

Albania: Challenges Facing Returning Refugees

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SUMMARY Albania is a constitutional democracy with a parliamentary system of government where elections are recognized as largely free and fair. Major political, human, and economic rights are declared by the Constitution, but their implementation is complicated by problems typical for countries in transition. Economic growth is minimal, and the average earned income is not enough to secure adequate sustenance. On average, only 39% of Albanians are satisfied with their lives, while the majority of the population is suffering the effects of high unemployment, widespread corruption, a dilapidated physical infrastructure, powerful organized crime networks, and various deprivations in the areas of education, health, and standard of living. The Albanian government maintains that it provides citizens with medical treatment, but the existing health care system is underfunded and largely ineffective. The government undertakes reasonable efforts to protect human rights, and institutions aimed at monitoring and implementing human rights have been established. Freedom of information, freedom of religion, the right to property, and unjustified firing from a job remain the areas where human rights violations most often occur. Discrimination against members of minorities is widespread. Albania is reported to have one of the lowest crime levels in southeastern Europe, but blood-feud and revenge killings are still common. Government corruption and nepotism remain significant problems in Albanian society. Since 2012, Albania has enjoyed a conditional European Union (EU) candidate status. The conclusions of this report are based on US and foreign open-source government documents, scholarly publications, and reports of international organizations.

I. Introduction¹

Albania is a parliamentary republic with governance based on a system of free, equal, general, and periodic elections.² Albania's Constitution declares the country to be founded on dignity of the individual, human rights and freedom, social justice, constitutional order, pluralism, national identity and heritage, religious toleration, and peaceful coexistence with minorities.³ The system

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¹ This report was prepared for the Executive Office of Immigration Review in response to a request for information on present circumstances in Albania that might give rise to a returning refugee suffering "other serious harm." The report is based on analysis of information available in materials included in the collection of the Library of Congress and from other open sources. National statistics, scholarly publications, and news reports provided by major international media outlets were used as sources for drafting the report. US and Albanian government reports together with annual reports of major international organizations working to protect human rights and monitor legal developments in this area served as a source of relevant facts.

² CONSTITUTION OF THE REPUBLIC OF ALBANIA, adopted by Law No. 8417 of October 21, 1998, art. 1, official publication at http://www.parlament.al/web/Kushtetuta_e_Republikes_se_Shqiperise_e_perditesuar_1150_1.php; available in English at <http://www.osce.org/albania/41888>.

³ *Id.* art. 3.

of government is based on the separation and balance of legislative, executive, and judicial powers.⁴

Albania was under Communist rule from 1944 until 1990, when a multiparty democracy was established. Since that time, Albania has been considered to be economically and politically in transition, with high unemployment, widespread corruption, a dilapidated physical infrastructure, powerful organized crime networks, and combative political opponents.⁵ The most recent parliamentary elections in Albania were held in June 2013 and won by a coalition led by the Socialist Party.⁶ Although Albania's economy continues to grow, the country is still one of the poorest in Europe, hampered by a large informal economy and an inadequate energy and transportation infrastructure.⁷

In December 2012, the European Parliament confirmed the European Commission's recommendation that Albania receive EU candidate status subject to the completion of key measures in certain areas.⁸ These conditions included conducting free and fair parliamentary elections in 2013; improvements in minority protection;⁹ and the continuation of economic, social, and legal reforms.

II. Economic Developments and Social Services

A. Current Economic Situation

According to the Constitution, the bases of the Albanian economic system are the free existence of public and private property, a market economy, and freedom of economic activity.¹⁰ Economic freedom can be restricted only by law and for important public reasons, and people have the right to earn a living through lawful work.¹¹ In spite of the existing legal warranties, however, economic problems are still a challenge in Albania, and according to data from the European Bank of Reconstruction and Development, in 2010 only 39% of Albanians were satisfied with their lives.¹²

⁴ *Id.* art. 7.

⁵ CENTRAL INTELLIGENCE AGENCY, THE WORLD FACTBOOK: ALBANIA, <https://www.cia.gov/library/publications/the-world-factbook/geos/al.html> (last updated Sept. 12, 2013).

⁶ *Id.*

⁷ *Id.*

⁸ Press Release, European Parliament, Albania: Yes to EU Candidate Status but Under Certain Conditions (Dec. 13, 2012), <http://www.europarl.europa.eu/news/en/pressroom/content/20121207IPR04413/html/Albania-yes-to-EU-candidate-status-but-under-certain-conditions>.

⁹ While the European Parliament recognized progress made with the protection of national minorities, it stated that the rights of women, children, and other vulnerable people must be secured, and discrimination against LGBT persons and Roma combated, pointing to the high levels of domestic violence, forced prostitution, and trafficking of women and children. *Id.*

¹⁰ CONSTITUTION OF THE REPUBLIC OF ALBANIA art. 11.

¹¹ *Id.* art. 49.

¹² European Bank of Reconstruction and Development, Life in Transition After the Crisis 58 (2011), http://www.ebrd.com/downloads/research/surveys/LiTS2e_web.pdf.

In 2010 and 2011 the World Bank reported the Albanian GDP to be US\$3,701 and \$4,030 per capita, respectively.¹³ The Albanian unemployment rate averaged 14.71% from 1993 until 2013, decreasing to 12.8% in the first quarter of 2013.¹⁴ The actual unemployment rate “may exceed 30% due to [the] preponderance of near-subsistence farming.”¹⁵ Youth unemployment is twice as high.¹⁶

In 2012, the European Committee of Social Rights concluded that Albania’s employment situation is not in conformity with article 1, section 1 of the European Social Charter, which states that “[e]veryone shall have the opportunity to earn his living in an occupation freely entered upon.”¹⁷ The Committee based its opinion on the grounds that the number of persons with access to active labor-market measures is too low.¹⁸ According to United Nations Development Program (UNDP) data, as of 2009, 37.7% of the Albanian population was vulnerable to various deprivations in the areas of education, health, and standard of living.¹⁹ In 2008, 12.5% of the total population was reportedly living below the poverty line.²⁰

The World Bank recently included Albania in the group of the countries that have been most affected by the European economic crisis, with bleak prospects for the future. Compared to the Baltic and Asian countries, Albania’s economic growth, which was 2.7% in 2012, is two to three times lower. The World Bank has assessed that in 2013 the Albanian economy would grow 1.6%, as compared with other economies in the region (southeastern Europe and the Balkans), which would vary from 2.5 to 5%.²¹

¹³ *GDP Per Capita*, WORLD BANK, <http://data.worldbank.org/indicator/NY.GDP.PCAP.CD> (last visited Oct. 8, 2013).

¹⁴ *Albania Unemployment Rate*, TRADINGECONOMICS.COM, <http://www.tradingeconomics.com/albania/unemployment-rate> (last visited Oct. 8, 2013).

¹⁵ *Albania Unemployment Rate*, INDEXMUNDI.COM, http://www.indexmundi.com/albania/unemployment_rate.html (last visited Oct. 8, 2013).

¹⁶ Alfred Topi, *Albania: Youth Employment as a Priority for the #Post 2015 Development Agenda*, UNDP (blog), (Mar. 7, 2013), <http://europeandcis.undp.org/blog/2013/03/07/albania-youth-employment-as-a-priority-for-the-post2015-development-agenda/>.

¹⁷ European Social Charter (revised), art. 1, § 1, Strasbourg 1996, <http://conventions.coe.int/Treaty/en/Treaties/Html/163.htm>.

¹⁸ Council of Europe, *European Social Charter (revised): European Committee of Social Rights Conclusions 2012 (Albania)*, at 5, http://www.coe.int/t/dghl/monitoring/socialcharter/conclusions/State/Albania2012_en.pdf.

¹⁹ UNDP, *Human Development Report 2013: Albania (Explanatory Note on 2013 HDR Composite Indices)*, <http://hdrstats.undp.org/images/explanations/ALB.pdf> (last visited Oct. 8, 2013).

²⁰ CIA, *The World Fact Book*, *supra* note 5.

²¹ *Economic Crisis, Albania Among the Mostly Affected*, TOP CHANNEL.TV (Albanian national television) (Apr. 22, 2013), <http://www.top-channel.tv/english/artikull.php?id=8773>.

Workplace conditions in Albania are frequently poor and, in some cases, dangerous. The Ministry of Labor, Social Affairs, and Equal Opportunity, the agency responsible for enforcing occupational health and safety standards and regulations, however, is reportedly ineffective.²²

B. Property Restitution

A large number of conflicting claims for private and religious property confiscated during the communist era remain unresolved. According to the US State Department's 2012 Report on Human Rights Practices in Albania, "[s]ome experts asserted that, given the slow pace of restitution, the government would need \$38.6 billion and 30 years to complete the process."²³ On July 31, 2012, the European Court of Human Rights found that the government had violated the right to an effective remedy, due process, and the protection of property rights of those who brought property restitution cases in Albanian courts.²⁴

C. Availability of Medical Services

Since the collapse of the communist regime, much of the Albanian health care system has fallen into disrepair.²⁵ Though there are hospitals and clinics in Albania, most people prefer to receive medical treatment abroad,²⁶ despite the Constitution's claim that "citizens enjoy in an equal manner the right to health care from the state" and "[e]veryone has the right to health insurance pursuant to the procedure provided by law."²⁷ The health care system often has difficulties in meeting the needs and requirements of patients. Reportedly, new technologies and developments in medicine are often not available to medical professionals and staff in Albania, especially for those outside the capital.²⁸ It was observed that while the Albanian health care system is improving, it remains weak in dealing with modern-day health issues, and "offers Albanian population limited protection."²⁹ According to the World Health Organization, there were 259 hospital beds per 100,000 people, and 115 physicians per 100,000 people in 2012.³⁰

²² US DEPARTMENT OF STATE, 2010 HUMAN RIGHTS REPORT: ALBANIA, <http://www.state.gov/j/drl/rls/hrrpt/2010/eur/154409.htm>.

²³ US DEPARTMENT OF STATE, ALBANIA, COUNTRY REPORT ON HUMAN RIGHTS PRACTICES 2012, § 1e, <http://www.state.gov/j/drl/rls/hrrpt/2012/eur/204254.htm>.

²⁴ *Id.*

²⁵ DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER, ALBANIAN CULTURAL ORIENTATION 61 (Aug. 2010), http://fieldsupport.dliflc.edu/products/albanian/ab_co/albanian.pdf.

²⁶ *Id.*

²⁷ CONSTITUTION OF THE REPUBLIC OF ALBANIA art. 55.

²⁸ DEFENSE LANGUAGE INSTITUTE, *supra* note 25.

²⁹ WORLD BANK GROUP PARTNERSHIP, ALBANIA – PROGRAM SNAPSHOT 4 (Mar. 2013), <http://www.worldbank.org/content/dam/Worldbank/document/eca/al-snapshot-mar-2013.pdf>.

³⁰ *Facts and Figures: Albania*, WORLD HEALTH ORGANIZATION, <http://www.euro.who.int/en/countries/albania/data-and-statistics> (last visited Oct. 23, 2013).

While the Albanian health care system is predominantly public and free, it has the lowest budget in the region,³¹ which is about 6% of the country's GDP.³² The total expenditure on health care in 2009 was estimated at US\$565 per capita.³³ The government's incapacity to fund health care makes doctors, nurses, and health care administrators susceptible to bribery.³⁴ Research conducted by the Albanian Institute of Statistics in November 2011 showed that the health care sector is the most corrupt in the country.³⁵

The mental health care system is also facing serious challenges. The Mental Health Act, approved by the Albanian Parliament in 2012,³⁶ addressed such issues as access to mental health care, including access to the least restrictive care; the rights of patients and their family members; competency, capacity, and guardianship issues for people with mental illness; voluntary and involuntary treatment and mechanisms to oversee involuntary admission and treatment practices; and the relationship of the mentally ill with law enforcement and the judicial system.³⁷ According to a 2006 World Health Organization report, the Albanian government was directing 3% of total health care expenditures to mental health care,³⁸ and the existing mental health care facilities included two mental hospitals, thirty-four outpatient facilities (two of them for children and adolescents), two psychiatric wards in general hospitals, five day-treatment facilities (three of them for children and adolescents), and two community residential facilities. The number of beds in mental health facilities was 30.3 per 100,000 general population.³⁹

D. Rights of People with Disabilities

The Constitution states that the creation of better living conditions for disabled people and their rehabilitation is one of the major tasks of the government.⁴⁰ According to the 2012 Department of State Report on Human Rights Practices in Albania, even though the law mandates that new public buildings be accessible to persons with disabilities, the government enforces this law sporadically. The report cites 2011 Albanian census data, which indicated that 24% of persons

³¹ Eri Murati, *In Albania, an Underfunded Healthcare System Leads to Bribery*, SOUTHEAST EUROPEAN TIMES (Jan. 24, 2012), http://setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2012/01/24/feature-03.

³² Jollanda Memaj & Raimonda Duka, *Analysis of Public Expenditure on Health Care Sector in Albania*, INTERNATIONAL CONFERENCE ON APPLIED ECONOMICS – ICOAE 2008, at 635, 637, available at <http://kastoria.teikoz.gr/icoae2/wordpress/wp-content/uploads/articles/2011/10/073-2008.pdf>.

³³ *Albania: Country Profile*, WORLD HEALTH ORGANIZATION, <http://www.who.int/countries/alb/en/> (last visited Oct. 2, 2013).

³⁴ Murati, *supra* note 31.

³⁵ *Id.*

³⁶ Law 44/2012 on Mental Health, available on the website of the Albanian Ministry of Health, at <http://www.moh.gov.al/images/ligje/9.pdf> (in Albanian).

³⁷ WHO-AIMS REPORT ON MENTAL HEALTH SYSTEM 8 (2006), http://www.who.int/mental_health/albania_who_aims_report1a.pdf.

³⁸ *Id.*

³⁹ *Id.* at 9.

⁴⁰ CONSTITUTION OF THE REPUBLIC OF ALBANIA art. 59.

with disabilities, 65% of whom are female, had never attended school.⁴¹ It also says that “widespread poverty, unregulated working conditions, and poor medical care posed significant problems for many persons with disabilities.”⁴² Reportedly, in 2012, the law that grants rights and privileges to disabled people was amended with provisions that severely cut benefits for the disabled, specifically, subsidies they used to receive for using public transportation and electric power.⁴³

III. Human Rights Situation

A. Protection of Human Rights

The legal framework for the promotion and protection of human rights and the equality of individuals consists of a number of constitutional provisions and national laws. Albania is a signatory to most treaties related to human rights, including the International Covenant on Civil and Political Rights⁴⁴ and the Convention for the Protection of Human Rights and Fundamental Freedoms and its supplemental protocols.⁴⁵ Albania recognizes the jurisdiction of the European Court of Human Rights as a signatory to the European Convention on Human Rights.⁴⁶

Constitutional provisions relating to human rights cover most of the human rights issues specified in international treaties. Part Two of the Albanian Constitution provides for three sets of human rights: personal rights and freedoms; political rights and freedoms; and economic, social, and cultural rights. It also lays out internal mechanisms for human rights protection through the office of the People’s Advocate.⁴⁷ Personal rights include the right to life, freedom of expression, freedom of conscience and religion, liberty, judicial protection, etc. Political rights include the rights to vote and be elected to public office, freedom of assembly, and the right to complain to and register comments with public bodies. Economic and social rights include the right to earn a living by lawful work, receive social security in old age, receive health care (for citizens), and get married and have a family. Article 59 states that the government, using the constitutional powers and means at its disposal, supports private initiative and individual responsibility by securing employment under suitable conditions, the fulfillment of citizens’ housing needs, and the highest possible standard of physical and mental health.

⁴¹ US DEPARTMENT OF STATE, *supra* note 23, § 6, at 23–24.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ International Covenant on Civil and Political Rights, Status as of October 4, 2013, UN TREATY COLLECTION (UNTC), http://treaties.un.org/Pages/ViewDetails.aspx?src=UNTSO&tabid=2&mtdsg_no=IV-4&chapter=4&lang=en#Participants.

⁴⁵ Convention for the Protection of Human Rights and Fundamental Freedoms, Status as of October 4, 2013, UNTC, <http://www.conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=005&CM=8&DF=14/09/2012&CL=ENG>.

⁴⁶ European Convention on Human Rights, Status as of October 4, 2013, UNTC, http://www.echr.coe.int/Pages/home.aspx?p=basic&c=#n1359128122487_pointer.

⁴⁷ CONSTITUTION OF THE REPUBLIC OF ALBANIA, *supra* note 2.

In order to protect human rights from infringement by public authorities, the office of the People's Advocate was established.⁴⁸ The People's Advocate has the authority to initiate an investigation when a human rights violation is found or suspected. Investigations can be initiated following a complaint or request by the interested or injured person, or on the Advocate's own initiative with the consent of the interested or injured party, if a particular case is in the public sphere.⁴⁹ In his 2012 annual report, the People's Advocate of Albania identified freedom of information, freedom of religion, the right to property, and unjustified firing from a job as areas where human rights violations most often occur.⁵⁰ Despite the fact that the Constitution provides for the protection of a significant range of economic and social rights, the People's Advocate brought attention to the State's inability to implement effective guarantees for these rights due to a lack of means. The existing minimal pension, which appears to be too low to maintain a normal life,⁵¹ and substandard health care were specifically mentioned in the report.⁵²

The effectiveness of the institution of the People's Advocate remains arguable. In 2012, the UN Committee Against Torture expressed concern that the People's Advocate monitored the situation in detention centers through the Unit for Prevention of Torture only when the office of the Advocate received reports of abuse and only with the prior consent of alleged victims, thereby limiting the protective aspects of the Advocate's preventive visits. The Committee was also concerned that because of the lack of professional staff, funds, and training resources, the office of the People's Advocate had not conducted formal investigations for more than two years, and places of detention were not visited regularly.⁵³

The human rights situation in Albania can also be characterized by the fact that in 2012 the European Court of Human Rights delivered seven judgments in regard to Albania, five of which found at least one violation of the European Convention on Human Rights, primarily of article 6 (the right to a fair trial), article 1 of Protocol No. 1 (the protection of property), and article 13 (the right to an effective remedy). By July 2013, the total number of pending applications was 461.⁵⁴

During the last several years, several antidiscrimination laws have been passed in Albania. The Law Against Discrimination was adopted in February 2010. This Law bans discrimination on

⁴⁸ *Id.* art. 60.

⁴⁹ OFFICE OF THE PEOPLE'S ADVOCATE OF ALBANIA, http://www.avokatipopullit.gov.al/?page_id=219&lang=en (last visited Oct. 4, 2013).

⁵⁰ ANNUAL REPORT ON THE ACTIVITY OF THE PEOPLE'S ADVOCATE OF ALBANIA, JANUARY 1–DECEMBER 31, 2012, at 11–15, <http://www.avokatipopullit.gov.al/wp-content/uploads/2011/02/Report-2012-EN.pdf>.

⁵¹ *Id.* at 18.

⁵² ANNUAL REPORT ON THE ACTIVITY OF THE PEOPLE'S ADVOCATE OF ALBANIA, JANUARY 1–DECEMBER 31, 2010, at 17, http://www.avokatipopullit.gov.al/Raporte/Raporti_2010.pdf (in Albanian).

⁵³ UN Committee Against Torture, *Consideration of Reports Submitted by States Parties Under Article 19 of the Convention*, paras. 10 & 11, (June 26, 2012), available at http://www.univie.ac.at/bimtor/dateien/albania_cat_2012_concob.pdf.

⁵⁴ European Court of Human Rights, Press Country Profile 2012, Albania (July 2013), http://echr.coe.int/Documents/CP_Albania_ENG.pdf.

various grounds, including sexual orientation and gender identity.⁵⁵ Recently adopted amendments to the Criminal Code of the Republic of Albania include hate crimes legislation, providing that crimes motivated by the sexual orientation or gender identity of an individual or a group must be viewed as crimes committed under aggravated circumstances and require more severe punishment.⁵⁶ To implement these laws, the Commissioner for the Protection Against Discrimination was elected by the legislature, and a number of complaints have already been reviewed.⁵⁷ However, it appears that legislation needed to ensure the effective functioning of the Commissioner's activities in raising awareness for protection against discrimination has not been implemented.⁵⁸

B. Protection of Minorities

Discrimination against members of minorities, such as the Roma, Balkan-Egyptian Orthodox Christians, and members of other vulnerable groups, including persons with disabilities and the lesbian, gay, bisexual, and transgender (LGBT) community, is widespread. The public's awareness of discrimination is low, and a common opinion is that discrimination does not exist because the Constitution states that all citizens are equal before the law.⁵⁹

There have been reports of significant social discrimination against the Roma. Reportedly, they experience restrictions in access to housing, employment, health care, and education. Some schools resist accepting Romani and Balkan-Egyptian Christian students, particularly if they appear to be poor. Local nongovernmental organizations (NGOs) reported that many schools that accepted Romani students marginalized them in the classroom, sometimes by physically setting them apart from other students.⁶⁰

Homophobic attitudes are prevalent across the country. There have been incidents of public and police violence against the LGBT community in Albania, and the police were not able or willing to offer sufficient protection in all cases.⁶¹

C. Freedom of Religion

Formally, Albania is a secular country, and the law prohibits ideological and religious indoctrination. According to the Constitution, there is no official religion, and all religions are

⁵⁵ CIVIL RIGHTS DEFENDERS, HUMAN RIGHTS IN ALBANIA (Oct. 2012), <http://www.civilrightsdefenders.org/country-reports/human-rights-in-albania/>.

⁵⁶ Xheni Karaj & Kristi Pinderi, *Historical for LGBT. Albania Has a Hate Crime Legislation*, HISTORIA-IME.COM (May 5, 2013), <http://historia-ime.com/en/english/143-historical-for-lgbt-albania-has-a-hate-crime-legislation.html>.

⁵⁷ CIVIL RIGHTS DEFENDERS, *supra* note 55.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ US DEPARTMENT OF STATE, *supra* note 23, § 2, at 24.

⁶¹ UK Border Agency, Operational Guidance Note, Albania, May 2013, at 29, <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicyogns/albania-ogn?view=Binary>.

equal.⁶² However, the Sunni Muslim, Bektashi, Orthodox, and Catholic communities enjoy a greater degree of recognition and social status based on their historic presence in the country.⁶³ In 2012, there were no reports of abuses of religious freedom or societal abuses, or of discrimination based on religious affiliation, belief, or practice.⁶⁴

D. Freedom of Movement

The Constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation,⁶⁵ and the government has generally respected these rights in practice.⁶⁶ However, all individuals are required to register with the local police departments where they permanently reside. Those who arrive in Albania legally must register at their place of residence and prove that they are legally domiciled by demonstrating property ownership or a property rental agreement in order to receive government services, health care, and school admission for their children. It is difficult to obtain registration for members of minority groups, especially Roma and Balkan-Egyptian Christians.⁶⁷

Human rights organizations are concerned about societal attitudes toward women's freedom of movement in Albania. Even though there are no formal legal restrictions on women's freedom of movement, the traditional expectation that a married woman will stay with her husband's family still prevails. In addition, women may have to seek permission from their husbands or family before travelling within Albania or abroad. For some women, freedom of movement on a day-to-day basis is restricted, with 15% of married women reporting that their husbands make the final decision as to whether they can go and visit their family members.⁶⁸

E. Freedom of Speech and Independent Media

The US Department of State reported that in 2012, the independent media in Albania were active and largely unrestrained, although there were cases of direct and indirect political and economic pressure on the media, including threats against journalists. At times political pressure and lack of funding has constrained the independent print media, and journalists have reported that they practice self-censorship. There were also incidents of violence against members of the broadcast media during the year, and journalists were subjected to pressure from political and business actors.⁶⁹

⁶² CONSTITUTION OF THE REPUBLIC OF ALBANIA art 10.

⁶³ US DEPARTMENT OF STATE, INTERNATIONAL RELIGIOUS FREEDOM REPORT FOR 2012, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dliid=208282#wrapper>.

⁶⁴ *Id.*

⁶⁵ CONSTITUTION OF THE REPUBLIC OF ALBANIA art. 38.

⁶⁶ US DEPARTMENT OF STATE, *supra* note 23, § 2, at 14.

⁶⁷ *Id.*

⁶⁸ *Gender Equality and Social Institutions in Albania 2012: Restricted Civil Liberties*, OECD SOCIAL INSTITUTIONS AND GENDER INDEX, <http://genderindex.org/country/albania>.

⁶⁹ US DEPARTMENT OF STATE, *supra* note 23, § 2-a, at 10–12.

IV. Public Administration and Governance

According to World Bank data on good governance, the average effectiveness of public administration in Albania is about 44.7%, with indicators for voice and accountability registering 53.1%, political stability 37.7%, government effectiveness 48.3%, regulatory quality 58.8%, rule of law 37.6%, and control of corruption 32.7%.⁷⁰

Low efficiency of public administration was identified as a governance problem by the People's Advocate in his 2010 report. The report named violation of citizens' housing rights as one of the most acute governing problems because it results in an increased number of homeless people.⁷¹ Other problems cited were long-lasting decision making and document processing by public authorities, which caused violations of individuals' property rights and insufficient transparency of government decision making.⁷² According to the World Justice Project, the openness of the Albanian government was ranked fiftieth globally and ninth regionally.⁷³ The rankings were based on the existing legislative base for freedom of information and public participation in the political life of the country. These rights are guaranteed by the country's Constitution⁷⁴ and the Law on the Right to Information on Official Documents, which was adopted by the Parliament on June 30, 1999.⁷⁵

Corruption is a problem that seriously affects the work of government institutions. Albanian legislation punishes corruption-related crimes, and Albania is a signatory to the Council of Europe Criminal Law Convention on Corruption⁷⁶ and the Civil Law Convention on Corruption.⁷⁷ However, despite several arrests of high-level, local- and central-government officials, government corruption remains a major obstacle to meaningful reform.⁷⁸

In 2012, Transparency International ranked Albania as 113th out of 175 countries of the world for corruption perception.⁷⁹ The same year, Albanian citizens named corruption as the second-

⁷⁰ *Worldwide Governance Indicators*, WORLD BANK, <http://info.worldbank.org/governance/wgi/index.aspx#reports> (last visited Oct. 2, 2013).

⁷¹ ANNUAL REPORT ON THE ACTIVITY OF THE PEOPLE'S ADVOCATE OF ALBANIA, *supra* note 51, at 18.

⁷² *Id.*

⁷³ *Albania: Country Profile*, WORLD JUSTICE PROJECT, <http://worldjusticeproject.org/country/albania> (last visited on Oct. 7, 2013).

⁷⁴ CONSTITUTION OF THE REPUBLIC OF ALBANIA arts. 23, 45.

⁷⁵ Law No. 8503 of June 30, 1999, available at http://www.avokatipopullit.gov.al/?page_id=553 (in Albanian).

⁷⁶ Criminal Law Convention on Corruption – CETS No. 173: Status as of Sept. 6, 2012, COE TREATY OFFICE, <http://www.conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=173&CM=8&DF=06/09/2012&CL=ENG>.

⁷⁷ Civil Law Convention on Corruption – CETS No. 174: Status as of Sept. 6, 2012, COE TREATY OFFICE, <http://www.conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=174&CM=8&DF=06/09/2012&CL=ENG>.

⁷⁸ US DEPARTMENT OF STATE, 2010 HUMAN RIGHTS REPORT: ALBANIA, *supra* note 22, § 4.

⁷⁹ *Corruption Perception Index 2011*, TRANSPARENCY.ORG, <http://cpi.transparency.org/cpi2012/results/>.

most important problem facing their country, after unemployment.⁸⁰ Research showed that almost one-third of Albanian citizens gave bribes to public officials.⁸¹ The main purposes of paying bribes in Albania are to receive better treatment (71%), speed up decision making (9%), or avoid the payment of a fine (9%).⁸² In 2011 the average bribe amounted to 5,710 Lek, which is approximately US\$60.⁸³

V. Law Enforcement

A. Access to Justice

The Albanian Constitution guarantees everyone “the right to a fair and public trial, within a reasonable time, by an independent and impartial court specified by law” in order to protect their constitutional and legal rights, freedoms, and interests, or in the case of an accusation against them.⁸⁴ The court system in Albania consists of the Supreme Court, courts of appeal, and courts of first instance.⁸⁵ The Constitution provides for judicial independence, limiting the power of the President to appoint judges and extending this authority to the legislature and judicial community.⁸⁶ However, some reports doubt the actual independence of Albanian courts, naming the politicization of public service as one of the factors influencing the courts.⁸⁷ Reportedly, the courts face political pressure, intimidation, and widespread corruption. Combined with limited resources, these problems prevent the judiciary from functioning independently and efficiently.⁸⁸

Court hearings are often closed to the public, and it is reportedly common for court security officers not to allow the public to enter courtrooms and to routinely ask the presiding judge if individuals interested in attending a court hearing can be admitted. Additionally, the enforcement of court decisions is weak, and court orders are routinely disregarded by some government agencies. According to the US State Department Report on Human Rights Practices in Albania, all these factors undermine the judiciary’s authority, contribute to controversial court decisions, and lead to an inconsistent application of law.⁸⁹

⁸⁰ UNITED NATIONS OFFICE ON DRUGS AND CRIME, CORRUPTION IN ALBANIA: BRIBERY AS EXPERIENCED BY THE POPULATION 7 (2011), http://www.unodc.org/documents/data-and-analysis/statistics/corruption/Albania_corruption_report_2011_web_small.pdf.

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

⁸⁴ CONSTITUTION OF THE REPUBLIC OF ALBANIA art. 42.2.

⁸⁵ *Id.* art. 135.1.

⁸⁶ *Id.* art. 136.

⁸⁷ *European Commission Urges Albania to Fight Corruption*, FINDALBANIAN.COM (Nov. 20, 2011), <http://findalbanian.com/albanian-corruption/>.

⁸⁸ Gledis Gjipali, *Albania*, in FREEDOM HOUSE, NATIONS IN TRANSIT 2012 at 50 (June 6, 2012), http://www.freedomhouse.org/sites/default/files/Albania_final_0.pdf.

⁸⁹ US DEPARTMENT OF STATE, *supra* note 23, § 1, at 9.

In 2012, the European Commission reported some progress regarding access to justice. The report positively assessed the fact that the State Commission for Legal Aid provided assistance in several cases and raised public awareness about the Law on Free Legal Aid. However, it found that the Commission's services were insufficient, especially in providing assistance to vulnerable groups, and the implementation of the Law on Free Legal Aid was slow owing to insufficient budgetary allocations and a lack of coordination between relevant institutions. High judicial administration fees and the excessive length of judicial proceedings remain matters of concern.⁹⁰

B. Criminal Situation

In 2010 (the latest data available) there were 127 homicides reported, a homicide rate of 4.0 per 100,000 of population.⁹¹ As the US Department of State reports, "crime statistics indicate a steady increase in violent crime has occurred throughout Albania since 2009. Organized crime is present in Albania; organized criminal activity occasionally results in violent confrontations between members of rival organizations. Pick-pocketing, theft, and other petty street crimes are widespread."⁹² A study by the Institute for Democracy and Mediation reportedly shows that Albania has registered an exponential growth in violent crimes from 2008 to 2011, including a marked growth in violent crimes, such as murder, battery, robbery, and theft. According to the study, the factors that have contributed to the rise in criminality, apart from the poor performance of law enforcement institutions, include the economic crisis and, particularly, the political crisis in Albania during the last three years.⁹³

C. Status and Role of the Police Force

Despite the fact that the "Albanian government has improved the country's law enforcement and security institutions . . . [and the p]olice have a visible presence throughout Tirana and other Albanian cities," their response is often delayed and the potential for police corruption is great, mainly due to limited resources and manpower.⁹⁴ Instances of the police accepting bribes in return for not issuing citations or not entering personal information into crime databases are widespread. The government has mechanisms to investigate and punish abuse and corruption. As part of institutional reform efforts, the government's Internal Control Service has conducted audits, responded to complaints, and carried out investigations with an increased emphasis on human rights, prison conditions, and adherence to standard operating procedures.⁹⁵ Personal associations, political or criminal connections, poor infrastructure, and a lack of equipment or

⁹⁰ *European Commission Staff Working Document, Albania 2012 Progress Report*, at 17, SWD (2012) 334 final (Oct. 10, 2012), http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/al_rapport_2012_en.pdf.

⁹¹ *Intentional Homicide, Number and Rate per 100,000 Population*, UNDATA, <http://data.un.org/Data.aspx?d=UNODC&f=tableCode%3A1#UNODC> (last visited Oct. 8, 2013).

⁹² *Albania Country Specific Information*, TRAVEL.STATE.GOV, http://travel.state.gov/travel/cis_pa_tw/cis/cis_1076.html#crime (last visited Oct. 2, 2013).

⁹³ See Besar Likmeta, *Albania Registers Sharp Rise in Crime*, BALKAN INSIGHT (Sept. 7, 2012), <http://www.balkaninsight.com/en/article/albania-registers-stunning-rise-in-criminality-study-finds>.

⁹⁴ *Albania 2012 Crime and Safety Report*, US DEPARTMENT OF STATE BUREAU OF DIPLOMATIC SECURITY, OSAC, <https://www.osac.gov/pages/ContentReportDetails.aspx?cid=12106>.

⁹⁵ US STATE DEPARTMENT, *supra* note 23, § 1, at 6.

inadequate supervision were named among the factors contributing to the preferential enforcement of laws, continued corruption, and unprofessional behavior of police officers.⁹⁶

The office of the People's Advocate reported that in 2012, it received 4,252 complaints, mainly on violations related to arrests and detentions, and had investigated or provided counsel in 385 cases.⁹⁷ According to the US State Department's Report on Human Rights Practices in Albania,

[t]he Albanian Helsinki Committee (AHC) reported that police sometimes used excessive force or inhumane treatment. The majority of the complaints involved unjustified stops by police, detention past legal deadlines, failure to make citizens aware of their rights when detained, and poor conditions of detention centers. The AHC said police often reported that detainees claiming abuse arrived with preexisting injuries.⁹⁸

D. Human Trafficking

Albania is a primary source country for men, women, and children subjected to sex trafficking and forced labor, including children who are coerced into begging. Albanian women and children continue to be subjected to sex trafficking within the country and abroad, mainly in Greece, Italy, Macedonia, Kosovo, Serbia, and throughout Western Europe. Children are exploited for commercial sex, forced begging, and forced criminality, such as burglary and drug distribution, and girls are subjected to prostitution or forced labor after arranged marriages. There is evidence that Albanian men are subjected to forced labor in agriculture in Greece and other neighboring countries.⁹⁹ Trafficked women may be at risk of re-trafficking on return to Albania, as much of Albanian society is governed by a strict code of honor that entails that "trafficked women would have very considerable difficulty in reintegrating into their home areas on return and also it will affect their ability to relocate internally. Those who have children outside marriage are particularly vulnerable."¹⁰⁰

The UK Border Agency Operational Guidance Note on Albania states that

[t]he Government of Albania does not fully comply with the minimum standards for the elimination of trafficking, [but] it is making significant efforts to do so. During 2011, the Government increased its capacity to proactively identify trafficking victims, used its witness protection program to protect trafficking victims and supplied short-term funding for NGOs to help victims. . . . [However], widespread corruption, particularly among the Judiciary, continued to undermine anti-trafficking efforts.¹⁰¹

⁹⁶ *Id.* § 1-d, at 7.

⁹⁷ *Id.*

⁹⁸ *Id.* § 1-c, at 7.

⁹⁹ US DEPARTMENT OF STATE, 2012 TRAFFICKING IN PERSONS REPORT: COUNTRY NARRATIVES (ALBANIA) 63, <http://www.state.gov/documents/organization/192594.pdf>.

¹⁰⁰ *Operational Guidance Note, Albania*, UK BORDER AGENCY, May 2013, at 23, <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasy/lumpolicyogns/albania-ogn?view=Binary>.

¹⁰¹ *Id.*

E. Blood Feuds

Feuds and revenge killings, which appeared to have been extinguished during the Communist era, began to resurface in the 1990s in the course of Albania's transition from communism to democracy, and turned into a significant law enforcement problem. The Albanian blood feud is a centuries-old custom that is based on tribal traditions and customary law. A feature of blood feuds that distinguishes them from other crimes is that they involve violations of honor and are carried out publicly. Blood feuds are especially popular in northern Albania where this tradition has been passed from generation to generation for hundreds of years.¹⁰²

The National Reconciliation Committee (NRC), a nongovernmental voluntary organization that works toward encouraging the rule of law in Albania and discouraging the use of such traditions as blood-feud murder, estimates that 10,000 blood feuds have surfaced in Albania since the early 1990s and that 1,600 families are presently in hiding to avoid becoming victims to vigilante justice.¹⁰³ In 2012, the NRC reported 152 blood-feud killings during the year. Sometimes, such killings are committed by criminal gangs.¹⁰⁴ Although traditions surrounding blood feuds prohibit the killing of children or women, NGOs have reported several cases where minors and women were targeted intentionally. The NRC claimed that the number of women killed in homicides related to blood feuds was ten times higher in 2011 than in any of the last twenty years. The People's Advocate reported some cases in which authorities refused to protect families or prevent blood-feud killings. The AHC has reported that the nonlegal traditions dictating blood feuding were often intentionally misinterpreted to justify revenge or societal killings.¹⁰⁵ In October 2012, the UN Committee on the Rights of the Child expressed concern over the persistence of blood feuds and, in particular, the killing of children and confinement of a large number of children to protect them from being killed, especially in northern Albania.¹⁰⁶

According to a UN report, in June 2012, the Albanian State Police launched a database of persons directly involved in blood feuds.¹⁰⁷

The Upper Tribunal of the Immigration and Asylum Chamber of the United Kingdom has recognized that the Albanian state has taken steps to improve state protection, but in the areas where customary law predominates these steps are insufficient. For example, government programs to educate self-confined children exist, but very few children are involved in them.

¹⁰² *Issue Paper: Albania Blood Feuds*, IMMIGRATION AND REFUGEE BOARD OF CANADA (May 2008), http://www.ecoi.net/file_upload/1684_1243258524_http-www2-irb-cisr-gc-ca-en-research-publications-index-e-htm.pdf.

¹⁰³ Nadia Shira Cohen, *Blood Feud Still Boiling in Albania*, USA TODAY (July 30, 2012), <http://usatoday30.usatoday.com/news/world/story/2012-07-29/Albania-blood-feuds/56580022/1>.

¹⁰⁴ US DEPARTMENT OF STATE, *supra* note 23, § 2, at 3.

¹⁰⁵ *Id.*

¹⁰⁶ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention*, para. 31, UN Doc. CRC/C/ALB/CO/2-4 (Oct. 5, 2012), http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-ALB-CO-2-4_en.pdf (advanced unedited version).

¹⁰⁷ Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Christof Heyns, UN Human Rights Council, Apr. 23, 2013, § 19 at 7, at http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.47.Add.4_EN.pdf.

The Tribunal stated that depending on the reach, influence, and commitment to prosecution of the feud by the aggressor clan, internal relocation to an area of Albania less dependent on the customary law may provide sufficient protection.¹⁰⁸

¹⁰⁸ Upper Tribunal (Immigration and Asylum Chamber), Case EH (Blood Feuds) Albania CG [2012] UKUT 00348 (IAC), Oct. 15, 2012, http://www.bailii.org/uk/cases/UKUT/IAC/2012/00348_ukut_iac_2012_eh_albania_cg.htm.