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STAYING IN THE UK APPLYING FOR BRITISH NATIONALITY

Asylum In The UK**ALBANIA ASSESSMENT**

April 2001

Country Information and Policy Unit

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I SCOPE OF DOCUMENT

1.1 This assessment has been produced by the Country Information & Policy Unit, Immigration & Nationality Directorate, Home Office, from information obtained from a variety of sources.

1.2 The assessment has been prepared for background purposes for those involved in the asylum determination process. The information it contains is not exhaustive, nor is it intended to catalogue all human rights violations. It concentrates on the issues most commonly raised in asylum claims made in the United Kingdom.

1.3 The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4 It is intended to revise the assessment on a 6-monthly basis while the country remains amongst the main asylum producing countries in the United Kingdom.

1.5 An electronic copy of the assessment has been made available to the following organisations:

- Amnesty International UK
- Immigration Advisory Service
- Immigration Appellate Authority
- Immigration Law Practitioners' Association
- Joint Council for the Welfare of Immigrants
- JUSTICE
- Medical Foundation for the Care of Victims of Torture
- Refugee Council Refugee Legal Centre
- UN High Commissioner for Refugees

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II GEOGRAPHY

2.1 The Republic of Albania (formerly the People's Socialist Republic of Albania) is situated in south-eastern Europe, on the Balkan Peninsula. It is bordered to the south by Greece, to the east by Macedonia, to the north-east by Kosovo, and to the north by the Federal Republic of Yugoslavia (Montenegro). Albania covers an area of 11,100 sq. miles (28,748 sq. km), and the total population was (according to official estimates) 3.73 million in mid-1997. [1]

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III HISTORY

Communist Regime

3.1. In November 1912, after more than 400 years under Ottoman (Turkish) rule, Albania declared its independence. International recognition followed at the London Conference of July 1913. After occupation by foreign armies in World War I, Albanian independence was re-established in 1920. In 1928 a monarchy was established when President Zogu proclaimed himself King Zog I. Italian troops invaded Albania in April 1939, and King Zog was forced into exile. In 1943 Albania was invaded by Nazi German forces. The Germans withdrew a year later, allowing the Communist-led National Liberation Front to take power. In December 1945 elections took place, with a single list of candidates, all sponsored by the Communists, and in January 1946 the People's Republic of Albania was proclaimed. [1]

3.2 From 1945 until his death in 1985, Albania was dominated by the personality of Enver Hoxha (pronounced Hodja), the chief ideologist of Albanian-style socialism. Hoxha emulated Stalin in developing his dictatorship, using widespread purges to eliminate any opposition to the Communists. The leadership transformed the economy and social system, eliminating private ownership of industry and commerce, and forcibly effecting the collectivisation of agriculture. From 1948 to 1961 Albania's main international ally was the USSR; in 1961 the USSR severed relations with Albania, and from then until 1978 China was Albania's main ally. In 1978 China suspended all economic and military co-operation with Albania, and from then until 1985 Albania's isolationist policies reached their most extreme. The internal security police, the Sigurimi, prevented the development of any opposition movements within Albania. Meanwhile, volume after volume of Hoxha's collected works consolidated his "cult of personality". [1]

3.3 Under Hoxha's successor, Ramiz Alia, Albania began to distance itself gradually from the Hoxha legacy. There were cautious attempts at liberalisation and decentralisation, and a far more flexible foreign policy led to improved relations with a number of Western European countries. Following the collapse of the Communist regimes in Eastern Europe in 1989, and student demonstrations in Albania, the pace of reform quickened, and it was announced that the practice of religion was no longer an offence. In December 1990 it was agreed to legalise independent political parties, and opposition activists formed and registered the Democratic Party of Albania (DPA). Thousands of Albanian would-be emigrants, mostly unemployed young men, commandeered ships in the port of Durrës and sailed to the Italian port of Brindisi; some of them subsequently returned to Albania. [1]

First Multi-Party Elections in 1991

3.4 On 31 March 1991 Albania's first multi-party election since the 1920s took place, and the Communists won over 60% of the votes cast. Most independent Western observers attested to the overall fairness of the election. The continuing unrest and the deteriorating economic and political situation, however, forced the resignation of the Communist Government, and in June 1991 a new "Government of National Stability" was formed. This had a total of 12 non-communist ministers, and thus ended nearly 50 years of exclusive Communist rule in Albania. [1]

3.5 In March 1992 elections to the new Assembly were won by the DPA, which gained 62% of all votes cast in the first round. Support for the Communists (which had been renamed the Socialist Party of Albania (SPA)) fell to 26%; their defeat finally ended five decades of Communist rule. Sali Berisha of the DPA was elected President of the Republic, and he appointed the new Government, led by Aleksander Meksi, also of the DPA. The new, youthful and inexperienced cabinet

faced a huge range of problems. Industrial and agricultural production had fallen disastrously, and there were high levels of unemployment. In addition, the rapid dismantling of the one-party state had led to erosion of state authority, resulting in a sharp increase in serious crime, which acted as a major deterrent to foreign investment. Relations with Greece deteriorated rapidly during 1992 and 1993, owing to the alleged mistreatment of the Greek minority in southern Albania, and the influx of Albanian refugees into Greece. [1]
Please see also Section 5. N on the Greek minority

3.6 The DPA devised a number of new and radical laws, which it hoped would guarantee the party victory at the next general election. The so-called "Genocide Law" prohibited the appointment of any person who held office during the Communist period to the executive, the legislature or the judiciary. In May 1996, elections to the People's Assembly, the conduct of which was widely condemned by international observers, were partially boycotted by the main opposition parties; the DPA therefore won 122 out of a total of 140 parliamentary seats. [1]

Pyramid Schemes and 1997 State of Emergency

3.7 The collapse of several popular "pyramid" investment schemes, resulting in huge losses of individual savings, prompted violent anti-government demonstrations in January 1997. President Berisha declared a state of emergency on 1 March 1997, as anti-government protests escalated into insurgency and opposition groups gained control of several towns. The OSCE set up a special advisory mission headed by Chancellor Franz Vranitzky, which helped to alleviate the political crisis, especially by initiating dialogue between the Government and the Opposition. With the evacuation of foreign nationals and the flight of many Albanians, Berisha appointed Bashkim Fino, a former SPA mayor, to lead an interim Government of National Reconciliation, which included representatives of eight opposition parties. [1] [2] [10]

3.8 In April 1997 a UN-sanctioned Multinational Protection Force, established to facilitate the distribution of humanitarian assistance, was deployed, principally in government-controlled areas of northern and central Albania. In September 2000, the trial began against the former boss of the "Gjallica" pyramid firm, accused of embezzlement of great amounts through fraud in complicity, in the form of a criminal organisation. An investigation undertaken by PricewaterhouseCoopers concluded that only US\$50 million of the public's money is recoverable. [1] [2] [10]

1997 General Election

3.9 In April 1997 Leka Zogu, the exiled pretender to the Albanian throne and son of King Zog, returned to Albania and called for a referendum on the restoration of the monarchy. Except for a very brief time with limited freedom in 1993, this was his first visit to the country since his father, King Zog who passed away in 1961, fled with his family at the onset of World War II. All the main political parties had agreed in principle to the holding of a referendum on the issue. Some 2,000 supporters greeted Leka on arrival at Tirana airport. His visit was organised by the pro-monarchy Legality Movement. [26]

3.10 The referendum, which was found to be free and fair by the OSCE, took place on the same day as the first round of the general elections. 86.7% of the participating electorate were in favour of retaining the Republic. Following the referendum, Leka Zog left Albania of his own accord. The Prosecutor General's Office proceeded with legal moves to impose a life sentence on Zog. He was sentenced, in absentia, to three years for being an "organiser and participant in the armed uprising to overthrow constitutional order in Albania" and for inciting violence. Material handed over to the court in May 1998 showed Leka Zog dressed in a military uniform on 3 July 1997 accompanied by a group of monarchy supporters with weapons gathered in front of the Central Election Commission following an illegal rally held in Skenderbeg Square. One person was killed during the violence. [1] [9b] [10] [22]

Please see also Section 4.8 on the 1997 General Election

3.11 After a campaign disrupted by a number of violent incidents, the first and second rounds of voting in the general election took place on 29 June and 6 July 1997 respectively. The SPA secured 101 of the seats in the enlarged People's Assembly, and the DPA 29 seats. The electoral process was declared satisfactory by observers. Rexhep Mejdani, hitherto the Secretary-General of the SPA, was elected President. A new Council of Ministers was appointed, comprising

elected President. A new Council of Ministers was appointed, comprising representatives of the SPA and its allied parties, with Fatos Nano as the head of government. The new Government submitted a programme for the restoration of civil order and economic reconstruction. Increased tension in Kosovo once again threatened to destabilise the Balkans. In November 1997, following a meeting in Crete between Fatos Nano and the Yugoslav President Slobodan Milošević, the latter announced that relations between the two countries were to be normalised. [1]

Please see also Section 4.B on the 1997 General Election

Assassination of Azem Hajdari

3.12 On 12 September 1998, DPA Deputy MP and chairman of the Defence Parliamentary Commission, Azem Hajdari was assassinated close to the Democratic Party Headquarters. The assassination sparked violent protests. During Hajdari's funeral procession on 14 September, armed DP supporters ransacked government offices, and for a brief period, held the PM's office, the parliament building and the Albanian State television and radio building. At one point it looked as though ex-President Berisha might launch a coup. However, after 72 hours the Government restored order and reclaimed tanks and APCs seized by DPA supporters. Parliament subsequently lifted Berisha's immunity due to his alleged role in what the government described as a coup d'état, but no charges have been leveled against him yet. Twelve people were arrested for their alleged involvement in the violence. [1] [5c] [9a]

3.13 The DPA refused to participate in virtually all government functions at national level following the assassination up until July 1999. Top DPA officials, including former President Sali Berisha, refused to testify in the investigation into Hajdari's death. The DPA stated that the investigation was politically motivated. [1] [5c] [9a]

3.14 Prime Minister Nano resigned on 28 September 1998. He gave lack of support within his Socialist Party coalition as the reason. Pandeli Majko (former Secretary-General of the Socialist Party) was chosen to succeed Nano. The DPA, led by Berisha, returned to Parliament in July 1999 after the Government committed itself to investigate Hajdari's murder fully and fairly. [1] [9a]

3.15 On 4 February 1999, the trial began of Ekrem Spahia, a prominent member of the Legality Movement Party. He was charged with the alleged coup attempt, in September 1998 following Hajdari's assassination. He was released during 2000, along with 12 DPA supporters also held due to their participation in the events of 14 September 1998. However, their trials were still pending at the end of 2000. [1] [5c]

3.16 On 5 February 1999, Leka Zog was arrested in Johannesburg, where he has lived since 1979, for the illegal possession of an arsenal of over 70 arms including of firearms, ammunition, grenades and landmines. He was released on bail 10 days later. A Parliamentary decision on 25 July 2000 ruled that an amnesty would not be granted to Leka Zog to allow him to come to Albania. Sali Berisha of the Democratic Party, whilst maintaining that he would always vote for a republic, criticised the decision as a violation of a human right. [9a] [9b] [9c] [10t] [22]

3.17 In October 1999 Majko lost the Party leadership post to former Prime Minister Nano. This severely weakened his position. After several weeks of deliberation, Majko concluded that his position was untenable, and he resigned on 26 October. Deputy Prime Minister Ilir Meta was nominated by the Socialist Party to be his successor, and was sworn in on 27 October. [1]

Kosovo Crisis

3.18 A estimated 480,000 Kosovar refugees entered Albania during the Kosovo crisis. Most have now returned, and only an estimated 3,900 remained as of June 2000. Albania was a staunch supporter of NATO military action, and some 9,000 troops were deployed in Albania before crossing into Kosovo. A residual NATO force, around 1,000 strong, has remained in Albania to safeguard supply lines between Kosovo and the port of Durrës. [9a] [23b]

3.19 Albania's response to the Kosovo crisis won widespread admiration. The European Union has been and continues to be strongly supportive of Albania's reform programme. From 1991 - 1999 the EU provided 895.3 million euros in total

to Albania. 20 million euros has also been provided in the form of balance of payments support to help the IMF designed stabilisation and adjustment programme. [8]

3.20 Despite the strains and uncertainties during the Kosovo crisis the World Bank viewed the Albanian governments' response to the crisis as prompt and decisive. The World Trade Organisation accepted Albania as a member on 17 July 2000 and joined on 8 September 2000 as the 138th member of the global trade body. Ermelinda Meksi, the Minister of Trade and Co-operation, affirmed that this was an important step towards the accession of Albania into the European Union. Albania had presented its request for acceptance in 1992, but talks were suspended due to the political and economic crisis of the 1996-1997 period. Mrs. Meksi pointed out that Albania is now able to increase Albania's exports in other WTO countries without paying customs fees or according to the fees established by the bilateral agreements. [10c] [11]

3.21 With the rapid repatriation of over 450,000 Kosovar refugees from northern Albania to Kosovo during 2000, Albania was once again able to turn inward and focus on internal reforms. The two main political rivals in Albania - Sali Berisha of the DPA and Fatos Nano of the SPA - revived the bitter political feuding that had polarised Albanian society over the past decade and forestalled the emergence of younger, less divisive political leaders. [2]

3.22 Three individuals were arrested for the illegal possession of weapons at the commemorating rally held on 12 September 2000 to mark the occasion of the second anniversary of DPA Deputy Azem Hajdari's murder. Leaders, members and supporters of the Democratic Party attended the rally. The rally was carried out normally and no incidents occurred. [10h]

3.23 Police arrested a former bodyguard of ex-president Sali Berisha also a witness to the murder of Hajdari on 30 September 2000. The Public Order Ministry made public a list of dangerous persons suspected of plotting to disrupt the local elections on 1st October 2000. According to the prosecution information, the bodyguard was proved to be an organiser of the violence in 1998. He was filmed firing a Khalashnikov at government offices and he also took part in the seizure of tanks. Whilst still in custody, in February 2001, the Albanian media reported that the same bodyguard appeared in court to testify in the trail of the assassination of Democratic Party deputy Azem Hajdari. [10k] [10s]

Local Government Elections of October 2000

3.24 Local government elections were held on 1 October 2000 and marked significant progress towards meeting the standards for democratic elections, the OSCE reported. These were the first elections in Albania since the parliamentary elections of 1997 and the first local elections for four years. They took place under a new Constitution, a new Electoral Code, and a new Central Electoral Commission. [18a]

3.25 There were some serious incidents prior to the election campaign, when four DPA activists from the Lezhe region were pulled over and beaten by masked special police forces in March 2000. Following a rally held in May in Vlôre, traditionally a SPA stronghold; a DPA activist was killed. The Democratic Party claimed that government agents were responsible; however, the Government claimed that it was a revenge killing by criminals. The Albanian Helsinki Committee expressed concern over the killing and appealed to government authorities to make all efforts to solve the case. There were no reports concerning a governmental response in this case at the end of 2000. [2] [5c]

3.26 The Organisation for Security and Co-operation in Europe deployed around 200 observers at polling stations around the country. The OSCE described the elections as having taken place in a tense but remarkably peaceful atmosphere, with only a few isolated incidents of violence reported during the campaign and on election day. This was a reflection of restraint exercised by political parties and a tribute to the important measures undertaken by the Government to improve public order. [2] [16c] [18a] [18b]

3.27 Both parties viewed the local government elections as a test for the parliamentary elections scheduled to take place on 24 June 2001. The vote, the first political test since the anarchy of 1997, passed off in an orderly fashion. The OSCE noted that the elections represented a significant step away from the atmosphere of intimidation and fraud which had often marked elections in the

atmosphere of intimidation and fraud, which had often marked elections in the past. Shortcomings were mainly of a technical nature and had to do with the delays over the voter list and the registration of candidates, as well as in the distribution of voter identity cards and the preparation of election materials. [12e] [18a] [18b]

3.28 The Socialist Party, led by former prime minister, Fatos Nano, made big gains in the first round, seizing control of several local authorities held by the Democratic Party since 1996. They won 262 out of the 398 towns and municipalities in the two rounds. Following his defeat, the leader of the Democratic Party, Sali Berisha, faced intensified calls to resign and allow the DPA to reform. Some party officials criticised his stance as inappropriate and liable to engender 'dangerous tensions' in the country. [2] [19]
For full local government election results see the OSCE final report; source [18a]

3.29 The election was marred by "nationalistic rhetoric" in the Himara area of southwest Albania, where there is a sizeable Greek speaking minority. Despite their bitter rivalry, the Socialist and Democratic Party joined forces to defeat a candidate from an ethnic Greek party, the Greek Human Rights Union Party, campaigning on the platform of establishing a minority zone in Himara for the benefit of the Greek-speaking minority. Reports were received of intimidation of election commission members, the destruction of one ballot box in a violent incident, and fraud in three other voting centres. The Albanian Socialist Party claimed an overwhelming majority in the town. Athens said ethnic Greeks had been prevented from voting including six hundred Albanians employed in Greece who, it says, were barred from returning home to cast their votes. [2] [12e] [16d] [12f]
Please see also Section 5.N. on the Greek Minority

3.30 The DPA staged a partial boycott of the second round of the local elections held on 15 October 2000. It was less transparent that the first, but the OSCE ruled out any impact on the overall result. Berisha instructed DPA elected councillors to boycott council elections. [12e] [16d] [12f]

3.31 The OSCE acknowledged that the success of the elections cannot disguise the fact that the political process in Albania is still obstructed by the refusal of the Democratic Party to adhere to normal conventions. The OSCE reported that the DPA has not recognised the Constitution, the Electoral Code or the Central Election Committee, though this did not prevent it from registering its candidates for the elections and participating in the first round. It stated that the DPA's non-recognition of the results of the first round and the setting of unattainable pre-conditions for the participation in the second round are the logical conclusion of a policy of non co-operation which had even earlier only just stopped short of a boycott. [18b]

3.32 The DPA held rallies in November and December 2000 in protest at the outcome of the election results and what it saw as a manipulation of voter lists. The Prime Ministers' Office in Tirana was firebombed and an MP's car was set on fire. On 28 November 2000, a protest in Bajram Curri, Tropoje, turned into a clash between police forces and the demonstrators, resulting in the death of one person. Local bodies in Bajram Curri claimed that armed protestors attacked state institutions such as the Court and the Police station. The Albanian Helsinki Committee appealed for a full investigation, but noted that both the European Council and the OSCE condemned the use of violence against state institutions. The EU appealed for the rule of law to be respected and for political aims not to be pursued through violence. The Albanian Helsinki Committee noted that the message of these demonstrations was blurred by the irresponsible behaviour of violent elements. Sali Berisha was briefly detained following the Tropoje violence, but such violence was not repeated elsewhere during DPA demonstrations. [4c] [5c]

Please see also Section 4. E on Police and Human Rights

3.33 The Democratic Party chairman of the Tropoje branch, Azgan Haklaj, was arrested on 20 January 2001. He was accused of being the organiser of the 28 November 2000 protest. The OSCE issued a statement on 30 January 2001 in which it urged the Albanian authorities to undertake a thorough investigation into the allegations made by Haklaj of physical mistreatment while in police custody in a Tirana jail. The OSCE saw Haklaj's injuries, bruising and lacerations. Monitors stated that he showed clear signs of the use of violence at the moment of his arrest and during his transfer from Bajram Curri to Tirana. The Albanian Helsinki Committee concluded that he had been a victim of a heavy violation of the law by the forces of public order. Azgan Haklaj is charged with helping to organise

attacks on state institutions, an offence which could lead to 15 years' imprisonment. [4d] [12g] [13d]

3.34 A Press Release issued by the Public Order Ministry on 30 January 2001 stated that the Albanian police acted in conformity with State law. According to the minutes kept by the police, Azgan Haklaj disobeyed the police order to voluntarily surrender himself, which led to the police breaking into his house in compliance with the law, as stipulated in Article 27 of Law 8553 dated February 1999 "On State Police." The Ministry is convinced that the actions taken by police complied fully with the law, and stated that it remains fully open to anyone wishing to monitor its activities. [10b]

3.35 Albania announced on 12 January 2001 that it is ready to renew diplomatic ties with Yugoslavia. Relations were cut off in April 1999 following the start of NATO's air campaign against Yugoslavia. The Albanian Foreign Ministry said that it hopes the renewal of ties will serve the interests of both countries and reinforce peace, security and stability in the region. [13c]

3.36 A group of reform-oriented former members of the Democratic Party, the Movement for Democracy Party and United Right Party was officially registered in the Peoples' Assembly of the Republic of Albania on 18 January 2001. The establishment of Albania's Reform Group of the Democratic Party (PD e Re) is intended to boost the activity of the opposition in the Assembly, which has been weak in recent years. The group is expected to become larger than the current DPA parliamentary group, with the addition of other independent deputies who have expressed an interest in joining. The formation of the new coalition represents a virtual political revolution within Parliament, and its' initiators have said that it would be welcomed by a number of right-wing deputies as a constructive Opposition that might have the ability to claim power. The DP reformist deputies originally created the New Democratic Party as a reaction to the policies of DP leader Sali Berisha. The DP's Secretary for Public Relations, Pjeter Arbnori, said that the recent political shift was in full compliance with the law and the right of any deputy to form new alliances. Arbnori ruled out any collaboration with the new group. [29a]

3.37 In February 2001, Sali Berisha, leader of the DPA, appealed to former pluralist allies who have left the party in the last ten years. The appeal to the defectors appears to be an effort to deal with one of Berisha's gravest leadership problems and the splintering of support the party has been suffering during the last decade. The DPA leader also said that achieving social peace was a precondition to real progress in the country. Berisha's radical new position has taken centre stage in the commentary of political analysts and his former allies, who were unprepared for the move. His appeal threatens to eclipse the activities of the New Democratic Party, once a Berisha ally and now a Democratic Opposition challenger to Berisha's leadership. [29d]

3.38 On 28 February 2001, Albania's main political governing and opposition parties agreed to co-operate in preparing the legislative elections expected in June 2001. They have agreed to compile an ethics code for political parties and to ask parliament to appoint a committee to examine the voter register and electoral boundaries. Albania's Western partners have been urging the parties to co-operate in ensuring the June 2001 election is peaceful and fair. [12i]

3.39 The President of the Congress of Regional and Local Authorities of Europe, Libert Cautrecasas, declared on April 6, 2001 that the Congress has noticed an improvement in relations and progress of the election process in Albania, since the political parties agreed to co-operate on 28 February 2001. He stated that the spirit of dialogue between the ruling parties and the opposition has ameliorated the pre-election climate compared with the same period during the last local election in October 2000. Following meetings with the associations of mayors and regions, Cautrecasas expressed his enthusiasm about the work carried out by local leaders who, irrespective of their partisanship, are making a major contribution to the realisation of local autonomy. The Parliamentary Assembly of the Council of Europe will send a parliamentary monitoring delegation and a delegation of experts in reply to the request by the Albanian government. [14g]

3.40 The OSCE Presence, Friends of Albania in Brussels, a grouping of donor countries and international organisations, noted in March 2001 that Albanian policy has remained polarised and personalities rather than policies still dominate the political debate. They praised the constructive and stabilising role Albania continues to play in the region and highlighted the positive results achieved in

continued to play in the region and highlighted the positive results achieved in strengthening public order and initiating the fight against organised crime in economic reform and in consolidating economic institutions. [10r]

3.41 A march by members and sympathisers of the political grouping Union for Democracy gathered in Tirana on 22 March 2001 to commemorate 22 March 1992, when the first democratic elections were held. Leaders of eight opposition parties including the DPA, Balli Kombetar and Legality Movement Party considered the date as a day of decisive change in Albania. [10m]

3.42 Albania continues to make substantial progress in the development of democracy, according to Adrian Severin, the President of the OSCE's Parliamentary Assembly. He stated on 31 March 2001 that the Parliamentary Assembly backs the process of Albania's integration into euro-atlantic structures. Severin hailed the dialogue process between the governmental coalition and the opposition, which has led to a reduction of political disagreements in Albania. [10q]

3.43 In January 2001 the General Prosecutors' Office completed its investigations into the 1998 murder of Democratic Party legislator Azem Hajdari. Albanian news reports announced that a team of prosecutors issued a statement on 15 March 2001 in Tirana identifying a former high-ranking police official as the main suspect in the 1998 murder of Azem Hajdari. The investigators also identified at least nine other people who they believe were involved in the assassination. Four of the suspects have since been killed in various incidents. [13e] [14f]

3.44 The chairman of the investigating group of prosecutors for the Hajdari case, Haxhi Gju, has reportedly announced that Hajdari's murder was not politically motivated. General Prosecutor Arben Rakipi reportedly rejected claims that any politicians were suspects in the Hajdari case. They have collected over 250 pieces of evidence over two years, marking the greatest number of persons involved in a murder case. The trial of the five men opened in Tirana on 3 April 2001. Two of the five are being tried in their absence and are believed to have fled to Kosovo. [13e] [13f] [26]

3.45 The Commissioner of the European Union, Christopher Patten, affirmed in Tirana on 5 April 2001 that Albania has made "prominent progress" over recent years in strengthening association relations with the EU. He underlined the progress Albania has made in macro-economic policies, reforms in customs, in the field of collecting taxes and in the programme of privatisation. [10w]



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IV INSTRUMENTS OF THE STATE

A. Political system

4.1 Albania is a republic with a multi-party Parliament, a Prime Minister, and a President elected by the Parliament. The Prime Minister heads the government. [5c]

B. The 1997 General Election

4.2 The new Constitution states that "Governance is based on a system of elections that are free, equal, general and periodic." The Assembly of the Republic of Albania comprises at least 140 deputies, and is elected for a term of four years. One hundred deputies are elected directly in single-member constituencies, while parties receiving more than 3% of the votes cast nationally are allocated further deputies in proportion to the number of votes won. [1]

4.3 Citizens elected a government in July 1997 in what international observers considered to be a satisfactory process, given the preceding months of chaos and anarchy. [5c]

4.4 The 1997 Election Results:

Party		% of vote	Number of seats
Socialist Party of Albania	PSSH	52.8	101
Democratic Party of Albania	PDSH	25.7	29
Social Democratic Party of Albania	SDP	2.5	8
Union for Human Rights Party	PBDNJ		4
Balli Kombetar (National Front)	BK	2.3	3
Democratic Alliance Party	DAP		2
Legality Movement Party	PLL		2
Albanian Republican Party	PRS		1
Party of National Unity	PUK		1
Agrarian Party	PAS		1
Independents			3

see Annex B for a full list of political organisations in Albania

Please see also Section 3 on History for information on the October 2000 local elections

C. Right of citizens to change their government

4.5 In May 2000 an electoral code was introduced, and a computerised national voters register was introduced in the summer of 2000. In addition, an ambitious programme of decentralisation began with the intention of giving representatives of municipalities and communes enhanced powers. These new instruments made substantial progress towards improving State structures and meeting international standards for democratic elections formulated in the 1990 OSCE Copenhagen Document. Leaders of both the SPA and DPA have used these reforms as electoral campaign issues, and the legal foundation and main instruments of the State remain highly disputed by the DPA. [18a]

4.6 The Central Election Commission - KQZ (CEC) continued to be subject to criticism during the first few months of 2001. The Chairman of the CEC, Fatos Nano, resigned in January 2001, following what he called the abuse his reputation was being subjected to by the political opposition. The DPA criticised the election of Nano, a cousin of SPA leader Fatos Nano, as being politically motivated. Another two members also resigned. The DPA opposed the subsequent reorganisation of the CEC, demanding the resignation of all CEC members and reconstituting the commission on the basis of a new structure. Most opposition parties demanded that the CEC be composed of three members of the Majority, three from the Opposition and a seventh member to be appointed on the basis of census on both sides. The DPA maintains that there continues to be irregularities in the voter lists, electoral zone divisions and ballot forms. [18d] [29b] [29c]

4.7 The Office for Democratic Institutions and Human Rights (ODIHR) urged the CEC to take the required measures to prepare for the June 2001 elections and concluded that in February 2001 the level of election preparations was disappointing and most of the shortcomings since the last elections had not been addressed. [18d]

4.8 Parliament approved the draft law on 28 February 2001 on "New Constituency Division in the Country" according to which the territory will be divided into 100 electoral districts. The Report of Constituency Division was drafted based on article 64 of the Constitution and article 62 of the Electoral Code. Eighty-one deputies voted for the Report. The Democratic Party, who considers that the lists for the October 2000 local elections were manipulated, boycotted the voting process. [10p]

4.8 The new Constitution prohibits the formation of any party or organisation that is totalitarian; incites and supports racial, religious or ethnic hatred; uses violence to take power or influence state policies or is non-transparent or secretive in character. In October 1998 Parliament amended the law on referendums to require only a simple majority, rather than a majority of all registered voters, for the vote on the new Constitution. [5a] [5c]

4.9 No legal impediments hinder the full participation of women and minorities in government. The major political parties have women's organisations and have women serving on their central committees. However women continue to be under-represented in both politics and government. [5c]
Please see also Section 5. J on Women

D. The Constitution

4.10 On 22 November 1998 the Albanian electorate approved a new Constitution, which came into force six days later. The improved and more detailed version of the 1993 Law of Human Rights became an integral part of the Constitution. It provides for the office of an ombudsman, working for more effective implementation of human rights. The Constitution makes clear the distinction between the roles of the President, national government, regional government, and the judiciary. [4a] [9]

4.11 The Albanian Government ratified enabling legislation for a "Peoples Advocate" (Ombudsman) in February 1999, and elected the first Ombudsman in February 2000. The Ombudsman has the power to investigate the complaints of citizens, to issue non-binding recommendations and to propose measures when he/she observes violations of human rights and freedoms by the public administration. A plan has been established to divide the Ombudsman's Office into three sections: complaints about violations from high administration, ministries and other governmental structures; complaints about violations from the police, military or judiciary; complaints having to do with non-governmental organisations, social and environmental issues. By the end of 2000, the Ombudsman had reviewed over 250 cases of alleged human rights abuses. The Ombudsman has had some success in cases, but it is still too early to judge whether it will be genuinely effective. [5c] [23b]

E. Police and Human Rights

4.12 Local police units reporting to the Minister of Public Order are principally responsible for internal security. One of the most serious problems involving public order and internal security is the fact that police officers are largely untrained and often unreliable. The international community continued to provide training, advice,

and equipment to improve the quality of the police forces; however, unprofessional behaviour and corruption remained a major impediment to the development of an effective, civilian police force. [5c]

4.13 The Ministry also has a small force of well-trained and effective police officers organised into special forces units to combat organised crime. The Government further consolidated public order throughout the country during 2000, building on the progress that had been made in the previous year. However, serious problems remain in the area of policing. The police are affected by, and are sometimes a part of, the country's endemic corruption. In November 1999, SHIK was renamed the State Intelligence Service (SHISH). [5c]

4.14 SHISH is responsible for both internal and external intelligence gathering and counterintelligence. The armed forces did not have a role in domestic security until 1998, when a special 120-man "commando" unit was authorised. The new unit operates in an anti-terrorist role under the Minister of Defence. During times of domestic crisis the law allows the Minister of Public Order to request command authority over this unit; this was done as a precautionary measure during the October 2000 local elections. [5c]

4.15 During the first five months of 2000, over 950 police officials implicated in illegal activities were dismissed from service. Between June 1999 and May 2000, some 4,170 police officers faced charges based on their implication in illegal activities. According to Mr. Spartak Poci, The Minister for Public Order, cases will be judged regardless of post or rank of the police official and measures have been taken not only against local police chiefs, but the heads of sectors in the Ministry of Public Order. [12a]

4.16 The Public Order Information Service became the State Control Service on 1 March 2001 following the approval of the Law on the Internal Control Service by the Albanian Assembly. It will become an information and operative service, providing its workers with the attributes of judicial police. [10o]

4.17 Extra-judicial executions were reported, but were difficult to document. There were no confirmed cases of political killings by the Government, despite repeated claims by the Democratic Party that its members were harassed, beaten and sometimes killed by government agents. [5c]

4.18 The Council of Europe's Commission on against Racism and Intolerance reported that excessive use of force and ill-treatment by law enforcement officials continued to be a widespread problem in 2000. The Albanian authorities recognise that there is a pressing need to offer further training to the police forces as well as to fight corruption, and they cite this as a priority. Human rights training is included in the curriculum of the police academy. Special human rights training courses last from 15 days to a month and are also being offered to law enforcement officials. However, training possibilities are limited by a lack of resources, both human and financial. [23b]

4.19 An internal investigation procedure into complaints of police abuse exists, but the Council of Europe is concerned that cases are not always adequately investigated and the perpetrators of such acts often go unpunished. [23b]

F. The judiciary

4.20 The judicial structure comprises District Courts, Appeal Courts, the Supreme Court and the Constitutional Court. Military tribunals are held at the Supreme Court and at District and Appeal Courts. The officials of the District Courts and the Appeal Courts are nominated by a Higher Judicial Council, which is presided over by the President of the Republic. [1]

4.21 The Supreme Court has jurisdiction over both the Appeal Courts and District Courts. The Chairman and other members of the Supreme Court are elected by the People's Assembly. The Constitutional Court arbitrates on constitutional issues. [1]

4.22 The Constitution provides for an independent judiciary; however, continued political instability, limited resources, political pressure, and endemic corruption weaken the judiciary's ability to function independently and efficiently during 2000. Corruption remains a serious and widespread problem, especially with the growth of organised crime, and judges are subjected to both bribery attempts and

or organised crime, and judges are subjected to both bribery attempts and intimidation. Executive pressure on the judiciary remains, but decreased slightly in 2000. [5c]

4.23 The third conference on judicial reforms in Albania, jointly organised by the European Commission and the Council of Europe, took place in Brussels on 16 and 17 November 2000. The participants concluded that the main objectives fixed by the Action Plan signed in 1999, aimed at reforming the institutional and legal framework for an efficient and independent judicial system, have been achieved. In particular, actions have been taken concerning the organisation of the judiciary, the training of judges and prosecutors and the establishment of the State Publications Centre. The participants have adopted a Second Action Plan aimed at the effective functioning of the judicial and legal system. This plan will aim at strengthening the quality of the legislative process, the training of legal professionals and to support the functioning of judicial institutions. [23c]

4.24 In May 2000, the High Council of Justice removed two judges from Tirana for disciplinary violations. International legal experts commented that the judges' removal was characterised by greater respect for due process and legal procedures than past similar instances. Prosecutor General Rakipi announced in March 2001 that during 2000 alone, 35 prosecutors and judiciary police officers were punished by dismissal, demotion or transfer to other positions. [5c] [14e]

4.25 In March 2001, Albania's judicial watchdog agency sacked a judge after ruling that she had acted illegally when she released a man caught in possession of drugs and Kalashnikov rifles. Justice Minister Arbën Imami commended the decision as an important victory for the judiciary and society against injustice, crime and corruption in the judiciary. [12h]

4.26 Several members of the Cabinet, including Premier Meta and Justice Minister Imani and a group of Deputies from the Albanian Assembly, presented a motion to the Assembly for the discharge of three members of the Supreme Court for violation of the law, including criminality and corruption, on 11 April 2001. The motion follows several crackdowns taken by the Supreme Council of Justice against judges in Fier who illegally released Kudret Hoxha from prison. Hoxha was accused of drug trafficking and the illegal possession of weapons. [10v]

4.27 Many court buildings were destroyed in 1997's civil unrest, and, although all have been reopened, important records and legal materials were permanently lost. Long case backlogs are typical. The removal of court budgets from the control of the Ministry of Justice to a separate, independent body, the Judicial Budget Office, and the establishment of a school for magistrates were useful steps towards strengthening the independence of the judiciary. A board chaired by the Chief Justice of the Supreme Court runs the Judicial Budget Office. All other board members are judges. [5c]

4.28 Due to limited material resources, in many instances the court system is unable to process cases in a timely fashion. Public opinion holds the judiciary in particular responsible for government failure to stop criminal activity. [5c]

4.29 Tension continued in 2000 between the police and the judiciary, despite some improvement in relations between police and prosecutors, especially outside Tirana. Each side cites the failures of the other as the reason that many criminals avoid imprisonment. The courts accuse the police of failing to provide the solid investigation and evidence necessary to prosecute successfully, and the police allege that corruption and bribery taint the courts. [5c]

4.30 The Constitution provides that all citizens enjoy the right to a fair, speedy, and public trial, except in cases where the necessities of public order, national security, or the interests of minors or other private parties require restrictions. Defendants, witnesses, and others who do not speak Albanian are entitled to the services of a translator. If convicted, the accused has the right to appeal within five days to the Court of Appeal. [5c]

4.31 The continued high levels of corruption in public administration and the judiciary together with organised crime have considerably undermined the efforts of the government. The European Union has helped Albania to develop a modern judiciary compatible with EU standards. Legal and regulatory frameworks have been put in place, assistance has been provided to the Ministry of Justice and other judiciary institutions and training programmes have been organised in the School of Magistrates. [81]

... of ...

G. Legal rights / Detention

4.32 Police at times arbitrarily arrested and detained persons. The 1995 Penal Procedures Code sets out the rights of detained and arrested persons. By law a police officer or prosecutor may order a suspect into custody. Detained persons must be informed immediately of the charges against them and of their rights. A prosecutor must be notified immediately after a suspect is detained by the police. Within 48 hours of the arrest or detention a court must decide, in the presence of the prosecutor, the suspect, and the suspect's lawyer, the type of detention to be imposed. Legal counsel must be provided free of charge if the defendant cannot afford a private attorney; however, this right to legal counsel is not known widely and police often fail to inform suspects of it. As a result of a lack of resources, access to legal information remains difficult for citizens, including legal professionals and, sometimes, judges. [5c]

4.33 The Penal Procedures Code requires completion of pre-trial investigations within 3 months. The prosecutor may extend this period by 3-month intervals in especially difficult cases. The accused and the injured party have the right to appeal these extensions to the district court. In practice lengthy pre-trial detention is a problem. Delayed investigations are also a serious problem, and the cases of many detained persons exceed the time limits set by law. [5c]

4.34 There were no clear cases of detainees being held for strictly political reasons. However, the Democratic Party continued to claim that the Chairman of the Legality Party (the Monarchists) Ekrem Spahia, and 12 supporters were being tried unfairly for participation in the events of September 14, 1998, which followed the assassination of DPA parliamentarian Azem Hajdari, by unknown persons. Spahia and the others, charged with taking part in an "armed rebellion" and in "a failed coup d'etat," were released during 2000; however their trials were still pending at the end of 2000. [5c]

4.35 The Constitution stipulates that "no one can be subject to torture, or cruel and brutal treatment;" however, the police often beat suspects in the process of arresting them, and the Albanian Helsinki Committee reported that the police beat or otherwise mistreated prisoners. The Penal Code makes the use of torture a crime punishable by up to 10 years' imprisonment. According to the Albanian Helsinki Committee, major police stations were the sites of the worst abuse of detainees. [5c]

4.36 Police killed a Democratic Party demonstrator when a crowd of DPA members attacked the police station and other public buildings in Tropoje on 28 November 2000. The police beat and otherwise abused suspects and prisoners. The DPA often credibly complained about incidents of police harassment of its members and of the dismissal of some of its members from official positions for political reasons. [5c]
Please see also Section 3 on History

H. Prisons

4.37 Prison conditions remained poor, however efforts were made to improve the situation during 2000. While the Government financed most improvements, it has also received international assistance, particularly from European Union countries. Assistance has included important training for prison officials and staff. All prisons were destroyed or severely damaged in 1997 when armed gangs stormed them and released the prisoners. The Government reopened 8 prisons in 1999, but the existing facilities are inadequate to house properly all current prisoners. Overcrowding resulted in poor living conditions in 2000. [5a] [5c]

4.38 There were no reports of refusal to permit access for prison inspections by either domestic or international groups during 2000. [5c]



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V ACTUAL PRACTICE WITH REGARD TO HUMAN RIGHTS

A. Freedom of speech and press

5.1 The Law on Fundamental Human Rights and Freedoms provides for freedom of speech and of the press, and the Government generally respects these rights; however, police at times beat journalists. The media are active and unrestrained, but have developed little sense of journalistic responsibility or professional integrity. With few exceptions, the print media lacks a mature, trained professional staff. Sensationalism is the norm in the newspapers, and the political party-oriented newspapers in particular print gossip, unsubstantiated accusations and outright fabrications. Some publications appear to be making efforts to improve professional standards and to provide more balanced and accurate reporting. [5c]

5.2 Political parties, trade unions, and various societies and groups publish their own newspapers or magazines, and competition with commercial publications is very keen. The difficult economic situation and readers' distrust of the press again resulted in a significant drop in newspaper sales in 2000. According to a recent survey by the Albanian Media Institute, 60% of the persons interviewed believed that the media stirred up trouble in the country; only 23 per cent said that the media played a positive role. The opening of many new private radio and television stations, as well as an increase in the price of newspapers and magazines, is another reason for this sharp fall in circulation. [5c]

5.3 Political affiliation is pervasive in broadcast media. The Organisation for Security and Co-operation in Europe reported that one new nation-wide television station, TVArberia, provided for balanced and fair election reporting during the local elections in October 2000. However, the majority of stations were blatantly one-sided in their political coverage. Albania's state television was criticised in the first week of the local election campaign period for strongly favouring the SP in its coverage, particularly when it violated the electoral code by transmitting a full interview with SP Chairman Fatos Nano. The DP-controlled ATN-1 was also criticised for covering DPA electoral activities for twenty-four hours. Smaller parties received little attention from the media during the election campaign. [2] [5c]

5.4 Over seventy-five private television channels and 30 private radio channels operate. The National Council of Radio and Television Broadcasters is responsible for issuing private radio and television licences. It is a fifteen-member body elected by Parliament. It has awarded broadcasting licenses, but several broadcasters failed to pay for their licenses or abide by the regulations governing licenses. In 1999 the Government established the new licensing and oversight procedures to promote a more stable broadcasting environment. Albanian Radio and Television (RTVSh) is the sole public broadcaster in Albania. [5c]

5.5 According to the Council of Europe, the Albanian media does not promote intolerance or discrimination towards members of ethnic minority groups. However, there have been reports that the media has on occasion promoted negative stereotypes about members of minority groups. [23b]

5.6 Attacks on journalists continued in 2000 - both beatings by the police and attacks by unknown assailants. In March 2000 a policeman in Korce beat a journalist from an independent radio station, ABC. In April, whilst filming near the Foreign Ministry in Tirana, two journalists from TV-Klan, were allegedly attacked by members of the Republican Guard. In May, two journalists from the DP-controlled ATN-1 TV station were illegally detained by police officers and beaten while in detention. [2] [5c]

5.7 In April 2000, following the attack on Dritë Ymeri, a TV-Klan cameraman

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5.7 In April 2000, following the attack on Fehri Aliaj, a TV host and journalist, Albanian Premier Ilir Meta affirmed that people should be safe in their country, especially journalists, who will have the state guarantee in carrying out their mission to inform the public. Xhaferri was seriously injured by four persons, two of who were the Guard's non-commissioned officers. [10e]

5.8 Academic freedom continues to be limited. University professors complain that some faculty members are hired or fired for political reasons and that students who have the right political connections get preferential treatment regardless of their personal qualifications. [5c]

B. Freedom of assembly and association

5.9 The Law on Fundamental Human Rights and Freedoms provides for the right of peaceful assembly and the Government generally respects this right in practice. According to the law, organisers must obtain permits for gatherings in public places, and the police may refuse to issue them for reasons such as security and traffic. In practice rallies and demonstrations were very common. The Government made no concerted efforts to prevent them, and the police generally maintained order with due respect for citizens' rights; however, during the DPA demonstrations before the October 2000 elections, there are reports that the police beat and mistreated some DPA supporters. In some cases individuals claimed that the police or secret agents of the SHIK intimidated them because of their participation in opposition rallies, while others claimed that they were fired from their jobs because they participated in opposition rallies. [5c]

5.10 The Law on Fundamental Human Rights and Freedoms provides for the right of association and the Government generally respects this right in practice. A political party must apply to the Ministry of Justice for official certification. It must declare an aim or purpose that is not anti-constitutional or otherwise contrary to law, and it must describe its organisational structure and account for all public and private funds it receives. Such certification is granted routinely. [5c]

5.11 The two major non-governmental organisations functioned largely without interference during 2000. The Albanian Human Rights Group (AHRG) reported that when it published a report in April 2000 on police misconduct in Elbasan, the director of the organisation as well as a number of the authors received anonymous phone calls threatening retribution for its publication. The Albanian Helsinki Committee (AHC) continued monitoring pre-trial detention centres and prisons through visits to numerous prisons throughout Albania. The AHC initiated a project in May 2000 establishing a telephone hotline to be operational twelve hours a week where citizens - including those imprisoned or detained - could call in to report human rights violations and receive legal assistance. After the Albanian Parliament enacted the Law on the Peoples' Advocate in February 2000, the AHC entered into a contract with the new ombudsman's office establishing a joint project to support the ombudsman's activities. [2]

C. Freedom of religion

5.12 The Constitution provides for freedom of religion and the Government respects this right in practice. According to the 1998 Constitution, the state has no official religion, and all religions are equal. However, the predominant religious communities (Muslim, Orthodox, and Roman Catholic) enjoy de facto recognition by the authorities that gives them the legal right to hold bank accounts, to own property and buildings, and to function as juridical persons based on their historical presence in the country. Religious movements - with the exception of the three de facto recognised religions - can acquire the official status of a juridical person only by registering under the Law on associations, which recognises the status of a non-profit association irrespective of whether the organisation has a cultural, recreational, religious, or humanitarian character. [5b]

5.13 The majority of citizens are secular in orientation after decades of rigidly enforced atheism. Muslims, who make up the largest traditional religious group, adhere to a moderate form of Sunni Islam. The Albanian Orthodox and Roman Catholic Churches are the other large denominations. Approximately 70 percent of the population are Muslim, 20 percent are Albanian Orthodox and 10 percent are Roman Catholic. The Albanian Orthodox Church split from the Greek Orthodox Church early in the century, and adherents strongly identify with the Autocephalous National Church as distinct from the Greek Church. Even though the Albanian Orthodox Church's 1929 statute states that all its archbishops must be of Albanian heritage, the current archbishop is a Greek citizen because there

are no Albanian clerics qualified for this position. Bektashis (Muslim believers who adhere to a very loose form of Islam) form another large denomination in the country. However, they do not have the right to their own representative in the State Secretariat of Religions; all their activities are placed under the supervision of the Sunni Community. [5b]

5.14 Foreign clergy, including Muslim clerics, Christian and Baha'i missionaries, Jehovah's Witnesses, Mormons, and many others freely carry out religious activities. The Religious Council of the State Secretariat is an office that functions under the Prime Minister's authority. It has no clear mandate or decision-making power and was renamed "The State Committee on Cults" in September 1999. The Committee Chairman has the status of a deputy minister, and this office is to co-ordinate all issues connected with religion and the State. This office estimates that there are 12 different Muslim societies and groups with approximately 324 representatives in Albania, and more than 79 Christian societies and sects with 344 missionaries representing Christian or Baha'i organisations. [5b]

5.15 Unlike in previous years, in 2000 there were no reports that Orthodox churches were the targets of vandals. The Archbishop of the Orthodox Church concluded that attacks on church property in the past were a result of vandalism rather than religious repression. [5c]

5.16 In 1967 the Communists banned all religious practices and expropriated the property of the established Islamic, Orthodox and Catholic churches. The Government has not yet returned all the properties and religious objects under its control that were confiscated under the Communist regime. In cases where religious buildings were returned, the Government often failed to return the land that surrounds the buildings. The Government also is unable to compensate the churches adequately for the extensive damage that many religious properties suffered. The Orthodox Church has complained that it has had difficulty in recovering some religious icons for restoration and safekeeping. [5b]

5.17 The Albanian Evangelical Alliance, an association of Protestant churches, has complained that it has encountered administrative obstacles to building churches and to accessing the media. The growing evangelical community continues to seek official recognition and participation in the religious affairs section of the Council of Ministers. [5b]

5.18 There were no reports of religious detainees or prisoners during 1999. [5b]

5.19 In June 2000, five Roman Catholic priests were ordained in the Shkodra cathedral. It is the first time since 1991 that Roman Catholic priests have been ordained in Albania. Archbishop Angelo Massafa believes it is a sign of hope that shows how the Albanian church is growing rapidly after so many years of state atheism. The Vatican has shown a keen interest in reviving Roman Catholicism in Albania, which Pope John Paul II has visited. [13a]

D. Workers' rights

5.20 Workers have the right to form independent trade unions. The 1993 Labour Code established procedures for the protection of workers' rights through collective bargaining agreements. Two federations act as umbrella organisations for most of the country's unions: the Independent Confederation of Trade Unions of Albania (118,000 members), and the Confederation of Trade Unions (100,000 members). Both organisations again experienced a drop in membership during 2000. Some unions chose not to join either of these federations. No union has an official political affiliation, and the Government does not provide any financial support for unions. [5c]

5.21 The Law on Major Constitutional Provisions and other legislation provides that all workers except the uniformed military, the police, and some court officials have the right to strike. The law forbids strikes that are openly declared to be political or that are judged by the courts to be political. Unions are free to join and maintain ties with international organisations, and many do. [5c]

5.22 The official unemployment rate was 18% during 2000. [23b]

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

bargain collectively. In practice, unions representing public sector employees negotiate directly with the Government. [5c]

5.24 Labour unions do not operate from a position of strength, given the country's very high level of unemployment. Effective collective bargaining in these circumstances is very difficult, and agreements are hard to enforce. [5c]

5.25 The Law on Major Constitutional Provisions and the Labour Code prohibit forced or compulsory labour; however trafficking in women for purposes of prostitution is a serious problem. The law also forbids forced or bonded labour by children, and the Government generally enforces these prohibitions; there are however reports that children are trafficked and forced to work abroad as prostitutes or beggars. [5c]

Please see also Section 6.C. on Human Trafficking

5.26 The Labour Code sets the minimum age for employment at 16 years, and limits the amount and type of labour that can be performed by persons under the age of 18. Children between the ages of 14 and 16 may legally work in part-time jobs during the summer holiday. The Ministry of Labour may enforce the minimum age requirements through the courts, but no recent cases of this actually occurring are known. In Tirana and other cities it is common to see children selling cigarettes and sweets on the street. [5c]

5.27 The legal minimum wage for all workers over age 16 is about £30 (6,380 lekë) per month. This is not sufficient to provide a decent standard of living for a worker and family. The law provides for social assistance (income support) and unemployment compensation, but these are very limited, in terms of both the amounts received and the number of persons actually covered. [5c]

5.28 The difference between the monthly average wage of persons who live in the rural and urban areas is considerable: persons who work and live in urban areas earn almost 50 per cent more than those who live and work in rural areas. Data from the National Institute of Statistics indicate that in rural areas more than 20 per cent of persons live under the official poverty line, while in urban areas the figure is 11 per cent. Nation-wide, over 17 per cent of the population live under the official poverty line. [5c]

5.29 The legal maximum workweek is 48 hours, although in practice hours are typically set by individual or collective agreement. Many persons work 6 days a week. [5c]

E. Military service

5.30 Military service in Albania is mandatory for men aged 18 - 27 years. Women are not included. Exemptions are granted on medical grounds but are relatively difficult to obtain. It is also possible to buy an exemption and there is a set fee for this. Military service is 12 months long (having been reduced from 15 months in 1995) and can be served in the police force. Those who do not go to university usually have to do their military service at 18 years. Students can postpone their military service until they have completed their course of study. Men who complete their military service receive a certificate, which enables them to obtain a passport. Many Albanians have left Albania illegally (i.e. without a passport) because they have dodged their military service. [1b] [6a] [31]

5.31 In Albania the right of conscientious objection is not guaranteed. Conscientious objectors who refuse to do military service may be fined or sent to prison for a maximum of two years. The Albanian Constitution of 1998 stipulates that anyone refusing to complete military service must perform alternative service, as provided for in law. [23d] [31]

F. The Death Penalty

5.32 In December 1999 Albania's Constitutional Court ruled that the death penalty was incompatible with the Albanian Constitution. In April 2000, Prime Minister Ilir Meta signed Protocol No.6 to the European Convention on Human Rights and the document was ratified by the Albanian government in September 2000. [2]

G. Freedom of movement

5.33 The Law on Fundamental Human Rights and Freedoms provides for freedom of movement within Albania, and for freedom to travel abroad and return. The Government respects these rights in practice. [5c]

5.34 A problem that arose as a result of uncontrolled internal migration is the problem of local registration and status. As a result of such internal migration, thousands of citizens are denied access to certain basic services such as education and medical care. In many educational institutions, students must have, among other documents, an official document from the district that acknowledges that they are inhabitants of the district. The lack of such documents prevents many students from these areas from attending school. The effects of uncontrolled internal migration became apparent during the October 2000 local elections when tens of thousands of inhabitants were registered in more than one place, resulting in many inaccuracies in the voter lists. [5c]

5.35 Citizens who fled the country during or after the Communist regime are welcomed back, and if they lost their citizenship they may have it restored. Albanian-born citizens who emigrate may hold dual citizenship. [5c]

5.36 In December 1999 the Albanian government passed a new Law on Asylum. The United Nations High Commissioner for Refugees has commented favourably upon the comprehensive protection offered by this law. The law grants asylum according to the 1951 Geneva Convention and the 1967 New York Protocol, as well as providing temporary protection on humanitarian grounds and in the case of mass influx. Albania accepted approximately 480,000 refugees fleeing Kosovo in 1999. The European Commission against Racism and Intolerance congratulated the Albanian government and society for its hospitality and openness in accepting refugees from different backgrounds including Roma and Serbs, and treating those individuals in the same manner as ethnic Albanians. [23b]

H. Specific minority groups

5.37 The Law on Major Constitutional Provisions prohibits discrimination based on sex, race, ethnicity, language, or religion. However, women and some minority groups complain that discrimination continues in practice. [5c]

5.38 The Albanian Parliament has ratified the European Convention for the Protection of the Minorities, which was entered into force on 1st January 2000. [23a]

5.39 The Albanian Constitution establishes the fundamental principle of equality before the law (article 18) and guarantees freedom from discrimination on the basis of race, religion, ethnicity, language, social status or ancestry. The Constitution also provides an extensive framework for the protection and promotion of the identity of national minorities. Furthermore, Article 265 prohibits organisations that incite and support racial, religious, regional or ethnic hatred. [23b]

5.40 Article 253 of the Constitution makes it a crime for an employee in a state function or in public service to make distinctions, for reason of duty and in the exercise of it, "on the basis of origin, sex, health condition, religious beliefs, political beliefs, labour union activity or one's belonging to a specific ethnic, national, racial or religious group" that consists in the creation of unlawful privileges or the refusal of a right or benefit that arises from the law. Violation of this law is punishable by one to five years' imprisonment. [23b]

5.41 The European Commission against Racism and Intolerance, in April 2001, was pleased to learn that discussions are underway to consider the ratification of the revised European Social Charter and the European Convention on Nationality. The Commission further understands that signature of the European Charter for Regional or Minority Languages is under consideration. [23b]

I. Women

5.42 Violence against women and spousal abuse are serious problems. Cultural acceptance and lax police response result in most abuse going unreported. No government-sponsored programme protects the rights of women. A non-governmental organisation maintains a shelter in Tirana for abused women, but the facility can hold only a few victims at a time. That organisation also operates a hot line which women and girls can call for advice and counselling. The line

hot line which women and girls can call for advice and counselling. The line received thousands of calls during 2000. In 1999 the Advice Centre for Women and Girls, an NGO, conducted a poll that showed that as many as 65 per cent of females claimed to be victims of domestic violence. Rape is punishable by law, as is spousal rape; however in practice spousal rape is not reported or prosecuted. [5c]

5.43 Many men, especially those from the northeastern part of the country, still follow the traditional code known as the "kanun," in which women are considered and treated as chattel. Also under the kanun, it is acceptable to kidnap young women for brides. This practice continues in some areas of the northeast. [5c]

5.44 Women are not excluded, by law or in practice, from any occupation; however, they are not well represented at the highest levels of their fields. The Labour Code makes mandatory equal pay for equal work, but no data are available on how well this is implemented in practice. Women enjoy equal access to higher education, but they are not accorded full and equal opportunity in their careers, and it is common for well-educated women to be under-employed or to work outside the field of their training. An increasing number of women are beginning to venture out on their own, opening shops and small businesses. Many are migrating along with men to Greece and Italy to seek employment. [5c]

5.45 Trafficking in women and girls for the purpose of prostitution is a serious problem. [5c]
Please see also Section 6.C. on Trafficking in Persons

J. Children

5.46 The Government's commitment to children's rights and welfare is codified in domestic law and through international agreements. The law provides for the right to at least 8 years of free education, and also authorises private schools. School attendance is mandatory up to the eighth grade (or age 18, whichever comes first). In practice, many children leave school earlier than allowed by law in order to work with their families, especially in rural areas. [5c]

5.47 Article 3 of the Law on Pre-University Education guarantees all citizens equal rights at all levels of the education system, notwithstanding their social situation, nationality, language, sex, religion, race, political convictions, health conditions and economic situation. [23b]

5.48 Child abuse is a little-reported problem, but the authorities and non-governmental organisations believe that it exists. According to the Centre for the Protection of Children's Rights (CRCA), more than 2,000 children between the ages of 13 and 18 are involved in prostitution rings. Criminals may kidnap children from families or orphanages to be sold to prostitution or paedophilia rings abroad. The law forbids forced or bonded labour by children, but there are some reports of such practices. Within the country, Romani children often work as beggars, and the police generally ignore the practice. [5c]

K. Disabled people

5.49 Widespread poverty, unregulated occupational hazards, and poor medical care pose significant problems for many disabled people. The disabled are eligible for various forms of public assistance, but budgetary constraints mean that the amounts they receive are very low. No law makes compulsory accessibility for people with disabilities to public buildings, and little has been done in that regard. [5c]

L. Ethnic Minority Groups/General

5.50 The Government plays a constructive role in maintaining the nation's generally positive record on the treatment of minorities. While no recent official statistics exist regarding the size of the various ethnic communities, ethnic Greeks are the most organised and receive the most attention and assistance from abroad. There are also small groups of Macedonians, Vlachs, and Roma. [5c]

5.51 The Council of Europe reported in April 2001 that over recent years and despite a very difficult and rapidly evolving economic, political and legal situation, Albania has taken steps to address the problem of racism and discrimination through the introduction of relevant legislation as well as encouraging

through the introduction of relevant legislation as well as encouraging an institutional framework in which minority groups may develop their collective identity. A positive climate of tolerance is generally considered to prevail with respect to ethnic minority groups, however, some negative prejudices and stereotypes exist, particularly with respect to Roma and Egyptians, which may lead to discrimination in individual cases. [23b]

5.52 There is a small group of ethnic Montenegrins and ethnic Serbs in the north. No discrimination was reported against the Vlachs, who speak their own Romanian related language as well as Albanian, or against the Çams, non-Orthodox ethnic Albanians who were exiled from Greece in 1944. Both groups live mainly in the south. [5c]

M. Greek Minority

5.53 Up to the beginning of the 1990s, the Greek minority numbered between 60,000 and 70,000. Following the opening of the borders, the inherited backwardness and the numerous economic difficulties of the period of transition, a considerable part of the population have succeeded in temporarily living and being employed in Greece. In this aspect, the Greek minority has been the most privileged. [4b]

5.54 Greek-language public elementary schools are common in much of the southern part of Albania, where almost all of the ethnic Greek minority lives. However, there are no Greek-language high schools. There is a Greek chair and a department for Greek language and literature at the University of Gjirokastrë. The Greek minority association, known as Omonia (Democratic Union for the Greek Minority), continued to press the authorities for more measures to protect the rights of the Greek minority, including the creation of additional Greek-language classes in some parts of southern Albania. Every village in this zone has its own elementary-middle (8 year) school in the Greek language, regardless of the number of students. [4b] [5c]

5.55 The Albanian Helsinki Committee found in 2000 that many Greek Orthodox churches have either been constructed or renovated. There are villages along the border with Greece, like Leshnice, where six churches function. Five newspapers are published in the Greek language in this area, in addition to the 15 Greek papers and magazines distributed throughout the southern Albanian region. [4b] [5c]

5.56 Members of the Greek minority are considerably represented in the structures of local power. In the District Council of Sarandë, 8 of the 24 members come from the Greek minority, including the Chairman and his deputy. Following the year 1997, there were periods when members in minority areas experienced insecurity and tension, because of criminality, thefts and kidnapping. Criminal activity was relatively stronger in minority areas not only because the state structures did not function, but also because opinion spread among criminal circles that minority persons were richer and had greater incomes. However, the efficiency of the fight against criminality in 1999 has bought back confidence to law, order and peace among the Greek minority. [4b]
Please see also Section 3 on History

5.57 The Çams are the ethnic Albanian, and predominantly Muslim, population of the region of north-eastern Greece known as Chameria. In an attempt, in 1944, to establish an ethnically pure border region, the Greek government unleashed a campaign resulting in around 28,000 Çams being expelled. A Greek law was approved, which is still in force today, sanctioning the expropriation of Çam property, citing the collaboration of their community with the occupying forces as a main reason for the decision. The forced movement of the entire population has left a lingering sense of injustice amongst Albanians in general, which has contributed to continuing poor bilateral relations with Greece. [15a]

5.58 Since the end of the Kosovo conflict, support for the Çams has grown. The Chameria Association (dedicated to the return of their expropriated lands in Greece) is working on legal procedures to sue the Greek government at the European Court of Human Rights. On a tour of southern Albania in early 2000, DPA leader Sali Berisha threatened to put relations with Greece on hold if it did not comply with the demand for the resolution of the property issue of the Çam population. [15a]

5.59 The issue of the Greek minority rights came to the fore in the election for the

over the issue of the Greek minority rights came to the fore in the election for the commune of Himara in October 2000 when the Socialist party supported by all other Albanian parties, left and right, secured a heavy victory over the human rights party candidate who advocated the creation of a Greek language minority zone in the commune. [12f]

5.60 In April 2001 Omonia, the Greek minority organisation in Albania, announced that the ethnic Greeks would be boycotting the Albanian national census because it did not include questions about ethnicity. Albania's last census in 1989, which did contain a question about ethnicity, indicated that 1.8 per cent of Albania's 3.2 million population were ethnic Greeks. The Greek population believes the actual number is higher and would like this officially confirmed so that ethnic Greeks can press for better recognition of their rights as a minority. The Institute of Statistics, which is carrying out the census, said the questions had been based on United Nations Criteria, which do not include ethnicity. Prime Minister Ilir Meta has urged the Greek minority to take part in the census, and said that the government is prepared to make all the necessary improvements to the census to meet international standards at a later date. The Institute's Director, Milva Konomi, pointed out that the April 2001 census is being carried out for demographic and socio-economic reasons in order to ascertain the exact number of inhabitants and what conditions they are living in. She said a new census could be conducted later which would contain question on ethnicity. [12j] [27]

5.61 Prime Minister Meta met with representatives of Omonia, including the Chairman Vangel Dule, on 10 April 2001. The representatives presented the Prime Minister with some of their concerns about the processes of enrolling the population, and raised several problems emerging during the implementation of legislation on the restitution of property. Meta stressed that the problem will be followed and resolved as soon as possible and in a legal manner. Omonia representatives are reportedly satisfied with investments undertaken by the Albanian government in the minority area during 2000, especially with regard to infrastructure and schools. [10j]

N. Macedonian Minority

5.62 The Macedonian minority is concentrated in the region of Prespe, on the border with Macedonia and Greece. There are no problems regarding law and order, and minority subjects are found in the local police. [4b]

5.63 In most of the villages Orthodox churches have been built or renovated and the local radio broadcasts news bulletins in Macedonian three times a week. Classes in the Macedonian language are available to students in the districts of Pogradec and Devolli, bordering Macedonia. The Macedonian Government provides texts for these classes free of charge. [4b] [5c]

O. Montenegrin Minority

5.64 Members of this group live mainly in small villages north of Shkoder. They are divided into two groups. The pure Montenegrin minority of the Orthodox belief have succeeded in preserving their traditions and culture as a minority. The podgorians, who, because of their Muslim religion, might have been expelled from Montenegro in the second half of the 19th century, have already been assimilated. There are no specific problems of order and stability. Nevertheless, the problem of paying greater attention to the state investment or infrastructure is not specifically a minority problem but characterises the whole of Albania. [4b]

5.65 The United States State Department Report concluded that these communities have decreased in number because many of their members immigrated to Montenegro. People from this area receive scholarships from the Montenegrin government for their children to study in Montenegro. This minority is not subject to any discrimination. [5c]

5.66 The Governments of Albania and Montenegro signed a memorandum of understanding for economic, trade and cultural co-operation and a protocol of co-operation in foreign affairs, on 29 April 2000. [1]

P. Roma

5.67 Two distinct groups of Roma, the Jevg and the Arrixhi (Gabel) are established in the country. The Jevg tend to be settled in urban areas and are

generally more integrated into the economy than are the Arrixhi. Roma are the most neglected minority group. Broadly speaking, they suffer from high illiteracy, poor public health conditions, and marked economic disadvantages. Roma encounter much social discrimination. [5c]

5.68 Regarding the status of Roma, there exists an atmosphere of tolerance. They are not subject to any discriminatory treatment as a separate community, though, here and there, there are expressions of racial prejudice towards them. From a legal point of view, the Albanian State considers this community equal to the others, recognising them all the rights found in the Constitution and in its legal acts. Lately, the Assembly approved a special status to minorities. Roma were included in this. [17]

5.69 After 1990, three NGOs were established to represent Roma at national level: The Democratic Union of Roma in Albania, Amaro Dives, Rromani Baxt and Amaro Drom. Amaro Drom's main goal is the integration of the Roma people into Albanian civil society through various developmental and cultural initiatives, the raising of public awareness for the traditions of Roma and the promotion of education for Roma. According to the President of Amaro Dives, Guraliu Mejdani, the government does not discriminate against Roma. Roma leaders are afraid that the present indifference of the authorities towards Roma could transform into a violent rejection, if they stress Romani rights too much. Their strategy is first to empower the Roma with a strong identity and raise their consciousness. [17]

5.70 The European Commission against Racism and Intolerance, part of the Council of Europe, commented in April 2001 that there are reports that members of the Roma communities may have difficulties finding housing and that in some localities, their villages lack basic facilities, such as water and sewage. Members of these groups reportedly also have difficulties accessing basic social services and benefits. The Commission underlines that this situation must be viewed in the Albanian context, where many ethnic Albanians suffer similar fates and villages throughout the country lack basic facilities. [23b]

5.71 The education level among Roma is disproportionately low. The problem is widely perceived in Albania in terms of cultural differences and the lack of desire in these communities to send the children to school. There are a number of programmes, organised in different municipalities by the Albanian government in co-operation with civil society, which aim to improve the participation and integration of Roma children in schools. These programmes include the organisation of sports and cultural activities in which both Roma and ethnic Albanian children participate. [23b]

Q. Gorani

5.72 There is a small community of Gorani in the remote villages in the north-east of Albania near Kukës, close to the border with Kosovo. They are a distinct group of Muslim Slavs who speak a language akin to Macedonian and originate from the Gora region in Kosovo. Despite their shared religion, their relationship has not always been easy because of their ethnic and linguistic links with Serbs. [6b] [15b]

5.73 Whilst Gorani in Kosovo may have been accused of being allies with the Serbs and been the targets of revenge killings, there is no indication of any persecution of Gorani in Albania, officially or otherwise. One of the Deputy Speakers of the Albanian Parliament is Gorani. [6b] [15b]

R. Homosexuals

5.74 The penal code, which came into force on 1 June 1995, does not contain an article criminalising homosexuality. [28]

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VI OTHER ISSUES

6.1 Albania is one of Europe's two poorest countries (the other being Moldova). Albania's 1999 gross national product per head was US \$870. [1] [11]

A. Crime and safety

6.2 Crime figures dropped in 2000, according to data provided by the Public Order Ministry (reported on 15 December 2000). Some 3,952 crimes took place in the first nine months of 2000 the perpetrators of the crime had been caught in 88 per cent of cases. The figures show a reduction of criminality of 8 per cent as compared with 1996. Crimes against the person are down 175 on the same period last year. [10a]

6.3 A Public Order Ministry Spokesman said on 12 April 2001 that the authorities have been able to collect only 160,000 of an estimated 500,000 illegal weapons across Albania. It is estimated that some 120,000 weapons have probably been smuggled abroad since government arsenals were looted in the wake of the spring 1997 collapse of the pyramid investment systems. The Albanian government has extended the deadline for completing the collection programme from August 2000 to August 2002. A special 250-strong police task force is in charge of the effort. The United States and Norway are co-operating with Albania in the implementation of a six-month project for the destruction of about 60,000 small and light weapons, from April 2001. The project will contribute to the improvement of rule and public order in the country. Defence Minister Ismail Lleshi described the agreement as an indication of Albania's commitment to contribute to stability in the region. [13g] [30]

B. Corruption

6.4 The Albanian Government made some sincere efforts in 2000 to confront official corruption and to establish public order in Albania. After passing the Law on the State Police in December 1999, the Ministry of Public Order began restructuring the police force, improving recruitment procedures, and training new police chiefs. The police also cracked down on armed gangs, and their number was reported to be decreasing. [2]

6.5 Albanian Public Order Minister, Ilir Gjoni, met with the commander of the MAPE (Multinational Advisory Police Element) Mission in Brussels, General Pietro Pistoleze and representative of the European Commission in Albania, in Tirana on 5 April 2001. Gjoni praised the performance of MAPE during the last four years in aid of Albanian police, which was set up following the unrest of 1997. He also highlighted the decision of the EU to continue support for Albania. MAPE was established under the authority of the West European Union with the aim of rebuilding the Albanian police by a process of modernisation. MAPE has assisted the Ministry of Public Order in the preparing for the implementation of the State Police Law. The main innovation of the new Operation Plan since July 1999 has been the training of police throughout the country and down to police unit level. [10u] [32]

6.6 In April 2000, The Prime Minister Ilir Meta re-affirmed that the police belong to the state not political parties. He stated that it is the duty of the Albanian government, the governing coalition and the opposition, and of all society to support the police so that they are more successful in their fight against crime in any form it appears. The Minister for Public Order, Mr. Spartak Poci, said that clearing the police and other structures of the Public Order Ministry from the corrupted and incriminated elements remains one of the priority directions of the work to realize the government programme. The Public Order Ministry has drafted a general strategy to uncover and need to root out such elements. [12b] [42a]

a concrete strategy to uncover and send to court such elements. [120] [120]

6.7 In a meeting with the Friends of Albania group in November 1999, Mr. Meta referred to the problem of public order and security as a condition for the realisation of all objectives of the government. He explained that the main priorities in the future would be the increased efficiency of police work against crime, the completion of legislative police reform, the co-operation and integration of the police into the main international police organisations, and an increase of the professional level of the police. He described the collection of weapons and ammunition as a special task. He emphasised the fight against corruption as a long, continuous process. At a meeting in Vienna on 28 February 2000 the Friends of Albania acknowledged that some progress had been made, but that there was still much to be done. [14a]

6.8 The government is committed to the implementation of the Stability Pact Anti-Corruption Initiative, agreed in June 2000, as set out by the Stability Pact partners, stipulated in the Cologne Declaration of June 1999 between states of South Eastern Europe and the European Union. Its objective is to help and support countries of the region to adopt within two years; effective legislation, build up the right institutions and develop practices in the civil society for a sustained fight against corruption. The implementation will be monitored by the Anti-Corruption Steering Group composed of representatives from the Council of Europe, the OECD, the European Commission and the World Bank. [20][21]

6.9 The Albanian government has fulfilled all the recommendations of the international community included in the anti-corruption plan. Albania had taken all measures to increase the security in all part of the country, has recognised the judicial system and the police, and is fighting against organised crime and corruption. This message was contained in a recently approved resolution of the Parliamentary Assembly of the Council of Europe on Albania in September 2000. Albania ratified the Council of Europe's Civil Law Convention on Corruption on 21 September 2000. [10g] [23]

C. Trafficking in Persons

6.10 The law does not criminalise trafficking in persons, although anti-kidnapping laws may be used to prosecute such cases; however, trafficking in women for the purpose of prostitution and trafficking in children are serious problems. An Albanian non-governmental organisation estimated that there were about 30,000 Albanian women, who have been trafficked, working abroad as prostitutes in 2000. The former Italian MP, Carol Bebbe Tarantelli, says that the passports of the girls are destroyed and they are moved around from place to place so that they don't know where they are. Most prostitutes are controlled by the Albanian Mafia. [5c] [16a] [16b]

6.11 At the UN Summit on Crime, held on 12 December 2000 in Italy, the President of Albania, Rexhep Meidani, signed the convention; "the Global war against organised crime." Mr. Meidani also signed the two respective protocols of this convention; "on war against illegal emigration" and "the defence of women and children." [10f]

6.12 The Albanian government has begun to initiate law enforcement and legal reforms to combat the problem; however, porous borders, poorly trained and corrupt law enforcement and judiciary official, legal loopholes and a lack of government will have hampered these efforts in 2000. Police treatment of women trafficked from Albania and third countries remains a problem. There is a lack of appropriate facilities for such women, and trafficked women are often detained in police stations for extended periods of time. [5c]

6.13 Several NGO's address the problem of trafficking on a case-by-case basis; however, given the scope of the trafficking problem and limited resources to address individual reintegration, most victims of trafficking receive little or no assistance. Sheltering, counselling and reintegrating victims is a difficult undertaking. [5c]

6.14 The International Organisation for Migration (IOM) and the International Catholic Migration Commission (ICMC) have established an inter-agency referral system that enables a group of organisations to jointly provide assistance to women who are victims of trafficking. ICMC assistance consists of providing temporary accommodation in a protected shelter, counselling and help with repatriation and reintegration. IOM facilitates the provision of passports which in

repatriation and reintegration. Some facilitate the provision of passports, which in many cases have been lost or confiscated by criminals. In some cases, women are being returned to Albania to family members who trafficked them in the first place, or to the very same situation from which they were trafficked. This often simply leads to the re-trafficking of these women. ICMC also provides return assistance for trafficked victims from other countries that want to return from Albania to their home countries. Under the project so far, UNHCR and the Albanian authorities have referred over 150 women from third countries. Of this number 120 stated their desire to return to their home countries and after a period of protection in the secure shelters, have done so. [3]

6.15 In the first three months of 2001, the Vlorë prefecture police blocked around 3,400 persons attempting to leave Albania illegally. During 2000, the port blocked around 15,000 persons. It is estimated that in the past year over 200 people have died trying to reach Italy. The Italian Guardia di Finanza (Fiscal Police), which patrols the Adriatic for traffickers claims to turn back between five and eight rubber boats used by traffickers each night. Following an incident in September 2000 in which two Guardia officials were killed while combating traffickers, the Albanian Parliament enacted a new, stronger law that, if implemented, should make it easier for police to confiscate speedboats that are used in illegal activities and for those that are unregistered. [10d] [5c]

6.16 A meeting among the countries of the Ionian and Adriatic region discussing the problems of the fight against organised crime and illegal trafficking took place in Rome in August 2000. They have demanded multipartite co-operation to identify new roads in the fight against crime and trafficking. They repeated the necessity to sign an agreement of the repatriation of illegals with the origin and transit countries, as a fundamental condition for solving the problem. [10f]

D. Blood Feuds

6.17 The centuries old tradition of blood feuds in Albania, the practice under which members of one family were permitted to take revenge against another family who were responsible for the death of one of their number, and the rules under which such matters were settled, were laid down in the Kanun of Lek Dukajini. Blood feuds were suppressed under Communist rule, but have re-emerged since the return of democracy. [20]

6.18 According to several sources a range of factors has contributed to the re-emergence of this phenomenon, especially in northern Albania, such as the weakness of state institutions, a law and order vacuum, and a lack of trust in the law. Most ongoing vendettas stem from disputes over land and water rights. Vigilante action, mostly related to traditional blood feuds, resulted in many killings in 2000. [5c] [24]

6.19 In 1996, the Albanian government initiated a series of national and local activities mainly in the country's northern and north-eastern zones where the problem of blood feuds is more acute than elsewhere. The Prime Minister called on all the political forces to engage in the fast elimination of blood feuds, in co-operation with the government. The National Blood Feud Reconciliation Committee was established and the then Prime Minister, Aleksander Meksi, was confident that it had produced positive results as regards blood feud reconciliation. [12d]

6.20 It would be difficult to separate the issue of blood feuds from the larger problem of lawlessness in Albania, especially in the mountainous north of Albania and in remote areas. However, the OSCE notes that whilst much needs to be done to root out the networks of criminality, the most significant change is that random violence is no longer tolerated or considered to be normal. The public increasingly expects order and proper policing. [20]

6.21 The Albanian Penal Code does not contain any provisions which directly address blood feuds. The Vice-Chairman of the British-Albanian Legal Association stated in March 2000 that to incorporate any special provisions dealing with blood feuds in the Criminal Code would be seen as a retrograde step in Albania by giving official recognition to an archaic custom. [24]

6.22 There are certain articles which could become relevant if the crime at issue was feud related. Articles 48 and 50 deal with mitigating and aggravating circumstances. Circumstances which can lead to mitigation of punishment include when an act is committed due to positive moral and social values. A traditional

judge, sympathetic to the conviction of customary law, might consider an act committed pursuant to a blood feud would be committed "due to positive moral and social values." Aggravating circumstances include the act being committed "savagely and ruthlessly" which is sometimes the case when a blood feud is the motive. Article 49 provides that the Court may also consider other circumstances which it deems such as to justify the lowering of the sentence and again this could be applied in the case of a feud-related crime. The punishment for simple murder is a term of 10 to 20 years' imprisonment. The sentence for premeditated homicide is 15 to 25 years' imprisonment, and when aggravating circumstances occur, life imprisonment. The very nature of a blood feud means that the murder would be premeditated. [24]

6.23 The numbers of persons affected directly or indirectly by blood feuds vary widely. A survey conducted by the Law Faculty of Tirana University in March 2000 shows that 210,000 Albanians (six per cent of the total population) are "affected" by blood feuds including about 1,250 people locked in their homes for fear of being killed. Figures published in August 2000 by the National Mission for Blood Feud Reconciliation stated that 756 blood feuds have been reconciled, allowing the people involved to return to put an end to self-confinement at home. The missionaries explained that the roots of this problem lie in the ill-intentioned interpretation of the Kanun and in the reluctance of citizens to obey the laws of the state. [14b] [24]

6.24 Several agencies provide reconciliation services to families involved in blood feuds, although according to the International Crisis Group there has been no concerted and coordinated strategy devised to combat this growing and deeply damaging phenomena. The Association for Fraternisation and Reconciliation aims to settle disputes between families through dialogue. The National Reconciliation Committee estimates it has resolved around 400 blood feuds whilst the All-Nation Reconciliation Mission claims it has succeeded in settling about 600 feuds. [24]

6.25 A survey carried out by the Ministry of Education in April 2000 found that at least 112 boys throughout Albania shunned school out of fear of blood feuds. All cases reported were in Northern Albania. Sixty-eight were in Shkodra alone, and another five in Lezha. There were also numerous cases in mountainous and remote areas. Seventeen boys shunned school in the Tropoja area. There were sixteen cases in the town of Mirdita, and five in both Malesia and Madhe. [13b]

6.26 Albanian officials appear to have recognised the problems posed by the Kanun and have pledged to address them. At a scientific conference held in Tirana in March 2000, the Albanian Prime Minister Ilir Meta expressed his concerns about the powerlessness of state institutions in the face of the steady increase in the number of blood feuds. He further highlighted the need to reinforce state institutions to foster the rule of the law. In August 1999, the Albanian government dispatched 200 men belonging to the Tirana-based special terrorist force RENE to the northern district of Tropoja in an effort to curb lawlessness and gang violence after four people were killed in vendettas. The security forces arrested 22 people suspected of murder, armed robbery or theft, and seized large quantities of weaponry and stolen vehicles. [24]

E. Medical

6.27 All medical services are provided free of charge, and medicines are supplied free to infants of up to one year of age. [1b]

6.28 The University Hospital in Tirana has a neurology and Psychiatry Clinic with qualified staff and various kinds of medicine available. A Danish NGO is providing therapy (physicians and social workers) within the hospital. The neurology service is also provided in polyclinics in regional hospitals around Albania. [6c]

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ALBANIA ASSESSMENT

April 2001

Country Information and Policy Unit

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I SCOPE OF DOCUMENT

1.1 This assessment has been produced by the Country Information & Policy Unit, Immigration & Nationality Directorate, Home Office, from information obtained from a variety of sources.

1.2 The assessment has been prepared for background purposes for those involved in the asylum determination process. The information it contains is not exhaustive, nor is it intended to catalogue all human rights violations. It concentrates on the issues most commonly raised in asylum claims made in the United Kingdom.

1.3 The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4 It is intended to revise the assessment on a 6-monthly basis while the country remains amongst the main asylum producing countries in the United Kingdom.

1.5 An electronic copy of the assessment has been made available to the following organisations:

- Amnesty International UK
- Immigration Advisory Service
- Immigration Appellate Authority
- Immigration Law Practitioners' Association
- Joint Council for the Welfare of Immigrants
- JUSTICE
- Medical Foundation for the Care of Victims of Torture
- Refugee Council Refugee Legal Centre
- UN High Commissioner for Refugees

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II GEOGRAPHY

2.1 The Republic of Albania (formerly the People's Socialist Republic of Albania) is situated in south-eastern Europe, on the Balkan Peninsula. It is bordered to the south by Greece, to the east by Macedonia, to the north-east by Kosovo, and to the north by the Federal Republic of Yugoslavia (Montenegro). Albania covers an area of 11,100 sq. miles (28,748 sq. km), and the total population was (according to official estimates) 3.73 million in mid-1997. [1]

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III HISTORY

Communist Regime

3.1. In November 1912, after more than 400 years under Ottoman (Turkish) rule, Albania declared its independence. International recognition followed at the London Conference of July 1913. After occupation by foreign armies in World War I, Albanian independence was re-established in 1920. In 1928 a monarchy was established when President Zogu proclaimed himself King Zog I. Italian troops invaded Albania in April 1939, and King Zog was forced into exile. In 1943 Albania was invaded by Nazi German forces. The Germans withdrew a year later, allowing the Communist-led National Liberation Front to take power. In December 1945 elections took place, with a single list of candidates, all sponsored by the Communists, and in January 1946 the People's Republic of Albania was proclaimed. [1]

3.2 From 1945 until his death in 1985, Albania was dominated by the personality of Enver Hoxha (pronounced Hodja), the chief ideologist of Albanian-style socialism. Hoxha emulated Stalin in developing his dictatorship, using widespread purges to eliminate any opposition to the Communists. The leadership transformed the economy and social system, eliminating private ownership of industry and commerce, and forcibly effecting the collectivisation of agriculture. From 1948 to 1961 Albania's main international ally was the USSR; in 1961 the USSR severed relations with Albania, and from then until 1978 China was Albania's main ally. In 1978 China suspended all economic and military co-operation with Albania, and from then until 1985 Albania's isolationist policies reached their most extreme. The internal security police, the Sigurimi, prevented the development of any opposition movements within Albania. Meanwhile, volume after volume of Hoxha's collected works consolidated his "cult of personality". [1]

3.3 Under Hoxha's successor, Ramiz Alia, Albania began to distance itself gradually from the Hoxha legacy. There were cautious attempts at liberalisation and decentralisation, and a far more flexible foreign policy led to improved relations with a number of Western European countries. Following the collapse of the Communist regimes in Eastern Europe in 1989, and student demonstrations in Albania, the pace of reform quickened, and it was announced that the practice of religion was no longer an offence. In December 1990 it was agreed to legalise independent political parties, and opposition activists formed and registered the Democratic Party of Albania (DPA). Thousands of Albanian would-be emigrants, mostly unemployed young men, commandeered ships in the port of Durrës and sailed to the Italian port of Brindisi; some of them subsequently returned to Albania. [1]

First Multi-Party Elections in 1991

3.4 On 31 March 1991 Albania's first multi-party election since the 1920s took place, and the Communists won over 60% of the votes cast. Most independent Western observers attested to the overall fairness of the election. The continuing unrest and the deteriorating economic and political situation, however, forced the resignation of the Communist Government, and in June 1991 a new "Government of National Stability" was formed. This had a total of 12 non-communist ministers, and thus ended nearly 50 years of exclusive Communist rule in Albania. [1]

3.5 In March 1992 elections to the new Assembly were won by the DPA, which gained 62% of all votes cast in the first round. Support for the Communists (which had been renamed the Socialist Party of Albania (SPA)) fell to 26%; their defeat finally ended five decades of Communist rule. Sali Berisha of the DPA was elected President of the Republic, and he appointed the new Government, led by Aleksander Meksi, also of the DPA. The new, youthful and inexperienced cabinet

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faced a huge range of problems. Industrial and agricultural production had fallen disastrously, and there were high levels of unemployment. In addition, the rapid dismantling of the one-party state had led to erosion of state authority, resulting in a sharp increase in serious crime, which acted as a major deterrent to foreign investment. Relations with Greece deteriorated rapidly during 1992 and 1993, owing to the alleged mistreatment of the Greek minority in southern Albania, and the influx of Albanian refugees into Greece. [1]
Please see also Section 5. N on the Greek minority

3.6 The DPA devised a number of new and radical laws, which it hoped would guarantee the party victory at the next general election. The so-called "Genocide Law" prohibited the appointment of any person who held office during the Communist period to the executive, the legislature or the judiciary. In May 1996, elections to the People's Assembly, the conduct of which was widely condemned by international observers, were partially boycotted by the main opposition parties; the DPA therefore won 122 out of a total of 140 parliamentary seats. [1]

Pyramid Schemes and 1997 State of Emergency

3.7 The collapse of several popular "pyramid" investment schemes, resulting in huge losses of individual savings, prompted violent anti-government demonstrations in January 1997. President Berisha declared a state of emergency on 1 March 1997, as anti-government protests escalated into insurgency and opposition groups gained control of several towns. The OSCE set up a special advisory mission headed by Chancellor Franz Vranitzky, which helped to alleviate the political crisis, especially by initiating dialogue between the Government and the Opposition. With the evacuation of foreign nationals and the flight of many Albanians, Berisha appointed Bashkim Fino, a former SPA mayor, to lead an interim Government of National Reconciliation, which included representatives of eight opposition parties. [1] [2] [10i]

3.8 In April 1997 a UN-sanctioned Multinational Protection Force, established to facilitate the distribution of humanitarian assistance, was deployed, principally in government-controlled areas of northern and central Albania. In September 2000, the trial began against the former boss of the "Gjallica" pyramid firm, accused of embezzlement of great amounts through fraud in complicity, in the form of a criminal organisation. An investigation undertaken by PricewaterhouseCoopers concluded that only US\$50 million of the public's money is recoverable. [1] [2] [10i]

1997 General Election

3.9 In April 1997 Leka Zogu, the exiled pretender to the Albanian throne and son of King Zog, returned to Albania and called for a referendum on the restoration of the monarchy. Except for a very brief time with limited freedom in 1993, this was his first visit to the country since his father, King Zog who passed away in 1961, fled with his family at the onset of World War II. All the main political parties had agreed in principle to the holding of a referendum on the issue. Some 2,000 supporters greeted Leka on arrival at Tirana airport. His visit was organised by the pro-monarchy Legality Movement. [26]

3.10 The referendum, which was found to be free and fair by the OSCE, took place on the same day as the first round of the general elections. 66.7% of the participating electorate were in favour of retaining the Republic. Following the referendum, Leka Zog left Albania of his own accord. The Prosecutor General's Office proceeded with legal moves to impose a life sentence on Zog. He was sentenced, in absentia, to three years for being an "organiser and participant in the armed uprising to overthrow constitutional order in Albania" and for inciting violence. Material handed over to the court in May 1998 showed Leka Zog dressed in a military uniform on 3 July 1997 accompanied by a group of monarchy supporters with weapons gathered in front of the Central Election Commission following an illegal rally held in Skenderbeg Square. One person was killed during the violence. [1] [9b] [10t] [22]
Please see also Section 4.B on the 1997 General Election

3.11 After a campaign disrupted by a number of violent incidents, the first and second rounds of voting in the general election took place on 29 June and 6 July 1997 respectively. The SPA secured 101 of the seats in the enlarged People's Assembly, and the DPA 29 seats. The electoral process was declared satisfactory by observers. Rexhep Mejdani, hitherto the Secretary-General of the SPA, was elected President. A new Council of Ministers was appointed, comprising

elected President. A new Council of Ministers was appointed, comprising representatives of the SPA and its allied parties, with Fatos Nano as the head of government. The new Government submitted a programme for the restoration of civil order and economic reconstruction. Increased tension in Kosovo once again threatened to destabilise the Balkans. In November 1997, following a meeting in Crete between Fatos Nano and the Yugoslav President Slobodan Milošević, the latter announced that relations between the two countries were to be normalised.

[1]

Please see also [Section 4.8](#) on the 1997 General Election

Assassination of Azem Hajdari

3.12 On 12 September 1998, DPA Deputy MP and chairman of the Defence Parliamentary Commission, Azem Hajdari was assassinated close to the Democratic Party Headquarters. The assassination sparked violent protests. During Hajdari's funeral procession on 14 September, armed DP supporters ransacked government offices, and for a brief period, held the PM's office, the parliament building and the Albanian State television and radio building. At one point it looked as though ex-President Berisha might launch a coup. However, after 72 hours the Government restored order and reclaimed tanks and APCs seized by DPA supporters. Parliament subsequently lifted Berisha's immunity due to his alleged role in what the government described as a coup d'état, but no charges have been leveled against him yet. Twelve people were arrested for their alleged involvement in the violence. [1] [5c] [9a]

3.13 The DPA refused to participate in virtually all government functions at national level following the assassination up until July 1999. Top DPA officials, including former President Sali Berisha, refused to testify in the investigation into Hajdari's death. The DPA stated that the investigation was politically motivated. [1] [5c] [9a]

3.14 Prime Minister Nano resigned on 28 September 1998. He gave lack of support within his Socialist Party coalition as the reason. Pandeli Majko (former Secretary-General of the Socialist Party) was chosen to succeed Nano. The DPA, led by Berisha, returned to Parliament in July 1999 after the Government committed itself to investigate Hajdari's murder fully and fairly. [1] [9a]

3.15 On 4 February 1999, the trial began of Ekrem Spahia, a prominent member of the Legality Movement Party. He was charged with the alleged coup attempt, in September 1998 following Hajdari's assassination. He was released during 2000, along with 12 DPA supporters also held due to their participation in the events of 14 September 1998. However, their trials were still pending at the end of 2000. [1] [5c]

3.16 On 5 February 1999, Leka Zog was arrested in Johannesburg, where he has lived since 1979, for the illegal possession of an arsenal of over 70 arms including of firearms, ammunition, grenades and landmines. He was released on bail 10 days later. A Parliamentary decision on 25 July 2000 ruled that an amnesty would not be granted to Leka Zog to allow him to come to Albania. Sali Berisha of the Democratic Party, whilst maintaining that he would always vote for a republic, criticised the decision as a violation of a human right. [9a] [9b] [9c] [10t] [22]

3.17 In October 1999 Majko lost the Party leadership post to former Prime Minister Nano. This severely weakened his position. After several weeks of deliberation, Majko concluded that his position was untenable, and he resigned on 26 October. Deputy Prime Minister Ilir Meta was nominated by the Socialist Party to be his successor, and was sworn in on 27 October. [1]

Kosovo Crisis

3.18 A estimated 480,000 Kosovar refugees entered Albania during the Kosovo crisis. Most have now returned, and only an estimated 3,900 remained as of June 2000. Albania was a staunch supporter of NATO military action, and some 9,000 troops were deployed in Albania before crossing into Kosovo. A residual NATO force, around 1,000 strong, has remained in Albania to safeguard supply lines between Kosovo and the port of Durrës. [9a] [23b]

3.19 Albania's response to the Kosovo crisis won widespread admiration. The European Union has been and continues to be strongly supportive of Albania's reform programme. From 1991 - 1999 the EU provided 895.3 million euros in total

to Albania. 20 million euros has also been provided in the form of balance of payments support to help the IMF designed stabilisation and adjustment programme. [8]

3.20 Despite the strains and uncertainties during the Kosovo crisis the World Bank viewed the Albanian governments' response to the crisis as prompt and decisive. The World Trade Organisation accepted Albania as a member on 17 July 2000 and joined on 8 September 2000 as the 138th member of the global trade body. Ermelinda Meksi, the Minister of Trade and Co-operation, affirmed that this was an important step towards the accession of Albania into the European Union. Albania had presented its request for acceptance in 1992, but talks were suspended due to the political and economic crisis of the 1996-1997 period. Mrs. Meksi pointed out that Albania is now able to increase Albania's exports in other WTO countries without paying customs fees or according to the fees established by the bilateral agreements. [10c] [11]

3.21 With the rapid repatriation of over 450,000 Kosovar refugees from northern Albania to Kosovo during 2000, Albania was once again able to turn inward and focus on internal reforms. The two main political rivals in Albania - Sali Berisha of the DPA and Fatos Nano of the SPA - revived the bitter political feuding that had polarised Albanian society over the past decade and forestalled the emergence of younger, less divisive political leaders. [2]

3.22 Three individuals were arrested for the illegal possession of weapons at the commemorating rally held on 12 September 2000 to mark the occasion of the second anniversary of DPA Deputy Azem Hajdari's murder. Leaders, members and supporters of the Democratic Party attended the rally. The rally was carried out normally and no incidents occurred. [10h]

3.23 Police arrested a former bodyguard of ex-president Sali Berisha also a witness to the murder of Hajdari on 30 September 2000. The Public Order Ministry made public a list of dangerous persons suspected of plotting to disrupt the local elections on 1st October 2000. According to the prosecution information, the bodyguard was proved to be an organiser of the violence in 1998. He was filmed firing a Khalashnikov at government offices and he also took part in the seizure of tanks. Whilst still in custody, in February 2001, the Albanian media reported that the same bodyguard appeared in court to testify in the trial of the assassination of Democratic Party deputy Azem Hajdari. [10k] [10s]

Local Government Elections of October 2000

3.24 Local government elections were held on 1 October 2000 and marked significant progress towards meeting the standards for democratic elections, the OSCE reported. These were the first elections in Albania since the parliamentary elections of 1997 and the first local elections for four years. They took place under a new Constitution, a new Electoral Code, and a new Central Electoral Commission. [18a]

3.25 There were some serious incidents prior to the election campaign, when four DPA activists from the Lezhe region were pulled over and beaten by masked special police forces in March 2000. Following a rally held in May in Vlōre, traditionally a SPA stronghold; a DPA activist was killed. The Democratic Party claimed that government agents were responsible; however, the Government claimed that it was a revenge killing by criminals. The Albanian Helsinki Committee expressed concern over the killing and appealed to government authorities to make all efforts to solve the case. There were no reports concerning a governmental response in this case at the end of 2000. [2] [5c]

3.26 The Organisation for Security and Co-operation in Europe deployed around 200 observers at polling stations around the country. The OSCE described the elections as having taken place in a tense but remarkably peaceful atmosphere, with only a few isolated incidents of violence reported during the campaign and on election day. This was a reflection of restraint exercised by political parties and a tribute to the important measures undertaken by the Government to improve public order. [2] [16c] [18a] [18b]

3.27 Both parties viewed the local government elections as a test for the parliamentary elections scheduled to take place on 24 June 2001. The vote, the first political test since the anarchy of 1997, passed off in an orderly fashion. The OSCE noted that the elections represented a significant step away from the atmosphere of intimidation and fear which had often marked elections in the

atmosphere of intimidation and fraud, which had often marked elections in the past. Shortcomings were mainly of a technical nature and had to do with the delays over the voter list and the registration of candidates, as well as in the distribution of voter identity cards and the preparation of election materials. [12e] [18a] [18b]

3.28 The Socialist Party, led by former prime minister, Fatos Nano, made big gains in the first round, seizing control of several local authorities held by the Democratic Party since 1996. They won 262 out of the 398 towns and municipalities in the two rounds. Following his defeat, the leader of the Democratic Party, Sali Berisha, faced intensified calls to resign and allow the DPA to reform. Some party officials criticised his stance as inappropriate and liable to engender 'dangerous tensions' in the country. [2] [19]
For full local government election results see the OSCE final report; source [18a]

3.29 The election was marred by "nationalistic rhetoric" in the Himara area of southwest Albania, where there is a sizeable Greek speaking minority. Despite their bitter rivalry, the Socialist and Democratic Party joined forces to defeat a candidate from an ethnic Greek party, the Greek Human Rights Union Party, campaigning on the platform of establishing a minority zone in Himara for the benefit of the Greek-speaking minority. Reports were received of intimidation of election commission members, the destruction of one ballot box in a violent incident, and fraud in three other voting centres. The Albanian Socialist Party claimed an overwhelming majority in the town. Athens said ethnic Greeks had been prevented from voting including six hundred Albanians employed in Greece who, it says, were barred from returning home to cast their votes. [2] [12e] [16d] [12f]
Please see also Section 5.N. on the Greek Minority

3.30 The DPA staged a partial boycott of the second round of the local elections held on 15 October 2000. It was less transparent that the first, but the OSCE ruled out any impact on the overall result. Berisha instructed DPA elected councillors to boycott council elections. [12e] [16d] [12f]

3.31 The OSCE acknowledged that the success of the elections cannot disguise the fact that the political process in Albania is still obstructed by the refusal of the Democratic Party to adhere to normal conventions. The OSCE reported that the DPA has not recognised the Constitution, the Electoral Code or the Central Election Committee, though this did not prevent it from registering its candidates for the elections and participating in the first round. It stated that the DPA's non-recognition of the results of the first round and the setting of unattainable pre-conditions for the participation in the second round are the logical conclusion of a policy of non co-operation which had even earlier only just stopped short of a boycott. [18b]

3.32 The DPA held rallies in November and December 2000 in protest at the outcome of the election results and what it saw as a manipulation of voter lists. The Prime Ministers' Office in Tirana was firebombed and an MP's car was set on fire. On 28 November 2000, a protest in Bajram Curri, Tropoje, turned into a clash between police forces and the demonstrators, resulting in the death of one person. Local bodies in Bajram Curri claimed that armed protestors attacked state institutions such as the Court and the Police station. The Albanian Helsinki Committee appealed for a full investigation, but noted that both the European Council and the OSCE condemned the use of violence against state institutions. The EU appealed for the rule of law to be respected and for political aims not to be pursued through violence. The Albanian Helsinki Committee noted that the message of these demonstrations was blurred by the irresponsible behaviour of violent elements. Sali Berisha was briefly detained following the Tropoje violence, but such violence was not repeated elsewhere during DPA demonstrations. [4c] [5c]
Please see also Section 4. E on Police and Human Rights

3.33 The Democratic Party chairman of the Tropoje branch, Azgan Haklaj, was arrested on 20 January 2001. He was accused of being the organiser of the 28 November 2000 protest. The OSCE issued a statement on 30 January 2001 in which it urged the Albanian authorities to undertake a thorough investigation into the allegations made by Haklaj of physical mistreatment while in police custody in a Tirana jail. The OSCE saw Haklaj's injuries, bruising and lacerations. Monitors stated that he showed clear signs of the use of violence at the moment of his arrest and during his transfer from Bajram Curri to Tirana. The Albanian Helsinki Committee concluded that he had been a victim of a heavy violation of the law by the forces of public order. Azgan Haklaj is charged with helping to organise

attacks on state institutions, an offence which could lead to 15 years' imprisonment. [4d] [12g] [13d]

3.34 A Press Release issued by the Public Order Ministry on 30 January 2001 stated that the Albanian police acted in conformity with State law. According to the minutes kept by the police, Azgan Haklaj disobeyed the police order to voluntarily surrender himself, which led to the police breaking into his house in compliance with the law, as stipulated in Article 27 of Law 8553 dated February 1999 "On State Police." The Ministry is convinced that the actions taken by police complied fully with the law, and stated that it remains fully open to anyone wishing to monitor its activities. [10b]

3.35 Albania announced on 12 January 2001 that it is ready to renew diplomatic ties with Yugoslavia. Relations were cut off in April 1999 following the start of NATO's air campaign against Yugoslavia. The Albanian Foreign Ministry said that it hopes the renewal of ties will serve the interests of both countries and reinforce peace, security and stability in the region. [13c]

3.36 A group of reform-oriented former members of the Democratic Party, the Movement for Democracy Party and United Right Party was officially registered in the Peoples' Assembly of the Republic of Albania on 18 January 2001. The establishment of Albania's Reform Group of the Democratic Party (PD e Re) is intended to boost the activity of the opposition in the Assembly, which has been weak in recent years. The group is expected to become larger than the current DPA parliamentary group, with the addition of other independent deputies who have expressed an interest in joining. The formation of the new coalition represents a virtual political revolution within Parliament, and its' initiators have said that it would be welcomed by a number of right-wing deputies as a constructive Opposition that might have the ability to claim power. The DP reformist deputies originally created the New Democratic Party as a reaction to the policies of DP leader Sali Berisha. The DP's Secretary for Public Relations, Pjeter Arbënor, said that the recent political shift was in full compliance with the law and the right of any deputy to form new alliances. Arbënor ruled out any collaboration with the new group. [29a]

3.37 In February 2001, Sali Berisha, leader of the DPA, appealed to former pluralist allies who have left the party in the last ten years. The appeal to the defectors appears to be an effort to deal with one of Berisha's gravest leadership problems and the splintering of support the party has been suffering during the last decade. The DPA leader also said that achieving social peace was a precondition to real progress in the country. Berisha's radical new position has taken centre stage in the commentary of political analysts and his former allies, who were unprepared for the move. His appeal threatens to eclipse the activities of the New Democratic Party, once a Berisha ally and now a Democratic Opposition challenger to Berisha's leadership. [29d]

3.38 On 28 February 2001, Albania's main political governing and opposition parties agreed to co-operate in preparing the legislative elections expected in June 2001. They have agreed to compile an ethics code for political parties and to ask parliament to appoint a committee to examine the voter register and electoral boundaries. Albania's Western partners have been urging the parties to co-operate in ensuring the June 2001 election is peaceful and fair. [12i]

3.39 The President of the Congress of Regional and Local Authorities of Europe, Libert Cautrecasas, declared on April 6, 2001 that the Congress has noticed an improvement in relations and progress of the election process in Albania, since the political parties agreed to co-operate on 28 February 2001. He stated that the spirit of dialogue between the ruling parties and the opposition has ameliorated the pre-election climate compared with the same period during the last local election in October 2000. Following meetings with the associations of mayors and regions, Cautrecasas expressed his enthusiasm about the work carried out by local leaders who, irrespective of their partisanship, are making a major contribution to the realisation of local autonomy. The Parliamentary Assembly of the Council of Europe will send a parliamentary monitoring delegation and a delegation of experts in reply to the request by the Albanian government. [14g]

3.40 The OSCE Presence, Friends of Albania in Brussels, a grouping of donor countries and international organisations, noted in March 2001 that Albanian policy has remained polarised and personalities rather than policies still dominate the political debate. They praised the constructive and stabilising role Albania continues to play in the region and highlighted the positive results achieved in

continued to play in the region and highlighted the positive reforms achieved in strengthening public order and initiating the fight against organised crime in economic reform and in consolidating economic institutions. [10r]

3.41 A march by members and sympathisers of the political grouping Union for Democracy gathered in Tirana on 22 March 2001 to commemorate 22 March 1992, when the first democratic elections were held. Leaders of eight opposition parties including the DPA, Balli Kombetar and Legality Movement Party considered the date as a day of decisive change in Albania. [10m]

3.42 Albania continues to make substantial progress in the development of democracy, according to Adrian Severin, the President of the OSCE's Parliamentary Assembly. He stated on 31 March 2001 that the Parliamentary Assembly backs the process of Albania's integration into euro-atlantic structures. Severin hailed the dialogue process between the governmental coalition and the opposition, which has led to a reduction of political disagreements in Albania. [10q]

3.43 In January 2001 the General Prosecutors' Office completed its investigations into the 1998 murder of Democratic Party legislator Azem Hajdari. Albanian news reports announced that a team of prosecutors issued a statement on 15 March 2001 in Tirana identifying a former high-ranking police official as the main suspect in the 1998 murder of Azem Hajdari. The investigators also identified at least nine other people who they believe were involved in the assassination. Four of the suspects have since been killed in various incidents. [13e] [14f]

3.44 The chairman of the investigating group of prosecutors for the Hajdari case, Haxhi Gju, has reportedly announced that Hajdari's murder was not politically motivated. General Prosecutor Arben Rakipi reportedly rejected claims that any politicians were suspects in the Hajdari case. They have collected over 250 pieces of evidence over two years, marking the greatest number of persons involved in a murder case. The trial of the five men opened in Tirana on 3 April 2001. Two of the five are being tried in their absence and are believed to have fled to Kosovo. [13e] [13f] [26]

3.45 The Commissioner of the European Union, Christopher Patten, affirmed in Tirana on 5 April 2001 that Albania has made "prominent progress" over recent years in strengthening association relations with the EU. He underlined the progress Albania has made in macro-economic policies, reforms in customs, in the field of collecting taxes and in the programme of privatisation. [10w]



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IV INSTRUMENTS OF THE STATE

A. Political system

4.1 Albania is a republic with a multi-party Parliament, a Prime Minister, and a President elected by the Parliament. The Prime Minister heads the government. [5c]

B. The 1997 General Election

4.2 The new Constitution states that "Governance is based on a system of elections that are free, equal, general and periodic." The Assembly of the Republic of Albania comprises at least 140 deputies, and is elected for a term of four years. One hundred deputies are elected directly in single-member constituencies, while parties receiving more than 3% of the votes cast nationally are allocated further deputies in proportion to the number of votes won. [1]

4.3 Citizens elected a government in July 1997 in what international observers considered to be a satisfactory process, given the preceding months of chaos and anarchy. [5c]

4.4 The 1997 Election Results:

Party		% of vote	Number of seats
Socialist Party of Albania	PSSH	52.8	101
Democratic Party of Albania	PDSH	25.7	29
Social Democratic Party of Albania	SDP	2.5	8
Union for Human Rights Party	PBDNJ		4
Balli Kombetar (National Front)	BK	2.3	3
Democratic Alliance Party	DAP		2
Legality Movement Party	PLL		2
Albanian Republican Party	PRS		1
Party of National Unity	PUK		1
Agrarian Party	PAS		1
Independents			3

see Annex B for a full list of political organisations in Albania

Please see also [Section 3](#) on History for information on the October 2000 local elections

C. Right of citizens to change their government

4.5 In May 2000 an electoral code was introduced, and a computerised national voters register was introduced in the summer of 2000. In addition, an ambitious programme of decentralisation began with the intention of giving representatives of municipalities and communes enhanced powers. These new instruments made substantial progress towards improving State structures and meeting international standards for democratic elections formulated in the 1990 OSCE Copenhagen Document. Leaders of both the SPA and DPA have used these reforms as electoral campaign issues, and the legal foundation and main instruments of the State remain highly disputed by the DPA. [18a]

4.6 The Central Election Commission - KQZ (CEC) continued to be subject to criticism during the first few months of 2001. The Chairman of the CEC, Fatoq Nano, resigned in January 2001, following what he called the abuse his reputation was being subjected to by the political opposition. The DPA criticised the election of Nano, a cousin of SPA leader Fatos Nano, as being politically motivated. Another two members also resigned. The DPA opposed the subsequent reorganisation of the CEC, demanding the resignation of all CEC members and reconstituting the commission on the basis of a new structure. Most opposition parties demanded that the CEC be composed of three members of the Majority, three from the Opposition and a seventh member to be appointed on the basis of census on both sides. The DPA maintains that there continues to be irregularities in the voter lists, electoral zone divisions and ballot forms. [18d] [29b] [29c]

4.7 The Office for Democratic Institutions and Human Rights (ODIHR) urged the CEC to take the required measures to prepare for the June 2001 elections and concluded that in February 2001 the level of election preparations was disappointing and most of the shortcomings since the last elections had not been addressed. [18d]

4.8 Parliament approved the draft law on 28 February 2001 on "New Constituency Division in the Country" according to which the territory will be divided into 100 electoral districts. The Report of Constituency Division was drafted based on article 64 of the Constitution and article 62 of the Electoral Code. Eighty-one deputies voted for the Report. The Democratic Party, who considers that the lists for the October 2000 local elections were manipulated, boycotted the voting process. [10p]

4.8 The new Constitution prohibits the formation of any party or organisation that is totalitarian; incites and supports racial, religious or ethnic hatred; uses violence to take power or influence state policies or is non-transparent or secretive in character. In October 1998 Parliament amended the law on referendums to require only a simple majority, rather than a majority of all registered voters, for the vote on the new Constitution. [5a] [5c]

4.9 No legal impediments hinder the full participation of women and minorities in government. The major political parties have women's organisations and have women serving on their central committees. However women continue to be under-represented in both politics and government. [5c]
Please see also Section 5. J on Women

D. The Constitution

4.10 On 22 November 1998 the Albanian electorate approved a new Constitution, which came into force six days later. The improved and more detailed version of the 1993 Law of Human Rights became an integral part of the Constitution. It provides for the office of an ombudsman, working for more effective implementation of human rights. The Constitution makes clear the distinction between the roles of the President, national government, regional government, and the judiciary. [4a] [9]

4.11 The Albanian Government ratified enabling legislation for a "Peoples Advocate" (Ombudsman) in February 1999, and elected the first Ombudsman in February 2000. The Ombudsman has the power to investigate the complaints of citizens, to issue non-binding recommendations and to propose measures when he/she observes violations of human rights and freedoms by the public administration. A plan has been established to divide the Ombudsman's Office into three sections: complaints about violations from high administration, ministries and other governmental structures; complaints about violations from the police, military of judiciary; complaints having to do with non-governmental organisations, social and environmental issues. By the end of 2000, the Ombudsman had reviewed over 250 cases of alleged human rights abuses. The Ombudsman has had some success in cases, but it is still too early to judge whether it will be genuinely effective. [5c] [23b]

E. Police and Human Rights

4.12 Local police units reporting to the Minister of Public Order are principally responsible for internal security. One of the most serious problems involving public order and internal security is the fact that police officers are largely untrained and often unreliable. The international community continued to provide training, advice,

and equipment to improve the quality of the police forces; however, unprofessional behaviour and corruption remained a major impediment to the development of an effective, civilian police force. [5c]

4.13 The Ministry also has a small force of well-trained and effective police officers organised into special forces units to combat organised crime. The Government further consolidated public order throughout the country during 2000, building on the progress that had been made in the previous year. However, serious problems remain in the area of policing. The police are affected by, and are sometimes a part of, the country's endemic corruption. In November 1999, SHIK was renamed the State Intelligence Service (SHISH). [5c]

4.14 SHISH is responsible for both internal and external intelligence gathering and counterintelligence. The armed forces did not have a role in domestic security until 1998, when a special 120-man "commando" unit was authorised. The new unit operates in an anti-terrorist role under the Minister of Defence. During times of domestic crisis the law allows the Minister of Public Order to request command authority over this unit; this was done as a precautionary measure during the October 2000 local elections. [5c]

4.15 During the first five months of 2000, over 950 police officials implicated in illegal activities were dismissed from service. Between June 1999 and May 2000, some 4,170 police officers faced charges based on their implication in illegal activities. According to Mr. Spartak Poci, The Minister for Public Order, cases will be judged regardless of post or rank of the police official and measures have been taken not only against local police chiefs, but the heads of sectors in the Ministry of Public Order. [12a]

4.16 The Public Order Information Service became the State Control Service on 1 March 2001 following the approval of the Law on the Internal Control Service by the Albanian Assembly. It will become an information and operative service, providing its workers with the attributes of judicial police. [10o]

4.17 Extra-judicial executions were reported, but were difficult to document. There were no confirmed cases of political killings by the Government, despite repeated claims by the Democratic Party that its members were harassed, beaten and sometimes killed by government agents. [5c]

4.18 The Council of Europe's Commission on against Racism and Intolerance reported that excessive use of force and ill-treatment by law enforcement officials continued to be a widespread problem in 2000. The Albanian authorities recognise that there is a pressing need to offer further training to the police forces as well as to fight corruption, and they cite this as a priority. Human rights training is included in the curriculum of the police academy. Special human rights training courses last from 15 days to a month and are also being offered to law enforcement officials. However, training possibilities are limited by a lack of resources, both human and financial. [23b]

4.19 An internal investigation procedure into complaints of police abuse exists, but the Council of Europe is concerned that cases are not always adequately investigated and the perpetrators of such acts often go unpunished. [23b]

F. The judiciary

4.20 The judicial structure comprises District Courts, Appeal Courts, the Supreme Court and the Constitutional Court. Military tribunals are held at the Supreme Court and at District and Appeal Courts. The officials of the District Courts and the Appeal Courts are nominated by a Higher Judicial Council, which is presided over by the President of the Republic. [1]

4.21 The Supreme Court has jurisdiction over both the Appeal Courts and District Courts. The Chairman and other members of the Supreme Court are elected by the People's Assembly. The Constitutional Court arbitrates on constitutional issues. [1]

4.22 The Constitution provides for an independent judiciary; however, continued political instability, limited resources, political pressure, and endemic corruption weaken the judiciary's ability to function independently and efficiently during 2000. Corruption remains a serious and widespread problem, especially with the growth of organised crime, and judges are subjected to both bribery attempts and

of organised crime, and judges are subjected to both bribery attempts and intimidation. Executive pressure on the judiciary remains, but decreased slightly in 2000. [5c]

4.23 The third conference on judicial reforms in Albania, jointly organised by the European Commission and the Council of Europe, took place in Brussels on 16 and 17 November 2000. The participants concluded that the main objectives fixed by the Action Plan signed in 1999, aimed at reforming the institutional and legal framework for an efficient and independent judicial system, have been achieved. In particular, actions have been taken concerning the organisation of the judiciary, the training of judges and prosecutors and the establishment of the State Publications Centre. The participants have adopted a Second Action Plan aimed at the effective functioning of the judicial and legal system. This plan will aim at strengthening the quality of the legislative process, the training of legal professionals and to support the functioning of judicial institutions. [23c]

4.24 In May 2000, the High Council of Justice removed two judges from Tirana for disciplinary violations. International legal experts commented that the judges' removal was characterised by greater respect for due process and legal procedures than past similar instances. Prosecutor General Rakipi announced in March 2001 that during 2000 alone, 35 prosecutors and judiciary police officers were punished by dismissal, demotion or transfer to other positions. [5c] [14e]

4.25 In March 2001, Albania's judicial watchdog agency sacked a judge after ruling that she had acted illegally when she released a man caught in possession of drugs and Kalashnikov rifles. Justice Minister Arben Imami commended the decision as an important victory for the judiciary and society against injustice, crime and corruption in the judiciary. [12h]

4.26 Several members of the Cabinet, including Premier Meta and Justice Minister Imami and a group of Deputies from the Albanian Assembly, presented a motion to the Assembly for the discharge of three members of the Supreme Court for violation of the law, including criminality and corruption, on 11 April 2001. The motion follows several crackdowns taken by the Supreme Council of Justice against judges in Fiër who illegally released Kudret Hoxha from prison. Hoxha was accused of drug trafficking and the illegal possession of weapons. [10v]

4.27 Many court buildings were destroyed in 1997's civil unrest, and, although all have been reopened, important records and legal materials were permanently lost. Long case backlogs are typical. The removal of court budgets from the control of the Ministry of Justice to a separate, independent body, the Judicial Budget Office, and the establishment of a school for magistrates were useful steps towards strengthening the independence of the judiciary. A board chaired by the Chief Justice of the Supreme Court runs the Judicial Budget Office. All other board members are judges. [5c]

4.28 Due to limited material resources, in many instances the court system is unable to process cases in a timely fashion. Public opinion holds the judiciary in particular responsible for government failure to stop criminal activity. [5c]

4.29 Tension continued in 2000 between the police and the judiciary, despite some improvement in relations between police and prosecutors, especially outside Tirana. Each side cites the failures of the other as the reason that many criminals avoid imprisonment. The courts accuse the police of failing to provide the solid investigation and evidence necessary to prosecute successfully, and the police allege that corruption and bribery taint the courts. [5c]

4.30 The Constitution provides that all citizens enjoy the right to a fair, speedy, and public trial, except in cases where the necessities of public order, national security, or the interests of minors or other private parties require restrictions. Defendants, witnesses, and others who do not speak Albanian are entitled to the services of a translator. If convicted, the accused has the right to appeal within five days to the Court of Appeal. [5c]

4.31 The continued high levels of corruption in public administration and the judiciary together with organised crime have considerably undermined the efforts of the government. The European Union has helped Albania to develop a modern judiciary compatible with EU standards. Legal and regulatory frameworks have been put in place, assistance has been provided to the Ministry of Justice and other judiciary institutions and training programmes have been organised in the School of Magistrates. [81]

Section 3 on History

G. Legal rights / Detention

4.32 Police at times arbitrarily arrested and detained persons. The 1995 Penal Procedures Code sets out the rights of detained and arrested persons. By law a police officer or prosecutor may order a suspect into custody. Detained persons must be informed immediately of the charges against them and of their rights. A prosecutor must be notified immediately after a suspect is detained by the police. Within 48 hours of the arrest or detention a court must decide, in the presence of the prosecutor, the suspect, and the suspect's lawyer, the type of detention to be imposed. Legal counsel must be provided free of charge if the defendant cannot afford a private attorney; however, this right to legal counsel is not known widely and police often fail to inform suspects of it. As a result of a lack of resources, access to legal information remains difficult for citizens, including legal professionals and, sometimes, judges. [5c]

4.33 The Penal Procedures Code requires completion of pre-trial investigations within 3 months. The prosecutor may extend this period by 3-month intervals in especially difficult cases. The accused and the injured party have the right to appeal these extensions to the district court. In practice lengthy pre-trial detention is a problem. Delayed investigations are also a serious problem, and the cases of many detained persons exceed the time limits set by law. [5c]

4.34 There were no clear cases of detainees being held for strictly political reasons. However, the Democratic Party continued to claim that the Chairman of the Legality Party (the Monarchists) Ekrem Spahia, and 12 supporters were being tried unfairly for participation in the events of September 14, 1998, which followed the assassination of DPA parliamentarian Azem Hajdari, by unknown persons. Spahia and the others, charged with taking part in an "armed rebellion" and in "a failed coup d'etat," were released during 2000; however their trials were still pending at the end of 2000. [5c]

4.35 The Constitution stipulates that "no one can be subject to torture, or cruel and brutal treatment;" however, the police often beat suspects in the process of arresting them, and the Albanian Helsinki Committee reported that the police beat or otherwise mistreated prisoners. The Penal Code makes the use of torture a crime punishable by up to 10 years' imprisonment. According to the Albanian Helsinki Committee, major police stations were the sites of the worst abuse of detainees. [5c]

4.36 Police killed a Democratic Party demonstrator when a crowd of DPA members attacked the police station and other public buildings in Tropoje on 28 November 2000. The police beat and otherwise abused suspects and prisoners. The DPA often credibly complained about incidents of police harassment of its members and of the dismissal of some of its members from official positions for political reasons. [5c]
Please see also Section 3 on History

H. Prisons

4.37 Prison conditions remained poor, however efforts were made to improve the situation during 2000. While the Government financed most improvements, it has also received international assistance, particularly from European Union countries. Assistance has included important training for prison officials and staff. All prisons were destroyed or severely damaged in 1997 when armed gangs stormed them and released the prisoners. The Government reopened 8 prisons in 1999, but the existing facilities are inadequate to house properly all current prisoners. Overcrowding resulted in poor living conditions in 2000. [5a] [5c]

4.38 There were no reports of refusal to permit access for prison inspections by either domestic or international groups during 2000. [5c]



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V ACTUAL PRACTICE WITH REGARD TO HUMAN RIGHTS

A. Freedom of speech and press

5.1 The Law on Fundamental Human Rights and Freedoms provides for freedom of speech and of the press, and the Government generally respects these rights; however, police at times beat journalists. The media are active and unrestrained, but have developed little sense of journalistic responsibility or professional integrity. With few exceptions, the print media lacks a mature, trained professional staff. Sensationalism is the norm in the newspapers, and the political party-oriented newspapers in particular print gossip, unsubstantiated accusations and outright fabrications. Some publications appear to be making efforts to improve professional standards and to provide more balanced and accurate reporting. [5c]

5.2 Political parties, trade unions, and various societies and groups publish their own newspapers or magazines, and competition with commercial publications is very keen. The difficult economic situation and readers' distrust of the press again resulted in a significant drop in newspaper sales in 2000. According to a recent survey by the Albanian Media Institute, 60% of the persons interviewed believed that the media stirred up trouble in the country; only 23 per cent said that the media played a positive role. The opening of many new private radio and television stations, as well as an increase in the price of newspapers and magazines, is another reason for this sharp fall in circulation. [5c]

5.3 Political affiliation is pervasive in broadcast media. The Organisation for Security and Co-operation in Europe reported that one new nation-wide television station, TVArberia, provided for balanced and fair election reporting during the local elections in October 2000. However, the majority of stations were blatantly one-sided in their political coverage. Albania's state television was criticised in the first week of the local election campaign period for strongly favouring the SP in its coverage, particularly when it violated the electoral code by transmitting a full interview with SP Chairman Fatos Nano. The DP-controlled ATN-1 was also criticised for covering DPA electoral activities for twenty-four hours. Smaller parties received little attention from the media during the election campaign. [2] [5c]

5.4 Over seventy-five private television channels and 30 private radio channels operate. The National Council of Radio and Television Broadcasters is responsible for issuing private radio and television licences. It is a fifteen-member body elected by Parliament. It has awarded broadcasting licenses, but several broadcasters failed to pay for their licenses or abide by the regulations governing licenses. In 1999 the Government established the new licensing and oversight procedures to promote a more stable broadcasting environment. Albanian Radio and Television (RTVSh) is the sole public broadcaster in Albania. [5c]

5.5 According to the Council of Europe, the Albanian media does not promote intolerance or discrimination towards members of ethnic minority groups. However, there have been reports that the media has on occasion promoted negative stereotypes about members of minority groups. [23b]

5.6 Attacks on journalists continued in 2000 - both beatings by the police and attacks by unknown assailants. In March 2000 a policeman in Korce beat a journalist from an independent radio station, ABC. In April, whilst filming near the Foreign Ministry in Tirana, two journalists from TV-Klan, were allegedly attacked by members of the Republican Guard. In May, two journalists from the DP-controlled ATN-1 TV station were illegally detained by police officers and beaten while in detention. [2] [5c]

5.7 In April 2000, following the attack on Dritë Ymeri, a TV Klan cameraman

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5.7 In April 2000, following the attack on Fehri Aliaj, a TV host and cameraman, Albanian Premier Ilir Meta affirmed that people should be safe in their country, especially journalists, who will have the state guarantee in carrying out their mission to inform the public. Xhaferri was seriously injured by four persons, two of who were the Guard's non-commissioned officers. [10e]

5.8 Academic freedom continues to be limited. University professors complain that some faculty members are hired or fired for political reasons and that students who have the right political connections get preferential treatment regardless of their personal qualifications. [5c]

B. Freedom of assembly and association

5.9 The Law on Fundamental Human Rights and Freedoms provides for the right of peaceful assembly and the Government generally respects this right in practice. According to the law, organisers must obtain permits for gatherings in public places, and the police may refuse to issue them for reasons such as security and traffic. In practice rallies and demonstrations were very common. The Government made no concerted efforts to prevent them, and the police generally maintained order with due respect for citizens' rights; however, during the DPA demonstrations before the October 2000 elections, there are reports that the police beat and mistreated some DPA supporters. In some cases individuals claimed that the police or secret agents of the SHIK intimidated them because of their participation in opposition rallies, while others claimed that they were fired from their jobs because they participated in opposition rallies. [5c]

5.10 The Law on Fundamental Human Rights and Freedoms provides for the right of association and the Government generally respects this right in practice. A political party must apply to the Ministry of Justice for official certification. It must declare an aim or purpose that is not anti-constitutional or otherwise contrary to law, and it must describe its organisational structure and account for all public and private funds it receives. Such certification is granted routinely. [5c]

5.11 The two major non-governmental organisations functioned largely without interference during 2000. The Albanian Human Rights Group (AHRG) reported that when it published a report in April 2000 on police misconduct in Elbasan, the director of the organisation as well as a number of the authors received anonymous phone calls threatening retribution for its publication. The Albanian Helsinki Committee (AHC) continued monitoring pre-trial detention centres and prisons through visits to numerous prisons throughout Albania. The AHC initiated a project in May 2000 establishing a telephone hotline to be operational twelve hours a week where citizens - including those imprisoned or detained - could call in to report human rights violations and receive legal assistance. After the Albanian Parliament enacted the Law on the Peoples' Advocate in February 2000, the AHC entered into a contract with the new ombudsman's office establishing a joint project to support the ombudsman's activities. [2]

C. Freedom of religion

5.12 The Constitution provides for freedom of religion and the Government respects this right in practice. According to the 1998 Constitution, the state has no official religion, and all religions are equal. However, the predominant religious communities (Muslim, Orthodox, and Roman Catholic) enjoy de facto recognition by the authorities that gives them the legal right to hold bank accounts, to own property and buildings, and to function as juridical persons based on their historical presence in the country. Religious movements - with the exception of the three de facto recognised religions - can acquire the official status of a juridical person only by registering under the Law on associations, which recognises the status of a non-profit association irrespective of whether the organisation has a cultural, recreational, religious, or humanitarian character. [5b]

5.13 The majority of citizens are secular in orientation after decades of rigidly enforced atheism. Muslims, who make up the largest traditional religious group, adhere to a moderate form of Sunni Islam. The Albanian Orthodox and Roman Catholic Churches are the other large denominations. Approximately 70 percent of the population are Muslim, 20 percent are Albanian Orthodox and 10 percent are Roman Catholic. The Albanian Orthodox Church split from the Greek Orthodox Church early in the century, and adherents strongly identify with the Autocephalous National Church as distinct from the Greek Church. Even though the Albanian Orthodox Church's 1929 statute states that all its archbishops must be of Albanian heritage, the current archbishop is a Greek citizen because there

are no Albanian clerics qualified for this position. Bektashis (Muslim believers who adhere to a very loose form of Islam) form another large denomination in the country. However, they do not have the right to their own representative in the State Secretariat of Religions; all their activities are placed under the supervision of the Sunni Community. [5b]

5.14 Foreign clergy, including Muslim clerics, Christian and Baha'i missionaries, Jehovah's Witnesses, Mormons, and many others freely carry out religious activities. The Religious Council of the State Secretariat is an office that functions under the Prime Minister's authority. It has no clear mandate or decision-making power and was renamed "The State Committee on Cults" in September 1999. The Committee Chairman has the status of a deputy minister, and this office is to co-ordinate all issues connected with religion and the State. This office estimates that there are 12 different Muslim societies and groups with approximately 324 representatives in Albania, and more than 79 Christian societies and sects with 344 missionaries representing Christian or Baha'i organisations. [5b]

5.15 Unlike in previous years, in 2000 there were no reports that Orthodox churches were the targets of vandals. The Archbishop of the Orthodox Church concluded that attacks on church property in the past were a result of vandalism rather than religious repression. [5c]

5.16 In 1967 the Communists banned all religious practices and expropriated the property of the established Islamic, Orthodox and Catholic churches. The Government has not yet returned all the properties and religious objects under its control that were confiscated under the Communist regime. In cases where religious buildings were returned, the Government often failed to return the land that surrounds the buildings. The Government also is unable to compensate the churches adequately for the extensive damage that many religious properties suffered. The Orthodox Church has complained that it has had difficulty in recovering some religious icons for restoration and safekeeping. [5b]

5.17 The Albanian Evangelical Alliance, an association of Protestant churches, has complained that it has encountered administrative obstacles to building churches and to accessing the media. The growing evangelical community continues to seek official recognition and participation in the religious affairs section of the Council of Ministers. [5b]

5.18 There were no reports of religious detainees or prisoners during 1999. [5b]

5.19 In June 2000, five Roman Catholic priests were ordained in the Shkodra cathedral. It is the first time since 1991 that Roman Catholic priests have been ordained in Albania. Archbishop Angelo Massafa believes it is a sign of hope that shows how the Albanian church is growing rapidly after so many years of state atheism. The Vatican has shown a keen interest in reviving Roman Catholicism in Albania, which Pope John Paul II has visited. [13a]

D. Workers' rights

5.20 Workers have the right to form independent trade unions. The 1993 Labour Code established procedures for the protection of workers' rights through collective bargaining agreements. Two federations act as umbrella organisations for most of the country's unions: the Independent Confederation of Trade Unions of Albania (118,000 members), and the Confederation of Trade Unions (100,000 members). Both organisations again experienced a drop in membership during 2000. Some unions chose not to join either of these federations. No union has an official political affiliation, and the Government does not provide any financial support for unions. [5c]

5.21 The Law on Major Constitutional Provisions and other legislation provides that all workers except the uniformed military, the police, and some court officials have the right to strike. The law forbids strikes that are openly declared to be political or that are judged by the courts to be political. Unions are free to join and maintain ties with international organisations, and many do. [5c]

5.22 The official unemployment rate was 18% during 2000. [23b]

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

bargain collectively. In practice, unions representing public sector employees negotiate directly with the Government. [5c]

5.24 Labour unions do not operate from a position of strength, given the country's very high level of unemployment. Effective collective bargaining in these circumstances is very difficult, and agreements are hard to enforce. [5c]

5.25 The Law on Major Constitutional Provisions and the Labour Code prohibit forced or compulsory labour; however trafficking in women for purposes of prostitution is a serious problem. The law also forbids forced or bonded labour by children, and the Government generally enforces these prohibitions; there are however reports that children are trafficked and forced to work abroad as prostitutes or beggars. [5c]

Please see also Section 6.C. on Human Trafficking

5.26 The Labour Code sets the minimum age for employment at 16 years, and limits the amount and type of labour that can be performed by persons under the age of 18. Children between the ages of 14 and 16 may legally work in part-time jobs during the summer holiday. The Ministry of Labour may enforce the minimum age requirements through the courts, but no recent cases of this actually occurring are known. In Tirana and other cities it is common to see children selling cigarettes and sweets on the street. [5c]

5.27 The legal minimum wage for all workers over age 16 is about £30 (6,380 lekë) per month. This is not sufficient to provide a decent standard of living for a worker and family. The law provides for social assistance (income support) and unemployment compensation, but these are very limited, in terms of both the amounts received and the number of persons actually covered. [5c]

5.28 The difference between the monthly average wage of persons who live in the rural and urban areas is considerable: persons who work and live in urban areas earn almost 50 per cent more than those who live and work in rural areas. Data from the National Institute of Statistics indicate that in rural areas more than 20 per cent of persons live under the official poverty line, while in urban areas the figure is 11 per cent. Nation-wide, over 17 per cent of the population live under the official poverty line. [5c]

5.29 The legal maximum workweek is 48 hours, although in practice hours are typically set by individual or collective agreement. Many persons work 6 days a week. [5c]

E. Military service

5.30 Military service in Albania is mandatory for men aged 18 - 27 years. Women are not included. Exemptions are granted on medical grounds but are relatively difficult to obtain. It is also possible to buy an exemption and there is a set fee for this. Military service is 12 months long (having been reduced from 15 months in 1995) and can be served in the police force. Those who do not go to university usually have to do their military service at 18 years. Students can postpone their military service until they have completed their course of study. Men who complete their military service receive a certificate, which enables them to obtain a passport. Many Albanians have left Albania illegally (i.e. without a passport) because they have dodged their military service. [1b] [6a] [31]

5.31 In Albania the right of conscientious objection is not guaranteed. Conscientious objectors who refuse to do military service may be fined or sent to prison for a maximum of two years. The Albanian Constitution of 1998 stipulates that anyone refusing to complete military service must perform alternative service, as provided for in law. [23d] [31]

F. The Death Penalty

5.32 In December 1999 Albania's Constitutional Court ruled that the death penalty was incompatible with the Albanian Constitution. In April 2000, Prime Minister Ilir Meta signed Protocol No.6 to the European Convention on Human Rights and the document was ratified by the Albanian government in September 2000. [2]

G. Freedom of movement

5.33 The Law on Fundamental Human Rights and Freedoms provides for freedom of movement within Albania, and for freedom to travel abroad and return. The Government respects these rights in practice. [5c]

5.34 A problem that arose as a result of uncontrolled internal migration is the problem of local registration and status. As a result of such internal migration, thousands of citizens are denied access to certain basic services such as education and medical care. In many educational institutions, students must have, among other documents, an official document from the district that acknowledges that they are inhabitants of the district. The lack of such documents prevents many students from these areas from attending school. The effects of uncontrolled internal migration became apparent during the October 2000 local elections when tens of thousands of inhabitants were registered in more than one place, resulting in many inaccuracies in the voter lists. [5c]

5.35 Citizens who fled the country during or after the Communist regime are welcomed back, and if they lost their citizenship they may have it restored. Albanian-born citizens who emigrate may hold dual citizenship. [5c]

5.36 In December 1999 the Albanian government passed a new Law on Asylum. The United Nations High Commissioner for Refugees has commented favourably upon the comprehensive protection offered by this law. The law grants asylum according to the 1951 Geneva Convention and the 1967 New York Protocol, as well as providing temporary protection on humanitarian grounds and in the case of mass influx. Albania accepted approximately 480,000 refugees fleeing Kosovo in 1999. The European Commission against Racism and Intolerance congratulated the Albanian government and society for its hospitality and openness in accepting refugees from different backgrounds including Roma and Serbs, and treating those individuals in the same manner as ethnic Albanians. [23b]

H. Specific minority groups

5.37 The Law on Major Constitutional Provisions prohibits discrimination based on sex, race, ethnicity, language, or religion. However, women and some minority groups complain that discrimination continues in practice. [5c]

5.38 The Albanian Parliament has ratified the European Convention for the Protection of the Minorities, which was entered into force on 1st January 2000. [23a]

5.39 The Albanian Constitution establishes the fundamental principle of equality before the law (article 18) and guarantees freedom from discrimination on the basis of race, religion, ethnicity, language, social status or ancestry. The Constitution also provides an extensive framework for the protection and promotion of the identity of national minorities. Furthermore, Article 265 prohibits organisations that incite and support racial, religious, regional or ethnic hatred. [23b]

5.40 Article 253 of the Constitution makes it a crime for an employee in a state function or in public service to make distinctions, for reason of duty and in the exercise of it, "on the basis of origin, sex, health condition, religious beliefs, political beliefs, labour union activity or one's belonging to a specific ethnic, national, racial or religious group" that consists in the creation of unlawful privileges or the refusal of a right or benefit that arises from the law. Violation of this law is punishable by one to five years' imprisonment. [23b]

5.41 The European Commission against Racism and Intolerance, in April 2001, was pleased to learn that discussions are underway to consider the ratification of the revised European Social Charter and the European Convention on Nationality. The Commission further understands that signature of the European Charter for Regional or Minority Languages is under consideration. [23b]

I. Women

5.42 Violence against women and spousal abuse are serious problems. Cultural acceptance and lax police response result in most abuse going unreported. No government-sponsored programme protects the rights of women. A non-governmental organisation maintains a shelter in Tirana for abused women, but the facility can hold only a few victims at a time. That organisation also operates a hot line which women and girls can call for advice and counselling. The line

hot line which women and girls can call for advice and counselling. The line received thousands of calls during 2000. In 1999 the Advice Centre for Women and Girls, an NGO, conducted a poll that showed that as many as 65 per cent of females claimed to be victims of domestic violence. Rape is punishable by law, as is spousal rape; however in practice spousal rape is not reported or prosecuted. [5c]

5.43 Many men, especially those from the northeastern part of the country, still follow the traditional code known as the "kanun," in which women are considered and treated as chattel. Also under the kanun, it is acceptable to kidnap young women for brides. This practice continues in some areas of the northeast. [5c]

5.44 Women are not excluded, by law or in practice, from any occupation; however, they are not well represented at the highest levels of their fields. The Labour Code makes mandatory equal pay for equal work, but no data are available on how well this is implemented in practice. Women enjoy equal access to higher education, but they are not accorded full and equal opportunity in their careers, and it is common for well-educated women to be under-employed or to work outside the field of their training. An increasing number of women are beginning to venture out on their own, opening shops and small businesses. Many are migrating along with men to Greece and Italy to seek employment. [5c]

5.45 Trafficking in women and girls for the purpose of prostitution is a serious problem. [5c]
Please see also Section 6.C. on Trafficking in Persons

J. Children

5.46 The Government's commitment to children's rights and welfare is codified in domestic law and through international agreements. The law provides for the right to at least 8 years of free education, and also authorises private schools. School attendance is mandatory up to the eighth grade (or age 18, whichever comes first). In practice, many children leave school earlier than allowed by law in order to work with their families, especially in rural areas. [5c]

5.47 Article 3 of the Law on Pre-University Education guarantees all citizens equal rights at all levels of the education system, notwithstanding their social situation, nationality, language, sex, religion, race, political convictions, health conditions and economic situation. [23b]

5.48 Child abuse is a little-reported problem, but the authorities and non-governmental organisations believe that it exists. According to the Centre for the Protection of Children's Rights (CRCA), more than 2,000 children between the ages of 13 and 18 are involved in prostitution rings. Criminals may kidnap children from families or orphanages to be sold to prostitution or paedophilia rings abroad. The law forbids forced or bonded labour by children, but there are some reports of such practices. Within the country, Romani children often work as beggars, and the police generally ignore the practice. [5c]

K. Disabled people

5.49 Widespread poverty, unregulated occupational hazards, and poor medical care pose significant problems for many disabled people. The disabled are eligible for various forms of public assistance, but budgetary constraints mean that the amounts they receive are very low. No law makes compulsory accessibility for people with disabilities to public buildings, and little has been done in that regard. [5c]

L. Ethnic Minority Groups/General

5.50 The Government plays a constructive role in maintaining the nation's generally positive record on the treatment of minorities. While no recent official statistics exist regarding the size of the various ethnic communities, ethnic Greeks are the most organised and receive the most attention and assistance from abroad. There are also small groups of Macedonians, Vlachs, and Roma. [5c]

5.51 The Council of Europe reported in April 2001 that over recent years and despite a very difficult and rapidly evolving economic, political and legal situation, Albania has taken steps to address the problem of racism and discrimination through the introduction of relevant legislation as well as encouraging an

through the introduction of relevant legislation as well as encouraging an institutional framework in which minority groups may develop their collective identity. A positive climate of tolerance is generally considered to prevail with respect to ethnic minority groups, however, some negative prejudices and stereotypes exist, particularly with respect to Roma and Egyptians, which may lead to discrimination in individual cases. [23b]

5.52 There is a small group of ethnic Montenegrins and ethnic Serbs in the north. No discrimination was reported against the Vlachs, who speak their own Romanian related language as well as Albanian, or against the Çams, non-Orthodox ethnic Albanians who were exiled from Greece in 1944. Both groups live mainly in the south. [5c]

M. Greek Minority

5.53 Up to the beginning of the 1990s, the Greek minority numbered between 60,000 and 70,000. Following the opening of the borders, the inherited backwardness and the numerous economic difficulties of the period of transition, a considerable part of the population have succeeded in temporarily living and being employed in Greece. In this aspect, the Greek minority has been the most privileged. [4b]

5.54 Greek-language public elementary schools are common in much of the southern part of Albania, where almost all of the ethnic Greek minority lives. However, there are no Greek-language high schools. There is a Greek chair and a department for Greek language and literature at the University of Gjirokastrë. The Greek minority association, known as Omonia (Democratic Union for the Greek Minority), continued to press the authorities for more measures to protect the rights of the Greek minority, including the creation of additional Greek-language classes in some parts of southern Albania. Every village in this zone has its own elementary-middle (8 year) school in the Greek language, regardless of the number of students. [4b] [5c]

5.55 The Albanian Helsinki Committee found in 2000 that many Greek Orthodox churches have either been constructed or renovated. There are villages along the border with Greece, like Leshnice, where six churches function. Five newspapers are published in the Greek language in this area, in addition to the 15 Greek papers and magazines distributed throughout the southern Albanian region. [4b] [5c]

5.56 Members of the Greek minority are considerably represented in the structures of local power. In the District Council of Sarandë, 8 of the 24 members come from the Greek minority, including the Chairman and his deputy. Following the year 1997, there were periods when members in minority areas experienced insecurity and tension, because of criminality, thefts and kidnapping. Criminal activity was relatively stronger in minority areas not only because the state structures did not function, but also because opinion spread among criminal circles that minority persons were richer and had greater incomes. However, the efficiency of the fight against criminality in 1999 has bought back confidence to law, order and peace among the Greek minority. [4b]
Please see also Section 3 on History

5.57 The Çams are the ethnic Albanian, and predominantly Muslim, population of the region of north-eastern Greece known as Chameria. In an attempt, in 1944, to establish an ethnically pure border region, the Greek government unleashed a campaign resulting in around 28,000 Çams being expelled. A Greek law was approved, which is still in force today, sanctioning the expropriation of Çam property, citing the collaboration of their community with the occupying forces as a main reason for the decision. The forced movement of the entire population has left a lingering sense of injustice amongst Albanians in general, which has contributed to continuing poor bilateral relations with Greece. [15a]

5.58 Since the end of the Kosovo conflict, support for the Çams has grown. The Chameria Association (dedicated to the return of their expropriated lands in Greece) is working on legal procedures to sue the Greek government at the European Court of Human Rights. On a tour of southern Albania in early 2000, DPA leader Sali Berisha threatened to put relations with Greece on hold if it did not comply with the demand for the resolution of the property issue of the Çam population. [15a]

5.59 The issue of the Greek minority rights came to the fore in the election for the

over the issue of the Greek minority rights came to the fore in the election for the commune of Himara in October 2000 when the Socialist party supported by all other Albanian parties, left and right, secured a heavy victory over the human rights party candidate who advocated the creation of a Greek language minority zone in the commune. [12f]

5.60 In April 2001 Omonia, the Greek minority organisation in Albania, announced that the ethnic Greeks would be boycotting the Albanian national census because it did not include questions about ethnicity. Albania's last census in 1989, which did contain a question about ethnicity, indicated that 1.8 per cent of Albania's 3.2 million population were ethnic Greeks. The Greek population believes the actual number is higher and would like this officially confirmed so that ethnic Greeks can press for better recognition of their rights as a minority. The Institute of Statistics, which is carrying out the census, said the questions had been based on United Nations Criteria, which do not include ethnicity. Prime Minister Ilir Meta has urged the Greek minority to take part in the census, and said that the government is prepared to make all the necessary improvements to the census to meet international standards at a later date. The Institute's Director, Milva Konomi, pointed out that the April 2001 census is being carried out for demographic and socio-economic reasons in order to ascertain the exact number of inhabitants and what conditions they are living in. She said a new census could be conducted later which would contain question on ethnicity. [12j] [27]

5.61 Prime Minister Meta met with representatives of Omonia, including the Chairman Vangjel Dule, on 10 April 2001. The representatives presented the Prime Minister with some of their concerns about the processes of enrolling the population, and raised several problems emerging during the implementation of legislation on the restitution of property. Meta stressed that the problem will be followed and resolved as soon as possible and in a legal manner. Omonia representatives are reportedly satisfied with investments undertaken by the Albanian government in the minority area during 2000, especially with regard to infrastructure and schools. [10j]

N. Macedonian Minority

5.62 The Macedonian minority is concentrated in the region of Prespe, on the border with Macedonia and Greece. There are no problems regarding law and order, and minority subjects are found in the local police. [4b]

5.63 In most of the villages Orthodox churches have been built or renovated and the local radio broadcasts news bulletins in Macedonian three times a week. Classes in the Macedonian language are available to students in the districts of Pogradec and Devolli, bordering Macedonia. The Macedonian Government provides texts for these classes free of charge. [4b] [5c]

O. Montenegrin Minority

5.64 Members of this group live mainly in small villages north of Shkoder. They are divided into two groups. The pure Montenegrin minority of the Orthodox belief have succeeded in preserving their traditions and culture as a minority. The podgorians, who, because of their Muslim religion, might have been expelled from Montenegro in the second half of the 19th century, have already been assimilated. There are no specific problems of order and stability. Nevertheless, the problem of paying greater attention to the state investment or infrastructure is not specifically a minority problem but characterises the whole of Albania. [4b]

5.65 The United States State Department Report concluded that these communities have decreased in number because many of their members immigrated to Montenegro. People from this area receive scholarships from the Montenegrin government for their children to study in Montenegro. This minority is not subject to any discrimination. [5c]

5.66 The Governments of Albania and Montenegro signed a memorandum of understanding for economic, trade and cultural co-operation and a protocol of co-operation in foreign affairs, on 29 April 2000. [1]

P. Roma

5.67 Two distinct groups of Roma, the Jevg and the Arrixhi (Gabel) are established in the country. The Jevg tend to be settled in urban areas and are

generally more integrated into the economy than are the Arrixhi. Roma are the most neglected minority group. Broadly speaking, they suffer from high illiteracy, poor public health conditions, and marked economic disadvantages. Roma encounter much social discrimination. [5c]

5.68 Regarding the status of Roma, there exists an atmosphere of tolerance. They are not subject to any discriminatory treatment as a separate community, though, here and there, there are expressions of racial prejudice towards them. From a legal point of view, the Albanian State considers this community equal to the others, recognising them all the rights found in the Constitution and in its legal acts. Lately, the Assembly approved a special status to minorities. Roma were included in this. [17]

5.69 After 1990, three NGOs were established to represent Roma at national level: The Democratic Union of Roma in Albania, Amaro Dives, Rromani Baxt and Amaro Drom. Amaro Drom's main goal is the integration of the Roma people into Albanian civil society through various developmental and cultural initiatives, the raising of public awareness for the traditions of Roma and the promotion of education for Roma. According to the President of Amaro Dives, Guraliu Mejdani, the government does not discriminate against Roma. Roma leaders are afraid that the present indifference of the authorities towards Roma could transform into a violent rejection, if they stress Romani rights too much. Their strategy is first to empower the Roma with a strong identity and raise their consciousness. [17]

5.70 The European Commission against Racism and Intolerance, part of the Council of Europe, commented in April 2001 that there are reports that members of the Roma communities may have difficulties finding housing and that in some localities, their villages lack basic facilities, such as water and sewage. Members of these groups reportedly also have difficulties accessing basic social services and benefits. The Commission underlines that this situation must be viewed in the Albanian context, where many ethnic Albanians suffer similar fates and villages throughout the country lack basic facilities. [23b]

5.71 The education level among Roma is disproportionately low. The problem is widely perceived in Albania in terms of cultural differences and the lack of desire in these communities to send the children to school. There are a number of programmes, organised in different municipalities by the Albanian government in co-operation with civil society, which aim to improve the participation and integration of Roma children in schools. These programmes include the organisation of sports and cultural activities in which both Roma and ethnic Albanian children participate. [23b]

Q. Gorani

5.72 There is a small community of Gorani in the remote villages in the north-east of Albania near Kukes, close to the border with Kosovo. They are a distinct group of Muslim Slavs who speak a language akin to Macedonian and originate from the Gora region in Kosovo. Despite their shared religion, their relationship has not always been easy because of their ethnic and linguistic links with Serbs. [6b] [15b]

5.73 Whilst Gorani in Kosovo may have been accused of being allies with the Serbs and been the targets of revenge killings, there is no indication of any persecution of Gorani in Albania, officially or otherwise. One of the Deputy Speakers of the Albanian Parliament is Gorani. [6b] [15b]

R. Homosexuals

5.74 The penal code, which came into force on 1 June 1995, does not contain an article criminalising homosexuality. [28]

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VI OTHER ISSUES

6.1 Albania is one of Europe's two poorest countries (the other being Moldova). Albania's 1999 gross national product per head was US \$870. [1] [11]

A. Crime and safety

6.2 Crime figures dropped in 2000, according to data provided by the Public Order Ministry (reported on 15 December 2000). Some 3,952 crimes took place in the first nine months of 2000 the perpetrators of the crime had been caught in 88 per cent of cases. The figures show a reduction of criminality of 8 per cent as compared with 1996. Crimes against the person are down 175 on the same period last year. [10a]

6.3 A Public Order Ministry Spokesman said on 12 April 2001 that the authorities have been able to collect only 160,000 of an estimated 500,000 illegal weapons across Albania. It is estimated that some 120,000 weapons have probably been smuggled abroad since government arsenals were looted in the wake of the spring 1997 collapse of the pyramid investment systems. The Albanian government has extended the deadline for completing the collection programme from August 2000 to August 2002. A special 250-strong police task force is in charge of the effort. The United States and Norway are co-operating with Albania in the implementation of a six-month project for the destruction of about 60,000 small and light weapons, from April 2001. The project will contribute to the improvement of rule and public order in the country. Defence Minister Ismail Lleshi described the agreement as an indication of Albania's commitment to contribute to stability in the region. [13g] [30]

B. Corruption

6.4 The Albanian Government made some sincere efforts in 2000 to confront official corruption and to establish public order in Albania. After passing the Law on the State Police in December 1999, the Ministry of Public Order began restructuring the police force, improving recruitment procedures, and training new police chiefs. The police also cracked down on armed gangs, and their number was reported to be decreasing. [2]

6.5 Albanian Public Order Minister, Ilir Gjoni, met with the commander of the MAPE (Multinational Advisory Police Element) Mission in Brussels, General Pietro Pistoleze and representative of the European Commission in Albania, in Tirana on 5 April 2001. Gjoni praised the performance of MAPE during the last four years in aid of Albanian police, which was set up following the unrest of 1997. He also highlighted the decision of the EU to continue support for Albania. MAPE was established under the authority of the West European Union with the aim of rebuilding the Albanian police by a process of modernisation. MAPE has assisted the Ministry of Public Order in the preparing for the implementation of the State Police Law. The main innovation of the new Operation Plan since July 1999 has been the training of police throughout the country and down to police unit level. [10u] [32]

6.6 In April 2000, The Prime Minister Ilir Meta re-affirmed that the police belong to the state not political parties. He stated that it is the duty of the Albanian government, the governing coalition and the opposition, and of all society to support the police so that they are more successful in their fight against crime in any form it appears. The Minister for Public Order, Mr. Spartak Poci, said that clearing the police and other structures of the Public Order Ministry from the corrupted and incriminated elements remains one of the priority directions of the work to realize the government programme. The Public Order Ministry has drafted a concrete strategy to uncover and send to court such elements. [12b] [12c]

a concrete strategy to uncover and send to court such elements. [120] [120]

6.7 In a meeting with the Friends of Albania group in November 1999, Mr. Meta referred to the problem of public order and security as a condition for the realisation of all objectives of the government. He explained that the main priorities in the future would be the increased efficiency of police work against crime, the completion of legislative police reform, the co-operation and integration of the police into the main international police organisations, and an increase of the professional level of the police. He described the collection of weapons and ammunition as a special task. He emphasised the fight against corruption as a long, continuous process. At a meeting in Vienna on 28 February 2000 the Friends of Albania acknowledged that some progress had been made, but that there was still much to be done. [14a]

6.8 The government is committed to the implementation of the Stability Pact Anti-Corruption Initiative, agreed in June 2000, as set out by the Stability Pact partners, stipulated in the Cologne Declaration of June 1999 between states of South Eastern Europe and the European Union. Its objective is to help and support countries of the region to adopt within two years; effective legislation, build up the right institutions and develop practices in the civil society for a sustained fight against corruption. The implementation will be monitored by the Anti-Corruption Steering Group composed of representatives from the Council of Europe, the OECD, the European Commission and the World Bank. [20][21]

6.9 The Albanian government has fulfilled all the recommendations of the international community included in the anti-corruption plan. Albania had taken all measures to increase the security in all part of the country, has recognised the judicial system and the police, and is fighting against organised crime and corruption. This message was contained in a recently approved resolution of the Parliamentary Assembly of the Council of Europe on Albania in September 2000. Albania ratified the Council of Europe's Civil Law Convention on Corruption on 21 September 2000. [10g] [23]

C. Trafficking in Persons

6.10 The law does not criminalise trafficking in persons, although anti-kidnapping laws may be used to prosecute such cases; however, trafficking in women for the purpose of prostitution and trafficking in children are serious problems. An Albanian non-governmental organisation estimated that there were about 30,000 Albanian women, who have been trafficked, working abroad as prostitutes in 2000. The former Italian MP, Carol Bebbe Tarantelli, says that the passports of the girls are destroyed and they are moved around from place to place so that they don't know where they are. Most prostitutes are controlled by the Albanian Mafia. [5c] [16a] [16b]

6.11 At the UN Summit on Crime, held on 12 December 2000 in Italy, the President of Albania, Rexhep Meidani, signed the convention; "the Global war against organised crime." Mr. Meidani also signed the two respective protocols of this convention; "on war against illegal emigration" and "the defence of women and children." [10i]

6.12 The Albanian government has begun to initiate law enforcement and legal reforms to combat the problem; however, porous borders, poorly trained and corrupt law enforcement and judiciary official, legal loopholes and a lack of government will have hampered these efforts in 2000. Police treatment of women trafficked from Albania and third countries remains a problem. There is a lack of appropriate facilities for such women, and trafficked women are often detained in police stations for extended periods of time. [5c]

6.13 Several NGO's address the problem of trafficking on a case-by-case basis; however, given the scope of the trafficking problem and limited resources to address individual reintegration, most victims of trafficking receive little or no assistance. Sheltering, counselling and reintegrating victims is a difficult undertaking. [5c]

6.14 The International Organisation for Migration (IOM) and the International Catholic Migration Commission (ICMC) have established an inter-agency referral system that enables a group of organisations to jointly provide assistance to women who are victims of trafficking. ICMC assistance consists of providing temporary accommodation in a protected shelter, counselling and help with repatriation and reintegration. IOM facilitates the provision of passports, which in

repatriation and reintegration, form facilitates the provision of passports, which in many cases have been lost or confiscated by criminals. In some cases, women are being returned to Albania to family members who trafficked them in the first place, or to the very same situation from which they were trafficked. This often simply leads to the re-trafficking of these women. ICMC also provides return assistance for trafficked victims from other countries that want to return from Albania to their home countries. Under the project so far, UNHCR and the Albanian authorities have referred over 150 women from third countries. Of this number 120 stated their desire to return to their home countries and after a period of protection in the secure shelters, have done so. [3]

6.15 In the first three months of 2001, the Vlërë prefecture police blocked around 3,400 persons attempting to leave Albania illegally. During 2000, the port blocked around 15,000 persons. It is estimated that in the past year over 200 people have died trying to reach Italy. The Italian Guardia di Finanza (Fiscal Police), which patrols the Adriatic for traffickers claims to turn back between five and eight rubber boats used by traffickers each night. Following an incident in September 2000 in which two Guardia officials were killed while combating traffickers, the Albanian Parliament enacted a new, stronger law that, if implemented, should make it easier for police to confiscate speedboats that are used in illegal activities and for those that are unregistered. [10d] [5c]

6.16 A meeting among the countries of the Ionian and Adriatic region discussing the problems of the fight against organised crime and illegal trafficking took place in Rome in August 2000. They have demanded multipartite co-operation to identify new roads in the fight against crime and trafficking. They repeated the necessity to sign an agreement of the repatriation of illegals with the origin and transit countries, as a fundamental condition for solving the problem. [10f]

D. Blood Feuds

6.17 The centuries old tradition of blood feuds in Albania, the practice under which members of one family were permitted to take revenge against another family who were responsible for the death of one of their number, and the rules under which such matters were settled, were laid down in the Kanun of Lek Dukajini. Blood feuds were suppressed under Communist rule, but have re-emerged since the return of democracy. [20]

6.18 According to several sources a range of factors has contributed to the re-emergence of this phenomenon, especially in northern Albania, such as the weakness of state institutions, a law and order vacuum, and a lack of trust in the law. Most ongoing vendettas stem from disputes over land and water rights. Vigilante action, mostly related to traditional blood feuds, resulted in many killings in 2000. [5c] [24]

6.19 In 1996, the Albanian government initiated a series of national and local activities mainly in the country's northern and north-eastern zones where the problem of blood feuds is more acute than elsewhere. The Prime Minister called on all the political forces to engage in the fast elimination of blood feuds, in co-operation with the government. The National Blood Feud Reconciliation Committee was established and the then Prime Minister, Aleksander Meksi, was confident that it had produced positive results as regards blood feud reconciliation. [12d]

6.20 It would be difficult to separate the issue of blood feuds from the larger problem of lawlessness in Albania, especially in the mountainous north of Albania and in remote areas. However, the OSCE notes that whilst much needs to be done to root out the networks of criminality, the most significant change is that random violence is no longer tolerated or considered to be normal. The public increasingly expects order and proper policing. [20]

6.21 The Albanian Penal Code does not contain any provisions which directly address blood feuds. The Vice-Chairman of the British-Albanian Legal Association stated in March 2000 that to incorporate any special provisions dealing with blood feuds in the Criminal Code would be seen as a retrograde step in Albania by giving official recognition to an archaic custom. [24]

6.22 There are certain articles which could become relevant if the crime at issue was feud related. Articles 48 and 50 deal with mitigating and aggravating circumstances. Circumstances which can lead to mitigation of punishment include when an act is committed due to positive moral and social values. A traditional

judge, sympathetic to the conviction of customary law, might consider an act committed pursuant to a blood feud would be committed "due to positive moral and social values." Aggravating circumstances include the act being committed "savagely and ruthlessly" which is sometimes the case when a blood feud is the motive. Article 49 provides that the Court may also consider other circumstances which it deems such as to justify the lowering of the sentence and again this could be applied in the case of a feud-related crime. The punishment for simple murder is a term of 10 to 20 years' imprisonment. The sentence for premeditated homicide is 15 to 25 years' imprisonment, and when aggravating circumstances occur, life imprisonment. The very nature of a blood feud means that the murder would be premeditated. [24]

6.23 The numbers of persons affected directly or indirectly by blood feuds vary widely. A survey conducted by the Law Faculty of Tirana University in March 2000 shows that 210,000 Albanians (six per cent of the total population) are "affected" by blood feuds including about 1,250 people locked in their homes for fear of being killed. Figures published in August 2000 by the National Mission for Blood Feud Reconciliation stated that 756 blood feuds have been reconciled, allowing the people involved to return to put an end to self-confinement at home. The missioners explained that the roots of this problem lie in the ill-intentioned interpretation of the Kanun and in the reluctance of citizens to obey the laws of the state. [14b] [24]

6.24 Several agencies provide reconciliation services to families involved in blood feuds, although according to the International Crisis Group there has been no concerted and coordinated strategy devised to combat this growing and deeply damaging phenomena. The Association for Fraternisation and Reconciliation aims to settle disputes between families through dialogue. The National Reconciliation Committee estimates it has resolved around 400 blood feuds whilst the All-Nation Reconciliation Mission claims it has succeeded in settling about 600 feuds. [24]

6.25 A survey carried out by the Ministry of Education in April 2000 found that at least 112 boys throughout Albania shunned school out of fear of blood feuds. All cases reported were in Northern Albania. Sixty-eight were in Shkodra alone, and another five in Lezha. There were also numerous cases in mountainous and remote areas. Seventeen boys shunned school in the Tropoja area. There were sixteen cases in the town of Mirdita, and five in both Malesia and Madhe. [13b]

6.26 Albanian officials appear to have recognised the problems posed by the Kanun and have pledged to address them. At a scientific conference held in Tirana in March 2000, the Albanian Prime Minister Ilir Meta expressed his concerns about the powerlessness of state institutions in the face of the steady increase in the number of blood feuds. He further highlighted the need to reinforce state institutions to foster the rule of the law. In August 1999, the Albanian government dispatched 200 men belonging to the Tirana-based special terrorist force RENE to the northern district of Tropoja in an effort to curb lawlessness and gang violence after four people were killed in vendettas. The security forces arrested 22 people suspected of murder, armed robbery or theft, and seized large quantities of weaponry and stolen vehicles. [24]

E. Medical

6.27 All medical services are provided free of charge, and medicines are supplied free to infants of up to one year of age. [1b]

6.28 The University Hospital in Tirana has a neurology and Psychiatry Clinic with qualified staff and various kinds of medicine available. A Danish NGO is providing therapy (physicians and social workers) within the hospital. The neurology service is also provided in polyclinics in regional hospitals around Albania. [6c]