

# ALBANIA 2018 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Republic of Albania is a parliamentary democracy. The constitution vests legislative authority in the unicameral parliament (Assembly), which elects both the prime minister and the president. The prime minister heads the government, while the president has limited executive power. In June 2017, the country held parliamentary elections. The Organization for Security and Cooperation in Europe (OSCE) reported the elections respected fundamental freedoms but were marred by allegations of vote buying and pressure on voters.

Civilian authorities maintained effective control over the security forces.

Human rights issues included pervasive corruption in all branches of government.

Impunity remained a problem. Prosecution, and especially conviction, of officials who committed abuses was sporadic and inconsistent. Officials, politicians, judges, and persons with powerful business interests often were able to avoid prosecution. In response, authorities have undertaken an internationally monitored vetting of judges and prosecutors, and have dismissed a significant number of officials for unexplained wealth or ties to organized crime. Authorities also undertook technical measures, such as allowing electronic payment of traffic fines and use of body cameras, to improve police accountability and punished some lower-level officials for abuses.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There was one report that the government or its agents committed an arbitrary or unlawful killing.

In May, a young Romani man died in detention in a police facility in Korca. His family alleged that he died due to police abuse, claiming they had photos of his body showing signs of violence. The Office of the Ombudsman, an independent, constitutional entity that serves as a watchdog over the government, concluded there was not enough evidence to bring charges. The Albanian Helsinki Committee (AHC), however, reported irregularities in documenting the incident

and providing medical assistance to the detainee. The Albanian Rehabilitation Center from Trauma and Torture (ARCT) reported that the police officers allegedly involved in the detention were transferred to other positions.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

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

While the constitution and law prohibit such actions, there were reports that police and prison guards sometimes beat and abused suspects and prisoners, usually in police stations. Through September, the Service for Internal Affairs and Complaints (SIAC) received complaints of police abuse and corruption that led to administrative sanctions and criminal prosecutions. As of July, the AHC reported one case of alleged physical violence in a police facility. The Office of the Ombudsman reported that most cases of alleged physical or psychological abuse occurred during arrest and interrogation.

In May the Council of Europe's Committee for the Prevention of Torture (CPT) released a report on its February 2017 visit to the country. The report noted that in Durres, the CPT received reports of recent physical mistreatment of several persons by police, notably of severe beatings combined with blows with a truncheon or baseball bat to the soles of the feet, which the report stated "could easily be considered to amount to torture." In all cases, the alleged mistreatment took place during questioning by officers of the crime investigation unit at Durres Police Station, and including one particular senior officer. The CPT report noted that authorities had initiated criminal and disciplinary investigations into the allegations.

### **Prison and Detention Center Conditions**

Poor physical conditions and a lack of medical treatment, particularly for mental health conditions, were serious problems, as were overcrowded facilities and corruption. The AHC and ARCT reported that conditions in certain detention facilities were so poor as to constitute inhumane treatment. Conditions remained substandard in police detention facilities outside of Tirana and other major urban centers.

Physical Conditions: ARCT reported the main problems prisons faced over the year were overcrowding, increases in deaths during detention, attempted suicides, and staff turnover. The government, the Office of the Ombudsman, the AHC, and ARCT reported that prison overcrowding continued. ARCT reported acute overcrowding in facilities in Elbasan, Fier (a new facility), Rrogozhina, Lushnja, Peqin, and Lezha. Overcrowding was worse in pretrial detention centers. In some cases, prison officials placed inmates not subject to disciplinary measures in isolation cells due to a lack of space elsewhere. Conditions in prison and detention centers for women were generally better than those for men.

The official cause of death for persons who died in detention was reported to be natural causes; there were no reports, however, of investigations to verify those conclusions. In six of the 10 reported cases of death in the penitentiary system in 2017, relatives complained that state authorities closed the files immediately without further investigation.

Prison and detention center conditions varied significantly by age and type of facility. The Office of the Ombudsman, the AHC, and ARCT identified problems in both new and old structures, such as dampness in cells, poor hygiene, lack of bedding materials, and inconsistent water and electricity supply. ARCT also reported some facilities had dirty bathroom facilities, no hot water, and insects.

According to ARCT, the number of inmates with mental health issues increased during the year. The Office of the Ombudsman and nongovernmental organizations (NGOs) reported that authorities held inmates with mental disabilities in regular prisons, where access to mental health care was wholly inadequate.

In its May report, the CPT also expressed serious concern that psychiatric patients at the Zaharia Special Facility for Ill Inmates in Kruja and the Prison Hospital in Tirana continued to be held under conditions that, in the CPT's view, "could easily be considered for many patients to be inhuman and degrading." The report also noted that living conditions in both facilities had deteriorated since the CPT's previous visit in 2014. The government set up a working group in March 2017 to close the Zaharia prison and transfer patients to another facility.

Conditions in facilities operated by the Ministry of Interior, such as police stations and temporary detention facilities, were inadequate, except for regional facilities in Tirana (excluding its commissariats, which are smaller units falling under regional police directorates), Durres, Gjirokaster, Kukes, Fier, and Korca. Some detention

facilities were unheated during the winter, and some lacked basic hygienic amenities, such as showers or sinks. Facilities were cramped, had limited access to toilets and little or no ventilation, natural light, or beds and benches. Camera monitoring systems were nonexistent or insufficient in the majority of police stations.

Prisoners serving sentences for terrorism convictions in Fushe-Kruja were frequently isolated without adherence to a clear process governing their detention or a deradicalization or rehabilitation program.

Administration: The Office of the Ombudsman reported prison and police officials generally cooperated with investigations. The General Directorate for Prisons (GDP) received 77 complaints through July, while the Office of the Ombudsman received 276 complaints from detainees and inmates through August. The majority concerned the quality of health care, prisoner welfare, and overcrowding. The Office of the Ombudsman, however, did not refer any cases for prosecution.

Corruption continued to be a serious problem in detention centers, particularly in connection with access to work and special release programs. In May, the former general director of prisons, Artur Zoto, was convicted for his involvement in creating fake procurement documents for food-supply companies. On September 19, however, the Serious Crimes Court of Appeals reversed the verdict. In July the former deputy general director of prisons, Iljaz Labi, was convicted on similar corruption charges and sentenced to three years' imprisonment and banned from public office for five years. During the year, several other senior prison staff were arrested and convicted for supplying drugs to prisoners or demanding payment for family visits.

Independent Monitoring: The government allowed local and international human rights groups, the media, and international bodies such as the CPT to monitor prisons and detention facilities. In 2017 the Office of the Ombudsman conducted frequent unannounced inspections of detention facilities. The Office of the Ombudsman inspected two detention centers during the year. ARCT reported that the government favored some NGOs over others.

Improvements: The GDP reported that, as of July, overall prison overcrowding had dropped to 3 percent from 4 percent in 2017. Both the Office of the Ombudsman and NGOs reported a decrease in cases of physical and psychological abuse in prisons.

A new EU-funded prison in Shkoder for 180 pretrial detainees and 600 inmates opened on August 3.

#### **d. Arbitrary Arrest or Detention**

The law and constitution prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

#### **Role of the Police and Security Apparatus**

The Ministry of Interior oversees the Guard of the Republic and the State Police, which includes the Border and Migration Police. The State Police is primarily responsible for internal security. The Guard of the Republic protects senior state officials, foreign dignitaries, and certain state properties. The Ministry of Defense oversees the armed forces, which also assist the population in times of humanitarian need. The State Intelligence Service (SIS) gathers information, carries out foreign intelligence and counterintelligence activities, and is responsible to the prime minister. Constitutional amendments adopted in 2016 require the government to create a new investigation service, the National Bureau of Investigation, to work with a special prosecution office to investigate corruption and organized crime.

While the government had mechanisms to investigate and punish abuse and corruption, police corruption remained a problem. SIAC received 3,832 telephone complaints through the anticorruption “green line” through August and 6,439 telephone complaints in 2017. The service also received 1,217 written complaints through August and 1,048 in 2017. The majority of the complaints alleged a failure to act, arbitrary action, abuse of office, or a violation of standard operating procedures. Through August, SIAC filed 77 administrative violations, recommending 133 police officers for disciplinary proceedings, and referred six cases for prosecution. The Office of the Ombudsman also processed complaints against police officers, mainly concerning problems with arrests and detentions.

Civilian authorities generally maintained effective control over police, the Guard of the Republic, the armed forces, and SIS, although officials periodically used state resources for personal gain and members of the security forces committed abuses.

Police did not always enforce the law equitably. Personal associations, political or criminal connections, poor infrastructure, lack of equipment, and inadequate

supervision often influenced law enforcement. Poor leadership contributed to continued corruption and unprofessional behavior. Authorities continued to make efforts to address these problems by renovating police facilities, upgrading vehicles, and publicly highlighting anticorruption measures. The Ministry of Interior has established a system of vetting security officials, but the Assembly has not appropriated funds to support it.

Impunity remained a serious problem, although the government made greater efforts to address it, in particular by increasing the use of camera evidence to document and prosecute police misconduct.

### **Arrest Procedures and Treatment of Detainees**

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

By law, police should transfer detainees to the custody of the Ministry of Justice, which has facilities for detention exceeding 10 hours. Due to overcrowding in the prison system, detainees, including juveniles, commonly remained in police detention centers for periods well in excess of the mandated 10-hour maximum.

There was one reported case of police failing to bring suspects before a judge within the required time. On March 31, Kukes police arrested 23 protesters (and issued warrants for 30 others) for burning toll booths on the Durres-Kukes National Highway. Police brought the detainees to court more than 48 hours after they arrested them. The Office of the Ombudsman criticized police for recording the time they processed the protestors, rather than the time of arrest. The Office of the Ombudsman recommended that the general prosecutor pursue administrative measures against the prosecutors handling the case.

The constitution requires authorities to inform detained persons immediately of their rights and the charges against them. Law enforcement authorities did not

always respect this requirement. The law provides for bail and a system is operational; police frequently release detainees without bail, on the condition they report regularly to the police station. Courts also often ordered suspects to report to police or prosecutors on a weekly basis. While the law gives detainees the right to prompt access to an attorney, at public expense if necessary, NGOs reported interrogations often took place without the presence of a lawyer. Authorities placed many suspects under house arrest, often at their own request, because, if convicted, they receive credit for time served.

Arbitrary Arrest: The constitution and law prohibit arbitrary arrest and detention. Although the government generally observed these prohibitions, there were instances when police detained persons for questioning for inordinate lengths of time without formally arresting them.

Pretrial Detention: While the law requires completion of most pretrial investigations within three months, a prosecutor may extend this period. The law provides that pretrial detention should not exceed three years. Extended pretrial detention often occurred due to delayed investigations, defense mistakes, or the intentional failure of defense counsel to appear. The law enables judges to hold offending attorneys in contempt of court. Limited material resources, lack of space, poor court-calendar management, insufficient staff, and failure of attorneys and witnesses to appear prevented the court system from adjudicating cases in a timely fashion. As of July, 39.4 percent of the prison and detention center population was in pretrial detention.

#### **e. Denial of Fair Public Trial**

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

The government implemented an internationally monitored process to vet judges and dismiss those with unexplained wealth or ties to organized crime. As of August, 44 percent of judges and prosecutors who had undergone vetting had failed and been dismissed. As a result, only two of nine judges remained on the Constitutional Court; the others had been dismissed during the vetting process or

resigned before undergoing vetting, which deprived the court of a quorum. As of August, 15 of the 19 seats on the Supreme Court were also vacant, and the court faced a considerable case backlog. The politicization of appointments to the Supreme Court and Constitutional Court threatened to undermine the independence and integrity of these institutions.

The Ministry of Justice generally did not vigorously pursue disciplinary measures against judges. When it did, the High Council of Justice (HCJ) was reluctant to enact the measures. As of August, the Ministry of Justice had initiated disciplinary proceedings against four judges. The HCJ rejected the request to dismiss them, and issued a public reprimand for one. The HCJ ordered the suspension of four appellate-court judges following investigations for corruption. One was arrested after a search of his home revealed cash in different currencies worth 250,000 euros (\$288,000). His trial was ongoing at year's end, although he accepted the evidence against him, which would result in some leniency during sentencing. A second case involved appeals judges who accepted trips to expensive soccer matches in Western Europe from litigants. The accused judges had been changing lawyers frequently to delay the start of trial.

### **Trial Procedures**

The constitution and law provide for a fair and public trial. The law presumes defendants to be innocent until convicted. It provides for defendants to be informed promptly and in detail of the charges against them, with free interpretation as necessary, and to have a fair and public trial without undue delay. Defendants have the right to be present at their trial, consult an attorney, and have one provided at public expense if they cannot afford one. The law provides defendants adequate time and facilities to prepare a defense and access to interpretation free of charge. Defendants have the right to confront witnesses against them and to present witnesses and evidence in their defense. Defendants may not be compelled to testify or confess guilt. Defendants have the right to appeal. The government generally respected these rights, although trials were not always public and access to a lawyer was at times problematic. To protect the rights of defendants and their access to the evidence against them, a prosecutor must apply to a preliminary hearing judge and make a request to send the case to trial.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

## **Civil Judicial Procedures and Remedies**

While individuals and organizations may seek civil remedies for human rights violations, courts were susceptible to corruption, inefficiency, intimidation, and political tampering. Judges held many court hearings in their offices, demonstrating a lack of transparency and professionalism and providing opportunities for corruption. These factors undermined the judiciary's authority, contributed to controversial court decisions, and led to an inconsistent application of civil law. Despite the statutory right to free legal aid in civil cases, NGOs reported that very few individuals benefitted from this during the year.

Persons who had exhausted remedies in domestic courts could appeal to the European Court of Human Rights (ECHR). In many cases, authorities did not enforce ECHR rulings, especially those concerning the right to a fair trial.

Persons who were political prisoners under the former communist regime continued to petition the government for compensation. The government made some progress on disbursing compensation during the year.

## **Property Restitution**

The Office of the Ombudsman and NGOs reported that some claimants still struggle to obtain due process from the government for property claims. Thousands of claims for private and religious property confiscated during the communist era remained unresolved with the Agency for Property Treatment. Claimants may appeal to the ECHR; many cases are pending ECHR review. The Office of the Ombudsman reported that as of August, the ECHR had tried seven cases that involved millions of Euros in claims. The Office of the Ombudsman repeated that the government, generally, paid out according to the timeframe that the ECHR determined.

The country endorsed the Terezin Declaration in 2009 and the Guidelines and Best Practices in 2010. It does not have any restitution or compensation laws relating to Holocaust-era confiscations of private property. Under the law, religious communities have the same restitution and compensation rights as natural or legal persons. The government reported no property claims had been submitted by victims of the Holocaust.

## **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution and laws prohibit such actions, but there were reports the government failed to respect those prohibitions. As of August, the Office of the Ombudsman had received 30 citizen complaints against local Inspectorates for the Protection of Territory and nine against the National Inspectorate for the Protection of Territory (NIPT), which regulate construction, domestic development, and water resources. The Office of the Ombudsman noted there was an increase in the number of complaints for illegal, irregular, or overdue actions of local and national inspectorates. Residents in Shkoza complained that NIPT had begun to demolish their properties even though they had already started the legalization process. Some of them had documents showing legal title to the property but had not received compensation when the demolition started. The Albanian Islamic Community received similar complaints from frustrated citizens due to a lack of results in receiving compensation from the process.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The constitution provides for freedom of expression, including for the press, and the government generally respected these rights. There were reports that the government, business, and criminal groups sought to influence the media in inappropriate ways.

Press and Media Freedom: Independent media were active and expressed a wide variety of viewpoints, although there were efforts to exert direct and indirect political and economic pressure on the media, including by threats and violence against journalists who tried to investigate crime and corruption. Business owners freely used media outlets to gain favor and promote their interests with political parties. Most owners of private television stations used the content of their broadcasts to influence government action toward their other businesses. Political pressure, corruption, and lack of funding constrained independent print media, and journalists reportedly practiced self-censorship. Economic insecurity due to a lack of enforceable labor contracts reduced reporters' independence and contributed to bias in reporting. The Albanian Journalists Union continued to report significant delays in salary payments to reporters at most media outlets, in some instances of up to 10 months. Financial problems led some journalists to rely more heavily on outside sources of income, leading to questions of integrity.

NGOs maintained that professional ethics were a low priority for some of the estimated 700-plus news portals in the country, raising concerns over the spread of false news stories that benefited specific financial or political interests. The dramatic growth in online media outlets provided a diversity of views.

In its annual *Media Sustainability Index* (MSI), the International Research and Exchanges Board indicated that free speech, plurality of news sources, and supporting institutions experienced a slight increase, but professionalism and business management decreased. Economic crisis and management practices in Albanian media have reduced finances and the quality of reporting in media outlets. The MSI noted that strain on media finances has led to cutbacks in newsrooms and has fostered self-censorship.

The independence of the Audiovisual Media Authority, the regulator of the broadcast media market, remained questionable, but the role of the authority remained limited.

Violence and Harassment: There were multiple reports of violence and intimidation against members of the media, and political and business interests subjected journalists to pressure.

On August 30, an unknown assailant shot 10 times at the home of crime reporter Klodiana Lala's parents. No injuries were reported, but Lala's two daughters were in the home at the time of the attack. Lala often reported on organized crime and law enforcement matters, including judicial reform. In a Facebook post after the attack, Lala stated she believed the attack was linked to her reporting. Police were investigating the attack.

In September the chair of the Union of Albanian Journalists stated that 12 journalists had filed asylum requests in EU member states, citing threats due to their jobs.

Censorship or Content Restrictions: Journalists often practiced self-censorship to avoid violence and harassment and as a response to pressure from publishers and editors seeking to advance their political and economic interests. A 2015 survey by the Balkan Investigative Reporting Network (BIRN) Albania, an organization that focuses on investigative journalism, found that large commercial companies and important advertisers were key sources of pressure. A study published by the

Union of Albanian Journalists in April cited censorship and self-censorship as leading problems for journalists.

Libel/Slander Laws: The law permits private parties to file criminal charges and obtain financial compensation for insult or deliberate publication of defamatory information. NGOs reported that the fines, which could be as much as three million leks (\$27,800), were excessive and, combined with the entry of a conviction into the defendant's criminal record, undermined freedom of expression. In April the Union of Albanian Journalists expressed concern that during the first four months of the year, judges and politicians had initiated 14 lawsuits against journalists.

In 2017 a member of the High Council of Justice, Gjin Gjoni, filed defamation lawsuits against two BIRN journalists and two journalists of the daily *Shqiptarja.com* for their coverage of his asset declaration, which prosecutors were investigating. Gjoni was seeking seven million leks (\$64,800) from BIRN and four million leks (\$37,000) from *Shqiptarja.com*, claiming the stories damaged his reputation. After several hearings, the court ruled in March to drop the *Shqiptarja* case because Gjoni and his lawyers had failed to appear at five of the 11 hearings. In June the court dismissed the case against BIRN. Gjoni appealed both decisions and the cases are pending.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

The Authority for Electronic and Postal Communications decreed on October 15 that 44 media web portals had 72 hours to obtain a tax identification number and publish it on their web pages or the government would shut them down. The list included several investigative news sites, including BIRN. At year's end, the government had not shut down noncompliant portals.

According to March data from Internet World Stats, approximately 66 percent of the population used the internet.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

**b. Freedoms of Peaceful Assembly and Association**

The constitution and law provide for the freedoms of peaceful assembly and association, and the government generally respected these rights.

**c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

**d. Freedom of Movement**

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. Police allowed UNHCR, the Office of the Ombudsman, and the NGO Caritas to monitor the processing, detention, and deportation of some migrants, especially in southern Albania.

Abuse of Migrants, Refugees, and Stateless Persons: UNHCR reported a few cases of police intimidation and reluctance to accept requests for asylum. UNHCR received only one report of violence. It shared the report with the government, which took measures to address the complaint.

Authorities often detained irregular migrants who entered the country. As of August 23, authorities had detained approximately 67 migrants, mostly at the country's southern border with Greece; most of those who did not request asylum were deported to Greece within 24 hours. Migrants detained further inland could spend several weeks at the Karrec closed migrant detention facility awaiting deportation. UNHCR reported that conditions at the Karrec center were unsuitable, particularly for families and children.

Through July, the Ministry of Interior reported there were 2,328 asylum seekers, including 184 boys and 105 girls, in the National Center for Asylum Seekers in the Babrru open detention center. UNHCR reported there were 2,947 asylum seekers

in total through August, more than 50 percent of all migrants tracked passing through the country.

In-country Movement: To receive government services, individuals changing place of residence within the country must transfer their civil registration to their new community and prove the legality of their new domicile through property ownership, a property rental agreement, or utility bills. Many persons could not provide proof and thus lacked access to public services. Other citizens, particularly Roma and Balkan-Egyptians, lacked formal registration in the communities where they resided. The law does not prohibit their registration, but it was often difficult to complete. Many Roma and Balkan-Egyptians lacked the financial means to register, and many lacked the motivation to go through the process.

### **Protection of Refugees**

Access to Asylum: The law provides for granting asylum or refugee status, and the government has established a system for providing protection to refugees.

There were credible reports from NGOs, migrants, and asylum seekers that authorities did not follow due process procedures for some asylum seekers and that in other cases those seeking asylum did not have access to the system. UNHCR, Caritas, and the Office of the Ombudsman were critical of the government's migrant screening and detention procedures. There were reports of border police pushing migrants back into Greece.

The law on asylum requires authorities to grant or deny asylum within 51 days of an applicant's initial request. Under the law, asylum seekers cannot face criminal charges of illegal entry if they contact authorities within 10 days of their arrival in the country. UNHCR reported that the asylum system lacked effective monitoring.

Safe Country of Origin/Transit: The law prohibits individuals from safe countries of origin or transit from applying for asylum or refugee status. UNHCR reported, however, that no asylum requests had been refused based on the government's list of safe countries, which included Greece.

Employment: The law permits refugees to work. The limited issuance of refugee identification cards and work permits, however, meant few refugees had employment opportunities.

Access to Basic Services: The law provides migrants, asylum seekers, and refugees access to public services, including education, health care, housing, law enforcement, courts and judicial procedures, and legal assistance. Migrants and asylum seekers often required the intervention of UNHCR or local NGOs to secure these services.

### **Stateless Persons**

The government does not have reliable data regarding the total number of stateless persons or persons at risk of statelessness in the country.

In July, UNHCR and its partner, the Tirana Legal Aid Society, published a report mapping the population at risk of statelessness in the country. The report identified 1,031 persons at risk of statelessness, 97 percent of whom were children. The report concluded that most of those at risk of statelessness were entitled to nationality under the law on citizenship, but exercising this right was difficult. Most of the persons at risk were Roma or Balkan-Egyptian children. Unregistered children born abroad to returning migrant families were at risk of statelessness, although the law affords the opportunity to obtain nationality.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: The most recent national parliamentary elections took place in June 2017. The OSCE observer mission for the elections reported, “Contestants were able to campaign freely and fundamental freedoms were respected.” The OSCE further noted, “Continued politicization of election-related bodies and institutions as well as widespread allegations of vote buying and pressure on voters detracted from public trust in the electoral process.” Regarding voting itself, the OSCE mission noted “an overall orderly election day” but found that “important procedures were not fully respected in a considerable number of voting centers observed.”

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and they did participate.

Following the June 2017 elections, the number of Assembly members who were women increased to a record 29 percent, while the share of ministers who were women was 47 percent. The law governing the Assembly election requires that 30 percent of candidates be women and that they occupy 30 percent of appointed and elected positions. According to the OSCE final report on the elections, however, the largest parties did not always respect the mandated 30 percent quota in their candidate lists. The Central Election Commission fined these parties but nonetheless accepted their lists.

Members of national minorities stood as candidates in both minority and mainstream parties, and campaigning in both the Greek and Macedonian languages was observed without incident. Nevertheless, observers reported that some minorities remained vulnerable to vote buying. As of September, there were no Romani ministers or members of the Assembly.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by public officials, but the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Corruption was pervasive in all branches of government. The law prohibits individuals with criminal convictions from serving as mayors, parliamentarians, or in government or state positions.

The constitution requires judges and prosecutors to undergo vetting for unexplained wealth, ties to organized crime, and professional proficiency. Vetting was conducted by the Independent Qualification Commission, and appeals were heard by an appeals chamber. The process was overseen by the International Monitoring Operation, which was composed of international judicial experts from the United States and the EU. As of October 24, the commission had dismissed 25 judges and prosecutors and confirmed 28, while 16 others had resigned from duty rather than undergo vetting.

A number of government agencies investigated corruption cases, but limited resources, investigative leaks, real and perceived political pressure, and a haphazard reassignment system hampered investigations. In selective instances involving international actors, anticorruption agencies cooperated with civil society.

Corruption: Between January and June, the prosecutor general's office registered 83 new corruption investigations. During the same period, 29 individuals were

convicted on corruption charges, and trials began against an additional 28 individuals. . Through August, 19,295 complaints had been submitted to authorities through the online portal *stopkorrupcion.al*, 1,396 of which contained information on alleged corrupt practices. A former interior minister remained under investigation for ties to organized crime and abuse of office.

While prosecutors made significant progress in pursuing low-level public corruption cases, including corrupt prosecutors and judges, prosecution of higher-level crimes remained rare due to investigators' fear of retribution, a general lack of resources, and corruption within the judiciary itself.

**Financial Disclosure:** The law requires public officials to disclose their assets to the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest (HIDAACI), which monitored and verified such disclosures and made them available to the public. The law authorizes HIDAACI to fine officials who fail to comply with disclosure requirements or refer them to the prosecutor.

HIDAACI reported that through August it had referred 25 new cases for prosecution involving six Assembly members, one deputy minister, one mayor, six tax inspectors, six customs officials, and 11 other government officials on charges including refusing to declare, hiding, or falsifying asset declarations, money laundering, falsification of documents, and corruption. In 2017 HIDAACI fined 296 individuals for not disclosing their assets or conflicts of interest or for violating the law on whistleblower protection.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

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

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

The Assembly has a committee on legal issues, public administration, and human rights, which reviews the annual report of the Office of the Ombudsman. The committee was engaged and effective in legislative matters.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: Rape, including spousal rape, is a crime. Penalties for rape and assault depend on the age of the victim. For rape of an adult, the prison term is three to 10 years. The law includes provisions on sexual assault and criminalizes spousal rape. The government did not enforce the law effectively, and officials did not prosecute spousal rape. The concept of spousal rape was not well understood, and authorities often did not consider it a crime.

In spite of legal protections for victims, abuses and allegations of political cover-up still occurred. For example, Xhisiela Maloku alleged that Rexhep Rraja, her boyfriend and son of Socialist Party Assembly member Rrahman Rraja, had burned and kicked her in a hotel on July 19. Forensic experts verified the nature of the wounds. Maloku later claimed she fabricated the allegations because she was jealous, but members of the opposition Democratic Party asserted Rrahman Rraja had pressured police to force Maloku to recant, citing claims by former police officer Emiliano Nuhu. The opposition also alleged the police covered up Rexhep Rraja's sexual assault of Maloku. The judge in the case approved the prosecutor's request to proceed to trial. Rexhep Rraja is in pretrial detention.

On July 23, the Assembly amended the law on domestic violence to extend protection to victims in an active relationship or civil union. The amendments created a protective order that automatically protects children as well.

Domestic violence against women remained a serious problem. For example, in August 2017, Judge Fildez Kasemi was fatally shot by her ex-husband in Shkoder, even as she was seeking a protection order for abuse. As of December, the ex-husband, Fadil Kasemi, was on trial for murder.

A 2017 UN Development Program (UNDP) and state statistical agency (INSTAT) report estimated that more than 53 percent of women and girls in the country had been victims of domestic violence during the previous year and stated that more than 60 percent reported they had been victims of violence at some point in their

lives. Police often did not have the training or capacity to deal effectively with domestic violence cases.

The government operated one shelter to protect survivors of domestic violence and three shelters for victims of human trafficking that accommodated victims of domestic violence as well.

Sexual Harassment: The law prohibits sexual harassment, although officials rarely enforced it. The commissioner for protection against discrimination generally handled cases of sexual harassment and could impose fines of up to 80,000 leks (\$741) against individuals or 600,000 leks (\$5,550) against enterprises.

Coercion in Population Control: There were no reports of coerced abortion or forced sterilization.

Discrimination: The law provides the same legal status and rights for women and men, but the government did not enforce the law effectively. Women were under-represented in many fields at the highest levels. The law mandates equal pay for equal work, although many private employers did not fully implement this provision. In many communities, women experienced societal discrimination based on traditional social norms subordinating women to men.

There were reports of discrimination in employment. In one case, a 55-year-old woman complained in May to the Commission for Protection against Discrimination (CPD), alleging the Vlora prison director fired her because of her age and gender. The CPD ruled in August the woman had been subjected to discrimination based on gender but not on age, recommended the prison rescind her dismissal, and hire her back. The prison did not hire her back, so the CPD imposed a fine.

Gender-biased Sex Selection: According to INSTAT, the ratio of boys to girls at birth in 2017 was 109 to 100. There were no government-supported efforts to address the imbalance.

## **Children**

Birth Registration: An individual acquires citizenship by birth in the country or from a citizen parent. There were no reports of discrimination in birth registration, but onerous residency and documentation requirements for registration made it

more difficult for the many Romani and Balkan-Egyptian parents who lacked legally documented places of residence to register their children.

Children born to internal migrants, including some Romani families, or those returning from abroad frequently had no birth certificates or other legal documents and consequently were unable to attend school or have access to services.

Education: School attendance is mandatory through the ninth grade or until the age of 16, whichever occurs first, but many children, particularly in rural areas, left school earlier to work with their families. Parents must purchase supplies, books, uniforms, and space heaters for some classrooms; these were prohibitively expensive for many families, particularly Roma and other minorities. Many families also cited these costs as a reason for not sending girls to school.

The government issued an order before the beginning of the academic year providing that children from first to the fourth grade would receive free books if they returned them at the end of the school year. It was not clear whether parents would pay a fine if the books were returned damaged. Some NGOs expressed concern that this would place a greater burden on families receiving economic aid, especially in the Romani community.

Child Abuse: Observers believed that child abuse was increasing, especially in schools. According to a national survey taken in 2013, the last year for which data was made available, by the UNDP and INSTAT, 57.7 percent of children surveyed said they had experienced violence at some point in their lives from at least one family member. According to a 2017 report by World Vision, 70 percent of children in the country reported experiencing some type of violence. The definition of violence in both these surveys included psychological violence, and was not limited to physical abuse. Services for abuse victims were not readily available.

On September 23, the Council of Europe commissioner on human rights reported her concern about the high levels of physical and psychological violence against children, including in educational settings and at home.

Early and Forced Marriage: Although the legal minimum age for marriage is 18, authorities did not always enforce the law. Underage marriages occurred mostly in rural areas and within Romani communities. According to data released by the INSTAT, the number of early marriages (younger than the age of 19) decreased significantly in 2017 from 2016.

Sexual Exploitation of Children: Penalties for the commercial sexual exploitation of a child range from eight to 15 years' imprisonment. The country has a statutory rape law, and the minimum age for consensual sex is 14. The penalty for statutory rape is a prison term of five to 15 years. In aggravated circumstances, the penalty may increase to life imprisonment. The law prohibits making or distributing child pornography; penalties are a prison sentence of three to 10 years. Possession of child pornography is also illegal.

Authorities generally enforced laws against the rape and sexual exploitation of minors effectively, but NGOs reported that they rarely enforced laws prohibiting child pornography. The government reported that, as of July, three children had been sexually exploited, but there were no cases involving pornography.

Displaced Children: There were many displaced and street children, particularly in the Romani community. Street children begged or did petty work. These children were at highest risk of trafficking, and some became trafficking victims. Since the law prohibits the prosecution of children younger than 14 for burglary, criminal gangs at times used displaced children to burglarize homes.

The State Agency for the Protection of Children's Rights reported that, as of June, authorities had assisted 109 street children. Some 67 children were referred to shelters. CPUs reported 422 cases of economic exploitation of children through June.

Institutionalized Children: UNHCR considered the migrant detention facility in Karrec to be unsuitable for children and families. The government made efforts to avoid sending children there, sending them instead to the open migrant facility in Babrru.

According to a September report from the Council of Europe commissioner on human rights, approximately 700 children lived in public and private residential care institutions, some of them for long periods, without a clear prospect for leaving the institution before they became adults.

Some NGOs raised concerns about the transparency of the treatment of children who were under state residential care. Media outlets reported several instances of teachers physically abusing children in state residential institutions, and several incidents were filmed and broadcast. In one case, a news broadcast aired a video of staff of the Vlora residential center abusing children. The Ministry of Health

and Social Protection fired the staff members involved and referred the case for prosecution.

The law allows for moving children out of residential centers and into the care of foster families, but the government and the municipalities have not used this option frequently.

The country lacked adequate facilities for pretrial detention of children. According to the NGO Terre des Hommes, as of July, 17 children were in pretrial detention and nine were incarcerated.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

### **Anti-Semitism**

Reports indicate that there were only 40 to 50 Jews living in the country. There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The constitution and laws prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities. Nevertheless, employers, schools, health-care providers, and providers of other state services at times engaged in discrimination. The law mandates that new public buildings be accessible to persons with disabilities, but the government only sporadically enforced the law. During the year, the government adapted the premises of 80 health care facilities and 32 schools, and built eight new schools, to accommodate persons with disabilities.

The government sponsored social services agencies to protect the rights of persons with disabilities, but these agencies traditionally lacked funding to implement their

programs adequately. Resource constraints and lack of infrastructure made it difficult for persons with disabilities to participate fully in civic affairs. Voting centers often were located in facilities lacking accommodations for such persons.

The government opened two new development centers for persons with disabilities in Pogradec and Bulqiza, supported by the UNDP, and three day-care centers for children with disabilities in Pogradec, Saranda, and Permet.

The Office of the Ombudsman inspected only a few mental health institutions. Both the admission and release of patients at mental health institutions were problematic due to inadequate psychiatric evaluations. There was societal discrimination and stigmatization of persons with mental and other disabilities.

### **National/Racial/Ethnic Minorities**

There were allegations of discrimination against members of the Romani and Balkan-Egyptian communities, including in housing, employment, health care, and education. Some schools resisted accepting Romani and Balkan-Egyptian students, particularly if they appeared to be poor. Many schools that accepted Romani students marginalized them in the classroom, sometimes by physically setting them apart from other students.

The Municipality of Tirana transferred 76 Romani families evicted from the Bregu i Lumit neighborhood to permanent housing in the final week of December 2017. Unemployment remained a problem and resulted in some of these families' failure to pay utility bills.

In October 2017, the government adopted legislation on minorities, but the Assembly has not passed implementing legislation and regulations. The law provides official minority status for nine national minorities without distinguishing between national and ethnolinguistic groups. The government defined Greeks, Macedonians, Aromanians (Vlachs), Roma, Balkan-Egyptians, Montenegrins, Bosnians, Serbs, and Bulgarians as national minorities. The new legislation provides minority language education and dual official language use for local administrative units in which minorities traditionally reside, or in which a minority makes up 20 percent of the total population. The ethnic Greek minority complained about the government's unwillingness to recognize ethnic Greek communities outside communist-era "minority zones."

## **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination based on sexual orientation, including in employment. Enforcement of the law was generally weak. Early in the year, the Assembly amended the law on social housing to include members of the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community as beneficiaries under the law. Debate over the bill in the Assembly was marred by homophobic remarks by some members. In 2017 the Assembly adopted two amendments concerning free legal aid and sports participation that also benefited the LGBTI community.

Sexual orientation and gender identity are among the classes protected by the country's hate-crime law. Despite the law and the government's formal support for LGBTI rights, public officials sometimes made homophobic statements. For example, a mufti in Librazhd posted an article in an online portal criticizing one of the LGBTI NGOs that organized antibullying classes in various schools, calling the NGO a "cancer." The mufti asked education institutions to prevent members of the LGBTI community from entering schools. The CPD sent a letter to the Albanian Islamic Community urging it to help prevent this sort of attack from recurring. Social and traditional media criticized the antibullying campaign, instead accusing the LGBTI community of attempting to influence young people inappropriately.

As of September, Aleanca, an NGO advocating for the LGBTI community, documented 34 cases of physical violence against community members. In one case, police asked the victim, a transgender woman, to withdraw the report; two weeks later, the perpetrator attacked her again, sending her to the hospital. The NGO Streha reported that many young LGBTI individuals had experienced domestic violence upon coming out.

As of August, the CPD had received two complaints alleging discrimination based on sexual orientation and gender identity during the year. The CPD ruled against the complainants in both cases.

The NGO PINK reported it had handled approximately 20 cases of LGBTI persons seeking asylum in other countries, citing domestic violence as the main reason.

## **HIV and AIDS Social Stigma**

The law prohibits discrimination against persons with HIV/AIDS. The Albanian Association of People Living with HIV/AIDS reported that discrimination and stigmatization of persons with HIV/AIDS was widespread in the country.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law and related regulations and statutes provide the right for most workers to form independent unions, conduct legal strikes, and bargain collectively. The law prohibits antiunion discrimination and provides for the reinstatement of workers fired for union activity.

The law prohibits members of the military and senior government officials from joining unions and requires that a trade union have at least 20 members to be registered. The law provides the right to strike for all workers except indispensable medical and hospital personnel, persons providing air traffic control or prison services, and fire brigades. Strike action is prohibited in “special cases,” such as natural catastrophe, state of war, extraordinary situations, and cases where the freedom of elections is at risk. Workers not excluded by their positions exercised their right to strike.

The law provided limited protection to domestic and migrant workers. Labor unions were generally weak and politicized. Workers who engage in illegal strikes may be compelled to pay for any damages due to the strike action.

Government enforcement of the law remained largely ineffective, in part due to the extent of informal employment. Resources for conducting inspections and remedying violations were not adequate. High fines, which under the law could reach 1.1 million leks (\$10,200) or 50 times the monthly minimum wage, were rarely assessed. Fines were consequently not a sufficient deterrent to violations. Administrative and judicial procedures were subject to lengthy delays and appeals. Arbitration procedures allowed for significant delays that limited worker protections against antiunion activity.

Civilian workers in all fields have the constitutional right to organize and bargain collectively, and the law establishes procedures for the protection of workers’ rights through collective bargaining agreements. Unions representing public sector employees negotiated directly with the government. Effective collective bargaining remained difficult because employers often resisted union organizing

and activities. In this environment, collective agreements, once reached, were difficult to enforce.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, but the government did not always effectively enforce the law. Lack of coordination among ministries and the sporadic implementation of standard operating procedures hampered enforcement. Penalties of eight to 15 years in prison were sufficiently stringent to deter violations, but they were seldom enforced. Some law enforcement organizations trained their officers to adopt a victim-centered approach to human trafficking. The government continued to identify trafficking victims but prosecuted and convicted a small number of traffickers.

The Labor Inspectorate reported no cases of forced labor in the formal sector during the year. See section 7.c for cases involving children in forced labor in the informal sector.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law sets the minimum age of employment at 16 but allows children at the age of 15 to be employed in "light" work that does not interfere with school. Children younger than 18 may generally only work in jobs categorized as "light." A 2017 decree issued by the Council of Ministers sets working hours for children younger than 18. Children may work up to two hours per day and up to 10 hours per week when school is in session, and up to six hours per day and up to 30 hours per week when school is not in session. Children from 16 to 17 may work up to six hours per day and up to 30 hours per week if the labor is part of their vocational education. By law, the State Inspectorate for Labor and Social Services (SILSS), under the Ministry of Youth and Social Welfare, is responsible for enforcing minimum age requirements through the courts, but it did not adequately enforce the law.

Labor inspectors investigated the formal labor sector, whereas most child labor occurred in the informal sector. Children engaged in gathering recyclable metals and plastic, mining, sewing, street peddling, agriculture, and animal husbandry. Children were subjected to forced begging and criminal activity. There were

reports that children worked as shop vendors, vehicle washers, textile factory workers, or shoeshine boys. Some of the children begging on the street were second- or third-generation beggars. Research suggested that begging started as early as the age of four or five. While the law prohibits the exploitation of children for begging, police generally did not enforce it, although they made greater efforts to do so during the year (see section 6, Displaced Children). The Social Organization for the Support of Youth, an NGO, reported that the majority of street children were boys between 10 and 17. Boys mainly collected plastic or metals for recycling and usually worked unaccompanied. The NGO World Vision also reported that children collected cans, plastic, and metal; and sewed shoes. The number of children engaged in street-related activities (such as begging or selling items) increased during the summer, particular around the tourist areas.

The SILSS did not carry out inspections for child labor unless there was a specific complaint. Most labor inspections occurred in shoe and textile factories, call centers, and retail enterprises; officials found some instances of child labor during their inspections. Penalties were rarely assessed and were not sufficient to deter violations.

In 2013, the last year available for statistics, the government's statistical agency and the International Labor Organization estimated that 54,000 children were engaged in forced labor domestically. An estimated 43,000 children worked in farms and fishing, 4,400 in the services sector, and 2,200 in hotels and restaurants. Nearly 5 percent of children were child laborers.

The law criminalizes exploitation of children for labor or forced services, but the government did not enforce the law effectively. SILSS monitoring of child labor and other labor malpractices was insufficient.

According to the State Agency on Children's Rights, as of August, CPUs and outreach mobile teams had identified more than 300 street children, most of whom had received relevant services. CPUs reported 14 parents to the police during the same period.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment and Occupation**

Labor laws prohibit employment discrimination because of race, skin color, gender, age, physical or mental disability, political beliefs, language, nationality, religion, family, HIV/AIDS status, or social origin. Discrimination in employment and occupation occurred with respect to gender, disability, sexual orientation or gender identity, nationality, or ethnicity. The commissioner for protection against discrimination reported that most allegations of discrimination involved race, sexual orientation, economic status, or disability.

#### **e. Acceptable Conditions of Work**

The national minimum wage was higher than the national poverty threshold. The SILSS is responsible for enforcing the minimum wage but had an insufficient number of staff to enforce compliance.

While the law establishes a 40-hour workweek, individual or collective agreements typically set the actual workweek. The law provides for paid annual holidays, but only employees in the formal labor market had rights to paid holidays. Many persons in the private sector worked six days a week. The law requires rest periods and premium pay for overtime, but employers did not always observe these provisions. The government had no standards for a minimum number of rest periods per week and rarely enforced laws related to maximum work hours, limits on overtime, or premium pay for overtime, especially in the private sector. These laws did not apply to workers in the informal sector, such as domestic employees and migrant workers.

The SILSS is responsible for occupational health and safety standards and regulations, and while these were appropriate for the main industries, enforcement was lacking overall. Working conditions in the manufacturing, construction, and mining sectors frequently were poor and, in some cases, dangerous. Violations of wage and occupational-safety standards occurred most frequently in the textile, footwear, construction, and mining industries. Resources and inspections were not adequate, and penalties often did not deter violations, because law enforcement agencies lacked the tools to enforce collection and consequently rarely charged violators.

Workers often could not remove themselves from situations that endangered their health or safety without jeopardizing their employment. Employers did not effectively protect employees in this situation.