



## U.S. DEPARTMENT of STATE

### Albania

#### Country Reports on Human Rights Practices - [2006](#)

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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. Parliamentary elections held in July 2005 did not fully comply with international standards but were generally considered a step forward in the country's democratic development. Although delayed, a peaceful transition of power occurred in September. Civilian authorities generally maintained effective control over the security forces.

The government generally respected the human rights of its citizens; however, there were significant problems in several areas. Arrest and pretrial detention conditions continued to be an area of great concern with cases of abuse, violence, and inhuman conditions reported. Police corruption and impunity continued to be a problem. There were societal killings and an atmosphere of fear in some areas due to traditional blood feuds. Societal violence and discrimination against women and children were a problem, as was trafficking in persons. Societal discrimination against homosexuals, Roma, and Balkan-Egyptians also continued.

#### 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; however, the country continued to experience high levels of societal killings. Many killings occurred as the result of individual or clan vigilante actions connected to traditional "blood feuds" or to criminal gang conflicts. According to the interior ministry, at least five persons were killed during the year in blood feuds based on the medieval Code of Lek Dukagjini (the *kanun*). Approximately six persons were killed for revenge. The National Reconciliation Committee (NRC), a nongovernmental organization (NGO) that worked on blood feud issues, estimated that there were as many as 78 deaths from feuds nationwide.

According to the NRC, approximately 860 families were effectively self-imprisoned during the year due to blood feuds. Property disputes accounted for four-fifths of formally declared blood feuds, with the remainder pertaining to issues of honor or violations of the home (e.g., theft, trespassing, etc.). The NRC estimated that there were several hundred additional blood feuds stemming from trafficking, which are typically not formally declared out of shame. Of the 738 families reported effectively self-imprisoned in 2005, 166 left the country, including 93 families that sought formal political asylum in other countries.

The NRC claimed that fear of revenge prevented approximately 182 children from attending school, 86 of whom were permanently confined to their houses. Traditionally under the *kanun*, which was practiced particularly in the northern part of the country, only adult males are acceptable targets in blood feuds. However, women and children often were killed or injured in attacks because the *kanun* was not always strictly observed.

According to the Conflict Resolution and Reconciliation of Disputes Foundation, the phenomenon of blood feuds was intensified in the northern part of the country as a result of increased internal migration. Mountain villagers, who were most likely to follow the *kanun*, migrated to low-lying areas, cities, and towns, and many constructed homes on disputed land, triggering a blood feud.

The 2004 murder of Emin Spahija, head of the NGO Peace Missionaries League that worked exclusively on blood feud issues was still on going. A suspect was arrested but has not yet been formally charged.

In May 2005 the parliament approved a law establishing a coordination council, chaired by the president, to develop a national strategy against blood feuds and to coordinate activities of government agencies. The council was inactive during the year.

The court of serious crimes tried blood feud cases. Under the Criminal Code, 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 at times beat and abused suspects and detainees. The Albanian Helsinki Committee (AHC) and the Albanian Human Rights Group (AHRG) continued to report that police nationwide 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 (see section 5).

In July the Council of Europe Committee for the Prevention of Torture (CPT) released a report based on its 2005 inspection of the country's prisons and detention centers. The report detailed widespread inhumane treatment and physical abuse of prisoners and detainees. During the year there were reports that police in various parts of the country, such as Korca and Vlora, beat and mistreated persons during their arrest or while in pretrial detention.

In May 2005 Besnik Kosturi filed charges against a Korca criminal police officer, Oltion Agolli, for mistreatment. The officer reportedly beat Kosturi for refusing to provide information on a pending case. Medical experts verified the abuse and the officer was suspended. The case was sent to the Korca district prosecutor's office, which declined to initiate formal proceedings due to lack of evidence.

In May the Vlora Office of Internal Police Control gathered information in the case of Arben Belaj against Dritan Veizaj, a member of the Vlora special police force, for allegedly beating Belaj. The information was forwarded to the Vlora District Military Prosecution and Veizaj was suspended from his duties pending the final court outcome.

The Shkodra District Military Prosecution investigated the 2005 case of Frendi Ndoci against Pjerin Lazri and other Shkodra police officers for allegedly beating him at the police commissariat. Lazri was found guilty and fined approximately \$830 (80,000 lek).

At times police abused juvenile detainees. According to the Children's Human Rights Center of Albania (CHRC), police sometimes used threats, violence, and torture to extract confessions from minors. In June Amarildo Perfundi, an 18-year-old high school student from Korca, was taken into custody for questioning for theft. Shortly after being released, Perfundi committed suicide. Several human rights organizations in the country criticized police handling of the case, citing psychological trauma and abuse on the part of police. The ombudsman investigated and found that the police had not followed legal procedures for arrest, detention, and questioning. The ombudsman concluded that the psychological trauma Perfundi sustained led him to commit suicide. Upon the recommendation of the ombudsman, the two officers involved, Altin Gusho and Gezim Mullai, were dismissed for failure to follow correct procedures. The case was forwarded to the district prosecutor's office for investigation and possible prosecution. The prosecutor found that there was insufficient evidence to bring charges against Gusho, and he was subsequently reinstated. Formal charges have been filed against Mullai.

Unlike in previous years, there were no reports that police beat protesters. However, the civic activist organization *Mjaft!* reported that police stood by without taking action as a government supporter physically assaulted a *Mjaft!* participant in a protest (see section 2.b.).

### Prison and Detention Center Conditions

The Ministry of Justice operated all prisons and some pretrial detention facilities. Most pretrial facilities were collocated with police commissariats and were operated by the Ministry of the Interior. The July CPT report stated that conditions inside the prisons and detention centers remained poor and were marked by decrepit conditions, overcrowding, poor food quality, physical abuse of detainees, and a lack of medical care. The Ministry of Justice's Directorate of Prisons asserted that many of the problems highlighted in the CPT report have been corrected in the prisons and detention facilities that it operated. The AHC confirmed that conditions in the Ministry of Justice run detention facilities were steadily improving, but that little or no progress had been made in the Ministry of Interior run detention facilities that held 80 percent of all detainees. A project to close all Ministry of Interior facilities and to move all detainees to Ministry of Justice run facilities has been underway since 2003.

The AHRG and the AHC singled out Ministry of Interior-run facilities as the most egregious violators of human rights. According to the Directorate of Prisons, the government had no plans to rehabilitate Ministry of Interior run-facilities in anticipation of their eventual closure and replacement by Ministry of Justice run facilities. In addition to substandard infrastructure, AHC reported that Ministry of Interior-run facilities were operated under internal regulations which did not respect the rights of detainees to health care, adequate hygiene, and access to fresh air, recreation, and media.

By year's end there were four additional Ministry of Justice facilities under construction, including a mental health facility in Durres.

In September the AHC reported that detainees at the Ministry of Interior-run detention facility in Berat rioted and set fire to their bedding materials to protest poor treatment and conditions. As a result, the AHC recommended to the government that the treatment of all pretrial detainees in the country should be governed by the 2005 Ministry of Justice regulations and that the harsher 1999 Ministry of Interior regulations should be abandoned. According to the AHC, the Ministry of Interior regulations are not only outdated, but also contain provisions that are contrary to laws regarding the rights and treatment of prisoners.

Overcrowding remained a serious problem in prisons and detention centers. The director of prisons reported that, as of December, there were 3,060 persons held in prisons designed for 2,718 and 752 persons in pretrial detention facilities designed for 671. According to the director of prisons, all of the 50 convicted criminals that in 2005 were serving sentences in pretrial detention facilities had been transferred to prisons. This number did not include the 40 to 50 convicted prisoners who may be in pretrial detention facilities at any time awaiting transfer to prison.

Pretrial detention conditions at the Ministry of Justice run Lezhe prison, one of the largest in the country, improved substantially during the year. With foreign donor support, the physical conditions were ameliorated and prison guards and administrators received human rights training.

Poor quality and insufficient food continued to be a concern, particularly for prisoners who did not have relatives nearby to provide food. In September 2005 the ombudsman's office inspected the Commissariat Four detention facility in Tirana and other district detention facilities and determined that eight Chinese nationals (six men and two women detained for possessing illegal documents) and other detainees were not being fed. The ombudsman requested that the prime minister's office and ministries of interior and justice take immediate measures to assist the detainees and the situation was corrected. In addition, the Chinese nationals were given the opportunity to speak via telephone with relatives.

According to the General Directorate of Prisons, there were 80 women serving in Prison 325 for women in Tirana and 47 women in pretrial detention. A nursery was constructed at Prison 325 and in September it housed two children.

Juvenile convicts and detainees were separated from adults. There were no reported cases of sexual abuse of minors. All convicted minors were held in the juvenile wing of the Vaqarr prison where they received basic education. The CHRCA reported that minors still used the same recreation and hygienic facilities as adult detainees, although at different times.

The director of prisons acknowledged that the physical abuse of prisoners and corruption of prison guards and officials was a major problem. During the year, 178 guards and officials were dismissed for corruption or misconduct and charges were pending against five high-level prison officials for corruption (see section 3).

The government permitted international human rights observers to visit both pretrial detention centers and prisons; there were no reports of refusals to permit access for inspections by domestic independent human rights monitors.

#### d. Arbitrary Arrest or Detention

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

#### Role of the Police and Security Apparatus

In 2005 the Ministry of Public Order and the Ministry of Local Government were combined as a new Ministry of the Interior. Local police units reported to the Ministry of the Interior and were the main force responsible for internal security. The military has a special 90-person commando unit, which operates in an antiterrorist role under the minister of defense. The law allows the minister of interior to request authority over this unit during a domestic crisis. The State Intelligence Service (SHISH) is responsible for both internal and external intelligence gathering and counterintelligence. The Albanian State Police (ASP) employed approximately 12,000 officers.

The overall performance of law enforcement remained weak. Unprofessional behavior and corruption remained major impediments to the development of an effective civilian police force. According to the Ministry of the Interior, only 40 percent of police officers received training beyond basic, despite assistance from foreign governments.

Corruption remained a problem among police forces, and low salaries and widespread corruption throughout society made the problem difficult to combat. The Ministry of the Interior's Office of Internal Control engaged in the prevention, discovery, and documentation of corruption and other criminal activity committed by police.

Between January 2005 and October, the Office of Internal Control received 127 complaints from the public and conducted 132 investigations. Of these, charges against two officers were dismissed as baseless. In 35 other cases, there was sufficient evidence for authorities to arrest officers on suspicion of having committed criminal acts. A total of 98 police officers (including 37 of middle to high rank) were charged with offenses, including counterfeiting and illegal issuance of travel documents and assistance to illegal border crossing. Approximately 70 officers were dismissed during the period for professional misconduct, including corruption.

Impunity remained a problem, although on the decline. In 2005 the ombudsman received 30 complaints against police officers for use of excessive force or mistreatment. Out of these, the ombudsman determined that four were valid and the remainder was dismissed as baseless. The ombudsman's recommendations were accepted and the prosecutor's office brought charges against the four police officers.

#### 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 in practice. Within 48 hours of the arrest or detention, a suspect must appear before a judge. The judge has an additional 48 hours to determine whether the suspect should remain in detention. In some cases, detained persons were kept in pretrial detention beyond 48 hours without a court decision on whether the prosecutor had sufficient evidence.

A court may order detention in especially 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 if the defendant cannot afford a private attorney; however, this right was not widely known, and police often failed to inform suspects of it. Access to legal information remained difficult for citizens, particularly those in rural areas or those lacking Internet access. However, for the limited segment of the population 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, although the NGOs were not easily located. In contrast with the previous year, there were no reports of persons being illegally detained and unable to contact a private attorney. In some cases detainees were interrogated without their attorneys present. Legal services offered by the state bar association were considered inadequate, corrupt, and at times lacking in professionalism.

During the year the ombudsman received two complaints of arbitrary arrests and illegal detention by the police but considered neither to have merit. While there were no other reports of arbitrary arrest and detention by police, some NGOs believed it was still a problem. The AHRG reported that in an effort to bolster statistics, numerous arrests took place during the year either without a valid arrest warrant or with arrest warrants based on falsified evidence. For example, the AHRG cited the case of four transvestites arrested in August for allegedly engaging in prostitution (see section 5). The police publicized this case as part of its efforts to crack down on serious crime.

The law requires completion of pretrial investigations within three months; however, a prosecutor may extend this period by additional three-month increments in particularly 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. In 2005 the AHRG reported that Elton Gerdhuqi had been detained in the Vlora police commissariat since 2000 and that the Vlora court had yet to issue a decision on the case. By year's end all 49 prisoners held in pretrial detention after their trial had been transferred to prison.

#### e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, political pressure, intimidation, widespread corruption, and limited resources prevented the judiciary from functioning independently and efficiently. The president heads the High Council of Justice (HJC), 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 council includes the minister of justice, the head of the High Court, nine judges of all levels selected by the National Judicial Conference, and three members selected by parliament. In July the Constitutional Court struck down most provisions of a 2005 law that sought to alter the functioning of the HJC on the grounds that they would have compromised the independence of the judiciary. The government contended that such changes were necessary to eliminate potential conflicts of interest among council members.

During the year progress was made in removing incompetent or corrupt judges from the bench. During the year the Ministry of Justice recommended to the HJC that five judges be sanctioned for corruption or incompetence. The HCJ voted to remove one judge from office, and the other four were reprimanded. Investigations were underway against 10 other judges.

The governing coalition parties in parliament accused the prosecutor general of incompetence and corruption and recommended that the president dismiss him. The opposition saw this as a governmental attack on the independence of the prosecutor general's office. Ultimately, the president declined to act on parliament's recommendation and cited the need to maintain the independence of the prosecutor's office. Subsequently, the Constitutional Court ruled that the parliamentary commission convened to investigate the prosecutor general was unconstitutional and did not have the legal power to review the prosecutor's decisions.

Police, prosecutors, and the judiciary continued to blame each other for failures that allowed criminals to avoid imprisonment. For example, the courts accused prosecutors and police of failing to carry out solid investigations and gather evidence necessary to prosecute criminals successfully, and the police asserted that corruption and bribery tainted the courts. The judicial police were responsible, under the direction of prosecutors, for developing investigations initially conducted by police.

The judicial system is composed of district courts, six courts of appeal, the serious crimes court, the serious crimes court of appeal, military courts, military courts of appeal, a high court, and a separate and independent constitutional court. The high court hears appeals from both the district courts and the courts of appeal, while 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 serious crimes court and serious crimes court of appeal focus on the fight against organized crime, trafficking, and on other serious crimes and on improving the quality of adjudication.

#### Trial Procedures

The constitution and law provide for the right to a speedy trial; however, limited material resources, lack of space, and case overload in many instances prevented the court system from adjudicating cases in a timely fashion. Long case backlogs were typical and resulted in suspects being detained for longer than legal limits (see section 1.d.). Defendants, witnesses, and others who do not speak Albanian are entitled to the services of a translator. Defendants are entitled to a lawyer, and, under the law, the government provides lawyers for indigent defendants, although the quality of representation varied. Defendants have the right to appeal decisions within 10 days to the Court of Appeal. Defendants are legally presumed innocent until convicted.

During the year four trials were conducted in absentia, compared with 98 such trials in 2005.

The trial system does not provide for jury trials. Prosecutors and the defense lawyers present cases to a panel of three judges, and defendants have the right to all evidence that is presented to the judges.

The country has no juvenile justice system, and children's cases frequently were presented to judges who were not trained in juvenile justice. According to the CHRCA, lengthy sentences given to juveniles were often due to lack of such training.

While separate from civilian courts, military courts are under the district court. They employ judges and prosecutors from civilian courts for military cases but do not try civilians.

#### 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 Ministry of Justice, 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 their rightful owner as determined by the court. During the year one individual won a case in the European Court of Human Rights in Strasbourg against the government for failure to pay court ordered restitution for seized property.

#### Property Restitution

In July parliament amended the 2004 law on restitution and compensation for property confiscated during the Communist regime. The law expanded the limit of 148 acres to 247 acres for property restitution, dissolved the independent State Committee for Property Restitution, and replaced it with an agency appointed by the council of ministers. During the year the government established a fund of three million (300 million lek) to provide compensation to claimants. The Annual Report of the Activities of the ombudsman's office reported that in 2005 a total of 41 complaints related to property compensation were processed and that the number of such complaints was up 40 percent from the previous year. Of these, 10 were resolved in favor of the plaintiff, and the remainder was directed to the courts.

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

The constitution and law prohibit such actions; however, at times, the government infringed on these rights.

In July the homes of 45 Romani families were destroyed in Elbasani when city officials decided to relocate them to another part of the city (see section 5). In 2005 18 Romani families were forced to abandon their homes in Tirana because they blocked a local municipality's territory regulation plan.

### 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 the government generally respected these rights in practice. While the media was active and largely unrestrained, there were serious problems with the use of the media for political purposes.

Politicization of the media remained an issue of concern and, in the run up to local elections planned for January 2007, appeared to be on the upswing in the final quarter of the year. The polarization of media outlets into opposing camps has become more pronounced. 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. Journalists continued to practice self-censorship, and there was little transparency in the financing of the media.

In general individuals could freely criticize the government and its actions in print and broadcasts. However, in May the activist movement *Mjafit!* reported that police disrupted its efforts to disseminate a poster critical of the prime minister. After approximately 1,000 posters were hung around the city of Tirana, police forces reportedly removed the posters and confiscated the remaining 4,000 that had not been posted. There were no reports that officials used or threatened to use libel suits to limit free political discussion.

The independent print media were active but were constrained by limited professionalism, lack of finances, and political pressure. Political parties, trade unions, and various societies and 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. One new major national daily newspaper, *Shqip*, started in the spring while two others, *Dita* and *Express*, closed.

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. RTSH devoted most of its coverage to the government and the ruling party. By law, the government provides 50 percent of the station's budget. During the year Kico Blushi, chairman of the RTSH Steering Council, resigned to protest parliament's postponing a request to dismiss television director Artur Zheji. Blushi claimed that RTSH was still hostage to politics and the government, thus failing to fulfill its public mission.

In May parliament amended the Law on Broadcast Media, restructuring the RTSH Steering Council and the National Council of Media, which is responsible for licensing and regulation and dismissing the previous members of the council. The opposition charged that the new law was

a political maneuver designed to weaken the independence of the two regulatory bodies by tilting them in favor of the government. The amendment also called for the appointment of media professionals and representatives of civil society in lieu of representatives of the political parties.

In contrast to 2005 there was only one report that police or other officials physically abused journalists. In February a television reporter accused police officer Kastriot Caushi of the Lushnje Police Commissariat and members of the Republican Guard of using excessive force to keep reporters from interviewing the president. The reporter suffered minor injuries from the incident.

In 2005 the editorial office of the top-circulation daily *Shekulli* was damaged when an explosive was thrown onto its balcony. While nobody was harmed, there was damage to the office. A spokesperson for the newspaper reported that the case was closed with no formal charges having been filed.

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 the absence of employment contracts frequently hindered their ability to report objectively.

In September the council of ministers passed a resolution to evict Top Channel TV, a leading television station that had been critical of the government, from a state-owned building in central Tirana. The government said it intended to use the space to promote art and culture. Citing a long-term lease with the Ministry of the Economy, the company charged that this move was an attempt to put pressure on the station for its editorial content. At year's end the case was still ongoing.

Libel is a crime that may be punished with a prison sentence of up to two years and a fine. In contrast with the previous year, there were no cases of libel suits against the media reported during the year.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Access to the Internet has increased over the year, but remained limited, particularly outside the major urban areas.

#### Academic Freedom and Cultural Events

Unlike in past years, there were no government restrictions on academic freedom or cultural events.

In 2005 a district court rejected the suit brought by the chief of the University of Tirana's geography department, Professor Doka, in connection with his 2004 dismissal for having an "antinationalistic approach" to work. The dismissal was prompted by Doka's publication of an atlas that expanded geographic minority zones in the country. The government subsequently prohibited publication of the atlas. Doka won the case on appeal and resumed his position at the university. However, it was unknown if the atlas was ever published.

#### 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 previous years, there were no reports that police mistreated protesters. However, *Mjafi!* reported that on September 1, police stood by without taking action while a government supporter physically assaulted a participant in a protest it had organized. At year's end no charges were filed against the officers and the police did not take independent action.

##### 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 in practice.

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.

The government does not require registration or licensing of religious groups.

The Albanian Evangelical Alliance, an association of approximately 98 Protestant churches, continued to complain during the year that it had encountered administrative obstacles to accessing the media. However, alliance representatives stated that it was not clear whether the limited access was due to the organization's small size or its religious affiliations.

Unlike in previous years, there were no media allegations that Jehovah's Witnesses had influenced juvenile suicides.

The government discontinued a prohibition on the dissemination of religious literature in public places. The dissemination of such materials was prohibited in public schools.

The government failed to return all of the religious properties and objects that were confiscated under the Communist regime. In cases where religious buildings were returned, the government often did not return the land surrounding the buildings or provide compensation. In addition, the government did not compensate churches adequately for the extensive damage to religious properties during the Communist period. However, discussions about a possible resolution continued.

In June the Orthodox Autocephalous Church of Albania reported that the government attempted to evict it from a building in Permet that was seized by the communist government and subsequently returned to the Orthodox Church in 1997. The parish priest gathered parishioners and children to block the eviction notice. The government has since assured the Orthodox Church that they would collaborate to find a mutually agreeable solution. The former communist government converted the structure to a cultural center and, in 2003 the Albanian High Court ruled that since little of the original structure remained, the Orthodox Church was not entitled to the property. The government continued to refuse the Orthodox Church's request that icons and other religious materials currently held in state-run museums and archives be returned.

#### Societal Abuses and Discrimination

There was no repeat during the year of the incidents of societal intimidation and threats of violence against Jehovah's Witnesses triggered in 2005 by media allegations in 2005 that the community had influenced a series of juvenile suicides. There were no such reports during the year.

In June police brought in for questioning a suspect in the 2003 killing of Sali Tivari, former general secretary of the Islamic community, but no formal charges were brought.

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.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The constitution and law provide for these rights, and the government generally respected them in practice.

Under the law, internal migrants must transfer their civil registration status from their original community to their new community before they are entitled to social services such as education and health care. According to the Office of Civil Registration, in order to transfer residency to a new community, citizens must prove they are legally domiciled either through property ownership, a property rental agreement, or utility bills. Since many of these internal migrants are essentially squatters residing in illegally constructed homes, it is difficult to prove a legal domicile. In addition to administrative hurdles, many of the internal migrants do not register due to both a lingering deep-seated mistrust of the government and a general lack of education.

As a result, some citizens lacked formal registration in the communities in which they reside. The Roma and Balkan-Egyptians were particularly affected by this phenomenon. The government made no progress toward creating a standardized national identity document during the year.

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 *refoulement*, the return of persons to a country where they feared persecution. Under the law, requests for asylum must be made within 10 days of arrival on the country's soil and the decision for granting asylum status must be given within 51 days of the initial request. During the year the government granted six asylum requests and eight other requests were currently under consideration.

In 2005 the government granted temporary residency protection to an individual who did not qualify as a refugee under the 1951 convention or the 1967 protocol.

The government cooperated with the office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The UNHCR, through the government-run national reception center for asylum seekers, 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 2005 parliamentary elections were held throughout the country. The report of the Organization for Security and Cooperation in Europe (OSCE) election observation mission concluded that the elections complied only partially with international standards. Official election results were delayed for weeks due to complex complaint and appeal procedures and the need to rerun elections in several zones. OSCE election observers reported several instances where election officials obstructed the process and placed party interests before their duty to count and report votes in an impartial and honest manner. Family voting occurred and was particularly common in rural areas.

Individuals and parties could freely declare their candidacy and stand for election. A political party must register with the Tirana District Court and declare an aim or purpose that is not anticonstitutional or otherwise contrary to law, describe its organizational structure, and account for all public and private funds it receives. The court registered parties routinely.

There were 10 women in the 140-seat People's Assembly, including the speaker, and one woman in the Council of Ministers; however, overall, women were poorly represented at the national and local levels of government, despite commitments by the major political parties to increase female representation. The Coalition for the Promotion of Women, Youth, and Minorities in parliament, supported by the ombudsman, called on all major political parties to include at least 30 percent female candidates in local elections expected in February 2007. While the proposal was sent to the Parliamentary Commission on Legislative Affairs, no formal legislative action had been taken.

Several members of the Greek minority served in both the 140-seat People's Assembly and the executive branch in ministerial and subministerial positions. No other ethnic minorities were thought to be represented in the People's Assembly or the Council of Ministers.

#### Government Corruption and Transparency

Corruption remained a major obstacle to meaningful reform. During the year, the country received a score of 2.6 on Transparency International's 10 point composite index of the degree to which corruption is perceived to exist among a country's politicians and public officials, indicating a perception that the country has a serious corruption problem. A January survey by the Institute for Development and Research Alternatives found that on a scale of 0 to 100, customs officials scored 87 and were perceived as the most corrupt public servants. However, a new director assumed office in late 2005 and made inroads in reducing corruption in the Customs Service, primarily by dismissing nearly 200 customs officials on charges of corruption or other abuse of office. Tax officials, ranking 83.1, and doctors, ranking 80.1, followed close behind. However, the most respected leaders were the president (21) and religious leaders (27.9). While the perception of police corruption worsened slightly, the survey results showed a modest improvement in respondent perceptions of corruption among members of parliament, ministers, judges, prosecutors, custom officials, and NGO leaders. In the first nine months of the year, the prosecutor's office dealt with 480 cases of abuse of office and other types of corruption resulting in the criminal conviction of 107 government officials.

During the year the Council of Ministers adopted several anticorruption internal regulations. In February, the parliament approved new broadened conflict of interest legislation. In January the government created an Anti-Corruption Task Force and during the year carried out a highly visible crackdown on organized crime. Opposition politicians charged that the government's efforts were highly politicized and accused the prime minister of using the fight against corruption as a weapon against any who opposed his views.

In July citing human rights concerns, the Constitutional Court set aside the government's new internal regulation on antinepotism in the civil service and in May rejected most of the proposed amendments to a law on conflict of interest for judges serving on the High Council of Justice that would have forced many existing members to either resign or give up existing judgeships.

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

Authorities took legal or disciplinary actions based on financial declarations against 123 officials and fined 69 officials for late submissions. During the year when notified of a potential conflict of interest, 56 employees either voluntarily resigned their positions or were dismissed, and another 67 divested themselves of the offending asset. By year's end, five high profile cases investigated by the inspectorate were forwarded to the prosecutor's office for criminal prosecution.

The director of prisons reported that over the past year charges have been brought against five high-level prison officials and an additional 178 prison guards or officers have been dismissed for corruption. In its July report, the CPT cited bribe taking and other corruption on the part of guards as one of the most serious problems in the penitentiary system.

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. Public officials are legally obligated 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. The Information Department at the Council of Ministers disseminated public information via its Web site and responded to public inquiries for information. In addition, virtually all government ministries and agencies posted public information directly on their websites. However, NGOs noted that the government tailored information released on the Internet to meet the needs of the media and not members of the general public.

#### 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; however, in some areas, such as violence against women, including domestic violence, and children's issues, NGOs made little progress.

Independent domestic human rights organizations included the Albanian Helsinki Committee (problems related to minorities, security forces, the judiciary, and elections), the Albanian Human Rights Group (legal assistance and police training), the CHRCA (children's rights), and the Citizen's Advocacy Office (official corruption).

The government cooperated with international organizations, such as the UNHCR, the Council of Europe, and the International Organization for Migration (IOM), and did not restrict their access to the country.

A human rights ombudsman investigated inappropriate, inadequate, or illegal government actions. Although it lacked the power to enforce decisions, the ombudsman 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 (see sections 1.c. and 1.e.). 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 the prosecutors improved.

The ombudsman has authority to monitor courts and judicial proceedings, inspect and monitor detention facilities and prisons, and facilitate cooperation from state employees. The law also provides the ombudsman authority to initiate cases when victims do not come forward or in cases that involve the interest of the community.

#### 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

Domestic violence against women, including spousal abuse, remained a serious problem. In a traditionally male-dominated society, social norms and lax police response resulted in underreported abuse, making it difficult to quantify the number of women who were victims of rape, domestic violence, or sexual harassment. According to the Gender Alliance for Development Center's 2002-03 media monitoring project, 56 women and girls throughout the country lost their lives as a result of domestic violence, and 74 others were seriously injured.

The government did not have programs to combat domestic violence or assist victims. The Women to Women organization, a Sweden-based NGO, reported that there were approximately six domestic violence hot lines that operated throughout the country. The hot line that served mainly the northern part of the country received approximately 20 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 cases of domestic violence and that both facilities were at maximum occupancy, mainly due to better awareness and access to help.

Many communities, particularly those from the northeastern part of the country, still followed the traditional code--the *kanun*--under which, according to some interpretations, women are considered to be, and were treated as, chattel. Some interpretations of the *kanun* dictate that a woman's duty is to serve her husband and to be subordinate to him in all matters.

On December 18, parliament enacted the country's first law against domestic violence. The government developed and introduced the law with the assistance of the Women's Legal Rights Project. The law allows victims of violence to obtain protection orders from the courts in civil proceedings, orders that will then be served to the alleged abuser. If the abuser violates the order, then he can be arrested and prosecuted. The law also requires the government to set up services for victims and to raise public awareness of domestic violence throughout the country.

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, rape of an adolescent age 14 to 18 is five to 15 years and rape of a child under 14 is seven to 15 years' imprisonment.

The law prohibits prostitution; however, it was a problem. Trafficking in women and children remained a problem (see section 5, Trafficking).

The law prohibits sexual harassment; however, it was rarely enforced in practice.

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, this provision was not fully implemented. According to a March report by Amnesty International (AI) women earned 20 to 50 percent as much as men. Men owned 92 percent of the land in the country and earned 84 percent of the country's gross domestic product, although women continued gradually to gain economic power.

Women enjoyed equal access to higher education, but in some rural areas they represented 24.9 percent of students enrolled in higher education, and the dropout rate was greater for girls than for boys. According to the Albanian Institute of Statistics there were twice as many illiterate women (2 percent of the population) as illiterate men (1 percent).

Women were not accorded full and equal opportunity in their careers, and well-educated women were often underemployed or worked outside their field of training.

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. In May the government abolished the State Committee on Equal Opportunity, which was responsible for drafting, promoting, and monitoring governmental gender equality programs, and replaced it with a new Directorate of Equal Opportunity within the Ministry of Labor, Social Affairs, and Equal Opportunity. In May the government also abolished the Interministerial Committee on Gender Equality, an advisory body. In November, together with civil society partners, the directorate presented to the council of ministers a national strategy against domestic violence.

## Children

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

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 (see section 6.d.). Parents had to purchase supplies, books, school materials, and space heaters for some classrooms, which was prohibitively expensive for many families.

In general children must be registered in the same community where their parents are registered. However, according to the CHRCA, children born to internal migrants frequently have no birth certificates or other legal documentation and, as a result, are unable to attend school (see section 2.d.)

Registration of children is compulsory and free within 30 days of the child's birth. After this period, registration must take place through the courts, a process that is costly due to legal fees and possible fines that may be incurred for not being properly registered. Thus, the country has a large--and growing--population of vulnerable, unregistered children, who were at greater risk of trafficking or exploitation, particularly children from the Balkan-Egyptian and Romani communities.

According to 2004 World Bank statistics, secondary school enrollment for both boys and girls was 77.8 percent, while the Albanian Institute of Statistics estimated enrollment in secondary education at 53 percent for 2003 to 2004. Enrollment in primary school was approximately 95 percent for the same period.

Equal access to medical care was available in principle for both boys and girls; however, a high level of bribery in the medical care system sometimes limited access for all.

Child abuse, including sexual abuse, occasionally occurred but was rarely reported. In May the media reported widely the arrest of a British national, who operated an orphanage, on charges of child molestation and selling access to the children to foreign sex tourists. According to the Ministry of the Interior, in 2005 20 cases of sex crimes against children were reported.

According to the NRC, as many as 182 children remained endangered by blood feuds involving their families; 86 of these were in particularly dangerous circumstances (see section 1.a.).

Child marriage was a problem. While statistics were not available, child marriage was reportedly common among the Romani population and there were still some communities in the north and northeast of the country where there is traditional arranged "marriage from the cradle" based upon parental agreement.

Trafficking in children, although not widespread, was a problem (see section 5, Trafficking).

Child labor remained a major problem (see section 6.d.).

Homeless, displaced, or street children remained a problem, particularly Romani children, who lived in extreme poverty throughout the country. Street children begged or did petty work; many migrated to neighboring countries, particularly during the summer.

## 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. Unlike in past years, there were no reports of police involvement in trafficking.

The country remained a source for trafficking of women and children for the purposes of sexual exploitation and forced labor, but was deemed by international observers to no longer be a significant country of destination or transit. The relatively few foreign women and girls in transit came primarily from Kosovo, and, to a lesser extent, Moldova, Romania, Ukraine, Russia, Bulgaria, Sri Lanka, and China. Most trafficked women and girls were transported to Italy, Greece, and other European countries, such as Belgium, France, the United Kingdom, the Netherlands, and Norway, as well as to the United States. Traffickers largely used overland routes or falsified documents to transport their victims by plane or ferry.

The trafficking of children to Kosovo and Greece for begging or sexual exploitation continued to be a problem, although estimates varied widely on the number of victims annually. According to NGOs, approximately 1,000 unaccompanied Albanian children were living in Italy, although not all were victims of trafficking. A 2002 study conducted by the NGO International Social Service reported that 1,800 unaccompanied Albanian children, many of who were trafficking victims, lived in Greece. According to Terre des Hommes (TdH), a Swiss child-welfare NGO operating in the country, the number of children trafficked to Greece has declined in recent years.

Internal trafficking of women and children continued to be a problem. TdH identified 90 children who during the year had been trafficked within the country for forced begging, forced labor, and possible sexual exploitation. Children who were internally trafficked came from all regions of the country and were typically trafficked to either Tirana or Durres. According to TdH, the number of internally trafficked children was rising. Romani and Balkan-Egyptian communities were particularly vulnerable due to poverty and illiteracy. In a few cases children were bought from families or kidnapped, reportedly for begging or working abroad. According to TdH, children, mostly from Romani and Balkan-Egyptian communities, were increasingly trafficked for begging by their parents without the involvement of a third party.

The main forms of recruitment of adult victims of trafficking involved marriage under false pretenses or false promises of marriage 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 in Italy and Greece. Traffickers typically confiscated victims' documents, physically and sexually abused them, and sometimes forced them to work as prostitutes before they left the country. Both citizens and foreign women trafficked by domestic organized crime networks were abused, tortured, and raped. Traffickers also threatened many of the victims' family members. To a lesser extent, family members or neighbors sold victims, particularly Romani children, to traffickers, or traffickers kidnapped children, including from orphanages.

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. Prison sentences may be supplemented by fines of \$4,000 to \$6,000 (400,000 to 600,000 lek) for sexual exploitation of a minor and \$3,000 to \$6,000 (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 sequestered and confiscated assets, including those of persons found guilty of trafficking related crimes. Despite several court-ordered seizures during the year, there were no cases of forfeited assets successfully liquidated and the agency did not distribute any funds to victims.

Prosecution of traffickers has improved. At year's end 10 traffickers of women were convicted and 27 new cases of suspected trafficking were detected leading to the arrest or detention of 32 persons. Four persons were convicted of organizing, directing, or financing trafficking. Six persons were convicted on child trafficking related charges and three new cases of suspected child trafficking were detected, leading to the arrest of four persons. In a matter closely related to trafficking, 66 persons were convicted for providing assistance to illegal border crossing and 132 new cases were detected leading to the arrest or detention of 168 persons. In addition, 37 persons were convicted for aggravated exploitation of prostitution within the country, and 24 new cases were detected leading to the arrest of 29 persons.

Authorities often released arrested traffickers because of insufficient evidence or, if they were prosecuted, charged them with lesser crimes, or gave them less than the minimum sentence for trafficking.

The country 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 strategy and the plan also set out the government's approach for the prosecution of traffickers. The government has a full time antitrafficking deputy minister at the Ministry of Interior who is in charge of coordination of the implementation of the strategy. The government signed a bilateral child trafficking cooperation agreement with the Greek government and established a National Referral Mechanism for the reintegration of victims into society. In an effort to move antitrafficking efforts out of the capital and into the rural areas that are most heavily affected, the government also established in July regional committees in each of the country's 12 prefectures.

During the year the government expanded implementation of the witness protection law by upgrading the witness protection unit to a Directorate for Witness Protection and Collaborators of Justice, located within the state police. In 2005 the government also named a commission, comprised of a prosecutor, a judge, and police officials, to evaluate applications for admission to the witness protection program. The government budgeted \$207,627 (20,762,700 lek) for witness protection during the year, representing a 20-fold increase over the 2005 appropriation.

In contrast to previous years, there were no reports of cases of direct police involvement in trafficking. However, police officers continued to be involved in various forms of trafficking-related corruption, despite determined efforts of the Office of Internal Control and State Intelligence Service to address the problem (see section 1.d.)

The government provided some limited services to trafficking victims, operating a shelter near Tirana and a national referral mechanism that enabled authorities to share data confidentially on victims returning to the country. The newly created Responsible Authority also shared data with the Ministry of Labor, Social Affairs, and Equal Opportunity, government and NGO shelters, and local antitrafficking committees, which include NGOs, to ensure ongoing victim support and assistance. Consistent with the guidance approved by the General Director of the State Police on the handling of returned persons, authorities at Rinas International Airport developed local procedures using a dedicated reception facility. These procedures included participation from the Border and Migration Police and, from time-to-time, State Social Service workers and representatives from the Anti-Trafficking Police. Local procedures have also been approved for use at some land border crossing points. These new procedures are in use, however, recent transfers of Border and Migration Police officers disrupted them.

Several NGOs were active in addressing victims' needs. The IOM operated a reintegration center in Tirana that provided counseling and medical services, job training, and some legal assistance. The Vatra Hearth Shelter, an NGO in Vlora, and the state-run Linza Shelter provided similar services. Both shelters reported that a large percentage of their cases during the year involved victims deported from other European countries.

Police treatment of trafficked women continued to improve during the year; however, foreign women who were detained by police at times lacked translation services or were not given a choice of lawyers. In general foreign women believed to be victims of trafficking were granted temporary residency and placed in shelters pending repatriation to their country of origin.

Victims of trafficking often faced significant stigmatization from their families and society. According to the Vatra Hearth Shelter, the protection of returned trafficking victims who denounced their traffickers continued to be a serious problem. The shelter reported that two returned victims were murdered by their traffickers. In one case, the victim reported the threats to the local police, who failed to take her concerns seriously. The police were charged with negligence to respond.

Retrafficking was a significant problem, with 85 out of 288 victims sheltered at the Vatra, Tjeter Vision, and Different and Equal Shelters during the year reporting that they had been trafficked at least twice previously. Some of the victims were under continuous threats from perpetrators. Citing confidentiality concerns, a fourth shelter providing services to victims of trafficking, the state-run Linza Shelter, declined to provide data regarding victims. Of the 288 victims at the shelters, 28 were internally trafficked and the remainder were citizens returned from other countries.

Domestic and international NGOs carried out most of the country's trafficking awareness programs. During the year the new government began an ambitious antitrafficking awareness program in schools and higher education curricula and was working through Ministry of Labor, Social Affairs, and Equal Opportunity employment offices on a safe migration and overseas employment initiative that included an antitrafficking module. In November the government launched an antitrafficking hotline and reported that by year's end dozens of calls had been received.

#### 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. Widespread poverty, unregulated working conditions, and poor medical care posed significant problems for many persons with disabilities. In September the government finalized its National Strategy for Handicapped Persons that lays out the government's priorities and plan of action for the next several years.

From January to February, the ombudsman's office performed an inspection of mental health institutions. In the Psychiatric Hospital of Elbasani, they found that patients had entered the mental health institution without documentation or decisions by the courts, as the law demands. The mental health institutions were usually under-staffed, and the doctors typically were not neurologists or psychiatrists.

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

In 2004 the Council of Ministers enacted the Urban Designing and Architecture Rules on People with Disabilities. The law mandates that new public buildings be made accessible for persons with disabilities. Although the government has been slow to enforce the law, the rules have increased awareness of the need to make new structures accessible to people with disabilities, thus leading some builders to incorporate appropriate features into new projects.

In the 2005 parliamentary elections, election authorities provided persons with disabilities services for the first time in the country's history. Improvements in the Electoral Code provided for wheelchair accessible voting booths and special accommodations for the blind.

#### National/Racial/Ethnic Minorities

There were reports of police violence and societal discrimination against members of minority groups. As visible minorities, the Romani and Balkan-Egyptian communities were subject to considerable societal abuse and discrimination on a daily basis.

The law permits official minority status for national groups and for ethnolinguistic groups. Greeks are the largest national minority, followed by small groups of Macedonians and Montenegrins; Aromanians (Vlachs) and Roma are defined as ethnolinguistic minority groups. The government has not provided minority status to the Balkan-Egyptian community, thereby denying it constitutional protections against discrimination available to other minority groups. To qualify for minority status under the law, a group of individuals must share the same language (other than Albanian), have documentation to prove its distinct ethnic origin or national identity, and have distinct customs and traditions or a link to a kinship state outside of the country. The government maintained that the Balkan-Egyptians did not meet some criteria,

such as a distinct language and traditions, and instead considered them a "community." Nefreta, a Balkan-Egyptian NGO, asserted that the community has a culture, tradition, and history that are distinct from any other group in the country, and that Balkan-Egyptians are racially distinct as well.

During the year there were reports that police beat Roma and Balkan-Egyptians. Nefreta reported that in at least three instances Balkan-Egyptians were arbitrarily arrested, detained, or otherwise abused by the police. According to Nefreta all three cases were reported to the prosecutor's office and the ombudsman's office but the complaints were not followed up.

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

In 2005 the Tirana municipality demolished the homes of 18 Romani families comprising 150 persons, reportedly without warning, leaving them homeless in the middle of winter. The municipality demolished the homes, located in a settlement close to the Lana River, because they were illegal and would block the execution of its territory regulation plan. According to Amaro Drom, the Tirana municipality first offered the displaced persons a new location outside the city center, but failed to keep this promise. The municipality then offered to place them in mobile homes, an offer that the Roma rejected. A similar case resulted in the eviction of 51 Romani families in 2004.

The Romani and Balkan-Egyptian communities were among the most politically, economically, and socially neglected groups in the country. Members of the Balkan-Egyptian community tended to settle in urban areas and generally were more integrated into the economy than the Roma. In addition to widespread societal discrimination, these groups generally suffered from high illiteracy, particularly among children, poor health conditions, lack of education, and marked economic disadvantages. According to a 2006 World Bank-UN Development Program study, approximately 80 percent of Roma lived in extreme poverty, compared to 20 to 30 percent of the rest of the country's population. The group's unemployment rate was 71 percent, nearly 12 times the rate for the rest of the population, and Roma had a life expectancy 15 years less than non-Roma. The government did not fund its National Roma Strategy, which sought to improve the livelihood of the community.

Because the Balkan-Egyptian community is not recognized as an official minority, as are the Roma, they were not specifically included in government poverty alleviation strategies.

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, and to include a higher number of ethnic Greeks in public administration.

While there were Greek-language public elementary schools in the southern part of the country where most ethnic Greeks live, the Greek cultural association Omonia complained that the community needed more classes 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 in the Greek language, regardless of the number of students, and Gjirokaster had two Greek-language high schools. During the year, the government granted an operating license to one school in the south outside the Greek zone. During a September 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 to be funded by the Greek government.

#### Other Societal Abuses and Discrimination

NGOs claimed that police targeted the country's homosexual community for abuse. According to the Albanian Gay and Lesbian Association, the police often arbitrarily arrested homosexuals and then physically and verbally abused them while they were in detention. In August police arrested the secretary general of Gay Albania, a gay rights NGO, and three others on prostitution charges. The AHRG carried out an investigation and reported that while in detention the four were mistreated by other prisoners and insulted by prison forces. The AHRG also reported that media coverage of this arrest did not respect the privacy of the arrested, including their HIV status, and was manipulated to propagate antihomosexual stereotypes and further discrimination. A 2006 UN Development Program 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.

According to the ombudsman's office, in 2005 police at the Tirana police commissariat detained, insulted, and physically mistreated a member of the Gay Albania association. Medical experts verified the mistreatment, and the ombudsman's office started an investigation. No action had been taken against the police by year's end.

#### Section 6 Worker Rights

##### a. The Right of Association

Workers had the right to form independent unions and exercised this right in practice; however, members of the military are prohibited 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 in practice.

#### b. The Right to Organize and Bargain Collectively

Citizens in all fields of employment, except uniformed members of the armed forces and some court employees, 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 declared openly to be political or that are judged by the courts to be political.

Opposition parties claimed that approximately 10,000 public servants were dismissed after the new government took over in 2005. The chairman of the Civil Service Commission, however, reported that only 425 people were dismissed from the public administration. Through September 194 complaints for unlawful job firings have been presented to the ombudsman's office. The ombudsman's office concluded that, with few exceptions, the dismissals were contrary to established procedures. In July in a case brought by the AHC and the ombudsman's office, the Constitutional Court set aside the government's antinepotism rules that had been the basis for many dismissals. In its finding, the court ruled that such dismissals constituted a violation of the right of the workers to choose their place of employment.

By year's end the urban transport park in Tirana had not reinstated 10 employees who held a five-day hunger strike in 2004 to protest illegal dismissal. The park's director claimed that the strike violated the workers' employment contract. However, the AHRG and ombudsman stated that the hunger strike was legal and that the park director had not abided by the law in the firing of the employees. The case was brought to court, and the employees lost their claim.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, such practices occurred (see sections 5 and 6.d.).

#### 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 can be performed by children under the age of 18. 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 Ministry 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 approximately 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 in the country were working between 1999 and 2003; 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 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. Children were trafficked for sexual exploitation and forced labor (see section 5).

#### e. Acceptable Conditions of Work

The national minimum wage was \$145 (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 \$300 (28,950 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 \$47 (4,720 lek) per month. Another 30 percent lived very close to that line. The Albanian Institute of Statistics reported that average monthly wages in the public sector increased 14.4 percent from 2003 to 2004.

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