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## 2010 Human Rights Report: Albania

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2010 Country Reports on Human Rights Practices

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The Republic of Albania is a parliamentary democracy with a population of approximately three million. The constitution vests legislative authority in the unicameral Assembly (parliament), which elects both the prime minister and the president. The prime minister heads the government, while the president has limited executive power. In June 2009 the country held parliamentary elections, which the Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) described as marking progress over past elections, but not fully realizing OSCE commitments. While the opposition Socialist Party (SP) voted to certify the elections as legal and final, it began a boycott of the parliament in September 2009, calling for an investigation into alleged electoral fraud. The boycott continued at year's end. Security forces reported to civilian authorities.

There were reports that police severely beat and mistreated suspects during interrogation and detention. Some cases of physical mistreatment were reported in prisons. Police corruption and impunity persisted. Government corruption remained a serious and unresolved problem. Discrimination against women, children, homosexual persons, and minorities were problems. Trafficking in persons also remained a problem.

#### RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings. The killings of two political figures--Socialist Party Member of Parliament Fatmir Xhindi and a Christian Democrat leader, Alex Keka--were under investigation and remained unresolved at year's end.

On December 12, the Parliamentary Assembly of the Council of Europe (COE) released COE rapporteur Dick Marty's report on allegations concerning inhuman treatment of persons and illicit trafficking in human organs. The report stated that, from July 1999 to mid-2000, elements of the Kosovo Liberation Army (KLA) and affiliates held scores of

"disappeared" persons at temporary locations at Bicaq, Burrel, Rripe, and Fushe-Kruje. The report alleged that some of these persons had their kidneys extracted for use by an international organ-trafficking ring. The report alleged that most of those held--ethnic Albanians and Serbs whom the KLA believed to be collaborators--were presumed to have been killed. According to the report, first-hand sources credibly implicated five members of the "Drenica Group" within the KLA in having ordered, and in some cases personally overseen, killings, detentions, beatings, and interrogations in the context of KLA-led operations on the territory of Albania between 1998 and 2000. The report also stated that the head of the Drenica Group, Kosovo Prime Minister Hasim Thaqi, operated with the "support and complicity" of Albania's government, secret service, and the mafia. Albanian authorities denounced the content of the report but pledged their cooperation with any investigation.

The UN Interim Administration Mission in Kosovo (UNMIK) and International Criminal Tribunal for the Former Yugoslavia (ICTY) whose mandates did not extend into Albania, previously investigated the allegations of organ harvesting contained in the Marty report and concluded that there was insufficient evidence to pursue a criminal case.

The EU Rule of Law Mission in Kosovo (EULEX) War Crimes Unit maintained an open but inactive investigation into the organ trafficking allegations. The EULEX War Crimes Unit stated that it possessed no evidence related to these allegations and called on the COE and other parties to share whatever evidence they may have obtained. Following the release of the COE report, EULEX indicated that it lacked jurisdiction to investigate alleged crimes committed on the territory of Albania. However the government publicly expressed its willingness to cooperate with an investigation of these alleged crimes.

During the year there were continuing reports of societal killings, including both generational "blood feud" and revenge killings. Such killings sometimes involved criminal gangs. According to the Interior Ministry, there were five blood feud-related killings during the year. However, NGOs reported 55 blood feud-related killings during the year. According to NGOs, fear of blood feud reprisals effectively imprisoned approximately 1,490 families their homes. The Court of Serious Crimes tried blood feud cases. The law punishes premeditated murder, when committed for revenge or a blood feud, with 20 years' or life imprisonment.

#### b. Disappearance

There were no reports of politically motivated disappearances.

Albanian prosecutors believed that they had traced Ilir Kumbaro, on trial with three of his National Intelligence Service (SHISH) colleagues for the 1995 kidnapping and torture of Remzi Hoxha and two other citizens, to the United Kingdom, where he was allegedly living under an assumed name and had applied for asylum. The prosecutor requested extradition. The trial and the extradition request were pending at year's end.

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

The constitution and law prohibit such actions; however, police and prison guards sometimes beat and abused suspects and detainees.

During the year the government continued to implement recommendations resulting from the Council of Europe's Committee for the Prevention of Torture (CPT) 2008 visit to the country's prisons and detention centers. In its report on the visit, the CPT noted credible allegations of physical mistreatment, at times severe, mostly during police questioning.

The December 12 COE report on inhuman treatment of persons and illicit trafficking in human organs (see section 1.a.) alleged that, in 1998 to June 1999, the KLA with the cooperation of SHIK, detained "prisoners of war" from Kosovo at locations in Durrës, Cahan, and Kukës, where they were held in makeshift cellblocks, left in insanitary conditions without

food and water, and were visited periodically by KLA soldiers to be questioned under harsh treatment, or indiscriminately beaten.

The Albanian Helsinki Committee (AHC) and the Albanian Human Rights Group (AHRG) reported that police sometimes used excessive force or inhuman treatment. During the year the AHC reported that it received 10 complaints of mistreatment by police and prison staff. The majority of these complaints concerned 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 reported that conditions and treatment while in police custody are more problematic than in the prison system. According to the AHRG, police more often mistreated suspects at the time of arrest or initial detention. Roma, Balkan-Egyptians, and persons engaging in homosexual conduct were particularly vulnerable to police abuse.

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Police sometimes used threats and violence to extract confessions.

#### Prison and Detention Center Conditions

The Ministry of Justice operated all detention facilities, while the Ministry of Interior oversaw police detention facilities.

Prison conditions varied widely between prison facilities dating from the communist period and those opened after 1991. In the facilities dating from the communist period, concerns existed about adequate provisions for sanitation, ventilation, lighting, health care, and access to potable water. The government was taking steps to address these needs and slowly phase out the older facilities. Establishments opened after 1991 generally met international standards. Changes in the law establishing a probation system, usage of alternative sentencing guidelines, and the construction of new prisons decreased overcrowding. The Albanian Helsinki Committee (AHC) reported during the year that there was a general alleviation of prison overcrowding, largely due to probationary services. Prisons have obtained modernized medical equipment and additional medical staff and supplies. However, access to medical care was not always available. During the year the AHC found that infrastructure conditions in some of the police detention facilities were very troubling.

Prisoners and detainees have the right to meet relatives and meetings can occur up to four times per month for adults and up to eight times for juveniles. Prisoners and detainees are free to exercise their religion and some facilities have special places for religious services.

Prisoners and detainees are permitted to submit complaints to the ombudsman. Every penal installation has a mailbox in which prisoners and detainees are entitled to submit complaints without censorship. The ombudsman reported that this service was functional. Prisoners and detainees are also entitled under the law to submit complaints to judicial and administrative authorities.

Authorities investigated credible allegations of inhumane conditions and documented the results of such investigations, although the results were not always easily accessible to the general public. According to the government, in 2009 the government carried out over 350 inspections and investigations.

The government allowed local and international human rights groups, the media, and others to monitor prison conditions. The law provides for an ombudsman to implement the National Mechanism for Torture Prevention. The ombudsman also monitored prison conditions and acted on prisoner complaints. The ombudsman found that several facilities lacked the appropriate infrastructure and found instances of overcrowding. The ombudsman investigated allegations of corruption within the prison system and found corruption to be a serious problem. However, the ombudsman's term in office ended in March, and the parliament was unable to appoint a new ombudsman, leaving a gap which hindered the functioning of this office.

During the year there were no reports that authorities held minors together with adults. In October 2009 the government opened the Juvenile Institute in Kavaje, which serves as a rehabilitation, correctional, and consultation center for juveniles.

In 2009 authorities initiated 361 disciplinary proceedings against prison guards and officials.

#### d. Arbitrary Arrest or Detention

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

#### Role of the Police and Security Apparatus

Local police units report to the Ministry of Interior and are the main force responsible for internal security.

Despite improvements in law enforcement training and management, police did not consistently respect the human rights of citizens during the performance of their duty and were not fully accountable to the rule of law. In some instances, police impunity was a problem. Police officers did not enforce the law equally and an individual's political or criminal connections often influenced enforcement of laws. Low salaries contributed to continued corruption and unprofessional behavior which remained impediments to the development of an effective civilian police force.

During the year the ombudsman processed and completed complaints against police officers mainly on arrest and detention problems; the ombudsman resolved nearly one third in favor of the complaining citizen.

#### Arrest Procedures and Treatment While in Detention

The constitution requires that authorities inform detained persons immediately of the charges against them and of their rights. Police sometimes failed to inform citizens of their rights at the time of arrest. Under the law, police must immediately inform the prosecutor of an arrest. The prosecutor may release the suspect or petition the court within 48 hours to hold the individual further. A court must decide within 48 hours whether to place a suspect in detention, require bail, prohibit travel, or require the defendant to report regularly to the police. In practice prosecutors requested and courts routinely ordered detention in many criminal cases. However, courts routinely denied prosecutors' requests for detention for well-connected, high-profile defendants. In many cases house arrest was granted and not enforced consistently; time spent under house arrest accrued toward prison time if a defendant was convicted.

Courts must provide indigent defendants with free legal counsel. According to the AHC, police officers often failed to inform defendants of this right, and there were complaints by detainees that authorities did not provide them with defense counsel from the outset of their detention. The AHC and several NGOs offered free legal advice and advocacy services to indigent persons.

The law requires completion of most pretrial investigations within three months; however, a prosecutor may extend this period to two years or longer. The law provides that the maximum pretrial detention should not exceed three years; there were no reports that authorities violated this limit during the year. However, lengthy pretrial detentions often occurred due to delayed investigations, defense mistakes, or the intentional failure of defense counsel to appear. For example, in the 2008 Gerdec case involving the explosion of a former military ammunition demilitarization facility resulting in 26 deaths. During the year the hearings were postponed 77 times, due in many cases to the failure of defense attorneys to appear or due to the absence of a member of the court. Under the law, a judge cannot hold an attorney in contempt of court to prevent these actions by attorneys.

Limited material resources, lack of space, poor court calendar management, insufficient staff, and failure of attorneys and witnesses to appear prevented the court system from adjudicating cases in a timely fashion.

#### e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, political pressure, intimidation, widespread corruption, and limited resources sometimes prevented the judiciary from functioning independently and efficiently. The politicization of appointments to the High and Constitutional Courts threaten to undermine the independence and integrity of these courts.

#### Trial Procedures

The law provides for the right to a fair trial with defendants presumed innocent until convicted. The court system does not provide for jury trials. Prosecutors and defense lawyers present cases to a judge or panel of judges, and defendants have the right to access all evidence that prosecutors present to the judges, can question witnesses against them, and present witnesses and evidence. Defendants have the right to appeal. The law mandates an alternative sentencing system for juveniles.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees; however, former political prisoners under the communist government complained that they had either not received the compensation due them under the law or that payments were coming too slowly.

#### Regional Human Rights Courts Decisions

During the year the European Court of Human Rights (ECHR) delivered eight judgments concerning the country. These cases largely concerned the right to a fair trial within a reasonable time, the right to an effective remedy, and the right to peaceful enjoyment of possessions. As of September there were 287 cases pending before the ECHR regarding Albania.

#### Civil Judicial Procedures and Remedies

There is a functional civil law system where citizens have access to redress; however, it was susceptible to corruption, inefficiency, and political tampering. These factors undermine the judiciary's authority, contribute to controversial court decisions, and lead to an inconsistent application of civil law. The Bailiff's Office is responsible for enforcing civil judgments. The law allows private bailiffs to enforce judgments, facilitating both private and public entities to help enforce rulings. However, complete and timely enforcement of court decisions remained elusive.

#### Property Restitution

The laws governing restitution or compensation for private and religious property confiscated during the communist era are complex, and a large number of cases involving conflicting claims by new owners and the state (on one side) and former owners (on the other) remained unresolved. There was no update to the September 2008 European Parliament briefing paper on property restitution in the country which noted that the first round of judgments of the ECHR had found "serious deficiencies" in the administrative and judicial system of the country with respect to property restitution and compensation of former owners. The judiciary has serious problems with independence, transparency, and accountability.

As in previous years, the government did not provide restitution or compensation to religious organizations for religious properties and objects that the former communist government confiscated or damaged.

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

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

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press, and the government respected many of these rights in practice, however: there were reports that the government and businesses influenced and pressured the media.

Individuals could freely criticize the government publicly or privately without reprisal, although there were some exceptions. Some media outlets reported they experienced selective tax inspections due to their editorial point of view. Two dailies (*Tema* and *Korrieri*) closed in the spring after receiving fines of 20 million leks and 22 million leks respectively (\$200,000 and \$220,000). The dailies stated that the government imposed the fines due to their lack of documentation showing they had destroyed unsold copies. *Tema* stated that inspections went as far back as 2005. *Tema* appealed the fine with the Ministry of Finance and the case was ongoing. In October *Tema* resumed publication after a reorganization.

The media were active and largely unrestrained, however; there were cases of direct and indirect political pressure on the media, including threats against journalists. At times political pressure and lack of funding constrained the independent print media, and journalists reported that they practiced extensive self-censorship. Political parties, trade unions, and other groups published newspapers or magazines independent of government influence.

The public Albanian Radio and Television operated a national television channel and a national radio station and, by law, receives 50 percent of its budget from the government. The station remained under government control in its editorial line. While private stations generally operated free of direct government influence, most owners believed that the content of their broadcasts could influence government action toward their other businesses. Business owners also freely used media outlets to gain favor and promote their interests with both major parties.

The investigative role of the media continued during the year. Leading broadcaster Top Channel's popular investigative satirical show, *Fiks Fare*, led to dismissals and criminal cases against corrupt public officials. In 2009 hidden camera footage led to the dismissal of former-minister of culture, youth, and sports Ylli Pango who was accused of sexual misconduct. On June 18, the Tirana District Court heard Pango's lawsuit and decided to fine the broadcaster 51 million leks (\$500,000) for "harming the ex-minister's moral stature and causing anxiety and grief." The station appealed the ruling, and the case was pending at year's end.

In March the appellate court remanded the modified 2006 Council of Ministers decision to break its 20-year lease of space to Top Channel, a private television station that was sometimes critical of the government, and order the station to vacate the state-owned office building in which it was located. The council agreed to allow Top Channel to move to another state-owned property. Despite this order, the station claimed that tenants in the new property did not allow Top Channel to move in and carry out its work. In March the Appeals Court returned the case for readjudication to the Tirana District Court. The case was ongoing at year's end.

The law punishes libel with a prison sentence of up to two years and a fine. During the year there were no libel suits against reporters. However, two media outlets, Vision Plus and Shekulli, filed libel suits against the prime minister in December for prejudicial public statements that he allegedly made against them in parliament. The High Court ruled in May and June on the lawsuits, citing that "there were no elements of the criminal offences of insult and defamation because the damaged parties could not prove the charges."

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

On November 14, a Gjirokaster correspondent of the daily *Panorama* newspaper was reportedly assaulted by two persons. The assailants reportedly told the reporter to stop writing in the newspaper. Before the assault, the reporter had printed an interview with an unnamed woman who reportedly worked in drug plantations in Lazarat. The reporter filed a criminal suit with the Prosecutor's Office. The case was ongoing at year's end.

In December businessman Rezart Taçi, who was accused of assaulting journalist Mero Baze in November 2009 for Baze's reporting on alleged corruption in the privatization of ARMO, the country's state-owned oil refinery, was acquitted. His two bodyguards were each fined 350,000 leks (\$3,500).

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Access to the Internet increased rapidly during the year but remained limited, particularly outside major urban areas. According to International Telecommunication Union statistics for the year, approximately 36 percent of the country's inhabitants used the Internet compared to 20.6 percent in 2009. Of those an estimated 80 percent were Internet users through mobile phones.

The law provides that the Office of the Commissioner for Data Protection to handle complaints regarding the abuse or misuse of personal information in the Internet. During the year there were no reports that the government attempted to collect identifiable information on a person in connection with that person's peaceful expression of political, religious, or ideological opinion.

#### Academic Freedom and Cultural Events

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

#### b. Freedom of Peaceful Assembly and Association

##### Freedom of Assembly

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

The law requires the organizers of gatherings in public places to notify police three days in advance; there were no reports that police arbitrarily denied such gatherings.

##### Freedom of Association

The constitution provides for freedom of association and the government generally respected it in practice. The law prohibits the formation of any political party or organization that is nontransparent or secretive; there were no reports that the government used this provision against any group during the year.

#### c. Freedom of Religion

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt/](http://www.state.gov/g/drl/irf/rpt/).

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

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

Internal migrants must transfer their civil registration to their new community of residence to receive government services and must prove they are legally domiciled through property ownership, a property rental agreement, or utility bills. Many persons could not provide this proof and thus lacked access to essential services. Other citizens lacked formal registration in the communities in which they resided, particularly Roma and Balkan-Egyptians. The law does not prohibit their registration, but it was often difficult in practice to complete.

The law prohibits forced exile, and the government did not employ it.

#### Protection of Refugees

The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. Under the law, there is no time limit for requesting asylum, but the government must make the decision regarding granting asylum within 101 days of the initial request. The government generally complied with this time frame. The government actively cooperated with the UNHCR and the Refugee and Migrants Services Albania, which provided assistance to refugees.

The government provided temporary protection to refugees and provided it to 99 persons during the year.

In cooperation with international organizations, the government, through the EU's Community Assistance for Reconstruction, Development, and Stabilization program, prescreened undocumented migrants at all border crossing points. Under the program, an NGO and government team assisted border police in identifying undocumented migrants who were potential victims of trafficking, asylum-seekers, or economic migrants.

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

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic elections based on universal suffrage.

#### Elections and Political Participation

In June 2009 the country held parliamentary elections that the OSCE ODIHR election observation mission stated met most OSCE commitments but nevertheless "did not fully realize the country's potential to adhere to the highest standards for democratic elections." The observation mission specifically cited problems in administrative procedures with the vote count, "a highly polarized environment," biased media coverage, and procedural violations, such as proxy voting. ODIHR observers assessed voting positively in 92 percent of voting centers.

The process through which political parties name electoral commissioners remains opaque. According to the law, political parties should name electoral commissioners 45 to 90 days prior to the election depending on their role. However, political

parties did not always follow the law in practice. As a result, political parties often changed commissioners, or did not name them until shortly before elections, preventing them from receiving the training required to execute their duties effectively. Electoral commissioners were also susceptible to interference from political parties.

At year's end the political impasse that followed the June 2009 election continued. The SP, despite having certified the electoral results, boycotted parliament, called for investigations into alleged electoral fraud, and blocked key legislation requiring a parliamentary super majority, including the establishment of an administrative courts system. The parliament's work has been obstructed by the ongoing political impasse and neither the SP nor the government has shown a readiness to compromise and end the deadlock. As a result, the parliament was not fully functioning during the year, and the parliament approved almost no major legislative proposals.

Political parties operated without restriction or outside interference. The country has two major political parties, the Democratic Party (DP) and the SP and many smaller parties. In the June 2009 elections, 34 parties campaigned freely throughout the country. Political party financing was largely opaque.

Overall, women were poorly represented at the national and local levels of government, despite commitments by the major political parties to increase their representation. After the June 2009 elections, there were 23 women in the 140-seat parliament, an increase from nine in the previous parliament. These included the speaker and one woman in the Council of Ministers.

The law mandates that women fill 30 percent of appointed and elected positions, and the electoral code provides that 30 percent of candidates should be women. However, not all parties followed the electoral code, and many placed women's names in low spots on the ballot, virtually assuring that they would not win a seat in the parliament under the country's regional proportional parliamentary system in which votes are allocated to candidates in order of their appearance on the ballot.

Several members of the Greek minority served in parliament and in the executive branch in ministerial and subministerial positions, including as the minister of labor.

#### Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, despite several arrests of high-level local and central government officials, government corruption remained a major obstacle to meaningful reform. World Bank governance indices for 2009 indicated that corruption was a serious problem. According to a corruption survey released during the year, 91.8 percent of respondents think that corruption among public officials was either "widespread" or "somewhat widespread." Respondents to the survey stated that customs and tax officials, as well as doctors, were the most corrupt institutions and groups.

The government prosecuted corrupt officials and managed complaints regarding corrupt police through the ombudsman and the Internal Control Service of the Albanian State Police. However, broad immunity provisions for judges, members of parliament, and other high level officials hindered the government's ability to prosecute high-level corruption. Immunity can only be lifted by parliament or by a High Council of Justice decision. The government's anticorruption task force against organized crime coordinated anticorruption activities. The prime minister headed the task force that included several ministers and heads of independent state-owned agencies, such as the public electricity company and representatives of the police and intelligence organizations.

The law prohibits government ministers and their close family members from owning a company directly tied to their official responsibilities. Since its inception in 2003, the High Inspectorate for the Declaration and Audit of Assets (HIDAA) received assets declarations from officials. HIDAA is charged with the implementation of the asset declaration law and the

conflict of interest law. Each year HIDAA collects nearly 4,000 asset declaration forms from politicians, public servants, and the judiciary. HIDAA selected 4 percent randomly for a full administrative investigation. HIDAA also investigated cases that the media, civil society, or others referred to it. HIDAA's mandate is limited in that it conducts administrative investigations and refers cases to prosecutors for additional investigation. During the year HIDAA sent 14 cases to prosecutors for further investigation and facilitated the resolution of 197 conflict of interest cases. During the year there were new officials who declared their assets for the first time. HIDAA administers conflict of interest regulations; during the year it fined individuals for delaying their submissions and fined 29 for conflict of interest. During the year the Ministry of Interior reported that the state police investigated 1,931 cases related to corruption and financial crimes, and authorities arrested 359 persons. The government confiscated approximately 835 million leks (\$8 million) in assets. According to the Ministry of Interior, police dismantled organized criminal groups during the year. However, organized crime remained a serious problem.

The Joint Investigative Units to Fight Economic Crime and Corruption (JIU) are multiagency units which investigated and prosecuted public corruption and other financial crimes. There are seven JIUs, one in Tirana and six others throughout the country, which investigate corruption and other financial crimes. Citizens referred two judges, whom officials had asked for bribes in return for favorable rulings. The JIUs also charged two prosecutors with corruption for accepting bribes related to criminal cases. All of these cases were pending at year's end.

The JIUs were composed of police staff from the prosecutor's offices, the state police, customs and tax police, and other relevant institutions. The JIUs used a team structure to concentrate capacity and foster communication necessary for effective investigations and prosecutions. The JIUs received direct referrals from citizens.

The JIUs continued to bring cases in numerous sectors rife with corruption. In the medical field, officials charged surgeons, anesthesiologists, and other medical personnel with corruption for demanding payment to provide what should have been free government services. Officials arrested traffic police officers in several major cities on charges of corruption and abuse of office for accepting bribes in lieu of traffic fines. Prosecutors charged customs officers and businessmen with corruption and smuggling for allowing trucks to cross the border without paying customs duties.

After an eight-month investigation into corruption in the importation of fuel, on June 3, authorities arrested the director and two inspectors from the Fuel Inspection Directorate in the Ministry of Economy for taking \$100,000 in bribes (\$10,000 per ship cleared) over an eight-month period from a fuel importer in exchange for issuing false technical inspection permits and customs clearances.

In early 2009 the trial of several former government officials, including the former head of the Property Restitution Commission and his lawyer on charges of corruption, abuse of office, and falsification of documents. Prosecutors alleged that the two orchestrated a scheme to transfer 135 acres of prime coastal land to a family that had never owned or claimed to own the land. Due to many delays, including the absence of defense attorneys on several occasions, the trial continued at year's end.

During the year the prosecutor general made no further requests to lift the official immunity of former minister of defense Fatmir Mediu in connection with the 2008 explosion at a military base where old ammunition was rendered safe in Gerdec. In 2009 the Supreme Court ruled that Mediu had official immunity upon his June 2009 reelection to parliament.

The lack of an independent, effective, and merit based civil service system remains an impediment to fighting corruption and hinders the ability of the government to serve its citizens effectively and transparently. Politicization of the civil service recruiting system leads to high turnover in civil servants.

Corruption in the education system continued. University officials reportedly required payments for students to gain admission. Officials sometimes required bribes or sexual favors from students for them to matriculate or pass examinations.

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

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

#### Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally cooperated and responded to their views. During the year the government set up an agency for the support of civil society which has the mandate to allocate state funding to NGOs. In December 2009 a group of human rights NGOs collaborated to publish a human rights report on the country and plans to issue another in 2011.

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

In many cases the government took concrete steps to correct problems in response to the findings of the ombudsman. Cooperation improved between the Ministry of Interior and the ombudsman, and the government implemented some suggestions made by the ombudsman.

The government cooperated with the UN and other international bodies, permitting visits throughout the year.

The parliament has a committee on Legal Issues, Public Administration, and Human Rights. However, this committee was largely ineffective on human rights issues and remained constrained in its work by the SP boycott of parliament.

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

The law prohibits discrimination based on race, gender, ethnicity, disability, language, or social status; however, the government did not effectively enforce these prohibitions, and discrimination persisted. On February 4, parliament approved a new law on antidiscrimination. The law created the Office of the Commissioner for Protection from Discrimination, which is to receive and process complaints of discrimination. In May parliament named a commissioner; however, the new institution suffered from inadequate funding and staffing.

Women

The criminal code penalizes rape, including spousal rape; however, victims rarely reported spousal abuse, and officials did not prosecute spousal rape in practice. The concept of spousal rape was not well established, and authorities and the public often did not consider it a crime. The law imposes penalties for rape and assault depending on the age of the victim. For rape of an adult, the prison term is three to 10 years; for rape of an adolescent between the ages of 14 and 18, the term is five to 15 years and, for rape of a child under the age of 14, the sentence is seven to 15 years.

Domestic violence against women, including spousal abuse, remained a serious problem. During the year police reported cases of domestic violence and the government pressed charges in cases. The Department of Equal Opportunities at the Ministry of Labor, Social Affairs, and Equal Opportunity covers women's issues, including domestic violence.

The government did not fund specific programs to combat domestic violence or assist victims, although nonprofit organizations provided assistance. NGOs reported that an estimated eight domestic violence hotlines operated. The hotlines, serving mainly the northern part of the country, each received approximately 25 calls per month from women reporting some form of violence. NGOs operated four shelters for battered women in Tirana, Vlora, Elbasan, and Gjirokaster. During the year NGOs and police noted a substantial increase in reports of domestic violence, primarily due to increased awareness of services and more trust in the police. According to government figures, there were 1,744 cases of domestic violence reported during the year, compared with 1,063 in 2009. Often the police do not have the training or capacity to deal with domestic violence cases.

In many communities, particularly those in the northeast, women were subjected to societal discrimination as a result of traditional social norms that considered women to be subordinate to men.

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

Reproductive rights are generally respected by the government. Couples and individuals have the right to decide freely the number, spacing, and timing of their children and have the information and means to do so free from discrimination, coercion, and violence. Citizens have access to contraception. Under the law, health care is provided to all citizens; however, the quality of and access to care, including obstetric and postpartum care, was not satisfactory, especially in the remote rural areas. According to 2008 UN estimates, the maternal mortality rate in Albania is 31 deaths per 100,000 live births. Women are equally diagnosed and treated for sexually transmitted infections, including HIV.

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

#### Children

On November 4, the parliament approved the law "For the Protection of the Rights of the Child." This law provides the legal and institutional framework for protecting children's rights.

In general parents must register their children in the same community where they are registered. However, according to the Children's Rights Center of Albania (CRCA), children born to internal migrants or those returning from abroad frequently had no birth certificates or other legal documentation and, as a result, were unable to attend school. This is a particular problem for Romani families as well, who often marry young and fail to register their children.

The law provides for nine years of free education and authorizes private schools. School attendance is mandatory through the ninth grade or until age 16, whichever comes first; however, in practice many children left school earlier than the law allowed to work with their families, particularly in rural areas. Parents must purchase supplies, books, uniforms, and space

heaters for some classrooms, which was prohibitively expensive for many families, particularly Roma and other minorities. Many families also cited these costs as a reason for not sending girls to school.

As in previous years, child abuse, including sexual abuse, occurred occasionally, although victims rarely reported it. In some cases children under the age of 18 engaged in prostitution. The penalties for the commercial sexual exploitation of children range from fines to 15 years' imprisonment. The country has a statutory rape law and the minimum age of consensual sex is 14. The penalty for statutory rape of a child under the age of 14 is a prison term of five to 15 years. The law prohibits making or distributing child pornography, and the penalties are a fine of one to five million leks (\$10,000 to \$50,000) and a prison sentence of one to five years. Child marriage remained a problem in many Romani families and typically occurred when children were 13 or 14 years old.

There were reports that orphans leaving the custody of the state at adulthood faced significant challenges finding adequate housing and services.

Displaced and street children remained a problem, particularly Romani children, who made up 90 percent of street children. Street children begged or did petty work; some migrated to neighboring countries, particularly during the summer. These children were at highest risk of trafficking, and some became trafficking victims.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

#### Anti-Semitism

There were reportedly fewer than 100 Jews living in the country; there were no known functioning synagogues or community centers and no reports of anti-Semitic acts.

#### Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

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

During the year the ombudsman continued to inspect mental health institutions and found that while physical conditions in facilities in Vlora and Shkoder had improved, they were not in compliance with standards and remained understaffed. Inspections of the Tirana Psychiatric Hospital found that specific windows and doors needed to be replaced for safety reasons. The ombudsman regularly conducts inspections throughout Albania and recommended a major legal, organizational, and budgetary review of the country's mental health care system. The admission and release of patients at mental health institutions was a problem due to lack of sufficient financial resources to provide adequate psychiatric evaluations.

#### National/Racial/Ethnic Minorities

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

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

In October the Council of Ministers approved the National Action Plan for the Roma and Egyptian Involvement Decade for 2010-15. The total budget for implementing the five-year plan was expected to be nearly 2.5 billion leks (\$23 million).

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

During the year government prosecutors continued to appeal the dismissal of charges against Vasil Bollano, the ethnic Greek mayor of Himara, who was found guilty of abuse of office, but whose conviction was overturned on appeal in June 2009. The court convicted Bollano of destruction of government property after he ordered the removal of several new road signs in the Himara district because they were written in Albanian and English but not Greek.

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

There are no laws criminalizing sexual orientation, and the law does not differentiate between types of sexual relationships. There were lesbian, gay, bisexual, and transgender (LGBT) organizations in the country. The groups operated without interference from police or other state actors. There were reports that individuals were beaten, fired from their employment, or subjected to discrimination due to their sexual orientation. Often these cases went unreported.

NGOs claimed that police routinely harassed LGBT persons and transgender sex workers.

#### Other Societal Violence or Discrimination

The country has a low prevalence of HIV/AIDS. There is a general social stigma against persons with HIV/AIDS, although there were no reports of violence against such individuals during the year. The country's legal structures prohibit discrimination; however, implementation at times was lacking. Under the law, all health services are provided free of charge.

#### Section 7 Worker Rights

##### a. The Right of Association

Workers have the right to form independent unions and they exercised this right in practice; however, the law prohibits members of the military and senior government officials from joining unions and requires that a trade union have at least 20 members to be registered. Approximately 18 percent of the workforce belonged to unions.

The law provides the right to strike for all workers except civil servants, and workers exercised this right in practice. Civil servants do not have the right to strike; this applies to the uniformed military, police, indispensable medical and hospital personnel, persons providing air traffic control and prison services, and both essential and nonessential workers in water and electrical utilities. The law prohibits strikes that courts judge to be political.

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

Citizens in all fields of civilian employment have the constitutional right to organize and bargain collectively, and the law establishes procedures for the protection of workers' rights through collective bargaining agreements. However, labor unions operated from a weak position. Unions representing public sector employees negotiated directly with the government. Effective collective bargaining remained difficult, and agreements were hard to enforce. During the year parliament adopted a law requiring workers' representative bodies in enterprises with 20 or more employees to inform workers of all problems affecting them and their companies.

The law does not prohibit antiunion discrimination, and there were some reports of such occurrences. According to the Independent Trade Union of Textile, Garment, and Leather Workers, employers in the textile, garment, leather, and footwear sectors engaged in antiunion behavior. Reportedly, they threatened international relocation if workers unionized. In April the Constitutional Court overturned the 2009 law that could be used to sequester properties belonging to the country's trade unions.

There are no export processing zones, free trade zones, or industrial parks.

#### Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, women and children were trafficked for sexual exploitation and labor. For more information on forced or compulsory labor, please see the Department of State's annual *Trafficking in Persons* report at [www.state.gov/g/tip](http://www.state.gov/g/tip).

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

The law criminalizes exploitation of children for labor or forced services; however, the government did not enforce the law effectively. According to a CRCA estimate released during the year, more than 50,000 children under 18 years of age worked at least part time. The CRCA reported that the majority of child laborers worked as street or shop vendors, beggars, farmers or shepherds, drug runners, vehicle washers, textile factory workers, miners, or shoeshine boys. Research suggested that begging started at a young age--as early as four or five years old. The criminal code prohibits the exploitation of children for begging. Police generally did not enforce this law.

The law sets the minimum age of employment at 16 years and regulates the amount and type of labor that children under the age of 18 may perform. Children between the ages of 16 and 18 years old can work in certain specified jobs. The law provides that the Ministry of Labor, Social Affairs, and Equal Opportunity is responsible for enforcing minimum age requirements through the courts; however, there were no reports of enforcement. Labor inspectors investigated the formal labor sector, whereas most child labor occurred in the informal sector. Most of the labor inspections occurred in shoe and textile factories, and some instances of child labor were found in the course of these inspections.

In 2008 a massive explosion at a military base in the town of Gerdec, where old ammunition was rendered safe, killed 26 persons, including several illegally employed children, and injured hundreds of others, some seriously.

The government, together with several NGOs and international donors, had some specific programs aimed at preventing illegal child labor. During the year the Child Labor Unit at the Ministry of Labor continued to implement the second phase of its child labor monitoring initiative in the regions of Elbasan and Shkoder. As a result of those efforts, 362 children were withdrawn from various forms of employment and returned to school. In addition the Ministry of Tourism has established a code of conduct for preventing child sex tourism that was signed by 24 tourist agencies and hotels.

#### e. Acceptable Conditions of Work

The national minimum wage was 20,000 leks (\$190) per month. However, it was not sufficient to provide a decent standard of living for a worker and family. According to INSTAT, the average wage for government workers in the third quarter of the year was 47,000 leks (\$447) per month. The Albanian Institute of Statistics also reported that average monthly wages in the public sector had increased 6.4 percent from 2009. The Ministry of Labor, Social Affairs, and Equal Opportunity has the responsibility for enforcing minimum wage compliance.

The law establishes a 40-hour workweek; however, individual or collective agreements typically set the actual workweek. Many persons worked six days a week. The law requires payment of overtime and rest periods; however, employers did not always observe these provisions in practice. The government had no standards for a minimum number of rest periods per week, no limits on the maximum number of hours worked per week, and no regulations regarding premium pay for overtime; it did not prohibit excessive compulsory overtime.

The Ministry of Labor, Social Affairs, and Equal Opportunity is responsible for enforcing occupational health and safety standards and regulations; however, enforcement was lacking overall. Workplace conditions were frequently very poor and, in some cases, dangerous. Workers at the Bulqiza mines continued to request a lower retirement age. In response the government issued instead a salary increase for miners who work beyond the age of 50. Other requests from miners included better medical services for miners who have an accident at work and an improvement of their legal status as miners. The respective Ministry of Economy, Trade and Energy attempted in March to reinvigorate the mechanism of the Mines Inspection and Rescue Unit which has been in place for the last 50 years. The government also created a task force with a combination of central and local authorities, the tax administration, and the state police to improve law enforcement in the area.

Several accidents in the Bulqiza mines were reported during the year. Most accidents involved collapses in the mines and were due to a lack of adequate safety measures and procedures. In May a 65-year-old mineworker was reported to have died in a work-related accident while working in one of the Bulqiza mines. During the year media outlets continued to report that women and minors collected chromium from mines to support their families.

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

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