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1999 Country Reports on Human Rights Practices

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ALBANIA

Albania is a republic with a multiparty parliament, a prime minister, and a president elected by the Parliament. The Prime Minister heads the Government; the presidency is a largely ceremonial position with limited executive power. The Socialist Party and its allies won 121 of 155 parliamentary seats in 1997 elections held after a 5-month period of chaos and anarchy. Observers deemed the elections to be acceptable and satisfactory under the circumstances. The largest opposition group, the Democratic Party, ended its 10-month long boycott of the Parliament (its second such boycott in 2 years based on charges of unfair practices by the ruling Socialists and their coalition partners) in July. Socialist Pandeli Majko served as Prime Minister until October. After losing the October electoral contest for chairmanship of the Socialist Party, Majko resigned, and the Party chose Deputy Prime Minister Ilir Meta to replace him; Meta took office in October. The Constitution provides for an independent judiciary; however, continued political instability, limited resources, political pressure, and endemic corruption weaken the judiciary's ability to function independently and efficiently.

Local police units that report to the Minister of Public Order are principally responsible for internal security. One of the most serious problems involving public order and internal security is the fact that police officers are largely untrained and often unreliable. The international community established training programs to improve the quality of the police forces; the programs have trained a large number of police officers. The Ministry also has a small force of well-trained and effective police officers organized into special duty units. During the year the Government reestablished law and order in areas of the country that had been almost totally beyond central government control since 1997. Police waged major operations in the districts of Tropoja, Vlora, Shkoder, Burrel, Fier, and Gjirokaster, where criminal gangs were active. The Ministry claims that it broke up at least 32 criminal gangs. Serious problems in the area of policing remain nonetheless. The police are affected by, and are sometimes part of, the country's endemic corruption. The National Intelligence Service (ShIK) is responsible for both internal and external intelligence gathering and counterintelligence. The armed forces did not have a role in

domestic security until 1998, when a special 120-man "commando" unit was authorized. The new unit operates in an antiterrorist role under the Minister of Defense. During times of domestic crisis, the Minister of Public Order can request command authority over the unit. The police committed human rights abuses.

Albania is a poor country in transition from central economic planning to a free market system, and many issues related to privatization, ownership claims, and appropriate regulation of business are not yet resolved. The country experienced slow but stable progress in its recovery efforts from the collapse of 1997 and turmoil of 1998. The inflation rate dropped from about 10 percent during 1998 to close to zero in 1999. Gross domestic product (GDP) grew by about 8 percent. The official unemployment rate was 18 percent, a slight increase from the 17 percent of the previous year. With two-thirds of all workers employed in agriculture--mostly at the subsistence level--remittances from citizens working abroad are extremely important, as is foreign assistance. The GDP may be underestimated because considerable income also is thought to be derived from various organized and semiorganized criminal activities. A variety of other unreported, noncriminal activities, such as unlicensed small businesses, along with the Government's inability to collect fully accurate statistics, also contribute to the GDP's underestimation.

There continued to be problems in the Government's human rights record in several areas; however, there were some improvements in a few areas. The opposition Democratic Party continued to allege that the Government was responsible for the murders of some of its members during 1998 and made additional allegations regarding alleged murders during 1999. The police beat and otherwise abused suspects and prisoners, and there were deaths in custody. The Democratic Party often legitimately complained about incidents of police harassment of its members and of the dismissal of some of its members from official positions for political reasons. The police at times arbitrarily arrested and detained persons. Prolonged pretrial detention is a problem. The judiciary is inefficient and subject to corruption and executive pressure. There were complaints of unqualified and unprofessional judges and credible accounts of judges who were intimidated or bribed by powerful criminals. The Government often infringed on citizens' privacy rights. Government respect for freedom of speech and of the press improved; however, police at times beat journalists, and academic freedom was constrained. These improvements were largely offset by the Government's continued passive approach to basic law enforcement: in too many instances crime, corruption, and vigilantism undermined the Government's efforts to restore civil order. The country hosted nearly 450,000 refugees from neighboring Kosovo during the violent conflict and NATO military action in that province. Violence and discrimination against women, trafficking in women and children, and child abuse were significant problems. Discrimination and violence against religious and ethnic minorities, particularly against Roma, remained problems. The Government took some steps to improve the treatment of ethnic minorities. Child labor is a problem. Vigilante action resulted in many killings.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no confirmed cases of political killings by the Government, despite repeated

claims by the main opposition party that its members were harassed, beaten, and sometimes murdered by government agents. The Democratic Party claimed that over 21 members, supporters, local government officials, and former national party officials were killed during the 2 years that the Socialists were in power (1997-99). The Party claimed that at least three of its members were killed during 1998: The chairman of the local branch of the Democratic Party of Kish-Arra village of Shkoder, the deputy chairman of the polling station in the Gjinar commune of the Elbasan district, and the chairman of the Democratic Party branch of Boric village in Malesia e Madhe. The Democratic Party accused the Government of failing to investigate these crimes, noting that no suspects were tried for the murders. The Democrats asked for the creation of an independent investigatory group that would oversee the investigation of these crimes (which the Party considers to be political).

Police committed extrajudicial killings. In January a 19-year-old man from Elbasan, Kastriot Bega, was arrested by police on charges of murder. He was taken first to the police station and later to the hospital, which he reached in critical condition, and died soon thereafter. The police claimed that he died a natural death, but the hospital staff said that his body bore multiple marks from beating and mistreatment. In December Bardhyl Balliu, a Kavaje citizen, was detained by the Tirana police force; he died in police custody while awaiting trial.

The country continued to experience high levels of violent crime. When Minister of Public Order Spartak Poci took office in May, he estimated that overall crime had increased by 20 percent compared with the previous year; violent crime rose by 28 percent, and murder by 16 percent. The press reported in June that the house of the Prefect of Shkodra was blown up; he was not at home at the time.

Ministry of Public Order statistics show that 432 murders took place throughout the country during the year; 62 of them were in Tirana. The February 21 murder of a prominent lawyer, Kleanthi Koci, who was chairman of the Association of Defense Attorneys, led to a large public demonstration at his funeral against crime, which was an expression of public frustration with the lack of order and security in the country. On June 10, near Bajram Curri, two employees of the Organization for Security and Cooperation in Europe (OSCE) were killed; their official vehicle was ambushed by gunmen along a rural road. The OSCE closed its office in Bajram Curri following the incident.

Shelling across the border by Serbian military forces killed several persons. For example in April Serbian artillery fire killed 2 persons and wounded 12 others in the towns of Tropoja and Padesh. Two persons were killed in May in the small border village of Cahani.

Many killings occurred throughout the country as the result of individual or clan vigilante actions sometimes connected to traditional " blood feuds," or in conflicts involving various criminal gangs.

Disappearance

There were no confirmed reports of politically motivated disappearances.

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

The Constitution stipulates that " no one can be subject to torture, or cruel and brutal treatment;" however, the police often beat suspects in the process of arresting them, and the Albanian Helsinki Committee reported that the police beat or otherwise mistreated prisoners. The Penal Code makes the use of torture a crime punishable by up to 10 years' imprisonment. According to the Albanian Helsinki Committee, major police stations were the sites of the worst abuse of detainees, and all stations were overcrowded. There were at least two deaths of suspects in police custody (see Section 1.a.).

There were a number of reports of police violence. The Socialist Party newspaper Zeri i Popullit on June 1 described a violent raid in May by the police in the village of Spotalte in Lushnje. Ministry of Interior special forces reportedly were looking for a criminal, but when they failed to find him they brutally mistreated members of the community; police beat persons and made unauthorized searches of houses. They allegedly arrested two villagers and stole money from local residents. The press reported a similar incident in the town of Cerrik, where dozens of persons voiced their protest against police violence, which also apparently was directed at the community due to its alleged ties to organized criminal gangs.

According to the Democratic Party, Besnik Jaku, the leader of the Tirana University student hunger strike was beaten in police custody in December 1998. In April Besim Biberaj suffered multiple broken bones while illegally detained for 3 days at a Tirana police station.

Police at times beat journalists (see Section 2.a.).

The majority of police officers receive little or no training. Western governments continued police training programs aimed at improving technical expertise, operational procedures, and respect for human rights. These training and education programs began to improve the level of professionalism of the police, but the overall performance of law enforcement remained weak.

Police corruption remains widespread. Sources in the Ministry of Interior stated that more than 491 police officers were fired from their jobs during the year because of incompetence, lack of discipline, or violations of the law.

Prison conditions remained poor, although they improved during the year with the construction of new prisons and the repair of old ones. While the Government financed much of this work, it has also received international assistance, particularly from European Union (EU) countries. All prisons were destroyed or severely damaged in 1997 when armed groups stormed them and released the prisoners. The Government reopened 8 prisons (housing over 1,000 inmates), but the existing facilities are inadequate to house properly all current prisoners. Overcrowding created very difficult living conditions.

In previous years, as a result of the overcrowding in prisons, juvenile and adult inmates shared cells. The Government took steps during the year to separate them. The Ministry of Justice ordered the construction of a new facility for juvenile inmates in Kruje and sought foreign assistance to complete this project. The opening of the new prison in Lezhe (with a capacity of 800 inmates) is expected to help reduce overcrowding and facilitate the process of repatriating Albanian prisoners from foreign prisons, mainly from Greece and Italy. (More than 2,000 Albanians are serving sentences in Greek prisons, and over 1,500

others are serving sentences in Italian prisons.) By year's end the prison's construction was more than 70 percent completed; its completion date was unknown. In 1998 the first five inmates were transferred from Greek prisons to Albanian prisons. Another 35 requests for transfers were filed with the Greek Ministry of Justice. Family visitation is allowed.

The Government has cooperated with the International Committee of the Red Cross and with other nongovernmental organizations (NGO's) and has improved access for prison inspections.

d. Arbitrary Arrest, Detention, or Exile

Police at times arbitrarily arrested and detained persons. The 1995 Penal Procedures Code sets out the rights of detained and arrested persons. By law a police officer or prosecutor may order a suspect into custody. Detained persons must be informed immediately of the charges against them and of their rights. A prosecutor must be notified immediately after a suspect is detained by the police. Within 48 hours of the arrest or detention a court must decide, in the presence of the prosecutor, the suspect, and the suspect's lawyer, the type of detention to be imposed. Legal counsel must be provided free of charge if the defendant cannot afford a private attorney.

Bail in the form of money or property may be required if the judge believes that the accused otherwise may not appear for trial. Alternatively a suspect may be placed under house arrest. The court may order pretrial confinement in cases where there is reason to believe that the accused may leave the country or is a danger to society.

The Penal Procedures Code requires completion of pretrial investigations within 3 months. The prosecutor may extend this period by 3-month intervals in especially difficult cases. The accused and the injured party have the right to appeal these extensions to the district court. In practice lengthy pretrial detention is a problem. Delayed investigations are also a serious problem, and the cases of many detained persons exceed the time limits set by law. In September a Democratic Party paper alleged that three persons from the northern city of Kukes were held in police custody for more than 16 months without trial.

The Democratic Party claimed that the Government detained and sent to prison dozens of its supporters during the year. Some of them were victims of cruel and inhuman treatment (see Section 1.c.).

There were no clear cases of detainees being held for strictly political reasons, but several notable arrests appeared to be motivated by politics as well as by law enforcement interests. In September 1998, the police arrested a number of persons associated with the Democratic Party who participated in the events of September 14, 1998, and prosecutors charged them with taking part in an "armed rebellion" and in "a failed coup d'etat" (also see Section 1.e.). The Democratic Party complained that the arrests were purely political, which is a claim highlighted by the presence of the chairman of the Monarchist Legality Party, the third largest political party in the country, among the arrestees. The case had not come to trial by year's end.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, continued political instability, limited resources, political pressure, and endemic corruption all weaken the judiciary's ability to function independently and efficiently. Corruption remains a serious problem, especially with the growth of organized crime, and judges are subjected both to bribery attempts and intimidation.

Many court buildings were destroyed in the civil unrest in 1997, and although all reopened, important records and legal materials were lost permanently. Long case backlogs are typical. The removal of court budgets from the control of the Ministry of Justice to a separate, independent body, the Judicial Budget Office, and the establishment of a school for magistrates were useful steps towards strengthening the independence of the judiciary. A board chaired by the Chief Justice of the Supreme Court runs the Judicial Budget Office. All other board members are judges.

The judicial system comprises district courts of the first instance, military courts, six courts of appeal, and the Supreme Court. There is also a separate and independent Constitutional Court. The Supreme Court hears appeals from the Courts of Appeal, while the Constitutional Court reviews those cases requiring constitutional interpretation.

The President heads the High Council of Justice, which has authority to appoint, discipline, and dismiss judges of the courts of first instance and of the courts of appeal. Judges who are dismissed have the right to appeal to the Supreme Court. In addition to the President, the Council consists of the Minister of Justice, the head of the Supreme Court, the Prosecutor General, three judges (chosen by sitting judges), two prosecutors (selected by the prosecutors), and four independent lawyers named by the Parliament.

The President of the Republic nominates the President and Vice President of the Supreme Court, and the Parliament elects all of the Supreme Court's justices. The President selects four of the nine members of the Constitutional Court; five are elected by the Parliament. Parliament has the authority to approve and dismiss the judges of the Constitutional Court and the members of the Supreme Court. According to the law, dismissal only may be ordered after conviction for a serious crime or for mental incompetence. In May the Chief Judge of the Supreme Court was dismissed 3 years before the expiration of his mandate. The Parliament judged that the mandate of the Chief Judge had ended because of the entry into force of the new Constitution; the Chief Judge claimed that the term of his mandate had not ended and that he had 3 more years to serve. He filed charges with the Constitutional Court against the decision of the President and the Parliament. The Constitutional Court found the decision to be in accordance with the law and approved the removal. He then took his case to the European Court of Human Rights. The opposition criticized his removal and claimed that it was unconstitutional and illegal. In 1998 three other judges were nominated to be members of the Supreme Court without the prior experience required under the Constitution. These judicial candidates openly maintain ties to the ruling party.

Constitutional Court justices in theory serve maximum 9-year terms, with three justices rotating every 3 years. Justices of the Supreme Court serve for 7 years.

Under the 1998 Constitution, the President appoints the prosecutor general with the consent of the Parliament. The President appoints and dismisses other prosecutors on the recommendation of the prosecutor general.

Parliament approves the courts' budgets and allocates the funds. Each court may determine how it wishes to spend the money allocated to it. The Justice Ministry provides and approves administrative personnel.

Courts operate with very limited material resources. As a result, in many instances the court system was unable to process cases in a timely fashion. Public opinion holds the judiciary, in particular, responsible for government failure to stop criminal activity. In July police forces in Shkoder, the country's third largest city, blocked the main entrance of the District Court and did not allow officers of the court to enter the building as a sign of protest following the court's release of suspected criminals who were detained by the police. The judge and prosecutors argued that this protest constituted intimidation and violated the court's independence. The situation was defused relatively quickly and without complications, but it brought to light the serious problems that the judicial system faces. A tense atmosphere exists between the police and the judiciary. Each side cites the failures of the other as the reason that many criminals avoid imprisonment. The courts accuse the police of failing to provide the solid investigation and evidence necessary to prosecute successfully, and the police allege that corruption and bribery taint the courts. The Constitution provides that all citizens enjoy the right to a fair, speedy, and public trial, except in cases where the necessities of public order, national security, or the interests of minors or other private parties require restrictions. Defendants, witnesses, and others who do not speak Albanian are entitled to the services of a translator. If convicted the accused has the right to appeal the decision within 5 days to the Court of Appeals.

The Democratic Party also asserted that the chairman of the Legality Party (the Monarchists), Ekrem Spahia, and 12 members and supporters of this party are being tried unfairly for participation in the events of September 14, 1998, which followed the murder of the Democratic Party parliamentarian, Azem Hajdari, by unknown persons. The Democrats believe that all these individuals are being imprisoned for political reasons.

Fatos Nano, the former Prime Minister, was acquitted of charges of corruption and abuse of power by a Tirana court on October 5. A court spokesman said that the court decided that a 12-year sentence given to him 5 years ago was "not based on facts."

Local human rights groups and the political opposition complained about procedural violations in the legal case against six former government officials, including the former Ministers of Defense and the Interior, who were charged in August 1998 with crimes against humanity for their role in suppressing the popular uprisings in 1997. In February the Government released them from house arrest but still had not tried them by year's end.

On March 22, a Tirana court ordered that Vlora gang leader Zani Caushi be released from jail. Observers suggested that Caushi's friends in Vlora intimidated some of the witnesses in his case, while the opposition press accused the Socialist Party of having links to Caushi and therefore seeking to ensure his release. Seven other members of Caushi's gang received prison terms of between 3 and 15 years for crimes ranging from armed robbery to kidnapping.

There were no reports of political prisoners.

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

The Law on Fundamental Human Rights and Freedoms provides for the inviolability of the individual person, of dwellings, and of the privacy of correspondence; however, the Government often infringed on these rights. Police often conduct searches without first obtaining warrants. The Democratic Party claimed that in August the police surrounded the house of a Democratic Party Member of Parliament, Myslim Murrizi, and later broke into his house and terrorized his family. The police confiscated two properly licensed hunting guns owned by the family. In February DP opposition leader Sali Berisha reported that a court ordered that his telephone be wiretapped. Justice Minister Thimio Kondi said that wiretapping is legal and denied that the authorities had political motives for wiretapping Berisha's telephone.

Section 2 -- Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Law on Fundamental Human Rights and Freedoms provides for freedom of speech and of the press, and the Government generally respected these rights; however, police at times beat journalists. The media are active and unrestrained but have developed little sense of journalistic responsibility or professional integrity. Sensationalism is the norm in the newspapers, and the political party-oriented newspapers in particular print gossip, unsubstantiated accusations, and outright fabrications. Some publications appear to be making efforts to improve professional standards and to provide more balanced and accurate reporting.

Political parties, trade unions, and various societies and groups publish their own newspapers or magazines, and competition with commercial publications is very keen. An estimated 200 publications are available, including daily and weekly newspapers, magazines, newsletters, and pamphlets. Five newspapers and two magazines are published in Greek in the south. A difficult economic situation, coupled with readers' distrust of the press, resulted in a significant drop in newspaper sales during the year. The total daily circulation of all newspapers dropped from about 75,000 copies to less than 65,000 copies. This came after a drop in 1998 from 85,000 to 75,000 copies. Newspaper and magazine publishers considered 1999 a very bad year for circulation and readership. The opening of many new private radio and television stations, as well as an increase in the price of newspapers and magazines, are the main reasons for this sharp fall in circulation.

In May state-run radio and television was converted into a public entity. Its outlets provide the most widespread and universally accessible domestic programming. This entity no longer is financed by the State and has no direct connection to the Government. Rather, it is run by the Leading Council of Radio and Television, a body elected by the Parliament.

Fifty private television channels and 30 private radio channels operate, unregulated, all over the country. The wide availability of satellite dishes provides citizens with easy access to international programming. The Government established new licensing procedures during the year to promote a more stable broadcasting environment. The Parliament created the National Council of Radio and Television, which is responsible for issuing private radio and television licenses. The Council consists of seven members: Three members appointed by the ruling parties, three members from the opposition parties, and one member appointed by the President. The chairman serves a 6-year term

while other council members are elected to 5-year terms. As of September, the opposition had not yet proposed its members for both councils. The licensing of private radio and television stations had not yet begun by year's end.

Attacks on journalists continued--both beatings by the police and assaults by unknown assailants. According to human rights NGO's, in July police officers in Elbasan mistreated two journalists of the independent Koha Jone. In September two persons attacked and maltreated a Koha Jone journalist in Vlore. In September the independent press accused the Tirana chief of police of violence against a cameraman from a private television channel who was filming a murder victim downtown. The cameraman allegedly was beaten by the police on orders of the chief of police who was present at the scene. Unidentified gunmen seriously injured journalist Vjollca Karanxha while she was filming in Pogradec on November 22. Karanxha is a reporter for the local radio and television station and often has written about the role of local officials in smuggling and corruption.

Academic freedom continues to be limited. University professors complain that some faculty members are hired or fired for political reasons and that students who have the right political connections get preferential treatment regardless of their personal qualifications. The Government maintains that changes in university staffing are made on the basis of merit. The Tirana University hunger strike, begun in December of 1998 to protest the Government's indifference towards the poor living conditions at the university, ended after 2 weeks. b. Freedom of Peaceful Assembly and Association

The Law on Fundamental Human Rights and Freedoms provides for the right of peaceful assembly, and the Government generally respected this right in practice. According to the law, organizers must obtain permits for gatherings in public places, which the police may refuse to issue for reasons such as security and traffic. In practice rallies and demonstrations were very common. The Government made no concerted efforts to prevent them, and the police generally maintained order with due respect for citizens' rights; however, in some cases individuals claimed that the police or secret agents of the ShIK intimidated them because of their participation in opposition rallies, while others claimed that they were fired from their jobs because they participated in opposition rallies. The Law on Fundamental Human Rights and Freedoms provides for the right of association, and the Government generally respected this right in practice. A political party must apply to the Ministry of Justice for official certification. It must 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.

Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice. According to the 1998 Constitution, there is no official religion, and all religions are equal. However, the predominant religious communities (Muslim, Orthodox, and Roman Catholic) enjoy de facto recognition by the authorities that gives them the legal right to hold bank accounts, to own property and buildings, and to function as juridical persons based on their historical presence in the country. Religious movements--with the exception of the three de facto recognized religions--can acquire the official status of a juridical person only by registering under the Law on Associations, which recognizes the status of a nonprofit association irrespective of whether the organization has a cultural, recreational, religious, or humanitarian character.

The majority of citizens are secular in orientation after decades of rigidly enforced atheism. Muslims, who make up the largest traditional religious group, adhere to a moderate form of Sunni Islam. The Albanian Autocephalous Orthodox and Roman Catholic Churches are the other large denominations. The Albanian Orthodox Church split from the Greek Orthodox Church early in the century, and adherents strongly identify with the national church as distinct from the Greek Church. The current archbishop is a Greek citizen, even though the Albanian Orthodox Church's 1929 statute states that all its archbishops must be of Albanian heritage, because there are no Albanian clerics qualified for this position. Bektashis, (Muslim believers who adhere to a very loose form of Islam), form another large denomination in the country.

Foreign clergy, including Muslim clerics, Christian and Baha'i missionaries, Jehovah's Witnesses, Mormons, and many others freely carry out religious activities. The Religious Council of the State Secretariat, an office that functions under the Prime Minister's authority but that has no clear mandate or decisionmaking power, was renamed " The State Committee on Cults" in September. The Committee chairman is to have the status of a deputy minister, and this office is to coordinate all issues connected with religion and the State. This office estimates that there are 12 different Muslim societies and groups with approximately 324 representatives throughout the country and more than 79 Christian societies and sects with 344 missionaries representing Christian or Baha'i organizations.

The Government has not yet returned all the properties and religious objects under its control that were confiscated under the Communist regime in 1967. In cases where religious buildings were returned, the Government often failed to return the land that surrounds the buildings. The Government also is unable to compensate the churches adequately for the extensive damage that many religious properties suffered. The Orthodox Church has complained that it has had difficulty in recovering some religious icons for restoration and safekeeping.

The Albanian Evangelical Alliance, an association of Protestant Churches, has complained that it has encountered administrative obstacles to building churches and to accessing the media. The growing evangelical community continues to seek official recognition and participation in the religious affairs section of the Council of Ministers.

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

The Law on Fundamental Human Rights and Freedoms provides for freedom of movement within the country and for freedom to leave the country and return, and the Government respects these rights in practice.

A pressing problem that arose as a result of uncontrolled internal migration is the problem of local registration and status. A survey conducted by an NGO, The Society for Democratic Culture, from April to August highlighted the fact that many families (the numbers vary from hundreds to thousands) moved from the poor northeast to more prosperous zones and are no longer registered at all. The survey conducted covered three pilot zones: An area near Durres with 15,000 inhabitants, an area in the Vlore district with 12,000 inhabitants, and a Tirana area with over 20,000 inhabitants. The survey found that during election campaigns, these citizens are registered as inhabitants of these zones and

thus are permitted to vote; however, in the period between elections, these citizens are not considered inhabitants of these zones and are denied even basic education. In many educational institutions, students must have, among other documents, an official document from the district that acknowledges that they are inhabitants of the district. The lack of such documents prevents many students from these areas from attending school.

Citizens who fled the country during or after the Communist regime are welcomed back, and if they lost their citizenship they may have it restored. Albanian-born citizens who emigrate may hold dual citizenship.

The Constitution gives foreigners the right of refuge in the country, and a 1996 asylum law includes provisions for granting refugee or asylee status. The Government accepts the entrance of refugees, does not expel those with valid claims to refugee status, and works with the international community to provide housing and support for them. It also provides first asylum. Over 450,000 Kosovar Albanians were afforded refuge during the Kosovo crisis, finding shelter with extended family or in facilities operated by the U.N. High Commissioner for Refugees (UNHCR) or other international entities. The Government cooperated with the UNHCR and others to provide support to the refugees.

Organized criminal gangs have made the smuggling of illegal immigrants--Albanians, Kurds, Pakistanis, Chinese, Turks, and others from the Middle East and Asia--into a lucrative business. Italy is the most common destination. The Government claims that it has taken steps to combat the problem, but that a lack of resources hinders its efforts. Italian military and border patrol squads operate in various coastal zones in an effort to stop the flow of illegal immigrants. Individuals who become stranded in Albania while trying to use this illegal pipeline are eligible for a "care and maintenance" program run by the UNHCR and the Albanian Red Cross and can have their cases evaluated by UNHCR officials. There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution states that "Governance is based on a system of elections that are free, equal, general, and periodic;" citizens elected a government in 1997 in what international observers considered to be a satisfactory process, given the preceding months of chaos and anarchy.

The main opposition group, the Democratic Party, boycotted the Parliament throughout most of the year, refusing to participate in virtually all government functions at the national level. Top DP officials, including former president Sali Berisha, refused to testify in the investigation into the September 1998 killing of DP parliamentarian Azem Hajdari, stating that the investigation was politically motivated. The DP, led by Berisha, returned to the Parliament in July after the Government committed itself to investigate Hajdari's murder fully and fairly.

The Constitution prohibits the formation of any party or organization that is totalitarian; incites and supports racial, religious, or ethnic hatred; uses violence to take power or influence state policies; or is nontransparent or secretive in character.

No legal impediments hinder the full participation of women and minorities in government, and the major political parties have women's organizations and have women serving on their central committees; however, women continue to be underrepresented in both politics and government. In the Parliament 10 of 155 members are women (1 of whom serves as deputy prime minister). In the current government three ministers are women. Ethnic Greeks constitute the largest minority. They are represented in the current Government and participate actively in various political parties.

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

The Government generally permitted human rights and related organizations to function freely, although the lawlessness in some areas of the country severely limited the practical access of some of these organizations. The Albanian Helsinki Committee, the Albanian Human Rights Group, the Albanian Human Rights Documentation Center, the Society for Democratic Culture, the Albanian Institute for Contemporary Studies, and the Women's Center were among the most active domestic NGO's involved in human rights activities. Despite the assistance of international donors, the work of all of these organizations is hampered by a shortage of funds and equipment; the Government cooperated only minimally with these local groups.

In February the Parliament ratified a new law to create the country's first national human rights ombudsman; however, no one had been appointed to the post by year's end.

A wide variety of international human rights NGO's visit or operate within the country with the cooperation of the Government and generally without restriction. These organizations are free to publish and disseminate their findings, including criticisms of the Government. The Government also cooperates with the United Nations and other international entities on human rights issues. During the Kosovo conflict and the influx of refugees into Albania, the number of NGO's active in Albania increased several fold. The Government played a key role in facilitating and coordinating their work.

Section 5 -- Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Law on Major Constitutional Provisions prohibits discrimination based on sex, race, ethnicity, language, or religion. However, women and some minority groups complain that discrimination continues in practice.

Women

Violence against women and spousal abuse still occur in this traditionally male-dominated society. Cultural acceptance and lax police response result in most abuse going unreported. No government-sponsored program protects the rights of women. An NGO maintains a shelter in Tirana for abused women, but the facility has the capacity to house only a few victims at a time. The same NGO also operates a hot line that women and girls can call for advice and counseling. The line received thousands of calls during the year. The UNHCR reported some cases of rape and sexual assault of Kosovar Albanian women in refugee camps. The concepts of marital rape and sexual harassment are not well established, and most such acts would not be considered crimes.

Many men, especially those from the northeastern part of the country, still follow the traditional code known as the "kanun," in which women are considered chattel and may be treated as such. Also under the kanun, it is acceptable to kidnap young women for brides; this practice, too, continues in some areas of the northeast.

Trafficking in women for the purpose of prostitution is a significant problem (see Section 6.f.).

Women are not excluded, by law or in practice, from any occupation; however, they are not well-represented at the highest levels of their fields. The Labor Code mandates equal pay for equal work, but no data are available on how well this principle is implemented in practice. Women enjoy equal access to higher education, but they are not accorded full and equal opportunity in their careers, and it is common for well-educated women to be underemployed or to work outside the field of their training. An increasing number of women are beginning to venture out on their own, opening shops and small businesses. Many are migrating along with men to Greece and Italy to seek employment.

Children

The Government's commitment to children's rights and welfare is codified in domestic law and through international agreements. The law provides for the right to at least 8 years of free education and also authorizes private schools. School attendance is mandatory through the eighth grade (or age 18, whichever comes first); however, in practice many children leave school earlier than allowed by law in order to work with their families, especially in rural areas. A study by the Albanian Helsinki Committee noted that a few thousand children, largely from the underdeveloped northeast of the country, were forced to quit school because their families were involved in "blood feuds" that endangered the safety of even minor family members.

Child abuse is a little-reported problem, but the authorities and NGO's believe that it exists. Trafficking in children is a problem (see Section 6.f.). Criminals may kidnap children from families or orphanages to be sold to prostitution or pederasty rings abroad. Within the country, Romani children often work as beggars, and the police generally ignore the practice. People with Disabilities

Widespread poverty, unregulated occupational hazards, and poor medical care pose significant problems for many disabled persons. The disabled are eligible for various forms of public assistance, but budgetary constraints mean that the amounts that they receive are very low. No law mandates accessibility to public buildings for people with disabilities, and little has been done in that regard.

Religious Minorities

The Archbishop of the country's Orthodox Church has noted incidents in which the Orthodox and their churches or other buildings have been the targets of vandalism. There were reports that a number of Orthodox churches in the south were burned. The Albanian Helsinki Committee issued a report on August 26 stating that unknown persons damaged or desecrated more than 10 Orthodox churches and monasteries in 1998 and 1999. In January a Greek Orthodox church was burned to the ground. In July a Greek Orthodox church in Ksamil was desecrated with human feces smeared on icons, then set on fire.

Also in July, a Greek Orthodox church in Metohi was burned down.

The Sunnis and Orthodox Christians consider Baha'is to be a threat and exercise increasing pressure on authorities to ostracize them. In a press interview, Hazhi Hafiz Savri Koci, the leader of the Sunni Muslim community, declared that " the virus of pseudo-religions, such as the Baha'i Faith, has infiltrated our weak body. We are at war with them, because they are trying to corrupt our souls through the power of money, spreading religious beliefs and superstition that are totally alien to the Albanian character and tradition."

National/Racial/Ethnic Minorities

The Government played a constructive role in maintaining the nation's generally positive record on the treatment of minorities. While no recent official statistics exist regarding the size of the various ethnic communities, ethnic Greeks are the most organized and receive the most attention and assistance from abroad. There are also substantial groups of Macedonians, Vlachs, and Roma.

Greek-language public elementary schools are now common in much of the southern part of the country, where almost all ethnic Greeks live. However, there are no Greek-language high schools. There is a Greek chair at the University of Gjirokaster. The Greek minority association, known as Omonia, continued to press the authorities for more measures to protect the rights of the Greek minority, including the creation of additional Greek-language classes in some parts of southern Albania. The organization also complained that a number of Orthodox churches in the south (mainly in areas inhabited by the Greek minority) were burned in acts of ethnic violence. The organization reported that during 1998, more than 14 persons, mainly from the ethnic Greek minority, were kidnaped and held for ransom. This organization appealed to the Government to take measures to stop what it called " attacks against the ethnic Greek minority."

Classes in the Macedonian language are available to students in the districts of Pogradeci and Devolli on the border of the Former Yugoslav Republic of Macedonia (FYROM). The FYROM Government provides texts for these classes. A small group of ethnic Montenegrins and ethnic Serbs exists in the north. No discrimination was reported against the Vlachs, who speak Romanian as well as Albanian, or against the Cams, non-Orthodox ethnic Albanians who were exiled from Greece in 1944. Both groups live mainly in the south.

Two distinct groups of Roma, the Jevg and the Arrixhi (Gabel), are established in the country. The Jevg tend to be settled in urban areas and are generally more integrated in the economy than the Arrixhi. Roma are clearly the most neglected minority group. Broadly speaking, they suffer from high illiteracy, poor public health conditions, and marked economic disadvantages. Roma encounter much societal discrimination, but generally neither the police nor individuals target Roma for violence.

Section 6 -- Worker Rights

a. The Right of Association

Workers have the right to form independent trade unions. The 1993 Labor Code

established procedures for the protection of workers' rights through collective bargaining agreements. Two major federations act as umbrella organizations for most of the country's unions: The Independent Confederation of Trade Unions of Albania (127,000 members) and the Confederation of Trade Unions (80,000 members). Both organizations experienced a drop in membership during the year. Some unions chose not to join either of the federations. No union has an official political affiliation, and the Government does not provide any financial support for unions.

The Law on Major Constitutional Provisions and other legislation provide that all workers except the uniformed military, the police, and some court officials have the right to strike. The law forbids strikes that are declared openly to be political or that are judged by the courts to be political. The two unions organized a number of national and local strikes during the year. Major strikes were carried out by the teachers, drivers, health workers, and miners unions. In June Tirana airport ground staff went on strike; they returned to work after receiving a 30 percent salary increase.

Government statistics indicated that approximately 330,000 workers were employed formally (111,000 in the private sector and 213,000 in the public sector) and that an additional 761,000 persons worked in agriculture. A total of 235,037 persons were registered as unemployed. The official unemployment rate was 18 percent during the year.

Unions are free to join and maintain ties with international organizations, and many do.

b. The Right to Organize and Bargain Collectively

Citizens in all fields of employment, except uniformed members of the armed forces, police officers, and some court employees, have the right to organize and bargain collectively. In practice unions representing public sector employees negotiate directly with the Government.

Labor unions did not operate from a position of strength, in view of economic conditions, which consisted of very high unemployment, slow recovery from the economic collapse, and extensive destruction of economic infrastructure due to recurrent episodes of violence and looting. Effective collective bargaining in these circumstances is very difficult, and agreements are hard to enforce.

There are no functioning export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Law on Major Constitutional Provisions and the Labor Code prohibit forced or compulsory labor, and generally it is not known to occur; however, traffickers kidnap women for prostitution, and family members sell daughters, sisters, and wives to traffickers against their will (see Section 6.f.). The law also forbids forced or bonded labor by children, and the Government generally enforces these prohibitions; however, there were reports that children are trafficked and forced to work abroad as prostitutes or beggars (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Code sets the minimum age of employment at 16 years and limits the amount and type of labor that can be performed by persons under age 18. Children between the ages of 14 and 16 legally may work in part-time jobs during summer vacation. Primary school education is compulsory and free through age 18 or the eighth grade, whichever comes first. In rural areas, children continue to assist families in farm work.

The Ministry of Labor may enforce the minimum age requirements through the courts, but no recent cases of this actually occurring were known. In Tirana and other cities it is common to see children selling cigarettes and candies on the street. The law forbids forced or bonded labor by children, but there were some reports of such practices (see Sections 6.e. and 6.f.).

e. Acceptable Conditions of Work

The legal minimum wage for all workers over age 16 is approximately \$50 (6,750 lek) per month, which is not sufficient to provide a decent standard of living for a worker and family. Many workers look for second jobs, which are difficult to find. Remittances from those working abroad are very important for many families. The law provides for social assistance (income support) and unemployment compensation, but these are very limited, both in terms of the amounts received and the number of persons actually covered. The average wage for workers in the public sector is approximately \$100 (13,500 lek) per month.

The difference between the monthly average wage of persons who live in the rural and urban areas is considerable: persons who work and live in urban areas earn almost 50 percent more than those who live and work in rural areas. Data from the National Institute of Statistics indicated that in rural areas more than 20 percent of persons live under the official poverty line, while in urban areas the figure is 11 percent. Nationwide, over 17 percent of the population live under the official poverty line. No data are available for private sector wages, but they are believed to be considerably higher than in the public sector.

The legal maximum workweek is 48 hours, although in practice hours typically are set by individual or collective agreement. Many persons work 6 days a week.

The Government sets occupational health and safety standards, but it has limited funds to make improvements in the remaining state-owned enterprises and a limited ability to enforce standards in the private sector. Actual conditions in the workplace are generally very poor and often dangerous. In the two cases of deaths recorded in the construction industry during the year, the victims' families did not receive any financial support from the state social security administration because the workers were not insured. The Labor Code lists the safety obligations of employers and employees but does not provide specific protection for workers who choose to leave a workplace because of hazardous conditions.

f. Trafficking in Persons

No laws criminalize trafficking in persons, although antiskidnaping laws may be used to prosecute such cases.

Trafficking in women and girls for the purpose of forced prostitution is a significant problem. The country is both a significant transit and source country for such trafficking. NGO's estimate that there are 30,000 Albanian women currently working abroad as prostitutes. The country is also a major conduit for trafficked women from Bulgaria, Moldova, Romania, Russia, and Ukraine. Criminal gangs recruit or coerce women to work as prostitutes abroad, most often in Italy and Greece. There are also reports that traffickers kidnap women for prostitution and that family members sell daughters, sisters, and wives to traffickers against their will. The Government has had only periodic success in arresting the criminal organizers. During the year there was a shift in the prostitution network. Albanian traffickers began to recruit prostitutes from other East European countries, mainly from Moldova, Ukraine, Russia, and Bulgaria. These young women are "bought" for a price of \$1,000 to \$3,000 from international traffickers and forced into prostitution in Western European countries, mainly Italy and Greece. The Albanian police detained a large number of such prostitutes and arrested some of the Albanian traffickers, but no suspects were tried in connection with these crimes. In February police dismissed an officer who was involved in a network that smuggled illegal immigrants into the country via Rinas airport. In August police cracked a network that was smuggling prostitutes from Russia, Moldova, Ukraine, and Romania via Albania to Italy. Police detained 13 prostitutes and three men in a motel near Shodra. Also in August, Prosecutor General Arben Rakipi said that Italian Mafia bosses actively were engaged in trafficking in Albania; in July Albanian police arrested Giuseppe Muolo of Sacra Corona Unita, a Mafia group in southern Italy.

Anecdotal evidence gathered from victims outlines the trafficking process. Organized crime groups responsible for trafficking in persons have the power to move their victims easily from one place to another without intervention. These traffickers steal the victims' identification documents so that they have no freedom of movement. Cases have been reported in which trafficked women and girls were raped, sexually assaulted, beaten, and injected with heroin. Women and girls have reported that they have been isolated, infrequently fed, and denied sleep. Women and girls who are able to escape their traffickers face rigid notions of family honor upon their return to their communities, which make it extremely difficult for them to marry or continue their lives as before.

Trafficking in children is also a problem. Criminals may kidnap children from families or orphanages to be sold to prostitution or pederasty rings abroad. In May gangsters belonging to a prostitution ring in Vlora killed a 16-year-old refugee girl in a kidnap attempt. Children also are forced to work as beggars.

A number of women's associations and NGO's are seeking to raise public awareness of prostitution and related crimes. Most of the work done to assist trafficked women is performed by small, local NGO's, consisting of one to five women who work with few resources and almost no external support. One NGO organized a national seminar on this issue and prepared a TV documentary on trafficking in women. The campaign waged by this NGO, "Stop the Trafficking of Albanian Women," was aimed at sensitizing the public to this serious problem. In July 1998, a major conference was held in Tirana on "Trafficking in Albanian Women and Children: Human Dimensions and Legal Responses," which was attended by 130 participants, including NGO's, journalists, judges, prosecutors, and government officials. In September the International Organization for Migration and the British Department for International Development held a workshop to address the problem of trafficking; national and international NGO's attended.

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