were confiscated or damaged under communism. These cases were still under consideration at year's end.

Societal Abuses and Discrimination

There were reportedly fewer than 100 Jews in the country; there were no reports of synagogues or community centers functioning in the country or of any anti-Semitic acts.

On International Rescuers Day in January, the Anti-Defamation League posthumously honored Mefail and Njazi Bicaku, an Albanian family, for saving 26 Jews from the Nazis and leading them to safety in the mountains of Central Albania with its "*Courage to Care Award" in New York City.*

For a more detailed discussion, see the *2007 International Religious Freedom Report*.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Internal migrants must transfer their civil registration to their new community to be entitled to government services, and must prove they are legally domiciled either through property ownership, a property rental agreement, or utility bills. Many cannot provide this proof and thus lack access to essential services. Other citizens lacked formal registration in the communities in which they resided, particularly the Roma and Balkan-Egyptians.

During the year the government established working groups to consider the creation of a standardized national identity document.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against the return of persons to a country where there is reason to believe they feared persecution. Under the law, requests for asylum must be made with ten days of arrival on the country's soil, and the decision for granting asylum must be given within 51 days of the initial request.

During the year the government granted temporary protection to four persons. There are a total of six refugees who hold temporary protection status in the country, two of whom were granted that protection in 2006.

The UNHCR provided social and legal services, health care coverage, insurance, and limited training support for the small refugee community and coordinated further assistance through a network of NGOs.

Together with international organizations, the government, through the European Union's Community Assistance for Reconstruction, Development, and Stabilization program, prescreened undocumented migrants stopped at all border crossing points. Under the program, an NGO and government team assisted border police in identifying undocumented migrants that were potential victims of trafficking, asylum seekers, or economic migrants.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage.

Elections and Political Participation

In July parliament elected Bamir Topi president in accordance with constitutional guidelines. In February local elections were held. Conflicts between political leaders caused extended negotiations and resulted in postponed elections. The delays led to poorly organized elections and cumbersome rules and regulations. As in the 2005 parliamentary elections, family and proxy voting continued to be problems. Election observers from the Organization for Security and Cooperation in Europe (OSCE) declared that elections only partly met international standards.

Political parties operated without restriction or outside interference.

There were nine women in the 140-seat People's Assembly, including the speaker, and one woman on the Council of Ministers. Overall, women were poorly represented at the national and local levels of government, despite commitments by the major political parties to increase female representation. Many parties introduced internal party quotas for women; however, postelection rerankings diminished the effect of these rules.

Several members of the Greek minority served in both the People's Assembly and in the executive branch in ministerial and subministerial positions, including as the minister of labor. No other ethnic minorities were represented in the People's Assembly or on the Council of Ministers.

Government Corruption and Transparency

The law provides criminal penalties for official corruption. Despite several arrests of high-level local and central government officials, corruption remained a major obstacle to meaningful reform. The World Bank's Worldwide Governance Indicators reflected that corruption was a serious problem.

In December the parliament lifted Foreign Minister Lulzim Basha's immunity following allegations of irregularities in the country's largest public works project.

In September the Prosecutor's Office arrested six high-level government employees on corruption charges, including the deputy minister of public works, general director of roads, and director of procurement; all were allegedly involved in a bribery scheme for construction tenders. No trial date was been set by year's end.

According the Associated Press, on November 8, the Interior Ministry announced the arrest on November 5 of two senior government officials, Spartak Gjini and Llambi Tarka, as well as the owner of the Siret Construction Company, Fiqiri Pali, for corruption; the two officials were accused of granting a tender illegally to the company and forcing other companies to withdraw from the competition for reconstruction of the ministry's building.

By August prosecutors opened 555 penal proceedings for abuses of government office, arbitrary action, and distortion of equality in public procurement tenders. Of these, 36 were specifically for corruption and 28 of those resulted in investigations. Authorities prosecuted 17 officials.

During the year the prime minister convened the Anticorruption Task Force, created in 2006 to curb organized crime, to coordinate anticorruption action. The Task Force is a coordinating body, headed by the prime minister, including several ministers, heads of independent state-owned agencies such as the public electricity company, and police and intelligence organizations.

The law provides that government ministers may not own a company that is directly tied to their official responsibilities and includes a prohibition against companies owned by close family members of government officials. Approximately 6,000 public officials and close relatives must submit financial declarations; the law obliged

another 1,500 officials of the previous administration to file declarations for the year following the end of their mandate. The Inspectorate of Asset Declaration administers the conflict of interest regulations.

During the year authorities fined 100 officials for late submissions of required financial declarations. While statistics for 2007 were not available, in 2006, 56 employees either voluntarily resigned their positions or were dismissed when notified of a potential conflict of interest, and another 67 divested themselves of the offending asset. No information was available regarding the outcome of five high-profile cases investigated by the inspectorate that were reportedly forwarded in 2006 to the prosecutor's office for criminal prosecution.

Citizens and noncitizens, including foreign media, have the right to obtain information about the activities of government bodies and persons who exercise official state functions; however, citizens often faced serious problems in obtaining information from public and government institutions.

The law requires public officials to release all information and official documents with the exception of classified documents and state secrets. During the year public access to information improved greatly, in large part due to greater use of the Internet. Virtually all government ministries and agencies posted public information directly on their Web sites.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

The government cooperated with international organizations, such as the UNHCR and the International Organization for Migration, and did not restrict their access.

The human rights ombudsman has the authority to monitor judicial proceedings and inspect detention and prison facilities, and to initiate cases where a victim is unwilling or unable to come forward. Although the ombudsman lacked the power to enforce decisions, he acted as a watchdog for human rights violations. The most common cases included citizen complaints of police and military abuse of power, lack of enforcement of court judgments in civil cases, wrongful dismissal, and land disputes.

In many cases the government took concrete steps to correct problems in response to the findings of the ombudsman. During the year the collaboration between the ombudsman's office and prosecutors improved.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, ethnicity, disability, language, or social status; however, discrimination against women, Balkan-Egyptians, Roma, and homosexuals persisted.

Women

The criminal code penalizes rape, including spousal rape; however, spousal rape was not reported or prosecuted in practice. The concept of spousal rape was not well established, and often neither authorities nor the public considered it to be a crime. The law imposes penalties for rape and assault depending on the age of the victim. For rape of an adult, the prison term is three to 10 years; for rape of an adolescent aged 14 to 18, the term is five to 15 years and, for rape of a child under 14, seven to 15 years.

Domestic violence against women, including spousal abuse, remained a serious problem. In November the OSCE noted that "domestic violence was under-reported, under-investigated, under-prosecuted, and under-sentenced" and that "the overwhelming majority of perpetrators are granted impunity." The government has a department of equal opportunities at the Ministry of Labor, Social Affairs and Equal Opportunity which covers women's issues, including domestic violence. The government did not fund specific programs to combat domestic violence or assist victims, although non-profit organizations did. Women to Women, a Swedish NGO, reported that there were approximately six domestic violence hot lines that operated throughout the country. The hot lines, serving mainly the northern part of the country received approximately 24 calls per month from women reporting some form of violence. Shtreheza, an NGO that operated two shelters for battered women in Tirana, reported an increase in reported cases of domestic violence, primarily due to increased awareness of services.

In many communities, particularly those in the northeast, women were subject to societal discrimination as a result of traditional social norms that considered women to be subordinate to men. In its report on the participation of women in the February 18 local elections, the OSCE's Office for Democratic Institutions and Human Rights election observation mission noted that family voting was a problem in 30 percent of the voting centers visited on election day, and that the practice raised "serious concern of the disenfranchisement of some women and other family members affected by it."

In 2006 parliament, with the assistance of the Women's Legal Rights Project, enacted an expansion of the law against domestic violence, adding administrative penalties such as protection orders. This law helped raise awareness of the issue and help available for victims through the legal system and nonprofit organizations. Implementation of the law is still in the nascent stages, and has been sporadically enforced. Further parliamentary and executive measures are necessary to complete the full scheme of support for victims.

The law prohibits prostitution; however, it remained a problem.

The law prohibits sexual harassment; however, the law was rarely enforced.

The law provides equal rights for men and women under family law, property law, and in the judicial system. In practice cultural traditions resulted in men often being favored over women.

Women were not excluded, by law or in practice, from any occupation; however, they were not well represented at the highest levels of their fields. The law mandates equal pay for equal work; however, the government and employers did not fully implement this provision. According to a 2006 AI report, women earned 20 to 50 percent as much as men. Men owned 92 percent of the land and earned 84 percent of the gross domestic product, although women continued gradually to gain economic power.

Children

The government's commitment to children's rights and welfare is codified in domestic law; however, in practice there was limited commitment.

In general children must be registered in the same community where their parents registered. However, according to the CHRCA, children born to internal migrants frequently had no birth certificates or other legal documentation and, as a result, were unable to attend school.

The law provides for nine years of free education and authorizes private schools. School attendance is mandatory through the ninth grade or until age 16, whichever comes first; however, in practice, many children left school earlier than allowed by law to work with their families, particularly in rural areas. Parents had to purchase supplies, books, school materials, and space heaters for some classrooms, which was prohibitively expensive for many families. During the year World Vision Albania, which works primarily in rural areas, reported that rural girls faced additional pressure to leave school because families did not see a value in high school education for girls, and due to security concerns of girls commuting to high school in a larger town.

According to 2006 Ministry of Education figures, secondary school enrollment (ages 15–18) for both boys and girls was 55 percent, while primary school attendance (ages 6-14) was over 94 percent.

As in previous years, child abuse, including sexual abuse, occasionally occurred but was rarely reported.

As in previous years, some children were unable to leave their homes, including to attend school, due to fear of reprisal from blood feuds. Figures on the numbers of affected children vary; the latest figures of the Ministry of Interior indicate about 20 children permanently sequestered, while NGOs cite a figure as high as a few hundred. These children were generally home-schooled.

According to the National Reconciliation Committee, as many as 182 children remained endangered by blood feuds involving their families; 86 of these were in particularly dangerous circumstances.

Child marriage remained a problem in the Romani community.

Displaced and street children remained a problem, particularly Roma children. Street children begged or did petty work; many migrated to neighboring countries, particularly during the summer. These children were at highest risk of internal trafficking and some became victims.

Trafficking in Persons

The law prohibits trafficking in persons and provides penalties for traffickers; however, persons, particularly women and children, were trafficked to, from, and within the country. The government did not prosecute victims of trafficking and refrained from discriminatory treatment against them. It recognized the rights of victims and helps ensure their access to justice to the extent possible under the currently weak judicial system. The government has a national coordinator for trafficking in persons who functions also as deputy minister of interior.

Albania remained a source country for trafficking of women and children for the purposes of sexual exploitation and forced labor, although less so than in recent years. Greece is the main country of destination for trafficked women. Traffickers largely used overland routes or falsified documents to transport their victims by airplane or ferry.

The trafficking of children to Kosovo and Greece for begging or sexual exploitation continued to be a problem, although the number of cases reportedly declined. Police and shelter representatives continued to report a trend of females being moved from villages and smaller towns to larger cities for forced prostitution in hotels and private homes. Some of these girls and women were then moved out of Albania for sexual exploitation in other European countries. During the year NGOs Terre des Hommes (TdH) and Arsis identified 337 Albanian children in Thessaloniki and Athens, Greece, as trafficking victims.

Traffickers internally trafficked children from all regions of the country, and typically trafficked them to either Tirana or Durres. According to TdH, the number of internally trafficked children, particularly from the Roma and Balkan-Egyptian community, increased during the year. TdH identified over 300 children in Albania who were suspected victims of trafficking, many of whom ended up as street beggars.

The main forms of recruitment of female victims of trafficking continued to be marriage under false pretenses or other false romantic relationships to lure victims abroad for sexual exploitation. Due to the poor economic situation, men and women from organized criminal groups also lured many women and girls from all over the country by promising them jobs abroad. Orphans and girls from poor families continued to be particularly vulnerable to the threats of traffickers. Traffickers typically confiscated victims' documents, physically and sexually abused them, and sometimes forced them to work as prostitutes before they left the country. Domestic organized crime networks abused, tortured, and raped both citizens and foreign women whom they trafficked. Traffickers also threatened many of the victims' family members.

Due to the ease of deception and movement, shelter social workers noticed an increase of mentally handicapped girls who were trafficked both internally and abroad.

The law provides for penalties of five to 15 years' imprisonment for trafficking in persons; seven to 15 years' imprisonment for trafficking women for prostitution; and 15 to 20 years' imprisonment for trafficking in minors. Aggravating circumstances, such as the kidnapping or death of a victim, can raise the severity of the punishment to a maximum of life in prison. Courts can supplement prison sentences with fines of $4,800 to $7,200 (400,000 to 600,000 lek) for sexual exploitation of a minor and $3,600 to $7,200 (300,000 to 600,000 lek) for sexual exploitation of a woman. The law provides that a government official convicted of exploitation for prostitution receive 125 percent of the standard penalty. The law also mandates the sequestration and confiscation of assets derived from organized crime and trafficking. The Agency for the Administration of Sequestered and Confiscated Assets administers such assets, including those of persons found guilty of trafficking related crimes. In 2006 there were several court-ordered seizures but no cases of forfeited assets successfully liquidated or of funds distributed to victims.

By year's end police referred 51 new trafficking cases to the General Prosecutor's Office, which investigated 65 persons on trafficking charges. Authorities referred 43 cases to the Serious Crimes Court; the court prosecuted 62, of whom the court convicted 57 of trafficking. The court sentenced four offenders to up to two years' imprisonment; 10 to between two and five years' imprisonment; 26 to between five and 10 years' imprisonment; and 25 to over 10 years' imprisonment.

Although the government has improved its Witness Protection Program, AI reported that witness protection continued to be weak and prosecutors complained that prosecutions often failed because at trial the victims of trafficking tended to withdraw their testimony under pressure from traffickers or their own families.

The government took action during the year against police officers, customs officials, and border police who facilitated trafficking by accepting bribes, tipped off traffickers, or furnished travel documents to traffickers. Early in the year authorities arrested and charged officers at the Kakavija border checkpoint with assisting traffickers. In a separate operation, authorities arrested the head of antitrafficking police in Korca and fired two of his inspectors on charges of accepting bribes to facilitate human smuggling. In July the Interior Ministry arrested 12 persons accused of being a "structured criminal group" dealing with trafficking of human beings and narcotics to Greece; six were police officers with direct responsibility for antitrafficking at the border. None of these cases had been brought to trial by year's end.

The government has a child trafficking strategy and action plan based on UN Children's Fund (UNICEF) guidelines that are intended to prevent recruitment of potential victims and protect victims, including those returned from abroad.

The government provided some limited services to trafficking victims, operating a shelter near Tirana. The government had a National Action Plan through 2007 to specify government actions to provide services to victims of trafficking, which was not fully implemented. It also managed the National Referral Mechanism, a partnership between the Ministry of Interior, Ministry of Labor and Social Affairs, and local NGOs, to assist in the identification of victims and ensure that these victims were provided with shelter, medical attention, and reintegration services. During the reporting period there continued to be problems with the implementation of the National Referral Mechanism and the National Action Plan.

Coordination problems and lack of resources continued to hamper the complete implementation of the government's 2005 National Referral Mechanism, which partnered the government with local civil society and international intergovernmental organizations to provide a holistic approach to combating trafficking in persons. In addition the National Action Plan to combat trafficking expired at the end of the year, and as of year's end there was no new plan published. During the year official government statistics showed an 80 percent decline in the number of suspected victims of trafficking, but this number was not independently verifiable. The government reported 13 victims of trafficking during the year. In contrast, NGO statistics reported 140 victims, a number consistent with 2006 data.

Several NGOs were active in addressing victims' needs, including medical care, reintegration services, and temporary shelter. In response to a declining number of referrals of victims from the police, the NGO-managed shelters formed a coalition to advocate on issues of concern. The shelter coalition has been in active

correspondence with the government to meet the needs of victims.

Victims of trafficking often faced significant stigmatization from their families and society. According to several shelters, the protection of returned victims who reported their traffickers continued to be a serious problem. Perpetrators continued to threaten victims and many victims were afraid to prosecute their cases in the judicial system because of this.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with disabilities; however, there was some discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services. The law mandates that new public buildings be made accessible for persons with disabilities, but the government only sporadically enforced the law. Widespread poverty, unregulated working conditions, and poor medical care posed significant problems for many persons with disabilities.

The ombudsman's inspection of mental health institutions showed that the hospitals were understaffed and poorly supplied, with unacceptable hygienic and sanitary conditions and a lack of medical supplies. The ombudsman, who conducted inspections in Elbasan, Shkoder, and Vlore, recommended a major legal, organizational, and budgetary review of the country's mental health care system.

The government acknowledged that the admission and release of patients from mental health institutions was a problem due to the lack of sufficient financial resources to provide adequate psychiatric evaluations.

The Electoral Code provides for wheelchair-accessible voting booths and special accommodations for the blind, which were available to citizens during the February elections.

National/Racial/Ethnic Minorities

There were no reports of police violence against members of minority groups, but there were reports of societal discrimination. As visible minorities, members of the Roma and Balkan-Egyptian communities suffered significant societal abuse and discrimination.

The law permits official minority status for national groups and separately for ethnolinguistic groups. The government defined Greeks, Macedonians, and Montenegrins as national groups; Greeks constituted the largest. Aromanians (Vlachs) and Roma are defined as ethnolinguistic minority groups.

At the end of 2006, the Ministry of Labor, Social Affairs, and Equal Opportunity signed a one-year project agreement with UN agencies present in Tirana to support the ministry's Roma Monitoring Committee. The initial data collected by the committee showed that the average Roma household earned less than half of non-Roma families living in the same area, that 62 percent of Roma were illiterate, and that only 28 percent had access to water.

In 2006 there were complaints that police displaced Roma and Balkan-Egyptian families from their homes. According to Amaro Drom, an NGO that works with the Roma population, in 2006 individuals assaulted the Roma and Balkan-Egyptian communities in Elbasan, both stemming from their forced eviction from land that they illegally occupied. In the first case, authorities displaced 45 families and left 120 individuals homeless when they destroyed homes to make way for the construction of an apartment building. A few days later, authorities destroyed a Roma open-air market without notice in the middle of the night, depriving 450 merchants of their livelihoods. The municipality proposed a new location that the Roma rejected because it was too far from the city. Some of the displaced found new homes in Elbasan while the rest moved to other cities.

Unlike in previous years, there were no cases of central government displacement of Roma.

During the year eight Roma families in the city of Korce were displaced by order of the local government.

The government did not fund its National Roma Strategy, which sought to improve the livelihood of the community. It did not have a defined strategy for other minority or ethno linguistic groups.

The ethnic Greek minority pursued grievances with the government regarding electoral zones, Greek-language education, property rights, and government documents. Minority leaders cited the government's unwillingness to recognize ethnic Greek towns outside communist-era "minority zones"; to utilize Greek on official documents and on public signs in ethnic Greek areas; to ascertain the size of the ethnic Greek population; or to include a higher number of ethnic Greeks in public administration.

In September the Greek cultural association Omonia presented a request to the prime minister for the registration of population based on ethnicity. The letter was cosigned by the minister of labor and equal opportunities, and a representative of the Human Rights Union, a Greek-focused political party that is currently part of the governing coalition.

While there were Greek-language public elementary schools in the southern part of the country where most ethnic Greeks live, Omonia complained that the community needed more classrooms both within and outside the minority zones, due to overcrowded classrooms and unfulfilled demand. Every village in the Greek zones had its own elementary-middle (nine-year) school utilizing the Greek language, regardless of the number of students, and Gjirokaster had two Greek-language high schools. In 2006 the government granted an operating license to one school in the south outside the Greek zone. During a 2006 visit by the prime minister to Greece, the government agreed to cooperate in the building of a Greek-language university in the city of Gjirokaster funded by the Greek government.

Other Societal Abuses and Discrimination

As in previous years, NGOs claimed that police targeted the homosexual community for abuse. According to the Albanian Gay and Lesbian Association, the police arbitrarily arrested homosexuals and then physically and verbally abused them while they were in detention.

The Albanian Human Rights Group reports that during the year police harassed members of the Albanian Gay and Lesbian Association and other known homosexuals, sometimes searching their homes without a warrant.

A 2006 UN Development Program (UNDP) report on HIV/AIDS in the country stated that citizens perceived little confidentiality in their HIV test results. Social stigmatization and severe discrimination against persons with HIV/AIDS were also common.

During the year two HIV-positive minors were removed from their schools and relocated at the request of their classmates' parents, who were afraid of further infection among the students.

Section 6 Worker Rights

a. The Right of Association

Workers had the right to form independent unions and exercised this right in practice; however, the law prohibits members of the military from joining unions. Civilian government employees may join unions but do not have the right to strike. Approximately 20 percent of the workforce was unionized.

The law does not prohibit antiunion discrimination; however, there were no reports of such discrimination.

b. The Right to Organize and Bargain Collectively

Citizens in all fields of civil employment have the constitutional right to organize and bargain collectively, and the law establishes procedures for the protection of workers' rights through collective bargaining agreements. However, labor unions operated from a weak position. In practice, unions representing public sector employees negotiated directly with the government. Effective collective bargaining remained difficult, and agreements were hard to enforce.

The law provides that all workers, except civil servants, uniformed military, police, and some court officials, have the right to strike, and workers exercised this right in practice. The law prohibits strikes that are either are either openly declared or that courts judged to be political.

During the year the ombudsman received numerous complaints of unlawful dismissals of police officers across the country. The ombudsman's office initiated a series of inspections in documented cases of illegal firings, which the government claimed police officials carried out to implement the new Law on State Police. The ombudsman presented its findings to the Interior Ministry and recommended that the ministry take several actions to implement the new legislation.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there was trafficking of women and children for sexual exploitation and labor.

d. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum age of employment at 14 and regulates the amount and type of labor that children under the age of 18 can perform. Children between the ages of 14 and 16 may work legally in part-time jobs during summer vacation; children between the ages of 16 and 18 can work throughout the year in certain specified jobs. The law provided for Ministries of Labor, Social Affairs, and Equal Opportunity to enforce minimum age requirements through the courts; however, there were no reports that enforcement took place. Labor inspections of factories in 2005 found 83 cases of underage employment. However, labor inspectors only investigated the formal labor sector, whereas most child labor occurred in the informal sector. The majority of factories inspected were shoe and textile companies. More than 70 percent of the underage workers were girls. NGOs reported that labor inspectors charged with investigating child labor complaints did not give out fines or penalties or initiate legal actions against those who violated child labor laws.

The CHRCA estimated that 50,000 children under the age of 18 worked either full or part time. UNICEF estimated that 23 percent of children aged 5 to 14 years worked between 1999 and 2005; children considered to be working included those who performed any paid or unpaid work for someone who was not a member of the household, who performed more than four hours of housekeeping chores in the household, or who performed other family work.

According to the CHRCA, the majority of child laborers worked as street or shop vendors, beggars, farmers or shepherds, drug runners, vehicle washers, textile factory workers, and shoeshine boys; some children as many as 16 hours a day. In Tirana and other cities, children, mostly Roma, worked as beggars or sold cigarettes and other items on the street; the police generally ignored this practice. The CHRCA also noted that there were approximately 1,000 street children in Tirana. Increasing numbers of children in Tirana fell victim to prostitution and other forms of exploitation.

While the practice is prohibited, the government does not have any specific programs aimed at preventing child labor, although there are several NGOs and international donors that focus on its eradication. During the year TdH's antibegging program was successful in educating citizens and the international community in Tirana of the negative aspects of giving money to children who beg. During the year another TdH campaign provided a safe haven for street children, including providing them food, shelter, and social services during the daytime.

e. Acceptable Conditions of Work

The national minimum wage was $169 (14,000 lek) per month. However, it was not sufficient to provide a decent standard of living for a worker and family. The average wage for government workers was approximately $384 (31,850 lek) per month. According to a 2005 report by the UNDP, 25 to 30 percent of the population lived under the official poverty line of $57 (4,720 lek) per month, while an additional 30 percent lived close to that line. The Albanian Institute of Statistics reported that average monthly wages in the public sector increased 9.1 percent from 2006 to 2007.

The law establishes a 40-hour workweek; however, the actual workweek typically was set by individual or collective agreements. Many persons worked six days a week. The law requires payment of overtime and rest periods; however, these provisions were not always observed in practice. The government had not established standards for a minimum number of rest periods per week, limits on the maximum number of hours worked per week, or the amount of premium pay for overtime and did not prohibit excessive compulsory overtime.

The Ministry of Labor, Social Affairs, and Equal Opportunity is responsible for enforcing government occupational health and safety standards and regulations; however, these regulations were generally not enforced in practice. Actual workplace conditions were frequently very poor and in some cases dangerous. During the year the media reported a number of job-related deaths, particularly in the construction and mining industries. There were five deaths within five months of mineworkers reported at the Bulqiza chrome mine, which was operated by a private foreign company. The government promised to investigate the case and suspended the work temporarily, but ultimately work resumed after authorities replaced the mine director. The prosecutor's office interrogated other staff members, but there was no subsequent legal action.

The law does not provide workers the right to remove themselves from hazardous situations without jeopardy to their employment.

BACK TO TOP

Published by the U.S. Department of State Website at http://www.state.gov maintained by the Bureau of Public Affairs.