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2009 Human Rights Report: Albania

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR
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The Republic of Albania is a parliamentary democracy with a population of approximately 3.6 million. The constitution vests legislative authority in the unicameral People's Assembly (parliament), which elects both the prime minister and the president. The prime minister heads the government, while the presidency has limited executive power. On June 28, the country held parliamentary elections, which the Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) described as marking progress over past elections, but not fully realizing international standards. While ODIHR found that the elections met most of the country's democratic commitments, observers noted problems, including misuse of government resources by both sides for campaign purposes, shortcomings in training and preparations for vote counting, and evidence of proxy voting, media bias, and pressure on public sector employees to participate in campaign events. The opposition Socialist Party (SP) boycotted parliament after September, calling for an investigation into alleged electoral fraud. Civilian authorities generally maintained effective control of the security forces.

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

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

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

Investigations continued into allegations that, during the 1999 Kosovo conflict, traffickers kidnapped civilians from Kosovo and brought them to the country, where some were killed and their organs sold. In April the EU Rule of Law Mission in Kosovo announced that it had begun a preliminary investigation into the allegations. In August Council of Europe special rapporteur Dick Marty led a mission to Serbia and Albania to further investigate. Marty's report to the Council of Europe remained pending at year's end.

During the year there were continuing reports of societal killings, including both generational "blood feud" and revenge killings. Such killings sometimes involved criminal gangs. According to the Interior Ministry, there was one blood feud-related killing during the year, which was a decrease from previous years. According to NGOs approximately 120 families were effectively imprisoned in their homes from fear of blood feud reprisals; half of these families were located in Shkoder. The Court of Serious Crimes tried blood feud cases. The law punishes premeditated murder, when committed for revenge or a blood feud, with 20 years' or life imprisonment.

b. Disappearance

There were no reports of politically motivated disappearances.

At year's end, the trial was ongoing of Arben Sefgjini, who previously served as the head of the National Intelligence Service (SHISH), and three of his former SHISH colleagues, Budion Mece, Avni Kolladashi, and Ilir Kumburo, for the 1995 kidnapping and torture of Remzi Hoxha and two other citizens. Hoxha's fate remained unknown.

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

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

On January 21, the Council of Europe's Committee for the Prevention of Torture (CPT) released a report on the June 2008 visit by a CPT delegation to a number of the country's prisons and detention centers. The CPT reported credible allegations of physical mistreatment; abuse mostly occurred during police questioning, including severe beatings incorporating blows to the feet and to the palms and backs of the hands with objects such as a baton. The most serious allegations received by the delegation involved the police stations in Korca, Pogradec, and Elbasan. However, in contrast with CPT visits in 2005 and 2006, the majority of persons interviewed by the delegation stated they had been treated

correctly while in police custody.

The Albanian Helsinki Committee (AHC) and the Albanian Human Rights Group (AHRG) reported that police sometimes used excessive force or inhuman treatment. In 2008 the AHC reported that it received 91 complaints of mistreatment by police. The majority of these complaints concerned unjustified stops by police, detention past legal deadlines, failure to make citizens aware of their rights when detained, and poor conditions of detention centers. According to the AHRG, police more often mistreated suspects at the time of arrest or initial detention. Roma, Balkan Egyptians, and persons engaging in homosexual conduct were particularly vulnerable to police abuse.

As in past years, the police sometimes used threats and violence to extract confessions.

Prison and Detention Center Conditions

The Ministry of Justice operated all detention facilities; however, the Ministry of Interior oversaw police detention facilities, which housed detainees for up to 48 hours after their arrest. After 48 hours, arrestees were placed under Ministry of Justice supervision.

In its January 21 report on conditions of detention in the country, the CPT delegation noted that, with the exception of provision of food, hardly any progress had been made at the time of its June 2008 visit to improve physical conditions of detention in police detention facilities. In particular it found that detention conditions at the Police Directorate General in Tirana were "totally unacceptable." It found all cells to be very small, in a poor state of repair and hygiene, and to have little or no access to natural light and fresh air. There were also reports of prison overcrowding. To alleviate overcrowding, the government opened five new prisons during the year and in April passed a probation law that allows those convicted of minor crimes to be released on a probationary basis. Nearly 80 former inmates participated in this program. In its January 21 report, the CPT delegation noted that some cells in the unit for female prisoners at Prison No. 313 in Tirana were severely overcrowded, with up to four prisoners held in a cell measuring seven square meters (75 square feet). This was the only facility in the country for female pretrial detainees. In November, the government signed a memorandum with a local NGO to increase the size of the facility.

The government allowed local and international human rights groups, the media, and others to monitor prison conditions. The law provides for an ombudsman to implement the National Mechanism for Torture Prevention. The ombudsman received complaints of abuses by the government and has the authority to monitor judicial proceedings and inspect detention and prison facilities; the ombudsman can initiate cases in which a victim is unwilling or unable to come forward. Although the ombudsman lacked the power to enforce decisions, he acted as a monitor for human rights violations. The most common cases included citizen complaints of police and military abuse of power, lack of enforcement of court judgments in civil cases, wrongful dismissal, and land disputes.

As a result of the June 2008 finding by the ombudsman that inmates at Burrel prison suffered substantial psychological and physical abuse, the Ministry of Justice conducted more training for prison staff and alleviated overcrowding. During the year the ombudsman did not receive any complaints regarding Burrel prison.

During the year the ombudsman found that minors were being held together with adults at the Korca prison and Durres pre-detention facilities. Specifically, he found that 14- to 18-year-olds were being together. The ombudsman recommended that this practice cease; implementation was in process at year's end.

During the year, 186 prison guards and officials had disciplinary proceedings initiated against them for misconduct.

Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

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

Notwithstanding police officer recruitment reforms and other standardization by the Ministry of Interior, the overall performance of law enforcement remained weak. Unprofessional behavior and corruption, compounded by low salaries, remained major impediments to the development of an effective civilian police force.

During the year the ombudsman processed and completed 151 of 169 complaints against the police mainly on arrest and detention issues; the ombudsman resolved 63 in favor of the complaining citizen.

Arrest Procedures and Treatment While in Detention

The constitution requires that authorities inform detained persons immediately of the charges against them and of their rights. Police must immediately inform the prosecutor of an arrest. The prosecutor may release the suspect or petition the court within 48 hours to hold the individual further. The court must decide within 48 hours whether to place a suspect in detention, require bail, prohibit travel, or require the defendant to report regularly to the police. In practice prosecutors requested and courts routinely ordered detention.

Courts must provide indigent defendants with free legal counsel. Police often failed to inform defendants of this right. The AHC and several NGOs offered free legal advice and advocacy services to indigent persons.

The law requires completion of most pretrial investigations within three months; however, a prosecutor may extend this period to two years or longer. The law provides that the maximum pretrial detention should not exceed three years; there were no reports during the year that this limit was violated. However, lengthy pretrial detentions often occurred due to delayed investigations, defense mistakes, or the failure of defense counsel to appear.

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

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, political pressure, intimidation, widespread corruption, and limited resources sometimes prevented the judiciary from functioning independently and efficiently.

The judicial system is composed of district courts, the serious crimes court, military courts, and appellate courts. There is a High Court that hears appeals from the appellate courts, and a Constitutional Court that reviews cases involving constitutional interpretation and conflicts between branches of government and cases of individuals alleging denial of due process.

The High Council of Justice has authority to appoint, discipline, and dismiss district and appeals court judges. The council consists of the president, the justice minister, the head of the High Court, nine judges selected by the National Judicial Conference, and three members selected by the parliament. Judges may appeal their dismissal to the High Court.

On February 16, the Constitutional Court suspended and referred to the Council of Europe's Venice Commission for further review the controversial "lustration" law, which allows the dismissal from office of a wide range of officials who participated in "political processes" while serving in higher-level positions under the Communist government. Adjudication of these cases was to be addressed by an extrajudicial commission appointed by the government-controlled parliament. The law appeared aimed at achieving the government's partisan political ends. In October the Venice Commission ruled that the lustration law, as written, does not comply with the country's constitution.

In 2008 the European Court of Human Rights issued a judgment against the country for violation of Article 6 (right to a fair trial) of the European Convention on Human Rights.

Trial Procedures

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

Political Prisoners and Detainees

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

Civil Judicial Procedures and Remedies

There is a functional civil law system where citizens have access to redress; however, it was susceptible to corruption, inefficiency, and political tampering. The Bailiff's Office is responsible for enforcing civil judgments. The law allows private bailiffs to enforce judgments, facilitating both private and public entities to help enforce rulings. However, the law was not enforced during the year.

Property Restitution

The laws governing restitution or compensation for private and religious property confiscated during the Communist era are complex, and a large number of cases involving conflicting claims by new owners and the state, on one side, and former owners on the other remained unresolved. In September 2008 the European Parliament released a briefing paper on property restitution in the country which noted that the first round of judgments of the European Court of Human Rights had found "serious deficiencies" in the administrative and judicial system of the country with respect to property restitution and compensation of former owners. Other problems identified in the paper included the government's slowness in setting up restitution administrative structures in the Property Restitution and Compensation Agency at both the central and regional department level and the domination of the restitution process by informal and corrupt transactions.

During the year the government provided 1.2 billion lek (\$12 million) in compensation to former owners of private property. As in previous years, the government did not provide restitution or compensation to religious organizations for religious properties and objects that the former Communist government confiscated or damaged.

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

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

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press. While the government generally respected these rights, there were reports that the government and businesses exerted covert pressure on the media. While the media were active and largely unrestrained, there were serious problems with the misuse of the media for political purposes. These problems worsened during and after the election campaign, with most media outlets showing clear bias towards the two largest political parties and public media outlets showing a distinct bias toward the ruling Democratic Party.

Individuals could generally criticize the government publicly or privately without reprisal, although there were some exceptions.

The public Albanian Radio and Television operated a national television channel and a national radio station and, by law, receives 50 percent of its budget from the government. The station remained under strict government control in its editorial line. At times political pressure and lack of funding constrained the independent print media. There were cases of direct and indirect government pressure on the media, including direct threats against journalists. Journalists reported that they practiced extensive self-censorship.

The investigative role of the media continued to increase. A popular investigative satirical show, *Fiks Fare*, led to dismissals and criminal cases against corrupt public officials, including a minister accused of sexual misconduct.

On January 6, a court suspended the Ministry of Interior-ordered eviction in December 2008 of *Tema*, a newspaper that had been critical of the ruling party, purportedly on "national security" grounds. The court ordered that the newspaper be allowed to continue publishing until the legal process was completed. However, in defiance of that ruling, the government continued to deny newspaper staff members access to the printing press or newspaper offices as of year's end.

In the spring, the Council of Ministers modified its 2006 decision to break its 20-year lease of space to Top Channel, a private television station that was sometimes critical of the government, and order the station to vacate the state-owned office building in which it was located. The council agreed to allow Top Channel to move to another state-owned property. On September 14, the Ministry of Economy notified Top Channel that it had to vacate premises at the so-called "Ekspozita," where some of its activities were conducted, due to privatization procedures, thus terminating Top Channel's lease contract. The ministry stated that it had alerted the station during the previous two years to the privatization, a claim the station rejected as untrue. The station alleged that these actions were reprisals for its editorial line. On September 15, a ministry spokesperson stated that the lease had ceased to exist after the privatization of the building. Several court hearings after the station filed a lawsuit contesting the government's decision were postponed during the year. The case was ongoing at year's end.

The law punishes libel with a prison sentence of up to two years and a fine. During the year there were no libel suits against reporters. However, two media outlets, Vision Plus and Shekulli, filed libel suits against the prime minister in December for prejudicial public statements made against them in parliament. Court hearings were ongoing at year's end.

Politicization of the media remained a concern that worsened during the election campaign. For the first time, political parties sent tapes of campaign footage for the stations' use to replace the stations' own coverage of campaign events. Publishers and newspaper owners continued to direct news stories to serve their political and economic interests and sometimes blocked stories that ran counter to those interests. There was minimal transparency in the financing of the media.

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

On November 2, an outspoken government critic, journalist Mero Baze, owner of the *Tema* newspaper and host of a talk show on Vision Plus, was assaulted outside a nightclub in Tirana. Witnesses stated that he was assaulted by Rezart Taci, a prominent businessman and close government associate, and his bodyguards for Baze's reporting on alleged corruption in the privatization of ARMO, the country's state-owned oil refinery, which the government had earlier sold to Taci. At year's end, police were investigating the incident and the accused businessman and two of his bodyguards were free on bail awaiting trial.

Political parties, trade unions, and other groups published newspapers or magazines independent of government influence. An estimated 200 publications were available, including daily and weekly newspapers, magazines, newsletters, and pamphlets.

According to official data, the country had 64 private television stations and 44 private radio stations, but the actual number was reportedly higher. While stations generally operated free of direct government influence, most owners believed that the content of their broadcasts could influence government action toward their other businesses.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Access to the Internet increased exponentially during the year, but remained limited, particularly outside major urban areas. According to International Telecommunication Union statistics for 2008, approximately 15 percent of the country's inhabitants used the Internet; however, there were other reports that usage could be as high as 30 percent.

Academic Freedom and Cultural Events

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

The law provides for the election of university rectors by faculty members and students. General elections took place in January 2008 at all public universities. There were claims that the election process was manipulated in the ballot counting process. There were also reports of pressure exerted on some students during the elections.

Corruption in the education system was extensive. University officials reportedly required payments for students to gain admission. For a fee, professors were reputedly willing to write papers or complete assignments for students, who routinely skipped classes. Officials sometimes required bribes or sexual favors from students for them to matriculate or pass examinations.

b. Freedom of Peaceful Assembly and Association

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

The law requires organizers of gatherings in public places to notify police three days in advance; there were no reports that police arbitrarily denied such gatherings. On the eve of the June elections, however, the government used police to obstruct the opposition's preparations for its final campaign rally. The dispute was resolved only through international intercession.

The law prohibits the formation of any political party or organization that is nontransparent or secretive; there were no reports that the government used this provision against any group during the year.

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice.

The predominant religious communities--Sunni Muslim, Bektashi Muslim, Orthodox, and Roman Catholic--enjoyed a greater degree of official recognition (for example, national holidays) and social status than some other religious groups. The government does not require registration or licensing of religious groups.

The constitution calls for separate bilateral agreements to regulate relations between the government and religious communities. In October 2008 the government signed agreements with the Muslim, Orthodox, and Bektashi communities. The Catholic Church has had such an agreement with the government since 2002. VUSH, a Protestant umbrella organization, has asked to conclude a bilateral agreement. Among the advantages of having an agreement are official recognition of the community, prioritized property restitution, and tax exemptions. Government financial support and state-subsidized clergy salaries are to be implemented, based on a law on the financing of religious communities passed on June 5.

Societal Abuses and Discrimination

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

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf.

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

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

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

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

Protection of Refugees

The country is a party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees. Its laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. Under the law requests for asylum must be made within 10 days of arrival on the country's soil, and the

government must make the decision regarding granting asylum within 51 days of the initial request. The government actively cooperated with the UNHCR and the Refugee and Migrants Services Albania, which provided assistance to refugees.

The government provided temporary protection to refugees and individuals who may not qualify as refugees and provided it to 99 persons during the year.

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

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

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

Elections and Political Participation

On June 28, the country held parliamentary elections. The official report of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) election observation mission stated that the election met most OSCE commitments, but nevertheless "did not fully realize the country's potential to adhere to the highest standards for democratic elections." While the elections took place in a highly polarized environment and media coverage was decidedly skewed in favor of the two largest parties, the Democratic Party (DP) and the SP, 34 parties campaigned freely throughout the country. ODIHR observers assessed voting positively in 92 per cent of voting centers visited but noted a number of procedural violations, such as proxy voting. Press coverage was heavily biased in favor of the government and the major opposition party, at the expense of smaller parties. There were numerous allegations, of which several were corroborated, of pressure to attend DP campaign events or to desist from opposition activities, often accompanied by threats of job loss. The government repeatedly used official events, including inaugurations of infrastructure projects, for campaign purposes. According to ODIHR, the government consistently misused state resources--vehicles, personnel, telecommunications, and duplicating equipment--to assist campaigning. The head of the SP also used official events in his capacity as mayor of Tirana to campaign for the SP, although less frequently.

According to the new electoral code, only identification cards or passports could be used as identification for voting. The distribution of identification cards to allow citizens without passports to vote started in January and was largely completed in time for elections. A concerted effort by the international community led to an agreement to accelerate delivery and lower the cost of the cards. There were no major disputes over identification cards on election day. Of over 1.4 million applications for identification cards, all but 3,321 were processed before election day. Approximately 257,000 citizens without a passport did not apply.

Due to administrative shortcomings, ODIHR observers assessed the vote count as bad or very bad in 22 of the 66 ballot-counting centers. Nevertheless, the ODIHR mission found no evidence of irregular counting or manipulation of results and no major irregularities at the centers. However, the opposition contested these apparently contradictory conclusions, and a small political party aired video footage seemingly showing vote counting irregularities in at least one polling station. Opposition demands for recounts were denied by the Central Election Committee on a party-line vote. The bipartisan Electoral College also generally denied recount requests. The postelection appeals process was conducted in a professional manner and appeared to be expedited, according to the ODIHR mission. The final declaration on the seat allocation and electoral results passed the CEC by a unanimous vote of both major parties.

After the elections, the main opposition party, the SP, boycotted parliament and called for investigations into alleged electoral fraud and demanded the opening of the ballot boxes from the June 28 elections. The ruling DP declared that opening the ballot boxes would be illegal, arguing that the opposition had exhausted all legal appeal remedies provided for in the electoral code. The boycott was ongoing at year's end.

Political parties operated without restriction or outside interference.

Overall, women were poorly represented at the national and local levels of government, despite commitments by the major political parties to increase their representation. After the June 28 elections, there were 23 women in the 140-seat parliament, an increase from nine in the previous parliament. These included the speaker and one woman on the Council of Ministers.

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

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

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, despite several arrests of high-level local and central

government officials, government corruption remained a major obstacle to meaningful reform. World Bank governance indices for 2008 indicated that corruption was a serious problem. The government prosecuted corrupt officials and managed complaints regarding corrupt police through the ombudsman.

During the year the government's anticorruption task force against organized crime continued to coordinate anticorruption activities. The task force, headed by the prime minister, included several ministers and heads of independent state-owned agencies, such as the public electricity company and representatives of the police and intelligence organizations.

The law prohibits government ministers and their close family members from owning a company directly tied to their official responsibilities. Since its inception in 2003, the High Inspectorate for the Declaration and Audit of Assets (HIDAA) received assets declarations from 9,413 officials. During the year there were 424 new officials who declared their assets for the first time. HIDAA administers conflict of interest regulations and during the year fined 27 individuals for delaying their submissions and fined three for conflict of interest.

During the year the Ministry of Interior reported that the state police investigated 1,610 cases related to corruption and financial crimes. Authorities arrested 2,049 persons. The government confiscated approximately 700 million lek (\$7 million) in assets, of which 550 million lek (\$5.5 million) was from money laundering; the remainder was in contraband goods and illegal products. According to the Ministry of Interior, police dismantled 24 organized criminal groups in 38 police operations. However, organized crime remained a serious problem.

The Joint Investigative Unit to Fight Economic Crime and Corruption (JIU) investigated and prosecuted public corruption and other financial crimes, although its ability to investigate and prosecute corrupt judges, members of parliament, and other high officials was hampered by broad immunity from criminal prosecution granted by the constitution. The JIU was composed of the prosecutor general, the ministers of interior and finance, and the director of SHISH. The JIU used a team structure to concentrate capacity and foster communication necessary for effective investigations and prosecutions. The JIU received direct referrals from citizens.

During the year the JIU prosecuted two former mayors of a commune near Tirana for a property fraud scheme. They were convicted of corruption, money laundering, and other charges along with three other officials and two citizens. The trial court imposed sentences ranging from three to six years in prison; however, the Court of Appeals subsequently reduced some of the charges and most of the sentences, cutting the longest sentence to three years.

In a highly charged case involving restitution of property in the Kashar Commune, seven persons were convicted of corruption, money laundering, and other charges. This small commune, between Tirana and Durres, contains valuable land adjacent to the main highway. The seven agreed to a summary trial to reduce their sentences. The court imposed prison sentences ranging from three to six years on five former officials, including two former chairmen of the commune, and fines ranging from one million to six million lek (\$10,000 to \$60,000). Two commune citizens were convicted of money laundering and falsification of documents, with one of them receiving the heaviest sentence of the group--six years and eight months in prison.

In a Ministry of Defense procurement fraud case, three of four defendants were convicted, including Shkelzen Madani, the resource management director. Madani, convicted of passive corruption and falsification of documents, was sentenced to two-and-a-half years in prison, a 1.8 million lek (\$18,000) fine, and was prohibited from holding public office for one year. Madani, a close associate of former minister of defense Fatmir Mediu, and others received an estimated 2,000 euros (\$2,860) in bribes for each ammunition import and export license that the Ministry of Defense issued to civilian entities. Two other defendants were convicted and sentenced to less than two years' imprisonment.

In September the prosecution dismissed charges against former foreign minister Lulzim Basha, who was indicted for abuse of office in connection with the country's largest public works project, on technical grounds relating to his immunity as the new minister of interior.

During the year the Supreme Court ruled that former minister of defense Fatmir Mediu was immune from prosecution in connection with the investigation of the 2008 explosion at a demilitarization warehouse in Gerdec that resulted in the deaths of 26 persons. Mediu's immunity, which had been revoked in 2008, was reinstated upon his reelection to parliament on June 28. As a result, the case was dismissed. As of year's end, there had been no request from the prosecutor general to lift Mediu's immunity.

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

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

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally cooperated and responded to their views. A group of human rights NGOs collaborated to produce a human rights report on the country that was published in December.

The government cooperated with international organizations, such as the UNHCR and the International Organization for Migration, and did not restrict their access.

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

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

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, ethnicity, disability, language, or social status; however, the government did not effectively enforce these prohibitions, and discrimination against women, Balkan Egyptians, Roma, and homosexual persons persisted.

Women

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

Domestic violence against women, including spousal abuse, remained a serious problem. During the year police reported 1,063 cases of domestic violence and the government pressed charges in 747 cases. The department of equal opportunities at the Ministry of Labor, Social Affairs, and Equal Opportunity covers women's issues, including domestic violence.

The government did not fund specific programs to combat domestic violence or assist victims, although nonprofit organizations provided assistance. NGOs reported that an estimated eight domestic violence hotlines operated. The hotlines, serving mainly the northern part of the country, each received approximately 25 calls per month from women reporting some form of violence. NGOs operated four shelters for battered women in Tirana, Vlora, Elbasan, and Gjirokaster. NGOs noted an increase in reports of domestic violence, primarily due to increased awareness of services.

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

The law prohibits prostitution; however, it remained a problem.

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

In March the prime minister fired the minister of culture, youth, tourism, and sports, Ylli Pango, one hour after a popular television program broadcast a video taken by a hidden camera showing Pango requesting sexual favors from a young woman in exchange for a job in his ministry. An investigation of Pango terminated in December due to lack of evidence other than the video, which was deemed entrapment by prosecutors.

Reproductive rights are respected by the government. Citizens have access to contraception. Under the law, health care is provided to all citizens; however, the quality of and access to care, including obstetric and postpartum care, was not satisfactory, especially in the remote rural areas.

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

Children

In general, parents must register their children in the same community where they registered. However, according to the Children's Rights Center of Albania (CRCA), children born to internal migrants frequently had no birth certificates or other legal documentation and, as a result, were unable to attend school.

The law provides for nine years of free education and authorizes private schools. School attendance is mandatory through the ninth grade or until age 16, whichever comes first; however, in practice many children left school earlier than the law allowed to work with their families, particularly in rural areas. Parents had to purchase supplies, books, uniforms, and space heaters for some classrooms, which was prohibitively expensive for many families, particularly Roma and other minorities. Many families also cited these costs as a reason for not sending girls to school.

According to 2007-08 Ministry of Education figures, public school secondary school enrollment (ages 15 to 18 years) for both boys and girls was 96.7 percent, primary school attendance (ages six to 14 years) was 99.1 percent, and the school

dropout rate was 0.9 percent. In December the ministry announced a new program designed to decrease the dropout rate further by providing textbooks on a reimbursement basis for qualifying families and transportation to and from school.

As in previous years, child abuse, including sexual abuse, occurred occasionally, although victims rarely reported it. Trafficking of girls for commercial sexual exploitation was a problem. Children were also trafficked to Greece and Kosovo and within the country for begging and other forms of child labor in both formal and informal sectors.

Child marriage remained a problem in many Roma families and typically occurred when children were 13 or 14 years old.

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

Trafficking in Persons

The law prohibits trafficking in persons for all purposes and provides penalties for traffickers; however, individuals and organized crime syndicates trafficked persons, particularly women and children, from and within the country.

The country was a source country for men, women, and children trafficked for the purposes of sexual exploitation and forced labor, including forced begging and agricultural work. Victims were trafficked primarily to Greece, but also to Italy, Macedonia, Kosovo, Spain, France, the United Kingdom, and other West European countries as well as within the country.

Trafficking in persons is punishable by law, with criminal penalties ranging from five to 15 years in prison for sex trafficking offenses and from four to 15 years for labor trafficking. Fines from 50,000 to four million lek (\$500 to \$40,000) accompany prison sentences in criminal cases. Civil remedies are also available.

During the year the government increased its investigations and prosecutions for trafficking in persons offenses. By year's end, police referred 14 new trafficking cases to the General Prosecutor's Office, a decline from the previous year, when authorities investigated 20 persons on trafficking charges. The Prosecution Office for Serious Crimes has 24 cases under proceedings; seven of these were registered during the year. Authorities referred five cases to the Serious Crimes Court; the court prosecuted 31 persons, convicting 11 of trafficking. The court sentenced seven offenders to between 15 and 16 1/2 years in prison; it fined six offenders seven million lek (\$70,000).

In separate cases during the year, the Supreme Court reversed the convictions of three traffickers on several grounds, including the prohibition on the alleged victims--the convicted traffickers' wives--testifying against them in court.

The government continued its slow implementation of the national action plan to provide services to victims of trafficking. The government provided limited services to trafficking victims, operating a shelter near Tirana; however, it did not provide financial assistance to the four nongovernment shelters.

The National Strategy on the Fight against Trafficking in Human Beings was the primary vehicle through which the government addressed trafficking. Through the strategy, the government offered training to 270 personnel and sponsored dozens of public awareness campaigns during the year to prevent trafficking.

The Department of State's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

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

During the year the ombudsman continued to inspect mental health institutions and found that physical conditions in facilities in Vlora and Shkoder were improved. However, the ombudsman also found these same facilities were understaffed and poorly supplied and that hygienic and sanitary conditions were unacceptable. The ombudsman, who conducted inspections in 2008 and 2009 in Elbasan, Shkoder, and Vlore, recommended a major legal, organizational, and budgetary review of the country's mental health care system. A special report on the status of mental health treatment was sent to parliament in June 2008; however, no action had been taken. The admission and release of patients at mental health institutions was a problem due to lack of sufficient financial resources to provide adequate psychiatric evaluations.

The electoral code provides for wheelchair-accessible voting booths and special accommodations for blind persons to vote. According to ODIHR, more than 2,000 voters with disabilities who lacked a valid passport could not apply for a new identification card because application centers were difficult or impossible to access. Homebound voters also were not able to apply, as there were no mobile application workstations. After a slow start, ballots for the blind were available for the June 28 elections but were missing in some voting centers.

National/Racial/Ethnic Minorities

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

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

In October the Council of Ministers approved the National Action Plan for the Roma and Egyptian Involvement Decade for the 2010-15 period. The total budget for implementing the five-year plan was expected to be nearly 2.5 billion lek (\$25 million).

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

In April, Vasil Bollano, the ethnic Greek mayor of Himara was found guilty of abuse of office. He was sentenced to six months in prison, fined an estimated \$5,000, and prohibited from holding public office for three years. The case was under appeal at year's end. The case originated in 2008, when Bollano was charged with destruction of government property after he ordered the removal of several new road signs in the Himara district because they were written in Albanian and English but not Greek.

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

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

In June a man allegedly murdered his brother due to his sexual orientation. The murderer pled guilty and was sentenced to eight years in prison. In August four men were arrested in Durrës for prostitution and engaging in public sexual activity. The men claimed police discriminated against them, since police officers often did not arrest female prostitutes and their clients when apprehended. Without an antidiscrimination law, societal discrimination based on sexual orientation was a constant. There were several informal reports of harassment, denial of service, and employment discrimination due to sexual orientation. For example, homosexual customers were sometimes denied service in bars and restaurants. There were reports of LGBT persons being harassed on the streets. They often did not report criminal or civil offenses committed against them from fear of economic and physical reprisals. LGBT persons are not a protected class under the law. NGOs claimed that police routinely harassed homosexual persons.

Section 7 Worker Rights

a. The Right of Association

Workers have the right to form independent unions and they exercised this right in practice; however, the law prohibits members of the military and senior government officials from joining unions and requires that a trade union have at least 20 members to be registered. Approximately 15 percent of the workforce belonged to unions.

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

b. The Right to Organize and Bargain Collectively

Citizens in all fields of civilian employment have the constitutional right to organize and bargain collectively, and the law establishes procedures for the protection of workers' rights through collective bargaining agreements. However, labor unions operated from a weak position. In practice unions representing public sector employees negotiated directly with the government. Effective collective bargaining remained difficult, and agreements were hard to enforce.

During the year the parliament adopted a law requiring workers' representative bodies in enterprises with 20 or more employees to inform workers of all issues affecting them and their companies.

The law does not prohibit antiunion discrimination, and there were some reports of such occurrences. According to the Independent Trade Union of Textile, Garment, and Leather Workers, employers in the textile, garment, leather, and footwear sectors regarded trade unions as enemies. Reportedly, they threatened international relocation if workers unionized. In October the parliament passed a law that would sequester properties belonging to the country's trade unions. The International Federation of Chemical, Energy, Mine, and General Workers' Unions filed a lawsuit against this law.

The law established economic zones and industrial parks, and the government subsequently approved six industrial parks for development. As of January, these parks were in development.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, women and children were trafficked for sexual exploitation and labor.

d. Prohibition of Child Labor and Minimum Age for Employment

The law criminalizes exploitation of children for labor or forced services; however, the government did not enforce the law effectively. According to a CRCA estimate released during the year, more than 50,000 children under 18 years of age worked either full or part time. The CRCA reported that the majority of child laborers worked as street or shop vendors, beggars, farmers or shepherds, drug runners, vehicle washers, textile factory workers, miners, or shoeshine boys. Research suggested that begging, whether forced or not, started at a young age--as early as four or five years--and was related to poverty and discrimination. Police generally ignored these practices. In January 2008 the criminal code was amended to include the exploitation of children for begging as a separate criminal offense.

The law sets the minimum age of employment at 14 years and regulates the amount and type of labor that children under the age of 18 may perform. Children between the ages of 14 and 16 may work legally in part-time jobs during summer vacation; children between the ages of 16 and 18 can work throughout the year in certain specified jobs. The law provides that the Ministry of Labor, Social Affairs, and Equal Opportunity is responsible for enforcing minimum age requirements through the courts; however, there were no reports that enforcement took place. Labor inspectors generally only investigated the formal labor sector, whereas most child labor occurred in the informal sector. The majority that they inspected were shoe and textile factories.

In March 2008 a massive explosion killed several illegally employed children at a munitions dump in the town of Gerdec. The explosion killed 26 persons and injured hundreds of others, some seriously.

The government, together with several NGOs and international donors, had some specific programs aimed at preventing illegal child labor.

During the year the Child Labor Unit at the Ministry of Labor continued implementing the second phase of its child labor monitoring initiative in the regions of Elbasan and Shkoder. As a result of those efforts, 315 children were withdrawn from various forms of employment and returned to school. In addition, the Ministry of Tourism established a code of conduct for preventing child sex tourism that was signed by 24 tourist agencies and hotels.

e. Acceptable Conditions of Work

The national minimum wage since May was 18,000 lek (\$180) per month. However, it was not sufficient to provide a decent standard of living for a worker and family. According to INSTAT, the average wage for government workers was 42,000 lek (\$420) per month. The Albanian Institute of Statistics also reported that average monthly wages in the public sector had increased 16 percent from 2008.

The Ministry of Labor, Social Affairs, and Equal Opportunity has the responsibility for enforcing minimum wage compliance.

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

The Ministry of Labor, Social Affairs, and Equal Opportunity is responsible for enforcing government occupational health and safety standards and regulations; however, enforcement was lacking overall. Workplace conditions were frequently very poor and in some cases dangerous. During the year the media reported a number of job-related deaths, particularly in the construction and mining industries. The chromium mines of Bulqiza continued to be among the most dangerous workplaces in the country, with at least 16 deaths reported from April 2007 to the end of the 2008. During the year miners at Bulqiza conducted a hunger strike to protest the poor working conditions; the miners suspended the strike to give the government time to draft proposals to improve work conditions and to pass a special miners' status bill. The government had not made a proposal by year's end.

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

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