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44

Albania

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Albania is a republic with a multiparty parliament, a Prime Minister, and a President, elected by the Parliament. The Prime Minister heads the Government; the presidency is a largely ceremonial position with limited executive power. The Socialist Party (SP) and its allies won 87 of 140 parliamentary seats in general elections held from June through August 2001 that were conducted in a peaceful atmosphere. The Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) judged the elections to have improved over past elections in terms of the conduct of the campaign; however, ODIHR noted serious irregularities in the voting process.

Local police units that report to the Ministry of Public Order are responsible principally for internal security. The military has a special 120-man "commando" unit, which operates in an antiterrorist role under the Minister of Defense. During times of domestic crisis, the law allows the Minister of Public Order to request authority over this unit. The National Intelligence Service is responsible for both internal and external intelligence gathering and counterintelligence. A serious problem affecting public order and internal security was the fact that police officers largely were untrained, ill paid, and often unreliable. The international community continued to provide training, advice, and equipment to improve the quality of the police forces; however, unprofessional behavior and corruption remained a major impediment to the development of an effective, civilian police force. The police committed human rights abuses.

The country is in transition from central economic planning to a free market system; many questions related to privatization, property ownership claims, and the appropriate regulation of business remained unresolved. The country continued to experience slow but stable economic progress; however, approximately 30 percent of the population of approximately 3.2 million lived below the poverty line, with poverty greater in rural areas. The official unemployment rate was 16 percent. With two-thirds of all workers employed in agriculture, mostly at the subsistence level, remittances from citizens working abroad remained extremely important, as did foreign assistance. The agricultural sector accounted for 34 percent of gross domestic product, with industry and services contributing 13 and 32 percent, respectively.

The Government's human rights record remained poor in many areas; although there were some improvements in a few areas, serious problems remain. Police beat and otherwise abused suspects, detainees, and prisoners. Prison conditions remained poor. The police arbitrarily arrested and detained persons, and prolonged pretrial detention was a problem. The judiciary was inefficient, subject to corruption, and executive pressure on the judiciary remained a serious problem. The Government occasionally infringed on citizens' privacy rights. Political interference in the media remained a problem. On at least one occasion, a government official was linked to a threat against a journalist. There were a few limits on the right to freedom of assembly. Violence and discrimination against women and child abuse were serious problems. Vigilante action, mostly related to traditional blood feuds, resulted in many killings. Societal discrimination against religious and ethnic minorities, particularly against Roma and Egyptians, persisted. Child labor was a problem. Trafficking in persons, particularly of women and children, remained a serious problem. Albania was invited by the Community of Democracies' (CD) Convening Group to attend the

November 2002 second Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.

There were no confirmed cases of political killings by the Government or its agents. The Government conducted no further investigation into the March 2001 death in police custody of opposition Democratic Party (DP) supporter Gjon Gjonaj. Government medical and legal experts ruled Gjonaj's death a suicide, but his family members and the DP did not accept this explanation. Three police officials were dismissed in 2001 in connection with the case.

There was no further action taken to investigate the 2000 killing of a DP activist in Vlora following a party rally. The Government completed its investigation into the 1998 murder of DP leader Azem Hajdari; four suspects were convicted and given sentences ranging from 2½ years to life in prison.

Explosions of landmines, placed by the former Yugoslav Army against the Kosovo Liberation Army in 1998 and 1999, injured three individuals.

The country continued to experience high levels of violent crime. Many killings continued to occur throughout the country as the result of individual or clan vigilante actions connected to traditional "blood feuds" or criminal gang conflicts (see Section 5). According to the Ministry of Public Order, more than 29 individuals were killed in blood feuds, which are based on the medieval Code of Lek Dukagjini (the kanun), which was practiced by individuals particularly in the northern part of the country. Under the kanun, only adult males are acceptable targets for blood feuds, but women and children often were killed or injured in the attacks. The Albanian Human Rights Group (AHRG) estimated that 1,400 families were self-imprisoned at home and that 140 to 400 children were prevented from attending school due to fear of revenge.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution prohibits such actions, and the Penal Code makes the use of torture a crime punishable by up to 20 years' imprisonment; however, the police at times beat and tortured suspects. The three main human rights groups—the Albanian Helsinki Committee (AHC), the AHRG, and the Albanian Center for Human Rights (ACHR)—continued to report that police forces nationwide used torture and inhumane or excessive treatment, but all three reported that the number of cases decreased during the year. According to the AHRG, most mistreatment took place at the time of arrest or initial detention. Police physically abused minors in detention.

In February Alnor Hasa, Chief of Criminal Police in Vlora, detained and beat Sabaudin Cela. In March Hasa again took Cela into custody; Hasa and five other police then beat Cela with pistol butts and batons. The police suspended Hasa from duty and arrested him after complaints on Cela's behalf from the AHRG and the AHC. The police dismissed Hasa and held him in pre-trial detention for several months. At year's end, Hasa reportedly was under house arrest awaiting trial.

In April Ylli Myrto and his fellow Fier policemen beat Feti Kanani in the town bazaar with fists and batons after stopping him to check his documents. Fier police referred the case to the prosecutor's office, and Myrto was fined \$750 (100,000 lek) by the district court for "arbitrary actions."

Amnesty International (AI) reported that three brothers in Lezha—Dede, Zef and Gjoke Pergjini—alleged that police arrested and beat them in April in reprisal for a dispute with the officers. The People's Advocate concluded that the brothers had been mistreated. In May the district prosecutor of Lezha referred the case against the police to the military prosecutor of Shkodra, where the case was pending at year's end.

In July the Chief of Criminal Police in Kavaja and a group of his policemen beat a group of youth during an altercation, reportedly dragging and kicking them, leaving one boy bleeding and unconscious. The Chief of Criminal Police was suspended from duty but later reinstated.

In July Rrapo Xhavara, the police officer accused of beating an 11-year-old orphan in custody in Saranda in June 2001, was found guilty of abuse of duty and received a 1½-year suspended sentence.

In October Azgan Haklaj, local head of the DP Branch in Tropoja, filed charges against four Special Forces police officers he accused of assaulting him during his January 2001 arrest. Although the People's Advocate and several human rights groups confirmed that Haklaj had been assaulted by the police, the General Prosecutor's investigation reportedly was stalled by the law protecting the identity of undercover policemen.

No action was taken against members of the Republican Guard, responsible for protecting senior public officials and institutions, accused of physically assaulting two homosexuals in April 2001.

The prosecution of Col. Edmond Koseni, the Director of Police of Elbasan District, who was dismissed and arrested in December 2001 for human rights abuses, remained pending at year's end.

Police officers often were involved in cases of trafficking in persons (see Section 6.f.).

Most of the country's 13,000-member police force remained largely untrained despite assistance received from foreign governments. Foreign governments continued police training programs aimed at improving technical expertise, operational procedures, and respect for human rights, and 462 police officers, Judicial Police Officers, and prosecutors received such training during the year. The Albanian National Police's Office of Internal Control received authority to review all police appointments and pursued investigations leading to the conviction of 16 police officials and the dismissal of 172 for various degrees of misconduct. However, the overall performance of law enforcement remained weak. The ACHR was particularly active in providing seminars and publishing texts to educate the police about the importance of respecting human rights. In addition to such training, the Ministry of Public Order updated the Police Academy's curriculum and trained 113 new officer candidates (17 females, 96 males) during the year.

Prison conditions remained poor, and overcrowding remained a serious problem. Lack of space in prisons led to the detention of convicted criminals in pretrial detention centers rather than prisons, causing substandard conditions for prisoners and significant security problems for the police forces. For example, the AHC cited an April case of a prisoner convicted of serious crimes escaping from a pretrial detention site. In police detention centers, women sometimes were held with men; however, women were not held with men in prisons. According to the Ministry of Public Order, at year's end, 272 convicted prisoners were being held in police pretrial detention sites rather than serving their terms in prisons. Additional convicted prisoners were among the 325 persons held in pretrial detention conditions by the Ministry of Justice.

Approximately 5,000 Albanian prisoners, including some juveniles, also were held in foreign prisons, primarily in Greece and Italy, due to overcrowding. The education of these young Albanian prisoners remained a problem: For instance, there were no classes offered to these juveniles in Greek prisons.

The country has no juvenile justice system, and children's cases frequently were presented to judges who had not received any education in juvenile justice. The ministries of Justice and Public

Order reported that 14 children were serving sentences in Vaqarr prison, the only prison for juveniles in the country, and 93 were in pretrial detention centers. Several NGOs noted that in various police pretrial detention facilities minors often were kept in the same cells as adults and that sanitary conditions generally were poor.

The Government made progress in addressing prison problems such as poor facilities and overcrowding. The Government, with international assistance, financed many improvements, including the ongoing construction of a 700-inmate prison in Peqin expected to open in 2003. The Government also opened prisons in Rrogozhina and Kruja and was constructing another in Lezha.

The Government permitted visits by international human rights observers; there were no reports of refusals to permit access for prison inspections by domestic independent human rights monitors. The Government cooperated with the International Committee of the Red Cross and with other NGOs.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, the police 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 the police detain a suspect. Within 48 hours of the arrest or detention, a suspect must appear before a judge in the presence of the prosecutor and the suspect's lawyer. The judge has an additional 48 hours to determine whether the suspect may continue to be detained. Legal counsel must be provided free of charge if the defendant cannot afford a private attorney; however, this right to legal counsel is not widely known and police often fail to inform suspects of it. Access to legal information remained difficult for citizens, including legal professionals and, at times, judges.

There were numerous cases in which persons were illegally detained and were unable to contact their private attorneys. In some cases, the detainees had been interrogated without their defense attorneys being present. Bail may be required if the judge believes that the accused otherwise may not appear for trial. Alternatively a suspect may be placed under house arrest. The court may order pretrial confinement in cases where there is reason to believe that the accused may flee the country or pose a danger to society. The Penal Procedures Code requires completion of pretrial investigations within 3 months. The prosecutor may extend this period by 3-month intervals in especially difficult cases. The accused and the injured party have the right to appeal these extensions to the district court. Lengthy pretrial detention as a result of delayed investigations remained a serious problem.

In January 2001, the AHC learned that three individuals in a Tirana prison--Sali Lushaj, Dem Dollapi, and Vlash Ndoi--had been detained past the legal limits. Lushaj and Dollapi, who claimed to be detained for political reasons, were charged with participation in an armed uprising to overthrow the constitutional order. At year's end, the men remained in detention and their court case remained pending.

A 2001 fact-finding mission by the AHRG to the Vaqarr prison found overcrowding and a lack of adequate drinking water. The AHRG reported that juveniles were not isolated fully from adults at the facility and did not have adequate access to legal assistance. Legally sound parole requests from juveniles were awaiting court consideration. In March a convict kept in an isolation cell due to overcrowding committed suicide.

There were no confirmed cases of detainees being held strictly for political reasons. The trials of Ekrem Spahia, the Chairman of the Legality Party, and 12 of his supporters for participation in the events of 1998 which followed the killing of a DP parliamentarian remained pending at the Tirana District Court.

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The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, because of political pressure, intimidation, endemic corruption, bribery, and limited resources, the judiciary was unable to function independently and efficiently.

The judicial system is composed of district courts of the first instance, six courts of appeal, military courts of first instance and of appeal, and the Supreme Court. There also is a separate and independent Constitutional Court. The Supreme Court hears appeals from both the district courts and the Courts of Appeal, while the Constitutional Court primarily reviews those cases involving constitutional interpretation and conflicts between branches of government. Constitutional Court justices serve 9-year terms, with three justices rotating every 3 years. Justices of the Supreme Court serve for 9 years.

The President heads the High Council of Justice, which has authority to appoint, discipline, and dismiss judges of the courts of first instance and of the courts of appeal. Judges who are dismissed have the right to appeal to the Supreme Court. In addition to the President, the Council consists of the Minister of Justice, the head of the Supreme Court, nine judges of all levels selected by the National Judicial Conference, and three members selected by Parliament.

The President of the Republic appoints the 17 members of the Supreme Court and the 9 members of the Constitutional Court with the consent of Parliament. Parliament has the authority to approve and dismiss the judges of the Constitutional Court and the members of the Supreme Court, but such decisions must be approved by the Constitutional Court. According to the law, dismissal may be ordered based on violation of the constitution, conviction for a crime, mental or physical incapacity, or commission of an act that seriously discredits judicial integrity and reputation.

The President appoints the Prosecutor General with the consent of the Parliament. The President appoints and dismisses other prosecutors on the recommendation of the Prosecutor General. The President may dismiss the Prosecutor General on the recommendation of the Parliament. The March removal of Prosecutor General Arben Rakipi—dismissed without the opportunity to present a defense—sparked constitutional debate. Rakipi took the case to the Constitutional Court, but the President appointed a new Prosecutor General before the Court ruled. The Court later found Rakipi's dismissal to be a violation of due process, invalidated his dismissal, and directed Parliament to reconsider the matter; legal scholars were divided on whether the Court had jurisdiction in the matter. When Parliament took no action on its findings, the Constitutional Court referred the case to the Council of Europe's Venice Commission, which advised that the Court's ruling should be implemented.

Parliament approves the courts' budgets and allocates funds. The Judicial Budget Office, a separate, independent body, administers court budgets, but each court may decide how to spend the money allocated to it. A board chaired by the Chief Justice of the Supreme Court runs the Judicial Budget Office; all other board members are judges. The Ministry of Justice appoints court chancellors and financial managers. The Ministry of Justice also supervises the Bailiffs' Office, the body that ensures that civil judgements are enforced.

The Constitution provides that all citizens enjoy the right to a fair, speedy, and public trial; however, limited material resources in many instances prevented the court system from processing cases in a timely fashion. Many court buildings were destroyed in the 1997 civil unrest; although all have reopened, important records and legal materials were lost permanently. Long case backlogs were typical, and resulted in suspects being detained for longer than legal limits (see Section 1.d.). Defendants, witnesses, and others who do not speak Albanian are entitled to the services of a translator. Defendants are entitled to a lawyer, and the Government respected this right in practice. Under the law, the Government provides lawyers for indigent defendants. If convicted, the accused has the right to appeal the decision within 10 days to the Court of Appeals. Tension continued between the police and the judiciary, despite some improvement in relations between police and

prosecutors, especially outside Tirana. Each side cited the failures of the other as the reason criminals avoid imprisonment. The courts accused the police of failing to provide the solid investigation and evidence necessary to prosecute successfully, and the police alleged that corruption and bribery tainted the courts. The Judicial Police are responsible, under the direction of prosecutors, for developing investigations initially conducted by the police.

There were no reports of political prisoners.

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

Correspondence

The Constitution prohibits such actions; however, at times the Government infringed on these rights. Individuals complained to the People's Advocate that police typically carried out operations late at night, at times without proper authorization.

Individuals also reported to the People's Advocate that they were not adequately compensated for private land taken for public use during the Communist regime. The Government has not resolved many long-standing property rights issues and continued to occupy or rent out buildings to which private individuals have ownership claims recognized by the courts. In October Parliament passed a resolution calling on the Government to end this practice.

The Government prohibits female Muslim students from wearing headscarves in public schools (see Section 2.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Law on Fundamental Human Rights and Freedoms provides for freedom of speech and of the press, and the media was active and unrestrained; however, there were serious, fundamental problems with the use of the media for political purposes. Libel carries criminal sentences. The punishment for libel varies from a fine to 2 years' imprisonment. Political interference in the media remained a problem. Publishers and newspaper owners often edited news stories to serve their own political and economic interests.

Daily circulation of all newspapers was estimated at 76,500. Political parties, trade unions, and various societies and groups published their own newspapers or magazines. The opposition media was active, but was constrained by limited professionalism and lack of finances. An estimated 200 publications were available, including daily and weekly newspapers, magazines, newsletters, and pamphlets. At least 2 newspapers were published in Greek in the south of Albania, and 15 Greek papers and magazines were distributed throughout the south. These dailies and weeklies had very small circulation figures.

The Government's Albanian Radio and Television (RTSh) is the sole public broadcaster in the country. RTSh consists of a national television station and a national radio station. National television broadcasts 17 hours a day and reaches 94 percent of the population. National television also broadcasts a 2-hour, Albanian-language regional satellite program that is viewed widely throughout Europe. National radio broadcasts on two channels—one for 19 hours and the other for 5 hours per day. National radio operated a foreign language service that broadcasts in 7 languages, including Greek and Macedonian.

Television is highly influential; it was estimated that up to 80 percent of the public obtain their news and information from television. Television programming included some responsible journalism; however, political affiliation was pervasive in programming. The majority of stations were one-sided in their political coverage.

Broadcasting issues are governed by the National Council of Radio and Television (NCRT), a seven-member bipartisan body elected by the Parliament, with one appointment by the President. In 2000 the NCRT awarded broadcasting licenses to 2 national television stations, 50 local television stations, 31 local radio stations, and 1 national radio station. Several broadcasters failed to pay for their licenses or abide by the regulations governing the licenses; however, these regulations were enforced weakly.

In January a member of the Durres Municipal Council reportedly assaulted a journalist from the ruling SP newspaper "Zeri i Popullit" after the reporter criticized the Municipality's Department of Public Service.

In February both the AHRG and AHC issued statements expressing concerns regarding an anonymous threat against the life of Ylli Rakipi, editor of the newspaper "Albania." Rakipi reported that he was warned to stop printing stories critical of the private life of Fatos Nano, then the SP Chairman and now Prime Minister.

In March the AHRG also expressed concern over reports of violent threats by the Chief Justice of the Appeals Court of Gjirokaster, Tomorr Skreli, against the director of the Regional Newspaper "Dita Jug," Engjell Seriani, over reporting of a court case.

Access to the Internet was available and unrestricted; however, the Internet was too expensive for most citizens.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected this right in practice.

The law requires organizers to obtain permits for gatherings in public places, which the police may refuse to issue for reasons such as security and traffic. However, there were no reports that such permits were withheld arbitrarily.

The Constitution provides for the right of association, and the Government generally respected this right. However, the Constitution prohibits the formation of any political party or organization that is totalitarian; incites and supports racial, religious, or ethnic hatred; uses violence to take power or influence state policies; or is nontransparent or secretive in character. There were no reports that this provision was used against any group. A political party must apply to the Ministry of Justice for official certification and declare an aim or purpose that is not anti-constitutional or otherwise contrary to law, describe its organizational structure, and account for all public and private funds it receives. Such certification was granted routinely.

c. Freedom of Religion

The Constitution provides for freedom of religion and the Government generally respected this right in practice. According to the Constitution, there is no official religion, and all religions are equal; however, the predominant religious communities (Sunni, Bektashi, Orthodox, and Roman Catholic) enjoy de facto recognition that gives them the legal right to hold bank accounts, own property and buildings, and to function as legal entities based on their historical presence in the country. Religious movements—with the exception of the four de facto recognized religions—may acquire the official status of a legal entity by registering under the Law on Associations, which recognizes the status of a nonprofit association irrespective of whether the organization has a cultural, recreational, religious, or humanitarian character.

While the Government does not require registration or licensing of religious groups, the State Committee on Cults keeps records and statistics on foreign religious organizations that contact it for

assistance.

The Albanian Evangelical Alliance, an association of more than 100 Protestant Churches, complained that it had encountered administrative obstacles to building churches, accessing the media, obtaining residence permits, and receiving exemptions from customs duties. The growing evangelical community continued to seek official recognition as bona fide religious institutions similar to that enjoyed by the four main groups.

The Government is secular, and religion is not taught in public schools. There is no law restricting the demonstration of religious affiliations in public schools; however, students were not allowed to do so in practice. The Ministry of Education contended that public schools in the country were secular and that the law prohibited ideological and religious indoctrination. Female Muslim students were not allowed to wear headscarves in public schools. There are 26 religious schools in the country, with approximately 2,600 students.

The Government has failed to return to the various religious communities all of the properties and religious objects that were confiscated under the Communist regime in 1967. In cases where religious buildings were returned, the Government often did not return the land surrounding the buildings or provide comparable compensation. In addition, the Government was unable to compensate churches adequately for the extensive damage that many religious properties suffered.

The Orthodox Autocephalous Church of Albania complained that it had difficulty in recovering some religious icons for restoration and safekeeping and also reported three cases of vandalism at churches in southern Albania during the year. The Bektashi community also reported several incidents involving desecration of tekkes (Bektashi places of worship).

For a more detailed discussion see the 2002 International Religious Freedom Report.

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

The Constitution provides for these rights, and the Government generally respected them in practice.

As a result of significant internal migration, thousands of citizens no longer have local registration and status, which has led to a loss of access to basic services such as education and medical care. In many educational institutions, students must have, among other documents, an official document from the district authorities that acknowledges that they are inhabitants of the district. The lack of these documents prevents many students from attending school. During the year, the Ministry of Local Government began a nationwide project on citizen registration, financed in part by Italy in the framework of the Stability Pact. In November the Government enacted three laws on civil status to improve local registration practices and create a standardized national identification document.

Citizens who fled the country during or after the Communist regime are able to return and, if they lost their citizenship, they are able to have it restored. Citizens born in the country who emigrate may hold dual citizenship.

The Constitution and a 1998 asylum law provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1961 Protocol. The Government accepts the entry of refugees, does not expel those with valid claims to refugee status, and works with the international community to provide housing and support for them. The Government provides for first asylum. There is an appeals procedure, but it was not functioning due to government restructuring.

In March the Government revoked the special status for Kosovar refugees based on improved circumstances in Kosovo. This affected 287 people, almost all of whom immediately applied for asylum. In August two North Korean nationals sought free passage asylum at the Albanian Embassy in Beijing, China. The Government successfully cooperated with international organizations and facilitated the transfer of the two for permanent asylum processing in the

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Republic of Korea.

The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and in efforts to strengthen the asylum system. There were no mass refugee situations during the year.

The UNHCR provided social service support for the refugee community and coordinated further assistance through a network of NGOs that provide health care coverage, insurance, and limited training. The Government's Office for Refugees at the Ministry of Local Government played a key role in facilitating and coordinating the work of these groups. In May 2001, the UNHCR closed the last refugee camp for Kosovars.

Organized criminal gangs made the smuggling of illegal immigrants—Albanians, Kurds, Pakistanis, Chinese, Turks, and others from the Middle East and Asia—a lucrative business. Due to its proximity—a 90-minute speedboat ride from Vlorë to Bari—Italy remained the preferred destination. In August the Government mounted a major law enforcement operation with international assistance against clandestine speedboats, effectively shutting down the main speedboat route to Italy for illegal immigrants. Italian military and border patrol squads operated in various coastal zones of the country in an effort to stop the flow of illegal immigrants. Individuals who become stranded inside the country while trying to use this illegal pipeline go through a pre-screening process jointly run by the Government, the UNHCR, the International Organization for Migration (IOM), the International Catholic Migration Commission (ICMC), and the OSCE to determine their status. Of the 199 third country nationals pre-screened during the year, 158 were referred by police, and 41 sought services voluntarily; 60 of these individuals requested asylum, 38 voluntarily returned to their home countries, and the others returned to the countries from which they entered Albania. The international partners in the pre-screening process recommended that the Government extend the program to illegal immigrants stopped at the border.

There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage. The general elections of 2001, which began in June and ended in August, were deemed by international observers to be an improvement over past contests; however, some serious irregularities occurred, and problems worsened during each round of voting. Five rounds of voting, beginning in June and ending in August, were required to complete the process. The Council of Europe's Parliamentary Assembly commended political parties for processing their complaints through internationally accepted frameworks. The OSCE's ODIHR, which observed the elections, noted that there was progress in the areas of election administration, media coverage, and campaign conduct; however, ODIHR's final report noted that the election process was "protracted, uncertain, and fragmented." It also noted serious irregularities in the voting process, including ballot box stuffing; fraud in a limited number of constituencies; political pressure exercised at times that compromised the performance of the Central Elections Commission (CEC); inadequate handling of key elections complaints by the CEC; police interference in a limited number of instances; and a dubious appeals process, particularly with regard to the Constitutional Court. In a number of cases, the courts failed to investigate election appeals fully. Coverage by the state television station, RTSH, deteriorated after the first round, favoring the governing party.

During a Parliamentary by-election in a single electoral zone in Elbasan in December, the opposition Democratic Party raised similar concerns regarding voter list manipulation, voter intimidation, and other electoral code violations, but not on the same scale. The CEC, however, found that the opposition's complaints fell outside its jurisdiction. The General Prosecutor opened an investigation of electoral code violations.

There were 8 women in the 140-seat Parliament. The Minister of Culture, Youth, and Sports and the Minister of Labor and Social Issues were women. The major political parties have women's organizations, and women served on their central committees.

Ethnic Greeks—the largest minority group—were represented in the Government and participated actively in various political parties, particularly the Human Rights Union Party. There were three ethnic Greeks in Parliament and one ethnic Greek minister in the Government.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were increasingly cooperative and responsive to their views. There were several domestic NGOs active in addressing human rights problems.

Despite the assistance of international donors, the work of these organizations was hampered by a shortage of funds and equipment.

The People's Advocate (Ombudsman)—an institution that became operational in 2000—investigated inappropriate, inadequate, or illegal actions on the part of the Government. Although it lacks the power to enforce decisions, the People's Advocate acted as a watchdog for human rights violations. Its most common cases included citizen complaints of police and military abuse of power, lack of enforcement of court judgments in civil cases, wrongful dismissal, and land disputes (see Sections 1.c., 1.e., and 1.f.). The caseload of the People's Advocate office continued to increase as the public became more aware of the services provided. The People's Advocate enjoyed the political support of the highest-ranking members of the Government and is authorized to receive information from all public agencies.

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

The law prohibits discrimination based on sex, race, ethnicity, or language; however, discrimination against women and some minority groups persisted. The AHRG complained that police physically mistreated the country's small homosexual community.

Women

Violence against women and spousal abuse remained serious problems. In the country's traditionally male-dominated society, cultural acceptance and lax police response resulted in most abuse going unreported. Rape is punishable by law, as is spousal rape; however, in practice spousal rape was not reported or prosecuted. The concepts of spousal rape and sexual harassment were not well established, and, consequently, such acts often were not considered crimes by the authorities or the public. A 1999 poll conducted by the NGO Advice Center for Women and Girls showed that 64 percent of women surveyed had experienced some form of physical, emotional, or sexual abuse. Later statistics were not available. The State Committee on Women and Children is the primary government agency that addresses the status of women; however, it was underfunded and lacked political influence.

An NGO maintained a shelter in Tirana for abused women, but the facility had the capacity to house only a few victims at a time. The same NGO also operated a hot line that provides advice and counseling to women and girls.

Many men, particularly those from the northeastern part of the country, still followed the traditional code—the kanun—in which women are considered to be, and are treated as, chattel. Under the kanun, a woman's duty is to serve her husband and to be subordinate to him in all matters.

The law prohibits prostitution, but it was a problem. Trafficking in women for the purpose of sexual exploitation remained a serious problem (see Section 6.f.).

Women were not excluded, by law or in practice, from any occupation; however, they were not well represented at the highest levels of their fields. The Labor Code mandates equal pay for equal

work; however, this provision was not fully implemented, although women continued gradually to gain economic power. Women enjoyed equal access to higher education, but they were not accorded full and equal opportunity in their careers, and it was common for well-educated women to be underemployed or to work outside their field of training. An increasing number of women continued to open shops and small businesses. Many women migrated along with men to Greece and Italy to seek employment.

Various groups such as the Women's Center, the Family Planning Association, Useful to Albanian Women, the Independent Women's Forum, Women in Development, the Millennium Coalition, the Women's Advocacy Center, the Association of Women's Lawyers, Refleksione, and the three main human rights groups worked to promote women's rights. Some of these groups successfully promoted public awareness regarding domestic violence and implementing programs to empower women; however, their ability to lobby the Government and other prominent individuals to institute actual change in government policies and practices remained negligible.

Children

The Government's commitment to children's rights and welfare is codified in domestic law. The law provides for the right to 8 years of free education and also authorizes private schools. School attendance is mandatory through the eighth grade (or until age 18, whichever comes first). However, in practice many children left school earlier than allowed by law in order to work with their families, especially in rural areas (see Section 6.d.). According to a Save the Children 2000 report, in some rural areas approximately 90 percent of adolescent girls dropped out of secondary school. The lack of proper documents—many of which have been lost due to internal migration—prevented many students from attending school (see Section 2.d.). The State Committee on Women and Children is responsible for children's issues; however, it was underfunded and lacked political influence.

According to 2000 statistics issued by the Ministry of Public Order and the Commission for Reconciliation of Blood Feuds, as many as 400 children remained endangered by blood feuds involving their families (see Section 1.a.).

Child abuse, including sexual abuse, rarely was reported, but authorities and NGOs believed that it existed. According to the Ministry of Public Order, more than 89 cases of sex crimes against children were reported during the year. Trafficking in children was a serious problem (see Section 6.f.). In a few cases, criminals kidnaped children from families or orphanages to be sold to prostitution or pedophilia rings abroad. Child labor continued to be a problem (see Section 6.d.).

Various NGOs worked on children's issues, including Useful to Albanian Women, the Children's Human Right's Center in Albania, and the Albanian Children's Alliance, which is made up of 150 organizations across the country. International organizations active in this area included UNICEF, Save the Children, Caritas, and Catholic Relief Services.

Persons with Disabilities

There was some discrimination against persons with disabilities in employment, education, and the provision of other state services. Widespread poverty, unregulated working conditions, and poor medical care posed significant problems for many persons with disabilities. They are eligible for various forms of public assistance, but budgetary constraints greatly limited the amounts that they received. No law mandates accessibility to public buildings for persons with disabilities, and little has been done in this regard. In April the Association of Paraplegic and Tetraplegic Invalids held a hunger strike to call attention to the lack of government services for the disabled.

National/Racial/Ethnic Minorities

The Constitution provides for national minorities' "pluralism, national identity and inheritance, and religious coexistence." The Constitution also provides minorities the right to "freely express, without prohibition or compulsion, their ethnic, cultural, religious and linguistic belonging" and the right "to

study and be taught in their mother tongue, and to unite in organizations and associations for the protection of their interests and identity." A National Minorities Section in the Department of Prefectures in the Ministry of Local Government monitors the participation of national minorities in policy making both at the local and national levels. The Office of National Minorities, at the Ministry of Foreign Affairs, monitors Albania's compliance with international obligations and commitments as they relate to minority issues.

No recent official statistics exist regarding the size of the various ethnic communities. The Government omitted questions regarding ethnicity and religion in the April 2001 census, which caused some ethnic Greeks to boycott the process. Ethnic Greeks are the largest minority group. There also are small groups of Macedonians, Montenegrins, Vlachs, Roma, and Egyptians.

The ethnic Greek minority, led by their cultural association Omonia, collectively pursued grievances with the Government regarding electoral zones, Greek-language education, property rights, and government documents. Minority leaders complained of the Government's unwillingness to recognize the existence of ethnic Greek towns, such as Himara, that are not considered part of communist-era "minority zones"; to utilize Greek on official documents and on public signs in ethnic Greek areas; to address effectively crimes committed against ethnic Greeks, particularly allegations that communal property is being taken illegally by means of fraudulent documents and in some cases with complicity of the courts; to ascertain the size of the ethnic Greek population; and to include a higher number of ethnic Greeks in public administration. Greek-language public elementary schools were common in much of the southern part of the country, where most ethnic Greeks lived. Every village in this zone has its own elementary-middle (8-year) school in the Greek language, regardless of the number of students, and Gjirokaster has two high schools. There also is a Greek chair at the University of Gjirokaster. However, Omonia said that the ethnic Greeks needed more classes both within and outside the so-called minority zones. Ethnic Greeks enjoyed access to Greek language media (see Section 2.a.).

Ethnic Macedonians lived primarily in the Pogradec and Devoll and the Prespa area bordering Macedonia. Their interests were represented by Society Prespa. Classes in Macedonian were available to students in the area. The Macedonian Government agreed to provide texts for these classes free of charge; however, community leaders complained that the book supply was not adequate. A considerable number of students from this area study at the universities of Skopje and Bitola.

A small group of ethnic Montenegrins and Serbs lived north of Shkoder. Persons from this area received scholarships from the Montenegrin Government for their children to study in Montenegro. The Association of Montenegrins represented Montenegrin interests. There were no reports of discrimination against ethnic Montenegrins.

Vlachs, also known as Aromanians, speak their own Romanian-related language as well as Albanian and live primarily in the southern part of the country. No discrimination was reported by the Vlachs, who were represented by the groups Armeni-Alban, the Aromanian Association Voskopoja, and Aefallofisi.

The Roma and the Egyptians were among the most neglected groups in the country. The Egyptians tended to settle in urban areas and generally were more integrated into the economy than the Roma. In addition to widespread societal discrimination, these groups generally suffered from high illiteracy, poor health conditions, lack of education, and marked economic disadvantages. The Government officially recognizes the Roma as a linguistic rather than a national minority, thus preventing Roma children from qualifying for education in their native language and perpetuating illiteracy within the community. The interests of the Egyptians were represented by the Association Socio-Humanitarian Vllazerimi, the Roma by the Association Amaro Drom, Amaro Divas, Romani Baxt, and the Group for the Development of Roma Culture. The Soros Foundation supported various initiatives sponsored by the Association Amaro Drom, particularly in the field of education.

Section 6. Worker Rights

a. The Right of Association

Workers have the right to form independent trade unions, and workers exercised this right in practice. Two major federations act as umbrella organizations for most of the country's unions: The Independent Confederation of Trade Unions of Albania (membership approximately 75,000) and the Albanian Confederation of Trade Unions (membership approximately 100,000). Both organizations experienced another drop in membership during the year due to increasing unemployment. Some unions chose not to join either of the federations. No union has an official political affiliation, and the Government does not provide any financial support for unions.

The law does not prohibit antiunion discrimination; however, there was no such discrimination in practice.

Unions are free to join and maintain ties with international organizations. Twelve federations, which were part of the Albanian Confederation of Trade Unions, were members of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively

Citizens in all fields of employment, except uniformed members of the armed forces, police officers, and some court employees, have the constitutional right to organize and bargain collectively, and the Labor Code establishes procedures for the protection of workers' rights through collective bargaining agreements; however, labor unions operated from a weak position, given the country's high level of unemployment. In practice unions representing public sector employees negotiated directly with the Government. Effective collective bargaining remained difficult, and agreements were difficult to enforce.

The Constitution and other legislation provide that all workers, except the uniformed military, the police, and some court officials, have the right to strike. The law forbids strikes that are declared openly to be political or that are judged by the courts to be political.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Constitution and the Labor Code prohibit forced or bonded labor, including by children. Some children as young as 4 years of age were employed, and some children work as many as 16 hours a day. According to the CRCA, the majority of child laborers worked as street or shop vendors, farmers or shepherds, drug runners, textile factory workers, shoeshine boys, or prostitutes (see Section 5). However, in Tirana and other cities, children—mostly Roma—worked as beggars or sold cigarettes and other items on the street; the police generally ignored this practice.

NGOs reported that labor inspectors, who are charged with investigating child labor complaints, did not give out fines, penalties, or convictions to those who violate child labor laws (see Sections 5 and 6.d.).

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

The Labor Code sets the minimum age of employment at 16 years and limits the amount and type of labor that can be performed by children under the age of 18. Children between the ages of 14 and 16 legally may work in part-time jobs during summer vacation. The Ministry of Labor may enforce minimum age requirements through the courts; however, there were no reports that this enforcement took place. The CRCA estimated that 30,000 to 50,000 children under the age of 18 worked either full or part time.

A March 1998 CRCA study carried out with the Ministry of Education in 11 cities throughout the

country noted that more than 17 percent of children surveyed had abandoned their studies to work. The State Committee on Children also noted that there were approximately 800 street children in Tirana. A recent study by the NGO Terre des Hommes reported 1,000 street children in major Greek cities, of whom approximately 90 percent were Albanians.

In April the Government ratified ILO Convention 182 on the worst forms of child labor.

The law forbids forced or bonded labor by children; however, there were reports that such practices occurred (see Section 6.c.).

e. Acceptable Conditions of Work

The legal minimum wage for all workers over the age of 16 was approximately \$50 (6,600 lek) per month, which was not sufficient to provide a decent standard of living for a worker and family. Many workers looked for second jobs, which were difficult to find. Remittances from those working abroad were very important for many families. The law provides for social assistance (income support) and unemployment compensation, but these were very limited, both in terms of the amounts received and the number of persons actually covered. The average wage for workers in the public sector was approximately \$100 (13,200 lek) per month. Persons who worked and lived in urban areas earned almost 50 percent more than counterparts in rural areas, and poverty is greater in rural areas. More than 17 percent of the population lived under the official poverty line.

No data was available for private sector wages, but they were considerably higher than in the public sector.

The legal maximum workweek is 48 hours, although in practice, hours typically are set by individual or collective agreements. Many persons work 6 days a week. By law overtime pay must be provided and there are mandated rest periods; however, these were not always observed in practice.

The Government sets occupational health and safety standards; however, it had limited funds to make improvements in the remaining state-owned enterprises and a limited ability to enforce standards in the private sector. Actual conditions in the workplace generally were very poor and often dangerous. A number of job-related deaths were reported in the press during the year, especially in the construction industry. In such cases, the victims' families did not receive any financial support from the state social security administration because the workers often were not insured. The Labor Code lists the safety obligations of employers and employees but does not provide workers with the right to leave a hazardous workplace without jeopardy to their continued employment.

f. Trafficking in Persons

The law criminalizes trafficking in persons and provides penalties for traffickers; however, trafficking in persons, particularly women and children, remained serious problems. Police corruption and involvement in trafficking was a problem.

A 2001 Criminal Code amendment introduced specific articles on trafficking that set the following penalties: Trafficking in persons (5 to 15 years in prison); trafficking of women for prostitution (7 to 15 years in prison); and trafficking in minors (15 to 20 years in prison). The General Prosecutor's office and police did not follow through on plans to establish an Organized Crime Strike force to handle high profile and sensitive cases. The lack of prosecution of traffickers remained a problem. During the year, 17 people were convicted for trafficking in persons. Traffickers who were arrested often were released because of insufficient evidence. If prosecuted, they often were charged for lesser crimes or were given less than the minimum sentence for trafficking. The absence of a witness protection program also impeded the Government's ability to build strong cases against traffickers, although cooperation from the international community led to the relocation and

protection of one witness outside of Albania during the year. Victims often did not identify themselves as trafficked persons and were unwilling to testify due to fear of retribution from traffickers and distrust of the police. Cooperation between the police and prosecutors remained weak.

Albania is both a source and a transit country for trafficking. Although the number of Albanians subjected to trafficking to other countries decreased, the country remained a significant point of origin. Most trafficked women and young girls were transported to Italy, Greece, and—to a lesser extent—other European countries, such as Belgium and the Netherlands. Most of these victims were taken to the southern port city of Vlorë for transport by speedboat to Italy, although the port of Durrës increasingly was a transport point.

Trafficked Albanians increasingly fell into the 14- to 17-year-old age group; according to the AHRG, 25 percent of Albanian trafficking victims were minors. Italian census figures in 2000 showed that there were more than 900 children (girls ages 14 to 18) who worked as prostitutes in Italy. The press reported several cases involving minors who were victims of trafficking throughout the year. Children, including boys, also were trafficked for begging. Such children often were bought from families and in a few cases kidnapped. The Center for the Protection of Children's Rights (CRCA) reported that more than 2,000 children between the ages of 13 and 18 were involved in prostitution rings and that a large number of Albanian children worked as child prostitutes in Greece.

The country also was a major transit route for trafficked women and girls, due to weak border controls, corruption, and proximity to Italy; however, this use as a transit country apparently diminished significantly during the last half of the year. Foreign women and girls in transit mostly originate from Moldova, Romania, and—to a lesser extent—from Ukraine, Russia, Yugoslavia (Kosovo), and Bulgaria. These victims usually entered the country through Montenegro, passed through the northern city of Shkoder enroute to the southern port city of Vlorë, where they were transported by speedboat to Italy. However, Italian authorities reported no clandestine speedboat traffic across the Adriatic from September to year's end. Other victims were taken farther south to Greece. Traffickers typically confiscated victims' documents, physically and sexually abused them, and often forced them to work as prostitutes before they left Albania. Both Albanian and foreign women trafficked by Albanian organized crime networks were abused, tortured, and raped. Traffickers also may threaten their family members.

Due to the poor economic situation, many women and young girls from all over the country—particularly Berat, Fier, Lushnjë, Shkoder, and Vlorë—were lured by men and women from organized criminal groups who promised them jobs in Italy and Greece. Some men, primarily in the north of the country, also married women and girls under false pretenses and took them abroad as prostitutes. Other forms of recruitment included promises of marriage, and to a lesser extent, the selling of victims to traffickers by family members, or kidnapping, including from orphanages.

The police often were involved directly or indirectly in trafficking. According to an IOM/ICMC study, 10 percent of foreign victims reported that the police were directly involved in their trafficking through the country. Few police or other government officials were prosecuted. In February a police officer in the city of Shkoder was arrested and convicted for his involvement in trafficking but received only a minimal sentence. Other police officers were indirectly involved, accepting bribes from traffickers to look the other way. Lawyers and judges may also be manipulated and bribed, permitting traffickers to buy their way out of punishment if arrested. The Ministry of Public Order's Anti-Trafficking Unit within the Organized Crime Sub-Directorate and an Office of Internal Control paid particular attention to police involvement in human trafficking. The Office of Internal Control investigated 31 cases of police involvement in trafficking in women during the year and 173 cases of police involvement in trafficking in illegal immigrants.

By year's end, the Ministry of Public Order had fully staffed the Anti-Trafficking Unit. In August a major anti-trafficking operation effectively closed down clandestine speedboat traffic to Italy. Nevertheless, the Ministry of Public Order failed to follow up on high-profile trafficking and corruption investigations. Local police often tipped off traffickers when raids were scheduled. On one occasion, a police supervisor checking on his men found them helping traffickers with their boats.

In July 2001, the Government established an Inter-Ministerial Commission on Human Trafficking, which drafted a National Strategy on Anti-Trafficking, and designated a Minister of State to serve as the National Anti-Trafficking Coordinator.

In October 2001, the Government inaugurated the Vlora Anti-Trafficking Center; however, international partners withdrew from the project, and the center was still not operational at year's end. The Government's State Committee on Women and Children provided limited trafficking prevention education; however, this office was underfunded. National and international NGOs carried out most awareness campaigns.

Police treatment of trafficked women improved dramatically during the year. Most police stopped treating trafficked women as criminals rather than victims and routinely referred them to local and foreign NGOs for assistance. Foreign women who were detained at times lacked translation services or were not given a choice of lawyers.

Victims of trafficking often faced significant stigmatization from their families and society. The Government did not offer any assistance programs to victims, including repatriated victims. The Government did not provide any psychological counseling services. Several NGOs were active in addressing victim's needs. In June the IOM opened a shelter and reintegration center for citizen victims in Tirana; however, given the scope of the trafficking problem and limited resources to address reintegration, many victims of trafficking received little or no assistance.

The Ministry of Public Order provided assistance in referring foreign victims to a shelter administered jointly by the IOM and the ICMC. Foreign trafficked victims, if they so desired, benefited from an interagency referral system, a temporary social assistance program supported by a group of local NGOs, and a shelter, all organized by IOM and ICMC. During the year, the program repatriated 33 women.