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ALBANIA

REPUBLIC OF ALBANIA

Head of state: Alfred Moisiu

Head of government: Sali Berisha (replaced Fatos Nano in September)

Death penalty: abolitionist for ordinary crimes

International Criminal Court: ratified

UN Women's Convention and its Optional Protocol: ratified

Overview - Covering events from January - December 2005

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A number of detainees complained that they were tortured or ill-treated during arrest, in police custody or in prison. Investigations into complaints tended to be delayed and inconclusive, although in a few cases police officers were prosecuted or disciplined. Detention conditions, particularly for remand prisoners held in police stations, remained harsh. Domestic violence was common. There were arrests and prosecutions for trafficking women and children for forced prostitution and cheap labour.

Background

Poverty, unemployment and widespread corruption continued to undermine efforts to promote the rule of law. National elections in July were won by the Democratic Party and its allies, who called for a crackdown on corruption and organized crime.

Torture and ill-treatment

Police officers or prison guards allegedly beat detainees during arrest or subsequently in detention. At least six such complaints, three of them made by taxi-drivers, related to police officers attached to Korçë police station.

- Rok Pepaj was arrested in Shkodër in April and charged with trafficking explosives. He subsequently filed a complaint against a named judicial police officer whom he accused of torture, forgery and "abuse of office". He alleged that following his arrest he was repeatedly kicked and beaten with truncheons by masked police officers and that while his head was crushed between two tables he was forced to sign a document that he could not see. He suffered damage to his kidneys; in October he was reportedly still urinating blood and receiving medical treatment while in pre-trial detention.
- In April the Ministry of Justice dismissed the director and the chief of the police guards of Tirana prison 302 after a number of remand prisoners complained that they had been physically and psychologically ill-treated. Also in April, criminal proceedings were started against two police officers at Lushnjë police station following a complaint by a detainee, Miti Mitro, that they had beaten him.

In May the UN Committee against Torture considered Albania's initial report, submitted with an eight-year delay. Among other recommendations, the Committee called on Albania to "ensure strict application of the provisions against torture and ill-treatment, adequately qualifying, prosecuting and punishing perpetrators in a manner proportionate to the seriousness of the crimes committed".

Impunity

Prosecutors did not always investigate complaints of ill-treatment or did so only after delay. Even when an investigation was formally opened, it was often inconclusive. Prosecutors were reluctant to apply provisions of the Criminal Code dealing with "torture and any other degrading or inhuman treatment", preferring to invoke lesser charges, such as "arbitrary acts", which usually resulted in non-custodial sentences. AI did not learn of any convictions for these offences, although there were several reports that police officers had received disciplinary punishments for ill-treating detainees.

- On 30 June Ali Shabani was allegedly beaten and injured by Korçë traffic police officers after he failed to obey their orders. He was brought to hospital with serious head injuries. Police sources denied that he had been beaten and claimed that he had injured himself. He was charged with resisting arrest. A local prosecutor reportedly declined to investigate a complaint filed by Ali Shabani, who subsequently brought a civil suit against the police.
- In April Elsen Gropa from Patos alleged that the investigation of a complaint he had filed 11 months previously was being deliberately delayed by the investigating and police authorities. He complained

that two police officers had twice arrested him and beaten him at Fier police station in an unsuccessful attempt to force him to confess to a crime or to give them money to close the case. He said that he had supported his allegations with photographs of his injuries and a medical forensic report.

Conditions of detention

In March a new prison in Lezhë was opened as part of a plan supported by the European Union (EU) to improve the infrastructure of the penitentiary system. Despite this and certain other improvements, prison conditions continued to be marked by overcrowding and poor diet and hygiene, leading to frequent protests by prisoners. Conditions for remand prisoners in Vlorë detention centre and in pre-trial detention facilities in police stations were particularly harsh. In violation of domestic law, some convicted prisoners continued to be held together with remand prisoners and minors (under 18 years of age) sometimes shared cells with adult detainees. A 2003 government decision to transfer responsibility for all pre-trial detention facilities from the Ministry of Public Order to the Ministry of Justice had not been implemented by the end of 2005.

Violence against women

Surveys indicated that domestic violence was common, affecting up to 40 per cent of women. Intimate partner violence affected women of all ages and social groups and was often persistent. Women rarely reported such incidents to the police, and few perpetrators were prosecuted, except in cases of serious injury or death. At least three women were convicted of killing partners whom they claimed had persistently subjected them to physical and psychological violence.

The law did not adequately protect victims of domestic violence, for whom there were limited support services provided by non-governmental organizations (NGOs). The Criminal Code did not specifically criminalize domestic violence. Local NGOs compiled a draft law aiming to introduce procedures to give victims of domestic violence legal protection, as envisaged in the 2003 Family Code.

Trafficking

Poverty, lack of education, family breakdown and crime networks at home and abroad contributed to the trafficking of women and children for sexual exploitation and cheap labour. There were reports that although the numbers of Albanian women being trafficked might be decreasing, many were being re-trafficked, sometimes as often as twice in a month.

The adoption of a witness protection law in Albania in 2004 appeared to have encouraged EU countries to deport victims of trafficking. However, difficulties in implementing the law meant that protection was in practice inadequate and victims were usually unwilling to testify against their traffickers for fear of reprisal. There were also concerns that traffickers or their families were using bribes or threats to induce relatives of those victims who did testify to persuade them to withdraw their testimony. According to official figures, 62 people were prosecuted for trafficking women for prostitution, and 13 people for child-trafficking between January and June.

In February the government approved a national strategy to combat child trafficking. In November the UN Special Rapporteur on the sale of children, child prostitution and child pornography, following a visit to Albania, welcomed the legislative measures, but called on the authorities to "develop a national child protection system aimed at combating the poverty that drives exploitation".

- In July the Serious Crimes Prosecutor's Office charged a man with trafficking six children to Greece. He had allegedly forced them to sell trinkets and beat them if they failed to earn enough money. The children had been returned to Albania in 2004 by the Greek authorities.

AI country visits

AI representatives visited Albania in October.
Albania
Archive information

Albania: Obligations under the UN Convention against Torture – a gap between law and practice
(AI Index: EUR 11/001/2005)

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