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2021 Country Reports on Human Rights Practices: Albania

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

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EXECUTIVE SUMMARY

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The Republic of Albania is a parliamentary democracy. The constitution vests legislative authority in the unicameral parliament (the Assembly), which elects both the prime minister and the president. The prime minister heads the government, while the president has limited executive power. On April 25, the country held parliamentary elections. The Organization for Security and Cooperation in Europe found that the elections were generally well organized, voters had a choice of candidates who were able to campaign freely, and the Central Election Commission adequately managed its obligations. The Organization for Security and Cooperation in Europe report, however, highlighted several deficiencies, including vote buying, leaking of sensitive personal data, and significant advantage gained by the ruling party due to incumbency.

The Ministry of Interior oversees the Guard of the Republic and the State Police, which includes the Border and Migration Police. The State Police are primarily responsible for internal security. The Guard of the Republic protects senior state officials, foreign digni and certain state properties. The Ministry of Defense oversees the armed forces. The S Intelligence Service is responsible to the prime minister, gathers information, and carries out

foreign intelligence and counterintelligence activities. Civilian authorities maintained effective control over the security forces. There were some allegations of abuses by members of the security forces.

Significant human rights issues included: problems with the independence of the judiciary as it continued to undergo vetting; restrictions on free expression and the press; and pervasive corruption in all branches of government and municipal institutions.

Impunity remained a problem, although the Specialized Anticorruption Body and anticorruption courts made significant progress during the year in investigating, prosecuting, and convicting senior officials and organized criminals.

Section 1. Respect for the Integrity of the Person

A. ARBITRARY DEPRIVATION OF LIFE AND OTHER UNLAWFUL OR POLITICALLY MOTIVATED KILLINGS

In December 2020, State Police shot and killed a man in Tirana who was violating a COVID-19 curfew. The officer who shot him was arrested, tried, and convicted for the killing. The minister of internal affairs resigned following protests in response to the killing. There were no other reports that the government or its agents committed arbitrary or unlawful killings. Civilian law enforcement agencies such as the State Police investigated whether civilian security force killings were justifiable and pursued prosecutions for civilian agencies. Military law enforcement conducted investigations of killings by the armed forces.

The Office of the Ombudsman reported that the high number of persons taken into custody by police resulted in overcrowding of detention facilities. For example, on December 9 and 13, police temporarily detained 357 persons, 126 of them minors, during street protests following the December 20 police shooting death of the unarmed man in Tirana breaking COVID curfew.

B. DISAPPEARANCE

There were no reports of disappearances by or on behalf of government authorities.

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

While the constitution and law prohibit such actions, there were allegations that police sometimes abused suspects and prisoners. For example, the Albanian Helsinki Committee (AHC) reported a case of physical abuse of a minor while in police detention. Medical staff did not report the corroborating physical examination showing bruising to the head and arm to the prosecutor's office. Responding to the incident, the general director of police mandated training focused on criminal procedural rights of juveniles.

Prisoners engaged in hunger strikes on several occasions in 2020 to protest COVID restrictions limiting contacts with outside visitors, new legislation tightening prisoner privileges in high-security regimes, and allegations of corruption related to the quality of food, and access to medicine.

The Ministry of Interior's Service for Internal Affairs and Complaints (SIAC) received complaints of police abuse and corruption that led to investigations of police actions. The Office of the Ombudsman, an independent, constitutional entity that serves as a watchdog over the government, reported that most cases of alleged physical or psychological abuse during the year occurred during arrest and interrogation, especially in cases of public protest.

The government made greater efforts to address police impunity, most notably in the single case of excessive use of deadly force. The SIAC recorded an increase in the number of investigations, prosecutions, and sanctions against officers for criminal and administrative violations. The December 2020 deadly police shooting of a COVID curfew violator who fled arrest led to widespread protests, some violent. The officer involved was arrested soon after the shooting and was convicted of homicide in July, receiving a 10-year prison sentence, reduced from 15 years due to his guilty plea.

Prison and Detention Center Conditions

Poor physical conditions in some prisons and a lack of medical care, particularly for mental-health conditions, were serious problems, as was corruption. Conditions remained substandard in some police detention facilities in remote locations.

The General Directorate of Prisons issued several decisions to manage the spread of COVID-19 within the penitentiary system. The AHC reported that in March through May 2020, authorities identified 21 cases of positive infection in prisons, while from July 2020 to February 2021, 140 cases were reported. Only five cases were treated in civil COVID medical treatment facilities, Covid 1 and Covid 2. Shen Koll prison in Lezhe and the Prisons' Hospital in Tirana

dedicated some of their facilities to treating COVID-19 patients only. Authorities continued to prohibit meetings with families. In October 2020, inmates at the Peqin and Shen Koll prisons and their families protested the restrictions on visits.

Physical Conditions: While overcrowding was not a problem in most facilities, the Albanian Helsinki Committee (AHC) and the Office of the Ombudsman reported overcrowding in the Zaharia prison in Kruje, the Jordan Misja prison, and the Durres prison. The General Directorate of Prisons reported sporadic overcrowding in several other prisons as populations fluctuated. Prison facilities in Kruja, Durres, Rrogozhina, Saranda, Lezha, Kukes, Ali Demi and Tepelena were reported by the Office of the Ombudsman and the AHC to have urgent infrastructure problems.

The Office of the Ombudsman and nongovernmental organizations (NGOs) continued to report that authorities held inmates with mental disabilities in regular prisons, where access to mental health care was inadequate. Since 2018 the Ministry of Justice and the Ministry of Health have tried to accommodate Zaharia inmates and detainees in the prison in Lezha. The AHC and the ombudsman reported the government had not completed turning buildings in the Lezha prison into a special medical institution to which Zaharia inmates could be transferred, in part due to anti-COVID restrictions. In November 2020 the Ministry of Justice announced it was constructing a prison for inmates older than 60 with a capacity of 120 beds that was to be completed in 2022. The Council of Europe's Committee for the Prevention of Torture visited the country on November 23-26 to assess progress on closing the Zaharia facility and transferring forensic psychiatric patients to a specialized forensic psychiatric facility. Following the visit, the minister of justice announced the government had closed the Zaharia prison, and the 319 inmates there were transferred to the reconstructed Shen Kolli prison blocks.

Except for regional facilities in Tirana (excluding its commissariats, which are smaller units falling under regional police directorates) Gjirokaster, Kukes, Fier, and Korca, conditions in facilities operated by the Ministry of Interior, such as police stations and temporary detention facilities, did not meet the required standards. Some detention facilities in remote areas were unheated during the winter and lacked basic hygienic amenities and sanitizers as measures against COVID-19. Facilities were cramped, provided limited access to toilets, and had little or no ventilation, natural light, or beds and benches. Camera monitoring systems were nonexistent or insufficient in most police stations. The ombudsman reported that detention facilities operated by the Interior Ministry were overcrowded due to the increased number of arrests during the year and because of delays in the admission of new inmates in the

penitentiary system. The ombudsman reported a high percentage of prison inmates were pretrial detainees. Criminal proceedings were generally delayed by shortages of judges resulting from the high number of those who failed vetting and were not yet replaced.

Administration: The ombudsman reported that prison and police officials generally cooperated with investigations. The General Directorate of Prisons received 20,065 complaints and requests through August, mostly regarding employment decisions, health-care services, and COVID-related prohibitions on in-person inmate contact with family and visitors that continued to July. The ombudsman received 60 complaints from detainees and inmates through August but did not refer any cases for prosecution.

In 2020 the Berat prison director was suspended and later dismissed following charges of abuse of duty and corruption. Through August the General Directorate of Prisons reported that it had carried out disciplinary proceedings against 112 prison staff and had fired 26.

Through August four inmates remained under a legal regime adopted in July 2020 to minimize communications between organized crime and gang members in prison and their outside contacts, to prevent them from running criminal organizations while incarcerated.

Independent Monitoring: The government generally allowed local and international human rights groups, media, and international bodies such as the Committee for the Prevention of Torture to monitor prisons and detention facilities.

Improvements: The ombudsman and the AHC confirmed an overall decrease during the year in prison overcrowding due to new infrastructure and amnesties. Nevertheless, some penitentiary facilities were still overcrowded.

D. ARBITRARY ARREST OR DETENTION

The law and constitution prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these prohibitions.

Arrest Procedures and Treatment of Detainees

The law requires that, except for arrests made during the commission of a crime, police arrest a suspect on criminal grounds with a warrant issued by a judge and based on sufficient

evidence. There were no reports of secret arrests. The law provides that police must immediately inform a 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 also decide within 48 hours whether to place a suspect in detention, require bail, prohibit travel, or require the defendant to report regularly to police.

By law and based on a prosecutor's request, the court has 72 hours to review pretrial detention status of a court-ordered arrest. Police may detain rather than formally arrest a suspect for a period not exceeding 10 hours. The ombudsman and the AHC found several procedural irregularities with the detention of individuals for longer than 10 hours, mainly following the December 2020 protests.

The constitution requires authorities to inform detainees immediately of their rights and the charges against them. The law provides for bail, and a system was operational; police frequently released detainees without bail, on the condition that they report regularly to the police station. Courts also often ordered suspects to report to police or prosecutors on a weekly basis. While the law gives detainees the right to prompt access to an attorney, at public expense if necessary, the ombudsman reported instances of interrogations taking place without the presence of legal counsel. The AHC and the ombudsman expressed concerns regarding the absence of family members during medical examinations and the absence of legal counsel and a psychologist during preliminary investigation processes involving minors.

Arbitrary Arrest: The constitution and law prohibit arbitrary arrest and detention. The government generally observed these prohibitions.

Pretrial Detention: While the law requires completion of most pretrial investigations within three months, a prosecutor may extend this period. The law provides that pretrial detention should not exceed three years. Extended pretrial detention often occurred due to delayed investigations, defense mistakes, or the intentional failure of defense counsel to appear. The law authorizes judges to hold offending attorneys in contempt of court. Limited material resources, lack of space, poor court-calendar management, insufficient staff (including judges who had failed vetting and had not yet been replaced), and the failure of attorneys and witnesses to appear prevented the court system from adjudicating cases in a timely fashion. As of July pretrial detainees accounted for just over 51 percent of the prison and detention center population.

E. DENIAL OF FAIR PUBLIC TRIAL

Although the constitution provides for an independent judiciary, political pressure, intimidation, corruption, and limited resources prevented the judiciary from functioning fully, independently, and efficiently. Court hearings were generally open to the public unless COVID-19 restrictions did not allow for journalists or the public to enter court premises. In such cases, media submitted complaints to the court, which reviewed them on a case-by-case basis and generally allowed journalists and the public to attend hearings if the case was of interest to the general public.

The government continued to implement an internationally monitored process to vet judges and prosecutors and dismiss those with unexplained wealth or ties to organized crime. As of September, 42 percent of the judges and prosecutors vetted had failed and been dismissed, 36 percent passed, and 22 percent resigned or retired. During the year the number of vetted Supreme Court judges grew to fill nine of the 19 seats on the court. Assignments of vetted judges were sufficient to establish administrative, civil, and penal colleges and allow courts to begin adjudicating cases. The Supreme Court, however, must have at least 10 judges to be able to elect the remaining three Constitutional Court judges. As of July 31, the Supreme Court had a backlog of 36,608 cases pending adjudication.

The politicization of past appointments to the Supreme Court and Constitutional Court at times threatened to undermine the independence and integrity of these institutions.

The implementation of justice reform provisions led to a pause in normal disciplinary processes while the country established independent disciplinary bodies. From January through September 8, the country's High Justice Inspectorate received 875 complaints that resulted in the issuance of 740 decisions on archiving and 120 decisions on the verifications of complaints. It also administered 24 disciplinary investigations, nine of which were carried over from the previous Inspectorate at the High Judicial Council. The High Justice Inspectorate also submitted nine requests for disciplinary proceedings against magistrates to the High Judicial Council and High Prosecutorial Council.

Trial Procedures

The constitution and law provide for the right to a fair and public trial without undue delay. The law presumes defendants to be innocent until proven guilty. It provides for defendants to be informed promptly and in detail of the charges against them, with free interpretation as

necessary. Defendants have the right to be present at their trial and to consult an attorney. If they cannot afford one, an attorney is to be provided at public expense. The law provides defendants adequate time and facilities to prepare a defense and access to interpretation free of charge. Defendants have the right to confront witnesses against them and to present witnesses and evidence in their defense. Defendants may not be compelled to testify or confess guilt. Defendants have the right to appeal. The government generally respected these rights, although trials were not always public and access to an attorney was at times problematic. To protect the rights of defendants and their access to the evidence against them, a prosecutor must petition a preliminary hearing judge and make a request to send the case to trial.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

While individuals and organizations may seek civil remedies for human rights violations, instances of judicial corruption, inefficiency, intimidation, and political tempering were reported. Courts took steps to address the problem by using audio-recording equipment. Despite having a statutory right to free legal aid in civil cases, NGOs reported that very few individuals benefitted from such aid during the year. To address the problem, the Ministry of Justice established the Free Legal Aid Directorate, law clinics at state universities, an online platform during the COVID-19 pandemic, and a telephone line to request free legal aid. The ongoing vetting process and legal mechanisms put in place by the high justice inspector to regulate the disciplining of judges also aimed to mitigate such problems.

Claimants who had exhausted remedies in domestic courts could appeal to the European Court of Human Rights (ECHR). In many cases, authorities did not enforce ECHR rulings. The Office of the Ombudsman expressed concern about the country's low rate of compliance with judicial decisions and its failure to execute the final rulings of courts and the ECHR. The ombudsman cited the state attorney's reporting that millions of euros in compensation had yet to be paid by the government to successful complainants.

Persons who were political prisoners under the former communist regime continued to petition the government for compensation. The government did not make progress on disbursing compensation during the year. The Institute for Activism and Social Change and

the Authority for Information on Former State Security (Sigurimi) Files raised concerns regarding unresolved missing persons cases dating from the former communist regime.

Property Seizure and Restitution

The Office of the Ombudsman and NGOs reported that property rights remained problematic, particularly the prolonged compensation process and low levels of compensation for expropriated property. Thousands of claims for private and religious property confiscated during the communist era remained unresolved with the Agency for the Treatment of Property and were sent back to the claimants to pursue their cases in court. Claimants may appeal to the ECHR after exhausting domestic legal recourse, and many cases were pending ECHR review. The ombudsman reported that as of March, more than 66 cases against the state were before the ECHR, involving millions of euros in claims. The ombudsman reported that the government owed millions of euros for judgements since 2015. The ombudsman reported that because of the ECHR judgement in the 2018 case *Sharxhi et al vs. Albania*, among others, the government owed more than 13.4 million euros (\$15.4 million) to plaintiffs. The ombudsman and the AHC alleged that the Cadaster Office was unresponsive to inquiries, hampering administrative investigations of property rights. In December the government announced a two-year project to digitize all property archives, enabling online access.

The country endorsed the Terezin Declaration in 2009 and the Guidelines and Best Practices in 2010. It does not have any restitution or compensation laws relating to Holocaust-era confiscation of private property. Under the law, religious communities have the same restitution and compensation rights as natural or legal persons. The government reported no property claims had been submitted by victims of the Holocaust.

The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released publicly in July 2020, can be found on the Department's website at: <https://www.state.gov/reports/just-act-report-to-congress/>.

F. ARBITRARY OR UNLAWFUL INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

The constitution and laws prohibit arbitrary or unlawful interference with privacy, family, home, or correspondence, but there were reports that the government failed to respect those prohibitions. During the year's parliamentary election campaign, it emerged that a database

with the personal information and contact details of approximately 900,000 citizens as well as their likely voter preferences, leaked into the public domain, potentially making voters vulnerable to pressure. A criminal investigation was launched by the Specialized Anticorruption Body (SPAK).

Section 2. Respect for Civil Liberties

A. FREEDOM OF EXPRESSION, INCLUDING FOR MEMBERS OF THE PRESS AND OTHER MEDIA

The constitution provides for freedom of expression, including for members of the press and other media, and the government usually respected these rights, although defamation is a criminal offense. There were reports that the government, businesses, and criminal groups sought to influence media in inappropriate ways.

FREEDOM OF EXPRESSION FOR MEMBERS OF THE PRESS AND MEDIA, INCLUDING ONLINE MEDIA:

Independent media were active and expressed a wide variety of views. There were efforts to exert direct and indirect political and economic pressure on media, including by threats and violence against journalists who tried to investigate crime and corruption.

Business owners freely used their media outlets to gain favor and promote their interests with political parties. Most owners of private television stations used the content of their broadcasts to influence government action toward their other businesses. There were credible reports of senior media representatives using media outlets to blackmail businesses by threatening unfavorable media coverage. Political pressure, corruption, and lack of funding constrained independent print media, and journalists reportedly practiced self-censorship. Economic insecurity due to a lack of enforceable labor contracts reduced reporters' independence and contributed to bias in reporting. The Albanian Journalists Union (AJU) continued to report significant delays in salary payments to reporters at many media outlets, in some cases up to 10 months. According to the journalist union, the pandemic worsened these delays. Financial problems led some journalists to rely more heavily on outside sources of income, leading to questions regarding the integrity of their reporting.

NGOs maintained that professional ethics were a low priority for some of the estimated 900-plus news portals in the country, raising concerns over the spread of false news stories that

benefited specific financial, political, and criminal interests. The dramatic growth in online media outlets provided a diversity of views as well as opportunities for corruption.

In July parliament voted to elect a new chairperson of the Audiovisual Media Authority, an independent body that regulates broadcast media. The Organization for Security and Cooperation in Europe (OSCE) and the EU had urged parliament to postpone the July vote until September to allow for the seating of the new parliament and the return of opposition parties that had boycotted parliament since February 2019. There were concerns regarding the independence of the chairwoman elected in July, as she had previously served as a spokeswoman for the Socialist Party before being appointed head of the state-owned Albanian Telegraphic Agency.

Violence and Harassment: Political and business interests reportedly subjected journalists to pressure. Through November, the AJU reported 11 cases of violence and intimidation against members of the media. For example, in April police detained Fax News reporter Preng Gjikota for several hours without explanation following a protest in Thirre, Mirdita. In July police participating in an ongoing operation briefly detained News 24 journalist Ergys Gjencaj, who was filming the operation.

Censorship or Content Restrictions: Journalists often practiced self-censorship to avoid violence and harassment. The AJU cited censorship and self-censorship as leading problems for journalists. A survey of 800 media professionals published in 2019 found that 62 percent of respondents thought there was interference from individuals or politics, 60 percent thought there was interference from media owners, 39 percent thought there was self-censorship, and 31 percent thought there was corruption in the media. Approximately 78 percent of media professionals thought there were journalists who engaged in corrupt practices to misreport stories.

In July, following criticism by reporters, media outlets, and journalists' associations, parliament reversed its earlier decision to limit physical access of reporters to Assembly premises and meetings of its permanent committees.

Prior to the April parliamentary elections, media outlets and journalists' associations complained regarding a lack of independent media access to campaign events held by political parties, which preferred to provide their own party-edited content to media outlets.

Libel/Slander Laws: The law permits private parties to file criminal charges and obtain financial compensation for insult or deliberate publication of defamatory information. NGOs

reported that the fines were excessive and, combined with the entry of a criminal conviction into the defendant's record, undermined freedom of expression. The AJU expressed concern that as of September, there were more than 20 lawsuits against journalists, mainly for defamation.

In 2019 the Assembly passed legislation, the so-called antidefamation package, which amended existing media laws to address defamation. NGOs and some international organizations criticized the amendments, sparking public debate, and the president returned the law to parliament. In June 2020 the Venice Commission found the law problematic and advised against its adoption as drafted. The legislation remained pending.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

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

B. FREEDOMS OF PEACEFUL ASSEMBLY AND ASSOCIATION

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

C. FREEDOM OF RELIGION

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

D. FREEDOM OF MOVEMENT AND THE RIGHT TO LEAVE THE COUNTRY

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

In-country Movement: To receive government services, citizens changing place of residence within the country must transfer their civil registration to their new community and prove the legality of their new domicile through property ownership, a property rental agreement, or utility bills. Many individuals could not provide documentation and thus lacked access to public services. Other citizens, particularly Roma and Balkan-Egyptians, lacked formal registration in the communities where they resided. The law does not prohibit their registration, but it was often difficult to complete. Many Roma and Balkan-Egyptians lacked the financial means or necessary information to register.

E. STATUS AND TREATMENT OF INTERNALLY DISPLACED PERSONS

Not applicable.

F. PROTECTION OF REFUGEES

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

In August the government, in coordination with private organizations, began accepting Afghan evacuees seeking protection following the change of the Afghanistan government. Over 2,400 Afghans were subsequently granted temporary protection status by the Albanian government.

Access to Asylum: The law provides for granting asylum or refugee status, and the government has established a system for providing protection to refugees.

In February a new law on asylum was adopted (Asylum Law no. 10/121) that extended the deadlines for granting or denying asylum requests from 51 days to six months from the date of application, with potential for three-month extensions up to 21 months, under certain circumstances.

As of August 31, five persons had applied for asylum with the Directorate for Asylum, Foreigners, and Citizenship. UNHCR supported the appeals of four rejected asylum applicants.

Police allowed UNHCR, the Office of the Ombudsman, and the NGO Caritas to monitor the access of arrivals to national procedures and return of persons to countries from which they arrived. Monitors reported prescreening procedures were often curtailed, raising concerns

about access to asylum and identification of potential victims of trafficking. The ombudsman and Caritas were also allowed to monitor the detention of migrants.

UNHCR reported some cases of border police returning migrants to Greece despite indicating an intention to seek asylum. Authorities detained 6,521 irregular migrants who entered the country between January and August, mostly at the country's southern border with Greece; most of those who did not request asylum were deported to Greece within 24 hours. Migrants detained further inland could spend several weeks at the Karrec closed migrant detention facility awaiting deportation.

Migrants who claimed asylum were housed at the Babrru National Reception Center for Asylum Seekers. Many of the irregular migrants placed in Babrru were later apprehended again attempting to cross into Montenegro and Kosovo rather than remaining in the country to pursue asylum requests. Karrec and Babrru centers faced funding constraints. In late 2020 UNHCR supported rehabilitation of a portion of Babrru capable of accommodating 30 asylum seekers and unaccompanied and separated children. In August the Ministry of Interior redistributed funds in the state budget, allocating approximately 56,500 euros (\$65,000) for refurbishment and increasing reception capacity.

Safe Country of Origin/Transit: The law limits individuals from safe countries of origin or transit from applying for asylum or being granted refugee status. UNHCR reported that one asylum request had been refused based on the government's list of safe countries, which included Greece.

Abuse of Migrants and Refugees: NGOs reported concerns regarding the unaccompanied foreign and separated children who faced increased risk of violence, abuse, neglect, and exploitation due to lack of strong protection system. The NGO Nisma ARSIS supported six cases of unaccompanied children who arrived in the country during the year through September.

NGOs considered the migrant detention facility in Karrec to be unsuitable for children and families. The government made efforts to avoid sending children there, sending them instead to the open asylum-seekers facility in Babrru.

Employment: Under the new law on asylum, refugees may seek employment authorization. If no decision has been communicated within nine months, employment authorization is automatically granted.

Access to Basic Services: The law provides refugees access to public services, including education, health care, housing, law enforcement, courts and judicial procedures, and legal assistance.

G. STATELESS PERSONS

Police reported no stateless persons in the country as of August.

According to UNHCR statistics, approximately 700 persons at risk of statelessness were identified under the agency's statelessness mandate as of November. Of these, approximately 380 were registered with the National Register of Civil Status. The government does not have data regarding the total number of stateless persons or persons at risk of statelessness in the country. The 2021 Law on Foreigners establishes a statelessness determination procedure. UNHCR and its partners provided technical support to the government with the implementation of the law.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

ELECTIONS AND POLITICAL PARTICIPATION

Recent Elections: The most recent national parliamentary elections were held on April 25. An International Election Observation Mission (IEOM) was formed as a common endeavor of the OSCE Office for Democracy and Human Rights, the OSCE Parliamentary Assembly, and the Parliamentary Assembly of the Council of Europe. In its final report on the elections, the IEOM reported the elections were generally well organized and noted the Central Election Commission (CEC) "managed to adequately fulfill most of its obligations, including complex new ones related to electronic voter identification. Overall, the election administration at all levels enjoyed the trust of stakeholders." The IEOM reported, "the ruling party derived significant advantage from its incumbency, including through its control of local administrations, and from misuse of administrative resources. This was amplified by positive coverage of state institutions in the media." The mission also highlighted several deficiencies, including credible allegations of pervasive vote buying by political parties and the leaking of sensitive personal data. The report found that journalists remained vulnerable to pressure and corruption.

Local elections took place in 2019. The main opposition party and others boycotted the elections, alleging government collusion with organized crime to commit electoral fraud. The OSCE election observation mission reported that, because of the boycott, “voters did not have a meaningful choice between political options” and “there were credible allegations of citizens being pressured by both sides.”

Political Parties and Political Participation: Media outlets reported allegations of the use of public resources for partisan campaign purposes in the 2021 parliamentary elections, and there were reports of undue political influence on media. There were also reports of limited access to voting for persons with disabilities.

PARTICIPATION OF WOMEN AND MEMBERS OF MINORITY GROUPS:

No laws limit the participation of women and members of minority groups in the political process, and they did participate. Following the 2021 elections, women occupied a record 32 percent of seats in the Assembly. Following a major reshuffle, women occupied 12 of the 17 seats in the cabinet.

The law governing the election of Assembly members requires that 30 percent of candidates be women and that they occupy 30 percent of appointed and elected positions. According to the IEOM final report on the April 25 elections, the main parties attempted to increase the visibility of women as candidates in the campaign, and the mandatory quota for women was exceeded in most candidate lists. Female candidates and other actors received only 19 percent of campaign coverage in the news and current-affairs programs in media outlets monitored by the IEOM, and women were underrepresented throughout the election administration.

The IEOM’s final election report stated that several parties reported having persons belonging to national minorities among their members and candidates. Where persons belonging to national minorities stood as candidates in mainstream parties, they either belonged to smaller parties or appeared lower on the major parties’ candidate lists. The CEC conducted a voter education campaign, including activities aimed at first-time voters and vulnerable groups. Topics included the concept of the new electronic voter identification, new design of the ballot paper, voting procedures, and vote buying. Commercials were broadcast on television and available on social networks subtitled in minority languages.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by public officials and prohibits individuals with criminal convictions from serving as mayors, parliamentarians, or in government or state positions, but the government did not implement the law effectively. Corruption was pervasive in all branches of government, and officials frequently engaged in corrupt practices with impunity. Through September, the Special Prosecution Office against Corruption and Organized Crime (SPAK) announced that it had opened investigations and brought charges against several public officials, including former ministers, mayors, sitting judges and prosecutors, former and sitting judges of the Constitutional Court's Vetting Appeal's Chamber, former judges of the Supreme Court, and officials in the executive branch. As of September, one judge, two prosecutors, one mayor, and the former procurement director at the Ministry of Interior were indicted on abuse of office or corruption charges.

The constitution requires judges and prosecutors to undergo vetting for unexplained wealth, ties to organized crime, and professional competence. The Independent Qualification Commission conducted vetting, and the Appeals Chamber reviewed contested decisions. The International Monitoring Operation, composed of international judicial experts, oversaw the process. As of November, 125 judges and prosecutors were dismissed, 103 confirmed, while 48 others had resigned rather than undergo vetting. As of July, 173 judges and prosecutors were dismissed, 148 confirmed, while 89 others had resigned or retired.

Several government agencies investigated corruption cases, but limited resources, investigative leaks, real and perceived political pressure, and a haphazard reassignment system hampered investigations.

Corruption: Between January and June, the Prosecutor General's Office managed a total of 41 cases, including 25 cases carried over from 2020, nine new cases, five dismissed cases, and two cases on which court proceedings had not started.

From January to August, SPAK prosecuted 606 cases, of which 264 were newly registered (218 cases on corruption charges and 46 on organized crime), and 133 persons were charged (84 on corruption charges and 49 on organized crime). A total of 127 persons were convicted. The value of assets confiscated by court ruling was estimated at more than 70 million euros (\$80.5 million). While prosecutors made significant progress in pursuing low- to mid-level public corruption cases, the prosecution rate for high-ranking officials remained low. The Supreme Court was reviewing cases against a former minister of interior (found guilty of abuse of office for facilitating international drug trafficking) and a vetting official (found guilty of forging documents). The appellate court was reviewing the case of a former prosecutor general found

guilty by a trial court on charges of asset concealment. The case against a former minister of defense on corruption charges was also reopened.

The High Inspectorate for the Declaration of Assets and Conflict of Interest reported that through August, it had referred four new cases for prosecution, involving one member of parliament, one mayor, one general director of public administration, and one prosecutor. Charges included refusing to declare assets, hiding assets, or falsifying asset declarations; money laundering; and tax evasion.

Police corruption remained a problem. Through August the SIAC received 1,155 complaints which were within the jurisdiction of the service and entered them into the SIAC Case Management System. Most of the complaints alleged a failure to act, violation of standard operating procedures, abuse of office, arbitrary action, police bias, unfair fines, and passive corruption. SIAC referred to the prosecution 149 cases involving 215 officials. The Office of the Ombudsman also processed complaints against police officers, mainly concerning problems with arrests and detentions.

Police did not always enforce the law equitably. Personal associations, political or criminal connections, deficient infrastructure, lack of equipment, and inadequate supervision often influenced law enforcement. Authorities continued to address these problems by renovating police facilities, upgrading vehicles, and publicly highlighting anticorruption measures. The government established a system for vetting security officials and, as of November 2019, had completed vetting 32 high-level police and SIAC leaders.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

Government Human Rights Bodies: The Office of the Ombudsman is the main independent constitutional institution for promoting and enforcing human rights. It is authorized by law to monitor and report on prisons and detention centers and conduct administrative investigation of complaints from citizens. Although the Ombudsman's Office lacked the power

to enforce decisions, it acted as a monitor of alleged human rights abuses, and institutions made efforts to meet its recommendations.

The Assembly has committees on legal issues, public administration, and human rights that review the annual report of the Office of the Ombudsman. The committee was engaged and effective in legislative matters.

Section 6. Discrimination and Societal Abuses

WOMEN

Rape and Domestic Violence: Rape, including spousal rape, is a crime; the law also includes provisions on sexual assault. Penalties for rape and sexual assault depend on the age of the victim. For rape of an adult, the penalty is three to 10 years in prison. The government did not enforce the law effectively. Authorities did not disaggregate data on prosecutions for spousal rape. The concept of spousal rape was not well understood, and authorities often did not consider it a crime.

The law on domestic violence extends protection to victims in a relationship or civil union and provides for issuance of a protective order that automatically covers children as well. In November 2020 parliament amended the law to provide for ordering the abuser to leave the premises of the victim. Police operated an automated application issuance process within the police case management system that allowed for rapid issuance of protective orders and produced a record of orders issued. A *National Strategy for Gender Equality 2021-2030* and its action plan were adopted in June and focused on the empowerment of women and the advancement of gender equality.

In April the Ministry of Health and Social Protection approved a protocol for operating shelters for victims of domestic violence and trafficking during the COVID-19 pandemic. The protocol provides services to victims of domestic violence and trafficking while following guidance on social distancing. The ministry posted a video message reminding citizens to report any case of suspected domestic violence and provided a hotline and police number on its web page.

As of August, police reported 33 cases of alleged sexual assault. NGOs reported high levels of domestic violence against women, and police reported 3,563 cases of domestic violence as of August. In 2,205 cases, a protection order was issued. As of August, 13 women had been killed by their partners.

State Social Services reported that 30 women and 33 children were accommodated in the national reception center for victims of domestic violence as of August. Social Services also reported there were 25 other centers around the country to deal with domestic violence cases with counseling and long-term services. State Social Services faced challenges in terms of employment and education because 75 percent of domestic violence survivors were from rural areas and did not have appropriate education. The government also operated a crisis management center for victims of sexual assault at the Tirana University Hospital Center.

Sexual Harassment: The law prohibits sexual harassment, but officials rarely enforced it. The commissioner for protection from discrimination generally handled cases of sexual harassment and could impose fines. Police reported 33 cases of sexual harassment as of August.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

While there are no legal barriers to access to contraceptives, which were provided free of charge to insured women, women and girls often did not use this right for a variety of reasons, including fear of stigma from health-care service providers and members of their community. Some women and girls, particularly those living in remote, rural areas, faced significant challenges in accessing essential sexual and reproductive health services. Women from disadvantaged and marginalized groups, such as women with disabilities, members of the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community, Roma, and Balkan-Egyptian women, were often unaware of their rights to reproductive health services.

The Ministry of Health and Social Protection operated the Lilium Center in Tirana with the support of the UN Development Program (UNDP) to provide integrated services to survivors of sexual violence. The center was in a hospital setting and provided health-care services, social services, and forensic examinations at a single location by professionals trained in cases of sexual violence. Emergency contraception was prescribed or offered within the first five days after abusive sexual intercourse or rape; the contraceptive was suggested to be given as soon as possible to maximize effect. From its creation in 2018 through July, the center provided services to 85 survivors. Survivors in remote areas of the country did not have many options for assistance and support in their areas. Unless they were identified by authorities and brought to Tirana, they could only be referred to shelters for victims of trafficking.

Discrimination: The law provides the same legal status and rights for women as for men. Women were underrepresented in many fields at the highest levels. The law mandates equal

pay for equal work, although many private employers did not fully implement this provision. In many communities, women experienced societal discrimination based on traditional social norms subordinating women to men.

There were reports of discrimination in employment. Through August the commissioner for protection from discrimination managed 94 cases of employment discrimination, 74 of which were against public entities and 21 against private entities. The complaints alleged discrimination based mainly on political affiliation, health conditions, or disability. The commissioner ruled in favor of the employee in 16 cases, 15 of which were against public entities and one against private entities. Through August the commissioner had received 17 complaints of discrimination based on gender and ruled in favor of the employee in two cases. Through August the commissioner found five cases of discrimination on grounds of disability.

Gender-biased Sex Selection: According to official figures, in 2020 the ratio of boys to girls at birth was 107 to 100. There were no government-supported efforts to address the imbalance.

SYSTEMIC RACIAL OR ETHNIC VIOLENCE AND DISCRIMINATION

There were allegations of discrimination targeting members of the Romani and Balkan-Egyptian communities, including in housing, employment, health care, and education. The antidiscrimination commissioner issued a monitoring report with a special focus on children in the education system in December 2020. It concluded that children with disabilities and from the Romani and Balkan-Egyptian communities continued to face discrimination in education.

As of August the commissioner for protection from discrimination had received 26 complaints of discrimination on grounds of race and ethnicity, ruling in favor of the complainant in four cases. In one case, the commissioner ruled against a Tirana bank and its contracted security company for discriminating against Romani bank customers. The bank appealed the commissioner's discrimination decision to the court.

The government has a law on official minorities but has not passed all the regulations needed for its implementation. The law provides official minority status for nine national minorities without distinguishing between national and ethnolinguistic groups. The government defined Greeks, Macedonians, Aromanians (Vlachs), Roma, Balkan-Egyptians, Montenegrins, Bosnians, Serbs, and Bulgarians as national minorities. The law provides for minority language

education and dual official language use for the local administrative units in which minorities traditionally reside or in which a minority makes up 20 percent of the total population. The ethnic Greek minority complained regarding the government's unwillingness to recognize ethnic Greek communities outside communist-era "minority zones."

CHILDREN

BIRTH REGISTRATION:

An individual acquires citizenship by birth in the country or from a citizen parent. There were no reports of discrimination in birth registration, but onerous residency and documentation requirements for registration made it more difficult for the many Romani and Balkan-Egyptian parents who lacked legally documented places of residence to register their children. The law on civil status provides financial incentives for birth registration.

Children born to internal migrants, including some Romani families or those returning from abroad, frequently had no birth certificates or other legal documents and consequently were unable to attend school or have access to government services. As of June the State Agency on Child Rights reported 25 cases of children not registered with the civil status registry.

Education: School attendance is mandatory through the ninth grade or until the age of 16, whichever occurs first, but many children, particularly in rural areas, left school earlier to work with their families. Parents must purchase supplies, books, uniforms, and space heaters for some classrooms; these were prohibitively expensive for many families, particularly Roma and members of other minorities. The government provided free textbooks for children up to the ninth grade in the public education system.

Child Abuse: NGOs reported the COVID-19 pandemic had worsened the situation of vulnerable populations, especially children, in the country. During the year the NGO Terre des Hommes referred 296 vulnerable children, youth, and adults for services, including 218 children in street situations. The NGO Nisma ARSIS alleged that police sometimes reacted late or not at all in cases when a protection order was violated, especially in cases involving Romani or Egyptian families. Child victims of domestic violence in Nisma ARSIS's emergency center reported psychological violence, parental neglect, and economic exploitation as the most common forms of child abuse.

CHILD, EARLY, AND FORCED MARRIAGE:

Although the legal minimum age for marriage is 18, authorities did not always enforce the law. Underage marriages occurred mostly in rural areas and within Romani communities. Nisma ARSIS reported 10 cases of forced early marriages of children between the ages of 13 and 15 in the Romani and Balkan-Egyptian communities. UNICEF reported child marriage in the country was driven by gender inequality, poverty, and social exclusion. The Child Rights Center Albania (CRCA) reported children, especially girls, being forced into sexual relationships with older men for gifts, food, or extra income.

Sexual Exploitation of Children: Penalties for the commercial sexual exploitation of a child range from eight to 15 years' imprisonment. The country has a statutory rape law; the minimum age for consensual sex is 14. The penalty for statutory rape is a prison term of five to 15 years. In aggravated circumstances the penalty may increase to life imprisonment. The law prohibits making or distributing child pornography, which is punishable by imprisonment for three to 10 years. Possession of child pornography is also illegal.

Authorities generally enforced laws against rape and sexual exploitation of minors effectively, but NGOs reported that they rarely enforced laws prohibiting child pornography and the online sexual exploitation of children. Police reported that, as of August, three children had been sexually exploited. The Ministry of Interior reported that, as of August, 50 of the 73 victims or potential victims of trafficking identified were minors.

A February CRCA report on child protection and law enforcement found that child victims received little support during or after reporting sexual exploitation. Trials that did occur were lengthy. One case before the Gjirokaster Magistrate Court required 46 sittings before sentencing a teacher who had sexually exploited an eight-year-old student.

Displaced Children: There were many displaced and street children, particularly in the Romani community. Some street children begged, and some of them became trafficking victims. Since the law prohibits the prosecution of children younger than 14 for burglary, criminal gangs at times used displaced children to burglarize homes. Police reported 80 children younger than 18 were missing as of July. There was no specialized police unit for missing persons. In 2020 CRCA Albania and the Global Center for Missing and Exploited Children organized an international workshop on setting up an Amber Alert system in the country, which has not yet been established.

Institutionalized Children: There were 232 children in nine public care service institutions for children. Foster care and other alternative care options remained underused and public residential care accounted for the highest number of children. Residential care institutions

primarily served orphaned children rather than survivors of abuse or neglect. The institutions lacked specialized services, such as psychotherapists and social workers, and stays were often lengthy.

As of August the General Directorate of Prisons reported that there were 27 juveniles in the justice system, none of whom had been convicted. The country lacked adequate facilities for pretrial detention of children, although the Juvenile Institute in Kavaja, the only institution in the country for juvenile offenders, was adequate for the population it served. The directorate reported that the number of minors in pretrial detention and detention facilities had decreased because of alternative sentencing.

NGOs reported the child-protection system was generally functioning, although law enforcement entities lacked appropriate facilities and training for age-appropriate interrogation techniques of juveniles at police stations and prosecution offices.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at

<https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/providers/legal-reports-and-data/reported-cases.html>.

ANTI-SEMITISM

Reports indicated there were 40 to 50 Jews resident in the country. There were no reports of anti-Semitic acts.

TRAFFICKING IN PERSONS

See the Department of State's *Trafficking in Persons Report* at **<https://www.state.gov/trafficking-in-persons-report/>.**

PERSONS WITH DISABILITIES

The constitution and laws prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities. Nevertheless, employers, schools, health-care providers, and providers of other state services at times engaged in discrimination. The law mandates that public buildings be accessible to persons with disabilities, but the government only

sporadically enforced the statutes. In May the government adopted the *National Action Plan on Disability 2021-2025*, with the accessibility component as one of the main priorities.

As of August the commissioner for protection from discrimination had received 33 complaints of alleged discrimination against individuals with disabilities and ruled in favor of the complainants in five cases. In one case the commissioner ruled against the local post office for lacking accessibility. There were no known reports of violence, harassment, or physical abuse against those with disabilities.

The government sponsored social services agencies to protect the rights of persons with disabilities, but these agencies lacked funding to implement their programs adequately. Resource constraints and lack of infrastructure made it difficult for persons with disabilities to participate fully in civic affairs. Voting centers often were in facilities that lacked accessibility or other accommodations. The Ministry of Health and Social Protection (Ministry of Health) improved building accessibility in 28 health centers and to the newly restored post-earthquake schools with the support of the UNDP. A December 2020 report by the antidiscrimination commissioner concluded that only 60 percent of schools in the country were partially or fully accessible to children with disabilities.

The government provided targeted funding for social-care service projects to persons with disabilities in the municipalities of Librazhd, Lushnje, Lezha, Rrogozhina, Kavaja and Tirana, funding day-care centers, mobile services for children with disabilities, and integrated community services for children and young individuals with disabilities. During the year parliament adopted law 82/2021, *On official translation and the profession of official translator*, that defines the role of sign language interpreters and provides the right to interpretation for official business.

The Ministry of Health reported that 697 unemployed disabled individuals were registered with the employment offices as of April. Only 18 persons with disabilities were employed as of July, while 58 received vocational training.

The number of children with disabilities in public education increased in the 2020-21 academic year. During the year, 4,131 students with disabilities attended classes in nonspecialized public and private educational institutions starting from preschool. During the year approximately 11.5 percent of children with disabilities enrolled in preuniversity education attended special education institutions.

OSCE's Office for Democratic Institutions and Human Rights reported that most polling stations for the April 25 elections visited by the monitoring team were not barrier free for persons with physical disabilities.

HIV AND AIDS SOCIAL STIGMA

The law prohibits discrimination against individuals with HIV or AIDS. The Association of People Living with HIV or AIDS reported that stigma and discrimination caused individuals to avoid getting tested for HIV, leading to delayed diagnosis and consequently delayed access to care and support. Persons with HIV or AIDS faced employment discrimination and issues with professional reintegration, and children living with HIV faced discrimination in school. The Association of People Living with HIV/AIDS reported service delays and other problems after the Infectious Disease Clinic was converted into a COVID-response hospital.

ACTS OF VIOLENCE, CRIMINALIZATION, AND OTHER ABUSES BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY

The law prohibits discrimination based on sexual orientation, including in employment. Enforcement of the law was generally weak. The *National Action Plan for LGBTI* concluded in 2020, and a new one for 2021-27 was being drafted. As of August, the commissioner for protection from discrimination had received seven cases of discrimination based on sexual orientation, gender identity, or both. Most cases were under review. In one case, the commissioner ruled against a Tirana taxi company that had refused services to transgender persons. The company had yet to respond to the commissioner. Reports indicated that LGBTQI+ persons continued seeking asylum in EU countries.

Sexual orientation and gender identity are among the classes protected by the country's hate crime law. Despite the law and the government's formal support for rights, public officials sometimes made homophobic statements. Some incidents of hate speech occurred online and in the media after an LGBTQI+ activist suggested changing the law to enable registering the children of LGBTQI+ couples. NGOs filed the case with the antidiscrimination commissioner and the ombudsperson. Government institutions did not react to the controversy.

Several persons were arrested for physically assaulting a transgendered person. As of August, the shelter service NGO Streha had assisted 72 LGBTQI+ youths facing violence or discrimination in their family and community. The Ministry of Health increased support to the

shelters by covering the costs of shelter staff salaries. Other shelter costs, including food, medication, and shelter rent, remained covered by donors.

Section 7. Worker Rights

A. FREEDOM OF ASSOCIATION AND THE RIGHT TO COLLECTIVE BARGAINING

The law and related regulations and statutes provide the right for most workers to form independent unions, conduct legal strikes, and bargain collectively. The law prohibits antiunion discrimination and provides for the reinstatement of workers fired for union activity.

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. The law provides the right to strike for all workers except indispensable medical and hospital personnel, persons providing air traffic control or prison services, and fire brigades. Strike action is prohibited in “special cases,” such as a natural catastrophe, a state of war, extraordinary situations, and cases where the freedom of elections is at risk.

The law provides limited protection to domestic and migrant workers. Labor unions were generally weak and politicized. Workers who engage in illegal strikes may be compelled to pay for any damages due to the strike action.

The government did not effectively enforce the law. Resources for conducting inspections and remedying violations were not adequate. The labor inspectorate inspected 8 percent of businesses in the country. Penalties were rarely enforced and were not commensurate with those under other laws related to the denial of civil rights. Of 45 fines that were imposed, only 17 were collected as of July. Administrative and judicial procedures were subject to lengthy delays and appeals. Arbitration procedures allowed for significant delays that limited worker protections against antiunion activity.

Civilian workers in all fields have the constitutional right to organize and bargain collectively, and the law establishes procedures for the protection of workers’ rights through collective bargaining agreements. Unions representing public-sector employees negotiated directly with the government. Effective collective bargaining remained difficult because employers often resisted union organizing and activities. In this environment, collective bargaining agreements, once reached, were difficult to enforce.

B. PROHIBITION OF FORCED OR COMPULSORY LABOR

The law prohibits all forms of forced or compulsory labor, but the government did not always effectively enforce the law. Lack of coordination among ministries and the sporadic implementation of standard operating procedures hampered enforcement. Penalties for violations were commensurate with those for other serious crimes but were seldom enforced. Some law enforcement organizations and the victim advocates at the prosecutors' offices received training in a victim-centered approach to victims of human trafficking. The government continued to identify victims of forced labor and prosecuted and convicted a small number of traffickers.

The Labor Inspectorate reported no cases of forced labor in the formal sector during the year. (See section 7.c. for cases involving children in forced labor in the informal sector.) Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

C. PROHIBITION OF CHILD LABOR AND MINIMUM AGE FOR EMPLOYMENT

The law prohibits most of the worst forms of child labor, but gaps exist in the legal framework, such as lack of prohibitions for using children in illicit activities. The law sets the minimum age of employment at 16 but allows children at the age of 15 to be employed in "light" work that does not interfere with school. Children younger than 18 may generally only work in jobs categorized as "light." Children may work up to two hours per day and up to 10 hours per week when school is in session, and up to six hours per day and 30 hours per week when school is not in session. Children who are 16 or 17 may work up to six hours per day and up to 30 hours per week if the labor is part of their vocational education. By law the State Inspectorate for Labor and Social Services (SILSS) under the Ministry of Finance and Economy is responsible for enforcing minimum age requirements through the courts, but it did not adequately enforce the law. Penalties for violations were rarely assessed and were not commensurate with those of other serious crimes.

Labor inspectors investigated the formal labor sector, whereas most child labor occurred in the informal sector. Children engaged in gathering recyclable metals and plastic, small-scale agricultural harvesting, selling small goods in the informal sector, serving drinks and food in bars and restaurants, the clothing industry, and mining. There were reports that children worked as shop vendors, vehicle washers, textile factory workers, or shoeshine boys. The number of children engaged in street-related activities (such as begging or selling items)

increased during the summer, particularly around tourist areas. The NGO Nisma ARSIS reported an increasing number of children in street situations used for drug distribution.

Children were subjected to forced begging and criminal activity. Some children begging on the street were second- or third-generation beggars. Research suggested that begging started as early as the age of four or five. While the law prohibits the exploitation of children for begging, police generally did not enforce it, although they made greater efforts to do so during the year. In several cases, police detained parents of children found begging in the street and referred children for appropriate child services care. The State Agency on Children's Rights continued to identify and manage cases of street children identified by mobile identification units.

In 2013, the most recent year for which statistics were available, the government's statistical agency and the International Labor Organization estimated that 54,000 children were engaged in forced labor domestically. An estimated 43,000 children worked in farms and fishing, 4,400 in the services sector, and 2,200 in hotels and restaurants. Nearly 5 percent of children were child laborers. The State Agency for Protection of Children Rights identified 166 children in street situations as of June.

SILSS did not carry out inspections for child labor unless there was a specific complaint. Most labor inspections occurred in shoe and textile factories, call centers, and retail enterprises; officials found some instances of child labor during their inspections. As of July, SILSS reported 91 children younger than 18 registered to work, of whom 40 were employed in manufacturing enterprises and 42 in the hotel, bar, and restaurant industry.

The NGO Terre des Hommes reported that the COVID-19 pandemic may have worsened child labor violations. Restriction of movement and other measures against COVID-19 produced new exploitation trends, such as door-to-door begging and afternoon and night street work.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> .

D. DISCRIMINATION WITH RESPECT TO EMPLOYMENT AND OCCUPATION

Labor laws prohibit employment discrimination based on race, skin color, gender, age, physical or mental disability, political beliefs, language, nationality, religion, family, HIV or AIDS status, or social origin. The government did not enforce the law, and penalties for violations were not commensurate with those under other laws related to denials of civil rights. The

commissioner for protection from discrimination reported that most allegations of discrimination involved race, sexual orientation, economic status, or disability.

There are laws prohibiting women from engaging in work that requires lifting more than 44 pounds.

According to the labor force survey, women were less likely to participate in the labor market. The participation in the labor force of women between the ages of 15 and 64 decreased slightly, from 61.6 percent in 2019 to 61.2 percent in 2020. The most common reasons given for nonparticipation in the paid labor market included school attendance (20.9 percent) or unpaid housework (18.8 percent). For men not active in the paid labor market, 25.7 percent cited school attendance and 0.6 percent cited housework as the reason.

E. ACCEPTABLE CONDITIONS OF WORK

WAGE AND HOUR LAWS:

The national minimum wage was higher than the national poverty threshold.

While the law establishes a 40-hour workweek, individual or collective agreements typically set the actual workweek. The law provides for paid annual holidays, but only employees in the formal labor market had rights to paid holidays. Many persons in the private sector worked six days a week. The law requires rest periods and premium pay for overtime, but employers did not always observe these provisions.

SILSS and tax authorities are responsible for enforcing the minimum wage and hour laws. Enforcement agencies lacked the tools to enforce collection and consequently rarely charged violators. The number of inspectors was insufficient to enforce compliance. Inspectors did have the authority to make unannounced inspections and initiate sanctions.

The government rarely enforced laws related to maximum work hours, limits on overtime, or premium pay for overtime, especially in the private sector. These laws did not apply to migrant workers or workers in the informal sector. Penalties for violations to wage and hour laws were not commensurate with those of similar crimes.

Occupational Safety and Health: Occupational safety and health standards were appropriate for the main industries, although enforcement was lacking. Experts did not actively identify unsafe conditions in addition to responding to worker's complaints. SILSS is

also responsible for occupational health and safety standards and regulations. The government did not effectively enforce occupational safety and health laws. Violations of wage and occupational safety standards occurred most frequently in the textile, footwear, construction, and mining industries. Resources and inspections were not adequate, and penalties were not commensurate with those of other similar crimes. Workers often could not remove themselves from situations that endangered their health or safety without jeopardizing their employment. Employers did not effectively protect employees in this situation.

Informal Sector: Workers in the informal sector made up 56 percent of the economy, according to the International Labor Organization's *2019 Overview of the Informal Economy in Albania*. Informal workers are not covered by wage, hour and occupational safety and health laws and the government did not provide social protections for informal workers. Government enforcement of labor laws remained largely ineffective, in part due to the extent of informal employment. Child labor primarily occurred in the informal sector (see section 7.c.).

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