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Albania Country Report on Human Rights Practices for 1998

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ALBANIA

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 and its allies won 121 of 155 parliamentary seats in 1997 elections held after a 5-month period of chaos and anarchy. Observers deemed the elections to be acceptable and satisfactory under the circumstances. However, the largest opposition group, the Democratic Party, boycotted Parliament from October 1997 to March 1998 and again from June 1998 through year's end, charging unfair practices by the ruling Socialists and their coalition partners. The Socialist Party chairman, Fatos Nano, formed a government following the elections and remained in office until September 1998, when he resigned following a series of often violent demonstrations against his administration. The Socialists then chose Pandeli Majko to serve as Prime Minister in October 1998. A parliamentary commission drafted a new Constitution that was approved in a national referendum in November; observers found that the referendum in general was conducted fairly. The Democratic Party boycotted the process of drafting the Constitution and called for a boycott of the referendum as well. The judicial system, inefficient and subject to corruption and executive pressure in normal times, was undermined further by the country's continued instability.

Local police units reporting to the Minister of Public Order are principally responsible for internal security, but the officers are typically untrained and often unreliable. The Ministry also has a small force of well-trained and effective police officers organized into special duty units. The looting of military arsenals in 1997 put hundreds of thousands of weapons into the hands of civilians. The police exercise only marginal control in some areas of the country; government authority is particularly absent in some areas along the northeastern border. The police are affected by, and are sometimes a part of, the country's endemic corruption. The national intelligence service (ShIK) is responsible for both internal and external intelligence gathering and counterintelligence. It and its predecessor organization also had a long history of engaging in political repression under previous governments. Under the Socialist Government, the ShIK has become smaller and less active, and the organization apparently no longer has a political role. A new law for the ShIK and an accompanying plan to restructure the intelligence service was passed by Parliament in December. The military has not had a role in domestic security until recently, when a special 120-man "commando" unit was authorized in October. Once organized, the new unit is to operate in an antiterrorist role under the Minister of Defense, but during times of domestic crisis the Minister of Public Order can request its transfer to his authority directly from the Minister of Defense. The police committed some human rights abuses.

Albania is a poor country in transition from central economic planning to a free market system, and many issues related to privatization, ownership claims, and the appropriate regulation of business are not yet resolved. Economic recovery from the collapse of 1997 was slow, but inflation was about 10

percent during the year compared with about 40 percent in 1997, and gross domestic product (GDP) grew by about 10 percent. The official unemployment rate was 17 percent. With two-thirds of all workers employed in agriculture--mostly at the subsistence level--remittances from citizens working abroad are extremely important, as is foreign assistance. The GDP may be underestimated because considerable income also is thought to be derived from various organized and semiorganized criminal activities. A variety of other unreported, noncriminal activities, such as unlicensed small businesses, along with the Government's inability to collect fully accurate statistics, also contribute to the GDP's underestimation.

The Government's overall human rights record improved somewhat, in hand with the gradual quieting of the massive civil unrest of 1997; however, problems remained in several areas. The opposition Democratic Party made numerous allegations that the Government was responsible for the murders of various Democratic Party members during the year, but the Party never produced evidence to support these claims. The police beat and otherwise abused suspects and prisoners. The Democratic Party often legitimately complained about incidents of police harassment of its members and of the dismissal of some of its members from official positions for political reasons. The judiciary is inefficient and subject to corruption and executive pressure. There were complaints of unqualified and unprofessional judges and credible accounts of judges who were intimidated or bribed by powerful criminals. The Government infringed on citizens' privacy rights. Government respect for freedom of speech and of the press improved; however, academic freedom was constrained. Government respect for freedom of assembly improved. The gains in human rights were largely offset by the Government's stubbornly passive approach to basic law enforcement: in too many instances crime, corruption, and vigilantism undermined the Government's efforts to restore civil order. Violence and discrimination against women are problems, and trafficking in women and children is a significant problem. Child abuse is also a problem. The Government took steps to improve the treatment of ethnic minorities; however, societal discrimination against Roma remains a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no confirmed cases of political killings by the Government, despite repeated claims by the main opposition party that its members were harassed, beaten, and sometimes murdered by government agents. Democratic Party members were the victims of numerous attacks and murders, but in the general atmosphere of lawlessness and lax law enforcement, neither culprits nor motives were ever found for most of these crimes. However, police investigation of many of the cases was not aggressive.

The murder of Democratic Party Member of Parliament (M.P.) Azem Hajdari by an unknown gunman in September 1998 was the most significant of these incidents and set off days of protest marches and rioting in the capital, which left at least four persons dead. In September 1997, Hajdari was shot and seriously wounded by a Socialist M.P. after a scuffle inside the Parliament building; in March the Socialist M.P., Gafur Mazreku, was subsequently convicted of attempted murder and sen-

tenced to 12 years in prison. The police, local human rights organizations, and diplomatic representatives found no evidence to back claims of government involvement in any of these incidents.

In January police officers in Fieri reportedly beat to death a man after removing him from a hospital. In September 3 persons were shot and killed when approximately 50 persons reportedly tried to take over the police commissariat in Lezha.

The country continued to experience high levels of violent crime, some of which was politically motivated. Antigovernment crowds seized much of the city of Shkodra in February, for example, and burned the city's main police station. In September rioters attacked and burned government office buildings and the residence of the Prime Minister after the murder of Democratic Party M.P. Hajdari. In the 2 days of antigovernment violence, 2 protesters were killed and 10 persons were wounded.

Many killings occurred throughout the country as the result of individual or clan vigilante actions, or in conflicts involving various criminal gangs.

b. Disappearance

There were no confirmed reports of politically motivated disappearances. At least one prominent businessman disappeared; no information on his fate emerged by year's end, and some observers claimed that there might be a political connection.

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

The Law on Fundamental Rights and Freedoms stipulates that "no one can be subject to torture, or cruel and brutal treatment;" however, the police often beat suspects in the process of arresting them, and there were reports that the police beat or otherwise mistreated prisoners. The Penal Code makes the use of torture a crime punishable by up to 10 years in prison. The Albanian Helsinki Committee reported in June that major police stations were the sites of the worst abuse of detainees, and that all stations were overcrowded and some were "out of control." Local human rights organizations also reported that police brutality often occurred outside the police stations and therefore was more difficult to detect unless reported by victims. Human Rights Watch reports that in January, the police beat two Democratic Party activists in Kutchova and Vlora. In February the police beat several journalists (see Section 2.a.). Police officials typically do not investigate and arrest the perpetrators. The Democratic Party also made credible complaints of incidents of police harassment of its members.

According to Democratic Party representatives, six or seven demonstrators were injured and five were arrested during a demonstration by the Party in Tirana on August 27. According to the authorities, six or seven police officers also were injured (see Section 2.b.).

The police were often unable to maintain public order. The police station in the northern city of Shkodra was taken over on February 22, and 35 detainees were released. The city hall and local shops were damaged and looted. The main bridge at the entrance to the city reportedly was mined, apparently to prevent additional police forces from reaching the city. During the funeral procession for Democratic Party M.P. Hajdari on September 14 in Tirana, armed antigovernment demonstrators attacked and looted the office of the Prime Minister. The demonstrators briefly controlled the building

in which the Prime Minister's office is located, the Albanian State Television and Radio Building, and other government offices in central Tirana. In November a "training grenade" was detonated in a café in front of Democratic Party headquarters in Tirana, according to local police. No one was hurt and there was no damage to the building.

The majority of police officers receive little or no training. Western governments established police training programs that aim at improving technical expertise, operational procedures, and respect for human rights. Local nongovernmental organizations (NGO's) also launched programs to educate police officers in human rights. These training and education programs have begun to improve the level of professionalism of the police, but the overall performance of law enforcement remains weak. In February Parliament passed an anticrime law that allows police officers to shoot without warning at members of armed groups that resist the police.

Prison conditions vary from poor to harsh but generally were not life threatening. All of the country's prisons were destroyed or severely damaged in 1997 when armed groups stormed them and released the prisoners. The Government has reopened 5 prisons and returned to custody perhaps a quarter of the 1,200 inmates who escaped, but the existing facilities are inadequate to house properly all current prisoners. The overcrowding has created very difficult living conditions, including the incarceration of juveniles with adults. Three other facilities are under construction or repair, including a prison for juvenile offenders, but despite international financial assistance the projects are running many months behind schedule. A riot took place at the Tirana prison in February. Family visitation is allowed. The Government has cooperated with the International Committee of the Red Cross and with other NGO's and has improved access for prison inspections. However, the administration of the prison in Burrel retains a reputation for not cooperating with human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

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 immediately be informed of the charges against them and of their rights. A prosecutor must be notified immediately after a suspect is detained by the police. Within 48 hours of the arrest or detention a court must decide, in the presence of the prosecutor, the suspect, and the suspect's lawyer, the type of detention to be employed. Legal counsel must be provided free of charge if the defendant cannot afford a private attorney.

Bail in the form of money or property 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 leave the country or is 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. In practice lengthy pretrial detention is a problem. There is also a serious problem with delayed investigations, and the cases of many detained persons exceed the time limits set by law.

On November 10 police in Shkodra arrested three Democratic Party supporters under a warrant signed by the military tribunal for participation in the mid-September unrest. The most prominent of the three was a bodyguard for slain Democratic Party M.P. Hajdari (see Section 1.a.) and another is a distant cousin of former president Sali Berisha. All were released the same day, except for Hajdari's former bodyguard, after armed men negotiated with the Shkodra prefect for a number of hours. Armed men apparently blocked off the main street in Shkodra on which the police commissariat is located for an extended period. The office of the Organization for Security and Cooperation in Europe (OSCE) in Shkodra was attacked the same day, an event which local observers believe was connected to the arrests (see Section 4).

There were no clear cases of detainees being held for strictly political reasons, but several notable arrests appeared to be motivated by politics as well as law enforcement reasons. In August the police arrested six individuals who had held positions in the previous government, including the former Ministers of Defense and Interior and the former head of the State Control Commission. Prosecutors charged them with "crimes against humanity" in connection with their actions during the massive civil unrest of 1997. The Democratic Party complained that the arrests were purely political, and that the charges of "crimes against humanity" were concocted to get around the amnesty signed by the 10 major political parties in March 1997 for all actions concerning the unrest. Many international observers believe that the accused persons might be serving as political scapegoats and noted that almost all political factions in 1997 appeared to have contributed to the misjudgments and illegalities that marked the crisis. In September the chairman of the Monarchist Legality Party was arrested and charged with participating in the armed uprising earlier in the month, when antigovernment rioters seized and then burned several public buildings. Neither this case, nor the case of the six Democratic administration officials had come to trial by year's end, and the Government had not released any information on the basis for the charges.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The new Constitution provides for an independent judiciary; however, continued political instability, limited resources, political pressure, and endemic corruption have all weakened the judiciary's ability to function independently and efficiently. Corruption remains a serious problem, especially with the growth of organized crime, and judges are subjected both to bribery attempts and intimidation. On November 11, a bomb destroyed much of the home of the Chief Justice of the Constitutional Court. No one was injured. The Chief Justice previously had served as a Socialist Party M.P. and was named to the position following a long, public, and highly politicized struggle between the Speaker of the Parliament and the previous Chief Justice, who had been appointed by the previous Democratic Party government.

Many court buildings were destroyed in 1997's civil unrest, and although all have been reopened, important records and legal materials were permanently lost. Serious case backlogs are typical. The Government made limited progress toward building an independent judiciary by moving the judicial budget out of the Ministry of Justice in October and into a separate account and by establishing a magistrates' school. However, it was accused of trying to stack the court system when Parliament passed a law in December to dismiss those judges who did not meet new educational requirements. The op-

position Democratic Party claimed that the proposal was aimed specifically at judges named by the previous (Democratic) government and vigorously protested. Many of the judges who were likely to be affected by the measure went on a protracted hunger strike in September 1997 before the government backed down.

The judicial system comprises district courts of the first instance, military courts, six courts of appeal, and the Court of Cassation. There is also a separate and independent Constitutional Court. The Court of Cassation hears appeals from the Courts of Appeal, while the Constitutional Court reviews those cases requiring constitutional interpretation.

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 Court of Cassation. In addition to the President, the Council consists of the Minister of Justice, the head of the Court of Cassation, the Prosecutor General, three judges (chosen by sitting judges), two prosecutors (selected by the prosecutors), and four independent, well-known lawyers named by the Parliament.

The President proposes the president and vice president of the Court of Cassation, and the Parliament elects all of the justices of that court. Four of the nine members of the Constitutional Court are selected by the President; five are elected by the Parliament. Parliament has the authority to approve and dismiss the judges of the Constitutional Court and the members of the Court of Cassation. According to the law, dismissal only may be ordered after conviction of a serious crime or for mental incompetence. In March the chief of the Constitutional Court was dismissed for allegedly having been an informer for the Communist-era state security service; no trial was held, and the dismissal appeared to be at least partially motivated by political considerations. The dismissal was initiated after a struggle between the Parliament and the Constitutional Court on the issue of the rotation of the judges of the Court. During the controversy, both sides engaged in a heated public exchange with clearly political overtones. In March representatives of the Government sharply attacked the Chief Justice of the Court of Cassation. Although the progovernment media accused the Chief Justice of corruption and attacked the integrity of the Court of Cassation, the Chief Justice was not removed from office.

Constitutional Court justices in theory serve maximum 9-year terms, with three justices rotating every 3 years. Justices of the Court of Cassation serve for 7 years.

Under the new Constitution, the President appoints the general prosecutor with the consent of the Parliament. The President appoints and dismisses other prosecutors on the recommendation of the general prosecutor.

Parliament approves the courts' budgets and allocates the funds. Each court may determine how it wishes to spend the money allocated to it. The Justice Ministry provides and approves administrative personnel, and jurists complain that the arrangement produces inadequate support and compromises their independence.

Courts operate with very limited material resources, inadequate legal libraries, and often do not have copies of recently passed legislation. The destruction of many court and police records in 1997, together with continued civil unrest, seriously impaired the ability of prosecutors and police to investi-

gate and prepare cases properly. As a result, the court system was unable to process cases in a timely fashion. Despite these many handicaps, the court system continued to function and to engage in debate on issues of judicial independence and administrative procedure.

The state provides all citizens the right to a fair, speedy, and public trial, except in cases where the necessities of public order, national security, or the interests of minors or other private parties require restrictions. All proceedings are conducted in the Albanian language; defendants, witnesses, and others who do not speak Albanian are entitled to the services of a translator. If convicted, the accused has the right to appeal the decision within 5 days to the Court of Appeals.

There were no reports of political prisoners. However, opposition political leaders frequently charged that the Government arbitrarily arrested and detained its supporters on political grounds. There is little solid evidence to back up these claims, and most international observers believe they are baseless.

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

The Law on Fundamental Human Rights and Freedoms provides for the inviolability of the individual person, of dwellings, and of the privacy of correspondence; however, the Government sometimes infringed on these rights. Police often conduct searches without first obtaining warrants. The Democratic Party made credible complaints of the dismissal of some of its members from government or military positions for political reasons.

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 Government generally respected these rights. The media are active and unrestrained but have developed little sense of journalistic responsibility or professional integrity. Sensationalism is the norm in the newspapers, and the political party-oriented newspapers in particular print gossip, unsubstantiated accusations, and outright fabrications. A survey conducted early in the year by the Albania Media Institute showed that 63 percent of readers believed the press was itself causing problems for ordinary citizens, and only 18 percent thought that the press was making a positive contribution to the life of the nation. Some publications appear to be making efforts to improve professional standards and to provide more balanced and accurate reporting.

Political parties, trade unions, and various societies and groups publish their own newspapers or magazines, and competition between the commercial publications is very keen. At any time, an estimated 200 different publications are available, including daily and weekly newspapers, magazines, newsletters, and pamphlets. Three Greek minority newspapers are published in the Greek language in southern Albania. Difficult economic times, coupled with readers' distrust of the press, resulted in a significant drop in newspaper sales during the year. Total daily circulation of all newspapers dropped from about 85,000 copies to about 75,000 copies.

Prime Minister Pandeli Majko created a new Ministry of Information when he came to office in October. The Ministry is tasked with implementing the law on press freedom, which originally was passed by Parliament in 1997 but has not yet been implemented. The licensing board, whose creation was mandated by the law, had yet to start functioning or issuing private commercial broadcasting licenses.

State-run radio and television provide the most widespread and universally accessible domestic programming, and the wide availability of satellite dishes has provided citizens with easy access to international programming. Numerous small private radio and television stations are in operation around the country. However, they are unregulated, and the Government established new licensing procedures to promote a more stable broadcasting environment. Despite frequent complaints by opposition politicians that the state-run media do not give their parties fair coverage or equal access, most international observers agree that the current Government's record is a significant improvement over past practice. However, a Society for a Democratic Culture media monitoring project from March to July showed that state-run television's news coverage is lopsided in favor of the Government. According to international observers, the state television channel gave balanced coverage on the constitutional referendum campaign up until a few days before voting, when it began to give more coverage to government positions.

Attacks on journalists continued--both beatings by the police and attacks by unknown assailants. According to human rights NGO's, in February police officers in Librazhdi beat two journalists, reportedly because of the stories they had written. Also in February police officers in Elbasani beat a reporter for the daily Republika. In May a bomb exploded at the home of a journalist for the newspaper Koha Jone and injured her two children and two neighbors.

Academic freedom continues to be limited. University professors complain that some faculty members are hired or fired for political reasons and that students who have the right political connections get preferential treatment regardless of their personal qualifications. Some international monitoring of the magistrates' school ensured selection on the basis of merit. The Government maintains that changes to university staffing are made on the basis of merit.

b. Freedom of Peaceful Assembly and Association

The Law on Fundamental Human Rights and Freedoms provides for the right of peaceful assembly and states that "no one may be denied the right to collective organization for any lawful purpose;" the Government generally respected this right in practice. According to the law, organizers must obtain permits for gatherings in public places, which the police may refuse to issue for reasons such as security and traffic. In practice rallies and demonstrations were very common, and the Government usually made no concerted efforts to prevent them even when violence seemed possible, or when permits had not been issued. However, during a Democratic Party rally in Tirana on August 27, six or seven demonstrators were injured and five were arrested. Six or seven police officers were also injured (see Section 1.c.).

The Law on Fundamental Human Rights and Freedoms provides for the right of association, and the Government generally respects this right in practice. A political party must apply to the Ministry of Justice for official certification. It must declare an aim or purpose that is not anticonstitutional or

contrary to law, and it must describe its organizational structure and account for all public and private funds it receives.

c. Freedom of Religion

According to the new Constitution, the state has no official religion, and all religions are equal. The majority of citizens are secular in orientation after decades of rigidly enforced atheism. Muslims, who make up the largest traditional religious group, adhere to a moderate form of Sunni Islam. The Albanian Autocephalous Orthodox and Roman Catholic Churches are the other large denominations. The Albanian Orthodox Church split from the Greek Orthodox Church early in the century, and adherents strongly identify with the national church as distinct from the Greek Church. The current archbishop is a Greek citizen, even though the Albanian Orthodox Church's 1929 statute states that all its archbishops must be of Albanian heritage, because there are no Albanian clerics qualified for this position.

Foreign clergy, including Muslim clerics, Christian and Baha'i missionaries, Jehovah's Witnesses, and many others freely carry out religious activities. The Religious Council of the State Secretariat, an office that functions under the Prime Minister's authority, but has no clear mandate and is unable to make decisions on its own, estimates that there are 20 different Muslim societies and sects with around 95 representatives in country. There are more than 2,500 missionaries representing Christian or Baha'i organizations.

In 1967 the Communists banned all religious practices and expropriated the property of the established Islamic, Orthodox, and Catholic churches. The Government has not yet returned all the properties and religious objects under its control that were confiscated under the Communist regime. In cases where religious buildings were returned, the Government often failed to return the land that surrounds the buildings. The Government also is unable to compensate the churches adequately for the extensive damage that many religious properties suffered.

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

The Law on Fundamental Human Rights and Freedoms provides for freedom of movement within the country and for freedom to travel abroad and return, and the Government respects these rights in practice.

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

The new Constitution, approved in November, gives foreigners the right of refuge in the country, and an asylum law passed in 1996 includes provisions for granting refugee/asylee status. The Government accepts the entrance 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. It also provides first asylum. Over 20,000 Kosovar Albanians were afforded refuge in Albania during the year, finding shelter with extended family or in facilities operated by the United Nations High Commissioner for Refugees (UNHCR) or other international entities. The Government cooperated with the UNHCR and

others to provide support to the refugees, but its efforts were limited by a lack of resources and organization.

Organized criminal gangs have made the smuggling of illegal immigrants--Albanians, Kurds, Pakistanis, Chinese, Turks, and others from the Middle East and Asia--into a lucrative business. Italy is the most common destination. Although some of these illegal immigrants might meet the criteria for refugee status, many were attempting to enter Western Europe for economic reasons. Individuals who become stranded in Albania while trying to use this illegal pipeline are eligible for a "care and maintenance" program run by the UNHCR and the Albanian Red Cross and can have their cases evaluated by UNHCR officials.

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 new Constitution states that "Governance is based on a system of elections that are free, equal, general, and periodic." Citizens elected a government in 1997 in what international observers considered to be a satisfactory process, given the preceding months of chaos and anarchy. However, in the by-election in Vlora in June for mayor one polling station was closed due to ballot stuffing. As in other elections in the past 2 years, local election commissions permitted family members to vote on behalf of relatives who were not present. Similar infractions again occurred in the referendum held in November on the new Constitution, but international observers judged that they had no impact on the result.

The main opposition group, the Democratic Party, boycotted the Parliament throughout the year and refused to participate in virtually all government functions at the national level. The leader of the Democratic Party, former president Sali Berisha, maintained that the boycott was a necessary response to intolerable provocations by the Government, including alleged assault by its agents. Over the course of the year, international observers increasingly questioned this rationale for withdrawal from the political process and called on the Democrats to end their boycott.

In August and September, the police arrested six leaders of the Democratic Party, including former ministers, and a leader of the Monarchist Legality Party. Three Democratic Party supporters were arrested in November in Shkodra and two were released the same day. These arrests may have been in part politically motivated (see Section 1.d.).

The new Constitution prohibits the formation of any party or organization which is based on totalitarian methods, which incites and supports racial, religious or ethnic hatred, which uses violence to take power or influence state policies, as well as those with a secret character. In October Parliament amended the law on referendums to require only a simple majority, rather than a majority of all registered voters, for the vote on the new Constitution.

No legal impediments hinder the full participation of women and minorities in government. The major political parties have women's organizations and have women serving on their central committees. However, women continue to be underrepresented in both politics and government. In Parliament 11 of 150 M.P.'s are women, 1 of whom is a deputy speaker. In the Government, two ministers and three

deputy ministers are women. Ethnic Greeks constitute the largest minority. They are well represented in the current Government and participate actively in various political parties.

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

The Government generally permitted human rights and related organizations to function freely, although the lawlessness in some areas of the country severely limited the practical access of some of these organizations. The Albanian Helsinki Committee, the Albanian Human Rights Group, the Albanian Human Rights Documentation Center, the Society for Democratic Culture, and the Albanian Institute for Contemporary Studies were among the most active local NGO's involved in human rights activities. Despite the assistance of international donors, the work of all of these organizations is hampered by a lack of funds and equipment. The Government meets with the representatives of these domestic NGO's and generally is responsive to their inquiries. While government-NGO relationships often are strained over particular issues, virtually all domestic NGO leaders report that the current Government gave them significantly greater access and cooperation than they received from previous governments.

A wide variety of international human rights NGO's visit or operate within the country with the cooperation of the Government and generally without restriction. These organizations are free to publish and disseminate their findings, including criticisms of the Government. The Government also cooperates with the United Nations and other international entities on human rights issues.

The OSCE office in Shkodra was attacked on November 10, probably in retaliation for the arrests of three Democratic Party supporters that day, according to local observers (see Section 1.d.). Masked attackers armed with rifles smashed a computer and other equipment and stole personal valuables, cash, and OSCE vehicles. Democratic Party leaders sharply criticized the OSCE for its support of the new Constitution. The chief OSCE official in the country reported that he was told that organizers of a Democratic Party rally in Gjirokastra told the crowd that he would be welcomed with gunfire if he were to travel to Gjirokastra. Prior to the constitutional referendum in November, he received a death threat, and OSCE offices in Kukesi and Gjirokastra also received threats.

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

The Law on Major Constitutional Provisions prohibits discrimination based on sex, race, ethnicity, language, or religion. However, women and some minority groups complain that in practice some discrimination continues, and trafficking in women for prostitution was a significant problem.

Women

Violence against women and spousal abuse still occur in this traditional male-dominated society; cultural acceptance and the lax police response result in most abuse going unreported. For the second half of the year the Tirana police deployed a (female) sex crimes officer. No government-sponsored program protects the rights of women. An NGO maintains a shelter in Tirana for abused women, but the facility can hold only one or two women at a time. The NGO also operates a hot line that women and girls can call for advice and counseling; it received some 4,000 calls during the year.

Many men, especially those from the northern part of the country, still follow the old traditions known as the kanun, in which women are considered chattel and may be treated as such. The concepts of marital rape and sexual harassment are not well established, and most such acts would not be considered crimes.

Trafficking in women for the purpose of prostitution is a significant problem. Criminal gangs recruit or coerce women into working as prostitutes abroad, most often in Italy and Greece. There are also reports of traffickers kidnaping women for prostitution and of family members selling daughters, sisters, and wives to traffickers against their will. There are no laws that criminalize trafficking in women. The Government has had only periodic success in arresting the criminal organizers, and there are no reports of any convictions for trafficking in women in recent years. But there is rising awareness of the issue.

Women are not excluded, by law or in practice, from any occupation; however, they do not typically rise to the top of their fields. The Labor Code mandates equal pay for equal work, but no data are available on how well this is implemented in practice. Women enjoy equal access to higher education, but they are not accorded full and equal opportunity in their careers, and it is common for well-educated women to be underemployed or to work outside the field of their training. An increasing number of women are beginning to venture out on their own, opening shops and small businesses. Many are migrating along with men to Greece and Italy to seek employment.

Children

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

Child abuse is a little-reported problem, but authorities and NGO's believe that it exists. Trafficking in children is a serious problem. Criminals may kidnap children from families or orphanages to be sold to prostitution or pederasty rings abroad. Within the country, Romani children often are used as beggars, and the police generally ignore the practice.

People With Disabilities

Widespread poverty, unregulated occupational hazards, and poor medical care combine to account for the condition of a significant population of disabled persons. The disabled are eligible for various forms of public assistance, but budgetary constraints mean that the amounts that they receive are very low. No law mandates accessibility to public buildings for people with disabilities, and little has been done in that regard.

National/Racial/Ethnic Minorities

The Government played a constructive role in maintaining the nation's generally positive record on the treatment of minorities. There are two main minority populations, ethnic Greeks and Macedoni-

ans. While no recent official statistics exist regarding the size of the various ethnic communities, ethnic Greeks are the most organized and receive the most attention and assistance from abroad. Unknown numbers of ethnic minorities have left the country due to civil unrest or economic stagnation; many ethnic Greek villages in the south are reported to have virtually emptied in recent years.

Relations between Albania and Greece continued to improve in 1998, as did the status and rights of ethnic Greeks in the country. Greek-language public elementary schools are now common in much of the southern part of the country (where almost all of the ethnic Greek minority lives). However, there are no Greek-language high schools. A Greek-language public primary school was opened in Tirana in September, and also during the year Parliament approved Greek as one of the foreign languages that may be offered as a course in any public school. There is a Greek chair at the University of Girokastra. New immigration procedures were agreed upon by Albania and Greece to allow residents of the border areas easy access for day-to-day travel across the border for business or family reasons.

Classes in the Macedonian language are available to students in the districts of Pogradeci and Devolli bordering the Former Yugoslav Republic of Macedonia (FYROM). The FYROM Government provides texts for these classes. There is a small group of ethnic Montenegrins and ethnic Serbs in the north. No discrimination was reported against the Vlachs, who speak Romanian as well as Albanian, or against the Cams, non-Orthodox ethnic Albanians who were exiled from Greece in 1944. Both groups live mainly in the south.

Two distinct groups of Roma, the Jevg and the Arrixhi (Gabel), are established in the country. The Jevg tend to be settled in urban areas and are generally more integrated into the economy than the Arrixhi. Roma are clearly the most neglected minority group. Broadly speaking, they suffer from high illiteracy, poor public health conditions, and marked economic disadvantage. Roma encounter much societal discrimination, but generally neither the police nor individuals target the Roma for violence. In the past, NGO's have reported severe hazing of Roma in the military.

According to a human rights NGO, four Romani police officers in Levan lost their jobs in April. The police force hired the Roma in the aftermath of the 1997 civil violence, when both Roma and non-Roma died in Levan. The Ministry of Interior waived certain conditions to hire the Roma in the interests of preventing intercommunal violence. The Levan police chief fired the Roma police officers reportedly because he believed that Roma no longer were in danger of violence from non-Roma and that the police department was able to protect them. However, Roma living in Levan still fear revenge from the families of the non-Roma who died during the unrest.

Section 6 Worker Rights

a. The Right of Association

Workers obtained the right to form independent trade unions in 1990. The 1993 Labor Code established procedures for the protection of workers' rights through collective bargaining agreements. Two federations act as umbrella organizations for most of the country's unions: The Independent Confederation of Trade Unions of Albania claims over 200,000 members, and the Confederation of Trade Unions claims over 100,000 members. Some unions have chosen not to join either of these federati-

ons. No union has an official political affiliation, and the government does not provide any financial support for unions.

The Law on Major Constitutional Provisions 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 openly declared to be political or that are judged by the courts to be political. A number of strikes took place during the year.

Unions are free to join and maintain ties with international organizations.

Government statistics indicated that 410,400 workers were formally employed (211,800 in the private sector and 198,600 in the public sector) and that an additional 750,000 persons worked in agriculture. A total of 226,400 persons were registered as unemployed.

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 right to organize and bargain collectively. In practice unions representing public sector employees negotiate directly with the government.

Labor unions do not operate from a position of strength, given the country's current conditions--very high unemployment, slow recovery from the economic collapse of 1997, and extensive destruction of economic infrastructure due to recurrent episodes of violence and looting. Effective collective bargaining in these circumstances is very difficult, and agreements are hard to enforce.

There are no functioning export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Law on Major Constitutional Provisions and the Labor Code prohibit forced or compulsory labor, and generally it is not known to occur. However, there were reports that traffickers kidnap women for prostitution, and that family members sell daughters, sisters, and wives to traffickers against their will. The law also forbids forced or bonded labor by children, and the Government generally enforces these prohibitions; however, there were reports that children are forced to work abroad as prostitutes or beggars.

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 persons under age 18; children between the ages of 14 and 16 legally may work in part-time jobs during summer vacation. Primary school education is compulsory and free through age 18 or the eighth grade, whichever comes first. In rural areas, children continue to be called on to assist families in farm work.

The Ministry of Labor may enforce the minimum age requirements through the courts, but no recent cases of this actually occurring were known. In Tirana and other cities it is common to see children

selling cigarettes and candies on the street, regardless of the season or hour. The law forbids forced or bonded labor by children, and although the Government generally enforces these prohibitions, there were some reports of such practices (see Section 6.c.).

e. Acceptable Conditions of Work

The legal minimum wage for all workers over age 16 is approximately $40 (5,800 lek) per month. This is not sufficient to maintain a decent standard of living, especially for a worker and family. Many workers look for second jobs, which are difficult to find. Remittances from those working abroad are very important for many families. The law provides for social assistance (income support) and unemployment compensation, but these are 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 is approximately $69 (10,015 lek) per month. No data are available for private sector wages, but the average is believed to be 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 agreement. Many workers work 6 days a week.

The Government sets occupational health and safety standards, but it has limited funds to make improvements in the remaining state-owned enterprises and limited ability to enforce standards on the private sector. Actual conditions in the workplace are generally very poor. The Labor Code lists the safety obligations of employers and employees but does not provide specific protection for workers who choose to leave a workplace because of hazardous conditions.

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