



## 2008 Human Rights Report: Albania

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

**2008 Country Reports on Human Rights Practices**

**February 25, 2009**

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. On April 24, the parliament amended the constitutional provision that defines the Albanian electoral system, changing it from a mixed majoritarian-proportional system to a regional-proportional system. On December 29, the parliament passed reforms to the electoral code. The reforms establish the legal framework for the June 2009 general elections. Civilian authorities maintained effective control over the country's security forces.

While the government generally respected the human rights of its citizens, there were problems in some areas. During the year the government attempted to assert greater control over independent institutions such as the judiciary, the Office of the Prosecutor General, and the media. The government interfered in the ongoing investigation into the March 15 Gerdec arms depot explosion. Security forces abused prisoners and detainees and prison and pretrial detention conditions remained poor. Police corruption and impunity continued, as did discrimination against women, children, and minorities. While some progress was made toward combating human trafficking, it remained a problem.

### 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.

On April 4, Human Rights Watch wrote to the governments of Kosovo and Albania requesting that the governments investigate alleged organ trafficking of civilians from Kosovo to Albania during the 1999 Kosovo conflict. Both governments rejected the allegations. In 2004 allegations first arose that in 1999 traffickers kidnapped civilians from Kosovo and brought them to Albania, where some were killed and their organs sold. At that time, the United Nations Mission in Kosovo and the International Criminal Tribunal for the Former Yugoslavia conducted preliminary investigations into the matter, which resulted in no further action. Albanian authorities stated that they cooperated in that investigation. In July the Council of Europe (COE) appointed a special investigator to report on the allegations. In October Albanian prosecutors met with their Serbian counterparts in Tirana to discuss the issue. They were unable to agree on joint next steps.

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

Statistics varied on blood feud activity. According to the Interior Ministry, there were four blood feud related killings, out of a total of 85 murders during the year, a decrease from previous years. According to the Ministry of the Interior, this is the lowest number in 18 years. Police restarted investigations in some older cases, and uncovered the perpetrators of 81 murder cases from previous years. Nongovernmental organizations (NGOs) cited higher levels of blood feud activity and numbers of families effectively imprisoned in their homes out of fear of blood feud reprisals. The tradition of blood feuds stems from a traditional code of honor that is followed in only a few isolated communities. In 2007 the parliament amended the criminal code to criminalize blood feuds and make them punishable by a three-year sentence. The Court of Serious Crimes tried blood feud cases. The law punishes premeditated murder, when committed for revenge or a blood feud, with 20 years' or life imprisonment.

#### b. Disappearance

There were no reports of politically motivated disappearances.

On May 16, the Tirana Serious Crimes Court resumed the trial of four men accused in the 1995 disappearance of Remzi Hoxha, an ethnic-Albanian Macedonian businessman. Authorities accused the head of the country's General Directorate of Taxes, Arben Sefgjini, who previously served as the head of the National Intelligence Service (SHISH), and three of his former SHISH colleagues, Budion Mece, Avni Kolladashi, and Ilir Kumbaro, of kidnapping and torturing Hoxha and two other Albanian citizens. The trial was ongoing at year's end.

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

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

During the year three new penitentiary centers became fully functional. The General Directorate of Prisons began implementing procedures to move elderly and ailing inmates to a special prison in Kruje, with a capacity of an estimated 196 persons. The directorate opened special section for minors in Kavaje with an initial capacity of 80 inmates. These measures followed a March 2007 report by the COE's Committee for the Prevention of Torture that detailed widespread inhuman treatment and physical abuse of prisoners and detainees.

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

#### Prison and Detention Center Conditions

Prison conditions did not meet international standards. The government allowed local and international human rights groups, the media, and others to conduct independent monitoring of prison conditions. In March the parliament amended existing legislation to appoint an ombudsman responsible for implementing the National Mechanism for Torture Prevention.

Following a surprise inspection of a police pretrial detention facility in Vlore on March 3, the AHC harshly criticized the facility for poor conditions. The AHC further found that seven detainees had been in detention for 15 days, well beyond the 48-hour limit for pretrial detention.

In April the ombudsman inspected the Tirana Commissariat 3 detention facilities and found that they were holding a minor together with adult detainees. Further examination concluded that authorities stopped, questioned, and

detained the minor without the presence of a lawyer, a social worker, or his parents in clear violation of the provision of the penal procedure code. The ombudsman found similar problems during several inspections within the year in most pretrial detention centers in Tirana and in others across the country.

In June the ombudsman found that the inmates at the prison of Burrel suffered substantial psychological and physical abuse. Following the escape of two inmates, Burrel prison guards began performing regular night-time inspections. The inspections oftentimes involved acts of violence, intimidation, and psychological abuse. Authorities also denied inmates the right to place free telephone calls to the Office of the Ombudsman. In two cases at the Burrel prison, the ombudsman concluded that prison guards used violence and other inhumane measures to degrade and abuse prisoners.

The Ministry of Justice operated all prisons and pretrial detention facilities. During the year the AHC observed a slight improvement in conditions and treatment of prisoners, while problems of overcrowding, bad infrastructure, and unsanitary conditions persisted. In the Vichar prison, north of Tirana, there were reports that minors were housed together with adults.

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

#### d. Arbitrary Arrest or Detention

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

#### Role of the Police and Security Apparatus

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

The overall performance of law enforcement remained weak. Unprofessional behavior and corruption remained major impediments to the development of an effective civilian police force. The Ministry of Interior started a new recruiting system with standardized procedures. In combination with the new system of police ranks, authorities expect this to improve the overall performance of the police.

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

During the year the Ministry of Interior reported that it dealt with 68 corruption cases and 276 cases of general misdemeanors and abuses by public administration employees. A total of 153 government officials were investigated (including police officers), and 72 were arrested.

During the year the ombudsman received 154 general complaints from citizens against the police mainly on arrest and detention. At year's end 118 complaints had been processed and the ombudsman concluded 26 in favor of the complaining citizen. These included 17 complaints of physical mistreatment. Only one complaint was found valid, and recommendations were issued for disciplinary measure for three police officers of Commissariat 1 in Tirana.

#### Arrest and Detention

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

A court may order detention in particularly serious cases that could pose a danger to society. Alternatively, authorities may place a suspect under house arrest. A judge may require bail if he believes that the accused may not appear for trial.

Courts must provide legal counsel free of charge for indigent defendants; however, defendants generally did not know of this right, and police often failed to inform suspects of it. Access to legal information remained difficult for citizens; however, for the minority with Internet access, individuals could access virtually all laws online free of charge, and several NGOs provided free legal advice for those in need. During the year the AHC established a clinic to provide free legal advice and advocacy services for the indigent; however NGOs described these free legal services as inadequate, corrupt, and at times lacking in professionalism.

The law requires completion of pretrial investigations within three months for lesser crimes and within 12 months for more serious cases; however, a prosecutor may extend this period by three-month increments in difficult cases. While the law provides that the maximum length of pretrial detention should not exceed two years, lengthy pretrial detention often occurred as a result of delayed investigations, defense mistakes, or the failure of defense counsel to appear.

#### e. Denial of Fair Public Trial

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

On December 22, the parliament passed a controversial "lustration" law, which is expected to allow for the dismissal from public office of a wide range of officials who participated in "political processes" while serving in higher-level government positions under the communist regime, including judges, and prosecutors, and law enforcement officers. The vague wording of the law gives the government wide discretion in determining what "political processes" means, thereby allowing it considerable latitude in determining if an official should be dismissed from duty. International observers, including the OSCE and COE, sharply criticized the law and expressed concern that the law would allow the government to assert undue political control over the judiciary, undermine due process, and circumvent constitutional protections provided to judges, members of parliament, and prosecutors. Furthermore, the law states that persons subject to the law cannot participate in its judicial examination. This places the court in direct conflict with the executive, as several members of the court were reported to fall within the scope of the law.

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

The president heads the High Council of Justice, which has authority to appoint, discipline, and dismiss district and appeals court judges. Judges dismissed by the High Council have the right to appeal to the High Court. The High Council includes the justice minister, the head of the High Court, nine judges selected by the National Judicial

Conference, and three members selected by the parliament.

As in past years, police, prosecutors, and the judiciary continued to blame each other for failures that allowed criminals to avoid imprisonment. In May 2007 the prosecutor general, minister of interior, minister of finance, and the director of SHISH signed a Memorandum of Cooperation to form the Joint Investigative Unit to Fight Economic Crime and Corruption (JIU) to improve investigation and prosecution of public corruption and other financial crimes. The JIU uses a team structure to concentrate capacity and foster communication necessary for effective investigations and prosecutions. Since its inception in 2007, the JIU opened 224 cases and has successfully convicted the deputy minister of transportation and the general secretary of the Ministry of Labor on corruption charges. Other high-profile cases include the arrest of several prominent physicians for accepting bribes to provide medical services, the arrest of a prosecutor for agreeing to bribe a judge for the reduction of a defendant's sentence, and the extensive investigation and arrest of 17 defendants in a wide-ranging ATM fraud scheme.

Due to its success, the JIU now receives direct referrals from citizens. Furthermore, the JIU was recognized on September 23 by Transparency International (TI) in its 2008 Corruption Perception Index where its rank jumped 20 places to 105. The TI report specifically singled out the JIU stating that an official task force created to fight corruption and economic crime has increased the number of officials prosecuted and sentenced for corruption, also building confidence among the public that corruption can be punished in Albania. Due to the success of the JIU, the government, with funding from the U.S. Millennium Challenge Corporation, is expected to create six regional JIUs.

#### Trial Procedures

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

On February 28, the ombudsman recommended that the Ministry of Justice create a reeducation institution for minors under the age of 14. The law mandates an alternative sentence system for juveniles.

During the year the Ministry of Justice continued setting up special court divisions for minors, establishing them at the courts in the main cities of Tirana, Durres, Shkoder, Vlore, Korce, and Gjirokaster.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedure and Remedies

The bailiff's office, which is part of the Justice Ministry, ensures that authorities enforce civil judgments. Authorities did not enforce many civil judgments, particularly property settlement cases, because of strong social or political ramifications.

#### Property Restitution

The restitution of property confiscated during the communist regime remained a significant problem. The annual

ombudsman's report noted that during the year, it examined a total of 223 complaints related to decisions of the courts, many related to property issues. However, the ombudsman determined these requests as beyond its legal jurisdiction. This gap still exists in spite of the ombudsman's repeated requests to the parliament suggesting amendments to the existing Criminal Procedure Code and the Civil Procedure Code to give it the authority to process these cases.

Authorities did not enforce many property settlement cases because of strong social or political ramifications.

According to the director of the Agency for the Return and Compensation of Property, the country budgeted approximately one billion lek in 2007-08 (approximately \$10.3 million) for property compensation. Associations of former landowners estimate that the total cost to compensate owners across the country to be 342 billion lek (approximately \$3.5 billion). Until the end of the year, no funds were disbursed for this purpose.

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

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

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

#### a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press, and while the government generally respected these rights, there were reports that the government and businesses exerted indirect pressure on the media. While the media were active and largely unrestrained, there were serious problems with the use of the media for political purposes. On several occasions during the year, senior officials launched serious verbal attacks against media outlets, accusing them of ties to the mafia and criminal networks. Senior officials accused other journalists who exposed alleged wrongdoing by public officials of having personal financial interests. In spite of questionable political purposes, the investigative role of the media increased. Journalists regularly practiced self-censorship.

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

Politicization of the media remained a concern. Outlets were divided along political lines and, toward the end of the year, politicization increased with the approaching 2009 parliamentary elections. Publishers and newspaper owners continued to dictate news stories to serve their political and economic interests and sometimes blocked stories that ran counter to those interests. There was little transparency in the financing of the media.

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

According to official data, the country had 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. In spite of a slight improvement in the station's performance during the year, RTSH's professionalism was put into question by its biased pro-government coverage and its lack of any form of investigative journalism. The station's performance was also hindered by the lack of modern technology. By law the government provides 50 percent of the station's budget via a citizens' tax; however, even with this resource, the national broadcaster had limited ability to compete with private stations.

On September 2, the National Council on Radio and Television (NCRT) fined television station News 24 800,000 lek (approximately \$9,300) and twice gave a warning of intent to fine television station Vizion plus for broadcasting an advertisement that violated the legal prohibition on advertising by political groups outside of legally defined campaign periods. The NCRT claimed that a politically oriented NGO, G-99, paid for the advertisement that the government criticized. The television stations and G-99 asserted that G-99's status as an NGO meant that the election laws did not apply to the advertisement and criticized the NCRT fines as an attempt to stifle criticism of the government. The AHC advised the NCRT to annul the fine as unfounded based on the law. News 24 took the case to court and it was ongoing at year's end. The NCRT is also accused of strict control over broadcast licensing, issuing only to those entities that favor the government.

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

On March 10, Tom Doshi, a member of parliament, physically assaulted investigative journalist Besar Likmeta during a prearranged meeting. Doshi verbally warned Likmeta, the Albania editor for the online publication *Balkan Insight*, about investigating Doshi's alleged corruption, then struck the journalist. Likmeta had written a series of articles concerning forged diplomas in the country and subsequently informed the Ministry of Education that Doshi had not earned the university degree listed on the official parliamentary Web site. A witness and fellow member of parliament denied the event occurred and later the journalist dropped the charges. Likmeta claimed he dropped the charges due to fear of harm to family members.

On September 3, the government renewed its demand that Top Channel Television be evicted from a state-owned office building. The station has a 20-year lease contract with the government for the premises. Top Channel, a leading television station that had been critical of the government, had appealed a 2006 Council of Ministers resolution to evict it from the office building located in central Tirana; that case was pending at year's end.

On December 11, the Ministry of the Interior issued an order to the Ministry of Economy to break a 20-year lease with the newspaper *Tema*, a paper that had been critical of the ruling party, on "national security" grounds. The Ministry of Interior claimed that *Tema's* offices were too close to the building that is expected to produce ID cards for the 2009 election.

The law punishes libel with a prison sentence of up to two years and a fine. During the year there were no libel suits against reporters. Members of the media claimed when the prime minister took office in 2005, he made a verbal order that there will be no libel suits by government officials against reporters that was, in fact, exploited to ignore charges of wrongdoing and corruption by media outlets against the government and its senior officials. A legal amendment to make libel a civil offense, submitted to the parliament in 2006, had not been addressed by year's end.

On November 7, authorities summoned journalist Lorenc Vangjeli of weekly MAPO for questioning regarding published details of ongoing investigations into the March 15 incident at Gerdec. Authorities accused Vangjeli of releasing information in an ongoing investigation.

### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. Access to the Internet increased during the year, but remained limited, particularly outside major urban areas. An estimated less than 1 percent of the population had regular access to the Internet.

### Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events; however, government control over academic appointments and a culture of corruption in the education system undermined academic freedom. Officials sometimes required bribes from students in order for them to matriculate or to pass examinations.

The minister of education appoints university officials. University rectors claimed that the change from the previous system, where the faculty and student body had elected these officials, permitted government control over the university's management, including interfering with academic appointments.

## b. Freedom of Peaceful Assembly and Association

### Freedom of Assembly

The constitution and law provide for freedom of assembly, and the government generally respected this right in practice. The law requires organizers of gatherings in public places to notify police three days in advance; there were no reports that police denied such gatherings arbitrarily.

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

### 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 the government used this provision against any group during the year.

## c. Freedom of Religion

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

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

As in previous years, the government continued to consider requests from all religious organizations to make restitution for religious properties and objects that the former communist government confiscated or damaged. The government signed an agreement with several religious communities to facilitate property restitution and was considering these cases at year's end.

### Societal Abuses and Discrimination

There were reportedly fewer than 100 Jews living in the country; there were no known synagogues or community

centers functioning in the country, and no reports of anti-Semitic acts.

For a more detailed discussion, see the *2008 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

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

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

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

During the year work continued on a civil registry, to be followed by issuance of national ID cards and biometric passports.

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 established a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. Under the law, requests for asylum must be made within 10 days of arrival on the country's soil, and the government must make the decision about granting asylum within 51 days of the initial request. The government actively cooperates with the UNHCR and the Refugee and Migrants Services Albania (RMSA), which provide assistance to refugees.

The government provided temporary protection to individuals as refugees under the 1951 convention or the 1967 protocol and provided it to 63 persons during the year.

Together with international organizations, the government, through the European Union's Community Assistance for Reconstruction, Development, and Stabilization program, prescreened undocumented migrants at all border crossing points. Under the program, an NGO and government team assisted border police in identifying undocumented migrants who 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 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

The most recent parliamentary elections were held in 2005. Election observers from the Organization for Security and Cooperation in Europe (OSCE) declared that the elections only partly met international standards. Family and proxy voting continued to be problems. In July 2007 the parliament elected Bamir Topi president in accordance with constitutional guidelines.

Political parties operated without restriction or outside interference.

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

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

#### Government Corruption and Transparency

The law provides criminal penalties for official corruption. Despite several arrests of high-level local and central government officials, corruption remained a major obstacle to meaningful reform and a serious problem.

On December 13, the Supreme Court appointed a five judge panel to review the prosecution's November 27 indictment of Foreign Minister Lulzim Basha for irregularities in the country's largest public works project, the Durres-Kukes Highway. The parliament lifted Basha's immunity in December 2007. The case was pending at year's end.

On June 16, the parliament lifted the immunity of former minister of defense Fatmir Mediu, who resigned his office on March 17 in connection with the investigation into an explosion at a demilitarization warehouse in Gerdec that resulted in the deaths of 26 persons. The Office of Prosecutor General was investigating the responsibility for the explosion at year's end; some international and Albanian media groups alleged the prime minister's office had tried to hinder that and other investigations.

On October 10, investigators from the Ministry of Justice attempted to seize the case files of suspected money launderer Damir Fazlic, a Bosnian-Serb businessman. On October 11, the Ministry of the Interior stated it would sue two of the prosecutors involved in trying to summon Fazlic for questioning, claiming that the summons was illegal. Fazlic, accused of money laundering in Albania, was summoned by the Prosecutor General's office on October 8 for questioning while on a visit to Albania; however, he managed to leave the country before he could be questioned. Legal experts characterized the Ministry of the Interior's threat to sue prosecutors as blatant attempts to intimidate the Office of the Prosecutor General into dropping the case against Fazlic, who was alleged to have links to high-ranking government officials.

In May after a request for expedited adjudication, a Tirana court concluded the case of six high-level government employees, including the deputy minister of public works, general director of roads, and director of procurement who were arrested in September 2007 for corruption relating to their involvement in a bribery scheme for construction tenders. The court sentenced the men to prison and fined five officials and two businessmen. Almost all were freed within the year as the prison sentences were already exhausted during detention while the trial was ongoing.

Also in May the Tirana court sentenced two senior government officials of the Ministry of Labor, Spartak Gjini and

Llambi Tarka, to two and a half years in prison and in addition the owner of the Siret Construction Company, Fiqiri Pali, to one year in prison for an illegal construction tender, and for forcing other companies to withdraw from the competition for reconstruction of the ministry's building. The court also fined the individuals.

During the year the government's anticorruption task force against organized crime continued to coordinate anticorruption activities. The task force is a coordinating body, headed by the prime minister, which includes several ministers and heads of independent state-owned agencies, such as the public electricity company, and representatives of the police and intelligence organizations.

The law prohibits government ministers and their close family members from owning a company that is directly tied to their official responsibilities. Since its conception in 2003, the High Inspectorate for the Declaration and Audit of Assets (HIDAA) received assets declarations from 8,816 officials. Until November there were 363 new officials that declared their assets for the first time. HIDAA administers the conflict of interest regulations and reported inspection of 3,894 asset declarations for the previous year.

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

The law requires public officials to release all information and official documents with the exception of classified documents and state secrets. Most government ministries and agencies posted public information directly on their Web sites. However, businesses and citizens complained of a lack of transparency and the failure to publish regulations or legislation that should be basic public information.

#### 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 generally cooperated and responded to their views.

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

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

In many cases the government took concrete steps to correct problems in response to the findings of the ombudsman. Cooperation has improved between the Ministry of Interior and the ombudsman including an October conference between both sides, which focused on creating more synergies between the two.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

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

## Women

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

Domestic violence against women, including spousal abuse, remained a serious problem. In November 2007 the OSCE noted that "domestic violence was under-reported, under-investigated, under-prosecuted, and under-sentenced" and that officials granted immunity to the overwhelming majority of perpetrators. The government has a department of equal opportunities at the Ministry of Labor, Social Affairs and Equal Opportunity that covers women's issues, including domestic violence.

The government did not fund specific programs to combat domestic violence or assist victims, although non-profit organizations did. Women to Women, a Swedish NGO, reported that there were approximately six domestic violence hot lines that operated throughout the country. The hot lines, serving mainly the northern part of the country received approximately 24 calls per month from women reporting some form of violence. Shtreheza, an NGO that operated two shelters for battered women in Tirana, reported an increase in cases of domestic violence, primarily due to increased awareness of services.

In many communities, particularly those in the northeast, women were subject to societal discrimination as a result of traditional social norms that considered women to be subordinate to men. Reporting on the participation of women in the February 2007 local elections, the OSCE's Office for Democratic Institutions and Human Rights election observation mission noted that family voting was a problem in 30 percent of the voting centers visited on election day and that the practice raised "serious concern of the disenfranchisement of some women and other family members affected by it."

In 2006 the parliament, with the assistance of the Women's Legal Rights Project, enacted an expansion of the law against domestic violence, adding administrative penalties such as protection orders. This law helped raise awareness of the issue and assistance available for victims through the legal system and nonprofit organizations. Implementation of the law is still in the nascent stages, and has been sporadically enforced. The government reported greater awareness of this issue by the population, and 466 complaints were made by citizens regarding domestic violence. Implementation of the restriction orders started during the year with 340 requests for restrictions and 740 citizens placed under police protection. The Ministry of Interior reported 17 murder cases in families occurred during the year.

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

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

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

Neither the law nor practice excluded women from any occupation; however, they were not well represented at the highest levels of their fields. The law mandates equal pay for equal work; however, the government and employers did not fully implement this provision.

## Children

Domestic law codifies the government's commitment to children's rights and welfare; however, in practice the government showed a limited commitment.

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

The law provides for nine years of free education and authorizes private schools. School attendance is mandatory through the ninth grade or until age 16, whichever comes first; however, in practice many children left school earlier than the law allowed to work with their families, particularly in rural areas. Parents had to purchase supplies, books, school materials, and space heaters for some classrooms, which was prohibitively expensive for many families. In 2007 World Vision Albania, which worked primarily in rural areas, reported that rural girls faced additional pressure to leave school because families did not see a value in high school education for girls, and due to security concerns of girls commuting to high school in a larger town. Many families also cited the high cost of school books and uniforms as a reason for not sending girls to school.

According to 2007-08 Ministry of Education figures, secondary school enrollment (ages 15–18) for both boys and girls was 96.7 percent for public schools, while primary school attendance (ages 6-14) was 99.1 percent.

As in previous years, child abuse, including sexual abuse, occasionally occurred, but victims rarely reported it. Trafficking of girls for commercial sexual exploitation was a problem. Children were also trafficked to Greece and Kosovo for begging and other forms of child labor.

As in previous years, some children were unable to leave their homes, including for school, due to fear of reprisal from blood feuds. Figures on the numbers of affected children varied; the latest figures of the Ministry of Interior indicate an estimated 20 children permanently sequestered, while NGOs cite a figure as high as a few hundred. According to the National Reconciliation Committee, nearly 1,000 children were deprived of schooling due to self-imprisonment. As many as 182 children remained endangered by blood feuds involving their families; 86 of these were in particularly dangerous circumstances. Parents generally homeschooled these children. In September the government began offering home-based schooling to 52 children of the self-imprisoned families in the district of Shkoder.

Child marriage remained a problem in many families in the Romani community and typically occurred when children were 13-14.

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

#### Trafficking in Persons

The law prohibits all forms of trafficking in persons and provides penalties for traffickers; however, individuals and organized crime syndicates trafficked persons, particularly women and children, from and within the country.

The country was a source country for trafficking of women and children for the purposes of commercial sexual exploitation and forced labor, although there has been a slow but steady decline in the number of persons trafficked each year. Greece is the main country of destination for trafficked women. Italy, Macedonia, and Kosovo were also destinations, with many victims trafficked onward to Western Europe. Traffickers largely used overland routes or falsified documents to transport their victims by airplane or ferry. Police and shelter representatives continued to

report a trend of traffickers moving females from villages and smaller towns to larger cities for forced prostitution in hotels and private homes. During the year NGOs Terre des Hommes (TdH) and Arsis provided assistance to Albanian children who are suspected to be victims of trafficking – 486 Albanian children were assisted in Greece and 327 in Albania.

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

The government provided limited services to trafficking victims, operating a shelter near Tirana; however, it has not provided any assistance to the four non-government shelters. On July 23, the government approved a new National Action Plan through 2008-10 to specify government actions to provide services to victims of trafficking; however, implementation was slow.

The government made improvements to encourage implementation of its National Referral Mechanism, which partnered the government with local civil society and international intergovernmental organizations to provide a holistic approach to combating trafficking in persons, although there continued to be problems. Due to increased police training and a proactive approach towards identification, the number of victims of trafficking that the government officially identified was slightly higher than the number of victims identified by NGO sources. Although some discrepancies still existed, official identification and referral improved markedly throughout the year. The establishment of a database to manage and track cases contributed to this increase in identification.

The State Department's annual *Trafficking in Persons Report* can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

The constitution and law prohibit discrimination against persons with disabilities; however, employers, schools, health care providers, and other state services sometimes discriminated against persons with disabilities. The law mandates that builders of new public buildings make them accessible for persons with disabilities, but the government only sporadically enforced the law. Widespread poverty, unregulated working conditions, and poor medical care posed significant problems for many persons with disabilities.

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

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

The electoral code provides for wheelchair-accessible voting booths and special accommodations for the blind that authorities made available to citizens during the February 2007 elections.

#### National/Racial/Ethnic Minorities

There were no reports of police violence against members of minority groups, but there were reports of societal

discrimination. As visible minorities, members of the Romani and Balkan Egyptian communities suffered significant societal abuse and discrimination.

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

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

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

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

In September the government charged Vasil Bollano, the ethnic Greek mayor of Himara, with destruction of government property after he ordered the removal of two million lek (approximately \$23,000) worth of new road signs in the Himara district. Bollano objected to the signs because authorities posted them in Albanian and English but not Greek. The law requires that road signs be posted in Albanian and English only. Bollano was awaiting trial at year's end.

#### Other Societal Abuses and Discrimination

The government has not taken any actions to protect the rights of homosexuals. As in previous years, NGOs claimed that police targeted the homosexual community for abuse.

The Albanian Human Rights Group reported that during the year, police harassed members of the Albanian Gay and Lesbian Association and other known homosexuals.

#### Section 6 Worker Rights

##### a. The Right of Association

Workers had the right to form independent unions and exercised this right in practice; however, the law prohibits members of the military from joining unions. Approximately 20 percent of the workforce belonged to unions.

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 courts judge to be political. During the year, the ombudsman received numerous complaints of unlawful dismissals of police officers across the country.

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

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

directly with the government. Effective collective bargaining remained difficult, and agreements were hard to enforce.

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

There are no export processing zones.

#### Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, individuals and organized crime syndicates trafficked women and children for sexual exploitation and labor.

#### d. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum age of employment at 14 and regulates the amount and type of labor that children under the age of 18 may perform. Children between the ages of 14 and 16 may work legally in part-time jobs during summer vacation; children between the ages of 16 and 18 can work throughout the year in certain specified jobs. The law provides for the Ministries of Labor, Social Affairs, and Equal Opportunity to enforce minimum age requirements through the courts; however, there were no reports that enforcement took place. Labor inspectors generally only investigate the formal labor sector, whereas most child labor occurs in the informal sector. The majority of factories inspected were shoe and textile companies. More than 70 percent of the underage workers were girls.

In January a new legal provision of the Penal Code was approved, which categorizes "exploitation of children for labor or forced services" as a penal crime.

In October the government and the International Labor Organization, represented by the International Labor Office on the Elimination of Child Labor signed a memorandum of understanding stipulating their cooperation for the upcoming five years.

In December the second phase of the Project "Child Labor Monitoring System in Albania" was launched covering two more regions of the country, Elbasan and Shkoder. The first phase covered the three regions of Tirana, Berat, and Korce and resulted in 315 children that were mainstream back into the educational services and pulled away from the street, agriculture and factory work, or trafficking and illicit activities. The Child Labor Unit at the Ministry of Labor is expected to continue to manage this project and its approved Action Plan.

According to a 2007 CHRCA estimate, 50,000 children under the age of 18 worked either full or part time. The CHRCA reported that the majority of child laborers worked as street or shop vendors, beggars, farmers or shepherds, drug runners, vehicle washers, textile factory workers, or shoeshine boys. Some children worked 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. Children were trafficked for commercial sexual exploitation.

On March 15, a massive explosion killed several illegally employed children at a munitions dump in the town of Gerdec. The explosion killed a total of 26 persons.

Child labor is prohibited, and the government together with several NGOs and international donors had some specific programs aimed at preventing child labor.

e. Acceptable Conditions of Work

The government raised the national minimum wage in July to 17,000 lek (approximately \$186) per month. However, it was not sufficient to provide a decent standard of living for a worker and family. According to INSTAT, the average wage for government workers was 31,850 lek (\$370) per month. The Albanian Institute of Statistics also reported that average monthly wages in the public sector increased 9.1 percent from 2006-07.

The law establishes a 40-hour workweek; however, individual or collective agreements typically set the actual workweek. Many persons worked six days a week. The law requires payment of overtime and rest periods; however, employers did not always observe these provisions in practice. The government had no 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, the Ministry generally did not enforce regulations in practice. 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 chromium mines of Bulqiza continued to be among the most dangerous workplaces in Albania, with at least 16 deaths reported to have happened from April 2007 to the end of the year. During the year, miners at Bulqiza launched a hunger strike in protest of the poor working conditions; the miners suspended the strike to give the government time to come up with proposals on how to improve work conditions and to pass a special Miners' Status. The government had not made a proposal by year's end.

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